

# STATEMENT OF ENVIRONMENTAL EFFECTS

## **Proposal**

Integrated residential development for Torrens title subdivision and construction of semi-detached dwellings

## **Applicant**

PNP Residential Construction

## **Property**

26 Pear Street Gillieston Heights  
(1336/DP1277104)

## **Date**

April 2024

## Document Control

Issue No	Amendment	Date
Draft		3 April 2024
Final		10 April 2024

### Limitation Statement

The Client should be aware that this Statement of Intended Effect does not guarantee the approval of any application by Council or other regulatory agency.

## EXECUTIVE SUMMARY

### Application details

<b>Applicant</b>	PNP Residential Construction
<b>Development</b>	Integrated residential development for semi-detached dwellings and Torrens title subdivision
<b>Site</b>	26 Pear Street Lot 1336/DP1277104
<b>Owner</b>	PNP Residential Construction
<b>Development cost</b>	\$600,000

### Development standards / controls

<b>Zone</b>	R1 General Residential
<b>Land use definition</b>	Subdivision Semi-detached Dwellings
<b>Permissibility</b>	Yes, land uses permissible with consent in the zone with subdivision lot sizes permissible pursuant to Clause 4.1A of Maitland LEP
<b>Minimum lot size</b>	450sqm mapped minimum lot size. Clause 4.1A permits integrated residential development lot sizes down to 300sqm for semi-detached dwelling development.

### External referrals

No external agency referrals are required

### Summary

The proposed integrated residential development for Torrens title subdivision and construction of semi-detached dwellings achieves all relevant key controls except where indicated and justified in this SEE.

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# 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of a development application by PNP Residential Construction (the Proponent) for an integrated residential development comprising Torrens title subdivision and construction of semi-detached dwelling development at 26 Pear Street Gillieston Heights (Lot 1336/DP1277104).

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and accompanying *Environmental Planning and Assessment Regulation 2021*. The purpose of the SEE is to:

- Describe the proposal and the site on which it is proposed; and
- Identify the relevant SEPPS, LEP and DCP controls which apply to the proposal

The site is a vacant lot within the Gillieston Heights Urban Release Area. The site is 622.7sqm, regular in shape, and clear of any native vegetation. Each proposed semi-detached dwelling will be used for Specialist Disability Accommodation (SDA) and will be constructed to comply with the requirements for *Robust* dwellings in accordance with NDIS requirements. Each dwelling will contain two (2) bedrooms to accommodate one (1) resident and will be provided with an additional carer's room for a carer to stay as required by the needs of the individual resident.

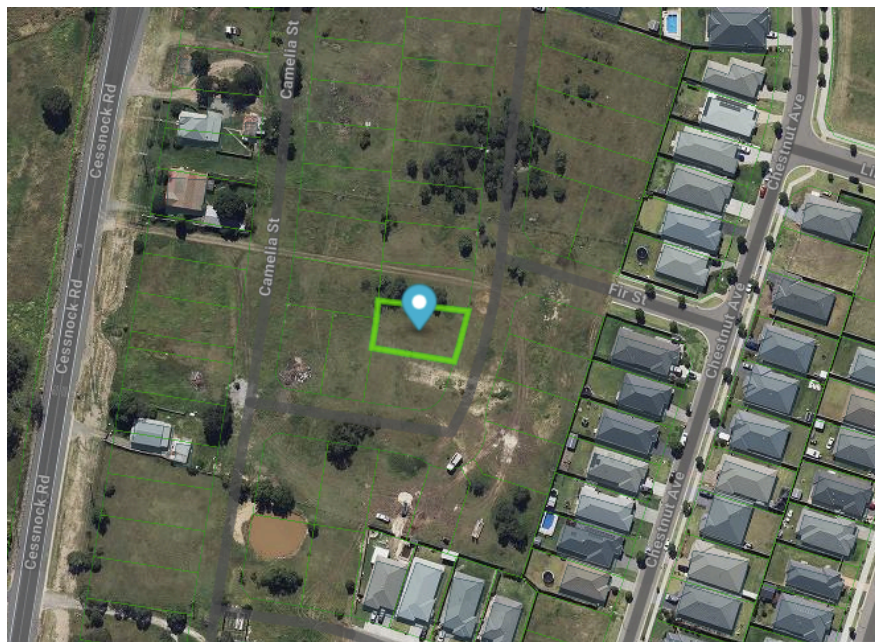
Overall, the proposed development complies with all relevant objectives of the LEP as well as the relevant aims and objectives of the DCP. Where variations are proposed, these are explained and justified with reference to the objectives of the relevant control.

