

24 November 2022

Ben Grogan
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Response by email: Alexander.Healey@fac.s.nsw.gov.au

Dear Ben

**PROPOSED RESIDENTIAL FLAT BUILDING 38, 40 JOHN T BELL DRIVE & 31, 33
MATFEN CLOSE MARYLAND**

I refer to the Land and Housing Corporation's (L&HC) letter received on 25 October 2022 advising of a proposed residential flat building on the above properties under the 'development without consent' provisions of *State Environmental Planning Policy (Housing) 2021* and inviting City of Newcastle (CN) to comment. The extension of the deadline to provide comment to 24 November 2022 is appreciated.

The submitted documentation and plans have been reviewed by CN officers and the following advice is provided for your consideration:

1. Character of the Area

While the notification letter from L&HC to CN described the proposal as a residential flat building, the proposal actually comprises two separate buildings each addressing a street frontage.

Concern is raised regarding the compatibility of the proposal with the existing character of the area, as well as the desired character and streetscape provided for by the requirements of the Newcastle Development Control Plan (NDCP) 2012.

According to the Development Data table on Drawing 20126 A-001 B, the average front building setbacks in John T Bell Drive and Matfen Close in these locations is 7.4 metres and 8.325m, respectively. The proposed building facing John T Bell will have a minimum setback at ground floor level of seven metres, into which the enclosed elevated private open spaces, with clothes lines, of Units 1-4 will encroach a further 2.850 metres. At the first floor level the balconies of units 9-12 protrude approximately 2.5 metres forward of the front elevation.

Similarly, the proposed building facing Matfen Close will have a minimum setback at ground floor level of 5.804 metres, into which the enclosed courtyards of Units 6-8 will encroach a further 2.0 metres. At the first floor level the balconies of units 14-16 will protrude a minimum of a metre forward of the front elevation.

It is recommended changes are made to the design to address the above concerns.

2. Accessibility

An 'Acceptable solution' of Section 3.03.04 Configuration of the NDCP 2012 provides that dwellings other than seniors housing under the relevant State Environmental Planning Policy include the *Liveable Housing Design Guidelines* Silver Level universal design features.

At the meeting of Council of 23 August 2022, a proposed Notice of Motion (NOM) relating to Housing Affordability was endorsed. The NOM was to be included in CN's submission to the Local Government NSW (LGNSW) Annual Conference to be held in late October 2022.

The proposed NOM, in part, sought that LGNSW:

3. *Calls upon the State government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.*

The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).

According to the Access Report prepared in support of the proposal, the proposed ground floor units will achieve the LHA silver standard. It is requested that L&HC provide leadership on this issue by having all of the proposed units comply with the silver standard.

3. Flood Management

The development is not subject to additional controls under Section 4.01 'Flood Management' of the NDCP 2012 considering the low level of flood risk at the site.

It is noted L&HC sought out a site-specific flood assessment prepared by BMT providing flood planning levels of 5.10m (AHD) Australian Height Datum for Lots 111 & 112, and 5.50m AHD for Lots 116 & 117. Dwellings in Lots 111 & 112 are proposed with ground floor levels of 5.10m AHD and 5.50m AHD. Dwellings in Lots 116 & 117 will have ground floor levels at 5.50m AHD. The proposed development therefore complies with floor level requirements set by the site-specific flood study prepared by BMT.

The floor level of all proposed buildings is to be verified on plans to be no lower than 5.10m AHD. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
- b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

4. Stormwater Management

The proposed stormwater management plan is generally compliant with Section 7.06 of the NDCP 2012 and associated 'Stormwater and Water Efficiency for Development' Technical Manual (SWEDTM). It is recommended that:

- (a) Flow paths proposed along the east and west property boundaries for major storm runoff must be shaped such that conveyed stormwater flows are contained wholly within the development site up to and including the 5% AEP.

- (b) The proposed new kerb inlet pit is connected to CN's existing stormwater system via 375mm diameter Reinforced Concrete Pipe (RCP) at a minimum 1% fall as required by the SWEDTM.

Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of NDCP 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Northrop Consulting Engineers (Job No. NL202298, Revision A, dated 19/07/2022).

A Stormwater Maintenance Manual for stormwater devices, including rainwater reuse and retention tanks, is to be prepared in accordance with SWEDTM. The Maintenance Manual is to address maintenance issues including routine monitoring and Page 3 of 6 regular maintenance and is to be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared and completed prior to occupation of this site for the intended use.

5. Roof water

Roof water from the proposal is to be directed to water reuse tanks with a minimum capacity of 40,000 litres, designed in accordance with Appendix 8 of the SWEDTM.

The lower 50% capacity or a minimum 4,000 litres, whichever is the greater, of the rainwater tank is to be reticulated into each of the following new uses:

- Site irrigation systems
- External taps
- All toilets
- Cold water washing machine taps and laundry basin taps

The upper remaining capacity of the rainwater tank is to drain from the tank by way of a 5mm weep hole connected to the main overflow pipe for the tank.

A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).

6. Erosion and sediment control measures

Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

7. Vehicular access, Driveway Design and Crossing location

It is recommended the development is designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP2012, Australian Standard AS/NZS2890.1:2004 Off Street Car Parking and AS/NZ 2890.06:2009 Parking Facilities-Off Street parking for people with disabilities.

Any redundant existing vehicular crossing is to be removed at no cost to CN. The road reserve and kerb being restored to, CN's satisfaction, to match the existing infrastructure. This work is to be completed prior to occupation of this site for the intended use.

