

Statement of Environmental Effects

Link Road and Temporary Fill Stockpiles

Closebourne Village

365 Morpeth Road, Morpeth

June 2019

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LIST OF SUPPORTING MATERIAL	
Title	Prepared By
Development Plans	Lindsay Dynan
Assessment of Stockpiled Material	Douglas Partners

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1.0 Introduction

1.1 Summary

Site Details	
Address	365 Morpeth Road, Morpeth (Site)
Property Description	Lot 7 DP 270740
Local Government Area	Maitland City Council
Current Use	Retirement Village

General Details	
Applicant	LL RV (Closebourne) Pty Ltd
Proposal	To construct a link road between the Morpeth House precinct and the Closebourne House precinct and temporarily store fill required for this road construction adjacent to the road location.
Application Type	Development Application
Level of Assessment	Integrated Development
Consent Authority	Maitland City Council
Key Applicable Codes	Maitland LEP 2011 (MLEP); Maitland DCP 2011 (MDCP)

1.2 Background

This Statement of Environmental Effects (SEE) has been prepared by Catalyze Property Consulting Pty Ltd (Catalyze) to accompany a Development Application (DA) to Maitland City Council (Council) seeking consent to construct a link road between the Morpeth House precinct and the Closebourne House precinct and temporarily store fill required for this road construction adjacent to the road location.

The purpose of this report is to describe the proposed development and review the relevant planning requirements relating to the proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

In the preparation of this SEE, the Site and the locality has been considered, along with the development plans.

The merits of the proposal have been considered with reference to the relevant State, Regional and Local Council planning instruments, codes and policies and the proposal is considered worthy of development consent.

1.3 Site & Locality Description

The whole Site consists of approximately 40Ha of land, comprising a number of lots, bounded by Morpeth Road to the north, Tank Street to the east and rural residential development and dwelling houses to the south and west. The proposed works are located on Lot 7 DP 841759,

The Site is listed on the NSW State Heritage Register (Item 00375). The Site includes Closebourne House, Morpeth House and an open landscaped setting to the north and north east.

The Site is currently being developed for a Retirement Village and residential uses.

Location maps showing the Site in a regional and local context are set out below in **Figures 1, 2a and 2b**.

Figure 1: Regional context map. Source: Google Maps.

Figure 2a: Aerial photograph of the Site (edged in red). Source: SIX Maps.

Figure 2b: *Subject Site (Lot View). Source: SIX Maps.*

1.4 Existing Development

The Site is currently being developed and used as a Retirement Village and for residential purposes in accordance with a Conservation Management Plan (CMP), Heritage Agreement (HA) and Master Plan (DA08-2335).

The final stages of the development are now taking place with development applications lodged for Villas adjacent to the Oval Precinct, the Residential Aged Care Facility, incorporating adaptive reuse of Closebourne House and adaptive reuse of Robinson House and Wardens Residence.

To access the Oval and Closebourne House Precincts, and indeed Closebourne House generally, the existing gravel link road needs to be upgraded.

The construction of the road requires a significant quantum of fill and given that the Stage 6 Villas are nearing completion, appropriate quantities of quality fill have been stockpiled adjacent to the road location, in preparation for use in the road construction.

The photos below show the existing road and the temporary stockpiles of fill.



Figure 3: Photograph of the existing road; looking toward Morpeth House.



Figure 4: : Photograph of the existing road and temporary stock pile; looking toward Closebourne House.



Figure 5: Photograph of existing road and access to the Ovals area to the left.

2.0 Description of Proposal

It is proposed to construct a link road that is 6m wide, with a 1.2m footpath, between the Morpeth House precinct and Closebourne House precinct. The Plans provide the details of the road, which have been designed in accordance with the relevant Australian Standards and the kerb and gutter will be to Maitland City Council Specification.

It is also proposed to undertake required reshaping and landscaping and water quality and detention works to achieve incremental discharge of stormwater from the road into the grassed paddocks buffer strip to sheet flow across the paddock into the Tank Street Basins.

The proposed road construction formalises an existing gravel road that provides access to the Oval and Closebourne House precinct.

The road will utilise fill from Stage 6 that is stored temporarily adjacent to the road location, as shown on the plan. This fill has been tested and assessed by Douglas Partners as Excavated Natural Material, and is appropriate for this use.

In the unlikely event that the road does not proceed, the temporary stockpiles will be removed to a suitable location offsite. The Douglas Partners report also confirms this is appropriate stating:

The stockpiled materials can also be classified as 'General Solid Waste' (Non-Putrescible), with reference to NSW EPA Waste Classification Guidelines (Ref 1), and could therefore be disposed at a landfill licensed to accept 'General Solid Waste' if required.

