



# DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW MEDICAL CENTRE

11 CESSNOCK ROAD, GILLIESTON HEIGHTS

SEE PREPARED BY TP CONSULTING

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## 1 THE SITE AND SURROUNDS

The subject development site has a legal description of Lot 1 in DP 1272981, and is more commonly referred to as No. 11 Cessnock Road, Gillieston Heights.

The site is almost rectangular in shape with a frontage of approximately 17.49m to Cessnock Road and secondary frontage of approximately 57m to Beckett Street, with a lot area of approximately 1138m<sup>2</sup>. The site adjoins a take-away pizza and bottle shop (No. 13 Cessnock Road) to the south and a one-storey residential dwelling with attached garage (No. 2 Beckett Street) to the west.

The site is located on southern side of Beckett Street and western side of Cessnock Road and is primarily located in a R1 General Residential zone. The site is in proximity to land zoned E1 Local centre that is located along Cessnock Road, to the north of Redwood Drive. It is also located directly to the south of land zoned RE1 Public Recreation which is also known as Judd Greedy Park.

The site is located within Maitland LGA and the surrounding area is characterized by low density residential developments. The site is nested within the Gillieston Heights Urban Release Area (eastern side of Cessnock Road) which will provide new infrastructure and services to the area as well as an increase in local population and corresponding demand for high quality medical & health care services.



Figure 1 – Locality Aerial (Site Highlighted) Source: NSW Government



Figure 2 – Aerial of the subject site Source: NSW Government



Figure 3 – Existing view of the subject site from Cessnock Road Source: Google



Figure 4 – Existing view of the subject site from secondary frontage (Beckett Street) Source: Google



Figure 5 – Western side of existing secondary frontage at Beckett Street Source: Google



Figure 6 – Local park to the north of the subject site on Beckett Street Source: Google





Figure 7 – Southern adjoining take-away premises at 13 Cessnock Rd Source: Google



Figure 8 – Western adjoining single storey dwelling at 2 Beckett St Source: Google

## 2 THE PROPOSAL

The proposed development is for the demolition of the existing structures on the site and construction of a single-storey Medical Centre for General Practitioners (GP), at 11 Cessnock Road, Gillieston Heights. Specific details of the proposal are as follows:

### Demolition/ site clearing

- Demolition of the existing dwelling and structures on the site
- Removal of all existing trees and vegetation

### Construction works

- A new single-storey building with a metal roof (1.5° pitch) and parapet wall will be constructed. Details of the building are as follows:
  - Dimensions of the building are 24.2m x 17.5m (GFA 401.25m<sup>2</sup>)
  - The building layout includes:
    - 1 x Reception and waiting area
    - 5 x Consultation rooms
    - 2 x bathrooms + 1 x accessible bathroom
    - 1 x staff room
    - 1 x storage room/ IT room
    - 1 x IT room
    - 1 x procedure room
    - 1 x X-RAY room
    - 1 x write-up room
    - 1 x Manager room
    - 1 x Allied Health room
    - 1 x Pathology room
    - 2 x treatment/ recovery rooms
    - 2 x Ultrasound scan rooms
  - The building has two entrances, one entrance from Beckett Street, and one entrance from the proposed car park to the western elevation

### Other works

- Expansion of the existing vehicular crossing and driveway at Beckett Street
- New parking area to the western end of the site with a total of 15 car spaces, which consists of:
  - 13x standard car spaces
  - 1x loading / unloading space (which can also be used as 1 additional standard car space when not in use for loading / unloading)
  - 1x accessible/disable space

**Note:** 8x bicycle parking spaces are also provided at the far western end of the car park.

## 2.1 OPERATIONAL DETAILS

### 2.1.1 HOURS OF OPERATION

The following are proposed operational hours of the Centre is:

- Monday - Friday: 8:30am to 5:00pm
- Saturday, Sunday and Public Holiday: Closed

### 2.1.2 STAFF

For most of the week there will be only 2 doctors, except Tuesday which will have 3 doctors. Wednesday & Thursday tentatively may have a 3<sup>rd</sup> doctor, subject to confirmation – refer to indicative timetable/roster for the Centre. There will also be 1 nurse and 2 administration/support staff.

**Note:** Patient appointments slots are usually in 15 minutes slots. Therefore a 1-hour session will have no more than 3 to 4 patients. The Centre will also conduct consultations over the phone (telehealth) which will reduce the number of on-premises patients/visitors.

Indicative weekly timetable/roster for the Centre is reproduced below:

Gillieston Height	Monday	Tuesday	Wednesday	Thursday	Friday
Consult-1	Sam	Sam	Sam	Manar	Bara
Consult-2	Bara	Bara	Michael		Michael
Consult-3		NICK	jenny?	jenny?	
Consult-4					
Consult-5					
TR	bianca	Brooke	Brooke	Brooke	

### 2.1.3 CLIENTS/PATRONS

It is anticipated that there will be between 5-6 patients on-site at any one time.

It is expected that visitors/patients to the Centre will be predominantly by-appointment – although the Centre will also accept walk-ins (walk-in visitors are expected to be quite rare).

### 2.1.4 LOADING AND DELIVERIES

The Centre does not perform procedures/surgeries and therefore does not need substantial medical supplies; there is also limited storage space. The Centre would on average receive 1-2 deliveries per week, with indicative delivery program as follows:

- Medical supplies once per week
- Liquid nitrogen delivery once per month.
- Pathology sample collection is twice daily.

### 2.1.5 ACCESSIBILITY

The Centre will provide 1x accessible car parking space, a continuous path of travel (e.g. no steps) to the main entry door, an accessible toilet within the building, and adequate circulation areas and door widths to facilitate disabled access throughout the building. Refer to Architectural Plans & Accessibility/BCA Report for details.

### 2.1.6 SECURITY

Closed-circuit television (CCTV) cameras will be strategically installed throughout the premises to ensure comprehensive surveillance; approximately 4 to 5 CCTV cameras will be positioned as follows:

- 2x car park,
- 1x front door,
- 1x reception,
- 1x hallway

This comprehensive coverage will help monitor activities and ensure the safety and security of all areas.

**Note:** there will be no cameras in the consultation or staff room.

### 2.1.7 WASTE – GENERAL

Internal rubbish bins will be emptied daily by staff and collected by commercial contractor weekly as organised by management.

A cleaning company will also be contracted to carry out professional cleaning of the premises (e.g. dusting, vacuuming, mopping, sterilisation of surfaces) 2 to 3 times per week – this is in addition to general cleaning/tidying done by staff every day.

Refer to the Waste Management Plan for more details regarding waste minimisation & recycling of materials during construction & operation of the Centre.

### 2.1.8 WASTE – OTHER

Sharps (e.g. syringes) will be disposed of immediately after use in the designated sharps bin/container. The 1 sharp container will be collected once every 2 weeks by contractor (Lavery Pathology) and disposed in accordance with SafeWork NSW and/or NSW Health requirements.

Refer to the Plan of Management for more details regarding waste handling & disposal during operation of the Centre.

