



**Limitations Statement**

This report has been prepared in accordance with the scope of services agreed between Resolve Urban Planning and the Client. It has been prepared based on the information supplied by the Client, as well as investigations undertaken by Resolve Urban Planning and the sub-consultants engaged for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by Resolve Urban Planning or by any person involved in the preparation of this assessment and report.

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## Precis

Development Consent is sought from Maitland City Council for a Multi Dwelling housing development at 33 Lee Street East 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 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 a Multi dwelling housing development within a vacant allotment located at 33 Lee 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 Koonoona Pty Ltd.

### 1.2 Site Description

The subject site is located at 33 Lee Street Maitland and is described as Lot 7 SP90936.

The site has a frontage of 34.56m to Lee Street with an area of 742m<sup>2</sup>.

The site is currently vacant.

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

**Figure 1 Subject Site**





## 2.0 Site Analysis

### 2.1 Site Context

The sites immediate context consists of:

- Cinema Complex
- Commercial land uses including retail premises, with residential above, and a pub
- Commercial premises, currently vacant

**Figure 3 Adjoining Cinema Complex**





**Figure 4 Adjoining Retail and Residential Above as viewed from Lee Street**



**Figure 5 Existing Commercial Premises to the East**

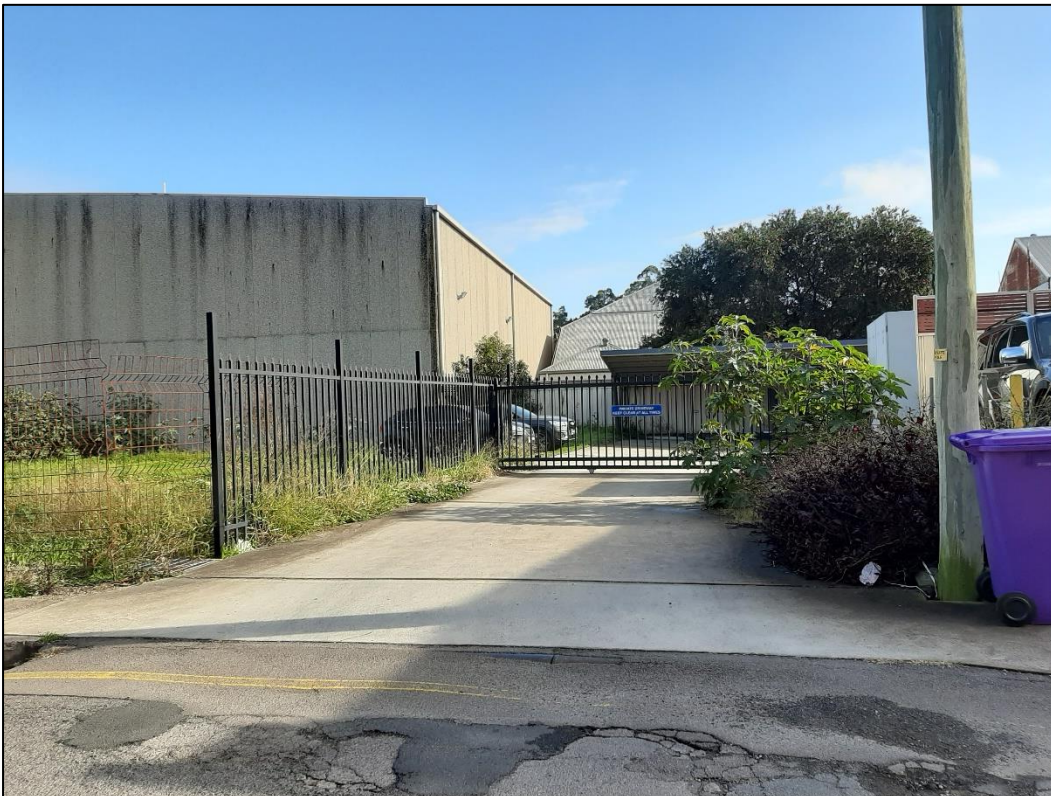


2.2 Site Opportunity and Constraints  
Figure 6 and 7 illustrate the existing site conditions.

Figure 6 Subject Site as viewed from Lee Street



Figure 7 Access to Subject Site



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. 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, presenting as flat
- The site is identified as being flood liable, with finished floor levels reflecting the flood conditions
- The adjoining built form is required to be considered by this application to ensure a suitable level of amenity is afforded to future occupants. This is discussed further within this report
- 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 is not identified as being constrained by mine subsidence or bushfire

