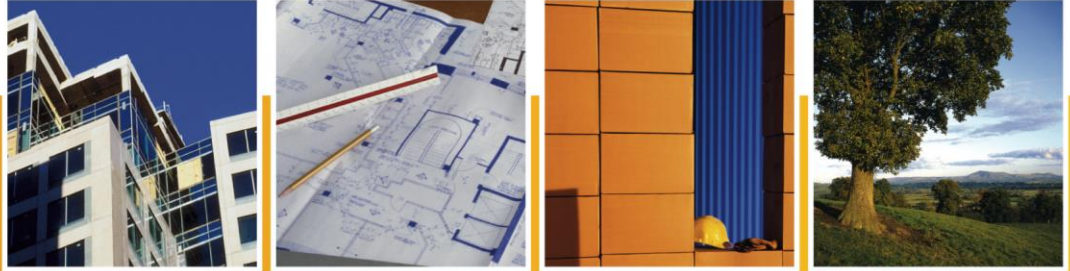


s4.55 AMENDMENT REPORT



For

Lot 1 DP1288276

39 Metford Road, Tenambit NSW 2323

Prepared for
Urbandwell Constructions Pty Ltd

April 2024

Report 23/115 Rev C

Prepared by



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- Appendix B: Site and Stormwater Management Plans
- Appendix C: Section J Report
- Appendix D: Bushfire Report
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- Appendix F: Site Waste Management Plan

1.0 INTRODUCTION

Council granted consent to a manufactured home estate- 218 manufactured home sites and associated managers residence and community facilities on Lot 1 DP 1288276, 37-39 Metford Road, Tenambit under DA/2016/2715.

There have also been three (3) modification applications under this DA which have also been approved and include changes to the number of lots, internal roads, managers residences, staging, car parking, stormwater and lot layout. These have all been approved under DA/2016/2715/1, DA/2016/2715/2 and DA/2016/2715/3.

The owner has since commenced construction of the manufactured homes estate. The owner wishes to make amendments to the previously approved community facility as part of the development to include new and enhanced facilities and a minor change to the building footprint.

Accordingly, this application seeks council consideration of a section 4.55 (2) amendment to DA/2016/2715/3.

The following details are provided to the consent authority in accordance with the requirements of *Clause 100 of EP&A Regulation 2021* to modify the development consents.



Figure 1: Site Plan

Source: NSW NearMap, accessed February 2024

2.0 BACKGROUND

2.1 APPROVED DEVELOPMENT

The existing development was approved under DA/2016/2715 for 218 manufactured homes and associated manager's residences and community facilities.

2.2 APPLICATION PARTICULARS

2.2.1 SITE DESCRIPTION

Lot 1 DP1288276
37/39 Metford Road Tenambit NSW 2323

2.2.2 APPLICANT DETAILS

UrbanDwell Constructions Pty Ltd
C/- HDB Town Planning & Design
PO Box 40
MAITLAND NSW 2320

2.2.3 OWNERSHIP DETAILS

Metford Road Pty Ltd

2.2.4 CONTACT DETAILS

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3.0 PROPOSED MODIFICATIONS

This proposal seeks to modify DA/2016/2715/3 to allow for a new purpose built community facilities building including changes to the building footprint. The proposed modification includes the following:

- Demolition of an existing community facilities building (country club) associated with an existing Manufactured Home Estate (MHE).
- Construction of a new single-storey community facilities building including:
 - Sports bar;
 - Gym/multi-purpose room;
 - Kitchen with associated cool room and prep area;
 - Dining room;
 - Dance floor;
 - Snooker room;
 - Amenities;
 - Storage;
 - BBQ area with outdoor terrace;
 - Winter terrace;
- Installation of a 7m swimming pool with associated 1.2m high pool fencing, pool pump equipment and 600mm retaining wall;
- New carpark with nine (9) car spaces including two (2) disabled spaces and porte cochere drop-off/pick-up area;
- Associated landscaping works;

Specifically, the proposed modifications compared to the approved are detailed as follows:

- **Change in building footprint**

The building footprint of the originally approved Country Club (community facilities building), approved under DA/2016/2715, is proposed to be increased to 1120m² plus a pool 15m x 7m and an associated new car parking area to the southeast. While this represents a 50% increase in the overall size of the building the actual impacted site area is essentially the same due to the shape and configuration of the existing building being L-shaped compared with the square shape of the proposed new building. Within the context of the existing estate, it is considered to be substantially the same development.

