



PARKER SCANLON

Surveying, Town Planning, Bushfire Assessment, Project Management

Statement of Environmental Effects

*One into Three Lot Torrens Title
Subdivision and Associated Site Works*

*Lot 1 in DP 1016905
No.62 New England Highway Maitland*

Date: 16 February 2022

Ref: B2081SEE-A

Document Control

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VERSION	DESCRIPTION	ORIGINAL by	REVIEW by	RELEASE DATE
A	Statement of Environmental Effects	L.B	J.M	16/02/2022

PROPOSAL SUMMARY

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Property Description: Lot 1 in DP 1016905, No.62 New England Highway
Maitland NSW 2320

Zone: R1 – General Residential (Maitland Local Environmental
Plan 2011)

Project Description: One into Three Lot Torrens Title Subdivision and
Associated Site Works including Demolition

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1. PROPOSAL

1.1 DESCRIPTION OF PROPOSED DEVELOPMENT

This Statement of Environmental Effects has been prepared to support the development application for a: -

- One into Three Lot Torrens Title Residential Subdivision to create:
 - Lot 13 being 895.0m² in area, a regular shaped lot with a street frontage of 19.57m. This lot will retain the existing brick dwelling, detached garage and concrete driveway for access;
 - Lot 12 being 450.0m² in area, an irregular shaped lot with a frontage of 7.62m and a width of 16.55m at its eastern end. This lot will be vacant;
 - Lot 11 being 450.0m² in area, an irregular shaped lot with a frontage of 17.82m and a width of 21.21m at its eastern end. This lot will be vacant;
- Demolition of Structures; &
- Associated Site Works.

Refer to Site Plan in **Attachment 1**, Demolition Plan in **Attachment 2** and Subdivision Plan in **Attachment 3**.

1.2 RESIDENTIAL SUBDIVISION (SEE FIGURE 1 & 2 & ATTACHMENT 3)

Approval is sought for the proposed one (1) into three (3) lot Torrens title subdivision that will ultimately result in creating two additional lots, at Lot 1, DP 1016905, No.62 New England Highway Maitland. A Plan of Subdivision is presented in **Figures 1 and 2** and **Attachment 3**.

The proposed subdivision will create, under Clauses 2.6(1) and 4.1 of the MLEP 2011: -

- Three residential Torrens title lots.

1.3 SUBDIVISION CONSTRUCTION WORKS (SEE FIGURE 1 & ATTACHMENT 4)

In summary, the proposed works involve installing infrastructure to service the two (2) additional allotments in the form of concrete driveway, drainage and service installation.

Surface runoff from the development in storm events will be managed by the installation of new surface pits and pipe network in accordance with Council's standards (see **Attachment 4 – Civil Works and Stormwater Drainage Plan**).

Utility services for the development will be installed along the frontage of the lots with sewer connection at the rear.

More specifically, the proposed works include: -

- installing a temporary stabilised site access from the existing concrete driveway (see **Attachment 4 – Erosion & Sediment Control Plan**);
- establishing a temporary material stockpile area with associated sediment fence (see **Attachment 4 – Erosion & Sediment Control Plan**);
- installing a network of sediment control fences (see **Attachment 4 – Erosion & Sediment Control Plan**);

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- preparatory vegetation removal and earthworks;
- installing a 4.0m wide concrete driveway (right of carriageway) to service the proposed lots for vehicular access;
- installing stormwater management infrastructure and shaping the site's ground surface to manage surface runoff generated by the development in storm events, (see **Attachment 4** – Civil Works and Stormwater Drainage Plan); and,
- installing water, sewer, electricity, gas, and telecommunications infrastructure to service the utility needs of two households.

The proposed works include regrading the present ground surface using standard cut-and-fill earthworks techniques, and will involve the use of dozers, excavators, tipper trucks and rollers.

The site will then be seeded with a fast-growing grass species to stabilise the ground surface. Sediment fences will be maintained downslope of bare surfaces until a vegetation cover is established (see **Attachment 4** – Erosion & Sediment Control Plan).

1.4 REQUEST FOR STREET NUMBERS

Street numbers for each of the proposed allotments are sought from Council.

1.5 CONSULTATION

Formulation of the proposal has involved using/obtaining the following specialist reports and designs: -

- Civil Design and Stormwater Management (see **Attachment 4**);
- Landscape Plans (see **Attachment 5**);
- Aboricultural Assessment (see **Attachment 6**).
- Acoustic Assessment (see **Attachment 7**).

Formulation of the proposal has also involved consultation with: -

- Transport for NSW;
- Maitland City Council; &
- Hunter Water Corporation.

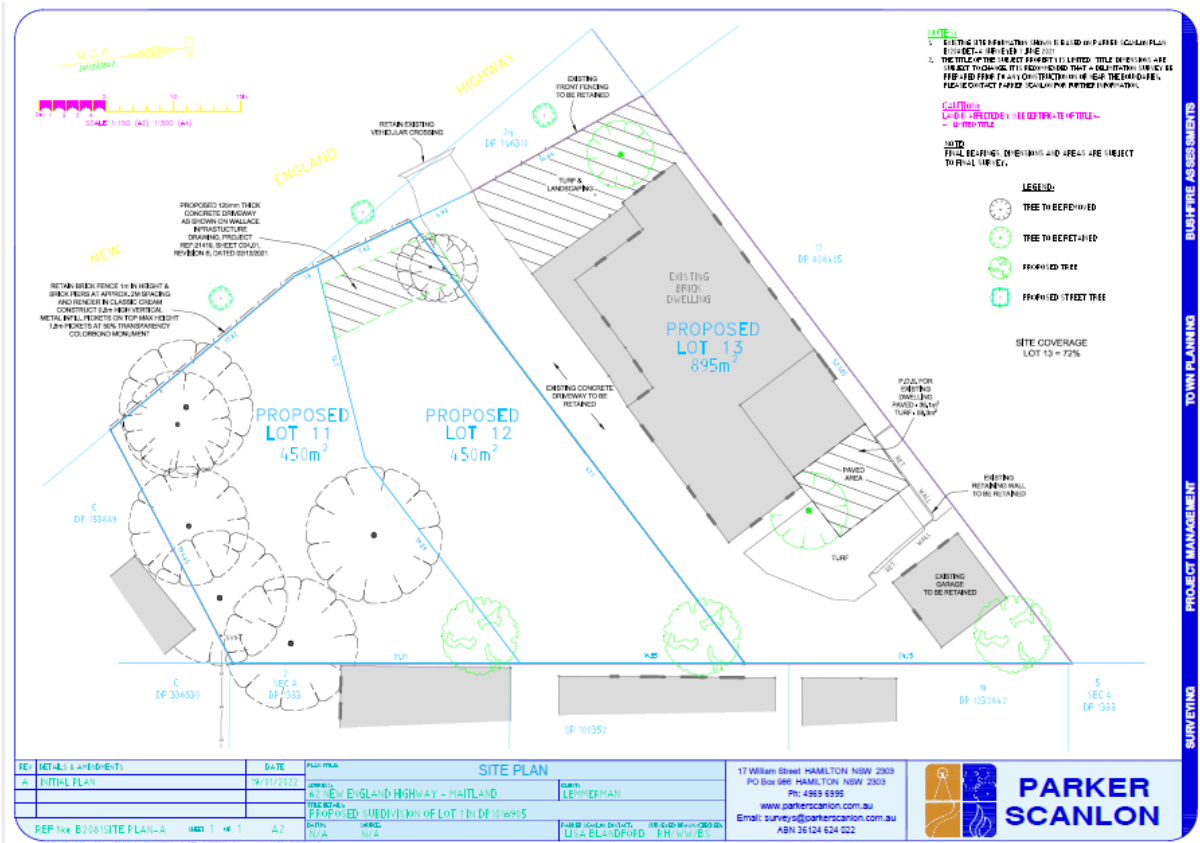


Figure 1 – Site Plan of Development (Parker Scanlon, January 2022)

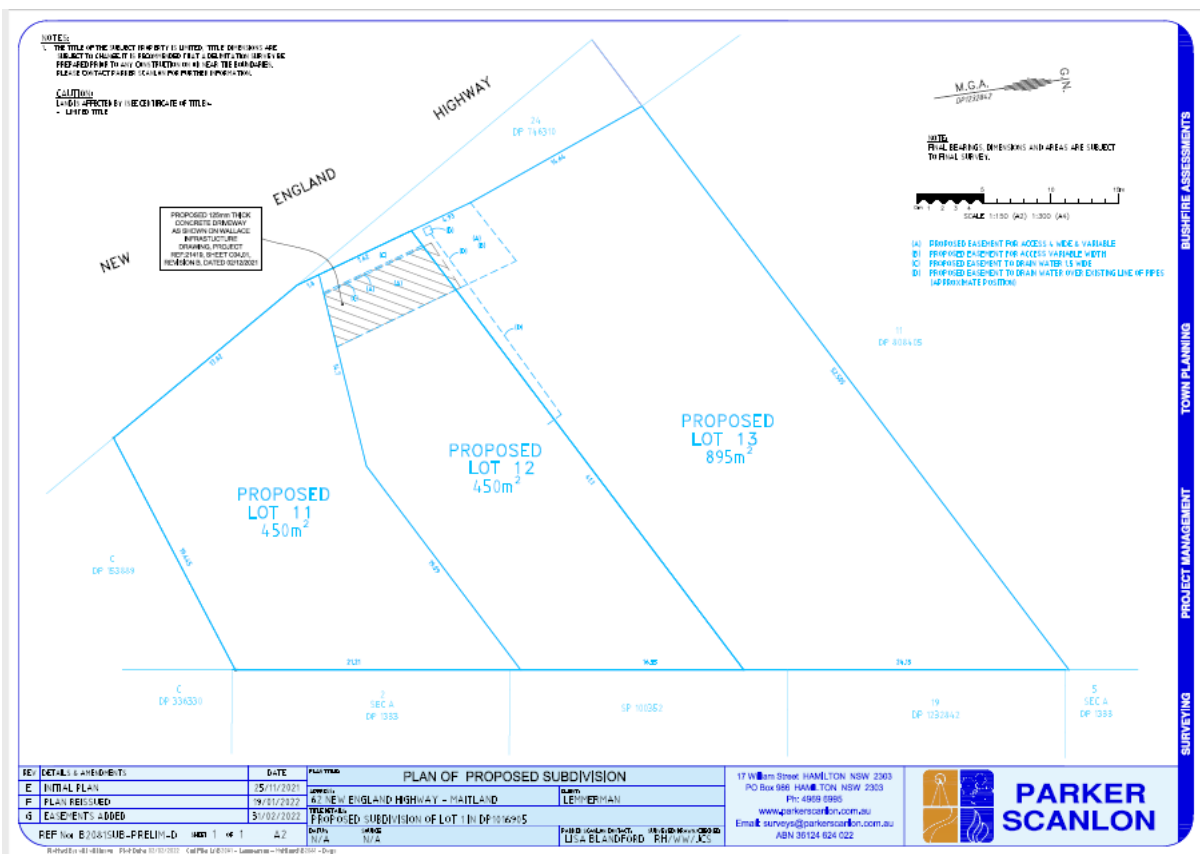


Figure 2 – Plan of Proposed Subdivision (Parker Scanlon, January 2022)

2. SITE CONTEXT

2.1 SITE DESCRIPTION

The subject site is known as No.62 New England Highway and consists of Lot 1 in DP 1016905 (see **Figure 3**), subject to limited title.

