

## Attachment A – Draft conditions of consent for DA/2024/424 at 20-24 Hunter Street, Horseshoe Bend

1.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989	<ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply— <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol>	Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2.	Deliveries	While site work is being carried out, deliveries of material and equipment must not be carried out during peak school times between—	To protect the amenity of neighbouring properties.

		<p>8am and 9:30am and 2:30am and 4:00pm, Monday to Friday.</p> <p>Major works shall be programmed to occur during school holidays.</p> <p><b>Note: Deliveries are not restricted during school holidays.</b></p>	
3.	Tree Protection measures	Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the Arborist Report and Construction Site Management Plan are in place.	To protect and retain trees.
4.	All Weather Access	<p>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.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p>	To ensure safe and unobstructed access for construction vehicles and personnel during the building process.
5.	Construction Certificate Required	<b>Prior to commencement of construction works</b> , a Construction Certificate is to be issued by the Registered Certifier.	To ensure a Construction Certificate is issued prior to works commencing.
6.	Council is to be notified of any damage to kerb, gutter, footpath etc prior to commencement	The applicant is required to notify Council in writing <b>prior to commencing building operations</b> , 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 operation.	To ensure Council is notified of any existing damage to Council assets.
7.	Erosion and sediment controls in place	Before any site work commences, <b>the principal certifier</b> must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).	To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
8.	Hoarding or fencing of work site where	<p>If the work:</p> <p>i) is likely to cause pedestrian or vehicular traffic in a public place to be</p>	To ensure public assets and traffic are appropriately managed during construction.

	impacting of a public place	<p>obstructed or rendered inconvenient, or</p> <p>ii) involves the enclosure of a public place</p> <p>The responsible person must gain a separate S138 approval from Council for the hoarding or fencing within the road reserve, fees apply.</p> <p>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.</p>	
9.	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.	To ensure a Principal Certifier is appointed prior to works commencing.
10.	Notice of commencement to be provided to Council	The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days <b>prior to the commencement of construction works.</b>	To ensure Council is notified prior to works commencing.
11.	Rubbish Generated from the Development For all construction sites	<p>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.</p> <p>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.</p>	Ensuring proper waste management and preventing environmental pollution during the construction process.
12.	Sign on Building	<p>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</p> <p>i. the name, address and telephone number of the Principal Certifier for the work, and</p>	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.

		<p>ii. the name of any principal contractor and their after-hours contact number, and</p> <p>iii. must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p>	
13.	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.	Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.
14.	Equal access to the premises	<p>The recommendations contained within the Approved Access Report shall be incorporated into the design and construction of the development.</p> <p>Before the issue of a construction certificate, 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.</p>	To ensure safe and easy access to the premises for people with a disability
15.	Erection of signs	<ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>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"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b. 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, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> </ol>	Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

		<ol style="list-style-type: none"> <li>3. The sign must be— <ol style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ol> </li> <li>4. This section does not apply in relation to— <ol style="list-style-type: none"> <li>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</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol> </li> </ol>	
16.	Erosion and sediment control plan	<p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> <li>1. Council's relevant development control plan,</li> <li>2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ol>	To ensure no substance other than rainwater enters the stormwater system and waterways.
17.	External lighting	<p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>2. lighting must be placed at all entrances to, and exits from the premises</li> </ol>	To ensure external lighting is provided for safety reasons and to protect the amenity of the local area

		<ol style="list-style-type: none"> <li>3. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>4. lighting must not interfere with traffic safety;</li> <li>5. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> <li>6. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.</li> <li>7. Relevant council development control plan</li> </ol> <p>The lighting plan must be submitted to the certifier:</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p>	
18.	Sustainable Buildings	<p>Sustainable Buildings</p> <p>The building shall be designed and constructed in accordance with the approved:</p> <ul style="list-style-type: none"> <li>• SEPP Requirements, prepared by GHD, dated 26 April 2024;</li> <li>• Embodied Emissions Material Form, Revision 1.20, prepared by Muller Partnership, dated 24 October 2023.</li> </ul>	Standards for non-residential development under Chapter 3 of the State Environmental Planning Policy (Sustainable Buildings) 2022
19.	Long Service Levy	Before the issue of a Construction Certificate, the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to <b>the certifier</b> .	To ensure the long service levy is paid.
20.	Preparation of mechanical ventilations plans	Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier:	To ensure that detailed professional plans of the approved mechanical ventilation system are

		<ol style="list-style-type: none"> <li>1. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and</li> <li>2. ensure all generate heated air, smoke, fumes, steam or grease vapours do not: <ol style="list-style-type: none"> <li>1. cause a nuisance to persons within or nearby to the premises, or</li> <li>2. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997</li> </ol> </li> </ol>	submitted before the issue of a construction certificate
21.	Waste Management Plan – an approved document of this consent	<p>Waste management shall occur in accordance with the approved Site Waste Minimisation and Management Plan.</p> <p>Waste collection shall only occur from the Hunter Street frontage outside of school operating hours.</p>	To ensure resource recovery is promoted and local amenity protected during construction and operation.
22.	Commercial / industrial stormwater drainage requirements (above 2000m2	<p><b>Prior to issue of the Construction Certificate</b>, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements</p> <ol style="list-style-type: none"> <li>a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified engineer.</li> <li>b) Minimum storage volume of 88 m<sup>3</sup> for on-site detention (OSD) with a maximum permissible site discharge limited to 121 litres per second for the 1% AEP event and strictly in accordance with the approved drainage plan number NL203354, revision E, dated 14/10/2024, prepared by Northrop, and drains modelling, and</li> <li>c) An emergency overland flow path for major storm events, that is directed to the public drainage system.</li> </ol>	To ensure appropriate stormwater management.
23.	Construction Site Management Plan	Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the certifier for approval. The plan must include the following matters:	To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

