

untapped **PLANNING**

Statement of Environmental Effects

“Change of Use to Health Services Facility – Health
Consulting Rooms”

33 Brunswick Street, East Maitland

Lot 1 DP 372283

Prepared for: Sebastian Land Pty Ltd

Date: July 2022

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Sebastian Land Pty Ltd to prepare a Development Application (DA) and accompanying Statement of Environmental Effects for a proposed change of use to facilitate a Medical Centre on Lot 1 DP 37283 at 33 Brunswick Street, East Maitland.

1.2 Site Details

The subject site comprises Lot 1 DP 37283 with a street address of 33 Brunswick Street, East Maitland.

The site has a total combined area of approximately 1020m², with a street frontage of 20.445m to Brunswick Street. The block is rectangular in nature and slopes downward to the street.

The site is zoned R1 – General Residential under the Maitland Local Environmental Plan (LEP) 2011.

Development for the purposes of a Health Services Facility – Health Consulting Rooms is permissible within the zone, with the consent of Council by virtue of not being specifically prohibited.

The following plan shows the site location in the context of the local area.

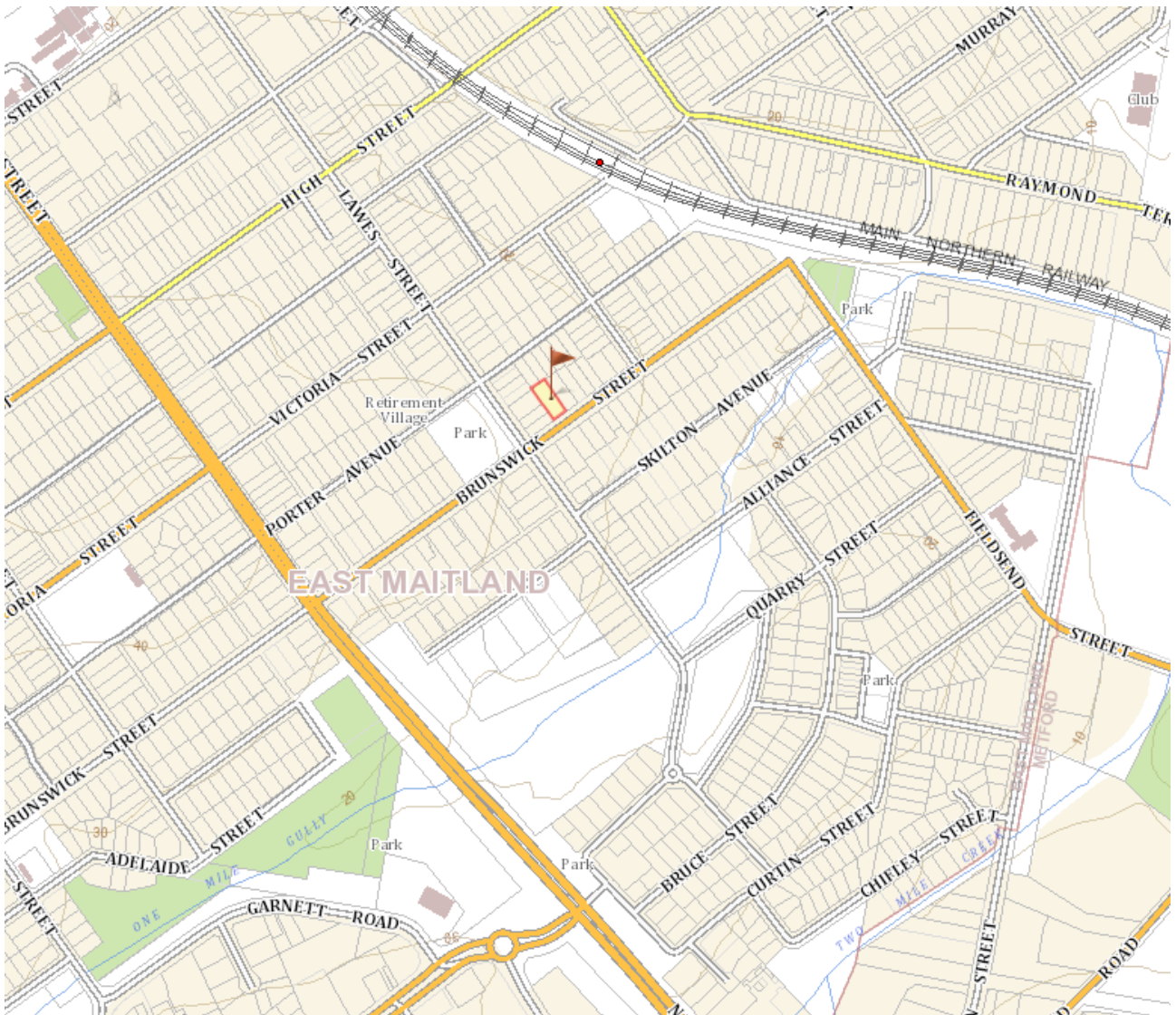


Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

2. Proposed Development

2.1 Proposal Objectives

The objective of the proposed development is to seek approval for the change of use of the site to facilitate the development of a Health Services Facility – Health Consulting Rooms.

2.2 Summary of Development

The development involves the utilisation of the existing building for the purposes of a Health Services Facility – Health Consulting Rooms.

The existing dwelling will be modified to contain;

- Two consulting Rooms
- Two Ultrasound Rooms
- Waiting Room
- Reception
- Meeting Room
- Staff Store
- Staff Room
- Office
- Toilets
- Records Room

The site will be modified to provide;

- Eleven (11) visitor spaces
- Staff Parking

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 1 DP 37283, and is known as 33 Brunswick Street, East Maitland.

The site has a combined total area of approximately 1020m², with a frontage of 20.445m to Brunswick Street.

Existing on the site is a single storey weatherboard dwelling previously utilised as a residential dwelling. To the rear of the site is a fibro garage and pool.

Vegetation to the western side of the building and to the rear will be required to be removed to facilitate vehicular access and parking.



Figure 2: Subject site viewed from Brunswick Street

3.2 The Locality

The subject site is located within the suburb of East Maitland. The proposed Health Services Facility is a short walk from the East Maitland commercial precinct and is well serviced by public bus transport.

