

**PROPOSED ALTERATIONS AND ADDITIONS AND
CHANGE OF USE TO FOOD AND DRINK PREMISES**

323 HIGH STREET, MAITLAND

STATEMENT OF ENVIRONMENTAL EFFECTS

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WILSON PLANNING

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1.0 Introduction

1.2 Site Details

The subject site is legally described as Lot 1 in Deposited plan DP 1018628 and is known as 323 High Street, Maitland.

The site is rectangular in shape and has a total area of 362m². The subject site is located in the heart of Maitland 's CBD, on the southern side of High Street. The site has a frontage of 10.15m to High Street, a frontage of 8.735m to an unnamed lane, and depths of between 21.79m and 39.64m.

The site contains a 2-storey commercial and residential building, with an approved food and drink premises (small bar) on the ground floor and a dwelling on the first floor overlooking High Street. Vehicular access is available to the site from the lane at the rear; however, the site does not contain any car parking.

The site is zoned MU1 Mixed Use under Maitland Local Environmental Plan 2011 and is within the Central Maitland Heritage Conservation Area.

The location of the site is shown in Figure 1. The existing premises (the subject of this DA) are shown in Figures 2-4.



Figure 1 – Location of site

Source: ePlanning Spatial Viewer, 2023



Figure 2 – The frontage of the site

Source: realcommercial.com.au



Figure 3 – Internal layout of the ground floor of the existing food and drink premises

Source: realcommercial.com.au



Figure 4 – Internal layout of the ground floor of the existing food and drink premises

Source: realcommercial.com.au

1.3 Surrounding Development

The site is surrounded by a mixture of commercial premises, food and drink premises, churches and schools.

1.4 Planning History

The following applications relevant to the current application have been approved for the site:

- DA/2013/1384 - Change of Use from Shop to 'Food & Drink' Premises
- DA/2019/19, as amended - Food and Drink Premises - Small Bar

1.5 Proposed Development

Consent is sought for alterations and additions to the rear section of the existing building and a change of use from small bar to a restaurant. Alterations and additions include the following:

- Demolition of existing internal amenities, ramp, balustrade, walls, doors, and rear skillion roof and flooring.
- Construction of a 23m³ addition to the rear of the existing building to cater for new accessible male and female WCs and grease arrestor.
- Raise the rear dining section flooring by approximately 200mm and construction of new roof over the rear section of the building, including the addition.
- Construction of commercial kitchen, cold room, bar, storage rooms, accessible WC, ramp, and refurbished dining areas.
- The ground floor premises will have a total GFA of 301.74m², an increase of 23m².
- The existing dwelling on the first floor to be used for storage associated with the restaurant.
- New concrete slab at the rear of the property for bin storage.

The proposed restaurant will have the following opening hours and staff numbers:

Hours of Operation	Staff Numbers
10am – Midnight, 7 days (as per approval for DA 2019/19)	Maximum of 12, including full and part time employees

The following external illuminated business identification signage is proposed:

- 1 x under awning sign with the restaurant name, dimensions of 1m x 1.5m and an area of 1.5m²,
- 1 x window sign with the restaurant name and contact details, with an area of 3.3m².

2.0 The provisions of any environmental planning instruments

2.1 Environmental Planning and Assessment Act 1979 (the Act)

2.1.1 Section 4.46 'Integrated Development'

Integrated Development	Section	Comments
Fisheries Management Act 1994	s144 s201 s205 s219	N/A
Heritage Act 1977	s58	N/A
Coal Mine Subsidence Compensation Act 2017	s22	N/A
National Parks & Wildlife Act 1974	s90	N/A
Protection of the Environmental Operations Act 1997	ss43 (a), 47, 55 ss43 (b), 48, 55 ss43(d), 55,122	N/A
Roads Act 1993	s138	N/A
Rural Fires Act 1997	s100B	N/A
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	s89,90,91	N/A

2.2 State Environmental Planning Policies (SEPPs)

2.2.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

The proposed external signage continues to be consistent with the requirements outlined within Chapter 3.6 as detailed below:

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

- (a) That the signage is consistent with the objectives of this Policy as set out in Clause 3.1 (1)(a) and*
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5”.*

The proposed signage has been designed to integrate with the existing building and adjoining buildings, to reflect the branding of the proposed restaurant, and to comply with the requirements of the Industry and Employment SEPP.

