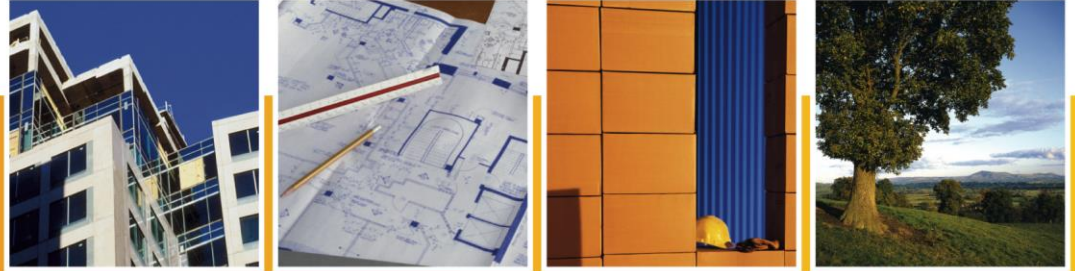


# STATEMENT OF ENVIRONMENTAL EFFECTS



For  
**Dual Occupancy, Bed&Breakfast Accommodation, Tennis  
Court, and ancillary Farm Shed and Pool**  
**36 Cockatoo Ridge Aberglasslyn 2320**

Prepared for  
**Richard Beardshall**

**July 2023**  
Report 22/091 Rev A

Prepared by



First Floor  
44 Church Street  
(PO Box 40)  
Maitland NSW 2320

P : 02 4933 6682  
F : 02 4933 6683

[www.hdb.com.au](http://www.hdb.com.au)

## Document History and Status

Issue	Revision	Issued To	Qty	Issue Date	Author	Reviewed
Draft	A	HDB	1	21.07.23	AG	MI
Final	A	Council	1	3.08.2023	AG	



### Hunter Development Brokerage Pty Ltd

44 Church Street, Maitland NSW 2320

PO Box 40 Maitland NSW 2320

Tel: (02) 4933 6682 Fax: (02) 4933 6683 Email: admin@hdb.com.au

Printed: 3 August 2023  
 File Reference: G:\Jobs\22091  
 Applicant: HDB  
 HDB Project Manager: Mark Ihlein  
 HDB Reference Number: 22091

*Mark Ihlein*

**Project Manager:**

**Date: 3.08.2023**

*This document is for discussion purposes only, unless signed and dated by the person identified.*

### DISCLAIMER:

This document is based on information available at the time and was prepared for a specific purpose. Any representation, statement, opinion or advice expressed or implied in this document is made in good faith, but on the basis that Hunter Development Brokerage Pty. Ltd., its agents or employees, are not liable (whether by reason of negligence, lack of care or otherwise) to any person and/or other legally recognised entity for any damage or loss whatsoever, which has occurred or may occur, in relation to that person and/or other legally recognised entity taking or not taking (as the case may be) action, in respect of any representation, statement or advice referred to in this document.

Persons and/or other legally recognised entities wishing to use any details provided in this document that may affect financial decisions are strongly urged to seek legal advice and contact relevant government authorities, and relevant specialist consultants to obtain current information and to verify the current status of the information contained herein in this document.

### © COPYRIGHT 2023 - HUNTER DEVELOPMENT BROKERAGE PTY LTD

All rights reserved. Hunter Development Brokerage Pty Ltd advises that this document and all information contained therein is protected by copyright under the Australian Copyright Act 1968. Reproduction of this document in Part or whole and/or use without the written permission from Hunter Development Brokerage Pty Ltd constitutes a breach of copyright. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission. Any reference to the document must include the document in its entirety and also include reference to Hunter Development Brokerage Pty Ltd.

## CONTENTS

<b>1.0</b>	<b>Executive summary .....</b>	<b>6</b>
<b>2.0</b>	<b>Introduction.....</b>	<b>7</b>
2.1	Purpose.....	7
2.2	Site Description .....	7
2.3	Application details .....	7
2.3.1	Applicant details .....	7
2.3.2	Contact details .....	7
2.3.3	Ownership details.....	8
2.4	Document Structure .....	8
<b>3.0</b>	<b>Site analysis.....</b>	<b>9</b>
3.1	Location .....	9
3.2	Existing site.....	10
3.3	Topography, Hydrology & Vegetation.....	10
3.4	Access .....	11
3.5	Surrounding Landuse.....	11
3.6	Archaeology and Heritage.....	11
3.7	Services to site.....	12
3.8	Bushfire.....	13
3.9	Flooding .....	13
3.10	Acid Sulfate Soils .....	14
<b>4.0</b>	<b>Proposed development .....</b>	<b>15</b>
4.1	Summary.....	15
4.2	Details.....	15
4.2.1	New Dwelling .....	15
4.2.2	Existing Dwelling.....	16
4.2.3	Access and Traffic.....	16
4.2.4	Earthworks .....	16
4.2.5	Services .....	16
4.2.6	Stormwater Management .....	16
4.2.7	Wastewater Management .....	16
4.2.8	Landscape Design .....	16
<b>5.0</b>	<b>Legislative Consideration .....</b>	<b>17</b>
5.1	Statutory planning framework.....	17

---

5.1.1	Introduction .....	17
5.1.2	Environmental Planning & Assessment Act.....	17
5.1.3	State Environmental Planning Policies .....	18
5.1.4	Maitland Local Environmental Plan 2011.....	19
5.2	Development Control Plan.....	28
<b>6.0</b>	<b>Key planning/environmental issues .....</b>	<b>41</b>
6.1	Context and Setting.....	41
6.2	Access, transport, and Traffic.....	41
6.3	Services .....	41
6.4	Heritage .....	41
6.5	Visual Amenity .....	42
6.6	Flora and Fauna.....	42
6.7	Bushfire.....	42
6.8	Waste.....	42
6.9	Safety and Security .....	42
<b>7.0</b>	<b>Project justification and need .....</b>	<b>43</b>
<b>8.0</b>	<b>Conclusion .....</b>	<b>44</b>

## APPENDICES

---

Appendix A: Title Search
Appendix B: AHIMS Report
Appendix C: Services to the Site
Appendix D: Architectural Plans
Appendix E: Wastewater Management Report
Appendix F: BASIX Certificate
Appendix G: Heritage Impact Statement
Appendix H: Bushfire Report
Appendix I: Waste Management Plan
Appendix J: Visual Impact Assessment

## FIGURES

---

Figure 1: Location Plan .....	9
Figure 2: Site Plan .....	10
Figure 3: Hydro lines and Biodiversity Values .....	11
Figure 4: Heritage Mapping .....	12
Figure 5: Bushfire Mapping .....	13
Figure 6: Flood Mapping.....	13
Figure 7: Acid Sulfate Soils .....	10
Figure 8: Land Use Zones .....	20
Figure 9: Minimum Lot Size .....	22

## TABLES

---

Table 1: Development Area .....	15
Table 2: DCP Compliance Table.....	40

## 1.0 EXECUTIVE SUMMARY

---

This Statement of Environmental Effects (SEE) has been prepared by HDB Town Planning and Design on behalf of Richard Beardshall. This SEE supports the lodgement of a development application seeking consent for the development of a new dwelling, part Bed and Breakfast (B&B) accommodation, an ancillary farm shed and natural pool, and a tennis court at 36 Cockatoo Ridge, Aberglasslyn 2320 (Lot 3 DP 1124849).

The SEE provides the following:

- Details of the Application (Section 2)
- An extensive assessment/analysis of the existing Site (Section 3)
- A detailed description of the proposed development (Section 4)
- An assessment of the proposed development against all the relevant planning controls and matters as outlined under Section 4.15 (Section 5)
- An assessment of the proposal with regard to the key planning and environmental issues identified (Section 6)
- Justification and need for the Project (Section 7)

The subject lot sits in the residential neighbourhood of Aberglasslyn and is zoned part R1 – General Residential and C3 – Environmental Living under the Council’s mapping. There is an existing dwelling house with a shed on the lot. Primary access to the lot is via Cockatoo Ridge.

The proposal seeks to allow for a Dual Occupancy development. The existing dwelling will be retained as it is, and a new dwelling house is proposed. Part of this dwelling would also house a B&B accommodation. An ancillary farm shed, a natural pool and tennis court, are also proposed under this Application.

In preparation for this report, the specific details regarding the heritage significance, bushfire requirements, and minimum lot size requirements under the Council’s LEP 2011 are considered. The proposed development is permissible on the subject lot and is consistent with the objectives and character of the area. It has been established further in the report that the proposal can be achieved with minimal environmental impacts and complies with all statutory and non-statutory requirements.

This Application is submitted for the Council’s consideration on behalf of our client. Based on the assessment undertaken, we recommend approval of the Application with appropriate conditions.

## 2.0 INTRODUCTION

---

### 2.1 PURPOSE

The SEE addresses the planning requirements associated with the proposed development and undertakes an assessment of the potential environmental impacts pursuant to the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The SEE has been prepared by HDB Town Planning and Design (HDB) on behalf of Richard Beardshall. The Application is lodged with the Maitland City Council pursuant to Section 4.12 of the EP&A Act.

