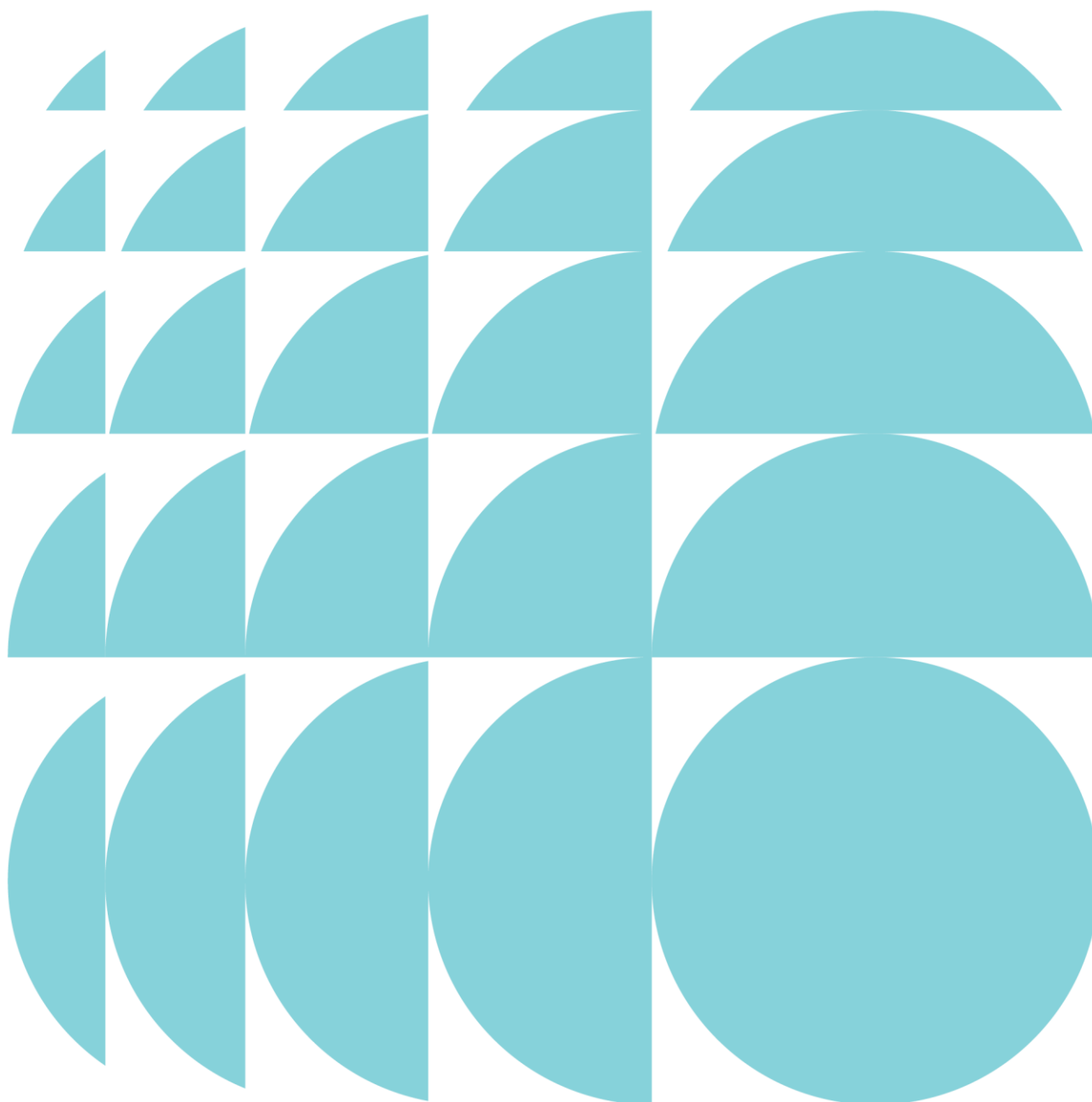


## Statement of Environmental Effects

38-40 Stronach Avenue, East Maitland  
Landscaping works for a recreation area and  
ancillary storage shed and kiosk

Submitted to Maitland City Council  
On behalf of Fresh Hope c/o Icon Project  
Management

4 November 2021 | 2210183



---

CONTACT

Daniel West Associate Director dwest@ethosurban.com +61 411 570 394

Reproduction of this document or any part thereof is not permitted without prior written permission of Ethos Urban Pty Ltd.

This document has been prepared by:



Eliza Arnott November 2021

This document has been reviewed by:



Daniel West November 2021

Reproduction of this document or any part thereof is not permitted without written permission of Ethos Urban Pty Ltd. Ethos Urban operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.

VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	28 JUNE 2021	EA	JBU
2	7 OCTOBER 2021	EA	DW
3	4 NOVEMBER 2021	EA	DW

---

Ethos Urban Pty Ltd  
ABN 13 615 087 931.  
www.ethosurban.com  
173 Sussex Street, Sydney  
NSW 2000 t 61 2 9956 6952

---

# Contents

---

1.0	Introduction	3
2.0	Background	3
2.1	Churches of Christ Community Care	3
2.2	Pre-lodgement Meeting	4

---

3.0	Site Analysis	5
3.1	Site Location and Context	5
3.2	Site Description and Existing Development	6
3.3	Surrounding Development	8

---

4.0	Description of Proposed Development	8
4.1	Recreation Area	10
4.2	Storage Shed and Arboretum	10
4.3	Façade and Materials	12
4.4	Pedestrian Access	12
4.5	Waste Management	13
4.6	Stormwater Management	13
4.7	Construction Management	13

---

5.0	Planning Assessment	13
5.1	Strategic Plans and Policies	13
5.2	Maitland Local Environmental Plan 2011	14
5.3	Maitland Development Control Plan 2011	14
5.4	Key Issues	15
5.5	Other Impacts	16
5.6	Suitability of the Site for the Development	17
5.7	Public Interest	17

---

6.0	Conclusion	17
-----	------------	----

## Figures

Figure 1	Locational context	6
Figure 2	Site aerial	7
Figure 3	The site as viewed from Martin Close	7
Figure 4	Site plan	9
Figure 5	CGI of proposed recreation area and arboretum / pergola	10
Figure 6	Proposed Storage Shed and Arboretum site plan	11
Figure 7	Proposed east elevation	11
Figure 8	Proposed materials schedule	12

