



DEVELOPMENT APPLICATION

for

2 x Semi-detached Dwellings and Torrens
Title Subdivision

***Lot 216 in DP 1280557
5 Stoney Creek Drive
FARLEY***

***Prepared by
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TABLE of CONTENTS

INTRODUCTION	3
SITE DESCRIPTION	3
THE PROPOSAL	3
LAND OWNERSHIP	3
STATEMENT OF ENVIRONMENTAL EFFECTS.....	3
MAITLAND LOCAL ENVIRONMENTAL PLAN 2011	3
MAITLAND DEVELOPMENT CONTROL PLAN	5
LIKELY ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	7
RURAL FIRES ACT 1997	8
SUITABILITY OF THE SITE FOR THE DEVELOPMENT	8
THE PUBLIC INTEREST.....	8
CONCLUSION	8

INTRODUCTION

Site Description

The subject site is identified as Lot 216 in DP 1280557 and is located at 5 Stoney Creek Drive Farley in the Maitland Local Government Area.

The site is currently vacant and has a total site area of 691.6 square metres. There is a slope running approximately north over the site such that the natural drainage of the site is away from the street with approximately 3.5 metres of fall. There is a drainage easement at the rear of the site to accommodate this topography. There is no vegetation of significance on the site. The site is located adjacent to other similar residential properties, with both immediately adjoining properties being vacant at the time of survey.

The Proposal

The proposal is an attached dual occupancy followed by a one into two lot Torrens Title subdivision of the site.

Land Ownership

The subject site is owned by Antonio and Giasmin Garios. The relevant signatures have been provided via a letter of authority to enable lodgement of this Development Application.

STATEMENT OF ENVIRONMENTAL EFFECTS

Maitland Local Environmental Plan 2011

The subject site is zoned R1 – General Residential and the objectives of this zone are:

- *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.*

Comment – The development is consistent with the above stated objectives and the proposal is permissible with consent under the Local Environmental Plan (the LEP) and the relevant clauses of the LEP have been addressed below.

Clause 4.1 Minimum subdivision lot size

Whilst the minimum lot size for the location is 450 square metres and the resulting lots shall be less than this, this apparent transgression is discussed and justified below.

Clause 4.1A Exceptions to Minimum Lot Sizes in Zone R1

This clause allows for a minimum lot size of 300 square metres on the proviso that there is *an attached dwelling, a semi-detached dwelling, or a dwelling house on each lot resulting from the subdivision*. As both lots shall exceed 300 square metres, and each resulting lot shall contain a semi-detached dwelling, the proposal is fully compliant in this regard.

Clause 4.3 Height of buildings

There is no stipulated maximum building height in this location, however, the proposal is a single storey and is considered acceptable and will not impact upon the amenity with regard to building height.

Clause 4.4 Floor space ratio

There is no stipulated maximum floor space ratio in this location.

Clause 7.1 Acid sulfate soils

The site is identified as Class 5 ASS. Class 5 ASS requirements stipulate that an ASS management plan is required if the works include:

*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum **and** by which the watertable is likely to be lowered below 1 metres Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

The proposal *will not result in a lowering of the watertable* and hence no ASS management plan, nor further investigation is required.

Maitland Development Control Plan

The sections of the Maitland Development Control Plan relevant to this proposal have been addressed below:

B.2 – Domestic Stormwater

The objectives of this section are to:

- a) Ensure that compliance with BASIX objectives and requirements are achieved.*
- b) Ensure that an acceptable standard of water quality is maintained within stormwater lines and rain water storage tanks.*
- c) Ensure the most suitable rainwater storage method is employed pursuant to the relevant site conditions, including health and safety aspects of the storage installation.*
- d) Ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2003).*
- e) Ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location.*

Comment – The stormwater detention (ie rainwater tank) shall be BASIX compliant and the installation of the stormwater system shall be in accordance with the Storm Water drainage plan – all components of which shall be installed in accordance with the relevant standards.

B.6 – Waste Not – Site Waste Minimisation & Management

A Site Waste Minimisation and Management Plan has been prepared and accompanies this application.