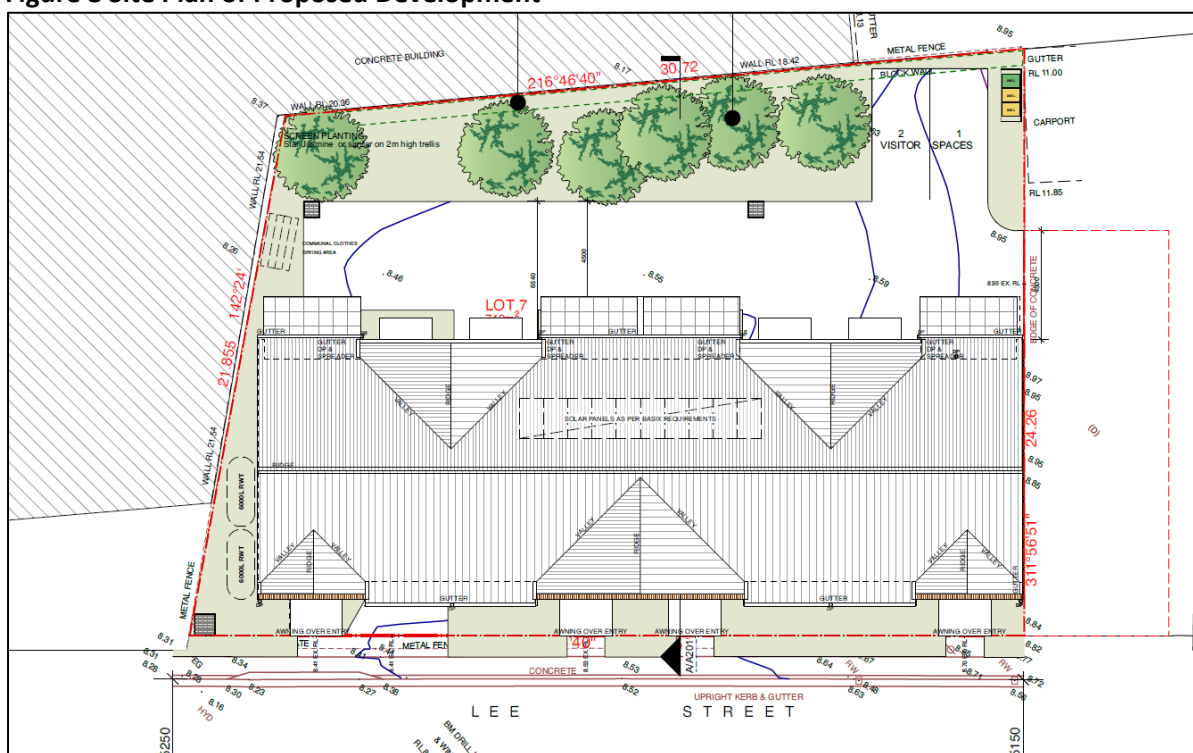
### 3.0 The Proposal

The proposed development seeks the following:

