

URBANISM

PLANNING & DEVELOPMENT

STATEMENT OF ENVIRONMENTAL EFFECTS

EXHIBITION VILLAGE COMPRISING 49 LOTS AND DWELLING
HOUSE AND TEMPORARY USE AS AN EXHIBITION HOME WITH
ANCILLARY CAFE

464 CESSNOCK ROAD, GILLIESTON HEIGHTS

PREPARED FOR
McCLOY PROJECT MANAGEMENT PTY LTD

5 MAY 2022



URBANISM
PLANNING & DEVELOPMENT

Urbanism Pty Ltd
Suite 4, 81 Alexander Street
Crows Nest NSW 2065

t 02 9053 7373

e contact@urbanism.sydney
w www.urbanism.sydney

ABN: 73 130 715 436

This report has been prepared and approved by:

Wesley Folitarik
B. Environmental Planning (UWS); M. Property Development (UTS)
Managing Director | Urbanism

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This report remains a preliminary draft report unless signed above.



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APPENDIX 1 – SITE PHOTOS



1 Introduction

Urbanism has been engaged by McCloy Project Management Pty Ltd to prepare a Statement of Environmental Effects to support a development application for an Exhibition Village comprising 49 Lots and construction of a Dwelling House and its Temporary Use as a Sales Office with Ancillary Café and car parking for 95 vehicles at 464 Cessnock Road, Gillieston Heights (Regrowth Kurri Kurri).

The aims of this report are to:

- Provide an assessment of the locality, subject site and applicable planning controls,
- Describe the proposed development; and
- Assess the impacts of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and *Regulations 2000*.

This Statement of Environmental Effects should be read in conjunction with the following supporting technical studies which are submitted under separate cover:

Title	Author	Date/Version
Architectural Plans	Manns Troup	20/04/2022 (Issue 02)
BASIX Certificate	Manns Troup	20/04/2022
Bush Fire Attack Level (BAL) Certificate	Bushfire Planning Australia	02/05/2022
Landscape Plan	Terras Landscape Architects	29/04/2022 (Rev. C)
Waste Management Plan	Elephants Foot	27/04/2022 (Rev. B)
Carpark Detail Plan	ADW Johnson	31/03/2022 (Rev. A)
Erosion & Sediment Control Plan	ADW Johnson	31/03/2022 (Rev. A)



2 Site Assessment

2.1 Locality Assessment

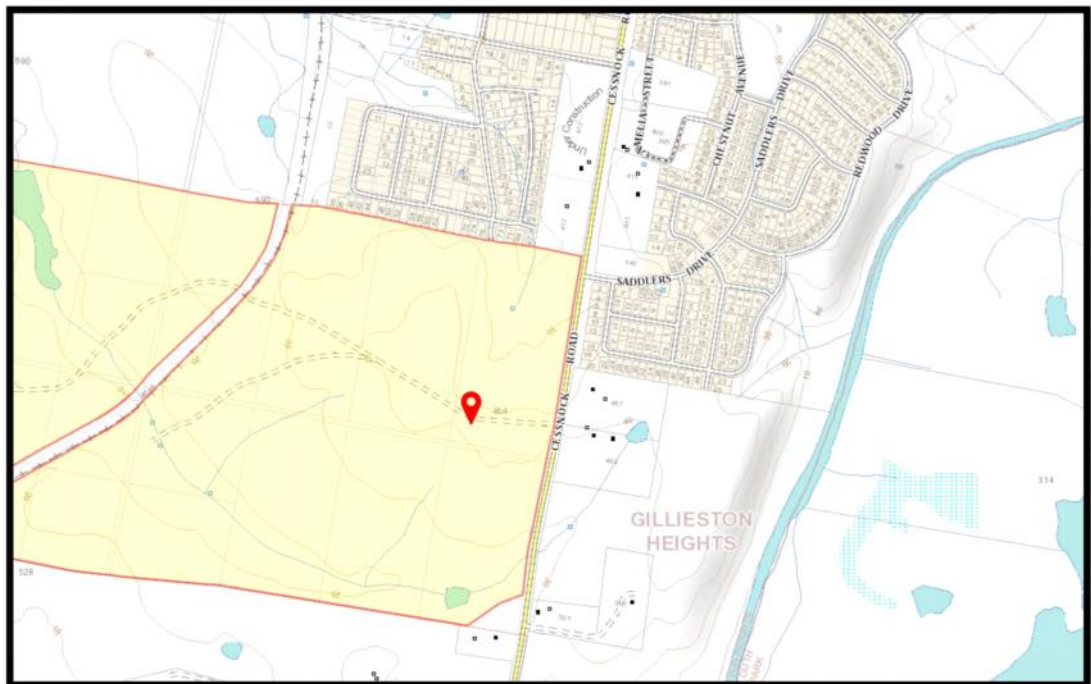
The subject site is located within the suburb of Gillieston Heights which is approximately 28 kilometres northwest of the Newcastle CBD.

The site is located within a newly rezoned residential area characterised by double storey detached dwellings with fairly uniform front setbacks. The front yards will include landscaping, new ornamental trees and front fences.

The site is located a short distance to Gillieston Heights Town Centre 1 kilometre to the north.

The following figure shows the location of the subject site in relation to the surrounding locality:

Figure 1: Locality Map



Source: Google Maps (2022)



Figure 2: Aerial Site Map



Source: NearMap (2022)

2.2 Site Description

The site is an irregular allotment known as 464 Cessnock Road, Gillieston Heights and is comprised of the following titles:

Table 1: Subject Site Titles

Lot No	Section	Deposited Plan
54	-	975994
71	-	975994
1	-	1206034
1	-	456946
2	-	456946

The site has a primary frontage to the proposed Auburn Street of 18.0m and a secondary frontage to the proposed Road MC01 of 11.45m, with a variable depth of approximately 18.2m. The site has a fall from the north to south east of 1m.



2.2.1 Surrounding Development

Streetscape character and visual setting:

The surrounding area is characterised by double storey detached dwellings with fairly uniform front setbacks of suburban styles in architecture. The front yards include landscaping and front fences.

Existing vegetation:

The site does not contain vegetation and is predominantly grassed pasture land with a gravel/dirt access road presently.

Topography:

The site has a fall from the north to south east of 1m which is consistent with the fall from rear to front along the streetscape.

Views:

The site enjoys significant views in most directions towards the Swamp Creek Wetlands, Yengo National Park and Gillieston Heights village.

Heritage:

The site is not a heritage item or adjoining a heritage item or located within a heritage conservation area.

Form of adjacent buildings:

There are no adjacent buildings on site at present. Once developed, the surrounding locality will comprise single dwellings of a typical height and form with consistent setbacks.

Surrounding noise sources:

The site is surrounded by residential uses not being of a significant noise source.



3 The Proposal

3.1 Description of Proposal

The proposal is for the construction of a double storey house used as a temporary exhibition home with ancillary café and sales office and exhibition village.

