

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED TORRENS TITLE SUBDIVISION (1 INTO 3 LOTS) AND CONSTRUCTION OF ANCILLARY GARAGE

**127 New England Highway, Lochinvar, NSW,
2321 (LOT: 1 DP: 779536)**

Abbie Barnfield Town Planner PO Box 107 Clarence Town, NSW, 2321		Phone: 0499 037 230 Email: abbie@perceptionplanning.com.au		
PP Reference		J004357		
Prepared for (client)		Nathan Tyers		
Document Versions and Control				
Statement of Environmental Effects – 127 New England Highway, Lochinvar				
Version	Date	PP ref	Author	Reviewed by
1	29/05/2024	SEE – 127 New England Highway	AB	JL
Disclaimer: <p>This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basis and readers should obtain up to date information.</p> <p>Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site-specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.</p>				

EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Nathan Tyers (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into three Lots) and the construction of an ancillary garage at 127 New England Highway, Lochinvar, NSW, 2321, legally identified as Lot 1 DP779536 ('the site').

Specifically, the proposal includes:

- Retention of existing dwelling within proposed Lot 2 with an area of 968.2m².
- Construction of a 6m x 3m ancillary garage within Lot 2, with a maximum height of 3.23m.
- Creation of proposed Lot 1 with an area of 834m² and retention of existing shed.
- Creation of proposed Lot 3 as a vacant lot with an area of 4203m² (excluding handle).
- Proposed driveway and stormwater management system.

The proposed subdivision will utilise the existing access from the New England Highway and does not incorporate any vegetation removal. The intention of the proposed subdivision is to create additional lots for future residential development and use.

The key reasons why the proposal should be considered acceptable include:

- The proposed development is permitted in the R1 General Residential zone and consistent with the R1 zone objectives;
- The proposed development is consistent with the relevant planning requirements within the Lochinvar Urban Release Area (URA);
- The proposed development provides for additional housing lots; and
- The proposed development will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland City Council.

TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BAL	Bushfire Attack Level
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
MCC	Maitland City Council
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

LIST OF FIGURES AND TABLES

Figure 1 – Aerial view of the site and surrounds (NSW eSpatial Viewer, 2024)	9
Figure 2 - Proposed Garage Plans (The Shed Company, 2024)	11
Figure 3 – Proposed Plan of Subdivision (Delfs Lascelles, 2024).....	12
Figure 4 - Road Classifications (Transport for NSW, 2024)	15
Table 1: Integrated development	13
Table 2: Relevant parts of the DCP	20

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Attachment	Document	Prepared by	Reference
1	EPA Regulation Compliance Table	Perception Planning	J004357
2	Certificate of Title	NSW Lands Registry Services	1/779536 28/10/2021
3	Deposited Plan	NSW Lands Registry Services	1/779536 19/05/1988
4	Detail Survey and Plan of Subdivision	Delfs Lascelles Consulting Surveyors	Ref: 24145 Rev B 09/05/2024
5	Hunter Water Stamped Plans	Hunter Water Corporation	Ref: 121915
6	AHIMS Search Results	NSW Department of Environment and Heritage	29/05/2024
7	Before You Dig Australia Search Results	BYDA	29/05/2024
8	Civil Engineering Plans	DRB Consulting Engineering	Ref: 243469 Rev A 03/05/2024
9	Acoustic Assessment	RAPT Consulting	16/05/2024
10	Shed Plans	The Shed Company Newcastle	Ref: MelodieR2404006 03/04/2024
11	Owners Consent	Owner	N/A

CONTENTS

EXECUTIVE SUMMARY	3
TERMS & ABBREVIATIONS	4
LIST OF FIGURES AND TABLES	4
PLANS AND SUPPORTING DOCUMENTATION	5
1.0 INTRODUCTION.....	7
1.1 PURPOSE OF THE STATEMENT.....	7
1.3 SITE DETAILS	8
1.4 SITE DESCRIPTION.....	8
1.5 BACKGROUND.....	9
2.0 THE DEVELOPMENT	10
2.1 PROPOSED DEVELOPMENT.....	10
3.0 PLANNING FRAMEWORK.....	13
3.1 ACTS.....	13
3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	13
3.1.2 HUNTER WATER ACT 1991	14
3.1.3 WATER MANAGEMENT ACT 2000	14
3.1.4 BIODIVERSITY CONSERVATION ACT 2016.....	14
3.1.5 ROADS ACT 1993	14
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS).....	15
3.2.1 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	15
3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021.....	16
3.2.3 SEPP (BIODIVERSITY AND CONSERVATION)	16
3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011.....	17
3.4 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (DCP)	20
3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN	54
3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000.....	54
3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS	54
4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES.....	54
4.1 LIKELY IMPACTS OF THE DEVELOPMENT	54
4.1.1 BUILT ENVIRONMENT	54
4.1.2 NATURAL ENVIRONMENT.....	55
4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY	56
4.4 CUMULATIVE IMPACTS.....	56
4.5 SUITABILITY OF THE SITE	56
4.6 CONSULTATION	57
4.7 THE PUBLIC INTEREST	57
5.0 CONCLUSION	57

1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Nathan Tyers (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into three Lots) and the construction of an ancillary garage at 127 New England Highway, Lochinvar, NSW, 2321, legally identified as Lot 1 DP779536 ('the site').

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposal relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located in Lochinvar within the Maitland Local Government Area (LGA). The site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

This SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPIs);
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.3 SITE DETAILS

Property Address	127 New England Highway, Lochinvar, NSW, 2321
Lot and DP	Lot 1 DP779536
Current Use	Residential
Zoning	R1 General Residential
Size	Approx 6,222.5m ²
Site Constraints	Minimum lot size – 450m ² Acid Sulfate Soils – Class 5 Lochinvar Urban Release Area
Owner	Owner’s consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the Certificate of Title or Deposited Plan prohibits the proposed development. The Certificate of Title and Deposited Plan are contained in APPENDICES 2 and 3.

1.4 SITE DESCRIPTION

The site is legally described as Lot 1 in DP 779536 and is commonly known as 127 New England Highway, Lochinvar, NSW, 2321. The site is located on the New England Highway, as shown in **FIGURE 1** below. The site has a long rectangular shape with an area of 6,222.5m² and has the rear boundary adjacent Lochinvar Creek.

The site is within an established residential area in the township of Lochinvar, within the Maitland Local Government Area and within the Lochinvar Urban Release Area (URA). The site is within Stage 1 of the URA.

The site has been developed with one dwelling and ancillary shed on the Northern portion of the site near the road frontage. The remainder of the site is managed lawn with trees scattered across the site. The topography is relatively flat with a gentle slope from the front of the lot to the rear at Lochinvar Creek.

Access to the site is provided from the New England Highway at the front of the property.

The site adjoins land to the West and East that is also zoned R1 General Residential, with the New England Highway to the North and Lochinvar Creek to the South.

The site is not identified as bushfire prone or flood prone land and does not contain any biodiverse value.

The site is connected to reticulated water, sewer, electricity, and telecommunications. The Before You Dig Australia (BYDA) search results are provided at **APPENDIX 7.**

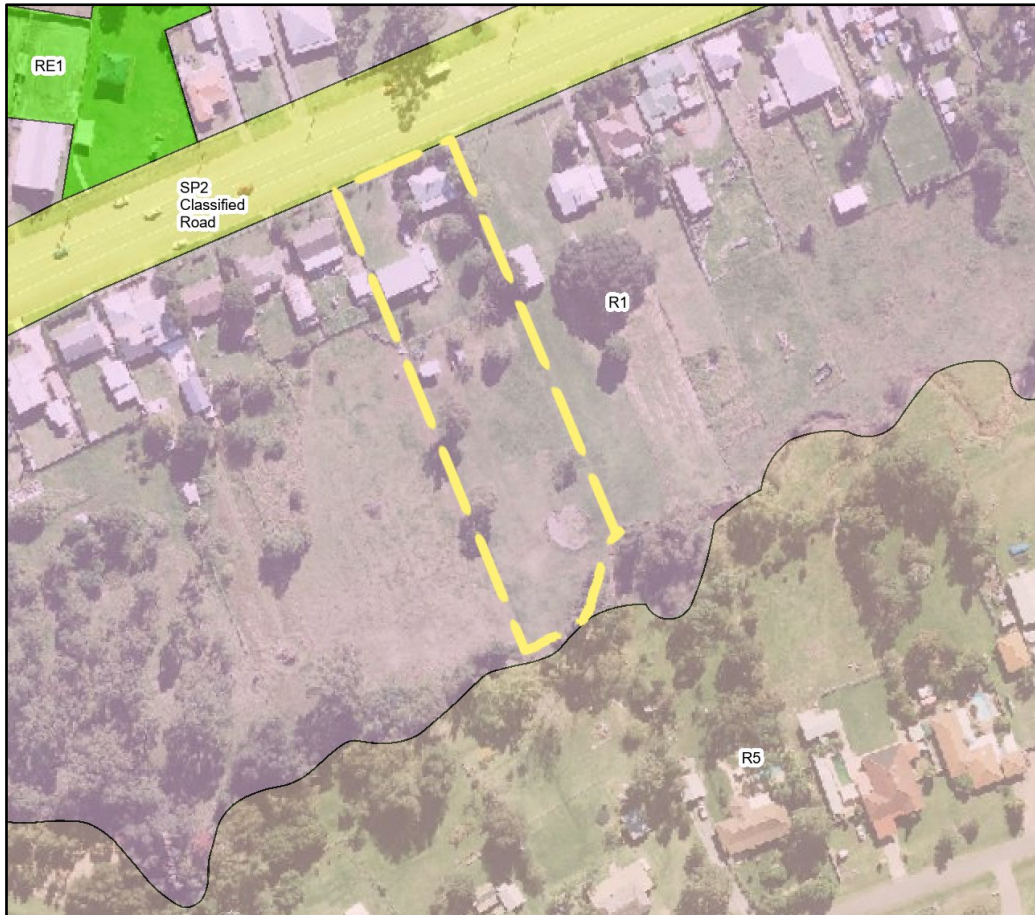


Figure 1 – Aerial view of the site and surrounds (NSW eSpatial Viewer, 2024)

1.5 BACKGROUND

A review was conducted of the Maitland Council Development Application Tracker on 29 May 2024 for any lodged and/or determined development consents, with the results contained in the table below. There are no known compliance issues relating to the site.