## 2 THE SITE

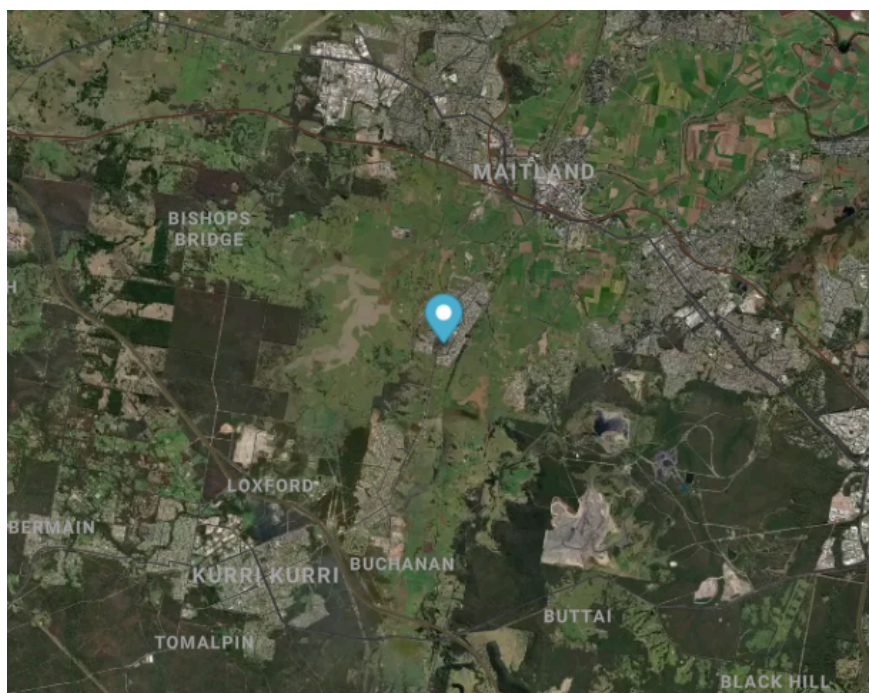
### 2.1. Location

The site is located in Gillieston Heights, approximately 5.5km south-west of the Maitland City Centre and 8.6km north-east of Kurri Kurri. The site benefits from close proximity to the Main Road on-ramp to the Hunter Expressway which provides direct access to Newcastle and Sydney. The site is within the Gillieston Heights Urban Release Area which offers its own local centre which includes an IGA and other specialty stores.

The site location in its local and regional contexts are at **Figure 1** and **Figure 2** respectively.



**Figure 1:** local context (source: Mecone)



**Figure 2:** Regional context (source: Mecone)

## 2.2 Physical description

### 2.2.1 The site

The site is vacant with direct access to Pear Street. The site has a fall of approximately 3% across the site with Pear Street being the higher elevation of the site. The site is cleared of native vegetation.

### 2.2.2. Easements

The north-west corner of the site is burdened by an easement 2.5m wide to drain water. The proposed stormwater design for the proposal demonstrates that stormwater is able to drain to this easement. None of the proposed development encroaches on this easement.



### 3 DESCRIPTION OF PROPOSED DEVELOPMENT

#### 3.1 Proposed Development

The proposal seeks consent for an integrated residential development comprising Torrens title subdivision and construction of semi-detached dwellings. Each dwelling will be constructed for Specialist Disability Accommodation (SDA) to the level of *robust* dwellings in accordance with NDIS requirements (see **Section 3.3**). The design of the proposal as fronting Pear Street is replicated at **Figure 3**. Full architectural plans for the proposal are at **Appendix 1**.

Details of each dwelling are set out at **Table 1**.

Table 1: Details of proposal					
Dwelling	Proposed Lot Size	Internal size	Number of bedrooms	Carer's room	Parking spaces
A	321.1sqm	137sqm	2	Yes	3
B	301.6sqm	137sqm	2	Yes	2

The proposal also seeks consent for associated ancillary work including minor earthworks required to prepare the site for development and the provision of essential services as required.



**Figure 3:** Elevation of proposal fronting Pear Street including landscape .

#### 3.2 Design Drivers

Compliance with SDA design requirements are a key design driver which informed the size of rooms, accessibility aspects of the dwellings including access ramp and relative levels (RLs) across the site to allow for single grade access between the front and rear of each dwelling.

### 3.3 Specialist Disability Housing & Operational Details

The proposal is for semi-detached dwellings but will be built for Specialist Disability Accommodation (SDA) to the level of 'Robust' housing. Robust housing is housing which is strong and durable which reduces the need for repairs and maintenance. Because of the construction standards, Robust housing suits people who need help managing complex and challenging behaviours.

Internal amenities for Robust housing is required to be in accordance with the 'Specialist Disability Accommodation Design Guideline'. The Guideline includes detail on higher threshold of construction and durability required for components of a dwelling including doorways, corridors, kitchens, light fixtures and materials etc. Depending on the requirements of the resident, in-house assistance may be required and so the ability to accommodate an overnight carer within each dwelling is catered for within the proposal.

A Letter of Review confirming the ability of the proposed development to be used for SDA NDIS purposes from a registered SDA Assessor is provided at **Appendix 2**. A Letter of Statement from the Proponent advising the intent to lease the dwellings for NDIS is provided at **Appendix 3**.

