

STATEMENT OF ENVIRONMENTAL EFFECTS

ERECTION OF A SINGLE STOREY DWELLING HOUSE, DOUBLE GARAGE AND CARPORT

98 BELMORE ROAD, LORN NSW 2320
(LOT 3 DP1243806)



CLIENT: LISTA LIGHT TRUST

DATE: 21 APRIL 2021

PREPARED BY:





CONTENTS

1.	INTRODUCTION	1
1.1	PURPOSE	1
1.2	CONSENT AUTHORITY	1
1.3	INTEGRATED DEVELOPMENT PROVISIONS	1
1.4	SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS	1
1.5	PERMISSIBILITY	1
2.	SITE AND SURROUNDING AREA	2
2.1	SITE AND BUILDING DESCRIPTION	2
2.2	SURROUNDING CONTEXT	2
2.3	PHYSICAL FEATURES	3
2.3.1	FLORA AND FAUNA	3
2.3.2	FLOOD	3
2.3.3	ACID SULFATE SOILS	4
2.3.4	SITE PHOTOS	4
2.3.5	HERITAGE	6
3.	THE PROPOSAL	12
4.	STATUTORY PLANNING CONTROLS	15
4.1	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS 2000	15
4.2	HERITAGE ACT 1977	15
4.3	RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES	15
4.4	MAITLAND LOCAL ENVIRONMENTAL PLAN 2011	15
4.5	MAITLAND DEVELOPMENT CONTROL PLAN 2011	17
5.	ASSESSMENT OF ENVIRONMENTAL EFFECTS	38
5.1	SECTION 4.15(1) (A) – STATUTORY PLANNING CONSIDERATIONS	38
5.2	SECTION 4.15(1) (B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	38
5.2.1	IMPACTS ON THE NATURAL ENVIRONMENT	38
5.2.2	IMPACTS ON THE BUILT ENVIRONMENT	38
5.2.3	SOCIAL AND ECONOMIC IMPACTS	38
5.3	SECTION 4.15(1) (C) – THE SUITABILITY OF THE SITE	39
5.4	SECTION 4.15(1) (D) – SUBMISSIONS	39
5.5	SECTION 4.15(1) (E) – PUBLIC INTEREST	39
6.	CONCLUSION	40




APPENDICES

Appendix 1:	Architectural Drawings / Stormwater and Erosion and Sediment Control / Landscape Plans prepared by Urban Living Solutions
Appendix 2:	BASIX Assessment prepared by Urban Living Solutions
Appendix 3:	Waste Management Plan prepared by de Witt Consulting
Appendix 4:	Architectural Design Guidelines prepared by EJE Architecture
Appendix 5:	Aboriginal Heritage Information Management System (AHIMS) Search
Appendix 6:	Heritage Report prepared by EJE Heritage

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1. INTRODUCTION

1.1 PURPOSE

This Statement of Environmental Effects (SEE) has been prepared on behalf of Lista Light Unit Trust (the applicant), to accompany a development application (DA) for the erection of a single storey dwelling house with double garage and carport on land known as 98 Belmore Road, Lorn NSW 2320 (Lot 3 DP1243806) (the site).

The proposal has been formulated having full and proper regard to existing development controls and to the environmental qualities of the site and its surroundings. This SEE demonstrates that the proposal:

- Comprises a high-quality development that complies with the requirements of Maitland Local Environmental Plan (LEP) 2011 and Maitland Development Control Plan (DCP) 2011;
- Satisfies urban consolidation and sustainability objectives;
- Ensures the Cultural Significance of the Lorn Heritage Conservation Area, and the curtilage of the Warrane Heritage Item in which the site is located, is maintained and enhanced;
- Represents a good design outcome for future residents;
- Encourages investment and growth within established sections of Lorn.

1.2 CONSENT AUTHORITY

The proposed development requires consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act). Maitland City Council (Council) is the consent authority for the proposed development.

1.3 INTEGRATED DEVELOPMENT PROVISIONS

The proposed development is not integrated development pursuant to the provisions of Section 4.46 of the EP&A Act. The site is not within a proclaimed mine subsidence district or considered bushfire prone land.

1.4 SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This SEE accompanies a development application for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in Section 4.15 of the EP&A Act and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area.
- Describe the proposed development.
- Define the statutory planning framework within which the DA is to be assessed and determined.
- Assess the proposed development in the light of all relevant heads of consideration.

1.5 PERMISSIBILITY

The proposed development is permissible pursuant to the provisions of Maitland LEP 2011. The proposal has been formulated having regard to the provisions of Maitland DCP 2011, in particular Chapter C.8 Residential Design and Part C.4 – Heritage Conservation, Part C.5 – General Requirements for New Buildings in Historic Areas & Part E.4 – Lorn Heritage Conservation Area. The proposal has also considered previously prepared Architectural Design Guidelines prepared by EJE Architecture which were prepared in support of the subdivision which created the subject Lot

2. SITE AND SURROUNDING AREA

2.1 SITE AND BUILDING DESCRIPTION

The corner allotment (Lot 3 in DP1243806) is generally rectangular in shape with a skewed primary and secondary frontage to Belmore Road and Melrose Street, respectively. The site displays a frontage width of 17.8 metres (m) (east), secondary frontage width of 42.7m (north), a south side boundary of 42.7m and a rear western boundary length of 11.7m. The site has a total area of 836.6m².

The site is currently vacant and void of any built structures. The site does contain vegetation, including nine large trees opposite the primary and secondary frontages ranging from 10-12m in height with 5m spreads. The site displays predominantly flat and level topography.

An aerial view of the property is included at *Figure 1* below, and photographs of the site are included at Section 2.3.4 of this report and show the nature of the site and immediate surrounding area



Figure 1: Aerial view, showing the site outlined in red (Source: SIX Maps LPI Viewer)

2.2 SURROUNDING CONTEXT

The site exists within an existing urbanised environment, on the fringe of rural land to the north. Surrounding development is established residential; primarily comprising of older housing stock both typical and contributory, interspersed with more recent architecturally designed single storey dwellings.

The aforementioned older housing stock can be characterised as predominantly Victorian houses; Federation and Californian Bungalow periods housing stock and late 19th century weatherboards. The streetscape displays consistent building lines with property boundaries delineated by consistent quality fencing. Picket fencing, stone and brick walls, iron railings and hedges line the wide streets. Mature, formal street planting, particularly native pines, palms, eucalypts and jacarandas, is evident throughout the township, with landscaping continuing between public and private spaces.

New development displays strong reference and respect to the architectural and historic prominence of the Lorn Heritage Conservation area. Nearby recently approved development consists of traditional style dwelling houses finished in neutrally toned brick and weatherboard accents with hipped and gabled roof profiles. Front verandas are commonplace. Garages, both attached and detached are significantly removed from view from frontages and are generally located toward the rear half of the dwellings. Mature and managed gardens and lawns, as well as select street trees reinforce the well-established qualities of the garden suburb.

New development is careful not to blatantly replicate historic housing forms, but rather seeks to preserve the social and architectural significance of the suburb by presenting contemporary housing that derive key architectural features from the late Victorian period, Federation period and Inter-Wars period. The result is a cohesive townscape with buildings being compatible in scale and form.

The location plan at *Figure 2* shows the site within its residential / rural context.

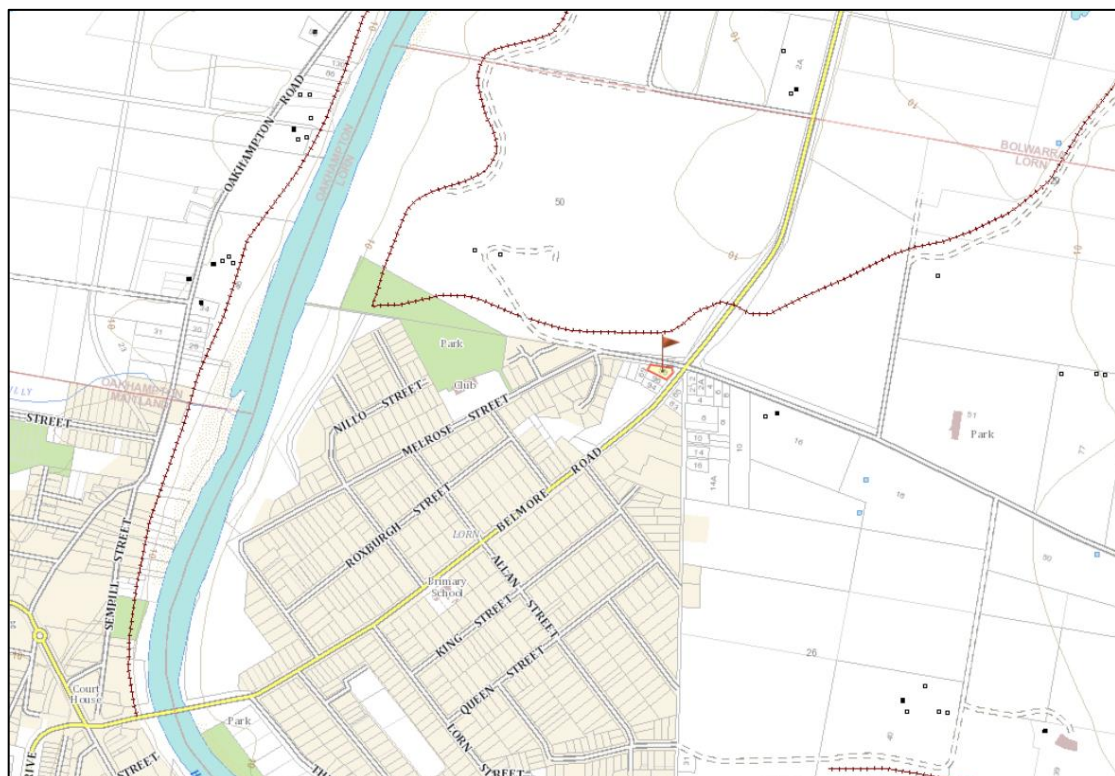


Figure 2: Location plan, showing the site outlined in red (Source: SIX Maps LPI Viewer).