Application Number	Lodgement Date	Application Type	Description	Determination
DA17/2456	09/11/2017	Development Application	Alterations to Dwelling and Shed	Approved 27/11/2017
CC17/2457	09/11/2017	Construction Certificate	Alterations to Dwelling and Shed	Approved 27/11/2017
DA13/1565	02/07/2013	Development Application	Removal of Two (2) Trees	Approved 03/07/2013

2.0 THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for subdivision of the site from one into three Torrens title lots and the construction of an ancillary garage (the proposal) at 127 New England Highway, Lochinvar (the site).

Specifically, the proposal includes:

- Retention of existing dwelling within proposed Lot 2 with an area of 968.2m².
- Construction of a 6m x 3m ancillary garage within Lot 2, with a maximum height of 3.23m.
- Creation of proposed Lot 1 with an area of 834.4 m² and retention of existing shed.
- Creation of proposed Lot 3 as a vacant lot with an area of 4203m² (excluding handle).
- Proposed driveway and stormwater management system.

Plans of the proposed garage are shown in **FIGURE 2** below, and contained within **APPENDIX 10**. Placement of the shed is identified within the Civil Engineering Plans provided at **APPENDIX 8**. A proposed subdivision plan is shown in **FIGURE 3** below, and contained within **APPENDIX 4**, which also shows the proposed driveway and stormwater management system plans.

The proposed garage will facilitate undercover, off-street parking for the existing dwelling.

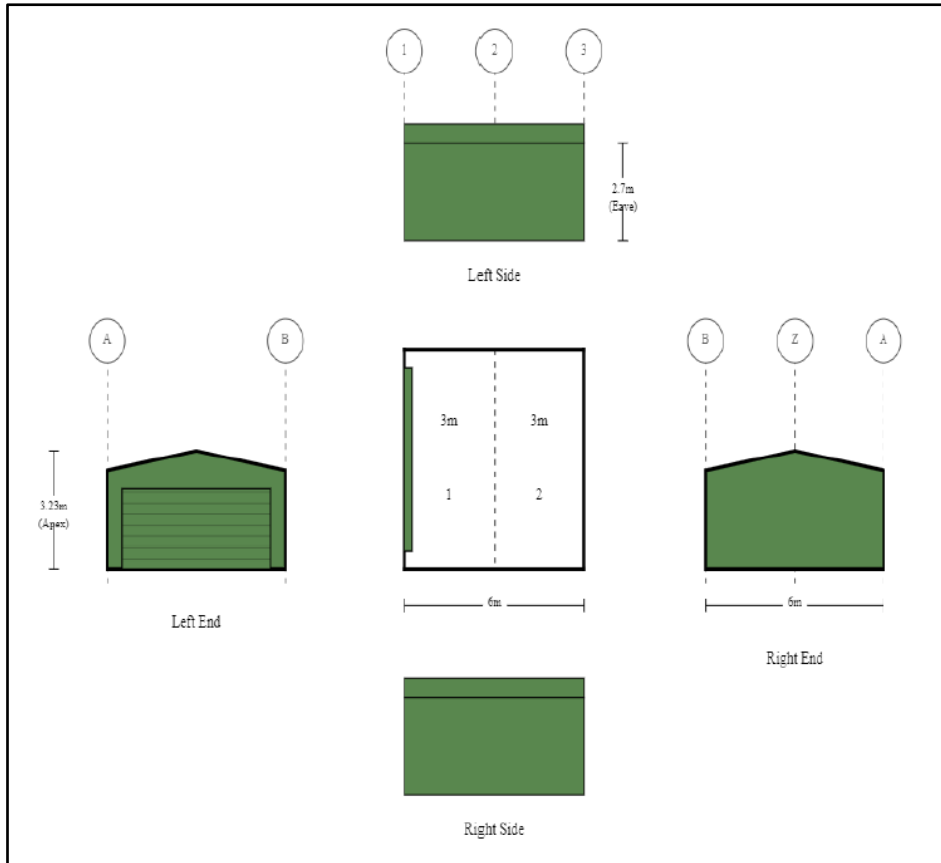


Figure 2 - Proposed Garage Plans (The Shed Company, 2024)

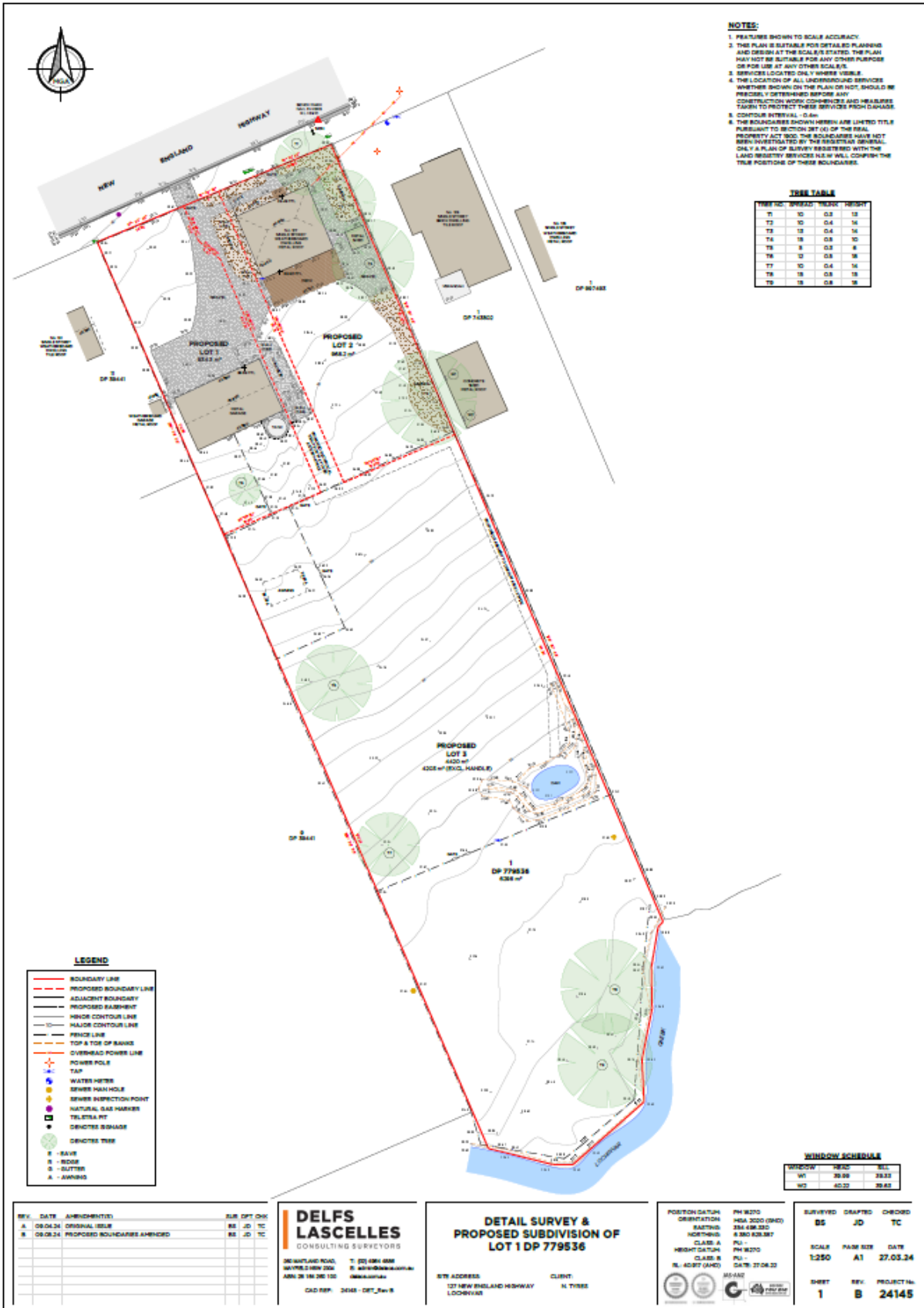


Figure 3 – Proposed Plan of Subdivision (Delfs Lascelles, 2024)

3.0 PLANNING FRAMEWORK

3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

Section 4.46 – Integrated development

Section 4.46 of the EP&A Act provides that integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more other approval. An assessment has been made against s.4.46 and in this instance the application is deemed to be integrated development (refer to **TABLE 1** below).

Table 1: Integrated development

Integrated development	Section	Assessment
<i>Fisheries Management Act 1994</i>	s 144 s 201 s 205 s 219	N/A
<i>Heritage Act 1977</i>	s 58	N/A – The site is not identified as being a heritage item or located within a heritage conservation area. An AHIMs search conducted on 29 May 2024 (APPENDIX 6) did not identify any Aboriginal sites or places within a 200m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	N/A – Not within a mine subsidence district

<i>Mining Act 1992</i>	s 63, 64	N/A
<i>National Parks & Wildlife Act 1974</i>	s 90	N/A
<i>Petroleum (Onshore) Act 1991</i>	s 16	N/A
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
<i>Roads Act 1993</i>	s 138	N/A
<i>Rural Fires Act 1997</i>	s100B	N/A – the site is not identified as bushfire prone land.
<i>Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008</i>	ss 89, 90, 91	Yes – works are proposed within 40m of the watercourse to facilitate the proposed stormwater management as shown in APPENDIX 8 . Referral to NRAR will be required to consider the impact of the development.

3.1.2 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act. Stamped plans and the notice of formal requirements in accordance with Section 49 of the HW Act are contained in **APPENDIX 5** of this application.

3.1.3 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment. The proposed development requires civil works for the purposes of stormwater management within 40m of Lochinvar Creek. The proposed has been designed to ensure that the development will not have a lasting impact on any watercourses or waterbodies on the site. It is understood that referral to NRAR will be required.

3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The proposed development does not require the removal of any significant vegetation and the site is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

3.1.5 ROADS ACT 1993

The New England Highway is identified as a state road (**FIGURE 4**), accordingly, referral to Transport for NSW is not required under Section 138 of the Roads Act 1993. All vehicles will be able to move onto and off each lot in a forward direction due to the proposed driveway.

