



Catalyze Property Consulting Pty Ltd

M: 0403 007 447

E: [cjm@catalyze.net.au](mailto:cjm@catalyze.net.au)

PO Box 44 Islington, NSW 2296

## **Statement of Environmental Effects**

Demolition of the buildings proposed for the

Day Respite Facility

at

Closebourne Retirement Village

365 Morpeth Road, Morpeth

July 2022

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# 1 INTRODUCTION

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## 1.1 SUMMARY

<b>Site Details</b>	
Address	365 Morpeth Road, Morpeth
Property Description	Lots 3 & 4 DP 270740 (Site)
Local Government Area	Maitland City Council
Current Use	Retirement Village

<b>General Details</b>	
Applicant	LL RV (Closebourne) Pty Ltd
Proposal	Demolition of the buildings proposed for Day Respite Facility and make good works.
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 REPORT PURPOSE**

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) to Maitland City Council (Council) seeking consent for the demolition of the buildings proposed for the Day Respite Facility under the approved master plan and make good works at that location and at the former swimming pool.

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 (Act).

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

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 DESCRIPTION & LOCALITY**

### **1.3.1 Overall Site and Existing Use**

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 Site is listed on the NSW State Heritage Register (Item 00375) and includes Closebourne House, Morpeth House and the landscape setting.

The Site is currently being developed and used as a Retirement Village, Residential Lots and Farmlets in accordance with Master Plan (DA08-2335) that was approved on 14 July 2009.

The Master Plan broadly provides for a range of land uses including;

- Nursing home, high care and dementia, plus day respite care, in and around the Closebourne House area, surrounded by curtilage open space;

- Retirement living, including reuse of Morpeth House, village open space, adaptive reuse of Robinson House and Principal Lodge, with up to 277 dwellings; and
- Residential lots (14 residential lots and 21 farmlet lots, in two locations).

The Master Plan has been modified over the years with the most recent Modification approved on 22 February 2022 to increase the number of villas in the Oval Precinct to 14.

This is the current version of the Master Plan.

Condition 4 of the Master Plan, required separate development applications to be lodged and approved for the various stages of development of the Site, including the independent retirement living villas. The vast majority of the approved villas have been approved, constructed and are now occupied.

Location maps showing the Site in a regional and local context and extract from the Master Plan are set out in the following Figures.

