2011

Maitland Development Control Plan

Part C

Design

Guidelines

Part C – Design Guidelines

This Part of the DCP contains specific design guidelines for built development. This Part builds upon the pre-planning chapters contained in Part B to include consideration of design elements that are specific to particular types of development.

NOTE: This Part must be read in conjunction with the remaining Parts of this DCP.

C.1 – Accessible Living

Application

This chapter applies to all land in the City of Maitland.

This chapter applies primarily to new buildings. However, where Council considers practicable and reasonable to do so, access to existing buildings will be required in connection with proposals for changes of use or alteration which will result in an increased level of public usage.

This will apply in particular to proposals for changes of use to existing buildings for occupation by public service providers such as Post Offices, health care practitioners, solicitors or the like.

Normally any extension to a building for public usage, or to an existing accessible building, would be treated as a "new building" for the purposes of this Plan.

Council will refer to the *Disability (Access to Premise – Buildings) Standards 2010*, AS 1428 Design for Access and Mobility, AS2890.6, *State Environmental Planning Policy (Housing) 2021* among other relevant plans, policies, and standards.

Any relevant legal changes (eg. to the Building Code of Australia) will apply from the date of their introduction and will prevail to the extent of any inconsistency with this Plan.

Objectives

- To increase community awareness of mobility handicaps affecting certain sections of the community and of the need for barrier-free design in the built environment.
- To ensure that new development is accessible and useable by all people in Maitland, including those people with disabilities, to facilitate their full and independent participation in community life.
- To introduce a quality assurance system for compliance with relevant Australian Standards for Access and Mobility (eg. as required by the Building Code of Australia) and thereby minimise the risk exposure of building users, Council and building owners.
- To provide an enhanced level of service for people with disability for those landuses which serve a public purpose.
- Where practical, to seek upgrading of existing buildings to the standards outlined in this Plan.
- To require an adequate supply of public parking facilities for use by people with disabilities.
- To provide intending developers with clear guidance as to legal requirements and Council policy for access and mobility.

DEVELOPMENT CONTROLS

1. Access Reports

Access reports shall be prepared by an accredited assess consultant for the following uses:

- Amusement centre
- Centre based child care facility
- Community facility
- Educational establishment
- Entertainment facility
- Function centre
- Group home
- Health services facilities (including medical centre, community health service facility, health consulting rooms and hospital)
- Hotel or motel accommodation
- Information and education facility
- Manufactured home estate / caravan park
- Passenger transport terminals
- Place of public entertainment
- Place of public worship
- Recreation facilities
- Registered club
- Residential development with 20 or more dwellings or 20 or more rooms, such as:
    - Affordable housing
    - Backpackers accommodation
    - Boarding house
    - Multi dwelling housing
    - Residential Flat Building
    - Tourist accommodation.
- Developments with a total floor area 500m^2 or greater for the following uses:
    - Amusement centre
    - Business premises and commercial premises

- Markets
- Mixed use development
- Retail premises

2. Enhanced Requirements

Where development of the following landuse types are proposed, the enhanced standards shall apply:

- Entertainment facilities, clubs
- Halls let for public hire
- Large retail centres (ie. > 2500sqm)
- Medical facilities
- Commercial activities or facilities catering for public needs, ie. post office, government office, railway station, bus interchange, etc.

Where it is proposed to extend or upgrade an existing facility, every attempt should be made to meet the enhanced standard. Only where it can be clearly shown that meeting the enhanced standard would be unreasonable or unnecessary would an exemption apply.

The enhanced standards are set out in Australian Standard AS 1428.2 - 1992. The principal differences between the two standards are as follows:

	AS 1428.1 General Requirements	**AS 1428.2 Enhanced Requirements**
1. Walkways	1,100mm wide	1,200 mm wide
2. Ramps Gradient of 1 in 14 1 in 19	 Landings: every 9m every 14m	 Landings: every 6m every 14m
3. Intersection Detail	Not included	Included (current MCC Standard)
4. Handrails	One rail	Two rails
5. Door Openings	760mm	850mm
6. Sanitary Facilities WC Min Dimensions Circulation Showers/Urinals	1600 x 2,000 mm	* 1,900 x 2,300 mm * Increased Dimensions * Emergency Button * Unisex WC in Public Places

3. Enhanced Requirements - Carparking

The Building Code of Australia requires one designated disabled carparking space to be provided in commercial developments where ten or more vehicle spaces are required to be provided by Council's carparking code. A second space is required above 100 spaces. While this provision is adequate for most land uses, it is inadequate for medical facilities, entertainment complexes, large retail complexes,

clubs, and public halls. These land uses are likely to generate a higher demand for disabled facilities and thus the ratio of designated disabled parking to non-designated disabled parking should be increased. In some circumstances the provision of a number of wider non designated carparks may suffice.

Council's enhanced carparking standard is as follows:

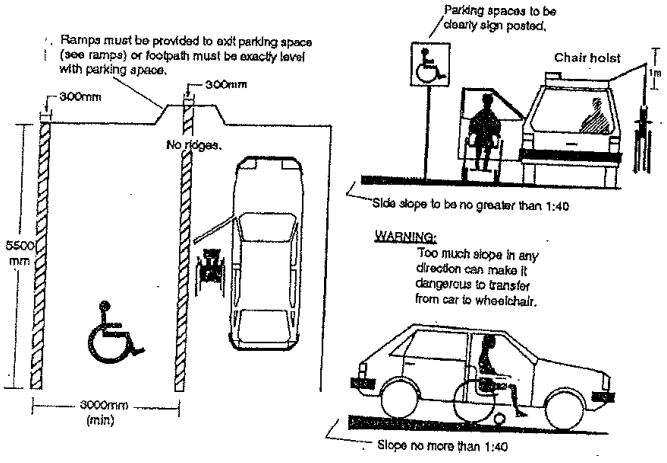
Medical services including community health centres, etc	One space per two to five surgeries (or equivalent) Two spaces for six or more surgeries (or equivalent)
Entertainment facilities, clubs & public halls	Three spaces per one hundred carparking spaces
Large retail complexes (ie. >100 spaces)	Three spaces per one hundred carparking spaces
Railway Stations	Three spaces per one hundred carparking spaces

4. Car Parking Design

a. If car parking is provided in a garage or parking station, there should be sufficient ceiling height to allow use of a hoist i.e. 2500 mm. (See AS 1428.2 clause 14.2).

b. The placement of the designated parking bay/s needs to be as close as possible to the accessible entrance.

c. Where parking bays are within buildings the designated bay/s should be located close to the elevators.



5. Pathways

a. Pathways refer to any external pathway or footpath which provides access to the entrance of a home or building.

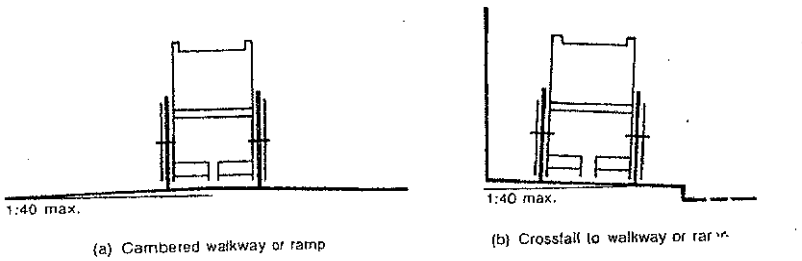
b. Pathways should provide a comfortable grade no steeper than 1 in 14. Ramps and pathways should have a slip-resistant surface with a texture that is traversable by a wheelchair.

c. Pathways should be provided with landings except when the pathway grade is flatter than 1 in 33.

d. Landings should be located at appropriate intervals and the grade of the pathway between landings should always remain constant.

e. Where at least one side of a pathway is bounded by a kerb with the handrail, or a wall with a handrail, the landing intervals can be set further apart.

f. Where no kerb and handrail, or wall and handrail is provided, the ground which adjoins the side of the pathway should follow the grade of the pathway and extend horizontally for 600 mm.



(a) Cambered walkway or ramp (b) Crossfall to walkway or ramp

MAXIMUM ALLOWABLE CAMBER AND CROSSFALL FOR RAMPS AND WALKWAYS

6. Ramps

This refers to any inclined pathway with a grade steeper than 1 in 20 but not steeper than 1 in 14.

a. Where a ramp is longer than 1,200 mm, eighty per cent (80%) of people using wheelchairs can negotiate the 1 in 14 grade independently. However, for longer ramps they need a landing every 9 metres.

b. Ramps should also be provided with landings at the top and at the bottom and at appropriate intervals. The grade of ramps between all landings should remain constant.

c. Ramps should be provided with both kerbs and handrails on both sides. Care should also be taken to ensure that rails do not intrude into any space where they could cause obstructions.

d. If you need to construct a curved access way you should ensure that it has an appropriately designed inside curve, one which matches the chosen grade and allows for safe travel on curved ramps and pathways.

e. Landings should also be included at the appropriate distance for the grades.

Where crossfall or a sideways slope is provided, it should fall towards the centre of curvature of the ramp or pathway.

f. The camber and crossfall of ramps and pathways should not exceed the ratio of 1:40.

g. Wherever pathways or ramps join surfaces of a different type or grade, there should be no bumps or crevices at that point where the surfaces meet which could impede smooth forward progress. Sliding door tracks should therefore always be recessed, and special care should be taken where a carpeted surface meets a tiles surface to ensure that accidents cannot occur.

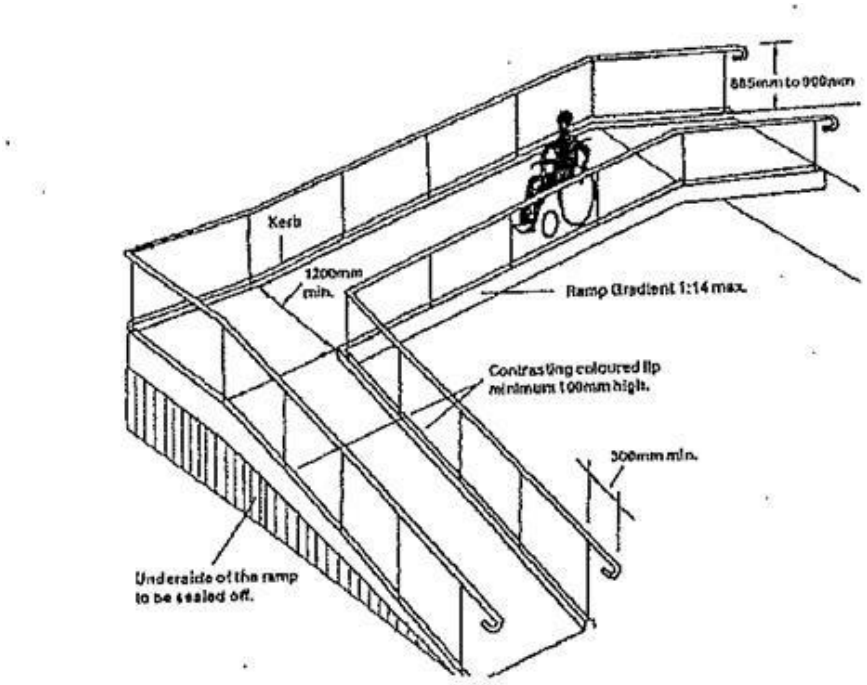
h. A kerb ramp is an inclined pathway not longer than 1,200 mm with a grade no steeper than 1 in 8. Kerb ramps are usually located at the end of footpaths where a road crossing is required. Step ramps have the same dimensions as kerb ramps but can be located in, or instead of a step, other than a kerb.

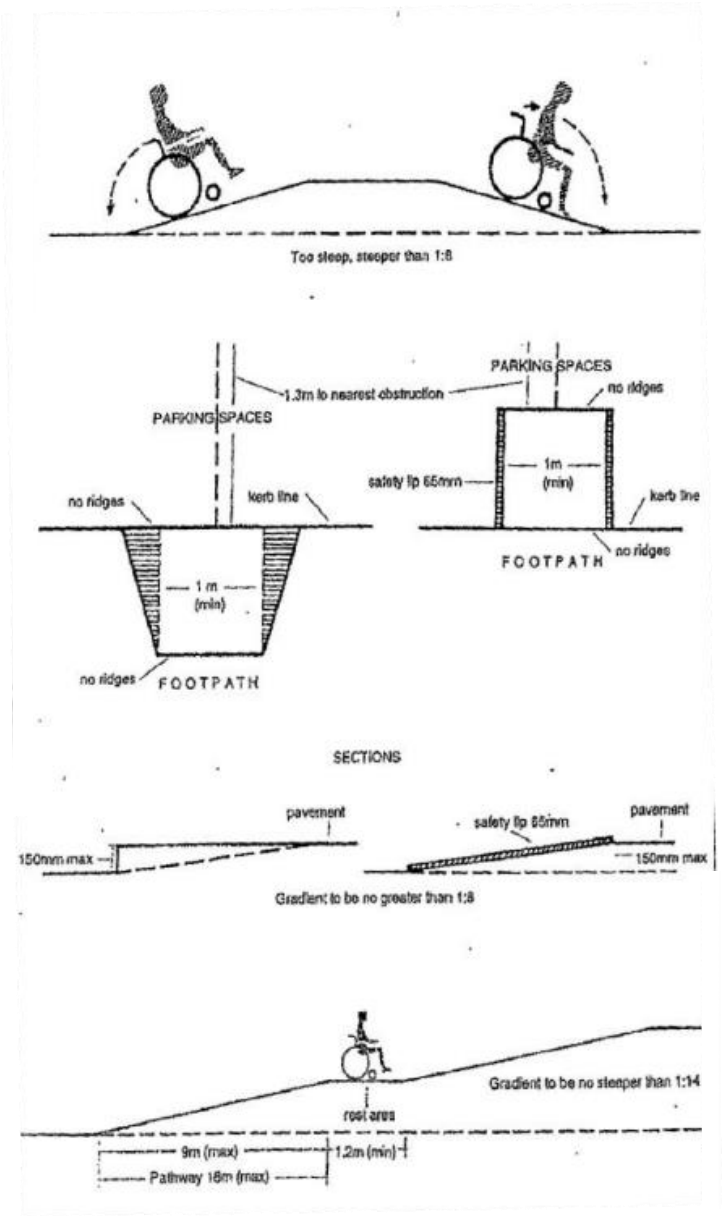
i. The grade of 1 in 8 has been found to be safe so that people in wheelchairs do not tip over when travelling on the ramp. The width of 1,330 mm for the landing at the top of the ramp will allow a person travelling along the footpath to turn and be in the direction of travel of the ramp before staring the descent.

j. The abutment of surfaces at the top and bottom of the kerb ramp or step ramp should reflect the suggestions contained in the section "Joining of Surfaces". The sides of the ramp or step ramp should be graded at 45 degrees in the direction of travel.

k. Street ramps which continue the line of movement of the footpath are preferred. A comer ramp is potentially very dangerous for the visually impaired or blind and for people who use a wheelchair.

l. Landings refer to a flat surface, with a grade not steeper than 1 in 40. The length of landings at pathways and ramps should not be less than 1,200 mm.





7. Intersection Details & Kerb Ramps

   a. a smooth even surface along the path of access across the roadway is required,
   b. the kerb ramp shall be no greater than 1:8 with no lip at kerb edge, and
   c. the kerb ramps shall be aligned opposite each other.

   While in some low traffic volume streets one ramp may suffice, two ramps should normally be provided. Details of Council's standards are available in the Manual of Engineering Standards (MOES).

8. Kerb Ramp Design Criteria

   a. Width of splay may be decreased if necessary to clear public utilities.
   b. Street name signs, parking signs etc. to be relocated if necessary.
   c. The position of ramps may be changed from the preferred location where there

are major obstructions (eg. power poles, telecom pits, drainage pits, hydrants, gas syphons etc.).

d. Where it is impractical to position a ramp square to the kerb and gutter it may be positioned on a skew with the shorter side having a maximum grade of 1:8.

e. Two ramps are to be provided at each comer.

f. At acute angle comers where it is impractical to provide two separate ramps, construct one centrally located ramp.

g. Where possible, ramps are to be located downstream from adjacent sumps.

h. Ramps are to be located within the limits of existing pedestrian crossings.

i. Concrete is to be a minimum of 2OMPa.

j. Ramp shall have a wood flat or coving- trowel finish carried to the edge of all sloped surfaces.

k. In some high and low level footway situations the desirable gradient of 1:8 may be exceeded.

l. Low level footway ramps will present problems to some users:

   i. low set wheelchair footrests could scrape on the layback section;

   ii. The 1:5.6 gradient of the layback may be too steep for some users to negotiate.

m. Ramps are to be provided in conjunction with new concrete footway paving or new kerb and gutter at all intersections, including new subdivisions.

n. Concrete in gutters in front of ramp is to have a rough brooming finish, or similar, applied to act as a tactile indicator for people with a visual impairment.

o. The surfaces of the ramps and sloping sides should be slip resistant and of a colour that contrasts with the adjoining surfaces.

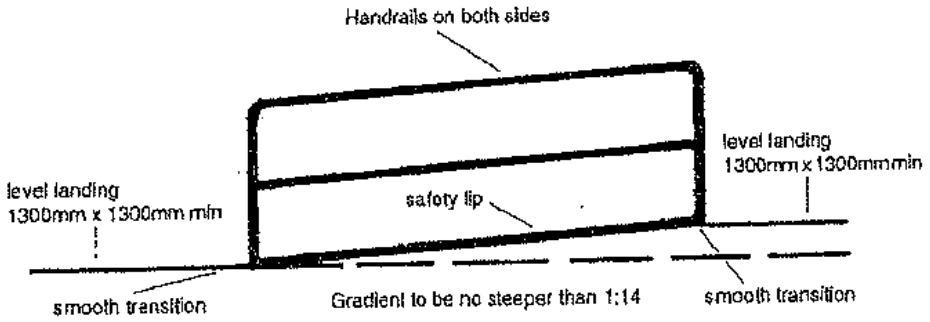
9. Handrails

a. Wherever there are one or more steps, handrails should be installed on both sides.

b. Full round handrails are the preferred option. They should be between 30 mm and 50 mm in diameter and any exposed edges should always be rounded off.

c. The top of the handrails should be between 865 mm and 900 mm above the stair tread of floor. The clearance between the wall and the inside edge of the handrail should be a minimum of 50 mm from any wall. There should also be at least 600 mm of clearance above the top of the handrail.

d. Handrails should be securely fixed and rigid so they can easily support a person's weight, with their ends turned downwards for at least 100 mm and then returned in towards the side wall. There should not be any obstruction to the passage of a person's hand along the rail. It is also useful for handrails to be colour contrasted with the surroundings (with or light colour contrasts are preferable).



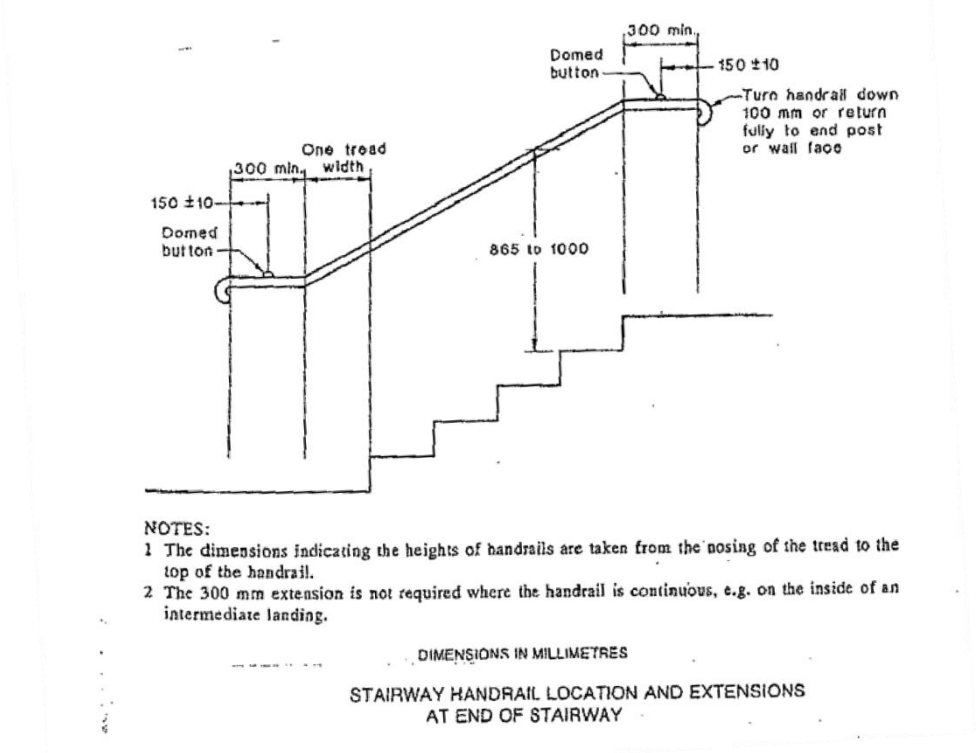
10. Stairways

a. There should always be closed risers between the stair treads to prevent a persons' foot from catching under the upper tread when they are climbing the stairs.

b. There should be a strip of contrasting colour or texture at least 25 mm wide on the tread at the nosing. It is preferable for each step to have a strip - preferably white or yellow.

c. Handrails should be continuous throughout the stair flights and around landings. Wherever the handrail cannot continue without obstruction, a raised warning that the rail is coming to an end should be provided. This warning should be in the shape of a domed button for visually impaired or blind people at the top of the handrail 300 mm before that obstruction.

d. Handrails which end at the top or bottom of a flight of stairs should extend at least 300 mm from the riser at the top of the stairs and at least 300 mm plus one tread width from the riser at the bottom of the stairs. At no time should the top or bottom step, handrail or balustrade encroach into circulation spaces.



11. Entrances

a. In all buildings the main entrance should be made accessible and form part of a continuous accessible path of travel. If making the main entrance accessible is not possible, the accessible entrance should be one which is customarily intended for use by the general public. The location of the entrance should be clearly and directionally signposted at all other entrances/ exits - tactile signs are preferred.

b. Where revolving doors or turnstiles are installed in a building such as in some retail outlets or libraries, an alternative hinged or sliding door should be provided.

c. Doorways to all homes and buildings should have level access especially where the door has to be opened manually. If a threshold is required at the entrance, its height should not be more than 50 mm and a step ramp (inclined pathway) with a grade not greater than 1 in 8 should be provided.

12. Doorways

a. The minimum width for a clear opening doorway is 760mm for a private dwelling. It is important to note that creating access in old houses with narrow hallways can often be facilitated by making door openings wider.

b. Care should be taken when planning renovations to ensure that no doors open directly across the top of a flight of stairs or swing in a way which obstructs the top or bottom step. Where a door has to open into a stair landing, it should be recessed so that it does not interfere with people's movement on the stairs.

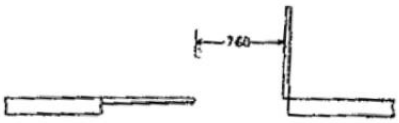
c. The distance between doorways should not be less than 1,340 mm unless the doors open into this space ie. in air locks, vestibules etc. in which case the distance you calculate should include the width of door leaf.

d. Generally, door handles should be of the type that can be easily opened and closed by one hand. Wherever possible lever action handles are preferred. They should be of the type which will not permit the hand to slip from the handle while using it.

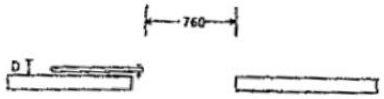
e. The clearance between the handle and the door measured at the centre of the handle should be between 35 mm and 45 mm from the door surface. Opening and locking controls for door should be placed between 900 mm and 1,100 mm above the finished floor (see AS 1428.1 Clause 11).

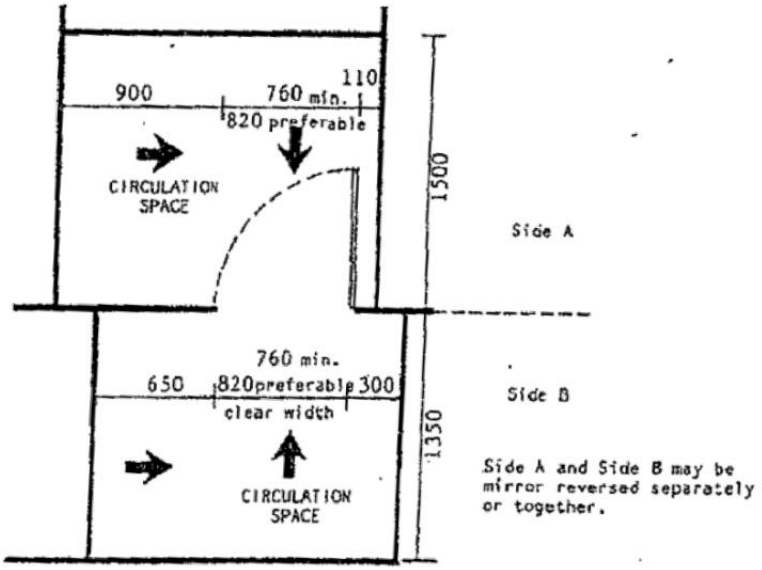
f. Switches and powerpoints should all be consistently horizontally aligned with the door handles and other controls and not less than 500 mm from the internal comers. Rocker action, toggle or push pad switches with a recommended width of 35 mm are the preferred types.

Double Swinging Doors the same dimensions are to be used as only one door can be opened at a time.



Surface Mounted Sliding Doors the dimensions of Side B may be used on both sides of the door except dimension "D" must be added to the 1350mm distance.





Side A and Side B may be mirror reversed separately or together.

ALL DIMENSIONS ARE IN MILLIMETRES AND ARE A MINIMUM.

Arrows represent the direction of travel, a mirror image must be used for opposite direction.

Represents the nearest obstruction, such as a wall, bench, step, handrail etc. Nothing is to intrude into the enclosed area.

All doors must fully open.

Clear width of the doorway means the unobstructed opening of the doorway. A standard 820mm door gives approximately a clear width of 760mm depending on the design of the door.

13. Signs & Symbols

a. The International Symbol of Access, illustrated below, should be displayed where buildings are accessible.

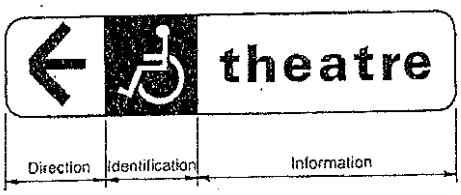
b. The international symbol can have other pictograms, words or arrows placed beside it, but should not have any other information superimposed on it. It is preferable to use graphics rather than words. Large and contrasting letters should be utilised where words are included. Preference should be given to tactile signs.

c. Wherever there are changes of direction necessary to reach an accessible facility a series of signs may need to be installed. Signs need to be consistently placed wherever a decision needs to be made. This symbol can face either right or left to indicate the desire direction of travel. It should only be used to indicate a facility which meets the requirements of the Standard AS 1428.1.

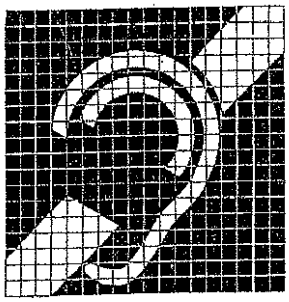
d. Tactile identifiers can be either raised or recessed. A directory inside the entrance of a building is a good location for these signs and symbols and should be consistently placed at such locations.

e. Inside a building where there are a number of rooms, it is helpful if rooms have tactile numbers located within reach at the side of the door but not on the door itself.

f. Signs and symbols should be situated on a wall which provides a colour contrast. Signs should also be evenly lit and non-reflecting or otherwise dazzling to the eye. It is also important that signs are not placed where they can become lost against a confusing background.



g. The International Symbol for Deafness, as illustrated, should be used to indicate the presence of assistive hearing devices in places where large groups of people are assembled for entertainment, educational, religious purposes, libraries or public halls.



14. Planning a Bathroom

a. A bathroom which needs to accommodate a bath, shower recess, hand basin and toilet should be 2100 mm x 2800 mm. Most average sized bathrooms can be adapted by ensuring that the shower recess has only two fixed walls and no hob (or kerb).

b. The door, if hinged, should open outwards so as not to interfere with floor space requirements.

c. In smaller spaces an en-suite bathroom can be provided which contains only a shower, wall basin and toilet. This can be made toilet/ shower chair accessible in an area of 1,900 x 2400 mm. The floor of this en-suite should be provided with a consistently gentle fall towards the drain. The door could either open outwards or be of the sliding variety. Another helpful hint may be to locate the light switch outside the door away from the wet area.

Design Suggestions:

- Use hobless shower
- Use a sliding door
- Use floor surfaces which are impervious to water and non-slip
- Use large rocker type light switches
- Make sure power points are conveniently located
- Skylight ventilation, extractor fans and heaters should be considered
- Grabrails to give steadying or stabilising assistance
- Position towel rails within reach
- Use lever type taps where possible.

15. Planning a Kitchen

a. Try to ensure an unbroken sequence of surfaces between the food storage and food preparation areas and cooking appliances.

b. Use L or U shaped layout with adequate circulation space

c. Carefully consider the height and depth of bench tops, shelving and cupboards and the provision of knee spaces.

d. Use single or dual lever action hot and cold taps with a mixer

APPENDIX 1

The classes of buildings which are covered by the above mentioned standards include:

Classes 3, 5, 6, 7, 8 9.

A route from the disabled parking to the entrance, public areas of the grounds, to all constructions for use by the general public within the allotment shall be made accessible to people with a disability.

Class 3

Sanitary facilities for the disabled tenants, including a shower, shall be provided as described in the following - 10 to 49 units, one unit shall be suitably designed for the disabled, thereafter 1 additional unit per 50, up to a limit of three.

Classes 5, 6, 7, 8.

Disabled toilets do not have to be provided if the building has a floor area of less than 500 square metres. If the building has a floor area greater than 500 square metres a unisex facility shall be provided.

Class 9(a).

The sanitary facility shall be suitable for use by the disabled or a separate unisex facility shall be provided.

Class 9(b).

A unisex toilet shall be provided for the disabled.

Class l(a)

In the case of a public toilet - A unisex disabled sanitary facility shall be provided and shall have an accessible route, suitable for the disabled, to the facilities which it serves.

C.2 – Child Care Centres

This chapter has been repealed. All Child Care Centre developments shall comply with the requirements and matters for consideration under the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, the *Education and Care Services National Regulations* and Child Care Planning Guidelines.

C.3 – Exhibition Homes & Villages

Application

This chapter applies to all land within the Maitland Local Government Area where exhibition homes and exhibition villages are permissible with development consent under the provisions of the Maitland Local Environmental Plan 2011.

Objectives

- To ensure that the intended site of an exhibition home or village is consistent with the amenity and character of the local area, or in the case of new release areas, the desired character. This will include consideration of building scale and density, noise, traffic and parking.
- To ensure that the traffic and car parking generated by the development does not adversely impact on the safety of residents in the locality.
- To ensure that the hours of operation of the exhibition home or exhibition village do not adversely affect the amenity of the surrounding residents.
- To provide for an appropriate range of support and ancillary uses within an exhibition village.
- To ensure that adequate public services are provided in exhibition villages to meet the demand of visitors and employees.
- To provide for an appropriate level of infrastructure for exhibition homes and villages within the staged development of urban release areas.
- To ensure that provision is made within exhibition homes and villages for essential utility services in conjunction with the proposed future use of the land.
- To limit the use of a dwelling house or houses for the purpose of an exhibition home or village to that of a “temporary use” in order to reflect the long term residential expectations and character of the area.
- To identify the changes (if any) required to occupy the exhibition home(s) at the conclusion of the consent period.
- To ensure that the amenity of residents is achieved and there is no conflict between residential occupation of dwelling houses and the operation of an exhibition home or village
- To allow signs to be erected or displayed only where they are compatible with the scale and character of the area and do not significantly detract from the local visual amenity.

DEVELOPMENT GUIDELINES

1. Location

   a. Exhibition homes and villages should only be located in areas where Council is of the opinion that the proposed development and ancillary activities are unlikely to cause a negative impact on the amenity of the area.

   b. Exhibition homes and villages should be located on, and adjacent to, roads that provide a "feeder" function such as a "collector" or "distributor". Direct vehicle access will not be permitted to classified roads.

   c. Exhibition homes and villages should not be located in "access" and "local" streets (such as a cul-de-sac or a minor road) where the amenity of the street environment is considered to be within a "small, quiet residential area".

   d. Development of exhibition villages or homes in advance of residential land release should consider the desired amenity and character of the future residential area, and promote the objectives of any relevant structure or area plan.

   e. Exhibition homes should be grouped within exhibition villages rather than distributed throughout urban areas.

2. Access and Car Parking

   a. A traffic impact assessment should be carried out and be submitted with applications for an exhibition home or village and should address the potential impacts on the road system in the locality.

   b. The assessment or report should be detailed enough to enable Council's assessment of the cumulative impacts of exhibition homes and villages in the locality.

   c. Off street car parking is to be provided to meet the parking demand generated by the exhibition home or village.

   d. All car parking areas shall be constructed with a sealed compacted granular pavement, and conform to Council's Manual of Engineering Standards.

   e. An exhibition home proposal should provide two off street car parking spaces, one of which should be constructed to "accessibility" standards in accordance with the National Construction Code.

   f. An exhibition village proposal should provide a centralized car parking area within the village. There should be a minimum of two car parking spaces per home, provided in the centralized parking area. "Accessibility" parking in accordance with the National Construction Code and Council's car parking standards should be provided.

   g. Concrete footpaths, in accordance with Council's Manual of Engineering Standards, should be provided within the road reserve footway, along the frontage of the development site(s).

h. Stormwater runoff from carpark areas should be controlled to provide retention of flows on site, and acceptable discharge rates to the street drainage system, in accordance with Council's Manual of Engineering Standards.

3. Hours of Operation

The hours of operation for an exhibition village or exhibition home, and ancillary uses shall be restricted to 9.00 am – 6.00 pm.

4. Ancillary uses

a. Ancillary uses include sales offices, home financing offices, and may also include public amenities such as a café and public toilets.

b. No uses related to the development, will be permitted on or adjoining the exhibition home or village which may constitute a nuisance to neighbouring residents.

c. All uses related to the development are to be ancillary to the operation of the exhibition home or village, and must only service the needs generated by the development.

d. Ancillary uses are to be limited to the following:

- One sales office per building company
- One materials display area per building company
- One home financing service office per village
- One café per village

e. The ancillary uses to an exhibition home are to be contained within the curtilage of the exhibition home. No café will be permitted as an ancillary use to an “exhibition home” development.

f. Public toilets are to be provided for all exhibition villages, at the rate identified in the National Construction Code. “Accessibility” standards shall apply to facilities.

5. Utilities and Services

The applicant should submit to Council evidence that adequate arrangements exist for the provision of, water, wastewater and energy utilities to service an exhibition home or exhibition village, and that those services are adequate for the ultimate future residential use.

6. Signage

a. All advertising structure must be erected on the site of the exhibition home or exhibition village.

b. The characteristics of the advertising structures must be compatible with the scale and visual amenity of the local area.

c. Advertising structures shall be limited to the following:

- One flag pole per exhibition home or house within an exhibition village
- One pylon sign per exhibition village.

d. Advertising sign details should be included in an application to Council for an exhibition home or exhibition village proposal.

7. Consent Period

a. Development consent for an exhibition home or village will be granted for a maximum operational period of 5 years.

b. At the conclusion of the consent period, the exhibition homes or homes within the exhibition village must be inspected to ensure that vehicle and pedestrian access to a public road complies with Council's standards, that the building(s) comply with the National Construction Code, and that essential service infrastructure is in place.

c. No individual houses within an exhibition village may be occupied for residential use until the conclusion of the consent period for the village.

C.4 – Heritage Conservation

Application

This chapter applies to all heritage items and heritage conservation areas, to which clause 5.10 in the Maitland LEP 2011 applies. Matters relating to Aboriginal heritage significance are addressed in clause 5.10(8) in the Maitland LEP 2011, but are not specifically addressed in this chapter.

Clause 5.10 specifies when a development application is required. Where clause 5.10(3) stipulates when consent is not required, it is the responsibility of the applicant/owner to ensure that the proposed works satisfy the requirements of this subclause before undertaking any work.

Chapter B: Vegetation Management in this DCP also applies to any trees listed as a heritage item or any trees located within a heritage conservation area.

Specific guidelines relating to the Heritage Conservation Areas are contained in Part E: Heritage Conservation Areas. Where relevant, Part E should be read in conjunction with this Chapter and B: Vegetation Protection.

(Note: A number of terms relating to heritage are defined in the Maitland LEP 2011 for the purposes of interpreting clause 5.10).

Objectives

- To assist owners and developers who are contemplating carrying out development that may impact on a heritage listed property or conservation area.
- To promote an attractive living and working environment for the community of Maitland, which builds on its particular identity.

General Requirements:

The content and range of issues to be addressed in a development application will depend on the heritage significance of the site and the impact the proposed development is likely to have. As a general rule, the greater the significance of the item or the potential impacts of the proposal, the more detail should be provided.

a. *Plan details:*

In addition to the standard requirements for all development applications (such as the preparation of a site plan) the following additional plan details should be shown where work is proposed on a heritage item:

- Plans, sections and elevations - drawn to scale, showing the extent of the proposed works by colouring or hatching. These drawings should show how the alterations or additions will affect existing buildings, structures and features, and must include a schedule of external finishes, materials and colours.

Where subdivision of land is proposed on land within a heritage conservation area or in the vicinity of a heritage conservation area, the plan details and supporting documentation should include the range of matters outlined in Section 8.0 below.

b. *Fire and National Construction Code upgrading:*

The consent authority, when considering alterations and additions to buildings, or the change of use of a building, must consider the fire safety and spread of fire under the provisions of clause 64 of the *Environmental Planning and Assessment Regulation 2021.* Information on fire upgrading for heritage properties can be found at the Heritage Office's Fire Advisory Panel's website at www.heritage.nsw.gov.au

c. *Do I need a Consultant?*

For simple development proposals documentation can be prepared by the building owner or manager. Assistance can be sought from Council staff, including Council's Heritage Officer and/or Heritage NSW where necessary. Statements of Heritage Impact for heritage items and/or preparation of development applications for complex proposals, or those which are likely to have a major impact on the heritage significance of an item or a Conservation Area, will usually require the assistance of a suitably qualified consultant who has experience in Heritage Conservation matters.

The use of specialist consultants who are suitably qualified and experienced in heritage matters can significantly reduce the amount of time taken in both the preparation of the development application and its assessment by Council. These time savings can far outweigh the initial cost of their services.

Council and Heritage NSW can provide a list of consultants practising in heritage related fields.

d. *Conservation Incentives*

Clause 5.10(10) in the Maitland LEP 2011 provides conservation incentives for the use of a heritage item or the land on which it is erected, even though this development may be prohibited under the LEP. Council must be satisfied that the development satisfies the criteria established under this clause in the LEP.

When considering a development application under this clause, Council may exclude the floor space of the heritage item from any calculation of floor space ratio or carparking requirements relating to the development application.

1. Development Process

1.1 Heritage Impact Statement (HIS)

Clause 5.10(5) in the Maitland LEP 2011 provides for a consent authority to request the preparation of a Heritage Impact Statement (HIS) to assist in the assessment of a development application.

A HIS analyses the impact that proposed works will have on a heritage item or Conservation Area. It is usually prepared with reference to a Statement of Heritage Significance. The HIS will often form part of the Statement of Environmental Effects usually required for a development application. It needs to be supported by sufficient information to allow Council to make an informed decision about the impact of the proposal. Together with supporting information it addresses:

- why the item or area is of heritage significance;
- what impact the proposed works will have on that significance;
- what measures are proposed to mitigate negative impacts;
- the range of solutions considered and evaluated, and why more sympathetic solutions are not viable.

The NSW Heritage Manual "Statements of Heritage Impact" is to be adopted for the purposes of preparing the HIS. The amount of information and level of detail required will depend upon the significance of the building, work or place the subject of the application, and the nature and extent of the work proposed. Applicants should determine, through pre-application consultation with Council staff, whether a HIS is required for a particular proposal.

Generally the process to be followed in preparing a HIS reflects the above mentioned points:

a. The HIS first considers the heritage significance of the item, building, work or place that the application relates to. This significance should be described in a Statement of Heritage Significance. In simple terms this is a set of statements explaining what it is about the building or area that makes it significant. In the case of a component of a Conservation Area, the contribution that the building, work or place makes to that area must be described, as well as any individual significance it may have in its own right. In some cases there will already be a Statement of Heritage Significance, especially for listed heritage items.

b. The HIS then describes in detail the work proposed. The work must be described in relation to its impact on the things that make the item, building, work or place significant. The reasons or necessity for undertaking the work need to be explained. A conclusion must be reached about the positive or negative impact the proposed work will have on the stated significance.

c. The HIS must next describe the measures proposed to mitigate impacts (i.e. the philosophy and design of the works, the materials, finishes and colours to be used, or any other aspect of the work that has specifically taken aspects of heritage significance into account).

d. The HIS must finally describe the range of options or solutions considered when designing and planning the work. Where more sympathetic solutions have been considered and rejected, adequate justification must be provided.

e. The HIS should refer to relevant reference documents and policies such as the Burra Charter, any existing documentation regarding the significance or status of the site, and any relevant Council Development Control Plan (DCP).

For simple or minor applications, the HIS may be able to be prepared by the owner or manager of the property. However, for listed items or for complex or major applications, a suitably qualified consultant, experienced in heritage related matters, will generally be required to prepare the HIS.

Examples of Heritage Impact Statements may be inspected at Council's office, and the NSW Heritage Manual contains more detailed information regarding Statements and their preparation.

1.2 Heritage Conservation Management Plan (CMP)

Clause 5.10(6) in the Maitland LEP 2011 provides for a consent authority to further require the submission of a Heritage Conservation Management Plan before granting consent to the application, where the findings from the HIS warrant this additional conservation outcome.

Together, the Statement of Heritage Significance, Conservation policy and management guidelines form what is known as a Conservation Management Plan.

A Conservation Policy looks at the constraints and opportunities arising from a Statement of Heritage Significance. Conservation Policies usually relate to a listed heritage item.

The Policy indicates how changes might be made to an item while still conserving and enhancing its significance. Usually a suitably qualified consultant with experience in heritage related matters will be required to prepare such a policy.

A further step is to prepare implementation or management guidelines for the future care and development of the item. These guidelines can address and contain maintenance plans, suggestions for adaptive re-use and potential for

sympathetic alterations and additions.

The Heritage Council will not consider applications for extensive alterations to an item of major heritage significance (i.e. a State item or an item covered by an interim or permanent Conservation Order) unless it has already approved a Conservation Management Plan.

The preparation of a Conservation Management Plan need not be an expensive or lengthy exercise. The cost of preparation is often outweighed by the benefits gained through identification of the best opportunities for capitalising on the value of a heritage value of an item, and in obtaining early agreement and approval from authorities and the community to sympathetic changes. More information is available in the NSW Heritage Manual.

The use of a suitably qualified consultant, experienced in heritage related matters, will be required for the preparation of a Conservation Management Plan.

Typical contents of a conservation management plan include:

Essential:

- a description of the place and its setting
- a statement of the significant heritage values of the place
- an assessment of the condition, management realities, threats, opportunities and other non-heritage issues relevant to conserving the place
- a statement of the conservation principles on which the plan is based
- a conservation policy which includes conservation objectives for the place
- the conservation processes that will be used
- strategies for conservation, with timing, costs and other resources required
- controls on research and other actions that may affect the place
- a list of people responsible for carrying out actions of the plan
- an ongoing maintenance and monitoring plan and who is responsible
- a process and timing for reviewing and updating the plan

Non-essential:

- recommendations for making the significant values understood (interpretation)

1.3 Character Assessment

A Character Assessment is required where, in the opinion of Council, the proposed works do not warrant the preparation of a formal HIS. A Character Assessment

may be prepared by the applicant/owner.

The Character Assessment should include the following, and be identified by the property description and the author's name and contact details:

a. How old is the building/s proposed for alteration or additions, and what is known about its history? Try to ascertain the age of the building from any documents you may have such as the Land Title, or from the style of the building.

b. Describe the main architectural features and characteristics of the building. List features such as what materials the building is made of, what the roof style is (i.e. hipped, gabled), the style of windows, whether it has a verandah.

c. What is around the building or land? Describe the buildings that surround it and what they are used for.

d. Describe what is proposed. Outline what alterations are proposed – what will the building be used for if the use is changing. Describe all structural and non-structural alterations required.

e. Describe what efforts have been made to ensure the changes are sympathetic with the original building. List in point form. List also any previous work if appropriate. Outline if the proposal will improve the function of the building. Are the materials, colour and design compatible with the design of the original structure?

f. Describe any impact of the proposal on any surrounding developments, and on the character of the locality. Outline if the changes are in keeping with the character of the locality. Have you taken into consideration the information in this Chapter that relates to the area in which your development is located?

g. Describe any sympathetic solutions which were considered, but discounted for particular reasons. List alternatives such as different materials, colours, etc. and outline why these cannot be implemented.

1.4 Engineering Assessment

An Engineering Assessment will be required where it is asserted that the works proposed to a heritage item are required because part or all of the item is beyond repair or unstable. Works include alterations and additions to, and partial or total demolition of, a heritage item. An Engineering Assessment may also be required for partial or total demolition of components within a Heritage Conservation Area.

Preparation of an Engineering Assessment must be undertaken by a suitably qualified Structural Engineer with experience dealing with heritage related matters.

The assessment must address the following matters as a minimum:

a. Detailed list of all structural defects or problems identified.

b. the likely causes of such defects.

c. a comprehensive range of solutions for such defects, where possible.

d. the most appropriate solution(s) for the particular case, in the opinion of the consultant.

e. where solutions are rejected, the reasons for rejection must be provided and justified.

The basis of investigative work and the final report should be to find feasible methods of repairing the building(s) for adaptive re-use, not to support demolition. If demolition is recommended, adequate justification by way of explanation of the problems and the difficulties in repairing them must be provided.

1.5 Schedule of Works

A Schedule of Works will be required for any alterations and additions to a heritage item. The Schedule of Works must itemise the proposed work to the item, cross-referenced to appropriate drawings, and include a schedule of external finishes, materials and colours. In the case of an item of State significance, the Schedule of Works must detail all internal alterations.

1.6 Archaeological Assessment

An Archaeological Assessment will be required with a development application for any proposal which will disturb the surface of an Archaeological Site or Potential Archaeological Site. An Archaeological Assessment is a predictive study undertaken to:

- evaluate the probable extent, nature and integrity of the archaeological resource at a site;
- determine the significance of that resource;
- define the appropriate management solutions for that resource having regard to significance and statutory requirements.

Applicants must determine through pre-application consultation with Council staff, whether an Archaeological Assessment will be required for a particular proposal, and what it should address and contain.

Initial Assessments

An initial (or baseline) assessment may be required by Council for non-listed sites which are considered likely to contain relics because of their location or use, or where it is unclear whether a development proposal is likely to impact on the archaeological features of a listed site. The initial assessment is a basic overview study to determine whether a particular site warrants further investigation (i.e. an

Archaeological Assessment).

The level of research or investigation required for an initial assessment will vary depending on the nature of the site and the development proposal, but may include:

- a review of available historical information;
- some historical research;
- the identification of historical themes;
- a field survey/site inspection;
- preliminary conclusions about archaeological potential;
- preliminary significance assessment;
- an analysis of client needs and objectives;
- management recommendations including recommendations for further work.

An Initial Assessment can help determine whether or not there is potential for the presence of archaeological resources on a site, and whether further investigation is warranted. If it is considered that there is no potential, no further action may be required. Where potential exists, it is likely that an Archaeological Assessment will be required.

1.7 Archival or Photographic Record

An Archival or Photographic Record may be required to document the existing structure if part or parts of the heritage item are proposed to be altered.

1.8 Historic photographs or drawings

Historic photographs or drawings may be required, where available, particularly when the intention is to restore the item back to its former or original state.

1.9 Other specialist reports

Other specialist reports may be required for particular proposals (e.g. historian).

2. Owner Responsibilities

Wilful Neglect or Other Damage to a Heritage Item or Building in a Conservation Area

2.1 State Government Provisions

The NSW Heritage Act 1977 and associated Regulation requires owners of a building,

work, relic or precinct that is listed on the State Heritage Register to maintain minimum standards of maintenance and repair. The provisions relate to:

a. weather proofing,
b. fire protection,
c. security, and
d. essential maintenance.

The provisions do not require owners to undertake restoration works but, where works are needed, financial assistance may be available through NSW Heritage funding programs.

Where the maintenance and repair standards are not met and the heritage significance of the item is in jeopardy, the Heritage Council has the power to order repairs after consultation with the owner. These orders can be enforced if necessary, and owners prosecuted for failure to comply with an order.

2.2 Local Provisions

All components of a Heritage Conservation Area including, but not limited to, listed heritage items contribute to its character, regardless of whether they are individually significant. It is for this reason that the controls relating to demolition are quite stringent, and will be applied consistently.

Applications for demolition of buildings where there is evidence of intentional neglect or damage are unlikely to be considered favourably.

Where Council is of the opinion that a building, work, or relic is unsafe or unhealthy, or poses some other risk to the public, the relevant provisions of the Local Government Act 1993 will be enforced to their fullest extent to ensure that adequate work is undertaken to remove such risk, and to avoid the necessity for demolition of the building, work or relic. Where additional work is required in relation to:

a. weather proofing,
b. fire protection,
c. security, and
d. essential maintenance

Council will request the owner of the building, work or relic to undertake such work to ensure the ongoing stability and preservation of significant fabric of the item or component. If such work is not undertaken, and particularly where the building, work or relic is a listed heritage item and its significance is deemed by Council to be deteriorating due to wilful neglect or damage, documentary and photographic evidence will be collected by Council, and used in future assessment of applications relating to the site. Demolition of a listed heritage item or component of a Heritage

Conservation Area is considered by Council to be a last resort action and, as stated above, will not be approved where wilful neglect or damage can be established.

3. General Requirements for Alterations & Additions

3.1 Sympathetic Design

Objectives

- To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.
- To maintain and enhance the existing character of the street and the surrounding locality.
- To enhance the public appreciation of the area.

Alterations to this Victorian cottage returned the verandah to its original hipped form. A fence in keeping with the age of the building was also constructed

General Requirements:

a. An alteration or addition must consider the characteristics of the existing building, and buildings in the surrounding area, and sit comfortably in this context.

b. New work should generally not precisely mimic the design and materials of the building, but be recognisable as new work on close inspection.

c. Mock historical details should not be applied as they will not be of any

heritage value themselves, and can confuse our understanding between the 'new' and the 'old'.

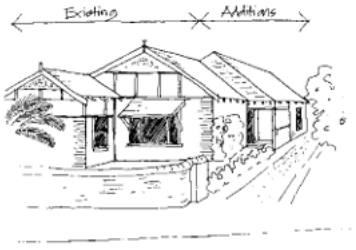
d. Alterations and additions should blend and harmonise with the existing building in terms of scale, proportion and materials.

e. Alterations and additions should not require the destruction of important elements such as chimneys, windows and gables.

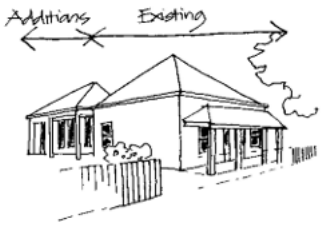
3.2 Siting, Setback & Orientation

Objectives:

- To maintain and enhance the existing character of the street and the surrounding area.
- To ensure that new alterations or additions respect established patterns of settlement (ie pattern of subdivision and allotment layout, landscaped settings, car parking and fencing.)
- To provide an appropriate visual setting for heritage items and heritage conservation areas.
- To ensure that the relationship between buildings and their sites which contribute to the character of the area are not disturbed or devalued.