### 2.1.9 SIGNAGE

The proposal seeks to provide 3x business identification signs, one at each of the northern, eastern and western elevations of the building façade. All 3 signs will have the same measurement of approximately 4.6m x 0.5m – refer to Plans for details.

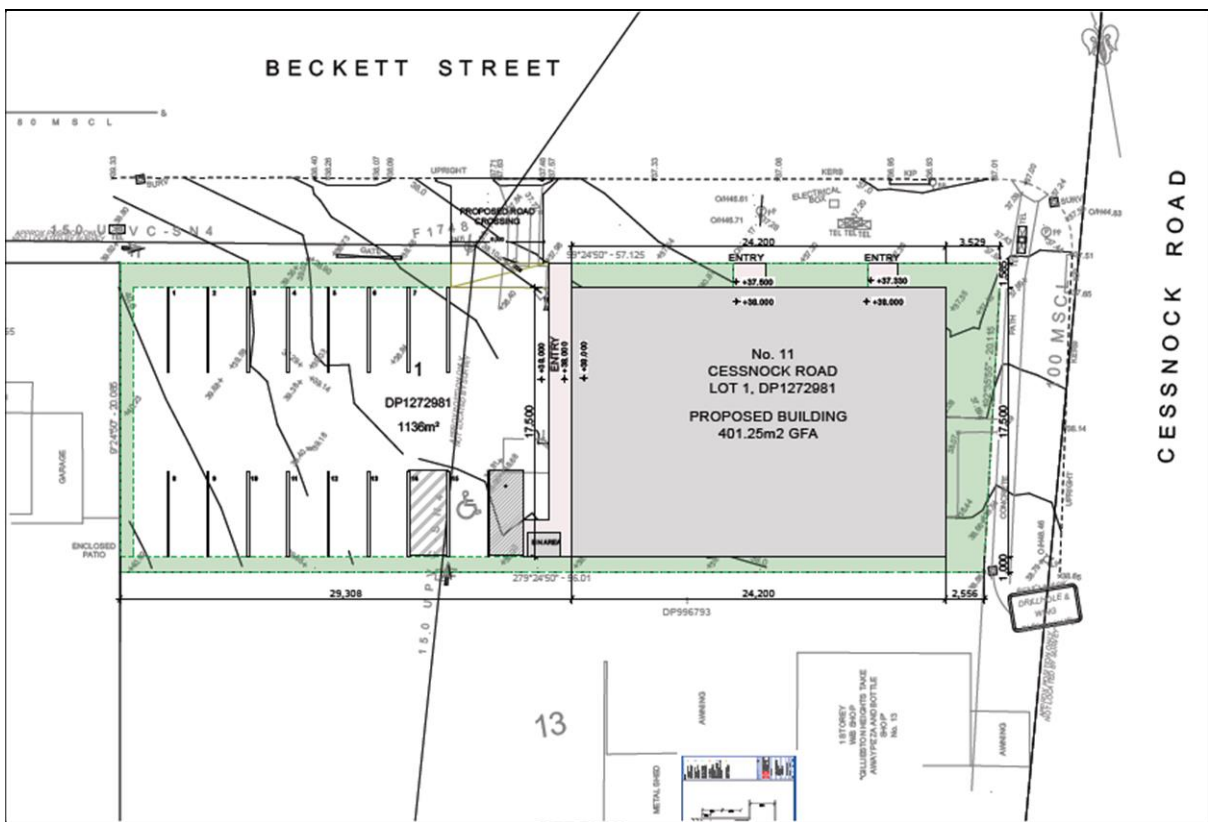


Figure 9 – Proposed Site Plan Source: A&H Eco Group Pty Ltd

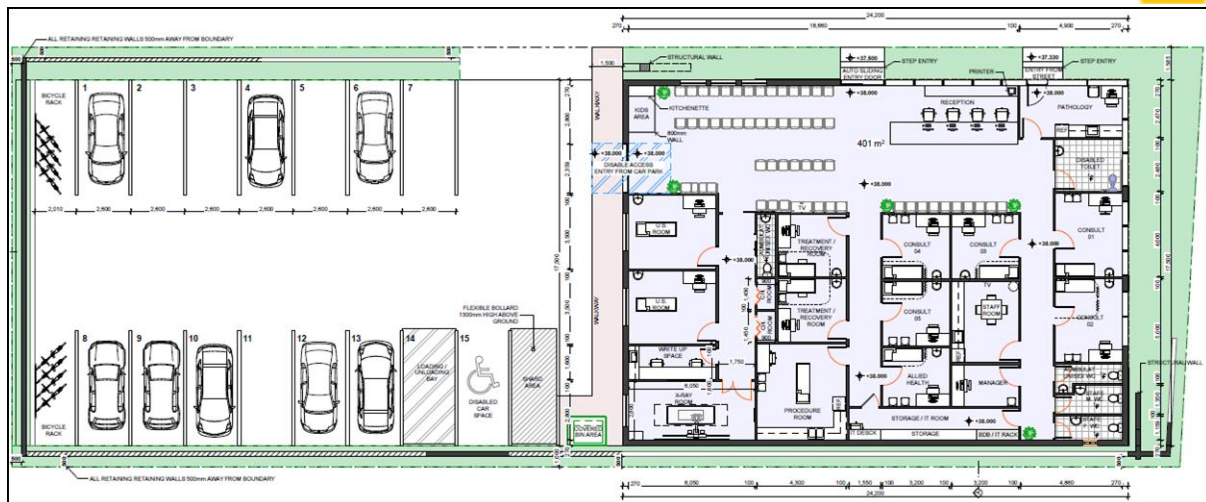


Figure 10 – Proposed floor plan Source: A&H Eco Group Pty Ltd

This Statement of Environmental Effects (Statement/(SoEE) should be read in conjunction with the indicative DA plans prepared by A&H Eco Group Pty Ltd, submitted under separate cover.

### 3 STATUTORY PLANNING FRAMEWORK

The *Environmental Planning & Assessment Act (EP&A Act) 1979* provides the broad regulatory framework for planning in NSW, including consideration of the following matters upon DA Assessment:

- Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
  - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
  - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
  - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
  - Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s93F or proposed Planning Agreement;
  - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
  - Section 4.15(1)(a)(v) - Any Coastal Zone Management Plan;
  - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
  - Section 4.15(1)(c) - The suitability of the site for the development;
  - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
  - Section 4.15(1)(e) - The public interest.
- Section 4.47 - Integrated Development.

