

# Part 5 Review of Environmental Factors

Proposed residential flat building affordable housing development  
at

Nos 38-40 John T Bell Drive and 31-33 Matfen Close, Maryland, NSW 2287

Lots 111, 112, 116, 117 in Deposited Plan 253956

Job No BGWY7

May 2023





# Acknowledgement of Country

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Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Part 5 Review of Environmental Factors

First published: May 2023

Department reference number: D23/451363

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# Document Register

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors prepared by Explore Planning Solutions for NSW Land and Housing Corporation (Job No BGWY7) and reviewed by NSW Land and Housing Corporation.

No	Date	Version	Change since last version	Page
1	04.12.2022	1	First Draft	
2.	13.02.2022	2	Final	
3.	13.03.2023	3	Minor edits and revision in plans	various
4.	26.04.2023	4	Minor edits	various
5.	23.05.2023	5	Minor changes	various

## DOCUMENT SIGN-OFF

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Having prepared the Review of Environmental Factors:

I have declared any possible conflict of interests (real, potential, or perceived) to the Acting Head of Policy and Innovation, NSW Land and Housing Corporation.

I do not consider I have any personal interests that would affect my professional judgement.

I will inform the Acting Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.

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Signature:

Date: 26 May 2023


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I have declared any possible conflict of interests (real, potential or perceived) to the Chief Executive, and Acting Head of Policy and Innovation, NSW Land and Housing Corporation.

I do not consider I have any personal interests that would affect my professional judgement.

I will inform the Chief Executive and Acting Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.

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# 1 Executive Summary

The subject site is located at 38-40 John T Bell Drive and 31-33 Matfen Close, Maryland and is legally described as Lot 111, 112, 116, 117 in DP 253956.

The proposed development activity is described as follows:

*Demolition of 4 dwellings and construction of a residential flat building containing 16 dwellings, comprising 6 x 1-bedroom and 10 x 2-bedroom units, parking for 8 vehicles, associated site works and landscaping, and consolidation of 4 lots into a single lot.*

The proposed housing development is being carried out by Land & Housing Corporation (LAHC) and is therefore permitted without consent under the provisions of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), as it does not exceed 9m in height and contains not more than 60 dwellings on a single site and provides parking in accordance with the provisions of the Housing SEPP (accessible area).

A Review of Environmental Factors (REF) has been undertaken of the proposed development activity under Part 5 of the EP&A Act and section 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF has identified and considered the following:

- From an analysis of the environmental impacts associated with the proposed development activity, it has been determined that preparation of an Environmental Impact Statement is not required.
- From a review of environmental impacts resulting from the proposed development activity it has been determined that, subject to implementation of mitigation measures to be incorporated as Identified Requirements, the activity will not have any significant adverse impact on the environment.
- The proposal will not have any effect on matters of national significance and approval of the activity under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* is not required.
- There are no separate approvals, authorisations or notifications required in relation to the proposed development activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- City of Newcastle Council and occupiers of adjoining land were notified of the proposed development activity under the provisions of Housing SEPP on 21 October 2022. A response was received from Council (via letter) on 24 November 2022. Comments on the Council submission are provided in **Section 7** of this REF. Seven submissions were received from occupiers of surrounding properties and the Local Member, comments are provided in **Section 7** of this REF.
- The proposal is located in an ‘accessible area’ and meets all other relevant provisions for affordable housing comprising self-contained dwellings carried out by the LAHC under the provisions of the Housing SEPP.
- The proposal has adequately taken into account the design requirements specified in the Housing SEPP and the relevant design principles and better practices set out in the “*Seniors Living Policy: Urban design guidelines for infill development*” specified in the Housing SEPP.
- The proposal has adequately considered the relevant design principles and requirements set out in “*Good Design for Social Housing*” and the “*Land and Housing Corporation Design Requirements*” as specified in the Housing SEPP.
- A BASIX certificate, NatHERS certificate and stamped plans have been obtained for the proposed development demonstrating compliance with the State Government’s environmental sustainability targets.



It is considered that the proposed activity, carried out in accordance with the environmental mitigation measures outlined in this REF, can proceed subject to the recommended Identified Requirements in **Appendix C**.

## 2 Introduction

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### 2.1 Background

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) relates to the proposed activity for the demolition of 4 dwellings and construction of a residential flat building containing 16 dwellings, comprising 6 x 1-bedroom and 10 x 2-bedroom units, parking for 8 vehicles, associated site works and landscaping, and consolidation of four lots into a single lot, at 38-40 John T Bell Drive and 31-33 Matfen Close, Maryland.

The subject activity will be carried out by or on behalf of Land and Housing Corporation (LAHC) which is the determining authority and proponent of the activity under Part 5 of the EP&A Act. The registered owner of the subject land is the New South Wales Land and Housing Corporation.

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and relevant provisions of Part 14 of the EP&A Regulation.

A Decision Statement accompanying this REF certifies that in accordance with the requirements of Part 5 of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

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### 2.2 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
  - describing the proposed activity;
  - analysing the potential impacts of the activity on the environment;
  - identifying measures to mitigate those impacts;
  - analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
  - recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.
- 

### 2.3 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Newcastle Local Environmental Plan 2012* (NLEP 2012);

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- it was determined that residential flat buildings are 'permitted with consent' in the R2 zoning pursuant to the NLEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the LAHC to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

## 3 Existing Environment

### 3.1 Site Locality

The subject site is located within the City of Newcastle Local Government Area. It consists of 4 residential allotments, legally described as Lot 111, 112, 116, 117 in DP 253956 and known as 38-40 John T Bell Drive and 31-33 Matfen Close, Maryland. A Site Locality Map is provided in **Figure 1**.



Figure 1 Site Locality map

### 3.2 Site Characteristics

The development site is generally rectangular in shape, located on the southern side of John T Bell Drive and the northern side of Matfen Close. The site benefits from 2 primary street frontages, with a 36.555m frontage to John T Bell Drive and a 36.715m frontage to Matfen Close, with an overall site area of 2,331.2m<sup>2</sup> (Deposited Plan – **Appendix N**).

The site comprises 4 lots legally described as Lots 111 – 112 and 116 – 117 DP253956 (38-40 John T Bell Drive and 31-33 Matfen Close, Maryland).

The site has minor fall of approximately 1.07m (RL 5.13m – RL 4.06m) from the south-east to the north-east corner (Survey – **Appendix O**).



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Each allotment is currently occupied by a detached single storey dwelling house, constructed with a mixture of brick, weatherboard, tiles, and metal sheeting. 4 trees and number of shrubs are located across the site. 7 street trees front the site, within both street frontages. Existing development on the site is shown in **Error! Reference source not found.**5 below.



Figure 2: No. 38 John T Bell Drive (Source: Google Street view March 2021)



Figure 3: No. 40 John T Bell Drive (Source: Google Street view March 2021)



Figure 4 No. 31 Matfen Close (Source: Google street view March 2021)



Figure 5 No. 33 Matfen Close (Source: Google Street view March 2021)

## Traffic and Access

Vehicular access is currently provided to each dwelling, via a crossover off the public road. Unrestricted kerbside parking is permitted along both sides of Matfen Close and John T Bell Drive, which is signposted with a 50km/h speed limit.

## Services

Water, electricity, sewer and telephone facilities are available to the subject site (refer to the Survey Plan in **Appendix O** for the location of available services). A sewer main runs east to west along the rear of the properties fronting John T Bell Drive and north south adjacent to the eastern boundary of 40 John T Bell Drive and 33 Matfen Close. Power poles are located in both street frontages.



## Encumbrances

The Certificate of Titles (**Appendix N**) do not list any encumbrances that would impact upon the proposed development of the site.

A 4.6m wide drainage easement runs north south adjacent to the western boundary of 40 John T Bell Drive and 33 Matfen Close but does not encroach the subject site.

## Flooding

The Planning Certificates (**Appendix A**) stipulate that the *property is, or contains, flood prone land as defined in the Floodplain Development Manual; the management of flood liable land*. Section 4.01 Flood Management of Newcastle Development Control Plan (DCP) 2012 provides guidelines with respect to all development of flood prone land. This includes development for the purposes of residential flat buildings.

A flood impact assessment (**Appendix S**) was prepared to ensure the proposed development is compatible with the flood risk at the site, in accordance with City of Newcastle's DCP. The report found the site is categorised as very low risk for regional flooding, which means that the area is above the 1% AEP flood level but below the PMF level. That is, the site is subject to regional flooding, but only in very rare events. Flooding is further discussed in **Section 8** – Review of Environmental Factors.

## Acid Sulfate Soils (ASS)

The Planning Certificates (**Appendix A**) stipulate that the land is identified on an Acid Sulfate Soils Map as being Class 1 or Class 2. Confirmation is also shown in Council's Acid Sulfate Soils Map (NLEP2012), showing the site as being Class 2. This was confirmed by reference to the Wallsend Acid Sulfate Soils Map, which indicates the property is within an area of high probability that ASS will be encountered. The map shows the area is an estuarine back swamp.

A Geotechnical Investigation and Acid Sulfate Soil Assessment was prepared (**Appendix H**), with onsite testing undertaken. The results of the soil sample analyses showed some of the test results exceed the action criteria, and therefore an ASSMP is required, and has been prepared (**Appendix J**), and is further discussed in **Section 8** – Review of Environmental Factors.

## Bushfire

The Planning Certificates (**Appendix A**) state the land is not bushfire prone.

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## 3.3 Neighbouring Development and Locality

The site is located within an established residential area characterised by single storey detached dwelling houses, interspersed with the occasional double storey detached dwelling house. The subject site is located approximately 150m south-east of the Maryland Public School, and 350m south of Maryland Shopping Centre. Directly opposite the site to the north is Grange Avenue Reserve, beyond which is Bill Elliot Oval.

Adjoining the site, to the east and west are 4 residential lots, each containing a single storey detached dwelling, constructed from brick, weatherboard, with roofing of either tile or metal sheeting.



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Figure 6 Aerial map (Extract Landscaping Plan)



Figure 7: No. 29 Matfen Close – adjoining development to east (Source: Google Street view March 2021)



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Figure 8: No. 35 Matfen Close – adjoining development to the west (Source: Google street view March 2021)



Figure 9: No. 42 John T Bell Drive – adjoining development to west (Source: Google street view March 2021)



Figure 10: No. 36 John T Bell Drive – newer adjoining development to the east (Source: Google street view March 2021)

### Access to Services – Shops and Transport

The subject site is located approximately 350m south of Maryland Shopping Centre, containing a chemist, pathologist, takeaway shops, with a Woolworths planned to open in 2023.

### Train Station

Warabrook Train Station is located approximately 4.7km to the east of the site.

### Bus Stops

The subject site is within 400m walking distance, via a safe pedestrian route, to numerous bus stops, including:

- 2287407 (John T Bell Drive opposite Grange Avenue Reserve),
- 2287404 (Grange Avenue Reserve, John T Bell Drive),
- 2287120 (Maryland Public School, Boundary Road)
- 228757 (Boundary Road opposite Maryland Public School),
- 2287405 (John T Bell Drive at Holywell Street),
- 2287406 (John T Bell Drive after McNaughton Avenue), Clause
- 228764 (Seaton Street before Sandycroft Street),
- 2287125 (Seaton Street at Wyndrow Parade), and
- 2287412 (Berwick Crescent before Boundary Road).

The closest bus stops are located on the northern side of John T Bell Drive opposite the site (ID: 2287404); and bus stop (ID: 2287407) on the southern side of John T Bell Drive, within the frontage of 42 John T Bell Drive. Both bus stops are located within 400m walking distance of the site and service the existing bus routes 12 (Maryland to Merewether Beach via Wallsend and Newcastle Interchange) and 260 (Minmi to University of Newcastle via Fletcher, Maryland and Wallsend) provided by Newcastle Transport and Hunter Valley Buses, respectively.

Of these stops, the frequency of bus services operating from the bus stop located on the northern side of John T Bell Drive (ID: 2287404), satisfies the criteria for the land to be classed as ‘accessible’ pursuant to the Housing SEPP. **Table 1** below shows there are multiple bus services each hour between 6:00AM – 9:00PM on weekdays and at least 1 bus service each hour between 8:00AM – 6:00PM on weekends.

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**Table 1** Bus Stop Frequency – Bus Stop ID: 2287404 - located on the northern side of John T Bell Drive

Time	Number of Services		
	Monday – Friday	Saturday	Sunday
6:00am - 7:00 am	3		
7:00am – 8:00am	4		
8:00am – 9:00am	4	2	2
9:00am – 10:00am	3	2	2
10:00am – 11:00am	3	2	2
11:00am – 12:00am	3	2	2
12:00pm – 1:00pm	3	2	2
1:00pm – 2:00pm	3	2	2
2:00pm – 3:00pm	3	1	2
3:00pm – 4:00pm	3	2	2
4:00pm – 5:00pm	4	2	2
5:00pm – 6:00pm	3	2	2
6:00pm – 7:00pm	3	1	1
7:00pm – 8:00pm	2		
8:00pm – 9:00pm	2		

## 4 Project Description

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### 4.1 Description of Activity

The proposed activity can be described as follows:

#### Demolition

Demolition of existing structures is proposed, including 4 single storey detached dwelling houses and associated structures as identified in the Survey Plans (refer to Appendix O) and shown on Demolition plan (refer to Appendix E).