### 2.2 SITE DESCRIPTION

Lot 3 DP 1124849

36 Cockatoo Ridge, Aberglasslyn 2320

Area - 8.21 ha

### 2.3 APPLICATION DETAILS

#### 2.3.1 APPLICANT DETAILS

Richard Beardshall

C/- HDB Town Planning & Design

PO Box 40

MAITLAND NSW 2320

#### 2.3.2 CONTACT DETAILS

Aprajita Gupta

HDB Town Planning & Design

PO Box 40

MAITLAND NSW 2320

PH: 02 4933 6682

FX: 02 4933 6683

E: [Aprajita@hdb.com.au](mailto:Aprajita@hdb.com.au)

### 2.3.3 OWNERSHIP DETAILS

Richard David Beardshall

Jennifer Anne Clarke, refer to *Appendix A – Title Search*.

## 2.4 DOCUMENT STRUCTURE

The SEE has been structured as follows:

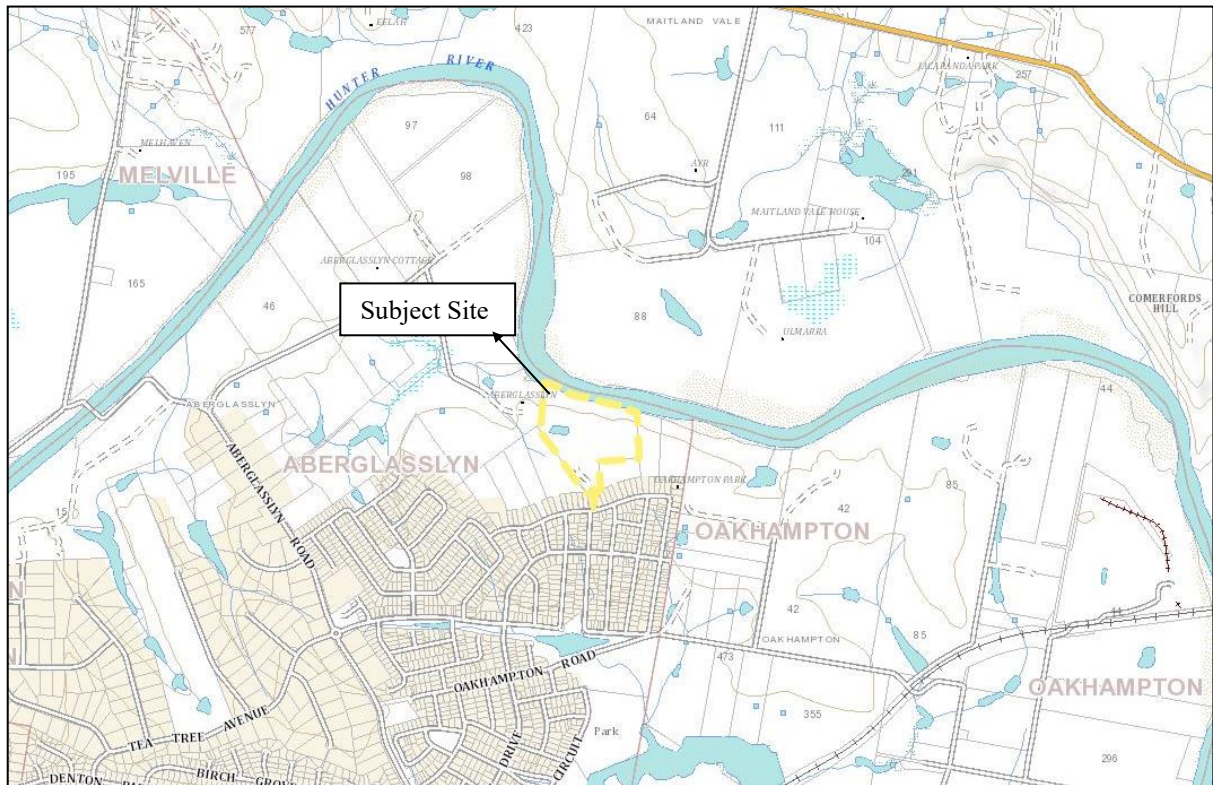
- Section 1 - Executive summary - provides a general overview of the project its findings and conclusions
- Section 2 – Introduction - provides a general background of the project and defines the site, the current owner, and contact details
- Section 3 – Site Analysis – provides a detailed analysis of the site proposed for the development.
- Section 4 – Proposed Development – provides a detailed description of the proposal including its suitability for the site.
- Section 5 - Legislative Context – provides the legislative context of the development.
- Section 6 – Key Planning and Environmental Issues – provides details of any potential impacts of the project on the subject site and includes mitigation measures that are proposed to reduce and/or remove the potential impacts.
- Section 7 – Project Justification and Need – provides a summary of the project and a justification of the proposal with reference to the principles of ecologically sustainable development and objectives of the Environmental Planning and Assessment Act, 1979.
- Section 8 – Conclusion – provides a conclusion and requests that Maitland City Council grant conditional consent to the proposed development.



## 3.0 SITE ANALYSIS

### 3.1 LOCATION

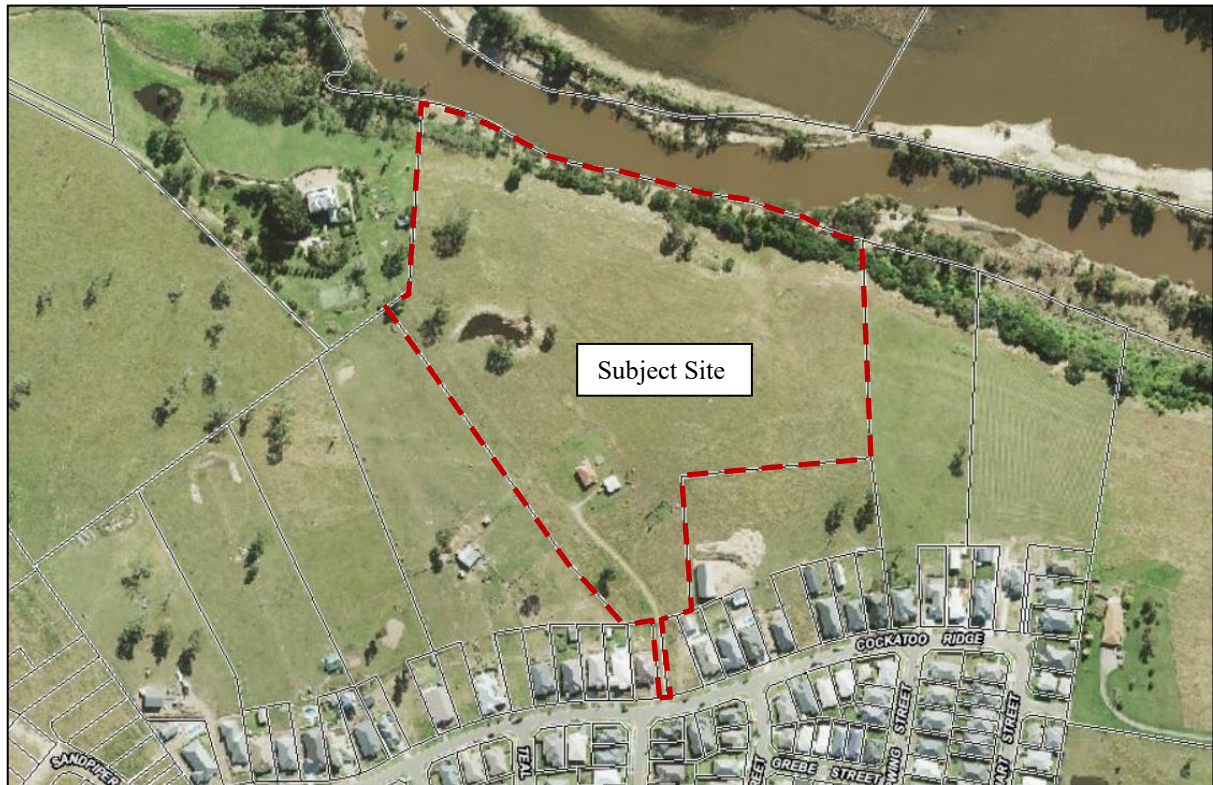
<b>Address:</b>	Lot 3 DP 1124849, 36 Cockatoo Ridge, Aberglasslyn 2320
<b>Local Government:</b>	Maitland
<b>Locality:</b>	Aberglasslyn
<b>Area of site:</b>	8.21 ha
<b>Zone:</b>	R1 – General Residential C3 – Environmental Management



**Figure 1: Location Plan**

Source: NSW ePlanning Portal, accessed July 2023

## 3.2 EXISTING SITE



**Figure 2: Site Plan**

Source: Six Maps, accessed July 2023

The subject site is an 8.21 ha irregular shaped lot in the residential suburb of Aberglasslyn. Most of the lot is zoned as C3 – Environmental Living under the Maitland Local Environmental Plan 2011.