		<ul style="list-style-type: none"> <li>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b. Provisions for public safety;</li> <li>c. Pedestrian and vehicular site access points and construction activity zones;</li> <li>d. Details of construction traffic management including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>e. Details of bulk earthworks to be carried out;</li> <li>f. The location of site storage areas and sheds;</li> <li>g. The equipment used to carry out works;</li> <li>h. The location of a garbage container with a tight-fitting lid;</li> <li>i. Dust measures;</li> <li>j. Noise and vibration control measures including the preparation of a Construction Noise Management Plan to be implemented through all phases of the proposed construction works;</li> <li>k. The location of temporary toilets;</li> <li>l. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> <li>i. AS 4970 – Protection of trees on development sites;</li> <li>ii. An applicable Development Control Plan;</li> <li>iii. An arborist's report approved as part of this consent</li> </ul> </li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>	
24.	Dilapidation Report – Council Property	<p>A Dilapidation Report prepared by a qualified Structural/Civil Engineer must be submitted to the Principal Certifier.</p> <p>The report must include a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate vicinity of the subject site. Any damages within the vicinity of the site not recorded on the report shall be fully reinstated</p>	To ensure works within proximity of Council's assets are managed.



		<p>and/or repaired by the applicant.</p> <p>All costs incurred in achieving compliance with this condition must be borne by the applicant.</p> <p>Details demonstrating compliance must be provided to the Registered Certifier.</p>	
25.	Erosion Controls (less than 2500m2)	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.	To prevent soil erosion and the discharge of sediment over the land.
26.	Flooding certification	<p>The building and containment cells 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, is to be provided to the Registered Certifier <b>prior to release of the Construction Certificate</b>. The flood hazard parameters to be considered are a 1% AEP flood level of RL 9.72m AHD and a velocity of 0.58m/s.</p> <p>Refer to flooding advice condition regarding BCA requirements for buildings of the following classification: Class 1, 2, 3, 4, 9(a) and 9(c).</p>	To ensure the structure is designed to be capable of withstanding the effects of flooding.
27.	Free Flow of Water	Before the issue of a construction certificate, the location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Registered Certifier.	To mitigate potential flood risks and ensuring safe evacuation during flood events.
28.	Hunter Water Corporation Notice of Formal Requirements prior to Construction Certificate	<b>Prior to issue of the Construction Certificate</b> a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier.	To ensure HWC requirements are met.
29.	Potential Acid Sulfate Soils	Before the issue of a construction certificate, an assessment of the site shall confirm that the proposed capping / containment cells will not exceed a depth of	To ensure potential Acid Sulfate Soils (ASS) are not

		2.5m and will not disturb Potential Acid Sulfate Soils (ASS).	disturbed during development works.				
30.	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.	To ensure any retaining walls within proximity to common boundaries are certified.				
31.	Section 50	<b>Prior to issue of the Construction Certificate</b> , a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.	To ensure HWC requirements are met.				
32.	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.	To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
		Approved architectural plans					
		Plan number		Revision number	Plan title	Drawn by	Date of plan
		WD1301		M	Existing/Demolition site plan	SHAC	2 September 2024
		WD1302		N	Proposed site plan	SHAC	2 September 2024
		WD1304		M	Proposed site plan - ground floor	SHAC	2 September 2024
		WD1306		N	Proposed site elevations	SHAC	2 September 2024
		WD2001		O	Demolition plan St Paul's Parish Hall	SHAC	2 September 2024
		WD2002		M	Proposed ground floor plan St Paul's Parish Hall	SHAC	2 September 2024
		WD2101		N	Elevations St Paul's Parish Hall	SHAC	2 September 2024

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		<table><tr><td colspan="5">Draft subdivision plan</td></tr><tr><td>Plan number</td><td>Revision number</td><td>Plan title</td><td>Drawn by</td><td>Date of plan</td></tr><tr><td>WD1007</td><td>F</td><td>Proposed draft subdivision plan</td><td>SHAC</td><td>7 May 2024</td></tr></table>	Draft subdivision plan					Plan number	Revision number	Plan title	Drawn by	Date of plan	WD1007	F	Proposed draft subdivision plan	SHAC	7 May 2024																																				
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		Document title	Version number	Prepared by	Date of document	
		Statement of Heritage Impact	C	John Carr Heritage Impact	2 March 2023	
		Preliminary Archaeological Assessment	-	Umwelt	5 August 2022	
		Aboriginal Cultural Heritage Assessment	-	McCardle Cultural Heritage Pty Ltd	29 October 2024	
		Remedial Action Plan	0	Douglas Partners	9 October 2024	
		Social Impact Assessment	-	AGIS	12 December 2022	
		SEPP Requirements	-	GHD	26 April 2024	
		Embodied Emissions Material Form	1.20	Muller Partnership	24 October 2023	
		Traffic and Parking Assessment	E	Intersect Traffic	16 December 2022	
		Acoustic Assessment	1	RAPT Consulting	9 February 2022	
		Access Report	2	Lindsay Perry Access	30 May 2021	
		Arborist Report	-	Tattersall Lander Pty Ltd	February 2022	
		Flood Impact Assessment - Hunter River Catchment	A	Torrent Consulting	11 March 2022	
		Flood Impact Assessment - Local Catchment	A	Torrent Consulting	2 February 2023	
		Flood Emergency Response Plan	1	BMT	16 September 2024	
		Site Waste Minimisation and Management Plan	-	Barr Planning	September 2024	

