

DATE OF DETERMINATION	9 April 2021
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton and Marcia Doheny
APOLOGIES	Peter Garnham and Sally Halliday
DECLARATIONS OF INTEREST	Juliet Grant has declared a conflict of interest as City Plan Services has provided a BCA report for the development application. Ms Grant does not work for City Plan Services, but she felt that a reasonable person might perceive her to have a conflict due to the connection between City Plan Services and her employer.

Papers circulated electronically on 25 March 2021.

MATTER DETERMINED

PPSHCC-49 – Maitland City Council – DA 2020/567 at 7 Martin Close and 42 Stronach Ave, East Maitland – Residential Aged Care Facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

This is a matter that was deferred by the Panel in December 2020 for the purpose of establishing the legal framework for the management of an APZ on community land owned by Council, and for revisions to conditions addressing tree retention, landscape outcomes, privacy treatments, emergency access and construction access. The Panel notes that the reference to T234 in the deferral notice was a mistake.

The Panel has now had the benefit of legal advice from both Council and the applicant's solicitors and is satisfied that there is a pathway for the ongoing management of the APZ, that is able to be appropriately conditioned. There is a requirement for a Plan of Management to be in place on the adjoining lands, and easements permitting access and a covenant on the development site to obligate the owners to manage these lands, in accordance with the submitted Bushfire Assessment Report. The Panel has been informed that the lands are currently managed as an APZ by Council.

The Panel is satisfied that the matters identified in our deferral can be addressed by conditions. Specifically the restrictions and treatment along the boundary adjoining 44 Stronach Avenue has been addressed by condition and reinforced by a covenant. The Panel is satisfied that the built form and scale relationships to immediately adjoining properties, is appropriate.

Having regard to the sites context the Panel is also satisfied that the proposal is compatible with the character of the surrounding area.

The Panel is satisfied with the merits of the application and that the impacts can be reasonably mitigated and managed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The environmental impacts of the development can be mitigated and managed; and
- The proposed development is compatible with the character of the area.

CONDITIONS

The development application was approved subject to the conditions in schedule 2. The conditions have been amended from those attached to the supplementary report in the following way:

- Condition 6 amended to require a POM to be prepared and submitted before commencement of work;
- Condition 7 amended to reference condition 6 and require POM to be adopted before a CC;
- New condition 11 to require a covenant over No 42 Stronach Avenue;
- Condition 16 amended to reference a buffer to 44 Stronach and revised landscape details (now condition 18);
- New Condition 17 requiring a Construction Management Plan; and
- Condition 18 amended and renumbered to reference retained trees (now condition 20).




The Panel notes that landscape details have been included in condition 1.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Appropriate reuse of materials from the demolition
- privacy/overlooking
- noise and construction impacts
- lighting impacts
- excessive bulk and scale
- adequacy of the documentation lodged with the application
- public interest.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that in addressing these issues additional conditions have been imposed requiring restriction on access across 42 Stronach Avenue, additional tree retention and revised landscape treatments at boundaries.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Marcia Doheny	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-49 – Maitland City Council – DA 2020/567
2	PROPOSED DEVELOPMENT	Residential aged care facility (168 beds, demolition of existing facility, tree removal, car parking, signage and associated site works)
3	STREET ADDRESS	7 Martin Close and 42 Stronach Ave, East Maitland
4	APPLICANT/OWNER	Churches of Christ Community Care
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy 64 – Advertising and Signage State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Koala Habitat Protection) 2019 Maitland Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Maitland Development Control Plan 2011 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 20 November 2020 Council memorandum: 30 November 2020 Council supplementary assessment report: 25 March 2021 Written submissions during public exhibition: four (4) Total number of unique submissions received by way of objection: three (3)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 7 October 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sally Halliday <u>Council assessment staff</u>: Leanne Harris and Kristy Cousins Site inspections: <ul style="list-style-type: none"> <u>Alison McCabe (Chair)</u>: 9 November 2020 <u>Sandra Hutton</u>: 17 November 2020 <u>Sally Halliday</u>: 3 October 2020 Final briefing to discuss council's recommendation: 1 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis • Submitter Briefing: 1 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday ○ <u>Submitters</u>: Michael Jacobs and Michael Rosenfeld ○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report and discuss their submissions</p> • Applicant Briefing: 1 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday ○ <u>Applicant representatives</u>: David Hanrahan, Lara Calder, Polly Jankov, Stuart McMonnies, Jennie Buchanan, Daniel West, Eliza Arnott, Simon Chew and Brett James ○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> • Final briefing to discuss council's recommendation: 1 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and Marcia Doheny ○ <u>Council assessment staff</u>: Kristy Cousins and Amelia [last name requested from Council]
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report

