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Statement of Environmental Effects | 30 Regent Street, Maitland

Prepared for
**Royal Freemasons' Benevolent
Institution**
24 June 2024

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Report Number Final

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

Version	Date of issue	Prepared By	Reviewed By
Draft for client review	19 June 2024	ZG	BT
Final Draft	21 June 2024	ZG	BT
Final	21 June 2024	ZG	BT
Final – minor amendments	24 June 2024	ZG	BT

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1. Introduction

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Ltd on behalf of Royal Freemasons' Benevolent Institution (**the Proponent**) in support of a Development Application (**DA**) for the renovation of existing seniors housing accommodation and the construction of new seniors housing accommodation at 30 Regent Street, Maitland (**the site**).

The DA seeks consent from Maitland City Council for the minor renovation of Rose Cottage, the construction of a Level 1 extension over the existing rear carpark, and minor landscaping works.

The proposed works have an estimated cost of \$3,945,237.00 and development consent is sought in accordance with Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The SEE:

- describes the site and proposed development,
- provides an assessment of the proposal against the relevant matters for consideration under section 4.15 of the EP&A Act 1979,
- explains the likely impacts of the proposed development on the natural and built environment, and
- outlines how these impacts are proposed to be reduced or mitigated.

The SEE should be read together with the architectural plans and supporting documentation submitted with the DA under separate cover as follows.

Table 1 Supporting Documentation

Title	Prepared By
Owners Consent	Royal Freemasons' Benevolent Institution
Cost Summary	MCG Quantity Surveyors
Architectural Plans	Includesign
Architectural Compliance Statement	Includesign
Landscape Plans	Place Design Group
Traffic Impact Assessment	Amber
Access Report	ABE Consulting
Statement of Heritage Impact	Weir Phillips Heritage and Planning
Operational Waste Management Plan	Elephants Foot Consulting
Stormwater Plans	Torinex Consulting Engineers
Arborist letter	Arterra Consulting Arboriculture

2. Site Analysis

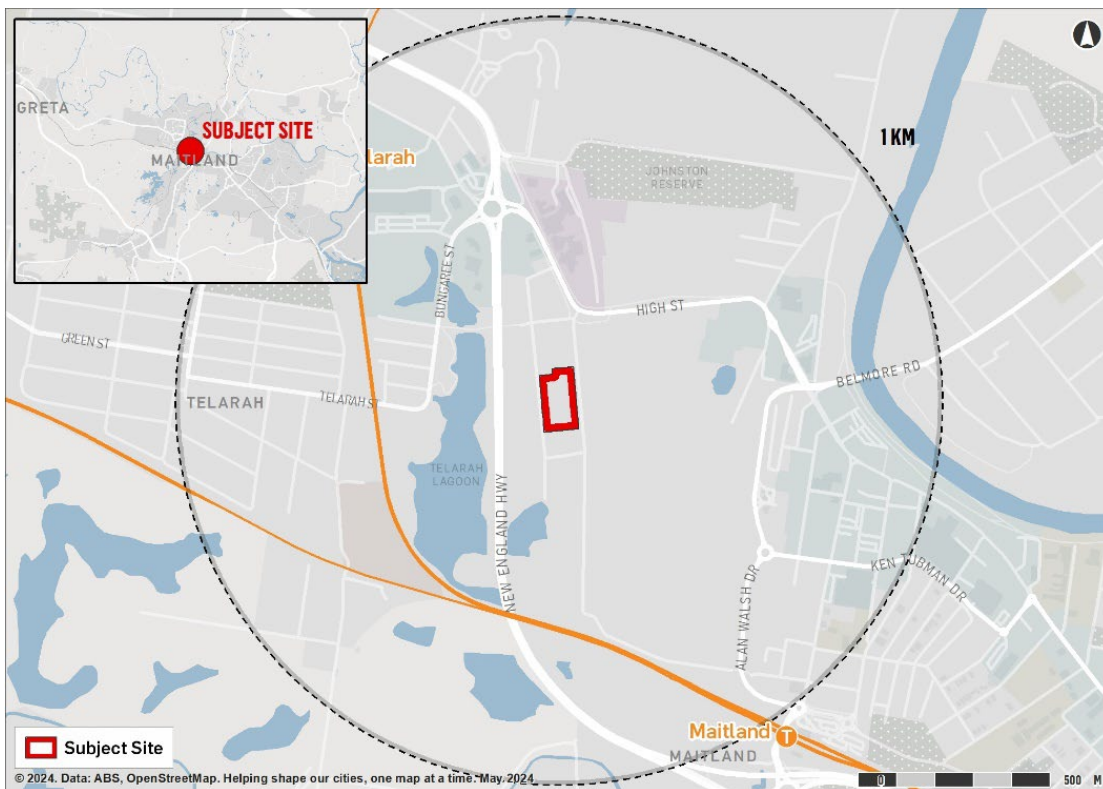
2.1. Site Location

The site is located at 30 Regent Street, Maitland legally referred to as Lot 30 in DP 1224638 and has a total site area of approximately 1.4ha. The site has road frontages to Regent Street and Bonar Street and is located in the eastern portion of Maitland. The site is zoned R1 General Residential under the *Maitland Local Environmental Plan 2011 (MLEP)*.

The site is located within the Regent Street Heritage Conservation Area and has multiple heritage buildings on site including 'House', 'Benhome', and 'Cintra' and stables.

Images relevant to the site and its context have been reproduced below.

Figure 1 Regional Context Map



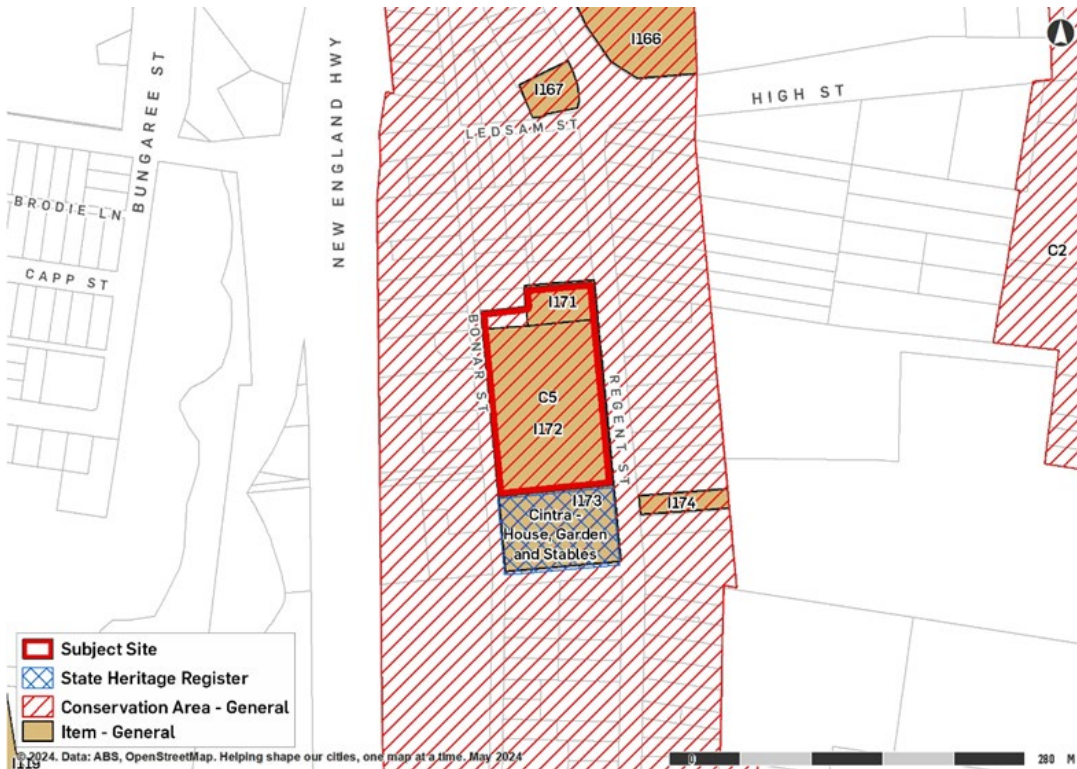
Source: Urbis

Figure 2 Aerial Photograph



Source: Urbis

Figure 3 Heritage Map



Source: Urbis

2.2. Site Description

The key features of the site are summarised in the following table.

