

ATTACHMENT A
RECOMMENDED CONDITIONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

General conditions

1	Approved plans and supporting documentation								
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.								
	<div>Approved plans</div> <table><tr><td>Plan title</td><td>Drawing number</td><td>Revision number</td><td>Drawn by</td><td>Date of plan</td></tr></table>					Plan title	Drawing number	Revision number	Drawn by
Plan title	Drawing number	Revision number	Drawn by	Date of plan					

	<u>Architectural Plans, 14541</u>				
	Proposed Site Plan & Analysis	A02	I		
	Stormwater Management Plan	A03	G		
	Operational Waste Management Plan	A04	B		
	Overall Elevations	A05	H		
	Building A - Ground Level	A06	I		
	Building A - Level 1	A07	F		
	Building A - Roof Plan	A08	H		
	Building A - North, South, East & West Elevations	A09	H		
	Building A - Section A-A, B-B, C-C, D-D	A10	H		
	Building A - Elevations & Sections E-E, F-F	A11	C		
	Building B - Lower Ground Level	A12	H	EJE Architects	01/12/2023
	Building B - Ground Level	A13	E		
	Building B - Roof Plan	A14	G		
	Building B - North, South, East & West Elevations	A15	G		
	Building B - Section A-A, B-B, C-C, D-D	A16	I		
	Building B - Elevations & Sections E-E, F-F	A17	C		
	Retaining Wall Details	A18	C		
	Signage Plan	A19	B		
	Glazing Schedule 01 (Window)	A21	D		
	Glazing Schedule 02 (Window)	A22	D		
	Glazing Schedule 03 (Window)	A23	D		
	Glazing Schedule 04 (Door)	A24	D		
	Schedule of Materials	A25	D		
	<u>Landscape Plan, 14541.5</u>				
	Site Plan	L010			
	General Arrangement	L101	B	Terras Landscape Architects	19/07/2023
	General Arrangement	L102			
	Plant Palette	L201			
	<u>Civil Engineering Plans, N23056</u>				
	Bulk Earthworks Depth Range Plan	CI-0120	A		14/07/2023
	Stormwater Management Plan	CI-0200	B		05/12/2023
	Stormwater Catchment Plan	CI-0300	A	BG&E	14/07/2023
	OSD Tank Sections and Details	CI-0355	B		05/12/2023
	Erosion and Sediment Control Plan	CI-0700	A		14/07/2023
	Erosion and Sediment Control Details	CI-0710	A		14/07/2023

	<u>Subdivision Plan, 14137</u>		Sheet 1/1	B	de Witt Consulting	11/09/2023
	<u>Draft Strata Plan, 14137-ST1</u>					
	Draft Strata Plan (Proposed Lot 1) Draft Strata Plan (Proposed Lot 2)		Sheets 1, 2, 3 of 3 Sheets 1, 2, 3 of 3	-	de Witt Consulting	29/03/2023
	Approved documents					
	Document title		Version number	Prepared by	Date of document	
	Bushfire Risk Assessment, Metford-EJE		-	Firebird ecoSultants Pty Ltd	11/09/2023	
	Access Report, P222_504		-	Design Confidence	24/07/2023	
	Site Contamination Report, P2209079JR01V01		-	Martens Consulting Engineers	09/2024	
	Groundwater Contamination Assessment, NEW23P-0272-AA		-	Qualtest Laboratory (NSW) Pty Ltd	12/02/2024	
	In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.					
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.						
Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.						
2	Erection of signs <ol style="list-style-type: none">1. This section applies to a development consent for development involving building work, subdivision work or demolition work.2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—<ol style="list-style-type: none">a. showing the name, address and telephone number of the principal certifier for the work, andb. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, andc. stating that unauthorised entry to the work site is prohibited.3. The sign must be—					

	<p>a. maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>b. removed when the work has been completed.</p> <p>4. This section does not apply in relation to—</p> <p>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
3	Building Code of Australia
	All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).
	In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.
4	External Agency Approvals
	The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.
	The Requirements are:
	1. Ausgrid, TRIM2017/26/399, 395 Metford Road Metford 2323, 01/09/2023.
	A copy of the Requirements is attached to this determination notice.
	Reason: To ensure the development complies with conditions required by other external agencies.