2.3 PHYSICAL FEATURES

2.3.1 Flora and Fauna

The site contains nine large trees opposite the Belmore Road and Melrose Street frontages. Four of these trees are proposed for removal as they fall within the proposed building footprint. It should be noted that no trees located on the site are listed on Council's Significant Tree Register.

2.3.2 Flood

The site is identified as being within a flood planning area as identified by the Maitland LEP Flood Planning Map. Appropriate measures to manage the risk of flood are included to ensure the development is to have a negligible impact on flood behaviour and the surrounding environment in the event of a flood. The proposed development has been designed in accordance with the requirements for all future development at the site. An 8.03m AHD flood level is applied to the site and as such the minimum finished floor level (FFL) for the dwelling is 8.53m AHD.

No floodways will be impacted by this proposal. Consideration to the location of critical emergency response and recovery facilities has been noted.

The development incorporates appropriate measures to manage the risk of flood and is unlikely to be affected in the event of a flood due to its flood compatible design. A minimum FFL of 8.8m AHD has been adopted for the dwelling.

2.3.3 Acid Sulfate Soils

The site is affected by potential Class 5 Acid Sulphate Soils. The proposal does not involve any works via which the water table will be lowered more than 1m below the natural ground surface. Accordingly, neither an investigation into the presence of Acid Sulfate soils or an Acid Sulfate Soils Management Plan is required. The proposal does not disturb, expose or drain Acid Sulfate soils.

2.3.4 Site Photos

For the purpose of this SEE, site photos have been taken encompassing Lots 1, 2 and 3 of DP1243806 as all three corresponding sites were vacant and contained within Mavid Construction temporary site fencing at the time of the visual inspection (February 2020).



Photo 1: View from Belmore Road (east) looking west across to the site



Photo 2: View from the corner of Belmore and Melrose Street looking southwest at the site.



Photo 3: View from Belmore Road looking north along Belmore Road, site is pictured left.



Photo 4: View from Melrose Street looking at existing driveway crossover to Lot 3



Photo 5: View from Belmore Road driveway crossover looking east across the site.



Photo 6: View from Belmore Road looking south east across the site.



Photo 7: View from Belmore Road / Melrose Street intersection looking at existing development opposite the site.



Photo 8: View from Belmore Road looking at existing development opposite the site.



Photo 9: View from Melrose Street looking at existing development adjoining the site.



Photo 10: View from Melrose Street looking at existing development nearby the site.



Photo 11: View from north of the Belmore Road and Melrose Street intersection, looking south. Site trees visible over crest.



Photo 12: View from the crest to the north of the Belmore Road and Melrose Street intersection, looking south

2.3.5 Heritage

The site is located in the Mindaribba Local Aboriginal Land Council area. A search of the Aboriginal Heritage Information Management System (AHIMS) database concluded that there are no Aboriginal sites or places within 50 metres of the site (**Appendix 5**).

The Heritage Map of the Maitland LEP 2011 has identified that the site is located within the Lorn Heritage Conservation Area, and is within proximity to several heritage listed items (Local significance), specifically *Warrane and grounds* (1113 – LEP) located south/southwest of the site.

The visual character of Lorn presents an image of a well-cared-for turn-of-the century, residential settlement in which the different periods of architecture are integrated by the consistency of the introduced landscape. The immediate visual impression is of an essentially residential precinct of single and double storey Victorian houses and early 20th century character, with clearly defined edges. The village appears as “an urban island in the flood plain”, contained by a series of levee banks. The uniquely different feature of Lorn, as compared with its neighbours, is the high quality of design and execution of its Federation and Californian Bungalow periods housing stock. Unlike Morpeth, Lorn is arranged on an irregular grid and in addition, because of the high levee banks, does not afford views from the village to the river and countryside beyond. Lorn is significant for its continuity of use as a garden suburb of Maitland and is the best example of the garden suburb ideal in the Hunter Region – Extract from Maitland DCP – Part E Special Precincts – Heritage Conservation Areas.

As part of the approved subdivision (DA15-2511), EJE Architecture were requested to prepare Architectural Design Guidelines. These guidelines were intended to inform the final design outcomes of future residential developments on the subdivided lots and ensure that the Cultural Significance of the Lorn Heritage Conservation Area, and the curtilage of the Warrane heritage item is maintained and enhanced. The guidelines were prepared against the Heritage Curtilage Study, Warrane prepared by EJE Heritage (2015) and the Maitland DCP 2011.

An assessment against the design requirements of the Architectural Design Guidelines (**Appendix 4**) is provided below, and a Heritage Report prepared by EJE Heritage is also provided at **Appendix 6**. The below table is to be read in conjunction with the Heritage Report at **Appendix 6**, and where there are any inconsistencies, the Heritage Report should take precedence. The assessment demonstrates that the proposed development is with merit and has been guided by sound heritage principals and guidelines. The proposed dwelling therefore has a neutral impact on the heritage significance of the HCA and nearby contributory items are well respected

Table 2.3.5

Clause	Design Requirement	Compliance
2. Architectural Design Guidelines		
2.1 Design	The design of any new dwelling on the site is required to demonstrate compliance with the Maitland City Wide Development Control Plan 2011, Part C4 –Heritage Conservation, Part C5 – General Requirements for New Buildings in Historic Areas & Part E4 – Lorn Heritage Conservation Area, and these Architectural Design Guidelines.	Yes. Refer to Table 4.6 of this report.
	The design of any new dwelling should respond to the architectural characteristics of typical and contributory heritage dwellings within the vicinity of the site and address street frontages.	Yes. Refer to Part C.4(5) and Part E of the DCP table.
	Project home developments are not encouraged for the site.	Yes. The proposal is not a project home development.
	The collective layout and design of the dwellings on the subdivided sites should reinforce the distinctive built urban edge of Lorn, and be sympathetic to the gateway nature of the Belmore Rd entrance into the town from the Northeast.	Yes.
	The design of the dwellings and subdivision of the site must respect the architectural and historic prominence of Warrane to the south of the site.	Yes. Refer to Parts C.4(5) and C.8(9) and Part E of the DCP table.
2.2 Form	Each allotment is to be occupied by a detached single storey dwelling.	Yes. The proposal is for single storey detached dwelling house.
	Dwellings should incorporate a verandah to the principal frontages, to continue this established architectural pattern of neighbouring developments, both historic and new.	Yes. Refer to Appendix 1 .
	View lines to the two storey form of Warrane should be maintained when viewed over the new dwellings from the rural areas beyond the site, including Belmore Road to the North.	Yes. View lines are not comprised due to the single storey form.
	Habitable attic spaces and/or dormer windows are not appropriate.	Yes. No habitable attic spaces or dormer windows are proposed.
	The floor level of residences on Lots 1, 2, 4-6 should be raised above ground level by approximately 3 risers (i.e. around 300mm from ground to floor level). The floor level of the residence of Lot 3 should be raised slightly higher than neighbouring lots, potentially with an additional riser, to reinforce the gateway nature of the road intersection.	Yes. Refer to Appendix 1 .
	A return veranda shall be provided on the corner allotment (i.e. Lot 3) to Melrose Street and Belmore Road extending along both frontages.	Yes. A veranda has been provided opposite both the primary and secondary street frontages. Refer to Appendix 1 .

