

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 as amended

APPLICANT: McCloy Group
C/- Barr Property and Planning
PO Box 3107
MEREWETHER NSW 2291

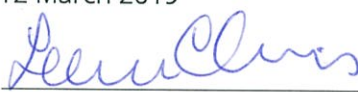
Pursuant to Section 4.18 of the Environmental Planning and Assessment Act, 1979 notice is hereby given of the determination by the Council of the City of Maitland of Application No **DA18/1431** relating to the land and development described as follows:

LAND: Raymond Terrace Road THORNTON

LOT/DP NUMBER: Lot 2 DP 1145348

DEVELOPMENT: Earthworks (Fill)

DETERMINATION: Granting of "deferred commencement" consent in accordance with Section 4.16 (3) of the Environmental Planning and Assessment Act, 1979 as per Council Resolution of 12 March 2019. The conditions of consent are listed in the schedule annexed to this notice. This consent does not become operational until those conditions identified in the attached schedule have been complied with.

CONSENT TO OPERATE FROM: 12 March 2019

PER GENERAL MANAGER

Right of Review:

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be made in writing within six months after the date as specified in this notice of determination, together with payment of the appropriate fee (See Note below).

Note: a request to review the determination of a development application pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979* can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination in respect of integrated development, or
- d) A determination made by the council under section 116E in respect of an application by the Crown.

Right of Appeal:

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act, 1979*, gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.

Schedule of Conditions DA18/1431

Reason for Conditions

The following conditions are applied to:

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

PART A – 'DEFERRED COMMENCEMENT' CONDITION

1. The development is granted consent under section 4.16(3) – 'Deferred commencement' consent in the Environmental Planning and Assessment Act 1979. The development consent does not become operational until development consent has been granted to DA17-2593 for a seniors housing development on the same site.

Note: Should this condition not be satisfied within five (5) years from the date of this determination, the consent will lapse in accordance with section 4.53(6) in the Environmental Planning and Assessment Act 1979.

PART B – OPERATIONAL CONSENT

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Erosion & Sediment Control Plan (C013452.00)	EW20	C	01.05.18	Costin Roe Consulting
Site Grading Plan (C013452.00)	EW30	C	01.05.18	Costin Roe Consulting
Bulk Earthworks Sections Sheet	EW35	B	09.01.18	Costin Roe Consulting

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
1 (C013452.00)				
Bulk Earthworks Sections Sheet 2 (C013452.00)	EW36	B	09.01.18	Costin Roe Consulting
Traffic and Parking Impact Assessment of Importation of Fill at 107 Haussman Drive Thornton			06.06.18	McLaren Traffic Engineering & Road Safety Consultants

LAND CONTAMINATION

3. The development shall be carried out in accordance with the recommendations contained in the Preliminary Contamination Assessment (Qualtest, 2017) as follows:
 - Due to the presence of fill materials, an Unexpected Finds Procedure should be prepared and implemented during earthworks on the site.
 - Sampling and analysis of the surface water and sediments in the ponds is carried out.
 - Further sampling and analysis of fill materials on the access tracks and northern portion of the site (TP11) may be required if these materials are proposed to be used within 2m of the final surface of the residential allotments.
 - If material is proposed to be re-used or disposed off-site, the material will require classification in accordance with the NSW EPA (2014) Waste Classification Guidelines, or assessment in accordance with a Resource Recovery Exemption/Order under the POEO (Waste) Regulation 2014.

ARCHAEOLOGY

4. 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 NSW Office of Environment and Heritage (OEH) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.
5. If any Aboriginal objects or bones are suspected of being human are identified during site works, site workers must:
 - a. Not further disturb or move these remains.
 - b. Immediately cease all work at the particular location.
 - c. In the case of suspected human remains only, notify NSW Police. In the case of Aboriginal objects, notify the NSW Office of Environment and

Heritage Line on 131 555 as soon as practicable and provide additional details of the objects or remains and their location. The Mindaribba Local Aboriginal Land Council should also be notified to assist in the determination of appropriate management for the objects or remains.

- d. Not recommence any work at the particular location unless authorised in writing by NSW Office of Environment and Heritage.

CONSTRUCTION HOURS

6. Unless otherwise approved by Council in writing, all construction activities including earthworks, truck arrivals and the unloading of fill from trucks shall be carried out between the hours of:
 - a) 7.00am to 5.00pm Monday to Friday
 - b) 7.00am to 5.00pm Saturday (if required)
 - c) No work on Sundays or Public Holidays.
7. No trucks, operational plant or delivery vehicles are permitted to park within residential areas awaiting the commencement of construction hours on the site.

COMMUNITY CONSULTATION

8. At least seven (7) days prior to commencement of the fill operation (or operations if a delay of at least 4 weeks occurs between receipt of fill to the site), all residents adjoining the site along the southern boundary shall be advised in writing of the commencement of filling, and shall be provided with the contact details of the relevant site supervisor.
9. The name of the contractor, and the after-hours number, shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until works are complete.

EARTHWORKS

10. A maximum of 100,000m³ of fill material is to be imported and placed on site. The weights of all materials imported shall be recorded and monitored to ensure the limit of this consent is not exceeded. The recorded information shall be provided to Council's Subdivision and Development Engineering Team upon request and at the completion of fill operations.
11. The owner/occupier shall ensure that access to the landfill site is restricted and monitored to prevent the unauthorised deposition of material.
12. Filling material, shall be limited to the following:
 - a) virgin excavated natural material (VENM); OR

- b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.

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.

