**Schedule of Conditions DA/2019/566**

**EDUCATIONAL ESTABLSHMENT – ALTERATON & ADDITIONS TO EXISTING PUBLIC SCHOOL (ASHTONFIELD)**

**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.** | **Revn****No.** | **Revn****Date** | **Prepared by** |
| Cover Page / Legend Location Site Plan  | SD\_00\_001 | - | May 2019 | Perumal Pedavoli |
| Overall Site Plan | SD\_00\_001 | - | May 2019 | Perumal Pedavoli |
| Overall Roof Plan | SD\_00\_002 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Roof Plan | SD\_00\_003 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Ground & First Floor Plan | SD\_00\_005 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Elevations & Sections  | SD\_00\_006 | - | May 2019 | Perumal Pedavoli |
| Overall Demolition Ste Plan | SA\_00\_007 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Ground Plan | SD\_01\_001 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases –First Floor Plan | SD\_01\_002 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Elevations & Sections Sheet 1 | SD\_01\_201 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Elevations & Sections Sheet 2 | SD\_01\_202 | - | May 2019 | Perumal Pedavoli |
| Block G – Homebases – Elevations & Sections Sheet 3 | SD\_01\_203 | - | May 2019 | Perumal Pedavoli |
| Block A –Administration – Ground & Demolition Plan | SD\_02\_001 | - | May 2019 | Perumal Pedavoli |
| Block A –Administration – Elevations & Sections | SD\_02\_201 | - | May 2019 | Perumal Pedavoli |
| Block B –Hall/COLA & Canteen–Demolition Plan | SD\_03\_001 | - | May 2019 | Perumal Pedavoli |
| Block B –Hall/COLA & Canteen–Ground Floor Plan | SD\_03\_002 | - | May 2019 | Perumal Pedavoli |
| Block B –Hall/COLA & Canteen–Elevations & Sections | SD\_03\_201 | - | May 2019 | Perumal Pedavoli |
| Block D –Library –Demolition & Ground Floor Plan | SD\_04\_001 | - | May 2019 | Perumal Pedavoli |
| Block D –Library –Elevations & Sections | SD\_04\_201 | - | May 2019 | Perumal Pedavoli |
| Block A –Administration – Elevations & Sections  | SD\_02\_201 | - | May 2019 | Perumal Pedavoli |
| Overall Site Plan (for the purposes of Hunter Water Stamp) | SD\_00\_001 | - | May 2019 | Permumal Pedavoli  |
| Stormwater Management Plan  | 3229\_CIV-SD SW\_001 | E | 18.11.19 | Woolacotts Consulting Engineers |
| Erosion & Sediment Control | 3229\_CIV-SD SW\_002 | D | 18.11.19 | Woolacotts Consulting Engineers |
| Proposed Car Park Plans | 3229\_CIV-SD--CP\_001 | A | 10.05.19 | Woolacotts Consulting Engineers |
| Schedule of Materials, Colours & Finishes  | 3229-SCH.SF0001 | - | 15.5.19 | Perumal Pedavoli |
| Landscape Plan | LAN\_SD\_00\_02 | - | 5 June 2019 | Lorna Harrison |
| Landscape Plan – Trees Retained/Removed  | LAN\_SD\_00\_01 | - | 5 June 2019 | Lorna Harrison |

**COMPLIANCE & CERTIFICATION**

**2. Prior to Occupancy of the Development** all conditions of development consent shall be complied with.

**3. Prior to the Commencement of Construction**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.

**LANDSCAPING & VEGETATION**

**4**. 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.

**5**. The development shall comply with the recommendations of the Arboricultural Impact Assessment Report & Method Statement (Glenyss Laws Consulting Arborist, Rev B, 6 June 2019).

**AMENITY**

**6**. All mechanical plant equipment selected for the proposal, shall be assessed by a qualified acoustic engineer/consultant. Any acoustic treatments required to meet industrial noise guidelines shall be installed on site prior the occupancy of the development.

**7**. A Construction Nose Management Plan (CNMP) shall be developed prior to the commencement of construction. A copy of the CNMP shall be provided to Council.

**8.** There shall be no interference with the amenity of the neighbourhood by reason of the emission of any ‘offensive noise’ as defined in the *Protection of the Environment Operations Act* 1997.

