

Panel Reference	PPSHCC-47
DA Number	DA 20/558
LGA	Maitland
Proposed Development	Residential Flat Building – Affordable housing (3 stories, 18 Units), demolition of two existing dwellings and ancillary structures, lot consolidation and associated site works
Street Address	Lots 4-6, DP35465, 15-19 Fieldsend Street, East Maitland
Applicant	NSW Land and Housing Corporation
Owner	Department of Housing
Date of DA lodgement	18 June 2020
Total Number of Submissions Number of Unique Objections	Original notification: 4, plus one (1) petition with 20 Signatures Re-notification: 2
Recommendation	1. Granting of approval, subject to the recommended conditions of consent set out in Appendix A; and 2. Section 7.11 contributions for this development be waived
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown development above \$5 million CIV Private infrastructure and community facilities (Affordable Housing) above \$5 million CIV
List of all relevant s4.15(1)(a) matters	Environmental planning instruments: s4.15(1)(a)(i): • <i>Environmental Planning and Assessment Act 1979</i> (NSW); • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; • State Environmental Planning Policy (Affordable Rental Housing) 2009; • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Maitland Local Environmental Plan 2011; • Maitland Development Control Plan 2011; and • <i>Environmental Planning & Assessment Act Regulation (NSW) 2000</i>, clauses 92, 93 & 145.
List all documents submitted with this report for the Panel's consideration	• Appendix A – Draft Schedule of Conditions • Appendix B – Development Plans (under separate cover) • Appendix C – Submissions
Clause 4.6 requests	N/A
Summary of key submissions	• Privacy/overlooking; • Overshadowing; • Waste management; • Character impacts resulting from three storey development;

	• Traffic and car parking; • Social impact.
Report prepared by	Tegan Harris Coordinator Urban Release Areas /Senior Development Planner
Report reviewed by	Cindy Littlewood Manager Development & Compliance
Report date	17 November 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report Yes

EXECUTIVE SUMMARY

The purpose of this report is to provide a detailed assessment of Development Application (DA) 20/558 for a Three (3) Storey Affordable Housing Residential Flat Building - 18 Units (7 x 2 bed, 11 x 1 bed). The assessment provides consideration of the proposal under the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act), the Maitland Local Environmental Plan 2011 (LEP), the Maitland Development Control Plan 2011 (DCP) and any other relevant legislation, guidelines and policies of the Council.

The DA was lodged on 18 June 2020 with a Capital Investment Value of works estimated at \$5,650,363. The development application is made under Part 4 of the EP&A Act by and on behalf of NSW Land and Housing Corporation (LAHC), a statutory body representing the Crown for the purposes of affordable housing by a social housing provider as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP (ARH)). The proposal is Regional Development comprising private infrastructure and community facilities (Affordable Housing) and Crown Development with a CIV over \$5 million. The proposal seeks for 7.11 contributions to be waived.

The legal description of the land on which the development is to be carried out is Lots 4-6, DP35465, 15-19 Fieldsend Street, East Maitland. The site is zoned R1 general residential, and has a total area of 2,003m². The existing sit contains two dwellings in various states of dilapidation, with the central site vacant following demolition of the dwelling after fire damage. The site is well located to public transport and the nearby B2 Local Centre of East Maitland.

The proposal includes:

- Demolition of two existing dwellings and associated structures (one site is currently vacant);*
- Removal of two existing trees and retention of two trees;*
- Construction of a 3-storey residential flat building comprising 18 units (7 x 1 bedroom and 11 x 2 bedroom units) with a Gross Floor Area of 1474m². Two adaptable units are provided (units 2 and 8);*
- Vehicle access off Alliance Street and car parking for a total of 11 cars including 2 accessible spaces;*
- Covered communal waste storage area next to the car park entry with separate pedestrian access provided;*
- Landscaping and associated site works including installing a stormwater management system;*
- Lot consolidation; and*

- *Replacement boundary fencing and front fencing within street setbacks adjacent to private open space courtyards.*

The proposal is permissible within the R1 zone, and is consistent with the objectives of the zone, as it will provide for a variety of housing types within the locality. Although the site does not meet the locational criteria of an accessible area pursuant to SEPP (ARH), it is considered to be well located for this type of infill development. The proposal does not raise any issues that conflict with any Environmental Planning Instruments, with the exception of car parking, which has been provided based on the requirements of SEPP (ARH) and requires a minor variation to the relevant statutory provisions under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development. Justification is provided, and the car parking is considered acceptable given the negligible impact. The proposal is generally consistent with the Maitland Development Control Plan, with the exception of minor car parking non-compliances, as noted above. The variations to the DCP are supported in this instance.

In accordance with the s4.15(1)(a)(i) of the EP&A Act, the determining authority must satisfy itself of the following matters before consent is granted:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy No 55 – Remediation of Land (clause 7);*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Infrastructure) 2007 (clause 45);*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;*
- *Maitland Local Environmental Plan 2011;*
- *Maitland Development Control Plan 2011; and*
- *Environmental Planning & Assessment Act Regulation (NSW) 2000 clauses 92, 93 & 145.*

The proposal is expected to result in some impacts within the locality. The main potential impacts of the proposal relate to:

- *Streetscape and Residential Character;*
- *Site Planning;*
- *Car Parking & Traffic;*
- *Overshadowing & Solar Access;*
- *Visual Privacy;*
- *Flooding & Drainage;*
- *Contamination;*
- *Acoustic, Noise & Vibration;*
- *Vegetation, Landscaping and Fencing;*
- *Air and Microclimate;*
- *Waste Management;*

- *Services & Utilities;*
- *Social and Economic Impact;*
- *ESD;*
- *Construction Impacts; and*
- *Cumulative Impact.*

The main potential impacts as a result of the proposal relate to the impact of the proposal on the character of the locality given the three storey built form, and car parking given the proposed variation to statutory car parking requirements. The proposal also has a direct potential to impact on the immediate two neighbouring dwellings, 13 Alliance Street and 13 Fieldsend Street. 13 Alliance Street in particular, has raised significant concern on the basis that the back of house facilities (car parking, waste management etc) are oriented towards the boundary, and the proposal will result in privacy, visual, odour and overshadowing impacts. This report acknowledges that there will be an impact to these properties, however, not significant enough to warrant refusal of the application.

The proposal was advertised and notified from 1 July 2020 to 15 July 2020. Four submissions, and one petition were received objecting to the proposal. Following the receipt of amended plans the proposal was re-notified from 9 October 2020 to 23 October 2020. Two additional submissions were received objecting to the proposal. The issues raised within the submissions are discussed in detail in the assessment report, and include:

- *Privacy/overlooking;*
- *Overshadowing;*
- *Waste management;*
- *Character impacts resulting from three storey development;*
- *Traffic and car parking; and*
- *Social impact*

These issues have been mitigated to the best extent practicable, and are not considered significant enough to warrant refusal of the application. The proposal is generally compliant with the relevant planning criteria, and the desired future character of the locality, as established by State Government planning policy. Furthermore, design amendments have been undertaken, including relocating the waste management storage facility and constructing a skillion roofed 'shed' over it, reducing the height of the proposal at the transition point to existing residences and relocating the car park as far away as practicable from the neighbouring property. As such, on balance, it is not considered that these issues have been appropriately addressed.

The proposal is generally consistent with the relevant heads of consideration pursuant to section 4.15 of the EP&A Act, and the identified impacts are mitigated to an acceptable level. The proposal will have a positive social and economic impact within the local community through the provision of affordable housing, and the creation of employment opportunities during construction. The application is satisfactory subject to compliance with the recommended draft schedule of conditions. The draft Conditions of Consent were provided to the Crown on 2 November 2020, and

the final draft Conditions of Consent have taken into consideration comments provided. The Development Application is presented to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with a recommendation for approval.

1.0 INTRODUCTION

The purpose of this report is to provide a detailed assessment of Development Application (DA) DA 20/558 – Three (3) Storey Affordable Housing Residential Flat Building - 18 Units (7 x 2 bed, 11 x 1 bed). The assessment will provide consideration of the proposal under the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act), the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

The development application is made under Part 4 of the EP&A Act by and on behalf of LAHC, a statutory body representing the Crown for the purposes of affordable housing by a social housing provider as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)). The proposal is Regional Development pursuant to Schedule 7 of SEPP (State and Regional Development) 2011, comprising private infrastructure and community facilities (affordable housing) and Crown Development with a CIV over \$5million.

The proposal does not attract a contribution under Council's current adopted Section 7.11 Plan. Clause 2.5.3 of the Section 7.11 Plan states that Crown Development where carried out with an underlying philosophy of community service will not be levied contributions.

The draft Conditions of Consent were provided to the Crown on 2 November 2020. The final conditions have taken into consideration comments provided, and are attached in Appendix A to this report.

2.0 BACKGROUND

The DA was lodged on 18 June 2020. The applicant attended a prelodgement meeting prior to lodgment. The applicant has been cooperative in responding to Council, public exhibition and HCCRPP concerns. A briefing was held with the HCCRPP on 14 October 2020. The key issues discussed were as follows:

- The site is suitably located to retail and transport services. Acknowledgment of the locational criteria for an accessible area within SEPP (Affordable Rental Housing) 2009;
- The proposal will require detailed consideration in terms of streetscape impacts and interface. The streetscape to Fieldsend Street is well designed and incorporates private open space behind the principal setback however, there was opportunity to improve the presentation to Alliance Street. Increased setbacks and landscaped outcomes on this elevation were to be considered. It was also suggested the Private Open Space for units 5 and 6 could be reduced to facilitate increased setbacks, and more substantial landscaping within this streetscape;
- Car parking is non-compliant however, is appropriate given justification provided;
- Consider opportunities were to be considered to increase the setback of the car park to the existing dwelling at 13 Alliance Street; and
- Bin storage and waste management to be addressed. Recommended to relocate bin storage area as far away as practicable from the south-west boundary, and provide a covered bin storage area in similar architectural style to the main building to assist in mitigating impacts.

The initial proposal has been amended in response to the matters raised by the HCCRPP, Council and submitters during the notification period. This includes:

- Modified building design at the interface to Alliance Street and Fieldsend Street frontage, including reducing the apartment footprint area and balcony location and area for Units 14 and 18 (reduced from 2 bedroom to 1 bedroom units);
- Amendments to built form minimise potential impacts of overshadowing on neighbours and potential impacts on privacy. Additional screens proposed on balconies for units 14 and 18. Windows were minimised in size and provided with high sill heights to minimise potential overlooking;
- Increased setback to boundary for car parking area to No. 13 Alliance St (1.5m setback);
- Landscaped setback to boundary for bin store and solid wall to side facing boundary of bin enclosure with a skillion roofed bin enclosure proposed to No.

- 13 Alliance St (2m setback). The structure contains solid masonry proposed with ventilation louvres above to roofed structure for all other elevations; and
- Increased landscaped setback between private open space fenced area and Alliance Street boundary with increased landscaping.

The applicant has advised that the proposed development will contribute to LAHC's implementation of the State Government's 'Future Directions for Social Housing' which requires growth in the social housing portfolio that is fit for purpose, well located and offers a better tenant experience.

3.0 SITE DESCRIPTION

The legal description of the land on which the development is to be carried out is Lots 4-6, DP35465, 15-19 Fieldsend Street, East Maitland. The site is zoned R1 General Residential pursuant to the Maitland Local Environmental Plan 2011 (LEP), and has a total area of 2,003m², comprising the following properties:

Address	Lot/DP	Area (m ²)
15 Fieldsend Street	Lot 4 DP35465	673.9
17 Fieldsend Street	Lot 5 DP35465	679.8
19 Fieldsend Street	Lot 6 DP35465	649.4

The site has a total primary frontage of 44.1m to Fieldsend Street and a secondary frontage of 34.1m to Alliance Street, with a 8.6m splayed corner between Fieldsend Street and Alliance Street. These roads comprise local roads and provide a collector function in the locality. The New England Highway is the major arterial route through the locality and is approximately 950m from the site. The site has a gentle fall of approximately 2.1m from the southern boundary at Alliance Street, from RL13.55, across the site to the northern side boundary at Fieldsend Street to RL11.36.

The subject site is currently occupied by two single storey detached dwellings on 15 and 19 Fieldsend Street that are in varying states of dilapidation. These comprise fibro structures with tiled roofs. The central lot, 17 Fieldsend Street, is vacant following demolition of the existing dwelling after damage by fire.

Photographs of the existing site are provided below.



Picture 1 Existing dwelling at 15 Fieldsend Street



Picture 2 Vacant lot at 17 Fieldsend Street



Picture 3 Existing dwelling at 19 Fieldsend Street

Source: Urbis



Picture 4 19 Fieldsend Street as viewed from Alliance Street.

There are four existing trees on the subject site and several shrubs of between one and five metres high. Two trees will be retained, and two trees and all shrubs will be removed to facilitate the development. The site is mapped as containing class 5 potential acid sulfate soils. The site is not known to be contaminated, although the existing dwellings have been identified as containing asbestos. No contaminants including asbestos above human health criteria were found in soil samples from the site. An AHIMS (Aboriginal Heritage Information Management System) indicates that there are no Aboriginal sites recorded on or near the subject site. The site is not within proximity to and listed heritage items, or within a Heritage Conservation Area. The site is not mapped as inundated in a 1 in 100 year flood event, however the upstream catchment is subject to localised flooding. This does not impact the site.