Rear extension which minimises impact on the original building. Side extension should not limit the ability for driveway access to the rear of the property.



Pavilion extension where addition is treated as a separate entity

General Requirements:

a. Generally alterations or additions should occur at the rear of the existing building to minimise visual impact on the street frontage of the building, particularly where the additions and alterations involve a listed heritage item or a building which contributes to the heritage character of the Conservation Area.

b. Side additions should not compromise the ability for driveway access to the rear of the block.

c. No new structures should be built forward of an established building line.

d. An adequate area around the building including landscaping, fencing, and any significant trees should be retained.

e. Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.

f. Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.

g. The orientation pattern of buildings existing in the area should be maintained.

h. Rear additions are generally best stepped back from side building lines.

i. Where the wall of an existing residential building in a Conservation Area is located less than 900mm from a side boundary, additions may be permitted to be constructed at the same setback as the principal building only where:

   i. they are small in scale and no greater than 20% of the existing building floor area;
   ii. there is no overhang of any part of the addition over the adjoining property;
   iii. there are no significant impacts on solar access to the adjoining property;
   iv. access for maintenance of the side wall of the addition can be provided wholly within the property boundaries.

j. An addition must be constructed in accordance with the National Construction Code of Australia including requirements relating to fire safety, structural stability and termite resistance.

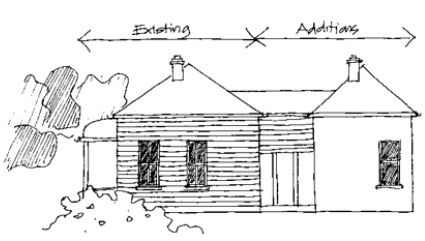
k. Any addition greater than 20% of the existing building floor area must be not less than 900mm from the side boundary and comply with the above.

l. Extensions to the side elevation will not be appropriate if they alter established patterns of building and garden.

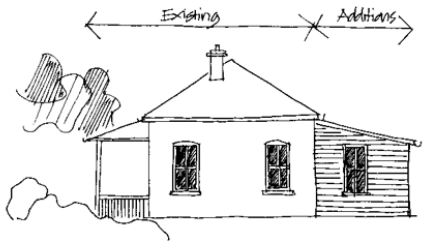
m. Additions to the side of a building should not remove or sever car access to the rear, where it is not sympathetically provided elsewhere.

n. Archaeological evidence should not be disturbed without consultation with Council and, where required, approval of Heritage NSW.

o. Where there has been known building sections which have been removed, and the building fabric has been substantially altered such that only its position on the site maintains its original context, further alterations which remove footprint evidence may not be appropriate.



Pavilion extension where the front building form is repeated at the rear. A glazed connection can help separate the old from the new.



Skillion or lean to addition suitable for smaller extensions.

3.3 Size & Scale

Objective:

- To ensure that new alterations and additions respect the character of the building and surrounding area.

General Requirements:

a. An alteration or addition should not be of a size or scale which overwhelms or dominates the existing building, substantially changes or destroys its identity or changes its contribution and importance in its surrounds.

b. New uses should be chosen which suit the size of the building, not requiring overwhelming changes.

c. Unless it can be demonstrated that greater scale would be appropriate in the individual circumstances, additions should be of the same scale as surrounding development.

The second storey addition to this building overwhelms the original structure and destroys its identity

3.4 Roof Form & Shapes

Objective:

- To retain characteristic scale and massing of roof forms within Conservation Areas and on heritage items when designing alterations and additions.

General Requirements:

a. Roofs of extensions should be carefully designed so that they relate to the existing roof in pitch, eaves and ridge height.

b. Additional rooms can be added to heritage buildings appropriately where roof forms have been carefully integrated into the existing.

c. If it is important that the roof form remains unaltered, additional rooms can be added in a detached pavilion form placed at the rear or possibly the side. Roof pitch, ridge height, height of parapet and eaves on additions should relate to those of the original building.

d. Providing the roof space is large enough, attic rooms should be contained in roof forms for non- – habitable uses such as a study or a library. The volume required for habitable uses such as bedrooms may mean unacceptable alteration to roof form.

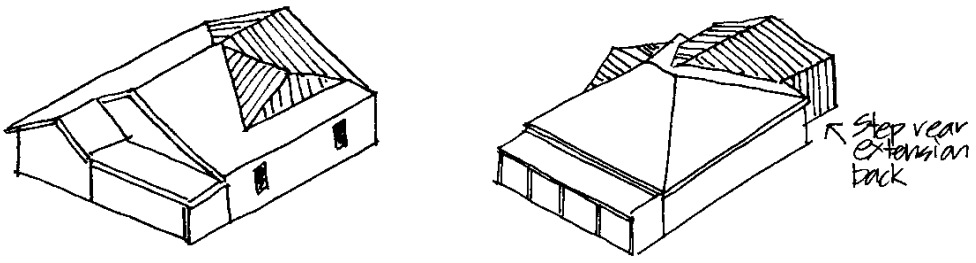
e. New roof elements such as dormer windows and skylights should not be located where they are visually prominent.

f. Chimneys should be retained.

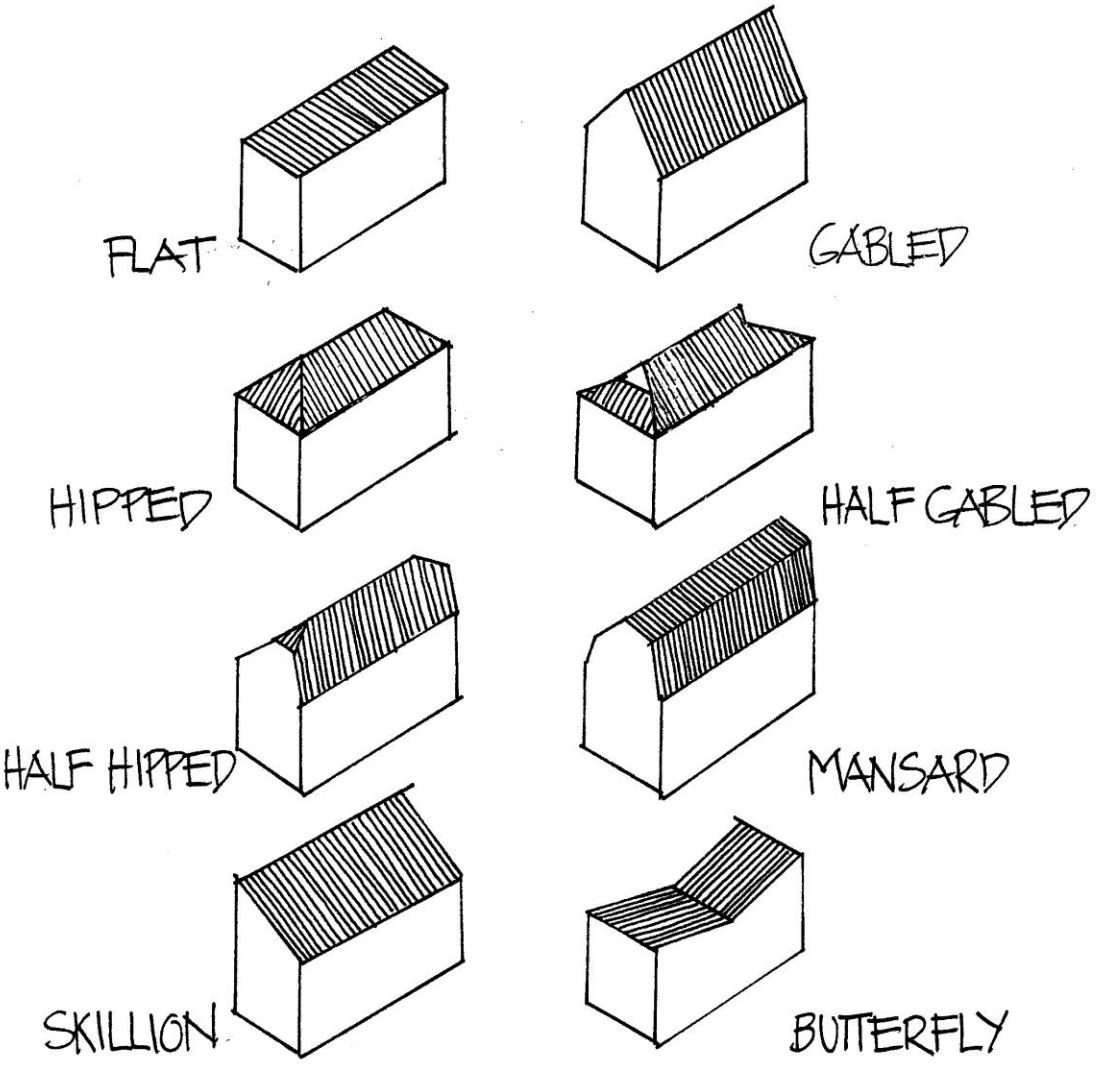
g. Service utilities such as water heaters, air conditioning units, antennae, satellite dishes must not be located on the principle elevations of buildings.

h. Use of roof materials should be the same as materials on the existing heritage building and those typically used in the Conservation Area.

The addition of this dormer window (top left) does not detract from the main elevation



Contain attic rooms in existing roof lines by extending roof lines and continuing in the same scale and arrangement of parts



Different Roof Forms

3.5 Materials & Colours

Objective:

- To ensure that materials and colours used in alterations and additions respect the significance and character of the existing building and surrounding area.

General Requirements:

3.5.1 General:

a. Traditional combinations of materials used in heritage buildings should be considered when designing additions.

b. It may not be appropriate or necessary to replicate the original combination of materials used in the original work. The use of a complementary material might make the increase in scale less noticeable and also enhance later understanding of the changes. For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate.

c. The use of highly reflective materials should be avoided.

3.5.2 Doors and Windows:

a. Timber windows should be retained in existing buildings. New doors and windows should be of materials characteristic to the existing building, locality or an approved alternative.

3.5.2 Roofing:

a. Original roof material should be matched in any addition in material and colour. If, however original roofing is expensive such as slate, corrugated iron is a suitable alternative to the rear.

b. Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads should be used.

3.5.4 Brickwork:

a. New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour.

b. Existing face brick or stone on heritage items or heritage buildings in a Conservation Area should remain unpainted and unrendered.

3.5.5 Imitation Cladding:

a. Timber board imitations are not acceptable for additions to heritage items or work visible from the street in Conservation Areas.

3.5.6 Colour Schemes

a. Additions should employ colour schemes which do not detract from traditional colour schemes in the area. A number of good reference books on traditional colour schemes are available.

b. Colour schemes suitable to the period of the building should be used.

c. Unpainted brick or stone should remain unpainted.

3.5.7 Paving & Driveways:

a. Preferred materials for driveways include wheel strips and gravel. Plain or stamped concrete should be avoided.

b. Paired wheel strips over public footway areas are preferable to solid driveways.

An example of paired driveway strips

Solid driveways over grass public footways detract from the character of a street's informal edges and the setting of houses

3.6 Design of New Detail and Opening

Objective:

- To ensure that the character and pattern of new door and window openings in alterations or additions is compatible with the appearance of the original buildings and the area as a whole.

General Requirements:

a. Alterations should avoid arbitrary changes to openings or other features which do not fit in with the symmetry or character of the original design.

b. If the street front of the original building is symmetrical, the addition should avoid simply extending the original design across the addition.

c. New detail and openings should be simple in character using colour and materials which complements the original fabric.

3.7 Evidence for Authentic Reconstruction

Objectives:

- To ensure that reconstruction reveals the known significance of the place (i.e. from physical and/or documentary evidence).
- The building itself may offer clues as to items previously removed such as evidence of handrails in posts, or marks in the footpath where verandah posts were removed.
- As stated in the Burra Charter, 'Reconstruction is limited to the completion of a depleted entity and should not constitute the majority of the fabric of the place'.

General Requirements:

a. The reinstatement of a lost feature should faithfully replicate or copy the original in design, materials, arrangement and position.

b. Reconstruction should be identifiable as new work without at the same time making it intrusive.

The original verandah balustrade and frieze of this building (left) had been removed, however, the owners are now carefully reinstating these features based on the original design

3.8 Removal of Unsympathetic alterations and Additions

Objectives:

- To ensure that contributions of all periods to a place are respected.
- To ensure that removal of any fabric only occurs when it is of slight significance, and the fabric which is to be revealed is of much greater significance.

General Requirement:

a. Additions which are obviously out of character with the original design may be removed, whereas it may be preferable to retain well integrated additions or substantial alterations to the existing building.

This verandah brick wall could be removed and timber posts reinstated to return the cottage to its original design and improve its appearance

3.9 Services & New Technologies

Objective:

- To minimise any obtrusive effect of new building services and technical equipment in Conservation Areas and on heritage items.

General Requirements:

a. Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes should not be visible on the main elevation of the building or attached to chimneys where they will be obvious.

b. In heritage areas they should be hidden from view as much as possible.

c. Essential changes to cater for electrical wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.

3.10 Landscaping

Objectives:

- To maintain the rhythm of gardens, open spaces and tree planting in a heritage streetscape;
- To ensure that planting does not compromise important views into or out of conservation areas;
- To maintain the landscape character of the locality in any new development;

General Requirements:

a. When designing new gardens, reference should be made to surviving plants which indicate the basic garden structure, and can be worked into new designs.

b. When selecting suitable trees, the following should be considered: the varieties that already exist in the area; the size of the tree when mature; the potential of the chosen species to interfere with services, retaining walls and other structures.

c. Many heritage garden reference books are available to explain typical settings for houses of different styles and periods.

d. Hard surfaces should be kept to a minimum.

e. Screening of hard surfaced areas is encouraged.

f. Garden structures should be appropriate to main buildings in terms of scale, style and materials.

g. Original surfaces such as close jointed brick paving or stone flagging common to Victorian and Federation sites, and pebble aggregate, quarry tile or mosaic tile aprons common to later Californian Bungalow styles should be retained.

Many beautiful mature trees in Maitland are historically important landmarks and add much to the character of the area.

The hedge in front of this Victorian cottage complements its period style.

11. Fences

Objective:

- To retain original existing fencing and provide for new fencing that is consistent with established patterns.

Original fences such as the one of this Victorian Cottage are rare and should be retained

Solid high front fences detract from the value and streetscape character

General Requirements:

a. Original fences should be retained.

b. Fences should be located on the building line.

c. Fences should be simple with a level of detail comparable with the house.

d. Fencing should generally be open or transparent, or backed with a hedge, not solid.

e. Fences should be of a scale comparable with the street.

f. Front fences should be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry and hedges.

g. Plain or colour treated metal fences are not considered to be appropriate for Conservation Areas or Heritage Items on any street frontage or side boundary.

The colourbond fence used along the side boundary of this house detracts from the character of the building and street

12. Garages, Carports & Sheds

Objective:

- To ensure that garages, carports and sheds do not detract from the character of the area and/or heritage item due to inappropriate location, design and materials.

General Requirements:

a. Garages and carports should preferably be detached and located at the rear or set well back at the side of a building behind the rear building line.

b. Garages should be set back a minimum of 500mm from the side and the rear boundary.

c. Garages and carports should make reference to any established historic patterns in the street.

d. The use of landscaping such as screening or planting and front fences may be useful tools in integrating the structure with its site.

e. If connected to the main dwelling, garages should be positioned well behind the principle building line (ie 5m) or be positioned behind the dwelling.

f. Colours and materials should blend into the surrounding landscape. Custom orb iron roof profile and timber board profile cladding wall are common materials used.

g. Garages should have simple hipped, gable or skillion roofs depending on the design of the existing main building.

h. Gable or hipped roof with skillion roofed attachment is the most appropriate double garage roof form.

i. Existing outbuildings should be maintained and reused wherever possible.

j. Simple open light construction carports are preferable to solid heavily detailed buildings.

k. Tennis courts should not be sited so as to intrude on the setting of the main building. They will almost always be best located to the rear of the main building.

l. The pitch of a garage or carport roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25° – 30°.

Shopfronts

New shopfronts in the historic High Street Glebe Trustees buildings were reinstated based on historical photographs.

Deep timber mouldings characterise early shopfronts and are encouraged for new shopfronts where the original has been

Objectives:

- To retain shopfronts which contribute to the heritage significance of the building and surrounding area.
- To ensure that new shopfronts complement the significance and character of the existing building and surrounding area.

General Requirements:

a. Original shopfronts should be retained.
b. Where the original shopfront has been removed and replaced by an unsympathetic alteration, the reinstatement of earlier styles of shopfront in harmony with the overall building character is desirable.

The restored shopfront to this shop in High Street attracts public attention and gives a feeling of quality to the shop

1. Accessibility

Objectives:

- Providing access to a building for people with disabilities is required under the Disability Discrimination Act 1992. Heritage places are no exception, however there is also a need to conserve these places and not alter them in a way which will impact on their heritage significance. Historic buildings will generally require solutions specific to that site, however there are a number of principles which, if applied can assist in developing effective solutions.

- A thorough approach to improving access to heritage buildings includes the following steps:
    - Identify the heritage value or significance of the place, specifically those parts which have the greatest significance. This can be determined through developing a Conservation Plan, obtaining details on the property from Council, the Heritage NSW or the National Trust of NSW, or seeking advice from a conservation professional.
    - Undertake an access audit to determine existing and required levels of accessibility.
- Modifications should generally incorporate the following:
    - Making the main or principal public entrance and public spaces accessible including a path to the entrance.
    - Providing accessible toilets.
    - Providing access to goods, services and programs.
    - Creating access to other amenities and secondary spaces.
- Solutions should:
    - Be sympathetic and, where possible, reversible.
    - New work should be evident on close inspection.
    - In considering what is sympathetic, matters such as general form, materials, finish, compatibility with architectural details of the original design are guiding principles.
    - Comply with Australian Standards – particularly AS 1428.1.

General Requirements:

1.1 Access to the Principal Entry:

a. The principal entry needs to be defined; it may not always be the 'front door', but the entry which most people will use.
b. It can be acceptable to develop a second 'dignified' entry which may be more convenient for some people while maintaining the building's significance.
c. Entries should be located to minimise loss of original elements such as railing, steps and windows.
d. The parking area or public drop off point should be conveniently located to the principal entry.

e. Access paths should have a firm surface. Concrete is best, but well compacted gravel, cement stabilized or consolidated gravel or dirt are also suitable.

1.2 Ramps

There is often a level difference between the path and the main floor level. The solutions to these differences are many and might include:

a. Temporary or permanent ramps.
b. Levels of footpath can be raised in some circumstances (requiring council approval).
c. Shifting steps out from the face of the building and incorporating a ramp behind them.
d. Locating a ramp in a location of low heritage significance.
e. Lifting devices.

1.3 Doors

a. Entry doors should have handles at less than 1100m.
b. A clear width of at least 800mm is necessary. If doors are not wide enough, it might be possible to increase effective opening size by joining two leaves together or using offset hinges.

4. General Requirements for New Buildings in Historic Areas

This new building is contemporary (centre of photograph) in design, but relates to its neighbours, roofline and proportions.

Architectural replicas or mock reproductions can confuse the old with the new, detracting from original buildings in a Conservation Area.

4.1 Siting a New Building

Objective:

- To ensure that siting of new buildings respect the significance and character of the surrounding area.

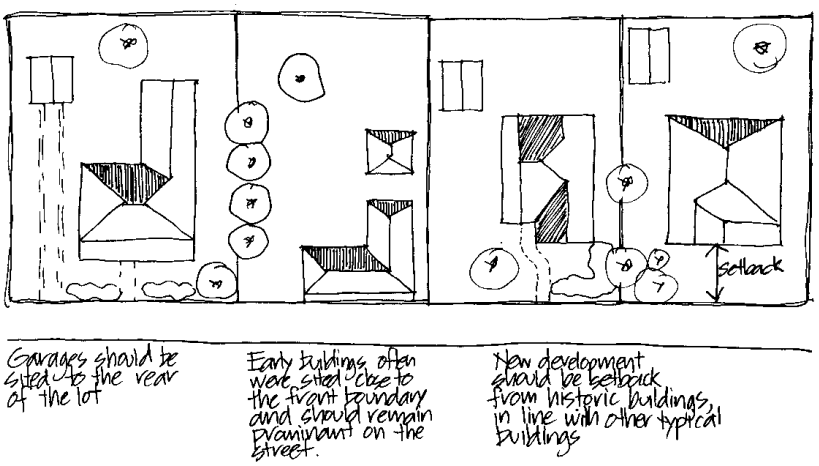
General Requirements:

a. New development should have regard to the established patterns of the locality with regard to the typical location and orientation of buildings on an allotment.

b. The siting of a new residential building allowing for a generously sized front garden will usually assist in its successful integration.

c. New development should be sited behind the building line of any adjoining heritage item.

This new building was set back from adjoining historic buildings to reduce its visual impact on the street



4.2 Scale

Objectives:

- To ensure the scale of the new building respects the significance and character of the surrounding area and does not detrimentally impact upon an established pattern of development in the vicinity.
- To ascertain the appropriate scale of new buildings, the following design aspects are of particular importance;
    - Reference to the main ridge line heights of original surrounding buildings;
    - Natural ground or street levels;
    - Ensuring different parts of the building are in scale with the whole;
    - Ensuring the scale of verandahs relate to the scale of those in adjacent buildings.

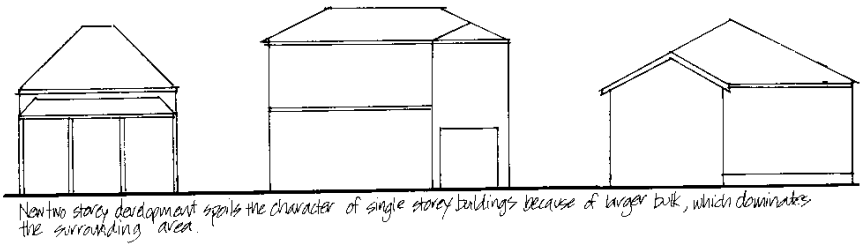
General Requirements:

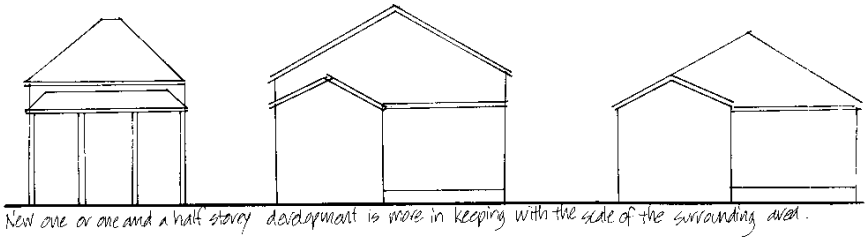
a. The scale of a new house should be related to the size of the allotments laid out in the historical subdivision pattern of the area. This does not apply to consolidated lots. New buildings should be in scale of surrounding dwellings. Large houses on small allotments will tend to look awkward and dominate the surrounding area.

b. Large houses may be better located on large allotments in less sensitive areas.

c. New houses should generally remain at single storey in areas where the majority of buildings are single storey.

d. Landmark buildings in Conservation Areas which may be heritage items, mansions or public buildings will generally be surrounded by single story buildings, or those of a lesser scale. These landmark buildings should not be used as a precedent for increasing the scale of new buildings. New buildings should relate to the scale of existing development around the landmark and respect its prominence.





4.3 Proportions

Objective:

- To ensure that the proportions of the new building respect the significance and character of the surrounding area.

Requirements:

a. Openings in visible frontages should retain a similar ratio of solid to void as to that established by the original older buildings.

b. New buildings should incorporate the typical proportions of surrounding development, even when using modern materials.

c. New buildings should establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings.

4.4 Setbacks

Objective:

- To ensure the setback of the new building respects the significance and character of the surrounding area.

Requirements:

a. Where there is a uniform historically based setback, it is generally advisable to maintain this setback in a new building. Where the new building will be obtrusive it should be set well back and heavily screened.

b. If the setback varies, the new building should not be set closer to the street than an adjoining historic building (even if it is not an identified heritage item).

c. Setback from side boundaries should be consistent with typical buildings in the immediate vicinity.

4.5 Form & Massing

Objective:

- To ensure the form and massing of new buildings respect the significance and character of the surrounding area.

General Requirements:

a. New buildings should be designed in sympathy with the predominant form and massing characteristics of the area.

b. Houses generally had ridges of the same height. It is therefore important in new buildings to ensure that the width of wings can maintain a consistent ridge and roof height.

4.6 Landscaping

Objective:

- To ensure new landscaping respects the significant characteristics and elements of the surrounding area.

General Requirements:

a. Generous green landscaped areas should be provided in the front of new residential buildings wherever possible. This will almost always assist in maintaining the character of the streets and Conservation Areas.

b. New landscaping should not interfere with the appreciation of significant building aspects such as shopfronts or contributory building facades.

c. Important contributory landscape characteristics such as canopy cover or boundary plantings should be retained in new development.

4.7 Detailing

Objective:

- To ensure that detailing on new buildings respects but does not imitate original detailing on older surrounding buildings.

General Requirements:

a. Avoid fake or synthetic materials and detailing. These tend to give an impression of superficial historic detail.

b. Avoid slavishly following past styles in new development. Simple, sympathetic but contemporary detailing is more appropriate. Original materials and details on older buildings need not be copied, but can be used as a reference point.

4.8 Building Elements & Materials

Objective:

- To ensure that the use of materials and colours of the new building respect the significance and character of the surrounding area.

General Requirements:

4.8.1. Doors and windows

a. New doors and windows should proportionally relate to typical openings in the locality.

b. Simply detailed four panel doors or those with recessed panels are generally appropriate.

c. Mock panelling, applied mouldings and bright varnished finishes should be avoided.

d. Older houses have windows which are of vertical orientation and this approach should be used in new buildings.

e. Standard windows often come in modules of 900mm wide. Their use should be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type.

f. If a large area of glass is required, vertical mullions should be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.

g. Coloured glazing, imitation glazing bars and arched tops are not encouraged.

4.8.2 Roofs

a. Corrugated galvanized iron (or zincalume finish) is the most appropriate roofing material for new buildings in historic areas. It is also economical and durable. Pre finished iron in grey or other shades in some circumstances may also be suitable.

b. Tiles may be appropriate in areas with buildings dating to the 1900's - 1930's.

Unglazed terracotta tiles are the most appropriate. The colour and glazing of many terra cotta tiles make them inappropriate.

c. Other materials to avoid include modern profile steel deck.

d. Ogee profile guttering is preferable to modern quad profile. Plastic downpipes should be avoided in prominent positions.

4.8.3 Paving

a. Preferred materials for driveways include wheel strips and gravel.

b. It is important that the amount of hard driveway material does not dominate the front garden area.

4.8.4 Walls

a. Imitation Cladding
Cladding materials which set out to imitate materials such as brick, stone, and weatherboard should be avoided as they tend to detract from the authentic character of the surrounding original buildings.

b. Weatherboard
150mm weatherboards are generally appropriate for historic areas. They should be square edged profile unless the surrounding buildings are post 1920's.

c. Brick
   i. Plain, non-mottled bricks are preferable with naturally coloured mortar struck flush with the brickwork, not deeply raked.
   ii. Bricks of mixed colours (mottled) should be avoided, as should textured 'sandstock' bricks.

Cladding materials which set out to imitate cladding such as brick stone and weatherboard should be avoided in Conservation Areas

5. General Requirements for New Commercial Buildings in Historic Areas

In addition to the above, new development in commercial precincts within Conservation Areas, or that adjacent to a Heritage Item should take into account the following issues.

General Requirements:

1. Building Heights and Setbacks

   The height of buildings should reinforce the desired scale and character of the area. Maximum building heights have been set out in Part E.3, 'Heritage Conservation Areas'.

2. Services

   Service structures, and plant and equipment within a site should be an integral part of the development and should be suitably screened buildings and should not be built out.

3. On – Site Loading and Unloading

   Facilities for the loading and unloading of service vehicles should be suitably screened from public view.

4. Design of Car Parking areas

   Car parking areas should be located and designed to:

   a. provide landscaping where practicable to shade parked vehicles and screen them from public view.
   b. provide for access off minor streets, and for the screening from public view of such car parking areas from surrounding public spaces and areas.

5. Car Park Structures Should:

   a. incorporate a façade designed to complement adjoining buildings in an urban context.
   b. be setback from the street frontage and out of view if possible.

6. Roof Form, Parapet and Silhouettes

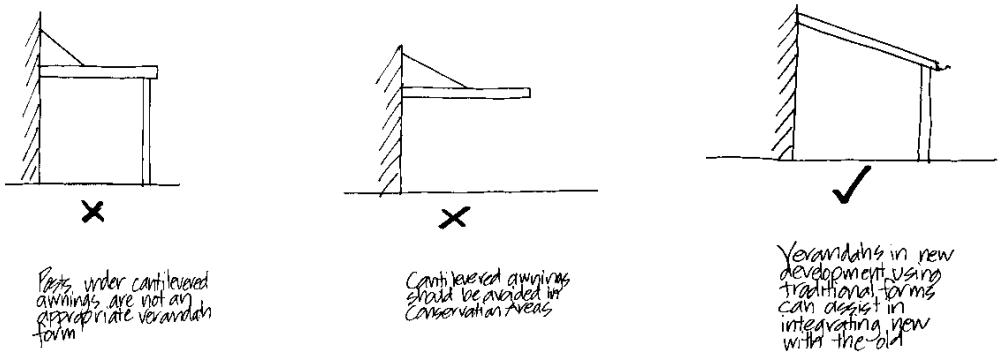
   a. In Commercial areas, it is the consistency of parapets which make a significant contribution to the architectural character of an area.
   b. Where the prevailing pattern of roof forms assists in establishing the character of a townscape, new roof forms should seek to be compatible with

the shape, pitch, and materials of adjacent buildings.

c. Parapet heights and articulation should be compatible with earlier surrounding buildings.

d. Lightweight materials such as ribbed coloured metals should not be used on vertical wall or parapet surfaces.

e. New verandahs should be based on design principles of traditional verandahs with sloping roofs galvanised iron and regularly spaced columns.



6. New Development in the Vicinity of Heritage Items

In addition to the matters raised previously, the following principles should be given particular attention when considering new development in the vicinity of heritage items.

Objective:

- To ensure that new buildings provide a setting for the adjoining heritage item so that its historical context and heritage significance are maintained.

General Requirements:

a. Development in the vicinity of listed heritage items should respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.

b. New development should have regard to the established siting patterns of the locality.

c. New development should generally be set back from the building line of the adjoining or adjacent heritage item.

d. The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.

e. Height and scale of new buildings should not obscure or dominate an adjoining or adjacent heritage item.

f. Development in the vicinity of a heritage item may be contemporary in design.

7. Signage

Objective:

- To ensure that signage respects and enhances the amenity of the area.

General Requirements:

1. New Signage

   a. The scale, type, design, location, materials, colour, style and illumination of any sign should be compatible with the design and character of the buildings and should not intrude on the visual qualities of the townscape.

   b. The architectural characteristics of the building should always dominate.

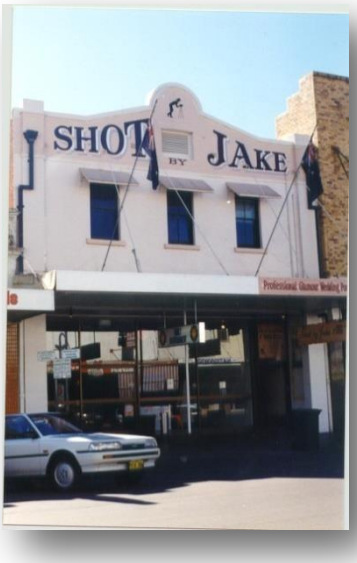
2. Above Awning Signs should:

   a. Be simple in design and avoid a proliferation of advertising which can be confusing and detract from the building and conservation area.

   b. Be located flush with the wall surface.

   c. Not be fluorescent or internally illuminated.

   d. Signs adjacent to heritage items or older buildings in Conservation Areas should be designed and located sympathetically.



Signage should be located within architectural elements of the building using appropriate lettering style, size and colouring.

Original signage has important cultural value and should be retained.

3. Original Signs

   a. Early signage has cultural value and should be retained.

4. Colour

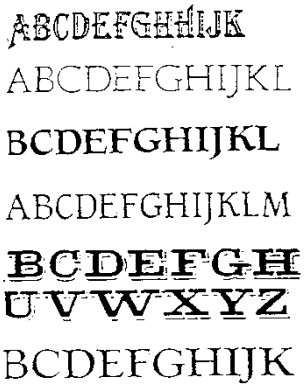
   a. Colours should be sympathetic to the surrounding area and be related to the colours of the building.

   b. The use of entire glazed shopfronts for temporary notices is not considered appropriate, nor is the use of temporary fluorescent signwriting.

   c. The use of bright corporate colours and sign designs which are not related to the architecture or character of the area and building are not considered appropriate.

5. Lettering Styles

   a. Traditional styles of lettering can be interpreted for modern buildings such as the use of raised lettering or traditional styles such as Clarendon, Ionic, Tuscan, Modern and Fat.



Traditional styles of lettering can be used effectively

8. Subdivision of Land

Objectives:

- To ensure that the subdivision of land respects the heritage significance of the item or the conservation area.
- To ensure that the subdivision layout has regard to the heritage significance of the item or the conservation area in relation to the siting and design of the proposed built forms.

General Requirements:

a. The proposal should not substantially alter the density of development such that the character and heritage significance of the heritage item or Conservation Area is adversely affected.

   b. The allotment and building spacing, i.e. frontage widths, side and front boundary setbacks, should be typical of surrounding development such that:

i. the rhythm of buildings in the Conservation Area is maintained;

ii. so vistas and views to and of any heritage items in the vicinity, especially the principal elevations of buildings, are not interrupted or obscured;

iii. so the landscape quality of the Conservation Area streetscape is retained;

iv. so the setting of the heritage item and a satisfactory curtilage, including important garden and landscape elements, is retained.

c. The scale and form of proposed new development should not detract from the significant and dominant heritage elements of the item or the Conservation Area's streetscape.

d. The details of required works and services, such as design and materials for kerbing and guttering, access crossings and the like should be consistent with original elements of the item or Conservation Area.

9. General Conservation Guidelines

The following guidelines apply to projects which involve work to conserve an existing historic building or place. Historic places may range from listed heritage items to buildings in a Conservation Area.

1.1 Getting Started

Research

A key principle in heritage conservation is the need to understand the heritage importance or significance of a place before making decisions about how to manage it. A major part of understanding what makes a place special is to understand its history; why it was built, how it was used and how it has changed.

Documentary research can reveal useful information including old photographs and early records such as title deeds to indicate successive owners.

Other types of documentary research might involve searching collections of libraries, sourcing maps and plans, photographic and picture collections or books and articles.

This information can be found at the Lands Titles Office, libraries – including Maitland Library and the Mitchell Library in Sydney, Local Council records, local museums and possibly galleries. Former owners of the building may also be of assistance.

Establishing the construction date of early buildings is difficult, as there is often little

documentary evidence. It is usually necessary, therefore, to rely on observation of the building style, and research of land titles in the Land Titles Office which provide a sequence of owner names and dealings.

Getting to Know the Building

A close examination of the *fabric* will usually be very important. The '*fabric*' of a building or place refers to the physical material of which it is comprised.

Careful inspection can reveal evidence of original detailing. Painting might reveal the shape of a former iron roof over a verandah, nail holes on verandah posts might show the former location of brackets.

Systematic inspection of the *fabric*, informed by a knowledge of the history of the place, will help to understand its significance. A conservation specialist may be required to evaluate whether the building is significant and to identify the most significant elements.

Looking at other similar buildings in the locality can also indicate how missing parts of a building may have appeared, or how things were done.

When you have determined what is significant about a place, this information should help to guide maintenance, repair and conservation work. Wherever possible, original features, materials and finishes should be retained.

Sound Advice

It is advisable, and often necessary to obtain professional advice from experienced people such as heritage architects when working on a major project.

Where there is considerable expenditure involved, it is important not to rely on guesswork which may lead to problems later on.

The NSW Heritage Office maintains a list of Consultants who specialise in heritage work which can be obtained from Council.

Council also has a free Heritage Advisory service to assist you with preliminary advice on your project.

Keeping Records

When working on conserving or altering a place, it is important to make careful records of the state of the place before it is changed.

This will provide an accurate reference to how the repaired or new material should be constructed and/or appear. It will also provide good reference material for people who will look after the place in the future.

1.2 Conservation Processes

Work on an historic building or place can involve a variety of Conservation processes as defined by the Burra Charter.

The Burra Charter establishes the nationally accepted standard for the conservation of places of cultural significance. The Charter advocates a cautionary approach to changing a place, doing as much work as necessary to repair, secure and to make it function, but as little as possible – so the history of the place can continue to be recognised in its physical presence.

The following are Burra Charter definitions of common conservation processes:

Restoration **-** means returning the existing fabric of a place to a known earlier state by removing, adding on or re-assembling existing components without the introduction of new material.

Reconstruction - involves introducing material to replace missing elements returning a place as nearly as possible to a known earlier state. Complete rebuilding on the same or another site is unacceptable except as an absolute last resort.

Adaptation - means modifying a place to suit the existing use or proposed compatible uses. A compatible use means a use which involves no change to the culturally significant fabric, or changes which require minimal impact.

Adaptation is acceptable where the conservation of the place cannot otherwise be achieved, and where the adaptation does not substantially detract from its cultural significance.

Preservation - means maintaining the fabric of a place in its existing state and preventing deterioration.

Maintenance - means the continuous protective care of the fabric and the setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Relocation - a building or work should remain in its historical location. Moving a part or all of a building is unacceptable unless this is the sole means of ensuring its survival.

Changes which remove building fabric or introduce new fabric should as far as possible be reversible in order that the earlier appearance may be recovered at a later date.

The verandahs on the Glebe Trust Building in High Street, Maitland were reconstructed using early photographs and plans of the original building

1.3 Maintaining Old Buildings

Old buildings benefit from routine maintenance. It should be remembered, however that old buildings have unique characteristics, and it is generally undesirable and sometimes very damaging to try and reverse the effects of age on materials.

While some maintenance can be undertaken by property owners, some types of work such as addressing damp problems or the repointing of masonry requires the expertise of tradespeople experienced in conservation work.

Maintenance is one of the most important parts of conservation work. Regular maintenance should be a regular part of any property management. This means that problems such as water penetration, termite infestation or vandalism do not get out of hand requiring substantial costs to repair.

Regular maintenance is one of the most important parts of conservation

Repairing and Maintaining Roofs

- Roofs may contain a number of different elements including sheeting or covering chimneys, cappings, roof vents, eaves, pediments, guttering, barge boards and fascia boards.

- Original roof material should be repaired rather than replaced wherever possible. However if it is necessary to replace it, materials should generally match in size, shape, colour and texture.

- Original chimneys, original cornices, eaves details, brackets and pediments should be preserved as an important part of the composition of older buildings.

- When repairing or replacing corrugated iron roofing, small details should be retained or matched to the original. Such details include cutting of ridge and hip cappings to match the iron flutes which also make the roof more weatherproof.

- Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads should be preserved and restored wherever possible during re- roofing.

- Appropriate profiles for new guttering are important, such as ogee, half- round or quad styles.

- Round downpipes common until the early twentieth century should be used where appropriate.

- The retention of existing slate roofs will generally be required as this roof type is now rare in the area and complete replacement is likely to be very expensive. The repair of slate roofs will often require skilled tradespeople.

When re-roofing a building, it is important to match or keep original detailing

Repairing and Maintaining Rendered Walls

Render or stucco was often applied to external walls to protect them from the elements. This type of surface should not be removed, as softer porous bricks underneath the render will quickly deteriorate without their protective barrier.

External render was usually lime based, and was therefore absorbent. Modern strong cement renders, however can cause dramatic decay. Once in the wall, moisture becomes trapped and underlying soft brick and stone can severely breakdown.

Cracked or damaged traditional render should be repaired with a similar compatible render, not cemented and painted over.

Cement render and its attempted removal can cause major damage to brickwork

Repairing and Maintaining Face Brick or Stonework

Face brick or stone should not be painted over. Buildings with this treatment were designed specifically, often using brick patterns, or tuck-pointing.

Paint systems also tend to prevent the evaporation of moisture from the surface. Unless moisture can evaporate from the inside of the wall surface, the moisture content of the wall will increase.

In hot weather moisture behind the paint film will increase, and cause blistering. As the surface layer of paint begins to break down, further water penetration can lead to increased dampness.

A fine example of a Victorian Italianate brick building with face brick and rendered detail on Church Street, Maitland

External Cleaning and Paint Removal

Cleaning paint from stone or brick should not be undertaken without expert advice.

Sandblasting or abrasive cleaning of masonry may remove the outer masonry surface and increase deterioration of the exposed surface.

This can ruin the appearance and de-value the building. Other less severe methods of cleaning are required.

Waterproof Stone and Brick Coatings

The application of waterproof coatings or varnishes should be avoided as they can accelerate the deterioration of the masonry by trapping moisture. Damage can occur when water cannot escape and layers of salt build up below the surface.

Often the best solution for water penetration is repointing.

Mortar and Repointing

Repointing of masonry is often a key part of conservation work. It is very important to ensure that repointing is carried out properly using appropriate materials and techniques.

Mortar was originally intended to encourage the evaporation of moisture from the joints rather than the masonry units. A soft lime mortar with a rough texture and lower strength than the surrounding masonry should be used for pointing work.

Grey cement should not be used in buildings where lime mortars are present. This is particularly important in old buildings where no damp proof course exists

Grey Portland cement is invariably stronger and of a different absorbency level from the brick or stonework. This causes evaporation to occur in the stone or brick more easily than the replaced mortar joint. Deterioration and cracking of masonry may therefore occur quickly after repointing in hard cement.

Rising and Falling Damp

Some masonry buildings suffer from rising and/or falling damp. It can cause crumbling of exterior masonry, staining of internal finishes, and cause musty smells in poorly ventilated rooms.

Rising damp can have a number of simple or complex causes. Gutters and drains or sprinklers may be soaking and pooling on ground near a wall, concrete floors might be forcing water up a wall.

Before deciding how to fix the problem a number of alternatives may be suitable including improved sub – floor ventilation, eliminating the water source and improving site drainage, or as a last resort inserting a damp proof course for severe cases.

Specialist advice is recommended to avoid large financial outlays which may not fix the problem.

Rising damp and salt attack can lead to serious deterioration of masonry

1.4 Conserving Building Elements

Getting the details right

When a building is designed, there is generally a consistent approach to details such as window frames, sills, skirting boards, verandah posts and brackets. These existing original features should be retained and maintained.

New work or repair of the existing details should be in keeping with the original design. The imitation of something from another place such as introducing aluminium lace or shutters is not appropriate as it can detract from the appearance and authenticity of the property.

Missing components such as verandah brackets, fences, and chimneys should be copied carefully and reinstated in their original style.

Internal details such as door and window handles were often special decorative features of a house, and should be retained. Reproduction details can be expensive, so it is preferable to use originals where possible.

The retention and repair of original building elements and details such as verandah posts, fencing, windows and doors is an important part of maintaining the significance of the building and character of an area or street

Doors and Windows

Original external building features such as timber windows and doors should be retained in their original configuration and dimensions.

Timber was generally painted externally, not varnished. Priming undercoat and top coat provides the optimum protection against weathering.

Original window details should be retained

Shopfronts

Early photos of Maitland's buildings show a wealth of variety and richness in its early shopfront details. They are characterised by deep timber mouldings and colour.

Original examples which remain today have value and should be preserved. Later shopfronts while not original to the building may also contribute positively to the streetscape and should also be preserved.

Original shop fronts add variety and richness to the streetscape and should be preserved

Early shop fronts are characterized by deep timber moldings and the use of colour

Internal Alterations

The removal of internal walls is generally not recommended as this can impact on the structural stability of the building in addition to its integrity and character.

The majority of walls in older buildings are load bearing. The structural stability of the outer shell is dependent on the internal existence of walls, stairways and chimneys. It is therefore important to avoid:

- radical intervention in the interiors of older buildings;
- Subdivision of rooms.

Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, should be retained.

Where fire safety upgrading of buildings is required this should be achieved in as sensitive way as possible. The NSW Heritage Office has published a manual titled "Heritage on Fire" which provides practical solutions to fire safety issues.

Lath and Plaster

Where lath and plaster remains in listed heritage items, the comprehensive replacement of walls and ceilings should be avoided. It is possible to re-adhere lath and plaster finishes where plaster is cracked or drummy.

Specialists in this field are available to provide advice and expertise.

Timber

Keeping timber dry is very important to reduce the risk of wood deterioration as a result of fungal rot, attack by borers and termites, and swelling and shrinkage cracking.

It is essential, therefore, that roof drainage, guttering and stormwater drains are operating properly, and that surface water is drained away from walls.

Coatings such as paints, varnishes, waxes and oils are the principle means of controlling swelling as well as protecting and enhancing timbers.

Wooden items need regular maintenance and should be inspected every six months. Subfloor spaces should be inspected for signs of rot and termites, and roof spaces for evidence of leaks which may lead to fungal growth.

Timber Repair

Sometimes wood is so badly deteriorated that it needs to be replaced. It is good conservation practice to replace the minimum necessary, and to use the skills of a carpenter or joiner.

The aim should be to reconstruct the original form of the damaged section so that the repair does not detract from the appearance of the original work.

Wooden items need regular maintenance and should be inspected every six months

Landscaping and Fencing

Early plantings are important elements of a Conservation Area or heritage item.

They can often be landmarks and contribute to the setting of a building. The maintenance or restoration of gardens can add to the authentic conservation of a building.

Original fences also contribute to the significance of a building or area and should be retained and maintained. These may be very modest in scale but everyday fences play an important role in establishing and maintaining the heritage significance of an area.

Gardens have changed in fashion, like buildings over time. Gardens in Victorian times were influenced by English designs which used introduced plantings in symmetrical patterns. Later Federation gardens in the 1900's used curved beds and paths combined with a mix of introduced and native plants.

A number of reference books are available on Australian styles of landscaping (see Appendix 6, Heritage References).

The planting of certain tree species near the footings of load bearing buildings should be avoided as they can lead to the drying out of subsoils and may result in the structural failure of the building. When gardens are placed too close to buildings, problems may also occur due to changed moisture or ventilation conditions.

Federation gardens typically used curved beds and paths with a mix of introduced and native plants

This original fence contributes to the character of the building and surrounding area

This palisade fence in Morpeth is notable as a landmark

Some fences may be modest, but everyday fences contribute significantly to the character of the building and the area

Colour Schemes

Repainting of buildings should occur as part of general maintenance. Colour schemes which are in keeping with the period of the building will enhance its character and the surrounding area.

Painting in a colour scheme suited to the age of a building can be well researched using a number of resources. They include:

- Paint scrapes in areas which have not been overly exposed to reveal previous colours used.
- Old black and white photographs which show shades on different elements of the building.
- An understanding of traditional colour schemes, which can be obtained by referring to books written about the subject (see Appendix 5, Heritage References).

It is not usually necessary to repeat the use of original colours, but research is often helpful to understand how different areas were treated.

Paint manufacturers have developed heritage colour ranges which are useful when deciding on suitable period colours.

An understanding of traditional colour schemes can be obtained by referring to books written about the subject.

The dominant use of bright corporate colours on building facades is generally inconsistent with maintaining the heritage character and significance of a building and/or Conservation Area. Well placed and proportioned signage can provide the clear information needed for effective street presence of a business.

Colour schemes which complement the style of the building will enhance the character of the surrounding area.

1.5 Change of Use

Each new use will inevitably bring change to the fabric of the place. When considering new uses it is important to try and ascertain what the likely impact of a proposed use will be.

Will the changes affect the significance of the place? Will they be minor or reversible?

If the original use of a place becomes redundant, finding another similar use may help in retaining the place's significance.

Sometimes a continuing historical use is the reason why a place is considered important and continuing that use is essential.

There is a danger that gradual cumulative changes will reduce the ability to interpret significant aspects of the building.

Very different uses (such as commercial uses in a former dwelling) may require significant changes to the building fabric, because of the need for amenities, or perhaps fire-rating of walls and ceilings. It is important to alter as few original features and/or materials as possible when changing the use of a building.

C.5 – Industrial Land

Application

All land that is zoned Industrial or B5 Business Development under the provisions of the Maitland LEP 2011.

Section 1 applies to all industrial development irrespective of zoning.

Objectives

a. To encourage growth in the industrial sector, provided that new industrial development does not present unacceptable risks to residential areas or other land by way of pollution, hazards or otherwise.
b. To encourage applicants to act in their own interests by submitting fully substantiated and documented proposals, including hazards analysis where appropriate.
c. To encourage a process which minimises problems with development proposals, through appropriate consultation prior to applications being submitted.
d. To provide general guidelines for applications for designated development, as to matters to be addressed in Environment Impact Statements.
e. To assist applicants by minimising duplication of documentation required under other laws (pollution control, occupational health and safety etc.).
f. To encourage visual and operational compatibility between industrial development and residential areas.
g. To encourage improvements to the character and appearance of industrial estates, including the inclusion of development appropriate landscaping elements.

1. SCALE OF DEVELOPMENT

Proper consideration of industrial development proposals relies on an understanding of what actually is involved and what is the real nature of hazards and risks. It is essential, and in the applicant's interests, to fully describe the proposed development.

This may include quantities and particular qualities of raw materials and finished products, particularly in terms of:

- toxic qualities
- handling procedures

- manufacturing processes involved
- by-products in the event of fine
- risks in the event of flood
- cumulative risks associated with quantities, and with goods stored in adjoining development
- procedures required by occupational health and safety regulations
- measures required for safe storage (e.g. bunding etc.)
- volumes to be transported, manner of transport and probable routes
- the amount and nature of waste to be generated and the proposed means of disposal
- fire safety measures in buildings and storage areas.
- Whether any other licence or approval is required under other legislation, and the measures proposed in the development to obtain that licence or approval.

An accurate description of the proposed development will assist the applicant and Council in defining the use and establishing the overall scale of the development.

1.1 Designated Development

A number of development types are identified as 'designated development'. This category identifies development that has an increased potential to have adverse impacts on the environment, either due to the scale or nature of the development, or their location near sensitive areas, such as wetlands. As such, a more rigorous environmental assessment process is required, including the consultation process and the appeals procedure. In this instance, an Environmental Impact Statement (EIS) must be prepared to accompany the Development Application. The requirements for the preparation of an EIS and the procedure to be followed are contained in the EP & A Act and Regulation.

Schedule 3 in the *Environmental Planning and Assessment Regulation 2000* lists certain development types as 'designated development' as well as environmental planning instruments, such as State Environmental Planning Policy (Resilience and Hazards) 2021.

The description of 'designated development' is not precise in a number of instances, and Council has some discretion about whether a particular development may be included. Early consultation with Council's Development Assessment Staff is recommended.

It should, however, be noted that if a particular development is excluded from "designated development", procedures may be different but a high level of descriptive and supporting information will still be required.

1.2 Integrated Development

In general, documentation required for licences and approvals under other legislation should be seen as largely compatible with the information required for a development application.

1.3 Other Development

Industry which is not designated development but which involve:

- use or storage of chemicals or chemical products
- use or storage of petroleum, oils or other inflammable goods
- potential air, water or noise pollution, including offensive odours and dust or other particular product
- generation of toxic or other contaminated wastes
- use of explosive substances
- projects or materials which may create toxic or dangerous by-products in the event of a fire
- any other hazard or risk

Council will require that the Statement of Environmental effects addresses all of the matters referred to above as are relevant. Consultation with Council's Development Assessment Planners should occur to establish what issues are relevant and the degree of detail required. In general it is advisable to provide more information rather than less, and applicants should note that Council has the power to require that additional information be submitted before applications are determined.

