

STATEMENT OF ENVIRONMENTAL EFFECTS

Torrens Title Subdivision, Single Dwelling & Secondary Dwelling Development

A REPORT PREPARED BY PIPER PLANNING FOR:

ELK Designs

21 Pierce Street, East Maitland

Rev. A 24/06/21



DOCUMENT NOTES

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) relates to the premises known as No. 21 Pierce Street, East Maitland. The document accompanies a Development Application for the Torrens Title Subdivision of the existing allotment, including the construction of a single dwelling house with associated secondary dwelling upon the vacant allotment.

We note that we have undertaken a pre-DA meeting (25/03/21) with regards to this DA. During this meeting, we have identified the following staged process as being acceptable to Council:

Stage 1: Torrens Title Subdivision (per Clause 4.1A of the LEP). This would include the following conditions of consent:

- (1) That the subdivision must be completed prior to any construction; and,
- (2) That the subdivision would have a covenant placed upon it requiring development to be consistent with the approval.

Stage 2: Single Dwelling House & Secondary Dwelling Development

This process would allow the development to be assessed with regards to the proposed outcome (single dwelling houses), whilst allowing for the exceptions to minimum lot size provisions of Clause 4.1A of the Maitland LEP 2011 to be considered.

This SEE and Development Application have been prepared in response to the statutory provisions applicable to the development.



2. PROPERTY DETAILS

2.1 SUMMARY

Applicant	ELK Designs
Landowner:	Not Disclosed
Property Address:	Lot 4, DP 14845, H/N 21 Pierce Street, East Maitland
Zone	R1 General Residential
Calculations	Parent Lot Area: 636m ² Proposed Lot 1 – 310m ² Proposed Lot 2 – 326m ² Total Gross Floor Area: 280m ²
Existing Improvements:	Single Dwelling House with ancillary structures



2.2 SITE CONTEXT AND EXISTING IMPROVEMENTS

The subject allotment is located within a suburban area, being immediately North-East of Maitland High School. The locality displays predominantly single dwelling houses, with some examples of multi-dwelling development in the vicinity.

The existing dwelling is served by drive access to the primary street frontage. Adjoining premises tend to display an additional vehicular access point via the rear lane. Of particular note is the multiple dwelling house development immediately to the North-West orients 2 of its 3 dwelling house units to the common lane.

The existing dwelling presents in excellent condition and does not require works. The rear of the allotment is mostly vacant, displaying some ancillary structures. The allotment has the potential to display a substantially more efficient use of land as well as introduce further housing diversity to the area.

The site displays north-west/south-east orientation, along with gently sloping topography (rises <1m over the proposed developmental footprint).

The site currently obtains pedestrian and vehicular access from Pierce Street to the South-East. Christmas Lane is located to the rear of the allotment but does not currently provide vehicular connection to the site. The laneway running along the South-West side boundary of the allotment is not a public road.

Figure 1 outlines the location of the subject site amongst the local context.



Figure 1: The subject allotments within the local context

Subject Premise



3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 TORRENS TITLE SUBDIVISION, SINGLE DWELLING & SECONDARY DWELLING DEVELOPMENT

The Applicant seeks consent for the Torrens Title Subdivision of the subject allotment at the outset (Stage 1), with subsequent Single Dwelling House and Secondary Dwelling Development upon the newly formed vacant allotment (Stage 2).

We have had advice from Council that they could condition the following:

- (1) The subdivision of the parent allotment as a requirement prior to any construction works.
- (2) A covenant be placed upon the proposed rear allotment requiring development to be consistent with the approval.

This would allow for the provisions of Clause 4.1A of the Maitland LEP to be applied to the development, as the proposed under-sized lots would be associated with single dwelling houses. In this manner, the development can be meaningfully assessed on the basis of the resultant outcome (being single dwelling forms).