3.0 Planning Controls

3.1 Environmental Planning and Assessment Act 1979

The Act is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are: -

"To encourage:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) The promotion and co-ordination of the orderly and economic use and development of land;*
- (iii) The protection, provision and co-ordination of communication and utility services;*
- (iv) The provision of land for public purposes;*
- (v) The provision and co-ordination of community services and facilities;*
- (vi) The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;*
- (vii) Ecologically sustainable development; and*
- (viii) The provision and maintenance of affordable housing."*

The stated objectives of the Act are satisfied by the proposed development as it:

- Will enhance access to the Oval and Closebourne House precincts;
- Creates awareness and promote appreciation of the State Listed Heritage Items;
- Utilises appropriate existing services; and
- Causes no adverse impacts on the environment.

3.2 State Environmental Planning Policies

Section 4.15(1)(a)(i) of the Act requires the consideration of all State Environmental Planning Policies relevant to the Development Application.

The proposed development has been prepared having regard to State Environmental Planning Policy No. 55 - Remediation of Contaminated Lands (SEPP 55).

SEPP 55 establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The material stockpiles and proposed to be used in the road construction has been sourced from the Stage 6 construction and is classified by Douglas Partners as ENM.

On this basis, the proposed use is satisfactory in the context of SEPP 55.

3.3 Local Environmental Plans

Section 4.15(1)(a)(i) of the Act requires the consideration of all Local Environmental Plans relevant to the Development Application Stage.

Maitland Local Environmental Plan 2011 (MLEP) applies to the development and specifically the following provisions.

3.3.1 Zoning

The area of the Site where the road is proposed is zoned RU2 Rural Landscape.

