untapped PLANNING

Statement of Environmental Effects

"Multi-dwelling Housing"

63 Burg Street, East Maitland

Lot 1 DP 995219

Prepared for: Darshan Singh
Date: September 2023

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Darshan Singh to prepare a Statement of Environmental Effects for a proposed multi-dwelling development on the subject site.

1.2 Site Details

The subject site comprises Lot 1 DP 995219 with a street address of 63 Burg Street, East Maitland.

The site has a total combined area of 1021.78m^2 (961.73m^2 excluding road widening), with a street frontage of 20.031m to Burg Street.

The site is zoned R1 – General residential under the Maitland Local Environmental Plan (LEP) 2011.

Development for the purposes of Multi-Dwelling housing is permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

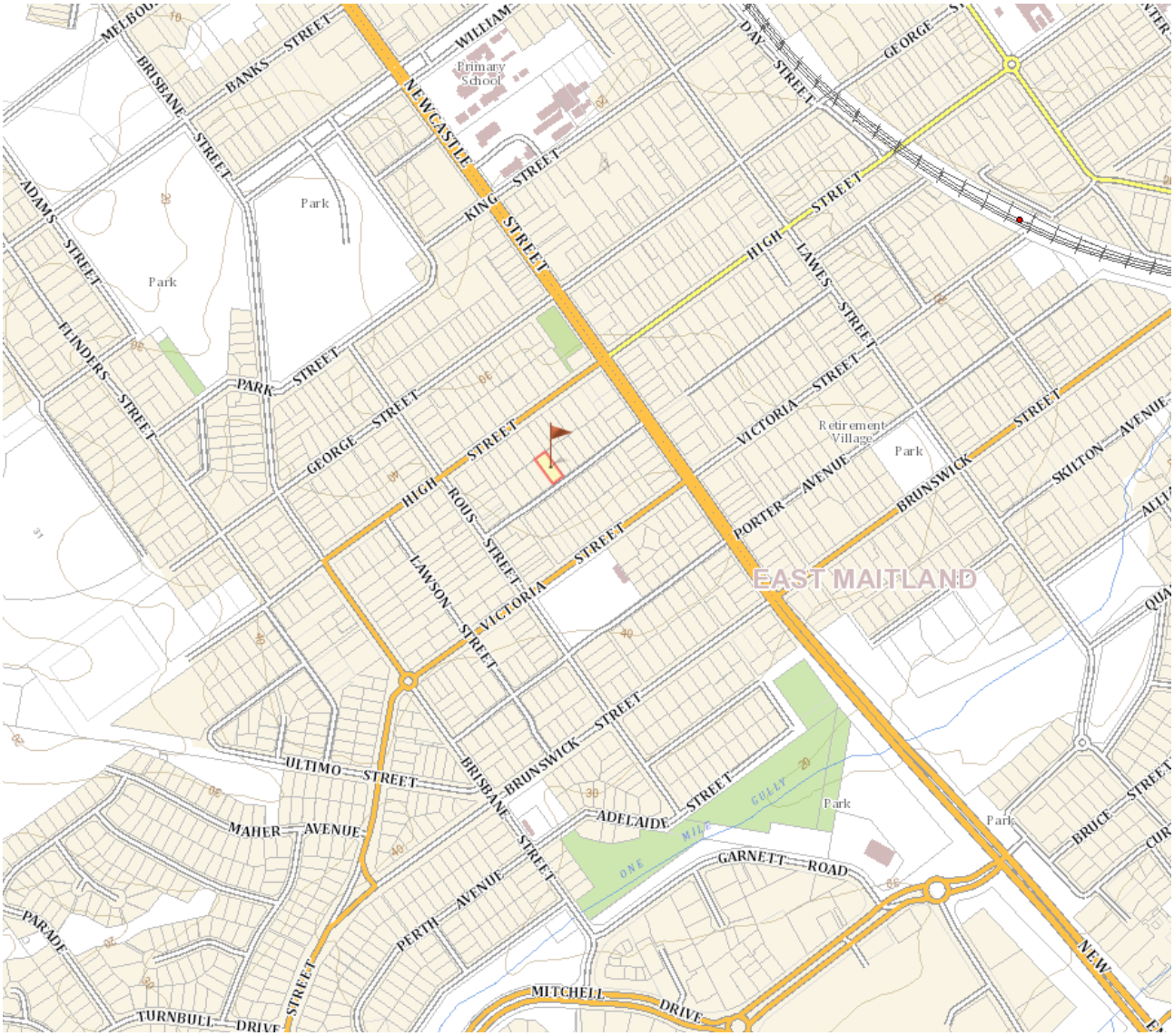

Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

Proposed Development

2.1 Proposal Objectives

The objective of the proposed development is to seeks approval for Multi-Dwelling Housing comprising 5 residences.

2.2 Summary of Development

The subject site currently contains a single storey residential dwelling and shed. These structures are to be demolished to facilitate the development.

It is proposed that the development will incorporate Multi-dwelling Residential Housing across two Buildings

Building 1 – Residences 1, 2 and 3

- Each unit contains,
    - Ground Floor – Garage, Dining/Living/Kitchen, Toilet, Alfresco
    - First Floor – Bedroom 1 with ensuite and WIR, Bedroom 2, Sitting Room and Bathroom.

Building 2 – Residences 3 and 4

- Each unit contains,
    - Ground Floor – Garage, Dining/Living/Kitchen, Toilet, Alfresco
    - First Floor – Bedroom 1 with ensuite and WIR, Bedroom 2, Bedroom 3, Sitting Room and Bathroom.

Two visitor parking spaces.

Landscaping

It is also to be noted that the proponent is in discussions to secure an easement to High Street across an adjacent property. It is intended to supersede the submitted stormwater plans upon acceptance of the easement.

Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 1 DP 995219, and is known as 63 Burg Street, East Maitland.

The site has a total combined area of 1021.78m^2 (961.73m^2 excluding road widening), with a street frontage of 20.031m to Burg Street.

Existing on the site is a single storey residential dwelling. This dwelling is proposed to be demolished to facilitate the development.

The site has a fall to the rear of approximately 3m. A drainage easement is proposed over Lot 1 DP1229688 to the rear.

The site is generally cleared of vegetation.

Figure 2: Aerial photo

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Figure 3a: Site viewed from Burg Street

3.2 The Locality

The immediate locality is a low-density residential area characterised by original single dwellings. The proposal, while an increase in density will be consistent with the character of the area. The lot sizes proposed are such that the low-density character will be maintained.

