

Attachments

Under Separate Cover

10 December 2024

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City Planning

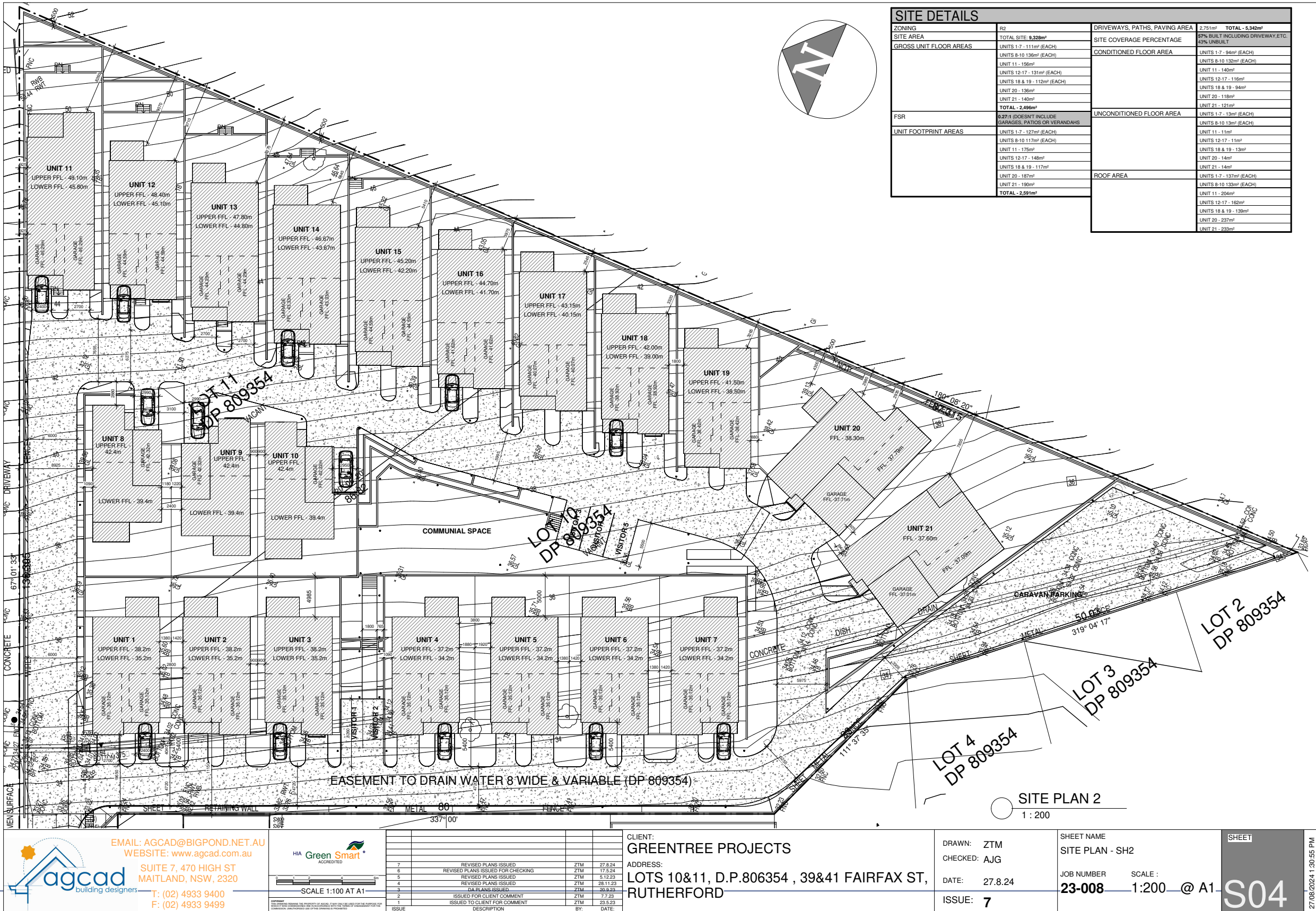
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Development Plans (Under Separate Cover)

Meeting Date: 10 December 2024

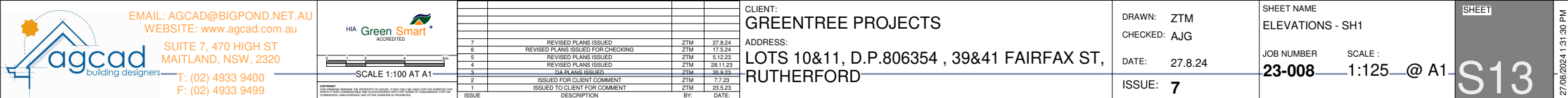
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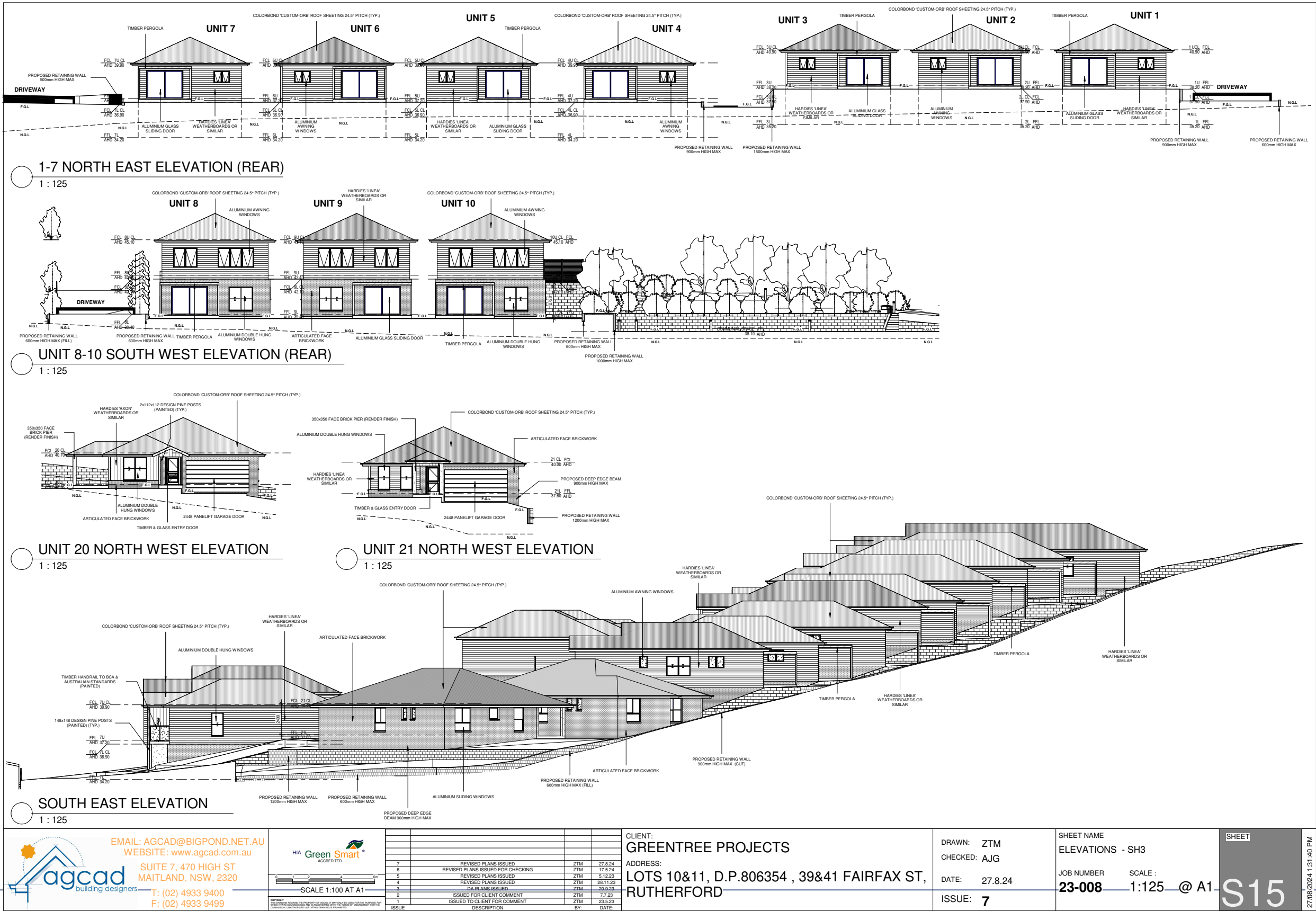


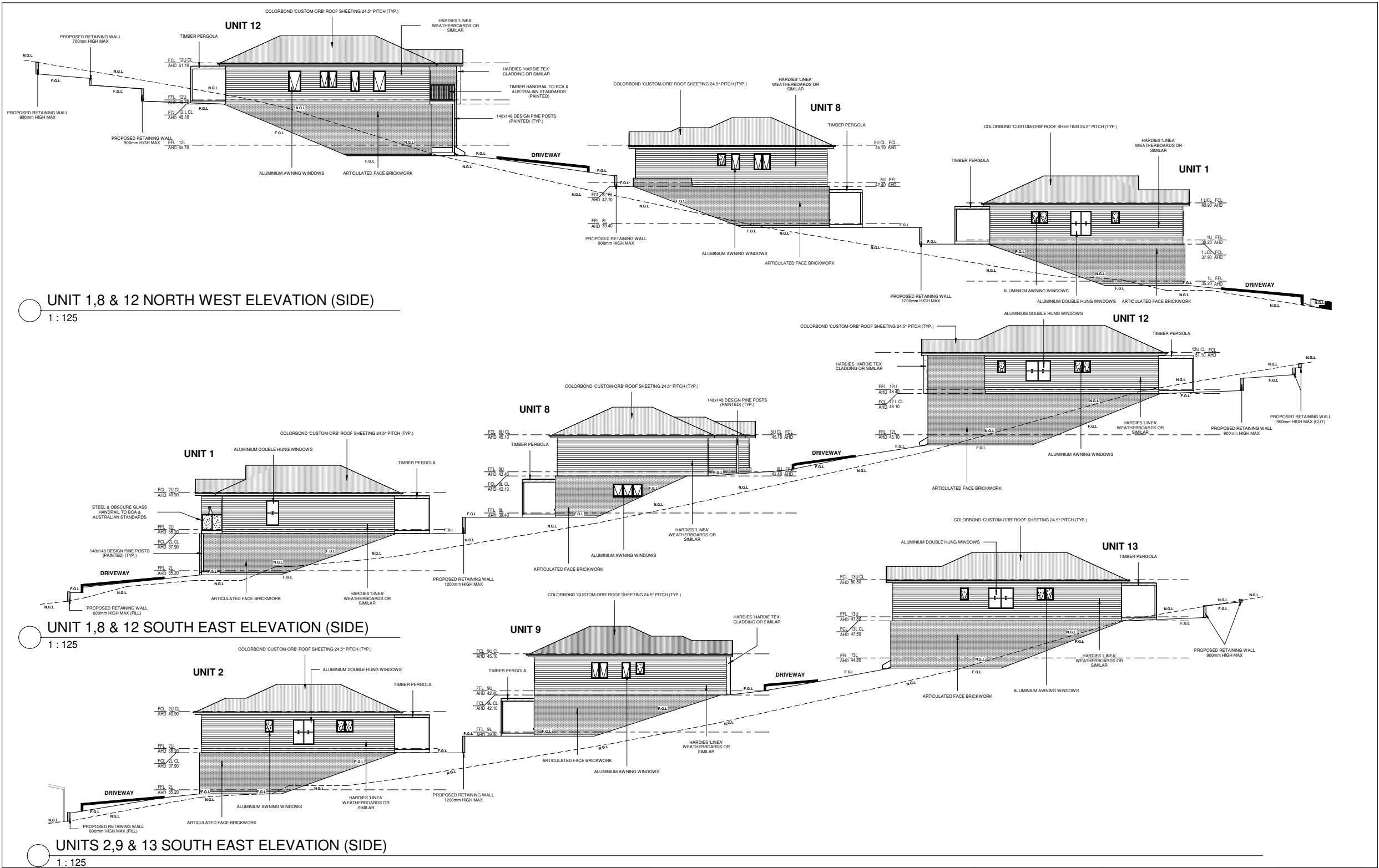












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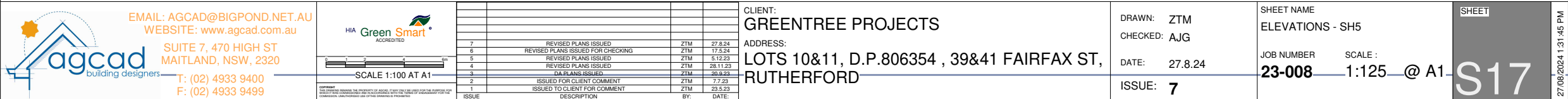
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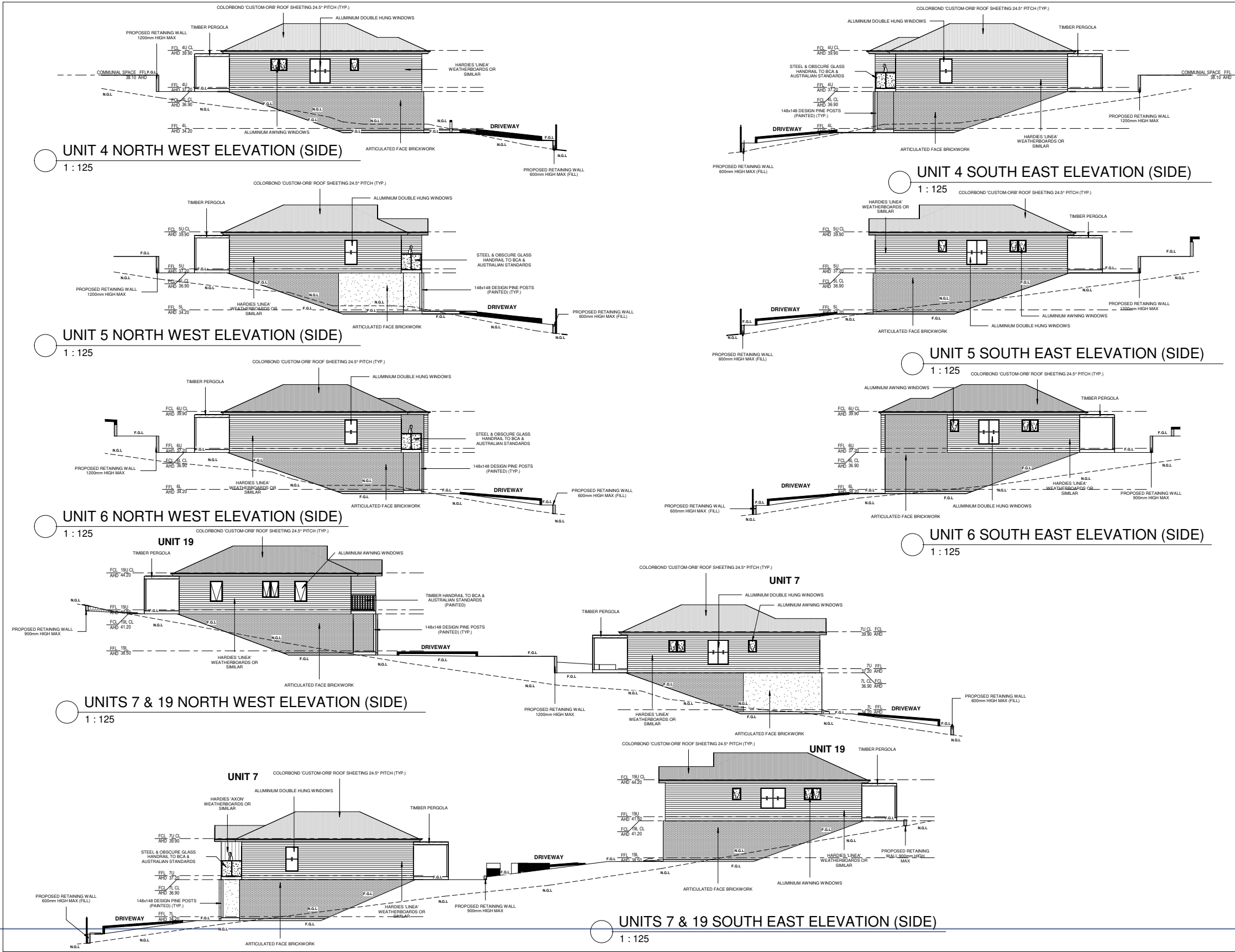
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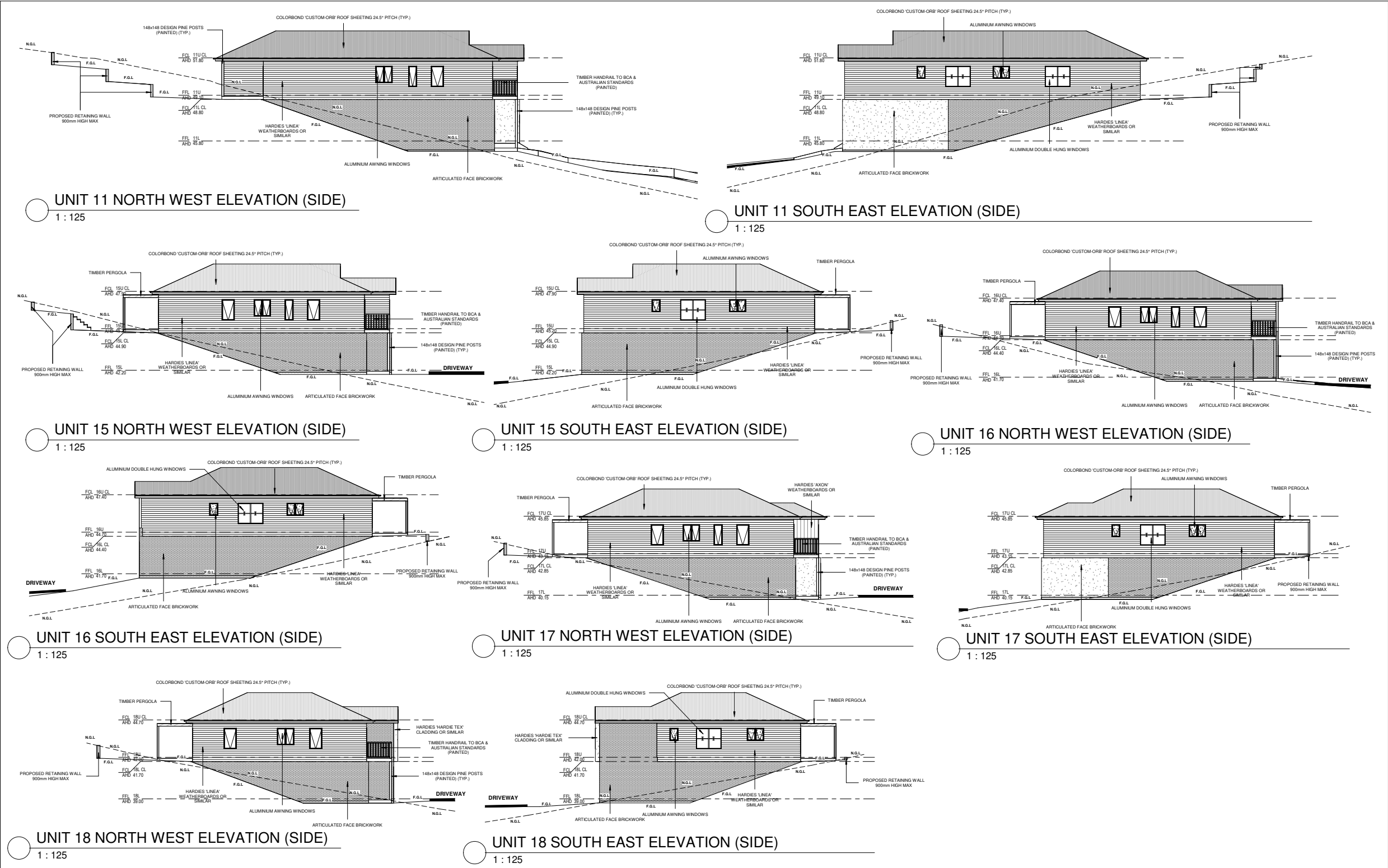
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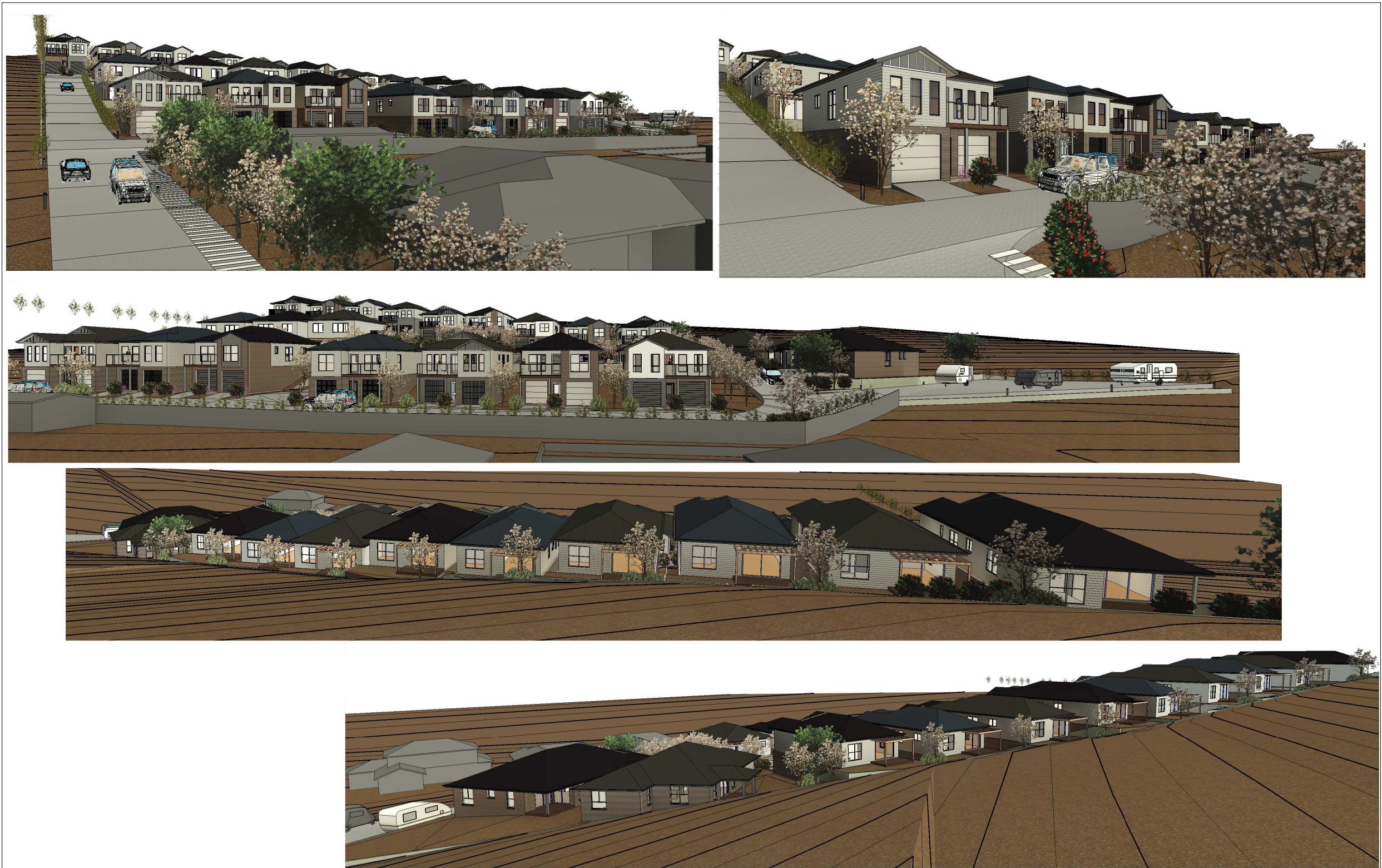
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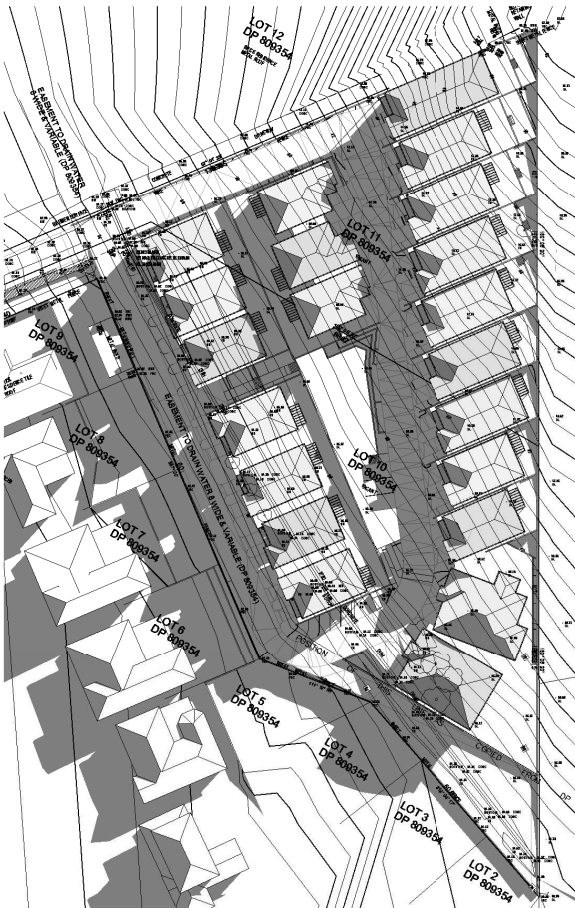
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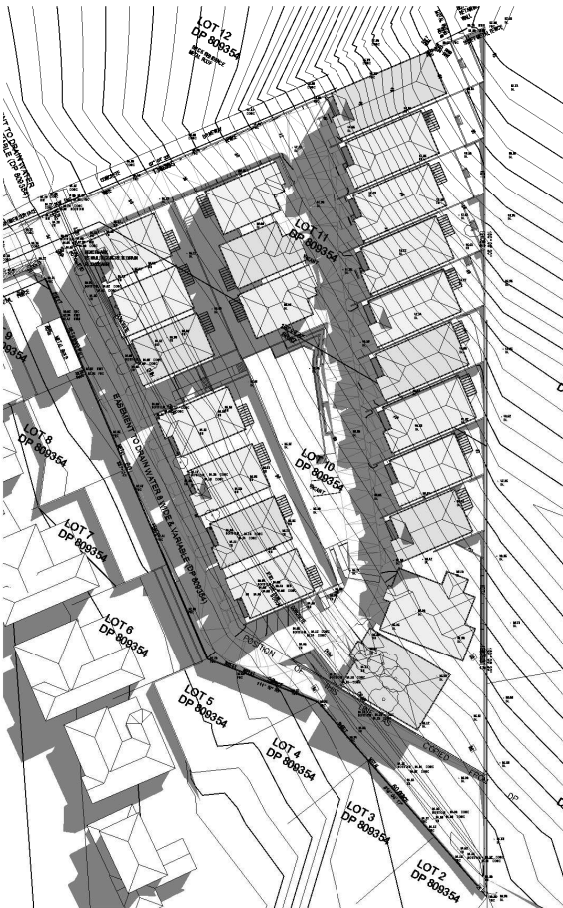
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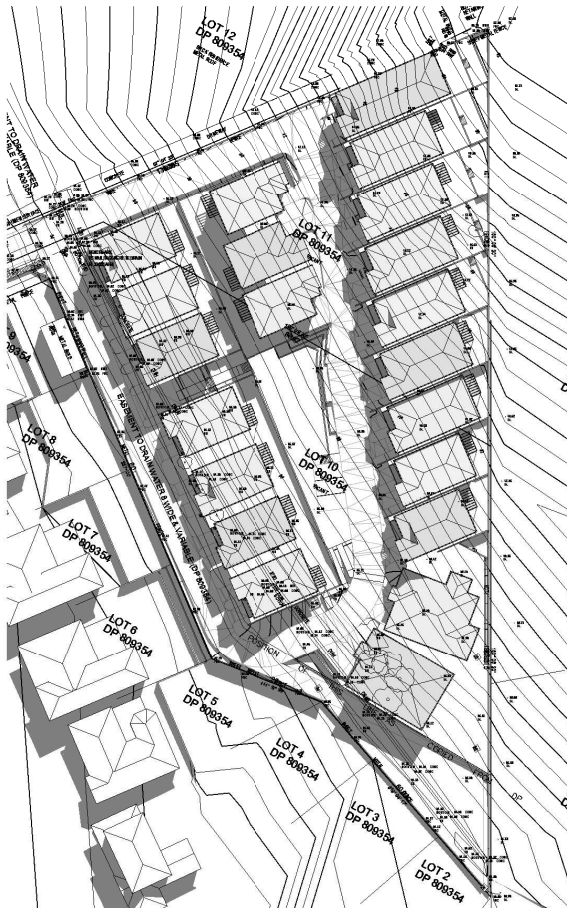
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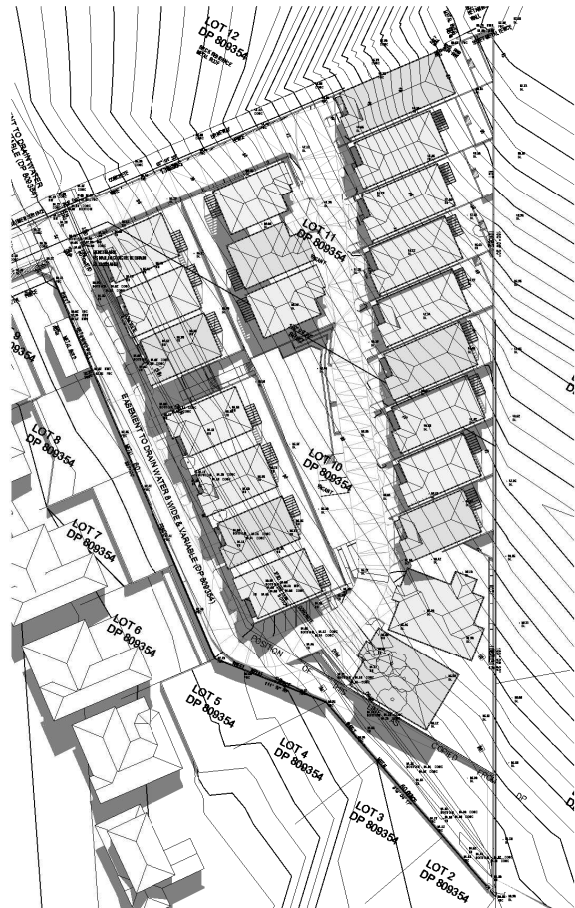
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City Planning

DA/2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford

Assessment Report (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 3

Number Of Pages: 21



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application No:	DA/2024/249
Proposal:	Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision.
Address:	39 & 41 Fairfax Street RUTHERFORD NSW 2320
Lot & DP No:	Lot 10 & 11 DP809354
Property No:	15026 & 15027
Land Zoning:	R1 General Residential
Applicant:	Pmando Holdings Pty Ltd
Owner:	Tyton Landscape Supplies Pty Ltd
Author:	Thomas Howell
Site Inspection:	24 September 2024

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA 2024/249 proposing Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposal involves the erection of multi dwelling housing consisting of 21 dwellings and 22 lot community title subdivision. The particulars of the development include:

- Erection of 21 dwellings comprising of the following:

Unit Number	Building Format	Room Configuration	Car Parking
1 to 7, 18 & 19	Two-storey, detached	Two bedrooms, two bathrooms, open plan living kitchen, separate laundry	Two car garage
8 to 10	Two-storey, detached	Three bedrooms, two bathrooms, open plan living kitchen, garage-integrated laundry, secondary living room	Single car garage, stacked parking
11	Two-storey, detached	Four bedrooms, two bathrooms, open plan living kitchen, separate laundry, secondary living room	Two car garage
12 to 17	Two-storey, detached	Three bedrooms, two bathrooms, open plan living kitchen, separate laundry, secondary living room	Two car garage
20	Single storey, detached (accessible)	Three bedroom, two bathrooms, open plan living kitchen, separate laundry	Two car garage
21	Single storey, detached (accessible)	Three bedroom, two bathrooms, open plan living kitchen, separate laundry	Two car garage

- Construction of new private road including new driveway crossover to Fairfax Street, caravan storage area and visitor parking.
- New stormwater drainage infrastructure including removing an existing pipe intersecting the site and installing new stormwater pipes within the existing stormwater drainage easement, installation of grated pits within all proposed lots and within the proposed road infrastructure, new on-site detention basin within the proposed driveway and new kerb inlet pits within the Fairfax Road reserve.
- Bulk earthworks across the site to facilitate adequate road grades and building pads.
- Communal open space facilities at the centre of the site containing playground, bench seating and tables.
- Comprehensive landscaping across the entirety of the site with screen planting proposed along the perimeter of the site.
- 22 lot community title subdivision comprising the following:

Lot Number	Use	Area
1	Association Lot (private road, visitor parking, communal open space)	-
2	Dwelling	231m ²
3	Dwelling	210m ²
4	Dwelling	210m ²
5	Dwelling	231m ²
6	Dwelling	241m ²
7	Dwelling	231m ²
8	Dwelling	220m ²
9	Dwelling	227m ²
10	Dwelling	215m ²
11	Dwelling	242m ²
12	Dwelling	353m ²
13	Dwelling	324m ²
14	Dwelling	308m ²
15	Dwelling	292m ²
16	Dwelling	277m ²
17	Dwelling	261m ²
18	Dwelling	246m ²
19	Dwelling	230m ²
20	Dwelling	215m ²
21	Dwelling	405m ²
22	Dwelling	500m ²

A request for additional information was sent to the applicant 8 May 2024 and 2 October 2024. A summary of the request and the response by the applicant is provided below:

Council Request	Applicant Response
Visual and privacy impacts on neighbouring properties	The architectural plans have included visual impact assessments to illustrate the scale of the development in relation to the adjoining residential area on Fairfax Street. These assessments demonstrate that the proposed development will not significantly impact the privacy of neighbouring properties.
Building setback to the northern boundary to proposed dwelling 11	The applicant has requested that Council consider a variation to the development control specified within Part C.8 of Maitland DCP 2011. While the proposed building does not comply with setback controls, certain site-specific issues merit consideration. The proposed dwelling is positioned adjacent to the battleaxe driveway of the neighbouring residential property. This area will remain a driveway, providing access to the adjoining property, and will not be subject to further

	development. The built form impact on this part of the site is minimal, and an additional setback would not enhance privacy or create any additional environmental benefit. .
Architectural presentation	The applicant has provided adjustments to the external materials and finishes to address the repetitive nature of the development. A revised schedule of external finishes and materials has been provided.
Adequacy of species within the landscaping buffer along the western boundary	The landscaping plan has now been updated to reflect a more suitable species as screening plants along the Western boundary as requested by Council. These plants are suitable for narrow planting spaces and have a fine leaf system which is suitable for trimming and hedging of the plants. The plan also has provided with a section through the site to illustrate the proposed landscaping in relation to the proposed dwellings.
Structures in stormwater easement	The proposed development seeks to relocate the existing pipelines intersecting the site to within the easement boundary to ensure that any associated piping is not positioned beneath future lots or buildings. The engineering assessment has reviewed the size of the pipes and provided recommendations on the required dimensions for optimal functionality. This has been reviewed by Council's engineering team and discussed further below.
Lot consolidation	A lot consolidation plan has been provided.
Waste management	An operational waste management plan has been provided with the application nominating a private contractor to service the site utilising an MRV. This plan addresses waste volume, receptacle storage, and waste and recycling collection from the site. This has been reviewed by Council's waste team and discussed further below.
Hunter Water	Hunter Water stamped plans have been provided.
Retaining walls setback and materials	Retaining wall details have been updated to nominate masonry construction and have appropriate setbacks to allow all required support infrastructure and drainage to be located wholly within the property boundaries.
Car parking	Visitor car parking has been clarified across the site.
Pedestrian movement	A dedicated pedestrian access has been provided within the landscaped feature of the battleaxe handle off the proposed roadway. Internal pedestrian access will utilise the shared, one-way road throughout the site, which will be signposted for a low-speed, shared environment. This will be conditioned by Council.
Traffic and access	A traffic impact assessment has been provided in support of the application. The proposed driveway location has now considered the conflict with the existing kerb inlet pit which will be replaced with a narrower pit and an additional pit constructed further north along Fairfax Street.
Stormwater	Additional stormwater plans, DRAINAGE models, catchment plans and details of concentrated flows have been provided for Council assessment. The revised stormwater plans also nominate additional grated detention pits to service each individual lot. Further details regarding stormwater management are discussed below.
Earthworks	A bulk earthworks plan has been provided which details the amount of cut and fill proposed across the site.

Description of the Land on which the proposal is to be carried out.

The subject site comprises two allotments known as 39 & 41 Fairfax Street Rutherford and have legal descriptions of Lots 10 & 11 in Deposited Plan 809354. The sites are irregular in shape and have a combined total area of 9,328.9m². The sites are accessed via a combined 12m wide access handle located along the eastern side of Fairfax Street. The sites are zoned R1 General Residential and are not mapped as containing any site constraints. The location of the sites are represented in Figure 1 below.

There are no existing improvements located on either site besides an existing concrete driveway within the access handle which currently provides access to a neighbouring property (43 Fairfax Street). Several shrubs and small trees are scattered across the site with one large gum tree located at the southern part of Lot 10. The remaining land is predominately unkept grass.

The sites slope from the eastern boundary down towards the Fairfax Street frontage with a cross-fall of approximately 24m. Due to the topography the site is visually prominent from various vantage points including the New England Highway.



Figure 1: aerial photograph of subject sites

A site inspection was undertaken 24 September 2024 as seen in the images below:



Photo 1: existing frontage to Fairfax Street



Photo 2: Fairfax Street looking south

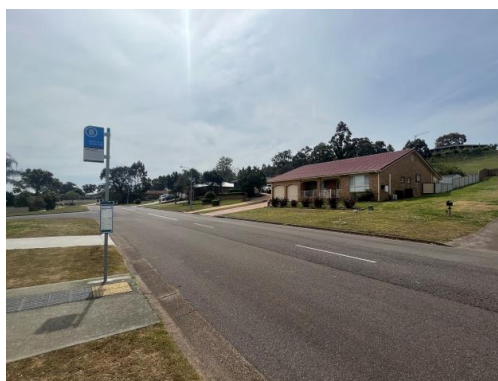


Photo 3: Fairfax Street looking north



Photo 4: western boundary



Photo 5: western boundary



Photo 6: western boundary



Photo 7: existing driveway looking west down to Fairfax Street



Photo 8: centre of site looking south



Photo 9: eastern boundary looking north



Photo 10: highest point of site looking north-east

PREVIOUS DEVELOPMENT HISTORY

There are no historic construction or development applications registered against the subject site that are relevant to the proposed development.

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type

The proposal is categorised as *local development*, under the Environmental Planning and Assessment Act 1979 (EPA Act).

Contributions

The proposal attracts a contribution of **\$145,282** under Council's current adopted Section 7.11 Plan

The proposal also attracts a contribution of **\$120,117.47** under the Housing and productivity contributions scheme. The contribution has been calculated in the NSW Planning Portal under CON-9064. This is pursuant to Section 7.24 of *EP&A Act 1979*.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant submitted a valid BASIX Certificate which lists the commitments to achieve appropriate building sustainability. A condition is recommended to be included in the development consent requiring such commitments to be fulfilled.

Certificate No.: 1418740M_02 Dated: 19 March 2024

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land

Clause 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The proposed development site has no previous record of contamination, nor is it listed on the NSW list of contaminated and notified sites, published by the EPA. The land is not within an investigation area, nor are there any records of potentially contaminating activities occurring on the site. The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines.

Notwithstanding, a preliminary site investigation has been provided (*ref: E3008, Foundation Earth Scientists, July 2023*) which provides the following recommendations:

- A site wide asbestos clearance is undertaken prior to any excavation works within the site.
- Civil works to be undertaken using an Unexpected Finds Procedure (provided within the report).

Both requirements will form part of the conditions of consent for the development as well as standard conditions regarding filling restricting use of only VENM or ENM. As such, the site is considered suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2: Vegetation in non-rural areas

This chapter of the SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW. Part 2.3 of the SEPP provides that Maitland's DCP 2011 can make declarations with regards to certain matters, and further that Maitland may issue a permit for tree removal.

One significant tree is proposed to be removed as part of this application. No vegetation on the adjoining properties or street trees will be adversely impacted by the development. The proposal has been assessed in accordance with the provisions of the SEPP and DCP 2011 and is satisfactory.

Maitland Local Environmental Plan 2011Clause 1.9A – Suspension of covenants, agreements and instruments

The restriction as to user applicable to the subject lot under Section 88b of DP809354 limits development on the site to single dwellings only. Under this clause, Council can suspend covenants or restrictions not imposed by the Council or required under relevant legislation listed under 1.9A(2).

As the restriction is developer-imposed, and multi-dwelling housing developments are permissible with consent in the R1 zone, and the restriction is neither imposed by the Council nor required by any legislation or planning agreement, the Council has the authority to suspend the restriction and approve the proposed development accordingly.

Clause 2.3 – Zone objectives and Land Use Table

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as 'multi dwelling housing' and 'subdivision' under the LEP

which is a type of development permitted with consent.

The proposed development is consistent with the objectives of the zoning as it provides for a variety of housing choice in the locality.

Clause 2.6 – Subdivision – consent requirements

The development proposal includes 22 lot community title subdivision. Clause 2.6 provides that the subdivision of land, other than exempt or complying subdivision, requires development consent. The applicant has sought development consent for the proposed subdivision under the subject development application.

Clause 4.1 – Minimum subdivision lot size

The subject site has a minimum lot size of 450m² under the MLEP 2011. The proposal does not comply with the minimum lot size, however in accordance with Clause 4.1(4)(a) this clause does not apply to any kind of subdivision under the *Community Land Development Act 2021* as proposed by this application.

Clause 4.1AA – Minimum subdivision lot size for community title schemes

The subject site is zoned R1 General Residential and is not a prescribed zone as listed under this clause. As such, a minimum lot size does not apply to the development.

Clause 5.10 – Heritage Conservation

Clause 5.10 does not apply to the development application as pursuant to Schedule 5 LEP 2011, the subject site is not:

- heritage item of State significance
- heritage item of Local significance
- within a Heritage Conservation Area
- identified archaeological site
- within an Aboriginal place of heritage significance
- within the vicinity of a heritage item

Clause 7.1 – Acid sulfate soils

The subject site is not identified as containing Acid Sulfate Soils (ASS).

Clause 7.2 – Earthworks

Development consent is not required under this clause as the earthworks are ancillary to the proposed subdivision and will be considered as part of the overall assessment. Extensive earthworks associated with completion of the proposed new roads and dwelling construction will be undertaken onsite given the topographic nature of the site. All the earthworks will be conditioned to comply and tested as per AS3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*. Conditions of consent will also be included to ensure sediment and erosion controls measures are implemented during the construction phase and best practice measures are implemented. As such, minimal impacts are likely to occur onto the surrounding environment.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. There are no relevant amendments within the Planning Proposal applicable to this application.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

The following chapters of the Maitland DCP are relevant to the assessment of the proposal:

- Part A – A.4 Notification
- Part B – B.2 Domestic Stormwater, B.5 Tree and Vegetation Management, B.6 Waste Not – Site Waste Minimisation & Management
- Part C – C.1 Accessible Living, C.8 Residential Design, C.10 Subdivision, C.11 Vehicular Access & Car Parking, C.12 CPTED

A.4 – Notification

The application was placed on public exhibition for a period of 14 days from 10 April 2024 to 24 April 2024 in accordance with the *EP&A Act*, *EP&A Regs* and Maitland Development Control Plan ("DCP") 2011. During this time two (2) submissions were received. The submissions are discussed in detail further below under Section 4.15(1)(d).

Part B – B.2 Domestic Stormwater

A stormwater drainage plan (*Reference: 22494, Dwg. No. C05.01, C05.02, C06.01, C06.02, prepared by: Wallace Infrastructure Design Pty Ltd, dated: 09/09/2024*) has been provided, demonstrating compliance with the objectives and controls of the relevant chapter.

Rainwater reuse tanks with on-site detention volume have been designed in line with BASIX and Council's Manual of Engineering Standards (MOES). The overflow from the rainwater tanks will be directed to stormwater pits located on each lot, with additional pits within the access handle and at the front boundary of the site, ultimately discharging into Council's drainage system along Fairfax Road.

Conditions of consent have been included to ensure all development works comply with relevant provisions of Council's MOES.

B.5 Tree and Vegetation Management

The proposed development includes the removal of several shrubs across the site and one large native tree. None of the trees have been assessed as being of high significance and do not provide any importance to the streetscape. A landscape plan has been provided which demonstrates appropriate tree planting to the perimeter of the development.

B.6 Waste Not – Site Waste Minimisation & Management

Management of waste during construction can be addressed by way of conditions of consent.

A waste management plan prepared by EcoResults (*Ref: 2024-3798-WMP, dated: 25/05/2024*) was submitted to Council as part of the supporting documentation. The waste management plan details management of operational waste during for the proposed multi dwelling housing development. The operational management plan notes the following waste generation per week from the development:

- 2,520L general waste
- 2,520L recycling
- 2,520L food and organic waste

Each individual dwelling will have storage for individual bins as follows:

- Storage of one x 120L bins for general waste collected weekly.
- Storage of one x 240L bins for recycled waste collected fortnightly.
- Storage of one x 120L bins for garden organics collected fortnightly.

Future residents will be responsible for placing their bins out for collection the night before collection day and returning bins to the property once collected (example of bin collection points are demonstrated in Figure 2 below). A condition of consent will require the community management association to enter

a contract with a licensed waste contractor to provide waste services for the premises prior to the occupation certificate. The private contractor will be responsible for:

- Entering the site via the private road to collect bins from each dwelling's bin collection point
- Having sufficient safety equipment to ensure it can manoeuvre in a safe manner without harm to people and property
- Ensure that collection takes place out of peak traffic times
- Endeavour not to block the road
- Clean up any spillage that may occur as a result of collection
- Complete a job safety analysis before collection commences. The job safety analysis must be provided to all contract staff who are assigned to collect waste from the site.

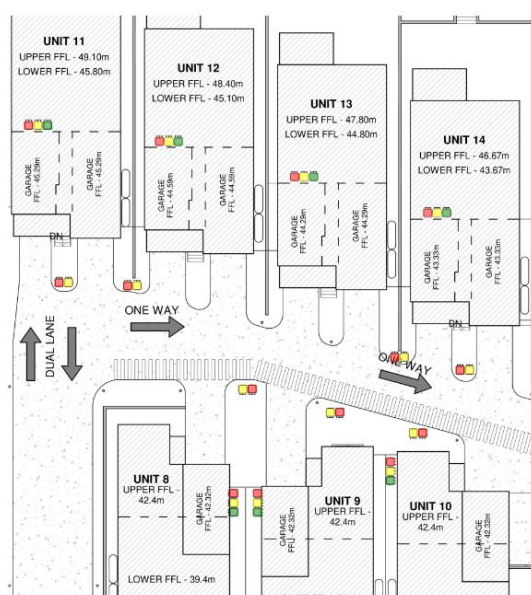


Figure 2: example of bin storage and bin collection points (source: EcoResults, 25/05/2024)

Turning templates for a medium rigid vehicle (MRV) have been provided which demonstrate that an appropriate MRV waste vehicle can safely enter and exit the site in a forward direction.

For the reasons above, the management of waste is considered acceptable.

C.1 – Accessible Living

Due to the number of dwellings proposed, a total of two (2) accessible dwellings must be provided as part of the development. The development nominates dwellings 20 and 21 as suitable for adaptable housing. Adaptable housing unit is defined by Australian Standard AS4299 as follows:

A housing unit which is designed and constructed to meet the performance requirements stated in the standard. It is designed in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities of progressive frailties.

There are six (6) performance requirements being: visit-ability; avoidance of level changes; manoeuvrability; ease of adaption; ease of reach; and future laundry facilities. An Access Report (*Purple Apple Access*, 12/06/2024) has been provided in support of the proposal. The development has been assessed for compliance with disability access legislation and Council's requirements to ensure that residents are provided equal opportunities for access to and from the building as well as within the building and communal open space. The Access Report demonstrates that the fundamental aims of accessibility legislation are achievable within the proposed development, spatial planning and general

C.8 – Residential Design

Significant cut and fill works are proposed across the site to create a compliant private roadway to service the development. Due to the topography of the site the dwellings have been designed to step down with the slope of the site to minimise additional earthworks within the dwelling sites. Retaining walls are proposed along the northern and eastern sections of the site in proximity to boundaries to retain cut. Section plans provided demonstrate that the retaining walls and any required support infrastructure can be contained wholly within the property boundaries. Retaining at the highest point within the site (at the north-eastern corner) are tiered to reduce the bulk and scale of the required cut. The tiered retaining walls provide useable private open space areas to dwellings 11 to 15 and are considered acceptable.

House A

House B

fence
1000 max

fill

hw

cut

hw = 1500mm max

boundary

UNIT 16

SIMILAR

ALUMINIUM SINGLE HUNG WINDOWS

F.L. TYPICAL AND 40.83

F.F.L. AND 40.93

F.C. TYPICAL AND 42.31

N.G.L.

M.B.E.R & GLASS ENTRY DOOR
127 PANEL LIFT GARAGE DOOR

U SPACE FFL 38.10 AND

P.F.C. 17% AND 40.15

TIMBER HANDRAIL TO BCA & AUSTRALIAN STANDARDS (PAINTED)

148x148 DESIGN PINE POSTS (PAINTED) (TYP.)

ARTICULATED FAC BRICKWORK

PROPOSED RETAINING WALL

PROPOSED 1200mm HIGH

UNIT 17

WEATHERBOARDS OR SIMILAR

Figure 3: Figure 6 of DCP 2011

Retaining walls along the western boundary are to retain fill with a maximum height of 600mm. The face of retaining wall and kerb of the private road are separated by adequate space for planting of screen species to soften the extent of built form as viewed from neighbouring properties.

Any retaining wall greater than 1m will be conditioned to be design by a suitably qualified structural engineer. Further, conditions of consent will require the importation of VENM and ENM only.

5. Street Building Setbacks

6. Side and Rear Setbacks

The development includes the following minimum setbacks:

- Front – the proposed development is located at the rear of a battle-axe handle as such no dwelling is to front the Fairfax Road frontage.
- Rear (eastern) – 2.5m to the face of the wall of dwelling 17.
- Sides (northern, southern and western) -
 - 925mm (north) to both ground and first floor of the northern side of dwelling 11 which creates a first-floor setback non-compliance discussed below.
 - 6.35m (south) to dwelling 21.
 - 9.65m (west) to dwelling 1.

The northern side elevation of dwelling 11 extends to 6.7m in wall height requiring a setback of 1.8m (i.e., 300mm additional setback for every 1m of wall higher than 3m). The setback provided at this elevation is 925mm equating to a variation of 875mm. The non-compliance is restricted to wall length of 14.3m, or 10.3% of the total site depth, as such is considered minor when assessing the proposed development holistically. Despite the non-compliance, it is considered that the proposed development is still able to meet the objectives of this control, as it is of a bulk and scale that:

- does not create overbearing development for adjoining dwelling houses and their private open space.
- does not impact on the amenity and privacy of residents in adjoining dwelling houses
- does not result in the loss of significant views or outlook of adjoining residents
- provides for natural light, sunlight and breezes.

Glazed openings to the northern elevation of the first-floor of dwelling 11 contains kitchen and laundry windows with a condition of consent requiring highlight windows with a sill height of 1.6m to the living room to ameliorate any potential privacy impact. For these reasons, a variation to the design requirements of this control is acceptable.

7. Site Coverage and Unbuilt Areas

The proposal includes a site coverage of approximately 6,115m² or 65.5% which meets the numerical requirements in Table 3 of this control allowing a maximum site coverage of 70% for multi dwelling housing developments. As such, the development complies.

8. Building Height, Bulk and Scale

The proposal includes a maximum building height of two-stories which meets the numerical requirements in Table 4 of this control and complies.

9. External Appearance

The proposed development has been designed to create architectural interest through the use of mixed materials including facebrick, painted board, horizontal weatherboard and colourbond. The development creates visual interest through the use of porches and varying roof pitches. The development has a well-considered fenestration pattern which contributes positively to the overall design, while providing adequate privacy within and between the dwellings. While the proposed development has internal frontages to the community title, it is considered that each dwelling engages with the internal access road to create a suitable street character. The dwellings are similar in design, however, the use of varying materials and setbacks creates four distinguished dwelling designs across the site.

The garages for each dwelling are proposed to be attached and are considered to be compatible with the overall design and do not protrude forward of the front building line. The garages for dwellings 1-7 and 11-19 comprise more than 50% of the frontage of the development. However, they are staggered and located at ground level of a two-storey built form with balconies protruding over half the garage to create shadow lines to reduce the bulk of the garaging. The breaking up of the garaging into two doors with an entrance between assists in being less dominant on the streetscape. The garages for remaining dwelling do not occupy more than 50% of the dwelling frontage.



Figure 5: photomontage of development (source: agcad, 27/08/2024)

10. Open Space

The minimum dimension requirement for private open space (POS) areas are calculation using Figure 20 based on the orientation of the area. The following table provides an assessment of each dwelling POS:

Unit number	Minimum POS requirement based on Figure 20	Proposed POS	Complies
1	5m x 5m 50m ²	51m ²	Yes
2	5m x 5m 50m ²	50m ²	Yes
3	5m x 5m 50m ²	49m ²	No
4	5m x 5m 50m ²	56m ²	Yes
5	5m x 5m 50m ²	57m ²	Yes
6	5m x 5m 50m ²	55m ²	Yes
7	5m x 5m 50m ²	53m ²	Yes
8	5m x 5m 35m ²	69m ²	Yes
9	5m x 5m 35m ²	51.5m ²	Yes
10	5m x 5m 35m ²	71m ²	Yes
11	5m x 5m 50m ²	116m ²	Yes
12	5m x 5m 50m ²	121m ²	Yes
13	5m x 5m 50m ²	109m ²	Yes
14	5m x 5m 50m ²	93m ²	Yes
15	5m x 5m 50m ²	77m ²	Yes
16	5m x 5m 50m ²	61m ²	Yes
17	5m x 5m 50m ²	45m ²	No
18	5m x 5m 50m ²	54m ²	Yes
19	5m x 5m	54m ²	Yes

	50m ²		
20	5m x 5m 40m ²	157m ²	Yes
21	5m x 5m 60m ²	217m ²	Yes

It noted that dwellings 3 and 17 do not comply with the minimum required POS dimensions with minor variations of 2% and 10%, respectively. Despite the numerical non-compliance, the proposed development provides usable and proportionate private open space to the rear of these dwellings to accommodate recreation for future users. Further, the development provides a communal open space area at the centre of the site to compensate for the shortfall.

12. Accessibility and Adaptable Housing

Two (2) adaptable housing units have been provided within the development in accordance with AS4299 and is discussed in detail under Part C.1 of DCP 2011 above.

13. Landscape Design

A comprehensive landscape and planting schedule has been provided as part of the proposed development indicating significant planting of small and medium sized vegetation to the perimeter of the site. A condition of consent will be included requiring the landscaping plan be included in the documentation for a Construction Certificate. A landscape completion report will also need to be completed prior to the issue of a final Occupation Certificate verifying that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications.

14. Fencing and Walls

No front boundary fencing is proposed. Fencing to the side boundaries require to be upgraded with a recommended condition requiring this boundary fencing to be at full cost to the developer.

Internal fencing between proposed dwellings has been provided and are acceptable in terms of height and material.

15. Driveway Access and Carparking

One new driveway and crossover to Fairfax Street is proposed as part of the development works. The driveway is setback 900mm or more from each side boundary and the pavement width is 6m to allow two-way movement from Fairfax Street.

Each dwelling contains a minimum of two off-street parking spaces either in the form of an attached single garage and hardstand or attached double garage. At least one of the garage entrances are setback 5.5m to allow tandem car parking on internal driveways. Five (5) additional visitor spaces are proposed within the multi dwelling housing development to meet the parking requirements. All proposed parking will be conditioned to be consistent with the relevant dimensions and requirements of Australian Standards AS2890.1:2004. Turning templates have been provided demonstrating vehicles can enter and exit the site in a forward direction.

16. Views, and Visual and Acoustic Privacy

The proposed dwellings have been designed to limit visual and acoustic privacy impacts, including implementation of separation distances, staggered dwelling placements and layouts. Due to the grading and minor fill within the western portion of the site as well as the two-storey nature of the development the first-floor of dwellings 1 to 7 are sited higher than neighbouring developments along Fairfax Street. The balconies on the proposed dwellings 1 to 7 are setback more than 9m from the rear boundaries of the properties along Fairfax Street, ensuring adequate separation to limit any potential privacy impacts. The balconies have dimensions that are not intended to serve as primary private open space areas; instead, they act as secondary outdoor spaces. Each dwelling is provided with a primary family room

located at the rear of the dwelling, opening directly into a private open space yard designed to serve as the main outdoor living area for residents.

Further, to enhance privacy for adjoining properties, screen planting is proposed, and required by conditions of consent, along the western boundary. A condition of consent will also require installation of a 1.8m fence from the finished retaining wall height on the development site (notwithstanding the provisions of the *Dividing Fences Act 1991*), in consultation with the adjoining owners. These measures will help maintain better privacy for neighbouring properties along Fairfax Street.



Figure 6: perspective views from first-floor balconies of dwellings 1 to 7 (source: agcad 27/08/2024)

17. Water and Energy Conservation

A BASIX certificate has been provided of which outlines requirements of water and energy conservation. The building design is reflective of BASIX requirements.

18. Stormwater Management

Stormwater management has been proposed in accordance with Chapter B.2 of DCP 2011 and Council's Manual of Engineering Standards.

19. Security, Site Facilities and Services

Mailboxes, clotheslines, and bin storage locations have been provided in accordance with this control. A waste management plan (*EcoResults*, 25/05/2024) has been submitted with the application which demonstrates that the development can be serviced by individual bins for each dwelling (1 x general waste, 1 x recycling and 1 x garden organics). The application was subsequently referred to Council's Waste Team who have reviewed the documents and are satisfied that the site can be serviced by a private contractor.

C.10 – Subdivision

EC.1 Flora and Fauna

Several low significant shrubs and one tree require removal for the development works, however, there are no anticipated impact to flora and fauna. The subdivision is not considered to result in any adverse

environmental impact on either site or surrounding allotments including impact to waterways or vegetation corridors.

EC.2 Heritage and Archaeology

The site is not located within a heritage conservation area or listed as a heritage item.

EC.3 Hazards

The site is free from constraints or natural hazards.

DC.1 Lot Size and Dimension

The proposed lot size and dimensions for the development are consistent with the DCP 2011 requirements and are considered satisfactory. The battle axe handle width will remain unchanged at 12m-wide, allowing for both the driveway, passing area and landscaping, as per the DCP requirement.

DC.2 Solar Access and Energy Efficiency

The lots and dwellings have been considered in terms of providing adequate solar access. The proposal is considered to make good use of the layout of the land to ensure appropriate solar access to aid in reducing energy demands where possible.

DC.3 Drainage, Water Quality and Soil Erosion

The site does not contain any natural watercourses or drainage lines. A stormwater drainage plan has been submitted as part of the supporting documentation. On-site detention has been provided in accordance with the requirements of BASIX and Council's MOES. The overflow from the rainwater tanks will be directed to stormwater pits on individual lots before being discharge into a large OSD tank at the driveway entrance of the site before being discharged into Council's infrastructure along Fairfax Street. Appropriate conditions of consent have been included to ensure the development works comply with relevant provision of Council's MOES.

DC.4 Landscape, Streetscape and Visual Impact

The existing driveway is proposed to be extended to 6m as part of the proposed works with the addition of a shared letterbox to the Fairfax Street frontage. The application is supported by a comprehensive landscape and planting schedule indicating significant planting of small and medium sized vegetation to the perimeter of the site. Landscaping works to the frontage includes Callistemon 'wilderness white', dianellas and Baeckea virgata nana which are suitable ornamental and screen planting.

Due to the prominence of the site given its topography, the proposed development will be visible from surrounding lower areas. The architectural plans have included visual impact assessments to illustrate the scale of the development in relation to the adjoining residential area on Fairfax Street. While there will be impact it is considered the visual impact is acceptable with the inclusion of appropriate landscaping, fencing and separation.

DC.5 Effluent Disposal

All proposed sites can be serviced by Hunter Water Corporation reticulated networks. Evidence to support this will be required prior to the issue of a subdivision certificate. A condition to ensure compliance with this requirement will be included in the determination.

DC.6 Roads and Access, Pedestrian and Cycleways

The proposal includes the construction of an internal access road comprising the community title allotment. The road widths, grades and access have been assessed by Council's engineering team and deemed satisfactory. The road grades have considered the existing topography of the site to reduce the requirement for significant cut and fill.

A traffic impact assessment (TIA) (*SECA Solution, 14/12/2023*) has been provided which assesses the road hierarchy of the surrounding road network and current capacity as well as the capacity post-development. The TIA concludes that the existing road network has satisfactory capacity to absorb any additional traffic generated from the proposal and the traffic impacts negligible.

DC.7 Crime Prevention

It is considered unlikely that a development of this nature would result in an increase in anti-social behaviour or security risk to the sites or surrounding area. Clear delineation between the public and private spaces is maintained. Further, habitable living spaces including windows and balconies overlook the private road and communal open space to create good casual surveillance.

DC.8 Site Filling

The proposal includes cut and fill earthworks across the site to cater for the road and drainage network as well as providing for appropriate level development pads and open space. A maximum cut amount of approximately 2m is proposed to support the construction of the road in the north-eastern portion of the site as well as to support access to dwellings 11 and 12. A maximum fill amount of 2m is proposed at the western portion of the site to facilitate the road and drainage network. Therefore compliance with the DCP 2011 which permits a maximum fill amount of 2m. The primary objective of the control is to ensure the environmental impact of any site filling is properly assessed. This issue has been adequately discussed under Cause 7.2 of the MLEP 2011. Conditions will be included in the consent to ensure that fill compaction complies with the relevant residential thresholds. All the earthworks will be conditioned to comply and tested as per AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

DC.9 Reticulated Services

Both sites are serviced by Hunter Water Corporation reticulated networks. Evidence to support this will be required prior to the issue of a subdivision certificate. A condition to ensure compliance with this requirement will be included in the determination.

C.11 – Vehicular Access and Car Parking

Driveway access and parking has been provided per the requirements of C8.15 (Residential Design) above. A condition of consent requiring the proposed driveways to be constructed in accordance with Council's Standard Drawing SD0008 has been included. All works within the road reserve are subjected to issue of a Section 138 Certificate under the *Roads Act 1993* which has also been conditioned.

C.12 – CPTED

The development is considered to adequately address the CPTED principles. The development provides passive surveillance to the internal access road with windows and open spaces allowing for good natural surveillance toward public spaces. Territorial reinforcement is achieved through the use of fencing and landscaping to delineate from the public and private areas. However, landscaping will not prevent passive surveillance. Entrances of the dwellings is well defined and easily accessible from the access road.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements, or draft planning agreements applicable to the proposal.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no regulations prescribed under Section 61 of the *Environmental Planning and Assessment Regulation 2021* which apply to this proposal.

Section 4.15 (1)(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 following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Impact	Comments
Social and Economic Environment: There is beneficial impacts as a result of the development.	The development provides a range of different housing stock to service the needs of the community. The development will have a positive socio-economic impact on the locality, encouraging the use of local labour, materials and services during construction stages, as well as supplementing the housing and rental market during occupation. The proposal is not likely to impede negatively on the social and economic environments.
Built Environment: The proposed development would not cause harm to the existing built form and character of the area.	The development features a modern multi-dwelling housing complex. The proposal will implement contemporary building techniques during construction and utilises materials and colours complementary to the established built character of the area. The varied dwelling designs, topography of the land, supporting landscaping plan provides a positive impact upon the streetscape, and does not present privacy, amenity or overshadowing impacts upon neighbouring properties. The development is considered a suitable siting, form and design for the established built environment.
Natural Environment: There are no anticipated adverse impacts upon the natural environment as a result of the proposed development and appropriate conditions have been added.	The proposal is supported with a stormwater drainage plan, OSD and BASIX tanks, for drainage and reuse. A landscape plan featuring a broad use of native trees and vegetation is proposed to offset the previously approved removal of landscaped areas and remnant vegetation. The site is located on a vacant site predominantly cleared of significant vegetation and is not proposing to impact upon endangered or critical species. The proposed development will not negatively impede upon the natural environment.

Section 4.15 (1)(c) - The suitability of the site for the development

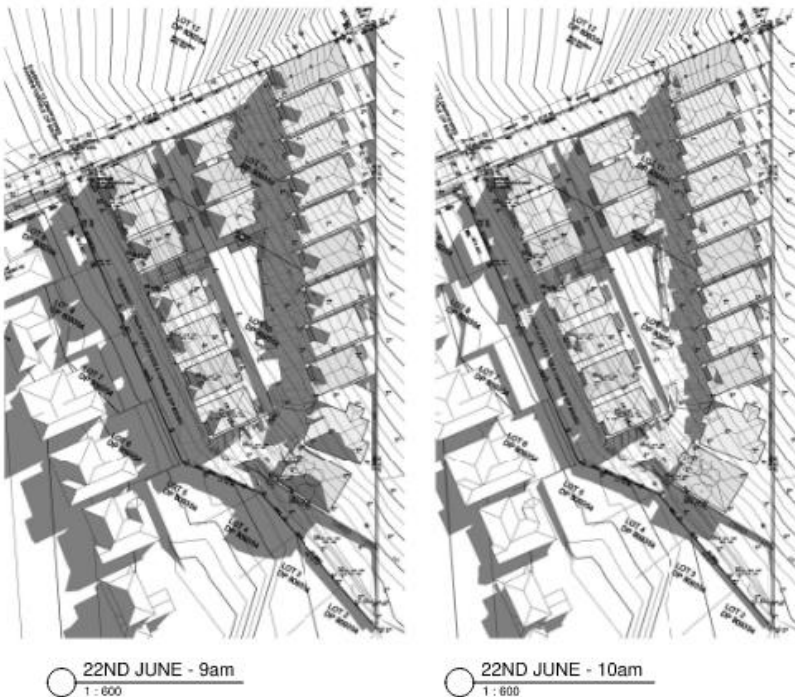
The subject site is within a well-established residential area and makes good use of available land. The proposal utilises modern building techniques and a design which is complementary to the desired future character of the area. The development adheres to site constraints and restrictions and does not unreasonably impact the surrounding environment. The development is considered a suitable outcome for the subject site.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations

Public Submissions

The proposal was publicly notified/advertised for a period of 14 days in accordance with the Environmental Planning and Assessment Act 1979 and the Maitland Development Control Plan 2011.

A total of two (2) submissions were received during the exhibition period. Both submissions raised objection to the proposal. A summary of the submissions is provided in the following table:

Review of Submissions	
Issue	Comment
Drainage	Civil engineering plans and supporting documentation submitted with the application demonstrate that stormwater flows from road network and dwellings will be directed to several pits across the site and directed to a large OSD basin within the driveway before being discharged onto Fairfax Street. The post-development discharge rates are maintained at the pre-development discharge rates. Requirements regarding water quantity and discharge controls are conditioned.
Loss of natural light	<p>Overshadowing diagrams have been provided as part of the supporting documentation which demonstrates that existing surrounding dwellings along Fairfax Street retain more than three (3) hours direct sunlight to adjoining private open spaces during the winter solstice. The worst affected time being 9am, however, rear yards are almost wholly out of shadow by 10am. Please refer to Figure 7 below.</p>  <p>Figure 7: overshadowing diagrams (source: agcad 17/05/2024)</p> <p>The overshadowing as a result of this development is negligible and can be supported.</p>
Security and crime risk	As discussed elsewhere in this report, the development is considered to adequately address the CPTED principles. The development provides passive surveillance to the internal access road with windows and open spaces allowing for good natural surveillance toward public spaces. Territorial reinforcement is achieved through the use of fencing and landscaping to delineate from the public and private areas. Entrances of the dwellings are well defined and easily accessible from the access road. It is unlikely a development of this nature will increase crime and safety risk.
Noise pollution	Additional residential noise is an expected and acceptable environmental impact in an established residential area. As discussed elsewhere in this report, proposed

	<p>dwellings 1 to 7 (closest to adjoining properties along Fairfax Street) are set back more than 9m from the rear boundaries of the properties along Fairfax Street, ensuring adequate separation to limit any potential privacy and noise impacts. Solid boundary fencing and screen planting, which are provided, will also help in noise attenuation.</p>
Loss of wildlife	<p>Standard conditions for tree removal will ensure that if the tree to be removed is found to contain any fauna, they are relocated to an appropriate habitat tree within the locality. Any undetected fauna injured as a result of the felling will be conditioned to be collected and forwarded to WIRES (or the like).</p>
Increase traffic	<p>The proposed development includes widening of the existing driveway and crossover to 6m to allow two-way traffic to enter and exit from Fairfax Street. This will prevent queuing along Fairfax Street. The proposal has been supported by a traffic impact assessment (TIA) (<i>SECA Solution, 14/12/2023</i>) which has assessed the road hierarchy of the surrounding road network and current capacity as well as the capacity post-development. The TIA concludes that the existing road network has satisfactory capacity to absorb any additional traffic generated from the proposal and the traffic impacts negligible.</p>
Use of land as "lifestyle" blocks for single dwellings only	<p>As discussed elsewhere in this report, the restriction as to user applicable to the subject lot under Section 88b of DP809354 limits development on the site to single dwellings only. However, under clause 1.9A of Maitland LEP 2011, Council can suspend covenants or restrictions not imposed by the Council or required under relevant legislation listed under 1.9A(2).</p> <p>As the restriction is developer-imposed, and multi-dwelling housing developments are permissible with consent in the R1 zone, and the restriction is neither imposed by the Council nor required by any legislation or planning agreement, the Council has the authority to suspend the restriction and approve the proposed development accordingly.</p>
Damage to property during construction	<p>Standard conditions have been included in the development consent to manage the impact of water run-off, sediment and erosion during site preparation and construction works. A pre- and post-dilapidation report will also be required.</p>
Garbage collection	<p>The site is to be serviced by a private contractor with a contract required to be entered into prior to the occupation certificate being issued. Waste bins will be collected from within to site to minimise impact on Fairfax Street.</p>

All submission received have been considered, and as such concerns raised in the submissions do not warrant the refusal of the application in its current form or necessitate any further amendments.

The proposed development has been found to be consistent with outcomes of all relevant controls of Maitland LEP 2011 and Maitland DCP 2011 as discussed elsewhere within this report.

Government Agency Submissions

The proposal is of a type that does not require the Council, as the consent authority, to obtain the concurrence, comments or general terms of approval from another government agency.

Section 4.15(1)(e) - The public interest

The proposal is within the public interest as it will provide additional housing to serve the needs of the community, without impeding on the social, economic, built or natural environments. The proposal demonstrates consistency with the zone objectives and Council's development controls. The

development is typical of that within the locality, and will not result in an unreasonable burden upon existing infrastructure or services.

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the Environmental Planning and Assessment Act, 1979.

REFERRALS

Referral requests have been sent to Council's Development Engineer, Environmental Health Team, Waste Team, Building Team, and Development Contributions Administrator who have reviewed the application and determined the application is satisfactory, subject to the imposition of recommended conditions of consent.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule

City Planning

DA/2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford

Recommended Conditions of Consent (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 18

ATTACHMENT 4 RECOMMENDED CONDITIONS

General conditions

1. **Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Drawing Number	Drawn by	Date of plan
Architectural Plans / 23-008	7	S01 to S20	Agcad	27/08/2024
Landscape Plans / GREE240523	-	Sheets 1 to 11 of 11	JK's Garden Creation	27/05/2024
Draft Subdivision Plan / 23-45 Rutherford	-	Sheets 1 to 3 of 3	David William Cant	10/10/2023
Lot Consolidation Plan / 23-45b Rutherford	-	Sheet 1 of 1	David William Cant	09/05/2024
Civil Engineering Plans / 22494	D	C01.01, C02.01, C03.01, C03.02, C04.01, C04.02, C04.03, C04.04, C05.01, C05.02, C06.01, C06.02, C06.03, C06.04	Wallace Design Group	09/09/2024
Material Selection / Fairfax Street	V2	Fairfax Street Material Selection	CNA Design Studio	-
Approved documents				
Document title	Version number	Prepared by	Date of document	

Waste Management Plan / 2024-3787-WMP	-	EcoResults	24/05/2024
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In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans a condition of this consent, the condition prevails

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2.

7.11 Contributions – City Wide

Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Maitland City Wide Development Contributions Plan 2016, a contribution of \$148,922 shall be paid to the Council.

The contribution is calculated from Council’s adopted Development Contributions Plan in the following manner:

Facility	Per 2 B/R Unit	Total	Per 3 B/R Unit	Total	Grand Total
	1	9	1	10	19
City Wide Aquatics	\$890	\$8,010	\$1,201	\$12,010	\$20,020
Citywide Competition Netball Courts	\$206	\$1,854	\$279	\$2,790	\$4,644
City Wide Recreation & Open Space	\$744	\$6,696	\$1,004	\$10,040	\$16,736
City Wide Multipurpose Centre Floorspace	\$582	\$5,238	\$787	\$7,870	\$13,108
City Wide Library Floor Space	\$564	\$5,076	\$761	\$7,610	\$12,686
City Wide Road & Traffic Facilities	\$2,946	\$26,514	\$3,978	\$39,780	\$66,294
City Wide Cycleways/Shared Paths	\$526	\$4,734	\$709	\$7,090	\$11,824
City Wide Plan Management/Administration	\$160	\$1,440	\$217	\$2,170	\$3,610
Total	\$6,618	\$59,562	\$8,936	\$89,360	\$148,922

Any outstanding component of the contribution will be indexed quarterly in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for each quarter. Please refer to Council’s web page for the current rates applicable.

Payment of the above amount is required prior to issue of the Construction Certificate or Subdivision Certificate for the development.

The above condition has been applied to ensure that:

a.

Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council’s adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979.

b.

Council’s administration expenses are met with respect to the processing of the application.

	Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.				
3.	Arborist Required to Undertake Tree Removal				
	<p>The removal of trees should be carried out by an arborist, or a person suitably qualified in that field.</p> <p>WorkCover recommends that those persons undertaking the work have the following qualifications:</p> <p>(i) Work carried out on the ground - a minimum of one person holds the qualification of Certificate II in Horticulture (Arboriculture);</p> <p>(ii) All tree climbing works should be carried out by a person who holds a minimum Certificate II in Horticulture (Arboriculture) or be undertaking a course to obtain this qualification. All tree climbing work should be directly supervised by a person with a minimum qualification of Certificate III in Horticulture (Arboriculture).</p> <p>Additional information in respect to WorkCover requirements/procedures (e.g. the Amenity Tree Industry Code of Practice) can be obtained from their website: www.workcover.nsw.gov.au.</p> <p>Reason: To ensure arborist or suitably qualified person undertake the tree removal.</p>				
4.	BASIX Certificate				
	<p>The applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) for the development to which this consent applies.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 75 of the Environmental Planning and Assessment Regulation 2021.</p>				
5.	Building Code of Australia				
	<p>All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).</p> <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.</p>				
6.	HPC - Housing and Productivity Contribution				
	<p>Before the issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <tr> <td>Housing and productivity contribution</td><td>Amount</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$120,117.47</td></tr> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p>	Housing and productivity contribution	Amount	Total housing and productivity contribution	\$120,117.47
Housing and productivity contribution	Amount				
Total housing and productivity contribution	\$120,117.47				

	The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.
	Reason: To require contributions towards the provision of regional infrastructure.
7.	Ecologist to Undertake Surveying of Habitat Trees
	Where the trees subject to removal have been identified as ‘habitat trees’ or alternatively may be reasonably expected to provide habitat to native fauna, an ecologist shall be engaged to undertake clearance of any fauna within the subject tree(s) immediately prior to tree removal. Any fauna species discovered in the tree(s) shall be relocated to an appropriate habitat tree within the locality. Any undetected fauna injured as a result of the felling shall be collected by the ecologist and forwarded to WIRES (or the like).
	Note: The National Parks and Wildlife Service may provide advice as to a suitably qualified ecologist.
	Reason: To ensure habitat trees are inspected prior to removal, and any fauna species are relocated.
8.	Management of upstream and downstream stormwater
	Stormwater runoff flow paths from the upstream properties shall not be obstructed. Stormwater runoff entering the site from the uphill catchment shall be catered for, within the site and its drainage system. The applicant may be required to submit a hydrological and hydraulic assessment confirming that the drainage system has the capacity to carry the 1% Annual Exceedance Probability event uncontrolled runoff from the upstream catchment. Stormwater shall not be concentrated onto adjoining downstream properties.
	Reason: Stormwater management.
9.	Tree Removal - Consent to be onsite during works
	A copy of this consent must be held on site while the work is being carried out and made available for inspection, upon request, by Council officers.
	Reason: To ensure the works are undertaken in accordance with the approved tree removal.

Building Work

Before issue of a construction certificate

10.	Car parking details
	Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier’s satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council’s development control plan in regard to sight triangle, minimum driveway width, passing bay details, turning arrangement, design, clearances to obstructions, space sizes, aisle widths according to the relevant Vehicle Class.
	Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council’s DCP.
11.	Amendments to Documents and Plans
	The development must be amended as follows:
	a) No retaining walls are to be erected within the existing 6m wide Right of Carriageway (88b DP809354) as marked up on Site Plan / SH2 (Job No: 23-008, Revision 7, dated 27/08/2024). Any required regrading of the driveway to account for the loss of retaining wall must maintain strict compliance for grades under Council’s Manual of Engineering Standards (MOES) and Standard Drawings.
	Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.
	Reason: To ensure the development complies with Council’s controls and guidelines.

12. Construction Certificate Supporting Documentation	<p>Before the issue of a construction certificate, the following information must be provided to the Registered Certifier with the Construction Certificate application:</p> <p>a) Documentary evidence that clear and unfettered access is provided to 43 & 43A Fairfax Street (Lots 121 & 122 DP1245583) during construction prior to works commencing. Note: may require separate application for new driveway access from Fairfax Street and must comply with Council's Manual of Engineering Standards (MOES) for driveways.</p> <p>Reason: To ensure that required supporting documentation is provided for the construction certificate application</p>
13. Construction requirements for driveways	<p>All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface.</p> <p>Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.</p>
14. Construction Site Management Plan	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> 1. Clear and unfettered vehicular and pedestrian access to 43 & 43A Fairfax Street (Lots 121 & 122 in DP1245583) 2. The location and materials for protective fencing and hoardings on the perimeter of the site; 3. Provisions for public safety; 4. Pedestrian and vehicular site access points and construction activity zones; 5. Details of construction traffic management including: <ol style="list-style-type: none"> 1. Proposed truck movements to and from the site; 2. Estimated frequency of truck movements; and 3. Measures to ensure pedestrian safety near the site; 4. Details of bulk earthworks to be carried out; 5. The location of site storage areas and sheds; 6. The equipment used to carry out works; 7. The location of a garbage container with a tight-fitting lid; 8. Dust, noise and vibration control measures; 9. The location of temporary toilets; 6. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> 1. AS 4970 – Protection of trees on development sites; 2. An applicable Development Control Plan; 3. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
15. Dilapidation report	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than 7 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.</p>

	Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.
16. Driveway Gradients and Design	
	Before the issue of a construction certificate, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:
	a) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works. Details demonstrating compliance must be provided to the Registered Certifier.
	Reason: To ensure safe and appropriate design of driveways.
17. Footings and Excavation near Council Property	
	All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer.
	Plans and specifications demonstrating compliance with this requirement must be submitted to the Registered Certifier.
	Reason: To ensure works within proximity of Council's assets are managed.
18. Hunter Water Corporation Notice of Formal Requirements prior to Construction Certificate	
	Prior to issue of the Construction Certificate a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier.
	Reason: To ensure HWC requirements are met.
19. Long Service Levy	
	In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.
	Reason: To ensure payment of the Long Service Levy.
20. Multi-dwelling housing (above 2000m²) stormwater drainage requirements	
	The construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
	a) Minimum storage volume of 118.8m ³ for on-site detention (OSD) in accordance with Stormwater works plan number 22494/C05.01-C05.02,C06.1-C06.4 revision D dated 09.09.24 by Wallance Infrastructure Design Pty Ltd, and
	b) Provide a staged outlet that reduces post-developed discharges to pre-developed discharges for the 1-year ARI, 10% and 1 % AEP critical storm events.
	c) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
	d) Structural certification is required for underground detention systems where expected traffic loads are likely, and,
	e) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
	f) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
	g) Provide a catch drain along the eastern boundary of the property to conveyance stormwater through the site from upstream catchments
	Reason: To ensure appropriate stormwater management.
21. Privacy - Window Sill Height	
	To ensure reasonable privacy for the adjoining property, the living room window on the northern side of dwelling 11 must have a minimum sill height of 1.6m above finished floor level.

	<p>Alternatively, the window(s) may be permanently fixed to this height (i.e. windows are not to swing or lift open) with obscure glazing provided that the ventilation requirements of the BCA are met.</p> <p>Detailed plans demonstrating compliance must be provided to the Registered Certifier prior to the issue of the Construction Certificate.</p> <p>Works required per this condition are to be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure windows are designed to maintain privacy and prevent onlooking to neighbouring properties.</p>
22.	Retaining Walls
	<p>All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer and have a minimum design surcharge load of 5kPa.</p> <p>Reason: To ensure any retaining walls within proximity to common boundaries are certified.</p>
23.	Lot consolidation
	<p>Prior to the issue of an Construction Certificate, lots 10 & 11 DP809354 are to be consolidated.</p> <p>A copy of the Registered Plan of consolidation must be provided to the Principal Certifier.</p> <p>Reason: To ensure lots are consolidated and registered prior to commencement of building works.</p>

Before building work commences

24.	All Weather Access
	<p>Before the commencement of any site or building works, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.</p>
25.	Approval for Works within the existing public road reserve
	<p>Prior to commencement of works within an existing public road reserve:</p> <ul style="list-style-type: none"> a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval b) consent under the Roads Act for the approved works, shall be issued by Council c) all relevant Council fees shall be paid d) A Traffic Management Plan and/or Traffic Guidance Scheme in accordance with the Transport for New South Wales publication "Traffic control at Worksites" shall be submitted to Council. <p>Reason: To ensure appropriate approval(s) has been obtained prior to commencement of works.</p>
26.	Construction Certificate Required
	<p>Prior to commencement of construction works, a Construction Certificate is to be issued by the Registered Certifier.</p> <p>Reason: To ensure a Construction Certificate is issued prior to works commencing.</p>
27.	Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement
	<p>The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.</p>

	Reason: To ensure Council is notified of any existing damage to Council assets.
28.	Driveway crossing Prior to commencement of construction, of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway). Reason: To ensure appropriate approval is obtained prior to works on the public road.
29.	Erosion and sediment controls in place Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
30.	Home Building Act - Insurance 1. Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifier for the development to which the work relates has provided Council with written notice of the following information: a) in the case of work to be done by a licensee under that Act: i. the licensee's name and contractor licence number, and ii. of the name of the insurer by which the work is insured under Part 6 of that Act, or b) in the case of work to be done by any other person: i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. 2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part. Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 71 of the Environmental Planning and Assessment Regulation 2021.
31.	Notice of appointment of PCA to be provided prior to commencement The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works. Reason: To ensure a Principal Certifier is appointed prior to works commencing.
32.	Notice of commencement to be provided to Council The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works. Reason: To ensure Council is notified prior to works commencing.
33.	Rubbish Generated from the Development For all construction sites Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works. No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development. Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.

34.	Sign on Building
	Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing <ul style="list-style-type: none"> i. the name, address and telephone number of the Principal Certifier for the work, and ii. the name of any principal contractor and their after-hours contact number, and iii. must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
35.	Site is to be Secured
	Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
	Reason: Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.

During building work

36.	Procedure for critical stage inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Reason: To require approval to proceed with building work following each critical stage inspection.
37.	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Reason: To ensure payment of approved changes to public infrastructure.
38.	Building materials on Council's footpath
	While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
	Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.
39.	Control of dust
	The site shall be managed during construction so as to prevent (e.g., by water spray, dust suppression, surface sealants, soil binders and/or dust retardants) the generation of dust by moving vehicles within the site, from the public road access point.
	Reason: To ensure adequate controls with respect to dust pollution during works.
40.	Delivery Register
	The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.
	This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
	Reason: To ensure a delivery register is maintained for delivery of earthwork (fill) material.

41.	Discovery of relics and Aboriginal objects
	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.
	Reason: To ensure the protection of objects of potential significance during works.
42.	Excavation for Residential Building Works
	<p>If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent:</p> <ul style="list-style-type: none"> i) Must preserve and protect the building from damage, and ii) If necessary, must underpin and support the building in an approved manner, and <p>The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).</p>
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 74 of the Environmental Planning and Assessment Regulation 2021.
43.	Excavations and backfilling to be executed safely
	<p>All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.</p>
	Reason: To ensure excavations and backfilling is executed safely.
44.	Fill Material
	<p>Filling material, shall be limited to the following:</p> <ul style="list-style-type: none"> a) virgin excavated natural material (VENM); or b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014. <p>Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.</p>
	Reason: To limit the type of fill material being deposited on site.
45.	Fill material not to obstruct stormwater path(s)
	<p>Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.</p>
	Reason: Protection of the downstream drainage and environment.

46.	Hazardous Building Materials Assessment
	Prior to excavation works commencing, a site wide asbestos clearance must be undertaken in accordance with the approved Preliminary Site Investigation (Ref: E3008, Foundation Earth Scientists, dated 05/07/2023).
	Reason: To ensure works are undertaken in accordance with the approved HBMA.
47.	Implementation of construction management plan
	All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
	Reason: To ensure safety and to minimise the effect to pedestrians, other road users.
48.	No retaining walls within public land
	No retaining walls are approved within existing or future dedicated public land including road reserves. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.
	Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.
49.	Offensive Noise, Dust, Odour and Vibration
	All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
	Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.
50.	Prestart with CPESC
	Prior to commencement of works and for sites with the disturbed area more than 2,500m ² , a Certified Professional in Erosion and Sediment Control (CPESC) is to attend a prestart meeting with the PCA and provide the PCA with a schedule of reporting and schedule of inspections to be carried out by CPESC.
	Reason: To ensure appropriate erosion and sediment controls have been planned.
51.	Property to be protected against soil erosion (minor)
	The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
	Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.
52.	Public access to the site to be restricted
	Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
	Reason: To ensure public access to the building site is restricted.
53.	Removal of Waste Materials
	Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material must be assessed and classified in accordance with the NSW Environmental Protection Agency Waste Classification Guidelines (2008).
	Once assessed, the materials must be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets must be retained and supplied to Council upon request.
	Reason: To ensure waste is disposed of appropriately.
54.	Restriction on working hours for building activity
	Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
	a. 7.00am to 6.00pm Monday to Friday

	<p>b. 7.00am to 5.00pm Saturday</p> <p>Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.</p> <p>Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.</p>
55.	<p>Retaining walls on common boundaries</p> <p>Retaining walls on common boundaries shall be in accordance with the approved retaining plan. No walls shall exceed the maximum height of 1.5m.</p> <p>All retaining infrastructure including subsoil drainage and backfill must be wholly located within the development site boundaries.</p> <p>Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.</p>
56.	<p>Run off and erosion control</p> <p>Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> (a) diverting uncontaminated run off around cleared or disturbed areas, and (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and (c) preventing the tracking of sediment by vehicles onto roads, and (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. <p>Run off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.</p> <p>Reason: To ensure appropriate run off and erosion controls.</p>
57.	<p>Site to be cleared of building refuse on completion</p> <p>The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.</p> <p>Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.</p>
58.	<p>Stormwater drainage disposal</p> <p>Following the installation of any roof or hardstand area, discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:</p> <ul style="list-style-type: none"> a) The underground Stormwater Detention Tank and final discharge of stormwater runoff from Detention Tank shall be piped, in accordance with Council's Manual of Engineering Standards to: <ul style="list-style-type: none"> 1. The street drainage system. <p>Reason: To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).</p>
59.	<p>Toilet facilities</p> <p>While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p>

	<p>The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.</p> <p>Reason: To ensure adequate sanitary facilities during construction.</p>
60.	<p>Truck load covered</p> <p>During construction:</p> <p>(a) all vehicles entering or leaving the site must have their loads covered, and</p> <p>(b) all vehicles, before leaving the site, must be cleaned of dirt, sand, and other materials, to avoid tracking these materials onto public roads.</p> <p>Reason: To minimise potential emissions and spillage of material from the transportation.</p>
61.	<p>Truck washdown</p> <p>Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.</p> <p>Reason: To minimise potential emissions and spillage of material from the transportation.</p>
62.	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Reason: To ensure unexpected finds are appropriately managed.</p>
63.	<p>Upgrades to public utility services</p> <p>Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.</p> <p>Reason: To ensure essential services are provided to each allotment.</p>

Before the issue of an occupation certificate

64.	<p>Completion of landscape and tree works</p> <p>Before the issue of an Occupation Certificate, a Landscape Practical Completion Report is to be submitted to the Principal Certifier. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications of the approved landscape plan and is to verify that an effective maintenance program has been commenced. The Landscape Practical Completion Report must confirm the planting of the following:</p> <ol style="list-style-type: none"> 1. A minimum of 45L pot size for the required screen planting <i>Acmena smithii</i> 'Cherry Surprise' Lilly Pilly along the western boundary between the roadway and boundary fencing as referenced in the approved Landscape Plan (ref: GREE240523, prepared by JK's Garden Creations, dated 27/05/2024). <p>Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
65.	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer,</p>

	electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
66.	Post-construction dilapidation report Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: <ol style="list-style-type: none"> 1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and 2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and 3. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). Reason: To identify any damage to adjoining properties resulting from site work on the development site.
67.	Alteration to utility services If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out. Reason: To ensure essential services.
68.	Construction of stormwater control system Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention. Reason: To ensure stormwater management is constructed in accordance with the design plan.
69.	Documentary Evidence of Civil Works Completed Documentary evidence from Council's Subdivision and Development Engineering Section, confirming that satisfactory completion of civil works has been achieved for the Roads Act Approval associated with this Development Consent, shall be submitted to the relevant certifier. Reason: For compliance of the approved civil works within the existing public road reserve.
70.	Driveway layout and profile constructed Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'. Reason: To ensure appropriate approval is obtained prior to works on the public road.
71.	Footpath Crossing Construction Before the issue of an occupation certificate, a footpath crossing and driveway must be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development. Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works. Reason: To ensure appropriate access is provided to the property.
72.	Material and Colours

	<p>Unless otherwise approved in writing by Council, the development shall be constructed of and finished with colours and materials as listed in the approved Material Selection (<i>Fairfax Street, prepared by CNA Studio</i>).</p> <p>Reason: To ensure the design quality of the development.</p>
73.	<p>Occupation certificate required</p> <p>A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p>Reason: To ensure development is suitable for occupation and / or use.</p>
74.	<p>Privacy - Screening</p> <p>Prior to the issue of an occupation certificate, a 1.8m high boundary fence is to be constructed at full cost to the Developer along shared boundaries (notwithstanding the provisions of the Dividing Fences Act 1991), in consultation with the adjoining owners. The base of the fence should be measured at finished level of required retaining walls.</p> <p>Note: Any disputation which may arise between the developer and the adjoining property owners in respect of this matter is to be resolved in accordance with the provisions of the Dividing Fences Act 1991.</p> <p>Reason: To ensure details of privacy screens are provided to the certifying authority.</p>
75.	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work</p> <p>Reason: To ensure any damage to public infrastructure is rectified.</p>
76.	<p>Section 50 - Prior to Occupation Certificate</p> <p>Prior to issue of the Occupation Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.</p> <p>Reason: To ensure HWC requirements are met.</p>
77.	<p>Smoke Alarms</p> <p>Prior to the issue of an Occupation Certificate for individual buildings, fire hydrants and fire appliance access (or home fire sprinkler system if applicable) shall be provided to the relevant building in accordance with all recommendations in the Fire Rescue NSW fire safety guideline - Fire hydrants for minor residential development, version 02, issued 1st September 2016</p> <p>Reason: To ensure compliance with legislation for smoke alarms in buildings.</p>
78.	<p>Stormwater System Maintenance Procedure Plan</p> <p>Prior to Occupation or Operation of the development, a Stormwater System Maintenance Procedure Plan shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.</p> <p>Reason: To ensure quality stormwater entering the public drainage system.</p>
79.	<p>Works within the existing public road reserve</p> <p>Prior to the issue of the Occupation Certificate the following works shall be provided within the existing road reserve(s):</p> <p>a) driveway crossing on the public footway verge.</p>

	b) new kerb inlet pit on northern side of proposed layback and provide drainage connection to existing stormwater pit. Existing kerb inlet pit is to be converted to grated inlet pit.
	c) All redundant driveway crossings, driveways and/or damaged kerb and gutter are to be removed and reinstated.
	Reason: To ensure the existing road is upgrade to adequate standards due to impacts of the development.

Before issue of a subdivision certificate

80.	Documentary evidence from utility providers
	Documentary evidence from the suppliers of electrical power, and communications (and including gas if applicable), confirming that satisfactory arrangements have been made for the installation of infrastructure services, shall be submitted to Council.
	Reason: To ensure essential services are provided to each allotment.
81.	Landscape works to be completed per approved landscape plan
	Prior to the issue of the Subdivision Certificate all landscaping shall be undertaken in accordance with the approved landscape plan(s).
	Reason: To ensure landscaping works are undertaken per the approved plans.
82.	Minimum stage of construction required prior to issue of Subdivision Certificate
	Prior to the issue of a Subdivision Certificate:
	a. an Occupation Certificate has been issued for all building works associated with DA/2024/249
	Reason: To ensure dwellings are constructed prior to subdivision
83.	Requirement for a Subdivision Certificate
	Prior to issue of the Subdivision Certificate, plans and/or documents of survey/title, shall be submitted to Council.
	The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA/2024/249, and of compliance with the relevant conditions of consent.
	Reason: To ensure all survey and title plans are submitted to Council in accordance with the approved plans and conditions of consent.
84.	Show Easements/ Restrictions on The Plan of Subdivision
	The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
	Reason: To ensure all existing easements and restrictions are acknowledged where applicable.
85.	Surveyors Report
	A certificate from a Registered Surveyor must be provided to the Principal Certifier, certifying that all drainage lines have been laid within their proposed easements.
	Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
	Reason: To ensure surveyors certification is provided in support of infrastructure and related easements.
86.	Upgrades to public utility services
	Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
	Reason: To ensure essential services are provided to each allotment.

87.	Utility services
	Underground water, sewerage, telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider's requirements.
	Reason: To ensure essential services are provided to each allotment.
88.	Alteration to Utility Services
	If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
	Reason: To ensure essential services.
89.	Payment of subdivision certificate and house numbering fees
	Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's Schedule of Fees and Charges, shall be paid to Council.
	Reason: To ensure all applicable fees are paid.
90.	Community Management Statement & Plan of Subdivision
	The proposed Community Management Statement setting out the bylaws and other particulars governing participation in the community scheme must be submitted to and approved by the Council for registration with the plan of subdivision.
	The Statement must include (but not limited to) the retention and appropriate maintenance of the Communal Open Space, landscaping, stormwater detention system, private waste collection on site.
	The community management statement must contain a provision to the effect that it must not be amended unless the proposed amendment is approved by the Council.
	Reason: To ensure Community Subdivision is supported with by laws and particulars.

Occupation and ongoing use

91.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable) and community management plan.
	Reason: To protect sewerage and stormwater systems.
92.	Storage and disposal of waste materials during ongoing use
	During ongoing use of the premises:
	<ol style="list-style-type: none"> Individual bins for each dwelling (total: 21 x 120L waste bin, 21 x 240L recycling bins, 21 x 240L green waste bins) must be provided in a screened location on each individual lot, all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time arrangements must be implemented for the separation of recyclable materials from garbage any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests where council does not provide waste collection services: <ol style="list-style-type: none"> a contract must be entered into with a licensed contractor to provide these services for the premises; and a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request. where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 7am and 6pm on Monday to Friday

	Reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises
93.	Driveways to be Maintained
	All access crossings and driveways must be maintained in good order for the life of the development.
	Reason: To maintain approved vehicle access.
94.	Maintenance of Landscaping
	Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.
	If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
	Reason: To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.
95.	Manoeuvring of Vehicles
	All vehicles must enter and exit the site in a forward direction.
	Reason: To ensure vehicles safety enter and exit the development.
96.	Waste Bin Collection
	Prior to occupation of any dwelling on site, the community management must ensure that there is a contract with a licensed contractor for the removal of all waste.
	A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures must be provided for each approved lot.
	Reason: To ensure waste can be collected.
97.	Outdoor Lighting
	Lighting is to be provided to entrances to dwellings, communal area and the private road and must be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties. All lighting must comply with AS1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
	Reason: To mitigate amenity impacts as a result of lighting.

City Planning

**DA/2022/1394 for Mixed Use Development
Including Commercial Premises with
Retail Premises, Pub and Signage at 93
Springfield Drive Lochinvar**

**Development Plans (Under Separate
Cover)**

Meeting Date: 10 December 2024

Attachment No: 2

Number of Pages: 16



The diagram illustrates the hierarchy of parking spaces, starting from the Building Area and moving down to Car Parking. It includes metrics for Footprint, Spacing, and Capacity at each level.

- Building Area**
 - Stage 1**
 - Footprint: 465m²
 - Stage 2**
 - Footprint: 235m²
 - Stage 3**
 - Footprint: 154m²
 - Spacing: 19m²
- Car Parking**
 - Shops greater than 1000m²**
 - 1 space per 10m² of GFA
 - FOI (Experimental)**
 - 19/3, 25/1 / 6 = 24 spaces req
 - Box (Experimental)**
 - 100/2, 55/5 = 21 Spaces req
 - Shops less than 1000m²**
 - 1 space per 25m² of GFA
- Town**
 - 975m²
 - 1 space per 10m² of public area
 - 700/10 = 70 spaces req
- Total spaces required: 348**
- Total spaces provided: 315**

project no. A21011
date: 26/09/2022
drawn: KB/BT



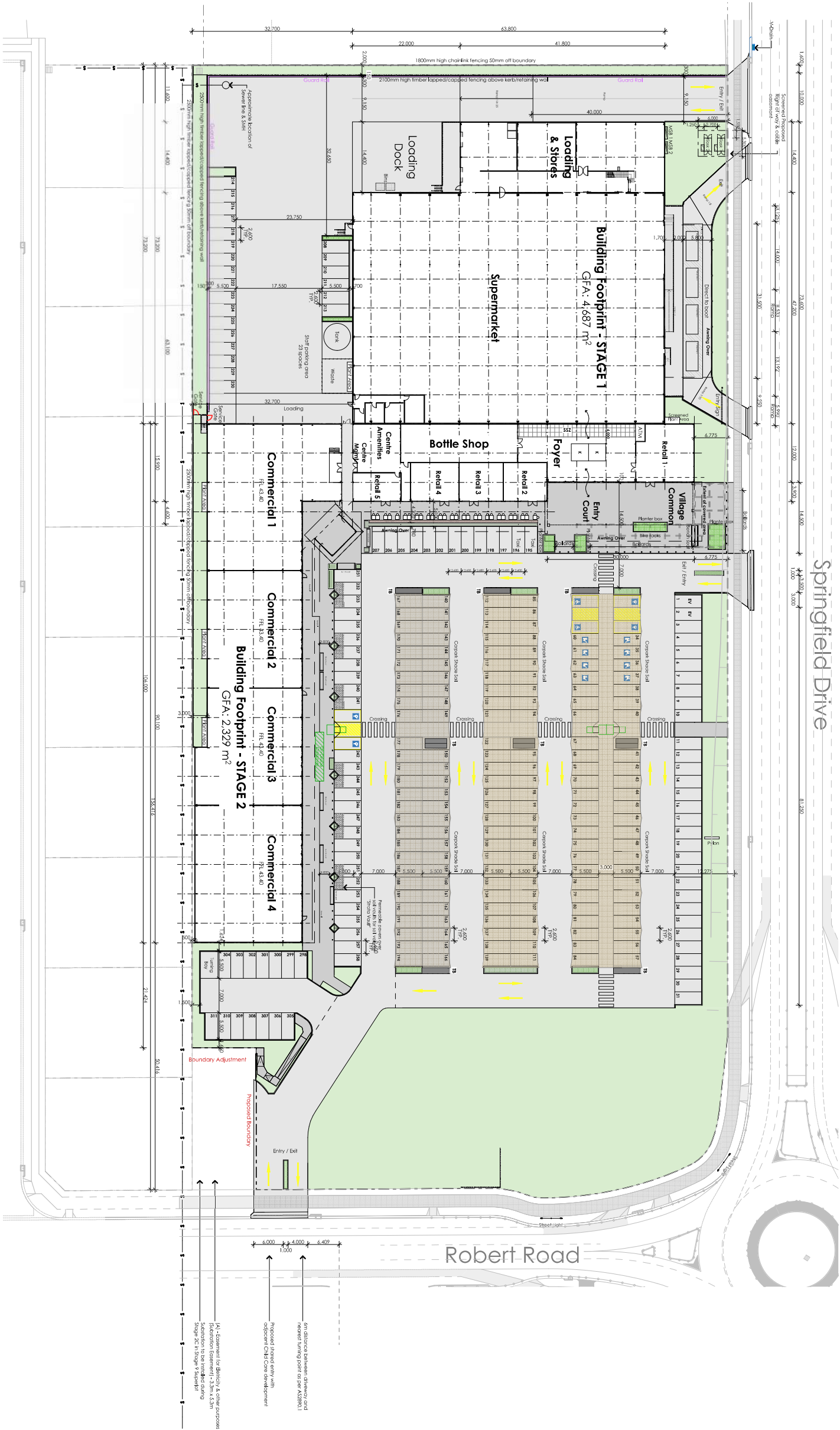


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26/09/2024
15/08/2024
7/08/2024
date

Lochinvar Shopping Village
Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

project no.	A21011	dwg no.	A006
date:	26/09/2024	scale:	1:400 @ A1
drawn:	KB/BT	rev no.	17



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26/09/2024
16/09/2024
7/09/2024

date

Lochinvar Shopping Village

Site Plan - STAGE 2

Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Project no. A21011
date: 26/09/2024
drawn: K8/RT

dwg no. A007
scale: 1:400 @ A1
rev no. 17

For Stage 2, the proposed building and parking lot are shown. The proposed building is shown with a dashed line indicating the proposed building footprint. The parking lot is shown with a dashed line indicating the proposed parking lot footprint. The proposed building is shown with a dashed line indicating the proposed building footprint. The parking lot is shown with a dashed line indicating the proposed parking lot footprint.



