

Schedule of Conditions – DA 18-196

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.*
- *The objective of the following conditions is to draw to the attention of the applicant and owner their responsibilities to comply with the various requirements of the Food Act, 2003, Food Regulation 2004 and Australian Standard 4674-2004, Design Construction and Fit-Out of Food Premises.*

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:

Title	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Cover Sheet & Location Plan	DA-001	C	23/01/18	Maitland City Council
Existing Site Plan	DA-002	C	23/01/18	Maitland City Council
Demolition Plan	DA-003	C	23/01/18	Maitland City Council
Site Plan	DA-004	C	23/01/18	Maitland City Council
Location Plan - Parking	DA-005	C	23/01/18	Maitland City Council
Existing Site Plan – Stockpile of fill	DA-007	A	03/04/18	Maitland City Council
Proposed Floor Plan	DA-100	D	03/04/18	Maitland City Council
Proposed Floor Plan	DA-101	D	03/04/18	Maitland City Council
Elevations	DA-200	C	23/01/18	Maitland City Council
Colours and Finishes	DA-400	C	23/01/18	Maitland City Council
Landscape Layout Plan	DR-018	D	10/04/18	Clouston Associates
High Street, Maitland. Maitland Regional Athletics Centre Access Intersection Plan (3650-1A)	-	-	25/05/18	Maitland City Council
Soil & Water Management	DA02,	B	11/01/18	Lindsay Dynan

Plan (14109)	DA03 & DA04			
Stormwater Drainage Plan (14109)	DA05, DA06, DA07, DA09, DA10 & DA11	C	31/01/18	Lindsay Dynan
Stormwater Drainage Plan (14109)	DA08	D	05/04/18	Lindsay Dynan
Stormwater Drainage Plan (14109)	DA12	E	09/04/18	Lindsay Dynan
Bulk Earthworks Plan (14109)	DA13 to DA19	A	31/01/18	Lindsay Dynan
Statement of Environmental Effects	-	01	23/01/18	Maitland City Council
Maitland Regional Sportsground – Athletics Centre Landscape Masterplan Report (S17-0046)	-	D	19/12/17	Clouston Associates
Transport Impact Assessment	-	B	23/01/18	GTA Consultants
Disability Access Report (Ref 17097)	-	-	18/12/17	Lindsay Perry Access
Statement of Heritage Impact	-	01	Dec 2017	Matt Devine & Co
Flood Assessment	-	1	May 2017	WMA Water
Geotechnical Investigation (Project 81580.07)	-	0	Dec 2017	Douglas Partners
Preliminary Site Investigation (Contamination) (Project 81580.07)	-	0	Dec 2017	Douglas Partners

CERTIFICATES

- The applicant shall submit to Council a “Notice of Commencement” form at least two (2) days prior to the commencement of construction works.
- 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 buildings/structures.
5. Prior to the issue of an Occupation Certificate all conditions of development consent shall be complied with.
6. Prior to occupation of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.
7. 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.

DEMOLITION

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

CONTAMINATION

9. Prior to the commencement of works, a Remediation Action Plan (RAP) which details procedures and responsibilities for remediation and validation of the site shall be submitted to, and approved by, the Maitland City Council.
10. Prior to the commencement of works, a Construction and Environmental Management Plan (CEMP) which details procedures for soil handling, segregation and an unexpected finds protocol shall be submitted to, and approved by, the Maitland City Council.
11. All works shall be managed in accordance with an approved Remediation Action Plan and Construction and Environmental Management Plan for the site.
12. In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
13. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.

HERITAGE

14. Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the "*Unexpected Archaeological Finds Procedure*" within the Statement of Heritage Impact prepared by Matt Devine & Co, dated December 2017 shall be implemented. Particular care monitoring for

potential archaeology should be taken during excavation on the western boundary of the site (adjacent to the High Street properties) and near the access road from High Street.

Additional assessment and approval may be required prior to works continuing in the affected area(s) depending on the nature and extent on the nature of the discovery.