3.3 Land Uses

The subject site currently contains a single storey dwelling. This dwelling is proposed for removal.

The site also contains two sheds that are to be removed.

3.4 Topography

The site falls approximately 3m from the Burg Street frontage. There are no topographical features that would serve to preclude the development.

3.5 Flooding

The site is not noted as being flood prone.

3.6 Contamination and Geotechnical Considerations

3.6.1 Contamination

A Preliminary Site Investigation has been carried out by Raw Earth Environmental dated January 2024.

The objectives of the Preliminary Site Investigation were as follows:

- Assess the potential for contamination at the site, from former and current land use activities;
- Determine whether the site is suitable for the proposed residential land use; and,
- Provide recommendations in relation to further investigations and/or a Detailed Site Investigation (DSI) (if required).

The report found;

> *Raw Earth were engaged by D. Sing & P. Kaur c/o Untapped Planning to conduct a PSI at the property located at 63 Burg Street, East Maitland NSW 2323. The site is described as Lot 1 DP 995219 and comprises an approximate total area of 1,019m².*
>
> *The site walkover and desktop investigation indicate the site has remained a residential property in nature since 1954. The building located at the site consists of a weatherboard, single-storey structure on brick piers. There is a shed located at the rear of the property, which is a fully contained structure on a concrete slab with two smaller unused, empty weathered storage sheds adjacent to it. The site is predominantly covered by grass with exposed soils in patches mainly along the earthen driveway. The grass cover did not show any signs of stress or decay and appears to be in a relatively good condition consistently around the site. During the site walkover, no Underground Storage Tank (UST) or associated UST infrastructure was observed. Furthermore, PACM in the form of fibre cement debris was observed in the dwelling's subfloor and areas adjacent to the driveway. A small glass clippings stockpile was present in the central northwestern portion of the site. No other waste/rubble was present on-site.*
>
> *The site walkover and desktop investigation indicated three (3) potential AECs at the site as follows:*
>
> - *AEC1 – Potential uncontrolled filling across the site;*
> - *AEC2 – Vehicular storage area around large storage shed; and,*
> - *AEC3 – Potential hazardous building materials within and around the building.*
>
> *Based on the preliminary CSM, the potential exposure of CoPC at the site is considered Moderate given the presence of three AECs identified across the site, as shown in the site layout plan in Figure 2a, Appendix A. The exposure potential is considered moderate due to the potential for contamination to be present from previously activities undertaken at the site.*
>
> *The main dwelling and its surrounding footprint labelled as AEC3 was found to contain debris that was noted to be PACM during the site walkover.*
>
> *Asbestos soil sampling was not undertaken at the site, however, PACM was identified within AEC3 and four (4) fragment samples were collected and submitted for analysis at a NATA accredited laboratory.*

The following results are provided:

- *S1: Chrysotile Asbestos Detected;*
- *S2: Chrysotile Asbestos Detected;*
- *S3: Chrysotile Asbestos Detected; and,*
- *S4: Chrysotile and Crocidolite Asbestos Detected.*

The samples were taken from various locations from the dwelling's subfloor and adjacent to the driveway. These locations can be seen in further detail in Figure 2b, Appendix A. The fragment samples were bonded in nature, ranged in size from 20mm to 200mm and showed low signs of weathering. In accordance with the NEPM (2013) and the Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia, 2019-2024, the fragments observed were greater than 7mm x 7mm and were not subject to crumbling by hand. As such, the asbestos has been characterised as bonded ACM, as opposed to Asbestos Fines (AF) or Friable Asbestos (FA).

The report has ultimately concluded;

It is the opinion of Raw Earth and in accordance with relevant Australian standards and guidelines that the site can be made suitable for its proposed development subject to the following recommendations:

- *Based on the site inspection and desktop review, a pre-demolition HAZMAT Survey of the existing buildings and structures is recommended due to the age of the building/s and presence of asbestos containing debris underneath and footprint of the Main dwelling.*

- *Based on the site inspection, desktop review and the proposed development involving minor excavations for residential development, a DSI with bulk material, soil and groundwater sampling is recommended to assess the contamination status of the soils identified in Area of Environmental Concern AEC1, AEC2 and AEC3. This will confirm the source, pathway, and receptor linkages to the CSM, assessing the risk of exposed soils to future site users and construction workers to ensure suitability for the proposed development. The DSI should be undertaken after site based buildings have been demolished and hardstand infrastructure such as concrete slabs and driveways removed so all soils are accessible, and no data gaps remain.*

- *If any proposed soil is to be excavated as part of the development and requires offsite disposal, then waste needs to be classified in accordance with NSW Environmental Protection Authority, Waste Classification Guidelines Part 1: Classifying Waste, 2014 or be analysed for beneficial reuse under the NSW EPA Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation (2014) to be classified as Excavated Natural Material (ENM).*

3.6.2 Acid Sulfate Soils

The subject site is identified as containing potential Class 5 Acid Sulfate Soils.

No works are proposed that will require excavation or disturbance of the soil, the development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.7 Vegetation

The site is generally cleared of vegetation.

3.8 Bushfire

The development site is not noted as being bushfire prone, no further assessment of Bushfire is required.

3.9 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not mapped as being located within a Sensitive Aboriginal Landscape Area.

3.10 Traffic, Access and Road Network

The site is located on Burg Street.

Vehicular access to the development is proposed to be via a driveway accessing all 5 units and the visitor parking.

Given the minor scale of the development it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.11 Coastal Zone

The development site is not identified in as being in the coastal zone and subject to the provisions of the NSW Coastal Policy.

3.12 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 91
The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land, Clause 4.6 contains matters to be considered in the assessment of an application.