## Tables

Table 1	Summary of key issues raised and responses	4
Table 2	Summary of consistency with relevant strategic legislation	13

# Contents

Table 3	Key applicable planning provisions under the MLEP 2011	14
Table 4	Key applicable planning provisions	14
Table 5	Summary of technical assessments	16

## Appendices

<b>A</b>	Architectural Drawings <i>Breathe Architecture</i>
<b>B</b>	Landscape Plans <i>Context Landscape Design</i>
<b>C</b>	Survey Plan <i>David Cant Surveyors</i>
<b>D</b>	Traffic Statement <i>Ason Group</i>
<b>E</b>	Acoustic Assessment <i>RWDI</i>
<b>F</b>	Civil Engineering Plans and Statement <i>Birzulis Associates</i>
<b>G</b>	Waste Management Plan <i>UFD</i>
<b>H</b>	Access Report <i>MGAC</i>
<b>I</b>	BCA Capability Statement <i>Blackett Maguire + Goldsmith</i>

## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted in support of a Development Application (DA) for landscaping works for a recreation area and ancillary storage shed and kiosk at 38-40 Stronach Avenue, East Maitland. The DA seeks approval for:

- Establishment of a new local recreation area with various landscaping works including planting of low lying grasses, trees and paving to provide pedestrian connections to and from Stronach Avenue and Martin Close to the RACF, including a playground and community garden;
- Construction of an ancillary pergola, arboretum and shed / storage area with 4 unisex toilets and 1 accessible toilet; and
- Construction of an ancillary kiosk connecting to the shed / storage area.

This SEE has been prepared by Ethos Urban on behalf of Fresh Hope Care c/o Icon Project Management and is based on the Architectural Plans provided by Breathe Architects and Landscape Plans prepared by Context (see **Appendix A** and **Appendix B**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the site, its environs and the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment. The application is recommended for approval given the following reasons:

- It is consistent with the aims and objectives of the Maitland Local Environmental Plan 2011 (MLEP 2011) and Maitland Development Control Plan 2011 (MDCP 2011);
- It provides a better integration of the approved RACF development with the local community;
- It provides a significant social benefit in that it will generate local open space for the RACF residents, visitors and local community to congregate;
- It provides a quality architectural design that will contribute to a safe and active, community oriented environment;
- It is supported by technical and social studies which confirm that the environmental impacts associated with the proposal are generally positive and will not give rise to any adverse impacts; and
- Is suitable for the site and is in the public interest.

## 2.0 Background

### 2.1 Churches of Christ Community Care

Churches of Christ Community Care trading as Fresh Hope Care is a not-for-profit provider of residential aged care services and retirement living community and has been providing community care services throughout NSW since 1938. Fresh Hope Care operates 7 Independent Living Retirement Villages and 8 Residential Care Services to provide various combinations of aged care services in different locations throughout New South Wales, including Coffs Harbour, Eurobodalla, Albury, the Sydney Metropolitan Area and East Maitland.

The vision and mission of Fresh Hope Care is:

*Meeting the needs of residents in a holistic way requires an operational model, built on a multiskilled workforce, working closely with Allied Health and medical practitioners to deliver quality outcomes in a purpose-built facility. The care and wellbeing of our residents is at the core of Fresh Hope's values and our service delivery. This will not change and will be strengthened when transitioning from the existing operation into the new facility. We place an emphasises on the resident with their own unique history, experiences, values and culture. The landscaping design and "feel" to the new development is supportive of the transition from rural living to care for many residents in the Maitland area and surrounds.*

Fresh Hope recently received a determination for 7 Martin Close and 42 Stronach Avenue, East Maitland directly adjacent to the site to the north and east (DA2020/567). The approved development provides to the redevelopment of the existing aged care facility into a 168 bed RACF with associated car parking and landscaping works. The application was approved by the Hunter and Central Coast Regional Planning Panel on 9 April 2021 (PPSHCC-49).

Fresh Hope has undertaken a thorough design development investigation for 38-40 Stronach Avenue to support the upgraded RACF and respond to existing adjoining residential development. One of the key strategies that Fresh Hope are seeking to achieve on the site is the better integration of the development with the local community, consistent with the principles of the Humanitas model of care. This development application directly responds to this vision, creating a space for residents, visitors, staff and the surrounding community to congregate in an informal space and support social interactions.

## 2.2 Pre-lodgement Meeting

A pre-lodgement meeting was held between Council officers and representatives of Fresh Hope Care and its development team on 3 June 2021. Fresh Hope Care presented concept architectural plans and landscape plans for the site. The key issues raised in the pre-DA lodgement meeting and responses are provided in **Table 1**.

**Table 1 Summary of key issues raised and responses**

Council concern	Response
<b>Planning Information</b>	
The kiosk component is not permissible in the R1 General Residential zone. The application will need to provide clear justification that this component can be considered ancillary to the Recreation Facility (Outdoor). Noted that limiting the kiosk component to 20 square metres in accordance with Clause 5.4(6) of the Maitland Local Environmental Plan 2011 will assist with this. Reference is made to Planning Circular PS 13-001 for ancillary development.	The proposed kiosk will be ancillary to the recreation area use. The kiosk is 19.5m <sup>2</sup> and is therefore in accordance with clause 5.4(6) of the MLEP 2011. Further discussion is provided in <b>Section 5.4.3</b> .
Generally supportive of the concept from a planning perspective. Consideration to be given to consolidating these allotments with the adjoining RACF allotment given the interdependency of the developments. Acknowledging that the proponent has concerns with doing this as there are potential implications from a bushfire perspective.	The proposed development does not seek to consolidate the allotments with the adjoining RACF. The proposed recreational area is a permissible use in the zone with development consent and the kiosk is ancillary to the recreational area. The proposal remains compliant from a bushfire perspective.
The Statement of Environmental Effects should address the potential impacts on traffic and parking on both Martin Close and Stronach Avenue given there is no off-street parking proposed within this development.	A Traffic Statement has been prepared by Ason Group and is included at <b>Appendix D</b> . Further discussion is provided in <b>Section 5.4.4</b> . It is noted that the recreation area is envisaged as a local facility for nearby residents only who will walk to the facility or for people visiting residents of the RACF. It is not expected to operate as a regional facility.
There are no dimensions indicated on the concept plans, whilst there is no maximum height limit in the Maitland Local Environmental Plan 2011 for this property, the DCP sets an 8m height limit.	The proposed building will have a maximum height of 4.5m. The proposed development is well below the MDCP 2011 building height provision for the R1 General Residential zone.
This development will require Neighbourhood Notification.	Noted.
<b>Urban Design</b>	
Supportive of the location and materiality of the kiosk.	Noted.
Supportive of the activities chosen for the park and around the kiosk, noting that they will help draw in the community and activate the park during the day. Also supportive of investigations into providing community gardens or gardening programs in partnership with local educational and business communities.	Noted.
Supportive of consulting with the local Aboriginal community and of reflecting this consultation onto the design and uses within the park. Our LALC is Mindaribba and our Traditional Custodians, Owners and knowledge holders are the Wonnarua People. Please let us know if you would like contact details.	Noted.