The site is located within an established low-density residential area characterised by a mixture of older-style single-storey freestanding dwellings and two storey multi dwelling housing developments. Redevelopment within the broader neighbourhood is occurring, for example 14 Barton Street where there is a recently constructed two storey multi-unit residential development. Other development types in the vicinity of the site include a small industrial estate to the east of the site on Young Street and the One School Global Maitland Campus to the south-east of the site. The site is approximately 600m from the B2 Local Centre of East Maitland.

The site benefits from access to public transport options including Victoria Street Railway Station, 600m north-west of the site, which is serviced by the Hunter Line and provides rail services throughout the day between Newcastle Interchange and Scone or Dungog.

Bus stops are located to the south of the site on both sides of Fieldsend Street (less than 100m from the site) and to the west of the site on Lawes Street (500m from the site). The following bus routes service the subject site:

- Route 181 – Rutherford to Woodberry via Maitland, East Maitland and Stockland Green Hills – Hourly services throughout the day on weekdays and Saturdays. Reduced service on Sundays.
- Route 183 – Rutherford to Tenambit via East Maitland and Stockland Green Hills – Hourly services throughout the day on weekdays and Saturdays. Reduced service on Sundays.
- Route 184 – Stockland Green Hills to Morpeth via East Maitland and Tenambit – Limited services Monday – Sunday

An aerial photograph of the existing site is provided in the following figure.

4.0 PROPOSAL

The proposal seeks consent for a three storey Residential Flat Building at 15-19 Fieldsend Street, East Maitland. The development is Affordable Housing under SEPP (Affordable Rental Housing) 2009 comprising 18 units. The proposal includes:

- Demolition of two existing dwellings and associated structures (one site is currently vacant);
- Removal of two (2) existing trees;
- Retention of two (2) trees;
- Construction of a 3-storey residential flat building comprising 18 units (7 x 1 bedroom and 11 x 2 bedroom units) with a Gross Floor Area of 1474m². Two adaptable units are provided (units 2 and 8);
- Vehicle access off Alliance Street and car parking for a total of 11 cars including 2 accessible spaces;
- Covered communal waste storage area next to the car park entry with separate pedestrian access provided;
- Landscaping and associated site works including installing a stormwater management system;
- Lot consolidation; and
- Replacement boundary fencing and front fencing within street setbacks adjacent to private open space courtyards.

Unit particulars are detailed in the following table:

Unit No.	Level	Bedrooms	Internal Area (m ²)	POS/Balcony (m ²)
1	Ground	2	84	30
2	Ground	2	86 (Adaptable)	28
3	Ground	1	58	17
4	Ground	1	58	17
5	Ground	1	61	14
6	Ground	2	77	16
7	First	2	81	12
8	First	2	83	12

			(Adaptable)	
9	First	1	57	10
10	First	1	57	10
11	First	1	60	13
12	First	2	77	16
13	Second	2	81	12
14	Second	1	54	12
15	Second	1	57	10
16	Second	1	57	10
17	Second	1	60	13
18	Second	1	58	12

The three lots will be consolidated prior to occupancy of the development. The proposal will be sited with a front setback of 7m to Fieldsend Street, and a secondary front setback of 5.7-6.3m to Alliance Street. The side setback to the adjoining property fronting Fieldsend Street is 6.4m, with a rear setback to the adjoining property fronting Alliance Street of 10.4m. the maximum building height is 11m. Each unit is provided with private open space in the form of a courtyard or balcony. Communal open space is provided at the front and rear of the proposed development equating to 20% of the total site area.

Vehicle access is provided via Alliance Street to a centralised car parking area incorporating 11 car parking spaces, including two accessible spaces. This has increased since lodgement when 9 car parking spaces were provided. The driveway has been widened at the entrance following lodgement to allow two vehicles to pass.

Separate pedestrian entries are proposed, including two primary entries on Fieldsend Street to two main entry points to the building. A third entrance is provided off Alliance Street to assist in managing pedestrian safety associated with bringing waste bins to and from the site. Signage will be installed to assist visitors in way finding.

Where practicable secondary access to ground floor units is provided directly from Fieldsend Street and Alliance Street frontage.

Landscaping, Fencing & Walls

An Arborist Report has been prepared which identifies four trees and several shrubs of between one and five metres present on the site. Trees 1 to 3 have no significance or any listing under the Biodiversity Conservation Act 2016 (BC Act), Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) or Council's Tree Register. Tree 4 is listed as endangered under the BC Act and vulnerable on the EPBC Act register, and will be retained. Tree 1 is also proposed to be retained.

Landscaping will be provided in accordance with the approved landscaping plan. Front fencing will comprise of slatted fencing when located on retaining walls comprising 600mm fence height and varying retaining wall heights, including at the perimeter of the private open spaces of the ground floor units. Masonry blockwork walls will be used to define the pedestrian entrances to the development and will contain the post boxes for each unit. Perimeter fencing will comprise of 1.8m high Colorbond fencing, with internal fencing constructed to a maximum height of 1500mm.

Materials

A Schedule of Finishes has been submitted with the proposal identifying the use of brick, lightweight cladding and timber-look slatted screening. The materials are appropriate in the context of the locality.

Services and Facilities

The following on-site facilities are proposed as part of the development:

- Communal bin store located adjacent to the Alliance Street vehicular entrance, providing capacity for 8 general waste bins, 8 recycling bins and two green waste bins. Additionally Units 2, 3 and 4 will be provided individual bin storage within their courtyards;
- Clothes lines for each unit on their terrace or balcony;
- Letter boxes to meet Australia Post standards at the pedestrian entries to the site; and
- Stormwater disposal trench, rainwater and OSD tank, gas and water meters and main switchboard (MSB).

It is noted that as a result of Council's initial assessment, the public exhibition process and HCCRP briefing the location of the bin storage area was relocated further away from the adjoining residential boundary and a skillion roof structure, comprising a base of brick and aluminium (timber look) cladding, will be constructed over the bin storage area. The structure will be located 2m from the neighbouring boundary to a

height of 3.1m to 3.4m, with a 5 degree roof. Waste management will be undertaken during the construction and demolition phase in accordance with the approved WMP.

5.0 PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

5.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument

5.1.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

a) Section 2.15 Sydney District and Regional Planning Panels

Section 2.15 of the EP&A Act exercises the function of the consent authority under Part 4 of the Act for regionally significant development to the Hunter and Central Coast Regional Planning Panel (HCCRPP). Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* includes categorisation as regional development for private infrastructure and community facilities (affordable housing) and Crown Development with a CIV over \$5million.

5.1.2 State Environmental Planning Policies (SEPPs)

The following SEPPs considered relevant to this development proposal:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Affordable Rental Housing) 2009; and
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

SEPP (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 applies to development that is of State or regional significance. Schedule 7 of the SEPP identifies development that is regionally significant – general development with a Capital Investment Value (CIV) over \$30 million or Council and Crown Development with a CIV over \$5 million. The proposal is also for the purposes of Affordable Housing. The proposal is therefore considered regionally significant development.

SEPP No. 55 –Remediation of Land

This policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment,

requiring the consent authority to be satisfied of site suitability pursuant to Clause 7. A Preliminary Site (Contamination) Assessment (and Addendum) has been submitted with the proposal which identifies that the site has been occupied by residential development since approximately 1958 and has been surrounded by vacant or residential land since that time. Based on this observation it is unlikely that the site is contaminated. In addition, a search of NSW EPA Contaminated Land records did not result in any information that would suggest potential on-site or nearby offsite contaminating activities or sources of contamination.

Asbestos had previously been found in the construction materials of the dwelling at 17 Fieldsend Street prior to its demolition in September 2019. Upon demolition, all visual asbestos was removed from the site by a qualified contractor and an Asbestos Removal Clearance Certificate Issued. The Preliminary Site (Contamination) Assessment (Addendum, dated 27 March 2020) has concluded that the site is suitable for the proposed development based on site investigations and the asbestos clearance certification of the site at 17 Fieldsend Street and recommends that a hazardous materials audit be conducted on the two remaining residential dwellings prior to demolition. This has been conditioned. It is considered that the site is suitable for the proposal pursuant to clause 7 of the SEPP.

SEPP (Basix) 2004

BASIX certificates have been submitted and included in the approved schedule of plans and documentation.

SEPP (Infrastructure) 2007

Clause 45 of SEPP (Infrastructure) 2007 applies to proposed developments immediately adjacent to an electricity substation or within 5m of an overhead electricity power line. A private power pole is located within the site boundary in the south-western corner on the Alliance Street frontage, and overhead powerlines are located adjacent to the site. The building will be set back more than 5m from the overhead power lines, however, other site works will be carried out within 5m of the power lines. Ausgrid provided comments on 4 August 2020 which have been included within the draft schedule of conditions attached to this consent.

SEPP (Affordable Rental Housing) 2009

It is noted that residential development is taken to be affordable if it is on land owned by the Land and Housing Corporation pursuant to clause 6(2) of the SEPP.

Residential Flat Buildings are permitted with consent in the R1 General Residential zone under the Maitland Local Environmental Plan (LEP) 2011. However, the site does *not meet the definition for being within an accessible area* in accordance with the

requirements of clause 34(2) of the SEPP as it is not located within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zone. It is also worth noting that the proposal not meet the Division 6 requirements for residential development undertaken by LAHC to be 'development without consent' as the proposed height is 11m, which exceeds the height limit by 2.5m.

An accessible area is defined generally in clause 4 of the SEPP as within 800m of a public entrance to a railway station or 400m of a bus stop used by a regular bus service. The proposal achieves this locational requirement.

Clause 10 of the SEPP does not apply as the site is not within 400m of a B2 or B4 zone. The site is 600m from the B2 centre. This is relevant for the purposes of Council's assessment as it limits Council's application of the Division 1 In-fill affordable housing provisions contained within the SEPP. Notwithstanding, it is considered that the provisions of Division 1 should be used as a guide. The proposal generally complies with these requirements with the exception of the parking restrictions specified in clause 14(2) which states that:

in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms

Under this provision 8 car parking spaces would be required on site. This is discussed further below, given the applicant's reliance on car parking variations for this proposal, and considered acceptable. The proposal does not raise any issues that conflict with the provisions of the SEPP.

SEPP (Vegetation in Non-Rural Areas) 2017

The accompanying Arborist Report demonstrates how the proposal incorporates tree protection measures for the retention of existing Tree 4 on the site which is identified as an endangered tree species. Tree 1 will also be retained. Trees 2 and 3 and various shrubs are proposed to be removed to facilitate the proposed development. The trees are identified as having no heritage significance or any listing under the BC Act, EPBC Act or Council's Tree Register. They are therefore considered suitable for removal.

SEPP No. 65 - Design Quality of Residential Apartment Development

SEPP 65 provides design guidelines to ensure the delivery of high quality built form outcomes for residential apartment development. The SEPP applies to residential flat/apartment developments that contain four or more dwellings in a building of

three or more storeys and includes objectives to improve the quality of design through the use of sustainable development principles. In this regard, SEPP 65 provides the relevant planning controls for the development and stands in place of the Council's local planning controls – Part C.8 'Residential Design' of the Maitland Development Control Plan 2011. In determining if a residential flat building is acceptable, the consent authority must consider:

- The advice (if any) obtained from a design review panel;
- The design quality of the development as assessed against the nine design principles within SEPP 65; and
- The design quality when assessed against the design objectives of the Apartment Design Guide.

Maitland City Council does not have a Design Review Panel. The applicant has advised, and provided documentary evidence demonstrating that a set of concept plans was submitted to the NSW Government Architect for feedback and review. This was a voluntary process undertaken. The applicant advises the proposed design of the development has considered and is consistent with the objectives outlined within the SEPP and has submitted a compliance statement submitted. The proposal generally complies with the SEPP with the exception of car parking where they are seeking a reliance on car parking concession under SEPP (ARH) as discussed above.

The NSW Planning and Environment publication 'Apartment Design Guide' dated July 2015 provides supporting controls for the purposes of implementing the design principles set out under the SEPP. A SEPP 65 Statement and Apartment Design Guide Report accompany the development application which assesses the proposed development against the nine Design Quality Principles set out in SEPP 65 and provides a summary of compliance against the objectives of the ADG. The report demonstrates that the proposed development is consistent with the Design Quality Principles whilst achieving a high degree of compliance with the relevant design objectives of the ADG. In this regard, the proposed development complies with the following ADG design objectives:

- Separation distance;
- Deep soil planting;
- Solar and daylight access;
- Cross ventilation;
- Visual Privacy;
- Car parking;
- Ceiling heights;
- Apartment size and layouts; and
- Private Open Space.

Clause 30 of SEPP 65 prescribes development standards which cannot be used as grounds to refuse a development application when a development satisfies those standards. It is noted that the proposal does not comply with car parking requirements in clause 30(1) however, the justification provided is accepted by Council. The internal floor area and ceiling heights comply with the requirements of clause 30(1). An assessment of the relevant provisions of clause 30(2) is undertaken below, and concludes that the proposal has given adequate regard to the design quality principles and objectives specified in the ADG.