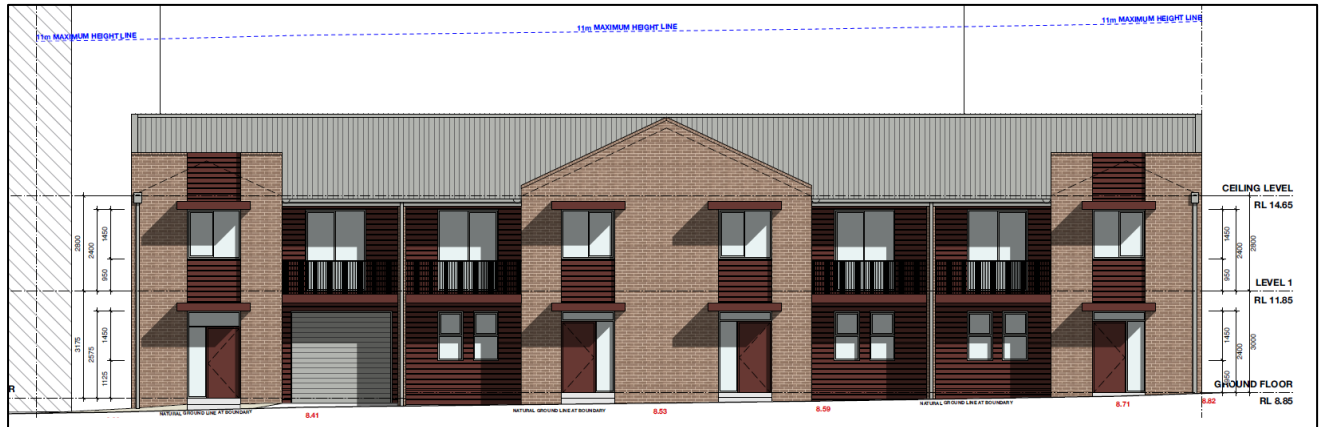
- Erection of four (4) attached dwellings, two storeys in height
- Each dwelling provided with two bedrooms and a single garage. Three dwellings are provided with vehicle access from the adjoining driveway/right of carriageway with one unit provided with direct access from Lee Street
- The built form 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

A site plan of the proposal is provided at **Figure 8**, with the Lee Street elevation provided at **Figure 9**.

**Figure 8 Site Plan of Proposed Development**



**Figure 9 Lee Street Elevation**



The proposal includes a detailed landscape plan which will provide complementary planting to the proposed built form along with softening the visual presence of the adjoining cinema wall.

The proposal has also been the subject of an acoustic assessment to ensure that suitable noise attenuation measures are implemented within the units, maintaining the amenity of occupants relative to noise generating activities within the general context (licensed premises off High Street).

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 (2000).

### 4.1 Existing Site Conditions

The site is currently being used as a residential dwelling.

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 identified as being flood liable by Council, consistent with the site's context. The proposal responds to this constraint by:

- The subject site is located within the flood fringe area and is not within close proximity to any floodway, as mapped by Council
- All of the dwellings have habitable rooms on the first floor to ensure compliance with the minimum floor height requirements and facilitate flood free refuge
- The built form is considered to be relatively minor, noting the scale of the adjoining cinema complex, and hence the flood regime is not expected to be significantly altered by the proposal
- The site's location within the flood fringe area will afford occupants ample opportunity to safely evacuate the site via public announcements during any flood event. This is consistent with information available to existing development within Central Maitland

#### 4.4 Stormwater/Sediment and Erosion Control

A detailed stormwater management plan and report, prepared by **GCA**, accompanies this application.

The plan can be summarised as follows:

- Roof water from the units will be directed to water reuse tanks, providing 9m<sup>3</sup> of storage
- The car park will be graded to allow for above ground detention onsite, to satisfy Council stormwater requirements
- Overflow from the tanks, and the car park area, will be conveyed to the existing street drainage system in Lee Street via a series of pits and pipes

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 Lee Street
- The proposal will result in only a minor increase in the traffic movements into and out of the site. Thus no 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. It has therefore been subject of a Heritage Impact Statement completed by **carste Studio**. The statement is summarised as follows:

- Whilst the site is identified within the conservation area, no items of heritage significance are observed within the site's context
- The appropriate design response has been to draw from the High Street building forms which comprise face brick and render detailing with gable walls projecting above the roofline in parapets.
- The parapet forms adopted in brickwork emulate elements from High Street. In the background of the very bland and dominating tilt-up panels of the Reading Cinema complex the proposed building will be fresh in appearance and simple and traditional in form.
- The materials palette and colours selected are compatible with the character of the Heritage Conservation Area.
- 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 Crime Prevention

A Crime Prevention Through Environmental Design Assessment has been undertaken by a qualified CPTED Assessor, Paul McLean, as part of preparation of this document, including a detailed review of the plans of the proposal.