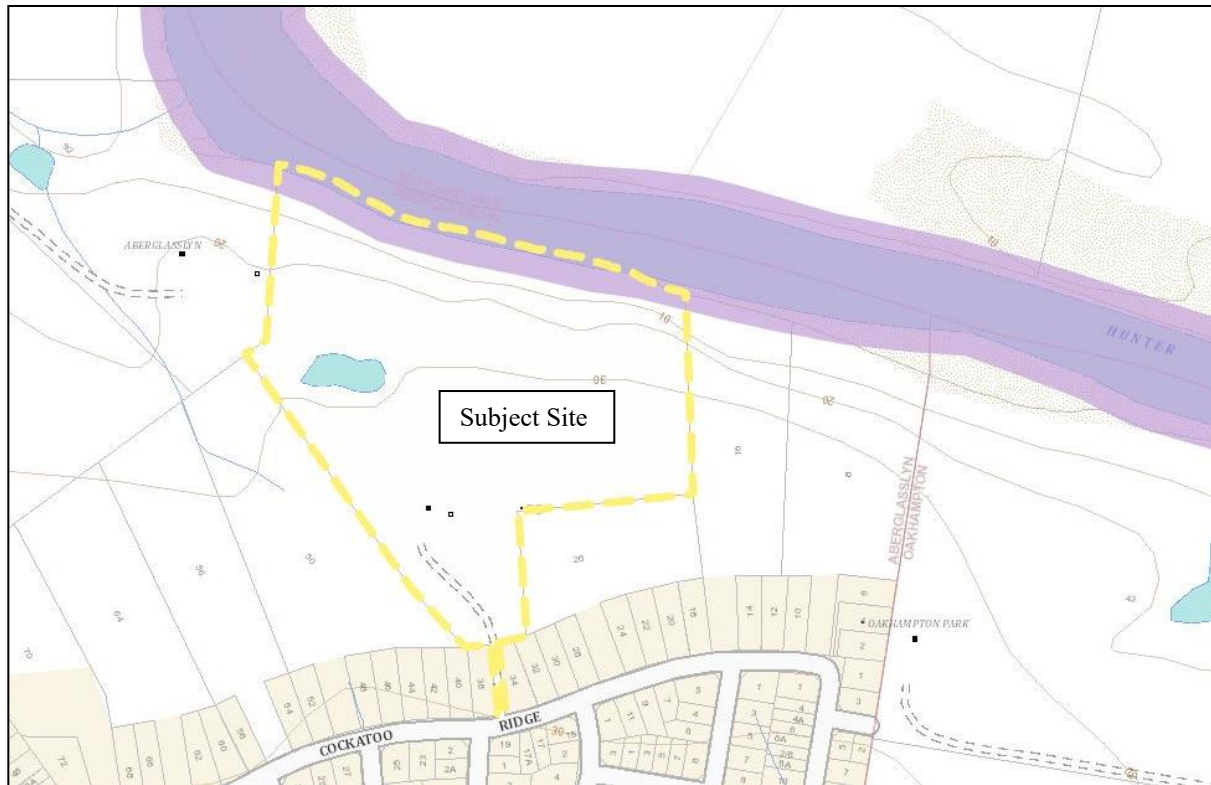
The lot has a gentle slope and is mostly cleared of vegetation. It has Hunter River to the north and Cockatoo Ridge to its south. There is an existing dwelling with a shed located on the lot; see *Figure 2* above.

## 3.3 TOPOGRAPHY, HYDROLOGY & VEGETATION

The site has a gradual slope, with contours varying from 10m to 30m, with the lowest elevation points to the Hunter River.

Hunter River is located to the rear (north) of the lot, see *Figure 2* above. There is a water dam on the northwest of the lot.

The lot is mostly cleared of vegetation, with a few shrubs scattered on the lot. There are medium-height trees along the Hunter River that have been mapped as having biodiversity values, as shown in *Figure 3* below.



**Figure 3: Hydro lines and Biodiversity Values**  
 Source: NSW ePlanning Portal, accessed July 2023

### 3.4 ACCESS

The primary access to the lot is via Cockatoo Ridge, which runs along the south boundary.

### 3.5 SURROUNDING LANDUSE

The immediate surroundings to the south of the subject lot have typical characteristics of a residential suburb. Residential properties with wide streets, generous front setbacks with front gardens, and narrow side setbacks are predominant features of the locality.

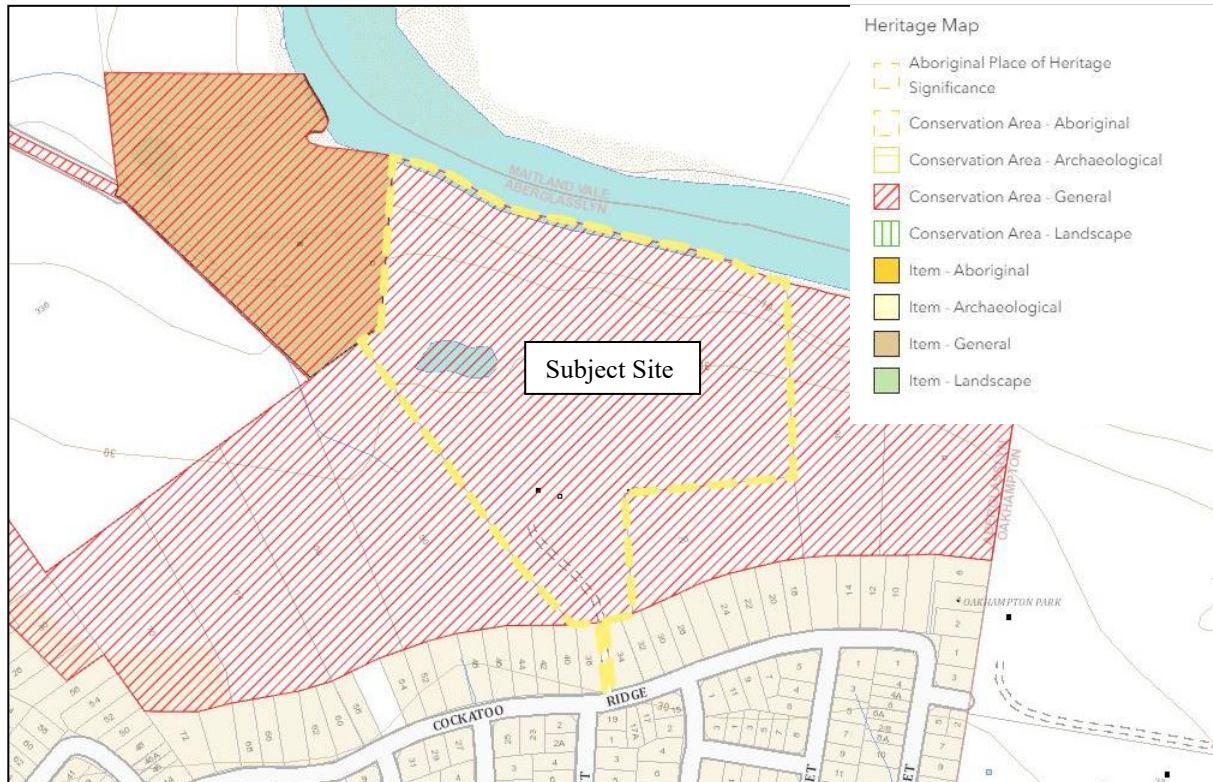
There are rural and conservation lands to the north, east, and west.

### 3.6 ARCHAEOLOGY AND HERITAGE

A desktop investigation of the Aboriginal Heritage Information Management System (AHIMS) was undertaken (refer to **Appendix B – AHIMS Report**), which confirmed that there are no records of Aboriginal Heritage or archaeological items found within 50m of the site.

The site is mapped as Conservation Area under the Council's mapping, see **Figure 4** below.





**Figure 4: Heritage Mapping**

Source: NSW ePlanning Portal, accessed July 2023

### 3.7 SERVICES TO SITE

The site has an existing dwelling served by all the essential facilities of electricity, water, sewer, and telecommunications.

#### *Electricity*

Ausgrid power supply is available to the subject site. Refer to **Appendix C – Services to the Site**.

#### *Water and sewer*

The subject site is connected to *Hunter Water Corporation (HWC)* reticulated networks for both water and sewer. Refer to **Appendix C – Services to the Site**.