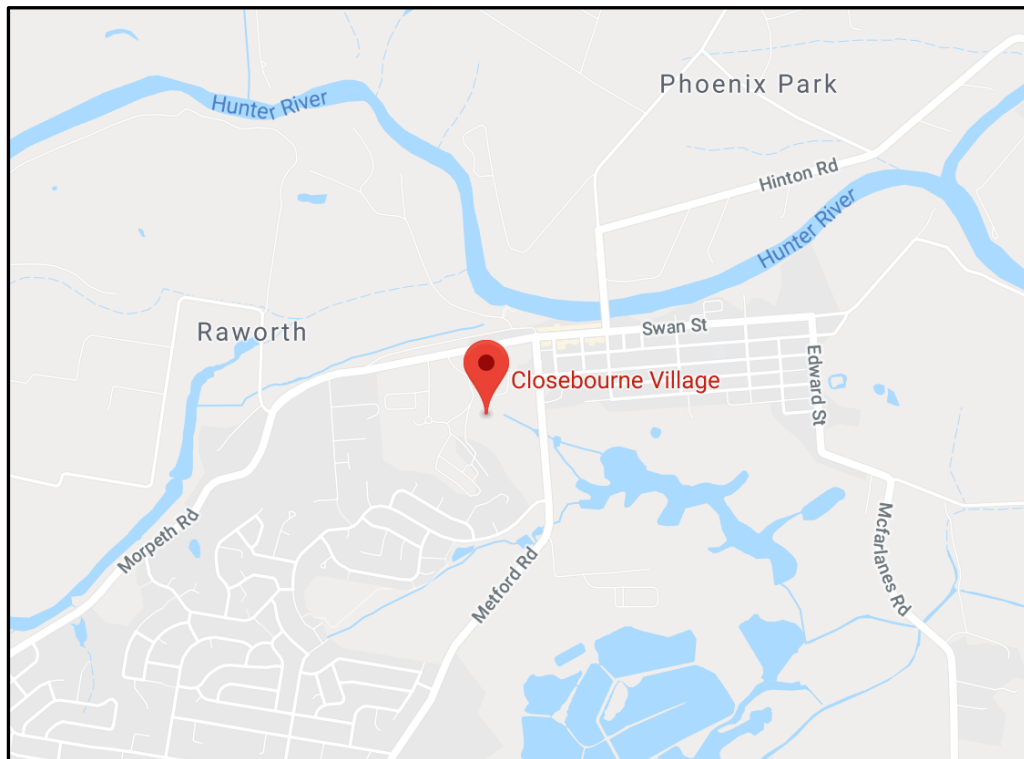


Figure 1 - Regional Context Map

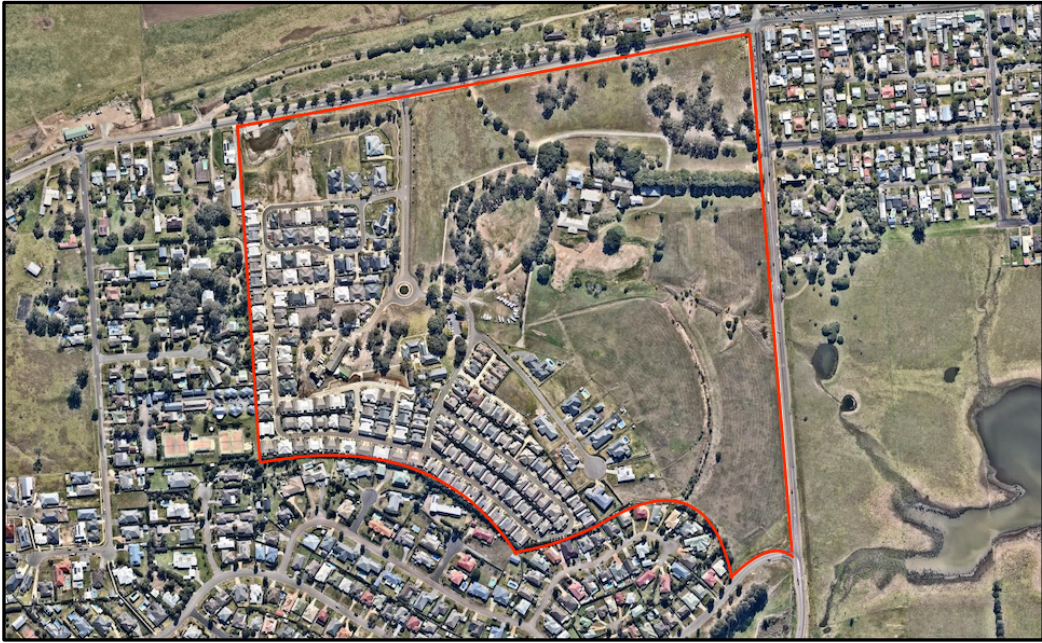


Figure 2 - Aerial Photograph

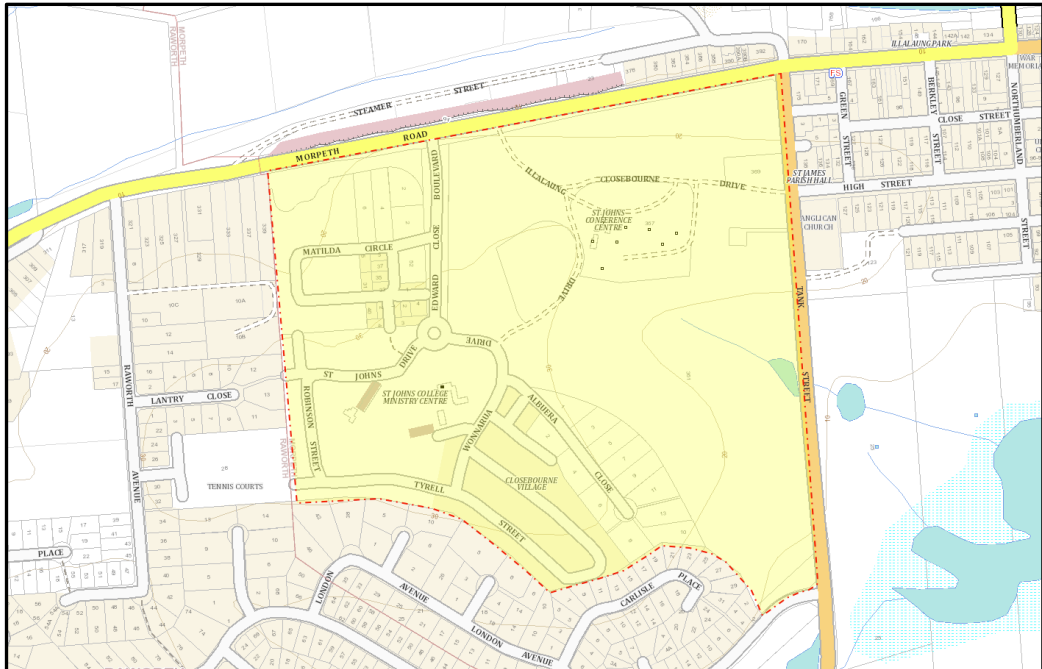


Figure 3 - Subject Site

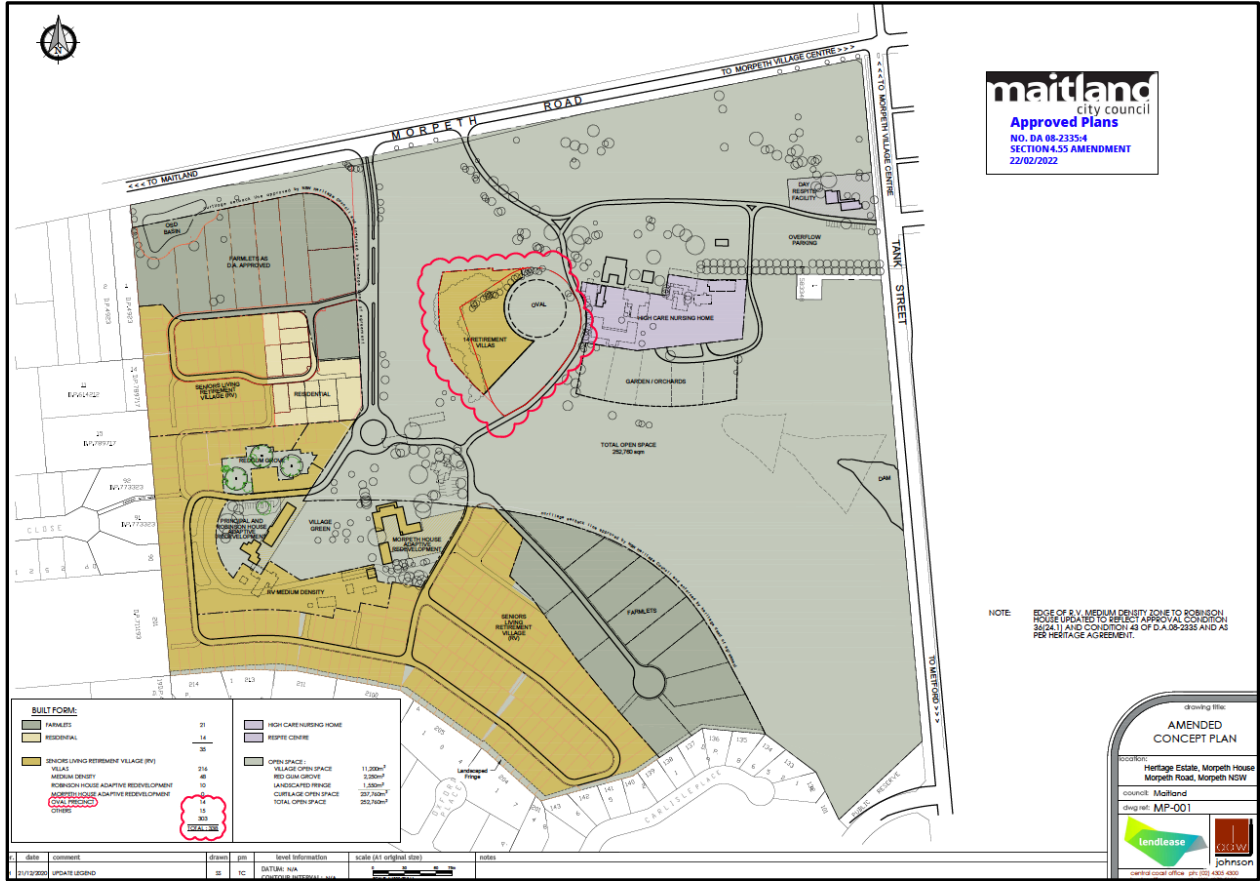


Figure 4 - Current Master Plan

### 1.3.2 Day Respite Facility Buildings

The proposed works subject to this Application are primarily located on the Lot 4 DP 270740, with minor make good works relating to the former swimming pool located in Lot 3 DP 270740.

The buildings are located adjacent to Tank Street, on the western side of its intersection with High Street.

The Heritage Impact Statement that accompanies this application includes a detailed photographic survey of the building in their current state.

At the time of approval of the Master Plan, the buildings were planned to be used as a Respite Facility associated with the high care nursing home approved in the Closebourne House Precinct.



However, the model of care has changed, and the buildings are no longer appropriate for this use, and they are in very poor condition, suffering from termite damage and vandalism.

The location of the buildings is shown on the Figures below.