If an application satisfies the following design criteria, the consent authority must not refuse the application because of those matters:	
a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	Part 3J of the ADG states that where sites are within 800 metres of a railway station or light rail stop, the applicable parking rate is that provided within the RMS Guide to Traffic Generating Developments or the relevant Council, whichever is less. The site is located within 800m of a railway station. If SEPP 65 is enforced for car parking purposes, the following requirements for car parking (whichever is the lesser): • Maitland DCP -22 spaces • RMS Guide – 24 spaces 11 car parking spaces are provided, and two bike racks are provided adjacent to the lift entrance. ARH SEPP has been used as a guide which requires a minimum of 8 car parking spaces be provided, being lesser than the rate provided in the RMS Guide/Maitland DCP. The applicant has submitted an argument based on social economic factors, and site characteristics (i.e. dual street frontage) to warrant a reduction in the applicable car parking rate which is supported by Council.
b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type	The Apartment Design Guide requires a minimum internal area of 50m ² per 1 bedroom dwelling and 70m ² per 2

specified in Part 4D of the Apartment Design Guide,	bedroom dwellings. All units comply and are proposed as follows: • 1 bedroom – 57m² to 61m² • 2 bedroom – 77m² to 86m²
c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	The Apartment Design Guide specifies a ceiling height of 2.7m for habitable rooms and 2.4m for non-habitable rooms. The proposal achieves this.
2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to: a) the design quality principles, and b) the objectives specified in the Apartment Design Guide for the relevant design criteria.	The provided SEPP65 and ADG assessment report demonstrates the proposal is consistent with the SEPP's design quality principles and objectives of the ADG.

A SEPP 65 Compliance table incorporating an ADG review is provided below:

SEPP 65 COMPLIANCE TABLE incorporating APARTMENT DESIGN GUIDE REVIEW	
Principles	Council comments
<u>Context and Neighbourhood character:</u>	The site is a corner block at the intersection of Fieldsend St and Alliance St and consists of three existing lots. Typically, single storey single residential dwellings and multi-residential developments are located within a 150m radius from the site. The proposed residential flat development is permissible on the site and is well located to increase public transport use and encourage walking and cycling. The proposal complies with Council's DCP height limitation of 11m. The applicant has submitted documentation which addresses the future characteristics of the locality. The proposal will have an immediate impact within the character of the existing neighbourhood given it proposes a three storey built form however, the building is appropriately sited and hence the potential short terms impacts are acceptable.
Built form and Scale	The scale of the building has been carefully designed to provide appropriate height and bulk and to respond to the prominent corner location of the land. There are no elements of the built form that encroach the separation distances outlined in the ADG.

	The separation distances outlined in the ADG for neighbouring boundaries is a minimum of 3m. On the north western boundary the proposal is setback 6.4m promoting improved amenity to the neighbour on this façade. The rear setback on the south western boundary, with the exception of the car park and bin store areas, is 7m which exceeds both the current context and the separation distances outlined in the ADG.
Density	Generally, for multi dwelling developments, the Maitland Development Control Plan 2011 requires that site coverage must equate to no more than of 70% of the site. The development site coverage is approximately 1188m² of the site which is approximately 59%. No FSR is required for the proposed site under the Maitland LEP. The Architect design verification statement notes: <i>The development provides a mix of apartment types suiting a variety of residents - some apartments, while being compact, provide generous habitable outdoor areas ensuring good amenity.</i>
Sustainability	The building has been designed with efficient use of natural resources, energy and water during construction and for the life cycle of the building. Initial correspondence to the applicant requested consideration of increased use of solar panels given solar panels are provided to service communal areas only. This represents an opportunity for improvement however, the operational constraints of the applicant must also be considered. The Architect design verification statement notes: <i>The proposed development provides access to good solar access all year round for most apartments. Vegetation adjacent to ground level operable windows and the location of apartment openings provide the opportunity for cross ventilation and the provision of clean air. Deep Soil Zones have been maximised to ensure large trees can be established on site creating a long living and evolving streetscape. Layered building facades aim to maximise the control and versatility of the apartments. Battens incorporated within the balcony edge result in greater control over the internal environment, minimising heating and cooling via mechanical means. Ceiling fans in place of conditioning will be incorporated for the development. Building materials and construction methods are proposed to be selected due to their low embodied energy, consistent with utilising a Green Star</i>

	<i>approach to recycled concrete and steel, use of low or zero VOC paints and adhesives, nominating low formaldehyde products where suitable.</i>
Landscaping	The landscaping provided meets the minimum requirements with in excess of 40% of the site landscaped. The Architect design verification statement notes: <i>The proposed development is flanked by landscaped zones along all boundaries and provides deep soil areas for landscaping along the north eastern and north western boundaries of the site. Due to the articulation and design of the development, all units have access to a 'green' view. The existing large tree to the corner of Alliance and Fieldsend Streets heavily determined the positioning of the proposed development and was a significant influence on the design of the project.</i>
Amenity	The building design has optimized amenity for the residents by providing efficient and well proportioned room layouts, street facing windows, natural ventilation, privacy and appropriate outdoor areas. The Architect design verification statement notes: <i>The proposed apartments provide high levels of amenity with their relationship to outdoor spaces and the landscaping within the development. Balconies generally exceed minimum requirements and communal outdoor space is provided with a high level of amenity. Bedrooms are all typical 3m x 3m or more and living spaces are all adjacent deep-set deck spaces, most of which achieve at least 3 hours of direct sunlight, some with 4 hours.</i>
Safety and Security	The building has a clear definition between its public and private spaces, with security provisions at entry points. The Architect design verification statement notes: <i>Ground floor residential outdoor spaces and access pathways are setback from the street and clearly defined through the use of fencing, screening and landscaping. Car park facilities are located at the rear of the site and have constant passive surveillance from the units located towards the rear of the development. A raised kerb pedestrian zone allows for safe access to both the common lobbies and lift entry</i>

	<i>point. Upper level apartments have balconies that address the full length of both street frontages and provide passive surveillance opportunities to the whole site.</i>
Housing Diversity and Social Interaction	The development is designed to add a new type of accommodation into the immediate community catering for the affordable housing market, in a location where access to public transport, walking and cycling can all be encouraged. The 18 units comprise a mix of 1 and 2 bedroom units, in accordance with the operational requirements of the site owner. Communal open space is provided to promote social interaction to common areas of the site.
Aesthetics	The aesthetics of the building are a direct response to the future characteristics of the area as nominated in various state planning strategies. The architectural style, form and details of existing buildings in the streetscape. The Architect design verification statement notes: <i>The developments aesthetic aim is to respond to the current and future local context of East Maitland. The built form embraces strong, organised forms that are broken down with the use of different bricks, light weight cladding and timber look aluminium screening. The screening is positioned according to the function of the private outdoor spaces, creating an arrangement of ordered shapes with balanced composition. The screening also provides privacy for the neighbouring properties.</i> <i>The timber look screening aims to soften the form and breakup façade elements. The screened facades ensure a strong articulation to the corners of the site. The base of the building is predominately made up of a darker brick for longevity and reflective of the heritage tones found in local historic developments. Horizontal light weight cladding is representative of existing residential cottage facades located in the surrounding area. See below architects' impression of the built form.</i> The development provides for a positive outcome in regard to aesthetics and is aligned with the SEPP65 requirements.

5.1.3 Regional Environmental Plan / Strategic Planning Context

The proposal is consistent with the state government Future Directions for Social Housing Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan

2036. The Hunter Regional Plan in particular identifies the East Maitland precinct as a catalyst area, and identifies the need for local housing strategies to respond to housing needs including social and affordable housing and supports initiatives to increase the supply of affordable housing.

The proposal also meets the requirements of the Draft Affordable and Adaptable Housing – Action Plan (2013), which was drafted as an outcome of the Maitland City Council Community Strategic Plan (CSP) 2011-2021.

The proposal is consistent with the Maitland Local Strategic Planning Statement (LSPS), as follows;

- Planning Priority 1 – Plan for diverse and affordable housing to meet the needs of our changing community; and
- Planning Priority 2 – Support sustainable housing growth by balancing greenfield and infill housing.

5.1.4 Local Environmental Plan

Maitland Local Environmental Plan 2011 (MLEP2011)

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (Maitland LEP). The proposed development is defined as a Residential Flat Building, which is a permissible type of development within the R1 zone. The proposal is consistent with the objectives of the zone, as it will increase the available dwelling stock within the locality and provide a variety of housing types.

It is noted that Council does not have a height of building or floor space ratio development standard pursuant to clause 4.3 and 4.4 of the Maitland LEP 2011 respectively applicable to this site.

The following clauses of the Maitland LEP 2011 are relevant to the assessment of the proposal.

Clause 2.6 - Demolition

Demolition of the two existing dwellings and ancillary structures is proposed . Recommendations regarding targeted removal of asbestos and requirements for a hazardous materials survey have been included in the draft schedule of conditions.

Clause 7.1 – Acid Sulfate Soils

This clause aims to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 under the MLEP

2011. Given the nature of works to be undertaken on site and the classification of the soils on site, an acid sulfate soils management plan is not required.

Clause 7.2 – Earthworks

Earthworks associated with this development will be undertaken in accordance with approved plans listed in the schedule of conditions attached to this report, and are considered to be ancillary to the development works on site. Some minor excavation and levelling of the site will be necessary to create a level building platform and to achieve functional private open space areas. All retaining walls are located a minimum of 1m from the boundary. Separate development consent under this clause is not required.

5.2 Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft environmental planning instruments relevant to this development.

5.3 Section 4.15(1)(a)(iii) any development control plan

The Maitland Citywide Development Control Plan 2011 applies to this development as follows:

- A.1 Community Participation
- B.2 Domestic Stormwater
- B.5 Tree Management
- B.6 Waste Not – Site Waste Minimisation & Management
- C.1 Accessible Living
- C.8 Residential Design
- C.11 – Vehicular Access and Car parking
- C.12 - Crime Prevention Through Environmental Design

A.4 Community Participation

The proposal was advertised and notified from 1 July 2020 to 15 July 2020. Four Submissions and one petition containing 20 signatures were received objecting to the proposal. Following the receipt of amended plans the proposal was re-notified from 9 October 2020 to 23 October 2020. Two additional submissions were received objecting to the proposal. The issues raised are discussed below, with comment provided. These issues are not considered significant enough to warrant refusal of the proposal.

B.2 Domestic Stormwater

The applicant has provided a Stormwater Management Plan. The stormwater catchment is subject to localised flooding upstream and on-site detention is required. The stormwater management system is designed such that the total of stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm events (1-100year ARI). The internal drainage system including sizes of drainage pits/pipes, OSD etc are to be designed and constructed to cater stormwater runoff generated by the proposed development. The stormwater drainage systems are to be designed such that the development does not adversely affect downstream receiving waters.

Generally OSD is located in the lowest part of the site, in this instance the north-west corner. However the consultant has advised that they have directed the skillion roof to slope to the carpark and maintain stormwater should be collected there. A condition will reaffirm that the ground levels around the carpark are to overflow into the carpark so OSD is captured properly so not to bypass the OSD tanks.

Following implementation of the recommended consent conditions, the proposal does not raise any issues that conflict with the DCP.

B.5 Tree Management

It is noted that clearing of vegetation on the site does not need separate development consent under the DCP chapter. An Arborist Report accompanies the development application. The proposal seeks to remove Tree 2 and Tree 3 and retain Tree 1 and Tree 4, and provides recommendations on how to protect and manage trees during construction of the proposed development.

B.6 Waste Not – Site Waste Minimisation & Management

A waste management plan (WMP) was submitted with the proposal that included measures to recycle and store waste in an environmentally acceptable manner during the construction and operational phases. Waste will be generated as part of the operations for the site and this will be managed through the provision of Council waste bins. A permanent enclosed bin area has been constructed with access to the onsite carpark, with units 2, 3 and 4 to have a separate area within their courtyard. The proposed measures are considered sufficient to cater for the development.

Section C.1 – Accessible Living

This section applies as the proposal includes the use of premises for residential occupation. The proposal includes ramps and widened doorways to provide continuous and equitable access to the proposal. Two accessible car parking spaces

are provided within the 11 space car park. Covered walkways are provided throughout the site, as well as a lift within the proposed three storey building. Two adaptable units are provided (Units 2 and 8) which meets Council's minimum 10% requirement. An Access Report which assesses the proposal against the Access and Adaptable Housing requirements of the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), Australian Standards (AS) and the Disability Discrimination Act (DDA), the NSW Land & Housing Corporation Design Standards 2014 Rev 1, Maitland DCP 2011 and Liveable Housing Design Guidelines as referenced by SEPP 65 has been submitted identifying compliance with these standards.

C8 – Residential Design

Clause 1.2 of this Part specifically excludes the application of the DCP design criteria to those categories of development to which SEPP65 applies – that is, residential flat buildings that comprise at least 3 storeys and contain at least 4 dwellings. However Council notes that the development generally satisfies the DCP controls, including compliance with the 11m height limit. Any potential impacts such as noise, traffic, car parking, privacy, solar access etc., are considered throughout other sections within this report. It is noted that car parking does not comply with the DCP requirements which would require 24 car parking spaces on site however, this is considered appropriate in the context of the justification provided.

Section C.11 – Vehicular Access & Car Parking

Access to the site has been located on Alliance Street away from the intersection with Fieldsend Street. This is considered appropriate from a traffic safety perspective. 11 car parking spaces, including two accessible spaces, are provided.

The internal parking area has been designed for on-site manoeuvring to allow cars to enter and exit in a forward direction. The proposed driveway on Alliance Street is located between 3.9m and 6.2m from the western side boundary ensuring sufficient sight lines are available to approaching vehicles and pedestrians. Satisfactory landscaping is proposed around the perimeter of the car parking area.

It is noted that car parking dimensions or numbers do not meet DCP requirements. Car parking spaces are generally 4.8m by 2.4m with a 6.0m aisle provided. While this is below Council's standards, it is important to consider that modifications were made to the original car park location and footprint to increase the setback from the neighbouring property. Further the dimensions are consistent with Australian Standard, and are therefore considered acceptable.