#### *Telecommunications*

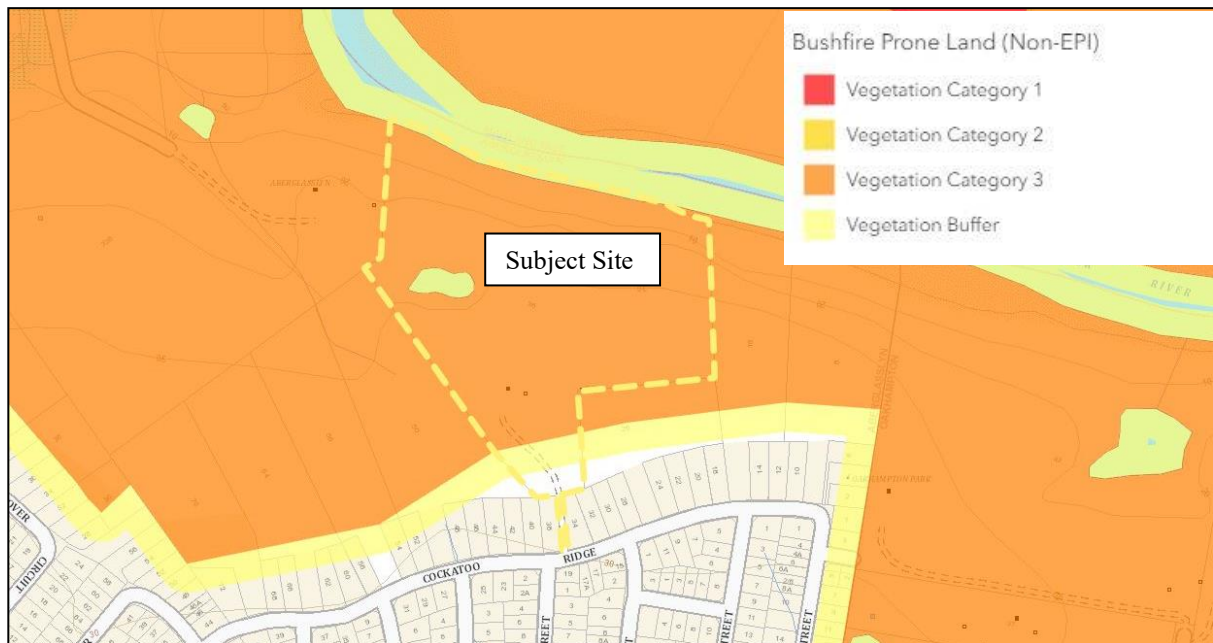
Telstra/NBN fibre network is available for the subject site. Refer to **Appendix C – Services to the Site**.

#### *Gas*

Jemena gas service is available on the subject lot. Refer to **Appendix C – Services to the Site**.

### 3.8 BUSHFIRE

The subject site is mapped as Bushfire Prone Land under the Council's mapping having *Vegetation Category 3* and *Vegetation Buffer*, as shown in **Figure 5** below.

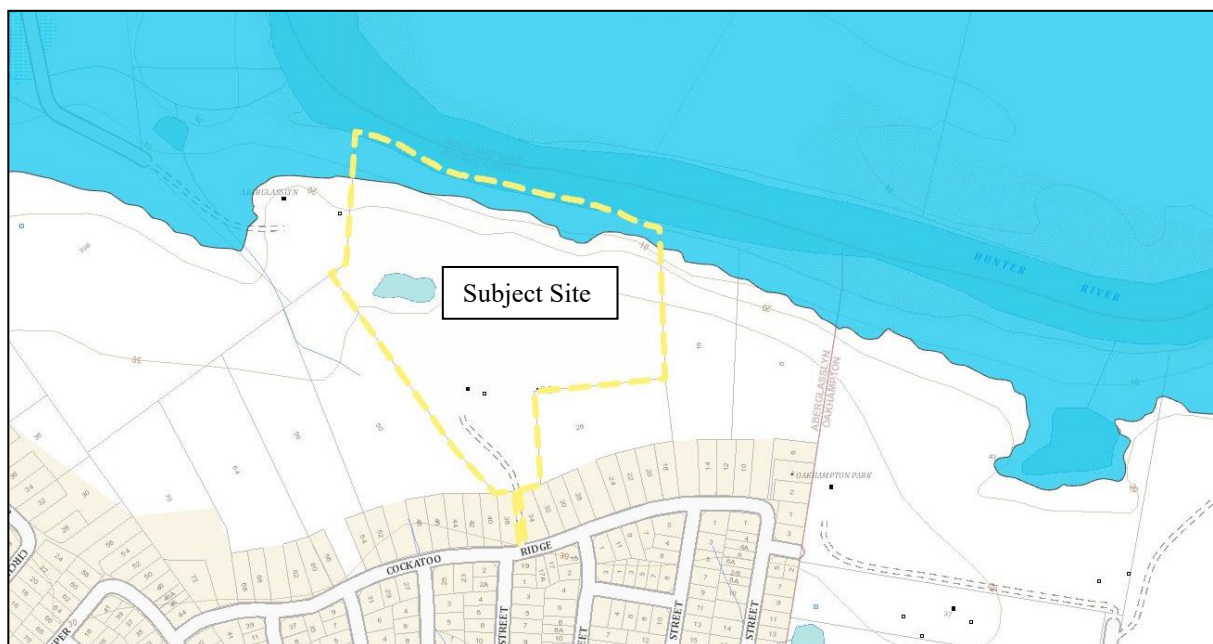


**Figure 5: Bushfire Mapping**

Source: NSW ePlanning Portal, accessed July 2022

### 3.9 FLOODING

Due to the presence of Hunter River to the north, Part of the lot along the river is mapped as Flood Planning Area; see **Figure 6** below.

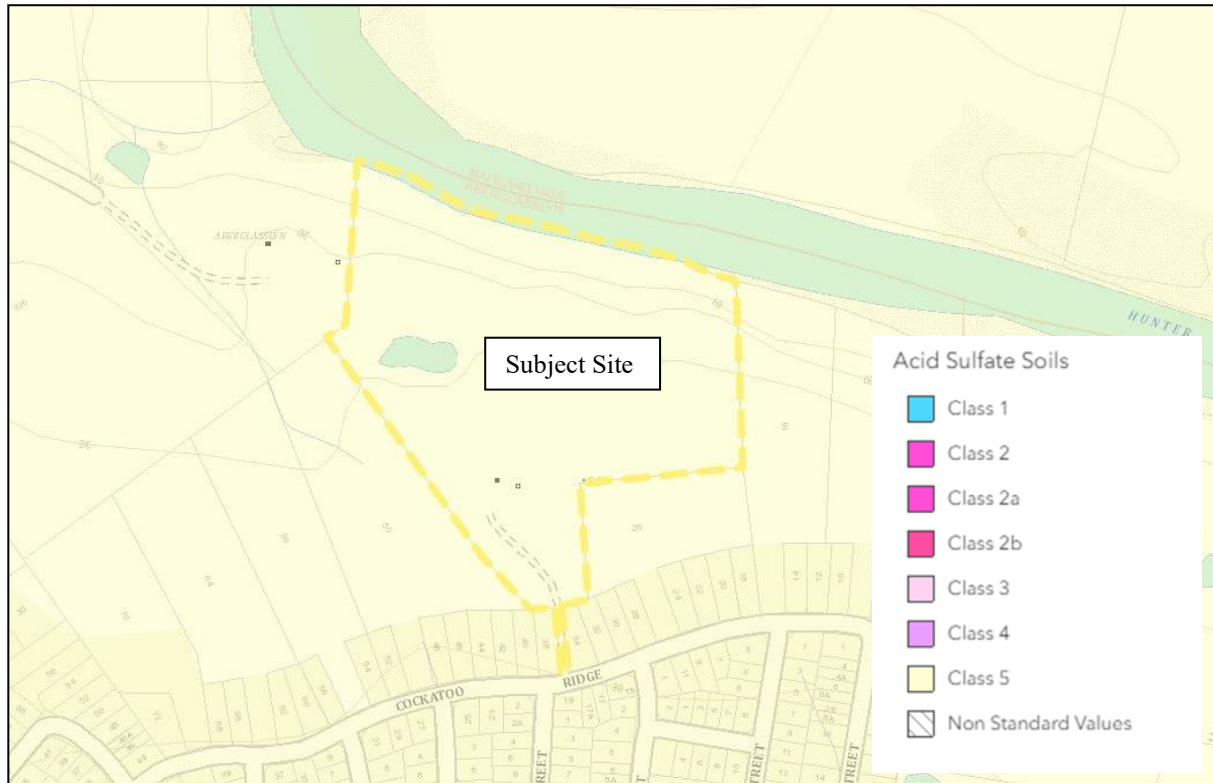


**Figure 6: Flood Mapping**

Source: NSW ePlanning Portal, accessed July 2023

### 3.10 ACID SULFATE SOILS

The subject site is mapped to have *Class 5* category acid sulfate soils, as shown in *Figure 7* below.



**Figure 7: Acid Sulfate Soils**

Source: NSW ePlanning Portal, accessed July 2022

## 4.0 PROPOSED DEVELOPMENT

### 4.1 SUMMARY

The applicant seeks consent for dual Occupancy (detached). A new dwelling has been proposed. The existing dwelling will be retained as it is.

The proposal also seeks approval for a Bed & Breakfast accommodation which will be a part of the new dwelling. An ancillary farm shed and a natural pool, and a tennis court are also proposed under this Application.

Please refer to **Appendix D –Architectural Plans**.

The proposed uses are identified as permissible with consent under *section 2.1* of the MLEP 2011. The following section summarises the detailed proposal;

### 4.2 DETAILS

#### 4.2.1 NEW DWELLING

The proposed dwelling is located to the northeast of the existing dwelling. It is a single-storey construction with five (5) bedrooms. It has been designed in such a way that two bedrooms with ensuite have been included in a separate structure. These two bedrooms (ensuite) will be used as Bed & Breakfast accommodation in conjunction with the proposed dwelling. The purpose of separation is to maintain the privacy of the guests.