- **Change in building design**

The proposed new purpose-built and designed community facilities building will be sited closer to Metford Road, observing an average eight (8) metre front boundary setback. However, the existing established screen landscaping and fence will not be impacted, and this provides an effective screening and softening of the new building when viewed from Metford Road.

3.1 CONDITIONS

To address the above changes, we respectfully request that Maitland City Council amend *Condition 1*, to update the Plan Reference, as per the appendices attached to this report.

4.0 LEGISLATIVE REQUIREMENTS

The following legislative review is provided to give context to the application. It should be noted that due to the moderate nature of the requested modification, there is no requirement to review and/or consider the following legislation beyond what is provided herein.

4.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

4.1.1 MODIFICATION OF CONSENTS

Environmental Planning and Assessment Act 1979 provides the capacity to modify consents under Section 4.55 of the Act. To modify an application under s4.55 the application must fall within one of the three nominated pathways. These are: -

- S4.55(1) – Correction of a minor error, mis-description, or miscalculation.
- S4.55(1A) – Substantially the same development with the modification being of minimal environmental impact; and
- S4.55(2) – All other applications provided the development remains substantially the same development.

The amendments proposed in the application are to change the previously approved building envelope, design, and location of Community Centre. The development is substantially the same development. Therefore section 4.55(2) is the most appropriate action for the proposed modification.

4.55 Modification of consents - generally

- (2) ***Other modifications*** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

(3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

(4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified*

This modification seeks to demolish the existing community facilities building and replace it with the proposed-designed and built facility generally on the same footprint as the existing building. The proposal is substantially the same development.

An assessment of the proposal against all relevant matters for consideration as required in Section 4.15(1) is provided later in this report.

Environmental Planning and Assessment Regulation 2021

There are no specific matters identified in the Regulations that are relevant to the proposed modification being sought.

4.2 STATE ENVIRONMENTAL PLANNING POLICY

Rural Fires Act 1997;

The proposal is not inconsistent with the Act as it is to be carried out in accordance with the provisions of Planning for Bushfire Protection 2019.

Rural Fires Regulation 2013;

The proposal is not inconsistent with the Regulation as it is to be carried out in accordance with the provisions of Planning for Bushfire Protection 2019.

Planning for Bushfire Protection 2019;

The site is mapped as bushfire-prone land. Accordingly, a Bushfire Threat Assessment for the proposed Community Facility has been carried out by Firebird ecoSultants Pty Ltd., which is appended as **Appendix D**.

The report concludes that the proposal is able to meet the aims and objectives of Planning for Bushfire Protection 2019, being to:

- Afford buildings and their occupants protection from exposure to a bushfire;
- Provide for a defensible space to be located around buildings;

- Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevents likely spread to buildings;
- Ensure that appropriate operations access for emergency service personnel and occupants is available;
- Provide for ongoing management and maintenance of BPMs;
- Ensure that utility services are adequate to meet the needs of firefighters

The recommended bushfire protection measures are:

- The Proposal is to comply with the BCA;
- Any landscaping within the Site is to meet the requirements of an Inner Protection Area (IPA);
- Water reticulation is constructed to AS2419.1-2005.
- A Bush Fire Emergency Management and Evacuation Plan is to be prepared.

SEPP (Housing) 2021 – Part 8 (Manufactured Home Estates)

Aims and strategies

(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and

(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and

(c) to encourage the provision of affordable housing in well designed estates, and

(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and

(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and

(f) to protect the environment surrounding manufactured home estates, and

(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

The proposed development is considered to support the above-mentioned aims and strategies by:

- Significantly improving the existing community facilities with a fit-for-purpose community centre that offers an enhanced range of recreational uses and experiences for existing and future residents.
- Being adequately serviced by essential infrastructure.
- The proposed streetscape presentation including the bulk, scale and architectural design presents an acceptable outcome when viewed from Metford

Road. The design has considered the internalised streetscape, and direct and legible pedestrian connections from the internalised street and car park area to the main entrance.

- The existing landscaping and fencing to Metford Road are not proposed to be augmented. While supplementary landscaping is provided internally to soften the building. No trees are proposed to be removed.

SEPP (Transport and Infrastructure) 2021;

The proposal is not inconsistent with this SEPP and would not generate any additional traffic over and above what has been originally anticipated.