Table 2 Site Description

Site Characteristic	Description
Country	Wonnarua Country
Legal Description (Title Particulars)	Lot 30 in DP 1224638
Site Ownership	The site is privately owned and operated by the Royal Freemasons' Benevolent Institution.
Zoning	The site is zoned R1 General Residential
Existing Structures	The site contains a number of buildings on site including; <ul style="list-style-type: none"> ▪ Rose Cottage ▪ Pender House, Matrons and Dossie's Cottage (Heritage Item), ▪ Existing Aged Care Unit building, ▪ Curtis Wing, ▪ Independent Living Unit building.
Site Area	1.425 ha
Site Frontage	The site has an approximate 150m frontage to Bonar Street and an approximate 160m frontage to Regent Street.
Topography	The site is relatively flat in topography.
Vegetation	The site has scattered vegetation across the site varying from mature trees to landscaped gardens.
Flooding/Overland Flow	The site is not identified as flood prone.
Heritage	The site is located within the Regent Street Heritage Conservation Area and contains three items of local heritage significance including: <ul style="list-style-type: none"> ▪ 'Benhome' ▪ 'Cintra' & Stables ▪ House <p>A Heritage Impact Statement has been prepared to support this application and is attached under a separate cover.</p>
Bushfire	The site is not identified as bushfire prone land.
Vehicular/Site Access	Vehicular access to the site is available via both Regent and Bonar Street.
Adjacent land uses	Adjacent land uses predominately consist of low-density residential development.

Photographs of the existing development and surrounding context are provided below.

Figure 4 Existing Development and Surrounding Context



Picture 1 View of the site from Regent Street



Picture 2 View of site from entrance on Bonar Street



Picture 3 View from the existing development overlooking the area of the proposed extension.

Source: Urbis 2024



Picture 4 Rose cottage dwellings exterior

3. Development Description

3.1. Key Elements

The key elements of the proposed development are summarised in the table below. Reference should be made to the accompanying architectural plans and supporting documentation for further detail.

Table 3 Summary of Proposal

Key Element	Proposal
Development Types (Land Use)	The proposed land use is ' <i>seniors housing</i> ' with part of the development defined as a <i>residential care facility</i> and part of the development defined as <i>independent living units and assisted living units</i> .
Description of Development	<p>The proposed works involve the redevelopment of certain portions of the site, as specified below.</p> <ul style="list-style-type: none"> ▪ Renovate Rose Cottage and convert the space into the following: <ul style="list-style-type: none"> – 4 x 1-bedroom Staff Accommodation and/or Assisted Living units with separate kitchen, living/dining, and bathroom facilities. – 4 x additional rooms to be converted from their existing uses (dirty utility room and lounge room) to Aged Care suites. – A café with seating for approximately 30 people; – A salon with facilities to support hair and nail procedures; – A gym; and – A multi-purpose room with storage. ▪ Construct a Level 1 floor consisting of 9 x Aged Care suites over the top of the existing carpark located off Bonar Street. ▪ Minor landscaping to the existing 'Courtyard 3', Rose Cottage and Bonar Street Carpark including the removal of 2 small trees.
Site Preparation	
Demolition	Internal and external demolition is proposed as part of this application. No major earthworks are proposed.
Stormwater / drainage	A stormwater services plan has been prepared to support this application detailing any works required relating to stormwater and drainage.
Built Form & Design	
Building height	The extension proposed on the southwestern portion of the site results in a minor height increase beyond what has already been approved on site. The height of the proposed extension at the highest point is RL 21.95, with the highest point of the existing development being RL 21.81.
Number of Storeys	There is no change to the number of storeys proposed, with exception to the construction of a Level 1 extension in the southwestern portion of the site. The extension however, is in keeping with the existing development on the western portion of the site.
Number of Dwelling/Tenancies/Rooms proposed	<p><u>Rose Cottage</u></p> <ul style="list-style-type: none"> ▪ Repurpose 4 existing rooms into 1 x bedroom staff accommodation and/or Assisted Living Units..

Key Element	Proposal
	<ul style="list-style-type: none"> Repurpose a dirty utility room and a lounge room into 4 additional Assisted Living Units. <p><u>Additional Level 1 floor:</u></p> <ul style="list-style-type: none"> Construct 9 additional Assisted Living Units.
Front setback	No changes to the front setback.
Side setbacks/separation	No changes to the side setbacks.
Rear setback/separation	No changes to the rear setbacks.
Materials and Finishes	Materials and finishes are proposed match the existing development on site. Specific detail regarding this is contained within the Architectural Plans.
Waste	An operational waste management plan has been prepared to support the development application. This is discussed further within Section 4 of this report and is attached under a separate cover.
Communal open space	The proposed development provides communal open space for the staff units. This is discussed further within this report.
Access and Parking	
Vehicle and pedestrian access	Vehicle and pedestrian access are not proposed to be changed as part of this application.
Car parking	The development will continue to provide 40 car spaces and one minibus space. A Traffic Impact Assessment has been prepared to support this application and is provided under a separate cover.
Waste Vehicle Servicing	Waste collection will take place via a collect and return strategy from the sites Bonar Street frontage. The waste collection will be serviced by a private contractor.
Landscaping and Public Domain	
Landscape area	Minor landscaping to the existing 'Courtyard 3', Rose Cottage and Bonar Street Carpark including the removal of 2 small trees.
Trees Removed	2 small trees are proposed to be removed, identified as T38 & T39 within the Aboricultural Advice letter attached under a separate cover.
Fencing	The existing 1800mm palisade fence and footing is proposed to be removed along the eastern boundary. The existing hedging will be enhanced and the heritage wall and fence will remain.
Operational Details	
Hours of Operation	The RACF will continue to operate in accordance with the existing approval. No change is sought in accordance with the existing approved staff or resident numbers.
ESD/Sustainability/BASIX/Section J - BCA	The proposed works are considered alterations and additions with a CIV less than \$10 million; therefore this does not apply.

4. Planning Assessment

4.1. State Environmental Planning Policies

4.1.1. State Environmental Planning Policy (Housing)

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) aims to facilitate the delivery of diverse and affordable new housing through incentives such as expanded zoning permissibility and floor space ratio bonuses. The SEPP applies to in-fill affordable housing, co-living housing, seniors housing, boarding houses and supportive accommodation.

Part 5 of the SEPP outlines the standards for housing for seniors and people with a disability.

Seniors Housings is defined as:

Seniors housing means a building or place that is—

(a) a residential care facility, or

(b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or

(c) a group of independent living units, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

The proposed development relates to a residential aged care facility and independent living units which are defined as:

residential care facility means accommodation for seniors or people with a disability that includes—

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note—

Residential care facilities are a type of seniors housing—see the definition of that term in this Dictionary.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

(a) used to house seniors or people with a disability, and

(b) containing private facilities for cooking, sleeping and bathing, and

(c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note—

Independent living units are a type of seniors housing'

4.1.1.1. Housing SEPP Compliance Assessment

An assessment of the proposal against the standards for seniors housing is provided in following table.