- 13. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to the Council upon completion of the filling.
- 14. All grass and topsoil on the proposed fill area shall be stripped and stockpiled for re-use on the finished surface and batters.
- 15. The earthworks (fill) shall be completed in accordance with the *Civil Engineering Report: Development Application for Filling Works – Proposed Development: 107 Haussman Drive Thornton* (Costin Roe Consulting, Rev. A, 09/01/2018).
- 16. At the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.
- 17. At the completion of filling or any staged works, fully detailed Works As Executed (WAE) drawings prepared by a registered surveyor shall be submitted to Council, indicating the finished surface of the works, mapping of the locations of imported fill, noting where the source of the fill varies and the original location of the imported fill.

ENVIRONMENTAL MANAGEMENT PLAN

- 18. A detailed Environmental Management Plan (EMP) shall be prepared by a suitably qualified person/consultant. The EMP shall include plans at a suitable scale and shall detail the objectives of the EMP, compliance with consent conditions, as well as best practice, to ensure specified environmental objectives are met. The EMP shall provide (but not necessarily be limited to):
 - (i) a detailed Soil and Water Management Plan. The SWMP is to be prepared by a suitably qualified person for the storage, treatment and

disposal of any water within the quarry basin, prior to the discharge of any water from the site. The WMP is to give consideration to the Australian and New Zealand guidelines for fresh and marine water quality (ANZECC) and aim to prevent the contamination of any surrounding land or waterways. The SWMP shall include a regular water sampling program carried out on site and downstream of all discharge points when discharging is occurring and make provision for any remedial action required to maintain the integrity and sediment and erosion and water quality devices. Results of water sampling carried out on the site are to be maintained and made available to Council upon request.

- (ii) details of all potential sources of dust generation and monitoring, including how dust emissions are to be assessed, monitored and controlled;
 - (iii) details of ongoing water quality monitoring and assessment program;
 - (iv) details of attended noise monitoring;
 - (v) details of materials waste tracking;
 - (vi) details of weed control and ongoing management methods.
19. A copy of the EMP shall be forwarded to Council's Manager – Development and Environment, and reviewed by, Council prior to the commencement of filling on site. A copy of the EMP shall be kept on site at all time under the management of the site supervisor.

STORMWATER DRAINAGE

20. 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.

EROSION CONTROLS

21. 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". Details in accordance with Council's

Manual of Engineering Standards and the NSW Environment and Heritage's manual 'Managing Urban Stormwater' shall be submitted as part of the required EMP.

CONSTRUCTION DUST MANAGEMENT

22. The applicant must implement best practice measures to minimise dust emissions from the site during construction. The site shall be managed to prevent the generation of dust in accordance with the final EMP, the measures to be employed include:
- The site shall be managed at all times so as to prevent the generation of dust by moving vehicles within the site (e.g. by water spray or other dust suppression methods) from the public road access point; and
 - Ceasing construction activities (i.e. no vehicles or equipment use) during adverse meteorological conditions (i.e. on windy days); and
 - The construction of a dust barrier fence to a height of 1.8m along the southern boundary of the development site and the adjoining residential properties, prior to commencement of works and maintained until works are complete.

ROADS AND ACCESS

23. **Prior to commencement of works**, a dilapidation survey report prepared by a suitably qualified practising engineer shall be lodged with Council for the haulage route. The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of civil works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the existing public infrastructure, including a photographic record. The dilapidation survey shall include Raymond Terrace Road and Haussman Drive as well as the approved haulage route for the transport of fill to the site.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the infrastructure specified in the earlier report. A copy of the report shall be submitted to Council's Subdivision Engineering team at the completion of the civil works (generally no more than one month after completion). All damage to public infrastructure shall be repaired at the developers cost and within 6 months of the completion date. Rectification works shall require a Roads Act Approval prior to commencing works.

24. **Prior to commencement of works**, a type BAR intersection treatment shall be provided within Haussman Drive at the junction of the site access in accordance with Austroads Guide to Road Design and Council's Manual of Engineering Standards (MoES).
25. **Prior to commencement of the works**, a sealed driveway crossing shall be provided on Haussman Drive to access the site. The driveway shall have a minimum width to permit two 19.0m articulated vehicles to pass whilst entering and exiting the site.
26. **Prior to commencement of works** *within an existing public road reserve*:
- a) *an engineering design, in accordance with Austroads and Council's Manual Of Engineering Standards, shall be submitted to Council for approval;*
 - b) *consent under the Roads Act for the approved works, shall be issued by Council;*
 - c) *all relevant Council fees shall be paid; and*
 - d) *a traffic management plan in accordance with the RMS publication "Traffic Control at Worksites" shall be submitted to, and be approved by, Council.*
17. **Prior to commencement of works within the site**, all necessary works required for compliance with this consent and the Roads Act Approval shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:
- a) Written confirmation, in the form of a Practical Completion letter, from the Road Authority for any Roads Act Approval requirements.
28. Site access shall only be via the access handle within Haussman Drive, Thornton. A minimum 7.0m wide stabilised all weather access track shall be constructed as detailed on the approved plans and maintained for the duration of filling operations

TRAFFIC MANAGEMENT

29. Prior to the commencement of works, truck turning signs shall be provided downstream (south) and upstream (north) of the access driveway (at least 200m).
30. Prior to the commencement of works, consent shall be issued by Council for

the designated haulage route between the source of the fill and the subject site. Notification shall be made to Council's Subdivision and Development Engineering Team prior to the commencement of the filling operations, or recommencement following a delay that extends beyond 4 weeks, and each time the haulage route is altered.

31. Consent is granted for a maximum of 120 heavy vehicle trips per day. Any queuing of vehicles on site is to be managed over the timeframe of each working day.
32. B-double vehicles shall not be used for the proposed development.