C.12 CPTED

The proposed works continue to provide opportunities for natural and casual surveillance from within the development by staff and users. The school premises are surrounded by security fencing to minimise unauthorised access, and pedestrian gates are locked (except for the main gate) during school hours to restrict movements in an out. The layout and landscaping design aims to prevent/deter theft or crime with high visibility and demonstrates clear guardianship of the land and definitive school boundaries. A consent condition has been recommended to install low level security lighting within the car parking without impacting on adjoining properties or adjacent bedroom windows. Therefore, the proposal is consistent with this chapter of the DCP.

5.4 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The development has been assessed against the relevant clauses of the *Environmental Planning & Assessment Regulation 2000*. A BCA Capability Statement (Group DLA, 3/4/19) was submitted with the proposal demonstrating the proposal meets the requirements of clause 93 and 145 of the *Environmental Planning and Assessment Regulation 2000* (NSW) concluding that the development can achieve compliance with the deemed to satisfy provisions of the BCA. Demolition will be undertaken in accordance with clause 92.

5.5 Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal is expected to result in some impacts within the locality. The main potential impacts of the proposal relate to:

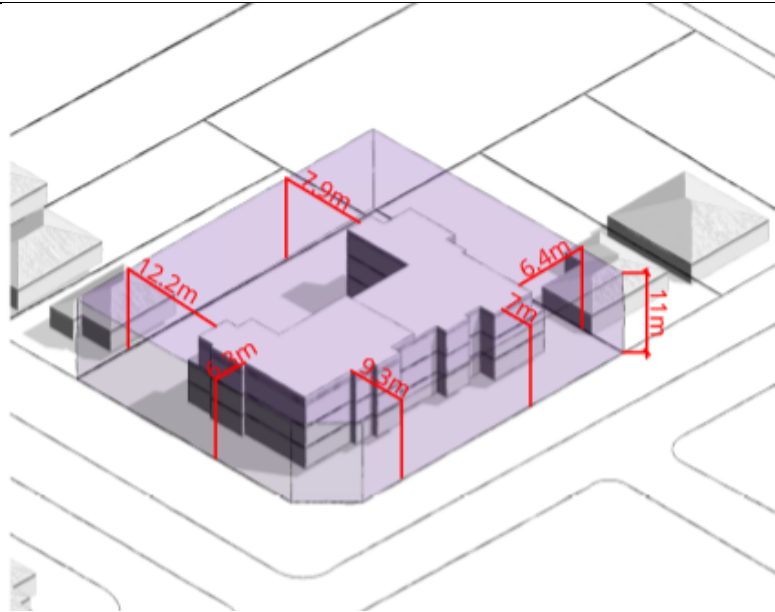
- Streetscape and Residential Character
- Site Planning
- Car Parking & Traffic
- Overshadowing & Solar Access
- Visual Privacy
- Flooding & Drainage
- Contamination
- Acoustic, Noise & Vibration
- Vegetation, Landscaping and Fencing
- Air and Microclimate
- Waste Management
- Services & Utilities
- Social and Economic Impact
- ESD

- Construction Impacts
- Cumulative Impact

These impacts are discussed in detail below, and comment provided.

Potential Impact	Comment
<i>Streetscape and Residential Character</i>	The proposal represents a new development type within the neighbourhood being a residential flat building, which will have an impact on streetscape and character within the neighbourhood. The proposed 11m height complies with Council's DCP height limit, and building siting is considered appropriate and compliant with ADG, as discussed above. Council's initial RFI stated: <i>Residential amenity should be carefully considered. It is noted that the development will have a significant impact on the character of Alliance Street, which features private owned dwellings. Further, the Local Context Analysis Plan identifies the existing one and two storey developments within the locality however, the proposal presents a bulk height and scale which exceeds the existing character. The need to redevelop this site, and the architectural character of the building is recognised however, the proposal should consider a transition zone to better integrate with the existing character. It is recognised that the development provides generous setbacks exceeding requirements however, the bulk of the building remains a concern of Council. This could be achieved by a reduction in height to two stories at the boundary interface of 13 Alliance and 13 Fieldsend Street, or the creation of a transition zone.</i> The applicant has been cooperative in addressing these concerns and presented a revised proposal with a reduced gross floor area at the upper level to assist in managing the transition to existing single storey development adjoining the proposal, as detailed below.

	 The materials are considered appropriate for the locality, and the building design is articulated to present favorably to the public domain. The existing site is in various states of dilapidation, and the proposal will allow for appropriate redevelopment for the purposes of affordable housing. The proposal will represent a catalyst project within the locality, and will have a positive impact on the street.
<i>Site Planning</i>	In general the proposal is compliant with the building siting requirements of ADG, as detailed in the following image. It is noted that the building has been oriented to the public domain, which has resulted in initial concern over the presentation to No. 13 Alliance Street, including potential impacts as a result of car parking and waste management. These are discussed throughout this report, and have been mitigated to the best extent practicable. For the reasons provided these are not considered significant enough to warrant refusal of the application.



Car Parking & Traffic

Traffic

A Traffic Impact Assessment, and Addendum report were prepared for the proposal. Traffic surveys on Thursday morning 4th July 2019, identifying two way flow on Fieldsend Street of 130 vph during the AM peak. The majority (68%) of these vehicles were eastbound. Alliance Street has a lower traffic yield with approximately 30 vph, 78% of which were southbound. The traffic generation of the proposal will not have a significant impact and the local roads have sufficient capacity to absorb the increased use.

Car Parking

As discussed above, car parking is provided in accordance with ARH SEPP (Affordable Rental Housing) 2009 with the provision of 11 (it was originally nine) spaces for 18 units. However, the site does not meet the location requirements pursuant to Division 1 ARH SEPP which applies to land within 400 metres walking distance of land zoned B2 Local Centre, B4 Mixed Use, or within an equivalent land zoning. East Maitland is located approximately 600 metres from the site.

Council's initial RFI requested car parking to be provided in accordance with SEPP 65, noting that the TIA does not contain adequate justification for any variation to car parking standards given the size of the proposal, and location of the site. In response

an Addendum statement was provided to Council with further justification for car parking standards,

The applicant contends that the definition provided by ARH SHEPP for an accessible area includes land within 800 metres walking distance of the public entrance to a railway station (which the proposal is) provides justification to support the variation. The applicant contends that this is also supported by SEPP Seniors which permits development to be located within 400 metres of a suitable public transport service that will transport residents to within 400 meters of key facilities including shops, services and recreation (equivalent to a combined walking distance of 800 metres).

The proposed development allows for the construction of less than 20 dwellings within the site, and therefore Division 6 of ARH SEPP would have applied if the building height had not exceeded 8.5 metres. Therefore, an equivalent development with buildings less than 8.5 metres, with no change to the number of dwellings, would only require car parking for 8 vehicles, i.e. 0.4 spaces for each one bedroom dwelling and 0.5 spaces for each two bedroom dwelling.

If SEPP 65 is enforced for car parking purposes, the following requirements for car parking (whichever is the lesser):

- Maitland DCP -22 spaces
- RMS Guide – 24 spaces

11 car parking spaces are provided. The applicant has submitted an argument based on social economic factors, and site characteristics (i.e. dual street frontage) to warrant a reduction in the applicable car parking rate as follows.

There is limited socio-economic data available for the Maitland Local Government Area, however, car ownership data is available for the Central Coast LGA in conjunction with the 2016 Census. This data indicates a lower rate of car ownership among low income households compared with the general population (20% do not own a vehicle with 55% owning a single vehicle only). This proposed affordable housing development comprises small one and two bedroom dwellings only, which will provide for those who are on very low or low incomes and statistically less likely to own a motor vehicle. Parking demands resulting from this

	development are therefore likely to be more consistent with those outlined by SEPP (ARH). The removal of redundant driveway crossovers on Fieldsend Street will see an increase in on-street parking, with the street frontages providing capacity for up to 9 vehicles parked in front of the site to support occasional demands for visitors. Bicycle parking has also been provided adjacent to the accessible car spaces, with two separate bike racks proposed. It is noted that at-grade car parking spaces are dimensioned in Australian Standard AS/NZS2890.1:2004 – Parking Facilities (Off-street Car Parking), which specifies the following requirements for residential car parking (User Class 1A): • Minimum dimensions of 2.4m wide by 5.4m long (additional clearance is to be provided to spaces bounded by walls or columns); • Minimum parking aisle width of 5.8m (to be increased to 6.1m where parking is provided on one side of the aisle only and the other side bounded by a wall or other vertical obstruction); and • Where the parking aisle results in a dead-end, the parking aisle is to extend at least 1m beyond the end of the last parking space and the last space widened by at least 300mm. The dimensions of the spaces adjacent to the rear boundary have been shortened to 4.8m in length. However, there is scope for vehicles to overhang the wheel stops effectively lengthening the car parking spaces, and the central aisle is 6.0m which exceeds Australian Standard. Overall it is considered that car parking is sufficiently catered for by the proposal, and traffic and car parking impacts as a result of the proposal are not expected to be significant.
<i>Overshadowing and Solar Access</i>	The shadow diagrams submitted identify a minor impact on existing dwelling to the south west (13 Alliance Street) between 9am to 12pm. The building is sited approximately 11m from the boundary of the adjoining dwelling. The adjoining dwelling and a portion of their private open space will be in part shade at 9am however, by midday, there will be no impact as a result of the proposal. A consent condition has been recommended to limit

	adjoining landscaping to 2.4m in height, this has been applied in consultation with the adjoining property owner. No significant impacts are expected. The proposal has been designed with adequate solar access to each unit, including private open space and living areas. Units 6, 12 and 18 have two private open space areas, given the southerly orientation of one area. It is noted that the drying area for units 1, 6, 7,12, 13 and 18 have been located within a south/west orientation which limits drying opportunities however, this is considered minor and a secondary area will be available for the use of portable during equipment if needed. No significant impacts are expected.
<i>Flooding and Drainage</i>	As discussed above, the applicant has provided a Stormwater Management Plan. The broader stormwater catchment is subject to localised flooding, however, the site is not mapped as inundated in a 1 in 100 year flood event or impacted by the localized flooding. On-site detention is required for the proposal. The stormwater management system is designed such that the total of the sites stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm events (1-100year ARI). Internal drainage system including sizes of drainage pits/pipes, OSD etc are to be designed and constructed to cater stormwater runoff generated by the proposed development. Following implementation of the recommended consent conditions, the proposal is not expected to have a significant impact on flooding and drainage.
<i>Contamination</i>	A Preliminary Site (Contamination) Assessment (RCA Australia (Ref: 14502-401/0, November 2019) was undertaken at 15-19 Fieldsend Street, East Maitland. The desktop review indicated that all three (3) properties have been used for residential purpose since at least the mid-1950s. One (1) surface soil sample was collected from the backyard area of each of the three (3) properties. All soil concentrations were below the relevant human health and ecological criteria with the exception of TRH at 19 Fieldsend Street which was in excess of the ecological criterion. There was no visual or olfactory evidence of hydrocarbon contamination at this location and the sample was collected from an area which is considered unlikely to have had a petroleum based point source of contamination. RCA consider that the elevated concentration may be a result of the laboratory analytical methodology which includes all forms of

	hydrocarbons, not just petroleum hydrocarbons. Given the proposed use of the site, the presence of TRH concentrations in excess of the ecological criterion is not considered a constraint to the proposed development. Asbestos was not detected within any of the soil samples collected as part of this assessment however RCA recommend that the presence or absence of hazardous materials within the structure and removed material be confirmed with the contractors who undertook the demolition / clearing at 17 Fieldsend Street, and if asbestos was present further assessment of surface soils for asbestos was recommended. An Addendum to Preliminary Site (Contamination) Assessment by RCA Australia (Ref: 14502-401/0, 27 March 2020) was also prepared for the proposal On 10 September 2019 Maitland City Council issued a demolition work order following the receipt of documentation by Land and Housing Corporation regarding the state of the building on site after fire damage. This documentation confirmed that the asbestos was present within the building. A Certificate of Completion – Demolition was issued on 10 October 2019 which confirmed that demolition had been undertaken by Sydney City Civil Australia Pty Ltd (a SafeWork NSW Class B non-friable licensed asbestos removal contractor) and that all demolition works and handling of asbestos contained within the demolition works had been carried out and/or handled and disposed of as per Workcover Permit, the National Code of Practice for Safe Removal of Asbestos and in accordance with the Work Health and Safety Act 2011. The certificate also stated that the surface of the site had been left level and free from all visible asbestos and other demolition materials. A final asbestos clearance was also undertaken by P. Clifton & Associates on 11 October 2019. The clearance works included the excavation of five (5) test pits to approximately 0.25-0.3m depth below the surface. All concentrations were reported to be below the laboratory detection limit or well below the relevant human health criterion as defined by the ASC NEPM for residential use. Asbestos was not detected in any of the samples collected from the test pits. The report concluded that the removal of asbestos containing materials and demolition of the house and concrete materials had been completed satisfactorily. RCA consider that following review of the additional documentation, the site is now considered suitable for the proposed use subject to the above recommendation outlined in the asbestos clearance report. It was recommended that a hazardous materials audit be conducted on the two (2) remaining residential buildings prior to
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	demolition. This has been conditioned, and no significant impacts are expected.
<i>Acoustic, Noise & Vibration</i>	An Acoustic Report (RCA Australia, Ref: 14502-402-3, dated September 2020), was submitted with the proposal. There will be no external mechanical plant except for bathroom exhaust fans. In general, the design has achieved common walls to separate the same room type between adjoining units. For example, common walls separate living spaces on either side of the wall, but do not separate a living space in one unit from a sleeping area from another unit. It is noted that there are some instances where this principle was not implemented, including: • Bed 2 Unit 2 - Kitchen Unit 1 • Bed 2 Unit 8 - Kitchen Unit 7 • Bed 1 Unit 14 - Kitchen Unit 13 The reported noted that the car park and bin store area are situated on the boundary shared with 13 Alliance Street as a potential impact. A solid fence along the boundary at a minimum height of 1.8 m will reduce any noise from the car park and bins for residents that share this boundary. A sign located in the car park to remind residents and visitors to be mindful of noise will also encourage positive behavior. These requirements have been conditioned. RCA advised that they do not anticipate any road noise intrusion impacts to the proposed development from the existing local roads, nor does RCA anticipate the development to generate significant additional road noise that may cause impacts to existing residents. The proposal is unlikely to result in a significant acoustic impact within the locality.
<i>Visual Privacy</i>	The proposal has the potential to result in visual privacy impacts on residents adjoining the site given the three storey nature of the proposal. Balcony screening elements are proposed, and the revised submission reduced the area of some windows on the south-west elevation. These impacts are considered mitigated to the best extent practicable. The proposal complies with the ADG requirements, and visual privacy is not expected to be significant.
<i>Services & Utilities</i>	The proposal can be connected into nearby utilities and services without the potential for adverse impacts. Water and sewer are available, and the proposal will be required to comply with the requirements of Hunter Water Corporation for connection to sewer and water. Overhead power lines are adjacent to the site.