This proposal seeks development consent for:

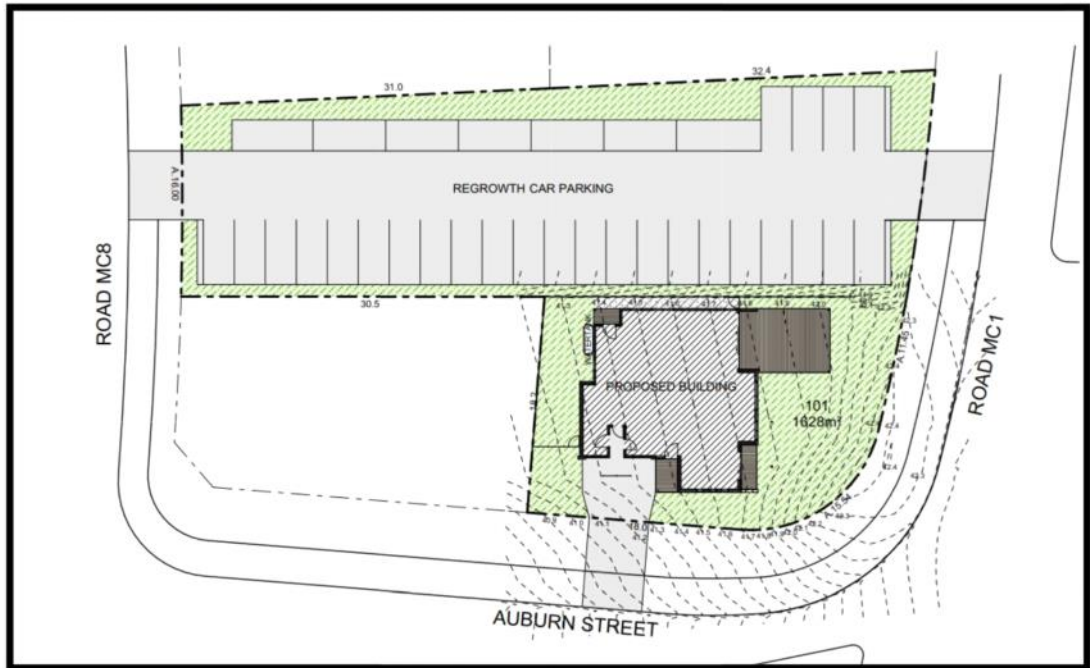
- Exhibition village comprising 49 residential lots (subsequent CDC/DC to be lodged for construction of dwelling houses)
- Construction of a two-storey dwelling house including:
 - Ground Level
 - Driveway
 - Public toilets including male, female and accessible WC
 - Porch
 - Office room
 - Sales room
 - Kitchen
 - Café
 - Storage
 - Clothes drying court
 - Deck
 - Staircase
 - First Level
 - 2 office rooms
 - Meeting room
 - Storage
 - 2 bathrooms
 - WC
 - Balcony
 - Staircase
 - Use of Land
 - The dwelling house will be temporarily used as a Sales Office for the Exhibition Village and contains office and meeting rooms along with public toilets and a café as ancillary uses.



- The 49 Exhibition village lots will be used as dwelling houses (subject to a subsequent CDC/DA being lodged for the physical works of dwelling separately)

Plans and Elevations

Site Plan – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup



Ground Floor Plan – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)

Source: Manns + Troup

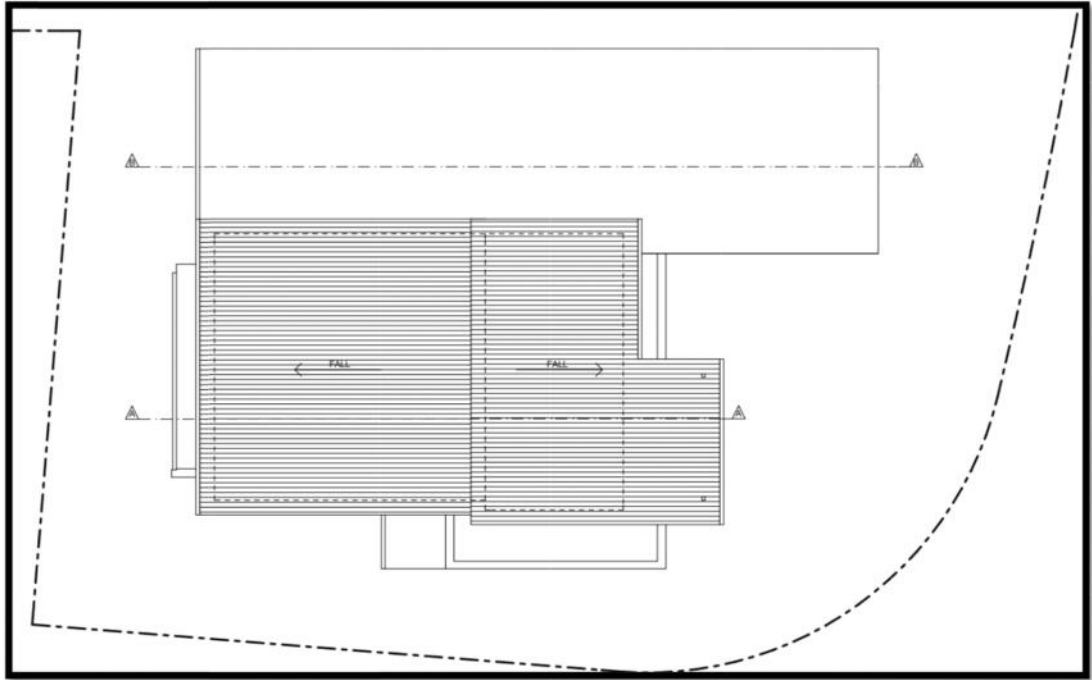


First Floor Plan – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)

Source: Manns + Troup



Roof Plan – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup

North Elevation – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup

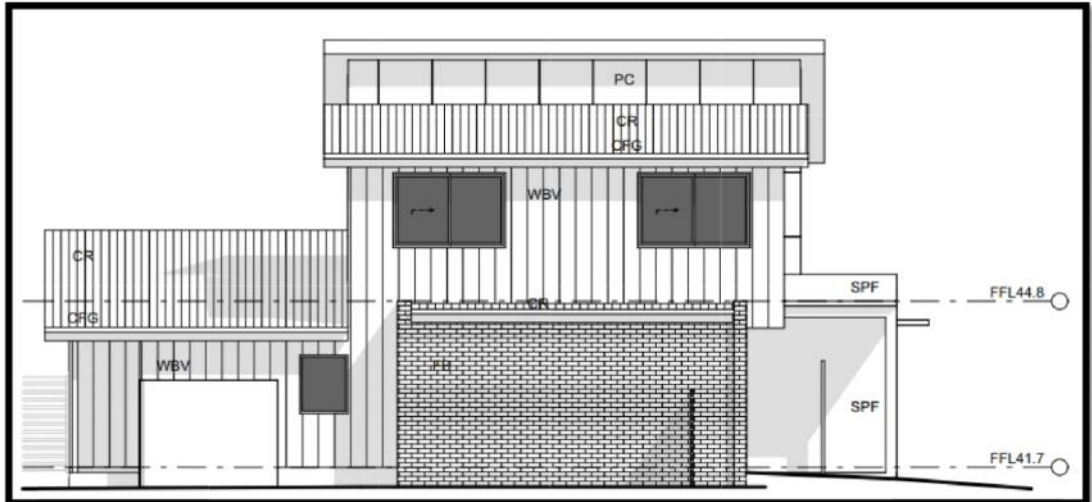


East Elevation – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup

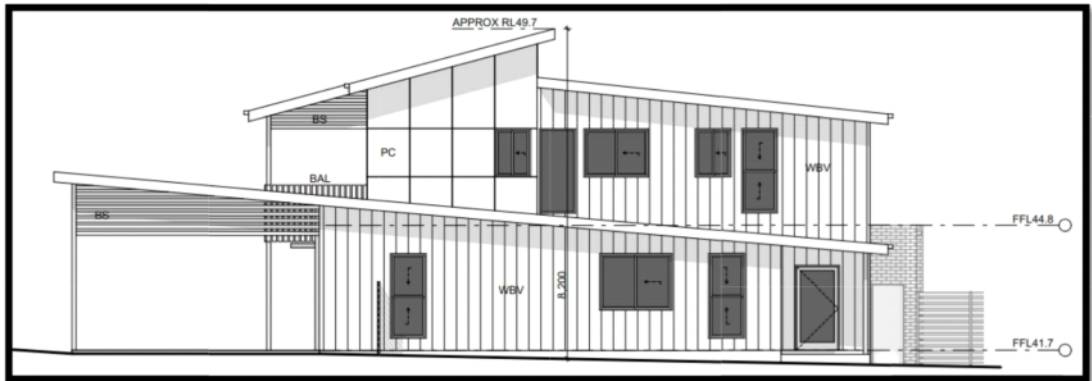
South Elevation – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup

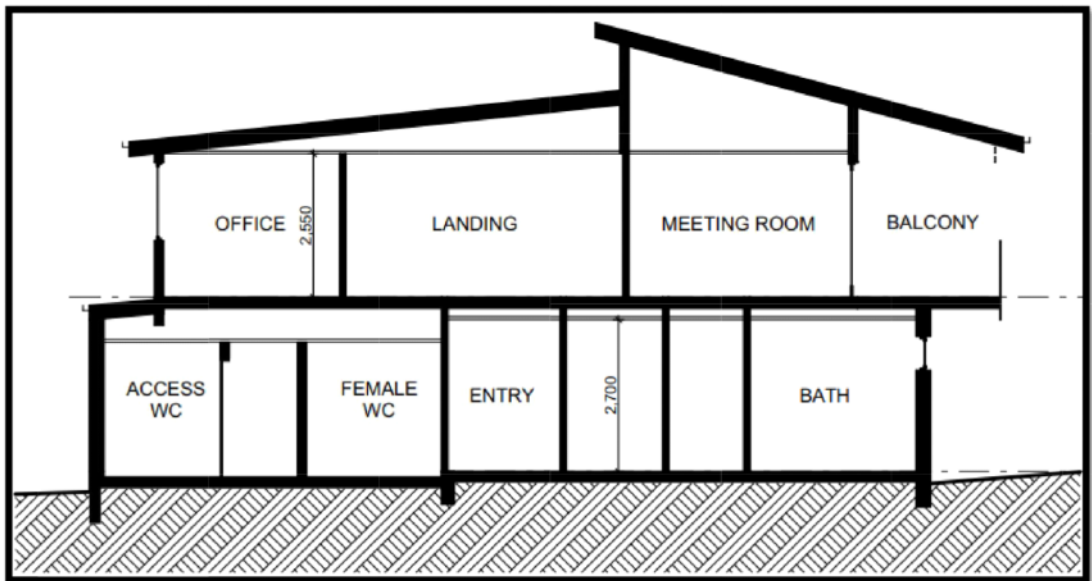


West Elevation – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



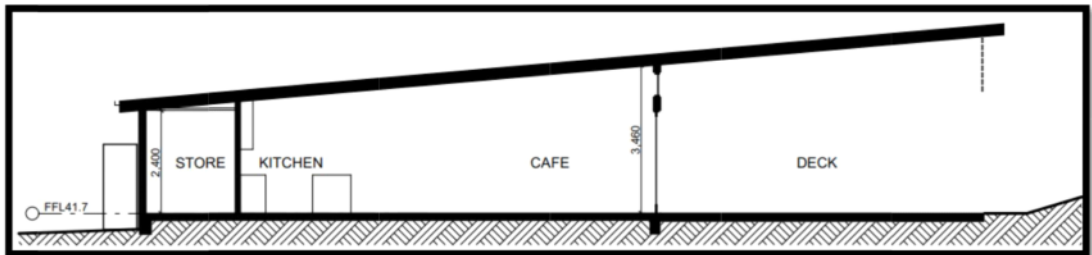
Source: Manns + Troup

Section AA – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup

Section BB – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Manns + Troup



Landscape Plan – Dwelling House (Exhibition Home and Ancillary Café and Site/Sales Office)



Source: Terras Landscape Architects



Overall Site Plan – Exhibition Village



Source: McCloy Project Management Pty Ltd



Subdivision Landscape Plan



Source: McCloy Project Management Pty Ltd



3.2 Development Statistics

Item	Proposal
Site Area	1,628m ²
Gross Floor Area	Ground Floor: 274m ² First Floor: 111m ² Total: 385m ²
Floor Space Ratio	Proposed: 0.71:1
Height of Building	8.2m
Front Setback (Auburn Street)	6m
Rear Setback	1m
Secondary Road Setback (Road MC01)	5.03m
Side Setback	3.51m
Permeable Area (Dwelling House only)	263m ² (48%)



4 Planning Controls

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land of the SEPP requires Council to consider whether the land is contaminated and if remediation works are required.

In May 2017, a Site Audit Statement was provided that considered the land to be suitable for the proposed residential land uses, stating that 'the site may be deemed suitable for the proposed land-use of residential with some areas proposed for environmental conservation, public recreation and rural landscapes'.

Accordingly, it is not considered that a preliminary investigation is warranted in this case.

4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme). The application includes a BASIX certificate.

4.3 Maitland Local Environmental Plan 2011

The subject site is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011.

The objectives of the zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised*

Dwelling houses are permissible in the zone with consent. Exhibition villages and sales offices, food and drink premises are not permissible in the zone.

However, Clause 2.8(2) of Maitland Local Environmental Plan 2011 provides that:



“Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.”

However, Clause 2.8(4) of Maitland Local Environmental Plan 2011 provides that:

“Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.”

Accordingly, **the temporary use of the dwelling house as a sales office (for the sale of land within the Regrowth new release area) is permissible with consent.** The operation of the café (food and drink premises) is ancillary to the dominant use of the dwelling house as a sales office and therefore is also permissible.

The subject site is also subject to a draft Planning Proposal known as *Hydro (Gillieston Heights) West Precinct* (PP-2021-1233) which was placed on public exhibition from 15/12/2020 - 01/02/2021. Under the draft Planning Proposal (deemed draft Environmental Planning Instrument), the subject site is to be rezoned to R1 General Residential under Maitland Local Environmental Plan 2011. An extract of the draft Planning Proposal showing the zoning extract is included in **Appendix 2**.

The objectives of the zone are as follows:

- *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.*

Dwelling houses, exhibition homes and exhibition villages (by extension – ancillary site office and food and drink premises) are intended to be permissible in the zone with consent.

The matters for consideration under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, includes:

“any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)”

As the proposed instrument has been placed on public exhibition and the Planning Secretary has not notified the Council that the instrument has been deferred or not approved it is considered sufficient to consider that the gazettal of the instrument is imminent and certain and therefore determinative weight can be given to the proposed land use zone. In addition, the proposed development is wholly consistent with the proposed land use zone



objectives as it will provide for the housing needs of the community and will provide for a variety of housing types and densities in this location. Accordingly, the proposed development is assessed against the relevant provisions of the draft instrument and the proposed R1 General Residential Zone.

The following table reviews the proposal against relevant planning controls contained within the LEP:

Item	Requirement	Proposal	Compliance
CI2.2 Permissible land use	Dwelling houses, Exhibition village and Exhibition homes are permissible in the R1 General Residential Zone	Dwelling house Exhibition village Exhibition home (See CI2.8 for temporary uses below)	✓
CI2.8 Temporary Use of Land	Temporary use of land permissible with consent where not compromising future development.	Dwelling house to be used as temporary sales office including ancillary food and drink premises	✓
CI4.3 Height of buildings	Nil	8.2m	N/A
CI4.4 Floor space ratio	Nil	0.71:1	N/A
CI7.1 Acid sulfate soils	Development consent is required for the carrying out of works on Class 5 land if the works are within 500m of adjacent Class 1, 2, 3 or 4 land below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.	The proposed works are not to reduce the watertable of adjacent Class 1, 2, 3 or 4 land to lower than 1m AHD.	✓
CI7.2 Earthworks	Consider the effects of earthworks on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The development proposes a minor scale of earthworks associated with the provision of foundations and associated infrastructure which can be undertaken using standard engineering practices	✓



4.4 Maitland Development Control Plan 2011

Maitland Development Control Plan (DCP) 2011 (MDCP 2011) applies to all land within the Maitland Local Government Area. The MDCP 2011 came into effect in December 2011.