NOISE & VIBRATION

33. **Prior to commencement of works on site**, a 1.8m high masonry wall shall be constructed on the common boundary between the development site and the following residential properties to mitigate noise impacts from the site access:

- ☐ Lot 468 DP261898 – 25 Geddes Close, Thornton
- ☐ Lot 469 DP261898 – 23 Geddes Close, Thornton

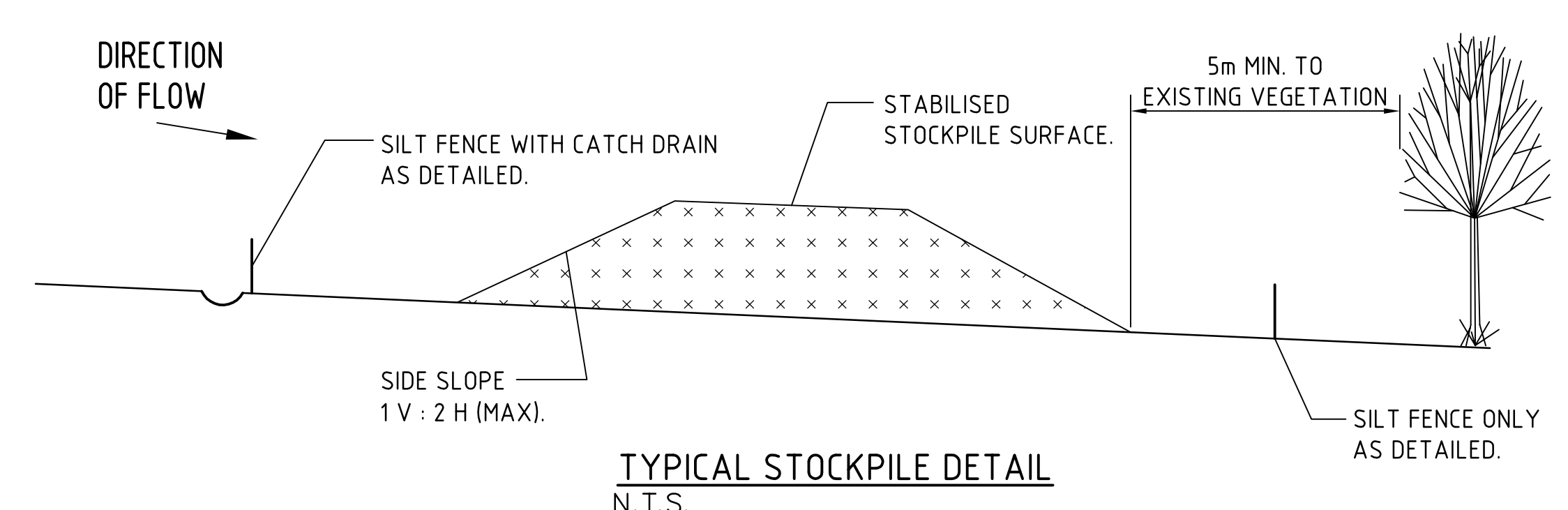
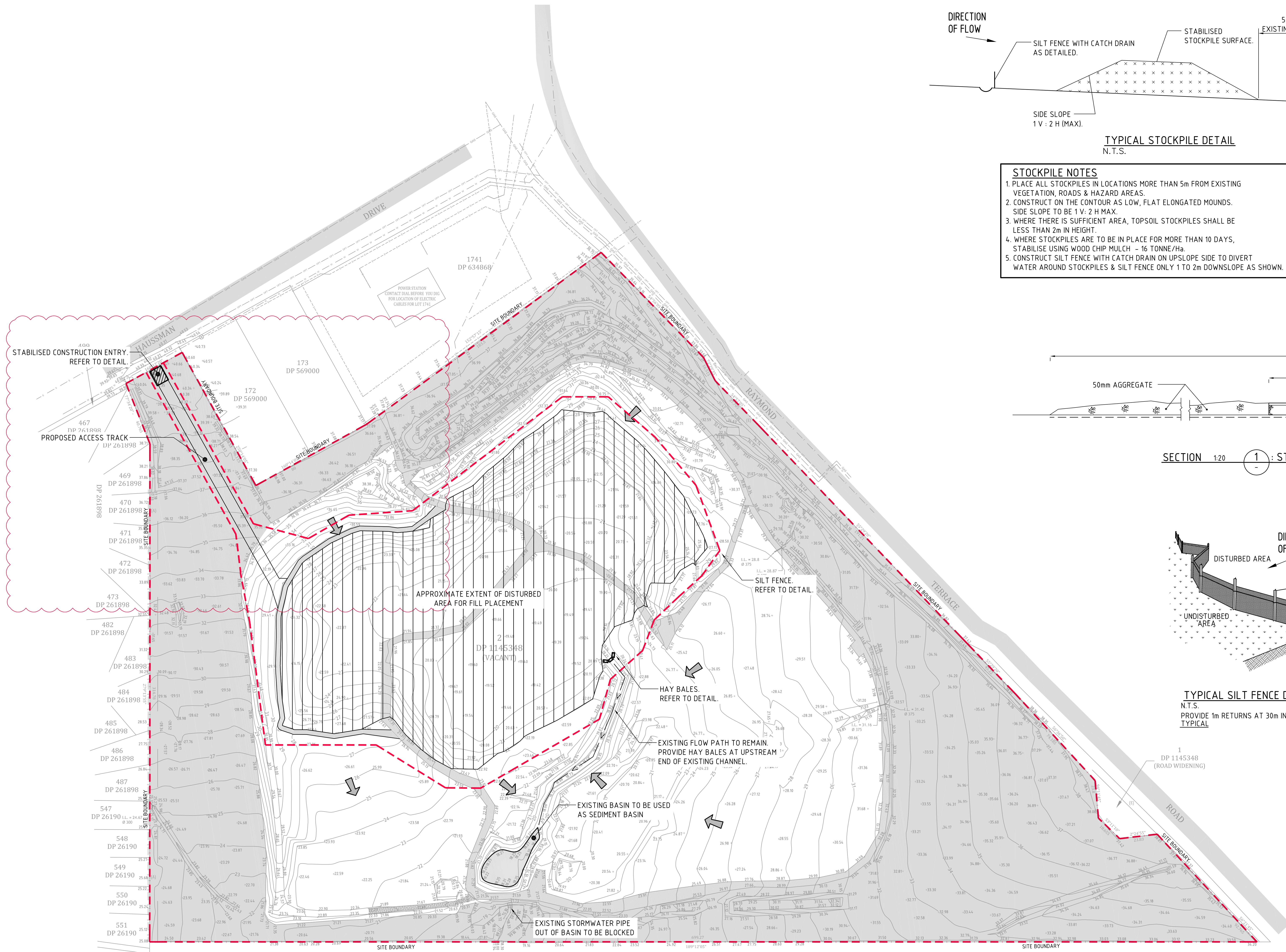
The design and material of the masonry fence is to be agreed upon with the affected landowners and be of consistent design across both common boundaries.