#### Removal of Trees

The Arborist Stage C Report (**Appendix G**) has identified and assessed 4 small trees on the site, consisting of 2 Majestic Palms, 1 Weeping Fig and 1 Chinese Tallow. Of these 4 trees; 3 are rated as having a low retention value; and 1 of very low retention value. None of the subject trees/shrubs on the site have any heritage significance, or any listings in the Biodiversity Conservation Act 2016, the Environmental Protection and Biodiversity Conservation Act 1999, or Council's Heritage Tree Register.

The Report recommends the removal of all trees (Trees No. 1, 2, 3 and 5) and shrubs (non-declared vegetation), as depicted in the **Figure 11** below. All public trees are to be retained and protected.

#### Proposed Development

The proposed development is for 2 x 2-storey residential flat buildings containing a total of 16 dwellings, comprising 6 x 1-bedroom and 10 x 2-bedroom units, with 8 at-grade car parking spaces. The proposed development represents a contemporary, high-quality design that will complement the surrounding residential locality.

A variety of new landscape plantings are proposed to enhance the appearance of the site. New plantings will consist of a mixture of native tree species, shrubs, and groundcovers. The comprehensive landscaping plan for the site has ensured through shrub species selection, sizing and placement, passive surveillance is maintained at building, carpark and driveway entries. All plantings are to be layered with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with Crime Prevention Through Environmental Design (CEPTED) principles. Refer to the Landscape Plan (**Appendix M**).

The ground floor units (8 in total) are nominated to achieve LHA Silver Level, with the upper-level dwellings (without lifts), achieving a Silver equivalent rating to the interior.



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Figure 11: Extract Arborist Report – Trees 1, 2, 3 and 5 are to be removed



Figure 12: Extract from Architectural Plans – Street perspective Matfen Close

### Supporting information

This REF is based on Architectural plans / documents prepared by consultants and supplied by the LAHC for the project.



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Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd-mm-yyyy]:	Prepared by:
<b>Architectural – Appendix E</b>				
Coversheet	A-0001	B	26-08-2022	CKDS Architecture
Planning Controls	A-0002	B	26-08-2022	CKDS Architecture
Block Analysis	A-0003	C	10-03-2023	CKDS Architecture
Site Analysis	A-004	C	10-03-2023	CKDS Architecture
Demolition Plan	A-0101	B	26-08-2022	CKDS Architecture
Site Plan - Ground	A-1001	C	10-03-2023	CKDS Architecture
Site Plan – First Floor	A-1002	C	10-03-2023	CKDS Architecture
Site Plan - Roof	A-1003	C	10-03-2023	CKDS Architecture
Ground Floor Plan - South	A-1101	C	10-03-2023	CKDS Architecture
Ground Floor Plan - North	A-1102	C	10-03-2023	CKDS Architecture
First Floor Plan - South	A-1103	C	10-03-2023	CKDS Architecture
First Floor Plan - North	A-1104	C	10-03-2023	CKDS Architecture
Roof Plan - South	A-1105	C	10-03-2023	CKDS Architecture
Roof Plan - North	A-1106	C	10-03-2023	CKDS Architecture
Street Elevations	A-2001	C	10-03-2023	CKDS Architecture
East / West Elevation	A-2002	C	10-03-2023	CKDS Architecture
North / South Elevation	A-2003	C	10-03-2023	CKDS Architecture
Sections A	A-3001	C	10-03-2023	CKDS Architecture
Section B & C	A-3002	C	10-03-2023	CKDS Architecture
Cut and Fill Diagram	A-4001	B	26-08-2022	CKDS Architecture
Waste Management Plan	A-4002	C	13-01-2023	CKDS Architecture
RFB & Landscape - Area	A-4003	B	26-08-2022	CKDS Architecture
Shadow Diagrams	A-5001	B	26-08-2022	CKDS Architecture
Solar – South	A-5002	B	26-08-2022	CKDS Architecture
Solar - North	A-5003	B	26-08-2022	CKDS Architecture
Schedule of Finishes	A-6001	B	26-08-2022	CKDS Architecture
Matfen Close	A-6001	B	26-08-2022	CKDS Architecture
Window schedule	A-7001	B	26-05-2022	CKDS Architecture
<b>Landscape – Appendix M</b>				
Cover Sheet	DA-L000	E	03-09-2022	Xeriscapes
Landscape Plan	DA – L101	E	03-09-2022	Xeriscapes
Precedent Images	DA – L201	D	22-07-2022	Xeriscapes
Indicative Plant Schedule	DA – L301	D	22-07-2022	Xeriscapes
<b>Civil – Appendix P</b>				
Cover Sheet, Locality Plan and Drawing List	DA.C01	A	19-07-2022	Northrop
Erosion and Sediment Control Plan	DA.C02	A	19-07-2022	Northrop
Erosion and Sediment Control Details	DA.C03	A	19-07-2022	Northrop
Civil Stormwater and Levels Plan	DA.C04	B	06-09-2022	Northrop

Review of Environmental Factors  
38-40 John T Bell Drive and 31-33 Matfen Close, Maryland

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd-mm-yyyy]:	Prepared by:
Civil Stormwater and Levels Plan	DA.C05	B	06-09-2022	Northrop
<b>Survey – Appendix O</b>				
Site Detail Survey (2002455)	Layout 01- 08	Rev B	14-10-2020	Indiya Geospatial
<b>BASIX / NatHERS – Appendix F</b>				
BASIX Certificate	1311106M_02	-	05-09-2022	Chapman Environmental Services Pty Ltd
NatHERS Certificate	007900160	-	22-07-2022	Chapman Environmental Services Pty Ltd
<b>Specialist Reports</b>				
Arborist's Stage C Report Appendix G	-	-	29-07-2022	Hunter Horticultural Services
BCA Compliance Assessment Report Appendix I	10644.2	Revision 2	05-09-2022	AED Group
Geotechnical Investigation and Acid Sulfate Soils Assessment Appendix H	20/3519	-	October 2020	STS Geotechnics Pty Ltd
Acid Sulfate Soils Management Plan Appendix J	22/2797	-	August 2022	STS Geotechnics Pty Ltd
Flood Report Appendix S	L.A10426.001	-	17-03-2022	BMT Commercial Australia Pty Ltd
Traffic and Parking Impact Assessment Appendix L	220409.01FB	-	06-10-2022	McLaren Traffic Engineers and Road Safety Consultants
Access Report Appendix I	LP_20267	Revision 4	09-10-2022	Lindsay Perry Access
<b>Waste Management- Appendix K</b>				
Site Waste Minimisation and Management Plan		-	13-01-23	CKDS Architecture – Ben Rapley

This REF has been prepared in consideration of the following:

- City of Newcastle
  - Section 10.7 (2) & (5) Planning Certificate - No. PL2023/01197, dated 14/03/2023, 38 John T Bell Drive, Maryland NSW 2287) – refer **Appendix A**
  - Section 10.7 (2) & (5) Planning Certificate - No. PL2023/01198, dated 14/03/2023, 40 John T Bell Drive, Maryland NSW 2287) – refer **Appendix A**
  - Section 10.7 (2) & (5) Planning Certificate - No. PL2023/01199, dated 14/03/2023, 33 Matfen Close, Maryland NSW 2287) – refer **Appendix A**
  - Section 10.7 (2) & (5) Planning Certificate - No. PL2023/01200, dated 14/03/2023, 31 Matfen Close, Maryland NSW 2287) – refer **Appendix A**
- Certificate of Titles and Deposited Plans – Folios 111, 112, 116 and 117 DP53956, Search Date 1 March 2023– refer **Appendix N**

- Aboriginal Heritage Information Management System (AHIMS) Search, dated 14/03/2023 – refer **Appendix R**
- Design compliance certificates – **Appendix Q**
  - Certificate of Landscape Documentation Compliance – Xeriscapes dated 17/06/2022
  - Certificate of Stormwater Design Statement – Northrop dated 17/07/2022
  - Certificate of Fire Hydrant Coverage – PFCA dated 02/09/2022
  - Architect’s Certificate of Building Design Compliance – CKDS Architecture dated 02/09/2022
- Seniors Living: Urban Design Guidelines for Infill Development Checklist – CKDS Architecture dated 22/07/2022 – **Appendix D**

## 5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Newcastle Local Environmental Plan 2012* (NLEP 2012), refer to Figure 13. As per the land use table *residential accommodation* is permitted with consent in the R2 zone, which includes *residential flat buildings*. The proposed development is defined as a ‘residential flat building’ and is therefore permissible with consent in the R2 zone under NLEP 2012.

Section 42 of the Housing SEPP permits certain development that may be carried out ‘with consent’ to be carried out by the New South Wales Land & Housing Corporation (LAHC) as ‘development without consent’ subject to the provisions set out under that clause. **Table 4** in **subsection 6.1.6** of this REF demonstrates compliance with the relevant provisions of Section 42 of Housing SEPP.

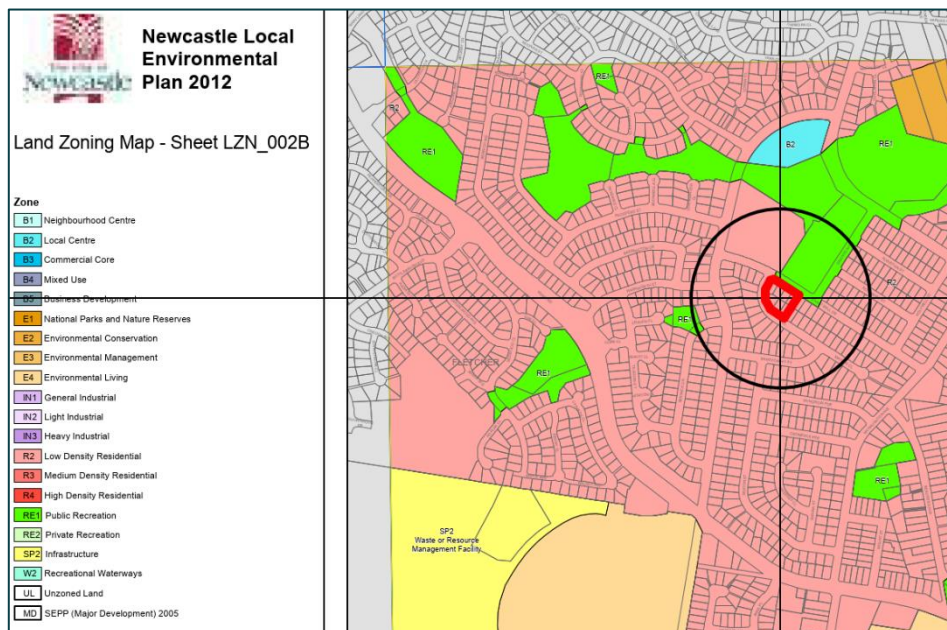


Figure 13 Extract of Zoning map from NLEP 2012

## 6 Planning and Design Framework

### 6.1 Environmental Planning and Assessment Act 1979

#### 6.1.1 Duty to consider environmental impact [Section 5.5]

For the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity (refer to subsection 1 of Section 5.5).

This REF report addresses the above provisions of Section 5.5 of the EP&A Act. The **Table 2** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Environmental Planning and Assessment Act 1979 Section 5.5 consideration

Matter for consideration	Effect of Activity
<b>Sub-section 3</b>	
Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) in the locality in which the activity is intended to be carried on.	No effect, as there is no wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) within the locality in which the activity is intended to be carried on.

### 6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land is not known to comprise critical habitat, contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value, as shown on the Biodiversity Values Map, published by former NSW Environment and Heritage.

### 6.3 Other Acts

No other State or Commonwealth Acts are applicable to the proposed activity.

### 6.4 Environmental Planning and Assessment Regulation 2021

#### 6.4.1 Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in the table below are to be taken into account when consideration is being given to the likely impact of an activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Environmental Planning and Assessment Regulation 2021 Section 171

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021

**Table 3a: Factors to be taken into account concerning the impact of an activity on the environment.**

If there are no environmental factors guidelines in force have the following been taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. <b>[Note 2]</b>	NA			



(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.1.5		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

**Note 1:** A 'significant' impact will trigger the need for an Environmental Impact Statement.

**Note 2:** The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

## 6.4.2 Strategic Planning Framework

### Hunter Region Plan 2036

The Hunter Regional Plan 2036 provides the strategy necessary to deliver the vision for the Hunter region. The Plan guides the NSW Government's land use planning priorities and decisions over the next 20 years. *Goal 4 Greater housing choice and jobs*, recognises that social and affordable housing will be necessary to meet the needs of people on low incomes. Each community will have different housing needs and local solutions will have to be developed. Increasing the overall supply of housing will help to reduce pressure on the cost of housing. *Direction 22.3* requires the development of local housing strategies to respond to housing needs, including social and affordable housing, and support initiatives to increase the supply of affordable housing.

Furthermore, *Direction 23.1* requires the concentration of growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses. Maryland is identified as being in the Urban Renewal Corridor Stage 1, connecting to Wickham in the southeast and can therefore be expected to experience higher growth rates, compared to non-strategic centres.