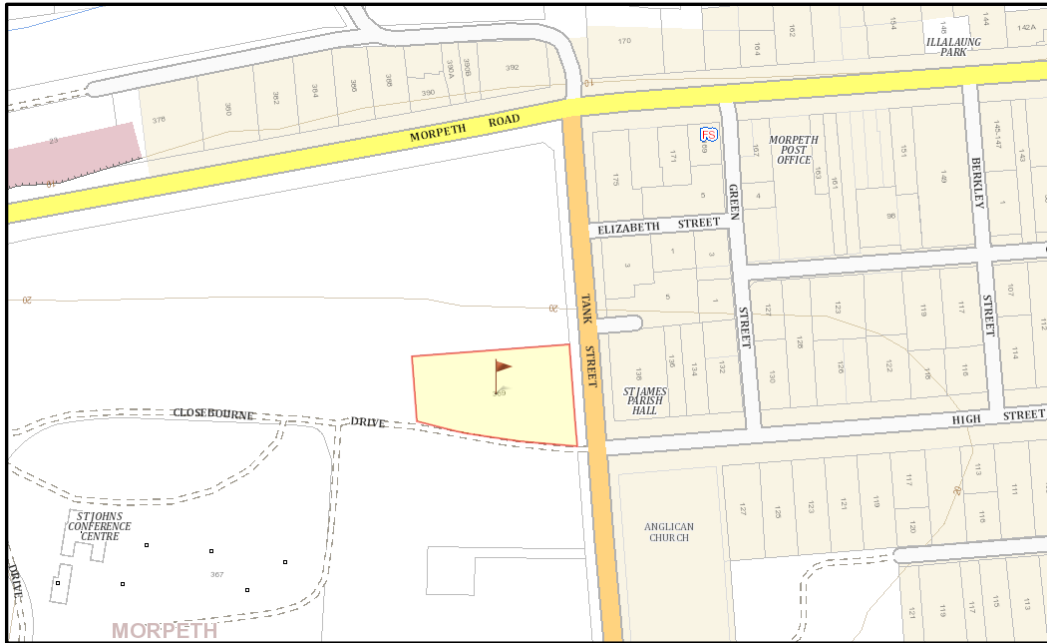


Figure 5 – Location of Day Respite Facility Buildings



Figure 6 - Aerial Photograph of Buildings and former swimming pool

## 2 DESCRIPTION OF PROPOSAL

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In general terms, the DA seeks approval for the demolition of the buildings proposed for Day Respite Facility and make good works, including the former swimming pool adjacent to Closebourne House.

The demolition will be carried in accordance with the Australian Standards and the Hazardous Material Survey included with this application.

The proposed works subject to this Application are primarily located on the Lot 4 DP 270740, with minor make good works relating to the former swimming pool located in Lot 3 DP 270740.

Specifically, the works will involve removing the two cottages, all fencing and poles; the pad footings; weeds; self-seeded shrubs and small plants; level the demolition site and overlay with imported soil and topsoil; establish grasses over that area and return the area to a 'park-like' appearance equal to the existing character of the 'front paddock'. All trees, including the deciduous trees and 'courtyard' trees are to be protected during the works and will remain after completion.

In relation to the swimming pool, the proposal also includes the removal of the pool fence; the removal of the pool edging to approximately 450mm below the current ground level and make safe; remove the rubbish in the pool; remove the pool shed and its floor slab; protect and retain the short stone retaining wall; level the demolition site and overlay with soil and topsoil (sourced from on-site if possible); establish grasses over that area and return to the open space on this north side of the brushbox avenue.

During the works associated with the make good of the pool, adjacent trees are to be protected including the palm tree. The short stone wall is to be protected during the work. At completion, the top edge of the existing short stone retaining wall is to be left exposed. The new soil and topsoil is to finish flush with the top of that wall then graded downwards over the former pool remnants until it gradually meets and joins the original surrounding ground levels (as it would have been before the cut made prior to the pool being installed).

At the pre-lodgement meeting on 1 July 2022, there was discussion regarding the role of the path to the south of the buildings.

This path is a path shown on both the current approved Master Plan and current Approved Landscape Master Plan and this application proposes no change to the path and, as such, it is not part of this application.

We note that there is a Condition of Consent that prohibits Tank Street being used for vehicular access and that the path is not included in the Temporary Events Consent as part of the Traffic Management Plan.

An extract from the proposed demolition plan is provided in the following Figure.