		<p>In the event of any inconsistency between the approved plans and documents, the approved documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>	
33.	Certification of acoustic measures	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent	To protect the amenity of the local area
34.	Completion of landscape and tree works	Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.	To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
35.	Works-as-executed plans and any other documentary evidence	<p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <p>(a) All stormwater drainage systems, storage systems and biofiltration media system.</p> <p>The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p>	To confirm the location of works once constructed that will become Council assets.
36.	Approved Report Recommendations	<p>Construction of the development must comply with the recommendations contained within the approved Statement of Heritage Impact, Revision C, prepared by John Carr Heritage Design, dated 2 March 2023 detailed as follows:</p> <p>1. The demolition work associated with removal of the intrusive kitchen addition shall salvage all bricks, including half bricks for reuse in reconstruction and</p>	To ensure the development complies with specific recommendations of a report.

		<p>repairs to the external walls. Reason - the bricks appear to be a close match to the originals.</p> <p>2. Reconstruction and repairs to brick walls should be laid and repointed in hydraulic lime mortar. Reason - to match the existing mortar joints in the original walls for both repairs and repointing work.</p> <p>3. Areas of brick walls on the Hall that require a roughcast application should be laid in new bricks. Reason - to maximise use of limited matching face bricks recovered from demolished areas of the Hall.</p> <p>Additionally:</p> <p>4. The use of experienced tradespeople in all repairs to the internal and external fabric of St Paul's Parish Hall is required.</p> <p>5. A summary of restoration works is required to be reviewed and signed off by the projects appointed heritage architect.</p>	
37.	CLAUSE 64 (previously 94) CONSIDERATION	<p><b>Before the issue of the relevant occupation certificate</b>, pursuant to clause 64 of the Environmental Planning and Assessment Regulation 2021, the existing building shall be brought into conformity with the BCA.</p> <p>The following items or fire safety measures within St Paul's Parish Hall shall be upgraded, and details shall be included in the application for any construction certificate:</p> <p>(a) Portable Fire Extinguishers: portable fire extinguishers shall be installed to service the hall (if extinguishers do not provide adequate coverage) in accordance with E1D2 of the BCA and Australian Standard 2444 -2001.</p>	To ensure compliance with regulations and safety standards for building upgrades and changes in building use.



		<p>(b) Removal of Non-Compliant Door Locks: all secondary door hardware such as barrel bolts, chains, padlocks, etc. must be removed from all doors in a required exit, forming part of a required exit or in a path of travel to a required exit.</p> <p>(c) Door Latches: all latches on doors in a required exit, forming part of a required exit or in a path of travel to a required exit shall have latches installed that comply with D3D26, Operation of latch of the BCA.</p>	
38.	Construction of stormwater control system	<b>Prior to issue of the Occupation Certificate</b> , 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.	To ensure stormwater management is constructed in accordance with the design plan.
39.	Construction to be in accordance with Acoustic Report	Certification is to be submitted to the Principal Certifier <b>prior to the issue of an Occupation Certificate</b> to certify that the construction of the development complies with the recommendations contained within the approved Acoustic Assessment, Revision 1, prepared by RAPT Consulting, dated 9 February 2022.	To ensure Acoustic measures are implemented.
40.	Fire safety certificate to be submitted to Council	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.	To ensure fire safety measures are implemented.
41.	Fixtures and Equipment above FLP	Wherever possible, the premises should be designed to ensure that plant, equipment, storage or other fixtures or fittings liable to damage by floods are located within the building above the Flood Standard or be movable to levels above the Flood Standard.	Standard construction in flood hazard areas.
42.	Heritage Material and Colours	In regard to the Multi Purpose Centre, unless otherwise approved in writing by Council, the development shall be constructed of and finished with the approved colours and materials shown on plan number WD8001, revision M, dated 2 September 2024, prepared by SHAC.	To ensure the new building works complement Council's heritage conservation policies applicable to Heritage Conservation Areas.

43.	Landscape works to be undertaken in accordance with landscape plan	All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent, <b>prior to the issue of an Occupation Certificate.</b>	To ensure landscape works are undertaken per the approved plans.
44.	Occupation certificate required	<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>	
45.	Reduce risk of Electrocution in Flood Event	All basement and ground level electrical services are to be connected to a 'residual current device' (RCD) to the requirements of Energy Australia to reduce the risk of electrocution in a flood event where inundation of the ground level occurs.	To minimise risk of electrocution in flood.
46.	Removal of Graffiti	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.	To ensure graffiti is removed efficiently.
47.	Removal of waste upon completion	<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 <b>principal certifier.</b></p>	To ensure waste material is appropriately disposed or satisfactorily stored.
48.	Repair of infrastructure	<p>Before the issue of an Occupation Certificate:</p> <p>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</p>	To ensure any damage to public infrastructure is rectified.

