

STATEMENT OF ENVIRONMENTAL EFFECTS

**CHANGE OF USE (DWELLING TO
HEALTH SERVICES FACILITY) AND
MINOR INTERNAL ALTERATIONS**

**20 PATERSON STREET, EAST MAITLAND
NSW 2323
(Lot: 101/ DP:569890)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Achieving Solutions (the client) to prepare a Statement of Environmental Effects (SEE) for a change of use (dwelling to health services facility) at 20 Paterson Street, East Maitland, NSW, 2323 (LOT: 101/ DP: 569890) (**‘the site’**). The characteristics of the development include:

1. Proposed change of use from residential to health services facility as defined by the Maitland LEP 2011;
2. The proposed health services facility is proposed to have the following trading hours;

Monday – Friday 8:30am until 5:00pm
3. Internal alterations are largely restricted to the garage conversion and existing recreation room in order to modify the internal layout in order to provide two clinic rooms, reception area, two training rooms and 3 offices;
4. External works to provide 4 car parking spaces adjoining the proposed clinic rooms (converted garage).

Achieving Solutions is a provider of quality Nursing and Disability home care services to people in the Newcastle, Maitland and Hunter communities. Achieving Solutions was established by Gina Wilks (Clinical Nurse Consultant), who supports and mentors a team of experienced Assistants in Nursing (AINs), Support Workers (SW) and cleaners. The core business of Achieving Solutions is in-home patient care. The proposal seeks to change to the use of the existing residential dwelling such that the premises can provide an integrated health services facility including office space for management, nurses and administration staff associated with Achieving Solutions, a facility for the storage of supplies and staff training. This proposal also presents the opportunity to diversify the provision of patient care through the inclusion of two clinic rooms. This will allow patients to visit the premises for wound dressing and care as well as nursing consultations as required. These appointments will be by appointment only, with no drop in service available.

The key reasons why the proposed development is appropriate are as follows;

- The site is appropriately zoned which facilitates the change of use and permissibility of the proposed health services facility,
- The proposed premises will support the operation of Achieving Solutions as a nursing service offering both in home care as well as patient appointments in the proposed clinic rooms,
- No medications or money will be kept on the premises. Operating hours will be standard 8.30am – 5pm with no anticipated amenity impacts expected to result from the proposed change of use,
- The development will contribute to the activation and diversification of professional services offered within close proximity to this local centre, and

- The proposed internal modifications are designed to achieve consistency, where possible, with the provisions of the applicable access standards

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Development Plans	EcoDimensions
4	AHIMs Search Results	Perception Planning
5	DBYD Search Results	Perception Planning
6	BCA Assessment Report	Perception Planning
7	Hunter Water Stamped Plans	Hunter Water
8	SWMMP	Perception Planning

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1 BACKGROUND

1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Achieving Solutions ('the client') and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.2 SITE DETAILS

Property Address	20 Paterson Street, East Maitland NSW 2332
Lot and DP	LOT: 101 DP: 569890
Current Use	Residential Dwelling
Zoning	R1 – General Residential
Size	618 m ²
Site Constraints	Acid Sulfate Soils Class 5 Minimum lot size – 450 sqm
Owner	Owners consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development. No existing easements are identified within the DP provided at Appendix 3 .

1.3 SITE DESCRIPTION

The site is located at 20 Paterson Street, East Maitland NSW 2323 (**'the site'**) and has a total area of 618m² (**FIGURE 1**). The site is located on in East Maitland, within the Maitland Local Government Area (LGA).

The site contains an existing residential dwelling and attached garage.

The site is surrounded by similar R1 zoned properties. The site has frontage and vehicle access from Paterson Street and from Browns Lane.

Figure 1 - Locality Plan (Source: Perception Planning)



Figure 2 – Site Map (Source: Perception Planning)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The property contains an existing dwelling. No existing development approvals over the site were able to be retrieved from Maitland City Council 's Application Tracking website when searched on 9 April 2021.

