

SCHEDULE OF CONDITIONS

Reason for Condition(s)

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

APPROVED PLANS AND DOCUMENTATION

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:

Architectural Plans prepared by: BN Group Pty Ltd; Project: Chisholm Shopping Centre			
Sheet Name	Drawing No.	Issue	Date
GLAR & Carparking Analysis	A00.20	C	10.08.2022
Proposed Site Plan	A02.01	D	10.08.2022
Proposed Site Plan – Scope of Work-Link Road	A02.01	D1	01.09.2022
Proposed Basement Floor Plan and Mezzanine Floor Plan	A02.02	D	10.08.2022
Proposed Ground Floor Plan	A02.03	E	10.08.2022
Proposed Ground Floor Plan – Scope of Work-Link Road	A02.03	F1	01.09.2022
Proposed Childcare Floor & Roof Plan	A02.06	C	10.08.2022
Proposed Roof Plan	A02.07	C	10.08.2022

North Elevation	A09.01	C	10.08.2022
South Elevation	A09.02	C	10.08.2022
East Elevation	A09.03	D	10.08.2022
West Elevation	A09.04	D	10.08.2022
Tigerhwak Drive Street Elevations Elevation	A09.05	C	10.08.2022
Childcare Elevation	A09.06	D	10.08.2022
Section A	A11.01	D	10.08.2022
Section B, C, D	A11.02	C	10.08.2022
Section E	A11.03	C	10.08.2022
Section F	A11.04	C	10.08.2022
Section G	A11.05	C	10.08.2022
Section - Childcare	A11.06	C	10.08.2022
3D – Perspective Views	A100.80	B	10.08.2022

Landscape Plans prepared by: Moir Landscape Architecture; Project Number 2073

Sheet Name	Drawing No.	Issue	Date
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Key Plan	LP03	E	9.08.2022
Landscape Plan 01	LP04	E	9.08.2022
Landscape Plan 02	LP05	E	9.08.2022
Landscape Plan 03	LP06	E	9.08.2022
Landscape Plan 04	LP07	E	9.08.2022
Planting Schedule	LP08	E	9.08.2022
Sections A-C	LP09	E	9.08.2022
Sections D-G	LP10	E	9.08.2022
Sections H-J	LP11	E	9.08.2022
Theming	LP12	E	9.08.2022
Concept Bulk Earthworks Depth Ranges	DA4.02	a	24.08.2022

Concept Civil Engineering Plans prepared by: Triaxial Consulting; Project Number TX15901.00

Sheet Name	Drawing No.	Issue	Date
Concept Sediment & Erosion Control Plan	DA2.00	A	10.12.2021
Concept Sediment & Erosion Control Details 1 of 2	DA2.01	A	10.12.2021
Concept Sediment & Erosion Control Details 2 of 2	DA2.02	A	10.12.2021

Concept Stormwater Management Plan – Scope of Work for Link Road	DA3.00	B	25.08.2022
Concept Stormwater Management Details Sheet 1 of 2	DA3.01	C	25.08.2022
Concept Stormwater Management Details Sheet 2 of 2	DA3.02	B	25.08.2022
Concept Road and Driveway Access Longitudinal Sections	DA3.03	B	25.08.2022
Concept Stormwater Catchment Plan	DA3.04	B	25.08.2022
Concept Bulk Earthworks Plan	DA4.00	B	25.08.2022
Concept Bulk Earthworks Depth Ranges	DA4.01	B	24.08.2022
Concept Bulk Earthworks Depth Ranges	DA4.02	a	24.08.2022

CONTRIBUTIONS & FEES

2. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$369,550 shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006.

Payment of the above amount is required prior to issued of the Construction Certificate for the development

The above condition has been applied to ensure that:

- a) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.
- b) Council's administration expenses are met with respect to the processing of the application.

CERTIFICATES

3. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.

4. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
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.

ROAD LINK

8. **Prior to the issue of the Occupation Certificate** for the subject development the road link between Settlers Boulevard and Heritage Drive shall be constructed and registered/dedicated as a public road.
9. **Prior to the release of the Construction Certificate** for the Subject Development, Civil works Construction Certificate shall have been issued for the road link between Settlers Boulevard and Heritage Drive.
10. No construction vehicles or delivery vehicles can access the development site from the southern boundary until the road link between Settlers Boulevard and Heritage Drive has been constructed and registered/dedicated as a public road.