Council concern	Response
Potential CPTED issues for the site should be carefully considered, as the site is in a quiet residential area and adjacent to a tract of dense bushland. Use of the site and site facilities (toilets, playground etc) after dark should be addressed in particular.	The proposal has been designed as a space to welcome the surrounding community, while integrating with the RACF development at 7 Martin Close and not posing any adverse impacts to adjoining residential development. The storage shed and kiosk will be secured and locked after hours and appropriate lighting will be incorporated into the development. The proposal ensures appropriate lines of sight into and out of the recreation area so all visitors and passers by feel safe.
We note that the adjacent site (42 Stronach Ave) is earmarked for short-term residential purposes and that issues of privacy, access, scale, setbacks etc. will be resolved during the design development stage.	Noted. 42 Stronach Avenue does not form part of this application.
<b>Landscaping</b>	
Utilise the landscaping to act as a buffer for neighbouring properties.	The proposed landscaping scheme has been designed to maintain sightlines between the recreation area and Stronach Avenue so as to ensure that there is natural surveillance of the proposed park.  The maintenance track will not be affected by the proposed scope of works.
Ensure the landscaping/vegetation doesn't block the whole view of the area from the street, making it look as though it is for private use only.	
Ensure that the landscaping doesn't affect the maintenance access track for bushfire purposes as per the conditions of previous DA.	

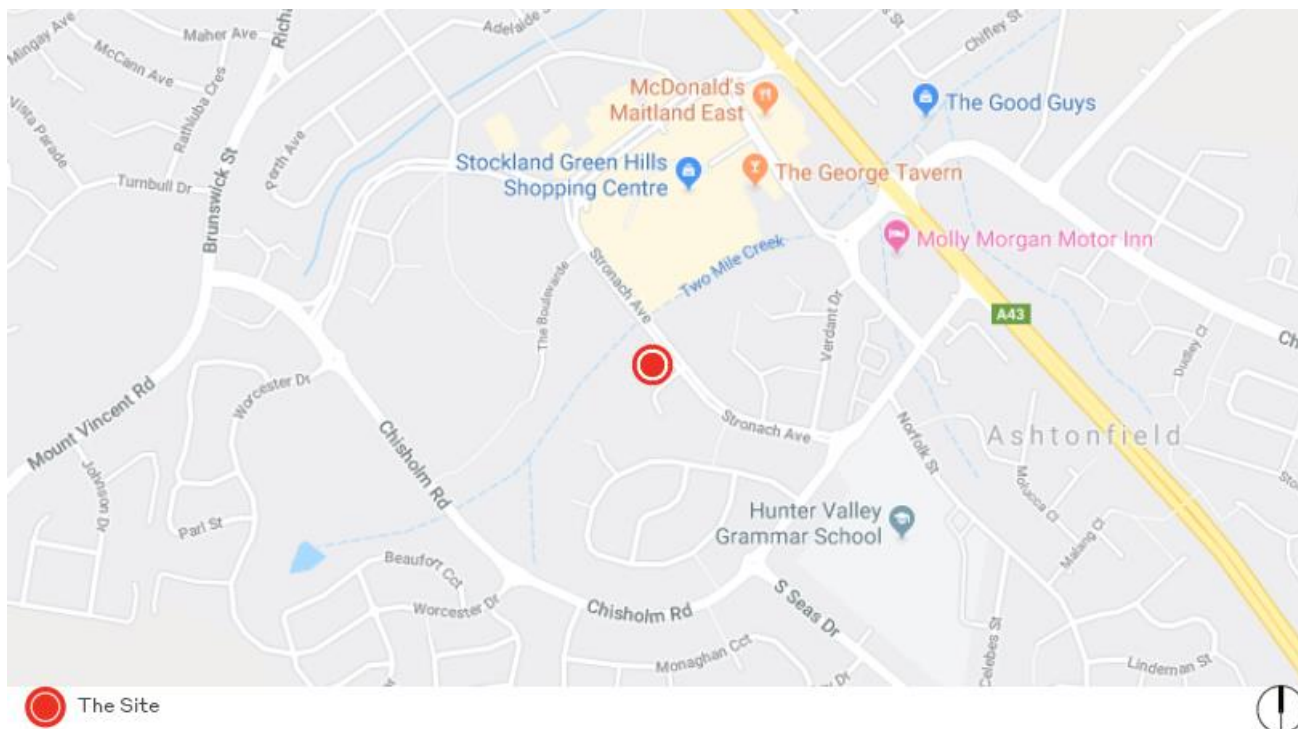
## 3.0 Site Analysis

### 3.1 Site Location and Context

The site is located at 38-40 Stronach Avenue, East Maitland within the Maitland City Council local government area (LGA). The site is located approximately 250m south of the Green Hills Shopping Centre and approximately 800m north of Hunter Valley Grammar School.

The site's immediate urban context includes low density residential dwellings and Brooklyn Park to the immediate southwest. Two Mile Creek intersects the site and the Fresh Hope Retirement Village to the north in an east west direction. The site sits directly to the east of the Fresh Hope RACF which has been recently approved for redevelopment to support a new 168 bed RACF (DA2020/567).