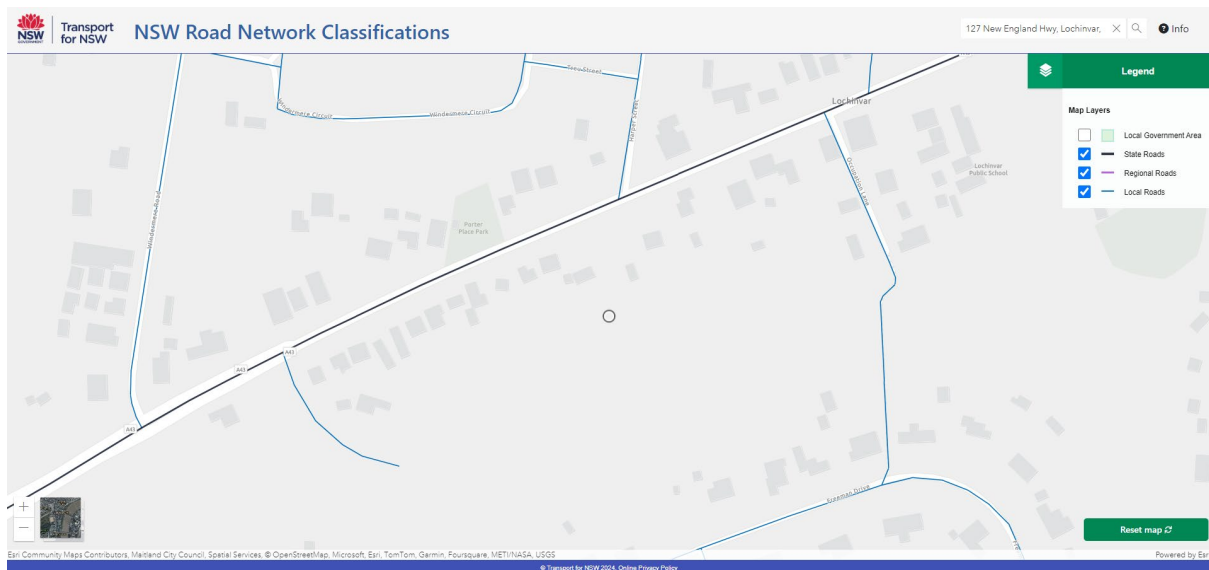


Figure 4 - Road Classifications (Transport for NSW, 2024)

As such the development is not anticipated to compromise road safety. Furthermore, there are sufficient sightlines available to allow safe egress from each lot in a low trafficked environment.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All SEPPs have been considered in the preparation of this SEE. An assessment of the applicable SEPPs is provided below, including:

- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021

3.2.1 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of development.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

Section 2.48 – Determination of development applications – Other development

As described in the site description, the site will be connected to reticulated electricity. Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

The New England Highway is identified as a State Road. As such, referral or Transport for NSW (TfNSW) for development on or adjacent to a classified road is triggered under Section 2.119.

The proposed development will utilise the existing access and does not anticipate any adverse impacts to the road network as a result of this proposal.

3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 – REMEDIATION OF LAND

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for residential purposes. It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the future allotment is land considered suitable for the proposed development.

3.2.3 SEPP (BIODIVERSITY AND CONSERVATION)

Chapter 4 – KOALA HABITAT PROTECTION 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identifies the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- habitat clearing and fragmentation due to development along the coast
- vehicle strike and domestic dog attack
- high-intensity or high-frequency fires cause koala mortality and temporarily eliminate food sources
- competition from rainforest species into eucalypt-dominated koala habitat, which can excessively shade eucalypts and inhibit growth of seedlings
- dense growth of weeds, such as lantana, which can inhibit koala movement
- diseases such as chlamydia and koala retrovirus
- dieback across a range of plant species due to climate changes, bell miners and insects
- potential negative impact of myrtle rust on eucalypts
- potential impact of sea level rise.

The proposed development does not include significant vegetation removal and as such there is no impact identified on koala habitat and the free-living population. Further assessment of this Chapter is not warranted.

3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

Permissibility

The site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (LEP). The *subdivision of land* is defined under section 6.2 of the *Environmental Planning and Assessment Act 1979* as follows:

***subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.*

The proposed development satisfies the above definitions, as it comprises a three lot Torrens title subdivision and construction of an ancillary garage. The proposed development is permissible with the consent of Council in the R1 General Residential zone under clause 2.6 of the LEP.

- **Clause 2.3 – Zone objectives**

The Land Use Table of the LEP identifies the following objectives for the R1 General Residential zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will assist in providing for the housing needs of the community by providing two additional housing lots. The proposal will enable a variety of housing types in a density commensurate with the surrounding area. The proposal will also maintain the residential amenity and character of the locality. The proposal is consistent with the zoning objectives.

- **Clause 2.6 – Subdivision**

This clause provides that land may be subdivided but only with development consent.

- **Clause 4.1 – Minimum subdivision lot size**

Under this clause the size of any lot resulting from subdivision is not to be less than the minimum size that applies to the site under the Lot Size Map in the LEP. The site is subject to a minimum lot size of 450m² and each of the proposed lots are in excess of this size. The proposal therefore complies with this clause.

- **Clause 4.3 – Height of Building**

The objectives of this clause are to ensure that the height of buildings complements the streetscape or the rural character of the area, protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items, and ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

The site is not subject to a maximum height under the Height of Buildings Map. The proposed ancillary garage has a maximum height of 3.23m and will be positioned to the rear of the existing dwelling. The garage is not expected to detract from the existing streetscape or result in negative amenity to the surrounding properties.

- **Clause 5.10 – Heritage conservation**

The objective of this clause is to conserve the environmental heritage of the Maitland LGA, including heritage items and heritage conservation areas, associated fabric, settings and views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.

An AHIMS search of the site area with a 20m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in **APPENDIX 6**.

- **Clause 6.2 – Public utility infrastructure**

Clause 6.2 states:

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

All necessary public infrastructure is to be made available to the proposed lots, utilising the existing infrastructure available in the area.

- **Clause 6.3 – Development control plan**

Clause 6.3 states that:

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

Maitland DCP 2011 Chapter F.9 – Lochinvar Urban Release Area Chapter provides controls relating to the subject site which addresses Clause 6.3. Please refer to a consideration against the requirements of this Chapter below. The proposal generally complies.

- **Clause 7.1 – Acid sulfate soils**

The objective of Clause 7.1 is to ensure that development does not disturb, expose, or drain Acid Sulfate Soils and cause environmental damage. The site is identified as potentially containing Class 5 Acid Sulfate Soils (ASS).

However, as there shall be no works within 500m of Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD, an Acid Sulfate Soil Management Plan is not required.

- **Clause 7.2 – Earthworks**

The application includes minimal earthworks associated with the provision of services.

3.4 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (DCP)

Following is an assessment against the relevant parts of the Maitland Development Control Plan (the DCP) including Chapter F.9 which relates to the Lochinvar Urban Release Area.

Table 2: Relevant parts of the DCP

MDCP 2011	Controls	Review/Response	Comply
Part A – Administration			
A.4 – Notification	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified and advertised.	Yes
Part B – Environmental Guidelines			
B3 – Hunter River Floodplain	The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.	The development site is NOT identified within a flood planning area	N/A
B4 – Onsite Sewage Management System	This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.	The site is currently connected to a reticulated sewer service, which will be extended to service the proposed new lots.	N/A
B5 – Tree and Vegetation Management	This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i> .	The proposal does not seek any native vegetation removal.	N/A

MDCP 2011	Controls	Review/Response	Comply
	These provisions only apply to urban land.		
B6 – Waste Minimisation & Management	This section only applies to a specific type of construction development.	A Site Waste Minimisation is not required for the proposed garage construction.	N/A
B7 – Environmentally Sensitive Land	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	This subject site does not contain any riparian land and/or waterways.	N/A
Part C – Design Guidelines – C8 – Residential Design			
2. Site Analysis and Site Context	<p>2.1 Site Analysis</p> <p>a. A detailed site analysis shall be submitted with a development application for all residential development with the exception of a single detached dwelling. A typical Site analysis Diagram is provided as Figure 1. (Note: this Plan does not show the proposed development).</p> <p>b. The site analysis shall show, in plan form (with detailed notations), at least but not limited to the following elements:</p> <ul style="list-style-type: none"> • Identification of the lot(s). • North point (solar north, not magnetic north). • Site levels (contours or spot heights – preferably to Australian Height Datum). • Easements eg. stormwater drainage, electricity, access. • Existing buildings and other improvements on the land. • Existing vegetation on the land. • The location of any services on the land – eg. Water service, sewer line, stormwater lines, electricity lines etc. • Width of footway and location of any existing footpath, driveways and driveway laybacks in the kerb. • Location of kerb and gutter in the street and any kerb inlet pits. • Location of any poles, pits, trees etc in the footway verge. • View corridors. 	No residential development proposed.	Yes

MDCP 2011	Controls	Review/Response	Comply
	<ul style="list-style-type: none"> • Building setbacks. • Fencing – location, height, material and condition. • Ground levels of adjoining lots near the common property boundary. • Location and general description of buildings on adjoining lots and the position and height of window and door openings in proximity to the development site. • Identification of the use of open space areas on the adjoining lots. • Photographs of the site are a helpful tool. <p>c. Special consideration and unique building design will be required for development on land where the slope is in excess of 20% (1 vertical in 5 horizontal).</p> <p>2.2 Context Analysis</p> <p>a. A 'Context Analysis' will be required for all residential development with the exception of a single detached dwelling. The context analysis shall describe the character of existing development in the vicinity of the site in order to understand the streetscape and pattern/form of development. This may be provided in the form of scaled sketches of streetscape elevations or photo compilation. Site context is predominantly a function of:</p> <ul style="list-style-type: none"> • Proximity of the site to urban support facilities such as schools, shopping centres, transport nodes. • The height, size, bulk and scale of development. • The architectural treatment or style of buildings eg. Victorian, Federation, Art Deco, Contemporary etc. • Roof proportion relative to external walls and whether the roof contains dormers, gables or other roof features such as chimneys etc. • Predominant building materials and colours. • The proportioning and position of door and window openings relative to wall area. • The spaces which exist between buildings. • The predominant street setbacks. • The type, scale and location of landscape elements. • Fencing locations, height and materials and the presence of retaining walls. 		