	A Contract for Basic Connections Over 100 Amps has been previously obtained, and no substation is required. Correspondence has been received from Ausgrid, and their requirements conditioned. The proposal is not expected to have a significant impact on utilities and services within the locality.
<i>Vegetation & Landscaping</i>	Vegetation removal and retention has been discussed throughout this report. The proposal will comply with the recommendations of the Arborist's Stage B Report (Hunter Horticultural Services, 14 April 2020), with trees 1 and 4 to be retained. The recommendations for tree protection have been conditioned and include: • Steel mesh fencing around the TPZ of Tree 4 should be installed where practical during construction, and construction staff alerted to the presence of the TPZ. Pedestrian traffic in the TPZs should be minimised. • Hand tools must be used for any excavation within the TPZ, and any roots requiring pruning must be cut with secateurs or a saw. Excavation machinery and hand tools (shovels etc.) must not be used to cut tree roots. Any roots over 75 mm diameter within the TPZ requiring pruning should be inspected by an AQF 5 Arborist to ensure their removal will not have an adverse effect on the tree. • Root pruning within the SRZ is not recommended, however, if necessary, must be kept to a minimum and may only be carried out for roots 75 mm or less using secateurs or a saw. If a structural root larger than 75 mm is encountered where a wall footing is required, engineering adjustments (relocate footing) must be made so the root is not damaged. Footings should be kept a minimum of 100 mm from major roots for spatial separation. • Proposed infrastructure should not encroach too severely into the TPZ as root/ canopy pruning may be detrimental to the tree's longevity. • Any fill within the TPZ must be of a coarser grade and more porous than the underlying material. • Any pruning of the canopy must be carried out by a minimum level 2 Arborist in accordance with AS 4373

(2007).

The following image details the tree locations on site.



Appropriate landscaping will be planted on site including around the perimeter of the car park and within front setbacks. The setback of fencing within Alliance Street has been increased in response to initial concerns to provide additional landscaping. Council's DCP provides opportunity to contain private open space within the front setback, where located behind visually transparent fencing, and suitably landscaped. This objective has been achieved with the amended plans and the proposed presentation to Alliance Street is considered satisfactory.

The proposal will not have a significant impact on vegetation and landscaping within the urban area.

ESD

The proposal does not propose air conditioning of units due to ongoing maintenance challenges for the Corporation and the past experience of tenants' reluctance to use them. Ceiling fans and cross ventilation will provide for air circulation during summer months. Solar panels are provided to service the communal areas of the development only. The proposal includes re-use of rainwater for garden areas.

<i>Air and Microclimate</i>	The development proposes adequate water and soil management measures which reduce the potential for air and microclimate impacts during construction and operational phases of the development. An Erosion and Sediment Control Plan has been submitted with the proposal. It is unlikely that there would be an adverse impact to air or microclimate as a result of the proposal.
<i>Waste</i>	A Waste Management Plan has been submitted. Construction waste will be managed in accordance with the approved plans. Operational waste will be managed by Council's kerbside collection. The proposal provides: • 11 general waste bins (8 within the communal bin storage area, and three within individual units); • 11 recycling bins (8 within the communal bin storage area, and three within individual units); and • Two green waste bins. The numbers of bins provided for waste are satisfactory. The consent condition recommended recognises the minimum requirements for the proposal in accordance with advice from Council's Coordinator Waste Services.
<i>Social & Economic Impact</i>	The proposal will have a positive social and economic impact within the locality, both during construction through the creation of jobs, and operation as a result of the increased provision of social housing. No significant impacts are expected.
<i>Construction Impacts</i>	The proposal will generate some impacts within the locality as a result of construction activities, including noise, dust and traffic. These are expected to be typical of residential construction, and will not be significant. Any consent will limit construction hours in accordance with the relevant industry guidelines. A TMP will be required to manage potential parking impacts within the locality. Any construction impacts will be short term only, and no significant impacts are expected.
<i>Cumulative impacts</i>	The proposal will facilitate the intensification of development on the existing dilapidated residential site. The primary potential cumulative impact relates to increased traffic within the locality. As discussed above, this is not expected to be significant. The proposal presents a catalyst development within the existing neighbourhood. There are no significant cumulative impacts expected as a result of the proposal.

5.7 Section 4.15(1)(c) the suitability of the site for the development

The subject site is considered suitable for the development. While it does not meet the requirements for an accessible area pursuant to SEPP (ARH) it is well located and serviced by public transport. The proposal will have a positive visual impact within the locality by redevelopment of a currently dilapidated site. It is acknowledged that the public notification process raised concerns regarding the development type, density and height however, this is considered to be consistent with the broader State strategic planning framework. Overall, the site is considered suitable for the proposal.

5.8 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified from 1 July 2020 to 15 July 2020. Four Submissions, and one petition containing 20 signatures, were received objecting to the proposal. Following the receipt of amended plans the proposal was re-notified from 9 October 2020 to 23 October 2020. Two additional submissions were received objecting to the proposal. The issues raised, and council's response are summarised in the following table. Note: Original submissions have been noted as A, B, C, D with revised submissions notated as AA, BB. The petition is discussed separately under the main table.

Submission	Issue	Council Response
A, B	<u>Overshadowing.</u> The proposal will overshadow our property, both from the building and vegetation. The shadow diagrams are inaccurate. Concern over shadowing and potential impact on heating costs. The privacy tree line beside the fence will completely overshadow growing to 9m in height. Restricted access to solar will lead to mould spores and	Shadow diagrams have been submitted identifying that the proposal will not have a significant impact on overshadowing of adjoining properties. It is noted that there will be some impact between 9am and midday however, the proposal will maintain a minimum of three hours of solar access to living area windows and private open space of neighboring properties on winter solstice. The proposal has been amended to reduce the bulk at the upper level to

	damp in my building. I rely on cross ventilation and warmth via the living room. We are anticipating installing solar panels which we have put on hold due to the overshadowing by the proposal. 3 hours is not enough solar access to dry clothes on the line. Photos are provided taken on Wednesday 8th July 2020 at 9am showing the shadow from the tree at 19 Fieldsend Street reaches over the whole front yard of my property. The proposed building will be the same height, yet shadowing is not accurate. Photos of other two storey developments included showing shadowing, and mould on the south side of the façade of Barton Street units.	further mitigate potential overshadowing impacts. A consent condition has been recommended requiring landscaping to be installed and maintained to a maximum height of 2.4m at the rear boundary. This issue is not considered significant enough to warrant refusal of the application.
A, B	<u>Privacy</u> When the fence was replaced a few years ago I paid extra to have a 1.8m fence. The second and third storey of the proposal will overlook into the living area of my house and backyard. The SEE states good surveillance means that people can see what others are doing, which means less privacy for me.	The proposal has been designed with the use of privacy screens, and the original proposal modified to reduce window sizes. Further highlight windows have been installed within upper levels. The statement in the applicant's SEE relates to CPTED principles only. The three storey building form is acknowledged however, given the extent of screening provided, it is not expected to have a significant impact on privacy of adjoining properties.
A, B	<u>Car parking</u> 9 car parking spaces is insufficient and will lead to on street car parking.	The proposal has been amended in response to initial concerns to provide 11 car parking spaces. Potential issues relating to statutory compliance and the justification provided have been discussed throughout this report, and considered acceptable. This issue is not

		considered significant enough to warrant refusal of the application.
C	<u>Traffic Safety</u> The proposal will block visibility for turning traffic.	The building is sited appropriate and will not impact on vehicle sight lines at the Fieldsend Street and Alliance Street intersection. Further, the proposal will facilitate two way vehicle passing at the driveway entrance and sight lines are appropriate.
A	<u>Noise and Lighting</u> The proposal will result in noise and lighting impacts from vehicles close to living areas, as well as TVs, communal areas etc. I am concerned about the noise levels pertaining to TVs, air conditioned, audio equipment and noise from the stairwells. Also concerns about sensor lighting turning on and off.	An Acoustic Report has been submitted for the proposal and any consent will require compliance with the recommendations of the report. Further, a condition of consent has been recommended requiring the installation of signage to encourage positive behavior. Operational noise from the use of the proposal is expected to be limited to typical residential use and regulation under the POEO Act 1997. While there will be some impacts, these are not expected to be significant.
A	<u>Odours</u> The placement of waste bins adjacent to the windows is not appropriate. There will be odours emanating from the bins and also possible vermin and insect infestations.	As discussed above, the amended plans included a cover of the bin storage area which was also relocated further from the boundary. It is acknowledged that there may be a minor impact however the enclosure of the structure and construction of a solid masonry wall adjacent to this boundary will assist in mitigating this. This issue of not considered significant enough to warrant refusal of the application.
A, B, C, D	<u>Building Height & Character</u> The proposal will have an adverse impact on the local area. It is incompatible with existing single and two storey development. Surrounding redevelopment is only 2m in height.	This report acknowledges that the building represents a departure from the established single and two storey development form within the locality. As such, it is likely to impact on the character of the locality. However, this is considered acceptable given the general compliance of the proposal with the relevant statutory provisions and strategic land use policies. The height is consistent with Council's 11m limit under the DCP.

	The proposal will bring adverse changes to my local street Three stories is out of character	proposal was amended during the assessment of the application to reduce the floor area of the upper level and provide a two storey transition to adjoining properties. The proposal is well designed, and the impact on character and streetscape is not considered significant enough to warrant refusal of the proposal.
A	<u>Impact on the Local Area</u> The proposed development within the submitted potential future massing of the area shows multiple 3 and 4 story residential complexes surrounding the current development proposal. In the SEE it shows multiple developments with not a single storey development present. If the current DA goes ahead it will set a precedent.	The massing diagram has been submitted for information only. The proposal is permissible in the zone, and it is noted that Council's DCP provides for an 11m height control. Further proposals will need to demonstrate compliance with the relevant statutory provisions. This issue is not considered significant enough to warrant refusal of the application.
A, D	<u>Financial Impacts</u> The proposal will impact me financially given the issues I have raised. There is a shortage of affordable housing however, this development will not complement the current demographic of this area. Impacts as a result of investment in current housing renovations – the proposal will lower the quality of the area	Financial impacts are not a relevant matter for consideration under the EP&A Act. The proposal will not have an adverse social impact, and will provide increased affordable housing.
C	<u>Amenity</u> Residents on higher floors will be subject to traffic fumes, road grime and pollution. A three storey housing block on the	The proposal is considered to be well designed and internal amenity for future residents considered. It is considered that there is a minor potential for amenity impacts for example balconies/bedrooms from the car parking area however, these are typical of a residential flat building design given increased density. Traffic

	corner of a future main road is not a viable solution.	volumes within Fieldsend Street and Alliance Street are not considered significant enough to have an adverse impact on the amenity of future residents.
D	<u>Social Impact</u> Potential social problems due to population increase and public housing	This is not a relevant matter for consideration under the EP&A Act. The proposal will not have an adverse social impact within the locality.