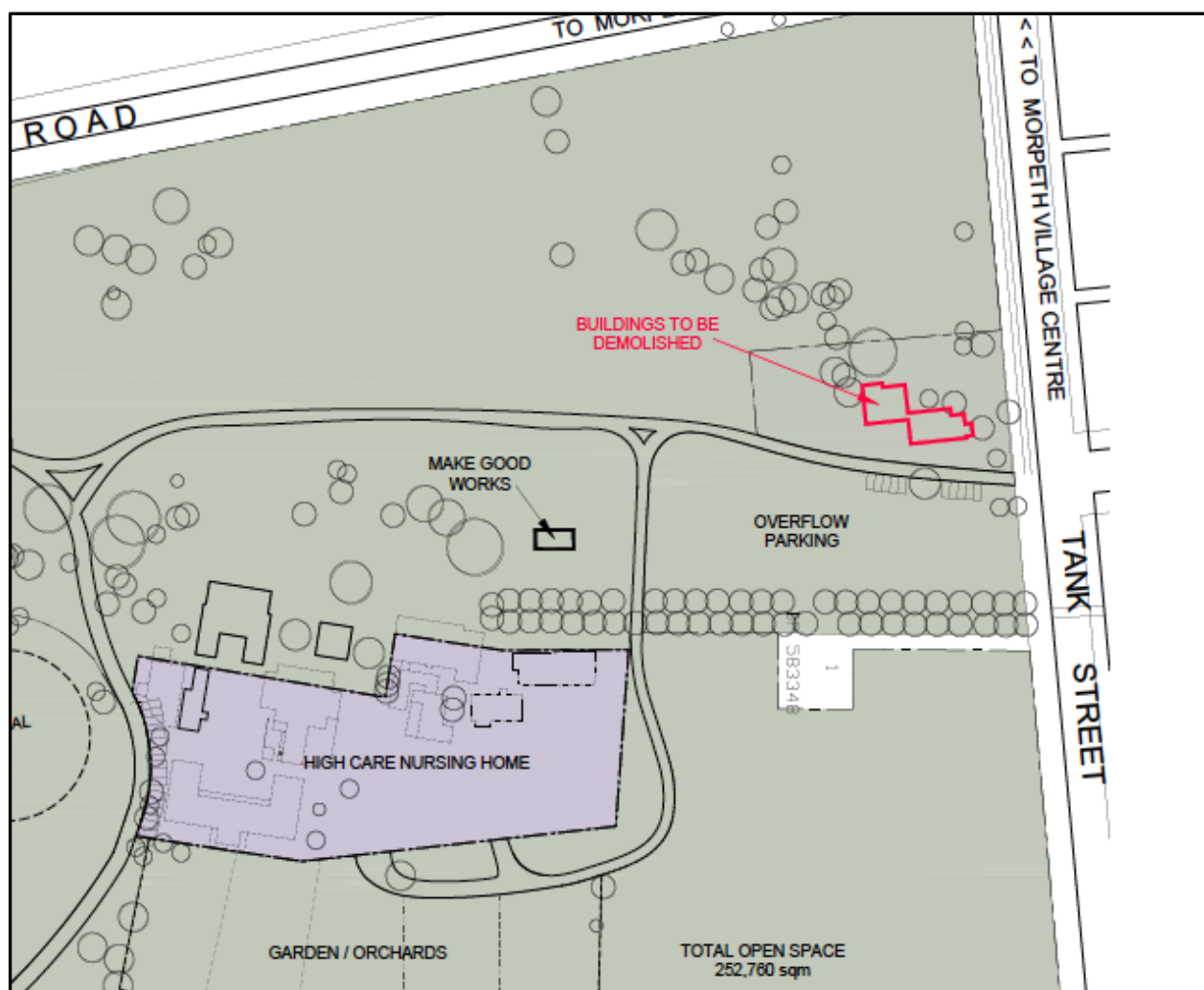


Figure 7 - Extract from the Demolition Plan

### 3 MATTER FOR CONSIDERATION

#### 3.1 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS & POLICIES

Section 4.15(1)(a)(i) of the Act requires the consideration of all Environmental Planning Instruments (EPI) relevant to the DA.

The DA's consistency and compliance with relevant EPIs is considered in the Table below and the various sections that follow.

Plan	Comment
<b>Strategic Plans</b>	
Conservation Management Plan (CMP)	<p>The CMP was endorsed by the Heritage Council in 2005 and informed the approved Master Plan.</p> <p>The Heritage Impact Statement that accompanies this DA provides an assessment of the proposed development in light of the CMP.</p>
<b>State Environmental Planning Policies</b>	
State Environmental Planning (Resilience and Hazards) 2021	<p>The potential contamination of the Site was assessed in the Concept Plan and concluded that the site is of 'low' potential contamination. The Site was therefore deemed to be suitable for future development within the Concept Plan.</p> <p>A Hazardous Material Report is included with this application that makes recommendations in relation to the removal of the Buildings.</p>
<b>Local Planning Instruments</b>	
<i>Maitland Local Environmental Plan 2011</i>	
- <i>Clause 2.3 – Zone objectives and Land Use Table</i>	The Site is zoned RU2 Rural Landscape. Demolition is permissible with development consent.
- <i>Clause 4.3 – Height of Buildings</i>	N/A
- <i>Clause 4.4 – Floor Space Ratio</i>	N/A

