

Statement of Environmental Effects

Multi Dwelling Housing (Stage 2)

59 Tindale Street, Muswellbrook

3 April 2023

ppd | planning consultants

Unit 407, 5 Warayama Place
Rozelle NSW 2039

Tel: 0403 242 926

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1 Introduction

PPD Planning Consultants has been engaged to prepare this Statement of Environmental Effects (SEE) to accompany a development application for 'multi dwelling housing' at 59 Tindale Street, Muswellbrook.

The site currently accommodates a boarding house and fourteen (14) dual occupancy dwellings. This development is referred to as Stage 1 of the sites development. This application relates to that part of the site that remains as vacant land and is referred to as Stage 2 of the sites development.

This SEE has been prepared pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000.

In preparing the SEE, PPD Planning Consultants has relied upon the adequacy and accuracy of the assessments and advice contained in the reports, plans, diagrams, tables and so forth prepared by consultants engaged to provide necessary specialist advice in their respective fields of expertise.

This statement should be read in conjunction with the various professional reports and plans submitted with the Development Application (DA).

The DA has been prepared in accordance with Council's requirements for the submission of DAs.

2 Project Team

The following project team has been formed to deliver the project:

Architecture	Steele Associates
Urban Planning	PPD Planning Consultants
BCA	Western Sydney Building Certifiers
BASIX	Gradwell Consulting
Access	Bio-Building Design
Traffic	CJP Consulting Engineers
Landscape	Melissa Wilson
Civil Engineering	Alpha Engineering
Stormwater Management	Alpha Engineering
Waste Management	Dickens Solutions
Survey	RGM Property Surveyors

3 Background

By letter dated 24 November 2020 Muswellbrook Shire Council provided the following in relation to the status of development approval(s) that may apply to 59 Tindale Street, Muswellbrook (the subject site):

- *An entry on its Interim Development Register records an approval appears to have been granted for a "32 bed hostel to house the aged" on part of the Property, on around 18 December 1973. A letter dated 17 January 1974 indicates the same.*
- *A letter dated 17 April 1978 indicates that approval appears to have been granted by Council to construct an additional "fourteen self contained units, a ten bed nursing home and an activities centre" on the Property at that time. That letter indicates that in approving the application to erect the fourteen units component, "Council considered the development as part of the existing use of the land. It would therefore require that the units be used in conjunction with the overall concept of hostel accommodation and not be sold or subdivided into individual units which could be occupied by persons other than those using the facilities of the Retirement Centre."*

Table 1 provides details of the two (2) most recent consents granted for development of the subject site.

Table 1. Summary of Recent Consents

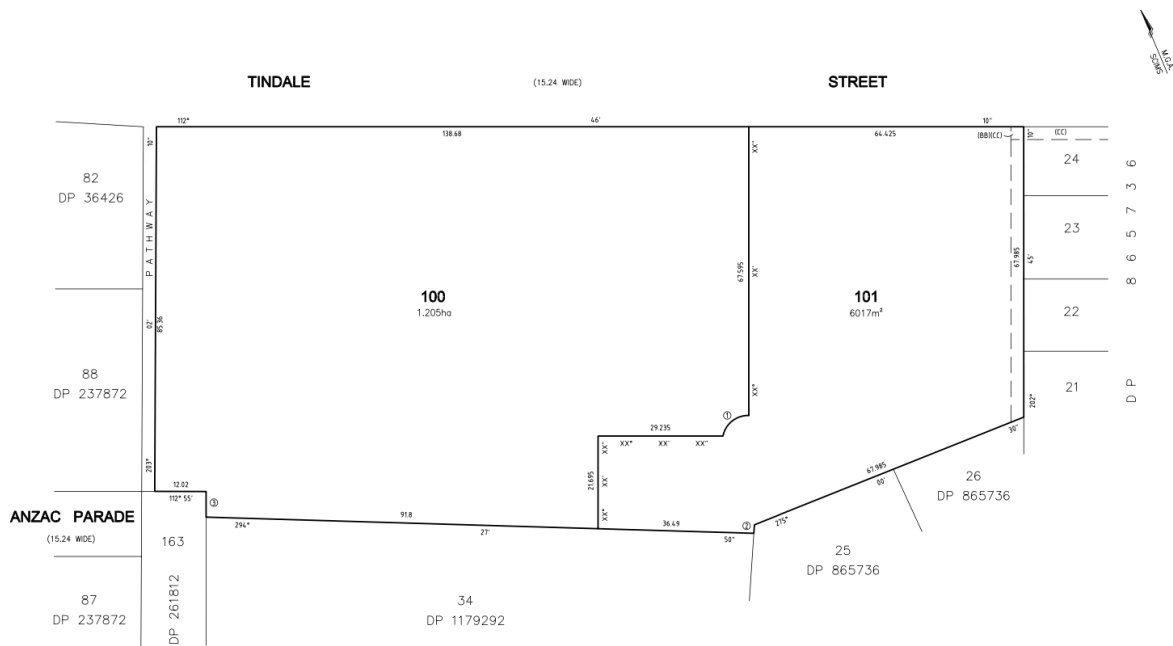
Development Application No:	DA 2021-26
Development:	A change in use of an existing thirty-six bed (36) aged care facility to a forty-four (44) room boarding house including associated alterations and additions together with the change in use of the existing fourteen (14) independent seniors living units to dual occupancy dwellings
Site:	Lot 2 in Deposited Plan 1070178, 59 Tindale Street, Muswellbrook
Date of determination:	31 August 2021
Development Application No:	DA 2022-122
Development:	Subdivision of One (1) Lot into Two (2) Lots
Site:	Lot 2 in Deposited Plan 1070178, 59 Tindale Street, Muswellbrook
Date of determination:	15 March 2023

