



City of
Wagga Wagga

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the following Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA22/0686
Applicant:	Mr Anthony Balding The Building Supply Co Pty Ltd Po Box 455 WAGGA WAGGA NSW 2650
Land to be Developed:	11 Preston Cres LLOYD NSW 2650 Lot 104 DP 1281496
Description	Community Title Subdivision and Dual Occupancy
Determination:	Approved subject to Conditions
Date of Determination:	30/03/2023
Consent to Operate from:	30/03/2023
Consent to Lapse on:	30/03/2028
Other Approvals:	AA22/0673

On behalf of the Council

Hayden Bousfield
Town Planner

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal. An objector has no right of appeal against this determination.

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA22/0686

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
01	Site Plan	Sewell Design	L	Undated
02	Dwelling 1 Floor Plans, Elevations and Section Plan	Sewell Design	L	Undated
03	Dwelling 2 Floor Plans, Elevations and Section Plan	Sewell Design	L	Undated
-	Statement of Environmental Effects	Building Supply Company	-	10/11/2022

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 the Commencement of Any Works

- C.2 Prior to the installation of the manufactured dwellings 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 Council's Fees and Charges.

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number (BKG 1125). 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 Council's 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 Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution as identified in the table below must be paid to Council, prior to the installation of the manufactured dwellings. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	\$18,045
Adopted CPI indexation applied at date of determination (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	123.7/115.1
Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)	\$19,393 (see Note 2)

- NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.11 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics. Indexed developer contributions are adopted annually by Council for the financial year.
- NOTE 2: The final indexed contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent.
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.
- C.4 Prior to the installation of the manufactured dwellings a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.
- NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.
- NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.
- NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- NOTE 5: The Section 64 Sewer base figure is \$3,538.
- The Section 64 Sewer contribution (updated by the CPI of 121.6/100.5) required to be paid is \$4,281.
- NOTE 6: The Section 64 Stormwater base figure is \$1,002.
- The Section 64 Stormwater contribution (updated by the CPI of 121.6/87.9) required to be paid is \$1,386.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.5 No part of the development, including cut, fill, or footings is to encroach the easement. Prior to the release of the Construction Certificate the applicant is required to submit plans that show that the footings address the angle of influence taking into account the depth of existing infrastructure in the easement: -

a) Sewer main- 1.5 metres deep, footings at south west corner of the dwelling No.2, will need to be a minimum depth of 700mm

NOTE:- These depths are based finished ground levels at subdivision stage. If the development is proposing cut and/or fill then the applicant needs to take this into account when determining the required depth of footings.

C.6 Prior to the installation of the transportable building, a certificate from a practicing structural engineer is required to be submitted to and approved by Council. The certificate shall certify that the under-floor frame, roof frame and wall framing of the transportable building comply with all relevant Building Code of Australia and Australian Standards.

Requirements before the commencement of any works

C.7 A CONSTRUCTION CERTIFICATE for the retaining walls as approved under this consent 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.8 A detailed or revised landscape plan and legend shall be submitted and approved by Council prior to the installation of the dwellings.

Note 1: The Landscape Plan is required to provide a suitable landscape design along the northern elevation of Dwelling 1 that will enhance the visual amenity of the dwelling as viewed from streetscape. 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.9 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.

C.10 Prior to the installation of the transportable home, a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be windblown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council's 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: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to the final inspection.

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

C.11 Prior to the installation of the transportable home 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 2.8 and Appendix 2)
- (b) Erosion and Sediment Control Guidelines for Building Sites; and
- (c) Soils and Construction Volume 1, Managing Urban Stormwater

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

- C.12 A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

Requirements during construction or site works

- C.13 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.14 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.15 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.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 The applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.

COLUMN 1	COLUMN 2
Footings	After excavation for, and prior to the placement of any footings, to view foundation material (after digging of piers).
Final	Prior to operation.

- C.18 The applicant must take all reasonable steps to minimise dust and noise generation during the installation process. No offensive noise must be emitted during this process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays.

Requirements before a Subdivision Certificate can be issued

- C.19 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

- C.20 Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement (to be made to the Contestable Works Section at Essential Energy);
- ii) APA Gas: Certificate of Acceptance;
- iii) Riverina Water: Certificate of Compliance;
- iv) Certification from an approved telecommunications provider.

