

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:

Plan Ref No.	Sheet No.	Rev n No.	Revision Date	Prepared by: (consultant)
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 shall 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 (for example a light grey) should be considered 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 for approval prior to installation. 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 special 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.

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 SaturdayAny 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.