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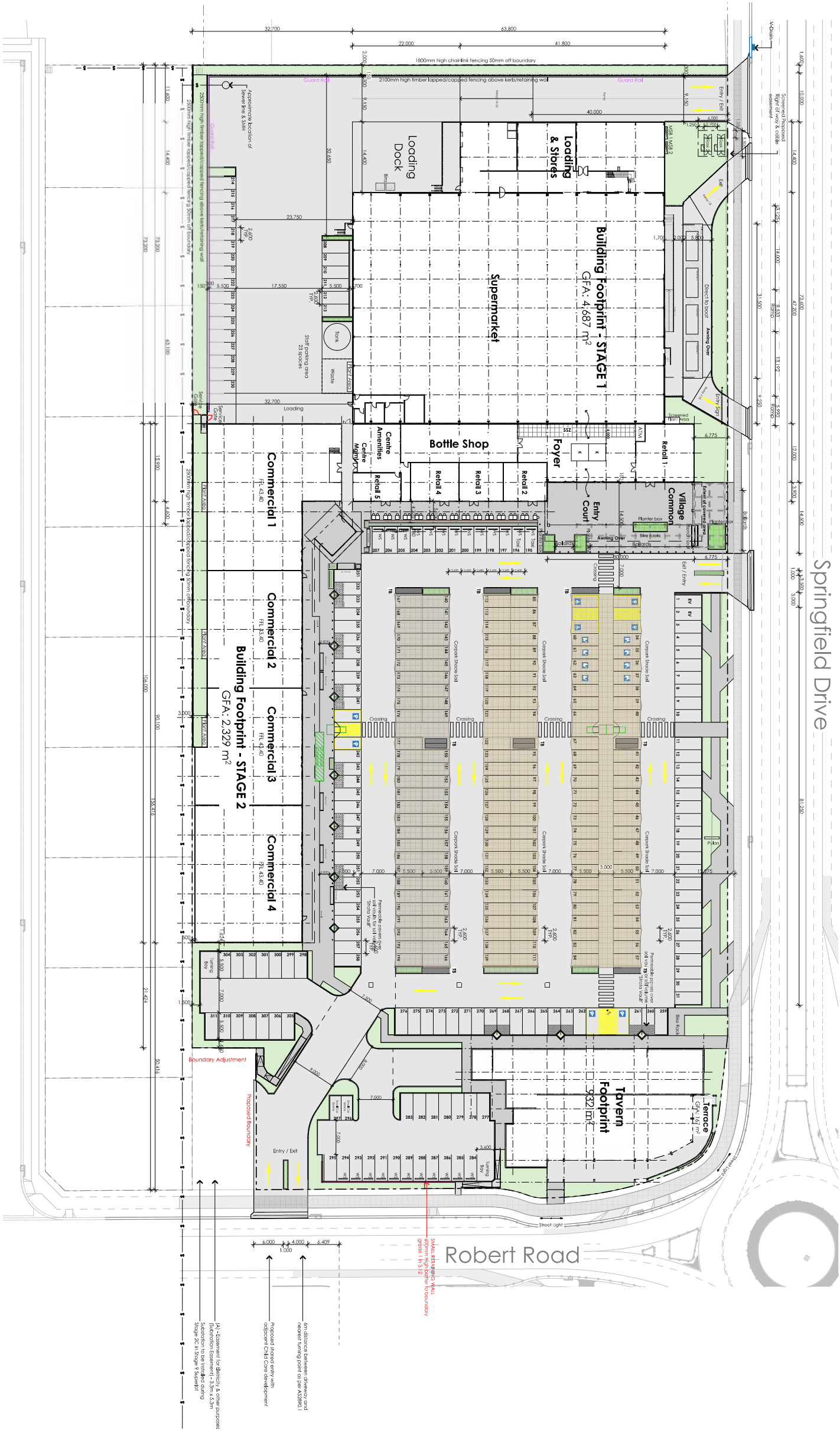
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Lochinvar Shopping Village
Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Site Plan - STAGE 3

project no. A21011
date: 26/09/2024
drawn: KS/RT

dwg no. A008
scale: 1:400 @ A1
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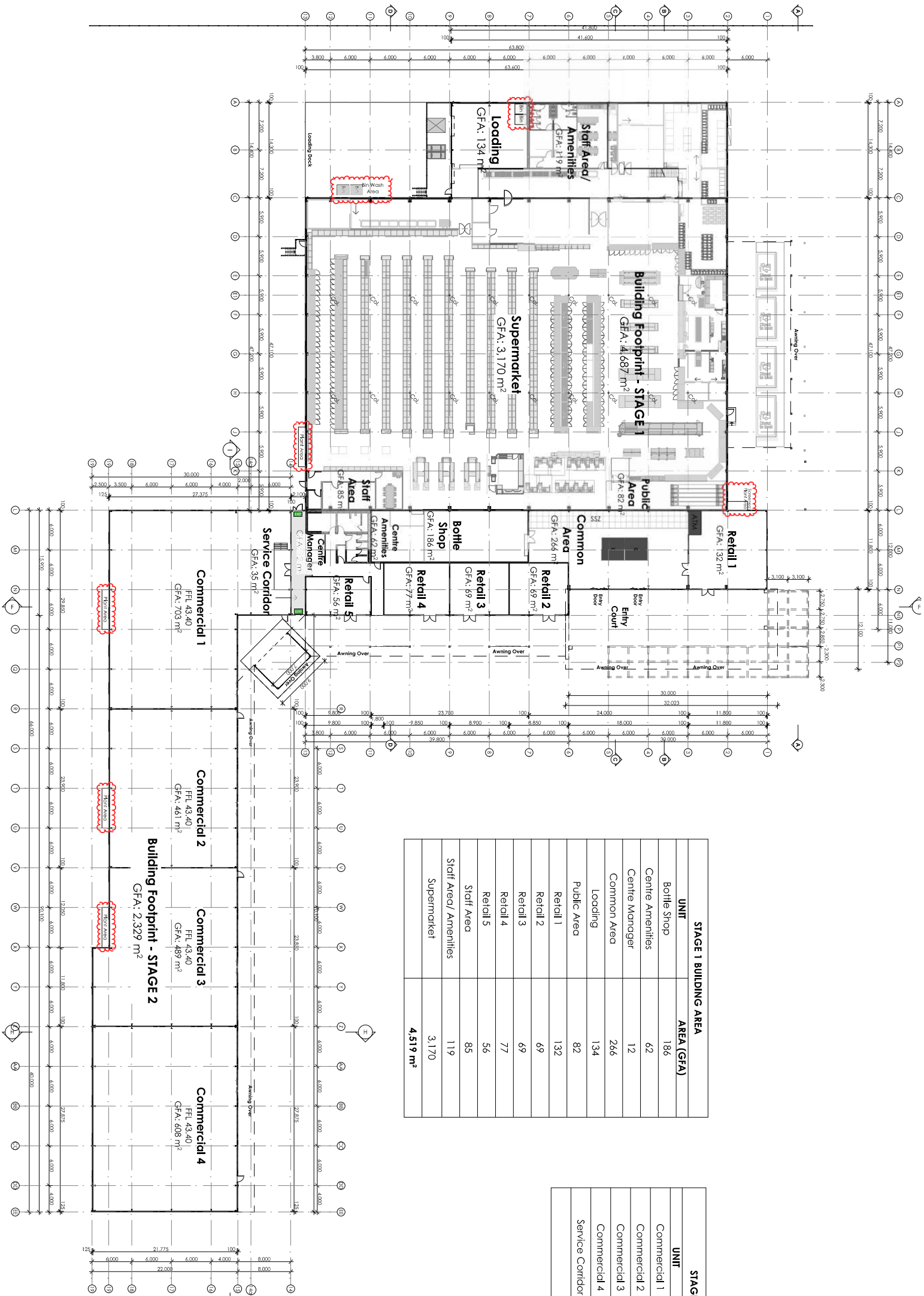
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26/09/2024
16/08/2024
7/08/2024
date

Lochinvar Shopping Village
Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Ground Floor Plan - STAGE 1 & 2
project no. A21011
date: 26/09/2024
drawn: KS/RT
dwg no. A204
scale: 1:300 @ A1
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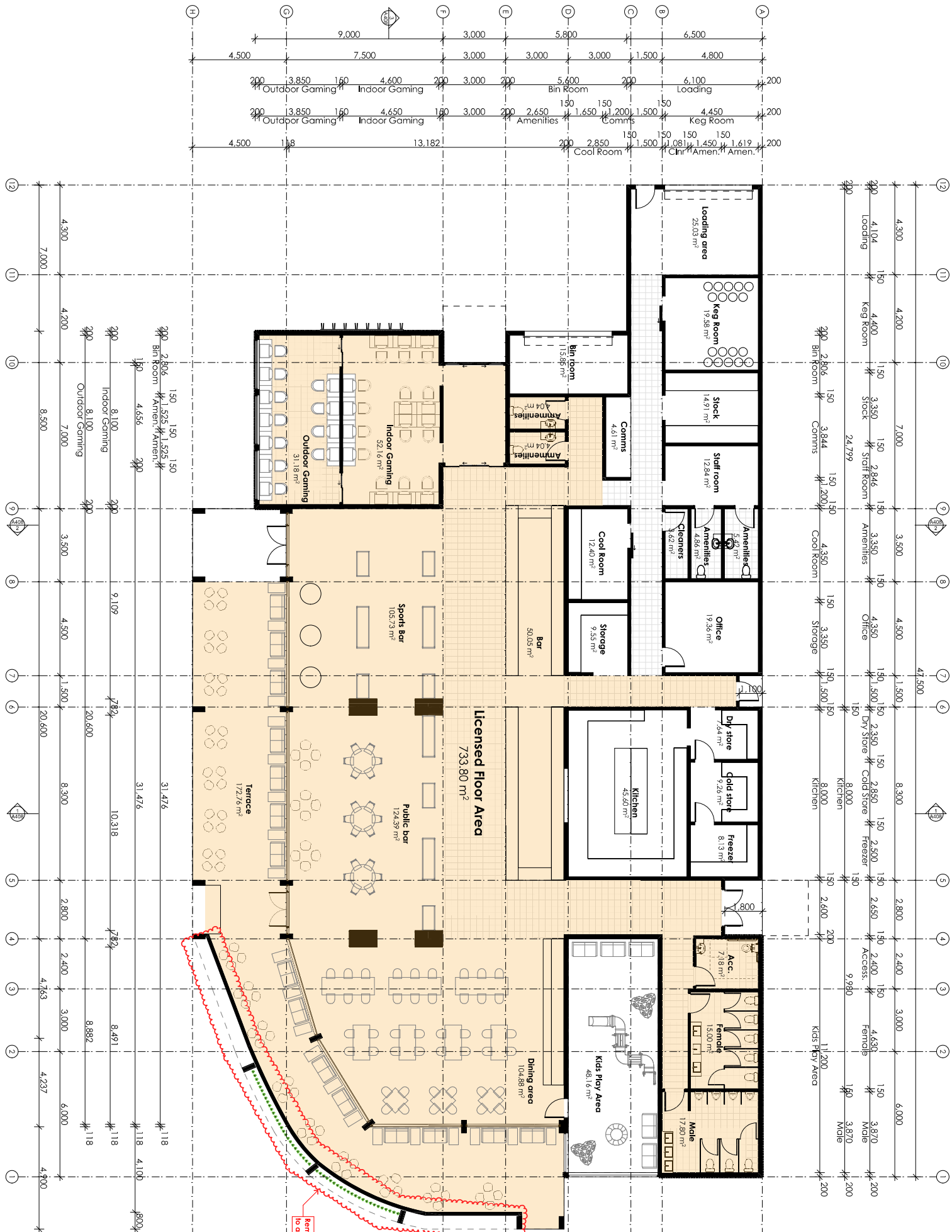
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16/08/2024
7/08/2024

date

Lochinvar Shopping Village
Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Ground Floor Plan - STAGE 3
Project no. A21011
date: 26/09/2024
drawn: K8/RT

dwg no. A205
scale: 1:100 @ A1
rev no. 17



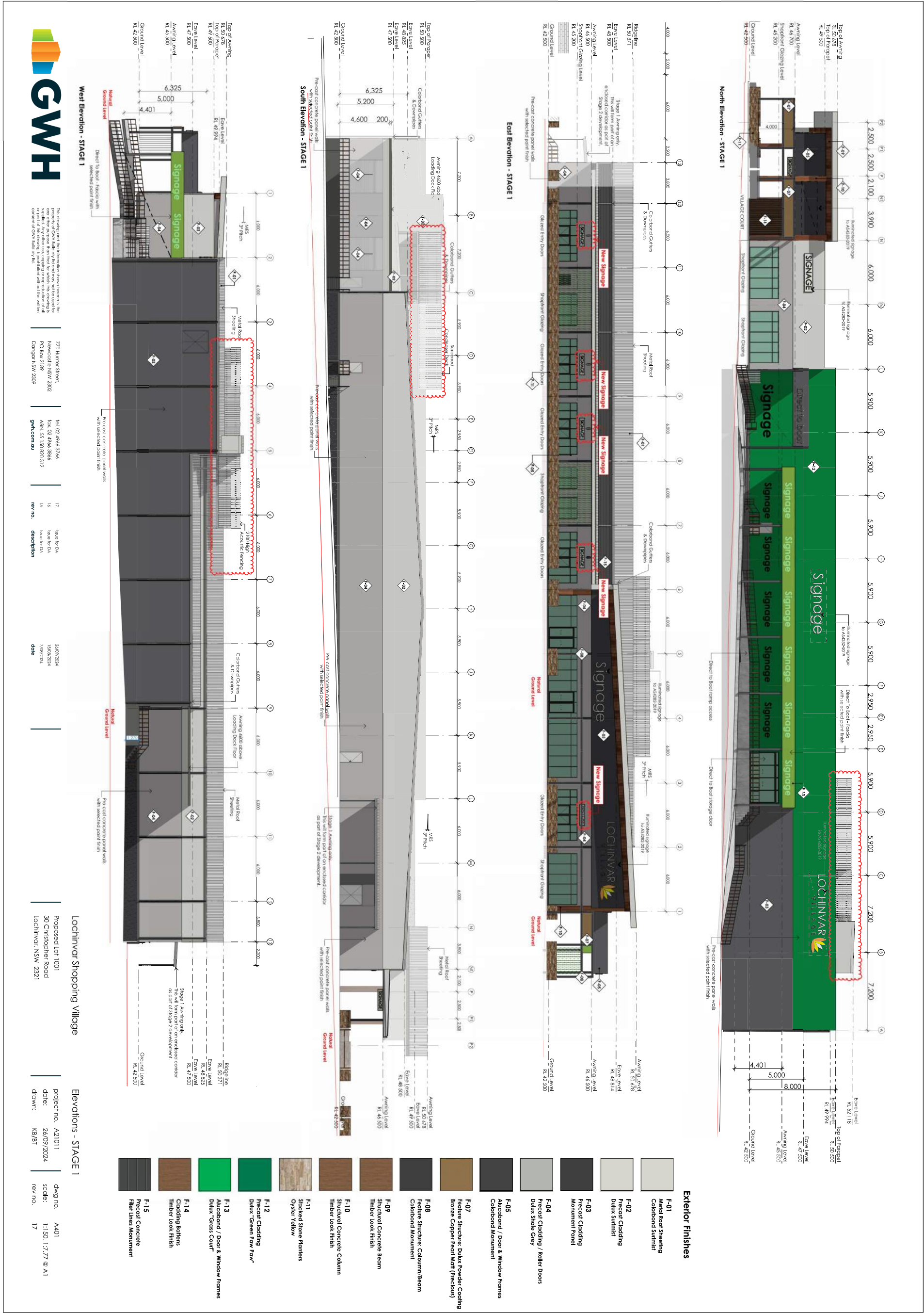
Removed box planting
to allow wall landscaping

2,990
Access.
3,240
Female
4,600
Male
4,800

STAGE 3 TAVERN AREAS	
UNIT	AREA
Acc.	7
Amenities	4
Amenities	4
Amenities	5
Amenities	5
Bar	50
Bin room	16
Cleaners	4
Cold store	9
Comms	5
Cool Room	12
Dining area	105
Dry store	8
Female	15
Freezer	8
Indoor Gaming	52
Keg Room	20
Kids Play Area	48
Kitchen	46
Licensed Floor Area	734
Loading area	25
Male	18
Office	19
Outdoor Gaming	31
Public bar	124
Sports Bar	106
Staff room	13
Stock	15
Storage	10
Terrace	173
1,691 m ²	

Licensed Floor Area





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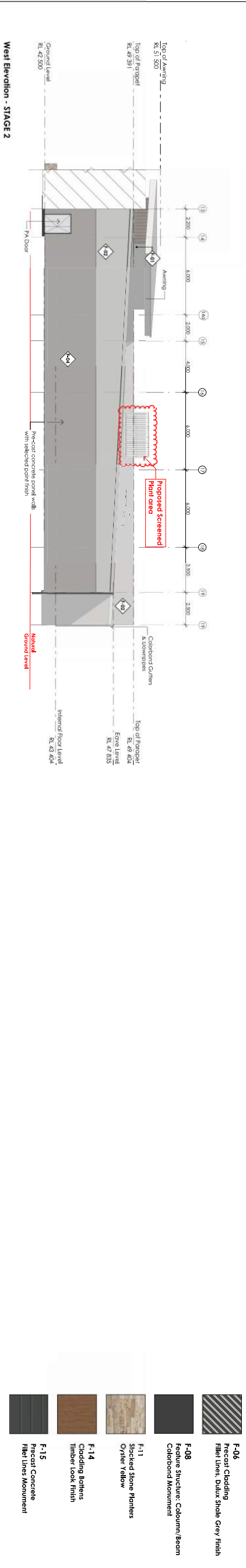
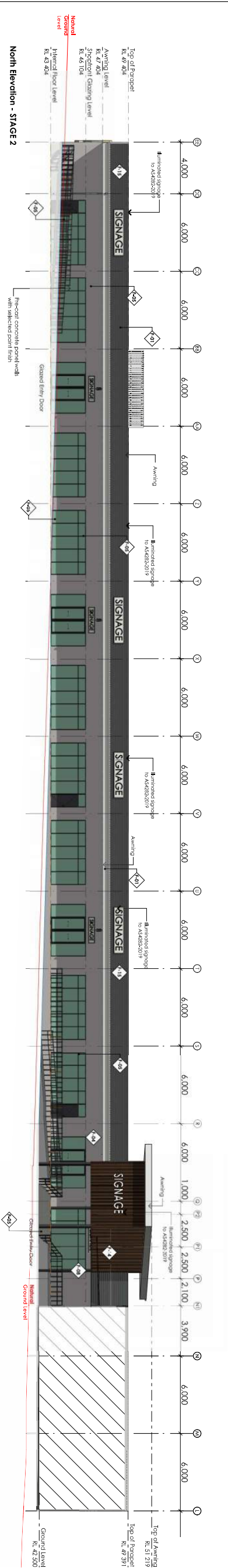
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26/09/2024
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Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Project no. A21011
date: 26/09/2024
dwg no. K8/81

scale: 1:150, 1:7.77 @ A1
rev no. 17



Exterior Finishes	
	F-01 Metal Roof Sheeting Colorbond Sunmist
	F-02 Precast Cladding Dulux Sunmist
	F-03 Precast Cladding Monument Panel
	F-04 Precast Cladding / Roller Doors Dulux Shade Grey
	F-05 Alucobond / Door & Window Frames Colorbond Monument
	F-06 Precast Cladding Filler Lines, Dulux Shade Grey Finish
	F-08 Resilux Structure: Column / Beam Colorbond Monument
	F-11 Stacked Stone Piers Oyster Yellow
	F-14 Cladding Boilers Timber Look Finish
	F-15 Precast Concrete Filler Lines Monument



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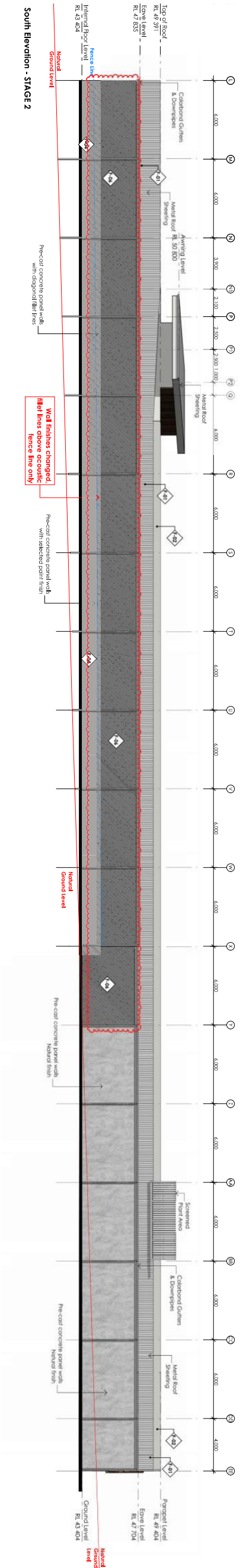
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Lochinvar Shopping Village

Elevations - STAGE 2

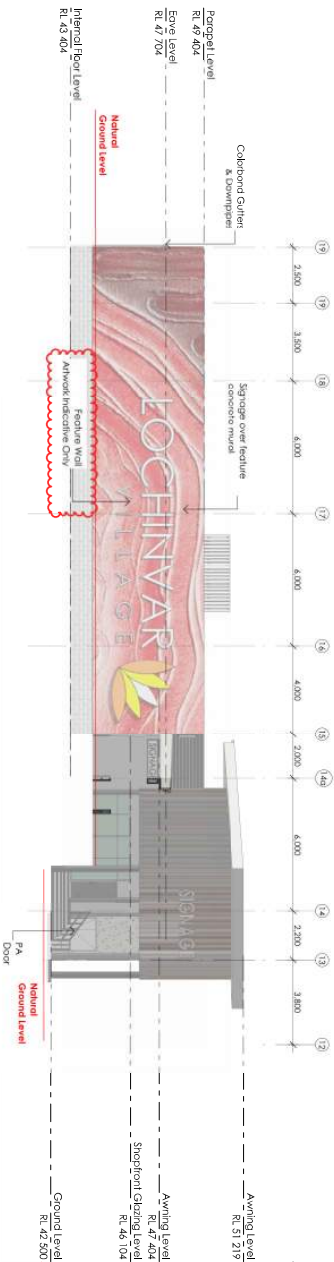
Proposed Lot 1001
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Lochinvar, NSW 2321

project no. A21011
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rev no. 17



Exterior Finishes

- F-01 Metal Roof Sheeting
Colorbond Summit
- F-02 Precast Cladding
Dulux Summit
- F-03 Precast Cladding
Monument Panel
- F-04 Precast Cladding / Roller Doors
Dulux Slate Grey
- F-05 Alucobond / Door & Window Frames
Colorbond Monument
- F-06 Precast Cladding
Filler Lines Painted Slate Grey



East Elevation - STAGE 2



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26/09/2024
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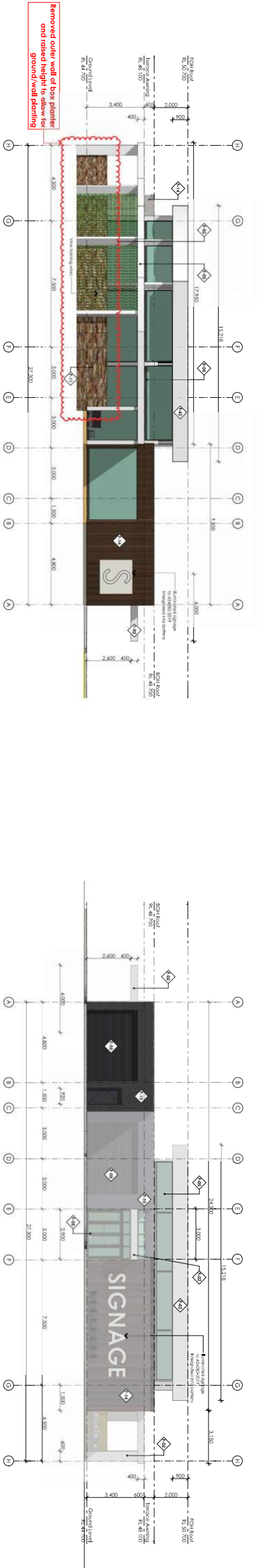
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Lochinvar Shopping Village

Elevations - STAGE 2

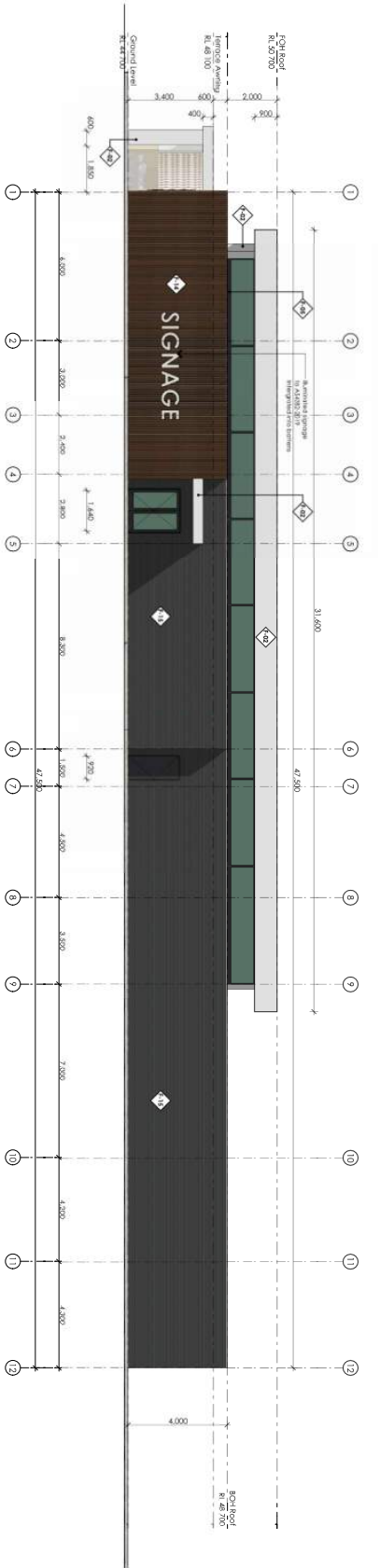
Proposed Lot 1001
30 Christopher Road
Lochinvar, NSW 2321

Project no. A21011
date: 26/09/2024
dwg no. A403
scale: 1:150 @ A1
rev no. 17

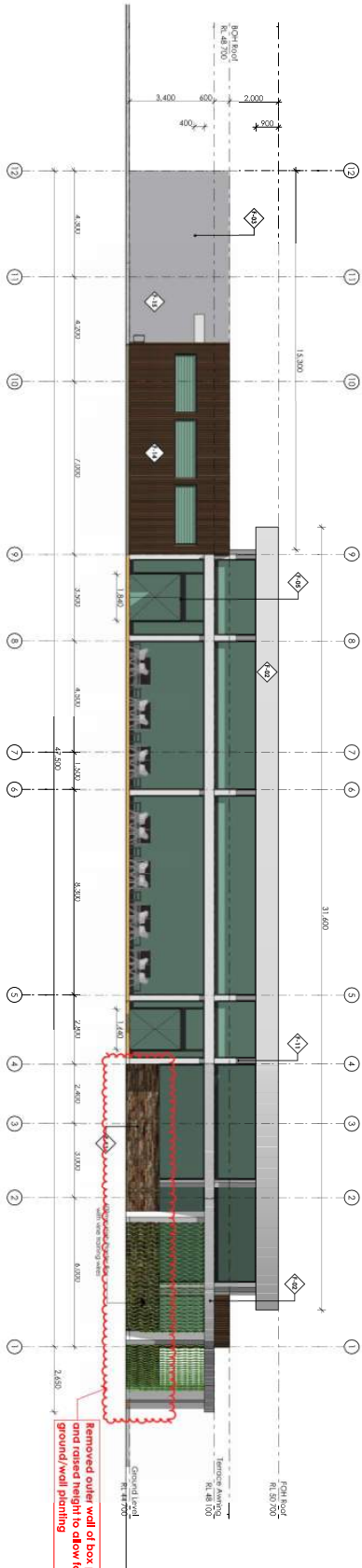


North Elevation

South Elevation



West Elevation



East Elevation

- Exterior Finishes**
- F-01 Metal Roof Sheeting Colorbond Summit
 - F-02 Precast Cladding Dulux Summit
 - F-03 Precast Cladding Monument Panel
 - F-04 Precast Cladding / Roller Doors Dulux Shade Grey
 - F-05 Alucobond / Door & Window Frames Colorbond Monument
 - F-06 Precast Cladding Filler Lines Dulux Shade Grey
 - F-09 Structural Concrete Beam Timber Look Finish
 - F-10 Structural Concrete Column Timber Look Finish
 - F-11 Stacked Stone Planters Oyster Yellow
 - F-14 Cladding Barriers Timber Look Finish
 - F-15 Precast Concrete Filler Lines Monument



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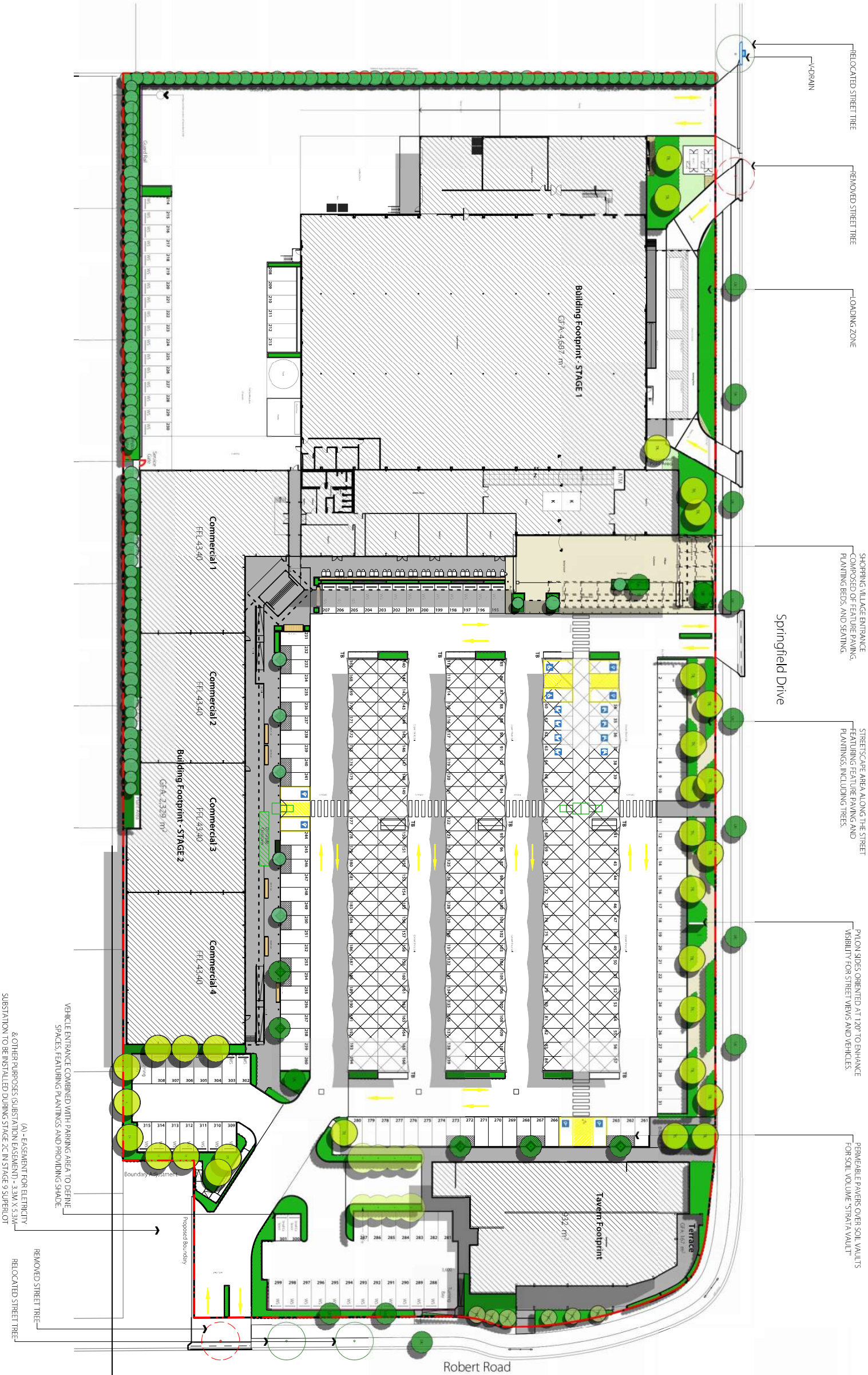
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SITE PLAN L011
Lochinvar Shopping Village



1 SITE PLAN
L011 Scale: 1:700

DRAWN: DATE: SCALE:
ZL / SVR 10/11/2022 1:700@A3
JOB NUMBER: PHASE: DWG No: REV:
14507.5 DA L011 J

PROJECT: Lochinvar Shopping Village
SITE: Cnr. Springfield Drive & Robert Road Lochinvar, NSW 2321
CLIENT: GWH

- LEGEND
- MASS PLANTING AREA
 - Turf Area
 - PAVED PLANTING AREA
 - PAVED HEAVY
 - PAVED 20/20TH
 - GRAVEL
 - BRUSH AS SPECIFIED
 - TIMBER EDGE
 - BIRCH RACKS
 - BOUNDARY
 - NEW TREES: *Ficus angustata* (Raywood) 180
 - NEW TREES: *Eucalyptus camaldulensis* (Euc)
 - NEW TREES: *Casuarina linearis* (Cas)
 - NEW TREES: *Lagerströmia speciosa* (Lag)
 - NEW TREES: *Tristania lamarum* (Luscor)
 - NEW TREES: *Ulmus crinitus* (Uc)
 - EXISTING TREES TO BE RETAINED OR RELOCATED
 - EXISTING TREES TO BE REMOVED

terras
landscape architects
412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TERRAS.COM.AU PH: 49 294 526 FAX: 49 263 069

ELEVATION | L015

Lochinvar Shopping Village



1 WEST BOUNDARY RENDER 1
L015



2 SOUTH BOUNDARY RENDER
L015



3 WEST BOUNDARY RENDER 2
L015



4 PROPOSED NEW TREE
L015
Elaeocarpus eumundi



J	3/10/24	FOR REVIEW
L	25/9/24	FOR REVIEW
H	25/9/24	FOR REVIEW
REV	DATE	COMMENTS

PROJECT:
Lochinvar Shopping Village

SITE:
Cnr. Springfield Drive & Robert
Road Lochinvar, NSW 2321

CLIENT:
GWH

14507.5 DA L015 J

DRAWN: DATE: SCALE:
ZL / SVR 10/11/2022 @A3
JOB NUMBER: PHASE: DWG No.: REV:
14507.5 DA L015 J

PLANT PALATTE 1 | L201

Lochinvar Shopping Village

PLANT SCHEDULE - STREET TREES		
ID	Botanical Name	Common Name

PLANT SCHEDULE - MASS PLANTINGS					
ID	Botanical Name	Common Name	Size	Height	Spread
1	Ulmus chinensis	Chinese Elm	15-20m	15-20m	15-20m
2	Callistemon viminalis	Better John	15-20m	15-20m	15-20m
3	Clivia miniata	Miniature Clivia	15-20m	15-20m	15-20m
4	Lomandra longifolia	Long-leafed Lomandra	15-20m	15-20m	15-20m
5	Philodendron xanadu	Xanadu Philodendron	15-20m	15-20m	15-20m
6	Westringia fruticosa	Fruticosa Westringia	15-20m	15-20m	15-20m



Ulmus chinensis



Callistemon viminalis 'Better John'



Clivia miniata



Lomandra longifolia



Philodendron xanadu



Westringia fruticosa 'Zena'



Lomandra hystrix



Lomandra longifolia



Philodendron xanadu



Westringia fruticosa 'Zena'



Lomandra hystrix



Lomandra longifolia



Philodendron xanadu



Westringia fruticosa 'Zena'



Lomandra hystrix



Lomandra longifolia



Philodendron xanadu



Westringia fruticosa 'Zena'



Lomandra hystrix



Lomandra longifolia

J 3/10/24 FOR REVIEW
L 25/9/24 FOR REVIEW
R 25/9/24 FOR REVIEW

REF DATE COMMENTS

PROJECT: Lochinvar Shopping Village

SITE: Cnr. Springfield Drive & Robert Road Lochinvar, NSW 2321

CLIENT: GWH

1507-5-000000 - Lochinvar Shopping Village

31/09/23

DRAWN: DATE: SCALE: ZL / SWR 10/11/2022 @A3 JOB NUMBER: PHASE: DWG No: REV: 14507.5 DA L201 J

PLANT PALATTE 2 | L202

Lochinvar Shopping Village

PLANT SCHEDULE - STREET TREES		
ID	Botanical Name	Common Name
Palm Size		

PLANT SCHEDULE - MASS PLANTINGS					
ID	Botanical Name	Common Name	Size	Height	Spread
1	Westringia fruticosa 'Low Horizon'	Westringia fruticosa 'Low Horizon'	1.5m	1.5m	1.5m
2	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
3	Westringia fruticosa 'Mundi'	Westringia fruticosa 'Mundi'	1.5m	1.5m	1.5m
4	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
5	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
6	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
7	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
8	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
9	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m
10	Westringia fruticosa 'Zena'	Westringia fruticosa 'Zena'	1.5m	1.5m	1.5m



Atriplex cinerea



Baeckea virgata 'Nana'



Crinum pedunculatum



Callistemon viminalis 'Better John'



Callistemon viminalis 'Slim'



Doyanthes excelsa



Goodenia ovata



Lomandra longifolia



Philodendron xanadu



Syzygium australe 'Resilience'



Westringia fruticosa 'Zena'



Westringia Wynyabbie Gem'

J 3/10/24 FOR REVIEW
L 25/2/24 FOR REVIEW
REV DATE COMMENTS

PROJECT: Lochinvar Shopping Village

SITE: Cnr. Springfield Drive & Robert Road
Lochinvar, NSW 2321

CLIENT: GWH

1507-5-000001 - Lochinvar Shopping Village

DRAWN: DATE: SCALE: 1:100
ZL / SVR 10/11/2022 @A3
JOB NUMBER: PHASE: DWG No.: REV: 14507.5 DA L202 J

City Planning

DA/2022/1394 for Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage at 93 Springfield Drive Lochinvar

Assessment Report (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 44

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Version 1: Comprehensive

Application No:	DA/2022/1394
Proposal:	Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage
Address:	93 Springfield Drive, Lochinvar NSW 2321
Lot & DP No:	Lot 267 DP 1271229
Property No:	105664
Applicant:	GWH Build Developments Pty Ltd
Owner:	Lochinvar Downs Pty Ltd
Author:	Jessica Stockham
Site Inspection:	29/11/2023
Site conditions	E1 Local Centre Zone, Lochinvar Urban Release Area, Height of Buildings Map 8m, Floor Space Ratio Map 2:1, Acid Sulfate Soils Class 5, Bushfire Prone Land.
CIV	\$29,255,928

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2022/1394 proposing a Mixed-Use Development Including Commercial Premises with Retail Premises, Pub and Signage, to be known as 'Lochinvar Shopping Village'. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979 (the EPA Act), the Maitland Local Environmental Plan (MLEP) 2011, the Maitland Development Control Plan (MDCP) 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposal seeks development consent for a mixed use development including commercial premises with retail premises, pub, signage and associated ancillary works such as earthworks, landscaping and car parking constructed in three stages (refer to Figure 1-2). The development proposes the following staging:

- **Stage 1** - a 4,687m² retail premises for the purposes of a supermarket building including a 3170m² Supermarket with direct to boot services, retail premises (tenancies 1 to 5) and bottle shop. This building will incorporate an entry courtyard area with village common. Stage 1 would also include associated loading, storage, parking and circulation areas.
- **Stage 2** - a 2,329m² commercial building with the potential for different commercial tenancies, the plans show an indicative tenancy layout plan (four tenancies are shown on the plans). The layout will be determined once tenants are known (a future application could include retail premises, food and drink premises, health services or business premises etc.).
- **Stage 3** - a 932m² Pub with dining, gaming, outdoor terrace and associated parking.
- Signage as follows:

Stage 1 (Supermarket, Retail and Bottle Shop)	Northern elevation	Four (4) illuminated above awning signs Seven (7) wall signs Six (6) awning signs
--	--------------------	---

	Eastern elevation	Five (5) under awning signage boxes Two (2) illuminated signs
	Western elevation	Two (2) awning signs
Stage 2 (Commercial Premises)	Northern elevation	Six (6) illuminated awning signs Four (4) under awning signs
	Eastern elevation	One (1) mural
Stage 3 (Pub)	Northern elevation	One (1) illuminated wall sign
	Southern elevation	One (1) illuminated wall sign
	Western elevation	One (1) illuminated wall sign

- Associated infrastructure, site preparation, earthworks and retaining walls.
- Landscaping and public domain works including tree planting, paving and construction of driveways.
- All internal driveways and hard stand areas to accommodate loading and 319 car parking spaces.
- An on-site detention system which will be provided as a combination of below ground tanks and surface storage within the proposed carpark.
- The application includes a Clause 4.6 variation to vary the Height of Buildings (Clause 4.3 of the MLEP 2011), further detail is provided within this report.

Key Development Data:

Control	Proposal
Site Area	2.4ha or 24,581m ²
GFA	3,170m ² – major supermarket 186m ² - Liquor (bottleshop) 403m ² – retail space 2,329m ² – commercial space 932m ² – pub (757m ² licensed floor area) 760m ² - Amenities, foyer and village common
Max Height	12.1m from natural ground level for the supermarket however this is only for a small portion of the loading area/ dock of the building. When considering the rest of the building, the overall height is 9.7m from natural ground level (8m is the maximum building height under the MLEP 2011).
Car Parking Spaces	<ul style="list-style-type: none"> • 2 EV spaces • 4 parent spaces • 8 accessible spaces • 301 general spaces • 4 'direct to boot' spaces Total: 319
Setbacks	Northern boundary: 6.7m to the retail space and 1m which reduces to 600mm the tavern's terrace on the corner of the site Eastern boundary: 6m to the tavern building which reduces to 680mm on the corner of the site Southern boundary: 500mm to the commercial building Western boundary: 9.1m to the supermarket

	Note the awning for the common area extend out to the property boundary along the northern frontage. The tavern outdoor space is positioned within 600mm to the northeastern corner boundary.
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The supermarket proposes the following operating hours and staff:

- Monday to Sunday 6am -10pm;
- 30 Staff.

The Bottle Shop proposes the following operating hours and staff:

- Monday to Sunday 8am – 10pm;
- 2-3 Staff.

The retail premises/centre proposes the following operating hours and staff:

- Monday to Sunday 7am – 10pm;
- 3-5 per tenancy (subject to future development application/tenancy).

The submitted Acoustic Report (prepared by Reverb Acoustics, dated March 2023) refers to the commercial/retail tenancies as both having operating hours from 7am- 8pm Monday to Sunday and this has been conditioned accordingly.

Commercial premises proposes the following operating hours and staff:

- Monday to Sunday 7am – 8pm;
- Staff numbers unknown (subject to future development application/tenancy).

The pub proposes the following operating hours and staff:

- Monday to Wednesday and Sunday 7am – 12am;
- Thursday to Saturday 7am -1am;
- 12 staff.

The New South Wales (NSW) Police have stated the applicant indicates a contradiction to the standard trading hours of a hotel license. Police have specified the operating hours they are willing to support (Monday to Saturday 10am – 12am and Sunday 10am to 10pm), and this has been conditioned accordingly and detailed further in the report.

The Acoustic Report (prepared by Reverb Acoustics, dated March 2023) loading dock and waste management to operate during 7am-10pm Monday to Saturday & 8am-10pm on Sunday & Public Holidays. This is proposed to be conditioned accordingly.

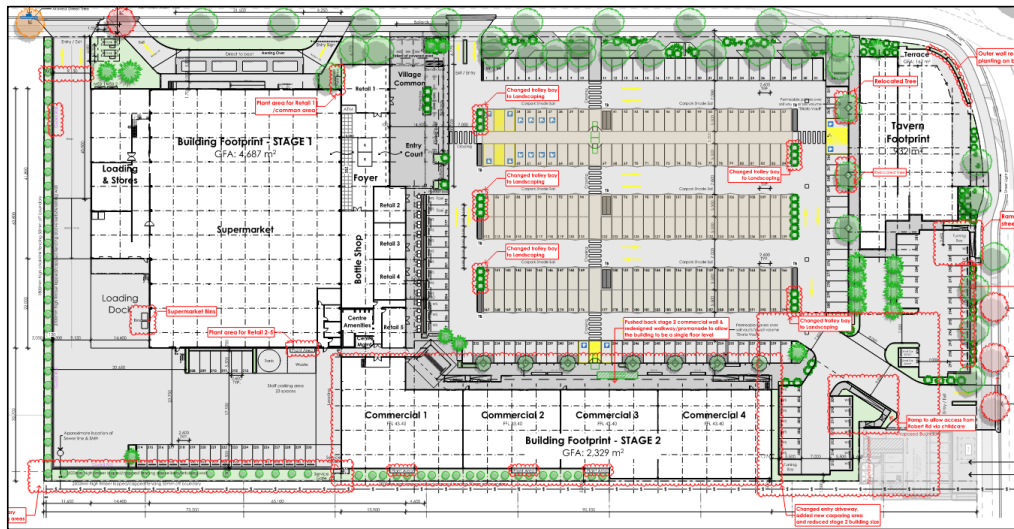


Figure 1: Revised plan submitted through portal 27/09/2024

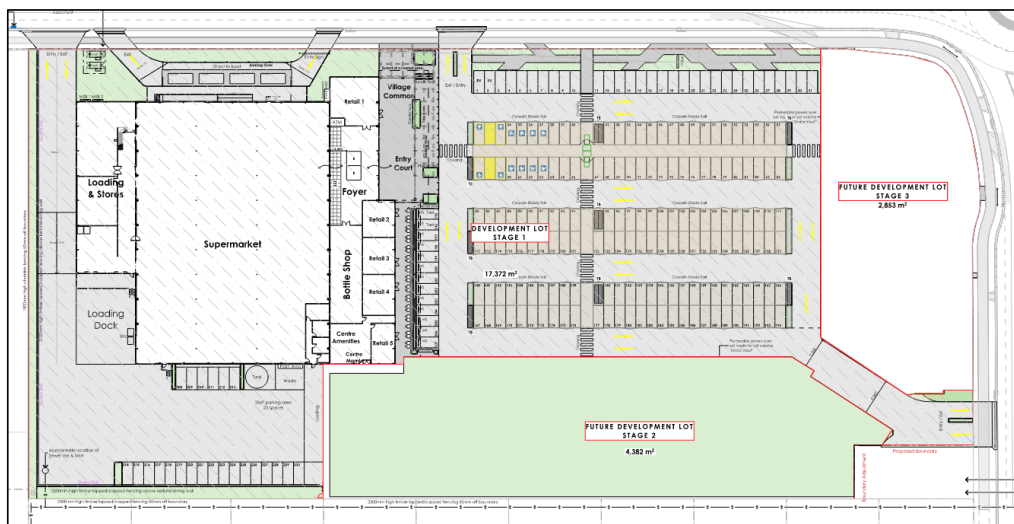


Figure 2: Staging plan

Photomontages of the proposed development are provided below:



Figure 3: View from Springfield Drive looking at the retail shops included in Stage 1



Figure 4: View from the roundabout from Springfield Drive and Robert Road



Figure 5: View from Springfield Drive and Robert Road roundabout looking at the proposed Pub under Stage 3



Figure 6: View of internal configuration looking west with the commercial tenancies shown on the left

Background

A chronology of the development application since lodgement is outlined below in Table 1:

Table 1; Chronology of DA

Date	Event
2 February 2023	DA lodged
10 February 2023	DA referred to external agencies
17 February 2023	Advertisement of the application for 14 days
24 February 2023	1 st additional information request issued by Council
8 March 2023	Council met with Applicant to discuss RFI
4 April 2023	2 nd additional information request issued by Council
18 April 2023	Applicant request for extension of time to complete information requests by 9 May 2023
10 May 2023	Applicant request for extension of time to complete information requests by 19 May 2023
6 June 2023	Response from applicant to Council's information request
7 June 2023	Additional information re-referred to external agencies
7 June 2023	Additional information re-referred internally
30 August 2023	Council met with the Applicant to discuss unresolved matters. Council issued further clarification on engineering matters and key concerns
31 August 2023	Council issued further clarification on engineering matters and key concerns
10 October 2023	Response from applicant to Council's information request
11 October 2023	Council met with Applicant to discuss revised plans
31 January 2024	Council met with Applicant to discuss revised plans. Council issued further clarification on outstanding matters
26 March 2024	Response from applicant to Council's information request
14 June 2024	Response from applicant to Council's previous information request and draft plans for review
28 June 2024	Council provided preliminary commentary and feedback on draft plans
12 September 2024	Response from applicant, draft plans submitted for feedback
19 September 2024	Council response on revised car park arrangement
20 September 2024	Applicant provided revised pedestrian pathway
24 September 2024	Council responded to revised plan
27 September 2024	Applicant provides revised architectural plans
1 October 2024	Additional information re-referred internally
8 October 2024	Revised landscape plan submitted
31 October 2024	Updated Clause 4.6 Variation Report submitted

Description of the Land on which the proposal is to be carried out.

The legal description of the land on which the development is to be carried out is Lot 267 DP 1271229, 93 Springfield Drive LOCHINVAR.



Figure 7: Aerial Map of subject site

The site is currently cleared vacant land with subdivision works being undertaken around it (refer to Figure 7 above). The site is approximately 2.5 hectares in area and has dual frontage to Springfield Drive and Robert Road. The site currently has approximately 6m of fall from east to west. DA/2024/441 for Earthworks (Temporary Stockpile for Future Earthworks for Commercial Development) has been approved (31/7/2024) on the subject site as a result of current subdivision works occurring within the Lochinvar Urban Release Area (URA).

The land to the west is proposed open space (Local Playground) and Community Facility outcome for the Lochinvar URA detailed in the s.7.11 plan for Lochinvar. The land to the south was approved as a Centre Based Child Care Facility (DA2022/1398) on the 12/6/2024, which relies on the driveway entrance from the subject site (refer to Figure 9 below):

Construction of a local centre within the Lochinvar URA will serve a minimum of 5,000 dwellings, equating to over 16,000 persons based on the demographic profile of residents in the area.

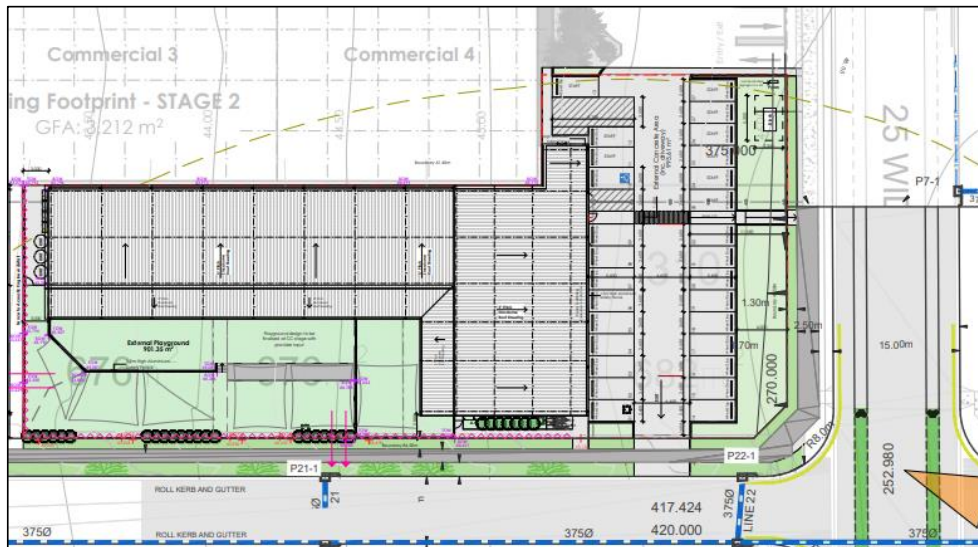


Figure 8: Site plan for DA 2022/1398

A site inspection was undertaken on the 29/11/2023 and is shown in the images below:



Figure 9: View from Springfield Drive looking south on the site



Figure 10: View from Springfield Drive looking east onto Robert Road



Figure 11: View from the corner of Springfield Drive and Robert Road



Figure 12: View from roundabout looking west along Springfield Drive

PREVIOUS DEVELOPMENT HISTORY

Table 2 below provides a consent history and background context that is a relevant consideration in the assessment of the application. Most recent consents at the top of the table with Figure 14 showing the subject site in the context of surrounding subdivision approvals.

Table 2

Previous Consent History				
DA No.	Description of Development	Date Determined	Decision Approved/Refused	Key Issues
DA/2024/441	Earthworks (Temporary Stockpile for Future Earthworks for Commercial Development)	31/07/2024	Approved	
DA/2022/1398	Centre Based Child Care Facility, Car Park, Landscaping, Retaining Walls and Signage	12/06/2024	Approved	
DA/2018/456:7	Section 4.55(1A) Modification to Amend Flood Planning Levels in Condition 39	07/05/2024	Approved	
DA/2018/456:6	Section 4.55(1A) Modification to amend the timing of dedication of future public road and drainage basin to post-construction at Subdivision Certificate for Stage 4	23/06/2023	Approved	Registration of subdivision undertaken 20/02/2024.

DA/2018/456:5	Section 4.55(1A) Modification to Amend Stages 3, 4 and 10 and Amendment to Remove Central Median on New England Highway	16/2/2023	Approved	
DA/2018/456:4	Section 4.55(1A) Modification to subdivision - Amend condition 42 to enable subdivision certificate release (63 lots)	15 July 2021	Approved	
DA/2018/456:3	Section 4.55 (1A) Modification - Amendment to 313 Lot Torrens Title Subdivision - Modify Super-Lot Boundary	7 May 2021	Approved	
DA/2018/456:2	Section 4.55 (1A) Modification to 313 Lot Torrens Title Subdivision - Revise Staging Layout and Infrastructure Sequencing	17 February 2022	Approved	
DA/2018/456:1	Section 4.55 Modification (1A) - Amendment to Conditions	6 July 2020	Approved	
DA/2018/456	Torrens Title Subdivision - 313 Residential lots and Supporting Infrastructure	22 October 2019	Approved	

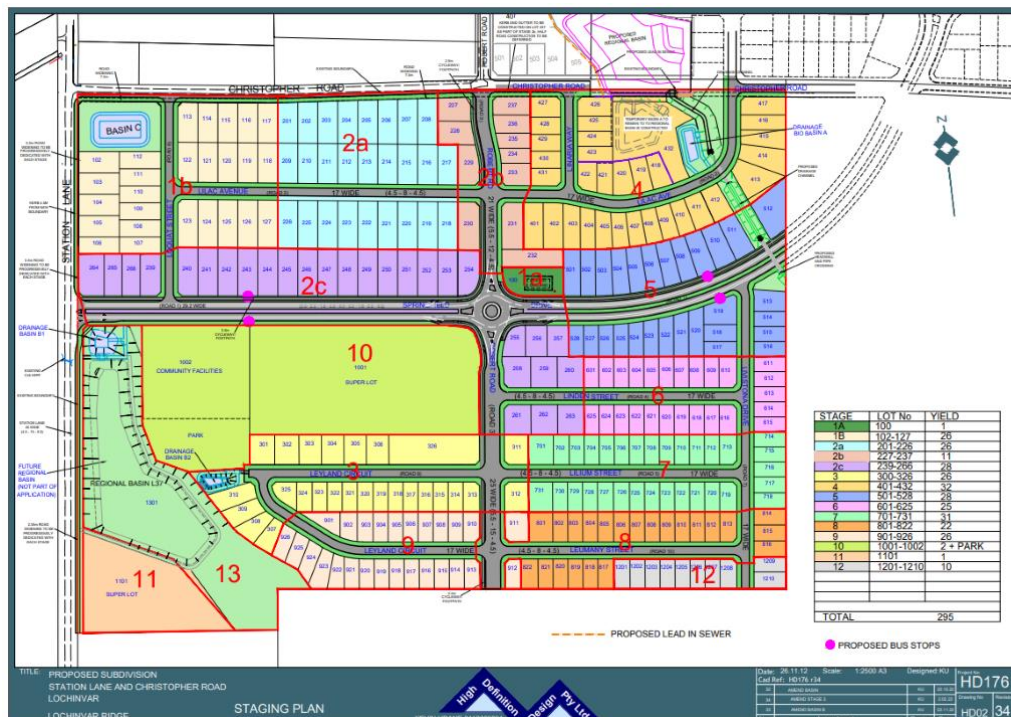


Figure 13: Approved lot layout, version 34 (Mod 5 Consent)

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type -

The proposal is categorised as *local development*, under the EPA Act.

The proposal is also *integrated development* under Section 4.46 of the EPA Act.

Contributions -

The proposal attracts a contribution of \$292,559 under Council's current adopted Section 7.12 Plan.

The proposal does not attract a contribution under the Housing and Productivity contributions scheme.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument***State Environmental Planning Policies***

The following State Environmental Planning Policies (SEPP's) are relevant to the assessment of the proposal:

State Environmental Planning Policies (Planning Systems) 2021

The development has a capital investment of \$29,255,928 million and is not identified as 'State Significant' or 'Regional Development' for the purposes of this Policy.

State Environmental Planning Policy (Biodiversity and Conversation) 2021

All vegetation has been cleared under the parent subdivision. The provisions of this SEPP therefore do not apply.

State Environmental Planning Policy- Resilience and Hazards 2021

The site has recently been developed and is the child lot of a residential subdivision approved under DA/2018/456. Preliminary site investigations were undertaken during the subdivision process. Phase 1 & 2 Contamination Assessment (dated 27 June 2017, prepared by Coffey) concluded that the potential for soil and/or surface water contamination to be present at the site, at levels requiring additional investigation, remediation and/or management, is considered to be low. The site was considered suitable for its intended use provided a Construction Environmental Management Plan was implemented. There is no evidence of historical site activities that would likely result in contamination of the site. As such a Preliminary Contamination Assessment specifically for this development was not required. Relevant conditions of consent will be applied in the event undisclosed contamination is located on site during construction. Therefore the site is considered suitable for the proposed development.

State Environmental Planning Policy- Transport and Infrastructure 2021***Clause 2.122 - Traffic-generating development***

In accordance with Clause 2.122 and Schedule 3 of the SEPP, the proposed development required referral to the Transport for NSW as traffic generating development, being a Shop with a gross floor area (GFA) greater than 2,000m². The SEPP requires the consent authority to take into consideration any comments made by TfNSW in respect of the proposal as well as the accessibility of the site, including:

- (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
- (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) And any potential traffic safety, road congestion or parking implications of the development.*

TfNSW advised in June 2023 the connection through the local road network is now available to the traffic control signals at Wyndella Road and any quantitative assessment would likely indicate that adequate capacity is available in the existing intersections with the State road network and considered there will be no significant impact on the nearby classified (State) road network because of the subject proposal. The correspondence included the following advice to Council:

- Until such time that the Southern Loop road is in place, Council should ensure that the current 'local' roads (e.g. Robert Road, Station Lane, Gregory Road etc.) have sufficient capacity and are safe to cater for the anticipated traffic generation rates.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

The above advice has been considered by Council's Subdivision & Development Engineers in the assessment of this application. The proposal is considered to be consistent with the objectives and intent of the relevant clauses of SEPP (Transport and Infrastructure) 2021.

Clause 2.48 – Determination of development applications – other development

Pursuant to clause 2 of section 2.48(2) (Determination of development applications – other development) – electricity transmission, the application was referred to Ausgrid for comment.

In a response on 22 February 2023, Ausgrid advised it raised no objections to the proposal subject to due consideration of Ausgrid infrastructure. Conditions relating to electricity connection and supply, conduit installation, vegetation and streetlights as well as consideration given to the proximity to existing network assets (overhead powerlines, underground cables, substation) have been conditioned on the consent accordingly. Having regard to the development and the locality, there are no conflicts with the existing Ausgrid network, with the site having a substation at the southeastern corner of the subject site. Kiosks are proposed in the northwestern corner of the site.

The development proposes to install two electric vehicle (EV) charging stations in the carpark. Pursuant to section 2.124A EV charging stations are permissible with consent in car parks (commercial). The location of the EV units are such that they do not obstruct movement or interfere with firefighting equipment. All EV units must be installed according to the manufacturer's specifications and must comply with the relevant Australian Standards, the consent has been conditioned accordingly.

State Environmental Planning Policy- Industry and Employment 2021

Chapter 3, Part 3.2 of the SEPP states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1)*
- (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

It is considered that the proposal satisfies the relevant criteria outlined within SEPP. The proposed signage is consistent with the provisions of 3.1(a) as the signage is compatible with the desired outcomes for a Local Centre zoned parcel of land, provides effective communication for uses located on the site and are considered of high-quality design and finish. The signage will contribute to the visual interest of the area through its integration with the built form and provides an integrated whole-of-site approach to business identification and directional signage.

Conditions will be applied in relation to the proposed illumination (standards and hours of operation) on a number of the proposed signs.

State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP commenced on 1 October 2023. However, savings provisions apply to development applications submitted but not determined before 1 October 2023, which is the case with this development application.

Maitland Local Environmental Plan 2011

The subject land is zoned E1 Local Centre Zone under the MLEP 2011. The proposed development is defined as Commercial Premises, Retail Premises and Pub.

The following definitions apply to the development:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

pub means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of *food and drink premises*—see the definition of that term in this Dictionary.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) & (b) (Repealed)
- (c) food and drink premises,

- (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

The proposal is consistent with the zone objectives for the E1 Local Centre zone as follows:

- The development will provide a range of retail, business, entertainment and community uses that service the needs of people who will live and work in the local area.
- Will encourage employment opportunities in accessible locations.
- Will maximise public transport patronage and encourage walking and cycling.

The following clauses of the LEP are relevant to the assessment of the proposal:

Clause 4.3 – Height of Buildings

The height of building control with the MLEP for the site is 8m. The overall height of the proposed building at its maximum is 12.1m, exceeding the control by 4.1m (51%) (refer to Figure 10 to 15 below), however this exceedance is located on the north-western extent of the site with a setback of 12m from the adjoining land identified as proposed open space (Local Playground) and Community Facility outcome for the Lochinvar URA detailed in the s.7.11 plan for Lochinvar.

When considering the buildings itself, the overall height is 9.7m, exceeding the control by 1.7m, this is largely due to the slope of the site in the northwestern corner (the loading dock entry and direct to boot parking). The exceedance is supported by a clause 4.6 variation request and the use of Clause 5.6 architectural roof features.

Overall, the proposal is considered consistent with the objectives of Clause 4.3 as the building is considered to compliment the streetscape through its architectural design. The largest exceedances in height are within the north-western elevation. The building along this elevation is sufficiently setback from the boundary. The neighbouring land is the location for a proposed open space (Local Playground) and Community Facility outcome for the Lochinvar URA detailed in the s.7.11 plan for Lochinvar. Given its solar orientation, the height of the building is not considered to have an adverse impact on the amenity of the neighbouring property in terms of visual bulk, access to sunlight, privacy and views.

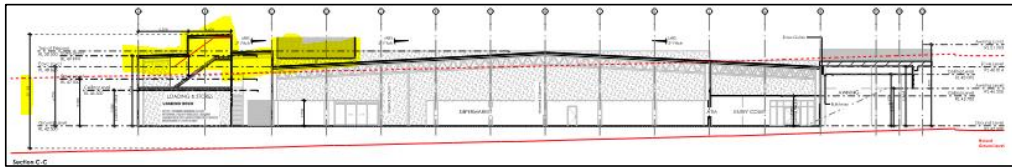


Figure 14: Height of building for Stage 1 shown a section of the loading dock (highlighted), supermarket entry and direct to boot roofing

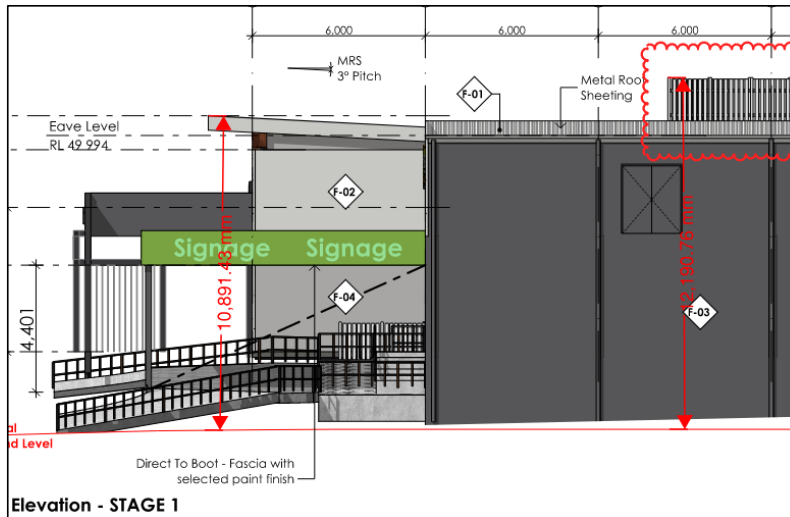


Figure 15: Height of building for stage 1 (western elevation, showing the direct to boot roofing and roof plant screening)

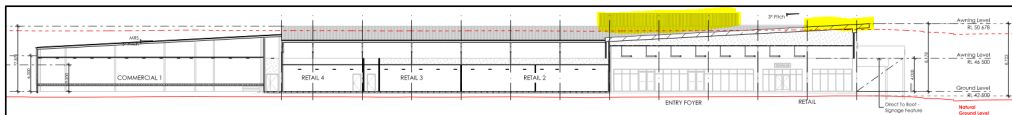


Figure 16: Height of building for stage 1 and 2 (showing the height exceedance for the roof plant screening and architectural roof form)

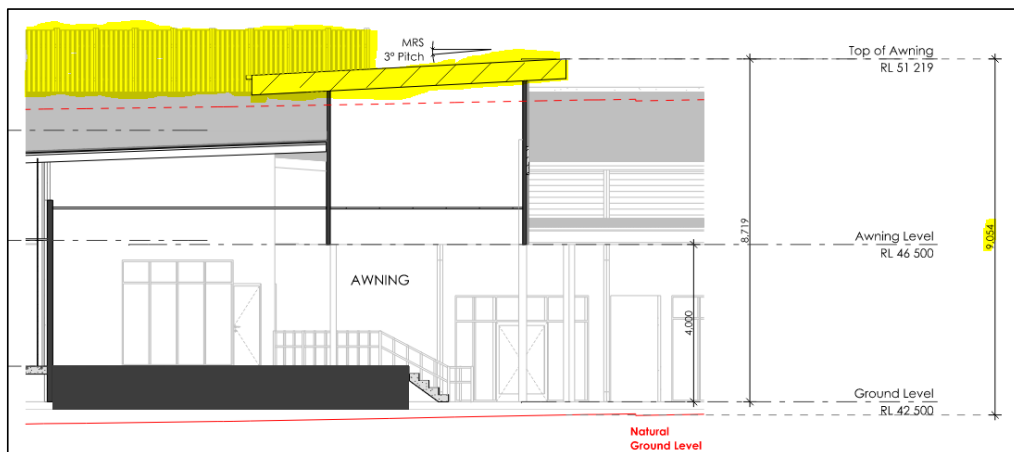


Figure 17: Height of building in Stage 1 (showing the roof structure above the 8m building height, shown as the red dotted line)

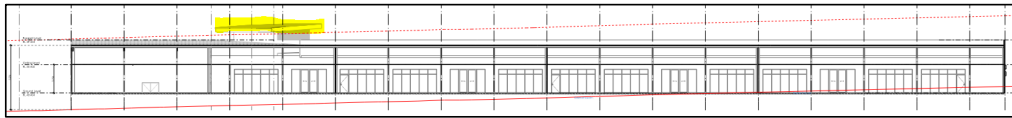


Figure 18: Height of building in Stage 2 (showing height exceedances are only where there is the architectural roof form)

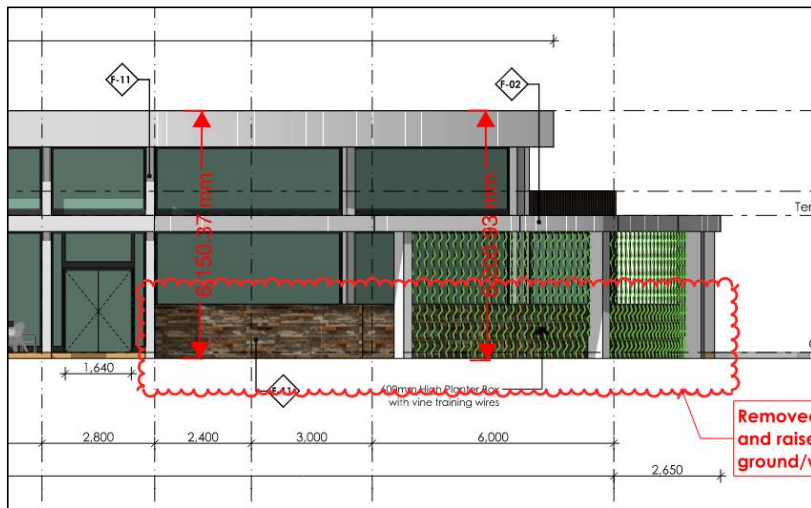


Figure 19: Height of building in Stage 3 (showing no height exceedances)

Clause 4.4 – Floor Space Ratio

The site has an allowable FSR of 2:1, the development has an FSR of 0.32:1, complying with the FSR requirement.

Clause 4.6 - Exceptions to development standards

The proposal exceeds the maximum height of buildings standard as specified in Clause 4.3 of the LEP. Clause 4.6 of the LEP provides an appropriate degree of flexibility in applying development standards and enables Council to grant consent to a development that exceeds a development standard within the environmental plan.

A written exception pursuant to Clause 4.6 has been made requesting a variation to the Clause 4.3 Height of buildings.

Extent of Variation

Clause 4.3(2) of the LEP prescribes the maximum building height for the land as shown on the Height of Buildings Map.

Proposed: 12.1m
Control: 8m

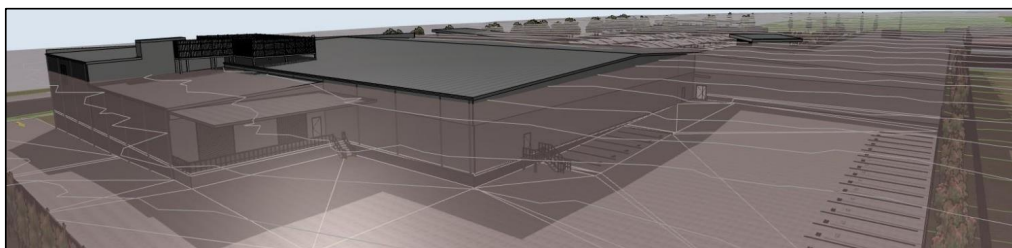


Figure 20: Southwest perspective showing parts of the building over 8m

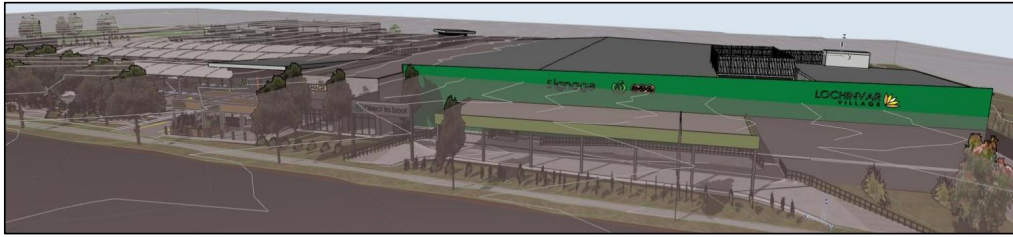


Figure 21: Northern perspective showing parts of the building over 8m



Figure 22: Northeastern perspective showing parts of the building over 8m

Applicant's reason in support of the variation

Clause 4.6(3) Exceptions to development standards of the LEP reads:

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

In accordance with the requirements and relevant New South Wales Land and Environment Court case law, the applicant chose to demonstrate that compliance with the height control development standard is unreasonable or unnecessary in the circumstances of the case and that there is sufficient environmental planning ground to justify contravening the development standard, arguing that:

- The proposed development is located on the only commercially zoned land within the Lochinvar URA.
- The proposed buildings are setback from the frontages to enable clear highlights to all buildings and maintains a landscape buffer to the streetscape.
- The proposal overall has minimum impact on the streetscape given the position of the tavern on the corner element achieving the desired outcome of a prominent corner presentation.
- The largest height exceedance is an isolated plant area, with other parts of the building exceeding the height by 9.7m (a 1.7m/21% exceedance). The majority of the buildings on the site however comply with the building height requirement.
- The exceedance is required to efficiently house the plant requirements of the proposed supermarket as well as ensure compliance with access requirements by providing a level building area to accommodate DDA/BCA compliant grades. These requirements have meant that the site has been filled to achieve these levels, impacting the overall heights of the buildings.
- When considered in the context of the overall development, in accordance with the proposed finished ground level, the building heights are consistent with the desired outcomes for the site and are comparable to other commercial developments within the LGA.

The proposed development will be in the public interest because it is consistent with the objectives for development in the E1 Local Centre Zone and the objectives of the Height of buildings development standard, as follows:

Objectives of the Zoning

The site is located within the E1 Local Centre Zone and the objectives of this zone are listed and the reasonableness or necessity for compliance with each relevant objective is assessed below:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Comments: The proposal provides a range of uses that will meet the needs of those that live, work and visit the Lochinvar area, which is consistent with the Lochinvar Urban Release Area (Part F9 of the Maitland Development Control Plan 2011).

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Comments: The additional height is required to efficiently house the plant requirements of the proposed supermarket as well as ensure compliance with access requirements by providing a level building area to accommodate DDA/BCA compliant grades. The proposal enables local employment opportunities through the commercial uses proposed.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comments: The proposed height variation facilitates the provision of a large anchor supermarket which will strengthen the role of the E1 land within the Lochinvar area.

Objectives of the Standard

The objectives of the Height of buildings development standard are listed under Clause 4.3(1) of the LEP, and the reasonableness or necessity for compliance with the development standard has been assessed against each of its objectives below:

(a) to ensure that the height of buildings complements the streetscape or the rural character of the area in which the buildings are located,

Comments: Given the subdivision in the immediate locality is yet to be completed, there is no existing development streetscape to reference, however the bulk and scale of the development is considered suitable for commercially zoned land and is consistent with development of similar size and use in the Maitland LGA. The proposal is considered consistent with the future character of the built environment. The height exceedance will have minimal impact on the streetscape as a whole, given the position of the proposed pub on the corner.

(b) to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items,

Comments: Not applicable to this development.

(c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

Comments: The height exceedance will have minimal impact on the amenity of neighbouring properties with the portion of roof that exceeds the height limit being setback a minimum of 12m from the adjoining land. The exceedance does not contribute to any overshadowing on adjoining properties, nor is it considered to impact any views or privacy of adjoining properties.

Grounds for Variation

Sufficient environmental planning grounds exist to vary the height development standard as specified in Clause 4.3 of the LEP as described below:

- The proposal in its current form complies with the other development standards contained in the LEP and other applicable development controls and policies.
- The proposal generated an acceptable amenity impact on the adjoining properties and on the streetscape, a more compliant scheme would not substantially diminish these impacts.
- The proposed variation will enable a level building pad to accommodate DDA/BCA compliant grades as well as providing appropriate screening to roof plant equipment.
- The non-compliance will not hinder the development's ability to satisfy the objectives of the E1 Local Centre Zone.

Recommendations for the Clause 4.6 Exception

Clause 4.6 Exceptions to development standards of the LEP has the following objectives:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In this specific case compliance with the development standard is considered unreasonable and unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development, including the variation to the development standard satisfies the objectives of the height of building control and of the zone. Pursuant to Subclause (2) in Clause 4.6 of the LEP, consent may be granted even though the development contravenes the development standard imposed by the environmental planning instrument.

Clause 5.3 Development near zone boundaries

An overlay of the E1/R1 zone boundaries with the property boundaries shows the development does encroach approximately 7m into the R1 zone (adhering to the 20m distance under this clause). On discussion with Council's Strategic Planning Team, it is clear the zone boundary and cadastre are misaligned. The area was re-zoned before the cadastre caught up to that area, hence the misalignment. To rectify this error requires a housekeeping amendment as the NSW Spatial Viewer also shows this error (Refer to Figure 23 below). In the meantime, the proposal relies on Clause 5.3 of the MLEP 2011 which allows flexibility of a site to enable the logical development of the site in accordance with its intended land use (being commercially zoned).

The proposal is considered consistent with the objectives for development and the carrying out of the development is considered desirable due to the subject site being nominated as the town centre under the MDCP 2011 Part F.9 Lochinvar Urban Release Area. The proposal complies with this clause.

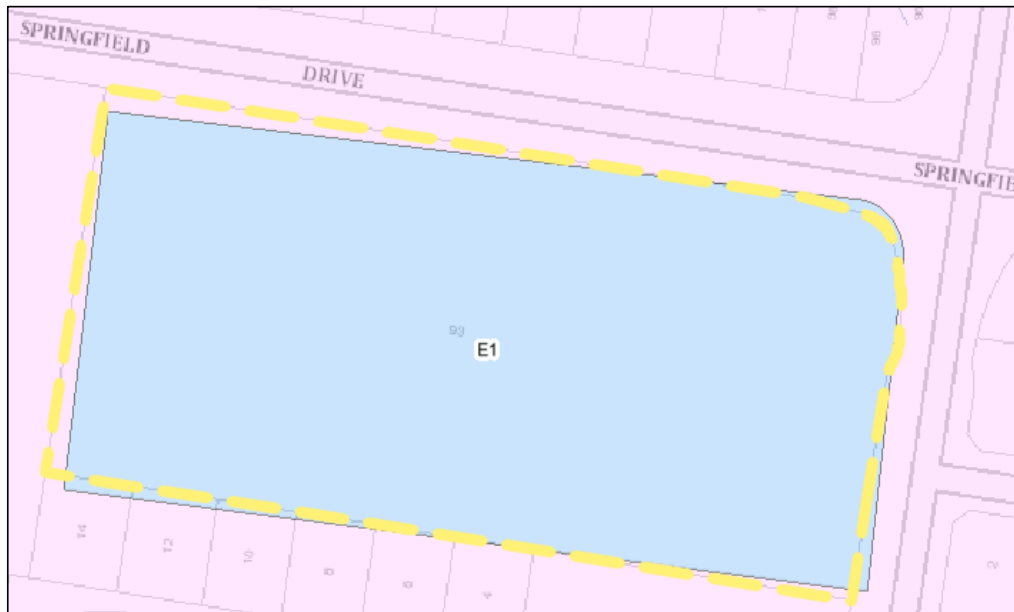


Figure 23: Cadastre and zoning layer as shown on the NSW spatial viewer

Clause 5.10 – Heritage

The site has not been identified as a heritage item, is not situated in proximity to a heritage item, or located within a heritage conservation area under the LEP. An Aboriginal Heritage Information Management search was conducted which results in no aboriginal places or sites being recorded in or near the location. All relevant considerations were addressed under the parent subdivision.

Clause 5.6 – Architectural roof features

As discussed above, the proposal exceeds the maximum height of buildings standard as specified in Clause 4.3 of the LEP and relies on Clause 4.6 of the LEP to provide an appropriate degree of flexibility. In addition to this, the application utilises this clause which allows architectural roof features that are decorative elements to exceed the height of buildings standard.

As shown in figure 24 to 25 below, a portion of the roof elements exceed the 8m development standard. These roof elements are decorative elements on the uppermost portion of the building. It is acknowledged the screening of the plant equipment on the roof structure is not integrated into the design of the roof and therefore relies on the Clause 4.6 variation.

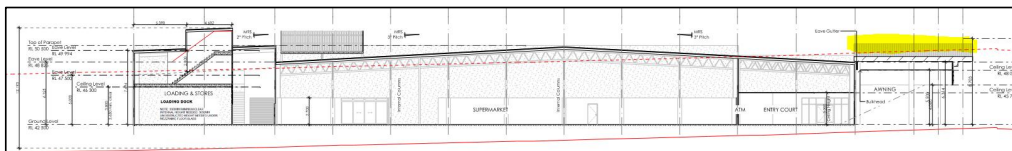


Figure 24: Height of building for stage 1 (showing the building exceedance is for the architectural roof for of the direct to boot roof)

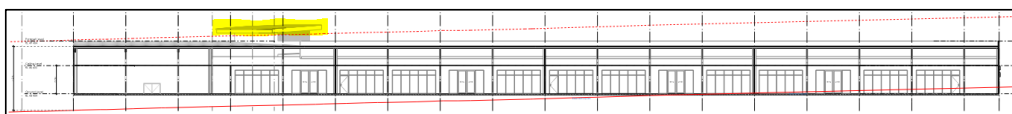


Figure 25: Height of building for stage 1 and 2 (showing some of the building exceedance is for the architectural roof form)

6.2 Public Utility Infrastructure

It has been demonstrated all public utility infrastructure required to serve the development is available.

6.3 Development Control Plan (DCP)

Part F of the MDCP 2011 relates to Urban Release Areas. Specifically, F.9 relates to the Lochinvar URA. Consideration to this DCP chapter is provided later in this report.

Clause 7.1- Acid Sulfate Soils

The site is identified as potentially containing Class 5 acid sulfate soils under the Maitland LEP 2011. The site is greater than 500m from adjacent Class 1, 2, 3, or 4 land that is below 5m AHD and in addition, the water table is not likely to be lowered by greater than 1m by the proposed works. The proposed development is consistent with the objectives of the Clause.

Clause 7.2 Earthworks

The proposed earthworks are ancillary to the development to create the ground level foundations of buildings and associated infrastructure. Approximately 6,844m³ of earthworks is cut (largely in the eastern side of the site) and 8,163.56m³ of fill is proposed across the site (largely in the western side of the site). Relevant conditions will be placed on the consent regarding earthworks ensuring appropriate drainage and stormwater flows.

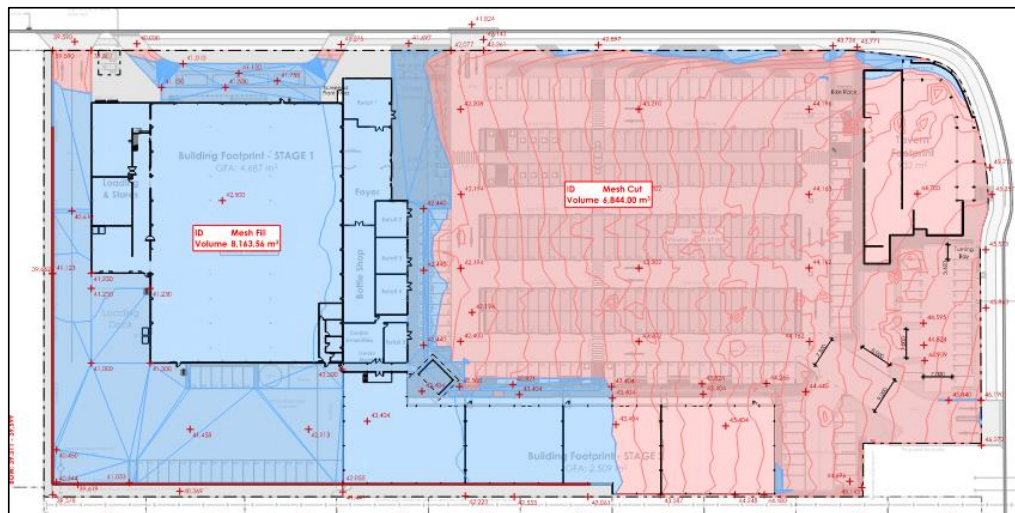


Figure 26: Proposed earthworks (red = cut, blue = fill)

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. There are no relevant amendments within the Planning Proposal applicable to this application.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan (MDCP) 2011

The following chapters of the MDCP 2011 are relevant to the assessment of the proposal:

A.4 – Notification

In accordance with the requirements of this part, the proposal was notified/advertised for 14 days from the 17 February 2023 to 3 March 2023. One (1) submission was received during this period which raised concerns regarding existing traffic congestion in the Lochinvar area (this was subsequently directed to Council's Compliance Team for action).

B.6- Site Waste Minimisation and Management

Waste will be generated as part of the construction works and ongoing operations for the site and a Site Waste Minimisation and Management Plan (SWMMP) has been prepared and submitted with the development application.

Adequate space for garbage bin storage is provided in three (3) locations across the site, all screened from public view to ensure adverse impacts from odour, noise and clutter are minimised. Private collection is proposed for all tenancies on the site.

Appropriate conditions will be included on any development consent issued regarding waste storage and collection.

C.1 - Accessible Living

An Access Report (prepared by Lindsay Perry Access, dated 1 December 2022) concludes that the proposal generally complies with current statutory requirements. An accessible path of travel is provided to the building entrance from the allotment boundary along Springfield Drive and Robert Road as well as from the accessible car parking spaces. Eight (8) accessible car parking spaces are provided throughout the site.

The report demonstrates that the whilst the building can generally comply with relevant access legislation, a comprehensive assessment will be required through detailed design plans and specifications at the Construction Certificate phase. Appropriate conditions of consent will require the proposal to meet the requirements of the Building Code and Australian Standards in relation to accessibility.

C.6 - Outdoor Advertising

Five (5) under awning wall/fascia signage boxes and two (2) illuminated wall signs on the eastern elevation of Stage 1 are proposed. Six (6) illuminated fascia signs, four under awning wall/fascia signs on the northern elevation of Stage 2, one illuminated wall sign is provided on both the southern elevation and western elevation of Stage 3. All address the carpark and other communal spaces within the proposed centre. The size of these signs do not overwhelm the architecture of the building upon which they are located.

The four (4) illuminated above awning signs, six (6) wall and seven (7) fascia signs on the northern elevation of Stage 1 will face outwards towards Springfield Drive. One mural on the eastern elevation of Stage 2, one illuminated wall sign on the northern elevation along with two (2) fascia signs on the western elevation of Stage 1 will face outwards onto Springfield Drive and Robert Road. These are considered suitable providing directional signage meeting the needs of visitors and residents in locating facilities,

places and services. Relevant conditions will be placed on the consent requiring maintenance of the signage for the life of the development as well as illumination requirements.

C.7 – Outdoor dining

Proposed outdoor dining is located fronting each retail premises as well as along the outdoor terrace of the pub. Hours of operation are to be consistent with the hours of the food and drink premises. A condition of consent will require that it is clear of access ways, maintains accessible paths in accordance with AS1428 and fire escape routes, is adequately setback from hydrants and doors as well as other infrastructure such as fixed seat benches, signage and bins. The plans comply with the 2m minimum clearance ensuring pedestrian thoroughfare at all times.

C.11 - Vehicular Access and Car Parking

MDCP 2011 car parking rates as follows:

- Shops (Shops greater than 1000m² include supermarkets, department stores, regional shopping complexes etc) - Shops greater than 1000m² – 1 space per 16m² GFA
- Pub - Outside the Maitland CBD. 1 space per 10m² of public or licensed floor area (bar, lounge, dining room, games room) shall be provided.
- Shops/Retail less than 1000m² – 1 space per 25m² GFA.
- Food and drink premises – 1 space per 6.5m² service area or 1 space per 3 seats whichever is greater (A food outlet which provides no seating will also be assessed as a “shop”)

“gross floor area” (GFA) means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage.

“licensed floor area” (LFA) means all public areas licensed or proposed for licensing under the Liquor Act, 1982 (i.e. bars, lounges, dining, entertainment, games and reception areas).

Development	Council DCP Control	Gross Floor Area	Requirement
Supermarket + Bottle Shop	1 space per 16m ² GFA (Shops greater than 1000m ² include supermarkets, department stores, regional shopping complexes etc)	3,170 + 186 = 3,356	209.7
Pub	1 space per 10m ² of public or licensed floor area (bar, lounge, dining room, games room) shall be provided.	757 licensed area	75.7
Shops (Retail 1-5 and Commercial 1-4)	Shops/Retail less than 1000m ² – 1 space per 25m ² GFA.	132 + 69 + 69 + 77 + 56 + 703 + 461 + 489 + 608 = 2,664	106.56
TOTAL Required*			391.96 (392)

Note: * this excludes amenities and circulation space (covered walkway areas etc.)

Total Spaces Required = 392

Total Spaces Provided = 319 (81%)

Total Spaces Deficient = 73 (19%)

Under C.11.1.2.h of the DCP, Council may, at its discretion, consider reducing car parking requirements where it can be demonstrated that a particular development generates its peak parking demand outside

the hours of 9.00am to 6.00pm and is situated in business zoned areas where public car parking facilities are in close proximity. The extent of any reduction shall be determined having regard to the parking generation characteristics of the development and shall generally not exceed 70%.

The site is adjoining a bus stop and given the retail and commercial use will generally be between the hours of 9am-6pm, it can be assumed the peak demand for the pub will be outside those hours. The mixed uses peak demands will likely be staggered. Given the proximity of public transport, the direct to boot collection, rate of home delivery of groceries as well as the proximity of residences to the site, the deficiency of 19% of the parking spaces is considered acceptable and can be supported.

The proposal includes three separate loading bays, one to service the supermarket alone, and another to service the proposed commercial building and retail adjacent to the supermarket. Both bays have been shown on the architectural plans and are consistent with the provisions of this section. The other loading bay is located at the rear of the pub and adequate space for delivery vehicles.

C.12 – Crime Prevention through Environmental Design (CPTED)

The CPTED principles (territorial re-enforcement, surveillance, access control and space/activity management) have been adopted in the proposal as follows:

- The implementation of appropriate lighting such as pedestrian pathways being lit with low lighting to mark the path of travel during evenings and night.
- Establishment of clear sightlines within the site.
- Landscaping that does not provide places to hide or entrap victims.
- Access points to the site and to buildings are clear and establish boundaries between public and private land.
- Appropriate signage proposed to be implemented such as signage entry points and markers to indicate direction of travel. Installation of 'Park Smarter' signage (or similar) to minimise opportunity for theft from vehicles, in particular in the car park at the rear of the site
- On site security and after-hours patrols.
- The areas (including gardens, fencing) be well maintained. Any evidence of anti-social behaviour (e.g. graffiti, malicious damage, broken lights etc.) be cleaned / fixed / replaced within 24 hours.
- The Venue Management Plan (VMP) for the Tavern should be developed that outlines the on-site day to day management of the facility (security, patron management etc.). The VMP should be reviewed initially each 6 months after operation commences until all vacant land uses near to / adjacent to the site are finalised / established in order to ensure management practices are adequate. Once the entire site is established the VMP can be reviewed on an annual basis.

Given the proposed uses including a Pub, the application was referred to NSW Police. Further details on the submission are provided under the "Government Agency Submissions" section of this report.