4.4.1 Part B – Environmental Guidelines

Item	Requirement	Proposal	Compliance
B.2 – Domestic Stormwater	Avoid negative environmental impacts via good on-site stormwater management.	Complies.	✓
B.4 – On-site Sewage Management Systems	Consider the merit of on-site sewage system installation application against the provided performance criteria.	Complies.	
B.5 – Tree Management	Clear trees or vegetation in accordance with Council's guidelines.	Complies.	✓
B.6 – Waste Not – Site Waste Minimisation & Management	Submit a Site Waste Minimisation and Management Plan (SWMMP) comprising details about demolition, construction and ongoing waste management.	A SWMMP is submitted under separate cover.	✓

4.4.2 Part C – Design Guidelines

Item	Requirement	Proposal	Compliance
C.1 – Accessible Living	Comply with BCA and Australian Standard (AS) to provide a desirable level of access and protection from bad design.	Complies.	✓
2.1 Building Regulations			
2.2 Residential Development – Adaptable Housing	Design and build to adaptable housing guidelines.	Complies.	✓
C.3 Exhibition Homes & Villages			
2.0 Development Guidelines			



Item	Requirement	Proposal	Compliance
Location	Must be located where negative impact on amenity not caused and located near collector of distributor road and in one location.	Complies, the proposed exhibition village for 49 lots, a dwelling house (for temporary use and an exhibition home) is located on a designated collector road which connects directly to Cessnock Road – A major road.	✓
Access and Parking	Traffic impact assessment required. Off street parking provided to meet demand in sealed standard to Council's requirements. Must be sufficiently close to the exhibition home and connected by footpaths.	Complies. A sealed car parking area for 95 cars is provided located directly adjacent to the proposed dwelling house to be used an exhibition home. This adequately caters for the demand generated and a traffic and parking assess is not considered necessary.	✓
Hours of Operation	The hours of operation for an exhibition village or exhibition home, and ancillary uses shall be restricted to 9.00 am – 6.00 pm	Complies	✓
Ancillary uses	Offices, materials display, financing office and café permitted	Complies.	✓
Utilities and Services	The applicant should submit to Council evidence that adequate arrangements exist for the provision of, water, wastewater and energy utilities to service an exhibition home or exhibition village, and that those services are adequate for the ultimate future residential use.	Complies. Services will be connected as part of the land release.	✓
Signage	All signage to be	No signage is proposed	✓



Item	Requirement	Proposal	Compliance
Consent Period	constructed on the exhibition home or village. 1 flag pole and 1 pylon sign.	as part of this application.	
	Development consent for an exhibition home or village will be granted for a maximum operational period of 5 years.	Complies.	✓
C.8 Residential Design			
2.1 Site Analysis & Site Context	Submit a detailed site analysis except for a single detached dwelling.	Complies, Site Analysis Plan is submitted under separate cover.	✓
Site Analysis			
a)			
b)	Provide site analysis in plans covering various elements.	Complies.	✓
c)	Special consideration and unique building design will be required for development on land where the slope is in excess of 20%	N/A	N/A
Context Analysis	A 'Context Analysis' will be required for all residential development with the exception of a single detached dwelling	Only 1 dwelling house to be used as Exhibition home with 49 lot exhibition village proposed.	N/A
d)			
e)	For development of more than two dwellings, provide context analysis that demonstrates convenient walking distance to business zone, school or key transport node.	Only 1 dwelling house to be used as Exhibition home with 49 lot exhibition village proposed.	N/A
f)	Demonstrate design solution which mitigates against potential negative impacts and integrates appropriately with the streetscape.	Complies.	✓



Item	Requirement	Proposal	Compliance
5 Street Building Setbacks	The minimum building line to the principal street frontage of an allotment located in an urban residential zone is 5.0 metres (refer Figure 9 – Example 3).	Front setback 6 metres.	✓
c)			
d)	For corner lot, 5m principal setback and 3m secondary setback.	Front setback 2.7 metres, secondary setback 5.03 metres.	Merit
g)	Garage set back 6m from principal frontage and 5.5m from secondary frontage.	No garage is proposed.	N/A
6 Side and Rear Setbacks	Minimum side and rear setback 1m for walls up to 3m, plus 0.3m for every metre over 3m.	1m side and rear setbacks for ground level and over 3m setbacks for first level.	✓
h)			
7 Site Coverage and Unbuilt Areas	Maximum site coverage 60%.	Complies, 52%.	✓
e)			
f)	Coverage is appropriate for the site's capability and form of development, consistent with the desired future density of the locality.	Complies.	✓
8 Building Height, Bulk and Scale	Maximum building height 8m.	8.2m.	Merit
e) Maximum building height			
10 Open Space Private Open Space (POS)	Provide a 'principal area' with minimum dimensions of 5m x 5m.	The development is for the use of exhibition home. The site can revert to use as a dwelling house once the maximum period for temporary uses expires.	Merit
i) Ground Level POS			
i			
ii	Provide a minimum area	The development is for	Merit



Item	Requirement	Proposal	Compliance
	of ground level private open space 35 sqm.	the use of exhibition home. The site can revert to use as a dwelling house once the maximum period for temporary uses expires.	
iii	The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling (refer Figure 19).	Complies.	✓
iv	To be included in usable open space calculations, open space at ground level must have a minimum width in one direction of 3.0 metres.	Complies.	✓
v	The maximum cross-fall over the 'principal area' shall not exceed 2%.	Complies.	✓
vi	Clothes drying facilities, garbage storage and roof water tanks are not included in principal POS, and must be screened from the public.	Complies.	✓
vii	The landscape plan for the development shall incorporate a detailed landscape design for each area of ground level POS.	A landscape plan is not required for the development.	✓
viii	Ground level POS is located forward of the building line where POS is within the 'optimum' range in Figure 20.	Complies.	✓
ix	Where ground level POS is provided forward of the building line then privacy fencing shall be provided as detailed in Section 14.	Complies.	✓
13 Landscape Design	With the exception of a single dwelling, all residential development	Complied, a Landscape Plan is submitted under separate cover.	N/A



Item	Requirement	Proposal	Compliance
m)	shall be supported by a detailed landscape plan.		
n)	Various requirements on landscape design.	Complies. Refer to 5.4.9	✓
p)	Have a sound maintenance regime for landscaped areas.	Complies.	✓
q)	The landscape design for a development should integrate with the stormwater management scheme for the development having regard to 'water sensitive urban design' (WSUD) principles.	Complies. Refer to 5.4.9	✓
14 Fencing and Walls	The landscape plan prepared for the development shall incorporate full details of all fencing proposed including location, height, materials and colours.	Complies. Refer to 5.4.9	✓
c)			
d)	For all forms of residential development, with the exception of a single dwelling-house, sheet metal fencing shall not be permitted where it forms a boundary with a street, or communal area within a development;	Complies, no sheet metal fences proposed on road boundary.	✓
e)	Fencing between dwellings shall be designed to provide visual and acoustic privacy to internal rooms and outdoor private open space. The recommended height for these dividing fences is 1800mm high but not less than 1500mm high.	Complies, mix of batten fence and colourbond fence with landscaping.	✓