The site's locational context is shown at **Figure 1**.



**Figure 1**      **Locational context**

Source:          *Nearmap / Ethos Urban*

### 3.2      **Site Description and Existing Development**

The site is located at 38-40 Stronach Avenue, East Maitland. The site is legally described as Lot 6 and 7 in DP 258655 and has an approximate area of 1,350m<sup>2</sup>. 38-40 Stronach Avenue currently comprises vacant, cleared land with existing vehicular access points off Stronach Avenue and Martin Close. A maintenance track for service vehicles was approved under DA2020/567 located on 42 Stronach Avenue.

Fresh Hope have investigated options to redevelop 38-40 Stronach Avenue to complement the surrounding residential development as well as the upgraded RACF facility.

A Survey Plan is provided at **Appendix C**. An aerial photo of the site is shown at **Figure 2**.





**Figure 2** Site aerial

Source: *Nearmap / Ethos Urban*



**Figure 3** The site as viewed from Martin Close

Source: *Ethos Urban*

### 3.2.1 Topography

The site sits on a gradual slope from the south to the north towards Two Mile Creek which is a vegetated riparian corridor. The highest point is located on the corner of Martin Close and Stronach Avenue.

### 3.2.2 Vegetation

The site does not comprise any significant vegetation. It has recently been cleared and only comprises grass cover as can be seen in **Figure 3**.

### 3.2.3 Bushfire

The site is located on land identified as bushfire prone. We note that consultation has been undertaken with both Maitland City Council and the NSW Rural Fire Service by the project team, as part of the RACF DA. A Bushfire Plan of Management has been prepared to ensure the ongoing management of the area including 7 Martin Close and 42 Stronach Avenue. In addition, the BCA Statement provides a Fire Safety Schedule for the proposed development (refer to **Appendix I**).

## 3.3 Surrounding Development

The following development surrounds the site:

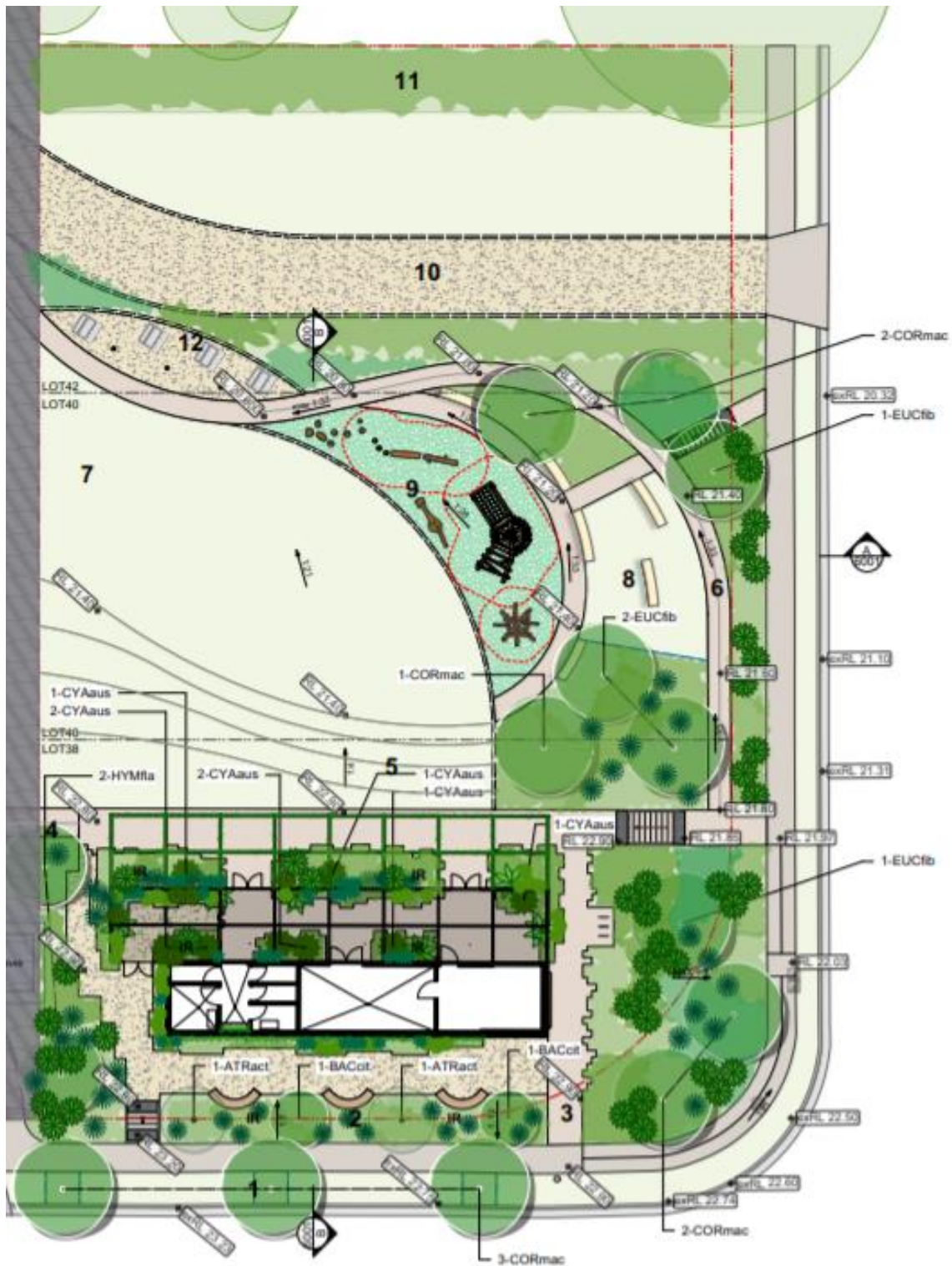
- **North:** To the immediate north of the site is 44 Stronach, a one storey residential dwelling. Further north is the Green Hills Shopping Village and low density residential development.
- **South:** To the immediate south of the site is low density residential development and Chisholm Road which connects to the New England Highway. Hunter Valley Grammar School is located off Chisholm Road.
- **East:** To the east is low density residential development. Further east is the New England Highway which connects East Maitland to the remainder of the remainder of the Hunter Valley region. Maitland Private Hospital is also located to the east of the site.
- **West:** To the immediate west is the Fresh Hope RACF which is currently subject to redevelopment under DA2020/567 for an upgraded facility. Further west is Brooklyn Park and a substantial area of bushland extending beyond the Two Mile Creek riparian corridor.