	Internal floor to ceiling heights should typically be 2.7m in order to reference typical building proportions in the locality.	Yes. 2.9m high ceilings are proposed.
2.3 Garages	Detached garages are preferable and should be positioned behind the rear half of the dwelling.	Yes. A detached garage is proposed.
	Attached garages may be acceptable on merit but should be recessed behind the front half of the building or located behind the building.	N/A. The garage is located toward the rear of the dwelling and setback adequately from the secondary street frontage.
	Carports and hardstand car parking spaces should only be located behind the dwelling.	Yes. All hardstand is located behind the dwelling.
	Single and double garages will be assessed on merit.	Yes. Refer to Section C.8(9) of the DCP.
2.4 Materials	Heritage appropriate face brick and/or painted 150mm weatherboard cladding (in mid tones) are the only external cladding materials considered appropriate for external walls of dwellings, garages and sheds.	Yes. Refer Appendix 1 for a colour and material palette. It is proposed that the addition will feature 150mm weatherboard cladding in grey mid tones, Colorbond 'shale grey' roof sheeting and complementary 'Blackbutt' face brick which are considered acceptable and reflect the character of the area. The materials, details and colour proposed for the dwelling and attached garage will reflect those elements seen throughout the area.
	Face brick is to be plain, non-mottled, non-textured and naturally coloured with flush jointing.	Yes.
	Exterior paint schemes are to be based on traditional colours schemes, neutral in tone, and respond to those of contributory buildings in the vicinity.	Yes. Paint schemes are neutral with a brown / grey palette, consistent with nearby development.
	Roofing material for dwellings is to be unpainted corrugated galvanised iron or Zinalume finish steel sheet in an appropriate heritage profiled custom orb).	Yes.
	Timber windows and doors are preferred. Window and door openings are to relate proportionally to typical examples of historic buildings in the locality. Metal security shutters or screens to doors or windows are not appropriate.	Yes. No metal security shutters or screens are proposed.



2.5 Roof Form	Roof pitch for dwellings should be 27-30 degrees.	Yes. Roof pitch is 27 degrees.
	The preferred roof type for dwellings is a hipped roof, with gabled or truncated gabled roof design also being considered acceptable	Yes. Roof profile is hipped with gable feature opposite the frontages.
	Utilities such as water heaters, skylights, PV cells, A/C condensers and satellite dishes must not be placed on roofs facing a street.	Yes.
	The preferred roof type for garages is a hipped roof or gabled roof. The roof pitch of a detached garage should be lower than that of the main dwelling (generally 25-27 degrees).	Yes. The garage displays a 27 degree hip and gable roof.
	The ridge height of any dwelling on the proposed Lot 3 is to be equal to or slightly higher than other lots, aiming to reinforce the gateway nature of the road intersection.	Yes. Refer to Appendix 1 for ridgeline heights above NGL.
2.6 Landscaping and Existing Trees	The subdivision including any dwellings should maintain and reinforce Lorn's "garden suburb" characteristics, and avoid large areas of hard paving or other surfaces. Any hard surfaces should be screened with a landscape edge so as not to be visually prominent from the street front.	Yes. Refer to Appendix 1 and Section 13 of the DCP.
	The front setback area of each lot should be maintained as a garden setting; vehicle parking spaces, water tanks, clotheslines etc are not appropriate.	Yes. None of these items are located within the front setback.
	Landscape elements should be designed to maintain views of Warrane across the site from the north.	Yes. Views are not comprised.
	Retention of trees on site should be in accordance with Landscape Plans prepared by Terras Landscape Architects Job No. 10818.5 Drawings 01 – 03 dated December 2016 Rev C.	Yes. Trees to be removed are in accordance with the approved plans which specify which trees are appropriate for removal. No trees outside of this scope are to be removed.
	An Arborist Report prepared by a qualified professional should be submitted to Council for any DA for a new dwelling upon each lot if tree removal is necessary. Any tree removal will be subject to the recommendations of this report.	N/A. Tree removal is in accordance with the approved DA15-2511 plans.
	Plantings to the front boundary should be consistent with a species list outlined within the accompanying Landscape Design Guidelines for the site.	Yes. Refer to Appendix 1 .
	Landscaping of each lot to be consistent with Landscape Plans prepared by Terras Landscape Architects Job No. 10818.5 Drawings 01 – 03 dated December 2016 Rev C.	Yes.
	One feature tree is to be planted within the front yard of Lots 4, 5 and 6 selected from the tree list outlined within the preferred plant species list prepared by Drawing No.3	N/A.

2.7 Fencing	Fencing along the street (i.e. front) boundaries of the site is to be consistent with Landscape Plans prepared by Terras Landscape Architects dated December 2016.	Yes. Refer to Section 14 of the DCP table.
	Fencing facing a street front and any fencing located between the street boundary and front building line should not exceed 1200mm in height.	Yes. Fencing does not exceed 1.2m in height.
	Front fences should be located on the boundary line.	Yes.
	Side & Rear fencing between lots and behind the building line is to be of a timber paling type only	Yes. 1.8m high timber lapped and capped fencing is proposed along the common side boundary.
	Fencing along the western boundary of Lot 6 to be 1.8m timber paling fence behind the building line.	N/A.
2.8 Driveways and Stormwater Details	No driveways are permitted off Belmore Road. Driveways shall be in accordance with Landscape Plans prepared by Terras Landscape Architects Job No. 10818.5 Drawings 01 – 03 dated December 2016 Rev C.	Yes. No driveway is proposed off Belmore Road.
	Driveway crossings, including shared driveway crossings, should be single width at the street and boundary.	N/A. The existing crossing from Melrose Street is to be used.
	Driveways extending from the kerb and through the site should be simple concrete or brick paver wheel strips with landscaping between and surrounding. Gravel driveways would also be acceptable. Hardstand paved areas are only to be included directly adjacent to garage entrances and not within the front setback or predominantly visible from the street front. Concrete is to be mid toned in a natural colour and shall not be stamped.	Yes. The driveway is a simple concrete strip driveway with landscaping on either side and down the centre.
	The permeability of driveways and parking areas is to be considered in general, allowing maximum opportunity for stormwater infiltration and decreased run-off to the street.	Yes. The proposed driveway design allows for maximum permeability.
	Rainwater collection tanks are to be included to all new developments, with tanks located to the rear or side of properties generally hidden from public view.	Yes. A 3,000L rain water tank is provided to the rear of the site.
	Stormwater detention and collection details are to be designed by a qualified civil engineer.	Yes. Refer to Appendix 1 .
2.9 Setbacks	- Dwellings (including their verandas) shall be set back a minimum of 5m from both Belmore Road and Melrose Street property boundaries and in accordance with building envelopes demonstrated upon the Landscape Plans prepared by Terras Landscape Architects Job No. 10818.5 Drawings 01 – 03 dated December 2016 Rev C.	Yes. A minimum 5m front setback is proposed.
	Setbacks in general should aim to reinforce the predominant building line of neighbouring sites, and help to define the figure ground urban edge of Lorn.	Yes.



	Dwellings should maintain a minimum 1m setback from side boundaries.	Yes. A minimum 1m clearance from any side boundary is proposed.
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In consideration of the above information, it is evident that the proposed development has been prepared in strict compliance with the Architectural Design Guidelines.

The proposal is sympathetic to nearby heritage items and the heritage significance of the HCA in terms of siting, scale, form, proportions and design. The dwelling has been thoughtfully designed to reduce the height and scale and better match the proportions and design of nearby contributory buildings. It will not result in any significant impact to the HCA.

The garage is located to the rear of the dwelling and sufficiently set back from side and secondary street boundaries to minimise impact on the streetscape and adjoining sites. The roof pitch and form, as well as materiality are sympathetic to the dwelling.

The overall dwelling design and proposed footprint, combined with substantial landscaping and position of the dwelling within its streetscape setting will result in minimal impact to Belmore Road, Melrose Street, neighbouring buildings and the overall Lorn HCA.

3. THE PROPOSAL

The subject DA relates to:

- Erection of a single storey, 4-bedroom dwelling house on the site;
- Attached double garage with single carport;
- Vehicle access to the site is via a shared right of way from Melrose Street (secondary street frontage);
- Selective tree removal;
- Private landscape and garden areas including boundary fencing.

The applicant seeks consent for a residential use on the site, in the form of a single storey dwelling house. The development will be finished in primarily face brick with sections of painted 150mm lightweight weatherboard. A material and colour palette is included in the Architectural Plans at **Appendix 1**. The dwelling displays traditional hip and gable roof profiles. Perspectives are included at *Figures 3, 4 and 5*.

Access to the site will be via a shared formalised driveway crossover from Melrose Street (secondary street frontage). The Melrose Street driveway crossover is existing and the proposal will include an extension to this by way of similar concrete. A double car garage with attached carport is to be integrated into the overall design of the dwelling and is proposed to the rear of the dwelling, attached via the alfresco, obscured from view from the primary frontage (Belmore Road) but visible from the secondary street frontage (Melrose Street). The garage does not present as overbearing from the secondary frontage, being setback substantially from the main building line with a limited building height and design that complements the proposed dwelling.

The dwelling will be provided with a covered alfresco and rear veranda, accessed directly via the internal living areas, to be utilized as the principal private open space (PPOS) areas.

The dwelling contains the following details:

Proposed Total Floor Area: 242.88m²

- Four bedrooms, including master bedroom with ensuite and walk in robe and bed 4 which includes teenager retreat with ensuite;
- Study room / nook to the front of the residence;
- Kitchen and combined living, dining and lounge areas to the rear;
- Bathroom laundry, separate WC and linen;
- Two separate verandas opposite the frontage. One veranda provides access to the study room via double doors, with a second smaller entry way to bed 4. A third main entry door is provided opposite the secondary street frontage;
- Covered alfresco and veranda to the rear which forms the PPOS;
- Attached double car garage with attached single car carport.