### Greater Newcastle Metropolitan Plan

The Metropolitan Plan delivers on four goals of the Hunter Regional Plan 2036. One of the key outcomes is to *deliver housing close to jobs and services*, with 4 strategies identified, which will help deliver the outcome. This includes prioritising the delivery of infill housing opportunities within existing urban areas. *Action 16.1*, requires focus housing in existing urban areas, particularly within strategic centres and along urban renewal corridors – which as identified in the Hunter Region Plan, and as discussed above, Maryland is located in Urban Renewal Corridor Stage 1.

### Planning Newcastle 2040: Global City, Local Character

This Local Strategic Planning Statement (LSPS) is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan, Newcastle 2030, and brings together land use planning actions in other CN adopted strategies.

The LSPS recognises there exists a considerable supply gap in social and affordable housing to suit a range of very low-, low- and moderate-income households. This is in addition to needing more housing for people with specific needs, including students, the elderly and people with a disability. In this regard, *Planning Priority 12*, 5.3(a) requires, sufficient *housing diversity to meet community needs, including affordable living and adaptable housing options*. This is particularly relevant to Maryland, which is located in an Urban Renewal Corridor Stage 1, where the LSPS requires that at least 30% of new housing is affordable and built to the Liveable Housing Design Guidelines.

## Newcastle Local Housing Strategy

The Local Housing Strategy 2020 (LHS) sets a framework for the provision of housing across the Newcastle Local Government Area (LGA) over the next 20 years. One of the recommendations, *Housing Priority 4: Increase the supply of affordable rental housing*, recognises, there are currently 132 social and affordable housing (SAH) units in the pipeline, falling substantially short of the assumed underlying demand, in the order of 7,000 to 7,500 units. This is compounded by the possibility of the SAH units in the pipeline not being enough to replace the existing stock being lost. The current social housing stock is typically older and will therefore need to be retrofitted or replaced.

The Strategy finds that locating SAH close to facilities, employment centres and public transport has direct benefits for the occupants, the economy and surrounding community. Therefore, prioritising the provision of SAH in Catalyst Areas and Urban Renewal Corridors is a key priority. The proposed development is consistent with this direction being located in the Stage 1 Urban Renewal Corridor.

## Precinct Maps

The site is located within the City of Newcastle's *Moderate Growth Precinct* (Precinct Map 3) - which includes all of John T Bell Drive, and Matfen Close (See **Figure 14**). As per the *Newcastle Development Control Plan 2012*, the Moderate Growth Precinct covers areas that are within a SAFE 5-minute walk of local or neighbourhood centres and is considered suitable for increased residential density. While a wide range of housing is expected to be undertaken, RFB and multi dwelling housing are encouraged.

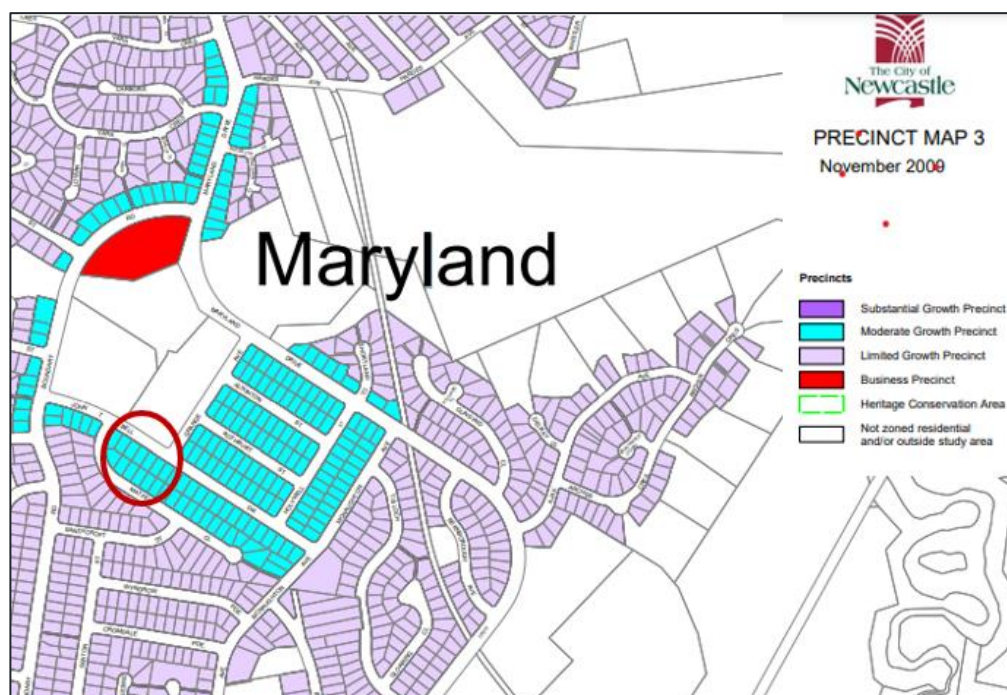


Figure 14: City of Newcastle Precinct Map 3

The proposed development is consistent with and supports the Strategic Planning Framework.

## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

Section 42 of the Housing SEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. The **Table 4** below demonstrates compliance with the relevant provisions of Section 42 of the Housing SEPP.

**Table 4** Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC – Compliance Review

Provision	Compliance
<b>42 Development may be carried out without consent</b> <b>42 (1)</b> This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Yes, <i>residential flat buildings</i> are permissible with consent in the R2 zone under <i>Newcastle Local Environmental Plan 2012</i> .
(b) all buildings will have a height of not more than 9m, and	Yes, maximum building height of 8.36m to ridgeline.
(c) the development will result in 60 dwellings or less on a single site, and	Yes, the development is for 16 dwellings on a single site
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Yes, 8 spaces provided Required = 8 spaces (7.4 spaces) <ul style="list-style-type: none"> <li>0.4 x 6 = 2.4 spaces</li> <li>0.5 x 10 = 5 spaces</li> </ul>
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	Not applicable as the site is within an accessible area.
<b>42(2)</b> This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Demolition of 4 existing single storey dwellings and associated structures on the development site is proposed, on land that is non-heritage land, not local or State listed item/land, and not identified as being within a heritage conservation area.
(b) the subdivision of land and subdivision works. <b>Note</b> – Section 32 prohibits the subdivision of a boarding house.	Not applicable, no subdivision is proposed, however consolidation of the site into a single lot is proposed
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance; and the subject development is not subject to Part 4 of the Act and no part of the project has been determined under Section 75P (former Part 3A) of the Act.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	The proposed development will be undertaken by or on behalf of LAHC.

Provision	Compliance
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections - (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	The development is not located in an area which triggers the requirement to notify a public authority under this clause.
(6) In this section- <b>Former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. <b>Residential development</b> has the same meaning as in the Housing Act 2001, section 8.	Noted.
<b>43 Requirements for carrying out residential development -</b>	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from City of Newcastle via an email from LAHC, 10 August 2022, regarding additional persons or properties that should be notified of the development in addition to the draft scope of notification. Council advised via email on 16 September 2022 that the scope of notification as proposed by LAHC was satisfactory, and requested that the owners also be notified, in accordance with Council’s Community Participation Plan.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying City of Newcastle of the proposed development activity was sent by LAHC on 21 October 2022. Letters notifying occupiers and owners of surrounding land of the proposed development activity were sent by the LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by letter dated 24 November 2022. Responses to Council’s comments are provided in <b>Section 7.1</b> of this REF. 7 submissions were received from the occupiers/owners of nearby properties, and the Local Member. Comments on the submission are provided in <b>Section 7.1</b> of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in <b>Appendix D</b> and <b>Section 6</b> of this report, which indicates that the design of the proposal is consistent with the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> .
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable, relevant authority is LAHC.

Provision	Compliance
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) <i>Land and Housing Corporation Dwelling Requirements</i> , published by the Land and Housing Corporation in September 2020, and	Refer to <b>subsections 6.1.8 &amp; 6.1.9</b> of this report, which following consideration indicate that the development is satisfactory in regard to these documents.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	The development is not for the purposes of a manor house or multi dwelling housing (terraces).
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted. The land to which the development is proposed is located within the City of Newcastle LGA.

## 6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development (SLUDG)

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) was prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are five sections in the document, each corresponding to a key issue when designing development under the Housing SEPP and include:

- Improving neighbourhood fit
- Improving site planning and design
- Reducing impacts on streetscape
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

Clause 43 (1)(d) of the Housing SEPP requires LAHC to take into account the relevant provisions of the SLUDG when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix D** which indicates the proposal is consistent with the Guidelines.

## 6.5.3 Good Design for Social Housing

Good Design for Social Housing establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 43(1)(f)(i) of the Housing SEPP requires LAHC to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below:



## Wellbeing

The proposed development provides a safe and secure form of housing. The dwellings incorporate good solar access, cross ventilation, and fenced, landscaped private open space areas to support the physical and mental health and safety of future tenants.

The proposal exceeds the solar access and deep soil requirements of the SLUDG and have been designed to meet water and energy efficiency targets as demonstrated by the BASIX & NatHERS certificates, allowing reduced running costs and flexibility to adapt to future requirements.

The development has been designed with 50% (8) of the units achieving Silver Level per the Liveable Housing Design Guidelines, providing flexibility to adapt to the residents' future needs, and allowing them to age in place.

## Belonging

The development comprises a mixture of 1 and 2 bedroom units, with all of the ground floor units achieving a Silver Level rating as per the Liveable Housing Design Guidelines with all the upper level units (without a lift) achieving the equivalent Silver Level rating to the interior, allowing mixed tenures, from various stages of life and with varying mobility levels.

Communal pathways and the common lobbies are well-connected and defined, and the development is set in a garden setting with landscaped interfaces to neighbours and the street.

The 2-storey development is well-articulated, addresses the street and includes well landscaped front setbacks, so as to make a positive contribution to the street.

## Value

The redevelopment is an efficient and economical use of existing serviced urban land as the proposal is for the replacement of older housing stock with new and additional high-quality dwellings, designed to be fit-for-purpose, and incorporating sustainable design elements.

The use of durable materials and rationalised unit-above-unit floorplates minimise waterproofing issues and construction costs.

The development has been designed in accordance with BASIX and BCA requirements and includes a rainwater tank for water reuse in landscaped areas. The proposed landscape plantings scheme focusses on native and drought-tolerant species. Whilst solar panels provide a renewable energy source that can offset costs for tenants and LAHC.

## Collaboration

The proposal is of a scale and character that assists with place making, by ensuring integration with the surrounding development. Collaboration with a number of stakeholders has been undertaken during the design and assessment process, with the development shaped by input from a wide range of consultants and stakeholders

### 6.5.4 Land and Housing Corporation Design Requirements 2023

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.



Clause 43(1)(f)(ii) of the Housing SEPP requires LAHC to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential housing development under Part 2, Division 6 of the Housing SEPP.

The proposed development was designed in accordance with the Land and Housing Corporation Dwellings Requirements 2020 (refer **Appendix D**). These requirements were replaced by the Land and Housing Corporation Design Requirements in February 2023. The proposed development is generally in accordance with the provisions of the updated requirements.

## 6.6 Other State Environmental Planning Policies (SEPPs)

Table 5 Other applicable SEPPs

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP, refer to <b>Appendix F</b> .
SEPP (Resilience and Hazards) 2021	<p>The Section 10.7 Planning Certificates indicate the site has not been identified as being subject to any matters arising from the Contaminated Land Management Act or is listed on the loose fill asbestos register. Furthermore, given the long-term continuous use of the land for residential purposes since 1977 (Layout Plan 820/1), and the highly disturbed nature of the site, it is unlikely that the subject land is affected by contamination.</p> <p>The residential use of the land is not proposed to be changed, and therefore section 4.6 (2) of the SEPP is not applicable, and a preliminary investigation report, prepared in accordance with the contaminated land planning guidelines, is not required.</p>
SEPP (Transport & Infrastructure) 2021	The site is not located in close proximity to a State Classified Road nor is it defined as traffic generating development. Further it is not in close proximity to rail or electricity infrastructure which would trigger consideration under this SEPP.
SEPP (Biodiversity and Conservation) 2021	Tree removal is proposed (refer to Arborist's Stage C Report at <b>Appendix G</b> )

## 6.7 Other Legislation

The

**Table 6** Other applicable legislations below outlines compliance and applicability with other relevant State and Commonwealth legislation.

Table 6 Other applicable legislations

Legislation	Applicability
National Construction Code (NCC)	A Building Code of Australia Compliance Assessment Report has been prepared, the primary purpose of which was to identify the non-compliance matters contained in the proposed design philosophy against the current Deemed-to-Satisfy (DTS) Provisions of the BCA and to provide compliance Recommendations to overcome the DTS non-compliances, to be addressed at Building Certification stage. Refer to <b>Appendix I</b> .
Contaminated Land Management Act 1997	The 10.7 Planning Certificates stipulate that there are no matters prescribed by Section 59(2) of the Contaminated Land Management Act 1997 to be disclosed.

## 6.8 Local Environmental Plan (LEP) Compliance

The applicable local planning instrument for the site is Newcastle LEP 2012 (NLEP2012). The site is zoned R2 Low Density Residential, wherein 'residential accommodation' is permissible. The proposed development is defined as a 'residential flat building', which is a form of 'residential accommodation' and therefore permissible.