34. The proposed development, including all plant and equipment to be utilised on site shall not give rise to any offensive noise as defined under the *Protection of the Environment Operations Act 1997*.

ADVICES

- A. You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection Of the Environment & Operations (POEO) Act and may incur infringement fines.
- B. You are advised that damage to existing roads (including footpaths and kerb/gutters) and drainage as a result of construction works may incur rectification costs.
- C. You are advised that if the fill is not placed as "controlled fill" for the purpose of a possible future building on the filling, engineer designed structural foundations will be required.

- D. You are advised that the responsibility for deposition of material remains with owner/occupier.

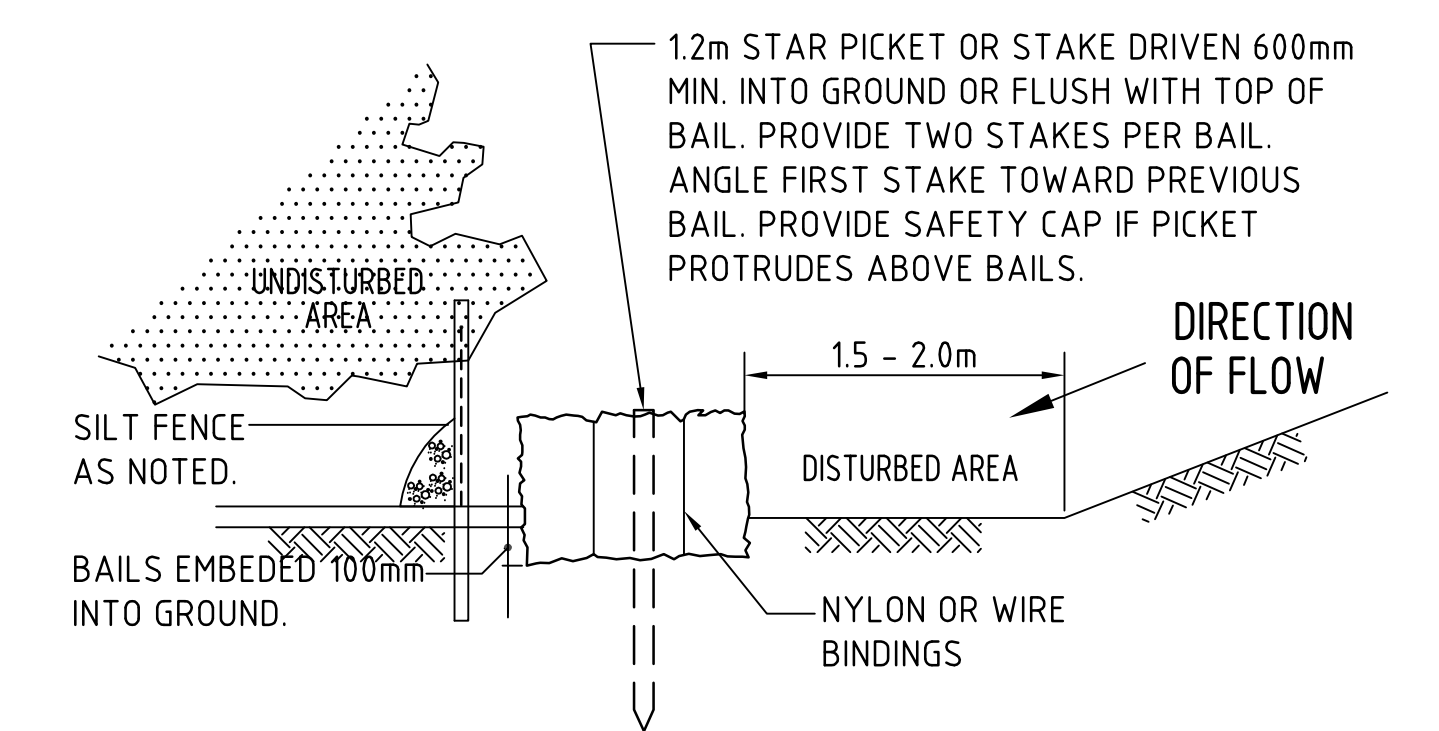
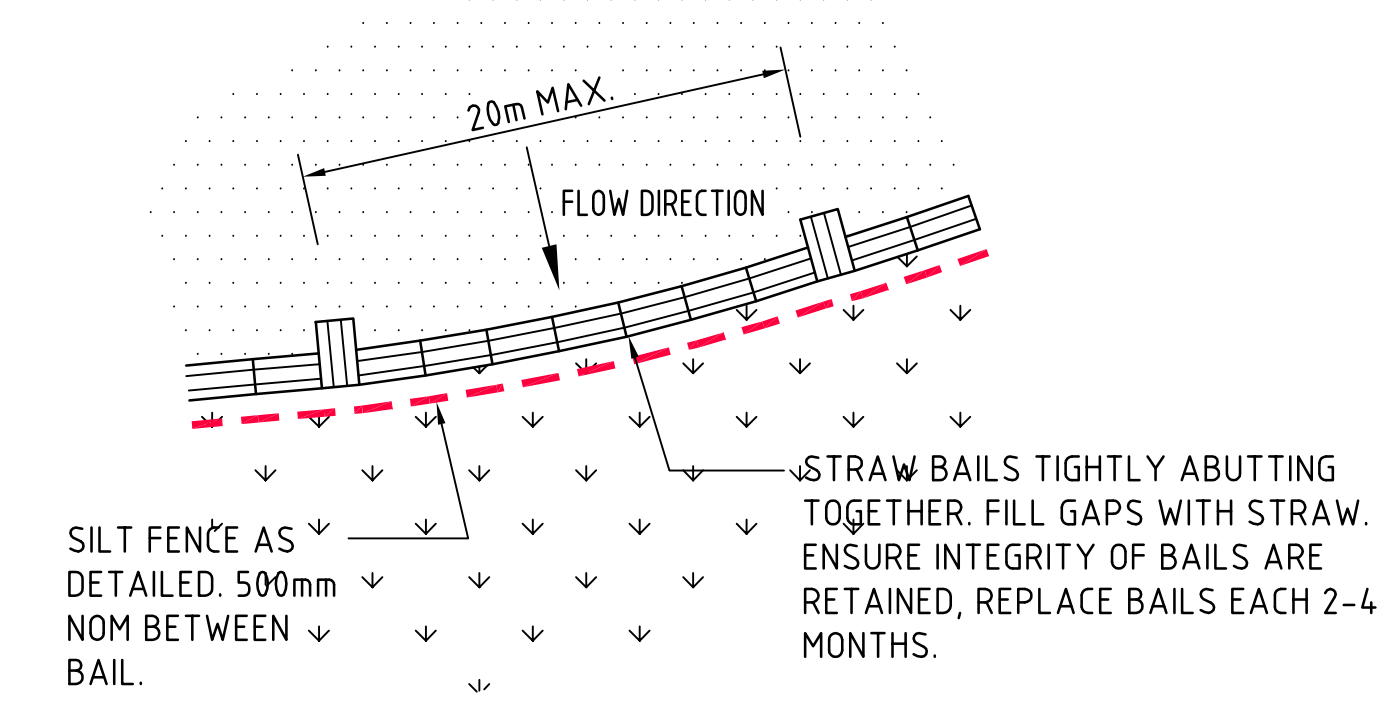
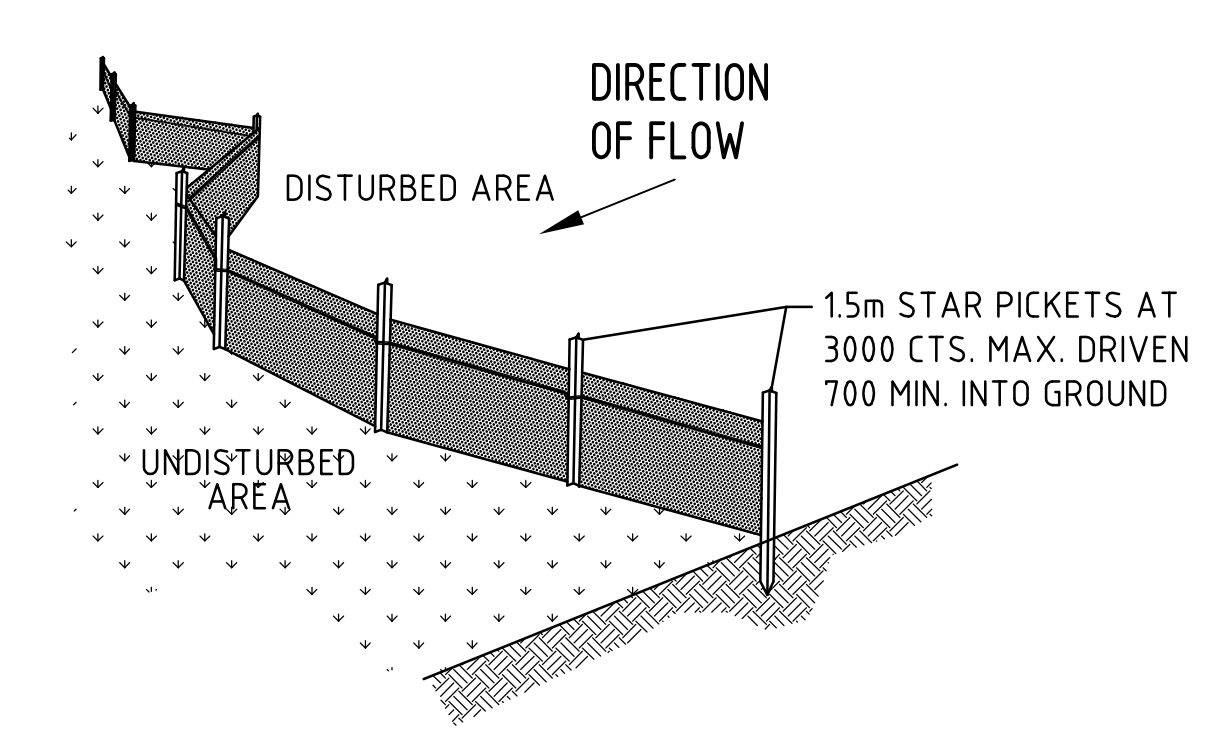
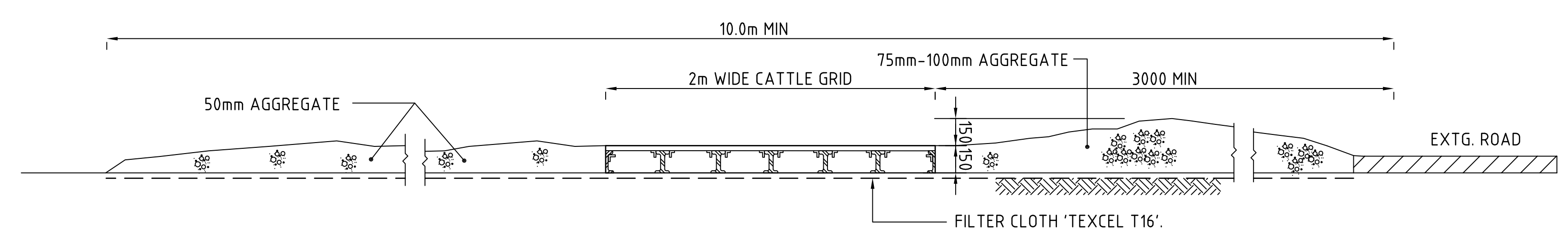


