

Statement of Environmental Effects

to accompany a Development Application
for Subdivision and Multi Dwelling Housing

at

Lot 3 DP 31696, Lot 52 DP 815073 and

Lot 11 DP 536248

23a and 29 Robert Street and 4 Floral Close

TENAMBIT

MAY 2023

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APPENDIX A – WASTE MANAGEMENT PLAN

1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared to support a development application for a five (5) Lot Torrens Title subdivision, Multi Dwelling Housing and Strata Subdivision at Lot 52 DP 815073, Lot 3 DP 31696 and Lot 11 DP 536248, 23A and 29 Robert Street and 4 Floral Close Tenambit.

The proposal includes:

- Earthworks, construction of proposed driveways, drainage, retaining walls, utility services and site infrastructure including landscaping;
- Subdivision of three (3) lots into five (5) Torrens Title lots;
- Construct 14 units including two (2) adaptable units consisting of either 2 or 4 bedrooms with either single or double garages;
- Construction of a single two storey dwelling; and,
- Strata Subdivision.

The site currently contains two (2) single storey dwellings and one (1) double storey dwelling. All dwellings will be retained and included in the newly created lots proposed in this development application.

The proposed units will provide a quality residential development that compliments the existing neighbourhood and amenity of the area.

The land is zoned R1 General Residential pursuant to Maitland LEP 2011. "*Subdivision and Multi Dwelling Housing*" is permissible in the R1 General Residential zone with the consent of Council. The proposed development is consistent with the Council's objectives as contained within the LEP and the development principles contained within the Maitland Development Control Plan 2011.

This report describes the proposed development and the context in which the development is proposed to be located. This report is structured to facilitate a logical understanding of the proposed development, an identification of the key issues, and a summary assessment of the proposed development. The development proposal has taken into account the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011.



Figure 1 – Aerial view of the site (Source: Six maps 2022)

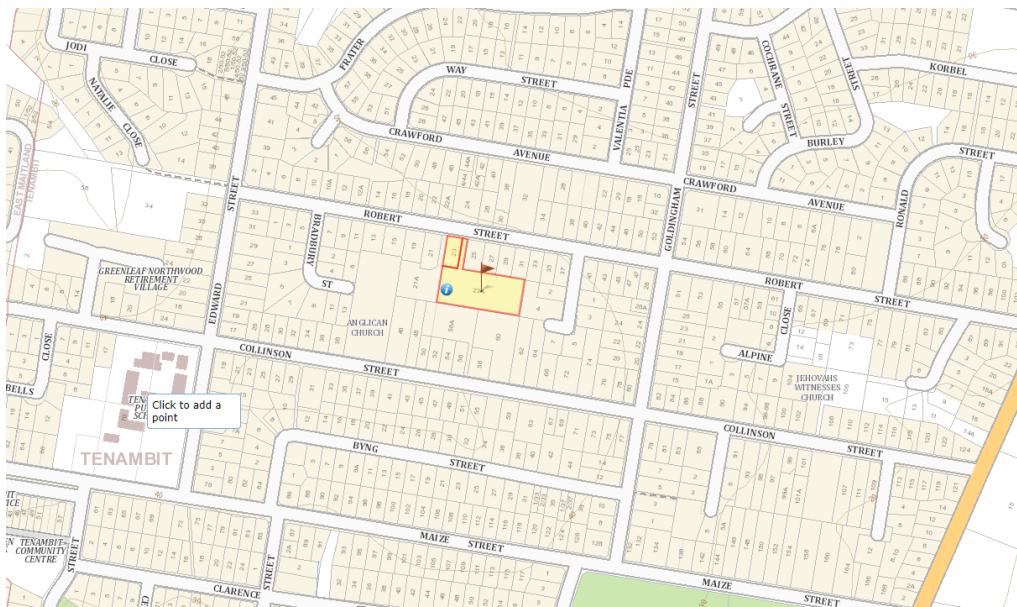


Figure 2 – Topographical Map (Source: Six maps 2022)

The site is located in the suburb of Tenambit. The site is known as Lot 52 DP 815073, Lot 3 DP 31696, 23A and 29 Robert Street Tenambit and Lot 11 DP 536248, 4 Floral Close Tenambit. The site covers an area of

approximately 6933.9m². A single storey brick dwelling with a metal roof is located on the battle axe lot that has an access handle from 23a Robert Street (refer to Figures 3, 6 and 7 below). A single storey brick dwelling with tile roof currently exists on the site at 29 Robert Street (refer to Figure 10 below). A two storey brick dwelling with tile roof and a tennis court at the rear of the site exists on 4 Floral Close Tenambit (refer to Figure 11). All dwellings will be retained.

All lots are generally rectangular in shape.

The subject land is located essentially in the middle of the block, at the rear of the existing houses that front Robert, Collinson Street and Floral Close. Lot 52 contains a dwelling on a large parcel of otherwise vacant land. The character of the area is identified as a residential area with a mixture of density types and lifestyle choices with an increasing level of medium density housing being constructed.

The site consists of maintained grass with scattered semi mature trees. The site contains no significant remnant vegetation value. The site is urban land with few trees but no understorey or mid canopy. The site is not identified as a corridor or habitat.



Figure 3 – Photo of existing battle axe driveway on Robert Street



Figure 4 – Photo of existing dwellings on Robert Street adjacent to the site



Figure 5 – Photo of existing dwellings on Robert Street adjacent to the site



Figure 6 – Photo of existing access handle at 23A Robert Street Tenambit – to be retained



Figure 7 – Photo of existing dwelling at 23A Robert Street Tenambit – to be retained



Figure 8 – Photo of site of proposed medium density units



Figure 9 – Photo of site of proposed medium density units



Figure 10 – 29 Robert Street Tenambit to be partially demolished to provide access to proposed medium density units



Figure 11 – Photo of 4 Floral Close Tenambit (to be retained)



Figure 12 – Proposed driveway for proposed Lot 4 from Floral Close Tenambit

The site is generally flat with no evidence of instability. The site is not subject to flooding and there are no known geotechnical hazards associated with this site. The site is not subject to Mine Subsidence. The site is not identified as bush fire prone land.