Figure 1 is a copy of the approved Plan of Subdivision (DA 2022-122) showing the site being subdivided into 2 lots as detailed in **Table 2**.

Table 2. Summary of approved Plan of Subdivision

Lot No.	Area (m ²)	Land Use
100	12,050	Forty-four (44) room boarding house and fourteen dual occupancy dwellings
101	6,017	Existing vacant land

Figure 1. Plan of Subdivision



4 Site Analysis

4.1 Site Description and Location

Street Address	59 Tindale Street, Muswellbrook
Legal Description	Lot 2 DP 1070178
Site Area	18,070m ²
Brief Site Description	<p>Site is located on the southern side of Tindale Street (outlined in red in Figure 2). It is irregular in shape and has a 203.105 metre (approximately) frontage to Tindale Street.</p> <p>The subject site is currently occupied by:</p> <ul style="list-style-type: none"> - a forty-four (44) room boarding house (refer Figure 3; and - fourteen (14) dual occupancy dwellings across 7 buildings, comprising 2 x one-bedroom dwellings and 12 x two-bedroom dwellings, all of which have a floor area less than 125m² in size each (refer Figure 4). <p>The eastern portion of the site is vacant land and that part of the site is the subject of this development application (refer Figure 5).</p>
Topography	<p>The Survey Plan accompanying this application details the location of trees and shrubs on the site as well as the topography of the land. The site has a significant fall of approximately 9 metres from the rear to the Tindale Road frontage.</p> <p>There is a retaining wall along the rear of the existing age care facility and a number of concrete driveways traverse the site and provide access to the age care facility and independent seniors living units.</p>
Services	All relevant utility services including water, sewer, electricity, gas and telephone are available and connected to the subject property.

STATEMENT OF ENVIRONMENTAL EFFECTS
MULTI DWELLING HOUSING (STAGE 2)
59 TINDALE STREET, MUSWELLBROOK

Figure 2. Aerial view of subject site



Source Savills Information memorandum

Figure 3. Views of existing boarding house



Source Savills Information memorandum

STATEMENT OF ENVIRONMENTAL EFFECTS
MULTI DWELLING HOUSING (STAGE 2)
59 TINDALE STREET, MUSWELLBROOK

Figure 4. Views of existing dual occupancy units



Figure 5. View of vacant portion of the subject site



4.2 Urban Context

The subject site is located in a residential neighbourhood characterised by predominantly low-density single storey dwellings as shown in [Figure 6](#).

To the rear of the site (southern boundary) is Skellatar House, a heritage listed grand two-storey manor home that remains as one of the more notable residences in Muswellbrook.

Figure 6. View of (typical) properties along Tindale Street



5 Development Application

5.1 Proposal

Approval is sought for construction thirty (30) multi-dwelling housing (inc. 4 adaptable) with associated car parking and landscaping on that part of the site identified as Lot 101 in the approved Plan of Subdivision for the subject site (refer Figure 1).

In accordance with the Dictionary definitions in Muswellbrook Local Environmental Plan 2009 the proposed development can be best described as 'multi dwelling housing' because there are more than 3 dwellings (whether attached or detached) all on one lot of land and each with access at ground level.