SEPP (Resilience and Hazards) 2021;

The subject site is not impacted by flooding. However, the additional stormwater generated will be managed within the existing capacity of the existing stormwater management system. Full details are provided in the submitted plans.

Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, sets the standards for the design, construction and maintenance of MHEs. The specific controls relevant to the proposal are:

- Community amenities: A minimum of 10% of the total land area must be reserved for recreation or communal activities

Comment

This has been met within the existing approved complex.

- *Community building setback: minimum of 10m from the boundary of a MHE or dwelling site – Clause 17*

Comment

While the existing community building, to be demolished, observes a 20m setback to Metford Road it is noted that a Porte Cochere structure extends forward to within 8m of the front boundary. An existing, well-presented, and maintained screen hedge plantings and a fence provide an effective level of visual screening of the building from Metford Road.

The main façade of the proposed replacement building has been sited to be set back 8m from the Metford Road frontage, while an open-style winter terrace structure will observe an average 4m setback.

The central pitched roof element of the building provides a key architectural feature when viewed from Metford Road.

The surrounding land uses display a range of front boundary setbacks which are generally greater than 20m. However, as described the existing site circumstances would provide a visual presentation to Metford Road that does not detract from the visual amenity of the locality.

- *Visitor parking – Clause 23*

(d) for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites

Comment

The existing estate meets this provision.

- *Visitor parking for people with disabilities – Clause 24*

(1) A manufactured home estate must contain—

(a) at least 1 visitor parking space for people with a disability (a disabled parking space), or

(b) if the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for—

(i) the first 100 sites, and

(ii) every further 100 sites, and

(iii) a remaining part, if any, of 100 sites.

Comment

Two additional disabled parking spaces are proposed adjacent to the new community facility in addition to seven (7) standard parking spaces.

- *Road surfaces – Clause 25*

All access roads, including all passing and parking bays, must—

(a) have an all-weather sealed or other surface finish specified in the approval,

(b) be adapted to the land to enable adequate drainage and remove excessive grades.

Comment

All access roads and car parking areas are/will be bitumen sealed.

- *Lighting – Clause 26*

All access roads must be adequately lit between sunset and sunrise.

Comment

Internal street lighting is provided while the new facility will be provided with

adequate lighting in and around the building.

- *Fire hydrants – Clause 34*

(1) *No part of a dwelling site or community building within a manufactured home estate may be located more than 90 metres from a fire hydrant.*

(2) *A fire hydrant located within a manufactured home estate must be—*

(a) *a double-headed pillar-type fire hydrant, and*

(b) *maintained to the standard specified in the approval.*

Comment

This standard is met within the existing estate as well as for the proposed new community facilities building.

Draft SEPP (Housing);

Phase 1 of the review of the Draft SEPP(Housing) was exhibited from 17 November 2023 to 19 January 2024.

Comment

The proposal is not inconsistent with any of the matters that are subject to review which focus on improved standards relating to flooding and fire safety.

4.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

Existing Zoning & Permissibility

The subject lot is zoned RU2 – Rural Landscape The proposed community centre is located within Zone RU2 – Rural Landscape under the provisions of the Maitland Local Environmental Plan (MLEP) 2011.

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems

4 Prohibited

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3

Comment:

The existing development is defined as a Manufactured Home Estate (MHE) which is not specifically defined under Maitland LEP 2011. It is noted that caravan parks, which include moveable dwellings, are defined and are permitted within the RU2 zone.

The *SEPP(Housing) 2021* also permits caravan parks on the subject site where the location criteria is met.

It is considered that the proposal is ancillary to a Manufactured Home Estate and is therefore permissible within the RU2 zone.

The proposal does not detract from the zone objectives in that it will not visually detract from the existing semi-rural amenity of the immediate locality.

Clause 2.7 - Demolition requires development consent

This modification proposal seeks consent to demolish the existing community building structure on the site.

Clause 5.10 - Heritage Conservation

There are records of any Aboriginal sites within 200m of the development site.

Clause 7.2 Earthworks.

The proposed modification involves the demolition of an existing building and its replacement with a purpose-built community facilities building. There is no interface with any adjoining property regarding significant cut-and-fill work or the construction of retaining walls.

4.4 MAITLAND DEVELOPMENT CONTROL PLAN 2011

Maitland Development Control Plan (DCP) 2011 is a companion document to the LEP and contains development standards for the land uses and activities supported in the planning instrument.