The land is not identified on any contamination registers and no notices have been issued for the site under the Environmentally Hazardous Chemicals Act (1985) or the Contaminated Land Management Act (1997).

Site history indicates long term residential use with no indication of potentially contaminating activities.

The site is not identified as containing Acid Sulfate Soils.

The site does not contain any items of Heritage significance on the State Heritage Register or Schedule 5 of the Maitland LEP 2011.

There are no listed heritage items in the immediate vicinity of the site.

Tenambit shopping Village is located nearby and contains a variety of shops, facilities and services. East Maitland Shopping Village is also located nearby. The site is located near schools and recreational activities including Easts Leisure and Golf. Public transport is available in the vicinity of the site.

The site is in close proximity to the East Maitland railway station and Greenhills Shopping Centre. Central Maitland are also located nearby.

3 BACKGROUND

Previous DA

In June 2022, DA2022/659 was submitted to Council proposing a three (3) Lot Torrens Title subdivision, multi dwelling housing and strata subdivision at Lot 52 DP 815073 and Lot 3 DP 31696, 23A and 29 Robert Street Tenambit.

During Council's assessment of the development application, an adjoining lot, Lot 11 536248, 4 Floral Close Tenambit was purchased to form part of the proposal. In agreement with Council, it was decided to withdraw DA2022/659 and lodge a new development application which included all the land previously lodged with Council under DA 2022/659 plus 4 Floral Close Tenambit.

Proposed demolition

The original DA (DA2022/659) included the partial demolition of the existing dwelling at Lot 3 DP 31696, 29 Robert Street Tenambit to accommodate a new driveway and construction of a new carport and laundry at the rear of the site.

The partial demolition of the existing dwelling and construction of new works is no longer included in the subject development application as that component of the proposal has been determined by CDC 2023/116 on 28th February 2023 for alterations and additions and demolition to the existing dwelling.

4 THE PROPOSAL

This Development Application seeks approval for the following:

- Clearing, excavation, earthworks, construction of proposed driveways, drainage, retaining walls, provision of utility services and site infrastructure including landscaping;
- Torrens Title Subdivision of three (3) lots into five (5) Torrens Title lots;
- Construct fourteen (14) units including two (2) adaptable units consisting of either 2 or 4 bedrooms with either single or double garages;
- Construction of a single two storey dwelling; and,
- Strata Subdivision.

Six (6) unit types are proposed to be constructed on site within five (5) residential blocks consisting of:

- Residential Block A – Unit Type 1 x 2
- Residential Block B – Unit Type 2 x 2 and Unit Type 3 x 4

- Residential Block C – Unit Type 3 x 3
- Residential Unit 12 – Unit Type 4 x 1
- Residential Block D – Unit Type 4 x 1 and Unit type 5 x 1
- Residential Unit 15 – Unit Type 6 x 1

Unit types consist of the following configuration:

- Unit Type 1 is 162m² in size containing four (4) bedrooms with the main bedroom on the ground floor. Unit type 1 is the adaptable unit. A double garage is proposed.
- Unit type 2 is 145m² in size containing two (2) bedrooms and a double garage.
- Unit type 3 is 145m² in size containing two (2) bedrooms and a single garage.
- Unit type 4 is 139m² in size containing two (2) bedrooms and a single garage
- Unit type 5 is 139m² in size containing two (2) bedrooms and a single garage
- Unit type 6 is 161m in size containing four (4) bedrooms and a double garage.

All units contain bedrooms, dining room, living room, kitchen, bathroom, ensuite and an internal laundry.

Private open space and garaging is provided to each unit.

The proposed units will be 7314 in height to the ridgeline.

The units will be constructed of lightweight horizontal cladding with a sheet metal roof and selected garage doors.

New driveways will be constructed as a battle axe handle on Robert Street and Floral Close providing access to the proposed units (Units 1-14) and Unit 15 from Floral Close.

Landscaping will be provided around the site as shown on the landscape plans attached. It is proposed to erect fencing between each unit.

The proposal has been designed so that dwellings address the driveway into the site incorporating openings and front doors with appropriate landscaping to establish a good design outcome for multi dwelling housing.

Subdivision

The proposal includes the subdivision of three (3) lots into five (5) Torrens Title lots as follows-

Table 1: Lot Sizes

Proposed Lot Number	Proposed Lot size
1 (battle axe lot)	1658m ²
2	3238m ²
3	430m ²
4 (battle axe lot)	319m ²
5	485.8m ²

Proposed Lot 1 is an existing battle axe lot with an access handle to Robert Street. No changes to the existing handle and access arrangements are proposed.

Lot 2 is proposed to be a battle axe lot with an access handle 7200 wide and a 1200 pedestrian access providing access to the rear of the site.

Proposed Lot 3 will contain the existing dwelling at 29 Robert Street Tenambit.

Lot 4 is proposed to be a battle axe lot. The access handle is 21.8m x 4m in size providing access to the rear of the site.

Proposed Lot 5 will contain the existing two storey dwelling on Floral Close.

Strata Subdivision

The proposal includes the strata subdivision of the proposed units into fourteen (14) strata titled lots.

Site works

Site works include clearing, excavation, earthworks, construction of proposed driveways, drainage, retaining walls, provision of utility services and site infrastructure including landscaping.

5 REVIEW OF ENVIRONMENTAL IMPACTS

Impacts of the development are summarised below. Mitigation or management measures, where relevant, are detailed in the supporting technical documentation or described in this SoEE.

5.1 Ecology and Vegetation.

The existing site is zoned urban and is disturbed due to its long-term residential use. The site contains maintained grass and few semi mature trees which will require removal as part of this development application.

The existing vegetation to be removed is not significant in terms of site amenity, streetscape or broader landscape settings.

A landscape plan is submitted with this application for replacement planting to allow new plants to grow to site conditions and thus reducing the potential for failure.

Therefore, the impact of the proposed development on the retention of the existing vegetation and landscaping is considered acceptable.