MDCP 2011	Controls	Review/Response	Comply
	<ul style="list-style-type: none"> • Treatment of footpath areas in front of a development – paving, tree planting etc. b. In considering site selection for residential development that will contain more than two dwellings, the site context analysis shall demonstrate that the subject land is within convenient walking distance (not exceeding 400 metres) of the following facilities: • Land zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use under the Maitland LEP 2011; or • A school catering for primary and/or secondary students; or • A key transport node – railway station. c. The design plans and the Statement of Environmental Effects shall demonstrate that the ‘site analysis plan’ and the ‘site context analysis’ have been taken into account in producing a design solution which mitigates against potential negative impacts and integrates appropriately with the streetscape. 		
3. Development Incorporating Existing Dwellings	<p>2.1 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.</p> <p>2.2 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. In assessing any variation, the Council shall have regard to:</p> <ul style="list-style-type: none"> 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; b. Any alternative design solutions that may be proposed to demonstrate general compliance with the objectives applying to the relevant section of the chapter. 	<p>While the existing dwelling is to be retained, no additional residential built work is proposed.</p> <p>The construction of the proposed garage will not adversely affect compliance with these controls, and will provide off-street parking for the existing dwelling.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>2.3 Special provisions relating to heritage items or heritage conservation areas are contained in the Maitland LEP 2011 and the relevant chapters in this DCP must be taken into account where relevant.</p> <p>2.4 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.</p>		
<p>4. Bulk Earthworks and Retaining Walls</p>	<p>4.1 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 (refer to Figure 4 for sample BEP).</p> <p>4.2 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 (refer to Figures below).</p> <p>4.3 Where a retaining wall (for the purposes of retaining cut) is proposed either on or in close proximity to a boundary then the maximum extent of cut shall be 900mm (refer to Figures below).</p> <p>4.4 Elevated flooring (eg bearers and joist construction), deepened concrete edge beams, infill slabs, split level construction and the like shall be used where necessary to reduce the extent of earthworks required to achieve the maximum cut/fill levels prescribed under the plan.</p> <p>4.5 Adequate drainage comprising free draining gravel and subsoil agricultural drains shall be installed to the rear of retaining walls to relieve the hydrostatic pressure at the base of the wall.</p> <p>4.6 Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters. This requirement shall be an</p>	<p>Civil Engineering Plans are contained within APPENDIX 8. Minor earthworks are required to facilitate the provision of services for the proposed Lots 1 and 3.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>integral part of the site stormwater management plan addressed in Section 18 of this Chapter.</p> <p>4.7 Cut and fill batters should not exceed a slope of 3:1 (horizontal to vertical ratio) to the natural ground level unless the foundation strata, type of material or compaction permits otherwise and Council is satisfied as to the stability of the site. All batters must be provided with both short term and long term stabilisation to prevent soil erosion.</p> <p>4.8 Excavations in excess of those specified for retaining walls may be permitted within the confines of the building to allow for basements, garages etc providing the excavations are adequately retained and drained in accordance with engineering details.</p> <p>4.9 All excavations shall be protected in accordance with the requirements of the NSW WorkCover Authority.</p> <p>4.10 Where a property is burdened by stormwater easements containing pipes care should be taken to avoid pipe damage. In cutting situations, it may be necessary to lower existing pipes within the easement. In filling, pits may require extending to the new surface level. Note: All drainage works associated with retaining walls must be located within property boundaries.</p>		
<p>5. Objectives: Street Building Setbacks</p>	<p>5.1 The minimum setback from the principal street frontage to the building line in an urban residential zone is 4.5 metres.</p> <p>5.2 The minimum setback from the principal street frontage to articulation or entry features (ie. portico) in an urban residential zone is 3.0 metres and must not be more than 25% of the width of the front facade of the building and must not be more than the maximum height of the building. Note that articulation elements do not constitute the 'building line'.</p> <p>5.3 Where an allotment is located on a corner in an urban residential zone, and a single dwelling is proposed, the minimum building line setback to the secondary street frontage is 3.0 metres.</p> <p>5.4 Where an allotment is located on a corner in an urban residential zone, and attached dwellings, semi-detached dwellings or dual occupancies are proposed, the minimum setback to the secondary street frontage is 3.0 metres.</p>	<p>The existing dwelling will retain its existing compliant front setback to New England Highway.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>5.5 Where the shape of the allotment located within an urban residential zone is irregular due to the geometry of the street boundary, the setback from the front property boundary to the building line shall be a minimum of 3.0 metres but averaging 4.5 metres over the length of the building addressing those street boundaries.</p> <p>5.6 Garages, carports, sheds and outbuildings are to be setback a minimum of 6 metres from a boundary adjoining a road and a minimum 1 metre behind the building line to the principal street frontage. Note: for sheds and other structures that do not address a street frontage and are not being used for vehicular access or storage, standard setbacks apply.</p> <p>5.7 Older residential areas or heritage conservation areas may comprise buildings with setbacks greater than or less than 4.5 metres. Where infill development is proposed in these areas the building line for the new development shall have regard to the setbacks of existing buildings adjacent to the site. Designers should consult Part E.2: Heritage Conservation Areas to determine setbacks in heritage conservation areas.</p> <p>5.8 Building line setbacks for other zones are detailed in Table 1.</p>		
<p>6. Side and Rear Setbacks</p>	<p>6.1 Minimum side and rear setbacks for residential buildings, including detached outbuildings such as garages, sheds or carports, in urban zones shall be in accordance with Figure 10 and described as follows:</p> <p>a. 0.9m for walls up to 3.0m in height (to underside of eaves);</p> <p>b. 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m;</p> <p>c. For that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m.</p> <p>6.2 Walls of buildings within urban zones may be built to the side and/or rear boundaries only where:</p>	<p>The existing dwelling will have the following compliant setbacks as a result of the proposed subdivision:</p> <p>Side (East) – 6.2m (unchanged) Side (West) – 1.0m Rear (South) – approx. 30m</p> <p>The proposed garage will have the following compliant setbacks:</p> <p>Side (East) – 7.2m</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply																		
	<p>a. The maximum wall height is 3.0m and there will be no significant impact on privacy, use of private open space and solar access to adjoining properties;</p> <p>b. There are no openings unless such openings comply with the fire resistance requirements of the Building Code of Australia and are filled with translucent or obscured glazing; and</p> <p>c. The length of the wall built to the boundary does not exceed 50 per cent of the total length of the wall comprising that elevation (refer Figure 11).</p>	<p>Side (West) – 6.0m Rear (South) – 2.0m</p>																			
<p>7. Site Coverage and Unbuilt Areas</p>	<p>7.1 Site coverage shall satisfy the requirements detailed in Table 3 - Site Coverage and Unbuilt Areas. All development application plans for residential development shall provide a detailed 'percentage site coverage' calculation having regard to the requirements of Table 3.</p> <p>7.2 Development shall have site coverage appropriate for the site's capability and form of development and site coverage shall be consistent with the desired future density for the locality.</p> <table border="1" data-bbox="439 874 1357 1241"> <thead> <tr> <th data-bbox="439 874 842 1026">Housing Type</th> <th data-bbox="842 874 1111 1026">Maximum Site Coverage Ground Floor (%) (See Note 1)</th> <th data-bbox="1111 874 1357 1026">Minimum Unbuilt Area (%) (See Note 2)</th> </tr> </thead> <tbody> <tr> <td data-bbox="439 1026 842 1058">Dwelling House</td> <td data-bbox="842 1026 1111 1058">60</td> <td data-bbox="1111 1026 1357 1058">40</td> </tr> <tr> <td data-bbox="439 1058 842 1090">Small Lot Housing</td> <td data-bbox="842 1058 1111 1090">60</td> <td data-bbox="1111 1058 1357 1090">40</td> </tr> <tr> <td data-bbox="439 1090 842 1121">Dual Occupancy (2 units)</td> <td data-bbox="842 1090 1111 1121">60</td> <td data-bbox="1111 1090 1357 1121">40</td> </tr> <tr> <td data-bbox="439 1121 842 1185">Multi Dwelling Housing (3 or more dwellings)</td> <td data-bbox="842 1121 1111 1185">70</td> <td data-bbox="1111 1121 1357 1185">30</td> </tr> <tr> <td data-bbox="439 1185 842 1241">Residential Flat Buildings</td> <td data-bbox="842 1185 1111 1241">70</td> <td data-bbox="1111 1185 1357 1241">30</td> </tr> </tbody> </table> <p data-bbox="757 1273 1034 1289"><i>Table 3 – Site Coverage and Unbuilt Areas</i></p>	Housing Type	Maximum Site Coverage Ground Floor (%) (See Note 1)	Minimum Unbuilt Area (%) (See Note 2)	Dwelling House	60	40	Small Lot Housing	60	40	Dual Occupancy (2 units)	60	40	Multi Dwelling Housing (3 or more dwellings)	70	30	Residential Flat Buildings	70	30	<p>The existing dwelling (proposed Lot 2) will retain approx. 200m² or approx.. 19.6% of the site area.</p>	<p>Yes</p>
Housing Type	Maximum Site Coverage Ground Floor (%) (See Note 1)	Minimum Unbuilt Area (%) (See Note 2)																			
Dwelling House	60	40																			
Small Lot Housing	60	40																			
Dual Occupancy (2 units)	60	40																			
Multi Dwelling Housing (3 or more dwellings)	70	30																			
Residential Flat Buildings	70	30																			