The following table is an assessment of the proposed modification in relation to the relevant controls:

Item	DCP Requirements	Proposed	Comment
Part A – Administration			
A.4 Notification			
4.2.2 Development controls	13. Modification to approvals under Section 4.55(1A) and 4.55(2) of the EP&A Act will only be notified where Council is of the opinion that the use or enjoyment of adjoining land may be detrimentally affected by the proposed modification.		Complies
Part B	Environmental Guidelines		Complies
B.5 – Tree and Vegetation Management	<p>Objectives</p> <ul style="list-style-type: none"> • To protect, maintain and enhance bushland, remnant vegetation and tree canopy as assets for the people of Maitland. • To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide. • To ensure that trees listed on Council’s Significant Tree register are not adversely affected by development. • To implement the mitigation hierarchy of “avoid, minimize, offset” when considering the clearing of vegetation 	The project proposal does not result in the clearing of any onsite vegetation.	
B.6 – Waste Not – Site Waste Minimisation	<p>Objectives</p> <ul style="list-style-type: none"> • To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources. • To encourage building designs, construction and demolition techniques in general which minimise waste generation. 	<p>Accessible onsite garbage receptacle storage is proposed.</p> <p>A site waste minimisation and management plan has been prepared and is appended as <i>Appendix F</i>.</p>	Complies

<p>& Management</p>	<ul style="list-style-type: none"> • To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan. This plan is to be completed in the planning stages of a development. • To facilitate effective waste minimisation and management for development in a manner consistent with the principles of ESD. 		
<p>Part C</p>	<p>Design Guidelines</p>		
<p>C.1 – Accessible Living</p>	<p>Objectives</p> <ul style="list-style-type: none"> • To increase community awareness of mobility handicaps affecting certain sections of the community and of the need for barrier-free design in the built environment. • To ensure that new development is accessible and useable by all people in Maitland, including those people with disabilities, to facilitate their full and independent participation in community life. • To introduce a quality assurance system for compliance with relevant Australian Standards for Access and Mobility (eg. as required by the Building Code of Australia) and thereby minimise the risk exposure of building users, Council and building owners. • To provide an enhanced level of service for people with disability for those landuses which serve a public purpose. • Where practical, to seek upgrading of existing buildings to the standards outlined in this Plan. • To require an adequate supply of public parking facilities for use by people with disabilities. • To provide intending developers with clear guidance as to legal requirements and Council policy for access and mobility. 	<p>An accredited consultant has prepared an Access Report which is appended at <i>Appendix E</i>.</p>	<p>Complies</p>

<p>C.6 – Street Building Setbacks</p>	<p>Objectives:</p> <ul style="list-style-type: none"> • To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements. • To ensure that new development establishes appropriate and attractive streetscapes which reinforce the function of the street and is sensitive to the landscape and environmental conditions of the locality. <p>Requirements</p> <p>In the RU2 rural Landscape zone the Principal Frontage setback is 20 metres.</p>	<p>While the existing community building, to be demolished, observes a 20m setback to Metford Road it is noted that a Porte Cochere structure extends forward to within 8m of the front boundary. An existing, well-presented, and maintained screen hedge plantings and a fence provide an effective level of visual screening of the building from Metford Road.</p> <p>The main façade of the proposed replacement building has been sited to be set back 8m from the Metford Road frontage, while an open-style winter terrace structure will observe an average 4m setback.</p> <p>The central pitched roof element of the building provides a key architectural feature when viewed from Metford Road.</p> <p>The surrounding land uses display a range of front boundary setbacks which are generally greater than 20m. However, as described the existing site circumstances would provide a visual presentation to Metford Road that does not detract from the visual amenity of the locality.</p>	<p>The proposed front setback is consistent with the objectives having regard to the existing screen landscaping .</p>
<p>C.8 – Building Height Bulk and Scale</p>	<p>Objectives</p> <ul style="list-style-type: none"> • To ensure that the height, scale, and length of new development is not excessive and relates well to the local context and overall site constraints. 	<p>There is no proscriptive building height limitation applicable to the proposal.</p> <p>The central pitched roof element of the building rises to a maximum height of 8.3m and provides a key architectural feature when viewed from Metford Road.</p>	<p>Complies</p>