No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent for a proposed change of use over the property and minor internal alterations. The characteristics of the development include:

1. Proposed change of use from residential to health services facility as defined by the Maitland LEP 2011;
2. The proposed health services facility is proposed to have the following trading hours;
 - i. Monday – Friday 8:30am until 5:00pm
3. Internal alterations are largely restricted to the garage conversion and existing recreation room in order to modify the internal layout in order to provide two clinic rooms, reception area, two training rooms and 3 offices;
4. External works to provide 4 car parking spaces adjoining the proposed clinic rooms (converted garage).

The proposed plans are provided here as **Appendix 3**.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

3.1.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principle planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **Table 2** below.

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with Maitland City Council's Development Contribution Plan.

Table 1 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	<p>No – Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless –</p> <ul style="list-style-type: none"> a. an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or b. the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made <p>Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</p>
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 	N/A

	<ul style="list-style-type: none">▪ ss 43(d), 55, 122	
Roads Act 1993	<ul style="list-style-type: none">▪ s 138	N/A
Rural Fires Act 1997	<ul style="list-style-type: none">▪ s 100B	N/A
Water Management Act 2000	<ul style="list-style-type: none">▪ ss 89, 90, 91	N/A

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

3.2.1 SEPP No.55 – Remediation of Land

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site is an existing residential dwelling. No potentially contaminating previous uses have been identified. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

3.2.2 SEPP (Koala Habitat Protection) 2019

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

This Policy applies to the Maitland LGA, pursuant to Clause 5 and Schedule 1 – Local Government Areas. To establish whether the SEPP applies to the proposal, it must satisfy the requirements of Section 7.

Section 7 applies when a development application has been made within a listed LGA and pertains to land that is greater than one hectare. Subsequently, assessment of the land in accordance with Sections 8-10 must be conducted to determine whether development consent can be issued.

Section 8 – Potential koala habitat

Pursuant to Clause 1, before a council may grant consent to a development application for consent to carry out development on the land, the council must be satisfied as to whether or not the land is a potential koala habitat.

No vegetation is required to be removed in order to facilitate the proposed development as such the development is not considered to have detrimental impact on Koala Habitat.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Maitland LEP 2011 apply to the proposed development:

- **Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned R1: General Residential under the Maitland LEP 2011. The R1 zone objectives are as follows;

- *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.*

Under the Land Use Table - Zone R1 of the Maitland LEP, the development description of a **health services facility** is not listed as a prohibited development type. 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.

A **health services facility** is defined by the Maitland LEP as a '*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) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.'*

As the proposed change of use development seeks to facilitate the use of the site for the purposes of providing clinic rooms and an office and training space for nurses and staff associated with Achieving Solutions as a nursing service it meets the MLEP definition of a **health services facility**.

- **Clause 4.3 – Height of buildings**

The objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area.

No height of building limit applies to the subject site. As no external building work is proposed, the height of the building will not be modified.

- **Clause 4.4 – Floor space ratio**

The objective of Clause 4.4 is to ensure that the density, bulk and scale of the proposed development is appropriate for the site in that it integrates with streetscape and character of the surrounding area.

No floor space ratio applies to the subject site. No additional floor space is proposed by the change of use application.

- **Clause 5.10 – Heritage conservation**

The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

A search of the Aboriginal Heritage Information Services (AHIMS) database (12 April 2021) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 4**.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 7.1 - Acid Sulfate Soils**

The objective of Clause 7.1 is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site is identified to be affected by Class 5 Acid Sulfate Soils (ASS), as can be seen in the NSW Planning Portal Image below. The minor soil disturbance required for the site preparations and levelling is not expected to exceed 1m in depth or lower the water table, as such will not disturb acid sulfate soils.



Figure 3 – Acid Sulfate Soils Class 5

- **Clause 7.2 - Flood Planning**

The site is not identified as flood prone land. As the building is existing and a non-habitable development type, no further consideration of flood planning controls is undertaken.

- **Clause 7.11 Essential Services**

Staff access to the site will be from Paterson Street and Brown Lane, with customer access proposed from Browns Lane only. Staff parking and visitor parking will be via facilitated as demonstrated on the plans provided here as **APPENDIX 3**. Patient parking will have a reduced demand as clinic appointments will generally be an hour in duration, with limited patient turnover. It should also be noted that many patients are not capable of operating their own vehicle, therefore patient transport will also be frequently utilised. Therefore, the available parking is deemed to be suitable.