The preservation of the Lorn Heritage Conservation area has been well considered during the design stage, and previously during recent subdivision works (DA15-2511). The single dwelling is considered an appropriate residential use for the site, consistent with approved development within the heritage locality in terms of roof profile, single storey form, building envelope and garage layout, choice of materials being brick face and weatherboard and landscape and fencing treatments.

The development proposes the following setbacks:

- Dwelling to primary frontage boundary (east): minimum 5m
- Dwelling to secondary street frontage boundary (north): minimum 5.0m
- Dwelling to south side boundary: 1.0m

- Dwelling to west side boundary (rear): 10.9m

The dwelling is to have a maximum ridgeline height of 5.217m, measured from the excavation level to the ridgeline. The garage has a maximum height of 5.05m, measured from the finished floor level (FFL) to the ridgeline.

Proposed landscape features include boundary vegetation planting, comprising Cascade Lilly Pilly to the north and eastern boundaries. Gardens and lawns will also be used throughout. The proposed landscape features will soften the visual appearance of the development. The front setback and secondary street setback areas will be maintained as 'garden settings', reinforcing Lorn's 'garden suburb' characteristics, and will bring significant benefit to the proposed development, its future occupants and the broader community.

The primary frontage of the site will provide the residents with access to a letter box and a formalised pedestrian access way. A 1.2m high rural style fence will be used along the northern and eastern boundaries, while standard 1.8m high lapped and capped timber fencing is used for the common southern boundary. The fencing proposed is consistent with the surrounding area.

The site contains nine large trees, four of which are to be removed to facilitate the erection of the dwelling house. The tree removal forms part of this development application.

Condition 17 of DA15-2511 states that:

No tree exceeding 3 metres in height or having a branch spread of 3m or more in diameter is to be removed from the subject land unless;

- i) The removal is essential in order for the development under this consent to proceed; and*
- ii) Consent to the removal of the tree(s) has been granted by Council in accordance with Clause 5.9AA of the M LEP 2011*

It is acknowledged that the four trees to be removed exceed 3m in height, however it is considered appropriate pursuant to Condition 17, being within the additional permissible building envelope approved under DA15-2511 Terras Landscape Architects Landscape Guideline. The trees are within the dwelling footprint and are thereby required to be removed to facilitate the erection of the dwelling.

Clause 5.9AA of the LEP has since been repealed and is no longer relevant to this development application.

The proposed development substantially complies with design requirements outlined in the Maitland DCP. An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal.

Perspectives:



Figure 3: Perspective from Melrose Street (source: EJE Architecture)



Figure 4: Perspective from Belmore Road / Melrose Street intersection (source: EJE Architecture)



Figure 5: Perspective from Belmore Road (source: EJE Architecture)

4. STATUTORY PLANNING CONTROLS

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS 2000

The proposed development will require consent under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979*. The development is not Integrated Development pursuant to Section 4.46 of the EP&A Act.

4.2 HERITAGE ACT 1977

The site is not identified as having State heritage significance and therefore does not require consideration under the *Heritage Act 1977*.

4.3 RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

Table 4.3.1 address the relevant SEPPs, in accordance with Section 4.15 (1) of the EP&A Act.

Table 4.3.1: Relevant SEPPs

SEPP	COMPLIANCE
State Environmental Planning Policy (Infrastructure) 2007	Clause 7 of the State Environmental Planning Policy 55 - Remediation of Land sets out that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out. The proposed development proposes a residential use on the site, consistent with the site history and adjoining development. No further investigation should be required at this stage.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.</p> <p>A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant. The certificate for the proposal plans is provided in Appendix 2.</p>

4.4 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The Maitland Local Environmental Plan 2011 provides a planning framework to facilitate development in an appropriate manner with due consideration to ecologically sustainable development. Relevant clauses of the LEP are discussed in Table 4.4.1.

Table 4.4.1: Consistency with LEP 2011

CLAUSE	CONSISTENCY
1.2 Aims	The LEP provides for appropriate development within the LGA. The proposal has given due consideration to the site and surrounds and is in keeping with the aims of the LEP 2011.
2.1 Land use zones	<p>The site is zoned <i>R1 General Residential</i> pursuant to the provisions of Maitland LEP (see Appendix 3).</p> <p>The following uses are permitted with consent in the R1 zone:</p> <p><i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood</i></p>

CLAUSE	CONSISTENCY
	<p><i>shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4</i></p> <p>Dwelling houses are permissible with consent in the R1 zone.</p>
2.3 Zone objectives	<p>The objectives of the R1 zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The proposed development is considered consistent with the zone objectives. The new development will provide for the growing housing needs of the community, by providing a low density and scale development. The proposal does not introduce a scale or type of development that will conflict with any nearby facilities or services and is consistent with approved development nearby.</p>
4.1 Minimum subdivision lot size	The minimum lot size is 450 square metres in the R1 zone. The proposal does not involve the subdivision of land.
4.3 Height of buildings	There is no maximum allowable height prescribed for the site.
4.4 Floor space ratio	Council has not adopted a floor space ratio (FSR) in the LEP.
4.6 Exceptions to development standards	Flexibility is provided in the LEP for certain development standards for particular development. The proposal is sufficiently compliant and does not seek to apply for an exception to development standards.
5.10 Heritage conservation	The site is identified as being within the Lorn Heritage Conservation area under the LEP 2011. The proposed dwelling has been architecturally designed generally in accordance with the Architectural Design Guidelines prepared by EJE Architecture (Appendix 4), which formed part of Council's previous consideration on the site as part of the previous subdivision. The intent of these guidelines was to ensure that on this site, Cultural Significance of the Lorn Heritage Conservation Area, and the curtilage of the Warrane Heritage Item in which the site is located, is maintained and enhanced as a result of the proposed dwelling.
7.1 Acid sulfate soils	The site is affected by potential Class 5 Acid Sulphate Soils. The proposal does not involve any works that will result in the water table being lowered more than 1m below the natural ground surface. Accordingly, neither an investigation into the presence of Acid Sulfate soils or an Acid Sulfate Soils Management Plan is required. The proposal does not disturb, expose or drain Acid Sulfate soils.
7.2 Earthworks	Ground works included with the proposal are minimal and limited to foundation works, services and infrastructure. An erosion and sediment control plan has been included with the stormwater plans. Additional erosion and sediment controls may be required through the construction certificate phase of the proposed dwellings.
7.3 Flood planning	<p>The site is located within a flood planning area, as identified by LEP.</p> <p>Appropriate measures to manage the risk of flood are included to ensure the development is to have a negligible impact on flood behaviour and the surrounding environment in the event of a flood. The proposed development has been designed in accordance with the requirements for all future development at the site. An 8.03m AHD</p>



CLAUSE	CONSISTENCY
	flood level is applied to the site and as such the minimum FFL for the dwelling is 8.8m AHD.

4.5 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The purpose of this Development Control Plan (DCP) is to provide detailed provisions for development within Maitland LGA. The provisions of the DCP supplement the legal framework contained in Maitland LEP 2011. The DCP contains controls relating to the following relevant matters:

- Part B – Environmental Guidelines
- Part C – Design Guidelines

The above matters have been addressed in the Table 4.5.1 below.

Table 4.5.1 Compliance with Maitland Development Control Plan 2011

Clause	Objectives	Design Requirements	Compliance
Part B Environmental Guidelines			
B.2 Domestic Stormwater	<p>(a) Ensure that compliance with BASIX objectives and requirements are achieved.</p> <p>(b) Ensure that an acceptable standard of water quality is maintained within storm water lines and rain water storage tanks.</p> <p>(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.</p> <p>(d) Ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2003).</p> <p>(e) Ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location.</p>	<p>The objectives of this plan may be achieved by compliance with the following criteria:</p> <ul style="list-style-type: none"> (a) Retention capacity (b) Location of feed lines (c) Rain water tanks (d) Configuration of storm water lines (e) Storm water lines over Council's nature strip (f) Storm water generated from hardstand areas (g) Mosquitoes 	<p>A BASIX Certificate is provided in Appendix 2.</p> <p>A Stormwater Plan is provided in Appendix 1. The plan provides retention and infiltration measures that reduce stormwater discharge to Council's system. The plans demonstrated compliance with criteria outlined in Part B.2.</p> <p>The proposed dwelling includes storm water collected from the roof area to be directed from downpipes into minimum 3,000 L rainwater tank and reticulated to new toilet cisterns and cold-water washing machine taps. Stormwater overflow will be directed to the Melrose Street road corridor for discharge at the kerb. Given the size of the proposed rainwater tank relative to the roof area and re-use required to comply with BASIX requirements, it is expected minimal overflow of water is to be experienced from the tank.</p> <p>Adjoining developments will not be impacted by stormwater run-off at the site.</p>
B.3 Hunter River Floodplain	<p>Clause 7.3 (2) in the Maitland LEP 2011 specifies the land to which this DCP chapter applies. The land is identified on the flood planning area maps included in the Maitland</p>	<p>The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an</p>	<p>The site is identified as being land to which this DCP chapter applies, identified on the</p>