Signage Details

- 1 x under awning sign with the restaurant name, dimensions of 1m x 1.5m and an area of 1.5m²,
- 1 x window sign with the restaurant name and contact details, with an area of 3.3m².

State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause	Provision	Comment
3.1	Aims, objectives etc	<p>The proposed signage is considered to meet the aims and objectives of the SEPP in that it;</p> <ul style="list-style-type: none">• is compatible with the desired visual amenity of the area within which the site is situated• complements the overall restaurant theme without impacting on the heritage character or values of the Central Maitland HCA.• is considered to be in the best location for effective communication to patrons of the restaurant.• uses high quality design and materials.
Schedule 5 - Assessment criteria		

State Environmental Planning Policy No. 64 – Advertising and Signage

Clause	Provision	Comment
1	<p>Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed signage is considered to be compatible with the current mixed-use character of the building and locality.</p> <p>The site is within a Heritage Conservation Area and signage has been kept to a minimum and relative to the use only. Signage is consistent with other food and drink premises signage surrounding the site.</p>
2	<p>Special areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The site is within a Heritage Conservation Area and signage has been kept to a minimum and relative to the use only. Signage is consistent with other food and drink premises signage surrounding the site.</p>
3	<p>Views and vistas</p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.</p> <p>The proposed signage has no impact on existing signage in close proximity to the site.</p> <p>The proposed signage is in keeping with surrounding signage.</p>
4	<p>Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p>	<p>The signage is considered to be acceptable in terms of scale, height, appearance and content.</p> <p>The proposed signage will contribute to the visual interest of High Street, without impacting on heritage values.</p> <p>The proposed signage does not result in visual clutter.</p> <p>N/A</p>

State Environmental Planning Policy No. 64 – Advertising and Signage

Clause	Provision	Comment
	<p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposed signage does not protrude above the building.</p> <p>No.</p>
5	<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is compatible with, and complements, the overall scale, proportion, design and character of the existing building.</p> <p>The proposed signage does not detract from important heritage features of the building or High Street generally.</p>
6	<p>Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>These are not considered necessary.</p>
7	<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>The signage will be internally illuminated as the restaurant will be open after dark. Low level LED lighting will be used and will not be dominant, create glare or detract from the building's heritage values or streetscape.</p> <p>The signage will only be illuminated during operational hours.</p>
8	<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p>	<p>Safety would not be compromised by the location, size or nature of the proposed signage.</p>

State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause	Provision	Comment
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage has no impact upon safety.
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas

2.3 Maitland Local Environmental Plan 2011 (MLEP 2011)

2.3.1 Zone and Zone Objectives

The subject site is zoned MU1 Mixed Use. The objectives of the MU1 zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimize conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

The proposal meets these objectives.

2.3.2 Land Use Table

The development application seeks to change the existing land use from a food and drink premises (small bar) to a food and drink premises (restaurant). Food and drink premises are permissible in the MU1 zone.

2.3.3 Principal Development Standards

The following table provides an assessment of the proposal against other relevant clauses of MLEP, including consideration of Principal Development Standards.

Maitland Local Environmental Plan 2011		
Clause	Provision	Comment
1.2	Aims of the plan	These are broad aims that have limited applicability to the current proposal. Notwithstanding the proposal is considered to be generally consistent with the aims.
4.3	Height of buildings	The Height of Buildings Map does not identify a maximum height limit for this site.
4.4	Floor Space Ratio	The Floor Space Ratio Map does not identify a maximum FSR for this site.
5.10	Heritage conservation	The subject site does not contain a listed heritage item however, the site is located within the Central Maitland Heritage Conservation Area and consent is sought for the