The applicant also seeks consent for a Farm Shed, a Natural Pool, and a future Tennis Court. These are considered ancillary to the proposed dwelling. The shed is located to the southeast of the dwelling, while the pool is to the northeast. The pool will be fenced as per the Council's requirement. A private tennis court will be constructed to the south of the proposed dwelling at a later date.

Please refer to **Appendix D –Architectural Plans**.

**Table 1** below summarises the areas of the proposed structures;

S.No.	Area (m <sup>2</sup> )
<b>New Dwelling (excluding B&amp;B)</b>	254.01
<b>B&amp;B</b>	74.98
<b>Farm Shed</b>	200
<b>Natural Pool</b>	50.35

**Table 1: Development Area**  
Source: HDB Town Planning & Design



#### 4.2.2 EXISTING DWELLING

No changes have been proposed to the existing dwelling and shed.

#### 4.2.3 ACCESS AND TRAFFIC

Primary access to the lot is via a battleaxe driveway from Cockatoo Ridge. This access will be extended to the proposed dwelling.

#### 4.2.4 EARTHWORKS

The proposed earthworks are in the form of traditional cut and fill. Refer to *Appendix D – Architectural Plans* Sheet 11 for more details.

#### 4.2.5 SERVICES

The existing infrastructure and services captured by the lot will be extended to the proposed dwelling.

#### 4.2.6 STORMWATER MANAGEMENT

Rainwater Tanks have been integrated to harvest the rainwater that would then provide the supply of potable water to the proposed structures. Refer to *Appendix D – Architectural Plans* Sheet 13 for more details.

#### 4.2.7 WASTEWATER MANAGEMENT

There is an existing OSSM (On-site Sewage Management System) in place for the existing dwelling and Shed. A minimum effluent quality standard of ‘secondary treatment’ (with disinfection) is recommended for the (combined) dwelling and B&B unit proposal. Refer to *Appendix E – Wastewater Management Report*.

#### 4.2.8 LANDSCAPE DESIGN

Only one Fig Tree has been proposed to remove as part of the proposal. Additional landscaping has been proposed to the northwest of the site to avoid any visual impacts on the Aberglasslyn House to the west. Refer to *Appendix D – Architectural Plans* Sheet 10 for Landscape Plan and details.



## 5.0 LEGISLATIVE CONSIDERATION

### 5.1 STATUTORY PLANNING FRAMEWORK

#### 5.1.1 INTRODUCTION

The statutory planning framework provides the legislative guidelines for regulating development at the state, regional and local levels.

The statutory planning instruments applicable to the proposal are discussed below.

#### 5.1.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT

The *Environmental Planning & Assessment Act* (EP&A Act) provides the overarching statutory framework for planning in NSW.

The objectives of this Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural Heritage (including Aboriginal cultural Heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

#### **Comment:**

The proposal is consistent with the objectives of the Act in the following manner: -

- It promotes orderly and economic use and development, by optimizing the site's residential capacity and by using the existing infrastructure networks, services, and facilities efficiently.
- The proposal for dual occupancy sits well with the context, amenities, and functions of the site and the surrounding; and
- It has been demonstrated that the proposal can be realised with minimal impact on the site and its surrounding environments.

### 5.1.3 STATE ENVIRONMENTAL PLANNING POLICIES

The subject site and/or the proposed development trigger the following State Environmental Planning Policies. An Assessment of the proposal against the relevant sections is provided in further detail below:

- State Environmental Planning Policy (BASIX) 2004

#### *State Environmental Planning Policy (BASIX) 2004*

##### **3 Aim of Policy**

*(1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:*

- (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and*
- (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.*

*(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.*

*(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.*

##### **6 Buildings to which Policy applies**

*(1) This Policy applies to buildings arising from the following development:*

- (a) proposed BASIX affected development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate,*
- (b) proposed BASIX optional development in relation to which a BASIX certificate accompanied a development application or an application for a complying development certificate, despite the fact that the regulations under the Act did not require a BASIX certificate,*

*(c) BASIX affected development and BASIX optional development the subject of a development consent, complying development certificate or construction certificate that, pursuant to the regulations under the Act, is subject to a BASIX commitment.*

*(2) This Policy also applies to buildings that become BASIX affected buildings because of development of the kind referred to in subclause (1).*

**Comment:**

A BASIX certificate has been obtained for the proposed new dwelling, advising the sustainability standard and energy efficiency commitments of the development. Refer to **Appendix F – BASIX Certificate**.

## 5.1.4 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

### *Part 2.1 - Land Use Zones*

*The site is zoned C3 – Environmental Management as indicated in **Figure 8** below.*

#### *Zone C3 Environmental Management*

##### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- To provide for a limited range of development that does not have an adverse effect on those values.*
- To maintain and improve the connectivity of habitat between remnant areas of native vegetation.*

##### **2 Permitted without consent**

*Home occupations*

##### **3 Permitted with consent**

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Water reticulation systems*

##### **4 Prohibited**

*Dairies (pasture-based); Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

**Comment:**

Dwelling Houses and Bed & Breakfast accommodations are permissible with consent in C3 – Environmental Management zone.

The proposed development will not have any impact on the surrounding land uses or the ecological value of the area.



**Figure 8: Land Use Zones**

Source: NSW ePlanning Portal, accessed July 2023

#### ***4.2A Erection of dwelling houses on land in certain rural and conservation zones***

*(1) The objectives of this clause are as follows—*

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural and conservation zones.*

*(2) This clause applies to land in the following zones—*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone C3 Environmental Management,*

*(d) Zone C4 Environmental Living.*

*(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies unless the land—*

*(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*

***(b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or***

*(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*

*(d) would have been a lot or a holding referred to in paragraph (a), (b) or (c) had it not been affected by—*

*(i) a minor realignment of its boundaries that did not create an additional lot, or*

*(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or*

*(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.*

**Note—**

*A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*

*(4) Development consent must not be granted under subclause (3) unless—*

*(a) no dwelling house or dual occupancy has been erected on the land, and*

*(b) if a development application has been made for development for the purpose of a dwelling house or dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and*

*(c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.*

*(5) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual*



*occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.*

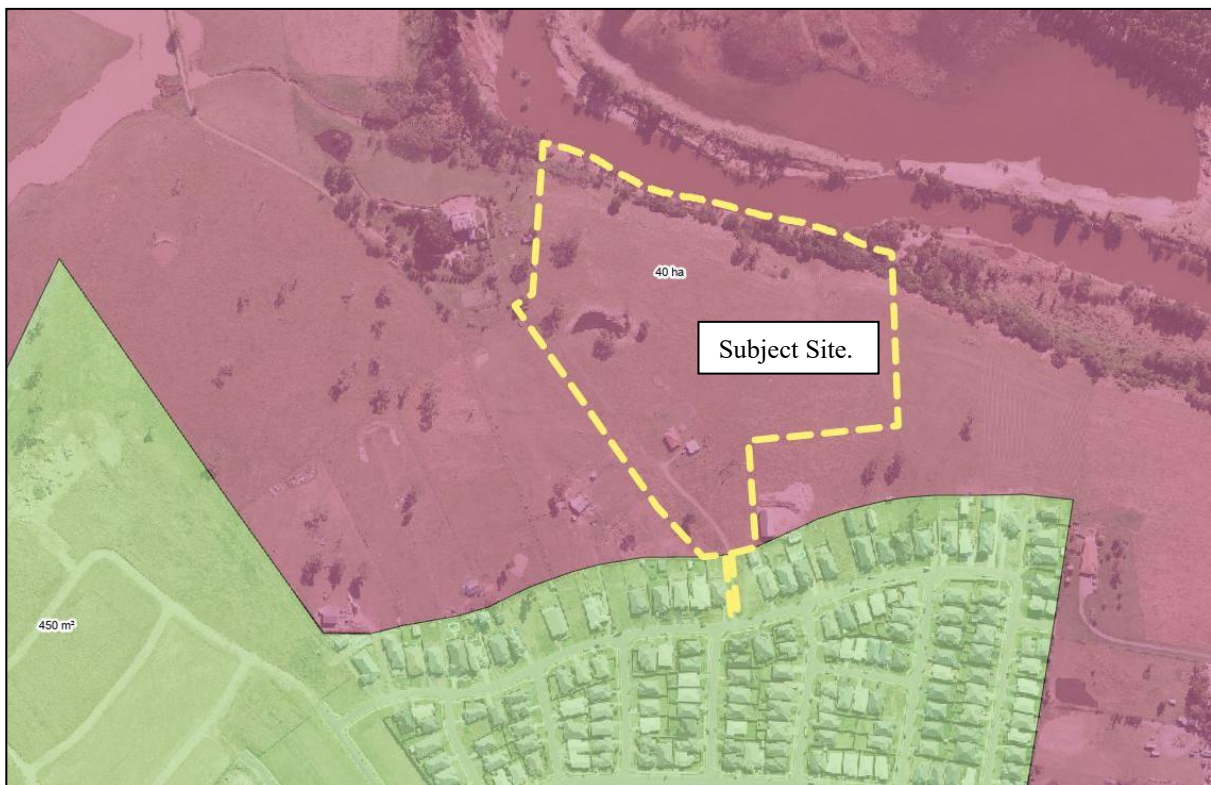
*(6) Subclause (3) (b) and (c) do not apply to any lot created by consolidation.*

*(7) (Repealed)*

**Comment:**

The subject lot is of a size less than the minimum permissible lot size for the zone i.e., 40 ha.

