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STATEMENT OF ENVIRONMENTAL EFFECTS

34 Melbourne Street, East Maitland

Lot 1, Sec 15A, DP 151548

Zoning: B4 – Mixed Use

Proposed Development: Shop Top Housing and
Associated Site Works

Prepared by Advantage for **Wayne Croese**

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INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Wayne Croese in relation to land known as 34 Melbourne Street, East Maitland (Lot 1, Sec 15A, DP 151548). The proposal is for a shop top housing consisting of 2 ground floor shops and 3 first floor dwellings, two 3 bedroom and one 1 bedroom and the associated site works including car parking facilities.

This statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and type of development as set out in Section 79C (1) of the Environmental Planning and Assessment act 1979. As a result of this assessment, it is considered that the development of the site in the manner proposed is acceptable and is worthy of the support of Council.

EXISTING CONDITIONS

Local and Regional Context

The site is located at 34 Melbourne Street, East Maitland. The locality is an existing mixed use area within the East Maitland Heritage Conservation Area. It is predominantly characterised on Melbourne Street by commercial premises of various vintages. Further afield are residential areas of East Maitland, parkland and floodplain. 24-36 Melbourne Street, located next door to the east is a listed Heritage item of local significance. The subject site is zoned B4 Mixed Use pursuant to the Maitland Local Environmental Plan (2011).



Map of location.

The Site

The subject site is identified as 34 Melbourne Street, East Maitland (Lot 1, Sec 15A, DP 151548). The lot has an area of 693.12m². It has frontage to Melbourne and Grant Streets of 13.715m. The block is flat.

PROPOSED DEVELOPMENT

General Description

The proposal is for a shop top housing consisting of 2 ground floor shops and 3 first floor dwellings, two 3 bedroom and one 1 bedroom and the associated site works including car parking facilities.

Calculations

The development indices for the proposed are as follows:

Description	Proposed	Requirement	Compliance
Area of Site (m ²)	693.12m ²		
Driveway / Paths/ Courtyards (m ²)	315.55m ² (Driveways)		

PLANNING CONTROLS

The proposed development is identified as Local Development under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and the relevant planning instruments and policies of Maitland City Council.

Maitland Local Environmental Plan 2011

The subject land is zoned B4 Mixed Use under the provisions of the MLEP2011. The provisions of the Maitland LEP and the B4 Mixed Use zone are: -

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi-dwelling housing; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Maitland Development Control Plan 2011, Part C.1 Accessible Living

a) To increase community awareness of mobility handicaps affecting certain sections of the community and of the need for barrier-free design in the built environment.

b) To ensure that new development is accessible and useable by all people in Maitland, including those people with disabilities, to facilitate their full and independent participation in community life.

c) To introduce a quality assurance system for compliance with relevant Australian Standards for Access and Mobility (eg. as required by the Building Code of Australia) and thereby minimise the risk exposure of building users, Council and building owners.

d) To provide an enhanced level of service for people with disability for those land uses which serve a public purpose.

e) Where practical, to seek upgrading of existing buildings to the standards outlined in this Plan.

f) To require an adequate supply of public parking facilities for use by people with disabilities.

g) To provide intending developers with clear guidance as to legal requirements and Council policy for access and mobility.

Maitland Development Control Plan 2011, Part C.4 Heritage Conservation

Aims of this section are:-

To assist owners and developers who are contemplating carrying out development that may impact on a heritage listed property or conservation area.

To promote an attractive living and working environment for the community of Maitland, which builds on its particular identity.

Maitland Development Control Plan 2011, Part C.8 Residential Design

Aims of this section are:-

(a) To set appropriate standards for all forms of housing within the City of Maitland.

(b) To provide measures to protect the natural and built environment and minimise conflicts which often arise through development.

(c) To ensure that development relates to site conditions and that the amenity of adjacent residential development is appropriately considered.

(d) To support the efficient use of residential land and expand the variety of housing options available in the City of Maitland.

Maitland Development Control Plan 2011, Part E.3 (3) East Maitland Heritage Conservation Area

This section of the DCP specifically address the heritage conservation within East Maitland.

COMPLIANCE

Maitland Local Environmental Plan 2011

The proposed shop top housing is permissible in the B4 Mixed Use zone.

4.3 Height of Buildings – The height of buildings map does not specify a height limit for this lot. The proposed development has a maximum height above natural ground of approx. 8.6m which is below the ridgelines of existing buildings on both side of the subject lot.

Part C.1 Accessible Living

The proposed development has been designed in line with the requirements of both the National Construction Code 2019 and AS1428.1 2021 Design for Access and Mobility.

Part C.4 Heritage Conservation

Heritage concerns are addressed in Elizabeth Evans’ Statement of Heritage Impact that makes up part of this application.

