

Development Application Report



Addition to Existing Mixed Use Development – Two Dwellings

86 Church Street
Maitland
Lot 1 DP557942

Applicant: Skellatar Investments Pty Ltd
July 2024

Limitations Statement

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Precis

Development Consent is sought from Maitland City Council for two additional dwellings forming an addition to the existing mixed-use development at 86 Church Street Maitland.

The proposal has been the subject of a detailed design analysis including careful consideration of adjoining land uses, the requirements for the Maitland Heritage conservation area and the amenity of the future occupants.

Accordingly, the application responds to all relevant planning requirements and provides an infill development opportunity within a vacant portion of the site that will have minimal impact on the social, economic and ecological environment.

Council support for the application is anticipated.

1.0 Introduction

This report has been prepared in support of a Development Application to Maitland City Council for the erection of two additional dwellings forming an addition to the existing mixed-use development at 86 Church Street Maitland. This report includes:

- Outline of the site's opportunities and constraints
- The proposed development
- Statement of Environmental Effects
- Response to all relevant planning instruments

1.1 Applicant

The landowner, and applicant, for this application is Skellatar Investments Pty Ltd.

1.2 Site Description

The subject site is located at 86 Church Street Maitland and is described as Lot 1 DP557942.

The site is a corner allotment having frontage to Church Street, Steam Street and Ballard Street. The site has an area of 1266.9m².

The site contains a mixed-use building comprising a commercial tenancy facing Church Street and residence above and beside this tenancy.

An aerial photo of the site is provided by **Figure 1** and detail survey is provided at **Figure 2**.