4.6 Contamination and remediation to be considered in determining development application	
(1) A consent authority must not consent to the carrying out of any development on land unless— *(a) it has considered whether the land is contaminated, and* *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and* *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*	A Preliminary Hazard Assessment has been undertaken by Raw Earth Environmental. The report has considered existing development and potential past contaminating uses. Further detail are contained within section 3.6.1 of this report.
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	A Preliminary Hazard Assessment has been undertaken by Raw Earth Environmental. The report has considered existing development and potential past contaminating uses. Further detail are contained within section 3.6.1 of this report.
(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a	A Preliminary Hazard Assessment has been undertaken by Raw Earth Environmental. The report has considered existing development and potential past contaminating uses.

detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	Further detail are contained within section 3.6.1 of this report.
(4) The land concerned is— *(a) land that is within an investigation area,* *(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,* *(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—* *(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and* *(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*	Noted

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State Environmental Planning Policy (Sustainable Buildings) 2022

2.1 Standards for BASIX development and BASIX optional development	
(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of ***BASIX development*** in the *Environmental Planning and Assessment Regulation 2021*.	The development application has been accompanied by a valid BASIX Certificate (Certificate Number 1417860M dated 26 September 2023) at the time of lodgment.
(2) Schedule 2 sets out the standards that apply to— (a) BASIX development referred to in paragraph (c) or (d) of the definition of ***BASIX development*** in the *Environmental Planning and Assessment Regulation 2021*, and (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.	Schedule 2 is not relevant to the proposed development.
(3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of ***BASIX development*** in the *Environmental Planning and Assessment Regulation 2021*.	N/A, no swimming pool is proposed.
(4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.	N/A, no heritage item is involved.
(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	The development is compliant with BASIX requirements.
2.2 Standards not affected by environmental planning instruments or development control plans	
(1) A competing provision of an environmental planning instrument or development control plan, whenever made, is of no effect to the extent to which the provision aims— (a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions related to the use of— (i) a building, or (ii) the land on which a building is located, or	Noted

(b) to improve the thermal performance of development, or (c) to quantify and report on the embodied emissions attributable to development.	
(2) Subsection (1) does not— (a) displace a competing provision to the extent to which the provision applies to part of BASIX development or BASIX optional development that will not be used for residential purposes, or (b) apply to a competing provision that encourages, or offers incentives for, the adoption of measures beyond the measures required by provisions of the kind referred to in the definition of ***competing provision***.	Noted
(3) In this section— ***competing provision*** of an environmental planning instrument or development control plan means a provision that— (a) establishes a development standard, or (b) requires a consent authority to consider a matter when determining a development application, or (c) requires a consent authority to be satisfied about a matter before granting development consent, or (d) requires a consent authority to impose a condition on a development consent, or (e) affects the granting of a development consent or the conditions with which a development consent is granted.	Noted.

4.2 Local Planning Controls

Maitland Local Environmental Plan 2011

The provisions of the Maitland Local Environmental Plan 2011 currently control the development site.

The LEP zoning maps show the site as being zoned R1 – General Residential. Under this land use zoning, development for the purposes of Multi-dwelling housing is permissible with the consent of Council.

An excerpt of the Maitland Local Environmental Plan 2011 zoning map is shown in Figure 4.

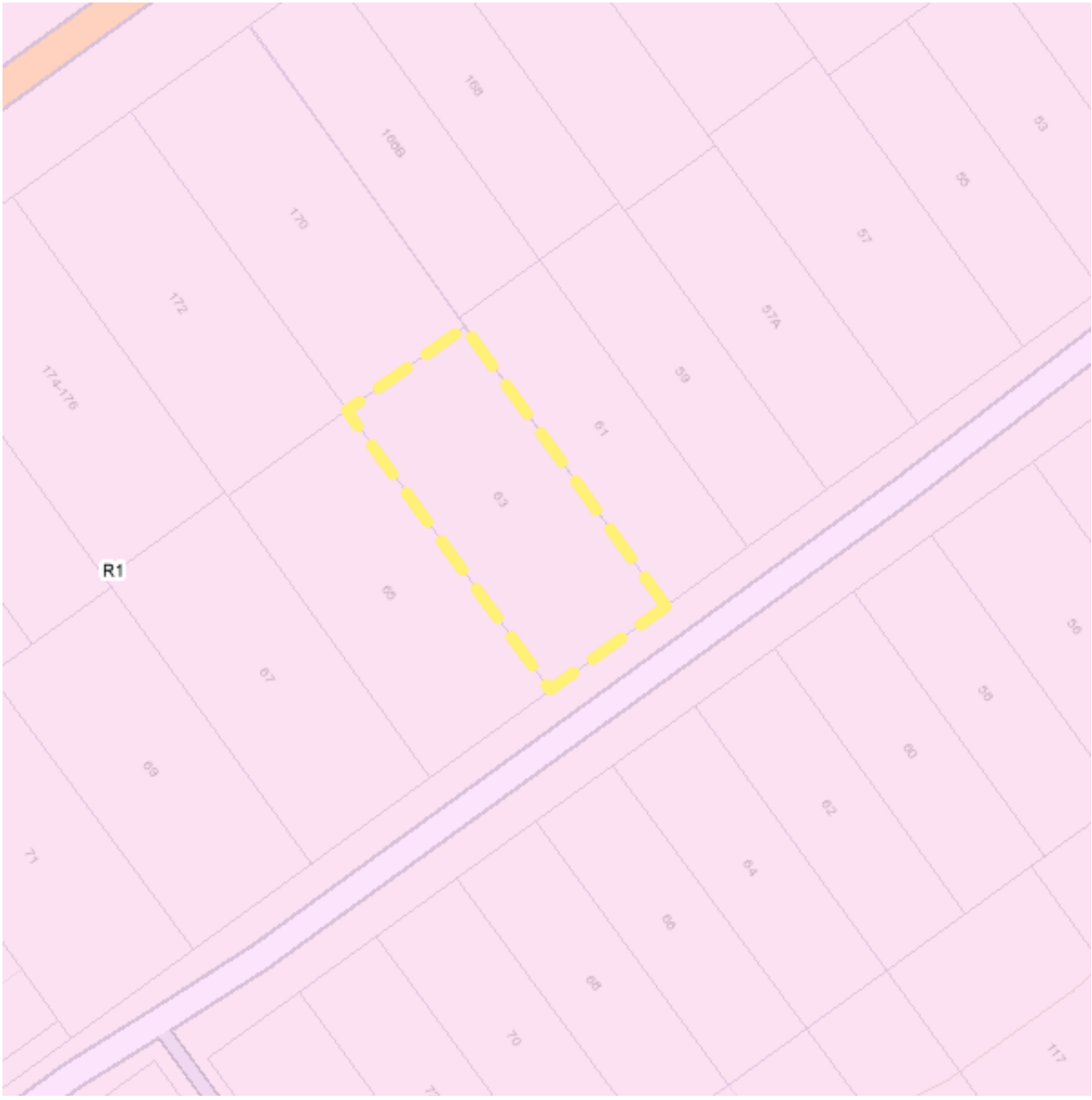

Figure 4: Site Zoning under the Maitland Local Environmental Plan 2011

The zone objectives state;

1 ***Objectives of zone***

- *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 proposal will result in a minor increase in density in the locality however will retain the Low Density character due to the proposed lot sizes. The proposal will increase the availability of housing stock in the area.