As discussed above, the proposal was re-notified from 9 October 2020 to 23 October 2020. Two additional submissions were received objecting to the proposal. The issues raised, and council's response are summarised in the following table

Submission	Issue	Council Response
AA	The modification to the units go somewhat towards alleviating a small amount of overshadowing it is not a great improvement. I am still greatly concerned with the lack of solar access to my property.	The shadow diagrams submitted with the application demonstrate that adequate solar access is available to the neighbouring property. The proposal is approximately 11.5m from the adjoining property. No significant overshadowing is expected.
AA	I need the bins relocated to the rear of the car park spaces as it would be away from the vicinity of my home.	The bin storage area was relocated as part of the revised submission, and a roofed structure covering it proposed. This will improve visual impact. The bin storage area is 2m from the boundary, and approximately 2.7m from the adjoining dwelling. Additionally the setback will be landscaped (see comment below regarding height). The relocation of the bin storage area to the rear of the site will result in occupants having to drag their bins over 40m to access Allinace Street, and it is likely that they will be left in the front setback closer to the street which will have an adverse impact on streetscape. The bin storage area is considered to be appropriately located.
AA	Shrub and tree next to my boundary fence line should be no more than 2.4m in height	This has been conditioned, and will require ongoing maintenance by the site operator.

	maximum to allow more light and ventilation to windows.	
AA	Request an onsite meeting with representatives of the applicant and Maitland City Council to discuss concerns.	Following further discussions with the objector, in good faith the applicant contacted the submitter. The role of Council's notification process was also explained to both parties.
BB	Requested revision of the proposal; given it is out of character with surrounding development, which is traditionally two storey. Suggested the proposal be amended to two stories only, or renovate the existing dwelling and build on two remaining blocks up to 2 storey. People need space for outdoor leisure and social distancing.	The proposed building form, density and height is considered appropriate, and for the reasons outlined in this report largely compliant with the statutory requirements. The proposal provides appropriate private and communal open space. This is not considered significant enough to warrant refusal of the proposal.

The petition submitted contained twenty signatures, advocating that the proposal should be amended on the basis of, reduction of height of buildings, less impact on area, on street parking, traffic and noise. These issues have been addressed in the table above and are not considered significant enough to warrant refusal of the application.

Government Agency Submissions

There are existing overhead electricity network assets in Fieldsend Street and Alliance Street. The proposal was referred to AusGrid for comment pursuant to Clause 45(2) of SEPP (Infrastructure) 2007. A response was provided dated 4 August 2020 advising that Ausgrid consents to the proposal subject to a number of conditions. These have been incorporated into the attached schedule of conditions.

Further, following initial review of AusGrid conditions, the application submitted evidence of a contract notification letter (expedited contract for basic connections over 1000 Amps). The maximum capacity of the connection is 150 amps 3 phase with connection point to a private pole.

5.9 Section 4.15(1)(e) the public interest

The proposal is generally consistent with the relevant heads of consideration pursuant to section 4.15 of the EPA Act, and the identified impacts are mitigated to the best extent practicable. The proposal will permit the construction affordable housing on a

well located site serviced by public transport. It is acknowledged that the proposal will result in some impacts within the existing streetscape, and to neighbouring properties however it is largely compliance with the statutory planning framework, with the exception of variation to car parking standards. Further the proposal is consistent with the established state and local strategic planning framework. The proposal is therefore in the broader public interest.

Contributions

It is noted that affordable housing is excluded from payment of Section 7.11 contributions under Section 25J of the Environmental Planning and Assessment Regulation 2000. Within the 2016 City Wide Contributions Plan, 'Crown developments, where they provide an essential community service, in accordance with the Department of Planning's Circular, will not be charged a Section 94 contribution'. The relevant Planning Circular allows for the imposition of development contributions for residential development by the Crown for the purposes of contributing to community facilities and open space. This is reflected in Maitland City Council's 2016 City Wide Contributions Plan which states in Clause 2.5.3 that Crown Developments, where they provide an essential community service will not be charged development contributions.

6. CONCLUSION

The development application has been assessed as satisfactory against the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, including the relevant provisions of the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and the State Environmental Planning Policy (Affordable Housing) 2009 and the provisions of the NSW Planning and Environment publication 'Apartment Design Guide' dated July 2015 and the associated State Planning Policy (SEPP 65) – Design Quality of Residential Apartment Development. The development will result in an Affordable Housing development in close proximity to the East Maitland commercial area, Greenhills shopping Centre and within walking distance to public transport, including Victoria Street train station. The development provides for social and economic benefits through provision of additional housing.

The Applicant has been co-operative in making the necessary amendments to the design of the development as a result of Council's initial assessment, the public notification process and the HCCRPP briefing. The development will provide affordable rental accommodation which is in high demand. The proposal will not result in any significant impacts within the locality, and the site is suitable for the proposal. Approval is recommended, subject to the imposition of the attached schedule of conditions.

APPENDIX A – DRAFT SCHEDULE OF CONDITIONS

Reason for Condition(s)

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref.	Sheet No.	Rev No	Rev Date	Prepared by
Demolition Plan	2676/0300	J	16.10.20	Webber
Site Plan	2676/0201	M	16.10.20	Webber
Floor Plan – Ground	2676/0301	O	16.10.20	Webber
Floor Plan – Level 1	2676/0302	N	16.10.20	Webber
Floor Plan – Level 2	2676/0303	I	16.10.20	Webber
Roof Plan	2676/0304	M	16.10.20	Webber
Elevations – Sheet 1	2676/0401	M	16.10.20	Webber
Elevations – Sheet 2	2676/0402	M	16.10.20	Webber
Elevations – Sheet-3	2676/0403	G	16.10.20	Webber
Sections	2676/0501	K	16.10.20	Webber
Schedule of Finishes	2676/1001	G	16.10.20	Webber
Site Analysis	GSP180143 01	E	Oct 2020	Green Space Planning Co.
Landscape Approach	GSP180143 02	E	Oct 2020	Green Space Planning Co.
Landscape Masterplan	GSP180143 03	E	Oct 2020	Green Space Planning Co.
Plant Schedule	GSP180143	E	Oct 2020	Green Space Planning Co.

	04			
Erosion and sediment control plan	15582-DA-1000	A	25.03.2020	Lindsay Dynan
Erosion and Sediment Control Details	15582-DA-1050	A	25.03.2020	Lindsay Dynan
Stormwater Drainage Plan	BGVHL 15582 da-2000	E	10/9/20	Lindsay Dynan
Stormwater Details	BGVHL 15582 da-4000	B	10/9/20	Lindsay Dynan
Bulk Earthworks Plan	15582-DA-5000	B	12/05/20	Lindsay Dynan
Waste Management Plan	-	-	-	Land & Housing Corporation
BASIX Certificate	1087060M_02	-	15 Sep 2020	-
Assessor Certificate	14832	-	15 Sep 2020	Building Sustainability Assessments
BASIX Stamped Plans (relates to BASIX Certification only)				
Floor Plan – Ground	2676/0301	M	11.09.20	Webber
Floor Plan – Level 1	2676/0302	L	11.09.20	Webber
Floor Plan – Level 2	2676/0303	H	11.09.20	Webber
Roof Plan	2676/0304	K	11.09.20	Webber
Elevations – Sheet 1	2676/0401	L	11.09.20	Webber
Elevations – Sheet 2	2676/0402	L	11.09.20	Webber
Elevations – Sheet -3	2676/0403	F	11.09.20	Webber
Statement of Environmental Effects	-	-	14 May 2020	Urbis
SEPP 65 -Statement & Apartment Design Verification Statement	-	B	26.05.20	Webber Architects

Note: Site layout shall be in accordance with the approved architectural plans. This will require minor amendments to the approved Stormwater Management Plans, and as amended by this consent.

COMPLIANCE & CERTIFICATION

2. **Prior to Occupancy of the Development** all conditions of development consent shall be complied with.
3. The applicant shall submit to Council a “Notice of Commencement” form at least two (2) days **prior to the Commencement of Construction**.
4. The Applicant is to comply with the requirements of Hunter Water Corporation regarding the connection of water supply and sewerage. **Prior to Commencement of Construction**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be obtained

DEMOLITION/ASBESTOS/CONTAMINATION

5. The proposal shall comply with the recommendations of the Preliminary Site (Contamination) Assessment (RCA Australia (Ref: 14502-401/0, November 2019) and the Addendum to Preliminary Site (Contamination) Assessment by RCA Australia (Ref: 14502-401/0, 27 March 2020). A hazardous materials audit shall be undertaken on the two (2) remaining residential buildings prior to demolition. Any recommendations arising out of this process shall be complied with during construction of the development.

A copy of the hazardous materials audit shall be submitted to **Council prior to the commencement of Construction**.

Note: targeted removal of any building materials suspected to contain asbestos or other contaminants (eg lead paint etc, as part of demolition works) must ensure the necessary removal, storage and disposal is undertaken to a Licensed Landfill Authority and managed in accordance with the provisions of the SafeWork NSW

6. In the event of an undisclosed or unidentified contamination being found on-site during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
7. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001. Demolition materials shall be recycled as far as practicable and any demolition waste shall be disposed of to a Licensed Landfill Authority in accordance with the approved Waste Management Plan.

8. All waste material that arises as a result of the works shall be classified according to the NSW EPA Guidelines prior to removal from the site. All waste material must be disposed of at a facility approved for that purpose. Note: *if contaminated soil or other waste is transported to a site unlawfully, the owner of the waste, the transporter and the owner of the land receiving the waste are guilty of an offence.*

AUSGRID REQUIREMENTS

9. The development shall comply with the requirements of Ausgrid dated 4 August 2020, as attached to this consent in Schedule 1.

LANDSCAPING

10. Landscaping shall be implemented and installed **prior to Occupancy of the Development** in accordance with the approved landscape plans.

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

All plantings adjacent to the south-west boundary shall be maintained and shall not exceed 2.4m in height at any time.

11. The proposal shall comply with the recommendations of the Arborist's Stage B Report (Hunter Horticultural Services, 14 April 2020), with trees 1 and 4 to be retained. The recommendations include:
 - Steel mesh fencing around the TPZ of Tree 4 should be installed where practical during construction, and construction staff alerted to the presence of the TPZ. Pedestrian traffic in the TPZs should be minimised.
 - Hand tools must be used for any excavation within the TPZ, and any roots requiring pruning must be cut with secateurs or a saw. Excavation machinery and hand tools (shovels etc.) must not be used to cut tree roots. Any roots over 75 mm diameter within the TPZ requiring pruning should be inspected by an AQF 5 Arborist to ensure their removal will not have an adverse effect on the tree.
 - Root pruning within the SRZ is not recommended, however, if necessary, must be kept to a minimum and may only be carried out for roots 75 mm or less using secateurs or a saw. If a structural root larger than 75 mm is encountered where a wall footing is required, engineering adjustments (relocate footing) must be made so the root is not damaged. Footings should

- be kept a minimum of 100 mm from major roots for spatial separation.
- Proposed infrastructure should not encroach too severely into the TPZ as root/ canopy pruning may be detrimental to the tree's longevity.
 - Any fill within the TPZ must be of a coarser grade and more porous than the underlying material.
 - Any pruning of the canopy must be carried out by a minimum level 2 Arborist in accordance with AS 4373 (2007).

SIGNAGE

12. Pedestrian and vehicular directional signage shall be provided at all entry points to the development to the satisfaction of the certifying authority to assist visitors in way finding.

LIGHTING

13. Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas and/or entries. All lighting must meet the minimum Australian and New Zealand Standards, including the Australian Standard for Public Lighting of streets, car parks and pedestrian areas.

The lighting should be designed, positioned and installed, to include appropriate shielding and orientation of the light fixture, so as not to give rise to obtrusive light, interfere with traffic safety or detract from the amenity of the surrounding area in accordance with Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting. The lights should be low glare, vandal resistant and free from obstructions and should ensure that there is no light spill or glare beyond the property boundary, or into adjacent bedrooms.

CARPARKING

14. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 11 car parking spaces (including two accessible car parking spaces).
15. All driveways, parking areas and vehicles turning areas shall be constructed of reinforced concrete.
16. All parking bays shall be delineated with line-marking, and maintained to clearly identify each parking bay.

TRAFFIC MANAGEMENT AND SAFETY

17. The Applicant is required to carry out all demolition and construction works, which require the use of the footpath area in front of the premises, to ensure minimum interference with pedestrian and vehicular movements. A Traffic Management Plan for the entire construction process is to be submitted to Council **prior to Commencement of Construction**.

Details must include how the TMP manages deliveries to the site during the demolition and construction periods. The TMP should also detail appropriate car parking arrangements for construction workers and should aim to minimise interference on residential amenity.

VEHICLE ACCESS

18. **Prior to commencement of Construction** of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, *"Application to Construct Private Works on Footway"* shall be submitted to Council, together with the appropriate fee.
19. **Prior to Occupancy of the Development –**
- The driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document *"Footway Crossings (Driveways)"*.
 - Any redundant driveway crossovers shall be removed and kerb and guttering reinstated to Council's standards.

ROAD ACT APPROVAL

20. **Prior to commencement of Construction** works within the site, a Roads Act Approval shall be submitted to the roads authority (Maitland City Council) within the existing road reserve(s) for the following works:
- (a) 1.5m wide footpath across the full frontage of the development frontages including the replacement or adjustment of any required pram ramps.
 - (b) Stormwater connection across the verge and into the public system as per the stormwater conditions.

- (d) All redundant driveway crossings, driveways and/or damaged kerb and gutter are to be removed and reinstated.
- (e) Ancillary drainage and pavement rectification works including adjustment of utility services.

21. Prior to commencement of Construction works within an existing public road reserve:

- (a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval.
- (b) consent under the Roads Act for the approved works, shall be issued by Council.
- (c) all relevant Council fees shall be paid.
- (d) a traffic control plan in accordance with the RMS publication "Traffic control at Worksite" shall be submitted to Council.

22. Prior to Occupancy of the Development, documentary evidence from Council's Subdivision and Development Engineering Section confirming that satisfactory completion of works have been achieved from the Roads Act Approval associated with this consent, shall be submitted to the Certifying Authority.