Review of crime statistics for the Maitland Local Government Area, available from the New South Wales Bureau of Crime Statistics, confirms that the most common types of crime are:

- Malicious damage to property
- Steal from motor vehicle
- Domestic violence assault
- Fraud
- Motor vehicle theft

Given the proposed type of development, and its location, this assessment will focus on:

- Malicious damage to property
- Stealing from the property (either the property or vehicles parked onsite)

In considering the most frequent type of crimes committed in the area, the site location and context and the plans of the proposal it is determined that the proposed development will have a low crime risk.

The principle crime risk is considered to be from persons travelling past the site and undertaking opportunistic criminal activity.

An assessment has therefore been undertaken against the Crime Prevention through Environmental Design (CPTED) principles. This will establish how the proposal responds to the possible crime risks highlighted above.

**Table 1 Response to Crime Prevention through Environmental Design Principles**

CPTED Principle	Response
<p><b><i>Surveillance</i></b></p> <p>Clear sightlines between public and private places</p> <p>Effective lighting of public places</p> <p>Landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims</p>	<p>The proposal will provide suitable surveillance for entry points and persons within the site by:</p> <ul style="list-style-type: none"> <li>• Providing the principal pedestrian entry points off Lee Street, with all of the dwellings having living areas facing the street to provide an excellent level of casual surveillance</li> <li>• The proposal clearly delineates between the public and private space, via building location, landscaping and the boundary formed by the cinema complex. The vehicle access is also clearly a private entry point given the change in material and termination at parking spaces, hence not able to be interpreted as a public thoroughfare</li> <li>• The proposal will afford additional casual surveillance of Lee Street, noting that development within the context has a principal frontage to either High Street or away from Lee</li> </ul>



	Street. This is likely to reduce existing crime opportunities occurring within the site's context, greatly increasing the risk of any activity to the offender
<p><b>Access Control</b></p> <p>Landscape and physical locations that channel and group pedestrians into target areas</p> <p>Public spaces which, rather than discourage people from gathering</p> <p>Restricted access to internal areas or high-risk areas (like carparks or other rarely visited areas). This is often achieved through the use of physical barriers.</p>	<p>The proposed has carefully considered access control in the following manner:</p> <ul style="list-style-type: none"> <li>• The entry point to each dwelling is clearly delineated as a private entry. The vehicular access, as discussed above, is also clearly private, with sufficient casual surveillance from the dwellings to observe unwanted persons or activities occurring onsite</li> <li>• The car parking is provided at the rear of the building, ensuring the vehicles are largely obscured from views within the street, removing the potential for opportunistic criminal activity (i.e steal from motor vehicle)</li> </ul>
<p><b>Space Management</b></p>	<p>The residential use of the structure will ensure ongoing maintenance of landscaped areas and prompt attendance to any damage caused to buildings and infrastructure is undertaken by both the occupants and contractors required to maintain the common areas.</p>
<p><b>Territorial Reinforcement</b></p> <p>Design that encourages people to gather in public space and to feel some responsibility for its use and condition</p> <p>Design with clear transitions and boundaries between public and private space</p> <p>Clear design cues on who is to use space and what it is to be used for</p> <p>Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures</p>	<p>The public to private space interface is achieved by the clear design cues of each dwelling, providing a embellished pedestrian entry to each dwelling and landscape design along the street frontage.</p> <p>The design and layout of the site clearly indicates the intended use of the site for private residential purposes.</p> <p>The design allows for the reinforcement of the intended use, without requiring physical barriers at the public/private interface.</p>

The following recommended mitigation measures are made in respect of the possible criminal activities identified above:

**Malicious damage to property**

- Additional casual surveillance afforded by the proposal will provide an improved outcome in respect of damage to property
- Any graffiti to be removed within 24 hours
- Sensor lighting to be provided to pedestrian and vehicle entry points

**Stealing from property (vehicles or building)**

- Sensor lighting, in accordance with the relevant Australian Standard to be provided to internal vehicle entry point
- The design of the proposal, including the location of the parking, makes it clear as to the intended use of site areas and what is the public and private domain. Internal signage to be limited to identification of visitor parking and notice of area being private property

The proposal is deemed to have properly considered crime risk, likely to result in reduced crime risk for the site and its context.