## 4 SECTION 4.47 OF THE EP&A ACT, 1979

Section 4.47 of the Act details requirements for development known as “integrated development” which require a separate/additional approval from other government agencies and related legislation. The development is not “integrated development” as indicated by the table below:

Legislation	✓/✗	Legislation	✓/✗
Coal Mine Subsidence Compensation Act 2017	✗	Petroleum (Onshore Act) 1991	✗
Fisheries Management Act 1994	✗	Protection of the Environment Operations Act 1997	✗
Heritage Act 1977	✗	Roads Act 1993*	✗
Mining Act 1992	✗	Rural Fires Act 1997	✗
National Parks & Wildlife Act 1974	✗	Water Management Act 2000	✗

### 4.1 INTEGRATED DEVELOPMENT – ROADS ACT 1993

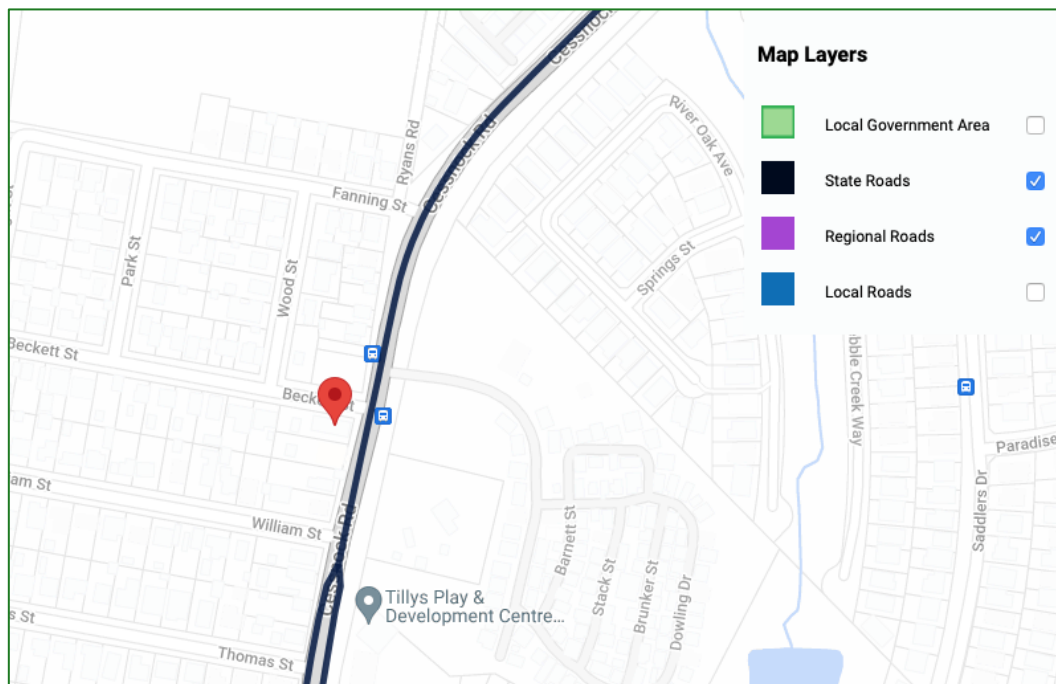


Figure 11 – Extract from NSW Road Network Classifications (2024) Source: NSW Government

The subject site is located on the corner of Beckett Street (local road) and Cessnock Road (State road). S4.46 of the EP&A Act 1979 states that integrated development is development that, in order for it to be carried out, require development consent and one or more of the following approvals:

S138 of Roads Act 1993 –

- Erect a structure or carry out a work in, or on or over a public road, or
- Dig up or disturb the surface of a public road, or
- Remove or interfere with a structure, work or tree on a public road, or
- Pump water into a public road from any land adjoining the road, or
- Connect a road (whether public or private) to a classified road.

The proposed medical centre will continue to provide vehicular access from Beckett Street. There will be no structure or works over the public road or any disturbances to the surface of the public road. As such, the proposed development does not fall under this category and therefore it is not considered to be integrated development.

## 5 SECTION 4.15 OF THE EP&A ACT, 1979

The consent authority is required to take into consideration the matters listed under Section 4.15 of the *EP&A Act* when determining the development application including environmental planning instruments, social and economic impacts; site suitability, the built and natural environment and the public interest.

The proposal has been evaluated and assessment throughout this Statement against the relevant heads of consideration contained in Section 4.15 of the *EP&A Act* and has been prepared to mitigate environmental impacts of the development.

The proposal is consistent with the objects of the *EP&A Act* as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

An evaluation of the proposal against the provisions of Section 4.15(1) of the Act is provided below:

### 5.1 ENVIRONMENTAL PLANNING INSTRUMENTS, DCPs AND PLANNING AGREEMENTS

Section 4.15(1)(a)(i) of the *EP&A Act* requires consideration of any Environmental Planning Instruments (EPI). The following EPI and Policies are applicable to the proposed development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Maitland Local Environmental Plan (MLEP) 2011
- Maitland Development Control Plan (MDCP) 2011

An assessment of the merits of the proposed development against the applicable controls of the above EPIs is detailed in this Statement below:

#### 5.1.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

##### Chapter 2 – Former SEPP (Vegetation in Non-Rural Areas) 2017

SEPP Biodiversity repealed the former SEPP (Vegetation in Non-Rural Areas) 2017<sup>1</sup> but essentially retains and transfers all existing provisions of SEPP Vegetation 2017 into Chapter 2 (Vegetation in Non-Rural Areas) of the new SEPP. The aim of the Vegetation Chapter is to regulate the clearing of native vegetation on urban land and

<sup>1</sup>The former Vegetation SEPP previously replaced/repealed clause 5.9 and 5.9AA of the Standard Instrument – Principal Local Environmental Plan, with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold being through any applicable DCP (e.g. the local tree preservation provisions of Council's DCP).



land zoned for environmental conservation/management that does not require development consent. The Chapter applies to the clearing of:

- Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council’s development control plan (DCP).

The proposal seeks to remove all of the existing trees and vegetation on the site. An Arborist Report is included as part of the DA package – refer to Heading 5.3.4 for further discussion.

5.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

**Chapter 2 – Coastal Management**

The site is not identified as “Coastal Environment Area” or “Coastal Use Area” and therefore is not required to be assessed against the provisions of the SEPP.

**Chapter 4 – Former State Environmental Planning Policy No. 55 – Remediation of land**

State Environmental Planning Policy (Resilience and Hazards) 2021 repeals the former State Environmental Planning Policy No. 55 but essentially retains and transfers all existing provisions of SEPP 55 into Chapter 4 (Remediation of land) of the new SEPP. The aim of the Remediation Chapter is to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The development is for a new 1-storey building with at-grade parking, and minimal excavation works are required (only for slab footings and trenching for plumbing/services).

The history of land uses for the site has been considered as an indicator for potential contamination of the site. A review of the NSW Environmental Protection Authority’s record of notices issued under Section 58 of the *Contaminated Land Management Act 1997* (CLM) has returned no results for the subject site.