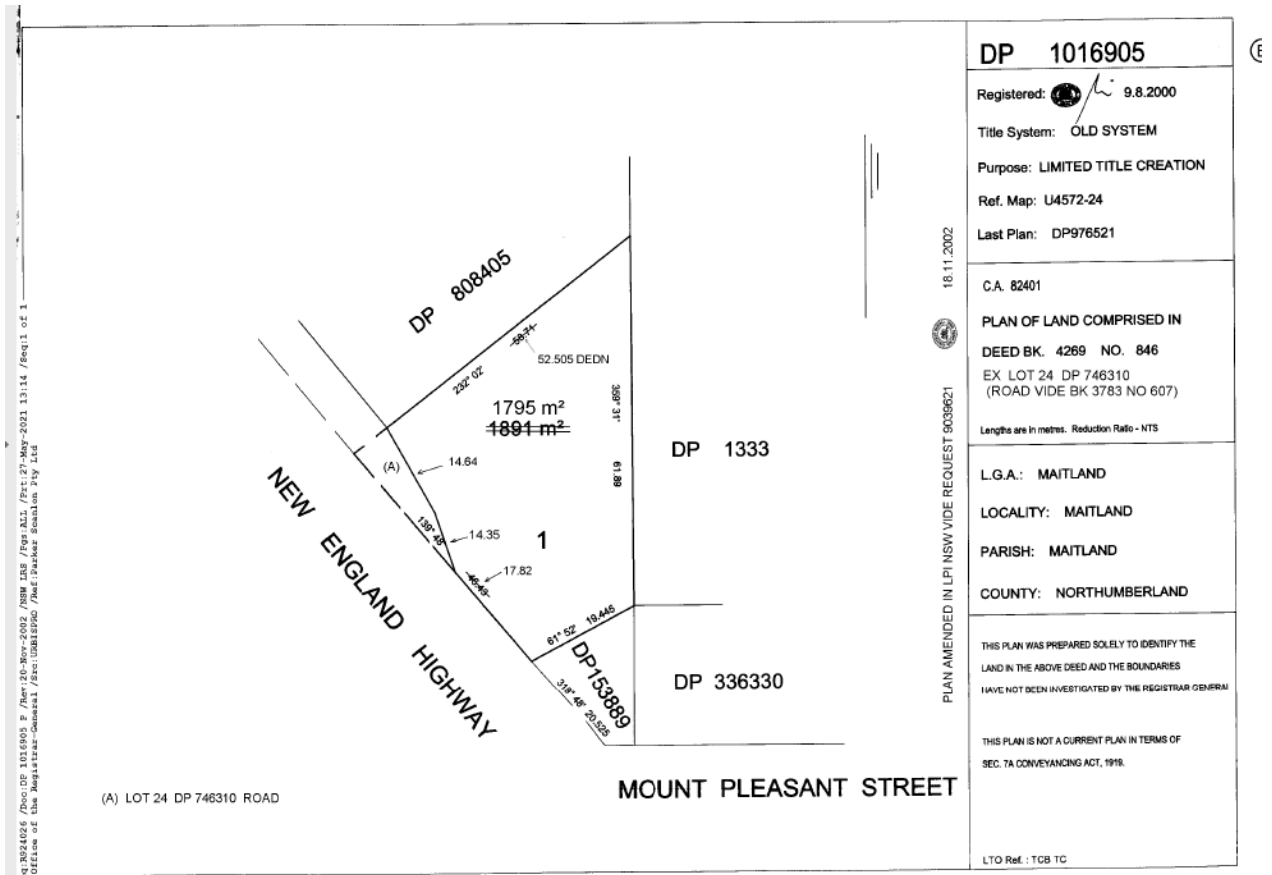


Figure 3: Deposited Plan 1016905

The land presently contains the following improvements: -

- Single storey brick dwelling house with associated outbuildings & structures, including garage, inground concrete pool, shed, pergola, paved areas, hardstand areas including driveway and vehicular crossing, fencing & gate situated on the northern portion of the site (refer to **Figures 4-7**).



Figure 4: Site Location (Metro maps, January 2022)



Figure 5: Photo of Existing Dwelling House (June 2021)



Figure 6: Photo of Existing Dwelling & Pool (June 2021)



Figure 7: Photo of Existing Driveway & Gates (June 2021)

2.2 PREVIOUS AND PRESENT SITE USE AND APPROVALS

The current use of the site consists of a residential dwelling house. It is understood that the site has been used for this purpose for a number of years.

2.3 SURROUNDING DEVELOPMENT AND LAND USE

Surrounding land consists of the following:

- To the North: Mercure Maitland Monte Pio and Catholic Church, residential aged care;
- To the East: immediate residential with rural land beyond;
- To the South: residential & the old Maitland Hospital site; &
- To the West: residential, warehouses.

2.4 CURRENT ROAD NETWORK

The New England Highway is constructed of a kerbed-bitumen formation and operates as a four-lane Arterial Road. There is a left turn slip lane located along the frontage of the site which provides access to Mt Pleasant Street.

2.5 EXISTING VEGETATION & NATURAL FEATURES

The site contains some native vegetation and is presently partially cleared and maintained for residential purposes. The land contains a total of 12 trees of various species and does not contain any mapped watercourses. The Hunter River is located approximately 1km to the east of the site. There are no ecological corridors that run through the subject site.

2.6 TOPOGRAPHY, DRAINAGE AND FLOODING

The site is mapped as being within the Declared Floodplain (Maitland City Centre DC), however it is not mapped as a "Flood Planning Area" on Council's maps, refer to **Figure 8**. It has a slight fall from west to east (refer to Detail Survey in **Attachment 10**) to the rear of the site.

The proposal is supported by a Civil Works and Stormwater Drainage Plan, prepared by Wallace Design Group (see **Attachment 4**) which enables the site to meet drainage requirements and not cause nuisance or result in an increase of overland flow to any proposed lots or surrounding properties.



Figure 8: Flood Planning Areas – shown in blue shading (NSW Planning Portal, January 2022)

2.7 EXISTING SERVICES

All necessary service utilities are available to the site and it is anticipated that these can be installed and/or extended to service the future development, refer to Hunter Water Corporation Stamped Plans in **Attachment 9** and Detail Survey in **Attachment 10**.

3. STATUTORY PLANNING CONTROLS

This Statement of Environmental Effects is provided in accordance with Schedule 1, Part 1, Section 2(4) of the Environmental Planning & Assessment Regulation 2000. It is provided to facilitate the assessment of relevant issues in accordance with Part 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act).

This statement is considered to have addressed the relevant impacts relating to matters such as site suitability, existing structures, previous and present uses, heritage, access and traffic, air and noise, soil and water, energy, and waste, among other impacts.

3.1 STATE ENVIRONMENTAL PLANNING POLICIES

The following section of this report addresses relevant State Environmental Planning Policies (SEPPs) to the development.

3.1.1 STATE ENVIRONMENTAL PLANNING POLICY – VEGETATION IN NON-RURAL AREAS 2017

Clause 5 – Land to which VNRA-SEPP applies

The site is located within “Zone R1 General Residential” in the Maitland LGA. Maitland LGA is not listed in sub-clause 1(a), therefore VNRA-SEPP does not apply.

3.1.2 STATE ENVIRONMENTAL PLANNING POLICY – KOALA HABITAT PROTECTION 2021

Part 1.6 – Land to which this Policy Applies.

The site is within the City of Maitland Local Government Area (LGA) which is listed in Schedule 1 of SEPP – Koala Habitat Protection 2021. Accordingly, SEPP – Koala Habitat Protection 2021 applies.

Part 2.11 – Land to which this Part Applies.

The site has a total area of 1795m² which does not exceed the one (1) hectare threshold that triggers Part 2.11 of SEPP – Koala Habitat Protection 2021. Therefore, this part does not apply to the development. There is minimal vegetation located on the site and therefore the proposal is not expected to impact upon any potential koala habitat.

3.1.3 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The site is not identified as being within an “investigation area” and is not known to have been used for a purpose listed in Table 1 of the “contaminated land planning guidelines” (Planning NSW Draft ref 2018-01). There is no indication of the site being previously used for potentially contaminating activities. The site is not listed on the EPA Contaminated Land Register. Hence, no further consideration of SEPP 55 is required.

3.1.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007 – I-SEPP

The proposal is not listed as a type of development in Part 3 of the I-SEPP, nor is it listed in Schedule 3 Traffic-generating development to be referred to Roads & Maritime Services.

Division 5 Electricity transmission or distribution

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

Clause 45 Determination of development applications – other development

Under this clause of the I-SEPP, Council is required to give written notice of the development application to Ausgrid, inviting comments about potential safety risks, and consider any response received within 21 days after the notice is given.

Division 17 Roads and traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 101 Development with frontage to a classified road (see excerpt below)

101 Development with frontage to classified road

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

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site has frontage to a classified road, being the New England Highway and therefore sub-clauses 101(1) & (2) of the I-SEPP are required to be considered. It is noted that the existing vehicular access will be utilised by the development; hence, no new works are proposed on the classified road.

Council will likely seek comment from Transport for NSW as part of the assessment of the development application. Initial consultation with Transport for NSW has occurred during the planning stages of the development. Advice received (refer to **Attachment 13**) states:

Given that the traffic generation off the proposed development is minor and the existing access will remain unchanged, TfNSW has no issues with the proposal. Council as the consent

authority will make the call on requesting advice from TfNSW and our advice would be the same to Council.

An Acoustic Assessment has been prepared for the development (refer to **Attachment 7**). The report concludes that while some acoustic impacts are expected on the future residential dwellings, this can be easily mitigated through the use of relatively common noise control treatments. Hence, the traffic noise is not considered to have an adverse effect on future development of the lots.