The relevant objectives of the R2 zone, as set out in NLEP2012 are:

- To provide for the housing needs of the community within a low density residential environment
- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The proposed development provides new housing comprising 1 & 2-bedroom apartments to meet the needs of the community. The proposed development complies with the height and floor space area controls in the LEP and has been designed to be compatible within the low-density residential environment.

Compliance with the relevant provisions / development standards set out in NLEP 2012 is demonstrated in the **Table 7** below.

Table 7 Newcastle Local Environmental Plan 2012

Relevant Provisions / Development Standards for Residential Flat Building Development			
Control	Required	Proposed	Compliance
4.3 Height of Buildings	Maximum Height of 8.5m	8.36m	Yes
4.4 Floor Space Ratio	Maximum floor space ratio of 0.75:1	0.45:1	Yes
5.10 Heritage	Consider potential heritage impacts	The site does not contain any heritage items and is not within any heritage conservation area and is not located in the vicinity of any heritage items.	Yes
5.21 Flood Planning	To minimise flood risk, allow compatible development relative to flooding, avoid cumulative impacts and allow enable safe occupation and evacuation.	A flood impact assessment (FIA) ( <b>Appendix S</b> ) was prepared to ensure the proposed development is compatible with the flood at the site, in accordance with City of Newcastle's flood planning policies. The FIA finds that site has very low flood risk from regional mainstream Hunter River flooding, with the site	Yes  An Identified Requirement no. 78 is suggested to ensure flood free on site refuge area

		<p>becoming only partially inundated in the 1% AEP event. Floor levels associated with the proposed development will be constructed at or above the Flood Planning Level. The FIA modelling has demonstrated that the site does not form part of any flow path, and consequently no part of the development requires redesign to avoid encroachment.</p> <p>As per the FIA, the risk to property classification at the site is indicative of no risk to construction for the 1% AEP event.</p> <p>The risk to life category of L4 – as it will be inundated at the PMF event requires an onsite flood-free refuge as per the standards in section 4 of the Newcastle DCP.</p>	is provided in accordance with Newcastle DCP.
<b>6.1 Acid Sulfate Soils</b>	Development consent is required for works below the natural ground surface, and or works by which the water table is likely to be lowered, and an Acid Sulfate Soils Management Plan (ASSMP) is required.	<p>The Class of the land as shown on the <i>Acid Sulfate Soils Map</i> is Class 2 (ASS). This is confirmed with reference to the Wallsend Sulfate Soils Risk Map, which indicates that the property is within an area where there is a high probability that Acid Sulfate Soils will be encountered.</p> <p><i>A Geotechnical Investigation and Acid Sulfate Soil Assessment (Appendix H)</i> was undertaken in order to assess the significance of the ASS potential. The laboratory results carried out were compared to action criteria contained in the Acid Sulfate Soils Manual (1998). The action criteria trigger the need to prepare an ASSMP and are based on the percentage of oxidized Sulphur for broad categories of soil types. The results of the soils sample analysis found some of the measured tests exceed the action criteria.</p> <p>Therefore, development consent and ASSMP is required.</p> <p>In satisfaction of this clause, an ASSMP has been prepared, by STS Geotechnics Pty Ltd, dated August 2022 (<b>Appendix J</b>). The report was prepared to assist with management of ASS during the proposed development works and will be listed as a specialist report in Identified Requirement No. 1 – to be complied with.</p>	Yes

## 6.9 Local Development Control Plan (DCP) Compliance

Newcastle Development Control Plan 2012 (NDCP 2012) is applicable to the proposed development. Compliance with the key applicable requirements of the DCP are listed in the Table below.

Table 8: Newcastle Development Control Plan 2012

Compliance with Applicable Key Requirements			
Control	Acceptable Solution	Proposed	Compliance
<b>Part 3.03 Residential Development</b>			
<b>3.03.01 Principal Controls</b>			
<b>Frontage Widths</b>			
1.	The minimum site frontage width is: Residential Flat Building in R2 Zone, 18m where not in the Moderate Growth Precinct *16m as site is in Moderate Growth Precinct	The site has a primary road frontage to Matfen Close of 36.6 m and John T Bell Drive of 36.5m – Survey ( <b>Appendix O</b> )	Yes
<b>Front Setbacks</b>			
1.	(a) In established areas the proposed building is setback the average distance of buildings within 40m either side of the lot on the same primary road.	The Site Analysis Plan prepared by the architects ( <b>Appendix E</b> ) calculates the average setback for 40m along John T Bell Drive and Matfen Close to be 7.4m and 8.325m respectively.	Yes – Compliance with Performance Criteria justified refer section 6.9.1 below
3.	An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line.	Proposed building setback of 7m to John T Bell Drive, into which extends elevated private open space areas of 2.85m on the ground floor, and balconies of Units 9-12 of 2.5m. Building setback to Matfen Close is 5.8m, into which enclosed courtyards will encroach a further 2m, with first floor balconies protruding a minimum of 1m forward.	Yes Compliance with Performance Criteria justified refer section 6.9.1 below
<b>Side and Rear Setbacks</b>			
1.	(a) In the R2 Low Density Residential Zone: (i) Side setbacks are a minimum of 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1.	The proposed side setbacks comply, noting that a maximum side setback of 1.9m is required at the highest point of an 8.5m high building. A minimum side setback of 3m is provided.	Yes
<b>Landscaped Area</b>			
1.	Minimum landscape area of 25% and deep soil zone of 12% of site area	Landscaped area of 615m <sup>2</sup> (26%) and deep soil zone 576m <sup>2</sup> (25%) proposed.	Yes
3.	A minimum 25% of the front setback is landscaped area.	Approximately 50% of the front setback to John T Bell Drive is landscaped area (132m <sup>2</sup> /255m <sup>2</sup> ), approximately 50% of the front	Yes

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		setback area to Matfen Close is landscaped area (124m <sup>2</sup> /250m <sup>2</sup> ).	
5.	Landscaped area to be distributed throughout the site, in both private and communal open space areas.	The landscaped area has been distributed throughout the site, within the frontage, alongside boundaries, adjoining private walkways, and private open space areas.	Yes
7.	One large tree or two medium sized trees are provided for every 90m <sup>2</sup> of landscaped area.	For a required minimum landscaped area of 577m <sup>2</sup> , a total of 6 large trees or 12 medium sized trees are required. Of the 25 trees proposed, 9 are feature trees with a height range between 6 - 10m, and 14 are small trees with a height range between 2-8m	Yes
8.	A medium sized tree with a minimum mature height of 5m is provided in the front setback, where the setback is greater than 3m.	3 feature trees and 2 small trees are planted within the Matfen Close frontage, and 1 feature tree, with 2 small trees are planted within the John T Bell Drive frontage.	Yes

### 3.03.02 Siting the Development

<b>A. Local character and context</b>			
2.	Site Analysis is undertaken.	A site analysis has been undertaken and can found in the submitted Architectural Plans ( <b>Appendix E</b> ).	Yes
<b>B. Public Domain Interface</b>			
1.	Private open space is located behind the building line of the primary road frontage but may be partially located within an articulation zone.	The primary private open space of all units fronting onto John T Bell Drive are located forward of the front building line.	Yes – Compliance with Performance Criteria justified refer to Section 6.3.1 below.
2.	Windows and balconies overlook the public domain.	Private open space areas, balconies and living area windows overlook the public domain, on both John T Bell Drive and Matfen Close frontages.	Yes
3.	Direct visibility is provided along pathways and driveways from the public domain.	Direct sightlines are provided along the pathways and driveways to/from Matfen Close.	Yes
4.	Fences and walls forward of the building line of the primary road frontage:		
	(a) have an average height of 1.2m, with a maximum height of 1.5m and are constructed using materials such as slats or pickets with a	Low height fences proposed to front private open space areas, to both Matfen Close and John T Bell Drive, constructed from open	Yes – Compliance with Performance Criteria justified

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	at least 50% of the fence area open.	vertical slat powder coated fence, colour 'Monument'. When considered in conjunction with retaining walls they are higher than that deemed acceptable by the <i>Acceptable Solution</i> . However, the open nature of the fencing on top of the retaining walls, the fact that they are not located on the front boundary but rather are set back within the site and separated from the front boundary by a landscaping buffer will ensure they do not dominate the public domain and therefore it is considered that the <i>Performance Criteria</i> is satisfied despite the non-compliance with the <i>Acceptable Solution</i> .	
	(b) (c) do not use unfinished timber paling and metal panel fences forward of the building line.	Unfinished timber paling and metal panel fences are not proposed forward of the building line.	Yes
5.	(c) Retaining walls within the front setback that have a height greater than 600mm are softened by landscape planting with a minimum width of 600mm on the low side of the retaining wall.	Low height retaining walls within front setbacks necessary to raise the finished floor level above the FPL, up to a height of 760mm and 650mm on John T Bell Drive and Matfen Close respectively. Retaining walls softened by landscaping in the form of trees, shrubs and groundcovers.	Yes
<b>Pedestrian and vehicle access</b>	(d)		
1.	(e) Internal streets, lanes driveways and parking spaces and circulation comply with AS2890.1	The submitted Traffic and Parking Assessment ( <b>Appendix L</b> ) confirms driveways and car parking area complies with AS2890.1	Yes
2.	(f) Internal Streets (driveways) must be setback:		
	(a) at least 1m from fence	2.4m proposed to side fence	Yes
	(b) at least 2m from another dwelling	More than 2m (driveway setback, plus side building setback)	Yes
	(c) at least 2.5m from window to habitable room	More than 2.5m to window of habitable room.	Yes
3.	(g) Landscape planting is incorporated into the driveway setback	As shown on the Architectural and Landscape Plans ( <b>Appendices E &amp; M</b> ) a 2.4m landscaping strip is provided, between the driveway and boundary fence	Yes
5.	(h) All internal driveways are overlooked by windows from habitable rooms or POS	Driveway and communal parking areas are overlooked by habitable room windows, first floor balconies, and POS.	Yes



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6.	(i) Open space or window is provided at termination point of driveway	Landscaping including a feature tree and the ground floor window of Bed 2, Unit 4 at provided at the termination point of driveway.	Yes
8.	(j) Pedestrian paths at least 1.5m wide, identifiable dwelling entrances, and clear lines of sight.	Unit and building entrances clearly identifiable, pedestrian path 1.5m wide, with clear sightlines – generally straight pathways.	Yes
9.	(k) Lighting is provided in accordance with AS1158 to roads and pedestrian spaces, avoids light spill to private areas.	LAHC Dwelling Requirements require the development of comprehensive wayfinding strategy that includes lighting and signage. Site Specific Identified Requirement (No.75) recommended to ensure compliance.	Yes.
10.	(l) Maximum length of driveway is 40 and serves <10 dwellings.	Driveway length to central car park area is approximately 24m and caters for 8 spaces.	Yes
11.	(m) Driveways including pedestrian paths are straight and have clear line of sight from public street.	Driveway and pedestrian path generally straight, and offer clear line of sight from Matfen Close.	Yes
<b>Orientation and Siting</b>			
1.	The principal area of private open space and the window to a living room of an adjoining dwelling receives greater than 2 hours of solar access between 9am and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not reduced by more than 20%.	Owing to the orientation of the site, generous side setbacks and the design concentrating the majority of the buildings along street frontages the principal private open space, and windows to adjoining dwellings will continue to receive greater than 2 hours of solar access between 9am and 3pm on the winter solstice.	Yes
3.	Fill outside the building footprint does not exceed a height measured from existing ground level of: a)600mm if within 1m of boundary b)1m if greater than 1m of boundary	The Cut & Fill plan in <b>Appendix E</b> indicates that the extent of fill will be limited to the building envelope and car parking area, which are located a minimum of 3m and 2.4m off the boundary respectively.	Yes
4.	Dwellings orientated to maximise solar and daylight access to living rooms and POS	87.5% of the units receive at least 3hrs sunlight between 9am-3pm on 21 <sup>st</sup> June to living rooms and POS areas. Refer to Solar Access Diagrams, in <b>Appendix E</b> .	Yes
11.	Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.	No part of the ground floor is more than 1.3m above existing ground level. No cut is proposed.	Yes
13.	Fill outside building footprint does not exceed 1m if located greater than 1m from a boundary.	Fill to car park area, which is approximately 2.4m off the side boundary, approximately 500mm.	Yes