Suburb	Address	Site Name	Notices related to this site
EAST MAITLAND	Corner Melbourne Street and Brisbane STREET	<a href="#">Former Gasworks Site</a>	2 former
MAITLAND	Charles STREET	<a href="#">Maitland Gasworks</a>	2 current
RUTHERFORD	Anambah ROAD	<a href="#">Former Anambah Landfill</a>	1 current

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The Section 10.7 Planning Certificate (No. PC/2024/2865, dated 25/09/2024) provided the following information, as prescribed by Section 59(2) of the CLM Act 1997 for the property in relation to Contaminated Land:

- a) *The land to which this certificate relates is NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.*
- b) *The land to which this certificate relates is NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.*
- c) *The land to which this certificate relates is NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.*
- d) *The land to which this certificate relates is NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.*
- e) *Council has NOT been provided with a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for the land to which this Certificate relates.*

Having regard to the above and history of residential land uses for the site (based on the historical site Aerial images – Figures 12 to 21 below), there is no reason to suspect that the land is contaminated and further investigation of the site’s potential contamination is considered not required.



Figure 12 – 1944 Aerial Image Source: NSW Government



Figure 13 – 1954 Aerial Image Source: NSW Government



Figure 14 – 1966 Aerial Image Source: NSW Government



Figure 15 – 1974 Aerial Image Source: NSW Government



Figure 16 – 1976 Aerial Image Source: NSW Government



Figure 17 – 1984 Aerial Image Source: NSW Government



Figure 18 – 1987 Aerial Image Source: NSW Government



Figure 19 – 1993 Aerial Image Source: NSW Government



Figure 20 – 1998 Aerial Image Source: NSW Government



Figure 21 – 2001 Aerial Image Source: NSW Government

The likelihood of encountering contaminated soils on the subject site is considered to be low given that the site has historically been used for residential purposes and the proposal involves the construction of a medical centre on the land. The site is considered suitable in its present state for the proposed development.

Council may impose conditions of consent that require Council to be notified of any new information which comes to light during demolition and construction works, which may have the potential to alter previous conclusions about site contamination.

### 5.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

#### **Chapter 2 – Infrastructure**

SEPP (Transport & Infrastructure) 2021 repeals and replaces 4 former SEPPs (including SEPP Infrastructure 2007), and aims to facilitate the effective delivery of infrastructure across the State. The following considerations are relevant to this application:

- The application is not subject to clause 2.47 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.
- The application is not subject to clause 2.118 of the SEPP as the site is not within land reserved as a proposed classified road.
- The application requires consideration under clause 2.119 of the SEPP as the site has frontage to Cessnock Road, which is a State/classified road (Figure 22).

However, there will be no vehicle access/parking from Cessnock Road; the proposed development will continue to use Beckett Street (local road) for vehicular access, which is consistent with the SEPP's requirement for vehicular access to the land be provided by a road other than the classified road, and will not interfere with the effective ongoing operation of Cessnock Road.

The proposal provides an at-grade parking area that provides car parking in excess of the DCP requirement (refer to Heading 7 for further discussion) which will ensure on-street parking and operation of the road network is not affected.

The DA is accompanied by a Traffic & Parking Report which concluded inter alia that the proposed medical centre complies with the car, bicycle, and service vehicle parking requirements of the MDCP 2011, and there are no traffic engineering reasons why the Centre should be refused.

The DA is also accompanied by an Acoustic Report which concluded inter alia that based on the Report's findings, there are no acoustic reason why the proposed Medical Centre should not be approved.

- The application is not subject to clause 2.120 of the SEPP as the development is not for residential accommodation.
- The application is not subject to clause 2.122 of the SEPP, as the site is **not** "traffic-generating development" to be referred to TfNSW as per Schedule 3 of the SEPP (Figure 23).

- Given the above, it is reasonably considered that the proposed development will not compromise the safety, efficiency or ongoing operation of the road network.

Therefore, the proposal is deemed to satisfy the relevant SEPP (Transport & Infrastructure) 2021 objectives and aims.



Figure 22 – RMS Classified (State & Regional) Roads map (site is red bubble) Source: NSW Government

Column 1	Column 2	Column 3
<b>Purpose of development</b>	<b>Size or capacity—site with access to a road (generally)</b>	<b>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</b>
Airports or heliports	Any size or capacity	Any size or capacity
Car parks (whether or not ancillary to other development)	200 or more car parking spaces	50 or more car parking spaces
Commercial premises (other than premises specified elsewhere in this table)	10,000m <sup>2</sup> in gross floor area	2,500m <sup>2</sup> in gross floor area
Food and drink premises (other than take away food and drink premises with drive-through facilities)	Car parking for 200 or more motor vehicles	300m <sup>2</sup> in gross floor area
Freight transport facilities	Any size or capacity	Any size or capacity
Hospitals	200 or more beds	100 or more beds
Industry	20,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area	5,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area
Liquid fuel depots	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area
Residential accommodation	300 or more dwellings	75 or more dwellings
Service stations without heavy vehicle refuelling or maintenance services	Any size or capacity	Any size or capacity
Service stations with heavy vehicle refuelling or maintenance services	Any size or capacity	Any size or capacity
Shops	2,000m <sup>2</sup> in gross floor area	500m <sup>2</sup> in gross floor area
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Take away food and drink premises with drive-through facilities	200 or more motor vehicles per hour	Any size or capacity
Transport depots	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area
Warehouse or distribution centres	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area	8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area
Waste or resource management facilities	Any size or capacity	Any size or capacity
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

Figure 23 – Schedule 3 Traffic-generating development to be referred to TfNSW Source: NSW Government

### 5.1.4 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

## Chapter 3 – Advertising and signage

The aims and objectives of this chapter are as follows:

- a) to ensure that signage (including advertising):
  - i) is compatible with the desired amenity and visual character of an area, and
  - ii) provides effective communication in suitable locations, and
  - iii) is of high quality design and finish, and
- b) to regulate signage (but not content) under Part 4 of the Act, and
- c) to provide time-limited consents for the display of certain advertisements, and

- d) to regulate the display of advertisements in transport corridors, and
- e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposal seeks to provide 3 x business identification signs, one at each of the northern, eastern and western elevations of the building façade. All 3 signs will have the same measurement of 4.6m x 0.5m. The proposed signs are compatible with the amenity and visual character of the area and provides effective communication that enables people to identify the business. The window signage will be of high-quality materials and finish and complies with the objectives of this Chapter of the SEPP.

