



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No:	DA20/0087
Council File No:	D/2020/0087
Date of Lodgement:	21/02/2020
Applicant:	SP Quinane, ML Harry 142 East St CARTWRIGHTS HILL NSW 2650
Proposal:	Alterations to existing dwelling and construction of deck
Development Cost	80000
Description of Modification:	N/A
Other Approvals:	AA20/0111
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Emma Molloy

SITE DETAILS

Subject Land:	142 East St CARTWRIGHTS HILL NSW 2650 Lot 1 DP 247907
Owner:	SP Quinane & ML Harry

REPORT

DESCRIPTION OF DEVELOPMENT

Alterations and additions to existing dwelling and construction of deck.

THE SITE & LOCALITY

Location - On the western side of East Street, approximately 288 metres from the intersection of East and Cooramin Streets.

Area - 909.20m²

Occupations - Existing dwelling, pool and various outbuildings.

Constraints and restrictions - Nil

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

Zoning of land (cl 2.2): R5

The development is permissible in the zone (cl. 2.3(1))

The development is consistent with the following objectives of the zone (cl. 2.3(2)):

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

The development is compliant with the relevant provisions of the LEP 2010. The following provisions have been identified for further discussion:

No other provisions have been identified.

State Environmental Planning Policy No. 55

There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Council's register of contaminated sites.

State Environmental Planning Policy (BASIX) 2004

A valid certificate has been lodged with the application and assessed as compliant.

Section 4.15(1)(a)(ii) - any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. With the exception of the following, none of these are applicable to this application.

Remediation of Land SEPP and repeal of State Environmental Planning Policy 55

The draft SEPP will not impact on the assessment of this application under SEPP 55 with regard to the potential contamination of this site and its suitability for the proposed development.

Section 4.15(1)(a)(iii) - any development control plan

Wagga Wagga Development Control Plan 2010

The development is compliant with the relevant provisions of the DCP 2010. The following provisions have been identified for further discussion:

1.10 Notification of a Development Application

The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP. No submissions were received.

Dates: 27 March to 3 April 2020

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The proposed development seeks a variation in regards to 9.3.7 C2 which requires side setbacks within the R5 zone to be 2 meters. The variation will be assessed in Section 9.3.7 below.

4.1 Bushfire

- C1 Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.*
- C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006*

Development in bush fire prone areas is subject to Planning for Bush Fire Protection 2019 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).

The proposed development is on land adjacent to both R5 and RU1 zoned land. The R5 land to the north and west is considered managed land and therefore no further consideration is required. The land to the east is RU1 with the primary vegetation being classified as grassland. The vegetation is located upslope from the subject site. The site itself is serviced by reticulated water and adequate access is available. The grassland deeming provisions within table 7.9a within PBP apply:

- APZ - an APZ of in excess of 20 metres can be achieved by utilising the front property setback (which will be conditioned as an APZ) and the roadway with road reserves that extend to a distance of 30 metres which is considered appropriate for use as an APZ in this circumstance.

- Construction Standards - The proposed addition will be constructed to BAL 12.5 (compliance will be secured via a condition of consent), the existing dwelling will be conditioned to have ember protection to improve the current level of protection.
- Access requirements - Access from East Street complies with table 5.3b.
- Water - The subject site is serviced by reticulated water that complies with the provisions of table 7.4a.
- Landscaping - To comply with the provisions in Appendix 4 via conditions of consent. A site visit has identified that these provisions can be achieved.

The proposal meets the aim and objectives of PBP 2019 and appropriate conditions of consent will be imposed.

9.3.7 Side Setbacks

C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:

- a) If the lot is in Zone R5 a setback of 2m, or*
- b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.*

The proposed development is setback 300mm from the southern boundary and therefore a variation to the above control is proposed. Written justification was provided by the applicant which stated that:

"The side boundary setback will not affect the development in future as we are not over developing the block. There will be no impact on existing dwelling and further residential occupants in the surrounding area. As we are confined to a single dwelling on the block".

The subject site contains an existing carport on the southern elevation. The proposal includes the demolition of this structure to accommodate the development. As such the existing side setback created by the carport is being utilised by the development. This setback allows for adequate solar access and more usable space within the dwelling. The setback also avoids under utilised space and is consistent with the predominant built form within the locality. The proposed development was notified to surrounding landowners. No submissions were received. Given this the variation can be supported.