Maitland Local Environmental Plan 2011

Clause	Provision	Comment
		<p>proposed works, as required by 5.10(2).</p> <p>The Character Statement from Section 2 of Part E of Maitland DCP states the following in terms of heritage significance along High Street:</p> <p><i>High Street is characterised by a remarkable collection of early buildings which reflect the growth of the town as a centre of commerce in the Hunter Valley. Banks, shops and offices, together with churches and houses, date from every period of development and exhibit a variety of architectural styles.</i></p> <p><i>High Street is the spine from which the majority of streets branch off at an acute angle. The original bullock track became fixed as the line of the main street enclosed by buildings of two - three storeys, and punctuated along its length by landmark or "reference" buildings.</i></p> <p><i>Throughout its development, the two storey building has dominated the streetscape with only a few instances of one or three storey buildings occurring.</i></p> <p><i>The character of Maitland's architecture is very strong and is comprised of two distinct building types. High Street is typified by those buildings having parapets which conceal the roof. Areas away from High Street are typified by buildings having a visible hipped or gable roof.</i></p> <p><i>Central Maitland has retained most of its landmark public and private buildings which continue to dominate the skyline. The majority of buildings in High Street were built before World War 1, and display recognisable styles characteristic of the locality including examples from each period of Maitland's growth.</i></p> <p><i>Individually, many of these buildings have special architectural and historical significance because of Maitland's 19th century commercial significance.</i></p> <p><i>Together, they represent both the history of the development of High Street and a catalogue of late 19th century facades. Importantly, from a streetscape viewpoint, the smaller buildings complement the larger buildings in both scale and design.</i></p> <p><u>Comment</u></p> <p>Other than business identification signage, painting of the Level 1 façade in the same colour as existing (cream), and</p>

Maitland Local Environmental Plan 2011

Clause	Provision	Comment
		<p>spotlights to light up the Level 1 façade, there will be no change to the appearance of the building from High Street and no change to the streetscape or character of High Street.</p> <p>The replacement/raising of the existing skillion roof over the rear portion of the ground floor and addition to the rear of the site will have no impact on the heritage significance of the HCA, or character or streetscape of High Street. It will, on the other hand, allow a commercially viable business to operate from the premises that will assist in the conservation and viability of the building and HCA generally.</p> <p>In terms of conservation policies, the DCP states for High Street:</p> <p><i>What to Keep:</i></p> <ul style="list-style-type: none"> • <i>Large commercial and administrative buildings which explain the historical importance and affluence of Maitland’s commercial centre in the 19th Century;</i> • <i>Retention of the original and early details of all important buildings;</i> • <i>Views to important or reference buildings, spires and the like, and the imposition of height limits to achieve this in close proximity to the buildings;</i> • <i>Generally, a maximum height of three storeys in High Street and surrounding commercial streets;</i> • <i>Views to surrounding rural areas, where possible and appropriate;</i> • <i>The open landscape around Central Maitland Railway Station;</i> • <i>Shop fronts which are original to the building or which make an important historical or architectural contribution to building and the street.</i> • <i>Original signage;</i> • <i>The original character and status of streets, side-streets and laneways as much as is practicable;</i> • <i>Original fabric of buildings of significance.</i> <p><u>Comment</u></p> <p>Other than business identification signage, painting of the Level 1 façade in the same colour as existing (cream), and spot lights to light up the Level 1 façade, there will be no change to the appearance of the building from High Street and no change to the streetscape or character of High Street.</p>

