



Statement of Environmental Effects

Proposed Multi Dwelling Housing Development and Community title Subdivision 39 and 41 Fairfax Street Rutherford

For Greentree Developments

Date December 2023.

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1.0 Introduction

PM.Anderson Consulting Pty Ltd has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a development application (DA) to be submitted to Maitland Council (MC) for a proposed Multi Dwelling Housing development and Community Title Subdivision. The subject site is located at 39 and 41 Fairfax Street, Rutherford. This SEE is to be read in conjunction with the other documentation prepared for lodgement of the DA.

This SEE has been prepared in accordance with the requirements of S4.112 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 of the *Environmental Planning and Assessment Regulation, 2000*.

The purpose of this SEE is to:

Provide a description of the development and its context, assess the development as proposed against the applicable planning instruments, standards and controls, and assess the potential environmental impacts and mitigation measures.

The SEE has been compiled, through on ground investigations, research, analysis and discussions with the client and design team.

The following table provides a list of reports and plans to be considered with the SEE.

Plan/Report	Author
Survey Plan	Northpoint Surveyors
Draft Community Title Survey plan	David Cant Surveyors
Architectural Plans	Agcad building Designers
Preliminary Site Investigation/Geotech	Foundation Earth Sciences
Civil designs	Wallace Infrastructure Design Pty Ltd
Access Report	Purple People Access
Noise Assessment	Muller Acoustic Consultants

Table 1 – Consultant Reports

2.0 The Site

2.1 Site Location and Description

The site is located at 39 and 41 Fairfax Street Rutherford and has a real property description of lot 10 and 11 DP 809354. The site is located on the Eastern side of Fairfax Street, approximately 550m from the Dunkley Street intersection.

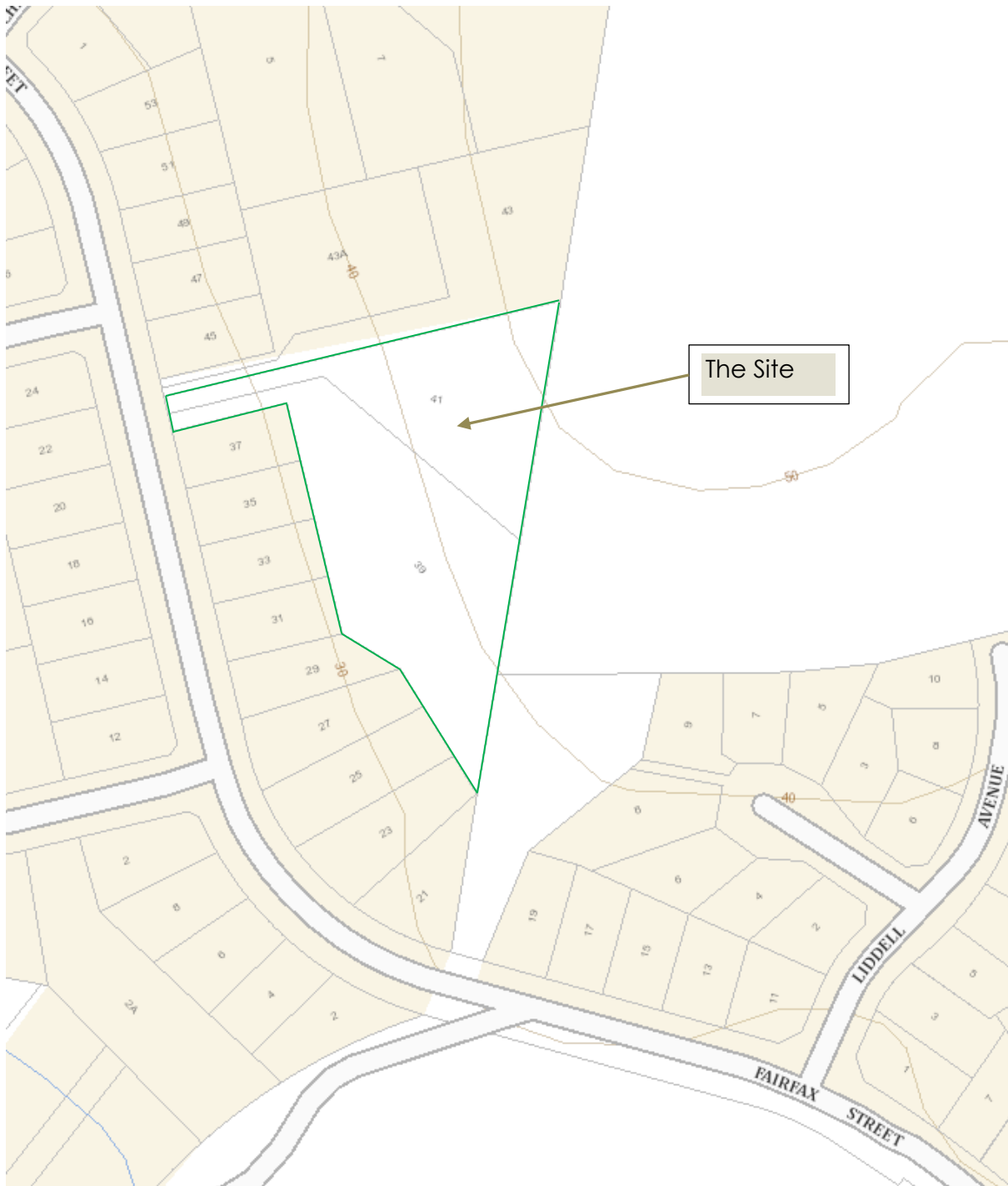


Figure 1 – The site

Source: Sixmaps

2.2 Site Features and existing developments

The site is residential in nature in nature and is currently vacant. The site has fall towards the West (Fairfax Street) and enjoys grand views to the west over the towards the airport site.

The site is an irregular shape, being 2 battle-axe allotments with access from Fairfax Street. The access is shared with 2 additional properties.

The site has an area of approximately 9328m² and has an easement for access and

an easement for stormwater drainage upon it.

2.3 Surrounding Lands

Surrounding the site are other residential type properties with a range of developments located on them. These developments are predominantly single dwellings and associated structures. The land to the rear of the site is currently vacant residentially zoned land which is access from Liddell venue.



Figure 2 – Aerial photo of site with adjoining developments

Source: Mecone Mosaic.

3.0 Zoning and Planning Controls

3.1 Zoning

The site is zoned R1 – General Residential under the provisions of the Maitland Local Environmental Plan 2011 (**MLEP 2011**). The use of the site for multi dwelling housing development and community title subdivision is permitted with consent.

3.2 Other Planning Controls

The site is also affected by the Maitland DCP 2011, State Environmental Planning Policy (Building sustainability Index: BASIX) 2004, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Primary production) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Housing) 2021 and State Environmental Planning Policy (Transport and Infrastructure) 2021. There are other SEPPS that apply to the land but are less relevant for this application.

4.0 The Proposal

The proposal is to develop a multi dwelling housing development comprising 21 units. The units are predominantly split level (2 storey) with garages and living spaces separated. Some of these unit the garage is on the upper floor, however in the majority the garage is located at the lower level adjacent to the proposed internal driveway (road). Units 20 and 21 are single storey dwellings.

Each dwelling unit provides Kitchen, Laundry, Dining, Living spaces and Bathrooms along with predominantly double garages. Each dwelling unit has an area of private open space to the rear of the unit and a smaller landscaped open space to the driveway frontage.

The design is traditional in nature and consists of separate dwellings with a traditional pitched roof. The dwelling units are finished with Colourbond metal roofing, face brickwork on the lower levels and a weatherboard type material for the upper levels of the dwellings. On the single storey dwellings, the external walls are face brickwork.

The proposal will also seek consent to subdivide the land into 22 community title lots. 21 lots for the dwelling unit and 2 association lot including the access driveway (road) and the communal open space and storage areas.

The units are configured as per the table below.