SCHEDULE 2

Reason for Conditions

The following conditions are applied to:

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Rev n No.	Revision Date	Prepared by: (consultant)
<i>Architectural Plans</i>				
Title Page	A000			
Site Analysis	A001			
Site Plan	A004	B	4/09/2020	Calderflower Architecture
Ground Floor Plan	A101			
Elevations	A200			
Existing/Proposed Site	A002			
Demolition Plan	A003			
Height Plane Diagrams	A005			
Area Calculations	A006			
Site Analysis 02	A007			
Level 1 Floor Plan	A102	A	16/06/2020	Calderflower Architecture
Level 2 Floor Plan	A103			
Roof Plan	A104			
Sections	A210			
Shadow Diagrams	A700			
Materials	A800			
Lower Ground Floor Plan	A100	C	4/9/2020	Calderflower Architecture
Privacy Analysis No 44 Stronach Ave	A1005			
Privacy Analysis for Erin Close	A1006	A	1/12/2020	Calderflower Architecture
Privacy Analysis for Martin Close House	A1007			
<i>Landscape Plans</i>				
Overall Landscape Plan	L-SD-02	B	4/9/2020	Arterra
Detail Landscape Plans and Signage	L-SD-03	A	12/6/2020	Arterra
Landscape Calculations	L-SD-04			

Planting Strategy & Tree Plan Entry Forecourt Section & Detail Landscape Character Imagery	L-SD-05 L-SD-06 L-SD-07			
Privacy Analysis Sections – Stronach Ave Privacy Analysis Sections – Erin Close Privacy Analysis Sections – Martin Close	L-SD-10	A	4/9/2020	Arterra
Maintenance Access Track Sections – 01, 02 & 03	L-SD-13 L-SD-14 L-SD-15	A	30/10/220	Arterra
Arboricultural Plans	T-01 T-02 T-03 T-04	A	12/6/2020	Arterra
Riparian Definition & Offset Plan	RIP-01	A	15/6/2020	Arterra
Typical Boundary Treatment – Erin Close Residents	-	-	1/12/2020	Arterra
Swale & Boundary Treatment Past Trees – Erin Close Residents	-	-	1/12/2020	Arterra
<i>Civil Engineering Plans</i>				
Overall Site Plan Civil Works – Sheet 1 Bulk Earthworks Plan Bulk Earthworks Cut & Fill Bulk Earthworks Sections	SW02 SW12 C01 C02 C03	B	12/6/2020	Birzulis Associates
Overall Site Plan	SW02	C	18/6/2020	Birzulis Associates
Soil Erosion & Sediment Control Civil Works – Details Sheet 2	SW11 SW13	C	3/9/2020	Birzulis Associates
Soil Erosion & Sediment Control Plan	SW10	D	3/9/2020	Birzulis Associates
Stormwater Drainage Concept Plan	C-GF-01 C-GF-02 C-GF-03 C-GF-04	P2	13/10/2020	Birzulis Associates
<i>Reports</i>				
Statement of Environmental Effects	-	2	18/6/2020	Ethos Urban
Architectural Design Statement	-	-	June 2020	Calderflower Architecture
Landscape Strategy	-	-	16/6/2020	Arterra
Traffic & Parking Assessment	-	V3	18/6/2020	Ason Group
Operational and Construction Waste Management Brief	-	1	15/6/2020	Universal Food Design
Acoustic Assessment	-	0	16/6/2020	TTM Group
Accessibility Report	-	V3	18/6/2020	Morris Goding Access Consultants
Bushfire Assessment Report	-	-	19/6/2020	Building Code & Bushfire Hazard Solutions
Bushfire Fuel Management Plan Proposal	-	-	15/6/2020	Fresh Hope Care