Maitland Local Environmental Plan 2011

Clause	Provision	Comment
		<p><i>What to Encourage:</i></p> <ul style="list-style-type: none"> • <i>Infill development that is sympathetic to surrounding development in terms of height, scale and form;</i> • <i>Re-instatement of original/appropriate verandahs, in accordance with the guidelines contained in this DCP;</i> • <i>Where new verandah posts are proposed for commercial buildings they should reinstate original arrangements. Where no evidence of original verandahs can be found, traditional construction methods appropriate to the building should be used;</i> • <i>Uses appropriate to the original design or function of buildings where possible;</i> • <i>Where the original shopfront has been removed and replaced with an unsympathetic alteration, the reinstatement of earlier styles of shopfront in keeping with the character of the building;</i> • <i>Retention of the sense of enclosure of High Street by ensuring that new development maintains building scale and height (ie. two storeys where two storey already exists), appropriate parapet height and design, and reinforcement of established building lines;</i> • <i>Generally a maximum height limit of three storeys unless inappropriate having regard to surrounding development or the need to preserve views.</i> <p><u>Comments</u></p> <p>Other than business identification signage, painting of the Level 1 façade in the same colour as existing (cream), and spot lights to light up the Level 1 façade, there will be no change to the appearance of the building from High Street and no change to the streetscape or character of High Street. The use is consistent with the previous approval for a food and drink premises and is appropriate for the building.</p> <p>The replacement/raising of the existing skillion roof over the rear portion of the ground floor and addition to the rear of the site will have no impact on the heritage significance of the HCA, or character or streetscape of High Street. It will, on the other hand, allow a commercially viable business to operate from the premises that will assist in the conservation and viability of the building and HCA generally.</p> <p><i>What to Avoid:</i></p> <ul style="list-style-type: none"> • <i>Facades with strongly horizontal character, which do not reflect the rhythm of fenestration and vertical elements in original buildings;</i>

Maitland Local Environmental Plan 2011

Clause	Provision	Comment
		<ul style="list-style-type: none"> • <i>Cantilevered or suspended awnings on commercial and light industrial buildings;</i> • <i>Changes of use/function which are inappropriate to the original use/purpose of the buildings, because they require major alterations to original fabric.</i> • <i>Mimicking detail of heritage items/surrounding buildings, or application of inappropriate detail.</i> • <i>Large areas of bitumen surfaced car parking areas</i> • <i>Dominant use of unsympathetic corporate colours on building facades and signage.</i> • <i>Modern aluminium shopfronts which are not consistent with guidelines contained in this DCP.</i> • <i>Verandah posts inserted directly underneath cantilevered awnings will generally not be considered appropriate.</i> <p><u>Comments</u></p> <p>None of the above elements are proposed.</p> <p>As the above has shown, there will be no detrimental impact on the heritage significance of the Central Maitland HCA and the proposed use and works are appropriate and sympathetic. In terms of positive impact, the proposal will allow a commercially viable business to operate from the premises that will assist in the conservation and viability of the building and HCA generally.</p> <p>It is considered, based on the above comments, that a formal Statement of Heritage Impact is not necessary for the current proposal.</p>
5.21	Flood planning	<p>The site is identified as being flood prone land on the Flood Planning Map.</p> <p>The level of the existing building is to remain, with only a 23m² addition to the rear that will be at the same FFL as the remainder of the building. This is considered to be a minor addition that will not increase the risk to life or property from flood. A condition will be accepted requiring all new electrical circuits/power points to be above the flood planning level and for all new materials to be flood compatible.</p>
7.1	Acid sulfate soils	<p>The site is affected by Class 5 acid sulfate soils. The site is within 500m of Class 4 land; however that land is not below 5m AHD and the minor works proposed will not result in disturbance/lowering of the watertable below 1m AHD.</p>
7.2	Earthworks	<p>Minor excavation is proposed in relation to the new concrete slab footings at the rear of the site. This will have only minor impacts on soil stability, and drainage. There</p>

Maitland Local Environmental Plan 2011		
Clause	Provision	Comment
		will be no impacts on natural watercourses. Erosion and sediment control measures can be provided prior to the issue of a Construction Certificate.

3.0 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no known current draft or proposed instruments applicable to the proposal.

4.0 The provisions of any development control plans

4.1 Maitland Development Control Plan 2011 (MDCP)

The following table provides an assessment of the proposed development against relevant sections of MDCP 2011.

Maitland Development Control Plan 2011		
Clause	Provision	Comment
Part B.6 – Waste Not – Site Waste Minimisation & Management		
	A completed SWMMP shall accompany the development application, indicating measures for the construction phase (if required) and its ongoing use.	A SWMMP has been prepared and accompanies the application.
	The SWMMP or plans submitted with the application shall show the location of onsite individual or communal waste/ recycling storage area/s or room/s of an appropriate size to accommodate waste and recycling bins, either provided by Council or by a private waste facility. These areas are to be large enough to accommodate the waste generated by the development and be accessible by the waste contractor.	The waste storage area at the rear of the site facing the lane is capable of accommodating bins for general and recyclable waste. A private contractor will service the restaurant. Based on the waste generation rates in Section 1.3, the restaurant will generate 10L/1.5m ² of floor area/day of general waste and 2L/1.5m ² of floor area/day of recyclable waste. With a GFA of 301.74m ² , the restaurant will generate 2,012L/day of general waste and 402L/day of recyclable waste.