Architectural Plans accompany this application and provide further details of the proposed development.

5.2 Overview of Proposal

A summary of the key development aspects of the proposal is provided in [Table 3](#).

Table 3. Summary of Proposal

Buildings	Uses	Gross Floor Area (m ²)	Parking Spaces
Multi dwelling housing	5 x 1-bedroom dwellings 25 x 2-bedroom dwellings	2125.42	49 (inc. 5 accessible)
Communal Room	Communal uses	138.42	
Total	30 dwellings	2,263.84	49

The proposed development involves the construction of a new multi-dwelling residential development on the vacant eastern portion of the site, comprising a total of 30 dwellings (inc. 4 adaptable), as detailed in [Table 3](#).

In addition, an ancillary communal space building is also proposed for the shared use of residents within the development, as well as their guests. This space has a total of around 138m² gross floor area and is ideally located towards the centre of the development.

The total gross floor area of the development is 2263.84m² yielding a 0.37:1 floor space ratio.

As detailed in the **Traffic and Parking Assessment Report** that accompanies this application:

- Off-street parking is proposed for 49 cars (inc. 5 accessible) plus a dedicated van loading bay, at various locations throughout the site, directly outside the dwellings.
- Vehicular access to Dwellings 11-30, the communal area and van loading bay is proposed via a new 5.8m wide two-way driveway located midway along the Tindale Street site frontage.
- Due to the topography of the site and design requirements for accessibility, vehicular access to Dwellings 1-10 is proposed to be provided directly off Tindale Street, rather than the main driveway.
- Waste collection is to be undertaken by Council from the kerbside area outside the site frontage. In this regard, residents will line their bins up along the kerb on "bin night" for collection the following day.

5.3 BCA Compliance

A **BCA Compliance Report** accompanies this application and presents the findings of an assessment of the design of the proposal against

- The Deemed to Satisfy provisions of the National Building Code of Australia 2019, Volume 2, and
- The statutory requirements for BCA Compliance prescribed by the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulations 2021.

The report concludes compliance with the deemed to satisfy provisions of the Building Code of Australia is achievable *"subject to obtaining the certificates requested in the recommendation's component of this report (and verification that the certificates are suitable and are prepared to an acceptable standard)"*.

5.4 Access

An **Access Report** accompanies this application and presents relevant recommendations to achieve compliance with the access requirements of Muswellbrook Shire Council, the Building Code of Australia and the Access-to- Premises Standards.

In summary, the report makes twelve (12) recommendations that will be implemented as part of the proposal and subsequently, the proposal will comply with the accessibility requirements of the following:

- Muswellbrook Local Environmental Plan 2015 (LEP 2015);
- Muswellbrook Development Control Plan 2015 (DCP 2015);
- Disability (Access to Premises – Buildings) Standards;
- BCA 2019; and
- AS 4299 - Adaptable housing - Class C (4 adaptable units).

5.5 Construction Cost Estimate

A **Cost Report** accompanies this application and estimates the total cost of works to be \$4,462,000 (+ GST).

6 Compliance Assessment

Section 4.15(1) of the EP&A Act 1979 details the following matters of relevance that a consent authority is to take into consideration in determining a development application:

(a) *the provisions of:*

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement a developer has offered to enter into under s 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The following provides an assessment of how the proposed development complies with the relevant matters detailed in Section 4.15(1) of the EP&A Act 1979.

6.1 Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(i) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the following relevant environmental planning instruments:

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy 55—Remediation of Land
- State Environmental Planning Policy (BASIX) 2004
- Muswellbrook Local Environmental Plan 2009

6.1.1 Environmental Planning & Assessment Act 1979

The objects of the Environmental Planning and Assessment Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposed development provides for orderly and economic use of existing vacant buildings on the subject site for residential purposes in accordance with the objectives for the zone.

6.1.2 State Environmental Planning Policy (SEPP) No 55—Remediation of land

SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The proposed development is on land that has historically been used for residential development and there is no indication or record that any other uses have taken place on this site or the site has been subject to unauthorised fill. The proposal seeks to continue the existing residential land use.

It is considered that the risk of land being contaminated is very low and the site is, or can be made suitable for the proposed development. If contamination is identified during the development assessment process as being an issue then Council will be notified immediately and any necessary investigations and reports will be undertaken.

6.1.3 State Environmental Planning Policy (BASIX) 2004

The NSW Government has established the BASIX scheme to encourage sustainable residential development.