	<ul style="list-style-type: none"> • To ensure that the amenity of surrounding properties is properly considered. • To minimise site disturbance and cut and fill. 		
C.11 – Vehicular Access & Car Parking	<p>Objectives</p> <ul style="list-style-type: none"> • To ensure adequate provision of off-street parking to maintain the existing levels of service and safety on the road network; • To detail requirements for the provision of parking and loading/unloading facilities in association with development in the City of Maitland; • To provide a consistent and equitable basis for the assessment of parking provisions; • To facilitate design of parking areas, loading bays and access driveways which function efficiently; • To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use; and • To acknowledge the traditional lack of parking spaces within areas of historical or architectural significance (Central Maitland, Morpeth) and balance this with the need to facilitate development in order to maintain vitality and vibrancy in such centres. 	<p>Nine (9) car parking spaces are provided including two (2) accessible spaces.</p> <p>The community facilities building is utilised exclusively by the onsite residents who would walk to the building. Occasionally the building would welcome a small number of external visitors (approximately up to 20 people) for wakes and birthday parties.</p> <p>There is adequate parking available onsite, both formally and in formally to cater for this eventuality.</p>	Complies
C12	Crime Prevention Through Environmental Design	During the design and development consideration has been given to the four (4) basic design principles contained in the guideline titled “Crime Prevention and	Complies

		<p>Assessment of Development Applications”, these are addressed as follows:</p> <p>Surveillance</p> <p>The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.</p> <p>The proposal incorporates:</p> <ul style="list-style-type: none"> • Clear sightlines between public and private spaces; • Landscaping that does not provide opportunity for offenders to hide or entrap victims; • Dailly casual surveillance opportunities given the nature of the use and its location within the village. • A physical presence through the redevelopment of the site for the purpose of a secure facility. <p>Access Control</p> <p>Physical and symbolic barriers can be used to attract, channel, or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.</p> <p>Access into the building will be clearly defined through the entrances and into open external areas. The site will be secured and regularly monitored for security purposes by a security system.</p>	
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		<p>Territorial Reinforcement Well-used places also reduce opportunities for crime and increase risk for criminals. The design ensures a clear distinction as to what areas of the site are public versus private.</p> <p>Space Management Popular public space is often attractive, well-maintained and well-used space. Linked to the principle of territorial reinforcements space management ensures that space is appropriately utilised and well cared for. The physical spaces have been designed such that they are able to be maintained so that the site appears to be well-kept and therefore deter crime. Overall, the proposed development will not introduce any specific elements likely to encourage crime.</p>	
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Table 1: Assessment of requirements of Maitland DCP

Source: HDB Town Planning and Design

Modifications sought in this application are mostly consistent and do not result in any variation to the development standards or the built environment, other than those previously considered by the council under the existing consent.



Figure 2
Source: HDB Town Planning & Design



Figure 3
Source: HDB Town Planning & Design

5.0 ASSESSMENT UNDER S4.15(1)

Section 4.55 of the Act requires that an assessment under Section 4.15(1) must be undertaken. The following provides an assessment of the proposed modification against the provisions as outlined in Section 4.15(1).

5.1 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

As stated in *Section 4.3*, there are no additional considerations in Maitland LEP that would adversely affect this application. The proposed amendment is consistent with the provisions of this instrument.

5.2 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The proposed modification seeks a variation to the front setback provision applicable to RU2 zoned land described in *Section 4.4*.

5.3 PLANNING AGREEMENT (INCLUDING DRAFT PLANNING AGREEMENTS)

No Planning Agreements or draft Planning Agreements were entered into and therefore this is not applicable.

5.4 THE REGULATIONS

There are no specific regulations that affect the site or the application.

5.5 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed new community facility on the subject site provides an enhanced facility for the residents and is a compatible and integral component of the estate. The proposed amendments do not alter the permitted use of the site and are similar to the current activities.

5.6 ANY SUBMISSIONS MADE

Any submission received as a result of the proposal will be considered.

5.7 THE PUBLIC INTEREST

The new building will accommodate a range of uses which enhances the recreational offering available in the estate. The public interest is served by providing an enhanced range of community facilities and services which will improve social interaction and the overall well-being of the residents.