Arboricultural Impact Assessment Report	-	A	11/6/2020	Arterra
Biodiversity Assessment	-	V1.1	11/6/2020	NGH Consultants
Operational Plan of Management	-	-	15/6/2020	Fresh Hope Care
Stormwater Management Plan	-	2	18/6/2020	Birzulis Associates
Preliminary Site Investigation	-	Final	13/2/2020	JK Environment
Detailed Site Investigation	-	Final	30/3/2020	JK Environment
Geotechnical Investigation & Groundwater Investigation	-	-	June 2020	STS Geotechnical
Visual Impact Assessment	-	V1	18/6/2020	Ethos Urban
Social Impact Assessment	-	1	June 2020	Ethos Urban
Kitchen Operational Brief	-	4.0	18/6/2020	Universal Food Design
Laundry Operational Brief	-	2.0	12/6/2020	Universal Food Design
Food Services Design Compliance	-	-	18/6/2020	Universal Food Design

2. The raised pathway between RL20.9 and emergency access point on the northern side of the building does not form part of this approval.

COMPLIANCE / LAND TITLE

3. The Development shall comply with the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Occupation of the Residential Care Facility shall be limited to 'seniors' being people aged 55 years or more, or 'people with a disability' being people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life and people who live in the same household with seniors or people with a disability.

4. Prior to occupation of the development, a restriction as to user must be registered against the title of the property in accordance with Section 88E of the *Conveyancing Act 1919* limiting the use of any accommodation of the Residential Aged Care Facility as defined in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

A copy of the draft instrument shall be provided to Maitland City Council for review and approval prior to its registration.

5. **Prior to the issue of an Occupation Certificate**, the applicant shall submit evidence that a plan of consolidation of Lot 57 DP 260833 & Lot 5 DP 258655 has been registered with NSW Land Registry Services.
6. Prior to the commencement of works the applicant shall prepare and submit to Council for approval a Plan of Management for the Asset Protection Zone (APZ) over the reserve area (Lot 3 DP 258655, Lot 58 DP 260833, Lot 61 DP 262743 & Part of Lot 2060 DP 1045875) which shall:
 - a) Generally be in accordance with the Fresh Hope Care Bushfire Fuel Management Plan Proposal;
 - b) Permits the use of the reserve area as an APZ for the adjoining lands;
 - c) Specifies the permissible works and the relevant standards for APZ works;

- d) Permits the granting of an easement for an APZ; and
- e) Consistent with the standard Plan of Management being prepared by Maitland City Council for the reserve area.