The recommended process of consultation with Council staff is also intended to distinguish minor and inoffensive industrial development proposals, for which the necessary level of documentation may be relatively minor.

2. DEVELOPMENT GUIDELINES

1. Design and Appearance of Buildings

a. The external walls of industrial buildings shall be of profiled colour-treated cladding or masonry materials, or a combination of both;

b. Particular consideration shall be given to the design and use of the above materials in the street elevation of industrial buildings, particularly where such buildings are in close proximity to residential or commercial neighbourhoods or front main roads.

c. Where the side or rear elevation of an industrial building is visible from

residential areas, colours and wall profiles should be selected to minimise their visual impact.

d. Buildings should be designed to be energy efficient through the use of insulation, correct orientation on the site, passive solar design and other energy saving technologies.

e. Where the site is liable to flooding, accurate information on ground and building levels should be provided. This should be related to proposed measures for evacuation, safe storage and hazard reduction in the event of a flood.

2. Landscaping

a. The following areas of the site shall be landscaped:

i. The front setback area to a minimum depth of 5 metres;

ii. The side and rear setbacks if visible from residential areas or a public place;

iii. The perimeters of open storage areas are to be landscaped as necessary to provide screening from public view;

iv. Car parking areas are to be landscaped to provide shade and to soften the visual impact of parking facilities (refer to diagram).

b. A physical barrier of kerb is to be constructed between all landscaped and grassed areas, and areas for the standing or manoeuvring of vehicles on the site.

c. Where practicable, parking areas in the front of building could be constructed at a lower level, to increase the effect of frontage mounding and landscaping in screening parking areas.

d. A detailed plan is to be submitted with the development application and is to show the location and species of all planting and all other landscaping works to be carried out. In this regard Australian native plants will grow faster and require less attention than introduced species. A brochure of suitable species for the Maitland area is available from Council.

e. Landscaping treatment should be designed to complement any existing vegetation and any landscaping of roads and other public spaces.

3. Vehicular Access

a. Access drives shall have a minimum width of 6 metres (Note: Major traffic generating developments may require a greater access width, divided at the property line).

b. Access drives shall not be located in close proximity to an intersection.

c. Loading and unloading facilities appropriate to the particular development are to be provided on site such that service vehicles are located wholly within the

site, and do not create conflicts with parking areas.

NOTE: *Should developers require more detailed technical information regarding vehicular movements to, from and within the site their attention is drawn to the Traffic Authority of New South bales publication "Policy and Guidelines" which is available for perusal at Council's Town Planning Department.*

4. Parking

   a. See C.11: Vehicular Access and Car Parking for number of parking spaces required.
   b. All car parking facilities shall be located behind the front 5 metre landscaped area;
   c. Where it is proposed to locate parking facilities behind an industrial building or to the rear of an industrial site, separate provision for visitor parking shall be made in front of the building and behind the front 5 metre landscaped area.
   d. Car parking bays are to have a minimum construction standard of a two coat bitumen seal, be clearly delineated, and have dimensions of 2.6m width x 5.5m length.

5. Setbacks

   a. Front building setback shall be determined on the following criteria:

      i. Provision of landscaped area to a minimum depth of 5 metres;
      ii. Provision of car parking facilities;
      iii. Building height, bulk and layout;
      iv. The nature and needs of the industrial activity;
      v. The general streetscape.

   b. Side and rear setbacks shall be as specified by the Building Code of Australia.

6. Storage Areas

   a. External storage areas are to be located to the rear or the site and be screened from public view by means of fencing and/or landscaping.

7. Advertising Signs

   a. Advertising signs and structures shall be of a size, colour and design which is compatible with the building to which they relate and is streetscape;
   b. Advertising signs and structures may be located as follows:

i. Single Occupant Industrial Sites:

- One free standing advertising structure may be constructed within the front 5 metre landscaped area of the site; and
- One advertising sign may be placed on the façade of the building, but shall not be higher than the building roof line;

ii. Multiple-Unit Industrial Sites:

- One index board may be constructed near the site entrance or within the front 5 metre landscaped area, detailing the unit number, tenant and product of each occupant of the industrial site; and
- One advertising sign may be placed on the façade of each unit, but shall not be higher than the building roof line.

All advertising signs are subject to separate approval from the Council.

8. Drainage

a. On-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards, to restrict the discharge rate of stormwater runoff. The methods may include tanks (either underground or aboveground) or surface storage areas such as driveways.

b. Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an interallotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted.

c. Pollutants carried in stormwater runoff, generated from building activity, vehicle parking, manoeuvring, and hardstand areas should be assessed for the potential adverse effects of sediment movement (by wind, water and wheel-tracking), and vehicle-sources hydrocarbon pollution. Appropriate measures must be taken to contain pollutants, both during construction and long term permanent treatments. Reference should be made to Landcom/Department of Housing guidelines "Managing Urban Stormwater". An Erosion and Sediment Control Plan should be prepared as part of the drainage design for the site.

9. Security Fencing

a. Security fencing, wherever possible, is to be located within or behind the front 5 metre landscaped area.

10. Compatibility

a. Windows, doors and other wall openings should be arranged to minimise noise

impacts on residences, where an industry is located within 400 metres of a residential zone;

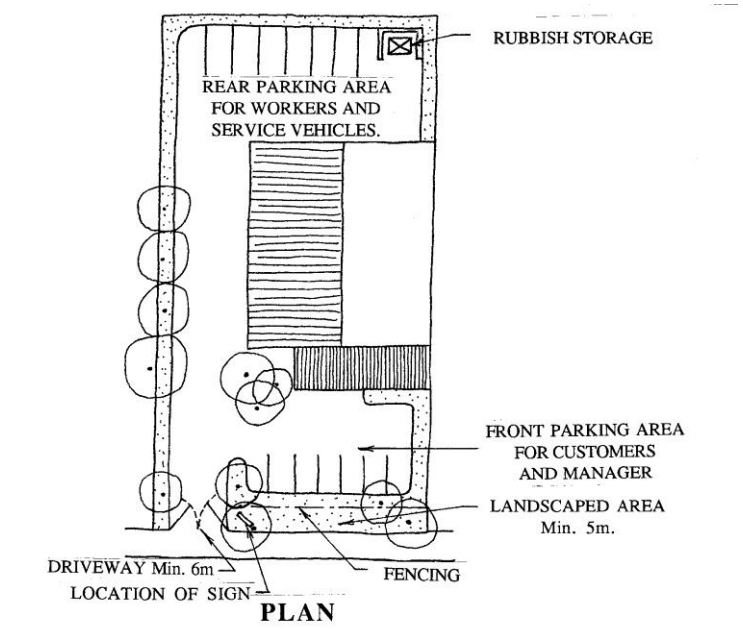
b. External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise nuisance;

c. External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas;

d. Driveways should be arranged or screened to avoid leadlight glare on residential windows;

e. Hours of operation may be limited if extended operation is likely to cause a nuisance to adjoining residential areas (including nuisance from traffic).

TYPICAL INDUSTRIAL LAYOUT



C.6 – Signage

Application

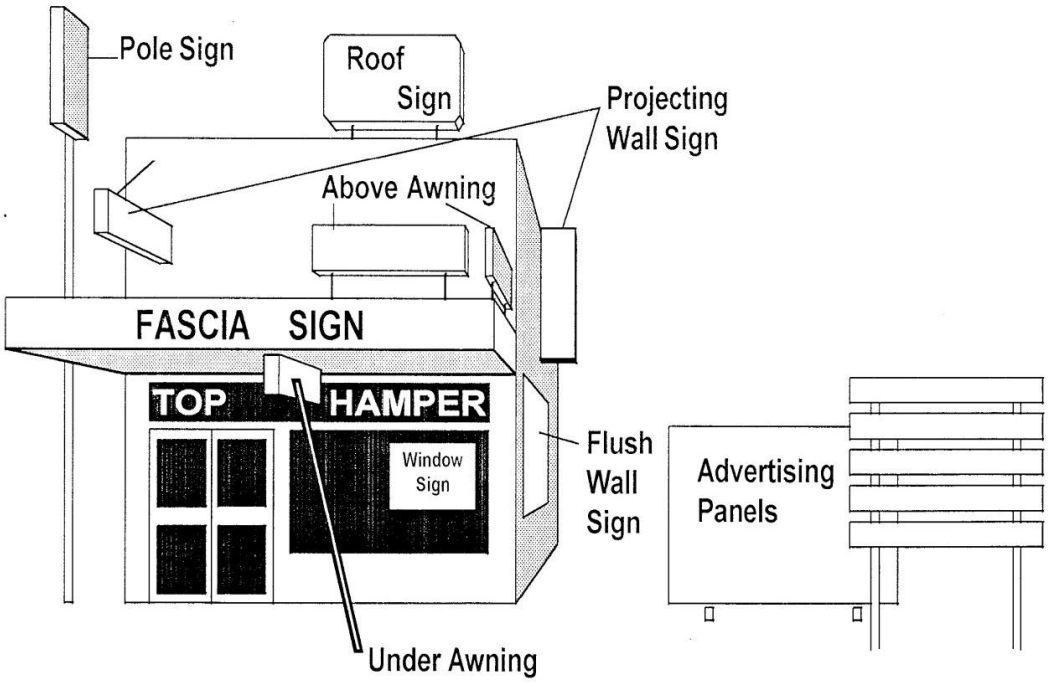
All land within the Local Government Area of the City of Maitland, to which the Maitland LEP 2011 applies.

Objectives

- Provision of good quality, well maintained signage which is adequate and effective in promoting the City's tourist attractions, trade, commerce, services and facilities without being detrimental to the amenity and character of the area.
- To provide signage which is complementary in scale and form with the built environment and the streetscape as a whole.
- To establish common criteria for the assessment of applications for signage.
- To ensure that signage is in sympathy with historical buildings and historical precincts.
- To achieve a gradual replacement of existing signs with new, good quality, well maintained signs through incentives balanced by strong enforcement.
- To provide user friendly directional signs to meet the needs of visitors and residents in locating facilities, places and services.

SIGN TYPES

The following diagram illustrates some of the more common forms of signage.



Guidelines for Signage

1. Signs should be simple, clear and concise. In some cases graphic symbols may be more effective than words.
2. Signs should fit the structure of the building and be complementary to the building.
3. Historic buildings and places should be treated with sympathy and signs should not obscure or overwhelm the architectural features of the building or place. Traditional sign materials of the era should be used rather than plastics, Styrofoam, opalescence and similar materials.
4. Signs in rural and environmental protection zones should only advertise facilities, activities or services located on the land or be directional signs to tourist or historical interest.
5. Multi-tenancy development signage to be uniform size, shape and of similar construction.
6. Wall signs shall be restricted to 25% of the visible wall surface.
7. Signs resembling road or traffic signs are prohibited.
8. Signs are to be properly maintained.
9. Footpath signs are prohibited.
10. Rationalisation of signage is encouraged.
11. Temporary signs and banners are generally not encouraged but when allowed, are subject to strict conditions of approval and removal following the event.
12. Signs requiring substantial supporting structure may require detail design plans from a practising Structural Engineer.

Signs Not Acceptable:

- Signs in rural, residential and environmental protection zones where they do not relate to activities and development situated on that land with the exception of directional signs to place of tourist on historical interest.
- Signs which project from the building facade and obstruct the view of the streetscape.
- Signs fixed to trees, light poles or the like.
- Signs that interfere with traffic lights or signs, obstruct lines of sight or signs that are inconsistent with Transport for NSW requirements.
- Signs that are unsightly, objectionable on injurious to the amenity of the locality.
- Signs attached to parked vehicles/trailers or the like.
- Portable signs on public footways/road reserves.
- Numerous small and cluttered signs duplicating information.
- Signs not on land to which they relates other than in commercial/industrial zones.

DEFINITIONS

Advertiser means the person who caused the advertisement to be displayed or the advertising structure to be erected, or the owner or occupier of the premises on which the advertisement is displayed or the advertising structure is erected.

Advertising Panel - includes a hoarding or bulletin board and is a free standing panel and should not exceed 2 metres in length and 2.4 metres in height and the top of the sign should not exceed 6 metres above the ground level.

Awning Sign means a sign attached either above or below an awning and shall not exceed 2.5m in length and the bottom of the sign to be not less than 2.5m above footpath on ground level and shall not project beyond the outside edge of the awning.

Commercial Sign means an advertisement of maximum dimensions 1.2 x 6m and only indicates the purpose for which the premises are lawfully used providing Council is satisfied that the advertising will not interfere with the amenity of the area.

Fascia Sign means a sign attached or forming part of the fascia or return end of an awning and is located fully within the face of the awning structure.

Flush Wall Sign means a sign fixed flush or painted directly onto an exterior wall of a building or not exceeding 25% of the area of such wall.

Illuminated Sign means any advertising device illuminated by an internal source of light in order to make the message readable.

Pole or Pylon Sign means a sign erected on a pole or pylon independent of any building or other structure.

Projecting Wall Sign means a vertical or horizontal sign attached to wall or parapet of a building.

Real Estate Sign means an advertisement in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting and;

a. in the case of an advertisement in respect of residential or rural premises relating to letting or sale by private treaty does not exceed 1.2m in length and .9m in height;

b. in the case of an advertisement in respect of residential or rural premises relating to sale by auction:

   I. does not exceed 1.8m in length and 1.2m in height;
   II. has returns not exceeding 180mm; and

III. contains only the word 'auction' on the surfaces of its returns; or

c. in the case of an advertisement in respect of commercial and industrial premises does not exceed 2.4m in length and 1.8m in height;

d. in the case of directional signs promoting rural, residential or industrial lands sales:

I. Not to exceed 2.4m in length and 1.2m in height.
II. Approval for a maximum period of 12 months from date of approval.
III. Total number and locations of signs to be restricted so as to lesson the impact on the locality.

Roof Sign means a sign erected above the roof line or parapet of a building.

Temporary Sign means an advertisement or advertising structure erected or displayed to advertise community or civic projects, construction projects or other special events on a temporary basis for a period not exceeding two calendar months.

Top Hamper Sign means a sign attached to the transom of a doorway or display window of a building.

Tourism Signs means a sign strategically placed to promote local tourist attractions or facilities balanced with the objective of not interfering with the natural qualities of the Maitland rural environment.

Generally, a tourism sign should not exceed 6m in length and 3m in height and the top of the sign should not exceed 6m above the ground level.

Window Sign means a sign painted or displayed on a shop window or any glazed area of a building.

RESIDENTIAL ZONES

OBJECTIVES

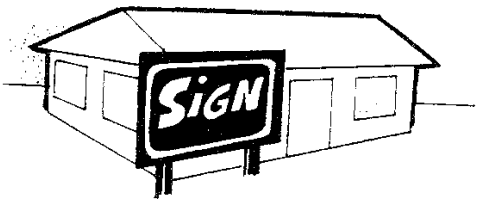
Preserve the residential amenity of the locality.

Minimises the visual impact of signs.

DESIGN CONSIDERATIONS

Identification and on-site advertising in residential areas should be discreet, unobtrusive and small scale in keeping with the area.

UNDESIRABLE



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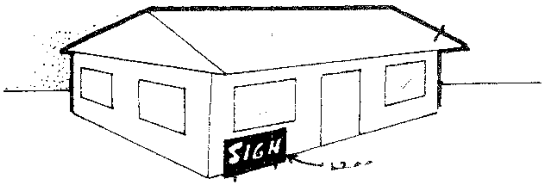
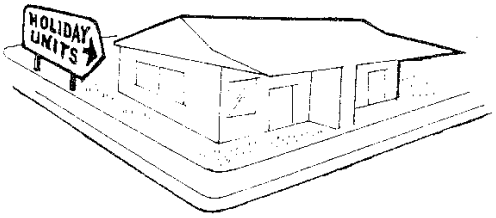


Privacy from illuminated signs should be respected.

UNDESIRABLE

UNDESIRABLE



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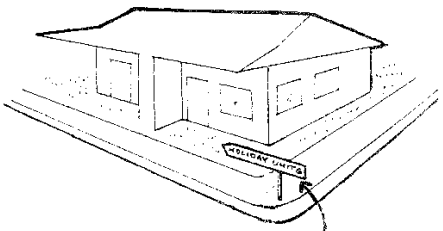


Council Approved Directional sign

COMMERCIAL ZONES

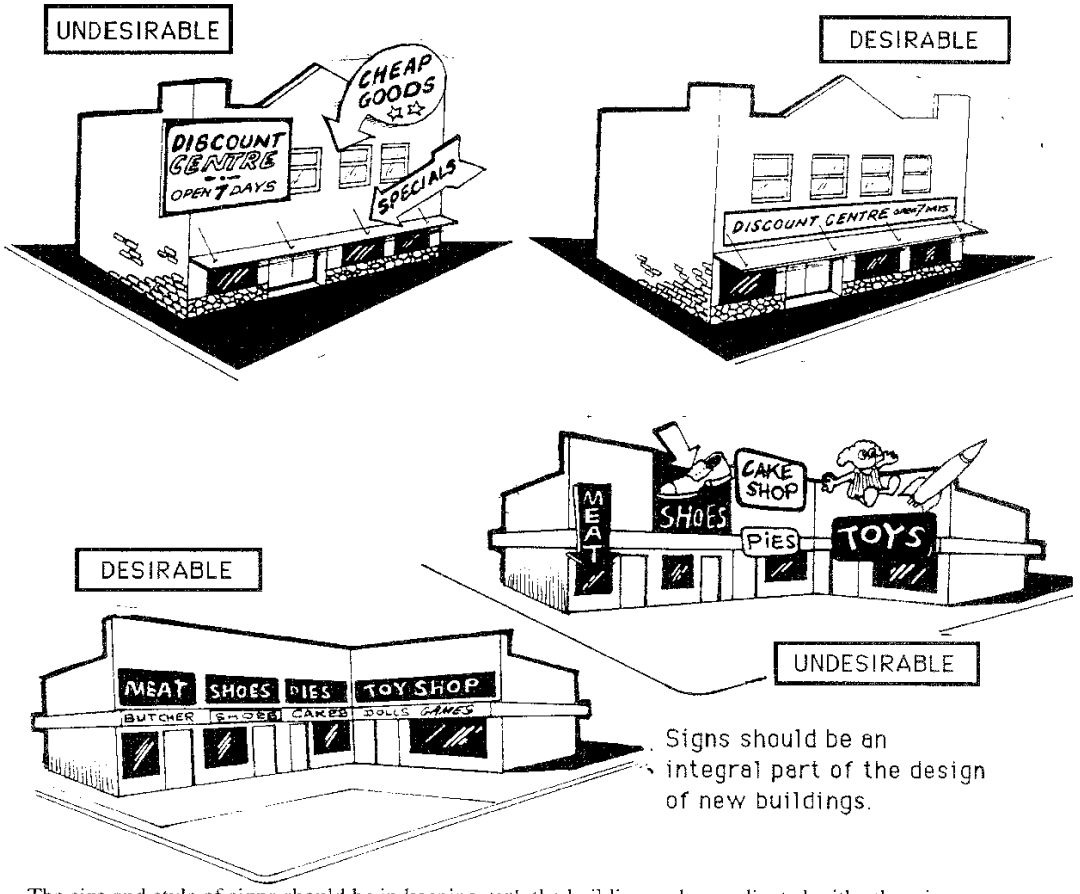
OBJECTIVES

Permit adequate identification and business advertising. Ensure that ALL businesses have the opportunity for reasonable exposure.

Ensure that signs are in keeping with the scale and character of the building.

DESIGN CONSIDERATIONS

A sign should take account of the need to preserve and enhance the character of environmentally significant older buildings.



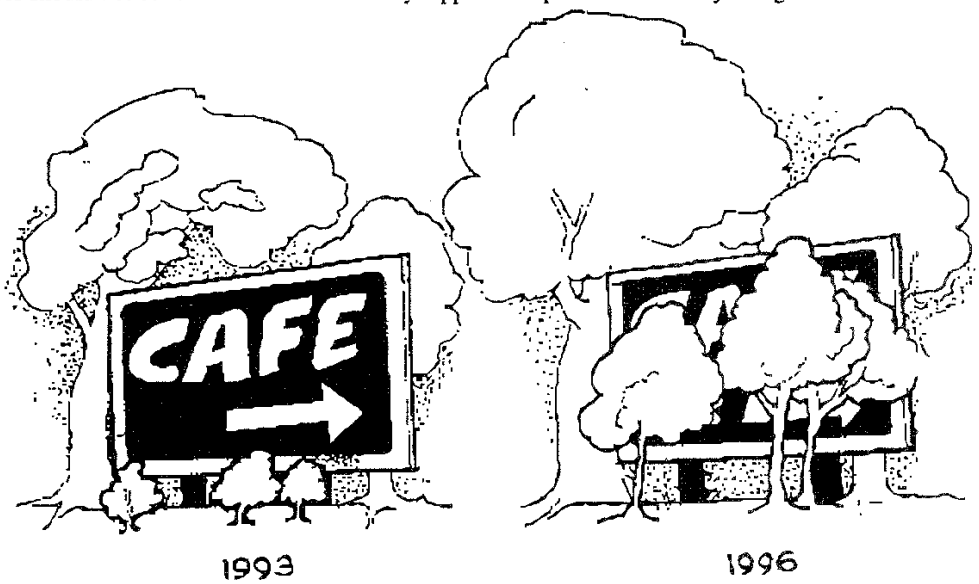
Signs should be an integral part of the design of new buildings.

The size and style of signs should be in keeping with the building and co-ordinated with other signs on the building and the surrounding areas.

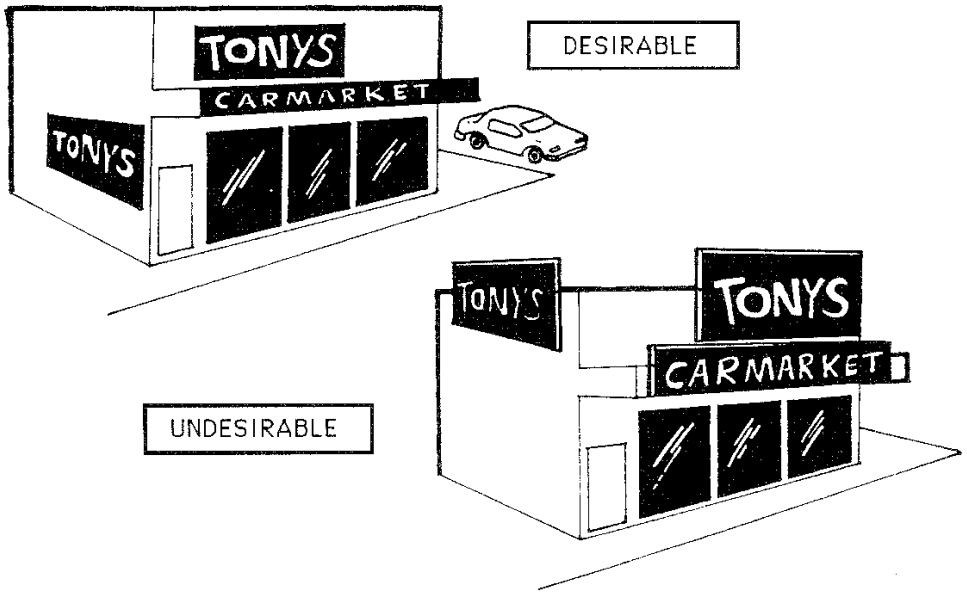
COMMERCIAL ZONES

Consider the future growth of trees.

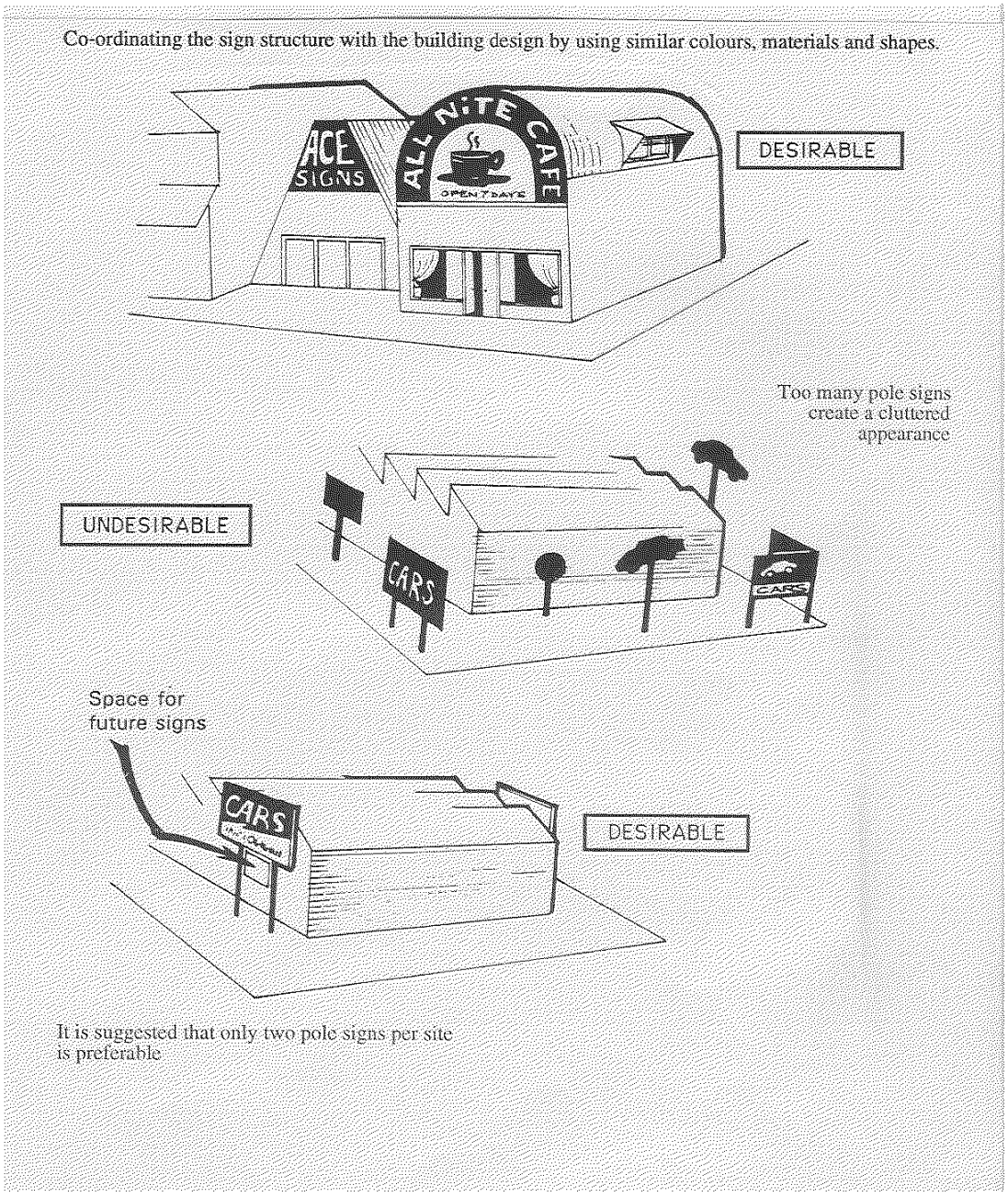
Trees should not be removed or unnecessarily lopped to improve the visibility of signs.



A sign is part of the overall design of the building and you should consider keeping the sign within the existing line and framework of the building.

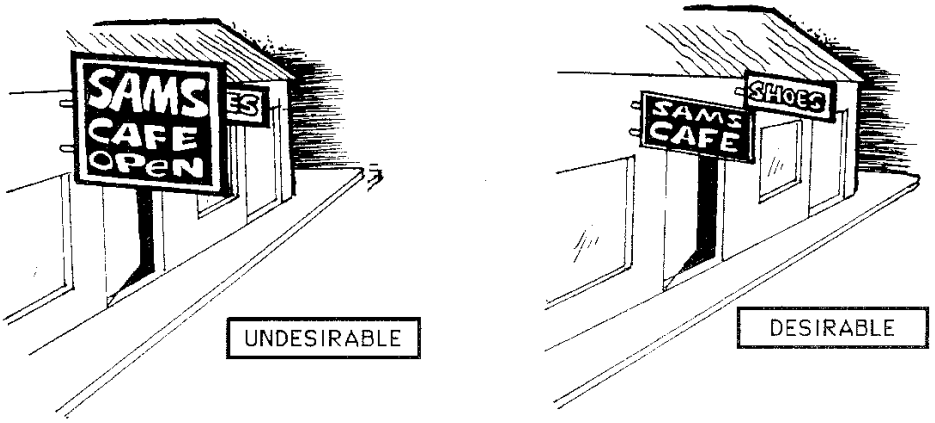


COMMERCIAL ZONES

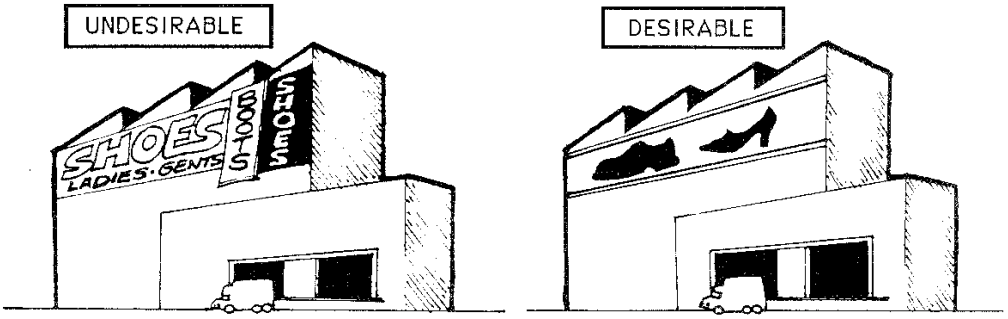


COMMERCIAL ZONES

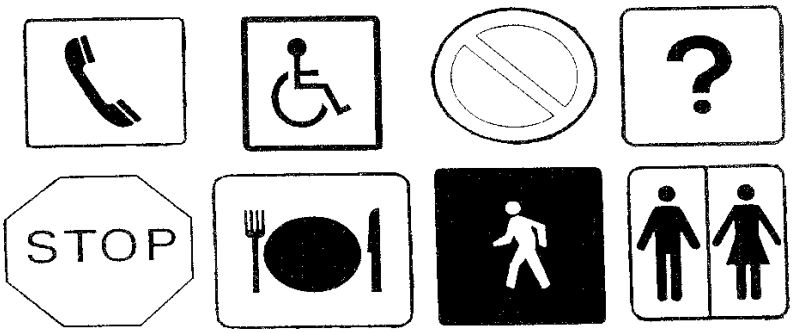
A sign should not unnecessarily dominate or obscure other signs.



Simplicity in signs, including the use of symbols, is preferred.



Remember, a symbol replaces many words.



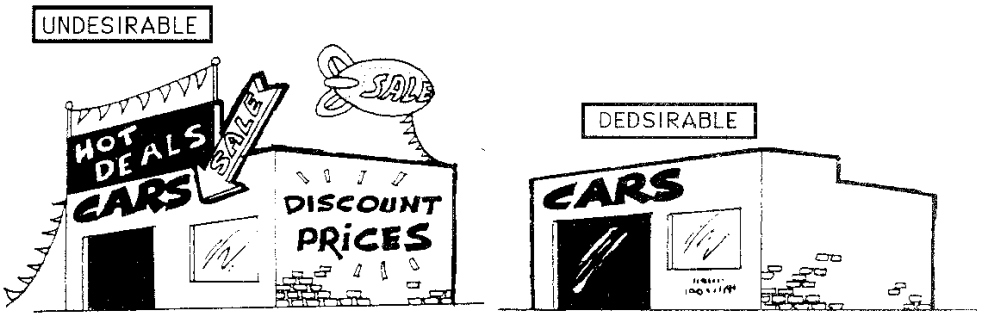
INDUSTRIAL ZONES

OBJECTIVES

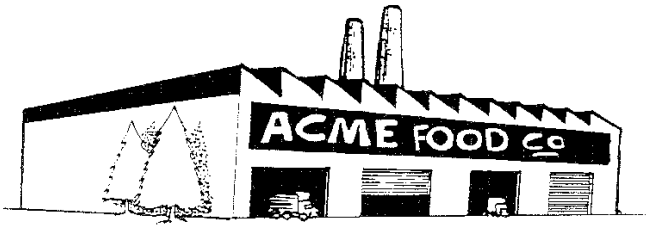
To permit the display of the name of the occupier and the activity conducted in the building.

To reduce the possibility of the area becoming a "de-facto" commercial area.

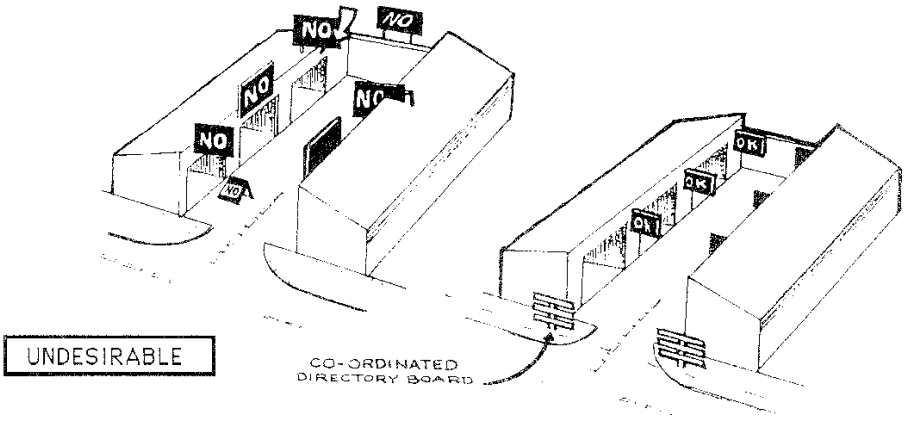
DESIGN CONSIDERATIONS



Signs should be for information, not product display



Bold, large signs in keeping with the scale of the building are encouraged.



Signs for multi-bay factories should be consistent in all aspects.

C.7 – Outdoor Dining

Application

All land within the Maitland Local Government Area where food and drink premises may be approved under the *Maitland Local Environmental Plan 2011*.

An application for Development Consent and Council Approval (where applicable) for outdoor dining may only be made in conjunction with a food and drink premises and can be made on private or public land.

Outdoor dining on private land, is dining which is undertaken in the open air on land which is within the control of applicant.

Outdoor dining on public land is dining which is undertaken in the open air on land which is in public ownership. Such land may consist of a footpath pavement, mall or the Maitland Riverwalk under the control of Maitland City Council. This is also known as footway dining.

Heritage Incentives:

Clause 5.10 in the Maitland Local Environmental Plan 2011 provides heritage incentives for adaptive re-use of heritage items or premises within a heritage conservation area, notwithstanding that food and drink premises may be prohibited.

Objectives

- To encourage, where appropriate, the establishment of outdoor dining areas in the City of Maitland to support local economic development and commercial viability;
- To increase and facilitate tourism potential and create active and vital street and river frontages;
- To promote a high quality visual environment, ensuring that outdoor dining contributes to the improvement of the streetscape;
- To regulate the use of outdoor dining areas to avoid nuisance or inconvenience to the public, and to ensure that pedestrian or other forms of traffic are not unduly impeded by the use of a public area for outdoor eating;
- To provide guidelines for implementing and maintaining outdoor dining areas to ensure that adjoining premises are not adversely affected and that the area is kept in a clean and tidy manner.

Statutory Requirements

Development Consent is required for all outdoor dining under the *Environmental Planning and Assessment Act 1979*. In addition any construction works will require a Construction Certificate.

Where outdoor dining is proposed for a footpath, public mall, or other public area, Council Approval is also required under the *Roads Act 1993*. Where the road is a 'classified road', approval in principle is required from Transport for NSW.

Council Approval and the associated licence will be time limited to five (5) years. A fee is applicable to both the application and renewal of these. In addition an annual charge is made for dining in public areas.

PREFERRED LOCATION FOR OUTDOOR DINING

Outdoor dining may be undertaken in a number of places including footways, mall, other public land (such as a river bank) or appropriate private land.

Outdoor dining will generally be acceptable in the following commercial areas, provided there is sufficient width of footpath and the minimal disruption of public amenity:

a. Central Maitland: Council will generally support outdoor dining on The Levee and private land addressing the bank of the Hunter River. Here wide pavements and properties adjacent to the River Walk are able to enjoy the benefits of outdoor dining, whilst enlivening the street and encouraging use of these areas.
b. East Maitland Shopping Precinct: Council will generally support the development of outdoor dining in suitable locations within the Shopping Precinct, centred around Lawes/High/George Street, where wide pavements exist.
c. Morpeth: The existing commercial area on Swan Street, the historical character is essential to the village and the impact of outdoor dining will need to be carefully assessed.
d. Tenambit: Council will generally encourage the use of informal outdoor dining with the provision of bench seating in adjacent areas. Dining tables and chairs on the pavement to the front of the shops will generally be discouraged due to width and slope of the pavement.
e. Rutherford: Council will generally encourage outdoor dining where the footway meets the minimum width requirements.
f. Woodberry: Council will generally encourage outdoor dining in suitable locations.

Applications for individual buildings in rural locations, or those not forming part of a commercial area, will be assessed on their merits with consideration given to additional traffic generation and parking, amenity and safety.

DEVELOPMENT MATTERS

1. Location

Objectives:

- To encourage the appropriate location of outdoor dining within the Maitland LGA;
- To create a sense of identity for individual localities;
- To encourage the appropriate reuse and conservation of vacant heritage buildings, heritage incentives will apply.

General Requirements:

An outdoor dining area will not be permitted where:

a. There is an unreasonable hazard to pedestrians, diners or vehicular traffic;

b. The public space is not wide enough to accommodate the outdoor dining area while still maintaining a clear pathway of travel for all pedestrians including those who use mobility aids;

c. The ground surface of the outdoor dining area is not suitably constructed and sufficiently level to accommodate outdoor dining furniture and enable the area to be used safely and without inconvenience to pedestrians or vehicles;

d. It extends past the building line at a road intersection;

e. It is located in or adjacent to Heritage Conservation Areas and/or in the vicinity of Heritage Items and does not consider the character of these places.

f. Access to public utilities, such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes, traffic signs and the like are inhibited;

g. Existing street furniture such as seating, litter bins, letter boxes or telephone boxes are obstructed.

2. Site Considerations

Objectives:

- To provide sufficient clearance for pedestrian movements
- To maintain visual and physical set backs at street corners to enable safe pedestrian and vehicle movement
- To ensure that relevant considerations are made with regards to on street car parking, where footway dining is proposed.

General Requirements:

Detail regarding the siting of outdoor dining is provided in *Appendix A*.

Where outdoor dining is undertaken on public footpath:

a. Tables and chairs placed on the footpath or in a public area, in accordance with this policy, shall be positioned in such a way that a minimum clearance of 2 metres is maintained for pedestrian thoroughfare at all times. Greater widths may be required in areas of high pedestrian and/or high vehicle traffic.
b. A minimum distance of 600mm shall be maintained between the limit of the seating area and the face of kerb of the road or any other area where vehicles may park and require door swing space.
c. A minimum of a 3 metres splay, from the building line, of the dining area shall be provided on corner properties to enable a clear view at intersections for vehicular traffic.
d. A minimum gap of 0.5 metres between neighbouring adjacent outdoor dining areas shall be maintained.
e. Dining areas may be demarcated by barriers/screens/planting boxes.
f. Outdoor furniture is to be confined to the approved area and must not encroach upon the adjoining footway.
g. No outdoor furniture, barrier or structures are to be permanently fastened to the footway or Mall unless Development Consent and Approval is obtained from Council. (The erection of structures may require a construction certificate.)
h. The outdoor dining area must be paved or sealed for its full width.
i. The operator shall bear the cost of all pavement repairs carried out by Council, which have been caused by outdoor dining activities.
j. The applicant/holder of the approval may be required to carryout improvements to the footway at his/her expense where the surface of the footway in the proposed area is damaged, cracked or deteriorated or is otherwise unsuitable for a dining area.
k. Access for the repair, emergency or otherwise, of utilities or other services under the footpath may be required at any time.
l. Convenient access to facilities (where these are required) and easy surveillance by staff shall be considered in the siting of any dining area.

Where outdoor dining is undertaken on private land:

m. Access for any fire escape routes shall be a minimum width of 1.2 metres at all times.
n. Convenient access to facilities (where these are required) and easy

surveillance by staff shall be considered in the siting of any dining area.

o. The erection or fixing of furniture or structures shall be required to comply with the Building Code of Australia. (The erection of structures may require a construction certificate.)

p. Dining areas located above ground level shall not cause nuisance to neighbours. Where private dining areas front a footpath or road they shall be demarcated in an appropriate fashion.

3. Car Parking

Objectives:

- To ensure that the relevant car parking provisions are met for outdoor dining areas.
- To permit the relaxation of car parking requirements for some outdoor dining localities to create vibrant and vital core business district and neighbourhood centres.

General Requirements:

a. Neither public nor private outdoor dining areas in the localities detailed in **Schedule A**, shall be considered in the calculation of car parking spaces for food and drink premises, even where the overall floor space of the operation will increase.

b. Public land where outdoor dining is proposed in the commercial centres detailed in **Schedule B** shall not be included in the overall calculation of car parking requirements for the business. Outdoor dining on private land shall be included within the Car Parking calculations for the premises as per the requirements in Chapter C: Vehicular Access and Parking.

c. In any other locality, outdoor dining shall be included in the calculation for required off street car parking, irrespective of whether this is on public or private land, as per the requirements in Chapter C: Vehicular Access and Parking.

4. Health, Licensing, Insurance and Facilities

Objectives:

- To ensure that any nuisance caused by the outdoor dining area is kept to a minimum.
- To ensure that the relevant licences and other permissions are in place to regulate the outdoor dining area.

General Requirements:

4.1 Health

a. The outdoor dining area shall be kept in a clean and tidy condition, shall not to be used for food storage or preparation nor result in the discharge of liquid wastes on to the footway or street.

b. The preparation, storage and serving of all food for sale must comply with the *Food Act 2003* and the Food Safety Standards.

4.2 Insurance

a. The holder of the approval is to indemnify Council in writing from and against all claims arising from the holder's legal liability as a result of its occupancy. Council will not accept liability for damage to or loss of furniture or personal property from the approved area. A Public and Products Liability insurance Policy must be taken out by the applicant/holder of the approval. A Certificate of Currency of the relevant Policy, endorsed with the interests of Maitland City Council, is to be provided to Council on each renewal of the Policy.

4.3 Licence

a. Where outdoor dining is proposed on public land the holder of the approval shall hold a valid footway dining licence.

4.4 Facilities

a. Toilet facilities are to be available to patrons when the combined seating capacity of both internal and outdoor dining areas totals twenty (20) or greater places per establishment.

5. Amenity

Objectives:

- To provide high quality, practical street furniture to enhance the visual quality of the environment.
- To provide a pleasant outdoor dining environment to encourage diners
- To contain the outdoor dining area

General Requirements:

5.1 Furniture

a. The operator's furniture should make a positive contribution to the streetscape. Furniture styles must be practical and integrate with the surrounding area. It should be strong and durable and weather resistant, designed for commercial outdoor use and serviceable. Furniture must be stackable or foldable for storage purposes.
b. Public safety must be considered and furniture must not present a potential hazard to the public.
c. Furniture shall be designed or located such that wheelchair access is possible.
d. Furniture shall meet the meet agreed guidelines for style, colour and materials. The accepted styles of furniture, which may be approved by Council, are shown in Appendix B.
e. The outdoor dining furniture shall be retained within the prescribed outdoor dining area at all periods, when the business is in operation.

5.2 Advertising and signage

a. Compliance with *State Environmental Planning Policy (Industry and Employment) 2021,* the *Maitland Local Environmental Plan 2011* and other relevant chapters in this DCP will be required.

5.3 Amenity

a. There is to be no interference with the residential amenity of the area by reason of the emission of any noise or smell.

5.4 Hours of Operation

a. The hours of operation of the outdoor dining area shall not exceed that of the food and drink premises. All furniture shall be removed from footway dining area during the hours that the business is closed.

6. Heritage

Objectives:

- To ensure that materials and siting of street furniture are appropriate to the heritage location
- To ensure that damage is prevented to heritage items and heritage conservation areas.
- To encourage the appropriate reuse and conservation of vacant heritage buildings, Heritage Incentives will apply.

General Requirements:

6.1 Street Furniture

a. Style & Colour: Colour will only generally be allowed on umbrellas.

However, the colour palate for heritage areas is likely to be limited to the natural range. Appendix B gives further details.

b. Blinds and awnings will be considered on their merit.

c. Screens: these may be appropriate in some areas. However, they will not generally be acceptable in Morpeth.

6.2 Sandstone Pavements

h. Sandstone pavements, kerbs and gutters are a significant part of the heritage in Maitland. Sandstone is relatively soft and in many cases older pavements have suffered from wear and tear. Council's Heritage Officer will advise on the appropriate type of repair and appropriately experienced specialists.

i. Outdoor dining operators will be responsible for the whole cost of the repair and maintenance of these pavements.

j. All items of furniture placed on these pavements shall have rubber feet/protection to provide protection to the surface and reduce the operator's future costs. Any missing or broken feet/protection shall be replaced within seven (7) days at the operator's own expense.

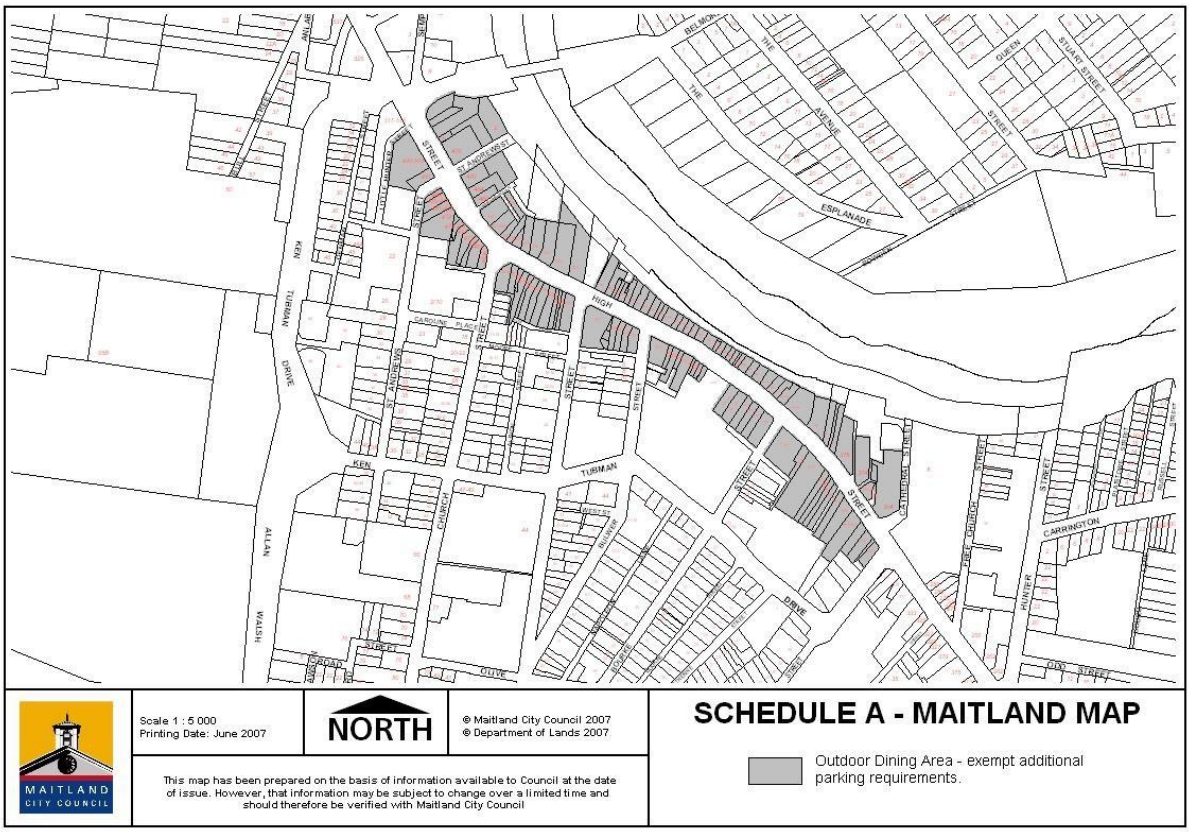
6.3 Heritage incentives

a. Nothing in this DCP will prevent Council from granting consent to an application or approval for outdoor dining or food and drink premises within an heritage conservation area or a place that is an heritage item, if it is satisfied that there is no adverse impact and where the conservation of the heritage conservation area or heritage item depends on Council granting that consent or approval.

Schedule A

The following commercial area, as defined on the map, is not required to provide additional car parking for outdoor dining areas, even where this is an increase in the overall dining provided:

Central Maitland (part of the CBD)



Schedule B

Public land in the following commercial areas, zoned for business purposes, where outdoor dining is proposed, will not be included in the overall calculation of car parking requirements for the business. Outdoor dining on private land within these areas will be included within the car parking calculations for the premises as set out in the Chapter C: Vehicular Access and Parking.

East Maitland	Rutherford
Greenhills	Tenambit
Lorn	Telarah
Metford	Thornton
Morpeth	Woodberry

Appendix A Footpath Layouts

Figure1: Indicative dining areas

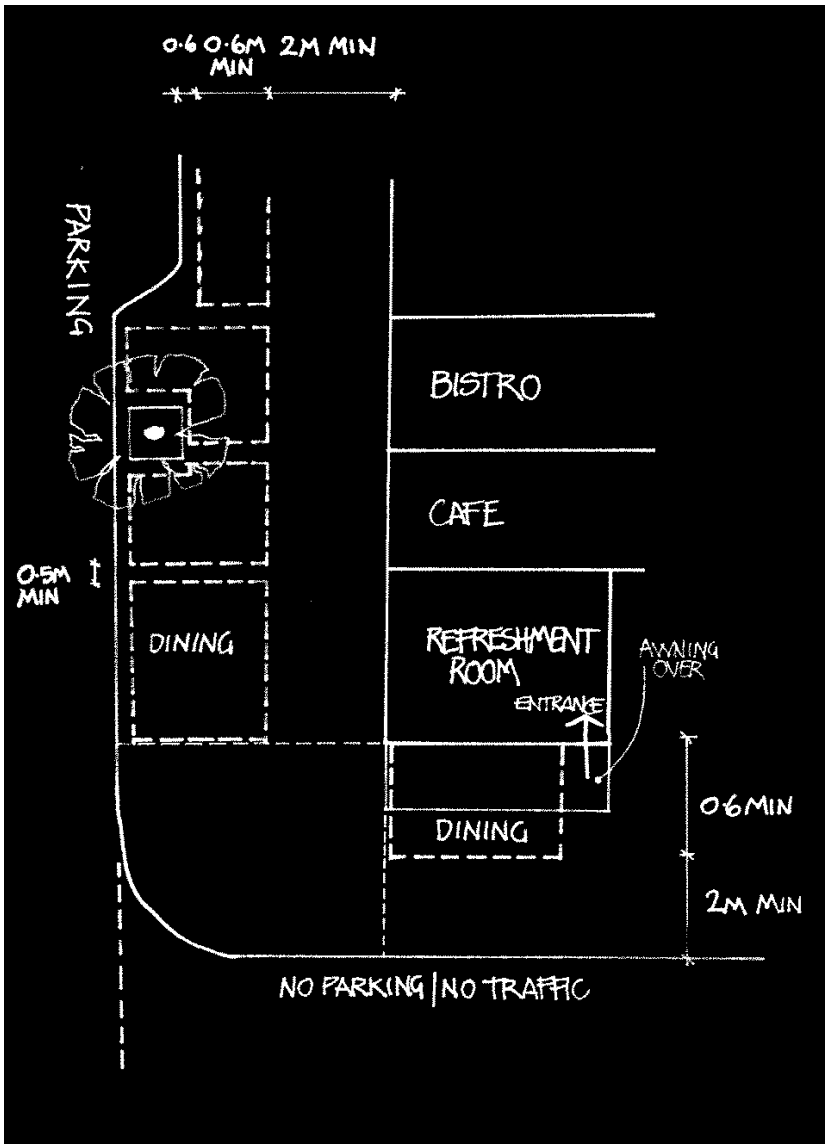


Figure 2: Indicative set back for out door dining on corner properties, where both roads are trafficked; optional location for dining area.