Maitland Development Control Plan 2011

Clause	Provision	Comment
		<p>Based on Appendix A of the EPA's 'Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities' 2012, the average restaurant will generate 190L/100m² of floor area/day of general waste and 190L/100m² of floor area/day of recyclable waste. With a GFA of 301.74m², the restaurant will generate, on average, 573L/day of general waste and 573L/day of recyclable waste. This is a much truer reflection of waste generation rates for the proposal and these rates have been adopted.</p> <p>The weekly volume of waste needing to be stored/collected is 4,011L for general waste and the same for recyclables.</p> <p>It is proposed to provide 6 x 240L general bulk waste bins collected by a private contractor 3 times a week and 2 x 660L recyclables bulk waste bins, collected 3 times week by a private contractor. Each 660L bulk waste bin needs 1.16m² for storage x 2 = 2.32m². There is sufficient room in the 'Waste Bin Location' at the rear of the site for these bins. Each 240L bin needs 0.58m² for storage x 6 = 3.48m². There is sufficient room in the 'Waste Bin Location' and on the other side of the emergency fire door at the rear of the site for these bins.</p>
Part C.4 – Heritage Conservation		
3	<p>General Requirements for Alterations and Additions</p> <p>Various controls</p>	<p>Other than business identification signage, painting of the Level 1 façade in the same colour as existing (cream), and spot lights to light up the Level 1 façade, there will be no change to the appearance of the building from High Street and no change to the streetscape or character of High Street.</p> <p>The replacement/raising of the existing skillion roof over the rear portion of the ground floor and addition to the rear of the site will not impact on the orientation of existing buildings, will not dominate or overwhelm the existing building, and will have no impact on the heritage significance of the HCA, or character or</p>

Maitland Development Control Plan 2011

Clause	Provision	Comment
		streetscape of High Street. The function of the rear lane will not be impeded. Setbacks are commensurate with adjoining buildings and will be constructed in accordance with the NCC and materials that are sympathetic to the existing building. The new roof will match the previous roof to be replaced in terms of being skillion, material and colour.
7	Signage Various controls	The site is within a Heritage Conservation Area and business identification signage has been kept to a minimum and relative to the use only. There is no advertising proposed. Signage will be subservient to the built form/character of the shop front and is consistent with other food and drink premises signage surrounding the site.
Part C.6 – Signage		
Guidelines for Signage	<ol style="list-style-type: none"> 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. 	<p>Complies.</p> <p>Complies.</p> <p>Complies. See comments above under Part C.4.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Noted.</p>

Maitland Development Control Plan 2011		
Clause	Provision	Comment
	<p>9. Footpath signs are prohibited.</p> <p>10. Rationalisation of signage is encouraged.</p> <p>11. Temporary signs and banners are generally not encouraged but when allowed, are subject to strict conditions of approval and removal following the event.</p> <p>12. Signs requiring substantial supporting structure may require detail design plans from a practising Structural Engineer.</p>	<p>Not applicable.</p> <p>Noted.</p> <p>Not applicable.</p> <p>Not applicable.</p>
Part C.11 – Vehicular Access and Car Parking		
1.1 General Requirements	<p>In determining the parking and traffic requirements for a development proposal, the following principles shall be followed:</p> <ul style="list-style-type: none"> • 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. 	<p>The proposal involves a change of use, transitioning from a small bar to a restaurant, along with a minor extension to the existing premises to provide compliant amenities for patrons. The site is situated in the Maitland City Centre and has an historical parking deficiency, with reliance on on-street and public parking facilities.</p> <p>It should be noted that the previous two development applications on the site were approved for 'food and drink premises' and there is no parking provision within the site.</p>
Calculation of Parking Requirements	<p>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.</p> <p>b. Mixed Uses Ancillary components of a land use (for example an office within an industrial building that occupies</p>	<p>Not applicable – see d. below.</p> <p>Not applicable.</p>

