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## 10.2 EXHIBITION OF HOUSEKEEPING AMENDMENT TO MAITLAND DEVELOPMENT CONTROL PLAN 2011

<b>FILE NO:</b>	103/172
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Maitland Development Control Plan - Part A (under separate cover)</li> <li>2. Maitland Development Control Plan - Part B (under separate cover)</li> <li>3. Maitland Development Control Plan - Part C (under separate cover)</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<p>Matthew Prendergast - Group Manager Planning &amp; Environment</p> <p>Andrew Neil - Manager Strategic Planning</p> <p>Adam Ovenden - Coordinator City Planning</p>
<b>AUTHOR:</b>	Amanda Wells - Senior Strategic Planner
<b>MAITLAND +10</b>	Outcome 7. To afford the house we want in the neighbourhood we like
<b>COUNCIL OBJECTIVE:</b>	7.2 Manage growth sustainability, integrating the new and old while respecting our rural amenity and character

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### EXECUTIVE SUMMARY

*The purpose of this report is to submit for Council's consideration proposed amendments to the Maitland Development Control Plan (DCP) 2011. The current DCP was adopted in 2011 and amendments are required to update and enhance the existing plan. The proposed changes do not alter the fundamental principles of the DCP.*

*This 'housekeeping' amendment has been prepared to provide a consistent interpretation of the relevant DCP clauses and update relevant legislation, standards and adopted plans and policies. In addition, the update provides additional clarification and expansion of existing controls and removes some controls from other adopted plans and policies (such as the Manual of Engineering Standards) into a more appropriate space within the DCP.*

*The proposed amendments will assist both the development industry and Council in the effective and efficient preparation, and assessment, of development applications. This is anticipated to create a positive economic benefit for the City.*

*Commencement of a comprehensive review of the DCP is identified within the 2022 / 2023 Operational Plan and will be reported to Council at a future date.*

*This report seeks approval to exhibit the attached amendment to the MDCP 2011.*

**OFFICER'S RECOMMENDATION****THAT**

- 1. Pursuant to Clause 13 of the *Environmental Planning and Assessment Regulation 2021*, Council exhibit the attached amendment to the Maitland Development Control Plan 2011 for a period of 28 days.**
- 2. A further report be submitted to Council following public exhibition of the draft Development Control Plan.**

**REPORT**

The purpose of this report is to seek Council's endorsement for the public exhibition of the attached amendments to the *Maitland Development Control Plan (DCP) 2011*. The amendments apply to Chapters A - Administration, B - Environmental Guidelines, and C - Design Guidelines of the DCP. Since the adoption of the DCP, there have been many legislative changes and new plans and policies adopted by Council, and as such there is a need to update and enhance the existing document.

The draft DCP to be exhibited amends the current adopted DCP specifically in 3 main areas:

1. Repeals sections where they are no longer relevant and/or do not provide additional controls beyond other adopted policies and plans.
2. Updating references to legislation, State Environmental Planning Policies, Australian Standards as well as Council's adopted plans and policies.
3. Provide additional clarification, definitions and intent behind existing controls.

The following sections are to be repealed:

A.3 - Lodging an Application. As of July 2021, all Development Applications are required to be lodged via the NSW Planning Portal and so the chapter contained outdated information. Information is included in its place to direct users to the Planning Portal and informing that advice can still be sought from Council regarding Development Applications.

B.4 - On-site Sewage Management Systems. The section did not provide additional controls beyond Australian Standards, Environment & Health Protection Guidelines and other relevant standards, plans and policies. An approval under Section 68 of the *Local Government Act 1993* is still required as part of an application for sewage works.

C.2 - Child Care Centres. The section will be repealed as all child care centres must comply with the requirements and matters for consideration under the *State Environmental Planning Policy (Education Establishment and Child Care Facilities) 2017*, the *Education and Care Services National Regulations* and Child Care Planning Guidelines.