5.2 Contamination

The land use history of the site is residential with no indication of potentially contaminating uses having occurred on the property. The proposal is not amending this existing residential use.

5.3 Soils and Slope Stability

The site is Class 5 Acid Sulfate Soils (ASS). The proposed development will not expose ASS. Site classification will occur during construction design.

5.4 Earthworks

The proposal requires site clearing, excavation, regrading and retaining to provide proposed construction levels. Selected retaining is proposed in accordance with the engineering plans attached to obtain suitable building and access levels. A cut to fill balance will ideally be achieved across the site, otherwise any excess material will be disposed of at an approved waste management facility or taken to other approved construction sites subject to it being appropriately classified.

5.5 Erosion and Sediment Control

Erosion and sediment controls will be implemented prior to commencement of works and during construction of the proposal in accordance with an Erosion and Sediment Control Plan submitted with the Construction Certificate and the provision of 'Managing Urban Stormwater: Soils and Construction '(the Blue Book).

5.6 Stormwater

The proposed stormwater system includes individual rainwater tanks for the proposed new dwellings to capture and re-use roof water. Overflows will be discharged to the back of kerb on Robert Street and Floral Close.

The proposed stormwater system is designed in accordance with relevant standards and the impacts are considered appropriate for the site and the nature of the development. A stormwater report for the proposal has been prepared by GCA Engineering Solutions (Rev 2, 19 January 2023, GCA Ref 21374) and is attached to this development application.

5.7 Vehicle Access, Traffic and Parking

23a Robert Street is a battle axe allotment and vehicular access is currently available to the property via an existing driveway. No changes to the access handle are necessary or proposed as part of this development application.

New vehicular access is proposed at 29 Robert Street as a result of the partial demolition of the existing dwelling on Robert Street approved on 28th February 2023 under CDC 2023/116 for alterations and additions and demolition to the existing dwelling.

No changes are proposed to the existing vehicular access at 4 Floral Close Tenambit.

A new driveway is proposed on Floral Close providing access to the new dwelling (Unit 15) to be located on proposed Lot 4.

The proposed driveways will have appropriate sight lines to mitigate the risk to vehicles entering/exiting the site. A section 138 application for the driveways will be submitted to Council prior to their construction.

The development proposes to increase the number of dwellings on site from three (3) dwellings to fifteen (15) dwellings. The traffic impacts generated from this development will be within the environmental capacity of the road network. Vehicle generation will be easily distributed onto the local network and is not expected to affect the levels of service or efficiency of the road network.

All four (4) bedroom units will have a double garage and the two (2) bedroom units will contain a single garage. Visitor parking is proposed on site in front of proposed garages.

5.8 Pedestrian Access

The road verge along the front boundary of the site along Robert Street is turfed and wide enough to allow for safe pedestrian movement. Each proposed dwelling will have a distinct, separate and clearly identifiable pedestrian access to the front door from the internal driveway or separate driveway at Floral Close.

5.9 Local streetscape and Character

Tenambit is a Maitland suburb in close proximity to Morpeth, East Maitland, Greenhills and Maitland.

The site is in an area of moderate growth with increasing density and improved housing choice.

The area is characterised by a variety of housing types, lot sizes, frontages, building separation and building setbacks. The dominant housing styles are single storey and two storey homes with no regular landscape pattern.

Two (2) storey units have recently been constructed nearby. Refer to Figure 13 below of two storey units recently constructed at Crawford Avenue Tenambit.



Figure 13 – Photo of recently constructed two storey units at Crawford Avenue Tenambit

The proposed development is not inconsistent with the existing local character and is consistent with the desired future character of this moderate growth precinct. The proposed units are double storey in height constructed of selected horizontal lightweight cladding and metal roof. The new dwellings will be sympathetic to the neighbouring properties and the broader area. The proposed landscaping of the site will be consistent with the character of the area and the increased density of this proposed development

Overall, the proposed building materials, height, scale and architectural form are considered to be consistent with the existing and desired future character of the area. The proposed housing form and density are further

considered to be entirely consistent with the desired future character of the area in that it would provide housing choice through smaller housing to lower costs, including costs for residents.

5.10 Acoustic and Visual Impact

The proposed dwelling design and site layout is such that living areas and private open space do not generally abut bedrooms of adjoining dwellings so as to avoid any unacceptable adverse noise or visual impact.

Air conditioning units will be housed within side or rear setbacks where they will not mitigate the impact on adjoining properties. The locations of the AC units will be finalised during construction having regard to positioning AC units to minimise noise.

Construction noise will be managed through condition of consent.

No public or private views will be significantly or unreasonably affected. The form and scale of development is not inconsistent with the surrounding urban landscape setting and delivers acceptable massing and scale. The design provides appropriate building articulation and architectural features to deliver a suitable visual outcome from adjoining properties and the local street network.

6 PLANNING CONTROLS AND ZONING COMPLIANCE

6.1 Maitland Local Environmental Plan 2011

The land is zoned R1 General Residential pursuant to Maitland LEP 2011. A copy of the zoning map is shown below:

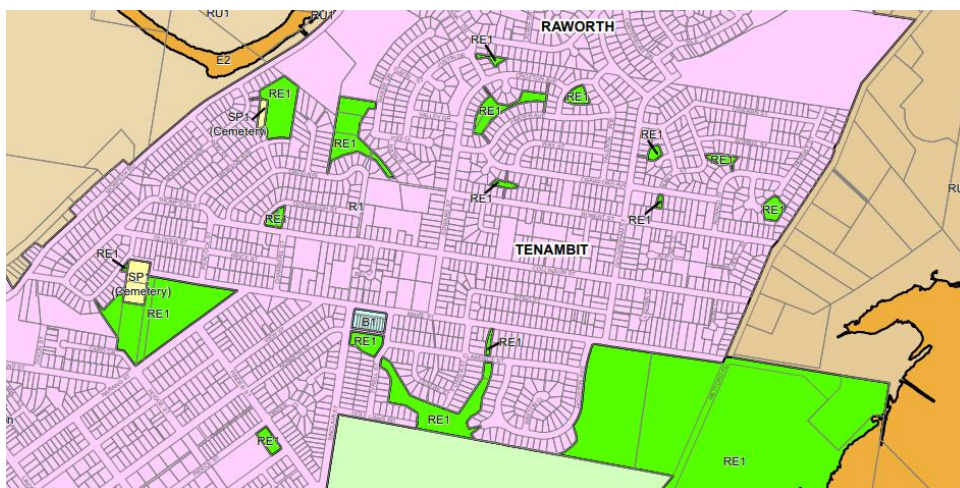


Figure 14 – Zoning Map (Source: Maitland LEP 2011)

