

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 as amended

APPLICANT: Anambah Constructions Pty Ltd
C/- Urban Living Solutions Pty Ltd
PO Box 648
MAITLAND NSW 2320

Pursuant to Section 81A 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. **17-631** relating to the land and development described as follows:

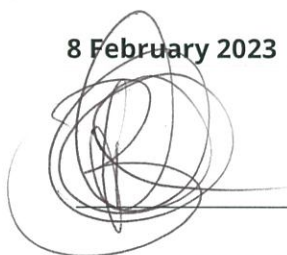
LAND: 106 NEW ENGLAND HIGHWAY,MAITLAND
LOT 3 DP1226029

DEVELOPMENT: Multi Dwelling Housing - 6 Single Storey Dwellings and 6 Lot Strata Subdivision

DETERMINATION: Granting of consent subject to the conditions specified in and annexed to this notice.

CONSENT TO OPERATE FROM: 8 February 2018

CONSENT TO LAPSE ON: 8 February 2023



PER GENERAL MANAGER

Right of Review:

Section 82A 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 82A 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 97 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 DA 17-631

MULTI-DWELLING HOUSING & STRATA SUBDIVISION

Reason for Conditions

The following conditions are applied to:

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Rev'n No.	Revision Date	Prepared by: (consultant)
Architectural Plans				
Draft Strata Plan	1/2	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Cover sheet – proposed medium density development – Lot 3, DP 1226029, 106 New England Highway, Maitland.	N/A	N/A	N/A	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Existing Site Analysis	2 of 43	B	25.1.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Site Plan	3 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Landscape Concept	4 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Stormwater Concept (to be read in conjunction with the Engineering Plan of Thomas Construction listed below)	5 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Elevations	6 of 43	F	12.9.17	Urban Living Solutions

				(Anambah Constructions) – Job No 143/15
Unit 1- Floor Plan	7 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 1 – Elevations (northern and eastern)	8 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 1 – Elevations (western and southern)	9 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 1 – Roof Plan	12 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 2 – Floor Plan	13 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 2 – Elevations (southern and eastern)	14 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 2 – Elevations (northern and western)	15 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 2 – Roof Plan	18 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 3 – Floor Plan	19 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 3 – Elevations (southern and eastern)	20 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 3 – Elevations (northern and western)	21 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 3 – Roof details	24 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 4 – Floor Plan	25 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 4 – Elevations (southern and eastern)	26 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 4 – Elevations	27 of 43	F	12.9.17	Urban Living Solutions

(northern and western)				(Anambah Constructions) – Job No 143/15
Unit 4 – Roof Plan	30 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 5 – Floor Plan	31 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 5 – Elevations (southern and eastern)	32 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 5 – Elevations (northern and western)	33 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 5 – Roof Plan	36 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 6 – Floor Plan	37 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 6 – Elevations (southern and eastern)	38 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 6 – Elevations (northern and western)	39 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Unit 6 – Roof Plan	42 of 43	F	12.9.17	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Driveway Profile	43 of 43	F	4.11.15	Urban Living Solutions (Anambah Constructions) – Job No 143/15
Engineering Plan				
Concept drainage (except as modified by Stormwater Concept (plan 5 of 43 above reducing the unit development from 7 dwelling units to 6 dwelling units).	D01 & D02	A	16.5.17	Thomas Engineering – Job No: 170154
Documents				
Arborist report			1.8.17	Steve Watson – Hunter River Trees Pty Ltd (Arborist Consultants) Ref – 0018a/2017

Acoustic report		June 17	RCA Australia – ref 12829-301/1
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CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$28,472 shall be paid to the Council.

The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

Facility	4 x 2 bed	1 x 4 bed	Total
Aquatics Facilities	\$2,860	\$966	\$3,826
Competition Netball Courts Mait Park	\$668	\$224	\$892
Recreation and Open Space Facilities	\$2,388	\$806	\$3,194
Multipurpose Centre Floor Space	\$1,872	\$633	\$2,505
Library Floor Space	\$1,816	\$612	\$2,428
Road and Traffic Facilities	\$9,480	\$3,198	\$12,678
Citywide Cycleways	\$1,688	\$570	\$2,258
Plan Management and Administration	\$516	\$175	\$691
Total	\$21,288	\$7,184	\$28,472

The above contributions rates are indexed, at least annually, with reviewed rates to apply from 1st February each year in accordance with the provisions of the Maitland City Wide Section 94 Contributions Plan 2016. Please refer to Council's web page for the current rates applicable.

