

<b>JRPP No.</b>	2015HCC018
<b>DA No.</b>	DA 15-1228
<b>Proposed Development</b>	Demolition of existing grandstands, canteen & associated buildings and construction of new grandstand & building incorporating canteen and associated amenities.
<b>Location</b>	Lot 2124 DP 1106876, Lot 5395 DP 1106866, Lot 7006 & Lot 7007 DP1126284, Lot 1 & Lot 2 DP 1195764 Lot 1 DP 1119935 and Lot 1 329996 off Raglan and Odd Streets Horseshoe Bend and High and James Street Maitland
<b>Applicant</b>	Maitland City Council
<b>Author</b>	Maitland City Council

## **Assessment Report and Recommendation**

### ***Executive Summary***

*The application seeks approval for the redevelopment of Maitland Sportsground in two stages as follows:*

#### ***Stage 1:***

- *Demolition of existing grandstands and associated structures such as ticket sales area, canteen, storage building;*
- *Removal of bench seating;*
- *Redevelopment of the playing field to accommodate a competition sized field;*
- *Erection of a new grandstand with approx. 1036 seats and associated facilities such as amenities and change rooms; canteen, office, first aid room, etc.;*
- *New paved forecourt and associated landscaping including creation of a new playground with interpretation elements;*
- *Realignment of access road and construction of new car park with sixteen (16) spaces including four (4) disabled spaces;*
- *Relocation of two existing light towers along the western side of the playing field;*
- *Erection of 1.8m chain wire fence around parts of the perimeter of the sportsground.*

#### ***Stage 2:***

- *Establishment of small training ground area to the east of multipurpose field.*

*The proposed building comprises two levels as follows:*

**Lower Level:**

*Four (4) change rooms with showers and toilets; two (2) store rooms, briefing room, strapping room, referees rooms (2), first aid room, cleaners store, walkway from playing field, lift and stairs to upper level;*

**Upper Level:**

*Walkway from entrance linking the canteen, other amenities and grandstand seating, multi purpose room, disabled amenities, male and female toilets, office, canteen, tickets store, lift and stairs to lower level, ramp at northern end of this level and spectator entry gates at southern end near canteen.*

*The playing field will be modified to create a rectangular sized playing field and positioned closer to the new grandstand being sized to accommodate competition rugby league, rugby union or soccer.*

*The front entrance between James Street and the sportsground will be upgraded incorporating a new car park, improved access road and a landscaped forecourt.*

*The site is zoned RE1 Public Recreation under Maitland Local Environmental Plan 2011 (MLEP 2011). The proposal is defined as a Recreation facility (major) which is permissible within this zone with consent of Council. The grandstand with associated amenities building is considered to be consistent with the zone objectives.*

*The application is submitted to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for determination as the value of works exceeds \$5 million (\$8.6 million), which is the threshold for development application lodged by or on behalf of Council under Schedule 4A of the Environmental Planning and Assessment Act 1979.*

*The application was notified and advertised from 25 June 2015 to 16 July 2015. As a result of this process one (1) submission was received by Council. The issues raised relate to provision of additional car parking and traffic management safety concerns associated with entrance to sportsground and the use of a nearby PCYC car park.*

*The primary potential issues identified during the assessment process relate to traffic and parking, design of the grandstand and associated building, heritage significance of the Maitland Sportsground No.1, flooding, noise and lighting impacts onto nearby residential properties. These issues have been fully addressed and found to be satisfactory.*

*The development has been assessed under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to appropriate conditions.*

## **OFFICER'S RECOMMENDATION**

THAT DA 15-1228 for demolition of existing grandstands, canteen and associated buildings and construction of a new grandstand and building with associated canteen and amenities on Lot 2124 DP 1106876, Lot 5395 DP 1106866, Lot 7006 & Lot 7007 DP1126284, Lot 1 & Lot 2 DP 1195764, Lot 1 DP 1119935 and Lot1 DP 329996 off Raglan and Odd Streets Horseshoe Bend and High and James Street Maitland, be approved subject to the conditions of consent set out in the attached schedule.

## **BACKGROUND**

The DA was lodged with Maitland Council on 15 June 2015. The proposal is considered to be local development with the costs of works estimated at \$8.6 million.

The proposal was advertised and notified for a period of 14 days from 25 June to 16 July 2015. As a result of this process one (1) submission was received by Council. The issues raised as a result of this process are further addressed in detail below.

Council's initial assessment of the development proposal identified that a number of matters needed to be further addressed and a request for further information was forwarded to the applicant on the 15 July 2015 to include the following:

- Preliminary contamination assessment in accordance with SEPP No.55 – Remediation of Land;
- Additional levels associated with the regrading of the existing playing field;
- Further information in respect to how the proposed grandstand and associated building could be protected during flooding events due to the flood prone nature of this precinct;
- Traffic and parking information; and
- Fencing details needed to be clarified.

This additional information was submitted to Council on 18 August 2015.

## **SITE DESCRIPTION**

The subject site is located at the eastern end of Odd Street Horseshoe Bend and is commonly known as Maitland Sportsground No.1. The real property description of the site is Lot 2124 DP 1106876, Lot 5395 DP 1106866, Lot 7006 & Lot 7007 DP1126284, Lot 1 & Lot 2 DP 1195764, Lot 1 DP 1119935 and Lot 1 DP329996 off Raglan and Odd Streets Horseshoe Bend and High and James Streets Maitland. The area of the site is calculated at approx.10.27 hectares. Refer to **Figure 1** below for further details.

Existing improvements upon the subject site comprise:

- Three (3) grandstands that are positioned at the western side of the existing playing field;

- Ticket sales office at the entrance to the sportsground;
- Single storey brick building accommodating a canteen to the south west of the playing field;
- Storage facility to the south of the entrance;
- Amenities building and scoreboard at the eastern side of the playing field;
- Bench seating in front of three (3) grandstands and adjacent to the western side of the playing field;
- Oval shaped playing field mainly used to host local rugby league games;
- Four (4) steel light towers to illuminate the playing field;
- Mobile phone tower & plant room within the north eastern corner of the site;
- Lions Park including children's play equipment is positioned at the western entrance to the sportsground; and
- Existing road off Odd Street that provides vehicular access to an informal car park at the entrance of the sportsground and to other recreation facilities within this precinct such as the Smyth Field and No.2 Sportsground.

Vehicular access to the sportsground is currently available off High Street via James Street and via Hunter and Odd Streets.