Clause	Objectives	Design Requirements	Compliance
	<p>LEP 2011 and also any additional mapping that may be adopted by the Council for the purposes of defining the flood planning area.</p> <p>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 facilities within the Probable Maximum Flood (PMF) area.</p>	<p>Environmental Impact Statement if the proposal is designated development) justifying the development in its location.</p> <p>1. The proposal is supported by adequate information to assess the impact of the proposal on flood behaviour, the environment, flood affectation and risk to life and property associated with the use of land.</p>	<p>flood planning area maps included in the M LEP 2011.</p> <p>The flood planning level (FPL) for the site is 8.03m AHD.</p> <p>The proposed development has been designed in accordance with the requirements for all future development at the site.</p> <p>Appropriate measures to manage the risk of flood are included to ensure the development is to have a negligible impact on flood behaviour and the surrounding environment in the event of a flood. The FFL has been designed above the FPL, proposed at 8.8m AHD.</p>
<p>B.4 On-site Sewage Management Systems</p>	<p>(a) The prevention of the spread of disease by micro-organisms.</p> <p>(b) The prevention of the spread of foul odours.</p> <p>(c) The prevention of contamination of water.</p> <p>(d) The prevention of degradation of soil and vegetation.</p> <p>(e) The implementation of measures to discourage insects and vermin.</p> <p>(f) To ensure that persons do not come into contact with untreated sewage or effluent (whether partially treated or not) in their ordinary activities on the premises concerned.</p>	<p>What technologies are available to dispose of effluent on site?</p> <p>The following is a summary of some of the more commonly known on-site wastewater treatment technologies on which these guidelines are based. Included are general operating and sizing requirements for each particular system.</p>	<p>It is intended the proposal will be connected to reticulated sewer and water services. An application has been made to Hunter Water Corporation to obtain their current requirements.</p>

Clause	Objectives	Design Requirements	Compliance
	<p>(g) To encourage the re-use of resources (including nutrients, organic matter and water).</p> <p>(h) To minimise any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.</p>		
B.5 Tree Management	<p>There are 4 trees proposed for removal with this development application. Due diligence was undertaken during the design stage when siting the development to minimise disturbance to vegetation at site and retain the bulk of the existing tree canopy. No trees on site are listed on Council's Significant Tree Register.</p> <p>All remaining vegetation and mature trees at site are to be incorporated with the landscape design of the proposed development. Adequate protection for the trunk and branches of the trees and all other nearby trees will be provided for the duration of the works.</p>		
B.6 Waste Not – Site Waste Minimisation and Management	<p>To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.</p> <p>To encourage building designs, construction and demolition techniques which minimise waste generation.</p> <p>To assist applicants in planning for sustainable waste management.</p>	<p>A Site Waste Minimisation and Management Plan (SWMMP) is submitted to Council with the development application.</p> <p>A completed SWMMP shall accompany the development application for demolition.</p> <p>A completed SWMMP shall accompany the development application for construction.</p>	<p>A SWMMP is provided in Appendix 3 which complies with the requirements of the DCP and includes details regarding the construction and ongoing operation of the site.</p> <p>The SWMMP identifies all waste likely to result from each phase of the development, and the opportunities for the reuse and recycling of these materials.</p>
Part C Design Guidelines			
C.4 Heritage Conservation			
2.2 Heritage Impact Statement (HIS)	<p>The site is located within the Lorn Heritage Conservation Area. Due consideration to the design of all future dwellings has already been given during the assessment of DA15-2511 and during the preparation of the Architectural Design Guidelines. de Witt Consulting have assessed the plans in accordance with the heritage guidelines prepared by EJE Architecture, Clause 5.10(5) of LEP 2011 and this section of the DCP. Refer to Section 3.4 of this report for the assessment. Furthermore, a Heritage Report (Appendix 6) has been prepared by EJE Heritage which assessed that the development will have a nil impact (in many aspects).</p>		



Clause	Objectives	Design Requirements	Compliance
		<p>The assessment demonstrates that the proposed development is with merit. The dwelling design has been guided by sound heritage principals and prepared in accordance with the architectural design guidelines. The proposed dwelling is found to have minimal impact on the heritage significance of the HCA with a complementary design, scale and form to nearby older housing stock and contributory items.</p>	
<p>2.3 Heritage Conservation Management Plan (CMP)</p>		<p>It is not considered that a Heritage CMP is required under Clause 5.10(6) of LEP 2011, as the findings of the above assessment do not warrant additional conservation outcomes. The development seeks approval for a residential dwelling house consistent with the recently approved residential subdivision for the site (DA15-2511) and intended future use of the site.</p>	
<p>5. General Requirements for New Buildings in Historic Areas</p>		<p>The design of the proposed dwelling does not seek to architecturally replicate nearby historical development, but rather presents a contemporary design with a strong and appropriate connection to the character of the surrounding area in terms of scale and siting, form, materiality and landscaping treatment.</p> <p>The development meets the requirements for new development in the following ways;</p> <ul style="list-style-type: none"> • The dwelling has been appropriately sited from the primary and secondary frontages with respect to the established patterns of the locality, allowing for a generously sized front and side garden with pedestrian access and front verandas to each elevation; • Maximum building heights and setbacks have been complied with; • Fake and synthetic materials and detailing, as well as replicate architectural features have been avoided. Materials and colours respect the significance and character of the surrounding area with plain non-mottled face brick and painted 150mm weatherboard cladding to be finished in neutral and natural tones. The roof is to be finished in sheet metal, being economical and durable. A material and colour palette is provided within the accompanying architectural plans at Appendix 1. • The scale of the new dwelling respects existing development and promotes view sharing (single storey form), ensuring that views of existing landmarks and views to and from the streetscape are not jeopardized; • The garage has been sited to the rear of the lot with a design sympathetic to the proposed dwelling. No vehicular access is proposed from Belmore Road, but rather from Melrose Street to the north, being a minor street. The garage and parking area is not visible from the primary street frontage and does not appear as visually overbearing from the secondary frontage; • Driveway hardstand has been limited and is to be finished in plain concrete with landscaped edges and screen planting; • Elevations are well articulated with window and door treatments; wall returns and varying roof forms ensure large unbroken roof and wall spans are avoided. 	

C.8 Residential Design

Clause	Objectives	Design Requirements	Compliance
2.1 Site Analysis and Site Context	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.	A detailed site analysis shall be submitted with a development application for all residential development with the exception of a single detached dwelling.	A site analysis plan is provided in Appendix 1 .
4. Bulk Earthworks and Retaining Walls	<p>a) To ensure that development responds sensitively to the topography of the land.</p> <p>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.</p> <p>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.</p> <p>d) To minimise the effect of disturbance on any land and ensure that dangerous/unstable excavations are avoided, or where necessary, are properly retained.</p> <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>i) A 'bulk earthworks plan (BEP)' shall be submitted with the development application for all forms of residential development showing the levels (relative to a datum benchmark at the site) of all finished ground levels for both the building platform and those areas of the site external to the building platform. The plan should also specify and show the extent and depth of cut/fill, and location of all retaining walls and/or battered slopes. The BEP shall also show existing ground levels adjoining the perimeter boundaries of the land (refer to Figure 4 for sample BEP).</p> <p>j) Where a retaining wall (for the purposes of retaining fill) is proposed either on or in close proximity to a boundary then the maximum extent of fill shall be 600mm (refer to Figures E, F and G).</p> <p>k) Where a retaining wall (for the purposes of retaining cut) is proposed either on or in close proximity to a boundary then the maximum extent of cut shall be 900mm (refer to Figures E, F and G).</p> <p>l) Retaining walls shall be designed and certified as structurally adequate by the Accredited Certifier as part of a Construction Certificate:</p> <ul style="list-style-type: none"> • where the wall has a height greater than 1.0m; • where retaining is achieved by a series of separate walls located in close proximity to one another (refer Figures D and E) <p>m) Elevated flooring (eg bearers and joist construction), deepened concrete edge beams, infill slabs, split level construction and the like shall be used where necessary to reduce the extent of earthworks</p>	<p>Minor earthworks will be required. This includes provisions for drainage, stormwater management and utility infrastructure, as well as foundation works.</p> <p>Given the siting of the dwellings from the site boundaries, it is not anticipated that the earthworks will adversely impact the amenity of neighbouring properties or immediate area.</p>