Payment of the above amount shall apply to Development Applications as follows:

- Subdivision only - prior to issue of the Subdivision Certificate.
- Building work only - prior to issue of the Construction Certificate.
- Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.
- Where no construction certificate is required - prior to issue of an Occupation Certificate.
- For extractive industries - annually from the date of issue of development consent.

The above "contribution" condition has been applied to ensure that:

- Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act, 1979.*
- Council's administration expenses are met with respect to the processing of the application.*

- Prior to issue of the Strata Certificate, by Council, an original administration sheet and four copies of the survey plans, shall be submitted to Council, together with the payment of the applicable Subdivision Certificate fee current at the date of issue. The Strata documents submitted are to comply with the Strata Schemes Development Act 2015 and the Strata Schemes Development Regulation 2016.

CERTIFICATES

4. Prior to the commencement of works an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
5. Prior to issue of the Construction Certificate and/or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier together with documentary evidence from the suppliers of electrical power and communications (including gas, if applicable) confirming that satisfactory arrangements have been made regarding the provision of their respective infrastructure, shall be submitted to the Accredited Certifier.
6. Prior to the issue of an Occupation Certificate all conditions of development consent shall be complied with.
7. Prior to occupation of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.
8. Prior to issue of the Strata Certificate, all conditions relating to Development Consent 17-631 shall be completed and/or satisfied and a Final Occupation Certificate issued.
9. The applicant shall submit to Council, *"Notice of Appointment of the Principal Certifying Authority"* at least two (2) days Prior to the commencement of construction works.
10. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
11. (1) Building work that involves residential building works (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a

manner as to render out of date any information or declaration previously given under either of those paragraphs.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.

ACOUSTIC MEASURES

12. The development shall comply with the requirements of Australia Rail Track Corporation Ltd (ARTC) as specified in their letter dated 9 November 2017 (attached to this Development Consent).

ACID SULFATE SOILS

13. The site has been identified as a Potential class 5 Acid sulfate soils area and is within 500m of Class 4 Acid sulfate soils. Should any excavation exceed 2 metres in depth below natural ground level for a volume greater than one tonne it is the responsibility of the Applicant to ensure that such measures are implemented to comply with the NSW Potential Acid Sulfate Soils Manual and Maitland Local Environmental Plan 2011.

LANDSCAPING

14. Prior to the issue of an Occupation Certificate additional landscape screen plantings shall be incorporated along the rear boundary of the development for its entire length to ensure the privacy of the neighbouring open space areas to the rear of the existing boundary. The vegetation should be a minimum of 0.5m in height at the time of planting and reach a height at maturity of 3-4 metres. The plantings should be of an appropriate species endemic to the area but not containing invasive roots (given the drainage infrastructure proposed). All landscaping shall be implemented and installed prior to the issue of the Construction Certificate.

All landscaped areas of the development shall be maintained in accordance with the approved landscape plan at all times. The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.

15. No tree exceeding 3 metres in height or having a branch spread of 3 metres or more in diameter is to be removed from the subject land unless:
 - i) The removal is essential in order for the development under this consent to proceed; and
 - ii) Consent to the removal of the tree(s) has been granted by Council in accordance with Clause 5.9AA of the Maitland Local Environmental Plan 2011.

BIN STORAGE AREAS/WASTE MANAGEMENT (Operational)

16. Residential bins are to be stored in the screened area depicted on the approved plans at all times other than a reasonable time prior to and after the weekly bin collection occurs to ensure there is limited interference with the operation of the New England Highway and to minimise the potential for obstruction of the footway.

CARPARKING

17. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of (7) spaces plus two visitor car parking spaces making a total allocation of 9 spaces to the site.
18. All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete.
19. All parking bays shall be delineated. "Visitor parking" spaces shall be clearly signposted.

VEHICLE ACCESS

20. Prior to commencement of construction of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "*Application To Construct Private Works On Footway*" shall be submitted to Council, together with the appropriate fee (for each driveway).
21. Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed, in accordance with Council's Manual of Engineering Standards, which includes the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document "*Footway Crossings (Driveways)*".

TRAFFIC MANAGEMENT PLAN

22. A Traffic Management Plan for the entire construction process is to be submitted to Council for approval prior to the issue of the Construction Certificate. Details must include how the Management Plan will operate and must ensure that deliveries to the site occur at appropriate times not to impact traffic movements along New England Highway.

STORMWATER DRAINAGE

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

- (a) On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and strictly in accordance with drainage plan number 170154 revision A dated 16.5.17 by Thomas Engineering (except as modified by Storm water Concept (plan 5 of 43 in the schedule of documents to this consent reducing the unit development from 7 dwelling units to 6 dwelling units).
 - (b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - (c) Structural certification is required for underground detention systems where expected traffic loads are likely, and,
 - (d) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - (e) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
 - (f) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
24. Prior to Occupation or Operation of the development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.
25. Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
26. Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:
- a) the inter-allotment drainage system (drainage easement),
 - b) stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of one complete slab segment between joints and replaced in concrete, dowelled to the existing path and finished similar to the adjoining surface.