A **BASIX Report** has been prepared and accompanies this application. Subject to carrying out development in accordance with the schedule of BASIX commitments for the proposed dwellings, the project scores for the development are as follows:

Water	40% (Target 40%)
Thermal Comfort	Pass (Target Pass)
Energy	42% (Target 40%)

Subject to carrying out development in accordance with the schedule of BASIX commitments, the proposed development will provide for sustainable residential development.

6.1.4 Muswellbrook Local Environmental Plan (MLEP) 2009

An assessment of the proposed development's compliance with the relevant clauses of Muswellbrook LEP 2009 has been undertaken and can be found at **Appendix 1**.

This assessment confirms the proposed development complies with all the relevant provisions of the LEP.

6.2 Development Control Plans

In accordance with the provisions of Section 4.15(1)(a)(iii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the Muswellbrook DCP 2009 that applies to the subject site. A copy of the compliance table can be found at **Appendix 2**.

It is noted that the DCP includes provisions to allow flexibility in the application of development control standards, particularly in relation to allowing alternative solutions to otherwise strict numeric compliance to achieve the objectives of the DCP control.

This is in general compliance with Section 4.15(3A) of the EP&A Act, 1979, that provides requirements which govern the application of controls within Development Control Plans and seeks to provide flexibility and an outcome based approach to the achievement of the objectives expressed by specific controls. Section 4.15(3A) provides as follows:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,

and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, “standards” include performance criteria.

The proposed development has been designed to comply with the relevant development control standards in the DCP as much as practicable. Where the proposed development does not fully comply with the design solutions (refer compliance table in [Appendix 3](#)) the following justification is provided for a variation to the relevant control standards identified in bold and italics.

#1 - Useable Open Space

Summary of non-compliance

Units 18 & 30 have a more narrow elongated area of private open space with a dimension less than 4m.

Justification of non-compliance

Units 18 and 30 are located along the rear boundary that is angled to the side boundaries. Subsequently these units are constrained by the angled boundary and provide private open space that is less than the minimum DCP requirement of 4m.

Notwithstanding, the proposal allows for a reasonable alternative solution that achieves the objects of those standards for dealing with the provision of private open space. In particular, the proposal

- provides sufficient and accessible open space for the reasonable recreational needs of future residents, and
- provides private open space that meets the requirement for privacy of the user and adjoining properties, safety, access, outdoor activities and landscaping;
- To provide private open space meets requirement for privacy of the user and adjoining properties in relation to safety, access, outdoor activities and landscaping; and

The useable private open space for dwelling units 18 & 30 meet the relevant DCP objectives for useable private open space.

#2 – Landscaped Area

Summary of non-compliance

24.26% of the site is landscaped area and can be used for growing plants, grasses and trees. This does not meet the DCP control requirement of a minimum of 35% of the total site area is “landscaped area” as defined in the LEP.

Justification of non-compliance

Replacement of the ‘communal space’ with landscaped area would ensure the proposal would comply with the DCP control requirement for a minimum 35% of the total site area to be landscaped area.

However, given the significant amount of private open space provided for each dwelling unit a conscious decision was made that additional landscaped area would be sacrificed for a communal space building that would provide greater amenity to future residents. A communal space as proposed can provide significant community benefits by providing

an indoor space where residents have the opportunity to entertain friends, have birthday parties or just socially mix with neighbours.

#3 – Landscaped Area

Summary of non-compliance

The site will have a residential density of 65.8 persons per site hectare that is greater than the DCP control of a maximum 60 persons per hectare.

Justification of non-compliance

The non-compliance is 9.6% and is considered to be within a range that would not have detrimental impact on the ability for the proposal to be serviced by existing infrastructure capacity because;

- The wider locality is dominated by 3 bedroom homes on approximately 655m² land parcels;
- The existing density of the area is 38-40 persons per hectare;
- Redevelopment of sites in the broader locality is extremely low, and
- Based on the supporting density of 60 persons per hectare, there will always remain a significant amount of spare infrastructure capacity in the existing system.

6.3 Environmental Impacts

In accordance with the provisions of Section 4.15(1)(b) of the EP&A Act 1979 the development proposal has been assessed for the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

6.3.1 Heritage

The subject site is within the vicinity of the heritage listed Skellatar House located at 17 Fitzgerald Avenue, Muswellbrook. Having due consideration to the location of existing residential development along Fitzgerald Avenue providing a 'physical' visual screen between the proposed development and Skellatar House, it is considered the carrying out of the proposed development will not detrimentally affect the heritage significance of the heritage item concerned and no further assessment is required.