15. Prior to issue of a Construction Certificate, a colour scheme is to be submitted to and approved by Council giving full details of the colour and character of all external building materials and finishes to be used.

LANDSCAPING

16. Prior to the issue of a Construction Certificate a detailed landscape plan is to be prepared and submitted to Council for approval. This plan is to indicate the location of all paved and landscaped areas, type of species to be planted, and is to state the mature height and spread of all proposed trees, shrubs and ground covers.
17. 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

18. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 192 spaces of which 8 spaces shall be designated as disabled.
19. All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), asphalt, 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 release of an Occupation Certificate.
20. All parking bays shall be delineated with line-marking and/or signposting.

TRAFFIC AND TRANSPORT

21. Prior to issue of the Occupation Certificate, the High St intersection shall be constructed providing (but not limited to):
 - a) a CHR(S) intersection treatment catering for Coach entrance & exit in accordance with Austroads Standards and as shown on Council drawing 3650-1A;
 - b) a flexible pavement with design-life traffic loadings in accordance with Council's Manual of Engineering Standards;
 - c) the westbound travel lane and shoulder shall remain in their existing locations.
 - d) A minimum 3m wide shoulder shall be provided on the western side of the intersection adjacent to the east bound travel lane.

- e) A minimum 1.5m wide bicycle lane shall be provided on the eastern side of the intersection adjacent to the east bound travel lane.
 - f) The existing east bound public bus stop shall be relocated in accordance with Council's standards.
 - g) all line marking and signage shall be approved by Local traffic committee.
 - h) Road lighting to relevant Australian Standards.
22. Prior to issue of the Occupation Certificate, road lighting in accordance with relevant Australian Standards shall be provided at the intersection of High St and James St.
23. Prior to issue of the Occupation Certificate, all reconstruction associated with the High Street vehicle access and the James Street vehicle access shall include footpaths and access ramps in accordance with Council's Manual of Engineering Standards and relevant Australian Standards.
24. Suitable internal access for pedestrian/cyclist movements and accessibility requirements for people with disabilities shall be provided linking High Street vehicle access, the forecourt of the Athletic Centre, the Maitland No. 1 Sportsground, and the James Street vehicle access. Accessible grades shall be provided in accordance with Council's Manual of Engineering Standards and relevant Australian Standards.
25. Public lighting of the carpark, pathways and forecourt areas of the development shall be provided in accordance with relevant Australian Standards.
26. For major events, as determined by Council's event's policy and requirements, 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.
27. Vehicle access to the east end of Harold Gregson Reserve (which includes the remote control car club and skate park) shall be maintained while the development is under construction. Any temporary road required to provide access shall be designed and constructed in accordance with Council's Manual of Engineering Standards. Engineering details shall for the temporary road shall be included in documentation submitted with a Civil Construction Certificate application.

CIVIL WORKS - CERTIFICATION

28. Prior to issue of the Construction Certificate for the road, drainage, landscaping and civil works an engineering design shall be prepared by a suitably qualified and practising engineer, in accordance with Council's Manual of Engineering Standards (MOES), and this consent.
29. Prior to commencement of works within an existing public road reserve:
- a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval

- b) consent under the Roads Act for the approved works, shall be issued by Council
- c) all relevant Council fees shall be paid
- d) a traffic management plan including a traffic control plan in accordance with the RMS publication "Traffic control at Worksites" shall be submitted to Council.

Note: The traffic management plan must include details of the traffic management measures planned to maintain public access to Harold Gregson reserve, and safely manage vehicle/pedestrian traffic.

30. Prior to commencement of works for the temporary vehicle access to the east end of Harold Gregson Reserve:
 - a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval
 - b) a traffic management plan including a traffic control plan in accordance with the RMS publication "Traffic control at Worksites" shall be submitted to Council.