ROAD LINK – CONSTRUCTION & DEDICATION

11. **Prior to the issue of the Subdivision Certificate** kerb and gutter and road construction with an asphaltic concrete wearing surface of all proposed roads, together with all necessary stormwater drainage and infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards.
12. **Prior to the issue of Subdivision Works Certificate** a minimum 300mm select layer of sub-base quarry product material shall be added to the pavement design due to the presence of high swell clays in the Maitland Local Government Area.
13. **Prior to the issue of Subdivision Certificate** the applicant shall provide drainage and water quality facilities for the development in accordance with the requirements of councils Manual of Engineering Standards, engineering details are to be provided to the Principle Certifying Authority prior to the issue of **Subdivision Works Certificate**.
14. **Prior to the issue of the Subdivision Certificate** the following road types table shall apply to the roads within the subdivision:

ROAD TYPE	ROAD DESCRIPTION
Industrial Secondary	Commercial Road Between Heritage Drive and Settlers Boulevard

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15. **Prior to issue of a Subdivision Works Certificate** all finalised service utilities plans (for example electrical, water, sewer, gas, communications) shall be submitted to the Principle Certifying Authority. All services shall be clearly shown on the subdivision works drawings prior to any approval. Offsets from items such as road reserves, footpaths or retaining walls shall be shown demonstrating no impacts/encroachment into those adjoining items.
16. **Prior to issue of a Subdivision Works Certificate** A drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) In accordance with the approved drainage plan.
 - b) A major stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state.
 - c) A stormwater detention system to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP ("100 year") event.
 - d) A stormwater water quality system to collect gross pollutants, nutrients and hydrocarbons generated from the contributing catchment areas in their ultimate developed state.
17. **Prior to issue of a Subdivision Works Certificate** specific drainage requirements shall include the provision of:
- a) Provision of Q_{100} flow depths, freeboard, and velocity depth ratios shown on the construction drawings at relevant locations for overland flowpaths on road and drainage corridors.
 - b) Interallotment and/or public drainage provided to adjoining upstream properties
 - c) Interallotment drainage to internal lots as required.
18. **Prior to the issue of Subdivision Works Certificate** a Bulk Earthworks Management Plan (BEMP) is required to be submitted to Council for approval. The BEMP must include a report from a suitably qualified engineer that examines and determines:
- a) the extent of bulk earthworks required for the construction of the development
 - b) how stockpiles will be managed during construction
 - c) where stockpiles will be located for each stage and what requirements are necessary to manage the locations
 - d) stock pile dimensions and stabilisation measures
 - e) site haulage routes and movement for each stage
 - f) how fill will be managed in the floodway during construction any specific requirements relating to the management of Acid Sulfate Soils
19. **Prior to the issue of a Construction Certificate**, a Soil and Water Management Plan shall be submitted to Council for approval, in accordance with Council's Manual of Engineering Standards and "Managing Urban Stormwater – Soils & Construction 2004 Manual. The plan is to be prepared by a suitably qualified professional detailing temporary and permanent measures 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 relevant Manual.

- 20. Prior to issue of the Subdivision Certificate**, all necessary works required for compliance with this consent and the Subdivision Works 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.
- 21.** No retaining walls are approved within:
- existing or future dedicated public land
 - road reserves
 - road reserve frontages.
- 22.** All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.
- 23.** Easements to drain water, in accordance with Council's Manual of Engineering Standards, under Section 88B of the Conveyancing Act, shall be created over pipes, overland flow paths, final discharge structures, stormwater control devices, and stormwater dispersal areas where public stormwater is not located within public land.