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<b>Building Separation</b>			
2.	Minimum separation between 2 buildings on the same lot is 6m where the height is 7.5m or greater.	Building fronting Matfen Close is a minimum of 14.3m distant to the building fronting John T Bell Drive.	Yes
<b>3.03.03 Amenity</b>			
<b>Solar and Daylight Access</b>			
3 & 4.	The living room and POS receives a minimum of 2 hours direct sunlight between 9am and 3pm at the winter solstice for (b) at least 70% of dwellings	As per the submitted Solar Diagrams ( <b>Appendix E</b> ) 87.5% of the units receive at least 3hrs sunlight between 9am-3pm on 21 <sup>st</sup> June to living rooms and POS areas.	Yes
5.	Every habitable room has a window in an external wall with a total minimum glass area of at least 15% of the floor area of the room	All living rooms and bedrooms have a window in an external wall with a minimum glass area of at least 15% of the floor area of the room, except for a bedroom within each of Units 1, 5, 9 & 13 where the glass area measures approximately 11.6% of the floor area of the bedroom. This minor non-compliance with the <i>Acceptable Solution</i> is not considered to compromise the developments ability to achieve the <i>Performance Criteria</i> as these windows are located on the western elevation of the building and have been reduced in size to reduce afternoon heat transfer and are second bedrooms therefore achieving the <i>Performance Criteria</i> by ensuring a healthy indoor environment and providing access to daylight suitable to the function of the room.	Yes – Compliance with Performance Criteria justified
6.	Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.	Habitable rooms do not borrow daylight from other rooms.	Yes
7.	No part of a habitable room is more than 8m from a window.	No part of a habitable room is greater than 8m from a window.	Yes
8.	No part of a kitchen work surface is more than 6m from a window or skylight.	All kitchen work surfaces are within 6m from a window.	Yes
<b>Natural Ventilation</b>			
2.	(a) Each habitable room is naturally ventilated	Each habitable room is provided with an external window or door, allowing for natural ventilation.	Yes
	(b) Each dwelling is cross ventilated	All dwellings have dual orientation and are cross-ventilated.	Yes

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	(c) the area of unobstructed window openings is equal to at least 5% of the floor area served	Each dwelling has window openings that comprise as least 5% of their respective floor areas.	Yes
<b>C. Ceiling Heights</b>			
2.	Ceiling heights are minimum 2.7m to all ground floor, first floor living, and 2.4 to all first-floor bedrooms.	In accordance with LAHC Dwelling Requirements, all bedrooms, kitchen and living rooms are to have minimum height of 2.7m.	Yes
<b>D. Dwelling size and layout</b>			
		Unit sizes, layout and design comply with LAHC Dwelling Requirements.	NA
<b>E. Private open space</b>			
		Private open space standards for balconies and ground floors, including dimensions comply with LAHC Dwelling Requirements.	NA
<b>F. Storage</b>			
		Storage provisions comply with LAHC Dwelling Requirements.	NA
<b>G. Car and bicycle parking</b>			
		Parking provision complies with Housing SEPP, and the submitted Traffic and Parking Assessment ( <b>Appendix L</b> ) confirms compliance with the relevant Australian Standards.	NA
<b>H. Visual Privacy</b>			
2.	(a) Inclusion of privacy screens where the distance from the window of a habitable room to the boundary is: (i) less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or (ii) less than 6m, and the habitable room has a FFL greater than 3m above ground level.	All habitable rooms are greater than 3m from the site boundaries. The second bedroom of units 9 and 13 are within 6m to the boundary and are proposed to be fitted with privacy screens – although not technically required as the window has an area less than 2m <sup>2</sup> (b).	Yes
	(e) separation distances between windows and balconies of dwellings on the same site are double the distances above, i.e., 12m.	Distance of windows to balconies of dwellings on the site are greater than 12m.	Yes
<b>I. Acoustic privacy + J. Noise and pollution</b>			

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		Acoustic targets comply with LAHC Dwelling Requirements, which require compliance with National Construction Code and Australian Building Codes Board Sound Transmission and Insulation in Buildings.	NA
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**3.03.04 Configuration**

<b>A. Universal design</b>			
		Complies with LAHC Dwelling Requirements, which require minimum Silver Liveable rating to all new dwellings where level access is available, and for upper level dwellings, without a lift, apply Silver equivalent rating to the interior.	NA

<b>B. Communal Open Space</b>			
		LAHC Dwelling Requirements specify the provision of community gardens only for large scale developments and owing to the small scale of the subject development has not been provided. Instead private open space areas in excess of the minimum requirements have been provided. Notwithstanding this, communal space has been provided between units 5 and 6, measuring 64m <sup>2</sup> , with minimum dimension of 8m.	NA

**3.03.05 Environment**

<b>A. Energy Efficiency + B. Water management and conservation</b>			
		Complies with LAHC Dwelling Requirements, being that each dwelling achieve a minimum 6-star NatHERS rating. BASIX and best practice Apartment Design Guide (ADG) apply. Water ratings of fixtures specified depending on location / use, and individual water meters to be provided.	NA
<b>C. Waste Management</b>			



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1.	Waste management facilities comply with the requirements of Section 7.08 Waste Management of this DCP.	A preliminary Waste Management Plan has been provided ( <b>Appendix K</b> ) whilst an Identified Requirement (No. 45) is also recommended for a final Waste Management Plan to be prepared which details demolition, construction and operational waste management procedures.	Yes
2.	Where a communal bin storage area is provided, it is located behind the building line of the primary street frontage and appropriately screened from public places and adjoining properties.	The bin storage area is located behind the primary street frontage within a screened area, adjoining the car park.	Yes
3.	Where the site characteristics or the number of bins and length of street frontage are not appropriate for kerbside collection of waste and recycling, developments are designed and constructed to facilitate onsite waste collection.	As shown in the Waste Management Plan ( <b>Appendix W</b> ) there is a continuous path of travel from the waste and recycling storage area, adjacent to the car park, to the kerbside of Matfen Close, with sufficient area to accommodate the sites bins, for Council collection.	Yes

**Part 4.01 Flood Management**

<b>4.01.03 Management of risk to property</b>			
1.	<i>Floor levels of all occupiable rooms of all buildings are not set lower than the FPL.</i>	All floor levels raised to be at or above FPL.	Yes. An Identified Requirement no. 75 is recommended to ensure the flood planning level FFLs are provided. Also, recommended Identified Requirement (No. 81), requires certification to be provided by Registered Surveyor.
4.	<i>Electrical fixtures such as power points, light fittings and switches are sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.</i>	Recommended Identified Requirement (No. 77)	Yes
5.	<i>Where parts of the building are proposed below the flood planning level, they are constructed of water-resistant materials.</i>	Recommended Identified Requirement (No.78)	Yes
6 - 8	<i>Development in areas P2, P3, P4, P5.</i>	The site is classified as P1 – no part of the site is P2, or higher.	NA

4.01.04 Management of potential risk to life			
3	On-site refuge is to be provided for all development where the life hazard category is L4 unless the proposed development is less than 40m from the perimeter of the PMF extent and the higher ground is accessible.	The Flood Impact Assessment (FIA) ( <b>Appendix S</b> ) defines the hydraulic category for the site as H2 to H3, translating to a risk to life category of L4. Accordingly, an on-site flood-free refuge is necessary.	Yes. An Identified Requirement (No.79) recommends provision of on-site flood free refuge, in accordance with Council standards.
4.	Where on-site refuge is required for a development, it should comply with the following minimum standards: (a) The minimum on-site refuge level is the level of the PMF. On-site refuge are designed to cater for the number of people reasonably expected on the development site and are provided with emergency lighting. (b) On-site refuges are of construction type able to withstand the effects of flooding. Design certification by a practising structural engineer that the building is able to withstand the hydraulic loading due to flooding 9at the PMF).	The Peak PMF level on the site varies from North to south between 5.1m to 5.7m, respectively. Unit 1 to Unit 5 towards north of the site has FFL of 5.1m sitting at Peak PMF level, and Unit 6 to Unit 8 towards south of the site has FFL of 5.5m which is below the PMF level. Hence the first floor lobby of the North and south block is to be provided as a flood free refuge area.	Yes.  An identified Requirement no. 79 is recommend to clearly demarcate the flood free refuge area on the plans as per Council requirement.  An Identified Requirement no.80 recommends provision of design certification by a practicing structural engineer that the building is able to withstand the hydraulic loading due to flooding is required prior to construction

## 6.9.1 Justification

### Front Setbacks

The front setbacks to both John T Bell Drive and Matfen Close do not comply with the DCPs Front Setbacks *Acceptable Solutions*, however in this instance the *Performance Criteria* is satisfied. That is:

- setbacks are consistent with the existing or intended local streetscape, with the calculations within the 40m based predominantly on older dwellings, developed in the late 1970's all with large front setbacks. These dwellings are nearing the end of their life and are likely to be redeveloped with smaller setbacks. For example, the building immediately next door at 36 John T Bell Drive, has been redeveloped, with a front setback of approximately 5m. It should also be noted that the existing character of the immediate area is not dominated by streetscape with a uniform setback, or development type. For example, directly opposite the site is Grange Avenue Reserve, which adjoins Maryland Public School to the east, which is comprised of larger, bulkier buildings, with demountable buildings positioned directly upon the front boundary adjacent to the school car park.
- garages and carports have not been located within the front setbacks, rather a central car park integrated internally so as to not dominate the streetscape.
- the setbacks proposed are sufficient to accommodate landscaping including feature trees and deep soil planting areas, as shown in the Landscape Plan (**Appendix M**).

- the setbacks are sufficient to ensure suitable privacy and amenity for the building occupants, as demonstrated on the Architectural Plans (**Appendix E**).

Furthermore, the SLUDG Design Principles, 3. *Impacts on Streetscape* require that front setbacks relate to adjoining development. This has been achieved as the bulk of the building's mass, excluding the articulation zone encroachments, are generally in line with that on the immediately adjoining lots, in the instance of 36 John T Bell Drive with a larger setback.

#### Public Design Interface – Private Open Space Location

The DCP stipulates that provision of private open space behind the building line is an *Acceptable Solution* to satisfy the *Performance Criteria* of the Public Domain Interface section of the DCP.

Contrary to the *Acceptable Solution* primary private open space of all units fronting onto John T Bell Drive are located forward of the front building line. However private open space has been designed in accordance with the SLUDG Design Principles for 4. *Impacts on Neighbours* and 5. *Internal Site Amenity*. That is, private open space has been provided in the front setback to minimise negative impacts on neighbours is orientated predominately north to provide solar access; and where fronting a public road uses screening for privacy but also allows casual surveillance. Furthermore, low level fencing is proposed to ensure security and the proposed landscaping scheme will soften the impact of fencing/private open space areas on the public domain. Therefore in this instance it is considered that the *Performance Criteria* can be satisfied despite not complying with the prescribed *Acceptable Solutions*.

## 7 Notification, Consultation and Consideration of Responses

### 7.1 Council Notification

In accordance with Section 43 of the Housing SEPP, City of Newcastle Council was notified of the development by letter dated 21 October 2022. The notification response period formally closed on 14 November 2022 and Council responded to the notification by letter dated 24 November 2022. A full copy of the Council submission is located in **Appendix B**, with matters raised outlined below. Specific matters were raised in Council's letter and the identified requirements have been prepared taking into consideration Council comments, refer to **Appendix C**.

Table 9 Issues Raised in Council Submission

Issues raised	Response
<p><b>Character of the area</b></p> <p>While the notification letter from L&amp;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.</p> <p>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.</p> <p>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.</p> <p>It is recommended changes are made to the design to address the above concerns.</p>	<p>The site is located within the City of Newcastle's Moderate Growth Precinct - which includes all of John T Bell Drive, and Matfen Close. As per Newcastle's Development Control Plan 2012, the Moderate Growth Precinct covers areas that are within a SAFE 5-minute walk of local or neighbourhood centres and is considered suitable for increased residential density. While a wide range of housing is expected to be undertaken, RFB and multi dwelling housing are encouraged.</p> <p>Furthermore, in considering Council's comments, it should be noted that the development is fully compliant with Council's FSR and height controls for the precinct, as prescribed in the LEP. For example, the prescribed FSR is 0.75:1 and maximum height is 8.5m. The proposed development complies with these controls, proposing a 0.45:1 FSR and a building height of 8.36m.</p> <p>In addition, when considering existing character, it should be noted that the immediate area is not dominated by a uniform setback, or development type. Instead, the area consists of varied setbacks and development typologies. For example, directly opposite is Grange Avenue Reserve, a large open park with playing fields, beyond which adjoins Maryland Public School to the east, which comprises of larger structures, and carpark within the frontage, and demountable buildings located along the front boundary. It is also pertinent to note, the recently developed adjoining property, at No. 36 John T Bell Drive has a front setback of approximately 5m, and sits forward within the streetscape, compared to the proposed development.</p> <p>The proposed form of development is not typical in the current streetscape, however the current planning controls and objectives of R2 Low Density zoning within NLEP 2015 allows for diversity in housing, such as dual occupancies, Manor homes and residential flat building (RFB) developments. The proposed two-storey RFB style</p>