6.3.2 Landscaping

A **Landscaping Plan** accompanies this application and provides details of how the proposal will comply with the landscape controls prescribed in Council's DCP.

Landscaping Plan provides detail of:

- existing trees to be removed,
- new trees, shrubs and ground covering,
- street tree type planting in the front setback;
- car parking areas planted with deciduous trees to create avenue and provide Winter sun/ Summer shade.

- permeable paving and structural soil system in car spaces adjacent to trees;
- boundary screening shrubs and trees; and
- retaining walls, paving etc.

Implementation of the Landscape Plan will:

- Contribute to streetscape character and the amenity of the public domain.
- Foster attractive outlooks, privacy and open space areas of high aesthetic quality.
- Improve the microclimate within the development.
- Contribute to water and stormwater efficiency by integrating landscape design with stormwater management.

The landscaping on the site will result in a high aesthetic quality and amenity for the occupants of the development and neighbours. The landscaping is of high quality and contributes positively to its context and site, particularly given the lack of significant landscaping in the Tindale Street streetscape.

6.3.3 Stormwater

A **Stormwater Drainage Concept Plan** accompanies this application and provides details on how the impacts of urban stormwater on the subject site and adjoining properties will be suitably managed. This includes provision of an on-site detention tank located under the internal driveway and towards the Tindale Street frontage.

The **Erosion and Sediment Control Plan** accompanies this application and provides details on how the impacts of the proposed development on the subject site and adjoining properties during construction work will be suitably minimised.

6.3.4 Civil Works

Civil Engineering Plans accompany this application and provide details on the cut and fill that is required to ensure the proposed development complies with the relevant access standards for internal pedestrian access and roadways.

There will be no likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development

The quality of any soil to be excavated is considered to be suitable given the history of use on the site.

There should be no effect on the existing and likely amenity of nearby properties.

6.3.5 Energy and Water Efficiency

The proposed development will provide for ecologically sustainable development because:

1. All new water-consuming products will achieve the maximum star rating as practicable pursuant to the Water Efficiency Labelling and Standards, or WELS Scheme; and
2. The Energy Rating Label for electrical appliances will achieve the maximum star rating as practicable.

6.3.6 Waste Management

A **Waste Management Plan (WMP)** accompanies this application and “describes in detail the manner in which all waste and other materials resulting from the construction and on-going use of the building on the site are to be dealt with”. The WMP ensures all waste management activities will be conducted in accordance with Councils waste management guidelines and The Better Practice Resource Recovery Guide for Residential Buildings (April 2019).

6.3.7 Traffic and Parking

This application is accompanied by a **Traffic and Parking Assessment Report** that assesses the traffic and parking implications of the development proposal.

In summary, the report concludes:

1. The road network operation is expected to remain at the same level of service and is therefore supportable on traffic grounds.
2. The proposed development makes provision for 49 cars (including 5 accessible spaces), thereby satisfying Council’s MDCP 2009 numerical requirements.
3. The geometric design layout of the parking area has been reviewed and are in compliance with AS2890.1:2004.

6.3.8 Noise

Potential noise impacts have been addressed through design of the proposed dwelling units, including (where practical):

- grouping noisy or quiet activity spaces together;
- locating windows or doors away from sources of noise;
- a buffer space or spaces between quiet and noisy spaces (ie wardrobe)

Noise control has been considered alongside other factors such as orientation for passive heating and cooling, views, privacy, and ventilation.

The proposed development will achieve a satisfactory accommodation environment consistent with the intended quality of the building and relevant standards.

6.3.9 Privacy

The proposal comprises individual dwelling units that are single storey and will not detrimentally impact on the existing privacy amenity that will be enjoyed by future occupants of the buildings.

6.3.10 Crime Prevention Through Environmental Design

The proposal achieves the principles of Crime Prevention Through Environmental Design, specifically by:

- Enhancing safety by reducing opportunities for crime to occur;
- Improving observation of public and private spaces; and

- Promoting the design of safe, accessible and well-maintained building and spaces.

The application has been reviewed by the Hunter Valley Police District who “have no objections to the proposed development” but made a number of comments that have been taken into consideration and addressed accordingly in the following key safety and security features of the development:

1. Site and building layout

The proposed development allows for natural surveillance to and from Tindale Street and the public domain with dwellings fronting Tindale Street.

The car park areas have been designed to ensure clear sight lines, ease of access and safety at the entrance and within the site.

2. Lighting

New lighting will be installed throughout the site that enhances the amenity and safety of the site after dark and will increase opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site users.

