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PLANNING

STATEMENT OF ENVIRONMENTAL EFFECTS

Commercial Premise Development

A REPORT PREPARED BY PIPER PLANNING FOR:

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34 Melbourne Street, Maitland East

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) relates to the premises known as 34 Melbourne Street, East Maitland. The document accompanies a Development Application for development of the demolition of existing structures and the erection of a commercial building and associated infrastructure. The commercial premise is to be occupied by the owner's business, such that the intended use typology is as an office premise.

We note that there is an existing consent for the development of shop-top housing upon the premise (DA2022/708). The residential component of the approved development is unviable for the owner, who wishes to simplify the use of the premise. Apart from the change to use and associated internal configurations, the development otherwise remains consistent with that approved development in terms of exterior form.

This SEE and Development Application have been prepared in response to the statutory provisions applicable to the development.



2. PROPERTY DETAILS

2.1 SUMMARY

Applicant	Advantage Designs
Property Address:	Lot 1, Sec15A, DP151548, No. 34 Melbourne Street, East Maitland
Zone:	MU1 Mixed Use zone
Calculations	Site Area: 691m ²
Existing Improvements:	Single Dwelling and Detached Garage. Council should note the existing consent for the construction of shop top housing – DADA/2022/708.



2.2 SITE CONTEXT AND EXISTING IMPROVEMENTS

The subject allotment is located within an urban interface setting. The site is relatively narrow and is rectangular in shape. The long axis of the site is oriented predominantly to the north/south. The allotment currently displays an aged single dwelling and detached garage which are to be demolished. We note that there is an existing consent for the erection of shop top housing.

The site is located within the MU1 Mixed Use zone. The premise is clear of bushfire but impacted by flood affectations. The site is located within the East Maitland Heritage Conservation Area and adjoins an item of heritage significance.

The Melbourne Street interface is located to the north and Grant Street to the south. Commercial premises are located immediately adjoining to the east and west.

The site is located approximately 250m east of the East Maitland Railway Station. Bus routes are apparent on Lawes Street 33m to the east. The allotment, being within the mixed-use zone, is in proximity to food and drink premises, retail outlets and petrol stations.

The surrounding locality consists of commercial and residential forms. These building forms mostly display built to boundary outcomes of one and two storeys in elevation. The subject allotment is well positioned in relation to local transport networks. This enables the operation of the premise to generate employment opportunities amongst the local community.

Figure 1 outlines the location of the subject site amongst the local context.