However, the lot was registered in 2008, that is before MLEP 2011. There is a lawfully erected existing dwelling on the lot. Therefore, it is considered that the proposed dual occupancy is permissible with consent.



**Figure 9: Minimum Lot Size**

Source: NSW ePlanning Portal, accessed July 2023

#### **5.4 Controls relating to miscellaneous Permissible Uses**

**(1) Bed and breakfast accommodation** *If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.*

*Note—*

*Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.*

**Comment:**

The Bed and Breakfast development will comprise two(2) bedrooms, which is consistent with the above clause.

### **5.10 Heritage Conservation**

*(1) Objectives The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Maitland,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

*(2) Requirement for consent Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
  - (i) a heritage item,*
  - (ii) an Aboriginal object,*
  - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
  - (i) on which a heritage item is located or that is within a heritage conservation area,*
  - or*

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(4) Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

**require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.**

**(6) Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**Comment:**

The subject lot is situated within the Maitland Heritage Conservation Area. It is in line of sight of Aberglasslyn House which is located to the north-west of the lot. A Heritage Impact Assessment has been prepared by Eikos Environment and Heritage and is attached as **Appendix G**.

The document assesses the impact of the design and siting of new dwellings and ancillary structures on the surrounding heritage items/buildings. It has been concluded that the proposed development is acceptable as it will not have an adverse impact on either the curtilage or vistas of Aberglasslyn House, the HCA, or the broader rural



landscape.

The heritage significance of Aberglasslyn House, the HCA, and other nearby heritage items is retained.

### *5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones*

*(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).*

*(2) This clause applies to land in the following zones—*

*(a) Zone RU1 Primary Production,*

*(b) Zone RU2 Rural Landscape,*

*(c) Zone RU3 Forestry,*

*(d) Zone RU4 Primary Production Small Lots,*

*(e) Zone RU6 Transition,*

*(f) Zone R5 Large Lot Residential,*

*(g) Zone C2 Environmental Conservation,*

*(h) **Zone C3 Environmental Management,***

*(i) Zone C4 Environmental Living.*

*(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*

*(a) subdivision of land proposed to be used for the purposes of a dwelling,*

*(b) **erection of a dwelling.***

*(4) The following matters are to be taken into account—*

*(a) the existing uses and approved uses of land in the vicinity of the development,*

*(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*

*(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*

*(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

**Comment:**

The subject site has core residential uses to the south and conservation and rural zones to the north, east, and west. The immediate developments to the east and west are similar to dwelling houses on a large rural lot.

The proposal seeks to allow for Dual Occupancy on the subject lot, which is not different from the surrounding uses/developments. The proposal will not detract from the existing character of the lot or the surroundings. Therefore, due to its siting and design, it is considered the proposal complies with the above clause and should be supported.

***Part 5.21 – Flood Planning***

*(1) The objectives of this clause are as follows—*

*(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*

*(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*

*(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

*(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

*(b) the intended design and scale of buildings resulting from the development,*

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

*(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

**Comment:**

The new dwelling and other ancillary structures are proposed in a Floodfree area. Therefore, no further investigation is required.

***Part 7.1 – Acid Sulfate Soils***

*1 The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

*2 Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

<i>Class of land</i>	<i>Works</i>
<i>5</i>	<i>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 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>

**Comment:**

The subject site contains Class 5 Acid Sulfate Soils according to the Maitland City Council mapping

The proposed earthworks are minor and would not result in lowering the water table 1m below the Australian Datum on adjacent classes, therefore no further investigation is required.

## 5.2 DEVELOPMENT CONTROL PLAN

The following **Table 2** shows the relationship of the proposed development to the Council's guidelines in the Maitland Development Control Plan 2011. In reviewing the table, it should be noted that a Development Control Plan is a guide only, and as such, any variation and their impacts have been justified in the following section;

Item	DCP Requirements	Proposed	Comment
<b>Part C – Design Guidelines</b>			
<b>C.8 – Residential Design</b>			
<b>2. DESIGN CRITERIA</b>			
<b>Site Analysis/Context Analysis</b>	<i>A detailed site/context analysis shall be submitted with a development application for all residential development, with the exception of a single detached dwelling.</i>	A detailed Site Assessment is included as Part of the SEE. It is also included on Sheet 4 of <b>Appendix D – Architectural Plans</b> .	Complies
<b>3. DEVELOPMENT INCORPORATING EXISTING DWELLINGS</b>			
<b>Design Requirements</b>	<ul style="list-style-type: none"> <li><i>Where an existing dwelling is to be retained and incorporated into a residential redevelopment project, this dwelling is to be treated as if it were a new dwelling in the same redevelopment project and should meet all performance criteria and design controls specified in this chapter.</i></li> <li><i>Where it is not possible for an existing dwelling to achieve compliance with all aspects of the chapter Council may, after consideration of a detailed submission lodged with the development application outlining grounds/justification for noncompliance, agree to vary one or more of the chapter requirements.</i></li> </ul>	The subject lot has an existing dwelling house at the front (to the south). It is considered the dwelling complies with the requirement under Maitland DCP in its design and development. No further updates are required and proposed to the existing house.	Complies

	<p><i>In assessing any variation, the Council shall have regard to:</i></p> <p><i>a. The significance of the existing dwelling to be retained and/or the level of contribution it makes to the streetscape or character of the area;</i></p> <p><i>b. Any alternative design solutions that may be proposed to demonstrate general compliance with the objectives applying to the relevant section of the chapter.</i></p> <ul style="list-style-type: none"> <li>• <i>Where an existing dwelling is being retained as Part of a site redevelopment then the existing dwelling shall be required to meet the design requirements of this Chapter</i></li> </ul>		
<p><b>4. BULK EARTHWORKS AND RETAINING WALLS</b></p>			
<p><b>Design Requirements</b></p>	<ul style="list-style-type: none"> <li>• <i>A 'bulk earthworks plan (BEP)' shall be submitted with the development application for all forms of residential development showing the levels (relative to a datum benchmark at the site) of all finished ground levels for both the building platform and those areas of the site external to the building platform. The plan should also specify and show the extent and depth of cut/fill, and location of all retaining walls and/or battered slopes. The BEP shall also show existing ground levels adjoining the perimeter boundaries of the land.</i></li> </ul>	<p>The earthworks are proposed in the form of traditional cut and fill. An earthworks plan has been prepared to demonstrate the extent of cut and fill. Refer to Sheet 11 in <b>Appendix D</b>.</p>	<p>Complies</p>

	<ul style="list-style-type: none"> <li>• Where a retaining wall (for the purposes of retaining fill) is proposed either on or in close proximity to a boundary then the maximum extent of fill shall be 600mm.</li> </ul>		
<b>5. STREET BUILDING SETBACKS</b>			
<b>Design Requirements</b>	<ul style="list-style-type: none"> <li>• To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements.</li> <li>• 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.</li> </ul>	<p>The subject lot is accessed via a battle-axe driveway from Cockatoo Bridge. It is not a street-facing lot. There is an existing dwelling to the front of the lot.</p> <p>The new dwelling has been proposed with an appropriate setback from the lot boundaries with about 60m setback to the south boundary and 101m to the east. Refer to <b>Appendix D – Architectural Plans</b>.</p>	Complies
<b>6. SIDE AND REAR SETBACKS</b>			
<b>Design Requirements</b>	<ul style="list-style-type: none"> <li>• To allow flexibility in the siting of buildings and the provision of side and rear setbacks.</li> <li>• To allow adequate building setbacks for landscaping, privacy, natural light, and ventilation between buildings.</li> </ul>	<p>The subject lot is accessed via a battle-axe driveway from Cockatoo Bridge. It is not a street-facing lot. There is an existing dwelling to the front of the lot.</p> <p>The new dwelling has been proposed with an appropriate setback from the lot boundaries with about 60m setback to the south boundary and 101m to the east. Refer to <b>Appendix D – Architectural Plans</b>.</p>	Complies
<b>7. SITE COVERAGE AND UNBUILT AREAS</b>			

