

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 as amended

APPLICANT:

Paynter Dixon
L3/5 Rider Boulevard
RHODES NSW 2138

Pursuant to Section 4.18 of the Environmental Planning and Assessment Act, 1979 notice is hereby given of the determination by the Council of the City of Maitland of Application No **DA/2021/1576** relating to the land and development described as follows:

LAND:

75 Chelmsford Drive METFORD NSW 2323
83-85 Chelmsford Drive METFORD NSW 2323

LOT/DP NUMBER:

Lot 431 DP 1268369
Lot 44 DP 1073637

DEVELOPMENT:

Education Establishment - Alterations & Additions

DETERMINATION:

Granting of consent subject to the conditions specified in and annexed to this notice.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON

PER GENERAL MANAGER

Right of Review:

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be made in writing within six months after the date as specified in this notice of determination, together with payment of the appropriate fee (See Note below).

Note: a request to review the determination of a development application pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979* can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination in respect of integrated development, or
- d) A determination made by the council under section 116E in respect of an application by the Crown.

Right of Appeal:

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment

285 - 287 High Street
Maitland NSW 2320

t 02 4934 9700
f 02 4933 3209

info@maitland.nsw.gov.au
maitland.nsw.gov.au

All correspondence should be directed to: General Manager P.O. Box 220 Maitland NSW 2320

Court within six months after the date on which you receive this notice.

Schedule of Conditions DA/2021/1576

Education Establishment - Alterations & Additions

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 and Location Plan	A000	2	18.02.2021	Paynter Dixon
Site Analysis Plan	A002	2	18.02.2021	Paynter Dixon
Fire Pump Enclosure	A003	2	18.02.2021	Paynter Dixon
Ground Floor Plan	A110	2	18.02.2021	Paynter Dixon
First Floor Plan	A111	2	18.02.2021	Paynter Dixon
Second Floor Plan	A112	2	18.02.2021	Paynter Dixon
Roof Plan	A113	2	18.02.2021	Paynter Dixon
Elevations	A200	2	18.02.2021	Paynter Dixon
Sections	A300	2	18.02.2021	Paynter Dixon
3D Views A	A400	2	18.02.2021	Paynter Dixon
3D Views B	A401	2	18.02.2021	Paynter Dixon
3D Views C	A402	2	18.02.2021	Paynter Dixon
3D Views D	A403	2	18.02.2021	Paynter Dixon

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 for any stage.
3. **Prior to the commencement of works for each stage**, an application for a Construction Certificate for the relevant works shall be submitted to, and be approved by, the Accredited Certifier.
4. **Prior to issue of the Construction Certificate for any stage**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.
5. **Prior to the issue of an Occupation Certificate for each stage**, all relevant conditions of development consent shall be complied with.
6. **Prior to the issue of an Occupation Certificate for any stage**, evidence of service connection to the development (water, electricity and telecommunications) shall be provided to the Certifying Authority. Any required installation and/or connection of services shall be

completed to the satisfaction of the service provider.

7. **Prior to the issue of a Construction Certificate for the works**, evidence of the registration of the boundary adjustment approved via DA2021/1412 shall be provided.

LANDSCAPING

8. 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.

ACOUSTIC

9. The development shall be undertaken in accordance with the requirements and recommendations of the Acoustic Assessment prepared by PKA Acoustic Consulting dated 18 February 2022. Demonstrated compliance with acoustic measures is to be certified by an Accredited Acoustic Consultant and provided to the Principal Certifying Authority **Prior to issue of an Occupation Certificate**.

STORMWATER DRAINAGE

10. Prior to issue of the Construction Certificate for any stage, the person having benefit of the consent shall provide a storm water management plan for construction generally in accordance with the approved DA plans by Ambai Consultants (ref: 2052, revision A).

The plan shall include a report demonstrating the calculations of the OSD volume required to detain the 100 year storm event and discharge in accordance with Maitland City Council's Manual of Engineering Standards and AR&R 2019.

Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards, to the existing site drainage system, or the street gutter with a "kerb adaptor" (see Council's Standard Drawing), or as approved by Council. Stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of complete slab segments between joints and replaced in concrete to Council's standards, dowelled to the existing path and finished similar to the adjoining surface.

EROSION CONTROLS

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

BUILDING CONSTRUCTION

12. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
13. 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.

14. 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.

15. A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by the Certifying Authority and Council. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise management, dust management, traffic management and environmental management.

SERVICES & EQUIPMENT

16. Upon completion of each stage 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.
17. 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.
18. 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.

HOURS OF OPERATION

19. The hours of operation of the activity shall be consistent with the approved existing development on the land.

OPERATIONAL REQUIREMENTS

20. The maximum number of students permitted to be enrolled at any one time is 525.

SITE CONSIDERATIONS

21. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.

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.

Any retaining over 1.0m in height shall be designed and signed off by a suitably qualified structural engineer.

22. 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).

23. 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.

24. 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.

25. 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.*

- 26. 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.
- 27. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 28. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 29. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

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 in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- B. You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- C. You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- D. You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- E. 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.