7. **Prior to issue of a Construction Certificate** for the building works nominated on the Architectural plans prepared by Calderflower Architecture detailed in Condition No 1, the Plan of Management as detailed in condition No 6 shall be adopted by Council.
8. **Prior to issue of an Occupation Certificate** the developer shall provide evidence to the certifying authority that an easement for an APZ in accordance with the Plan of Management over the reserve area has been created that: Benefits Lot 57 DP 260833 as the dominant tenement;
 - a) *Provides:*
 - i) *For access for the owners and operators of the RACF to access the Reserve Area for the carrying out of APZ maintenance works in accordance with the PoM;*
 - ii) *That Council is the sole authority to release the easement;*
9. **Prior to issue of an Occupation Certificate** the developer shall provide evidence to the certifying authority that a positive covenant on Lot 57 DP 260833 in accordance with s88BA of the *Conveyancing Act 1919* that:
 - (i) *Imposes an obligation on the RACF owner from time to time to maintain or repair the APZ within the easement to accord with the requirements of any relevant fire regulation and the PoM for the reserve area;*
 - (ii) *Names the Council as the party entitled to enforce the covenant;*
 - (iii) *Provides that in the event the above obligation is not carried out by the RACF owner from time to time, then the Council may carry out the work and recover its reasonable costs of so doing from the RACF owner from time to time; or alternatively*
 - (iv) *Provides for a payment of a performance bond to Council calculated on the basis of net present value of the costs of maintaining the APZ over the anticipated life of the development, that in the event the above obligation is not carried out by the RACF owner from time to time, then the Council may carry out the work and draw down its reasonable costs of so doing from the performance bond.*
10. The owner or operator of the Residential Aged Care Facility is responsible for the ongoing maintenance of the APZ in accordance with any relevant fire regulation and the Plan of Management for the APZ.
11. **Prior to issue of an Occupation Certificate** the developer shall provide evidence to the certifying authority that a covenant on Lot 5 DP 258655, 42 Stronach Avenue identifying that the use of the access track is to be limited to emergency service vehicles and pedestrians.

CERTIFICATES

12. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
13. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.

14. **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
15. **Prior to occupation** of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.
16. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.
17. **Prior to the commencement of works** a Construction Management Plan (CMP) shall be provided to the Certifying Authority. The CMP is to include the following:
 - a) Noise and dust mitigation measures
 - b) Noise and/or vibration monitoring
 - c) Use of respite periods
 - d) Complaints handling
 - e) Community liaison and consultation

LANDSCAPING

18. **Prior to the issue of the Construction Certificate** for the building works, a revised Landscape Plan shall be submitted to Council for approval. The plan shall be in accordance with the approved plan as referenced in Condition 1, be prepared by a suitably qualified landscape architect and address the following matters:
 - a) Include the retention of trees identified as T232, T233 & T235 within the Arboricultural Impact Assessment Report prepared by Arterra, dated 11 June 2020;
 - b) Identify additional landscaping to provide a suitable vegetated buffer to 44 Stronach Avenue in the location of the deleted pathway between RL 20.9 and emergency access point on the northern side of the building and along all common boundaries.
 - c) Amended landscape detail along the Erin Close boundary consistent with the stormwater drainage plan and boundary treatment sketches by Arterra dated 1/12/2020.
19. Landscaping shall be installed in accordance with the approved landscape plans **prior to the issue of an Occupation Certificate**.
20. The development shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment Report prepared by Arterra Consulting Arboriculture dated 11 June 2020, other than as amended by conditions of consent (Including the retention of T232, T233 and T235).

All reasonable measures shall be undertaken to protect existing vegetation (not approved for removal under this consent) to ensure it is not damaged prior to or during construction works.
21. All landscaped areas of the development shall be maintained to a high standard in accordance with the approved landscape plan at all times. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

- 22.** Lighting should meet the minimum Australian and New Zealand standards and the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas and/or entries in accordance with AS1158 – Public Lighting Code for Streets, Car Park Areas and Pedestrian Areas.

The lighting must be designed, positioned and installed to include appropriate shielding and orientation 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 AS 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.

CARPARKING

- 23.** Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of Fifty (50) spaces including two (2) accessible car space, one (1) drop off/pick up space and one ambulance bay.
- 24.** All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete excluding the permeable paving surfaces as indicated on the Landscape Plans prepared by Arterra.
- 25.** All parking bays shall be delineated with line-marking and/or signposting.