Table 4 Assessment against relevant Housing SEPP standards

Matters for Consideration	Proposed Development	Compliance
Division 1 Land to which Part applies		
79 Land to which Part applies		
<i>This Part applies to land in the following zones— (a) Zone R1 General Residential,</i>	The site is zoned R1 General Residential and therefore this part applies to the proposal. It has been demonstrated that the proposed development will support the objectives for this land use zone.	Yes
80 Land to which Part does not apply – general		
<i>(1) This Part does not apply to the following land— (a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3.</i>	Not applicable	N/A
<i>(2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because— (a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or (b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as— (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.</i>	<i>Nothing in Schedule 3 operates to preclude the application of this Part</i>	Yes
81 Seniors housing permitted with consent		
<i>Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</i>	Senior's housing is permitted with consent across the site.	Yes
Division 3 Development Standards		
84 Development Standards - general		
<i>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</i>	The proposal is for the purposes of Seniors housing, therefore this section applies.	Yes
<i>(2) Development consent must not be granted for development to which this section applies unless— (a) the site area of the development is at least 1,000m², and</i>	The area of the sites exceeds 1000m ² . The site is located in the R1 General Residential Zone, where residential flat buildings are permitted and therefore (2)(c) does not apply.	Yes

Matters for Consideration	Proposed Development	Compliance		
<p>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>No roof servicing equipment is proposed on the Level 1 extension; therefore this is not applicable.</p>	<p>N/A</p>		
<p>(3) The servicing equipment must—</p> <p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p>	<p>The Royal Freemasons Benevolent Institution are not an Aboriginal Housing Office, or the Land and Housing Corporation or another social housing provider. Therefore (2)(a) and (b) apply.</p>	<p>Yes</p>		
<p>(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following—the Aboriginal Housing Office or the Land and Housing Corporation, another social housing provider.</p>	<p>85 Development standards for hostels and independent living units</p>	<p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p>	<p>A Clause 4.6 application accompanies this application relating to non-compliances with Schedule 4 of the State Environmental Planning Policy (Housing) requirements relating to independent living units only.</p>	<p>Refer to Clause 4.6 Application.</p>
<p>88 Restrictions on occupation of seniors housing</p>	<p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part</p>	<p>See above response.</p>	<p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Yes</p>
<p>91 Fire sprinkler systems in residential care facilities</p>	<p>(1) A consent authority must not grant consent for development for the purposes of a residential care</p>	<p>Noted.</p>	<p>Yes</p>	

Matters for Consideration	Proposed Development	Compliance
<i>facility unless the facility will include a fire sprinkler system.</i>		
2) <i>Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</i>	Noted.	N/A
(3) <i>In this section— fire sprinkler system means a system designed to automatically control the growth and spread of fire that may include components like sprinklers, valves, pipework, pumps, boosters and water supplies.</i>	Noted.	N/A
Division 4 Site-related requirements		
93 Location and access to facilities and services – independent living units		
(1) <i>Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site.</i>	The site benefits from public transport bus services identified as the 179 route which travels from North Rothbury to Green Hills Shopping Centre via Maitland, the 180 route which travels from Singleton Heights to Green Hills Shopping Centre via Maitland, the 181 Rutherford to Woodberry via Maitland, Green Hills Shopping Centre and Beresfield, the 182 Rutherford to Thornton via Maitland, Green Hills Shopping Centre & Ashtonfield; and the 183 Rutherford to Tenambit via Maitland & Green Hills Shopping Centre.	Yes
(2) <i>The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City— (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and (c) for development on other land—be available both to and from the site during daylight hours at least once each weekday.</i>	<p>RFBI Benhome Masonic Retirement Village will use the existing community bus to pickup/drop-off residents to and from the Benhome village to provide safe transportation.</p> <p>The vehicle used is a 12-Seater Bus to provide access to the following:</p> <ul style="list-style-type: none"> ▪ Local Shops ▪ Large Shopping Centres (including retail & commercial services) ▪ Bank Services ▪ Places of Interest (e.g. beaches, national parks, vineyards etc.) ▪ Restaurants, cafes and markets. ▪ Community Services & Recreation Facilities. ▪ Church, ▪ Medical Services. <p>The Village Bus is operated by a variety of RFBI Benhome staff and volunteers who can operate a light and/or medium rigid vehicle license. The Community Bus is operated for visits to community places as planned by residents and resident committees.</p>	Yes
(3) <i>For the purposes of subsections (1) and (2), access is adequate if—</i>	Noted. Bus stops are located within 300m of the site that will provide adequate transport services to the site for residents. Telarah Train Station is also located	Yes

Matters for Consideration	Proposed Development	Compliance
<p>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</p> <p>(b) the distance is accessible by means of a suitable access pathway, and</p> <p>(c) the gradient along the pathway complies with subsection (4)(c).</p>	<p>approximately 1.1 kilometres northwest of the site.</p>	
<p>95 Water and sewer</p>		
<p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</p> <p>(a) be connected to a reticulated water system, and</p> <p>(b) have adequate facilities for the removal or disposal of sewage.</p>	<p>Network utilities and underground services are already established on site.</p>	<p>Yes</p>
<p>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—</p> <p>(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or</p> <p>(b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.</p>	<p>Network utilities and underground services are already established on site.</p>	<p>Yes</p>
<p>96 – Bushfire prone land</p>		
<p>Division 5 Design Requirements</p>		
<p>97 Design of Seniors housing</p>		
<p>(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.</p>	<p>The proposal has been designed in accordance with the Seniors Housing Guide, December 2023.</p>	<p>Yes</p>
<p>(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</p>	<p>The proposal has been designed in accordance with the Seniors Housing Guide, December 2023.</p>	<p>Yes</p>
<p>Division 7 Non-discretionary development standards</p>		
<p>106 Application of design principles for seniors housing</p>		
<p>Nothing in this division affects the operation of section 97(2).</p>	<p>Noted.</p>	<p>Noted.</p>
<p>108 Non-discretionary development standards for independent living units – the Act, s 4.15</p>		
<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters</p>	<p>Noted.</p>	<p>Noted.</p>

Matters for Consideration	Proposed Development	Compliance
<p>(2) <i>The following are non-discretionary development standards in relation to development for the purposes of independent living units—</i></p> <p>(a) <i>no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</i></p> <p>(b) <i>servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i></p> <p>(i) <i>is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></p> <p>(ii) <i>is limited to an area of no more than 20% of the surface area of the roof, and</i></p> <p>(iii) <i>does not result in the building having a height of more than 11.5m,</i></p>	<p>A height greater than 9.5m is not proposed, therefore (a) and (b) are satisfied.</p>	<p>Yes</p>
<p>(c) <i>the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</i></p>	<p>N/A</p>	<p>N/A</p>
<p>(d) <i>a minimum landscaped area that is the lesser of—</i></p> <p>(i) <i>35m² per dwelling, or</i></p> <p>(ii) <i>30% of the site area,</i></p>	<p>The existing landscaping on site exceeds 30% of the total site area.</p>	<p>Yes</p>
<p>(f) <i>a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p>	<p>The deep soil provided on site is 18% of the total site area.</p>	<p>Yes</p>
<p>(g) <i>at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i></p>	<p>Compliant.</p>	<p>Yes</p>
<p>(h) <i>for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</i></p> <p>(i) <i>at least 15m² of private open space per dwelling, and</i></p> <p>(ii) <i>at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i></p>	<p>The existing living units at rose cottage are currently provided with communal open space. It is proposed that the 4 repurposed rooms will continue to utilize the communal open space in lieu of private open space.</p>	<p>Yes, on merit.</p>
<p>(i) <i>for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—</i></p> <p>(i) <i>an area of at least 10m², or</i></p> <p>(ii) <i>for each dwelling containing 1 bedroom—an area of at least 6m²,</i></p>	<p>N/A</p>	<p>N/A</p>
<p>(j) <i>for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,</i></p>	<p>N/A.</p>	<p>N/A</p>
<p>(k) <i>if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</i></p>	<p>The car parking proposed is generally consistent with the requirements of the Housing SEPP with exception to the ILUs. A Traffic Impact Statement has been prepared to support this application and is attached under a separate cover. The report concludes that the existing on-site car parks are currently underutilised and</p>	<p>Yes, on merit.</p>

