

MAITLAND CITY COUNCIL


CITY WIDE DEVELOPMENT CONTROL PLAN

TENAMBIT

Metford Road, Robert, Edward, Collinson, Goldingham & Maize Streets Residential Precincts

This chapter comprises part of the Maitland City Wide Development Control Plan and has been prepared in accordance with the provisions of the Environmental and Planning Assessment Act, 1979. This chapter is to be read in conjunction with the whole document.

This chapter came into force on the 21st August 1997 (Amended 10th June, 2004, see Council Report 27th January 2004) (Amended 24th August 2004, see Council Report 24th August 2004).(Amended on 24 January 2006 to be included in the City Wide Development Control Plan.

A handwritten signature in black ink, appearing to be 'B. Smith', written in a cursive style.

Signed:
Group Manager Service Planning & Regulation

Date: 24 January 2006

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PART 1 - PRELIMINARY

Commencement

1. This plan has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979, and the Environmental Planning and Assessment Regulations, 2000.
2. The plan came into force on 21 August 1997, with amendments on 10 June 2004 and 24 August 2004, in accordance with the Environmental Planning and Assessment Regulations, 2000. The plan may only be amended or repealed in the manner provided for in Clauses 21 and 22 of the Regulation. Applicants should check with the Council that they have the latest version of this plan.

Name of the Plan

3. This plan is called "*Tenambit – Metford Road, Robert, Edward, Collinson, Goldingham and Maize Streets Residential Precincts*". The plan consists of this written statement and a Map.

The Parent Local Environmental Plan

4. This Development Control Plan generally conforms with the provisions of the Maitland Local Environmental Plan 1993, which contains the legal planning controls for development of land in the City of Maitland.

Land to Which the Plan Applies

5. This plan applies to land at Tenambit as shown in the Development Control Map, bounded by Metford Road, Robert, Edward, Collinson, Goldingham, and Maize Streets. The land to which this plan relates is zoned 2(a) Residential under the provisions of Maitland Local Environmental Plan, 1993.

The Purpose of the Plan

6. This plan provides more detailed provisions than those contained in the Local Environmental Plan, 1993 (as amended). Its purpose is to give guidance to the development of land within the specified area. The plan also indicates Council's objectives and policies for the area that can form a basis for negotiation should a departure from provisions of the plan be sought.

Status of the Plan

7. This plan is a Development Control Plan prepared in accordance with the provisions of Environmental Planning and Assessment Act, 1979, and the Environmental Planning Regulation, 2000.

It applies to all land in the City of Maitland to which Maitland Local Environmental Plan, 1993, applies.

Tenambit - Metford Road, Robert, Edward, Collinson, Goldingham and Maize Streets Residential Precincts

Application of the Plan

8. Council shall take the provisions of this plan into consideration in determining applications for development, subdivision, and building in the area covered by the plan.
9. Compliance with the provisions of this plan does not necessarily imply that Council will consent to an application. Council must consider the full range of matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979 and relevant building legislation Building Code of Australia. Each application will be considered on its merits.
10. Council may consent to an application, which departs from the provisions of this plan. Where applications seek to depart from the provisions of this plan, they should be accompanied by written justification demonstrating consistency with the objectives of this plan.

Relationship With Other Plans

11. Where there is an inconsistency between this plan and any environmental planning instrument, the provisions of the environmental planning instrument shall prevail. An environmental planning instrument includes a State Environmental Planning Policy, a Regional Environmental Planning Policy and a Local Environmental Planning Policy.
12. Where there is any inconsistency between this plan and the Lower Hunter Urban Housing DCP No. 22, the provisions of DCP No. 22 may prevail.
13. Where there is an inconsistency between this plan and any future Development Control Plan, the provisions of the later shall prevail.

Disclaimer

14. The contents of this Development Control Plan are subject to periodic review and change. Applicants must ensure they have obtained the latest version.

The DCP is not an exhaustive list of requirements for this particular precinct. Pre-application with Council staff is essential to ensure all relevant matters are considered.

Council will accept no responsibility for reader interpretation of this DCP. Applicants should consult with Council staff to ensure that relevant parts of the DCP have been addressed and are understood.