Figure 1 Subject Site



Figure 2 Detail Survey of Site

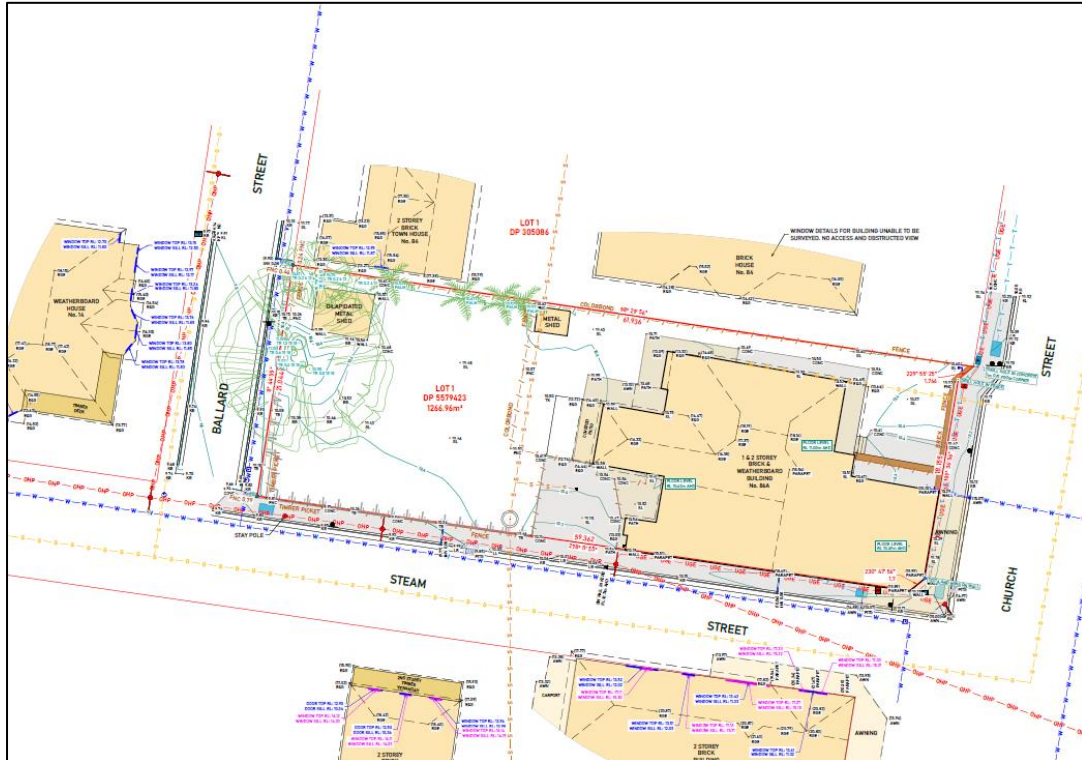


Figure 3 Subject Site as viewed from Church Street



Figure 4 Subject Site as viewed from Corner and Steam and Ballard Street



Figure 5 Area of Proposed Dwellings



2.0 Site Analysis

2.1 Site Context

The sites immediate context consists of:

- Residential Dwellings to the north and west
- Combination of the Grand Junction Hotel, heritage listed, and residential dwelling to the south

Figure 6 Residential Development to the North



Figure 7 Residential Development to the South



2.2 Site Opportunity and Constraints

The key opportunities and constraints of the site include:

- The subject site is afforded excellent access to a range of public and private infrastructure associated with the Maitland CBD and the nearby Train Station. Accommodating additional persons within the site will therefore promote effective use of these services and ensure alternative transport options (rather than a private motor vehicle) are optimised
- The site displays minimal slope conditions
- The site is not identified as being flood liable as discussed elsewhere in this report. The site therefore presents a rare opportunity to increase housing options within the Maitland CBD area without being constrained by flood
- The site is located within the Maitland Heritage Conservation area and adjoins the local heritage item – Grand Junction Hotel. The design has been informed by the inputs of a heritage consultant and is accompanied by a Heritage Impact Assessment
- All services are available to the site, and can be readily augmented for the proposal
- There are no known easements or other restrictions encumbered on the allotment that would preclude the proposed development
- The site contains a large Camphor Laurel tree (multi stemmed). As a noxious weed this tree is to be removed as a part of this application, no Arborist assessment is deemed to be required
- Proximity of the overhead electrical infrastructure has been duly considered in the design of the dwellings
- The site is not identified as being constrained by mine subsidence or bushfire

3.0 The Proposal

The proposed development seeks the following:

- Erection of two (2) attached dwellings, two storeys in height
- Each dwelling provided with four bedrooms and a single garage with allowance for a stacked parking space
- The built form of the structures has been guided by advice from the project heritage consultant to ensure the provisions of the Maitland Heritage Conservation Area have been properly considered
- The dwellings will not alter the existing residential dwelling and commercial tenancy which retains the current open space and parking allocation
- Subsequent torrens title subdivision of the site, separating the existing mixed-use building and ancillary areas along with the proposed dwellings is included in this application

A site plan of the proposal is provided at **Figure 8**, with a render of the proposal from Steam Street provided at **Figure 9**.