## 4 PLANNING CONTROLS

### 4.1 National Construction Code / Building Code of Australia

The proposed dwellings will each include a carer's room so that a carer can stay overnight if required. As such, the dwellings will be Class 3 construction under the NCC / BCA to comply with NDIS requirements.

### 4.2 Environmental Planning Instruments (S4.15C1(A)(I))

#### 4.2.1 Maitland Local Environmental Plan

##### Zoning

The site is zoned R1 General Residential in the Maitland LEP 2011 (**Figure 4**).

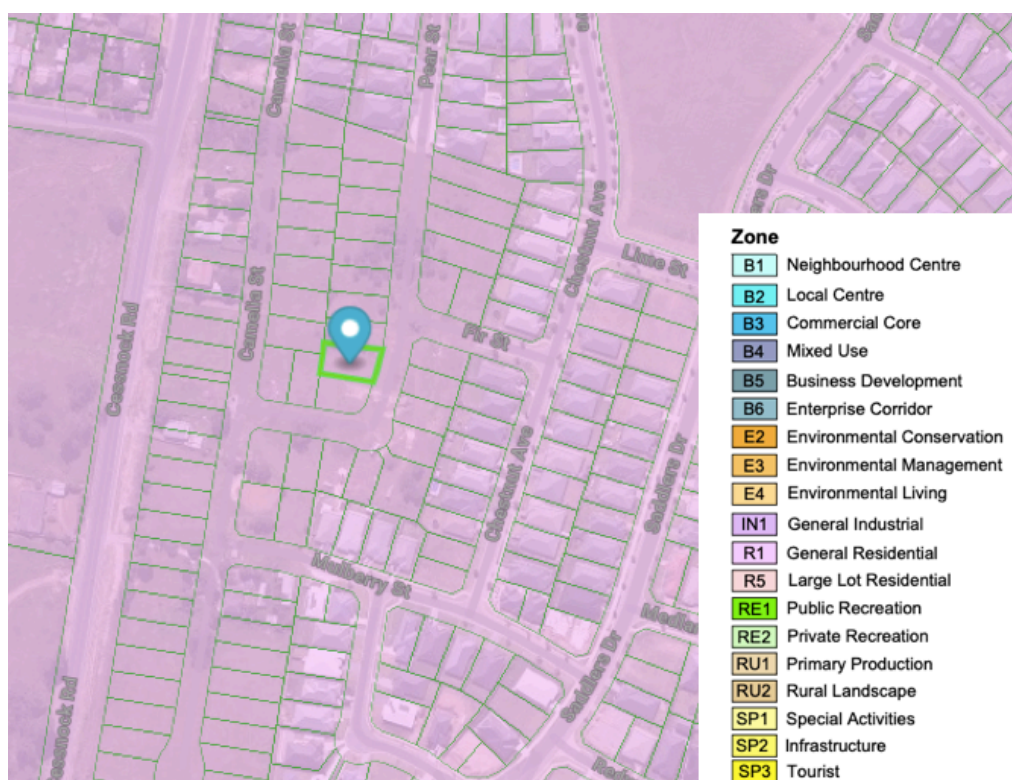


Figure 4: Land zoning (source: Spatial Viewer)

The objectives of the R1 zone are:

#### 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 is consistent with the objectives of the zone in the following ways:

- The proposal contributes to the supply of housing of various lot sizes in the Maitland LGA which positively contributes to housing affordability
- The proposal of contributes to diverse housing in the area in a well-located area.

#### *Land use definition & Permissibility*

The land use definitions of the proposal based on the definitions in the EPA Act and Maitland LEP are “subdivision” and “semi-detached dwellings”.

Subdivision is defined in the EPA Act as:

*“**subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.”*

Semi-detached dwelling is defined in the Maitland LEP as:

*“**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling”.*

Subdivision is permitted with consent pursuant to Clause 2.6 of the Maitland LEP (see below). Semi-detached dwellings are permitted with consent in the R1 zone. Therefore, the proposed integrated residential development is permissible with consent.

#### *Clause 2.6 – Subdivision*

Clause 2.6 of the LEP states that subdivision is permitted but only with consent and that consent must not be granted to development for the purposes of a secondary dwelling if the result of development would site the principal dwelling and secondary dwelling on separate lots unless those lots meet the mapped minimum lot size.

Accordingly, the proposal seeks consent for Torrens title subdivision for one-into-two lots pursuant to the clause. The proposal does not seek consent for a secondary dwelling and so this component of the clause is not relevant.

#### *Clause 4.1 – Minimum subdivision lot size*

The site is mapped as having a minimum lot size of 450sqm. However, consent for subdivision at the site is sought pursuant to *Clause 4.1A – Exceptions to minimum lot sizes in Zone R1* (see below).