- Clause 5.10 – Heritage Conservation	This Clause is discussed following this Table.
- Clause 7.1 – Acid Sulfate Soils	N/A
- Clause 7.3 Flood Planning	The Site is not identified as being flood prone.
- Clause 7.4 Riparian land and watercourses	<i>The Site is not identified as being “Watercourse land”.</i>

### Cl. 5.10 – Heritage Conservation

The Site contains a number of local and state heritage items:

- The Closebourne Estate is listed on the State Heritage Register (State Heritage Item 00375).
- The Morpeth House, Closebourne House, adjoining chapels and Diocesan Registry group is of state heritage significance and is listed in Schedule 5 Environmental Heritage of the MLEP 2011 (Item 201).
- The “Closebourne House” and adjoining Chapel and Diocesan Registry (former) is of state heritage significance and is listed in Schedule 5 Environmental Heritage of the MLEP 2011 (Item 202).
- The Former Diocesan Registry is of state heritage significance and is listed in Schedule 5 Environmental Heritage of the MLEP 2011 (Item 203).
- The Avenue of Brush Box trees is of state heritage significance and is listed in Schedule 5 Environmental Heritage of the MLEP 2011 (Item 204).

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.

On this basis, the proposal is accompanied by a Heritage Impact Statement which discusses and assesses these issues in detail.

### **3.2 RELEVANT DRAFT LOCAL ENVIRONMENTAL PLANS**

Section 4.15(1)(a)(ii) of the Act requires Council to consider the Provisions of relevant Draft Environmental Planning Instruments.

We have reviewed the LEP Tracker on Department of Planning website and can find no relevant Draft LEPs relevant for the proposed development.

### **3.3 DEVELOPMENT CONTROL PLANS**

Section 4.15(1)(a)(iii) of the Act requires the consideration of MDCP.

Specifically, Section 4.15(3A) of the Act clarifies the way in which a DCP is to be considered when assessing and determining a development application under Section 4.15 of the Act. This subsection clarifies that:

- If a development application does not comply with standards or performance criteria in the DCP, the consent authority should be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards. Thus, consent authorities should not refuse a development application purely based on non-compliance with a standard in the DCP.
- A consent authority should only consider the standards and performance criteria in a DCP in connection with a specific development application. This is to ensure consent authorities do not refuse development applications purely because it will set a precedent or is contrary to a precedent or established practice of the consent authority.

As such, the consent authority will be required to give less weight and significance to provisions of a DCP than those of an EPI and are not permitted to place determinative weight on DCP controls because of their prior consistent application.

Having said that, we note that this DA is consistent with MDCP.

Specifically, Part E – Special Precincts of MDCP applies to the Site and the relevant controls are discussed in the following Table.

<b>Plan</b>	<b>Comment</b>
<i>Maitland Development Control Plan 2011 (MDCP)</i>	<i>SEPP Seniors Living overrides the MDCP in the event of any inconsistency. However, MDCP has been reviewed and the following relevant provisions have been assessed.</i>
<i>B.6 - Site Waste Minimisation &amp; Management</i>	<i>The Waste Management Plan has been completed in accordance with Council's Waste Management Guidelines and is included with the DA.</i>
<i>C.4 Heritage Conservation</i>	<i>The Site is identified as being of both local and state heritage significance. A Heritage Impact Statement has been prepared and accompanies the DA.</i>
<i>Part E – Special Precincts – Heritage Conservation Areas</i>	<i>The Site is identified as being within the Morpeth Heritage Conservation Area and a Heritage Impact Statement has been prepared and accompanies the DA.</i>

### **3.4 PLANNING AGREEMENTS**

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

There are no planning agreements or draft agreements included in this proposal.