Matters for Consideration	Proposed Development	Compliance
	there is sufficient capacity to accommodate the demand of two car spaces associated with the ILUs. Therefore, the carpark requirements of the SEPP are considered to be met.	
Schedule 4 Part 1 Standards Applying to Hostels and Independent Living Units		
2 Sitting Standards		
<p><i>Wheelchair Access</i></p> <p><i>(1) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel to an adjoining public road.</i></p>	The units have a gradient of 1:14 as outlined within the Accessibility Report.	Yes
3 Letterboxes		
<p><i>(1) Letterboxes—</i></p> <p><i>(a) must be located on a hard standing area, and</i></p> <p><i>(b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and</i></p> <p><i>(c) must be lockable by a lock that faces a wheelchair accessible path.</i></p> <p><i>(2) If a structure contains multiple letterboxes, the structure must be in a prominent location.</i></p> <p><i>(3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).</i></p>	The letterboxes will be managed by the RFBI Masonic Village, therefore this is not applicable.	N/A
4 Carparking		
<p><i>(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies—</i></p> <p><i>(a) for a parking space not in a group—the parking space must comply with AS/NZS 2890.6,</i></p> <p><i>(b) for a group of 2–7 parking spaces—</i></p> <p><i>(i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and</i></p> <p><i>(ii) 50% of the parking spaces must—</i></p> <p><i>(A) comply with AS/NZS 2890.6, or</i></p> <p><i>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,</i></p> <p><i>(c) for a group of 8 or more parking spaces—</i></p>	The car park located off the Bonar Street entrance is not for use by occupants who are seniors or people with a disability, therefore this does not apply.	N/A

Matters for Consideration	Proposed Development	Compliance
<p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) at least 50% of the parking spaces must—</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p>		
5 Accessible Entry		
<p>(1) The main entrance to a dwelling must have—</p> <p>(a) a clear opening that complies with AS 1428.1, and</p> <p>(b) a circulation space in front of the door and behind the door that complies with AS 1428.1.</p> <p>(2) This section does not apply to an entry for employees.</p>	<p>The main entry of assisted living units will be served by the internal corridor. Access complies with this requirement at this stage of design.</p> <p>Further details related to door hardware/components will be incorporated in accordance with the SEPP during subsequent design stages.</p>	Yes
6 Interiors		
<p>(1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.</p> <p>(2) An internal corridor must have an unobstructed width of at least 1,000mm.</p> <p>(3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1—</p> <p>(a) a kitchen,</p> <p>(b) a laundry,</p> <p>(c) a bathroom,</p> <p>(d) a toilet,</p> <p>(e) a bedroom,</p> <p>(f) a living area,</p> <p>(g) the main area of private open space.</p> <p>(4) To avoid doubt, subsection (3)(b) does not apply to laundry facilities in a cupboard.</p>	<p>(1) All internal doors within the proposed dwellings comply with AS 1428.1 minimum clearance openings.</p> <p>(2) All internal corridors of proposed dwellings comply with a minimum width of 1,000mm.</p> <p>(3) All circulation space at approaches to internal doorways comply with AS 1428.1 at this stage of the design.</p> <p>Refer the Architectural Drawings for further detail.</p>	Yes
7 Bedroom		
<p>At least one bedroom in a dwelling must have the following—</p> <p>(a) a clear area, not including a circulation space, sufficient to accommodate—</p> <p>(ii) for an independent living unit—a wardrobe and a queen-size bed,</p> <p>(b) a clear area around the area for the bed of at least—</p> <p>(i) 1,200mm at the foot of the bed, and</p>	<p>Units 01, 02, and 04 within Rose Cottage have been designed to accommodate a queen-size bed with the appropriate clearances, ensuring compliance with Clause 8.</p> <p>However, Unit 02 does not meet this requirement. There is a clear area to accommodate a king-single bed. This is considered appropriate given the use of the ILUs as staff accommodation and/or assisted living units.</p>	<p>Not compliant.</p> <p>Justified provided within Clause 4.6 Variation Request.</p>

Matters for Consideration	Proposed Development	Compliance
<p>(ii) 1,000mm on each side of the bed,</p> <p>(c) at least 2 double general power outlets on the wall where the head of the bed is likely to be,</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.</p>	<p>All rooms have a good-sized walk-in robe. The intended use for the units is for assisted living.</p> <p>Further details related to power outlets, telephone outlets, and wiring will be incorporated during subsequent design stages in accordance with the SEPP.</p>	

8 Bathroom

<p>(1) At least one bathroom in a dwelling must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The bathroom must have the following—</p> <p>(a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,</p> <p>(b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines,</p> <p>(c) a shower that—</p> <p>(i) is accessible without a shower-hob or step, and</p> <p>(ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and</p> <p>(iii) is in the corner of a room, and</p> <p>(iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1,</p> <p>(d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux,</p> <p>(e) a double general power outlet in an accessible location, in accordance with AS 1428.1.</p> <p>(3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.</p>	<p>The design complies with the bathroom location and dimensions in accordance with AS 1428.1.</p> <p>Further details relating to sanitary fixtures and fittings will be detailed to comply with AS 1428.1 during subsequent design stages in accordance with the SEPP.</p>	<p>Yes</p>
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9 Toilet

<p>(1) At least one toilet in a dwelling must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Each dwelling has a toilet accessible from the living areas that comply with the spatial requirements for sanitary facilities of AS1428.1</p> <p>Further details related to slip resistant floor surfaces and installation of grab rails will be</p>	<p>Yes</p>
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Matters for Consideration	Proposed Development	Compliance
<p>(2) <i>The toilet must have the following—</i></p> <p>(a) <i>a water closet pan—</i></p> <p>(i) <i>in the corner of the room, and</i></p> <p>(ii) <i>with a centreline set-out in accordance with AS 1428.1,</i></p> <p>(b) <i>a circulation space in front of the water closet pan that is—</i></p> <p>(i) <i>at least 1,200mm long and at least 900mm wide, and</i></p> <p>(ii) <i>clear of door swings and fixtures, other than a toilet paper dispenser or grab rails,</i></p> <p>(c) <i>a circulation space around the water closet pan that complies with AS 1428.1,</i></p> <p>(d) <i>a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,</i></p> <p>(e) <i>a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.</i></p> <p>(3) <i>A removable shower screen may be located in the circulation space specified in subsection (2)(c).</i></p>	<p>incorporated in accordance with the SEPP during subsequent design stages.</p> <p>Refer to architectural drawings.</p>	
10 Surfaces of Balconies and External Paved Areas		
<p><i>Balconies and external paved areas must have surfaces that are slip resistant and comply with—</i></p> <p>(a) <i>the Building Code of Australia, or</i></p> <p>(b) <i>the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014.</i></p>	<p>All internal and external surfaces will be specified to be slip resistance in accordance with the SEPP during subsequent design stages.</p>	<p>Capable of complying.</p>
11 Door Hardware		
<p>(1) <i>Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1.</i></p> <p>(2) <i>To avoid doubt, subsection (1) does not apply to cabinetry.</i></p>	<p>All door handles and hardware will be detailed in accordance with AS 1428.1 and the SEPP during subsequent design stages.</p>	<p>Capable of complying.</p>
12 Switches and Power Points		
<p>(1) <i>Switches and power points must—</i></p> <p>(a) <i>comply with AS 1428.1, or</i></p> <p>(b) <i>be capable of complying with AS 1428.1 through future adaptation.</i></p> <p>(2) <i>Subsection (1) does not apply to—</i></p> <p>(a) <i>remote controls, or</i></p>	<p>All switches and power points will be detailed in accordance with AS 1428.1.</p>	<p>Capable of complying.</p>