Item	Requirement	Proposal	Compliance
f)	For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive;	Complies.	✓
g)	Fencing within the street building line setback shall not be located closer than 900mm from the street property boundary for the principal street frontage of the development (refer Figure 22).	Complies.	✓
h)	Where side boundary fencing projects forward of the street building line setback to the principal frontage then the maximum height of the fence shall not exceed 750mm within the building line setback area.	No fence is proposed forward of the street building line setback.	N/A
i)	Front fencing for the purposes of containing a dwelling's principal private open space area, shall not occupy more than 50% of the street frontage of an allotment and shall not contain or obscure the principal pedestrian entry point to the dwelling from the street.	No front fencing is proposed.	N/A
j)	Solid fencing for the purposes of containing a dwelling's principal private open space area, shall not exceed a height of 1500mm where located within the street building line setback unless it can be demonstrated that a higher fence is appropriate having regard	No fencing is proposed within the front building line setback.	N/A



Item	Requirement	Proposal	Compliance
	to issues of noise, privacy, existing streetscape and architectural merit.		
k)	<p>Nothing in this plan prevents the fencing of the street frontage of a property subject to the following:</p> <p>The building line setback area is not required for the purposes of principal open space;</p> <p>The fence shall not exceed a height of 1200mm (1.2metres);</p> <p>The fence shall not comprise sheet metal material;</p> <p>The fence shall be of a design/materials which integrate with the dwelling(s) located on the land.</p>	No fencing is proposed to the street frontage.	N/A
15 Driveway Access and Carparking	Driveways shall be located no closer than 900mm from any side boundary for the full depth of the building line. This 900mm offset shall be provided with landscaping of suitable scale to ensure that sight lines along the public footpath and the roadway are not obstructed.	Complies.	✓
Driveways			
e)			
f)	Driveways within the site should be a minimum of 2.7 metres wide.	Complies.	✓
g)	Landscaping shall be incorporated into the	Complies.	✓



Item	Requirement	Proposal	Compliance
	design of driveway and manoeuvring areas to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape.		
h)	Straight 'gun barrel' driveway arrangements are not supported.	N/A	N/A
i)	Driveways within a site shall be at a maximum grade of 4:1 (H:V).	Complies.	✓
j)	Driveway design from the road pavement across the public footpath area shall be in accordance with Council's "Manual of Engineering Standards" and appropriate structural drawings.	Complies.	✓
k)	Driveways across the footway at the access point on the road reserve should be generally a maximum of 5 metres wide, although variation may be justified on turning and traffic safety issues.	Complies.	✓
l)	Driveways across the footway shall be sited to avoid street trees, kerb inlet pits and other services such as light/power poles.	Complies.	✓
m)	For developments other than single dwellings adequate vehicle manoeuvring area to Australian Standard AS 2890 shall be provided to enable vehicles to enter and exit the site in a forward direction.	N/A	N/A
n)	For developments other than single dwellings,	N/A	N/A



Item	Requirement	Proposal	Compliance
	vehicle driveways shall be clearly distinguished from pedestrian entries and paths through design, finish or location.		
o)	On sites identified as Bushfire Prone Land under the Bush Fire Prone Land Maps endorsed by the New South Wales Rural Fire Service, access shall comply with the requirements of the document "Planning for Bushfire Protection 2006" (Planning NSW and Rural Fire Service).	Complies.	✓
p)	Vehicle car parking spaces and manoeuvring areas (not including a driveway providing direct vehicle access to a garage or carport from the street) shall not be located within the building line setback area.	N/A	N/A
Car Parking	Minimum two spaces for dwelling with over two bedrooms.	The building is proposed for the use of a sales office. No parking is provided.	N/A
q)	A minimum of one (1) off-street parking space should be provided for each dwelling as a covered space in the form of either a garage, carport or within a secured basement parking area. The parking space(s) should be convenient and accessible to the dwelling which it services.	The building is proposed for the use of a sales office. No parking is provided.	N/A
r)	Visitor car parking spaces should be freely	N/A	N/A
s)			



Item	Requirement	Proposal	Compliance
	accessible at all times and not located behind security gates or within secured basement car parking areas.		
t)	The minimum dimensions for car parking bays and aisles shall be in accordance with Figure 24.	N/A	N/A
u)	Garages should comprise minimum dimensions in accordance with Figure 25 – 6m x 5.5m required.	N/A	N/A
v)	Developments comprising up to two (2) dwellings may have the parking space(s) for both dwellings directly addressing and accessible from its street frontage.	N/A	N/A
w)	Developments comprising three (3) or more dwellings may have one (1) dwelling only with a garage/carport directly addressing and accessible from its street frontage of the development.	N/A	N/A
x)	Tandem (or stack) parking is permissible only where the garage for the dwelling has a direct frontage/address to a street.	N/A	N/A
16 Views and Visual and Acoustic Privacy	Overlooking of private open space and direct views between living area windows shall be screened or obscured using one or more of the following methods (as shown in Figures 27 and	No adjoining dwellings are located adjacent to the proposed dwelling house to be used as an exhibition home.	Merit
Visual Privacy			
h)			



Item	Requirement	Proposal	Compliance
	28).		
Acoustic			
i)	Where no design techniques and screening (eg fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m.	Fencing is provided on boundaries to adjoining lots.	✓
j)	Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings.	Bedrooms are located on upper level not directly impacted by the parking lot.	✓
k)	Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance.	Complies.	✓
l)	Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.	N/A	N/A
17 Water and Energy Conservation			
e)	It is recommended that buildings be orientated with the main indoor and outdoor living spaces towards the north and north-east.	Outdoor living area towards the north.	✓
f)	To the fullest extent possible, buildings should be insulated.	Complies.	✓
g)	Buildings should include adequate thermal mass and windows located, sized and shaded to facilitate thermal performance.	The building is in adequate mass, with windows located to all directions to facilitate natural ventilation.	✓
h)	Windows in west facing walls should be avoided.	Most west facing windows are small-sized	✓



Item	Requirement	Proposal	Compliance
	However, where not possible, west facing walls should be designed with windows fitted with appropriate shade structures and/or landscape screens.	to reduce west sun impact. Ground level west windows are partially screened by the fence on the west boundary. First level west windows are mostly installed to non-habitable areas such as bathrooms.	
i)	Building design should, wherever possible, include a north facing roof upon which a solar hot water system or collector could be installed. The building's internal plumbing should be designed to facilitate the installation of such a system.	Complies.	✓
j)	The design of the building should maximise the cooling potential of natural ventilation by providing breeze pathways through the building (refer Figure 32).	Natural ventilation is enabled by locating windows to all directions.	✓
k)	Shadow diagrams may be required for residential developments of two storeys and over in urban zones if, in the opinion of the assessing officer, they are required.	Complies. Refer to 5.4.4.	✓
l)	Ensure that adequate solar access is provided to both existing development adjoining the project site as well as to the dwellings and their associated outdoor open spaces within the new development itself.	The development does not affect the solar access of any existing property or the subject development itself.	✓
18 Stormwater	Due to downstream	N/A	N/A



Item	Requirement	Proposal	Compliance
Management	flooding/capacity issues and for developments other than single dwellings, on-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards		
h)			
i)	A detailed erosion and sediment control plan (ESCP) should be submitted with the development application.	Complies.	✓
j)	Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an inter allotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted.	Complies.	✓
k)	The development site must be provided with an overland flowpath for the major storm event (1% AEP).	Complies.	✓
l)	Stormwater storage tanks with a capacity in excess of that required to meet BASIX criteria may be installed to provide for on-site stormwater detention. These tanks, unless provided underground, must not be located within an area of principal open space. The area occupied by the tank must not be included for the purposes of calculating the required private open space at ground level for each unit.	Complies.	✓



