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Statement of Environmental Effects

Construction of 14 independent living units, associated
landscaping and civil works with Subdivision

at

Closebourne Village

365 Morpeth Road, Morpeth

May 2021

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1 INTRODUCTION

1.1 SUMMARY

Site Details	
Address	365 Morpeth Road, Morpeth
Property Description	Lots 2 & Part 7 DP 270740 (Site)
Local Government Area	Maitland City Council
Current Use	Retirement Village

General Details	
Applicant	LL RV (Closebourne) Pty Ltd
Proposal	Site preparation works, including tree removal and minor excavation works, construction of 14 independent living units and associated landscaping, civil works and subdivision.
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 Site preparation works, including tree removal and minor excavation works, construction of 14 independent living units with associated landscaping and civil works and subdivision of the Oval Precinct of Closebourne Village.

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 development 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 was modified on 26 April 2017, as follows:

- DA 08-02335 MOD 1 – Modification to delete the requirement for external works from the Master Plan relating to Tank Street and alter the mix of retirement villas and residential lots/farmlets.

Condition 2 of the Master Plan required a Heritage Agreement, which was entered into between the landowner and the Heritage Minister on 23 March 2010. This Agreement established the following considerations:

- The site would be subdivided into a community title subdivision which would include by-laws requiring owners to carry out maintenance works assuring the long-term maintenance of the items with heritage significance;
- The developer is to respect the curtilage for Closebourne House;
- The developer agrees to design any adaptive reuse works in accordance with the following objectives of the CMP in relation to the conservation and maintenance of the heritage items on the Property:
 - Long term maintenance and survival of the cultural significance of the property and significant heritage items on the Property; and
 - Structures on the Property with heritage significance are appropriately conserved, adapted and reused.

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.