Building Work

Before issue of a construction certificate

5	Equal access to the premises
	Before the issue of a construction certificate, recommendations outlined in the endorsed Access Report, P222_504, prepared by Design Confidence, dated 24/07/2023 are to be complied with. Plans which demonstrate that adequate access to the premises will be

	provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.
	Reason: To ensure safe and easy access to the premises for people with a disability
6	<p>7.12 Contributions</p> <p>Pursuant to Section S7.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$163,856 shall be paid to the Council.</p> <p>The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed quarterly in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for each quarter.</p> <p>Payment of the above amount is required prior to issue of the Construction Certificate for the development</p> <p>This condition has been applied to ensure that 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 and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.</p> <p>Reason: To outline contributions payable to Council per Clause 4.17 of the Environmental Planning and Assessment Act 1979.</p>
7	<p>Commercial / industrial stormwater drainage requirements</p> <p>Prior to issue of the Construction Certificate, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:</p> <ul style="list-style-type: none"> a) Minimum storage volume of 100m³ for on-site detention (OSD) with a maximum permissible site discharge limited to 127 litres per second for the 1% AEP event and strictly in accordance with drainage plan number CI-0200 & CI-0355 (Project N23056) revision B dated 05/12/23 by BG&E, and b) Provide a staged outlet that reduces post-developed discharges to pre-developed discharges for the 1-year ARI, 10% and 1 % AEP critical storm events, and strictly in accordance with drainage plan number CI-0200 & CI-0355 (Project N23056) revision B dated 05/12/23 by BG&E, and c) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and d) Structural certification is required for underground detention systems where expected traffic loads are likely, and, e) An emergency overland flow path for major storm events, that is directed to the public drainage system, and f) Entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and g) Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).

	<p>A detailed stormwater drainage plan, providing:</p> <ul style="list-style-type: none"> a) Size and location of all existing stormwater pipes and pits; and b) Size and location of all new proposed pipes and pits or upgrading of existing stormwater infrastructure; and c) Details of how all infrastructure connect to either the street drainage system or alternatively to a stormwater drainage easement; <p>shall be prepared and designed in accordance with Council's Manual of Engineering Standards.</p> <p>Reason: To ensure appropriate stormwater management.</p>
8	<p>Construction requirements for driveways</p> <p>All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface.</p> <p>Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.</p>
9	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable) • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. • Date, hours and duration of construction works • Temporary parking arrangement • Proposed Road closure / Road works <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>

	Reason: To ensure works within proximity of Council's assets are managed.
10	Driveway Gradients and Design Before the issue of a construction certificate, the driveway gradient and design must comply with AS 2890.2 'Off Street-commercial vehicle facilities' for an MRV design vehicle and: <ul style="list-style-type: none"> a) the driveway must be at least 1m from any street tree, stormwater pit, or service infrastructure; and b) Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works. Details demonstrating compliance must be provided to the Registered Certifier. Reason: To ensure safe and appropriate design of driveways.
11	Footings and Excavation near Council Property All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Structural Engineer. Footings shall be founded below the zone of influence and no loading is to be applied to the existing retaining wall along the Northern Boundary. Plans and specifications demonstrating compliance with Council's requirement must be submitted to the Registered Certifier. Reason: To ensure works within proximity of Council's assets are managed.
12	Long Service Levy In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more. Reason: To ensure payment of the Long Service Levy.
13	Retaining Walls All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer and have a minimum design surcharge load of 5kPa. Any retaining walls within the development shall comply with the following: <ul style="list-style-type: none"> a) Engineering certification is required for walls equal to or higher than 1.0m, and b) Construction methodology of retaining walls on boundaries to be certified by a suitably qualified Structural Engineer to have no impact on existing structures. Reason: To ensure any retaining walls within proximity to common boundaries are certified.
14	Section 50 A Section 50 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Registered Certifier, prior to the issue of a Construction Certificate. Reason: To ensure HWC requirements are met.
15	Car parking details 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, passing bay details,