The Torrens Title Subdivision (One-into-Two) results in the existing 636m² allotment being split into a proposed Lot 1 (310m²) which displays the existing dwelling, and a proposed Lot 2 (326m²) to accommodate the proposed single dwelling house and secondary dwelling development. The rear lot displays a 1m pedestrian handle to provide access to the primary street frontage to Pierce Street. An easement will be formed in relation to the eave of the existing dwelling slightly extending within the pedestrian



access handle. The rear allotment will receive vehicular access from Christmas Lane to the North-West.

The proposed single dwelling house displays four-bedrooms with a single garage. Capacity for an additional stacked car parking space is displayed within the driveway. The attached secondary dwelling displays two-bedrooms with a carport. They share a rear-placed open space area that will receive suitable solar access in the AM.

The proposal derives a design from due consideration to site attributes and context, as well as specific consideration to the statutory provisions applicable to the lot and development form.

The location adjoining the open access handle to the west and unimpeded visual connection through to the north places the development site in a highly visual connected location. As such, the rear placement still benefits from strong visual connection to the streetscape. The design inclusions read in a manner that enables legible pedestrian connection to the dwelling entry and strong casual surveillance to the lane/street interface.

We reiterate discussions during the pre-DA in terms of current planning policy trends towards the use and activation of laneways. In 2017, Newcastle City Council released a specific DCP Chapter for Development Adjoining Laneways. This policy was for the purpose of providing clear design guidance for the development of sites with primary connectivity to laneways. One of the drivers behind the change was to release landlocked yard spaces that were otherwise underutilised, such that infill development could occur in an orderly and efficient manner.

This approach has significant social and environmental benefits, as it allows existing infrastructure to be utilised/enhanced, mitigating demand for greenfield expansion. One of the results of this approach is a much more



affordable development outcome. Additionally, it enables laneways to be activated, with vitality and constant casual surveillance, all being highly socially beneficial.

You should note that since the adoption of this policy, Council has encouraged pedestrian connection to the primary street frontage for the purpose of waste collection and mail collection.

This approach is mirrored in recent updates by Lake Macquarie Council, depicted in their dual occupancy provisions, adopted in September 2020. That document contains the following diagram as means of depicting appropriate outcomes adjoining laneways:



Whilst we understand that neither policy has any application in this instance, we submit them as means of understanding broader current approaches to the delivery of affordable and efficient development, with high levels of social and environmental benefit where laneway access is present. The design has been derived in view of those current trends and can clearly deliver those intended objectives (being affordable and socially beneficial).

Council's current DCP provisions relating to laneways (C11) is directly counter to these outcomes and is excessively prohibitive when applied in a



prescriptive manner. We are seeking contextual consideration, on the basis of the levels of visual connection afforded to the rear of the site by the surrounding land formations (having a formed drive/lane access to the west and formalised line to the north). On this basis, the development has a high level of visibility to the primary frontage, with an architectural form giving legibility to its entry.

The site coverage of the proposed development is 59% of the site area and the proposal displays a maximum building height of 8.147m.