Part C.8 Residential Design

Objective / Performance Criteria / Provision	Compliance	Proposal as Assessed
3. Development Incorporating Existing Dwellings		
<p>a) To ensure that, where possible, existing buildings are retained and used for ongoing residential use.</p> <p>b) To ensure that buildings and streetscapes of conservation significance are retained and incorporated into new development where possible.</p> <p>c) To ensure that existing dwellings are provided a high standard of amenity and facilities when being incorporated into a residential redevelopment project.</p> <p>d) To encourage sustainable building practices and resource efficiency by minimising the amount of material being diverted to landfill as a result of building demolition.</p>	NA	
4. Bulk Earthworks and Retaining Walls		
<p>a) To ensure that development responds sensitively to the topography of the land.</p> <p>b) To restrict and control excessive earthworks in order to preserve, as much as practicable, the existing topography and character of the neighbourhood affected by the proposed development.</p> <p>c) To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties, solar access,</p>	YES	The subject lot is relatively flat and therefore will require minimal earthworks and no retaining walls.

Objective / Performance Criteria / Provision	Compliance	Proposal as Assessed
<p><i>amenity and bulk, height and scale at the boundary interface.</i></p> <p><i>d) To minimise the effect of disturbance on any land and ensure that dangerous/unstable excavations are avoided, or where necessary, are properly retained.</i></p> <p><i>e) To reduce the potential for the siltation of waterways and erosion of land disturbed by the development.</i></p> <p><i>f) To ensure that the site is appropriately rehabilitated as an integral part of the development.</i></p> <p><i>g) To preserve topsoil.</i></p> <p><i>h) To ensure that adequate provision is made for drainage in relation to cut and fill practices.</i></p>		
5. Street Building Setbacks		
<p><i>a) To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements.</i></p> <p><i>b) To ensure that new development establishes appropriate and attractive streetscapes which reinforce the function of the street and is sensitive to the landscape and environmental conditions of the locality.</i></p>	YES	The proposed development is built to the front boundary in line with neighbouring structures.
6. Side and Rear Setbacks		
<p><i>a) To allow flexibility in the siting of buildings and the provision of side and rear setbacks.</i></p> <p><i>b) To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings.</i></p>	YES	The proposed development is built to both side boundaries and has a minimum setback to the rear boundary of 9.474m.
7. Site Coverage and Unbuilt Areas		
<p><i>a) To promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces.</i></p> <p><i>b) To maximise opportunities for landscaping of the site which incorporate larger scale plantings consistent with reducing the visual impact of hard building finishes and promoting improved amenity within the site and enhanced streetscapes.</i></p>	NA	
8. Building Height, Bulk and Scale		
<p><i>a) To ensure that the height, scale, and length of new development is not excessive and relates well to the local context and overall site constraints.</i></p> <p><i>b) To ensure that the amenity of surrounding properties is properly considered.</i></p> <p><i>c) To minimise site disturbance and cut and fill.</i></p>	YES	<p>The proposed development is situated between two multistorey buildings and has an overall height that is below the ridgelines of both of the neighbouring structures.</p> <p>Its bulk and scale does not present any concerns to the amenity of the surrounding buildings.</p>
9. External Appearance		
<p><i>a) To encourage the creation of attractive, well-designed residential development.</i></p> <p><i>b) To allow flexibility in design and use of materials while encouraging high architectural standards.</i></p> <p><i>c) To ensure good design which provides continuity of character between existing building forms, new development and surrounding landscape by using a</i></p>	YES	The external appearance has been guided by the clients brief, the designers and the heritage consultant and is considered in line with the heritage constraints of the area.

Objective / Performance Criteria / Provision	Compliance	Proposal as Assessed
<p><i>selection and/or combination of characteristic elements and mass.</i></p> <p><i>d) To ensure that new residential development in Heritage Conservation Areas or on identified heritage sites is designed having regard to the heritage significance of the area or item and compliments the character of these buildings, places and streetscapes</i></p>		
10. Open Space		
<p><i>a) To provide sufficient and accessible open space for the reasonable recreational needs of residents;</i></p> <p><i>b) To ensure that private open space meets requirements for privacy of the residents and adjoining properties, safety, access to outdoor activities and landscaping.</i></p> <p><i>c) To locate open space to take account of outlook, natural features of the site and neighbouring buildings or public open space.</i></p>	YES	<p>Principal private open spaces are located to the north of the proposed dwellings with additional POS to the south of dwellings 1 and 2.</p> <p>Each private open space achieves a minimum dimension of 2.5m and minimum area of 10m².</p> <p>Clothes drying facilities are provided to the rear POS of dwellings 1 and 2 and the POS of dwelling 3.</p>
13. Landscape Design		
<p><i>a) To enhance the appearance, amenity, and energy efficiency of new development for the benefit of users and the community in general.</i></p> <p><i>b) To encourage the use of water efficient landscape systems embracing the principals of water sensitive urban design (WSUD).</i></p> <p><i>c) To encourage the integration of building and landscape elements</i></p> <p><i>d) To protect existing landscape features including natural landforms, watercourses and native vegetation and integrate them, where possible, with new development.</i></p> <p><i>e) To enhance the acoustic environment (e.g.: through fencing, blade walls and location of open space areas) of a development and provide visual privacy and shade.</i></p> <p><i>f) To blend new development into an established streetscape and neighbourhood.</i></p> <p><i>g) To encourage the use of native plant species.</i></p>	YES	<p>Landscaping is provided to the rear of the development around the carpark.</p>
14. Fencing and Walls		
<p><i>a) To ensure that all fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape, adjacent buildings, or the use of open spaces areas within the development or on adjoining land.</i></p>	YES	<p>Where existing fencing is in poor condition it will be replaced with a suitable fencing type.</p>
15. Driveway Access and Parking		
<p><i>a) To provide convenient, accessible and safe parking to meet the needs of residents and visitors which does not dominate the streetscape or cause congestion in nearby streets.</i></p> <p><i>b) To ensure that parking areas are designed to accommodate the needs of those persons with a disability.</i></p>	YES	<p>Parking is provided to the rear of the development with access to each of the dwellings and the rear of the shops.</p> <p>Parking requirements for the development include 7 spaces for the commercial portion of the development. The residential component does not require parking.</p>