Issues raised	Response
	built form ensures diversity and sets a tone for the emerging character and building typology of the area.
<p><b>Accessibility</b></p> <p>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.</p> <p>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.</p> <p>The proposed NOM, in part, sought that LGNSW:</p> <p><i>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.</i></p> <p>The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).</p> <p>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&amp;HC provide leadership on this issue by having all of the proposed units comply with the silver standard.</p>	<p>Noted. The proposed development has been assessed against The National Construction Code 2019 (Vol 1) as mentioned in the Access Report (Appendix I) and is generally in compliance with the accessibility standards for Class 2 buildings.</p> <p>The development has been designed in accordance with LAHC's <i>Dwelling Requirements</i> (now LAHC Design requirements 2023), and NCC 2019 (Vol 1) that is considered acceptable and generally compliant with technical provisions under NCC with all sole-occupancy units on ground floor achieving the Silver Level (Liveable Housing Design Guidelines) and all of the first floor units achieving the Silver Level rating to their interiors.</p> <p>It is likely that at least 2 lifts, with redesign, or 3 lifts with current design will be required to apply Silver Level to all units (ground floor and first floor). These additional requirements will increase the project cost and ongoing maintenance cost significantly. Given the significant property holdings that LAHC has in the Newcastle LGA tenants needs can be managed across the portfolio to ensure that they are placed in accommodation which meets their mobility needs. This tenant management can reduce the upfront and ongoing costs for LAHC whilst ensuring tenants' needs are met.</p>
<p><b>Flood Management</b></p> <p>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.</p> <p>It is noted L&amp;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 &amp; 112, and 5.50m AHD for Lots 116 &amp; 117. Dwellings in Lots 111 &amp; 112 are proposed with ground floor levels of 5.10m AHD and 5.50m AHD. Dwellings in Lots 116 &amp; 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.</p> <p>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:</p> <p>a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.</p>	<p>Noted.</p> <p>Noted</p> <p>Noted, include Identified Requirement (No. 80), Flood Management, requiring certification is to be prepared by a Registered Surveyor and submitted to the Building Superintendent at the stages of construction indicated</p>

Issues raised	Response
b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.	
<p><b>Stormwater Management</b></p> <p>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:</p> <p>(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.</p> <p>(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.</p> <p>Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is to increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.</p> <p>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).</p> <p>A Stormwater Maintenance Manual for stormwater devices, including rainwater reuse and retention tanks, is to be prepared in accordance with SWEDTM.</p> <p>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.</p>	<p>Identified Requirement (No.82) prescribes the reshaping of flow paths, to contain stormwater flows up to and including the 5% AEP, in accordance with Council's comments.</p> <p>Identified Requirement (No.83) prescribes the connection of new inlet kerb to existing stormwater system, in accordance with Council's requirements.</p> <p>Standard Identified Requirement (No.7) mitigates stormwater onto adjoining properties.</p> <p>Standard Identified Requirement (No.1) requires compliance with Northrop Civil Stormwater and Levels Plan.</p> <p>Standard Identified Requirement (No.74) requires a covenant and restriction as to user to be placed over the on-site detention system in accordance with the Council's on-site detention policy to ensure that the system will be adequately maintained.</p> <p>Identified Requirement (No. 84) requires Stormwater Maintenance Manual be prepared.</p>
<p><b>Roof Water</b></p> <p>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.</p> <p>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:</p>	<p>The proposed development incorporates a combined 36.8m<sup>3</sup> of rainwater tanks, which will incorporate 18.4m<sup>3</sup> reuse volume and 18.4m<sup>3</sup> leaky tank volume (which is to be fitted with a 5mm weep hole connected to main overflow). The harvested volume is to be reticulated internally for toilet flushing and laundry use as well as externally for landscaping irrigation.</p>

Issues raised	Response
<ul style="list-style-type: none"> <li>• Site irrigation systems</li> <li>• External taps</li> <li>• All toilets</li> <li>• Cold water washing machine taps and laundry basin taps</li> </ul> <p>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.</p> <p>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).</p>	<p>The proposed size of tank is satisfactory and designed in accordance with the Appendix 8 of Councils 'Stormwater and Water Efficiency for Development' Technical Manual.</p> <p>Standard Identified Requirement (No.1) requires compliance with Northrop Civil Stormwater Plans. (Refer <b>Appendix P</b>).</p> <p>Standard Identified Requirement (No.85) requires an electronically activated mechanical valve device to be installed to maintain min water depth.</p>
<p><b>Erosion and sediment control measures</b></p> <p>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.</p>	<p>Standard Identified Requirement (No.13) requires erosion and sediment control measures to be put in place and designed in accordance with the Blue Book.</p>
<p><b>Vehicular access, Driveway Design and Crossing location</b></p> <p>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/NZS2890.06:2009 Parking Facilities-Off Street parking for people with disabilities.</p> <p>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.</p>	<p>The submitted Traffic and Parking Assessment (<b>Appendix L</b>) confirms the parking areas of the site have been assessed against the relevant sections of AS2890.1:2004 and have been found to satisfy the objectives of each standard.</p> <p>The proposed development does not include the provision of accessible dwellings and as such, nil accessible parking spaces are provided and compliance with AS2890:06 2009 is not required.</p> <p>As per the Demolition Plan (<b>Appendix E</b>) and Standard Identified Requirement (No.11) all existing vehicle crossings are to be removed and obsolete laybacks are to be reconstructed as kerb by LAHC at no cost to Council.</p>
<p><b>Street Trees</b></p> <p>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'.</p>	<p>Standard Identified Requirement (No.1) requires compliance with the Arborist Report, which identifies Tree Protection Measures, on pg. 8 – for all public trees.</p>

Review of Environmental Factors  
38-40 John T Bell Drive and 31-33 Matfen Close, Maryland

Issues raised	Response
<p>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.</p> <p>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&amp;HC expense.</p> <p>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 trees 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.</p>	<p>Standard Identified Requirement (No. 20) requires protection of retained trees in accordance with AS4970 - Protection of Trees on Development Sites, before any site works commence.</p> <p>As per the Arborist Report (<b>Appendix G</b>) all street trees are to be retained and protected, in accordance with specified Tree Protection Measures. The Report notes that the street trees are small specimens, with small trunk diameters, each requiring a TPZ of 2m which can be accommodated without the need for removal. The proposed driveway is located next to Public tree number 13 with a minor TPZ encroachment and as mentioned in the Arborist Report does not require removal.</p> <p>As no street trees will be removed, the compensatory plantation is not required.</p>
<p><b>Public Domain Works</b></p> <p>L&amp;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:</p> <p>(a) A new 5.5m commercial driveway crossing to Matfen Close.</p> <p>(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.</p> <p>(c) Removal of redundant driveways and reinstatement of new footpath and kerb and gutter.</p> <p>These works are to be completed prior to occupation of this site for the intended use.</p> <p>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&amp;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.</p>	<p>Identified Requirement (No. 87) requires new 5.5m commercial driveway crossing to Matfen Close.</p> <p>Identified Requirement (No. 83) prescribes the connection of new inlet kerb to existing stormwater system, in accordance with Council's requirements.</p> <p>As per the Demolition Plan (<b>Appendix E</b>) and Standard Identified Requirement (No. 11) all existing vehicle crossings are to be removed and obsolete laybacks are to be reconstructed as kerb by LAHC at no cost to Council.</p> <p>Identified Requirement (No. 87) requires engineering design plans for works in the public road reserve be prepared in accordance with these requirements.</p>



Issues raised	Response
<p>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</p>	<p>Standard Identified Requirement (No. 74) details the preparation of a <i>Work As Executed Plan</i>, and specifies required documentation/ minimum level of information to be included on the Plan. This standard Identified Requirement has been further amended to capture additional comments made by Council.</p>
<p><b>Vehicular crossing</b></p> <p>A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:</p> <p>(a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.</p> <p>(b) The driveway crossing, within the Matfen Close road reserve, shall be a maximum of 5.5 metres wide.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>The works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.</p>	<p>Standard Identified Requirement (No.10) requires vehicular crossings and laybacks to be constructed in accordance with the Council's standard requirements. Plans and appropriate fees are to be provided to Council. Confirmation provided by LAHCs Civil Engineer confirms that although the site will not be accessed by commercial vehicles, given there are multiple car parking spaces proposed for the development, a 150mm pavement as specified in Council's Crossing Standards is more appropriate, and has been conditioned in Identified Requirement (No. 87).</p> <p>Identified Requirement (No. 88) requires compliance with these sightline controls.</p> <p>As per the Arborist Report (<b>Appendix G</b>) all street trees are to be retained and protected, in accordance with specified Tree Protection Measures. The Report notes that the street trees are small specimens, with small trunk diameters, each requiring a TPZ of 2m which can be accommodated without the need for removal.</p> <p>Noted, plans show existing power pole to be relocated – at least 750mm from driveway.</p> <p>As per the Demolition Plan (<b>Appendix E</b>) and Standard Identified Requirement (No. 11) all existing vehicle crossings are to be removed and obsolete laybacks are to be reconstructed as kerb by LAHC at no cost to Council.</p> <p>Standard Identified Requirement (No.10) requires vehicular crossings and laybacks to be constructed in accordance with the Council's standard requirements. Plans and appropriate fees are to be provided to Council. Standard Identified Requirement (No.71) requires all identified requirements to be complies with prior to occupation. No Occupation Certificate is required for Crown activities.</p>

Issues raised	Response
<p><b>Car parking</b></p> <p>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.</p> <p>All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.</p> <p>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&amp;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.</p>	<p>The submitted Traffic and Parking Assessment (<b>Appendix L</b>) confirms the parking areas of the site have been assessed against the relevant sections of AS2890.1:2004 and have been found to satisfy the objectives of each standard. The proposed development does not include the provision of accessible dwellings and as such, nil accessible parking spaces are provided – and compliance with AS2890:06 2009 is not required.</p> <p>Standard Identified Requirement (No.12) details that car parking spaces and driveways must be constructed of concrete or other approved hard surface material. The design of these spaces must comply with AS 2890.1</p> <p>The requirements are quite onerous, and as advised by the electrical engineer, to ensure the development is EV ready an electrical kiosk may be required on site. The cost to provide an electrical kiosk is significant and would require a redesign. This is likely to make the development cost prohibitive.</p>
<p><b>Waste Management</b></p> <p>CN's Waste &amp; Commercial Collection Manager has provided the following advice regarding the Operational Waste Management Plan (OWAP):</p> <p>1. The allowance of 60 litres of comingled recycling per dwelling is not sufficient. The following allowance needs to be made:</p> <p>a. 1 Bedroom Apartment: 80 litres / week b. 2 Bedroom Apartment: 100 litres / week</p> <p>2. Bins are proposed to be placed kerbside at each frontage, which is acceptable.</p> <p>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.</p> <p>The OWMP needs to be updated with the above estimated generation rates (and resultant bins, bin storage, bin presentation area, etc.) and resubmitted.'</p>	<p>Council's development standards are based on the EPA "Better practice guide for resource recovery in residential developments". A revised Waste Management Plan (<b>Appendix W</b>) has been provided to reflect these rates, with the effect of requiring a slightly enlarged waste enclosure.</p> <p>The revised number and size of bins are:</p> <ul style="list-style-type: none"> <li>- 7 x 240L for General Waste (1,480L collected weekly)</li> <li>- 9 x 360L for Recycling Waste (2,960L collected fortnightly)</li> <li>- 3 x 240L for Organic Waste (800L collected fortnightly)</li> </ul> <p>It is noted that the development plans have not been updated to accommodate the additional required recycling bins in line with the revised WMP therefore Identified Requirement (No. 89) has been included to specify the number of bins required.</p>
<p><b>Consolidation of lots</b></p> <p>The whole of the subject site comprising Lot 111,112,116 and 117 of DP 253956 is to be consolidated into a single</p>	<p>Noted. Lots are proposed to be consolidated into a single title as part of the development.</p>

Issues raised	Response
title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.	
<p><b>House numbering</b></p> <p>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.</p> <p>The minimum numeral heights are to be:  an exterior of the building = 75mm and  b group mailbox - street number = 150mm  - house number = 50mm</p> <p>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)</p>	Noted, include Identified Requirement (No. 90), requiring numbering dimensions as specified and a schedule of street address for the proposal.

## 7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under Section 43(1) (b) of the Housing SEPP, the Council for the area was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 10 August 2022. Council provided an email response on 16 September 2022 advising that the notification map was adequate and requested that in accordance with Council's Community Participation Plan that the owners also be notified – with contact details provided. **Figure 15** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 15 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under Section 43(1) (b) of Housing SEPP, occupiers and owners of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 21 October 2022. Copies of the notification letters are provided at **Appendix B**.

The notification period formally closed on 14 November 2022. 7 submissions were received during the notification period, including a submission from the State Member for Wallsend – all raising objections. The submissions raised similar issues/contentions, and these have been noted in the Table below, with LAHC Response.