## 4.0 Description of Proposed Development

The application seeks approval for the following development:

- Establishment of a new recreation area with various landscaping works including planting of low lying grasses, trees and paving to provide pedestrian connections to and from Stronach Avenue and Martin Close to the RACF, including a playground and community garden;
- Construction of an ancillary pergola, arboretum and shed / storage area with 4 unisex toilets and 1 accessible toilet; and
- Construction of an ancillary kiosk connecting to the shed / storage area.

Architectural Plans and Landscape Plans illustrating the proposed development are included at **Appendix A** and **Appendix B** and shown below at **Figure 5** and **Figure 6**.



**Figure 4** Site plan  
Source: Context Landscape Architect



**Figure 5** CGI of proposed recreation area and arboretum / pergola

Source: Context Landscape Architecture

#### 4.1 Recreation Area

The proposed development is to create a landscaped pocket park for public access in an area surrounded by residential development and mixed uses including commercial and education land uses in the broader locality. The proposed recreation area will have a total area of 93m<sup>2</sup>.

The parkland will provide a transitional zone between the distinctive RACF development to the west and the residential dwellings to the immediate north and south. Public pathways will connect the RACF development to the proposed lawn area and kiosk and further to Stronach Avenue. Specifically, the recreation area will include:

- New street trees in grass verge along Martin Close;
- Landscape buffer with small feature trees fronting Martin Close;
- Recycled brick paving to form a pedestrian connection to and from the RACF to the west and Stronach Avenue;
- Open sloping lawn oriented toward Two Mile Creek to provide an informal recreation space between the arboretum / kiosk and playground;
- Open turf area near Stronach Avenue including informal bench seating and play elements; and
- Local neighbourhood-scale play space comprising soft fall rubber.

This recreation area will connect a catchment of residents and visitors from the local neighbourhood who will benefit from easy access to open space. The recreation area will provide a variety of outdoor activity much of which embraces the natural setting with Two Mile Creek and the riparian zone located just north of the site. It also respects the adjoining residential development and does not impose an overdevelopment of the site.

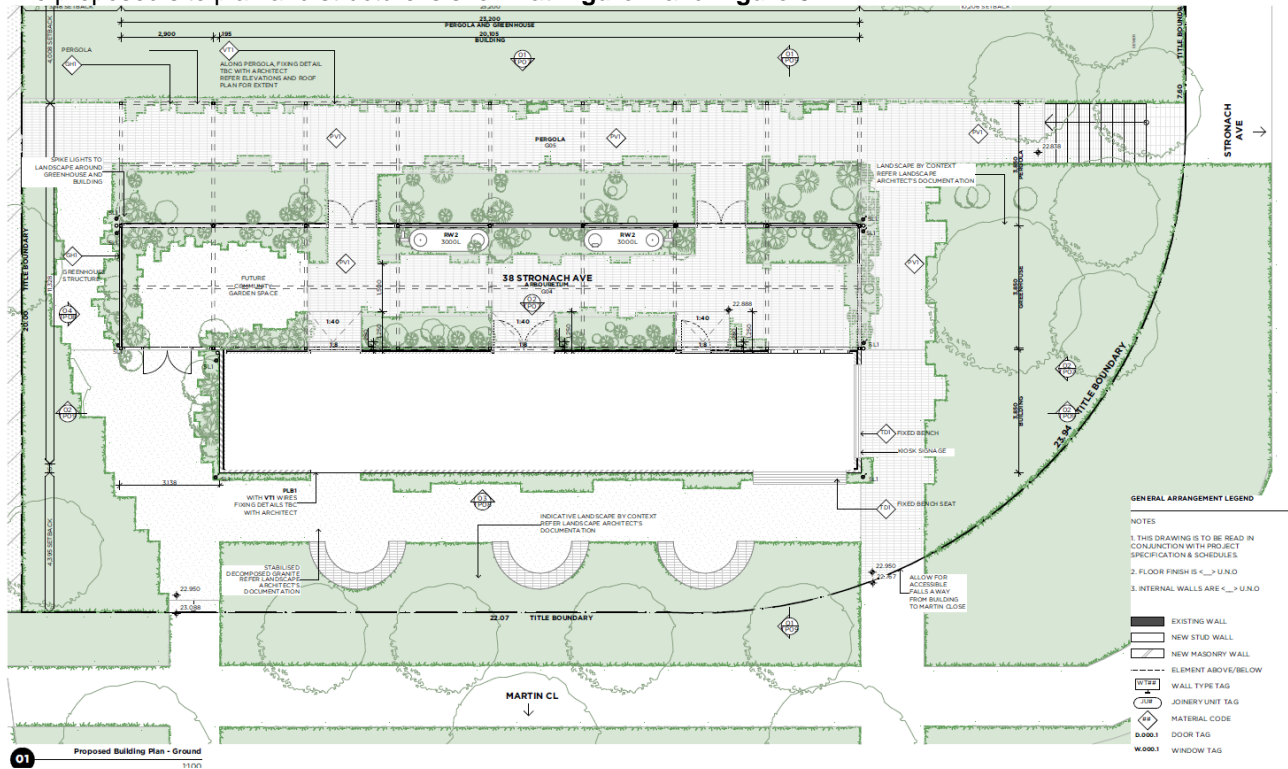
#### 4.2 Storage Shed and Arboretum

The ancillary storage shed and arboretum will be located at the southern end of the site, closest to Martin Close. The storage shed will include:

- Toilet facilities including 4 x unisex toilets, 1 x DDA toilet (22.7m<sup>2</sup>);
- Shed / storage area with a 5,000L rainwater tank (24.6m<sup>2</sup>); and
- Kiosk (19.5m<sup>2</sup>).