The development is sympathetic to and consistent with existing developments and the established built form in the locality.

It is considered that the development as proposed is consistent with the zone objectives for the R1-General Residential Zone.

Clause 4.1 – Minimum subdivision Lot Size

The minimum allotment size prescribed by the Lot Size maps is 450m^2.

No Torrens Title subdivision is proposed.

Clause 7.1 – Acid Sulfate Soil

The subject site is identified as containing potential Class 5 Acid Sulfate Soils.

No works are proposed that will require excavation or disturbance of the soil, the development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

Maitland Development Control Plan 2011

Discussion of this section relates to the sections of the DCP relevant to the Multi-Dwelling Houing.

Part C – Design Guidelines

C.8 – Residential Design	
4 - Bulk Earthworks and Retaining Walls	
4.1. A 'bulk earthworks plan (BEP)' shall be submitted with the development application for all forms of residential development showing the levels (relative to a datum benchmark at the site) of all finished ground levels for both the building platform and those areas of the site external to the building platform. The plan should also specify and show the extent and depth of cut/fill, and location of all retaining walls and/or battered slopes. The BEP shall also show existing ground levels adjoining the perimeter boundaries of the land (refer to Figure 4 for sample BEP).	The development requires minimal site regrading, with some filling required to facilitate level floor plates. The development steps down the site in order to minimise earthworks. A bulk earthworks plan is included in the architectural plans.
4.2 Where a retaining wall (for the purposes of retaining fill) is proposed either on or in close proximity to a boundary then the maximum extent of fill shall be 600mm (refer to Figures below).	No fill exceeding 600mm is proposed in close proximity to the boundary.
4.3 Where a retaining wall (for the purposes of retaining cut) is proposed either on or in close proximity to a boundary then the maximum extent of cut shall be 900mm (refer to Figures below).	No cut is proposed on the boundary.
4.4 Elevated flooring (eg bearers and joist construction), deepened concrete edge beams, infill slabs, split level construction and the like shall be used where necessary to reduce the extent of earthworks required to achieve the maximum cut/fill levels prescribed under the plan.	The development relies on drop edge beams to minimise site disturbance.
4.5 Adequate drainage comprising free draining gravel and subsoil agricultural drains shall be installed to the rear of retaining walls to relieve the hydrostatic pressure at the base of the wall.	Complies
4.6 Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters. This requirement	Stormwater is to be collected in a pit and piped via an easement to drain water to High Street.

shall be an integral part of the site stormwater management plan addressed in Section 18 of this Chapter.	
4.7 Cut and fill batters should not exceed a slope of 3:1 (horizontal to vertical ratio) to the natural ground level unless the foundation strata, type of material or compaction permits otherwise and Council is satisfied as to the stability of the site. All batters must be provided with both short term and long term stabilisation to prevent soil erosion.	Complies
4.8 Excavations in excess of those specified for retaining walls may be permitted within the confines of the building to allow for basements, garages etc. providing the excavations are adequately retained and drained in accordance with engineering details.	N/A
4.9 All excavations shall be protected in accordance with the requirements of the NSW Work Cover Authority.	Complies
4.10 Where a property is burdened by stormwater easements containing pipes care should be taken to avoid pipe damage. In cutting situations, it maybe necessary to lower existing pipes within the easement. In filling, pits may require extending to the new surface level.	N/A
5 – Street Building Setbacks	
5.1 The minimum setback from the principal street frontage to the building line in an urban residential zone is 4.5 metres.	The development proposes a 4.515m setback to the proposed road widening boundary in compliance with this clause.
5.2 The minimum setback from the principal street frontage to articulation or entry features (ie. portico) in an urban residential zone is 3.0 metres and must not be more than 25% of the width of the front facade of the building and must not be more than the maximum height of the building. Note that articulation elements do not constitute the 'building line'.	Development complies
5.3 Where an allotment is located on a corner in an urban residential zone, and a single dwelling is proposed, the minimum building line setback to the secondary street frontage is 3.0 metres.	N/A

5.4 Where an allotment is located on a corner in an urban residential zone, and attached dwellings, semi-detached dwellings or dual occupancies are proposed, the minimum setback to the secondary street frontage is 3.0 metres.	N/A
5.5 Where the shape of the allotment located within an urban residential zone is irregular due to the geometry of the street boundary, the setback from the front property boundary to the building line shall be a minimum of 3.0 metres but averaging 4.5 metres over the length of the building addressing those street boundaries.	N/A
5.6 Garages, carports, sheds and outbuildings are to be setback a minimum of 6 metres from a boundary adjoining a road and a minimum 1 metre behind the building line to the principal street frontage. Note: for sheds and other structures that do not address a street frontage and are not being used for vehicular access or storage, standard setbacks apply.	No garage faces the street or is setback closer than 6m from the street frontage.
5.7 Older residential areas or heritage conservation areas may comprise buildings with setbacks greater than or less than 4.5 metres. Where infill development is proposed in these areas the building line for the new development shall have regard to the setbacks of existing buildings adjacent to the site. Designers should consult Part E.2: Heritage Conservation Areas to determine setbacks in heritage conservation areas.	N/A
5.8 Building line setbacks for other zones are detailed in Table 1.	N/A
6 – Side and Rear Setbacks	
6.1 Minimum side and rear setbacks for residential buildings, including detached outbuildings such as garages, sheds or carports, in urban zones shall be in accordance with Figure 10 and described as follows: A) 0.9m for walls up to 3.0m in height (to underside of eaves); B) 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m;	All dwellings comply to the western boundary having a setback of 6m **Residence 1 – Eastern Setback** 5.5m Wall height requires a 1.65m Setback, the development is compliant with a 3.309m setback. **Residence 2 – 5 – Eastern Setback**