The objectives of the zone are as follows:

- 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.*

The proposed development is consistent with the Council's objectives and provisions of the R1 General Residential zone. The proposed development entails multi dwelling housing which will contribute to the housing needs of the community. The proposed use will increase housing availability to fifteen units and will contribute to the variety of housing types and densities in the LGA.

The site is accessible to local schools and shopping centres which contains a number of services and facilities.

The proposed units will complement the natural topography of the land and respect the amenity and future character of this newly created housing estate by constructing new dwellings on the site.

The proposal is defined as multi dwelling housing in accordance with Maitland LEP 2011. Multi dwelling housing is defined as

3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Multi dwelling housing is permissible in the R1 General Residential zone with Council consent.

Subdivision

Clause 2.6 of the Maitland LEP 2011 refers to Subdivision. Clause 2.6 states:

2.6 Subdivision – consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Note-

If a subdivision is identified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note-

The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

The proposal includes the subdivision of the land into five (5) Torrens Title lots and fourteen (14) strata title lots and seeks Council's consent as part of this development application.

Part 4 Principal Development Standards

A number of Clauses in the LEP and their respective Maps provide development standards including objectives and controls for the development of land within the Maitland LGA.

The land is not identified on the Flood Planning Map, the Floor Space Ratio Map or the Building Height Map in accordance with Maitland LEP 2011.

The land is not located on the Heritage Map.

The subject land is not identified as Acid Sulfate soil.

Clause 4.1 Minimum subdivision lot size

Clause 4.1 of Maitland LEP 2011 refers to minimum subdivision lot size. Clause 4.1 states:

(1) The objectives of this clause are as follows—

- (a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (b) to prevent the fragmentation of rural land.*

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 1989.*

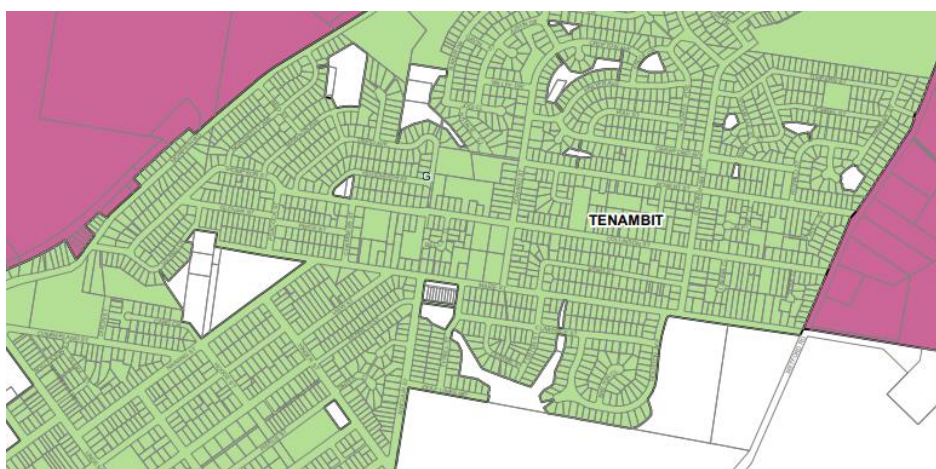


Figure 15 – Lot Size Map (Source: Maitland LEP 2011)

The lot size map shows the minimum lot size for the site to be 450m² in size. The proposed lots range in size from 391m² to 3978m².

In this instance, clause 4.1A of Maitland LEP 2011 is relevant by allowing the subdivision of a lot to be smaller than the minimum lot size as a result of the construction of units on site. Proposed Lot 3 and 5 both contain dwellings and Council's DCP encourages retention of dwellings where possible.

Refer to clause 4.1A below.

4.1A Exceptions to minimum lot sizes in Zone R1

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to development on land in Zone R1 General Residential.*
- (3) Despite clause 4.1, consent may be granted to development on land to which this clause applies if the development includes both of the following—*
 - (a) the subdivision of land into 2 or more lots equal to or greater than 300 square metres,*
 - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision.*

The subject land is zoned R1 General Residential and this application is for subdivision and the erection of dwellings. All newly created lots will be greater than 300m² in size.

This development application complies with the minimum lot sizes pursuant to Maitland LEP 2011.

6.2 Maitland Development Control Plan 2011

Maitland Development Control Plan 2011 provides all relevant guidelines to enable preparation of a DA for assessment by Council.

The following chapters of Maitland Development Control Plan are relevant to this development application.

B.6 – Waste Not – Site Waste Minimisation & Management

This application includes the preparation of a Site Waste Minimisation and Management Plan (SWMMP) in accordance with the DCP for the construction of the new development. A SWMMP is attached as **Appendix A**.

All waste from the construction phase will be disposed of in an environmentally safe manner. Each unit will have individual storage areas in the garage for domestic garbage, recycling and garden waste using typical Council bins. The location of the individual garbage storage areas is shown on the plans attached.

A private waste contractor (Crosswaste Management) will collect waste for the medium density units with a 5.8 tonne Tare, 10.1 gross which displays a wheelbase of 3.4 metres with an overall length of 6.3 metres. The truck is a rear load vehicle that can service bins up to 1.100m³ in size. The vehicle lifting movement operates within the height of the truck, which is 2.1m. No additional clearance is required on site for the vehicle to manoeuvre or operate. The waste vehicle will be able to enter and exit the site in a forward direction.