#### *Clause 4.1A – Exceptions to minimum lot sizes in Zone R1*

The objective of the clause is to encourage housing diversity without adversely impacting on residential amenity.

The site is mapped as having a minimum lot size of 450sqm. Notwithstanding, Clause 4.1A of the Maitland LEP 2011 relates to *exceptions to minimum lot sizes in Zone R1* and permits the development for subdivision which is below the mapped minimum lot size for a site which is zoned R1 General Residential if the development includes both of the following—

- (a) the subdivision of land into 2 or more lots equal to or greater than 300 square metres,
- (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision.

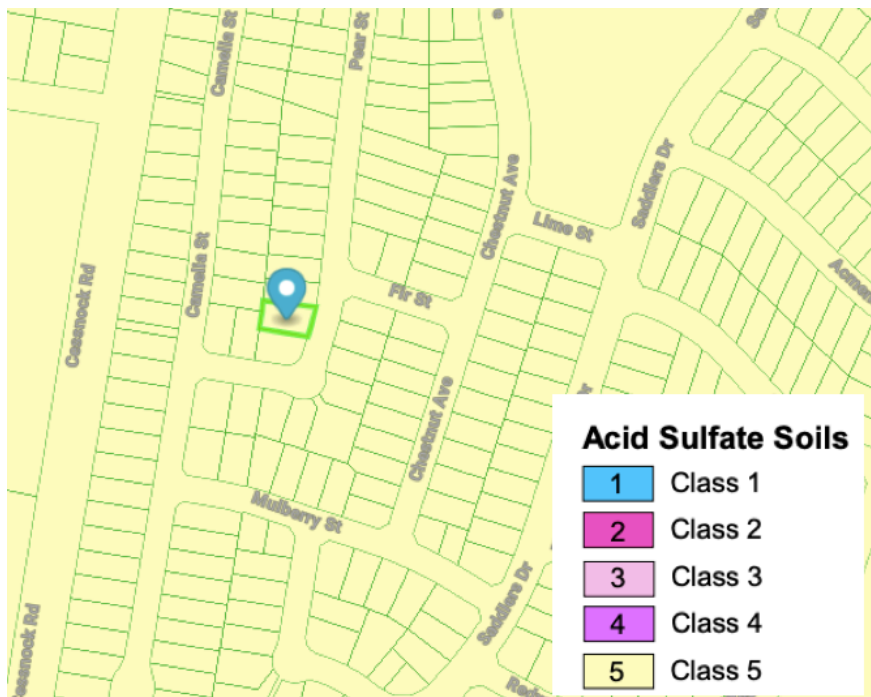
The proposal is for a semi-detached dwelling development where the resultant lots will be 321.1sqm (Lot A) and 301.6sqm (Lot B) and so comply with the clause. Accordingly, the proposal complies with the requirements of Clause 4.1A.

*Clause 5.10 – Heritage Conservation*

The site is not mapped as containing any items of heritage significance.

*Clause 7.1 – Acid Sulphate Soils*

The subject site is identified as containing Class 5 acid sulphate soils as shown on Council’s Acid Sulfate Soils Map (**Figure 5**). Acid sulphate soils are discussed at **Section 5.1.7**.



**Figure 5:** Acid sulphate soils at the site (source: Spatial Viewer)

*Clause 7.2 – Earthworks*

Clause 7.2 requires development consent for earthworks unless they are ancillary to other development for which consent is given. Earthworks are discussed at **Section 5.1.16**.

*Mapping*

The following is noted with regard to remaining LEP layers

- The site is not mapped as having a maximum height of building control
- The site is not mapped as having a maximum floor space ratio control



#### 4.2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 *Chapter 4 – Koala Habitat Protection 2021*

Chapter 4 of the SEPP applies to all local government areas (LGAs) listed in Schedule 2, which includes The City of Maitland and therefore the subject site.

The aim of the Chapter is “*to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline*”. The Chapter requires that development be consistent with an approved koala management plan that applies to the site, or where there is no such plan, make an assessment as to whether it is likely to have any impact on koalas or koala habitat.

The proposed development being on a site within an approved Urban Release Area subdivision will not have any impact on koala habitat.

#### 4.2.3 State Environmental Planning Policy (Housing) 2021

The SEPP provides permissibility pathways and development incentives and concessions for certain types of diverse and affordable housing.

While the proposal will contribute to diverse housing in the LGA, the proposal does not rely on the SEPP (Housing) for permissibility or development concessions.

#### 4.2.4. State Environmental Planning Policy (Planning Systems) 2021

The SEPP includes permissibility pathways and development triggers for certain types of development and outlines the consent authority for certain types of development including State Significant Development, Regionally Significant Development and the like.

The proposed development type does not constitute State Significant Development (SSD) pursuant to Chapter 2 of the SEPP and so the provisions relating to SSD are not relevant. The Estimated Development Cost as well as the proposed subdivision not being located within the coastal zone mean the proposal does not constitute Regionally Significant Development under Schedule 7 or the SEPP and as such does not require the Regional Planning Panel to be the consent authority.