Matters for Consideration	Proposed Development	Compliance
<i>(b) power points likely to serve appliances that are not regularly moved or turned off.</i>		
Part 2 Additional Standards for Independent Living Units		
15 Bedroom		
<p><i>At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on—</i></p> <p><i>(a) the same floor as the entry to the unit, or</i> <i>(b) a floor serviced by a private passenger lift accessible only from inside the unit.</i></p>	<p>All dwellings propose living areas that comply with 2250mm diameter for clear circulation space in accordance with clause 4.7.1 of AS 4299.</p> <p>All telephone and general power outlets and wiring for required lighting will be integrated in accordance with the SEPP during subsequent design stages.</p>	<p>Yes</p>
16 Living Room		
<p><i>(1) A living room in an independent living unit must be located on—</i></p> <p><i>(a) the same floor as the entry to the dwelling, or</i> <i>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</i></p> <p><i>(2) The living room must have—</i></p> <p><i>(a) a circulation space that—</i></p> <p><i>(i) is clear of all fixtures, and</i> <i>(ii) has a diameter of at least 2,250mm, and</i> <i>(b) a telecommunications or data outlet adjacent to a general power outlet.</i></p>	<p>All dwellings propose living areas that comply with 2250mm diameter for clear circulation space in accordance with clause 4.7.1 of AS 4299.</p> <p>All telephone and general power outlets and wiring for required lighting will be integrated in accordance with the SEPP during subsequent design stages.</p>	<p>Yes</p>
17 Main Areas of Private Open Space		
<p><i>The main area of private open space for an independent living unit must be located on—</i></p> <p><i>(a) the same floor as the entry to the dwelling, or</i> <i>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</i></p>	<p>Given the existing open space of Rose Cottage, it is proposed that the Units located in the building will have a shared open space dedicated only for the occupants in lieu of private open space.</p> <p>This is considered acceptable given the proposed use of the ILU's as staff accommodation and/or assisted living accommodation. Landscaping has been enhanced along the Regent Street frontage in lieu of private open spaces.</p>	<p>No.</p> <p>Non-compliance justified within Clause 4.6 Variation Request.</p>
18 Kitchen		
<p><i>(1) A kitchen in an independent living unit must be located on—</i></p> <p><i>(a) the same floor as the entry to the dwelling, or</i> <i>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</i></p>	<p>(1) Compliant.</p> <p>(2) Compliant.</p> <p>(3) Compliant.</p> <p>(4) Non-compliant. The kitchens are sufficient for Staff Accommodation as they will be able and mobile to operate without</p>	<p>Partial compliance.</p> <p>Non-compliances justified within Clause 4.6</p>

Matters for Consideration	Proposed Development	Compliance
<p>(2) <i>The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.</i></p>	<p>the requirement of SEPP standards. In the event of Assisted Living Units they will be restricted use (coffee/tea prep and dishwashing only) and RFBI will cater to residents from Aged Care kitchen service.</p>	<p>Variation Request.</p>
<p>(3) <i>Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without—</i></p>	<p>(5) Non-compliant. Justification provided within Clause 4.6 Variation Request.</p>	
<p>(a) <i>relocating the sink, or</i></p>	<p>(6) Capable of complying during the design development phase.</p>	
<p>(b) <i>moving a load-bearing wall, or</i></p>		
<p>(c) <i>breaching another circulation requirement.</i></p>	<p>(7) Capable of complying during the design development phase.</p>	
<p>(4) <i>The kitchen must have the following fittings—</i></p>	<p>(8) Non-compliant. Justification provided within the Clause 4.6 Variation Request.</p>	
<p>(a) <i>a bench that includes at least one work surface that is—</i></p>	<p>(9) Non-compliant. Justification provided within the Clause 4.6 Variation Request.</p>	
<p>(i) <i>at least 800mm long, and</i></p>		
<p>(ii) <i>clear of obstructions, and</i></p>		
<p>(iii) <i>not in the corner of the room,</i></p>		
<p>(b) <i>a lever tap set with the lever and water source that is within 300mm of the front of the bench,</i></p>		
<p>(c) <i>a cooktop next to the work surface,</i></p>		
<p>(d) <i>an isolating switch for the cooktop,</i></p>		
<p>(e) <i>an oven that—</i></p>		
<p>(i) <i>has operative elements between 450mm and 1,250mm above the finished floor level, and</i></p>		
<p>(ii) <i>is next to the work surface,</i></p>		
<p>(f) <i>at least one double general power outlet located within 300mm of the front of a work surface.</i></p>		
<p>(5) <i>The cupboards must—</i></p>		
<p>(a) <i>not be entirely located in the corner of the bench or the corner of the room, and</i></p>		
<p>(b) <i>face where the user of the fixture is likely to be.</i></p>		
<p>(6) <i>An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.</i></p>		
<p>(7) <i>A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.</i></p>		
<p>(8) <i>The lever tap set, cooktop, isolating switch, oven and double general power outlet must—</i></p>		
<p>(a) <i>not be in the corner of the bench or the corner of the room, and</i></p>		
<p>(b) <i>face where the user of the fixture is likely to be.</i></p>		
<p>(9) <i>Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.</i></p>		

Matters for Consideration	Proposed Development	Compliance
19 Laundry		
<p>(1) <i>A laundry in an independent living unit must be located on—</i></p> <p>(a) <i>the same floor as the entry to the dwelling, or</i></p> <p>(b) <i>a floor serviced by a private passenger lift accessible only from inside the dwelling.</i></p> <p>(2) <i>The laundry must have the following—</i></p> <p>(a) <i>a circulation space that complies with AS 1428.1 at the approach to any external doors,</i></p> <p>(b) <i>an appropriate space for an automatic washing machine and a clothes dryer,</i></p> <p>(c) <i>a clear space in front of each appliance of at least 1,550mm,</i></p> <p>(d) <i>a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,</i></p> <p>(e) <i>a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling.</i></p> <p>(3) <i>The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.</i></p> <p>(4) <i>For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations—</i></p> <p>(a) <i>for below-bench cupboards—towards the top,</i></p> <p>(b) <i>for overhead cupboards—towards the bottom,</i></p> <p>(c) <i>for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level.</i></p>	<p>The proposed common laundry is to service staff occupying the ILU's.</p> <p>With the use of the ILU's for assisted accommodation, the existing laundry facility will service the resident needs.</p>	<p>Partial compliance.</p> <p>Non-compliances justified within Clause 4.6 Variation Request.</p>
20 Linen Storage		
<p><i>An independent living unit must have a floor-to-ceiling linen storage cupboard that—</i></p> <p>(a) <i>is at least 600mm wide, and</i></p> <p>(b) <i>has adjustable shelving.</i></p>	<p>The design provides linen storage for each dwelling in accordance with the clauses of the SEPP.</p>	<p>Yes</p>
22 Garbage and Recycling		
<p><i>A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.</i></p>	<p>The Operational Waste Management Plan noted garbage and recycling storage areas are accessible by a continuous accessible path of travel from the dwelling entrance.</p>	<p>Yes</p>
Division 7 Non-discretionary Development Standards		

