



# STATEMENT OF ENVIRONMENTAL EFFECTS

## Multi Dwelling House Development

A REPORT PREPARED BY PIPER PLANNING FOR:

ELK Designs

3 Gillette Close Rutherford

Rev C – 08/05/24



## DOCUMENT NOTES

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# 1. INTRODUCTION

This Statement of Environmental Effects (SEE) relates to the premises known as No. 3 Gillette Close, Rutherford. The document accompanies a Development Application for the construction of Multi Dwelling House Development and Strata Subdivision on behalf of ELK Designs.

This SEE and Development Application have been prepared in response to the statutory provisions applicable to the development.

# 2. PROPERTY DETAILS

## 2.1 SUMMARY

Applicant	ELK Designs
Property Address:	Lot 320, DP793991, 3 Gillette Close, Rutherford 2320
Zone	R1 General Residential
Calculations	Parent Lot Area: 1568m <sup>2</sup> Total Site Coverage: 766m <sup>2</sup> (48.85%)
Existing Improvements:	Vacant



## 2.2 SITE CONTEXT AND EXISTING IMPROVEMENTS

The subject allotment is located within a suburban area, within an established residential subdivision. The site is irregular in shape with its long axis oriented to the east/west. The site displays a curved, concave street frontage and has moderately sloped topography which falls from the east to the west. The site is currently unoccupied.

The allotment exists within an R1 General Residential Zone. The site is clear of flood affectations and is within a bushfire prone area (Vegetation buffer). The site has multiple easements restricting the use of land, which relate to storm water drainage and power supply.

The site is bound by a multi-dwelling residential development and a dual occupancy development to the north. A single dwelling house is located to the south and an RE2 (Private Recreation) zone is located to the west of the allotment. The site derives its pedestrian and vehicular access from the Gillette Close carriageway east of the subject allotment.

The site is located approximately 800m from the E3 Productivity Support Zone. The Rutherford Pre-School is located approximately 370m north of the allotment. The site adjoins the corner of Gillette Close and Regiment Road, which is serviced regularly by the B183 Bus Route. The bus stop for this route is located approximately 150m from the subject premise, via a relatively accessible path of travel.

Wollombi Road is located approximately 800m from the premise and this roadway provides direct connection to the New England Highway. Those connections provide access to broader services and employment opportunities, beyond those afforded in the immediate proximity (being the nearby E3 Zone).





The site interfaces an RE2 Rural landscape zone consisting of parks, a golf driving range, and a retirement village.

The site is therefore considered ideally placed to support the development of a multi dwelling house outcome.

Figure 1 outlines the location of the subject site amongst the immediate surrounding context.



Figure 1: The subject allotments within the local context

**Subject Premise**



## 3. DESCRIPTION OF PROPOSED DEVELOPMENT

### 3.1 MULTI DWELLING HOUSE DEVELOPMENT

The Applicant seeks to develop the allotment through the erection of a multi dwelling house development, with associated Strata Title subdivision. Whilst the proposal is technically defined as a medium density outcome, as a result of the constraints across the lot, the actual yield is quite low and more consistent to a low-density form.

The proposal seeks consent for 4 x 2 storey attached, 3 bedroom dwelling houses. All 4 units display attached garages that can accommodate one car parking space each, with capacity for additional stacked parking in front of the garages.

Each dwelling has its own private landscaped area and associated private open space. The private open space of unit 1, 2 and 3 have a northern orientation and POS element of Unit 4 is located to the west of the dwelling. Landscape and open space elements surrounding the built form, facilitate optimised spatial separation to the site boundaries.

Two separate driveways are proposed, one for Unit 1 and 2 and another for unit 3 and 4. Both Driveways are derived from the Gillette Close Carriageway to the east. This is readily accommodated through the very broad frontage of the site.

The site is constrained by multiple easements and bushfire risk. As a result, the proposed development is conservative in scale but still achieves the strategic intent of the allotment. The development has sufficient landscape and open space elements. The development is in character with the



surrounding developments, appropriate in form and scale. Figure 2:  
Indicates the proposed site plan.