Table 10: Issues raised by adjoining owners/neighbours and Land & Housing Corporations Response

Issues raised	LAHC Response
<b>Not enough car parking spaces for proposed number of units.</b>	<p>8 car parking spaces have been provided, which is consistent with the Housing SEPP. The plans provide pedestrian access from both John T Bell Drive and Matfen Close, which facilitates the use of both streets for any additional on-street parking, if required.</p> <p>These LAHC-owned sites have been selected for renewal because of their easy access to public transport, services, and Maryland Shopping Centre. This convenient location means tenants will not have to rely on owning a car.</p>
<b>Traffic congestion in street from increased development/density</b>	The traffic and parking assessment report for the project indicated the proposed development would generate up to 8 additional vehicle trips during the respective peak periods, which is not expected to have any significant impacts on the existing local street network.
<b>Large number of bins on collection days will take up limited on-street parking.</b>	The project has been designed to meet Council requirements, and LAHC has a bin waste management plan which concludes that there is enough frontage to cater for the bins on collection day.
<b>Lack of car parking will force residents to park on already congested street</b>	8 car parking spaces have been provided, which is consistent with the Housing SEPP. The plans provide pedestrian access from both John T Bell Drive and Matfen Close, which facilitates the use of both streets for any additional on-street parking, if required.
<b>Anti-social behaviour (in part due to lack of available parking)</b>	<p>Like the rest of the community, the majority of tenants are good neighbours and law-abiding people. Nevertheless, the Department of Communities and Justice (DCJ) has in place a policy for dealing with disruptive tenants. More information about the policy was provided to the objector.</p> <p>In addition, DCJ has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters, with concerns about antisocial behaviour or property care issues.</p> <p>Regarding future tenants the proposed development will be managed by DCJ who have developed a local allocation strategy; to ensure tenants that are placed in the new units are good tenants who don't have a history of vandalism or anti-social behaviour.</p>
<b>Density and scale</b>	The height and setbacks of the development are consistent with the legislated requirements under the Housing SEPP and (NLEP 2012). The developments is well designed and provides modern homes with landscaped gardens that will make a positive contribution to the existing streetscape.
<b>Height of development, two stories inappropriate</b>	The height and setbacks of the development are consistent with the legislated requirements under the Housing SEPP and (NLEP 2012). In addition, the developments compatibility with the bulk and scale of adjoining development is aided through the provision of side setbacks in excess of prescribed minimum requirements, and articulation through a mixture of solid and void elements, including the use and location of balconies, and use of a variety of external finishes and materials, through the separation of the development into 2 separate buildings with building mass concentrated along the street frontages, all consistent with the SLUDG design principles and better practice guidelines.

Review of Environmental Factors  
38-40 John T Bell Drive and 31-33 Matfen Close, Maryland

Issues raised	LAHC Response
<b>Solar Access</b>	The development has been designed to provide and maintain adequate solar access to adjoining properties consistent with the Housing SEPP requirements. The shadow diagrams show that the development would maintain adequate solar access to both living areas and private open space areas of adjoining properties.
<b>Privacy concerns for residents of 29 Matfen Close</b>	The proposed design maintains privacy for the neighbouring properties by minimising visual and acoustic impacts on neighbouring properties, through careful window placement, translucent glazing on the awning style windows and privacy screening to balconies. The intentional placement of the balconies to face internally towards other units in the complex or to the street adds a layer of privacy for the neighbouring homes. The canopy of trees along the boundary that will reach a mature height of 2 -10 metres will be both aesthetically pleasing whilst also adding privacy.
<b>An impact study for existing properties on devaluation of current properties</b>	The existing properties are proposed to be replaced with new, modern, fit for purpose dwellings. The proposal includes landscaped gardens and on-site car parking and are expected to make a positive contribution to the area, and not have adverse impacts on property values.
<b>Demographic of future Tenants</b>	The proposed development will be managed by Department of Communities and Justice who has developed a 'local allocation strategy' to ensure tenants that are placed in the new units are good tenants and community members.
<b>Maintenance of the grounds, trees, and overall cleaning</b>	As the property owner, LAHC regularly attends to the maintenance of its properties including at its new development sites. LAHC has an ongoing maintenance program which includes urgent repairs, regular lawns and grounds maintenance, and upgrading programs. Maintenance contractors are responsible for shared communal area maintenance, and tenants are responsible for their own private open space maintenance. Additionally, Department of Communities and Justice has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters, or you can email the Newcastle DCJ Housing Team at 203@facs.nsw.gov.au with concerns about antisocial behaviour or property care issues.
<b>Future Plans- more developments on the street will decrease the value of the privately owned properties</b>	This development provides new modern housing to replace the existing ageing housing stock and it is not anticipated to have a negative impact to adjacent properties nor on the areas property prices.
<b>Placement of fence along boundary will hinder vehicle access to neighbouring property</b>	There is currently not a fence forward of the building line where the neighbour parks their car, meaning that they are able to use part of the subject site for access without any physical impediment. The erection of a dividing fence will restrict this access to the subject site but there is more than sufficient space within their own site to access parked vehicles.
<b>Increased noise from increased traffic and number of people.</b>	The traffic and parking assessment report for the project indicated the proposed development would generate up to 8 additional vehicle trips during the respective peak periods, which is not expected to have any significant impacts on the existing local street network, including vehicle noise.



### 7.3 Notification of Specified Public Authorities

The development is “residential development” under Section 42 of the Housing SEPP. As required by Section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

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### 7.4 Consultation with Other Public Authorities

Consultation with public authorities was not required under any planning policies or legislation.

## 8 Review of Environmental Factors

For the purposes of Part 5 of the EP&A Act, LAHC is required to consider the factors detailed in the table in Section 6.4.1 are to be taken into account when consideration is being given to the likely impact of an activity on the environment. In addition to these proscribed factors the following is a review of additional environmental factors that are considered relevant to this activity. This review of additional environmental factors examines the significance of these likely environmental impacts of the proposal and the measures required to mitigate any adverse impacts to the environment.

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### 8.1 Neighbourhood Character

The site is located within an established low-density residential area characterised by older style single storey detached dwelling houses of brick and fibro construction. Single storey detached dwelling houses, like those on the subject site, adjoin the site to the west, with a newer detached brick dwelling, with metal roof adjoining to the east, at No. 36 Matfen Close. Directly opposite the site to the north is Grange Avenue Reserve, beyond which is Bill Elliot Oval. Maryland Public School is located northwest of the site, along John T Bell Drive, comprising of larger buildings, with car parks and demountable buildings located immediately adjoining the front boundary. The surrounding area is predominantly residential to the south and mixed use to the north.

The proposed development is consistent with the desired future character of the neighbourhood and will become more common as the existing older housing stock is replaced. This is owing to the site being in the City of Newcastle's *Moderate Growth Precinct*, which covers areas that are within a SAFE 5-minute walk of local or neighbourhood centres and are considered suitable for increased residential density. In these Precincts residential flat buildings and multi dwelling housing are encouraged and are facilitated by higher FSR allowances, compared to other R2 zoned land not located in the Precinct.

The development complies with the higher FSR controls of 0.75:1, with a FSR of 0.45:1; complies with the height control of 8.5m, with an overall height of 8.36m; and is consistent with the front setback of the adjoining residence at 36 John T Bell Drive; as well as incorporating larger side setbacks than that prescribed in the Newcastle DCP.

#### Mitigation Measures

No mitigation measures are required.

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### 8.2 Bulk and Density

The proposed development is generally compatible with the bulk and scale existing in the area and is in keeping with the planned building typology encouraged in the Moderate Growth Precinct, being residential flat buildings and multi dwelling housing. These building typologies are encouraged in the low-density residential zone through permissibility in the land use table, the generous FSR provisions and height controls, of which the development is fully compliant. For example, Council's LEP prescribes a maximum floor space density control of 0.75:1, and height of 8.5m. This is in comparison to the proposed development, which achieves an overall building height of 8.35m to the ridge, and a much lower floor space ratio of 0.45:1.

In addition, the developments compatibility with the bulk and scale of adjoining development is aided through the provision of side setbacks in excess of prescribed minimum requirements, and articulation through the mixture of solid and void elements, including the use and location of balconies, and use of a variety of external finishes and materials, through the separation of the development into 2 separate buildings with building mass concentrated along the street frontages, all consistent with the SLUDG design principles and better practice guidelines.

## Mitigation Measures

No mitigation measures are required.

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## 8.3 Streetscape

The proposed development activity will make a positive contribution to the streetscape of both John T Bell Drive and Matfen Close, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary, architecturally designed residential development.
- Living rooms and balconies address and provide an active frontage to John T Bell Drive and Matfen Close.
- The front façade is modulated by projecting and recessed elements and further articulated through the use of different materials and textures.
- Significant landscaping being provided throughout the development, including advanced/mature feature tree specimens and screening plants, which will help soften the development and benefit the streetscape interactions.

## Mitigation Measures

No mitigation measures are required.

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## 8.4 Visual Impact

The proposed development will have a short-term visual impact on the surrounding area during construction, with an altered long term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and desired future precinct character. New landscape plantings within the setbacks and along the boundaries of the site will add to the long-term visual amenity of the surroundings.

## Mitigation Measures

No mitigation measures are required.

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## 8.5 Privacy

A reasonable level of privacy will be maintained by the residents and occupiers of adjoining land, by virtue of the following:

- The first-floor windows on the western elevations, serving habitable and non-habitable rooms are adequately set back from the side boundaries; more than the prescribed minimum DCP requirements; and are fitted with privacy louvres. There are no habitable windows in the eastern elevation of the first floor.
- Ground floor windows facing the side boundaries are adequately set back in excess of minimum DCP requirements and partly obscured by a 1.8m high boundary fence and perimeter landscaping.
- All windows and balconies between units within the site are adequately separated to prevent privacy issues, with a minimum separation distance of 11.385m, between which sits a communal landscaped area, with 2 small trees and 1 feature tree. It is also noted that the development complies with Newcastle DCP 2012 development standards, which requires 6m separation between buildings, with a height of

7.5m or greater. In addition to building separation, all balconies are partly obscured/screened with a fixed privacy screens.

#### Mitigation Measures

No mitigation measures are required.

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### 8.6 Solar Access

The Solar Diagrams in **Appendix E** show that the living rooms and POS of 14 units (87.5%) receive 3hrs sunlight between 9am-3pm on 21<sup>st</sup> June. This exceeds Newcastle DCP development standards, which require 2hrs direct sunlight for at least 70% dwellings.

#### Mitigation Measures

No mitigation measures are required.

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### 8.7 Overshadowing

The Shadow Diagrams in **Appendix E** show that the adjoining dwellings will continue to receive a minimum 2 hours of midwinter solar access to primary living and open space areas between 9am and 3pm, in compliance with Newcastle DCP development standards. This is owing to the north south orientation of the site, large side setbacks, building configuration and relatively low building height.

#### Mitigation Measures

No mitigation measures are required.

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### 8.8 Traffic & Parking

Eight surface car parking spaces for residents will be available on site to serve the proposed development. The provision of on-site car parking complies with the parking requirements set out in the Housing SEPP for developments carried out in an accessible area. Unrestricted street parking is available on both John T Bell Drive and Matfen Close to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (**Appendix L**) indicates that the development will result in the traffic generation of 8 vehicle trips in both the AM and PM peak hour periods. The report states that this traffic generation is conservative as it does not take into account the reduced parking provision in line with the Housing SEPP requirements and also does not consider the traffic generation associated with the existing use of the site. In accordance with *Austroads Guide to Traffic Management. Part 12: Integrated Transport*, as the proposed development will have less than 10 vehicle movements in the peak hour periods, the development is therefore likely to result in a low impact, no detailed assessment required.

The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004 and have been found to satisfy the objectives of each standard. Swept path testing has been undertaken. The only variation to the standard is *passing at property boundary*. In this regard, the proposed driveway does not provide a 5.5m width for the first 6m into the property. However, the existing footpath along Matfen Close is offset approximately 1.5m from the property boundary. Therefore, if a vehicle had to wait upon entering the site for another vehicle to exit the single lane portion of the driveway the waiting vehicle would not obstruct the footpath or Matfen Close. Additionally, the likelihood of a vehicle having to wait for another vehicle is extremely low considering the low number of parking spaces being serviced by the driveway and the tidal nature of residential traffic flow. Therefore, the proposed driveway variation has been supported in the Traffic and Parking Assessment Report.

#### Mitigation measures

No mitigation measures are required.

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## 8.9 Flora and Fauna

The Arborist Report (**Appendix G**) has identified and assessed 4 small trees on the site, consisting of 2 Majestic Palms, 1 Weeping Fig and 1 Chinese Tallow. Of these 4 trees; 3 are rated as having a Low Retention Value; and 1 of Very Low Retention Value. None of the subject trees, or shrubs on the site have any heritage significance, or any listings in the Biodiversity Conservation Act 2016, the Environmental Protection and Biodiversity Conservation Act 1999, or Council's Heritage Tree Register.

The Report recommends the removal of all trees (Trees No. 1, 2, 3 and 5) and shrubs (non-declared vegetation).

As per the Arborist Report all street trees are to be retained and protected, in accordance with specified Tree Protection Measures. The Report notes that the street trees are all small specimens of either Tuckeroo or Lilly Pilly up to 6 metres high, with small trunk diameters, each requiring a TPZ of 2m - which can be accommodated.

A variety of new plantings such as screen shrubs, accent plants, small trees and feature trees are proposed to reduce the bulk and scale of the developments and to compensate for the removal of trees.

### Mitigation measures

No mitigation measures are required.

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## 8.10 Heritage (European/Indigenous)

### 8.10.1 Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search has not found any record of Aboriginal Sites or Places on the site or in the surrounding locality (**Appendix R**). Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales determines that no additional investigation is warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any aboriginal relics be discovered on the site during excavation/ construction.

### 8.10.2 Other Cultural Heritage

No cultural heritage items have been identified in the Section 10.7 (2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation/construction is considered to be minimal, given the disturbed nature of the site.

Furthermore, a search of the Department of Agricultural, Water and the Environment's Australian Heritage Database and the Department of Premier and Cabinet's Heritage NSW Inventory revealed the site does not contain, nor is it in the immediate vicinity of, any Commonwealth, Local or State Heritage Items and it is not located within a heritage conservation area.

### Mitigation Measures

Standard Identified Requirements (Nos. 45 & 46) are recommended should any cultural heritage relics be discovered on the site during excavation / construction.