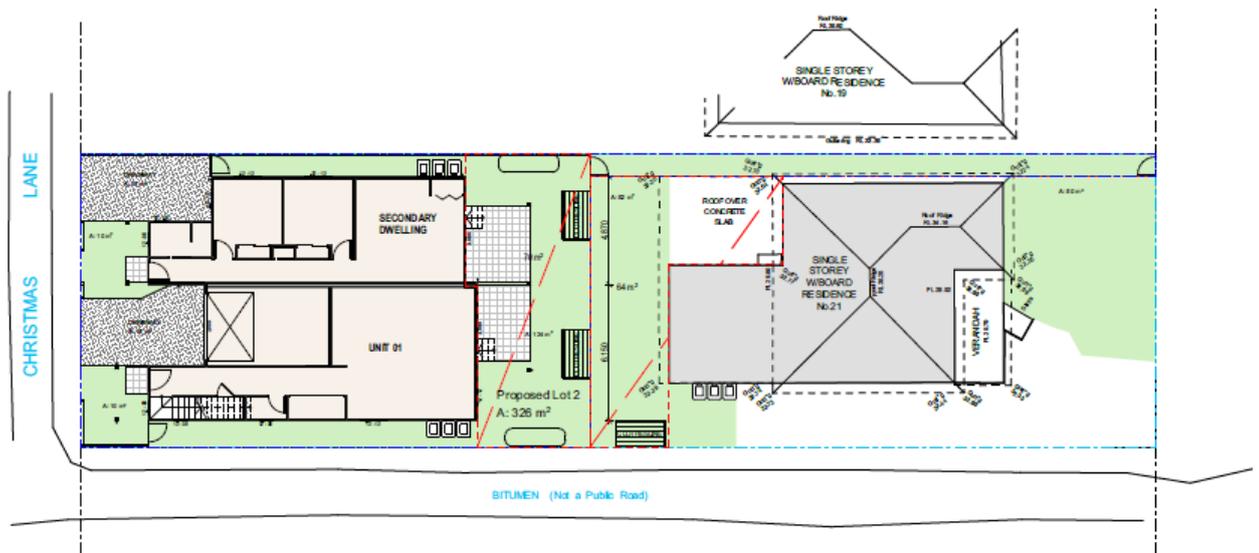


Figure 3: Proposed Site Plan



4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

4.1 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The site is located within the R1 General Residential Zone under the provisions of the Maitland Local Environmental Plan 2011 (LEP 2011).

The LEP 2011 prescribes the following objectives for the Zone:

- *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.*

According to the LEP 2011, the proposed works are defined as:

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of ***residential accommodation***—see the definition of that term in this Dictionary.

AND

secondary dwelling means a self-contained dwelling that—

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land as the principal dwelling, and*



(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note — See clause 5.4 for controls relating to the total floor area of **secondary dwellings**.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

We note that dwelling houses are specifically identified as being permitted with consent in the zone.

Secondary dwellings are not specifically prohibited in the zone. As such, they would be permitted with consent under the 'any other development not specific in Item 2 or 4'. We note that secondary dwellings are not a primary land use and are considered appropriate for the zone as they provide increased housing type / density without altering the residential occupation of the land.

The proposal also seeks consent for the subdivision of the land into two child lots at the outset, permissible per the provisions of Clause 4.1A of the LEP.

An assessment of the proposed development against the relevant clauses of the Maitland Local Environmental Plan 2011 finds that the proposed development supports the above intentions and will ultimately enhance the built environment and streetscape.

The proposed form is considered to complement the character inferred by the strategic statutory facilities applicable to the subject lot and development form (in terms of massing, resultant style, scale and placement).



The development provides for a variety of housing forms in the locality, enabling diversity of occupation and a more affordable housing outcome. In this manner the proposal provides for the housing needs of the community as a whole.

The proposal seeks to reinforce the amenity of the area through providing attractive built form, with minimal impact on the qualities of the existing environment. The proposal seeks to reinforce an urban community that is compact, distinct and diverse and includes a range of housing types and activities. The proposal is therefore compliant with LEP objectives.

2.6 Subdivision

The proposal seeks concurrent consent for the erection of dwelling house forms upon each resultant lot and subdivision. We defer to the provisions of Clause 4.1A in that instance.

Demolition

Consent is sought for the demolition of the existing shed as part of this application.

Acid Sulfate Soils

The subject allotment is identified as being affected by Acid Sulfate Soils (Class, 5). The proposed development is considered unlikely to result in disturbance to acid sulfate soils.



Minimum Lot Size

Clause 4.1 of the LEP prescribes allotment sizes resulting from subdivision with a minimum 450m² in the R1 zone. Provision within Clause 4.1A of the LEP allows for the subdivision of land into allotments with minimum 300m² area where they are associated with a dwelling form on each resultant allotment.

The development proposes the Torrens Title Subdivision of the parent allotment into a proposed Lot 1 (310m²) and Lot 2 (326m²). The proposed Lot 1 displays the existing dwelling house, with a single dwelling & secondary dwelling development proposed on Lot 2.

In this manner the proposed subdivision is permissible as it relates to allotment sizes greater than 300m², each displaying a dwelling outcome.