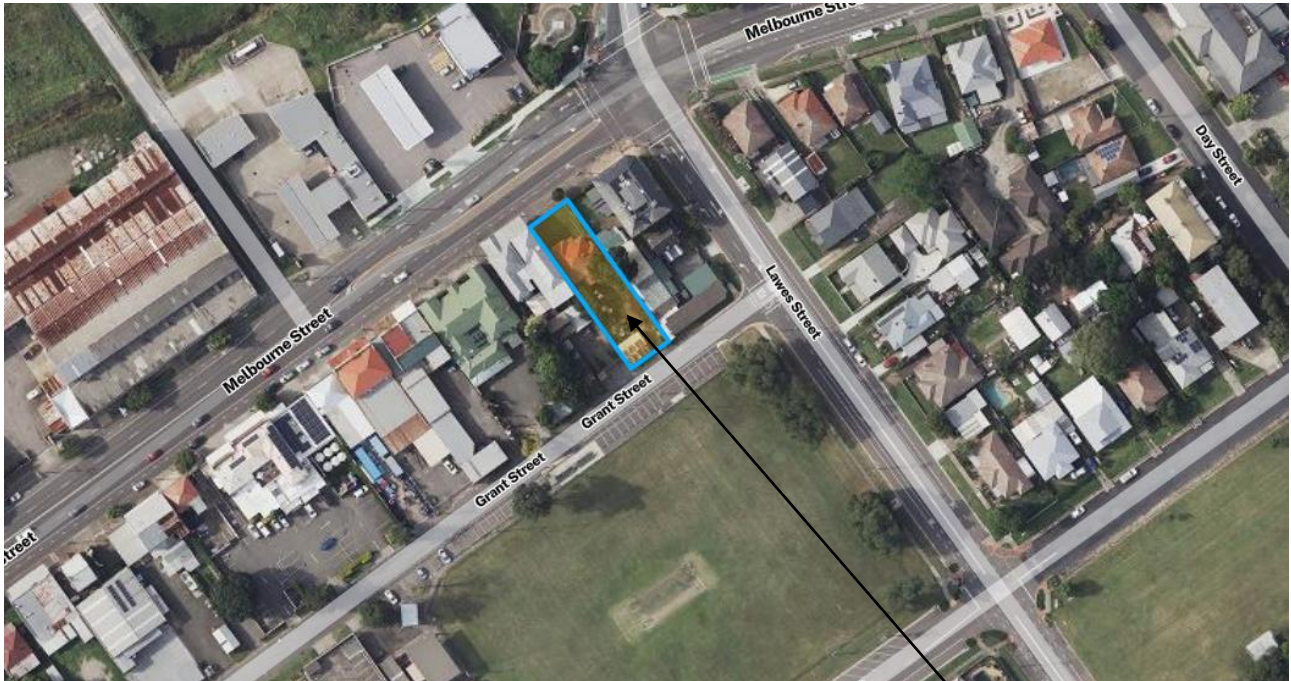


Figure 1: Subject Allotment within the broader locality

Subject Lot



3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 COMMERCIAL PREMISE DEVELOPMENT

The applicant seeks consent for the demolition of existing structures and the development of a commercial building, which is to be occupied as an office premise. The site is benefitted by an existing consent for the demolition of the existing cottage and the erection of shop top housing.

The existing consent for shop top housing displays 2 ground floor commercial tenancies, which interface Melbourne Street. The first floor consists of 3 residential units, located above the ground floor commercial tenancies and car parking area. The rear extent of the site interfacing Grant Street displays 7 car parking spaces.

It has become evident that the residential component of the existing consent is unviable for the owner, who wishes to utilize the residential spaces for the purpose of offices. As such, this proposal seeks consent for a form incorporating use as office premise, as well as reconfiguration of the floor layout to support that purpose. Office premise is defined as:

Office Premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note: Office premises are a type of commercial premises—See the definition of that term in this dictionary.



Office premises, being a commercial premise are permitted within the MU1 zone with council's consent.

The site is located within an area of heritage significance. The proposal seeks to retain the physical appearance of the approved development. Changes to that form associated within this proposal require interior reconfiguration of spaces, which are unlikely to the heritage significance of the development context.

Additional interior changes incorporate the replacement of the internal staircase with an elevator. In addition to the internal configuration, the former consent incorporated requirements for the provision of landscape, fencing and pavement finish details, operational management plan and heritage architect design details for fencing, post/valances/balustrades and window hoods. This submission incorporates that information such that the former conditions 24, 26, 29 and 38 could be removed from a future consent.

The overall form and exterior appearance of the development will remain the same. The existing approved and this proposal is unlikely to result in any negative externalities. Figure 2 indicates the proposed lot layout.

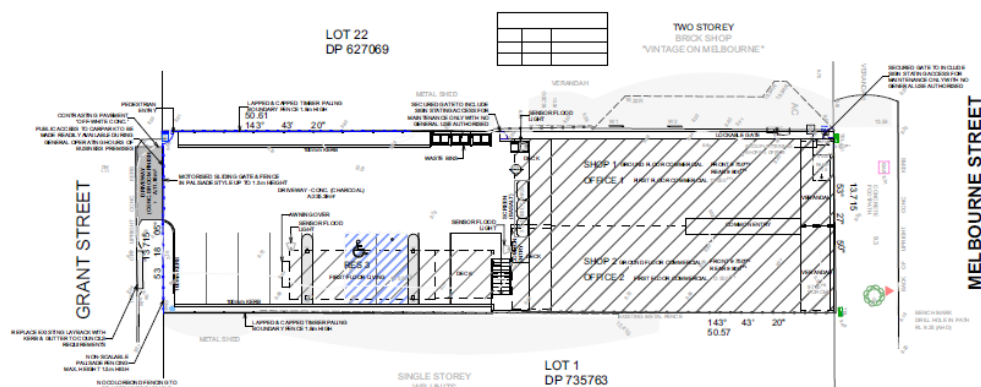


Figure 2: Indicative Lot Layout



4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

4.1 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The site is located in the MU1 Mixed Use zone under the Maitland Local Environmental Plan 2011 (LEP 2011).

