



Report of Development Application

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

APPLICATION DETAILS

Application No:	DA20/0178
Council File No:	D/2020/0178
Date of Lodgement:	29/04/2020
Applicant:	MJ Collins, JL Collins 7 Campbell Pl WAGGA WAGGA NSW 2650
Proposal:	In-ground swimming pool
Development Cost	\$47000
Description of Modification:	N/A
Other Approvals:	Nil
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Bikash Pokharel

SITE DETAILS

Subject Land:	7 Campbell Pl WAGGA WAGGA NSW 2650 Lot 18 DP 202581
Owner:	JL Collins & MJ Collins

REPORT

DESCRIPTION OF DEVELOPMENT

The applicant is seeking consent for the installation of a 34,900 L in-ground swimming pool to the rear of the property.

THE SITE & LOCALITY

Location - The subject site is located on the northern side of Campbell Place approximately 91m west from the intersection of Thomas Street and Gurwood Street in Wagga Wagga.

Area - 891.60m²

Constraints and restrictions - The subject is burdened by unregistered sewer easement to the rear of the property. The proposed in-ground swimming pool and pool fence are clear of the

easement.

Occupation: The subject site has a single storey dwelling which is also seeking approval from Council to undertake renovation works to the existing dwelling. A separate application (DA20/0174) is lodged for this purpose and is currently under assessment.

Surrounding character - Adjoining lots to east and west have single storey dwellings and outbuildings on their backyard. The northern lot has multiple single storey units on the block which is currently been used as a retirement village - Rosebank Retirement Village.

A site visit was undertaken on 7/05/2020 by the assessing officer.

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): R1

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 for the housing needs of the community.
- To provide for a variety of housing types and densities.

The development is compliant with the relevant provisions of the LEP2010. Following provisions have been identified for further discussion:

Part 7 - Additional Local Provisions

7.2 Flood Planning

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to:*
 - (a) *land that is shown as "Flood planning area" on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment: The subject site is identified as “Flood planning area” on Council’s Flood Planning Map therefore the proposal is subject to assessment under this clause.

The subject site is located within the Central Business Area protected by levee. Whilst the site is mapped as flood prone under current 1:100 Riverine Model 2014, the likely impact during 1:100 year flood event is considered negligible given the flood impact on the subject site is being assessed as medium level.

In addition, the site is within the main city levee which is currently being upgraded to provide protection from 1:100 year flood events. The proposal is for in-ground swimming pool therefore will have negligible impact on flood behaviour or will result in significant social and economic costs to the community.

Similarly, the subject site is susceptible to inundation in 1:100 year stormwater event as identified on the Major Overland Flow Flood Study (MOFFS) 2015. However, the impacts are considered minimal given the proposal is for in-ground pool and is proposed to be raised 100mm off natural ground and therefore unlikely to pose significant risks to life and property.

As such, the proposal is consistent with the objectives of this clause and is therefore considered satisfactory.

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 Councils register of contaminated sites.

State Environmental Planning Policy (BASIX) 2004

The proposed in-ground swimming pool is 38818.50 litres. A BASIX certificate is not required for pool less than 40,000 litres.

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

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was not required to be notified.

4.2 Flooding

The subject site is identified as flood prone land on Council's *Flood Planning Map* under 1:100 Riverine Model 2014. The relevant objectives and controls are discussed as follow:

Objectives

O1 Minimise the public and private costs of flood damage.

O2 Minimise the risk of life during floods by encouraging construction and development that is "flood proofed" and compatible with the flood risk of the area.

O3 Ensure that development and construction are compatible with the flood hazard.

O4 Require compatibility with the Flood Plain Development Manual 2005 as relevant

Control

C3 Development in the Central Wagga precinct (being the area protected by levees) is to comply with the provisions of Table 4.2.1.

Development within Central Business Area (Protected by levee)

Comment: As discussed above under clause 7.2 of the LEP in the report, the subject site is identified as flood prone however the site is within the main city levee which is currently being upgraded to provide protection from 1:100 year flood events. As such, given the minor nature of proposal, it is not expected that the proposed development will have an adverse impact on flood behaviour or will result in significant social and economic costs to the community. As such, the proposed development is considered reasonable.

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. Condition of consent on any approval granted will ensure compliance with relevant provisions of the regulation.

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.

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

No submissions were received at the time of writing this report.

(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 significant vegetation; the development will have minimal impact and would 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 were received during the internal referrals undertaken.