Surrounding land uses are described as follows:

**North:** Detached dwellings along the northern side of Raglan Street;

**East:** Rural properties;

**South:** Part of Harold Gregson Reserve which is also known as Maitland No.2 Sportsground which is primarily used for public open space purposes with existing trees bordering the northern and eastern sides providing a buffer to adjoining land uses. The Symth Field is currently used for Little Athletics, soccer training and mid week school athletics carnivals. An existing brick building and two (2) shipping containers that are used for storage purposes are located at the northern end of Smyth Field with an amenities building positioned at the northern end of No.2 Sportsground. An existing roadway bisects these two recreational areas;

**West:** Detached dwellings at corner of Odd and James Streets, Maitland PCYC and associated car park along James Street; Maitland Art Gallery and Maitland Repertory Theatre at corner of James and High Streets.

Refer to **Figure 1** below for further details.

Vehicular access to the sportsground is currently available off High Street via James Street and via Hunter and Odd Streets.





Figure 1: Locality of Site

## PROPOSAL

The proposed development involves the redevelopment of the Maitland Sportsground No.1 in two stages.

Specifically the proposed development includes the following works:

### Stage 1:

- Demolition of existing grandstands and associated structures such as ticket sales area, canteen, storage building;
- Removal of bench seating;
- Reconfiguration of the playing field to accommodate a competition sized field;
- Erection of a new grandstand with approx. 1036 seats and associated building incorporating facilities such as amenities, change rooms; canteen, office, first aid room, storage facilities, etc.;
- New paved forecourt entry with associated landscaping;
- Realignment of access road and construction of new car park with sixteen (16) spaces including four (4) disabled spaces.

### Stage 2:

- Establishment of small training ground area to the east of multipurpose field.

The proposed building comprises two levels as follows:

#### *Lower Level:*

Four (4) change rooms with showers and toilets; two (2) store rooms, briefing room, strapping room, two (2) referees rooms, first aid room, cleaners store, walkway from playing field, lift and stairs to upper level;

#### *Upper Level:*

Walkway from entrance linking the canteen, other amenities and grandstand seating, multipurpose room, disabled amenities, male and female toilets, office, canteen, tickets store, lift and stairs to lower level, ramp at northern end of this level and spectator entry gates at southern end near the canteen.

The upper level of the building is positioned at 9.35m AHD and the lower level 6.0m AHD. This building will have an overall height including the lift overrun of approx. 5.7m from natural ground level and the grandstand roof over the first row of seating 9.0m. The grandstand building comprises two colouring facebrick walls with the lower section delineating the 1955 flood level incorporating aluminum windows and aluminum entry gate that assists to break up the western elevation. The grandstand roof consists of a simple, dark coloured steel structure supported by an exposed large profile corrugation roof sheeting being light coloured with facebrick sides and steel handrails. The colours

of the grandstand allude to the traditional black and white colours of many Maitland sporting teams.

Some excavation of the site will be necessary to accommodate the lower level of this grandstand/building.

The playing field will be modified to create a rectangular sized playing field and positioned closer to the new grandstand being sized to accommodate competition rugby league, rugby union or soccer.

Stage 2 includes the regrading of the area to the east of the main playing field into a secondary training field. The two fields combined will be an area large enough to accommodate an Australian Rules playing field.

The front entrance between James Street and the sportsground will be upgraded including the widening of the James Street footpath, incorporation of a landscaped forecourt with interpretation play elements, seating/meeting area, bus drop off area and accessible pathway, etc. The existing access road will be realigned to be one way with new paving and planting of a grove of trees whilst providing access to the new car park and linking with the existing road that provides access to No.2 Sportsground. An emergency vehicle and loading area will also be established adjacent to the northern end of the new grandstand with access being available off Odd Street.

The floodlights at the eastern end of the playing field will be retained. The two light towers at the western side will be reused and repositioned to the north and south of the new grandstand being of a similar height to the existing lighting towers. These lighting towers will be fitted with eight (8) 2000w flood lights and the eastern light towers fitted with five (5) 2000w flood lights. This illumination of the sportsground will satisfy requirements of AS2560:2007 - Outdoor Lighting.

It is proposed to erect a new 1.8m black chain wire fence around the southern, western and northern parts of the sportsground. Refer to plans attached as Attachment 1 for further details.

## **PLANNING ASSESSMENT**

### ***Section 79C(1)(a)(i) provisions of any environmental planning instrument***

#### **Local Environmental Plan**

The site is zoned RE1 Public Recreation under Maitland Local Environmental Plan 2011 (MLEP). The proposal is defined under MLEP as:



*“recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.”*

Recreation facility (major) is a permissible use within this zone with consent of Council.

The proposal is considered to be consistent with the RE1 zone objectives as follows:

- The land will continue to be used for public recreational purposes with the redevelopment of an existing sportsground with new grandstand and associated amenities, canteen, etc.;
- The proposal involves improvements to an existing public recreation facility that is compatible with existing recreational and cultural facilities surrounding the site and being in close proximity to Maitland CBD; and
- The proposal is consistent with the existing recreational character of this precinct and will assist to enhance the existing recreational environment.

Other clauses of relevance within Maitland LEP 2011 include:

A. Clause 5.10 – Heritage Conservation

The subject site is not designated as an item of environmental heritage pursuant to MLEP 2011. However a small section of the site (i.e. Lots 1 & 2 DP 1195764 and Lot 1 DP 1119935) being the Lions Park that comprises the landscaped entry forecourt to the sportsground off James Street is designated within the Central Maitland Heritage Conversation Area being of local significance.

A Heritage Impact Assessment (HIA) Report completed by the Government Architect's Office accompanies this development application. This report concludes that the development proposal ensures the ongoing use of the site as a historic recreational facility by sporting and community groups. The minor heritage impact is considered acceptable. The proposed changes to Lions Park will also contribute to the Central Maitland Heritage Conservation Area.

Maitland Sportsground was constructed during the depression on a river flat, formed when the Hunter River changed course during the 19<sup>th</sup> century flood. As previously outlined it is immediately adjacent to other sports fields and public recreation areas, farmland and approx. 500m from the Civic Precinct of Maitland. The three grandstands date back to the mid late 1950's and are placed in a crescent shape, following the curve of the existing oval. Each grandstand is a simple structure with facebrick base and a steel framed skillion metal roof supported by brickwork at the rear and four steel columns at the front and are named after a prominent local figure or identity linked to the Pickers (formerly the



Pumpkin Pickers), the Maitland Rugby League Football which is based at the sportsground. Other plaques also identify other noted players, coaches and supporters of the Pumpkin Pickers. There are no significant views to the sportsground, as it is an inward focused complex, and mostly hidden by the earth berm surrounding the oval.