EROSION CONTROLS

27. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". A sediment fence shall be erected consisting of stakes at 2.5m intervals with geotextile filter fabric securely attached to the stakes. The base of the fabric shall be entrenched a minimum 150mm below undisturbed ground surface. The use of shade cloth is not acceptable. The

sediment fence shall be located such that all sediment-laden water from the site flows through the sediment fence before leaving the site. A material stockpile area shall be contained with a sediment fence.

Should any soil or sediment escape from the building site (for example, from vehicle tyres) it shall be cleaned off the roadway or gutter immediately to ensure it cannot enter the drainage system. These controls shall be effectively maintained throughout the construction and post construction phase until works have been completed on the site.

BUILDING CONSTRUCTION

28. All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).
29. Prior to the issue of a Construction Certificate the Applicant is required to engage an appropriately qualified Vibration expert to prepare a Vibration report. The report must include an assessment of vibration from road and rail to ensure that the criteria in *Assessing Vibration: a technical guidelines (DEC, 2006)* are not exceeded at the proposed development. The Applicant must incorporate in the development all the measures recommended in the report to control the risk. A copy of the report is to be provided to Council and the Principal Certifying Authority prior to the issue of the Construction.
30. All windows to habitable rooms shall be capable of being opened in accordance with the natural ventilation requirements of Part 3.8.5 of Volume 2, of the Building Code of Australia (BCA).

SITE REQUIREMENTS

31. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
32. All earthworks, retaining walls, drainage and back fill are to be located within the property boundaries. Earthworks and retaining walls shall not impede or redirect the natural flow of surface water from the adjoining property. Where the natural flow of surface water will be impeded or redirected by the retaining wall construction, provision is to be made for the interception, collection and disposal of storm water within the subject property boundary.

All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land. Retaining walls are to be situated off the boundary to ensure space for excavation, drainage and potential fence posts. In this regard, fences should be placed on the boundary line and not on top of proposed retaining walls.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

A Construction Certificate is required for all retaining walls which exceed 900mm in height. Construction details for retaining walls may be included with the Construction Certificate application for the building.

FENCING

33. Fence construction shall be in accordance with the recommendations of ARTC Australian Rail Track Corporation L6td) correspondence dated 9 November 2017, Ref: 65/710/525.

Details of the fence construction shall be indicated on the Construction Certificate plans which are to be submitted prior to the issue of the Construction Certificate.

Fencing to the rear boundary must be at a minimum height of 2.1 m to protect the privacy of the residents to the rear of the site.

SITE REQUIREMENTS

34. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (i) Must preserve and protect the building from damage, and
 - (ii) If necessary, must underpin and support the building in an approved manner, and
 - (iii) Must, at least seven (7) days before excavating below the level of the base of the footings or a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

35. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.
36. A temporary toilet shall be provided on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The number of toilets provided shall be 1 toilet per twenty persons or part thereof employed on the site. The temporary toilet is to be connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

37. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:

- a. 7.00am to 6.00pm Monday to Friday
- b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

38. All building materials, plant and equipment shall be contained wholly within the development site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth or waste disposal bin. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

39. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.

Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.

40. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

ENVIRONMENTAL CONTROLS

41. The site shall be cleared of all building refuse and spoil immediately upon completion of the building to a licensed Landfill Authority.

42. During the extraction, removal and transportation of material associated with the work the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Dust control measures (eg., fine water spraying) shall be employed during excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. Dust control measures shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

BUILDING SUSTAINABILITY INDEX (BASIX)

43. The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) Certificate(s). Should there be any changes to the specifications of the development (eg., colour, insulation etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may be relied upon as having complied with this condition. A copy of any amended/new BASIX Certificate shall be submitted to the Principal Certifying Authority within fourteen (14) days of any amendment.

AIR CONDITIONING

44. All external items of air conditioning plant are to be screened or positioned in such a manner as not to detract from the visual presentation of the building.

LIGHTING

45. Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas or entries. All lighting must meet the minimum Australian and New Zealand standards, including the Australian Standard for Public lighting of streets, car parks and pedestrian areas. All lighting should be low glare, vandal resistant and free from obstructions to ensure minimal glare and light spill does not occur beyond the property boundaries and onto adjoining properties or the road or rail corridor. The lighting must also not interfere with traffic safety or detract from the amenity of the surrounding area in accordance with Australian Standard AS 4282:1997 – *Control of Obtrusive effects of Outdoor lighting*.