9.4.3 Privacy

C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.

Given the topography of the site the proposed deck allows for a direct line of sight between the deck and the private open space for the adjoining dwelling to the south. A condition of consent will be imposed to require an amended plan prior to the release of construction certificate to illustrate screening on the southern elevation of the deck to mitigate impact on the lot to the south.

Section 4.15(1)(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No related planning agreement has been entered into under section 7.4.

Section 4.15(1)(a)(iv) - the regulation

Matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied, including the addition of prescribed conditions.

Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The likely impacts of the development have been considered and are deemed satisfactory.

Section 4.15(1)(c) - The suitability of the site for the development

Matters relating to the suitability of the site for this development have been considered and the site is deemed suitable for the development.

Section 4.15(1)(d) - any submissions made in accordance with this Act or the Regulations

No submissions were received.

Section 4.15(1)(e) - the public interest

It is considered that this application will not have a detrimental effect on the public interest.

Other Legislative Requirements

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

The development is in a residential zone and not removing any vegetation; the development will have minimal impact and not impact on any threatened species in the vicinity. No further assessment is required under this section.

Council Policies

Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.

No declaration has been made that would require action under this policy.

Comments from Internal Referrals

No comments have been received from internal referrals undertaken.

Development Contributions

The estimated cost of development is below \$100,000 and no additional hardstand areas are proposed. Therefore no developer contributions will be charged.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the *Environmental Planning and Assessment Act 1979*, the Building Code of Australia (Housing Provisions) and Councils Policies. No objections to the proposal were received.

Recommendation

It is recommended that application number DA20/0087 for Alterations to existing dwelling and construction of deck be approved, subject to the following conditions:-

CONDITIONS

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Applicant		22.02.2020

A1	Site Plan	Design2 Consulting Pty Ltd	C	2.03.2020
A2	Floor Plans	Design2 Consulting Pty Ltd	C	2.03.2020
A3	Elevations & Section	Design2 Consulting Pty Ltd	C	2.03.2020
A366161_02	BASIX	Design2 Consulting Pty Ltd		11.02.2020
	Additional Information	Applicant		18.03.2020

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$1000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Councils fees and charges.

NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold and ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

- C.3 Prior to release of Construction Certificate an amended plan showing adequate screening to a height of 1.6 metres on the southern elevation of the deck must be submitted to Council for approval by the General Manager or their delegate.

Requirements before the commencement of any works

- C.4 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

- C.5 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.6 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

C.7 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.8 The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.

All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

Requirements during construction or site works

- C.9 New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959 "Construction of buildings in bush fire-prone areas".
- C.10 At the commencement of building works and in perpetuity, an asset protection zone (APZ) of 11.3 metres from the dwelling to the lot boundary shall be provided on the western elevation. APZs associated with the development shall be managed as outlined within Appendix 4 of Planning for Bush Fire Protection 2018 and the NSW Rural Fire Service's document Standards for asset protection zones.
- C.11 The existing building shall be upgraded to improve ember protection. This shall be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this may include any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- C.12 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.13 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.14 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

- C.15 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.16 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.17 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.18 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.19 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.20 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.21 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

- C.22 Vehicular access via adjacent Council owned land both during and after construction is not permitted at any time.
- C.23 Landscaping to the site is to comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2018.
- C.24 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

- (c) retained material must have a gradient of at least 5%, and
- (d) must be constructed in accordance with the approved plans for such work(s).

C.25 Screening as required by condition 3 of this consent must be retained in perpetuity of the development.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

D.1 The plumbing work/s listed must be inspected as indicated below in accordance with AS/NZS 3500 and Plumbing Code of Australia.

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building.

- D.2 No works are to be undertaken on the site prior to the issue of a Construction Certificate or Complying Development Certificate. Details of the approved Construction Certificate or Complying Development Certificate are to be submitted with the required “Notice of Works” and approved by Council prior to the commencement of work.
- D.3 Council requires a “Notice of Works” to be submitted and approved by Council prior to the commencement of work. A “Certificate of Compliance” and “Works as Executed Diagram” are to be submitted and approved by Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.

- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,

- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A

Report Prepared & approved by:



Emma Molloy
Town Planner

Date: 7.05.202