

Group Home (Transitional), Associated Landscaping, Retaining Walls and Demolition of Existing Structures

Reason for Conditions

The following conditions are applied to:

- Confirm and clarify the terms of Council's Approval;
- Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and
- Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Plan Ref No.	Sheet No.	Rev'n No.	Revision Date	Prepared by: (consultant)
Architectural Plans	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23 of 23	D	17/06/2024	Housing Plus
Landscape Concept (D1358)	1 of 1	G	20/05/2024	DA Landscape Plans
Structural Drawings (40560)	S101, S102, S103, S104, S201, S202, S203, S204, S301, S302, S303	B	14/06/2024	Barnson Pty Ltd
Civil Design (40560)	C00, C01, C02, C10, C11, C12, C20, C21, C30, C31, C40, C50, C51	F	12/06/2024	Barnson Pty Ltd

Document Title	Reference	Revision	Date	Prepared By
Crime Prevention Through Environmental Design (CPTED Report)	24.005	B	20/05/2024	The Design Partnership (Kristy Cianci)
Flood Impact Assessment	NA240952	B	18/06/2024	ACOR Consultants
Water Sensitive Urban Design – MUSIC Model Report	40560-ER01	D	30/04/2024	Barnson Pty Ltd

Operational Waste Management Plan	-	-	06/09/2023	Housing Plus (Darren Wooding)
Geotechnical Site Classification	RGS33442.1	AJ	13/02/2023	Regional Geotechnical Solutions
Demolition Work Plan	-	-	20/07/2023	Housing Plus (Darren Wooding)

2. The development is to be undertaken, and maintained (where relevant), with the recommendations made in the following reports:
 - a) Crime Prevention Through Environmental Design Report (Reference: 24.005, Rev: B, Dated: 20/05/2024, Prepared by: The Design Partnership (Kristy Cianci)).
 - b) Flood Impact Assessment (Reference: NA240952, Rev: B, Dated: 18/06/2024, Prepared by: ACOR Consultants).
 - c) Geotechnical Site Classification (Reference: RGS33442.1, Rev: AJ, Dated: 13/02/2023, Prepared by: Regional Geotechnical Solutions).

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 Principal Certifying Authority.
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 the issue of an Occupation Certificate**, the applicant must surrender DA No. 2019/839 for Multi Dwelling Housing (5 x 2 Storey dwellings), One (1) into Two (2) Lot Torrens Title Subdivision and One (1) into Five (5) Lot Strata Subdivision at 199 Newcastle Street, East Maitland, to the extent in which it conflicts with this consent (DA 2023/435).

A Partial Voluntary Surrender of development application can be made by providing written notification to Maitland City Council, in accordance with Section 67 or 68 of the Environmental Planning and Assessment Regulation 2021.

DEMOLITION

8. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
9. 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.

10. 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.
11. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.

DILAPIDATION REPORT

12. **Before the issue of a construction certificate**, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public drainage infrastructure, to the satisfaction of the certifier.

If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

13. **Before the issue of an occupation certificate**, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:
 - a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

LANDSCAPING, FENCING AND RETAINING WALLS

14. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent, **prior to the issue of an Occupation Certificate**.
15. All landscaped areas and approved fencing shall be maintained in accordance with the approved plans. The landscaped areas, including the turfed areas under the suspended driveway and carpark, must be kept free of parked vehicles, stored goods, waste material, **at all times**.

16. All fencing situated at the front of the site, side passage, and surrounding the undercroft of the suspended driveway / carpark is to adhere to the following requirements:
 - a) a flushed kerb/wall is to be casted as an insitu concrete, in between footings, below natural ground.
 - b) a 200mm horizontal gap is to be provided at the bottom of fence, between flushed kerb/wall and bottom of fence picket.
 - c) A 100mm vertical gap is to be provided between vertical pickets.
17. **Prior to issue of the Construction Certificate**, a qualified engineer shall provide a retaining wall design for any retaining walls over 1.0m high, or those within 1.0m of the adjoining boundary. The footing shall be designed to reduce the zone of influence impacts on neighbouring properties.

ONGOING OCCUPATION

18. The premises operator / on-site manager must prepare and implement an operational management plan to include, but not be limited to, the following:
 - a) Emergency evacuation & response actions.
 - b) Health and safety including first-aid response and WHS protocol.
 - c) Management and appropriate disposal of waste generated by operational activities.
 - d) Operational details of ancillary support services.
19. 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.
20. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
21. Any privacy screen/s must be permanently maintained in accordance with the approved plans for the life of the development.
22. Operational waste is to be disposed of per the approved Waste Management Plan (dated: 06/09/2023, Prepared by: Housing Plus (Darren Wooding)).
23. **Prior to waste collection service commencement**, the property owner is required to sign an indemnity form to allow collection vehicles use of the driveway.