Maitland Development Control Plan 2011

Clause	Provision	Comment
	<p>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.</p> <p>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.</p> <p>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:</p> <p>I. The parking requirements of the previous or existing premises is to be determined in accordance with Appendix A of this policy;</p> <p>II. The parking requirement of the proposed development is to be determined in accordance with Appendix A of this policy;</p> <p>III. Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above;</p> <p>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.</p>	<p>Not applicable.</p> <p>There is no parking provision within the site and the proposal involves a change of use, transitioning from a small bar to a restaurant, along with a minor extension to the existing premises to provide compliant amenities for patrons. It should be noted that the previous two development applications on the site were approved for 'food and drink premises'. As such, the change of use is from one type of 'food and drink premises' to another type of 'food and drink premises'.</p> <p>The site is situated in the Maitland City Centre and the historical use was for a shop, which has since been changed to a food and drink premises under two previous DAs. As such, the premises has an historical parking deficiency of 100%, with reliance on on-street and public parking facilities. The same will be true for the new restaurant.</p>

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Clause	Provision	Comment
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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 floorspace.</p> <p>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.</p> <p>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</p>	<p>Applicable, as above.</p> <p>See g. below.</p> <p>The proposal includes a minor extension to the existing premises to provide compliant amenities for patrons and a grease arrestor. These functions do not generate the demand for additional parking.</p> <p>No need to address as the site has 100% historical deficiency and is within Maitland City Centre.</p>

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	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%.	
Central Maitland Heritage Conservation Area		
E3 Heritage Conservation areas		
See comments in Section 2.3.3 of this report (Clause 5.10 of MLEP).		

5.0 The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

5.1 Environmental impacts on both the natural and built environments

5.1.1 Noise

The previously approved small bar had acoustic measures imposed under Condition 7, as follows, and this condition can be imposed on any further consent granted for a restaurant.

7. *The L_{A10} noise level emitted from any portion of the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07.00am and 12.00 midnight at the boundary of any affected residence.*

The L_{A10} noise level emitted from any portion of the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz-8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence.

Note: for the purposes of this condition the L_{A10} can be taken as the average maximum deflection of the noise emission from the premises.

*The operator of the premises should ensure that amplified music is actively reduced at all times to ensure that no offensive noise is emitted as defined under the **Protection of the Environment Operations Act 1997**. Noise emitted from any portion of the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.*

5.1.2 Hazards

There are no other known hazards that would preclude development of the land for the purpose sought.

5.2 Social impacts

The proposed use will have a beneficial social impact on the locality, by providing a range of food and drink services for the local population and by encouraging people into the Maitland City Centre after normal business hours.

5.3 Economic impacts

The proposed use will have a positive economic impact on the locality in that it will generate additional local short and long term employment and will result in additional spending in the local area.

6.0 The suitability of the site for the development

This report has demonstrated that the site is suitable for the proposed alterations and additions and change of use from small bar to restaurant. In summary, suitability is achieved given:

- The use is permissible and consistent with the relevant zone objectives.
- The development respects the existing commercial and heritage character of the Maitland City Centre and Central Maitland Heritage Conservation Area.
- There are no prohibitive constraints posed by the site or those adjacent.
- There are no detrimental environmental or amenity impacts resulting from the proposal.

7.0 The public interest

The proposed use of the premises as a restaurant is considered to be in the public interest, in that it will provide a range of local services, provide local jobs and inject money into the Maitland City Centre economy without detrimentally impacting on the environment or amenity of adjoining properties.

8.0 Conclusion

This Statement of Environment Effects has considered all natural constraints and hazards and found the site/premises to be suitable for the proposed change of use from small bar to restaurant. It has been found that the proposed development will have negligible impacts on the natural or built environment and the proposal.

This report has addressed the permissibility of the development and found it to be permissible under MLEP. The proposal is considered to be compliant with MLEP and MDCP.

Granting approval for this application would facilitate the establishment of a diversified night time economy business, leading to favourable economic and social outcomes within the immediate community.

Council's favourable consideration of the application is requested.



WILSON PLANNING