TRAFFIC, FACILITIES AND DEVICES

- 26.** The emergency access track is to be setback 3m from the boundary of 44 Stronach Avenue. The full length of this access track is to be constructed of compacted gravel to the property boundary. The driveway crossing on the public footway verge shall be constructed in concrete 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)*".
- 27.** Use of the emergency access track is to be limited to emergency services vehicles and pedestrians. No maintenance, service or construction traffic is to utilise the access track identified as the Maintenance Access Track on the Overall Landscape Plan, prepared by Arterra, Rev B dated 4 September 2020.
- 28.** All work required to be undertaken within a public road reserve must make separate application to, and gain approval by Council, under Section 138 of the Roads Act 1993.
- 29.** Engineering construction plans must be prepared and designed by a suitably qualified professional, in accordance with approved plans/documents, Council's Manual of Engineering Standards, Austroads Guide and Roads and Maritime Services (RMS) requirements. The Roads Act Approval from Council should be applied for at the same time as any works/construction Certificate within the site to avoid delays at the end of the project.

The required road works to be designed and constructed are as follows:

a) Provide an accessible concrete footpath (1.5m wide) from the proposed development to the bus stop on southside of Stronach Avenue near Martin Close. The footpath to be located on the northside on Martin Close from the proposed development, and on the southside of Stronach Avenue. Access ramps to be included in the design and construction of the footpath to provide access across Martin Close near Stronach Avenue, and if required, at the vehicle access to the proposed development.

b) New access driveways to be constructed in accordance with Council's Manual of Engineering Standards.

c) Accessible kerbside bus stop landing infrastructure to be constructed at the Stronach Avenue bus stop, southside of road, in accordance with Council's Manual of Engineering Standards.

d) Provide internal footpaths from the proposed building development access to the footpath required on Martin Close

e). Prior to issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted and approved by Council prior to the issue of the Construction Certificate. Any requirements identified by the CTMP shall gain the appropriate Roads Act Approvals if impacting within the road reserve.

Note: The CTMP is to identify that any construction access over 42 Stronach Avenue is prohibited.

f)All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Council.

VEHICLE ACCESS

30. Prior to commencement of construction of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "*Application to Construct Private Works on Footway*" shall be submitted to Council, together with the appropriate fee (for each driveway).

31. Prior to issue of the Occupation Certificate the driveways shall be constructed with an asphaltic concrete or reinforced concrete wearing surface, in accordance with the approved plans, Council's Manual of Engineering Standards and AS2890.1:2004 Parking facilities Off-street car parking and AS2890.2:2002 Parking facilities Off-street commercial vehicle facilities.

STORMWATER DRAINAGE

32. Prior to issue of the relevant Construction Certificate, a detailed stormwater drainage plan shall be prepared and designed in accordance with Council's Manual of Engineering Standards.

a) On-Site Detention (OSD) of stormwater that reduces post development discharges to pre-developed discharges for the 1, 10 and 100 year ARI critical storm events.

Minimum storage storage volume of 178m³ for on-site detention (OSD) shall be provided generally in accordance with Stormwater drainage plans (Project No:191030 Dwg no: C-GF 1- 4 issue:P2 dated: Apr 2020) by BIRZULIS Associates.

- a) *A major/minor system shall be provided to convey stormwater within and from upstream of the site., and*
- b) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
- c) entrapment of gross pollutants, nutrients generated from the contributing ground-surface catchment areas, and
- d) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system.

33. Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.

34. Prior to Occupation or Operation of the development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.

EROSION CONTROLS

35. 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".

BUILDING CONSTRUCTION

36. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

37. 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.

38. 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

- 39.** 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.
- 40.** 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.
- 41.** 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

- 42.** 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.
- 43.** 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).

44. 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.
45. 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.
46. 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.*
47. 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.
48. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
49. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
50. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

DEMOLITION

51. **Prior to the commencement of demolition** a hazardous building materials survey of the existing structure is to be prepared and submitted to Council.
52. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
53. In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified 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.