<b>Design Requirements</b>	<p>Site coverage shall satisfy the following requirements of Site Coverage and Unbuilt Areas. All development application plans for residential development shall provide a detailed ‘percentage site coverage’ calculation having regard to the following requirements:</p> <ul style="list-style-type: none"> <li>• Maximum Site Coverage – 60%</li> <li>• Minimum Unbuilt Area – 40%</li> </ul>	<p>The subject site has an area of 8.21 ha. The proposed and existing structures contribute to an area of less than 1 ha. Therefore, complying with the given control.</p>	Complies
<b>8. BUILDING HEIGHT, BULK, AND SCALE</b>			
<b>Design Controls</b>	<p>Development application plans shall provide the following information to clearly communicate building heights:</p> <ul style="list-style-type: none"> <li>• A scaled and dimensioned site plan to show pre-development spot levels and/or contours of the site. This plan shall also show post development spot levels of the site at the building corners and perimeter and shall also include finished levels for private open space, communal open space (where provided), driveways and pedestrian pathways and landscaped areas.</li> <li>• Floor plans showing finished floor levels for ground floor internal living space, garages, and finished levels for upper floors and roof.</li> <li>• Building elevations and sections to scale which are fully dimensioned and provide an accurate</li> </ul>	<p>Development Plans have been included as <i>Appendix D – Architectural Plans</i> with this Development Application to satisfy these requirements.</p>	Complies



	representation of height having regard to the levels identified on the site plan. Elevations and sections should show floor-to-ceiling heights as well as maximum height of roof element.		
	Maximum building height shall be 8.5m for the dwelling house.	The building height of the proposed dwelling house is 4.65m. Refer to <i>Appendix D – Architectural Plans</i> .	Complies
<b>9. EXTERNAL APPEARANCE</b>			
<b>Design Principles</b>	<p>The building design and the Statement of Environmental Effects that accompanies the proposal should demonstrate that the following matters have been addressed:</p> <ul style="list-style-type: none"> <li>• Consideration of the existing character, scale, and massing of development in the immediate area, including the surrounding landscape.</li> <li>• The design shall provide a variety of experiences for the residents and passers-by through attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form should be minimised.</li> <li>• Design diversity should be achieved within and between developments by maximising the advantages of orientation, landforms, views, and natural vegetation.</li> </ul>	<p>The proposed development is unique in its design and character while amalgamating with surrounding developments and landscape, it considers appropriate design requirements of setbacks, height, and materials.</p> <p>It is designed to experience the maximum advantage of natural light, and ventilation.</p> <p>The access to the proposed dwelling is created by extending the existing driveway. Appropriate landscaping has been integrated with respect to the existing heritage character.</p> <p>Refer to <i>Appendix D – Architectural Plans</i> for more details.</p>	Complies

	<ul style="list-style-type: none"> <li>Where a dwelling has an elevation to a principal street frontage then the design shall ensure that the building has its primary pedestrian entry point addressed to this street. This entry shall be reinforced by landscaping and, where appropriate, fencing to provide a clear entry statement.</li> </ul>		
<b>15. DRIVEWAY ACCESS AND CAR PARKING</b>			
<b>Design Requirements - Driveways</b>	<ul style="list-style-type: none"> <li>Driveways within the site should be a minimum of 2.7 metres wide.</li> <li>Driveways shall be located no closer than 900mm from any side boundary for the full depth of the building line. This 900mm offset shall be provided with landscaping of suitable scale to ensure that sight lines along the public footpath and the roadway are not obstructed.</li> <li>Driveway design from the road pavement across the public footpath area shall be in accordance with Council's "Manual of Engineering Standards" and appropriate structural drawings.</li> </ul>	<p>It is proposed to extend the existing driveway to provide access to the new dwelling/ b&amp;b.</p> <p>The driveway shall be constructed complying with the Council's "Manual of Engineering Standards".</p>	Complies
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>The minimum number of off-street car space to be provided for dwellings with more than 2 bedrooms is 2.</li> <li>The minimum dimensions for the garage should be 6.0m X 5.5m.</li> </ul>	<p>The proposed new dwelling (including b&amp;b) is a 5-bedroom dwelling.</p> <p><b>Four (4)</b> parking spaces have been proposed two (2) for the 2 guest rooms and the other 2 for the remaining 3-bedrooms in the dwelling.</p>	Complies
<b>18. STORM WATER MANAGEMENT</b>			

<b>Design Requirements</b>	Stormwater storage tanks with a capacity in excess of that required to meet BASIX criteria may be installed to provide for on-site stormwater detention. Council's Manual of Engineering Standards provides details for calculations and 'BASIX' relationships. These tanks, unless provided underground, must not be located within an area of principal open space. The area occupied by the tank must not be included for the purposes of calculating the required private open space at ground level for each unit.	Rainwater Tanks have been integrated to harvest the rainwater that would then provide the supply of potable water to the proposed structures. Refer to <b>Appendix D –Architectural Plans</b> Sheet 13 for more details.  Refer to <b>Appendix F</b> for the BASIX certificate.	Complies
<b>19. SECURITY, SITE FACILITIES AND SERVICES</b>			
<b>Design Requirements</b>	All services – reticulated water, sewerage, electricity, and telecommunications (and natural gas where available) shall be installed to meet the requirements of the relevant service provider.	The existing dwelling has all the services available to it. These services will be extended to the new lots/dwelling.  Rain Water Tanks are included for the potable water supply.  A secondary Wastewater Treatment system is also proposed. Refer to <b>Appendix E – Wastewater Management Report</b> .	Complies

<b>C.4 – Heritage Conservation</b>			
<b>1. DEVELOPMENT PROCESS</b>			
<b>Heritage Impact Statement</b>	<p><i>Clause 5.10(5) in the Maitland LEP 2011 provides for a consent authority to request the preparation of a Heritage Impact Statement (HIS) to assist in the assessment of a development application.</i></p> <p><i>A HIS analyses the impact that proposed works will have on a heritage item or Conservation Area. Together with supporting information it addresses:</i></p> <ul style="list-style-type: none"> <li><i>• why the item or area is of heritage significance;</i></li> <li><i>• what impact the proposed works will have on that significance;</i></li> <li><i>• what measures are proposed to mitigate negative impacts;</i></li> <li><i>• the range of solutions considered and evaluated, and why more sympathetic solutions are not viable.</i></li> </ul>	<p>A Heritage Impact Statement has been prepared by Eikos Environment and Heritage and is attached as <b>Appendix G</b>.</p> <p>The document assesses the impact of the design and siting of new dwellings and ancillary structures on the surrounding heritage items/buildings. It has been concluded that the proposed development is acceptable as it will not have an adverse impact on either the curtilage or vistas of Aberglasslyn House, the HCA, or the broader rural landscape.</p> <p>The heritage significance of Aberglasslyn House, the HCA, and other nearby heritage items is retained.</p>	Complies
<b>4. GENERAL REQUIREMENTS FOR NEW BUILDINGS IN HISTORIC AREAS</b>			
	<p><i>To ensure that siting of new buildings respects the significance and character of the surrounding area.</i></p>	<p>The assessment of the proposal under this control have been addressed in <i>section 4.2</i> of the Heritage Impact Statement. Refer to <b>Appendix G</b>.</p>	Complies
<b>6. NEW DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS</b>			
	<p><i>To ensure that new buildings provide a setting for the adjoining heritage item so that its historical context and heritage significance are maintained.</i></p>	<p>The assessment of the proposal under this control have been addressed in <i>section 4.2</i> of the Heritage Impact Statement. Refer to <b>Appendix G</b>.</p>	Complies

<b>C.11 – Vehicular Access &amp; Car Parking</b>			
	<ul style="list-style-type: none"> <li>• <i>To ensure adequate provision of off-street parking to maintain the existing levels of service and safety on the roadnetwork;</i></li> <li>• <i>To detail requirements for the provision of parking and loading/unloading facilities in association with development in the City of Maitland;</i></li> <li>• <i>To provide a consistent and equitable basis for the assessment of parking provisions;</i></li> <li>• <i>To facilitate design of parking areas, loading bays and access driveways which function efficiently;</i></li> <li>• <i>To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use;and</i></li> <li>• <i>To acknowledge the traditional lack of parking spaces within areas of historical or architectural significance (Central Maitland, Morpeth) and balance this with the need to facilitate development in order to maintain vitality and vibrancy in such centres.</i></li> </ul>	<p>The proposal seeks to develop a new 5- bedroom dwelling with ancillary structures. Two of these rooms will serve as Bed &amp; Breakfast accommodation.</p> <p><b>Four(4)</b> parking spaces have been included with the development, which is as per the Pre DA discussion with the council and satisfies the requirement within the given control.</p>	Complies
<b>Part F – Urban Release Areas</b>			
<b>F.3 – Aberglasslyn Urban Release Areas</b>			
<b>ABERGLASSLYN – CENTRAL PRECINCT</b>			
<b>1.1 Transport Movement Hierarchy</b>	<p><i>1. To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.</i></p>	No new major access road has been proposed as part of the proposal. There is an existing driveway	Complies

	<p>2. <i>To provide walkable neighbourhoods with convenient access to neighbourhood shops, community facilities and other services, with less dependence on cars for travel</i></p> <p>3. <i>To provide for access generally by way of an interconnected network of streets and paths which facilitate safe, efficient and pleasant walking, cycling and driving.</i></p> <p>4. <i>To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents.</i></p>	<p>from Cockatoo Bridge to the lot which will be extended to the proposed development.</p> <p>The driveway shall be designed as per the council's engineering standards.</p>	
<b>1.2 Overall Landscaping Strategy</b>	<p>1. <i>To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.</i></p> <p>2. <i>To ensure key environmental areas such as waterways, vegetation, land resources, and areas of cultural significance and scenic value are protected.</i></p> <p>3. <i>To provide landscaping appropriate to the nature and scale of development that enhances the local character and streetscape, supports retention and regeneration of ecological corridors and provides visual interest and a suitable backdrop to the built form.</i></p>	<p>The proposal causes minimal disturbance to the existing natural features. Only one fig tree will be removed.</p> <p>New trees are proposed to the northwest of the lot to enhance the existing landscaping. This also creates a visual barrier between the proposed and the existing heritage item – the Aberglasslyn House. Refer to <b>Appendix D – Architectural Plans</b> Sheet 10 for Landscape Plan and details.</p>	Complies
<b>1.3 Passive and Active Recreational Areas</b>	<p>1. <i>Neighbourhoods are conveniently located open space areas that offer a range of recreational opportunities for residents, accessible within walking distance from each residence.</i></p>	<p>Not Applicable.</p> <p>Due to the minor nature of the development, the given control is not applicable.</p>	Not Applicable.