- STOCKPILE NOTES**
1. PLACE ALL STOCKPILES IN LOCATIONS MORE THAN 5m FROM EXISTING VEGETATION, ROADS & HAZARD AREAS.
 2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT ELONGATED MOUNDS. SIDE SLOPE TO BE 1 V : 2 H MAX.
 3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2m IN HEIGHT.
 4. WHERE STOCKPILES ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILISE USING WOOD CHIP MULCH @ 16 TONNE/Ha.
 5. CONSTRUCT SILT FENCE WITH CATCH DRAIN ON UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES & SILT FENCE ONLY 1 TO 2m DOWNSLOPE AS SHOWN.

LEGEND:
PROVIDE 1m RETURNS TO SILT FENCE AT 30m MAX. INTERVALS. TYPICAL (N.S.O.P)

--- DENOTES SILT FENCE

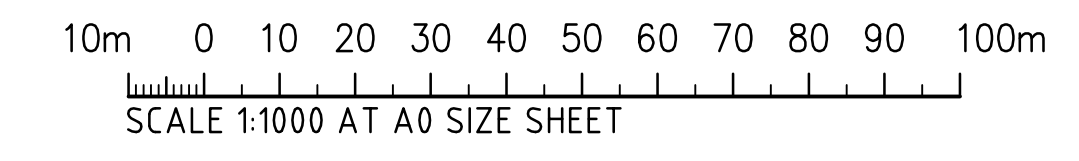
➔ OVERLAND FLOW PATH



maitland
city council
Approved Plans
NO. DA 18-1431
DEVELOPMENT APPLICATION
12/03/2019

EROSION & SEDIMENT CONTROL PLAN
SCALE 1:1000

FOR DEVELOPMENT APPLICATION



REVISIONS				PROJECT INFORMATION				CLIENT & CONTACTS				DRAWING TITLE			
NO.	DATE	ISSUE	AMENDMENTS	NO.	DATE	ISSUE	AMENDMENTS	NO.	DATE	ISSUE	AMENDMENTS	NO.	DATE	ISSUE	AMENDMENTS
1	01/05/18	C	REVISED FOR ENTRY LOCATION	1	01/05/18	B	ISSUED FOR DEVELOPMENT APPLICATION	1	04/10/17	A	ISSUED FOR INFORMATION	1	04/10/17	A	ISSUED FOR INFORMATION
2	04/10/17	A	ISSUED FOR INFORMATION	2	04/10/17	A	ISSUED FOR INFORMATION	2	04/10/17	A	ISSUED FOR INFORMATION	2	04/10/17	A	ISSUED FOR INFORMATION

PROJECT INFORMATION				CLIENT & CONTACTS				DRAWING TITLE			
PROJECT	THORNTON NORTH RETIREMENT VILLAGE	DESIGNED	XC	CLIENT	Costin Roe Consulting Pty Ltd.	DRAWING NO.	C013452.00-EW20	PROJECT NO.	C013452.00-EW20	ISSUE	C
LOCATION	107 HAUSSMAN DRIVE, THORNTON, NSW	CHECKED	TW	CONTACT	Level 1, 8 Windmill Street, Walsh Bay, Sydney NSW 2000	DATE	04/10/17	SCALE	1:1000	ISSUE	C
DATE	04/10/17	SCALE	1:1000	PHONE	Tel: (02) 9251-7699 Fax: (02) 9241-3721	SCALE	1:1000	SCALE	1:1000	ISSUE	C
ISSUE	04/10/17	SCALE	1:1000	EMAIL	email: mail@costinroe.com.au	SCALE	1:1000	SCALE	1:1000	ISSUE	C



NO. DA 18-1431

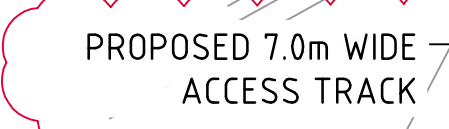
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LEVELS DATUM IS AHD.

— — 23.00 — — - FILL LEVEL CONTOUR (MAJOR 1.0m)

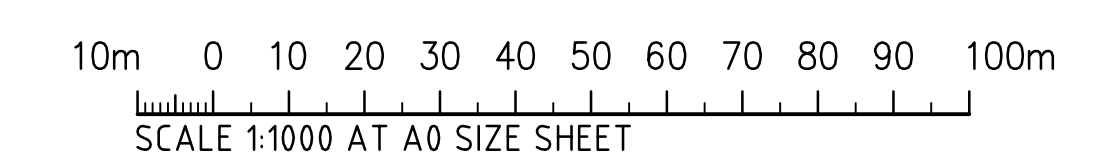
FILL	+ 100,350 m ³
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REFER TO DRAWING EW10 FOR SITE PREPARATION NOTES.