8. Street Trees

All public trees with the exception of tree 380505 located directly adjacent to the proposed driveway crossover on Matfen Close are required to be retained and are to be physically protected in accordance with the 'City of Newcastle Urban Forest Technical Manual Part B Public Trees', 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

Street tree 380505 is required to be removed due to its proximity to the driveway, this is subject to arrangements being made for the removal of the street tree by contacting CN's City Greening Services. All tree removal works are to be carried out by CN at L&HC expense.

A street tree is required to be planted as compensation for the impact on the existing street tree. A fee, to be determined by contacting CN's City Greening Services, is to be paid to CN for the required planting. The tree selection and location of the required compensatory tree will be determined by the City Greening Team in accordance with CN's Street Tree Selection Manual. The location of these trees may not be in the immediate proximity of the subject site.

9. Public Domain Works

L&HC is to design and construct the following works in connection with the proposal within the Matfen Close and John T Bell Drive public road reserves, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:

- (a) A new 5.5m commercial driveway crossing to Matfen Close.
- (b) Construct a new kerb inlet pit in John T Bell Drive and connection to existing City of Newcastle kerb inlet pit via a new section of 375mm diameter class 4 RCP in accordance with CN specification A2201.
- (c) Removal of redundant driveways and reinstatement of new footpath and kerb and gutter.

These works are to be completed prior to occupation of this site for the intended use.

Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field. A copy of the plans is to be submitted to CN prior to work commencing. L&HC shall arrange for necessary inspections by CN whilst the work is in progress and/or after completion of the works, together with the payment of any CN inspection fees.

A copy of the public domain stormwater drainage plans with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to CN prior to the occupation of this site for the intended use. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems

10. Vehicular crossing

A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- (a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.
- (b) The driveway crossing, within the Matfen Close road reserve, shall be a maximum of 5.5 metres wide.
- (c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metres by 2.5 metre splay within the property boundary each side of the driveway entrance.
- (d) The proposed driveway shall be a minimum of three metres clear of the trunk of any tree within the public reserve, unless otherwise approved by CN's City Greening Team.
- (e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.
- (f) Any redundant existing vehicular crossing is to be removed at no cost to CN. The road reserve and kerb being restored to, CN's satisfaction, to match the existing infrastructure.

A copy of the plans is to be submitted to CN prior to work commencing. LAHC shall arrange for necessary inspections by CN whilst the work is in progress and/or after completion of the works.

The works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.

11. Car parking

The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009-Parking Facilities-Off street parking for people with disabilities.

All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.

Council has recently adopted amendments to Section 7.03 'Traffic, Parking and Access' of the NDCP2012 including additional controls on residential development to encourage and support increased usage and demand for electric vehicles. It is recommended that L&HC integrate electrical infrastructure into new off-street car parking facilities to ensure the development is EV Ready in accordance with Part F 'Electric vehicle parking' of Section 7.03.

12. Waste Management

CN's Waste & Commercial Collection Manager has provided the following advice regarding the Operational Waste Management Plan (OWAP):

1. *The allowance of 60 litres of comingled recycling per dwelling is not sufficient. The following allowance needs to be made:*
 - a. *1 Bedroom Apartment: 80 litres / week*
 - b. *2 Bedroom Apartment: 100 litres / week*
2. *Bins are proposed to be placed kerbside at each frontage, which is acceptable.*

3. *For note – if the proposed dwellings are not all separately-residentially rated the residents shall not be each entitled to a CN waste service as part of their rates for all residences.*

The OWMP needs to be updated with the above estimated generation rates (and resultant bins, bin storage, bin presentation area, etc.) and resubmitted.'

13. Consolidation of lots

The whole of the subject site comprising Lot 111,112,116 and 117 of DP 253956 is to be consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.

14. House numbering

The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights are to be:

- a exterior of the building = 75mm and*
- b group mailbox - street number = 150mm*
 - house number = 50mm

A schedule of the street addresses for the proposal prepared in accordance with CN's 'House Numbering Policy' and the *Surveying and Spatial Regulation 2017* is attached. (Refer to Attachment A)

If you have questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Principal Development Officer (Planning) on 4974 2767 or gmansfield@ncc.nsw.gov.au

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT SECTION MANAGER

Attachment A: Housing Numbering Schedule

Attachment A: House numbering schedule

ADDRESS SCHEDULE				
Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Primary Site Address	38	John T Bell	Drive	Maryland
Alternative Site Address	31	Matfen	Close	Maryland
Proposed Unit 1	6/38	John T Bell	Drive	Maryland
Proposed Unit 2	5/38	John T Bell	Drive	Maryland
Proposed Unit 3	2/38	John T Bell	Drive	Maryland
Proposed Unit 4	1/38	John T Bell	Drive	Maryland
Proposed Unit 5	10/38	John T Bell	Drive	Maryland
Proposed Unit 6	14/31	Matfen	Close	Maryland
Proposed Unit 7	13/31	Matfen	Close	Maryland
Proposed Unit 8	12/31	Matfen	Close	Maryland
Proposed Unit 9	3/38	John T Bell	Drive	Maryland
Proposed Unit 10	7/38	John T Bell	Drive	Maryland
Proposed Unit 11	4/38	John T Bell	Drive	Maryland
Proposed Unit 12	3/38	John T Bell	Drive	Maryland
Proposed Unit 13	9/38	John T Bell	Drive	Maryland
Proposed Unit 14	16/31	Matfen	Close	Maryland
Proposed Unit 15	15/31	Matfen	Close	Maryland
Proposed Unit 16	11/31	Matfen	Close	Maryland