31. Prior to issue of the Occupation Certificate, all necessary works required for compliance with this consent and the Civil Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:
 - a) Confirmation that the construction works have been completed.
 - b) Confirmation from the road authority for any Roads Act Approval requirements.
 - c) Work-as-executed drawings, utilities plans, electronic files are provided to Council.
 - d) Geotechnical testing (pavement, concrete, etc) and inspection certification is provided.

STORMWATER DRAINAGE

32. Prior to issue of the Construction Certificate, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
 - a) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - b) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
 - c) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).

33. Prior to Occupation or Operation of the development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.

34. Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply

written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.

LIGHTING

35. Any lighting of the Maitland Athletics Facility shall be installed and maintained in accordance with Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting, so as to avoid annoyance to the occupants of nearby properties.

EROSION CONTROLS

36. 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".

FLOODING CONSIDERATIONS

37. 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.
38. 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 buildings for a safe and clear means of evacuation in time of flood and include consideration of the NSW Flood Response Manual.
39. 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 1.25m/s.
40. 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.

PRE-LOADING ATHLETICS TRACK / EARTHWORKS

41. The owner/occupier shall ensure that access to the landfill site is restricted and monitored to prevent the unauthorised deposition of material.
42. Filling material, shall be limited to the following:
 - a) virgin excavated natural material (VENM);
 - b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.

- c) material subject to a Waste exemption under Clauses 91 and 92 Protection of the Environment Operations (Waste) Regulations 2014 and recognised by the NSW Environment Protection Authority as being 'fit for purpose' with respect to the development subject of this application.

Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.

43. Only natural earth material, free of contamination shall be deposited on the land. All putrescible wastes, (including timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, are not permitted for fill purposes.
44. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to the Council upon completion of the filling.
45. At the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.
46. All grass and topsoil on the proposed fill area shall be stripped and stockpiled for re-use on the finished surface and batters.
47. Filling material shall be:
- contained within the property with a minimum clearance of #m from adjoining property boundaries
 - stabilised against erosion upon final placement with topsoil and grass (seed or turf), or by similar means
 - graded evenly to shed stormwater runoff to an existing overland flow path
 - provided with stable, maintainable batter slopes not steeper than 1 (vertical) in 4 (horizontal)
48. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
49. The environment surrounding the pre-loading earthwork shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
50. The site shall be managed during construction so as to prevent (eg by water spray) the generation of dust by moving vehicles within the site, from the public road access point.

BUILDING CONSTRUCTION

51. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
52. 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.
53. 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.

SERVICES & EQUIPMENT

54. 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.
55. 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.
56. 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

57. 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 the building.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.

58. 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).

59. 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.

60. 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.

61. 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.

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.*

- 62. 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.
- 63. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 64. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 65. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

FOOD PREMISES

- 66. The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises.

If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Health Officer is to be given 48 hours notice to inspect the premises prior to the commencement of the business.

Prior to commencement of trade the business is to be registered with Council.

- 67. Prior to commencement of operations a final inspection is to be undertaken of the premises by Council's Environmental Health Officer.
- 68. The premises will be incorporated in Council's Surveillance Program and will be subject to approximately 1 inspection per annum. The current fee for an inspection is \$135.00.

AUSGRID

Proximity to Existing Network Assets

- 69. Workcover Document 8290 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these overhead mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website – www.ausgrid.com.au

Ausgrid also requires any works undertaken adjacent to our underground assets to be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.

Relocating Electricity Assets

70. Should any existing Ausgrid assets require relocating to facilitate the development, this relocation work is generally at the applicants cost. These costs would not only include the cost of the works but also all costs associated with the creation of revised easements.

Supply of Electricity

71. The applicant will be required to submit the relevant connection application form at an appropriate time. As assessment of Ausgrid's requirements for the development will be undertaken on receipt of that application.

The works associated with the connection of these proposed works may be 'contestable' and would be developer funded. Information regarding Contestability and connection to the Ausgrid network can be found in our Electricity Supply Standards.

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 You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- B 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.
- C 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.