		2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.	
49.	Separate Approval for Use	No approval is given or implied to use the Multi Purpose Centre outside of school hours.	To ensure residential amenity is maintained.
50.	Stormwater System Maintenance Procedure Plan	<b>Prior to Occupation or Operation of the development</b> , 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.	To ensure quality stormwater entering the public drainage system.
51.	Tree Removal/Pruning	The trees identified for removal in the approved Arborist Report, prepared by Tattersall Lander Pty Ltd, dated February 2022, shall be removed.  Replacement trees shall be planted in accordance with the approved Landscape Plans, Revision E, dated 30 September 2024, prepared by Moir.  All planting must be installed <b>prior to the issue of the Occupation Certificate</b> .	To enable tree removal / pruning.
52.	Implementation of the Biodiversity Management Plan	While work is being carried out, the commitments and measures set out in the approved Biodiversity Management Plan must be implemented at all times. Works must not encroach into areas of retained native vegetation and habitat.  A copy of the approved plan is kept on site at all times and made available to council officers upon request.	To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during site works, demolition and construction
53.	Implementation of the Biodiversity Management Plan	Prior to the commencement of clearing any vegetation on site, a minor Biodiversity Management Plan (BMP) must be prepared by a suitably qualified person in consultation with Council. It shall include (but not be limited to) the following minimum detail:	To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during site

		<ul style="list-style-type: none"> <li>Clearing Strategy developed in accordance with 'Guide 1: Pre-clearing process', 'Guide 4: Clearing of vegetation and removal of bushrock', and 'Guide 9: Fauna handling' in <i>Biodiversity Management Guidelines: Protecting and managing biodiversity on Transport for NSW projects</i> (Transport for NSW, 2024). At minimum, the Clearing Strategy shall include:</li> <li>Hollow-bearing tree removal strategy (sectional dismantlement under supervision of ecologist).</li> <li>Artificial tree hollow replacement strategy.</li> </ul> <p>The BMP shall be submitted to and approved by Council's Manager Environment and Sustainability prior to the commencement of any clearing on site.</p>	works, demolition and construction
54.	Noise and Vibration – an approved document of this consent	While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved Acoustic Assessment, Revision 1, prepared by RAPT Consulting, dated 9 February 2022.	To protect the amenity of the neighbourhood during construction.
55.	Noise and Vibration requirements	While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5dB(A) above background noise, when measured at a lot boundary of the site.	To protect the amenity of the neighbourhood during construction.
56.	Waste management	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>all waste management must be undertaken in accordance with the waste management plan; and</li> <li>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"> <li>The contact details of the person(s) who removed the waste;</li> <li>The waste carrier vehicle registration;</li> <li>The date and time of waste collection;</li> <li>A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>The address of the disposal location(s) where the waste was taken;</li> </ol> </li> </ol>	To require records to be provided, during site work, documenting the lawful disposal of waste.

		<p>6. 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> <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>	
57.	Building materials on Council's footpath	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.	To ensure no building materials, refuse or spoil restricts use of Council's footpath.
58.	Control of dust	The site shall be managed at all times during construction phase so as to prevent the generation of dust from the land disturbance activities (e.g., by water spray, dust suppression, surface sealants, soil binders, wind barriers and/or dust retardants). Those are required in addition to the use of water cart during operation hours.	To ensure adequate controls with respect to dust pollution during works.
59.	Discovery of relics and aboriginal objects	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <p>a. the work in the area of the discovery must cease immediately;</p> <p>b. the following must be notified</p> <p>i. for a relic – the Heritage Council; or</p> <p>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a. for a relic – the Heritage Council; or</p> <p>b. for an Aboriginal object – the person who is the authority for the protection of</p>	To ensure the protection of objects of potential significance during works.

		Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.	
60.	Excavations and backfilling to be executed safely	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.	To ensure excavations and backfilling is executed safely.
61.	Fill material	<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>	To limit the type of fill material being deposited on site.
62.	Implementation of construction management plan	All construction traffic management procedures and systems identified in the approved Construction Site Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.	To ensure safety and to minimise the effect to pedestrians, other road users.
63.	Offensive Noise, Dust, Odour and Vibration	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.	To ensure the works are undertaken per the provisions of the POEO Act 1997.
64.	Property to be protected against soil erosion (minor)	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".	To ensure compliance of erosion and sediment control

			measures throughout the course of construction.
65.	Public access to the site to be restricted	Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.	To ensure public access to the building site is restricted.
66.	Restriction on working hours for building activity	<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 Sundays 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>	To ensure approved building activity does not disrupt the amenity of the surrounding area.
67.	Run off and erosion control	<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> <p>(a) diverting uncontaminated run off around cleared or disturbed areas, and</p> <p>(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</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</p>	To ensure appropriate run off and erosion controls.

		capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.	
68.	Site to be cleared of building refuse on completion	The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.	To ensure all building waste, refuse and spoil is removed from site upon completion of works.
69.	Stop works – Aboriginal archaeological deposit	<b>Prior to, or during construction</b> , 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	To ensure works cease and a permit is obtained should any archaeological deposits are uncovered during works.
70.	Stormwater drainage disposal	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:  a) The existing site drainage system.  Note: Alternative disposal will only be permitted by Council where appropriate and special circumstance exists.	To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).
71.	Toilet facilities	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.  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.	To ensure adequate sanitary facilities during construction.
72.	Unexpected Finds Contingency (Remediation)	Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings must cease and compliance with the contingency recommendations in the approved RAP must be adopted.	To ensure a RAP is adopted in the event of unexpected finds during works.