3.2 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The development is subject to the provisions of the Maitland Local Environmental Plan 2011 (MLEP 2011). The MLEP 2011 provides a planning framework for land use and development within the Maitland LGA to facilitate development in an appropriate manner with due consideration for ecologically sustainable principles, minimising impact on neighbourhoods and avoiding adverse social and economic impacts.

The following table (**Table 1**) provides a summary of the proposal's compliance with the provisions of MLEP 2011. Where further consideration is necessary, the relevant clause has been addressed in the section below the table.

Table 1: General compliance with Maitland Local Environmental Plan 2011

Clause/s	Relevant	Compliance
Part 2 – Permitted or prohibited development		
Clause 2.1 – 2.3	Yes	The proposal is consistent with the site's R1 General Residential zoning through the provision of additional lots for residential housing to provide for the housing needs of the community and does not conflict with any surrounding land uses.
Clauses 2.4 – 2.5	No	Not applicable.
Clause 2.6	Yes	Approval of the proposed subdivision is sought under this clause.
Clause 2.7	Yes	Approval of the proposed demolition is sought under this clause.
Clause 2.8	No	Not applicable.
Part 3 – Exempt and complying development		
Clauses 3.1 – 3.3	No	This proposal does not entail complying or exempt development.
Part 4 – Principal Development Standards		
Clause 4.1	Yes	The subdivision of Lot 1 DP1016905 would result in three Torrens title lots (11, 12 & 13) with: <ul style="list-style-type: none"> • Lot 11 comprising 450m²; • Lot 12 comprising 450m²; and • Lot 13 comprising 895m² (All meet the minimum lot size of 450m ² as identified on the Lot Size Map).
Clauses 4.1AA-4.2C	No	Not applicable.
Clause 4.3	Yes	There is no maximum height of building for the subject site identified under the MLEP 2011. No buildings are proposed.
Clause 4.4	No	No buildings are proposed. The existing house will be retained on Lot 13. No maximum floor space ratio (FSR) is identified on the FSR map.
Clause 4.5	No	Not applicable.
Clause 4.6	No	Not applicable.
Part 5 – Miscellaneous Provisions		
Clauses 5.1 – 5.9	No	Not applicable.
Clause 5.9AA	No	Repealed.
Clause 5.10	No	There are no heritage items located on the site. The Maitland Hospital Group, which is a heritage listed item, sits approximately 160m to the south and is located within the Maitland Heritage Conservation Area. It is not considered that the proposal will have any adverse impacts on these items or area. An AHIMS Search was carried out on 9 th February 2022 (refer to Attachment 11) and there are no Aboriginal items or places located on or within 50m of the site.
Clause 5.11	No	The subject site is not identified as bushfire prone land.
Clauses 5.12-5.20	No	Not applicable.
Clause 5.21	Yes	The subject site is not mapped as flood prone land.
Clause 5.22	No	Not adopted.
Part 6 – Urban release areas		
Clauses 6.1-6.5	No	Not applicable. The site is not located in an identified urban release area.

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Clause/s	Relevant	Compliance
Part 7 – Additional Local Provisions		
Clause 7.1	No	The subject site is identified as having Class 5 Acid Sulfate Soil conditions. The proposal is not expected to affect acid sulfate soils. No additional reports are considered necessary for submission.
Clause 7.2	Yes	The proposal would result in minor earthworks, which are ancillary to the development. An erosion and sediment control plan has been prepared for the development (see Attachment 4).
Clause 7.3	No	Repealed.
Clauses 7.4-7.8	No	Not applicable.

Part 3 Permitted or prohibited development

Land Use Table & Zoning:

Under the MLEP 2011, the subject site is zoned R1 (General Residential), refer to **Figure 9**.

It is noted that the Clause 2.6 Subdivision – consent requirements of MLEP 2011 provides the mechanism for approval of the subdivision of land within the Maitland LGA. The proposed subdivision is permissible with the consent of Council.

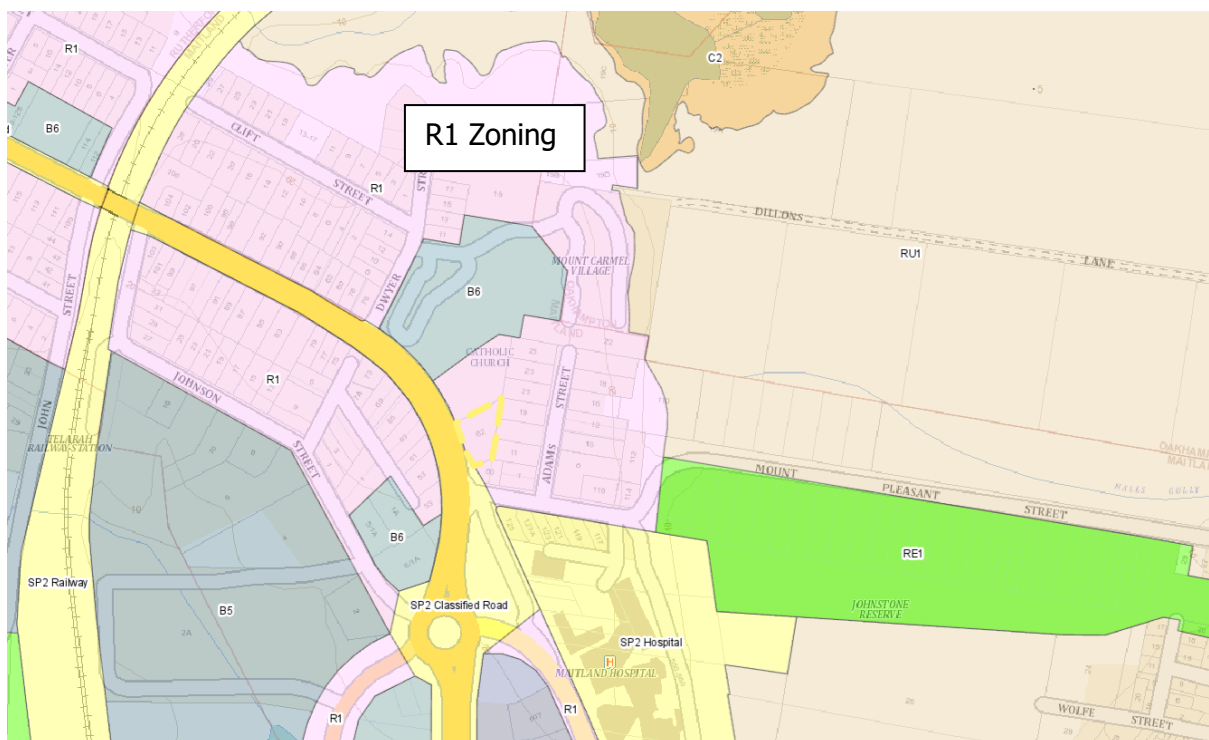


Figure 9: Extract MLEP 2011 – Zoning Map (NSW Planning Portal, 2022)

Comment:

As shown in **Figure 9**, the subject site is zoned R1 (General Residential). The site is nearby the following zones/uses: -

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- R1 land containing other residential dwellings, Catholic Church and Mount Carmel Village (aged care) to the north, east and immediate south;
- B6 land which houses the Mercure Maitland Monte Pio to the north;
- RE1 land containing Johnstone Reserve community land further to the east; and
- SP2 land, previously containing the Maitland Hospital (which has been relocated to another site) and the New England Highway to the west.

The proposal is permissible with consent within Zone R1 and meets the objectives by providing for the housing needs of the community. The proposal, as a result of the subdivision design, will accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

Part 4 – Principal Development Standards

Clause 4.1 – Minimum Lot Size

The minimum lot size for the subject site is identified as 450m² under the MLEP 2011. The proposed Torrens title lots comply with the minimum lot size, as described below:

1-into-3-Lot Torrens Title Subdivision of Lot 1 DP1016905 to create (see **Figure 2**):-

- Lot 11 comprising 450m²;
- Lot 12 comprising 450m²; and
- Lot 13 comprising 895m².

Therefore, all lots satisfy the minimum lot size requirement of 450m².

The proposed subdivision is consistent with the relevant objectives of this clause, as the proposed lot sizes are suitable to accommodate future residential development, which will be consistent with the relevant planning controls. Further to this, as part of the subdivision planning and design phase, the owner has reviewed a number of house designs for Lot 11 and Lot 12, and it has been determined that the sites are of a suitable size and width to accommodate a single storey three bedroom dwelling house with double garage and a private open space area compliant with the Maitland Development Control Plan 2011 (MDCP 2011) on each lot.

Part 5 – Miscellaneous Provisions

Flood Planning

The site is mapped as being within the area identified as the "Hunter Valley Flood Mitigation Scheme Development Consent Area" (refer to **Figure 10**) due to the site's proximity to the Hunter River. However, the site is not located within a Flood Planning area on Councils Maps, refer to **Figure 8**. Council's Duty Planner has previously advised that a Flood Certificate or a Flood Report was not required for the development.

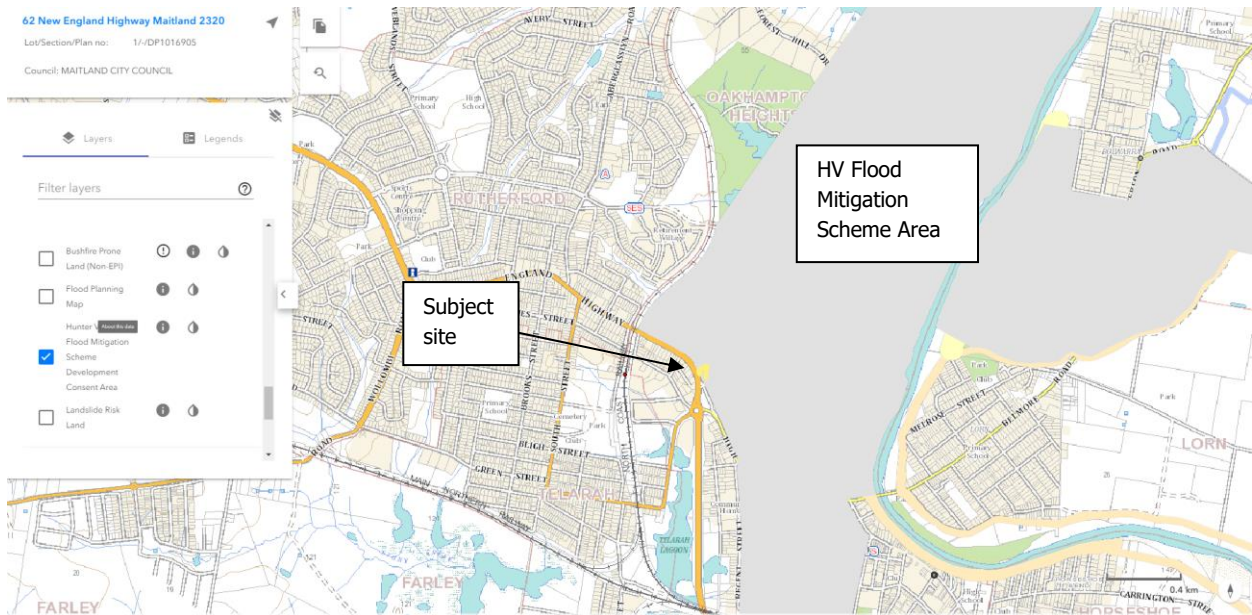


Figure 10: Hunter Valley Flood Mitigation Scheme Development Consent Area Map (NSW Planning Portal, January 2022)

Part 7 – Additional Local Provisions

Acid Sulfate Soils

The site is located in a Class 5 acid sulfate soil area on Council's maps, refer to **Figure 11**. The proposal would result in minor earthworks but are not expected to impact upon acid sulfate soils due to the low level of classification.