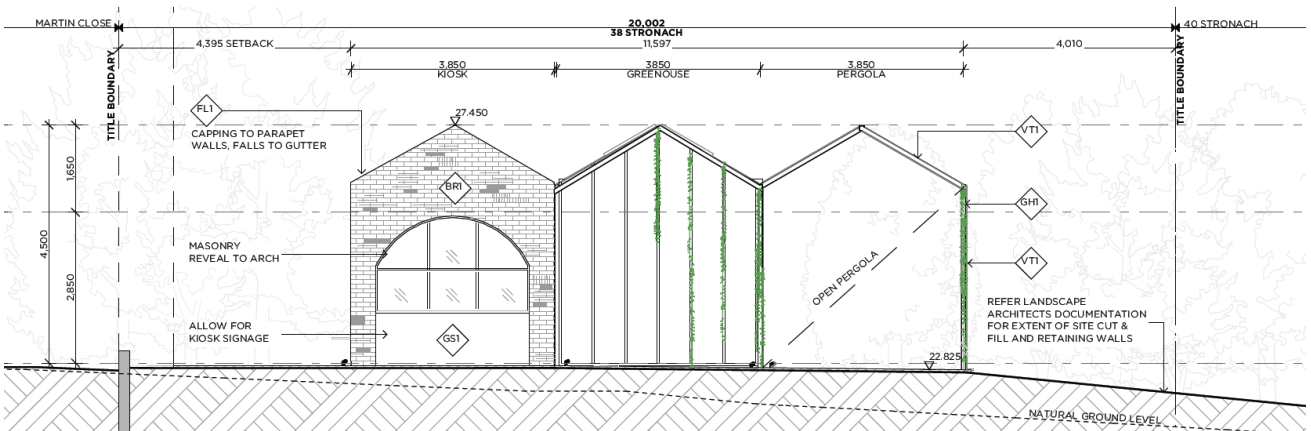
The total area of the storage shed structure will be 66.8m<sup>2</sup> with a height of 4.5m. Extending from the storage shed structure will be a greenhouse structure for the arboretum. An open pergola frame will extend 3.85m from the greenhouse arboretum. The kiosk and pergola area will provide space for the local community to gather and engage in intergenerational encounters with residents from the adjoining RACF in a safe and covered environment. It will also provide space for local community groups to congregate.

The proposed site plan and structure is shown at **Figure 7** and **Figure 8**.



**Figure 6** Proposed Storage Shed and Arboretum site plan

Source: *Breathe*



**Figure 7** Proposed east elevation

Source: *Breathe*

## Ancillary Kiosk

As shown on the proposed site plan at **Figure 7**, the development proposes an ancillary kiosk with a maximum size of 19.5m<sup>2</sup>. The proposed kiosk will be visible from Stronach Avenue and Martin Close and is proposed to operate as a small scale café, providing refreshments and snacks to visitors and the community. No indoor seating is proposed. The surrounding recreation area will provide informal benches and places to congregate.

The proposed operating hours of the kiosk will be Monday to Sunday 7:00am to 4:00pm.

### 4.3 Façade and Materials

The proposed storage shed and pergola structure will be constructed using various materials and finishes to create a high quality development that is compatible with the surrounding area, while complementing the surrounding bushland and providing visual interest.

The proposed materials palette provides a range of different fenestration patterns, and breaks down the façade of the structure into smaller elements that is similar to other houses in the area. Specifically, the proposal will include:

- Recycled brickwork;
- Smooth concrete blockwork;
- Fibre cement sheeting;
- Galvanized steel sheets;
- Recycled brick paving;
- Timber decking;
- Glazed roofing; and
- Vegetated trellis to the pergola.



**Figure 8 Proposed materials schedule**

Source: *Breathe*

### 4.4 Pedestrian Access

Pedestrian access to the site will be provided off Martin Close and Stronach Avenue. A new internal paved footpath from the RACF development will circulate and intersect the recreation area to provide safe access for RACF residents and staff to the open lawn and kiosk area. The existing footpath along Stronach Avenue and Martin Close will also provide access for surrounding residents and the community.

## 4.5 Waste Management

All waste disposal and bin maintenance within the arboretum and kiosk will be managed by Fresh Hope Care's maintenance staff. A dedicated waste holding area will be located on the Ground floor level of the kiosk for the storage of all waste generated in the facility.

An allocated garden / green waste bin and holding area will be located outside the shed structure on its western elevation.

All waste (general, recycling, green, fluid) will be collected once a week or as volume dictates.

Waste management and disposal methods have been designed in accordance with the relevant Australian Standards. Further discussion is provided at **Appendix G**.

## 4.6 Stormwater Management

Civil and Stormwater Plans have been prepared by Birzulis Associates and are included at **Appendix F**. The post development impervious area will be 756.32m<sup>2</sup>. The proposal seeks to include a new on site detention pits and pipe storage with a volume of 22.4m<sup>3</sup> to manage stormwater runoff.

## 4.7 Construction Management

A detailed Construction Management Plan (CMP) will be prepared by the appointed contractor prior to the commencement of works in accordance with the standard conditions of consent.

## 5.0 Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The DA's consistency and compliance with the relevant environmental planning instruments is considered in the sections below. The key standards and guidelines highlighted in the table are discussed in the following sections of this environmental assessment.

### 5.1 Strategic Plans and Policies

The consistency of the proposed development with the relevant strategic plans and policies is detailed in **Table 3** below.

**Table 2 Summary of consistency with relevant strategic legislation**

Plan	Comments
Hunter Regional Plan 2036	<p>The Hunter Regional Plan provides the strategic planning framework and land use priorities for the region over the next 20 years. The Regional Plan emphasises the importance of becoming a leading regional economy, with a thriving community and greater housing choice and jobs. Importantly, East Maitland lies at the centre of the largest Growth Region in the Hunter and is also nearby to the new Metford Hospital Precinct.</p> <p>The Regional Plan recognises that the population is projected to grow to 1.1million by 2036, with 25% aged over 65. It further identifies that Maitland and East Maitland are at the centre of the major Growth Area and East Maitland as a Strategic Centre.</p> <p>The proposed development will support the upgraded RACF and the surrounding community in turn establishing a thriving neighbourhood. In line with Goal 3 – Thriving Communities, the proposal will create a high quality recreation area to support a range of experiences. The proposal directly aligns with Direction 17 where it will support wellbeing of residents by encouraging physical activity, social cohesion and access to healthy locally grown food.</p>
Community Strategic Plan 2018-2028	<p>Maitland City Council's Community Strategic Plan provides a 10 year vision for the future of the LGA, based on extensive community consultation. The proposal will support community and recreation services and needs by establishing an area of open space in a growing precinct. This will support the needs of the community and allow for social</p>

Plan	Comments
	interaction and cohesion amongst residents of the Fresh Hope RACF and surrounding neighbourhood.