C) For that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m.	6m maximum Wall height requires a 1.8m Setback, the development is compliant with a 4.919m setback.
6.2 Walls of buildings within urban zones may be built to the side and/or rear boundaries only where: a) The maximum wall height is 3.0m and there will be no significant impact on privacy, use of private open space and solar access to adjoining properties; b) There are no openings unless such openings comply with the fire resistance requirements of the Building Code of Australia and are filled with translucent or obscured glazing; and c) The length of the wall built to the boundary does not exceed 50per cent of the total length of the wall comprising that elevation (refer Figure 11).	N/A
7 – Site Coverage and unbuilt areas	
7.1 Site coverage shall satisfy the requirements detailed in Table 3 - Site Coverage and Unbuilt Areas. All development application plans for residential development shall provide a detailed 'percentage site coverage' calculation having regard to the requirements of Table 3.	The development proposed a site coverage of 69.6%. Table 3 allows for a total site coverage of 70% The development is compliant.
7.2 Development shall have site coverage appropriate for the site's capability and form of development and site coverage shall be consistent with the desired future density for the locality.	The development is compliant.
8 – Building Height, Bulk and Scale	
8.1 Maximum building height shall be in accordance with Table4.	The maximum allowable building height is 8.5m. the development is compliant having a maximum height of 6.999m.
8.2 Development application plans shall provide the following information to clearly communicate building heights: a) A scaled and dimensioned site plan to show pre-development spot levels and/or contours of the site. This plan shall also show post- development spot	The development is compliant.

levels of the site at the building corners and perimeter and shall also include finished levels for private open space, communal open space (where provided), driveways and pedestrian pathways and landscaped areas. b) Floor plans showing finished floor levels for ground floor internal living space, garages, and finished levels for upper floors and roof; c) Building elevations and sections to scale which are fully dimensioned and provide an accurate representation of height having regard to the levels identified on the site plan. Elevations and sections should show floor-to ceiling heights as well as maximum height of roof element.	
9 – External appearance	
9.1 The building design and the Statement of Environmental Effects that accompanies the proposal should demonstrate that the following matters have been addressed: a) Consideration of the existing character, scale and massing of development in the immediate area, including the surrounding landscape. b) Architectural interest encouraged by: • the use of finishes which are textured rather than bland; • providing stepping of walls, pergolas, eaves, verandahs and blade walls etc. to establish articulation and create light and shadow to a building • the coordinated use of diverse materials and appropriate decorative treatments c) Consideration of both typical and rare fenestration (door and window patterns) and the relationship between glazed and solid wall areas. d) Consideration of traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof water guttering detailing.	The development is complaint.

e) The design shall provide a variety of experiences for the residents and passers by thorough attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form should be minimised. f) Design diversity should be achieved within and between developments by maximising the advantages of orientation, landforms, views and natural vegetation. g) Where a dwelling has an elevation to a principal street frontage then the design shall ensure that the building has its primary pedestrian entry point addressed to this street. This entry shall be reinforced by landscaping and, where appropriate, fencing to provide a clear entry statement. h) The following features of existing areas should be considered and integrated into new development where possible: • Traditional street and lane patterns • Street setbacks • Groupings of buildings • Corner feature sites • Pedestrian walkways • Promenades, squares and courtyards • Characteristic kerb and gutter treatment • Pavement design, materials and finishes i) Corner sites shall be developed such that the building(s) addresses both streets and has a well expressed side elevation that does not dominate the streetscape. j) Repetitive building designs should be avoided particularly in new residential subdivisions where there may be a number of sites being developed simultaneously. Repetitive street elevations generally do not achieve variety and interest in the streetscape – designs should ensure that key	

elements such as materials, colour schemes, fencing and driveway treatments, landscaping, window configurations and roof forms are distinct and give individuality to each development. k) That the relevant provisions in this DCP are taken into account where residential development is proposed within a Heritage Conservation Area or on a site of identified heritage significance under the Maitland Local Environmental Plan 2011.	
Garaging 9.2 Car parking structures such as garages and carports shall be designed as an integral part of the development and must be compatible with the overall building design in terms of height, roof form, detail, materials and colours.	Complies
9.3 Garages and carports, as a forward element in the design of a dwelling, are discouraged particularly where the dwelling and its associated garage has a direct address and access to a street. Forward projecting garages and carports may be considered where it can be demonstrated that the design of the garage makes a positive contribution to both the street and the architectural quality of the building.	No garages or carports are a forward element.
9.4 The following treatments should be employed to reduce visual impact of garages and carports to a road frontage: a) Garages should be no greater in width than 50 per cent of the total width of the dwelling's frontage (eg. total width of dwelling's frontage is 15 metres therefore maximum width of garage doors to be no greater than 7.5metres); b) Where possible, garages of attached or detached dwellings which have a direct address to the street should not be located side by side; c) Where the garages of adjoining units are located side-by-side they should	No garages or carports are visible from the street.

have staggered setbacks of at least 1.0 metre (refer Figure 18); d) The placement of wide eaves, awnings, pergolas or first floor projecting balconies/rooms over the garages to create shadow lines and provide greater articulation to the building (refer Figure 18); e) The use of materials of contrasting colour and/or texture for the walls and doors of each garage to create visual interest and a sense of separate identity for each dwelling unit – note that dark colours will make a garage visually recessive; f) The use of an irregular driveway alignment; g) Minimising the width and area of driveways to reduce the volume and rate of stormwater run-off and to increase the area available for landscaping; h) The selection of paving materials with contrasting colour and/or texture; i) The use of carports in lieu of garages as these more transparent structures can effectively reduce the bulk and mass associated with multiple garages	
10 – Open Space	
10.1 Ground Level POS: a) All ground level private open space must comprise a 'principal area' of minimum dimensions in accordance with Figure 20. b) The minimum area of private open space for a ground level dwelling shall be in accordance with Figure 20. c) The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling (refer Figure 19).	Under Figure 20, the areas of POS are within the "Good" classification in terms of orientation. The open space is required to have a mini principle area of 5mx5m and a total of 40sqm. All units exceed 40sqm in open space area. All units have a minimum dimension of 4.919m, while less than the required 5m, this is a minor variation and due to the size of the open space a variation is requested.