E.1 – Centres

Part E – Special Precincts		
2. New Centres		
Clause	Compliant	Notes (where needed or if not compliant)
2.1 Development Requirements Objectives:	<input type="checkbox"/> 1. Development of a new centre must be accompanied by a design masterplan that demonstrates how the centre will achieve superior design quality. 2. A new centre shall:	The proposal has not included a masterplan for the site, the applicant justified this is not required as the entire site is being fully developed under this application. This variation is

<p>1. New centres are designed and planned to provide an attractive and accessible public space.</p> <p>2. New centres provide a focal point for the community, with a unique and identifiable built form.</p> <p>3. Centres provide space for public events and celebrations.</p> <p>4. Bulky and unattractive buildings are avoided.</p> <p>5. Overbearing or monotonous building design is avoided where viewed from any public place</p>	<p><input type="checkbox"/> 3. Create an active street along the primary road frontage</p> <p><input checked="" type="checkbox"/> 4. Reinforce prominent corners with the design of the building</p> <p><input checked="" type="checkbox"/> 5. Be designed to incorporate a range of materials and building elements that create visual interest.</p> <p><input checked="" type="checkbox"/> 6. New centres must nominate an area/or areas within the site for public events.</p> <p><input checked="" type="checkbox"/> 7. The public space must be accessible at all times and serviced with infrastructure to support the events such as electricity and lighting.</p> <p><input type="checkbox"/> 8. Individual shop fronts shall be defined by changes to materials or design elements.</p> <p><input type="checkbox"/> 9. The maximum length of any similar facade treatment is 20m.</p> <p><input type="checkbox"/> 10. Side and rear facades are to be treated with equivalent materials and finishes to the front facade.</p> <p><input checked="" type="checkbox"/> 11. Building facades shall be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.</p> <p><input checked="" type="checkbox"/> 12. Where tilt-up treatments are proposed with a wall length greater than 20m, the panels include features that articulate or break-up the design such as:</p> <ul style="list-style-type: none"> • Grills; • Inserts; • Windows; • Cladding; or • Pop-outs. <p><input checked="" type="checkbox"/> 13. Landscaping may be used in conjunction with the above treatments but shall not be used as the sole means to treat tilt-up walls.</p> <p><input checked="" type="checkbox"/> 14. Where tilt-up walls higher than a single storey are proposed, horizontal treatments such as:</p> <ul style="list-style-type: none"> • Different materials; • Colours; or 	<p>considered acceptable on this basis.</p> <p>The applicant has not created an active street along the primary road frontage, the applicant has justified this by identifying the location as a mid-level regional scale shopping centre which will provide general services and shops to the immediate suburb. The layout is consistent with other regional centres such as Chisolm, Rutherford, Thornton and Huntlee (in the Cessnock LGA). The configuration of the design is considered the most logical way to develop the site and therefore is considered acceptable on this basis.</p> <p>Shopfronts are identifiable, however do not vary by way of materials and design elements. Signage, shopfront glazing, and glazed entry doors are proposed to identify each shopfront. Future tenants will have the ability to customise window openings. This is considered acceptable and appropriate.</p> <p>The rear and side facades utilise pre-cast concrete panel walls with a natural painted colour with textured panels. This provides an articulated but recessive design element within the landscape. The overall finishes and materiality are considered appropriate.</p>
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	<ul style="list-style-type: none"> Other elements are incorporated into the building design. 	
<p>3.3 Awnings</p> <p>Objectives</p> <ol style="list-style-type: none"> Weather protection is provided along key streets. A consistent and complementary streetscape is maintained. Active streets are well lit at all times. Awnings are structurally sound. 	<p>☒ 1. Continuous shelter from the weather is to be provided for the full extent of the active street frontage.</p> <p>☒ 2. Awnings shall be horizontal or near horizontal (maximum pitch of 10%).</p> <p>☒ 3. Awnings heights shall:</p> <ul style="list-style-type: none"> be consistent with the existing streetscape; or be no less than 2.7m high at any point measured above the existing ground level. <p>☒ 4. A minimum awning width of 2.5m-3.0m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.</p> <p>☒ 5. New awnings shall be set back a minimum of 450mm from the kerb line.</p> <p>☒ 6. Awnings along sloping streets shall step down in horizontal steps (a maximum of 700mm per step) to follow the slope of the street.</p> <p>☒ 7. All contiguous awnings shall be of consistent height and depth and of complementary design and materials.</p> <p>☒ 8. Awnings and/or canopies shall be provided elsewhere to define public entrances to buildings, including residential flat buildings.</p> <p>☒ 9. Awnings shall wrap around street corners and contribute to the articulation and focal design of corner buildings.</p> <p>☒ 10. New awning fascias have a vertical depth not greater than the average of the vertical depths of the immediately adjoining awning fascias or, if there are no adjoining awning fascias, 350mm.</p> <p>☒ 11. Under awning lighting shall comply with AS/NZS1158 - Lighting for roads and public spaces.</p> <p>☒ 12. Awnings are to be designed and certified by a professional engineer.</p>	<p>The conditions of consent will include a requirement that the awnings to be certified by a professional engineer and the lighting comply with AS/NZS1158 - Lighting for roads and public spaces.</p>
<p>3.4 Building Design</p> <p>Objectives:</p> <ol style="list-style-type: none"> In existing centres, the design of the 	<p>☒ 1. An application for a new building or building works shall:</p> <ul style="list-style-type: none"> Adopt elements reflected in the dominant era and style of buildings in the centre. 	<p>Given the proposal is in a newly released subdivision, besides the childcare centre to the southeast of the site, there are no development approvals around</p>

<p>building shall complement the streetscape and minimise overbearing.</p> <p>2. Visually interesting, harmonious roof scapes and skylines are provided.</p> <p>3. Roofs are used for recreation where practical and desirable.</p> <p>4. A positive sense of space, safety and openness is created in the public domain.</p> <p>5. Building security is achieved without compromising the streetscape.</p>	<ul style="list-style-type: none"> • Avoid intrusion of incompatible elements. <p><input type="checkbox"/> 2. Have a façade height within 20% of the average height of the buildings on either side.</p> <p><input type="checkbox"/> 3. Where more than 2-storeys are proposed, the third and higher storeys are setback further by a minimum of 3.0m.</p> <p><input checked="" type="checkbox"/> 4. In an established street, roof form and roof materials shall be consistent or complementary to those developments in that street.</p> <p><input checked="" type="checkbox"/> 5. Variations in roof form including the use of skillions, gables and hips are to be provided in the development or between developments.</p> <p><input checked="" type="checkbox"/> 6. Flat roofs shall be avoided unless they are behind a parapet.</p> <p><input checked="" type="checkbox"/> 7. Lift over-runs and service plant shall be concealed within roof structures.</p> <p><input checked="" type="checkbox"/> 8. All roof plant is to be represented on plans and elevations.</p> <p><input checked="" type="checkbox"/> 9. Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.</p> <p><input checked="" type="checkbox"/> 10. Security grills (for e.g. roll-up doors) shall be avoided. If installed, security grilles shall be provided within the building, behind the glazing and be constructed of material that allows the interior to be visible.</p>	<p>the immediate vicinity of the site. The building height, roof form and materials are considered appropriate for the commercially zoned site. The design is considered appropriate in the location.</p>
<p>3.5 Gateway, corner and landmark sites</p> <p>Objectives:</p> <p>1. Key sites including corner sites are developed to create distinctive and unique buildings that form gateways to town centres.</p>	<p><input checked="" type="checkbox"/> 1. The design of buildings on corner sites or at the ends of business or commercial zones shall emphasise the importance of the corner as a focal point.</p> <p><input checked="" type="checkbox"/> 2. Corner sites or at the ends of business or commercial zones shall be constructed to boundary with no car parking or servicing between the street boundary and the building.</p> <p><input checked="" type="checkbox"/> 3. Corner buildings shall include design devices such as:</p> <ul style="list-style-type: none"> • Increased wall heights; • Splayed corner details; • Expression of junction of building planes; 	<p>The pub located on the corner of the site provides a wraparound terrace and glazing along the entire corner of the site. This provides a focal point to the site and its development. A high level of architectural detail is provided to the building on corner of the site which is considered suitable and acceptable in accordance with this DCP objective.</p>

	<ul style="list-style-type: none"> • contrasting building materials; and • other architectural features to reinforce the prominence and distinctiveness of the building. <p><input type="checkbox"/> 4. Shopfronts shall wrap around corners and entrances located centrally to the corner.</p> <p><input checked="" type="checkbox"/> 5. The tallest portion of the building shall be on the corner.</p>	
<p>3.6 Pedestrian Entries and Access</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Equity for all street users is provided. 2. Pedestrian and vehicle access ways are separated where possible and visually distinguishable. 3. Conflict between pedestrians and vehicles is minimised during the day and at night. 4. The design of buildings and spaces shall promote legibility to help users find their way. 5. Walking and cycling is encouraged. 6. Secure and convenient parking is provided for bicycles. 	<p><input checked="" type="checkbox"/> 1. The development complies with AS1428 - Design for Access and Mobility.</p> <p><input checked="" type="checkbox"/> 2. Pedestrian and vehicle movement areas are separated and defined by changes in pavement material, levels, lining or tactile treatments.</p> <p><input checked="" type="checkbox"/> 3. Parking areas are illuminated (naturally and/or artificially) during the time period the centre is open.</p> <p><input checked="" type="checkbox"/> 4. Signage is provided at the entries to the development detailing the services available within the centre and where they are located.</p> <p><input checked="" type="checkbox"/> 5. Signage to key public spaces accessible from the centre such as car parks, food courts shall be provided within the centre.</p> <p><input checked="" type="checkbox"/> 6. Signage to key facilities such as rest rooms, centre management, baby change rooms shall be provided within the centre.</p> <p><input checked="" type="checkbox"/> 7. Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.</p>	
<p>3.7 Parking, Loading and Servicing</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Parking, loading and servicing areas are provided that are functional, safe and do not dominate the site or streetscape. 2. Deep soil planted landscaped setback areas are provided. 	<p><input type="checkbox"/> 1. Car parking provision shall be in accordance with Part C11 of the Maitland Development Control Plan 2011.</p> <p><input checked="" type="checkbox"/> 2. Garage doors and loading docks shall be located at the rear of development, so that they are not a dominant element in the overall presentation of the development to key streets.</p> <p><input checked="" type="checkbox"/> 3. Signage shall be provided to direct visitors to the centre and to car parking areas.</p> <p><input checked="" type="checkbox"/> 4. Rear or internalised car parks shall be designed and constructed in a manner</p>	<p>The proposal provides 81% of the required parking spaces as outlined under C.11 of the DCP. Further details to justify the 19% deficiency is provided in the relevant section of this report.</p>


<p>3. The established structure of town centre streetscapes is maintained.</p> <p>4. Car parking provision does not undermine an existing streetscape.</p> <p>5. Alternative solutions that contribute to accessibility of a centre are available in lieu of car parking.</p>	<p>which enables future expansion and connection with potential future car parks in neighbouring sites. This includes consideration of levels, drainage and location of existing and future driveways and crossovers.</p> <p><input checked="" type="checkbox"/> 5. All vehicles must be able to enter and leave any development in a forward direction.</p> <p><input checked="" type="checkbox"/> 6. Loading and manoeuvring areas for service vehicles shall be separated from car parks and pedestrian paths. Where shared access is provided, no loading or unloading shall be carried out over car parking spaces and access aisles.</p> <p><input checked="" type="checkbox"/> 7. Where natural or mechanical ventilation of a car park is achieved through the use of metal grills or large openings they shall contribute to the overall design or be screened by landscaping or other design elements.</p> <p><input checked="" type="checkbox"/> 8. External service areas (for e.g. areas for rubbish storage, cardboard compacting etc) shall not be visible from roadways or public open space areas.</p> <p><input checked="" type="checkbox"/> 9. External storage and service areas shall be suitably screened from view from both roads and parking areas and pedestrian areas.</p> <p><input type="checkbox"/> 10. Basement car parks shall be setback a minimum of 3.0 metres from the street boundary.</p> <p><input type="checkbox"/> 11. Where car parking cannot be provided on the site without compromising an established streetscape Council may consider entering into a voluntary planning agreement or similar arrangement for works or contributions that contribute to the overall accessibility of the centre.</p>	
<p>3.8 Public art, landscaping and public domain works</p> <p>Objectives:</p> <p>1. Planting shall be provided to shade, soften the built form and enhance its</p>	<p><input checked="" type="checkbox"/> 1. A landscape plan shall be submitted with the development application that shows:</p> <ul style="list-style-type: none"> • Existing vegetation; • Vegetation proposed to be removed; • Proposed general planting landscape treatment; • Design details of hard landscaping elements; 	<p>The internal car parking isles do not provide a mature shade tree for every 4 spaces. The applicant has provided shade structures and placed medium shrubs in some of the areas previously marked as trolley bays.</p> <p>A strata vault system is proposed for the trees located in front of the commercial tenancies.</p>

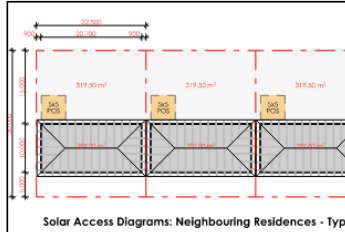
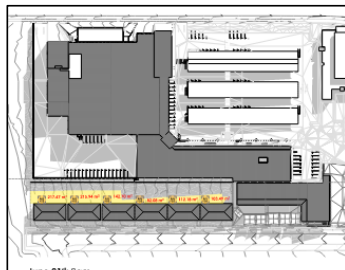
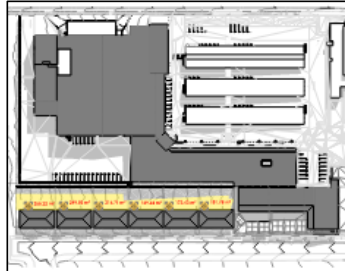
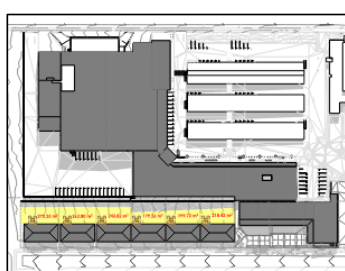
<p>appearance from public viewpoints.</p> <p>2. Planting is used to soften hardstand and reduce heat retention and reflection.</p> <p>3. Medium and large trees are retained or planted to improve the amenity of the site.</p> <p>4. Undeveloped areas of the site do not cause nuisance in terms of dust or erosion.</p> <p>5. Undeveloped areas of the site positively contribute to the quality of the development.</p> <p>6. Plant species that minimises Council's maintenance and liability responsibility are used in landscaping.</p> <p>7. Water sensitive urban design is used where appropriate to assist with stormwater management and water quality.</p> <p>8. Fencing does not detract from the streetscape.</p> <p>9. The privatisation of public places is avoided.</p> <p>10. Rear and side fencing does not detract from the streetscape or from internal areas.</p> <p>11. Street furniture is coordinated with existing street furniture.</p> <p>12. Street furniture does not create clutter and obstacles in the public realm.</p>	<ul style="list-style-type: none"> • Major earth cuts, fills and any mounding; • Street trees; and • Existing and proposed street furniture including proposed signage. <p>☑ 2. The landscape plan for the site achieves the following minimum standards:</p> <ul style="list-style-type: none"> • Large trees and spreading ground covers are provided in all landscape areas within the site. • Where screening is required, large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided. • At grade car parking areas shall be provided with one tall, branching, mature shade tree for every 4 linear car spaces. • All areas less than 1.0 metre in width shall be paved. • Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site. • Any portion of the site that remains undeveloped or vacant after development shall be landscaped. • All street plantings are to be selected from Council's landscaping policy or with the agreement of Council's Coordinator Recreation and Tree Services. • Water sensitive urban design facilities (such as swales, bio-detention ponds and rain gardens) are used to treat stormwater for at-grade car parking areas. • Water sensitive urban design facilities are designed in accordance with Council's Manual of Engineering Standards. • Fencing for security or privacy shall not be erected between the building line and the front boundary of a site. 	<p>While there is no minimum area of landscaping required for the development, the proposal is considered to meet the objectives in this section of the DCP.</p>
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<p>13. Public art is consistent with Council's Public Art Strategy.</p>	<ul style="list-style-type: none"> • Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place. • Street furniture (including seats, bollards, signage, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains) and streetscape treatments are provided in accordance with Council's Public Domain Design Manual or with agreement of the Executive Manager Appearance and Infrastructure. • Any public art is provided in accordance with Council's Public Art Strategy. 	
<p>3.9 Setbacks</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. The established character of the street is reinforced. 2. The existing rhythm of the street and its built form is maintained. 3. The development provides adequate pedestrian areas and integrates into the adjoining sites. 4. A consistent streetscape or a streetscape consistent with Council's public domain design plan is achieved. 5. Structures and queues do not impede pedestrian movement. 6. Any ramps are to be integrated into the overall building and landscape design. 	<ul style="list-style-type: none"> <input type="checkbox"/> 1. Development along identified active streets must be built-to-boundary. <input type="checkbox"/> 2. In all other cases, building shall be setback within 20% of the average of the adjoining buildings. <input type="checkbox"/> 3. All pedestrian paved areas along an active street are to have a minimum paved width of 3.5m. <input checked="" type="checkbox"/> 4. The 3.5m paved setback: <ul style="list-style-type: none"> • is clear and accessible for pedestrians for its entire length and width; • is clear of columns (other than awning posts where provided) and other obstructions; • may include outdoor dining where a minimum footway clearance width of: <ul style="list-style-type: none"> • 1.8m for high volume pedestrian areas; or • 1.5m in all other circumstances; is maintained. • has a pavement matching the gradient of the adjoining footpath and connects to pedestrian areas on neighbouring sites; and • connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites. 	<p>The development is not identified on the active streets map, therefore is not required to build-to-boundary. Given the site is part of a newly released subdivision, there is no existing buildings to have an average building setback. The proposed setbacks are considered appropriate for commercially zoned land.</p> <p>The existing pedestrian pathway is 1.5m and the internal pedestrian pathway is 1.8m along the northern elevation. The existing pathway along the eastern elevation is 2.5m and considered acceptable.</p> <p>The proposal does not include an automatic teller machine. It is noted that the SEPP (Exempt & Complying Development Codes) now permits ATMs as exempt development.</p>

	<p><input checked="" type="checkbox"/> 5. Pavements, furniture and landscaping are to be designed in accordance the applicable Public Domain Design Manual or in consultation with Council's Executive Manager Appearance and Infrastructure.</p> <p><input checked="" type="checkbox"/> 6. Steps, escalators, ramps or lifts are not located within the 3.5m paved, pedestrian area.</p> <p><input type="checkbox"/> 7. Any automatic teller machine:</p> <ul style="list-style-type: none"> • is inset 1.5m into the building line; • is well illuminated at all times. <p><input checked="" type="checkbox"/> 8. Ramps are constructed and finished with materials that are similar or complimentary to those used on the building or in the street.</p>	
<p>3.10 Waste Management</p> <p>Objectives</p> <p>1. Waste generation is minimised through design, material selection and building practices.</p> <p>2. Waste management minimisation is encouraged by including source separation, reuse and recycling facilities.</p> <p>3. Efficient storage and collection of waste and quality design of facilities</p>	<p><input checked="" type="checkbox"/> 1. A waste management plan for the construction and/or occupation of the development is provided that:</p> <ul style="list-style-type: none"> • Recycles and reuses demolished materials where possible; • Integrates waste management processes into all stages of the project; • Specifies building materials that can be reused and recycled at the end of their life; and • Uses standard components and sizes to reduce waste and facilitate update in the future. <p><input checked="" type="checkbox"/> 2. Separate storage bins for collection of organic waste and recyclable waste are provided within the development.</p> <p><input checked="" type="checkbox"/> 3. Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:</p> <ul style="list-style-type: none"> • is not visible from the street or public domain; • is easily accessible to businesses; • may be serviced by collection vehicles; • has water and drainage facilities for cleaning and maintenance; • does not immediately adjoin onsite employee recreation area; and • be maintained to be free of pests. 	<p>Appropriate conditions regarding waste are included in the conditions of consent.</p>

	<input checked="" type="checkbox"/> 4. Cardboard compactors shall be provided for large retail and commercial developments. <input checked="" type="checkbox"/> 5. Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service shall be provided.	
<p>3. 11 Vehicular Access</p> <p>Objectives:</p> <p>1. In centres, pedestrians are prioritised over vehicles.</p> <p>2. Conflict points between pedestrians and vehicles are minimised.</p> <p>3. Car parking does not deactivate public space, including streets, laneways and share ways.</p> <p>4. Underground car parking is integrated into the building design and streetscape.</p>	<input checked="" type="checkbox"/> 1. The number of vehicular crossovers shall be kept to a minimum. <input checked="" type="checkbox"/> 2. Access and egress points are designed so that exiting vehicles have clear sight of pedestrians and cyclists. <input type="checkbox"/> 3. Any car park ramps are located within the building footprint. <input checked="" type="checkbox"/> 4. Access and egress to car parks is achieved in a forward direction. <input type="checkbox"/> 5. Vehicular entrances to underground car parks are: <ul style="list-style-type: none"> • located on minor streets; • have a maximum crossover width of 6.0m; • signed and lit appropriately; • designed so that exiting vehicles have clear sight of pedestrians and cyclists. <input checked="" type="checkbox"/> 6. All stairs and elevators in the parking structure are clearly visible. <input type="checkbox"/> 7. The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including active streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry. <input type="checkbox"/> 8. Internal finishes of underground car parks shall be consistent with the external materials where they are visible from the public realm. <input type="checkbox"/> 9. Underground car parks shall be designed for natural ventilation. <input type="checkbox"/> 10. Ventilation ducts/grilles shall integrate with the streetscape and be unobtrusive and/or appropriately screened. <input type="checkbox"/> 11. Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.	<p>No car parking ramps, or underground car parks are proposed in this application.</p>

<p>3.12 Development adjoining sensitive land uses</p> <p>Objectives</p> <p>1. Commercial and retail development does not unreasonably affect the amenity of adjoining sensitive uses.</p> <p>2. The interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.</p>	<p><input type="checkbox"/> 1. The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.</p> <p><input checked="" type="checkbox"/> 2. Where this cannot be achieved, visual and acoustic treatment of the interface is required.</p> <p><input checked="" type="checkbox"/> 3. The building elevation adjoining the residential area shall be:</p> <ul style="list-style-type: none"> • Articulated, with changes in setback at intervals no greater than 10m; • Use a variety of materials and treatments; • Be setback a minimum of half the height of the wall or a minimum of 3.0 metres whichever is greater. 	<p>The western boundary is the most logical location for the loading dock area, as this location has lesser impacts than the other frontages. The loading dock area and back of designed and would pose significant impacts to the adjoining residential land to the south if it was located on the southern boundary. Given there is no design or location for the proposed community facility (library) to the west, it was unreasonable to request the proposal be designed to accommodate and facilitate interaction with an undefined development. Pedestrian and bicycle links have been provided between the site and the land to the west (refer to Figure below).</p>  <p><i>Figure 27: Western elevation perspective</i></p> <p>The loading dock includes a 2m wide landscaping strip along the boundary to provide screen plantings to soften the appearance and scale of the buildings.</p> <p>The building has a height of 4.7m along the southern boundary which interfaces with residential lots. This building height is generally consistent with the height of houses built on residential lots. Solar diagrams have been lodged with the application demonstrating that adequate solar access is provided to each site (as shown below).</p>
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		 <p>Solar Access Diagrams: Neighbouring Residences - Type</p> <p><i>Figure 28: indicative dwelling envelopes</i></p>  <p>June 21st 9am</p> <p><i>Figure 29: Solar access diagrams showing impact to adjoining lots</i></p>  <p>June 21st 10am</p> <p><i>Figure 30: Solar access diagrams showing impact to adjoining lots</i></p>  <p>June 21st 11am</p> <p><i>Figure 31: Solar access diagrams showing impact to adjoining lots</i></p> <p>The wall design includes patterned precast cladding to vary the material and provide articulation along the southern elevation. A 2.5m lapped and capped fence as well as landscaping screening is</p>
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		<p>proposed along the elevation to provide appropriate screening and acoustic buffer to the locking dock 32m from the rear setback.</p>  <p><i>Figure 32: Southern elevation perspective</i></p> <p>It is acknowledged that a childcare centre has been approved on the four (4) southern residential lots adjoining the development. Therefore, building to boundary for part of commercial 3 and 4 is considered acceptable given the approved developments footprint on the adjoining lots.</p>
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F.9 Lochinvar Urban Release area

The proposal is consistent with the Lochinvar URA which identifies a 'Potential Town Centre' at the subject site. The proposal is identified in Stage 1 of the Lochinvar URA. The proposal provides satisfactory evidence of servicing to the site and provide a detailed landscape strategy that addresses the relevant controls. The proposal is consistent with this chapter.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements, or draft planning agreements

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The proposal requires approval under Section 138 of the Roads Act and will be conditioned accordingly.

Section 4.15 (1)(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 following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Matters for Consideration	Comments
Natural Environment	The proposed development has been considered in the context of the natural environment. It is not anticipated that the development in its current form will have any impact on the existing natural context. The development is unlikely to impact on natural process or any significant

	flora or fauna. The site is currently vacant/ cleared and is zoned appropriately to accommodate the development.
Built Environment	The site is currently vacant and is identified as the strategic 'town centre' for the Lochinvar URA. The proposed development has suitable access and the surrounding road networks are able to handle the anticipated traffic generation.
Social and Economic Impacts	The proposal represents a significant investment in the region and will provide ongoing opportunities for local employment. The proposal will also provide significant economic and social benefits to the broader community, through the provision of local retail, social and commercial services. There is an economic demand for the proposal within the local community, noting the lack of development of the E1 zoned land intended to benefit the local community. Job creation during construction and after with employment opportunities.
Noise	A Noise Impact Assessment (prepared by Reverb Acoustics, dated March 2023) has been undertaken to establish if the activities and equipment associated with the future commercial development will impact nearby sensitive receptors. The assessment concluded that the site is suitable for its intended purpose subject to the recommendations being implemented from the report. These recommendations have been conditioned on the consent accordingly.
Overshadowing	Due to the orientation of the site, setback, distance to adjoining properties, the location and height of the proposed buildings, and the nature of land uses on adjoining lands, the proposal will not have any unreasonable impact as a result of overshadowing.
Safety and security	The development has been designed to, and shall be managed to, minimise and discourage criminal activity and ensure the safety of customers, staff and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles where possible. A CPTED Assessment has been undertaken to accompany the development application and will be conditioned accordingly.
Visual impacts	The proposed development has been architecturally designed to provide an attractive, low scale neighbourhood shopping centre which positively reflects the on the build character of the emerging growth area. The use of extensive landscaping, appropriate setbacks and contemporary building design will ensure the proposal will complement the streetscape as a desired local centre.
Access	An assessment of the proposed mixed-use developments in accordance with the BCA, Disability Discrimination Act 1992, Disability Standards for Access to Premises (Buildings), and the Access Code for Buildings has been undertaken through the Disability Access Report provided. The range of requirements to achieve access compliance have generally been met through either compliance of the ability to comply with implementation in detail design. All recommendations within the report are to be implemented to ensure the development is accessible for people with disabilities.
Waste Management	The types of waste generated during operation of the site will include food wastes, recyclable paper and cardboard, plastics, containers and residual waste. Each of the premises shall be responsible for sorting and storing its operational waste independently. The retail tenancies are each provided with a waste storage area in which waste can be

	separated and stored ready for private collection from within the site. These waste storage yards are readily accessible to service vehicles. A Waste Management Plan has been prepared for the proposal, addressing each stage of the development from demolition through to the ongoing management of waste when each of the premises is operational. This Waste Management Plan has been prepared in accordance with M DCP 2011 requirements and will be implemented throughout the development. Condition hours for waste collection
Trolley management	A draft Trolley Management Plan was submitted with the proposal outlining the way in which the development will restrict customers from removing trolleys from the premises, reduce trolleys being left in the streets and surrounds as well as how the premises will arrange from timely retrieval of trolleys. Collection areas and frequency of both internal and external areas is proposed. A condition relating to the containment of trolleys has been placed on the consent requiring approved by Council prior to the issuing of the first Occupation Certificate.
Deliveries	Operation and use of the loading dock shall be restricted to Monday to Saturday - 7:00am to 10:00pm and Sunday and Public Holidays – 8:00am to 10:00pm. No Truck access for loading or unloading shall occur outside of these times. A management plan for the loading dock will be conditioned to be approved by Council prior to the issuing of the first Occupation Certificate.
Construction Management	A Construction Management Plan (CMP) generally in accordance with the CMP prepared by GWH will be conditioned to be submitted to Council for approval prior to the issue of the first Construction Certificate. Where the construction period is in excess of 6 months, a Noise Management Plan shall be provided to Council prior to the issue of the first or any construction certificate. Ensuring during operations can be completed without causing offensive noise (as defined in the Protection of the Environment Operations Act 1997) in the neighbouring area. The Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaint handling system.
Bushfire Prone Land	The development is classified as 'Other Development, commercial uses' within the Planning for Bushfire Protection 2019 (PBP). Under Section 8.3.10 'commercial and industrial development' states the aims and objectives of PBP capture and each development assessed on their own individual merits. A condition is placed on the consent ensuring the proposal complies with BPB. Council is satisfied the proposal generally complies with the PBP.

Section 4.15 (1)(c) - The suitability of the site for the development

The site has access to all services and is zoned appropriately with all proposed uses permissible. The site has ample access to a public road and is located and orientated suitably to reduce any impacts on the environment and any surrounding land uses. It is therefore considered that the site is suitable for the development proposed.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations

Public Submissions

The proposal was publicly notified/advertised for a period of 14 days in accordance with the EPA Act and the MDCP 2011.

A total of one submission were received during the exhibition period. One submission raised objection to the proposal. A summary of the submissions is provided in the following table:

Review of Submissions		
Submission No.	Issue	Response
1	Object to the development based on traffic congestion already existing around the local school.	Both TfNSW and Council's Development Engineer has reviewed the proposal and determined the existing road network has adequate capacity available to cater for the anticipated traffic generation.

Government Agency Submissions

Transport for NSW

The Development Application was referred to TfNSW under Clause 2.122 Traffic Generating Development – Schedule 3 (being a Shop with a GFA greater than 2,000m²). Details on their comments are provided above in this report.

Ausgrid

The Development Application was referred to Ausgrid under Clause 2.48 of the State Environmental Planning Policy (Transport & Infrastructure) 2021.

In response Ausgrid provided conditions pertaining to: methods of electricity connection, supply of electricity, conduit installation, vegetation, Proximity to Existing Network Assets Overhead Powerlines, Underground Cables and fire separation requirements. These requirements have been placed on the consent accordingly.

NSW Police

The Development Application was referred to the NSW Police for comment as it involves a Licensed venue (Pub).

Police response received 22/6/2023 which requested Council impose the following amendments to the Plan of Management and imposing these amendments as part of the conditions of consent:

1. Hotel Operations:

The applicant indicates trading hours that contradict the standard trading hours of a hotel licence. The applicant will require to apply for an Extended Trade Authorisation (ETA) to trade between 7am and 1am Thursday, Friday and Saturday. Police will not support these trading hours. Police will support the following standard Trading hours for a hotel licence.

- Monday – 10am to 12am
- Tuesday – 10am to 12am
- Wednesday - 10am to 12am
- Thursday – 10am to 12am
- Friday – 10am to 12am
- Saturday – 10am to 12am
- Sunday – 10am to 10pm

2. Dress Code

The following should be added to the dress code policy.

- Gang Patches/colours of affiliated attire

3. Transportation

The applicant indicates the use of public transport. Lochinvar is quite a distance from Maitland and surrounding suburbs. The public transport in the Maitland area is stretched quite thin. I would recommend that a courtesy bus will be provided on any night the tavern trades to 12am. The courtesy bus will service the local area.

4. Security Measures

The applicant indicates if security are to be provided they will hold the appropriate qualifications. Police will purpose that on every Thursday, Friday and Saturday nights a minimum of three (3) class 1c security personnel will be provided and will remain until 30 minutes after closing to prevent quiet and good order complaints, anti-social behaviour and to maintain the amenity of the neighbourhood. Security is not to leave the area until the last patron has left.

Licensing Police will engage with the Licensee at the time the application is submitted to Liquor and Gaming and will be proposing several conditions be placed on their liquor licence designed to maintain the amenity of the neighbourhood where a development is to occur.

Section 4.15(1)(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

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the EPA A

REFERRALS

Team Leader Building Assessment – Supported with standard conditions relating to commercial uses.

Environmental Health Officer – Supported with conditions relating to the submitted acoustic report, food premises and construction hours.

Development/Subdivision Engineer – Supported with conditions however noted that should expansion or a reconfiguration occur in the future that the Robert Road access should have been realigned to create a four-way intersection with Linden Street and construct a small LATM mountable roundabout to manage the turning conflicts correctly and safely.

The drainage plan is considered adequate with the on-site detention facility is to cater for quality and quantity. The OSD facility and inlet lines are to be constructed in the first stage so as to cater for the immediate development runoff.

Development Contributions – Supported with standard conditions relating to Section 57.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006.

Strategic Planning – Supportive of the development of this site into a shopping centre to meet the needs of the growing community. Construction of a local centre within the Lochinvar Urban Release Area will serve a minimum of 5,000 dwellings, equating to over 16,000 persons based on the demographic profile of residents in the area. The centre is well located adjacent to the proposed community facility, and

within an acceptable walking distance to a notable proportion of the planned community.

The subject site is identified as a 'significant development site' under the Lochinvar Urban Release Area chapter of the DCP. Concern was initially raised on the applications satisfaction with Section 1.11 of the Lochinvar URA chapter which identifies a masterplan must be included within the application. The intent behind the identification of this site, and others, is to ensure that urban design issues are well resolved, and result in positive outcomes for the community.

Planner Comment: While this requirement of the DCP has not been met, it was justified by way of the entire site being included in the application and resolution of urban design controls being addressed in the assessment of the proposal.

Other concerns included the interface with the R1 General Residential area immediately to the south of the site. Whilst the development has addressed solar access to potential dwellings, it has not adequately demonstrated an acceptable level of amenity for the future residents.

Planner Comment: This has been adequately addressed under the objectives of Section 2.1 New Centres of the DCP, and 3.12 Development Adjoining Sensitive Land Uses. A suitable 3m rear setback is provided to enable an appropriate landscape buffer consisting of deep soil planting between the residential boundary, and the building façade.

Urban Design Officer / Senior Project Architect – Several issues were initially raised regarding the interface to the west and south of the site in terms of site-wide planning and achieving positive contextual relationships. The proposal does not consider the integration of the proposed built form with adjoining sites, provides defensive boundary treatments, creates negative impacts and reduces amenity of adjacent sites.

Planner Comment: Internal discussions with relevant Council staff conceded that, given the site size, the internal layout (the loading dock located on the western elevation) was the most logical.

The layout now presents a blank frontage to the west this adjoining site is the location of a future 2500-3000sqm Community Hub. It will be located on a 10,000sqm site, and as such is likely to be a standalone building, rather than provide a continuous zero setback along the shared western boundary. Both the Urban Design Officer / Senior Project Architect contended the loading dock is not a suitable interface for a future community facility, particularly as the proposed interface is a 2.1m high black fence.

Planner Comment: The applicant has increased the setbacks to 2m and provides a 2.1m timber lapped and capped fence with *Elaeocarpus 'Eumundi'* - Native Quandong providing landscape screening. Issues such as passive surveillance and active frontages are acknowledged as being unresolved with the

proposal, however the proposal design and arrangement is considered suitable given the site constraints.

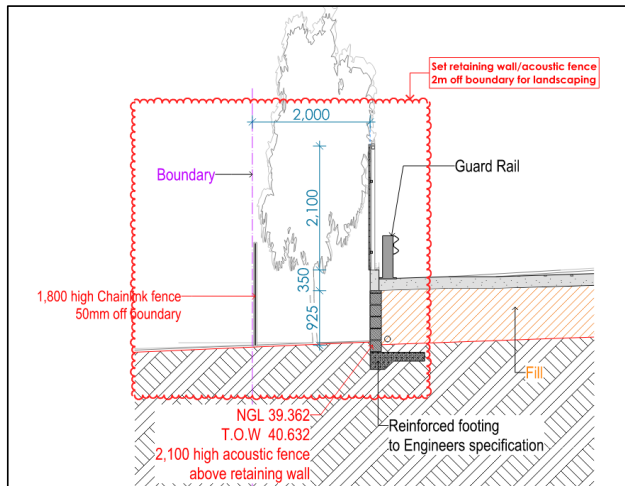


Figure 33: Sectional plan showing the interface with land to the west

Concerns regarding overshadowing and overbearing bulk to the residents at the rear was raised, the applicant subsequently increased the carpark (to Lot 301, 302 and 303) and building setback (to Lot 304, 305 and 306) to 3m to provide a 2.5m timber lapped and capped fence 50mm off the southern boundary with *Elaeocarpus 'Eumundi'* - Native Quandong providing landscape screening. This provides an appropriate transition in building typology.

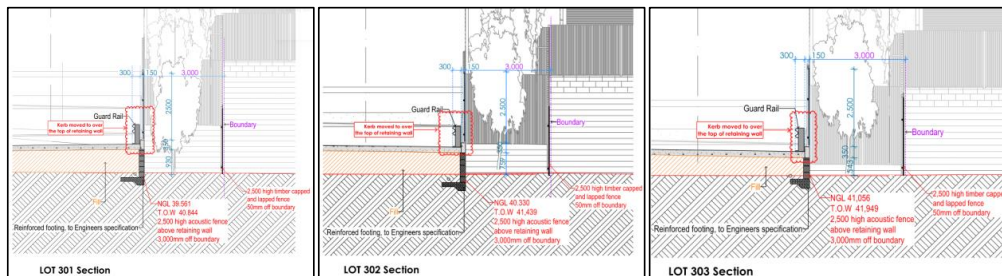


Figure 34: Southern interface between the loading bay carpark with residential land.

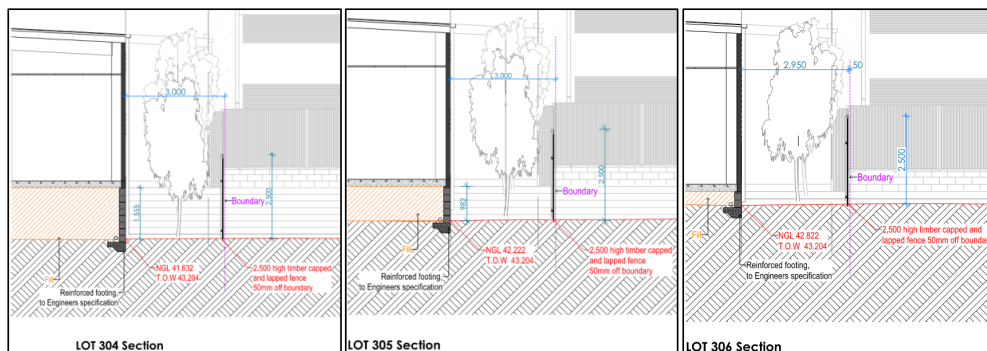


Figure 35: Southern interface showing the commercial building with residential land.

Other matters pertaining to materials, finishes and pathway grades have been resolved.

Recreation Planning – Considered Safer by Design, social impacts and landscaping. The initial issues

raised have been adequately resolved through revised plans and/or conditions of consent.

Waste – Waste Management Plan includes volumes, types of waste and disposal facility type. Waste for Stage 1 will now be included with its own building (separate to the waste location for the commercial tenants). Waste for the pub will be located in a bin room within the building. Waste services for this type of proposal will be provided by private contractor.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the EPAA. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule.

City Planning

DA/2024/409 for Telecommunications Facility Including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

Assessment Report (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 17



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application No:	DA/2024/409
Proposal:	Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing
Address:	32 Kiah Road GILLIESTON HEIGHTS NSW 2321
Lot & DP No:	181/1282386
Property No:	102998
Site Conditions:	RU2 Rural Landscape Bushfire Prone Land Flood Prone Land Mine Subsidence Watercourse
Applicant:	Service Stream Limited
Owner:	Christine Narelle Grant and Garry Wayne Grant
Author:	Thomas Howell
Site Inspection:	4 July 2024

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2024/409 proposing Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposal involves a telecommunications facility comprising of a:

- 40m monopole with a triangular headframe (total height of 43.6m) both finished in a non-reflective grey colour.
- Nine panel antennas.
- Installation of ground-based equipment shelter within a 10m x 10m fenced compound area.
- Installation of ancillary equipment including feeder cables, antenna mounts, remote radio units, GPS antenna, electrical works and cable trays.
- Minor earthworks to facilitate the development.

The development will form an integral part of the Telstra mobile network in the Gillieston Heights locality, which will enable Telstra to enhance its mobile telecommunications services and network capacity by improving customer voice and data services. The proposed facility will be owned and managed by Amplitel.

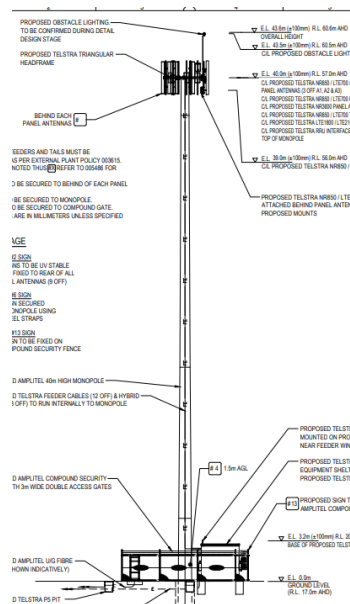


Figure 1: eastern elevation of proposed telecommunication facility



Figure 2: photomontage of proposed telecommunication facility looking east down Kiah Road

Description of the Land on which the proposal is to be carried out.

The site:

- consists of a single allotment known as 32 Kiah Road GILLIESTON HEIGHTS NSW and has a legal description of Lot 181 in Deposited Plan 1282386, with a frontage of 353.44m to Kiah Road.
- has a total site area of 6.36ha.
- is zoned RU2 Rural Landscape and is located adjacent to the Gillieston Heights Urban Release Area and is mapped as containing bushfire prone land, flood prone land and a watercourse.
- is vacant and clear of any vegetation.
- contains an easement for transmission lines within the western portion of the site and contains easements for batters and drainage within the eastern portion of the site.
- is located in the rural area of Gillieston Heights, however, adjoining on the east and south by low density residential development.
- is represented in Figure 3 below.



Figure 3: aerial photograph of subject site

A site inspection was undertaken **4 July 2024** as seen in the images below:

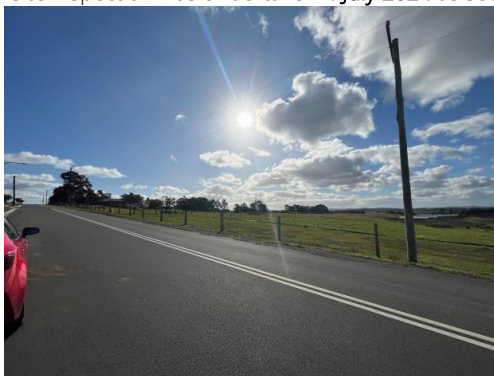


Photo 1: location of proposed telecommunication tower on righthand side of the photo



Photo 2: existing dwellings on the opposite side of Kiah Road



Photo 3: looking east down Kiah Road with development site on lefthand side of the photo

PREVIOUS DEVELOPMENT HISTORY

There are no historic building or construction applications on file for the subject site relevant to the proposed works.

BUSHFIRE - 4.14 Consultation and development consent—certain bush fire prone land

The proposed telecommunication tower will be conditioned to operate in full compliance with the Section 8.3.7 of *Planning for Bushfire Protection 2019* set by the NSW Rural Fire Service (RFS) to ensure that communications capabilities are not compromised during bush fire emergencies. Specifically:

- A minimum APZ will be established around the tower and associated infrastructure, expanding as necessary based on the level of risk and criticality. The APZ will exclude elements such as road access, power to the site, and fencing in alignment with RFS requirements.
- The tower will utilise non-combustible materials and be designed to resist flame damage, ember attack, and radiant heat to safeguard operational reliability during bushfires.
- An access strategy will be implemented to ensure safe entry for firefighting efforts and ongoing APZ maintenance. The APZ will be managed to Inner Protection Area (IPA) standards, including removal of surface and elevated fuels and maintaining minimal canopy cover.

The condition will require the works be certified by an accredited BPAD Level 3 consultant prior to the release of the construction certificate.

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type

- The proposal is categorised as *local development*, under the Environmental Planning and Assessment Act 1979 (EPA Act).
- The proposal is also *integrated development* under Section 4.46 of the EPA Act. Section 4.46 of EP&A Act requires that approval be obtained from another public authority prior to the granting of consent. General Terms of Approval have been obtained from the Subsidence Advisory NSW under the provisions of Section 22 of the *Coal Mine Subsidence Compensation Act 2017* and are attached to the notice of determination.

Contributions

- The proposal attracts a contribution of \$5,395 under Council's current adopted Section 7.12 Plan.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 21 of the SEPP applies to telecommunications and other communication facilities, establishing the approval regimes for telecommunications in NSW. Division 21 classifies certain telecommunications development that is permitted either without consent, with consent, or is exempt from local environmental approvals. Given the development does not meet the requirements of exempt or complying development (due to it exceeding 25m in height and being located 125m to an R1 Zone) under this SEPP, a development application is required. The subject site is zoned RU2 Rural Landscape, under Clause 2.141 of the SEPP notes the development for the purposes of telecommunications facility may be carried out by any person with consent on any land.

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette. The NSW Department of Planning and Environment prepared a document '*NSW Telecommunications Facilities Guideline including Broadband (October 2022) (the Guideline)*' for the purpose of Clause 2.143 of the SEPP to:


- a) Provide a guide to the State wide planning provisions and development controls for telecommunications facilities in NSW; and
- b) Provide guidance to assist the facilitation of the roll-out of broadband in NSW.

Principles for the design, siting, construction and operation of telecommunication facilities that apply to proposed telecommunications facilities in NSW have been developed and are contained within this Guideline. The detailed principles and an assessment of each is as follows:

Table 1: assessment against NSW Telecommunications Facilities Guideline including Broadband (October 2022)

Principle 1: Design and site telecommunications facilities to minimise visual impact	
Objectives	Comment
a) As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.	This objective is not applicable as the application is for a freestanding monopole.
b) Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.	This objective is not applicable as the application is for a freestanding monopole.
c) If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.	This objective is not applicable as the application is for a freestanding monopole.
d) Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping.	Ancillary structures will be sited within an equipment shelter proposed on site within a 10m by 10m fenced compound. A condition will be imposed to ensure these structures are finished with recessive colours that blend into the surrounding environment
e) Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).	The development is located within a parcel of land zoned RU2 Rural Landscape and adjoining R1 General Residential land. The visual impact assessment has determined that the proposal will result in a range of visual impacts from low to negligible within a 300m to 500m radius of the project. The monopole will be sited within relatively open low-lying land surrounded by elevated residential areas to the east and similarly levelled residential areas to the south. While there is limited vegetation or structures on site to soften

	<p>the structure as seen from public vantage points, the structure is limited to a monopole with triangular head which will be conditioned to be constructed with muted colours that blend into the background</p> <p>The development is therefore considered to respond appropriately to its setting.</p>
f) Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	This objective is not applicable as the subject site is not heritage listed and not located within a heritage conservation area
g) Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	Due to the relatively low elevation and generally open setting in which the development is proposed, the proposal will be visible from short range and mid distance views. There are no significant view corridors, specific landmarks or items of heritage significance which will be impacted by the location of the tower. As such, the level of visibility and hence impact is acceptable when balanced against the benefits from a critical infrastructure in the locality
h) Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	This objective is not applicable as no clearing of vegetation is required to facilitate the proposal.
i) Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction	This objective is not applicable as there are no existing telecommunication facilities on the site.
j) Remove redundant components of existing facilities after upgrades.	This objective is not applicable as there are no existing telecommunication facilities on the site.
k) Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.	This objective is not applicable as there are no existing telecommunication facilities on the site.
l) Accord with all relevant industry design guides when siting and designing telecommunications facilities.	Siting of the development is satisfactorily demonstrated in the submitted documentation. A condition of consent will be imposed to ensure that design and operation of the telecommunications facility is in accordance with relevant standards.
m) Assess potential visual impact in alternative site assessments.	To identify the most appropriate site, the applicant examined a variety of alternative sites within the search area, assessing each site's ability to meet the coverage objectives and other relevant considerations. After extensive evaluation, the applicant selected the subject site as the most suitable option. Figure 4 illustrates the alternative sites considered.

	<div><div>Telstra Facility</div></div> <p>Figure 4: alternative locations map (source: Stream Service 2024)</p>
Principle 2: Co-locate telecommunications facilities wherever practical	
a) As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.	The cables and services that form part of this development will be located underground where possible.
b) Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter	Opportunities for co-location have been investigated by the applicant and discounted – it is noted that the existing structures were too far away to meet the objectives of the proposal.
c) Consider extending an existing tower as a practical co-location solution to new towers.	As above, no feasible opportunities for co-location with existing facilities have been identified by the applicant.
d) Demonstrate that co-location is not practicable ¹ if choosing not to co-locate a facility.	
e) If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1	
Principle 3: Meet health standards for exposure to radio emissions	
a) Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emissions comply with RPS S-1 (see Appendix C).	An Environmental EME (electromagnetic energy) report, in a format required by ARPANSA, has been submitted in support of the proposal. This report includes EME levels at several locations, all of which are well below the safe exposure limit. The maximum cumulative EME level predicted in the report is 1.47% of the public exposure limit set by the Australian Radiation Protection and Nuclear Safety Agency. The report also provides the maximum cumulative EME levels for the following 'other areas of interest' located close to the
b) Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the	

development will comply with ACMA safety limits and RPS S-1.	proposed tower which also takes into consideration their ground levels. In all the instances the predicted EME level is only a minor fraction of the safe limit set by ARPANSA. It is noted that the 100% exposure limit set by ARPANSA is well below the level at which adverse health effects are known to occur and includes a wide safety margin to protect the public. The standards set by ARPANSA are expected to protect people of all age groups and medical conditions when exposed for 24 hours a day, 7 days a week. Therefore, no harm to human health is anticipated from the development. ACMA as well as the Mobile Phone Base Station Deployment Code (Industry Code C566:2018) follows the standards sets by ARPANSA. Industry Code C566:2018 is supplementary to the environmental planning legislations relating to telecommunications facilities. It is noted that the siting and design requirements of this code are similar to the NSW Telecommunications Facilities Guideline Including Broadband, which aims to minimise EME exposure.
Principle 4: Minimise disturbance and risk, and maximise compliance	
a) Ensure the siting and height of a telecommunications facility complies with the of the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.	The proposal does not trigger any of the reporting requirements provided under the Civil Aviation Safety Authority Advisory Circular 139-08 – Reporting of Tall Structures. The development does not affect the obstacle limitation surface of Maitland Airport.
b) Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina	
c) Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	The standards set by ACMA as well as the Mobile Phone Base Station Deployment Code will ensure that the development is constructed to relevant specifications.
d) Protect the structural integrity of any building or structure on which a telecommunications facility is erected.	The development is a freestanding monopole. Engineering certification will be required at Construction Certificate stage to ensure structural adequacy.
e) Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	The proposal will be contained within the boundaries of the subject land, for which owner's consent has been obtained.
f) Ensure all construction of a telecommunications facility accords with	

Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004), or its replacement.	Conditions of consent will be to ensure the construction stage will occur with minimal or controlled impacts.
g) Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction.	
h) Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays	
i) Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	
j) Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps	
k) Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out.	The area of the site where development is proposed is cleared land; the development will not impact flora and fauna. The part of the site where development is proposed is wholly contained outside of the site identified as Sensitive Aboriginal Landscape. Nevertheless, a 200m AHIMS search was undertaken and found no Aboriginal sites or items within the site or search radius.
l) Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.	
m) Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found	
n) Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.	A condition of consent to this effect will be imposed.
<i>Principle 5: Undertake an alternative site assessment for new mobile phone base stations</i>	
a) Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.	Alternative sites were considered and investigated. The site assessments included a weighting on selection criteria. Requirement (a) and (b) has been satisfied.
b) In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: <ul style="list-style-type: none"> only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land 	

<ul style="list-style-type: none"> • if the preferred site is a site owned by the Carrier, undertake a full assessment of the site • indicate the weight placed on selection criteria • undertake an assessment of each site before any site is dismissed. 	
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In summary, the proposed development is consistent with the principles of the NSW Telecommunications Facilities Guidelines including Broadband.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of land

Clause 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The proposed development site has no previous record of contamination, nor is it listed on the NSW list of contaminated and notified sites, published by the EPA. The land is not within an investigation area, nor are there any records of potentially contaminating activities occurring on the site. The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines. As such, the site is considered suitable for the proposed development and contaminated land investigation is not warranted in this instance.

Maitland Local Environmental Plan 2011

Clause 2.3 – Zone objectives and Land Use Table

The subject land is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as Telecommunications Facility under the LEP which is a type of development that is not permissible under the LEP. Clause 2.143 of the SEPP notes that development for the purposes of telecommunications facilities may be carried out by any person with consent on any land.

The objective of the zone includes to encourage sustainable primary industry production and to maintain the rural landscape character of the land.

The proposed development seeks to establish telecommunications infrastructure on a site that provides greater coverage and has minimal environmental impacts both on-site and surrounding land. The development is in keeping with the overall objectives of the zone, by providing improved mobile technology to both the agricultural industry and the surrounding residential areas and does not prevent and is considered compatible with the rural landscape value and agricultural use of the immediate area.

Due to the size of the proposed development, it is considered that it does not compromise the objectives of the RU2 Zone. Furthermore, the provision of improved telecommunication services in the locality will benefit both existing and future landowners and occupants on the site and in the area.

Clause 5.10 – Heritage conservation

Clause 5.10 does not apply to the development application as pursuant to Schedule 5 LEP 2011, the subject site is not:

- heritage item of State significance
- heritage item of Local significance
- within a Heritage Conservation Area
- identified archaeological site

- within an Aboriginal place of heritage significance
- within the vicinity of a heritage item

Clause 5.21 – Flood planning

This clause applies to the subject land as it is shown as 'flood planning area' on the flood planning maps. However, the development works are located outside of the 1% Annual Exceedance Probability (AEP). As such, there are no anticipated flood risk to life and property or change in flood characteristics as a result of the development.

Clause 7.1 – Acid sulfate soils

The subject site is not identified as containing Acid Sulfate Soils (ASS).

Clause 7.2 – Earthworks

The level of earthworks proposed to facilitate the development is acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. There are no relevant amendments within the Planning Proposal applicable to this application.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

- There are no relevant provisions of the Maitland DCP applicable to this proposal.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

- There are no planning agreements, or draft planning agreements applicable to the proposal.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

- There are no regulations prescribed under Section 61 of the *Environmental Planning and Assessment Regulation 2021* which apply to this proposal.

Section 4.15 (1)(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 following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Matters for Consideration	Comments
Context and setting	The DA documentation including the Statement of Environmental Effects, Visual Impact Assessment (VIA) and the plans provide a good understanding of the site and its context which have been

	adequately considered throughout this report. The proposal is considered appropriate for its context and setting.
Access, Transport and Traffic	Vehicle generation associated with the construction phase, and ongoing maintenance of the structure is considered minimal and capable of being accommodated by the on-street network or on-site. It is not anticipated that this traffic will have any adverse impact on local road or traffic conditions
Public Domain	The view of the tower is not considered to have any direct or indirect impact on the quality or functioning of the public domain.
Flora and Fauna	No vegetation is to be removed as part of this development.
Safety, Security and Crime Prevention	Public access to the proposed telecommunications facility will be restricted by the enclosed equipment shelter and installation of a compound security fence. Relevant signs will be placed on the site relating to safety and security.
Social and Economic Impacts in the locality	There are no envisaged adverse social or economic impacts associated with the development. The proposal will provide improved mobile phone and mobile broadband coverage and service within the locality and is therefore considered to have a positive social and economic impact within the locality.
Waste management	The proposed facility will be unmanned and will restrict unauthorised access during its operation; therefore no waste will be generated. A condition of consent is to be imposed requiring the removal of any waste resulting from the construction process. No significant impacts with regard to waste are expected as a result of the proposal.
Bushfire Risk	<p>The proposed telecommunication tower will be conditioned to comply with Section 8.3.7 of <i>Planning for Bushfire Protection 2019</i> by the NSW RFS, ensuring communication capabilities remain intact during bushfire events. Key measures include:</p> <ul style="list-style-type: none"> • Establishing a minimum APZ around the tower and infrastructure, excluding road access, power, and fencing. • Constructing the tower from non-combustible materials to resist flame, ember attack, and radiant heat. • Implementing an access strategy for firefighting and APZ maintenance to IPA standards. <p>Certification by an accredited BPAD Level 3 consultant will be required before the construction certificate is issued.</p>
EME and Health	<p>Mobile phone base stations emit electromagnetic energy (EME). It is mandatory that mobile network operators in Australia comply with current and future Australian Radiation protection and Nuclear Safety Agency (ARPANSA) standards for the operation of the proposed facility. The Australian Communications and Media Authority are the regulatory body for compliance with this standard.</p> <p>All telecommunications providers must strictly adhere to Commonwealth legislation and regulations regarding mobile phone and internet facilities and equipment administered by the Australian Communications and Media Authority (ACMA). Using the ARPANSA standard methodology, the applicant has undertaken a compliance report that predicts the maximum levels of radio frequency EME from the proposed development. The maximum EME level has been estimated as being 1.47% of the maximum exposure limit, which is well below the allowable exposure limit under the Australian Standard (i.e. 100% - which is still considered to be safe). The report</p>

	<p>was referred to Councils Environmental Health Officer for review. No issues were demonstrated with the data provided in the report.</p>
Visual Impacts	<p>Due to the proposal height of the structure within a low-lying area of Gillieston Heights, it is anticipated the monopole will be visible from the surrounding area.</p> <p>A visual impact assessment was provided in support of the application which details the works will be visible from the surrounding R1 General Residential allotments to the east and south as well as rural land further to the north and west of the site.</p>  <p><i>Figure 5: Photomontage of the proposed site viewed from Figtree Lane and Kiah Road</i></p>  <p><i>Figure 6: Photomontage of the proposed site viewed from the corner of Liberation Avenue and Ryans Road</i></p>



Figure 7: Photomontage of the proposed site viewed from the corner of Ryans Road and Northview Street

Given the non-vegetated and exposed nature of the site, visual impacts of the telecommunications tower are mitigated primarily through its design. To reduce its prominence, the tower is proposed as a monopole and will be finished in a recessive colour, helping it blend with the surrounding environment and minimising its visibility as a focal point in the landscape.

The visual impacts of the proposal are recognised; however, they are not considered to be of significance to warrant refusal of the application.

Section 4.15 (1)(c) - The suitability of the site for the development

The applicant has carried out investigations prior to selecting the subject site in terms of existing infrastructure and coverages and against relevant legislation and industry code requirements. The applicant has justified the development against the objectives and requirements of the Maitland LEP 2011 and Infrastructure SEPP. The subject site is considered suitable for the proposal development due to its logical location for range accessibility and target reach, cleared area for construction and suitable access. The subject site is considered suitable for the proposed development.


Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations

Public Submissions

- The proposal was publicly notified/advertised for a period of 14 days in accordance with the Environmental Planning and Assessment Act 1979 and the Maitland Development Control Plan 2011.
- A total of three (3) submissions were received during the exhibition period. All three (3) submissions raised objection to the proposal. A summary of the submissions is provided in the following table:

Review of Submissions

Issue	Comment
Health impacts	<p>An Environmental EME report, compliant with ARPANSA standards, supports the proposed telecommunications tower. The report shows that EME levels at various locations, including nearby areas of interest, are significantly below the safe exposure limit, with a maximum cumulative level of only 1.47% of ARPANSA's 100% public limit. This limit is conservatively set to protect all age groups and health conditions, even with continuous exposure, ensuring no risk to public health. Additionally, the proposal aligns with ACMA and Industry Code C566:2020, which, alongside NSW guidelines, aims to minimise EME exposure.</p> <p>A condition of consent has been included requiring the development to comply with Radiation Protection Standard for Maximum Exposure Levels for Radiofrequency Fields – 3kHz to 300GHz (Radiation Protection Standards) and Industry Code C564:2020 Mobile Phone Base Station Deployment, or as amended.</p>
Visual impacts	<p>A thorough assessment has shown that the proposed monopole will create only low to negligible visual impacts within a 300m to 500m radius. The structure will be positioned on relatively open, low-lying land, with elevated residential areas to the east and level ground to the south. Although site vegetation and structures are minimal, the monopole's design, including a triangular head and muted colours, will help it blend with the surroundings and reduce visibility from public viewpoints.</p> <p>A condition of consent has been included requiring the monopole and associated structure to consist of external cladding materials/finishes with low-reflective properties. Recessive colours such as 'eucalyptus green' or 'shale grey', or any suitable shade that would blend with the surrounding vegetation or the sky, shall be used for the monopole, the antennas and the ancillary structures at the base. A schedule of finishes containing this information shall be submitted to Council.</p>
Alternate locations	<p>The proposed location of the telecommunication tower was carefully assessed against several alternative sites within the search area to determine the most appropriate option. Each site was evaluated based on its ability to meet coverage objectives and other relevant factors. Following an extensive review, the applicant selected the subject site as the most suitable choice, as shown in Figure 8, which illustrates the alternative sites considered. Opportunities for co-location were investigated but ultimately discounted, as the existing structures were too distant to fulfil the proposal's objectives. Consequently, no feasible opportunities for co-location with existing facilities were identified by the applicant.</p>

	 <p>Telstra Facility</p> <p><i>Figure 8: alternative locations map (source: Stream Service 2024)</i></p>
Flora and fauna impacts	<p>No vegetation is to be removed as part of this development.</p> <p>Conditions of consent have been included to ensure the construction stage will occur with minimal or controlled impacts including the implementation of a construction management plan.</p>
Property values	<p>This concern is not a matter of consideration pursuant to section 4.15 of the EP&A Act.</p>

All submission received have been considered, and as such concerns raised in the submissions do not warrant the refusal of the application in its current form or necessitate any further amendments.

The proposed development has been found to be consistent with outcomes of all relevant controls of MLEP 2011 and MDCP 2011 as discussed elsewhere within this report.

Government Agency Submissions

- The proposal is of a type that does not require the Council, as the consent authority, to obtain the concurrence, comments or general terms of approval from another government agency.

Section 4.15(1)(e) - The public interest

The proposal is in the public interest as it will provide an important community benefit by providing access to critical mobile telecommunications services, meeting the community's increasing demand for quality and reliable mobile phone service and significantly improved network coverage and capacity in the area.

The proposed development will provide an improved mobile phone and mobile broadband network in the locality to service both the existing and future community. While some visual impacts are expected as a result of the proposal it is not considered that they are significant given the location and minimal nature of the development design. The application is therefore considered appropriate in terms of the public interest.

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the Environmental Planning and Assessment Act, 1979.

REFERRALS

The application was referred internally to Council's engineering, environmental health and development contributions team who have reviewed the application and support the proposal subject to conditions.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule

City Planning

DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision Including Demolition at 87 Banks Street East Maitland

Assessment Report (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 15



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application No:	DA/2024/682
Proposal:	Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition
Address:	87 Banks Street EAST MAITLAND NSW 2323
Lot & DP No:	Lot 15 Sec 1 DP 758374
Property No:	10772
Land Zoning:	R1 General Residential
Applicant:	Verte Design
Owner:	Mathew Wayne Hewlett and Melinda Louise Heffernan
Author:	Thomas Howell
Site Inspection:	13 September 2024

INTRODUCTION

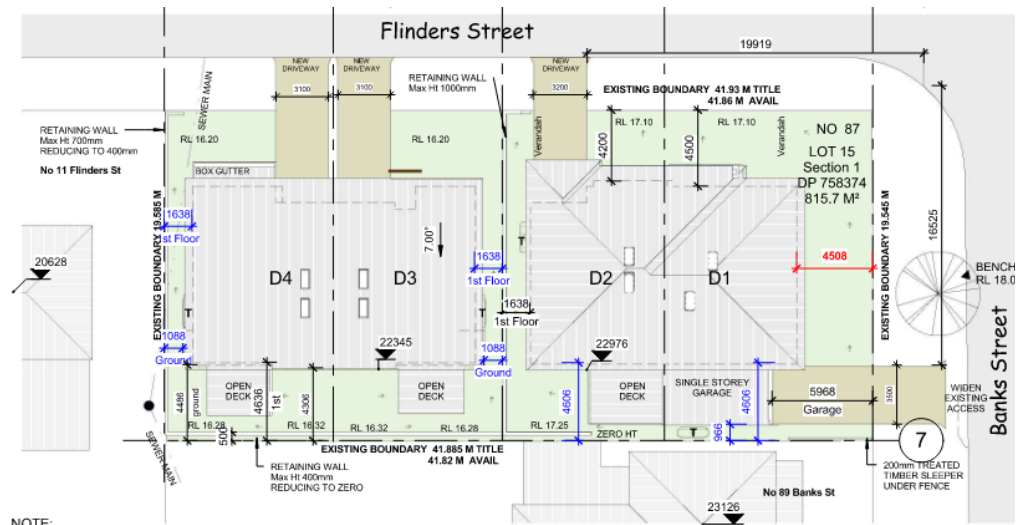
The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2024/682 proposing Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposal involves erection of multi dwelling housing consisting of four dwellings. The proposed works include:

- Demolition of the existing dwelling and ancillary structures.
- Erection of four multi dwelling housing units in two building forms. Each dwelling containing three bedrooms, two bathrooms plus powder room to ground floor, open plan living kitchen dining, secondary living area on first floor and attached single garage with stacked parking.
- One new single residential driveway crossover to the Banks Street frontage and two new (one single, one double) residential driveway crossovers to Flinders Street.
- Associated stormwater and landscaping works
- Subsequent four (4) lot strata subdivision.

Amended plans were provided in response to Council's concerns regarding the proposed front building setbacks of dwelling 1 to Banks Street and the street frontage appearance, architectural design and articulation to dwellings 3 and 4. The amended plans (dated 24 October 2024) demonstrate a greater setback to Banks Street and additional articulation to dwellings 3 and 4. The following assessment is based on these plans.



NOTE:

Figure 1: site plan (source: Verte Design & Drafting, 24/10/2024)

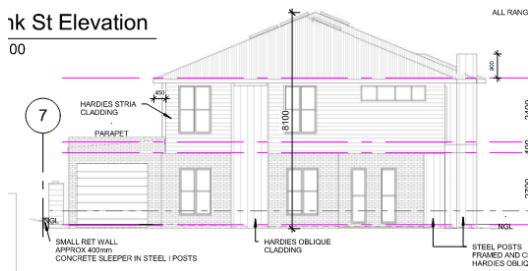


Figure 2: Proposed Banks Street frontage dwelling 1 (source: Verte Design & Drafting, 24/10/2024)

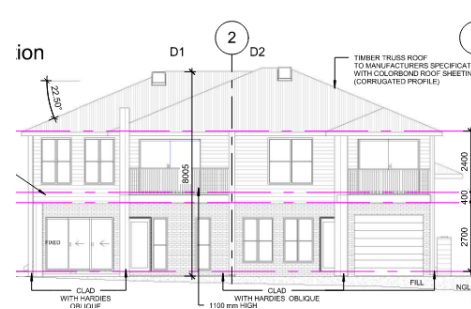


Figure 3: Proposed Flinders Street frontage to dwelling 2 (source: Verte Design & Drafting 24/10/2024)

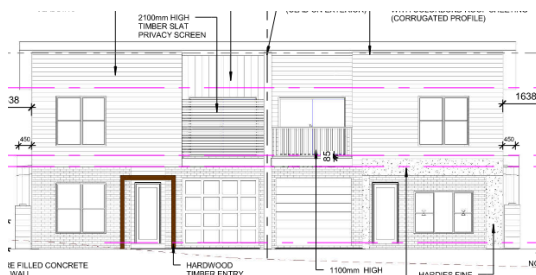


Figure 4: Proposed Flinders Street frontage to dwellings 3 and 4 (source: Verte Design & Drafting 24/10/2024)

Description of the Land on which the proposal is to be carried out.

The site is known as 87 Banks Street East Maitland NSW and has a legal description of Lot 15 Section 1 in Deposited Plan 758374. The site is regular in shape and has a total site area of 815.7m². The site is a corner allotment with a primary frontage 19.5m wide to Banks Street and a secondary frontage 41.8m deep to Flinders Street. Vehicle and pedestrian access to the site is gained via Banks Street. This site is mapped as containing no land constraints. The location of the site is represented in Figure 1 below.

Existing improvements include a detached single-storey dwelling house located towards the Banks Street frontage with a large metal shed expanding across much of the northern portion of the site. The surrounding area contains predominantly detached single dwelling houses.

The site contains a gentle slope from the Banks Street frontage down towards the rear (north).



Figure 5: aerial photograph of subject site (source: Maitland City Council)

A site inspection was conducted on **13 September 2024** as seen in the images below:



Photo 1: existing frontage to Flinders Street



Photo 2: existing frontage to Flinders Street



Photo 3: existing intersection of Banks and Flinders Street



Photo 4: existing frontage to Banks Street



Photo 5: existing western boundary to 85 Banks Street



Photo 6: existing western boundary



Photo 7: existing rear yard

PREVIOUS DEVELOPMENT HISTORY

There are no relevant historic building or development applications applicable to the proposal.

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type -

- The proposal is categorised as *local development*, under the Environmental Planning and Assessment Act 1979 (EPA Act).

Contributions

- The proposal attracts a contribution of **\$26,808** under Council's current adopted Section 7.11 Plan
- The proposal also attracts a contribution of **\$18,965.92** under the Housing and productivity contributions scheme. The contribution has been calculated in the NSW Planning Portal under CON-16150. This is pursuant to Section 7.24 of *EP&A Act 1979*.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant submitted a valid BASIX Certificate which lists the commitments to achieve appropriate building sustainability. A condition is recommended to be included in the development consent requiring such commitments to be fulfilled.

Certificate No.: 1758498M_02 Dated: 3 August 2024

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land

Clause 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The proposed development site has no previous record of contamination, nor is it listed on the NSW list of contaminated and notified sites, published by the EPA. The land is not within an investigation area, nor are there any records of potentially contaminating activities occurring on the site. The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines. As such, the site is considered suitable for the proposed development and contaminated land investigation is not warranted in this instance.

Maitland Local Environmental Plan 2011

Clause 2.3 – Zone objectives and Land Use Table

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as 'multi dwelling housing' and 'subdivision' under the LEP which is a type of development permitted with consent.

The proposed development is consistent with the objectives of the zoning as it provides for a variety of housing choice in a medium density low impact form.

Clause 2.6 – Subdivision – consent requirements

The development proposal includes a four (4) lot strata title subdivision. Clause 2.6 provides that the subdivision of land, other than exempt or complying subdivision, requires development consent. The applicant has sought development consent for the proposed subdivision under the subject development application.

Clause 2.7 – Demolition requires development consent

The proposal includes demolition works to the existing dwelling on the site. Conditions are recommended to require that demolition works, and the disposal of material is managed appropriately and in accordance with relevant standards.

Clause 5.10 – Heritage Conservation

Clause 5.10 does not apply to the development application as pursuant to Schedule 5 LEP 2011, the subject site is not:

- heritage item of State significance
- heritage item of Local significance
- within a Heritage Conservation Area
- identified archaeological site
- within an Aboriginal place of heritage significance
- within the vicinity of a heritage item

Clause 7.1 – Acid sulfate soils

The subject site is not identified as containing Acid Sulfate Soils (ASS).

Clause 7.2 – Earthworks

The level of earthworks proposed to facilitate the development is acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. There are no relevant amendments within the Planning Proposal applicable to this application.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

The following chapters of the Maitland DCP are relevant to the assessment of the proposal:

- Part A – A.4 Notification
- Part B – B.2 Domestic Stormwater, B.6 Waste Not – Site Waste Minimisation & Management
- Part C – C.8 Residential Design, C.10 Subdivision, C.11 Vehicular Access & Car Parking

A.4 – Notification

The application was placed on public exhibition for a period of 14 days from 30 August 2024 to 13 September 2024 in accordance with the *EP&A Act*, *EP&A Regs* and Maitland Development Control Plan ("DCP") 2011. During this time two (2) submissions of objection were received and are discussed further on in the report under Section 4.15(d) of EP&A Act below.

B.2 – Domestic Stormwater

A stormwater drainage plan has been provided of which demonstrates compliance with the objectives and controls of this chapter.

On-site detention is conditioned to be in accordance with the requirements of BASIX and Council's Manual of Engineering Standards ("MOES"). The overflow from the rainwater tanks will be directed to Council's infrastructure along Flinders Street.

Appropriate conditions of consent have been included to ensure the development works comply with relevant provision of Council's MOES.

B.6 – Waste Not – Site Waste Minimisation & Management

Management of waste during construction can be addressed by way of conditions of consent. The development maintains adequate street frontage to allow waste to be serviced by Council's Waste Collection upon occupation.

The consent will be conditioned to ensure that demolition waste from the existing structures are managed by a private contractor who will separate and dispose of the waste to surrounding facilities and recycle where possible. Construction waste will be contained in skip bins during the duration of the works.

C.8 – Residential Design

4. Bulk Earthworks and Retaining Walls

Cut and fill works are proposed across the site to create a level building pad for the proposed dwellings. Retaining walls are proposed along the western and northern boundaries as well as within the centre of the site separating the two building forms. Most of the retaining is to hold fill with a small amount of cut (580mm) proposed at the western boundary. The retaining walls facilitating cut are proposed 500mm from the property boundary in accordance with the requirements of this section. Any retaining wall greater than 1m will be conditioned to be design by a suitably qualified structural engineer.

5. Street Building Setbacks

The development include the following minimum street building setbacks:

- Banks Street (primary): 4.5m – the required setback in urban areas is 4.5m or the dominant setback along the street in older areas.
- Flinders Street (secondary): 4.2m – the required secondary setback in urban areas is 3m.

The proposed development aligns with setback objectives by ensuring a building placement that complements the existing streetscape along Banks and Flinders Streets. While the frontage along Banks

Street, created by dwelling 1, is positioned slightly forward of neighbouring dwellings (by approximately 1.3m), this forward section is limited to a width of only 10.14m, or 51.8% of the total Banks Street frontage. The attached single garage, adjacent to the western property boundary, is set back an additional 1.46m and kept to a single story, providing greater separation from the western boundary and allowing more visual openness. Additionally, dwellings along this side of Banks Street typically feature porticos and roofed verandahs that extend forward of the main building, as such is considered the proposed development maintains consistency with the existing street character.

The development provides a minimum 4.2m secondary frontage setback along Flinders Street, however, averaging 4.5m to comply with the minimum requirements.

The design of development provides adequate open spaces suitable for landscaping to aid in minimising bulk and scale. The articulation of building forms and separation between dwellings further helps reduce the bulk of the development and is considered suitability to the character of the area.

6. Side and Rear Setbacks

The development includes the following minimum setbacks:

- Northern – 1m to ground floor, 1.64m to first floor.
- Western – 966mm to ground floor, 4.3m to first floor.

The northern side elevation of dwelling 4 extends to 5.66m, however, contains 700mm of fill, creating a total height of 6.36m requiring a setback of 1.9m (i.e., 300mm additional setback for every 1m of wall higher than 3m). The setback provided at this elevation is 1.64m equating to a variation of 260mm. The non-compliance is restricted to wall length of 10m, as such is considered minor when assessing the proposed development holistically. Despite the non-compliance, it is considered that the proposed development is still able to meet the objectives of this control, as it is of a bulk and scale that:

- does not create overbearing development for adjoining dwelling houses and their private open space
- does not impact on the amenity and privacy of residents in adjoining dwelling houses
- does not result in the loss of significant views or outlook of adjoining residents
- provides for natural light, sunlight and breezes.

Glazed openings to the western elevation of the first-floor of dwelling 4 contains highlight windows with a sill height of 1.6m ameliorating any potential privacy impact. For these reasons, a variation to the design requirements of this control is acceptable.

7. Site Coverage and Unbuilt Areas

The proposal includes a site coverage of approximately 514m² or 63% which meets the numerical requirements in Table 3 of this control and complies.

8. Building Height, Bulk and Scale

The proposal includes a maximum building height of 8.1m which meets the numerical requirements in Table 4 of this control and complies.

Although the existing streetscape along both Banks and Flinders Streets is predominantly composed of single-storey detached houses, the proposed two-storey development has been well-sited to preserve the amenity, privacy, and solar access of surrounding properties. The dwellings are appropriately scaled and well-articulated, providing sufficient building separation both internally and from neighbouring properties. By dividing the development into two distinct building forms, the design reduces the need for extensive cut and fill, effectively minimising its bulk and scale. The height, bulk and scale of the development is considered acceptable and meets the desired future character of the area.

9. External Appearance

The development features design and façade details consisting of a variety of building materials and colours adding interest and diversity to the context of the site. The proposed garaging does not occupy more than 50% of the frontage width on either Banks or Flinders Streets. The overall design, including roof form and external materiality, is of a bulk and scale consistent with the desired residential streetscape.

10. Open Space

The minimum dimension requirement for private open space (POS) areas are calculation using Figure 20 of the DCP based on the orientation of the area. Each dwelling is provided with either a covered or open deck immediately access off the primary living area with a small, landscaped yard. The following table provides an assessment of each dwelling POS:

Unit number	Minimum POS requirement based on Figure 20	Proposed POS	Complies
1	6m x 6m 50m ²	70m ²	Yes
2	6m x 6m 45m ²	45m ²	Yes
3	6m x 6m 45m ²	45m ²	Yes
4	6m x 6m 45m ²	45m ²	Yes

The proposed development provides compliant and useable private open space to each dwelling to accommodate recreation for future users.

12. Accessibility and Adaptable Housing

This section does not apply to the proposal contains less than nine dwellings/units and an adaptable dwelling is not required.

13. Landscape Design

A comprehensive landscape and planting schedule has been provided as part of the proposed development indicating significant planting of small and medium sized vegetation to the perimeter of the site. A condition of consent will be included requiring the landscaping plan be included in the documentation for a Construction Certificate. A landscape completion report will also need to be completed prior to the issue of a final Occupation Certificate verifying that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications.

14. Fencing and Walls

Fencing is proposed to the front of dwelling 1 along Banks Street to provide additional private open space area to the dwelling. The fencing is 1.5m in height but no further details are provided. A condition of consent will require the fence be a maximum of 1.5m and contain 25% openings.

Fencing to the side boundaries if required to be upgraded will be subject to the *Dividing Fences Act 1991*. Internal fencing between proposed dwellings has been provided and are acceptable in terms of height and material.

15. Driveway Access and Carparking

One new driveway and crossover is proposed to Banks Street and two new driveways and crossovers are proposed along the Flinders Street frontage. The driveways are setback 900mm or more from each side boundary and the pavement width is greater than 2.7m.

Each new dwelling contains three bedrooms requiring two parking spaces per dwelling. An attached single garage and driveway is proposed to each new dwelling with ability for stacked parking to meet the parking requirements. All proposed parking will be conditioned to be consistent with the relevant dimensions and requirements of Australian Standards AS2890.1. The development is compliant with this section of the DCP.

16. Views, and Visual and Acoustic Privacy

The dwelling has been designed to limit visual and acoustic privacy impacts, including implementation of separation distances and high sill windows. Windows to the first floor are associated with bedrooms and bathrooms only with highlight or obscured windows proposed along side elevations to limit the perceived overlooking upon adjoining neighbours. Internal boundary fencing between the four dwellings will provide the future residents with adequate privacy.

17. Water and Energy Conservation

A BASIX certificate has been provided of which outlines requirements of water and energy conservation. The building design is reflective of BASIX requirements.

Overshadowing diagrams have been provided in support of the application. The shadow diagrams demonstrate additional shadowing to the western adjoining property and its associated backyard. However, this property (85 Banks Street) is able to retain more than three (3) hours direct sunlight to their private open spaces during the winter solstice. The worst affected time being 9am, however, the yard and house are almost wholly out of shadow by 11am. Please refer to Figure 6 below.

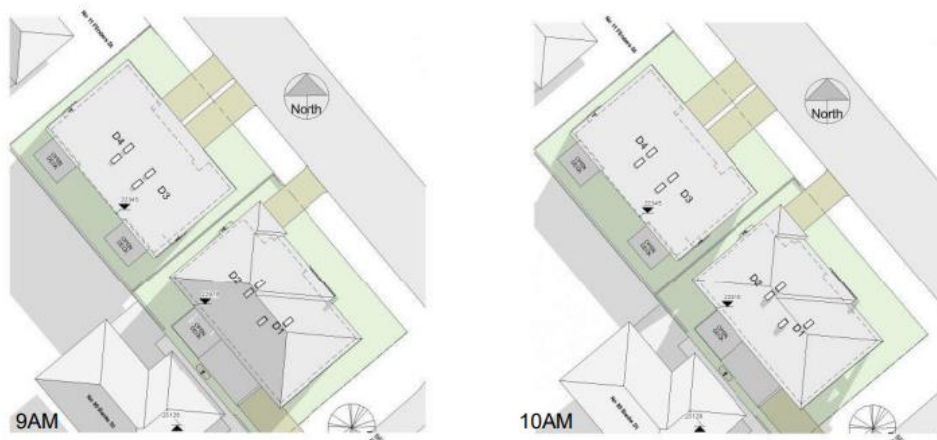




Figure 6: overshadowing diagrams (source: Verte Design & Drafting 25/06/2024)

The overshadowing as a result of this development is negligible and can be supported. As such, the overshadowing impact is regarded as satisfactory.

18. Stormwater Management

Stormwater management has been proposed in accordance with Chapter B.2 of DCP 2011 and Council's Manual of Engineering Standards.

19. Security, Site Facilities and Services

Mailboxes, clotheslines, and bin storage are to be provided in accordance with this control. A condition of consent will require screened bin storage for the new dwellings to be provided on the plans with the issue of the construction certificate.

C.10 – Subdivision

The proposed development includes a subsequent four lot strata subdivision. Each of the proposed lots can achieve adequate solar access with dedicated private open space areas able to capture direct sunlight. The siting of the building form also minimises internal overshadowing. The proposed Strata lots have access to essential services such as water, sewer, and electricity. Each lot also gains direct vehicle access to a public road.

All proposed and existing stormwater pipelines are able to independently drain to either the street infrastructure along Banks or Flinders Streets. Any shared pipelines can be notated as common property during Subdivision Certification phase.

Conditions have also been applied requiring house numbering to be obtained from Council prior to the subdivision being finalised.

Due to the type and scale of subdivision proposed, a detailed assessment of this section of DCP 2011 has not been provided.

C.11 – Vehicle Access & Car Parking

Driveway access and parking has been provided per the requirements of C8.15 (Residential Design) above. A condition of consent requiring the proposed driveways to be constructed in accordance with Council's Standard Drawing SD0008 has been included. All works within the road reserve are subjected to issue of a Section 138 Certificate under the *Roads Act 1993* which has also been conditioned.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements, or draft planning agreements applicable to the proposal.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The following regulations prescribed under the *Environmental Planning and Assessment Regulation 2021* apply to the proposal:

Relevant Matters as Prescribed Under the EPA Regulation 2021			
Prescribed Matter	Is the matter relevant to the proposal?		Comment
	Yes	No	
The provisions of Australian Standard AS2601-1991 – “The Demolition of Structures”	X		Appropriate conditions have been imposed on the consent.

Section 4.15 (1)(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 following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Impact	Comments
Social and Economic Environment: There is beneficial impacts as a result of the development.	The development provides a range of different housing stock to service the needs of the community. The development will have a positive socio-economic impact on the locality, encouraging the use of local labour, materials and services during construction stages, as well as supplementing the housing during occupation. The proposal is not likely to impede negatively on the social and economic environments.
Built Environment: The proposed development would not cause harm to the existing built form and character of the area.	The development features a modern multi-dwelling housing complex. The proposal will implement contemporary building techniques during construction and utilises materials and colours complementary to the established built character of the area. The varied dwelling designs, topography of the land, supporting landscaping plan provides a positive impact upon the streetscape, and does not present privacy, amenity or overshadowing impacts upon neighbouring properties. The development is considered a suitable siting, form and design for the established built environment.
Natural Environment: There are no anticipated adverse impacts upon the natural environment as a result of the proposed development and appropriate conditions have been added.	The proposal is supported with a stormwater drainage plan, OSD and BASIX tanks, for drainage and reuse. A landscape plan featuring a broad use of native trees and vegetation is proposed to offset the previously approved removal of landscaped areas and remnant vegetation. The proposed development will not negatively impede upon the natural environment.

Section 4.15 (1)(c) - The suitability of the site for the development

The subject site is within a well-established residential area and makes good use of available land. The proposal utilises modern building techniques and a design which is complementary to the desired future character of the area. The development adheres to site constraints and restrictions and does not unreasonably impact the surrounding environment. The development is considered a suitable outcome for the subject site.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations

Public Submissions

The proposal was publicly notified/advertised for a period of 14 days in accordance with the *Environmental Planning and Assessment Act 1979* and the Maitland Development Control Plan 2011.

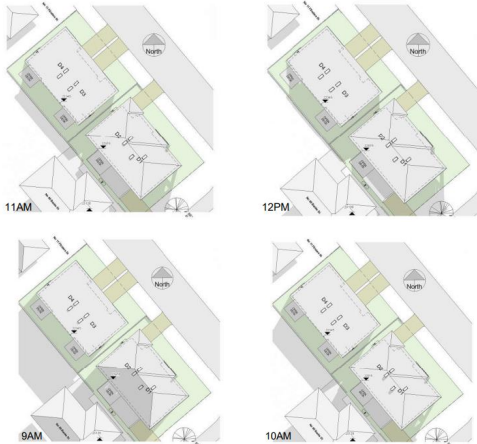
A total of two (2) submissions were received during the exhibition period. Both submissions raised objection to the proposal. A summary of the submissions is provided in the following table:

It is noted that one submission was endorsed by 17 signatures. In accordance with Maitland City Council's Communication and Engagement Strategy 2022-2026:

Where a petition is received the person who submits the petition to Council will be acknowledged as the point of contact for all future correspondence on the progress of the application. Petitions will not be counted as a submission.

As such, this submission counts as only one.

Review of Submissions	
Issue	Comment
Traffic safety	Driveway access to the development has been designed to meet the requirements of Council's Manual of Engineering Standards and Austroads in regard to setbacks to intersections. Each driveway is greater than 6m from the Banks and Flinders Street intersection. Considering the scale of the development, it is anticipated that the existing road network has satisfactory capacity to absorb any additional traffic generated from the proposal and the traffic impacts negligible.
Pedestrian safety	The proposed has been designed with clear delineation between the public and private spaces through use of fencing and landscaping. All driveways have been designed and will be conditioned to comply with Council's Manual of Engineering Standards in regard to pavement width and sighting. There are no anticipated impact to pedestrian safety as a result of the proposed development.
Parking	Each new dwelling contains three bedrooms requiring two parking spaces per dwelling under Maitland DCP 2011. An attached single garage and driveway is proposed to each new dwelling with ability for stacked parking to meet the required DCP parking standard.
Front setback to Banks Street	Amended plans were provided as part of the assessment process increasing the Banks Street setback to 4.5m at its minimum. While dwelling 1 is still slightly forward of neighbouring dwellings on Banks Street by approximately

	<p>1.3m, the forward section is limited to 10.14m, or 51.8% of the total frontage. The single-storey garage, adjacent to the western boundary, is set back an additional 1.46m, which enhances visual openness. The development provides open spaces along Bank Street to support landscaping to reduce bulk, while building articulation and separation between dwellings further minimise visual impact. It is considered that despite the non-compliance the proposed development aligns with character and future character of the area.</p>
Overshadowing	<p>Overshadowing diagrams have been provided as part of the supporting documentation which demonstrates that adjoining western dwelling (85 Banks Street) retains more than three (3) hours direct sunlight to adjoining private open spaces during the winter solstice. The worst affected time being 9am, however, the rear yard is almost wholly out of shadow by 11am. Please refer to Figure 7 below.</p>  <p>Figure 7: overshadowing diagrams (source: Verte Design & Drafting 25/06/2024)</p> <p>The overshadowing as a result of this development is negligible and can be supported.</p>
Privacy	<p>The proposed dwellings have been designed to limit visual and acoustic privacy impacts, including implementation of separation distances, staggered dwelling placements and internal layouts. First floor windows to the western and northern elevations are associated with bedrooms only and have been designed to either be highlight with a sill height of 1.6m or contain obscure glass. Further, a condition of consent has been included requiring any boundary fencing to be upgraded to be 1.8m in height. As such, any privacy impacts are considered negligible and resolvable through design and conditions.</p>
Decrease in property values	<p>This concern is not a matter of consideration pursuant to section 4.15 of the EP&A Act.</p>

Government Agency Submissions

Comments with respect to the proposal have been provided by the following government agencies as summarised in the following table:

Government Agency Submissions (Comments)		
Responding Agency	Section/Act under which comments are required	Summary of Comments
Ausgrid	Clause 45(2) of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Standard Safework NSW requirements for works adjacent and near overhead powerlines

Section 4.15(1)(e) - The public interest

The proposal is within the public interest as it will provide additional housing to serve the needs of the community, without impeding on the social, economic, built or natural environments. The proposal demonstrates consistency with the zone objectives and Council's development controls. The development is typical of that within the locality, and will not result in an unreasonable burden upon existing infrastructure or services.

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the *Environmental Planning and Assessment Act 1979*.

REFERRALS

The application was referred to Council's engineering and contributions teams who have reviewed the proposed development and raise no objection with the inclusion of standard conditions which have been included under **Attachment 4**.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule (**Attachment 4**)

City Planning

DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision Including Demolition at 87 Banks Street East Maitland

Recommended Conditions of Consent (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 14



ATTACHMENT 4 RECOMMENDED CONDITIONS

General conditions

1.	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Drawing number</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>Plans / 87 Banks Street</td><td>Rev 3</td><td>A1 to A15</td><td>Verte Design & Drafting</td><td>24/10/2024</td></tr><tr><td>Landscape Plan / HEWL160924</td><td>-</td><td>Sheets 1 to 3 of 3</td><td>JK's Garden Creations</td><td>04/10/2024</td></tr><tr><td>Schedule of Colours and Materials / 87 Banks Street</td><td>-</td><td>-</td><td>Verte Design & Drafting</td><td>-</td></tr></table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans a condition of this consent, the condition prevails</p> <p>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Drawing number	Drawn by	Date of plan	Plans / 87 Banks Street	Rev 3	A1 to A15	Verte Design & Drafting	24/10/2024	Landscape Plan / HEWL160924	-	Sheets 1 to 3 of 3	JK's Garden Creations	04/10/2024	Schedule of Colours and Materials / 87 Banks Street	-	-	Verte Design & Drafting	-
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Schedule of Colours and Materials / 87 Banks Street	-	-	Verte Design & Drafting	-																						
2.	<p>All Weather Access</p> <p>Before the commencement of any site or building works, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.</p>																									
3.	<p>Approval for Works within the existing public road reserve</p> <p>Prior to commencement of works within an existing public road reserve:</p> <p>a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval</p> <p>b) consent under the Roads Act for the approved works, shall be issued by Council</p> <p>c) all relevant Council fees shall be paid</p>																									

	Reason: To ensure appropriate approval(s) has been obtained prior to commencement of works.
4.	BASIX Certificate
	The applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) for the development to which this consent applies.
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 75 of the Environmental Planning and Assessment Regulation 2021.
5.	Building Code of Australia
	All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA). In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.
6.	External Agency Approvals
	The requirements from the following agencies must be complied with prior to, during, and at the completion of the development. The Requirements are: 1. Ausgrid, ref: TRIM 2017/26/444, dated 17/09/2024 A copy of the Requirements is attached to this determination notice.
	Reason: To ensure the development complies with conditions required by other external agencies.

Building Work

Before issue of a construction certificate

7.	Amendments to Documents and Plans
	<p>The development must be amended as follows:</p> <ul style="list-style-type: none"> a) The approved landscape plan shall be amended to reflect the approved architectural plans by Verte Design (ref: 87 Banks Street) and Drafting Revision 3 dated 24/10/2024. Full details are to be provided in the documentation for a Construction Certificate. b) The 2100mm high timber slat privacy screen to the first floor balcony of dwelling 3 is to be removed and replaced with a 1100mm high balustrade as approved on dwelling 4. Full details are to be provided in the documentation for a Construction Certificate. c) The proposed fence along Banks Street shall be a maximum of 1.5m and consists of slats with a minimum of 25% openings. Full details are to be provided in the documentation for a Construction Certificate.

	<p>d) Facilities are to be provided in a screened location within each dwelling site for the storage of garbage. The screened bin areas are to be suitable for the accommodation of Maitland City Council approved wheel type bins. Full details are to be provided in the documentation for a Construction Certificate. Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.</p> <p>Reason: To ensure the development complies with Council's controls and guidelines.</p>
8.	<p>Construction requirements for Driveways</p> <p>All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface.</p> <p>Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.</p>
9.	<p>Driveway Gradients and Design</p> <p>Before the issue of a construction certificate, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:</p> <p>a) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and</p> <p>b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works.</p> <p>Details demonstrating compliance must be provided to the Registered Certifier.</p> <p>Reason: To ensure safe and appropriate design of driveways.</p>
10.	<p>Dual occupancy and multi-swelling housing stormwater drainage requirements</p> <p>The construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:</p> <p>a) Minimum 2.5m³ of On-Site Detention (OSD) of stormwater for each dwelling (in excess of BASIX's requirements), and</p> <p>b) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties)</p> <p>Reason: To ensure appropriate stormwater management.</p>
11.	<p>Footings and Excavation near Council Property</p> <p>All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer.</p> <p>Plans and specifications demonstrating compliance with this requirement must be submitted to the Registered Certifier.</p> <p>Reason: To ensure works within proximity of Council's assets are managed.</p>
12.	<p>Hunter Water Corporation Notice of Formal Requirement prior to Construction Certificate</p> <p>Prior to issue of the Construction Certificate a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier.</p> <p>Reason: To ensure HWC requirements are met.</p>
13.	<p>Long Service Levy</p>

	In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.																														
	Reason: To ensure payment of the Long Service Levy.																														
14. Retaining Walls																															
	All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer and have a minimum design surcharge load of 5kPa.																														
	Reason: To ensure any retaining walls within proximity to common boundaries are certified.																														
15. 7.11 Contributions – City Wide																															
	Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Maitland City Wide Development Contributions Plan 2016, a contribution of \$26,808 shall be paid to the Council.																														
	The contribution is calculated from Council’s adopted Development Contributions Plan in the following manner:																														
	<table><tr><th>Facility</th><th>Per Lot 1</th><th>Total 3</th></tr><tr><td>City Wide Aquatics</td><td>\$1,201</td><td>\$3,603</td></tr><tr><td>Citywide Competition Netball Courts</td><td>\$279</td><td>\$837</td></tr><tr><td>City Wide Recreation & Open Space</td><td>\$1,004</td><td>\$3,012</td></tr><tr><td>City wide Multipurpose Centre Floor Space</td><td>\$787</td><td>\$2,361</td></tr><tr><td>City Wide Library Floor Space</td><td>\$761</td><td>\$2,283</td></tr><tr><td>City Wide Road & Traffic Facilities</td><td>\$3,978</td><td>\$11,934</td></tr><tr><td>City Wide Cycleways/Shared Paths</td><td>\$709</td><td>\$2,127</td></tr><tr><td>City Wide Plan Management/Administration</td><td>\$217</td><td>\$651</td></tr><tr><td>Total</td><td>\$8,936</td><td>\$26,808</td></tr></table>	Facility	Per Lot 1	Total 3	City Wide Aquatics	\$1,201	\$3,603	Citywide Competition Netball Courts	\$279	\$837	City Wide Recreation & Open Space	\$1,004	\$3,012	City wide Multipurpose Centre Floor Space	\$787	\$2,361	City Wide Library Floor Space	\$761	\$2,283	City Wide Road & Traffic Facilities	\$3,978	\$11,934	City Wide Cycleways/Shared Paths	\$709	\$2,127	City Wide Plan Management/Administration	\$217	\$651	Total	\$8,936	\$26,808
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City Wide Plan Management/Administration	\$217	\$651																													
Total	\$8,936	\$26,808																													
	Any outstanding component of the contribution will be indexed quarterly in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for each quarter. Please refer to Council’s web page for the current rates applicable.																														
	Payment of the above amount is required prior to issue of the Construction Certificate or Subdivision Certificate for the development.																														
	The above condition has been applied to ensure that:																														
	<div>a. Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council’s adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979.</div>																														

	b. Council's administration expenses are met with respect to the processing of the application.				
	Reason: To outline contributions payable to Council Clause 4.17 of the Environmental Planning and Assessment Act 1979.				
16.	HPC – Housing and Productivity Contribution				
	<p>Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Total housing and productivity contribution</td><td>\$18,965.92 Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p>	Housing and Productivity Contribution	Amount	Total housing and productivity contribution	\$18,965.92 Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.
Housing and Productivity Contribution	Amount				
Total housing and productivity contribution	\$18,965.92 Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.				
	Reason: To require contributions towards the provision of regional infrastructure.				

Before building work commences

17.	Construction Certificate Required
	Prior to commencement of construction works, a Construction Certificate is to be issued by the Registered Certifier.
	Reason: To ensure a Construction Certificate is issued prior to works commencing.
18.	Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement
	The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving and

	<p>other public infrastructures (specify) associated with the subject Lot. The absence of such notification signifies that no damage exists, and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving or other public infrastructures (specify) which may be necessary after completion of the building works.</p> <p>Reason: To ensure Council is notified of any existing damage to Council assets</p>
19.	<p>Driveway Crossing</p> <p>Prior to commencement of construction, of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).</p> <p>Reason: To ensure appropriate approval is obtained prior to works on the public road.</p>
20.	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
21.	<p>Home Building Act – Insurance</p> <p>Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifier for the development to which the work relates has provided Council with written notice of the following information:</p> <p>a) in the case of work to be done by a licensee under that Act:</p> <ol style="list-style-type: none"> the licensee's name and contractor licence number, and of the name of the insurer by which the work is insured under Part 6 of that Act, or <p>b) in the case of work to be done by any other person:</p> <ol style="list-style-type: none"> the name of the owner-builder, and if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
22.	<p>Notice of appointment of PCA to be provided prior to commencement</p> <p>The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.</p> <p>Reason: To ensure a Principal Certifier is appointed prior to works commencing.</p>
23.	<p>Rubbish Generated from the Development for all construction sites</p>

	<p>Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.</p>
24.	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing</p> <ul style="list-style-type: none"> i. the name, address and telephone number of the Principal Certifier for the work, and ii. the name of any principal contractor and their after-hours contact number, and iii. must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
25.	<p>Site is to be Secured</p> <p>Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.</p> <p>Reason: Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.</p>

During building work

26.	<p>Procedure for Critical stage Inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Reason: To require approval to proceed with building work following each critical stage inspection.</p>
27.	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p>Reason: To ensure payment of approved changes to public infrastructure.</p>

28.	Build Over Hunter Water Asset
	The requirements of the Hunter Water Corporation with regards to construction works over or adjacent to a sewer main are to be adhered to (Hunter Water reference: 125247)
	Reason: To ensure that new building works do not impact Hunter Water Assets.
29.	Building materials on Council's footpath
	While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
	Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.
30.	Control of dust
	The site shall be managed during construction so as to prevent (e.g., by water spray, dust suppression, surface sealants, soil binders and/or dust retardants) the generation of dust by moving vehicles within the site, from the public road access point.
	Reason: To ensure adequate controls with respect to dust pollution during works.
31.	Discovery of relics and Aboriginal objects
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a. the work in the area of the discovery must cease immediately; b. the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.
	Reason: To ensure the protection of objects of potential significance during works.
32.	Excavation for Residential Building Works
	If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent: i) Must preserve and protect the building from damage, and ii) If necessary, must underpin and support the building in an approved manner, and The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 74 of the Environmental Planning and Assessment Regulation 2021.
33.	Excavations and backfilling to be executed safely

	<p>All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property</p> <p>Reason: To ensure excavations and backfilling is executed safely.</p>
34.	<p>Fill material not to obstruct stormwater path(s)</p> <p>Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.</p> <p>Reason: Protection of the downstream drainage and environment.</p>
35.	<p>No retaining walls within public land</p> <p>No retaining walls are approved within existing or future dedicated public land including road reserves. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.</p> <p>Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.</p>
36.	<p>Offensive Noise, Dust, Odour and vibration</p> <p>All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.</p>
37.	<p>Property to be protected against soil erosion (minor)</p> <p>The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".</p> <p>Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.</p>
38.	<p>Public access to the site to be restricted</p> <p>Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.</p> <p>Reason: To ensure public access to the building site is restricted.</p>
39.	<p>Reconstruction of Infrastructure</p> <p>While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Reason: To ensure payment of approved changes to public infrastructure.</p>
40.	<p>Removal of Waste Materials</p> <p>Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material must be assessed and classified in accordance with the NSW Environmental Protection Agency Waste Classification Guidelines (2008).</p> <p>Once assessed, the materials must be disposed to a licensed waste facility suitable for</p>

	that particular classification of waste. Copies of tipping dockets must be retained and supplied to Council upon request.
	Reason: To ensure waste is disposed of appropriately.
41.	Restriction on working hours for building activity
	Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
	a. 7.00am to 6.00pm Monday to Friday
	b. 7.00am to 5.00pm Saturday
	Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.
	Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.
42.	Retaining walls on common boundaries
	Retaining walls on common boundaries shall be in accordance with the approved retaining plan. No walls shall exceed the maximum height of 700mm.
	All retaining infrastructure including subsoil drainage and backfill must be wholly located within the development site boundaries.
	Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.
43.	Site to be cleared of building refuse on completion
	The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
	Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.
44.	Stormwater drainage disposal
	Following the installation of any roof or hardstand area, discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:
	a) The street gutter with a "kerb adaptor" (see Council's Standard Drawing). Stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of one complete slab segment between joints and replaced in concrete, dowelled to the existing path and finished similar to the adjoining surface.
	Reason: To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).
45.	Toilet facilities
	While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

	The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
	Reason: To ensure adequate sanitary facilities during construction.
46.	Unexpected Finds Contingency (General)
	Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.
	In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.
	Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
	Reason: To ensure unexpected finds are appropriately managed.
47.	Demolition/Construction to cease where contamination encountered during works
	While demolition or work is being carried out, and undisclosed or unidentified contamination is discovered on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
	Reason: To ensure works cease where undisclosed or unidentified contamination is uncovered during works.
48.	Demolition to be carried out in accordance with Australian Standards
	All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.
	Reason: To ensure demolition works are undertaken per the Australian Standards.
49.	Recycling/disposal of demolition waste
	Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.
	Reason: To ensure demolition material is recycled or disposed of appropriately.
50.	Removal of asbestos to be in accordance with NSW Work Cover requirements
	While demolition or work is being carried out, any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.
	Evidence is to be provided to the Principal Certifier demonstrating that asbestos waste has been disposed of appropriately in accordance with this condition.
	Reason: To ensure asbestos is appropriately managed per the provisions of the NSW Work Cover Authority.

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Before the issue of an occupation certificate

51. Completion of Landscape and tree works	Before the issue of an Occupation Certificate, a Landscape Practical Completion Report is to be submitted to the Principal Certifier detailing all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
52. Completion of public utility services	Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.
	Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
53. Alteration to Utility Services	If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
	Reason: To ensure essential services
54. Construction of stormwater control systems	Prior to issue of the Occupation Certificate , the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
	Reason: To ensure stormwater management is constructed in accordance with the design plan.
55. Driveway Layout and profile constructed	Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'.
	Reason: To ensure appropriate approval is obtained prior to works on the public road.
56. Material and Colours	Unless otherwise approved in writing by Council, the development shall be constructed of and finished with colours and materials as listed in the approved Schedule of Colours and Materials (87 Banks Street, prepared by Verte Drafting and Design).
	Reason: To ensure the design quality of the development.

57. Repair of infrastructure	
	Before the issue of an Occupation Certificate: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Reason: To ensure any damage to public infrastructure is rectified.
58. Section 50 – Prior to Occupation Certificate	
	Prior to issue of the Occupation Certificate , a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
	Reason: To ensure HWC requirements are met.
59. Redundant Crossing and Layback	
	All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter.
	Reason: To ensure compliance with Council's Manual of Engineering Standards.
60. Waste Bin Collection	
	A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures must be provided for each approved lot.
	Reason: To ensure waste can be collected.

Before the issue of an subdivision certificate

61. Payment of subdivision certificate and house numbering fees	
	Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's Schedule of Fees and Charges, shall be paid to Council.
	Reason: To ensure all applicable fees are paid.
62. Restriction on Issue of Strata Plan of Subdivision	
	An Occupation Certificate for the building must be issued by the Principal Certifier prior to the issue of any Strata Plan of subdivision associated with this development consent DA/2024/682.
	Documentary evidence of the issue of the Occupation Certificate must be provided to Council in conjunction with the application for the Strata Plan of subdivision.
	Reason: To ensure an Occupation Certificate is obtained prior to the Strata Certificate being released.
63. Strata Plan of Subdivision	

	<p>Sections 37 and 37A of the Strata Schemes (Freehold Development) Act 1973 require an application to be provided to Council for approval prior to the issue of the certified Strata Plan of subdivision.</p> <p>The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA/2024/682, and of compliance with the relevant conditions of consent.</p>
	<p>Reason: To ensure an application for Strata Certificate is made to Council in accordance with the approved plans and conditions of consent.</p>

Occupation and ongoing use

64. Occupation Certificate Required	<p>A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p>Reason: To ensure development is suitable for occupation and / or use.</p>
65. Driveways to be Maintained	<p>All access crossings and driveways must be maintained in good order for the life of the development.</p> <p>Reason: To maintain approved vehicle access.</p>
Maintenance of Landscaping	<p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p> <p>Reason: To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.</p>

City Planning

DA/2024/346 for Demolition, Takeaway Food And Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway Rutherford

Assessment Report (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 32

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Version 1: Comprehensive

Application No:	DA/2024/346
Proposal:	Demolition, Takeaway Food and Drink Premises (24 Hour), and Advertising Signage
Address:	112 New England Highway RUTHERFORD NSW 2320, 114 New England Highway RUTHERFORD NSW 2320
Lot & DP No:	Lot 1, Lot 2, and Lot 3 of DP 1286823
Property No:	106704 106705 106706
Applicant:	Hargreaves Holding Group 1 Pty Ltd
Owner:	Hargreaves Holding Group 1 Pty Ltd
Author:	Emmilia Marshall
Site Inspection:	24 May 2024

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2024/346 proposing Demolition, Takeaway Food and Drink Premises (24 Hour), and Advertising Signage. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposed development is for a food and drink premises (Starbucks) and business identification signage. The development includes demolition of existing structures, erection of a new commercial building, ancillary carpark, drive-thru service area, earthworks, landscaping, stormwater drainage infrastructure, pole and fascia signage.

The proposed building features a single storey design, containing front of house service area, back of house 'workroom' and kitchen, storeroom, bathrooms, dine-in seating area, and external, enclosed, bin storage area. The building features concrete, timber and aluminium cladding, and exterior mural design on the southern (front) elevation). See Figure 1.

The carpark provides sixteen (16) onsite parking spaces, including one (1) designated waiting bay and one (1) accessible park, with an exit driveway (south) and dual entry / exit driveway (north), providing access to John Street. The development proposes new footpath and curb and gutter along the John Street frontage. See Figure 2.

The proposed signage includes a 10m pole sign at the south-eastern corner, fronting New England Highway, a small pole directional, sign, measuring 1.8m, at the southern driveway, and a small directional sign, measuring 1m, at the northern driveway. See Figure 3.