Item	Requirement	Proposal	Compliance
m)	As a minimum requirement, a stormwater drainage "concept plan" shall be submitted with the development application.	A Stormwater Concept Plan is submitted within the Architectural Plans.	✓
19 Security, Site Facilities and Services	For developments proposing ten (10) or more dwellings a detailed 'Crime Prevention Through Environmental Design' assessment shall be prepared.	N/A	N/A
e)			
f)	Buildings adjacent to a public or communal space shall be designed to maximise natural surveillance, having at least one (1) habitable room window per dwelling facing that area.	One office window on first floor facing the parking lot is provided for natural surveillance.	✓
g)	Low intensity lighting (eg. bollard lighting) shall be provided to all shared pedestrian paths, parking areas and building entries	Complies.	✓
h)	Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.	Complies.	✓
i)	Where agreed to by public utility service providers, services shall be coordinated in common trenching in order to minimise construction costs for underground services.	Complies.	✓
j)	Each dwelling shall be provided with direct and convenient pedestrian	Complies.	✓



Item	Requirement	Proposal	Compliance
	access to a public road.		
k)	Where there is no direct pedestrian access from a dwelling to the public road, the development shall be provided with a common garbage storage area readily accessible from within the site and serviceable from the adjoining road.	N/A	N/A
l)	The garbage storage area shall be designed so as to conceal its contents from view of the adjacent public space and/or other properties. It shall be provided with a water tap for wash down purposes and drained to connect to the sewer.	The development is a single dwelling development to be provided with a bin storage area in the private open space.	N/A
m)	Individual mail boxes shall be located close to each ground floor dwelling entry.	Complies.	✓
n)	Open air clothes drying areas shall be provided for each dwelling with an aspect ranging between direct east to direct west (via north), screened from public view, and to comprise 15 lineal metre of hanging line.	Complies.	✓
o)	All services – reticulated water, sewerage, electricity and telecommunications (and natural gas where available) shall be installed to meet the requirements of the relevant service provider.	Complies.	✓



5 Regulation Assessment

5.1 Section 4.15(1)(a)(i) – Provisions of Any Environmental Planning Instrument

Maitland Local Environmental Plan 2011

The subject site falls under the jurisdiction of the Maitland Local Environmental Plan 2011 (MLEP 2011).

The subject site is zoned RU2 Rural Landscape MLEP 2011.

5.2 Section 4.15(1)(a)(ii) – Provisions of Any Draft Environmental Planning Instrument

The subject site is subject to a draft Planning Proposal known as *Hydro (Gillieston Heights) West Precinct* (PP-2021-1233) which was placed on public exhibition from 15/12/2020 - 01/02/2021. Under the draft Planning Proposal (deemed draft Environmental Planning Instrument), the subject site is to be rezoned to R1 General Residential under Maitland Local Environmental Plan 2011. An extract of the draft Planning Proposal showing the zoning extract is included in **Appendix 2**.

As the proposed instrument has been placed on public exhibition and the Planning Secretary has not notified the Council that the instrument has been deferred or not approved it is considered sufficient to consider that the gazettal of the instrument is imminent and certain and therefore determinative weight can be given to the proposed land use zone. In addition, the proposed development is wholly consistent with the proposed land use zone objectives as it will provide for the housing needs of the community and will provide for a variety of housing types and densities in this location. Accordingly, the proposed development is assessed against the relevant provisions of the draft instrument and the proposed R1 General Residential Zone.

Dwelling houses, exhibition villages and exhibition homes (including ancillary site office and food and drink premises) are permissible in the zone with consent.

5.3 Section 4.15(1)(a)(iii) – Provisions of Any Development Control Plan

As previously discussed in Section 4, Maitland Development Control Plan (DCP) 2011 applies to development proposed on the subject site.

The tables in Section 4 outline the relevant provisions and the specific development controls and provisions are discussed in greater in this Section.



The proposed dwelling house, exhibition village and exhibition home is considered to satisfy all relevant development controls.

5.4 Section 4.15(1)(b) – Likely Impacts of That Development – Built Environment

5.4.1 Site Analysis, Site Design and Streetscape

The site is a large rural landholding known as 464 Cessnock Road, Gillieston Heights which has been the subject of imminent rezoning and subdivision as a residential land release area.

The site is not a heritage item and does not adjoin a heritage item and is not located within a heritage conservation area. The site is not located near industry and is environmentally safe free from risks such as flooding, land slip and coastal hazards.

The site is favourably located within a short driving distance to Gillieston Heights Town Centre, to the north and near compatible social uses such as schools and other educational establishments (Gillieston Public School 2.3km to the), parks (Wood Street Park 1.4km to the north) and other public open space, community facilities (Gillieston Heights Community Centre 2.5km to the north), places of public worship (St Marys Anglican Parish Maitland 5.04km to the north and Uniting Church Maitland 5.32km to the north). Access to public transport is available to the south on Cessnock Road (380m).

The site is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. The site is not located within proximity to heavy or hazardous industry, waste transfer depots or landfill sites; LPG tanks or service stations; water cooling and water warming systems; odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.

The site is not identified as being affected by flood. A civil engineering strategy has been developed for the building which provides a best fit solution within the constraints of the existing landform, the building and the proposed architectural layout.

The building proposes a combination of face brick, painted finish, panelised cladding and timber battens and Colourbond roof detailed on the Architectural Plans prepared by Manns Troup. The building will have a modern appearance consistent with the existing and future dwellings and buildings within the vicinity.



5.4.2 Height, Bulk and Scale

The built form is appropriate for a residential setting having a principal front setback of 2.7m and a secondary front setback of 5.03m being consistent with the average of the local area. Side and rear setbacks are a minimum of 1m. The building will be not more than two storey above ground level and is 8.2 metres in building height which is slightly higher than the maximum height permitted for the site (8m) in the MDCP 2011. The built form is consistent with the adjoining and adjacent dwellings along the streetscape and the locality.

The building orientation and layout ensures visual privacy and minimises potential noise and overlooking impacts on neighbours by considering the location and size of doors and windows relative to the location of adjoining dwellings private open space, living rooms and bedrooms. The building proposes a floor to ceiling height of 2.7m on ground floor and 2.55m on first floor. The windows and floor heights and building layout allow for adequate light and ventilation throughout without the need for reliance on mechanical ventilation or harsh lighting and improving the overall energy efficiency of the building.

5.4.3 Access, Servicing, Parking and Traffic

The site will be used as an exhibition village with a dwelling use to be used as an exhibition home with ancillary café and site offices. A total of 95 car parking spaces are provided to accommodate visitors to the exhibition village. The single dwelling has no garage as it is proposed to be used as an exhibition home and sales centre.