- 54. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.
- 55. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.
- 56. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
- 57. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 58. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 59. The applicant is required to notify Council in writing prior to commencing demolition works, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the demolition works.

ACOUSTIC / VIBRATION

- 60. The development shall be undertaken in accordance with the requirements and recommendations of the Acoustic Assessment prepared by TTM dated 16 June 2020. Demonstrated compliance with acoustic measures is to be certified by an Accredited Acoustic Consultant and provided to the Principal Certifying Authority **Prior to issue of an Occupation Certificate.**
- 61. **Prior to release of Construction Certificate,** a Construction Noise Management Plan and Construction Vibration Management Plan shall be prepared in accordance with the recommendations of the Acoustic Assessment prepared by TTM dated 16 June 2020.
- 62. **Prior to the commencement of works** a dilapidation survey on the immediately adjoining properties shall be prepared by a suitably qualified structural engineer.
- 63. The use and occupation of the premises including all plant and equipment installed therein, shall not give rise to any offensive noise as defined under the Protection of the Environment Operations Act, 1997.

ENVIRONMENTAL HEALTH

64. The development will be required to comply with the requirements of The Food Act 2003, Food Regulation 2015, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises.
65. The Aged Care Kitchen will be required to be registered with the relevant Regulatory Authority (NSW Food Authority) **prior to the commencement of operations.**
66. **Prior to the commencement of trade** the café must be registered with Council and inspections will be incorporated into Council's yearly inspections program. A fee will be charged by Council in accordance with the fees and charges in this regard.
67. Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.
68. If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications of the Construction Certificate. Where Council is not appointed the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the relevant legislation and guidelines is to be provided to Council **prior to the issue of Occupation Certificate.**
69. To ensure compliance with the Local Government (General) Regulation 2005, the construction and operation of the premises to be carried out in accordance with the standards set out in Schedule 2, Part 2 Standards for Hairdressers. Fit out and operation should also take place in accordance with:
 - a) Guidelines for Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises;
 - b) NSW Health Skin Penetration Guidelines;
 - c) Public Health Regulation 2012.
70. Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor in accordance with the requirements of the NSW Department of Health on a regular basis as detailed in the Waste Management Report.

GENERAL TERMS OF APPROVAL

71. The development shall comply with the General Terms of Approval dated 19 August 2020 issued by the NSW Rural Fire Service. A copy of the General Terms of Approval is provided as Attachment A to this schedule of conditions.
72. **Prior to issue of Occupation Certificate** the applicant shall submit to the Principal Certifying Authority, certification from a suitably qualified consultant that the development complies with the NSW Rural Fire Service General Terms of Approval.

- 73.** The development shall comply with the General Terms of Approval issued by the Natural Resource Access Regulator (NRAR) dated 9 July 2020. A copy of the General Terms of Approval is provided as Attachment B to this schedule of conditions.

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act* 2000. The development consent holder must apply to NRAR for a Controlled Activity Approval after consent has been issued by Council **and before** the commencement of any work or activity.

AUSGRID

- 74.** The development shall comply with the letter from Ausgrid dated 16 September 2020. A copy of this correspondence is provided as Attachment C to this schedule of conditions.

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 are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C** 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.
- D** 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.
- E** 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.
- F** 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.
- G** 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.

- H** 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.

ATTACHMENT A – NSW RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Maitland City Council
PO Box 220
MAITLAND NSW 2320

Your reference: DA/2020/567 (CNR-9465)
Our reference: DA20200706002403-Original-1

ATTENTION: Kristy Cousins

Date: Wednesday 19 August 2020

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Seniors Housing
7 Martin Close East Maitland NSW 2323, 57//DP260833, 57//DP260833

I refer to your correspondence dated 30/06/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property and the area covered by the *Fresh Hope Care Bushfire Fuel Management Plan Proposal* prepared by Fresh Hope Care and dated 27 April 2020 must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground; tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

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Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

5. Landscaping of the site should comply with the following:

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.



- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the:

- NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*; and,
- Australian Standard AS 3745:2010 *Planning for emergencies in facilities*.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

For any queries regarding this correspondence, please contact Alastair Patton on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Planning and Environment Services

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NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Seniors Housing
7 Martin Close East Maitland NSW 2323, 57//DP260833, 57//DP260833
RFS Reference: DA20200706002403-Original-1
Your Reference: DA/2020/567 (CNR-9465)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

Manager Planning & Environment Services
Planning and Environment Services

Wednesday 19 August 2020

ATTACHMENT B – NATURAL RESOURCES ACCESS REGULATOR GENERAL TERMS OF APPROVAL



Natural Resources
Access Regulator

Contact: Gina Potter
Phone:
Email: Gina.Potter@dpi.nsw.gov.au

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Our ref: IDAS1126262
Our file: CNR-9465 A-10799
Your ref: 2020/567

Attention: licensing.east@gmail.com

09 July 2020

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: 2020/567
Description: Residential Aged Care Facility (SEPP Seniors Housing), Demolition and Signage
Location: 7 MARTIN CLOSE EAST MAITLAND 2323 42 STRONACH AVENUE EAST MAITLAND 2323

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely

Alison Collaros
Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126262
Issue date of GTA: 09 July 2020
Type of Approval: Controlled Activity
Description: Residential Aged Care Facility (SEPP Seniors Housing), Demolition and Signage
Location of work/activity: 7 MARTIN CLOSE EAST MAITLAND 2323 42 STRONACH AVENUE EAST MAITLAND 2323
DA Number: 2020/567
LGA: Maitland City Council
Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Erosion and sediment controls	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00001	The proposed erosion and sediment control works must be inspected and maintained throughout the carried out; construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00003	The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126262

Issue date of GTA: 09 July 2020

Type of Approval: Controlled Activity

Description: Residential Aged Care Facility (SEPP Seniors Housing), Demolition and Signage

Location of work/activity: 7 MARTIN CLOSE EAST MAITLAND 2323 42 STRONACH AVENUE EAST
MAITLAND 2323

DA Number: 2020/567

LGA: Maitland City Council

Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

GT0030-00006 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Reporting requirements

GT0020-00004 The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

ATTACHMENT C – AUSGRID CORRESPONDENCE IN ACCORDANCE WITH CLAUSE 45(2) OF THE SEPP (INFRASTRUCTURE) 2007.



TELEPHONE: (02) 4910 1719
EMAIL: jeffreylyons@ausgrid.com.au
REFERENCE: TRIM 2017/26/218

ATTN: Kristy Cousins
Maitland City Council
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: DA/2020/567 - 7 Martin Close, East Maitland.

I refer to Maitland City Council development application DA/2020/567.

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: Residential Aged Care Facility (SEPP Seniors Housing), Demolition and Signage at 7 Martin Close, East Maitland

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

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in Martin Close, Stronach Ave & within the lot boundaries and adjacent to 7 Martin Close..

Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

The proposed works are adjacent to existing Ausgrid 11,000/433V Kiosk substation HS54197.

The following conditions are a requirement of Ausgrid:

1. Ausgrid requires 24 hour all weather access to the kiosk substation.
2. No obstructions of any type shall be placed around the Kiosk.
3. Access from the street to the kiosk site must not be fenced or enclosed unless approval is given in writing by Ausgrid and the conditions listed in the approval are complied with on an ongoing basis by the site owner/customer.
5. Any works adjacent to our assets are to be undertaken with care in accordance with all relevant statutory requirements including, but not limited to:

☐ Workcover Code of Practice – Work Near Underground Assets

☐ Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables

☐ Ausgrid Network Standard Document NS 141 – Site Selection and Site Preparation Standards for Kiosks.

☐ Australian Standard AS2067 - Substations and high voltage installations exceeding 1 kV a.c.