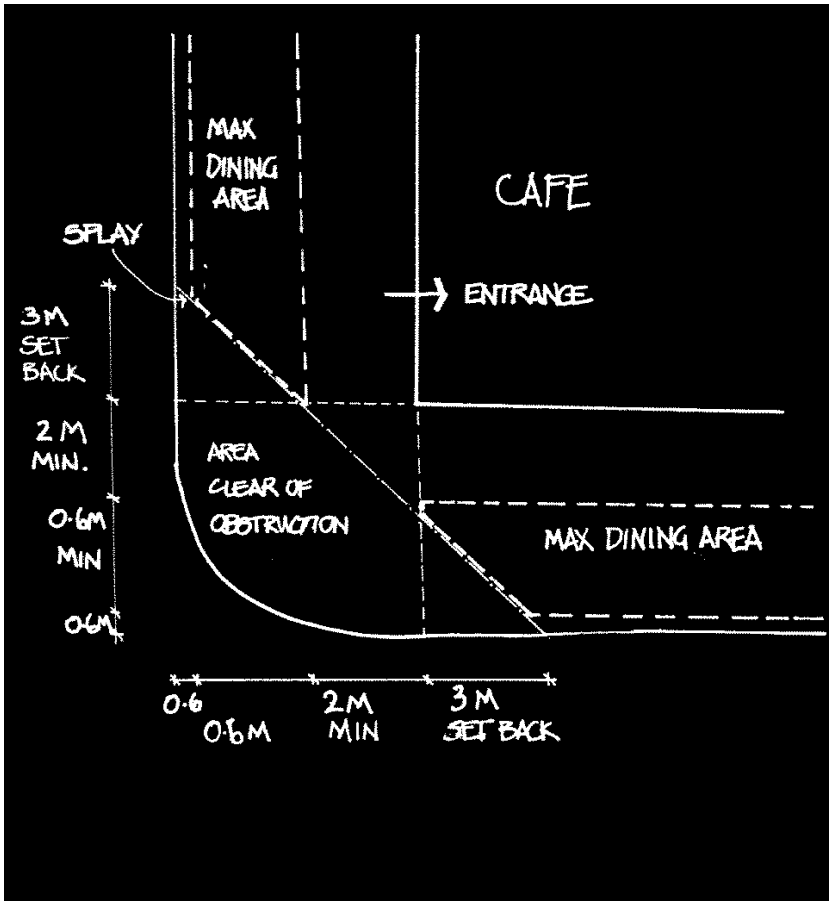


Figure 3: Wide footpath/mall layout

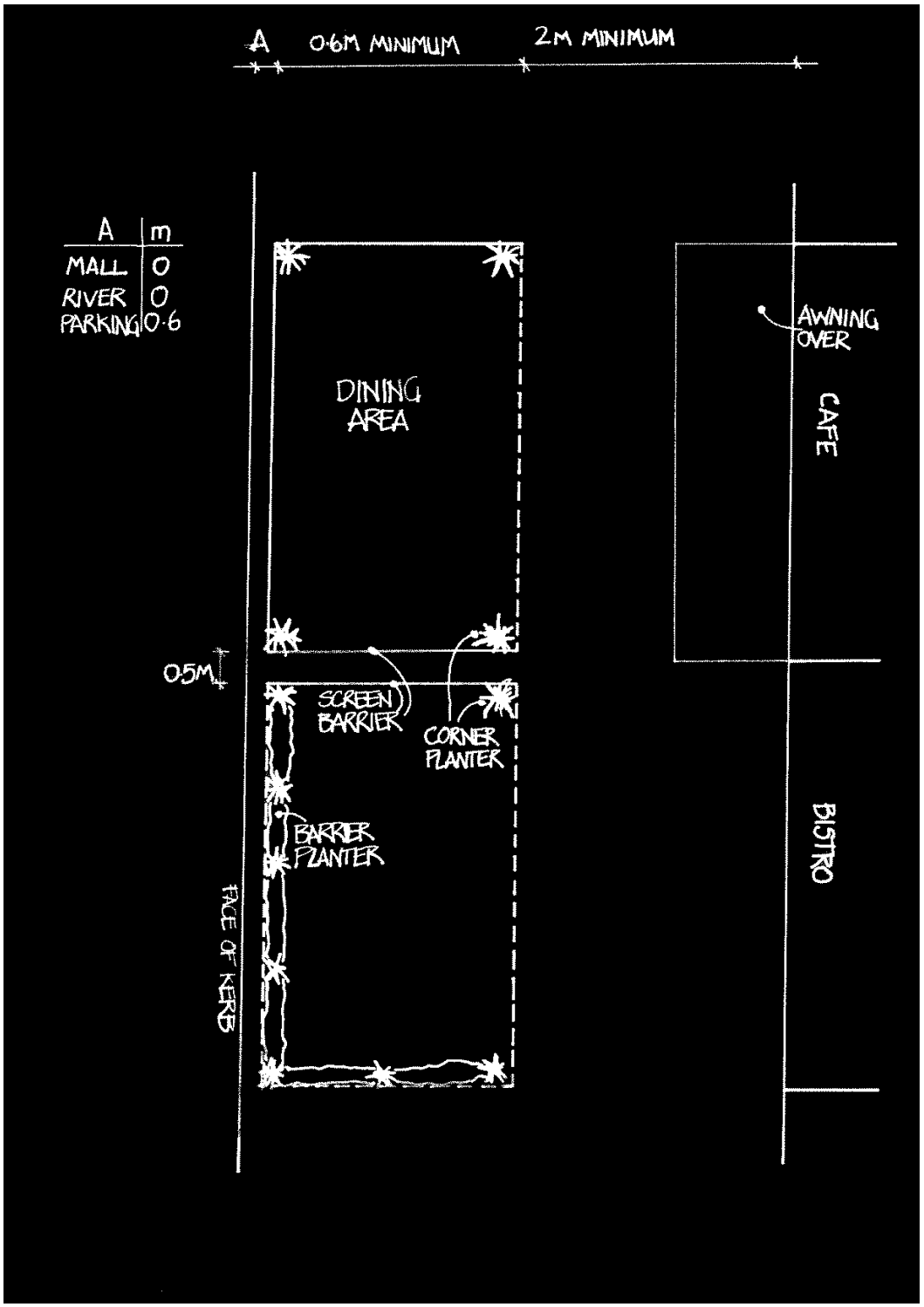
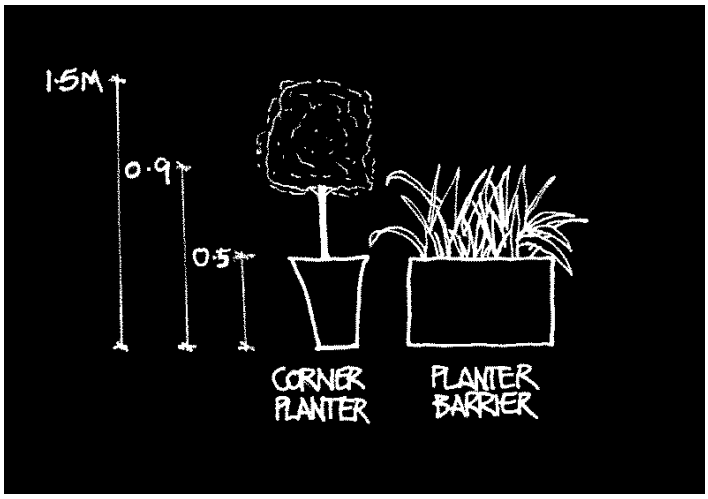
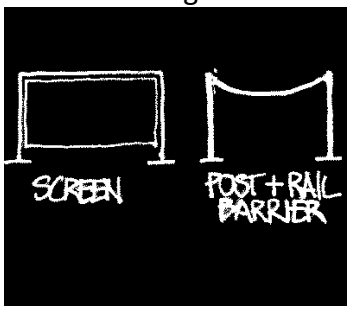


Figure 4: Demarcation options



Maximum height 0.7m



Appendix B
Street Furniture Schedule

General Principles

Shade & demarcation

a. Where tables and chairs are to be placed in unshaded areas (i.e. in areas not covered by an awning/verandah) operators are encouraged to provide securely anchored, but removable, protection between the hours of 12-3 is particularly important. Shade structures should not obstruct pedestrian and vehicular routes.
b. Verandahs/canopies/awnings/blinds: These may be appropriate in some locations, to aid sun protection or to act as a wind buffer. The Conservation and Design Guideline section of the City Wide DCP discusses this further.
c. Umbrellas: These will be appropriate where there is no awning/verandah cover and shade is required. The minimum required height clearance from the ground is 2.1 metres.

Type

d. Seating and tables: shall be removable for storage during non-operational hours and stored within the premises. Stackable or folding furniture may be appropriate. Where more than 4 chairs are provided at least 40% of the chairs shall have arms, and at least 40% without, to allow use of the facilities by less able persons with differing mobility requirements. Furniture shall be designed or located such that wheelchair access is possible.
e. Litter bins: at least one enclosed litter bin of 50 litres shall be provided on the outdoor dining area, where there are more than 20 outdoor dining chairs provided. The bin shall be emptied daily or as soon as the bin is full. The outdoor dining area operator shall ensure that all litter is appropriately disposed off and does not cause nuisance.
f. Barriers/screens/bollards: These will only be acceptable in a few locations and may only be used to define the edge of the outdoor dining area. Generally, they will be self-supporting and stored within the refreshment room, tavern or hotel when it is closed. Barriers above 0.7 metres in height will not be acceptable. Planter boxes may also be used to demarcate an area.
g. Planters on public land: These may be appropriate in some areas and should generally be movable for storage during non-operational hours and stored within the premises. The use of plastic plants or containers is not appropriate. Planters shall be maintained and any sick, dead or missing plants replaced within seven (7) days. Planters which are used to demark areas shall be no higher than 0.5 metres with an overall height including planting of no more than 0.9 metres and shall be wholly contained within the outdoor dining area. An individual plant pot may demark each of the 4 corners of the dining area and shall be no higher than

0.5 metres high, with an overall height including planting no higher than 1.5 metres. Plants shall be non-poisonous.

Style

h. Proposed tables and chairs, umbrellas and other furniture shall be constructed of materials fit for the purpose and of an appropriate style and colour. See below for information regarding advertising.
i. Furniture should be simply styled, without elaborate detailing and should not replicate historic furniture. It should be robust and weatherproof.
j. Suitable options include metal, unpainted frames with timber slats or wicker or high quality mock wicker or fabric seats and backs. Metal slats to the back and seat may be appropriate where the sun will not heat the seats. Unpainted timber frames with timber slats or wicker or high quality mock wicker or fabric seats and backs are an alternative. PVC seating of the moulded type which includes the frame is not acceptable.
k. Colour: Street furniture in all case shall be of neutral colours except where specified.
l. Generally umbrellas will be white or cream, coloured ones may be appropriate for a coordinated group of businesses, or in specific locations.
m. No advertising material is to be shown on any of the street furniture, screens, umbrella or other shade item or within the outdoor dining area, where the area is on public land.
n. Any styles which are overtly antique or historic in nature will not be acceptable.

Colour

o. In the case of an individual building, co-ordination of street furniture with a building's colours or a neutral scheme will be expected.
p. Where there are a group of refreshment rooms, taverns or hotels together, which are not covered under the areas defined above, the umbrellas, or other furniture which is allowed to be coloured, shall either be white or a coordinated colour adopted across the group and subject to approval/consent.
q. No neon tone, yellow or orange colours shall be used.

Locational considerations

Central Maitland

a. The colour of the street furniture should be natural and not detract from the historic character of Central Maitland. Reference should be made to the existing approved tables and chairs in the Mall when considering designs.
b. Umbrellas, where appropriate should be white or natural in colour.

East Maitland Shopping Precinct

c. Street furniture of unpainted natural materials and colours with strong geometric shapes will complement the simple geometric architectural styles of the Precinct. Polished silver tone metal, stainless steel and smooth timber will be encouraged.
d. Lilac or neutral coloured umbrellas would be appropriate. .

Tenambit

e. Here, the principles of 'other locations' (below) should be followed, below, with the exception of the colouring of the umbrellas, which should be red.

Rutherford

f. Here, the principles of 'other locations should be followed, below, with the exception of the colouring of the umbrellas, which should be green.

Woodberry

g. Here, the principles of 'other locations' (below) should be followed.

Morpeth

h. The City Wide DCP - Maitland Conservation & Design Guidelines, part 2.10.6, details street furniture for Morpeth. This section has been repealed by these provisions.
i. The colour of the street furniture should be natural and not detract from the historic character of Morpeth. Umbrellas, where appropriate should be blue- grey or steel-grey in colour.

Other Locations

j. The principles in the section titled "Amenity" should be followed where no specific schedule has been developed. Care should be taken in selecting styles and colours appropriate to the location.

Colour Definition

Natural colours are considered to be off-white, cream, beige, taupe, tan, kaki, grey, grey-brown, mocha, chocolate.

Neutral colours are considered to include all the natural colours above plus black and white.

Indicative Designs

Tables and Chairs

Litter Bins

Barriers

Planters

C.8 – Residential Design

Application

This chapter applies to the whole of the Maitland Local Government Area where residential development is permitted. The chapter provides guidelines for the development of the following forms of housing (and ancillary structures such as garages, sheds, carports and outbuildings):

- Single detached dwelling house
- Secondary dwellings
- Dual occupancy housing (attached or detached)
- Semi-detached dwellings
- Multi dwelling housing (attached or detached)
- Residential Flat Building (other than buildings to which *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* applies)
- Senior Living Accommodation (to the extent of providing guidelines which supplement the standards prescribed under *State Environmental Planning Policy (Housing) 2021*)

Objectives

- To set appropriate standards for all forms of housing within the City of Maitland.
- To provide measures to protect the natural and built environment and minimise conflicts which often arise through development.
- To ensure that development relates to site conditions and that the amenity of adjacent residential development is appropriately considered.
- To support the efficient use of residential land and expand the variety of housing options available in the City of Maitland.

Subdivision

Consideration should be given to the potential for residential developments to be subdivided into individual and/or communal lots through either Torrens Title, Strata Title or Community Title.

To encourage good overall design it is important that designers consider the requirements in Chapter C.10: Subdivisions and any locality plans (Part D), Special Precincts (Part E) or Urban Release Areas (Part F).

2. Site Analysis & Site Context

Objective:

- To ensure that residential development is of a high quality and is sensitive to the existing character of the area and the opportunities and constraints of both the site and its surrounds.

General Requirements:

2.1 Site Analysis

a. A detailed site analysis shall be submitted with a development application for all residential development with the **exception of a single detached dwelling**. A typical Site analysis Diagram is provided as Figure 1. (Note: this Plan does not show the proposed development).

b. The site analysis shall show, in plan form (with detailed notations), at least but not limited to the following elements:

- Identification of the lot(s).
- North point (solar north, not magnetic north).
- Site levels (contours or spot heights – preferably to Australian Height Datum).
- Easements eg. stormwater drainage, electricity, access.
- Existing buildings and other improvements on the land.
- Existing vegetation on the land.
- The location of any services on the land – eg. Water service, sewer line, stormwater lines, electricity lines etc.
- Width of footway and location of any existing footpath, driveways and driveway laybacks in the kerb.
- Location of kerb and gutter in the street and any kerb inlet pits.
- Location of any poles, pits, trees etc in the footway verge.
- View corridors.
- Building setbacks.
- Fencing – location, height, material and condition.
- Ground levels of adjoining lots near the common property boundary.
- Location and general description of buildings on adjoining lots and the position and height of window and door openings in proximity to the development site.
- Identification of the use of open space areas on the adjoining lots.
- Photographs of the site are a helpful tool.

Note: It is recommended that the site analysis plan be prepared by a Registered Surveyor or other suitably qualified or competent person.

c. Special consideration and unique building design will be required for development on land where the slope is in excess of 20% (1 vertical in 5 horizontal).

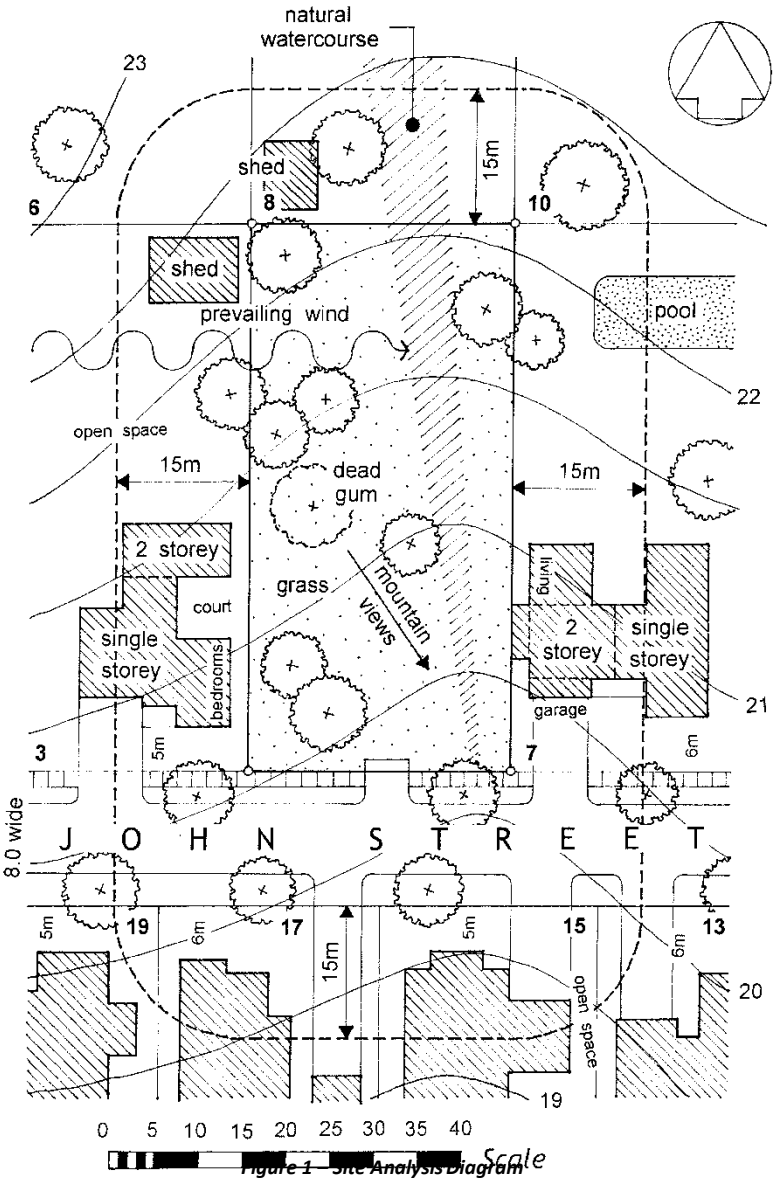


Figure 1 – Site Analysis Diagram

2.2 Context Analysis

a. A 'Context Analysis' will be required for all residential development **with the exception of a single detached dwelling**. The context analysis shall describe the character of existing development in the vicinity of the site in order to understand the streetscape and pattern/form of development. This may be provided in the form of scaled sketches of streetscape elevations or photo compilation. Site context is predominantly a function of:

- Proximity of the site to urban support facilities such as schools, shopping centres, transport nodes.
- The height, size, bulk and scale of development.
- The architectural treatment or style of buildings eg. Victorian, Federation, Art Deco, Contemporary etc.
- Roof proportion relative to external walls and whether the roof contains dormers, gables or other roof features such as chimneys etc.
- Predominant building materials and colours.
- The proportioning and position of door and window openings relative to wall area.
- The spaces which exist between buildings.
- The predominant street setbacks.
- The type, scale and location of landscape elements.
- Fencing locations, height and materials and the presence of retaining walls.
- Treatment of footpath areas in front of a development – paving, tree planting etc.

b. In considering site selection for residential development that will contain more than two dwellings, the site context analysis shall demonstrate that the subject land is within convenient walking distance (not exceeding 400 metres) of the following facilities:

- Land zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use under the Maitland LEP 2011; or
- A school catering for primary and/or secondary students; or
- A key transport node – railway station.

c. The design plans and the Statement of Environmental Effects shall demonstrate that the 'site analysis plan' and the 'site context analysis' have been taken into account in producing a design solution which mitigates against potential negative impacts and integrates appropriately with the streetscape.

Final Design Solution

View of street to the right of the vacant site

Vacant Site

View of street to the left of the vacant site

Vacant Site

Figure 2 - Site Context Analysis

The 'site context analysis' examines the context of the proposed development site within the street. The scale, form, function and colours/materials used in the existing buildings are considered along with the size of spaces between buildings and both soft and hard landscape elements. The final development solution shown above is not the same as adjoining development but is consistent with the scale and pattern of existing development and achieves a more integrated streetscape.

3. Development Incorporating Existing Dwellings

Objectives:

- To ensure that, where possible, existing buildings are retained and used for ongoing residential use.
- To ensure that buildings and streetscapes of conservation significance are retained and incorporated into new development where possible.
- To ensure that existing dwellings are provided a high standard of amenity and facilities when being incorporated into a residential redevelopment project.
- To encourage sustainable building practices and resource efficiency by minimising the amount of material being diverted to landfill as a result of building demolition.

General Requirements:

2.1 Where an existing dwelling is to be retained and incorporated into a residential redevelopment project, this dwelling is to be treated as if it were a new dwelling in the same redevelopment project and should meet all performance criteria and design controls specified in this chapter.

2.2 Where it is not possible for an existing dwelling to achieve compliance with all aspects of the chapter Council may, after consideration of a detailed submission lodged with the development application outlining grounds/justification for non-compliance, agree to vary one or more of the chapter requirements. In assessing any variation, the Council shall have regard to:

a. The significance of the existing dwelling to be retained and/or the level of contribution it makes to the streetscape or character of the area;

b. Any alternative design solutions that may be proposed to demonstrate general compliance with the objectives applying to the relevant section of the chapter.

2.3 Special provisions relating to heritage items or heritage conservation areas are contained in the Maitland LEP 2011 and the relevant chapters in this DCP must be taken into account where relevant.

2.4 Where an existing dwelling is being retained as part of a site redevelopment then the existing dwelling shall be required to meet the design requirements of this Chapter.

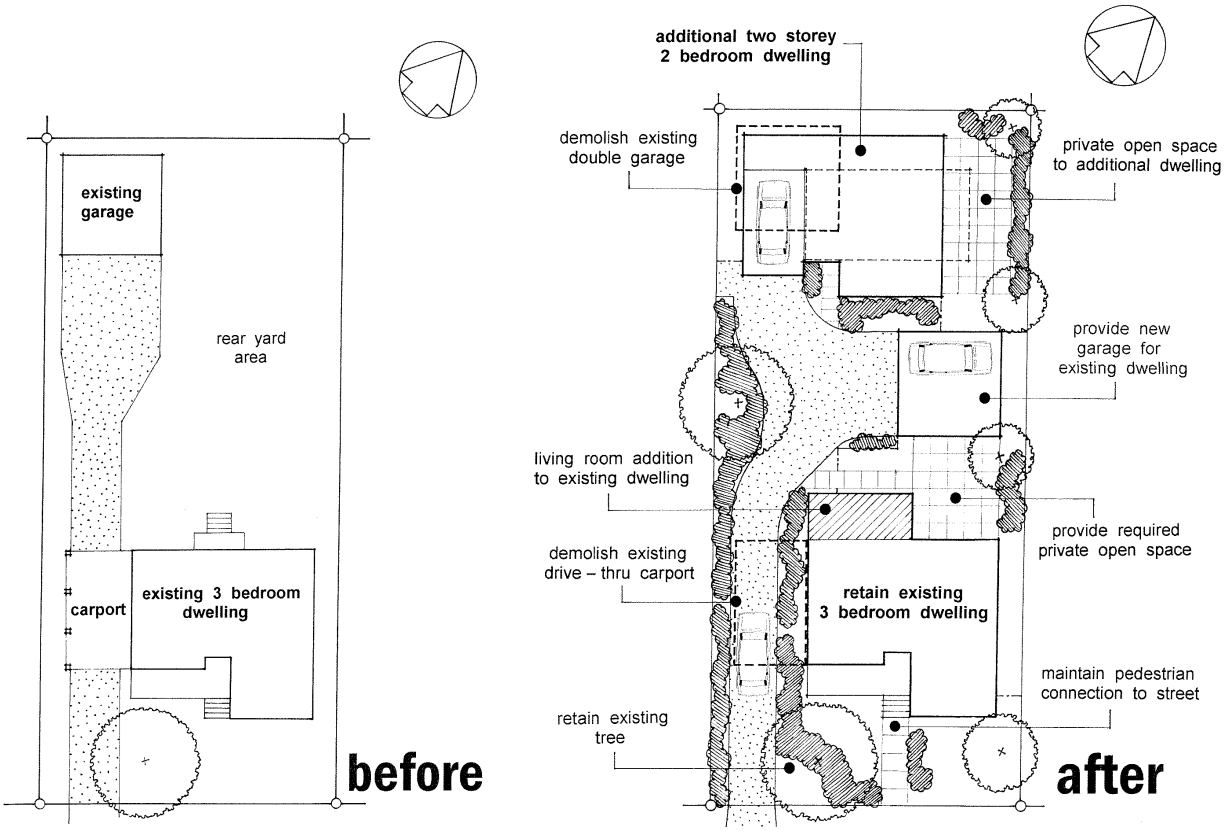


Figure 3

Where an existing dwelling is being retained as part of a site redevelopment then the existing dwelling shall be required to meet the design requirements of this Chapter.

4. Bulk Earthworks and Retaining Walls

Objectives:

- To ensure that development responds sensitively to the topography of the land.
- To restrict and control excessive earthworks in order to preserve, as much as practicable, the existing topography and character of the neighbourhood affected by the proposed development.
- To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties, solar access, amenity and bulk, height and scale at the boundary interface.
- To minimise the effect of disturbance on any land and ensure that dangerous/unstable excavations are avoided, or where necessary, are properly retained.
- To reduce the potential for the siltation of waterways and erosion of land disturbed by the development.
- To ensure that the site is appropriately rehabilitated as an integral part of the development.
- To preserve topsoil.
- To ensure that adequate provision is made for drainage in relation to cut and fill practices.

General Requirements:

4.1 A 'bulk earthworks plan (BEP)' shall be submitted with the development application for all forms of residential development showing the levels (relative to a datum benchmark at the site) of all finished ground levels for both the building platform and those areas of the site external to the building platform. The plan should also specify and show the extent and depth of cut/fill, and location of all retaining walls and/or battered slopes. The BEP shall also show existing ground levels adjoining the perimeter boundaries of the land (refer to Figure 4 for sample BEP).

4.2 Where a retaining wall (for the purposes of retaining fill) is proposed either on or in close proximity to a boundary then the maximum extent of fill shall be 600mm (refer to Figures below).

4.3 Where a retaining wall (for the purposes of retaining cut) is proposed either on or in close proximity to a boundary then the maximum extent of cut shall be 900mm (refer to Figures below).

4.4 Elevated flooring (eg bearers and joist construction), deepened concrete edge beams, infill slabs, split level construction and the like shall be used where necessary to reduce the extent of earthworks required to achieve the maximum

cut/fill levels prescribed under the plan.

4.5 Adequate drainage comprising free draining gravel and subsoil agricultural drains shall be installed to the rear of retaining walls to relieve the hydrostatic pressure at the base of the wall.

4.6 Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters. This requirement shall be an integral part of the site stormwater management plan addressed in Section 18 of this Chapter.

4.7 Cut and fill batters should not exceed a slope of 3:1 (horizontal to vertical ratio) to the natural ground level unless the foundation strata, type of material or compaction permits otherwise and Council is satisfied as to the stability of the site. All batters must be provided with both short term and long term stabilisation to prevent soil erosion.

4.8 Excavations in excess of those specified for retaining walls may be permitted within the confines of the building to allow for basements, garages etc providing the excavations are adequately retained and drained in accordance with engineering details.

4.9 All excavations shall be protected in accordance with the requirements of the NSW WorkCover Authority.

4.10 Where a property is burdened by stormwater easements containing pipes care should be taken to avoid pipe damage. In cutting situations, it may be necessary to lower existing pipes within the easement. In filling, pits may require extending to the new surface level.

***Note**: All drainage works associated with retaining walls must be located within property boundaries.*

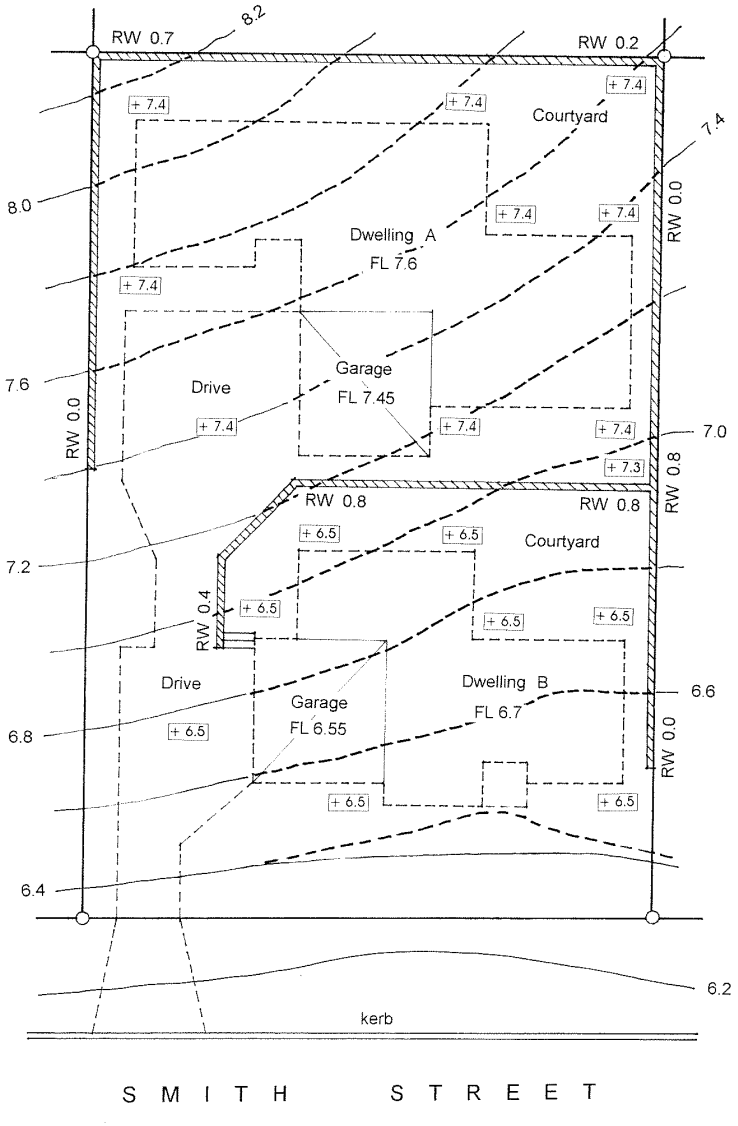

RW 0.7
8.2
RW 0.2
+ 7.4
Courtyard
7.4
8.0
RW 0.0
Dwelling A
FL 7.6
Garage
FL 7.45
Drive
7.6
RW 0.0
7.0
+ 7.3
RW 0.8
RW 0.8
RW 0.8
+ 6.5
Courtyard
7.2
RW 0.4
Drive
Garage
FL 6.55
Dwelling B
FL 6.7
6.6
6.8
RW 0.0
6.4
6.2
kerb
S M I T H S T R E E T

Figure 4

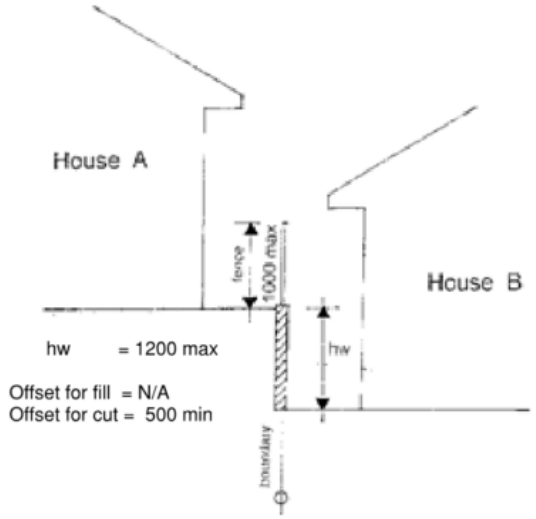


Figure 5 – Single Retaining Wall

When developments are not occurring together.

Note: Engineering certification is required where hw is greater than 1.0 metre.

Note: Better outcomes occur where there is co-operation between landowners resulting in a single retaining wall.

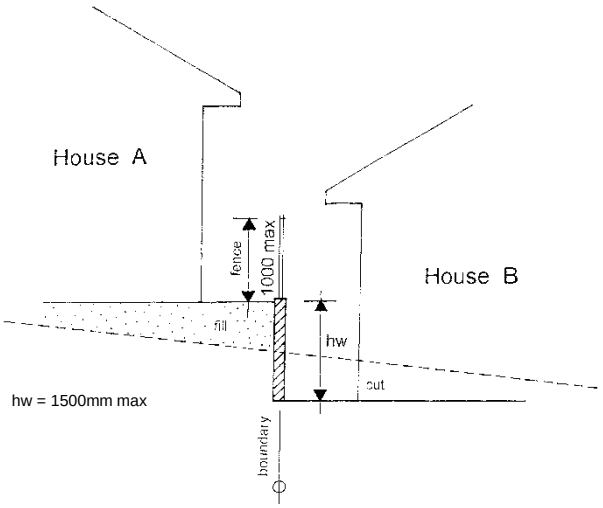


Figure 6 – Retaining Wall (when built together)

When co-operation between landowners occurs, a maximum of 1500mm wall can be constructed on boundary.

Where co-operation does not occur, the retaining of cut and fill will need to be achieved by two separate structures (see figure below).

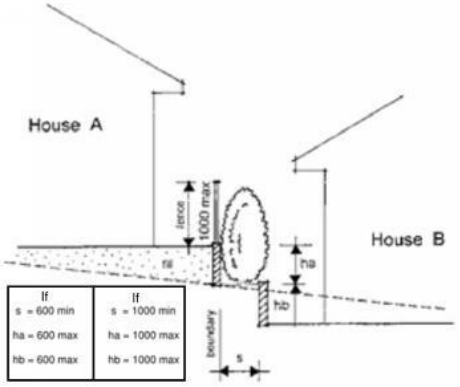
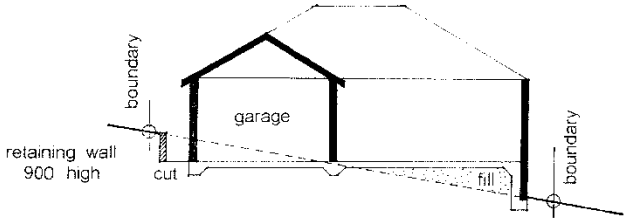


Figure 7 – Stepped Retaining Wall

Note: Option to ensure stability of an existing wall structure.

Note: Secondary retaining wall must take into account the structural integrity of any existing structure.



1 *Slab on ground with deepened edge beam*

2 *Slab on ground and bearers / joists*

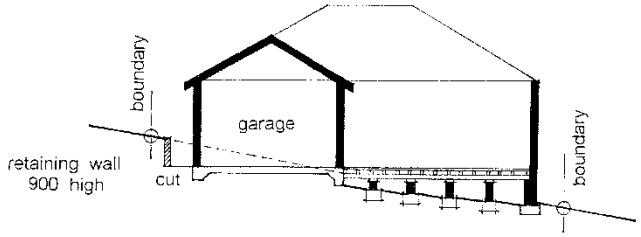
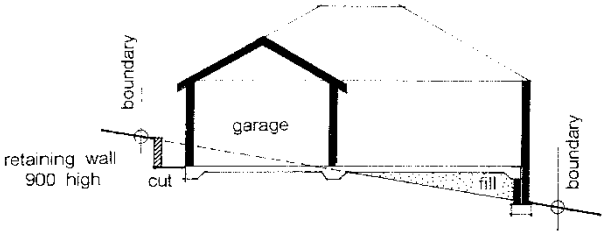
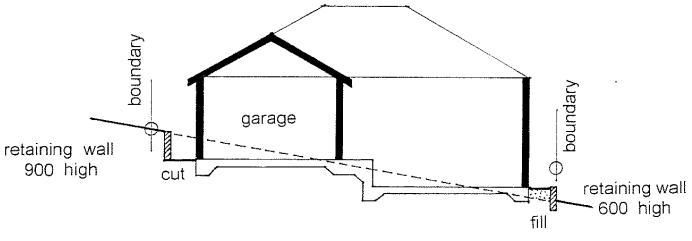


Figure 8

Alternative Approaches to Construction on Sloping Sites



3 *slab on ground and infill slab*



4 *Split level construction*

5. Street Building Setbacks

Objectives:

- To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements.
- To ensure that new development establishes appropriate and attractive streetscapes which reinforce the function of the street and is sensitive to the landscape and environmental conditions of the locality.

General Requirements:

5.1 The minimum setback from the principal street frontage to the building line in an urban residential zone is 4.5 metres.

5.2 The minimum setback from the principal street frontage to articulation or entry features (ie. portico) in an urban residential zone is 3.0 metres and must not be more than 25% of the width of the front facade of the building and must not be more than the maximum height of the building. Note that articulation elements do not constitute the 'building line'.

5.3 Where an allotment is located on a corner in an urban residential zone, and a single dwelling is proposed, the minimum building line setback to the secondary street frontage is 3.0 metres.

5.4 Where an allotment is located on a corner in an urban residential zone, and attached dwellings, semi-detached dwellings or dual occupancies are proposed, the minimum setback to the secondary street frontage is 3.0 metres.

5.5 Where the shape of the allotment located within an urban residential zone is irregular due to the geometry of the street boundary, the setback from the front property boundary to the building line shall be a minimum of 3.0 metres but averaging 4.5 metres over the length of the building addressing those street boundaries.

5.6 Garages, carports, sheds and outbuildings are to be setback a minimum of 6 metres from a boundary adjoining a road and a minimum 1 metre behind the building line to the principal street frontage.

Note: for sheds and other structures that do not address a street frontage and are <u>not</u> being used for vehicular access or storage, standard setbacks apply.

5.7 Older residential areas or heritage conservation areas may comprise buildings with setbacks greater than or less than 4.5 metres. Where infill development is proposed in these areas the building line for the new development shall have regard to the setbacks of existing buildings adjacent to the site. Designers should

consult Part E.2: Heritage Conservation Areas to determine setbacks in heritage conservation areas.

5.8 Building line setbacks for other zones are detailed in Table 1.

Zone	*Principal Frontage (metres)*	*Side Street for corner lots (metres)*
RU1 Primary Production and RU2 Rural Landscape	20	15
R5 Large Lot Residential (Lot size ≤5000m^2)	10	6
R5 Large Lot Residential (Lot size >5000m^2)	20	10
C4 Environmental Living	20	10

Table I –Building Line Setbacks in Zones Other than Urban Residential Zones

Note: Street setbacks in other zones shall be determined on merit having regard to the pattern of setbacks common to the area surrounding the site provided such setbacks are in accordance with the provisions of the Building Code of Australia.

Definitions:

Minimum building line means that distance between the street boundary and the nearest structural element of the building including verandahs, porches and the like but excluding any external steps and ramps.

Principal street frontage means that elevation of a building which contains the main pedestrian access point to the dwelling.

6. Side and Rear Setbacks

Objectives:

- To allow flexibility in the siting of buildings and the provision of side and rear setbacks.
- To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings.

Design Principles:

- Setbacks should be progressively increased as wall heights increase to reduce bulk and overbearing.
- Building siting and height should relate to landform with minimal cut and fill.
- Building form should take into account, where possible, the sharing of views. This could be achieved by split level designs which step buildings down the site corresponding to the site's topography or by reducing the width, depth or height of upper floors and roof structures to provide view corridors for development on adjoining land.
- Building to the boundary should occur only where it does not significantly compromise the privacy and solar access of neighbouring dwellings and private open space.
- Buildings should meet the requirements of the Building Code of Australia in relation to fire protection.

General Requirements:

6.1 Minimum side and rear setbacks for residential buildings, including detached outbuildings such as garages, sheds or carports, in urban zones shall be in accordance with Figure 10 and described as follows:

a. 0.9m for walls up to 3.0m in height (to underside of eaves);

b. 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m;

c. For that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m.

6.2 Walls of buildings within urban zones may be built to the side and/or rear boundaries only where:

a. The maximum wall height is 3.0m and there will be no significant impact on privacy, use of private open space and solar access to adjoining properties;

b. There are no openings unless such openings comply with the fire resistance requirements of the Building Code of Australia and are filled with translucent or obscured glazing; and

c. The length of the wall built to the boundary does not exceed 50 per cent of the total length of the wall comprising that elevation (refer Figure 11).

Required side and rear setbacks for rural zones are detailed in Table 2.

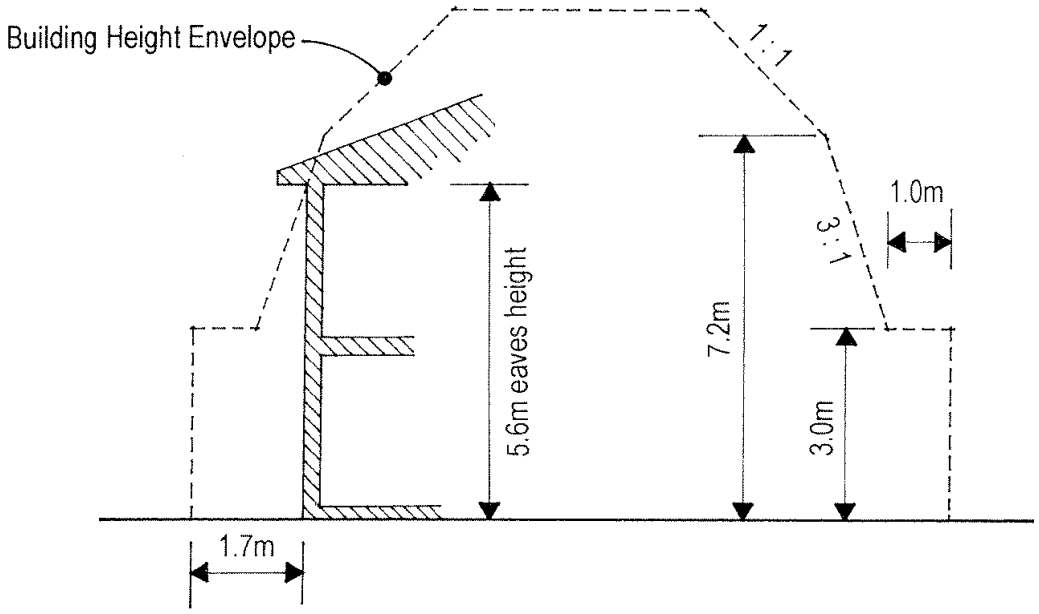


Figure 10 – Envelope for Calculation of Side and Rear Boundary Setbacks

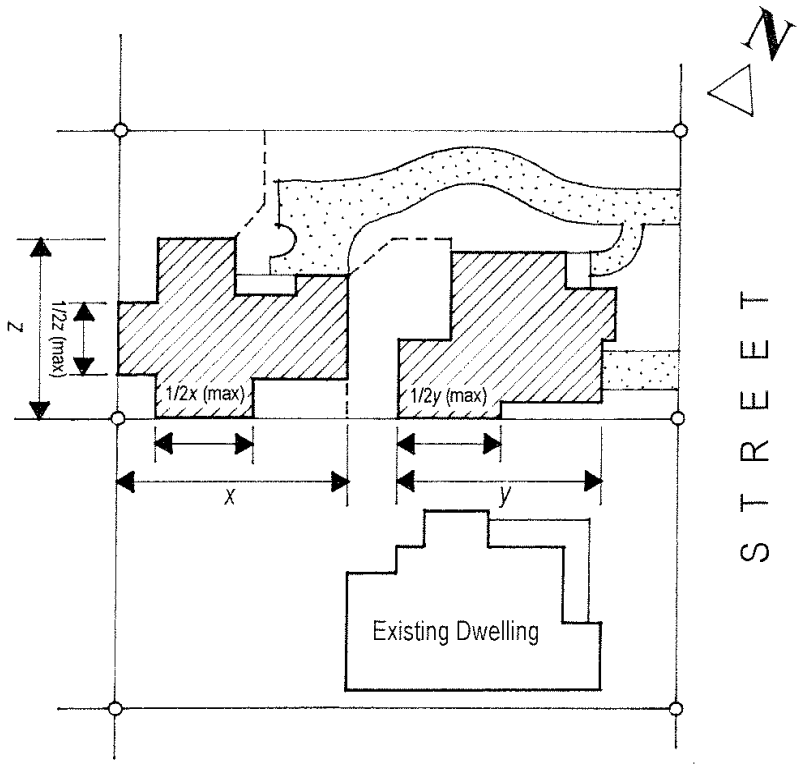


Figure 11 – Required Criteria for Building to a Boundary

Zone	*Side Boundary (metres)*	*Rear Boundary (metres)*
RU1 Primary Production and RU2 Rural Landscape	10	10
R5 Large Lot Residential (Lot size ≤5000m^2)	4	4
R5 Large Lot Residential (Lot size >5000m^2)	6	6
C4 Environmental Living	6	6

Table 2 – Side and Rear Building Setbacks – Rural Zones

Note: Some 'site specific' chapters may require greater or lesser setbacks to side and rear boundaries for reasons relating to bushfire management, preservation of vegetation, visual or privacy impacts etc. In such circumstances those setbacks required in the site specific chapter will apply in lieu of those detailed in this table.

7. Site Coverage and Unbuilt Areas

Objectives:

- To promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces.
- To maximise opportunities for landscaping of the site which incorporate larger scale plantings consistent with reducing the visual impact of hard building finishes and promoting improved amenity within the site and enhanced streetscapes .
- To ensure that development maximises permeable surfaces and maintains a balance between the 'built' and 'unbuilt' areas.
- To ensure that development provides for unbuilt areas that are of suitable size, dimension and slope that will:
    - Provide adequate solar access;
    - Assist in retaining existing vegetation;
    - Enhance the existing streetscape;
    - Enhance privacy and views between housing, other buildings and the street;
    - Accommodate private open space requirements that suit the anticipated needs of occupants;
    - Actively facilitate on-site stormwater infiltration;
    - Provide space for service functions including clothes drying.

General Requirements:

7.1 Site coverage shall satisfy the requirements detailed in Table 3 - Site Coverage and Unbuilt Areas. All development application plans for residential development shall provide a detailed 'percentage site coverage' calculation having regard to the requirements of Table 3.

7.2 Development shall have site coverage appropriate for the site's capability and form of development and site coverage shall be consistent with the desired future density for the locality.

Housing Type	Maximum Site Coverage Ground Floor (%) (See Note 1)	Minimum Unbuilt Area (%) (See Note 2)
Dwelling House	60	40
Small Lot Housing	60	40
Dual Occupancy (2 units)	60	40
Multi Dwelling Housing (3 or more dwellings)	70	30
Residential Flat Buildings	70	30

Table 3 – Site Coverage and Unbuilt Areas

Notes

- 'Built Area' includes garages, driveways, pathways and any area under a roof.
- 'Únbuilt Area' includes ground level Private Open Space (POS) and Communal Open Space (COS).

Definition
Maximum site coverage means the maximum allowable area of a site able to be 'hard' developed expressed as a percentage of total site area.

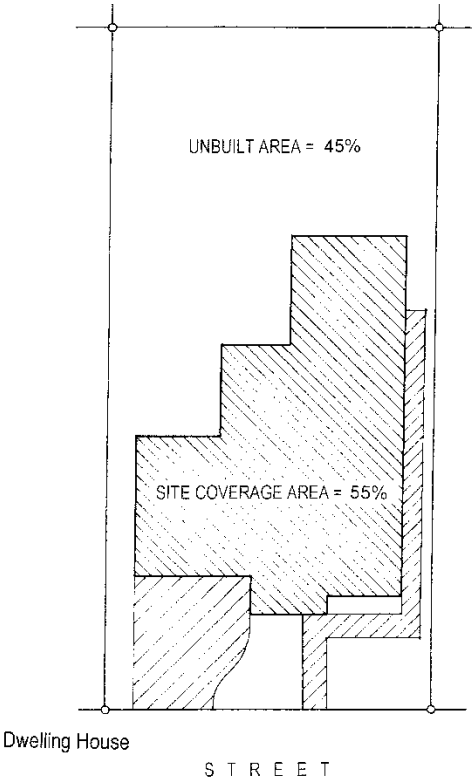


Figure 12 – Site Coverage and Unbuilt Areas for Single Detached Dwellings

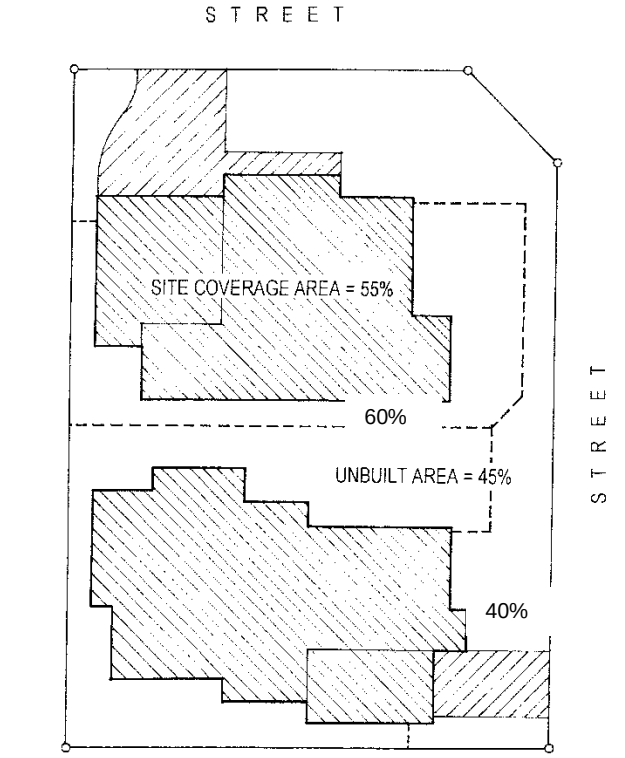


Figure 13 – Site Coverage and Unbuilt Areas for Dual Occupancy

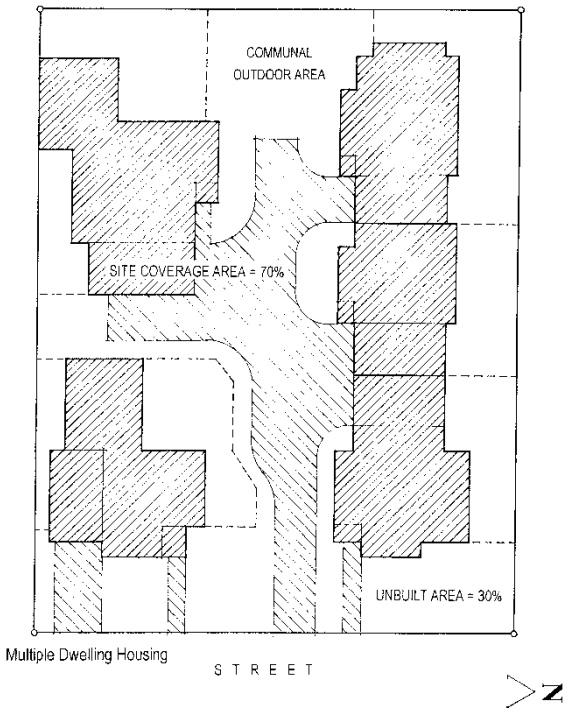


Figure 14 – Site Coverage and Unbuilt Areas for Multi-Dwelling Housing

8. Building Height, Bulk and Scale

Objectives:

- To ensure that the height, scale, and length of new development is not excessive and relates well to the local context and overall site constraints.
- To ensure that the amenity of surrounding properties is properly considered.
- To minimise site disturbance and cut and fill.