Figure 8 Site Plan of Proposed Development

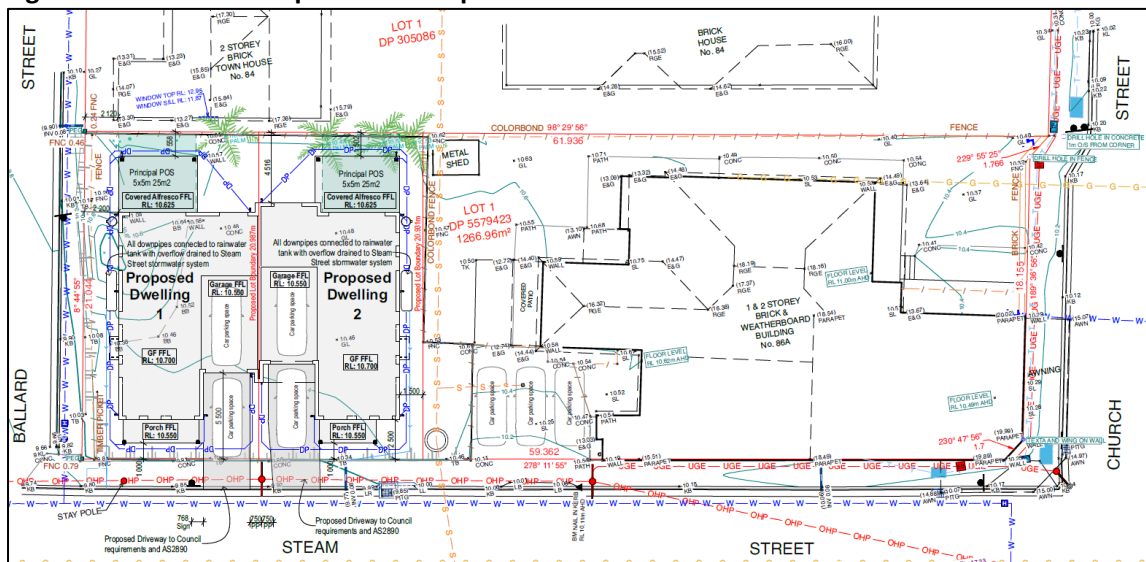


Figure 9 Steam Street Rendered Image



Detailed plans of the proposal accompany this application.

4.0 Statement of Environmental Effects

The following provides an outline of how the proposed development has considered any possible environmental impacts, and the measures utilised to reduce/mitigate these impacts, as required by the Environmental Planning and Assessment Regulations (2021).

4.1 Existing Site Conditions

The site is currently being used as ancillary to the existing residential dwelling within the site.

This use, in combination with the proposal not being deemed to be a sensitive land use, will not require a contamination assessment to be prepared in support of this application.

4.2 Site Topography

As outlined in **Section 2.2** the subject site is effectively flat.

No significant retaining is therefore sought by this application.

4.3 Flooding

The subject site is located within the Maitland CBD area, known for flood limitations. Consultation was undertaken with Council staff which confirmed that the site is not flood prone. **Figure 10** provides an indication of the extent of flood impact around the site.

Figure 10 Flood Mapping in Sites Context



4.4 Stormwater/Sediment and Erosion Control

Stormwater management details are included within the plans of the proposal.

The plan can be summarised as follows:

- Roof water from the units will be directed to water reuse tanks
- Overflow from the tanks, and the car park area, will be conveyed to the existing street drainage system in Steam Street

It is observed that stormwater infrastructure within Steam Street has recently been subject to significant repair and upgrades, mitigating the need for further upgrade associated with this development.

Sediment and erosion control details included in the plans of the proposal.

4.5 Traffic and Access

The proposed multi dwelling housing is not considered to impact on the existing road network on the basis that:

- Occupant parking will be provided onsite in accordance with Council parking requirements
- All vehicle movements into and out of the site can occur in a safe manner, given the low speed traffic environment of Steam Street and the driveway distance to the nearest intersection
- The existing commercial premises and dwelling have operated and functioned with the existing parking provision for over 40 years. This use is considered to be suitably established to mitigate the provision of additional parking onsite. In any case the site is afforded excellent access to a range of public parking options including on street and the nearby public car park adjoining Maitland Train Station
- The proposal will result in only a minor increase in the traffic movements into and out of the site and no significant upgrades are necessary to the existing traffic network
- The proposal locates additional persons within the immediate vicinity of both public transport options and public and private infrastructure associated with the Maitland CBD. Alternative transport options are therefore encouraged by this application.

4.6 Heritage

The subject site is located within the Central Maitland Heritage Conservation Area and adjoins the Grand Junction Hotel heritage item. It has therefore been subject of a Heritage Impact Statement completed by **Placemark consultants**. The statement is summarised as follows:

- The design development was guided by inputs from the heritage consultant ensuring the plans duly considered heritage aspects of the site's context. This has included building massing, roof typology, window fenestration, treatment of balcony elements along with material selections
- The proposal is deemed to have no impact on the heritage significance of the area and conforms to the requirements of the Development Control Plan for the conservation area

4.7 Waste Management

A Construction Waste Management Plan accompanies this application.