PART 2 - OBJECTIVES AND APPLICATIONS OF THE PLAN

Objectives

15. ***The principal objectives of the Development Control Plan are :***
- a) To ensure that new development is properly integrated with existing and adjoining developments taking into account issues relating to privacy, overshadowing, noise, visual amenity, landscaping and building design and location;
 - b) To encourage building designs which are aesthetically pleasing and energy efficient;
 - c) To ensure that development of individual land holdings is co-ordinated in the interests of efficient provision of service infrastructure and access to public roads;
 - d) To establish appropriate vehicular and pedestrian access to and through the site;
 - e) To be consistent with State policies in regard to urban consolidation and quality urban design.

Constraints

16. Development of the area must take into account existing constraints of the site.

Constraints include:

a) Existing Buildings

- i. The need to maintain the residential characteristics of the locality. Any new proposed development should be sympathetic to the existing landuses in the area.
- ii. The need for existing residents to retain appropriate levels of privacy.
- iii. Existing non-conforming uses and their impact on the potential for development. More specifically this refers to nuisance complaints resulting from non-conforming uses from adjoining residents and non-conforming uses forming possible barriers to further development of the site, for example, access opportunities.

b) Access

- i. The location, width and suitability of existing access points to land suitable for development.
- ii. The expense and complexity associated with negotiating with numerous landowners in the acquisition of land for access.
- iii. The availability of preferred access points in the event of development proposals without direct access (e.g. the premature development of land located in the centres of the sites).
- iv. The need for easy access and street numbering to assist emergency and postal services, and visitors locating residences.
- v. The effect on other properties having regard to noise, headlight glare and safety.
- vi. Safe and practical access to existing streets having regard to pedestrian safety and the sites proximity to Tenambit Public School.
- vii. The suitability of access having regard to storage and collection of garbage and garbage truck access.

c) Stormwater Drainage

- i. The slope/contours of the land.
- ii. The need to address the disposal of stormwater resulting from existing properties fronting Collinson, Robert and Maize Streets and future development on these sites having regard to the limited opportunities to join Council's existing subsurface pipe stormwater system.
- iii. The need to provide effective drainage easements for subsurface stormwater pipes and overload flow paths (minimum 3 metres wide) where necessary and in particular between Lavinia and Pont Closes.
- iv. Recognising drainage infrastructure needs/costs, consideration should be given to consecutive development from lower drainage points.

d) Service Provision

- i. The development of the site will need to address the most appropriate and practical solution to provide services to the site. This may include the requirement for development to occur in an integrated manner, including appropriate road linkages, from Floral Close and Bradbury Street and from Alpine Close and the entry off the east end of Robert Street.

CHARACTER STATEMENT

17. This residential precinct comprises predominantly single detached dwelling houses on individual lots with areas of between 600 square metres and 1200 square metres. Some larger lots exist within the precinct and are largely undeveloped. The development of Bradbury Street and Floral, Alpine, Lavinia and Pont Closes has provided the potential access and hence opportunity for the development of these portions of the precinct.

The precinct will be developed as a conventional residential area with lot sizes generally being consistent with those around the perimeter of the precinct fronting Robert, Goldingham, Collinson, Maize and Edward streets and Metford Road. Larger lots may be created for the purposes of medium density housing or dual occupancy however the actual development of these lots should ensure that potential impacts related to privacy, solar access, visual amenity, traffic management and garbage collection have been taken into account. The development of the land will ultimately result in the through connection of Bradbury Street and Floral Close, Lavinia and Pont Closes and Alpine Close with a further exit onto eastern end of Robert Street.

All lots within the estate will be provided with a full range of services – reticulated sewer (or equivalent to the requirements of the Hunter Water Corporation and Maitland Council), water, electricity and telecommunications. A variety of both energy efficient design and building materials will occur and will result in a built environment that integrates effectively with the natural/physical characteristics of the land. Non-residential use of land will not be widespread and will be of small scale with negligible impact on the environment and amenity of the area.

A high value will be placed on retaining existing vegetation and the development of individual lots, over time, will see the establishment of additional landscaping and an improvement in vegetation diversity over the precinct. The street system and the location of individual access drives will optimise both convenience and safety for the community (both vehicular and pedestrian) and stormwater from roads, driveways and building structures will be managed to ensure a high standard of water quality as well as minimising the potential for erosion and sedimentation.