CARPARKING

- 24.** The provision of on-site parking in accordance with Council's Car Parking Policy adopted 24 January 2006. For the subject application the required car parking has been assessed at a minimum of 659 spaces. Clarify is this the on site parking only and includes all EV etc and CLICK AND COLLECT SPACES
- 25.** All driveways, parking areas and vehicular turning areas are to be constructed of bitumen sealed gravel pavement or a higher standard.
- 26.** All parking and loading/unloading bays, truck docks, driveways and turning areas are to be maintained clear of obstructions and under no circumstances are to be used for the storage of goods or waste materials.
- 27.** All parking and loading bays shall be permanently marked out on the pavement surface, with loading bays being clearly indicated by means of appropriate signage.
- 28.** All driveways, parking areas and vehicular turning areas are to be constructed of bitumen sealed gravel pavement or a higher standard acceptable to the Council.

HOURS OF OPERATION

29. The operation of the Mixed Use Development shall be restricted to the following hours:

- Supermarket/Mini Major
Monday to Sunday - 7:00am to 10:00pm.
- Retail/Shops
Monday to Sunday - 7:00am to 10:00pm.
- Medical Centre
Monday to Sunday (excluding Public Holidays) - 7:00am to 10:00pm.
- Childcare Centre
Monday to Friday (excluding Public Holidays) - 7:00am to 7:00pm.
- Gym
Monday to Sunday – 24 hours.
- Swimming Pool
Monday to Sunday - 5:00am to 10:00pm.
- Food & Drink Premises
Monday to Sunday - 6:00am to 12:00am.
- Pub
Monday to Friday - 9:00am to 10:00pm.
- Car Wash
Monday to Sunday - 7:00am to 7:00pm.
- Basement Carpark
Monday to Sunday - 7:00am to 10:30pm;.

All ancillary internal lobby areas, toilets, accessways and the like shall be open concurrent with the adjoining uses.

LOADING DOCK

30. Operation and use of the loading dock off Settlers Boulevard shall be restricted to the following hours:

- Monday to Friday (excluding Public Holidays) - 7:00am to 10:00pm; and
- Saturday - 7:00am to 10:00pm.
- Sunday and Public Holidays – 7:00am to 10:00pm.

No Truck access for loading or unloading shall occur outside of these times.

LANDSCAPING

31. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plans. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

ACOUSTIC

32. The recommendations of the Acoustic Report by Acoustic Logic (Rev 3), dated 21 December 2021, shall be adopted/implemented subject to the following:
 - A separate, detailed assessment is to be carried out prior to development approval for the fitout of the tavern to assess noise emissions from patrons, music and proposed plant. It shall consider noise emissions to residential receivers and the school (during school hours) so as not to exceed recommended noise levels and to make appropriate physical and management recommendations.

PUB FITOUT

33. The fitout of the pub requires separate development consent.

SOCIAL IMPACT

34. The recommendations of the Social Impact Assessment by Urbis, dated 10 June 2022, shall be adopted/implemented.

SAFETY AND AMENITY

35. The use and occupation of the premises including all plant and equipment installed therein, shall not give rise to any offensive noise as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.
36. Lighting for car park areas and for security purposes shall be designed such that there is no light spill beyond the property boundary. All lighting installed on site shall comply with AS 4282-1997 - Control of the obtrusive effects of outdoor lighting.
37. The proposal shall comply with the recommendations of the CPTED Report (The Design Partnership, November 2018).
38. A Management Plan shall be submitted for the 24 hour, Monday to Sunday, operation of the Gym. The management plan shall have regard to safety and security of patrons, guidance to patrons as to parking and access, etc. The 24 hour operation shall operate in a manner which does not cause disturbance to adjoining residents.

SIGNAGE

39. All signage is subject to separate development consent. No signage is approved under this development consent.

CONSTRUCTION

40. A revised Construction Management Plan (CMP) generally in accordance with the CMP by (Richard Crookes Constructions, May 2018) and the conditions of this consent shall be submitted to Council for approval **prior to the issue of the Construction Certificate**. The revised CMP shall include a copy of the dilapidation survey.
41. Where the construction period is in excess of 6 months, a Noise Management Plan shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the Protection of the Environment Operations Act 1997) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