	turning arrangement, design, guard railing, clearances to obstructions, space sizes, aisle widths according to the relevant Vehicle Class. Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP
16	Erosion and sediment control plan Before issue of a construction certificate, a Soil and Water Management Plan (SWMP) in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book, must be developed, and certified by a suitably qualified professional in Erosion and Sediment Control, a copy of which shall be submitted to and approved by the PCA for sites with the disturbed area more than 2,500m ² . Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
17	Dilapidation report 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, retaining walls and public land, 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. Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

Before building work commences

18	Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement 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. Reasons: To ensure Council is notified of any existing damage to Council assets.
19	Construction Certificate Required Prior to commencement of construction works , a Construction Certificate is to be issued by the Registered Certifier. Reason: To ensure a Construction Certificate is issued prior to works commencing.
20	Driveway crossing 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). Reason: To ensure appropriate approval is obtained prior to works on the public road.
21	Erosion and sediment controls in place

	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).
	Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
22	Notice of appointment of PCA to be provided prior to commencement
	The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.
	Reason: To ensure a Principal Certifier is appointed prior to works commencing.
23	Notice of commencement to be provided to Council
	The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works .
	Reason: To ensure Council is notified prior to works commencing.
24	Rubbish Generated from the Development For all construction sites
	Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.
	No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.
	Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.
25	Sign on Building
	Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing <ul style="list-style-type: none"> i) the name, address and telephone number of the Principal Certifier for the work, and ii) the name of any principal contractor and their after-hours contact number, and iii) must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p>
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.
26	Site is to be Secured

	Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
	Reason: Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.
27	Works impacting structural integrity of adjoining buildings
	Where works (including demolition), the subject of this consent, would compromise the structural integrity of an adjoining building, the person having benefit of the development consent:
	i) Must preserve and protect the adjoining building from damage, and
	ii) If necessary, must support the building in an approved manner, and.
	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).
	Note: Where works are required to effect structural support of the adjoining building and those works do not meet the criteria for Exempt or Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, then a Development application and related Construction Certificate application shall be required to be submitted and approved prior to commencement of the works.
	Reason: To ensure that the integrity of structures located on adjoining land is properly maintained as a consequence of the development.
28	All weather access
	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.
	Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.
29	Works within the existing public road reserve

	<p>Prior to commencement of works within an existing public road reserve:</p> <ol style="list-style-type: none"> an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval consent under the Roads Act for the approved works, shall be issued by Council all relevant Council fees shall be paid 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 and approved by Council prior to the issue of the Construction Certificate. Any requirements required by the CTMP shall gain the appropriate Roads Act Approvals if impacting the road reserve. Provide a line marking and signage plan for all (traffic) Regulatory line marking, and signage. This plan shall be approved by Council's Local Traffic Committee.
	Reason: To ensure appropriate approval(s) has been obtained prior to commencement of works.

During building work

30	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, 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) must be paid as directed by the consent authority.</p> <p>Reason: To ensure payment of approved changes to public infrastructure.</p>
31	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> all waste management must be undertaken in accordance with the waste management plan; and upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following: <ol style="list-style-type: none"> The contact details of the person(s) who removed the waste; The waste carrier vehicle registration; The date and time of waste collection; A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; The address of the disposal location(s) where the waste was taken; The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