As previously stated, the Lions Park is positioned at the entrance to the sportsground off James Street. The principal feature of the Lions Park is a pair of brick columns topped with sandstone copings surmounted by small concrete lions supporting a wrought iron arch containing the words Maitland Lions Park. These columns also feature marble plaques noting the opening of the park on 6 May 1960. The park itself is of a sparse appearance being a flat grassed area with concrete path leading to a modern piece of play equipment. Refer to **Photograph 1** below for further details. There are no significant views of the park nor the entrance archway from High Street, as the archway is not on the axis of James Street.



**Photograph 1: View of Lions Park, existing entrance to sportsground and existing trees to be removed from the site.**

Council's Heritage Officer has reviewed the application stating that: *"the proposal demonstrates that the works have responded appropriately to the analysis. The proposed landscaping works and children's playground developed around the River theme are considered to enhance interpretation of the precinct. Architecturally the grandstand has been managed well in terms of its scale such*

*that it provides strong presence within the sportsground precinct but will not dominate the residential development to the west. “*

Council's Heritage Officer has requested that further details be provided in respect to the interpretive play elements to be established within the entry off James Street as well as paving given that indicative examples have been outlined on accompanying plans. A condition will be attached to any development approval that further plans and details of the playground equipment based on a water theme be completed and submitted to Council prior to works commencing on site that also includes paving details and is consistent with the Maitland Heritage Interpretation Plan. Council's Heritage Officer prefers the use of a more galvanized colour as opposed to surfmist (i.e. off white) for roof sheeting. As previously advised the roof colour was selected on the basis it was a traditional colour of a sporting organization using the sportsground, it contrasts with the steel framework and is of a light colour reducing potential heat impacts. Notwithstanding these comments, a more suitable colour than surfmist (i.e. off white) can be used that still meets the above criteria. A condition will be attached to any development approval that the colour of the sheet roofing be more appropriate for this locality given its proximity to a heritage conservation area and the historic nature of the site as a sporting venue with further details be submitted with the Construction Certificate.

B. Clause 7.1 Acid Sulfate Soils (ASS)

The subject site contains Class 4 acid sulfate soils pursuant to MLEP 2011. A Geotechnical Report completed by Douglas Partners accompanies this development application and selected samples of the natural material on site were subject to ASS testing. The results of the ASS screening tests indicate that the potential for acid sulfate generation and adverse environmental impact for the proposed Sportsground upgrade is low. Consequently the management and treatment of acid sulfate soils is not considered to be necessary for the upper soil profile to depths of say 2 to 3m. However, it was noted that excavations below 2.2m depth including spoil generated from piling operations could potentially be ASS and therefore a contingency plan to manage and treat potential ASS should be adopted as part of this project.

The preparation of an Acid Sulfate Soils Management Plan is not necessary in this case for depths up to 2.2m. A condition will be imposed that a Construction Management Plan be prepared and submitted to the certifying authority prior to release of the Construction Certificate that includes measures that can be implemented by a contractor in the event that acid sulfate soils are encountered during construction works.

C. Clause 7.2 Earthworks

The proposed grandstand and amenities building will involve excavations of approximately one (1) metre with some excavations at the south eastern and south western corners of the proposed playing field also being necessary due to the existing topographic nature of the site. Given the location and extent of these excavations insignificant impacts are likely to result onto the local drainage conditions or change to the flood regime of the site. Furthermore any excavated materials are likely to be reused on site and in the event that soils are removed from the site then these soils would need to be classified and removed in accordance with EPA guidelines and this is conditioned accordingly.

D. Clause 7.3 Flood Planning

The subject site is identified as being positioned on a flood planning map pursuant to Maitland LEP 2011.

The 1:100 flood event level for the site is 9.72m AHD. The proposed building will have a lower level constructed at 6m AHD and the upper level at 9.35m AHD. The reconfiguration of the playing field closer to the grandstand results in excavation of small sections of the existing embankment surrounding the sportsground. The extent of remodelling of the playing field is not considered to be substantial and is unlikely to affect flood modelling.

The existing site does not have any flood mitigation measures to protect the playing field, grandstands and associated structures from flood events. During the 1:100 flood event the subject site and its surrounds are expected to be inundated, however prior to inundation the areas of the Central Maitland adjacent to the subject site will be evacuated in accordance with the current Dis Plan. Preliminary structural drawings of the proposed grandstand have been reviewed by Lindsay Dynan Consulting Engineers Pty Ltd who has advised that the grandstand will be designed of suitable materials and in accordance with relevant Australian Standards to accommodate a 1:100 flood event of RL9.72m with water velocities of up to 2m/s.

It is acknowledged that this proposed facility is not likely to be in use in periods of flooding, however a condition will be imposed to any development approval that a flood evacuation plan be prepared for the site and submitted to the certifying authority prior to occupation of the site. Other conditions will be imposed that the proposed grandstand is designed to comply with relevant Australian Standards associated with building within a flood hazard zone and the grandstand is structurally certified.

## **Regional Environmental Plan**

There are no regional environmental plans applying to this development proposal.

## **State Environmental Planning Policies**

SEPP's considered relevant to this development proposal and respective comments are provided as follows:

### State Environmental Planning Policy (State and regional Development) 2011

Clause 21 of this SEPP states that the JRPP assumes the functions of a consent authority under Division 2 and 2A of Part 4 of the *Environmental Planning and Assessment Act 1979*.

As Council is the applicant, part of the site is owned by Council and the Crown and the development has a capital investment of more than \$5 million, the development application needs to be determined by the JRPP.

### State Environmental Planning Policy No.55 – Remediation of Land.

The proposed development has been considered pursuant to State Environmental Planning Policy No 55 – Remediation of Land. A Preliminary Site Investigation (Contamination) Report was completed by Douglas Partners and accompanies this application.

The report found that a number of potential sources of contamination have been identified within the site such as:

- Uncontrolled fill being used at the site during construction of the sportsground;
- Uncontrolled / opportunistic dumping of materials outside the perimeter fence area;
- Ash/slag materials at the surface adjacent to the grandstands;
- Use of pesticides/herbicides during historic use of the site as a sportsground;
- The former Maitland Gasworks site located 400m west of the subject site which may have resulted in contamination to soils and groundwater;
- Former unlined landfill at Harold Gregson Reserve located approx. 450m south east of the site which may have resulted in contamination to soils and ground water. The groundwater flow direction, however, is likely to be away from the subject site;
- Possible buried asbestos containing service pipes;
- Possible presence of coal tar in asphalt or fill materials from the former nearby gasworks site; and
- Possible presence of remnant hazardous building materials (i.e. lead impacts from paints, etc.).

The main risk of site contamination is generally associated with the presence of imported fill materials.