Clause	Objectives	Design Requirements	Compliance
	<p>h) To ensure that adequate provision is made for drainage in relation to cut and fill practices.</p>	<p>required to achieve the maximum cut/fill levels prescribed under the plan (refer to Figure H).</p> <p>n) Retaining walls shall be constructed of materials which are prescribed by a manufacturer, Australian Standard or structural engineer as being 'fit for purpose'.</p> <p>o) Adequate drainage comprising free draining gravel and subsoil agricultural drains shall be installed to the rear of retaining walls to relieve the hydrostatic pressure at the base of the wall.</p> <p>p) Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters. This requirement shall be an integral part of the site stormwater management plan addressed in Section 18 of the Plan.</p> <p>q) Cut and fill batters should not exceed a slope of 3:1 (horizontal to vertical ratio) to the natural ground level unless the foundation strata, type of material or compaction permits otherwise and Council is satisfied as to the stability of the site. All batters must be provided with both short term and long term stabilisation to prevent soil erosion.</p> <p>r) Excavations in excess of those specified for retaining walls may be permitted within the confines of the building to allow for basements, garages etc providing the excavations are adequately retained and drained in accordance with engineering details.</p> <p>s) All excavations shall be protected in accordance with the requirements of the NSW WorkCover Authority.</p> <p>t) Where a property is burdened by stormwater easements containing pipes care should be taken to avoid pipe damage. In cutting situations it maybe necessary to lower existing pipes within the easement. In filling, pits may require extending to the new surface level.</p>	

Clause	Objectives	Design Requirements	Compliance
5. Street Building Setbacks	<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>	<p>c) The minimum building line to the principal street frontage of an allotment located in an urban residential zone is 5.0 metres (refer Figure 9 - Example 3).</p> <p>d) Where an allotment is located on a corner in an urban residential zone and a single dwelling is proposed the minimum building line setback is 5.0 metres to the principal street frontage and 3.0 metres to the secondary street frontage (refer Figure 9 - Example 1).</p> <p>e) Where the shape of the allotment located within an urban residential zone is irregular due to the geometry of the street boundary the building line shall be a minimum of 4.0 metres but averaging 5.0 metres over the length of the building addressing those street boundaries (refer Figure 9 - Example 4).</p> <p>f) For corner lots, within an urban residential zone, where the development involves more than one dwelling, the dwelling(s) fronting the secondary street shall have a setback of not less than 4.0 metres (refer Figure 9 - Examples 1 and 2).</p> <p>g) No garage or carport within an urban residential zone shall be located closer than 6.0 metres to the street boundary at the principal frontage and no closer than 5.5 metres to the street at a secondary frontage (refer Figure 9).</p> <p>h) Older residential areas or heritage conservation areas may comprise buildings with setbacks greater than or less than 5.0 metres. Where infill development is proposed in these areas the building line for the new development shall have regard to the setbacks of existing buildings adjacent to the site. Designers should consult Part E.2: Heritage Conservation Areas to determine setbacks in heritage conservation areas.</p>	<p>The dwelling (including its veranda) shall be set back a minimum of 5.0m from Belmore Road consistent with DCP controls.</p> <p>The dwelling is setback a minimum of 5m and a maximum of 5.3m from the front eastern boundary, an average distance of 5.1m. It is considered that due to the skewed boundary line, the dwelling can be considered generally compliant with the DCP.</p> <p>The dwelling is located a minimum 5.0m from the secondary street frontage – compliant with the DCP provisions.</p> <p>The attached double garage is located within the rear portion of the site, not visible or accessible from the primary frontage.</p>
6. Side and Rear Setbacks	To allow flexibility in the siting of buildings and the provision of side and rear setbacks.	Minimum side and rear setbacks for residential buildings in urban zones shall be in accordance with Figure 10 and described as follows:	The dwelling is to be setback a minimum of 1.0m from side boundaries and in

Clause	Objectives	Design Requirements	Compliance
	<p>To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings.</p>	<ul style="list-style-type: none"> ➤ 1.0m for walls up to 3.0m in height (to underside of eaves); ➤ 1.0m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m; ➤ For that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m. 	<p>accordance with building envelope demonstrated upon the Landscape Plans prepared by Terras Landscape Architects Job No. 10818.5 Drawings 01 – 03 dated December 2016 Rev C, approved under DA15-2511.</p> <p>The proposed dwelling is setback 1.0m from the south side and 10m from the rear western boundaries – compliant.</p>
<p>7. Site Coverage and Unbuilt Areas</p>	<p>a) To promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces.</p> <p>b) To maximise opportunities for landscaping of the site which incorporate larger scale plantings consistent with reducing the visual impact of hard building finishes and promoting improved amenity within the site and enhanced streetscapes .</p>	<p>60% Maximum site coverage</p> <p>40% Minimum unbuilt area</p>	<p>The proposed site coverage is 55%. This is based on a site area of 836.6m² and 463.1m² of impervious area.</p> <p>The development complies with the DCP requirement of maximum 60% site coverage and 40% minimum unbuilt area.</p>
<p>8. Building height, bulk and scale</p>	<p>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.</p> <p>b) To ensure that the amenity of surrounding properties is properly considered.</p> <p>c) To minimise site disturbance and cut and fill.</p>	<p>Maximum height 8m</p>	<p>Generally, when viewed from adjoining sites, the development will not be of a height and scale that causes a significant loss of amenity. This can be attributed to the single storey form and distance from adjoining built form, reducing the overall bulk of the building.</p> <p>The dwelling is to have a maximum ridgeline height of 5.217m, measured from the excavation level to the ridgeline. The garage has a maximum height of 5.05m, measured from the finished floor level</p>

Clause	Objectives	Design Requirements	Compliance
			(FFL) to the ridgeline. The development is compliant with the DCP.
9. External Appearance	<p>To encourage the creation of attractive, well-designed residential development.</p> <p>To allow flexibility in design and use of materials while encouraging high architectural standards.</p> <p>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.</p> <p>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.</p>	<p>The building design and the Statement of Environmental Effects that accompanies the proposal should demonstrate that the following matters have been addressed:</p> <ul style="list-style-type: none"> i. Consideration of the existing character, scale and massing of development in the immediate area, including the surrounding landscape. ii. Architectural interest encouraged by: iii. the use of finishes which are textured rather than bland; iv. providing stepping of walls, pergolas, eaves, verandahs and blade walls etc. to establish articulation and create light and shadow to a building v. the coordinated use of diverse materials and appropriate decorative treatments vi. Consideration of both typical and rare fenestration (door and window patterns) and the relationship between glazed and solid wall areas. vii. Consideration of traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof water guttering detailing. viii. The design shall provide a variety of experiences for the residents and passers-by thorough attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form should be minimised. 	<p>EJE Heritage was requested to prepare Architectural Design Guidelines for the site as part a previous subdivision process. The Guidelines are intended to assist and inform the general design outcomes of future residential developments on the subdivided lots (DA15-2511), ensuring that the Cultural Significance of the Lorn Heritage Conservation Area, and the curtilage of the Warrane Heritage Item in which the site is located, is maintained and enhanced.</p> <p>The design of the dwelling responds to the architectural characteristics of typical and contributory heritage dwellings within the vicinity of the site. The single storey form, proportions and building layout and materials are complementary to the existing buildings within the immediate area. The use of heritage appropriate face brick and 150mm weatherboard cladding painted in a traditional neutral tone (brown / grey tones) respond to those of contributory buildings in the vicinity.</p> <p>The overall building design and facade has been well designed to result in a suitable architectural outcome for the site with appropriate street address to both frontages. Entranceways are located</p>



Clause	Objectives	Design Requirements	Compliance
			<p>opposite both frontages, however the primary frontage and entrance is retained by placement of mail box and entrance path located on Belmore Road.</p> <p>Proposed and retained landscaping opposite the frontages will provide visual relief and also ensure the overall development will have a complementary appearance to sites along Belmore Road and will be sympathetic to the well landscaped 'garden suburb' character of the locality.</p> <p><u>Garaging</u></p> <p>The dwelling is afforded with a double garage. The garage is not visible nor accessible via the primary frontage (Belmore Road), rather via a shared formalised driveway crossover from Melrose Street to the north. A single car carport is also attached to the southern side of the garage.</p> <p>The garage and carport are designed as an integral part of the development and both display compatibility with the overall building design in terms of height, roof form, detail, materials and colours.</p> <p>Consideration of the roof pitch, form and materials – being sympathetic with the proposed dwelling and prevailing built form within the locality, complaint and low building height, appropriate size and being</p>

Clause	Objectives	Design Requirements	Compliance
			<p>setback within the rear yard, behind the proposed dwelling house and secondary street building line have reduced the overall impact of the structure.</p> <p>The driveway is proposed of simple concrete in a neutral tone, with vegetation planting providing additional buffering of hardstand areas.</p>
10. Open Space	N/A – open space requirements only apply to dual occupancy, multi dwelling housing and residential flat building developments.		
13. Landscape Design	<p>Landscape design requirements only apply to dual occupancy, multi dwelling housing and residential flat building developments.</p> <p>However, given the historical significance of the township as a garden suburb ideal, and comprehensive landscape guidelines prepared as part of DA15-2511, a Landscape Plan has been prepared in accordance with the landscape guidelines approved under DA15-2511 and the Maitland DCP. The Landscape Plan can be found at Appendix 1.</p>		
14. Fencing and walls	<p>a) To ensure that all fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape, adjacent buildings, or the use of open spaces areas within the development or on adjoining land.</p>	<p>c) The landscape plan prepared for the development shall incorporate full details of all fencing proposed including:</p> <ul style="list-style-type: none"> • location • height • materials • colours. <p>d) For all forms of residential development, with the exception of a single dwelling-house, sheet metal fencing shall not be permitted where it forms a boundary with a street, or communal area within a development;</p> <p>e) Fencing between dwellings shall be designed to provide visual and acoustic privacy to internal rooms and outdoor private open space.</p>	<p>The fencing proposed has considered the design guidelines as well as the existing adjoining fencing and transition between rural and urban land uses.</p> <p>Feature fencing along the street frontages (Belmore Road and Melrose Street) is maximum 1200mm high rural style fencing, and is located on the boundary line.</p> <p>All side and rear fencing between lots is to be of timber paling 1800mm high.</p>