	<p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
32	<p>Build Over Hunter Water Asset</p> <p>The requirements of the Hunter Water Corporation with regards to construction works over or adjacent to a sewer main are to be adhered to (Hunter Water reference: : 96523)</p> <p>Reason: To ensure that new building works do not impact Hunter Water Assets.</p>
33	<p>Building materials on Council's footpath</p> <p>While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.</p> <p>Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.</p>
34	<p>Bushfire safety</p> <p>Bushfire mitigation for the development shall be carried out in accordance with the stamped approved plans and bushfire assessment report entitled Bushfire Risk Assessment, Metford-EJE, prepared by Firebird ecoSultants Pty Ltd, dated 11/09/2023; and any amendments arising through conditions to this consent or as shown in red colour on the plans.</p> <p>Reason: To ensure the development meets the requirements of the Planning for Bushfire Protection 2019 and subsequent Australian standards.</p>
35	<p>Control of dust</p> <p>The site shall be managed during construction so as to prevent (eg by water spray) the generation of dust by moving vehicles within the site, from the public road access point.</p> <p>Reason: To ensure adequate controls with respect to dust pollution during works.</p>
36	<p>Excavations and backfilling to be executed safely</p> <p>All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>Reason: To ensure excavations and backfilling is executed safely.</p>
37	<p>Fill Material</p> <p>Filling material, shall be limited to the following:</p> <p>a) virgin excavated natural material (VENM);</p> <p>b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.</p>

	<p>c) material subject to a Waste exemption under Clauses 91 and 92 Protection of the Environment Operations (Waste) Regulations 2014 and recognised by the NSW Environment Protection Authority as being 'fit for purpose' with respect to the development subject of this application.</p> <p>Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.</p> <p>Reason: To limit the type of fill material being deposited on site.</p>
38	<p>Fill material not to obstruct stormwater path (s)</p> <p>Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.</p> <p>Reason: Protection of the downstream drainage and environment.</p>
39	<p>Implementation of construction management plan</p> <p>All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.</p> <p>Reason: To ensure safety and to minimise the effect to pedestrians, other road users.</p>
40	<p>No retaining walls within public land</p> <p>No retaining walls are approved within existing or future dedicated public land including road reserves. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.</p> <p>Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.</p>
41	<p>Offensive Noise, Odour and Vibration</p> <p>All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.</p>
42	<p>Property to be protected against soil erosion (minor)</p> <p>During works and prior to the issue of the Occupation Certificate, soil erosion and sediment control measures shall be installed, monitored, maintained throughout the course of construction, and modified as necessary until the disturbed areas have been revegetated and the soil stabilised.</p> <p>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:</p> <ul style="list-style-type: none"> a) diverting uncontaminated run-off around cleared or disturbed areas, an b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into

	<p>drainage systems, waterways or adjoining properties, and</p> <p>c) preventing the tracking of sediment by vehicles onto roads, and</p> <p>d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</p> <p>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.</p> <p>Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.</p>
43	<p>Public access to the site to be restricted</p> <p>Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.</p> <p>Reason: To ensure public access to the building site is restricted.</p>
44	<p>Restriction on working hours for building activity</p> <p>Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:</p> <p>a. 7.00am to 6.00pm Monday to Friday</p> <p>b. 7.00am to 5.00pm Saturday</p> <p>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.</p> <p>Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.</p>
45	<p>Site to be cleared of building refuse of completion</p> <p>The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.</p> <p>Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.</p>
46	<p>Stop works – Aboriginal archaeological deposit</p> <p>Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council upon receipt</p> <p>Reason: To ensure works cease and a permit is obtained should any archaeological deposits are uncovered during works.</p>
47	<p>Toilet facilities</p> <p>While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p>

	<p>The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.</p> <p>Reason: To ensure adequate sanitary facilities during construction.</p>
48	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Reason: To ensure unexpected finds are appropriately managed</p>
49	<p>Truck washdown</p> <p>During construction:</p> <ul style="list-style-type: none"> a) all vehicles entering or leaving the site must have their loads covered, and b) all vehicles, before leaving the site, must be cleaned of dirt, sand, and other materials, to avoid tracking these materials onto public roads. <p>Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.</p> <p>Reason: To minimise potential emissions and spillage of material from the transportation.</p>
50	<p>Removal of waste materials</p> <p>Waste materials (including excavation, demolition, and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p>Reason: To ensure waste is disposed of appropriately.</p>
51	<p>Stormwater drainage disposal</p> <p>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:</p> <ul style="list-style-type: none"> a) To the existing street drainage system. <p>Reason: To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).</p>