MDCP 2011	Controls	Review/Response	Comply
8. Building Height, Bulk and Scale	<p>8.1 Maximum building height shall be in accordance with Table 4.</p> <p>8.2 Development application plans shall provide the following information to clearly communicate building heights:</p> <p>a. 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.</p> <p>b. Floor plans showing finished floor levels for ground floor internal living space, garages, and finished levels for upper floors and roof; December 2011</p> <p>c. Building elevations and sections to scale which are fully dimensioned and provide an accurate 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.</p>	<p>The existing compliant dwelling height will remain unchanged.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply																										
	<table border="1" data-bbox="443 268 1355 821"> <thead> <tr> <th data-bbox="443 268 875 400">Housing Type</th> <th data-bbox="875 268 1205 400">Zone</th> <th data-bbox="1205 268 1355 400">Max Height (metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 400 875 459">Dwelling</td> <td data-bbox="875 400 1205 459">Any zone</td> <td data-bbox="1205 400 1355 459">8.5</td> </tr> <tr> <td data-bbox="443 459 875 544" rowspan="2">Dual occupancy (2 dwellings)</td> <td data-bbox="875 459 1205 502">R1 General Residential</td> <td data-bbox="1205 459 1355 502">8.5</td> </tr> <tr> <td data-bbox="875 502 1205 544">Business zones</td> <td data-bbox="1205 502 1355 544">11</td> </tr> <tr> <td data-bbox="443 544 875 628" rowspan="2">Semi-detached housing</td> <td data-bbox="875 544 1205 587">R1 General Residential</td> <td data-bbox="1205 544 1355 587">8.5</td> </tr> <tr> <td data-bbox="875 587 1205 628">Business zones</td> <td data-bbox="1205 587 1355 628">11</td> </tr> <tr> <td data-bbox="443 628 875 724" rowspan="2">Multi Dwelling Housing (3 or more)</td> <td data-bbox="875 628 1205 671">R1 General Residential</td> <td data-bbox="1205 628 1355 671">8.5</td> </tr> <tr> <td data-bbox="875 671 1205 724">Business zones</td> <td data-bbox="1205 671 1355 724">11</td> </tr> <tr> <td data-bbox="443 724 875 821" rowspan="2">Residential flat building</td> <td data-bbox="875 724 1205 767">R1 General Residential</td> <td data-bbox="1205 724 1355 767">11</td> </tr> <tr> <td data-bbox="875 767 1205 821">Business zones</td> <td data-bbox="1205 767 1355 821">14</td> </tr> </tbody> </table> <p data-bbox="763 863 1032 887" style="text-align: center;"><i>Table 4 – Maximum Building Heights</i></p>	Housing Type	Zone	Max Height (metres)	Dwelling	Any zone	8.5	Dual occupancy (2 dwellings)	R1 General Residential	8.5	Business zones	11	Semi-detached housing	R1 General Residential	8.5	Business zones	11	Multi Dwelling Housing (3 or more)	R1 General Residential	8.5	Business zones	11	Residential flat building	R1 General Residential	11	Business zones	14		
Housing Type	Zone	Max Height (metres)																											
Dwelling	Any zone	8.5																											
Dual occupancy (2 dwellings)	R1 General Residential	8.5																											
	Business zones	11																											
Semi-detached housing	R1 General Residential	8.5																											
	Business zones	11																											
Multi Dwelling Housing (3 or more)	R1 General Residential	8.5																											
	Business zones	11																											
Residential flat building	R1 General Residential	11																											
	Business zones	14																											
<p data-bbox="192 932 416 1007">9. External Appearance</p>	<p data-bbox="416 932 1377 1038">9.1 The building design and the Statement of Environmental Effects that accompanies the proposal should demonstrate that the following matters have been addressed:</p> <p data-bbox="416 1038 1377 1107">a. Consideration of the existing character, scale and massing of development in the immediate area, including the surrounding landscape.</p> <p data-bbox="416 1107 1377 1144">b. Architectural interest encouraged by:</p> <ul data-bbox="416 1144 1377 1321" style="list-style-type: none"> • the use of finishes which are textured rather than bland; • providing stepping of walls, pergolas, eaves, verandahs and blade walls etc. to establish articulation and create light and shadow to a building • the coordinated use of diverse materials and appropriate decorative treatments <p data-bbox="416 1321 1377 1390">c. Consideration of both typical and rare fenestration (door and window patterns) and the relationship between glazed and solid wall areas.</p>	<p data-bbox="1377 932 1962 1038">The existing dwelling will retain its character and scale, which is consistent with the surrounding area.</p>	<p data-bbox="1962 932 2089 970">Yes</p>																										

MDCP 2011	Controls	Review/Response	Comply
	<p>d. Consideration of traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof water guttering detailing.</p> <p>e. The design shall provide a variety of experiences for the residents and passers by thorough attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form should be minimised.</p> <p>f. Design diversity should be achieved within and between developments by maximising the advantages of orientation, landforms, views and natural vegetation.</p> <p>g. 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.</p> <p>h. The following features of existing areas should be considered and integrated into new development where possible:</p> <ul style="list-style-type: none"> • Traditional street and lane patterns • Street setbacks • Groupings of buildings • Corner feature sites • Pedestrian walkways • Promenades, squares and courtyards • Characteristic kerb and gutter treatment • Pavement design, materials and finishes <p>i. Corner sites shall be developed such that the building(s) addresses both streets and has a well expressed side elevation that does not dominate the streetscape. J. Repetitive building designs should be avoided particularly in new residential subdivisions where there may be a number of sites being developed simultaneously. Repetitive street elevations generally do not achieve variety and interest in the streetscape – designs should ensure that key elements such as materials, colour schemes, fencing and driveway</p>		

MDCP 2011	Controls	Review/Response	Comply
	<p>treatments, landscaping, window configurations and roof forms are distinct and give individuality to each development.</p> <p>k. That the relevant provisions in this DCP are taken into account where residential development is proposed within a Heritage Conservation Area or on a site of identified heritage significance under the Maitland Local Environmental Plan 2011.</p> <p>Garaging</p> <p>The following matters shall be taken into consideration when designing a development to minimise the dominance of garaging particularly on the public streetscape and communal areas internal to the development site:</p> <p>9.2 Car parking structures such as garages and carports shall be designed as an integral part of the development and must be compatible with the overall building design in terms of height, roof form, detail, materials and colours.</p> <p>9.3 Garages and carports, as a forward element in the design of a dwelling, are discouraged particularly where the dwelling and its associated garage has a direct address and access to a street. Forward projecting garages and carports may be considered where it can be demonstrated that the design of the garage makes a positive contribution to both the street and the architectural quality of the building. December 2011</p> <p>9.4 The following treatments should be employed to reduce visual impact of garages and carports to a road frontage:</p> <p>a. Garages should be no greater in width than 50 per cent of the total width of the dwelling's frontage (eg. total width of dwelling's frontage is 15 metres therefore maximum width of garage doors to be no greater than 7.5 metres);</p> <p>b. Where possible, garages of attached or detached dwellings which have a direct address to the street should not be located side by side;</p> <p>c. Where the garages of adjoining units are located side-by-side they should have staggered setbacks of at least 1.0 metre (refer Figure 18);</p> <p>d. The placement of wide eaves, awnings, pergolas or first floor projecting balconies/rooms over the garages to create shadow lines and provide greater articulation to the building (refer Figure 18);</p>		

MDCP 2011	Controls	Review/Response	Comply
	<p>e. The use of materials of contrasting colour and/or texture for the walls and doors of each garage to create visual interest and a sense of separate identity for each dwelling unit – note that dark colours will make a garage visually recessive;</p> <p>f. The use of an irregular driveway alignment;</p> <p>g. Minimising the width and area of driveways to reduce the volume and rate of stormwater run-off and to increase the area available for landscaping;</p> <p>h. The selection of paving materials with contrasting colour and/or texture;</p> <p>i. The use of carports in lieu of garages as these more transparent structures can effectively reduce the bulk and mass associated with multiple garages.</p>		
<p>10. Open Space</p>	<p>Private Open Space (POS)</p> <p>10.1 Ground Level POS:</p> <p>a. All ground level private open space must comprise a 'principal area' of minimum dimensions in accordance with Figure 20.</p> <p>b. The minimum area of private open space for a ground level dwelling shall be in accordance with Figure 20.</p> <p>c. The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling (refer Figure 19).</p> <p>d. To be included in usable open space calculations, open space at ground level must have a minimum width in one direction of 3.0 metres.</p> <p>e. The maximum cross-fall over the 'principal area' shall not exceed 2%.</p> <p>f. Areas of ground level private open space required for external drying facilities, garbage storage, roof water tanks etc shall not be included in the principal area of private open space. These ancillary uses shall be located where they are able to be screened from view of the street or other public place.</p> <p>g. The landscape plan for the development shall incorporate a detailed landscape design for each area of ground level POS.</p> <p>h. Ground level POS shall only be located forward of the building line (but no closer than 900mm to the principal street boundary) where the orientation of the POS is within the 'optimum' range illustrated by Figure 20.</p>	<p>The existing dwelling will retain a compliant area of Private Open Space within the rear backyard of proposed Lot 2.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	i. Where ground level POS is provided forward of the building line then privacy fencing shall be provided as detailed in Section 14.		
11. Sites having a boundary to a Laneway	<p>11.1 Where a site has a secondary frontage to a laneway:</p> <p>a. The dwelling(s) shall not be orientated to the laneway as a principal street address.</p> <p>b. The main pedestrian entry point to the dwelling(s) shall form a direct connection with the principal street address and not the laneway.</p> <p>c. Pedestrian access to dwellings located to the rear of the site shall be contained within a corridor not less than 2.4m wide.</p> <p>d. The pedestrian access from the principal street frontage to the dwelling(s) located to the rear of the site shall be landscaped and provided with adequate lighting in accordance with 'Safer by Design' principles.</p> <p>e. Car parking for a maximum of two vehicles only (consistent with the garaging provided for the existing allotment) shall be provided with access to the laneway.</p> <p>f. No internal habitable floorspace shall be located closer than 3.0m to the property boundary with the laneway.</p> <p>g. Garages/carports shall be located no closer than 2.0 metres to the property boundary with the laneway.</p> <p>h. Where a garage is located closer than 5.5m to the property boundary with the laneway the garage doors shall be fitted with automatic opening devices to allow continuous movement from the laneway to the garage without obstructing the lane.</p> <p>i. Where car parking is provided with access to a laneway care shall be taken to ensure that adequate manoeuvring area is available. Note that the narrow width of some laneways will mean that garages will need to be 'indented' from the laneway boundary and/or wider than standard garage doors installed to provide for adequate manoeuvring.</p>	The site does not have access to a laneway.	N/A