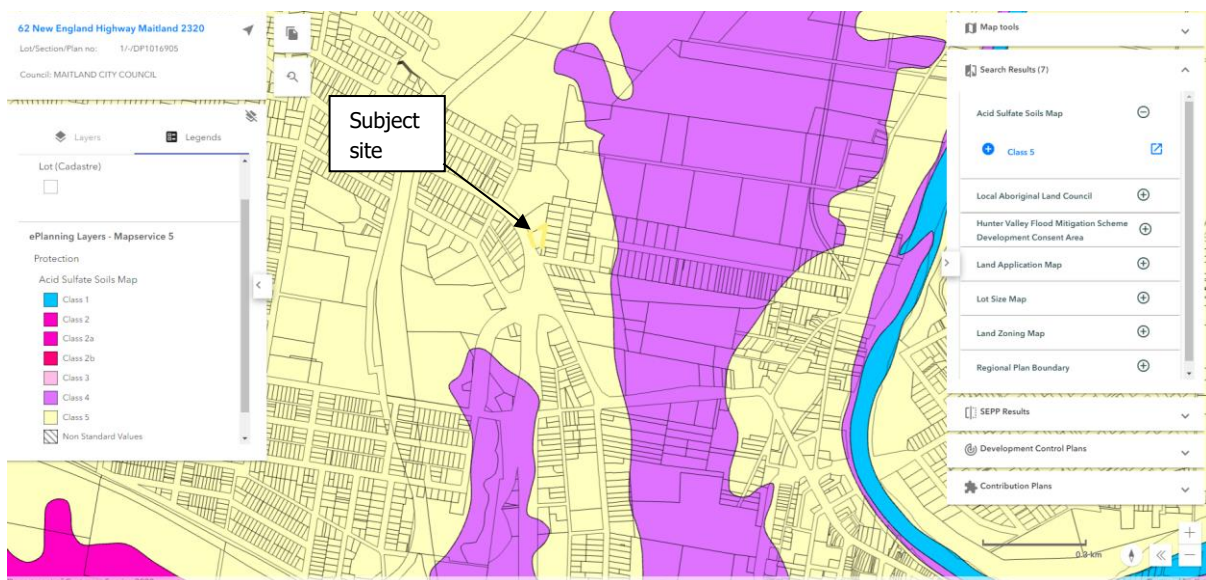


Figure 11: Extract from MLEP 2011 Acid Sulfate Soil Area Map (NSW Planning Portal, January 2022)

Earthworks

The proposal would result in minor earthworks, which are ancillary to the development. An erosion and sediment control plan has been prepared for the development (see **Attachment 4**).

3.3 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The Maitland Development Control Plan 2011 (MDCP 2011) provides detailed controls for Council to consider in exercising its environmental assessment and planning functions. Detail regarding the development's compliance with MDCP 2011 can be found within the DCP General Compliance Table (**Table 2**) below.

Table 2: General Compliance with MDCP 2011

DCP Requirement	Relevant	Compliance
Part B – Environmental Guidelines		
Part B1 Introduction		
<i>This Part of the DCP contains specific environmental guidelines for matters that are relevant to the Maitland Local Government Area. Some of the Chapters contained in this Part will assist the general public in the pre-planning or site analysis work that is required before the design phase of a development, such as the chapter on Vegetation Management. Other Chapters will assist in the design process, requiring an environmental outcome in the planning phase of an overall project, such as On-site Sewage Management Systems.</i>	Yes	Noted & this section of MDCP 2011 is considered below.
Part B2 Domestic Stormwater		
<i>The objectives of this plan are to; (a) Ensure that compliance with BASIX objectives and requirements are achieved. (b) Ensure that an acceptable standard of water quality is maintained within storm water lines and rain water storage tanks. (c) Ensure the most suitable rainwater storage method is employed pursuant to the relevant site conditions, including health and safety aspects of the storage installation. (d) Ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2003). (e) Ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location.</i>		A Stormwater Drainage Plan has been prepared by Wallace Design Group, refer to Attachment 4 . The plan addresses Council's requirements for domestic stormwater for subdivision stage.
Part B3 Hunter River Floodplain		
<i>This DCP chapter applies to the area of the Maitland Local Government Area (LGA) that is within the flood planning area identified in the LEP and for critical infrastructure and</i>		Although the site is identified within the Hunter Valley Flood Mitigation Scheme area (refer to Figure 10), the site is not located within Council's Flood Planning Area identified in MLEP 2011 (refer to Figure 8).

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DCP Requirement	Relevant	Compliance
<i>facilities within the Probable Maximum Flood (PMF) area</i>		Therefore, this section of MDCP 2011 is not applicable to the development.
Part B4 On-site Sewer Management System		
<i>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.</i>	No	Not applicable, reticulated sewer connection is available to the site, refer to Hunter Water Corporation stamped plans in Attachment 9 .
Part B5 Tree Management		
<i>These DCP provisions apply to all land in the Maitland Local Government Area other than land in Zone RU1 Primary Production or RU2 Rural Landscape. Clearing of vegetation in these rural land use zones is administered through Local Land Services: Hunter.</i>	Yes	<p>An Arborist Report has been prepared for the proposal. Ten (10) trees are identified for removal, of which only three (3) are native species.</p> <p>No trees on-site are listed on the Significant Tree Register.</p> <p>Three (3) compensatory trees are proposed and three (3) street trees, refer to Landscape Plan in Attachment 5. This is considered satisfactory for the proposal.</p> <p>Note: SEPP – Vegetation in Non-Rural Areas 2017 does not apply to Maitland LGA.</p>
Part B6 Waste Not – Site Waste Minimisation & Management		
<i>All applications relating to residential developments, as well as commercial and industrial premises are to include a Site Waste Minimisation and Management Plan (SWMMP) as part of documentation submitted to Council. The development plans should also clearly indicate the location of waste management facilities, including recycling bins and the like.</i>	Yes	<p>A Site Waste Minimisation & Management Plan (SWMMP) has been prepared for the development, refer to Attachment 8.</p> <p>The SWMMP seeks to recycle materials identified for demolition, where possible.</p>
Part B7 Riparian Lands and Waterways		
<i>This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways. The chapter is to be read in conjunction with Clause 7.4 Riparian Land and Watercourses of the Maitland Local Environmental Plan 2011, and the associated plans identified in Section 1.1 above.</i>	No	<p>The site does not contain any waterways or riparian lands.</p> <p>Therefore, this section of MDCP 2011 is not applicable to the development.</p>

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DCP Requirement	Relevant	Compliance
Part C – Design Guidelines		
Part C.10 - Subdivision		
3.0 Subdivision Design Process		
<p><i>All applications for subdivision must be accompanied by a thorough Site Assessment, addressing the physical characteristics of the subject land and that land surrounding which is likely to affect or be affected by its development.</i></p>	Yes	<p>A Site Plan has been prepared for the development, refer to Figure 1 & Attachment 1.</p> <p>This plan has informed the design of the subdivision and forms the basis of this Statement of Environmental Effects.</p>
4.0 Design Elements		
<p><i>Three components to design:</i></p> <p><i>a) Environmental Considerations (EC) – pre-planning the subdivision design</i></p> <p><i>b) Design Considerations (DC) – subdivision design</i></p> <p><i>c) Identity Components (IC) – relating to gateway elements and the identification of the locality and its road systems through design and landscaping.</i></p>	Yes	<p>The three components of the design will be addressed below.</p>
Environmental Considerations (EC)		
EC.1 Flora and Fauna		
<p><i>Design Principles:</i></p> <p><i>a) Subdivision design will minimise the impact on vegetation of likely future development on the lots created, including clearing for dwelling and building sites, roads, access, fire prevention, provision of services and the like.</i></p> <p><i>b) Subdivision design will include linkages to other areas of vegetation, such as existing or proposed buffer zones and corridors on the same land, or on adjacent or adjoining land.</i></p> <p><i>c) Subdivision design will consider the potential to enhance vegetation in natural drainage lines, creek and river banks and the like.</i></p> <p><i>d) Subdivision design will consider the potential to repair and/or enhance natural systems such as watercourses and drainage</i></p>	No	<p>The subject site does not contain any significant flora or fauna.</p> <p>The site is not identified as having biodiversity values on the NSW Biodiversity Values Map (BOSET mapping).</p> <p>However, the proposal does require the removal of ten (10) trees to facilitate the subdivision. Therefore, an arborist report is provided to support the DA. (Refer to Attachment 6).</p> <p>Two trees, <i>Ficus benjamina</i> (identified as Tree 1) and <i>Syagrus romnzoifianum</i> (identified as Tree 4) are being retained as part of the development. Only three (3) trees identified for removal are native species.</p>

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DCP Requirement	Relevant	Compliance
<p><i>lines, and any part of the land that is already degraded through vegetation loss, soil erosion and the like.</i></p> <p><i>Performance Criteria: General</i></p> <p><i>e) Areas of significant habitat must be protected.</i></p> <p><i>f) Design subdivision layout to avoid significant stands of vegetation. Where the subdivision proposal affects significant stands of vegetation, lot layout and lot size must take into account the need to retain the vegetation and the impact of likely future development on the lots, including building envelopes, parking, access and other development requirements such as Asset Protection Zones.</i></p> <p><i>g) Retain existing natural drainage lines and watercourses where practicable, revegetate where necessary and incorporate into open space areas (including pedestrian and/or cycleway corridors) or include in common property.</i></p> <p><i>h) Link existing vegetation corridors through open space provision and appropriate planting.</i></p> <p><i>i) Lot boundaries should be located to incorporate the whole of any significant stand of vegetation that is not included in common areas.</i></p> <p><i>j) Land title choices should reflect the need to protect and enhance vegetation. For example, Community Title may be appropriate where degraded areas need to be rehabilitated and maintained as part of the consent.</i></p> <p><i>Rural and environmental zones (including land zoned R5 Large Lot Residential) – k) to m) – N/A</i></p> <p><i>Specific Controls:</i></p> <p><i>n) The location of all natural drainage lines, wetland areas and significant stands of vegetation are to be mapped. Any vegetation to be removed must be identified and quantified. The subdivision application is required to address appropriate mechanisms for retention and protection of native vegetation.</i></p> <p><i>o) Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive</i></p>		<p>One compensatory native tree will be planted in the rear of each of the three lots and three street trees are proposed, refer to Landscape Plan in Attachment 5. The proposed tree planting compensates for the removal of the three (3) native tree species.</p>

