

APPENDIX N

COMPLYING DEVELOPMENT CERTIFICATE FOR DEMOLITION OF EXISTING STRUCTURES

COMPLYING DEVELOPMENT CERTIFICATE No. 240508/01

Issued under the Environmental Planning and Assessment Act 1979 Sections 4.27, 4.28 & Part 6 of the Environmental Planning and Assessment Regulations 2021

Owner

Name: Warwick Farm Investments Pty Ltd
Address: 5/16 Bougainville Street, Griffith ACT 2603

Property details

Address: 2 Reddall Street, Yass NSW 2582
Lot/Portion No: 4
DP No: DP255064
Municipality: Yass Valley Council

Description and value of development

Description: Demolition

Building Code of Australia building classification

Part: Whole
Use: Demolition
BCA classification: 1a 10a 10b
BCA Edition: BCA 2022

Determination

Approved/Refused:	Approved	Deferred Commencement	No
Date of Determination:	16 September 2024		

Plans and specifications approved

- MGC Approved Plans prepared by DPS Yass numbered: Sheet 1-2 dated 30 August 2024

Attachments

- Demolition Plan prepared by Byrne Demolition Pty Ltd
- Conditions of approval (includes any deferred commencement conditions and conditions prescribed, or required to be attached by the Regulation or relevant EPI or DCP including any condition relation to the payment of a s 7.11 contribution or other monetary contributions).
- Notification of required inspections

Environmental planning instrument decision made under

- State Environmental Planning Policy (Exempt & Complying Development) 2008 Part 7 Demolition Code

The land use zone within which the land is situated is E3 - Productivity Support.

Complying Development Certificate

Certificate no.: 240508/01
Date of Determination: 16 September 2024



Certificate / Registered Certifier

McKenzie Group Consulting (NSW) Pty Ltd, certify that the proposed development is complying development and that if carried out in accordance with the plans and specifications will comply with all development standards, any standards in a DCP and all requirements of the Regulation under the Environmental Planning and Assessment Act 1979; and will upon completion be a class building.

Signature



Signed on behalf of the Company	McKenzie Group Consulting (NSW) Pty Ltd (ACN 093 211 995)
Registered Body Corporate No.	RBC 00006
Signed by:	John Mannweiler
Registered Certifier Grade:	Building Surveyor - Restricted (all classes of building)
Registered Certifier No.:	BDC1413

Date of this Certificate: 16 September 2024
Certificate Number: **240508/01**

Date this Certificate will lapse: 16 September 2029

Note: Prior to commencement of work sections 6.6 of the Environmental Planning and Assessment Act 1979 must be satisfied (see form 7).



ATTACHMENT 1

Conditions of Approval

(Pursuant to Clause 4.28 of the Environmental Planning and Assessment Act 1979 and Section 147 of the Environmental Planning and Assessment Regulation 2021)

CONDITIONS OF APPROVAL

1. The building work involving generation of new dwellings, generation of new lots as a result of residential development or new gross floor area for commercial and industrial developments that increases the demand for infrastructure in the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter and Central Coast regions cannot commence unless:
 - a) Receipt has been provided for the payment of the Housing and Productivity Contribution on the NSW Planning Portal

(Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023)
2. The work must be carried out in accordance with the requirements of the Building Code of Australia, (Environmental Planning and Assessment Regulation 2021 (NSW) s.146(1).)
3. The building work involving the installation, modification or extension of the relevant fire safety system cannot commence unless:
 - a) plans have been submitted to the principal certifier that show:
 - i. in the case of building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
 - ii. in the case of building work involving the modification or extension of the relevant fire safety system—the layout, extent and location of any new or modified components of the relevant fire safety system, and
 - b) specifications have been submitted to the principal certifier that:
 - i. describe the basis for design, installation and construction of the relevant fire safety system, and
 - ii. identify the provisions of the Building Code of Australia upon which the design of the system is based, and
 - c) those plans and specifications:
 - i. certified by a compliance certificate as complying with the relevant provisions of the Building Code of Australia, or
 - ii. have been endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the Building Code of Australia, and
 - d) if the plans and specifications were submitted before the Construction/Complying Development Certificate was issued—they are endorsed by a certifier with a statement that the certifier is satisfied that it correctly identifies relevant performance requirements and the deemed-to-satisfy provisions, and
 - e) if those plans and specifications were not submitted before the Construction Certificate was issued—each of them was endorsed by the principal certifier with a statement that the principal certifier is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia.