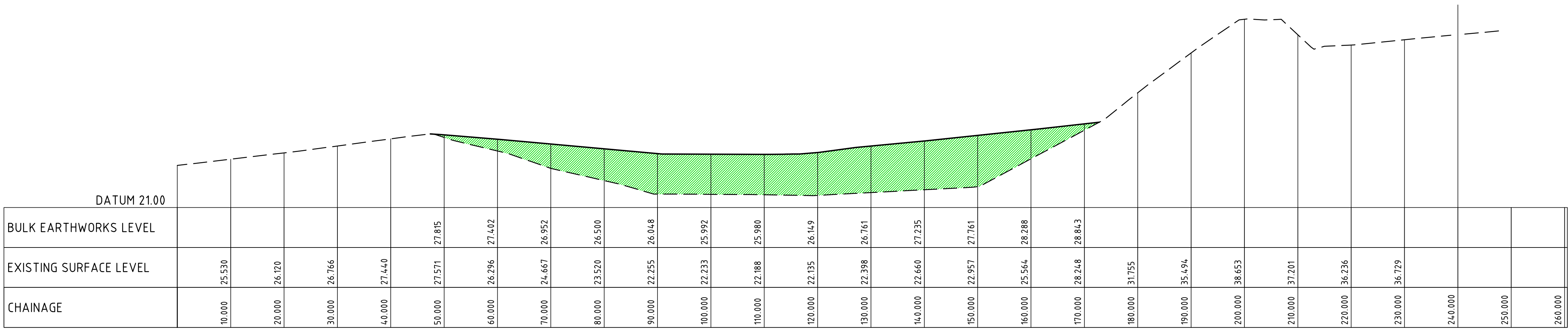


SITE GRADING PLAN
SCALE 1:1000

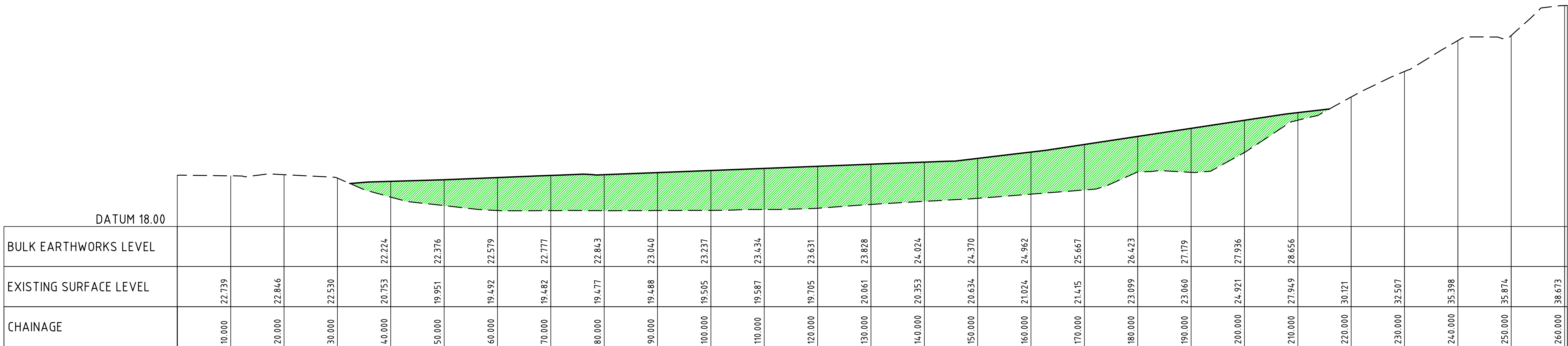
FOR DEVELOPMENT APPLICATION



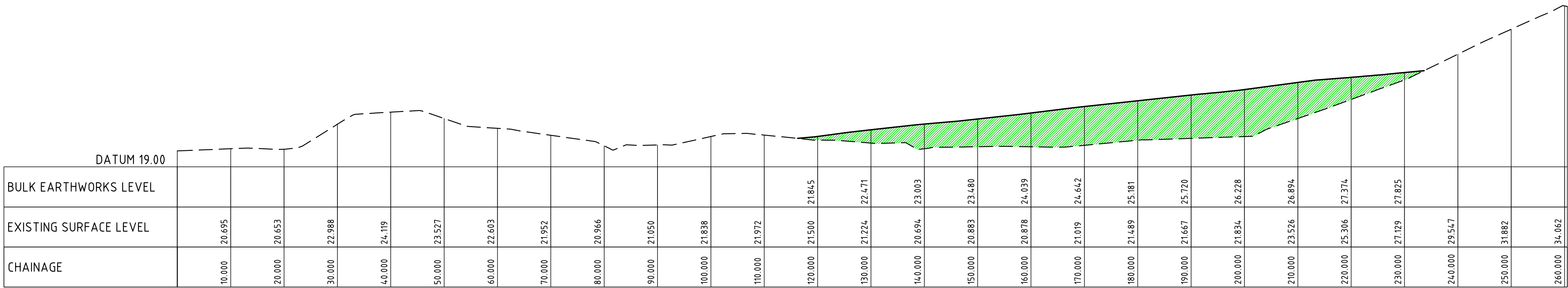
																				AVIDPM PROJECT MANAGEMENT SERVICES										McGILL GROUP SUITE 1, LEVEL 3 426 KING STREET NEWCASTLE WEST P (02) 4945 7500										PROJECT THORNTON NORTH RETIREMENT VILLAGE 107 HAUSSMAN DRIVE, THORNTON, NSW										COSTIN ROE CONSULTING Costin Roe Consulting Pty Ltd. Consulting Engineers 435 855 448 Level 1, 8 Windmill Street Wahia Bay, Sydney NSW 2000 Tel (02) 8551 7999 Fax (02) 8541 9721 email: mail@costinroe.com.au ©										Costin Roe Consulting PRECISION COMMUNICATION ACCOUNTABILITY										DRAWING TITLE SITE GRADING PLAN																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											