d) To be included in usable open space calculations, open space at ground level must have a minimum width in one direction of 3.0 metres. e) e. The maximum cross-fall over the 'principal area' shall not exceed 2%. f) f. Areas of ground level private open space required for external drying facilities, garbage storage, roof water tanks etc shall not be included in the principal area of private open space. These ancillary uses shall be located where they are able to be screened from view of the street or other public place. g) The landscape plan for the development shall incorporate a detailed landscape design for each area of ground level POS. h) Ground level POS shall only be located forward of the building line (but no closer than 900mm to the principal street boundary) where the orientation of the POS is within the 'optimum' range illustrated by Figure 20. i) Where ground level POS is provided forward of the building line then privacy fencing shall be provided as detailed in Section 14.	
10.2 Above Ground Level POS: a) All above ground level private open space areas (eg balconies or terraces) shall contain a minimum area of 10 square metres and comprise a minimum dimension of 2.5 metres. b) The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling unit. c) c. The orientation of above ground level POS and internal living rooms shall be within the 'optimum' and 'good' ranges illustrated by Figure 20.	N/A – no open space is provided above ground level.

d) A communal external drying area shall be provided for all dwellings that do not have ground level POS. This communal drying area shall be located so as to receive adequate natural sunlight and breezes and shall be screened from view from public areas and communal open space areas. Drying space shall be provided at a rate of 15 lineal metres of clothes line per dwelling serviced.	
Communal Open Space 10.3 Ground level communal open space (COS) shall be provided within: a) a multi dwelling housing development with fifteen (15) or more dwellings (eg. townhouses, villas etc). b) a residential flat building with twelve (12) or more dwellings (eg. unit, apartment, flat etc).	N/A
10.4 Ground level COS shall: a) contain an area sufficient to meet the relaxation and recreation needs of the residents of the development and shall at minimum include barbeque facilities and shelter, tables, seating, children's play equipment, childproof fencing and associated landscaping. b) be centrally located to provide casual surveillance opportunities from surrounding units within the development. c) be an integral part of the design for the development and must be provided clear, safe pedestrian access to minimise conflict with vehicle maneuvering areas. d) be provided with lighting sufficient to enable night time surveillance as a means of reducing vandalism and promoting the safety of residents. Care shall be taken in the selection of lighting and its location to minimise light intrusion to units within the development itself and also to adjoining properties.	N/A

e) take into consideration its interface with adjoining dwellings (eg. windows, rooms etc). f) contain facilities (eg: seating, play equipment etc) designed to meet the relevant Australian Standards.	
13 – Landscape Design	
13.1 With the exception of a single dwelling, all residential development shall be supported by a detailed landscape plan (inclusive of planting scheme) prepared and endorsed by a suitably qualified landscape consultant (eg landscape architect or horticulturalist) as meeting the objectives and design requirements of this chapter.	Complies
13.2 The landscape design should, as appropriate: a) Retain existing vegetation for integration with the landscape design for the development; b) Employ the use of native vegetation suitable for local conditions which require lower maintenance and demand less water; c) Incorporate the use of advanced specimens to ensure that the completed built form is immediately and effectively softened by landscaping. d) Define a theme for new internal streets/driveways or complement existing streetscapes external to a site; e) Be of an appropriate scale relative to the width of driveways and the associated space between buildings and the building bulk – trees should be introduced which achieve a height above the roofline of the dwelling to soften built form; f) Take into account view corridors and introduce species that, where possible, preserve opportunities for views when the plants are mature;	Complies

g) Improve privacy and minimise overlooking between dwellings and also overlooking from public spaces such as footpaths and communal open space; h) Provide adequate lighting for vehicular and pedestrian safety; i) Account for streetscapes and landscapes of heritage significance; j) Be tolerant of site conditions and adequately mulched in order to reduce demand for water, herbicides and fertilisers; k) Clearly identify where turfed areas are to be located and specify the materials used for forming the edges of garden beds; l. Detail the various paving materials used throughout the site for driveways, pedestrian pathways, parking areas and private open space areas.	
13.3 The landscape plan for the development shall recognise private open space areas as 'outdoor rooms' and the design shall incorporate: a) Paved areas or decks for outdoor dining/relaxation; b) Garden areas to reduce the 'hard' visual impact of fencing, paving and walls; c) Built-in seating (optional) – refer to example courtyard area at Diagram 19. d) The inclusion of trees of a scale which will provide adequate shade (deciduous may be appropriate depending on orientation of POS); e) Provision of drying areas and garbage storage areas and the screening of these areas with vegetation and/or structural elements such as timber panels; f) Water features(optional);	Complies

g) Full details of materials for fencing, paving etc.	
13.4 Residential developments that make the most positive contribution to streetscapes and the urban environment and provide higher levels of amenity and enjoyment for residents are those which have a sound maintenance regime for landscaped areas – both private open space and communal areas.	
13.5 The landscape design for a development should integrate with the stormwater management scheme, having regard to relevant 'water sensitive urban design' (WSUD) principles.	
14 – Fencing and Walls	
14.1 The landscape plan prepared for the development shall incorporate full details of all fencing proposed including: • location • height • materials • colours.	No new fencing is proposed.
14.2 For all forms of residential development, with the exception of a single dwellinghouse, sheet metal fencing shall not be permitted where it forms a boundary with a street, or communal area within a development.	Complies
14.3 Fencing between dwellings shall be designed to provide visual and acoustic privacy to internal rooms and outdoor private open space. The recommended height for these dividing fences is 1800mm high but not less than 1500mm high.	No new fencing is proposed.
14.4 For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive.	No new fencing is proposed.
14.5 Fencing within the street building line setback shall not be located closer than 900mm from the street property boundary for the principal street frontage of the development (refer Figure 22).	Complies
14.6 Where side boundary fencing projects forward of the street building line setback to	No new fencing is proposed.

the principal frontage then the maximum height of the fence shall not exceed 750mm within the building line setback area. (Note: This requirement does not apply where the development qualifies to use the building line setback for private open space – refer Sec B9.9(h)).	
14.7 Front fencing for the purposes of containing a dwelling's principal private open space area, shall not occupy more than 50% of the street frontage of an allotment and shall not contain or obscure the principal pedestrian entry point to the dwelling from the street. Fencing may occupy greater than 50% of a site frontage if it can be demonstrated that the increased length of fencing is consistent with the established fencing within the street and character of the street, or because of environmental impact considerations, eg. noise.	Dwelling 1 proposes a 1.5m high privacy fence with 50% transparency.
14.8 Solid fencing for the purposes of containing a dwelling's principal private open space area, shall not exceed a height of 1500mm where located within the street building line setback unless it can be demonstrated that a higher fence is appropriate having regard to issues of noise, privacy, existing streetscape and architectural merit.	No new fencing is proposed.
14.9 Nothing in this plan prevents the fencing of the street frontage of a property subject to the following: • The building line setback area is not required for the purposes of principal open space; • The fence shall not exceed a height of 1200mm (1.2metres); • The fence shall not comprise sheet metal material; • The fence shall be of a design/materials which integrate with the dwelling(s) located on the land.	No new fencing is proposed.
15 – Driveway Access and Carparking	
15.1 Driveways shall be located no closer than 900mm from any side boundary for the full depth of the building line. This 900mm offset shall be provided with landscaping of suitable scale to ensure that sight lines along the public footpath and the roadway are not obstructed.	The driveway is proposed with a 1m wide landscaped strip to the boundary.
15.2 Driveways within the site should be a minimum of 2.7 metres wide and should	The development exceeds this requirement.