5.4.4 Sunlight and Shadow

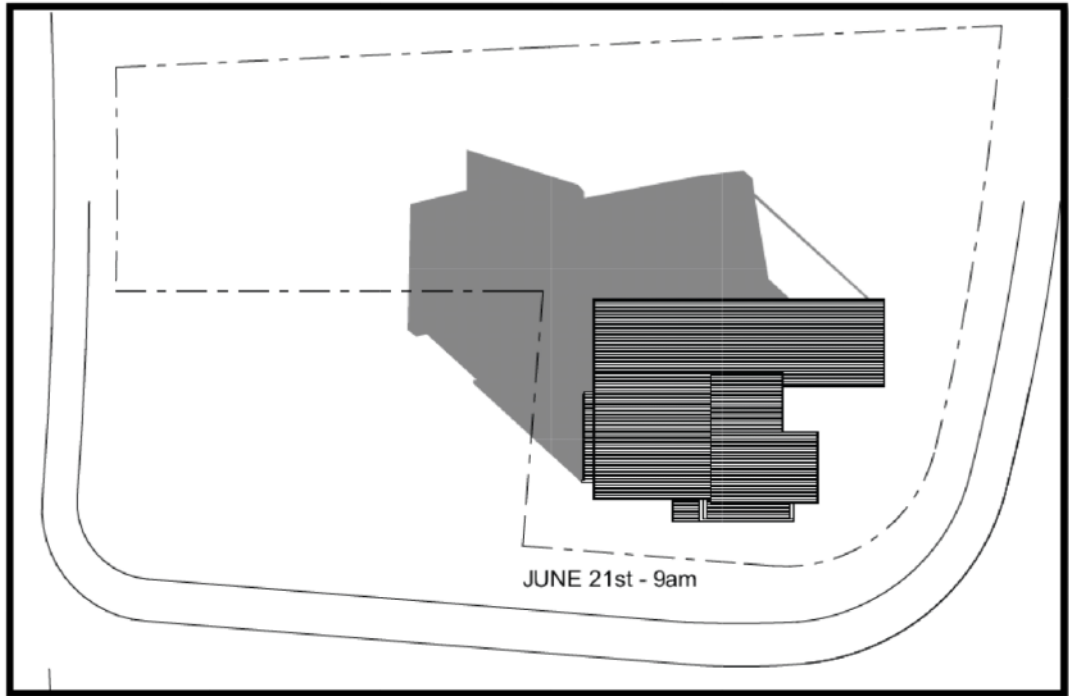
The building proposes a floor to ceiling height of 2.7m on ground floor and 2.55m on first floor. The windows and floor heights and building layout allow for adequate light and ventilation throughout without the need for reliance on mechanical ventilation or harsh lighting and improving the overall energy efficiency of the building.

The development is located along the north-south axis consistent with the orientation of the site casting shadows from the proposed upper floor to the site to the south for a portion of the day.

The building has been sited and designed to maintain solar access for a minimum period of three hours between 9am and 3pm on 21 June to the private open space and living areas and will not affect solar access to adjacent buildings for a minimum period of three hours between 9am and 3pm on 21 June.

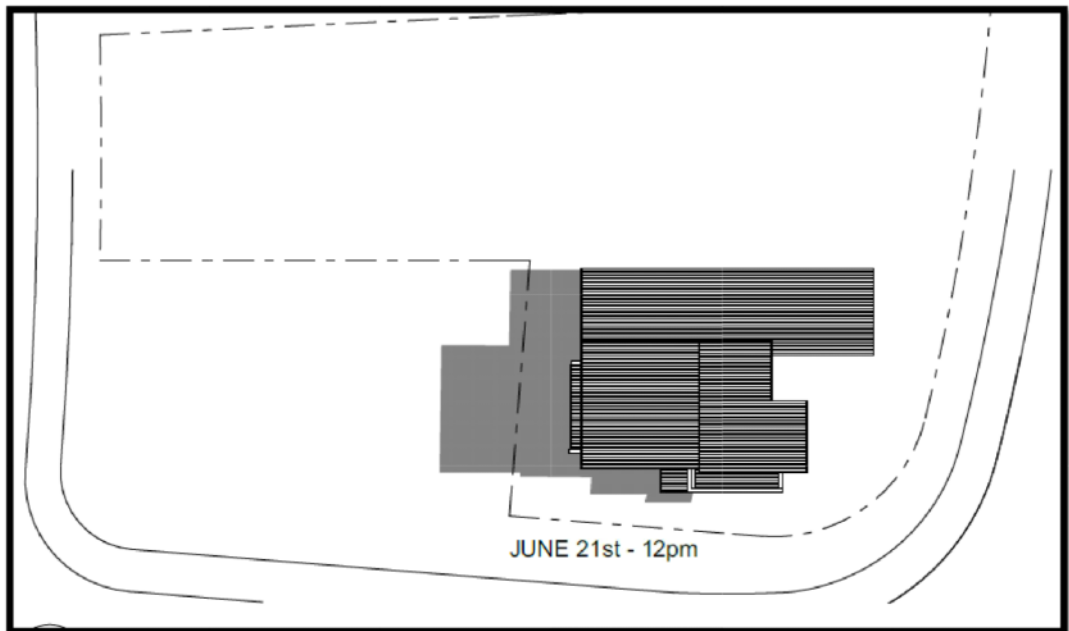


Figure 3 Shadow Diagram (9:00AM Winter Solstice)



Source: Manns Troup

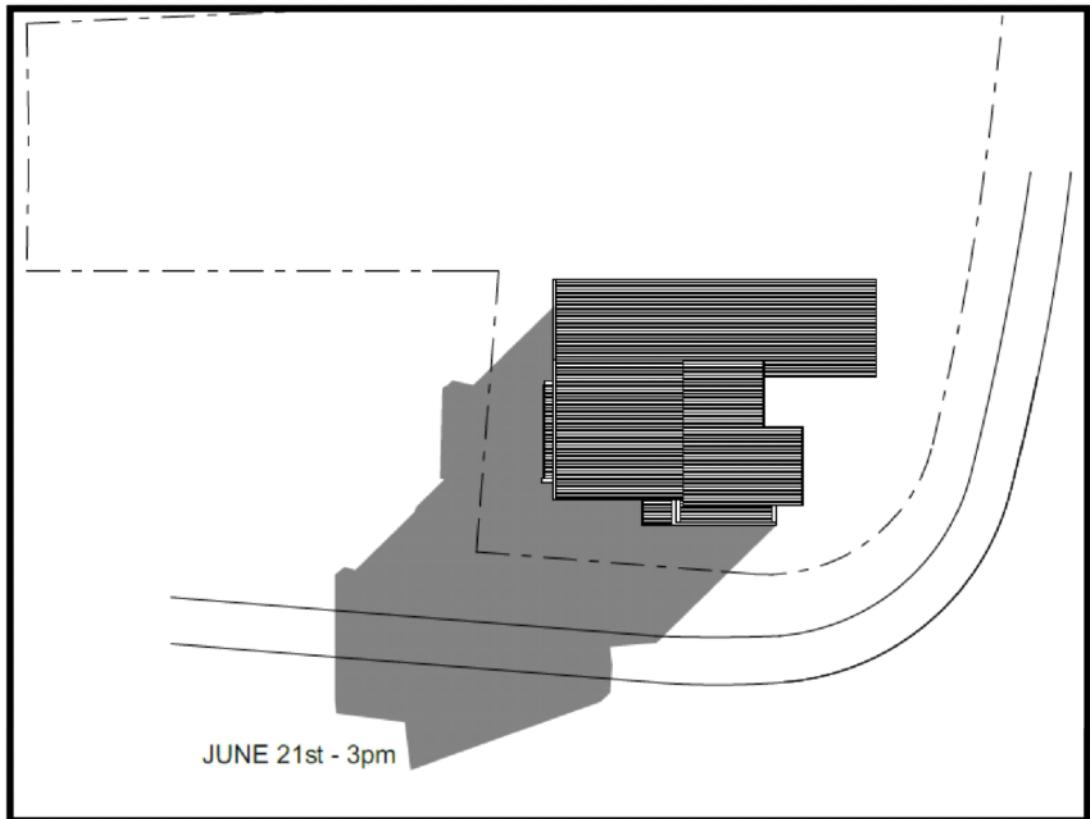
Figure 4 Shadow Diagram (12:00PM Winter Solstice)



Source: Manns Troup



Figure 5 Shadow Diagram (3:00PM Winter Solstice)



Source: Manns Troup

5.4.5 Views

The site enjoys significant views in most directions towards the Swamp Creek Wetlands, Yengo National Park and Gillieston Heights village.

5.4.6 Heritage

The site is not identified as a heritage item, adjoining or adjacent a heritage item or located within a heritage conservation area.

5.4.7 Visual Privacy

The building orientation and layout ensures visual privacy and minimises potential noise and overlooking impacts on neighbours by considering the location and size of doors and windows relative to the location of adjoining dwellings private open space, living rooms and bedrooms.