73.	Upgrades to public utility services	Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.	To ensure essential services are provided to each allotment.
74.	External lighting during ongoing use	During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.	To ensure the safe operation of the premises and protect the amenity of the local area
75.	Graffiti removal	During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.	To protect and preserve the visual amenity of the surrounding public domain
76.	Location of mechanical ventilation	<p>For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.</p> <p>The Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Environment Protection Authority Noise Policy for Industry 2017.</p> <p>For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.</p>	To protect the residential amenity of neighbouring properties.
77.	Managing noise	During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.	To protect the amenity of the local area
78.	Ongoing Biodiversity Management Plan	During ongoing use, all commitments in the approved Biodiversity Management Plan must be met.	To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during and following the occupation of the site
79.	Approved Signage Maintenance	The approved signs must be maintained in a presentable and satisfactory state of repair.	To maintain approved signage.
80.	Copy of Fire Safety Schedule and	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	To ensure fire safety measures are implemented.

	Certificate to be displayed	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.	
81.	Emission Requirements	All gases, odours, dust, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the Protection of the Environment Operation Act 1997 and Regulations made thereunder.	To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.
82.	Fire safety statement to be prepared annually	<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>	To ensure fire safety measures are implemented.
83.	Hours of Operation	<p>The approved hours of operation of the school and associated Multi Purpose Centre shall be in accordance with the following:</p> <ul style="list-style-type: none"> <li>Monday to Friday, 7am to 6pm.</li> </ul> <p>No approval is given or implied to utilise the Multi Purpose Centre outside of the approved school hours.</p>	Where the approved use has a restriction on the operational requirements.

		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.	
84.	Impact to adjoining properties	The development shall not undertake activities which may restrict, obstruct or inconvenience the use of the land by other users, outside of the approved development location.	To limit and reduce impact upon the surrounding amenity.
85.	Landscaping Maintenance Establishment Period	<p>Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.</p> <p>The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting.</p>	Where a landscape maintenance agreement is required to be established.
86.	Limitation on number of enrolments – Schools	<p>No approval is given or implied to an increase in student or staff numbers.</p> <p>No approval is given or implied to amalgamate All Saints St Mary's Senior Campus and All Saints St Peter's Junior Campus into one Campus.</p> <p>Note: Existing student numbers are capped at 956 students for St Peter's Campus. Existing staff numbers are capped at 180 staff for St Peter's Campus.</p>	Where the approved use has a restriction on the operational requirements and to limit and reduce impact on the surrounding amenity
87.	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</p>	To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.

		the same species and similar maturity as the vegetation which has died or was removed.	
88.	Offensive noise	The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operation Act 1997 and must comply with the NSW Noise Policy for Industry 2017 (as amended).	To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.
89.	Redundant Crossing and Layback	All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter.	To ensure compliance with Council's Manual of Engineering Standards.
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.	To mitigate visual impact of plant equipment
91.	Sub-Floor Area of Flood Affected Dwelling	The sub-floor area must not be enclosed or altered in any manner without prior development consent.	To enforce use limitations.
92.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989	<ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>.</li> <li>4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> </ol>	Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

		<p>5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>6. This section does not apply—</p> <ol style="list-style-type: none"> <li>to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or</li> <li>to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol>	
93.	Hazardous material survey before demolition	<p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>the location of all hazardous material throughout the site</li> <li>a description of the hazardous material</li> <li>the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> <li>a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</li> <li>identification of the disposal sites to which the hazardous materials will be taken</li> </ol>	To require a plan for safely managing hazardous materials

94.	Handling of asbestos during demolition	<p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</li> </ol>	To ensure that the removal of asbestos is undertaken safely and professionally
95.	Demolition / construction to cease where contamination encountered during works	While demolition or work is being carried out, and undisclosed or unidentified contamination is discovered 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.	To ensure works cease were undisclosed or unidentified contamination is uncovered during works.
96.	Demolition to be carried out in accordance with Australian Standards	All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.	To ensure demolition works are undertaken per the Australian Standards.
97.	Recycling/disposal of demolition waste	Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.	To ensure demolition material is recycled or disposed of appropriately.
98.	Authority to release, vary or modify restrictions (MCC)	The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as 'Maitland City Council'.	To ensure appropriate restrictions are applied to the subject site.
99.	Requirement for a Subdivision Certificate	<b>Prior to issue of the Subdivision Certificate</b> , plans and/or documents of survey/title, shall be submitted to Council.	To ensure all survey and title plans are submitted to Council

		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/2024/424, and of compliance with the relevant conditions of consent.	in accordance with the approved plans and conditions of consent.
100.	Restrictions on title	<p>A restriction or covenant on the title of affected lots (generally Section 88b) under the Conveyancing Act, shall be created to give effect to:</p> <p>a) The proposed right of carriage ways in accordance with the approved subdivision plan.</p> <p>b) The proposed drainage easement in accordance with the approved subdivision plan.</p> <p>b) Burdening the lot of potential capping or containment of contamination on site.</p> <p>c) Burdening the lot, to maintain the bioretention system in accordance with the Stormwater System Maintenance Procedure Plan.</p>	To ensure appropriate restrictions are applied to the subject site.
101.	Show Easements/Restriction on The Plan of Subdivision	The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.	To ensure all existing easements and restrictions are acknowledged where applicable.
102.	Surveyors Report	<p>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.</p> <p>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.</p>	To ensure surveyors certification is provided in support of infrastructure and related easements.
103.	Artificial Hollow Installation	Prior to commencement of works, artificial hollows are to be installed in accordance with the Artificial Hollow Plan at a ratio of 2:1 per hollow removed	Development Control Plan – where artificial hollows are