Figure 1 - Artistic impressions of southern and northern perspectives

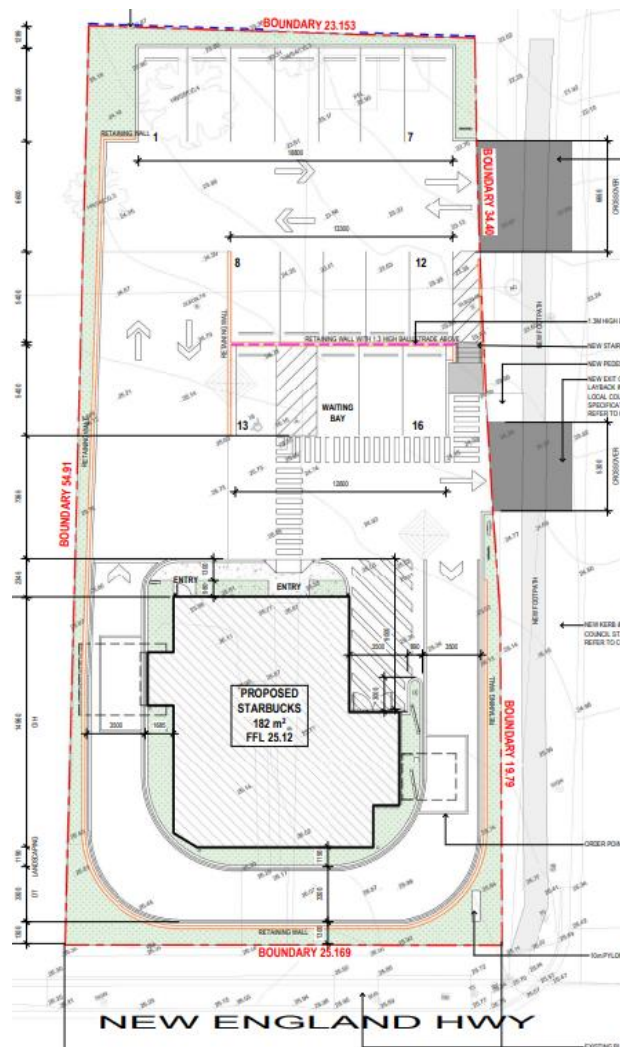


Figure 2 - Proposed site plan



Figure 3 - Proposed signage

Description of the Land on which the proposal is to be carried out.

The legal description of the land on which the development is to be carried out is Lots 1, 2 & 3 DP 1286823 and, known as 112 & 114 New England Highway RUTHERFORD

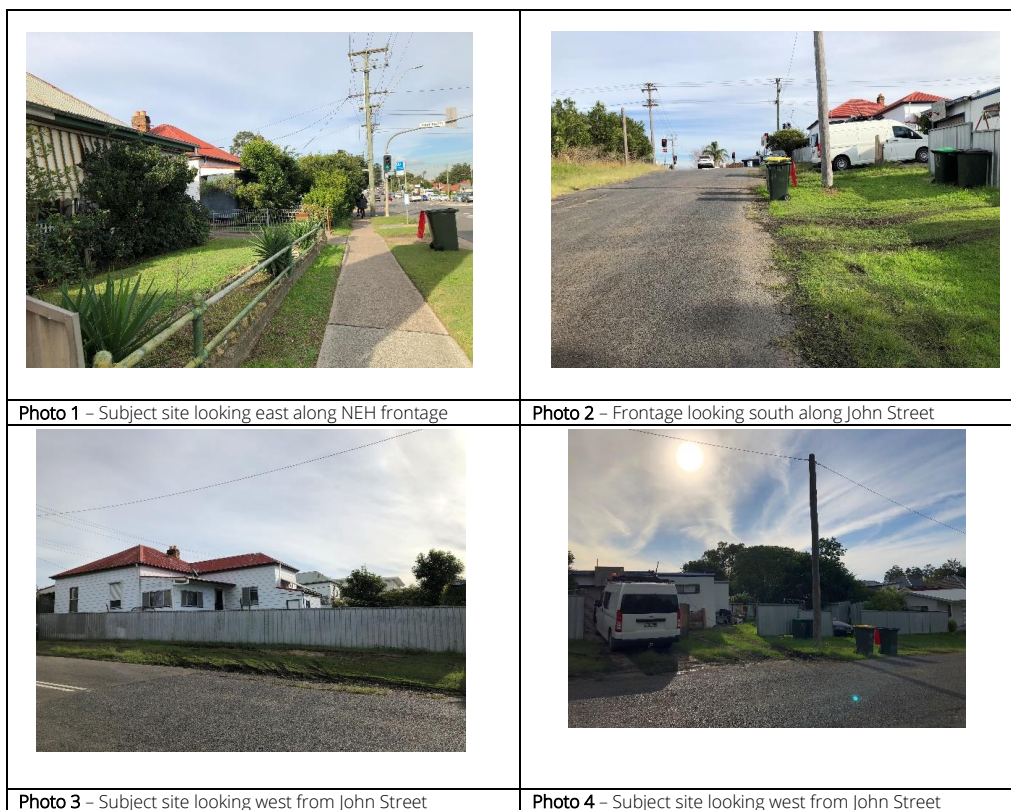
The subject site is made up of two existing allotments, Lot 1 measuring 617.4m² and lot 2 measuring 731.1m² and Lot 3 measuring 1.2m². The site has a total frontage of 25.9m to the New England Highway (south), and 54.3m to John street (east). The allotments feature a gradual slope from the southern frontage toward the north (rear). Existing vegetation is evident at the front and rear of the property, which appears to be remnant landscaping. Lot 1 & 2 each contain an existing dwellings and ancillary structures. Lot 1 features a driveway crossover to John Street. Lot 2 currently gains access to the public network via driveway crossover to the New England Highway, which is to be removed as a result of the proposed development.

The broader area is characterised by general residential development, directly south and north of the site, with a service station directly adjoining the site to the west. The New England Highway runs at the frontage of the site, with an existing intersection (traffic lights) at the corner of John Street and New England Highway. The train line runs north to south, adjacent to John Street.

A photograph(s) of the existing site is provided below.



Figure 5 - GIS aerial image





PREVIOUS DEVELOPMENT HISTORY

The table below provides a consent history and background context that is a relevant consideration in the assessment of the application.

Previous Consent History				
DA No.	Description of Development	Date Determined	Decision Approved/Refused	Comments
BA/90/0698	Erection of additions	28/08/1990	Approved	112 New England Highway (Lot 1)

CHRONOLOGY AND RFIs

The application was subject to a number of requests for further information, as follows:

Council request	Applicant Response
RFI 1 - 14/05/2025	
1. SIDRA Files 2. CPTED Report 3. Clarification of 24-hour operations	1. SIDRA files provided to Council and TfNSW. 2. CPTED Report submitted to Council. 3. Operational details provided and addressed in CPTED report.
RFI 2 - 25/06/2024	08/08/2024
1. Parking and vehicle access 2. Stormwater Management	1. Plans amended to comply with MOES and Australian Standards, dimensions shown. 2. Plans amended to comply with MOES. Overland flow path nominated.

3. Geotech and Earthworks 4. Face details 5. Acoustic fence details 6. Response to submissions	3. Retaining wall details provided, and amended to be offset from boundaries. 4. Plans corrected to reference correct materials and colours. Trellis removed and replaced with painted mural. 5. Architectural plans amended to include fencing detail. 6. Written response to concerns raised in submissions.
10/09/2024	22/10/2024
1. Parking and vehicular access 2. Stormwater Management 3. Geotech and earthworks	1. Plans amended to show minimum clearance. Reversing manoeuvres and line marking to be satisfied via conditions as agreed to by Council. 2. DRAINS model provided. Plans updated to include sand filter details. 3. Hedging to be provided to address safety concerns of retaining adjacent to footpath. Retaining wall details to be conditioned with detailed plans to be provided prior to CC, as agreed to by Council.

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type

The proposal is categorised as *local development*, under the Environmental Planning and Assessment Act 1979 (EPA Act).

Contributions

The proposal attracts a contribution of **\$14,766** under Council's current adopted Section 7.12 Plan.

The proposal attracts a contribution of **\$5,752.99** under s7.28 - housing and productivity contribution as the DA was submitted to Council after 1 October 2023 and involves an increase to Gross Floor Area (GFA) for commercial or industrial development. Relevant conditions of consent have been included.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

SEPP (Resilience and Hazards) 2021

Clause 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The proposed development site has no previous record of a contaminating use, nor is it listed on the NSW list of contaminated and notified sites, published by the Environment Protection Authority ("EPA"). The land is not within an investigation area, however, is mapped as being 'potentially contaminated'

(GHD) due to the location between an existing service station and train line. The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines.

The development is supported with a Preliminary Site Investigation (PSI) Prepared by: Practical Environmental Solutions, dated: June 2022. Field investigations including a site walkover, site history briefing and test pits with soil samples taken. The surface soils were tested for site contamination. The potential contaminants were identified as comprising:

- Potential run-off of fuel related compounds from the neighbouring service station;
- Lead containing paint flaking off external surfaces of existing structures on the site; and
- Asbestos materials from existing structures on the site.

The report recommends the lead impacted soils can be removed from site in a 'dig and dump' exercise in a width and depth sufficient to eliminate the hazard, with validation to be undertaken via soil analysis upon completion of the works. Subsequent to standard conditions of consent, enforcing the recommendations of the PSI report, this is considered a suitable outcome to effectively manage and address onsite contamination.

As such, the site is considered suitable for to the proposed development, subject to conditional requirements requiring remediation and testing prior to new construction works commencing.

SEPP (Transport and Infrastructure) 2021

Section 2.119 – Development with frontage to classified road

Section 2.119(2) requires the consent authority to be satisfied that where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

The subject site has a 25m frontage to the New England Highway and a secondary 54m wide frontage to John Street, which connects to the New England Highway. There is an existing single driveway crossing to the New England Highway which will be removed as part of the demolition works. The proposed access points for the development will be from John Street. A 6.65m wide entry and exit driveway (north) is provided from John Street and a separate single 5.3m wide exit driveway (south) is also provided to John Street. The driveway accesses into the site have been positioned to provide adequate separation from the signalised intersection of John Street and the New England Highway.

The John Street intersection with the New England Highway is a signalised cross intersection. The traffic and parking assessment by Intersect Traffic provides modelling of the post development traffic flows and the potential impact on the intersection. The modelling provides that there will be average delays, with minimal queueing and there will be no adverse impact on traffic flows on the New England Highway.

The proposed development will not generate smoke or dust. The proposed development provides vehicular access from a road that is not a classified road and will not have an adverse impact on the safety, efficiency and ongoing operation of the New England Highway.

Section 2.122 – Traffic generating development

Section 2.122 details the circumstances in which the Transport for NSW must be given written notice of an application as well as the matters that must be taken into consideration by the consent authority before determining an application considered traffic generating. Section 2.122 applies to the type of development listed in Schedule 3 of the SEPP. Referral to Transport for NSW is required for takeaway food and drink premises with drive through facilities of any size or capacity with access to a classified road or to a road that connects to a classified road. The proposed development provides drive through facilities and is accessed via John Street which is a road that connects to a classified road

being the New England Highway. The proposed development was referred to TfNSW per the requirements of this clause. TfNSW's response is discussed elsewhere in this report.

SEPP (Industry and Employment) 2021

The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high-quality design and finish.

The proposed signage will comprise a pole sign constructed along the New England Highway frontage of the site and a number of business identification signs and way finding signs throughout the site comprising:

Pole Sign

- 10m high x 1.965m wide
- Internally illuminated logo
- Internally illuminated drive through directional sign located on corner of New England Highway and John Street with property boundary

Directional signage 1

- Drive-thru
- 1.83m x 640mm
- logo internally illuminated
- located adjoining exit and entry/exit driveway to John Street

Directional signage 2

- Drive-thru sign
- 1.07m x 785mm
- located at drive through entry

Directional signage no entry

- Thank you/No entry sign
- 1.07m x 640mm
- internally illuminated located at drive through exit

Schedule 5 of the SEPP sets out Assessment Criteria for the assessment of applications for advertising signs which is discussed below.

Assessment Criteria	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are for business identification purposes only and does not detract from the existing amenity of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with signage for a take away food and drink premises and consistent with the theme of surrounding signage within the productivity zone.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	It has been determined that the proposal does not detract from the amenity of the area.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No. There are no important views obscured.

Does the proposal dominate the skyline and reduce the quality of vistas?	No. Signage has been located to ensure limited impact to surrounding properties.
Does the proposal respect the viewing rights of other advertisers?	Yes. The signage does not obscure other signs.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signs are consistent with the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs do not adversely detract from the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing signage on site.
Does the proposal screen unsightliness?	No.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed 10m pole sign features a 5.8m pole, with backlit logo signage atop. The exceeds the height of the proposed building, however has been sited and designed to blend well with the development as a whole. The signage is typical of that seen at the service station neighbouring the site and will not appear out of context.
Does the proposal require ongoing vegetation management?	No.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The signage is compatible in scale with the existing buildings.
Does the proposal respect important features of the site or building, or both?	Yes. The signage does not detract from the building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No. The sign is conventional and reflects the 'starbucks' branding utilised throughout the development.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.
7 Illumination	
Would illumination result in unacceptable glare?	Illumination is not proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A
8 Safety	
Would the proposal reduce the safety for any public road?	No. The signage is located within the subject site and is not considered to detract the from the safety of drivers.

Would the proposal reduce the safety for pedestrians or bicyclists?	No. The signage is located within the subject site and is not considered to detract the from the safety of pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The design of the pole sign means that the bulk of the signage resides above the roof line of the building. The sign footing structure is small in comparison and setback from the footpath proposed at the New England Highway and John Street road reserve.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 of this Instrument provides requirements for Vegetation in non-rural areas, with the aim to protect the biodiversity values of trees and other vegetation and preserve the amenity of non-rural areas.

The subject site is zoned E3 – Productivity Zone and therefore the provisions of this chapter apply pursuant to 2.3(1)(b) – Land to which this chapter applies. Under Clause 2.6 and Clause 2.7 of this instrument, approval is required for tree removal unless the vegetation presents a risk to human life or property, is dead or dying and is not utilised or required for the purpose of native animal habitat.

The tree (3) trees proposed for removal are remnant landscaping and hold no ecological significance nor are utilised for native habitat. Further the trees are not dead or dying and cannot be removed without consent. Subsequently consent for tree removal is sought under the provisions of this SEPP and Chapter B.5 of the MDCP 2011, discussed below.

SEPP (Sustainable Buildings) 2022

Include commentary about the standards for non-residential development isn't triggered due to the cost of works.

Maitland Local Environmental Plan 2011

Clause 2.3 – Zone objectives and land use table

The subject land is zoned E3 – Productivity Support under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as Takeaway Food and Drink Premises and Business Identification Signage under the LEP which is a type of development permitted with consent in the E3 zone.

The proposal is consistent with the zone objectives of the E3 – Productivity Support zone as follows:

- Contributes to the commercial activities in the locality without being of a scale to detract from surrounding commercial zones
- Presents a compatible land use without competing with existing commercial activity nor conflicting with surrounding residential uses
- Maintains the economic viability of the locality
- Better aligns with the zoning of the land to that of the existing dwellings on site.

Clause 2.7 – Demolition requires development consent

Pursuant to this clause, demolition of a building or work may be carried out only with development consent. The proposal includes demolition of the following structures:

The proposed development includes the demolition and removal of all structures and vegetation from the site including:

- Two single storey weatherboard dwellings;
- Two single storey fibro garage/shed and carport awning;
- Two metal sheds
- Removal of three trees
- All existing driveways and hardstand areas

A private contractor will be engaged to undertake demolition works. All waste will be sorted and stored onsite for appropriate disposal off site at Council's waste management facility. Details are provided in the waste management plan of which will be referenced in the conditions of consent.

Clause 7.1 – Acid sulfate soils

The development site is identified as class 5 ASS. The requirements of this clause are not triggered as the proposed development is not within 500 metres of adjacent Class 1, 2, 3 or 4 land, nor involves works exceeding 5m depth. Noting this, impact upon or exposure of ASS is unlikely, and an ASS Management Plan is not deemed necessary.

Clause 7.2 – Earthworks

Earthworks are required on the site to allow for the construction of the proposed food and drink premises. Cut and fill works across the site range from 2m cut in the south-western portion of the site to 250mm of fill in the north eastern portion of the site. Retaining walls are proposed along the north, south and western boundaries of the site, and toward the rear of the carpark. The retaining walls have a maximum height of 1.6m and have been suitably set back from boundaries. The earthworks will not disturb any waterway, drinking water catchment or environmentally sensitive area, nor impede upon the current and future use of the subject and neighbouring allotments.

Subject to construction level details, to be prepared by a structural engineer, that of which is to be conditioned for, the development is considered to comply with the intent of this clause.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

Chapter B.5 – Tree and Vegetation Management

This section applies to all land in the Maitland Local Government Area to which Chapter 2 of the State Environmental Planning Policy (Biodiversity Conservation) 2021 applies.

The trees proposed for removal are situated toward the north-western (rear) corner of the site, and their removal will facilitate the construction of the proposed carpark. The trees are not significant in size or species and appear to be remnant vegetation from the historical residential use of the site. The development is supported with a landscape plan to supplement the removal of the tree trees.

A Biodiversity Assessment Report was not required to be prepared, given no more than 5 native trees are proposed for removal. An arborist report was not deemed necessary, given the justification for removal is subject to the proposed development, rather than the health or viability of the trees.

The trees do not contribute aesthetically to the streetscape, giving the siting in the rear corner of the site. Further upon inspection, the trees do not appear to provide habitat for native species. Other

smaller shrubs are evident on site, however, do not require approval to be removed per Section 1.1 of this chapter.

Standard conditions will be applied to the consent, outlining for removal works to be undertaken by a qualified arborist, and a contingency condition to ensure any unanticipated fauna is appropriately handled. Subject to the works being undertaken in accordance with these conditions, the tree removal is considered to comply with the provisions of this chapter.

Chapter B.6 – Waste Not – Site Waste Minimisation & Management

The development is supported with a waste management plan (prepared by Hargreaves Property Group, dated 4 March 2024). The waste management plan outlines management of waste at three key stages of the development: demolition, construction and operational.

Demolition and construction waste will be managed by a private contractor who will separate and dispose of the waste to surrounding facilities and recycle where possible. Construction waste will be contained in skip bins during the duration of the works. Council's Waste Services Manager noted that the plan did not include comprehensive details of quantities or disposal locations. A condition of consent will be included to ensure an updated waste management plan is provided prior to demolition work commencing.

Operational waste is detailed in the waste management plan, as follows:

Starbucks Rutherford		
Floor Space	General Waste Generation (L)	Recycling Waste Generation (L)
160*	2,016	1,512

Based on the above waste generation rates, the following bins are proposed to service the operation of the proposed Starbucks:

- Two 1,100L General Waste Bins – collected and emptied once a week.
- One 1,100L Recycling Waste Bins – collected and emptied twice a week.

On a collection day organised with the private contractor, the bins will be placed outside the bin store doors for collection.

This level of detail is to the satisfaction of Council's Waste Services Manager and will be conditioned accordingly.

Chapter C.6 – Signage

The proposed development includes the installation of five signs in total, fronting both John Street and New England Highway, as follows:

- Two x wall signs (one fronting NEH, and one fronting the rear carpark).
- Two x directional signs (fronting John Street at driveway entry / exit)
- One x Large Pole Sign (situated at the south-eastern corner of the site, fronting NEH).

All signs other than the proposed pole sign do not exceed the height of the proposed building. The proposed pole sign measures a total height of 10m, however only displays signage for the top 2m. The pole sign has been situated as to ensure it does not detract from surrounding developments, nor pose safety risks to passing drivers or pedestrians along the NEH by obscuring site lines.

The sign is complementary and consistent with the pylon sign and awning associated with the service station neighbouring the subject site to the west. The proposed signage is consistent with other

takeaway food and drink premises in the broader locality along the NEH, including KFC Rutherford and McDonalds Rutherford.

All other smaller or wall mounted signs are appropriately sized and positioned in a consistent manner throughout the site, compliant with the provisions of this chapter. Signs feature backlight illumination of which will be controlled in accordance with the Australian Standards, enforced via conditions of consent. The signs are compatible with the surrounding business identification signage within the subject E3 zone and have been sited to minimise potential and perceived impact upon the broader residential precinct. The signage is deemed suitable for the subject site.

Chapter C.11 – Vehicular Access and Parking

Access

Both existing driveway cross overs (one to NEH and one to John Street) will be removed and replaced with an 'entry only' (south) and 'dual entry/exit' (north) driveway accesses to John Street. No vehicular ingress or egress will be provided to the New England Highway.

Swept paths have been provided demonstrating that the site can cater for medium rigid vehicles (MRV) entering and exiting in a forward direction.

Standard conditions, including but not limited to the following, are to be imposed to ensure access remains compliant with Council's requirements and the Australia Standards:

- Driveway gradient and design (compliance with AS2890.2)
- Carparking details and design (compliance with AS2890.2)
- Pedestrian crossing / shared zone within the proposed carpark

Parking

DCP 2011 sets out car parking rates for drive-in takeaway food and drink premises at 1 space per 8m² of gross floor area, plus 1 space for every three (3) seats. Additionally, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point). There should also be a minimum of four car parking spaces for cars queued from the ordering point.

The development includes 182.51m² of GFA and a total of 32 seats, requiring 34 onsite parking spaces per the requirements of the DCP. The development includes 16 parking spaces (including 1 x waiting bay and 1x accessible space). This results in a technical shortfall of 18 parking spaces or 52%.

The development includes a drive-thru service that allows for vehicle queuing of up to 10 vehicles which complies with Appendix A of the DCP.

The following provides justification for the non-compliance with numerical parking requirements pursuant to the DCP:

The Traffic Impact Assessment (TIA) (Intersect Traffic, March 2024) submitted with the application demonstrates that the development complies with the RTA Traffic Generating Development Car Parking Requirements, being one (1) space per 2 seats. As the development includes 32 seats, this would require 16 onsite spaces per the RTA guidelines.

The proposed development provides 16 on site car parking spaces in accordance with the RTA guideline requirements. The takeaway food and drink premises will be occupied by Starbucks. Starbucks predominately focuses on coffee sales, with only limited food options provided on their menu. As a result, there are limited numbers of customers who eat in at the facility given menu options are limited. Customers typically use the drive thru lane, which also reduces actual on-site car parking demand. A parking survey was undertaken of three similar Starbucks premises during peak periods. The survey provided data for three consecutive days for the peak trading period of 6am – 9am. The peak parking demand and peak time determined at these Starbucks sites were as follows;

- Penrith – 10 spaces at 7.50 am on Thursday 22nd June 2023;

- Marsden Park – 11 spaces at 6.40 am Thursday 22nd June 2023;
- Mount Druitt – 5 spaces between 8.25 am and 8.35 am Tuesday 20th June 2023.

Subsequently, the peak parking demand within the survey was 11 spaces.

Further, the development includes construction of a new footpath network, extending from the existing pathway at the New England Highway frontage, and continuing north along John Street. This will improve pedestrian connectivity from the traffic lights and Telarah train station (approximately 200m south of the site).

Given the low demand for on-site parking expected at the proposed takeaway food and drink premises the provision of 16 parking spaces, in accordance with RTAs Guide to Traffic Generating Development, is considered suitable for the proposed development and the requested variation to the DCP can be supported.

Traffic

The TIA (Intersect Traffic, March 2024) submitted with the application, and subsequent addendum (Intersect Traffic, June 2024) provides SIDRA modelling and traffic analysis to determine the extent of impact upon the surrounding network, including local feeder roads, and the state classified New England Highway. The TIA and Addendum presents the following conclusions:

- The local and state road network have sufficient available two-way mid-block capacity to cater for the development without the need to further upgrade the local road network.
- The development is likely to generate an additional approximately 100 vtpm during the AM peak traffic period and 70 vtpm during the PM peak traffic period based on a report undertaken by Bitzios Consulting for the Roads and Maritime Services in 2015.
- The additional traffic on the local and state road network will not adversely impact on the two-way mid-block efficiency of the local and state road network.
- Sidra Intersection modelling has shown the proposed development will not adversely impact on the operation of the New England Highway / John Street signalised cross intersection. Therefore, the proposal will not adversely impact on the efficiency and effectiveness of the local road network.
- The proposed dual combined entry / exit driveways off John Street for the development is compliant with the requirements of Australian Standard AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities in regard to width and sight lines.
- The accesses will operate with uninterrupted flow conditions and will be suitable and safe for use by all vehicles accessing the site.
- The proposed on-site car parking supply and servicing facilities are deemed to comply with Australian Standard AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities and the RTA's Guide to Traffic Generating Developments (2002), subject to Council accepting the results of a parking survey undertaken by NTPE on 3 similar Starbucks restaurant sites in Sydney. The provision of 16 on-site car parks will meet the expected peak parking demand for the site and complies with the RTA Guide to Traffic Generating Developments requirements in lieu of the MDCP.
- Hunter Valley buses already provide an excellent public transport (bus) service around the site and the additional public transport demand resulting from the development would not be considered sufficient to require additional services or facilities. Therefore, no nexus exists for the provision of additional services and infrastructure resulting from the development as the existing services and infrastructure is suitable for the development.
- Pedestrian facilities around the site are considered excellent with suitable concrete footpaths provided within the New England Highway linking to nearby bus stops. Council have however already identified that a pedestrian footpath along the site frontage in John Street will be required as part of the development works for the project.

- There is little in the way of existing bicycle infrastructure in the area and the development will not generate sufficient additional bicycle traffic for there to be a nexus to provide any bicycle infrastructure near the site.

A condition will be imposed to ensure the development adopts the recommendations of the TIA.

Chapter C12 – Crime Prevention Through Environmental Design (CPTED)

A CPTED Report was prepared by HDB Town Planning (Reference: 94032, dated: June 2024) at the request of Council during initial assessment of the development application. A CPTED report was warranted pursuant to the provisions of this chapter, given the development is commercial in nature and proposes a 24-hour use.

The development has demonstrated consistency with the four (4) key CPTED strategies, being (1) territorial re-enforcement, (2) surveillance, (3) access control, and (4) space / activity management.

Territorial Re-enforcement

The site is in an area that combines both residential and commercial premises, so there is a responsibility to ensure the space of the 24-hour takeaway premises is clearly defined from the surrounding properties. Architectural plans show that the northern neighbours (residential) will be separated from the proposed site by a 2.4m high fence, to clearly show visitors to the site that the area they are able to access ends at that point. This should assist to prevent unwanted visitors accessing the neighbouring residential properties. It is recommended the fence should make use of anti-graffiti coating on the paint to maintain the appearance of the area.

Regarding the eastern and southern portions of the site, these boundaries will remain relatively open, with a low retaining wall and landscaping used to delineate the boundaries of the proposed premises from other areas on New England Highway and John Street. This is deemed sufficient to separate the boundaries of the premises and the neighbouring properties. The landscaping (bushes, shrubs, hedging, etc.) will need to be regularly maintained so they do not become a block to natural surveillance from the building and provide a place for offenders to hide. The proposed footpath along the John Street frontage will also assist in guiding people to the site entry.

Surveillance

The architectural plans show large windows proposed fronting the carpark, allowing for direct and passive surveillance of the subject site, and John street frontage. It has been shown that this “eyes-on” natural surveillance can assist in reducing criminal activity. Given the prevalence of property damage and intimidation crimes in the area, it is important to maintain this line of sight. There will be large areas of blank walls around the sides and back of the premises, with reduced capacity for natural surveillance. It is recommended to use an anti-graffiti coating on the paintwork to assist with the quick and easy removal of any vandalism. A well-maintained area is less likely to become a target for offenders.

CCTV has the potential to reduce crime as an added form of surveillance, however, it is contingent on many variables that may not be cost-effective in reducing crime. The recommendation for CCTV on this premise would be as a spot fix for isolated areas, such as the entrance to the drive-thru, down the side of the proposed building where there is little opportunity for natural surveillance. It is recommended that lighting be good enough to identify a person from ten metres away, this will help manage areas like the proposed car park where visibility from the premises may be limited. While lighting is not always a crime deterrent, it does add to the image management of an area, and areas of “self-worth” are less likely to be targets for offenders. Lighting will in turn improve safety for staff and customers leaving the building at night.

Access Control

As with territorial enforcement measures, access control for the proposed premises should give a clear indication of the public vs. private space. It should make clear where people are allowed and where they are not allowed. As previously mentioned, the landscaping and low retaining wall proposed will assist in achieving this by showing where the Starbucks will begin and where it ends, in an effort to guide behaviour. It is also proposed to have large trees in the corners of the site to further identify the extent of the property boundaries. These will be individual trees rather than groupings, so should not provide areas to hide potential offenders or block surveillance sight lines. The premises will have a singular entry/exit to the building to aid in funnelling people in the right direction and reducing opportunities for offending by making it obvious if people are in areas that they are not meant to be.

Signage is proposed which will provide direction both vehicular and foot traffic, making it clear where people should be and where they should not be. Signage which displays messages like “no trespassing” or “access prohibited” should also be used to mark staff-only areas to provide cues to guide people, and obvious locks should be used on doors which lead to areas that the public are not meant to access. During construction, fences should be used to enclose and protect equipment, materials and vehicles from theft and damage, particularly at night or when there are no personnel on-site. These fences will be removed once the construction has been completed.

Space / Activity Management

As well-maintained areas are more appropriately used, it is recommended that all areas of the development are properly and regularly maintained. The developer/owner/tenant of the property would be responsible for this. The gardens should not be allowed to grow to the point that they obscure viewpoints or look overgrown, and paintwork should be maintained to ensure the premises looks well cared for. Anti-graffiti paint is recommended for the northern fence and blank walls, as this will assist in the ease and cost of maintaining these areas and reducing the temptation for further vandalism if it is quickly removed. Signage and lights on the exterior of the premises and in the car park should be made of sturdy materials to make them a difficult target for vandalism or damage. Rubbish bins in the car park should be available for customers to use to prevent a build-up of refuse in the external areas of the site, and regular staff checks should be enforced to keep the area tidy. Rubbish bins should be fixed to the ground to avoid them becoming targets themselves, or removable bins should be kept in fixed shelters with locked doors preventing their easy removal.

Subject to compliance with the recommendations of this report, the development is considered to adhere to CPTED Principles.

Chapter E.1 – Centres

2. New Centres

The development is for a single take away food and drink premises only and does not constitute a new centre. The provisions of subsection 2 do not apply.

3. All Centres

3.1 – Active Frontages

The subject site is not nominated on the Active Street Frontage Maps (Figures 4 to 11) and therefore the provisions of subsection 3.1 do not apply.

3.2 – Arcades

The proposed development does not incorporate an arcade, and therefore the provisions of subsection 3.2 do not apply.

3.3 – Awnings

The provisions of this subsection relate to awnings fronting active street frontages. As the subject site is not nominated on the Active Street Frontage Maps (Figures 4 to 11), the provisions of subsection 3.3 do not apply.

3.4 – Building Design

An application for a new building or building works shall:

No.	Control	Compliance
1.	An application for a new building or building works shall: <ul style="list-style-type: none"> ▪ Adopt elements reflected in the dominant era and style of buildings in the centre. ▪ Avoid intrusion of incompatible elements. 	The development is of high level design and construction, adopting elements of similar bulk, scale and siting, to that of surrounding commercial development.
2.	Have a façade height within 20% of the average height of the buildings on either side.	The building has a maximum roof height of 3.5m with a parapet extending to 5.5m. The building is consistent with the height of the service station, directly west, and the single and double storey dwellings within the broader surrounds. The development adheres to the 20% average height control.
3.	Where more than 2-storeys are proposed, the third and higher storeys are setback further by a minimum of 3.0m.	Not applicable.
4.	In an established street, roof form and roof materials shall be consistent or complementary to those developments in that street.	The proposed development has a flat roof, with parapet surrounding to screen mechanical plant. This is typical of the commercial developments within the E3 zone.
5.	Variations in roof form including the use of skillions, gables and hips are to be provided in the development or between developments.	A skillion roof is provided over the drive thru order and pay, with a flat roof for the remainder of the building. The drive thru pick up is provided with a flat roof awning that is to be clad in timber look vertical panels which creates interest and articulation to the building.
6.	Flat roofs shall be avoided unless they are behind a parapet.	The development features a flat roof with parapet, per the provisions of this control.
7.	Lift over-runs and service plant shall be concealed within roof structures.	No lifts are proposed. The parapet serves to conceal service plant equipment to be installed on the flat roof.
8.	All roof plant is to be represented on plans and elevations.	Roof mounted plant equipment is shown on the architectural plans.

9.	Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	The development does not include any outdoor recreation areas on flat roofs.
10.	Security grills (for e.g. roll-up doors) shall be avoided.	No security grills are proposed.
11.	If installed, security grilles shall be provided within the building, behind the glazing and be constructed of material that allows the interior to be visible.	No security grills are proposed.

3.5 – Gateway, Corner and Landmark Sites

Key sites including corner sites are developed to create distinctive and unique buildings that form gateways to town centres. Specific development controls are addressed below, noting the development is situated on a corner allotment, at the end of the E3 zone, boarding residential zoning to the east, north and south.

No.	Control	Compliance
1.	The design of buildings on corner sites or at the ends of business or commercial zones shall emphasise the importance of the corner as a focal point.	The proposed development has been designed to provide an active street frontage to the New England Highway and John Street intersection. Vehicle access has been provided from John Street, away from the New England Highway intersection to ensure vehicle traffic into the site does not impact on traffic flows. The food premises building is located towards the front of the site, with the drive-thru wrapping around the building dressed with retaining and landscaping features. The materials used such as fibre cement cladding, timber look aluminium slats, concrete paint finish create interest in the building form. Signage, exterior wall lighting, and a mural provide an opportunity for easy identification of the use of the site.
2.	Corner sites or at the ends of business or commercial zones shall be constructed to boundary with no car parking or servicing between the street boundary and the building.	The car park area is provided at the rear of the site, with the food premises located to present to the New England Highway (south). The development is featured on a corner allotment, with secondary frontage to John Street. However, John Street is not considered the main vantage point, and the carpark is surrounded by high quality landscaping to minimise visual impact from key vantage points.
3.	Corner buildings shall include design devices such as:	The proposed development provides several design features to provide interest and

	<ul style="list-style-type: none"> ▪ Increased wall heights; ▪ Splayed corner details; ▪ Expression of junction of building planes; ▪ Contrasting building materials; and ▪ Other architectural features to reinforce the prominence and distinctiveness of the building. 	reinforce the prominence of the building. The main building has a fibre cement cladding. The precast concrete panels create a vertical feature to elongate the building and enhance its distinctiveness on the corner. The drive thru order and pay cover has a skillion style roof over, with the bin store behind clad in timber style vertical panels which creates depth in the design. The landscaping proposed along the frontage of the site softens and adds dimension to the built form. A painted mural is proposed along the southern elevation to create visual interest and dimension to the pre-cast concrete wall fronting the New England Highway.
4.	Shopfronts shall wrap around corners and entrances located centrally to the corner.	Given the site frontage to a classified road there are no entrances are provided along the New England Highway.
5.	The tallest portion of the building shall be on the corner.	The building has been designed with a 5.5m height at the corner.

3.6 – Pedestrian Entries and Access

No.	Control	Compliance
1.	The development complies with Australian Standards.	The development will comply with AS1428 – Design for Access and Mobility with confirmation provided in the detailed design as part of the CC documentation.
2.	Pedestrian and vehicle movement areas are separated and defined by changes in pavement material, levels, lining or tactile treatments.	Noted and can comply subject to detailed plans at CC stage.
3.	Parking areas are illuminated (naturally and/or artificially) during the time period the centre is open.	Noted. This will be addressed in the detailed design as part of the CC documentation.
4.	Signage is provided at the entries to the development detailing the services available within the centre and where they are located.	Noted and can comply. Signage is proposed throughout the carpark areas, including directional signage for driveway (denied) access. Pedestrian signage will be erected throughout the building, with details to be provided at CC stage.
5.	Signage to key public spaces accessible from the centre such as car parks, food courts shall be provided within the centre.	As above.

6.	Signage to key facilities such as rest rooms, centre management, baby change rooms shall be provided within the centre.	Noted. This will be addressed in the detailed design as part of the CC documentation.
7.	Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	Sufficient space is available at the pedestrian entry for bicycle storage, where required.

3.7 – Parking, loading and servicing

No.	Control	Compliance
1.	Car parking provision shall be in accordance with Part C11 of the Maitland Development Control Plan 2011.	The development provides on-site parking for 16 vehicles which is consistent with RTA's Guide to Traffic generating Developments. As outlined in C11 assessment, above, variation to the DCP parking rates is sought and justified.
2.	Garage doors and loading docks shall be located at the rear of development, so that they are not a dominant element in the overall presentation of the development to key streets.	The loading dock is located adjacent to the drive thru entrance, behind the front façade of the food premises, significantly setback from neighbouring residences to the north.
3.	Signage shall be provided to direct visitors to the centre and to car parking areas.	Car parking and vehicle manoeuvring signage is provided at the entry points to the site and also within the car parking area & drive-thru.
4.	Rear or internalised car parks shall be designed and constructed in a manner which enables future expansion and connection with potential future car parks in neighbouring sites. This includes consideration of levels, drainage and location of existing and future driveways and crossovers.	The car parking area is provided at the rear of the site, behind the food premises. The sites to the north are zoned R1 General Residential so it is unlikely that there will be future development that would require connection to the development sites car parking.
5.	All vehicles must be able to enter and leave any development in a forward direction.	There are two driveways proposed for the development. One dedicated exit (south) and one dual entry and exit (north). There is sufficient area within the site for vehicle to enter and exit in a forward direction.
6.	Loading and manoeuvring areas for service vehicles shall be separated from car parks and pedestrian paths. Where shared access is provided, no loading or unloading shall be carried out over car parking spaces and access aisles.	A dedicated loading bay is provided adjacent to the drive thru entrance. There are pedestrian walkways and crossings located away from the loading bay to ensure safe pedestrian access into the building. The loading bay is separate from the car parking spaces for patrons and vehicle turning paths show adequate clearance for an 8.8m medium rigid vehicle.

7.	Where natural or mechanical ventilation of a car park is achieved through the use of metal grills or large openings they shall contribute to the overall design or be screened by landscaping or other design elements.	The proposed carpark is open and therefore no car park ventilation proposed.
8.	External service areas (for e.g. areas for rubbish storage, cardboard compacting etc) shall not be visible from roadways or public open space areas.	An enclosed bin storage area is provided on the eastern side of the development. The bin storage area will not be visible from the roadway or any public areas.
9.	External storage and service areas shall be suitably screened from view from both roads and parking areas and pedestrian areas.	The bin storage area is provided with lockable gates that have aluminium timber like slats for screening of the bin area.
10.	Basement car parks shall be setback a minimum of 3.0 metres from the street boundary.	Basement carparking is not proposed.
11.	Where car parking cannot be provided on the site without compromising an established streetscape Council may consider entering into a voluntary planning agreement or similar arrangement for works or contributions that contribute to the overall accessibility of the centre.	Car parking is provided on the site and does not compromise the streetscape. A VPA is not warranted in this instance.

3.8 – Public art, landscaping and public domain works

No.	Control	Compliance
1.	A landscape plan shall be submitted with the development application that shows: <ul style="list-style-type: none"> Existing vegetation; Vegetation proposed to be removed; Proposed general planting landscape treatment; Design details of hard landscaping elements; [MAITLAND CITY WIDE DEVELOPMENT CONTROL PLAN] December 2011 Part E – Special Precincts – Centres Page No.11 Major earth cuts, fills and any mounding; Street trees; and Existing and proposed street furniture including proposed signage. 	A landscape plan (Reference: DA-2037, dated: 02/04/2024, prepared by: Captivate Design) has been provided pursuant to this control.
2.	The landscape plan for the site achieves the following minimum standards:	

	Large trees and spreading ground covers are provided in all landscape areas within the site..	Large trees are provided within the corners of the site, providing territorial reinforcement and addressing key vantage points.
	Where screening is required, large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided.	Landscape screening has been limited to the rear section of the site. The fencing along the north and west boundaries is provided with landscape screening with a variety of plants used.
	At grade car parking areas shall be provided with one tall, branching, mature shade tree for every 4 linear car spaces.	There are four large trees proposed in the corners of the site. These trees will have a mature height of 6-8m and a mature spread of 5-7 metres.
	All areas less than 1.0 metre in width shall be paved.	All external areas, with the exception of the landscaped areas will be paved.
	Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	A landscape strip is provided along the southern boundary that fronts the New England Highway and in the southern section of the eastern boundary which fronts John Street. The landscaping has been designed to soften the built form, whilst also allowing for the site and its use to be easily identified.
	Any portion of the site that remains undeveloped or vacant after development shall be landscaped.	There is no portion of the site that will remain vacant or undeveloped.
	All street plantings are to be selected from Council's landscaping policy or with the agreement of Council's Coordinator Recreation and Tree Services.	A minimum of one (1) street tree(s) along John Street are to be conditioned for.
	Water sensitive urban design facilities (such as swales, bio-detention ponds and rain gardens) are used to treat stormwater for at-grade car parking areas	The stormwater drainage design has been assessed by Council's Engineers and sufficiently meets the requirements of Council's DCP and Manual of engineering Standards (MoES).
	Water sensitive urban design facilities are designed in accordance with Council's Manual of Engineering Standards.	As above
	Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	There is no fencing proposed between the building line and front boundary.

	Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	There is fencing proposed along the northern and western boundaries. The fencing will be screened with landscaping which provides a variety of species in varying heights.
	Street furniture (including seats, bollards, signage, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains) and streetscape treatments are provided in accordance with Council's Public Domain Design Manual or with agreement of the Executive Manager Appearance and Infrastructure.	No street furniture is proposed.
	Any public art is provided in accordance with Council's Public Art Strategy.	No public art is proposed.

3.9 – Setbacks

No.	Control	Compliance
1.	Development along identified active streets must be built-to-boundary	The development is not mapped as being situated along an active street frontage.
2.	In all other cases, building shall be setback within 20% of the average of the adjoining buildings.	The adjoining development to the west is setback 5m. The proposed development is setback 5.7m from the New England Highway.
3.	All pedestrian paved areas along an active street are to have a minimum paved width of 3.5m.	The development is not mapped as being situated along an active street frontage.
4.	Specific development controls for pedestrian paved areas.	The development is not mapped as being situated along an active street frontage.
5.	Pavements, furniture and landscaping are to be designed in accordance the applicable Public Domain Design Manual or in consultation with Council's Executive Manager Appearance and Infrastructure.	No public domain works, furniture or landscaping proposed.
6.	Steps, escalators, ramps or lifts are not located within the 3.5m paved, pedestrian area.	No steps, escalators, ramps or lifts proposed.
7.	Any automatic teller machine: <ul style="list-style-type: none"> is inset 1.5m into the building line; is well illuminated at all times. 	No automatic teller machines proposed.
8.	Ramps are constructed and finished with materials that are similar or complimentary to those used on the building or in the street.	No ramps proposed.

3.10 – Waste Management

No.	Control	Compliance
1.	<p>A waste management plan for the construction and/or occupation of the development is provided that:</p> <ul style="list-style-type: none"> ▪ Recycles and reuses demolished materials where possible; ▪ Integrates waste management processes into all stages of the project; ▪ Specifies building materials that can be reused and recycled at the end of their life; and ▪ Uses standard components and sizes to reduce waste and facilitate update in the future. 	<p>Demolition waste will be sorted on site prior to removal for disposal off site. Where possible waste will be recycled. A private contractor will manage construction waste. Separate areas will be provided on site for waste storage within appropriate skip bins. Bins will be clearly identified with the type of waste to be disposed to ensure there is no cross contamination. Further details of demolition and construction waste management are to be submitted to Council and the certifying authority prior to the issue of a construction certificate.</p> <p>Operational waste will be managed by staff and removed from the site by a private contractor. It is expected that waste generated will require two 1,100L general waste bins and one 1,100L recycling bin. Both bins will be emptied twice per week. The regular removal of waste from the site will prevent any food wastes from generating odour issues.</p>
2.	<p>Separate storage bins for collection of organic waste and recyclable waste are provided within the development.</p>	<p>The bin storage area is a separate enclosed area. Suitable waste receptacles will be provided in this area for the storage of applicable waste.</p>
3.	<p>Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:</p> <ul style="list-style-type: none"> ▪ is not visible from the street or public domain; ▪ is easily accessible to businesses; ▪ may be serviced by collection vehicles; ▪ has water and drainage facilities for cleaning and maintenance; ▪ does not immediately adjoin onsite employee recreation area; and ▪ be maintained to be free of pests. 	<p>The waste storage area is attached to the eastern side of the building adjacent to the drive-thru. The waste storage area is enclosed with lockable gates providing access to private contractor for waste removal. Internal access is provided into the bin store from the workroom.</p> <p>A loading bay is provided at the front of the bin store for private contractor access to remove waste from the site. The private contractor removing waste from the site will undertake cleaning and ensure the waste area remains free of pests. The bin store will be provided with impervious walls and floor, with suitable grading to ensure the area can be adequately cleaned and drained.</p>
4.	<p>Cardboard compactors shall be provided for large retail and commercial developments.</p>	<p>The proposed development is not of a type/scale to warrant cardboard compactors.</p>

5.	Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service shall be provided.	Vehicle turning templates are provided showing adequate room on site for manoeuvring of a medium rigid vehicle that will be used for waste removal.
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3.11 – Vehicular Access

No.	Control	Compliance
1.	The number of vehicular crossovers shall be kept to a minimum.	The proposed development includes two vehicle crossovers along John Street. These crossovers will provide a single vehicle exit and a dual entry/exit crossover.
2.	Access and egress points are designed so that exiting vehicles have clear sight of pedestrians and cyclists.	A pedestrian footpath is proposed along the John Street frontage of the site, continuing the existing footpath situated along the New England Highway. Clear site lines are provided at the driveway cross overs. No vehicle access points are proposed along the New England Highway.
3.	Any car park ramps are located within the building footprint.	No carpark ramps are proposed.
4.	Access and egress to car parks is achieved in a forward direction.	Adequate space for vehicle manoeuvring is provided on site for vehicles, including service vehicle to enter and exit the site in a forward direction.
5.	Vehicular entrances to underground car parks are: <ul style="list-style-type: none"> located on minor streets; have a maximum crossover width of 6.0m; signed and lit appropriately; designed so that exiting vehicles have clear sight of pedestrians and cyclists 	No underground car parks are proposed.
6.	All stairs and elevators in the parking structure are clearly visible.	All parking is at grade. No parking structure is proposed.
7.	The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including active streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry.	No parking structure proposed. The car park for the proposed development is an open ground level sealed car park. Landscaping is proposed along the boundaries of the site, including the car park area except for the car park entry points.
8.	Internal finishes of underground car parks shall be consistent with the external	No underground car park proposed.

	materials where they are visible from the public realm.	
9.	Underground car parks shall be designed for natural ventilation.	No underground car park proposed.
10.	Ventilation ducts/grilles shall integrate with the streetscape and be unobtrusive and/or appropriately screened.	No underground car park proposed.
11.	Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development	No underground car park proposed.

3.12 – Development adjoining sensitive land uses

No.	Control	Compliance
1.	The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	The vehicle access points and service areas are located adjacent to John Street, away from the residential properties to the north.
2.	Where this cannot be achieved, visual and acoustic treatment of the interface is required.	A 2.4m high acoustic fence is proposed at the northern boundary, at the closest residential interface.
3.	The building elevation adjoining the residential area shall be: <ul style="list-style-type: none"> ▪ Articulated, with changes in setback at intervals no greater than 10m; ▪ Use a variety of materials and treatments; ▪ Be setback a minimum of half the height of the wall or a minimum of 3.0 metres whichever is greater. 	The proposed building has been located towards the New England Highway frontage of the site, with as setback of approximately 30m to the rear boundary. The southern elevation facing the residential properties uses a variety of materials and treatments including timber look aluminium slats, glass windows and doors and fibre cement cladding.

3.13 – Mixed use development

The development does not incorporate a 'mixed use', and is a take-away food and drink premises only. Subsequently the provisions of subclause 3.13 do not apply.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. There are no relevant amendments within the Planning Proposal applicable to this application.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements, or draft planning agreements.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The following regulations prescribed under the Environmental Planning and Assessment Regulation 2021 apply to the proposal:

Relevant Matters as Prescribed Under the EPA Regulation 2021			
Prescribed Matter	Is the matter relevant to the proposal?		Comment
	Yes	No	
The provisions of Australian Standard AS2601-1991 – “The Demolition of Structures”	X		Standard conditions to be imposed.
Fire Safety – Clause 62	X		Standard conditions to be imposed.

Section 4.15 (1)(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.

Impacts upon the natural and built environment have been discussed in this report in the context of relevant policy, including LEP 2011 and DCP 2011 considerations. In addition, the following environmental impacts are considered below:

Noise

A Noise Impact Assessment (NIA) report prepared by RCA Australia (Reference: 16813-401.1, dated: February 2024) has been submitted with the application.

Long term unattended noise measurements were undertaken with class 1 sound level meters. These were placed in an open space in the garden of 114 New England Highway. A single 15-minute attended measurement was also taken onsite by an acoustic technician to document the existing local noise sources. The results were modelled with proposed acoustic treatments, including an acoustic barrier, to varying heights, along the northern property boundary. Further, sleep disturbance assessment was undertaken to demonstrate the development will not exceed appropriate dBA levels at night-time. The report determined that daytime, evening, night and sleep disturbance levels would not be exceeded, and recommended that a 2.4m high solid acoustic barrier (solid from ground to design height) be installed along the northern property boundary as a mitigation measure.

Social, Economic, and Built Impacts

The development is located within a site suitably zoned for the proposed use and is of a size able to cater for such development. The development is compatible with the existing character, bulk, scale, and massing of the existing built form in the immediate area. The proposal will not have any negative social or economic impacts.

Natural Environment Impacts

The development is supported with a stormwater drainage design of which complies with Council's controls. A comprehensive landscape plan, featuring various trees, shrubs and hedging, is proposed to supplement the removal of three (3) existing trees. Standard conditions will be endorsed with regard to soil and erosion control, earthworks, site remediation, tree removal, landscaping and stormwater management, to ensure any potential and perceived environmental impacts are reasonably mitigated.

The development has been designed to generally satisfy the requirements of DCP 2011 and as a result the development is unlikely to adversely impact upon adjoining properties.

Section 4.15 (1)(c) - The suitability of the site for the development

The site is suitable for the proposed development as it is consistent with the objectives of the E3 Productivity Support zone under the LEP 2011 and generally compliant with relevant controls of the

DCP 2011, unless where justified and detailed within this report. The development has been designed to limit potential impact on surrounding the surrounding residential properties, much of which will be further enforced by way of conditions. The development is considered a suitable outcome for the subject site.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations

Public Submissions

The proposal was publicly notified/advertised for a period of 14 days in accordance with the Environmental Planning and Assessment Act 1979 and the Maitland Development Control Plan 2011.

A total of two (2) submissions were received during the exhibition period. A summary of the submissions is provided in the following table:

Review of Submissions		
Submission No.	Issue	Comment
1	Traffic and pedestrian safety along the New England Highway.	The application is supported with a Traffic Impact Assessment (Prepared by Intersect Traffic, dated: March 2024, and addendum dated June 2024). The TIA confirmed that there would be no significant impact on the NEH nor broader traffic network as result of the development. This was further confirmed by comments from TfNSW (summarised in 'Government Agency Submission' section of this report).
	Lighting and noise impacts attributed to 24-hour operation.	A noise impact assessment (Prepared by: RCA Australia, dated: February 2024) confirms that the development would not exceed daytime, evening, night and sleep disturbance acceptable levels. Any light pollution impacts can be reasonably controlled by conditions of consent and subsequent compliance with the Australian Standards.
	Development will be another eyesore for existing residences to the south of the New England Highway.	The development features a high-quality design of which is compliant with Council's Development Controls. The building features a similar height, siting and scale of surrounding residential developments to ensure consistency with the broader character of the area.
	Possibility of surrounding businesses seeking 24-hour operations as a result of this application seeking 24-hour operations.	The application is supported with a noise impact assessment, detailed operations, Crime Prevention Through Environmental Design Report and Traffic Impact Assessment, to demonstrate that the 24-hour use is acceptable. Should surrounding businesses also wish to seek a 24-hour use, they would be required to submit an application to Council that would be open for assessment.

	Additional traffic and foot traffic may restrict access to surrounding properties.	<p>The application is supported with a Traffic Impact Assessment (Prepared by Intersect Traffic, dated: March 2024, and addendum dated June 2024). The TIA confirmed that there would be no significant impact on the NEH nor broader traffic network as result of the development. This was further confirmed by comments from TfNSW (summarised in 'Government Agency Submission' section of this report).</p> <p>Further, no direct site access is proposed from the New England Highway, with primary site access being via Queen and John Street.</p>
	Increase in crime and loitering	A Crime Prevention Through Environmental Design Report was prepared by HDB Town Planning (Reference: 94032, dated: June 2024). The report establishes that the development has been designed to meet key crime prevention principals. The development increases opportunity for passive and monitored surveillance of the surrounding area and is anticipated to present a positive impact to any potential crime and loitering issues.
	Impact on property values.	This is not a consideration under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .
	There are several alternative locations that would be a more viable option for this type of development.	The subject site is the preferred development site as nominated by the applicant. The DA supporting documentation demonstrates that the subject site is a suitable location, and any potential or perceived impacts can be reasonably mitigated.
2	Impact on quality of life due to increase traffic, unacceptable noise levels. This will impact on tenant retention and have consequence on mortgage repayments.	<p>The application is supported with a Traffic Impact Assessment (Prepared by Intersect Traffic, dated: March 2024, and addendum dated June 2024). The TIA confirmed that there would be no significant impact on the NEH nor broader traffic network as result of the development.</p> <p>A noise impact assessment (Prepared by: RCA Australia, dated: February 2024) confirms that the development would not exceed daytime, evening, night and sleep disturbance acceptable levels.</p> <p>The development is not anticipated to have an adverse impact on the amenity of the surrounding residential area, subject to compliance with operational conditions.</p> <p>Further, tenant retention is not a planning consideration pursuant to Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
	Safety concerns due to increased traffic and unacceptable noise levels.	TIA confirmed that there would be no significant impact on the NEH nor broader traffic network as result of the development. This was further confirmed by comments

		<p>from TfNSW (summarised in 'Government Agency Submission' section of this report).</p> <p>The noise impact assessment confirms that the development would not exceed daytime, evening, night and sleep disturbance acceptable levels, and recommends a 2.4m high acoustic barrier be erected at the rear (northern) boundary to further mitigate any potential or perceived impacts.</p>
	Decrease in property value.	This is not a consideration under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .
	The development does not align with the existing character and scale of the neighbourhood.	The subject site and adjoining site to the west (containing an existing service station) are zoned E3 – Productivity Support, of which is a commercial zone. The development is considered to meet the objectives of the zone, and the site design complies with key development controls under the MDCP. The building has been designed with sympathetic siting, bulk, scale and height to reflect the established residential area. For these reasons, and others discussed throughout this report, the development is considered to align with the established character and scale of the neighbourhood.
	There may be zoning or other regulatory issues that have not been adequately addressed in the application.	The development presents no zoning or regulatory issues.

Government Agency Submissions

Concurrence to the proposal has been provided by the following government agencies as summarised in the following table:

Government Agency Submissions (Concurrence)		
Responding Agency	Section/Act under which Concurrence is required	Summary of requirements
Transport for NSW	Section 2.122 / Sch. 3 of SEPP (Transport and Infrastructure) 2021.	<p>TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.</p> <p>Advice to Council:</p> <ul style="list-style-type: none"> • Appropriate traffic measures to be in place during construction. • Ensure appropriate sight lines and distances.

		<ul style="list-style-type: none"> Discharged stormwater shall not exceed capacity of the NEH system. Consent authority to consider any environmental impacts of any road works. Manoeuvring arrangements internal to the site are for Council to consider. Whilst concurrence is not required for signage, advice is provided to ensure signage is appropriate per SEPP (Industry and Employment).
Ausgrid	Section 45(2) of SEPP (Transport and Infrastructure) 2021	<p>Ausgrid does not object to the proposal subject to the following information and conditions:</p> <ul style="list-style-type: none"> Method of electrical connection Supply of electricity Conduit installation Vegetation near powerlines to be managed per Ausgrid guidelines Impact of ongoing street light maintenance Service mains Proximity to existing network assets.

Section 4.15(1)(e) - The public interest

The proposal is within the public interest as it will provide recreation to meet the needs of the community, without impeding on the social, economic, built or natural environments. The proposal demonstrates consistency with the zone objectives and Council's development controls. The development is typical of that within the locality, will not result in unreasonable burden upon existing infrastructure or services.

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the Environmental Planning and Assessment Act, 1979.

REFERRALS

Waste - Waste Management Plan includes detail of ongoing waste collection, however, does not include enough detail on construction and demolition waste. The plan needs to include estimated quantities and disposal locations for demolition waste including details of how materials will be separated and recycled. A condition of consent is to be enforced requiring an updated waste management plan prior to any works commencing. Ongoing waste management appears to be appropriate.

Environmental Health – The application can be supported subject to standard conditions including acoustic and noise requirements, mitigation of light spill, food premises fit out and operational

requirements.

Engineering – Application assessed against DCP, MOES and Australian Standards. Stormwater drainage infrastructure, earthworks and retaining, traffic and road design all deemed acceptable subject to standard conditions of consent.

Contamination - The site contains some contaminant concentrations which significantly exceed NEPM HIL-D criteria for lead (6.5 x the upper limit). The site also contains detections for heavy end (F3-F4) hydrocarbons within most soil samples. The site lies between a service station and the rail line, which could account for the hydrocarbons. The contamination identified has not be adequately delineated. Further testing should be undertaken with recommendations and a map of areas that require remediation. A full Remediation Action Plan is not warranted, but further investigation of metal concentrations in soil should be conducted and the soil will need to be removed and the excavation area validated prior to redevelopment. The soil will require waste classification to the appropriate sampling density specified in the NSW Sample Design Guidelines/ Waste Classification Guidelines. This has been conditioned for.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule

City Planning

DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 And 114 New England Highway Rutherford

**Recommended Conditions of Consent
(Under Separate Cover)**

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 16



RECOMMENDED CONDITIONS OF CONSENT - DA/2024/346

General Conditions

1	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	54.23, sheet DA00	B	Proposed Site Location Plan	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA01	B	Site Demolition Plan	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA02	C	Proposed Site Plan	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA03	C	Proposed Starbucks Floor Plan	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA04	B	Proposed Elevations & 3DS-1	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA05	B	Proposed Elevations & 3DS-2	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA06	B	Proposed Sections	Hodge Collard Preston Architects	06.08.2024
	54.23, sheet DA08	B	Signage Key Plan and Elevations	Hodge Collard Preston Architects	06.08.2024
	DA-2037, sheet L002	B	Hardscape Finishes	Captivate Landscape Design & Architecture	11.10.2024
	DA-2037, sheet L003	B	Softscape Finishes	Captivate Landscape Design & Architecture	11.10.2024
	DA-2037, sheet L004	B	Planting Plan	Captivate Landscape Design & Architecture	11.10.2024
	10675, sheet C101	A	General Notes	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C102	A	Sediment and Erosion Control Plan	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C103	A	Stormwater Catchment Area Plan	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C104	A	Stormwater Drainage Plan	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C105	A	External Pavement Plan and Details	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C106	A	Stormwater Details	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C107	A	Bulk Earthworks Cut / Fill Plan	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C108	A	Site Cross Sections - 1 of 2	Eclipse Consulting Engineers	13.03.2024

	10675, sheet C109	A	Site Cross Sections - 2 of 2	Eclipse Consulting Engineers	13.03.2024
	10675, sheet C110	A	Truck (MRV 8.8m) Turning Path Plans	Eclipse Consulting Engineers	13.03.2024

Approved documents			
Document title	Version number	Prepared by	Date of document
Starbucks Operational Management Plan	F01	Ratio Consultants Pty Ltd	31.05.2024

In the event of any inconsistency between the approved plans and documents, the approved **Plans** prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2	<p>Shoring and adequacy of adjoining property</p> <p>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <ul style="list-style-type: none">a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, andb. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>3. This section does not apply if—</p> <ul style="list-style-type: none">a. the person having the benefit of the development consent owns the adjoining land, orb. the owner of the adjoining land gives written consent to the condition not applying.
	<p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>

3	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <p>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</p>
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	<p>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</p> <p>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>6. This section does not apply—</p> <ol style="list-style-type: none"> to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
4	External Agency Approvals
	<p>The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.</p> <p>The Requirements are:</p> <ol style="list-style-type: none"> Transport for New South Wales (Reference: NTH24/00380/002, dated: 3 July 2024) Ausgrid (Reference: 1900128705, dated: 23 May 2024) <p>A copy of the Requirements is attached to this determination notice.</p>
	Condition Reason: To ensure the development complies with conditions required by other external agencies.
5	Road Reserve
	<p>No alteration to regulatory signage, bus zone and linemarking are permitted. The bus zone along the site frontage shall not be obstructed by the construction vehicles and personnel during construction process.</p> <p>If the works are to impact the bus zone functioning, relevant approval shall be obtained prior to commencement of works.</p>
	Condition Reason: To ensure no adverse impact on the existing road reserve results from the development.
6	Arborist Required to Undertake Tree Removal
	<p>The removal of the three (3) tree(s) should be carried out by an arborist, or a person suitably qualified in that field.</p> <p>WorkCover recommends that those persons undertaking the work have the following qualifications:</p> <p>(i) Work carried out on the ground - a minimum of one person holds the qualification of Certificate II in Horticulture (Arboriculture);</p>

	<p>(ii) All tree climbing works should be carried out by a person who holds a minimum Certificate II in Horticulture (Arboriculture) or be undertaking a course to obtain this qualification. All tree climbing work should be directly supervised by a person with a minimum qualification of Certificate III in Horticulture (Arboriculture).</p> <p>Additional information in respect to WorkCover requirements/procedures (e.g. the Amenity Tree Industry Code of Practice) can be obtained from their website: www.workcover.nsw.gov.au.</p> <p>Condition Reason: To ensure arborist or suitably qualified person undertake the tree removal.</p>
7	<p>Tree removal</p> <p>Where the trees subject to removal have been identified as 'habitat trees' or alternatively may be reasonably expected to provide habitat to native fauna, an ecologist shall be engaged to undertake clearance of any fauna within the subject tree(s) immediately prior to tree removal. Any fauna species discovered in the tree(s) shall be relocated to an appropriate habitat tree within the locality. Any undetected fauna injured as a result of the felling shall be collected by the ecologist and forwarded to WIRES (or the like).</p> <p><i>Note: The National Parks and Wildlife Service may provide advice as to a suitably qualified ecologist.</i></p> <p>Condition Reason: To protect existing vegetation to remain in situ.</p>

Building Work

Before issue of a construction certificate

8	<p>HPC - Housing and Productivity Contribution</p> <p>Before issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$5,752.99</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$5,752.99</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition Reason: To require contributions towards the provision of regional infrastructure.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$5,752.99	Total housing and productivity contribution	\$5,752.99
Housing and productivity contribution	Amount						
Housing and productivity contribution (base component)	\$5,752.99						
Total housing and productivity contribution	\$5,752.99						

9	<p>7.12 Contributions</p> <p>Pursuant to Section 57.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$14,766.00 shall be paid to the Council.</p> <p>The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed bi-annually in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for June and December quarter.</p> <p>Payment of the above amount is required prior to issue of the Construction Certificate for the development</p> <p>This condition has been applied to ensure that where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.</p> <p>Condition Reason: To outline contributions payable to Council per Clause 4.17 of the Environmental Planning and Assessment Act 1979.</p>
10	<p>Driveway Gradients and Design</p> <p>Before the issue of a construction certificate, the driveway gradient and design must comply with AS 2890.1 'Off Street-Car-Parking' and AS 2890.2 "Off Street Commercial Vehicle Facilities" and:</p> <p>a) the driveway must be at least 1m from any street tree, stormwater pit, or service infrastructure; Details demonstrating compliance must be provided to the Registered Certifier.</p> <p>Condition Reason: To ensure safe and appropriate design of driveways.</p>
11	<p>Car parking details</p> <p>Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking, AS 2890.2 "Off-street Commercial Vehicle Facilities", AS 2890.6 "Off-street parking for people with disabilities" and Council's development control plan in regard to sight triangle, minimum driveway width, passing bay details, turning arrangement, design, clearances to obstructions, space sizes, aisle widths according to the relevant Vehicle Class.</p> <p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
12	<p>Preparation of construction and fit out plans for food and drink premises</p> <p>Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.</p> <p>The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the principal certifier and Council:</p> <ol style="list-style-type: none"> 1. Food Standards Code (Australi and Food Safety Standard 3.2.3 – Food Premises and Equipment 2. Food Act 2003 and Food Regulation 2015 3. Australian Standard 4674:2004 :Design, Construction and Fit-out of Food Premises 4. Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage 5. any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements. <p>Condition Reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards</p>
13	<p>Construction requirements for driveways</p> <p>All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface.</p> <p>Condition Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.</p>

14	<p>Erosion Controls (less than 2500m²)</p> <p>An Erosion and Sediment Control Plan (ESCP) in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book, prepared by a Certified Professional in Erosion and Sediment Control (CPESC) shall be submitted to and approved by Council for sites with the disturbed area less than 2,500m².</p> <p>Condition Reason: To prevent soil erosion and the discharge of sediment over the land.</p>
15	<p>Commercial / industrial stormwater drainage requirements</p> <p>Prior to issue of the Construction Certificate, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:</p> <ul style="list-style-type: none"> a) Minimum storage volume of (35) m³ for on-site detention (OSD) with a maximum permissible site discharge that reduces post development discharges to pre-developed discharges for the 1% AEP, 10% AEP, 20% AEP, 50% AEP and 1EY critical storm events and generally in accordance with drainage plan number (C103 to C107) revision (C) dated (22/10/2024) by (Eclipse Consulting Engineers), and b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and c) Structural certification is required for underground detention systems where expected traffic loads are likely, and, d) an emergency overland flow path for major storm events, that is directed to the public drainage system, and e) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and f) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties). g) The site shall discharge to the public drainage network <p>Condition Reason: To ensure appropriate stormwater management.</p>
16	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management to minimise the impacts of construction vehicles on traffic efficiency and road safety. • the construction traffic management plan shall also include proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable) • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. • Date, hours and duration of construction works • Temporary parking arrangement • Proposed Road closure / Road works <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>

17	Construction Certificate Supporting Documentation
	Before the issue of a construction certificate, the following information must be provided to the Registered Certifier with the Construction Certificate application:
	a) A suitably qualified Engineer shall review the plan and certify that the treatment between the New England Highway and the drive-through is suitable with consideration of the vertical drop adjacent to the southern boundary. The certification shall reference relevant Austroads Guides and Australian Standards with respect to pedestrian and vehicle safety.
	b) Certification from a suitably qualified Structural Engineer shall be provided stating that the proposed cut retaining wall and earthworks will not impact the structural integrity of the pylon signage footing located on the south-eastern corner of the neighbouring Lot 1 DP775366.
	Condition Reason: To ensure that required supporting documentation is provided for the construction certificate application
18	Retaining Walls
	All retaining walls within 1m of a boundary or exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer and have a minimum design surcharge load of 5kPa.
	Condition Reason: To ensure any retaining walls within proximity to common boundaries are certified.
19	Hunter Water Corporation Notice of Formal Requirements prior to Construction Certificate
	Prior to issue of the Construction Certificate a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier.
	Condition Reason: To ensure HWC requirements are met.
20	Long Service Levy
	In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.
	Condition Reason: To ensure payment of the Long Service Levy.

Before building work commences

21	Construction Certificate Required
	Prior to commencement of construction works , a Construction Certificate is to be issued by the Registered Certifier.
	Condition Reason: To ensure a Construction Certificate is issued prior to works commencing.
22	Rubbish Generated from the Development For all construction sites
	Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.
	No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.
	Condition Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.
23	Driveway crossing
	Prior to commencement of construction , of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).
	Condition Reason: To ensure appropriate approval is obtained prior to works on the public road.
24	Erosion and sediment controls in place
	Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

	Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
25	<p>All Weather Access</p> <p>Before the commencement of any site or building works, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.</p>
26	<p>Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement</p> <p>The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving, bus stop infrastructure and general infrastructure associated with the subject Lot. The absence of such notification signifies that no damage exists, and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving, bus stop infrastructure and general infrastructure which may be necessary after completion of the building works.</p> <p>Condition Reason: To ensure Council is notified of any existing damage to Council assets.</p>
27	<p>Dilapidation report</p> <p>Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of the pylon signage located on the south-eastern corner of the neighbouring Lot 1 DP775366, to the satisfaction of the principal certifier.</p> <p>If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
28	<p>Approval for Works within the existing public road reserve</p> <p>Prior to commencement of works within an existing public road reserve:</p> <ol style="list-style-type: none"> an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval consent under the Roads Act for the approved works, shall be issued by Council all relevant Council fees shall be paid A Traffic Management Plan and/or Traffic Guidance Scheme in accordance with the Transport for New South Wales publication "Traffic control at Worksites" shall be submitted to Council. <p>Condition Reason: To ensure appropriate approval(s) has been obtained prior to commencement of works.</p>
29	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing</p> <ol style="list-style-type: none"> the name, address and telephone number of the Principal Certifier for the work, and the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
30	<p>Notice of appointment of PCA to be provided prior to commencement</p> <p>The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.</p> <p>Condition Reason: To ensure a Principal Certifier is appointed prior to works commencing.</p>
31	Waste Management Plan – an approved document of this consent

	Before site work commences, a waste management plan for the development must be provided to the certifying authority. The Waste Management Plan must include estimated quantities and disposal locations for demolition and construction waste, including details of how materials will be separated and recycled.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
32	Validation Report
	A final remediation/validation report (Compliance Certificate) must be submitted to Council following demolition and remediation works, but prior to construction works commencing. The report shall be prepared by an independent consultant and in accordance with the relevant EPA guidelines.
	Condition Reason: To ensure a final remediation / validation report is provided.

During building work

33	Unexpected Finds Contingency (Remediation)
	Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings must cease and contingency measures adopted.
	Condition Reason: To ensure appropriate measures are adopted in the event of unexpected finds during works.
34	Control of dust
	The site shall be managed at all times during construction phase so as to prevent the generation of dust from the land disturbance activities (e.g., by water spray, dust suppression, surface sealants, soil binders, wind barriers and/or dust retardants). Those are required in addition to the use of water cart during operation hours.
	Condition Reason: To ensure adequate controls with respect to dust pollution during works.
35	Run off and erosion control
	Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by: <ul style="list-style-type: none"> a) diverting uncontaminated run off around cleared or disturbed areas, and b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and c) preventing the tracking of sediment by vehicles onto roads, and d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. Run off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.
	Condition Reason: To ensure appropriate run off and erosion controls.
36	Upgrades to public utility services
	Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
	Condition Reason: To ensure essential services are provided to each allotment.
37	Implementation of construction management plan
	All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
	Condition Reason: To ensure safety and to minimise the effect to pedestrians, other road users.
38	Restriction on working hours for building activity
	Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of: <ul style="list-style-type: none"> a. 7.00am to 6.00pm Monday to Friday b. 7.00am to 5.00pm Saturday Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.
	Condition Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.

39	Stop works - Aboriginal archaeological deposit
	Prior to, or during construction , identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council upon receipt.
	Condition Reason: To ensure works cease and a permit is obtained should any archaeological deposits are uncovered during works.
40	Toilet facilities
	While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
	Condition Reason: To ensure adequate sanitary facilities during construction.
41	Building materials on Council's footpath
	While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
	Condition Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.
42	Site to be cleared of building refuse on completion
	The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
	Condition Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.
43	Public access to the site to be restricted
	Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
	Condition Reason: To ensure public access to the building site is restricted.
44	Demolition / construction to cease where contamination encountered during works
	While demolition or work is being carried out, and undisclosed or unidentified contamination is discovered on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
	Condition Reason: To ensure works cease were undisclosed or unidentified contamination is uncovered during works.
45	Demolition to be carried out in accordance with Australian Standards
	All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.
	Condition Reason: To ensure demolition works are undertaken per the Australian Standards.
46	Recycling/disposal of demolition waste
	Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.
	Condition Reason: To ensure demolition material is recycled or disposed of appropriately.
47	Removal of asbestos to be in accordance with NSW WorkCover requirements
	While demolition or work is being carried out, any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility. Evidence is to be provided to the Principal Certifier demonstrating that asbestos waste has been disposed of appropriately in accordance with this condition.
	Condition Reason: To ensure asbestos is appropriately managed per the provisions of the NSW Work Cover Authority.
48	Soil management
	Prior to commencement of any works, further soil testing shall be undertaken with subsequent recommendations and map of areas that require remediation. Testing shall include further investigation of metal concentrations. The

	recommendations shall include soil waste classification to the appropriate sampling density specified in the NSW Sample Design Guidelines / Waste Classification Guidelines. Testing results, recommendations and mapping shall be provided to Council's Contaminated Land Officer for approval prior to any remediation or demolition works commencing.
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

Before the issue of an occupation certificate

49	Approved Report Recommendations Construction and operation of the development must comply with the recommendations of the following reports: a) Noise Impact Assessment, Reference: 16813-401.1, prepared by RCA Australia, dated: February 2024. b) Crime Prevention Through Environmental Design, Reference: 24032, prepared by HDB Pty Ltd, dated: 13 June 2024. c) Targeted Preliminary Site Investigation for Contamination, Rev 0, dated: 17 June 2022, prepared by Practical Environmental Solutions. d) Traffic & Parking Assessment, Reference: 24/007, Rev: D, dated: 22/03/2024, prepared by Intersect Traffic. Condition Reason: To ensure the development complies with specific recommendations of a report.
50	Loading / unloading facilities Prior to the issue of an Occupation Certificate , loading / unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface. Condition Reason: To ensure adequate provision is made for the delivery and/or collection of materials or goods.
51	Pedestrian safety signage Prior to the issue of an Occupation Certificate , shared zone signage shall be installed and a series of white or yellow line markings shall be provided defining the pedestrian crossing path in the proposed carpark. The Pedestrian crossing marking and signages must comply with the relevant parts of AS 2890.1 'Off Street-Car-Parking'. Condition Reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway
52	Construction to be in accordance with Acoustic Report Certification is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate to confirm that the construction of the development complies with the recommendations of the Noise Impact Assessment, Reference: 16813-401.1, prepared by RCA Australia, dated: February 2024. Condition Reason: To ensure Acoustic measures are implemented.
53	Driveway layout and profile constructed Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (industrial type), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'. Note: A s138 Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works. Condition Reason: To ensure appropriate approval is obtained prior to works on the public road.
54	Repair of infrastructure Before the issue of an Occupation Certificate: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or

	<p>2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified.</p>
55	<p>Post-construction dilapidation report</p> <p>Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:</p> <ul style="list-style-type: none"> a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to the pylon signage located on the south-eastern corner of the neighbouring Lot 1 DP775366; and b) where there has been structural damage to any aforementioned item that it is a result of the building work approved under this development consent. <p>Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s). Any rectification works identified by either the engineer and/or the principal certifier shall be rectified within the required process and to the satisfaction of the principal certifier.</p> <p>Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
56	<p>Works within the existing public road reserve</p> <p>Prior to the issue of the Occupation Certificate the following works shall be provided within the existing road reserve(s):</p> <ul style="list-style-type: none"> a) Kerb and guttering and associated road pavement work tying into the existing pavement shall be undertaken for the full frontage of the site on the western side of John Street. b) A pedestrian path 1.5m wide for the full frontage of the site on the western side of John Street. c) Minimum of one (1) street tree(s) of a suitable species along John Street is to be planted in a position that is clear of utilities and drainage lines and set back a minimum of 2m from any driveways as per Council's standard drawing "SD049". d) All redundant driveway crossings, driveways and/or damaged kerb and gutter are to be removed and reinstated. <p>Condition Reason: To ensure the existing road is upgrade to adequate standards due to impacts of the development.</p>
57	<p>Documentary Evidence of Civil Works Completed</p> <p>Documentary evidence from Council's Subdivision and Development Engineering Section, confirming that satisfactory completion of civil works has been achieved for the Roads Act Approval associated with this Development Consent, shall be submitted to the relevant certifier.</p> <p>Condition Reason: For compliance of the approved civil works within the existing public road reserve.</p>
58	<p>Stormwater System Maintenance Procedure Plan</p> <p>Prior to Occupation or Operation of the development, a Stormwater System Maintenance Procedure Plan shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering</p>

	inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.
	Condition Reason: To ensure quality stormwater entering the public drainage system.
59	Occupation certificate required
	A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.
	The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
	Condition Reason: To ensure development is suitable for occupation and / or use.
60	Works-as-executed plans and any other documentary evidence
	Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
	a) All stormwater drainage systems and storage system.
	The principal certifier must provide a copy of the plans to Council with the occupation certificate.
	Condition Reason: To confirm the location of works once constructed that will become Council assets.
61	Construction of stormwater control system
	Prior to issue of the Occupation Certificate , the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
	Condition Reason: To ensure stormwater management is constructed in accordance with the design plan.
62	Notice of food business
	Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW <i>Food Act 2003</i> and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.
	Condition Reason: To enable council to ensure compliance with the consent when the business is operating
63	Food Premises Final Inspection
	If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Councils Environmental Health Officer is to be given 48 hours-notice to inspect the premises prior to the commencement of the business.
	Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.

	Condition Reason: To enable council to ensure compliance with the Food Act 2003 before the business commences
64	Lot consolidation
	Prior to the issue of an Occupation Certificate, lots 1, 2 and 3 of DP1286823 are to be consolidated. A copy of the Registered Plan of consolidation must be provided to the Principal Certifier.
	Condition Reason: To ensure lots are consolidated and registered prior to occupation.
65	Landscape works to be undertaken in accordance with landscape plan
	All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent, prior to the issue of an Occupation Certificate.
	Condition Reason: To ensure landscape works are undertaken per the approved plans.
66	Car Parking Requirements
	Prior to the issue of an Occupation Certificate, a minimum of sixteen (16) car parking spaces including one (1) disabled car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface. The parking space identified on the approved plan as a 'waiting bay', must be signposted as 'waiting bay'.
	Condition Reason: To ensure parking is provided per the approved plans.
67	Section 50 - Prior to Occupation Certificate
	Prior to issue of the Occupation Certificate , a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
	Condition Reason: To ensure HWC requirements are met.

Occupation and ongoing use

68	Approved Signage Maintenance
	The approved signs must be maintained in a presentable and satisfactory state of repair. The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
	Condition Reason: To maintain approved signage.
69	Parking - Signage (Loading docks)
	Proposed parking areas, service bays, truck docks, crossings, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
	Condition Reason: To ensure parking facilities are fit for purpose.
70	Redundant Crossing and Layback
	All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter. Relevant approval from Transport for New South Wales (ie. s138 Roads Act Approval), for works in the New England highway Road reserve, is to be obtained prior to works commencing.
	Condition Reason: To ensure compliance with Council's Manual of Engineering Standards.

71	Manoeuvring of Vehicles
	All vehicles must enter and exit the site in a forward direction.
	Condition Reason: To ensure vehicles safety enter and exit the development.
72	Copy of Fire Safety Schedule and Certificate to be displayed
	At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Fire Commissioner of Fire and Rescue NSW in accordance with Part 11 and 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
	Condition Reason: To ensure fire safety measures are implemented.
73	Fire safety statement to be prepared annually
	A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements). Statements shall be prepared and issued in accordance with Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe. Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au. Standard to Transport for New South Wales and further information for lodging Fire Safety Statements may be downloaded from Councils website.
	Condition Reason: To ensure fire safety measures are implemented.
74	Fire safety certificate to be submitted to Council
	At completion of the building BUT before to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Principal Certifier and Council. Certificates shall be prepared in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021.
	Condition Reason: To ensure fire safety measures are implemented.
75	External lighting during ongoing use
	Outdoor lighting shall be directed or shaded such that there is no adverse glare affect beyond the property boundary. The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
	Condition Reason: To ensure the safe operation of the premises and protect the amenity of the local area
76	Deliveries and waste collection times for food and drink and mixed use developments
	Deliveries and servicing to the site are not to occur between the hours of 8pm to 8am on weekends and public holidays, and 10pm to 5am on any other day. Waste collection is not to occur between the hours of 8pm to 8am on weekends and public holidays, and 9pm to 6am on any other day. Deliveries, servicing and waste collection: a) only occur in designated loading and unloading areas on the property; b) do not occur on the street; c) do not obstruct other operations; d) minimise disruption to public spaces; e) maintain a clear service vehicle dock, car parking spaces and access driveways at all times; and f) all vehicles must enter and leave in a forward direction.
	Condition Reason: To ensure deliveries to the premises are carried out safely and protect the amenity of the local area
77	Managing noise
	During ongoing use of the premises, the drive-thru, including Customer Ordering Displays (CODs), must not generate offensive noise.
	Condition Reason: To protect the amenity of the local area.
78	Maintenance of Landscaping

	<p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p>
	<p>Condition Reason: To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.</p>
79	<p>Offensive noise</p>
	<p>The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operation Act 1997 and must comply with the NSW Noise Policy for Industry 2017 (as amended).</p>
	<p>To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.</p>

City Planning

DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on each Lot, Stage 2 – Multi Dwelling Housing (3 Additional Dwellings) on Proposed Lot 242 Created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland

Development Plans (Under Separate Cover)

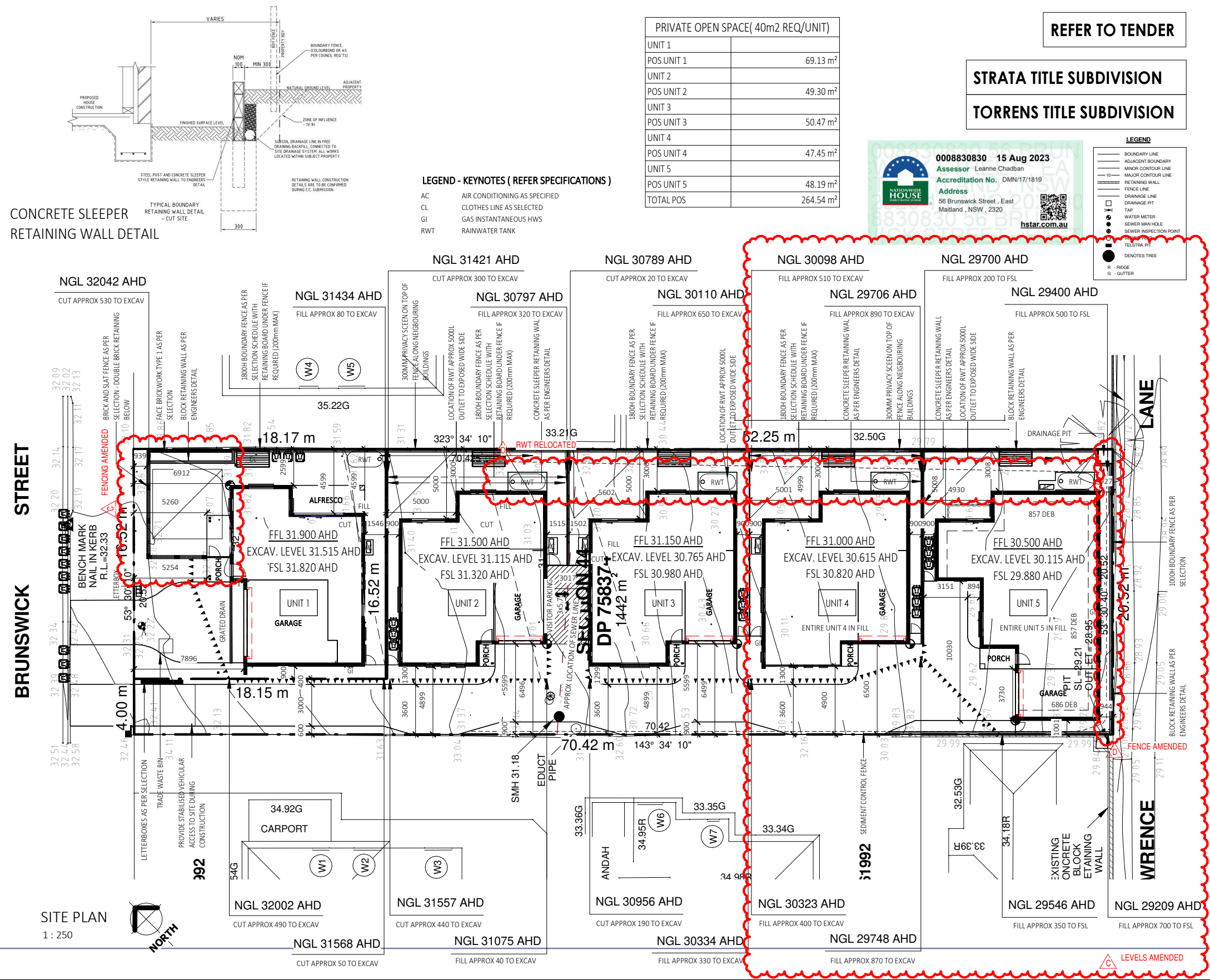
Meeting Date: 10 December 2024

Attachment No: 2

Number of Pages: 18







VALLEY HOMES
SINCE 1971

MAMBARE PTY LTD T/A VALLEY HOMES
A.C.N. 000 939 980
www.valleyhomes.com.au

457 HIGH STREET, MAITLAND, 2320
PHONE: (02) 49341400

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No.	Date	Description	Drm
A	14.07.23	ISSUED FOR DA APPLICATION	JH
C	27.06.24	RFI AMENDMENTS	JH
D	11.09.24	RFI AMENDMENTS	JH

FOR:
MIKHIL P/L

AT:
**LOT 24 / SEC 44 / DP 758374
56 BRUNSWICK ST
EAST MAITLAND
NSW 2323**

Sheet Title
SITE SETOUT PLAN (BULK EARTHWORKS)

Date: 03.07.23

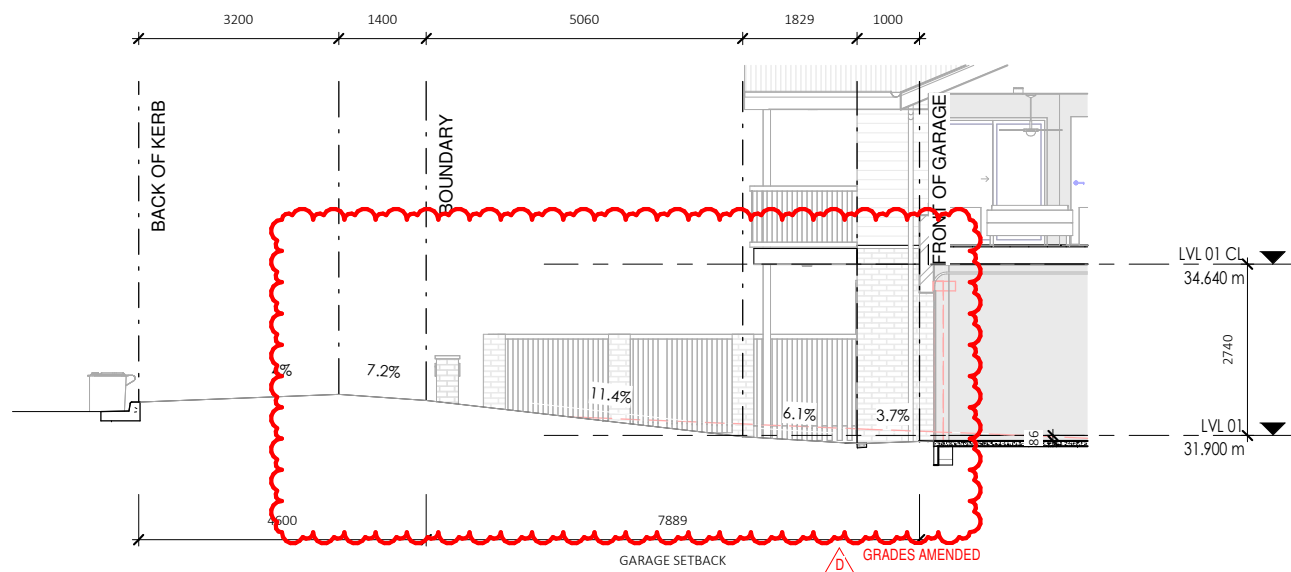
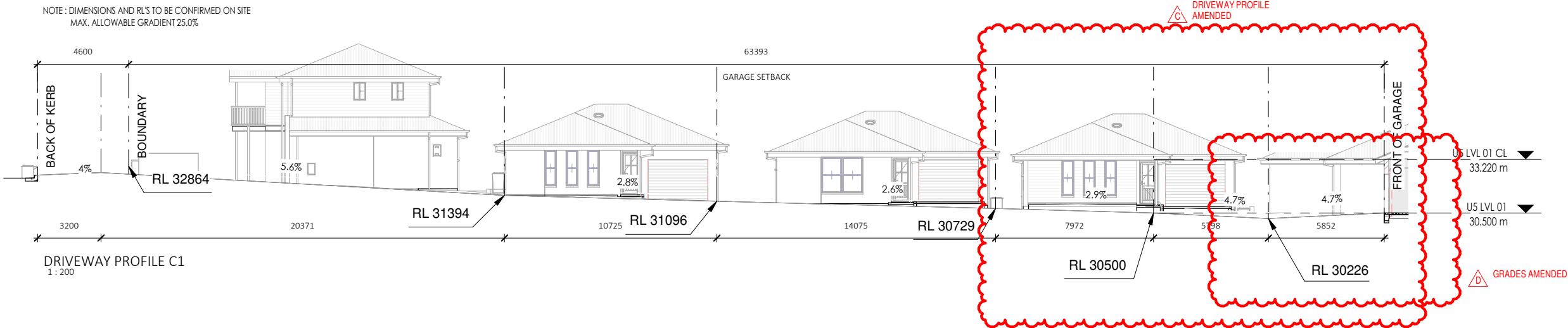
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Checked by Owner: [] Date: [] Signed by Builder: []

Scale: As indicated @ A3

Design: CUSTOM Rev: D

Drawing No. 23011 Sheet A11.0.1




LEGEND - KEYNOTES (REFER SPECIFICATION...