Figure 2: Proposed Site Plan





## 4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

### 4.1 RURAL FIRES ACT

The subject premise is identified as being affected by the risk of bushfire attack and the proposal incorporates the subdivision of the land. Please find included with this submission, a Bushfire Risk Assessment, prepared in accordance with the requirements of Section 100B of the Rural Fires Act.

### 4.2 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The site is located within the R1 General Residential Zone under the provisions of the Maitland Local Environmental Plan 2011 (LEP 2011).

The LEP 2011 prescribes the following objectives for the 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.*

According to the LEP 2011, the proposed works are 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.

**Note.** Multi dwelling housing is a type of **residential accommodation** – see the definition of the term in this Dictionary.



Comment:

An assessment of the proposed development against the relevant clauses of the Maitland Local Environmental Plan 2011 finds that the proposal supports the above intentions and will ultimately enhance the built environment and streetscape. Multi dwelling housing is a permissible form of development within the zone subject to council's consent.

The proposal seeks to reinforce the amenity of the area through providing an attractive, low scale built form, with minimal impact on the qualities of the existing environment. The architectural form of the development is very conservative and in keeping with the character of development displayed throughout the locality, but more specifically in accordance with the strategic intent for the zone.

The proposal may be undertaken without constraint to the character and environmental capacity of the locality subject to adequate controls being implemented during the construction process (as specified in plan detail).

The allotment orientation and form (area and shape) enable ideal placement of built form amongst site infrastructure. In this manner the development occurs with minimal constraint to the surrounding development context.

Strong integration of landscape elements and open space are included to the design. These reinforce the streetscape character and amenity throughout and adjoining the development.



## Subdivision

Subdivision Clause 4.1 of the LEP prescribes allotment sizes resulting from subdivision. The provisions of Clause 4.1 do not extend to Strata Subdivisions.

## Acid Sulfate Soils

The subject allotment is identified as being affected by Acid Sulfate Soils (Class, 5). The proposed development is considered unlikely to result in disturbance to acid sulfate soils.



#### 4.3 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The following serves as analysis of the proposed development against the pertinent chapters of the DCP;

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##### Bulk Earthworks and Retaining Walls

The proposed multi-dwelling development exists on an allotment having sloped topography. According to the provisions of the DCP, where a retaining wall is proposed either on or in close proximity to the boundary, the maximum extent of fill shall be 600mm and the maximum cut 900mm.

The proposed development seeks consent for retaining walls with maximum height 1.32m located centrally upon the lot relating to the private open spaces of units 2 and 3 north and east of the respective dwellings.

The maximum depth of excavations at these locations are limited in their extents. The slope of the land is such that the cut retracts to within 1m over a short extent. The excavations are oriented into the site and so they will not present visual impact off site. The landscape design is such that their presence is mitigated internally by way of screen planting. The walls are to be engineer designed and constructed of masonry. As such they will provide for long term stability of the land.

A retaining wall is proposed adjoining the driveway, which is still setback from the northern boundary. The extent of cut and fill are conservative and are appropriate within the location.

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## Street Building Setbacks

According to the DCP, the minimum building line to the principal street frontage of an allotment located in an urban residential zone is 4.5m. Where the shape of the allotment is irregular due to the geometry of the street boundary, the minimum setback permitted is 3m but averaging 4.5m over the length of the building.

Unit 3 displays a minimum front setback of 4.515m. The site is irregular with a curved frontage. The area of the unit within the front setback is an entry foyer and can be considered as an articulation element. The majority of the Unit's frontage is greater than 4.5m and is thus compliant with the DCP requirements.

The proposed garages for Unit 3 and 4 are located 2.2m behind the proposed dwelling and thus does not display frontage to the street.

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## Side and Rear Setbacks

The DCP provisions allow side setbacks of 0.9m for walls up to 3m plus 0.3m for every meter over 3m and less than 7.2m. For that part of a wall over 7.2m the minimum setback should be increased by 1m for every meter over 7.2m.

Unit 1 and 2 have a substantial north side setback of 17.9m and a compliant rear setback of 2.614m.