Schedule 5 of the SEPP outlines the assessment criteria and the table below outlines an assessment of the proposed ancillary advertising against these criteria:

<b>ADVERTISING AND SIGNAGE – SCHEDULE 5 ASSESSMENT CRITERIA</b>	
<b>Character of the area</b>	
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>The proposal includes 3 x building identification signs to the northern, eastern and western façade of the proposed medical centre building.</p> <p>The proposed signs are not obtrusive or dominant and fits comfortably in the street and locality. The signs are compatible with the existing and desired future character of the area.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed cross is not an obtrusive sign and will fit in with the locality which contains similar signage along Cessnock Road.
<b>Special areas</b>	
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?	The proposal does not detract from the amenity or visual quality of any areas specified.
<b>Views and vistas</b>	
Does the proposal obscure or compromise important views?	The proposed business identification signs will not impact upon any views or vistas in the area.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the viewing rights of other advertisers?	
<b>Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are appropriate in its setting on Cessnock Road & Beckett Street.
Does the proposal contribute to the visual interest of the streetscape, setting or	The sign will provide visual interest to the public to understand that the building is a



landscape?	Medical Centre.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will not introduce clutter into the street. The signs are simple and effective in identifying the use of the site.
Does the proposal screen unsightliness?	The proposal does not add to unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs do not protrude above the building.
Does the proposal require ongoing vegetation management?	Ongoing vegetation management is not impacted by this proposal.
<b>Site and building</b>	
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?	The proposal is compatible with the characteristics of the site.
Does the proposal respect important features of the site or building, or both?	The proposal is respectful of the existing development on the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is appropriate in its setting.
<b>Associated devices and logos with advertisements and advertising structures</b>	
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?	The proposed signs do not include lighting devices or safety devices. The logo/ business name will be painted/printed onto the signage board that will be mounted onto the building façade.
<b>Illumination</b>	
Would illumination result in unacceptable glare?	Illumination is not proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted if necessary?	
Is the illumination subject to a curfew?	
<b>Safety</b>	
Would the proposal reduce the safety for any public road?	The safety of public roads is not impacted.
Would the proposal reduce the safety for pedestrians or bicyclists?	The safety of pedestrians and cyclists are not impacted by this proposal.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not reduce the safety of pedestrians. There are no changes to sightlines from public areas.

### 5.1.5 Maitland Local Environmental Plan 2011

The subject land is located within the Maitland LGA, and the primary environmental planning instrument (EPI) currently in force is the Maitland Local Environmental Plan 2011 (MLEP 2011). Refer to the MLEP 2011 (Heading 6) further below in this Statement for more details.

### 5.1.6 Draft Planning Instruments

Section 4.15(1)(a)(ii) of the *EP&A Act* requires consideration of *the provisions of any publicly exhibited Draft Environmental Planning Instruments*. No Draft Planning Instruments are applicable to this development.

### 5.1.7 Maitland Development Control Plan 2011 (MDCP)

Section 4.15(1)(a)(iii) of the *EP&A Act* requires consideration of *the provisions of any Development Control Plan (DCP)*. The DCP that is relevant to this development is the Maitland DCP 2011 (MDCP). Refer to the MDCP section further below in this report for more details.

### 5.1.8 Planning Agreements

Section 4.15(1)(a)(iia) of the *EP&A Act* requires consideration of *the provisions of any Planning Agreement*. No Planning Agreements are applicable to this development.

### 5.1.9 Prescribed Matters Environmental Planning & Assessment Regulations 2000

Section 4.15(1)(a)(iv) of the *EP&A Act* requires consideration of *the provisions of the Regulations*.

## Clause 92

Clause 92 of *the Regulations* requires Council to take into consideration, inter alia, the provisions of subdivision, and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development can be adequately managed by the imposition of adequate conditions on any development consent granted for the proposal and/or will be detailed at the Construction Certificate stage.

## Schedule 2

Schedule 2(7)(4) of the *EP&A Regulation* lists 4 principles of ecologically sustainable development to be considered in assessing a development as follows:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

### Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific uncertainty should not be used as a

reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

Given the relative minor nature of the proposal (construction of a relatively small 1-storey building), this Statement has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal.

### Intergenerational Equity

Inter-generational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by:

- implementing safeguards and management measures to protect environmental values; and
- facilitating job creation and social (medical & health) services in close proximity to residential population.

The development retains the existing bulk and scale as demonstrated by compliance with applicable planning controls and in no way does it have an adverse impact on the natural & built environment.

The proposal will create local employment opportunities during the construction/fitout period and operational phase and has integrated short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations. Issues with potential long-term implications such as waste disposal would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this Statement as well as relevant conditions of consent by Council.

### Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. The proposal would not have any significant effect on the biological diversity and ecological integrity of the study area.

### Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction would be implemented to ensure resources are used responsibly in the first instance. Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases, and can be reinforced by relevant conditions of consent from Council.

## 5.2 IMPACT OF THE DEVELOPMENT

Section 4.15(1)(b) of the EP&A Act requires consideration of *the likely impacts of the development*. The proposed development will have minimal adverse impacts on the surrounding natural and built environment, will be compatible with the character of the area and will provide a well-designed high quality small Medical Centre that responds to the needs of the owner/occupant & community (to provide high quality health care and medical services) for local residents whilst having minimal impact on the locality and amenity of surrounding properties, and will also provide local employment opportunities during the construction period. Therefore, the overall impact of the development is considered to be a positive one.

Throughout this Statement the proposal's likely environmental impacts on both the natural and built environments and social and economic impacts in the locality have been considered. A summary of the assessment of these matters is provided below:

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## 5.3 IMPACT OF THE DEVELOPMENT

### 5.3.1 (i) SITING, DESIGN AND THE BUILT FORM

Not applicable. The development is only for construction of a relatively small 1-storey building, and the siting and overall built form (bulk & scale) of the proposed building is generally consistent with neighbours. It is considered that the proposal will have no significant detrimental impacts on the surrounding natural or built environment, subject to appropriate conditions being imposed.

### 5.3.2 (ii) PRIVACY

Adequate physical separation (e.g. compliant setbacks) and/or design (e.g. relatively small 1-storey building) mean it is unlikely that there will be adverse visual and/or acoustic privacy impacts for between the development and adjacent buildings.

### 5.3.3 (iii) SOLAR ACCESS AND OVERSHADOWING

Not applicable e.g. a standard two-storey house will cast bigger shadows than the proposed relatively small 1-storey building.

### 5.3.4 (iv) TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

The trees that are impacted by the proposal comprise of 2x *Ficus microcarpa* (Hills Fig), 1x *Jacaranda mimosifolia* (Jacaranda), 1x *Grevillea robusta* (Silky Oak) as identified by the Arboriculture Impact Assessment (Arborist Report) prepared by Assurance Trees P/L (Consulting Arborist: Aaron Bath).

The proposal seeks to remove all of the existing trees and vegetation on the site, and this is supported by the Arborist Report.

### 5.3.5 (v) TRAFFIC & PARKING

The development will not have any unacceptable impacts on the existing traffic / parking arrangements. Refer to Heading 5.1.3 and Heading 7 of this Report, and the Traffic and Parking Impact Assessment (Traffic Report) for details.

Having regard to the above, it is considered that the development will not have any unacceptable impacts on the existing traffic / parking arrangements, and there are no reasons why the proposed development should be not supported on car parking / traffic engineering grounds.

#### 5.3.6 (vi) UTILITIES/INFRASTRUCTURE

The subject property is located within an existing suburban residential area and adequate utilities infrastructure such as water / gas / electricity / sewage are available. If any minor augmentation is required, associated costs will be undertaken by the person acting on the consent.

#### 5.3.7 (vii) NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

Accessibility & Building Code matters have been considered as part of the design process. The Centre will provide 1x accessible car parking space, a continuous path of travel (e.g. no steps) to the main entry door, an accessible toilet within the building, and adequate circulation areas and door widths to facilitate disable access throughout the building. Refer to Architectural Plans, and Accessibility Report dated 16 January 2024 prepared by Access First Consulting Pty Ltd (Alex Noor, Access Consultant) for details.