Refer to letter by Crosswaste Management Pty Ltd attached.

The existing dwellings and Unit 15 will all use Council's kerbside waste bin service.

Part C – Design Guidelines

C.1 – Accessible Living

The DCP deals primarily with improving accessibility for all sectors of the Community and seeks through the DCP to encourage business people, builders and developers to be responsive to the needs of those members of the community who are temporarily or permanently disabled. Section 12 of the Residential Design chapter of the DCP requires adaptive dwellings to be provided once the number of dwellings to be constructed to be more than nine dwellings. Two (2) dwellings – Unit 1 and 2 are adaptable dwellings with accessible facilities provided on the ground floor of each unit.

C.8 – Residential Design

The DCP provides guidelines for the development of multi dwelling housing to encourage high quality urban design and improved amenity across all forms of residential development within the City of Maitland. The following section describes how the proposed multi dwelling housing fulfils the Environmental and Design Considerations of the DCP provisions. The residential proposal is generally consistent with the provisions of these requirements.

The following addresses each of the design principles or requirements within the DCP.

- Context analysis

The site is located in an existing residential area in Tenambit. The site is located within walking distance to Morpeth, East Maitland and Tenambit Shopping Village, local schools and transport nodes.

The surrounding buildings in the neighbourhood are either residential dwellings or multi dwelling housing both single and two storey buildings. The proposed units are constructed of horizontal cladding walls and a metal roof. The proposed rear and side setbacks and landscaping will

complement the existing neighbourhood. The units will be located behind the existing dwellings facing Robert Street and Floral Close and will not be visible from the street.

The surrounding dwellings are relatively dated and are constructed of either brick or weatherboard cladding with fencing. The proposed new dwellings in this neighbourhood could encourage adjoining owners to renovate and update their homes.

Photos of the surrounding area and existing dwellings are included in this report.

- Development incorporating existing dwellings

The DCP encourages existing buildings to be retained and used for ongoing residential use. This proposal will include the subdivision of the land into five (5) Torrens Title lots with the existing dwellings to be retained on the newly created lots. The existing dwelling at 29 Robert Street will be partially demolished (approved under CDC) to provide a new driveway and access to the units at the rear of the site.

The required private open space for the existing dwellings will be provided as shown on plans attached.

The existing dwellings to be retained as part of the redevelopment of the site meets the design requirements in this Chapter of the DCP through the provision of adequate parking and private open space for each dwelling.

- Earthworks – All works associated with the proposal are located within the property boundaries. Retaining walls are proposed along the boundaries of the site as shown on engineering plans attached.

- Street Building Setbacks

The DCP states that the minimum building line setback in an urban residential zone is 5.0 metres. The houses to be retained are existing and the proposed units will be located at the rear of the existing dwelling. Access to the new dwellings will be via the access handle of the newly created battle axe lot. The proposed units and garage are setback more than 5 and 6 metres respectfully from the front boundary.

- Side and Rear Setbacks

The minimum side and rear setbacks for residential buildings in urban zones is 1.0m for walls up to 3.0m in height and 1.0m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m.

The proposed setbacks vary and the development predominantly meets the minimum side or rear setbacks required in accordance with the DCP. The side setback for unit 9 is 1250mm. Unit 15 has a

side setback of 1222 to the existing dwelling on Floral Close. This variation is only minor and overall, the buildings comply with the side and rear setbacks contained in the DCP.

- Site coverage

The site coverage requirements of the DCP for this type of development are shown in Table 2 below:

Table 2:

Housing Type	Maximum Site Coverage Ground Floor (%)	Site Coverage (%)
Dwelling House - Lot 1	60	43.8%
Dwelling House - Lot 2	60	43.6%
Multi Dwelling Housing - Lot 3	70	67.1%
Dwelling House – Lot 4	60	63.0%
Dwelling House – Lot 5	60	46.1%

All units and dwellings proposed, apart from Unit 15, are below the maximum site coverage requirements.

Proposed Unit 15 to be located on proposed Lot 4 is slightly above the maximum site coverage requirements.

Proposed Unit 15 complies with the DCP in terms of sufficient open space, solar access, landscaped areas and car parking. A small variation to the maximum site coverage requirements for 1 unit on site is considered minor.

- Building Height, Bulk and Scale

The DCP allows a maximum height of eight (8) metres in residential zones for dwellings. The plans submitted with the application show the height of all units to the ridgeline to 7314 which is below the maximum requirement of the DCP. The proposal complies with the requirements of the DCP.

- External appearance

The external appearance of the proposed dwellings has taken into consideration the existing character, scale and massing of the development in the immediate area.

The new buildings are designed to be sympathetic with the predominant form of the area. The dwellings will face towards the internal road with its primary pedestrian entry point addressing the street. The design and location of the front entrance ensures that the entry point into each dwelling is obvious and is further reinforced by sympathetic landscaping around the site.

Key elements of the design such as horizontal cladding wall profile, roof material, colour scheme, landscaping and fencing will contribute to an attractive development for the development as a whole.

The location and design of the garage doors ensures that the garage is developed as an integral component of the buildings. The garage doors are panel lift doors. The proposed garages do not have direct access to the street but to the internal driveway. The proposed materials, colours and type of garage door proposed create visual interest and a sense of separate identity for each unit.

- Private Open Space

All new dwellings have been provided with ground level private courtyards that satisfy the minimum requirements of Figure 20 of the DCP – refer to private open space table on plans attached. The principal area of private open space for some dwellings has been split to be located in both the front yard and rear yard of the proposed units.

The private open space forms a direct extension to the internal living area and complies with the minimum POS area required in the DCP.

The outdoor area also includes external drying facilities and water tanks and these areas have been excluded from the private open space calculations. These ancillary uses are located where they are screened from view from the street or other public places.

The landscape plan submitted with this application incorporates a detailed landscape design for each area of ground level private open space.

All existing dwellings will have adequate private open space in accordance with requirements of the DCP – refer to plans attached.