**ARCHAEOLOGY**

**9.** The proposal shall comply with the recommendations of the Aboriginal Cultural Heritage Assessment Report, Ashtonfield Public School, Ashtonfield NSW (Apex Archaeology, 3 March 2020), as detailed below:

* The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.
* Should unanticipated archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to DPIE under Division 1, Section 89A of the NPW Act.
* In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner’s Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both DPIE and the RAPs for the project would be required.

**10.** Prior to or during construction, upon identification of any potential archaeological deposit likely to contain Aboriginal artefacts, works within that vicinity shall cease. Application shall be made to the National Parks and Wildlife Service (NPWS) by a suitably qualified Archaeologist, for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.

**CONTAMINATION**

**11.** **Prior to the commencement of construction,** an unexpected finds protocol shall be developed to manage potential contaminated materials if encountered during site development. A copy of the unexpected finds protocol shall be included in the Construction Management Plan (CMP) and be made available to all site contractors.

**12.** In the event of any undisclosed or unidentified contamination being found on site or any potentially contaminating infrastructure or soils being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to construction proceeding.

**BUSHFIRE**

**13.** The proposal shall comply with the General Terms of Approval issued by the NSW Rural Fire Service (Ref D19/2414) dated 27 August 2019, as follows:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel

 loads so as to ensure radiant heat levels of buildings are below critical limits and to

prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document‘ Standards for asset Protection Zones’.

**ON-SITE TRAFFIC & VEHICLE PARKING**

**14.** Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 11 spaces, and a total provision of 39 spaces.

**15.** All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), bitumen surface (on road base) or as reinforced concrete.

**16.** All parking bays and access corridors shall be designed in accordance with AS2890 and delineated with line-marking and/or signposting.

**17. Prior to the Commencement of Construction,** a Construction Traffic Management Plan (CTMP) to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted to and approved by Maitland City Council. Any requirements required by the CTMP shall gain the appropriate Roads Act 1993 Approvals if impacting within the road reserve and any other relevant approvals required.

**18. Prior to the Occupation of the Proposal** an updated Traffic Procedure Management Plan incorporating a Drop Off Pick Up Management Plan (DOPUMP) shall be submitted to and approved by Maitland City Council. The DOPUMP shall include a communication strategy incorporating how the school will communicate with the school community on these matters.

**19.** An emergency vehicle access corridor 4m wide, from the school’s internal service road/bay to the free-play area/playground shall be provided and maintained.

**CONSTRUCTION**

**20.** Prior to the commencement of construction a Construction Management Plan (CMP) shall be prepared. A copy of the CMP shall be provided to the Certifying Athority, and Council prior to the commencement of construction.

**21.** Damage to existing footway and/or kerb and gutter along the frontage of the property, arising from construction activity on the site, shall be reinstated in accordance with Council’s standards.

**STORMWATER DRAINAGE**

22. Prior to issue of the Commencement of Construction, the construction details in accordance with Council’s Manual of Engineering Standards shall be provided for the following stormwater requirements:

1. 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.

Storage volume of 23.4m³for on-site detention (OSD) with a permissible site discharge limited to 10.3 liters per second generally in accordance with Stormwater Management Plan number 3229\_CIV-SD SW\_001 revision E dated 18-11-19 by Woolacotts Consulting Engineers.

1. entrapment of gross pollutants from the contributing ground-surface catchment areas, and
2. conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).

**23. Prior to the occupation of the proposal**, 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**

**24.** 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”.

**GEOTECHNICAL**

**25**. The proposal shall comply with the recommendations of the Geotechnical Investigation (JK Geotechnical, 18 September 2018).

**BUILDING CONSTRUCTION**

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

**27.** 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.

28. 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**

**29.** 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.

**30.** 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.

**31**. 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**

32. 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.

**SITE CONSIDERATIONS**

33. 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.

34. 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).

**35**. 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.

36. 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.

37. 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.*

**38**. 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.

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

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

**41**. 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 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 (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.

**D** You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the commencement of works.

**E** 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.

**F** 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.

**G** You are advised that any proposed advertising signs may be subject to a separate Development Application to Council.

**H** A No Stopping zone operating during School Zone times of 8.00am – 9.30am and 2.30pm – 4.00pm be located on Adele Crescent Ashtonfield along the kerbside parking lane between the access driveways of House No. 3 to House No. 7, may be implemented by Council in the future.

**I**  You are advised that the developer is responsible for the full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the proposal. Such utilities include water, sewerage, drainage, power, communications, footways, kerb and gutter and other associated infrastructure.