Table 2 Schedule of units

Unit N ^o .	Format	Bedrooms	Car Parking	POS
1	Detached	2 Bedroom 2 bathroom	2 garages, lower level	51m ²
2	Detached	2 Bedroom 2 bathroom	2 garages, lower level	50 m ²
3	Detached	2 Bedroom 2 bathroom	2 garages, lower level	49 m ²
4	Detached	2 Bedroom 2 bathroom	2 garages, lower level	56m ²
5	Detached	2 Bedroom 2 bathroom	2 garages, lower level	57 m ²
6	Detached	2 Bedroom 2 bathroom	2 garages, lower level	55 m ²
7	Detached	2 Bedroom 2 bathroom	2 garages,	53 m ²

			lower level	
8	Detached	3 Bedroom 2 bathroom	Single garage upper level	69 m ²
9	Detached	3 Bedroom 2 bathroom	Single garage upper level	51.5 m ²
10	Detached	3 Bedroom 2 bathroom	Single garage upper level	71 m ²
11	Detached	3 Bedroom 2 bathroom	2 garages, lower level	116 m ²
12	Detached	3 Bedroom 2 bathroom	2 garages, lower level	121 m ²
13	Detached	3 Bedroom 2 bathroom	2 garages, lower level	109 m ²
14	Detached	3 Bedroom 2 bathroom	2 garages, lower level	93 m ²
15	Detached	3 Bedroom 2 bathroom	2 garages, lower level	77 m ²
16	Detached	3 Bedroom 2 bathroom	2 garages, lower level	61 m ²
17	Detached	3 Bedroom 2 bathroom	2 garages, lower level	45 m ²
18	Detached	2 Bedroom 2 bathroom	2 garages, lower level	54 m ²
19	Detached	2 Bedroom 2 bathroom	2 garages, lower level	54 m ²
20	Detached	3 Bedroom 2 bathroom	Double Garage	157 m ²
21	Detached	3 Bedroom 2 bathroom	Double Garage	217 m ²
Visitor Parking	5 spaces			

Table 3 Schedule of lot sizes

Lot N ^o .	Use	Area m ²
1	Association Lot	
2	Dwelling Unit	231 m ²
3	Dwelling Unit	210 m ²
4	Dwelling Unit	210 m ²
5	Dwelling Unit	231 m ²
6	Dwelling Unit	241 m ²
7	Dwelling Unit	231 m ²
8	Dwelling Unit	220 m ²
9	Dwelling Unit	227 m ²
10	Dwelling Unit	215 m ²
11	Dwelling Unit	242 m ²
12	Dwelling Unit	353 m ²
13	Dwelling Unit	324 m ²
14	Dwelling Unit	308 m ²
15	Dwelling Unit	292 m ²
16	Dwelling Unit	277 m ²
17	Dwelling Unit	261 m ²

18	Dwelling Unit	246 m ²
19	Dwelling Unit	230 m ²
20	Dwelling Unit	215 m ²
21	Dwelling Unit	405 m ²
22	Dwelling unit	500 m ²

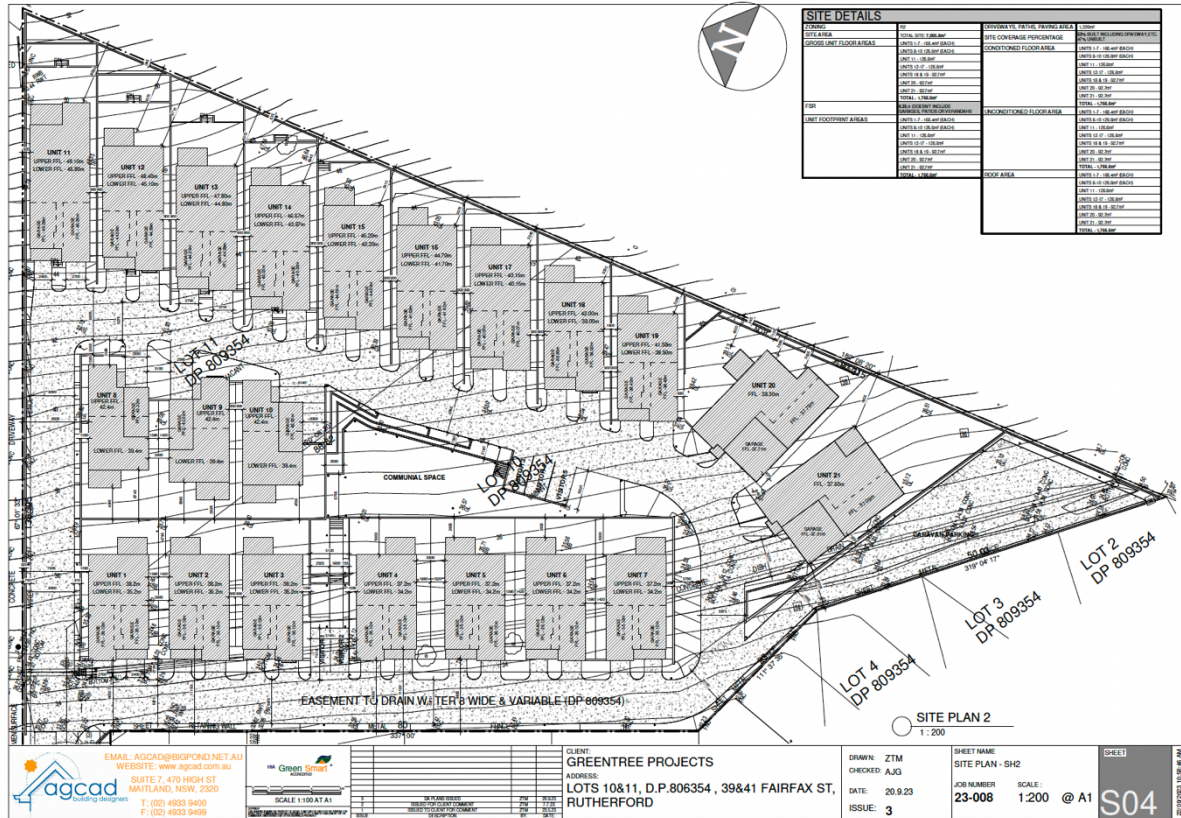


Figure 3 –Proposed multi dwelling housing development

Source: agcad building designers.