- Accessibility and Adaptable Housing

Two (2) adaptable dwellings – Units 1 and 2 are of a suitable design to satisfy relevant standards and comply with the requirements of the DCP.

Units 1 and 2 propose accessible facilities on the ground floor of the unit. The plans attached include widths and circulation space around doorways. An accessible car parking space is provided.

- Landscape Design

A landscape plan is submitted with the application. The landscaping proposed relates to the scale of the proposed buildings and includes appropriate landscaping within the site. The landscaping proposed will provide interest, shade and privacy to the proposed dwellings.

- Fencing

Fencing is proposed on the landscaping plan that accompanies this application.

A 1.8-metre-high colorbond fencing is proposed to be erected between the units. This fence will provide visual and acoustic privacy and meet the requirements of the DCP.

- Driveways access and car parking

The existing garage for the existing dwelling at 29 Robert Street will be demolished (in accordance with CDC 2023/116 and a new carport will be constructed at the rear providing car parking for at least two (2) cars on site.

New dwellings will incorporate either a double garage or a single garage.

Access to the new garage and to the new dwellings proposed on site will be via the new driveway from Robert Street or Floral Close which will form part of the newly created battle axe allotments.

The DCP requires one (1) space for each one- or two-bedroom dwelling and two (2) spaces for each dwelling containing more than two bedrooms. One visitor space is required for the first three dwellings and one (1) space for every five dwellings or part thereof.

The proposal includes a variety of two- and three-bedroom dwellings.

In accordance with the DCP, each three (3) bedroom unit will be provided with a double garage while each two (2) bedroom unit will have a single garage. Three (3) visitor car parking spaces are required.

The proposal provides visitor parking spaces for each unit as stacked visitor parking space. It is considered that this configuration is suitable for the site as the visitor will be parked outside the visited unit. The proposal complies with the requirements of the DCP by exceeding the minimum requirements for parking and not imposing on neighbouring units.

The proposal for driveway access arrangements and car parking including visitor car parking meets the requirements of the DCP.

- Visual and Acoustic Privacy

The development comprises subdivision and new residential dwellings. The proposal will not restrict views from adjoining properties.

The internal driveway will provide good separation between dwellings.

Windows have been limited on side elevations to avoid overlooking between dwellings and opposing windows avoided.

Private open space courtyards will not be overlooked by any windows of adjoining dwellings.

Landscaping and fencing will be provided between dwellings and courtyards to provide further screening and reduce overlooking of private open space.

- Water and energy conservation

BASIX certification has been provided and attached and is found to be satisfactory for each dwelling.

Shadow diagrams are attached. The proposal complies with solar access requirements contained within the DCP.

As a result of POS placement and orientation of the units, the courtyards and associated open space areas of proposed dwellings will receive adequate sunlight. Private open space is split and is provided at the front and rear of each unit. Dwellings have been provided with both paved courtyard areas as well as additional grassed areas that will also act as open space and receive varying levels of sunlight during parts of the day during mid-winter.

Refer to plans attached.

- Stormwater management

A detailed stormwater plan and stormwater drainage strategy is submitted with this application.

The proposal complies with the requirements of the DCP.

- Security, site facilities and services

The proposal has been designed to provide adequate personal and property security through 'Crime Prevention Through Environmental Design' Assessment. Garbage and recycling bins will be located within garages of individual units.

The private garbage vehicle can service these bins and enter and exit the site in a forward direction.

Refer to Crosswaste Management Pty Ltd letter attached.

The existing dwellings and the new dwelling proposed on proposed Lot 4 will use Council's kerbside waste bins.

Each dwelling is provided with direct and convenient pedestrian access. Mailboxes will be provided to the proposed units at the entrance of the access driveway which is a requirement of the DCP.

Open air clothes drying areas will be provided for each dwelling – refer to landscape plans attached.

All services – reticulated water, sewerage, electricity and telecommunications will be installed to meet the requirements of the relevant service provider.

The development complies with the security and site facility and services section of the DCP.

The Residential Design component of the DCP has been assessed against the proposed development and this report demonstrates that this proposal apart from some very minor variations, complies with the requirements of the DCP.

D.7 – Tenambit

The site is located in the Tenambit residential area identified in Maitland DCP Chapter D.7 Tenambit. The proposal will create five (5) new Torrens Title allotments of varying sizes to accommodate single dwellings and multi dwelling housing. Fourteen (14) strata title lots are also proposed in this development application.

The intention of the DCP is to promote the orderly and economic use and development of land. The maximum number of lots that can be created from a traditional subdivision in this location is ten (10) Torrens Title lots. This proposal will retain three (3) existing dwellings and create fifteen (15) new dwellings which will achieve a lot density in the order of approximately 30 dwellings per hectare.

The intention of the DCP is achieved through this development application. The proposed accesses are more than adequate to accommodate the proposal and therefore there is no planning purpose in Council seeking to require the extension/construction of the link between Floral Close and Bradbury Street Tenambit.

The DCP states that larger lots may be created for the purposes of multi-dwelling houses taking into account the potential impact from such development on adjoining properties. The application complies with the DCP by proposing multi-dwelling housing.

Potential impacts on adjoining properties have been taken into consideration in the design of the units and setbacks from boundaries. The proposal is consistent with the existing local character of the area and the desired future character of this moderate growth precinct.

The proposed units are double storey in height constructed of selected horizontal lightweight cladding and metal roof. The new dwellings will be sympathetic to the neighbouring properties and the broader area.

The proposed landscaping of the site will be consistent with the character of the area and the increased density of this proposed development. Overall, the proposed location, density, housing form, building materials, height, scale and architectural form are considered to be consistent with the existing and desired future character of the area.