Therefore, the consent authority for the proposal is Maitland City Council.

#### 4.2.5. State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP provides requirements around coastal areas, hazardous industry and contaminated land.

#### *Chapter 2 – Coastal Management*

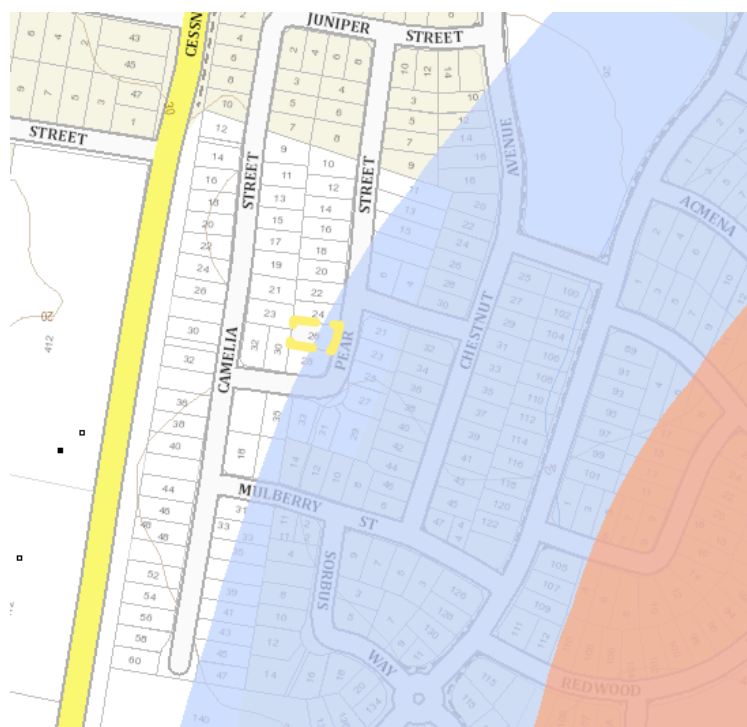
Chapter 2 of the SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. Chapter 2 applies to land within the coastal zone which includes

coastal wetlands and littoral rainforests area, coastal vulnerability areas, coastal environment areas and coastal use areas. The subject development is partly located within the *Coastal Environment Area* (**Figure 6**).

The SEPP requires that a consent authority consider the following if a site is located in the Coastal Environment Area:

- a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- b) *coastal environmental values and natural coastal processes,*
- c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- f) *Aboriginal cultural heritage, practices and places,*
- g) *the use of the surf zone*

The proposed development will not have any adverse impact on the Coastal Environment Zone with regard to the above considerations.



**Figure 6:** Coastal Environment Zone Map (source: Spatial Viewer)

#### *Chapter 4 – Remediation of Land*

Chapter 4 of the SEPP relates to State-wide controls for the requirement to remediate contaminated land. The policy states land must not be developed if it is not suitable for a

proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The site is located within an Urban Release Area and is zoned for residential use. The site has had no interim uses between when it was subdivided and now and so contamination could not have occurred at the site. Therefore, the site is suitable for the proposed use.

#### 4.2.6. State Environmental Planning Policy (Sustainable Buildings) 2022

The aims of the SEPP relate to requiring sustainable construction of buildings and replaced the former SEPP (BASIX).

The proposed development being constructed as Specialist Disability Accommodation is proposed to be constructed as a Class 3 building and therefore not subject to BASIX but subject to demonstrating compliance with Section J of the NCC. In this regard a Section J Report has been prepared by Accelerate Sustainability Assessments (**Appendix 4**). The report demonstrates the proposal is complies with performance requirements of J1P1.

#### 4.2.7. State Environmental Planning Policy (Transport and Infrastructure) 2021

The SEPP includes permissibility pathways for agencies and private developers for certain transport and infrastructure items. Thresholds for development are also included whereby Transport for NSW (TfNSW) is required to provide comment.

Section 2.121 of the SEPP provides that any development listed within Schedule 3 is classified as “traffic generating development” and requires a referral to TfNSW. Schedule 3 provides the following:

Column 1 – Purpose of Development	Column 2 – Size of capacity (site with access to any road)	Column 3 – Size or capacity – site with access to classified road or to road that connection to classified road (If access within 90m of connection, measured along alignment of connecting road)
Subdivision of land	200 or more allotments where the subdivision includes opening of a public road	50 or more allotments

The proposed subdivision does not meet the thresholds for referral to Transport for NSW for comment and as such agency referral is not required.

### 4.3. Draft Environmental Planning Instruments (S4.15C1(A)(II))

There are no draft Environmental Planning Instruments which apply to the site.