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

- C.21 Prior to the occupation of the manufactured dwellings, the building numbers must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.22 All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.
- C.23 The impervious area of the lot that is included in the 80% impervious ratio, shall be made impervious through compaction of the gravel sub-surface, if not through the use of a concrete slab. A compaction report shall be provided to Council prior to the operation of the manufactured homes demonstrating the area has permeability no greater than 1×10^{-7} m/s.
- C.24 An Occupation Certificate, must be obtained for the retaining walls approved under this consent pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to the occupation of the dwellings.

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.25 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.26 Prior to the occupation of the dwellings 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.27 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).
 - (e) must be wholly located within the subject site (including footings of any retaining structures)
- C.28 All gardens and landscaping are to be constructed and maintained in accordance with the landscaping and garden design guidelines approved as part of the development consent for this allotment.
- NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.
- C.29 Any cat (*Felis catus*) living on this allotment and under the ownership or control of a resident of this allotment shall be controlled in such a way so as to prevent them to roam freely outdoors between sunset and sunrise.
- NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.
- C.30 At all times all impervious areas included in the 20:80 ratio as approved in the development consent for this allotment, shall be drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.
- C.31 The residential allotment must be developed and maintained at all times after occupation of the dwellings so that a pervious to impervious ratio for surface area treatments of 20:80 is maintained. The land area to be included in calculating the 20:80 ratio shall include the entire allotment and the area of the road reserve immediately adjacent to the allotment. The area of road reserve adjacent to the allotment to be included shall be measured as follows:

The area of road reserve between a line drawn as a continuation of the side boundaries of the allotment (where they meet the front boundary) to the centreline of the road (being a line along the centre of the road equidistant from the front boundaries of the allotments adjacent to it). No area of road reserve shall be apportioned to more than one allotment for the purposes of this calculation. For corner allotments the road reserve to be included in calculations will extend around the corner.

For the purposes of this condition, allotments that are further subdivided under a community title or strata subdivision arrangement, shall be calculated on the underlying Torrens Title allotment.

The plans approved in the subdivision consent for this allotment that illustrate the land area calculation above are adopted for the purpose of interpreting this condition. Land area calculations for the purpose of this condition shall be in accordance with these plans.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.32 The owner or occupier shall not alter the existing impervious nature or the finished surface of the road reserve immediately adjacent to their allotment from their property boundary to the kerb of the road (being that area defined by the lateral extent of a line drawn as a continuation of the side boundaries of the allotment where they meet the front boundary) unless it is done in accordance with the standards set out in the 'Road Reserve Treatment Standard' and the approved Street Tree Masterplan. There shall be compliance at all times on all future owners with Council's Policy 008 "Road Reserve Policy", as amended from time to time, including acknowledgement and responsibility for the liability implications of using an approved finish on Council's road reserve. All establishment and maintenance works of any alterations shall be at the cost of the land owner.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.33 The Road Reserve shall be maintained in accordance with the 'Road Reserve Treatment Standard' document approved as part of the subdivision consent for this allotment.
- C.34 No fixed irrigation systems are to be installed between the lot boundary and the road alignment.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.35 No grey water reuse system shall be installed on any dwelling erected in this subdivision.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.36 All Developments within the Lloyd Master Plan Area shall comply with the requirements of the Wagga Wagga Development Control Plan Section 15 -Lloyd Urban Release Area 2010.
- C.37 The entire area of all road reserves (including the nature strip) shall be maintained so that it is impervious.

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

- D.1 The relocatable home (and any 'associated structure', as defined by the Local Government Act 1993) must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133-136 excepted) of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 ("the Regulation") (as modified in interpretation by Section 81(3) of the Regulation).

Prior to the installation of the relocatable home or associated structure or any associated works, a certificate from a practicing structural engineer is required to be submitted to Council, to the satisfaction of the General Manager, or delegate. This certificate shall certify that the relocatable home complies with all standards, codes, requirements and specifications as outlined in Division 4 (clauses 133-136 excepted) of Part 3 of the Regulation (as modified in interpretation by Section 81(3) of the Regulation).

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