Clause	Objectives	Design Requirements	Compliance
		<p>The recommended height for these dividing fences is 1800mm high but not less than 1500mm high.</p> <p>f) For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive;</p> <p>g) Fencing within the street building line setback shall not be located closer than 900mm from the street property boundary for the principal street frontage of the development (refer Figure 22).</p> <p>h) Where side boundary fencing projects forward of the street building line setback to the principal frontage then the maximum height of the fence shall not exceed 750mm within the building line setback area. (Note: This requirement does not apply where the development qualifies to use the building line setback for private open space – refer Sec B9.9(h)).</p> <p>i) Front fencing for the purposes of containing a dwelling’s principal private open space area, shall not occupy more than 50% of the street frontage of an allotment and shall not contain or obscure the principal pedestrian entry point to the dwelling from the street. Fencing may occupy greater than 50% of a site frontage if it can be demonstrated that the increased length of fencing is consistent with the established fencing within the street and character of the street, or because of environmental impact considerations, eg. noise.</p> <p>j) Solid fencing for the purposes of containing a dwelling’s principal private open space area, shall not exceed a height of 1500mm where located within the street building line setback unless it can be demonstrated that a higher fence is appropriate having regard to issues of noise, privacy, existing streetscape and architectural merit.</p> <p>k) Nothing in this plan prevents the fencing of the street frontage of a property subject to the following:</p>	

Clause	Objectives	Design Requirements	Compliance
		<ul style="list-style-type: none"> • The building line setback area is not required for the purposes of • principal open space; • The fence shall not exceed a height of 1200mm (1.2metres); • The fence shall not comprise sheet metal material; <p>The fence shall be of a design/materials which integrate with the dwelling(s) located on the land.</p>	
15. Driveway Access and Car Parking	<p>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.</p> <p>b) To ensure that parking areas are designed to accommodate the needs of those persons with a disability.</p> <p>c) To encourage the design of access and parking as part of the overall landscape design.</p>	<p>d) The design of driveways and parking areas should have regard to:</p> <ul style="list-style-type: none"> ➤ The widest range of user groups inclusive of disabled persons; ➤ The safety of pedestrians, cyclists and vehicles; ➤ Proximity and frequency of public transport; ➤ Street facilities such as kerb inlet/drainage pits, poles and services, street trees, bus and taxi stands/shelters, distance to corners; ➤ Street width, traffic volume and on-street parking; ➤ Part E.3: Heritage Conservation Areas 	<p>The proposed development includes new internal driveway access from the existing formalised driveway crossover from Melrose Street to the north.</p> <p>The concrete driveway is not located closer than 900mm to any boundary. Landscaping has been incorporated into the design of the driveway and manoeuvring area to the rear of the dwelling to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape and from any side boundary.</p> <p>Provisions for car parking on the site will be to Council requirements. An attached double car garage with two car spaces and an attached single car carport has been provided for the residence, compliant with the two spaces required under the DCP for dwellings containing more than two bedrooms.</p>

Clause	Objectives	Design Requirements	Compliance
<p>16. Views and Visual and Acoustic Privacy</p>	<p>a) To encourage the sharing of views whilst not restricting the reasonable development potential of a site.</p> <p>b) To site and design buildings to meet projected user requirements for visual and acoustic privacy.</p> <p>c) To protect the visual and acoustic privacy of nearby buildings and private open space.</p>	<p>View Sharing</p> <p>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.</p> <p>e) Grand vistas and significant views that are recognised and valued by the community should not be obscured by new development.</p> <p>f) Heritage or familiar dominant landmarks should be retained and not obscured.</p> <p>Visual Privacy</p> <p>h) Overlooking of private open space and direct views between living area windows shall be screened or obscured using one or more of the following methods (as shown in Figures 27 and 28):</p> <p>I. Separation distance between windows of habitable rooms or balconies</p> <p>II. Separation by design</p> <p>III. Offset living room windows of opposing dwellings/units</p> <p>IV. Splay windows to redirect sight lines</p> <p>V. Build to a boundary and avoid window openings</p> <p>VI. Screen planting between units</p> <p>VII. Fencing design or privacy screens</p> <p>VIII. Use of fin walls</p> <p>IX. Planter boxes</p> <p>X. Louvre screens (vertical or horizontal)</p>	<p>The proposed development is not expected to create adverse impacts upon the reasonable right of view of surrounding properties. Outlook of heritage or familiar dominant landmarks will be maintained and not obscured by the development.</p> <p>Open spaces and habitable rooms are oriented in a manner that reduces potential impacts on the surrounding residential properties. 1.8m high boundary fencing is considered a suitable measure for mitigating overlooking opportunities from ground floor private open spaces and living areas.</p> <p>The site layout provides separation of active recreational areas and habitable rooms through spatial separation. Vegetation planting will provide a further visual buffer.</p> <p>The dwelling is sited and designed to meet user requirements for acoustic privacy while minimising the acoustic impacts of development on adjoining properties. On-site noise generating sources including the air conditioning unit, and recreation areas are designed and located to ensure that the noise levels generated have minimal impact to adjoining properties.</p> <p>The proposal is for a residential development in an established urbanised area – it is expected that there will be</p>

Clause	Objectives	Design Requirements	Compliance
		XI. Pergola XII. Change in level Acoustic i) Where no design techniques and screening (eg fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m. j) Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings. k) Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance. l) Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.	negligible impacts to the acoustic privacy of the surrounding locality.
17. Water and Energy Conservation	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. b) To provide dwellings with adequate solar access and ventilation to both internal habitable rooms and private outdoor open spaces. 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.	The Environmental Planning and Assessment Regulation 2000 prescribes when a BASIX Certificate is required to be provided with a Development Application.	The proposal has been designed to maximise the conservation of water and energy. A BASIX Certificate has been generated for the proposal and accompanies the development application.

Clause	Objectives	Design Requirements	Compliance
	<p>d) To encourage the use of building materials that are energy efficient, non-harmful and environmentally sound.</p>		
18. Stormwater Management	<p>a) To provide an effective stormwater management system which is sustainable and requires minimal maintenance.</p> <p>b) To prevent erosion, sedimentation and other pollution.</p> <p>c) To ensure that the rate of post-development stormwater discharge should be no greater than that of the pre-development stormwater discharge.</p> <p>d) To ensure that control flow paths (eg: spillways, swales) are provided to cater for stormwater overflows.</p> <p>e) To cater for flows entering the site and to ensure that there are no adverse effects from flows leaving the site.</p> <p>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.</p> <p>g) To ensure that drainage systems are designed for safety and that the systems avoid any potential for stormwater inundation of habitable floor areas.</p>	<p>h) Due to downstream flooding/capacity issues and for developments other than single dwellings, on-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards, to restrict the discharge rate of stormwater runoff. The methods may include tanks (either underground or aboveground) or surface storage areas such as driveways or landscape depressions. The amount of storage volume required is subject to detailed calculation but may be estimated at 9 cubic metres per 1000sqm of site area.</p> <p>i) A detailed erosion and sediment control plan (ESCP) should be submitted with the development application. The ESCP should be prepared in accordance with the requirements of Council's Manual of Engineering Standards.</p> <p>j) Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an inter-allotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted</p>	<p>The proposal includes stormwater collected from the roof area to be directed from downpipes into a minimum 3,000L rainwater tank, with overflow directed to the street kerb on Melrose Street. Given the size of the proposed rainwater tank relative to the roof area and re-use required to comply with BASIX requirements, it is expected minimal overflow of water is to be experienced from the tank.</p> <p>Adjoining developments will not be impacted by stormwater run-off from the site.</p> <p>Erosion and Sediment Control will be managed in accordance with Council's guidelines. An erosion and sediment control plan has been prepared and can found at Appendix 1.</p>