0008830830 15 Aug 2023
Assessor Leanne Chadban
Accreditation No. DMN/17/1819
Address
56 Brunswick Street, East
Maitland, NSW, 2320
hstar.com.au

REFER TO TENDER

TORRENS TITLE SUBDIVISION
STRATA TITLE SUBDIVISION

 <div>MAMBARÉ PTY LTD T/A VALLEY HOMES A.C.N. 000 939 980 www.valleyhomes.com.au</div> <div>457 HIGH STREET, MAITLAND, 2320 PHONE: (02)49341400 BUILDERS LIC. No. 5117</div>	INTELLECTUAL PROPERTY CLAUSE THIS AND ALL ASSOCIATED MATERIAL PROVIDED BY MAMBARÉ PTY LTD (US) TO YOU IS OUR PROPERTY AND IS PROTECTED BY COPYRIGHT, TRADE MARK AND OTHER INTELLECTUAL PROPERTY LAWS (UNLESS EXPRESSLY INDICATED OTHERWISE ("THE MATERIAL"). THE MATERIAL REMAINS OUR EXCLUSIVE PROPERTY. YOU MUST NOT USE THE MATERIAL IN ANY WAY OR FOR ANY PURPOSE WHICH IS UNLAWFUL OR WHICH INFRINGES OUR OWNERSHIP OF THE MATERIAL. YOU MUST NOT UNDER ANY CIRCUMSTANCES (EITHER YOURSELF OR WITH A THIRD PARTY) USE, DISTRIBUTE, EMPLOY OR EXPLOIT THE MATERIAL OTHER THAN AS EXPRESSLY PERMITTED BY US IN WRITING.			<table><tr><th>No.</th><th>Date</th><th>Description</th><th>Drn</th></tr><tr><td>A</td><td>14.07.23</td><td>ISSUED FOR DA APPLICATION</td><td>JH</td></tr><tr><td>C</td><td>27.06.24</td><td>RFI AMENDMENTS</td><td>JH</td></tr><tr><td>D</td><td>11.09.24</td><td>RFI AMENDMENTS</td><td>JH</td></tr></table>	No.	Date	Description	Drn	A	14.07.23	ISSUED FOR DA APPLICATION	JH	C	27.06.24	RFI AMENDMENTS	JH	D	11.09.24	RFI AMENDMENTS	JH	FOR: MIKHIL P/L	AT: LOT 24 / SEC 44 / DP 758374 56 BRUNSWICK ST EAST MAITLAND NSW 2323	Sheet Title DRIVEWAY PROFILE	Date 03.07.23		Scale As indicated	@ A3
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	A	14.07.23	ISSUED FOR DA APPLICATION	JH																							
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		Checked by Owner	Date	Signed by Builder	Drawing No. 23011	Sheet A18.0.1																					

TORRENS TITLE SUBDIVISION

Drawing No.	23011	Sheet	A30.0.1
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maitland
CITY COUNCIL



AC	AIR CONDITIONING AS SPECIFIED
AJ	ARTICULATION JOINT
RWT	RAINWATER TANK

STRATA TITLE SUBDIVISION



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AT:
LOT 24 / SEC 44 / DP 758374
56 BRUNSWICK ST
EAST MAITLAND
NSW 2323

Drawing No.	23011	Sheet	B30.0.1
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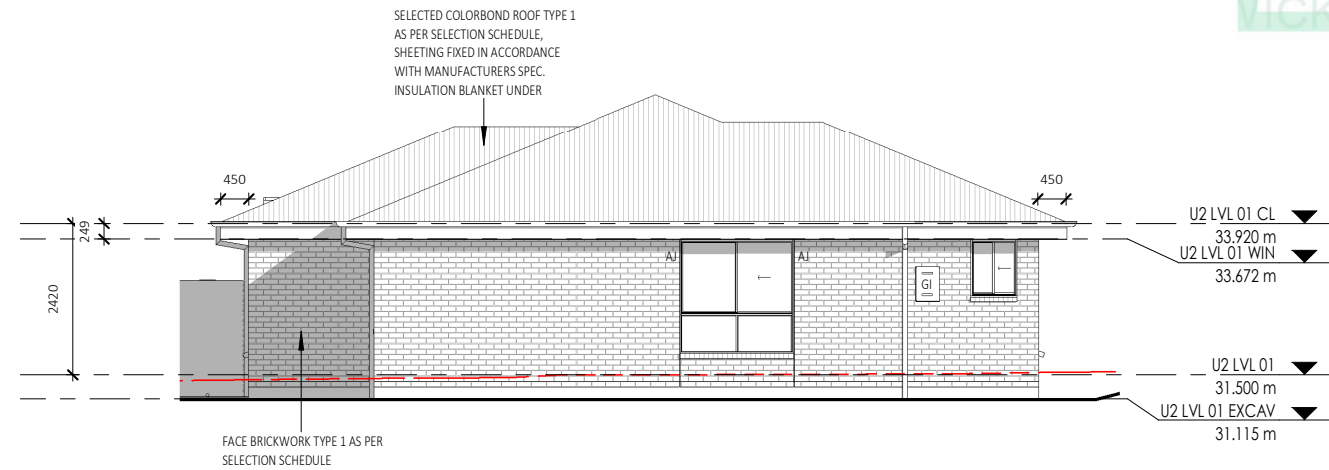
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LOT 24 / SEC 44 / DP 758374
56 BRUNSWICK ST
EAST MAITLAND
NSW 2323

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maitland
CITY COUNCIL

AJ	ARTICULATION JOINT
GI	GAS INSTANTANEOUS HWS
MBX	METER BOX



Architectural elevation drawing of a building facade. The drawing includes the following details:

- Roof:** A gabled roof with a hatched pattern. A label points to the roof: "SELECTED COLORBOND ROOF TYPE 1 AS PER SELECTION SCHEDULE, SHEETING FIXED IN ACCORDANCE WITH MANUFACTURERS SPEC. INSULATION BLANKET UNDER".
- Dimensions:**
 - Roof overhangs: 450 mm on the left and 455 mm on the right.
 - Wall height: 2420 mm.
 - Post spacing: 249 mm.
- Materials and Features:**
 - Walls: "115 X 115 PAINTED TIMBER POSTS" and "FACE BRICKWORK TYPE 1 AS PER SELECTION SCHEDULE".
 - Windows: Two windows labeled "AU".
 - Door: A door labeled "MBK".
- Levels (Right Side):**
 - U2 LVL 01 CL: 33.920 m
 - U2 LVL 01 WIN: 33.672 m
 - U2 LVL 01: 31.500 m
 - U2 LVL 01 EXCAV: 31.115 m

STRATA TITLE SUBDIVISION

STRATA TITLE SUBDIVISION

Drawing No.	23011	Sheet	C30.0.2
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AT:
LOT 24 / SEC 44 / DP 758374
56 BRUNSWICK ST
EAST MAITLAND
NSW 2323

Date	03.07.23
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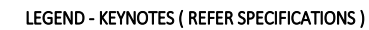
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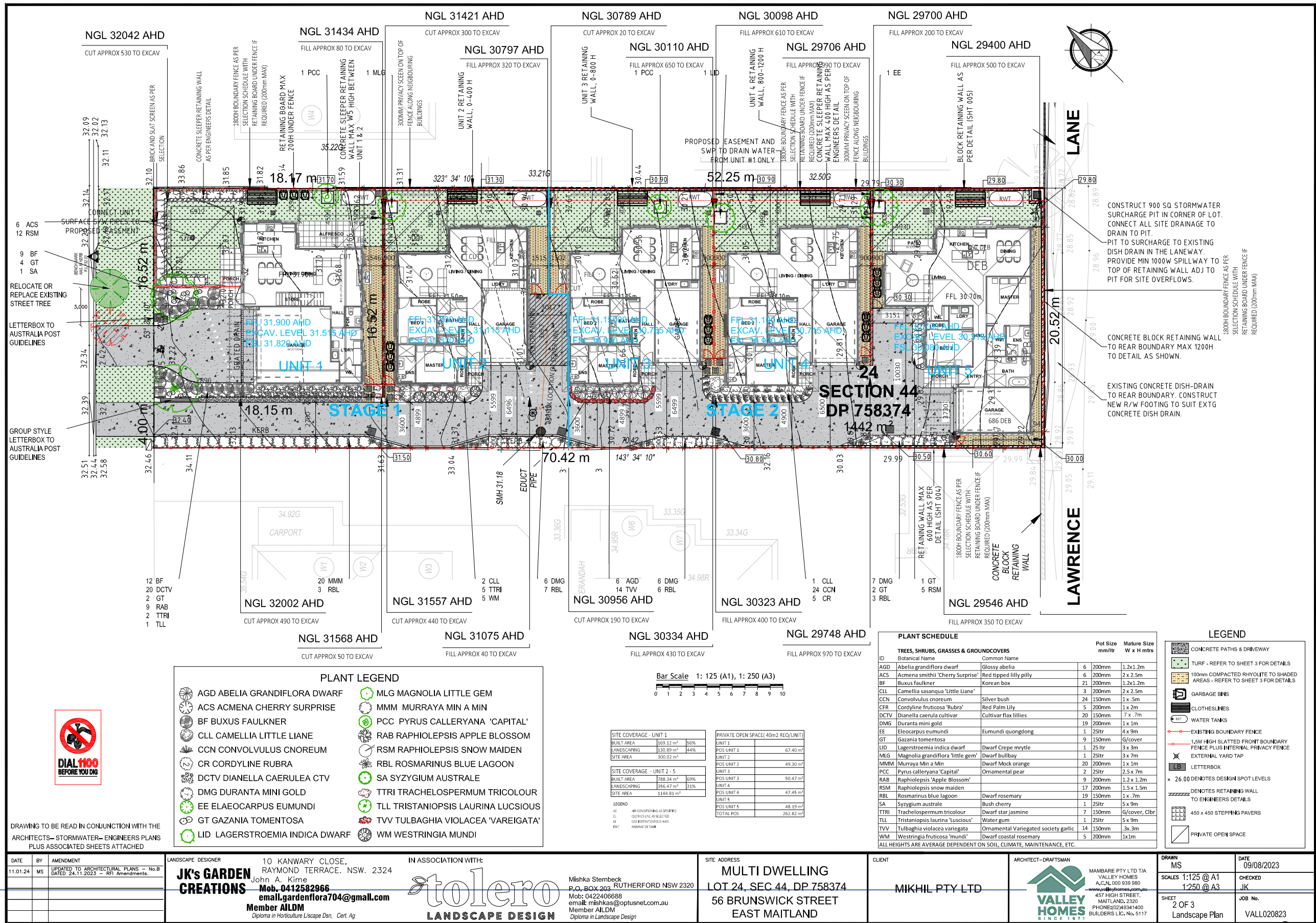
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AC	AIR CONDITIONING AS SPECIFIED
AJ	ARTICULATION JOINT
GI	GAS INSTANTANEOUS HWS



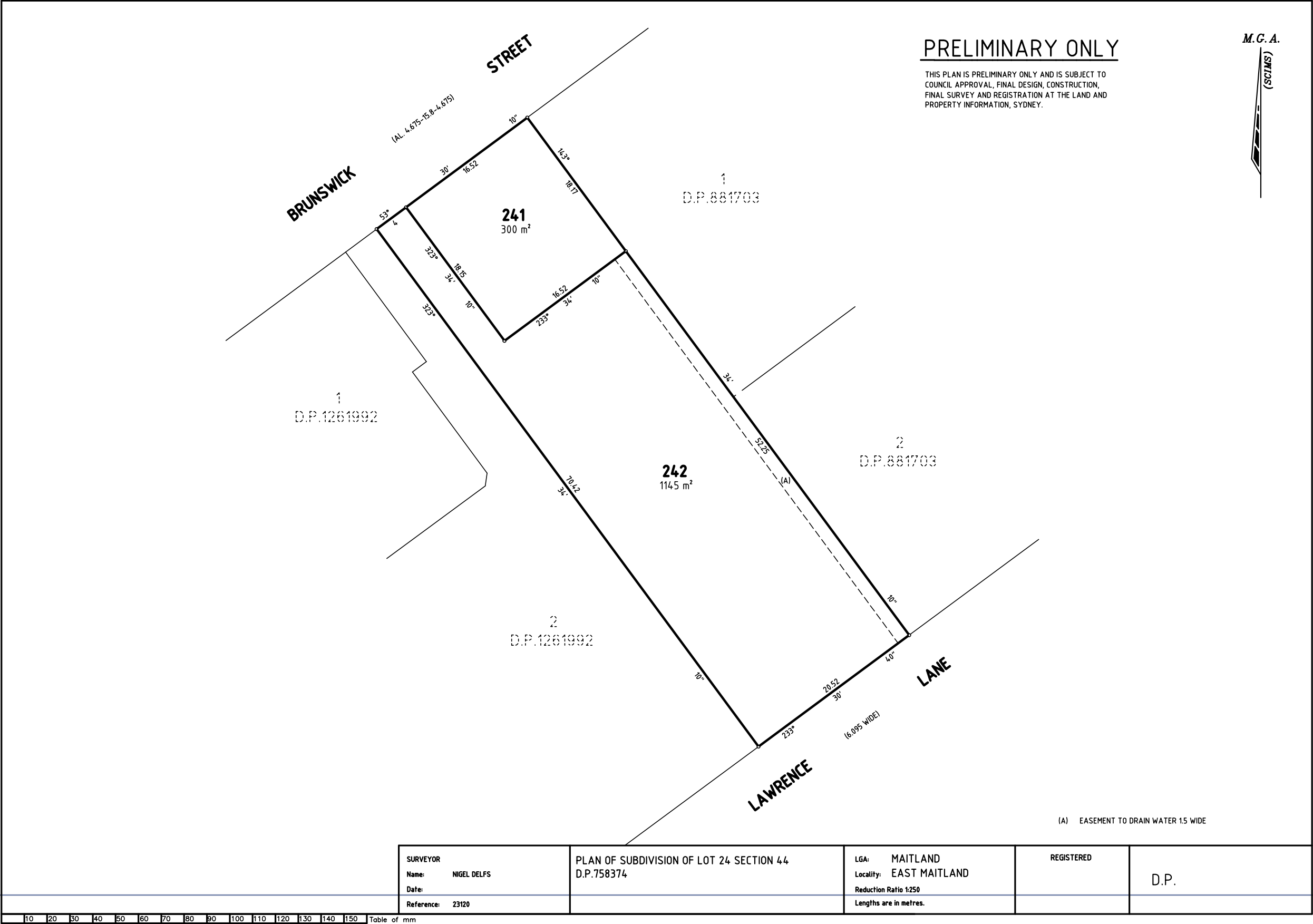
STRATA TITLE SUBDIVISION



PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

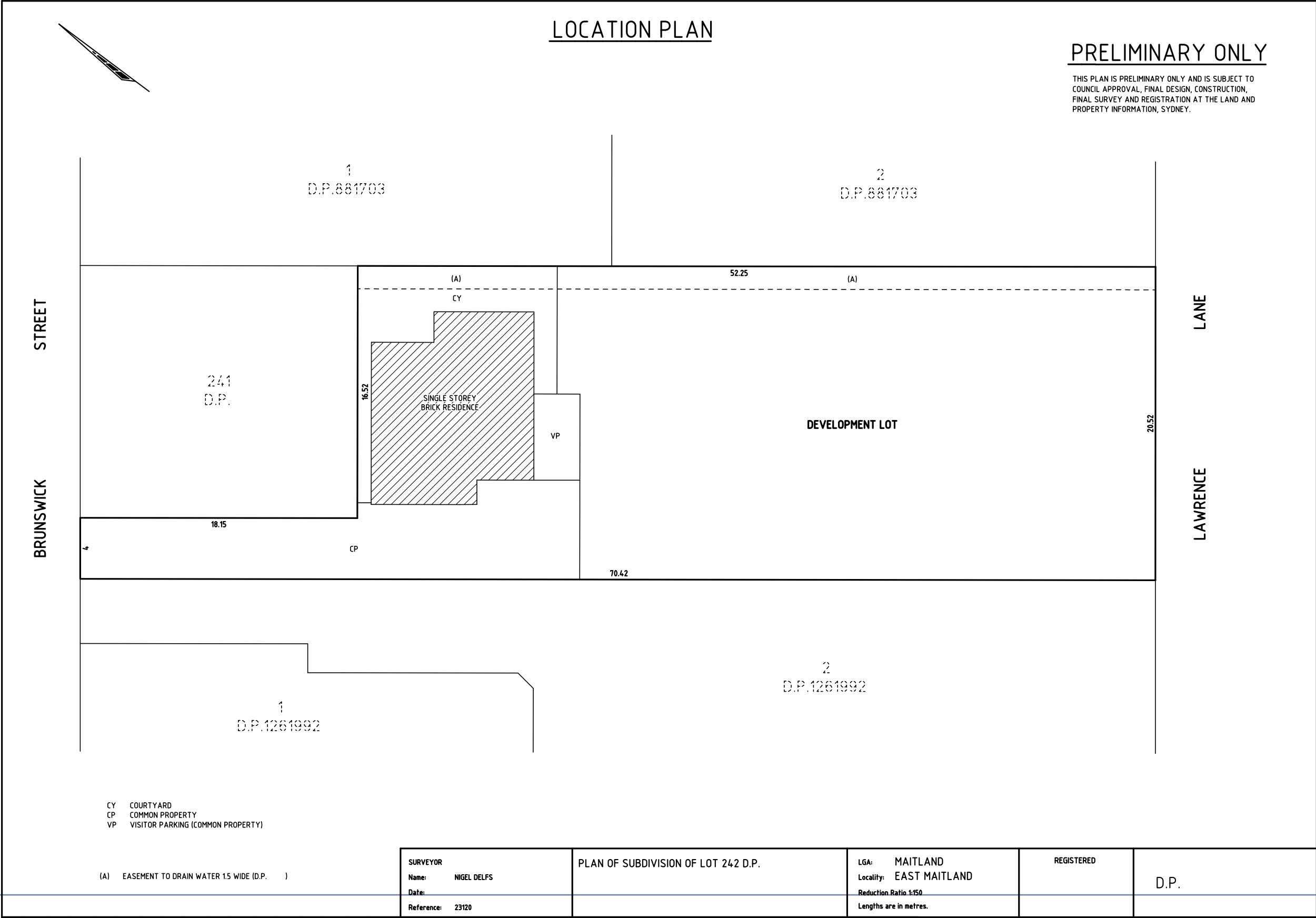
SHEET 1 OF 1 SHEETS



PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

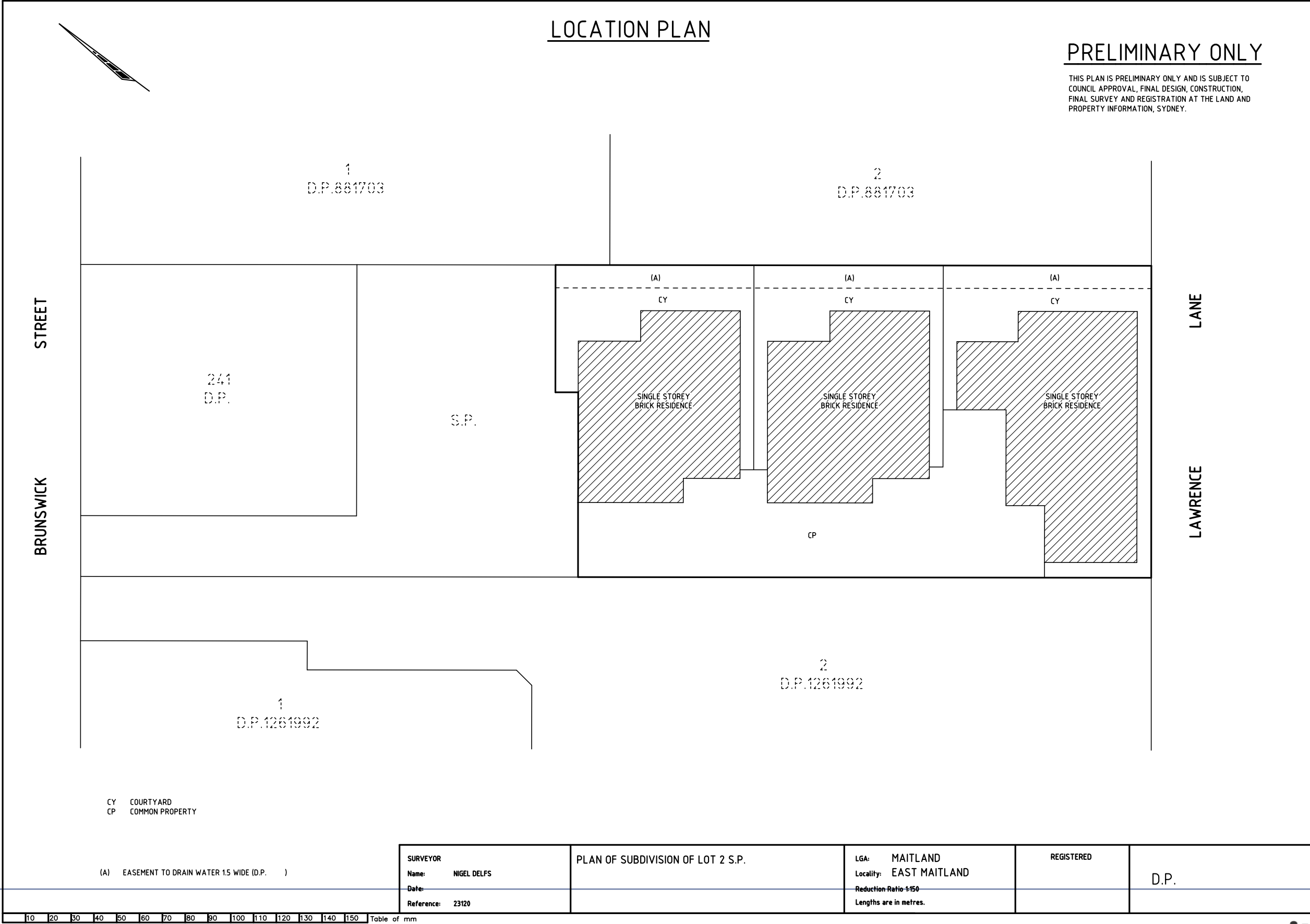
SHEET 1 OF 2 SHEETS



PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 1 OF 2 SHEETS



City Planning

**DA/2023/958 for Stage 1 – Two Lot
Torrens Title Subdivision with a
Dwelling House on each Lot, Stage 2
– Multi Dwelling Housing (3
Additional Dwellings) on Proposed
Lot 242 Created In Stage 1 and Four
(4) Lot Strata Subdivision at 56
Brunswick Street East Maitland**

**Assessment Report (Under Separate
Cover)**

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 20

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Version 1: Comprehensive

Application No:	DA/2023/958
Proposal:	Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in stage 1 and Four (4) Lot Strata Subdivision
Address:	56 Brunswick Street EAST MAITLAND NSW 2323
Lot & DP No:	24/44/758374
Applicant:	The Trustee for Mikhil Unit Trust
Owner:	Mikhil Pty Ltd
Author:	Jessica Stockham
Site Inspection:	10/11/2023

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2023/958 Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in stage 1 and Four (4) Lot Strata Subdivision. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council.

Description of Proposed Development

The proposal involves a phased development application, involving the following steps:

Stage 1

One into two lot subdivision. This subdivision aims to utilise the provisions of Clause 4.1A of the Maitland LEP, by separating a lot and setting aside the residue lot for works proposed under Stage 2. The proposed lot sizes are:

- Proposed Lot 241, 300m² with the construction of a two-storey dwelling consisting of attached double garage, combined kitchen/living/dining, powder room, laundry, WIL, three bedrooms, rumpus room, bathroom, ensuite, WIR
- Proposed Lot 242, 1145m² and the construction of single storey dwelling consisting of an attached single garage, combined kitchen/living/dining, two bedrooms, ensuite, bathroom and laundry included within the garage.

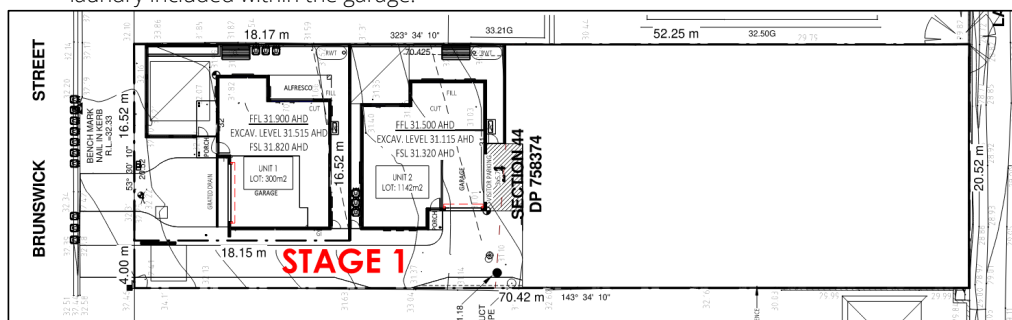


Figure 1: Proposed construction under Stage 1

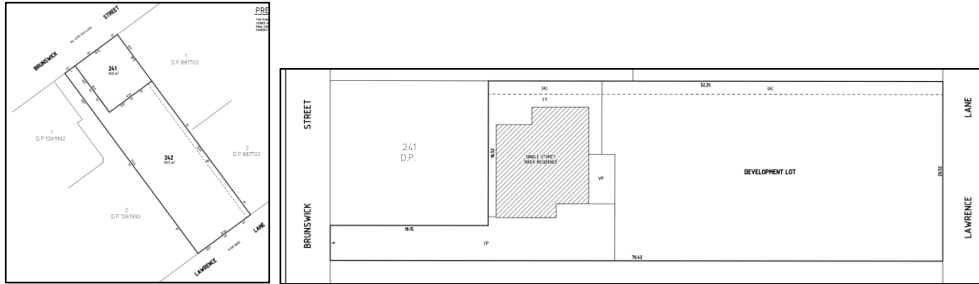


Figure 2: Proposed subdivision plans for Stage 1.

Stage 2

Stage 2 involves the construction of a multi dwelling housing development. three x single storey dwellings are proposed on proposed Lot 242 created within stage 1 of this development, as per figure below.

Unit 3 and 4 comprises an attached single garage, combined kitchen/living/dining, two bedrooms, ensuite, bathroom and laundry included within the garage.

Unit 5 comprises an attached single garage, combined kitchen/dining/living, two bedrooms, bathroom, ensuite, WIL, separate laundry and patio area.

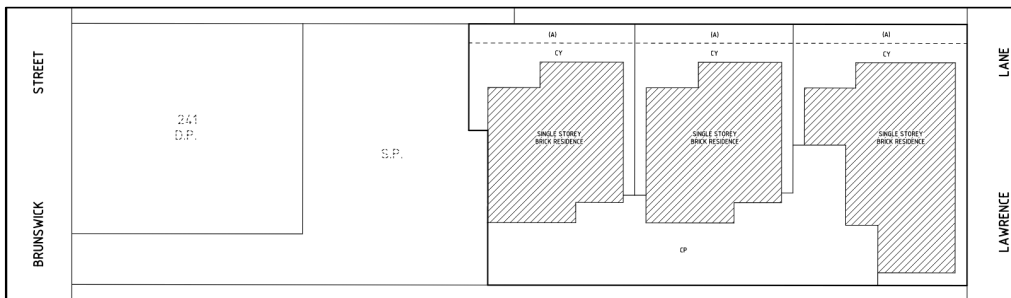


Figure 1: Strata subdivision plan (development lot)

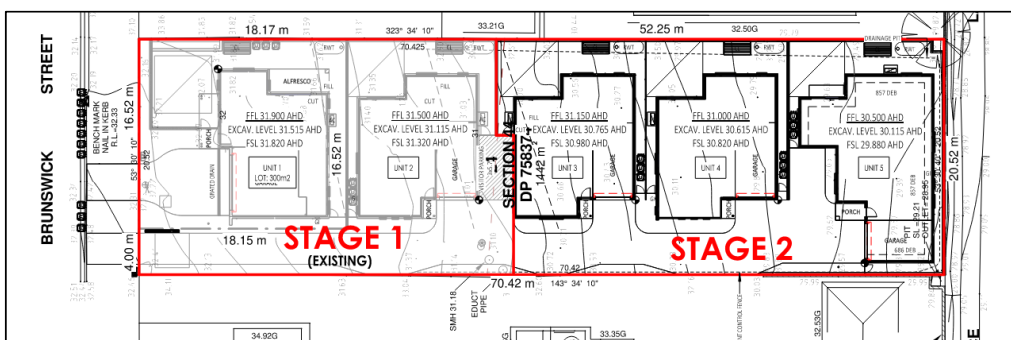


Figure 2: Proposed Stage 2 development

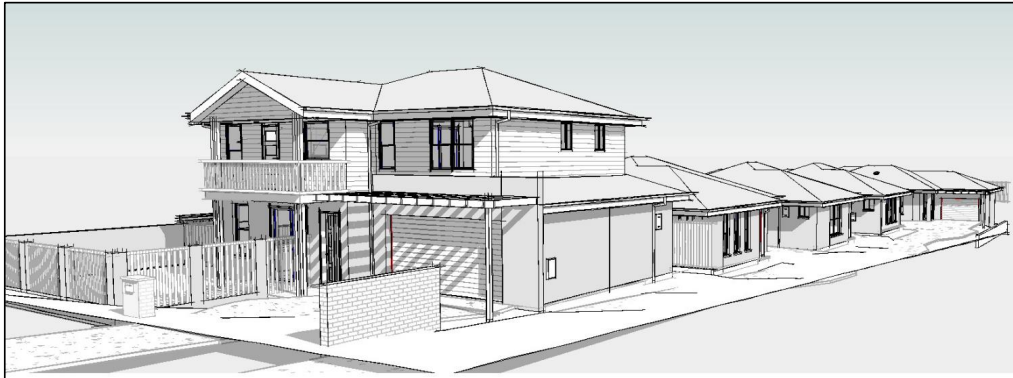


Figure 3: Proposed montage development

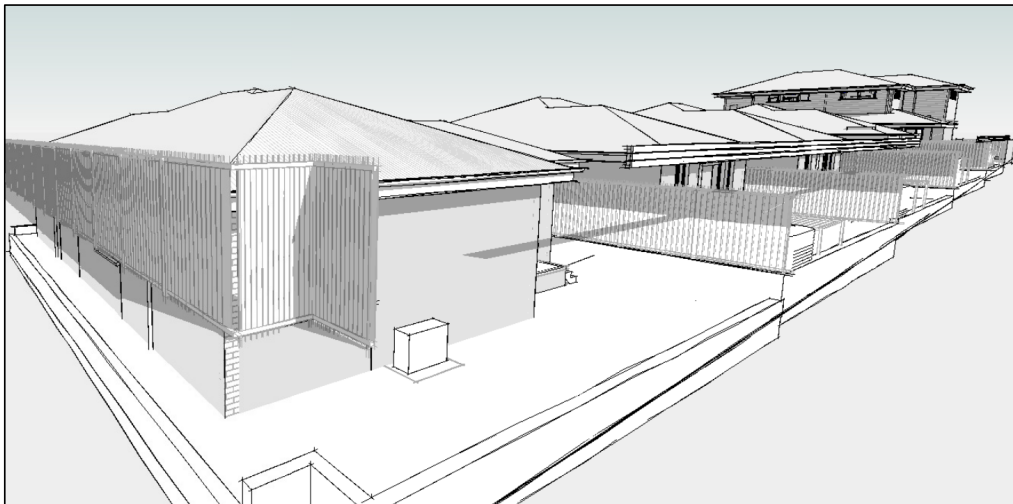


Figure 4: Proposed montage from rear boundary

Description of the Land on which the proposal is to be carried out.

The legal description of the land on which the development is to be carried out is Lot 24 Sec 44 DP 758374, 56 Brunswick Street EAST MAITLAND.

The property is bound by Brunswick Street to the north, Lawrance Lane to the south and residential allotments to the east and west. The site is currently vacant (refer to recent approvals), with a street tree is located in the middle of the site frontage. The site includes a sewer structure point on the western boundary (in the middle of the site) as well as a sewer main which runs through the middle of the site. The site is within a residential area surrounded by dual occupancies and low density residential development. The site is within 380m to the local commercial area and 70m from the local park at the end of the street (Cooney Park). The site is within close proximity to 55 Brunswick Street 'house', which is a locally listed heritage item (I28) (shown in aerial map below). The site slopes gently to the rear.



Figure 5: Aerial Map of subject site (the cleared lot)



Figure 6: 56 Brunswick Street view



Figure 7: View of 54A Brunswick Street



Figure 8: View front of site looking south



Figure 9: View of 58A Brunswick Street

PREVIOUS DEVELOPMENT HISTORY

The table below provides a consent history and background context that is a relevant consideration in the assessment of the application.

Previous Consent History				
DA No.	Description of Development	Date Determined	Decision Approved/Refused	Key Issues
CDC2023/279	Demolition of a Dwelling and Sheds	17/5/2023	Approved	Works have been undertaken and the subject site is vacant and cleared.

PLANNING ASSESSMENT - 4.15(1) matters for consideration

Development Type -

The proposal is categorised as *local development*, under the Environmental Planning and Assessment Act 1979 (EPA Act).

Contributions -

The proposal attracts a contribution of **\$28,790** under Council's current adopted Section 7.11 Plan

The proposal also attracts a contribution of **\$27,395.21** under the Housing and productivity contributions scheme. The contribution has been calculated in the NSW Planning Portal pursuant to Section 7.24 of *EP&A Act 1979*.

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

The following State Environmental Planning Policies (SEPP's) are relevant to the assessment of the proposal.

SEPP (Sustainable Buildings) 2022

A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal comfort and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

SEPP (Resilience and Hazards) 2021 – Ch.2 Remediation of Land

The NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor is there previous record of contamination of the site in Council's system. The land is not within an investigation area, no records of potentially contaminating activities were observed at the site during inspections. The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines. As such, the proposed development satisfies the requirements of this SEPP. As demolition of the previous building recently occurred, a condition regarding unexpected finds is recommended within the conditions of consent to ensure that any materials or potential contamination found are appropriately dealt with.

Maitland Local Environmental Plan 2011

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as Dwelling House, Subdivision and Multi Dwelling Housing under the LEP which are types of development permissible with consent.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—

Multi dwelling housing is a type of ***residential accommodation***—see the definition of that term in this Dictionary.

The proposal is consistent with the zone objectives for the **R1** zone as follows:

- it will provide for the housing needs of the community.
- It facilitates a variety of housing types and densities.

The following clauses of the Maitland LEP 2011 are relevant to the assessment of the proposal:

Clause 2.3 – Zone objectives and land use table

The subject land is zoned R1 – General Residential under the Maitland Local Environmental Plan 2011 (LEP). The proposed development is defined as Dwelling House, Multi Dwelling Housing and Subdivision which is permitted with consent under the provisions of the MLEP. The proposal supports the zone objectives by providing additional and diverse housing opportunities to accommodate the needs of a growing community in East Maitland.

Clause 4.1 Minimum lot size for subdivisions

The minimum lot size for this site is 450sqm. The Stage 1 subdivision, creating a lot with an area of 300sqm which does not comply with this provision. Clause 4.1A enables the subdivision despite this clause.

Clause 4.1A Exceptions to Minimum Lot Sizes in Zone R1

As noted above, proposed lot 241 under Stage 1 does not meet the minimum lot size requirement of Clause 4.1. Lot 241 will comprise an area of 300m², and Lot 242 will have an area of 1145m². Lot 241 will contain a two-storey dwelling, while Lot 242 will include the construction of a single storey dwelling

under Stage 1 with the intent of Stage 2 being further construction, being the multi-dwelling housing development (3 additional dwellings on the site).

Clause 4.1A(3) enables the subdivision to occur. This clause states:

4.1A Exceptions to minimum lot sizes in Zone R1

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to development on land in Zone R1 General Residential.

(3) Despite clause 4.1, consent may be granted to development on land to which this clause applies if the development includes both of the following—

(a) the subdivision of land into 2 or more lots equal to or greater than 300 square metres,

(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision.

Clause 4.1A(3)(a) is met, as both proposed lots exceed 300sqm. Clause 4.1(3)(b) has generated discussion within Council, as the wording of the clause states that “...*the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision (shall be achieved)*”. Stage 1 proposes a dwelling to be erected on proposed lot 241 and Lot 242 which complies with this provision.

In addition, Clause 4.1A(3)(b) only permits the construction of “*attached dwellings, a semi-attached dwelling or a dwelling house on each lot.*” Multi dwelling housing is not listed in the specified uses permitted under this clause.

This matter was also discussed with Council's strategic planning section. The Manager of Strategic Planning instructed the development team to consider the objective of this clause. The objective [4.1a(1)] “*is to encourage housing diversity without adversely impacting on residential amenity.*” This proposal will uphold the intent of this objective by providing housing diversity that has a positive impact on the residential amenity of the area i.e. providing a compliant development that appropriately utilises the residue allotment (lot 242)].

The only statutory difference between an attached dwelling and multi dwelling housing development is that an attached dwelling requires each dwelling to be attached by a common wall and positioned on individual allotments. Multi dwelling housing does not need to be attached, nor is it a requirement to be on separate allotments. In this case, the multi dwelling housing units are connected by boundary fences. The multi dwelling units are also noted to be positioned on individual strata titled allotments under Stage 2 of this proposal. Therefore, apart from not being attached, the proposal has all the same qualities as attached dwelling development.

Manager of Strategic Planning confirmed that the absence of ‘multi dwelling housing’ being a land use listed within Clause 4.1A is an anomaly and will be rectified by his team. In the meantime, Strategy is comfortable that this proposal (and similar others) do comply with Clause 4.1A on the basis of the objective of the clause is met and the end result is relatively the same as if it were for the uses currently listed within the clause.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail excavations below 5 metres AHD and is not within 500m of any adjacent classes. Therefore, it is not expected that acid sulfate soils would be encountered during works.

Clause 7.2 – Earthworks

The application proposes earthworks on the site to achieve a level building platform through the use of approximately 2 meters of fill is proposed. Earthworks are suitable to the scale of development and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. No material is proposed to be imported or exported from the subject site and accordingly, the development accords with the requirements of this clause.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing & Rural Land Strategies 2041) has been placed on exhibition. Whilst this draft EPI contains an amendment to Clause 4.1A, it is not relevant to the assessment of this development application.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

The following chapters of the Maitland DCP are relevant to the assessment of the proposal:

Part A.4 – Notification

In accordance with the requirements of this chapter, the proposal was advertised and notified for 14 days from 8/11/2023 to 22/11/2023. Four submissions were received.

Part B.2 – Domestic Stormwater Management

The proposal complies with the objectives of the plan. Roof runoff will be collected to individual 4,000L rainwater tanks and OSD underneath the driveway with overflow to be directed to a new pit and pipe system then onto Lawrance Lane. The proposal caters to both the BASIX requirements and OSD requirements. Council Engineers have endorsed the proposed stormwater system, subject to the conditions.

B.6 – Waste Not – Site Waste Minimisation & Management

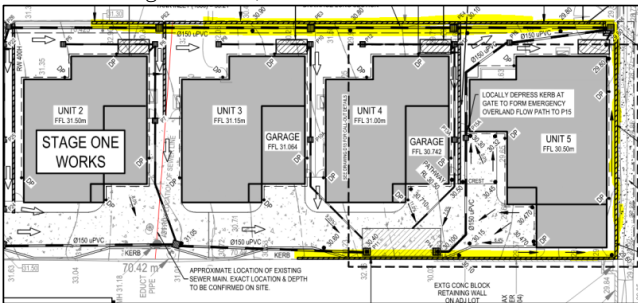
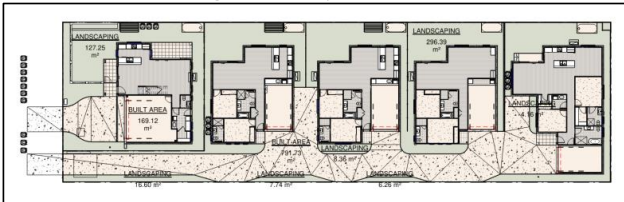
Site waste and minimisation and management have been addressed within the proposal. All waste from the construction phase will be disposed of in an environmentally safe manner. The submitted plans show bin storage for each dwelling which the applicant proposes will be placed on the kerbside for Council to manage the household waste collection once the dwellings are occupied.

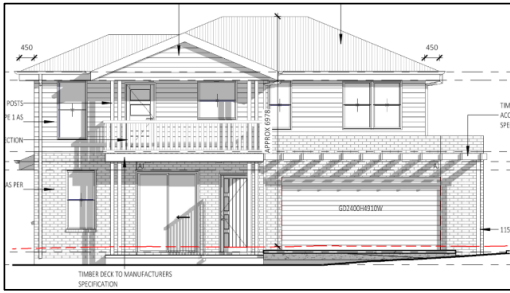
During the assessment, a query relating to the five proposed dwellings relying on the existing lot frontage for kerb side collection off Brunswick Street made. The front of the site has 20m which is considered sufficient space to cater for waste bins for all five dwellings.

C.8 – Residential Design

The proposal is generally in accordance with the requirements of the relevant clauses of the Residential Design section of the DCP 2011 as outlined in the table below:

DCP Section	Requirement	Comment
2. Design Criteria	Site analysis to be undertaken outlining existing opportunities and constraints	<p>A site analysis plan has been submitted with the application which identifies the characteristics of the site such as the topography, existing infrastructure and other constraints on the site.</p> <p>The site adjoins Brunswick Street to the north and Lawrance Lane to the west).</p>

4. Bulk Earthworks and Retaining Walls	A bulk earthworks plan is to be submitted with the application. Extent of earthworks shall be a maximum of 600mm for retaining fill and 900mm for retaining cut.	<p>The application proposes earthworks to create a level building platform. Filling is proposed along the northeastern boundary ranging from 400mm to 1.2m towards the eastern corner of the site. The rear of the site proposes a 1m retaining wall for fill as well as along the western elevation (approximately 600mm) (as shown in the figure below).</p> 
Figure 10: Retaining walls proposed on the site		<p>The proposed earthworks and retaining walls associated with the development are considered not to be substantial and can be managed within the site, subject to meeting the conditions. The earthworks are unlikely to have any significant detrimental impacts upon the surrounding area or the site itself.</p>
5. Street Building Setbacks	A minimum building line setback of 5m shall apply in R1 General Residential zones.	Only the proposed 2 storey dwelling will have frontage to a public road, and complies with required street setback.
6. Side and Rear Setbacks	Side and rear setbacks are to be a minimum 1.0m from the boundary.	All side and rear setbacks comply with the DCP requirements.
7. Site Coverage And Unbuilt Areas.	Maximum site coverage for multi dwelling housing (3 or more dwellings) shall not exceed 70%.	<p>The site coverage for the entire site is 68% which is within the maximum site coverage of 70% specified under this control.</p> 
Figure 11: Site Coverage		
8. Building Height, Bulk and Scale	Maximum building height of 8.0m within the R1 General Residential zone.	The proposed dwellings have heights of 7.1 m. This is compliant.
9. External Appearance	Ensure a good design in character with areas of high architectural standards.	Due to the generous sized blocks, the site is surrounded by a mix of single storey residential development, two-storey dwellings and single-storey strata developments. Therefore, the existing streetscape of Brunswick Street will be generally consistent with the pre-development state.

		<p>The proposed two-storey dwelling fronting the site is considered to provide architectural interest by the use of various materials, finishes, pergola and verandah to create articulation and shadowing (see figure below). Pockets of landscaping and fencing is proposed in the front of the site to softening the scale of the development.</p>  <p><i>Figure 12: Front elevation</i></p>
10. Open Space	All ground level private open space (POS) must comprise a 'principal area' in accordance with Figure 20 (page 187) and have direct access to an internal living room or dining area. Minimum of 40m ² .	<p>The private open spaces are located to the north of the proposed dwellings. Each of the proposed dwellings meets the minimum requirements for open space with the following:</p> <ul style="list-style-type: none"> • Unit 1 - northern orientation 42m² (principal POS 5m x 5m) • Unit 2 – northern orientation 38m² (principal POS 5m x 5m) • Unit 3 –northern orientation 42m² (principal POS 5m x 5m) • Unit 4 – northern orientation 39m² (principal POS 5m x 5m) • Unit 5 –northern orientation 36m² (principal POS 5m x 5m) <p>All new dwellings benefit from optimum open space and exceeds the minimum POS area of 35m² specified under Figure 20. The POS for the existing dwelling also complies.</p>
11. Sites having a boundary to a laneway	Dwelling(s) should not be orientated to the laneway as a principle street address, with main vehicular and pedestrian points via the principle street address.	The proposed dwellings do not address or front the rear laneway. No pedestrian or vehicular access is proposed to or from the laneway.
13. Landscape Design	Landscape plan is to be submitted with the proposal including appropriate species, heights and locations.	A landscaping plan has been submitted with the proposal which details the various plant species including small to medium sized shrubs, mass planting and climbers on boundary fencing. Landscaping along the boundaries and front elevations has been used to soften the impacts of the dwellings. Turf is provided to the POS of each unit with shrubs and accent plants to soften paved surfaces.
14. Fencing and Walls	Fencing is to be compatible with the character of the area and provided	Brick and slat fence forward of Unit 1 to provide adequate visual and acoustic privacy. The fence does not occupy more than 50% of the street frontage. A condition will be placed on

	to maintain privacy.	<p>the consent requiring this fencing height to be no higher than 1.5m.</p> <p>A 1.8m solid fence is proposed along the boundaries and internally between each unit.</p>
15. Driveway Access and Car Parking	Driveways a minimum of 2.7m wide and minimum grade 4:1 (H:V) to comply with Council's Manual of Engineering Standards.	<p>The driveways comply with Council's Manual of Engineering Standards and have been reviewed by Council's Engineer.</p> <p>The front dwelling identifies 2 x parking spaces on site within an attached double garage arrangement. Vehicles will be required to reverse on to the street.</p> <p>The four other dwellings have a two-bedroom configuration and provide a single garage space attached to each dwelling.</p> <p>The common driveway provides landscaping to minimise the expanse of hard surfaces and creates a meandering effect.</p> <p>The visitor parking space has dimensions 3m x 5.7m. Maneuvering space has been provided to ensure that all vehicles to enter and exit the site in a forward moving motion. A condition will be included to require that this space to be clearly sign-posted to remain free from any obstructions.</p>
16. Visual and Acoustic Privacy	Visual and acoustic privacy of adjoining developments should be maintained.	<p>The development is considered to offer sufficient visual and acoustic privacy between the dwellings as well as to adjoining developments through setbacks, fencing and landscaping. A 300mm privacy screen is proposed on top of the fence along neighbouring buildings to provide additional privacy and reduction in overlooking opportunities.</p> <p>Whilst bedroom windows of dwellings 2,3 and 4 face the common driveway, effective window placement and increased setbacks assist in alleviating conflict between each dwelling frontage and vehicular access points. An amendment to the Landscape Plans will be conditioned to provide a shrub of suitable height forward of each bedroom window to provide additional privacy.</p>
17. Water and Energy Conservation	A BASIX Certificate is to be lodged with requirements for water and energy conservation.	<p>A BASIX Certificate was lodged with the proposal and the development plans incorporate the requirements of the certificate.</p> <p>As all but the first dwelling, are of single storey configuration, the dwellings are unlikely to impede on the neighbouring sites by way of unreasonably limiting solar access.</p>
18. Stormwater Management	Stormwater measures are to comply with Council's Manual of Engineering Standards.	<p>The proposal complies with the objectives of the plan. A stormwater plan was lodged with the application that complies with Council's Manual of Engineering Standards. Council's Engineer has reviewed the stormwater plans and determined the plans are satisfactory.</p> <p>The stormwater plan for each unit consists of a minimum total volume of 4,000L rainwater tank which allows for both BASIX and OSD requirements under Council MOES.</p>

19. Security, Site Facilities and Services	Dwellings are to provide entry to the street boundary. Appropriate locations shall be provided to obscure bin areas and clothes line. Main boxes are to be appropriately located on the street boundary.	<p>The proposed dwellings have entrances that address the common driveway offering opportunities of passive surveillance.</p> <p>Bins will be stored within the side setback of the dwellings, appropriately screened from view.</p> <p>Clothes drying facilities will be in the rear yards.</p> <p>All services and utilities are appropriately located within the site boundaries.</p>
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C.10 'Subdivision'

The proposal involves the Torrens title subdivision of the exiting allotment into two lots. This chapter of the DCP 2011 contains Environmental Considerations (EC) and Design Considerations (DC) which are applicable to the proposal as follows:

	Comment
EC.1 Flora and Fauna	<p>A street tree is required to be removed and is proposed to be relocated.</p> <p>The site has recently been cleared under a previous approval therefore no adverse impacts are expected in terms of flora and fauna considerations.</p>
EC.2 Heritage and Archaeology	<p>The site is not known to contain any heritage or archaeological features and is not located within close proximity to a heritage conservation area or item.</p> <p>There are no heritage items or known archaeological relics on the subject site.</p>
EC.3 Hazards	<p>The site is not mapped on Council's systems as being located within any hazard areas aside from Class 5 Acid Sulfate Soils which have been addressed in this assessment report. The proposed development has been designed to provide adequate, safe access for current and future users.</p>
DC.1 Lot Size and Dimension	<p>The proposed lot size and dimensions for the development are consistent with the DCP 2011 requirements and are considered satisfactory. The battle axe handle width for proposed Lot 242 will be minimum 4m-wide, allowing for both the driveway, passing bay and landscaping, as per the DCP requirement.</p>
DC.2 Solar Access and Energy Efficiency	<p>The lots and dwellings have been considered in terms of providing adequate solar access. The proposal is considered to make good use of the layout of the land to ensure appropriate solar access to aid in reducing energy demands where possible.</p>
DC.3 Drainage, Water Quality and Soil Erosion	<p>A stormwater plan has been provided that proposes significant onsite detention with discharge to the drainage reserve behind the subject site. Council's Engineer has reviewed the stormwater plans and determined the plans are satisfactory.</p>
DC.4 Landscape, Streetscape and Visual Impact	<p>The proposed development is situated on a battle-axe style allotment which does not front the street, with the exception of the existing driveway. In any case, the dwellings and landscaping present consistency with the existing character of the area and do not create unreasonable visual impact.</p>

DC.5 Effluent Disposal	Any consent granted will require a connection to Hunter Water Corporation's wastewater system and a Section 50 Certificate will be required prior to the issue of the Subdivision Certificate.
DC.6 Roads and Access, Pedestrian and Cycleways	The existing road network has sufficient capacity to absorb any additional traffic generated from the proposal. Council's Engineer has reviewed the plans and determined them satisfactory. The proposal does not include the creation of any public roads.
DC.7 Crime Prevention	The proposal has adequate sight lines to public and private places. The proposal will not result in reduced security for the site or immediate area. Lighting will be provided within the communal space (driveway) to increase security after dark.
DC.8 Site Filling	Bulk earthworks are proposed and have been detailed within the submitted plans. Comments received from the Engineering officer indicate support for the proposal subject to reasonable and relevant conditions and the works being undertaken in accordance with Council policy.
DC.9 Reticulated Services	All reticulated services can be provided to the site and any consent issued will include a condition for utilities to be provided prior to the issue of the Subdivision Certificate.

C.11 Vehicular Access and Car Parking

The application complies the minimum required number of parking spaces for Dwellings 2,3,4 and 5 which is 1 space per dwelling. Two parking spaces are provided for Dwelling 1 as well as a visitor space within the site.

The visitor spaces provide a width of 3m at a minimum which meets the required dimensions. A drive way with variable widths is proposed. The driveway achieves 3m width at the street entry, tapering to 6.4m and 3m at various increments. Adequate turning area is provided in front of the parking facilities for the proposed units.

Wheel stops are to be provided along the visitor parking bay to prevent vehicles from damaging landscaped areas, buildings and/or fencing and other vehicles. Appropriate directional signs and markings shall clearly delineate parking spaces, turning areas and no stopping areas.

C.12 Crime Prevention through Environmental Design

Internal security for the site will be maintained via the casual surveillance of its inhabitants and neighbours. Entry points are generally in a similar location and help facilitate this and other areas exposed to the public have regular vehicular and foot traffic. The proposal will not result in reduced security for the site or immediate area as the internal areas including the common driveway will appear as under private ownership and expected to create adequate legibility.

A condition will be included requiring sensor lighting along the internal driveway to improve site security with lighting details to be submitted to Council prior to CC.

Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements, or draft planning agreements.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no regulations prescribed under Section 92 of the Environmental Planning and Assessment Regulation 2000 which apply to this proposal.

Section 4.15 (1)(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 following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

Matters for Consideration	Comments
Context and setting	<p>The proposed development is located within an established R1 – General Residential in East Maitland; and is surrounded by developments of a similar type and scale. The proposed multi dwelling housing dwellings are permissible with consent. The site is located in proximity to existing services, utilities, facilities and community services.</p> <p>The design has been carefully considered with the dwelling fronting the street being of high architectural interest and articulation to improve the developments compatibility within the street. A neutral palette with variable building materials, driveway, fencing and landscaping is proposed to achieve variety and interest.</p> <p>Brunswick Street is a wide street with the subject site on the low side of the street. The two-storey building proposed is setback from the front boundary and will not dominate the streetscape.</p> <p>While the proposal is in proximity to a Heritage Item, the two-storey building is considered appropriate in this location.</p>
Privacy and Visual Impacts	<p>The proposed development complies with the Maitland Development Control Plan 2011 (DCP) in terms of privacy and visual impacts. When considering visual impacts overlooking of private open space and direct views should be screened or obscured. In this instance, a 1.8m fence is proposed between the subject site and the adjoining neighbour. The proposed living rooms, bedrooms are adequately screened with design techniques in accordance with the DCP.</p> <p>Objectors raise that bedrooms at 54 and 54A are located on the south-eastern side (closest to the development site), however on review of 54A a driveway is located between the dwelling and the subject site boundary. When considering 54A, the proposed dwelling openings (all kitchen/dining room windows) have a separation distance of 3m to the side boundary which is considered acceptable for privacy and in accordance with Chapter C.8.16 of the DCP.</p>
Public domain	The proposal is not likely to create any detrimental impacts to the public domain. A condition will be placed on the consent requiring a replacement street tree.
Utilities	The proposal can be connected into nearby utilities without the potential for adverse impacts. A Section 50 Certificate from Hunter Water is required.
Waste	The proposal will not generate excessive waste and has provided a Site Waste Management and Minimisation Plan (SWMMP). Any building

	waste will be disposed of by the builder appropriately offsite. The dwellings will utilise Council's waste service during occupation.
Noise and vibration	Noise and vibration impacts will be limited to the construction period, will be temporary and during working hours. General domestic noise is expected once construction has been finalised.
Socioeconomic impact in the locality	The proposal will have a positive social impact on the locality through the provision of appropriate additional housing.
Site design and internal design	The proposed site design generally complies with Council's requirements and is considered to be satisfactory. The internal layout of each dwelling is compliant and considered practical and functional for their intended use.
Construction site management	Construction impacts will be limited to the construction period, will be temporary and during working hours. No Construction Certificate has been lodged with the Development Application.

Section 4.15 (1)(c) - The suitability of the site for the development

The subject site is located within an existing residential area and makes good use of available land. The proposed dwellings have been designed with consideration of surrounding site constraints and are subsequently unlikely to impede upon the social, economic, built or environmental impacts of the subject or neighbouring allotments. The proposal will create additional housing to service the needs of the community and is typical of that within the surrounding area. The site is located in proximity to existing services, public transport including train stations and bus stops, and is ideally placed to support a multi-dwelling type development such as proposed.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations


Public Submissions

The proposal was publically notified/advertised for a period of fourteen (14) days in accordance with the Environmental Planning and Assessment Act 1979 and the Maitland Development Control Plan 2011.

A total of four (4) submissions were received during the exhibition period. All four submissions raised objection to the proposal. A summary of the submissions is provided in the following table:

Review of Submissions		
Submission No.	Issue	Planner Comments
1	<p>a) Overdevelopment of site.</p> <p>b) Change of character of area (instead of one house will be five houses).</p> <p>c) Front fencing inconsistent with surrounds.</p>	<p>a) On review of the proposed development, it complies with all relevant aspects of the Maitland Development Control Plan 2011, as such is not considered an overdevelopment of the site.</p> <p>b) The proposed development is located within an established R1 – General Residential in East Maitland; and is surrounded by developments of a similar type and scale. The proposed multi dwelling housing dwellings are permissible with consent.</p> <p>c) While a front fence is inconsistent with the surrounding development, a front</p>

		<p>fence would be exempt development under the State Environmental Planning Policy Exempt and Comply Development Codes 2008. The proposed fencing is considered to be compatible with the design and materials of the proposed dwelling, the proposed fencing complies with the relevant section of the Maitland Development Control Plan 2011 (DCP).</p>
	<p>d) Concerns on site coverage and lack of unbuilt areas and shade trees.</p> <p>e) Privacy impacts between outdoor spaces and living areas of adjoining lots. Careful consideration given to the fill and proposed floor heights and overlooking opportunities.</p>	<p>d) The development complies the Maitland Development Control Plan 2011 (DCP) in terms of site coverage.</p> <p>e) The proposed development complies with the Maitland Development Control Plan 2011 (DCP) in terms of privacy and visual impacts. When considering visual impacts overlooking of private open space and direct views should be screened or obscured. In this instance, a 1.8m fence is proposed between the subject site and the adjoining neighbour. The proposed living rooms, bedrooms are adequately screened with design techniques in accordance with the DCP.</p> <p>The submissions raised a concern that bedrooms at 54 and 54A are located on the south-eastern side (closest to the development site), however on review of 54A a driveway is located between the dwelling and the subject site boundary. When considering 54A, the proposed dwelling openings (all kitchen/dining room windows) have a separation distance of 3m to the side boundary which is considered acceptable and in accordance with Chapter C.8.16 of the DCP.</p>
	<p>f) Increase risk of antisocial behaviour.</p> <p>g) Increase load on sewer/water infrastructure in the area.</p>	<p>f) Not a relevant planning matter for consideration.</p> <p>g) A condition will be placed on the consent requiring the development to be adequately serviced by Hunter Water. In terms of servicing capacity, the development plans have been stamped by Hunter Water. Hunter Water has undertaken an initial assessment of the proposed development to identify possible</p>

	<p>h) Adverse impacts on Lawrence Lane. Retaining walls and fencing reduces the amenity of the laneway.</p>	<p>impacts, and from this assessment nothing has been raised to suggest there will be any significant impact on the existing infrastructure.</p> <p>h) The retaining wall on the rear has been reduced to 1m and fencing has been reduced to 1m. This will result in a 2m wall on Lawrence Lane, this is relatively consistent with the development adjoining the site (see rear of 58 Brunswick Street shown below).</p>  <p><i>Figure 13: Rear of 58 Brunswick Street</i></p>
2	<p>a) Similar concern to Submission 1(a).</p> <p>b) Will reduce property values.</p> <p>c) Two-storey development will impact negatively in terms of privacy and solar access for adjoining properties.</p> <p>d) Traffic increase and adverse impacts on the surrounding residents. Insufficient number of car parks, resulting in parking on the local street network.</p> <p>e) Waste bin collection, insufficient space on the street.</p> <p>f) Similar concern to Submission 1(g).</p> <p>g) Request the applicant consider flipping development so that the driveway is north-east on the site to provide</p>	<p>a) Refer to Submission 1(a) response</p> <p>b) Not a relevant planning matter for consideration.</p> <p>c) Solar diagrams and the lot orientation has demonstrated the development will not have an adverse impact on adjoining lots in terms of solar impacts. In terms of privacy highlight windows are proposed in each room facing the adjoining neighbour to the north to prevent overlooking.</p> <p>d) The development complies with car parking requirements under the Maitland Council Development Control 2011. Council's Engineers have assessed the development in terms of traffic impacts and determined the proposal will not have an adverse impact on traffic in the area.</p> <p>e) Plans have been provided and the width of the site has demonstrated there is sufficient space to cater for the number of bins required for the development.</p> <p>f) Refer to Submission 1(g) response.</p> <p>g) The applicant was unable to flip the design due to the existing exhaust vent for the sewer system located along the western elevation. The</p>

	<p>additional space between existing dwellings surrounding the site.</p> <p>h) Noise impacts.</p> <p>i) Clearing of trees not supported.</p>	<p>proposed layout is considered a better outcome in terms of solar access for both the outdoor spaces and living areas of each unit.</p> <p>h) The proposed dwelling openings (all kitchen/dining room windows) have a separation distance of 3m to the side boundary which is considered acceptable and in accordance with Chapter C.8.16 of the DCP. Noise levels are expected to be standard residential noise and will be required to comply with relevant noise requirements under the Protection of the Environment Operations Act (POEO Act) 1997.</p> <p>i) The site is already cleared and vacant. The removal of the street tree will be conditioned to be replaced in a suitable location. The proposal is considered acceptable.</p>
3	<p>a) Similar concern to Submission 1(h).</p> <p>b) Similar concern to Submission 1(a).</p> <p>c) Similar concern to Submission 1(e).</p> <p>d) Similar concern to Submission 1(b).</p>	<p>a) See response under Submission 1(h).</p> <p>b) See response under Submission 1(a).</p> <p>c) See response under Submission 1(e).</p> <p>d) See response under Submission 1(b).</p>
4	<p>a) Similar concern to Submission 1(b).</p> <p>b) Similar concern to Submission 1(a).</p> <p>c) Similar concern to Submission 2(b).</p> <p>d) Similar concern to Submission 1(e).</p> <p>e) Similar concern to Submission 1(g).</p> <p>f) Similar concern to Submission 2(d).</p> <p>g) Similar concern to Submission 2(e).</p> <p>h) Similar concern to Submission 1(d).</p>	<p>a) See response under Submission 1(b).</p> <p>b) See response under Submission 1(a).</p> <p>c) See response under Submission 2(b).</p> <p>d) See response under Submission 1(e).</p> <p>e) See response under Submission 1(g).</p> <p>f) See response under Submission 2(d).</p> <p>g) See response under Submission 2(e).</p> <p>h) See response under Submission 1(d).</p>

Government Agency Submissions

The proposal is of a type that does not require the Council, as the consent authority, to obtain the concurrence, comments or general terms of approval from another government agency.

Section 4.15(1)(e) - The public interest

The proposal is unlikely to impact on any Federal, State and Local Government or community interests. The proposal is in the public interest on the basis that it provides additional housing, within a suitable location, of which has been appropriately design as to not impact upon the surrounding area.

OTHER APPROVALS

The proposal does not require the Council to grant consent under legislation outside of the Environmental Planning and Assessment Act, 1979.

REFERRALS

Development Engineering – Additional information was requested regarding driveway widths, stormwater, earthworks and easements. Revised information was submitted which was subsequently supported with conditions of consent.

Development Contributions – Relevant development contributions have been included in the consent.

Building Surveyor – Standard conditions of consent included.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979 as amended*. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION AND DETERMINATION

Consent be granted subject to the conditions provided in the attached schedule.

City Planning

Da/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on each Lot, Stage 2 – Multi Dwelling Housing (3 Additional Dwellings) on Proposed Lot 242 Created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland

**Recommended Conditions of Consent
(Under Separate Cover)**

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 18



ATTACHMENT 4 RECOMMENDED CONDITIONS

General conditions

1.	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Drawing number	Drawn by	Date of plan
	A10.0.2	D	Staging Plan 1	Valley Homes	11/09/2024
	A10.0.3	D	Staging Plan 2	Valley Homes	11/09/2024
	A11.0.1	D	Site Plan	Valley Homes	11/09/2024
	A21.1.1	A	LVL 1 Floor Plan Unit 1	Valley Homes	14/07/2023
	A21.2.1	B	LVL 2 Floor Plan Unit 1	Valley Homes	23/05/2024
	A21.5.1	A	Roof Plan Unit 1	Valley Homes	14/07/2023
	A30.0.1	A	Elevations Unit 1	Valley Homes	14/07/2023
	A30.1.1	A	Elevations Unit 1	Valley Homes	14/07/2023
	A40.0.1	A	Section Unit 1	Valley Homes	14/07/2023
	B21.1.2	D	LVL 1 Floor Plan Unit 2	Valley Homes	11/09/2024
	B21.5.2	A	Roof Plan Unit 2	Valley Homes	14/07/2023
	B30.0.1	A	Elevations Unit 2	Valley Homes	14/07/2023
	B30.1.1	A	Elevations Unit 2	Valley Homes	14/07/2023
	B40.0.2	A	Section Unit 2	Valley Homes	14/07/2023
	C21.1.1	D	LVL 1 Floor Plan Unit 3	Valley Homes	11/09/2024
	C21.5.1	A	Roof Plan Unit 3	Valley Homes	14/07/2023
	C30.0.1	A	Elevations Unit 3	Valley Homes	14/07/2023
	C30.0.2	A	Elevations Unit 3	Valley Homes	14/07/2023
	C40.0.1	A	Section Unit 3	Valley Homes	14/07/2023
	D21.1.2	D	LVL 1 Floor Plan Unit 4	Valley Homes	11/09/2024
	D21.5.1	A	Roof Plan Unit 4	Valley Homes	14/07/2023
	D30.0.1	A	Elevations Unit 4	Valley Homes	14/07/2023
	D30.0.2	A	Elevations Unit 4	Valley Homes	14/07/2023
	D40.0.1	A	Section Unit 4	Valley Homes	14/07/2023
	E21.1.3	D	LVL 1 Floor Plan Unit 5	Valley Homes	11/09/2024

E21.5.1	A	Roof Plan Unit 5	Valley Homes	14/07/2023
E30.0.1	A	Elevations Unit 5	Valley Homes	14/07/2023
E30.0.2	A	Elevations Unit 5	Valley Homes	14/07/2023
E40.0.1	A	Section Unit 5	Valley Homes	14/07/2023
23120	-	Plan of Subdivision of Lot 24 Section 44 DP 758374	Nigel Delfs	-
23120	-	Plan of Subdivision of Lot 242 - Location Plan and Floor Plan	Nigel Delfs	-
23120	-	Plan of Subdivision of Lot 2 SP - Location Plan and Floor Plan	Nigel Delfs	-
240237 Sheet D00 to D12	A	Drainage Plans	Thomas Engineering	16/10/2024
Sheet 2 to 3	1	Landscape Plans	JK's Garden Creations	11/01/2024
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
2. BASIX Certificate				
The applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) for the development to which this consent applies.				
Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 75 of the Environmental Planning and Assessment Regulation 2021.				
3. Building Code of Australia				
All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).				
In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.				
Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.				
4. HPC - Housing and Productivity Contribution				
Before the issue of the first Subdivision Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.				
Housing and productivity contribution		Amount		

	Housing and productivity contribution (base component)	\$27,395.21
	Total housing and productivity contribution	\$27,395.21
	<p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p>	
	Reason: To require contributions towards the provision of regional infrastructure.	
5.	Staging of Development	
	The development is to be completed in numerical stages in accordance with the approved Staging Plans (Staging Plan 1 and 2, prepared by Valley Homes dated 11/09/2024).	
	Reason: To ensure the development is carried out in accordance with the approved staging plan.	

Building Work

Before issue of a construction certificate

6. **7.11 Contributions – City Wide**

Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Maitland City Wide Development Contributions Plan 2016, a contribution of \$28,790 shall be paid to the Council.

The contribution is calculated from Council's adopted Development Contributions Plan in the following manner:

Facility	Per Lot	Stage 1 Total	Per 2 B/R Unit	Stage 2 Total	Grand Total
	1	1	1	3	4
City Wide Aquatics Facilities	\$1,201	\$1,201	\$890	\$2,670	\$3,871
Citywide Competition Netball Courts	\$279	\$279	\$206	\$618	\$897
City Wide Recreation & Open Space Facilities	\$1,004	\$1,004	\$744	\$2,232	\$ 3,236

City wide Multipurpose Centre Floor Space	\$787	\$787	\$582	\$1,746	\$2,533
City Wide Library Floor Space	\$761	\$761	\$564	\$1,692	\$2,453
City Wide Road & Traffic Facilities	\$3,978	\$3,978	\$2,946	\$8,838	\$12,816
City Wide Cycleways/Shared Paths	\$709	\$709	\$526	\$1,578	\$2,287
City Wide Plan Management/Administration	\$217	\$217	\$160	\$480	\$697
Total	\$8,936	\$8,936	\$6,618	\$19,854	\$28,790
<p>Any outstanding component of the contribution will be indexed quarterly in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for each quarter. Please refer to Council's web page for the current rates applicable.</p> <p>Payment of the above amount is required as follows:</p> <ul style="list-style-type: none"> For stage 1 - prior to the issue of Construction Certificate for stage 1 the Development and; For stage 2 – prior to the issue of the Construction Certificate for stage 2 of the Development. <p>The above condition has been applied to ensure that:</p> <ol style="list-style-type: none"> Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979. Council's administration expenses are met with respect to the processing of the application. <p>Reason: To outline contributions payable to Council Clause 4.17 of the Environmental Planning and Assessment Act 1979.</p>					
7. Car parking details					
<p>Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council's development control plan in regard to sight triangle, minimum driveway width, turning arrangement, design, clearances to obstructions, space sizes including the visitor parking, aisle widths according to the relevant Vehicle Class.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>					
8. Amendments to Documents and Plans					
<p>The development must be amended as follows:</p> <ol style="list-style-type: none"> An amendment to the Landscape Plan to provide a shrub of suitable height forward of each bedroom window to provide additional privacy. Wheel stops are to be provided along the visitor parking bay to prevent vehicles from damaging landscaped areas, buildings and/or fencing and other vehicles. 					

	Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate. Reason: To ensure the development complies with Council's controls and guidelines.
9. Construction requirements for driveways	
	All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface. Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.
10. Driveway Gradients and Design	
	Before the issue of a construction certificate, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and: a) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works. Details demonstrating compliance must be provided to the Registered Certifier. Reason: To ensure safe and appropriate design of driveways.
11. Erosion Controls (less than 2500m2)	
	An Erosion and Sediment Control Plan (ESCP) in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book, prepared by a Certified Professional in Erosion and Sediment Control (CPESC) shall be submitted to and approved by Council for sites with the disturbed area less than 2,500m2. Reason: To prevent soil erosion and the discharge of sediment over the land.
12. Footings and Excavation near Council Property	
	All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer. Plans and specifications demonstrating compliance with this requirement must be submitted to the Registered Certifier. Reason: To ensure works within proximity of Council's assets are managed.
13. Hunter Water Corporation Notice of Formal Requirements prior to Construction Certificate	
	Prior to issue of the Construction Certificate a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier. Reason: To ensure HWC requirements are met.
14. Long Service Levy	

	In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.
	Reason: To ensure payment of the Long Service Levy.
15.	Multi-dwelling housing stormwater drainage requirements
	<p>The construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:</p> <ul style="list-style-type: none"> a) Minimum 1m³ of On-Site Detention (OSD) of stormwater for each dwelling (in excess of BASIX's requirements) with 19mm bleed off connection to overflow pipe as per Maitland Council's Standard Drawing SD052, and b) A minimum storage volume of (14.74) m³ for on-site detention (OSD) in the form of concrete underground tank, and c) Maximum permissible site discharge limited to (26.43) litres per second for the 1% AEP event and generally in accordance with the drainage plans prepared by Thomas Engineering (Project No: 240436, Dwg No: D01, D02, D03, D04, D09, D10, D11, D12 & D13, Revision: B, Dated: 22/10/2024), and d) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and, e) Structural certification is required for underground detention systems where expected traffic loads are likely, and, f) An emergency overland flow path for major storm events, that is directed to the public drainage system, and g) Entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and h) Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties), and i) The onsite detention under the driveway shall be designed as concrete structure and be structurally certified by a suitably qualified engineer.
	Reason: To ensure appropriate stormwater management.
16.	Retaining Walls
	All retaining walls within 1m of a boundary or exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer, ensuring the design and construction does not put any loads onto the neighbouring retaining walls and shall have a minimum design surcharge load of 5kPa.
	Reason: To ensure any retaining walls within proximity to common boundaries are certified.

Before building work commences

17.	All Weather Access
	Before the commencement of any site or building works, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.
	No materials, waste or the like are to be stored on the all-weather access at any time.
	Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.

18.	Construction Certificate Required
	Prior to commencement of construction works , a Construction Certificate is to be issued by the Registered Certifier.
	Reason: To ensure a Construction Certificate is issued prior to works commencing.
19.	Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement
	The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving and road pavement surface associated with the subject Lot. The absence of such notification signifies that no damage exists, and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving and road pavement surface which may be necessary after completion of the building works.
	Reason: To ensure Council is notified of any existing damage to Council assets.
20.	Driveway crossing
	Prior to commencement of construction , of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).
	Reason: To ensure appropriate approval is obtained prior to works on the public road.
21.	Erosion and sediment controls in place
	Before any site work commences, the principal certifier , must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
22.	Hoarding or fencing of work site where impacting a public place
	If the work:
	i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
	ii) involves the enclosure of a public place
	The responsible person must gain a separate S138 approval from Council for the hoarding or fencing within the road reserve, fees apply.
	If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
	The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
	Reason: To ensure public assets and traffic are appropriately managed during construction.

23.	<p>Home Building Act - Insurance</p> <p>1. Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifier for the development to which the work relates has provided Council with written notice of the following information:</p> <p>a) in the case of work to be done by a licensee under that Act:</p> <ul style="list-style-type: none"> i. the licensee's name and contractor licence number, and ii. of the name of the insurer by which the work is insured under Part 6 of that Act, or <p>b) in the case of work to be done by any other person:</p> <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
24.	<p>Notice of appointment of PCA to be provided prior to commencement</p> <p>The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.</p> <p>Reason: To ensure a Principal Certifier is appointed prior to works commencing.</p>
25.	<p>Notice of commencement to be provided to Council</p> <p>The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.</p> <p>Reason: To ensure Council is notified prior to works commencing.</p>
26.	<p>Rubbish Generated from the Development For all construction sites</p> <p>Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.</p>
27.	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing</p> <ul style="list-style-type: none"> i. the name, address and telephone number of the Principal Certifier for the work, and ii. the name of any principal contractor and their after-hours contact number, and iii. must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p>

	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.
28.	Site is to be Secured
	Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
	Reason: Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.

During building work

29.	Procedure for critical stage inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Reason: To require approval to proceed with building work following each critical stage inspection.
30.	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Reason: To ensure payment of approved changes to public infrastructure.
31.	Building materials on Council's footpath
	While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
	Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.
32.	Control of dust
	The site shall be managed at all times during construction phase so as to prevent the generation of dust from the land disturbance activities (e.g., by water spray, dust suppression, surface sealants, soil binders, wind barriers and/or dust retardants). Those are required in addition to the use of water cart during operation hours.
	Reason: To ensure adequate controls with respect to dust pollution during works.
33.	Delivery Register
	The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.
	This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
	Reason: To ensure a delivery register is maintained for delivery of earthwork (fill) material.
34.	Discovery of relics and Aboriginal objects

	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Reason: To ensure the protection of objects of potential significance during works.</p>
35.	<p>Excavation for Residential Building Works</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent:</p> <ul style="list-style-type: none"> i) Must preserve and protect the building from damage, and ii) If necessary, must underpin and support the building in an approved manner, and <p>The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
36.	<p>Excavations and backfilling to be executed safely</p> <p>All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>Reason: To ensure excavations and backfilling is executed safely.</p>
37.	<p>Fill Material</p> <p>Filling material, shall be limited to the following:</p> <ul style="list-style-type: none"> a) virgin excavated natural material (VENM); b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014. <p>Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.</p> <p>Reason: To limit the type of fill material being deposited on site.</p>

38.	Fill material not to obstruct stormwater path(s)
	Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
	Reason: Protection of the downstream drainage and environment.
39.	Offensive Noise, Dust, Odour and Vibration
	All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
	Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.
40.	Property to be protected against soil erosion (minor)
	The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
	Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.
41.	Property to be protected against soil erosion (minor)
	The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
	Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.
42.	Public access to the site to be restricted
	Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
	Reason: To ensure public access to the building site is restricted.
43.	Removal of Waste Materials
	Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material must be assessed and classified in accordance with the NSW Environmental Protection Agency Waste Classification Guidelines (2008).
	Once assessed, the materials must be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets must be retained and supplied to Council upon request.
	Reason: To ensure waste is disposed of appropriately.

44.	Restriction on working hours for building activity
	Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
	a. 7.00am to 6.00pm Monday to Friday
	b. 7.00am to 5.00pm Saturday
	Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.
	Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.
45.	Retaining walls on common boundaries
	Retaining walls on common boundaries shall be in accordance with the approved retaining plan. No walls shall exceed the maximum height of 1.5m.
	Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.
46.	Run off and erosion control
	Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
	(a) diverting uncontaminated run off around cleared or disturbed areas, and
	(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
	(c) preventing the tracking of sediment by vehicles onto roads, and
	(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
	Run off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.
	Reason: To ensure appropriate run off and erosion controls.
47.	Site to be cleared of building refuse on completion
	The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
	Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.
48.	Stormwater drainage disposal
	Following the installation of any roof or hardstand area, final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:

	a) The interallotment drainage system (drainage easement) which upwells into Lawrence Lane.
	Reason: To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).
49.	Toilet facilities
	While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.
	The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
	Reason: To ensure adequate sanitary facilities during construction.
50.	Unexpected Finds Contingency (General)
	Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.
	In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.
	Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
	Reason: To ensure unexpected finds are appropriately managed.

Before the issue of an occupation certificate

51.	Works-as-executed plans and any other documentary evidence
	Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
	(a) All stormwater drainage systems;
	(b) Onsite detention storage;
	(c) Permissible site discharge;
	(d) Pits and pipes invert levels; and
	(e) Driveway as constructed levels.
	The principal certifier must provide a copy of the plans to Council with the occupation certificate.
	Reason: To confirm the location of works once constructed that will become Council assets.

52. Construction of stormwater control system	<p>Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.</p> <p>Reason: To ensure stormwater management is constructed in accordance with the design plan.</p>
53. Driveway layout and profile constructed	<p>Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'.</p> <p>Reason: To ensure appropriate approval is obtained prior to works on the public road.</p>
54. Repair of infrastructure	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <p>Reason: To ensure any damage to public infrastructure is rectified.</p>
55. Replacement street tree	<p>Prior to issue of an Occupation Certificate, and at no cost to Council, the existing street tree is to be removed and replaced with one (1) street tree(s) of a suitable species and size. The new street tree(s) is to be planted in a position that is suitably clear of utilities and drainage lines and set back a minimum of 2m from any driveways, in accordance with Council directives within the approval for the street tree, Council's Standard Drawing SD049 and Council's Management of Trees on Public Land Policy.</p> <p>Prior to removing and replacing an existing street tree, a Street Tree Request must be submitted to and approved by Council's City Services Team.</p> <p>Reason: To ensure street trees are planted per Council's Manual of Engineering Standards.</p>
56. Section 50 - Prior to Occupation Certificate	<p>Prior to issue of the Occupation Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.</p> <p>Reason: To ensure HWC requirements are met.</p>
57. Stormwater System Maintenance Procedure Plan	<p>Prior to Occupation or Operation of the development, a Stormwater System Maintenance Procedure Plan shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning</p>

	and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.
	Reason: To ensure quality stormwater entering the public drainage system.

Before the issue of a subdivision certificate

58. Restriction on Issue of Strata Plan of Subdivision	<p>An Occupation Certificate for the building must be issued by the Principal Certifier prior to the issue of any Strata Plan of subdivision associated with this development consent DA2023/958.</p> <p>Documentary evidence of the issue of the Occupation Certificate must be provided to Council in conjunction with the application for the Strata Plan of subdivision.</p> <p>Reason: To ensure an Occupation Certificate is obtained prior to the Strata Certificate being released.</p>
59. Strata Plan of Subdivision	<p>Sections 37 and 37A of the Strata Schemes (Freehold Development) Act 1973 require an application to be provided to Council for approval prior to the issue of the certified Strata Plan of subdivision.</p> <p>The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA2023/958, and of compliance with the relevant conditions of consent.</p> <p>Reason: To ensure an application for Strata Certificate is made to Council in accordance with the approved plans and conditions of consent.</p>
60. Payment of subdivision certificate and house numbering fees	<p>Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's Schedule of Fees and Charges, shall be paid to Council.</p> <p>Reason: To ensure all applicable fees are paid.</p>
61. Completion of landscape and tree works	<p>Before the issue of an Occupation Certificate or Subdivision Certificate (whichever occurs first), the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p>Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
62. Authority to release, vary or modify drainage easements (MCC)	<p>The authority empowered to release, vary or modify inter-allotment drainage easements shall be nominated as 'the lots burdened and benefitted, only with the consent of Maitland City Council'.</p> <p>Reason: To ensure appropriate restrictions are applied to the subject site.</p>
63. Documentary evidence from utility providers	

	Documentary evidence from the suppliers of electrical power, and communications (and including gas if applicable), confirming that satisfactory arrangements have been made for the installation of infrastructure services, shall be submitted to Council.
	Reason: To ensure essential services are provided to each allotment.
64. Interallotment drainage	
	The inter-allotment drainage stormwater pipelines shall be constructed based on an approved concept plan and/or in accordance with Council's Manual of Engineering Standards.
	Reason: To ensure compliance of subdivision works.
65. Show Easements/ Restrictions on The Plan of Subdivision	
	The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
	Reason: To ensure all existing easements and restrictions are acknowledged where applicable.
66. Street and pathway lighting	
	Pathway lighting along the internal driveway shall be design by a suitability qualified consultant and be provided in accordance with the Council's requirements and the power supply authority.
	Reason: To ensure appropriate lighting level in public areas.
67. Surveyors Report	
	A certificate from a Registered Surveyor must be provided to the Principal Certifier, certifying that all drainage lines have been laid within their proposed easements.
	Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
	Reason: To ensure surveyors certification is provided in support of infrastructure and related easements.
68. Upgrades to public utility services	
	Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
	Reason: To ensure essential services are provided to each allotment.
69. Utility services	
	Underground water, sewerage, telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider's requirements.
	Reason: To ensure essential services are provided to each allotment.
70. Driveway within corridor	
	The driveway within the access corridor of proposed lot 242 shall be constructed up to the of length of access handle as a concrete slab 3m wide minimum (or concrete drive-strips) to "commercial" standard in accordance with Council's Development Control Plan and Council's Manual of Engineering Standards.
	Reason: To ensure compliance of subdivision works.
71. Easements to drain water for minor subdivision	

	An easement of 1.5m wide shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line.
	Reason: To ensure appropriate restrictions are applied to the subject site.

Before the issue of a subdivision works certificate

72. Road, drainage landscaping and civil works engineering plans	
	<p>The stormwater and/or inter-allotment drainage works associated with the proposed subdivision shall be constructed in accordance with the approved subdivision works plans, Council's Development Control Plan and Council's Manual of Engineering Standards.</p> <ul style="list-style-type: none"> • Roof water of proposed lot 241 shall discharge to Brunswick Street via a charged system. • Surface water of proposed lot 241 shall be directed to the IAD system or Brunswick Street.
	Reason: To ensure compliance with Council's Manual of Engineering Standards.

Before subdivision works commences

73. SWC for interallotment drainage	
	<p>Prior to commencement of construction of the inter-allotment drainage works, a Subdivision Works Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.</p>
	Reason: To ensure Subdivision Works Certificate is obtained prior to commencement of subdivision works.
74. SWC for works in driveway corridor (subdivision)	
	<p>Prior to commencement of construction of the driveway within the corridor, a Subdivision Works Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.</p>
	Reason: To ensure Subdivision Works Certificate is obtained prior to commencement of subdivision works.

Occupation and ongoing use

75. Occupation certificate required	
	<p>A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.</p>
	<p>The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p>
	Reason: To ensure development is suitable for occupation and / or use.

76. Driveways to be Maintained	All access crossings and driveways must be maintained in good order for the life of the development.
	Reason: To maintain approved vehicle access.
77. Maintenance of Landscaping	
	Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.
	If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
	Reason: To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.
78. Outdoor Lighting	
	All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
	Reason: To mitigate amenity impacts as a result of lighting.
79. Redundant Crossing and Layback	
	All redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter.
	Reason: To ensure compliance with Council's Manual of Engineering Standards.
80. Waste Bin Collection	
	A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures must be provided for each approved lot.
	Reason: To ensure waste can be collected.

City Planning

Da/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on each Lot, Stage 2 – Multi Dwelling Housing (3 Additional Dwellings) on Proposed Lot 242 Created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland

Submissions (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 5

Number Of Pages: 24

**Objection to DA 2023/958,
Subdivision and residential redevelopment of 56 Brunswick St East Maitland**

The proposed redevelopment of this property is objected to on the grounds that it would be a gross overdevelopment of this site that would adversely impact on the character and liveability of this lot and the locality.

Proposed lot 241 would be 33% below the current minimum lot size. The Statement of Environmental Effects (SEE) claims that this is justified on the basis that it complies with clause 4.1A of Maitland LEP 2011 and would not adversely impact on residential amenity.

In contrast we submit that the development would; significantly detract from the local character and amenity of this highly appreciated locality, would reduce opportunities to maintain natural environments and increase the heat load in built environments. It would also adversely impact on local residents and could risk further overloading of failing local infrastructure.

Such outcomes are contrary to planning principles for mitigating the impacts of climate change and heat stress, for enhancing the built environment and liveability of our city.

Key concerns are:

- **Adverse changes to the character of the area** due to:
 - The over development of this lot which would replace one dwelling with 5 houses, (rather than 2 or 3 houses as per existing planning precedent for this location).
 - Plans for a modern 2 storey dwelling just 5m from the front boundary, with a fenced private courtyard occupying almost 50% of the front boundary. No existing lots in Brunswick Street have a solid privacy fence on the front boundary.
The four existing 2-storey buildings in Brunswick St are stately art deco homes are set 15m back from front boundaries. Three are situated on double lots of over 1,000m² and none of them occupy more than 33% of the lot. In stark contrast the proposed two-storey Unit 1 would be located just 5m from the front boundary on a lot of just 300m² and the building alone would occupy 56% of the lot (p.25 of SEE)
 - The crowding of four 2-bedroom units on the remaining lot would significantly detract from a location renowned for its leafy gardens, larger lots, and older stately homes in a location that is well suited to families.
- **Lasting adverse environmental impacts** due to; the complete clearing of all vegetation on this lot prior to this DA being lodged; significant increase in the extent of hard surfaces and heat absorbing driveways; very small open space retained and the lack of effective capacity to re-establish shade trees or significant gardens. This is contrary to good planning principles that aim to avoid increased thermal loads/ heat islands, enhance natural ecosystems, and green spaces and enable natural cooling and airflows.

The planned density of dwellings and extent of driveways and narrow access pathways will also limit the capacity to provide effective screening to neighbouring properties.

- **Adverse Impacts on neighbours due to:**
 - The very close proximity of living areas and the small outdoor areas to the bedrooms and living areas of homes on 54 and 54A Brunswick St and lack of consideration in SEE of the impacts on the amenity, views, privacy, and potential overshadowing of the existing residences on 54 and 54A Brunswick St.

- An increased risk of antisocial behaviour along with an increase in traffic movements. The potential for these properties to be occupied by a high turnover of tenants not engaged in the local community is increased by the very high rental prices in this area combined with the extremely small private areas and the building of small 2-bedroom, one garage homes that are less suitable for families or working couples. This in turn increases the risk of antisocial behaviours and conflict with neighbours.

The SEE, does not include any information on the anticipated increase in traffic movement due to renters and visitors. Brunswick St is already used as a strip for irresponsible drivers to show off and any further aggravation of that would further impact on the social amenity of the neighbourhood.

- The risk of further overloading the water and sewerage infrastructure built mid last century that is already documented as failing. This includes low water pressure during peak use times, repeated water leaks (with associated interruption of services to repair), plus existing sewage backlogs at least one of which was attributed to problems arising from strata unit developments in the location.

Council is requested to ensure that the development and construction activities will not further adversely impact on water pressure and the sewage main that traverses the property (and the historic ventilation shaft).

- **Adverse impacts on the character and use of Lawrence Lane.** The details for the cut and fill and retaining walls for this sloping site are not included in the exhibited information. Other strata unit developments between Brunswick and Lawrence Lane, however, have required a 1-1.7m high rear retaining wall topped by a 1.2m colourbond fence. The extension of such structures would further reduce the amenity of the laneway and further reduce public safety over the long term.

The need for retaining walls also creates concerns as to the longer-term stability of such structures and the safety of pedestrians in the laneway. The earliest DA approved retaining wall has already failed and is leaning dangerously into the laneway.

The re-development of this 1,442m² allotment to increase residential opportunities in this attractive location would not be objected to if the scale of the proposed development matched that of other strata title developments and subdivisions in this block.

This is consistent with previous community objections to a proposal to over develop 66 Brunswick St and the planning precedent established by the modification of the approved design for that lot to provide for just one additional residence instead of the proposed two.

Further explanation of our concerns is provided in the attached pages.

Yours sincerely

Further analysis

Changes to Street character and local amenity

Existing properties in this location are predominantly Arc Deco timber / brick and tile buildings set on relatively large lots (approx. 700 - 1500m² in size). The homes are set in well managed gardens in a tree lined street that supports good airflow and reduces radiant heat.

In keeping with that character, 56 Brunswick St previously comprised a single level family residence on a large lot containing five large shade trees and multiple mid-sized shrubs and garden beds – all of which were destroyed when the property was purchased, cleared for redevelopment, and subsequently left untended to grow weeds (as noted in the SEE).

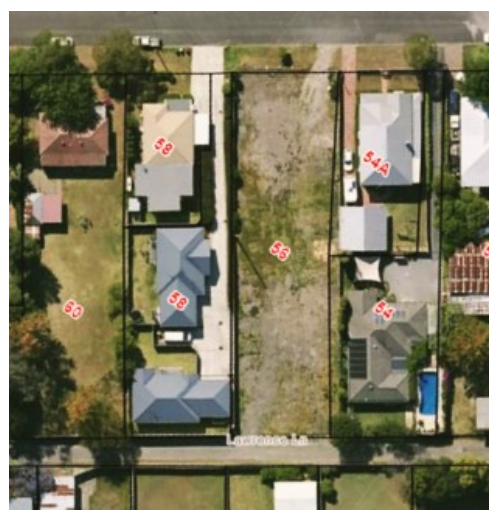
Figure 1 - 56 Brunswick St East Maitland.



Prior to clearing in mid-2023



Before Clearing



After Clearing

In contrast, the proposed re-development would feature expansive concrete driveways / parking areas and comprise modern buildings with only meagre opportunities for basic gardens, typically less than 1m in width. Most of those gardens would be in shared community property. The impact of this is evident in the poor maintenance of shared space gardens in other strata title properties in East Maitland.

Further analysis

Lots in this neighbourhood are relatively large and 5 properties in this block have been redeveloped to enable additional families to enjoy the amenities of this location. The currently proposed redevelopment of 56 Brunswick would, however, be much more intensive, more impactful, and far less in keeping with the character of the neighbourhood than those previous developments.

Figures 1 and 2 (and Table 1 overleaf) identify the pattern of properties in the neighbourhood, including redevelopment that has provided new housing whilst avoiding significant adverse impacts on the streetscape and character of the neighbourhood or the amenity of the residents.

- 58 Brunswick St was divided into two lots. The 455m² front lot retained the original residence in garden setting and the house was renovated to enhance the highly valued streetscape. Private open space is provided to the side and rear of each unit and no front fence was required. Two strata title units were built on the rear lot each of which have private open space of approximately 100 – 150m² and have a site coverage of 35%.
- 48 Brunswick St is a 1438 m² property adjoining Flocks Lane that was redeveloped as 3 strata title units. The original mid-century residence (containing asbestos cement material) was demolished but the streetscape was retained by keeping the established front garden and trees and setting the low-profile single storey front unit 8m back from and lower than the street front. The units have private open space of approximately 142, 90 and 100m² and the units have a total site coverage of just 40%.
- 54 Brunswick St was subdivided to create a rear battle axe lot of 845m². The original residence was retained on a 600m² allotment and renovated to enhance the streetscape. Each dwelling has extensive private open spaces (140m² and 300m²), and the houses and garages occupy just 53% and 34% of each property.
- The redevelopment of 56 Brunswick St, started with the demolition of the original residence, clearing of all vegetation and trees, and now proposes to create 5 units each with just 48-67m² of private open space. A lot of 300m² would be subdivided facing the street and on that a two-storey residence with site coverage of 56% would be constructed along with a privacy fence along approximately one third of the street frontage. The units would have site coverage of 70%.

Figure 2 - Property configurations and more recent development in the neighbourhood



from MCC- property maps 14/11/23

Further analysis

Table 1 – Comparison with other subdivisions and redevelopments in this block/ street.

Prior Subdivided lots in neighbourhood	Original Lot Size m2	Development type	Lot Sizes m2	Approx. open private space m2	Notes
48 Brunswick St	1438	3 strata units Single storey	370 330 360	142 90 100	Original house demolished
54A Brunswick St	1438	1 dwelling	600	140	Original single storey house retained
54 Brunswick St		1 dwelling Single storey	845	300	
58 Brunswick St	1460	1 dwelling	455	101	Original single storey house retained
58A Brunswick St		2 strata units Single storey	990	107 153	
1 Lawrence Lane		1 dwelling	588	303	Subdivided circa 1980's
66 Brunswick St	1470	1 Dwelling	398	171	Original single storey house retained
		2 storey dwelling	311	108	
56 Brunswick St	1442	Proposed subdivision	300	67	2 storey dwelling
		Proposed 4 Strata units	1145	49	single storey 2-bedroom strata title dwellings
				50	
				48	
				48	

NB: The MCC property data base was used to identify property area where listed.

Unlisted lot sizes and open private space were calculated using the tools available on that data base and are thus approximate. To match the apparent figures in the SEE for the development calculations of open private space exclude garages, verandas, driveways, and unenclosed front yards.

Planning Precedent for acceptable lot sizes and development forms

The proposed development would be contrary to existing planning precedent and determinations.

The properties at 66 Brunswick St and 64 Brunswick St were each subdivided (possibly in the 1980's) to enable two new Torrens title dwellings fronting Lawrence Lane. The single storey dwellings on these subdivided lots are setback approx. 12m from the Lane and are not visible from Brunswick St. Each of the lots comprise over 590m² (not 200m² as currently proposed for Lot 241). Additionally the buildings occupy just 33 and 44% of each lot (not 56%).

A second and more recent redevelopment proposal was submitted for the residual 66 Brunswick St property. That DA initially proposed the creation of 2 additional 2 storey dwellings. This was objected to by neighbours on the same grounds that apply to the current proposal for 56 Brunswick St. The proposal was modified, and Council approved one additional dwelling. That resulted in a total of 3 residences being built on the original 1470m² lot and avoided gross over development of the site and the new dwelling has no impact on the Brunswick St streetscape.

In stark contrast the proposal for the smaller 1442m² property that is 56 Brunswick St would create 5 residences, each of which would have a private open space of just 47 – 67m² (SEE section 3). This is just half to one third of the private open space provided by the 6 other subdivisions / strata title

Further analysis

redevelopments in this block/ location and less than 10% of that provided for by the more typical residences in this location.

The proposed 2-storey residence with its walled private open space would also be located at the front of the property and this would significantly detract from the streetscape and amenity of the neighbourhood.

Environmental and thermal Impacts

Good planning principles aim to reduce / minimise thermal loads, increase shading, enable natural airflow, and support natural ecosystems. Despite various unsubstantiated claims in the SEE about enhancing the amenity and attractiveness of this area, the proposed development would increase thermal loads and heat impacts for residents and would significantly reduce the available green space.

Details of the total hard surface areas are not provided in the SEE, but the plan of the proposed 5 units, driveways and parking areas indicate that less than 40% of the property is likely to remain available for lawn or garden areas. This would create a significant change in the balance between nonporous, heat absorbing surfaces and green open space. It would also increase thermal loads and reduce the capacity for natural cooling.

The proponents further demonstrate a clear focus on profits vs the local environment and the liveability of residents by:

- Completely clearing all trees and vegetation on this site to facilitate maximum number of dwellings.
- Subsequently allowing the property to become overgrown and weed infested; and
- Maximising the number of proposed dwellings and permissible site coverage for buildings.

The site coverage for the proposed units is listed as 56% for the two-storey unit 1 and 70% for the smaller 4 units (p.25 of SEE), but that excludes the extensive concrete driveways / parking spaces. The extent of all heat absorbing hard surface areas could be as high as 90% if the 1m wide side access paths, drying areas and 4.5 x 4.5m courtyards are paved (or become compacted).

In addition to the highly constrained private open space, the plans provide for narrow garden beds (under 1m wide) that immediately adjoin residences or fence lines. Such locations will preclude the re-establishment of effective shade trees and habitat for native birds and will not significantly counter the increase in thermal loading required for the additional driveways and buildings.

The suggested vegetative screening/ habitat or shading along the boundary with 54 and 54A Brunswick St would significantly reduce the already small outdoor entertaining areas (private open space). Such screening would additionally be impossible to create along the fence line within the even narrower areas designated for water tanks / drying spaces.

Chapter 4 of the SEE notes the previous use of the site for residential purposes but fails to mention the removal of asbestos material during the demolition of the previous dwelling and whether this might pose any residual risk of contaminated land requiring specific management during further ground disturbance and construction.

Impacts on Neighbours

The SEE notes the minimal impacts expected for the units on 58 Brunswick St due to the separation between both sets of strata units, but fails to adequately address the impacts on 54A and 54 Brunswick St.

The number of units proposed and clustering them just 3m from the eastern boundary of the property, will have significantly impacts on the residences on 54 and 54A Brunswick St. This includes a significant risk of noise conflicts and also of people in the new residences directly looking into the

Further analysis

existing bedrooms and private lounge areas. The extent of that impact is difficult to ascertain from the information on public exhibition which fails to show the relative elevations.

The previous residence on 56 Brunswick St was located near the front and on the opposite boundary and was approximately 10m from the residence on 54 Brunswick St. Locating the new units within 3m of the boundary of 54A and 54 Brunswick St provides just 4m of separation between the existing dwellings and the proposed units). The existing residences additionally have bedrooms and living areas directly opposite the very small open space and outdoor entertainment areas of the proposed new 2-bedroom flats.

The construction of a two-storey dwelling to the west of and within 6m of the house on 54A Brunswick St also suggests a very strong risk that the new building would create shading issues for that property. All 5 dwellings additionally would appear to restrict the views enjoyed from the bedrooms, living areas and grounds of the properties on 54A and 54 Brunswick St.

The consequences of such impacts are not adequately assessed within the SEE.

The SEE additionally places considerable emphasis on this being a development proposal that would complement and even enhance the neighbourhood. Such statements are not founded on facts and certainly do not reflect the interests of the current and future local residents. For example:

p.4	'quality residential development that would complement the existing neighbourhood'	This statement is not substantiated in the SEE. The only information provided in the SEE as to the 'quality of homes' is the number of storeys and bedrooms, the very small extent of open space / gardens retained.
p.6	The character of the areas is residential with a mixture of density types and lifestyle choices	Just 5 of the 25 properties in this street have been subdivided or developed for strata title units.
p.14	Characterised by a variety of housing types, lot sizes, frontages and building separation and setbacks	The four two storey Art Deco homes in the street are located within established and extensive gardens, and all have 12 m setbacks from the street. The remaining homes are single storey 3-bedroom dwellings with most being setback 5m from the street
p.16	Development ... is consistent with the desired future character of the area	Current planning strategies do not define a desired future character for this street. The area is, however, highly valued by locals and visitors as a garden suburb, featuring large lots, and family homes built during the Victorian, Federation or Art Deco era. In contrast 4 of the 5 proposed units are small 2-bedroom homes set in an expanse of heat attracting concrete driveways with a small rear courtyard and very limited area for gardens.
p.16	Delivers acceptable massing and scale	No similar density of development exists in Brunswick street, nor the surrounding area. None of the original lots of similar size have been developed into any more than 3 residential units (not 5 as proposed). Additionally, 10 – 50m is provided for between new dwellings and neighbouring houses (not the 1-3m proposed).

**Major Concerns/Objection with Submission on Proposed development at
56 Brunswick St, East Maitland DA/2023/958**

We have been living in our property which borders the proposed development and paid council rates and taxes for the past 22 years. We are not against development and were happy to see the run-down house sold and demolished.

The major concern is the gross overdevelopment of the site, the two-story house that would cover house in shade and over look bedroom and the positioning of the driveway which must be relocated to the other side and in line with the developments existing.

Please see below our specific objections.

- 1) This is a historic street – After purchasing our 1920s home we went to great lengths to restore and renovate the house to keep in line with the charm of the neighborhood. In fact, my mother grew up opposite in number 49 Brunswick St. house has risen in value up to an estimated \$900k to \$1million as valued recently. We are concerned the value of our house will be diminished with the gross over development and modern style houses proposed.



- 2) The two-story house will end our privacy – every development that has been subdivided in the street has a single house at the front (and rear). There was only a single house before and the proposed double story house will cast shade across our house daily. More concerning given the positioning of the house, the windows will directly overlook bedroom, lounge room and backyard. The windows in our house are over 100 years old and cannot be frosted. Moreover the noise from such a close build to the boundary will be unacceptable. Section 4.11 (acoustic and visual impact) in the statement of environmental effects is completely inaccurate.
- 3) The Safety risk – when my mother backs out of the driveway it is difficult already to see the traffic speeding from the highway or Lawes Street, extra cars and a two-story house will make this even more unsafe
- 4) The houses are positioned on the wrong side – we request the houses are reduced in number and built against the northeast side of the block. Please look at the pictures



The gross overdevelopment of the block – the proposed development and density could see up to twenty people or more living on the 1400m² block. We note the most units only have one garage and only one visitor parking. This will undoubtedly lead to significant traffic parked on the street which is crowded already due to the re-development of similar blocks with only three homes. We even question if there is enough room for an ambulance or emergency vehicles to enter and get back out. Number 58 Brunswick Street is only two units plus the original house and built in a way that is respectful. The units have double garages, and the house has a carport, and they still overflow and park on the street.

There will be over fifteen wheely bins, not sure where they will go?? If these houses are rented out which by nature of the design is implied, there is an increased risk of anti-social behavior, with a high turnover of tenants not engaged in the local community.

There is also a risk of overloading the aging sewerage and water services that has been documented as failing.

below you can see that if the house were flipped, they would be built closer to the driveway at 58 Brunswick Street placing more space between all existing dwellings on all sides especially 54A and 54. We see there is an old sewer chimney on that side and is probably the reason for the positioning due to the cost of removal.



Furthermore, the developments are up to one metre off the boundary, this is not consistent with previous developments and will create noise issues for all parties.

The proposed Lot 241 is 33% below the current minimum lot size.

- 5) The clearing of the trees – is not consistent with good environmental practice and given the density of the development will most surely lead to a hotter and more unpleasant and not consistent with the councils' views on climate change and enhancing the built environment.

In summary, we would like to see smart sustainable development that suits the character of the street and a reduction in the number of dwellings, flipping the houses to the other side and no two-story builds. It's a great neighborhood with long standing residents that support our local community.

Sincerely,

Submission on the proposed development at 56 Brunswick Street, East Maitland, DA/2023/958

We do not agree with the current proposed development of the above property as outlined in the DA for the following reasons:

Positioning of the Dwellings on the Block

We request that the driveway to all the proposed dwellings be positioned against the north-east side of the block.

With the driveway to all the dwellings located on the south-west side of the block, 1

Please see the modified schematic displayed on page 2.

Section 4.11 (Acoustic and Visual Impact) of the Statement of Environmental Effects states "The proposed dwelling design and site layout is such that living areas and private open space do not generally abut bedrooms of adjoining dwelling" which is *completely inaccurate!*

- Both dwellings (No. 54A and No. 54) have their bedrooms located on the south-east side of each house.
- The dwelling at No. 54 (the property bounded by Lawrence Lane at the back) is positioned against the south-east boundary and has no driveway or useable yard distance at all between the south-east boundary and the dwelling.

Please see the snippet from Google Maps of the immediate area on page 3, displaying the positioning of other dwellings in the street. It can be clearly seen that all other dwellings in the area have at least a driveway's distance between each.

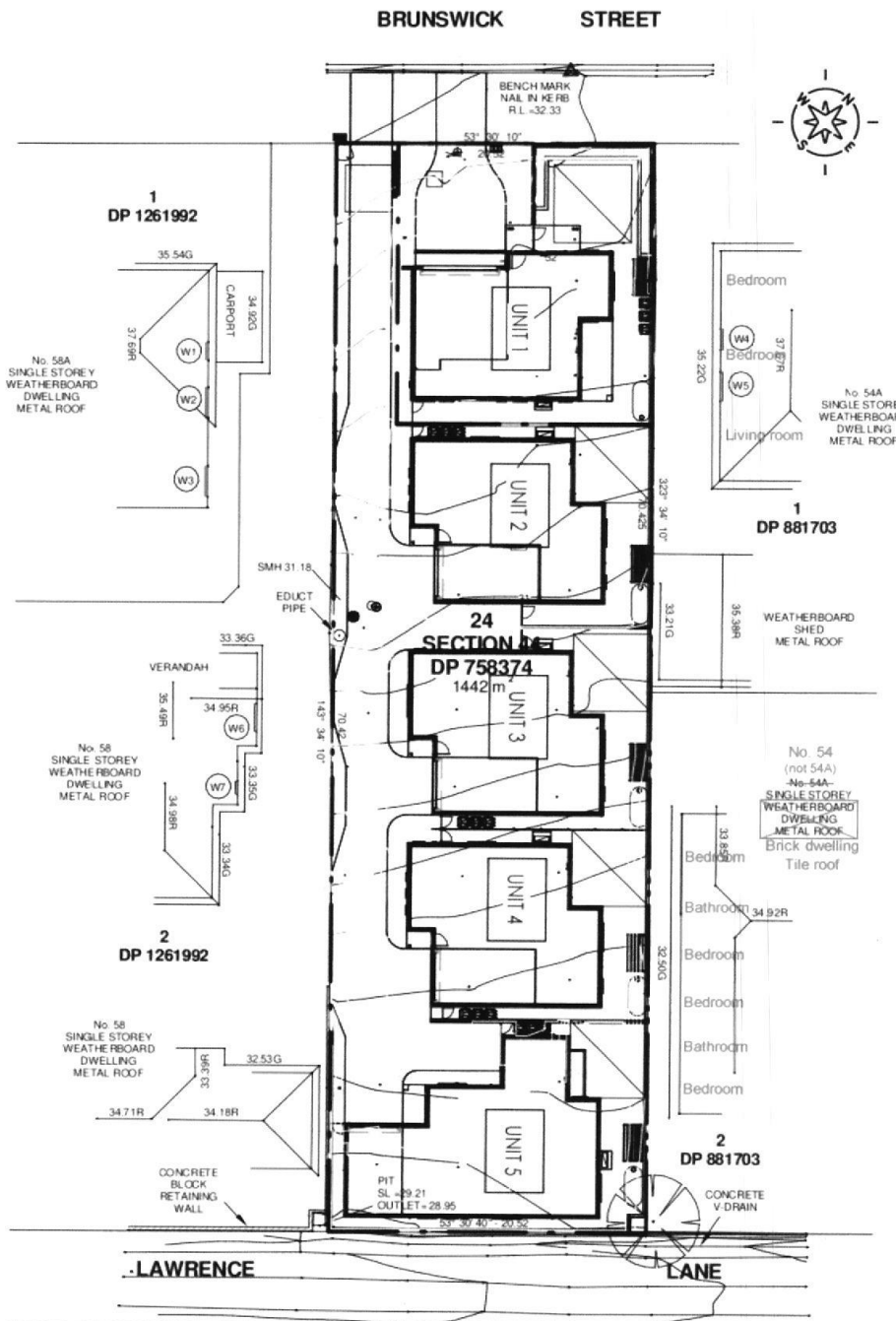
Dwelling Density

We are seriously concerned about the number of dwellings planned for this block.

Section 4.10 (Local streetscape and Character) of the Statement of Environmental Effects refers to "Battle axe lots and units have been previously constructed on Brunswick Street...", referring to the properties at No. 58 and No. 48. As Council will be aware (and can also be seen in the Google Maps snippet on page 3), the maximum number of dwellings on each of those properties is 3 and so should not be used as a comparison of density and site layout of other properties in the street.

We note that in section C.8 Residential Design of the Statement of Environmental Effects there is reference to "A visitor car parking space is provided on site". However, with 5 dwellings on the block, 4 of which have only a single garage, and only a single small visitor car parking space available (also bearing in mind that the ABS reports that more than half of the population of the whole of Australia own 2 or more motor vehicles!) the additional vehicular parking on Brunswick Street will have a significant effect on all the other Brunswick Street residents in the immediate vicinity.

Signatories





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 DATE 22/11/2023
 TIME 9:47

21/11/2023

Objection to DA 2023/958,

Subdivision and residential redevelopment of 56 Brunswick St East Maitland

We object to the redevelopment of this property, as proposed, on several grounds.

1. The two-story dwelling at the front is not in keeping with the general style of the neighbourhood.
2. The development as proposed is overdeveloped for the size of the site and surrounding neighbourhood.
3. Negative environmental impacts.

1. Not In keeping with the Style of the Neighbourhood

The two-storey house proposed for the Torrens title lot at the front (Brunswick Steet) of the site is completely out of character with the house styles in the rest of Brunswick Street (and surrounding areas of East Maitland). Brunswick Street consists of a combination of Victorian, Federation, and Art Deco houses, that are set back attractively from the street front allowing room for trees and gardens. This is why the area is popular and the property values are as high as they are.

The style of house proposed, although lacking in detail is more appropriate in a new suburb like Ashtonfield or Chisholm and will look completely out of place in Brunswick Street. A "McMansion" style modern house would stick out like a sore thumb, detracting from the character of the rest of the neighbourhood and would add another aesthetic mistake to the abomination that is the Dr's surgery "renovation" of a 1950's style home (55A) adjacent to the Heritage listed Victorian property at no 55 Brunswick Steet – see Fig 1 below. (At least this house is set back from the street and is single story, so somewhat hidden)



Fig 1 Abomination - 55 Brunswick Steet, East Maitland

How many more of these mistakes do we make before the entire area is made unattractive, without character and reduces property values?

53 is an Art Deco home that would be

purchased only by lovers of old homes. The view from front yard used to be a pleasant old house set in a yard with a lovely Jacaranda tree and a garden. What lover of old houses would purchase an old home that looks straight at a two storey McMansion? The value of this property, as well as the Heritage listed Victorian next door and others in the street will be negatively impacted by this. If this was Lorn, would this development be Ok with the Lorn residents? I don't think so.

There are examples of new modern builds in East Maitland (and Lorn) that work well within a street of older buildings such as 24 William Street, East Maitland, which is built in the Federation style - see Fig 2 below.



Fig 2 Sympathetic Design - 24 William Street, East Maitland

Obviously, a new building is required but it needs to be sympathetic to its surroundings, look and location.

53 is a two-storey dwelling but is situated on the block so that it does not impact neighbours in any way by blocking light or overlooking bedrooms or living areas. The two-storey proposal looks to do both and should be redesigned to minimize impact on neighboring houses.