The immediate locality is characterised by a wide mix of commercial and professional uses to the north, west and south. Other examples of Health consulting rooms are evident in the immediate area.



Figure 3: Aerial Photography.

3.3 Land Uses

The subject site currently contains a single storey residential building.

The rear of the allotment contains a single garage and pool to be demolished.

3.4 Topography

The site is considered to be flat. The sites topography does not present any constraints that would impede the proposed development. Several small trees will be removed to facilitate the carpark.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses.

3.5.2 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, Class 5.

Given that the development is a reuse of an existing structure and no earthworks are proposed, the development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.6 Vegetation

The subject site is generally cleared of vegetation, Scattered trees are located in the carpark edges and within the building line setback. The proposal will require the removal of this vegetation.

3.7 Bushfire

The development site is not noted as being bushfire prone.

No further Bushfire Assessment is required.

3.8 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance. The site is also not mapped as being within a Sensitive Aboriginal Landscape Area.

Given that the proposal is for change of use of an portion of an existing building it is considered that any possible Aboriginal relics located on the site will not be affected.

3.9 Traffic, Access and Road Network

The site is located on the corner of the O'Brien and Casey Streets.

The development provides for 11 spaces for visitors (including two accessible spaces) and 3 additional stacked spaces for staff.

It is considered that the 14 proposed spaces are appropriate for two consulting rooms.

There is potential for 2 additional spaces as on-street parking, however it is considered that this space will not be required by the development.

Carparking rates are discussed elsewhere in this report.

Given the minor scale of the development it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.10 Disabled Access

The dwelling will be modified through the change of use to include an accessible bathroom and an access ramp from the disabled car space to the rear entry to the building.

All internal doors are constructed so as to not impede access.

3.11 Coastal Zone

The development site is not within the coastal zone.

3.12 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

4. Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 4.46

The development is not considered to constitute integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

The development relies on State environmental Planning Policy (Transport and Infrastructure) 2021 to establish permissibility.

The SEPP controls in Division 10 – Health Services Facility discussed in the table below.