Matters for Consideration	Proposed Development	Compliance
108 Non-discretionary development standards for independent living units – the Act, s 4.15		
(1) <i>The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted. No action required.	N/A
<p>(2) <i>The following are non-discretionary development standards in relation to development for the purposes of independent living units—</i></p> <p>(a) <i>no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</i></p> <p>(b) <i>servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i></p> <p>(i) <i>is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></p> <p>(ii) <i>is limited to an area of no more than 20% of the surface area of the roof, and</i></p> <p>(iii) <i>does not result in the building having a height of more than 11.5m,</i></p> <p>(c) <i>the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</i></p> <p>(d) <i>a minimum landscaped area that is the lesser of—</i></p> <p>(i) <i>35m² per dwelling, or</i></p> <p>(ii) <i>30% of the site area,</i></p> <p>(f) <i>a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p> <p>(g) <i>at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i></p> <p>(h) <i>for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</i></p> <p>(i) <i>at least 15m² of private open space per dwelling, and</i></p> <p>(ii) <i>at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i></p>	<p>(a) Complies.</p> <p>(b) Complies.</p> <p>(c) N/A</p> <p>(d) Complies – existing landscapes area exceeds 30% of the total site area.</p> <p>(f) Complies.</p> <p>(g) Complies</p> <p>(h) Non-compliant. Given the existing open space of Rose Cottage, it is proposed that the Units located in the building will have a shared open space dedicated only for the occupants in lieu of private open space.</p> <p>This is considered acceptable given the proposed use of the ILU's as staff accommodation and/or assisted living accommodation. Landscaping has been enhanced along the Regent Street frontage in lieu of private open spaces.</p> <p>Further Justification is provided within the Clause 4.6 Variation Request</p> <p>(i) N/A</p> <p>(j) N/A</p> <p>(k) Compliant. Refer to the traffic report.</p>	<p>Partial compliance.</p> <p>Non-compliances justified within Clause 4.6 Variation Request.</p>

Matters for Consideration	Proposed Development	Compliance
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- (i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—
- (i) an area of at least 10m², or
- (ii) for each dwelling containing 1 bedroom—an area of at least 6m²,
- (j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,
- (k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.

An assessment of the proposed development against Schedule 4 Standards Concerning Accessibility and Usability for Hostels and Independent Living Units has been prepared and is attached under the Compliance Schedule prepared by Includesign.

Any non-compliances with Schedule 4 of the Housing SEPP have been addressed within a Clause 4.6 Variation Request attached under a separate cover.

4.1.2. Apartment Design Guide

An assessment against the relevant provisions of the Apartment Design Guide has been prepared by Includesign and is attached under a separate cover.

4.1.3. Proposed Environmental Planning Instruments

No draft Environmental Planning Instruments are relevant to this proposal.

4.1.4. Maitland Local Environmental Plan 2011

Maitland Local Environmental Plan 2011 (the LEP) is the principal planning instrument that applies to the site and the development.

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 5 Applicable Development Control Plans

Clause	Consistency
2.1 Land Use Zones	<p>The site is zoned R1 General Residential.</p> <p>The proposed development is defined as ‘seniors housing’ and is permissible within the R1 zone. The proposed development is consistent with the relevant objectives of the R1 General Residential zone as outlined below:</p> <ul style="list-style-type: none"> ▪ To provide for the housing needs of the community. ▪ To provide for a variety of housing types and densities. ▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents.
2.7 Demolition	<p>This SEE seeks consent for the internal demolition works as described within Section 3 of this report and as detailed within the Architectural Plans (attached).</p>

Clause	Consistency
4.3 Height of Buildings	<p>Complies</p> <p>There is no building height mapped for the site within the LEP, therefore a merits-based assessment applies. The maximum building height proposed is RL 21.95m, which is generally consistent with the approved building on site which is RL 21.81m at the highest point.</p> <p>As concluded within the HIS, the height of the proposed Level 1 extension will have an acceptable impact on heritage buildings on site, as it of appropriate form, scale and materiality, and has been sensitively sites to reduce the impact on views towards the rear elevation.</p>
4.4 Floor Space Ratio	N/A
4.6 Exceptions to development standards	<p>Variation Sought</p> <p>A Clause 4.6 application accompanies this application relating to non-compliances with Schedule 4 of the State Environmental Planning Policy (Housing) requirements relating to independent living units only.</p> <p>No variations are sought against the Maitland LEP 2011.</p>
5.10 Heritage Conservation	<p>The site is located within a Heritage Conservation Area and contains items of local heritage significance. The site is located adjacent to a state heritage item. A Heritage Impact Statement (HIS) has been prepared to support the development application and is discussed in depth below. The HIS concludes that the proposed works will have an acceptable impact on heritage items on site and will also have an acceptable impact on the 'Regent Street Heritage Conservation Area'.</p> <p>This is discussed further below. A copy of the Heritage Impact Statement is attached under a separate cover.</p>
7.1 Acid Sulfate Soils	<p>The site is considered to have Class 5 Acid Sulfate soils. No substantial ground disturbance or excavation is required for the proposed development, as such an Acid Sulfate Soils Management Plan is not required.</p>

Based on the above, the proposal complies with the relevant development standards within the MLEP 2011.

4.1.5. Development Control Plan

The *Maitland Development Control Plan 2011* (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant DCP controls is provided under a separate cover.

The development is compliant with the relevant controls.

4.1.6. Any Planning Agreement

No Planning Agreements are relevant to this proposal.

5. Key Issues Assessment

5.1. Likely Impacts of the Proposal

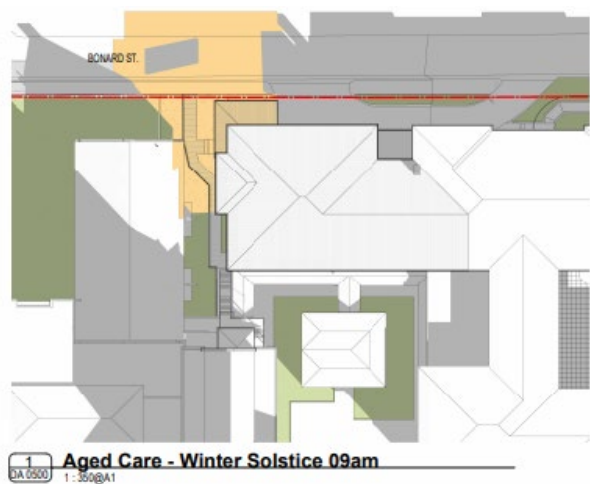
5.1.1. Overshadowing

A Shadow Analysis has been undertaken and is provided within the Architectural Plans.

As is seen in Figure 5 below, there will be a minor increase in overshadowing as a result of the Level 1 extension to existing building located on the southern portion of the site. This however is considered acceptable as the shadow will be predominately cast over previously developed areas, in particular roofs, with minimal to no impact on residents located opposite the development on Bonar Street given their setback from the street.

As seen in Picture 7, there will be a minor increase in shadows to existing development on site, particularly at 12pm onwards. This is considered acceptable as the shadow is primarily cast on roofs of an existing building which does not contain any living areas and is used for staff offices and storage purposes. The planting in this area is proposed to be enhanced to ensure that species are durable to potentially low-levels of light in the wintertime.

Figure 5 Shadow Analysis for the Level 1 extension.