Unit 4 displays a south side setback of 910mm on the ground and first floor. The architect has considered potential impacts of the first floor element to adjoining lands. Firstly, plan information notes the adjoining premises has a drive access and garage presented to the common interface, with its





habitable living areas and POS area oriented and located well away from this common interface. Subsequently, the common interface has limited capacity for amenity or visual scale impacts.

The designer has included privacy screening to the first floor windows, so that any potential overlooking to the neighbouring premise from the windows serving the first floor sitting room are mitigated.

Referencing shadow diagrams on the plan set DA900-DA902, the private open space and habitable living areas of the adjoining dwelling 5 Gillette Close, receives appropriate levels of solar access. On this basis, the upper level massing is shown to not unduly impact amenity of adjoining lands.

On this basis, we seek that the minor variation to the side setback provisions should be supported on merit as they are appropriate to the development context and have no impact to amenity of adjoining lands.

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#### Site Coverage and Unbuilt Areas

The DCP provisions allow a maximum site coverage of 70% for multi-dwelling housing.

The proposed development displays a compliant site coverage of 766m<sup>2</sup> (according to the plan set) which is 48.85% of the entire site area. We submit that the proposed development is compliant with the DCP provisions in this regard.

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## Building Height, Bulk and Scale

The proposed development exists within an R1 General Residential Zone. According to the DCP requirements, a maximum height of 8.5m is allowed for a multi dwelling housing development. The proposed development displays a maximum height of 8.423m compliant with the provisions of the DCP. This has been determined from the ridge between Units 3 and 4 displaying an RL39.923 above an interpolated existing ground level of RL31.5.

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## External Appearance

The proposal will have a positive impact upon the locality through establishing a level of development appropriate to the locality and the strategic intent facilitated through zone provisions. Elevation, form and style are considerate to that of development in the surrounding area and in view of zoning objectives, the development is entirely appropriate.

The proposed garage openings are oriented to the internal drive access and therefore have no constraint to streetscape amenity. The dwelling unit forms, incorporating a portico entry element projection forward of the garage serves to mitigate dominance within the development.

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## Open Space

The proposed development includes private open space elements for all three units located at the ground floor. Units 1, 2 and 3 have optimum private open spaces of 70m<sup>2</sup> each facing north. Unit 4 has a private open space to the west of the dwelling with a total area of 129m<sup>2</sup>.



All 4 Units have a principal POS of 25m<sup>2</sup>. They all receive adequate sunlight during the day.

The principal private open space required for Unit 4 is 35m<sup>2</sup>. The principal private open space of Unit 3 is within a contiguous private open space area where 36m<sup>2</sup> can be accommodated. As the allotment interfaces with a national park instead of another dwelling. This space shall not be affected by any overshadowing concerns receiving adequate sunlight. The private open space as a result also remains unaffected by privacy concerns and should be supported on merit.

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#### Driveway Access and Car Parking

The provisions of the DCP requires 2 car parking spaces for each dwelling containing more than 2 bedrooms. One visitor space for the first three dwellings and one space for every 5 dwellings thereafter is required.

The proposed development seeks consent for two driveways, one that accesses Units 1 and 2, and the other that addresses Units 3 and 4.

The driveway serving Units 1 and 2 is 5m wide, with the southern driveway (serving Units 3 and 4) displaying a width of 3m. The driveways display compliant setbacks from the side and rear boundaries. The proposed driveways are located clear of the footpath.

The application documentation incorporates swept path analysis to vehicle movement. Those diagrams show that the proposed design allows for suitable access and egress to the premise.



Each Unit consists of a single garage with provision for an additional car to be parked in the driveways. The proposal therefore adequately caters to resident parking demand.

The design also includes an allocated visitor parking space upon the northern driveway. The proposal therefore adequately caters to the modelled demand required by the DCP.

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#### Views, Visual and Acoustic Privacy

The proposed development does not obscure any significant views if the surrounding development. No heritage or dominant landmarks are located within the surroundings.

The habitable living areas of all 4 developments are located within the ground floor and do not overlook the neighbouring properties. While the habitable living areas of units 1,2 and 3 are oriented to the north, they are significantly setback from the north side boundary and thus do not possess the capacity to overlook the properties to the north.