Douglas Partners recommend that additional subsurface investigation (soil sampling and testing) occurs within disturbed areas of the site during redevelopment of the site (i.e. building footprints, cut/fill areas, retaining walls, services, etc.). Furthermore Douglas Partners conclude:

*“The site is generally considered to be suitable for the proposed development, subject to additional testing, and localized remediation or management where required, including Lion’s Park based on the current available information. “*

Conditions will be attached to any development approval that further testing and soil samples be undertaken during redevelopment of the site. Notwithstanding the site is suitable for development of a recreation al facility.

#### State Environmental Planning Policy (Infrastructure) 2007

Clause 104 Traffic Generating Developments of this SEPP relates to development of new premises or an enlargement or extension of existing premises that has direct vehicular or pedestrian access to any road the size or capacity referred to the Column 2 to Schedule 3. The only trigger for referral for a sportsground would be *“any other purpose – 200 or more motor vehicles “*

In this case the proposal involves the construction of a grandstand with seating capacity of approx. 1036 seats to replace an existing grandstand and bench seating with capacity of 1500 seats. Hence a net reduction (i.e. 464 seats) will result with this replacement development. Furthermore the proposal is not seeking to increase the activities associated with the sportsground and currently the only parking available is within an informal hard standing area along the adjacent access road. A small car park with sixteen (16) spaces will be constructed in association with the development. The sportsground is used for weekend rugby league games during winter with the number of participants and spectators estimated to be between 50 - 500 people with no formal car parking facilities being available. Therefore it is likely that regular weekend usage will generate significantly less than 200 vehicles and involves usage of surrounding local streets for parking. Therefore it was considered unnecessary to refer this application to the Roads and Maritime Services for comment.

#### ***Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition***

Council has exhibited a Draft Local Environmental Plan (LEP) for the purpose of amending Flood Planning Maps within Maitland LEP 2011 that are consistent with the *Hunter River: Branxton to Green Rocks Flood Study 2010* and Clause 7.3 of the Maitland LEP 2011.

The site is mapped as inundated in a 1 in 100 year flood event under the Hunter River: Branxton to Green Rocks Flood Study 2010, and therefore will continue to be identified within the flood planning area of the draft LEP flood maps. Flooding issues are discussed in detail within other sections of this report.

### ***Section 79C(1)(a)(iii) any development control plan***

The Maitland Citywide Development Control Plan applies to this development and is discussed below.

#### **A.1 – Community Participation**

The application was notified and advertised from 25 June 2015 to 16 July 2015. One (1) submission was received which is further discussed under Section 79(1)(d) below.

#### **B.3 - Hunter River Floodplain Management**

This section of the DCP applies to land that is inundated by floodwaters of the Hunter River up to the 1:100 AEP flood event.

The DCP states that developments such as sporting grounds will be considered on flood liable land. In the case of storage areas, these need to be secure or materials stored on site readily removed if they are susceptible to flood damage.

Appropriate measures can be incorporated into the design of the grandstand and associated building such as inclusion of concrete floors with resilient finishes in public amenities, internal walls of blockwork, external walls will be of cavity exterior brick and blockwork, doors of solid core construction, etc., to minimize impacts from potential flooding. A number of storage areas are proposed within the building and some measures will need to be incorporated into these areas so that items are stored above the flood levels for long term protection. To allow preventative action some joinery and furniture where practical will be designed to be easily removed in the event of flooding. The proposed building has been structurally designed to withstanding flooding impacts and certification of this will be required to be submitted with any Construction Certificate and this will be conditioned.

#### **B.5 – Vegetation Management**

The proposal will involve the removal of four existing trees adjacent to the existing road and canteen building being at the south eastern corner of the playing field and also a small clump of trees to the north of the existing ticket office. Refer to **Photograph 1** for further details. These existing trees are not considered to be significant and replacement planting is proposed to enhance the proposed development.

A landscape plan accompanies the application which demonstrates that the forecourt area entrance to the sportsground will be extensively landscaped with planting of a



shady grove of trees adjacent to the entranceway to frame views of the grandstand. Two feature marker trees will be planted at the northern and southern end of the forecourt consistent with the tradition of marking a significant building. South of the forecourt a new parkland will be created with the parkland framed by trees along the PCYC car park and new car park. A picnic area is proposed closer to the grandstand entrance.

This replacement landscaping will enhance the surrounds of the grandstand and create a pleasant forecourt area for users of this facility.

#### B.6 – Waste Not – Site Waste Minimisation & Management

This DCP chapter acknowledges that waste management and minimization at both the construction stage and for ongoing operations of buildings and facilities and seeks to encourage resource efficiency.

The applicant has satisfied the requirements of the DCP by providing a Site Waste Management and Minimisation Plan. As the proposal involves replacement of existing structures there will be no change to the use of the site and the ongoing waste management strategy for this facility can be used for the site. It is noted that a designated bin storage area with separate loading area has been provided at the northern end of the grandstand with access being available off Odd Street, avoiding the use of the access road to the entrance to the sportsground and minimizing any conflicts with users of this sportsground. Any building materials salvaged from existing structures may be re used or recycled and if not reused will be taken to an approved waste facility.

#### C.1 – Accessible Living

This Chapter is designed to increase awareness and provide guidelines for access and mobility, particularly within new buildings including access to and from, associated outdoor areas and provision of adequate public car parking for use by people with disabilities.

It is noted that the following elements have been incorporated into the grandstand and amenities design for use of people with disabilities:

- Access to wheel chair seating and associated amenities;
- A fully accessible pedestrian path will be positioned along the northern edge of the forecourt linking James Street to the grandstand entry. The accessible path will be provided with a drop off and pick up for school buses, etc. during every day mode;
- A ramp is to be installed at the northern end of the grandstand from lower to upper level;
- Provision of a passenger lift between levels of the proposed grandstand;
- Accessible sanitary facilities that comply with AS 1428.1; and
- Accessible car parking spaces provided within the new car park.

An Access Report has been prepared by BCA Access Solutions to assess the proposal in respect to the Building Code of Australia (BCA) 2015, Disability (Access to Premises-Buildings) Standards 2010, Australian Standards (AS) and Disability Discrimination Act (DDA). The report concludes that generally the plans assessed show that compliance with requirements for access for people with a disability is achievable subject to incorporation of specific details in accordance with referenced requirements. A condition will be attached to any development approval that compliance with accessibility requirements of this report and further details to be provided prior to the release of a Construction Certificate.

#### C.11 – Vehicular Access and Car parking

Car parking requirements for a recreation facility (indoor/outdoor) under this section of the DCP do not relate to a new grandstand with associated amenities building the subject of this development application.