FLORA AND FAUNA

42. The proposal shall comply with the recommendations of the Flora and Fauna Assessment (EPS, 8 December 2021), and the recommendations of the report by Hunter Ecology (2 August 2022) regarding the removal of the hollow bearing tree
- i The hollow-bearing tree (HBT) should be inspected by a qualified ecologist prior to the removal of the tree. Any species identified as utilizing the hollow will determine the timing of the removal the hollow-bearing tree and clearing activities should only occur outside of the breeding season for the resident fauna.
 - ii Hunter Wildlife should be contacted prior to the removal of the HBT to ensure that they have capacity to care for any injured fauna.
 - iii Ensure that a suitably qualified and licensed ecologist (who is vaccinated for Australian bat lyssavirus) supervises the removal of HBT. Any bats found must only be handled by a person vaccinated for lyssavirus and be relocated the following night in adjacent vegetation.
 - iv Check for fauna in the hollow before clearing and remove them before beginning operations if possible.
 - v Before felling HBT, tap along trunk using an excavator or loader to scare fauna from the hollows. Repeat several times to encourage any species present to self-relocate.
 - vi After clearing, re-check to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be safely relocated to nearby habitat.
 - vii If taking the HBT tree down in stages, the non-hollow-bearing branches should be removed before the hollow-bearing branches are removed.

- viii Preferably, logs from the felled trees should be distributed into areas of vegetation nearby (drainage reserve directly west of the site) to be retained and provide additional potential habitat for ground dwelling fauna such as reptiles and small mammals.
- ix The removal of the HBT should be offset by the placement of one Nestbox in adjacent vegetation to ensure no net loss of hollow.
- x The Nestbox should provide habitat for microbats and be constructed of durable material.
- xi The Nestbox should be installed prior to the removal of the HBT by a qualified ecologist or arborist, at least 3-4 metres from the ground.
- xii GPS location of the Nestbox should be provided to Council.

BUSHFIRE

- 43.** General Terms of Approval – Bushfire Safety Authority under Section 100B of the NSW Rural Fires Act, 1997.
The following General Terms of Approval have been issued by NSW Rural Fire Service on 25 May 2022 and shall be complied with.

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

- (1) From the start of building works and in perpetuity, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA, the following requirements apply:
 - Tree canopy cover be less than 15% at maturity;
 - Trees at maturity are not touching or overhang the building;
 - Lower limbs are removed up to a height of 2m above the ground;
 - Tree canopies are separated by 2 to 5m;
 - Preference is given to smooth-barked and evergreen trees;
 - Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
 - Shrubs are not located under trees;
 - Shrubs do not form more than 10% of ground cover;
 - Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
 - Leaves and vegetation debris are removed; and
 - NSW Rural Fire Service's document *Standards for asset protection zones*.

(2) Landscaping for the entire property must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

- (3) Construction must comply with the recommendations of the bush fire report prepared by Newcastle Bushfire Consulting, dated 30 November 2021.
- (4) Any new Class 10b structures (except for the childcare centre) as defined per the *National Construction Code* must be non-combustible.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- (5) The provision of water, electricity and gas shall comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

- (6) A Bush Fire Emergency Management and Evacuation Plan for the shopping centre must be prepared consistently with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

44. The proposal shall comply with the recommendations of the Bushfire Assessment Report (Newcastle Bushfire Consulting, 30 November 2021).

UNIVERSAL ACCESS

45. The proposal shall comply with the recommendations of the Access Report by Vista Access Architects, dated 8 November 2021.

VEHICLE ACCESS, PEDESTRIAN ACCESS & ROADWORKS

46. **Prior to issue of any Occupation Certificate** the following works shall be provided in accordance with Council's Manual of Engineering Standards:

- Concrete pedestrian refuges to RMS standards on the eastern, southern and western legs of the Tigerhawk Drive and Heritage Drive intersection.
- Reconstruction of the footpath and verge area at the south-east kerb return of the Tigerhawk Drive and Heritage Drive intersection to provide footpath grades and cross fall to Council standards.
- Upgrade of the existing school crossing on Tigerhawk Drive, to a combined school and zebra pedestrian crossing. *Note: this is subject to Traffic Committee approval process. If these works are not approved by Traffic Committee a pedestrian refuge with adjustments to kerb extensions will be required.*
- Westerly extension to the existing centre median on Tigerhawk Drive to physically prohibit right turn vehicles exiting the car park.
- Bus Zone to RMS Standards on the Tigerhawk Drive frontage accommodating two (2) buses adjacent to the main pedestrian access to the development.
- Bus shelter at the Tigerhawk Drive bus stop(s) in accordance with Council's standard drawing SD023.
- Taxi Zone to RMS Standards on the Tigerhawk Drive frontage for two (2) taxis near the main pedestrian access to the development.
- A concrete pedestrian refuge to RMS standards on Heritage Drive to provide refuge for pedestrians using the existing footpath 35m north of the car park of the local park.
- Concrete pedestrian chicane crossing and RMS type fencing within the median of Settlers Boulevard located within 20m south of the Settlers Boulevard vehicular access.
- All pedestrian, bus and taxi facilities mentioned above are to be illuminated by street lighting in accordance with public area lighting standard AS1158 applicable for high pedestrian use and safety.
- All line marking to be thermoplastic for hold lines and pedestrian crossing facilities.