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<p>area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7 Part Test referred to in Section 5A of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP 44 – Koala Habitat Protection. As a result of this report a subsequent Species Impact Statement may be required.</p> <p>p) Where environmental enhancement is required, a planting and vegetation management scheme is to be prepared and implemented, indicating the reinstatement or enhancement of vegetation in riparian areas adjoining water courses, major drainage lines, significant areas of native vegetation, habitat, or proposed vegetation corridors and land use buffer areas.</p> <p>q) Planting should consist of species indigenous to the locality, and those which will enhance bio-diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.</p>		
EC.2 Heritage & Archaeology		
<p><i>General Requirements:</i> Where a subdivision proposal affects any listed heritage item, the impact on the curtilage or immediate context of a heritage item must be evaluated in the Statement of Environmental Effects. Part C.4: Heritage Conservation should be considered to determine whether the preparation of a Character Statement or Statement of Heritage Impact is required.</p> <p><i>Preparation of an Archaeological Assessment may be required where there is no previous investigative study, or where such study was so broad that Council is unable to reasonably predict the likelihood of European or Aboriginal sites of significance (such as a site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974). If in doubt, applicants should consult with the NSW National Parks and Wildlife Service or Council.</i></p>	Yes	<p>There are no items of European or Aboriginal heritage significance identified in the locality.</p> <p>An AHIMS Search was completed on 9 February 2022 and confirmed that there were no items or areas of significance on the site or within 50m of the site, refer to Attachment 11.</p> <p>The existing dwelling house on proposed Lot 13 displays heritage character and value; however, it is not identified as a heritage item in Schedule 5 of MLEP 2011. The house will be retained as part of the development. Refer to photos in Figure 5 & 6.</p>
EC.3 Hazards		

DCP Requirement	Relevant	Compliance
<p><i>General Requirements:</i> All new subdivisions are to be designed to provide adequate, safe access for future users. Each new lot created must have adequate site area/building envelope which is free from hazard and can accommodate future development on the site without costly site works on individual lots and without the necessity for loss of significant areas of vegetation.</p> <p><i>Performance Criteria:</i> Flooding a) All lots within new residential subdivisions shall have safe access made available in a 1 in 100 year flood event. b) All new residential lots are to be wholly above Council's adopted flood standard (the 1% AEP or 1 in 100 flood event). In exceptional circumstances, and where lot sizes have been increased to provide sufficient flood free area for erection of a dwelling and associated structures, parts of the lot may be permitted below the adopted flood standard. c) Rural subdivision in floodways is not permitted. Where part of the land may be affected by flood waters (such as back-water), all lots must have a suitable building envelope, above the 1% AEP flood standard, of sufficient size to allow development of improvements, with any required effluent disposal area, and must have safe flood-access to a public road. Specific provisions in the Maitland LEP 2011 and the requirements of Chapter B.1: Hunter River Floodplain Management must be considered.</p> <p><i>Bushfire prone land – N/A</i></p> <p><i>Other hazards</i> g) Subdivisions must take account of any hazards identified in the Maitland LEP 2011 (such as acid sulfate soils), this DCP, or otherwise identified by Council or by Government gazette (e.g. unhealthy building land).</p> <p><i>Landslip</i> u) Where a subdivision proposal is on land identified as being subject to landslip, the applicant shall engage a geo-technical consultant to prepare a report on the viability of subdividing the land and, if viable, provide recommendations as to the siting and the type of buildings which could be permitted on the land. Land contamination v) All development applications for subdivision shall provide documentation to satisfy the requirements</p>	<p>Yes</p>	<p>The subject site is not located in a Flood Planning Area on Council's maps, refer to Figure 8. The proposed lots will be above the 1 in 100 year flood event or 1% AEP.</p> <p>The subject site is not identified as containing any Bushfire Prone Land.</p> <p>The site is currently utilised for residential development and is not known to be contaminated. The site is not listed on the List of NSW Contaminated Sites Notified to the EPA (February 2022).</p> <p>The subject site is mapped as containing Class 5 acid sulfate soils. No requirements.</p> <p>The site is not located within a mine subsidence district.</p> <p>The site is not subject to landslip.</p>

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DCP Requirement	Relevant	Compliance
<p><i>of State Environmental Planning Policy No. 55 – Remediation of Land. The provisions in SEPP55 will be used by Council to determine if and how land must be remediated. Comments will be sought from the Environment Protection Authority. Other hazards</i></p> <p><i>w) Development applications for subdivision must include relevant assessment and geotechnical investigation regarding the potential for the presence of salinity and acid sulfate soils to determine if any specific measures are required. (Note: The Maitland LEP 2011 includes specific requirements with regard to acid sulfate soils).</i></p> <p><i>x) Buffer zones, exclusion zones and/or remediation works may be required by Council to ameliorate any or all of the above mentioned hazards</i></p>		
Design Considerations (DC)		
DC.1 Lot Size and Dimensions		
<p><i>Objective:</i> <i>To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provision of necessary services and other requirements.</i></p> <p><i>Performance Criteria:</i> <i>General</i></p> <p><i>a) Lot boundaries should follow natural features such as water courses and ridges (rather than cut across them) to minimise the potential for soil erosion.</i></p> <p><i>b) Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.</i></p> <p><i>c) Lot size and dimensions are to be suitable for the existing or proposed use, including any requirement for building envelopes, ancillary buildings, farm dams, access, parking, landscaping, solar access, provision of services and/or other requirement of any existing Council development consent.</i></p> <p><i>d) In assessing the re-subdivision of an existing lot, Council will have regard to the circumstances and planning rationale that formed the basis for the creation of the parent lot the subject of the application.</i></p> <p><i>e) Subdivision proposals must not conflict with the requirements of any existing approvals.</i></p> <p><i>Specific Controls:</i></p>	<p>Yes</p>	<p>The proposal meets the objective of this section as the proposed lots are a suitable area and shape to facilitate a future dwelling on Lot 11 & 12 and retention of the existing dwelling house with suitable curtilage on Lot 13.</p> <p>The existing driveway provides a suitable buffer for the existing dwelling house from future development on Lot 12.</p> <p>Future dwelling footprints have been mapped out on both lots 11 & 12 (refer to engineering plans in Attachment 4) to ensure that a standard three bedroom single storey dwelling house with double garage can be accommodated on each of the lots. The proposed lots are adequate to support future dwellings, their required private open space areas and car parking.</p> <p>The future dwellings will have ample solar access gained from the north, through the long axis of the side boundary. The proposed internal vehicular accessway has a width of 4m, which is satisfactory. Vehicles can leave each of the lots in a forward direction through the existing vehicular crossing. Refer to Civil Works and Stormwater Drainage Plan and Vehicle Swept Paths Plans prepared by Wallace Design Group in Attachment 4.</p>

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<p><i>Residential</i></p> <p><i>i) Access handles must have a minimum width of 3.5 metres for single lots, and be constructed in accordance with Council's Manual of Engineering Standards. No more than 2 lots may be serviced by a reciprocal right-of carriageway which shall be centrally located within both access handles.</i></p> <p><i>j) A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.</i></p>		<p>The proposed lots are serviced by a reciprocal right of carriageway; however Lot 13 containing the existing dwelling house has its own driveway to access the garage at the rear of the site and will only use the right of carriageway to manoeuvre to exit the site in a forward direction (refer to Subdivision Plan in Attachment 3).</p> <p>This arrangement was discussed with Council's Town Planner Kanishka Guluwita and advice was received that "<i>subject to receiving advice from Transport for NSW, Council has no objection to the proposed access arrangements</i>" (refer to Attachment 12).</p> <p>Transport for NSW have no issues with the proposal (refer to correspondence in Attachment 13).</p> <p>A building envelope with dimensions 15m x 10m is available on both lots 11 & 12.</p>
DC.2 Solar Access and Energy Efficiency		
<p><i>Objective:</i> <i>To encourage the design of residential subdivisions which maximise solar access, allow flexibility in the siting of future buildings to take advantage of a northern orientation, and minimise reliance on private car use.</i></p> <p><i>General Requirements:</i> <i>The intent is to maximise the number of dwelling allotments which have good solar access and which therefore optimise the design performance of energy smart homes, and to reduce reliance on private car use through adequate links to and provisions of, public transport, pedestrian and cycleway routes. All new residential subdivisions are required to comply with the Performance Criteria.</i></p>	Yes	<p>The proposed lots have good solar access as the long axis of the side boundary faces north.</p> <p>The future dwellings can easily be designed to take advantage of the northerly orientation on the side boundary.</p>
DC.3 Drainage, Water Quality & Soil Erosion		
<p><i>Specific Controls:</i></p> <p><i>g) All trunk drainage is to be located in publicly owned land, (reserves), in open space land or in an appropriate easement.</i></p> <p><i>h) Where the drainage impacts of the subdivision proposal cannot be limited to</i></p>	Yes	<p>A Civil Works and Stormwater Drainage Plan has been prepared by Wallace Design Group, refer to Attachment 4. This plan demonstrates that stormwater runoff will be appropriately managed on-site. Future dwellings will incorporate rainwater harvesting tanks to promote the reuse of stormwater.</p>