Design Principles:

- Developments should be sited and be of a height and scale that cause no significant loss of amenity to adjacent dwellings and land. This can be achieved through:
  - Building siting and height that are related to landform with minimal cut and fill;
  - Building forms that enable a sharing of views with neighbours;
  - Building bulk that is distributed to reduce impact on neighbours and on the public street;
  - Building height similar to, but not necessarily the same as, those in the public streetscape;
  - Building to the side or rear boundary where privacy and solar access for neighbouring dwellings and their private open space is not compromised; and
  - The walls of a building, when located on a boundary, should be limited in length and height to minimise the impact on neighbours.

General Requirements:

Note: Building height is defined in the Maitland LEP 2011. (refer to Figure 15).

8.1 Maximum building height shall be in accordance with Table 4.

8.2 Development application plans shall provide the following information to clearly communicate building heights:

a. A scaled and dimensioned site plan to show pre-development spot levels and/or contours of the site. This plan shall also show post- development spot levels of the site at the building corners and perimeter and shall also include finished levels for private open space, communal open space (where provided), driveways and pedestrian pathways and landscaped areas.

b. Floor plans showing finished floor levels for ground floor internal living

space, garages, and finished levels for upper floors and roof;

c. Building elevations and sections to scale which are fully dimensioned and provide an accurate representation of height having regard to the levels identified on the site plan. Elevations and sections should show floor-to-ceiling heights as well as maximum height of roof element.

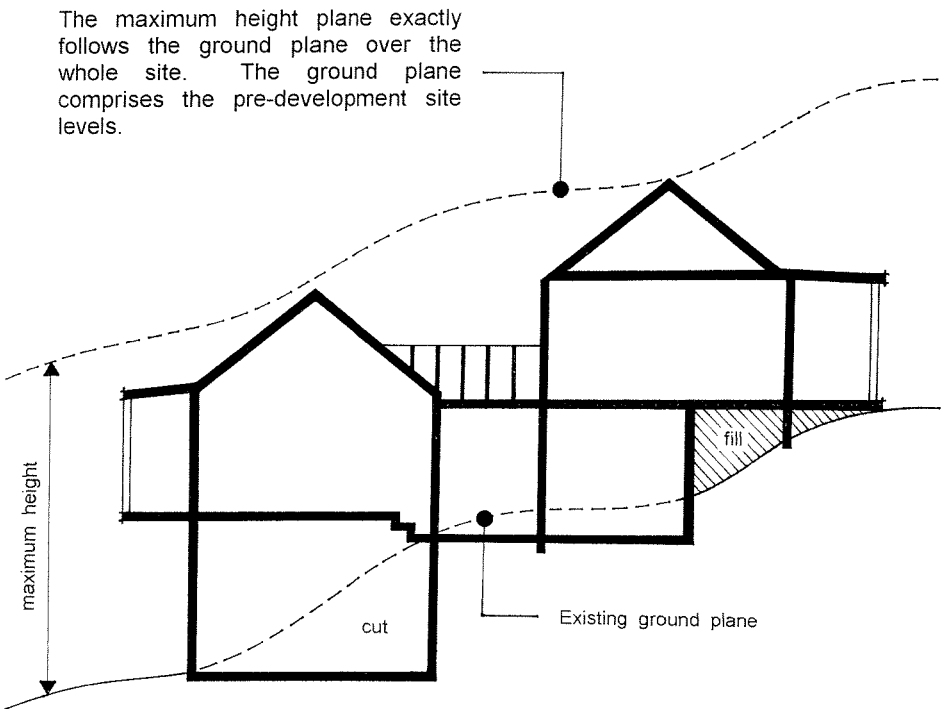


Figure 15 – Building Height (where the land is not identified on the Height of Buildings Map in the Maitland LEP 2011)

Note: Refer to Table 4 for maximum permissible heights within various residential development precincts).

Housing Type	*Zone*	*Max Height (metres)*
Dwelling	Any zone	8.5
Dual occupancy (2 dwellings)	R1 General Residential Business zones	8.5 11
Semi-detached housing	R1 General Residential Business zones	8.5 11
Multi Dwelling Housing (3 or more	R1 General Residential Business zones	8.5 11
Residential flat building	R1 General Residential Business zones	11 14

Table 4 – Maximum Building Heights

9. External Appearance

Objectives:

- To encourage the creation of attractive, well-designed residential development.
- To allow flexibility in design and use of materials while encouraging high architectural standards.
- To ensure good design which provides continuity of character between existing building forms, new development and surrounding landscape by using a selection and/or combination of characteristic elements and mass.
- To ensure that new residential development in Heritage Conservation Areas or on identified heritage sites is designed having regard to the heritage significance of the area or item and compliments the character of these buildings, places and streetscapes.

General Principles:

9.1 The building design and the Statement of Environmental Effects that accompanies the proposal should demonstrate that the following matters have been addressed:

a. Consideration of the existing character, scale and massing of development in the immediate area, including the surrounding landscape.

b. Architectural interest encouraged by:

- the use of finishes which are textured rather than bland;
- providing stepping of walls, pergolas, eaves, verandahs and blade walls etc. to establish articulation and create light and shadow to a building
- the coordinated use of diverse materials and appropriate decorative treatments

c. Consideration of both typical and rare fenestration (door and window patterns) and the relationship between glazed and solid wall areas.

d. Consideration of traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof water guttering detailing.

e. The design shall provide a variety of experiences for the residents and passers by thorough attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form should be minimised.

f. Design diversity should be achieved within and between developments by maximising the advantages of orientation, landforms, views and natural vegetation.

g. Where a dwelling has an elevation to a principal street frontage then the

design shall ensure that the building has its primary pedestrian entry point addressed to this street. This entry shall be reinforced by landscaping and, where appropriate, fencing to provide a clear entry statement.

h. The following features of existing areas should be considered and integrated into new development where possible:

- Traditional street and lane patterns
- Street setbacks
- Groupings of buildings
- Corner feature sites
- Pedestrian walkways
- Promenades, squares and courtyards
- Characteristic kerb and gutter treatment
- Pavement design, materials and finishes

i. Corner sites shall be developed such that the building(s) addresses both streets and has a well expressed side elevation that does not dominate the streetscape.

j. Repetitive building designs should be avoided particularly in new residential subdivisions where there may be a number of sites being developed simultaneously. Repetitive street elevations generally do not achieve variety and interest in the streetscape – designs should ensure that key elements such as materials, colour schemes, fencing and driveway treatments, landscaping, window configurations and roof forms are distinct and give individuality to each development.

k. That the relevant provisions in this DCP are taken into account where residential development is proposed within a Heritage Conservation Area or on a site of identified heritage significance under the Maitland Local Environmental Plan 2011.

Garaging

The following matters shall be taken into consideration when designing a development to minimise the dominance of garaging particularly on the public streetscape and communal areas internal to the development site:

9.2 Car parking structures such as garages and carports shall be designed as an integral part of the development and must be compatible with the overall building design in terms of height, roof form, detail, materials and colours.

9.3 Garages and carports, as a forward element in the design of a dwelling, are discouraged particularly where the dwelling and its associated garage has a direct address and access to a street. Forward projecting garages and carports may be considered where it can be demonstrated that the design of the garage makes a positive contribution to both the street and the architectural quality of the

building.

9.4 The following treatments should be employed to reduce visual impact of garages and carports to a road frontage:

a. Garages should be no greater in width than 50 per cent of the total width of the dwelling's frontage (eg. total width of dwelling's frontage is 15 metres therefore maximum width of garage doors to be no greater than 7.5 metres);

b. Where possible, garages of attached or detached dwellings which have a direct address to the street should not be located side by side;

c. Where the garages of adjoining units are located side-by-side they should have staggered setbacks of at least 1.0 metre (refer Figure 18);

d. The placement of wide eaves, awnings, pergolas or first floor projecting balconies/rooms over the garages to create shadow lines and provide greater articulation to the building (refer Figure 18);

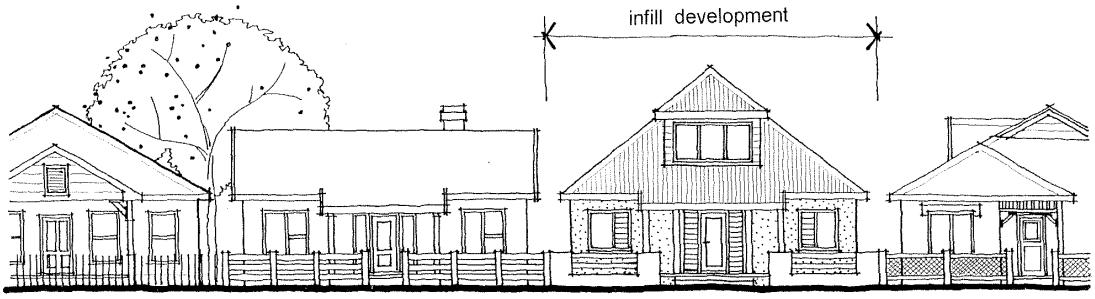
e. The use of materials of contrasting colour and/or texture for the walls and doors of each garage to create visual interest and a sense of separate identity for each dwelling unit – note that dark colours will make a garage visually recessive;

f. The use of an irregular driveway alignment;

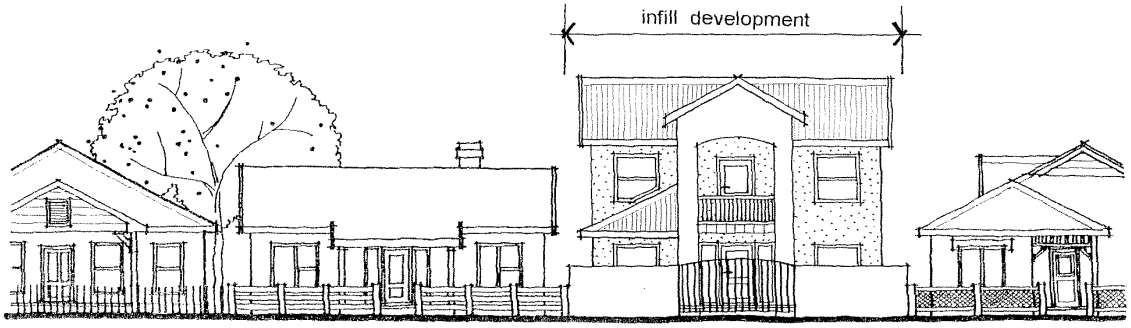
g. Minimising the width and area of driveways to reduce the volume and rate of stormwater run-off and to increase the area available for landscaping;

h. The selection of paving materials with contrasting colour and/or texture;

i. The use of carports in lieu of garages as these more transparent structures can effectively reduce the bulk and mass associated with multiple garages.

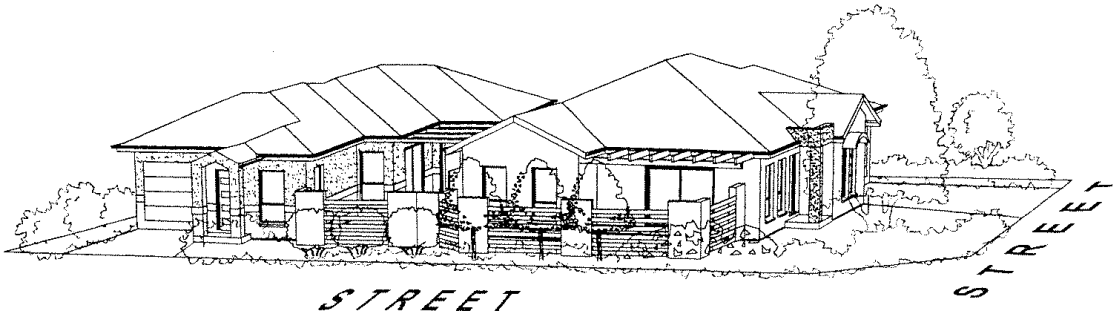


Scenario 1: Appropriate infill development integrates appropriately with streetscape by respecting the height, bulk and scale of existing development. Such development is not the same as existing development but consistent with existing development



Scenario 2: Inappropriate infill development where height, bulk and scale is inconsistent with the streetscape.

Figure 16 – Infill Development shall be Sympathetic to Streetscape



In this case:

- Detached dual occupancy dwellings are provided with their own separate street frontage;
- North facing courtyards address the street but are appropriate fenced and landscaped for both privacy and streetscape enhancement;
- Garages and driveways do not dominate the design.

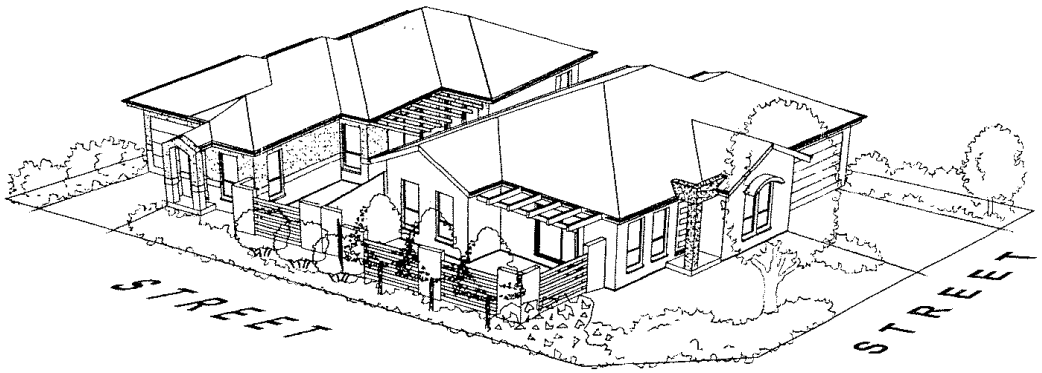
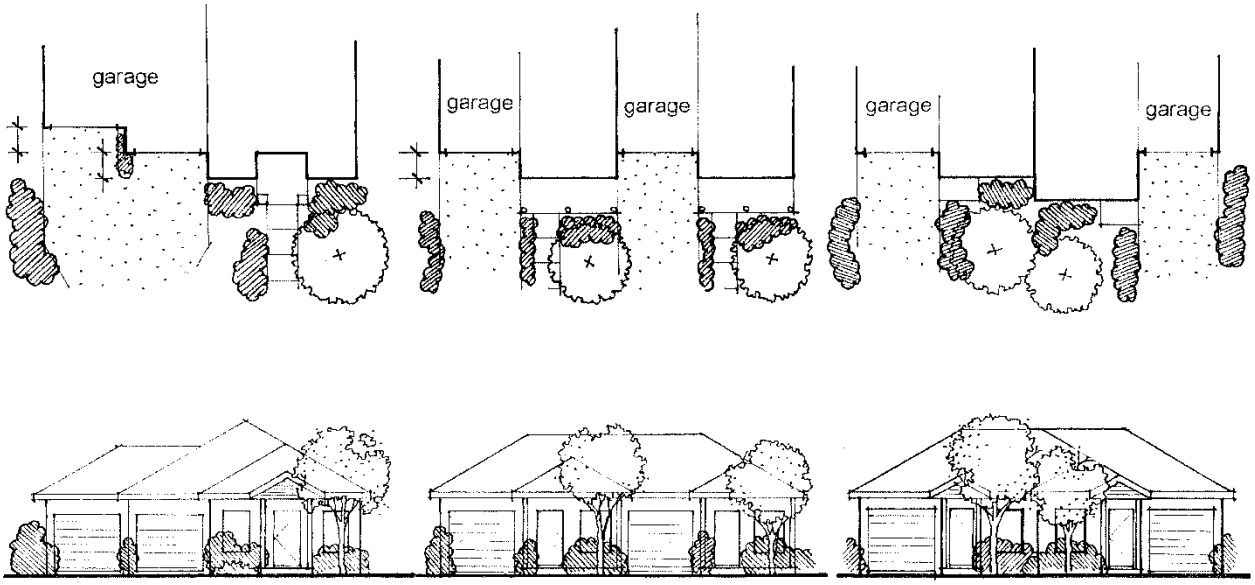


Figure 17 – Building Designs for Corner Allotments Should Demonstrate a Good Relationship to Both Street Frontages



Scenario 1 – Improving Relationship of Garages to Street

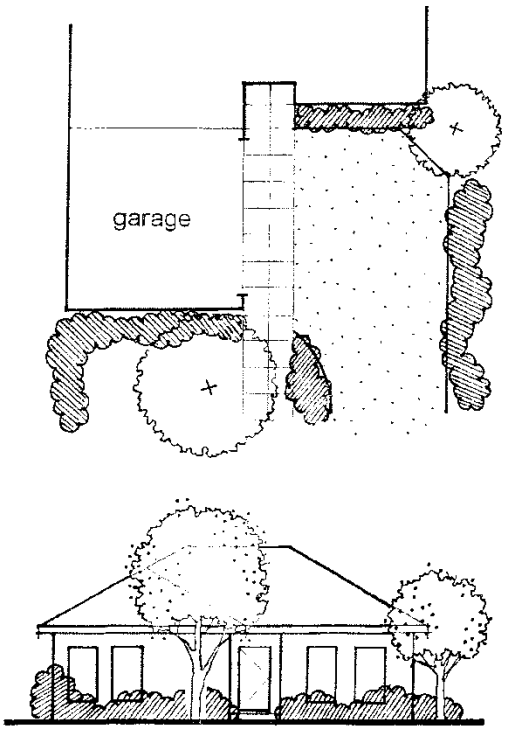
Preferred approach to double garaging. Double garages set back behind building line and staggered to reducedominance and create architectural interest in roof line and wall articulation.

Scenario 2 – Improving Relationship of Garages to Street

Attached dual occupancy with garages set back from the building line and located between living area elements of the building.

Scenario 3 – Improving Relationship of Garages to Street

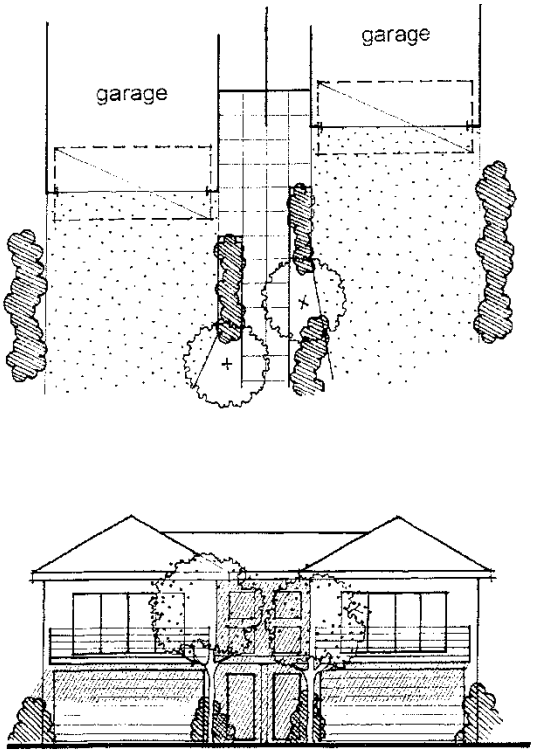
Attached dual occupancy with garages set back from the building line and located at outside edges of building.



Scenario 4 – Garage Opening at 90° to Street

Garage access at 90° to street. Note contrasting paving treatment and landscaping which reinforces pedestrian entry.

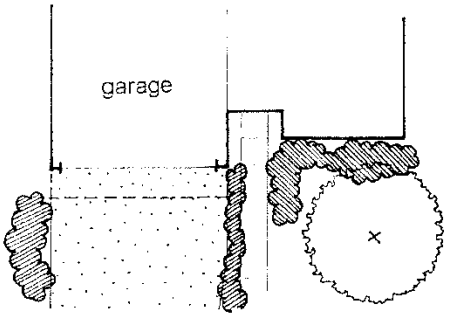
Figure 18 – Design Solutions – Reducing the Impact of Garages on the Streetscape



Scenario 5 – Garages & Two Storey Constrution

Dominance of garages can be reduced by:

- First floor balconies (including cantilevered type) to protrude beyond garage openings to create strong shadow lines and help create visual depth;
- Stagger dwelling footprints to establish variation in street setbacks for each dwelling;
- Design interest shall be created using architectural treatments such as:
- Darker colours/texture for garage door and first floor walls to help assist in making garages visually recessive;
- Minimise extent of driveway pavement and maximise opportunities for landscaping incorporating plantings of suitable scale.
- Use contrasting paving to reinforce pedestrian entry and create interest



Scenario 6 – Garage Forward

Where garages are a forward element of the building, their visual impact shall be reduced by means such as the following:

- The width of the garage shall not exceed 50% of the width of the dwelling
- Design interest shall be created using architectural treatments such as:
  - Light-weight pergola or eave over garage opening to create shadow line
  - Darker colours/texture for garage door and wall to help assist in making make building element visually recessive;
  - Minimise extent of driveway pavement and maximise opportunities for landscaping incorporating plantings of suitable scale.

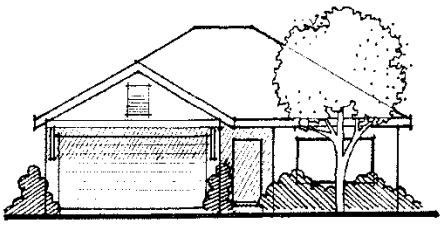


Figure 18 – Design Solutions – Reducing the Impact of Garages on the Streetscape (Continued)

10. Open Space

The following open space requirements only apply to dual occupancy, multi dwelling housing and residential flat building developments.

Objectives:

- To provide sufficient and accessible open space for the reasonable recreational needs of residents;
- To ensure that private open space meets requirements for privacy of the residents and adjoining properties, safety, access to outdoor activities and landscaping.
- To locate open space to take account of outlook, natural features of the site and neighbouring buildings or public open space.

Design Principles:

- Open space shall be clearly defined to distinguish between communal and private open space.
- Open space areas shall be of usable dimensions to suit the projected requirements of the dwelling occupants, and to provide some outdoor recreational needs as well as providing space for service functions.
- Private open space shall be capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and where possible be directly accessed from a main living area of the dwelling.
- The open space shall be orientated to enable solar access to help achieve comfortable year round use.
- Private open space shall be screened for privacy.

General Requirements:

Private Open Space (POS)

10.1 Ground Level POS:

a. All ground level private open space must comprise a 'principal area' of minimum dimensions in accordance with Figure 20.
b. The minimum area of private open space for a ground level dwelling shall be in accordance with Figure 20.
c. The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling (refer Figure 19).
d. To be included in usable open space calculations, open space at ground level

must have a minimum width in one direction of 3.0 metres.

e. The maximum cross-fall over the 'principal area' shall not exceed 2%.

f. Areas of ground level private open space required for external drying facilities, garbage storage, roof water tanks etc shall not be included in the principal area of private open space. These ancillary uses shall be located where they are able to be screened from view of the street or other public place.

g. The landscape plan for the development shall incorporate a detailed landscape design for each area of ground level POS.

h. Ground level POS shall only be located forward of the building line (but no closer than 900mm to the principal street boundary) where the orientation of the POS is within the 'optimum' range illustrated by Figure 20.

i. Where ground level POS is provided forward of the building line then privacy fencing shall be provided as detailed in Section 14.

10.2 Above Ground Level POS:

a. All above ground level private open space areas (eg balconies or terraces) shall contain a minimum area of 10 square metres and comprise a minimum dimension of 2.5 metres.

b. The 'principal area' of POS shall form a direct extension to the internal living room or dining area of the dwelling unit.

c. The orientation of above ground level POS and internal living rooms shall be within the 'optimum' and 'good' ranges illustrated by Figure 20.

d. A communal external drying area shall be provided for all dwellings that do not have ground level POS. This communal drying area shall be located so as to receive adequate natural sunlight and breezes and shall be screened from view from public areas and communal open space areas. Drying space shall be provided at a rate of 15 lineal metres of clothes line per dwelling serviced.

Note: Additional balconies etc are permitted but cannot be taken into account as POS unless meeting the minimum criteria specified above.

Communal Open Space

10.3 Ground level communal open space (COS) shall be provided within:

a. a multi dwelling housing development with fifteen (15) or more dwellings (eg. townhouses, villas etc).

b. a residential flat building with twelve (12) or more dwellings (eg. unit, apartment, flat etc).

10.4 Ground level COS shall:

a. contain an area sufficient to meet the relaxation and recreation needs of the

residents of the development and shall at minimum include barbeque facilities and shelter, tables, seating, children's play equipment, childproof fencing and associated landscaping.

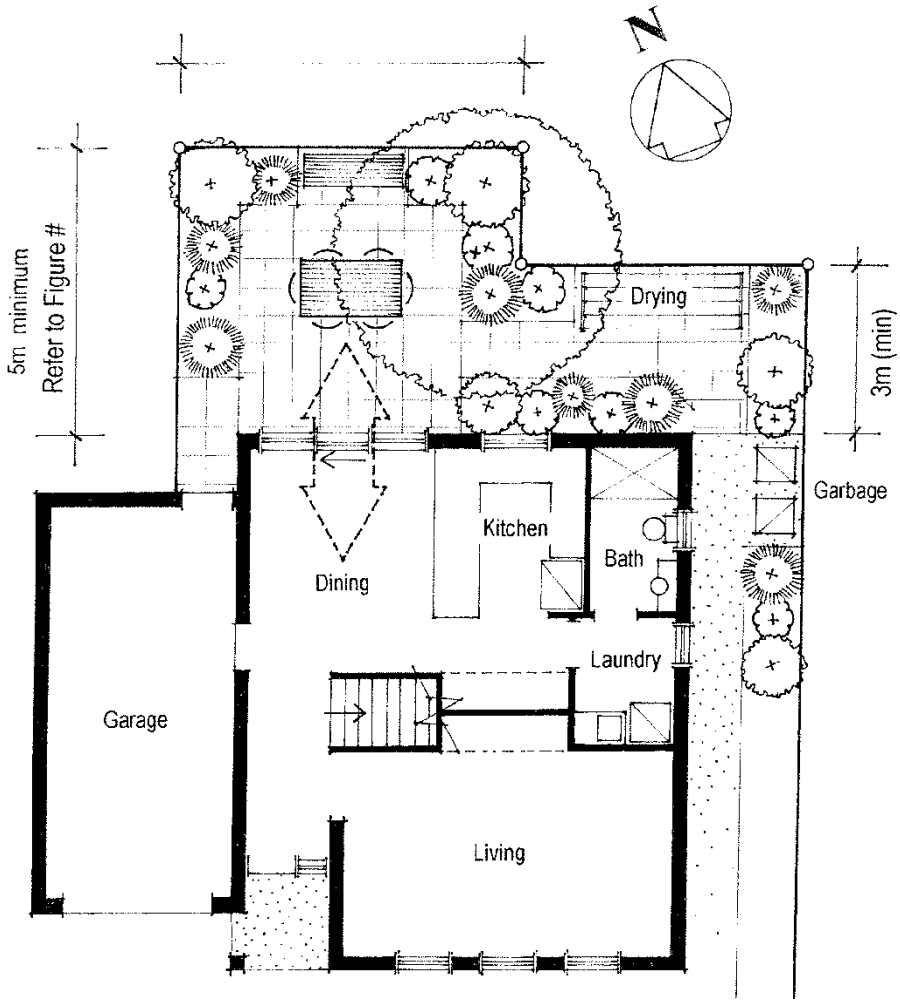
b. be centrally located to provide casual surveillance opportunities from surrounding units within the development.

c. be an integral part of the design for the development and must be provided clear, safe pedestrian access to minimise conflict with vehicle manoeuvring areas.

d. be provided with lighting sufficient to enable night time surveillance as a means of reducing vandalism and promoting the safety of residents. Care shall be taken in the selection of lighting and its location to minimise light intrusion to units within the development itself and also to adjoining properties.

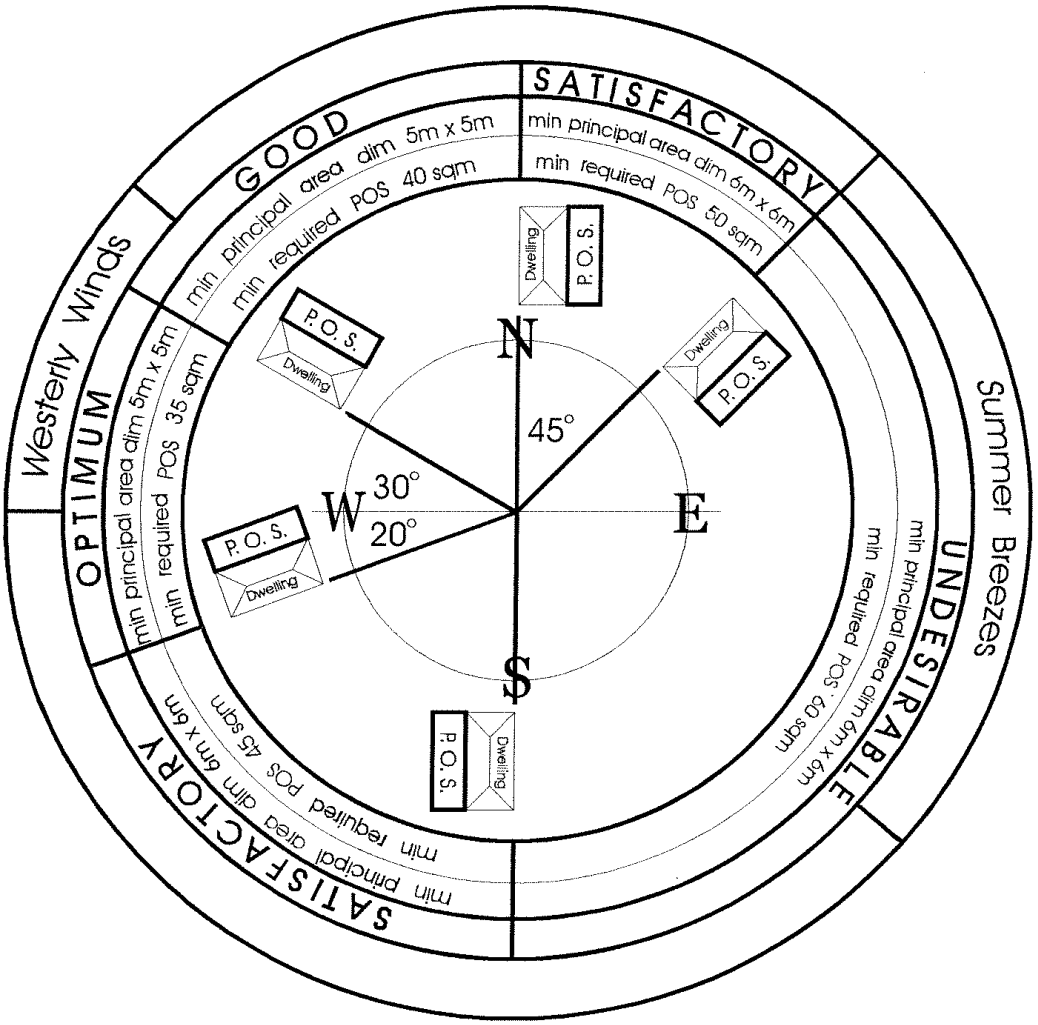
e. take into consideration its interface with adjoining dwellings (eg. windows, rooms etc).

f. contain facilities (eg: seating, play equipment etc) designed to meet the relevant Australian Standards.



- The private open space (POS) area serves as an extension to the internal living area of the dwelling
- POS serves as an 'outdoor room' providing opportunities for outdoor dining and relaxation
- Minimum dimensions and area of the POS are to be in accordance with Figure 20
- Maximum cross-fall for principal area of POS not to exceed 2%
- POS is orientated to maximise solar access
- Landscaping softens fencing treatments and also screens drying and garbage storage areas

Figure 19 – Key Design Principles for Outdoor Private Open Space



Note: The amount of ground level private open space required and the minimum principal area dimensions are based on the orientation of the open space and its relationship to the internal living areas of the dwelling

Figure 20 – Specifications for Ground Level Private Open Space

11. Sites having a boundary to a Laneway

Objectives:

- To ensure that new residential development is provided with a street address that contributes to the amenity of the development and gives new development a 'sense of place' in the overall urban environment.
- To ensure that new development is consistent with and contributes to the character of the existing streetscape.
- To ensure that laneways are developed in a manner consistent with their design constraints and function as service roads.

General Requirements:

11.1 Where a site has a secondary frontage to a laneway:

a. The dwelling(s) shall not be orientated to the laneway as a principal street address.

b. The main pedestrian entry point to the dwelling(s) shall form a direct connection with the principal street address and not the laneway.

c. Pedestrian access to dwellings located to the rear of the site shall be contained within a corridor not less than 2.4m wide.

d. The pedestrian access from the principal street frontage to the dwelling(s) located to the rear of the site shall be landscaped and provided with adequate lighting in accordance with 'Safer by Design' principles.

e. Car parking for a maximum of two vehicles only (consistent with the garaging provided for the existing allotment) shall be provided with access to the laneway.

f. No internal habitable floorspace shall be located closer than 3.0m to the property boundary with the laneway.

g. Garages/carports shall be located no closer than 2.0 metres to the property boundary with the laneway.

h. Where a garage is located closer than 5.5m to the property boundary with the laneway the garage doors shall be fitted with automatic opening devices to allow continuous movement from the laneway to the garage without obstructing the lane.

i. Where car parking is provided with access to a laneway care shall be taken to ensure that adequate manoeuvring area is available. Note that the narrow width of some laneways will mean that garages will need to be 'indented' from the laneway boundary and/or wider than standard garage doors installed to provide for adequate manoeuvring.

Note: Depending on the standard of construction and overall condition of the laneway, Council may require the laneway pavement to be upgraded to ensure an adequate standard of access to the development (refer to Council's Manual of Engineering Standards).

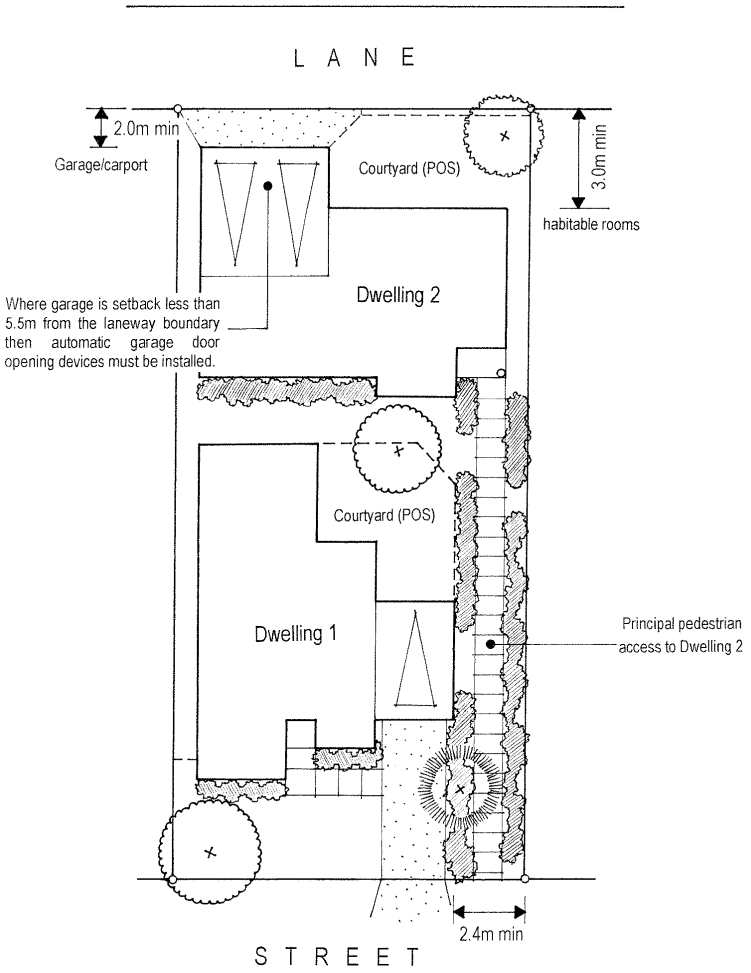


Figure 21 –Appropriate Design Solution for Sites Having a Boundary to a Laneway

12. Accessibility and Adaptable Housing

Objectives:

- To provide adaptable housing that helps sustain community and family networks by allowing people to stay in their houses over the whole of their life.
- To ensure that new development is accessible and useable by people with disabilities and mobility impairment.
- To provide an adequate supply of housing stock that is designed and constructed to be accessible or capable of being easily adapted for use by those in the community with a disability or mobility impairment.

General Requirements:

12.1 The number of adaptable dwellings to be provided in a residential development shall be as detailed in Table 5.

12.2 All adaptable dwellings are required to meet the essential design criterion as listed in AS 4299 which includes the following:

a. Provision of plans showing the dwelling in its pre-adaptation and post-adaptation stages;

b. A continuous path of travel;

c. Provision of accessible parking spaces;

d. Maneuverability both internally and externally;

e. Adjustable kitchen facilities;

f. Adjustable bathroom facilities; and

g. Adjustable laundry facilities.

12.3 Where possible the internal structure of a dwelling should be designed with lightweight non-load bearing walls that allow for the reconfiguration of rooms over time.

TOTAL NO. OF DWELLINGS	NUMBER OF ADAPTABLE DWELLINGS TO BE PROVIDED
Between 0 and 9 inclusive	Nil
Between 10 and 15	1 dwelling
Between 16 and 24	2 dwellings
Between 25 and 39	3 dwellings
40 or more	10% of total dwellings

Table 5 – Adaptable Housing Ratios for Residential Developments

Note: Where the total number of adaptable units to be provided is not a whole figure, the figure is to be rounded up to the next whole figure.

12.4 Where an adaptable dwelling is required in accordance with the provisions of this Plan, one (1) accessible car parking space shall be provided for every adaptable dwelling. This is in addition to any accessible parking required by Section 15 of this chapter.

12.5 Dwelling design should be capable of being easily adapted to suit the widest possible range of lifetime needs. This includes the needs of people with physical disabilities, people with sensory disabilities and people with intellectual disabilities.

12.6 Dwellings designed for use by persons with a disability should be located at ground level unless special provision such as a lift is provided to upper floors.

12.7 Car parking shall be linked to the adaptable dwelling(s) by an unobstructed path of travel at a suitable gradient for wheelchair access. These car parking spaces shall be located as close as possible to the adaptable dwellings they are intended to serve.

12.8 Entries, doors and passageways shall be of sufficient width to allow for wheelchair access.

12.9 Fixtures and fittings complying with AS 1428 Part 2.

12.10 Where adaptable dwellings are required, accessible and continuous paths of travel in accordance with AS 1428 shall be provided from the street to circulation areas and thoroughfares within the building and site and to communal facilities/open space areas and shall be clear of obstacles so as not to impede the mobility of residents and visitors.

12.11 Where a dwelling is intended for persons with a disability consideration should be given to a design suitable for in-house care or share accommodation, which offers privacy for non-related parties living within the same household.

12.12 Consideration should be given to the installation of broadband capabilities for all adaptable dwellings.

12.13 The following issues shall be considered when designing for adaptable housing:

12.14 Compliance with AS 1428.1 (2001) Design for Access and Mobility – General Requirement for Access (New Building Work) *and* AS 1428.2 (1992) Design for Access and Mobility – Enhanced and Additional Requirements (Buildings and Facilities).

12.15 Access to and within the adaptable dwelling shall comply with the requirements of the relevant provisions of the Australian Standards. This includes access to common facilities in the development eg: BBQ areas, swimming pools, common laundry facilities etc.

Location:

Adaptable dwellings should be provided in convenient locations that are close to facilities such as public transport, community facilities and public services. Within the development adaptable dwellings should be located along the accessible path of travel, preferably close to the main entrance of the building.

Bathroom Facilities:

Bathrooms should be large allowing for wheelchair access and manoeuvring. A bath need not be provided, but the shower should allow for chair access. The handwash basin and any shelving should be provided at a height that is accessible to both a standing or seated position.

Laundry Facilities:

The laundry should also be large to allow for wheelchair access and circulation around the appliances. Washing machines and dryers should be front loading. A wall mounted dryer is also preferable.

Circulation Spaces:

Bedrooms and living areas should be an adequate size to allow for ease of movement around furniture. Doorways, entrances and hallways shall be wide enough to facilitate wheelchair access and circulation.

Kitchen Facilities:

The kitchen should be of a flexible design so that modifications can be made if required in the future. Cupboard and pantry shelf heights should be adjustable to make them easy to reach.

Flooring:

Tiles or timber flooring is preferable to carpet. However, if carpet is to be provided it should be low pile with no underlay. Non-slip tiling should be provided in wet areas.

Walls:

Walls located along main travel paths and in bedrooms and bathrooms should be reinforced to allow for installation of grab rails if necessary.

Windows:

Windows should be operable with one hand (preferably sliding) and located with a sill height no higher than 700mm from the floor.

Landscaping:

Outdoor areas should be designed to be low maintenance, with no lawns and a drip irrigation system. All paving should be even and be wheelchair accessible.

13. Landscape Design

Objectives:

- To enhance the appearance, amenity, and energy efficiency of new development for the benefit of users and the community in general.
- To encourage the use of water efficient landscape systems embracing the principals of water sensitive urban design (WSUD).
- To encourage the integration of building and landscape elements.
- To protect existing landscape features including natural landforms, watercourses and native vegetation and integrate them, where possible, with new development.
- To enhance the acoustic environment (eg: through fencing, blade walls and location of open space areas) of a development and provide visual privacy and shade.
- To blend new development into an established streetscape and neighbourhood.
- To encourage the use of native plant species.

Design Principles:

- Site disturbance shall be minimised and existing landscape elements such as above-ground rock formations, significant trees and watercourses shall be preserved where possible.
- In established areas, landscaping should relate to the scale of other elements of the streetscape and of buildings/trees within the development itself and on adjoining land.
- The development shall be designed to provide the maximum opportunity for tree planting.
- Appropriate vegetation shall be used to provide shade to the northerly and westerly elevations of buildings in summer, while allowing penetration of sunlight in winter.
- Landscaping should be geared towards user requirements, taking into account maintenance, shade provision and aesthetic quality.

General Requirements:

13.1 With the exception of a single dwelling, all residential development shall be supported by a detailed landscape plan (inclusive of planting scheme) prepared and endorsed by a suitably qualified landscape consultant (eg landscape architect or horticulturalist) as meeting the objectives and design requirements of this chapter.

13.2 The landscape design should, as appropriate:

a. Retain existing vegetation for integration with the landscape design for the development;

b. Employ the use of native vegetation suitable for local conditions which require lower maintenance and demand less water;

c. Incorporate the use of advanced specimens to ensure that the completed built form is immediately and effectively softened by landscaping.

d. Define a theme for new internal streets/driveways or complement existing streetscapes external to a site;

e. Be of an appropriate scale relative to the width of driveways and the associated space between buildings and the building bulk – trees should be introduced which achieve a height above the roofline of the dwelling to soften built form;

f. Take into account view corridors and introduce species that, where possible, preserve opportunities for views when the plants are mature;

g. Improve privacy and minimise overlooking between dwellings and also overlooking from public spaces such as footpaths and communal open space;

h. Provide adequate lighting for vehicular and pedestrian safety;

i. Account for streetscapes and landscapes of heritage significance;

j. Be tolerant of site conditions and adequately mulched in order to reduce demand for water, herbicides and fertilisers;

k. Clearly identify where turfed areas are to be located and specify the materials used for forming the edges of garden beds;

l. Detail the various paving materials used throughout the site for driveways, pedestrian pathways, parking areas and private open space areas.

13.3 The landscape plan for the development shall recognise private open space areas as 'outdoor rooms' and the design shall incorporate:

a. Paved areas or decks for outdoor dining/relaxation;

b. Garden areas to reduce the 'hard' visual impact of fencing, paving and walls;

c. Built-in seating (optional) – refer to example courtyard area at Diagram 19.

d. The inclusion of trees of a scale which will provide adequate shade (deciduous may be appropriate depending on orientation of POS);

e. Provision of drying areas and garbage storage areas and the screening of these areas with vegetation and/or structural elements such as timber panels;

f. Water features (optional);

g. Full details of materials for fencing, paving etc.

Refer to Figure 19 for example of courtyard landscaping.

13.4 Residential developments that make the most positive contribution to streetscapes and the urban environment and provide higher levels of amenity and enjoyment for residents are those which have a sound maintenance regime for landscaped areas – both private open space and communal areas.

13.5 The landscape design for a development should integrate with the stormwater management scheme, having regard to relevant 'water sensitive urban design' (WSUD) principles.

14. Fencing and Walls

Objective:

- To ensure that all fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape, adjacent buildings, or the use of open spaces areas within the development or on adjoining land.

Design Principles:

- Fencing and walls shall:
  - Be compatible with the design and materials used in the proposed development;
  - Provide some outlook from buildings to the street to facilitate casual surveillance and safety;
  - Assist in highlighting entrances to dwellings and establishing a sense of identity in the streetscape;
  - Be proportionate in relation to the width of the allotment;
  - Integrate with other facilities such as letter boxes and garbage screens.

General Requirements:

14.1 The landscape plan prepared for the development shall incorporate full details of all fencing proposed including:

- location
- height
- materials
- colours.

14.2 For all forms of residential development, with the exception of a single dwelling-house, sheet metal fencing shall not be permitted where it forms a boundary with a street, or communal area within a development.

14.3 Fencing between dwellings shall be designed to provide visual and acoustic privacy to internal rooms and outdoor private open space. The recommended height for these dividing fences is 1800mm high but not less than 1500mm high.

14.4 For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive.

14.5 Fencing within the street building line setback shall not be located closer than

900mm from the street property boundary for the principal street frontage of the development (refer Figure 22).

14.6 Where side boundary fencing projects forward of the street building line setback to the principal frontage then the maximum height of the fence shall not exceed 750mm within the building line setback area. *(Note: This requirement does not apply where the development qualifies to use the building line setback for private open space – refer Sec B9.9(h)).*

14.7 Front fencing for the purposes of containing a dwelling's principal private open space area, shall not occupy more than 50% of the street frontage of an allotment and shall not contain or obscure the principal pedestrian entry point to the dwelling from the street. Fencing may occupy greater than 50% of a site frontage if it can be demonstrated that the increased length of fencing is consistent with the established fencing within the street and character of the street, or because of environmental impact considerations, eg. noise.

14.8 Solid fencing for the purposes of containing a dwelling's principal private open space area, shall not exceed a height of 1500mm where located within the street building line setback unless it can be demonstrated that a higher fence is appropriate having regard to issues of noise, privacy, existing streetscape and architectural merit.

14.9 Nothing in this plan prevents the fencing of the street frontage of a property subject to the following:

- The building line setback area is not required for the purposes of principal open space;
- The fence shall not exceed a height of 1200mm (1.2 metres);
- The fence shall not comprise sheet metal material;
- The fence shall be of a design/materials which integrate with the dwelling(s) located on the land.

Advice

Fencing between adjoining properties is regulated by the Dividing Fences Act 1991. This Act is administered by the Local Court. For single dwellings the fencing of the property boundary (type of fence, height of fence, installation of fence and cost sharing arrangements) is a matter that must be determined between the two adjoining landowners and then the Court in those circumstances where agreement cannot be reached.

In the case of residential development proposing more than one (1) dwelling then the developer shall install and meet the cost of that fencing necessary to meet the requirements of this Chapter.