Controls Relating to Miscellaneous Permissible Uses

Clause 5.4(9)(a) states that secondary dwellings must not exceed a total floor area of 60m². The proposed secondary dwelling displays a compliant floor area of 60m² (per plan detail).



4.2 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The following serves as analysis of the proposed development against the pertinent chapters of the DCP;

C.10 Subdivision

The subject premise is clear of affectation by bush fire risk and flooding risk (based on planning portal research). We are not aware of other hazards affecting the premise.

The subdivision lot sizes adhere to the provisions of the Maitland LEP 2011. The lot dimensions enable the establishment of development footprints in accordance with the prescriptive DCP provisions.

The formation of the rear allotment facilitates orderly placement of the dwelling and secondary dwelling, with appropriate spatial separation around the development footprint. Drainage and erosion prevention is facilitated through the design of Forum Consulting Engineering, which we understand adheres to Council's engineering requirements.

The landscape character of the setting will not be constrained by the subdivision. It is relatively simple and low scale. No existing trees or vegetation is required to be removed, and landscaped areas are afforded within the street/lane setbacks. On this basis, the landscape setting is suitable preserved.

Capacity is afforded for individual connection to water and sewer infrastructure.



On this basis, the initial subdivision of the lot is considered to adhere to the DCP provisions applicable to residential subdivision.

C.8 Residential Design

Site Context & Analysis – The proposed development includes dwelling forms entirely appropriate for the residential locality.

Maitland High School is located approximately 20m to the South-West of the proposed development. Furthermore, Victoria Street Train Station is located approximately 600m to the South-West.

Development Incorporating Existing Dwellings – The proposed development retains the existing dwelling at the primary street frontage. This dwelling is in good condition and will continue to function as it currently does sans the empty rear yard space. Only external demolition works are proposed with regards to the existing dwelling.

Bulk Earthworks and Retaining Walls – A detailed bulk earthworks plan as required by Council in the pre-DA meeting minutes is included within the documentation submitted.

Cut & fill has been minimised outside of the building footprint, with existing ground levels being predominantly preserved. No retaining structures are proposed outside of the building footprint by way of the drop edge beam design.



Street Building Setback – The proposed development does not seek to alter the existing street setback displayed by the existing dwelling house.

Side & Rear Setbacks – The DCP requires side and rear setbacks for residential buildings to be as follows:

1m minimum setback for walls up to 3m in height.

1m + 0.3m for every 1m of wall over 3m in height (but less than 7.2m)

Accordingly, the proposed development requires a minimum 1m setback (derivative of a 2.74m building height) to the North-Eastern side boundary, and a minimum 1.834m setback (derivative of a 5.78m building height) to the South-Western side boundary.

The proposed development displays a compliant North-Eastern side boundary setback of 1m.

The proposed development displays a non-compliant South-Western side boundary setback of 1.2m.

Firstly, we note that the designer has specifically reduced the first-floor setback in this location to allow for more generous separation to other adjoining dwellings. The South-Western side boundary is to a private laneway, beyond which is Maitland High School, and accordingly privacy impacts along this interface are substantially less impactful.

Furthermore, due to the private laneway, shadow impacts resulting from the non-compliant portion of the first floor would not affect any dwelling or open space area.



Finally, all other proposed facades display appropriate articulation. The lack of progressively increased setbacks along the South-Western façade is seen to be reasonable as it does not present its bulk to any dwelling.

We seek merit-based assessment with regards to the proposed first-floor side setback. A compliant side setback in this location could be achieved, however this would result in less separation to adjoining residences.

We note that the rear setback control is not applicable as the allotment displays a rear frontage to a laneway. Setbacks requirements to laneways are discussed later in this report.

We also note that the side setback of the existing dwelling becomes non-compliant with reference to the access handle. The introduction of this pedestrian access handle does not in any meaningful way alter the existing function or relationship of the existing dwelling house to other built structures. We seek merit-based assessment in this regard.