The current design of the front residence is not only an unsympathetic house style but will be out of place with the existing streetscape. There are mostly hard surfaces at the front and no room for a garden on the street side, unlike all the surrounding houses. However, previous developments have managed to do this successfully: The development next door (no 58) kept the original house and green space at the front and an older development at no 48 Brunswick Street, is set back 8 m from the street and maintained its front garden, so that multiple units still fit reasonably well into the surrounding streetscape.

If the strata title house is allowed to proceed as designed, then the needs of one person (the developer) are then placed above the needs of all the existing residents, which is not acceptable.

2. The development as proposed is overdeveloped for the size of the site and surrounding neighbourhood.

As residents who are unfamiliar with (and haven't had enough time to learn) the local planning rules it is hard to argue about technicalities.

We will defer all the technical arguments to the submission of our neighbours Glenda Briggs and Keith Bush and agree completely with what they have to say. (see appendix 1)

Based on this, the development proposal should not be allowed to go ahead as it will be detrimental to the neighbourhood and sets a worrying precedent. If allowed to go ahead as currently designed, it will mean that this could happen every time a house with a large rear block goes up for sale. Brunswick Street would end up being a concrete rental ghetto that is no longer a nice leafy family friendly place to live. There is very little information specific to this proposal that discusses the long term effects of this type of development, particularly its impacts on existing infrastructure, such as drainage, water, sewerage, parking, and traffic management. Good town planners need to be the drivers of development not "Developers" whose main driver is money. I am surprised that Maitland Council allowed this proposal to reach this stage without insisting on a redesign. The current desperate requirement for new housing is not an excuse to make poor decisions that have a long-term detrimental impact on communities.

Living opposite the development at 58 Brunswick Street has given us plenty of experience with possible future impacts.

There seems to be a high turnover of renters, even though the rental market is apparently tight, so new people are there all the time, and they are not often interested in talking, and we don't get to know who is a stranger and who isn't. So, safety is starting to be a concern. If the units were more pleasant to live in, with nicer outlook and green spaces, perhaps people would stay around longer. Or if the units were available to purchase rather than rent people would be more invested in the area.

It is difficult for families to stay as there is no room for children to play. The last young family had two little girls who had to play in the driveway and their mother was constantly concerned for their safety.

Even though all units offer parking spaces it does not appear to be enough for the number of cars people own and it is difficult to park in the tight spaces, so people don't bother, so there has been a big increase in the quantity of cars parked in the street, which negatively impacts the look and feel of the area and traffic management issues.

The proposal at 56 would vastly increase these problems, particularly as they are next door to each other.

3. Negative environmental impacts.

There have already been environmental impacts as the property was cleared of all its trees and shrubs. There was a lovely Jacaranda that was about 10 years old at the front and there were many other trees at the back.

Even if the developers were given permission to remove trees, isn't the expectation that replacement trees need to be planted? The existing proposal has no room for trees, barely any room for a shrub and a massive increase in hard surfaces that attract and retain the heat. The current design will only add to our environmental woes by contributing to the thermal loads of residents, making summers more and more unbearable, requiring increased reliance on air-conditioning, contributing to the Co2 in the atmosphere and reducing the leafy green appearance of the suburb. I assume that the planned residences only have the very basics of insulation (if that) making them expensive to cool.

Not to mention the effect that hard surfaces have on drainage. East Maitland already has issues with storm water. Is there a plan in place to manage the increased load of more roof space on the collection of stormwater?

Conclusion

The re-development of this 1,442m² allotment to increase residential opportunities in this attractive location would not be objected to if the scale of the proposed development matched that of other strata title developments and subdivisions in this block and was designed to fit more sympathetically into the style of housing in the street.

Please reference appendix #1, the 'Further analysis' section of the submission by
for further explanation
of our concerns.

Yours Sincerely,

For any questions or clarification on the details of our submission we can be contacted as follows:

APPENDIX 1

Changes to Street character and local amenity

Existing properties in this location are predominantly Arc Deco timber/ brick and tile buildings set on relatively large lots (approx. 700 - 1500m² in size). The homes are set in well managed gardens in a tree lined street that supports good airflow and reduces radiant heat.

In keeping with that character, 56 Brunswick St previously comprised a single level family residence on a large lot containing five large shade trees and multiple mid-sized shrubs and garden beds - all of which were destroyed when the property was purchased, cleared for redevelopment, and subsequently left untended to grow weeds (as noted in the SEE).

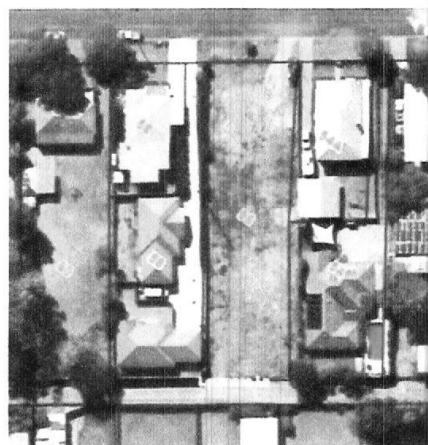
Figure 1 - 56 Brunswick St East Maitland.



Prior to clearing in mid-2023



Before Clearing



After Clearing

In contrast, the proposed re-development would feature expansive concrete driveways/ parking areas and comprise modern buildings with only meagre opportunities for basic gardens, typically less than 1m in width. Most of those gardens would be in shared community property. The impact of this is evident in the poor maintenance of shared space gardens in other strata title properties in East Maitland.

Lots in this neighborhood are relatively large and 5 properties in this block have been redeveloped to enable additional families to enjoy the amenities of this location. The currently proposed redevelopment of 56 Brunswick would, however, be much more intensive, more impactful, and far less in keeping with the character of the neighborhood than those previous developments.

Figures 1 and 2 (and Table 1 overleaf) identify the pattern of properties in the neighbourhood, including redevelopment that has provided new housing whilst avoiding significant adverse impacts on the streetscape and character of the neighbourhood or the amenity of the residents.

- 58 Brunswick St was divided into two lots. The 455m² front lot retained the original residence in garden setting and the house was renovated to enhance the highly valued streetscape. Private open space is provided to the side and rear of each unit and no front fence was required. Two strata title units were built on the rear lot each of which have private open space of approximately 100 - 150m² and have a site coverage of 35%.
- 48 Brunswick St is a 1438 m² property adjoining Flocks Lane that was redeveloped as 3 strata title units. The original mid-century residence (containing asbestos cement material) was demolished but the streetscape was retained by keeping the established front garden and trees and setting the low-profile single storey front unit 8m back from and lower than the street front. The units have private open space of approximately 142, 90 and 100m² and the units have a total site coverage of just 40%.
- 54 Brunswick St was subdivided to create a rear battle axe lot of 845m². The original residence was retained on a 600m² allotment and renovated to enhance the streetscape. Each dwelling has extensive private open spaces (140m² and 300m²), and the houses and garages occupy just 53% and 34% of each property.
- The redevelopment of 56 Brunswick St, started with the demolition of the original residence, clearing of all vegetation and trees, and now proposes to create 5 units each with just 48-67m² of private open space. A lot of 300m² would be subdivided facing the street and on that a two-storey residence with site coverage of 56% would be constructed along with a privacy fence along approximately one third of the street frontage. The units would have site coverage of 70%.

Figure 2 - Property configurations and more recent development in the neighbourhood



from MCC- property maps 14/11/23

Table 1 - Comparison with other subdivisions and redevelopments in this block/ street.

Prior Subdivided lots in neighbourhood	Original Lot Size m2	Development type	Lot Sizes m2	Approx. open private space m2	Notes
48 Brunswick St	1438	3 strata units Single storey	370 330 360	142 90 100	Original house demolished
54A Brunswick St	1438	1 dwelling	600	140	Original single storey house retained
54 Brunswick St		1 dwelling Single storey	845	300	
58 Brunswick St	1460	1 dwelling	455	101	Original single storey house retained
58A Brunswick St		2 strata units Single storey	990	107 153	
1 Lawrence Lane		1 dwelling	588	303	Subdivided circa 1980's
66 Brunswick St	1470	1 Dwelling	398	171	Original single storey house retained
		2 storey dwelling	311	108	
56 Brunswick St	1442	Proposed subdivision	300	67	2 storey dwelling
		Proposed 4 Strata units	1145	49	single storey 2-bedroom strata title dwellings
				50	
				48	
				48	

NB: The MCC property data base was used to identify property area where listed.

Unlisted lot sizes and open private space were calculated using the tools available on that data base and are thus approximate. To match the apparent figures in the SEE for the development calculations of open private space exclude garages, verandas, driveways, and unenclosed front yards.

Planning Precedent for acceptable lot sizes and development forms

The proposed development would be contrary to existing planning precedent and determinations.

The properties at 66 Brunswick St and 64 Brunswick St were each subdivided (possibly in the 1980's) to enable two new Torrens title dwellings fronting Lawrence Lane. The single storey dwellings on these subdivided lots are setback approx. 12m from the Lane and are not visible from Brunswick St. Each of the lots comprise over 590m² (not 200m² as currently proposed for Lot 241). Additionally the buildings occupy just 33 and 44% of each lot (not 56%).

A second and more recent redevelopment proposal was submitted for the residual 66 Brunswick St property. That DA initially proposed the creation of 2 additional 2 storey dwellings. This was objected to by neighbours on the same grounds that apply to the current proposal for 56 Brunswick St. The proposal was modified, and Council approved one additional dwelling. That resulted in a total of 3 residences being built on the original 1470m² lot and avoided gross over development of the site and the new dwelling has no impact on the Brunswick St streetscape.

In stark contrast the proposal for the smaller 1442m² property that is 56 Brunswick St would create 5 residences, each of which would have a private open space of just 47 - 67m² (SEE section 3). This is just half to one third of the private open space provided by the 6 other subdivisions/ strata title

redevelopments in this block/ location and less than 10% of that provided for by the more typical residences in this location.

The proposed 2-storey residence with its walled private open space would also be located at the front of the property and this would significantly detract from the streetscape and amenity of the neighbourhood.

Environmental and thermal Impacts

Good planning principles aim to reduce/ minimise thermal loads, increase shading, enable natural airflow, and support natural ecosystems. Despite various unsubstantiated claims in the SEE about enhancing the amenity and attractiveness of this area, the proposed development would increase thermal loads and heat impacts for residents and would significantly reduce the available green space.

Details of the total hard surface areas are not provided in the SEE, but the plan of the proposed 5 units, driveways and parking areas indicate that less than 40% of the property is likely to remain available for lawn or garden areas. This would create a significant change in the balance between nonporous, heat absorbing surfaces and green open space. It would also increase thermal loads and reduce the capacity for natural cooling.

The proponents further demonstrate a clear focus on profits vs the local environment and the liveability of residents by:

- Completely clearing all trees and vegetation on this site to facilitate maximum number of dwellings.
- Subsequently allowing the property to become overgrown and weed infested; and
- Maximising the number of proposed dwellings and permissible site coverage for buildings.

The site coverage for the proposed units is listed as 56% for the two-storey unit 1 and 70% for the smaller 4 units (p.25 of SEE), but that excludes the extensive concrete driveways/ parking spaces. The extent of all heat absorbing hard surface areas could be as high as 90% if the 1m wide side access paths, drying areas and 4.5 x 4.5m courtyards are paved (or become compacted).

In addition to the highly constrained private open space, the plans provide for narrow garden beds (under 1m wide) that immediately adjoin residences or fence lines. Such locations will preclude the re-establishment of effective shade trees and habitat for native birds and will not significantly counter the increase in thermal loading required for the additional driveways and buildings.

The suggested vegetative screening/ habitat or shading along the boundary with 54 and 54A Brunswick St would significantly reduce the already small outdoor entertaining areas (private open space). Such screening would additionally be impossible to create along the fence line within the even narrower areas designated for water tanks/ drying spaces.

Chapter 4 of the SEE notes the previous use of the site for residential purposes but fails to mention the removal of asbestos material during the demolition of the previous dwelling and whether this might pose any residual risk of contaminated land requiring specific management during further ground disturbance and construction.

Impacts on Neighbours

The SEE notes the minimal impacts expected for the units on 58 Brunswick St due to the separation between both sets of strata units, but fails to adequately address the impacts on 54A and 54 Brunswick St.

The number of units proposed and clustering them just 3m from the eastern boundary of the property, will have significantly impacts on the residences on 54 and 54A Brunswick St. This includes a significant risk of noise conflicts and also of people in the new residences directly looking into the

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private lounge areas. The extent of that impact is difficult to ascertain from the information on public exhibition which fails to show the relative elevations.

The previous residence on 56 Brunswick St was located near the front and on the opposite boundary and was approximately 10m from the residence on 54 Brunswick St. Locating the new units within 3m of the boundary of 54A and 54 Brunswick St provides just 4m of separation between the existing dwellings and the proposed units). The existing residences additionally have bedrooms and living areas directly opposite the very small open space and outdoor entertainment areas of the proposed new 2-bedroom flats.

The construction of a two-storey dwelling to the west of and within 6m of the house on 54A Brunswick St also suggests a very strong risk that the new building would create shading issues for that property. All 5 dwellings additionally would appear to restrict the views enjoyed from the bedrooms, living areas and grounds of the properties on 54A and 54 Brunswick St.

The consequences of such impacts are not adequately assessed within the SEE.

The SEE additionally places considerable emphasis on this being a development proposal that would complement and even enhance the neighbourhood. Such statements are not founded on facts and certainly do not reflect the interests of the current and future local residents. For example:

p.4	'quality residential development that would complement the existing neighbourhood'	This statement is not substantiated in the SEE. The only information provided in the SEE as to the 'quality of homes' is the number of storeys and bedrooms, the very small extent of open space/ gardens retained.
p.6	The character of the areas is residential with a mixture of density types and lifestyle choices	Just 5 of the 25 properties in this street have been subdivided or developed for strata title units.
p.14	Characterised by a variety of housing types, lot sizes, frontages and building separation and setbacks	The four two storey Art Deco homes in the street are located within established and extensive gardens, and all have 12 m setbacks from the street. The remaining homes are single storey 3-bedroom dwellings with most being setback 5m from the street
p.16	Development... is consistent with the desired future character of the area	Current planning strategies do not define a desired future character for this street. The area is, however, highly valued by locals and visitors as a garden suburb, featuring large lots, and family homes built during the Victorian, Federation or Art Deco era. In contrast 4 of the 5 proposed units are small 2-bedroom homes set in an expanse of heat attracting concrete driveways with a small rear courtyard and very limited area for gardens.
p.16	Delivers acceptable massing and scale	No similar density of development exists in Brunswick street, nor the surrounding area. None of the original lots of similar size have been developed into any more than 3 residential units (not 5 as proposed). Additionally, 10- 50m is provided for between new dwellings and neighbouring houses (not the 1-3m proposed).

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Pages of

City Planning

Planning Proposal – Amendment to the Maitland Lep 2011 (Implementation of Maitland Local Housing And Rural Land Strategies 2041) – Finalisation

Planning Proposal (August 2024) (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 4

Number Of Pages: 25



PLANNING PROPOSAL

AMENDMENT TO THE MAITLAND LEP 2011

Implementation of Maitland Local Housing and Rural Land Strategies 2041

Version 5.0
December 2025

maitland
CITY COUNCIL

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Version 1.0: For Council Endorsement and Gateway Request
Version 2.0: In response to additional information request from the Department
Version 3.0: In response to Gateway alteration requested by Council
Version 4.0: Post exhibition, for Council endorsement of the revised Planning Proposal
Version 5.0: Update the Planning Proposal to new corporate template

INTRODUCTION

On 27 June 2023, Maitland City Council adopted the Maitland Local Housing Strategy 2041 (LHS) and Maitland Rural Land Strategy 2041 (RLS). Both strategies include specific actions identifying the need for amending the Maitland Local Environmental Plan 2011 (MLEP 2011) and this Planning Proposal includes the first round of implementation of these actions.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the NSW Local Environmental Plan Making Guide (dated August 2023) released by the NSW Department of Planning, Housing and Infrastructure (the Department).

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of this Planning Proposal are to amend the Maitland LEP 2011 to:

ITEM NO.	OBJECTIVES OR INTENDED OUTCOME	RELEVANCE TO LHS/ RLS ACTION
1.	Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises' to support and guide agritourism within the Maitland LGA.	RLS Action 4.5
2.	Introduce 'Artisan food and drink industry' as a land use 'Permitted with consent' within RU2 Rural Landscape zone.	RLS Action 4.7
3.	Increase the number of bedrooms allowed for 'bed & breakfast accommodation', under MLEP Clause 5.4.	RLS Action 4.6
4.	Remove 'Mineral Resource Area Map' and related MLEP Clause 7.5 Significant extractive resources	RLS Action 2.8
5.	Remove 'Caravan parks' from 'Permitted with consent' within RU2 Rural Landscape zone.	RLS Action 3.3
6.	Introduce the W2 Recreational Waterways zone over the land containing Hunter & Paterson Rivers.	RLS Action 5.11
7.	Amend the MLEP Clause 4.1A Exceptions to minimum lot sizes in Zone R1 to provide better clarity on permissibility and requirements for development proposals.	General housekeeping amendments to support LHS
8.	Introduce 'Secondary dwellings' as a use 'Permitted with consent' within R5 Large Lot Residential zone.	LHS Action 2.4
9.	Introduce a new LEP clause for 'Essential services'	General housekeeping amendments to support LHS

PART 2: EXPLANATION OF PROVISIONS

The Planning Proposal proposes the following amendments to MLEP 2011 instrument and maps, and the proposed amendments are summarised in the table below.

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
1.	<p>Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises'.</p> <p><i>Farm stay accommodation means a building or place— (a) on a commercial farm, and (b) ancillary to the farm, and (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.</i></p>	<p>In 2022, the NSW Government introduced several planning reforms to facilitate various types of agritourism across the State. <i>The RLS</i> supports agritourism as a value addition for primary producers to diversify their income stream, where complimentary to agriculture. Agritourism is now permitted with consent in all RU1 Primary Production and RU2 Rural Landscape zones.</p> <p>In Maitland LGA, this currently allows the 'farm gate premises' and 'farm experience premises' to be considered as types of 'exempt and complying development' under <i>SEPP (Exempt and Complying Development Codes) 2008</i> (Codes SEPP) if they are located in RU1 or RU2 zones and if they meet specified development standards.</p> <p>When an agritourism proposal cannot meet the development standards specified in the Code SEPP, they must be the subject of a Development Application.</p> <p>The Rural Land Strategy identifies the need for introducing these SI LEP optional clauses (i.e. 5.24 Farm stay accommodation and 5.25 Farm gate premises) into the MLEP 2011 to guide the development assessment process to diversify the agritourism opportunities within the rural zoned land in the LGA.</p> <p>5.24 Farm stay accommodation</p> <p>(1) The objectives of this clause are as follows— (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production, (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.</p> <p>(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be— (a) on the same lot as an existing lawful dwelling house, or (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.</p> <p>(3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.</p> <p>(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered— (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land— (i) residential accommodation, (ii) primary production operations,</p>

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
	<p>Farm gate premises— <i>means a building or place—</i> <i>(i) on a commercial farm, and</i> <i>(ii) ancillary to the farm, and</i> <i>(iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including cellar door premises.</i></p>	<p>(iii) other land uses, and (b) whether the development will have a significant adverse impact on the following on or near the land— (i) the visual amenity or heritage or scenic values, (ii) native or significant flora or fauna, (iii) water quality, (iv) traffic, (v) the safety of persons, and (c) whether the development is on bush fire prone land or flood prone land, and (d) the suitability of the land for the development, and (e) the compatibility of the development with nearby land uses.</p> <p>5.25 Farm gate premises</p> <p>(1) The objectives of this clause are as follows— (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production, (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.</p> <p>(2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered— (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land— (i) residential accommodation, (ii) primary production operations, (iii) other land uses, and (b) whether the development will have a significant adverse impact on the following on or near the land— (i) the visual amenity or heritage or scenic values, (ii) native or significant flora or fauna, (iii) water quality, (iv) traffic, (v) the safety of persons, and (c) whether the development is on bush fire prone land or flood prone land, and (d) the suitability of the land for the proposed development, and (e) the compatibility of the development with nearby land uses.</p>
2.	<p>Introduce 'Artisan food and drink industry' as a land use 'Permitted with consent' within RU2 Rural Landscape zone.</p> <p>Artisan food and drink industry <i>means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only.</i></p>	<p>The RLS identifies the need for expanding agriculture-based tourism activities on existing rural land within the LGA. One of these options includes permitting Artisan Food & Drink Premises' in RU2 zoned land. Currently, 'Artisan food & drink premises' is a prohibited land use within both RU1 and RU2 zones. Between the two rural zones, RU2 is considered the most appropriate zone to accommodate this use.</p>
3.	<p>Increase the number of bedrooms allowed for 'bed & breakfast accommodation', under MLEP Clause 5.4.</p>	<p>The adopted <i>RLS</i> supports growth in Maitland's visitor economy and tourist accommodation opportunities, as a key priority. This Strategy recommends increasing the number of bedrooms allowed for 'bed & breakfast accommodation', under MLEP Clause 5.4 (1), to 4 bedrooms.</p>

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
4.	Remove 'Mineral Resource Area Map' and related MLEP Clause 7.5 Significant extractive resources	<p>In 2019, Geological Survey of NSW (GSNSW) updated the Mineral Resource Audit (MRA) for Maitland LGA. MRA updates are part of an ongoing mapping program, which assists councils on planning and managing land uses.</p> <p>The recent review of Maitland's clay/shale resources including those located at Metford and Thornton, mapped under the MLEP 2011, GSNSW subsequently decided that preserving access to these sites could no longer be justified and therefore GSNSW has removed them from the Maitland MRA mapping.</p> <p>Accordingly, this amendment proposes to remove 'Mineral Resource Area Map' and related MLEP Clause 7.5 Significant extractive resources.</p> <p>As identified by Map 4 of the RLS, there are additional extractive and mineral resources sites and buffer areas within the LGA. These areas will be managed under the SEPP (Resources & Energy) 2021.</p>
5.	Remove 'Caravan parks' from 'Permitted with consent' within RU2 Rural Landscape zone.	<p>In accordance with the future directions outlined in the recently adopted LHS and RLS, the Council aims to prevent the development of new Manufactured Home Estates (MHEs) on rural zoned land through this item.</p> <p>MHEs can only be developed under the provisions of State Environmental Planning Policy (Housing) 2021 (The Housing SEPP), which permits the development of MHEs on land where 'Caravan parks' are permitted. Under MLEP 2011 'Caravan parks' are permitted in the RU2 Rural Landscape zone. Maitland has a significant amount of land that fits these criteria where MHEs could be developed.</p> <p>The permissibility offered by the Housing SEPP precedes the MLEP provisions relating to land use permissibility test. Hence, it eliminates the enforceability of MLEP Clause 2.3 "Zone objectives and Land Use Table" against a proposal for a MHE at the development application stage.</p> <p>As a contemporary form of medium density housing MHEs are inappropriate form of housing on rural zoned land, causing fragmentation of rural land, land use conflicts with agricultural activities on adjoining lands, and interrupting with the scenic landscape and character of rural lands. They also contradict with the objectives of RU2 zone.</p> <ul style="list-style-type: none"> - <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> - <i>To maintain the rural landscape character of the land.</i> - <i>To provide for a range of compatible land uses, including extensive agriculture.</i>

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
		<p>- <i>To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.</i></p> <p>The permissibility offered by the above SEPP precedes the MLEP provisions relating to land use permissibility requirements. Hence, it eliminates the enforceability of MLEP Clause 2.3 “Zone objectives and Land Use Table” against a proposal for a MHE at the development application stage. Council has observed a significant increase in development proposals for MHE’s on RU2 zoned land, which relied on the said permissibility to justify non-compliance with MLEP Clause 2.3.</p> <p>Omitting ‘Caravan Parks’ from the ‘permitted with consent’ list for RU2 zone eliminates the opportunity for developing new MHEs on rural zoned land within Maitland LGA, noting that it will not have an impact on the existing MHEs in operation or those that had been granted approval for by Council.</p> <p>Caravan Parks on rural zoned land are typically located in close proximity to tourist destinations or areas that offer significant environmental amenity or recreational opportunity, i.e. coastal areas, riverine environments, forest reserves. Maitland LGA offers limited opportunities for such developments. This is evident from the absence of any caravan parks that had either been approved or proposals being made for on rural zoned land. Since MLEP 2011 came into force, Council granted consent to only one caravan park development which is located on a RE1 Public Recreation zoned land. In 2016, Council received one application for a caravan park development on RU2 zoned land which was subsequently withdrawn by the applicant due to the site being unsuitable for the proposal.</p> <p>PP item 3 of this proposal seeks to introduce ‘Farm Stay Accommodation’ to MLEP which expands the development pathways available to offer accommodation options within rurally zoned land, at more appropriate locations and in appropriate forms and densities, in line with the zone objectives. Omission of Caravan Parks as a permitted use within RU2 zone, therefore, is considered to have minimal impact on development opportunities within RU2 zone in Maitland LGA. This is also consistent with the zone objectives.</p> <p>The proposed LEP amendment is the only avenue available to achieve the intended outcomes. As outlined above, retaining Caravan Parks as a permitted use within the RU2 zone does not serve a purpose for Maitland LGA. It offers an unintended development pathway for an inappropriate form of housing (i.e. MHEs) on RU2 zoned land in Maitland LGA. The provisions set forth by the Housing SEPP eliminates the enforceability of MLEP Clause 3.2 and the consent authority’s ability to regulate proposals for MHEs.</p>

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
		<p>It is noted that this approach has been implemented in Port Stephens LEP, Cessnock LEP, Lake Macquarie LEP, and Singleton LEP that the proposed amendment will enable MLEP to achieve consistency with the adjoining LEP's for the adjoining LGA's.</p> <p>The amendment proposes the inclusion of a savings provision within Clause 1.8a of the Maitland LEP 2011. This savings provision will identify that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced.</p>
6.	Introduce the W2 Recreational Waterways zone over the land containing Hunter & Paterson Rivers.	<p>The land over Hunter and Paterson Rivers within Maitland LGA boundary, are currently zoned either RU1 Primary Production or RU2 Rural Landscape, as an extension to the rural land fronting these waterways. The intent and objectives of these zones do not enable the management of these resources and their aquatic environments holistically.</p> <p>The <i>RLS</i> recommends introducing W2 Recreational Waterway zone for Hunter and Paterson Rivers to establish an appropriate land use framework over these waterways and provide consistency with adjoining LGAs.</p> <p>Of the two waterway zones available under the standard instrument LEP, W2 zoning has been proposed primarily to achieve consistent zoning over the two river systems, across the LGA boundary with Port Stephens Council. Having the same zone over the two river systems offers the best opportunity manage these resources holistically and achieve consistent land uses.</p> <p>All land adjoining the Hunter River at the Maitland LGA boundary, is zoned RU1 Primary Production. The same applies to the land adjoining Hunter River on Port Stephens LGA boundary. This further supports the consistency argument put forward by the Planning Proposal.</p> <p>Boat launching ramps, boat sheds, jetties and recreation areas - land uses relating to activities associated with waterways are permitted within the RU1 zone under MLEP, which are considered adequate to support the current and foreseeable demand for such activities within Maitland LGA.</p> <p>Proposed new W2 Recreational Waterways zoning:</p> <p>Zone W2 Recreational Waterways 1 Objectives of zone</p> <ul style="list-style-type: none"> To protect the ecological, scenic and recreation values of recreational waterways. To allow for water-based recreation and related uses. To provide for sustainable fishing industries and recreational fishing.

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
		<p>2 Permitted without consent Nil</p> <p>3 Permitted with consent Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Kiosks; Marinas; Moorings; Recreation areas; Roads; Water recreation structures; Water supply systems; Wharf or boating facilities.</p> <p>4 Prohibited Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3.</p>
7.	Amend the MLEP Clause 4.1A Exceptions to minimum lot sizes in Zone R1 to provide better clarity on permissibility and requirements for development proposals.	<p>Council has identified that a minor amendment is required to MLEP Clause 4.1A to provide better clarity on the statutory requirements under this clause. The current wording for this clause can be interpreted in numerous ways and lacks clarity on its application on some development proposals.</p> <p>There is also a need to achieve better consistency between this clause and subdivision design controls of the DCP.</p> <p>The current MLEP Clause 4.1A is proposed to be amended to the following effect:</p> <ul style="list-style-type: none"> - Subclauses 4.1 (1) and (2) to remain as is. - Insert new wording under subclause (3) to clarify that Clause 4.1A applies to a 'single development application' that includes both developments listed under 4.1A (3) (a) and (b). - Subclause 4.1A (3) (a) to remain as is. - Remove reference to the "erection of" under subclause 4.1A (3) (b) and insert wording to clarify that 'each lot resulting from the subdivision shall contain a single dwelling in the form of an attached dwelling or semi-detached dwelling or a detached dwelling'. <p>Insert new subclause, i.e. 4.1A (4) to introduce a new requirement that the development shall be consistent with the relevant development control plan.</p>
8.	Introduce 'Secondary dwellings' as a use 'Permitted with consent' within R5 Large Lot Residential zone.	<p>The LHS identifies the need for reviewing the MLEP 2011 land use table for residential zones, to provide better clarity, certainty and direction for development on these zones.</p> <p>Currently, 'Secondary dwellings' is a prohibited use in R5 zone, whilst dual occupancies, detached houses and dwelling houses are permitted with consent. The Housing SEPP 2021 affords permissibility for 'Secondary dwellings' within R5 zone, which overrides the LEP prohibition. Council has received numerous development applications for this purpose, which were approved under this SEPP permissibility pathway. As such, this LEP</p>

ITEM NO.	AMENDMENT APPLIES TO MLEP 2011	EXPLANATION OF THE PROVISIONS
		<p>prohibition does not serve a valid purpose, and needs to be rectified.</p> <p>The proposed amendment will achieve consistency between MLEP and Housing SEPP provisions and provide better clarity on permissibility for secondary dwellings on R5 zoned land.</p>
9.	Introduce a new LEP clause for 'Essential services'	<p>According to MLEP Clause 6.2 <i>Public utility infrastructure</i>, Council must not grant consent to developments on land in urban release areas (URA), unless essential utility and infrastructure connections are available or will be made available within a reasonable timeframe. This provision does not apply to the land outside of URA's.</p> <p>Council has identified that there is a need for similar provisions to be enforced for land outside of the existing URA's, where development for urban purposes is permissible. It is noted adjoining LGA's have this control enforced, as a separate LEP clause under Part 7 <i>Additional local provision</i>.</p> <p>It is therefore proposed to introduce a new MLEP clause to give effect to the following requirements:</p> <ul style="list-style-type: none"> - Insert subclause (1) stating: Development consent must not be granted to a development for urban purposes unless the consent authority is satisfied that the services that are essential for the development are readily available or that adequate arrangements have been made to make them available when required. - Provide a list of essential services, i.e. the supply of water, electricity, disposal and management of sewage, disposal and management of stormwater, suitable vehicle access. - Insert subclause, i.e. (2) to clarify that this clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing public utility infrastructure that are referred to in this clause. <p>It is also noted that this provision is currently in force within the LEP's of adjoining LGA's, i.e. Lake Macquarie LEP 2014.</p>

The amendment proposes the inclusion of a savings provision within Clause 1.8a of the Maitland LEP 2011. This savings provision will identify that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced.

PART 3: JUSTIFICATION

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the Planning Proposal.
- Section B: Relationship to strategic planning framework.
- Section C: Environmental, social, and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Maitland Local Housing Strategy (LHS) and Rural Land Strategy (RLS) set out frameworks to guide the growth and development of both residential and rural land within the LGA. These strategies build on the long-term land use vision established by the Maitland Local Strategic Planning Statement 2040.

Both LHS and RLS include specific actions identifying the need for Planning Proposal items 1 to 6 and 8, as outlined in table below:

ITEM NO.	THE RELEVANT LHS AND RLS ACTIONS
1	Rural Land Strategy Action 4.5: <i>Amend Maitland LEP 2011 to include 'Optional Standard LEP clauses' 5.24 Farm stay accommodation and 5.25 Farm gate premises</i>
2	Rural Land Strategy Action 4.7: <i>Amend Maitland LEP 2011 to permit with consent the 'artisan food and drink industry' land use in the RU2 zone and amend Maitland DCP to introduce relevant provisions.</i>
3	Rural Land Strategy Action 4.6: <i>Investigate amending Clause 5.4 of the Maitland LEP 2011 to increase the permitted size of bed and breakfast accommodation from 3 to 4 bedrooms based on recent demand.</i>
4	Rural Land Strategy Action 2.8: <i>Update Maitland LEP/DCP 2011 to protect areas around extractive industries; in particular to review the 'Mineral Resource Area' mapping and clause, in consultation with Geological Survey of NSW.</i>
5	Rural Land Strategy Action 3.3: <i>Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.</i>
6	Rural Land Strategy Action 5.11: <i>Amend the Maitland LEP 2011 to introduce the W2 Waterway zone to appropriate sections of the Hunter and Paterson Rivers.</i>
8	Housing Strategy Action 2.4: <i>Review and amend residential land use zones and their permissibility to reflect intended land use outcomes within the city to provide clarity, certainty, and directions for development.</i>

Planning Proposal items 7 and 9 relates to general housekeeping amendments to the MLEP, identified through the application and enforcement of the instrument at development application stage. These amendments will ensure that the planning controls in the MLEP 2011 are current and consistent with the Standard Instrument LEP and the relevant State Environmental Planning Policies.

The proposed amendments relate to both mapping and policy but are not considered large or significant enough to be completed as a standalone planning proposal; nor are they specific to one or several sites. They apply to the whole of the LGA under the MLEP 2011. Combining multiple amendments into a single planning proposal affords a holistic approach for updating the MLEP in a timely manner.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that an amendment to the MLEP 2011 through the Gateway process and preparation of this Planning Proposal is the most effective and timely method to achieve the desired outcomes. The implementation and enforcement of the identified Planning Proposal items can only be achieved by amending the MLEP.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

Hunter Regional Plan 2041 (HRP) represents a strategic vision and direction informing how NSW Government will plan for the region's housing, jobs, infrastructure, and environment.

Planning Proposal items 1 to 6 are actions identified by the adopted *RLS*, whilst the *LHS* supports the item 8. These two strategies have demonstrated consistency with and given effect, firstly, to the local strategic planning framework established by Maitland Local Strategic Planning Statement 2040+ (LSPS) and the regional framework established by the HRP 2041.

The *RLS* calls for limiting the impacts of non-agricultural land uses on high value agricultural lands, diversifying the agriculture-based economy, as well as, providing land use certainty for rural activities within the LGA. Balancing the needs between rural dwellings and ensuring viability of rural activities, and ensuring that rural housing is located at appropriate places, are also key objectives of the *RLS*. These are consistent with the following HRP objectives.

- Objective 1: Diversify the Hunter's mining, energy and industrial capacity.
- Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development.
- Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments.
- Objective 9: Sustain and balance productive rural landscapes.

Planning Proposal items 7 and 9 involves updating MLEP to achieve better consistency with both the local and district level strategies, i.e. *LHS*, *RLS*, *LSPS* and *HRP*. These items are consistent with the following HRP objectives.

- Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities.

- Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development.

None of the Planning Proposal items are site-specific; they apply to the entire Maitland LGA pursuant to the amended MLEP. As such, this Planning Proposal has no effect on site or precinct specific strategies.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan (GNMP) 2036 sets goals and strategies to deliver on the vision of the HRP, but with specific focus on the for the Greater Newcastle Metropolitan Area. The items included in this Planning Proposal are generally consistent with the outcomes, strategies and actions in the GNMP.

4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Maitland Local Strategic Planning Statement 2040+

The Maitland Local Strategic Planning Statement (LSPS) provides a 20-year land use vision for the LGA reflecting the community's ideas and aspirations for the future. It recognises and responds to evidence about what types of housing will be needed for future populations and where it is best located, considering environmental constraints, avoiding natural hazards, and protecting important environmental and agricultural land and scenic values.

With strong reference to the *RLS*, Planning Proposal items 1 – 6 give effect to the following local planning priorities identified by Maitland LSPS.

- Our Economy - Priority 7: Strengthen our local economy through attracting investments, creating jobs and fostering innovation.
- Our Environment - Priority 11: Protect our city's rural lands, natural assets and rural landscape.
- Our Environment - Priority 12: Plan for resilient city that can adapt to natural hazards and changing climate.

The proposed LEP will contribute to these priorities by,

- Promoting the expansion and diversification of rural/agriculture-based economy and tourist activities within identified sectors.
- Supporting sustainable rural activities and enterprises at appropriate locations.
- Discouraging rural housing in inappropriate locations
- Contributing to the protection of high-value agricultural land and rural amenity by limiting land use conflicts and providing land use certainty for rural activities.

In contrast, Planning Proposal items 7 - 9 have a strong focus on urban development and relates to the following priorities of Maitland LSPS:

- Our people and places – Priority 1: Plan for diverse and affordable housing to meet the needs of our growing and changing community.
- Our people and places – Priority 2: Support a place-based planning approach to guide better planning and urban design outcomes for our centres and neighbourhoods.

With the proposed amendments, the updated MLEP will give effect to the above priorities by providing better clarity, certainty and, where appropriate, the flexibility for urban residential developments within the LGA. They will also contribute to achieving greater housing diversity, in the forms of both within infill and greenfield development.

Maitland Rural Land Strategy 2041

On 27 June 2023, Council adopted the Maitland Rural Land Strategy 2041, and it includes specific actions identifying the need for amending the MLEP 2011 to implement strategic directions identified in this Strategy. The proposed amendment items 1 to 6 are actions identified by this strategy.

Maitland Local Housing Strategy 2041

Planning Proposal item 8 is an action recommended by the LHS; as such, it directly relates to this strategy.

Planning Proposal items 7 and 9 relate to urban residential development and are consistent with the *LHS* as they contribute to the following Planning Principles adopted by this Strategy.

- Provide the right type of housing in the right locations to suit our growing and changing population.
- Provide greater housing choice by encouraging a range of different housing types, sizes and tenures in appropriate locations.
- Promote resilient and environmentally sustainable outcomes through appropriately located and designed housing development.

Maitland Community Strategic Plan

The Proposal is considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for attract new industries to rural areas, support to diversify rural economy, protect rural land and waterways, partner across all levels of government to plan our city's future that meets the needs of our current and growing population.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no other State or regional studies or strategies relevant to this Planning Proposal.

6. Is the Planning Proposal consistent with applicable state environmental planning policies?

An assessment of the Planning Proposal against the relevant SEPPs is provided in the table below.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (Housing) 2021	<p>Consistent.</p> <p>The following Planning Proposal items are relevant to the provisions under this SEPP and consistent with these principles, as explained below.</p> <ul style="list-style-type: none"> - Planning Proposal item 8 will achieve consistency between this SEPP and MLEP 2011. It will encourage the delivery of alternative housing within the LGA; thereby, promoting increased housing supply, diversity and affordability. - Planning Proposal items 9 and 5 promotes the right type of housing at the right location, which minimises adverse environmental impacts of

RELEVANCE	CONSISTENCY AND IMPLICATIONS
	<p>housing developments and deliver housing in locations that has existing or planned infrastructure and services.</p> <p>All other items within this Planning Proposal will not preclude the application of this SEPP.</p>
SEPP (Primary Production)	<p>Consistent.</p> <p>The following Planning Proposal items are relevant to and consistent with the provisions under this SEPP, as explained below.</p> <ul style="list-style-type: none"> - Planning Proposal item 5 seeks to omit a development type that is largely inconsistent with the relevant zone (RU2) objectives and serves no purpose within Maitland LGA. It also removes unintended development outcomes and discourages inappropriate housing development within rural zoned land; thereby, reducing potential land use conflicts and sterilisation of rural land or agricultural productivity of those lands. It also contributes to the orderly use and development of rural land, whilst preserving desirable rural character and amenity. - Planning Proposal items 1 and 2 promote the expansion of sustainable agricultural uses and activities within rural land in the LGA. Development types such as 'farm stay accommodation' and 'farm gate premises' and 'artisan food & drink premises' will also support diversifying Maitland's rural economy. - Planning Proposal item 4 will also reduce land use conflicts between agriculture (extractive industries) and urban uses. <p>All other items within this Planning Proposal will not preclude the application of this SEPP.</p>
SEPP (Resilience & Hazards) 2021	<p>Consistent.</p> <p>Planning Proposal item 6 promotes better management and land use planning of a significant aquatic resource within Maitland LGA. The new W2 zoning will establish a holistic approach for land use planning and management of land over Hunter and Paterson River waterways and associated riparian areas, positively contributing to the management of coastal zone within Maitland LGA.</p> <p>All other items within this Planning Proposal will not preclude the application of this SEPP.</p>
SEPP (Resources & Energy) 2021	<p>Consistent.</p> <p>Removing the LEP mapping and clause 7.5 associated with Mineral Resources (Item 4), in accordance with Geological Survey of NSW advice, will</p> <ul style="list-style-type: none"> - Remove duplication of legislative requirements applicable for existing clay mine sites within the LGA. - Achieve consistency with the existing framework for managing land surrounding these sites. <p>All other items within this planning proposal will not preclude the application of this SEPP.</p>

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (Transport & Infrastructure) 2021	<p>Consistent.</p> <p>Planning Proposal item 9 will encourage orderly and efficient development of the right types and scale of development on urban land. It will ensure the existing infrastructure and service networks will not be overburdened by new development. The new clause will also provide a clear framework for infrastructure requirements in urban land, and provide certainty for new urban developments.</p> <p>All other items within this Planning Proposal will not preclude the application of this SEPP.</p>

7. Is the Planning Proposal consistent with applicable Ministerial Directions?

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at the table below.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
1. Planning Systems	
1.1 Implementation of Regional Plans	<p>Consistent.</p> <p>This Planning Proposal is consistent with the objectives of the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan as outlined in the Section B.</p>
1.3 Approval and referral requirements	<p>Consistent.</p> <p>The Planning Proposal does not introduce new concurrence, consultation, or referral requirements. Nor does it propose new forms of designated development.</p>
1.4 Site Specific Provisions	<p>Consistent.</p> <p>None of the items proposed under this Planning Proposal are site specific; they apply to the whole of Maitland LGA, as such, not subject to any detailed or site specific planning controls.</p>
2. Design and Place	N/A
3. Biodiversity and Conservation	N/A
4. Resilience and Hazards	
4.1 Flooding	<p>Consistent.</p> <p>Planning Proposal item 6 proposes to introduce W2 Recreational waterway zone over land that are currently zoned either RU1 or RU2 zone, which is consistent with this direction.</p> <p>The land over Hunter and Paterson River waterways, where the new W2 zoning is proposed, is identified as floodway. However, the land use table differences between W2 and RU1 or RU2 will not have any effect on the flood hazard over this land. Development and the flood risk associated</p>

RELEVANCE	CONSISTENCY AND IMPLICATIONS
	<p>with these lands are regulated by MLEP Clause 5.21, irrespective of the applicable zoning.</p> <p>As such, item 6 will not permit additional development, or allow for intensifying existing or new developments or cause to increase the flood risk of these lands, or the land between the flood planning area and probable maximum flood.</p> <p>A flood risk assessment for this purpose is not required as the proposed item will apply to the whole of MLEP.</p>
4.2 Coastal Management	<p>Consistent.</p> <p>As identified before, against the SEPP (Resilience and Hazards) 2021, the proposed item 6 will provide a holistic framework for management and added protection of Maitland's major river systems and their aquatic environments. This will positively contribute to the management of coastal areas in the LGA, in accordance with this direction.</p>
4.4 Remediation of Contaminated Land	<p>Consistent.</p> <p>None of the items included in this Planning Proposal are site specific; they apply as a whole to the whole of the LGA and will have no effect on any identified or potentially contaminated land.</p>
4.5 Acid Sulfate Soils	<p>Consistent.</p> <p>None of the items included in this Planning Proposal are site specific and will have no effect on land containing acid sulfate soils.</p>
4.6 Mine Subsidence and Unstable Land	<p>Consistent.</p> <p>None of the items included in this Planning Proposal are site specific and will have no effect on land impacted or has the potential to be impacted by mine subsidence.</p>
5. Transport and Infrastructure	N/A
6. Housing	
6.1 Residential zones	<p>Consistent.</p> <p>The following Planning Proposal items are relevant to and are consistent with this direction, as explained below.</p> <ul style="list-style-type: none"> - Item 8 will provide clarity on legislative requirements for secondary dwelling developments; thereby, promoting increased housing supply, diversity and affordability in residentially zoned land. - Items 9 and 5 promotes the right type of housing at the right location, which minimises adverse environmental impacts of housing developments and deliver housing in locations that has existing or planned infrastructure and services.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
6.2 Caravan parks and Manufactured Home Estates	<p>Inconsistent; but, justified through the adopted <i>RLS</i>.</p> <p>Planning Proposal item 5 proposes to prohibit 'Caravan Parks', which will consequently prohibit MHE's on RU2 zoned land in Maitland LGA. In principle, this Planning Proposal item contradicts with direction No. (1)(a).</p> <p>The intention of Planning Proposal item 5 is to restrict new developments for MHEs on rural zoned land in Maitland LGA. It will not have any effect on other existing zoning where these developments are permissible under MLEP. Caravan parks, and therefore MHE's, will continue to be a permissible use on RE1 Public Recreational, RE2 Private Recreational, SP3 Tourist zones, which are appropriately located and serviced to accommodate these development types.</p> <p>Caravan Parks on rural zoned land are typically located in close proximity to tourist destinations or areas that offers significant environmental amenity or recreational opportunity, i.e. coastal areas, riverine environments, forest reserves. Maitland LGA offers very limited such opportunities which is evident from the absence of any caravan parks that had either been approved or proposals being made for. Since MLEP 2011 came into force, Council granted consent to only one caravan park development which is located on a RE1 Public Recreation zoned land. In 2016, Council received one application for a caravan park development on RU2 zoned land which was subsequently withdrawn by the applicant due to the site being unsuitable for the proposal.</p> <p>MHE's are a form of medium density housing, requiring high concentration of utilities, services and facilities. When located on peri-urban rural land, they are known to have significant adverse impacts on the agricultural productivity and amenity of those lands, and to significantly burden existing infrastructure networks in these areas. As such, restricting this housing type on rural land is justified based on the considerations listed under Clause 125 of SEPP (Housing) 2021.</p> <p>In addition, the RU2 zone has not been established for the creation of medium density developments such as MHEs and it is considered that prohibiting caravan parks within this zone will be consistent with the objectives of the RU2 zone.</p>
7. Industry and Employment	N/A
8. Resources and Energy	
8.1 Mining, Petroleum Production and Energy	<p>Consistent.</p> <p>Planning Proposal item 4 will update the MLEP 2011 controls relating to mineral and extractive resources, to align with the GSNSW advice and to reflect the current status of clay and shale-based mines operating within the LGA.</p> <p>This will have no effect either on the potential future development of the extractive industries.</p>

RELEVANCE	CONSISTENCY AND IMPLICATIONS
9. Primary Production	
9.1 Rural Zones	Consistent with direction 9.1 (a) as Planning Proposal item 6 involve rezoning the land within the boundaries of Hunter and Paterson Rivers, zoned either RU1 or RU2, into W2 zoning.
9.2 Rural Lands	<p>Consistent.</p> <p>Planning Proposal item 6, <i>introducing W2 zoning</i>, will only apply to the land containing the mapped boundaries of Hunter & Paterson River waterways. Where applied adjoining a rural zoned land (RU1 or RU2), the proposed land use table for W2 zone will not have an effect on land use permissibility or intensification of non-rural uses within the respective rural zoned land.</p> <p>The application of W2 zoning over these lands will provide added protection of environmental values of the two river systems and respond positively to the natural and physical constraints associated with these environments.</p>

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is not likely to directly lead to adverse impact on threatened species, populations or ecological communities or their habitats. The Planning Proposal includes changes that will be applied LGA wide, where site-specific impacts will be assessed at the development application stage.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Given all proposed Planning Proposal items apply to the whole of the LGA, they are not considered to have an effect on environmental effects of a particular site or a development type. None of the proposed amendments directly relates to any existing environmental constraints in the LGA, such as flooding, acid sulfate soils, land contamination, bushfire, or has the potential to cause new impacts or hazards.

Any environmental impacts that may potentially arise due to the proposed LEP amendments will be considered at the development application stage for individual sites or proposals.

10. How has the Planning Proposal adequately addressed any social and economic effects?

Due to the nature of the proposed amendments, this Planning Proposal is considered to have positive economic and social effects over the LGA.

Table below outlines the anticipated economic and social effects focusing on each Planning Proposal item.

ITEM NO.	SOCIAL AND ECONOMIC EFFECTS
1	This amendment will allow the expansion of agritourism sector in Maitland, allowing a value add for primary producers to diversify their income stream, where complimentary to agriculture. As such, this will have positive effect on Maitland's rural economy and on social aspects of the rural communities in the LGA.
2	Due to versatility, creativity and environmental sustainability afforded by this sector, artisan food and drink industries is increasing in popularity within rural and agriculture-based economies. This amendment therefore will encourage agricultural diversity, and have positive economic and social effect on the rural communities, businesses and related trades.
3	This amendment will encourage expansion of short-term tourist accommodation sector, potentially boosting Maitland's visitor economy.
4	Updating MLEP in accordance with Geological Survey of NSW advice, current economic and land use trends and issues will allow the proper management of these resource land and the potential land use conflicts associated with them. This will have a positive economic and social effect on both the mining license holders and owners of land adjoining these mining sites.
5	As identified by the RLS and LHS, this amendment will have positive social effect on Maitland's rural land and rural communities. This will provide better clarity and certainty for developers on the planning requirements for new MHE developments. It will also enable the plan making authority to prevent unplanned economic and social burden on Maitland's rural land, infrastructure and service networks, and rural amenity. As such, this amendment will have a positive social and economic effect.
6	This amendment will establish an appropriate planning framework for better management and protection of Maitland's major river systems. Subject to planning controls, this will also encourage appropriate recreational activities within these waterways and will have a positive social and economic effect on Maitland.
7	This amendment will provide a better clarity and certainty on planning requirements for LEP clause 4.1A and will have positive effect on Maitland's housing diversity and supply, with resulting positive economic and social benefits.
8	This amendment will a better clarity and certainty on planning requirements for secondary dwellings on R5 zoned land and will result positive economic and social benefits.
9	This amendment will provide better clarity and certainty on planning requirements for new developments and allow Council to better manage infrastructure and service requirements of urban development. This will also encourage new developments to be located on appropriate sites and efficient use of existing service and utility networks.

In summary, no significant adverse social or economic impacts have been identified as likely to result due to this Planning Proposal.

It is noted that a savings provision will be included within the Maitland LEP 2011 which identifies that a development application made but not finally determined before the commencement of the LEP amendment must be finally determined as if the LEP amendment had not commenced.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not facilitate additional development to require public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

On 9 May 2024, Council received a Gateway Determination for the proposed amendment to the Maitland LEP 2011 from the DPHI. In accordance with the Gateway Determination consultation was required with the following public authorities and agencies.

NSW Department of Regional NSW – Mining, Exploration and Geoscience (MEG)

MEG does not object to this Planning Proposal to remove the 'Mineral Resource Area Map' and related Maitland LEP Clause 7.5 Significant extractive resources. Future proposals that involve or interface with mineral resources should continue to be considered in accordance with relevant environmental planning instrument such as SEPP (Resources and Energy) 2021, including referral to MEG.

Council will continue to work with the MEG as a part of rezoning or any future proposals involve with mineral resources.

NSW Department of Primary Industries (DPI) – Agriculture

DPI Agriculture has no objection to the Planning Proposal. DPI encourages Council to utilise the agritourism DCP model clauses and develop DCP provisions for the 'Artisan food and drink industry' to ensure agricultural activities are not constrained and land use conflict risk is assessed.

DPI considers the removal of 'caravan parks' from the RU2 zone, will help protect valuable agricultural land and rural surroundings by minimising potential for non-strategic development, fragmentation of rural land, land use conflicts and providing clarity on rural activities. DPI supports the rezoning of the Hunter and Paterson Rivers to W2 Recreational waterways to provide appropriate zone objectives for the management of the waterways.

Council is currently undertaking a comprehensive review of Maitland DCP 2011. As a part of this review, the agritourism DCP model clauses will be reviewed and incorporated into the Maitland DCP in consultation with the DPI Agriculture.

Transport for NSW (TfNSW)

TfNSW is generally supportive of the proposed amendments.

NSW Rural Fire Service (RFS)

RFS notes that the proposed amendments to the Maitland LEP 2011 are not site-specific and are applied across the entire LGA. RFS advises that the Council consider the guidelines in Chapter 4 of Planning for Bush Fire Protection (PBP) 2019, as it provides guidance on the factors to be considered to address bush fire risk in relation to planning instruments. Any increase in residential density across the Maitland LGA must identify and avoid areas with high biodiversity values and areas subject to high bush fire risk.

Council will consider the RFS's Planning for Bush Fire Protection (PBP) 2019 Guideline to address bush fire risk in relation this Planning Proposal to protect life, property and the environment from bush fire, by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas. Council will continue to consult with the RFS as a part of any future site-specific Planning Proposals involve with bush fire prone land.

NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity Conservation and Science (BCS) and Water (Licensing and Approvals)

BCS recommends that the Planning Proposal is amended to ensure the protection and conservation of environmentally sensitive areas through the establishment of a C2 Environmental Conservation Zone. Council acknowledges the importance of mapping and introducing an appropriate land zone for high environmental values areas including waterways and riparian areas.

DCCEEW- Water notes that the proposed zoning of W2 Recreational Waterway is better aligned to seek desirable outcomes than the current predominantly RU1 Primary Production or RU2 Rural Landscape zonings given its objective to protect ecological values of the waterways, and prefers for waterfront land and riparian zones to be zoned C2 Environmental Conservation.

In October 2023, Council adopted its Environmental Sustainability Strategy (ESS) which recognizes the Hunter and Paterson Rivers as 'regional corridors' and sets out a framework to improve health and wellbeing of these waterways and riparian areas. In addition, Council's Rural Land Strategy 2041 (Action 5.6) recommends is to review high value environmental land within the Maitland LGA in conjunction with the ESS to determine appropriate zoning.

The current Maitland LEP 2011 contains a 'Watercourse' map and accompanying Clause 7.4 'Riparian land and watercourses'. This clause specifies considerations for development applications within 40m of the top of the banks of the mapped watercourses including Hunter and Paterson Rivers.

The Hunter Estuary Coastal Management Program (CMP) is currently underway along with Maitland, Newcastle, Port Stephens, Dungog Councils. This project will provide better data and analysis to inform future decision around the appropriate land zones for riparian areas. Further, it provides a strategic opportunity for local councils to work together for implementing a consistent approach to waterways and riparian areas across LGAs.

In this context, Council will work collaboratively with the DCCEEW to prepare a separate Planning Proposal to introduce C2 zone for riparian areas as a part of our environmental zones review. This approach will allow us to finalise the current Planning Proposal in a timely manner, without re-exhibition.

PART 4: MAPS

To achieve the intent of the Planning Proposal, it is proposed to:

- a) Remove the Mineral Resource Area Maps
 - Mineral Resource Area Map - 004D
 - Mineral Resource Area Map - 006A
- b) Amend the following Land Zoning Maps to introduce W2 Recreational Waterway zoning over the Hunter and Paterson River waterways.
 - Land Zoning Map - Sheet LZN_001
 - Land Zoning Map - Sheet LZN_002
 - Land Zoning Map - Sheet LZN_003
 - Land Zoning Map - Sheet LZN_004A
 - Land Zoning Map - Sheet LZN_004C
 - Land Zoning Map - Sheet LZN_004D
 - Land Zoning Map - Sheet LZN_006
 - Land Zoning Map - Sheet LZN_007

PART 5: COMMUNITY CONSULTATION

The Planning Proposal was exhibited from 05 June 2024 to 18 July 2024. Public notices were placed in the local newspaper (i.e. Maitland Mercury on 7 June 2024) and on Council's website. The Planning Proposal and supporting documents were available for inspection at Council's Administration Centre and all libraries. Public authorities and government agencies were directly notified.

A total of 53 submissions were received during the exhibition period. Of these,

- 36 submissions were from residents
- 12 submissions were from public authorities and government agencies
- 5 submissions were from consultant representing developer or industry

In summary, the majority of submissions indicated their in-principal support for all amendments in the Planning Proposal. Item 5 of the Planning Proposal, which proposes removing 'caravan parks' from the 'permitted with consent' within the RU2 Rural Landscape zone, has received positive feedback and support from residents, government agencies and public authorities. However, two submissions from the development industry raised concerns about this item.

At the close of the consultation process, Council officers have reviewed and addressed all submissions received and present a report to Council for endorsement of the Planning Proposal before proceeding to finalisation of the amendment. A copy of the Council report, including submission assessment is attached as Appendix A.

PART 6: PROJECT TIMELINE

PROJECT TIMELINE	DATE
Gateway Determination	9 May 2024
Gateway Alteration	3 June 2024
Consultation with the Government agencies & public authorities	5 June to 18 July 2024
Public exhibition	5 June to 18 July 2024
Consideration of submissions	August 2024
Post exhibition consideration of Planning Proposal	December 2024
Submission to the Department for finalisation	December 2024
Gazettal of LEP Amendment	March 2025



City Planning

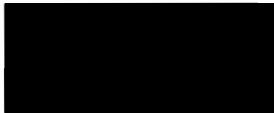
PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION

Submissions (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 81



16 July 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

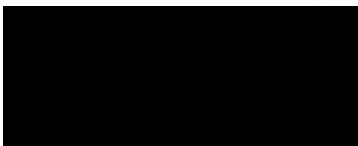
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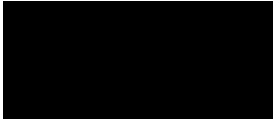
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RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Sincerely,





10 July 2024

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MAITLAND, NSW, 2320

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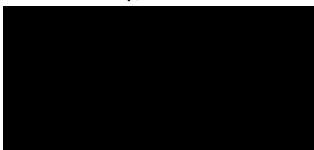
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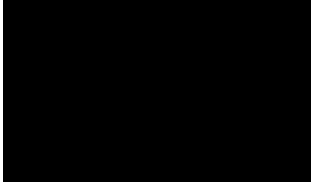
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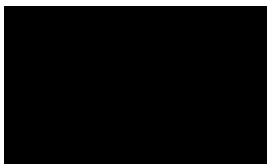
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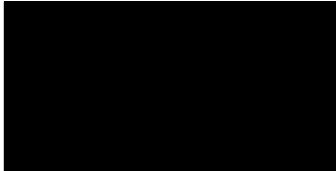
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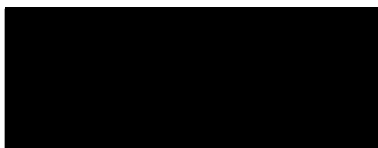
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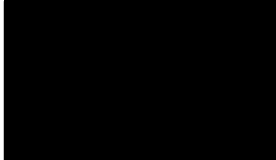
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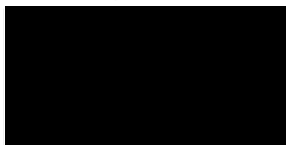
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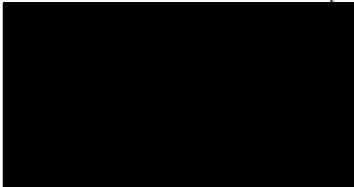
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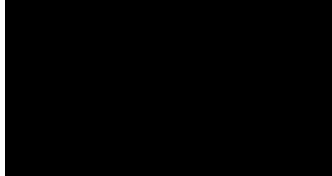
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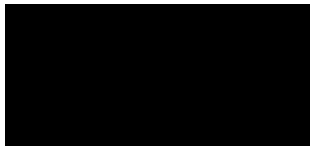
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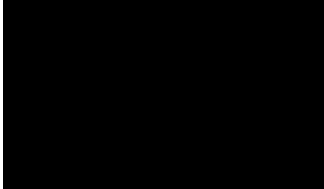
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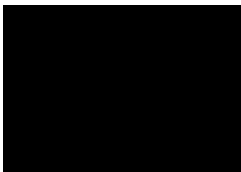
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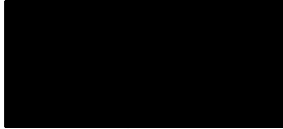
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Sincerely,



10/07/2024



The General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

DOC No.	
RECD	15 JUN 2024
FILE No.	
REFER	

To Jeff,

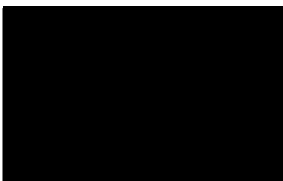
Submission in support of planning proposal RZ 23/002

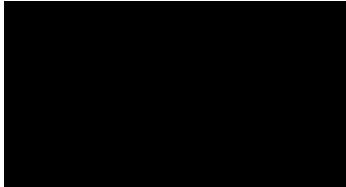
I fully support the proposed amendments to the Maitland Local Environmental Plan 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041. I am in particularly in favour of the following points:

- As a resident adjoining R2 zoned land, I strongly endorse the amendment to remove "Caravan Parks" from the list of uses "Permitted with consent" within the R2 Rural Landscape Zone. This change is essential to safeguard our community against potential developments such as Manufactured Homes Estates or caravan parks.
- Additionally, I welcome the proposal to allow secondary dwellings with consent within the R5 Large Lot Residential Zone. This amendment would offer residents like myself the opportunity to enhance property flexibility and potentially increase housing options in a manner that respects the residential character of our area.

These amendments represent significant strides in preserving the unique character and environmental integrity of our local community, while also allowing for sustainable development opportunities. I strongly urge the planning authority to proceed with these amendments to the Maitland Local Environmental Plan 2011.

Thank you for considering my input on this matter.





The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

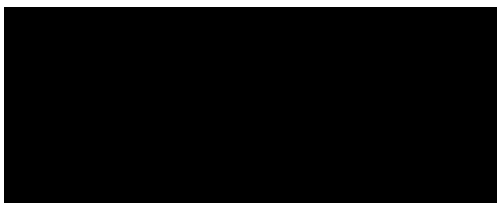
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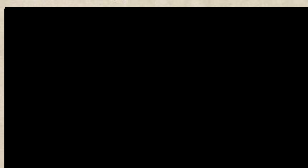
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10th July, 2024

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Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

DOC No.	
15 JUL 2024	MCC
REFER	

Ref: RZ 23/002

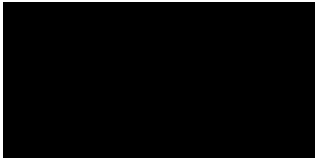
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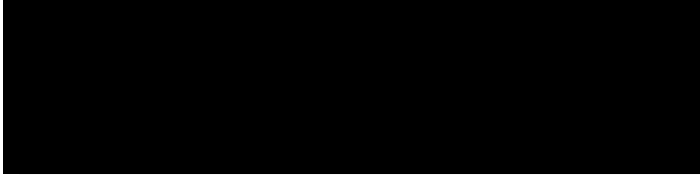
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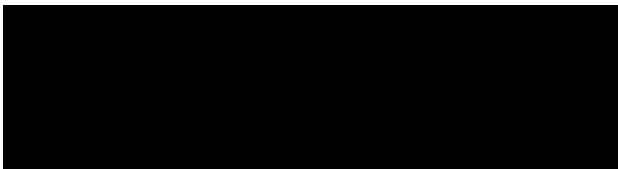
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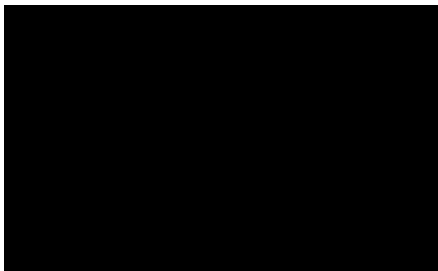
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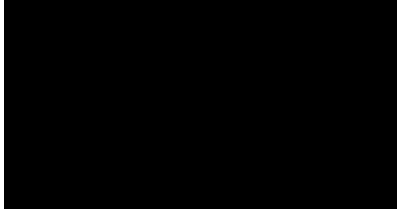
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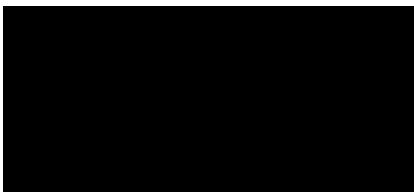
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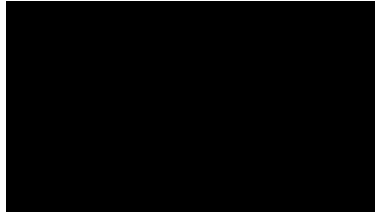
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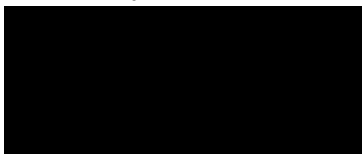
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Ref: RZ 23/002

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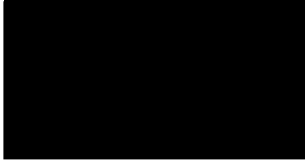
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In particular, Item 5 - Remove 'Caravan parks' use from 'Permitted with consent' list within RU2 Rural Landscape zone to align with

RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Sincerely,





The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

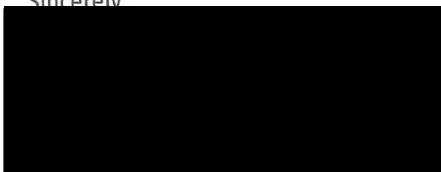
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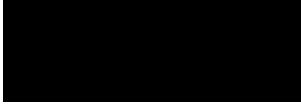
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Sincerely





18th July 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

To The General Manager

I write to provide my support behind all nine (9) actions of the planning proposal to amend the Maitland Local Environmental Plan 2011 for the implementation of the Maitland Local Housing Strategy 2041(LHS) and Maitland Rural Land Strategy 2041(RLS).

In particular - Item 5 - Remove 'Caravan parks' use from 'Permitted with consent' list within RU2 Rural Landscape zone to align with - RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Kind regards



18th.July 2024

The General Manager
Maitland City Council
P.O. Box 220
Maitland. NSW 2320

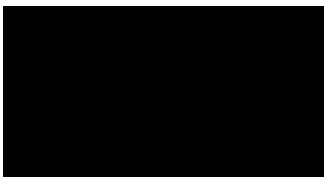
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Dear Sir,

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In particular, item 5 – Remove “Caravan Parks” use from “Permitted with consent” list within RU2 Rural Landscape Zone to align with RLS action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Yours Sincerely,





11 July 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

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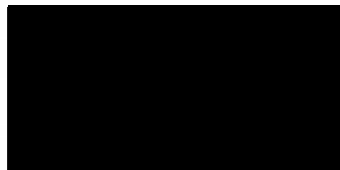
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Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

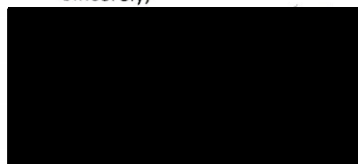
To The General Manager:

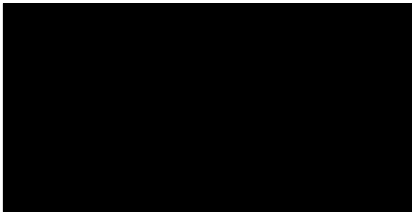
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Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

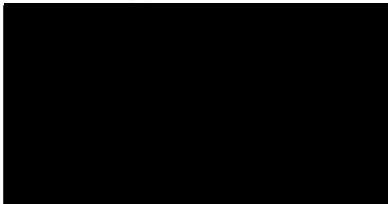
To The General Manager:

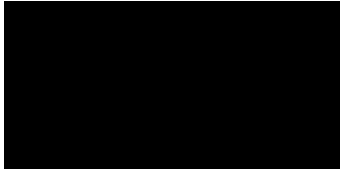
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Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

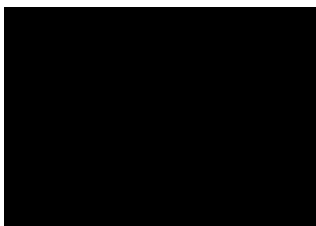
Ref: RZ 23/002

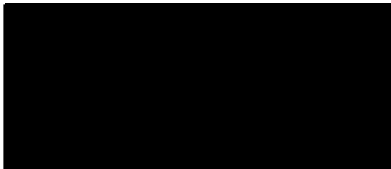
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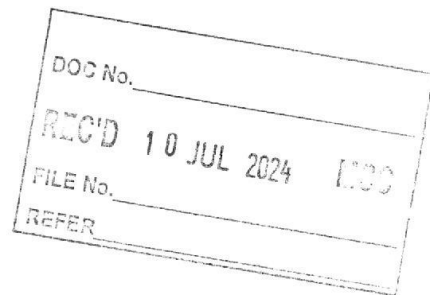
Sincerely,





10 July, 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320



Ref: RZ 23/002

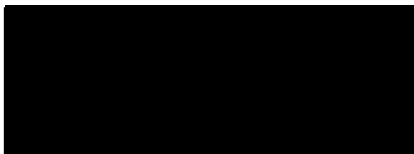
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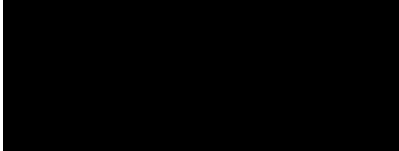
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RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Sincerely,





16/7/2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

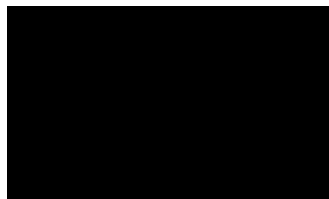
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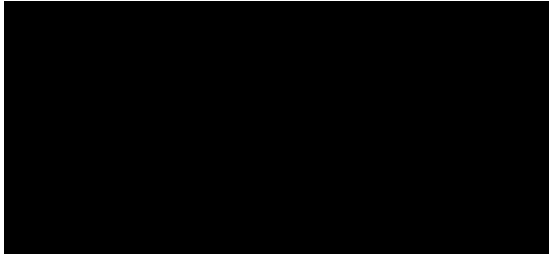
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Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

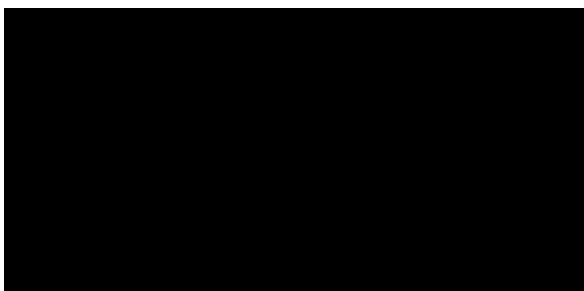
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RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Kind Regards,





15/7/24

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

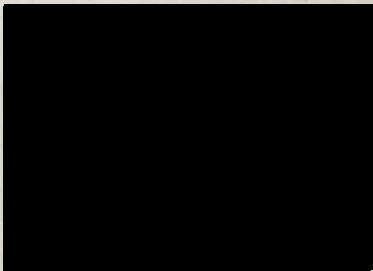
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Sincerely,





11 July 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

To The General Manager:

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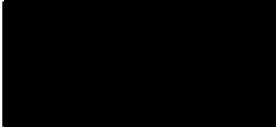
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Sincerely,



10/07/2024



The General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

To Jeff,

Submission in support of planning proposal RZ 23/002

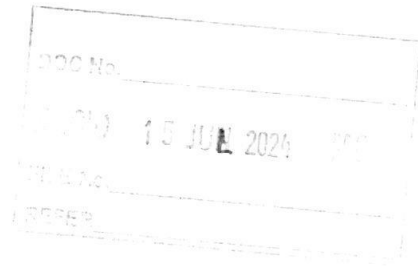
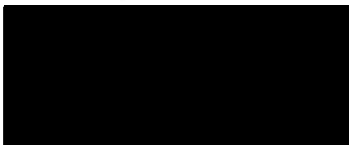
I am writing to express my full support for the proposed amendments to the Maitland Local Environmental Plan 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041. Specifically, I endorse the following points:

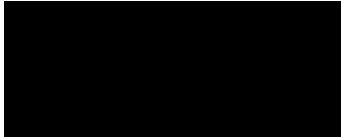
As a resident adjoining R2 zoned land, I strongly support the amendment to remove "Caravan Parks" from the category of uses "Permitted with consent" within the R2 Rural Landscape Zone. This change is crucial in ensuring our community's peace of mind and protection from potential developments such as Manufactured Homes Estates or caravan parks.

Additionally, as a resident of R5 zoned land, I welcome the proposal to introduce secondary dwellings as a use "Permitted with consent" within the R5 Large Lot Residential Zone. This amendment would provide flexibility and potential future benefits for residents like myself who may consider constructing a secondary dwelling in the future.

These amendments are important steps towards maintaining the character and integrity of our local community and environment while allowing for sensible development opportunities. I urge the planning authority to proceed with these amendments to the Maitland Local Environmental Plan 2011.

Thank you for considering my views on this matter,





16/07/2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

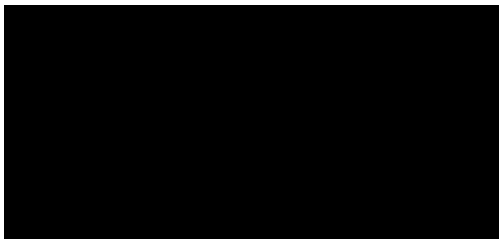
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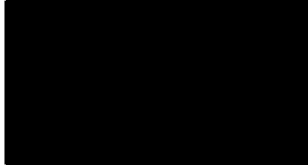
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RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Sincerely,





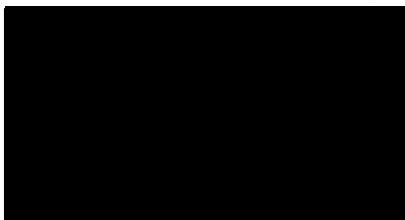
The General Manager
Maitland City Council
P.O. Box 220
MAITLAND NSW, 2320

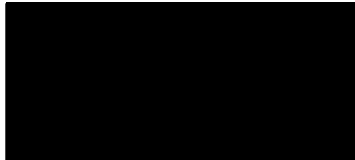
Ref: RZ 23/002

Dear Sir

I write to provide my support to all nine (9) actions of the Planning Proposal to amend the Maitland Local Environmental 2011 for the implementation of of the Maitland Local Housing Strategy 2041(LHS) and the Maitland Rural Land Strategy 2041 (RHS). In particular I support Item 5 , removing Caravan Parks use from the "Permitted with consent" list within the RU2 Rural Landscape zone to align with RLS Action 3.3 prohibiting the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 Zone

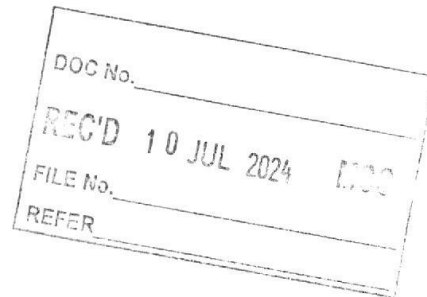
Sincerely





10 July, 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320



Ref: RZ 23/002

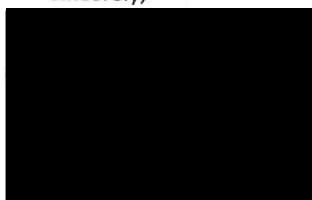
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Sincerely,





The General Manager
Maitland City Council
P.O. Box 220
Maitland NSW 2320

REF: RZ23/002

Dear General Manager,

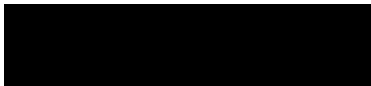
I, [REDACTED], am writing to formally express my support for all (9) actions proposed in the Planning Proposal to amend the Maitland Local Environmental Plan 2011, specifically aimed at implementing the Maitland Local Housing Strategy 2041 (LHS) and the Maitland Rural Land Strategy 2041 (RLS).

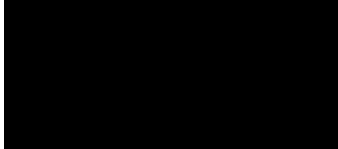
While each of these actions promises significant benefits to the Maitland community, I wish to highlight my strong endorsement for Item 5, which proposes the removal of "Caravan Parks" use from the "Permitted with Consent" list within the RU2 Rural Landscape zone. This amendment is crucial in alignment with RLS Action 3.3, aiming to prohibit the development of Manufactured Home Estates on rural land by disallowing caravan parks in the RU2 zone.

The Windella community has faced considerable anxiety over this issue throughout the past year. [REDACTED], I possess comprehensive insights into the matter and understand the potential ramifications of unchecked development practices. It is imperative that we collaborate effectively to ensure the successful implementation of this amendment, thereby preventing similar challenges from burdening other members of the Maitland Community in the future.

Thank you for considering my perspective on this matter. I look forward to our continued efforts in safeguarding the interests of our community.

Kind regards,





17 June 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND, NSW, 2320

Ref: RZ 23/002

To The General Manager:

I write to provide my support behind all nine (9) actions of the Planning proposal to amend the Maitland Local Environmental Plan 2011 for the implementation of the Maitland Local Housing Strategy 2041(LHS) and Maitland Rural Land Strategy 2041(RLS).

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RLS Action 3.3 Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone.

Sincerely,



MINING, EXPLORATION & GEOSCIENCE

Department of Regional NSW



RDOC24/ 57339

13 June 2024

Pathum Gunasekara
Maitland City Council

Via: Concurrence and Referrals Planning Portal

ADVICE RESPONSE: Planning Proposal – PP-2023-2724 Local Housing and Rural Land Strategies

Dear Pathum,

I refer to your correspondence dated 14 May 2024 inviting the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to provide comments on the Planning Proposal – PP-2023-2724 Local Housing and Rural Land Strategies, submitted by Maitland City (Council).

MEG has reviewed the information supplied in relation to section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, Direction 8.1 Mining, Petroleum Production and Extractive Industries. MEG's review relates to minerals defined under Schedule 1 of the Mining Regulations 2016, which are administered under the *Mining Act 1992*.

MEG acknowledges that previously identified mineral resources comprising clay and structural clay resource areas within the Maitland Local Government Area are effectively sterilised due to various land use constraints.

Accordingly, MEG does not object to this planning proposal to remove the 'Mineral Resource Area Map' and related Maitland Local Environmental Plan (MLEP) Clause 7.5 *Significant extractive resources*.

Proposals that involve or interface with mineral resources should continue to be considered in accordance with relevant environmental planning instrument such as *State Environmental Planning Policy (Resources and Energy) 2021*, including referral to MEG.

Mineral resource information and current exploration and mining titles can be viewed on MEG's mapping portal MinView: <https://minview.geoscience.nsw.gov.au/>.

For further advice on this matter, please contact [REDACTED], Industry
Advisory and Mining Concierge - Industry Development on [REDACTED]
[REDACTED]

Sincerely

[REDACTED]

Department of Regional NSW – Mining, Exploration and Geoscience
for

[REDACTED]

Department of Regional NSW – Mining, Exploration and Geoscience

Transport for NSW



27 May 2024

File No: NTH24/00384/001
Your Ref: PP-2023-2474

Department of Planning, Housing & Infrastructure
Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Rachel Murray

PP-2023-2724 – Planning Proposal - Amend Maitland Local Environmental Plan 2011

I refer to the abovementioned Planning Proposal referred to Transport for NSW (TfNSW) on 14 May 2024 for comment in accordance with Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

TfNSW understands that the planning proposal is to amend *Maitland Local Environmental Plan 2011* to achieve the objectives and intended outcomes needed to implement the actions of the *Maitland Local Housing and Rural Land Strategies 2041*.

TfNSW is generally supportive of the proposed amendments, noting the following:

- It is assumed the introduction of 'Artisan food and drink industry' as a 'Permitted with consent' under the RU2 land use table will be accompanied by a concurrent amendment to Clause 5.4(10) of the Maitland LEP 2011. This is to ensure that the principal purpose of an 'artisan food or drink industry' involves the carrying out of an industrial activity involving the manufacture of boutique, craft or artisan food or drink.

Should you require further information please contact [REDACTED], Development Services Case Officer, on [REDACTED] or by emailing [REDACTED]

Yours faithfully

[REDACTED]

North Region | Community & Place
Regional & Outer Metropolitan

OFFICIAL

6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302
76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602
transport.nsw.gov.au 1 of 1

Department of Primary Industries - Agriculture

Department of Regional NSW



OUT24/6731

Mr Jeff Smith
The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Pathum Gunasekara

Planning Proposal PP-2023-2724 – Implementation of Maitland Local Housing (LHS) and Rural Land (RLS) Strategies 2041 into the Maitland Local Environmental Plan (LEP) 2011

Dear Mr Smith

Thank you for your correspondence via the planning portal and the opportunity to comment on the above planning proposal.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

DPI Agriculture has reviewed the planning proposal and noted the following items related to agriculture:

- Item 1 – Introduce new LEP clauses for ‘Farm stay accommodation’ and ‘Farm gate premises’
- Item 2 – Introduce the ‘Artisan food and drink industry’ as ‘permitted with consent’ within the RU2 Rural Landscape zone land use table.
- Item 3 – Increase the number of bedrooms allowed for ‘bed & breakfast accommodation’, under MLEP Clause 5.4(1).
- Item 5 – Remove ‘Caravan parks’ from ‘Permitted with consent’ within RU2 Rural Landscape zone land use table.
- Item 6 – Introduce the W2 Recreational waterways zone over the land containing the Hunter and Paterson Rivers.

It is considered Items 1, 2 and 3 of the planning proposal aim to encourage the growth and diversification of rural and agricultural industries and agritourism activities. We encourage Council to utilise the agritourism Development Control Plan (DCP) model clauses and develop DCP provisions for the ‘Artisan food and drink industry’ to ensure agricultural activities are not constrained and land use conflict risk is assessed.

105 Prince Street | Locked Bag 21
Orange NSW 2800

E: landuse.ag@dpi.nsw.gov.au
dpi.nsw.gov.au

It is considered the removal of 'Caravan parks' (Item 5) and therefore the potential development of Manufactured home estates (MHE) from the RU2 Rural Landscape zone, will help protect valuable agricultural land and rural surroundings by minimising potential for non-strategic development, fragmentation of rural land, land use conflicts and providing clarity on rural activities.

DPI Agriculture supports the rezoning of the Hunter and Paterson Rivers to W2 Recreational waterways (Item 6) which will provide appropriate zone objectives for the management of the waterways.

The proposed amendments are not expected to have adverse impacts on agriculture and therefore DPI Agriculture has no objection to the planning proposal.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me by email at [REDACTED]

Sincerely

[REDACTED]

Soils and Water | Agricultural Land Use Planning
Hunter Region

3 June 2024



Maitland City Council
PO Box 220
MAITLAND NSW 2320

Your reference: (PP-2023-2724) Ref-2888
Our reference: SPI20240513000074

ATTENTION: Pathum Gunasekara

Date: Tuesday 2 July 2024

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment – Planning Proposal**

Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises' / Introduce 'Artisan food and drink industry' / Increase the number of bedrooms allowed for B&B/ Remove MLEP Clause 7.5/ Remove 'Caravan parks' from RU2 zone/ Introduce the W2 Recreational Waterways zone/Amend the Clause 4.1A/ Permit 'Secondary dwellings' in R5/ Introduce a new LEP clause for 'Essential services'.

I refer to your correspondence dated 13/05/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- have regard to *Planning for Bushfire Protection 2019*,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

It is noted that none of the proposed amendments to the *Maitland Local Environmental Plan (LEP) 2011* are site-specific, and are applied across the entire Local Government Area.

As the proposed amendments indicate increasing residential densities and opening up opportunities for new development on a range of sites which are likely to involve Bush Fire Prone Land (BFPL) the NSW RFS advises that the Maitland Council consider the guidelines in Chapter 4 of *Planning for Bush Fire Protection (PBP) 2019*, as it

1

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www.rfs.nsw.gov.au



RFS

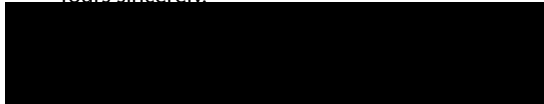


provides guidance on the factors to be considered to address bush fire risk in relation to planning instruments, which is crucial for mitigating risks associated with future development on BFPL.

In this regard, the potential for the changes to involve Special Fire Purpose Protection (SFPP) developments on BFPL must be addressed, to comply with the relevant provisions of Chapter 6 (and the Addendum if applicable) of *PBP 2019*. Any increase in residential density across the Maitland LGA must identify and avoid areas with high biodiversity values and areas subject to high bush fire risk. The challenges created for accessing sites through bush land, particularly in high bush fire risk areas, must be addressed in accordance with the requirements of *PBP 2019* where an increase in density or the introduction of SFPP's result from the proposed amendment.

For any queries regarding this correspondence, please contact [REDACTED] on 1300 NSW RFS.

Yours sincerely,



Built & Natural Environment





Department of Climate Change, Energy, the Environment and Water

Your ref: Ref-2892
Our ref: DOC24-376010

Pathum Gunasekara
Strategic Planning Policy Lead
Maitland City Council
263 High Street
Maitland NSW 2320

By email: [REDACTED]

Dear Pathum,

Subject: Planning Proposal – Implementation of Maitland Local Housing and Rural Land Strategies (PP 2023-2724)

I refer to your email, dated 15 May 2024, seeking unput to the proposed amendments to the Maitland LEP 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041.

The proposal seeks to:

- Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises'.
- Introduce 'Artisan food and drink industry' as a land use 'Permitted with consent' within RU2 Rural Landscape zone.
- Increase the number of bedrooms allowed for 'bed & breakfast accommodation'.
- Remove MLEP Clause 7.5 Significant extractive and 'Mineral Resource Area Map'.
- Remove 'Caravan parks' from 'Permitted with consent' within RU2 Rural Landscape zone.
- Introduce the W2 Recreational Waterways zone over the land containing Hunter and Paterson Rivers.
- Amend the Clause 4.1A Exceptions to minimum lot sizes in Zone R1 General Residential to provide better clarity on permissibility and requirements for development proposals.
- Introduce 'Secondary dwellings' as a use 'Permitted with consent' within R5 Large Lot Residential zone.
- Introduce a new LEP clause for 'Essential services' to MLEP 2011.

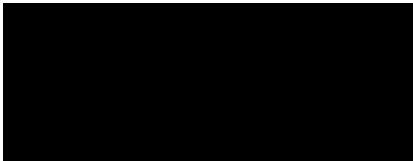
Biodiversity Conservation and Science (BCS) has reviewed the Planning Proposal (March 2024) and Draft Land Zoning Maps for Proposed W2 Recreational Waterway Zone.

BCS's recommendations are provided in **Attachment A**. If you have any further questions about this issue, please contact [REDACTED]



Department of Climate Change, Energy, the Environment and Water

Yours sincerely,



**Hunter Central Coast Branch
Biodiversity Conservation and Science**

13 June 2024

BCS recommendations

Implementation of Maitland Local Housing and Rural Land Strategies (PP 2023-2724) – Planning Proposal

Biodiversity

1. The planning proposal should include provisions which facilitate the protection and conservation of environmentally sensitive areas.

Ministerial Direction 3.1 (1) issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. Similarly, the Hunter Regional Plan 2041 requires strategic planning proposals to protect areas of High Environmental Values (HEV). The requirement to avoid and minimise impacts to biodiversity is further re-enforced under the Biodiversity Offset Scheme (BOS) and Biodiversity Assessment Method (BAM) 2020.

The proposal will impact known areas of HEV, and land mapped as containing high biodiversity values as defined within The Biodiversity Values Map.

Recommendation 1

BCD recommends that the planning proposal is amended to ensure the protection and conservation of environmentally sensitive areas. HEV and any other biodiversity values identified should be protected through implementation of appropriate zoning through the establishment of a C2 Environmental Conservation Zone, in alignment with Strategies 6.1 to 6.4 of the Hunter Regional Plan (2041). Specifically, this should apply to land included in the Biodiversity Values (BV) Map along the Hunter and Paterson Rivers for the better protection and management of these environments and resources.

Department of Climate Change, Energy,
the Environment and Water



Contact: Department of Climate Change, Energy, the Environment and Water
Phone: 1300 081 047

Email: [REDACTED]

Our ref: V15/2812-10#2
Your ref: PP-2023-2724

8 August 2024

The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Pathum Gunasekara
Uploaded to the Planning Portal (Ref-2890)

Dear Sir/Madam

Re: V15/2812-10#2 - Planning Proposal
Dev Ref: PP-2023-2724
Description: Modification to various conditions and rezoning of the Hunter & Paterson River
Location: Maitland LGA

Thank you for referral regarding the above-mentioned proposal to NSW Department of Climate Change, Energy, the Environment and Water (Licensing and Approvals) for comment. The Departments interest and jurisdiction is in relation to water sources and waterfront land under the Water Management Act 2000 (WM Act). The objects and principles of the WM Act are essentially to identify, preserve, maintain and enhance rivers/watercourses, wetlands, waterfront land and water resources.

The proposal has been reviewed and the following comments are provided for your attention and consideration.

The Hunter River and Paterson Rivers have adjusted to a significantly modified condition post-European occupation. This includes:

- Channel enlargement following meander cutoffs in the Raworth/Phoenix Park area, from the junction of the Hunter River and Paterson River.
- Near total removal of native riparian vegetation along both the Hunter River and Paterson River, leaving floodplains that are cropped to the top of bank.
- Replacement of native riparian vegetation with willows along the Hunter River and extensive invasion of *Arundo donax* (giant reed) along the Paterson River.
- Extensive river bank erosion affecting most river sections, including ~90% of outside bends and up to 60% of straight reaches, leaving vertical eroding banks in a number of reaches.
- Channel aggradation due to sand slugs sourced from the Goulburn River and Wollombi Brook that affect channel cross sections into the tidal zone.

Given the above, and in accordance with the objects of the WM Act, the Department seeks to identify, preserve, maintain and enhance rivers, wetlands, waterfront land and water resources. As such, the Departments preference is for waterfront land and riparian zones to be zoned C2 Environmental Conservation. C2 Environmental Conservation is typically recommended as it increases protections and supports desired riparian outcomes.

Department of Climate Change, Energy,
the Environment and Water

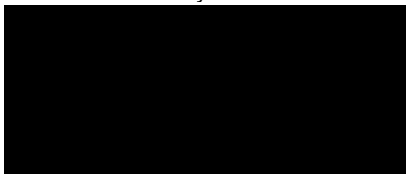


It is noted that the proposed zoning of W2 Recreational Waterway is better aligned to seek desirable outcomes than the current predominantly RU1 Primary Production or RU2 Rural Landscape zonings given its objective to protect ecological values of the waterways.

However, as the W2 zone only applies to the actual waterway, it is appropriate that Council gives due consideration to adjoining riparian lands when a waterway is being rezoned. Council should also consider the potential risks of water based recreational activities so as not to contribute to further degradation of riverbank stability, riparian values and function of these significant rivers. The W2 Recreational Waterway zone should be applied to appropriate sections of the Hunter and Paterson Rivers.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry: <https://water.dpie.nsw.gov.au/water-assist>

Yours sincerely



Licensing and Approvals

Department of Climate Change, Energy, the Environment and Water—Water

MINDARIBBA
LOCAL ABORIGINAL LAND COUNCIL

1A Chelmsford Drive, Merford NSW 2323 | PO Box 401, East Maitland NSW 2323
P: 02 4015 7000 | F: 02 4934 8544 | E: admin@mindaribbalalc.org

19th June 2024

Mr Jeff Smith
General Manager
263 High St Maitland
NSW 2320

Dear Jeff,

**RE: Planning Proposal (PP-2023-2474) to amend Maitland Local Environmental Plan 2011
for the implementation of Maitland Local Housing and Rural Land Strategies 2041
emailed letter dated 22nd May 2024**

Firstly, the Mindaribba Local Aboriginal Land Council (LALC) would like to thank Maitland City Council for the opportunity to make a submission on the above Planning Proposal. As a major stakeholder in the area, such consultation at an early stage is appreciated.

In regard to the Planning Proposal itself, as this appears as essentially a housekeeping Local Environmental Plan Amendment, Mindaribba LALC has broken the Planning Proposal into three groups: amendments that are neutral or do not impact on Mindaribba LALC, those that are supported by Mindaribba LALC, and those that present a better opportunity for meaningful consultation.

Neutral amendments are:

- Ancillary developments on rural zoned land
- Artisan food and drink premises in RU2 zones
- Increased cap on the number of bedrooms for bed and breakfast accommodation
- Removal of a mineral resources map layer
- Amendments to requirements for dual occupancy development in residential zones
- Secondary dwellings in the R5 zone being introduced as a permissible development type
- Servicing requirements for urban zoned land

No objections to any of these amendments are raised.

MINDARIBBA

LOCAL ABORIGINAL LAND COUNCIL

1A Chelmsford Drive, Melford NSW 2323 | PO Box 401, East Maitland NSW 2323
P: 02 4015 7000 | F: 02 4934 8544 | E: admin@mindaribbalalc.org

Mindaribba LALC would like to express support for the removal of Caravan Parks in the RU2 zone. This created medium density development by stealth on lands that often form an important part of the cultural landscape, where such development is inappropriate.

The final proposed amendment for the rezoning of the Hunter and Paterson Rivers from the RU1 Primary Production zone to the W2 Recreational Waterways zone presents an opportunity for Council to engage in meaningful consultation with Mindaribba LALC. These water corridors and the lands adjacent to them are of high cultural significance. There are potentially thousands of sites that have already been identified within these areas; some of these have been registered due to works undertaken by Mindaribba LALC in partnership with the Flood Mitigation Scheme under Andrew McIntyre. However, there are many areas that Aboriginal people have been denied access to since colonisation.

These corridors are of high cultural and environmental value within the Cultural Landscape of the Maitland LGA. These highly significant spaces are where further Aboriginal Cultural and Heritage Exploration **will be required**. It is noted that Council has a long-term aim of many of these corridors becoming shared pathways connecting key areas for Council and the broader community. The standard due diligence assessments undertaken by Council for these projects is an AHIMS search. However, this is deficient when there has been no access permitted to these areas: Aboriginal people must first be able to physically survey the land as part of a Aboriginal Cultural Heritage Assessment in order for places, sites and relics to be identified and added to AHIMS mapping.

As such, it is considered that the rezoning of these areas to the W2 zone is a positive step, **provided that** meaningful consultation is undertaken regarding those permissible land uses in this zone moving forwards. This is to ensure that grinding grooves and other significant, relics and places are protected in the future use and development of lands within waterway corridors.

If you require any further clarification on the above, please do not hesitate to contact me on the attached numbers.

Regards,

Mindaribba Local Aboriginal Land Council

Planning & Environment. [REDACTED]
Reference: PP-2023-2474
Phone: [REDACTED]



24/06/2024

Pathum Gunasekara
Strategic Planning Policy Lead
City Planning
263 High St
MAITLAND NSW 2320

Dear Mr Gunasekara

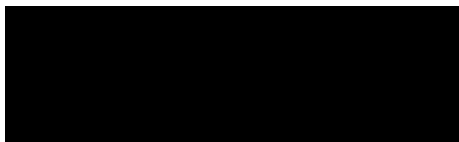
CONSULTATION ON PLANNING PROPOSAL (PP-2023-2474) TO AMEND MAITLAND LEP 2011 FOR MAITLAND LOCAL HOUSING AND RURAL LANDS STRATEGIES 2041

Thank you for notifying City of Newcastle (CN) as an adjoining Council to land affected by PP-2023-2474. CN does not raise any concerns and provides the following comments on the planning proposal mentioned above.

- 1. Proposed W2 Recreational Waterways Zone for Hunter and Paterson Rivers land:**
CN supports Maitland Council's proposed W2 waterways zone as it is consistent with our approach to land use and coordinated waterways management.
- 2. Amendment to Clause 4.1A - Exceptions to Minimum Lot Sizes in Zone R1:**
CN supports the proposal to improve the clarity of this clause relating to permissibility and development standards.

We welcome ongoing engagement and collaboration with Maitland City Council. Should you wish to discuss this matter further, or have any questions please contact me on [REDACTED]

Yours faithfully



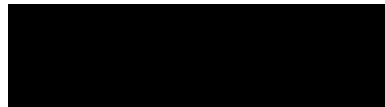
STRATEGIC PLANNING SECTION MANAGER

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Planning Proposal (PP-2023-2474) to amend Maitland LEP 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041
Date: Friday, 21 June 2024 4:54:53 PM
Attachments: [image001.png](#)
[Planning Proposal \(PP-2023-2474\) to amend Maitland LEP 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041.pdf](#)

Hi Pathum

Thank you for your email 15 May 2024 regarding the subject planning proposal. We have no objection to the planning proposal and note that the proposed W2 Recreational Waterway zone will create consistency between our LGAs.

Regards



p [REDACTED] | w portstephens.nsw.gov.au
f y in i





3 June 2024

Mr Pathum Gunasekara
Strategic Planning Policy Lead
PO BOX 220
MAITLAND NSW 2320

Contact: [REDACTED]
Our Ref: DOC2024/087119
Your Ref: RZ 23/002

Dear Mr Gunasekara

Planning Proposal (PP-2023-2474) to amend Maitland Local Environmental Plan 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041

Thank you for providing Council with the opportunity to comment on Planning Proposal PP-2023-2474.

Council has no objections regarding the proposal, however provides comments in relation to the following specific aspects for information purposes only.

1. Removal of "Caravan parks" from "permitted with consent" within the RU2 Rural Landscape zone.

For reasons similar to those outlined in the Planning Proposal, Council recently prohibited Caravan parks within the RU2 Rural Landscape zone as part of the rural lands review of Cessnock Local Environmental Plan 2011 (CLEP 2011).

Notwithstanding the above, Council is considering the appropriateness of Manufactured Home Estates (MHEs) or "lifestyle villages" in response to Action 5.7 of the Hunter Regional Plan 2041 (HRP 2041) as part of the residential theme review of CLEP 2011. If lifestyle villages are considered a use which should be facilitated, per the HRP 2041 Action, this may result in discrete areas permitting this use or the use made permissible based on satisfying locational criteria.

2. Introduce the W2 Recreational Waterways zone over the land containing Hunter and Paterson Rivers.

Generally, this proposal does not affect the Cessnock LGA, exclusive for a small portion of the Hunter River, north east of Greta (Figure 1). This area is zoned RU2 Rural Landscape under CLEP 2011.

t: 02 4993 4100 f: 02 4993 2500
p: PO Box 152 Cessnock NSW 2325
e: council@cessnock.nsw.gov.au w: www.cessnock.nsw.gov.au
ABN 60 919 148 928



Figure 1: Affected Area

The proposal would result in a split zoning of this feature across LGA boundaries. However, as a split zoning of the feature already exists (i.e. RU2 Rural Landscape and RU1 Primary Production), and the area affected is so minor in nature, it is considered that this will not present a material issue for the operation of CLEP 2011.

As part of current thematic reviews of CLEP 2011, Council may further consider adopting a similar approach to waterways within Cessnock LGA which would resolve this issue.

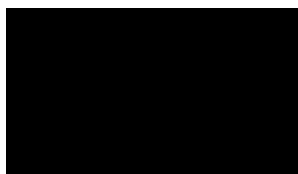
3. Introduce a new LEP clause for "Essential Services".

CLEP 2011 includes clause 7.14 Essential services which has a similar intent to that proposed by the Planning Proposal. However CLEP 2011 Cl. 7.14 only applies to the RU2 Rural Landscape zone.

A review of the application of this clause to other land use zones will be considered through the miscellaneous theme review of CLEP 2011.

If you require any further information, please contact me on [REDACTED] or email [REDACTED]

Yours faithfully



Senior Strategic Planner



Our Ref: 24/41978

25 June 2024

Pathum Gunasekara
Strategic Planning Policy Lead
Maitland City Council
263 High Street
Maitland NSW 2320

Email: [REDACTED]

**SINGLETON COUNCIL SUBMISSION –PLANNING PROPOSAL PP-2023-2724:
IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041**

Dear Pathum,

Singleton Council has reviewed the Planning Proposal (**PP-2023-2724**) Implementation of Maitland Local Housing and Rural Land Strategies 2041 and Gateway Determination from the NSW Department of Planning, Housing and Infrastructure.

The Planning Proposal and intended objectives or outcomes identified are supported by Singleton Council in principle. However, a review of the application has identified inaccuracies in the application explanations for **Item 1** and **Item 8** of the Planning Proposal in relation to the current permissibility of development under the Maitland Local Environmental Plan 2011.