Currently there is no formal car parking facilities provided for the sportsground. Parking occurs informally at the front entrance and within surrounding streets. For larger events No.2 Sportsground and the lower reserve are opened for public parking by Council.

The proposal involves provision of a formal car park comprising sixteen (16) spaces of which four (4) spaces are designated as disabled. This car park along with other arrangements can cater for this new grandstand/building taking into consideration the supply of existing on street carparking availability and opening up of nearby facilities for major events as demonstrated by the Traffic Statement that accompanies this DA. This matter is further discussed in the following section of this report.

#### E.3 – Central Maitland Heritage Conservation Area

As previously stated, part of the site being land at the corner of Odd and James Street being the Lions Park consisting of the entry forecourt to the grandstand off James Street is positioned within the Central Maitland Heritage Conservation Area.

The DCP states: *The area is of social significance for its continuing roles as a regional centre for administration, cultural activities and several religious denominations.*

The DCP does not contain any specific conservation policies for the sportsground. Notwithstanding the Maitland Sportsground has local heritage significance in terms of its location, creation during one of the major flooding events of the City and continues as an important venue for sporting groups and community events. The proposed new grandstand and amenities building is of a simple architectural design and will ensure the continued use of the site as a sporting venue within the City.

***Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

Part 9 Fire safety and matters concerning the Building Code of Australia of the *Environmental Planning and Assessment Regulation 2000* applies to the proposal. The proposal can fulfil the fire safety and structural adequacy requirements of the Regulations and therefore is considered appropriate. In accordance with the requirements of the Regulation, a condition of consent is included requiring the submission of an annual fire safety statement from the applicant.

Also Clause 92(1) (b) of the *Environmental Planning and Assessment Regulation 2000* requires Council to consider the provisions of *Australian Standard AS 2601 – 1991: The demolition of structures*. The demolition of the grandstands and other structures on site will need to be carried out in accordance with relevant Australian Standards and a condition to this effect is included as an appropriate condition of consent.

***Section 79C(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 proposed development will have no significant impacts on the natural or built environment of the site or surrounding locality. Redevelopment is to occur on lands that are currently used as a sportsground including existing grandstands, buildings and playing field. With the implementation of appropriate conditions of consent the proposal is considered suitable for the site. The identified primary potential impacts associated with this new grandstand and associated amenities building and works relate to traffic and parking, noise, lighting, design of the grandstand and the economic and social impacts. All these issues are further addressed below.

**Traffic and Parking**

Currently there are no off street car parking facilities provided for Maitland Sportsground. Some informal car parking spaces are available within a paved area off James Street at the front entry to the sportsground and along the associated access road. Refer to Photograph 1 for further details. Users of the facility generally park within this paved area, along the access road between Symth Reserve and Harold Gregson Reserve or within surrounding streets.

The sportsground is used predominantly for local weekend afternoon winter sport with the Maitland Rugby League Club being the current licensed user group. It has been estimated that approx. 50 -500 participants and spectators would be attracted to the facility for a regular football feature with the average being less than 200 people and

then up to 500 people at a grand final fixture. Some special one off events such as Carols by Candle Light and Relay for Life are also currently held at this venue.

The upgraded facility is anticipated to increase usage of this facility than currently occurs due to the improved facilities, locality of the site and its importance as a traditional recreational area within close proximity to the Maitland CBD. Larger events are likely to be held outside business hours and on weekends when there is sufficient parking availability in close proximity of the site within surrounding streets, public car parks and nearby Reserves.

A survey of existing car parking facilities including on street has been undertaken by Council's Engineering section. It is noted that nearby designated car parks including the PCYC car park have been excluded from the survey. This survey indicates that the following car parking availability:

**Table 1 – Parking Availability with Designated Areas**

<b>Parking Locality</b>	<b>No of Spaces</b>
Main Entrance	20
No.2 Sportsground (i.e. Harold Gregson Reserve)	300
Lower reserve (south of Harold Gregson Reserve)	120
<b>Sub Total</b>	<b>440</b>

It is noted that the 20 informal spaces will be replaced by a new car park comprising sixteen (16) spaces. Consequently 436 spaces will be available in the immediate vicinity of the sportsground excluding on street facilities and during major events Sportsground No.2 and the lower reserve will be opened up for public car parking by Council.

**Table 2: Parking Availability within Surrounding Streets**

<b>Parking Locality (400m radius)</b>	<b>No of Spaces</b>
High Street	200
Grant Street	25
Bent Street	70
Fry Street	10
Rose Street	15
Raglan Street	60
Carrington Street	160
<b>Sub Total</b>	<b>540</b>

The above table demonstrates that there are a further 540 spaces available within surrounding streets of which 220 spaces are positioned to the north of the sportsground.

Some parking is also available along Odd Street to the west. Consequently 976 spaces are available within 400m of the site. A further 220 spaces are available within a 600m radius of the site. Based on an occupancy rate of 2.5 persons per vehicle, 2240 players and spectators could be accommodated within the sportsground within 400m radius and 2990 players and spectators within the 600m radius.

As the grandstand envisages a seating capacity of 1036 seats sufficient car parking facilities will be available to satisfy the demands of the sportsground within close proximity (i.e. 400m).

When larger, one off events are to be held at the sportsground a traffic management plan will need to be prepared and submitted to Council for approval. During these events some street closures in close proximity of the site are anticipated and event organisers will need to implement traffic management measures to direct and control traffic movements in vicinity of the site and along High Street. It is anticipated these events will be held on weekends or outside normal business hours therefore minimizing impacts onto existing traffic movements surrounding the site particularly along High Street. A condition will be imposed on any development consent that for large events over 1,000 people in attendance that a traffic management plan be submitted to Council for approval at least 2 months prior to any event.

#### Noise

A Noise Impact Assessment accompanies the application and was prepared to assess the potential noise impacts from this replacement grandstand onto nearby residential receivers. The location of residential receivers is included on **Figure 2** below.