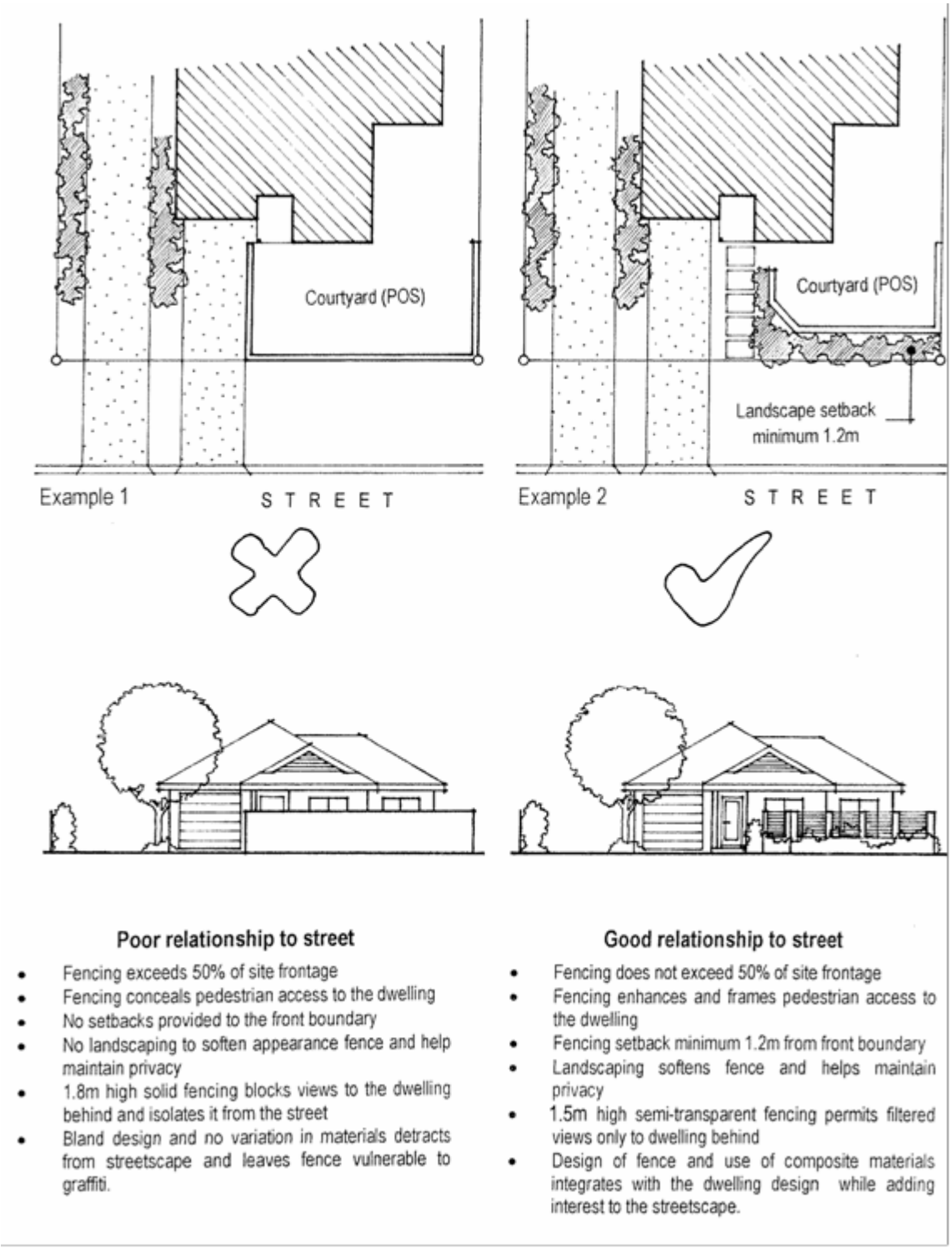


Figure 22 – Fencing to a Street Frontage

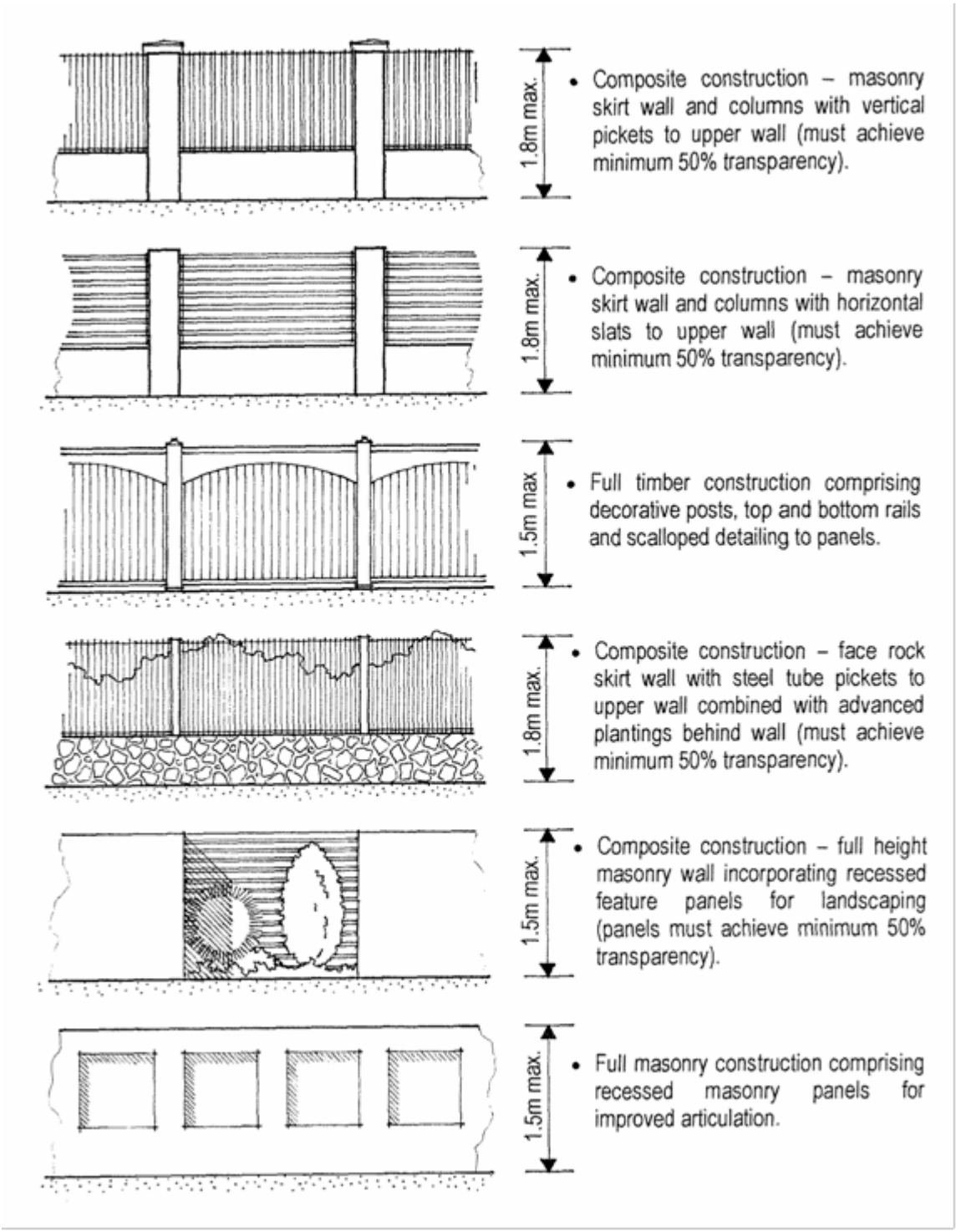


Figure 23 – Examples of Fencing Designs

Note: Applies where fencing is proposed forward of the street building line or where fencing is visible to a public place or communal areas internal to a development.

15. Driveway Access and Carparking

Objectives:

- To provide convenient, accessible and safe parking to meet the needs of residents and visitors which does not dominate the streetscape or cause congestion in nearby streets.
- To ensure that parking areas are designed to accommodate the needs of those persons with a disability.
- To encourage the design of access and parking as part of the overall landscape design.

Design Principles:

- The design of driveways and parking areas should have regard to:
  - The widest range of user groups inclusive of disabled persons;
  - The safety of pedestrians, cyclists and vehicles;
  - Proximity and frequency of public transport;
  - Street facilities such as kerb inlet/drainage pits, poles and services, street trees, bus and taxi stands/shelters, distance to corners;
  - Street width, traffic volume and on-street parking;
  - Part E.3: Heritage Conservation Areas

General Requirements:

Driveways:

15.1 Driveways shall be located no closer than 900mm from any side boundary for the full depth of the building line. This 900mm offset shall be provided with landscaping of suitable scale to ensure that sight lines along the public footpath and the roadway are not obstructed.

15.2 Driveways within the site should be a minimum of 2.7 metres wide and should include landscaping between the driveway and dwelling. (Note: In heritage conservation areas strip driveways may be a more suitable alternative – refer to Part E.3: Heritage Conservation Areas).

15.3 Landscaping shall be incorporated into the design of driveway and manoeuvring areas to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape.

15.4 Straight 'gun barrel' driveway arrangements are not supported. Where long driveways are proposed landscaping of minimum width 1.0 metres shall be

provided along the boundary/fenceline incorporating wider landscape 'blisters' to create a 'meandering' effect and contrasting pavement treatments should be used to reduce the expanse of a single pavement material. Landscaping shall also be provided between the driveway and the external wall of the dwelling

15.5 Driveways within a site shall be at a maximum grade of 4:1 (H:V).

15.6 Driveway design from the road pavement across the public footpath area shall be in accordance with Council's "Manual of Engineering Standards" and appropriate structural drawings.

15.7 Driveways across the footway at the access point on the road reserve should be generally a maximum of 5 metres wide, although variation may be justified on turning and traffic safety issues.

15.8 Driveways across the footway shall be sited to avoid street trees, kerb inlet pits and other services such as light/power poles.

15.9 For developments other than single dwellings adequate vehicle manoeuvring area to Australian Standard AS 2890 shall be provided to enable vehicles to enter and exit the site in a forward direction.

15.10 For developments other than single dwellings, vehicle driveways shall be clearly distinguished from pedestrian entries and paths through design, finish or location.

15.11 On sites identified as Bushfire Prone Land under the Bush Fire Prone Land Maps endorsed by the New South Wales Rural Fire Service, access shall comply with the requirements of the document "*Planning for Bushfire Protection 2006*" (Planning NSW and Rural Fire Service).

15.12 Vehicle car parking spaces and manoeuvring areas (not including a driveway providing direct vehicle access to a garage or carport from the street) shall not be located within the building line setback area.

Car Parking:

15.13 The minimum number of off-street car spaces shall be as follows:

a. One (1) space for each one or two bedroom dwelling;

b. Two (2) spaces for each dwelling containing more than two bedrooms;

c. One (1) visitor space for the first three dwellings and one (1) space for every five dwellings thereafter or part thereof.

15.14 A minimum of one (1) off-street parking space should be provided for each dwelling as a covered space in the form of either a garage, carport or within a secured basement parking area. The parking space(s) should be convenient and accessible to the dwelling which it services.

15.15 Visitor car parking spaces should be freely accessible at all times and not located behind security gates or within secured basement car parking areas.

15.16 The minimum dimensions for car parking bays and aisles shall be in accordance with Figure 24.

15.17 Garages should comprise minimum dimensions in accordance with Figure 25.

15.18 Developments comprising up to two (2) dwellings may have the parking space(s) for both dwellings directly addressing and accessible from its street frontage.

15.19 Developments comprising three (3) or more dwellings may have one (1) dwelling only with a garage/carport directly addressing and accessible from its street frontage of the development.

15.20 Tandem (or stack) parking is permissible only where the garage for the dwelling has a direct frontage/address to a street. In this instance, the vehicle space on the driveway in front of the garage/carport can be calculated as part of the parking requirement for that dwelling but shall not be counted as a 'visitor' space.

Accessible Car Parking (disabled users):

15.21 Designated accessible car parking facilities shall:

a. Be provided at the rate of one (1) accessible parking space for every adaptable dwelling;

b. Be located as close as possible to the adaptable or accessible dwelling they are intended to serve or alternatively as close as possible to each accessible public entrance;

c. Be linked to an accessible entrance to a building or to a wheelchair accessible lift by a continuous accessible path of travel, and preferably under cover;

d. Have a minimum width of 3.8 metres as shown in Figure 26. An overlap allowance of 500mm may apply when, parallel to the parking space, there is an adjoining walkway or similar surface which:

- Is at the same level as the car parking space;
- Is firm and level, with a fall not exceeding 1 in 40 in any direction;
- Is not another car parking space;
- Is not less than 1000mm in width.

e. Have a minimum vertical clearance of not less than 2500mm and a minimum length of 5.5 metres as shown in Figure 26;

f. Both the designated parking space and the continuous accessible path of travel shall be clearly signposted;

g. The signage for the actual parking space shall be painted on the surface of

the paved space and signposted at a height of not less than 1500mm centrally located at the end of the space;

h. The provision of accessible parking shall be signposted at the entrance of the car park.

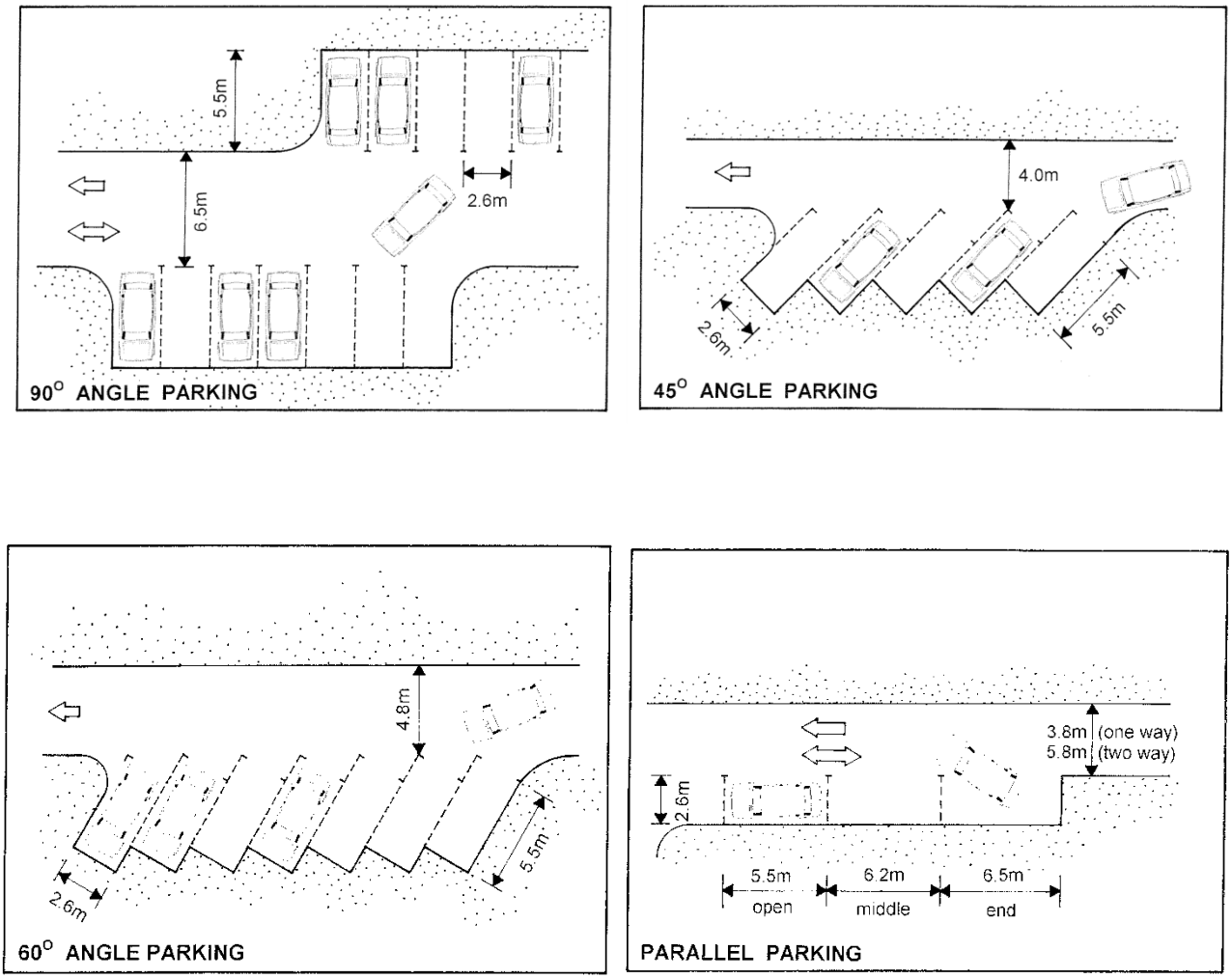
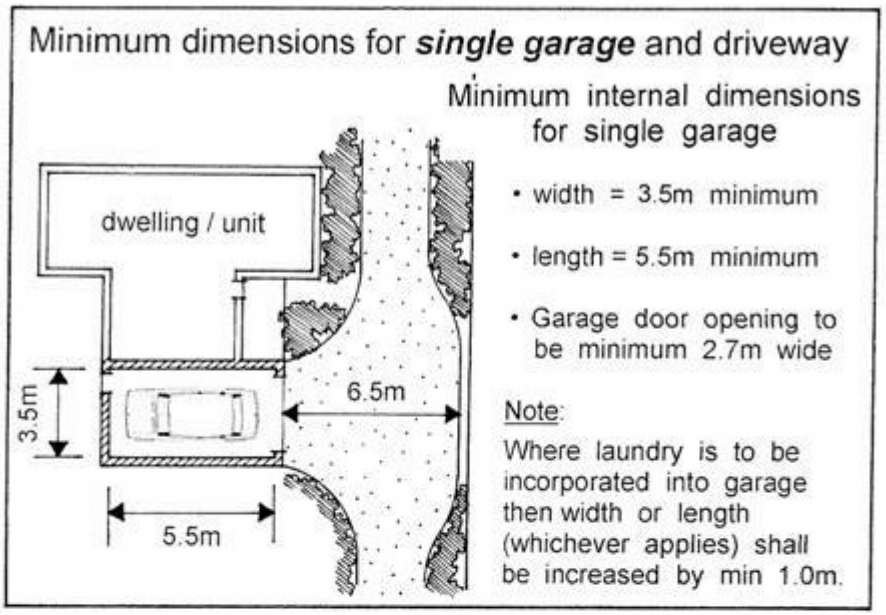


Figure 24 – Required Layouts for Parking Spaces and Driveways



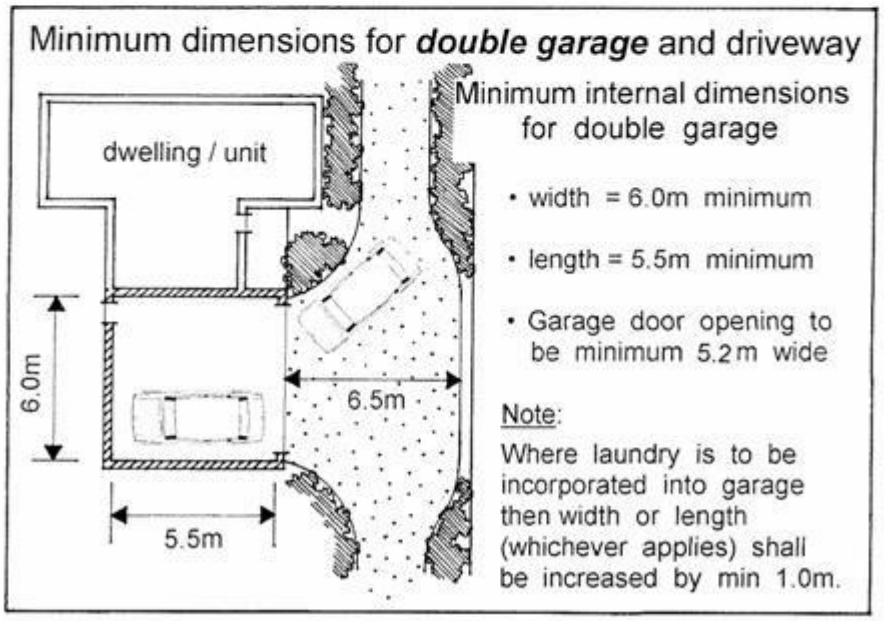


Figure 25 – Minimum Dimensional Requirements for Garages & Associated Manoeuvring Areas

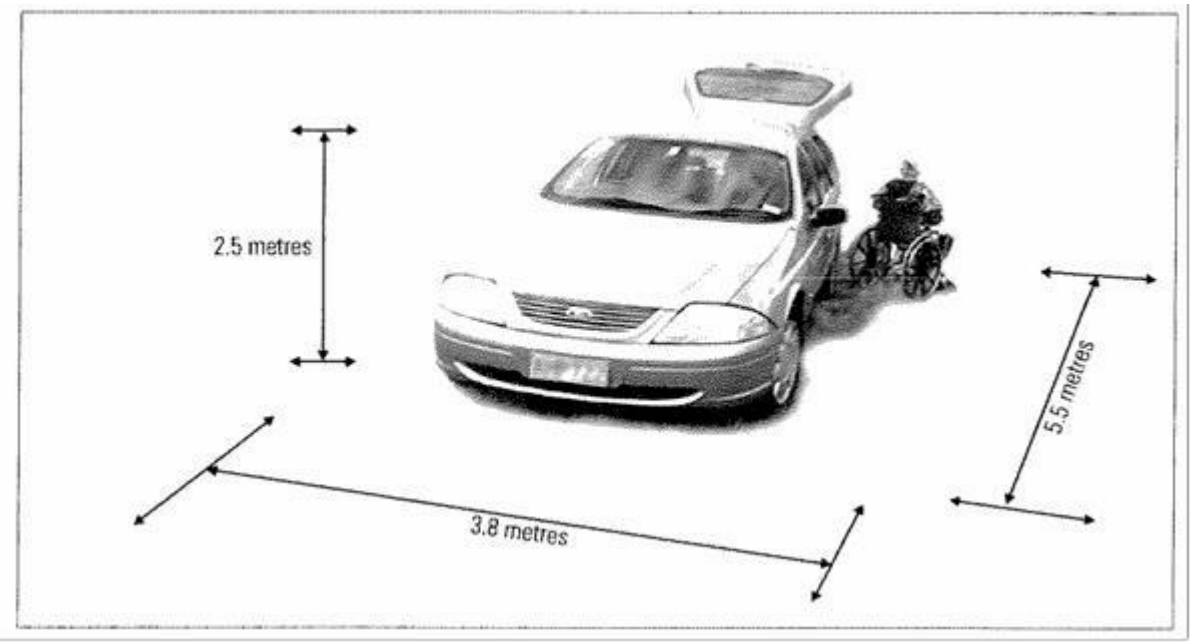


Figure 26 – Minimum Dimensional Requirements for Accessible Car Parking Spaces.
(Source: City of Sydney Access DCP 2000)

16. Views, and Visual and Acoustic Privacy

Objectives:

- To encourage the sharing of views whilst not restricting the reasonable development potential of a site.
- To site and design buildings to meet projected user requirements for visual and acoustic privacy.
- To protect the visual and acoustic privacy of nearby buildings and private open space.

Design Principles:

View Sharing

- All property owners should be able to develop their property within the established planning guidelines, however, existing views should not be substantially affected where it is possible to design for the sharing of views.
- Grand vistas and significant views that are recognised and valued by the community should not be obscured by new development.
- Heritage or familiar dominant landmarks should be retained and not obscured.

Privacy

- Proper consideration shall be given to privacy outcomes at the site planning stage. Development shall be designed such that the privacy of each individual dwelling and adjacent existing dwellings is protected, with particular regard to private open spaces and the windows of habitable rooms.

Design Requirements:

Visual Privacy

16.1 Overlooking of private open space and direct views between living area windows shall be screened or obscured using one or more of the following methods (as shown in Figures 27 and 28):

a. Separation distance between windows of habitable rooms or balconies
b. Separation by design
c. Offset living room windows of opposing dwellings/units
d. Splay windows to redirect sight lines
e. Build to a boundary and avoid window openings
f. Screen planting between units

g. Fencing design or privacy screens
h. Use of fin walls
i. Planter boxes
j. Louvre screens (vertical or horizontal)
k. Pergola
l. Change in level Acoustic

16.2 Where no design techniques and screening (eg fences or walls) are proposed, openings of adjacent dwellings shall be separated by a distance of at least 3.0m.

16.3 Site layout shall separate active recreational areas, shared parking areas and driveways, and service equipment areas away from bedroom areas of dwellings.

16.4 Mechanical plant or equipment (eg. Air conditioning units) shall be designed and located to minimise noise nuisance.

16.5 Shared walls and floors between dwellings shall be constructed to reduce noise transmission in accordance with the Building Code of Australia.

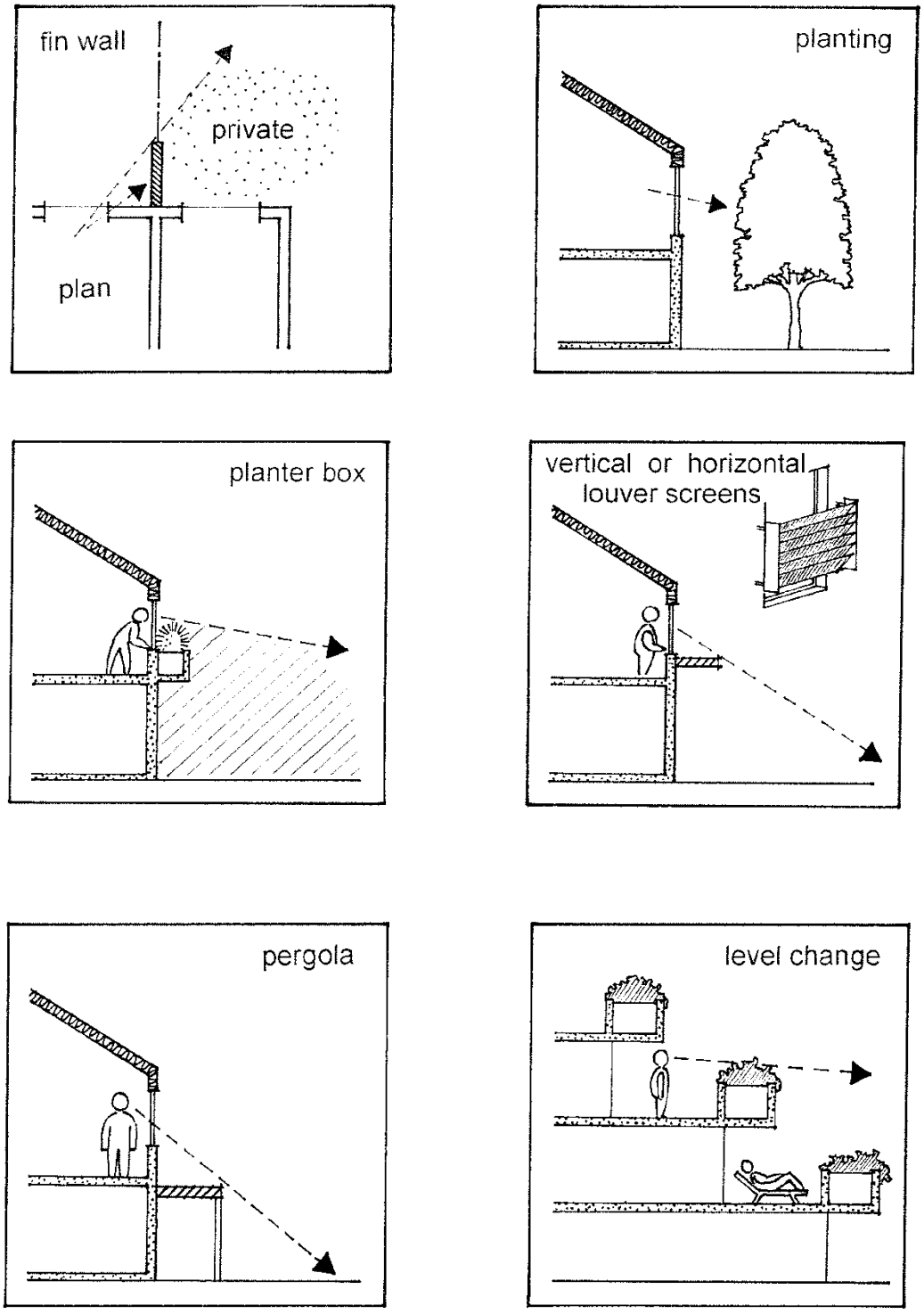


Figure 27 – Some Design Techniques to Reduce Overlooking from Upper Levels.

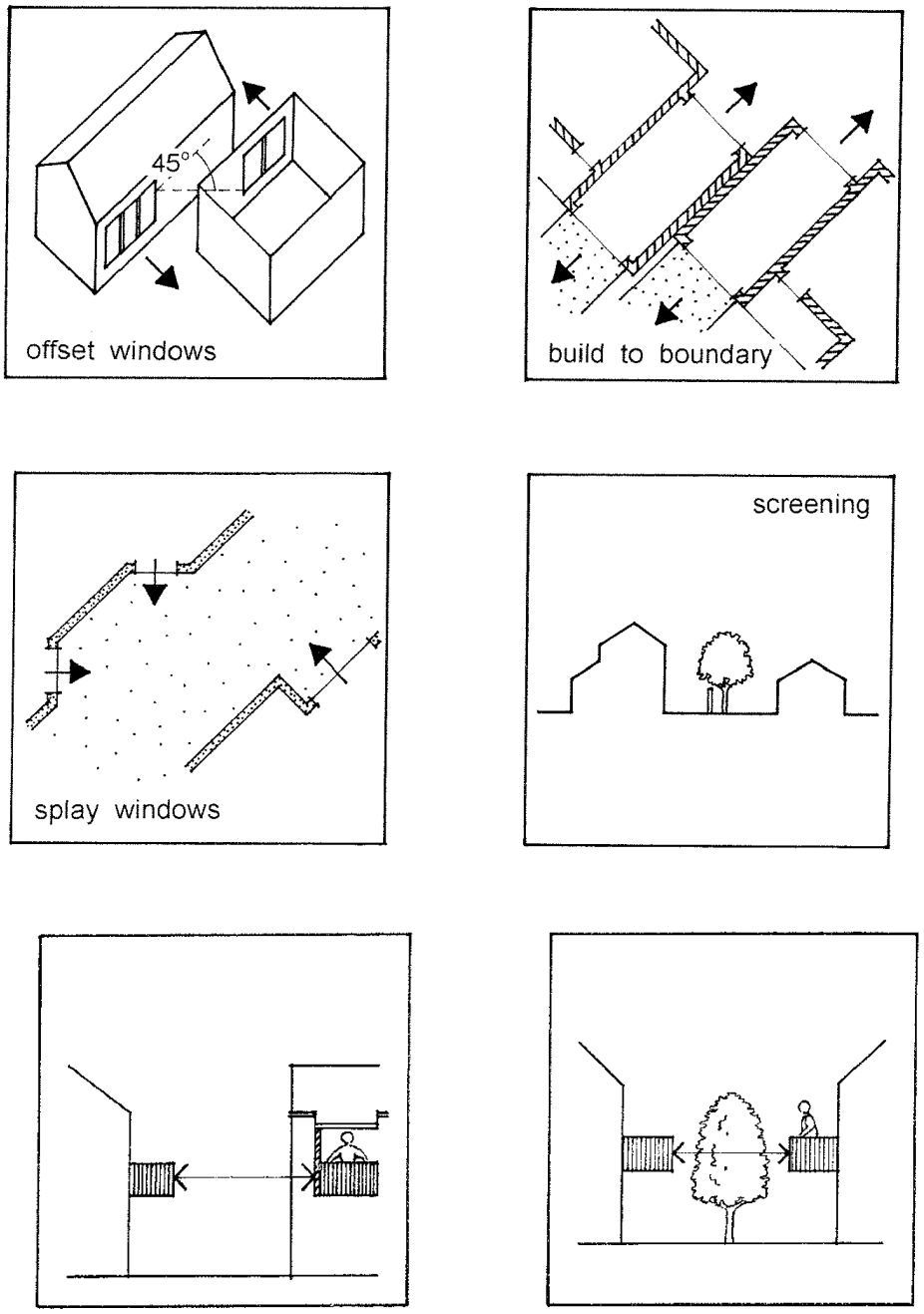


Figure 28 – Some Design Techniques to Prevent Direct Viewing into Adjoining Internal and External Living Areas.

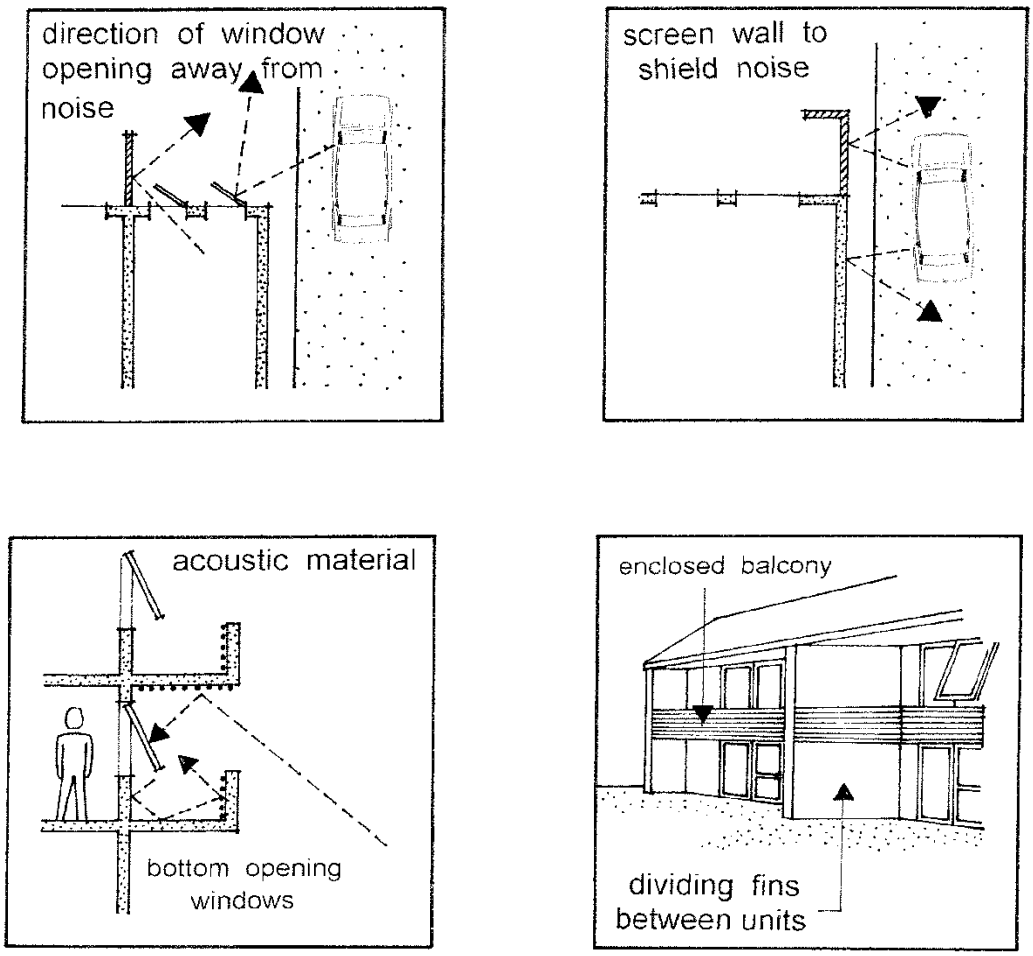


Figure 29 – Some Design Techniques to Achieve Acoustic Privacy

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17. Water and Energy Conservation

Objectives:

- To reduce total water and energy use in residential buildings in accordance with State Environmental Planning Policy – Building and Sustainability Index (SEPP BASIX) by promoting solar access and reducing heat loss and energy consumption for heating and cooling.

- To provide dwellings with adequate solar access and ventilation to both internal habitable rooms and private outdoor open spaces.

- To avoid the potential for significant overshadowing of habitable rooms and private open spaces within the development itself and also with respect to adjoining development.

- To encourage the use of building materials that are energy efficient, non-harmful and environmentally sound.

Note: The *Environmental Planning and Assessment Regulation 2000* prescribes when a BASIX Certificate is required to be provided with a Development Application.

General Requirements:

17.1 It is recommended that buildings be orientated with the main indoor and outdoor living spaces towards the north and north-east (the optimum orientation for indoor and outdoor living spaces are shown in Figure 20).

17.2 To the fullest extent possible, buildings should be insulated.

17.3 Buildings should include adequate thermal mass and windows located, sized and shaded to facilitate thermal performance.

17.4 Windows in west facing walls should be avoided. However, where not possible, west facing walls should be designed with windows fitted with appropriate shade structures and/or landscape screens.

17.5 Building design should, wherever possible, include a north facing roof upon which a solar hot water system or collector could be installed. The building's internal plumbing should be designed to facilitate the installation of such a system.

17.6 The design of the building should maximise the cooling potential of natural ventilation by providing breeze pathways through the building (refer Figure 32).

17.7 Shadow diagrams may be required for residential developments of two storeys and over in urban zones if, in the opinion of the assessing officer, they are required and for all residential developments comprising two (2) or more dwellings where ground level private open space is located in other than an "optimum" or "good" location as shown in Figure 20. The shadow diagram shall address the overshadowing impact of new development and also the impact from adjoining development against the criteria provided under 17.8 below.

17.8 Development within the categories specified under 17.7 above shall ensure that adequate solar access is provided to both existing development adjoining the project site as well as to the dwellings and their associated outdoor open spaces within the new development itself. In this regard:

a. Development shall not reduce the sunlight available to windows of living areas that face north to less than 3 consecutive hours between 9.00am and 3.00pm on the Winter Solstice (June 21);

b. At least 50% of the principal area of ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%;

c. At least 50% of the principal area of above ground level private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%;

d. At least 50% of the area of communal private open space shall achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (June 21). Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.

Note: Council reserves the right to request shadow diagrams with respect to single storey development if, by reason of the topography of the site, the nature of adjoining development and fencing, the orientation of the building or the design of the building, there is potential for significant loss of solar access to adjoining lots or to dwellings within the development itself.

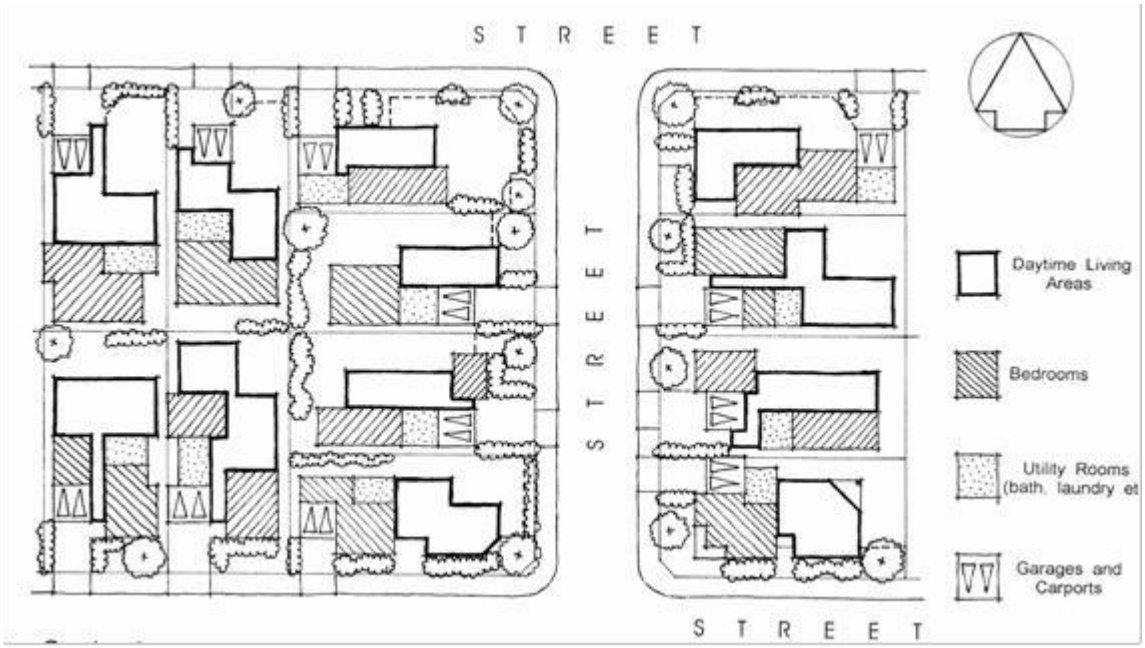

Figure 30 – Good Solar Access can be Achieved Through Appropriate Design Regardless of Lot Orientation

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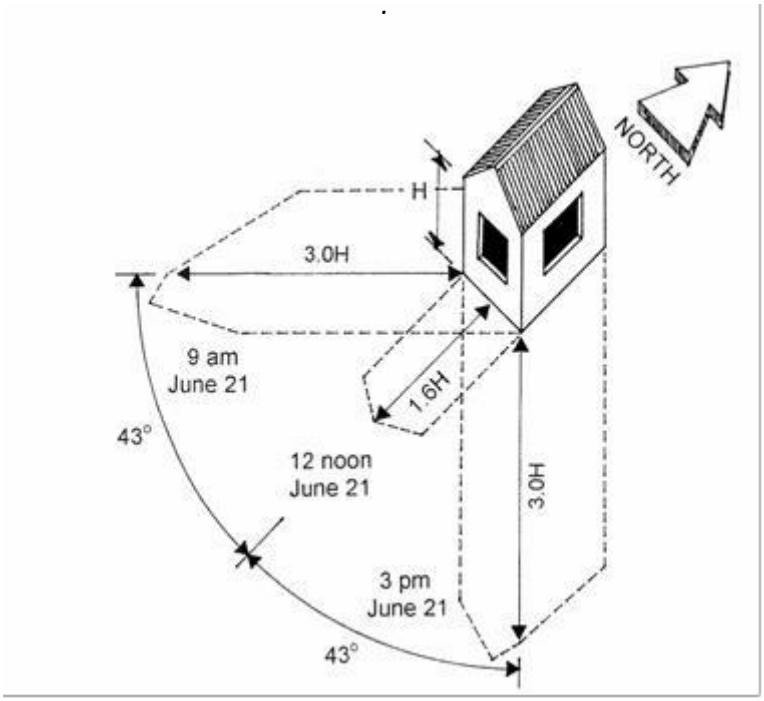

Figure 31 – Guide to Shadow Lengths on Level Sites

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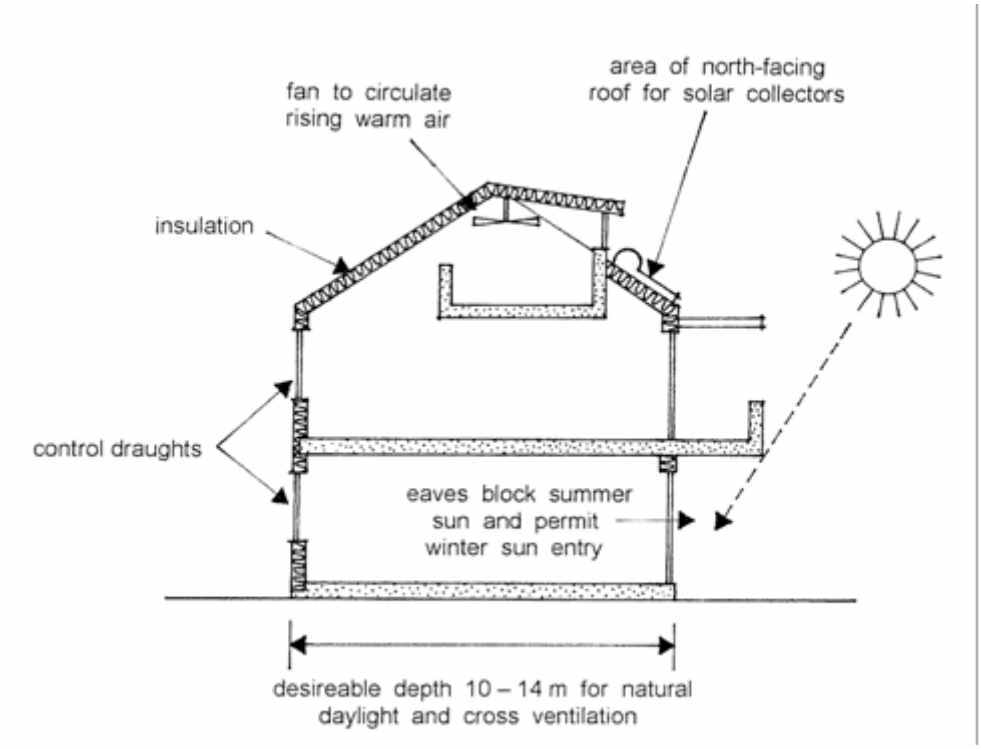

Figure 32 – Considerations for Solar Efficient Housing

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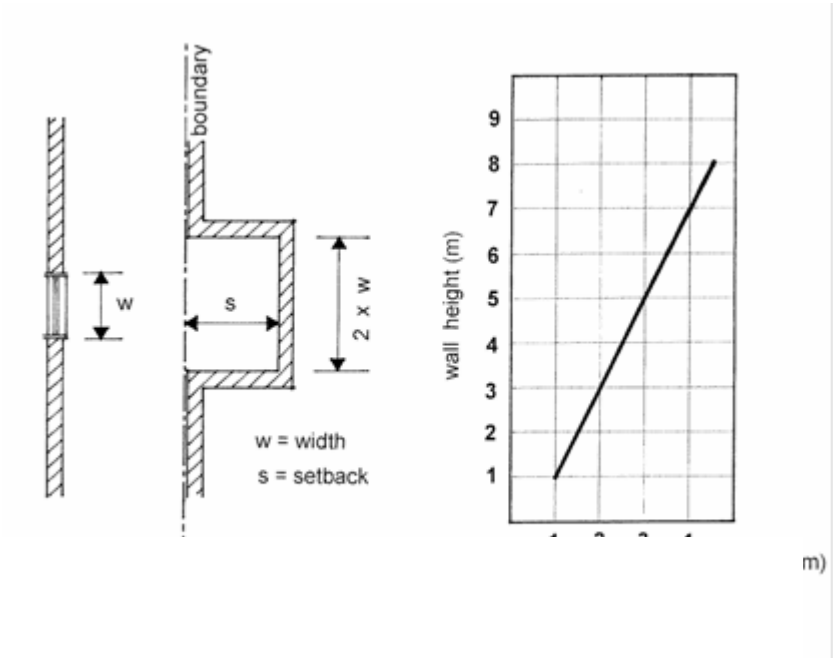


Figure 33 – Where 'zero lot line' is proposed (building built to a boundary) then light wells may be required to ensure adequate levels of solar access and ventilation to windows of adjoining buildings

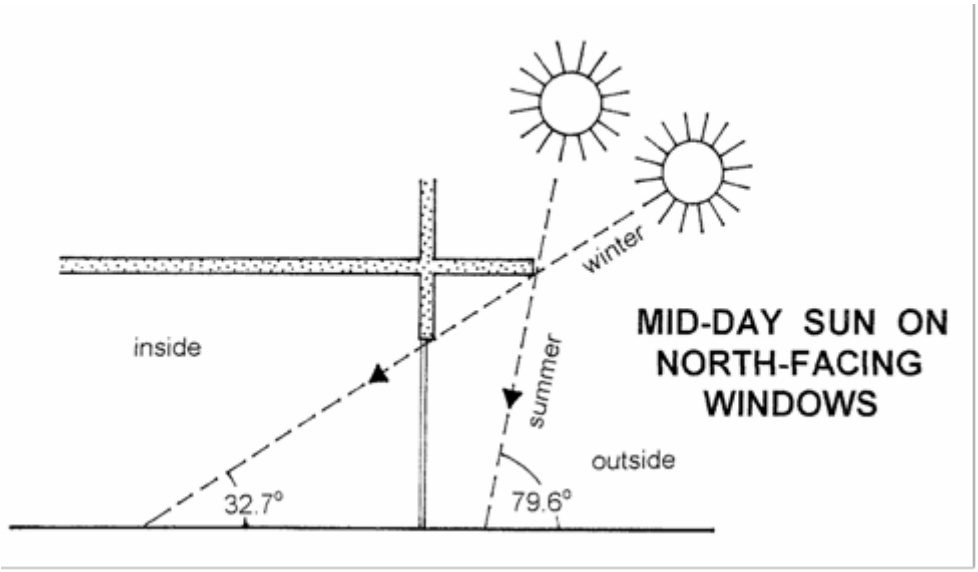


Figure 34 – Design Principles for Controlling Solar Access

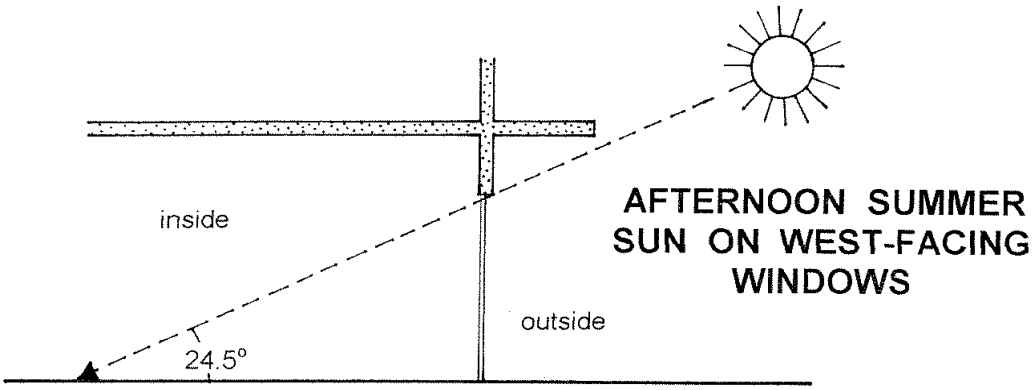


Figure 35 – Exclude Hot Afternoon Sun by Shading West –Facing Windows.

18. Stormwater Management

Objectives:

- To provide an effective stormwater management system which is sustainable and requires minimal maintenance.
- To prevent erosion, sedimentation and other pollution.
- To ensure that the rate of post-development stormwater discharge should be no greater than that of the pre-development stormwater discharge.
- To ensure that control flowpaths (eg: spillways, swales) are provided to cater for stormwater overflows.
- To cater for flows entering the site and to ensure that there are no adverse effects from flows leaving the site.
- To encourage the use of rainwater tanks as a means of reducing separate stormwater detention requirements and achieving more sustainable water re-use within the dwelling and for landscaping purposes.
- To ensure that drainage systems are designed for safety and that the systems avoid any potential for stormwater inundation of habitable floor areas.

General Requirements:

18.1 Due to downstream flooding/capacity issues and for developments other than single dwellings, on-site detention of stormwater is required in accordance with Council's Manual of Engineering Standards, to restrict the discharge rate of stormwater runoff. The methods may include tanks (either underground or aboveground) or surface storage areas such as driveways or landscape depressions. The amount of storage volume required is subject to detailed calculation but may be estimated at 9 cubic metres per 1000sqm of site area.

18.2 A detailed erosion and sediment control plan (ESCP) should be submitted with the development application. The ESCP should be prepared in accordance with the requirements of Council's Manual of Engineering Standards.

18.3 Ultimate discharge for collected stormwater runoff should be to a street drainage system, to an interallotment drainage line, or by approval to a public area. The system should be gravity-drained. Pumping of stormwater is not permitted.

18.4 The development site must be provided with an overland flowpath for the major storm event (1% AEP).

18.5 Stormwater storage tanks with a capacity in excess of that required to meet BASIX criteria may be installed to provide for on-site stormwater detention. Council's Manual of Engineering Standards provides details for calculations and 'BASIX' relationships. These tanks, unless provided underground, must not be located

within an area of principal open space. The area occupied by the tank must not be included for the purposes of calculating the required private open space at ground level for each unit.

18.6 As a minimum requirement, a stormwater drainage "concept plan" shall be submitted with the development application. The plan should include:

a. the pipeline/pit layout
b. water storage means/area
c. indicative levels at critical design points
d. overland flowpaths including details of the means of capturing runoff from all impervious surfaces

Note: Performance Criteria are included in Part B.2 of the *Maitland Development Control Plan 2011.*

19. Security, Site Facilities and Services

Objectives:

- To provide adequate personal and property security for residents via "Crime Prevention Through Environmental Design" principles – legibility, casual/natural surveillance, risk assessment and reinforcing territoriality.
- To ensure that site facilities such as garbage bin enclosures, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage are designed to be functional, visually attractive and easy to maintain.
- To ensure that all developments are adequately serviced with essential services in a timely, cost effective and efficient manner.
- To ensure that essential amenities and communication facilities are integrated within the residential design.

General Requirements:

19.1 For developments proposing ten (10) or more dwellings a detailed 'Crime Prevention Through Environmental Design' assessment shall be prepared by an accredited person and submitted with the development application.

19.2 Buildings adjacent to a public or communal space shall be designed to maximise natural surveillance, having at least one (1) habitable room window per dwelling facing that area.

19.3 Low intensity lighting (eg. bollard lighting) shall be provided to all shared pedestrian paths, parking areas and building entries.

19.4 Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.

19.5 Where agreed to by public utility service providers, services shall be co- ordinated in common trenching in order to minimise construction costs for underground services.

19.6 Each dwelling shall be provided with direct and convenient pedestrian access to a public road.

19.7 Where there is no direct pedestrian access from a dwelling's private outdoor open space area to the public roadway then the development shall be provided with a common garbage storage area readily accessible from within the site and serviceable from the adjoining road.

19.8 The garbage storage area shall be designed so as to conceal its contents from view

of the adjacent public space and/or other properties. It shall be provided with a water tap for wash down purposes and drained to connect to the sewer.

19.9 Individual mail boxes shall be located close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site complying with the requirements of Australia Post.

19.10 Open air clothes drying areas shall be provided for each dwelling with an aspect ranging between direct east to direct west (via north). The drying areas shall be located and/or screened such that they will not be visible from a street or public place. Each drying area shall comprise a minimum of 15.0 lineal metres of hanging line

19.11 All services – reticulated water, sewerage, electricity and telecommunications (and natural gas where available) shall be installed to meet the requirements of the relevant service provider.