MDCP 2011	Controls	Review/Response	Comply												
<p>12. Accessibility and Adaptable Housing</p>	<p>12.1 The number of adaptable dwellings to be provided in a residential development shall be as detailed in Table 5.</p> <table border="1" data-bbox="443 336 1346 667"> <thead> <tr> <th data-bbox="443 336 831 472">TOTAL NO. OF DWELLINGS</th> <th data-bbox="831 336 1346 472">NUMBER OF ADAPTABLE DWELLINGS TO BE PROVIDED</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 472 831 512">Between 0 and 9 inclusive</td> <td data-bbox="831 472 1346 512">Nil</td> </tr> <tr> <td data-bbox="443 512 831 552">Between 10 and 15</td> <td data-bbox="831 512 1346 552">1 dwelling</td> </tr> <tr> <td data-bbox="443 552 831 592">Between 16 and 24</td> <td data-bbox="831 552 1346 592">2 dwellings</td> </tr> <tr> <td data-bbox="443 592 831 632">Between 25 and 39</td> <td data-bbox="831 592 1346 632">3 dwellings</td> </tr> <tr> <td data-bbox="443 632 831 667">40 or more</td> <td data-bbox="831 632 1346 667">10% of total dwellings</td> </tr> </tbody> </table> <p data-bbox="658 679 1151 699"><i>Table 5 – Adaptable Housing Ratios for Residential Developments</i></p>	TOTAL NO. OF DWELLINGS	NUMBER OF ADAPTABLE DWELLINGS TO BE PROVIDED	Between 0 and 9 inclusive	Nil	Between 10 and 15	1 dwelling	Between 16 and 24	2 dwellings	Between 25 and 39	3 dwellings	40 or more	10% of total dwellings	<p>As per Table 5, the existing development nor proposed development is required to address accessibility and adaptable housing.</p>	<p>N/A</p>
TOTAL NO. OF DWELLINGS	NUMBER OF ADAPTABLE DWELLINGS TO BE PROVIDED														
Between 0 and 9 inclusive	Nil														
Between 10 and 15	1 dwelling														
Between 16 and 24	2 dwellings														
Between 25 and 39	3 dwellings														
40 or more	10% of total dwellings														
<p>13. Landscape Design</p>	<p>13.1 With the exception of a single dwelling, all residential development shall be supported by a detailed landscape plan (inclusive of planting scheme) prepared and endorsed by a suitably qualified landscape consultant (eg landscape architect or horticulturalist) as meeting the objectives and design requirements of this chapter.</p> <p>13.2 The landscape design should, as appropriate:</p> <ol style="list-style-type: none"> Retain existing vegetation for integration with the landscape design for the development; Employ the use of native vegetation suitable for local conditions which require lower maintenance and demand less water; Incorporate the use of advanced specimens to ensure that the completed built form is immediately and effectively softened by landscaping. Define a theme for new internal streets/driveways or complement existing streetscapes external to a site; Be of an appropriate scale relative to the width of driveways and the associated space between buildings and the building bulk – trees should be introduced which achieve a height above the roofline of the dwelling to soften built form; 	<p>The existing dwelling on Proposed Lot 2 retains adequate existing landscaping throughout the site, maintaining an appealing streetscape and front elevation. Some landscaping removal is required to facilitate the proposed access handle, but it not expected to detract from the overall amenity of the site.</p>	<p>Yes</p>												

MDCP 2011	Controls	Review/Response	Comply
	<p>f. Take into account view corridors and introduce species that, where possible, preserve opportunities for views when the plants are mature;</p> <p>g. Improve privacy and minimise overlooking between dwellings and also overlooking from public spaces such as footpaths and communal open space;</p> <p>h. Provide adequate lighting for vehicular and pedestrian safety;</p> <p>i. Account for streetscapes and landscapes of heritage significance;</p> <p>j. Be tolerant of site conditions and adequately mulched in order to reduce demand for water, herbicides and fertilisers;</p> <p>k. Clearly identify where turfed areas are to be located and specify the materials used for forming the edges of garden beds;</p> <p>l. Detail the various paving materials used throughout the site for driveways, pedestrian pathways, parking areas and private open space areas.</p> <p>13.3 The landscape plan for the development shall recognise private open space areas as ‘outdoor rooms’ and the design shall incorporate:</p> <p>a. Paved areas or decks for outdoor dining/relaxation;</p> <p>b. Garden areas to reduce the ‘hard’ visual impact of fencing, paving and walls;</p> <p>c. Built-in seating (optional) – refer to example courtyard area at Diagram 19.</p> <p>d. The inclusion of trees of a scale which will provide adequate shade (deciduous may be appropriate depending on orientation of POS);</p> <p>e. Provision of drying areas and garbage storage areas and the screening of these areas with vegetation and/or structural elements such as timber panels;</p> <p>f. Water features (optional);</p> <p>g. Full details of materials for fencing, paving etc.</p> <p>13.4 Residential developments that make the most positive contribution to streetscapes and the urban environment and provide higher levels of amenity and enjoyment for residents are those which have a sound maintenance regime for landscaped areas – both private open space and communal areas.</p> <p>13.5 The landscape design for a development should integrate with the stormwater management scheme, having regard to relevant ‘water sensitive urban design’ (WSUD) principles.</p>		

MDCP 2011	Controls	Review/Response	Comply
14. Fencing and Walls	<p>14.1 The landscape plan prepared for the development shall incorporate full details of all fencing proposed including:</p> <ul style="list-style-type: none"> • location • height • materials • colours. <p>14.2 For all forms of residential development, with the exception of a single dwellinghouse, sheet metal fencing shall not be permitted where it forms a boundary with a street, or communal area within a development.</p> <p>14.3 Fencing between dwellings shall be designed to provide visual and acoustic privacy to internal rooms and outdoor private open space. The recommended height for these dividing fences is 1800mm high but not less than 1500mm high.</p> <p>14.4 For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive.</p> <p>14.5 Fencing within the street building line setback shall not be located closer than 900mm from the street property boundary for the principal street frontage of the development (refer Figure 22).</p> <p>14.6 Where side boundary fencing projects forward of the street building line setback to the principal frontage then the maximum height of the fence shall not exceed 750mm within the building line setback area. (Note: This</p>	<p>Existing boundary fencing will be retained, with minor alterations to facilitate the proposed access to the site.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>requirement does not apply where the development qualifies to use the building line setback for private open space – refer Sec B9.9(h)).</p> <p>14.7 Front fencing for the purposes of containing a dwelling’s principal private open space area, shall not occupy more than 50% of the street frontage of an allotment and shall not contain or obscure the principal pedestrian entry point to the dwelling from the street. Fencing may occupy greater than 50% of a site frontage if it can be demonstrated that the increased length of fencing is consistent with the established fencing within the street and character of the street, or because of environmental impact considerations, eg. noise.</p> <p>14.8 Solid fencing for the purposes of containing a dwelling’s principal private open space area, shall not exceed a height of 1500mm where located within the street building line setback unless it can be demonstrated that a higher fence is appropriate having regard to issues of noise, privacy, existing streetscape and architectural merit.</p> <p>14.9 Nothing in this plan prevents the fencing of the street frontage of a property subject to the following:</p> <ul style="list-style-type: none"> • The building line setback area is not required for the purposes of principal open space; • The fence shall not exceed a height of 1200mm (1.2 metres); • The fence shall not comprise sheet metal material; • The fence shall be of a design/materials which integrate with the dwelling(s) located on the land. 		

MDCP 2011	Controls	Review/Response	Comply
<p>15. Driveway Access and Carparking</p>	<p>15.1 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.</p> <p>15.2 Driveways within the site should be a minimum of 2.7 metres wide and should include landscaping between the driveway and dwelling. (Note: In heritage conservation areas strip driveways may be a more suitable alternative – refer to Part E.3: Heritage Conservation Areas).</p> <p>15.3 Landscaping shall be incorporated into the design of driveway and manoeuvring areas to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape.</p> <p>15.4 Straight ‘gun barrel’ driveway arrangements are not supported. Where long driveways are proposed landscaping of minimum width 1.0 metres shall be provided along the boundary/fenceline incorporating wider landscape ‘blisters’ to create a ‘meandering’ effect and contrasting pavement treatments should be used to reduce the expanse of a single pavement material. Landscaping shall also be provided between the driveway and the external wall of the dwelling</p> <p>15.5 Driveways within a site shall be at a maximum grade of 4:1 (H:V).</p> <p>15.6 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.</p>	<p>15.1 The proposed driveway access handle will be located a minimum of 250mm from the boundary, resulting in a variation to the requirements of this part. The portion of the driveway behind the existing building line is constrained by existing infrastructure onsite. Forward of the building line, landscaping can be provided to act as privacy screening and soften the entrance to the driveway to improve visual amenity. In this regard, the proposed variation to this clause represents a logical planning outcome for the site without adversely impacting on the visual amenity of the locality.</p> <p>15.2 The existing driveway has a compliant width of at least 2.7m.</p> <p>15.3 Landscaping will be provided within the driveway design to minimum the visual impact of the space.</p> <p>15.4 The proposed driveway is not anticipated to result in a negative impact to the existing streetscape. Landscaping will be provided at the entrance to the property. The driveway is not considered to be a straight ‘gun barrel’ arrangement.</p>	<p>Varies</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>15.7 Driveways across the footway at the access point on the road reserve should be generally a maximum of 5 metres wide, although variation may be justified on turning and traffic safety issues.</p> <p>15.8 Driveways across the footway shall be sited to avoid street trees, kerb inlet pits and other services such as light/power poles.</p> <p>15.9 For developments other than single dwellings adequate vehicle manoeuvring area to Australian Standard AS 2890 shall be provided to enable vehicles to enter and exit the site in a forward direction.</p> <p>15.10 For developments other than single dwellings, vehicle driveways shall be clearly distinguished from pedestrian entries and paths through design, finish or location.</p> <p>15.11 On sites identified as Bushfire Prone Land under the Bush Fire Prone Land Maps endorsed by the New South Wales Rural Fire Service, access shall comply with the requirements of the document "Planning for Bushfire Protection 2006" (Planning NSW and Rural Fire Service).</p> <p>15.12 Vehicle car parking spaces and manoeuvring areas (not including a driveway providing direct vehicle access to a garage or carport from the street) shall not be located within the building line setback area.</p> <p>Car Parking:</p> <p>15.13 The minimum number of off-street car spaces shall be as follows:</p> <p>a. One (1) space for each one or two bedroom dwelling;</p>	<p>15.5 The existing driveway does not have a grade exceeding 4:1.</p> <p>15.6 The driveway design from the road pavement across the public footpath area will be constructed in accordance with Council's "Manual of Engineering Standards" and appropriate structural drawings.</p> <p>15.7 The existing driveway crossover does not exceed 5m in width.</p> <p>15.8 The existing driveway is located away from any street trees, kerb inlets, pits, and any other infrastructure.</p> <p>15.9 The proposed access design will ensure that vehicles can enter and exit the premises in a forward direction.</p> <p>15.10 Driveways are clearly distinguishable.</p> <p>15.11 The site is not identified as bushfire prone land.</p> <p>15.12 The parking space for the existing dwelling is not located within the building line setback.</p> <p>15.13 The construction of the proposed garage will ensure that the existing dwelling maintains 2 off-street carparking spaces.</p> <p>15.14 At least 1 off street parking space is will be provided.</p> <p>15.15 N/A</p>	