The disposal and management of sewage will be via existing access to reticulated sewer. Stormwater management will be as per existing. No additional surfaces or roof area is proposed.

The site is currently connected to power. The site will continue to utilise existing wastewater and stormwater management infrastructure and methods with no identified impact associated with the construction of the proposed deck and amenities.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Maitland DCP 2011 is provided in the Table of Compliance provided at **Appendix 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

4 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The subject site is located in an existing developed area of East Maitland and is in close proximity to the local centres of East Maitland and Tenambit. The proposed health services facility is easily accessible via private vehicle, pedestrian linkages and public transport.

The proposed glass sliding doors providing access to the patient area will be concealed behind the existing roller doors. As the roller doors will be retained, the external features of the existing garage will be retained outside of business hours.

The development has demonstrated consistency the surrounding locality through the environmental planning regulations and site features and constraints informing the proposed development. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

The proposed development will include low impact way finding signage directing patients to the Browns Lane entrance. Business identification signage is proposed to be incorporated into the sliding doors that will be located behind the garage door, providing access to the reception area.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access will continue to be from Paterson Street and Browns Lane.

The location of the subject site means that it has a high level of accessibility for private vehicles, public transport users with close proximity to pedestrian and bicycle linkages.

Onsite parking for up to 5 vehicles will be provided for on the site, this is in satisfaction with Council's parking requirements. On street parking is also available within the immediate area. Paterson Street is a wide residential street that will not be adversely impacted through additional on street parking.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain.

4.1.4 SERVICES

Electricity, telephone and physical, legal and emergency service are available to the site.

The proposed development will not unreasonably increase demand of these services.

4.1.5 NOISE AND VIBRATION

Construction noise will be as per normal construction times and processes and will cease once construction is completed.

No additional noise impacts to any sensitive receivers are associated with the site given the reduced customer presence in the premises and the reasonable operating hours.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

No trees or significant vegetation will be required to be removed. Stormwater management will utilise existing stormwater infrastructure with runoff directed to the street as existing.

4.2.2 LANDSCAPING

A landscaping plan has not been provided at this stage.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (12 April 2021) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 4**.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

4.2.3 STORMWATER

Stormwater management will be as per existing. No additional surfaces or roof area is proposed.

4.3 SOCIAL AND ECONOMIC

Social

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development seeks to deliver a positive social impact by providing increased access to health services in the East Maitland area and likely provide supportive complimentary services in proximity to the new Maitland Hospital.

Given the location of the site there are no cumulative impacts associated with the proposed change of use of the site.

There are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively as it will provide an additional and diversified service within the East Maitland area. The proposed development will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the improvement of these aspects in the locality.

Economic

The proposed change of use will diversify the services offered within the locality. The additional health services premises will also have a positive impact on the local community by contributing to the business types and resilience in the local area, increasing local employment opportunities and positively contributing to the economy of the local community.

There are no anticipated adverse economic impacts as a result of the proposed development.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security for crime prevention measures are required as a result of the proposed development. As there will be no medications or money will be kept on the premises, therefore the proposed development will not create any additional safety, security or crime concerns on or around the site.

5 SUITABILITY OF THE SITE

The proposed development is a suitable use of the site. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE.

The proposal is within the public's best interest. To this extent, the site is suitable for development.

6 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

7 PUBLIC INTEREST

The proposal represents an improvement to the existing development and use of the site, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed attached, covered deck is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- The site is appropriately zoned which facilitates the change of use and permissibility of the proposed health services facility,
- The proposed premises will support the operation of Achieving Solutions as a nursing service offering both in home care as well as patient appointments in the proposed clinic rooms,
- No medications or money will be kept on the premises. Operating hours will be standard 8.30am – 5pm with no anticipated amenity impacts expected to result from the proposed change of use,
- The development will contribute to the activation and diversification of professional services offered within close proximity to this local centre, and
- The proposed internal modifications are designed to achieve consistency, where possible, with the provisions of the applicable access standards

It is considered that the proposal will have no significant impacts on the surrounding environment or is likely to adversely affect the enjoyment or amenity of adjoining properties. We look forward to Councils determination of this matter.

If we can provide any further information or clarity, please do not hesitate to contact us.



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