	<p>2. To provide a safe and appropriate level of pedestrian and cycleway access linking new development with established urban areas, parks and public transport, including a mix of on-road and off-road cycle routes.</p>		
<p><b>1.4 Stormwater and Water Quality Management Controls</b></p>	<p>1. To provide for an integrated and sustainable approach to the design and provision of open space and urban water management.</p> <p>2. To protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.</p> <p>3. To prevent erosion and run-off during site preparation, construction and the ongoing use of the land to minimise cumulative impact on receiving waterways.</p>	<p>Stormwater management and Erosion control plans have been prepared as per the council's guidelines and are included within Sheet 12 &amp; Sheet 13 of <b>Appendix D – Architectural Plans.</b></p>	<p>Complies</p>
<p><b>1.5 Amelioration of Natural and Environmental Hazards</b></p>	<p>1. Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected is achieved.</p>	<p>A Bushfire Impact Assessment has been prepared, providing recommendations that have been incorporated into the design. Refer to <b>Appendix H.</b></p> <p>Part of the site is also mapped as Flood Planning Area, however, the new dwelling including ancillary structures is proposed in an area that is flood free, therefore no further investigation is required.</p>	<p>Complies</p>
<p><b>1.6 Key Development Sites</b></p>	<p>1. To ensure that development does not adversely impact upon the setting and context of Aberglasslyn House.</p>	<p>A Heritage Impact Assessment has been prepared and attached as <b>Appendix G</b>, assessing the impact of the proposed development on the Aberglasslyn House.</p>	<p>Complies</p>

	<i>2. To provide a visual screen and scenic backdrop for new development.</i>	It has been concluded that the proposed development is acceptable as it will not have an adverse impact on either the curtilage or vistas of Aberglasslyn House, the HCA, or the broader rural landscape. The heritage significance of Aberglasslyn House, the HCA, and other nearby heritage items is retained.  Additional landscaping has been included to the northwest of the lot to create a visual screen between the Aberglasslyn House and the proposed development.	
<b>1.7 Residential Densities</b>	<i>1. To encourage higher density living around transport, open space and service nodes. 2. To ensure cost-effective and resource efficient development to promote affordable housing.</i>	It is considered the proposal is complying with the given provision in terms of design and development.	Complies
<b>1.8 Neighbourhood Commercial and Retail Uses</b>	<i>There are no specific requirements as neighbourhood commercial and retail uses are already controlled by other provisions in the Maitland Development Control Plan 2011.</i>	Noted.	Noted.
<b>1.9 Provision of Public Facilities and Services</b>	<i>There are no specific requirements as provision of public facilities and services is already controlled by other provisions in the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011.</i>	Noted.	Noted.

**Table 2: DCP Compliance Table***Source: HDB*



---

## 6.0 KEY PLANNING/ENVIRONMENTAL ISSUES

---

### 6.1 CONTEXT AND SETTING

The proposal seeks approval to allow for Dual Occupancy.

The subject lot is located in the residential neighbourhood of Aberglasslyn and has similar residential uses in its surrounding. The proposal would serve the demand for future housing in the area while utilising the existing services.

Being located within the heritage conservation area and in proximity to Aberglasslyn Heritage House, consideration has been given to the proposed design and landscaping, to minimise any impacts on the heritage character/elements.

### 6.2 ACCESS, TRANSPORT, AND TRAFFIC

Primary access to the lot is via a battleaxe driveway from Cockatoo Ridge. This access will be extended to the proposed dwelling.

### 6.3 SERVICES

It has been demonstrated that the development site is already connected to essential infrastructure and utility networks such as power supply, reticulated water and sewer, gas, and telecommunication networks, which would be extended to serve the proposed development.

Rainwater Tanks shall be integrated to supply potable water. Refer to *Appendix D – Architectural Plans* Sheet 13 for more details.

There is an existing OSSM (On-site Sewage Management System) in place for the existing dwelling and Shed. A minimum effluent quality standard of ‘secondary treatment’ (with disinfection) is recommended for the (combined) dwelling and B&B unit proposal. Refer to *Appendix E – Wastewater Management Report*.

### 6.4 HERITAGE

The site does not contain items or places of Heritage or Aboriginal Cultural significance. Refer to *Appendix B – AHIMS Report*. However, it is within the Aberglasslyn Heritage Conservation Area with Aberglasslyn House – an item of State Heritage significance, located to the immediate northwest of the site.

A Heritage Impact Assessment has been prepared by Eikos Environment and Heritage and is attached as *Appendix G*.

The document assesses the impact of the design and siting of new dwellings and ancillary structures on the surrounding heritage items/buildings. It has been concluded that proposed development is acceptable as it will not have an adverse impact on either the curtilage or vistas of Aberglasslyn House, the HCA or the broader rural landscape.

The heritage significance of Aberglasslyn House, the HCA, and other nearby heritage items is retained.

## 6.5 VISUAL AMENITY

In addition to the Heritage Impact Assessment and a Visual Impact Assessment has also been prepared, refer to *Appendix J – Visual Impact Assessment*.

The assessment concludes that the proposed dwelling does not detract from the significance of Aberglasslyn House. The proposed landscaping to the northwest of the site strengthens the visual barrier between the proposed development and the existing heritage item.

## 6.6 FLORA AND FAUNA

The site is mostly cleared and has not shown any presence of significant flora/fauna. Only one Fig tree is removed from the site. Additional landscaping has been proposed to the northwest of the site. Refer to *Appendix D – Architectural Plans* for Landscape Plan and details.

## 6.7 BUSHFIRE

The subject is mapped as Bushfire Prone Land. A Bushfire Report has been prepared by Bushfire Environmental Management Consultancy (BEMC) and is attached as *Appendix H*.

Bushfire Report provides an assessment of the site in accordance with *Appendix 1 of PBP 2019*. The report found the classifiable vegetation of Unmanaged Grasslands as described by PBP 2019 downslope in all directions of the site creates a bush fire threat. In accordance with the provisions of PBP 2019, the recommendations have been outlined in the report which will reduce the risk of damage and/or harm in the event of a bushfire event to acceptable levels. The report concludes that the development consent should be granted subject to compliance with the recommendations included in the bushfire report.

## 6.8 WASTE

The waste generated during the construction stage would be managed by the contractor in charge of the works. In the future, the dwelling will depend on Council's garbage removal services for waste disposal.

A Waste Management Plan has been prepared and attached as *Appendix I*.

## 6.9 SAFETY AND SECURITY

Given the minor nature of the development, it is anticipated that the proposal would not cause a rise in anti-social activities or adversely impact the safety of the surrounding area.

---

## 7.0 PROJECT JUSTIFICATION AND NEED

---

The proposal seeks approval for a new dwelling house with a shed and to allow for a dual occupancy development. The development proposal is consistent with the growing demand for housing in the Maitland LGA.

The development is compliant with relevant state and local policy, statutory and non-statutory planning provisions, objectives, and standards. It is anticipated that the proposal is a sustainable outcome for the subject site and can be implemented with minimum adverse impacts on the surrounding environment. Moreover, it is highly respectful to the surrounding rural residential character of the area. The proposed development should therefore be supported.

---

## 8.0 CONCLUSION

---

This Statement of Environmental Effects has been prepared having regard to the requirements of Sec. 4.15 of the *Environmental Planning and Assessment Act 1979*. In reviewing the relevant statutory and non-statutory planning standards and objectives, it is concluded that the proposal presents:

- Minimal adverse impacts on the surrounding environment and land use;
- A logical proposal to optimise the lot's development potential whilst utilising existing public infrastructure, services, and amenities; and
- In compliance with all relevant statutory and non-statutory planning provisions.

Maitland City Council is therefore respectfully requested to grant consent to this development application with appropriate conditions.

## **APPENDIX A**

---

### **TITLE SEARCH**

## **APPENDIX B**

---

### **AHIMS REPORT**



## **APPENDIX C**

---

### **SERVICES TO THE SITE**

## **APPENDIX D**

---

### **ARCHITECTURAL PLANS**

## **APPENDIX E**

---

### **WASTEWATER MANAGEMENT REPORT**

## **APPENDIX F**

---

### **BASIX CERTIFICATE**

## APPENDIX G

---

### HERITAGE IMPACT STATEMENT

## **APPENDIX H**

---

### **BUSHFIRE REPORT**

## **APPENDIX I**

---

### **WASTE MANAGEMENT PLAN**



## **APPENDIX J**

---

### **VISUAL IMPACT ASSESSMENT**