High quality, vandal resistant lamps will be used where necessary. Lighting will be used to direct users to the public areas of the development.

Security /Sensor lighting for areas not in use after dark will be installed to detect movement and highlight unwanted activity. This increases the risk to offenders being detected

3. Landscaping

A **Landscaping Plan** accompanies this application and provides detail on how landscaping has been designed to reinforce territorial/space management. Proposed vegetation allows clear sight lines. “to see and be seen”. Shrubs do not provide easy concealment.

4. Security

- Development has been designed with safety in mind.
- Development will be managed by on-site manager with surveillance in mind.
- CPTED principles will be supported with electronic surveillance where practicable.
- Cameras will be installed around the buildings to maximise surveillance opportunities. Cameras will be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the subject premises.
- CCTV footage will be kept for a minimum of 21 days.
- Appropriate warning signs will be displayed advising patrons of CCTV in use
- Development will provide for well-lit areas along all street frontages.

The proposed development is seen to conform to the principles outlined in Crime Prevention Through Environmental Design.

6.3.11 Social Impacts

The proposal will provide a number of social benefits including:

1. The internal and external amenity of the development is considered to be adequate with provision of common facilities to further enhance amenity for future residents.
2. The proposed development has the potential to be a benefit to very low and low income lone person and couple private renters that are currently experiencing housing stress.

6.3.12 Economic Impacts

Potential economic benefits of the proposed development include

- orderly and economic use of an existing vacant property; and
- increase in local population to access local shops and services.

6.4 Suitability of the Site

In accordance with the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the suitability of the site for the proposed development has been assessed.

The site is considered suitable for the proposed development because:

- It is adequately serviced by roads, utilities, and stormwater infrastructure;
- It is existing built form that is well suited to accommodate the proposed residential accommodation; and
- It is well located in an established residential neighbourhood.

6.5 Public Interest

In accordance with the provisions of Section 4.15(1)(e) of the EP&A Act 1979 the development proposal has been assessed for the public interest.

The proposal is consistent with the relevant provisions, objectives and aims of Council's planning controls and is therefore considered to be in the public interest. Specifically, the proposal provides for new housing that will occupy existing vacant land and make a positive contribution to the built character of the area in which it is located.

7 Conclusion

Subject to Section 4.15(1) of the EP&A Act 1979, the proposed development has been assessed having regard to the relevant matters that a consent authority is to take into consideration in determining a development application.

Based on our assessment, we consider the proposed development.

- Is a permissible development with consent from the relevant authority;
- Is consistent with the objectives of the relevant environmental planning instruments;
- Meets the development controls/objectives set down in the development control plan;
- Has no significant adverse impacts on both the natural and built environments;
- Has positive social and economic impacts in the locality;
- Is suitable for the site; and
- Is in the public interest.

In conclusion, it is considered that this development application for multi dwelling housing fits comfortably within the existing character of the locality.

The proposal for multi dwelling housing at 59 Tindale Street, Muswellbrook warrants Council approval.

APPENDIX 1

LEP Compliance Table

Muswellbrook LEP 2009 Compliance Table

Relevant Clause	Comment	Complies
2.3 Zone objectives and land use table	<p>The site is zoned <i>R1 General Residential</i>. The proposed development is defined as "multi dwelling housing", identified as being permissible development with consent in the R1 zone.</p> <p>In accordance with the relevant objectives of the R1 zone, the proposed development will provide for:</p> <ul style="list-style-type: none"> the housing needs of the community within a low density residential environment. a variety of housing types and densities in the form of a 1 & 2 bedroom 'townhouse' type development. sensitive infill development of other housing types by utilising existing built form. 	✓
2.7 Demolition requires development consent	No demolition proposed.	✓
4.3 Height of buildings	The height of buildings on the subject site do not exceed the 8.5 metre maximum height shown for the subject site on the Height of Buildings Map.	✓
4.4 Floor space ratio	The floor space ratio (FSR) of the proposal is 0.37:1 and does not exceed the maximum 0.5:1 FSR shown for the subject site on the Floor Space Ratio Map.	✓
4.5 Calculation of floor space ratio and site area	Floor space has been calculated in accordance with the provisions of this clause.	✓
5.10 Heritage conservation	Refer s6.3.1 of the SEE.	✓
7.6 Earthworks	Refer s6.3.1 of the SEE.	✓