Subsection (1)(c)(ii) does not apply to the extent of an exemption under section 74(4).

(Environmental Planning and Assessment Regulation 2021 (NSW) s.147(1).)

4. Where the building work involves building work or demolition, the following conditions apply:
- a) prescribed asbestos removal work must be undertaken by a person who conducts a business of asbestos removal work in accordance with the Work Health and Safety Regulation 2017, clause 458 (a licensed person),
 - b) the person having the benefit of the complying development certificate must give the principal certifier a copy of a signed contract with a licensed person before development under the complying development certificate commences,
 - c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
 - d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.'

(Environmental Planning and Assessment Regulation 2021 (NSW) s.152)

5. Where the building work involves building work or subdivision work, the works cannot commence until the following condition has been satisfied:

The principal certifier for the building work or subdivision work, and over which the principal certifier has control, must be satisfied that any preconditions in relation to the work that are required to be met before the work commences have been met before the work commences.'

(Environmental Planning and Assessment Regulation 2021 (NSW) s.158)

6. Where compliance with a specified provision of the Building Code of Australia relating to the operational performance of a relevant fire safety system is unreasonable or unnecessary in the circumstances, a person may lodge an objection with a certifier. The objection must
- a) Be lodged by the person who has, or will have, the benefit of the Construction/Complying Development Certificate
 - b) The objection must be lodged and accepted prior to the commencement of work.
 - c) specify the grounds of the objection, and
 - d) be accompanied by a copy of the building work plans and specifications.

(Environmental Planning and Assessment Regulation 2021 (NSW) s.74.)

7. The work is to be completed in accordance with the conditions of any initial fire safety report issued in relation to the approved works. (Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW) s.29)
8. Where the Complying Development Certificate relates to a change of building use and there are no alterations proposed to the building work, the applicant may lodge an objection with the Fire Commissioner that compliance with a specified Category 3 fire safety provision, as applied by a relevant provision, is unreasonable or unnecessary in the circumstances. The objection must:

- a) specify the grounds of the objection, and
- b) for proposed building work—include a copy of the building work plans and specifications.

If the Fire Commissioner is satisfied the objection is well-founded, the Fire Commissioner may exempt the development, either conditionally or unconditionally, from a specified Category 3 fire safety provision, as applied by a relevant provision. This approval is subject to any condition in the exemption by the Fire Commissioner.

(Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW) s.111)

EPI CONDITIONS OF APPROVAL

Conditions of Approval State Environmental Planning Policy (Exempt and Complying Development) 2008 Schedule 9 (revised 5 March 2024)

Schedule 9 Conditions applying to complying development certificates under the Demolition Code

(Clause 7.3)

Note 1—

Complying development under the Demolition Code must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Schedule.

Note 2—

Division 2A of Part 7 of the [Environmental Planning and Assessment Regulation 2000](#) specifies conditions to which certain complying development certificates are subject.

Note 3—

In addition to the requirements specified for development to be complying development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4—

Development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5—

Under section 4.29 of the [Environmental Planning and Assessment Act 1979](#) a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note—

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities



- (1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3 Waste management

- (1) A waste management plan for the work must be prepared before work commences on the site.
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material, in tonnes and cubic metres, to be—
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- (1) If a building to be demolished is within 900mm of a boundary, and there is a wall (the **adjoining wall**) on the lot adjoining that boundary that is less than 900mm from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 Conditions applying during the works

Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

6 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

7 Compliance with plans



Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

8 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

9A Fill on work site

Fill brought to the work site must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the [Protection of the Environment Operations Act 1997](#).

9B Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—
 - (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

10 Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).





ATTACHMENT 2

Notification of Required Inspections

(Pursuant to Section 6.6(2)(b) of the Environmental Planning and Assessment Act 1979)

McKenzie Group Consulting are required to undertake inspections at the following stages of the development:

- Completion of works

48 hours prior notice is required for each booking. Please ensure all works are completed and ready for inspection prior to an inspector reaching the site.