Compliance is considered achieved/achievable with all relevant Australian Standards, NCC/Building Code of Australia, and can be adequately managed by the imposition of adequate conditions on any development consent granted for the proposal.

#### 5.3.8 (viii) HERITAGE IMPACTS

The subject property is not heritage listed, is not located within any Heritage Conservation Area (HCA), and is not in the vicinity of any Heritage Items.

#### 5.3.9 (ix) SOCIAL IMPACTS

The proposed development will not pose any negative social impacts on the locality. On the contrary, the proposal will deliver a long-term positive social impact by providing high quality health care and medical services to the local population in Gillieston Heights (as well as the Maitland LGA more broadly), and as such is a positive social contribution to the public.

#### 5.3.10 (xi) STORMWATER MANAGEMENT

The proposal is relatively minor and routine development (construction of a relatively small 1-storey building) which can adequately manage stormwater issues e.g. the rainwater from the roof is proposed to be harvested by the new gutters & downpipes, and run-off from the new car park will be collected by a series of 450x450 pits into the On Site Detention (OSD) underground tank (21.73m<sup>3</sup>) and re-used on site, with overflow discharged via gravity to Council's stormwater system.

Adequate landscaped area is proposed throughout the site to maximise the retention and absorption of surface water run-off, and as such there is unlikely to be adverse

stormwater impacts as a result of the development. Refer to concept Stormwater Drainage Plans prepared by Precision Consulting Engineers for details.

#### 5.3.11 (XII) SOIL MANAGEMENT

Standard erosion and sediment control measure during construction will include:

- Perimeter fencing to restrict public access to the construction site and to maintain safe pedestrian access adjacent to the site;
- appropriate allocation for site amenities, storage of building materials and equipment, bulk waste containers and material stockpiles;
- appropriate access points for construction;
- dust control measures by fixing shade cloth and mesh to perimeter fences and wetting down;
- sediment fencing and stabilised accessways;

The proposal is a relatively minor / routine development (construction of a relatively small 1-storey building) and will have a negligible impact on water quality subject to compliance with the standard conditions for erosion and sediment control measures imposed by Council.

#### 5.3.12 (XIII) CONTAMINATION

This issue has been discussed in details previously in this Statement.

#### 5.3.13 (XIV) WASTE MINIMISATION/MANAGEMENT

The Waste Management Plan accompanying the application details the waste minimisation and avoidance measures that will be implemented during the construction works as well as the on-going operation of the Centre.

#### 5.3.14 (XV) CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN – CPTED

The development is considered to be consistent with the relevant CPTED provisions as the site provides clear boundary delineation between the public and private domains creating territorial reinforcement.

The nature/use of the Centre and the layout/visibility of the premises provides overlooking opportunities to the footpath and street, and will activate the public domains through pedestrian traffic and provide opportunity for passive surveillance and increased security.

There will also provide deploy security technology i.e. CCTV cameras for surveillance of the internal and external areas to deter crime & other illegal activities. The proposal will not increase opportunity for criminal or anti-social behaviour to occur.

#### 5.3.15 (XVI) CONSTRUCTION IMPACTS

Not applicable. The development is a relatively minor / routine development (construction of a relatively small 1-storey building) which can be adequately managed by the imposition of adequate conditions on any development consent granted for the proposal.

### 5.3.16 (xvii) ESD & THE CUMULATIVE IMPACT

The principles of ecologically sustainable development have been discussed in details previously in this Statement. The development is not expected to have any adverse cumulative impacts and is not considered to inhibit the ability of future generations to further use or develop the site.

On the contrary, the well-designed high-quality contemporary 1-storey building Medical Centre responds to the needs of the owner/occupant, and will provide high quality health care and medical services for the benefit of current as well as future generations of local residents, as well as improving the environmental performance of the site i.e. the proposal has been designed to promote energy efficiency and sustainability through the following:

- natural daylighting of internal spaces e.g. use of 5x skylights
- installation of solar photovoltaic (PV) system i.e. solar panels
- the use of energy efficient and sustainable building materials;
- the installation of energy efficient power/lighting
- appropriate insulation to walls, ceilings and roofs;
- water efficiency with the use of water saving taps and dual flush toilets;
- new integrated landscaped planting, new trees and small to medium shrubs to maximise the retention and absorption of surface water run-off; and
- on-site rainwater harvesting (21.73m<sup>3</sup> OSD underground tank) for reuse, and connection to recycled water system.

### 5.4 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Section 4.15(1)(c) of the EP&A Act requires consideration of *the suitability of the site for the development*. The proposal is permissible within the R1 General Residential zone in accordance with MLEP 2011 and the assessment of the proposal contained within this Statement outlines how the proposal achieves a satisfactory level of compliance with Council's requirements for the siting, location and design of the proposed development.

The proposal is of a nature in keeping with the overall function of the site and is considered to have minimal impact on the locality and amenity of surrounding properties, and will provide an appropriate and complementary use to surrounding uses that will shape the future character of the area.

It is evident from the above and the assessment provided within this Statement that the site is suitable for the proposed development. This is discussed in more details below.

### 5.5 NOTIFICATION, ADVERTISING AND SUBMISSIONS RECEIVED

Section 4.15(1)(d) of the EP&A Act requires consideration of *any submissions made in accordance with this Act or the Regulations*. The application will be notified in accordance with MDCP. The applicant will respond to any submissions received during the notification period.

## 5.6 THE PUBLIC INTEREST

Section 4.15(1)(e) of the EP&A Act requires consideration of *the public interest*. The proposed development is permissible on the land, and the proposal achieves the objectives of the R1 General Residential zone. More on this further below in this Statement.

The proposed development satisfies the client's requirements and is acceptable having regard to the applicable State and Council planning controls. The proposed development will have minimal impact on the locality and amenity of surrounding properties as detailed in the assessment provided throughout this Statement.

In view of the above, the proposed development is considered to be in the public interest, and represents an orderly and economic use of land that is consistent with the State's land use controls & Council's land use objectives.

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## 6 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 (MLEP)

### 6.1 DEVELOPMENT STANDARDS

The subject land is located within the City of Maitland LGA, and the primary environmental planning instrument (EPI) currently in force is the Maitland Local Environmental Plan 2011 (MLEP 2011).

Below are the relevant development standards that are considered to be applicable to this development under MLEP 2011.

#### 6.1.1 CONSENT AUTHORITY

Clause 1.6 of the MLEP 2011 specifies that "the consent authority for the purposes of this Plan is the Council" i.e. City of Maitland Council.

#### 6.1.2 SUBDIVISION

In relation to subdivision, MLEP 2011<sup>2</sup> requires that:

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*

**Notes.**

**1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

**2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) *Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the dwelling house being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.*

**Note.** The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

Subdivision is not proposed by this development application (DA).