Objective / Performance Criteria / Provision	Compliance	Proposal as Assessed
<i>c) To encourage the design of access and parking as part of the overall landscape design.</i>		7 spaces are provide in the carpark to the rear of the development including one accessible car space. Given that the parking area consists of a blind aisle, a turning bay in accordance with AS2890.1 has been provided.
16. Views and Visual and Acoustic Privacy		
<i>a) To encourage the sharing of views whilst not restricting the reasonable development potential of a site.</i> <i>b) To site and design buildings to meet projected user requirements for visual and acoustic privacy.</i> <i>c) To protect the visual and acoustic privacy of nearby buildings and private open space.</i>	YES	The proposed development does not impact the views or visual and acoustic privacy of neighbouring properties.
17. Water and Energy Conservation		
<i>a) To reduce total water and energy use in residential buildings in accordance with State Environmental Planning Policy – Building and Sustainability Index (SEPP BASIX) by promoting solar access and reducing heat loss and energy consumption for heating and cooling.</i> <i>b) To provide dwellings with adequate solar access and ventilation to both internal habitable rooms and private outdoor open spaces.</i> <i>c) To avoid the potential for significant overshadowing of habitable rooms and private open spaces within the development itself and also with respect to adjoining development.</i> <i>d) To encourage the use of building materials that are energy efficient, nonharmful and environmentally sound.</i>	YES	The dwellings comply with BASIX requirements. See BASIX and Thermal Certificates that constitute part of this application.
18. Stormwater Management		
<i>a) To provide an effective stormwater management system which is sustainable and requires minimal maintenance.</i> <i>b) To prevent erosion, sedimentation and other pollution.</i> <i>c) To ensure that the rate of post-development stormwater discharge should be no greater than that of the pre-development stormwater discharge.</i> <i>d) To ensure that control flow paths (e.g.: spillways, swales) are provided to cater for stormwater overflows.</i> <i>e) To cater for flows entering the site and to ensure that there are no adverse effects from flows leaving the site.</i> <i>f) To encourage the use of rainwater tanks as a means of reducing separate stormwater detention requirements and achieving more sustainable water re-use within the dwelling and for landscaping purposes.</i> <i>g) To ensure that drainage systems are designed for safety and that the systems avoid any potential for stormwater inundation of habitable floor areas.</i>	YES	An onsite stormwater detention plan is provided as part of the documentation.
19. Security, Site facilities and Services		
<i>a) To provide adequate personal and property security for residents via “Crime Prevention Through</i>	YES	The proposed dwelling address both the Melbourne Street frontage and the parking

Objective / Performance Criteria / Provision	Compliance	Proposal as Assessed
<p><i>Environmental Design” principles – legibility, casual/natural surveillance, risk assessment and reinforcing territoriality.</i></p> <p><i>b) To ensure that site facilities such as garbage bin enclosures, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage are designed to be functional, visually attractive and easy to maintain.</i></p> <p><i>c) To ensure that all developments are adequately serviced with essential services in a timely, cost effective and efficient manner.</i></p> <p><i>d) To ensure that essential amenities and communication facilities are integrated within the residential design.</i></p>		<p>area at the rear of the development offering good casual surveillance of the surroundings.</p> <p>Domestic and commercial waste will be collected by council’s waste collection service.</p> <p>Green waste bins will not be required as there is a limited landscaping component to the development which will not be the responsibility of the occupants of the dwelling to maintain.</p>

Part E.3 (3) East Maitland Heritage Conservation Area

Heritage concerns are addressed in Elizabeth Evans’ Statement of Heritage Impact that makes up part of this application.

CONCLUSION

The role of the development industry is crucial to public acceptance of new forms of housing and the future environment of the Hunter. Designers and developers should recognise that good design and high standards of development will increase public acceptance of housing variety.

The proposal meets with the objectives of council requirements and therefore the owners respectfully request that council approve the application in its current state.