Picture 5 Winter Solstice 9am



Picture 6 Winter Solstice 12pm



Picture 7 Winter Solstice 3pm

Source: Includesign 2024

LEGEND:
Shadow from existing structure - Winter Solstice (21 June)
Shadow from proposed structure - Winter Solstice (21 June)

5.1.2. Heritage Impact

A Statement of Heritage Impact (SHI) has been prepared by Weir Phillips Heritage and Planning to support the development application. The site is located within the locally listed 'Regent Street Heritage Conservation Area' and includes the following locally listed heritage items on site:

- 'House', No. 16 Regent Street, Maitland (I171)
- 'Benhome', No. 30 Regent Street, Maitland (I172).

The site is located within proximity to an item of state significance identified as 'Cintra – House, Garden and Stables', No. 34 Regent Street Maitland (01892). The site is also within proximity to other locally listed heritage items, detailed within the SHI.

The below assessment has been extracted from the SHI.

'Benhome' (Item No. I172)

This item comprises seven buildings of varying construction period which occupy the majority of the site and form the RFBI Benhome Masonic Village. Three of these buildings, 'Pender House', 'Matron's House' and 'Dossie Cottage' are the focus of the significance of the heritage item. A detailed breakdown of the specifics of this heritage item is provided below:

- 1 = 'Pender House'
 - Constructed c. 1884 - No works are proposed to this building.
- 1A = 'Matron's House'
 - Constructed c. 1884 - No works are proposed to this building.
- 1B = 'Dossie Cottage'
 - Constructed c. 1884 or afterwards - No works are proposed to this building.
- 2 = 'Benhome Board Building'
 - Constructed c. 2019 – a single storey addition is proposed to this building.
- 3 = 'Rose Cottage'
 - Constructed c. 1970/1980's – minor external and internal works are proposed to this building.
- 4 = 'Regency Wing'
 - Constructed c. 2000's – no works are proposed to this building.
- 5 = 'Curtis Wing'
 - Constructed c. 1980s/1990s – no works are proposed to this building.

'House' (Item No. I171)

The second heritage item is 'House' (Item No. I171), which is comprised of a c. 1860s dwelling, located on the northeast side of the site with frontage only to Regent Street. It originally formed part of a separate allotment but was consolidated as part of the RFBI Benhome Masonic Village in c. 2017.

No works are proposed to this heritage item.

Assessment of Impact on 'Benhome' (Item No. I172)

The proposed works will allow for new and improved facilities that are consistent with the existing aged care use of the site, allowing for the long-term conservation of the significant buildings that form the heritage item. The SHI concludes that these works will have an acceptable impact on 'Benhome' for the following reasons"

- *No works are proposed to the significant components of the heritage item including 'Pender House', 'Matron's House', and 'Dossie Cottage', which will be retained in situ.*

- *The proposed extension to the contemporary 'Benhome Board Building' will have an acceptable impact as it is well-designed and will present as a simple horizontal extension that is consistent in form, scale, and materiality with the existing building.*
- *The proposed extension will have no visibility within significant view corridors towards the heritage items, which are obtained from directly outside Regent Street.*
- *The proposed extension to the 'Benhome Board Building' has been sensitively sited to the rear of significant elements in accordance with heritage advice.*
- *The proposed extension will reduce existing views towards the rear elevation, which already has limited visibility. Views of this elevation have less significance than the front.*
- *The design has successfully mitigated the impact by the use of a low pitched hip roof form so the roof form, particularly the gabled end of 'Pender House', will remain visually prominent.*
- *The proposed extension will be constructed of brickwork like-for-like with the existing 'Benhome Board Building' and will have vertically proportioned windows and doors matching this building, to ensure it integrated easily with the setting.*
- *The proposed works to the 'Rose Cottage' will have minimal and acceptable impact as the works are to an infill building that makes no contribution to the significance of the item. Both exterior and interior modifications are minor and will not alter the massing and scale of the existing building, or the way in which it is perceived from the public domain.*
- *The proposed removal of the existing trees T38 and T39 will have a minimal and acceptable impact and they both have low retention value as a result of poor health. It is further noted that, while some age, they were both planted well after the original construction period of the item and are not significant plantings. Their removal will improve views towards the rear of the site from Bonar Street. Refer to the Arborist Letter by Arterra Consulting Arboriculture that accompanies this application for further details.*
- *The proposed works include new landscaping in and around 'Rose Cottage' which will enhance the setting of the heritage item through the provision of new plantings of an appropriate size and species. Refer to the Landscape Plans by Place Design Group that accompanies this application for further information.*
- *The proposed works will, overall, have an acceptable impact as they are consistent with the historic and current use of the heritage item. The heritage item will continue to read and be understood by the public as a former benevolent asylum, now an aged care centre.*

Assessment of Impact on 'House' (Item No. I171)

The proposed works will have a minimal and acceptable impact on the heritage item 'House' for the following reasons as concluded within the SHI:

- *No works are proposed to this heritage item. All its existing components will be retained in situ, with new works located outside of its immediate curtilage and sufficiently separated.*
- *The proposed extension to the 'Benhome Board Building' will have no impact as it will have no visibility from this item.*
- *The proposed removal of the existing trees T38 and T39 will have no impact as they were planted well after the construction period of the heritage item and do not form a significant part of its setting as they have no visibility from the heritage item. Refer to the Arborist Letter by Arterra Consulting Arboriculture that accompanies this application for further information.*
- *The proposed works to the 'Rose Cottage' will have a minimal and acceptable impact as the works are to an infill building that makes no contribution to the significance of the item. Both exterior and interior modifications are minor and will not alter the massing and scale of the existing building, or the way in which it was perceived from the public domain.*
- *The proposed works will, overall, have a minimal and acceptable impact as the heritage item will continue to read and be understood by the public as a mid-Victorian period dwelling.*

Assessment of Impact on the Regent Street Heritage Conservation Area

The SHI concludes the proposed works will have an acceptable impact on the 'Regent Street Heritage Conservation Area' for the following reasons:

- *No subdivision is proposed, notwithstanding, the site and surrounding lots have already undergone lot consolidation.*
- *The significant components associated with 'Benhome' (Item No. 1171), including 'Pender House', 'Matron's House', and 'Dossie Cottage', and which make a positive contribution to the Conservation Area, will be retained in situ with no works proposed.*
- *The proposed extension to the 'Benhome Board Building' will have an acceptable impact as the addition is of an appropriate form, scale, and materiality and has been sensitively sited to reduce its impact on views towards the rear elevation. Significant views of the front elevation, obtained from Regent Street will not be interrupted.*
- *The proposed works to the 'Rose Cottage' will have a minimal and acceptable impact as the works are of an infill building that makes no contribution to the significance of the item. Both exterior and interior modifications are minor and will not alter the massing and scale of the existing building, or the way in which it is perceived from the public domain.*
- *The proposed works will, overall, have an acceptable impact on the Conservation Area because they are relatively minor, retain significant elements which make a positive contribution, and are consistent with the existing and historic use of the site.*

Assessment of Impact on Heritage Items within the Vicinity

The proposed works will have a minimal and acceptable impact on 'Cintra – House, Garden and Stables' No. 34 Regent Street Maitland and 'Victorian villa' No. 45 Regent Street Maitland as there will be no impact on the fabric of this item and there will be no impact on significant view corridors towards the item. The proposed works will not impact the ability of the public to understand and appreciate the heritage significance of this item.

Conclusion

The SHI confirms the proposed development fulfils the aims and objectives of the Maitland LEP and the Maitland DCP relating to heritage by improving the quality and diversity of aged care options in the Maitland area whilst respecting the heritage significance of the area in which it lies.

A copy of the SHI is provided under a separate cover.

5.1.3. Visual Impact

As concluded within the SHI, the proposed Level 1 extension will have minimal to no impact on significant view corridors towards the heritage items on site. The SHI concludes that the proposed addition has been sensitively sited in order to preserve existing views of the west gabled end of 'Pender House'.