- Signage for heavy vehicles indicating turning movement restrictions for the Tigerhawk Drive and Heritage Drive intersection. Swept paths shall be provided for buses and semi-trailers demonstrating which restrictions are required.
- All ancillary works and adjustments including lines, signs and utility relocations, and pram ramp repositioning.

All works within Council's road network shall be approved pursuant to Section 138 of the Roads Act 1993 (NSW). The **Occupation Certificate** shall not be issued until written confirmation is received from Maitland City Council confirming the works have reached satisfactory completion.

47. Prior to the issue of any Construction Certificate or Roads Act Approval, all (traffic) Regulatory line marking and signage shall be submitted to Council's Local Traffic Committee, and approved by Council. All recommendations of the committee shall be incorporated into approvals and works. The works to be approved include:

- a) *All regulatory line marking and regulatory signage including bus facilities.*
- b) *line marking and adjustments.*
- c) *Pedestrian facilities*
- d) *Heavy vehicle restrictions due to insufficient turning paths.*

VEHICLE ACCESS

48. Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document "*Footway Crossings (Driveways)*".

49. Prior to issue of the Construction Certificate for the access/service driveways on and all internal car parking aisles to the driveway crossings, the on-road bus stops and other regulatory parking items, are to be approved by Council through the s138 Roads Act Approval process (including traffic committee) to ensure driveway locations are adjusted to achieve any required repositioning. i.e. the medical centre exit driveway and loading dock exit may need to be repositioned as directed.

Note: a 'standard' driveway application is not required as driveways will be approved through the S138 (Developer Works) Roads Act Approval process.

50. Prior to issue of the Occupation Certificate all driveways crossing Council's verge:

- Are to be designed in accordance with AS2890.
- Are to be designed and constructed to provide safety and dominance to pedestrians on footpaths.
- Two-way driveways are to be designed and constructed to be median separated.

- Are to be designed and constructed with line marking and signposting to provide the orderly control of traffic using the access.

STORMWATER DRAINAGE

51. Prior to issue of the Construction Certificate, the design and construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:

- Stormwater design that considers upstream and downstream catchments in their ultimate developed state to achieve a total system which does not adversely affect existing systems or properties within the flow path and catchment.
- Where the stormwater design creates adverse effects on the existing downstream system, properties or infrastructure (particularly the Tigerhawk Drive and Heritage Drive intersection) the design is to be amended to remove such adverse effects.
- After consideration of above, On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and generally in accordance with the approved stormwater management plans and stormwater management report, and
- Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
- Structural certification is required for underground detention systems where expected traffic loads are likely, and,
- an emergency overland flow path for major storm events, that is directed to the public drainage system, and
- entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
- conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).

52. Prior to Occupation or Operation of the development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance program 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.

53. 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.

EROSION CONTROLS

54. 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

55. All building work shall be carried out in accordance with the provisions of the Building Code of Australia or alternative or performance solutions
56. 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.
57. 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.

ELECTRICITY NETWORK

58. The development shall have regard to the requirements of Ausgrid (correspondence dated 14 February 2022) for augmentation and connection of the Development.

SERVICES & EQUIPMENT

59. 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.
60. 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.
61. 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.

62. All roof top plant and equipment shall be suitably screened. Details are to be submitted to and approved by Maitland City Council **prior to the release of the Construction Certificate**.

SITE CONSIDERATIONS

63. 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.

64. 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).

65. 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.