5.8 LIKELY IMPACTS OF THE MODIFICATION

The table below provides a snapshot of the likely impacts of the modification on both the natural and built environments and social and economic impacts on locality:

Matters for consideration	Assessment of likely impact of the proposed modification
Geology and soil	The proposed modification reduces the cut/fill and retaining works of the site which was required under the approved consent. This modification does not affect the soil conditions or stability.
Hydrology and water quality	There are no changes, or works, that affect the water quality or hydrology, or stormwater regime on the site. An updated Stormwater Management Plan has been prepared which is appended as <i>Appendix B</i> .
Access and Traffic	The proposed modification will not increase the traffic in the area, as it will operate the same way as the existing community building while providing an improved amenity for the residents.
Noise	The proposed new building will not impact the surrounding environment as the noise associated with such a facility would be contained within the building. There are no close off-site sensitive receptors that would be potentially impacted.
Air Quality	There will be no impact on the air quality of the area.
Flora and Fauna	The proposed modifications to the building envelope and location will not have any impact on the matters relating to the flora and fauna significance. No existing onsite vegetation will be removed.
Visual Environment	The proposed new building sits behind the existing well-established landscaping and while visible from Metford Road it would not detract from the existing streetscape. The proposed new community building will contribute positively to the visual environment as it will replace the existing older institutional looking building. The existing screen landscaping provides an effective visual buffer from Metford Road.

Waste Storage and Collection	The existing waste management measures will continue to be used on-site which involve a private contractor. In respect to the new building a screened
Crime Prevention	Please refer to <i>Section 4.4 – C12</i>

Table 2: Assessment of likely impact of the proposed modification

Source: HDB Town Planning and Design

6.0 REQUIREMENT OF CL100

Considerations under Clause 100 of the Environmental Planning & Assessment Regulation 2021 (EPA Regulations)

The following details are provided to the consent authority in accordance with the requirements of Clause 100 of EP&A Regulation 2021 for an application to modify development consents.

a) *Name and address of the applicant*

HDB Town Planning & Design
PO Box 40
Maitland NSW 2320

b) *Description of the development to be carried out under the consent*

The current consent, DA/2016/2715 is for 218 manufactured home sites and associated managers residence and community facilities. This modification application seeks to amend the building footprint and amenities of the proposed community facility.

c) *Address and formal particulars of titles of the land on which development is to be carried out*

Lot 1 DP 1288276, 39 Metford Road, Tenambit NSW 2323

d) *A description of the proposed modification to the development consent*

A detailed description of the proposed Modification has been included in **Section 3** of this report.

e) *A statement that indicates either:*

- (i) *that the modification is merely intended to correct a minor error, misdescription, or calculation; or***
- (ii) *that the modification is intended to have some other effect, as specified in the statement.***

The proposed modification is intended to provide amendments to the building footprint and amenities of the community facility. The proposed uses are consistent with the approval and are permissible on this lot, as per MLEP 2011. Hence it is substantially the same development in the initial proposal and minimal environmental impacts are anticipated.

f) *A description of the expected impacts of modification*

Section 5 of the report provides an assessment of the modification against all relevant matters for consideration stipulated in s4.15(1).

In summary, the proposed modification does not create any additional risks, as it only seeks moderate amendments to the approved building envelope and amenities. The uses proposed within the application are permitted with consent

and are consistent with the existing approval. As a result, it will not vary the current residential character of the site.

g) An undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved

A detailed review of the proposal has been undertaken to assess the proposed changes in **Section 4** and **Section 5** of this report. The proposed modification seeks amendments to the approved building footprint and amenities of the community centre with minimal environmental impacts. Hence, the development, as proposed, is substantially the same as the currently approved.

a) If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to making of the application:

- (i) a statement as to whether the application is being made to the Court or to the consent authority; and***
- (ii) if the consent authority so requires, must be in the form approved by that authority.***

The owner has consented to the lodgement of the Modification Application. Please refer to **Appendix G – Owner’s Consent**.

This application is submitted to Maitland City Council under provisions of s4.55(2) of the Act.

7.0 CONCLUSION

The modification to the consent as outlined above clearly indicates the changes to the community centre is essentially the same development as previously approved.

The assessment of the proposal has been undertaken in accordance with s4.15(1) which demonstrates that the modification meets the relevant planning requirements.

Maitland City Council is therefore requested to grant consent to this s4.55 amendment to DA/2016/2715, as requested.

APPENDIX A

MODIFICATION PLANS

APPENDIX B

SITE AND STORMWATER MANAGEMENT PLANS

APPENDIX C

SECTION J REPORT

APPENDIX D

BUSHFIRE REPORT

APPENDIX E

ACCESS REPORT

APPENDIX F

SITE WASTE MANAGEMENT PLAN

APPENDIX G

OWNERS CONSENT