### 4.4. Maitland Development Control Plan (S4.15C1(A)(III))

The Maitland Development Control Plan 2011 (MDCP) applies to the proposed development. A full assessment against the requirements of the relevant chapters of MDCP 2011 has been undertaken as part of this application and a DCP Compliance Table is included as **Appendix 5**.



The following details areas where compliance cannot be achieved and thus the objectives have been addressed.

#### I. Southern side setback for proposed Dwelling B

The objectives for side and rear setbacks in the DCP are to *allow flexibility in the siting of buildings and the provision of side and rear setbacks* and to *allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings*. To achieve these objectives the DCP stipulates the following prescriptive controls for side setbacks:

- a) *0.9m for walls up to 3m in height (underside of eaves)*
- b) *0.9m plus 0.3m for every metre of wall height over 3m and less than 7.2m*

The proposed Dwelling B presents a 900mm setback to the southern boundary; however, parts of proposed Dwelling B's southern elevation present building heights between 3.26m to a maximum height of 3.73m which are minor non-compliances with the setback requirement. Notwithstanding this non-compliance, the proposal meets the objectives of the control for the following reasons and so should be supported.

- The proposed setbacks do not impede adequate provision of landscaping, privacy and natural light between buildings
- The construction of the proposal as SDA housing requires the dwellings to maintain a consistent RL across the dwellings to ensure internal accessibility.
- The proposed non-compliance will not adversely affect the neighbouring property to the south in term of overshadowing or overlooking.

#### II. Staggered garaging

The objectives of the DCP related to staggering garaging where garages are side-by-side for semi-detached development is to encourage attractive residential development while allowing flexibility in the application of standards.

The proposal nominates side-by-side garaging for each semi-detached dwelling without a 1m setback between garages to provide this "staggered" appearance. The siting and design of garages responds to the site and the need to ensure consistent grades and accessibility for SDA requirements. Landscaping is proposed at the front of the property which will positively complement the surrounding streetscape and in this regard, it is considered that providing flexibility in the application of this control should be supported.

#### III. Ground level private open space

The objective of the clause is to provide sufficient and accessible open space for the reasonable recreational needs of residents, ensure privacy of open space areas and take into account outlook and neighbouring buildings.

To achieve this objective the DCP requires 35sqm of outdoor POS at ground level. Each dwelling provides approximately 20sqm of outdoor POS at ground level which is considered appropriate for the following reasons:

- The primary POS for each dwelling is covered at directly accessible from each dwelling which is a more useable and convenient location considering the future use of each dwelling as specialist disability housing.
- The area of outdoor POS at ground level is of a regular shape and size to provide for the reasonable recreational needs if using at-ground POS areas.

In summary, with the exception of the abovementioned areas of justified non-compliance, the proposal is consistent with the objectives of the DCP.

## 4.5. Planning agreements (S4.15C1(A)(IIIA)) and contribution plans

### 4.5.1. Planning agreements

The site is not subject to a planning agreement.

### 4.5.2. Contribution Plans

#### *Housing Productivity Contribution*

The Housing and Productivity Contribution (HPC) is a broad-based charge to the whole of the local government areas located within the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter and Central Coast regions.

Notwithstanding, the Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023 at Schedule 2 states that “specialist disability accommodation within the meaning of the National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020 of the Commonwealth” are exempt from the HPC.

Accordingly, the proposal is not subject to developer contributions under the HPC.

#### *Maitland City Wide Section 94 Contributions Plan 2016*

The Maitland City Wide Section 94 Contributions Plan applies to the entire LGA and therefore the proposal is subject to this plan. A credit will apply to the existing lot and so developer contributions are applicable only to the additional lot being created.

The HPC acknowledges that housing for people with a disability is not required to contribute developer contributions because of the significant public benefit which this form of diverse housing provides the community. The Maitland 7.11 Plan states that even seniors and disability housing add extra demand on services and should be required to contribute toward developer contributions funds. Section 2.5.1 of the 7.11 Plan states that high level care facilities are subject to developer contributions under the Maitland City Council S94A Levy Contributions Plan. The proposal is for SDA housing which is equivalent to high level care and so should be levied contributions under Council’s S7.12 Plan which acknowledges that this form of diverse housing has significant public benefits to the community as well as decreased

demand on local services and facilities compared to other forms of residential accommodation.

It is requested that developer contributions for the proposal be levied in accordance with Council's 7.12 Plan which is based on a 1% rate of the total cost of development.

## 4.6. Strategic Plans

### *Hunter Regional Plan*

The Hunter Regional Plan (HRP) is the 20-year planning blueprint for the ongoing prosperity of the Hunter. The site is part of the Greater Newcastle District in close proximity to Maitland and Kurri Kurri which are identified growth centres and so the site will have excellent access to services and facilities which contribute to the 15-minute region. The proposal will also make a positive contribution to dwelling diversity in the region.

The proposed subdivision is consistent with the aims and outcomes sought by the Hunter Regional Plan.