		<p>from site. All artificial hollows must be installed at least two weeks prior to vegetation clearing and are to be maintained as needed for five years. Artificial hollows should be installed:</p> <ul style="list-style-type: none"> <li>• As close as possible to the location of the removed hollow-bearing tree</li> <li>• With an orientation that considers the target species' needs.</li> <li>• To avoid trees with existing hollows as the presence of other hollow-dependent fauna may act as a deterrent or may compete for the nest boxes.</li> <li>• With an attachment method which is appropriate for each artificial hollow type and allows for tree growth</li> <li>• Of a type and design to suit the target species in accordance with the Artificial Hollow Plan. If nest boxes are to be used, they should be constructed of a durable material (i.e., marine ply or equivalent), minimum thickness of 19mm.</li> </ul> <p>Artificial hollow location and evidence of installation must be provided to, and approved by, the Manager Environment and Sustainability prior to commencement of clearing works.</p>	required to offset hollow-bearing tree removal.
104.	Artificial Hollow Monitoring	Artificial hollows must be monitored by a qualified ecologist to determine their usage and repairs or replacement (as required). Monitoring must be carried out on an annual basis for a minimum period of five years following installation and/or as otherwise agreed with Maitland City Council. Annual monitoring statements are to be provided to, and approved, by Council's Manager Environment and Sustainability.	Development Control Plan - where artificial hollows are required to offset hollow-bearing tree removal.
105.	Clearing Strategy Implementation	Implementation of the Clearing Strategy (as outlined in the BMP) must be undertaken by a qualified ecologist and commence prior to clearing of any vegetation or demolition of structures.	Development Control Plan/Biodiversity Offset Scheme - Where a Biodiversity Management Plan is required.



		<p>Removal of trees with habitat features and structures identified during pre-clearance surveys as providing fauna habitat (e.g., microbats) is to be undertaken at a time that minimises impact to fauna.</p> <p>A staged habitat removal process in accordance with 'Guide 4: Clearing of vegetation and removal of bushrock' in Biodiversity Management Guidelines: Protecting and managing biodiversity on Transport for NSW projects (Transport for NSW, 2024) must be used when identified habitat features are to be removed.</p> <p>Once clearing of habitat features has been completed, a report is to be provided to, and approved by, Council's Manager Environment and Sustainability verifying compliance with the Clearing Strategy prior to commencement of works.</p>	
106.	Ecologist to Undertake Surveying of Habitat Trees	<p>Where the trees subject to removal have been identified as 'habitat trees' or alternatively may be reasonably expected to provide habitat to native fauna, an ecologist shall be engaged to undertake clearance of any fauna within the subject tree(s) immediately prior to tree removal. Any fauna species discovered in the tree(s) shall be relocated to an appropriate habitat tree within the locality. Any undetected fauna injured as a result of the felling shall be collected by the ecologist and forwarded to WIRES (or the like).</p> <p><b>Note:</b> The National Parks and Wildlife Service may provide advice as to a suitably qualified ecologist.</p>	To ensure habitat trees are inspected prior to removal, and any fauna species are relocated.
107.	External Agency Approvals	<p>The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.</p> <p>The Requirements are:</p> <ol style="list-style-type: none"> <li>1. Ausgrid, dated 25 June 2024;</li> <li>2. SES, dated 8 October 2024; and</li> </ol>	To ensure the development complies with conditions required by other external agencies.

		<p>3. Transport for NSW, dated 17 June 2024.</p> <p>A copy of the Requirements are attached to this determination notice.</p>	
108.	Signage Illumination	No consent is given or implied for any form of illumination or floodlighting to any sign.	To ensure that no implied approval is given for associated lighting that could become a nuisance to adjoining properties.
109.	Detailed landscape plan	<p><b>Prior to the issue of the Construction Certificate</b>, a detailed 'landscape plan', in accordance with Council's Manual of Engineering Standards shall be submitted to Council for approval. The plan shall include:</p> <p>Landscaping of water quality systems:</p> <p>a) Planting species and basin design in accordance with CRC Water Sensitive Cities – Adoption Guidelines for Stormwater Biofiltration Systems (2015) and in accordance with the approved Landscape plan with drainage plan number 2385, revision G, dated 20/09/2024, prepared by Moir Landscape Architecture.</p>	To ensure a detailed landscape plan is provided in accordance with Council's Manual of Engineering Standards.
110.	Appointment of Site Auditor	An NSW Environment Protection Authority accredited Site Auditor must be appointed to Audit reports compiled as part of the contaminated land assessment, remediation, and validation process.	To ensure a Site Auditor is appointed.
111.	Additional contamination investigations	<p>Additional investigations must be conducted in accordance with the approved Remediation Action Plan (DP 2024) to further characterise site contamination with respect to remedial volumes and asbestos and to inform the detailed designs. The additional investigations must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant and must be prepared in accordance with:</p> <ul style="list-style-type: none"> <li>a. Council's Contaminated Land Policy;</li> <li>b. Managing Land Contamination Planning Guidelines – SEPP - Resilience &amp; Hazards;</li> </ul>	To ensure the proper management of contaminated land in accordance with legislative requirements.