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The key changes relating to additional clarification, definitions and the intent behind existing controls are contained within Part B and Part C, specifically:

**B.3 Hunter River Floodplain.** This section has been amended to provide clearer interpretation of the existing controls, with a slight change to the format for consistency with other chapters including clearer objectives and development controls.

**B.5 Tree Management** is proposed to be renamed to *Tree and Vegetation Management*. It has also been simplified and the format made consistent with other sections. Additional definitions have been included as well as further clarification on the level of details required to be submitted to support the clearing of vegetation. Further details in this section allows proponents to gather the required information prior to requesting development consent. Additional details have also been included about clearing of vegetation in the vicinity of a heritage item, such as the submission of an Arborist report.

**B.6 Waste Not – Site Waste Minimisation & Management** includes industry standard generation rates in line with other local Councils. Currently the adopted DCP refers to Appendix C for rates however the appendix is not contained within the document. As the proposed rates are in line with surrounding Council's and industry standards it is considered appropriate for them to be included in the housekeeping amendment and remove the reference to Appendix C.

**B.7 Riparian Land and Waterways** is proposed to be renamed to *Environmentally Sensitive Land*. Additional definitions have been included to provide clarity as to where the section applies, with specific legislated distances and prescribed zoned listed. The objectives of the section have been slightly expanded to include the need to protect and enhance landscape connectivity and approval linkages within wildlife corridors, as well as protecting threatened ecological communities.

**C.1 Accessible Living** has been expanded to be consistent with standard practices surrounding accessibility, including the need for access reports for specific development types. Changes to this section also include the removal of controls that were not relevant, or not within Council's jurisdiction to govern (such as assistive listening devices for galleries and museums).

**C.8 Residential Design** includes additional definitions to include ancillary structures such as garages, sheds and outbuildings to ensure that these structures are captured along with the residential dwellings. This is considered appropriate in that the section refers to residential design, however, did not explicitly include structures ancillary to the primary use (being residential development). This will ensure a consistent approach across the city and provide for improved urban outcomes. The amendment includes a revision of

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controls such as setbacks and brings these closer in line with other Environmental Planning Instruments including the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*. Further clarification was included for earthworks and retaining walls to remove conflicting information where figures did not match the controls they relate to.

C.10 Subdivision includes a rationalisation of headings and content to allow for consistency and ease of use of the section. Additional clarification provided for residential lot design, with further explanation given on existing controls such as lot diversity. Existing controls which were contained within Council's Manual of Engineering Standards (MOES) were updated to align with Australian Standards and industry practice and included in this section, such as battle-axe allotments, lot frontages and handle widths. Additional guidance is also provided on public transport to align with industry standards and State plans/policies, including information on street block length and spacing.

C.11 Vehicular Access and Car Parking includes minor changes to ensure consistency with Australian Standards (such as dimensions for accessible parking spaces) and to update Appendix A to include parking rates for developments such as Health Consulting Rooms, which previously did not include parking rates.

The proposed amendments to the DCP are considered appropriate to provide a consistent interpretation of the relevant DCP clauses, along with updates to relevant legislation, standards and adopted plans and policies.

## CONCLUSION

The exhibition of the draft DCP will provide the opportunity for all stakeholders, including community, government agencies and service providers to consider and make comment on development principles guiding future development in the Maitland Local Government Area.

It is recommended that the draft DCP be exhibited for a minimum period of 28 days and reported back to Council after this period. The draft DCP will be exhibited in accordance with Council's Community Participation Plan.

A report, addressing any submissions made during the exhibition of the draft DCP chapters, will be presented to Council after the closure of the exhibition period.

## FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

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**POLICY IMPLICATIONS**

This matter has no specific policy implications for Council at this stage. Once the DCP chapters are adopted, they will form part of the *Maitland Development Control Plan 2011*.

**STATUTORY IMPLICATIONS**

There are no statutory implications under the *Local Government Act 1993* with this matter.