PART 3 - DEVELOPMENT GUIDELINES

(A) SUBDIVISION OF LAND

18. Planning Principles

- a) To ensure the level of subdivision that occurs is in accordance with the land capability of the site and in a manner that enables the development potential of the site to be realised.
- b) That the subdivision and associated development minimises soil erosion and impact on the natural and man-made systems.
- c) To maintain the residential character and desirable levels of visual and audible privacy.
- d) To implement appropriate drainage measures for the site.
- e) To identify preferred access opportunities that ensure safety, accessibility and minimise the impacts that can result from new development.

19. Specific Controls

a) Water and Sewerage

A reticulated water and sewerage service shall be provided to all lots on the site to the requirements and satisfaction of the Hunter Water Corporation. The Developer shall liaise with the Hunter Water Corporation to ensure that the requirements of the Corporation are met.

b) Lot Sizes

Lot sizes should reflect the minimum lot size requirements contained within Development Control Plan – 33 – Subdivisions, and consider the development principles in the Lower Hunter Urban Housing DCP No. 22 when determining the size of residential lots. The minimum size of an allotment for a dwelling house will be 450 square metres.

In addition, lot sizes shall be determined on the basis of the need to:

- i. Respect the development capability of the land.
- ii. Implement the preferred access option outlined on the map.

- iii. Maintain an acceptable level of residential amenity/character.
- iv. Provide an appropriate area of usable private open space while maintaining an acceptable level of privacy to existing adjoining dwellings. In regard to medium density housing you should consult the Lower Hunter Urban Housing Development Control Plan No. 22 for guidelines.

Applicants are advised to specifically discuss the issue of lot size determination and layout with one of Council's Development Assessment Planners (Service Planning and Regulation Section) or the Duty Planner in Customer Service prior to lodgement of any application for subdivision.

c) Landscaping

- i. Landscaping shall be in accordance with the general principles illustrated on the DCP map with primary focus on tree plantings within the new streets.
- ii. Landscape/tree planting plans, after consultation with Council's Planning Staff, are to be lodged for approval as part of the application for the development of the land.
- iii. The retention of existing established trees shall form part of any plan.
- iv. Landowners are encouraged to plant trees well before any development takes place to give the landscaping an immediate impact.

d) Drainage

- i. Development of the site shall incorporate the drainage measures as specified in this plan and where possible co-ordinate drainage proposals with adjoining land owners to achieve satisfactory drainage over the whole site.
- ii. New developments will be required to connect to councils existing drainage system and where necessary provide easements for subsurface drainage infrastructure and overland flow paths.
 - *The drainage system for individual lots shall be designed to maintain existing undeveloped site discharge rates for all storms from 50% AEP (Annual Exceedance Probability) up to and including the 1% (AEP) storm event, by means of storm water detention systems;*
 - *Discharge to Council's Street system shall be via Small Diameter Pipes directly connected to the kerb and gutter. Maximum discharge to any general location in Council's system shall be 55 litres/second. Alternatively Council's piped drainage system may be extended at the developers expense.*

- *The drainage system shall prevent ponding occurring from flows associated with a storm with an AEP of 50% in areas other than designed detention areas;*
 - *The drainage system shall be designed to provide fail safe mechanisms to ensure that blockages or failure of the system will not cause damage to property nor affect the safety of people*
 - *Provision shall be made within each development for major storm overland flow paths, catering for both the subject site and contributing upstream catchments;*
 - *Water re-use, in particular the installation of rainwater tanks should be considered.*
 - *The design of drainage systems shall be undertaken by properly qualified personnel, using recognised hydrological, hydraulic and residential parameters and design methodology; and*
 - *Where existing drainage pipelines are not covered by drainage easements then such easements shall be created, (with Council nominated as the “benefiting authority and the party to “release, vary or modify” and registered with LPI – NSW when any single or collective development or subdivision occurs.*
 - *Where new drainage pipelines are necessary to service discharge from the site development and/or new road, the drainage works shall be constructed from a point of connection that discharges to a public road to the development site and be covered by an easement in favour of Council.*
- iii. The Lower Hunter Urban Housing DCP No. 22 and DCP – 33 provide guidelines for the management of stormwater and may assist the developer in designing for the management of stormwater within the precincts.

e) Erosion and Sediment Control

- i. Developers will generally be required to produce a preliminary “Sediment and Erosion Control Plan” as a part of the development application. The plan shall include practical measures for mitigating erosion and controlling sedimentation during construction.
- ii. Further detailed plans may be required as a condition of any consent.