66. If the work:

- iv) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- v) 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.

67. 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.*

68. 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.

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

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

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

72. Aboriginal heritage – stop work if evidence of occupation or relics found All workers on the site shall be informed of possible Aboriginal occupation. Should any Aboriginal artefacts be unexpectedly discovered in any areas of the site not subject to an

excavation permit, then all excavation or disturbance in this area is to stop immediately and the National Parks and Wildlife Service of NSW should be informed in accordance with the National Parks and Wildlife Act 1974. Further works shall not occur until the necessary approvals/permits have been obtained.

73. Removal of asbestos to be in accordance with NSW WorkCover requirements

In the event of any unexpected find on the site where any construction, 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 and Council must be notified.

74. Demolition / construction to cease where contamination encountered during works 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.

FOOD PREMISES

75. The Commercial food premises are to be designed, constructed and fitted out to comply with Australian Standard 4674-2004, Design, construction and fit-out of food premises. Details and plans are to be provided with development applications for individual premises or as part of the Construction Certificate.

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. Councils 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.

SWIMMING POOL

76. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.

77. Upon physical completion of the swimming pool, the swimming pool is to be registered on the NSW Swimming Pool Register. Registration of the pool can be done at www.swimmingpoolregister.nsw.gov.au.

78. Effective water circulation, filtration and disinfecting system required

The pool shall be equipped with an effective water circulation system, filter and continuous automatic disinfectant dosing control system. Automatic control and dosing

refers to a continuous dosing system activated and controlled by feedback from electrical chemical sensing equipment and does not include the use of a dissolving chemical floating dispenser.

79. Inspections to be carried out by Council

In accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000, Council's Environmental Health Officers may undertake inspections of the pool and surround, records, carry out field tests on pool water and take or remove samples of pool water. A fee may be charged for this inspection.

80. The management of the swimming pool is to be in accordance with the NSW Ministry of Health's Public Swimming Pool and Spa Pool Advisory Document, the Public Health Act 2010 and Public Health Regulation 2012.

81. The frequency of pool water testing shall be carried out in accordance with the NSW Ministry of Health's Public Swimming Pool and Spa Pool Advisory Document with the use of suitable testing apparatus to ensure accurate results. Plastic Perspex kits known as '4 in 1' or '5 in 1' kits are not suitable for testing public/learn to swim pools.

82. A register or log book shall be used to record the results of every test performed on the pool. The register shall be used to record data as detailed NSW Ministry of Health's Public Swimming Pool and Spa Pool Advisory Document.

WASTE MANAGEMENT

83. The development shall operate in accordance with the Operational Waste Management Plan (Rev B) by Elephants Foot Consulting dated 10/12/2021 as amended by:

- a) Gym & Swim School - Waste collection is via the waste bins being transferred from the waste storage room on the Basement Floor Plan level to the kerb for collection by a private contractor.
- b) Medical Centre - General waste and recycling from the medical centre will be disposed of into the compactors and bins located in the central loading dock for collection at a later point. Medical waste is to be collected by an appointed contractor, with collection to occur during between 7am and 7pm.

ADVICES

- A** You are advised that future intersection upgrade to Heritage Drive and Tigerhawk Drive, including a median joining the east and west pedestrian refuges or traffic signals, may be required as the Urban Release Area becomes fully developed.

B You are advised that traffic control devices and facilities in the public road are subject to consideration and approval of the Council's Local Traffic Committee upon receipt of detailed plans of those treatments.

C You are advised that where underground works within the road reserve are required for necessary 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 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.

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.

F Water recirculation and filtration system in the swimming pool shall comply with the Building Code of Australia and Australian Standards

The water recirculation and filtration system in the swimming pool shall comply with the Building Code of Australia Volume 1, NSW GP1.2 (other pools) incorporating safety measures to avoid entrapment of/or injury to young children. Compliance with AS1926.3 – 2010 satisfies the requirement.

G Certificate of Compliance under the Electricity (Consumer Safety) Act 2004 required to be submitted to the Electricity Authority confirming compliance with AS 3000

Upon completion of the work, a Certificate of Compliance under the Electricity (Consumer Safety) Act 2004 is required to be submitted to the Electricity Authority confirming compliance with AS 3000.