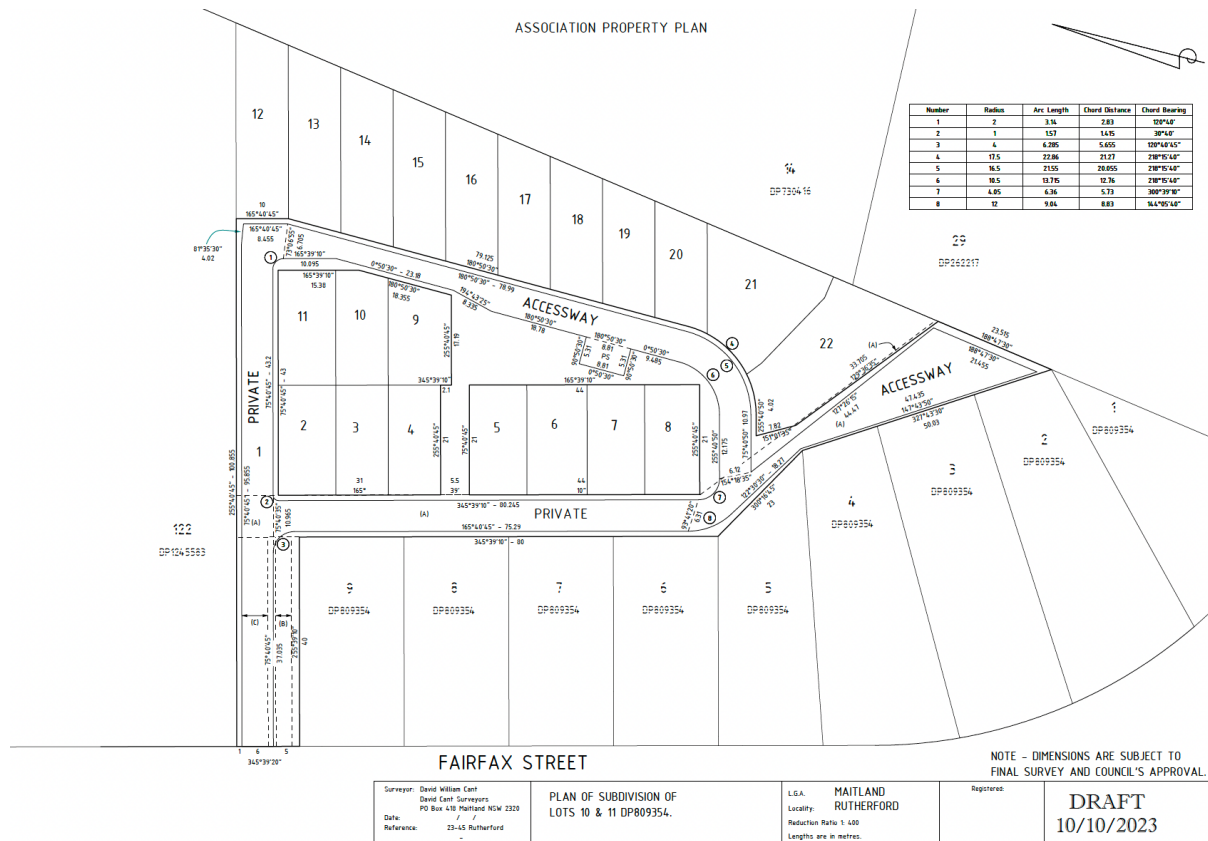


Figure 4 –Proposed community title subdivision layout

Source: David Cant Surveyors

5.0 Planning Considerations

5.1 Maitland LEP 2011

The site is zoned RI - General Residential under the provisions of the Maitland LEP 2011. The use of the site for a multi dwelling housing development and community title subdivision are permitted under the land use table for the General Residential zone.

Table 4 R1– General Residential Land use table.

Source: Legislation NSW.

Zone R1 General Residential

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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based

aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

The land use table identifies that multi dwelling housing is permitted with Consent. The definition of multi dwelling in the dictionary to the LEP is defined as:

multi dwelling housing means 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.

The following table provides for the compliance with the provisions of the MLEP 2011

LEP Provision	Comments	Complies
Clause 2.6 Subdivision	Clause 2.6 enables subdivision to be carried out on lands subject to the MLEP 2011 with Development Consent. This proposal includes a community title subdivision in accordance with clause 4.1A and 4.1AA.	Yes
Clause 4.1 Minimum lot size and 4.1A Exceptions to minimum lot sizes in Zone R1.	Under the minimum lot size map plan the minimum lot size for this land is 450m ² , however under the provisions of clause 4.1A the land can be subdivided into allotments with an area of 300m ² , providing the development consists of a subdivision of greater than 2 lots and the development proposes the construction of a dwelling on the land. This application creates more than 2 lots in a community title subdivision and	Yes

	proposes the construction of dwelling houses on the proposed lots.	
Clause 4.3 Height of buildings	The subject site is not impacted by the development standard of height of buildings under the MLEP 2011.	Yes
Clause 4.4 Floor Space Ratio	The subject site is not impacted by the development standard of floor space ratio under the MLEP 2011.	Yes
Clause 5.21 Flood planning	The site is not impacted by flooding nor is it mapped as being flood prone lands under the Maitland LEP 2016.	Yes
Clause 7.1 Acid Sulfate Soils	The site is mapped as being of class 5 acid sulfate soils and more than 500m from a site classed as 1-4 acid sulfate soils. As a result an acid sulfate soils management plan is not required for this development.	Yes
Clause 7.2 Earthworks	Part of the development proposal for the site will involve the excavation of the sites to facilitate the construction of the dwellings on site and the construction of the private roadway/driveway internally to the development. These earthworks are considered to be ancillary to the development being proposed and can be considered as part of the assessment of the proposed development.	Yes
Clause 7.4 Riparian land and watercourses	The subject site is not identified on the DPE Water hydrolines mapping set as being impacted by a watercourse or riparian zone.	Yes