Appendix A Photographic Review

This Annexure provides a series of photographs of various local residential developments. A brief commentary is provided for each as to how well the design element photographed responds to the provisions of the chapter. The Annexure is intended as a guide only to designers in preparing designs for residential projects.

PHOTO 1

Terrace housing remains a sound design option for higher density inner city locations. Fencing to the street, landscaping to the street frontage, blade walls separating verandahs of adjoining units and the use of various colours/textures in external finishes contributes to a development which provides a strong edge to the street yet a sense of individuality for each residence.

PHOTO 2

This detached dwelling within a multi-unit dwelling development utilizes the roof space to achieve a reduction in the bulk and scale of the building. Appropriate scale plantings and fencing successfully separates the private domain from the street yet retains a strong pedestrian entry and street address for the dwelling.

PHOTO 3

Good landscape design and execution is essential to the success of a project. The bulk and scale of this building is reduced by the use of differing entry/verandah treatments for each dwelling, use of various colours, materials and finishes and triple gable roof which enables the mass of the roof to be broken down.

PHOTO 4

The garages of this dual occupancy have been separated in an attempt to reduce their dominance to the street.

PHOTO 5
This 1.8m high cream coloured sheet metal fence adds little to the streetscape as it dominates the corner lot. The location of the fence on top of the retaining wall clearly shows how the amenity of the downhill dwelling may be affected in terms of overshadowing and obstruction of breezes and visually 'crowding' the dwelling from this side.

PHOTO 6
A good example of a single detached dwelling. The roof design and the well articulated external walls provide light and shade with a resulting building that adds interest to the street.

PHOTO 7
Triple fronted garages are not supported as they dominate the street elevation of the dwelling and require expansive impervious driveways areas.

PHOTO 8
This dual occupancy is a mirror reversed design. The centralised garages and large driveway surface dominate the street elevation.

PHOTO 9
This detached dual occupancy has a poor street address. Double garage and wide plain concrete driveway dominate. 'colorbond' fence direct on the street boundary is visually obtrusive and conceals the pedestrian entry to the building.

PHOTO 10
This multi-dwelling development contains 4 detached units. It successfully addresses the street while at the same time reducing direct views to the units at the rear. The incorporation of larger scale plantings would result in an improved outcome.

PHOTOS 11 & 12
Good landscape design and execution contribute significantly to the amenity and visual quality of a development. The use of contrasting colours and textures in driveway pavements also helps to give some visual interest to these often expansive surfaces.

PHOTOS 13 & 14
This multi-unit housing development at Warners Bay uses simple building design highlighted by variations in balcony/portico treatments at the street elevation. Attention to landscaping has paid off and provides a high quality presentation to the street.

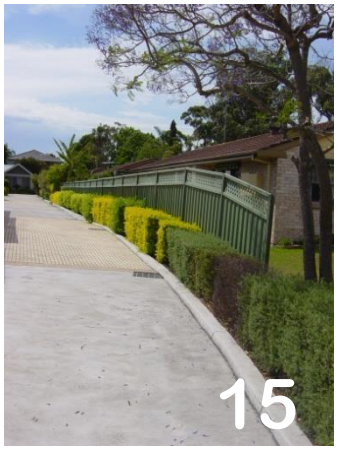


PHOTO 15
The hard edge created at the junction of driveways and fences should be avoided by the establishment of landscaping. Hedge planting and widened landscape blisters along a fenceline can greatly improve the visual amenity of these communal areas within a development.

PHOTO 16
Larger scale plantings within private courtyard spaces are encouraged. These plantings will provide shade and privacy and should be sympathetic to the scale of buildings within the development.

PHOTOS 17 & 18

This project demonstrates how successful an appropriate scale and density of landscaping can be in screening private courtyards and balconies from the street and reducing the visual impact of taller buildings. The driveway treatment provides variation in colour and texture to create visual interest to the development.

PHOTOS 19 & 20

This design responds well to a sloping site. Located in an area comprising predominantly small single storey workers cottages the scale and form of the development at the street is sympathetic to surrounding development. The two storey dwellings are only fully appreciated at the driveway entrance and the internal driveway and open space areas at the rear.

PHOTO 21
This communal open space area is small but does have good solar access and landscaping making it suitable for outdoor relaxation.

PHOTO 22
First floor balconies designed for privacy. Contrasting materials/finishes provided to the driveway areas together with landscaping and timber balcony enclosures makes this an attractive space.

PHOTO 23 & 24
This multi-unit housing project also makes good use of a sloping site. Presenting as single storey from the street, the landscaping hides the courtyard areas located below the level of the pedestrian footpath within the building line setback.

PHOTOS 25 and 26
Fencing to the street boundary should be consistent with the architecture of the dwellings and make a positive contribution to the streetscape.

PHOTOS 27 & 28
These multi dwelling housing developments are located in 'heritage conservation areas'. They are simple in architecture and have a scale consistent with the predominantly small cottages surrounding them.

PHOTO 29
This first floor addition has been constructed within the roof space of the existing dwelling and successfully contains the bulk and scale of the building.

PHOTO 30
This street facing unit in a development of three units sits within an older streetscape comprising small weatherboard and brick cottages. This design works well in that the dwelling addressing the street has a scale and configuration which is sympathetic to the surrounding development with the garage to the rear unit appearing as a typical detached backyard garage common to the era of the existing older residential development.

PHOTOS 31 and 32
This corner unit in a development of three units has a poor relationship to the street in three regards:

1. The floor level of the unit sits well below the level of the footpath making the roof the dominant element of the building.

2. The dwelling has no clearly distinguishable pedestrian entrance visible to the street with the garage door dominating.

3. The use of sheet metal fencing to enclose private open space is inappropriate although the landscaping, as it has matured, has been fairly effective in screening the fencing.

PHOTO 33
This textured pavement combined with dense plantings along the fenceline/driveway edge and small pockets of landscaping adjacent to the units themselves is sufficient to create a pleasant visual approach to these attached dwellings.

PHOTO 34
These very deep lots present a challenge to the designer. Long 'gun barrel' driveways are undesirable and should be avoided by positioning of buildings, provision of larger landscape blisters on either side of the driveway, and variation to driveway pavement finishes.

PHOTO 35
Private open space can be located within the building line setback provided it is appropriately fenced. This corner dual occupancy development works particularly well because existing trees have been retained and incorporated into the final landscape design.

PHOTO 36
This development is poor on a number of fronts:

1. Garages are placed forward with pedestrian entry to the buildings too deeply recessed and not readily distinguishable from the street.
2. Garages occupy well in excess of 50% of the frontage of the building and dominate the street elevation.
3. Inadequate landscaping results in a 'hard'

PHOTO 37
Another example of poor presentation. This development is accessed over a wide section of road reserve. Bad unit orientation, courtyard positioning, fencing, bland driveway treatment and lack of appropriate landscaping have resulted in a development with extremely poor street presentation.

PHOTO 38
What could have been a reasonable design outcome for this multi-dwelling development in a heritage conservation area has been severely compromised by establishing the floor level of the new development too low in relation the adjacent heritage duplex.

PHOTO 39
The best landscape plan is put to waste if there is no intentional effort to maintaining these areas. The result is poor amenity for residents and a development which detracts from the streetscape.

PHOTO 40
This multi-dwelling development adjacent to the flood plain has been deliberately elevated to achieve flood free floor levels. In this case it is critical that the scale of plantings be suitable to provide privacy to the private decks and to soften the development. Other short term screening to the decks would have been good until landscaping matures.

PHOTO 41
Poor planning has resulted in hot water services being located directly adjacent main pedestrian entry points in this multi-dwelling development. A better result would have seen the HWS units located elsewhere and suitably screened.

PHOTO 42
Low scale fencing that defines private space, clearly defined pedestrian entries addressing the street, appropriate scale tree planting and variations in colour, texture and materials combine to make this development a relatively successful addition to an older street.

PHOTOS 43 & 44
This inner suburban townhouse development addresses 2 streets.

The units to the minor street (43) show good articulation in walls which provide depth and shadow to external elevations. Building height is appropriate with well designed fencing giving good definition to private open space.

The buildings to the main street frontage appear bland and bulky largely due to a lack of variety in colours, materials and finishes.

PHOTOS 45, 46 & 47

This medium density housing development comprises around 20 units and is located on a corner lot.

The buildings respond sensitively to the site by adopting bearers and joist construction – this method of construction results in less bulk earthworks.

The visitor car parking area is located central to the site where it is accessible to all dwellings however additional landscaping would reduce the visual impact of driveway surfaces.

Although a very uniform colour scheme has been adopted, there is good articulation in external walls and roof shapes to create shadow and depth and visual interest to the development.

Fencing design integrates well with the design of the buildings and is of a scale which does not dominate the buildings or street.

Corner units, on the whole address both streets well with 'wrap-around' verandahs and large windows to both streets at ground level. First floor elevations could have demonstrated improved relationship to ground floor elements.

C.9 – Sex Services Premises & Restricted Premises

Objectives

- To nominate location requirements and development standards for sex services premises and restricted premises which reflect broad community attitudes and expectations.
- To provide appropriate guidelines for sex services premises and restricted premises which will ensure that such are at a reasonable distance from residential occupancies and other nominated sensitive land uses, and will not cause disturbance or otherwise have a detrimental impact on the amenity of the surrounding neighbourhood.
- To provide appropriate guidelines which will restrict the scale of sex services premises and restricted premises, as well as prevent their concentration in close proximity to one another.
- To identify appropriate health and occupational safety requirements relating to the equipping and management of sex services premises and other sex industry establishments.
- To safeguard public health and safety for sex industry workers, and their clients by providing appropriate health and hygiene standards and safety guidelines for premises.

1. REGULATORY REQUIREMENTS AND PROCEDURES

1.1 Council Consent

A Development Application is required to be submitted and approved by Council before any premises can be lawfully used for the purpose of restricted premises or a sex services premises. Any consent granted under the *Environmental Planning and Assessment Act, 1979* would be subject to compliance with appropriate conditions relating to those operational aspects over which Council has control.

Council's responsibilities are primarily concerned with land use planning under the *Environmental Planning and Assessment Act 1979*. Public health complaints in relation to the operation of sex services premises are the responsibility of the NSW Health. Occupational health and safety issues are matters for the SafeWork NSW. The NSW Health is responsible for safe health practices in the workplaces and ensuring safe sex practices, dealing with public health complaints and advising sex workers working with sexually transmissible conditions.

However, as a consent authority, Council may undertake inspections of sex industry premises so as to determine compliance with *Public Health Act 2010* and

Public Health Regulation 2012, *Protection of the Environment Operations Act 1997* and conditions of development consent made in accordance with this Policy.

The Australian Federal Police and the Department of Immigration and Boarder Protection deal with issues of illegal immigrant sex workers.

Intending applicants should discuss their proposals with Council's Planning and Environment Section prior to lodging a Development Application.

1.2 Development Application Requirements

All applications for premises to be used as a restricted premises or sex services premises, including the change of use of an existing premises to a restricted premises or sex services premises, are to include the following documentation and details:

a. A site plan and a location plan drawn to a scale of 1:500 showing the proximity of the subject site to nearby residential occupancies, as well as to churches, hospitals, schools, community facilities and any other place where children or young people are likely to regularly congregate, including railway stations and major bus stops.

   (Note: Clause 7.6 in the Maitland LEP 2011 restricts the location of sex services premises).

b. A floor plan drawn to scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. The floor plan should also show the location of showers, basins and waste disposal facilities. Any proposed internal or external alterations to the premises are to be clearly indicated on the plan. The proposed use of each room is to be nominated, with application for sex services premises to specifically identify all rooms proposed to be used for the conduct of acts of prostitution.

c. Location, number and layout of car parking (*see chapter C.11: Vehicular Access and Parking for requirements).*

d. Details of compliance with the *Disability Discrimination Act 1992* and the Health and Safety Guidelines for Brothels in NSW, distributed by SafeWork NSW.

e. A Statement of Environmental Effects which provides the following details:

   i. Comprehensive description of the proposed development;

   ii. Details of the present or previous use of the subject premises;

   iii. Details of existing uses on adjoining properties and any other uses established on the subject property; and

   iv. Operational details including name of occupier of the premises or contact person, number of employees, hours and days of operation, number of

rooms in the premises.

f. Details of proposed signage indicating the size, form number, illumination position of any proposed business identification sign, advertisement or other promotional device to be erected or displayed on the subject premises, and including details of any existing and proposed external lighting.

1.3 Notification

Applications will be advertised/notified in accordance with Part A of this DCP prior to any decision being made. Written representations or objections will be taken into account in Council's determination of an application.

1.4 Referral

Development Applications to establish a restricted premises or sex services premises will also be referred to other relevant Government agencies for comment where considered appropriate.

2. DEVELOPMENT GUIDELINES

2.1 Location

Note: Clause 7.6 in the Maitland LEP 2011 restricts the location of sex services premises in certain locations.

a. A sex services premises or restricted premises is not to be located in a position which may detract from the amenity of residential occupancies and, in this regard, the entrance or exit doorway* to or from any such premises is not to be closer than 150 metres from the entrance to premises used as a dwelling within a Residential zone;

b. The entrance or exit doorway* to or from a sex services premises or restricted premises is not to be closer than 150 metres from a place of worship, child care centre, community centre, community facility, educational establishment, entertainment facility, hospital, recreation area or recreation facility or any place where children or young people are likely to regularly congregate, including railway stations or major bus stops;

c. In order to avoid a concentration of sex industry related land uses in the one location an entrance or exit doorway* to or from a sex services premises or restricted premises is not to be closer than 150 metres from the entrance doorway to any other sex services premises, or restricted premises;

d. A sex services premises is not to be located within a remote area or an area in which public transport or support services (e.g. Police, Ambulance etc.) are not conveniently to hand;

*Note: *For the purposes of these Guidelines, exit doorways from premises exclude fire exits provided only for use in an emergency and any distances referred to are*

to be measured along the most direct established pedestrian route between the respective premises.

2.2 Scale and Character

a. A sex services premises is to be restricted in total floor space such that it is to provide not more than 5 rooms in which acts of prostitution are to take place;

b. The use of a premises as a sexual entertainment establishment is to be restricted in nett floor area to an area no greater than 200 square metres;

c. No portion of any premises not approved for use as a sex services premises is to be used for the conduct of acts of prostitution. Prostitution within an approved sex services premises is to be confined to rooms and areas so nominated on the submitted plans which are the subject of Council's consent;

d. Any new building or refurbishment of an existing building to function as a restricted premises or a sex services premises is to be designed so as to be compatible with the built form of adjoining premises and integrated into the streetscape;

e. The entrance to a restricted premises or a sex services premises is to be discreet, safe and unobtrusive with any signage limited to a single business and/or property identification sign only, of modest dimensions, devoid of any sexually explicit or suggestive material, and any distinctive external lighting provided in respect of a brothel is to be limited to a single, low wattage globe;

f. A sex services premises or sexual entertainment establishment is to be provided with adequate reception area/waiting room facilities sufficient to discourage clients or prospective clients from loitering outside the premises;

g. Alcoholic liquor is under no circumstances to be provided or offered for sale on premises used as a sex services premises or other sex industry establishment unless such premises are appropriately licensed under the *Liquor Act 2007*;

h. Sex industry establishments shall not display sex workers or sex related products from windows, the front door or outside of their premises. However, premises are to minimise nuisance to neighbours by clearly numbering the building, with the number being clearly visible from the street. The building is not to be of a colour that draws undue attention to the premises;

i. Sex services premises or restricted premises shall not be located in a building that contains a dwelling;

j. Sex services premises and restricted premises shall be generally small scale and not clustered so that they integrate with adjoining land uses.

2.3 Security

The operator of a sexual entertainment establishment is to provide a security patrol in the vicinity of the premises to ensure the proper conduct of patrons and the safety of staff leaving the premises.

All sex services premises are to have an alarm or intercom in each room that is used for acts of prostitution. These alarms are to be connected back to a central base (such as reception) that is to be monitored at all times. This is to ensure the safety of both clients and sex workers.

Casual surveillance of exits and entries is essential to ensure the safety of all workers and visitors to such premises. Accordingly, entrances and exits of sex services premises should be designed to facilitate the privacy of workers and clients, without compromising personal safety (such as isolated back lanes and poorly lit areas). Adequate lighting of entrances and exits is essential to ensure the safety of sex workers and clients who are leaving and arriving at the premises. Any landscaping that is proposed should not obstruct the visibility of entrances and exits from public areas.

3. LIMITS ON DEVELOPMENT CONSENT

Council may issue a development consent that is not burdened with a time limit or "sunset clause" for the operation of the business activity. This will be granted if all the issues relating to the location, establishment and management of the sex services premises or restricted premises are satisfactorily addressed in the development application and conditions of development consent.

Council retains the option to issue a development consent that has a limited operational period. If ample community concern is raised in regard to the establishment of a sex services premises or other sex industry business, Council may stipulate a time-limited development consent. A time-limited development consent may also be imposed if there are insufficient operation or management details included with the development application.

4. APPLICATION TO CLOSE BROTHELS

Section 17 of the *Restricted Premises Act 1943* allows Council to apply to the Land and Environment Court to close a brothel which is having a significant detrimental effect on the local community. Residents or occupiers may make complaints to the Council, which in turn may take action in the Land and Environment Court to have the brothel closed.

This section of the Act specifies the grounds on which such an application may be made and operates in addition to existing powers of Council to serve notice upon premises operating without consent, or outside existing conditions of development consent.

5. HEALTH AND BUILDING REQUIREMENTS

5.1 Building Standards

a. Sex services premises, sexual aid establishments and sexual entertainment establishments are to be designed and constructed in accordance with the

relevant requirements of the Building Code of Australia;

b. Where practicable or where specifically required under the provisions of the Building Code of Australia, convenient access to premises is to be provided for disabled persons;

c. Sexual entertainment establishments involving live shows or the exhibition of films are to satisfy the constructional and fire safety standards for a place of public entertainment under the provisions of the Building Code of Australia.

d. Access for people with a disability should be provided in accordance with all relevant legislation, including AS 1428 – Design for Access and Mobility and the *Disability Discrimination Act 1992*. Major entrances to premises to which the public is entitled to enter need to be designed and constructed to provide equitable treatment of users and meet minimum standards of grade, doorway width and connectivity.

5.2 Health Standards

These requirements will be applied as conditions of consent where applicable or included as advice with all development consents issued and the operators of brothel premises will need to demonstrate satisfactory compliance with these requirements.

C.10 – Subdivision

Application

This chapter applies principally to the design and construction of new subdivisions on all land to which the Maitland Local Environmental Plan 2011 applies.

Design requirements for Geometric Road design, Road widths and detailed drainage requirements are found in council's Manual of Engineering Standards. Detailed Subdivision Works Certificate and Engineering Plan requirements, construction standards and Subdivision Certificate requirements are also contained in the Manual of Engineering Standards.

There are other chapters within this DCP that also contain controls over subdivision design and development, such as Urban Release Areas and Heritage Conservation. These chapters should be reviewed in conjunction with these general guidelines.

Where no site-specific Chapter or Locality Plan exists, Council may require that one is prepared prior to approving subdivisions, especially where the land is subject to environmental constraints and/or more than one land parcel or ownership is involved.

Objectives

- To promote the efficient use of an increasingly limited land resource in the City Maitland.
- To encourage innovation in subdivision design to create a strong sense of community, a pleasant living environment and reduce environmental impacts.
- To encourage an integrated approach to street pattern, lot layout and facility provision to create desirable urban environments and character.
- To ensure that the principles of Ecologically Sustainable Development (ESD) are applied to the design of subdivisions and subsequent housing.
- To ensure that subdivisions protect and enhance rural character and prevailing views in the City.
- To facilitate different subdivision forms and the use of different land title systems which may assist in minimising and managing environmental problems (eg the use of community title to manage areas requiring environmental repair or common drainage or effluent systems).
- To ensure that subdivisions and subsequent housing take account of physical constraints such as bushfire, flooding, landslip, and the like.
- To protect key cultural resources (places of environmental heritage value) from

land use or management practices that may lead to their degradation or destruction.

- To protect and enhance the limited amounts of remnant/contiguous vegetation in the City.

1. TITLE SYSTEMS FOR SUBDIVISION

There are three main forms of subdivision and related land title in NSW, and the most appropriate form should be utilised depending upon the nature of the subdivision and any components or features which may require joint ownership and/or management.

1.2 Conventional or Torrens Title Subdivision

This is the traditional or "single lot" form of subdivision, common in many residential estates. It applies to both "Old System" and "Torrens Title" on freehold land. Any buildings and structures erected on the land effectively become part of the land by definition.

1.3 Strata Subdivision

Strata subdivision is defined as "subdivision" in the Act, and requires Council consent. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership. Courtyards, other open space areas and garages may be included as part of a strata title lot. Anything not forming part of a lot in the strata scheme becomes common property owned and managed by the "Owners Corporation". The Corporation consists of representatives of the owners of the lots, and is responsible for the control and management of the common property (which can include the building itself in some cases) and for the keeping of financial records and other specified documents.

Council will have regard to relevant provisions of the *Strata Schemes Act 1973* and the *Strata Scheme Legislation Amendment Act 1999* when considering applications for strata subdivision.

1.4 Community Title Subdivision

Community Title is a relatively new form of title created under the *Community Land Development Act 1989* and the *Community Land Management Act 1989*. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected. Association property can include land for roads and driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

A multi-tiered structure is possible through Community, Precinct and Neighbourhood Associations, with developments able to be undertaken in stages.

Community Title subdivision can be particularly useful where individually owned lots are required, but where common property and/or facilities are desired or required by Council. An example of the latter may be where Council requires a watercourse in a rural residential scheme to be maintained and enhanced as part of the development proposal.

All Community Title development applications must include a Management Statement which sets out the rules and responsibilities for running of the scheme.

2. SUBDIVISION DESIGN PROCESS

All applications for subdivision must be accompanied by evidence of a thorough **Site Assessment**, addressing the physical characteristics of the subject land and that land surrounding it which is likely to affect, or be affected by, its development. The site assessment should form the basis of the Statement of Environmental Effects (SEE) which must be submitted with every application, as required by the *Environmental Planning and Assessment Regulation 2000*.

The information collected through site assessment is often best presented on a plan, accompanied where necessary by written information. However, written information alone, as part of the SEE, may be sufficient in some circumstances. The level of investigation required for a site assessment will vary depending upon the nature and size of the subdivision proposal and its location in the local government area. Pre-consultation with Development Assessment staff is essential.

Following the Site Assessment, the design of the subdivision can be undertaken to suit particular site needs. For detailed Construction Certificate and Engineering Plan requirements, construction standards and Subdivision Certificate requirements applicants must refer to Council's Manual of Engineering Standards.

3. DESIGN ELEMENTS

This section of the chapter contains Council's requirements for each of the Design Elements to be considered in planning a subdivision. These requirements will be applicable to almost all subdivision applications.

The Design Elements are broken down into three components:

a. **Environmental Considerations (EC)** – pre-planning the subdivision design
b. **Design Considerations (DC)** – subdivision design
c. **Identity Components (IC)** – relating to gateway elements and the identification of the locality and its road systems through design and landscaping.

EC.1 Flora and Fauna

Objectives:

- To protect remnant bushland, significant flora and fauna habitats and wildlife corridors from the impacts of subdivision and subsequent development.
- To provide for the repair and enhancement of environmentally significant natural systems such as watercourses and drainage lines, and any part of the land that is already degraded through vegetation loss, soil erosion and the like.
- To minimise the impact on vegetation of likely future development on the lots created, including clearing for dwelling and building sites, roads, access, fire prevention, provision of services and the like.

General Requirements

EC.1.1 Areas of significant habitat must be protected.

EC.1.2 Design subdivision layout to avoid significant stands of vegetation. Where the subdivision proposal affects significant stands of vegetation, lot layout and lot size must take into account the need to retain the vegetation and the impact of likely future development on the lots, including building envelopes, parking, access and other development requirements such as Asset Protection Zones.

EC.1.3 Retain existing natural drainage lines and watercourses where practicable, revegetate where necessary and incorporate into open space areas (including pedestrian and/or cycleway corridors) or include in common property.

EC.1.4 Provide link to existing vegetation corridors through open space provision and appropriate planting.

EC.1.5 Lot boundaries should be located to incorporate the whole of any significant stand of vegetation that is not included in common areas.

EC.1.6 Land title choices should reflect the need to protect and enhance vegetation. For example, Community Title may be appropriate where degraded areas need to be rehabilitated and maintained as part of the consent.

EC.1.7 The location of all natural drainage lines, wetland areas and significant stands of vegetation are to be mapped. Any vegetation to be removed must be identified and quantified. The subdivision application is required to address appropriate mechanisms for retention and protection of native vegetation.

EC.1.8 Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7

Part Test referred to in clause 1.7 of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP (Biodiversity and Conservation) 2021. As a result of this report a subsequent Species Impact Statement may be required.

EC.1.9 Where environmental enhancement is required, a planting and vegetation management scheme is to be prepared and implemented, indicating the re-instatement or enhancement of vegetation in riparian areas adjoining water courses, major drainage lines, significant areas of native vegetation, habitat, or proposed vegetation corridors and land use buffer areas.

EC.1.10 Planting should consist of species indigenous to the locality, and those which will enhance bio-diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.

Rural and environmental zones (including land zoned R5 Large Lot Residential)

EC.1.11 New development is not to result in the removal of remnant vegetation. Subdivision design should incorporate native vegetation into the character of the development.

EC.1.12 Significant areas of vegetation, existing or proposed vegetation/wildlife corridors, riparian areas, habitat, major drainage lines and land use buffers should desirably be contained in separate environmental buffer allotments with satisfactory provision made for their ongoing maintenance and management.

EC.1.13 Environmental enhancement may be required in areas that have previously become degraded, or are near areas of special conservation value or significant areas of native vegetation.

EC.2 Heritage and Archaeology

Objectives:

- To protect heritage items, buildings with heritage significance and Conservation Areas.
- To ensure that heritage items, buildings with heritage significance and Conservation Areas are properly considered in the design of new subdivisions.
- To protect known and potential archaeological relics from damage or destruction as a result of subdivision works.

General Requirements:

EC.2.1 Clause 5.10 in the Maitland LEP 2011 and Parts C.4: Heritage Conservation and E.3: Heritage Conservation Areas in this DCP contain provisions which require

investigation and protection of heritage items in certain circumstances. These provisions apply in some cases to subdivision and must be complied with.

EC.2.2 Where a subdivision proposal affects any listed heritage item, the impact on the curtilage or immediate context of a heritage item must be evaluated in the Statement of Environmental Effects. Part C.4: Heritage Conservation should be considered to determine whether the preparation of a Character Statement or Statement of Heritage Impact is required.

EC.2.3 Preparation of an Archaeological Assessment may be required where there is no previous investigative study, or where such study was so broad that Council is unable to reasonably predict the likelihood of European or Aboriginal sites of significance (such as a site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974). If in doubt, applicants should consult with the NSW National Parks and Wildlife Service or Council.

Part C.4: *Heritage Conservation* provides information and requirements for Initial Assessments (to determine the need for an Archaeological Assessment) and Archaeological Assessments. Applicants should refer to this information, and must consult with Council staff prior to undertaking such work should an assessment be required.

It is an offence to destroy an Aboriginal Archaeological site without the consent of the Director of National Parks and Wildlife. Even where studies have been undertaken, if a place or relic is discovered during construction of a subdivision, all work in that area must cease until such consent is obtained. Similarly, the consent of the Heritage Office is required for destruction of significant non-aboriginal sites.

EC.3 Hazards

Objective:

- To minimise risk to life and property from hazards such as bush fires, flooding, landslip, land contamination, salinity and acid sulfate soils.

General Requirements:

- All new subdivisions are to be designed to provide adequate, safe access for future users.
- Each new lot created must have adequate site area/building envelope which is free from hazard and can accommodate future development on the site without costly site works on individual lots and without the necessity for loss of significant areas of vegetation.
- Buffer zones, exclusion zones and/or remediation works may be required by Council to ameliorate any or all of the below mentioned or identified

hazards.

- Subdivisions must take account of any hazards identified in the Maitland LEP 2011 (such as acid sulfate soils), this DCP, or otherwise identified by Council or by Government gazette (e.g. unhealthy building land).

Site Specific Requirements:

Flooding

EC.3.1 All lots within new residential subdivisions shall have safe access made available to satisfy Clauses 5.21 and 5.22 of Maitland Local Environmental Plan.

EC.3.2 All new residential lots are to be wholly above Council's adopted flood standard (the 1% AEP or 1 in 100 flood event). Parts of the lot may be permitted below the adopted flood standard, where lot sizes have been increased to provide sufficient flood free area for erection of a dwelling and associated structures.

EC.3.3 Rural subdivision in floodways is not permitted. Where part of the land may be affected by flood waters (such as back-water), all lots must have a suitable building envelope, above the 1% AEP flood standard, of sufficient size to allow development of improvements, with any required effluent disposal area, and must have safe flood-access to a public road. Specific provisions in the Maitland LEP 2011 and the requirements of Chapter B.1: Hunter River Floodplain Management must be considered.

EC.3.4 New industrial/commercial lots will generally be required to be flood free and free from other hazards.

Bushfire prone land

EC.3.5 The development must comply with the NSW Planning for Bushfire Protection Guidelines.

EC.3.6 A bushfire threat assessment must form part of all development applications for subdivision where the land is identified as 'bush fire prone land' on Council's map. The threat assessment is an integral part of the subdivision design, and affects lot shape, size, orientation and road layout. Bushfire protection measures have the potential to affect vegetation, fauna, views, watercourses, soil erosion, amenity and access.

EC.3.7 Assessment of threat from bushfire must examine impacts of the proposal both within and external to the site, including the capacity of the existing road network serving the site to accommodate traffic in emergency situations.

Preparation of an assessment of threat from bushfire should include reference to:

- NSW Rural Fire Service (RFS) – Planning for Bushfire Protection – a guide for

land use planners, fire authorities, developers and home owners.

- Consultation with Council and RFS staff.

EC.3.8 Fire protection measure must be capable of being maintained by owners and users.

EC.3.9 Bushfire protection measures and Asset Protection Zones must be:

i. contained wholly within the site of the subdivision unless the most extraordinary circumstances apply;

ii. capable of being maintained by owners and users;

iii. located outside areas of ecological value and the buffers necessary to protect them.

Note: Asset Protection Zones may incorporate fire trails, perimeter roads, cleared road verges and fixed building lines.

EC.3.10 The proposed measures to reduce risk of bushfire to an acceptable level should be achieved (for both the subdivision works and the resultant development) without significant loss of vegetation.

EC.3.11 In instances where the balance between bushfire protection and environmental and social impact cannot be achieved, the proposal may not be supported.

EC.3.12 To ensure effectiveness of the fire protections measures, restrictions may be placed upon the titles of the affected lots. These restrictions may relate to:

i. Habitable storage structures being excluded from within the Fire Protection Zone.

ii. Level at which the fuel loading is to be maintained within the Fire Protection Zone.

iii. Responsibility for and nature of maintenance of fire trail, hazard reduction and Fire Protection Zone.

Landslip

EC.3.13 Where a subdivision proposal is on land identified as being subject to landslip, the applicant shall engage a geo-technical consultant to prepare a report on the viability of subdividing the land and, if viable, provide recommendations as to the siting and the type of buildings which could be permitted on the land.

Land contamination

EC.3.14 All development applications for subdivision shall provide documentation to satisfy the requirements of the following policies. The provisions in these policy documents will be used by Council to determine if and how land must be remediated. Comments will be sought from the Environment Protection

Authority, where required.

i. The relevant State Environmental Planning Policies
ii. Maitland Council's Contaminated Land Policy,
iii. Managing Land Contamination Planning Guidelines (1998),
iv. The relevant NSW environment Protection Authority Guidelines - Guidelines for Consultants Reporting on Contaminated Sites.
v. National Environment Protection (Assessment of Site Contamination) Measures.

Geotechnical

EC.3.15 Development applications for subdivision must include relevant assessment and geotechnical investigation regarding the potential for the presence of salinity and acid sulfate soils to determine if any specific measures are required. *(Note: The Maitland LEP 2011 includes specific requirements with regard to acid sulfate soils).*

DC.1 Lot Size and Dimensions

Objective:

- To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provision of necessary services and other requirements.

General Requirements:

- Part 4 in the Maitland LEP 2011 includes development standards for the subdivision of certain land. The standards are presented as minimum lot sizes and are depicted on the associated Lot Size Map. The minimum lot sizes vary between locations and land use zones.
- Council requires that all new lots are of a size and shape suitable for their future use. Matters for consideration, in addition to any minimum lot sizes that may apply, are the need to allow for solar access, on-site effluent disposal (if permitted), access and parking, location of ancillary buildings such as garages and sheds, vegetation retention and soil conditions.
- Where Part 4 in the Maitland LEP 2011 also regulates the development outcome on certain land by fixing maximum Floor Space Ratios and overall Building Heights, these provisions should also be considered in the design of the subdivision.
- Lot boundaries should follow natural features such as water courses and ridges (rather than cut across them) to minimise the potential for soil erosion.

- Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.
- Lot size and dimensions are to be suitable for the existing or proposed use, including any requirement for building envelopes, ancillary buildings, farm dams, access, parking, landscaping, solar access, provision of services and/or other requirement of any existing Council development consent.
- Lots should be rectangular in shape. Where irregular shall accommodate the minimum building envelope and setback requirements.
- Minimum lot frontage of 12.5m at the road frontage for rectangular lots.
- Minimum lot frontage of 10.0m chord length around sharp bends and cul-de-sacs to provide for access, service and garbage collection in accordance with Figure 2.
- Lot access adjoining roundabouts and center refuges/splitter island shall not provide access within 10m of the splitters/facilities. 88b restrictions should be provided.
- In assessing the re-subdivision of an existing lot, Council will have regard to the circumstances and planning rationale that formed the basis for the creation of the parent lot the subject of the application. This includes the consideration of any existing dwellings or structures on the land being assessed against relevant plans and policies.
- Subdivision proposals must not conflict with the requirements of any existing approvals.

Rural and environmental protection zones (including land zoned R5 Large Lot Residential)

- Subdivisions are to be designed to maintain and enhance the rural character and scenic attraction of the Maitland local government area, particularly in low lying areas and valleys which may be viewed from above.
- Lots are to be designed to conserve prime agricultural land and/or agriculturally productive lands.

Site Specific Requirements:

<u>Residential lot design</u>

DC.1.1 Provide a range of lot sizes to suit a variety of dwelling and household types. No more than 40% of the lot frontages within each street block may have the same lot width type. For the purpose of this control a lot width type is determined by any range of plus or minus 1.0m (for example, lots between 17m and 19m might be classed as one width type). Provide a lot width table for each street block including lot width groups, percentage and number. Other variables such as access and configuration can be considered as creating variation in the street.

DC.1.2 Provide a subdivision structure plan which reflects the site's opportunities and constraints.

DC.1.3 Provide a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling both recreationally and for transport purposes.

DC.1.4 Ensure the design of any proposed residential subdivision considers natural landform features including outlook and proximity to public and community facilities, parks and public transport.

DC.1.5 Residential lots shall be able to accommodate a suitable building envelope with minimum dimensions of approximately 15m by 10m behind the building line.

Rural and Conservation zones (including land zoned R5 Large Lot Residential)

DC.1.6 Each new lot shall contain a building envelope with a minimum area of 2000 square metres and a minimum dimension of 20 metres, to be flood free in a 1% AEP event, and free of significant vegetation, significant topographical /natural features, and more than 40 metres from a watercourse. The building envelope is to contain any dwelling, outbuildings, landscaping and on-site effluent treatment and disposal areas.

DC.1.7 When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.

Industrial and Commercial

DC.1.8 Subdivisions of existing commercial developments must maintain compliance with any minimum floor space ratio contained in Maitland LEP 2011.

Access handles

DC.1.9 Access handles and carriageways over them shall be in accordance with the table and associated notes below (Table 1 and Figure 1).

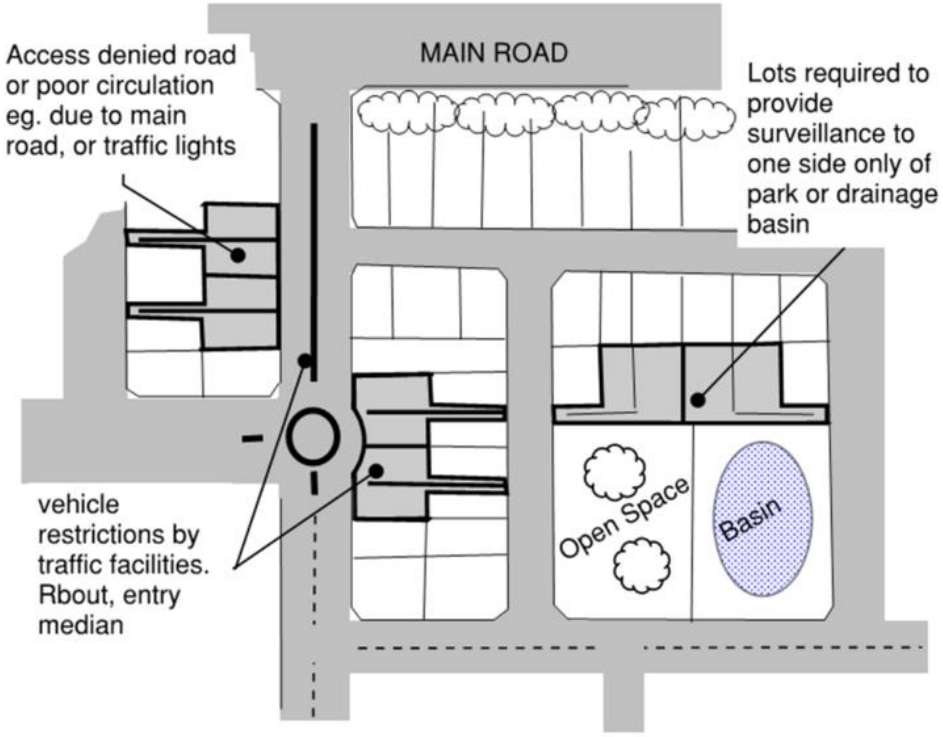


Figure 1. Indicative Arrangements of Battle-axe lots

DC.1.10 No more than 2 lots may be serviced by a reciprocal right-of- carriageway (ROC) which shall be centrally located within both access handles.

DC.1.11 Battle-axe lots without public frontage (i.e., road, park, reserve) are discouraged unless part of an integrated approval.

DC.1.12 When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.

DC.1.13 Shared use handles are to be incorporated into the 10.0m chord frontage around sharp bends and cul-de-sacs to facilitate access width, parking and garbage collection. See Figure 2 and Table 1 below.

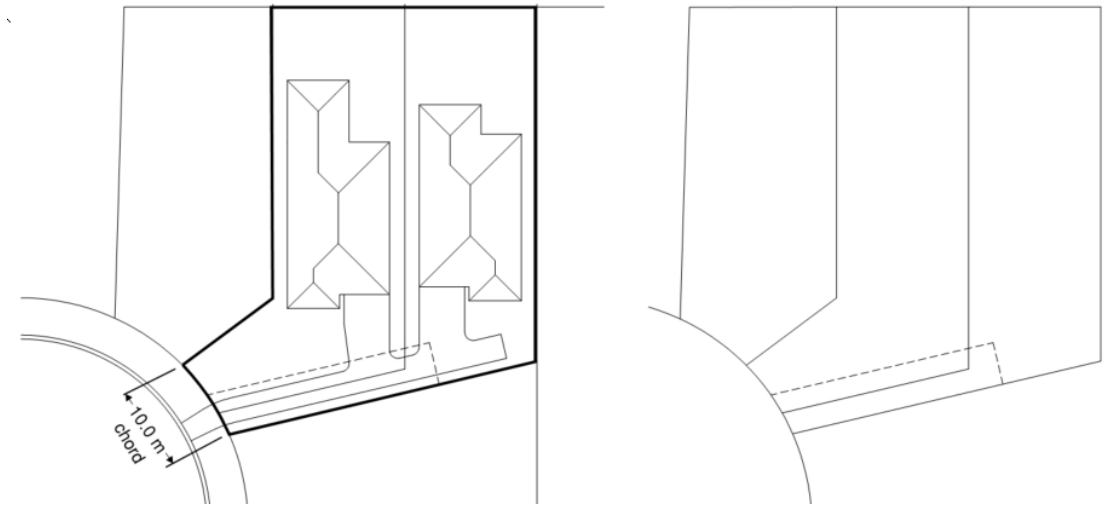


Figure 2. Shared driveway configurations on cul-de-sacs and sharp bends.

DC.1.14 Access ways to hatchet shaped or battle axe lots will serve a maximum of 2 lots, have a maximum grade of 25% (4H:1V) at any point.

Table 1.

ZONING[1]	SINGLE HANDLE [2]	DUAL HANDLES[3]	PAVEMENT WIDTH[4]
Residential (R1)	4.0	(2x) 3.0 or (2x) 3.5 [5,6]	3.0 [7]
Residential (R5-V & X)	4.0	(2x) 3.0	3.0
Residential (R5-Y)	4.5	(2x) 3.0	3.0
Residential (R5-Z)	6.0	(2x) 3.0	3.0
Business (B) & Industrial (IN1)	6.0 or 8.0 [8]	(2x) 4.0	3.3 min or 6.0 [9]
Rural (RU)	6.0	(2x) 4.0	3.5

Notes:

(1) For minimum lot size: V=2,000, X=5,000, Y=10,000, Z=20,000 and above

(2) For a single allotment. Long or bent handles may require greater widths for passing

(3) Each handle width for two adjoining lot handles, with a single driveway covered by a full-width reciprocal ROC.

(4) For single lane. Note: concrete wheel strips can be provided for residential

(5) Three metres (x2) permits vehicle passing within o/a 6m width for each residential zone. It is assumed regular conflict is unlikely and “give-way” will apply in residential zones.

(6) Where lots are >600m2 (excluding handle), OR having potential for further subdivision or additional dwellings, adopt 3.5m each.

(7) Where lots have potential for high density development with regular traffic movements, adopt 5.5m, preferably as two carriageways with a 400mm grassed separation.

(8) Increase to 8m where regular two-way conflict is likely.

(9) Generally for one-way or minor two-way movements with "give-way". For two-way movements with regular traffic conflict 6.0m min should be provided.

DC.2 Solar Access and Energy Efficiency

Objective:

- To encourage the design of residential subdivisions which maximise solar access, allow flexibility in the siting of future buildings to take advantage of a northern orientation, and minimise reliance on private car use.
- To maximise the number of dwelling allotments which have good solar access and which therefore optimise the design performance of energy smart homes, and to reduce reliance on private car use through adequate links to and provisions of, public transport, pedestrian and cycleway routes.

General Requirements:

DC2.1 80% of new lots are to have 5-star solar access, and the remainder either 4 or 3 star.

Preferred orientation of lots in an energy efficient subdivision

Source: Amcord, 1995

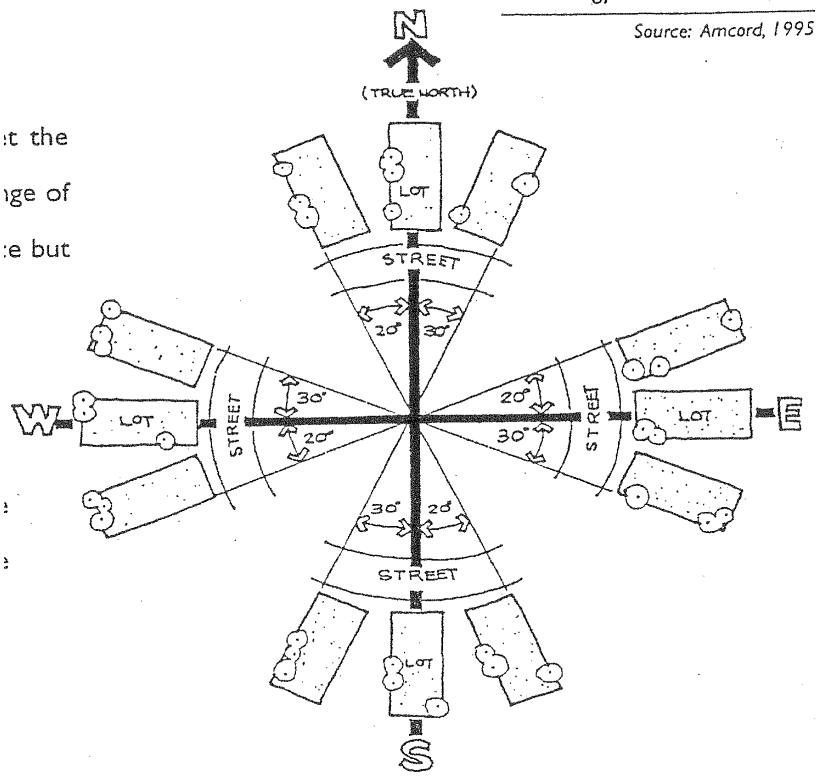


Figure 3. Lot Orientation

DC.2.2 Lot sizes are to reflect reasonable consideration of the impact of topography,

aspect and other constraints so as to maximize solar access.

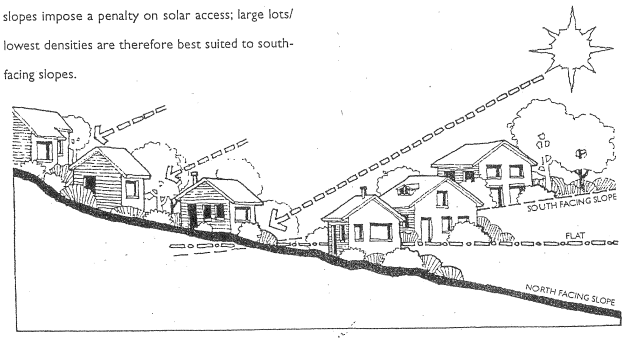


Figure 4: Slope and aspect affect shadows and possible dwelling density

DC.2.3 Where possible lots should be oriented to provide one axis within 30 degrees east and 20 degrees west of true solar north.

DC.2.4 Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling.

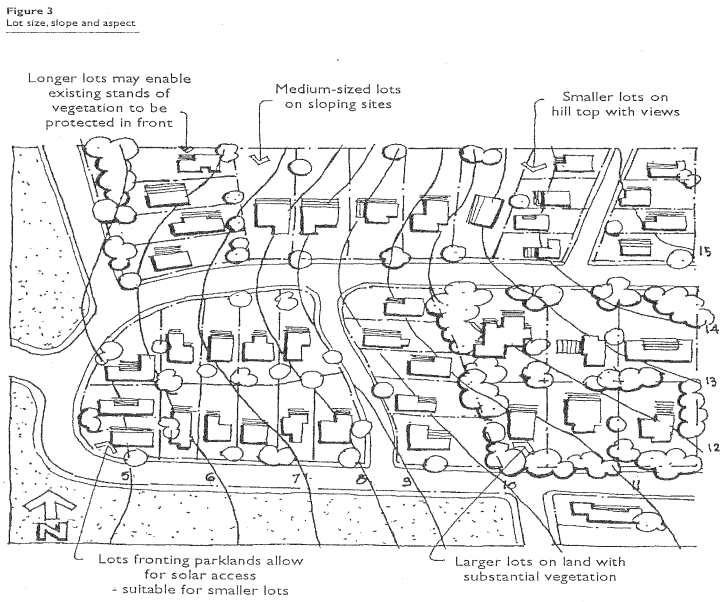


Figure 5: Lots size, shape and orientation to achieve maximum solar access

DC.2.5 Proposals for street planting or open space planting are to take account of the potential for shading, provision of adequate solar access to dwellings, and if necessary, protection from winter winds.

DC.3 Drainage, Water Quality & Soil Erosion

Objectives:

- To preserve natural drainage systems, where practicable, and to provide for the repair and enhancement of environmentally significant and/or degraded land.

- To retard the flow of water, above natural volumes, into the natural drainage system and mitigate impacts from stormwater runoff.
- To maintain and enhance the quality of water and catchment health.
- To minimise soil erosion and sedimentation by minimising land disturbance and requiring control measures at the source.

General Requirements:

DC.3.1 Existing topography and natural drainage lines should be incorporated into drainage designs for larger proposals, and enhanced through provision of additional landscaping, detention areas, artificial wetlands and the like.

DC.3.2 Drainage from proposed lots should be consistent with the pre- development stormwater patterns. An analysis of the downstream drainage system, to the receiving area or waters, may be required.

DC.3.3 Best management practices should be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on down stream water quality. The quality of runoff water from the subject land should be the same or better than the quality of water prior to the subdivision taking place.

DC.3.4 Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins.

DC.3.5 The subdivision should be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints.

DC.3.6 Adequate provision should be made for implementation of measures during subdivision construction to ensure that the landform is stabilised and erosion controlled.

DC.3.7 All trunk drainage is to be located in publicly owned land, (reserves), in open space land or in an appropriate easement.

DC.3.8 Where the drainage impacts of the subdivision proposal cannot be limited to pre-development stormwater levels by retention or other approved methods, drainage easements will be required over all necessary properties and watercourses. In such circumstances, the easement must be the subject of a signed agreement prior to issue of development consent. Such easements shall be created with, or prior to issue of the Subdivision Certificate.

DC.3.9 Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering

Standards.

DC.3.10 Where inter-allotment drainage is required, easements having a general minimum width of 1.5m are to be identified on plans submitted.

DC.3.11 A soil and water management plan (SWMP) should be prepared by a properly qualified practitioner with the aim of minimising erosion and maximising the quality of any water leaving the site. Applicants should refer to Council's Manual of Engineering Standards.

DC.4 Landscape, Streetscape & Visual Impact

Objectives:

- To maintain and enhance the existing rural character and landscape of the Maitland LGA.
- To create, maintain and enhance streetscape and minimise visual impact of subdivision proposals.

General Requirements:

DC.4.1 Existing landscape and streetscape character should be maintained and enhanced through retention of existing vegetation, provision of additional landscaping and selection of other streetscape items including surface treatments and street furniture.

DC.4.2 The visual impact of rural residential subdivisions must be considered especially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required.

DC.4.3 Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping.

DC.4.4 The developer will also be required to submit a detailed landscape plan for all reserve areas incorporating fencing detail and will be required to construct all fencing for residential and rural residential lots where the lots share a common boundary with a proposed public reserve. Fencing shall be carried out as an integral part of the subdivision works and will be required to be completed prior to Council releasing the relevant Subdivision Certificate. Council may require that the fencing be of open style/pool type depending on the topography and landscape character of the adjoining reserve. Where open style fencing is provided, the landscape design will need to demonstrate that the location of plantings is adequate to ensure a suitable level of privacy for the adjoining residential lots, reduce the visual impact of the fencing and improve the landscape quality of the reserve. Fencing shall comprise materials of darker colour/tones which blend more effectively with the landscape.

DC.5 Effluent Disposal

Objective:

- Subdivisions are to be designed and located so that any effluent can be disposed of in an environmentally sustainable manner, with no adverse impact upon natural systems or adjoining/adjacent land.
- The sewage management system chosen will be the most appropriate to ensure the protection of the local environment and the health of existing and future populations.

General Requirements:

Residential lots

DC.5.1 All new residential, industrial and commercial lots are to be connected to a reticulated sewerage system supplied by the Hunter Water Corporation or other approved supplier, unless there are unavoidable constraints.

DC.5.2 Lot size and layout must be adequate to allow appropriate effluent disposal systems to be provided for likely subsequent development.

DC.5.3 Effluent and wastewater should be disposed of in a manner which is consistent with the land capability of the property and in a manner that will not cause unhealthy or unsanitary conditions. There are to be no net cumulative effects on the environment.