STORMWATER DRAINAGE

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

- a) 14m³ of On-Site Detention (OSD) of stormwater for the site, and
Storage volume of 14m³ for on-site detention (OSD) with a permissible site discharge limited to 30 litres per second for the 1% event demonstrating that the overland flows (grass, landscaped and sealed areas) bypassing the on-site detention, and the on-site detention system discharge rate is accumulatively 30 litres/ second or less. The stormwater detention layout shall generally be located in accordance with the Stormwater Drainage Plan reference BGVHL 15582-DA-200 revision E dated 10/9/2020 by Lindsay Dynan.
- b) The final stormwater discharge shall be designed generally perpendicular across the verge in consultation with Council, so as to maintain the

continuity of the stormwater system in Fieldsend Street. Stormwater discharge shall connect into an existing pit or cut into the road/kerb/pipe and construct a new pit and lintel in the location of the connection, and reinstate all infrastructure to council standards. The Roads Act Approval for the footpath works shall include *inspection and details of the stormwater connection across the verge*.

- c) Surface levels between the carpark and the building are to be graded to send surface flows into the carpark so that the detention system captures roof and surface overflows. Pit capacity shall capture 1% flows with blockage factors provided.
- d) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure.
- e) Structural certification is required for underground detention systems where expected traffic loads are likely.
- f) an emergency overland flow path for major storm events, that is directed to the public drainage system.

25. Prior to Occupancy of the Development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance program for detention/pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply to future owners as needed.

26. Prior to Occupancy of the Development the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Certifying Authority and Council that the constructed system including toilet reuse volume and discharge rates achieve the consent requirements for detention.

ENVIRONMENTAL CONTROLS/NOISE

27. During the extraction, removal and transportation of material associated with the work the Building Contractor shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Dust control measures (eg., fine water spraying) shall be employed during site preparation and construction works to prevent the emission of dust and other impurities into the surrounding environment.

28. The use and occupation of the premises, including all plant and equipment installed, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*. In this regard:
- Mechanical plant and equipment shall be designed and located to minimise noise and nuisance; and
 - The owner of the site in conjunction with the operator of the site shall take all necessary steps to ensure the operation of the communal garden areas does not create an environmental nuisance.
29. The development shall be undertaken in accordance with the requirements of the Acoustic report of RCA Australia (Ref: 14502-402-3, dated September 2020), except as modified by these conditions of consent. The recommendations of the report to be implemented on site include:
- A boundary fence will provide maximum noise reduction for adjacent dwellings and is recommended to be a solid design, minimum of 1.8 m high and with no gaps underneath or in the fence itself.
 - A sign located in the car park to remind residents and visitors to be mindful of noise will also encourage positive behavior.

Demonstrated compliance with Acoustic measures is to be certified by an Accredited Acoustic Consultant and provided to the Certifying Authority prior to occupancy.

EROSION CONTROLS

30. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". These measures must also be regularly checked and maintained throughout the construction period, to ensure that soil material does not leave the construction site and enter drainage lines and waterways.

A sediment fence shall be erected consisting of stakes at 2.5m intervals with geotextile filter fabric securely attached to the stakes. The base of the fabric shall be entrenched a minimum 150mm below undisturbed ground surface (note: the use of shade cloth is not acceptable). The sediment fence shall be located such that all sediment-laden water from the site flows through the sediment fence before leaving the site. A material stockpile area shall be contained with a sediment fence.

Should any soil or sediment escape from the building site (for example, from vehicle tyres) it shall be cleaned off the roadway or gutter immediately to

ensure it cannot enter the drainage system. These controls shall be maintained throughout the construction until works have been completed on the site.

WASTE MANAGEMENT (OPERATIONAL)

31. The development is to provide as a minimum requirement, the following waste bins (or equivalent):

- 8 x 240L general waste bins;
- 12 x 240L recycling bins; and
- 2 x 240L green waste bins.

Note: Council can provide 660L general waste bins, and 340L recycling bins upon request.

32. Residential bins are to be stored in the screened area depicted on the approved architectural plans (within the Bin Storage adjacent to the car park, and courtyards of Units 2, 3 and 4) at all times, other than a reasonable time prior to and after the bin collection occurs to ensure there is limited interference with the operation of the roadway. This is to occur on a weekly basis.

LAND TITLE

33. **Prior to Occupancy of the Development** lots 4, 5 and 6 in DP35465 shall be consolidated.

BUILDING CONSTRUCTION/ACCESSIBILITY

34. All building work shall be carried out in accordance with the provisions of the Building Code of Australia and Australian Standard AS 1428.1 – Design for Access and Mobility and AS 4299 – Adaptable Housing and any other applicable standards.
35. The proposal shall comply with the DA Access Report by BCA Solutions (6 May 2020) as amended.
36. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.

37. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

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

SERVICES & EQUIPMENT

38. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
39. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
40. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

Standard forms and further information for lodging Fire Safety Statements may be downloaded from Councils website.

SITE CONSIDERATIONS

41. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into the building.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

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

All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.

42. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.

- i) Must preserve and protect the building/structure from damage, and
- ii) If necessary, must underpin and support the building/structure in an approved manner, and
- iii) Must, at least 7 days before excavating below the level of the base of the footings of a building/structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building/structure being erected or demolished.

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

43. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

44. If the work:

- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- ii) involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

45. A sign must be erected in a prominent position on the work:
- i) stating that unauthorised entry to work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

Note: This condition does not apply to:

- i) *building work carried out inside an existing building, or*
 - ii) *building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.*
46. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
47. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure to a Licensed Landfill Authority.
48. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
49. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ADVICES

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

- A** You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
- Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- B** You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such

notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.

- C** You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- D** You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- E** You are advised that further consent for a driveway across the footway verge must be obtained. *Inspections* of works (eg formwork & reinforcement **MUST** be carried out by Council. (See Council's "*Application To Construct Private Works On Footway*"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- F** You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- G** You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- H** The developer is responsible for the full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the proposal. Such utilities include water, sewerage, drainage, power, communications, footways, kerb and gutter and other associated infrastructure.



TELEPHONE: (02) 4910 1719
EMAIL: jeffreylyons@ausgrid.com.au
REFERENCE: TRIM 2017/26/267

ATTN: Tegan Harris

PO Box 220
Maitland NSW 2320

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

Re: DA2020/558 - 15,17,19 Fieldsend St, East Maitland - 3 Storey Residential Flat Building (18 Units) - Affordable Housing.

I refer to Maitland City Council development application DA2020/558.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

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

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

With Regard to: 3 Storey Residential Flat Building (18 Units) - Affordable Housing at 15,17,19 Fieldsend St, East Maitland

Ausgrid consents to the above mentioned development subject to the following conditions:-

Method of Electricity Connection

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

Supply of Electricity

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

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

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Streetlighting

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

Service Mains

It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

Proximity to Existing Network Assets**Overhead Powerlines**

There are existing overhead electricity network assets in Fieldsend St and Alliance St..

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

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

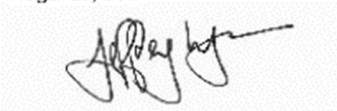
Before a Construction Certificate is issued, the developer will be required to submit a survey plan to Ausgrid showing the location of all overhead mains within 5 metres of the proposed development. This drawing must contain a plan view and an elevated view clearly indicating the location of the overhead mains in relation to the development. This information should be forwarded to email address at the top of this letter for further comment.

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

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

Please do not hesitate to contact Jeffrey Lyons on Ph: (02) 4910 1719 (please quote our ref: Trim 2017/26/267) should you require any further information.

Regards, Jeff



Jeffrey Lyons
Engineering Officer - Design & Planning - Lower Hunter
Ausgrid - Field Services
Ph: (02) 4910 1719

**APPENDIX B - DEVELOPMENT PLANS
(UNDER SEPARATE COVER)**

APPENDIX C – SUBMISSIONS

I property owner of
Street, East Maitland am making this submission
in relation to Development Application 2020/588 relating
to the 3 Storey 18 Unit Residential Development in
Fieldsend Street East Maitland which is the
neighbouring property to mine. ~~The~~ No. points of my
concerns are listed below.

REC'D 15 JUL 2020 MCC

FILE No. _____

REFER _____

1 OVERSHADOWING

I strongly object to the height and bulk of the
proposed building as it will overshadow my property
greatly, restricting my solar access especially to
my living areas.

This in turn will lead to huge increases in heating
and lighting expenses.

Also concerns that restricted access to solar will
lead to damp and mould in my dwelling leading
to mould spores and related health issues.

Also I rely on cross ventilation and warmth via
my living area windows facing the proposed
development to alleviate damp and mould issues in
winter.

We are anticipating installing solar panels on the
side and back roof of our dwelling to make the
house more energy efficient and have a better
green footprint - this has been put on hold due
to the proposed 3 Storey Unit Construction which
will overshadow the solar panels if construction
in its present form is allowed to proceed.

The proposed privacy tree line along the adjoining
fence will overshadow the solar panels as the
proposed species of trees to be used would grow
to approximately 9 metres tall.

As stated in the DA there will be 3 hours of
sunlight on the back of the house and some of the
back yard late in the afternoon which will not be
enough to dry clothes on the line, which will mean we
will have to use a clothes dryer and it will cost more
electricity.

1 OVERSHADOWING

As outlined in the shading diagrams the side of our house will be in shade from 9am to approximately 2pm. The SEPP65 states that there should be minimal overshadowing of neighbouring properties.

Overshadowing of 13 Alliance St East Maitland - I have provided photos taken on Wednesday 8th July 2020 at 9am, showing the shadow from the tree at 19 Fieldsend St that has been kept in the DA. The shadow at that time reaches over the whole front yard of my property. The proposed buildings are going to be approximately the same height as that tree.

Photos 1, 2, 3, 4 show the shadow from the tree. The photo provided in the DA of the front of my property has been taken in late afternoon as can be seen by the variation and position of the shadow.

Photo 5 was taken on the same day 8th July 2020 shows the shadow from the fence adjoining the properties. That fence is 1.8mtrs high and that was the length of the shadow in my backyard just after 9am.

Photo 6 of Barton Street Unit Block was taken by me at 10am on Sunday 12th July 2020 shows shadowing from the 2 Storey Unit Block across to the other side of the street from the buildings. Photo 7 taken at the same time shows mould on the south side of the facade of the Barton Street Units from having too much shade during the day.

2 PRIVACY

When the boundary fence was replaced several years ago I paid extra to have a 1.8 mtr fence so I would have privacy from the neighbours.

With the proposed 3 Storey Development, the 2nd and 3rd Storeys would be looking into the living area of my house and also my backyard.

In the Statement of Environmental Effects Page 46 Clause 7.4 Crime Prevention Through Environmental Design Assessment under Surveillance - it states "Good Surveillance means that people can see what others are doing." "The proposed development will be 3 Storeys in height offering a wider area for surveillance" which means a lot less privacy for me.

3 PARKING

9 car parking spaces will not be enough to accommodate the residents of the 18 Units and this will lead to on street parking which will add congestion to the immediate area.

The DA provided pictures of other complexes in Barton Street and Turton Street and I noticed when driving by that there were several units that had 2 cars per unit and there were several cars parked on the street as well.

In Skilton Avenue as another example, there are a lot of units with cars parked in the street and it is impossible to pass another car coming from the opposite direction while driving.

4 NOISE AND LIGHTING

With the vehicle driveway and parking being so close to my living areas and windows there will be noise ~~and~~ from vehicles driving in and out of the complex and also possible exhaust fumes. I am concerned about the noise levels pertaining to TVs, Air Conditioners, Audio Equipment and noise emanating from the stairwells and outside areas of the complex.

Also concerns about sensor security lights in car parking area turning on & off at all times during the night.

5 ODOURS

I consider the placement of the waste bins outside our Kitchen window is not appropriate. There will be odours emanating from the bins and also possible vermin and insect infestations.

6 IMPACT ON THE LOCAL AREA.

In the Statement of Environmental Effects with the DA. It is considered that the proposed development is compatible with the scale of development in the area.

In fig 3 LOCAL CONTEXT ANALYSIS PLAN on Page 6 the 2 storey 20 Unit complex has been misrepresented as there are only a couple of units that are 2 Storey and they are at the back of the property which is on a downward slope towards the back boundary. Also the property on which they sit has almost double the ground area as the Fieldsend Street Site has. If you look at the photo pertaining to these units you will see they are mostly single storey units.

6 IMPACT ON THE LOCAL AREA..

Proposed Development within Potential Future Massing of the area shows multiple 3 and 4 Storey Residential Housing Complexes surrounding the current development proposal.

In the Statement of Environmental Effects on Page 43 fig 9 shows multiple 3 and 4 Storey complexes surrounding the proposed development with not a single storey building anywhere to be found.

If the current DA goes ahead as a 3 Storey dwelling this will set a precedent for the whole of this area and will definitely NOT be consistent with the existing character of the locality.

The Development will impact me greatly with the issues outlined in this submission and also financially as I am only on a fixed income. I am not opposed to Affordable Housing and I know there is a shortage of Housing but this Development will not compliment the current demographic of this area.

A disclosure statement of a reportable political donation or gift must accompany a planning application or submission if the reportable donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application a disclosure statement must be sent to the relevant consent or approval authority within 7 days after the donation or gift is made.