5.4.8 Noise

The proposed development is located within a residential area without any known noise source. The proposed dwelling house and its temporary use as a sale office is not considered a significant noise source to the surrounding area.

5.4.9 Landscaping

The development is a single dwelling, hence a landscape plan is not warranted. Landscaping is provided to ensure good amenity on site and within the locality.

5.4.10 BCA and Australian Standards

The development is subject to Building Code of Australia (National Construction Code) and associated Australian Standards, supported by the relevant consultant reports and compliance can be ensured through a condition of consent.

5.4.11 Waste Management

A waste management plan is included with the application and is submitted under separate cover.

The demolition of existing structures and construction of the proposed development will minimise waste where possible and all waste will be sent to a licenced waste transfer facility.

A bin storage area is proposed in the private open space not visible from the public. Kerbside waste collection is to occur along Road MC01 and the tenants will organize to move bins to the identified collection point, no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times. Bins are to be collected by Council waste collection services on the designated days provided by Council.

5.5 Section 4.15(1)(b) – Likely Impacts of That Development – Natural Environment

5.5.1 Landform, Cut and Fill

The development is able to be undertaken using standard engineering practices. The development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

5.5.2 Tree Removal and Retention

There are no trees to be removed as part of this application. There are no trees that require protection as part of the proposed works.



5.5.3 Stormwater Drainage

A Stormwater Concept design has been prepared and is submitted under the Architectural Plans. The design generally incorporates collection from the roof to an OSD before being discharged to the street.

5.5.4 Soils, Erosion and Sedimentation

There will be no soil or erosion and sediment impact as a result of the proposal. The application is supported by an erosion and sediment control plan and is submitted under a separate cover.

5.5.5 Endangered Flora and Fauna

No endangered flora or fauna are impacted by the proposal.

5.6 Section 4.15(1)(b) – Likely Impacts of That Development – Social and Economic

The proposed exhibition village comprising 49 Lots and construction of a dwelling house for use as a temporary exhibition home with ancillary sales office and café with associated car parking for 95 vehicles will not cause adverse social and economic impact.

The proposal will in effect stimulate employment growth in the construction and real estate sector while also provide additional housing supply for new home buyers and thus will have a positive impact on the local economy.

5.7 Section 4.15(1)(b) – Likely Impacts of That Development – Hazards

5.7.1 Soil Instability, Subsidence, Slip, Mass Movement

The subject site is not known to contain and subsidence or land slip issues.

5.7.2 Acid Sulfate Soils

The subject site is located on Class 5 land. The proposed development is not expected to disturb acid sulfate soils. An Acid Sulfate Soils preliminary assessment can be provided if conditioned by Council.



5.7.3 Flooding, Tidal Inundation

The subject site is not located within a flood prone area and will not adversely impact on natural overland flood paths.

5.7.4 Bushfire

A Bushfire Risk Assessment is included with the proposal and is submitted under separate cover.

Bushfire Attack Level (BAL) Certificate has been provided that identifies the BAL-LOW. This is based on the first DA for residential subdivision (PAN-188452) that is currently under assessment by Maitland Council proposes all land zoned R1 – General Residential in the Maitland Local Government Area to be cleared and managed as an APZ. This proposal for a exhibition village is dependent on PAN-188452 being approved.

5.7.5 Contamination

The land is not considered be at risk of being contaminated given its long term use as a residential development.

5.8 Section 4.15(1)(d) – Submissions Made in Accordance with the Act or Regs

Not relevant at the SEE preparation stage.

5.9 Section 4.15(1)(e) – The Public Interest

The proposed development is not considered to be contrary to the public interest.



6 Summary

The subject site is subject to a draft Planning Proposal known as *Hydro (Gillieston Heights) West Precinct* (PP-2021-1233) which was placed on public exhibition from 15/12/2020 - 01/02/2021. Under the draft Planning Proposal (deemed draft Environmental Planning Instrument) the subject site is to be rezoned to R1 General Residential under Maitland Local Environmental Plan 2011. An extract of the draft Planning Proposal showing the zoning extract is included in **Appendix 2**.

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Dwelling houses, exhibition villages and exhibition homes (including ancillary site office and food and drink premises) are permissible in the zone with consent.

The proposal is performed favourably in relation to the relevant aims, objectives and development standards of the relevant environmental planning instruments and associated development control plan.

The proposed development is consistent with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and *Regulations 2000* and should be supported.



APPENDIX 1 – SITE PICTURES

Picture 1: A view from the proximity of proposed road MC01 north toward Gillieston Heights



Picture 2: A view towards the west along the proximal route of proposed road MC01





Picture 2: A view to the east towards Cessnock Road

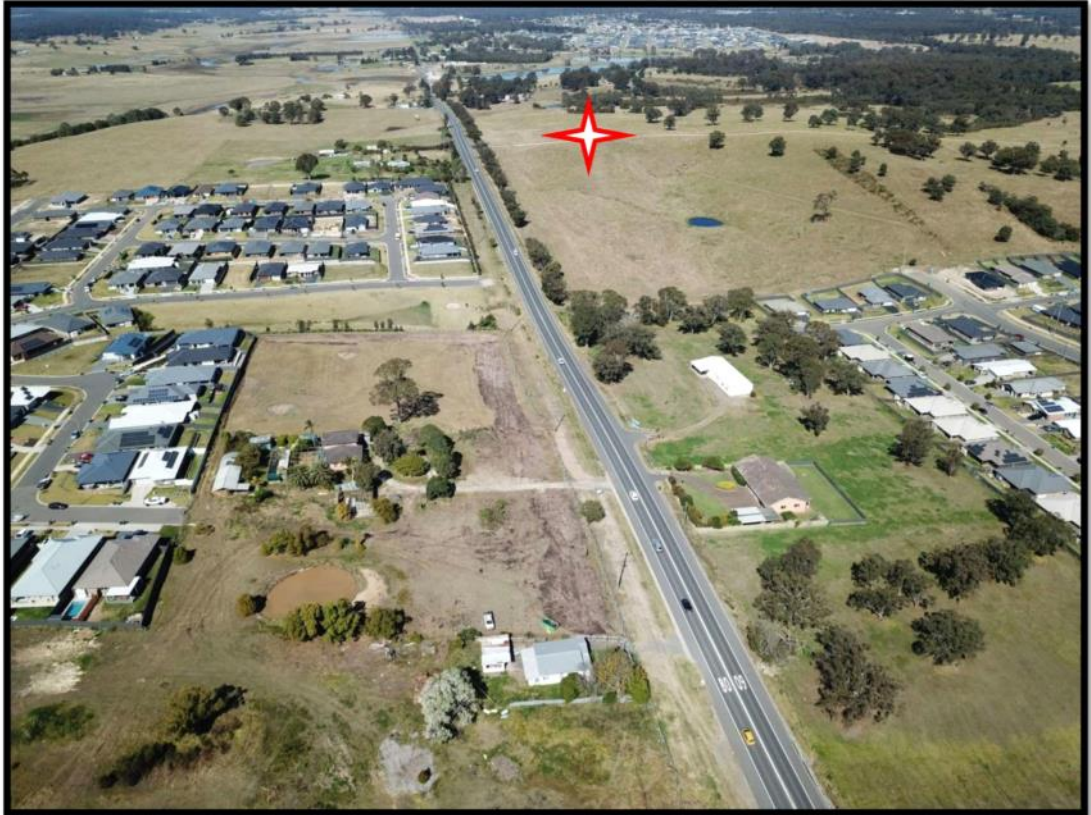


Picture 4: A view towards the east along the proximal route of proposed road MC01 towards where the exhibition home will be located (distant)





Picture 5: An aerial view towards the subject site (marked)





APPENDIX 2 – PROPOSED ZONING MAP