f) Traffic Requirements

- i. Suitable legal access is to be provided to all land the subject of this Development Control Plan to the satisfaction of Council following the preferred access as indicated on the DCP map.
- ii. Road reserve, carriageway widths and standard of construction should comply with Council standards. Justification of the variation shall be submitted with the development application and should consider the development (or potential) of the whole site.
- iii. All costs associated with the construction of roads are to be borne by the developer.
- iv. The development of the site should incorporate the preferred access and approximate location of the road as indicated on the Map.

g) Section 94 Contributions

- i. Section 94 Contributions will be payable in accordance with Council's adopted s.94 Contributions Plan.

h) Co-ordinated Development

Development of the precinct shall occur in a co-ordinated manner from Bradbury Street and Floral Close, and Alpine Close, eventually providing the appropriate linkage roads within these precincts. This is to ensure that the sites are serviced in the most appropriate and practical manner and to ensure that no unreasonable financial burdens are placed on the developer or Council.

(B) RESIDENTIAL DEVELOPMENT

20. Planning Principles

- a) To facilitate the development of vacant land consistent with opportunities for urban consolidation.
- b) To encourage high quality urban design that is sympathetic with the existing residential character of the surrounding area. This will be achieved where new structures are to be sited and designed to:-
 - i. ensure that the height, scale and length of new development is not excessive and relates well to the local context.
 - ii. respect the privacy enjoyed from existing dwellings.
- c) To ensure that the site attributes and constraints are carefully considered.
- d) To ensure that the performance based design criteria set out in the Lower Hunter Urban Housing DCP is reflected in development of the subject land for medium density housing.

21. Specific Controls

a) Setbacks

- i. Setbacks from rear boundaries of existing dwellings and proposed roadways, as shown on the map, may be required to be greater than those specified in the *Lower Hunter Urban Housing DCP* to ensure that the residential amenity and privacy of the area is maintained. The setbacks required are illustrated as the “building envelope” on the map.
- ii. Provision for the first preferred option shall be made in the design and setbacks of proposed buildings.

b) Density

- i. The minimum allotment size a residential (torrens title) lot is 450m² as prescribed in DCP – 33 – Subdivisions.
- ii. In regard to the development of land for medium density housing, the density of the development should reflect the development principles in the Lower Hunter Urban Housing DCP – No. 22 including site analysis , planning and layout, building design and appearance, landscape design, security services and site facilities.

c) Drainage and Stormwater Management

On-site detention shall be required to treat drainage for the development. Clause 19 d) outlines above provisions for drainage of the site. Drainage and stormwater will require new residential lot development to commence from Pont Close, in respect of the area bounded by Metford Road, Maize, Goldingham, and Collinson Streets, and from the eastern extremity of the preferred road access linking Alpine Close to Robert Street and Floral Close with Bradbury Street.

d) Height and Appearance

Generally, the requirements of the *Lower Hunter Urban Housing DCP* should be incorporated into the design of any new proposed residential development. As a guide, single storey dwellings are preferable having regard to the site constraints, however, two storey townhouses, semi-attached and detached dwellings will only be considered if the applicant demonstrates to Council's satisfaction that adequate consideration has been given to items (i), (ii), (iii) and (iv).

- i. The existing density of the surrounding land
- ii. The external appearance of the proposed building
- iii. Distance to adjoining dwellings and their private open space areas.
- iv. The provision of landscape screening.

e) Landscaping

- i. Landscaping design shall incorporate the objectives, performance criteria and provisions of the Lower Hunter Urban Housing DCP.
- ii. Existing dwellings should be appropriately screened from the new development particularly with buffer landscaping.
- iii. Landscape plans are to be lodged for the approval of Council as part of an application for the development of the land.

f) Energy Conservation, Views & Privacy and Car parking

The requirements of the *Lower Hunter Urban Housing DCP No. 22 and DCP No. 31 – Energy Smart Homes* shall apply in respect to new-detached dwellings and medium density housing development.

g) Household Waste Disposal

All dwellings are required to have household waste removed via Council's domestic waste collection services.

h) Sediment and Erosion Control

Appropriate sediment and erosion control measures are to be installed, to the satisfaction of Council, prior to the commencement of building activities and construction of access driveways.



Scale 1 : 3 000
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This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland

DEVELOPMENT CONTROL PLAN No: 27 - AMENDED
TENAMBIT
Metford Road, Robert, Edward, Collinson, Goldingham & Maize Streets Residential Precincts

LEGEND

- Proposed Pedestrian Access
- Preferred Road