Before the issue of an occupation certificate

52	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p>Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
53	<p>Post-construction dilapidation report</p> <p>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:</p> <ul style="list-style-type: none"> 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 or retaining walls; and b) where there has been structural damage to any adjoining buildings or retaining walls, that it is a result of the building work approved under this development consent. <p>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).</p> <p>Reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
54	<p>Car Parking Requirements</p> <p>Prior to the issue of an Occupation Certificate, a minimum of 65 car parking spaces plus 6 disabled car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.</p> <p>Reason: To ensure parking is provided per the approved plans.</p>
55	<p>Construction of stormwater control system</p> <p>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.</p> <p>Reason: To ensure stormwater management is constructed in accordance with the design plan.</p>
56	<p>Driveway layout and profile constructed</p> <p>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)'.</p> <p>Prior to the issue of the Occupation Certificate the following works shall be provided within the existing road reserve(s):</p> <ul style="list-style-type: none"> a) A concrete raised median 1.2m wide shall be provided on the centreline of Metford Road of a suitable length to restrict right turn vehicle movements into the site from Metford Road.

	<p>b) Line marking and signage along Metford Road as approved by Council's Local Traffic Committee.</p> <p>c) A pedestrian path 1.5m wide along the full frontage of the site in Metford Road.</p> <p>d) All redundant driveway crossings, driveways and/or damaged kerb and gutter are to be removed and reinstated.</p> <p>Drainage works shall include reconstruction of the kerb inlet pit in Turton Street, including a 375mm dia. concrete pipe under the road verge to connect the development site stormwater system. Make good road pavement and kerb & guttering around new pit to Council's requirements.</p> <p>Reason: To ensure appropriate approval is obtained prior to works on the public road.</p>
57	<p>Fire safety certificate to be submitted to Council</p> <p>At completion of the building BUT before 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 Principal Certifier and Council. Certificates shall be prepared in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021.</p> <p>Reason: To ensure fire safety measures are implemented.</p>
58	<p>Landscape works to be undertaken in accordance with landscape plan</p> <p>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.</p> <p>Reason: To ensure landscape works are undertaken per the approved plans.</p>
59	<p>Loading / unloading facilities</p> <p>Prior to the issue of an Occupation Certificate, loading / unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.</p> <p>Reason: To ensure adequate provision is made for the delivery and/or collection of materials or goods.</p>
60	<p>Maneuvering of Vehicles</p> <p>All vehicles must enter and exit the site in a forward direction.</p> <p>Reason: To ensure vehicles safety enter and exit the development.</p>
61	<p>Occupation certificate required</p> <p>A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p>Reason: To ensure development is suitable for occupation and / or use.</p>
62	<p>Removal of waste upon completion</p> <p>Before the issue of an Occupation Certificate:</p>

	<p>a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</p> <p>b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</p>
	Reason: To ensure waste material is appropriately disposed or satisfactorily stored.
63	<p>Repair of infrastructure</p> <p>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, sub-contractors, 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.</p> <p>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.</p> <p>All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter.</p>
	Reason: To ensure any damage to public infrastructure is rectified.
64	<p>Footpath Crossing Construction</p> <p>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.</p>
	Reason: To ensure appropriate access is provided to the property.
65	<p>Stormwater System Maintenance Procedure Plan</p> <p>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.</p>
	Reason: To ensure quality stormwater entering the public drainage system.
66	<p>Works-as-executed plans and any other documentary evidence</p> <p>Documentary evidence from Council's Subdivision and Development Engineering Section, confirming that satisfactory completion of civil works has been achieved for the Roads Act Approval associated with this Development Consent, shall be submitted to the relevant certifier.</p> <p>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:</p>

	<p>a) All stormwater drainage systems and storage systems</p> <p>b) The following matters that Council requires to be documented are all new works within the road reserve. The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p>
	Reason: To confirm the location of works once constructed that will become council assets.