APPENDIX 3

DCP Compliance Table

Muswellbrook DCP Compliance Table

Section 3 Site Analysis

Controls	Comment	Complies
3.1. Overview	Noted.	✓
3.2. Site Analysis Required	Refer s4.0 of the SEE.	✓
3.3.Site Analysis Plan	Existing Site Plan and 3-D Views of the site are provided as part of the Architectural Plans that accompany this application.	✓
3.4. Site Analysis Statements	Statement of Environmental Effects includes details of the site including site characteristics, photographs etc.	✓

Section 6 Residential Development

Controls	Comment	Complies
6.1 Built Form	<p><u>Context</u></p> <p>The development has been designed to respond to the issues identified in the site analysis.</p> <p><u>Front Setbacks</u></p> <p>Dwellings are setback approximately 7m from the Tindale Street frontage to ensure the character and pattern of setbacks and building orientation within Tindale Street is maintained.</p> <p><u>Side and rear setbacks</u></p> <p>All side and rear boundaries have a maximum 3m wall height and minimum 0.9m side setback.</p> <p><u>Building Height and Scale</u></p> <p>The proposed development is designed and will be constructed in a form and scale that resembles the existing detached character of dwelling houses in the surrounding neighbourhood, particularly in relation to building height, roof forms and pitch, setbacks etc.</p> <p>Proposed finishes are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments.</p> <p>The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form is minimized.</p> <p><u>Front Fencing and Retaining Walls</u></p> <p>There is no fencing proposed to the northern front street boundary. Existing 1.8m high metal panel fencing to eastern side boundary and southern rear boundary will be retained. The remaining boundary fencing will be matching metal panel fencing above retaining walls (where necessary).</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	<p><u>Dwelling Entry</u></p> <p>Each dwelling is designed with a dwelling entry that:</p> <ul style="list-style-type: none"> Creates an address to Tindale Street or the public access-point (internal roadway) by incorporating the front door and windows of habitable rooms in the façade facing the street or public access-point, and Provides an entry that is clearly identifiable from the street, will have adequate lighting and has direct access to the street frontage. <p><u>Accessibility and Adaptability</u></p> <p>Five (5) dwellings (10.2%) are designed as adaptable housing in accordance with the provisions of AS4299.</p>	<p>✓</p> <p>✓</p>
6.2 Urban Landscape	<p><u>Usable Open Space</u></p> <p>Each dwelling is provided with a minimum of 35m² of principal private open space that is located at or near ground level and directly accessible from the living area.</p> <p>Units 18 & 30 have a more narrow elongated area of private open space with a dimension less than 4m.</p> <p><u>Car parking</u></p> <p>On-site carparking is provided in accordance with AS2890.1 and Section 16 of this DCP.</p> <p>On-site carparking complies with AS 1428 - Design for Access and Mobility for multi dwelling housing.</p> <p>Manoeuvring space is provided on site to allow cars to enter and leave the site in a forward direction except for units 1-10 that directly face Tindale Street</p> <p><u>Landscaped area</u></p> <p>24.26% of the site is landscaped area and can be used for growing plants, grasses and trees. This does not meet the DCP control requirement of a minimum of 35% of the total site area is "landscaped area" as defined in the LEP.</p> <p><u>Landscaping</u></p> <p>Refer s6.3.2 of the SEE.</p> <p><u>Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings</u></p> <p>For the purposes of determining the capacity of infrastructure to service the proposed development it is appropriate to consider the larger site with existing multi dwelling housing and boarding house that has a density of 37.6 persons per hectare. The residential density of the proposal is 50.9 persons or and additional 28.2 person per site hectare. In total, the site will have a residential density of 65.8 persons per site hectare that is greater than the DCP control of a maximum 60 persons per hectare.</p>	<p>✓</p> <p>✗</p> <p>✓</p> <p>✓</p> <p>✗</p> <p>✓</p> <p>✗</p>