SECTION 3
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:250



SECTION 2
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:250



SECTION 1
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:250

LEGEND:

LEVELS DATUM IS AHD

- FILL LEVEL PROFILE

- EXISTING SURFACE PROFILE

maitland

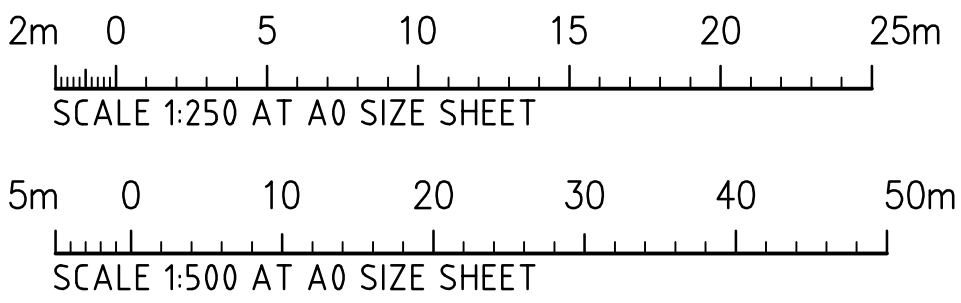
city council

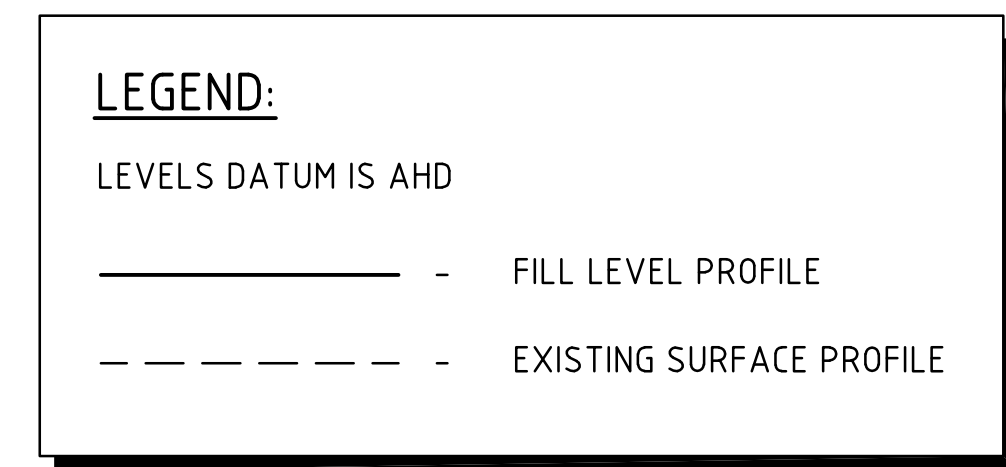
Approved Plans

NO. DA 18-1431

DEVELOPMENT APPLICATION

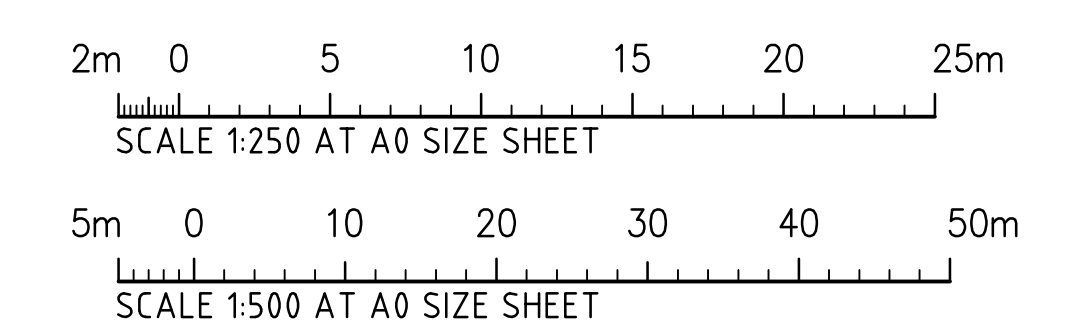
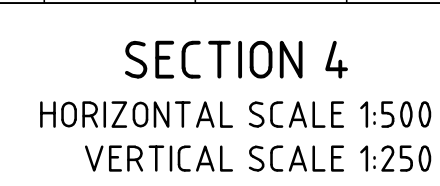
12/03/2019





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12/03/2019



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PROJECT										THORNTON NORTH RETIREMENT VILLAGE										SUITE 1, LEVEL 3										DESIGNED										DRAWN										DATE										CHECKED										SCALE										SIZE										A3										CAD REVISION										NO										CONSOLE-001-EW36										Costin Roe Consulting Pty Ltd.										Consulting Engineers 475 02 55 44										Level 1, 8 Windmill Street										Wahia Bay, Sydney NSW 2000										Tel: (02) 9251-7999 Fax: (02) 9241-9721										email: mail@costinroe.com.au ©										PRECISION COMMUNICATION ACCOUNTABILITY										DRAWING TITLE										BULK EARTHWORKS SECTIONS										SHEET 2										DRAWING NO										C0134.52.00-EW36										ISSUE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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