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DCP Requirement	Relevant	Compliance
<p><i>pre-development stormwater levels by retention or other approved methods, drainage easements will be required over all necessary properties and watercourses. In such circumstances, the easement must be the subject of a signed agreement prior to issue of development consent. Such easements shall be created with, or prior to issue of the Subdivision Certificate.</i></p> <p><i>i) Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering Standards.</i></p> <p><i>j) Where inter-allotment drainage is required, easements having a general minimum width of 1.5 metres are to be identified on plans submitted.</i></p> <p><i>k) A soil and water management plan (SWMP) should be prepared by a properly qualified practitioner with the aim of minimising erosion and maximising the quality of any water leaving the site. Applicants should refer to Council's Manual of Engineering Standards.</i></p>		<p>The drainage for the existing dwelling house will remain unchanged.</p> <p>An Erosion & Sedimentation Control Plan has also been prepared by Wallace Design Group, refer to Attachment 4.</p> <p>The plan demonstrates that the development will minimise nutrient and sediment runoff entering operating drainage lines, refer Attachment 4.</p>
DC.4 Landscape, Streetscape & Visual Impact		
<p><i>General Requirements:</i></p> <p><i>Existing landscape and streetscape character should be maintained and enhanced through retention of existing vegetation, provision of additional landscaping and selection of other streetscape items including surface treatments and street furniture.</i></p> <p><i>The visual impact of rural residential subdivisions must be considered especially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required. Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping. The developer will also be required to submit a detailed landscape plan for all reserve areas</i></p>	Yes	<p>A Landscape Plan has been prepared by Green Space Planning Co, refer to Attachment 5.</p> <p>Two (2) trees are being retained as part of the proposal. One of these trees is within the front setback of the site, which will maintain the existing streetscape character.</p> <p>Three (3) compensatory tree plantings are proposed as part of the subdivision development.</p> <p>In addition, three (3) street trees consisting of <i>Tristaniopsis laurina</i> "Luscious" are proposed along the New England Highway which will improve the amenity of the existing street frontage.</p>

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DCP Requirement	Relevant	Compliance
<p><i>incorporating fencing detail and will be required to construct all fencing for residential and rural residential lots where the lots share a common boundary with a proposed public reserve.</i></p> <p><i>Fencing shall be carried out as an integral part of the subdivision works and will be required to be completed prior to Council releasing the relevant Subdivision Certificate. Council may require that the fencing be of open style/pool type depending on the topography and landscape character of the adjoining reserve. Where open style fencing is provided, the landscape design will need to demonstrate that the location of plantings is adequate to ensure a suitable level of privacy for the adjoining residential lots, reduce the visual impact of the fencing and improve the landscape quality of the reserve. Fencing shall comprise materials of darker colour/tones which blend more effectively with the landscape.</i></p>		<p>The existing brick fence along the front boundary of lots 11 & 12 will be partly demolished and its streetscape appeal improved through the incorporation of metal slats with 50% transparency up to a maximum height of 1.8m, as shown on the Site Plan in Figure 1 & Attachment 1. The colour scheme of the fence is shown on Sheet 3 of the Landscape Plans in Attachment 5.</p> <p>The fence will afford a suitable barrier to the New England Highway for the future dwellings, with the mix of materials incorporated also improving the visual amenity of the existing streetscape.</p>
DC.5 Effluent Disposal		
<p><i>Specific Controls:</i> <i>All new residential, industrial and commercial lots are to be connected to a reticulated sewerage system supplied by the Hunter Water Corporation or other approved supplier</i></p>	Yes	<p>The proposed lots have the ability to connect to the reticulated sewer system. Refer to Hunter Water Corporation stamped plans in Attachment 9. This will occur at the Subdivision Certificate stage of the development.</p>
DC.6 Roads & Access, Pedestrian & Cycleways		
<p><i>General Requirements:</i> <i>Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use. Road standards will vary between residential, rural residential and industrial /commercial locations. Detailed guidelines for design and construction of roads are contained in Council's Manual of Engineering Standards. However, a guide to minimum road widths for various forms of subdivision is contained in the following table.</i></p> <p><i>Specific Controls:</i> <i>h) Public road access is required to all new lots in Torrens Title subdivision.</i></p> <p><i>i) All roads in large lot residential subdivisions (including land zoned E4 Environmental Living) must be provided and sealed, in accordance with Council's Manual of Engineering Standards. Residential Subdivisions</i></p>	Yes	<p>The proposed subdivision will have vehicular access to the New England Highway.</p> <p>Transport for NSW has advised that traffic generation from the proposed development will be minor and the existing access onto the New England Highway will remain unchanged and hence Transport for NSW have no issues with the proposal (refer to correspondence in Attachment 13).</p>

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DCP Requirement	Relevant	Compliance
<p><i>j) A network of constructed (i.e. not grass) footpaths and cycleways will be required in all residential subdivisions, located, designed and constructed in accordance with Council's Manual of Engineering Standards, and in view of streets wherever possible to allow surveillance.</i></p> <p><i>k) Pedestrian links between residential cul-de-sacs or other road layouts should comply with the following criteria to provide:</i></p> <p><i>I. A minimum width of 3.5m, except where the pathway acts as an overland flow path for stormwater drainage</i></p> <p><i>II. Reasonably short overall lengths</i></p> <p><i>III. A straight corridor alignment to allow unobstructed sight lines along its length</i></p> <p><i>IV. Paving preferably on a curved alignment</i></p> <p><i>V. Landscaping with low-level and groundcover species</i></p> <p><i>VI. Lighting in accordance with AS1158</i></p> <p><i>l) Particular attention should be paid to pedestrian links to schools, with regard to their width, lighting (to Australian Standard) and the appropriateness of landscaping and related safety issues.</i></p> <p><i>m) The road, footpath and cycleway network should facilitate walking and cycling throughout neighbourhoods and provide links to schools, community facilities and other activity centres.</i></p> <p><i>n) 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.</i></p>		
DC.7 Crime Prevention – Safer by Design		
<p><i>Design Principles:</i></p> <p><i>Design of subdivisions should consider the following principles:</i></p> <p><i>a) Clear sightlines between public and private places.</i></p> <p><i>b) Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims.</i></p> <p><i>c) Dense vegetation or structures should not be located beside bicycle routes or pedestrian walking paths. A safety convention is to have 3-5 metres of cleared space on either side of pathways and bicycle</i></p>	<p>Yes</p>	<p>The subdivision has been designed to ensure all CPTED principles have been considered.</p> <p>The additional landscaping and slatted fencing will ensure clear sightlines are maintained between private and public spaces, whilst also delineating between these spaces.</p> <p>The new fencing will provide passive surveillance to the New England Highway frontage.</p>

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DCP Requirement	Relevant	Compliance
<p><i>routes. Pedestrians feel more comfortable sharing wide paths than narrow paths.</i></p> <p><i>d) Natural surveillance should focus on orientation of buildings and strategic use of windows, balconies, entrances, permeable fencing and street design. Tactical location of living areas, workstations, offices and recreation areas help surveillance opportunities.</i></p> <p><i>e) Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities.</i></p> <p><i>f) Lighting of public places such as public streets, car parks and pedestrian areas should meet the relevant Australian Standards. Effective lighting reduces fear and can increase community activity. The types of lighting should also be considered (different lights are used in different situations).</i></p> <p><i>g) Council may require a report from a suitably qualified lighting engineer for lighting of public areas within subdivisions.</i></p> <p><i>h) Design subdivision layouts with clear transitions and boundaries between public and private space. This can be achieved through landscaping, natural barriers such as waterways or topographic features and by the use of gates, bollards and fencing.</i></p> <p><i>i) In some cases public areas may need to have restricted access, particularly at night, to prevent vandalism and anti-social behaviour.</i></p>		
DC.8 Filling		
<p><i>General Requirements:</i></p> <p><i>Earthworks require development consent of Council under the provisions of the Maitland LEP 2011, unless either exempt or complying development. Earthworks including site filling. Where site filling is necessary or proposed, the materials used and extent and depth of fill must be detailed in the development application for the approval of Council prior to issue of a Construction Certificate. Council will take into account the provisions of AS 3798-1990, which provides guidelines on the specifying, execution and control testing of earthworks and associated preparation works within commercial and residential</i></p>	<p>Yes</p>	<p>Following removal of the pool, the hole will require filling to obtain a level surface for future buildings. Virgin excavated natural material (VENM) will be utilised for this purpose.</p> <p>Other than filling of the pool, minimal fill is required to facilitate the subdivision. Some fill will be required to obtain level building pads for future development.</p>

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DCP Requirement	Relevant	Compliance
<p><i>developments. An absolute maximum fill depth of 2 metres will be considered by Council.</i></p>		
<p>DC.9 Reticulated Services</p>		
<p><i>General Requirements: Council requires provision of services to all new lots to a standard appropriate to the future use of the lots and to minimize environmental impacts. Note: Drainage, vehicular access, and effluent disposal (where reticulated systems are not available) requirements are dealt with elsewhere in this chapter.</i></p> <p><i>Performance Criteria:</i> <i>Water and Sewer</i> a) <i>Reticulated water and sewer supply is required for all new urban lots (residential, commercial, industrial) in accordance with the requirements of the Hunter Water Corporation.</i></p> <p><i>Electricity</i> c) <i>Underground low voltage electricity supply to all new residential lots (including land zoned E4 Environmental Living) to the requirements of Energy Australia or other approved electricity provider, unless Council and provider determine that overhead supply is permitted due to flood liability of land or the land fronts a road supplied by existing overhead electricity reticulation. d) For industrial and commercial lots, underground electricity supply shall be provided to all new lots, to the requirements of Energy Australia or other approved electricity provider, unless Council and the provider determine otherwise. e) Low voltage electricity supply must be available to the boundary of all new rural lots in accordance with requirements of Energy Australia or other approved provider. f) Pad mounted substations, if and where required, should be placed within pedestrian walkways, behind landscaped screens or otherwise sympathetically treated to reduce visual impact.</i></p> <p><i>Telecommunications</i> i) <i>Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider. Specific Controls: Water and Sewer</i></p> <p>j) <i>Submission to Council of a Section 50 Certificate from the Corporation prior to issue of Subdivision Certificate (Endorsed "linen" plan);</i></p>	<p>Yes</p>	<p>The existing dwelling is connected to all services including telecommunications, reticulated water and sewer, electricity and reticulated gas.</p> <p>The proposed new lots will be connected and/or connections will be extended to gain provision to these services.</p> <p>This will be demonstrated at the Subdivision Certificate stage of the development.</p>

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DCP Requirement	Relevant	Compliance
<p><i>Electricity</i> <i>k) Written evidence from the provider that installation of all services is complete and meets requirements must be submitted to Council prior to issue of the Subdivision Certificate; Low density residential lots l) All new low-density residential lots (including land zoned E4Environmental Living) to be capable of draining to the street frontage or to an interallotment drainage easement (see also "Drainage and Water Quality" Design Element below).</i></p>		
Identity Components (IC)		
IC.1 Entry Features		
<p><i>General Requirements:</i> <i>a) Entry features will only be considered and approved with the development application for subdivision and all details should be included with the detailed landscaping plans.</i> <i>b) Entry features will only be permitted in conjunction with residential subdivisions of 50 lots or more. Entry features for industrial and commercial subdivisions will be considered on merit.</i> <i>c) Entry features shall be limited to one pair at the primary entrance to a new subdivision.</i> <i>d) Entry features can only display the name of the estate NOT street names.</i> <i>e) Entry features shall only be located on privately owned land.</i> <i>f) Entry features for residential subdivisions shall be limited to a size of 20m sq with a maximum height of 2 metres. The size of entry features for industrial and commercial estates will be considered on merit.</i> <i>g) In certain circumstances the erection of entry features may be considered at a later stage but must comply with the guidelines.</i></p>	No	No entry features are proposed as part of the subdivision.
IC.2 Street Names		
<p><i>Proposed street names must be submitted to Council for approval in accordance with Council's policy at the time of lodgement of the development application. Street name signs will be required at the junction of any roads in the subdivision in accordance with Council's Manual of Engineering Standards.</i></p>	No	No new streets are being created as part of the subdivision.