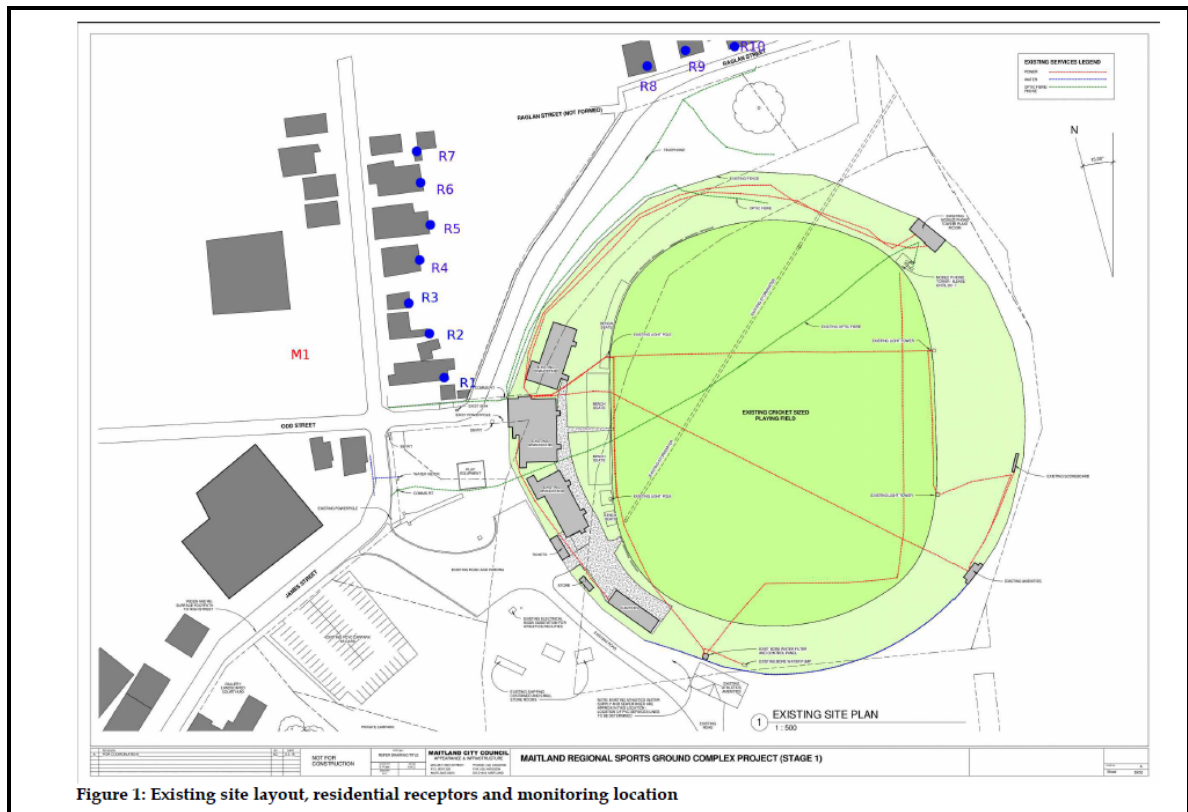


Figure 1: Existing site layout, residential receptors and monitoring location

Figure 2: Plan depicting noise receivers

Three scenarios were modelled for operational noise assessment including with and without PA noise with the following results:

- Scenario 1 – Grandstand at half capacity (550 spectators)  
No exceedance of the project specific noise level (PSNL) for the day and evening period is predicted with no perimeter barrier and PA noise.
- Scenario 2 - Grandstand at full capacity (1,100 spectators);  
A 1dB exceedance of the PSNL at R8 being to the north of the sportsground with no perimeter barrier and 2 dB at R8 to R10 being to the north of the sportsground with PA noise. A 2dB exceedance is considered not to be perceptible to the human ear and is insignificant;
- Scenario 3 – Complex at full capacity (i.e. 1,100 spectators grandstand & 900 spectators on hill equates to 2,000 spectators)  
Exceedances of between 1 and 4dB of the PSNL are predicted at all receivers with the exception of R6 and R7 with no barrier and with a 2m barrier the exceedance falls to R1,R2, R8, R9 and R10 only. With PA noise exceedance of 1 to 5dB are anticipated.

A venue capacity crowd of 2,000 people will be an infrequent event at this venue which has historically been used for sporting and one off event such as Carols by Candle Light,



etc. The Environmental Noise Control Manual allows for an additional 5dB impact for infrequent or unique activities with recognized social merit or existing sporting activities. Therefore these predicted noise impacts are considered to be acceptable for one off events during the year.

A chain wire fence is proposed to be positioned along parts of the perimeter of this sportsground. Operational noise for the 3 above scenarios was tested with this proposed chain wire fence and then a solid 2m high barrier for comparison purposes. The solid barrier resulted in a 1 to 2 dB reduction in noise. Hence the solid perimeter fence appears to be ineffective to control crowd noise due to the distance of the crowd from the barrier and a combination of the amenities building and the existing contours of the sportsground that already provide a break to direct line of site for the nearest receivers.

The construction works associated with this project are also likely to create some noise impacts onto nearby residential properties. The Noise Assessment Report does not assess the potential noise impacts onto surrounding residential receivers during the construction phase. Any exceedance is considered to have a negligible impact on the surrounding area given the limited duration and the isolated nature of the site being in an existing recreation precinct and on the fringes of existing residential and rural areas. Noise associated with construction works shall be short term in nature and designated construction hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 5.00pm on Saturdays are considered reasonable in terms of minimizing noise impacts. A condition of consent has been recommended to ensure that noise is kept within acceptable limits in accordance with the provisions of the *Protection of the Environment and Operations Act 1997*. Therefore construction noise will be controlled to acceptable limits.

#### Lighting

Currently there are four lighting towers being 25.5m high with five 2000w flood lights positioned within the playing field for evening training purposes. As previously outlined, the existing lighting towers at the eastern end of the field will be retained and the two western light towers will be relocated to the north and south of the proposed grandstand. This lighting configuration will allow illumination of the fields to satisfy AS 2560: 2007 with lighting being directed over the playing fields away from nearby residential development thus minimizing any potential impacts.

Any new lighting within the pedestrian forecourt and parking areas will be low level and hence limited light spillage will result outside the site.

#### Social and Economic Impacts

The proposal will result in both positive economic and social benefits to the Maitland community. In the short term, the local economy will be boosted by additional employment opportunities during the construction phase and the use of local suppliers for materials, etc. The new grandstand and upgraded playing field will provide continued

and improved recreational facilities for the community of Maitland particularly sporting groups being in close proximity to both the Maitland CBD and Civic precinct.

#### Grandstand Design

The proposed grandstand will replace existing grandstands located along the western perimeter of the playing field. The new grandstand has been designed utilising existing site features and the topographic nature of the site. From the west the grandstand will appear as one storey building allowing for level access to the grandstand from a landscaped entry forecourt. From the entry gates, tiered seating leads down to the playing field allowing spectators to be close to the field. The bulk and scale of this proposed grandstand with amenities building is therefore effectively reduced when viewed from the western approach to the site and incorporates numerous openings and colour banding that assists to minimize its bulk. The proposal is considered to be of an acceptable design outcome for the site given the buildings proximity to low scale detached dwellings to the north and north west of the site. From the Smyth Field and High Street to the south west an elevated cantilevered roof structure will be visible. The proposed grandstand is of a simple architectural design, incorporating existing flood levels by a change in the colouring of brickwork and is of a form and scale that is appropriate for this recreational precinct.