#### 4.8 Waste Management

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 the common property, 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 (2000).

### 5.1 Environmental Planning Instruments

#### 5.1.1 State EPI's

##### **State Environmental Planning Policy BASIX**

BASIX Certificates accompany this application.

#### 5.1.2 Local EPI's

##### **Maitland Local Environmental Plan 2011**

###### *Land Use Table*

The site is zoned B4 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.

#### *5.10 Heritage Conservation*

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

#### *5.21 Flood planning*

The proposal has addressed the sites flood identification at **Section 4.3**.

### 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
B6 Waste Not	Yes	A Construction Waste Management Plan accompanies this application.
C4 Heritage Conservation	Yes	The requirements for this chapter of the DCP are addressed in detail within the Heritage Impact Statement.
<b>C8 Residential Design</b>		
2.1 Site Analysis	Yes	This report, and the plans, provide sufficient information to address the site analysis requirements of the DCP.
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.
6. Side and Rear Setbacks	Yes	<p>The DCP provides no specific numerical provisions for side and rear setbacks in the B4 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.</p> <p>Where walls are proposed within 900mm of any boundary, construction will be undertaken in accordance with relevant National Construction Code requirements.</p>
7. Site Coverage and Unbuilt Areas	Yes	The proposal will have a site coverage of 69%, compliant with the maximum 70% requirement of the DCP.
8. Building Height	Yes	The proposed dwellings will have a maximum height of 8.7m, well below the 11m maximum provided by the DCP.
9. External Appearance	Yes	<p>The external appearance is considered to be an appropriate response to the street where:</p> <ul style="list-style-type: none"> <li>• The dwelling design has been designed to respond to the requirements of the conservation area, in close consultation with the heritage architect</li> <li>• The street elevation includes a range of materials (brick and cladding) to provide variety and interest whilst also reflecting the historical streetscape of High Street</li> <li>• The primary pedestrian point faces the street, reinforced with landscaping</li> <li>• Garaging is integrated into the design, being predominately located at the rear of the structures</li> </ul>

10. Open Space	Yes	<p>Each dwelling utilises above ground open space, reflecting all habitable areas being on the 1<sup>st</sup> floor.</p> <p>Each dwelling provided with a 10sqm open space, with a minimum dimension of 2.5m, compliant with the DCP.</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 the communal areas onsite.</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 driveway is located more than 900mm from the side boundary and is greater than 2.7m wide.</p> <p>1 parking space provided to each dwelling, along with 2 visitor spaces, compliant with the DCP.</p>
16. Views and Visual and Acoustic Privacy	Yes	<p>The proposed development will result in no additional privacy impacts to neighbours, given the form of adjoining development.</p> <p>Privacy between dwellings is maintained via the use of blade walls and privacy screening where required.</p>
17. Water and energy conservation	Yes	The proposal is supported by a BASIX Certificate.
18. Stormwater Management	Yes	<p>Stormwater management plans accompanies this application.</p> <p>Sediment and erosion control details also included in the plans of the proposal.</p>
19. Security, site facilities and services	Yes	<p>A response to CPTED requirements is provided at Section 4.7.</p> <p>All garbage bins stored within the private domain, away from the entry points to the site.</p> <p>Each dwelling provided with a clear pedestrian entry, with a mail box to be provided at each entry point.</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 all parking spaces.</p>

		Ample landscaping is provided around the perimeter of the parking area.
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#### 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 multi dwelling housing has responded to all relevant planning instruments and will provide a desirable form of housing within an existing vacant allotment.

Council support for the application is therefore anticipated.