According to the LEP, the objectives of the Zone are:

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

Comment:

The proposed development seeks consent for the development of an office premise. Office premises are identified within Council's LEP as being a form of commercial premise. Commercial premises are identified as being permitted within consent within the Zone.

The existing consent included the erection of a two storey, shop top housing development, with 2 ground floor commercial tenancies and 3 residential units on the first floor. On the basis of this existing approved form being



preserved and the proposed use typology also being permitted within the Zone, we submit that the development outcome is entirely suitable for the location.

The subject allotment is well positioned in relation to local transport networks. This enables staff attending the premise to utilise a variety of existing transport options to attend the premise. Additionally, the proximity and transport connections allow the offices to provide employment opportunities to the connected surrounding community. We therefore submit that the proposed development is appropriate in consideration of the objectives sought for the Zone.

Flood Prone Area

The subject allotment is identified as being flood affected. We understand flood considerations were taken into account as part of the existing DA for the development of the premise. No alterations are proposed to the footprint expanse, construction method or finished floor levels. We understand the development adheres to required flood planning levels.

Heritage Map

The subject allotment is identified as being within the East Maitland Heritage Conservation Area. A heritage impact assessment is included with this submission, which incorporates consideration to the approved form. Whilst the use typology changes, we submit that this would not vary the capacity of the development to impact the heritage attributes of the locality. The Heritage Impact Assessment is considered to remain suitable on this basis.



The heritage impact assessment addressed provisions relating primarily to materiality, form and streetscape address. The proposed works primarily relate to reconfiguration of internal spaces and the replacement of a rear staircase with an elevator. The proposed works are unlikely to result in any impacts on the heritage character of the surrounding locality.



4.2 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The following serves as analysis of the proposed development against the pertinent chapters of the DCP

Part B Environmental Guidelines

Stormwater Management – The proposed development maintains the approved extent of impervious area, building form, detention and drainage system. The approved drainage design is incorporated to this proposal and remains consistent with the Councils provisions in this regard.

Waste management – The proposed development will utilise the same storage and service locations arrangements as the original consent with regards to waste management. The proposed amendments are unlikely to result in significant variation in waste generation than the original approved consent.

Part C Design Guidelines

Heritage Conservation – The subject allotment is located within the East Maitland Heritage Conservation Area. The original approved Heritage Impact Assessment is again incorporated to the proposal. The change in the manner the premise is proposed to be used will not vary the relationship of the development form to the heritage attributes of the locality and so the HIA is considered to remain relevant.



The proposed development includes only minor internal changes, which do not alter the external appearance of the originally approved structure. We therefore submit that the HIA remains relevant to the amended design.

Vehicle Access and Car Parking – The site derives its vehicular access from Grant Street to the south. The proposed development does not include any changes to the car parking arrangements of the original consent and is therefore understood to remain compliant with Council's parking design requirements.

The existing consent displays 7 car parking spaces at the rear extent of the site. We note that in the original consent, these spaces served the two shops, and the residential units did not require designated parking (based on prescribed car parking rates for shop top housing within Council's DCP).

The DCP prescribes 1 space per 40m² GFA for business and office premises and 1 space per 25m² for shops. Therefore, the use of the first floor would require 3.5 additional parking spaces.

Whilst the DCP prescribes a rate for offices, but not shop top housing, that housing would undoubtedly create a level of parking demand. The proposal does not increase the gross floor area of the approved design.

Noting the connectivity of the premise and the zone objective seeking to provide employment opportunity to the local community, it is most likely that employees to the office premise would utilise either public transport, bike or pathway connections to the premise, commensurate with the objectives.



The scale and intensity of use of the office premises is limited and is unlikely to generate a significantly increased parking demand beyond the approved 1 and 3 bedroom dwelling units. Whilst there is a highly beneficial dispensation for shop top housing, as noted in Council's DCP, multi dwelling housing and dual occupancies create a modelled demand order of 6 additional spaces (2 per 3 bedroom dwelling and 1 per 1 bedroom dwelling plus 1 visitor). On this basis, the 3.5 additional space distinction created by the change is not likely practically consistent to the likely demand of the approved form.