Item No.	Amendment Applies to MLEP 2011	Singleton Council Comments
1	Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises'.	<p>The explanation provided in the Planning Proposal identified that 'Agritourism is now permitted with consent in all RU1 Primary Production and RU2 Rural Landscape zones'.</p> <p>A review of the permissible land uses the MLEP 2011 could not identify 'Agritourism' as being permitted with consent within RU2 Rural Landscape zones, meaning 'Agritourism' is currently prohibited from RU2 Rural Landscape zones according to the MLEP 2011.</p> <p>It is also noted that 'Farm stay accommodation' is already permitted with consent within RU2 Rural Landscape Zones.</p>

SINGLETON COUNCIL | Development and Environment
12-14 Queen Street Singleton 2330
P O Box 314 Singleton 2330

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E council@singleton.nsw.gov.au



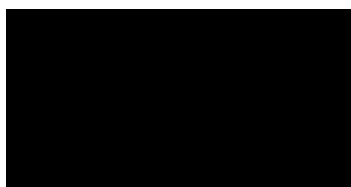
Item No.	Amendment Applies to MLEP 2011	Singleton Council Comments
8	Introduce 'Secondary dwellings' as a use 'permitted with consent' within R5 Large Lot Residential zone.	<p>Item 8 explanation identifies that 'Currently, 'Secondary dwellings' is a prohibited use in R5 zone'. This land use of 'Secondary dwellings' is not listed as prohibited within the current MLEP 2011 for R5 Large Lot Residential zone.</p> <p>As such, under the current MLEP 2011 for R5 Large Lot Residential this type of land use is permitted with consent as 'any other development not specified in item 2 or 4'.</p>

These minor errors identified have the potential to undermine the integrity of the Planning Proposal outcomes for items 1 and 8. As such, it is recommended that these errors be reviewed and amended in the Planning Proposal to ensure conditions of the Gateway Determination and implementation of an amended Maitland Local Environment Plan can occur successfully.

Regardless, Singleton Council does not object to the Planning Proposal. The above recommendation to review and amend the select items of the Planning Proposal has been provided to support the development of the amended Maitland Local Environmental Plan.

If you would like to discuss any part of our submission further, please contact our [REDACTED]

Sincerely,



Principal Planner



Dungog Shire Council
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ABN 62 610 350 056

[Redacted]
Dungog Shire Council
PO Box 95
Dungog NSW 2420
[Redacted]

21 June 2024

Pathum Gunasekara
Strategic Planning Policy Lead
Maitland City Council

Dear Panthum,

Subject: Planning Proposal PP-2023-2724

Thank you for providing the opportunity for Dungog Shire Council to review and comment on Planning Proposal -2023-2724 prior to public exhibition.

We have reviewed all nine items included within your proposal and have no concerns with any aspect of your proposal.

Dungog Shire Council is pleased to provide this letter of support for your Planning Proposal.

Yours sincerely,

[Redacted Signature]

Dungog Shire Council



Our Ref: MLO

23rd July 2024

General Manager
Maitland City Council
263 High Street
Maitland NSW 2320

ATTENTION: Pathum Gunasekara

Dear Pathum,

**RE: SUBMISSION TO PLANNING PROPOSAL: AMENDMENT TO CLAUSE 4.1A
MAITLAND LEP 2011**

We refer to Council's Planning Proposal to amend the Maitland LEP 2011 for the implementation of the Maitland Local Housing Strategy (**LHS**) and Rural Land Strategy 2041 (**RLS**), which was exhibited between 5 June 2024 and 18 July 2024. At the outset, we wish to thank Council for providing an extension until 23 July 2024 for this submission.

It is understood that the Planning Proposal covers several amendments to the LEP to implement the actions set out in the LHS and RHS. The focus of this submission, however, relates to the proposed amendments to Clause 4.1A, which provides exceptions to minimum lot sizes in the R1 zone.

In relation to Clause 4.1A, it is understood that the purpose of the amendment is to:

'...provide a better clarity and certainty on planning requirements for Clause 4.1A and will have a positive effect on Maitland's housing diversity and supply, with resulting positive economic and social benefits.'

Further to this, the Planning Proposal identifies that the proposed amendment has a strong focus on urban development and relates to the following priorities of the Maitland LSPS:

- Our people and places – Priority 1: Plan for diverse and affordable housing to meet the needs of our growing and changing community.
- Our people and places – Priority 2: Support a place-based planning approach to guide better planning and urban design outcomes for our centres and neighbourhoods.

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Whilst we acknowledge that the changes to Clause 4.1A are intended to provide clarity and certainty on planning requirements for development applications, there is an excellent opportunity for the Planning Proposal to have a more meaningful impact on housing diversity, choice and affordability in the Maitland LGA. It is our opinion that Clause 4.1A should be amended as part of this Planning Proposal to facilitate the release of vacant Small Lots in appropriate circumstances, as routinely achieved in many Sydney local government areas (**LGA**) and more locally in the Lake Macquarie LGA.

The current proposed amendment, as shown in **Figure 1**, does little to support the LHS and continues to apply unnecessary regulatory framework for the delivery of Small Lot Housing. Whilst the as exhibited controls continues to allow the release of Small Lot Housing, there is no opportunity for the release of vacant Small Lots un-associated with a specific dwelling approval.

Amend the MLEP Clause 4.1A <i>Exceptions to minimum lot sizes in Zone R1</i> to provide better clarity on permissibility and requirements for development proposals.	<p>Council has identified that a minor amendment is required to MLEP Clause 4.1A to provide better clarity on the statutory requirements under this clause. The current wording for this clause can be interpreted in numerous ways and lacks clarity on its application on some development proposals.</p> <p>There is also a need to achieve better consistency between this clause and subdivision design controls of the DCP.</p> <p>The current MLEP Clause 4.1A is proposed to be amended to the following effect:</p> <ul style="list-style-type: none"> • subclauses 4.1 (1) and (2) to remain as is. • Insert new wording under subclause (3) to clarify that Clause 4.1A applies to a 'single development application' that includes both developments listed under 4.1A (3) (a) and (b). • Subclause 4.1A (3) (a) to remain as is. • Remove reference to the "erection of" under subclause 4.1A (3) (b) and insert wording to clarify that 'each lot resulting from the subdivision shall contain a single dwelling in the form of an attached dwelling or semi-detached dwelling or a detached dwelling'. <p>Insert new subclause, i.e. 4.1A (4) to introduce a new requirement that the development shall be consistent with the relevant development control plan.</p>
--	--

Figure 1: Amendment to the Maitland LEP 2011, Version 3.0 Clause 4.1A.

Having regard to the wording in **Figure 1** above, we are of the opinion that Clause 4.1A should be further amended to include the following additional sub-clause:

- **(4) Despite clauses 4.1 and 4.1AA, development consent may be granted to development on land in Zone R1 General Residential that includes the subdivision of land into 3 or more lots if—**
 - (a) each lot has frontage to a road and is at least 300m² and not more than 450m², and**
 - (b) the consent authority is satisfied that a dwelling house or semi-detached dwelling could be appropriately located on each lot,**

This additional provision would enable the release of vacant Small Lots, but only in circumstances where the consent authority is satisfied that a dwelling house or semi-detached dwelling could be accommodated on each lot.



The suggested clause is an adaptation to Clause 4.1A of the Lake Macquarie LEP 2014, where vacant Small Lots have been successfully delivered for many years.

The adoption of the additional subclause is consistent with the key objectives of improving housing diversity and supply in the LHS, achieving the following outcomes:

- **Greater Housing Diversity and Choice**

Enabling homeowners to purchase vacant Small Lots allows them to build dwellings of their choice rather than being confined to predetermined design outcomes selected by a particular Developer or builder. This enhances the diversity and personalization of housing options. Through this additional subclause each street block is enabled to have a wider variety of lot widths at the subdivision stage to provide increased diversity in housing.

- **Greater Feasibility**

The requirement for a land developer to construct a minimum of two (2) dwellings (as currently required under clause 4.1A) at the same time as subdividing the land increases upfront development costs considerably, which in our experience is a significant deterrent to Developers delivering Small Lot Housing as part of their subdivisions. The uncoupling of the dwelling construction from the initial subdivision construction improves project feasibility considerably as it frees up cashflow, spreading out the development costs over time, essentially enabling the initial subdivision costs to be borne by the land developer and the dwelling construction costs borne at a later stage by the home builder.

- **Faster Delivery Timeframes**

The uncoupling of subdivision and dwelling construction can expedite delivery timeframes for Small Lot Housing, enabling a larger portion of lots to be created under one development application (rather than through the creation of Super Lots for further subdivision at a later stage) and subsequent approvals for dwellings being efficiently processed under individual Complying Development Certificates (CDC) or basic development applications. Removing and / or simplifying the steps in the process will lead to faster delivery of Small Lot Housing.

- **Housing Affordability**

Smaller lots tend to be more affordable, making homeownership accessible to a broader segment of the population. This is particularly crucial in the context of rising housing prices. Providing vacant Small Lots provides purchasers a more competitive market, as currently builders typically dominate this space. The provision of vacant Small Lots will allow purchasers to 'shop around' for a dwelling design after they have purchased their land, rather than being forced to purchase housing product from a single builder.

- **Positive Market Adoption**

Small Lots have a strong market demand in the Hunter region due to their affordability. Vacant small lots are delivered routinely in Lake Macquarie LGA, including the urban release areas of Watagan Park (Cooranbong) and Radcliffe (Wyee), both of which have shown successful uptake and community satisfaction.



- **Improved Infrastructure Planning**

Planning for infrastructure is more effective when Small Lots are created at the initial subdivision stage by the land developer, rather than as part of future dual occupancy or Small Lot housing developments by others. This allows for better coordination and provision of the necessary infrastructure upfront (such as utility and stormwater services, roads and open space), minimising the risk of overdemand created from subsequent ad hoc developments.

- **Improved Amenity and Streetscape**

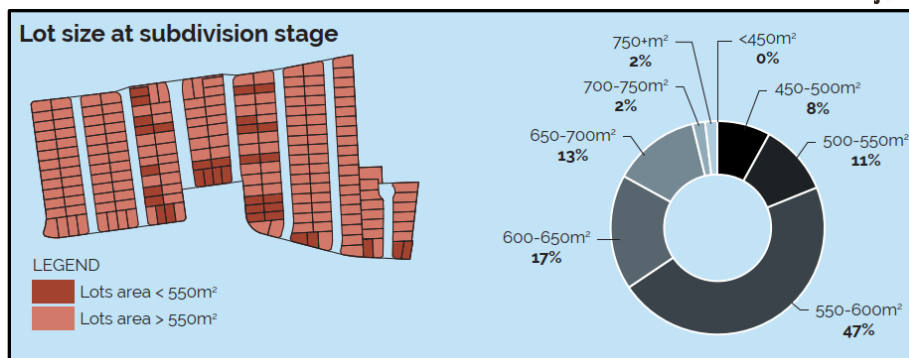
Releasing vacant Small Lots, particularly within larger or master-planned subdivisions, ensures a cohesive and well-organized streetscape. This approach minimizes the visual and functional discrepancies often seen with piecemeal, ad-hoc dual occupancy developments. In our experience, designing for small lots results in a greater street tree retention, as can be seen in the examples provided in **Figure 2** below. The image on the left represents a subdivision in the Lower Hunter where further subdivision has occurred for dual occupancies after the initial subdivision. The image on the right provides an example of a master-planned outcome, where vacant Small Lots were planned and delivered to the market, whereby individual purchasers constructed their own dwellings.



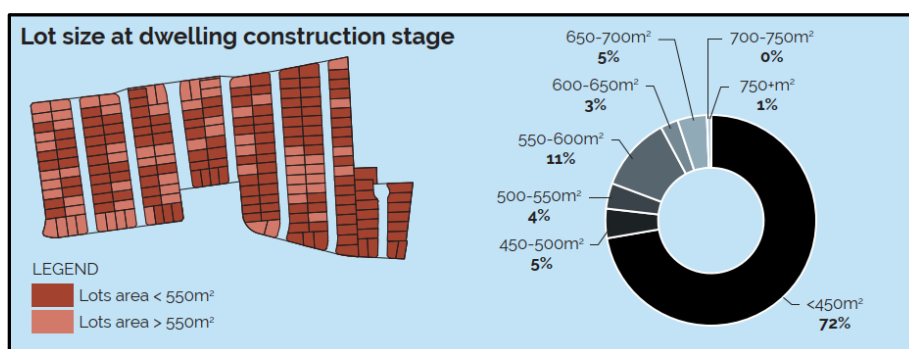
Figure 2: Streetscape and amenity outcomes. The image on the left demonstrates the current implementation of Clause 4.1A of MLEP 2011. The image on the right demonstrates a master planned outcome, whereby Small Lots were released as vacant land and 'developed' by individual landowners.

- **Farley Case Study**

As a practical example of the current implementation of Clause 4.1A of MLEP 2011, we provide the following analysis of the Farley URA. The residential component of the Farley URA is zoned entirely R1, with a blanket minimum lot size of 450m². Lot and dwelling typologies are enforced via LEP and DCP clauses. The below image and table show lot sizes at the initial subdivision stage within a sample area of the Farley URA. It can be seen that the majority of the lots within the site (77%) are between 550-700m², with 19% below 550m².



However, this structure changes dramatically when we look at the same area following the dwelling construction phase. As shown in the below image and table, once the lots are developed for housing, the lot typology essentially mirror reverses. That is, 81% of lots are below 550m² as a result of further subdivision whereas only 19% are above 550m².



Importantly, there are now 240 dwellings, representing an extra 120 dwellings than what was likely planned for as part of the original subdivision (assuming most lots would be developed for a single dwelling).

The Farley URA example highlights that there is a high demand within the market for lots less than 450m². If smaller lots are planned for and delivered at the initial subdivision stage, this would limit the demand for dual occupancy/strata opportunities utilising the larger sized lots, allowing for better planning of infrastructure, appropriate siting/provision of open space facilities and a higher level of confidence in the final urban outcome and character of the locality.



For the reasons outlined above, we urge Maitland City Council considers the inclusion of the suggested sub-clause within Clause 4.1A, that would enable the release of vacant Small Lots, consistent with the overarching objectives of boosting housing supply, diversity and choice for the community. Should you have any questions or require clarification on the above information, please do not hesitate to contact the undersigned.

Yours faithfully,



ADW JOHNSON PTY LTD

N:\600011(15)\Third Party\Authorities\Council\MCC PP MLEP2011 4.1A Submission Rev 2.docx



PO Box 1138
Hunters Hill, NSW 2110

Submission Reference: RZ 23/002

18 July 2024

Email: info@maitland.nsw.gov.au
Attention: General Manager - Jeff Smith

Dear Mr Smith,

As an applicant with a Development Application (DA) under assessment for a manufactured home estate at 34 Wyndella Road, Lochinvar that we have been working on for over 2 years, we were initially very concerned with the absence of a savings provision in planning proposal (PP-2023-2724) which would effectively prohibit our development application midway through its assessment by removing Caravan Parks as a permissible land use in the RU2 zone.

After raising this concern with Maitland City Council and DPHI, it is great to see that a savings provision has been added to the planning proposal to enable active DA's to be assessed under the planning controls at the time of lodgement. See relevant excerpt from the planning proposal below.

Excerpt from Page 10 of the Planning Proposal Version 3.0 May 2024

"The amendment proposes the inclusion of a savings provision within Clause 1.8a of the Maitland LEP 2011. This savings provision will identify that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced."

The process of finding and acquiring a site, putting together a detailed development application (with over 20 expert reports) and working with Council through the assessment process takes many years and a Savings Provision provides a crucial grace period for projects that are already under assessment. Therefore, we strongly support Council's decision to include a savings provision in this planning proposal (PP-2023-2724).

Savings Provision Wording

Conversations with Council and DPHI indicated that the wording for the Savings Provision will be taken from Section 1.8A (3) of the Tweed Local Environmental Plan 2014, included in italics below.

"(3) A development application made but not finally determined before the commencement of Tweed Local Environmental Plan 2014 (Amendment No 35) must be determined as if that Plan had not commenced."

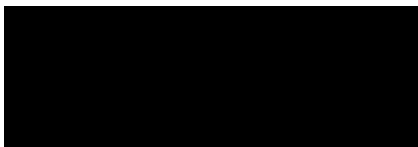
We support the proposed wording from Section 1.8A (3) of the Tweed LEP above as it will cover all development applications under assessment including Manufactured Home Estates.



We do not support limiting the wording in the Savings Provision to Caravan Parks only as it would not necessarily apply to Manufactured Home Estates which are technically a different land use to Caravan Parks, despite the fact that the State Environmental Planning Policy (Housing) 2021 provides an approval pathway through the Caravan Park Land Use.

Thank you for your ongoing assistance and please let us know if you require any further clarifications.

Kind regards,



Director
AEP Developments





17 July 2024

The General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

via email: info@maitland.nsw.gov.au

Dear Mr Smith,

Planning Proposal to amend *Maitland Local Environmental Plan 2011* for the implementation of Maitland Local Housing and Rural Land Strategies 2041

Reference No: RZ 23/002

I refer to the abovementioned matter and thank you for the opportunity to provide comment in respect of the Planning Proposal.

This submission is being lodged on behalf of Teakmill P/L and Everplan P/L who have a range of property interests within the LGA.

For the reasons outlined in this submission, it is requested that:

1. Point 5 of the Planning Proposal be deferred pending finalisation of the current review being undertaken by the DPHI (Planning) in respect of the planning and approvals processes/pathways associated with caravan parks, camping grounds, MHEs and moveable dwellings.
2. Following finalisation of the review being undertaken by the DPHI (Planning), Council investigates the suitability of permitting caravan parks within other land use zones.
3. Council acknowledges that MHEs are not only a form of medium density development; rather MHE's also comprise an important form of affordable housing that contribute to housing diversity within the LGA, consistent with Council's adopted strategies and policies.

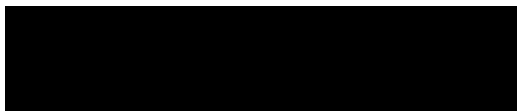
The following comments are in respect of Point 5 of the Planning Proposal, being:

Remove 'caravan parks' from 'permitted with consent' within RU2 Rural Landscape zone

The explanation of intended outcomes published in conjunction with the Planning Proposal confirms that *'the Council aims to prevent the development of new Manufactured Home Estates (MHEs) on rural zoned land through this item'*.

The mechanism to achieve such is by prohibiting caravan parks in the RU2 zone. If implemented, the outcome of this Planning Proposal will prohibit both MHE's and caravan parks in all zones except the RE1 Public Recreation, RE2 Private Recreation, and SP3 Tourist zones.

Accordingly, unless such uses are located on council/state government controlled RE1 zoned land (which is frequently subject to constraints including competing land uses, adopted plans of management





and other site impediments such as flooding) or within RE2 zoned land (which is commonly not of a size to accommodate the scale required for a sustainable size caravan park), the LGA will not incorporate any additional MHE's or caravan parks in the future.

The justification provided on pages 6-8 of the explanation of intended outcomes published in conjunction with the Planning Proposal states that *'caravan parks on rural zoned land are typically located in close proximity to tourist destinations or areas that offer significant environmental amenity or recreational opportunity, i.e. coastal areas, riverine environments, forest reserves. Maitland LGA offers limited opportunities for such developments. This is evident from the absence of any caravan parks that had either been approved or proposals being made for on rural zoned land. Since MLEP 2011 came into force, Council granted consent to only one caravan park development which is located on a RE1 Public Recreation zoned land. In 2016, Council received one application for a caravan park development on RU2 zoned land which was subsequently withdrawn by the applicant due to the site being unsuitable for the proposal'*.

Whilst it is acknowledged that opportunities for the establishment of caravan parks on rural zoned land may be limited, this is considered less restrictive than the alternative, i.e., the complete prohibition of caravan parks in all rural zones.

In terms of MHE's, not only are they defined as a form of medium density housing as referenced throughout the Planning Proposal documentation; but in other state and local government literature, they are referenced as an important form of affordable housing. It is considered that the key issue to be resolved relates more relevantly to location criteria rather than prohibition/s.

Accordingly, objection is raised to the Planning Proposal on the basis of the following:

1. *Current review being undertaken by the DPHI (Planning), on the basis of which, the Planning Proposal is premature and pre-empts a more comprehensive review.*

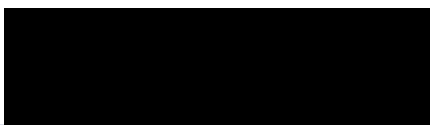
The DPHI (Planning) is currently undertaking a comprehensive review in respect of the planning and approvals processes/pathways associated with caravan parks, camping grounds, MHEs and moveable dwellings.

Phase 1 of the review included updated standards for flooding and fire safety, as well as structural changes to the layout of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. Phase 1 has been exhibited, and the Department is currently considering all feedback received.

Phase 2 of the review will deal with broader issues of definitions and permissibility, and the DPHI anticipates exhibition of a discussion paper for Phase 2 to occur in 2024.

It is noted that the explanation of intended outcomes published in conjunction with the Planning Proposal does not reference the review being undertaken by the DPHI.

On the basis of the above and confirmation from the DPHI that Phase 2 will address the broader issues of definitions and permissibility/pathways in respect of caravan parks, camping grounds, MHEs and moveable dwellings, it is considered that the Planning Proposal to make caravan parks a prohibited land use in the RU2 zone, is premature. Rather than progress the Planning Proposal at this point in time, it would be more appropriate to await the outcomes in respect of Phase 2 of the review.





2. State Environmental Planning Policy (Housing) 2021

Pursuant to Part 8 of the *State Environmental Planning Policy (Housing) 2021*, MHEs are permitted on any land on which development for the purposes of a caravan park may be carried out, except for certain locations as outlined within cl122(a), (b) and (c).

Relevantly, cl122(a) prohibits MHE's on *'land within one or more of the categories described in Schedule 6'*.

Schedule 6 (Categories of excluded land), subclause 6, confirms that MHE's cannot be established on:

6 *Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description –*

- *open space, other than open space (private recreation)*
- *environmental protection*
- *scenic protection*
- *rural (where the land is not adjacent to or adjoining land zoned for urban use).*

Consistent with the above, MHEs are not permitted on rural land, unless the rural land is adjacent to, or adjoining land zoned for urban use.

As outlined previously, the explanation of intended outcomes published in conjunction with the Planning Proposal confirms that the purpose of the amendment is to prohibit MHEs on rural zoned land. Pursuant to the SEPP (Housing) 2021, MHEs are already prohibited on rural land, unless the rural land is adjacent to, or adjoining land zoned for urban use.

The approach contained within the SEPP (Housing) 2021 is considered reasonable in that the infrastructure required to support MHEs would either exist or be capable of being extended to provide the required services to MHEs on rural land that is adjacent to or adjoins urban zoned land.

Furthermore, the establishment of MHEs on land that meet this requirement would generally be considered more suitable as land use conflict would be reduced in these circumstances, and valuable rural land within the LGA would not be impacted.

The explanation of intended outcomes published in conjunction with the Planning Proposal states that *'MHEs are an inappropriate form of housing on rural zoned land, causing fragmentation of rural land, land use conflicts with agricultural activities on adjoining lands, and interrupting with the scenic landscape and character of rural lands'*. This statement is considered misleading in that it seems to imply that MHEs are permitted on all rural zoned land, whereas the SEPP (Housing) 2021 is clear in that MHEs are only permitted on rural land that is adjacent to or adjoins urban zoned land.

In summary, it is considered unnecessary to prohibit 'caravan parks' in the RU2 zone, if the only purpose of the amendment is to prohibit MHEs in rural locations. As an alternative, Council could seek advice in respect of a legal mechanism to permit caravan parks within the RU2 zone without also permitting MHEs. For example, it could be requested that an additional item be added to Schedule 6 of the SEPP (Housing) 2021, and that the Maitland LGA be specified within that item.





3. *Maitland Local Housing Strategy 2041*

In part, the Maitland Local Housing Strategy 2041 states as follows:

MHE are currently permissible in a wide range of zones across the city including RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation and SP3 Tourist zones.

Traditionally, caravan parks have provided an important source of affordable tourist accommodation. They have been developed in places that are appropriate for tourist purposes and which may not ideal locations for other types of housing.

Removing caravan parks as a permitted use from the RU2 zone would result in caravan parks (and MHEs) only being permitted within the RE1, RE2 and SP3 zones. It is factually incorrect to state that these zones would comprise a 'wide range of zones', considering that a very small and specific part of the LGA is zoned SP3, thereby realistically limiting caravan parks to only the RE1 and RE2 zones.

Caravan parks represent a form of affordable housing and their establishment within the LGA encourages housing diversity. Limiting the establishment of caravan parks to only three (3) zones within the LGA will subsequently restrict the establishment of a form of development that provides low-cost housing.

4. *Consistency with other LGA's in the Hunter Region*

The explanation of intended outcomes published in conjunction with the Planning Proposal outlines:

It is noted that this approach has been implemented in Port Stephens LEP, Cessnock LEP, Lake Macquarie LEP, and Singleton LEP that the proposed amendment will enable MLEP to achieve consistency with the adjoining LEP's for the adjoining LGA's.

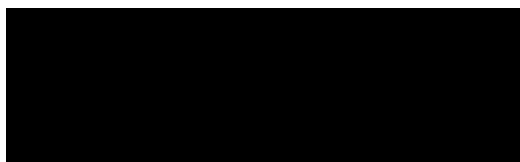
It is considered that this statement is partly misleading.

Whilst it is acknowledged that the Councils noted above have prohibited caravan parks within the RU2 zone, the *Cessnock Local Environmental Plan 2011* for example permits caravan parks within the R5 Large Lot Residential zone. Therefore, other opportunities to facilitate the establishment of caravan parks are provided within the Cessnock LGA in appropriately zoned locations.

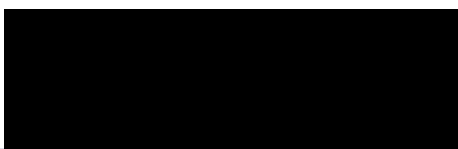
Conversely, the current Planning Proposal removes caravan parks from the RU2 zone and does not propose to permit them in any additional zones; therefore, caravan parks will only be permitted in the SP3 (limited applicability), RE1 and RE2 zones. As outlined above, this approach is considered restrictive and inappropriate, particularly considering the current housing crisis and the immediate demand for alternative forms of residential accommodation.

I look forward to the issues raised in this submission being taken into consideration.

Regards,



Principal Town Planner





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Level 1, 44 Church Street
Maitland NSW 2320
ABN: 35 078 017 508
T (02) 4933 6682
W hdb.com.au

16 July 2024

The General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

Attention: General Manager

By email: info@maitland.nsw.gov.au

Subject: Submission in response to advertising of Planning Proposal (RZ 23/002) Amendment to Maitland LEP 2011 Version 3, In respect to clause 4

Dear General Manager,

In response to Council's advertisement of the above amendment, I would like to lodge the following submission requesting Council to consider amending, as part of its current review, clause 4 of the Maitland LEP.

Part 4 relates to principal development standards and in particular minimum lot sizes. It is considered that part 4 within the Maitland LEP is overly restrictive in regard to rural land and does not reflect broader provisions of this clause as adopted in surrounding local government LEP's.

We have run into difficulty with this clause on a number of occasions. Its operation is restrictive and does not provide enough flexibility for Council to consider applications in line with the objectives of the zone. For instance there is no mechanism to support boundary adjustments and while Council refers us to the exempt and complying provisions of the SEPP, these are also constrained.

Further it does not provide for subdivision of rural land for a permissible use within that zone, other than in line with the minimum lot standard. This requires that uses that do not require 40 ha to operate are located on 40 ha Lots where the majority of the site is quarantined from any viable agricultural use.

This leads to significant loss of agricultural land and does not reflect the objectives of the zone nor those of the Environmental Planning and Assessment Act in promoting the efficient and economic use of land.

The Port Stephens local environmental plan has the following clause





Clause 4.1 E

(3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resulting lots do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—

(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and

(b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision, and

(c) the potential for land use conflict will not be increased as a result of the subdivision, and

(d) in relation to land in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and

(e) in relation to land in Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living—the subdivision will result in the continued protection and long-term maintenance of the land.

(4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—

(a) the existing uses and approved uses of other land in the vicinity of the subdivision,

(b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,

(c) whether the subdivision is likely to be incompatible with a land use on any adjoining land.

And also the following clause

clause 4.2 a

(3) Land in a zone to which this clause applies may, with development consent, be subdivided to create a lot size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same as that permitted under an existing development consent applying to the land (other than for the purpose of residential accommodation or tourist and visitor accommodation).

In the Singleton LEP the following clause applies

4.1B Exceptions to minimum lot sizes for certain rural subdivisions

(1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of permissible uses other than for the purpose of dwelling houses, dual occupancies or tourist and visitor accommodation.

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

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU4 Primary Production Small Lots.





(3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, where the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house, a dual occupancy or tourist and visitor accommodation).

(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—

(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and

(b) the subdivision is necessary for the ongoing operation of the permissible use, and

(c) the subdivision will not cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and

(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land

within Cessnock City Council clause 4.2C states.

4.2C Boundary adjustments in certain rural and conservation zones

(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.

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

(a) Zone RU2 Rural Landscape,

(b) Zone RU4 Primary Production Small Lots,

(c) Zone C2 Environmental Conservation,

(d) Zone C3 Environmental Management.

(3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more of the lots created do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—

(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and

(b) the number of lots with an area that is less than the minimum size shown on the Lot Size Map in relation to that land after the subdivision will remain the same as or will be fewer than immediately before the subdivision, and

(c) the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision, and

(d) the potential for land use conflict will not be increased as a result of the subdivision, and

(e) if the land is in Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots—the agricultural viability of the land will not be adversely affected as a result of the subdivision, and

(f) if the land is in Zone C2 Environmental Conservation or Zone C3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and

(g) the boundary adjustment is consistent with the objectives of the relevant zone.





(4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following—

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
- (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the subdivision is likely to be incompatible with a land use on any adjoining land,
- (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
- (e) whether or not the subdivision is likely to have a significant adverse impact on the environmental values of the land.

(5) This clause does not apply—

- (a) in relation to a subdivision of individual lots in a strata plan or community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

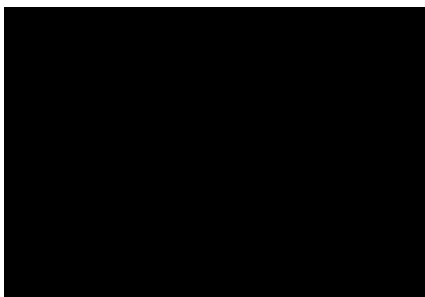
Clause 4.1 within the Singleton, Cessnock and Port Stephens LEP's provide flexibility for Council to consider applications on their merits in respect to boundary adjustments and subdivisions within the rural zones for permissible uses.

Maitland's LEP does not have these provisions and as outlined above it is creating issues with obtaining the most appropriate outcome for development that is permissible within these zones.

Council is respectfully requested to consider Providing more flexibility in Clause 4.1 to allow subdivision of land within rural zones for permissible uses, less then the minimum lot size shown on the appropriate plan.

Yours sincerely

HDB Town Planning & Design



Director



SLR Consulting Australia
10 Kings Road, New Lambton NSW 2305, Australia



18 July 2024

Attention: Chief Executive Officer
Maitland City Council
PO Box 220
Maitland NSW 2320

SLR Project No.: 630.031550.00001

RE: Submission to PP-2023-2724

1.0 Introduction

This submission has been prepared by SLR Consulting Pty Ltd (SLR) on behalf of our client Mavid Development Pty Ltd (Mavid) objecting to Planning Proposal (PP-2023-2724) currently being exhibited by Maitland City Council (Council).

The intent of the PP-2023-2724 is to amend the Maitland Local Environmental Plan 2011 (MLEP 2011) to implement some of the recommended actions contained within the Rural Land Strategy (RLS) and Local Housing Strategy (LHS) adopted by Council in June 2023. Specifically, PP- 2023-2724 intends to:

- Introduce new MLEP 2011 clauses for 'Farm stay accommodation' and 'Farm gate premises';
- Introduce 'Artisan food and drink industry' in the RU2 zone;
- Increase the number of bedrooms allowed for Bed and Breakfast (B&B);
- Remove Clause 7.5;
- Remove 'Caravan parks' as a permissible land use in the RU2 zone;
- Introduce the W2 zone;
- Amend the Clause 4.1A;
- Introduce 'Secondary dwellings' in the R5 zone;
- Introduce a new clause for 'Essential Services'.

This submission objects specifically to the intention to remove 'caravan parks' as a permissible land use within the RU2 Rural Landscape zone. One of the unfortunate consequences of this change aside from removing the opportunity for the provision of caravan park facilities within this zone would be to remove the ability for 'manufactured home estates' (MHE) to be developed within the RU2 zone in a Local Government Area (LGA) that is already documented to be underrepresented by caravan parks and similar affordable housing options.

2.0 Background

2.1 Permissibility Criteria

State Environmental Planning Policy (Housing) 2021 includes provisions that permit with development consent a MHE on land where caravan parks are permitted. There are specific exceptions to this, namely a manufactured home estate may not be developed on land:

- Within one or more of the categories described in Schedule 6; or
- Dedicated or reserved under the *National Parks and Wildlife Act 1974*; or
- Within a Crown reserve.

Schedule 6 of the Housing SEPP specifically excludes land with significant ecological values, hazards, or constraints posed by recognised infrastructure or industry. These safeguards are in place to actively limit the development of MHE to suitable locations.

The MLEP 2011 currently lists “caravan park” as a permitted land use in the following zones:

- RU2 Rural Landscape
- SP3 Tourist
- RE1 Public Recreation
- RE2 Private Recreation

Caravan parks, and by virtue MHE, are prohibited in all other zones within the Maitland LGA. Despite the above LEP permissibility criteria MHE are also excluded from development within the RE1 zone under the excluded land provisions of the Housing SEPP.

2.2 Reforms

The NSW State Government is currently working on reforms to the NSW planning framework surrounding caravan parks, camping grounds, manufactured home estates and movable dwellings that aim to simplify and streamline the planning and approval process. Phase 1 of the reforms are currently under review following the consultation period.

Specifically, Clause 152 *Development for the purposes of manufactured home estates* of SEPP (Housing) is proposed to be updated to specifically allow for MHE to be developed on rural land where it meets the listed criteria:

(1) Development for the purposes of manufactured home estates is permitted with development consent on land—

(a) on which development for the purposes of caravan parks is permitted with development consent, or

(b) in a rural zone, if the land adjoins land zoned for residential, employment, mixed use, business or industrial uses.

(2) This part does not require separate development consent for the installation of each manufactured home in a manufactured home estate

The proposed amendment to the permissibility criteria contained within the Housing SEPP recognises the beneficial contribution that rural lands in proximity to urban areas play in supporting housing supply, affordability and diversity.

3.0 Strategic Plans

Housing priorities in NSW are managed under a three-tier strategic framework. At a State Government level the overriding principles for housing are outlined in Housing 2041: NSW Housing Strategy. This is supported at a Regional level by the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036. These documents set the strategic priorities for development over the next 10-20 years.

At a Local Government Level, Council has implemented a number of strategic policies to provide further structure and priorities for Maitland local government area (LGA). These include Maitland Strategic Planning Statement 2040+, Maitland Local Housing Strategy 2041



and Maitland Rural Land Strategy 2041. These policies do not make reference to the valuable role that MHE have in meeting the State government supply targets.

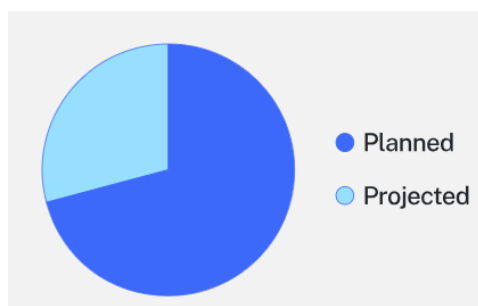
3.1 Hunter Regional Plan 2041

The Hunter Regional Plan (HRP) 2041 provides the strategic vision and direction for land use planning in the Hunter Region. Under the HRP the Hunter's population is projected to increase to 949,850 people by 2041 requiring an additional 101,800 dwellings to be constructed. The Maitland LGA is forecast to be the largest contributor to housing supply requiring 25,200 new dwellings by 2041.

A key concept of the HRP is the 15-minute neighbourhood which allows most of a person's needs to be met within a 15-minute walk, bike or drive for people in rural areas. The Maitland LGA includes a rural – urban interface of approximately 200km which means there are additional opportunities to provide housing on the urban fringe that is in close proximity to existing townships and services consistent with the 15-minute neighborhood.

The Department of Planning, Housing and Infrastructure (DPHI) has recently released updated five year housing targets. These targets are seen as critical to address the housing crisis and to meet the future needs of the community. The targets help address the housing shortage and prioritise more diverse and well-located homes in areas with existing infrastructure capacity – such as transport, open spaces, schools, hospitals and community facilities.

Under the revised housing targets a minimum of 5,300 new homes will need to be completed by 2029. The NSW government has tracked planned growth and projected growth which indicates that around two-thirds of the new housing can be accommodated under “planned growth” which accounts for the number of homes already in the pipeline for delivery which have existing approvals or where rezonings have already occurred. The “projected growth” accounts for the expected delivery of homes which can occur in the next 5 years based on the NSW Government's planning reforms. These planning reforms include the changes outlined to the Housing SEPP so that MHEs can play an important role in accommodating this projected growth.



3.2 Maitland Local Housing Strategy 2041

The Maitland Local Housing Strategy 2041 (LHS) recognises the importance of providing housing for the aging population. The number of residents aged 65 and over within the Maitland LGA is estimated to increase from 13,500 in 2021 to 28,300 by 2041, which is a change of 14,800 or a 110% increase (DPE 2022). The ageing population has different housing preferences to families with children and will increase the demand for smaller dwelling types over time.



The Maitland LGA currently lacks housing diversity with approximately 85% of dwellings being low density, stand alone homes with 3 or more bedrooms. This indicates limited housing choice for lone or two-person households which account for 49% of households across the LGA.

The LHS acknowledges that the provision of a range of housing options will assist in attracting a more diverse population, provide housing choice to meet the needs of residents at different stages of life and allow them to remain in the same community when their life circumstance change over time.

Seven key planning principles have been developed within the LHS to guide future housing development. These include:

1. Supply – provide the right type of housing in the right locations to suit a growing and changing population.
2. Diversity – provide greater housing choice by encouraging a range of different housing types, sizes and tenures in appropriate locations.
3. Density – encourage infill housing and increased densities in different neighbourhood contexts to facilitate a greater mix of housing types and 15-minute neighbourhoods.
4. Design – achieve high quality urban design and better planning outcomes from all forms of residential development.
5. Affordability – increase the supply of affordable housing in Maitland through public and private development.
6. Resilience – promote resilient and environmentally sustainable outcomes through appropriately located and designed housing development.
7. Infrastructure – plan and coordinate the timely delivery of infrastructure required to enable greenfield release areas to be developed as required, and make efficient use of existing infrastructure in established urban area for infill housing.

The development of MHEs directly responds to these priorities and the potential removal of permissibility within rural zones will significantly impact the ability to provide a range of diverse and affordable housing options to suit older residents and others. These areas are often close to local services and amenities and allow residents to remain within their local community as they age and seek alternative housing options.

MHE provide an affordable alternative for seniors to own their home or pay minimal rent. The MHE model creates a sense of ownership and community which is particularly important for the aging population.

3.3 Maitland Rural Land Strategy 2041

The Rural Land Strategy (RLS) 2021 was adopted by Council in June 2023 with the intent to provide a framework and clear direction for planning and managing rural and environmental land in the Maitland LGA over the next 20 years.

Under the RLS Council has adopted a strategic direction to exclude caravan parks (and therefore manufactured home estates) from the RU2 Rural landscape zone. The intent of this direction is to guide and manage rural housing locations and types to minimise land use conflict and avoid further fragmentation of rural land.

The RLS includes statistics on the use of rural land within the LGA citing that “*within the Maitland LGA only 26% of land zoned either rural or environmental was primarily used for agricultural production in 2021*” (RLS, 2023)



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The undertaking to protect areas of high ecological and agricultural value from urban expansion is acknowledged and is broadly supported, however the proposed blanket approach excluding caravan parks and MHE from all RU2 zoned land does not adequately acknowledge the role that the peri-urban area has in delivering diverse and affordable housing options in close proximity to existing townships and services. Both caravan parks and MHE are underrepresented in the Maitland LGA and have the potential to be a significant contributor to affordable housing choices.

As per the RLS, Maitland's current urban zoned land has a large interface with its rural and environmental land. There is approximately 200km where urban zones directly border an environmental or rural zone in the Maitland LGA. It is acknowledged that some of this land holds value for ecological or agricultural purposes and should be protected from urban expansion, however there is also significant areas of land on the urban fringe that do not currently hold any significant environmental or agricultural value and should not be captured under a blanket exclusion. There are many areas on the urban fringe where MHE could be developed in a manner that is compatible with surrounding land uses.

Housing supply and affordability issues are acute across Australia and in particular NSW. Including a prohibition on RU2 zoned land would stymie the immediate development of a variety of lower-cost housing in suitable locations in the Maitland LGA.

4.0 Impacts of the Proposed Prohibition

4.1 Housing Diversity and Choice

MHEs are emerging as an attractive residential housing product which are becoming increasingly popular with older Australians. Often marketed as lifestyle villages, MHEs provide an affordable alternative to traditional housing stock within a village environment hosting on-site recreational and social opportunities tailored to suit the needs of residents. MHEs offer smaller dwellings with minimal maintenance requirements and are often located in desirable locations with natural amenity which encourage older Australians to relocate or downsize freeing up traditional housing stock for families. The MHE product, particularly using the land lease model, provides the choice required by older Australians to traditional retirement villages and provides an alternative financial model free of exit fees and associated costs.

In the last 15 years there has been a significant increase in the conversion of existing caravan parks to MHEs as well as greenfield sites being developed to meet the demand for this dwelling typology. The MHE industry faces several barriers to development, primarily permissibility constraints, as well as securing sites of sufficient size and in suitable locations.

The Housing SEPP recognises the important role that MHE have in contributing to the provision of diverse and affordable housing throughout NSW, both within existing urban areas and on the peri-urban fringe. As discussed above, reforms to the MHE provisions within the Housing SEPP are currently underway. These reforms will reinforce the State Government position that this form of housing is suitable on the urban fringe subject to meeting the additional locational and servicing criteria. The proposal to include a blanket prohibition on caravan park and MHE development in the rural zones under the MLEP 2011 is directly contradictory to the State Governments current policy position and will severely limit the ability for this housing typology to be developed within the Maitland LGA, noting the limited permissibility and available land across the Maitland LGA.

If implemented, the prohibition on caravan parks (and MHEs) in the RU2 zone will render the provision of this housing typology to being permitted with development consent only within the SP3 Tourist and RE2 Private Recreation zones. These zones are not appropriate for residential development as they are either designated for tourist and visitor accommodation



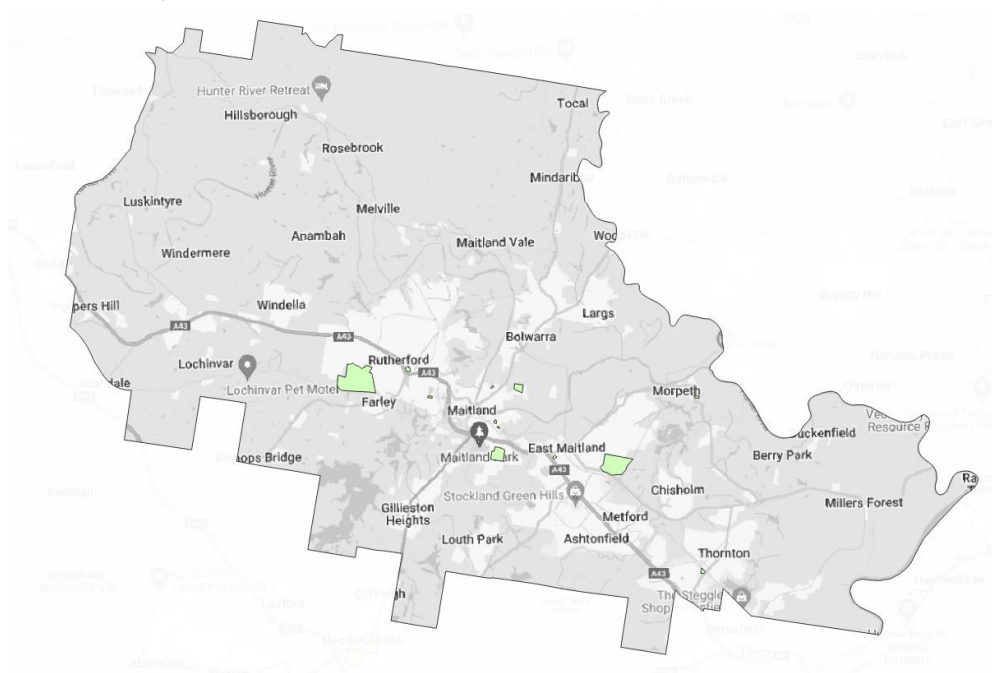
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which a MHE does not provide or would eat into valuable recreational land such as golf courses which service the wider population.

Should the blanket prohibition proceed as proposed the land available for development of these affordable and sought after housing types would be severely limited within the Maitland LGA as depicted in the figure below. The areas shown in green indicate the land that would meet the LEP and Housing SEPP permissibility criteria following implementation of the amendments. This does not factor in site specific constraints and existing land uses which are likely to further limit the land available for caravan parks and MHE.



4.2 Housing Affordability

The availability of affordable housing options tailored to seniors is crucial, as many retirees face significant financial constraints. Addressing these housing needs requires collaboration between government, developers and community organisations to create diverse housing solutions that ensure seniors can live independently and comfortably as they age. In addition to housing diversity, MHEs often provide a more affordable alternative to traditional housing typologies whilst maintaining high levels of amenity for residents. MHEs are operated under a land lease arrangement where residents own their dwelling but lease the land. Residents in these village are often able to access Commonwealth Government rent assistance to offset the ongoing costs of the lease making a MHE a cost effective alternative for older Australians to a retirement village which charge exit fees and are becoming increasingly undesirable.

MHE estate providers often face difficulty in acquiring sites to develop in appropriate locations that are of a suitable size. Allowing development within the rural – urban interface provides opportunities for more affordable land in accessible locations which contribute to the affordability of the final housing product.

As older Australians downsize from the family home, housing stock is freed up for young families to enter the housing market. Severely reducing the ability to provide MHEs within



the Maitland LGA is likely to impact housing affordability, particularly for the older demographic but also for the younger demographic who are looking to enter the housing market.

5.0 Savings Provisions

Several proposed MHEs located on RU2 zoned land are currently under assessment by Council. The initial Planning Proposal did not include any savings provisions to safeguard the considerable time and financial outlay incurred to progress these development applications to lodgement. It is noted that the Gateway Determination was modified on 3 June 2024 and included a new condition in relation to the implementation of savings provisions as follows:

“6. Prior to agency and community consultation, the planning proposal is to be updated to include a savings provision to ensure that any development application for a caravan park not determined before the commencement of the LEP would be determined as if the plan had yet to commence.”

MHE's are regulated by the Residential (Land Lease) Communities Act 2013 and therefore constitute a residential housing option, not a caravan park. The wording of the above provisions is fundamentally flawed and does not meet the intent of protection for the existing development applications which are yet to be determined for MHEs. The specific reference to “any development application of a **caravan park**” will not appropriately safeguard permissibility of the MHEs currently under assessment should the LEP changes be gazetted prior to determination. It is imperative that should the PP proceed the savings provisions are appropriately worded to ensure that permissibility is maintained for MHEs and procedural fairness is achieved.

6.0 Conclusion

MHEs are emerging as an attractive residential housing product and as a result they are becoming increasingly popular with older Australians. MHEs often provide a more affordable alternative to traditional housing typologies through the land lease model and include high levels of amenity as they provide high quality on-site recreational facilities and promote social interaction between residents.

MHE providers often face difficulty in acquiring sites to develop in appropriate locations that are of a suitable size. Allowing this form of development within the rural – urban interface provides opportunities for more affordable land and housing in locations close to existing local services which contribute to the affordability of the housing product.

Under the revised housing targets issued by the DPHI in order to align with the National Housing Accord, 5,300 new homes are to be completed by 2029 in the Maitland LGA to address the housing shortage. MHEs have the capability to contribute significantly to meeting this target, however the alteration proposed to the permissibility of caravan parks and MHEs will severely limit the land available for this housing typology across the Maitland LGA.

The proposal to prohibit caravan parks, and therefore MHEs, from the RU2 zone is a direct contradiction to the NSW Government's planning reforms relating to MHEs. The proposed Phase 1 changes to the Housing SEPP aim to include specific wording to make the development of a MHE permissible on rural land that adjoins land for residential, employment, mixed use, business or industrial uses. Sufficient safeguards are built into the Housing SEPP, as well as supporting legislation, to protect land with significant ecological value or subject to constraints and hazards and limit MHEs to suitable locations. A blanket prohibition does not facilitate good planning outcomes and prevents suitable sites being



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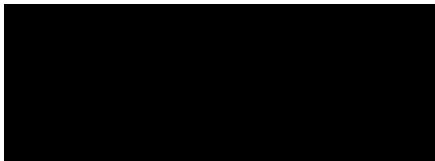
properly assessed on their merits and determined through a development application process.

Not only would such a strategy destroy the opportunity to develop new well considered MHE development in the Maitland LGA, which is a well documented strategy to help address the current housing choice and affordability crisis State wide, it would also severely limit the opportunity for both permanent and tourist accommodation within the region, despite an already well recognised short fall in that style of accommodation.

As a result of the above, we voice our strong opposition to this aspect of the changes proposed by PP- 2023- 2724. Should it proceed it is imperative that appropriately worded savings provisions are incorporated within any MLEP 2011 amendment to safeguard the existing development applications for MHE currently under assessment.

Regards,

Select SLR entity.



Associate Consultant - Planning



People and Performance

COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT

Draft Communication and Engagement Strategy 2024-2028 (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 18



2024–2028

Communication and Engagement Strategy

Incorporating Community Participation Plan

maitland
CITY COUNCIL



Contents

Acknowledgement of Country

We acknowledge the Wonnarua People as the Traditional Owners and Custodians of the land within the Maitland Local Government Area. Council pays respect to all Aboriginal Elders, past, present and future with a spiritual connection to these lands.

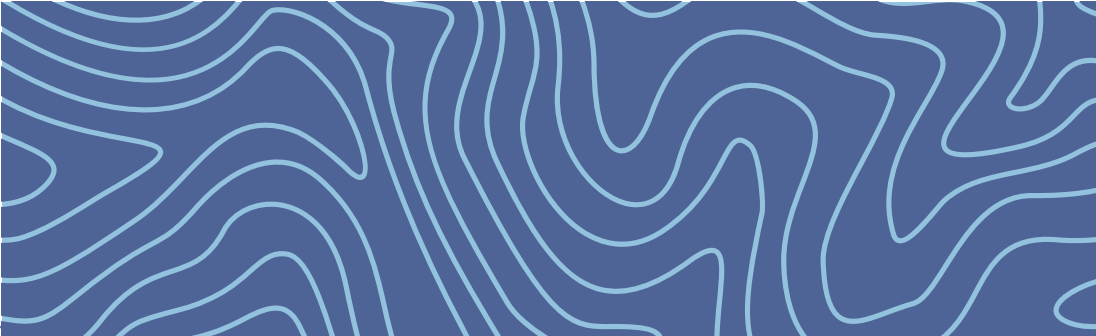
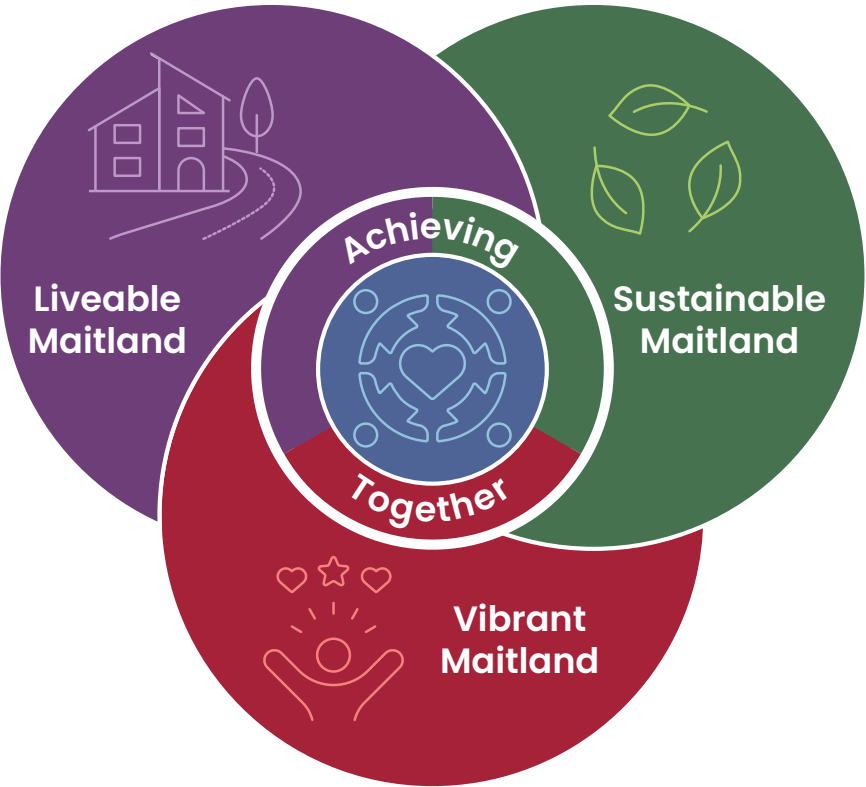
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Our vision

A connected city with thriving communities.

Our shared vision for Maitland is built upon four key focus areas: Liveable Maitland, Sustainable Maitland, Vibrant Maitland, and Achieving Together. These pillars form the foundation of our **Maitland Future** vision and represent our Strategic Framework, guiding us toward a thriving, connected city.

Each pillar reflects a distinct focus area essential to creating a community where everyone can live, work, enjoy, and succeed. They are supported by informing strategies that provide clear direction, ensuring every decision aligns with our shared goals. This framework is our roadmap for the future, connecting vision to action and delivering outcomes that matter to our community.





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Mayor Philip Penfold



General Manager Jeff Smith

A message from our Mayor and General Manager

We are proud to present Council's new Communication and Engagement Strategy, a vital tool for shaping the future of our city together with you, our community. We are deeply committed to ensuring that everyone connected with Maitland has a voice and feels included in the decisions that impact their lives.

Your feedback has guided the development of this Strategy. Through extensive community consultation, we've heard your concerns and ideas for better informing, involving, and engaging with you. You've told us that while we've made progress, there's still more to do to build trust, enhance transparency, and ensure information is easy to access. We've listened and are committed to making communication and engagement even more meaningful and effective.

We are committed to ensuring no voice goes unheard in our rapidly growing and evolving community. Through digital platforms and face to face conversations, we're creating more inclusive opportunities for everyone to participate in the decisions that shape our city. Through quick online surveys or pop up stalls at local events and other methods, we're making it easier for you to get involved and play a part in Maitland's future.

We are also mindful of the challenges ahead, from maintaining trust to managing the demands of a fast paced digital world. This Strategy is our blueprint for addressing these challenges head on. It outlines our commitment to continuously improve and deliver quality and honest communications and engagement for you.

Together, we can build a city that listens and acts on its community's needs and aspirations. We look forward to continuing this journey with you and ensuring Maitland remains a great place to live, work, and enjoy.

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Introduction

We are committed to connecting with our community.

Like you, many of our staff and councillors live in and are part of the community. We want to do the best job possible for you. After all, it is your city, so it's important you know what Council is doing and have a say in it.

We achieve the best outcomes when we connect with you early in the decision making process and keep you informed. While we've made progress, we know we can continually improve.

This Strategy is guided by how you've told us you want to stay informed and engaged. We've also taken into account feedback from our recent Customer Satisfaction Survey and other consultations with the community, staff, and councillors. You told us that you don't always feel listened to or informed about Council's activities, and we are committed to changing that.

This Strategy outlines our approach to communication and engagement, ensuring we're providing relevant information, reaching you effectively, and genuinely listening to your feedback.

Community Participation Plan

Attached to this Strategy is our Community Participation Plan (CPP) which is guided by the same core values as this Strategy but with a singular focus on the planning process. It is an easy to use guide for the community to provide input into planning decisions when Council is the consent authority and ensures we meet our statutory requirements for notification and exhibition.



Overview

What is the purpose of this Strategy?

Effective and honest engagement is at the heart of local government and the Integrated Planning and Reporting (IPR) process. It helps communities shape their own futures and informs the vision and direction of Council.

With over 591 staff across 27 Services, we deliver a wide range of services that touch every aspect of community life. Our people are the direct link between the community and Council, and their daily efforts in delivering, partnering and

advocating drive the success of communication and engagement that is reflective of the community's needs while grounded in the practical realities of service delivery.

This Strategy has a vital role in building trust, fostering participation and adapting to the evolving needs of our residents. It supports the development of all strategies, policies and services, while keeping the community informed through quality and responsive communications.



Legislative requirements

The Communication and Engagement Strategy has been prepared in accordance with Section 402A of the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979*, our Community Engagement Policy and responds to the requirements of the NSW Government Integrated Planning and Reporting Framework (IPR).

What is IPR?

IPR allows councils to bring plans and strategies together in a way that supports a clear vision for the future and provides an agreed direction for delivering community priorities and aspirations.

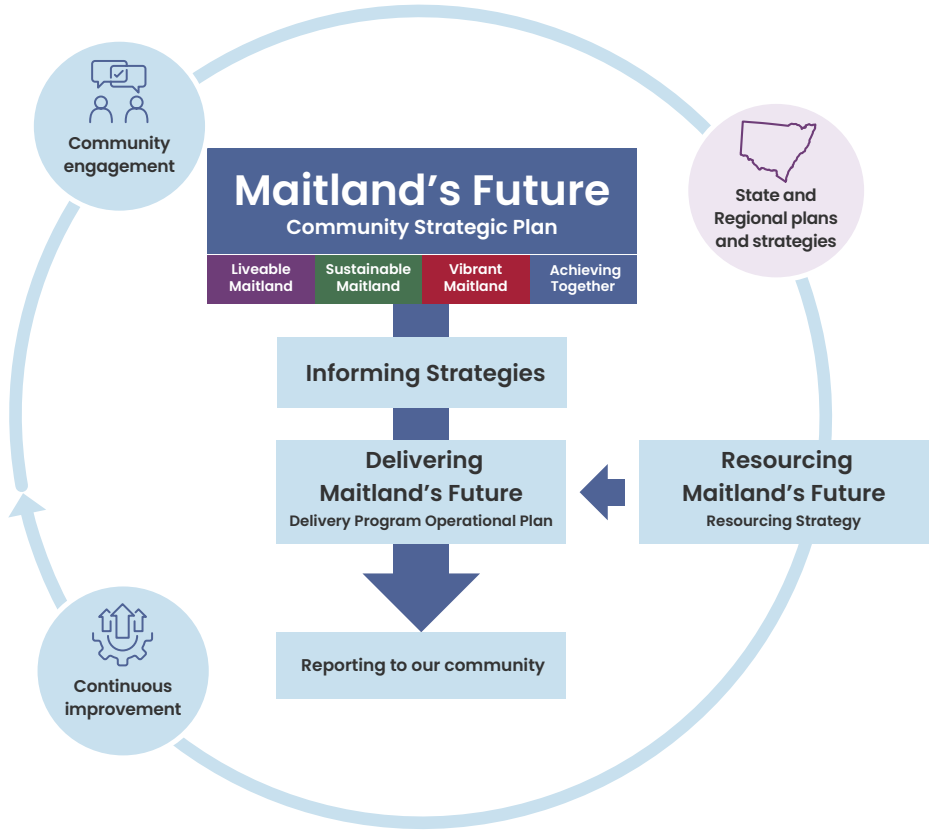
Communication and Engagement Strategy

Effective engagement allows communities to be active participants in shaping their own future and play a part in positive change.

We are required to prepare a Community Engagement Strategy and Community Participation Plan to support the development of all plans, policies, programs and key activities. This includes those relating to IPR, as well as strategic plans and programs required under other legislation. The Communication and Engagement Strategy is reviewed in line with council elections and IPR requirements.

Community Strategic Plan

The Community Strategic Plan is our highest level plan. This plan is developed with and on behalf of the community. Its purpose is to identify the main priorities and aspirations for the future and to plan strategies for achieving these goals.



Our engagement

We developed this Communication and Engagement Strategy through an extensive engagement process undertaken throughout 2024. This process focused on listening to our community, whose input helped us determine our future communication and engagement priorities based on how you told us you wanted to connect.

Understanding how you want to receive information and provide input helps us set a clear direction for communication and engagement.

To achieve this, we held engagement activities across the city, beginning at local community programming and city events and followed by workshops, phone and online surveys, stakeholder meetings, online discussions and face to face conversations to hear from local people. You have helped us identify:

- How you want to be kept informed
- Topics and themes you want to hear about and consult on
- How you currently participate, and how you prefer to engage
- The barriers that prevent our community from engaging more fully.

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Community involvement

We listened to over 1,100 people

Over 2,200 contributions

152 responses to our surveys and polls to prioritise what we heard

26+ events and activities



9 posts online, including Facebook and LinkedIn

500 responses to our Community Satisfaction Survey

9 focus groups

Promotion and opportunities to participate

1 media release print and online media reach: 14,000+

9 social media posts reach: 16,000+



3 formal submissions polls / surveys

19 face to face activities:

3 E-newsletters subscriber reach: 10,600+

1 public exhibition formal submissions: (open now)

Key insights

Insights we heard from you

84% of residents are at least somewhat satisfied with Council's level of communication



Up to 30% of community satisfaction in any project or service can be attributed to how well we communicated and engaged (2024 Customer Satisfaction Survey)



15% feel well informed

Local projects and services



18% don't feel informed



67% feel somewhat informed

How you connect with us:

70% of respondents

have participated or engaged with a Council project in the last two years. Preferred ways to provide input into Council planning are via:



- Surveys
- Engagement portal
- Social media and quick polls
- Pop up stalls at events

Top FIVE preferred topics

to participate in engagement are:



- Initiatives local to me
- Environment and sustainability
- Community and recreation
- Strategic plans
- Transport and movement

Social media, email and Council's website are the TOP THREE methods residents seek information about Council

We need to:

- ✓ Make it easier to access information by using a variety of channels
- ✓ Be more open and transparent
- ✓ Consider the community interest and share more information about the right topics
- ✓ Provide more targeted consultation opportunities for affected groups to participate in decision making
- ✓ Close the loop, provide results and connect feedback to decisions
- ✓ Find ways to involve youth and other underrepresented groups in decision making as they don't feel heard or represented





Opportunities and challenges

Maitland faces unique opportunities and challenges as we work to become a connected city with thriving communities. Global trends like technological advancements and climate change are reshaping how we communicate, engage, and foster community participation. While digital platforms offer new ways to reach and involve diverse audiences, ensuring inclusivity and accessibility remains challenging. Adapting to these shifts will help keep our engagement strategies relevant, effective, and participatory.

Locally, rapid population growth and changing demographics require innovative engagement approaches. As Maitland grows, involving all residents—especially underrepresented groups—in decision making is key to building stronger community connections. Through clear, inclusive communication and active participation, we can better involve residents in shaping Maitland’s future while addressing their needs and concerns.

Based on the community’s feedback, Council needs to overcome the following challenges when undertaking communication and engagement activities:

- **Trust:** We must build trust with our community. Be transparent, provide timely and accurate information, and close the loop on engagement outcomes to show how feedback impacts decisions.
- **Barriers to accessing information:** Information needs to be easier to understand, easier to find, and easier to use. Engagement opportunities need to be well promoted and take place in accessible locations using diverse and targeted methods.
- **Inclusivity:** We need to connect meaningfully with our underrepresented groups, such as Aboriginal and Torres Strait Islander communities and young people, focusing on respect and inclusion and use new methods to inspire participation.
- **Lack of time and engagement fatigue:** The community prefers quick, easy to complete feedback options like online surveys and polls. It’s important to stagger engagement and offer a variety of feedback methods to ensure all community members have their values and needs reflected in Council decision making.

Our role

We all play a vital role in shaping the places we live, work, and enjoy, and effective communication and engagement are central to this. Both Council and the community share responsibility for initiating, leading, and participating in meaningful engagement activities. As Maitland grows, collaboration between Council, our stakeholders, and the community is essential for delivering a Communication and Engagement Strategy that supports our collective wellbeing. Council acts as a facilitator of these conversations, ensuring that our community is informed, heard, and actively involved.

Our role in delivering the Communication and Engagement Strategy includes not only driving initiatives but also working closely with key stakeholders. From informing residents about important decisions to partnering with other levels of government and advocating for the community’s needs, Council ensures that communication is clear, accessible, and responsive to local priorities. By integrating engagement into all areas of our operations, we can better understand and address the complex challenges that impact our community.

By adopting a strategic approach to communication and engagement, Council can deliver services and initiatives that reflect the needs and aspirations of the community, ensuring our residents are well informed, involved, and empowered to contribute to decision making.



Our approach to communication and engagement

Our Guiding Principles

Our approach reflects the social justice principles of equity, access, participation and rights, as well as Council’s Guiding Principles which underpin everything we do.



MAKE THINGS EASY

Do the hard work to make things intuitive for everyone.



BE WELCOMING

Care for everyone as people, not tasks or numbers.



BE OPEN MINDED

Listen to each other and work together to find solutions.



KEEP YOUR PROMISES

Follow through on your commitments to everyone.



LOOK OUT FOR ME

Thoughtfully anticipate what will make our days go smoother.

Communication

Keeping our community informed is a key task in every objective and action included in our Delivery Program and Operational Plan.

We share information with our community to promote our services, programs and city experiences, so you know, and understand, what we do here at Council.

While most of our customers feel somewhat informed about local projects and services and are accessing information through our website and social media, we understand others don’t feel informed and want to receive information in other ways.

We’re committed to providing the information you want, timely, honestly and transparently. We want to be forward thinking and creative to ensure the content cuts through and reaches its audience.

Engagement







Community is at the heart of local government. Listening and having community voices shape Council plans supports strong communities.

We are committed to facilitating ongoing and honest conversations with our community and engagement activities that are shaped by our Guiding Principles, social justice principles and best practice engagement.

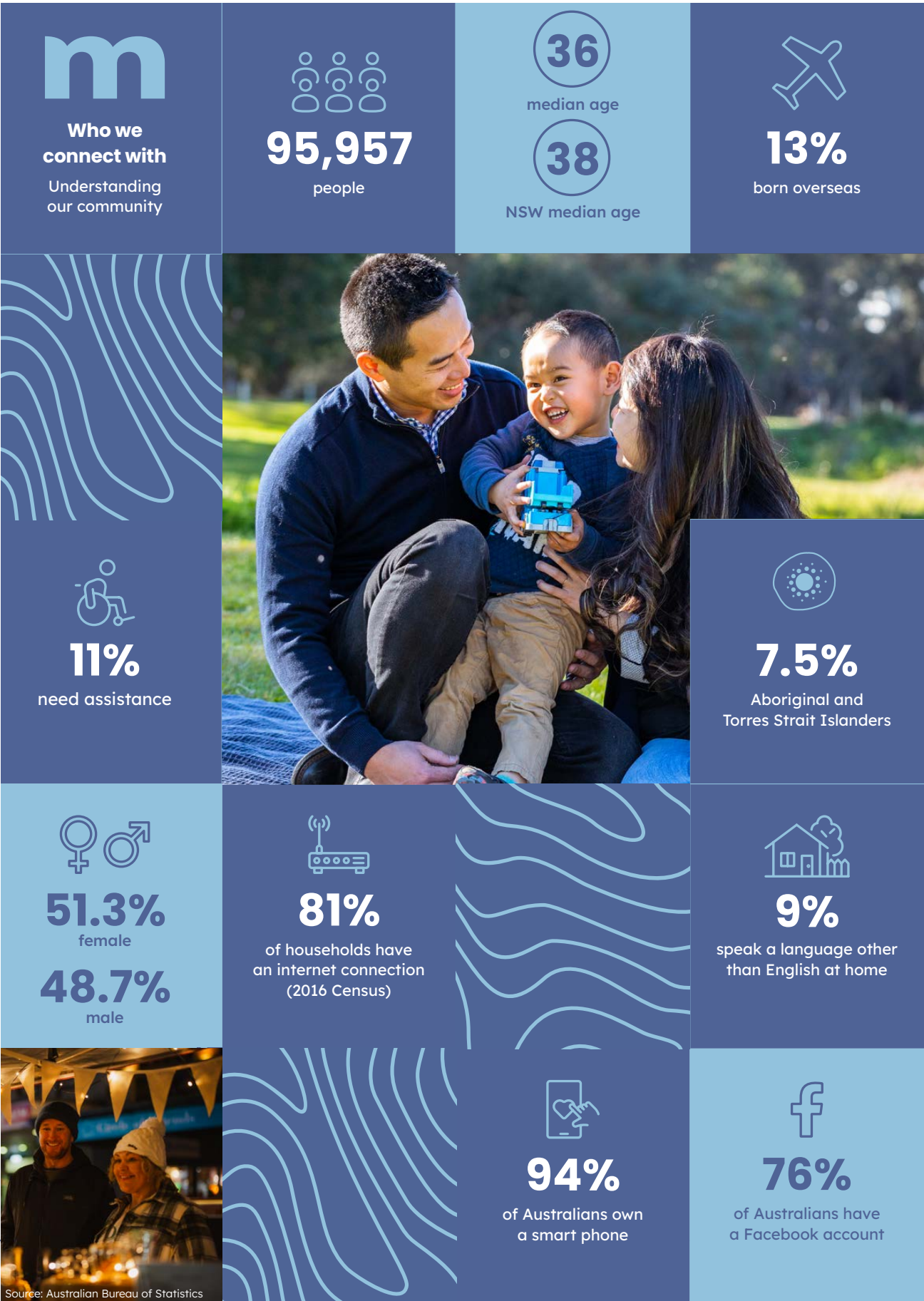
WHEN WILL WE ENGAGE	WHEN WON'T WE ENGAGE?
<p>Times we may engage with the community include:</p> <ul style="list-style-type: none">• There is a change in service or strategic direction proposed• There is a new project, plan or initiative being developed• We are developing or changing a significant strategy, plan or policy• Major infrastructure projects are being considered or planned• Issue raised that requires a decision• Decisions are being made that will impact our community• Generally, the bigger the project’s impact, the more engagement we will do to guide our decisions.	<p>There are times when we will only inform the community of our decisions and actions. These will occur in cases when:</p> <ul style="list-style-type: none">• There is no scope for the community to influence the outcome• Recent, similar engagements have provided feedback to support a decision without fatiguing the community with the same questions• Public health and safety are at risk• An immediate resolution is required• An initiative involves confidential or commercially sensitive information• We are developing or reviewing internal procedures and protocols• Council is responding to an emergency• There are legal constraints.

IAP2 Public Participation Spectrum

We follow the IAP2 Spectrum of Public Participation, a best practice engagement framework that succinctly describes the different levels of engagement. The Spectrum guides our approach to selecting tools and channels for different stakeholders for all communication and engagement.

					
PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Our role	<ul style="list-style-type: none">• We will keep you informed	<ul style="list-style-type: none">• We will listen, and consider your concerns	<ul style="list-style-type: none">• We will work with you to ensure your concerns and aspirations are reflected in the decisions made	<ul style="list-style-type: none">• We will look to you for advice and innovation and incorporate this in decisions as much as possible	<ul style="list-style-type: none">• We will implement what you decide
Community’s role	<ul style="list-style-type: none">• Keep in touch (follow Council on social media)• Subscribe to newsletters• Check Council’s website	<ul style="list-style-type: none">• Contribute ideas and feedback• Respond to surveys and polls• Make public submissions	<ul style="list-style-type: none">• Actively participate in workshops and engagement sessions• Share ideas, concerns and aspirations	<ul style="list-style-type: none">• Work together to develop solutions• Join community panels, committees or advisory groups	<ul style="list-style-type: none">• Commit and participate in a range of activities over a period of time
What this might look like	<ul style="list-style-type: none">• Factsheets• Websites• Newsletters• Social media posts	<ul style="list-style-type: none">• Surveys• Social media quick polls	<ul style="list-style-type: none">• Workshops• Pop up stands	<ul style="list-style-type: none">• Advisory committees• Ambassador programs	<ul style="list-style-type: none">• Citizens jury or panels• Participatory budgeting or editing

In most cases, decisions that will impact the community are made by the elected council unless otherwise specified as part of the engagement project or by delegation to the General Manager or other nominated Council officer. There are a range of other factors that need to be considered and balanced during the decision making process such as budget, social, economic, and environmental impacts, legislation, governance, policies, and technical advice.



Our stakeholders

A stakeholder is any individual, group, organisation or entity with an interest in, or stake in the outcome of decisions made by Council.

We know that people are most interested in decisions and projects that are local to them, and personally affect them, so we will identify and plan communication and engagement activities with this in mind. Below is a list of the stakeholder groups who may have an interest or be impacted by decisions and projects.

STAKEHOLDER GROUP	EXAMPLES
Business community	• Individuals, associations or networks active in the business community
Councillors	• Mayor and elected community representatives
Communities of interest	• Those communities who are directly or indirectly affected by a project, such as a specific suburb or area
Committees and community organisations	• Committees or organisations with a specific interest in, or knowledge of, a particular matter such as the Local Aboriginal Land Council, environment groups, the Access and Inclusion Reference Group, or sporting clubs
Council staff	• People who work at Maitland City Council
Government agencies	• Departments of local, state and federal government whom Council advises and seeks advice from about projects
Population groups	• Specific demographic groups such as age, background, ability, gender, cultural heritage
Residents and ratepayers	• Those who live and/or pay rates in the Maitland Local Government Area
Schools	• Local education centres including schools and TAFE
Underrepresented populations	• Specific groups within our community who are harder to reach, have specific needs or are generally less engaged such as young people, seniors, Aboriginal and Torres Strait Islander people, people with disability, LGBTIQ+ and multicultural communities
Visitors	• Individuals or groups who visit Maitland



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Inclusive and accessible engagement

We want to make sure that the decisions we make are representative of all people in our community and everyone feels included, informed and heard.

We recognise that some groups are less likely to participate and may face additional barriers or challenges in engaging with us and where possible, Council is committed to ensuring open access through:

- Using clear language free from jargon and acronyms
- Identifying our underrepresented groups during engagement planning
- Choose venues and locations that are safe, accessible and visible
- Promotion of accessibility options
- Use of a range of engagement methods
- Providing easy read materials or direct support to interpret documents
- Using inclusive language identified in Council’s Language and Writing Style guide when referring to our underrepresented groups.

Additionally, we have identified some specific groups that may require additional considerations when communicating or undertaking engagement.

GROUP	CONSIDERATIONS
Aboriginal and Torres Strait Islander people	<ul style="list-style-type: none">• Invite and encourage involvement of respected Elders• Use existing relationships and continue to engage with Mindaribba Local Aboriginal Land Council to provide advice on strategic matters of importance to local Aboriginal and Torres Strait Islander communities
LGBTIQ+ community	<ul style="list-style-type: none">• Use inclusive and preferred language• Consider making spaces within Maitland visibly welcoming with LGBTQ+ friendly symbols• Collaborate with allied organisations
People from multicultural communities	<ul style="list-style-type: none">• Consider use of interpreters and translated materials• Respect cultural differences• Reaching out to local multicultural leaders and groups
People with disabilities and their carers	<ul style="list-style-type: none">• Consider information format• Host engagement events in accessible venues and locations• Encourage participants to bring a support person• Consider adequate lighting• Avoid or reduce background noise whenever possible• Avoid activations requiring long periods of concentration
Seniors	<ul style="list-style-type: none">• Consider information format• Hosting engagement events in accessible venues and locations
Young people	<ul style="list-style-type: none">• Reaching out to schools and education institutions, and youth oriented community groups• Provide opportunities to understand what Council does• Develop avenues for youth voices to be heard• Choose venues accessible to public transport or convenient to youth programs or activity locations

How we will connect

To ensure the greatest reach, we will use a combination of methods and channels to share information and engage with our community. Our approach can vary depending on the need and impact of the topic and includes a range of online and offline tools and methods. We are also committed to continuing to adapt and use new and emerging technologies to meet our community’s needs. Some of the ways we may choose to share information and engage include:

METHOD	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Advertisements/public notices	✓				
Advisory committees	✓	✓	✓	✓	✓
Community and stakeholder reference groups	✓	✓	✓	✓	✓
Corporate reports	✓				
Council events	✓				
Council meetings	✓	✓	✓	✓	✓
Council website	✓				
Drop in sessions	✓	✓	✓		
E-newsletters	✓				
Emails	✓				
Information sessions	✓	✓			
Interactions with Council staff (face to face, phone, live chat)	✓	✓			
Letters and letterbox drops	✓				
Maitland Your Say platform – surveys, polls, interactive tools, ideas walls	✓	✓	✓	✓	
Media releases	✓				
Meetings with Council staff	✓	✓			
My Council updates	✓				
News articles	✓				
Newsletters	✓				
On hold messages	✓				
Pop up stalls	✓	✓	✓		
Print materials – brochures, factsheets, flyers, posters, signs	✓				
Public exhibition/submissions	✓	✓			
Rates notices	✓				
Radio announcements	✓				
Social media	✓	✓			
Surveys, questionnaires, polls	✓	✓			
Workshops and focus groups	✓	✓	✓	✓	✓

How we use community feedback

When we complete community engagement activities, we review all the feedback provided by the community and analyse the data. We may:

- Collate and review all responses
- Identify statistical outcomes, identify themes, sentiment, issues and priorities
- Assess gaps in participation and information
- Identify feedback that is out of scope
- Respond to community members where a response is required
- Use data to inform decision making
- Where appropriate, incorporate ideas and suggestions from the community.

Closing the loop

We'll summarise and report on the engagement activities undertaken. We may include information

such as:

- How we communicated and promoted the engagement
- Who we reached and heard from
- Summary of key themes, issues and outcomes
- What happens next.

How will we measure success?

We will monitor our communication and engagement activities for effectiveness against the priorities and actions set out in this Strategy. We'll use the insights from this process to continuously review and improve our communication and engagement practices.

We use a range of sources to help us understand how well we're tracking and we will know we're doing well when our results are meeting our trend targets for each indicator.



Communication and engagement priorities

Priorities

- 1 We improve access to information and engagement opportunities
- 2 We build trust and reputation through consistent, honest, and transparent conversations
- 3 We continuously improve and deliver quality communication and engagement practices.

Priority 1. We improve access to information and engagement opportunities

We will ensure the community can easily access clear, user friendly information and engagement opportunities. By offering multiple communication channels and methods, we aim to foster stronger connections with Council and increase participation, helping residents stay informed and involved.

1	ACTION	2024-25	2025-26	2026-27	2027-28
1.1	Use our communication and engagement tools and channels strategically Expand and diversify use of communication channels to increase accessibility and interaction with residents.	I	I	I	I
1.2	Improve accessibility of information Update collateral, ensuring it is clear, accessible and meets varying accessibility and inclusion needs.	P	D	D	I
1.3	Develop an ongoing conversation approach to engagement Use and share feedback to support meaningful engagement design and inform decisions.	P	P	D	I
1.4	Explore new options to connect with underrepresented groups Collaborate with community organisations and explore new methods to develop participation opportunities and feedback mechanisms for underrepresented groups.	P	P	D	I
1.5	Explore options to support establishment of a youth voice Collaborate with local organisations and schools to support youth participation.	P	P	D	I
1.6	Increase opportunities for Council leaders to receive and share information and engage with the community Improve mechanisms for delivering information to councillors and provide visible opportunities for councillors and leaders to share information and connect	P	D	D	I

P – plan, D – deliver, I – improve

Priority 1: Indicators for measuring success

INDICATOR	BASELINE*	TREND
Increase the accessibility of communication and engagement materials by increasing improvement in readability scores	New	Increasing
Number of people engaged (contributions)	5,000 engagement platform contributions	Increasing
Participation from underrepresented groups	New	Increasing to meet demographic representation
Membership on our engagement platform	700	Increasing
Visitation to corporate website and our engagement platform	Corporate: 498,575 Engagement platform 18,829	Increasing
Social media engagement and followers (all platforms)	<ul style="list-style-type: none">Engagements: 655,094Followers (audience): 153,435Follower net growth: 13,454Impressions: 29,025,710	Increasing
Financial year subscription growth and open rates for the Maitland Your Say, Momentum online, Business Matters, Green Communities, The Levee, My Maitland and Events e-newsletters	Combined: <ul style="list-style-type: none">Total subscriptions: 39,541Average subscription growth rate: 18%Average open rate: 42%	Increasing
Number of opportunities for councillors and leaders to share information and engage	New	Increasing
CUSTOMER SATISFACTION SURVEY INDICATORS**		
Increasing results for Council's online (digital) services are easily accessible scores	52%	Increasing

*Indicative of 2023/24 results **Customer Satisfaction Survey is measured every two years

Priority 2. We build trust and reputation through consistent, honest, and transparent conversations

Strengthen trust in Council by improving transparency around decision making processes, ensuring information is shared, voices are heard, feedback loops are closed, and Council decisions are more visible.

2	ACTION	2024-25	2025-26	2026-27B	2027-28
2.1	Close the loop on engagements and provide project updates Ensure engagement results and project outcomes are shared with councillors and the community.	D	D	I	I
2.2	Focus on topics identified as priorities by the community Share information and engage on topics the community identified as priorities through the Community Strategic Plan, Customer Satisfaction Survey, and trends.	D	I	I	I
2.3	Build Council's identity and brand through consistent visual communication Deliver Brand Maitland through all channels and assets, focusing on inclusive and accessible design.	D	D	D	I
2.4	Identify newsworthy stories, and promote Maitland by maintaining strong relationships with media Build and maintain strong relationships with media to improve outreach and promote Maitland, keeping the community informed.	P	D	I	I
2.5	Identify efficiencies and enhancement opportunities for communication and engagement tools Investigate options to improve communication and engagement tools and process efficiencies.	I	I	I	I
2.6	Deliver the biennial Customer Satisfaction Survey Deliver the Customer Satisfaction Survey and use the outcomes to inform decision making.	P	D	P	D

P – plan, D – deliver, I – improve



Priority 2: Indicators for measuring success

INDICATOR	BASELINE	TREND
Percentage of completed engagement projects with engagement outcome summary provided on Maitland Your Say	New	Increasing
Brand implementation action plan targets are met	New	Met
Uptake on pitches to media, media coverage, potential audience reach and advertising value equivalency	<div><div>Pitch uptake: New</div><div>Media coverage: New</div><div>Potential audience reach: New</div><div>Advertising value equivalency: New</div></div>	Increasing
Corporate brand sentiment captures from social media listening and earned media mentions	<div><div>Earned media mentions: New</div><div>Social listening: New</div></div>	Maintain balanced and positive coverage results
CUSTOMER SATISFACTION SURVEY INDICATORS*		
Satisfaction with Council's level of communication	84%	Increasing
Trust in Council result	40%	Increasing
Council provides opportunities to participate in planning and decision making processes	35%	Increasing
Council understands and responds to community needs	36%	Increasing

*Customer Satisfaction Survey is measured every two years

Priority 3. We continuously improve and deliver quality communication and engagement practices.

Regularly assess and enhance Council's communication and engagement methods to remain aligned with community expectations and improve service delivery. Build internal knowledge and capacity, delivering on legislative requirements and best practice principles.

3	ACTION	2024-25	2025-26	2026-27	2027-28
3.1	Embed inclusivity and cultural awareness principles of IAP2 into organisational practice Increase staff awareness and capacity to enable effective communication, engagement and promotion of Council business	P	D	D	I
3.2	Develop improved internal processes to share knowledge, and improve collaboration	P	P	D	D
3.2.1	Collaborate internally to improve stakeholder information management and reporting processes.	P	P	D	D
3.2.2	Improve access to engagement data to support planning, decision making and programming.	P	P	D	D
3.2.3	Deliver internal communication strategy to improve employee engagement and inter departmental connections.	P	D	D	D

3	ACTION	2024-25	2025-26	2026-27	2027-28
3.3	Review Council's Communication and Engagement Strategy Review this Strategy including Community Participation Plan, Community Engagement Policy and Public Exhibition Protocol under IPR requirements for each Council term.	P	P	P	D
3.4	Support delivery of Council's strategies and plans Work with relevant teams to provide business advice and deliver on communication and engagement objectives, including the Disability and Inclusion Action Plan (DIAP).	I	I	I	I

P – plan, D – deliver, I – improve

Priority 3: Indicators for measuring success

INDICATOR	BASELINE*	TREND
Marketing, Communication and Engagement toolkit is available on employee intranet and visitation and downloads recorded	New	Developed to increasing visits
Visitation to employee intranet	New	Increasing
Staff attendance at bi-monthly General Manager updates	Average 85 attendees	Maintain to increase
Internal collaboration and data sharing processes developed and implemented	New	Developed and maintained
Results of staff poll measuring effectiveness of internal communication and engagement processes	New	Increasing

*Indicative of 2023/24 results





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Community Participation Plan

All councils in NSW are required to prepare a Community Participation Plan (CPP) under Division 2.6 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

In addition to our engagement processes and targets outlined in this Strategy, we have an ongoing commitment to our community specifically in relation to planning matters.

This CPP is based on the following Community Participation Principles:

- Our community has a right to be informed of planning matters that affect it

- Planning information should be easily accessible and in plain language
- We engage in early, representative, ongoing, and meaningful engagement with the community using methods appropriate to the significance and impact of proposed planning
- We engage in open and transparent decision making, including reasons for planning decisions.

The CPP sets out how and when we will engage communities across all the planning functions Council performs (strategic planning and development assessment).



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Making a submission

Anyone can make a submission on a proposal or development application during an exhibition. Submissions are to be lodged with Council by the submissions close date. Council may choose to consider submissions received outside the exhibition period at its discretion.

A submission in the form of an objection should specify the planning grounds on which you are objecting and the impact the proposal may have on your property, the street or community.

Anonymous submissions will not be considered by Council.

Where a petition is received the person who submits the petition to Council will be acknowledged as the point of contact for all future correspondence on the progress of the application. Petitions will not be counted as a submission.

Submissions may be made publicly available to other consent bodies as well as published in a Council meeting agenda, where applicable. Should you wish to keep your personal details confidential, you must request this in writing with your submission.

Information about how to complete a submission can be found on maitland.nsw.gov.au. Submissions can be made in writing, dropped into the Maitland Administration Centre, sent by email to info@maitland.nsw.gov.au or by mailing a written submission to:

The General Manager
Maitland City Council
PO Box 220, Maitland NSW 2320

Privacy

The personal information provided as part of submissions will be used for the purpose of considering the specific project or proposal on exhibition and will become a record of Council. All information will be stored securely and retained in accordance with the *State Records Act 1998*.

Political donations and gifts

Any person making a submission on a planning related matter (for example a development application, development control plans, local environmental plans, contribution plans etc.) must complete a *Disclosure Statement of Political Donations and Gifts* and submit it to Council with their submission. This is to minimise any perception of undue influence on decision making. For information on reportable donations refer to Section 10.4 of the *EP&A Act*.

Public access

Council meets on the second and fourth Tuesday of the month at 5.30pm.

Public access allows community members to address a Council meeting regarding an item on the agenda. All community members are welcome to attend Council meetings. Should a person wish to speak at a Council meeting, regarding an item on the agenda, they must lodge a [Public Access Speaker Request Form](#) by noon on the day of the Council meeting.

Access guidelines are outlined on the request form which can be found by searching ‘speaker request form’ on Council’s website. For more information contact the Office of the General Manager on 02 4934 9700.

Decision making

Council is required to notify the community about the decisions it makes on applications for development consent and applications for the modification of a development consent (where the application was exhibited) and include:

- The decision that was made
- The date of the decision
- The reasons for the decision.

Decisions on applications can be viewed via Council’s online [application tracker](#).

Exhibition timeframes

There are mandatory statutory timeframes for the public exhibition of planning related documents, planning proposals, planning agreements and development applications. These are set in Schedule 1 of the *EP&A Act* and in the table opposite.

PLANNING FRAMEWORK	EXHIBITION TIMEFRAME
PLANNING DOCUMENTS	
Draft community participation plans (CPP)	28 days
Draft local strategic planning statements (LSPS)	28 days
Planning proposals for local environmental plans (LEPs) subject to a gateway determination	10-30 working days as specified in the gateway determination issued by the Department of Planning, Housing & Infrastructure for the proposal
Reclassification of land	28 days and a public hearing scheduled for at least 21 days after the public exhibition occurs
Draft development control plans	28 days
Draft contribution plans	28 days
Draft planning agreements	28 days
Draft works in kind agreements	28 days
Planning strategies, structure plans or master plans	28 days
PLANNING ASSESSMENTS	
Application for development consent (other than for complying development certificate, for designated development or for state significant development)	14 days* or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition
Application for development consent for designated development	28 days
Application for development consent for nominated integrated or threatened species development	28 days
Application for development consent for State Significant Development	28 days
Application for development consent for category 1 remediation works	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Section 4.55(1) – Not required Section 4.55(1A) – Not required Section 4.55(2) – as per the 2021 EP&A Regulations Section 8.3 – as per the 2021 EP&A Regulations
Environmental impact statement (EIS) obtained under Division 5.1	28 days
Environmental Impact Assessment (EIA) for State Significant Infrastructure under Division 5.2	28 days
Council related development applications	28 days
Regionally significant developments	28 days

*Where Council is of the opinion that the proposed development is minor in nature and will not adversely affect the amenity of the adjoining land, exhibition of the development may not be required. For more information on discretionary and non mandatory notification, see Chapter A.4 of the Maitland Development Control Plan 2011.

Key points to note about public exhibition:

- Exhibition timeframes are measured in calendar days and include weekends unless otherwise specified. If the exhibition period is due to close on a weekend or a public holiday, we may extend the exhibition to finish on the first available work day.
- As outlined in Schedule 1 to the *Environmental Planning and Assessment Act 1979*, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Exhibition requirements

EXHIBITION TYPE	LETTER TO AFFECTED LAND OWNERS	NSW PLANNING PORTAL	COUNCIL WEBSITE
Draft community participation plans (CPP)	No	Yes	Yes
Draft local strategic planning statements (LSPS)	No	Yes	Yes
Planning proposals for local environmental plans subject to a gateway determination	Yes	Yes	Yes
Reclassification of land	Yes	Yes	Yes
Draft development control plans	Yes	Yes	Yes
Draft contribution plans	No	Yes	Yes
Draft planning agreements	Yes	No	Yes
Draft works in kind agreements	No	No	Yes
Planning strategies, structure plans or master plans	No	No	Yes
Exempt and Complying Development	No	No	No
Development Assessments	Yes ¹	No	Yes
Integrated Development or Threatened Species Development	Yes	No	Yes
Designated Development	Yes	No	Yes
Application for modification of consent	Yes	No	Yes

¹Complying development certificates go on exhibition as per the Department of Planning, Housing and Infrastructure [Information Sheet 1.4: Complying development – notification to neighbours](#), affected land owners and adjoining land owners are typically notified where practicable and where the amendment will directly affect their property. Minor amendments, or amendments that apply across a large area (such as an entire centre, or across the whole city) may not be notified through a letter to landowners.

Exempt and complying development

Some development, such as exempt and complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, does not allow opportunities for community engagement.





263 High Street, Maitland NSW 2320
info@maitland.nsw.gov.au
maitland.nsw.gov.au

maitland
CITY COUNCIL

People and Performance

DRAFT MAITLAND'S FUTURE COMMUNITY STRATEGIC PLAN 2025-2034

Draft Maitland's Future Community Strategic Plan 2025-2034 (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 37



Our shared vision

Maitland's Future

Community Strategic Plan

maitland
CITY COUNCIL



Contents

Acknowledgement of Country

We acknowledge the Wonnarua People as the Traditional Owners and Custodians of the land within the Maitland Local Government Area. Council pays respect to all Aboriginal Elders, past, present and future with a spiritual connection to these lands.

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Mayor Philip Penfold

A message from our Mayor

Maitland is a city evolving—family-friendly, welcoming, and proud of its heritage. Centrally located in the heart of the Hunter region, we offer the perfect blend of city convenience with a warm country charm.

But while there’s plenty to love about Maitland today, we always need to keep our focus on tomorrow, and on how we can continue to enjoy this place we love, well into the future. That’s why we’ve created **Maitland’s Future**: our shared vision for achieving **a connected city with thriving communities**.

Maitland’s Future has been developed in consultation with you, our community. It represents the collaboration of thousands of interactions, including face-to-face conversations, workshops, surveys, online feedback and stakeholder engagement. Through this community consultation, we have developed four key focus areas that reflect the aspirations and values of the Maitland community:

- Liveable Maitland
- Sustainable Maitland
- Vibrant Maitland
- Achieving Together

These focus areas are integral to the future of Maitland and the next decade is set to be an exciting and rewarding time for all of us as Maitland embraces new opportunities and growth, becoming a dynamic place where people can live, work, enjoy and succeed.

Philip Penfold
Mayor of Maitland



General Manager Jeff Smith

A message from our General Manager

The importance of this document for the future of our city can’t be overstated. Representing the highest level of planning we undertake at local government level, our shared vision will guide our projects and programs for the next decade and beyond.

Creating a shared vision for our city is one thing, but what’s just as important is having a plan to make sure we get things done.

As custodians of **Maitland’s Future**, we have embraced a collaborative approach to planning and reporting. This approach fosters unity among the community and our partners, allows us to work together towards our shared vision and priorities, and celebrates our collective achievements across the key focus areas.

As we move towards achieving our shared vision for **Maitland’s Future**, we will work closely with our community and partners on the actions, projects and services we need to deliver to bring this plan to life.

Our commitment to this process ensures that Maitland not only remains a great place to live but evolves into a thriving, connected city where everyone can contribute to and benefit from our collective success.

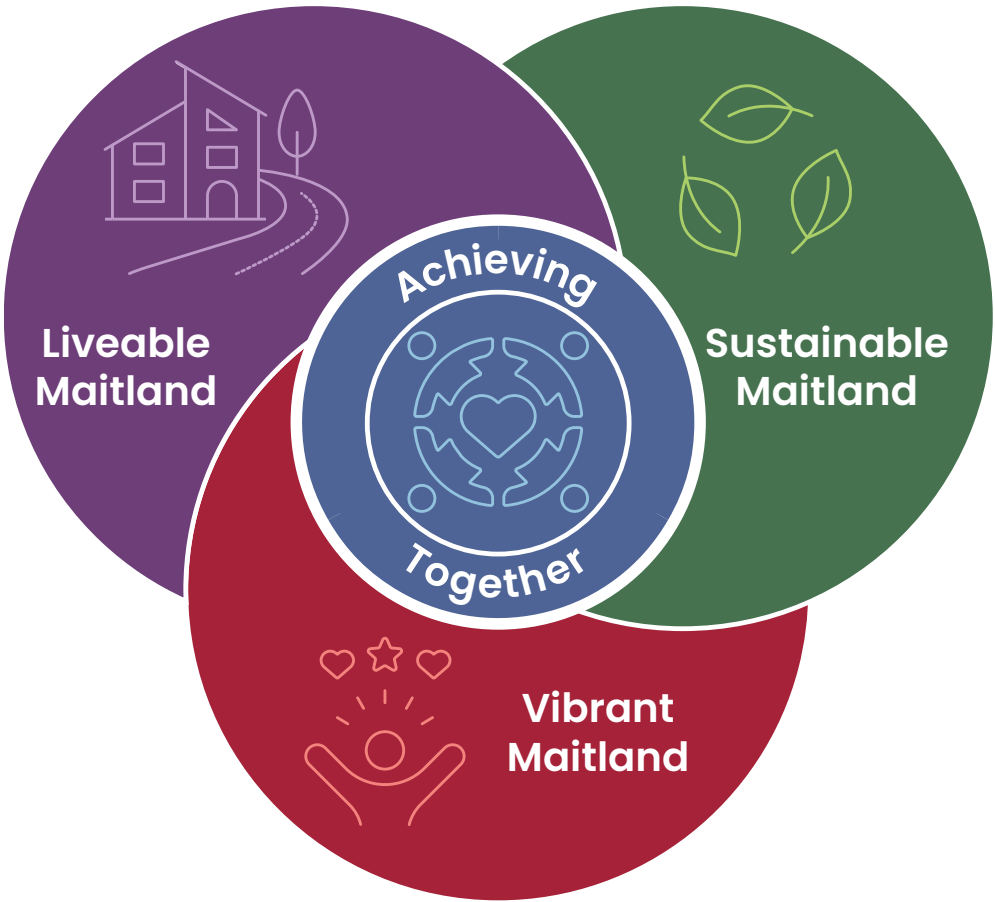
Working together, we can create **a connected city with thriving communities**.

Jeff Smith
General Manager



A connected city with thriving communities

Our shared vision



Liveable Maitland

Working together to foster strong connections, great places to live, and efficient mobility that enhances how we connect with people and place.

- 1.1 Great neighbourhoods**
 - Quality open space network
 - Connected living
 - Housing diversity
- 1.1.2 Integrated movement**
 - Efficient and sustainable movement
 - Connected active transport
 - Housing diversity
 - Safe and efficient road networks
- 1.1.3 Welcoming community**
 - Community connections
 - Inclusive public places and spaces
 - Aboriginal and Torres Strait Islander connections
 - Diverse communities



Sustainable Maitland

Working together to commit to environmental stewardship and community resilience, centred around strong connections to nature and ensuring our communities thrive.

- 2.1 Valuing our natural environment**
 - Functional biodiversity corridors
 - Natural spaces
 - Environment engagement
 - Waterway management
- 2.2 Sustainable and resilient communities**
 - Sustainable leadership
 - Living sustainably
 - Prepared communities
 - Circular economy



Vibrant Maitland

Working together to create opportunities for growth, work, and participation.

- 3.1 Diverse local economy**
 - Investment attraction
 - Strengthened and diversified precincts
 - Future skill
- 3.2 Vibrant community life**
 - Diverse heritage and cultures
 - Precinct activation
 - City presentation
- 3.3 City shaping partnerships**
 - Growth opportunities
 - Advocacy and partnerships



Achieving Together

Working together to foster a culture built on trust empowering an engaged workforce that embraces change.

- 4.1 Trusted services**
 - Meaningful consultation and engagement
 - Trusted customer experience
 - Transparent decision making
- 4.2 Engaged workforce**
 - Excellence in leadership
 - Collaborative organisation
 - Development and growth of our people
- 4.3 Resilient future**
 - Informed planning
 - Culture of improvement and innovation
 - Leverage technology and data

How we plan

“The future depends on what you do today.”

– Mahatma Gandhi

Our shared vision

Our shared vision for Maitland is built upon four key focus areas: Liveable Maitland, Sustainable Maitland, Vibrant Maitland, and Achieving Together. These focus areas form the foundation of our **Maitland's Future** vision and represent our Strategic Framework, guiding us toward a thriving, connected city.

Each focus area represents a key element to build a community where everyone can live, work, enjoy, and succeed. They are supported by informing strategies that provide clear direction, ensuring every decision aligns with our shared goals. This framework is our roadmap for the future, connecting vision to action and delivering outcomes that matter to our community.