VEHICLE ACCESS AND CARPARKING

24. All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete generally in accordance with the structural plans by: Barnson (Reference: 40560, Rev: B, dated: 14/06/24).

25. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of six (6) spaces, including one (1) accessible space.
26. **Prior to commencement of use**, signage shall be erected at the entrance of the driveway which prohibits vehicles over 10 tonne entering the site. Signage must be kept in a suitable state of repair at all times.
27. **Prior to commencement of construction**, of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).
28. **Prior to issue of the Occupation Certificate** the driveway layout and profile shall be constructed in concrete (industrial type), 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)".
29. **Before the issue of an occupation certificate**, a footpath crossing, and driveway must be constructed in accordance with this consent and the approved Construction Certificate. Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.
30. All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter, **prior to the issue of an occupation certificate**.
31. **Before the issue of the relevant construction certificate**, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities Off-Street Carparking and Council's development control plan in regard to sight triangle, minimum driveway width, turning arrangement, design, clearances to obstructions, space sizes, aisle widths according to the relevant Vehicle Class.

FLOODING

32. The building, suspended driveway/carpark structure 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 and does not obstruct the flow of storm events up to and including the 1% AEP storm event, is to be provided to the Registered Certifier prior to release of the Construction Certificate. The flood hazard parameters to be considered are a 1% Annual Exceedance Probability (AEP) flood level of RL 19.2m AHD and a velocity of 1.5m/s.

STORMWATER DRAINAGE

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. **Before the issue of the relevant occupation certificate**, the applicant must submit, to the satisfaction of the principal certifier, works-as executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) All stormwater drainage systems and storage systems
- b) There have been no changes in levels within the existing floodway.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

35. **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 Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
36. The construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
- a) Minimum storage volume of 15m³ for onsite detention (OSD) with a maximum permissible site discharge limited to 50 litres per second for the 1% AEP event and in accordance with stormwater drainage plans by Barnson Pty Ltd, Project number 40560, Drawings C10 (Rev G), C11 (Rev F) & C12 (Rev D), dated 12.06.24, and
 - b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - c) Structural certification is required for underground detention systems where expected traffic loads are likely, and,
 - d) An emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - e) Entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
 - f) Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
37. Stormwater runoff flow paths from the upstream properties shall not be obstructed. Stormwater runoff entering the site from the uphill catchment shall be catered for, within the site and its drainage system. The applicant may be required to submit a hydrological and hydraulic assessment confirming that the drainage system has the capacity to carry the 1% Annual Exceedance Probability event uncontrolled runoff from the upstream catchment. Stormwater shall not be concentrated onto adjoining downstream properties.
38. Following the installation of any roof or hardstand area, final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering

Standards to the existing public drainage system (within the drainage easement).

39. During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

EROSION CONTROLS

40. The environment surrounding the work 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".
41. **Before the commencement of any site or building work**, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
42. The site shall be managed during construction (e.g., by water spray, dust suppression, surface sealants, soil binders and/or dust retardants) so as to prevent the generation of dust by moving vehicles within the site, from the public road access point.
43. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - c) preventing the tracking of sediment by vehicles onto roads, and (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. Run-off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.
44. An Erosion and Sediment Control Plan (ESCP) in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book, prepared by a Certified Professional in Erosion and Sediment Control (CPESC) shall be submitted to and approved by Council for sites with the disturbed area less than 2,500m².

UTILITY SERVICES

45. The requirements from Ausgrid, (Reference: 1900122231, date: 27/06/2023) must be complied with prior to, during, and at the completion of the development.
46. The requirements of Ausgrid, as outlined in the (Reference: 2022-1953/2) are to be adhered to.

47. **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.
48. Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
49. If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

BUILDING CONSTRUCTION

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

53. 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.
54. 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.
55. 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

56. **Before the commencement of any site or building works**, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time.
57. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
58. Waste materials (including excavation, demolition, and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
59. **Before the issue of an occupation certificate**, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, subcontractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.
60. **While building work is being carried out**, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
61. The applicant is required to notify Council in writing **prior to commencing building operations**, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists, and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building works.
62. 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.
63. At the completion of the works, the work site must be left clear of waste and debris.
64. 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.

The responsible person must gain a separate S138 approval from Council for the hoarding or fencing within the road reserve, fees apply. 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.

65. All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Structural Engineer. Footing shall be found below the zone of influence and no loading is to be applied to the public pipe. Plans and specifications demonstrating compliance with Council's requirement must be submitted to the Registered Certifier.
66. 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:

- a) building work carried out inside an existing building, or
 - b) 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.
67. 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.

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 issue of the Construction Certificate.
- E. You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- F. You are advised that further consent for a driveway across the footway verge must be obtained. Inspections of works (eg formwork & reinforcement MUST be carried out by Council. (See Council's "Application To Construct Private Works On Footway"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- G. 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.
- H. 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.
- I. You are advised that any proposed advertising signs are subject to a separate Development Application to Council.