#### ***Section 79C(1)(c) the suitability of the site for the development***

The subject site is considered suitable for the proposed development as the proposal involves construction of a replacement grandstand with amenities building and regrading of an existing playing field allowing for the continued use of the site for recreational purposes by the public within a well established recreational precinct of the City.

#### ***Section 79C(1)(d) any submissions made in accordance with this act or the regulations***

The proposal was advertised and notified for a period of 14 days from 25 June 2015 to 16 July 2015. One (1) objection was received by Council.

The main issues raised by the objector are summarised below and comment provided:

Issue	Comment
Inadequate allowance for additional car parking	This matter has been discussed within other sections of the report. There is sufficient existing on street and overflow car parking facilities for major events in close vicinity to the sportsground that

Issue	Comment
	excludes the use of the PCYC car park.
<p>The PCYC owned car park is currently operating at capacity each weekday and most weekends when sport is played at the ground. PCYC is considering securing the car park with access only given to PCYC. This will significantly reduce public car parking in the James Street area.</p>	<p>The current lease operating in association with the PCYC car park expires shortly and the PCYC will then have exclusive use of its own car park comprising 65 spaces hereby increasing its car parking facilities. The sportsground is traditionally used during the afternoon/evening periods for training purposes with a small demand for nearby car parking facilities resulting. Hence the construction of a new formal car park supplemented by on street parking should satisfy this demand. Football matches are held on weekends and there is sufficient on street capacity as demonstrated by tables within this report to cater for these activities in close vicinity of the sportsground without the use of the PCYC car park.</p>
<p>The increase of traffic along James Street poses significant safety issues for PCYC members entering and departing the facility. PCYC concerns with obstructed view for foot traffic in this area. Increasing the number of vehicles will further impact upon the safety concerns held by the PCYC.</p>	<p>It is acknowledged that the car park for the PCYC is located opposite the building and James Street needs to be crossed to access the car park. Safety railings have been positioned along the footpath on each side of James Street to direct pedestrians to a pitch point to increase safety for pedestrians crossing James Street.</p> <p>Adequate sight distances are available along this section of James Street for pedestrian movements. Council Engineers have advised that existing traffic flows along James Street do not warrant the installation of a pedestrian crossing. This application is for a new grandstand only and does not seek to change the functioning and activities held at the sportsground. As previously stated the sportsground is used for football training during the afternoon/evening period and on weekends for football matches. In the</p>

Issue	Comment
	case of larger one off event James Street will be closed to traffic except for residents and users of the PCYC and will be subject to a traffic management plan designed for the specific large event.

### ***Section 79C(1)(e) the public interest***

The proposal is considered to be consistent with the public interest as it provides for improved recreational facilities within an established open space and recreational precinct of the City that is also in close proximity to Maitland CBD.

### **CONCLUSION**

An assessment of the application has been carried out under Section 79C (1) of the *Environmental Planning and Assessment Act 1979*, as amended and the development proposal satisfies the relevant provisions of *Maitland Local Environmental Plan 2011* and *Maitland Citywide Development Control Plan 2011*. The proposed new grandstand and amenities building will not result in significant impacts within this locality and issues such as traffic and parking, noise, tree removal, design of the grandstand and heritage issues have been fully addressed during the assessment of this application. Accordingly approval is recommended subject to appropriate conditions.

Signed (Assessing Officer)

A. Moore  
Anne Moore  
Contract Planner

Date: 7/10/2015

Authorised for submission to JRPP

Leanne Harris  
Leanne Harris  
Coordinator Development Assessment  
Planning Environment & Lifestyle

Date: 7/10/15

Authorised for submission to JRPP

Bernie Mortimore  
Bernie Mortimore  
Group Manager  
Planning Environment & Lifestyle

Date: 7.10.15

## **Schedule of Conditions DA 15-1228**

### **Reason for Conditions**

*The following conditions are applied to:*

- *Confirm and clarify the terms of Council's Approval;*
- *Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and*
- *Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.*

### **APPROVED PLANS AND DOCUMENTATION**

1. 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 to this consent or as shown in red colour on the plans:

<b>Plan Ref No.</b>	<b>Sheet No.</b>	<b>Rev n No.</b>	<b>Revision Date</b>	<b>Prepared by: (consultant)</b>
Cover Sheet	DA 00	A	11.5.15	Public Works Government Architects Office
Context Plan	DA 01	A	11.5.15	Public Works Government Architects Office
Site Plan	DA 02	B	18.8.15	Public Works Government Architects Office
Existing Site Plan	DA 03	A	11.5.15.	Public Works Government Architects Office
Floor Plans	DA 04	B	4.9.15	Public Works Government Architects Office
Elevations	DA 05	A	11.5.15	Public Works Government Architects Office



Sight Lines	DA 06	A	11.5.15	Public Works Government Architects Office
Roof Plan	DA 07	A	11.5.15	Public Works Government Architects Office
Materials	DA 08	A	11.5.15	Public Works Government Architects Office
Survey Plan	DA 09	A	11.5.15	Public Works Government Architects Office
Landscape Plan	DA-L-01 to DA -L-05	A	29.05.15	Public Works Government Architects Office

## CERTIFICATES

2. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
3. Prior to the commencement of works **an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.**
4. A Construction Certificate is to be obtained prior to commencing construction works. The Construction Certificate application is to include detailed plans and specifications for the construction of the building/structure.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
7. The development or any portion of the development shall not be used or occupied until an Occupation Certificate or Interim Occupation Certificate has been issued. Occupation certificate applications must be accompanied by the required fee and all associated information and certifications. To ensure occupation or use of the development can occur in a timely fashion, the occupation certificate application should be submitted at the same time as the final inspection is being requested.
8. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.
9. Plans for the civil works, prepared in accordance with Council's Manual of Engineering Standards are to be submitted to and approved by Council prior to the issue of a Construction Certificate. Plans are to be accompanied by the current

appropriate fees, together with a civil works construction certificate application and long service leave levy.

10. The proposed grandstand and amenities building shall comply the Access Report prepared by BCA Access Solutions dated 27 May 2015 Ref CA140557A.

## **DEMOLITION**

11. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.

## **CONTAMINATION**

12. All waste material that arises as a result of the works shall be classified according to the NSW EPA Guidelines prior to removal from the site.
13. A Construction Management Plan shall be prepared and submitted to Council prior to commencement of works on site detailing management of potential acid sulfate soils found below 2.2m depth. If acid sulfate soils are found on site during construction works they must be managed in accordance with an approved Construction Management Plan for the site.
14. Further testing of disturbed areas of the site in accordance with the Douglas Partners Report Project 81580.01, dated August 2015 and how any localised remediation of the site can be undertaken if found necessary should also be included within this approved Construction Management Plan.