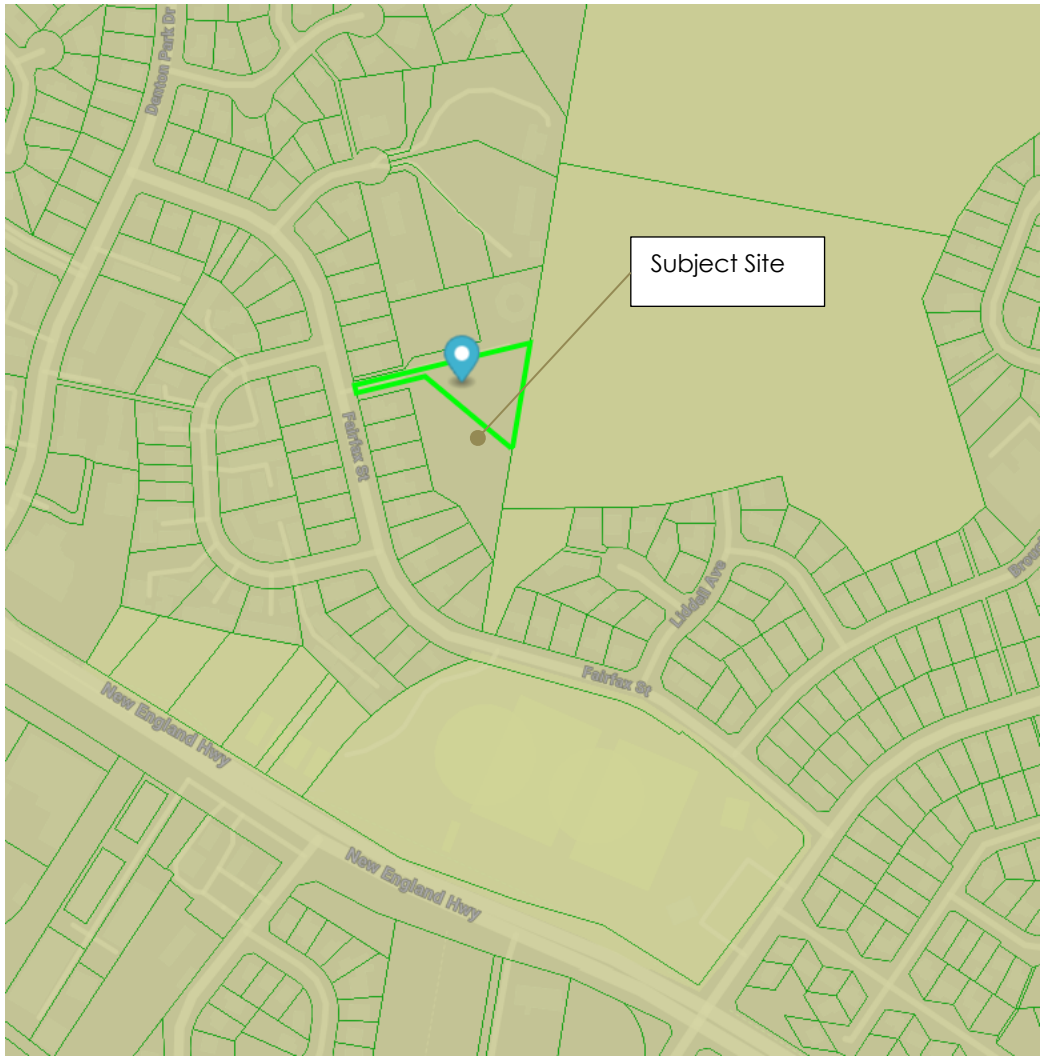


Figure 5 – Acid Sulfate Soils map

Source: Mosaic

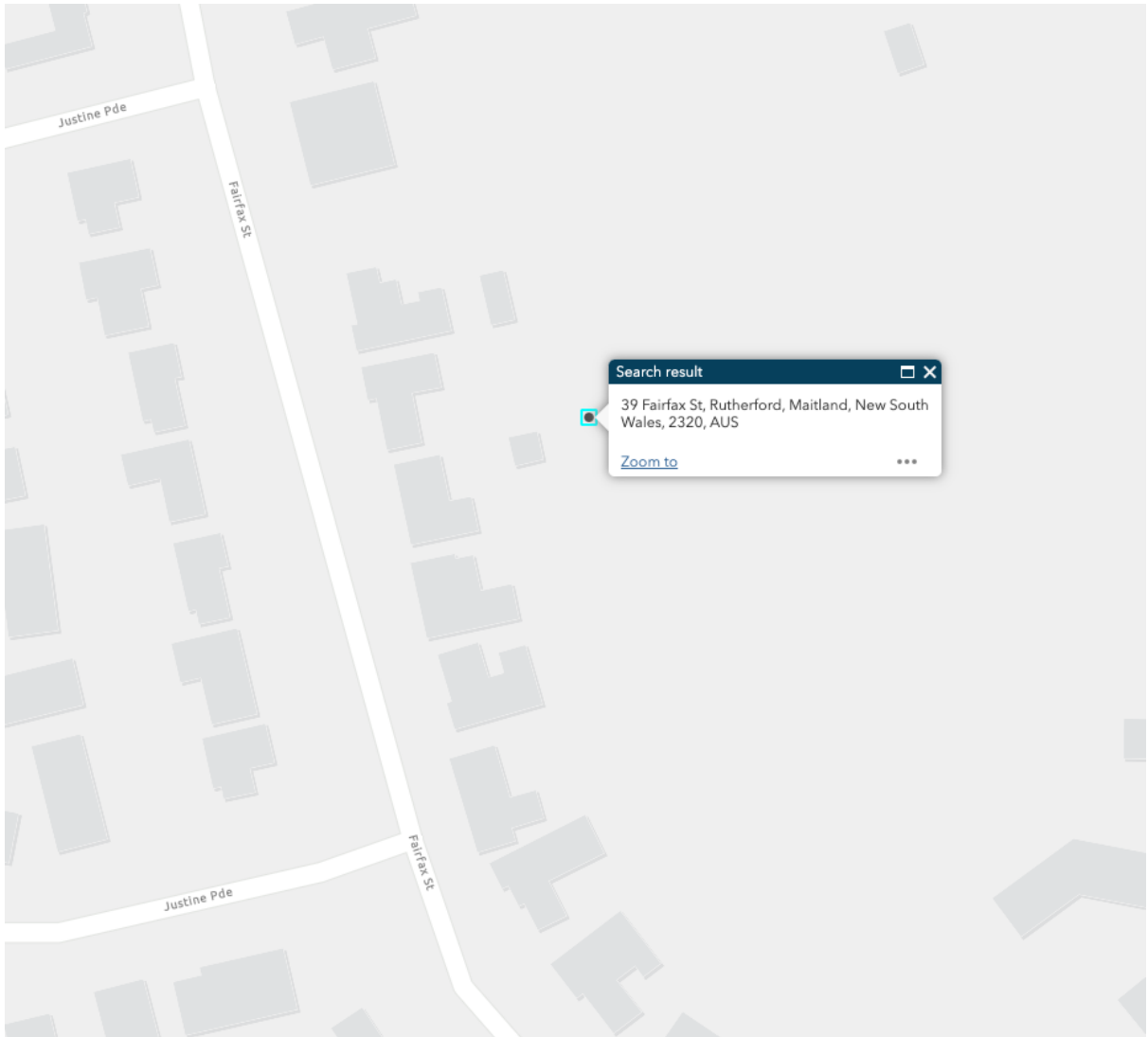


Figure 6 – Hydrolines mapping

Source: NSW DPE Water

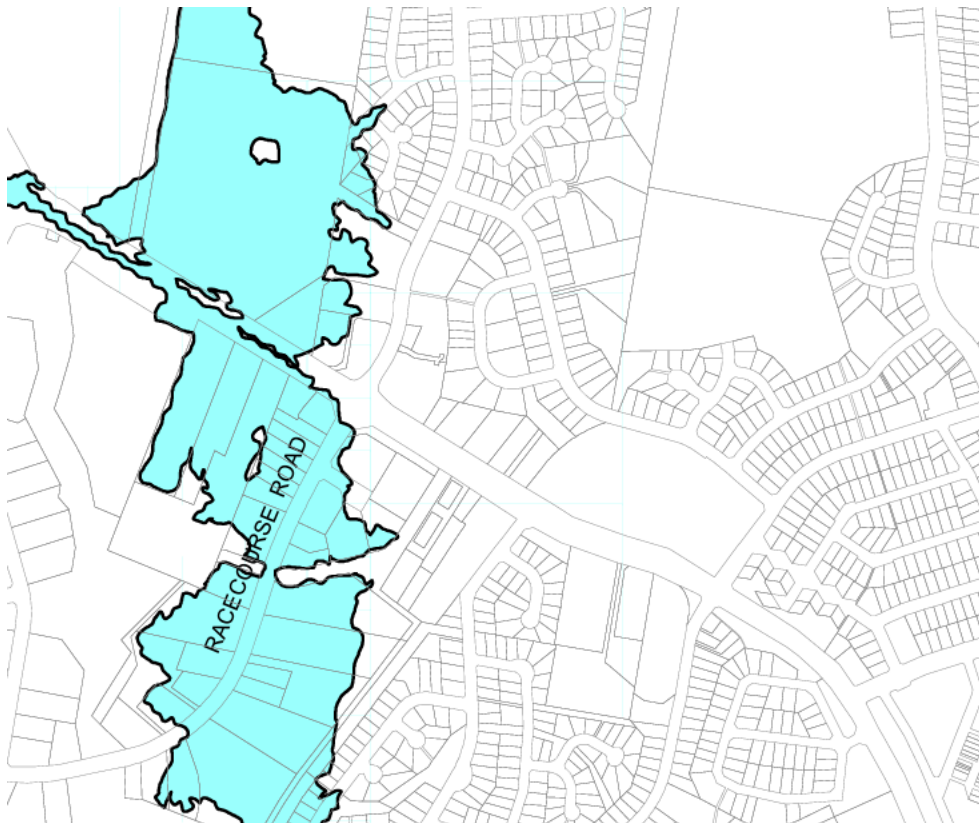


Figure 7 – Flood Mapping

Source: Legislation NSW

5.2 Maitland DCP 2014

The subject site is impacted by the provisions of the Maitland DCP 2016. Consistency with the provisions of the Maitland DCP 2016 are set out in the below table.

The proposed development satisfies the provisions of the DCP and its objectives. The development has been designed to reflect the nature and character of residential developments within the Local Government Area. The proposal will not detract from the scenic quality of the area as a result of the proposed development.

In assessing the proposal against MDCP 2016 it is recognised that the Environmental Planning & Assessment Act 1979 reinforces that the provisions contained in a DCP are to provide guidance and to be flexibly applied (Section 3.42 of the Act). Any noncompliance can be addressed through alternative solutions or addressing how a proposal otherwise meets the objectives of the DCP.