DC.5.4 Where sewer is not available in rural areas (including Large Lot Residential areas or environmental zones) lots must be of sufficient size and containing suitable and to ensure that all effluent can be retained and disposed of on-site. Comprehensive site investigation will be required prior to any approval being granted for on-site disposal.

Rural and environmental zones (including land zoned R5 Large Lot Residential)

DC.5.5 The preferred method of effluent disposal for all new lots is by way of reticulated sewerage system. This can include the use of a community package treatment plant if Hunter Water Corporation reticulation is not available.

DC.5.6 Where a reticulated sewerage system is not envisaged in the long term, on- site disposal may be considered by Council. Detailed modelling will be required to assess the ability of land to accept the wastewater and consequently determine minimum lot sizes.

DC.5.7 All subdivision applications in unsewered areas must include an analysis of the feasibility of utilising innovative or centralised sewerage schemes that reuse waste water wherever possible as an alternative to single on-site sewage management

facilities.

DC.5.8 Where areas of the site are unsuitable for on-site disposal, clustering of lots and provision of a common effluent system on a suitable area under a group title must be considered. On-site disposal where site characteristics are unsuitable will not be approved.

DC.5.9 No pump out systems will be permitted.

DC.5.10 All studies must be undertaken by persons with demonstrable expertise in on-site effluent management and the capacity to incorporate catchment modelling techniques which are acceptable to Council.

DC.6 Roads & Access, Pedestrian & Cycleways

Objectives:

- To provide a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on public safety, function, capacity, traffic volumes and vehicle speeds;
- To provide a safe and appropriate level of access to all new lots created;
- To provide acceptable levels of access, safety and convenience for all road users, including pedestrians and cyclists;
- To provide access for emergency and service vehicles to all lots and enable the establishment of efficient and accessible bus/public transport routes;
- To accommodate public utility services and drainage systems;
- To minimise road construction costs, energy demand, risk exposure and maintenance costs without compromising other objectives.

General Requirements

DC.6.1 Road design should take account of the location of existing vegetation and other natural features and minimise loss of vegetation and soil disturbance through excessive cut and fill.

DC.6.2 All of the components of residential streets (including kerbing, pavement type, and width, street tree planting, footpath paving, lighting, seating and the like) should be considered in an integrated approach to ensure that attractive, safe living environments are created.

DC.6.3 Traffic control devices such as refuges, parking blisters, roundabouts, and on grade thresholds are encouraged to reduce traffic speeds in residential streets, but require separate approval from Council's Traffic Committee.

DC.6.4 Road widths and geometry in all subdivisions must accommodate necessary

service and emergency vehicles.

DC.6.5 Roads and access to public roads shall be designed and constructed in accordance with Council's Manual of Engineering Standards (MOES).

DC.6.6 Direct vehicular access to classified roads such as the State highway, or main roads may be prohibited in favour of an alternative access arrangement subject to consultation with Council, and Transport for NSW (TfNSW).

DC.6.7 Roads and intersections serving new rural and large lot residential subdivisions may require upgrading in accordance with the provisions of Council's MOES.

DC.6.8 Public transport infrastructure shall comply with 'Guidelines for Public Transport Capable Infrastructure in Greenfield Sites', including but not limited to:

Bus stops shall be designed so that:

- Opposing bus stops shall be spaced and located generally at 400m and accompanied with centre refuge and concrete parking lane blisters.
- Placed on departure side of refuge/crossings, and from intersections
- preference against parks/public land where possible.
- Vehicle access to lots shall be demonstrated, driveway construction and 88b restrictions may be warranted
- proposed stops shall be marked on sales plan to notify buyers
- Provide public stops with centre refuge and concrete blisters in parking lanes. Locate on lot boundaries but preference is against parks/public land where possible.

DC.6.9 Public Road access is required to all new lots in Torrens Title subdivision.

DC.6.10 Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use.

DC.6.11 Detailed requirements for design, construction and sealing of roads shall be in accordance with Council's MOES.

DC.6.12 On-street parking is provided on all streets for convenience and to contribute to surveillance and street life.

DC.6.13 Road widths in Council's MOES are minimum design standards. Additional design requirements, above and beyond these minimum requirements would have to be accommodated within the subdivision design (I.e., road widening to comply with *Planning for Bushfire Protection)*.

DC.6.14 Create a permeable layout based on modified grid layout.

DC.6.15 Cul-de-sacs and pedestrian laneways shall be avoided, where unavoidable cul-de-

sac should be less than 200m in length and able to see the end bulb from the intersection. Greater lengths will require increased road widths and bulb radius.

DC.6.16 Maximise connectivity to bus stops, community facilities, open space and attractors through orientation of street blocks and public land.

DC.6.17 Orientation of street blocks is preferrable east-west, then north-south where exception requires. Exceptions are considered where slope exceeds 6%, trunk drainage, or where existing boundaries or roads prevent achievement. Refer to Figure 3.

DC.6.18 Alternative block orientation may consider direct emergency/trunk routes and other amenity views to bushland, floodplain, community spaces and areas of interest nominated by council.

DC.6.19 Land slopes of 6% or greater shall generally run downhill unless demonstrated that earthworks will be minimized for the development.

DC.6.20 Roads shall provide surveillance and safety to items such as along drainage corridors, bushfire and flood plains, around public areas like parks and community lands (see DC.7).

DC.6.21 Public parks shall be located on trunk roads for easy wayfinding and be surrounded by roads on 3 to 4 sides.

DC.6.22 Intersection spacing shall follow best practice including:

- minimum 40m stagger of intersections on opposing sides, 60m on same side
- minimum 100m stagger on opposing sides, 120m on same side for trunk roads on trunk road,
- four-way intersections on trunk roads shall be roundabouts, T-intersections, or lights

Residential Subdivisions

DC.6.23 Street block lengths shall be a maximum length of:

- 180m desirable, 250m maximum for local streets
- 180m for residential streets running parallel against trunk roads
- Generally 70m deep for residential

DC.6.24 A network of constructed (i.e. not grass) footpaths and cycleways will be required in all residential subdivisions, located, designed and constructed in accordance with Council's Manual of Engineering Standards, and in view of streets wherever possible to allow surveillance.

DC.6.25 Particular attention should be paid to pedestrian links to schools, with regard to

their width, lighting (to Australian Standard) and the appropriateness of landscaping and related safety issues.

DC.6.26 The road, footpath and cycleway network should facilitate walking and cycling throughout neighbourhoods and provide links to schools, community facilities and other activity centres.

DC.7 Crime Prevention – Safer By Design

Objectives:

- To ensure that Council does not approve subdivisions that create or exacerbate crime risk or community fear.

General Requirements:

DC.7.1 Clear sightlines between public and private places.

DC.7.2 Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims.

DC.7.3 Dense vegetation or structures should not be located beside bicycle routes or pedestrian walking paths. A safety convention is to have 3-5 metres of cleared space on either side of pathways and bicycle routes. Pedestrians feel more comfortable sharing wide paths than narrow paths.

DC.7.4 Natural surveillance should focus on orientation of buildings and strategic use of windows, balconies, entrances, permeable fencing and street design. Tactical location of living areas, workstations, offices and recreation areas help surveillance opportunities.

DC.7.5 Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities.

DC.7.6 Lighting of public places such as public streets, car parks and pedestrian areas should meet the relevant Australian Standards. Effective lighting reduces fear and can increase community activity. The types of lighting should also be considered (different lights are used in different situations).

DC.7.7 Council may require a report from a suitably qualified lighting engineer for lighting of public areas within subdivisions.

DC.7.8 Design subdivision layouts with clear transitions and boundaries between public and private space. This can be achieved through landscaping, natural barriers such as waterways or topographic features and by the use of gates, bollards and fencing.

DC.7.9 In some cases public areas may need to have restricted access, particularly at night, to prevent vandalism and anti-social behaviour.

DC.8 Site Filling

Objectives:

- To ensure the environmental impact of site fill is properly assessed.

General Requirements:

DC.8.1 Earthworks require development consent of Council under the provisions of the Maitland LEP 2011, unless either exempt or complying development.

DC.8.2 Where site filling is necessary or proposed, the materials used and extent and depth of fill must be detailed in the development application for the approval of Council prior to issue of a Construction Certificate. Council will take into account the provisions of AS 3798-1990, which provides guidelines on the specifying, execution and control testing of earthworks and associated preparation works within commercial and residential developments.

DC.8.3 An absolute maximum fill depth of 2m will be considered by Council.

DC.9 Reticulated Services (Water/Sewer/Electricity/ Telecommunications)

Objective:

- To provide appropriate utility services to all new lots in an efficient, co-ordinated and cost-effective manner, and to restrict subdivisions that create unreasonable or untimely demand for the provision or extension of services, having regard to ecologically sustainable development (ESD) and to ensure minimal environmental impact.

General Requirements:

<u>Water and Sewer</u>

DC.9.1 Reticulated water and sewer supply is required for all new urban lots (residential, commercial, industrial) in accordance with the requirements of the Hunter Water Corporation.

DC.9.2 Council's preference is for all new large residential lots (including land zoned C4 Environmental Living) to be connected to reticulated sewer. This can include the use of a community package treatment plant if Hunter Water Corporation reticulation is not available. If no reticulated sewer, effluent disposal to be undertaken in accordance with requirements contained in "Effluent Disposal"

Design Element below.

Submission to Council of a Section 50 Certificate from the Corporation prior to issue of Subdivision Certificate (Endorsed "linen" plan).

Electricity

DC.9.3 Underground low voltage electricity supply to all new residential lots (including land zoned C4 Environmental Living) to the requirements of Energy Australia or other approved electricity provider, unless Council and provider determine that overhead supply is permitted due to flood liability of land or the land fronts a road supplied by existing overhead electricity reticulation.

DC.9.4 For industrial and commercial lots, underground electricity supply shall be provided to all new lots, to the requirements of Energy Australia or other approved electricity provider, unless Council and the provider determine otherwise.

DC.9.5 Low voltage electricity supply must be available to the boundary of all new rural lots in accordance with requirements of Energy Australia or other approved provider.

DC.9.6 Pad mounted substations, if and where required, should be placed within pedestrian walkways, behind landscaped screens or otherwise sympathetically treated to reduce visual impact.

DC.9.7 Written evidence from the provider that installation of all services is complete and meets requirements must be submitted to Council prior to issue of the Subdivision Certificate;

Street Lighting

DC.9.8 Street lighting shall not be provided for low-density residential subdivisions, unless special circumstances (consistent with AS1158) warrant installation.

DC.9.9 Street or road lighting shall not be provided for rural subdivisions.

Telecommunications

DC.9.10 Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider.

Low density residential lots

DC.9.11 All new low-density residential lots (including land zoned C4 Environmental Living)

to be capable of draining to the street frontage or to an inter- allotment drainage easement (see also "Drainage and Water Quality" Design Element below).

IC.1 Entry Features

This section applies to any structures such as masonry walls, earth embankments and any other landscaping feature intended to identify subdivisions. Such features are typically established in pairs at the entry to residential precincts may also be incorporated into industrial and commercial subdivisions. The features typically display the name and/or the logo of the estate.

Objectives:

- To ameliorate the potential cumulative visual impact of entry features and to regulate issues such as their location, size and life span.

General Requirements:

IC.1.1 Entry features will only be considered and approved with the development application for subdivision and all details should be included with the detailed landscaping plans.

IC.1.2 Entry features will only be permitted in conjunction with residential subdivisions of 50 lots or more. Entry features for industrial and commercial subdivisions will be considered on merit.

IC.1.3 Entry features shall be limited to one pair at the primary entrance to a new subdivision.

IC.1.4 Entry features can only display the name of the estate NOT street names.

IC.1.5 Entry features shall only be located on privately owned land.

IC.1.6 Entry features for residential subdivisions shall be limited to a size of $20m^2$ with a maximum height of 2m. The size of entry features for industrial and commercial estates will be considered on merit.

IC.1.7 In certain circumstances the erection of entry features may be considered at a later stage but must comply with the guidelines.

IC.2 Street Names

Proposed street names must be submitted to Council for approval in accordance with Council's policy at the time of lodgement of the development application. Street name signs will be required at the junction of any roads in the subdivision in accordance with Council's Manual of Engineering Standards.

IC.3 House/Lot Numbering

Council supplies a number for all new urban and rural lots created, and has an adopted policy in this regard. A fee applies for this service.

C.11 – Vehicular Access & Car Parking

Application

This chapter applies to development on all land within the City of Maitland.

Objectives

- To ensure adequate provision of off-street parking to maintain the existing levels of service and safety on the road network;
- To detail requirements for the provision of parking and loading/unloading facilities in association with development in the City of Maitland;
- To provide a consistent and equitable basis for the assessment of parking provisions;
- To facilitate design of parking areas, loading bays and access driveways which function efficiently;
- To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use; and
- To acknowledge the traditional lack of parking spaces within areas of historical or architectural significance (Central Maitland, Morpeth) and balance this with the need to facilitate development in order to maintain vitality and vibrancy in such centres.

1. GENERAL REQUIREMENTS

1.1 General Requirements

In determining the parking and traffic requirements for a development proposal, the following principles shall be followed:

- the minimum standards as set out in this plan;
- the likely demand for of-street parking generated by the development;
- the availability of public transport in the vicinity to service the proposed development;
- the probable mode of transport to be used by employees and/or customers;
- the likely peak times of usage of the proposed development;
- the existing traffic volumes on the surrounding street network including, where relevant, the potential future traffic volumes; and
- the equity of requiring of-street parking for individual developments within areas such as Maitland City Centre and Morpeth, where historical parking deficiencies have occurred.

1.2 Calculation of Parking Requirements

a. *Development Generally*

The minimum number of parking spaces to be provided for a particular development is to be calculated in accordance with **Appendix A** of this policy.

b. *Mixed Uses*

Ancillary components of a land use (for example an office within an industrial building that occupies less than 20% of the total floor space) will be assessed according to the rate required for the principal land use.

For developments incorporating different categories of uses, a separate calculation will be made for each component and then added together to provide the total parking requirement. Any departure from this method will only be considered where it is demonstrated that the peak demand for each land use component of the development is staggered. In this regard the applicant should submit a parking profile showing the cumulative parking demand by time-of-day.

c. *Calculation of Numbers*

Where the calculation results in a fraction of a space, the total number of parking spaces required will be the **next highest** whole number.

d. *Change of Use*

Where the use of an existing building is to be changed, or where an existing building is to be replaced with a new building, the following method of calculation shall apply:

I. The parking requirements of the previous or existing premises is to be determined in accordance with **Appendix A** of this policy;

II. The parking requirement of the proposed development is to be determined in accordance with **Appendix A** of this policy;

III. Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above;

IV. The difference calculated in (c) above represents the total number of parking spaces to be provided in addition to the existing of-street carparking.

Where an existing building is to be replaced by a new building which has a floor area not exceeding the floor area of the existing building, and no

change of use is proposed, no additional parking is required to be provided.

Notwithstanding the above, nothing in this plan requires the provision of additional parking in conjunction with the conversion of an existing approved office or business premises or a shop, to either a shop or a restaurant or cafe, within business zones of the Maitland City Centre (refer to Map)

e. *Renovation of Existing Buildings*

Nothing in this Plan requires the provision of additional parking where an existing building is being renovated for its existing use.

f. *Extensions/Additions to Existing Development*

Where existing premises are being extended to create additional floor space, the additional parking requirement shall be calculated in accordance with **Appendix A** on the basis of the increased floor space.

g. *Small Scale Additions*

Council may, at its discretion, waive the carparking requirement for small-scale additions where the extension is not directly related to the parking generation potential of the development.

h. *Complementary Parking Facilities*

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 generally 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%.

2. GUIDELINES FOR THE DESIGN, LAYOUT AND CONSTRUCTION OF ACCESS AND PARKING AREAS

The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the *Australian Standard AS2890.1-2004 Parking Facilities – Off-Street Car Parking*, and summarised below. This part of the DCP also provides general design principles that apply to off street parking to ensure that car parks contribute to the quality of the physical environment, as well as being safe and efficient vehicle standing areas.

2.1 Access To The Site

A development should be designed to provide adequate on-site manoeuvring and circulating areas to ensure that all vehicles can enter and leave the site in a forward direction.

Access to or from a site shall be located where it causes the least interference to vehicular and pedestrian traffic on the road frontage. Access will generally not be permitted in the following locations:

a. close to traffic signals, intersections or roundabouts where sight distance is considered inadequate by Council;

b. opposite other developments generating a large amount of traffic (unless separated by a median island);

c. where there is heavy and constant pedestrian movement along the footpath;

d. where right turning traffic entering the facility may obstruct through traffic; and

e. where traffic using the driveways interferes with, or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings.

f. Direct access onto a major road is to be avoided wherever possible. Auxiliary lanes, (deceleration and acceleration lanes), may need to be provided to minimise conflicts between entering/leaving traffic with through traffic. In many cases, right turn movements into a site are unlikely to be supported, unless an exclusive right turn bay is provided.

Council may designate areas over the street frontage of the development where no stopping or no parking sign posting is to be installed to facilitate the entry/exit of vehicles and the safe movement of cyclists and pedestrians. Any on-street signage would be required in accordance with Australian Road Rules requirements as identified by Council's Local Traffic Committee.

2.2 Sight Distances

Consideration must be given to maintaining adequate sight distances for all access driveways. Any vehicle entering or leaving the driveway must be visible to approaching vehicles and pedestrians. *AS 2890.1 Off Street Car Parking* gives minimal and desirable sight distances for a range of road frontage speeds.

2.3 Entrance / Exit to the Site

The entry and exit requirements for parking areas may vary in relation to:

- the size of vehicles likely to enter the proposed development;
- the volume of traffic on the streets serving the proposed development; and
- the volume of traffic generated by the development.

The driveway standards recommended by the Roads and Traffic Authority of NSW Guide To Traffic Generating Developments (the guide) are adopted for the purpose of this Plan.

Requirements specified within 'the guide' are summarised in Tables 1 and 2 in Appendix B, and in general the following shall apply:

- separate entrance and exit driveways should be provided for developments requiring more than 50 car parking spaces or where the development generates a high turnover of traffic such as a service station or other drive-in retail facilities;
- entry and exit driveways shall be clearly signposted;
- the number of access points from a development site to any one street frontage should be limited to one ingress and one egress; and
- the potential for on-street queuing should be minimised by ensuring that adequate standing areas are available for vehicles entering the car park and loading areas.

2.4 Location of Parking Areas

Parking facilities for visitors and customers shall be provided where clearly visible from the street so their use is encouraged.

Parking spaces for employees and for longer duration parking may be located more remotely from the street.

Within the development site, the location of the parking area should be determined having regard to:

a. site conditions such as slope and drainage;
b. visual amenity of the proposed and adjacent development;
c. the relationship of the building to the parking area; and
d. the proximity of the parking area to any neighbouring residential areas.

2.5 Parking Space and Aisle Dimensions

The following figures illustrate typical parking layouts and aisle dimensions. It should be noted that these parking space dimensions represent minimum unobstructed requirements and that greater dimensions should be provided in the following instances:

- a parking space which has a wall or obstruction on one side – an additional 300mm width to that shown is required; and,
- for the end space in a blind aisle, the width is to be increased to 3.6 metres.

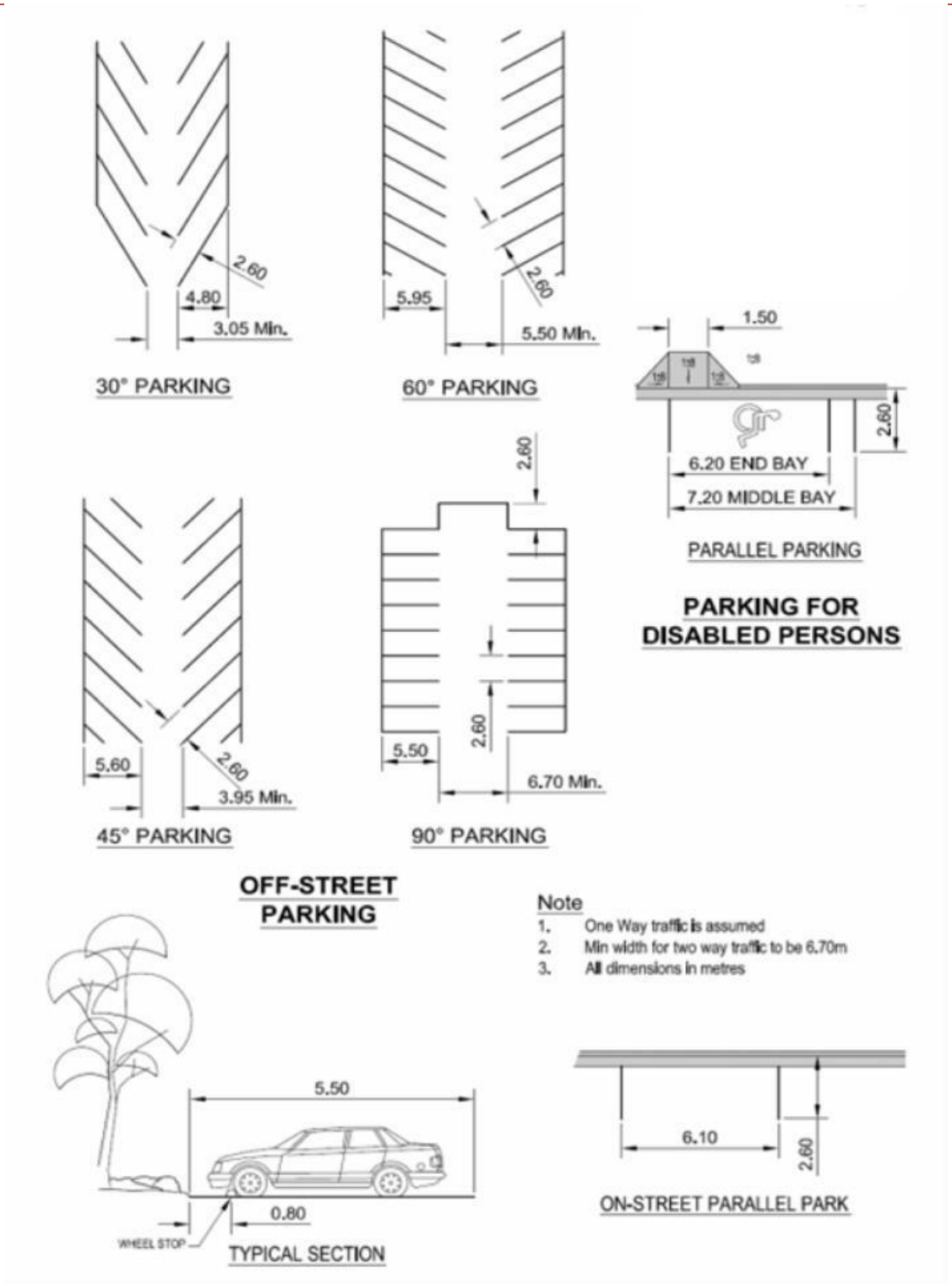


Figure 1 – Parking Spaces & Aisles – Recommended Dimensions

2.6 Construction Requirements

In general, all car parking areas, manoeuvring areas and unloading areas shall be constructed with a base course of adequate depth to suit design traffic, and shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. In choosing the most suitable pavement type, consideration should be given to:

- anticipated vehicle loads;
- run-off gradients and drainage requirements; and,
- construction constraints.

The works are to be maintained to a satisfactory standard throughout the term of development and/or use of the land for which the facilities are provided.
Particular consideration needs to be given to the appearance of car parking areas within Heritage Conservation Areas, or associated with or adjacent to, listed Heritage Items, where large areas of bitumen surfaced car parking are not recommended. In these circumstances alternative treatments should be discussed with Council's Planning staff. A combination of landscaping and choice of sympathetic materials (eg pavers, faux brick or in certain circumstances stabilised gravel finish) is generally recommended as the most practical solution.

2.7 Landscaping

Parking areas shall be appropriately landscaped to achieve a satisfactory appearance, particularly for those car parks with large areas of bitumen, to provide shade and to provide a buffer between neighbouring land uses.

Landscaping should be used throughout the car park and on the perimeters. In general, there should be no more than 10 parking bays before a break with planting.

Species should be selected and located to avoid maintenance problems, so that they do not hinder visibility at entry or exit points and so that they do not cause damage to paved areas by root systems or create excessive leaf or branch litter. Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large numbers of birds should be avoided in parking areas. In most cases landscaping can be integrated into parking layouts without the need for additional area or loss of car parking spaces.

Wheel stops are to be provided along the front of parking bays to prevent vehicles from damaging landscaped areas, buildings and/or fencing and other vehicles.

2.8 Directional Signs and Marking

Parking areas are to be clearly signposted and line-marked. Entry and exit points are to be clearly delineated and parking spaces for specific uses (disabled,

visitors, employees etc) clearly signposted. "One way" markings must be clearly set out on the pavement in such a manner as to be easily readable and understandable to users of the car park.

Council may designate areas within the car park where no stopping or no parking signposting is to be installed to facilitate the free movement of vehicles and pedestrians.

2.9 Principles for Crime Prevention

Effective design can be used to assist in the reduction of crime opportunities. The following design principles will be considered by Council in the assessment of applications. How they apply to each development application will depend on the nature of the development proposal and prevailing crime risk in the area. The aim of these principles is to ensure that Council does not approve developments that create or exacerbate crime risk.

Design of car parking areas should consider the principles of effective lighting.

Lighting is to be provided in off-street car parks in accordance with the requirements of *AS 2890.1, 2004 – Parking Facilities Off Street Parking*. Lighting may also be required over the street frontage of the development, particularly at entry or exit points in accordance with *AS/NZS 1158, Lighting for Roads and Public Places.*

a. Provision of clear sightlines between public and private places;
b. Landscaping that makes the car park attractive but does not provide offenders with a place to hide or entrap victims;
c. In some cases restricted access to the car park, particularly after business hours through the use of physical barriers should be considered;
d. Design with clear transitions and boundaries between public and private space through the provision of clear access points;
e. Clear design cues on who is to use the space and what it is to be used for – care should be taken to ensure that gates and enclosures do not make public areas into private areas and consideration should be given to suitable signage (eg need to lock vehicles);
f. Strategies to prevent vandalism through appropriate design, eg durable lighting materials and minimisation of exposed walls;
g. Management strategies for site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting, the removal or refurbishment of decayed physical elements and the continued maintenance of landscaped areas.

3. LOADING/UNLOADING REQUIREMENTS

3.1 General

On-site loading and unloading facilities must be provided for **all** businesses, commercial, industrial, retail and storage uses and any other where regular deliveries of goods are made to or from the site.

3.2 Number and Size of Loading Bays

The number and dimensions of the on-site loading bays must be designed having regard to the nature and scale of the proposed development, the estimated frequency of deliveries, the type of delivery vehicle likely to be involved and the types of goods being loaded/unloaded. Accordingly, these details are required to be submitted with the Development Application for Council's consideration.

As a guide, for small and medium-sized shops or commercial premises, restaurants or small-scale industrial development likely to involve the use of vans, utilities or small trucks only, one loading bay will usually be sufficient.

3.3 Design and Layout of Loading Bays

The loading areas must be designed to ensure that standard design vehicles can manoeuvre into and out of all loading areas without causing conflict to the movement of traffic on-site or in the adjacent streets.

It is not possible to specify dimensions for service areas which would be appropriate for all situations. The dimensions of the service bay will depend, in part, on the type of vehicle to be accommodated.

The loading bay(s) should be a physically defined area (by signposting and/or pavement marking) which is not used for other purposes such as customer parking or the storage of goods and equipment.

The loading areas must be designed to ensure that vehicles stand entirely within the site during all loading and unloading operations.

Where existing buildings are being redeveloped, all of the above design criteria may not be achievable. However, every effort must be made to ensure that public safety is not compromised.

In addition to the above requirements, the Roads and Traffic Authority's "*Guide to Traffic Generating Developments"* details recommended dimensions for loading areas based on the various types of service vehicles and other requirements for ramps, internal roadway etc (refer to Table 1 in Appendix B).

Council's Planning and Environmental Group should be contacted if further information is required.

4. CAR PARKING FOR PERSONS WITH A DISABILITY

Special parking spaces for persons with a disability are to be made available in the provision of car parking facilities, in accordance with *Australian Standard AS2890.1 – 2004*. In general, where 10 or more vehicle spaces are required, one designated parking space for people with disabilities is required per 100 (or part thereof) car spaces provided. Council has adopted the 'enhanced' requirements for landuses where there is a higher demand for disabled facilities. For example, for retail shopping complexes, community facilities and medical centres, parking provisions for people with disabilities should be increased to 2 to 3 % of the overall parking requirements. Council's enhanced car parking standards are as follows:

- medical services, including community health centres – 1 space per two to five surgeries (or equivalent), 2 spaces for six or more surgeries (or equivalent)
- entertainment facilities clubs and public halls, large retail complexes (ie>100 spaces) and railway stations – 3 spaces per 100 car parking spaces

The location of spaces designated for persons with a disability should be close to an entrance to a building or facility with access from the car space by ramps and/or lifts. These spaces should be clearly signposted for the convenience of their users and to discourage other drivers from using such spaces. The spaces should be a minimum of 2.4 metres wide with an adjoining shared space 2.4 metres wide to assist movement into and out of parked vehicles.

5. BICYCLE PARKING

Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard *AS 2890.3-2015 – Bicycle Parking Facilities* and *Austroads Guide to Traffic Engineering, Part 14, Bicycles: Second Edition.*

6. MAJOR TRAFFIC GENERATING DEVELOPMENT

Parking requirements for major new retail, commercial or tourist developments will be assessed on their merits, with particular reference to:

- likely peak usage times;
- the mix of uses and their parking requirements; and,
- likely use of public transport.

Where it is considered that a traffic generating development may have a major impact on the traffic movement within a given locality, Council may require the applicant to arrange for the preparation and submission of a Traffic and Parking Study, by a qualified

professional. In this regard, the Roads and Traffic Authority's publication *"Guide to Traffic Generating Developments"* provides relevant information.

7. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Council is required to consult with Transport for New South Wales to obtain advice on traffic and safety aspects for certain traffic-generating developments. This consultation is a statutory requirement prescribed by *State Environmental Planning Policy (Transport and Infrastructure) 2021.*

The Authority provides this advice through the Regional Development Advisory Committee (Traffic). Membership of the Regional Committee comprises representatives from the Roads and Traffic Authority, the Police Department, and a Local Government Associate nominee. Smaller scale developments are referred to the Local Development Advisory Committee. Membership of this committee comprises representatives from Council, the Roads and Traffic Authority, the Police Department and State Member or his/her representative.

Major Traffic Generating developments being considered by the Regional Committee need to be accompanied by a Traffic and Parking Study, which is to be lodged with the development application following consultation with Council.

8. WHAT TERMS ARE USED IN THESE GUIDELINES?

The terms used in these guidelines are as defined in the Maitland LEP 2011.

In addition the following definitions apply:

"employees" is the number of staff on site at any one time during the peak operating period;

"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).

"public area" means all seating, foyer and amenities space.

Appendix A
Car Parking Requirements for Specific Land Uses

LAND USE	PARKING	COMMENTS
Bed and Breakfast Accommodation	To be assessed for each particular case One off street parking space per guest room or per two guest rooms is generally appropriate	Council will assess each case on its merits having regard to the location, surrounding traffic generation and streetscape. Parking should be accessible for guests without inconveniencing neighbours or causing safety problems
Business Premises and Office premises	1 space per 40m^2 GFA or 1 space per 45m^2 GFA in Maitland City Centre (Appendix C - Map 1)	Provision should be made for the movement and on- site loading/unloading of service vehicles as appropriate
Bulky Goods Premises	1 space per 45m^2 GFA	This figure should be used as a guide only - adequate parking should be provided to satisfy the peak cumulative parking requirements of the development as a whole. A comparison survey of a similar development should be provided with the development application. Calculations will be refined according to the specific characteristics of the proposed development. Customer parking spaces should be readily accessible and should not be used for the display of vehicles or other merchandise, waste bins or for loading / unloading of trucks
Camping ground or caravan park	1 space per site + 1 space per 5 sites (visitors)	The visitor parking area should be appropriately located – adjacent to the entry or office facilities and signposted
Childcare Centre	1 space per 4 children in attendance or part thereof.	Parking must be provided in a convenient location allowing

		safe movement of children to and from the centre.
Neighbourhood Shop	1 space per 25m^2 GFA	
Drive In Take Away Food Outlets (premises which cater for customers being able to park on-site, get take away service, seating provided for on-site consumption and the addition of a drive through facility)	1 space per 8m^{2}GFA *plus* 1 space per 3 seats	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. Provision should also be made for car/trailer combinations at strategic locations
Dwelling Houses	Minimum of: 1 space for each one- or two-bedroom dwelling Two (2) spaces for each dwelling containing more than two bedrooms One (1) visitor space for the first three dwellings and one (1) space for every five dwellings thereafter or part thereof	This space is to be located behind the building line as set by Council
Educational establishments	1 space for every employee or staff member *plus* 1 space for every 30 students over 17yrs for High Schools and 1 space for every 5 students for Higher Education Establishments *plus* provision for a drop off / pick up area	The parking requirements for each school site may vary. In general a detailed traffic and parking study should be submitted with the application. It is recommended that a school traffic management plan be prepared annually and issued to parents at the start of each school year. Where required by Council, provision shall be made for the access and parking of buses and pick up – drop off areas, which may only need to operate during certain hours.
Group Home	1 space per employee	
Health Consulting Rooms/Medical Centre	2 spaces per practitioner/professional	

	person	
Home business	1 space in addition to the dwelling requirements	
Home industry	1 space in addition to the dwelling requirements	
Hospitals, Residential Care Facilities, Hostels	1 space per 10 beds (visitors) *plus* 1 space per 2 employees *plus* 1 space per ambulance	
Seniors Housing (a) Self Contained Units (subsidized or State) (b) Self Contained Units (resident funded or Private) (c) Hostel, Residential Care Facilities	1 space for 5 dwellings + visitor parking if there is more than 8 dwellings or the site is situated on a clearway 0.5 spaces for each bedroom + visitor parking if there is more than 8 dwellings or the site is situated on a clearway 1 space per 10 beds (visitors) +1 space per 2 employees + 1 space suitable for an ambulance	This parking provision is only to be used where it can be demonstrated that low car ownership levels will prevail Resident funded developments tend to have higher per unit cost and attract residents with higher financial resources. In these circumstances levels of car ownership are likely to be higher than in subsidised developments.
Industry	1 space per 75m^2 GFA or 1 space per 2 employees WHICHEVER IS THE GREATER	This requirement may increase if retailing is permitted on the site, or the office space component is in excess of 20% of the floor area.
Registered Clubs/ Pubs (including sexual entertainment establishments)	Outside the Maitland CBD. 1 space per 10m^2 of public or licensed floor area (bar, lounge, dining room, games room) shall be provided. Within the Maitland CBD - See Appendix C - Map 2. 1 space per 15m^2 of public or licensed floor area (bar, lounge, dining room, games room) shall be provided.	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development. For this purpose a comparison survey of similar developments, in similar locations should be provided with the development application

	+ 1 space per bedroom or motel unit	
Multi dwelling Housing / Dual Occupancy	1 space for each one- or two-bedroom dwelling *or* 2 spaces for each dwelling containing more than two bedrooms *plus* 1 visitor space for the first three dwellings and 1 space for every five thereafter or part thereof	Performance criteria outlined in Maitland City Wide Development Control Plan, Chapter Residential Design is required to be achieved
Hotel or Motel Accommodation	1 space per motel unit *plus* 1 space per 2 employees	If a restaurant and/or convention space is included, additional parking will be required at the rate for such facilities. Council may review this requirement if it can be demonstrated that the peak demand for parking at each facility does not coincide or if the facilities will primarily serve the motel customers
Vehicle sales or hire premises	1 space per 130m^2	Where vehicle servicing facilities are provided, additional off-street parking should be provided at the rate of 6 spaces per work bay. Customer/visitor parking must be readily accessible from the principal road frontage and appropriately signposted and marked. These spaces must not be used for the display of vehicles or other merchandise or for the loading/unloading of vehicles. Provision should be made for truck manoeuvring to allow for loading/unloading on-site.
Places of public worship/ Places of public entertainment	1 space per 10 seats *or*	

	1 space per 10m^2 of public area WHICHEVER IS THE GREATER	
Recreation Facility (indoor/outdoor)	Tennis/squash court – 3 spaces per court Bowling alley – 3 spaces per alley Bowling greens – 30 spaces for the first green and 15 spaces for each additional green. Gymnasium – 7.5 spaces per 100m² GFA	The Bowling Green figure applies only to registered clubs.
Restaurants, take-away food and drink premises	Where located in a B5 Business Development zone the rate applicable to shops. FOR ALL OTHER AREAS 1 space per 6.5m^2 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". Additional concessions apply in Central Maitland.
Markets	Minimum of two spaces per stall	Separate provision should be made for stall holder's vehicles. Where a market is located within an existing shopping centre, consideration will be given to multiple usage requirements and a lower parking provision may be acceptable.
Landscape and garden supplies	0.5 spaces per 100m^2 of site area, *or* a minimum of 15 spaces WHICHEVER IS GREATER	Provision should be made for car / trailer combinations at strategic locations
Restricted premises (including used as a sexual aid establishment)	1 space per 25m^2 GFA	
Restricted premises (including used as a sexual aid establishment)	1 space per 25m^2 GFA	
Truck depots/Transport depots	Space for each vehicle present at the time of peak	Off street employee and visitor parking should be

	vehicle accumulation on site	provided to satisfy the peak demand, as identified through surveys. Under no circumstances is the parking of trucks on a public street acceptable
Service Stations/ Highway service centres	6 spaces per work bay *plus* 1 space per 20m^2 GFA of convenience store *plus* 1 space per 6.5m^2 GFA or 1 space per 3 seats if a restaurant is provided WHICHEVER IS GREATER	These additional requirements should be cumulative but may be reduced where it can be demonstrated that the times of peak demand for the various facilities do not coincide. All parking should be clearly designated and located so as not to obstruct the normal sale of petrol and should minimise the potential for vehicular/pedestrian conflict. Consideration should be given to providing adequate manoeuvring space for caravans and B-Doubles.
Sex services premises (e.g. brothels and escort agencies)	1 space per 40m^2 GFA	
Shops (Shops greater than 1000m^2 include supermarkets, department stores, regional shopping complexes etc)	Shops less than 1000m^2 – 1 space per 25m^2 GFA. In Maitland City Centre – See Appendix C - Map 1 – 1 space per 35 m^2 GFA for new floor space Shops greater than 1000m^2 – 1 space per 16m^2 GFA	Additional concessions apply to shops in Central Maitland – refer to Section 2.2.4 of DCP Where it can be demonstrated that the time of peak demand for parking associated with the proposed shopping centre and the existing adjacent land uses do not coincide, or where common usage reduces total demand, a lower level of parking provision may apply. If the proposed development is an extension of an existing retail development which results in a total floor area above 1000m^2, additional parking demand could be less than proportional to the increase in floor area

Shop Top Housing	Generally, car parking will not be required for the residential component of the development	Applications to Council must demonstrate due consideration of car parking arrangements, including availability of adjacent parking, access to public transport and/or historical lack of physical access to parking
Vehicle Body Repair Workshop / Vehicle Repair Station	1 space per 40m² GFA *or* 3 spaces per workshop bay WHICHEVER IS GREATER	
Veterinary Hospital	3 spaces per practitioner *plus* 1 space per employee	If it can be shown that not all surgeries will be in concurrent operation, consideration may be given to reducing the parking provision for customers Parking areas for customers are to be located at the front of the development or in a location which will encourage use of the parking area, rather than the adjoining street
Warehouses or Distribution Centres	1 space per 300m^2 GFA	
Other Uses – not defined	Not Specified	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. For this purpose a comparison survey of similar developments, in similar locations should be provided with the development application.

Note: Provision for loading bays for commercial and industrial premises is required. Please see Section 4.0 Loading/Unloading Requirements.

Appendix B
Access and Parking Area Design Guidelines

TABLE 1

Service Vehicle Dimensions (Metres)

Vehicle Type	Length	Width	Max Height	Turning Circle (kerb to kerb)
Station Wagon	4.7	1.9	1.4	11.0
Utility	4.7	1.9	1.4	11.0
Van	5.4	2.1	2.5	13.5
Small rigid truck	6.6	2.1	4.3	14.4
Large rigid truck	11.0	2.5	4.3	21.7
Large articulated truck	17.5	2.5	4.3	16.2

Note: For courier vehicles, standard car parking space dimensions are usually satisfactory.

Source: Transport for NSW: Guide to Traffic Generating Development

Design of Access Driveways

Transport for NSW have adopted seven types of access driveways – type 1 to 5 for cars (or light vehicles) and types 6 and 7 for heavy vehicles. Table 2 shows entry and exit driveway widths and separation between the two where applicable.

Table 3 shows type of driveways to serve numbers of parking spaces.

TABLE 2

Recommended Driveway Types

Type	Entry Width (Metres) W	Exit Width (Metres) W	Minimum Separation of Driveways (Metres)	Splay at Kerbline (Metres)	Kerb Return Turnout Radius (Metres) R
1	3-6	Combined*	NA	0.5	-
2	6-9	Combined*	NA	1	-
3	6	4-6	1-3	1	2-9
4	6-8	6-8	1-3	1	2-9
5	Direct feed from a controlled intersection via a dedicated public roadway via an intersection controlled by STOP and GIVE WAY signs, traffic signals or a round-about				
6	8-10	8-10	3	1	2-9
7	10-12	10-12	3	1	2-9

* Driveways are normally combined, but if separate, both entry and exit widths should be 2.9m minimum

Source: Transport for NSW - Guide to Traffic Generating Developments
Australian Standard 2890.1-2004 – Parking Facilities

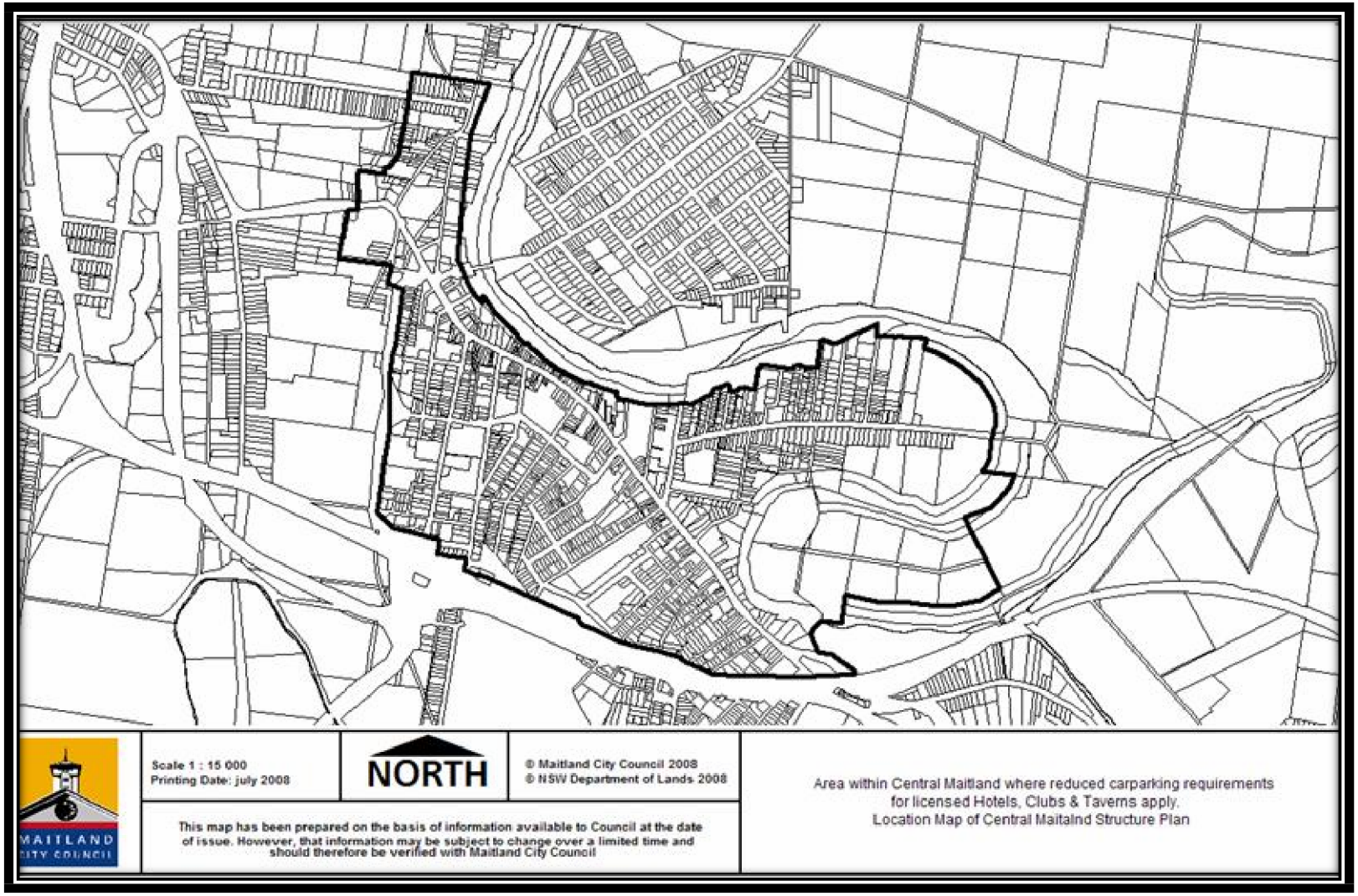
TABLE 3

Selection of Driveway Type Based on Parking Spaces

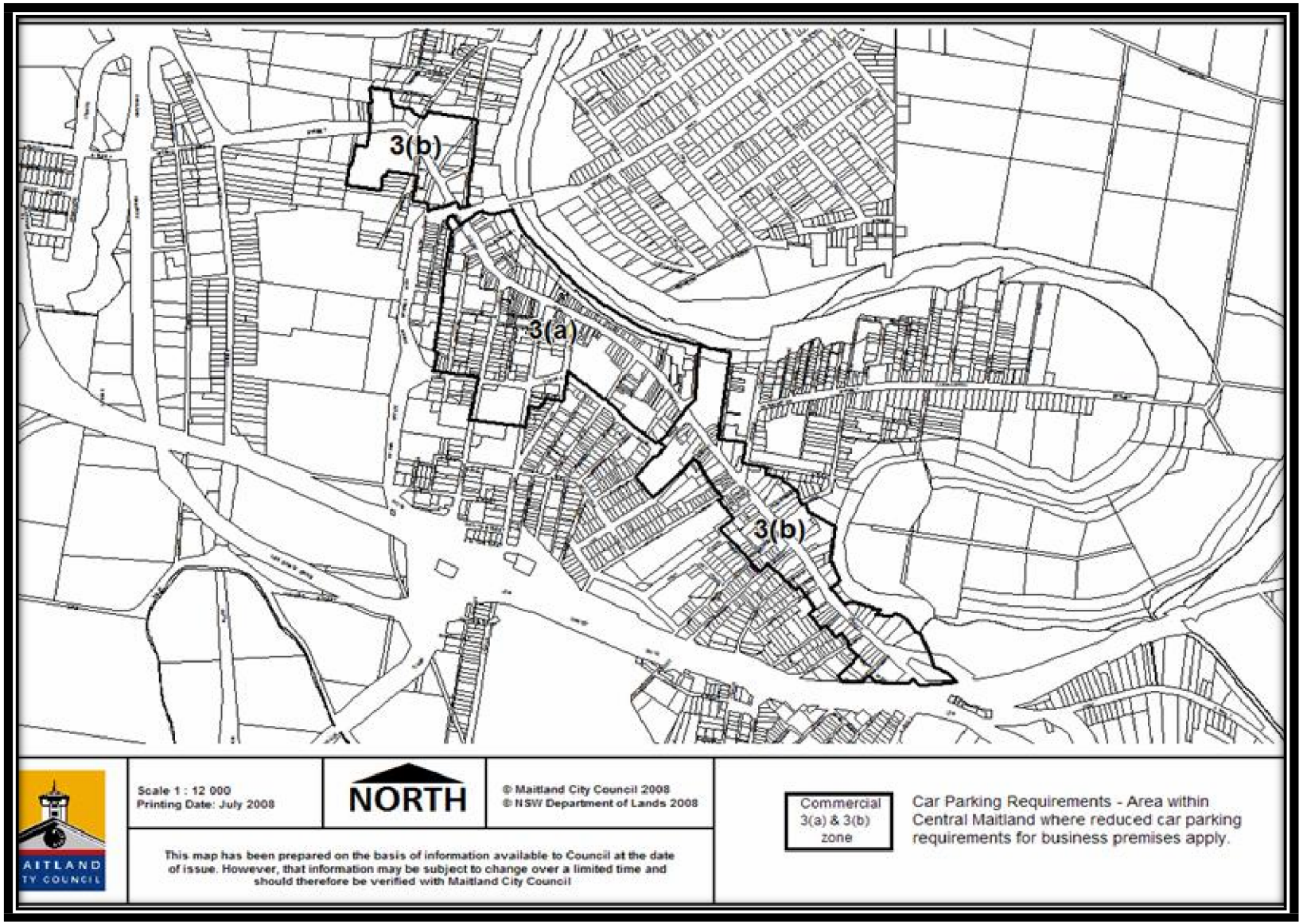
Road Frontage	Number of Car Parking Spaces Served by the Driveway					
	Less than 25	25-100	101-300	301-600	More than 600	Heavy Vehicles
Major	1-2	2-3	3-4	4	5	7
Minor	1	1-2	2-3	3-4	4	6

Source: Transport for NSW - Guide to Traffic Generating Developments
Australian Standard 2890.1-2004– Parking Facilities

Appendix C - Maps



Map 1


3(b)
3(a)
3(b)
AITLAND
TY COUNCIL
Scale 1 : 12 000
Printing Date: July 2008
NORTH
© Maitland City Council 2008
© NSW Department of Lands 2008
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 City Council
Commercial 3(a) & 3(b) zone
Car Parking Requirements - Area within Central Maitland where reduced car parking requirements for business premises apply.

Map 2

C.12 - Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) seeks to influence the design of buildings and places in ways that lessen or prevent the incidence of crime. CPTED employs four key strategies:

1. Territorial re-enforcement
2. Surveillance
3. Access control
4. Space/activity management.

Objectives

- The security of buildings and public spaces is achieved through the application of Crime Prevention through Environmental Design principles.
- Territorial reinforcement is achieved through good quality, well maintained buildings and spaces and the delineation of public and private areas.
- Good natural surveillance is achieved by the position of buildings and the orientation of uses toward public areas.
- Landscaping and lighting contribute to the safety of an area.
- Mechanical surveillance (e.g. CCTV) is only used where passive surveillance cannot be achieved or in isolated, high risk areas.
- Way-finding, desire lines and formal/informal routes are reinforced by physical and symbolic barriers that channel and group pedestrians into areas.
- Activity in public spaces is promoted by providing and maintaining high-quality public areas and promoting a diversity of uses that encourage activity throughout the day and night.
- Perception of crime is minimised by maintenance of public areas and the rapid response to vandalism and graffiti.

General Requirements

The following developments shall include a detailed Crime Prevention through Environmental Design assessment that is prepared by an accredited person.

- New centres
- Mixed use residential/commercial development
- Medium and high-density residential development
- Subdivisions involving newly developing areas
- Parks and open space or publicly accessible areas
- Community uses
- Sport, recreation and entertainment areas
- Other high use areas or developments where crime may be an issue.