Draft Local Housing Strategy 2022

The Maitland City Council draft Local Housing Strategy 2022 aims to *“provide the right type of housing in the right locations with essential infrastructure and services to meet the housing needs of our growing and changing populations over the next 20 years.”*

The Strategy encourages infill housing and increased densities as it has been found that there is a *“mismatch in the demand for and supply of smaller dwellings in Maitland.”*

The actions contained within the Strategy to meet housing demand in Maitland include centre-based infill within established areas to provide new and different forms of housing stock. The recommendations in the Strategy include:

1. Respond to key recommendations outlined in the infill Housing Study to enable infill housing in appropriate locations.
2. Review and amend the DCP to reduce any barriers to infill development.
3. Investigate development incentives to facilitate lot amalgamation.
4. Continue to support scattered, small scale infill development in R1 General Residential zone.

The draft Local Housing Strategy considers infill housing as a development opportunity in the City of Maitland to increase density and encourage a range of different housing types, sizes and tenures in appropriate locations.

This development application achieves the recommendations contained within the draft Housing Strategy and is identified as infill development in Tenambit. Without the road link, the proposal achieves a lot density of approximately 30 dwellings per hectare. The DCP is identified as a barrier to this infill development.

Legislative Status

We note the DCP contains an indicative plan setting out one scenario to achieve the future development of the lots. However these provisions are not subsequently acknowledged in the councils section 7.11 (s94)

Based on the information provided above, we have formed the view that the council requirement to provide a link between Floral Close and Bradbury Street is not legally enforceable for the following reasons:

1. There is no power for the Council to require the dedication of the land as road other than in accordance with section 7.11 and 7.13 of the Environmental Planning and Assessment Act 1979.
2. Section 7.11 of the EP&A Act 1979 provides that:

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring—

(a) the dedication of land free of cost, or

(b) the payment of a monetary contribution,

or both.

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.

3. However, section 7.13 of the EP&A Act 1979 also provides that a consent authority may impose a condition under section 7.11 *“only if it is a kind allowed by, and is determined in accordance with, a contributions plan”*
4. Therefore, Council may impose a condition requiring the dedication of land only if:
 1. the consent authority is satisfied that the development will or is likely to require the provision of or increase the demand for public amenities and public services within the area; **and**
 2. a reasonable dedication is required; **and**
 3. the dedication is allowed by and determined in accordance with a contributions plan.

The Maitland City Wide Section 94 Contributions Plan 2016 does not provide for the dedication of land in Tenambit and therefore it is our view that Council cannot legally enforce a connection of Bradbury Street and Floral Close.

Notwithstanding the legal base detailed above, the proposed development has in its proposed form achieved councils objectives in orderly development of the subject land.

C.10 – Subdivision

The DCP contains Council's requirements for designing subdivisions. The proposed subdivision fulfils the objectives of the Plan by promoting the efficient use of an increasingly limited land resource in Maitland.

The proposal complies with the DCP as follows:

- The land contains some semi matured trees which will be removed to make way for the new units. The vegetation on site does not form linkages to other areas of vegetation. The site does not contain areas of significant habitat.
- The land does not contain any heritage items, buildings with heritage significance nor is the land located in a conservation area. There are no known or potential archaeological relics on the site.
- The site is not subject to flooding.
- The site is not identified as bushfire prone land on the MCC Bush Fire Prone Land Map.
- The land is not subject to landslip, land contamination or any other hazards.
- The development application includes the subdivision of land from three (3) into five (5) Torrens Title lots and fourteen (14) strata title lots. The proposed lot sizes and shapes are appropriate to their proposed use as required by Maitland LEP 2011 and Maitland DCP 2011.
- One (1) battle axe lot is proposed. One (1) battle axe lot is existing. The access handles are 7.2m and 4m wide which complies with the DCP requiring a minimum width size of 3.5m. Only one (1) Torrens Title lot will be serviced by each access handle.
- A drainage plan is submitted with this application that complies with the requirements of the DCP.
- The proposal complies with landscape, streetscape and visual impact requirements of the DCP. The units will not be visible from Robert Street.
- Electricity, water, sewer, telecommunications and drainage will be provided to all lots. A section 50 certificate will be sought for the subdivision certificate stage of the proposal.

C.11 – Vehicular Access & Car Parking

Refer to DCP assessment above.

6.3 State Environmental Planning Policies

Chapter 4 (Remediation of Land) of State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the site. A Preliminary Site Investigation was prepared by Hunter Civil Lab in December 2022 (Report Ref: E0007-PSI-001-Rev1). A copy of the report is attached to this development application.

The report made the following conclusion:

The detailed desktop review of available information and thorough site inspection including shallow soil investigation have enabled the development of a preliminary conceptual site model allowing assessment of potential health and environmental issues relating to the site. Key findings were:

- 1. Potential contamination sources at the site are limited based on historical land use;*
- 2. Visible signs of gross contamination were not observed during site inspection and intrusive works; and*
- 3. Contamination in shallow soils was not identified at any of the sampling locations.*

In summary, based on the desktop study of the properties within the proposed development footprint and limited soil sampling conducted at 23a Robert Street, no indication of gross contamination has been identified which would constrain the Site for the proposed residential development.

6.4 Integrated Development

Pursuant to Section 4.46 the EPA Act 1979, this development application is not integrated development.

7 ESSENTIAL INFRASTRUCTURE

All essential infrastructure will be made available to the site including power, water and reticulated sewer. Applications will be made to Ausgrid and the plans have been submitted to Hunter Water Corporation.

Telecommunication Services will be connected in accordance with the requirements of Telstra Corporation.

Mail will be delivered to new letterboxes constructed as a group style mailbox at the Robert Street frontage.

Mail will be delivered to a new letterbox on Floral Close for Unit 15.

8 LIKELY IMPACTS OF THE DEVELOPMENT

The proposal is for subdivision and multi dwelling housing at Lot 52 DP 815073 and Lot 3 DP 31696, 23A and 29 Robert Street and Lot 11 DP 536248, 4 Floral Close Tenambit.

The proposal includes a Torrens Title subdivision of three (3) lots into five (5) Torrens Title Lots.

Fifteen (15) medium density units are proposed including a strata subdivision.

Access to the new dwellings will be via a new battle axe driveway on Robert Street and Floral Close.

The proposal will not affect the visual, acoustic, recreational or social amenity of any neighbouring property.

The proposal will not cause overshadowing within the subject or adjoining lots.