Division 10 – Health Services Facility	
2.59 Definitions	
In this Division— health services facility has the same meaning as in the Standard Instrument. prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones— (a) RU4 Primary Production Small Lots, (b) RU5 Village, (c) RU6 Transition, (d) R1 General Residential, (d1) R2 Low Density Residential, (e) R3 Medium Density Residential, (f) R4 High Density Residential, (g) R5 Large Lot Residential, (g1) B1 Neighbourhood Centre, (h) B2 Local Centre, (i) B3 Commercial Core, (j) B4 Mixed Use, (k) B5 Business Development, (l) B6 Enterprise Corridor, (m) B7 Business Park,	The proposal is defined as Health Consulting Rooms which is a subset of the group term Health Services Facility . This use is permissible in the R1 – General Residential zone under the provisions of the SEPP.

<p>(m1) B8 Metropolitan Centre, (n) SP1 Special Activities, (o) SP2 Infrastructure.</p>	
2.60 Development permitted with consent	
<p>(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.</p>	<p>The site is within a prescribed zone, and as such the development is permissible with consent.</p>
<p>(2) Development for any of the following purposes may be carried out by or on behalf of a public authority with consent on State land if the development is carried out within the boundaries of an existing health services facility—</p> <p>(a) health research (or development) industries, including medical research (or development) industries, (b) high technology industry for an industrial activity that involves biological, pharmaceutical, medical or paramedical systems, goods or components, (c) any of the following premises that service patients or staff of, or visitors to, the health services facility (or staff of, or visitors to, other premises within the boundaries of the facility)—</p> <ul style="list-style-type: none"> (i) centre-based child care facilities, (ii) commercial premises, (iii) community facilities, (iv) information and education facilities, (v) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor), (vi) residential accommodation, <p>(d) a building or place used for the training or education of health and other professionals.</p>	<p>The development is not on behalf of a public authority so this clause does not apply.</p>
<p>(3) Consent must not be granted for development of a kind referred to in subclause (2)(c) (other than development for the purposes of a centre-based child care facility) unless the consent authority is satisfied that the Secretary has certified in a site</p>	<p>Consent is not sought under clause 2(b) and this clause it not applicable.</p>

<p>compatibility certificate that, in the Secretary's opinion, the development is compatible with the surrounding land uses.</p>	
<p>(4) Nothing in this clause—</p> <p>(a) prevents a consent authority from—</p> <p>(i) granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or</p> <p>(ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or</p> <p>(b) otherwise limits the matters to which a consent authority may have regard in determining a development application for development of a kind referred to in subclause (2).</p>	<p>Noted</p>
<p>2.61 Development permitted without consent</p>	
<p>(1) Any of the following development may be carried out by or on behalf of a public authority without consent on any land if the development is carried out within the boundaries of an existing health services facility—</p> <p>(a) the alteration of, or addition to, a building that is a health services facility,</p> <p>(b) development for the purposes of restoring or replacing accommodation or administration facilities,</p> <p>(c) demolition of buildings carried out for the purposes of a health services facility,</p> <p>(d) development for the purposes of patient transport facilities, including helipads and ambulance facilities,</p> <p>(e) development for the purposes of car parks to service patients or staff of, or visitors to, the health services facility (or to service staff of, or visitors to, other premises within the boundaries of the facility).</p>	<p>No development is sought under this clause.</p>

<p>(2) This section does not permit the erection of any building that exceeds 15m in height or is located closer than 5m to any property boundary (or an addition to a building resulting in the building exceeding that height or being closer than that distance to any property boundary).</p>	<p>No development is sought under this clause.</p>
<p>(3) Despite subsection (2), development may result in a building being located up to 1 metre from a property boundary if—</p> <p>(a) the building does not exceed 1 storey or 5 metres in height, and</p> <p>(b) the land on the other side of the property boundary is not in—</p> <ul style="list-style-type: none"> (i) a residential zone or (ii) Zone E4 Environmental Living or a land use zone that is equivalent to Zone E4. 	<p>No development is sought under this clause.</p>
<p>2.62 Notification of carrying out of certain development without consent</p>	
<p>(1) This clause applies to development carried out by or on behalf of a public authority under clause 2.61(1) (other than clause 2.61(1)(b) or (c)).</p>	<p>No development is sought under this clause.</p>
<p>(2) Before development to which this clause applies is carried out, the person carrying out the development or the public authority concerned must—</p> <p>(a) give written notice of the intention to carry out the development to each of the following—</p> <ul style="list-style-type: none"> (i) the council for the area in which the relevant land is located (unless the public authority is the council), (ii) the occupiers of any adjoining land, and <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	<p>No development is sought under this clause.</p>
<p>(3) In this clause, relevant land means the land on which the development is proposed to be carried out.</p>	<p>No development is sought under this clause.</p>