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DCP Requirement	Relevant	Compliance
IC.3 House/Lot Numbering		
<p><i>Council supplies a number for all new urban and rural lots created, and has an adopted policy in this regard. A fee applies for this service.</i></p>	Yes	<p>The applicant requests that lot numbering be provided for the two new lots (Lot 11 & Lot 12). The applicable fee will be paid, when requested by Council.</p>
C.8 Residential Design		
2.1 Site Analysis & Site Context		
<p><i>Objective: To ensure that residential development is of a high quality and is sensitive to the existing character of the area and the opportunities and constraints of both the site and its surrounds.</i></p>	Yes	<p>A Site Plan (refer to Figure 1 & Attachment 1) and a Site Analysis Plan (refer to Attachment 5) has been prepared for the subdivision proposal.</p>
3. Development Incorporating Existing Dwellings		
<p><i>Design Requirements:</i></p> <p><i>e) Where an existing dwelling is to be retained and incorporated into a residential redevelopment project, this dwelling is to be treated as if it were a new dwelling in the same redevelopment project and should meet all performance criteria and design controls specified in this chapter.</i></p>	Yes	<p>The proposal includes the retention of the existing dwelling house (refer to photos in Figures 5-7). The dwelling house generally complies with Council's planning controls, as will be demonstrated in the sections below.</p> <p>The dwelling house makes a significant contribution to the existing streetscape along the New England Highway and hence its retention is an important part of the proposal.</p>
4. Bulk Earthworks and Retaining Walls		
<p><i>Objectives:</i></p> <p><i>a) To ensure that development responds sensitively to the topography of the land.</i></p> <p><i>b) To restrict and control excessive earthworks in order to preserve, as much as practicable, the existing topography and character of the neighbourhood affected by the proposed development.</i></p> <p><i>c) To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties, solar access, amenity and bulk, height and scale at the boundary interface.</i></p> <p><i>d) To minimise the effect of disturbance on any land and ensure that dangerous/unstable excavations are avoided, or where necessary, are properly retained.</i></p>	No	<p>The proposed subdivision involves a small amount of earthworks, namely the filling of the existing pool.</p> <p>The brick fence along the front boundary acts to retain existing soil over the site and the lower part of this fencing will be maintained as part of the development, with the upper section only being replaced with metal slats to improve the streetscape.</p> <p>A bulk earthworks plan will be submitted as part of the Subdivision Works Certificate for the development, which will detail all proposed cut and fill for the subdivision.</p>

DCP Requirement	Relevant	Compliance
<p>e) To reduce the potential for the siltation of waterways and erosion of land disturbed by the development.</p> <p>f) To ensure that the site is appropriately rehabilitated as an integral part of the development.</p> <p>g) To preserve topsoil.</p> <p>h) To ensure that adequate provision is made for drainage in relation to cut and fill practices.</p>		
5. Street Building Setbacks		
<p><i>Objectives:</i></p> <p>a) To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements.</p> <p>b) To ensure that new development establishes appropriate and attractive streetscapes which reinforce the function of the street and is sensitive to the landscape and environmental conditions of the locality.</p>	No	The street setback of the existing dwelling is not being altered as part of the proposal.
6. Side and Rear Setbacks		
<p><i>Objectives:</i></p> <p>a) To allow flexibility in the siting of buildings and the provision of side and rear setbacks.</p> <p>b) To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings</p>	Yes	<p>The southern side setback of the existing dwelling will become 4.9m as part of the proposal. This complies with the minimum side setback of 1m for walls up to 3m in height and 0.3m for every additional metre of wall.</p> <p>Proposed lots 11 & 12 will be able to accommodate future single storey dwelling houses which are compliant with Council's setback controls.</p>
7. Site Coverage and Unbuilt Areas		
<p><i>Design Requirements:</i></p> <p>e) 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>The maximum site coverage identified in Table 3 of this section of MDCP 2011 is 60%.</p> <p>The existing dwelling has a maximum site coverage of 72% and therefore does not comply with the maximum site coverage planning control.</p>

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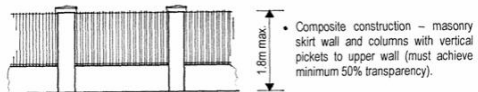
DCP Requirement	Relevant	Compliance
<p><i>f) Development shall have site coverage appropriate for the site's capability and form of development and site coverage shall be consistent with the desired future density for the locality.</i></p>		<p>The existing dwelling is being retained on a lot with an area of 895m² (proposed Lot 13), where 450m² is the minimum lot size for a dwelling lot in the R1 zone under MLEP 2011. Hence, the existing dwelling has a suitable curtilage with ample area for private open space, car parking and landscaping. Two mature trees are also being retained on Lot 13.</p> <p>The length of the existing driveway is the main reason for the non-compliance with the site coverage control. This driveway is existing and provides vehicular access to the garage at the rear of the site. The existing dwelling has heritage character and hence its retention makes a significant contribution to the streetscape, alongside the Catholic Church and Mercure Maitland Monte Pio to the north of the site. The location of the garage at the rear improves the presentation of the brick cottage to the street frontage. Hence, Council is encouraged to support the non-compliance with the site coverage control.</p>
<p>8. Building Height, Bulk & Scale</p>		
<p><i>Objectives:</i></p> <p><i>a) To ensure that the height, scale, and length of new development is not excessive and relates well to the local context and overall site constraints.</i></p> <p><i>b) To ensure that the amenity of surrounding properties is properly considered.</i></p> <p><i>c) To minimise site disturbance and cut and fill.</i></p>	<p>No</p>	<p>No changes are being made to the height, bulk or scale of the existing dwelling house.</p>
<p>9. External Appearance</p>		
<p><i>Objectives:</i></p> <p><i>a) To encourage the creation of attractive, well-designed residential development.</i></p> <p><i>b) To allow flexibility in design and use of materials while encouraging high architectural standards.</i></p>	<p>Yes</p>	<p>The external appearance of the dwelling will not change significantly as a result of the proposal. The pool and associated outbuildings will be demolished; however this will not be overly visible from the New England Highway due to existing brick</p>

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DCP Requirement	Relevant	Compliance
<p><i>c) To ensure good design which provides continuity of character between existing building forms, new development and surrounding landscape by using a selection and/or combination of characteristic elements and mass.</i></p> <p><i>d) To ensure that new residential development in Heritage Conservation Areas or on identified heritage sites is designed having regard to the heritage significance of the area or item and compliments the character of these buildings, places and streetscapes.</i></p>		<p>fencing. The new fencing and landscaping will improve the streetscape appearance of the site.</p>
<p>10. Open Space</p>		
<p><i>Private Open Space (POS) i) Ground Level POS:</i></p> <p><i>i. All ground level private open space must comprise a 'principal area' of minimum dimensions in accordance with Figure 20.</i></p> <p><i>ii. The minimum area of private open space for a ground level dwelling shall be in accordance with Figure 20.</i></p> <p><i>iii. The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling (refer Figure 19).</i></p> <p><i>iv. 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.</i></p> <p><i>v. The maximum cross-fall over the 'principal area' shall not exceed 2%.</i></p> <p><i>vi. 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.</i></p> <p><i>vii. The landscape plan for the development shall incorporate a detailed landscape design for each area of ground level POS.</i></p> <p><i>viii. Ground level POS shall only be located forward of the building line (but no closer than 900mm to the principal street</i></p>	<p>Yes</p>	<p>The existing dwelling house has a level principal private open space area at the rear, which is orientated to the north.</p> <p>The principal private open space area consists of a paved area and an adjacent turfed area with a total area of approximately 95m².</p> <p>This complies with the minimum requirement of 50m² and the paved area meets the minimum dimension of 6m x 6m.</p>

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DCP Requirement	Relevant	Compliance
<p>boundary)where the orientation of the POS is within the 'optimum' range illustrated by Figure 20.</p> <p>ix. Where ground level POS is provided forward of the building line then privacy fencing shall be provided as detailed in Section 14.</p>		
11. Sites Having a Boundary to a Laneway		
<p><i>Objectives:</i></p> <p>a) To ensure that new residential development is provided with a street address that contributes to the amenity of the development and gives new development a 'sense of place' in the overall urban environment.</p> <p>b) To ensure that new development is consistent with and contributes to the character of the existing streetscape.</p> <p>c) To ensure that laneways are developed in a manner consistent with their design constraints and function as service roads.</p>	No	The site does not share a boundary with a laneway; hence, this section is not applicable.
12. Accessibility & Adaptable Housing		
<p><i>Objectives:</i></p> <p>a) To provide adaptable housing that helps sustain community and family networks by allowing people to stay in their houses over the whole of their life.</p> <p>b) To ensure that new development is accessible and useable by people with disabilities and mobility impairment.</p> <p>c) To provide an adequate supply of housing stock that is designed and constructed to be accessible or capable of being easily adapted for use by those in the community with a disability or mobility impairment.</p>	No	Not applicable.
13. Landscape Design		
<p><i>Design Requirements:</i></p> <p>m) 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>	No	<p>This section only applies to dual occupancy, multi dwelling housing and residential flat building developments; hence, this section is not applicable.</p> <p>A landscape plan has been prepared for the subdivision (refer to Attachment 5) and landscape requirements are addressed in Section C10 Subdivision of MDCP 2011.</p>