## 5.2 Maitland Local Environmental Plan 2011

**Table 3 Key applicable planning provisions under the MLEP 2011**

Clause	Provision / Standard	Proposal
Clause 2.3 Zone Objectives and Land Use Table	R1 General Residential	The site is zoned R1 General Residential. The proposed development is defined as recreation facility (outdoor) which is permissible in the zone. The proposed storage shed, arboretum and kiosk is ancillary to the recreation facility (outdoor) and is therefore permissible in the zone.
Clause 4.3 – Height of Buildings	NA	Under the MLEP 2011, the site is not afforded any maximum building height control. Notwithstanding, the proposed arboretum, storage area and kiosk will be of a bulk and scale that is sympathetic to the site's locational context, topographical changes and controls provided in the MDCP 2011 where a height of 8m is provided for the R1 General Residential zone. The proposed structure will have a maximum height of 4.5m.
Clause 4.4 – Floor Space Ratio	NA	Under the MLEP 2011, the site is not afforded any maximum floor space ratio control. Notwithstanding this, the total floor area of the building has been designed to ensure there is negligible impact on surrounding development. The arboretum, storage area and kiosk will have a total area of 66.8m <sup>2</sup> .
Clause 5.4 – Controls Relating to miscellaneous permissible uses	(6) if development is for the purposes of a kiosk it must be no more than 20 square metres.	The proposed development is for a kiosk. The kiosk will have a total area of 19.5m <sup>2</sup> and therefore complies with clause 5.4(6) of the MLEP 2011.
Clause 7.1 – Acid Sulfate Soils	Class 5	The site is not located in close proximity to any land identified as Class 1, 2, 3 or 4. Therefore, no further assessment is required.
Flood Planning	The site is not flood prone.	

## 5.3 Maitland Development Control Plan 2011

The proposed development is consistent with the objectives of the MDCP 2011 and the relevant controls. As required under Section 4.15(3A) of the EP&A Act, a consent authority is required to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards.

**Table 4 Key applicable planning provisions**

Control	Proposal	Assessment Location
<b>C.11 Vehicular Access and Car Parking</b>		
2.1 General principles	As discussed in the Traffic Statement, there is no specific parking rate applicable to development for the purposes of a landscaped area, storage shed or kiosk. As such, the DCP provides that parking must be provided to satisfy the peak cumulative parking requirements of the development. Therefore, the Traffic Statement has considered that parking demand associated with the proposal is likely to peak on the weekends and afternoon periods. While the proposal will provide no on-site parking spaces, it is not considered to generate high levels of vehicular traffic that would be noticeable in the AM and PM commuter peak periods.	<b>Section 5.4.4 Appendix D</b>
3.1 Access to the Site		
7.0 Major traffic generating development		
<b>C.12 – Crime Prevention through Environmental Design</b>		
1.1 Development Requirements	The proposed development has been designed to provide appropriate lines of sight from the surrounding street network and within the recreation area. Tree planting has been located so as to provide natural surveillance will be provided into and out of the area and appropriate lighting and signage has been incorporated to reinforce physical and symbolic barriers. During the early morning and daytime periods, activity will be promoted through the use of the area inviting visitors to the open	-



Control	Proposal	Assessment Location
	space and kiosk. During the night time period the arboretum and kiosk will be securely locked.	

## 5.4 Key Issues

### 5.4.1 Building Height

The MDCP 2011 sets a building height of 8m for the R1 General Residential zone. The proposed storage shed, arboretum and kiosk will be housed in a single structure with a maximum building height of 4.5m. Therefore the proposed development sits well below the maximum building height provision of 8m per the MDCP 2011.

The maximum height of the structure is considered to be consistent and compatible with adjoining development in the area and will not result in the overdevelopment of the site. The strategic placing of the development in the southern portion of the site will ensure there is no overshadowing or privacy impacts to adjoining properties. The bulk and scale of the proposal is considered to be consistent with that of a residential dwelling in the area.

### 5.4.2 Setbacks

The proposed storage shed and arboretum structure incorporates generous setbacks to the Martin Close and Stronach Avenue Street frontages.

From Stronach Avenue the building structure will be setback 10.2m and from Martin Close the setback will be 4.39m. To the rear boundary of the allotment the structure will have a 3.18m setback. Given the building's location on a corner and the proposed development for a recreation area in the northern portion of the site, the proposed setbacks are considered to be appropriate for development of this nature and will not result in any adverse amenity impacts to adjoining properties. The setbacks and built form are illustrated on the Architectural Plans and Landscape Plans at **Appendix A** and **Appendix B**.

### 5.4.3 Ancillary Development

Ancillary development is defined as a use that is subordinate or subservient to the dominant purpose. The proposed recreation area represents to the dominant purpose or use of the site.

The total area of the storage shed, arboretum and kiosk is 66.8m<sup>2</sup>, with the kiosk comprising 19.5m<sup>2</sup>. The total area of the recreation use is 93m<sup>2</sup>. Therefore, relative to the amount of land to be used for the recreation area, the kiosk and storage shed clearly represent a subordinate use and are ancillary development.

The kiosk and shed facilities are required as a result of the provision of the recreation area. The shed facility will enable groups coming to use the recreation area and arboretum to store tools and the like in the space, thereby facilitating greater use of the space by community groups. The kiosk and amenities will serve to enhance the use of the space providing facilities for people using the space and also generating an income for Fresh Hope to maintain the space noting that the recreation area will remain in private ownership and will not be dedicated to Council.

The use of the site for these purposes is therefore permissible in the zone and consistent with clause 5.4(6) of the MLEP 2011.

### 5.4.4 Traffic and Parking

A Traffic Statement has been prepared by Ason Group and is included at **Appendix D**. The Statement confirms the proposal is not expected to impact on the operations of the local road network, and the demand for onsite parking is expected to be very low, with visitors expected to be from the local area, and residents and visitors of the RACF.