NOISE

46. The use and occupation of the premises, including all plant and equipment installed, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

ADVICES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A. You are advised to liaise with ARTC regarding earthworks adjacent to the rail corridor as detailed in the attached Australian Rail Track Corporation Ltd (ARTC) requirements letter dated 9 November 2017 and attached to this consent.
- B. You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council.

Refer to Council's form "*Application for Registration to Open Roads/Footpaths*".
- C. You are advised that a "Drainage Plan Assessment fee for the stormwater detention system may be applicable in accordance with Council's Fees and Charges prior to the issue of the Construction Certificate. You are also advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- D. You are advised that all works associated with the Construction Certificate (CC) for the *inter-allotment drainage and/or driveway corridor* requires inspections by the Principal Certifying Authority (PCA - being Council) as set out in the Manual of Engineering Standards, and that a (*Construction*) *Certification Fee* applies in accordance with Council's Fees and Charges.
- E. You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*").
- F. You are advised that prior to construction of the driveway corridor, **utility services** and/or their conduits should be installed along the full corridor length.
- G. You are advised that the issue of this development consent does not negate the responsibility of the land owner in respect to any restriction, covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- H. The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage building/development is ready for inspection.
- I. Should any Aboriginal site or relic be disturbed or uncovered during the construction of the development, all work shall cease and the National Parks and Wildlife Service shall be consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable for prosecution under the *National Parks and Wildlife Act 1974*.

The General Manager
Maitland City Council
P O Box 220
Maitland NSW 2320

Email: Belinda.Martin@maitland.nsw.gov.au

9 November 2017

Dear Belinda

**Development Application – DA 17/361 – Rutherford – 106 New England Highway
6 Single Story Dwellings – Lot 3 DP 1226029**

Thank you for your correspondence dated 9 November 2017 regarding the abovementioned Development Application.

I subsequently advise that Council should consider the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 and *Development Near Rail Corridors and Busy Roads – Interim Guideline*, published in the NSW Government Gazette No.158 on 19 December 2008 when determining this application.

ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application;

Noise

ARTC note that a noise assessment (RCA June 2017) has been conducted in accordance with the requirements of *Development Near Rail Corridors and Busy Roads – Interim*. The noise assessment recommends construction materials for external walls, windows and doors and the installation of fresh air ventilation. ARTC recommend that Council include these requirements as a condition of consent.

Facade modifications as described in the noise assessment only protect the internal living areas of the building; it is also important to protect outdoor amenity. ARTC note that a 1.8m fence was assumed as part of the noise modelling. Unfortunately, the assessment does not state the attenuation properties or construction material of the fence. To ensure that the fence contributes to noise attenuation it is recommended that the fence is:

- Constructed with materials that have documented acoustic properties (e.g. Hebel, double skinned sheet steel); and
- Constructed from durable materials with not holes or gaps, and not be subject to the likelihood of this occurring by erosion or digging animals.

Vibration

ARTC recommend that an assessment of vibration from road and rail be conducted to ensure that the criteria in *Assessing Vibration: a technical guideline* (DEC, 2006) are not exceeded at the proposed development.

Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and

requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor, such as:

1. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Fencing

The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council impose a condition of consent requiring that the boundary of the site with the rail corridor be fenced at minimum height of 1.8m.

Lighting, external finishes and design

ARTC wants to ensure that no lighting and external finishes of buildings which face the rail corridor have the potential to affect the safety of rail operations, that is, the temporary blinding effects or distraction caused by lighting and glare from reflective surfaces. The recommended measures associated with lighting and external finishes could include the use of non-reflective materials and landscaping along with adherence to AS4282-1997 *Control of Obtrusive Effects of Outdoor Lighting*.

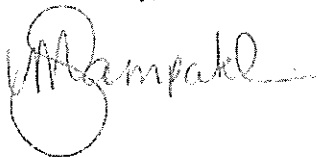
Excavation, earthworks and other construction

ARTC requests that due to the proposed development being within close proximity to the embankment along the rail line, that the proponent seek ARTC concurrence to carry out excavation and any other adjacent earthworks as it has the potential to impact on the safety and operation of the rail network. The proponent is requested to contact ARTC Property Officer, as below in the first instance to assist with obtaining and submitting an application for these works.

Monica Sampaklis
Property Officer, Hunter Valley
P: (02) 4941 9631
M: 0417 405 603
msampaklis@artc.com.au

Should you have any further enquiries with regard to this matter please do not hesitate to Monica on the details above.

Yours sincerely,



per

Teena Renès
Property Manager – Newcastle