Before issue of a subdivision certificate

67	<p>Authority to release, vary or modify drainage easements (MCC)</p> <p>The authority empowered to release, vary or modify inter-allotment drainage easements shall be nominated as 'the lots burdened and benefitted, only with the consent of Maitland City Council'.</p> <p>Reason: To ensure appropriate restrictions are applied to the subject site.</p>
68	<p>Easements to drain water</p> <p>An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the stormwater drainage system including maintenance of the stormwater system by lots 1 & 2.</p> <p>Reason: To ensure appropriate restrictions are applied to the subject site.</p>
69	<p>Right of access</p> <p>An easement over lots 1 & 2 shall be created giving effect to a Right of Access in favour of each benefiting lot.</p> <p>Reason: To ensure appropriate restrictions are applied to the subject site.</p>
70	<p>Payment of subdivision certificate and house numbering fees</p> <p>Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's Schedule of Fees and Charges, shall be paid to Council.</p> <p>Reason: To ensure all applicable fees are paid.</p>
71	<p>Requirement for a Subdivision Certificate</p> <p>Prior to issue of the Subdivision Certificate, plans and/or documents of survey/title, shall be submitted to Council.</p> <p>The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA/2023/662, and of compliance with the relevant conditions of consent.</p> <p>Reason: To ensure all survey and title plans are submitted to Council in accordance with the approved plans and conditions of consent.</p>
72	<p>Show Easements/Restrictions on the Plan of Subdivision</p> <p>The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.</p> <p>Reason: To ensure all existing easements and restrictions are acknowledged where applicable.</p>
73	Interallotment drainage

	The inter-allotment drainage stormwater pipelines shall be constructed based on an approved concept plan and/or in accordance with Council's Manual of Engineering Standards.
	Reason: To ensure compliance of subdivision works.
74	Surveyors Report
	A certificate from a Registered Surveyor must be provided to the Principal Certifier, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
	Reason: To ensure surveyors certification is provided in support of infrastructure and related easements.
75	Restriction on title for development of land consistent with DA consent
	As part of the Subdivision Certificate, a restriction on the title of the lots, under Section 88B of the Conveyancing Act, shall be created which restricts the development of the land to that which is approved within this consent (DA/2023/662).
	Reason: To ensure appropriate restrictions are applied to the subject site.

Before issue of a strata certificate

76	Restriction on Issue of Strata Plan of Subdivision
	An Occupation Certificate for the building must be issued by the Principal Certifier prior to the issue of any Strata Plan of subdivision associated with this development consent DA/2023/662.
	Documentary evidence of the issue of the Occupation Certificate must be provided to Council in conjunction with the application for the Strata Plan of subdivision.
	Reason: To ensure an Occupation Certificate is obtained prior to the Strata Certificate being released.
77	Payment of subdivision certificate and house numbering fees
	Prior to the issue of the Subdivision Certificate , "house numbering" and "subdivision certificate" fees, in accordance with Council's Schedule of Fees and Charges, shall be paid to Council.
	Reason: To ensure all applicable fees are paid.
78	Strata Plan of Subdivision
	Sections 37 and 37A of the Strata Schemes (Freehold Development) Act 1973 require an application to be provided to Council for approval prior to the issue of the certified Strata Plan of subdivision .
	The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA/2023/662, and of compliance with the relevant conditions of consent.
	Reason: To ensure an application for Strata Certificate is made to Council in accordance with the approved plans and conditions of consent.