DCP Provision	Comments	Complies
Part B Environmental Guidelines		
B2 – Domestic Stormwater	The proposed development has been designed to ensure that the stormwater generated by the development and the hard surfaces is managed in accordance with the requirements of the MDCP. Full details of the proposed stormwater civil designs are included in the Civils package attached to this report.	Yes

B5 – Tree and Vegetation Management	The site is relatively cleared of trees and native grasses. The land has been over sown with kikuyu grasses. These grasses will be removed as part of the development process. The subject site is not located in a heritage conservation area.	Yes
B6 – Waste Not – Site Waste Minimisation & Management	The proposed development is supported by a waste management plan for the construction and operation. The development will utilise quality finished and materials to ensure that a long life span of materials can be achieved. The use of selective tendering and specific ordering of tight quantities and schedules will ensure the minimisation of waste during the construction. Materials will be recycled and reused wherever possible.	Yes
Part C Design Guidelines		
C.1 – Accessible Living	The proposed development has provided for 2 adaptable dwellings. These dwellings have been considered by the project access consultant who has supported the application based on the access requirements.	Yes
C.8 - Residential Design	2.1 Site Analysis – The application is supported by a site analysis plan on sheet S02.	Yes
	2.2 Context Analysis – The existing context of the neighbourhood is provided with this statement in Section 2.2	Yes
	4. Bulk Earthworks and Retaining Walls The proposed development utilises the external and dividing walls with the individual dwellings to act as retaining. The rear yards and POS of the dwellings will be terraced to create a usable space for the occupants of the dwellings. The details of this retaining features is located on the architectural plans at S07/S08. Detail design of these walls will be provided with the CC application. The internal road/Driveway has been designed to minimise the extent of any cut and or fill. All batters will be battered to a 1:4 to enable a transition to the existing landform.	Yes

	<p>5. Street Building Setbacks The setback to Fairfax Street exceeds the minimum street setback. The design of the multi dwelling housing development has adopted a minimal street setback from the internal private road/Driveway to ensure that the rear yards of the dwellings are afforded with usable and adequate private open space. The design of the development will not detract from the existing streetscape in Fairfax Street nor will it adversely impact on the existing developments in the vicinity.</p>	<p>Yes</p>
	<p>6. Side and Rear Setbacks Dwellings 11 – 19 are afforded with a minimum setback of each dwelling of 900mm. The dwellings have been designed to have minimal impact in terms of privacy impacts to the adjoining dwelling. The external walls of each dwelling are approximately 6.0m in height. Under the strict compliance with the DCP the external walls would need to be located 1800mm from the boundary. The buildings in fact achieve this separation.</p> <p>Dwellings 1-10 and 20 and 21 all achieve a separation to the boundary of a minimum of 900mm.</p> <p>Dwellings 1-7 and 20 and 21 are single storey dwellings and achieve the required setback. Dwellings 8-10 are 2 storey dwellings and have an effective wall height of approximately 5.7m. The setback required for these dwellings via the DCP controls is 1710mm. The separation of these dwellings ranges from 3000mm to 1800mm.</p> <p>The objectives of this clause of to:</p> <ul style="list-style-type: none"> • To allow flexibility in the siting of buildings and the provision of side and rear setbacks. • To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings. <p>The plans illustrate that the objectives of this clause can be met with the proposed development with privacy</p>	<p>Yes</p>

	<p>being managed by the design and ventilation and solar access being maintained via the siting of the development in the optimal position of the site.</p> <p>All rear boundary setbacks have been satisfied.</p> <p>Overall the proposed development afford separation and privacy to the adjoining lots. This achieved through siting of the dwellings on site to maximise the extend of POS in the rear yards and ensuring that the internal road and driveway is afforded along the boundary with the dwellings in Fairfax Street to give a greater separation of these sites.</p>	
	<p>7. Site Coverage and Unbuilt areas The maximum site coverage under the MDCP is 70% with a minimum of 30% as built area. The proposed development achieved a site coverage of 57% and an unbuilt area of 43% satisfying the numerical control contained within the DCP.</p>	<p>Yes</p>
	<p>8. Building Height Bulk and Scale. The dwellings have been designed to reflect a contemporarily designed home. The scale of these proposed dwellings is a maximum of 2 storeys. The overall height controls contained in the DCP have been satisfied with this design.</p>	<p>Yes</p>
	<p>9. External Appearance The existing character of the Fairfax Street streetscape is of modern single dwelling houses and some dual occupancies. These dwellings are traditionally constructed of brick and tile. The street contains a mixture of single and 2 storey dwellings, mainly with. Attached garages.</p> <p>The dwelling on the adjoining lot at 43 Fairfax Street is constructed of similar materials with a metal roof and detached metal garage/shed structure.</p>	<p>Yes</p>

	<p>It is proposed to construct the dwellings on site with a mixture of metal roof, selected face brick work and weatherboard finishings to afford to appearance of traditional housing stock in the area.</p>	
	<p>10 Open Space The proposed development has been designed to ensure that each dwelling is afforded with ample private open space in excess of the requirements of the MDCP 2016.</p> <p>In addition, communal open space has been provided to the development. This COS will provide for a childrens play space and area for people to sit and relax in a safe and comfortable environment.</p>	Yes
	<p>12 Accessibility and Adaptable Housing The proposed development is provided with 2 adaptable dwellings (Dwellings 20 and 21). The accessibility requirements of these adaptable housing units have been reviewed by Purple People Access. The access report supports the application on the basis of access, with some minor details to be resolved with the finalisation of the CC application.</p>	Yes
	<p>13. landscaping The proposal has been considered with a landscaping design, designed to enhance the liveability and appearance of the development. Specific detailed landscaping designs will be provided with the CC application once consent has been granted.</p>	Yes
	<p>14. Fencing and Walls Each dwelling will be provided with fencing to the side and rear boundaries behind the 'building line'. This fencing will be provided to afford some additional privacy, acoustic and security features to each dwelling and to assist in delineating the public and private open space areas of the development.</p>	

	Specific details of the style and type of fencing for the boundaries will be provided with the CC application.	
	<p>15 Driveway Access and Carparking</p> <p>Each of the proposed dwellings will be provided with a garage and carparking spaces off the internal road/driveway. The driveway will form an access to the site to identify the carparking areas on each site. Each dwelling will have sufficient space to accommodate a minimum of 2 off street carparking spaces.</p> <p>The development will also be provided with 5 visitor spaces in accordance with the requirements of the DCP. In addition to this car parking the development will also provide space for caravan and RV parking areas within the community association land. The adaptable housing units will be provided with carparking that satisfies the provisions DCP for disable car parking spaces.</p>	Yes
	<p>16 Views, and Visual and Acoustic Privacy.</p> <p>The proposed development has been designed to ensure that the views of each of the dwellings will be shared within the development. This is enhanced by the fall of the site and the grand views that are available over the airport areas to the distance. The development does not create an impact to the views of the existing dwellings on the adjoining lands. The design ensures that the visual privacy is afforded to the proposed dwellings and also the existing dwellings on the adjoining properties by ensuring adequate separation, offsetting of habitable rooms and landscaping.</p>	Yes
	<p>17 Water and Energy Conservation</p> <p>Each proposed dwelling is provided with private open space located on the site to ensure it meets the minimum requirements of sunlight to the space. In addition, the development is designed to ensure that solar panels or hot water systems can be added to</p>	Yes

	<p>the roof space of each of the dwellings without the need to undertake large retrofitting of the area. Future purchases of the dwellings can elect to have solar power and hot water added as part of the construction program. The shadow diagrams included in the architectural package at drawings S26 and S27 illustrate that the development will not impact on adjoining properties and will afford each of the proposed dwellings with sunlight during the hours of 9:00am to 3:00pm on 22 June.</p>	
	<p>18 Stormwater Management The proposed development is to be provided with stormwater detention to ensure that the stormwater runoff from the development does not have a detrimental impact to the adjoining properties or to properties in a lower catchment. The proposed development is provided with a detention basin to capture the stormwater and run off water from the proposed development prior to it being released in to the Council infrastructure located in Fairfax Street. An erosion and sedimentation control plan is included in the Civil design drawings for the development and the site.</p>	<p>Yes</p>
	<p>19. Security, site facilities and services A CPTED report was commissioned via Barker Ryan and Stewart. This report identifies that the development can be supported on a crime prevention basis subject to the satisfaction of some minor recommendations for the provisions of lighting, gates and access controls. The letter boxes are proposed to be located adjacent to the Fairfax Street boundary to the satisfaction of Australia Post. These letterbox facilities are proposed to be secured. Each dwelling is to be provided with clothes drying areas adjacent to the dwelling house. The internal road/driveway has been designed to cater for the movement</p>	<p>Yes</p>

	by a HRV garbage truck. This will enable the bins to be stored on each property and presented to the internal roadway/Driveway each week for collection.	
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The above table illustrates that the impacts from the proposed development are minimal, and the development is able to satisfy the objectives of the DCP and planning guidelines contained within the MDCP 2016. Where specific numerical control has not been satisfied a justification to the objectives and illustration of the satisfaction of the objectives has been provided.