Development Contributions

Development contributions are not required for this type of development.

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 DA20/0178 for In-ground swimming pool 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

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A01	Site Plan	Applicant	-	Registered 24/04/2020
14-7287-S08	Structural Details (Fibreglass Swimming Pool)	Leisure Pools	A	Registered 24/04/2020
-	Statement of Environmental Effects	Applicant	-	23/04/2020

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:-

\$2000.00 for security deposit on the kerb and gutter and footpath

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

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number (BKG 0745). This ongoing bond will be attached to this development to act as a security deposit on the kerb and gutter and footpath. No further payment under this condition is required.

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

Requirements before the commencement of any works

- C.3 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

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 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

Requirements during construction or site works

- C.9 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.10 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.11 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.12 If the Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate, pursuant to Division 6.5 of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia and the Swimming Pool Act 1992, for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings / Coping	When the pool is in position and all reinforcement has been placed in position.
Fencing	When the pool and all fencing, gates and locks have been completed and prior to water being placed in the pool.

NOTE 1: A final Occupation Certificate in relation to the work cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued or registered with Council.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 149A and D of the Environmental Planning and Assessment Act 1979, as amended.

- C.13 All work is to comply with the Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2008. In this regard the following minimum requirements will apply:

- a minimum 1.2 metre high child resistant barrier is to be provided to enclose the swimming pool,
- gate/s leading into the pool area is to be fitted with an outward opening, self closing and latching gate,
- pool latches are to be located 1.5 metres high above the ground level,
- a resuscitation poster is to be affixed within the pool area.

NOTE: Prior to the issue of an occupation certificate, the owner of the property shall supply Council with documentary evidence that the completed swimming pool has been registered at www.swimmingpoolregister.nsw.gov.au <<http://www.swimmingpoolregister.nsw.gov.au>> as required by the amended Swimming Pool Act.

- C.14 In sewerred areas, the swimming pool backwash pipe must be connected to the house sewer drainage system in accordance with Clause 10.9 and Figure 10.2 of AS/NZS 3500.2.2003 Sanitary Plumbing and Sanitary Drainage. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

If alterations to the existing house drainage lines are required, a Compliance Certificate must be obtained pursuant to Division 6.5 of the Environmental Planning and Assessment Act 1979 from Council or an accredited certifying authority at the stages of construction listed in Column 1 certifying compliance with AS/NZS 3500.2003. For the purpose of obtaining the Compliance Certificate the works must be inspected by Council or an accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
External Drainage Alterations	When all external plumbing work is installed and prior to concealment.
Final	At the completion of the installation of the pool.

- C.15 A 1.8 metre high boundary fence (as measured from the inside of the fence) is required where the property boundary fence is used as a part of the swimming pool barrier. This is to have a 900 mm non climbable zone on the inside face of the fence to comply with AS1926.2012 Swimming Pool Safety Standards.

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

- C.16 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.

General requirements

- C.17 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.18 No part of the development, including cut, fill, or footings is to encroach the easement. Footings will need to address the angle of influence taking into account the depth of existing sewer and stormwater mains in the easement.

C.19 All backwash water or water discharged from the pool during emptying must be discharged into Council's sewer in accordance with the requirements of AS/NZS 3500 and the Plumbing Code of Australia. Under no circumstances must water be discharged to the street.

NOTE: Discharge from Pools in unsewered areas will be in a method approved by Council.

C.20 The proposed filter and pump must be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.

NOTE 1: The swimming pool water, together with the treatment processes and facilities must comply with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

In this regards -

- pH needs to be between 7.2 and 7.8
- Alkalinity needs to be between 80mg/L and 200mg/L
- Free chlorine needs to be between 3mg/L and 10mg/L
- Combined chlorine needs to be less than 1mg/L
- Cyanuric acid (if used) must be between 30mg/L and 100mg/L

NOTE 2: For all pools in "septic areas", the applicant must ensure that water discharged from the pool does not enter the septic tank or adversely impact on the septic disposal area or enter a drainage line.

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

N/A

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)

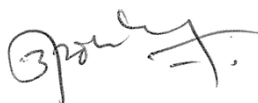

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (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

<p>Report Prepared by:</p>  <p>Bikash Pokharel Cadet Town Planner</p> <p>Date: 13/05/2020</p>	<p>Report Approved by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 14.5.2020</p>
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