## **HERITAGE**

15. A digital archival recording of the Sportsground complex (including Lions Park) shall be undertaken in accordance with NSW Heritage Branch guidelines as follows.

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>.

Two copies of the recording shall be submitted to Council prior to the commencement of works.

16. All plaques shall be securely stored and tagged, prior to relocation.
17. A location plan detailing the re positioning of existing plaques on site shall be submitted to Council for approval prior to issue of the Occupation Certificate. Information that consultation has been undertaken with the individuals and families concerned shall also be provided to Council.
18. The maximum water height of the 1955 flood shall be interpreted in the external walls and be applied to explain this association.
19. Details of the colour of materials of the proposed grandstand and associated amenities building shall be provided to Council prior to release of the Construction

Certificate. A more compatible roof sheeting colour is required for this locality given its historic nature and nearby heritage conservation area.

## **LANDSCAPING**

20. A landscape plan outlining the interpretive play elements shall be prepared and submitted to Council prior to installation for approval. This plan should be prepared by a suitably qualified landscape architect and incorporate the River Theme as outlined on the approved landscape plan and be consistent with the Maitland Heritage Interpretive Plan.
21. 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.

## **CARPARKING**

22. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of sixteen (16) spaces of which four (4) spaces shall be designated as disabled.
23. All access lanes, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete. Details of the type and colour of paving to be used within the forecourt area including the roadway and pedestrian walkways and car park should be provided to Council prior to commencement of works on site. The work is to be completed prior to a release of an Occupation Certificate.
24. All parking bays shall be delineated with line-marking and/or signposting.

## **TRAFFIC**

25. Prior to the issue of any Construction Certificate the applicant shall submit to Council for approval a Construction and Haulage Management Plan. The Construction and Haulage Management Plan should detail proposed:
  - Extents of site fencing and barricading;
  - Stockpile locations;
  - Equipment and materials set down locations;
  - Site office location;
  - Construction staff parking location;
  - No go zones;
  - Heavy vehicle haulage and delivery routes and movements to and from the site;  
and
  - Any traffic implications from these measures.
26. For events with over 1,000 people in attendance a Traffic Management Plan shall be prepared and submitted to Council at least two (2) months prior to such an

event. This plan shall be prepared in consultation with Council, Police, Local Emergency Services, etc. to manage traffic, parking, pedestrian and disabled access to and from the site for the event to ensure the safety of patrons and minimise impacts upon the surrounding road network and properties.

## **LIGHTING**

27. Any lighting of Maitland Sportsground Oval shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of nearby residential properties.

## **EROSION CONTROLS**

28. A Soil & Water Management Plan in accordance with 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual is to be prepared by an Engineer detailing temporary and permanent measures proposed to be installed. The plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the document 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual.

## **DRAINAGE**

29. All storm water is to be disposed of by a drainage system to Council's drainage network. A drainage design indicating all engineering details relevant to collection and disposal of roof water and stormwater from the site is to be submitted to and approved by Council prior to the issue of construction certificate. Details are to include existing site levels, finished levels, pipeline sizes and grades. Stormwater shall be conveyed from the site to the piped drainage system.
30. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the drainage design by a suitably qualified and experienced person. In this regard, provision is to be made for best practice stormwater quality improvement devices (SQUID'S) at the outlets to collect water bourn pollutants. The devices selected are to be submitted to Council for approval with the engineering drawings and are to be capable of retaining pollutants in accordance with the requirements of Council's Manual of Engineering Standards (Table: Post Construction Stormwater Management Targets) and Australian Runoff Quality (ARQ). Design details for the system are to be submitted to Council for approval prior to the issue of a Construction Certificate.

## FLOODING CONSIDERATIONS

31. All ground level electrical services are to be connected to a 'residual current device' (RCD) to the requirements of Energy Australia to reduce the risk of electrocution in a flood event where inundation of the ground level occurs.
32. **Prior to issue of an Occupation Certificate**, a flood evacuation plan shall be submitted to and approved by Council. The plan should make provision within the design of the proposed grandstand/building for a safe and clear means of evacuation in time of flood and include consideration of the NSW Flood Response Manual.
33. The building shall be constructed such that it will withstand the effects of flooding in the locality. In this regard, an Engineer's Certificate stating that the structure as shown on the plans is capable of withstanding the characteristics of flooding at the proposed site, is to be provided to the Accredited Certifier **prior to release of the Construction Certificate**. The flood hazard parameters to be considered are a 1% AEP flood level of RL 9.72m AHD and a velocity of 2m/s.
34. Wherever possible, the premises should be designed to ensure that plant, equipment, storage or other fixtures or fittings liable to damage by floods are located within the building above the Flood Standard or be movable to levels above the Flood Standard.

## SERVICES & EQUIPMENT

35. 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. Certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
36. A copy of the Fire Safety Schedule and Fire Safety Certificate is to be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
37. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that

monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au).

Standard forms and further information for lodging Fire Safety Statements may be downloaded from Councils website.

## **SITE CONSIDERATIONS**

38. All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.

*Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site, the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*

39. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.

- i) Must preserve and protect the building/structure from damage, and
- ii) If necessary, must underpin and support the building/structure in an approved manner, and
- iii) Must, at least 7 days before excavating below the level of the base of the footings of a building/structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building/structure being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

40. 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.

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

- (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.

*Note: 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.*

42. 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. Toilet facilities in accordance with this Clause must be provided **prior to commencement of any works on the site.**
43. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
44. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site.
45. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
46. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving. The absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.
47. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

*Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site, the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*

## **BUILDING CONSTRUCTION**

48. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:

- a.** 7.00am to 6.00pm Monday to Friday
- b.** 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

49. Operations on the site during construction including all plant and equipment must not give rise to any offensive noise defined under the Protection of the Environment Operations Act 1997.

## ADVICES

*The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.*

- A It is the Applicants responsibility to ensure compliance with the requirements of the Disability Discrimination Act, 1992 (DDA).

*Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.*

- B The applicant is advised that design and materials of construction of the building must comply with the provisions of Performance Requirement BP1.4 and Part B1.6 **Construction of buildings in flood hazard areas** of the Building Code of Australia and the requirements of ABCB publication **Standard for Construction of Buildings in Flood Hazard Areas**.

Note: Due to the flood velocity being greater than 1.5m/s, an alternative solution will be required as part of the Construction Certificate assessment process.