		<ul style="list-style-type: none"> <li>c. Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;</li> <li>d. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).</li> </ul>	
112.	Interim Audit Advice	Interim Audit Advice must be provided to Council that clearly states the site can be made suitable for the continuing land use as an education facility subject to the implementation of the Remediation Action Plan (DP 2024), subject to the additional investigations and detailed design.	To ensure the proper management of contaminated land in accordance with legislative requirements.
113.	Remediation in accordance with Remedial Action Plan	The site must be remediated in accordance with the Remedial Action Plan (DP 2024). The remediation and validation works must be supervised by an appropriately qualified and experienced environmental consultant in accordance with the approved Remedial Action Plan (DP 2024).	To ensure the proper management of contaminated land in accordance with legislative requirements
114.	Validation Report	<p>The proponent must submit a detailed Validation Report to Council and the Certifying Authority. The Validation Report must be prepared in accordance with:</p> <ul style="list-style-type: none"> <li>a. Council's Contaminated Land Policy;</li> <li>b. Managing Land Contamination Planning Guidelines – SEPP - Resilience &amp; Hazards;</li> <li>c. Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;</li> </ul>	To ensure a Validation Report is provided.

		<p>d. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).</p> <p>The Validation Report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant. The Validation Report must verify that the land is suitable for the proposed use as an educational facility, and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.</p>	
115.	Long-Term Environmental Management Plan (LTEMP)	<p>The plan must be submitted to Council and the Certifying Authority with the Validation Report. The LTEMP must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.</p> <p>The document must define the legal mechanism intended to make it enforceable. The LTEMP must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant and must be prepared in accordance with:</p> <ul style="list-style-type: none"> <li>a. Council's Contaminated Land Policy;</li> <li>b. Managing Land Contamination Planning Guidelines – SEPP - Resilience &amp; Hazards;</li> <li>c. Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;</li> <li>d. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).</li> </ul>	To ensure the proper management of contaminated land in accordance with legislative requirements
116.	Site Audit Report and Site Audit Statement	A Site Audit Report and Site Audit Statement stating that the land has been remediated in accordance with the approved Remediation Action Plan (DP 2024)	To ensure the proper management of contaminated

		<p>and is suitable for the proposed development as secondary school land use must be provided to Council. The purpose of the Site Audit must be one of the following:</p> <ul style="list-style-type: none"> <li>a. A1: To determine land use suitability for the proposed use as a secondary school; Or</li> <li>b. A2: To determine land use suitability subject to compliance with either an active or passive environmental management plan for the proposed use as a secondary school.</li> </ul> <p>Where an A2 Audit, the Site Audit Statement and Site Audit Report must include any restrictions or management requirements for the site.</p>	land in accordance with legislative requirements
117.	Written notice of completion of Validation Report	Written notice of completion Validation Report, which is subject to the implementation of the LTEMP, must be provided to Council as required under SEPP (Resilience and Hazards) 2021, along with a copy of the validation report and LTEMP to confirm that the remediation has been carried out in accordance with the RAP (DP 2024).	To ensure the proper management of contaminated land in accordance with legislative requirements

## Attachment 1 – Ausgrid response



TELEPHONE: (02) 4910 1719  
EMAIL: jeffreylyons@ausgrid.com.au  
REFERENCE: Notification No. 1900129391

ATTN: Georgie Williams  
Maitland City Council  
PO Box 220  
Maitland NSW 2320

570 George Street  
Sydney NSW 2000  
All mail to GPO Box 4009  
Sydney NSW 2001  
T +61 2 131 525  
F +61 2 9269 2830  
www.ausgrid.com.au

**Re: DA/2024/424 - 24 HUNTER STREET HORSESHOE BEND - Demolition, Educational Establishment (School) with construction of a New Multi Purpose Centre, 3 into 2 lot Torrens Title Subdivision and Tree Removal.**

I refer to Maitland City Council development application DA/2024/424.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Transport and Infrastructure) 2021.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

**With Regard to: Demolition, Educational Establishment (School) with construction of a New Multi Purpose Centre, 3 into 2 lot Torrens Title Subdivision and Tree Removal at 24 HUNTER STREET HORSESHOE BEND**

Ausgrid does not object to the proposal. Please refer to the following information and conditions:-

### Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

### Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.

### Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

### Vegetation

All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.

### Streetlighting

The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

### Proximity to Existing Network Assets

#### Overhead Powerlines

There are existing overhead electricity network assets in Hunter St & Odd St, Maitland.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Please do not hesitate to contact Jeffrey Lyons on Ph: (02) 4910 1719 (please quote our ref: Trim 2017/26/429) should you require any further information.

Regards, Jeff

Jeffrey Lyons  
Engineering Officer  
Ausgrid  
Ph: (02) 4910 1719

## Attachment 2 – SES response



Our Ref: ID 2681  
Your Ref: DA 2024/424

8 October 2024

Georgie Williams  
Maitland City Council  
PO Box 220  
Maitland NSW 2320

email: Georgie.Williams@maitland.nsw.gov.au  
CC: lisa.ignatavicius1@ses.nsw.gov.au

Dear Georgie,

### Development Application for 24 Hunter Street, Horseshoe Bend

Thank you for the opportunity to provide comment on the Development Application for 24 Hunter Street, Horseshoe Bend. It is understood the proposal seeks to<sup>1</sup>:

- Demolition of the previous addition to St. Pauls Parish Hall and removal of the existing gravel driveway;
- Construction of a two-storey + lower ground level Multi-Purpose Centre (MPC) building and a covered walkway structure to the Hunter Street Access;
- MPC will contain a sports courts/hall area, 7 general learning areas (GLAs), storage, amenities, mezzanine seating;
- Remediation works and associated works including tree removal and landscaping;

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The NSW SES recommends that consideration of flooding issues is undertaken in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the [Flood Risk Management Manual](#) 2023 (the Manual) and supporting guidelines, including the [Support for Emergency Management Planning](#) and relevant planning directions under the *Environmental Planning and Assessment Act, 1979*. Some of the relevant issues which are of concern to the NSW SES are detailed in Attachment A.