### *Greater Newcastle Metropolitan Plan 2036*

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across the LGAs which comprise the Greater Newcastle area. Outcome 3 of the Plan relates to delivering diverse housing close to jobs and services.

The proposal will contribute to diverse housing in the Maitland area by way of two (2) semi-detached dwellings constructed as Specialist Disability Housing (Robust Housing). The proposal is consistent with the Greater Newcastle Metropolitan Plan 2036.

### *Maitland Local Strategic Planning Statement*

The Maitland Local Strategic Planning Statement 2040+ (LSPS) sets out a 20-year plan integrating land use, transport and infrastructure planning for the future of the Maitland Local Government Area. Local Planning Priority 1 is to "plan for diverse and affordable housing to meet the needs of our growing and changing community".

The proposal being for small-lot SDA housing is wholly consistent with this planning priority and the LSPS.

### *Maitland Local Housing Strategy*

The Maitland Local Housing Strategy (LHS) 2041 sets out a framework to guide the growth and change of Maitland's residential areas over the next 20 years by building on the long-term land use vision established in the Maitland LSPS 2040+.

Chapter 4.2 of the LHS relates to housing diversity and includes Planning Principle 2 to "provide greater housing choice by encouraging a range of different housing types, sizes and tenures in appropriate locations". The proposal is for both small-lot housing which will provide increased options for housing which is affordable as well as SDA housing which will contribute to a diversity of housing in Maitland which caters to a range of individuals' needs. The proposal is wholly consistent with the LHS.

#### 4.7. Biodiversity Conservation Act 2016

The site does not contain nor proposal the removal of any native vegetation and so a Biodiversity Assessment Report or Biodiversity Development Assessment Report is not required. Assessment under the *Biodiversity Conservation Act 2016* is therefore not required.

#### 4.8. Integrated Development

The proposal is not integrated development pursuant to Division 4.8 of the *Environmental Planning and Assessment Act 19*

## 5. ENVIRONMENTAL ASSESSMENT

### 5.1. The likely impacts of the development (S4.15C(1)(B))

#### 5.1.1. Access, Traffic and Parking

##### *Access*

The proposed semi-detached dwellings will have direct access to Pear Street.

##### *Traffic*

The proposal will result in the construction of a semi-detached dwelling development comprising two-bedrooms in each dwelling including a carer's room each which be used on an as-need basis depending on the future resident's need. The proposal is not considered to have any adverse impacts on traffic and the existing street network can accommodate the potential increase for traffic.

##### *Parking*

As outlined in the DCP assessment, the proposal complies with the requisite car parking requirements. The development proposes a single garage for each dwelling with the potential for tandem car parking in front of each dwelling and an additional parking space which can be utilised if required. This additional parking space is proposed to be of pervious material and so will not increase the overall total impervious area of the proposal.

#### 5.1.2. Public Domain & Utilities

The proposal has been designed to present to Pear Street and includes landscaping which provides a positive contribution to the public domain.

The site is serviced by all essential services including reticulated water and sewer, telecommunications and electricity.

#### 5.1.3. Stormwater and Drainage

A Stormwater Concept Plan (SCP) has been prepared in support of the proposal (**Appendix 6**). The SCP demonstrates conveyance of stormwater for each semi-detached dwelling to the existing easement at the rear of the property and includes the following water quality treatment:

- Silt and pollutant arrestors
- Rain water tanks

#### 5.1.4. Erosion and Sediment Control

Erosion and Sediment control details are included in the Stormwater Concept Plan (**Appendix 4**). During construction, treatment devices will be used to contain generated pollutants from the site. All erosion and sediment controls and practices will be in accordance with Maitland City Council's Manual of Engineering Standards and 'Managing Urban Stormwater'.

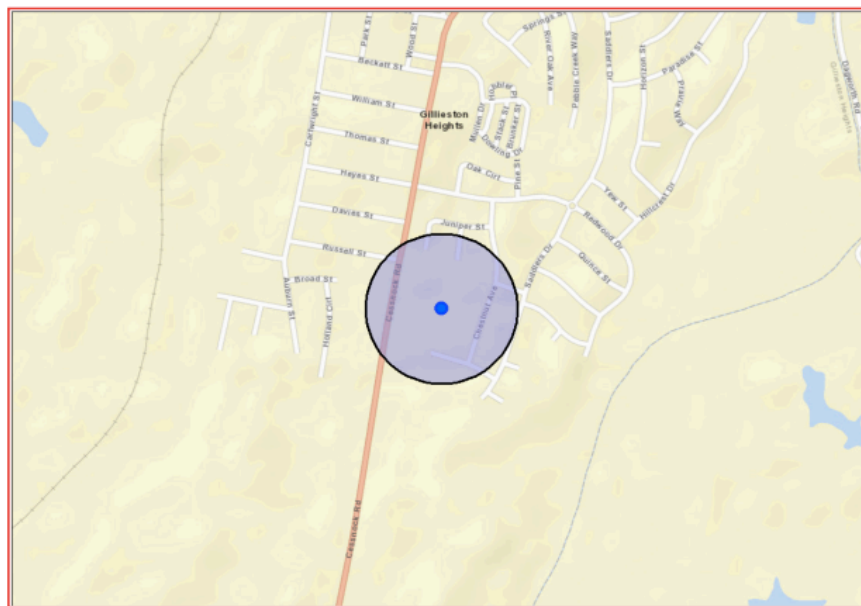
### 5.1.5. Ecology

The site is vacant and so removal of native vegetation is not required for the proposal. The proposal will not have any impact on ecology at the site.