Site Coverage and Unbuilt Areas – The DCP allows a maximum site coverage percentage of 60% for dwelling house development. This includes garages, driveways, pathways and any area under a roof. Plan detail indicates a compliant site coverage figure of 59% for the proposed development.

The DCP requires a minimum unbuilt area of 40% for dwelling house development. This excludes garages, driveways, pathways and any area under a roof. The proposed development displays a compliant 'soft' landscaped unbuilt area of 41% (260m² on a site area of 636m²).



Building Height, Bulk and Scale – The DCP permits a maximum building height of 8m for dwelling house development in the R1 zone. The proposed development displays a compliant maximum height of 8.147m.

The existing ground level and proposed internal floor levels are clearly displays within sections provided. Contour data is also overlaid upon the site plan.

External Appearance – The proposed design displays appropriate visual interest on the basis of articulation, fenestration and varied external finishes. The proposed dwelling forms are not seen to be contradictory to the locality in any way.

The proposed garage has been designed integrated within the dwelling form. The garage is located behind the front building line, displaying a 5.5m setback from the rear lane.

Open Space – The open space allocation of the proposed single dwelling house is located to the Southern side of the proposed dwelling and is hence classed as an 'undesirable orientation' per the DCP. Accordingly, a POS area of 60m² is required with a minimum principal area of 6m x 6m.

The proposed single dwelling displays a POS area of 70m², however displays a principal area with minimum dimension of 5.55m. We note that this area displays an overall width far exceeding 6m and consider this non-compliance to be technical only in that it has no meaningful bearing on the amenity or function of the open space. The POS element forms a logical extension of the internal living spaces and will receive solar access throughout the AM.



We seek merit-based assessment in this regard.

Sites Having a Boundary to a Laneway – The proposed single dwelling and secondary dwelling retain a primary pedestrian access to the principal street frontage of Pierce Street. We note that this pedestrian access is only 1m in width rather than the 2.4m DCP requirement. Should a 2.4m wide access be formed, it would not vary the extent to which the development is visible or its sense of street address. On this basis, we submit that the variation to the access width does not impact the extent to which the development has street address or legibility.

This 1m width is derivative of retaining the existing, good condition housing stock, whilst still providing primary street access for the display of waste bins for kerbside collection and a mailbox. We submit that the 1m access handle achieves the required outcomes. Some considered landscaping in association with a mailbox would adequately 'place' the proposed development within the overall urban environment.

The arrangements specific to this site enable a rear placed dwelling, without the need for a 2.4m wide access handle. This is a function of the formation of the adjoining lands, where-by an open access handle off Pierce Street enables visual connection to the rear of the subject lot. This is effectively the same effect as an access handle, only greater. The rear dwelling will be highly visible from the primary frontage.

The single dwelling is orientated to the laneway, whilst this is not technically proposed as the 'principal street address' (as per the mailbox location). This orientation does not detract from the function or legibility of the premise. It has a high level of visibility from Pierce Street by way of unimpeded vision along the lane. When approaching the dwelling either from the south or



north, its design enables it to be read as containing its entry off the lane. As such, there is adequate levels of legibility. Window formation within the dwelling enables casual surveillance to the laneway and fencing will provide territorial definition. As such, the design retains adequate territorial definition and surveillance capacity. The lane orientation does not constrain the function or connectivity of the dwelling.

The orientation of the development does not constrain its capacity to contribute to the setting or sense of place.

Whilst not in any way applicable, we highlight that the prescriptive requirements in Council's DCP are counter to current planning practice and trends. Laneways represent a unique opportunity to develop potentially land locked yard spaces, especially where those lands are generously sized/proportioned and affordable.

Newcastle Council recognised this during their 2017 review of their DCP. They created the Development Adjoining Laneways Chapter to their DCP, which contains the following aims:

- 1. To define the various types of laneways found within the Newcastle Local Government Area (LGA).*
- 2. To ensure new development has safe, useable access to streets and services by defining the circumstances where a laneway is suitable for use as the primary street frontage.*
- 3. To provide guidelines for the consistent design and setbacks of development adjoining laneways.*
- 4. To ensure that laneways are developed in a consistent manner and function as serviced roads.*



5. To encourage natural surveillance, and suitable street lighting to improve the safety of laneways that are suitable for use as a primary street frontage.