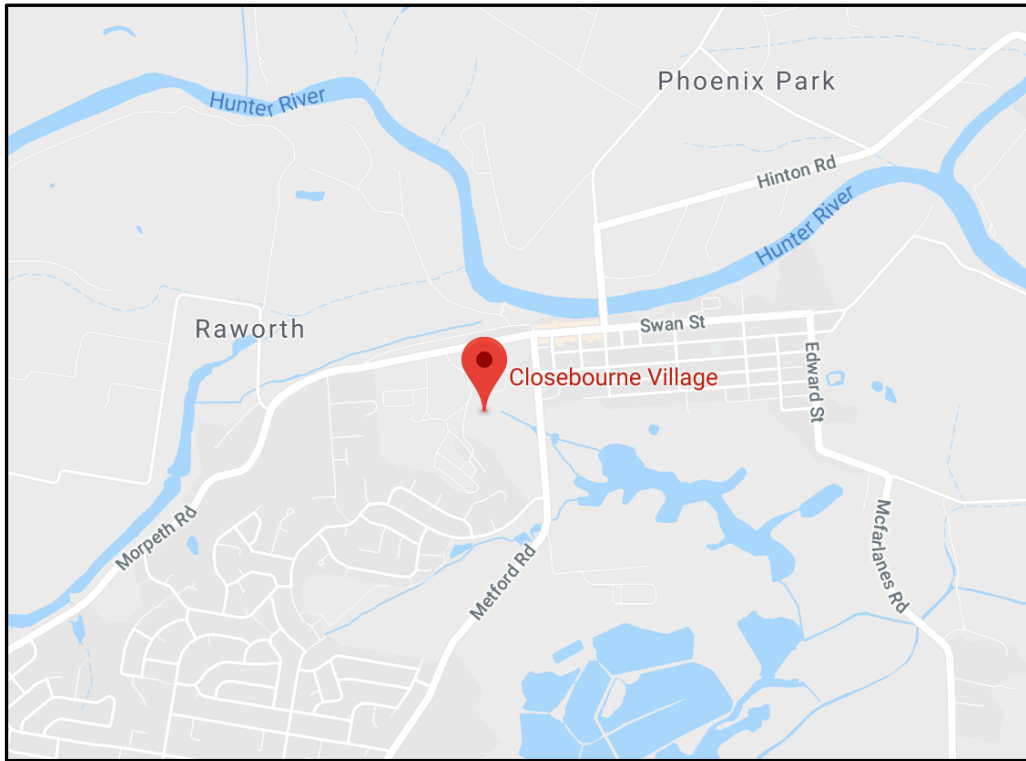


Figure 1 - Regional Context Map

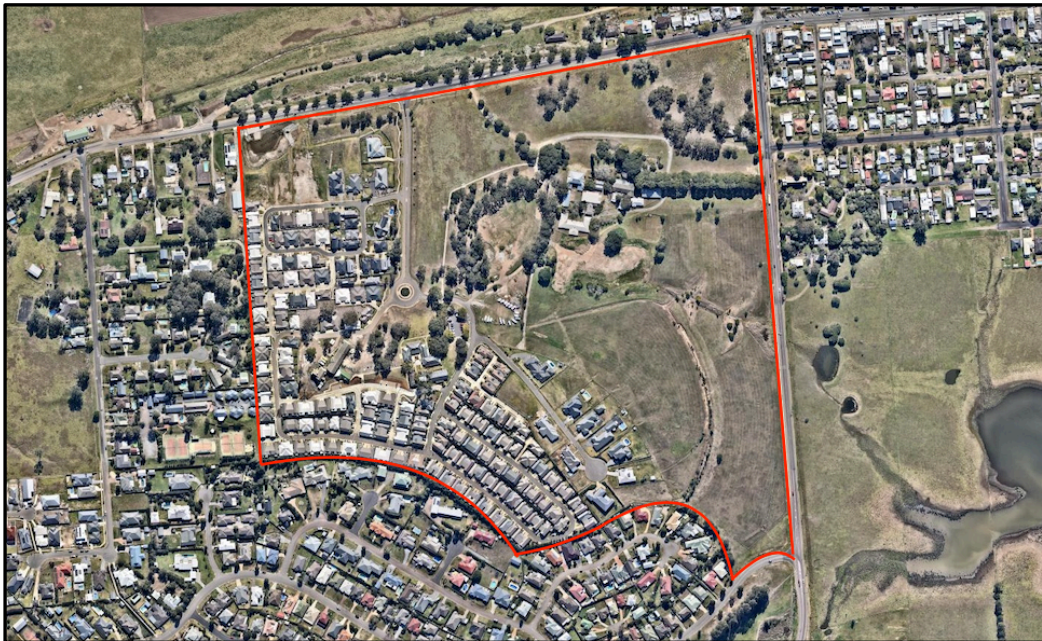


Figure 2 - Aerial Photograph

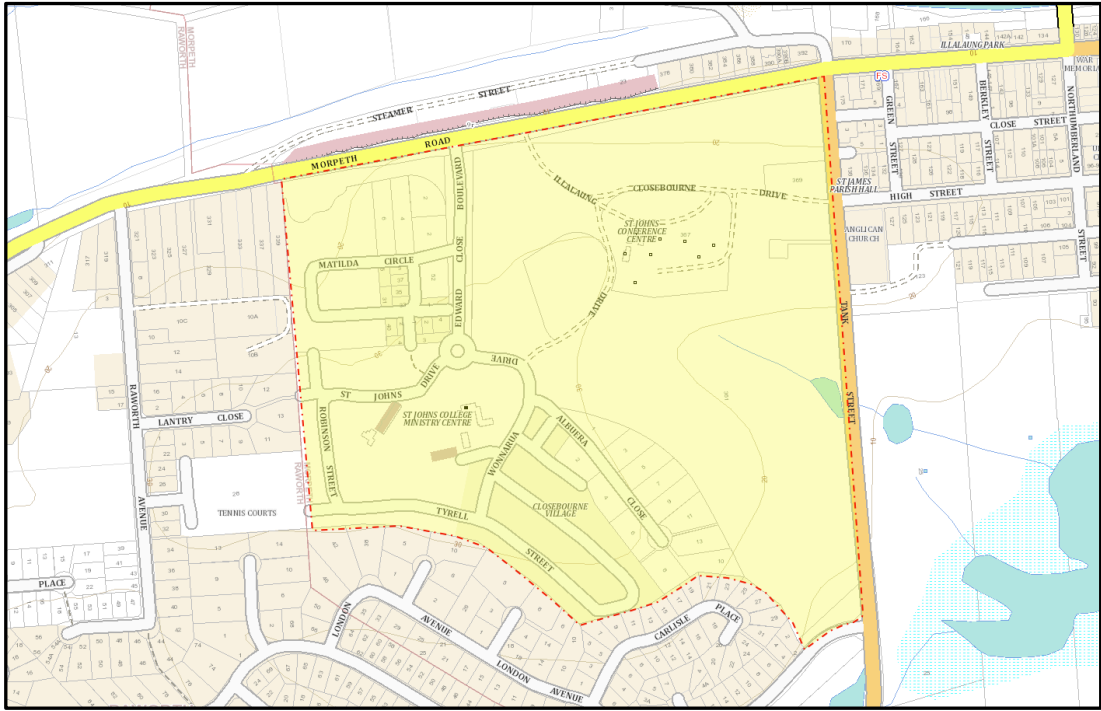


Figure 3 - Subject Site

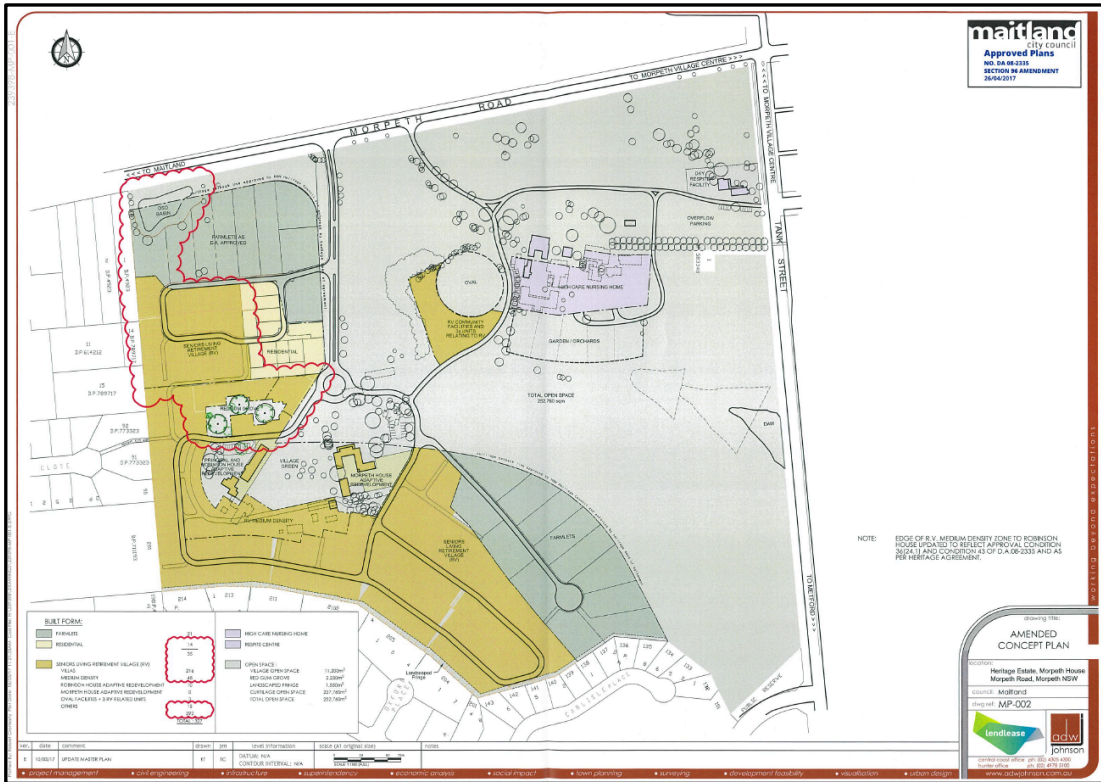


Figure 4 - Amended Master Plan

1.3.2 Ovals Precinct

The proposed works are located on the Oval Precinct with is legally described as part Lot 2 and Part Lot 7 DP 270740,

The Oval Precinct is centrally located within the Site and is accessed via a network of internal roads. The entrance and egress to the internal road network is via Morpeth Road. The internal roads provide vehicular access to the precincts within the Closebourne Village Estate Vehicle access to the Oval Precinct is via Illalaung Drive.

The Precinct is largely cleared with the perimeter being surrounded by a stand of trees to the north, east and west of the oval.

As illustrated on the Survey Plan included with this DA, the topography varies across the Site with the highest points being RL 31 in the centre of the oval, and the low point of RL 25 in the south-eastern corner of the Site.