5.3 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP deals with the clearing of vegetation and protection of Koalas in NSW generally. The location of the existing shed and proposed Olive grove and bee keeping facility are on lands that are clear of vegetation. A review of aerial photographs of the site indicate that this area has been clear of vegetation for some years. As a result this site is not considered suitable as habitat for koala population. The area of the proposed development is cleared and does not support any connection to adjoining lands. On this basis the proposal is not considered to impact the Koala protection program.

The proposed development does not require the removal of any vegetation.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP deals with the contamination and remediation of lands across the state. The proposed use is considered as a change of use and subsequently does not require the production of a Psi for the site, however based on the advice of Council a Psi was undertaken for the site. This Psi suggests that the site is suitable for the proposed development subject to the satisfaction of some recommendations regarding asbestos, unexpected finds and classification of soils etc.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site does not access directly off a classified road (New England Highway) nor does the development generate large volumes of traffic that would facilitate the need for concurrence of the road's authority. The development is able to be managed within the local road network. The proposal is supported by a traffic report from Seca Solution who suggest the application will not have an adverse impact to the local road network or parking in the vicinity and that the application can be supported.

State Environmental Planning Policy (sustainable Buildings) 2022

The proposed dwellings have been assessed under the Basix tool and are supported on a Basix outcome. The commitments from the basix report will be confirmed and incorporated into the CC drawings and supplied with that application.

6.0 Environmental Impacts

Vegetation Removal

The proposed development does not require or propose the removal of any vegetation from the site.

Fauna and Flora Impacts

The site of the proposed development is residentially zoned sites, and no impacts are anticipated to the fauna and flora as a result of the development.

Flooding

The site is not mapped or identified as being flood prone or impacted by flooding.

Aboriginal Cultural Heritage

The site is not listed as having an aboriginal site or aboriginal place as per the AHIMS database. A copy of the AHIMS report is attached to this report.

Social and Economic Impacts

The proposed development is considered to have a positive social and economic impact. Socially the development will cater for the changing and diverse housing needs for the community and provide a housing choice and diversity within an established residential area close to existing services and facilities including retail, medical and health services. Economically the proposal will provide economic benefits during the construction of the development but also with the occupation of the dwellings and the use of local services and facilities.

General Amenity Impacts

The proposal is to construct a community title subdivision and 20 dwellings on the on the property a multi dwelling housing estate. The impact of this proposal to the adjoining property and the amenity of the adjoining properties is minor in nature and unlikely to cause harm. The amenity of the surrounding residential properties will be maintained and the proposal is not likely to impact on the enjoyment or operation of adjoining land uses.

7.0 Section 4.15 Considerations

The following assessment addresses the matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development

the subject of the development application:

(a) the provisions of:

(i) any environmental planning instruments

Comment: the proposal has been assessed against the Maitland LEP 2011, and relevant State Environmental Planning Policies. The proposal is permissible in the zone.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)

Comment: The site is not subject to a draft environmental planning instrument.

(iii) any development control plan

Comment: the proposal has been assessed against Maitland DCP 2016 and is generally consistent with relevant DCP requirements.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Comment: There is no planning agreement relevant to the subject land or the proposal

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates

Comment: There are no matters prescribed in the regulations that impact on the proposal.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Comment: As detailed in the Statement, environmental impacts have been considered and addressed for the proposal. The social and economic impacts of the proposal are positive in terms of ensuring the strengthening and maintenance of residential sector and contributing to the overall development of the Rutherford and Maitland areas.

(c) the suitability of the site for the development

Comment: The site is zoned for the proposed use and is therefore considered suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

Comment: This is a matter Council will consider once the application has been notified.

(e) the public interest

Comment: the proposal will provide a development that will provide for the strengthening and maintenance of the residential sector in this area and will ensure the land is not fragmented for other uses that may be in conflict with the residential land uses surrounding the property as required under the Maitland LEP,

and is consistent with the desired future vision of the area, and in this regard is in the public interest.

8.0 Conclusion

The use of the site for a community title subdivision and multi dwelling housing development within the R1 – General Residential zone is permitted under the Maitland planning instruments that affect the site.

An assessment of the proposal confirms the following:

- The proposal is for the construction and occupation of 21 residential dwellings and a community title subdivision.
- The land exceeds the minimum allotment size, and the proposed lots satisfy the LEP provisions of minimum lot size.
- The proposal is generally consistent with the provisions of the MDCP 2016.
- The proposal will provide for suitable residential diversity and choice to cater for the needs for the growing community.
- The proposal is consistent with the future desired character of the Rutherford area.
- The development will generate positive social and economic impacts to the areas with the construction of the subdivision and residential dwellings and the ongoing occupation and use of the development in this location.

This Statement has addressed the impacts of the development on environmental, social and economic grounds and it is considered that the proposal is satisfactory.

The proposal is generally consistent with the provisions of the Maitland DCP 2016 and Maitland City Council are requested after assessment of the impacts to issue a consent pursuant to the provisions of the Maitland LEP 2011.

Paul Anderson
Director
PM Anderson Consulting Pty Ltd

December 13th 2023.

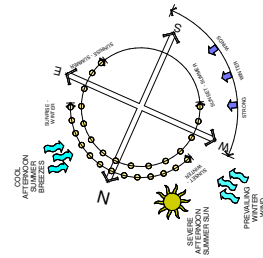


Appendix 1 – Architectural Plans

PROPOSED MULTI-UNIT DEVELOPMENT LOTS 10&11, D.P.806354 , 39&41 FAIRFAX ST, RUTHERFORD FOR GREENTREE PROJECTS

DRAWING SCHEDULE

SHEET NO.	SHEET NAME	ISSUE DATE	REVISION
S01	COVER PAGE	5.12.23	5
S02	SITE ANALYSIS PLAN	5.12.23	5
S03	SITE PLAN - SH1	5.12.23	5
S04	SITE PLAN - SH2	5.12.23	5
S05	BULK EARTHWORKS PLAN	5.12.23	5
S06	LANDSCAPE PLAN	5.12.23	5
S07	SECTIONS - SH1	5.12.23	5
S08	SECTIONS - SH2	5.12.23	5
S09	FLOOR PLANS - SH1	5.12.23	5
S10	FLOOR PLANS - SH2	5.12.23	5
S11	WINDOW SCHEDULE	5.12.23	5
S12	ELEVATIONS - SH1	5.12.23	5
S13	ELEVATIONS - SH2	5.12.23	5
S14	ELEVATIONS - SH3	5.12.23	5
S15	ELEVATIONS - SH4	5.12.23	5
S16	ELEVATIONS - SH5	5.12.23	5
S17	ELEVATIONS - SH6	5.12.23	5
S18	ELEVATIONS - SH7	5.12.23	5
S19	ELEVATIONS - SH8	5.12.23	5
S20	PERSPECTIVES - SH1	5.12.23	5
S21	PERSPECTIVES - SH2	5.12.23	5
S22	PERSPECTIVES - SH3	5.12.23	5
S23	PERSPECTIVES - SH4	5.12.23	5
S24	PERSPECTIVES - SH5	5.12.23	5
S25	PERSPECTIVES - SH6	5.12.23	5
S26	SHADOW DIAGRAMS - SH1	5.12.23	5
S27	SHADOW DIAGRAMS - SH2	5.12.23	5



AGCAD
 ARCHITECTURE
 INTERIORS
 ENGINEERING
 LANDSCAPE
 PLANNING
 SURVEYING
 CONSULTANTS

EMAIL: AGCAD@GIPOND.NET.AU
 WEBSITE: www.agcad.com.au
 SUITE 7, 470 HIGH ST
 MAITLAND, NSW, 2320
 T: (02) 4833 9400
 F: (02) 4833 9499