include landscaping between the driveway and dwelling. (Note: In heritage conservation areas strip driveways may be a more suitable alternative – refer to Part E.3: Heritage Conservation Areas).	
15.3 Landscaping shall be incorporated into the design of driveway and maneuvering areas to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape.	The development incorporated landscaping within the 1m side setback. Additional landscape is provided that serves to soften the appearance of the driveway when viewed from the street.
15.4 Straight 'gun barrel' driveway arrangements are not supported. Where long driveways are proposed landscaping of minimum width 1.0 metres shall be provided along the boundary/fence line incorporating wider landscape 'blisters' to create a 'meandering' effect and contrasting pavement treatments should be used to reduce the expanse of a single pavement material. Landscaping shall also be provided between the driveway and the external wall of the dwelling	The development contains these elements.
15.5 Driveways within a site shall be at a maximum grade of 4:1 (H:V).	Complies
15.6 Driveway design from the road pavement across the public footpath area shall be in accordance with Council's "Manual of Engineering Standards" and appropriate structural drawings.	Complies
15.7 Driveways across the footway at the access point on the road reserve should be generally a maximum of 5 metres wide, although variation may be justified on turning and traffic safety issues.	The driveway at the street frontage has a width of 5.5m.
15.8 Driveways across the footway shall be sited to avoid street trees, kerb inlet pits and other services such as light/power poles.	No trees are proposed for removal.
15.9 For developments other than single dwellings adequate vehicle maneuvering area to Australian Standard AS 2890 shall be provided to enable vehicles to enter and exit the site in a forward direction.	Turning circles have been provided demonstrating compliance.
15.10 For developments other than single dwellings, vehicle driveways shall be clearly	Complies

distinguished from pedestrian entries and paths through design, finish or location.	
15.11 On sites identified as Bushfire Prone Land under the Bush Fire Prone Land Maps endorsed by the New South Wales Rural Fire Service, access shall comply with the requirements of the document “Planning for Bushfire Protection 2006” (Planning NSW and Rural Fire Service).	N/A
15.12 Vehicle car parking spaces and maneuvering areas (not including a driveway providing direct vehicle access to a garage or carport from the street) shall not be located within the building line setback area.	Complies
Car Parking: 15.13 The minimum number of off-street car spaces shall be as follows: a) One (1) space for each one or two bedroom dwelling; b) Two (2) spaces for each dwelling containing more than two bedrooms; c) One (1) visitor space for the first three dwellings and one (1) space for every five dwellings thereafter or part there of.	The units are all two bedroom and comply having a single garaged space. The required two visitor spaces are provided.
15.14 A minimum of one (1) off-street parking space should be provided for each dwelling as a covered space in the form of either a garage, carport or within a secured basement parking area. The parking space(s) should be convenient and accessible to the dwelling which it services.	The parking spaces are provided as a garage.
15.15 Visitor car parking spaces should be freely accessible at all times and not located behind security gates or within secured basement car parking areas.	Complies
15.16 The minimum dimensions for car parking bays and aisles shall be in accordance with Figure 24.	Complies
15.17 Garages should comprise minimum dimensions in accordance with Figure 25.	Complies

15.18 Developments comprising up to two (2) dwellings may have the parking space(s) for both dwellings directly addressing and accessible from its street frontage.	N/A
15.19 Developments comprising three (3) or more dwellings may have one (1) dwelling only with a garage/carport directly addressing and accessible from its street frontage of the development.	No garages directly address the street.
15.20 Tandem (or stack) parking is permissible only where the garage for the dwelling has a direct frontage/address to a street. In this instance, the vehicle space on the driveway in front of the garage/carport can be calculated as part of the parking requirement for that dwelling but shall not be counted as a 'visitor' space.	No tandem or stack parking is proposed.
<u>Accessible Car Parking (disabled users):</u> 15.21 Designated accessible car parking facilities shall: a) Be provided at the rate of one (1) accessible parking space for every adaptable dwelling; b) Be located as close as possible to the adaptable or accessible dwelling they are intended to serve or alternatively as close as possible to each accessible public entrance; c) Be linked to an accessible entrance to a building or to a wheelchair accessible lift by a continuous accessible path of travel, and preferably under cover; d) Have a minimum width of 3.8 metres as shown in Figure 26. An overlap allowance of 500mm may apply when, parallel to the parking space, there is an adjoining walkway or similar surface which: • Is at the same level as the car parking space; • Is firm and level, with a fall not exceeding 1 in 40 in any direction; • Is not another car parking space; • Is not less than 1000mm in width.	N/A

e) Have a minimum vertical clearance of not less than 2500mm and a minimum length of 5.5 metres as shown in Figure 26; f) Both the designated parking space and the continuous accessible path of travel shall be clearly signposted; g) The signage for the actual parking space shall be painted on the surface of the paved space and signposted at a height of not less than 1500mm centrally located at the end of the space; h) The provision of accessible parking shall be signposted at the entrance of the car park.	
16 – Views and visual and acoustic privacy	
16.1 Overlooking of private open space and direct views between living area windows shall be screened or obscured using one or more of the following methods (as shown in Figures 27 and 28): a. Separation distance between windows of habitable rooms or balconies b. Separation by design c. Offset living room windows of opposing dwellings/units d. Splay windows to redirect sight lines e. Build to a boundary and avoid window openings f. Screen planting between units g. Fencing design or privacy screens h. Use of fin walls i. Planter boxes j. Louvre screens (vertical or horizontal) k. Pergola	All east facing second storey windows are high sill to eliminate the potential for privacy impacts and overlooking.