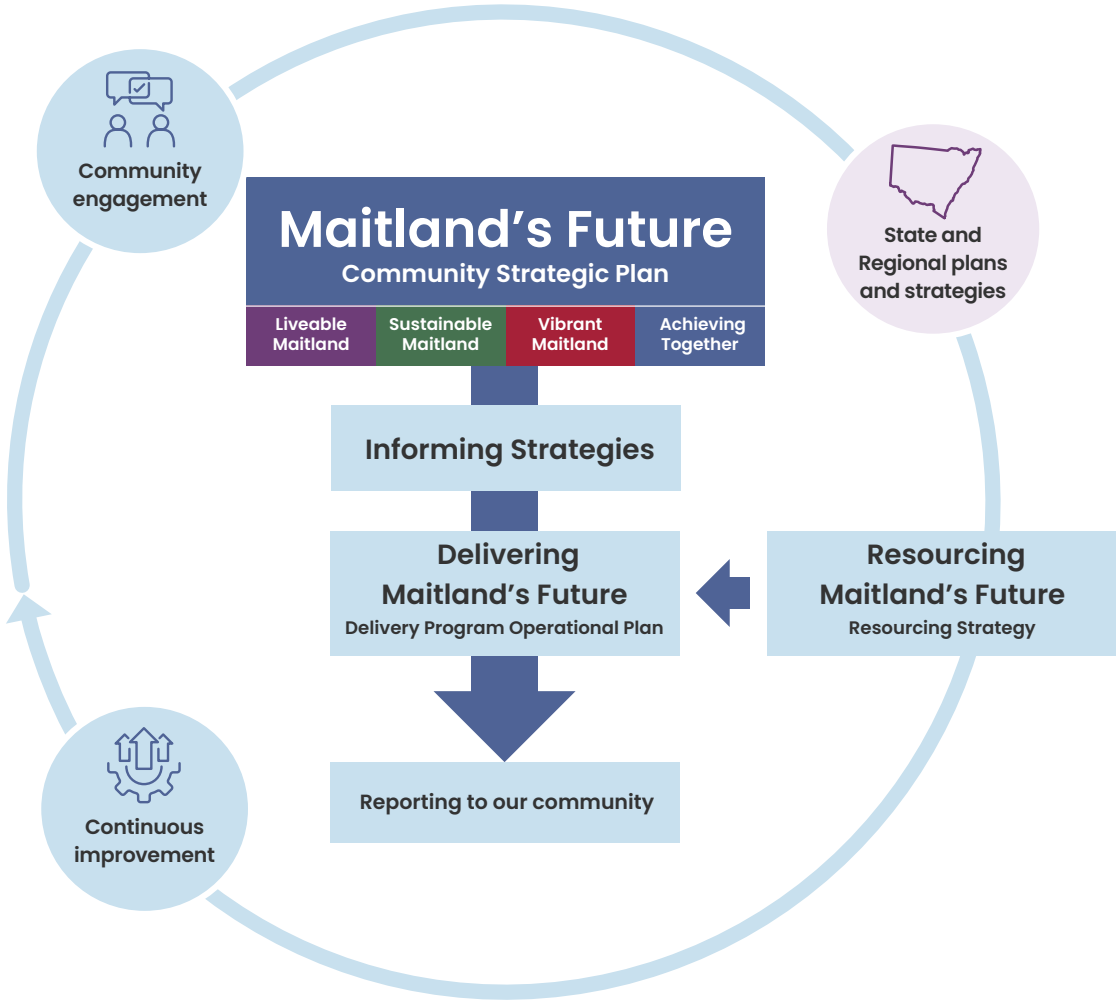
Maitland's Future

Maitland's Future is the highest level plan that we prepare. Its purpose is to identify the community's main priorities and aspirations for the future and plan strategies for achieving these goals.

Maitland's Future guides all other strategies and plans and must be developed with and on behalf of the community.

What is Integrated Planning and Reporting (IPR)?

The NSW Government requires local councils to work with their communities to plan for the future. This involves creating long, medium, and short-term plans that reflect the community's vision and priorities. These plans are shaped by community input and supported by informed planning around finances, assets, and resources. This approach, called the Integrated Planning and Reporting (IPR) Framework, helps councils across NSW to make thoughtful, sustainable decisions for a brighter future.



The Heart of the Hunter



Who we are

Maitland is a city evolving - family friendly, welcoming, and proud of its heritage. Centrally located in the heart of the Hunter region, we offer the perfect blend of city convenience with a warm country charm.

We embrace new opportunities and growth, making Maitland a dynamic place to live, work, and enjoy.

Scenic beauty, unique heritage, rural landscape, welcoming people and convenient location are some of the factors that have led to our city being one of the fastest growing cities in Australia.

The local government area covers 396km² from Woodberry in the east to Harpers Hill in the west, Tocal to the north, and Gillieston Heights to the south. 95,957¹ residents are settled in town centres, new and growing suburbs and quiet rural areas. Our residents come from a broad cross section of society, and this range will continue to expand as our city grows, enriching our spirit and identity. By 2041, we expect about 145,000² people to call our city home.

The original inhabitants of this area are the people of the Wonnarua Nation, 'people of the mountains and the plains.' Bordering nations

and clans include Worimi, Darkinjung, Kamilaroi, Geawegal, Gringai, Awabakal and Wiradjuri.

It is one of the oldest regional centres in Australia, built on the banks of the Hunter River. The Hunter River winds its way through both the countryside and the city, offering a beautiful backdrop to our daily lives. While the river is usually calm, it can occasionally become more powerful, leading to some areas being prone to flooding. This has shaped our city in unique ways, with urban areas having clear boundaries that overlook peaceful, picturesque farmlands.

We are a busy and productive community, and we have a thriving local economy diversified across health, construction, service and knowledge industries. Maitland supports 35,227³ jobs and has an annual economic output of \$14.29⁴ billion.

The city's continued population growth is a significant strength for the local economy, providing industries and businesses with access to a broad workforce from both within Maitland and neighbouring areas, thanks to our central location in the region. This growth, along with the lifestyle benefits our city offers, helps attract people to support the key industries that drive our economy. To fully leverage this strength, we must also focus on attracting more jobs to meet the needs of our growing community and ensure sustained economic development.

Our place in the region

The Hunter Region of New South Wales, encompassing Maitland, is renowned for its economic diversity, natural resources, and strategic location. Understanding its significance and aligning with regional opportunities can provide substantial benefits for Maitland.

The Hunter is the leading regional economy in Australia, where people enjoy an enviable quality of life within an exceptional natural environment. It is home to more than 860,000⁵ people and 427,000⁶ jobs. New residents are attracted to diverse and affordable housing, healthy, green and flexible lifestyle options, and a wide range of employment opportunities.

Economic significance

Maitland plays a strategic role in the economic landscape of the Hunter Region, serving as a dynamic hub for commerce, industry, and innovation. Its strategic location, coupled with robust transport infrastructure, fosters seamless connectivity to major cities and markets, making it an attractive destination for businesses and investors. The city's vibrant local economy is underpinned by diverse sectors, including, manufacturing, mining, retail, and health industry, which collectively drive job creation and sustainable growth. Maitland's commitment to honouring its rich heritage while embracing contemporary developments enhances its appeal; this harmonious blend of historical charm and modern progress makes Maitland a unique and thriving economic centre.

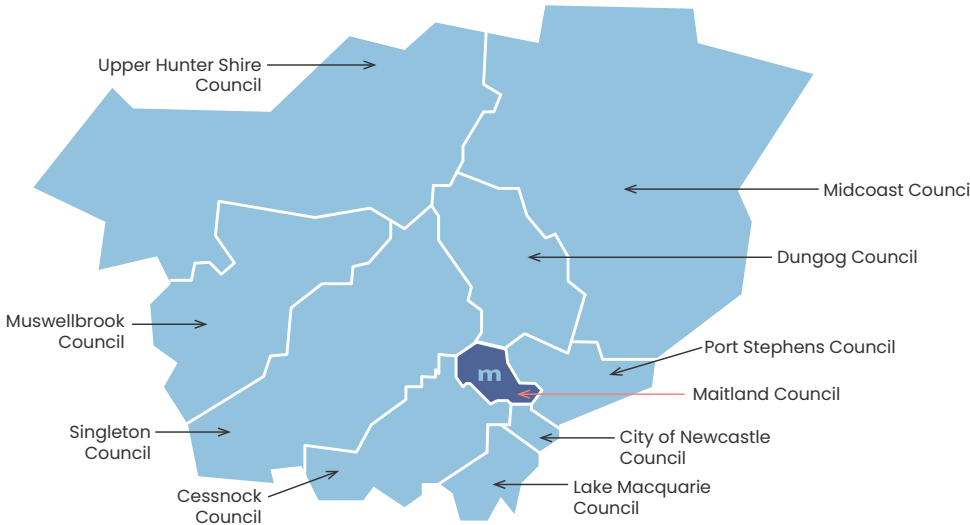
Employment and education

The Hunter Region offers substantial employment and education benefits to Maitland residents. The Hunter Region supports over 427,000⁷ jobs, making it a significant employment hub in New South Wales. This diverse job market spans key industries such as mining, manufacturing, healthcare, education, and tourism, providing a wide range of career opportunities.

In terms of education, the Hunter Region is home to several renowned institutions, including the University of Newcastle, which offers world class education and research facilities. TAFE NSW campuses in the region provide vocational training and skill development programs tailored to the needs of local industries. Additionally, a network of high quality public and private schools ensures that students of all ages have access to excellent educational opportunities.

Strategic location and connectivity

Maitland has access to a range of significant infrastructure and amenities that bolster its appeal and functionality. Key facilities include the renowned John Hunter Hospital, offering comprehensive medical services to the region. Newcastle Airport provides convenient domestic and international flight connections, facilitating travel and commerce. The Hunter Valley's celebrated vineyards and wineries not only enhance the area's tourism industry but also contribute to its economic vitality. Maitland benefits from proximity to Newcastle's port facilities, the stunning beaches of Port Stephens and a variety of recreational and cultural attractions, all of which collectively support a high quality of life and robust economic growth.



Our shared future

Overview

We all have an important role to play in **Maitland's Future**. Together, we have developed an ambitious long term vision that sets out our priorities for the future. Our community is passionate about Maitland, and they love where they live. This willingness to engage has helped shape our city's future.

Our engagement

Collaboration and listening

Maitland's Future has been developed through an extensive engagement process undertaken throughout 2024. The focus of this process was to listen to the needs and aspirations of our community to determine our future priorities based on our strengths, challenges and opportunities.

Our engagement began at local community events and was followed by workshops, stakeholder meetings, surveys, online discussions and local neighbourhood conversations. We wanted to make sure we heard from all of Maitland – young and old, from Woodberry to Luskintyre and everywhere in between.

However, our conversations don't end here. We remain committed to reaching out and connecting with our community to ensure we continue moving in the right direction, together.



Community involvement

Over
3,745
contributions



500
responses to
our Community
Satisfaction
Survey



2000+
people
engaged /
contributors



45+
events and
activities



13
posts online,
including
Facebook
and LinkedIn



Building on what we have heard:

Before we go out and ask more questions, it's important to reflect on what the community has already shared with us. This ensures we acknowledge past insights, identify recurring themes, and build on existing feedback to guide meaningful conversations moving forward.

- Community Satisfaction Survey 2022 (May 2022) – 600 surveys completed
- Environmental Sustainability Strategy (November – December 2022) – 500 phone surveys completed and 2338 responses to an online survey
- Environmental Attitudes Research (July – August 2022) – 501 surveys completed
- Australian Liveability Census (March – June 2023) – 927 surveys completed
- Economic Development Strategy engagement (May - July 2023) - 1061 people engaged
- Maitland Aquatics Strategy engagement (August 2023) – 1796 participants via online surveys, focus groups, meetings and pop ups
- Community Satisfaction Survey 2024 (May 2024) – 500 surveys completed
- Disability Inclusion Action Plan (May 2022) 300+ surveys completed and 27 interviews with people with lived experience.

Community involvement

We listened to over 2,000 people

Over 3,745 contributions

152 responses to our online polls to prioritise what you want

45 events and activities



13 posts online, including Facebook and LinkedIn

500 responses to our Community Satisfaction Survey

9 focus groups

Promotion and opportunities to participate

3 videos video views: 12,259

13 social media posts reach: 50,000+

Maitland's future HYS visits: 4217

6 other comms subscriber reach: 16,400

1 public exhibition formal submissions: (open now)

What is most important to the community:



traffic management



greener, more open spaces



range of housing prices / affordable housing



road maintenance



walking, jogging, bike paths that connect housing to communities



protecting the natural environment



recreation spaces and parks / sports, aquatic centres



local history, historic building and features



access to neighbourhood services and facilities



arts and cultural programs



local employment options



local education options

Meaningful engagement:

66% of our engagement was face to face

Meaningful engagement is about more than just consultation; it's about building genuine connections by meeting people where they are and truly listening to their stories, needs, and aspirations. For us, this meant stepping into the spaces where our community feels most comfortable, taking the time to understand their perspectives, and fostering trust through authentic dialogue.

How we connected:

- ✓ Street Eats
- ✓ Taste Festival
- ✓ East Maitland Library
- ✓ Access and Inclusion Reference Group forum
- ✓ Gather and grow event
- ✓ Sustainnovation
- ✓ Internal engagement
- ✓ Youth event
- ✓ Library Baby Storytime
- ✓ Metford Literacy
- ✓ St Bede's College
- ✓ Focus groups
- ✓ Subject Matter expert workshops
- ✓ Maitland Regional Art Gallery



Our role

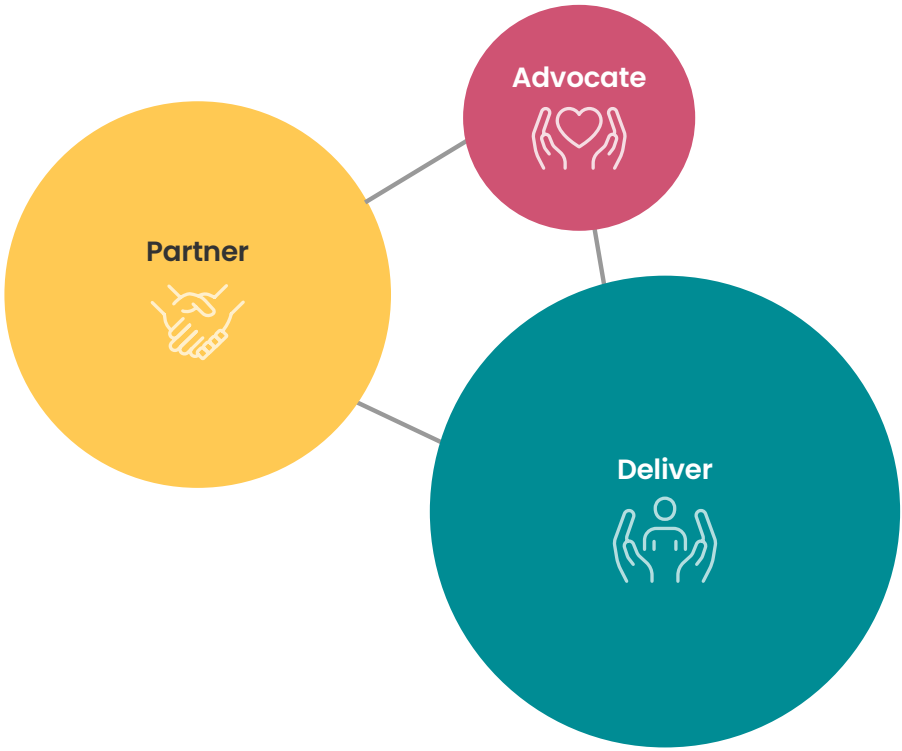
As Maitland continues to grow, Council, our stakeholders and our community need to work together to invest in our individual and collective wellbeing.

While Council has a custodial role in initiating, preparing and delivering **Maitland's Future** on behalf of the community, it is not solely responsible for its implementation.

Many of the issues and concerns facing Maitland are complex and beyond the direct control and influence of us, such as public transport, health, education, housing, planning and employment.

To deliver our shared vision, Council works with various stakeholders and partners, including other levels of government and their affiliated agencies, local businesses and industry, educational institutions, community groups, and other service providers.

Depending on the activity being undertaken, Council's role is to Deliver, Partner and/or Advocate. By building partnerships, taking a strong leadership role and delivering on its own commitments, Council plays an important role in shaping our city and making Maitland a place for everyone.



Deliver

We deliver a wide range of programs and services, including waste collection, libraries, childcare, maintenance of local roads and public spaces, recreation facilities and programs, community support, special events and regulatory functions.

Partner

There are areas in which we have partial or shared responsibility or influence. We build strategic partnerships with federal and state government agencies, the private sector, and a range of other stakeholders whose work will contribute to delivering our long term priorities.

Advocate

A wide range of issues important to the community are outside Council's control. Council gives a voice to the needs and aspirations of the community by advocating for changes in policy and action at relevant levels of government and industry.

Opportunities and challenges

We acknowledge that there are challenges facing Maitland in our journey to becoming **a connected city with thriving communities**.

Global trends like technological advancements, automation, and artificial intelligence are transforming how we work, travel and communicate, affecting jobs across all sectors. Other trends, including an aging population, changing consumer habits, and the rise of the sharing economy, are also shaping the way we live and work. On top of this, climate change is leading to more frequent and severe local weather events. All of these factors combined will play a key role in how we plan our cities for the future.

Understanding the opportunities and challenges presented by global trends is crucial for shaping a resilient and thriving future. The seven updated CSIRO global trends – adapting to climate

change, becoming leaner, cleaner, and greener, addressing the escalating health imperative, navigating geopolitical shifts, diving into digital advancements, increasing autonomy, and unlocking the human dimension – offer both prospects for growth and potential hurdles. By comprehensively analysing these trends, we can better anticipate their impacts and strategically plan to harness opportunities while mitigating risks. This proactive approach ensures that we are well prepared to navigate the complexities of the future, fostering sustainable development and enhancing the wellbeing of our communities.

Acknowledgement of these challenges and identification of how they can be mitigated, or even turned into opportunities, will be key to delivering Maitland's vision.



Maitland welcomes more than 2,000 new residents into our community each year.

Population challenges

When compared to Australian trends, Maitland has a number of unique population challenges. These include:

- **High population growth:** Maitland welcomes more than 2,000 new residents into our community each year which equates to approximately 2.7 per cent* growth annually. Such high growth presents our council with some very distinct challenges, including increased demand for essential services and infrastructure to accommodate the expanding community. Between 2022 and 2023 alone, the population grew by 2,343* people – over 6 new residents each day. At this pace, we are likely to surpass the projected population target of 144,500 by 2041, which represents a 61 per cent increase over 20 years.
- **Lack of diversity:** Compared to the rest of Australia’s population, residents of Maitland are more likely to have been born in Australia (86.9 per cent versus 66.9 per cent) and to only speak English at home rather than other languages (90.6 per cent versus 72 per cent). This may signify less exposure to diverse cultures and innovative practices, and fewer international connections.

Low education

At the 2021 Census, less than a quarter (24.8 per cent) of Maitland’s population above the age of 15 had attained a post school qualification of Diploma or above. With 9 out of 10 future jobs estimated to require post school qualifications, there is likely to be a significant decline in demand for an unqualified labour force. This will have a substantial impact on the

Maitland economy, polarising employment opportunities and increasing economic inequality into the future.

Climate change

Climate change is one of the biggest social and economic challenges of the 21st century. We are already starting to see its effects on our daily lives. As the climate shifts, we can expect more frequent and intense events like bushfires, floods, and extreme heat, which may also increase health risks. These changes could have far-reaching consequences for both our communities and our economy.

Industry transition

The mining sector continues to play a significant role in our local economy – particularly coal, which is extracted in the Upper Hunter region and exported through the Port of Newcastle. There is an opportunity for economic aligning towards ecological and social sustainability through creation of new green jobs, as well as provision of support for people and communities who might be disadvantaged during the change process.

As the Hunter Region undergoes an industry transition towards greener and more sustainable practices, Maitland can leverage this shift to position itself as a key player in the emerging green energy sector.

Affordable housing

Forecasts show that Maitland’s population is set to grow to 144,550 by 2041 – an increase of 54,800¹⁰ residents, stimulating demand for more than 1,000 new dwellings a year. A mix of affordable and sustainable future housing is imperative to meet the diverse needs of our growing community.

Housing demand in Maitland continues to outpace supply, particularly for middle to low income brackets. Driven by regional growth and migration from major cities, has resulted in soaring house prices and rental costs, causing significant mortgage and rental stress. Addressing these challenges involves increasing housing supply, promoting affordable housing projects, and implementing policies to mitigate homelessness and housing insecurity.

Changing demographics

Maitland experiences a high level of people aged 25-39 moving to the area, largely due to migration from nearby areas such as Lake Macquarie, Newcastle and Cessnock and projections suggest that this trend will continue.

By 2041, an additional 14,800 individuals aged 65 and over are projected to reside in the area. This demographic change necessitates enhanced healthcare services, age friendly infrastructure, and accessible housing options for older adults. It also presents opportunities for economic growth in sectors such as healthcare, aged care, and related services. Policies must focus on creating inclusive communities that support the wellbeing and active participation of older residents.

The high demographic of young families in Maitland presents challenges in ensuring adequate and accessible services such as childcare, education, healthcare, and family friendly infrastructure. There is a growing need for affordable housing, safe neighbourhoods, and diverse community programs that cater to various age groups. Additionally, economic pressures faced by young families, like managing mortgages and saving for education, require

coordinated support across all levels of government. Long term planning is crucial to address the evolving needs of these families as their children grow, ensuring that Maitland remains a thriving and supportive community.

Sustainable development

Given Maitland’s rapid growth, there is a significant opportunity to manage development by embracing smart and sustainable practices. By focusing on vertical growth – building up rather than out – Maitland can preserve green spaces, reduce urban sprawl, and make more efficient use of existing infrastructure. This approach not only minimises environmental impact but also supports a higher quality of urban living, with better access to amenities and services. Prioritising sustainable

development ensures that Maitland can continue to grow while maintaining its commitment to environmental conservation and community wellbeing.

Flood plains

By strategically utilising flood plains, we can create multifunctional green spaces that not only mitigate the impacts of flooding but also provide recreational areas, wildlife habitats, and agricultural land. These areas can support biodiversity, improve water quality, and offer educational opportunities focused on environmental conservation. Embracing flood plains as valuable assets enables Maitland to balance development with natural processes, fostering a more sustainable and adaptive urban environment.



From local to global

How **Maitland's Future** fits in with other strategies and plans.



Delivered at the local level

Includes: local roads, parks, waterways, waste, libraries, events, community wellbeing and facilities, development

- Integrated Planning and Reporting Framework (featuring **Maitland's Future** Community Strategic Plan)
- Maitland's Informing Strategies
- Maitland's policies, strategies and plans.



Delivered at the regional level

Includes: regional planning, health and wellbeing, water catchment management

- Hunter Regional Plan 2041
- Greater Newcastle Metropolitan Plan 2036
- The Hunter New England Health District Strategic Plan 2021-2026
- Hunter Joint Organisations Strategic Plan 2032
- Greater Hunter Regional Water Strategy 2018
- Hunter Regional Economic Development Strategy update 2023
- Greater Newcastle Future Transport Plan 2056.



Delivered at the state level

Includes: health, care (aged, child, disability), transport, education, employment, police, development

- State Plan NSW Housing
- NSW State Infrastructure Strategy 2022-2042
- NSW Disability Inclusion Action Plan 2021-2025
- NSW Net Zero Plan 2020-2030
- Transport for NSW: SmartNSW Roadmap 2022-2027
- Future Transport Strategy 2056
- NSW State Health Plan: Future Health 2022-2032
- Premier's Priorities
- NSW State Emergency Service Strategic Plan 2021-2041
- NSW Waste and Sustainable Materials Strategy 2041
- NSW Circular Economy Policy Statement 2019
- NSW Biodiversity Strategy.



Delivered at the national level

Includes: defence, immigration, taxation, communications, trade

- Places for People: An Urban Protocol for Australian Cities
- Social Inclusion Agenda
- Australian Modern Manufacturing Strategy 2020
- National Agreement on Closing the Gap 2020
- Australia's Biodiversity and Conservation Strategy 2010-2030
- National Digital Economy Strategy 2030
- Infrastructure Australia Strategy 2021
- National Climate Resilience and Adaptation Strategy 2021-2025
- National Waste Policy and Action Plan 2019.



Delivered at the global level

Includes: environmental and social issues; political, health or economic crises.

- United Nations Sustainable Development Goals (SDG)
- Paris Climate Agreement.

We plan with purpose – ensuring our city thrives as part of the bigger picture

Measuring wellbeing: a framework for Maitland's Future

Measuring wellbeing is vital for understanding and enhancing the quality of life in Maitland. A strong sense of wellbeing reflects a thriving community where people feel connected, safe, and supported. In recognition of this, Maitland has developed a Wellbeing Framework that integrates directly into the focus areas and priorities of **Maitland's Future**, ensuring that the wellbeing of our residents remains central to our decision-making. This framework provides a clear structure for monitoring progress and aligning our goals with the needs of the community, helping us create a city where everyone can flourish.

What is wellbeing?

Definitions of wellbeing are typically broad and diverse, encompassing a wide range of areas that impact on an individual's quality of life. Generally, having the opportunity and ability to lead lives of personal and community value with qualities such as good health, time to enjoy the things in life that matter, in an environment that promotes personal growth, are at the heart of wellbeing.

Maitland's Wellbeing Domains

Maitland's Wellbeing Domains has ten domains of wellbeing reflecting key factors that impact on the quality of life of Maitland's community. Indicators are the way we measure our progress and are grouped under each domain. This will help us know where wellbeing is improving in Maitland over time. While an indicator sits under one domain, many are also relevant to other domains.

- **Health** – Includes physical and mental health, access to healthcare, and programs promoting overall wellbeing.
- **Belonging** – Focuses on fostering relationships, belonging, and active participation in community life.
- **Education** – Covers access to education, skill development, and opportunities for continuous learning throughout life.
- **Housing** – Focuses on housing affordability, quality, and overall living conditions.
- **Economic** – Encompasses job opportunities, economic development, and financial security for residents.
- **Sustainability** – Addresses environmental quality, climate resilience, and access to natural spaces.

- **Connection** – Ensures access to services, public transport, digital connectivity, and infrastructure that links communities and services.
- **Safety** – Measures community safety and emergency preparedness.
- **Governance** – Focuses on trust in institutions, transparency, and opportunities for residents to engage in decision making.
- **Time** – Assesses work-life balance, leisure time, and opportunities for personal and family pursuits.

Inspired by the ACT Government's Wellbeing Framework, we've used their work as a foundation, adapting it to reflect what truly matters for Maitland.

Community indicators

Community indicators measure wellbeing to ensure we're making meaningful progress toward our shared vision. They highlight areas needing improvement and show how changes positively impact daily life. This helps us stay focused on improving quality of life and meeting the unique needs of our community. *More information on the indicators can be found in appendix two.*

Maitland's Wellbeing Domains





Our priorities for Maitland

A connected city with thriving communities

Our shared vision **for a connected city with thriving communities** focuses on creating vibrant neighbourhoods, centres, and towns. These areas will blend timeless charm with modern design and practical features, resulting in spaces that are both beautiful and functional. Our aim is to foster a strong sense of community while maintaining close connections to nature. Our shared vision strikes the perfect balance between a country outlook and the convenience of city living.

Improved transport connectivity will make it easier for residents to interact and for businesses to thrive, ensuring that people have access to a wider choice of housing in both existing and new communities, located close to jobs, shopping, and services, and supported by public transport, walking, and cycling options.

The natural environment will enrich the living experience by valuing open space, local bushland, wetlands, flood plains, and biodiversity. By building resilient and sustainable communities, promoting sustainable leadership, and supporting circular economy initiatives, we ensure a thriving and adaptable future for all communities.

By fostering a diverse local economy and promoting vibrant community life, we aim to shape a city that thrives. Our shared vision creates opportunities for work, personal growth, and engaging activities, enriching the daily experiences and overall wellbeing. Through city-shaping partnerships, building trust, and cultivating an engaged workforce, we will ensure that Maitland remains resilient and prosperous for generations to come.



Liveable Maitland

Working together to foster strong connections, great places to live, and efficient mobility that enhances how we connect with people and place.



A Liveable Maitland is defined by a high quality of life that centres around its community wellbeing and daily experiences. It's about creating neighbourhoods that are walkable and bike friendly, where public spaces are inviting and safe for all ages. Access to essential services like healthcare, education, and community facilities is crucial, ensuring that every person can live comfortably.

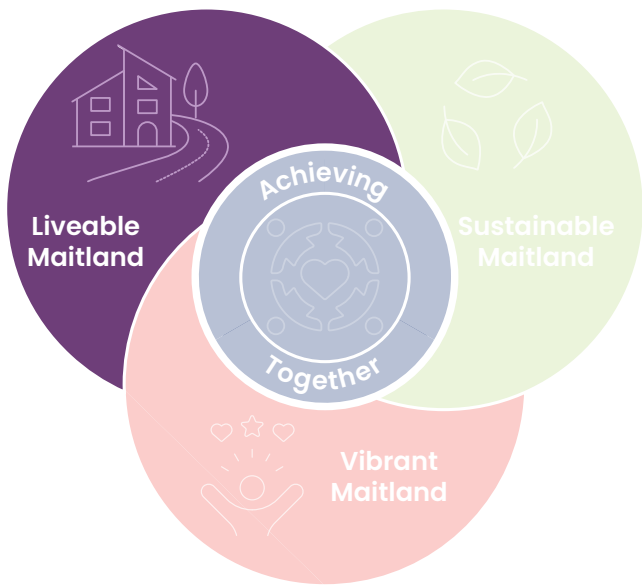
It's about creating a welcoming, inclusive environment where people feel they belong, supported by integrated transport that connects residents to services, jobs, and each other.

Affordable housing options and diverse cultural amenities fostering a sense of belonging and inclusivity. To achieve true liveability, Maitland must harmonise environmental sustainability and economic vitality, creating a balanced where all aspects of life complement each other seamlessly.

1.1 Great neighbourhoods

1.2 Integrated movement

1.3 Welcoming community



1.1 Great neighbourhoods

We are committed to creating great neighbourhoods that thrive on connectivity by offering a mix of housing, accessible open spaces, and essential services. Together, we aim to ensure a high quality of life for everyone.

1.1	GREAT NEIGHBOURHOODS	DELIVER	PARTNER	ADVOCATE
1.1.1	Quality open space network Develop a network of quality open spaces that seamlessly connects residents to accessible, walkable parks, recreational areas, streetscapes and natural landscapes, ensuring ease of access, enhanced community wellbeing, and increased usage of outdoor spaces.	✓		
1.1.2	Connected living Create and maintain neighbourhoods where residents can connect to essential facilities and community infrastructure, fostering a sense of community, enhancing convenience, and improving overall quality of life.	✓	✓	
1.1.3	Housing diversity Facilitate affordable and diverse housing options that ensure that everyone has a place to call home in all stages of life.		✓	✓




WELLBEING DOMAINS	COMMUNITY INDICATORS	
Connection 	1.1.1	<ul style="list-style-type: none">Percentage of residents that live within 800 metre walking distance to open spacePercentage of deemed quality open spaceSurvey respondents agreed there are plenty of accessible open spaces in the neighbourhood
Connection Health 	1.1.2	<ul style="list-style-type: none">Overall quality of life in MaitlandCommunity infrastructure index score: percentage of residents that live within 800 metre walking distance of community facilities, public transport (train stations and bus stops), recreation facilities, local centres, and parksSurvey respondents agreed that medical, mental health and social services are accessible and adequateSurvey respondents agreed that sporting facilities and active lifestyle opportunities in the area meet their needs
Housing 	1.1.3	<ul style="list-style-type: none">Percentage of diverse housing options (detached houses, apartments, townhouses)Survey respondents agreed that there are diverse housing options available for everyone across Maitland LGARental stress/mortgage stress

More information on the indicators can be found in appendix two.

1.2 Integrated movement

We create an efficient and sustainable transport network, connecting people through well maintained roads, planned traffic management, reliable public transport, and safe infrastructure for active movement.




1.2	INTEGRATED MOVEMENT	DELIVER	PARTNER	ADVOCATE
1.2.1	Efficient and sustainable movement Create long term, sustainable transport and movement networks that connect different travel options, making it easier for our growing community to navigate efficiently and conveniently.		✓	✓
1.2.2	Connected active transport Establish a safe network of connected pathways and cycleways to maximise access to key destinations and facilities.	✓		
1.2.3	Safe and efficient road networks Ensure safe, efficient, functional and connected roads that facilitate seamless travel and connectivity throughout our community.	✓		

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Connection 	1.2.1	<ul style="list-style-type: none">How easy is it for you to get to the places you need to go within Maitland?Percentage of housing within 800 metres of a train or bus stopWhat would encourage you to use public transport or active transport (walking, cycling) more frequently?
Connection 	1.2.2	<ul style="list-style-type: none">Number of suburbs with a walkscore above 50 (somewhat walkable – some errands can be accomplished on foot)Percentage of residents using active and public transport optionsPercentage of pathways that connect you to a destination or facility
Safety 	1.2.3	<ul style="list-style-type: none">Smoothness score for Maitland’s roadsRoad safety – number of crashes

1.3 Welcoming community

We create inclusive, welcoming communities where connections thrive, ensuring equitable access to public spaces for all.

1.3	WELCOMING COMMUNITY	DELIVER	PARTNER	ADVOCATE
1.3.1	Community connections Support initiatives and services that promote social inclusion, provide lifelong learning opportunities and connect our community to information, knowledge and ideas.	✓	✓	
1.3.2	Inclusive public places and spaces Ensure that people of all abilities can connect safely and fully enjoy our public places and spaces by promoting accessibility, inclusivity, and a sense of belonging for everyone in our community.	✓	✓	
1.3.3	Aboriginal and Torres Strait Islander connections We respect the deep connection of Aboriginal and Torres Strait Islander people to the land by actively supporting reconciliation, acknowledging their rich histories and cultures, and building strong relationships with Aboriginal and Torres Strait Islander communities, including the Mindaribba community. Through engagement and collaboration, we aim to foster mutual respect and understanding.	✓	✓	
1.3.4	Diverse communities We respect and celebrate all communities by acknowledging their rich heritage, embracing diversity in all its forms, and fostering meaningful connections that promote inclusion and understanding.	✓	✓	

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Belonging Connection Time Health 	1.3.1	<ul style="list-style-type: none">Survey respondents agreed the Maitland residents feel connected to the local communityAustralian Digital Inclusion Index for MaitlandPercentage of population in volunteering workSurvey respondents agreed that they are satisfied with their mental and physical health
Belonging Safety 	1.3.2	<ul style="list-style-type: none">Survey respondents agreed that community spaces, neighbourhoods, and facilities are welcoming to allSurvey respondents agreed that Maitland community is welcoming and supportive of people with disabilitySurvey respondents agreed that it is easy for individuals with disability to access our public spaces, facilities, and programsPercentage of Community Infrastructure that is accessibleSurvey respondents agreed they feel safe in their local neighbourhoodsNumber of recorded criminal incidents for major offences
Belonging 	1.3.3 1.3.4	<ul style="list-style-type: none">Engage with Aboriginal communities through our community satisfaction surveySurvey respondents agreed the Maitland community is welcoming to people from different cultures

More information on the indicators can be found in appendix two.

More information on the indicators can be found in appendix two.



Sustainable Maitland

Working together to commit to environmental stewardship and community resilience, centred around strong connections to nature and ensuring our communities thrive.



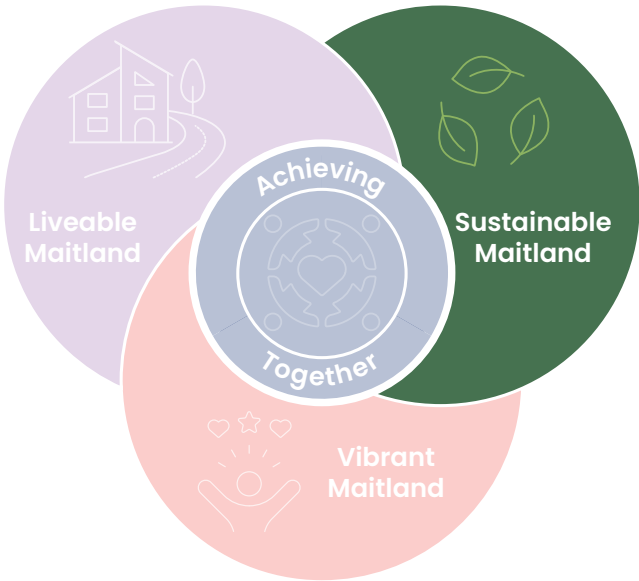
A Sustainable Maitland is defined by its commitment to environmental stewardship and community resilience, centred around strong connections to nature and ensuring our communities thrive.

It's about maintaining and accessing high quality local bushland, wetlands, and waterways for passive recreation, staying cool during hot summers, and effectively responding to natural hazards like floods, storms, bushfires, and drought.

Our Council leads by example in environmental practices, supporting the community in reducing environmental impacts and avoiding waste.

2.1 Valuing our natural environment

2.2 Sustainable and resilient communities



2.1 Valuing our natural environment

We value and enhance our natural environment to ensure a thriving community and resilient ecosystems. By nurturing our bushlands, wetlands, and waterways we support biodiversity, improve public health, create economic opportunities and maintain the natural beauty of our surroundings.

2.1	VALUING OUR NATURAL ENVIRONMENT	DELIVER	PARTNER	ADVOCATE
2.1.1	Functional biodiversity corridors Establish and maintain functional biodiversity corridors to support wildlife movement, enhance ecosystem health, and promote a balanced natural environment.	✓	✓	✓
2.1.2	Natural spaces Protect important natural spaces to ensure a thriving ecosystem and community wellbeing.	✓	✓	
2.1.3	Environment engagement Enhance community participation in environmental events and volunteering to foster ownership, pride and connection to our natural surroundings.		✓	
2.1.4	Waterway management Manage and maintain comprehensive waterways that include stormwater drainage, floodplains, wetlands, and our river, aiming to protect the environment, enhance community safety, and support the overall wellbeing of our community.	✓	✓	


WELLBEING DOMAINS	COMMUNITY INDICATORS	
	2.1.1	<ul style="list-style-type: none">Hectares of bushland revegetated each year and in totalHectares of native vegetation in the LGANumber of recorded flora and fauna species
	2.1.2	<ul style="list-style-type: none">Total protected land areaSurvey respondents agreed that the natural environments and green spaces are wellPercentage of tree canopy cover in residential areas preserved
	2.1.3	<ul style="list-style-type: none">Participation in community conservation events
	2.1.4	<ul style="list-style-type: none">Water Quality Report CardWaterway health

More information on the indicators can be found in appendix two.

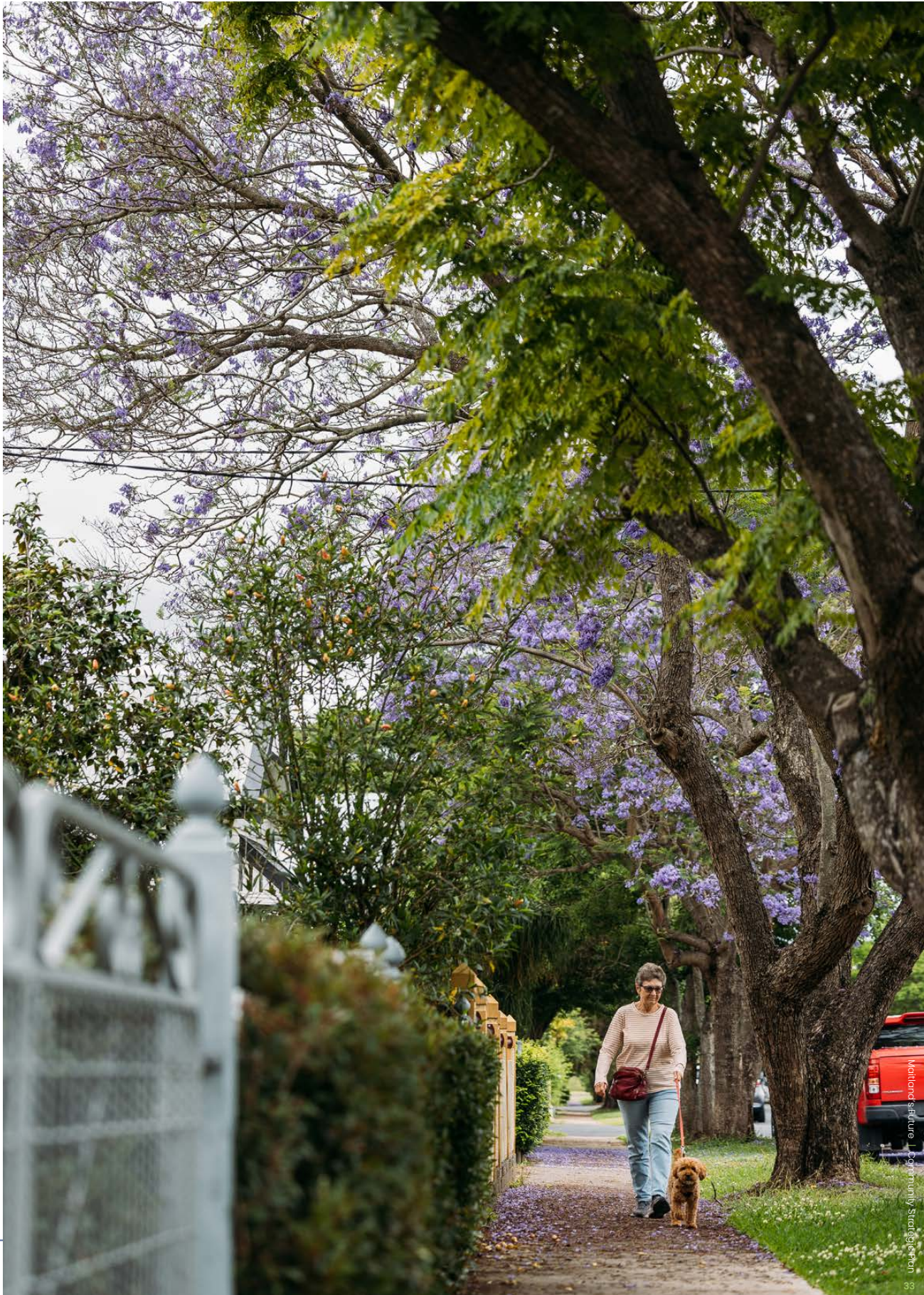
2.2 Sustainable and resilient communities

We build sustainable, resilient communities by reducing reliance on non-renewable energy, improving resource efficiency, embracing a circular economy, and empowering residents to create vibrant, green neighbourhoods that enhance wellbeing.

2.2	SUSTAINABLE AND RESILIENT COMMUNITIES	DELIVER	PARTNER	ADVOCATE
2.2.1	Sustainable leadership Champion sustainable practices and set a precedent for environmental responsibility and climate change mitigation. We inspire and guide others through actions and plans to foster a culture of sustainability and achieving enhanced resilience.	✓		
2.2.2	Living sustainably Foster practices that reduce environmental impact and promote resource efficiency across all aspects of daily life, including the development of a sustainable built environment. Our outcome is a community that embraces sustainable habits, designs, and opportunities, leading to improved ecological health and a higher quality of life for all communities.	✓	✓	✓
2.2.3	Prepared communities Increase community preparedness for climate change and natural hazards such as flood, heat, bushfire, and drought.		✓	
2.2.4	Circular economy Contribute to a shift towards a circular economy in which resources are conserved, the value of materials is maximised, and markets are created for reused, recycled and recovered resources and products.	✓	✓	

WELLBEING DOMAINS	COMMUNITY INDICATORS	
<div>Sustainability</div> <div></div>	2.2.1	<ul style="list-style-type: none">• Reduce greenhouse gas emissions by 50 per cent by 2030• Percentage of goods and services procured that meet sustainability criteria, including environmentally friendly and ethically sourced products.• Council's daily average electricity usage• Percentage of projects that use sustainable practise
	2.2.2	<ul style="list-style-type: none">• Number of solar electricity customers (residential and commercial)• Average water consumption
	2.2.3	<ul style="list-style-type: none">• Survey respondents agreed that their household is prepared for natural disasters in the Maitland area
	2.2.4	<ul style="list-style-type: none">• Waste diversion rate

More information on the indicators can be found in appendix two.





Vibrant Maitland

Working together to create opportunities for growth, work, and participation.



A Vibrant Maitland is defined by a dynamic environment that fosters opportunities for work, personal growth, and engaging activities, enriching the daily experiences and overall wellbeing of its residents. It's dedicated to fostering a diverse and resilient economy that supports a wide variety of job opportunities and business growth.

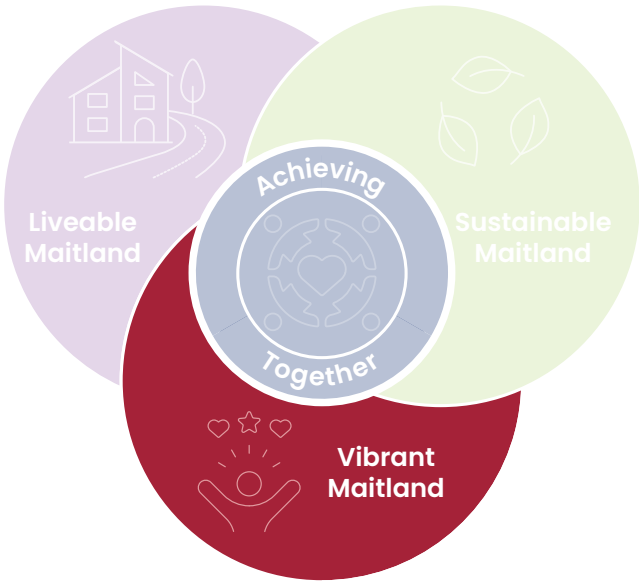
By cultivating partnerships and creating an inviting atmosphere for business attractions, we ensure that our community remains a vibrant hub for innovation.

Our commitment to providing a rich array of activities and amenities enhances the quality of life, making Maitland a place where people can live, work and thrive.

3.1 Diverse local economy

3.2 Vibrant community life

3.3 City shaping partnerships



3.1 Diverse local economy

We leverage our city's connections, to attract investment, foster innovation, and create thriving precincts that generate future jobs.

3.1	DIVERSE LOCAL ECONOMY	DELIVER	PARTNER	ADVOCATE
3.1.1	Investment attraction To attract investment by positioning Maitland as an innovative, well-connected city that is easy to do business. Driving economic growth, enhance infrastructure, and create opportunities that benefit both investors and the broader community.	✓	✓	
3.1.2	Strengthened and diversified precincts Strengthen and expand our existing business precincts by empowering local providers and developing new strategic areas, ensuring that our community has access to diverse and meaningful job opportunities to support its growth.	✓	✓	
3.1.3	Future skill Partner with and support educational institutions, training providers and industries to ensure our community has the necessary knowledge, skills, qualifications, and innovative capabilities to enhance future employment opportunities.		✓	


WELLBEING DOMAINS	COMMUNITY INDICATORS	
Economic 	3.1.1	<ul style="list-style-type: none">Survey respondents agreed that there are meaningful employment opportunities across MaitlandUnemployment rateNumber of jobs availableLocal jobs ratio
	3.1.2	<ul style="list-style-type: none">Number of businesses within the LGANumber of Strategic and Business Hubs
Education 	3.1.3	<ul style="list-style-type: none">Skilled Labour Pool * Diploma and aboveEducation Levels of over 15 year olds

More information on the indicators can be found in appendix two.

3.2 Vibrant community life

We honour our history while embracing the future by blending past and present, ensuring the city reflects our pride and enhances community life through vibrant arts, cultural events, and sports that celebrate diversity, foster personal growth, and strengthen community identity.

3.2	VIBRANT COMMUNITY LIFE	DELIVER	PARTNER	ADVOCATE
3.2.1	Diverse heritage and cultures Acknowledge and respect the diverse histories while embracing our future by celebrating arts and cultural heritage, supporting diverse cultural experiences, and enhancing the community's sense of identity and pride.	✓		
3.2.2	Precinct activation We are a vibrant hub of events and activities, creating a lively day/nightlife where our communities can come together, celebrate, and enjoy a rich variety of experiences.		✓	
3.2.3	City presentation To create a visually appealing and well maintained urban environment that reflects our community's pride and identity, fostering a sense of belonging and enhancing the quality of life for all communities.	✓		

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Belonging 	3.2.1	<ul style="list-style-type: none">Survey respondents agreed they were satisfied with heritage conservation effortsSurvey respondents agreed that they are satisfied with community and cultural programsValue of grants received for culture and heritage
	3.2.2	<ul style="list-style-type: none">Survey respondents were satisfied with place activationSurvey respondents were satisfied with the promotion of the citySurvey respondents were satisfied with festival and major events
	3.2.3	<ul style="list-style-type: none">Survey respondents were satisfied with the maintenance of local parks and gardensSurvey respondents were satisfied with the cleaning of public spaces, including public amenities

3.3 City shaping partnerships

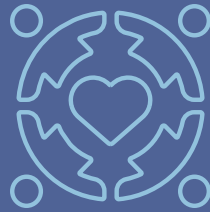
We advance advocacy and build strategic partnerships by actively engaging with stakeholders, aligning shared goals, leveraging grant funding, and driving collaborative initiatives to enhance connectivity within our city and across the region.

3.3	CITY SHAPING PARTNERSHIPS	DELIVER	PARTNER	ADVOCATE
3.3.1	Growth opportunities To optimise growth opportunities by leveraging grant funding, fostering regional collaboration, and aligning with our shared vision of a connected city, ensuring sustainable development that enhances community connectivity and regional		✓	
3.3.2	Advocacy and partnerships To advance advocacy and build strategic partnerships by actively engaging with stakeholders, aligning shared goals, and driving collaborative initiatives. To ensure we amplify community voices, influence positive change, and harness collective resources.		✓	✓

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Economic 	3.3.1	<ul style="list-style-type: none">Value of building approvals including Development Applications / Complying Development Certificates and State Significant DevelopmentsValue of grant investment in the city
	3.3.2	<ul style="list-style-type: none">Number of meetings held by our Advisory CommitteesNumber of Hunter Joint Organisation meetings attended

More information on the indicators can be found in appendix two.

More information on the indicators can be found in appendix two.



Achieving Together

Working together to foster a culture built on trust empowering an engaged workforce that embraces change.



Achieving Together in Maitland is defined by building trust and fostering collaboration to create a resilient and prosperous future.

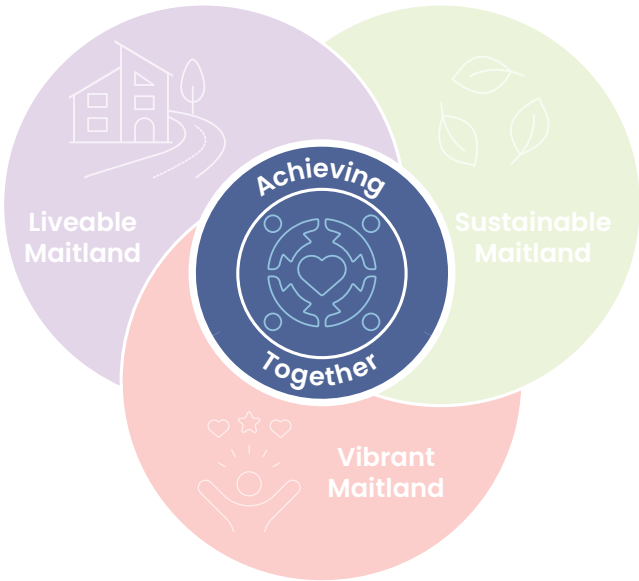
It's about having an engaged workforce committed to our shared goals and ensuring financial sustainability through prudent management and innovative practices. By utilising data and informed planning, we can navigate challenges and seize opportunities effectively.

Our shared vision can only be realised if we work together, harnessing the collective strength of our community. This in turn enhances liveability, sustainability, wellbeing, and economic vitality, creating a balanced environment where all aspects of life support each other seamlessly.

4.1 Trusted services

4.2 Engaged workforce

4.3 Resilient future



4.1 Trusted services

We build trusted services through transparent decision making informed by meaningful consultation and engagement.

4.1	TRUSTED SERVICES	DELIVER	PARTNER	ADVOCATE
4.1.1	Meaningful consultation and engagement Foster meaningful consultation and engagement by actively involving stakeholders in decision making processes, ensuring their voices are heard. This will strengthen trust and collaboration, leading to more informed and effective outcomes for all.	✓		
4.1.2	Trusted customer experience Deliver a trusted customer experience by providing reliable, transparent, and responsive services that meet the needs and expectations of our community. This approach builds confidence and fosters lasting relationships with our customers.	✓		
4.1.3	Transparent decision making Ensure transparent decision making to build trust, accountability and integrity within the community, fostering a culture of openness and responsible leadership.	✓		

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Governance 	4.1.1	<ul style="list-style-type: none">Survey respondents agreed that Council effectively understands and responds to the needs of the communitySurvey respondents agreed that Council provides them with opportunities to participate in the planning and decision making processesNumber of people engaged on projectsNumber of visits to Maitland Your Say site
	4.1.2	<ul style="list-style-type: none">Customer Satisfaction Score (CSAT)Survey respondents were satisfied with the way their contact was handledSurvey respondents were satisfied with the range of online services available
	4.1.3	<ul style="list-style-type: none">Survey respondents agreed that they are satisfied with the level of communicationSurvey respondents agreed that Council is honest and transparentSurvey respondents trust in Maitland City Council

More information on the indicators can be found in appendix two.

4.2 Engaged workforce

We foster an engaged workforce committed to development and growth, ensuring the wellbeing of our people.


4.2	ENGAGED WORKFORCE	DELIVER	PARTNER	ADVOCATE
4.2.1	Excellence in leadership Equip our leaders with the skills and vision needed to drive meaningful change and foster innovation. Leading with integrity and effectively navigate complex challenges to contribute to the success and growth of Maitland.	✓		
4.2.2	Collaborative organisation Build a culture that listens and encourages empathy, understanding and willingness to help our customers and colleagues.	✓		
4.2.3	Development and growth of our people Plan for our future workforce to ensure we have developed and engaged people to deliver on our community's priorities. Put our people first and strive to create a positive employee experience.	✓		

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Governance 	4.2.1	<ul style="list-style-type: none">Employee engagement and satisfaction with leadershipRetention rate of high performing employees360-degree leadership profiles completedEmployee wellbeing score
	4.2.2	<ul style="list-style-type: none">Stakeholder satisfaction with collaborationEmployee engagement in collaborative projectsNumber of knowledge sharing sessions, cross training events, or joint workshops heldEmployee engagement score
	4.2.3	<ul style="list-style-type: none">Participation rates in study assistanceInternal Promotion rateSkills Development Progress

4.3 Resilient future

We create a resilient future through informed planning, leveraging innovation, technology and data to foster change.

4.3	RESILIENT FUTURE	DELIVER	PARTNER	ADVOCATE
4.3.1	Informed planning Undertake a holistic approach to planning that reflects community needs and aspirations, delivering current and future services sustainably while making sound financial decisions aligned with Maitland's risk management framework and long term planning.	✓		
4.3.2	Culture of improvement and innovation Encourage innovation and a culture of improvement to enhance overall performance, efficiency and effectiveness of products and services provided to the community.	✓		
4.3.3	Leverage technology and data Utilise the digital transformation of the organisation to drive innovative approaches and insights using quality data to make strategic decisions that align with our shared vision , provide consistency and transparency, and promote a culture of improvement.	✓		

WELLBEING DOMAINS	COMMUNITY INDICATORS	
Governance 	4.3.1	<ul style="list-style-type: none">Number of financial ratios metSurvey respondents were satisfied with long term planning for the citySurvey respondents agreed that they are confident that Council has fulfilled its promises outlined in operational plans, strategies, and capital works programs
	4.3.2	<ul style="list-style-type: none">Number of new initiatives, projects, or ideas aimed at process or service improvement within a specific periodNumber/amount of improvement driven cost savingsEmployee progress score
	4.3.3	<ul style="list-style-type: none">Employee Satisfaction with Technology

More information on the indicators can be found in appendix two.

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Appendix

1. How to read Maitland's Future

Focus area
Core focus areas that support and guide the achievement of our shared vision.



Liveable Maitland

A Liveable Maitland fosters strong connections, great places to live, and efficient mobility that enhances how we connect with people and place.

A Liveable Maitland is defined by a high quality of life that centres around its community wellbeing and daily experiences. It's about creating neighbourhoods that are walkable and bike friendly, where public spaces are inviting and safe for all ages. Access to essential services like healthcare, education, and community facilities is crucial, ensuring that every person can live comfortably.

It's about creating a welcoming, inclusive environment where people feel they belong, supported by integrated transport that connects residents to services, jobs, and each other.

Affordable housing options and diverse cultural amenities fostering a sense of belonging and inclusivity. To achieve true liveability, Maitland must harmonise environmental sustainability and economic vitality, creating a balanced where all aspects of life complement each other seamlessly.



1.1 Great neighbourhoods

1.2 Integrated movement

1.3 Welcoming community



Priority
A key area of focus within a focus area that defines what needs to be addressed to drive progress and deliver a meaningful outcome.

1.1 Great neighbourhoods
We are committed to creating great neighbourhoods that thrive on connectivity by offering a mix of housing, accessible open spaces, and essential services. Together, we aim to ensure a high quality of life for everyone.

		DELIVER	PARTNER	ADVOCATE
1.1	GREAT NEIGHBOURHOODS			
1.1.1	Quality open space network Develop a network of quality open spaces that seamlessly connects residents to accessible, walkable parks, recreational areas, streetscapes and natural landscapes, ensuring ease of access, enhanced community wellbeing, and increased usage of outdoor spaces.	✓		
1.1.2	Connected living Create and maintain neighbourhoods where residents can connect to essential facilities and community infrastructure, fostering a sense of community, enhancing convenience, and improving overall quality of life.	✓	✓	
1.1.3	Housing diversity Facilitate affordable and diverse housing options that ensure that everyone has a place to call home in all stages of life.		✓	✓

WELLBEING DOMAINS	INDICATOR
Connection 	1.1.1 <ul style="list-style-type: none">Percentage of residents that can walk 800m to open spacePercentage of deemed quality open spaceSurvey respondents agreed there are plenty of accessible open spaces in the neighbourhood
	1.1.2 <ul style="list-style-type: none">Community Infrastructure index score: percentage of residents that live within a 800m distance (walkable) of community facilities, public transport (train stations and bus stops), recreation facilities, local centres, and parksSurvey respondents agreed that medical, mental health and social services are accessible and adequateSporting facilities and active lifestyle opportunities in the area meet my needs
Health 	1.1.3 <ul style="list-style-type: none">Percentage of housing of diverse housing options (detached houses, apartments, townhouses)Survey respondents agreed that there are diverse housing options available for everyone across Maitland LGARental stress/Mortgage stress
Housing 	

Council's role
Deliver, partner or advocate

Objective
A specific and measurable outcome that supports the achievement of a priority, providing clear direction for actions and initiatives.

Community Indicators
Community indicators measure wellbeing to ensure we're making meaningful progress toward our shared vision. They highlight areas needing improvement and show how changes positively impact daily life. This helps us stay focused on improving quality of life and meeting the unique needs of our community.

2. Maitland’s Future indicators

Key:
Increasing ▲ Decreasing ▼ Maintain ► New ★

“What gets measured, gets improved.”

– Peter Drucker

FOCUS AREA	WELLBEING DOMAINS	PRIORITY		OBJECTIVE		COMMUNITY INDICATORS	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Liveable Maitland	Connection	1.1	Great neighbourhoods	1.1.1	Quality open space network	Percentage of residents that live within 800 metre walking distance to open space	Increasing	▲	✓			Recreation facilities (sportsgrounds, skateparks, playgrounds, pools - 83% Parks and reserves - 96%)	Is crucial for ensuring equitable access to green spaces which promotes physical activity, social connections, environmentally friendly behaviors and improves mental wellbeing. It informs better planning decisions and supports inclusive development by ensuring parks are distributed fairly across all neighborhoods.	MCC GIS data
		1.1	Great neighbourhoods	1.1.1	Quality open space network	Percentage of deemed quality open space	Increasing	▲	✓			This is a new measure, and work will need to be completed within the Community Infrastructure Strategy to define quality standards before it can be assessed.	Measuring quality is important to ensure the open space is truly usable and accessible. High quality parks provide accessible safe spaces that are well maintained for recreation and social activities. By focusing on quality we ensure that open space meets the needs of all residents and offers functional areas for exercise, play, and community gatherings without limited use. This approach helps create spaces that are enjoyable and beneficial for everyone.	TBC for final version
		1.1	Great neighbourhoods	1.1.1	Quality open space network	Survey respondents agreed there are plenty of accessible open spaces in the neighbourhood	Increasing	▲	✓			72%	By focusing on quality we ensure that open space meets the needs of all residents and offers functional areas for exercise, play, and community gatherings without limited use. This approach helps create accessible spaces that are enjoyable and beneficial for everyone.	MCC satisfaction survey
		1.1	Great neighbourhoods	1.1.2	Connected living	Overall quality of life in Maitland	Increasing	▲	✓	✓		90%	Is essential to inform decisions that address community needs, track progress on strategic goals, and ensure sustainable development that enhances residents' wellbeing. It also helps identify areas for improvement, fostering a more connected and thriving city.	MCC satisfaction survey
		1.1	Great neighbourhoods	1.1.2	Connected living	Community infrastructure index score: percentage of residents that live within 800 metre walking distance of community facilities, public transport (train stations and bus stops), recreation facilities, local centres, and parks	Increasing	▲	✓	✓		Community facilities (libraries community centres, senior citizen centres - 38%). Recreation facilities (sportsgrounds, skateparks, playgrounds, pools - 83%). Local centres (retail areas - 56%). Parks and reserves - 96% Within 400m: Public Transport (railway, ferry, bus, light rail - 91% as at March 2022)"	Social inclusion refers to people's ability to participate adequately in society through access to social infrastructure such as community facilities, transport and green spaces. Lack of access can result in barriers that make it difficult or impossible for people to participate fully in society.	MCC satisfaction survey

FOCUS AREA	<div>WELLBEING DOMAINS</div>	PRIORITY		OBJECTIVE		COMMUNITY INDICATORS	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Liveable Maitland	<div>Health</div>	1.1	Great neighbourhoods	1.1.2	Connected living	Survey respondents agreed that medical, mental health and social services are accessible and adequate	Increasing	▲		✓	✓	38%	Accessible and high quality services allow residents to get timely care which reduces health disparities and prevents issues from worsening. Adequate services support mental health, social stability, and overall community resilience, particularly for vulnerable populations. By assessing access and adequacy, we can identify gaps and advocate for allocating resources more effectively. As result this can improve service delivery to meet the diverse needs of the population, fostering a healthier and more inclusive community.	MCC satisfaction survey
		1.1	Great neighbourhoods	1.1.2	Connected living	Survey respondents agreed that sporting facilities and active lifestyle opportunities in the area meet their needs	Increasing	▲	✓	✓	✓	69%	Our lifestyles have a big impact on our wellbeing and preventive health through participation in sport and physical activities has a big role to play in improving health outcomes.	MCC satisfaction survey
	<div>Housing</div>	1.1	Great neighbourhoods	1.1.3	Housing diversity	Percentage of diverse housing options (detached houses, apartments, townhouses)	Increasing	▲		✓	✓	12.6%	Measuring housing diversity and a mix of housing options is important to ensure that a community meets the varying needs of its residents. A diverse housing stock supports affordability, inclusivity, and long term sustainability by offering choices that accommodate different life stages, income levels, and preferences. Tracking housing diversity also helps us address future growth and demographic changes effectively.	TBC for final version
		1.1	Great neighbourhoods	1.1.3	Housing diversity	Survey respondents agreed that there are diverse housing options available for everyone across Maitland LGA	Increasing	▲		✓	✓	27%	Diversity and a mix of housing options is important to ensure that a community meets the varying needs of its residents, from young families to seniors, and from low income to high income households.	MCC satisfaction survey
		1.1	Great neighbourhoods	1.1.3	Housing diversity	Rental stress/mortgage stress	Decreasing	▼		✓	✓	11%	Indicator of financial pressure on households as it reflects how many people are struggling to meet their home loan repayments. High levels of mortgage and rental stress can signal broader economic challenges, such as rising living costs, stagnant wages, or housing affordability issues. Understanding this helps us identify vulnerable groups, guide housing affordability initiatives, and address potential social issues like housing insecurity or financial hardship. Monitoring this metric enables better planning to support economic stability and community wellbeing.	ABS 2021
	<div>Connection</div>	1.2	Integrated movement	1.2.1	Efficient and sustainable movement	How easy is it for you to get to the places you need to go within Maitland?	New	★	✓	✓		New	Longer commutes or difficult access to essential services including work, schools, shops, or healthcare can increase stress. This can reduce the time available for family, leisure, and personal well being. Understanding ease of access helps us identify gaps in transportation, infrastructure, and services which leads to better planning and more efficient connectivity. This can ultimately reduce travel time, enhance convenience, and improve overall community satisfaction and productivity.	MCC satisfaction survey
		1.2	Integrated movement	1.2.1	Efficient and sustainable movement	Percentage of housing within 800 metres of a train or bus stop	Increasing	▲	✓	✓		91%	Proximity to public transport encourages its use, reducing reliance on cars, easing traffic congestion, and lowering carbon emissions. It also supports equity by ensuring that more people can easily reach work, education, healthcare, and other essential services. This data helps inform urban planning and infrastructure improvements, promoting sustainable and connected communities while enhancing the overall convenience and quality of life for residents.	MCC GIS data

FOCUS AREA	WELLBEING DOMAINS	PRIORITY		OBJECTIVE		COMMUNITY INDICATORS	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Liveable Maitland	Connection	1.2	Integrated movement	1.2.1	Efficient and sustainable movement	What would encourage you to use public transport or active transport (walking, cycling) more frequently?	New	★	✓	✓		New	Understanding these factors helps us identify specific improvements or initiatives that can enhance the appeal and usability of transportation options. This information can inform decisions about infrastructure investments such as better pathways, increased public transport frequency, improved safety measures, or educational programs. Ultimately, addressing these factors can lead to higher rates of public and active transport use which will promote healthier lifestyles, reduce traffic congestion, and lower environmental impacts.	TBC for final version
		1.2	Integrated movement	1.2.2	Connected active transport	Number of suburbs with a walkscore above 50 (somewhat walkable – some errands can be accomplished on foot)	Increasing	▲	✓	✓		2	Assesses how easily residents can access essential services, amenities, and public transport on foot. A high walk score promotes healthier lifestyles by encouraging walking, reduces reliance on cars, and lowers traffic congestion and pollution. It also improves social connectivity, making neighborhoods more vibrant and livable. By tracking walk scores we can identify areas that need better infrastructure, such as pathways or local amenities to create a more walkable, sustainable, and accessible communities.	Walkscore.com
		1.2	Integrated movement	1.2.2	Connected active transport	Percentage of residents using active and public transport options	Increasing	▲		✓	✓	9.8%	Helps gauge the effectiveness of public transportation infrastructure and how well it meets the needs of the community. A high percentage of active and public transport use promotes healthier lifestyles, reduces traffic congestion, and lowers environmental impacts like carbon emissions. It also reflects how accessible and reliable public transport is, especially for people without private vehicles. This data helps guide urban planning, improve transport services, and support sustainability goals, creating a more efficient and connected city.	NSW Transport – Household Travel Survey (HTS)
		1.2	Integrated movement	1.2.2	Connected active transport	Percentage of pathways that connect you to a destination or facility	Increasing	▲	✓	✓		New	Well connected pathways promote walking and cycling which makes it easier for residents to reach key services, amenities, and public spaces. This enhances accessibility, reduces reliance on cars, and supports healthier lifestyles. Understanding how well pathways link to destinations helps local governments plan improvements to ensure communities are walkable, inclusive, and better connected to essential facilities like schools, parks, shops, and public transport.	MCC satisfaction survey
	Safety	1.2	Integrated movement	1.2.3	Safe and efficient road networks	Smoothness score for Maitland's roads	New	★	✓			New	Reflects the quality and condition of the road infrastructure which directly impacts driver safety, vehicle wear and tear, and overall travel comfort. Smoother roads reduces accidents, lowers maintenance costs for vehicles, and provide a better driving experience. Additionally, well maintained roads contribute to efficient traffic flow resulting in reducing travel time and fuel consumption. Monitoring the smoothness score helps us prioritise road maintenance and improvements to ensuring that roads are safe, reliable, and capable of supporting the community's growth and mobility needs.	TBC for final version
		1.2	Integrated movement	1.2.3	Safe and efficient road networks	Road safety – number of crashes	Decreasing	▼		✓	✓	93 (2022)	Helps identify dangerous areas or patterns, such as high risk intersections or times when accidents are more likely to occur. By understanding where and why crashes happen, we can implement targeted safety measures, such as better signage, road design changes, traffic calming solutions. The data captured allows us to advocate to State and Federal Government bodies for grants. Reducing the number of crashes also lowers injuries and fatalities which enhances public confidence in road systems, and contributes to a safer, more liveable community.	Transport NSW

FOCUS AREA	WELLBEING DOMAINS	PRIORITY		OBJECTIVE		COMMUNITY INDICATORS	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Liveable Maitland	Connection	1.3	Welcoming community	1.3.1	Community connections	Australian Digital Inclusion Index for Maitland	Maintain	►			✓	73.1	Assesses how accessible and equitable digital technologies and internet connectivity are for all residents. Understanding gaps in digital access and usage skills helps identify vulnerable populations who may be left behind due to our community relying on digital platforms for everyday tasks and services. By measuring digital inclusion, we can develop targeted strategies and/or advocate to improve access to technology, enhance digital literacy, and address disparities. This fosters greater participation in the digital economy, promotes social equity, and ensures that all community members can benefit from the opportunities that technology provides.	Australian Digital Inclusion Index
	Time	1.3	Welcoming community	1.3.1	Community connections	Percentage of population in volunteering work	Increasing	▲	✓	✓		11%	Shows the level of community engagement and the social capital available in the community. This information can be used to identify gaps in services or support, as well as to recognise and celebrate the contributions of volunteers. Additionally, tracking volunteer efforts can inform the development of programs and initiatives that encourage more community participation, helping to foster a sense of belonging and connection among residents.	ABS 2021
	Health	1.3	Welcoming community	1.3.1	Community connections	Survey respondents agreed that they are satisfied with their mental and physical health	Maintain	►			✓	78%	Provides insights into the overall wellbeing of residents to help us identify areas where support and resources are needed. Understanding community satisfaction can reveal effectiveness and gaps of access to healthcare services, mental health resources, existing programs and initiatives, and recreational facilities to allow for targeted improvements.	MCC satisfaction survey
	Belonging	1.3	Welcoming community	1.3.1	Community connections	Survey respondents agreed the Maitland residents feel connected to the local community	Increasing	▲	✓	✓		56%	A strong sense of connection fosters social support networks, enhances mental health, and encourages civic participation, such as volunteering and attending local events. Understanding residents' feelings of connection can help identify barriers to engagement and guide the development of programs and initiatives that promote inclusivity and interaction. By measuring community connectivity, we can create a more vibrant, supportive, and cohesive environment which ultimately contributes to the community's resilience and long term sustainability.	MCC satisfaction survey
		1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Survey respondents agreed that community spaces, neighbourhoods, and facilities are welcoming to all	Increasing	▲	✓			68%	Ensures inclusivity and promotes a sense of belonging among residents. When spaces are designed to be welcoming they encourage diverse groups to engage, participate, and connect with one another to foster social cohesion and community spirit. Understanding how different demographics perceive these spaces helps identify barriers to access and participation to allow for targeted improvements that enhance usability and comfort.	MCC satisfaction survey
		1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Survey respondents agreed that Maitland community is welcoming and supportive of people with disability	Increasing	▲	✓	✓		62%	Helps identify strengths and areas for improvement in inclusivity. This feedback is essential for shaping policies and initiatives that foster a more accessible and supportive environment for all residents.	MCC satisfaction survey


FOCUS AREA	WELLBEING DOMAINS	PRIORITY		OBJECTIVE		COMMUNITY INDICATORS	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Liveable Maitland	Belonging 	1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Survey respondents agreed that it is easy for individuals with disability to access our public spaces, facilities, and programs	Increasing	▲	✓			46%	It is important for ensuring that all residents, regardless of their abilities or circumstances, can fully participate in community life. Accessibility impacts not only physical access to buildings and public spaces but also the ability to utilize services, engage in social activities, and access essential resources like healthcare and education. By assessing accessibility, we can identify barriers and implement improvements to promote inclusivity and equity. This helps create a supportive environment for people with disabilities, seniors, and other minority groups which ultimately enhances the overall community wellbeing to foster a more vibrant and engaged society.	MCC satisfaction survey
		1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Percentage of Community infrastructure that is accessible	New	★	✓			New	Accessibility impacts not only physical access to buildings and public spaces but also the ability to utilize services which can reduce the opportunity for our community to engage in social activities. By assessing the accessibility of community infrastructure, we can identify barriers and implement improvements to our buildings to promote inclusivity and equity.	MCC GIS data
	Safety 	1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Survey respondents agreed that they feel safe in their local neighbourhoods	Increasing	▲	✓	✓		66%	A positive perception of safety encourages people to participate in outdoor activities, socialise, and utilize public spaces to foster a sense of community. Conversely, concerns about safety can lead to isolation, reduced physical activity, and decreased trust among neighbors. By understanding residents' perceptions it allows local governments to identify areas of concern and implement targeted measures to improve safety, such as better lighting, increased police presence, or community programs.	MCC satisfaction survey
		1.3	Welcoming community	1.3.2	Inclusive public places and spaces	Number of recorded criminal incidents for major offenses	Decreasing	▼	✓	✓		Rates per 100,000 population 1263.7* assaults	Provides valuable insights into community safety, helping residents understand how secure their neighborhoods are. This data enables us to advocate and partner to develop community programs to areas with higher crime.	crimetool.bocsar.nsw.gov.au/bocsar/
	Belonging 	1.3	Welcoming community	1.3.3	Aboriginal and Torres Strait Islander connections	Engage with Aboriginal communities through our community satisfaction survey	Increasing	▲	✓			8%	Ensures that Aboriginal communities have a voice in the decision making processes that affect their lives, promoting cultural inclusion and respect. By tracking these opportunities, we can identify gaps in engagement and work towards creating more inclusive opportunities and programs that address the specific needs and aspirations of Aboriginal residents. Additionally, measuring engagement helps foster relationships between Aboriginal communities and other stakeholders to facilitate collaboration and understanding.	MCC satisfaction survey
		1.3	Welcoming community	1.3.4	Diverse communities	Survey respondents agreed the Maitland community is welcoming to people from different cultures	Increasing	▲	✓	✓		71%	Fosters social cohesion and inclusivity to allow diverse groups to feel accepted and valued which enhances community harmony. Understanding the perceptions and experiences of cultural diversity helps identify areas where improvements can be made, ensuring that services and public spaces are accessible and sensitive to various cultural needs. Additionally, a welcoming environment encourages cultural exchange and enriches the community to contribute to a vibrant local culture. Measuring this aspect promotes equity, enhances the quality of life for all residents, and supports a strong, united community.	MCC satisfaction survey



THEME	WELLBEING DOMAIN	PRIORITY		OBJECTIVE		COMMUNITY INDICATOR	DESIRED TREND		MCC ROLE			BASELINE	WHY THIS IS IMPORTANT	SOURCE
									DELIVER	PARTNER	ADVOCATE			
Sustainable Maitland	<div>Sustainable</div> <div></div>	2.1	Valuing our natural environment	2.1.1	Functional biodiversity corridors	Hectares of bushland revegetated each year and in total	Maintain	►	✓	✓		85 hectares	Helps us track environmental restoration efforts, ensuring biodiversity is supported and ecosystems are rebuilt. This data also guides future conservation strategies and shows progress in achieving sustainability goals.	TBC for final version
		2.1	Valuing our natural environment	2.1.1	Functional biodiversity corridors	Hectares of native vegetation in the LGA	Maintain	►	✓			8534 hectares	Crucial for monitoring ecosystem health and biodiversity. It also informs conservation efforts, land management practices, and helps track progress towards environmental goals.	TBC for final version
		2.1	Valuing our natural environment	2.1.1	Functional biodiversity corridors	Number of recorded flora and fauna species	Maintain	►	✓	✓		2,466	Crucial for monitoring ecosystem health and biodiversity. It also informs conservation efforts, land management practices, and helps track progress towards environmental goals.	TBC for final version
		2.1	Valuing our natural environment	2.1.2	Natural spaces	Total protected land area	Maintain	►	✓	✓		65 hectares	Helps safeguard natural habitats, preserve biodiversity, and maintain ecological balance. It also supports sustainable land management and demonstrates a commitment to long term environmental stewardship.	TBC for final version
		2.1	Valuing our natural environment	2.1.2	Natural spaces	Survey respondents agreed that the natural environments and green spaces are well preserved	Increasing	▲	✓			55%	Helps assess community perceptions of environmental quality and management efforts. Understanding this satisfaction level helps informs local policies and initiatives aimed at enhancing the protection and accessibility of these vital areas for residents.	TBC for final version
		2.1	Valuing our natural environment	2.1.2	Natural spaces	Percentage of tree canopy cover in residential areas	Increasing	▲	✓	✓		15.6%	Tree canopy provides essential environmental benefits, such as reducing urban heat and enhancing stormwater management by absorbing rainwater. A well established canopy also contributes to biodiversity by creating habitats for wildlife. In addition, trees improve the quality of life for residents by offering shade, cooling neighborhoods, and promoting mental wellbeing.	TBC for final version
		2.1	Valuing our natural environment	2.1.3	Environment engagement	Participation in community conservation events	Increasing	★	✓	✓		New	Is important for assessing community engagement and awareness regarding environmental stewardship. It helps gauge the effectiveness of outreach efforts and fosters a sense of ownership and responsibility among residents for local conservation initiatives.	TBC for final version
		2.1	Valuing our natural environment	2.1.4	Waterway management	Water quality report card	Increasing	▲	✓	✓		TBC	Essential for assessing the health of local ecosystems and ensuring the safety of drinking water for residents. It also helps identify pollution sources, informs management strategies, and supports regulatory compliance to protect public health and the environment.	TBC for final version
		2.1	Valuing our natural environment	2.1.4	Waterway management	Waterway health	Increasing	▲	✓	✓		TBC	Is crucial for understanding the ecological integrity of local water bodies and their ability to support biodiversity. It provides insights into the effectiveness of conservation efforts, helps identify pollution or degradation issues, and guides management practices to maintain clean and sustainable waterways for the community.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.1	Sustainable leadership	Reduce greenhouse gas emissions by 50 per cent by 2030 and to net zero by 2050	Decreasing	▼	✓	✓		811,000 tonnes (FY2022-23)	Helps track how well communities are contributing to global climate goals, ensuring accountability and transparency in efforts to mitigate climate change. Measuring these targets guides policy decisions and resource allocation, allowing adjustments to be made to achieve the set goals. Ultimately, tracking the emissions reduction helps protect the environment, fosters resilience to climate impacts, and ensure a healthier future for current and future generations.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.1	Sustainable leadership	Percentage of goods and services procured that meet sustainability criteria, including environmentally friendly and ethically sourced products	New	★	✓			New	Tracking this measure encourages sustainable procurement practices to help set a positive example for the community, and aligns purchasing decisions with broader environmental and social goals. This contributes to long term sustainability and ethical governance.	TBC for final version

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									DELIVER	PARTNER	ADVOCATE			
Sustainable Maitland	<div>Sustainable</div>	2.2	Sustainable and resilient communities	2.2.1	Sustainable leadership	Council's daily average electricity usage	Decreasing	▼	✓			TBC	Allows us to track energy consumption trends, identify inefficiencies, and implement strategies for reducing costs and environmental impact. It also supports informed decision making to improve sustainability efforts and align with energy saving goals.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.1	Sustainable leadership	Percentage of projects that use sustainable practise	New	★	✓			New	Demonstrates progress in integrating environmental responsibility into operations. It ensures accountability toward sustainability goals and fosters long term benefits for the community and the environment.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.2	Living sustainably	Number of solar electricity customers (residential and commercial)	Increasing	▲		✓	✓	11,346	Demonstrates the community's shift toward renewable energy which reduces reliance on fossil fuels and lowering greenhouse gas emissions. It helps track progress in adopting clean energy solutions, contributing to environmental sustainability and climate change mitigation.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.2	Living sustainably	Average water consumption	Decreasing	▼		✓	✓	168 litres person per day (Hunter Region, LGA data not available)	Helps track the effectiveness of water conservation efforts and initiatives aimed at promoting sustainable water use. Lower water consumption reduces the strain on local water resources, ensuring a reliable supply for residents and ecosystems, especially during periods of drought or water scarcity.	TBC for final version
		2.2	Sustainable and resilient communities	2.2.3	Prepared communities	Survey respondents agreed that their household is prepared for natural disasters in the Maitland area	Increasing	▲	✓	✓		66%	Helps identify gaps in preparedness, enabling targeted education and resources to strengthen resilience. Tracking this also supports better planning for emergency services to ensure resources are directed to where they are most needed.	MCC satisfaction survey
		2.2	Sustainable and resilient communities	2.2.4	Circular economy	Waste diversion rate	Increasing	▲	✓	✓		38%	Tracks the percentage of waste that is kept out of landfills through recycling, composting, or reuse programs. A high diversion rate indicates effective waste management, reducing the environmental impact of landfills, lowering greenhouse gas emissions, and conserving natural resources. It also helps us identify areas where waste reduction efforts can be improved, promoting more sustainable behaviors in the community. By monitoring this rate, councils can evaluate the success of their waste initiatives, guide future policies, and work towards creating a cleaner, more sustainable environment.	TBC for final version



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Vibrant Maitland	Economic	3.1	Diverse local economy	3.1.1	Investment attraction	Survey respondents agreed that there are meaningful employment opportunities across Maitland	Increasing	▲		✓	✓	50%	Provides valuable insights into the community's perception of job availability and quality. Understanding these perceptions can help identify gaps in the job market and guide economic development strategies This can ensure that local initiatives align with the needs and expectations of residents, ultimately fostering a thriving and resilient local economy.	MCC satisfaction survey
		3.1	Diverse local economy	3.1.1	Investment attraction	Unemployment rate	Maintain	►		✓	✓	3.1%	The unemployment rate is defined as the percentage of unemployed workers in the total labour force. It is widely recognised as a key indicator of the performance of a place's labour market. The unemployment rate doesn't just impact those individuals who are jobless. The level and persistence of the factors of unemployment have wide ranging impacts across the broader economy.	ABS – Labour Force Data
		3.1	Diverse local economy	3.1.1	Investment attraction	Number of jobs available	Increasing	▲		✓	✓	35,227	Provides a clear understanding of the local job market's health and capacity to meet the needs of residents. This data helps identify employment trends, inform workforce development initiatives, and guide economic planning to ensure that the community has access to sufficient and meaningful job opportunities.	Remplan
		3.1	Diverse local economy	3.1.1	Investment attraction	Local jobs ratio	Increasing	▲		✓	✓	0.8 or 80 jobs for every 100 people	Helps assess the balance between the number of jobs available and the local workforce. This ratio provides insights into employment opportunities, potential skill shortages, and economic health. This enables local government to make informed decisions about workforce development, infrastructure needs, and community services to support sustainable growth and enhance residents' quality of life.	Remplan
		3.1	Diverse local economy	3.1.2	Strengthened and diversified precincts	Number of businesses within the LGA	Increasing	▲		✓	✓	5,740	Essential for assessing the local economy's health and vitality as it reflects growth or decline in business activity. This data helps evaluate job creation and employment opportunities for residents, which are crucial for community wellbeing. Additionally, it informs local policies and initiatives aimed at supporting business development, attracting investment, and enhancing services for entrepreneurs. Understanding the business landscape also aids in efficiently allocating resources and planning urban development, ensuring that local government efforts align with the needs of the business community.	Remplan
		3.1	Diverse local economy	3.1.2	Strengthened and diversified precincts	Number of Strategic and Business Hubs	Increasing	▲	✓	✓		4	These hubs play a crucial role in driving economic growth and innovation. They serve as focal points for entrepreneurship, attracting businesses and fostering collaboration among local entrepreneurs, which can lead to job creation and increased economic activity. By measuring the number of these hubs, local governments can assess their effectiveness in supporting local businesses, identify areas for improvement, and make informed decisions about resource allocation and infrastructure development. Tracking these hubs helps gauge the community's overall economic health and resilience, enabling the development of strategies to enhance local business ecosystems.	Remplan
	Education	3.1	Diverse local economy	3.1.3	Future skill	Skilled labour pool* Diploma and above	Increasing	▲		✓	✓	31%	Provides insight into the region's human capital, indicating the availability of qualified workers to meet the demands of local businesses and industries. This information is essential for attracting new businesses and investment, as companies often seek locations with a skilled workforce. Furthermore, knowing the education levels helps identify gaps in skills or training which allows us to tailor educational programs and workforce development initiatives to better align with industry needs. By measuring and understanding these factors, LGAs can foster economic growth, improve employment opportunities, and enhance the overall quality of life for residents.	ABS 2021

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Vibrant Maitland	Education	3.1	Diverse local economy	3.1.3	Future skill	Education levels of over 15 year olds	Increasing	▲		✓	✓	24.8% above diploma	Provides insight into the region's human capital, indicating the availability of qualified workers to meet the demands of local businesses and industries. This information is essential for attracting new businesses and investment, as companies often seek locations with a skilled workforce. Furthermore, knowing the education levels helps identify gaps in skills or training which allows us to tailor educational programs and workforce development initiatives to better align with industry needs. By measuring and understanding these factors, LGAs can foster economic growth, improve employment opportunities, and enhance the overall quality of life for residents.	ABS 2021
	Belonging	3.2	Vibrant community life	3.2.1	Diverse heritage and cultures	Survey respondents agreed they were satisfied with heritage conservation efforts	Increasing	▲	✓	✓		86%	Helps us assess community perceptions and prioritize areas for improvement in preserving local history. It ensures that heritage initiatives align with public expectations, fostering greater engagement and support for conservation projects.	MCC satisfaction survey
		3.2	Vibrant community life	3.2.1	Diverse heritage and cultures	Survey respondents agreed that they are satisfied with community and cultural programs	Maintain	►	✓	✓		88%	Helps us gauge the effectiveness of these initiatives in meeting community needs. It ensures that programs are aligned with public interests and contribute to a vibrant, inclusive community.	MCC satisfaction survey
		3.2	Vibrant community life	3.2.1	Diverse heritage and cultures	Value of grants received for culture and heritage	Increasing	▲	✓	✓		New	Helps us evaluate the impact of funding on preserving and promoting local culture. It ensures resources are effectively allocated to support initiatives that enrich the community's cultural identity and heritage.	MCC Grants Register
		3.2	Vibrant community life	3.2.2	Precinct activation	Survey respondents were satisfied with place activation	Maintain	►	✓	✓		87%	Helps to assess whether public spaces are being used effectively and are contributing to community engagement, vibrancy, and well being. Positive satisfaction indicates that people feel connected to their surroundings, and it can help guide future investments in infrastructure, programming, and services that enhance the city's appeal and livability.	MCC satisfaction Survey
		3.2	Vibrant community life	3.2.2	Precinct activation	Survey respondents were satisfied with the promotion of the City	Maintain	►	✓	✓		89%	Reflects the effectiveness of marketing and communication strategies. It provides insights into whether residents feel proud of their city and if promotional activities resonate with them. This information can guide future promotional efforts, help attract tourists, investors, and new residents, and foster a sense of community pride and ownership.	MCC satisfaction Survey
		3.2	Vibrant community life	3.2.2	Precinct activation	Survey respondents were satisfied with festival and major events	Maintain	►	✓	✓		93%	Provides valuable feedback on their success in engaging the community, enhancing the city's image, and creating economic opportunities.	MCC satisfaction Survey
		3.2	Vibrant community life	3.2.3	City presentation	Survey respondents were satisfied with the maintenance of local parks and gardens	Maintain	►	✓			88%	Ensures that community needs are being met, fostering well being and positive perceptions of local government services. It also provides valuable feedback for improving service quality and resource allocation to enhance the overall public environment.	MCC satisfaction Survey
		3.2	Vibrant community life	3.2.3	City presentation	Survey respondents were satisfied with the cleaning of public spaces, including public amenities	Maintain	►	✓			80%	Ensure that the communities hygenic health and wellbeing needs are being met. It also provides valuable feedback for improving service quality and resource allocation to enhance the overall public environment.	MCC satisfaction Survey

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Vibrant Maitland		3.3	City shaping partnerships	3.3.1	Growth opportunities	Value of building approvals - Development Applications / Complying Development Certificates - State Significant Developments	Maintain	▶	✓			TBC	Building approvals provide strong economic benefits such as jobs and services to boost local economies, while also delivering the infrastructure needed to create cohesive and engaged local communities. Building approvals provide investment opportunities into our city.	NSW planning portal
		3.3	City shaping partnerships	3.3.1	Growth opportunities	Value of grant investment in the city	Increasing	▲	✓	✓	✓	\$25 million	Assesses the impact and effectiveness of funding, ensuring resources are used efficiently to benefit the community. It also provides data to guide future funding decisions and demonstrate accountability to stakeholders to foster transparency and trust.	MCC Grants Register
		3.3	City shaping partnerships	3.3.2	Advocacy and partnerships	Number of meetings held by our Advisory Committees	New	★	✓	✓	✓	New	Tracks the committee's engagement and effectiveness in providing input on key issues. It also ensures that decision making processes are transparent and that community perspectives are being consistently considered.	MCC internal data
		3.3	City shaping partnerships	3.3.2	Advocacy and partnerships	Number of Hunter Joint Organisation meetings attended	New	★	✓	✓		New	Fosters collaboration and contribution to projects across the greater Hunter area to ensure alignment and benchmarking opportunities with surrounding Local Government areas.	MCC internal data

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									DELIVER	PARTNER	ADVOCATE			
Achieving Together	<div>Governance</div> <div></div>	4.1	Trusted services	4.1.1	Meaningful consultation and engagement	Survey respondents agreed that Council effectively understands and responds to the needs of the community	Increasing	▲	✓			36%	Ensures Council is aligned with community priorities and making decisions that genuinely address their needs. This helps build trust, improve outcomes, and demonstrate accountability.	MCC satisfaction Survey
		4.1	Trusted services	4.1.1	Meaningful consultation and engagement	Survey respondents agreed that Council provides them with opportunities to participate in the planning and decision making processes	Increasing	▲	✓			35%	Ensures Council fosters inclusive and transparent processes, empowering the community to have a voice. It strengthens trust and collaboration by making people feel heard and involved.	MCC satisfaction Survey
		4.1	Trusted services	4.1.1	Meaningful consultation and engagement	Number of people engaged on projects	Increasing	▲	✓			New	Helps assess the reach and effectiveness of initiatives, ensuring that efforts are resonating with the intended audience. It also provides insights into community involvement to help guide future outreach strategies and fostering a more inclusive approach.	MCC internal data
		4.1	Trusted services	4.1.1	Meaningful consultation and engagement	Number of visits to Maitland Your Say site	Increasing	▲	✓			New	Helps evaluate the level of interest and participation in online initiatives. It also provides insights into the effectiveness of digital outreach efforts and guides improvements to increase engagement.	MCC internal data
		4.1	Trusted services	4.1.2	Trusted customer experience	Customer satisfaction score (CSAT)	Increasing	▲	✓			4.1/5	Helps assess the quality of service provided, identifying areas of improvement and strengths. It also enables the organization to track customer sentiment over time and make data driven decisions to enhance the overall experience.	MCC internal data
		4.1	Trusted services	4.1.2	Trusted customer experience	Survey respondents were satisfied with the way their contact was handled	Increasing	▲	✓			67%	Ensure Council delivers a positive customer experience and resolves issues effectively. It also identifies areas for improvement to better meet community expectations.	MCC Satisfaction Survey
		4.1	Trusted services	4.1.2	Trusted customer experience	Survey respondents were satisfied with the range of online services available	Increasing	▲	✓			85%	Helps evaluate the accessibility and effectiveness of digital offerings. It also provides feedback on how well these services meet community needs and where improvements can be made to enhance user experience.	MCC satisfaction Survey
		4.1	Trusted services	4.1.3	Transparent decision making	Survey respondents agreed that they are satisfied with the level of communication	Increasing	▲	✓			84%	Helps assess how well the council is keeping residents informed. It also highlights areas for improvement in ensuring clear, timely, and effective communication with the community.	MCC Satisfaction Survey
		4.1	Trusted services	4.1.3	Transparent decision making	Survey respondents agreed that Council is honest and transparent	Increasing	▲	✓			31%	Helps gauge public trust in local government. It also provides feedback on areas where communication and decision making processes can be improved to strengthen accountability and community confidence.	MCC Satisfaction Survey
		4.1	Trusted services	4.1.3	Transparent decision making	Survey respondents trust in Maitland City Council	Increasing	▲	✓			40%	Trust in Council centres on the community's belief that Council will act consistently with expectations of positive behaviour. Council will gauge the community perception of trust through surveying areas such as responsiveness, reliability, integrity, openness and fairness.	MCC Satisfaction Survey
		4.2	Engaged workforce	4.2.1	Excellence in leadership	Employee engagement and satisfaction with leadership	TBC		✓			New	Helps assess the effectiveness of leadership in fostering a positive work environment. It also provides insights into areas where leadership can improve to enhance motivation, productivity, and overall organizational culture.	MCC Employee Survey
		4.2	Engaged workforce	4.2.1	Excellence in leadership	Retention rate of high performing employees	New	★	✓			New	Helps assess the organisation's ability to retain top talent and maintain a skilled workforce. It also provides insights into the effectiveness of employee development and engagement strategies in fostering long term commitment.	MCC Internal data

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Achieving Together	<div>Governance</div> <div></div>	4.2	Engaged workforce	4.2.1	Excellence in leadership	360-degree leadership scores	New	★	✓			New	Helps assess leaders' effectiveness from multiple perspectives, including peers, subordinates, and superiors. It provides valuable feedback for leadership development which highlights strengths and areas for improvement to enhance overall leadership performance.	MCC Internal data
		4.2	Engaged workforce	4.2.2	Collaborative organisation	Stakeholder satisfaction with collaboration	New	★	✓	✓		New	Ensures that their needs and expectations are being met, fostering stronger relationships and trust. It also provides valuable insights into areas of improvement for future collaborative efforts to ultimately enhance project outcomes.	MCC Internal data
		4.2	Engaged workforce	4.2.2	Collaborative organisation	Employee engagement in collaborative projects	New	★	✓			New	Helps to assess the effectiveness of teamwork, boosting morale and motivation when employees feel valued and involved. Engaged employees are more likely to contribute innovative ideas and solutions, leading to greater success in collaborative initiatives.	MCC Internal data
		4.2	Engaged workforce	4.2.2	Collaborative organisation	Number of knowledge sharing sessions, cross training events, or joint workshops held	New	★	✓			New	Demonstrates our commitment to continuous learning and the development of a collaborative culture. It also ensures that employees are gaining diverse skills and knowledge, improving their ability to work across departments and enhancing overall organizational performance.	MCC Internal data
		4.2	Engaged workforce	4.2.3	Development and growth of our people	Participation rates in study assistance	New	★	✓			New	Helps us gauge the effectiveness of educational support programs and identify areas for improvement. It also demonstrates our commitment to employee growth, which can enhance job satisfaction and retention.	MCC Internal data
		4.2	Engaged workforce	4.2.3	Development and growth of our people	Internal promotion rate	New	★	✓			New	Helps us assess the effectiveness of talent development and succession planning strategies. It also reflects our ability to retain and grow its talent, boosting employee morale and loyalty.	MCC Internal data
		4.2	Engaged workforce	4.2.3	Development and growth of our people	Skills development progress	New	★	✓			New	Allows us to track the effectiveness of their training programs and ensure employees are gaining the necessary skills. It also supports our adaptability and competitiveness by ensuring the workforce stays aligned with evolving industry needs.	MCC Internal data
		4.3	Resilient future	4.3.1	Informed planning	Number of financial ratios met (Operating performance ratio, Own source operating revenue ratio, Unrestricted current ratio, Debt service cover ratio, Rates and annual charges outstanding percentage and Cash expense cover ratio)	6/6		✓			3/6	Evaluates our financial health, stability, and performance. It provides insights into key areas like liquidity, efficiency, and sustainability to help guide informed decision making and ensuring long term viability.	MCC Financial statements
		4.3	Resilient future	4.3.1	Informed planning	Survey respondents were satisfied with long term planning for the city	Increasing	▲	✓			68%	Helps assess whether the community feels confident in our shared vision and direction for the future. It provides valuable feedback to ensure that planning efforts align with public needs and expectations, fostering trust and engagement.	MCC satisfaction survey
		4.3	Resilient future	4.3.1	Informed planning	Survey respondents agreed that they are confident that Council has fulfilled its promises outlined in operational plans, strategies, and capital works programs	Increasing	▲	✓			34%	Ensures accountability and transparency, demonstrating to the community that Council is delivering on its commitments. It also helps identify areas for improvement, enabling better planning and resource allocation for future projects.	MCC satisfaction survey

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Achieving Together	Governance 	4.3	Resilient future	4.3.2	Culture of improvement and innovation	Number of new initiatives, projects, or ideas aimed at process or service improvement within a specific period	New	★	✓			New	Helps track innovation and our commitment to continuous improvement. It also provides insight into how effectively the Council is adapting to changing needs and striving for better outcomes	MCC Internal data
		4.3	Resilient future	4.3.2	Culture of improvement and innovation	Number/amount of improvement driven cost savings	New	★	✓			New	Highlights our ability to optimise resources and reduce unnecessary expenditure. It also demonstrates the effectiveness of efficiency initiatives in maintaining financial sustainability while enhancing service delivery.	MCC Internal data
		4.3	Resilient future	4.3.2	Culture of improvement and innovation	Employee satisfaction with the innovation culture	New	★	✓			New	Helps gauge how engaged and motivated staff are in contributing to new ideas and improvements. It also reflects our success in fostering an environment that supports creativity, collaboration, and continuous growth.	MCC Employee Survey
		4.3	Resilient future	4.3.3	Leverage technology and data	Employee satisfaction with technology	New	★	✓			New	Crucial for identifying areas where tools and systems can be improved to better support staff productivity and engagement. Regular assessment ensures that technology investments align with employee needs and contribute to a positive work environment.	MCC Employee Survey

3. Glossary

ABS Australian Bureau of Statistics.

ADVOCACY The act of speaking or arguing in favour of something, such as a cause, idea, or policy. In the context of the Strategic Priorities, it refers to another sphere of government or organisation delivering a service or outcome for the city.

BASELINE A starting point or initial set of data used for comparison to measure changes or progress over time.

BIODIVERSITY The variety of all living things including plants, animals and microorganisms, their genes and the ecosystems which they are a part of.

CIRCULAR ECONOMY A model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.

MCC Maitland City Council.

COMMUNITY A community is a diverse and dynamic network encompassing residents, businesses, sporting groups, cultural organisations, and other stakeholders who live, work, and engage in shared activities within Maitland.

COMPLYING DEVELOPMENT CERTIFICATE (CDC) A combined planning and construction approval process. It is designed to enable straightforward development applications to be fast tracked. It can be conducted by either MCC or a private certifier.

CSIRO Commonwealth Scientific and Industrial Research Organisation.

DELIVER To successfully provide or complete a task, service, or outcome according to set expectations, timelines, and standards.

DEVELOPMENT APPLICATION (DA) A merit based assessment conducted directly through MCC.

FOCUS AREAS Core focus areas that support and guide the achievement of our vision.

IPR Integrated Planning and Reporting.

LOCAL GOVERNMENT AREA (LGA) Maitland LGA covers an area of 392sqkm.

MAITLAND’S FUTURE This is our integrated Community Strategic Plan which provides clear strategic direction for the long term, and identifies the main priorities, aspirations and shared vision of the community.

MINDARIBBA The traditional name of the Maitland area, acknowledging the cultural and historical significance of the land to the Wonnarua people, the Traditional Custodians.

OBJECTIVE A specific and measurable outcome that supports the achievement of a priority, providing clear direction for actions and initiatives.

PARTNERING A structured approach to working together with other parties to achieve a mutually beneficial outcome.

PRIORITY A key area of focus within a focus area that defines what needs to be addressed to drive progress and deliver meaningful outcome.

RISK MANAGEMENT A discipline for developing appropriate procedures to reduce the possibility of adverse effects from future events.

STATE SIGNIFICANT DEVELOPMENT (SSD) Some types of development are deemed to have state significance due to the size, economic value or potential impacts.

SUSTAINABLE DEVELOPMENT Development that meets the needs of the present generation without compromising the capacity of future generations to meet their needs.

TARGET A goal to be reached by a specific date which may be higher than the forecasted performance. It aims to continually improve performance.

WE / OUR / US In this document this refers collectively to the community of Maitland and Maitland City Council.

4. References and research

Maitland’s strategies and plans

- Local Strategic Planning Statement
- Local Housing Strategy 2041
- Rural Land Strategy 2041
- Customer Experience Plan 2019 (internal document)
- Economic Development Strategy (draft)
- Environment Sustainability Strategy 2030
- Disability Inclusion Action Plan 2024-2028
- Maitland Social Profile 2025

External resources

- Australian Bureau of Statistics 2021b, Maitland: Region Data Summary
- NSW DIPE 2020, NSW 2023 Population Projections, NSW Department of Planning, Industry and Environment, accessed April 2024
- NSW Office of Local Government (OLG), Integrated Planning & Reporting Handbook for Local Councils in NSW (September 2021)
- Remplan 2021, ‘Maitland City Council: Economy, Jobs and Business Insights’. accessed October 2024
- [CSIRO global trends](#)
- [Walk score Maitland, NSW](#)
- [Open data network - environment](#)

5. Acknowledgements

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- Woodberry Playgroup parents
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maitland
CITY COUNCIL