Further justification regarding this is provide in Section 5.1.2 and within the SHI attached under a separate cover.

5.1.4. Waste

An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot Consulting to support the application.

The OWMP provides an overview of the existing waste storage and waste collection arrangements and makes recommendations where relevant for the upgrade/amendment to these services.

The general waste and cardboard recycling bins that are stored outside in the Bonar St carpark are currently 3m³ and 1.5m³ bulk bins, however, there is option to change to 1100L bins if required in future (both options work). In this situation, the collection frequency would remain the same, as per the below.

- General waste: 2 x 1100L bins collected 3 x weekly (Monday, Wednesday, & Friday)

- Cardboard recycling: 2 x 1100L bins collected 2 x weekly (Tuesday & Thursday).

After the Level 1 extension is complete, the collection of general waste and cardboard recycling will take place via a collect and return strategy from Bonar Street. The private waste vehicle/contractor will park on the kerbside and service the 1100L bins via a collect and return strategy. The current waste room for the site is located on the side of the building closest to Bonar Street, where secure, cytotoxic, and clinical waste sorted here. This will continue to be services as it is currently (via the loading bay) after the proposed Level 1 extension.

Areas within the Level 1 extension will be supplied with suitable separation receptacles where considered appropriate.

Further detail is provided within the OWMP which is attached under a separate cover.

5.1.5. Parking and Traffic

A Traffic Impact Statement (TIS) has been prepared by Amber Organisation to assess the redesign of the southern carpark accessed via Bonar Street and to advise any parking or traffic impacts expected.

Aerial photography was used to determine typical parking demands on-site and in the surrounding area. The survey concluded a total of 40 car spaces are available across the on-site car parks. The aerial imagery concludes that the on-site car parking areas experience an average demand of 16 spaces, which equates to 40% occupancy, with the maximum demand being 21 spaces resulting in 53% occupancy.

As the development is classified as a 'residential aged care facility' and 'independent living units', the relevant car parking rates are listed under Clause 107 and 108 of the SEPP.

The assessment concludes the car parking requirements for the facility post-development is 32 car spaces and one ambulance space. There will continue to be 40 car spaces and one minibus space available on-site post-development, with ambulance parking to occur adjacent to the building entry in the Regent Street car park. The assessment concludes the car parking requirements of the SEPP are considered to be met and the parking demands of the proposal post-development can be accommodated within the on-site car parking areas.

The TIS is attached under a separate cover.

5.1.6. Building Code of Australia (National Construction Code) & Access Standards

An Accessibility Design Review (ADR) has been undertaken to undertake an assessment of the proposed design documentation in relation to accessibility related requirements of the Building Code of Australia, The Disability Standards, and the relevant Australian Standards.

The report concludes the majority of accessibility standards are complied with or capable of complying with, with minor performance solutions being sought for items that can be signed off by a certifier. The report concludes that there are no compliance departures from the relevant standards.

The report is reproduced under a separate cover.

5.1.7. Crime Prevention Through Environmental Design

The principles of Crime Prevention Through Environmental Design (CPTED) are addressed within the compliance statement prepared by Includesign.

The current building setting and outdoor areas were designed to optimise safety and security, with high levels of surveillance to ensure a safe environment and residents and visitors. The proposed new entry with automatic sliding doors will enhanced security measures, providing a secure and well-lit entrance for residents. Further, the removal of the existing 1.8m fence along Regent Street will improve the relationship between the communal open space and the footpath, enhancing passive surveillance and prompting safety within the development and public domain.

5.2. Impact Statement

The table below assesses the likely environmental, social and economic impacts of the proposed development in accordance with section 4.15(1)(b) of the EP&A Act 1979.

Table 6 Section 4.15(1)(b) Assessment Table

Key Matter	Summary of Impact
Impacts on natural environment	The proposed development will not result in any adverse environmental impacts. The site is not subject to significant adverse conditions that would pose unmanageable constraints to the proposed development.
Impacts on the built environment	As addressed within this report, the proposed development will have minimal negative impacts on the surrounding built environment. This report has considered the potential impact to surrounding Heritage Items and the Heritage Conservation Area and concludes that the proposal will have acceptable impacts on both these items. Further, as demonstrated above, any overshadowing resulting from the proposed Level 1 extension is considered acceptable given it will predominately cast over developed portions of the site that are not used for resident or staff accommodation.
Economic and social impacts	<p>The proposed development will provide accommodation facilities for staff working on site, a direct response to the difficulty of existing staff members sourcing accommodation within the local area, ensuring the future stability of the RFB1 Benhome site.</p> <p>The construction of the new Level 1 extension will provide housing for seniors within a highly accessible area that has demonstrated the successful delivery of aged care services. The extension will have minimal implications to surrounding residents as demonstrated within this report.</p>

5.3. The Suitability of the Site for the Development

In accordance with s4.15(1)(c) of the EP&A Act the site is considered highly suitable for the proposed development for these reasons:

- The development proposed is permissible with consent within the R1 General Residential zone and will ensure the site can continue to serve the needs of the surrounding community.
- The development is consistent with other approvals on site and does not significantly intensify the use of the site.
- The site can accommodate the Level 1 extension. This is considered acceptable and has been assessed as having acceptable heritage impacts.
- The proposed development is compatible with the surrounds and existing built form on site and will positively contribute to the site and surrounding character.
- The site is situated within an established area with access to all services and stormwater infrastructure.
- The proposed development will not result in significant environmental impacts to the site or surrounding land uses.

5.4. Any submissions made in accordance with the act or Regulations

In accordance with s4.15(1)(d) of the EP&A Act, it is acknowledged that submissions arising from the public notification of this application will need to be considered by the Consent Authority in its assessment. The proponent will undertake to formally respond and attempt to resolve to any relevant issues relating to the proposed development.

5.5. The Public Interest

In accordance with s4.15(1)(e) of the EP&A Act the proposed development is considered in the public interest for these reasons:

- The proposed extension is consistent with the existing development on site and is relatively compliant with the relevant State and local environmental planning controls.

- The development satisfies the relevant considerations under Section 4.15 (1) of the EP&A Act and the development continues to demonstrate consistency with the objectives of the relevant planning controls and policies.
- The proposed development does not negatively impact any heritage items on site or any heritage items surrounding the site, as concluded within the Heritage Impact Statement.
- The proposed development will provide opportunities for staff accommodation and/or assisted living suites to ensure the aged care operation can continue on site, meeting the needs of the broader community.
- The development has responded appropriately to the site constraints and relevant planning requirements.
- The development will not have any unreasonable impacts on neighbouring residential properties in terms of traffic, overshadowing, heritage impacts, and social and environmental impacts.

6. Conclusion

The SEE demonstrates the proposed development is appropriate for the site and the locality for these reasons:

- The proposed development is important in improving the longevity of the existing RFBI Benhome village, ensuring future development on site is provided in accordance with the relevant standards.
- The proposed 4 ILU's for use by staff and/or assisted living units will ensure that the RFBI village can continue to provide good senior housing offerings to the local community, allowing for aging in place. The proposed development is suitable for the site and does not introduce any new development or land use that has not been previously approved for the site.
- The proposed Level 1 expansion is of a similar visual presentation to existing building on site, in terms of materials, setbacks, and scale and is therefore considered appropriate.
- The proposed development will not result in any new or increased environmental, economic, or social impacts and has no adverse impacts to existing development on site, surrounding development, or impact to the Heritage Conservation Area the site is situated within.

Accordingly, it is submitted that the proposal is in the public interest and should be approved subject to appropriate consent conditions.

Disclaimer

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