Part C Design Guidelines

C.8 – Residential Design

The proposed semi-detached dwellings have been designed so that they are consistent with existing developments in the location. It is noted that as the site has some slope, there will be earthworks required. There will be minor retaining walls (maximum retaining wall height being 400mm) and also a drop edge beams (750mm) to assist in the development of this site; all of this detail is displayed on the plans as submitted; it is understood that retaining walls within 1 metre of the boundary will be required to be constructed from masonry and shall be located such that the entire wall, including footings and drainage, is within the subject site and it is expected that the consent should be conditioned accordingly.

The proposal has a front setback of 4.5 metres to the primary building frontage and this is compliant with the minimum stipulated 4.5 metres.

The minimum side setback proposed is 1 metre and this is acceptable. The rear setback is proposed to be 11 metres this is also considered acceptable.

The garages are to be setback 6 metres and this is compliant with the DCP guidelines. The combined garages shall have a width of 6 metres and the total width of the development is 19.9 metres and therefore this is below the 50% maximum. The internal dimensions of the garages are compliant with the DCP and also the relevant Australian Standard.

The site coverage is to be 43.76% and this is compliant.

- ✓ The height of the proposal is to be 6.002 metres and this is compliant.
- ✓ The Private Open Space requirements for this orientation is 35 square metres per dwelling with a minimum Principal area of 5x5 metres. The area available for POS for each dwelling is clearly identified on the plans as submitted and compliance is achieved.
- ✓ A landscaping plan has been prepared and accompanies this application and it is considered that the proposed landscaping is in accordance with the requirements.
- ✓ The proposal is to incorporate fencing which is to be located along the side and rear boundaries, however, it shall not protrude past the front of the dwelling. This fencing shall also provide a division in the rear yard so that each unit has its own

separate POS. All fencing is to be 1800mm high Colorbond fencing and this is considered appropriate.

- ✓ The driveways shall be separate but combined, with a width of 6 metres at crossover; this exceeds the maximum width by 1 metres, as it is for two dwellings, it is requested that Council accept this minor transgression to allow for the maximum and efficient use of the site. Additionally it is noted that the driveways shall be greater than 900mm from either side boundary (of the parent lot) as required.
- ✓ The proposed car parking is considered appropriate.
- ✓ There are no views to speak of which may be compromised by the development. Acoustic Privacy shall be achieved through appropriate acoustic insulation.
- ✓ Water and energy conservation shall be achieved through compliance with the attached BASIX certificate.
- ✓ The issue of stormwater management has been dealt with above, however, to reiterate, a drainage plan has been prepared and is attached to demonstrate how stormwater shall be dealt with. In addition, an erosion and sediment control plan has been prepared and is attached.

Likely Environmental, Social and Economic Impacts

Environmental – the proposal will not require the removal of any vegetation of significance, nor will the proposal have any other adverse environmental impact. With regard to amenity, the proposal will appear similar to a standard dual occupancy arrangement and similar to other previously approved developments in this location and will therefore be compatible with the unfolding amenity of the estate.

Social – the proposal will not have any adverse social impact.

Economic – the proposal will not have any adverse economic impacts. Ultimately the proposal will allow for two additional family units to live in the location and this will result in an increase in expenditure in the local area which is viewed as a positive with regard to the economy.

Rural Fires Act 1997

The site is identified as being bush fire prone on the relevant mapping and as such, a bush fire assessment is required and is attached. The proposal is required to be referred to the NSW RFS under S100B of the *Rural Fires Act 1997* and is categorised as integrated development. In summary, the development is to be constructed to BAL-29 AS3959-2018 according to the relevant report.

Suitability of the Site for the Development

The site is considered suitable for the proposal for the following reasons:

- The site is zoned appropriately for the proposal.
- The relevant clauses of the LEP and DCP are satisfactorily met.
- There will be no adverse environmental, social, or economic impacts.
- There are no site constraints which would otherwise impede or prevent this development.

The Public Interest

It is considered that there are no reasons relevant to the public interest which would otherwise cause the delay or refusal of this proposal.

CONCLUSION

This proposal is for 2 x semi-detached dwellings followed by the one into two lot Torrens title subdivision of 5 Stoney Creek Drive, Farley, in the Maitland LGA – Lot 216 in DP 1280557.

The relevant Planning Instruments have all been addressed and the proposal is considered compliant in all regards and is hereby submitted to Maitland Council for assessment and approval.