Occupation and ongoing use

79	<p>External lighting during ongoing use</p> <p>Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas and exit/entries. All lighting must meet the minimum Australian Standards, including the Australian Standard for Public Lighting of streets, car parks and pedestrian areas.</p> <p>The lighting should be designed, positioned and installed, to include appropriate shielding and orientation of light fixtures, so as not to give rise to obtrusive light, interfere with traffic safety or detract from the amenity of the surrounding area in accordance with Australian Standard 4281:1997 – Control of the Obtrusive effects of Outdoor Lighting.</p> <p>The lights should be low glare, vandal resistant and free from obstructions and should ensure that there is no light spill or glare beyond the property boundary. Any under awning lighting shall comply with AS/NZS1158 - Lighting for roads and public spaces.</p> <p>Reason: To ensure the safe operation of the premises and protect the amenity of the local area</p>
80	<p>Storage and disposal of waste materials during ongoing use</p> <p>During ongoing use of the premises:</p> <ol style="list-style-type: none"> 1. 6 x 1,100L recycling bins, 6 x 1,100L hazardous materials bins, 11 x 1,100L general waste bins must be put on the premises for the storage of any waste that is generated (including for recycling), 2. all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time 3. arrangements must be implemented for the separation of recyclable materials from garbage 4. any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests 5. where council does not provide commercial garbage and recyclable materials collection services: <ol style="list-style-type: none"> 1. a contract must be entered into with a licensed contractor to provide these services for the premises; and 2. a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request. 6. where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 7am and 6pm on Monday to Saturday 7. all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority

	<p>8. all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.</p> <p>Reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises</p>
81	<p>Approved Signage Maintenance</p> <p>The approved signs must be maintained in a presentable and satisfactory state of repair.</p> <p>The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.</p> <p>Reason: To maintain approved signage.</p>
82	<p>Copy of Fire Safety Schedule and Certificate to be displayed</p> <p>At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Fire Commissioner of Fire and Rescue NSW in accordance with Part 11 and 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Reason: To ensure fire safety measures are implemented.</p>
83	<p>Driveways to be Maintained</p> <p>All access crossings and driveways must be maintained in good order for the life of the development.</p> <p>Reason: To maintain approved vehicle access.</p>
84	<p>Fire safety statement to be prepared annually</p> <p>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).</p> <p>Statements shall be prepared and issued in accordance with Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.</p> <p>Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.</p> <p>Standard to Transport for New South Wales and further information for lodging Fire Safety Statements may be downloaded from Councils website.</p> <p>Reason: To ensure fire safety measures are implemented.</p>
85	<p>Hours of Operation</p> <p>The property is only to be open for business and used for the purpose approved within the following hours:</p>

	Day	Hours of Operation
	Monday	7am to 6pm
	Tuesday	7am to 6pm
	Wednesday	7am to 6pm
	Thursday	7am to 6pm
	Friday	7am to 6pm
	Saturday	9am to 12pm
	Sunday and Public Holidays	No operation
	<p>Emergencies may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p>	
	Reason: Where the approved use has a restriction on the operational requirements.	
86	Maintenance of Landscaping	
	<p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p>	
	Reason: To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.	

87	Medical Waste
	Waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Environmental Protection Agency.
	Reason: To ensure medical waste is disposed of appropriately.
88	Parking – Signage (Loading docks)
	Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
	Reason: To ensure parking facilities are fit for purpose.
89	Parking Areas to be Kept Clear
	All access crossings and driveways must be maintained in good order for the life of the development.
	Reason: To ensure parking facilities are fit for purpose.
90	Roof Mounted Equipment
	All roof mounted equipment such as air conditioning units, service pipes and vents etc., required to be installed must be concealed within the external walls of the development or screened so as not to be visible from a public place.
	Reason: To mitigate visual impact of plant equipment
91	Waste Bin Collection
	Prior to commencement of operations, the building owners must ensure that there is a contract with a licensed contractor for the removal of all waste.
	Reason: To ensure waste can be collected.
92	Maintenance of wastewater and stormwater treatment device
	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).
	Reason: To protect sewerage and stormwater systems