☒ I/we have not made a reportable political donation or gift within 2 years prior to the date this application/submission was made



Name of the person/company making donation or gift

Residential address or registered /official office address

ABN if not an individual

Address of the Development Proposal

Date application lodged

Consent or Approval Authority Maitland City Council

Person's interest in the application
 (pls tick appropriate box)
☐ Applicant
☐ Person with financial interest

Explain:.....
☐ Person making submission in opposition
☐ Person making submission in support

☐	DOC No.	
☐	REC'D	15 JUL 2020 MCC
☐	FILE No.	
☐	REFER	

Name of the Person to Benefit From the Donation

Date of the Donation

Amount of the Donation*

Name of the Person to Whom Gift is Made

Date Gift Made

Amount or Value of Gift*

By signing

Signature

Name(s):

* A r

-
-

major political donor, or

-

Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

ate at the time of signing

didate; or

I member, group or candidate or made to the

①





③



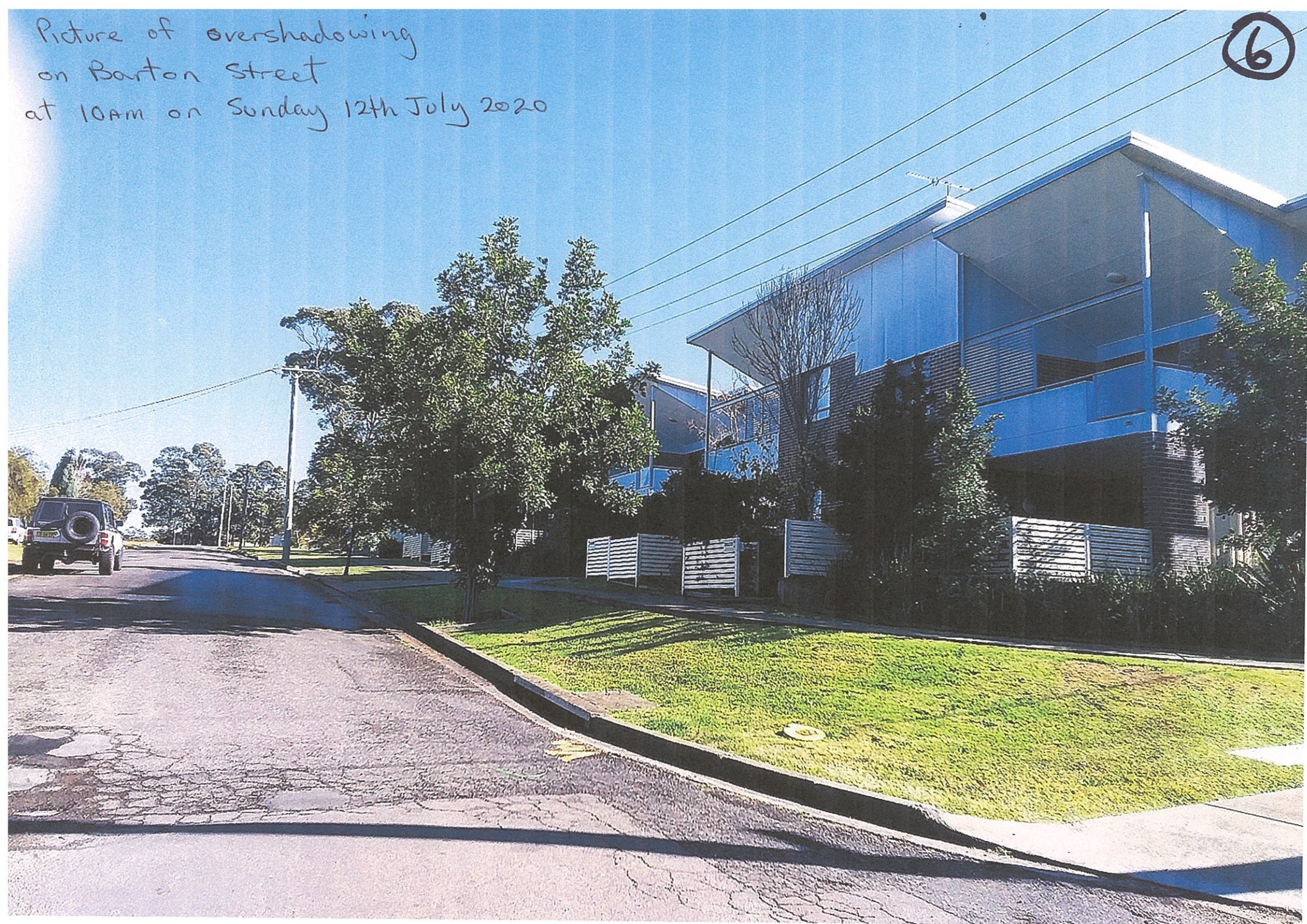
④





Picture of overshadowing
on Barton Street
at 10AM on Sunday 12th July 2020

⑥



7

Evidence
of mould
present on
South Side of
Unit Block at Barton Street.



THE GENERAL MANAGER

MAITLAND CITY COUNCIL

P.O. Box 220

MAITLAND N.S.W. 2320

ATTENTION: PLANNING & ENVIRONMENT

RE: YOUR REF N^o DA/2020/558

15-19 FIELDSEND ST EAST MAITLAND

DOC No.

REC'D 15 JUL 2020 MCC

FILE No.

REFER

I wish to advise that I am making a submission of disapproval to the proposed 3 storey residential flat building at 15-19 Fieldsend Street East Maitland.

Firstly the height of this proposed building is 3 storeys, this is totally inconsistent with the demographics of the residential neighborhood and surrounding units that have been built over the years. Even the more recent units that were built in Turton Street are only 2 storey.

The mere height of this proposed development will take away my privacy, this is unacceptable. Also the height of 3 storeys will cast such a shadow on my property and any efficiency of my solar panels will be affected, as well as creating mould to areas of my house. This is serious, loss of morning light can effect people's mental health.

Regarding the parking, of the 18 units, 9 double bedroom, 9 single bedroom, there are only a total of 7 parking spaces. This will be totally inadequate and the parking will overflow onto the street in front of surrounding houses and this is avoidable if it wasn't 3 storey.

I have lived in my house at 15 Alliance Street for approximately 64 years and have never had a.

development that will effect me and our neighborhood like this will. I hope some common sense prevails and the height of this development is reduced.

To

Maitland City Council

14th July, 2020

DOC No.		
RECD	15 JUL 2020	MCC
FILE No.		
REFER		

To Whom it Concerns

Re: Proposed 3 story unit development

Location: Cnr. Fieldsend Street & Alliance Street East Maitland

I am a home owner and rate payer with a home at
am very alarmed and concerned that a building of 1
site and request that it is not approved at this height.

and
this

Firstly the height of the proposed unit block will block visibility for turning traffic and reduce sunlight and fresh air to neighbouring properties.

Secondly Fieldsend Street is set to become a busy main access road to the new Maitland hospital.

Thirdly residents living on higher floor levels will be subject to traffic fumes, road grime and pollution.

In conclusion a three story block of housing units on a corner of a future main road is not a viable solution for families in this area

DOC No.	
REC'D	15 JUL 2020 MCC
FILE No.	
REFER	

Dear Sir or Madam,

I am writing to express my concerns for the proposed affordable housing development in Fieldsend Street, East Maitland. I live at 8 Alliance Street and am very worried about the changes this will bring to my street. A three story building is completely out of place in this area. I don't even believe three stories is allowed by council zoning in this area. Clearly, that would indicate the proposal is wrong for the area.

I am very concerned about the lack of parking proposed per unit, which will put extra cars out on my street and even in front of my house. I am not against a small amount of affordable housing in the area, but the proposed development is huge and will bring huge numbers of people into our quiet street. Some of these people are likely to make good neighbours, but with this many units, I am concerned there is a high likelihood that there will also be an element that will cause social problems in the neighbourhood, as is a well documented problem with public housing. I recently spent a lot of money renovating and extending my house, feeling confident in the quiet street here as a safe place to raise my family.

The houses in the area have been being done up and the area was improving. The proximity of the area to the new Maitland hospital was also helping to boost the area and encourage new homeowners and families to renovate or rebuild on the land and encourage a higher quality of housing in the area. But I believe this proposed complex will lower the quality of the area and discourage new homeowners. The proximity to the new hospital lends this area to being redeveloped as an area for doctors, nurses and other medical personnel to set up homes. I believe this giant public housing unit block is taking the area in the wrong direction. I am also very concerned for my neighbours closer to the unit block, who will have the sunlight blocked from their homes as well as noise issues. The people in this area bought their homes based on the quiet, light, open nature of the area. This three storey unit block is completely out of place and unwanted by local residents. I ask that you please reconsider the plans for this development and address the concerns of those whose lives will be directly impacted by this unit block.

Attachment 1 - Petition Lodgement Form



Petition Lodgement Form

To the General Manager of Maitland City Council

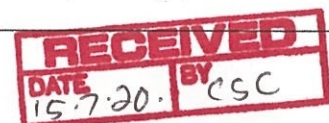
Please find attached petition concerning the following:

Subject of petition:	OBJECTION TO THE BUILDING OF A 3 STOREY 18 UNIT COMPLEX AT 19 FIELDSEND STREET EAST MAITLAND.		
Action requested:	REDUCTION OF HEIGHT OF BUILDINGS LESS IMPACT ON AREA- PARKING, TRAFFIC & NOISE .		
Reason for request:	DEVELOPMENT DOESNT FIT IN WITH EXISTING BUILDINGS IN AREA. IT WILL IMPACT ON SURROUNDING HOMES AND TRAFFIC .		
Number of persons who have signed the petition	20	Number of signed pages attached	2

Chief Petitioner contact name	
Chief Petitioner street address (no PO boxes please)	
Chief Petitioner contact phone/email	
Signature of Chief Petitioner	
If acting on behalf of an organisation/group, name of organisation/group	DOC No. _____ REC'D 15 JUL 2020 MCC FILE No. _____ REFER _____

Privacy Statement

Information provided to Council in a petition is protected by the *Privacy and Personal Information Protection Act 1998*. This is embodied in Council's *Privacy Management Plan*, which is available on Council's website or on request. Any questions concerning privacy or the use of personal information should be referred to Council's Privacy Officer.



Attachment 2 - Petition Template

PETITION

SUBJECT OF PETITION: OBJECTION TO THE BUILDING OF A
3 STORY 18 UNIT COMPLEX AT 19 FIELDSEND STREET
EAST MAITLAND,

ACTION REQUESTED: REDUCTION OF HEIGHT OF BUILDINGS,
LESS IMPACT ON AREA - ON STREET PARKING,
TRAFFIC AND NOISE,

Name (please print)	Street Address (no PO boxes please)	Signature
<i>McLennan</i>		
<i>E. Young</i>		
<i>K. Koubrioe</i>		
<i>Mr. Parker-Wood</i>		
<i>Scam Hennessey</i>		
<i>Tiahe Serbman</i>		
<i>Lachlan Schroder</i>		
<i>Katie Hinton</i>		
<i>Rebecca Osborne</i>		
<i>Hilda Bradley</i>		

Attach additional pages as r.....

Attachment 2 - Petition Template

PETITION

SUBJECT OF PETITION: OBJECTION TO THE BUILDING OF A 3 STOREY
18 UNIT COMPLEX AT 19 FIELDSEND STREET EAST MAITLAND.

ACTION REQUESTED: REDUCTION OF HEIGHT OF BUILDINGS.
LESS IMPACT ON AREA — ON STREET PARKING
TRAFFIC AND NOISE.

Name (please print)	Street Address (no PO boxes please)	Signature
ROBYN MICHALCZYK		
Richard Michalczyk		
John RANO		
GWEN WILTON		
Dave Owen		
Pat Shannon		
Allan Shannon		
BILL SUGGETI		
HENRY KIRKWOOD		
Metta Cocking		

Attach additional pages as necessary. ✓

DOC No. _____
REC'D 26 OCT 2020 MCC
FILE No. _____
REFER _____

To Whom it Concerns

23rd October 2020

To Maitland City Council

Re: Proposed 3 story UNIT development

Corner Fieldsend & Alliance Street

East Maitland

I implore you to refuse the development of three levels in this location.

East Maitland homes are traditionally only one or two levels. Tenants would be overcrowded with no outdoor space for themselves or social distancing when required.

SUGGESTION

Reduce the number of residents by building only two levels

OR

Renovate the property on the corner of Alliance and Fieldsend Street and build on the two

Remaining blocks BUT ONLY TWO LEVELS HIGH

People need space for outdoor leisure and social distancing!

And we want to keep our country atmosphere.

Yours sincerely

RECEIVED BY CSC
DATE 23/10/2020
TIME 2:45pm

A disclosure statement of a reportable political donation or gift must accompany a planning application or submission if the reportable donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application a disclosure statement must be sent to the relevant consent or approval authority within 7 days after the donation or gift is made.

☒ I/we have not made a reportable political donation or gift within 2 years prior to the date this application/submission was made

Name of the person/company making donation or gift

Residential address or registered /official office address

ABN if not an individual

Address of the Development Proposal

Date application lodged

Consent or Approval Authority Maitland City Council

Person's interest in the application
(pls tick appropriate box)

Applicant

☐

Person with financial interest

☐

Explain:.....

Person making submission in opposition

☐

Person making submission in support

☐

Name of the Person to Benefit From the Donation

Date of the Donation

Amount of the Donation*

Name of the Person to Whom Gift is Made

Date Gift Made

Amount or Value of Gift*

By signing below

Signature(s):

Name(s):

Date at the time of signing

* A reportable political donation is a donation of

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate or made to the major political donor; or
- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

A glossary of terms/definitions is available on Maitland City Council's website www.maitland.nsw.gov.au or the Department of Planning website www.planning.nsw.gov.au