MDCP 2011	Controls	Review/Response	Comply
	<p>b. Two (2) spaces for each dwelling containing more than two bedrooms;</p> <p>c. One (1) visitor space for the first three dwellings and one (1) space for every five dwellings thereafter or part thereof.</p> <p>15.14 A minimum of one (1) off-street parking space should be provided for each dwelling as a covered space in the form of either a garage, carport or within a secured basement parking area. The parking space(s) should be convenient and accessible to the dwelling which it services.</p> <p>15.15 Visitor car parking spaces should be freely accessible at all times and not located behind security gates or within secured basement car parking areas.</p> <p>15.16 The minimum dimensions for car parking bays and aisles shall be in accordance with Figure 24.</p> <p>15.17 Garages should comprise minimum dimensions in accordance with Figure 25.</p> <p>15.18 Developments comprising up to two (2) dwellings may have the parking space(s) for both dwellings directly addressing and accessible from its street frontage.</p> <p>15.19 Developments comprising three (3) or more dwellings may have one (1) dwelling only with a garage/carport directly addressing and accessible from its street frontage of the development.</p> <p>15.20 Tandem (or stack) parking is permissible only where the garage for the dwelling has a direct frontage/address to a street. In this instance, the vehicle space on the driveway in front of the garage/carport can be calculated as part</p>	<p>15.16 The proposed carparking spaces comply with the minimum dimensions.</p> <p>15.17 The proposed garage complies with the minimum dimensions.</p> <p>15.18 N/A</p> <p>15.19 N/A</p> <p>15.20 No tandem or stacked parking is proposed.</p>	

MDCP 2011	Controls	Review/Response	Comply
	of the parking requirement for that dwelling but shall not be counted as a 'visitor' space.		
16. Views, and Visual and Acoustic Privacy	<p>16.1 Overlooking of private open space and direct views between living area windows shall be screened or obscured using one or more of the following methods (as shown in Figures 27 and 28):</p> <ul style="list-style-type: none"> a. Separation distance between windows of habitable rooms or balconies b. Separation by design c. Offset living room windows of opposing dwellings/units d. Splay windows to redirect sight lines e. Build to a boundary and avoid window openings f. Screen planting between units g. Fencing design or privacy screens h. Use of fin walls i. Planter boxes j. Louvre screens (vertical or horizontal) k. Pergola l. Change in level Acoustic 	The proposed development will not alter the visual or acoustic privacy of the existing dwelling.	Yes

MDCP 2011	Controls	Review/Response	Comply
	<p>16.2 Where no design techniques and screening (eg fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m.</p> <p>16.3 Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings.</p> <p>16.4 Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance.</p> <p>16.5 Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.</p>		
<p>17. Water and Energy Conservation</p>	<p>17.1 It is recommended that buildings be orientated with the main indoor and outdoor living spaces towards the north and north-east (the optimum orientation for indoor and outdoor living spaces are shown in Figure 20).</p> <p>17.2 To the fullest extent possible, buildings should be insulated.</p> <p>17.3 Buildings should include adequate thermal mass and windows located, sized and shaded to facilitate thermal performance.</p> <p>17.4 Windows in west facing walls should be avoided. However, where not possible, west facing walls should be designed with windows fitted with appropriate shade structures and/or landscape screens.</p> <p>17.5 Building design should, wherever possible, include a north facing roof upon which a solar hot water system or collector could be installed. The building's internal plumbing should be designed to facilitate the installation of such a system. 17.6 The design of the building should maximise the cooling</p>	<p>The proposed development will not alter the water or energy conservation properties or performance of the existing dwelling.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>potential of natural ventilation by providing breeze pathways through the building (refer Figure 32).</p> <p>17.7 Shadow diagrams may be required for residential developments of two storeys and over in urban zones if, in the opinion of the assessing officer, they are required and for all residential developments comprising two (2) or more dwellings where ground level private open space is located in other than an “optimum” or “good” location as shown in Figure 20. The shadow diagram shall address the overshadowing impact of new development and also the impact from adjoining development against the criteria provided under 17.8 below.</p> <p>17.8 Development within the categories specified under 17.7 above shall ensure that adequate solar access is provided to both existing development adjoining the project site as well as to the dwellings and their associated outdoor open spaces within the new development itself. In this regard:</p> <p>a. Development shall not reduce the sunlight available to windows of living areas that face north to less than 3 consecutive hours between 9.00am and 3.00pm on the Winter Solstice (June 21);</p> <p>b. At least 50% of the principal area of ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%;</p> <p>c. At least 50% of the principal area of above ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%;</p>		

MDCP 2011	Controls	Review/Response	Comply
	<p>d. At least 50% of the area of communal private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.</p>		
<p>18. Stormwater Management</p>	<p>18.1 Due to downstream flooding/capacity issues and for developments other than single dwellings, on-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards, to restrict the discharge rate of stormwater runoff. The methods may include tanks (either underground or aboveground) or surface storage areas such as driveways or landscape depressions. The amount of storage volume required is subject to detailed calculation but may be estimated at 9 cubic metres per 1000sqm of site area.</p> <p>18.2 A detailed erosion and sediment control plan (ESCP) should be submitted with the development application. The ESCP should be prepared in accordance with the requirements of Council's Manual of Engineering Standards.</p> <p>18.3 Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an interallotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted.</p> <p>18.4 The development site must be provided with an overland flowpath for the major storm event (1% AEP).</p> <p>18.5 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</p>	<p>Civil Engineering Plans are provided at APPENDIX 8 to demonstrate the stormwater management of the existing dwelling and proposed development.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>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.</p> <p>18.6 As a minimum requirement, a stormwater drainage “concept plan” shall be submitted with the development application. The plan should include:</p> <ul style="list-style-type: none"> a. the pipeline/pit layout b. water storage means/area c. indicative levels at critical design points d. overland flowpaths including details of the means of capturing runoff from all impervious surfaces. 		
<p>19. Security, Site Facilities and Services</p>	<p>19.1 For developments proposing ten (10) or more dwellings a detailed ‘Crime Prevention Through Environmental Design’ assessment shall be prepared by an accredited person and submitted with the development application.</p> <p>19.2 Buildings adjacent to a public or communal space shall be designed to maximise natural surveillance, having at least one (1) habitable room window per dwelling facing that area.</p> <p>19.3 Low intensity lighting (eg. bollard lighting) shall be provided to all shared pedestrian paths, parking areas and building entries.</p> <p>19.4 Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.</p>	<p>These controls are not applicable to the proposed development.</p>	<p>N/A</p>

MDCP 2011	Controls	Review/Response	Comply
	<p>19.5 Where agreed to by public utility service providers, services shall be co-ordinated in common trenching in order to minimise construction costs for underground services.</p> <p>19.6 Each dwelling shall be provided with direct and convenient pedestrian access to a public road.</p> <p>19.7 Where there is no direct pedestrian access from a dwelling's private outdoor open space area to the public roadway then the development shall be provided with a common garbage storage area readily accessible from within the site and serviceable from the adjoining road.</p> <p>19.8 The garbage storage area shall be designed so as to conceal its contents from view of the adjacent public space and/or other properties. It shall be provided with a water tap for wash down purposes and drained to connect to the sewer. 19.9 Individual mail boxes shall be located close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site complying with the requirements of Australia Post.</p> <p>19.10 Open air clothes drying areas shall be provided for each dwelling with an aspect ranging between direct east to direct west (via north). The drying areas shall be located and/or screened such that they will not be visible from a street or public place. Each drying area shall comprise a minimum of 15.0 lineal metres of hanging line.</p> <p>19.11 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.</p>		
Part C – Design Guidelines – C10 – Subdivision			

MDCP 2011	Controls	Review/Response	Comply
EC.1 – Flora and Fauna	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	The proposal is not located in proximity and will not affect local flora, fauna or habitats, riparian land or corridors.	Yes
C.4 Heritage and Archaeology	The objective of this section is to protect heritage items, buildings with heritage significance and conservation areas and to protect known potential archaeological relics from damage or destruction. To ensure these are considered in the new design of subdivisions.	The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts. An AHIMS search of the site area with a 200m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in APPENDIX 6 .	Yes
EC.3 Hazards	The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.	The site is identified as Class 5 Acid Sulfate Soils. However, no significant earthworks are proposed that would be considered to risk the potential for acid sulfate soils onsite. The site is not mapped as being affected by hazards such as bushfire, flooding, landslip, contamination, salinity. The proposal will not create any risks to life or property and it is suitable for the proposed development.	Yes
DC.1 Lot size and dimensions	These sections objectives are to ensure all new lots have an appropriate size and shape to their proposed use and to allow for the provision of necessary services and other requirements.	The proposal is for a one into three lot subdivision, resulting in the following lots: Lot 1 – 834.3m ² Lot 2 – 968.2m ² Lot 3 – 4203m ² (excluding handle)	Yes

MDCP 2011	Controls	Review/Response	Comply
		All lots are greater than the minimum lot size provided by the LEP and they all have a regular shape. The proposal will provide adequate lots consistent with the development of the URA and will provide the necessary services/utilities to each lot.	
Access Handles			
DC.1.8	Access handles and carriageways over them shall be in accordance with the table and associated notes below (Table 1 and Figure 1).	As per Table 1, the required access handle width for the proposed development is 4m, with a pavement width of 3m. The proposed access handle has a width of 4m, complying with this control.	Yes
DC.1.9	No more than 2 lots may be serviced by a reciprocal right-of- carriageway (ROC) which shall be centrally located within both access handles.	No more than 2 lots will be serviced as per the proposed development.	Yes
DC.1.10	Battle-axe lots without public frontage (i.e., road, park, reserve) are discouraged unless part of an integrated approval.	Proposed Lot 3, which is a battle-axe lot, has public frontage to the New England Highway.	Yes
DC.1.11	When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.	All proposed lot areas have been calculated excluding the access handle. All proposed lots remain compliant with the minimum lot size.	Yes
DC.1.12	Shared use handles are to be incorporated into the 10.0m chord frontage around sharp bends and cul-de-sacs to facilitate access width, parking and garbage collection. See Figure 2 and Table 1 below.	The subject site is not located around a sharp bend or cul-de-sac.	Yes
DC.1.13	Access ways to hatchet shaped or battle axe lots will serve a maximum of 2 lots, have a maximum grade of 25% (4H:1V) at any point.	The proposed access handle will serve 2 lots and will not have a grade above 25% at any point.	Yes