l. Change in level Acoustic	
16.2 Where no design techniques and screening (eg fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m.	The development exceeds the 3m separation distance.
16.3 Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings.	The development is compliant with each unit having the required open area and parking areas.
16.4 Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance.	Noted
16.5 Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.	Complies with the BCA.
17 Water and Energy Conservation	
17.1 It is recommended that buildings be orientated with the main indoor and outdoor living spaces towards the north and north-east (the optimum orientation for indoor and outdoor living spaces are shown in Figure 20).	Outdoor areas are oriented to receive eastern and northerly sun.
17.2 To the fullest extent possible, buildings should be insulated.	Development will comply with BASIX
17.3 Buildings should include adequate thermal mass and windows located, sized and shaded to facilitate thermal performance.	Development will comply with BASIX
17.4 Windows in west facing walls should be avoided. However, where not possible, west facing walls should be designed with windows fitted with appropriate shade structures and/or landscape screens.	The development contains west facing walls, these incorporate shade through eaves and articulation.
17.5 Building design should, wherever possible, include a north facing roof upon which a solar hot water system or collector could be installed. The building's internal plumbing should be designed to facilitate the installation of such a system.	The roof will allow future north facing solar collectors.
17.6 The design of the building should maximise the cooling potential of natural ventilation by providing breeze pathways through the building (refer Figure 32).	Complies

17.7 Shadow diagrams may be required for residential developments of two storeys and over in urban zones if, in the opinion of the assessing officer, they are required and for all residential developments comprising two (2) or more dwellings where ground level private open space is located in other than an "optimum" or "good" location as shown in Figure 20. The shadow diagram shall address the overshadowing impact of new development and also the impact from adjoining development against the criteria provided under 17.8 below.	The submitted shadow diagrams demonstrate that the adjoining dwellings/allotments will retain the required hours of access to sunlight. The developments open space also are shown to receive adequate hours of solar access.
17.8 Development within the categories specified under 17.7 above shall ensure that adequate solar access is provided to both existing development adjoining the project site as well as to the dwellings and their associated outdoor open spaces within the new development itself. In this regard: a. Development shall not reduce the sunlight available to windows of living areas that face north to less than 3 consecutive hours between 9.00am and 3.00pm on the Winter Solstice (June 21); b. At least 50% of the principal area of ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than20%; c. At least 50% of the principal area of above ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%; d. At least 50% of the area of communal private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter	The submitted shadow diagrams demonstrate that the adjoining dwellings/allotments will retain the required hours of access to sunlight. The developments open space also are shown to receive adequate hours of solar access.

Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.	
18 Stormwater Management	
18.1 Due to downstream flooding/capacity issues and for developments other than single dwellings, on-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards, to restrict the discharge rate of stormwater runoff. The methods may include tanks (either underground or aboveground) or surface storage areas such as driveways or landscape depressions. The amount of storage volume required is subject to detailed calculation but may be estimated at 9 cubic metres per 1000sqm of site area.	Complies
18.2 A detailed erosion and sediment control plan (ESCP) should be submitted with the development application. The ESCP should be prepared in accordance with the requirements of Council's Manual of Engineering Standards.	Complies
18.3 Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an inter allotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted.	Discussions are occurring to secure an easement to High Street. In the interim period, a stormwater plan has been submitted to allow water to be discharged on Burg Street.
18.4 The development site must be provided with an overland flow path for the major storm event (1% AEP).	
18.5 Stormwater storage tanks with a capacity in excess of that required to meet BASIX criteria may be installed to provide for on-site stormwater detention. Council's Manual of Engineering Standards provides details for calculations and 'BASIX' relationships. These tanks, unless provided underground, must not be located within an area of principal open space. The area occupied by the tank must not be included for the purposes of calculating the required private open space at ground level for each unit.	Development is compliant with the BASIX requirements.
18.6 As a minimum requirement, a stormwater drainage "concept plan" shall be submitted	A stormwater concept plan for a pump out system to Burg Street is shown.

with the development application. The plan should include: a. the pipeline/pit layout b. water storage means/area c. indicative levels at critical design points d. overland flow paths including details of the means of capturing runoff from all impervious surfaces	Advanced discussions are occurring to secure an easement to allow stormwater drainage and discharge to High Street with no requirement for pump out.
19 Security, Site Facilities and Services	
19.1 For developments proposing ten (10) or more dwellings a detailed 'Crime Prevention Through Environmental Design' assessment shall be prepared by an accredited person and submitted with the development application.	N/A
19.2 Buildings adjacent to a public or communal space shall be designed to maximise natural surveillance, having at least one (1) habitable room window per dwelling facing that area.	N/A
19.3 Low intensity lighting (eg. bollard lighting) shall be provided to all shared pedestrian paths, parking areas and building entries.	Development can comply.
19.4 Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.	Complies
19.5 Where agreed to by public utility service providers, services shall be co- ordinated in common trenching in order to minimise construction costs for underground services.	Noted
19.6 Each dwelling shall be provided with direct and convenient pedestrian access to a public road.	Complies
19.7 Where there is no direct pedestrian access from a dwelling's private outdoor open space area to the public roadway then the development shall be provided with a common garbage storage area readily accessible from within the site and serviceable from the adjoining road.	N/A
19.8 The garbage storage area shall be designed so as to conceal its contents from	N/A

view of the adjacent public space and/or other properties. It shall be provided with a water tap for wash down purposes and drained to connect to the sewer.	
19.9 Individual mail boxes shall be located close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site complying with the requirements of Australia Post.	Complies
19.10 Open air clothes drying areas shall be provided for each dwelling with an aspect ranging between direct east to direct west (via north). The drying areas shall be located and/or screened such that they will not be visible from a street or public place. Each drying area shall comprise a minimum of 15.0 lineal metres of hanging line	Complies
19.11 All services – reticulated water, sewerage, electricity and telecommunications (and natural gas where available) shall be installed to meet the requirements of the relevant service provider.	Complies

5.0 Conclusion

This proposal is for a 5 unit multi dwelling housing development.

The site is zoned R1 – General Residential and the proposal is considered to be consistent with the provisions of the Maitland Local Environmental Plan 2011, and consistent with the provisions of the Maitland Development Control Plan 2011. Where variations have been sought, justification has been provided to demonstrate the appropriateness of the design.

Councils support to the proposed development proposal is therefore requested.

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