### **3.5 REGULATIONS**

Section 4.15(1)(a)(iv) of the Act requires consideration of the Environmental Planning Assessment Regulation 2000 (Regs).

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

## 4 LIKELY IMPACTS OF THE DEVELOPMENT

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Section 4.15(1)(b) of the Act requires consideration of the likely impact of the development.

### 4.1 HERITAGE ASSESSMENT

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

This DA is accompanied by a Statement of Heritage Impact (HIS) prepared by Placemark Architecture & Cultural Heritage which examines the heritage impact in detail.

This HIS states in conclusion;

*The proposed removal of the cottages and the pool will not impact on the historical; associative; research potential; rarity; or representativeness values or significance of this SHR listed item. Their removal will not unacceptably impact on the social significance relating to Closebourne's later use as a Conference Centre. The proposed work will not impact on the significance of Closebourne House. The demolition will not remove significant original fabric. The buildings are not suited for relocation or adaptive reuse.*

*Management for the works must protect all the Tank Street sandstone kerb and gutter; the new 'heritage walk' path and must not enter over or damage the adjacent gravel / asphalt footpath, located south of the cottages outside of the Lot.*

*The proposed removal and then the return of these cottage sites to a 'parkland' character will enhance the significance of the Front Paddock and improve the visual connections with St James Church, Morpeth, the river and farmlands beyond, as seen from the brush box avenue, the Front Paddock and the Church.*

Based on this HIS, the assessment and impact are considered acceptable.

### 4.2 ARBORICULTURE

There are no trees to be removed as part of the demolition works.

### 4.3 GEOTECHNICAL AND ARCHAEOLOGY

There is no excavation proposed as part of this application.



Previous studies have not identified any specific archaeological potential for the precinct, however, as with all previous Stages, it is recommended that all excavation should be subject to archaeological management and monitoring to protect any potential archaeological resources that may be uncovered.

#### **4.4 AMENITY**

There are no amenity impacts that result from the demolition of the buildings.

In fact, the proposal will enhance the approved development by removing derelict building and facilitating more open space in a key view corridor and enhancing the rural outlook.

#### **4.5 SOCIAL IMPACTS**

The overall Estate allows the residents of Maitland LGA to age in a place and can progress to higher care facilities whilst staying connected to their local community. This in turn, assists to free-up local housing stock.

These are both very significant, positive social impacts.

This proposal does not detract from these broader positive social impacts and will in fact support these by removing derelict buildings and improving the utility of the interpretation path and the overall landscape setting.

#### **4.6 ECONOMIC IMPACTS**

The overall project positively contributes to the local economy.

The demolition of the buildings will generate work for demolition contractors and flow-on multipliers.

On this basis, the proposal will have a positive economic impact.

## **5 SUITABILITY OF THE SITE**

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

Subject to granting of development consent, demolition is permitted on the Site.

On this basis, and the fact that it has been demonstrated that no environmental matters that would preclude the demolition, the Site is suitable for the proposal.

## **6 SUBMISSIONS**

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Section 4.15(1)(d) of the Act requires assessment of submissions by Council following exhibition.

## **7 PUBLIC INTEREST**

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Section 4.15(1)(e) of the Act requires the public interest to be considered.

Issues of public interest relevant to this application will relate to any resulting submissions that are received and can be addressed specifically when they are known.

## **8 CONCLUSION**

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This DA seeks consent for the demolition of the buildings proposed for the Day Respite Facility and make good works, including the former swimming pool.

This SEE has assessed the proposal with respect to the key planning issues related to the proposed works and has concluded that it has planning merit, in that it will:

- not adversely impact on the Heritage Significance of the Site; and
- be carried in accordance with Australian Standards and Council's conditions.

Considering the merits of the proposal, and in the absence of any significant environmental impacts, we submit that the proposed development is worthy of approval by Maitland City Council.



Craig McGaffin  
Town Planner – BTP  
Lawyer - Dip Law