### 5.4.5 Visual Impact

The proposed development is not considered to result in any adverse visual impact from the public domain or adjoining properties. The site currently comprises cleared land and the proposal seeks to provide a high quality landscape design which includes the planting of new trees, shrubs and ground covers as well as an architecturally

designed storage shed and arboretum with pergola. This proposed design will contribute and improve the visual landscape from that which currently exists and will not obscure or compromise any existing views from surrounding dwellings. Rather, the proposal will improve the site's visual appearance through a high quality landscape design.

## 5.5 Other Impacts

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 5** below.

**Table 5 Summary of technical assessments**

Consideration	Consultant	Summary	Reference
Noise	RWDI	<p>RWDI have assessed the proposed development with regard to noise emissions from the kiosk and patrons and visitors to the recreation area. RWDI confirm the kiosk will operate with domestic ducted exhaust and refrigeration plant and given the limited use of the facility there will be no environmental noise emissions from mechanical plant or equipment.</p> <p>Noise emissions from patrons and visitors would primarily be people related that usually occurs during social interaction. The noise levels expected to be transmitted to the facades of the nearest neighbouring residential properties (36 and 44 Stronach Avenue) are not predicted to exceed the daytime or evening criterion (<math>L_{Aeq,15min}</math>) as illustrated in Table 4-1 of the Acoustic Assessment.</p> <p>The landscaped parkland area is for passive recreation and is not expected to generate any noise emissions of significance. Any noise generated is characteristic of residential areas, is non-continuous in nature and occurs for limited periods throughout daytime hours.</p> <p>Therefore, the predicted noise levels from the proposed operations will comply with the relevant acoustic criterion. Use of the passive recreation area and play precinct is not considered to generate noise that would be offensive and therefore does not require further assessment.</p>	<b>Appendix E</b>
Operational Waste Management	UFD	<p>An Operational Waste Management Plan (OWMP) has been prepared by UFD to address the operational requirements for the proposed kiosk use. The OWMP specifies that Fresh Hope Care's staff will be required to maintain and manage the bin holding / collection area and will be required to move, compact and handle all waste.</p> <p>The waste management area will be located within the kiosk with a dedicated waste holding area, constructed in accordance with the NCC. A green waste bin will also be provided on site outside of the building footprint.</p>	<b>Appendix G</b>
Civil and Stormwater	Birzulis Associates	<p>The proposed development has been designed in accordance with the relevant Australian Standards, BCA, Australian Rainfall and Runoff (2019) and the Maitland City Council Requirements. Stormwater management and sediment and erosion control plans have been prepared by Birzulis Associates illustrating how the proposal will adequately manage stormwater runoff and discharge flows during the 100 year ARI storm event.</p>	<b>Appendix F</b>
Access	Morris Goding Access Consulting	<p>MGAC have assessed the proposed development for 38-40 Stronach Avenue, East Maitland with regard to the external site linkages, building access, common area access and sanitary facilities. The access reports confirm that the proposed development is capable of achieving the relevant accessibility requirements</p>	<b>Appendix H</b>
BCA	Blackett Maguire + Goldsmith	<p>A BCA Capability Statement has been prepared to assess the proposed construction of the kiosk, shed, amenities building and recreation area against the relevant provisions of the National Construction Code (NCC) and Building Code of Australia. The Statement confirms that the proposed development can readily achieve compliance with the relevant provisions.</p>	<b>Appendix I</b>

Consideration	Consultant	Summary	Reference
Social and Economic Impacts	-	The proposed development will provide social benefits while contributing to the local economy. The proposal will support and provide an appropriate scale of open space to support the local East Maitland neighbourhood and encourage a healthy and socially connected community. In the short-medium term the proposal will provide construction jobs and in the long term the proposal will contribute on a smaller scale to the local economy through the maintenance of the area and operation of the kiosk. Given the residential zone, the proposal is considered to provide an appropriate built form outcome with significant social benefits at the forefront.	-

## 5.6 Suitability of the Site for the Development

The site is entirely suitable for the proposed development. Specifically:

- The site can appropriately accommodate the proposed development while balancing environmental and design considerations and preserving amenity of neighbouring properties;
- The proposed development will not result in the overdevelopment of the site noting that the built form is consistent with that envisaged in the DCP and that a major proportion of the site will be provided as open space;
- The proposed architectural and landscape design will deliver a high-quality recreation area with ancillary uses to serve the East Maitland neighbourhood; and
- The proposed development can be adequately managed to ensure no impact to surrounding properties.

## 5.7 Public Interest

The proposed development is considered suitable for the site and is in the public interest as it will:

- Provide space to support the seniors housing community and social cohesion and interaction with the local neighbourhood;
- Increase the provision of community services and spaces in the East Maitland area and foster connections with the community;
- Introduce community gardens, playground and informal spaces for all members of the community to enjoy; and
- Improve environmental sustainability through landscaping initiatives.

## 6.0 Conclusion

The proposed development seeks approval for landscaping works for a new recreation area with ancillary storage shed, arboretum and kiosk at 38-40 Stronach Avenue, East Maitland. The proposed development will have a number of significant benefits. Specifically, it will support connections with the RACF residents and wider community and provide informal space to congregate and enjoy. The proposal also delivers an innovative architectural and landscape design that integrates with the local area without having any adverse impacts on adjacent properties or result in environmental constraints.

This SEE has provided a detailed assessment of the proposal against the relevant matters for consideration under Section 4.15(1) of the EP&A Act. The application is recommended for approval as the proposal:

- Is consistent with the aims and objectives of the MLEP 2011 and MDCP 2011;
- Will provide a recreation area to support existing and future development in the East Maitland neighbourhood;
- Is carefully designed to provide a contextual response to the site setting and adjoining properties;
- Provides a high quality design that will contribute to a safe and active environment;

- Includes supporting technical studies which confirm that the environmental and social impacts associated with the proposal are generally positive and will not give rise to any adverse impacts; and
- Is suitable for the site and is in the public interest.

In light of the merits of the proposal and in the absence of any significant environment, social or economic impacts, we have no hesitation in recommending that the application be approved subject to standard conditions of consent.