It is intended for operational waste to be collected at the street via standard Council collection. Bins will be stored in a designated area in each lot, with bins to be taken to the street by each occupier.

5.0 Section 4.15 Assessment Response to Planning Instruments

An assessment of the proposal has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (1979) and the Environmental Planning and Assessment Regulations (2021).

5.1 Environmental Planning Instruments

5.1.1 State EPI's

State Environmental Planning Policy BASIX

BASIX Certificates accompany this application.

State Environmental Planning Policy – Transport and Infrastructure

Chapter 2 Infrastructure

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications – other development

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

The proposal involves works within 5m of existing infrastructure within Steam Street.

The application will need to be referred to Ausgrid for comment, any conditions from this referral will be addressed in detailed documentation for the construction certificate.

5.1.2 Local EPI's

Maitland Local Environmental Plan 2011

Clause 2.6 Subdivision

Consent is sought for torrens title subdivision in accordance with this clause.

Land Use Table

The site is zoned MU1 Mixed Use. Multi dwelling housing is permissible with Council consent.

The proposal will provide an alternative form of housing in close proximity to a range of public and private infrastructure, responding to the needs of the community. Accordingly it is entirely consistent with the objectives of this zone.

Clause 4.1 Minimum Lot Size

The subject site has no minimum lot size as to be applied under this clause.

5.10 Heritage Conservation

The proposal is supported by a Heritage Impact Statement, responding to the requirements of this clause.

5.21 Flood Planning

As detailed elsewhere in this report the site is free of flood constraint. Clause 5.21 is addressed as follows:

- The proposed dwellings will not impact on the flood regime with flood waters up to the 1 in 100 year event not flowing through the site
- Flood mapping confirms that occupants will be afforded a flood free evacuation route from the site, via Steam Street and Church Street
- Suitable flood warning systems are established for the Maitland area, allowing for residents to evacuate the site well before inundation is likely to occur for evacuation routes

5.2 Draft Environmental Planning Instruments

There are no known draft EPI's applicable to the proposal.

5.3 Development Control Plans

The proposal responds to the relevant sections of the Maitland Development Control Plan as outlined by **Table 1**.

Table 1 Response to Maitland Development Control Plan

Section	Compliant	Comment
B5 Tree and Vegetation Management	Yes	The proposal will involve the removal of existing vegetation, being a Camphor Laurel Tree (multi stemmed). As this tree is a noxious weed and can be removed without consent in accordance with 1.1 of this part.
B6 Waste Not	Yes	A Construction Waste Management Plan accompanies this application. No change required to waste management measures provided to the existing dwelling and commercial premises.
C4 Heritage Conservation	Yes	The requirements for this chapter of the DCP are addressed in detail within the Heritage Impact Statement.
C8 Residential Design		
2.1 Site Analysis	Yes	This report, and the plans, provide sufficient information to address the site analysis requirements of the DCP.
3. Development Incorporating an Existing Dwelling	Yes	The design of the additional dwellings has duly considered the requirements and amenity of the existing dwelling retaining a large area of open space and existing parking provisions. This is detailed in the plans of the proposal.
4. Bulk Earthworks and Retaining Walls	Yes	The proposal seeks no significant change to the existing topography and no retaining walls are required as detailed within the plans of the proposal.
5. Street Building Setbacks	Yes	The proposed dwellings have a street setback reflecting existing development within the context and the intentions for the heritage conservation area. The setbacks as proposed were assessed and determined to be suitable by the heritage consultant, as detailed in the Heritage Impact Assessment.
6. Side and Rear Setbacks	Yes	The DCP provides no specific numerical provisions for side and rear setbacks in the MU1 Zone. Accordingly the proposal has determined these setbacks in due consideration of building form relative to the conservation area and the amenity of the occupants.
7. Site Coverage and Unbuilt Areas	Yes	The proposal will have a site coverage of 57%, compliant with the maximum 70% requirement of the DCP.
8. Building Height	Yes	The proposed dwellings will have a maximum height of 9m, well below the 11m maximum provided by the DCP.
9. External Appearance	Yes	The external appearance is considered to be an appropriate response to the street where:

		<ul style="list-style-type: none"> • The dwelling design has been designed to respond to the requirements of the conservation area, in close consultation with the heritage architect • The street elevation includes a range of materials (brick and cladding) to provide variety and interest whilst also reflecting the historical streetscape of the site's context • Second street elevation includes articulation and careful consideration of window fenestration, responding to inputs from the heritage consultant • Pedestrian access for both dwellings faces the street • Garaging is integrated into the design and set into the dwellings to mitigate dominance of the street elevation
10. Open Space	Yes	<p>Each dwelling provided with optimum orientation for private open space, both having a 5m x 5m area and in excess of 35m² of open space available at the rear of the site. The existing dwelling retains an area well in excess of 35m².</p> <p>Each space is north facing and has been demonstrated as receiving ample sunlight in mid-winter (refer to accompanying plans).</p> <p>Suitable area provided for drying space within each area, also demonstrated on the plans.</p>
13. Landscape Design	Yes	A landscape plan accompanies this application.
14. Fencing and Walls	Yes	No new fencing sought by this application.
15. Driveway access and carparking	Yes	<p>The proposed driveways are provided with landscaping on either side, as per Council guidelines.</p> <p>2 parking spaces provided to each dwelling, via an enclosed parking space and stacked parking.</p>
16. Views and Visual and Acoustic Privacy	Yes	The proposed development will result in no additional privacy impacts to neighbours, with first floor windows being limited in size to minimise the potential for overlooking.
17. Water and energy conservation	Yes	The proposal is supported by a BASIX Certificate.
18. Stormwater Management	Yes	<p>Stormwater management detailed within the plans of the proposal.</p> <p>Sediment and erosion control details also included in the plans of the proposal.</p>
19. Security, site facilities and services	Yes	All garbage bins stored within the private domain, away from the entry points to the site.

		Each dwelling provided with a clear pedestrian entry and separate mail box.
C.10 Subdivision	Yes	<p>The proposed subdivision is a direct response to the form of existing development and the proposed. This is detailed within the plans of the proposal.</p> <p>The Heritage Impact Assessment has also duly considered the intended subdivision and raised no issue with this outcome.</p> <p>There are no minimum lot size provisions applicable to the site.</p>
C.11 Vehicular access and parking	Yes	<p>Parking has been provided in accordance with Council requirements, as detailed above.</p> <p>The plans of the proposal provide information in respect of compliance with AS2890.1 for the parking spaces and driveways.</p> <p>Existing parking onsite is not altered by this application.</p>

5.4 Likely Impact of the Development

The Statement of Environmental Effects, and the response to the relevant planning instruments, demonstrate how the proposal has properly considered and responded to any likely impact of the development on the site and its context.

5.5 Suitability of the Site for the Development

The suitability of the site for the development has been demonstrated by the various sections of this report.

5.6 Submissions made in respect of Application

This Development Application will require notification to adjoining neighbours.

Given the proposals careful consideration of existing development within the context it is not expected to raise any significant objection.

Any submissions will be responded to as required by the assessing officer.

5.7 The Public Interest

The proposed development is deemed to be in the public interest by ensuring land in close proximity to a range of public and private infrastructure will be utilised for additional housing.

6.0 Conclusion

This report demonstrates how the proposed dwellings have responded to all relevant planning instruments and will provide a desirable form of housing within an existing vacant portion of the allotment.

Council support for the application is therefore anticipated.