Clause	Objectives	Design Requirements	Compliance
<p>19. Security, Site Facilities and Services</p>	<p>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.</p> <p>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.</p> <p>c) To ensure that all developments are adequately serviced with essential services in a timely, cost effective and efficient manner.</p> <p>d) To ensure that essential amenities and communication facilities are integrated within the residential design.</p>	<p>e) For developments proposing ten (10) or more dwellings a detailed ‘Crime Prevention Through Environmental Design’ assessment shall be prepared by an accredited person and submitted with the development application.</p> <p>f) Buildings adjacent to a public or communal space shall be designed to maximise natural surveillance, having at least one (1) habitable room window per dwelling facing that area.</p> <p>g) Low intensity lighting (eg. bollard lighting) shall be provided to all shared pedestrian paths, parking areas and building entries.</p> <p>h) Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.</p> <p>i) Where agreed to by public utility service providers, services shall be coordinated in common trenching in order to minimise construction costs for underground services.</p> <p>j) Each dwelling shall be provided with direct and convenient pedestrian access to a public road.</p> <p>k) Where there is no direct pedestrian access from a dwelling’s private outdoor open space area to the public roadway then the development shall be provided with a common garbage storage area readily accessible from within the site and serviceable from the adjoining road.</p> <p>l) The garbage storage area shall be designed so as to conceal its contents from view of the adjacent public space and/or other properties. It shall be provided with a water tap for wash down purposes and drained to connect to the sewer.</p> <p>m) Individual mail boxes shall be located close to each ground floor dwelling entry, or a mail box structure located close to the major</p>	<p>The dwelling has been designed to ensure the safety of the future residents. A clearly defined, and conveniently accessed pedestrian access way is provided to the residence, with front doors visible from the primary and secondary frontage. Habitable rooms (master, beds 2 and 3 and 4) have been located to the front and north of the dwelling, oriented to overlook the primary and secondary frontages, providing casual surveillance of the streetscapes.</p> <p>A CPTED is not required for this development application as the development does not propose 10 or more dwellings.</p> <p>Appropriate arrangements for recycling, garbage and mail collection have been provided for in accordance with the DCP – refer to Architectural Plans.</p> <p>The proposed development will be provided with all relevant services and utilities. Refer to accompanying documentation.</p>

Clause	Objectives	Design Requirements	Compliance
		<p>pedestrian entry to the site complying with the requirements of Australia Post.</p> <p>n) Open air clothes drying areas shall be provided for each dwelling with an aspect ranging between direct east to direct west (via north). The drying areas shall be located and/or screened such that they will not be visible from a street or public place. Each drying area shall comprise a minimum of 15.0 lineal metres of hanging line</p> <p>o) All services – reticulated water, sewerage, electricity and telecommunications (and natural gas where available) shall be installed to meet the requirements of the relevant service provider</p>	

Part E – Special Precincts

E.3 Heritage Conservation Areas

<p>4. Lorn Heritage Conservation Area</p>	<p>Statement of Significance</p> <p>The area is of historical significance as probably the best example in the region of the garden suburb ideal. Lorn has an excellent collection of residential architecture dating from the late Victorian period, the Federation period and the Inter-Wars period. It records the historic expansion of Maitland's residential development onto the flats across the river. The social significance of the suburb is preserved in an urban form and building content still functioning as a garden suburb of greater Maitland and deriving meaning from its continuity of usage. The aesthetic significance of Lorn is derived from the many excellent examples of residential architecture styles of the late Victorian period, Federation period and</p>	<p>What to Keep:</p> <ul style="list-style-type: none"> • Contain spread of commercial uses to existing extent. • Narrow carriageways lined with informal grass verges and plantings or gravel shoulders. • Distinct built edge boundary with rural surrounds. • Lorn's predominantly single storey street frontage. Roof conversions should be located to the rear of the existing house. • Contributory street tree plantings. <p>What to Encourage:</p> <ul style="list-style-type: none"> • Strictly limited building heights and setbacks, especially along Belmore Road. • Fencing designs and materials suited to the period of the dwelling; 	<p>The proposed development displays compliance and has been designed in accordance with the Lorn Heritage Conservation Area's Conservation Policies where applicable:</p> <ul style="list-style-type: none"> • Existing building lines are maintained along Belmore Road and Melrose Street; • A single storey street frontage is proposed; • No contributory street plantings are to be removed and additional landscaping will be provided to compensate for the four trees proposed for removal;
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Clause	Objectives	Design Requirements	Compliance
	<p>the Inter-wars period, supported by many other later impressive but contributory buildings of compatible scale and form; wide streets and civic tree planting; and well established gardens. The urban edge is well defined by river levees and open agricultural land contributing to its identity as a cohesive townscape.</p>	<ul style="list-style-type: none"> • Reference to the 1985 Lorn Conservation Planning Study which provides a list of recommended exotic and Australian species for private and public gardens • Where required, kerbs constructed using a roll-over profile rather than the upright profile. • Maintain the predominance of single residences per allotment; • Maintain existing subdivisional character in any future subdivision of land in Lorn. • Infill development which does not modify the historic character of Lorn. • Roof form and pitches which emulate those of the existing house in the case of additions, and in new development borrow the main characteristics without necessarily creating a replica of particular styles in the street. • Attic space can be accommodated in the existing roof space where there is no substantial change to the existing roof form and where new openings are not located on the street elevation. • Location of new garages behind the rear building line as detached structures. • Reinforcement of street tree plantings. <p>What to Avoid:</p> <ul style="list-style-type: none"> • Removal of any healthy plantings • Use of high saturation/intense colours • Loss or compromise of all heritage items and contributory reference buildings (as previously described) and landscape elements. 	<ul style="list-style-type: none"> • Fencing design and materials are consistent with the proposed dwelling design and compatible with fencing along Belmore Road and Melrose Street and the greater township; • The development does not detract from or seek to modify the heritage significance of the suburb, but instead emulates the character of Lorn by incorporating key architectural and landscape elements such as single storey form, limited building height and compliant setbacks, hip and gable roof profiles, heritage appropriate brick face and weatherboard cladding, window awnings, quality feature and boundary fencing, good private landscaping, rear siting of parking and front verandas and with clear pedestrian access. <p>The proposal therefore does not detract from the aesthetic significance of Lorn, nor impact on nearby contributory buildings or the overall significance of the garden suburb ideal.</p>



Clause	Objectives	Design Requirements	Compliance
		<ul style="list-style-type: none">• Upright kerb and guttering.• Use of modern profile steel sheeting, concrete tiles and high glazed or variegated coloured terracotta tiles.• Use of textured red, white and modern patterned bricks, and concrete blockwork (painted or unpainted)• Complete cladding of walls with plain panels such as fibro.	

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 SECTION 4.15(1) (A) – STATUTORY PLANNING CONSIDERATIONS

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. Each of the relevant matters is addressed below.

Section 4.15(1) (a) requires the consent authority to take into consideration:

“(a) the provisions of:

- (i) any [environmental planning instrument](#), and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any [development control plan](#), and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the [regulations](#) (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the [land](#) to which the [development application](#) relates,”

These matters (and others) are addressed in Section 4 of this report, and below.

The proposal is permissible with the consent of the Council and is generally consistent with the provisions and objectives of Maitland LEP 2011 and DCP 2011.

5.2 SECTION 4.15(1) (B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

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

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

The relevant matters are addressed below:

5.2.1 Impacts on the Natural Environment

The proposed development has been considered in the context of the natural environment. The existing site conditions have been considered, it is anticipated that the development in its current form will not have any significant impact on the existing natural environment. Appropriate controls will be in place during construction, such as soil and erosion control measurements.

5.2.2 Impacts on the Built Environment

The proposal is primarily consistent with the objectives and development controls contained within the various environmental planning instruments and development control plans that apply to the site (see Section 4). For these reasons it is considered that the development will not significantly impact on the character of the locality.

5.2.3 Social and Economic Impacts

The development comprises the orderly economic development of the site for purposes for which it is zoned. The proposal will not have any negative social or economic impacts. The proposal will contribute to housing diversity within an established suburb. The development promotes economic growth by providing for employment during the construction phase.



5.3 SECTION 4.15(1) (C) – THE SUITABILITY OF THE SITE

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

“(c) the suitability of the site for the development.”

The suitability of the site for the proposed development is dealt with in Section 2. The site has access to essential services, is zoned for such purposes and has been design in a manner to consider potential constraints.

5.4 SECTION 4.15(1) (D) – SUBMISSIONS

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

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant representations will need to be considered by the Council in the determination of the development application.

5.5 SECTION 4.15(1) (E) – PUBLIC INTEREST

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

“(e) the public interest”.

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development is a permissible form of development and is therefore considered to be in the public interest.



6. CONCLUSION

The proposed seeks development consent for the construction of a single storey, 4-bedroom dwelling house with double garage and single carport on land known as 98 Belmore Road, Lorn NSW 2320 (Lot 3 DP1243806).

The proposal is permitted with consent in the R1 General Residential zone pursuant to the Maitland LEP 2011, is generally consistent with the objectives of the zone and substantially complies with the relevant controls set out in DCP 2011. The development strongly adheres to the Heritage Conservation Guidelines and Policies contained within both the DCP and Architectural Design Guidelines prepared by EJE Architecture, dated January 2017.

The development comprises the orderly economic development of the site for purposes for which it is zoned and will not have any negative social or economic impacts.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is worthy of favourable consideration by Council.



APPENDICES



APPENDIX 1

Architectural Plans



APPENDIX 2

BASIX Certificate



APPENDIX 3

Waste Management Plan



APPENDIX 4

Architectural Design Guidelines



APPENDIX 5

AHIMS Search Result



APPENDIX 6

Heritage Report prepared by EJE Heritage