The proposal will not create any negative impacts on the public domain within the locality.

The proposal will not create any adverse impacts on ecology.

The proposal will not create or permit any adverse impacts on air or microclimate of the area. The development will not create any adverse impacts on the soil, surface water or ground water of the area.

The proposed multi dwelling housing will not create any additional adverse noise impacts in the area or adverse impacts from the generation of waste.

The proposed development will not create any additional negative impacts on the environment or the locality.

The proposed development will enhance the streetscape with well-designed dwellings, landscaping and fencing constructed in this area.

9 SOCIAL AND ECONOMIC IMPACT ANALYSIS

The proposed subdivision and multi dwelling housing proposal will enable the provision of residential housing within the existing suburb of Tenambit. The land is vacant at the rear of the site and suitable for multipurpose development.

The proposed dwellings will be compatible with the mix of existing and future dwellings in the area in terms of building heights, scale, colours and material.

The site has access to existing services and infrastructure, schools, shopping centres, community facilities, public open space and recreational areas.

The development of the land will contribute towards the provision of additional facilities within the City of Maitland, identified by Council's Section 7.11 Contributions Plan to cater for the increase in the population.

The proposed subdivision and multi dwelling housing proposal are not considered to have a detrimental impact on the social and economic fabric of the community.

10 SITE SUITABILITY

The site has been assessed as being suitable for the proposed development for the following reasons:

- The proposal is permissible with consent within the R1 General Residential zone under the provisions of Maitland LEP 2011;
- The multi dwelling housing and subdivision proposal has been designed in accordance with the principles of the Maitland LEP 2011 and Maitland DCP 2011;
- The proposed units have been located and designed so as to minimise and manage any environmental impacts;
- The proposed units will contribute towards meeting the housing demands of the Lower Hunter which in turn will contribute towards economic growth within the Maitland LGA;
- The development will provide a range of housing opportunities for the community, in close proximity to schools, shops and community facilities. Tenambit Shopping Village and local schools are located nearby.
- The land is cleared and there will be no adverse impacts on vegetation.
- The land is not subject to flooding or bushfire and is suitable for its intended purpose for development;

It is determined that the site is suitable for the residential development as proposed.

11 PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning scheme and in accordance with relevant planning controls. The development is permissible and consistent with strategic and statutory policies. It will provide housing in an efficient and affordable manner and help reduce demand for development on the urban fringes. The residential outcome is appropriate and will have no significant adverse environmental impact. It is considered that the proposed development is in the public interest.

12 CONCLUSION

This Statement of Environmental Effects has been prepared to support a development application for Subdivision and Multi Dwelling Housing at Lot 52 DP 815073 and Lot 3 DP 31696, 23A and 29 Robert Street and Lot 11 DP 536248, 4 Floral Close Tenambit.

The proposal has been designed to comply with the requirements of Maitland Local Environmental Plan (LEP) 2011 and the Maitland Development Control Plan (DCP) 2011.

The proposed subdivision has been designed to accommodate residential housing and have adequate vehicular access and provide sufficient open space for future occupants. The proposed dwellings are capable of being serviced by sewer and water, electricity, telecommunications and infrastructure for residential development. The land is not constrained by flooding or bushfire.

The proposed dwellings comply with Council's requirements and offer a different housing type in order to conform to the NSW State Government policies regarding affordable housing. It is consistent with Council's long-term strategic planning for the Maitland LGA.

The proposal is consistent with the recommendations of the draft Local Housing Strategy 2022.

The proposal is considered suitable for the site and represents an efficient use of land. It is considered to be in the public interest and provides positive social and economic benefits to the local community through the provision of additional housing stock in close proximity to existing infrastructure and services. Schools and shopping centres are located within walking distance of the site.

The environmental effects of the development have been considered in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is not considered to have a significant impact upon the built or natural environments, or the social or economic fabric of the locality.

It is recommended that this development application be supported by Council by the granting of development consent.



APPENDIX A

WASTE MANAGEMENT PLAN

Demolition and Construction Stage

Materials On-Site		Destination		
		Reuse and Recycling		Disposal
Type of Material	Estimated Volume (m ³) / Weight (t)	On-Site (proposed reuse/recycling method)	Off-Site (contractor / recycling outlet)	Contractor and Landfill Site
Demolition Material	N/A			
Excavation Material	To be determined	Cut and fill will be minimised to reduce excess fill. Any excess fill be used for backfill behind retaining walls where necessary	Excess material will be sold as clean fill or sold to the nearest recycling contractor	Will not be disposed of to landfill
Green Waste (Topsoil and Trees)	Approx 50m ³	Stockpiled for later reuse in landscaping / mulched	Excess sold to nearest recycling contractor	Will not be disposed of to landfill
Weathered Rock / Sandstone	None expected	Stockpiled for later reuse in landscaping	Excess sold to nearest recycling contractor	Will not be disposed of to landfill
Concrete	To be determined	Any excess used for footpaths / minor works	Excess taken to nearest recycling contractor	Will not be disposed of to landfill
Timber Pallets	<10 pallets		To be collected by supplier or recycled	Will not be disposed of to landfill
Timber-other	<20 m ³	Offcuts reused onsite ie formwork	Recycled by waste contractor	Recycled by Waste Contractor where possible
Steel reinforcement	<15 m ³	Order to suit – offcuts reused	Recycled by waste metal recycler	Will not be disposed of to landfill
Scrap metal	<25 m ³		Recycled by waste metal recycler	Will not be disposed of to landfill
Other – mixed waste	<35 m ³			Skip bin will be placed on site – removed by Commercial Contractor to approved landfill site

Use of Premises

Type of Waste Generated	Proposed On-site Storage and Treatment Facilities	Destination
Mixed waste (kitchen waste, non-recyclables)	Individual unit waste storage area / recycled	To be picked up by private waste contactor or Council
Recyclable waste	Individual unit waste storage area / recycled	To be picked up by private waste contactor or Council
Green waste	Individual unit waste storage area / recycled	To be picked up by private waste contactor or Council