The development design maintains an unimpeded site frontage to Melbourne Street. The frontage displays a parking lane within the carriageway and the width is such, that two spaces can be achieved generally aligned to the property boundaries. This arrangement can support spill over demand created by the any perceived deficiency between the approved form and the proposed form.

The rear of the development presents to the adjoining public recreational area. That facility displays nose to kerb public parking that would predominantly be in use of a weekend and at times outside of normal office hours. As such, the locality is afforded further spill over capacity that could readily cater to a perceived deficiency between the approved form and the proposed.

In summary, we submit that the practical parking demand created by three dwelling units would exceed Council's discounted provision within the DCP. The use of the premise as an office premise creates a theoretical increase in the demand of 3.5 spaces. Given the likely demand created by three units could be in the order of 6 spaces and noting the abundance of parking around the premise, we submit that merit based consideration and support



is warranted to this proposal.

Crime Prevention through Environmental Design – The proposed works do not include any alterations to the building's streetscape address, surveillance capacity or access control. Territorial definition remains consistent to that assessed and approved by Council. The proposed development does not result in a substantial increase in the intensity of use or use in a manner likely to give rise to crime. The development is not of a form that would require a CPTED assessment. We submit that the proposal is acceptable in this regard.

Part E – Special Precincts

East Maitland Heritage Conservation Area – As discussed earlier under the "Part C -Heritage Conservation" chapter of the DCP. The proposed works and use do not have any impact on the external appearance of the original approved building. The existing heritage impact assessment is applicable with regard to this proposal.



5. CLAUSE 4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 OVERVIEW

In this Section, the proposed development has been assessed having regard to the relevant matters for consideration under Clause 4.15 of the Environmental Planning and Assessment Amendment Act, 1997, which a consent authority must consider in determining an application.

5.2 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Consideration is given to Maitland LEP 2011 as discussed in Section 4.1.

5.3 THE PROVISION OF ANY DRAFT EPI

We are not aware of a Draft Instrument applying to the allotments or development form.

5.4 ANY DEVELOPMENT CONTROL PLAN

Consideration of the relevant Elements of Maitland City Wide DCP is discussed in Section 4.2.

5.5 ANY MATTERS PRESCRIBED BY THE REGULATIONS

Not applicable to this application.

5.6 LIKELY IMPACTS OF THE DEVELOPMENT

5.6.1 Context and setting

The proposed development of the premises, utilising commercial purposes, will complement the surrounding context. The scale, form



and location of development are considered ideal to the allotment and local context.

5.6.2 Public domain

The proposal will have no impact on the public domain. No external works are proposed.

5.6.3 Utilities

All installations will meet the requirements under the Australian Standards and the Building Code of Australia.

5.6.4 Social and Economic impact in the locality

The proposed development will provide impetus and vitality to the locality and is therefore considered appropriate.

5.6.5 Site design and internal design

The site is considered ideal for the needs of the proposal. The design suitably responds to the attributes of the site.

5.6.6 Cumulative Impacts

The cumulative impact of the development on the character of the neighbourhood is expected to be negligible.

5.7 SITE SUITABILITY

The subject site is considered ideal to the requirements of the Applicant. No variation to site formation or infrastructure is required.

5.8 SUBMISSIONS

The Consent Authority will need to consider any submissions received in response to the public exhibition of the proposed development.



5.9 THE PUBLIC INTEREST

There are no known Federal or State Government policy statements and/or strategies that are relevant to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

6. CONCLUSION

The proposal is identified as Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Clause 4.15 of the Act, the Maitland Local Environmental Plan 2011 and Council's policies including the Maitland Development Control Plan 2011. In this regard, it is considered that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above controls.

The proposal will provide impetus to the locality and address a significant demand for this form of facility. In consideration of zoning objectives, the development is entirely appropriate.

As such, the proposal for the demolition of existing structures and the erection of a commercial premise upon Lot 1, 15A, DP151548, 34 Melbourne Street, East Maitland 2323 is an appropriate response to context, setting and planning instruments. Approval is recommended.