### 5.1.6. Heritage

#### *Aboriginal heritage*

An AHIMs search was undertaken to ascertain whether any items of Aboriginal heritage were located within 200m of the subject site (**Figure 7**). There were no items of Aboriginal heritage identified.



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. *

**Figure 7:** AHIMS search

#### *Non-indigenous heritage*

The site is not mapped in the Maitland LEP as containing any items of non-indigenous heritage.

### 5.1.7. Geotechnical considerations

#### *Contamination*

The site is located within an Urban Release Area and is zoned for residential use. The site has had no interim uses between when it was subdivided and now and so contamination could not have occurred at the site. Therefore, the site is suitable for the proposed use.

#### *Acid sulphate soils*

The site is mapped as being subject to Class 5 acid sulphate soils. The clause requires that for land subject to Class 5 acid sulphate soils, the impact of acid sulphate soils be considered for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD.

The proposal is within 500m of Class 1 acid sulphate soils associated with Walls Creek to the east of the site; however, the proposal does not seek any development for which works below five metres AHD or by which the watertable is likely to be lowered below one metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. Accordingly the proposal does require an assessment of acid sulphate soils.

#### 5.1.8. Utilities

The site has access to all essential services and utilities.

#### 5.1.9. Natural hazards

##### *Bushfire*

The site is not mapped as bushfire prone land.

##### *Mine subsidence*

The site is not identified as being subject to mine subsidence.

##### *Flooding*

The site is not identified as being flood prone land.

#### 5.1.10. Noise and Vibration

The site does not front any main roads or rail lines or any other potential sources of significant noise.

#### 5.1.11. Landscaping

Proposed landscaping detail are provided within the Architectural Plans at **Appendix 1**.

#### 5.1.12. Visual Impacts

The proposal will have no adverse visual impacts on the adjacent or nearby properties.

#### 5.1.13. Social Impacts

The proposal provides significant positive social impacts through the delivery of additional diverse (SDA) housing in the Maitland area.

#### 5.1.14. Economic Impact

The proposal will have positive economic impacts through the creation of jobs during construction as well as ongoing employment and work opportunities for carers, as required.

#### 5.1.15. Safety, Security and Crime Prevention

The proposal has been designed to allow passive surveillance which is consistent with CPTED principles.

#### 5.1.16. Earthworks

No significant earthworks are required with the exception of minor preparation works which may be required.

#### 5.1.17. Waste

A Waste Management Plan has been prepared for the proposal (**Appendix 7**).

#### 5.2. The suitability of the site for the development (S4.15C(1)(C))

The proposal is for an integrated residential development comprising a one-into-two lot Torrens title subdivision and construction of semi-detached dwellings. Subdivision and semi-detached dwellings are both permitted with consent in the zone and the proposed use of each dwelling for Specialist Disability Accommodation mean the proposal will make a positive contribution toward the needs of the community and diverse housing options in the area.

#### 5.3. Any submissions made in accordance with the Act (S4.15C(i))(D)

It is understood that the proposal will be exhibited in accordance with Council's Community Participation Plan. The Proponent appreciates the opportunity to respond to any submissions received.

#### 5.4. The public interest S4.15C(1)(E))

The proposal is considered to be wholly in the public interest and should be supported for approval



## 6. CONCLUSION

This SEE and supporting reports and documents demonstrate the proposed integrated residential development for one-into-two lot Torrens title subdivision and construction of semi-detached dwellings is an appropriate and suitable development for the site when assessed against the heads of consideration in the EPA Act.

The semi-detached dwellings have been designed to comply with the applicable relevant controls of the LEP and is consistent with all objectives of DCP controls which relate to the proposal. The proposal should be supported based on the following:

- The proposal will contribute to diverse housing options in the Maitland LGA include housing type as well as lot sizes
- The proposal being for SDA accommodation (Robust housing) in accordance with NDIS requirements will contribute to the need for SDA housing across the Hunter.
- The design of the building including landscaping will make a positive contribution to the streetscape and is consistent with the desired future character of the area.

The proposal satisfies statutory and merit-based considerations and there are no outstanding matters which are considered to preclude approval of the proposal.

Taking into consideration the information and justifications in this SEE, Council is requested to grant development consent to the proposal.