<sup>2</sup> Clause 2.6



### 6.1.3 DEMOLITION

Clause 2.7 of the MLEP 2011 specifies that “the demolition of a building or work may be carried out only with development consent”. The proposal seeks to remove all of the existing structures, trees and vegetation on the site.

### 6.1.4 LAND USE

The site is zoned General Residential under MLEP 2011. Refer to the Zoning map below for details. The objectives and land use provisions applicable to developments within the R1 General Residential zone are set out in the Land Use Table as follows:

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; **Any other development not specified in item 2 or 4**

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management

facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies



Figure 24 – MLEP 2011 Zoning Source: NSW Legislation

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- a medical centre,
- community health service facilities,
- health consulting rooms,
- patient transport facilities, including helipads and ambulance facilities,
- hospital.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—Medical centres** are a type of **health services facility**—see the definition of that term in this Dictionary.

The proposed development for a 'health services facility (group-term) / medical centre (sub-term)' is permitted with consent within the Zone R1 General Residential zone as those land uses are not specified in "4 Prohibited", and is consistent with at least one objective of the zone in that the land use will provide medical facilities and services to meet the day to day needs of the local residents in Gillieston Heights.

#### 6.1.5 MINIMUM LOT SIZE FOR SUBDIVISION

Under Clause 4.1 of MLEP 2011, the site has a minimum lot size for subdivision of 450m<sup>2</sup>.

Subdivision is not proposed by this development application (DA).



Figure 25 – MLEP 2011 Subdivision Lot Size Map Source: NSW Legislation

#### 6.1.1 HEIGHT OF BUILDINGS

Under Clause 4.3 of MLEP 2011 the site does not have a specified maximum building height standard as per the relevant mapping overlay.

The development is only for construction of a relatively small 1-storey building, and the siting and overall built form (bulk & scale) of the proposed building is generally consistent with neighbours.



Figure 26 – MLEP 2011 Height Map Source: NSW Legislation

#### 6.1.2 FLOOR SPACE RATIO

Under Clause 4.4 of MLEP 2011, the site does not have a specified maximum FSR standard as per the relevant mapping overlay.

The development is only for construction of a relatively small 1-storey building, with adequate car parking, setbacks and landscaping provided, and therefore the proposed quantum of floor area is considered satisfactory.



Figure 27 – MLEP 2011 FSR Map Source: NSW Legislation

### 6.1.3 EXCEPTIONS TO DEVELOPMENT STANDARDS

MLEP 2011<sup>3</sup> states the following in relation to exceptions (non-compliance) against the development standards of the Plan:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The proposal fully complies with applicable development standards and therefore no exception (variation) request under Clause 4.6 is proposed/required by this development application (DA).

### 6.1.4 HERITAGE CONSERVATION

Clause 5.10 of MLEP 2011 contains following provisions for development on land that is identified as a Heritage Item or located within a Heritage Conservation Area:

#### **(5) Heritage assessment**

*The consent authority may, before granting consent to any development:*

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*



Figure 28 – MLEP 2011 Heritage Map Source: NSW Legislation

As discussed previously, the subject site is not a heritage item, is not in the vicinity of any heritage items, and is not located within a Heritage Conservation Area. Refer to the Heritage map for details.

The development is only for construction of a relatively small 1-storey building, and the siting and overall built form (bulk & scale) of the proposed building is generally consistent with neighbours.

It is considered that the proposal will have no impacts on any natural or built heritage environment.

<sup>3</sup> Clause 4.6

### 6.1.5 BUSHFIRE

Clause 5.11 of MLEP 2011 makes reference to the *Rural Fires Act 1997* which contain provision relating to the carrying out of development on bush fire prone land. The site is not within the area mapped as bush fire prone land.



Figure 29 – Bushfire Prone Map Source: NSW Legislation

### 6.1.6 FLOOD PLANNING

Clause 5.21 of MLEP 2011 contains provisions relating to flood planning as follows:

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of

riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.



Figure 30 – Flood Planning Map Source: NSW Legislation

The site is not identified as being located within flood planning area on the Portal Map (Figure 30), or the Section 10.7 Planning Certificate (No. PC/2024/2865, dated 25/09/2024).

### 6.1.7 ACID SULFATE SOILS

Clauses 7.1 & 7.2 of the MLEP 2011 contains provisions relating to Acid Sulfate Soils and earthworks respectively. The subject site is identified as being within “Class 5” on the Acid Sulfate Soils Map.



Figure 31 – Acid Sulfate Soils Map Source: NSW Legislation

The site is not in proximity to, nor is earthworks (minor excavations for the footings of the building) likely to have any detrimental impact on, a waterway, drinking water catchment or environmentally sensitive area i.e. it is considered unlikely that the minor earthworks will result in the lowering of the watertable below 1m AHD on nearby (not within 500m) Class 1 – 4 Acid Sulfate Soils land.

Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases to ensure there is no risk of sediment laden water leaving the site and entering council’s drainage infrastructure or the adjacent waterway – it is recommended that standard sediment and erosion controls be included in the consent conditions.

6.1.8 Maitland Development Control Plan 2011

Section 4.15(1)(a)(iii) of the EP&A Act requires consideration of the provisions of any Development Control Plan. The Development Control Plan that is relevant to this development is the Maitland Development Control Plan 2011 (MDCP 2011).

An assessment of the proposed development against the applicable and relevant provisions of the MDCP is provided in the table below.

DCP Part	Proposed	Compliance
<b>Part B – Environmental Guidelines</b>		
<b>B.2 Domestic Stormwater</b>	A Stormwater Concept Plan is included in the DA package.	Yes
<b>B.3 Hunter River Floodplain</b>	The site is not affected by flooding.	n/a
<b>B.4 On-site Sewage Management Systems</b>	Sewerage & waste water will be disposed of into existing sewerage drains.	Yes
<b>B.5 – Tree and Vegetation Management</b>	The proposal involves the removal of all trees on the site. An Arborist Report is included in the DA package.	Yes
<b>B.6 Site Waste Minimisation &amp; Management</b>	A Waste Management Plan (WMP) is included in the DA package.	Yes
<b>B.7 Environmentally Sensitive Land</b>	The site is not located in the vicinity of any watercourses or riparian zones.	n/a
<b>Part C – Design Guidelines</b>		
<b>C.1 Accessible Living</b>	The proposal for a medical centre meets the is capable of providing a ‘Deemed-to-Satisfy’ building solution that complies with the Access Provisions Parts D4 and F4 of the NCC Volume 1 – 2022 and the Disability (Access to Premises - Buildings) Standard-2010.  Refer to Accessibility Report dated 16 January 2024 prepared by Access First Consulting Pty Ltd (Alex Noor, Access Consultant), included in the DA package.	Yes
<b>C.6 Signage</b>	The proposal includes 3x business identification signs that are flush with the wall of the proposed building. Each sign measures 4.6m x 0.5m.  The proposal meets the guidelines as	