	<p>The proposed development provides an alternative form of housing that is able to be serviced by existing infrastructure capacity and will continue to ensure compatibility with the character of dwelling houses and surrounding development and the existing streetscape.</p>	
6.3 Environmental	<p><u>Topography</u></p> <p>Civil Engineering Plans accompany this application and detail how finished ground levels and retaining walls are no greater than 1.5 metres below or 1 metre above ground level (existing)..</p> <p><u>Solar Access</u></p> <p>Architectural Plans include hourly shadow diagrams from 9am – 3pm on the 21 June that show</p> <ul style="list-style-type: none"> - dwellings receive adequate daylight and natural ventilation to habitable rooms and adequate sunlight to private open spaces, and - there is no significant overshadowing of habitable rooms and private open spaces on adjoining land. <p><u>Visual privacy</u></p> <p>Visual privacy for all residents is maintained because the proposal maintains single storey dwellings with adequate 1.8m high boundary fencing and 1.8m high fencing between dwelling units.</p> <p><u>Acoustic Privacy</u></p> <p>Development will not result in adverse amenity impacts arising from noise generation.</p> <p>As detailed in the traffic report accompanying this application, the projected net increase in traffic generation potential of the site as a consequence of the development proposal is minimal, and consistent with the planning control objectives that apply to the site. This minimal increase in traffic movements will not detrimentally impact on the acoustic privacy of the residents on site or neighbours regardless of vehicles that may or may not enter or leave the site in the early morning/late evening hours.</p> <p>Shared walls and floors between dwellings will be constructed to limit noise transmission. (</p> <p>Dwellings are not adjacent to high levels of uncontrollable external noise.</p> <p>Site layout and design separates active recreational areas, parking areas, vehicle access ways, and service equipment areas from bedroom areas of dwellings as much as practicable.</p> <p>Mechanical plant or equipment will be designed, located or enclosed to minimise noise nuisance.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
6.4 Site Operation	<p><u>Energy Conservation</u></p> <p>The requirements of the BASIX certificate issued for the proposed development will be complied with.</p>	<p>✓</p>

	<p><u>Stormwater Management</u></p> <p>Refer s6.3.3 of the SEE.</p> <p><u>Security, Site Facilities and Services</u></p> <p>Open air clothes drying facilities will be provided in the rear private open space area that is a sunny location, adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.</p> <p>A screened bin area 5.4m x 2.4m provided on site at the Tindale Street frontage as to be readily accessible from within the site and serviceable by the waste collector from the adjoining public land.</p> <p>Bin area will be provided with a water tap for wash down purposes and drained to connect to the sewer. (</p> <p>A lockable mail box, for each dwelling, will be provided close to each ground floor dwelling entry for units 1-10 and a mail box structure for units 11-30 located close to the major pedestrian entry to the site and complying with the requirements of Australia Post.</p> <p>Adequate numbering system and signage will be provided. (</p> <p>Dwellings will be provided with wiring for a common television reception system.</p> <p>The design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone and gas services will conform to the cost effective performance measures of the relevant servicing authority.</p> <p>Adequate light will be provided to all pedestrian paths, shared areas, parking areas and building entries.</p>	<p>✓</p> <p>✓</p>
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Section 15 Heritage Conservation

Controls	Comment	Complies
15.1 Heritage Conservation	<p><u>Development of sites near heritage items and heritage conservation areas</u></p> <p>Refer s6.3.1 of the SEE</p>	✓

Section 16 Car Parking and Access

Controls	Comment	Complies
16.1 Introduction	Noted	
16.2. Residential Development	Car parking is provided on site in accordance with the requirements of the Muswellbrook DCP (refer s6.3.7 of the SEE).	✓
16.4 Design Guidelines for Off-street Vehicular Parking Areas	<p>On site parking facilities are designed and constructed to comply with the provisions of AS2890.1.</p> <p>Access to the site operates in a safe and efficient manner utilising the existing driveway.</p> <p>Five (5) parking spaces are provided for people with disabilities.</p>	✓

	A minimum of 10% of the total area of the car park is appropriately landscaped.	✓
Section 20 - Erosion and Sediment Control		
Controls	Comment	Complies
20.2 Erosion and Sediment Control Planning	Refer s6.3.3 of the SEE.	✓
20.4 Management of Erosion and Sediment Control	Erosion and Sediment Control Plan, Water Management Plan and a Landscape Plan with their associated schedule of works will be implemented as required.	✓
Section 24 Waste Minimisation and Management		
Controls	Comment	Complies
24.1 Site Waste Minimisation and Management	Noted	
24.2 Submission/ Application Requirements	A Site Waste Minimisation and Management Plan accompanies this application and outlines measures to minimise and manage waste generated during construction and ongoing use of the site/premises (refer s6.3.6 of the SEE).	✓
Section 25 Water Management		
Controls	Comment	Complies
25.1 Preamble	Noted	
25.2 All Development	A Stormwater Management Plan accompanies this application and provides details on how the impacts of urban stormwater on the subject site and adjoining properties will be managed (refer s6.3.3 of the SEE).	✓
25.3 Residential Development	Refer s6.3.3 of the SEE.	✓