Those provisions go on to contain prescriptive measures that enable the use of lanes for a primary purpose. You should note that the access handle, setbacks and parking we are proposing is specifically consistent to those requirements. Whilst in no way applicable, it expands upon current planning trends being adopted to account for delivery of affordable housing outcomes, meeting inherent demand amongst existing urbanised areas. The social benefits of delivering these outcomes are being rapidly recognised and embraced by current planning practices.

Further, Lake Macquarie City Council are adopting similar approaches, providing clear DCP provisions which encourage access and activation of the lane interfaces. The following diagrams are extracted from their recent policy update (adopted on 28 September 2020):

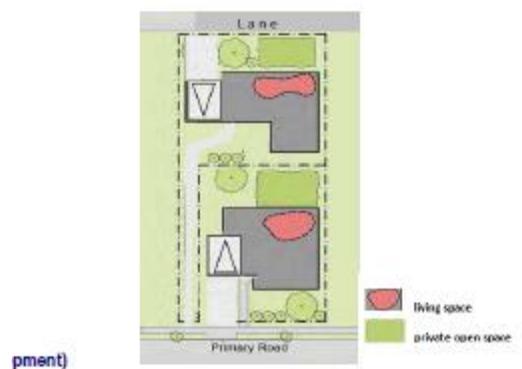


Figure 4 - Two dwellings front to back with rear lane access

This is extracted from their dual occupancy provisions to give design guidance for rear development where lane access is available. The purpose is to efficiently utilise the rear of lots, where benefited by lane access. Again, the capacity to unlock yard spaces benefited by lane access is being



recognised by planning policies as an appropriate mechanism for achieving affordable infill housing. This has significant social and environmental benefits for the community. It enables the use of existing infrastructure, reducing demand for greenfield expansion.

On this basis, we submit that the 2011 adoption of the current policy, specifically seeking to restrict the use and function of laneways as a primary access for rear dwellings does not reflect current trends being rapidly adopted by Council's neighbours. Those approaches are considerate of the social and environmental benefits in utilising existing infrastructure to deliver infill affordable housing, mitigating greenfield expansion to some degree.

Given the clear contextual benefits in this instance, we submit that the arrangement enables the intention of the DCP provisions to be accommodated whilst providing a suitable outcome, with legible entry and appropriate casual surveillance/territorial definition. These inclusions serve to the benefit of the laneway by providing vitality, movement and constant surveillance to the lane.

Car parking for a maximum of two vehicles is permitted from the rear lane.

The proposed single dwelling displays an appropriate 3m setback to the rear lane boundary. The proposed garage is located with a 5.5m setback to the rear lane boundary. We understand that a car is able to adequately and safely manoeuvre in and out of the proposed garage.

We seek merit-based assessment in view of this submission.

Accessibility and Adaptable Housing – There is no requirement for the provision of adaptable dwellings to be provided for residential development



consisting of less than 10 dwellings.

Landscape Design – A landscape plan is not required for single dwelling development. We note that a secondary dwelling is ancillary to a single dwelling, and accordingly should not trigger a requirement for a landscape plan.

Fencing and Walls – Existing boundary fencing will be modified to allow for rear lane access to the proposed development. Internal boundary fencing is presumed to be 1.8m high Colourbond to suit the existing fencing.

Driveway Access and Car Parking – The proposal includes a new driveway to the rear laneway. This driveway displays appropriate setback to side boundaries.

The DCP requires 2 parking spaces for dwellings containing more than two bedrooms, and 1 parking space for dwellings containing two or less bedrooms.

The proposed four-bedroom dwelling displays two parking spaces (one in garage, one upon the driveway), being compliant with DCP provisions.