2.63 Exempt development	
<p>(1) Any of the following development is exempt development if it is carried out within the boundaries of an existing health services facility and complies with Section 2.20—</p> <ul style="list-style-type: none"> (a) development for the purposes of roads and cycleways, (b) development for the purposes of information boards and other information facilities (except for visitors' centres), (c) development for the purposes of lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard, (d) development for the purposes of landscaping, including landscape structures or features (such as art work) and irrigation systems, (e) development for the purposes of maintenance depots used solely for the maintenance of a health services facility (or of any other premises within the boundaries of a health services facility), (f) environmental management works, (g) the removal and replacement, or pruning, of a tree if— <ul style="list-style-type: none"> (i) the tree has been assessed by a Level 5 qualified arborist as posing a risk to human health or safety, or a risk of damage to infrastructure, and (ii) in the case of removal and replacement of a tree, the replacement tree is planted within the boundaries of the health services facility and is capable of achieving a mature height of 3 metres or more. (h) development for the purposes of a building site shed if— <ul style="list-style-type: none"> (i) the shed is not used for residential purposes, and (ii) any plumbing fixtures are connected to an approved waste water treatment device or an approved connection to the sewer, and (iii) the shed is removed immediately after the completion of the works for which the shed was required, and 	<p>No development is sought under this clause.</p>

<p>(iv) the shed is free-standing, prefabricated and constructed of non-reflective materials.</p>	
<p>(2) In this clause, Level 5 qualified arborist means an arborist with a minimum AQF Level 5 in Arboriculture under the Australian Qualifications Framework (within the meaning of section 7 of the <i>Higher Education Act 2001</i>).</p>	<p>No development is sought under this clause.</p>
<p>2.64 Complying development</p>	
<p>(1) Development for any of the following purposes is complying development if it is carried out within the boundaries of an existing health services facility, and complies with the requirements of this clause and clause 20B—</p> <p>(a) a health services facility,</p> <p>(b) a building or place used for the training or education of health and other professionals,</p> <p>(c) commercial premises, providing goods or services to staff or patients of, or visitors to, a health services facility (or to staff of, or visitors to, other premises within the boundaries of a health services facility),</p> <p>(d) any premises to service patients or staff of, or visitors to, a health services facility (or to service staff of, or visitors to, other premises within the boundaries of a health services facility) that consist of an administration building or a car park,</p> <p>(e) demolition of buildings.</p> <p>(f) the removal or pruning of a tree or other vegetation if —</p> <p>(i) the tree is not listed on a register of significant trees kept by the council, and</p> <p>(ii) the tree or vegetation is within 3 metres of a building within the boundaries of the health services facility, and</p> <p>(iii) the tree or vegetation has a height of less than 8 metres, and</p> <p>(iv) in the case of removal of a tree—a replacement tree capable of achieving a mature height of 3 metres or more is planted within the boundaries of the health services facility.</p>	<p>No development is sought under this clause.</p>

<p>(2) Development specified in subsection (1)(f) is not required to satisfy section 2.22(2)(g) to be complying development.</p>	
<p>(3) This clause does not permit the erection of any building that exceeds 12m in height or is located closer than 5m to any property boundary (or an addition to a building resulting in the building exceeding that height or being closer than that distance to any property boundary).</p>	<p>No development is sought under this clause.</p>
<p>(3) The footprint of any building demolished under this clause must not exceed 250m².</p>	<p>No development is sought under this clause.</p>
<p>(4) Demolition of a building under this clause is not complying development if the building is within a heritage conservation area.</p>	<p>No development is sought under this clause.</p>

4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Maitland Local Environmental Plan 2011.

It is considered that the proposed change of use of an existing premises to facilitate a Health Consulting Room.

***health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.*

Note.

***Health consulting rooms** are a type of **health services facility**—see the definition of that term in this Dictionary.*

While Health Consulting Rooms and Health Services Facilities are not listed as permissible forms of development under the Maitland Local Environmental Plan 2011, the permissibility is established by virtue of not being expressly prohibited.