MDCP 2011	Controls	Review/Response	Comply
DC. 2 Solar Access and Energy Efficiency	The objective of this section is to encourage the design of residential subdivisions which maximise solar access and allow flexibility in the siting of future buildings to take advantage of a north aspect	The proposed lots have an east-west orientation that allows each lot good solar access consistent with the objectives of this clause. Future development within proposed Lots 1 and 3 can be designed to achieve compliant solar access.	Yes
DC.3 – Drainage, Water Quality and Soil Erosion	The objectives of this section are to preserve natural drainage, enhance the environment and maintain the health and quality of the water catchment and its health.	The existing stormwater arrangements utilised by the existing dwelling shall continue following subdivision. Stormwater plans have been prepared at APPENDIX 8 . Detailed stormwater design for a future dwelling on Lots 1 and 3 can be provided as part of a future development application.	Yes
DC.4 Landscape, Streetscape and Visual Impact.	This sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.	The proposal will not impact the local character of the surrounding landscape and will provide streetscape consistent with the developing area.	Yes
DC.5 Effluent Disposal	The objectives include to ensure that new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	All lots are to be connected to reticulated sewer and water. These services will be timed and augmented to ensure the development is adequately serviced. A Before You Dig Australia Report is provided at APPENDIX 7 indicating the existing services available to the site.	Yes
DC.6 Roads, Access, Pedestrian and Cycleways	The objectives include to provide appropriate access to all new lots created.	The site and proposed lot 2 is currently provided with access to the road network. All lots will utilise the existing access from the New England Highway. Upgrades to the	Yes

MDCP 2011	Controls	Review/Response	Comply
		existing crossover will be required to facilitate this proposal.	
DC.7 Crime Prevention – Safer by Design	This sections' objectives are to achieve effective design of subdivisions to reduce crime.	The proposal will not create opportunity or increase the potential risk of crime/criminal behaviour in the locality. The proposal has clear sightlines between public and private places. The objectives of this part are satisfied	Yes
DC. 8 Site Filing	The objective of this section is to ensure fill is properly assessed.	Minimal soil disturbance is proposed associated with the provision of services. No extraction or fill from offsite is proposed.	Yes
DC. 9 Reticulated Services (Waste/Sewer/ Electricity/Tele communication s)	The objective of this section is to provide utilities and services to new lots in an efficient manner.	Each lot has the ability to be connected to reticulated water, sewer, electricity and telecommunications.	Yes
IC.1 Entry Features	The objective of this section is to ameliorate cumulative visual impact of entry features	Not applicable to this proposal.	N/A
IC. Street Names	Street names to be approved by council	Not applicable to this proposal.	N/A
IC.3 House numbering	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	N/A
Part F – Urban Release Areas			

MDCP 2011	Controls	Review/Response	Comply
F.9 – URA – Lochinvar	This Part of the DCP gives detailed guidance to people wishing to develop land identified as an urban release area in the Maitland LEP 2011.	The site is identified within the Urban Release Area (URA) of Lochinvar, and Part F of the DCP applies.	Yes
Staging Plan	<p>To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.</p> <p>To provide for the logical development of the URA based on the cost-effective provision and availability of infrastructure and servicing arrangements</p>	<p>The subject site is located within ‘Stage 1’ of the URA staging plan. Staging has been proposed under the URA to provide efficient and timely development of the area, and making provisions for necessary infrastructure such as roads, drainage, water and sewer reticulation, community facilities etc.</p> <p>All lots are to be connected to reticulated water, sewer, telecommunications and power.</p>	Yes
Transport and Movement	<p>To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists</p> <p>To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents</p>	Given the size of the proposed development an overall transport movement hierarchy is not warranted.	Yes
Landscaping Strategy	To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.	<p>The proposed site does not contain any environmental corridors, riparian zones that require enhancement and protection.</p> <p>No native tree removal is proposed under this application.</p> <p>The proposal can satisfy the objectives of this part.</p>	Yes
Passive and Recreational Areas	Neighbourhoods are conveniently located open space areas that offer a range of recreational opportunities for residents, accessible within walking distance from each residence.	The subdivision does not inhibit future connections and is consistent with the objectives of this part.	Yes

MDCP 2011	Controls	Review/Response	Comply
	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.		
Stormwater and Water Quality Management	The objectives include to protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.	Future application for development of all lots shall ensure that post-development stormwater flows do not exceed pre-development stormwater flows.	Yes
Amelioration of Natural & Environmental Hazards	<p>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>To ensure that future residential development is not adversely affected by any noise and vibration from incompatible land uses, including road and rail corridors</p>	<p>The site is not mapped as being affected by hazards such as bushfire, flooding, landslip, contamination, salinity or ASS.</p> <p>This site is considered to not be constrained hence will not create unnecessary risk to life or property and is suitable for the proposed development.</p> <p>The site is not identified to be impacted by noise or vibration and is considered to be suitable for residential development. An acoustic assessment is provided as APPENDIX 9 which identifies the site as suitable for the proposed development.</p>	Yes
Aboriginal and European Heritage	Heritage items, buildings with heritage significance and conservation areas are protected.	<p>The site is not identified as being within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.</p> <p>An AHIMS search of the site area with a 200m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMS Search Results are provided in APPENDIX 6.</p>	Yes

MDCP 2011	Controls	Review/Response	Comply
Key Development Sites	Detailed urban design controls are provided for significant development sites	The site is not a Key Development Site.	N/A
Residential densities	Specified by the LEP	Complies.	Yes
Neighbourhood Commercial and retail uses	<p>To accommodate and control appropriate neighbourhood commercial and retail uses.</p> <p>To foster a sense of community and strong local identity and sense of place in neighbourhoods</p>	None proposed or required onsite.	N/A
Provision of Public Facilities and Services	Suitably located public facilities and services are provided, including provision for appropriate traffic management facilities and parking.	Complies.	Yes.

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

Section 7.11 – Development Contributions

Development contributions will be calculated and charged in accordance with the Lochinvar S94 Contributions Plan 2014 (CP).

3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2021* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) requires the consent authority to consider:

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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or the subject site that require consideration as part of this development application.

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

4.1.1 BUILT ENVIRONMENT

The following matters are relevant to an assessment of any impacts on the built environment:

Context & Setting

The features of the site have informed the design of the proposal, which is consistent with development surrounding the site and within the broader locality. The proposal complies with the relevant requirements of the planning framework including the minimum lot size and the detailed design provisions of the DCP. All structures are separated from adjoining boundaries by a minimum of 1 metre and therefore comply with the setback provisions of the DCP. The design of the proposal responds appropriately to the context and setting of the site.

Visual Impact

The proposal has been designed to respond to the existing lot layout and to compliment surrounding future residential development. The visual presentation of the proposed subdivision is consistent with residential development within the locality.

Access, Transport & Traffic

Access to the proposed lots will be via an existing access point provided from the New England Highway. No new access is proposed. The increase in traffic that will arise from the proposal will not significantly impact the surrounding road network and will be consistent with that anticipated by the zoning of site. The development provides appropriate off-street parking, thereby eliminating impacts on the adjoining road network.

The proposed access provides a 4m wide pavement in order to facilitate access for fire fighting vehicles should the need arise, given the proposed future development on the site is likely to be located more than 90m from a fire hydrant.

Access is provided from the adjoining road network. Overall, the proposal will not result in any significant impacts to access, traffic or transport in the area.

Public Domain

The development will not result in any detrimental impacts on the public domain. Development contributions that will be payable will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

Services

The site is adequately serviced, and the proposed subdivision and construction will not unreasonably increase demand of these services.

The proposed access provides a 4m wide pavement in order to facilitate access for fire fighting vehicles should the need arise, given the proposed future development on the site is likely to be located more than 90m from a fire hydrant.

Safety, security and crime prevention

No safety, security or crime prevention measures are required. The proposed subdivision will provide opportunities for passive surveillance from the site to adjoining public areas.

4.1.2 NATURAL ENVIRONMENT

The following matters are relevant to an assessment of any impacts on the natural environment:

Ecology

No trees or significant vegetation will be required to be removed in order to facilitate the proposed development. There will be no significant impacts upon the natural environment as a result of the proposal.

Landscaping

No landscaping is proposed as part of this development application.

Noise and vibration

Construction noise associated with the construction of the ancillary garage and future development will be as per normal construction times and processes and will cease once construction is completed.

Stormwater management

The existing dwelling will continue to manage stormwater on-site in accordance with the approved and established infrastructure. Civil engineering plans provided at **APPENDIX 8** detail the stormwater management plan proposed for the development. A future dwelling on proposed Lots 1 and 3 will be subject to detailed stormwater design and associated assessment at the relevant stage under a separate DA.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity and providing new and diverse density of residential accommodation within a low-density residential environment to meet the needs of the local community.

4.4 CUMULATIVE IMPACTS

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

4.5 SUITABILITY OF THE SITE

The proposal is permitted with consent in the R1 zone and is consistent with both the zoning objectives and the relevant requirements of the Maitland LEP and the DCP.

While the proposal represents an intensification of development on the site, the above assessment demonstrates that the style and form is appropriate in light of the site and surrounds, with no adverse impacts as a result.

The site is therefore considered suitable for the proposed development.

4.6 CONSULTATION

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

In the event that this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

4.7 THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use and development of land for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls.

The proposed development is in the public interest as:

- it is permitted in the R1 zone and consistent with the R1 zone objectives;
- it is consistent with the relevant planning requirements;
- it will provide benefits for the community in the form of additional housing stock, in a low-density residential form; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

5.0 CONCLUSION

In conclusion, the proposal is permissible under the Maitland LEP and is consistent with the objectives for development in the R1 General Density Residential zone.

The proposal has been assessed against the Maitland DCP and is consistent with the relevant provisions. The proposal will result in positive social and economic benefits, with no adverse impacts anticipated on the residential amenity of surrounding properties, the locality or the natural environment.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal. It is recommended that Council approve the application.



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2324
Phone: 0411 551 433
Email: admin@perceptionplanning.com.au