<sup>1</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, pages 6 & 11 & 13



STATE HEADQUARTERS  
91 - 99 Burrelli Street, Wollongong 2500  
PO Box 6126, Wollongong NSW 2500  
P (02) 4251 6111  
F (02) 4251 6190  
[www.ses.nsw.gov.au](http://www.ses.nsw.gov.au)  
ABN: 88 712 649 015



It is understood that a gateway determination for an additional permitted use for an educational establishment has been issued for the part of the site zoned RE2 Private Recreation, enabling the use permissible on the site<sup>2</sup>.

We refer to our previous response to Planning Proposal for 24 Hunter Street, Horseshoe Bend, **with reference ID2420 and dated 23 May 2024**. The site is located within a high hazard<sup>3</sup>, Low Flood Island<sup>4</sup> area, with evacuation routes cut by floodwaters prior to the site itself becoming inundated. An assessment of the flood risks at the site (and Principles outlined in the Support for Emergency Management Planning Guideline<sup>5</sup>), was provided in our previous response, under Attachment A.

It is understood that the proposed development is to provide improved facilities for the existing school students, and will not alter the current student or staff numbers. The hours of operation will not change as a result of the application,<sup>6</sup> however, it will accommodate community uses of the school facilities outside of school hours for sports and training.<sup>7</sup>

The proposed development building will consist of three levels, two storeys plus lower ground floor and will have stairs and lift access. "The Flood Planning Level (FPL) for the site is **10.22m AHD** comprising of 9.72m being the 1% AEP flood level plus 0.5m freeboard."<sup>8</sup> However, according to the architectural drawings, the ground floor level is set at **9.72m AHD**,<sup>9</sup> noting that the development also includes a lower ground level for additional storage rooms and toilets.<sup>10</sup> The floor level for the lower ground floor are not included in the architectural plans.

In summary, based on the information available, we:

- **Emphasise** that careful consideration should be given to the proposed development against the flood and isolation risks, particularly given the site is considered of sensitive uses and the potential for high hazard flooding in the area. The consent authority should be satisfied that there is sufficient safe evacuation capacity for children and staff at the College grounds, taking into consideration the increase in flood velocities in surrounding streets as a result of the development. **Evacuation must not require people to drive or walk through flood water.**

<sup>2</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, page 27

<sup>3</sup> FRMSP, Figure 7

<sup>4</sup> FRMSP, Figure 11b

<sup>5</sup> NSW Government, 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

<sup>6</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, page 14

<sup>7</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, page 23

<sup>8</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, page 29

<sup>9</sup> SHAC, 2024.

<sup>10</sup> Barr Planning, 2024. Statement of Environmental Effects for All Saints' College 24 Hunter Street, Horseshoe Bend, page 13

- **Ensuring** that all site users, including those using the site after school hours, are adequately informed of the potential risk and likelihood of flooding and the importance of early evacuation and compliance with evacuation warnings both during and after construction, for the life-span of the development.
- **Recommend** that the primary strategy for schools in flood-prone areas is to close the school prior to the start of the school day if there is risk of flooding, for example, when there is a flood warning.
- **Recommend** that building design considers the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood. Consideration should also be given to the resilience of facilities likely to become flooded, for example by installing washable finishes or removable infrastructure which would otherwise be likely to be damaged or contaminated by flood water.
- Additional design considerations include:
  - placing any power points, storage and waste rooms above the PMF, where possible to avoid flood damage and risk of contamination.
  - safety features for proposed lifts, to ensure that floodwater does not enter the lift and ensure people do not exit into flooded areas.
- **Recommend** updating the Flood Emergency Management Plan (FEMP) and developing a testing, monitoring and review schedule. FEMPs should be regularly exercised, similar to building fire evacuation drills and updated at regular intervals and whenever additional flood information is available or highlighted during the drills or flood events.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Ana Chitu via email at [raa@ses.nsw.gov.au](mailto:raa@ses.nsw.gov.au) should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Elspeth O'Shannessy  
Manager, Emergency Risk Assessment  
NSW State Emergency Service



## Attachment 3 –tfNSW response

### Transport for NSW



17 June 2024

File No: NTH24/00447/001  
Your Ref: A-84470

General Manager  
Maitland City Council  
PO Box 220  
MAITLAND NSW 232

**Attention:** Georgie Williams

**DA/2024/424, Expansion to Educational Establishment & Subdivision, Lot 1 DP69160, Lot 1 DP1261532, Lot 1 DP669283, Lot 2 DP91268, 24 Hunter Street Horseshoe Bend**

I refer to the abovementioned Development Application referred to Transport for NSW (TfNSW) on 10 June 2024 for comment in accordance with Section 3.58 of the Transport and Infrastructure SEPP 2021.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

High Street, Hunter Street and Odd Street are local roads. Council is the roads authority for all these roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the classified (State) road network.

#### ADVICE TO COUNCIL

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austrroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for our records. Should you require further information please contact Tim Chapman, Development Services Case Officer, on 1300 207 783 or 0412274356 or by emailing [development.north@transport.nsw.gov.au](mailto:development.north@transport.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read "Holly Taylor".

**Holly Taylor**  
A/ Team Leader Development Services  
North Region | Community & Place  
Regional & Outer Metropolitan

OFFICIAL

6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302  
76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602  
[transport.nsw.gov.au](http://transport.nsw.gov.au) 1 of 2

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