We note that a secondary dwelling is a form of ancillary development in support of a dwelling house. We contend that this does not derive a parking requirement and have accordingly not provided any additional parking at the rear lane. This also allows for compliance with the requirement for a maximum of two vehicles to be catered for via rear lane access.



No changes are proposed to the current car parking capacity or vehicular access to the existing dwelling.

Views and Visual/Acoustic Privacy – No significant views have been identified which may potentially be affected by the proposed development.

Existing and proposed boundary fencing will ensure appropriate privacy between ground floor living spaces. The proposed first floor displays substantial separation from adjoining residential development. No privacy / overlooking concerns have been identified.

The proposal is understood to be appropriate with regards to views and privacy.

Water and Energy Conservation – Dwelling design will be appropriate per BASIX considerations.

Shadow impacts from the proposed development will predominantly affect the 'private lane' to the South-West. We understand that proposed open space elements will receive appropriate solar access throughout the AM.

Stormwater Management – We understand that a stormwater concept plan has been included that meets DCP requirements for DA.

Security, Site Facilities & Services – The proposed development displays typical CPTED principles found in typical residential development. That is capacity for casual surveillance and reinforcing the public/private boundaries.

Appropriate bin store locations are displayed on plan detail.



Individual mailboxes will be included for the proposed dwellings at the primary street frontage.

Clothes drying areas are included in rear yard spaces.

Services will be provided to each dwelling.



5. CLAUSE 4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 OVERVIEW

In this Section, the proposed development has been assessed having regard to the relevant matters for consideration under Clause 4.15 of the Environmental Planning and Assessment Amendment Act, 1997, which a consent authority must consider in determining an application.

5.2 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Consideration is given to the Maitland LEP 2011 in Section 4.1.

5.3 THE PROVISION OF ANY DRAFT EPI

No Draft Instrument applies to the allotment.

5.4 ANY DEVELOPMENT CONTROL PLAN

Consideration of the relevant Elements of DCP 2011 are analysed in Section 4.2.

5.5 ANY MATTERS PRESCRIBED BY THE REGULATIONS

Not applicable to this application.

5.6 LIKELY IMPACTS OF THE DEVELOPMENT

5.6.1 Context and setting

The proposed development and use of the premises for a residential purpose will complement the surrounding context. The scale, form and placement of development are considered ideal to the allotment and



local context. The development achieves the desired outcome for the locality facilitated through Zone objectives.

5.6.2 Public domain

The proposal will have no impact on the public domain. No external works are proposed.

5.6.3 Utilities

All installations will meet the requirements under the Australian Standards and the Building Code of Australia.

5.6.4 Social and Economic impact in the locality

The proposed development will provide impetus and vitality to the locality and is therefore considered appropriate. Again, the achievement of the density and form of development sought through Zone Objectives is considered beneficial to the locality.

5.6.5 Site design and internal design

The site is considered ideal to the needs of the proposal. The design suitably responds to the attributes of the site.

5.6.6 Cumulative Impacts

The cumulative impact of the development on the character of the neighbourhood is expected to be negligible.

5.7 SITE SUITABILITY

The subject site is considered ideal to the requirements of the Applicant. No variation to site formation or infrastructure is required.



5.8 SUBMISSIONS

The Consent Authority will need to consider any submissions received in response to the public exhibition of the proposed development.

5.9 THE PUBLIC INTEREST

There are no known Federal or State Government policy statements and/or strategies that are relevant to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

6. CONCLUSION

The proposal is identified as Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15 of the Act, Maitland Local Environmental Plan 2011 and Council's policies including the Development Control Plan 2011. In this regard, it is considered that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above controls.

The proposal will provide elevation, form and style consistent to that of built form throughout the locality and in consideration of zoning objectives, the development is entirely appropriate. The form is low scale residential and the architectural outcome is considered of significant merit.

As such, the proposal for the Torrens Title subdivision (1 into 2) at the outset with subsequent Single Dwelling & Secondary Dwelling development upon Lot 4, DP 14845, No. 21 Pierce Street, East Maitland is an appropriate response to context, setting and planning instruments. Approval is recommended.