

# **Schedule of Agreed Conditions DA 12-2840**

## **Reason for Conditions**

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

## **APPROVED PLANS AND DOCUMENTATION**

- 1a. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions of this consent or as shown in red colour on the plans:

<b>Plan Ref. N°</b>	<b>Sheet N°</b>	<b>Rev N°</b>	<b>Revision Date</b>	<b>Prepared by: (consultant)</b>
Project No. 9597	DA000, DA001, DA002, A003, DA004, DA007, DA008, DA009 & DA010	A	28.9.12	EJE Architecture
Job No. 9597.5	01, 02, 03 & 04	B	28.9.12	Terras Landscape Architects
NL120355	C01DA to C04DA	A	27.9.12	Northrop Consulting Engineers Pty Ltd

- 1b. The landscape plan referred to in Condition 1a above is to be amended to incorporate supplementary screen planting along the southern boundary of the site adjacent to the existing townhouse development.

## **CERTIFICATES**

2. Prior to occupation of the buildings/facilities, the subject of this consent, all conditions of development consent shall be complied with.
3. Prior to commencement of works, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development, shall be obtained.

## **LANDSCAPING**

4. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

## **AMENITY**

5. The use and occupation of the premises including all plant and equipment installed therein, shall not give rise to any offensive noise as defined under the Protection of the Environment Operations Act, 1997.

## **FLORA & FAUNA**

6. During the week prior to the commencement of tree works, an inspection shall be undertaken by a suitably qualified and experienced ecologist to determine whether there is presence of any threatened species at the subject land. The ecologist shall provide written records of any observations during the inspection and any recommendations to Council. If threatened species are located on site, an ecologist is required to be present during the tree removal.
7. Removal of trees shall be avoided where possible.
8. Species consistent with the Lower Hunter Spotted Gum Ironbark Forest shall be used in future landscaping.

## **CAR PARKING**

9. Car parking for the development shall be provided in accordance with the approved plans, with an allocation of 35 spaces.

*Note: This includes the future car parking spaces nominated on the Site Plan (Project No. 9597, Drawing No. DA001, Revision A, dated Aug 2012).*

10. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
11. All parking bays shall be delineated with line-marking and/or signposting.

## **VEHICLE ACCESS**

12. Prior to commencement of construction of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee.
13. Prior to occupation of the development the driveway layout and profile, from the road pavement to the vehicle parking area shall be constructed as "heavy duty", in accordance with an engineer's design or Council's standard drawings SD007, SD008, SD009, SD010 & SD012 in the *Manual of Engineering Standards* (also with reference to Council's information document "*Footway Crossings – Driveways*").
14. The one-way access road and pick-up/set down bay for students shall be sign posted and pavement marked in accordance with the relevant Australian Standards.
15. A GIVE WAY and NO ENTRY sign shall be installed at the end of the one-way access road where it meets the combined access driveway to give priority to vehicles entering the school grounds.

16. Damage to existing footway and/or kerb and gutter along the frontage of the property, arising from construction activity on the site, shall be reinstated in accordance with Council's standards.

## ROAD SAFETY

17. The School Zone on Melaleuca Drive shall be extended to the north to just past Bottlebrush Close including the relocation of the school zone signs, new "40" zone pavement markings and dragons teeth to incorporate the new school entry into the extended school zone.

## STORMWATER DRAINAGE

18. Prior to occupation of the development, a stormwater drainage system providing:
- i) On-Site Detention (OSD) of stormwater, and
  - ii) an emergency overland flow path for major storm events,
  - iii) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,
  - iv) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties),
  - v) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system,

shall be constructed in accordance with a design prepared by a suitably qualified person and Council's Manual of Engineering Standards.

The design shall be based on the stamped *concept* plan number **NL120355 C03DA Rev A** dated **27.09.12** and as amended in red with the exception that a minimum amount of **100** cubic metres of detention and a permissible site discharge of **60** Litres per second is to be provided for the development.

## EROSION CONTROLS

19. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

## BUILDING CONSTRUCTION

20. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
21. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
22. The applicant shall submit to Council, "Notice of Commencement" at least two days prior to the commencement of construction works.
23. Hours of Work:

Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to

5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

## **SERVICES & EQUIPMENT**

24. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
25. At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).
- Such statements shall be prepared in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
26. A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
27. A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

## **ACCESS & EGRESS**

- 24 Access for disabled persons must be provided in accordance with DP1, DP2, and DP8 of the Building Code of Australia. Compliance with Part D3 of the Building Code of Australia satisfies this requirement. All elements are to meet the requirements of Australian Standard AS1428.1 "Design for Access & Mobility".

## **SITE CONSIDERATIONS**

28. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
29. All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
30. If the work:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

ii) involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

31. A sign must be erected in a prominent position on the work:

(i) stating that unauthorised entry to work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

(i) building work carried out inside an existing building, or

(ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

32. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

33. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.

34. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

35. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

### **BICYCLE RACKS**

36. A bicycle rack is to be installed in an area near the car park with capacity for six (6) bicycles.

### **ADVICES**

- A** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations** (POEO) Act and may incur infringement fines.
- B** You are advised that any **damage to the public road infrastructure** caused by the approved works must be repaired in accordance with Council's standards. You are advised to record any existing road infrastructure damage in the vicinity of the property prior to commencement of construction. Where necessary repairs are carried out by Council, the responsible person shall be held liable for the cost of those repairs.
- C** You are advised that there are design matters in relation to the **drainage concept plan** that warrant further attention prior to commencement of works (refer to approved plan amended in red).
- D** You are advised that for the **driveway works** on the footway verge, inspection by Council is required (eg formwork & reinforcement). Where any **footpath** exist, the path must remain undisturbed. See Council's "Application To Construct Private Works On Footway". You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- E** You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- F** You are advised that compliance with the requirements of the **Disability Discrimination Act**, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- G** You are advised that a "kiss and drop" zone has been approved for installation on Melaleuca Drive on the eastern kerb side and immediately south of the proposed combined access driveway for a distance of 24m. I.e. an estimated four (4) car zone.