	<p>stipulated in the DCP as follows:</p> <ol style="list-style-type: none"> <li>1. The proposed signs are simple, clear and concise.</li> <li>2. The signs are complementary to the building and fit the structure of the building.</li> <li>3. The signs do not impact upon any historic buildings or obscure any architectural features of any buildings. Plastics and Styrofoam will not be used for the signs.</li> <li>4. The sign is not in a rural or environmental protection zone.</li> <li>5. Multi-tenancy development signage not proposed.</li> <li>6. The proposed wall signs are less than 25% of the visible wall surface that it will be attached to.</li> <li>7. Signs will not resemble traffic or road signs.</li> <li>8. Signs will be properly maintained.</li> <li>9. Footpath signs are not proposed.</li> <li>10. The signs proposed will face each entrance of the building as well as the street to offer clear communication. No unnecessary signs are proposed.</li> <li>11. Temporary signs and banners are not proposed.</li> <li>12. Signs requiring substantial supporting structures are not proposed.</li> </ol> <p>The proposed signage is consistent with the relevant SEPP and DCP objectives and guidelines.</p>	
<p><b>C.11 Vehicular Access &amp; Car Parking</b></p>	<p><u>1.2 Calculation of Parking Requirements</u></p> <p>Councils MDCP 2011 stipulates that Health Consulting Rooms/Medical Centre requires 2 spaces per practitioner/ professional. As such, a total of 10 car spaces are required.</p> <p>The proposed Centre provides well in excess of the DCP requirement i.e. a total of 15 car spaces is provided consisting of:</p> <ul style="list-style-type: none"> <li>• 13x standard car spaces</li> <li>• 1x loading / unloading space (which can also be used as 1 additional standard car space when not in use for loading / unloading)</li> <li>• 1x accessible/disable space.</li> </ul> <p>The target clientele are local residents who</p>	<p>Yes</p>

	<p>work/live in the local area and will likely arrive on foot and/or get dropped-of/picked-up by friends &amp; family, which does not generate additional car parking demand.</p> <p>In addition, it is expected that visitors/patients to the Centre will be predominantly by-appointment, and therefore the number of patients visiting the Centre will be staggered according to the appointment time, ensuring consistent and regular turnover of parking availability.</p> <p>The site also has good public transport options (within 50 metres walking distance from the bus stops located on Cessnock Road – serviced by bus route 164).</p> <p>Overall, it is not expected that the development will generate any significant car parking demand and car trips and there are no reasons why the proposed development should be not supported on car parking / traffic engineering grounds – also refer to Traffic Report for more details.</p> <p><u>2.1 Access to the Site</u> The access to the site continues to be from Beckett Street. The proposal involves widening the existing vehicular crossing and driveway.</p> <p><u>2.4 Location of Parking Areas</u> A parking area will be provided for staff and visitors located to the western side of the site.</p> <p><u>2.5 Parking Space and Aisle Dimensions</u> Parking spaces and aisles will be designed in accordance with Australian Standards.</p>	
<p><b>C.12 Crime Prevention through Environmental Design</b></p>	<p>The development is considered to be consistent with the relevant CPTED provisions as the site provides clear boundary delineation between the public and private domains creating territorial reinforcement.</p> <p>The nature/use of the Centre and the layout/visibility of the premises provides overlooking opportunities to the footpath and street, and will activate the public domains through pedestrian traffic and provide opportunity for passive surveillance and increased security.</p>	<p>Yes</p>

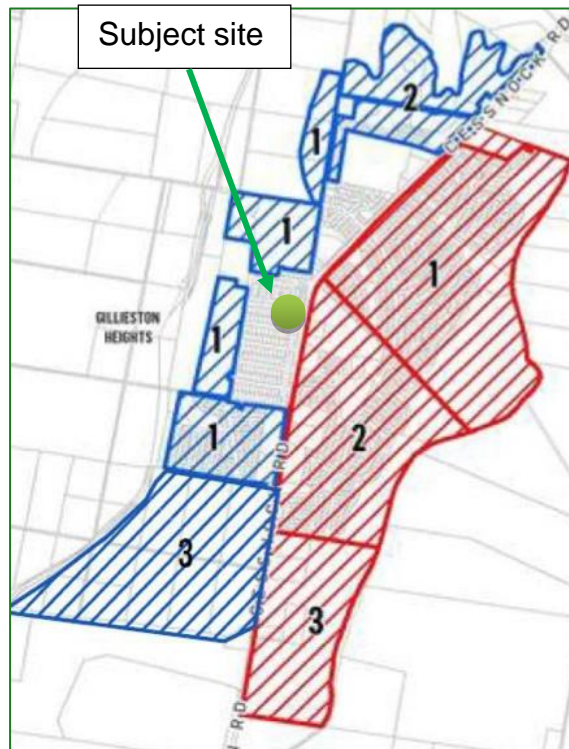


There will also provide deploy security technology i.e. CCTV cameras for surveillance of the internal and external areas to deter crime & other illegal activities. The proposal will not increase opportunity for criminal or anti-social behaviour to occur.

**Part F – Urban Release Areas**

**F.5 Gillieston Heights Urban Release Area**

The subject site is **not** identified as part of the Gillieston Heights Urban Release Area. However, it is noted due to its proximity as depicted in the map extract from the DCP below.



The site is located across the road from the 'East Precinct Staging' (red) which is to the eastern side of Cessnock Road. This area that would be across from the subject site would include new neighborhood shops, and a new pedestrian crossing and possible traffic lights. A new primary school will also be provided.

It is considered that the proposed medical centre to be a suitable development in this context and will bring needed health services to the community.

Positive contribution to the precinct

## 7 CONCLUSION

The proposal to demolish the existing structures and construct a new medical centre at 11 Cessnock Road, Gillieston Heights has been assessed pursuant to the matters for consideration prescribed in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*.

This Statement demonstrates that the proposed development is permissible within the R1 General Residential zone in accordance with MLEP 2011 and achieves a high level of compliance with all the core controls of the associated MDCP 2011.

The development is suitable in its context especially its proximity to the Gillieston Heights Urban Release Area, and the large increase to the local population. The proposed development will have minimal adverse impacts on the surrounding natural and built environment and provides a development that responds to the requirements of the owner/operator, and the community for high quality health care and medical services for Gillieston Heights's growing and diverse population.

The proposal generally complies with Council's planning controls, resulting in a design that is of an appropriate bulk and scale that will not adversely impact on adjoining buildings and surrounding environment in terms of overshadowing, overlooking, views, privacy/visual intrusion etc. Having regard to the surrounding developments around the site, the proposed development is considered to be consistent with the desired future character of the area.

Overall, the development is suitable for the site and represents an orderly and economic redevelopment of the land consistent with relevant planning land use controls and objectives. Given the above and having regard to the comprehensive assessment undertaken throughout this Statement, and given the lack of detrimental impacts, the proposed development is considered to be in the interest of the public pursuant to Section 4.15(1)(e) of *the Act 1979* and should be supported by Council.



**David Tran** B. Planning (Honours)