Maitland Local Environmental Plan 2011

Under the Maitland Local Environmental Plan 2011, the site is zoned R1 – General Residential. An excerpt of Maitland Local Environmental Plan 2011 zoning map is shown in Figure 4.



Figure 4: Site Zoning under Maitland Local Environmental Plan 2011

The provisions for the R1 – General Residential Zone state;

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.*

Comment: The proposed Health Consulting Room will provide a community health benefit to the wider community.

The proposal is consistent with surrounding land uses and will not result in any conflict in uses.

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; 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

Comment: While Health Consulting Rooms and **Health Services Facilities** are not listed as a permissible form of development under the Maitland Local Environmental Plan 2011, the permissibility is established however as the zoning is 'open zoning' in that any development not specified as prohibited is permissible with consent, the proposed change of use is permissible with consent.

Part 4 - Principal Development Standards

None of the Principle Development Standards are considered to be applicable to this Change of Use application.

Part 5 – Miscellaneous Provisions

No Miscellaneous Provisions are considered to be relevant to this proposal.

Part 7 – Additional Local Provisions

Clause 7.1 – Acid sulfate Soils

The site is identified as containing Acid Sulfate Soils Class 5.

No further assessment of Acid Sulfate Soils is required.

Clause 7.3 – Flood Planning

The subject site is not identified on Flood Planning Map – Sheet FLD_004D as being within a Flood Planning Area.

Clause 7.6 – essential services

Clause 7.6 states;

(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The development is considered to be consistent with this clause as the site and existing building provides each of the listed essential services.

DEVELOPMENT CONTROL PLANS

The proposed development is a change of use with no initial building works proposed. Controls relevant to the proposal have been discussed in the table below.

Part B – Environmental Guidelines	
B2 - Stormwater	
<p>a) Ensure that compliance with BASIX objectives and requirements are achieved.</p> <p>(b) Ensure that an acceptable standard of water quality is maintained within storm water lines and rain water storage tanks.</p> <p>(c) Ensure the most suitable rainwater storage method is employed pursuant to the relevant site conditions, including health and safety aspects of the storage installation.</p> <p>(d) Ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2003).</p> <p>(e) Ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location</p>	<p>There will be no change to the existing stormwater management collection or discharge.</p> <p>No additional roof area is proposed by this application to which additional stormwater management controls would need to be considered.</p> <p>Hard stand in the carpark area will be collected and directed to stormwater pits before being directed to the Council stormwater system. A stormwater plan is included in the DA plan set.</p>
B5 – Tree Management	
<p>This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i>.</p> <p>These provisions only apply to urban land.</p>	<p>Vegetation along the western side boundary and within the rear setback will be required to be removed to facilitate vehicular access.</p> <p>Vegetation to the front of the dwelling will be retained.</p>
B6 – Waste Minimsation & Management	
<p>This section only applies to a specific type of development.</p>	<p>The proposed health services facility will utilise waste management methods including double bagging of clinical waste in contaminated waste bags and stored in the laundry to be collected in the standard waste collections.</p>
Part C – Design Guidelines	
C11 – Vehicular Access and Carparking	
2.2 Calculation of Parking Requirements	
<p>d) Change of Use</p> <p>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>i. Dwelling requirements – 1 space</p> <p>ii. No parking rates are provided for Health Services Facilities.</p> <p>The development provides for 11 spaces for visitors (including two accessible spaces) and 3 additional stacked spaces for staff.</p> <p>It is considered that the 14 proposed spaces are appropriate for two consulting rooms.</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 off-street carparking.</p>	
<p>3. Guidelines for The Design, Layout and Construction of Access and Parking Areas</p>	
<p>This part of the DCP also provides general design principles that apply to off street parking</p>	<p>The carpark is compliant.</p>
<p>C.12 – Crime Prevention Through Environmental Design</p>	
<p>1.1 Development Requirements</p>	
<p>This section sets out the controls and development requirements for development proposals.</p>	<p>A medical centre is not listed as a development type requiring the completion of a CPTED Report.</p>

5. Conclusion

This proposal is for a change of use of an existing premises to a Health Services Facility – Health Consulting Rooms on an R1 – General Residential zoned parcel of land.

The proposal is considered to be consistent with the provisions of State environmental Planning Policy (Infrastructure) 2007, Maitland Local Environmental Plan 2011 and associated Development Control Plan.

Furthermore, the proposal is considered to be consistent with surrounding land uses and have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.