DCP Requirement	Relevant	Compliance
14. Fencing and Walls		
<p><i>Design Principles:</i></p> <p><i>b) Fencing and walls shall:</i></p> <p><i>(i) Be compatible with the design and materials used in the proposed development;</i></p> <p><i>(ii) Provide some outlook from buildings to the street to facilitate casual surveillance and safety;</i></p> <p><i>(iii) Assist in highlighting entrances to dwellings and establishing a sense of identity in the streetscape;</i></p> <p><i>(iv) Be proportionate in relation to the width of the allotment;</i></p> <p><i>(v) Integrate with other facilities such as letter boxes and garbage screens.</i></p>	<p>Yes</p>	<p>As per advice from Council’s Town Planner (refer to Attachment 12), the existing brick boundary fencing is being partly demolished to improve sightlines and streetscape appearance in front of proposed lots 11 & 12.</p> <p>New/revised fencing will consist of a rendered brick base up to a height of 1m (retention of existing bricks), with rendered brick piers at approximately 2m spacing with vertical metal infill pickets/slats with a height of 800mm with 50% transparency, with fence being up to a maximum height of 1.8m. This fencing is similar to the type shown in Figure 12 below from Figure 23 in this section of MDCP 2011.</p> <p>Colour scheme for the new fence consists of brick render in classic cream and metal pickets in monument, as shown on Sheet 3 of the landscape drawings (refer to Attachment 5).</p> <p>The proposed fencing is considered satisfactory.</p> <p>Side boundary fencing will be constructed following development of the lots.</p>  <p>Figure 12 Elevation of Proposed Front Fencing (as per Figure 23 in MDCP 2011)</p>
15. Driveway Access and Carparking		
<p><i>Objectives:</i></p> <p><i>a) To provide convenient, accessible and safe parking to meet the needs of residents and visitors which does not dominate the streetscape or cause congestion in nearby streets.</i></p> <p><i>b) To ensure that parking areas are designed to accommodate the needs of those persons with a disability.</i></p>	<p>Yes</p>	<p>The existing concrete driveway will be maintained for the dwelling house, which is being retained as part of the development.</p> <p>The existing vehicular crossing will also be maintained and utilised by vehicles associated with the newly created lots. This is not expected to have an adverse impact on the site, nor the New England Highway, due to the small scale nature of the</p>

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DCP Requirement	Relevant	Compliance
<p><i>c) To encourage the design of access and parking as part of the overall landscape design.</i></p>		<p>development. This was confirmed in consultation with Transport for NSW (refer to Attachment 13).</p> <p>To enable vehicles to exit Lot 13 in a forward direction from the existing driveway, an easement for access (A) will be created over the new section of concrete driveway to enable vehicles associated with the dwelling to reverse into this area and exit the site in a forward direction onto the New England Highway (refer to Subdivision Plan in Attachment 3).</p>
<p>16. Views and Visual and Acoustic Privacy</p>		
<p><i>Design Principles:</i> <i>View Sharing</i></p> <p><i>d) All property owners should be able to develop their property within the established planning guidelines, however, existing views should not be substantially affected where it is possible to design for the sharing of views.</i></p> <p><i>e) Grand vistas and significant views that are recognised and valued by the community should not be obscured by new development.</i></p> <p><i>f) Heritage or familiar dominant landmarks should be retained and not obscured.</i></p> <p><i>Privacy</i></p> <p><i>g) Proper consideration shall be given to privacy outcomes at the site planning stage. Development shall be designed such that the privacy of each individual dwelling and adjacent existing dwellings is protected, with particular regard to private open spaces and the windows of habitable rooms.</i></p> <p><i>Acoustic</i></p> <p><i>i) Where no design techniques and screening (e.g fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m.</i></p> <p><i>j) Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings.</i></p>		<p>The subdivision proposal will not have an adverse impact on views to or from the existing dwelling house.</p> <p>In terms of privacy, the subdivision provides sufficient areas and widths to enable good visual and acoustic separation between future dwellings and the existing dwelling.</p> <p>A Noise Assessment has been prepared by Spectrum Acoustics (refer to Attachment 7) to address potential noise and vibration impacts from the New England Highway on future dwellings on Lot 11 & Lot 12.</p> <p>The report concludes that traffic noise will be experienced by the future residents; however, there are some relatively common noise control treatments which can be incorporated into the design of the dwellings to ensure they achieve adequate acoustic amenity.</p>

DCP Requirement	Relevant	Compliance
<p><i>k) Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance.</i></p> <p><i>l) Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.</i></p>		
17. Water and Energy Conservation		
<p><i>Objectives:</i></p> <p><i>a) To reduce total water and energy use in residential buildings in accordance with State Environmental Planning Policy – Building and Sustainability Index (SEPP BASIX) by promoting solar access and reducing heat loss and energy consumption for heating and cooling.</i></p> <p><i>b) To provide dwellings with adequate solar access and ventilation to both internal habitable rooms and private outdoor open spaces.</i></p> <p><i>c) To avoid the potential for significant overshadowing of habitable rooms and private open spaces within the development itself and also with respect to adjoining development.</i></p> <p><i>d) To encourage the use of building materials that are energy efficient, nonharmful and environmentally sound.</i></p>	No	<p>A BASIX Certificate is not required for the existing dwelling as no works are proposed to the dwelling.</p> <p>This section is not applicable to the subdivision development.</p> <p>Future dwellings on Lot 11 & 12 will require a BASIX Certificate.</p>
18. Stormwater Management		
<p><i>Objectives:</i></p> <p><i>a) To provide an effective stormwater management system which is sustainable and requires minimal maintenance.</i></p> <p><i>b) To prevent erosion, sedimentation and other pollution.</i></p> <p><i>c) To ensure that the rate of post-development stormwater discharge should be no greater than that of the pre-development stormwater discharge.</i></p> <p><i>d) To ensure that control flowpaths (eg: spillways, swales) are provided to cater for stormwater overflows.</i></p> <p><i>e) To cater for flows entering the site and to ensure that there are no adverse effects from flows leaving the site.</i></p>	No	<p>No changes are proposed to stormwater management for the existing dwelling house.</p>

DCP Requirement	Relevant	Compliance
<p><i>f) To encourage the use of rainwater tanks as a means of reducing separate stormwater detention requirements and achieving more sustainable water re-use within the dwelling and for landscaping purposes.</i></p> <p><i>g) To ensure that drainage systems are designed for safety and that the systems avoid any potential for stormwater inundation of habitable floor areas</i></p>		
19. Security, Site Facilities and Services		
<p><i>Objectives:</i></p> <p><i>a) To provide adequate personal and property security for residents via "Crime Prevention Through Environmental Design" principles – legibility, casual/natural surveillance, risk assessment and reinforcing territoriality.</i></p> <p><i>b) To ensure that site facilities such as garbage bin enclosures, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage are designed to be functional, visually attractive and easy to maintain.</i></p> <p><i>c) To ensure that all developments are adequately serviced with essential services in a timely, cost effective and efficient manner.</i></p> <p><i>d) To ensure that essential amenities and communication facilities are integrated within the residential design.</i></p>	Yes	<p>The residents of the existing dwelling house will maintain adequate levels of personal and property security.</p> <p>The brick boundary fencing in front of the dwelling will be maintained and the gate across the driveway will be relocated further east to provide security to the property (Lot 13) but still allow vehicular access to the new lots.</p>

3.4 INTEGRATED DEVELOPMENT

The following table (**Table 3**) provides an assessment of the development against the integrated development provisions in Section 4.46 of the Environmental Planning & Assessment Act 1979. Where the development is identified as integrated development, it is discussed in further detail underneath the table.

Table 3: Consideration of Integrated Development Provisions

Act	Provision	Approval	Relevant
Coal Mine Subsidence Compensation Act 2017	s 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
Fisheries Management Act 1994	s 144	aquaculture permit	No
	s 201	permit to carry out dredging or reclamation work	No
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No
	s 219	permit to: a) set a net, netting or other material, or b) construct or alter a dam, floodgate, causeway or weir, or c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	No
Mining Act 1992	ss 63, 64	grant of mining lease	No
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	No
Petroleum (Onshore) Act 1991	s 16	grant of production lease	No
Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	No

Act	Provision	Approval	Relevant
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No
Roads Act 1993	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Yes
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	No
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No

Roads Act 1993 - s 138:

Transport for NSW is the approval body for New England Highway. An approval is required under Section 138 of the Act to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road

Comment: The Section 138 approval will be obtained for the development, prior to the issue of a Subdivision Works Certificate.

4. ASSESSMENT OF ENVIRONMENTAL IMPACT

The proposal is considered to have minimal environmental impact. The site contains 12 trees, of which two (2) trees will be maintained and six (6) new trees will be planted as part of the subdivision.

The site is not bushfire prone land nor are there any waterways or ecological corridors that run through the site. The proposal will not impact on the Hunter River.

The site is not mapped as a flood prone area on Councils maps (refer to **Figure 8**).

5. ASSESSMENT OF SOCIAL IMPACT

The development is not expected to have an adverse social impact on the locality. Conversely, the proposal is considered to provide positive social impacts within Maitland and surrounding areas as it will provide additional land for a variety of housing.

6. ASSESSMENT OF ECONOMIC IMPACT

The proposal will result in positive economic impacts within Maitland and surrounding areas. The proposal will help to support a thriving local economy and provide housing opportunities for a growing population.

7. PUBLIC INTEREST

The proposal is likely to result in positive social and economic impacts, with minimal impact on the surrounding environment. The development generally complies with the applicable legislation and planning controls for subdivision proposals. The development is therefore considered to be in the public interest, as outlined in this report.

8. CONCLUSION

The proposal involves the subdivision of Lot 1 DP 1016905, No.62 New England Highway Maitland to create three (3) Torrens Title lots.

The proposal is consistent with the objectives of the R1 General Residential zone of the MLEP 2011, as it provides suitable land for future residential housing and respects the amenity and character of the surrounding locality. Potential noise impacts from the New England Highway can be suitably ameliorated in future dwelling design and compensatory trees are being planted as part of the proposal.

In summary, the proposal is: -

- an orderly development of the land, in accordance with the objectives of the EP&A Act;
- unlikely to have detrimental environmental or social impacts;
- likely to generate positive short term, and facilitate long term economic impact;
- reinforces an appropriate land use in the locality;
- able to be undertaken in a controlled manner with minimal environmental impacts;
- not likely to create any land use conflicts; and
- not likely to adversely impact upon the amenity of the locality.

Therefore, Maitland City Council is encouraged to approve the development, subject to appropriate conditions of consent.

9. ATTACHMENTS

Attachment 1: Site Plan prepared by Parker Scanlon

Attachment 2: Demolition Plan prepared by Parker Scanlon

Attachment 3: Subdivision Plan prepared by Parker Scanlon

Attachment 4: Engineering Design Plans prepared by WDG

Attachment 5: Landscape Plans prepared by Green Space Planning Co

Attachment 6: Arboricultural Assessment prepared by Accurate Trees

Attachment 7: Noise Assessment prepared by Spectrum Acoustics

Attachment 8: Site Waste Minimisation & Management Plan prepared by Parker Scanlon

Attachment 9: HWC Stamped Plans

Attachment 10: Detail Survey Plan prepared by Parker Scanlon

Attachment 11: Aboriginal Heritage Information Management System Search (AHIMS)

Attachment 12: Correspondence from Council's Town Planner

Attachment 13: Correspondence from Transport for NSW