Green Smart
 GREEN BUILDING
 CONSULTANTS

SCALE 1:100 AT A1

GreenSmart
 GREEN BUILDING
 CONSULTANTS

SCALE 1:100 AT A1

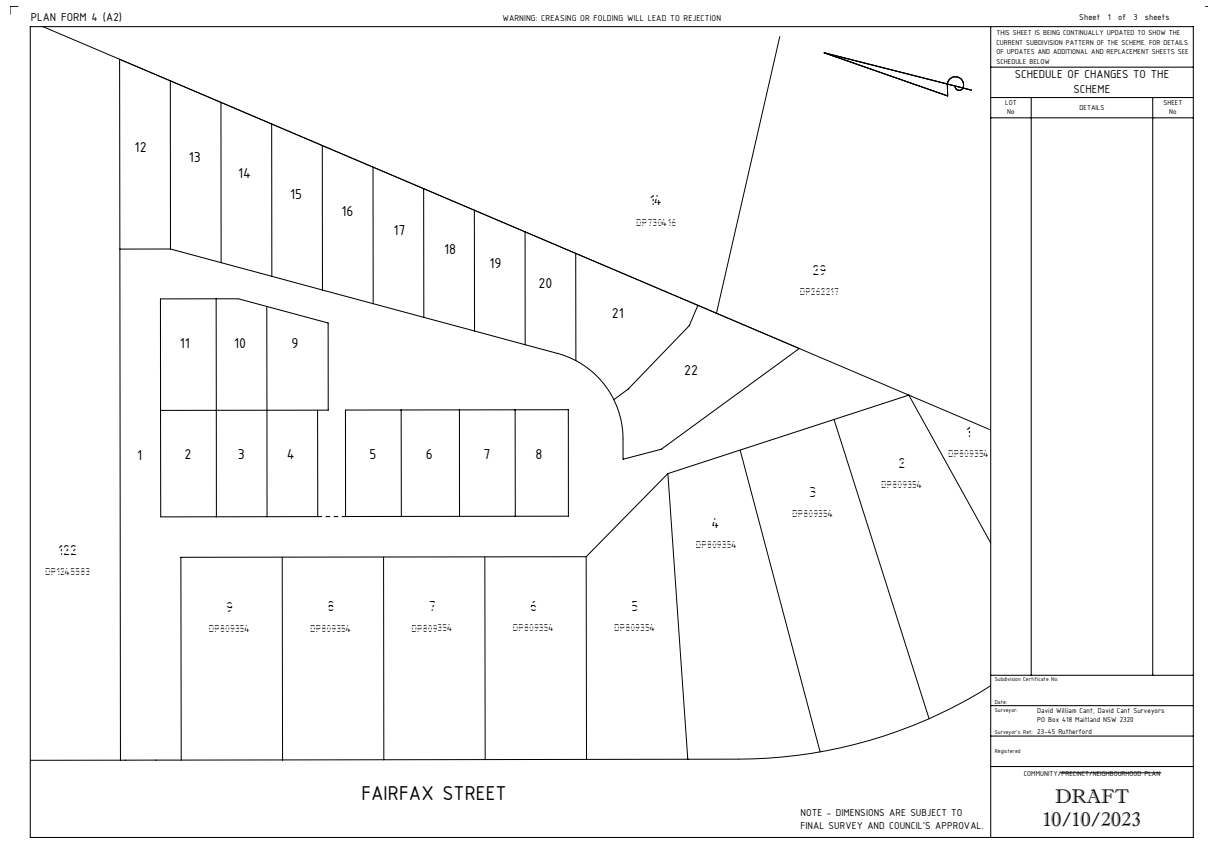
CLIENT: **GREENTREE PROJECTS**
 ADDRESS:
**LOTS 10&11, D.P.806354 , 39&41 FAIRFAX ST,
 RUTHERFORD**

DRAWN: ZTM
 CHECKED: AJG
 DATE: 5.12.23
 ISSUE: 5

SHEET NAME
 COVER PAGE
 JOB NUMBER
23-008
 SCALE:
 NTS
 @ A1
S01

15/12/2023 3:26:46 PM

Appendix 2 – Draft community title subdivision plan



Appendix 3 AHIMS Report



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : GREENTREE1

Client Service ID : 847563

Paul Anderson

Date: 11 December 2023

Unit 1.4 69 Central Coast highway
West Gosford New South Wales 2250

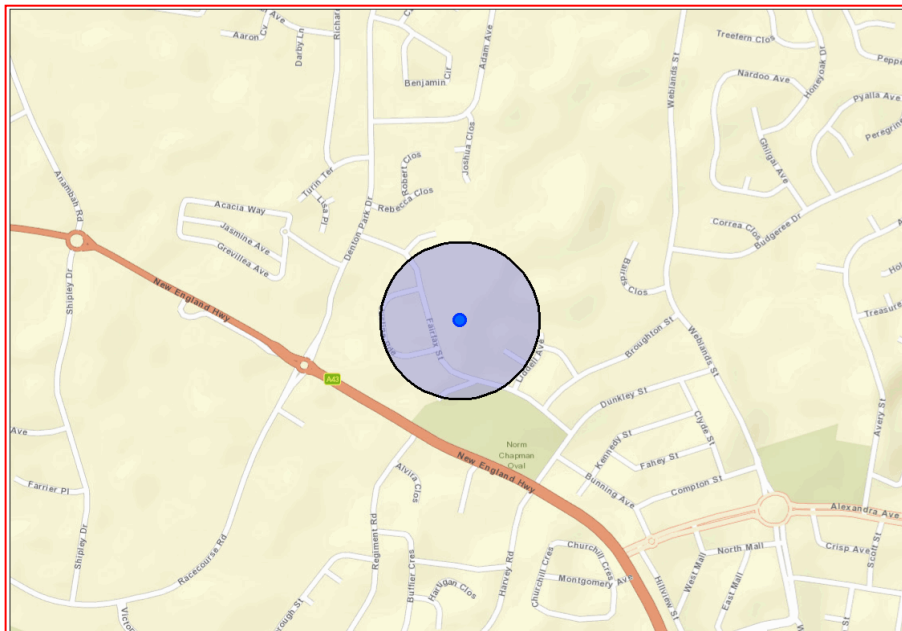
Attention: Paul Anderson

Email: paul@pmandersonconsulting.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 39 FAIRFAX STREET RUTHERFORD 2320 with a Buffer of 200 meters, conducted by Paul Anderson on 11 December 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *

Appendix 4 Geotech Report



GEOTECHNICAL INVESTIGATION REPORT SITE LOT CLASSIFICATION REPORT

39-41 Fairfax Street, Rutherford NSW 2320

Prepared for
Greentree Projects

Reference No. G629
April 2023

Appendix 5 Preliminary Site Investigation



PRELIMINARY SITE INVESTIGATION (PSI)

Property Address

39-41 Fairfax Street, Rutherford NSW

Prepared for

Greentree Projects

Date

July 2023

Appendix 6 – Acid Sulfate Soils Report



PRELIMINARY ACID SULPHATE SOIL ASSESSMENT (PASSA)