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## 8.11 Soils/ Contamination/ Acid Sulfate Soils/ Salinity Geotechnical

### 8.11.1 Acid Sulfate Soils

The Class of the land as shown on the *Acid Sulfate Soils Map* is Class 2. This is confirmed with reference to the Wallsend Sulfate Soils Risk Map, which indicates that the property is within an area where there is a high probability that Acid Sulfate Soils will be encountered.

A *Geotechnical Investigation and Acid Sulfate Soil Assessment* (**Appendix H**) was undertaken in order to assess the significance of the Acid Sulfate Soil potential. The laboratory results carried out were compared to action



criteria contained in **Acid Sulfate Soils Manual (1998)**. The action criteria trigger the need to prepare an Acid Sulfate Soils Management Plan (ASSMP) and are based on the percentage of oxidized Sulphur for broad categories of soil types. The results of the soil sample analysis found some of the measured tests exceed the action criteria.

Accordingly, an ASSMP has been prepared, by STS Geotechnics Pty Ltd, dated August 2022 (**Appendix J**). The report was prepared to assist with management of ASS during the proposed development works. It documents, among other things; potential environmental impacts; subsurface conditions and foundation construction; ASS consideration; disposal; excavation; transportation; documentation; and groundwater management.

### 8.11.2 Geotechnical

The Section 10.7 Certificate does not indicate that the site is located in an area where landslip and/or subsidence have occurred or where land instability is suspected. The Geotechnical Investigation “Geotechnical Investigation and Acid Sulfate Soil Assessment”, prepared by STS, consulting geotechnical engineers (**Appendix H**), indicates the following:

- Owing to the abnormal moisture conditions and fill present, the site is classified a *problem site (P)*. However, provided the recommendations are adopted and the footings bear in the underlying natural soils, the site may be reclassified *highly reactive (H1)*.
- In accordance with AS2159-2009, the exposure classification for the onsite soils is non-aggressive to steel and mildly aggressive to concrete. In accordance with AS2870-2011, the soils are classified as A2.
- Groundwater was not observed during drilling of the boreholes.

### 8.11.3 Contamination

Through a desktop analysis, LAHC have been able to confirm through the review of the LAHC historical layout plan for the area, (820/1), that the area was being developed for residential purposes from as early as 1977. As such, given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site and given that the Section 10.7 Planning Certificates indicate the site has not been identified as being subject to any matters arising from the Contaminated Land Management Act, nor is it listed on the loose fill asbestos register, it is unlikely that the subject land is affected by contamination.

Furthermore, given the residential use of the land is not proposed to be changed, section 4.6 (2) of the SEPP (Resilience and Hazards) 2021 is not applicable, and a preliminary investigation report, prepared in accordance with the contaminated land planning guidelines, is not required.

Given the age of the dwellings to be demolished it is possible that they may contain hazardous materials.

### Mitigation Measures

The ASSMP will be listed as a specialist report, to be complied with, in Identified Requirement (No.1).

Identified Requirement (No. 13) requires that sediment control measures be implemented during demolition/construction in accordance with the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).

Identified Requirement (No. 17) is recommended to cover the possibility of discovering site contamination during demolition / construction works.

Identified Requirement (No.51) requires hazardous materials be removed and disposed of in accordance with the requirements of SafeWork NSW, the Identified Requirement has been further amended to require a site clearance report from a qualified Hygienist confirming the site post demolition is clear of hazardous materials.

## 8.12 Drainage/ Flood Prone Land/ Hydrology/ Water Quality

### 8.12.1 Drainage

Stormwater runoff from the roof area is proposed to be conveyed to above ground reuse tanks with leaky tank volume. Runoff from driveway and landscaping areas is proposed to be conveyed to a below ground OSD tank with a sand filter located adjacent John T Bell Drive. Captured runoff is ultimately proposed to be discharged to the existing drainage network within John T Bell Drive.

As per the *Civil Stormwater and Levels Plan (Appendix P)*, to achieve the wetlands catchment requirements, rainwater harvesting tanks have been proposed to collect 100% of roof runoff, which when combined with the proposed OSD volume will adequately satisfy the total site storage requirement, required under City of Newcastle DCP, Section 7.06. A combined 36.8m<sup>3</sup> (0.04 x 920m<sup>2</sup>) of reuse tanks has been proposed which will incorporate 18.4m<sup>3</sup> reuse volume and 18.4m<sup>3</sup> leaky tank volume. The Civil Plans submitted indicate harvested volume is to be reticulated internally for toilet flushing and laundry use as well as externally for landscaping irrigation. All down pipes are to be connected to a first flush device located prior to the tank inlet.

### 8.12.2 Flood Prone Land

The 10.7 Certificates stipulate that the land is flood prone, as defined in the Floodplain Development Manual, and susceptible to flooding.

A Flood Impact Assessment (FIA) (**Appendix S**) was prepared to ensure the proposed development is compatible with the flood at the site, in accordance with City of Newcastle's flood planning policies. The development is not located in any riparian zone and will not impact the stability of riverbanks or water-courses, as it is not located near any natural or artificial water channel.

The FIA found that the site is categorised as *low flood risk* for regional flooding, with the site becoming only partially inundated in the 1 % AEP event. A ready safe evacuation route, above the 1% AEP, east along John T Bell Drive, is available. Flood free (above PMF) evacuation route is available 90m east along John T Bell Drive

In relation to local flooding, the FIA used a direct rainfall local drainage model to determine local flood levels. The modelling demonstrated that there is a flow-path that travels from south to north to the west of the site, along Matfen Close. There is overland flow that flows across the site from south to north, consistent with higher ground levels along Matfen Close, compared to John T Bell Drive. For the 1% AEP events, depths on the site due to overland flow reach up to 0.2m but primarily less than 0.1 m and peak flood levels on site range between 4.3m - 5m AHD. The Finished Floor Level of the development incorporates 500mm freeboard, above the nominated peak flood events, and ranges between 5.1-5.5m AHD.

In relation to risk to life, the report finds, as the site will become inundated at the PMF event with hydraulic category classed as H2 to H3, translating to a risk to life category of L4. Accordingly, as per Councils DCP Section 4.01 Flood Management, an on-site flood-free refuge at or above PMF level is required. The peak PMF level for the site varies from north to south between 5.1m to 5.7m, respectively. The FFL for Unit 1 to 5 is set to 5.1m which is at PMF level. However, the FFLs for Unit 6 to Unit 8 are below the PMF level and hence flood free refuge area is proposed in building block on John T bell drive in the event of major flooding.

In addition to above, a design certification by a practicing structural engineer that the on-site refuge area is able to withstand the hydraulic loading due to flooding is required.

### Mitigation Measures

An Identified requirement no. 79 is recommended to ensure an on-site flood free refuge area in accordance with the standards within section 4 of the Newcastle DCP 2012 is provided and an indicative location is demonstrated on the plans at the construction documentation stage.

An Identified Requirement no. 80 is recommended to ensure a design certification by a practising structural engineer that the building is able to withstand the hydraulic loading due to flooding is provided prior to construction certificate.

An Identified Requirement no. 81 is recommended to confirm the floor levels are in accordance with the approved levels.

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## 8.13 Bushfire Prone Land

The Section 10.7 (2) & (5) Planning Certificates issued by the City of Newcastle (**Appendix A**) for the subject site indicates that the site is not classified as bushfire prone land.

### Mitigation Measures

No mitigation measures are required.

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## 8.14 Noise and Vibration

### During Demolition / Construction

During demolition / construction usual noise levels associated with demolition / building works will be generated within the hours prescribed under Complying Development and/or in accordance with the local council requirements. Demolition / construction noise will be controlled to within acceptable limits by sound attenuation measures.

### During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia contained in the NCC and EPA criteria with respect to noise transmission.

### Mitigation Measures

Identified Requirements (Nos. 58 and 60) are recommended to ensure compliance with the above measures.

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## 8.15 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes could arise during the demolition works, clearing and excavation of the site and construction of the proposed development.

### Mitigation Measures

Standard Identified Requirements (Nos. 61, 64-66) are recommended that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.16 Waste Minimisation

The following waste minimisation and management elements have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

### During Demolition/Site Clearance

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled, as follows:

- Excavation material will be reused as much as practicable for fill during construction;

- Bricks will, if possible, be crushed and reused for fill, with any excess taken to a recycling plant;
- Concrete will, if possible, be crushed and reused for fill, with any excess taken to a recycling plant;
- Timber will be taken to a recycling plant;
- Plasterboard will be taken to a recycling plant; and
- Metals will be taken to a recycling plant.

Specific intentions for recycling/re-use/disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

### During Construction

Construction materials will be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste will be removed from the site to an approved waste management facility or recycled, as follows:

- Contractor to store excavation material, timber, concrete, bricks, tiles, metal, plasterboard offcuts, floor covering, containers, paper/cardboard and residual waste in appropriate vessel such as site skip bin(s); and
- Packaging (used pallets & pallet wrap) to be collected by waste contractor for reuse.

### During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the communal waste storage enclosure adjacent to the car parking area and placed on the street frontage (Matfen Close) by a service provider for collection by Council's waste services.

Paper/ metal/ glass will be disposed of in Council's standard waste recycling bins to be located in the communal waste storage area and placed on the street kerb (Matfen Close) by a service provider for collection by Council's waste services.

### Mitigation Measures

Identified Requirements (Nos. 37, 38, 51-54, 61, 67) are recommended to ensure construction / demolition waste is appropriately managed and disposed of.

Identified Requirement (No. 44) is recommended to require a final waste management plan to be prepared for the demolition, construction and occupation phases of the development.

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## 8.17 Resource Use & Availability

The proposed development is not considered to result in any significant depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal (**Appendix F**).

The development achieves an average NatHERS (*Nationwide House Energy Rating Scheme*) star rating of 8.3, with all units achieving a minimum star rating of 6, with some units achieving 9.8. NatHERS provides homes with a star rating out of ten based on an estimate of a home's potential (heating and cooling) energy use. Homes with a higher star rating are considered more thermally comfortable and cheaper to run than homes with a lower star rating (**Appendix F**).

The recycling and reuse of materials during demolition/site clearance, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will be fit for purpose and satisfy current State Government environmental sustainability requirements, particularly through improved energy and

water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

### **Mitigation Measures**

No mitigation measures are required.

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## **8.18 Community/Social**

The proposed development will have a number of positive social and economic effects. These are discussed below.

### **Social effects**

The proposed development will:

- Achieve the objective of the EP&A Act 1979 (d) to promote the delivery and maintenance of affordable housing;
- Assist the Land & Housing Corporation in meeting its significant, long-standing and continually-growing demand for social housing in the Newcastle local government and surrounding area wherein the expected waiting time for a 1-2 bedroom dwelling is 5 to 10 years, at 30 June 2022 (NN07 Newcastle Allocation Zone).
- Assist the Land & Housing Corporation in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing in the area.
- Improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency.

### **Economic Impact**

The proposed development is likely to contribute to a range of economic benefits in the Newcastle local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- on-going consumption from new / additional households;
- the low maintenance costs of the new housing; and
- savings associated with improved energy and water efficiency.

### **Mitigation Measures**

No mitigation measures are required.

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## **8.19 Cumulative Impact Assessment**

The proposed development activity is not likely to have any cumulative environmental impacts which are likely to combine with each other or with impacts of other activities to produce any unacceptable adverse effects for the following reasons:

- the proposed development activity does not adversely relate to any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed development activity when considered in combination; and
- there are no known environmental stresses in the area affected by the proposed development activity or likely contribution of the proposed activity to increasing those stresses.



## Mitigation Measures

No mitigation measures are required.

# 9 Conclusion

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## 9.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment. The site is flood affected, but floor levels have been raised, and an on-site flood-free refuge is provided.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. In this regard, it should be noted that following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in the Housing SEPP, NLEP2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for one and two-bedroom dwellings in the local area. Therefore, the proposed development is considered to be in the public interest.

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## 9.2 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in **Appendix C** of this REF.

## 10 Appendices

APPENDIX A PLANNING CERTIFICATES

APPENDIX B NOTIFICATION AND CONSULTATION

APPENDIX C IDENTIFIED REQUIREMENTS

APPENDIX D SENIORS LIVING URBAN DESIGN GUIDELINES (SLUDG) CHECKLIST

APPENDIX E ARCHITECTURAL PLANS

APPENDIX F BASIX & NatHERS

APPENDIX G ARBORIST REPORT

APPENDIX H GEOTECHNICAL INVESTIGATION AND ACID SULFATE SOILS ASSESSMENT

APPENDIX I BCA REPORT & ACCESS REPORT

APPENDIX J ACID SULFATE SOILS MANAGEMENT PLAN

APPENDIX K WASTE MANAGEMENT REPORT

APPENDIX L TRAFFIC REPORT & CARPARK CERTIFICATION

APPENDIX M LANDSCAPE PLANS

APPENDIX N TITLES & DEPOSITED PLANS

APPENDIX O SURVEY & LAHC LAYOUT PLAN & DBYD SEARCH RESULTS

APPENDIX P CIVIL PLANS

APPENDIX Q CERTIFICATES OF DESIGN COMPLIANCE

APPENDIX R AHIMS SEARCH

APPENDIX S FLOOD IMPACT ASSESSMENT