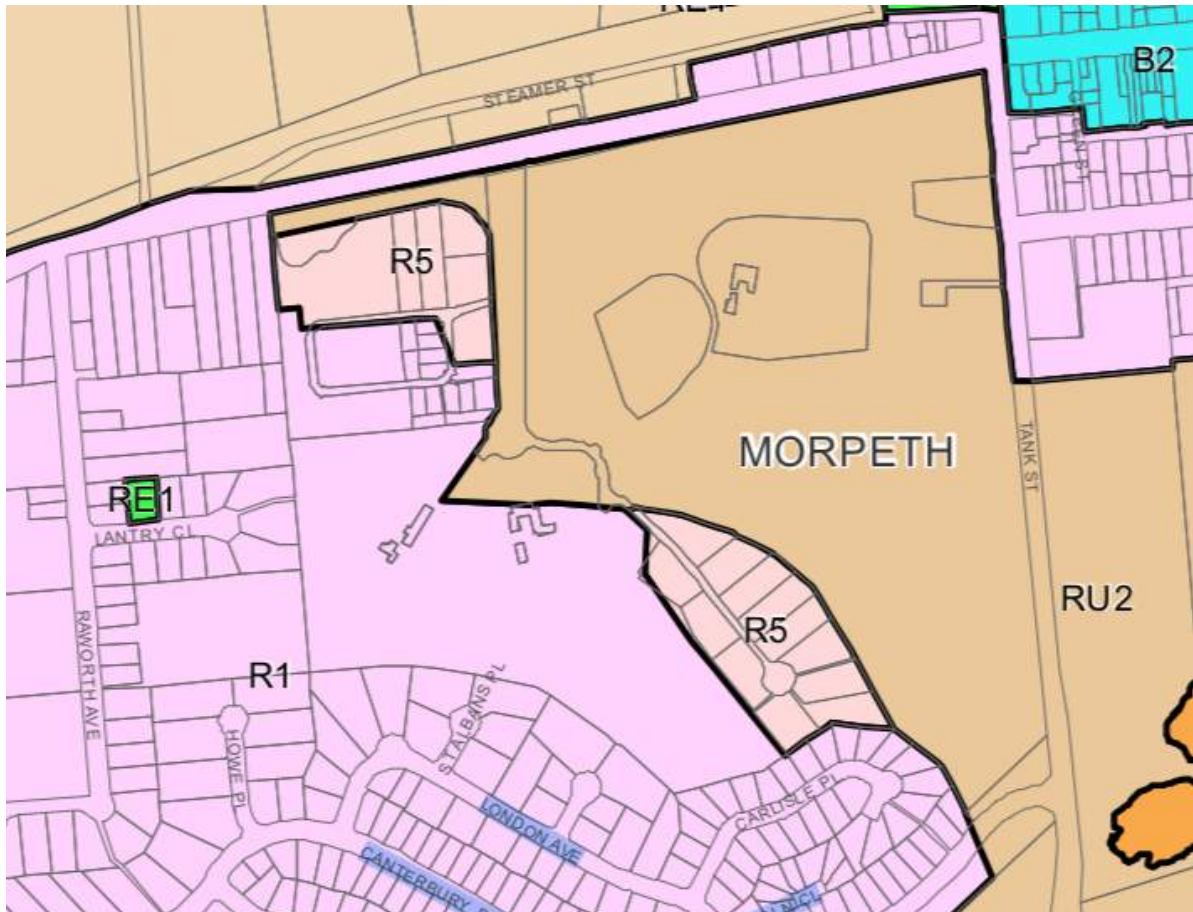


Figure 6 - Extract from the MLEP – Zoning Map

Within this zone, subject to the zone objectives, the following uses are permitted and prohibited:

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); **Roads**; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems

4 Prohibited

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3

Roads are consistent with the objectives of the zone and specifically permissible with development consent. The temporary stockpiles of fill are ancillary to the construction of the road.

3.3.2 Heritage

The Site is listed in Schedule 5 of MLEP as a Heritage Item with State Significance.

Morpeth House, Closebourne House, adjoining chapels and Diocesan Registry group	Morpeth Road	Lot 2 and Part Lot 3, DP 841759	State	I201
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As a result, Clause 5.10 Heritage Conservation applies, which has its objectives as:

- (a) to conserve the environmental heritage of Maitland,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The practical effect of this clause is that the Consent Authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the item or area concerned.

This is discussed further in Section 4.11 of this SEE, however given this application proposes to upgrade an existing road, and there is no building work proposed and no significant change to the land form or landscape; the impact is negligible.

On this basis the proposal is considered as consistent and compliant with Clause 5.10.

3.4 Draft Environmental Planning Instruments

Section 79C (1)(a)(ii) requires Council to consider the Provisions of relevant Draft Environmental Planning Instruments.

No draft LEP exists in relation to the Site.

3.5 Development Control Plans

Section 4.15(1)(a)(iii) of the Act requires the consideration of Council's DCPs. The Maitland Development Control Plan 2011 (MDCP) applies to the Site; however there are no specific provisions that relate to the proposal.

3.6 Agreements & Provisions of Regulations etc.

Section 4.15(1)(a)(iiia) of the Act requires consideration of any planning agreement entered into under Section 7.4.

There is no planning agreement or draft agreements included in this proposal.

Section 4.15(1)(a)(iv) of the Act requires consideration of the Regs.

The Proposal complies with and is consistent with the relevant provisions of this Regulation.

4.0 Planning Considerations

4.1 Likely Impact of Development

Section 4.15(1)(b) requires consideration of the likely impact of the development. An analysis of the potential impact is summarised below.

4.1.1 Heritage Impact

The Site is a State listed Item of Environmental Heritage and all proposed uses and development must be considered in this context.

However, in these circumstances, where an existing road is being upgraded, and there is no building work proposed and no significant change to the land form or landscape; the impact is negligible.

In fact, the proposed road will enhance access to the Closebourne House precinct and encourage people to be able to access this section of the Site and, with the new Interpretation Paths and Installations, gain an appreciation for the significance of the buildings and history of the Site.

This is a very positive result from the perspective of heritage conservation; and should be supported.

In short, there is no detrimental impact on the heritage significance of the Site.

4.1.2 Traffic

The proposed road is design to Australian Standards and appropriate sweep paths of heavy rigid vehicles are shown on the submitted plans that are able to service the Aged Care Facility in the event it is approved.

4.2 Suitability of the Site

Section 4.15(1)(c) requires consideration of the suitability of the Site.

The proposed road will result in no ongoing negative impact or change to the Site; in fact it will enhance access to the Closebourne House precinct.

On this basis, it is considered that the site is suitable for the proposal.

4.3 Submissions

Section 4.15(1)(d) requires assessment by Council following exhibition.

4.4 The Public Interest

Section 4.15(1)(e) requires the public interest to be considered. Issues of public interest relevant to this application are unknown at this stage.

5.0 Conclusion

This DA seeks consent to construct a link road between the Morpeth House precinct and Closebourne House precinct and temporarily store fill required for construction of this road adjacent to the road location.

It complies with all relevant Environmental Planning Instruments and MDCP and will make a positive contribution to the Site.

In summary the proposal will:

- contribute to the accessibility of the Site; and
- result in no environmental, heritage or social impacts.

The proposed development is worthy of approval by Maitland City Council.