The southern fenestration of unit 4 has incorporated privacy screens obscuring its overlooking capacity. Amenity between the premises will be achieved through standard fencing installations.

We submit that the proposed development is compliant with the DCP requirements in this regard.

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## Water and Energy Conservation

A BASIX Certificate shall be provided with respect to each dwelling within the proposed development. The proposed development has been considered against the provisions of SEPP Basix and a Certificate issued accordingly.

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## Stormwater Management

We understand that a stormwater concept plan has been included that meets DCP requirements for DA.

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## Security, Site Facilities & Services

The proposed development displays appropriate CPTED principles found in typical residential development. That is capacity for casual surveillance and territorial reinforcement of the public/private interface.

Appropriate bin store locations are displayed on plan detail.

Individual mailboxes will be included for the proposed dwellings at the primary street frontage.

Clothes drying areas are included in rear yard spaces.

Services will be provided to each dwelling.

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## Vegetation Management

The proposed development requires the removal of a number of trees from the property to accommodate the development. We would be guided by Council to the necessity for any arborist input in this regard.

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## 5. CLAUSE 4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### 5.1 OVERVIEW

In this Section, the proposed development has been assessed having regard to the relevant matters for consideration under Clause 4.15 of the Environmental Planning and Assessment Amendment Act, 1997, which a consent authority must consider in determining an application.

### 5.2 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Consideration is given to the Rural Fires Act and Maitland LEP 2011 within Sections 4.1 and 4.2.

### 5.3 THE PROVISION OF ANY DRAFT EPI

No Draft Instrument applies to the allotment.

### 5.4 ANY DEVELOPMENT CONTROL PLAN

Consideration of the relevant Elements of DCP 2011 are analysed in Section 4.3.

### 5.5 ANY MATTERS PRESCRIBED BY THE REGULATIONS

Not applicable to this application.

### 5.6 LIKELY IMPACTS OF THE DEVELOPMENT

#### 5.6.1 Context and setting

The proposed development and use of the premises for a residential purpose will complement the surrounding context. The scale, form and placement of development are considered ideal to the allotment and



local context. The development achieves the desired outcome for the locality facilitated through Zone objectives.

#### 5.6.2 Public domain

The proposal will have no impact on the public domain. No external works are proposed.

#### 5.6.3 Utilities

All installations will meet the requirements under the Australian Standards and the Building Code of Australia.

#### 5.6.4 Social and Economic impact in the locality

The proposed development will provide impetus and vitality to the locality and is therefore considered appropriate. Again, the achievement of the density and form of development sought through Zone Objectives is considered beneficial to the locality.

#### 5.6.5 Site design and internal design

The site is considered ideal to the needs of the proposal. The design suitably responds to the attributes of the site.

#### 5.6.6 Cumulative Impacts

The cumulative impact of the development on the character of the neighbourhood is expected to be negligible.

### 5.7 SITE SUITABILITY

The subject site is considered ideal to the requirements of the Applicant. No variation to site formation or infrastructure is required.



## 5.8 SUBMISSIONS

The Consent Authority will need to consider any submissions received in response to the public exhibition of the proposed development.

## 5.9 THE PUBLIC INTEREST

There are no known Federal or State Government policy statements and/or strategies that are relevant to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

# 6. CONCLUSION

The proposal is identified as Integrated Development under the terms of the Environmental Planning and Assessment Act 1979 (RFS Bush Fire Safety Authority required) and has been assessed against the requirements of Section 4.15 of the Act, Maitland Local Environmental Plan 2011 and Council's policies including the Development Control Plan 2011. In this regard, it is considered that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above controls.

The proposal will provide elevation, form and style consistent to that of built form throughout the locality and in consideration of zoning objectives, the development is entirely appropriate.

As such, the proposal for the Multi Dwelling Development and Strata Subdivision upon Lot 320, DP793991, No. 3 Gillette Close, Rutherford 2320 is an appropriate response to context, setting and planning instruments. Approval is recommended.