Property Address

39-41 Fairfax Street, Rutherford NSW

Prepared for

Greentree Projects

Date

July 2023

Appendix 7 – Noise impact Assessment

Noise Assessment

Proposed Residential Dwellings
39-41 Fairfax Street
Rutherford, NSW

Prepared for: PM. Anderson Consulting Pty Ltd
November 2023
MAC231799-01RP1

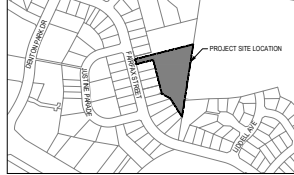


Appendix 8 – preliminary Civil Designs



CIVIL & STORMWATER WORKS for 39-41 FAIRFAX STREET RUTHERFORD NSW 2320

Prepared by
WALLACE INFRASTRUCTURE DESIGN PTY LTD



DRAWING NUMBER	DRAWING DESCRIPTION
C01-01	LEGEND, DRAWING SCHEDULE AND LOCATION PLAN
C02-01	GENERAL NOTES
C03-01	EROSION AND SEDIMENTATION CONTROL PLAN
C04-01	EROSION AND SEDIMENTATION CONTROL DETAILS
C04-02	DRIVEWAY PLAN
C04-03	DRIVEWAY No. 1 LONGITUDINAL SECTION
C04-04	DRIVEWAY No. 2 LONGITUDINAL SECTION
C05-01	STORMWATER MANAGEMENT PLAN
C06-01	PAVEMENT TYPICAL SECTIONS & DETAILS
C06-02	STORMWATER PIT SECTION AND DETAILS
C06-03	PAVEMENT TYPICAL SECTIONS & DETAILS
C06-04	STORMWATER OSD-BASIN SECTION AND DETAILS

ABBREVIATIONS		GENERAL		LINETYPES		SYMBOLS	
AG	ABOVE GROUND	REV	REVISION	PROPOSED - UTILITIES (mm)		PROPOSED - STORMWATER DRAINAGE (mm)	
ASG	AGGREGATE	RL	REDUCED LEVEL	SEWER PIPE	---	SMD PIPE (INCL. DRAINAGE LENGTH)	---
ARCH	ARCHITECT	RSJ	ROLLED STEEL JOIST	WATER	---	SMD PIPE - CHARGED (INCL. DRAINAGE LENGTH)	---
ASP	ASPHALT	RW	RETAINING WALL	COMMUNICATIONS	---	SMD PIT - GRADED	---
BM	BENCHMARK	SPW	SEALED FLOOR WASTE	COMMUNICATIONS - OPTIC FIBRE	---	SMD - KERB INLET PIT (INCLUDING LINTEL)	---
CAD	COMPUTER AIDED DRAFTING	SW	SHOWERS	COMMUNICATIONS - PIT	---	SMD PIT - JUNCTION	---
CC	CENTRE TO CENTRE	SK	KITCHEN SINK	GAS	---	SMD LABEL (TYPE / COVER LEVEL)	---
CH	CHAMBER	SL	SURFACE LEVEL	REDUANT	---	RAINWATERREUSE TANK	---
CI	CAST IRON	SM	SEWER MAN HOLE	ELECTRICAL CABLE - U/G	---	GROSS POLLUTANT TRAP	---
CJ	CONSTRUCTION JOINT	SMV	SEWER MAN VENT	ELECTRICAL CABLE - OH	---	GRADED DRAIN	---
CL	COVER LEVEL OF CENTRE LINE	SOD	SIDE OUTLET DRAIN	PROPOSED - EROSION AND SEDIMENT CONTROL		INFILTRATION TRENCH	---
CD	CLEAN OUT (SUBSOIL)	SP	SPRINKLER	SITE EXCLUSION FENCE	---	HEADWALL	---
CG	CHANGE OF GRADE	SS	STAINLESS STEEL	STABILISED SITE ACCESS	---	SUBSOIL	---
CONC	CONCRETE	STD	STANDARD	SEDIMENT FENCE	---	STORMWATER DIVALE	---
CTRL	CONTROL	STV	STOP VALVE	MATERIAL STOCKPILE	---	PIPE RISER	---
CTS	CENTRES	SWP	STORMWATER DRAINAGE	DIVERSION DRAIN	---	PIPE DROPPER	---
CR	CROWN	THK	THICKNESS	SLOPE DIRECTION	---	OVERLAND FLOW PATH	---
CRS	CENTRES	TIP	TYPICAL	PROPOSED - ARCHITECTURE (INDICATIVE ONLY)			
DRS	DRAWING	TOW	TOP OF WALL				
DP	DOWNPIPE	TR	TRADE WASTE				
DS	DOWN STREAM	TYP	TYPICAL				
DTM	DIGITAL TERRAIN MODEL	UGS	UNDERGROUND				
EB	EDGE BEAM	UIS	UPSTREAM				
EX	EXISTING	UKO	UNRAISED NOTED OTHERWISE				
ESL	EXISTING SURFACE LEVEL	UP	UPSTREAM				
PH	FIRE HYDRANT	VC	VERTICAL CURVE				
PHR	FIRE HOSE REEL	VP	VENT PIPE				
FFL	FINISHED FLOOR LEVEL	WC	WATER CLOSET				
FGL	FINISHED GROUND LEVEL	WL	WATER LEVEL				
FSL	FINISHED SURFACE LEVEL	WM	WATER MARK				
FW	FLOOR WASTE	WS	WASTE STACK				

	REVISIONS No. Description Date By Appr.	Client: Title 39-41 Fairfax Street Rutherford NSW 2320 gpm@wallacedesign.com.au 02 9555 5555		Project: CIVIL WORKS for LOT 10 & 11, DP 88354 39-41 Fairfax Street Rutherford NSW 2320	CIVIL SERVICES LEGEND, DRAWING SCHEDULE AND LOCATION PLAN	Date: N.T.S. Scale: A1
						22/04/2024 C01.01 A

Appendix 9 – Traffic Report



ACN: 164611652
PO Box 570,
Toronto NSW 2283
Newcastle: (02) 4032 7979
admin@secasolution.com.au

14 December 2023

P2400 Fairfax St residential subdivision Rutherford

PM Anderson Consulting Pty Ltd

Attn: Paul Anderson

Dear Paul,

Proposed residential development, 39-41 Fairfax Street, Rutherford, NSW.

We have now completed our site work and review of the documentation provided for the proposed multi-dwelling residential development at 39 and 41 Fairfax Street, Rutherford and provide the following assessment of parking demands, traffic generation and access arrangements for the development. This assessment has been completed with regard to the relevant requirements outlined in the Maitland Development Control Plan (2011) (MDCP), with reference to the Guide to Traffic Generating Developments (GtTGD) and Australian Standard AS2890.1: Off-street Car Parking Facilities.

Background

The subject site is located at 39 and 41 Fairfax Road, Rutherford, as shown below in Figure 1.

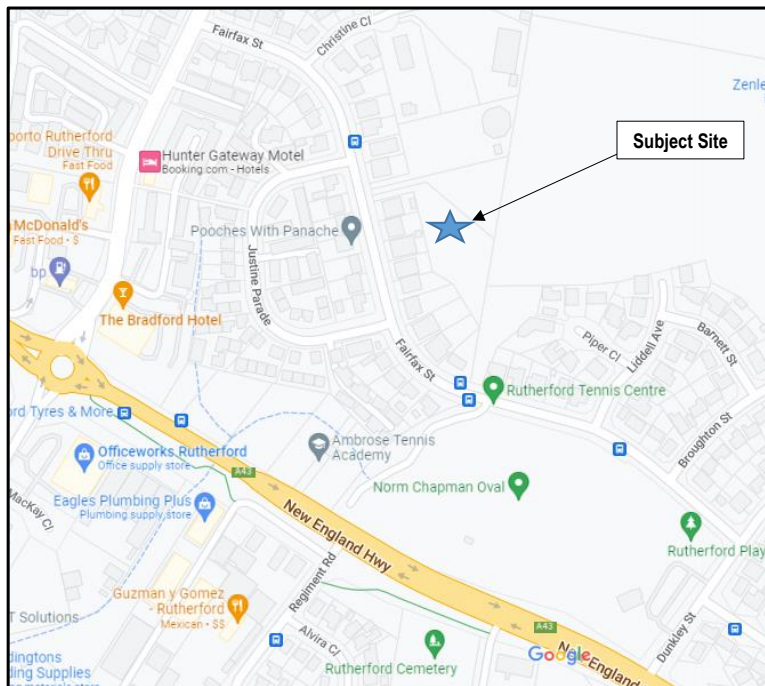


Figure 1 – Subject site in the context of the local road network