The Precinct is located within walking distance to bus stops that are serviced by 185 route, travelling to Maitland, Morpeth and Raworth.

The Oval Precinct is shown on the Figure below.



Figure 5 - Aerial of the Oval Precinct

1.4 PRE-DA LODGMENT DISCUSSIONS

Over the last 3 years, the development of this Precinct has been the subject of discussions with Senior Officers from both Maitland City Council and the Office of Heritage, Community Engagement, Department of Premier (Office of Heritage).

Following these discussions, DA2018/1999 for 14 Retirement Villas and Associated Infrastructure was lodged on 29 November 2019. This DA was notified and underwent preliminary assessment from Council and Office of Heritage.

Following consideration, Office of Heritage advised it could not support the DA with the key design issue identified as being the preservation of the visual link between Closebourne House and Morpeth House.

In response, Lendlease prepared a revised concept plan with a more appropriate and sympathetic siting of villas which reduced their bulk and scale and, importantly, significantly increased the size of the visual link between Closebourne House and Morpeth House.

The revision also removed any direct access to villas to Illulaung Drive, which improves traffic management on the Site in light of the Residential Aged Care Facility progressing in the Closebourne House precinct.

This revised concept was discussed with the Office of Heritage on 29 September 2020. A comparison of the revised concept plan and DA2018/1999 is included in the following Figure.

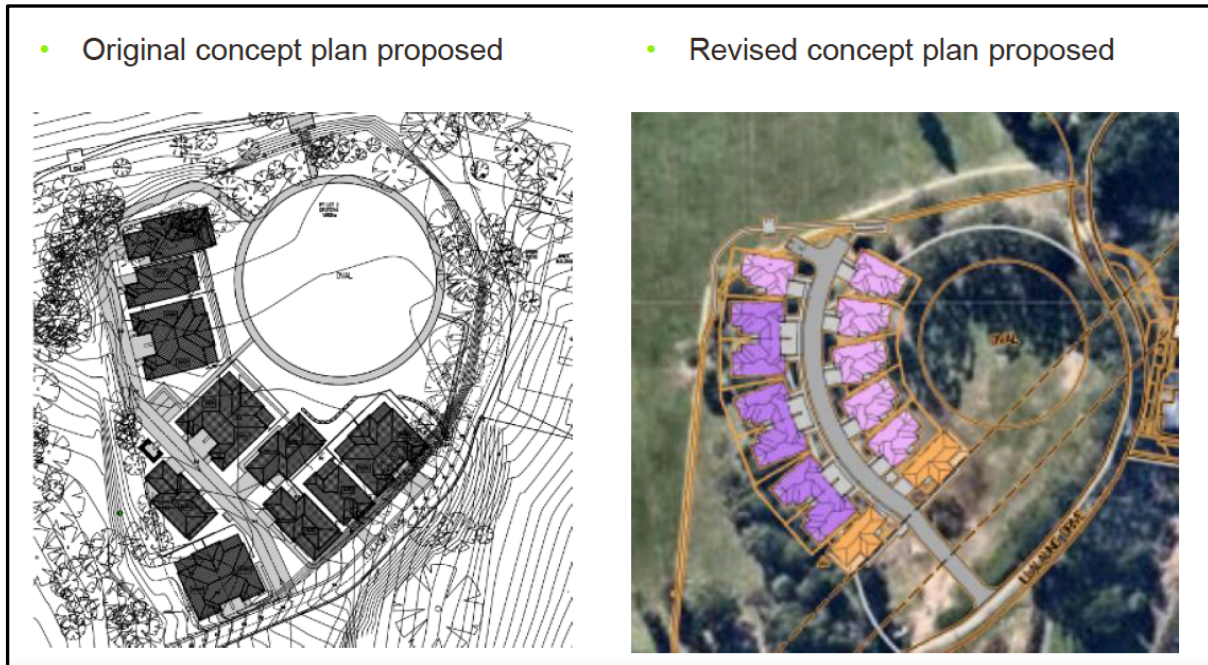


Figure 6 - Original Concept Plan and Revised Concept Plan

The Office of Heritage formally responded to this meeting with a letter from the Manager – Northern Region which included the following advice (our emphasis):

The Heritage Council Approvals Committee:

1. *Thanks Lendlease and their heritage consultant for their time and consideration in providing a detailed presentation of the draft proposal.*
2. *Acknowledges that the presentation has addressed the Approvals Committees' previous comments.*
3. *Acknowledges the proactive approach with connecting to Country including Place names and landscape design.*
4. *Generally, supports the proposal with the following recommendations:*
 - *Notes that the development is crossing over the ridge and will be viewed from Morpeth Road and that significant trees will be removed. It is recommended that the proponent collaborate with the local Aboriginal community to re-establish the original landscape setting.*

- *Supports the completion of a revised CMP, noting the project is near completion.*
 - *Does not support any further redevelopment for Seniors living and Aged Care Facilities.*
 - *Notes that there is a new road and recommend that a condition be included in any approval that prevents car parking along Illalaung Drive and the T-intersection towards the Villas.*
 - *Notes that there is a proposal for recreational vehicles parking area that will impact on the overall Masterplan.*
5. *Recommends that final approval of the IDA is delegated to Heritage NSW.*

Based on this advice, the subject DA has been prepared and lodged for consideration.

2 DESCRIPTION OF PROPOSAL

The DA seeks approval for the following at the Ovals Precinct:

- Site preparation works, including tree removal and minor excavation works;
- The construction of 4 x 3 bedroom and 10 x 2 bedroom independent living units, each with a double garage;
- Landscaping works throughout the courtyards of each of the Villas;
- Landscaping of the oval and surrounding open space;
- Relocation of the interpretation path;
- Construction of a two-way lane way with visitor parking connecting to Illalaung Drive; and
- Subdivision, to increase the size of the Oval Precinct (Lot 2) by 3,400m² and reduce the size of Lot 7 by the corresponding amount. No additional lots will be created.

The proposed 14 independent living villas have been designed to respond to the Site and its context, particularly with regard to the heritage significance of Closebourne House and the view corridor between Closebourne House and Morpeth House.

The key features of the built form are as follows:

- The proposed building envelopes consist of single storey dwellings with pitched roofs and three variations of typical independent living villa layouts.
- The three variations of villa layouts result in multiple orientations and utilises the internal layout of habitable areas to optimises the northerly aspect and views to the oval and surrounding open space, while also optimising privacy and amenity for occupants of each villa.
- The proposed setbacks to each of the independent living units varies according to the orientation of the proposed development.
- The villas will comply with the Liveable Housing Australia Gold Standard.

The building massing has been determined with careful consideration of the natural topography of the site to minimise visual appearance of the proposed development when viewed from the surrounding internal street network and from surrounding properties. Importantly, they also create a rhythm and symmetry around the perimeter of the oval.

The proposed built form has incorporated appropriate setbacks that have been guided by the CMP and enable landscaping and tree retention along the periphery of the buildings and site boundaries.

The proposed development necessitates the removal of certain trees located within the Site. Notwithstanding, the proposed design and siting of the independent living units has been predicated on retaining as many mature trees as possible around the periphery of the Oval Precinct in order to provide a visual buffer and is generally consistent with the development footprint anticipated within the Master Plan. An Arborist Report has been prepared and is included in this DA. This report and the landscape plan demonstrate that the proposal provides for a net increase in the number of trees within the Oval Precinct.

Earthworks are required to grade the Site and the proposal seeks consent for the required cut and fill. There is approximately 1,500m³ of material to be moved and the volumes are

balanced on the Site. These works are detailed in the Engineering Plans included in this DA.

The external materials and finishes are shown on the Architectural Plans. These include colourbond sheeting, painted weather board, facebrick and painted masonry.

The proposed landscaping and open space for the independent living villas, oval and surrounding open spaces will be integrated effectively in the heritage context and the character of the Morpeth Heritage Estate.

The landscape scheme is predicated on the oval and open space and footpaths providing connectivity between the independent living villas, internal road network and the oval providing passive outdoor areas for residents and visitors.

The Landscape Plans include:

- Re-creating the oval area as a passive recreation space;
- significant screen planting along the perimeter of the oval precinct adjoining the independent living villas;
- provision of planting around the oval and in the open space;
- footpaths connecting the pedestrian internal road network, interpretation path, the oval and open space;
- realignment of the interpretation path and increasing the interpretation opportunities;
- planting and turf for each independent living villas;
- provision of retaining walls and graded turf.

As discussed in pre-lodgement briefings with Heritage NSW in relation to the opportunities and importance of better understanding the Site's cultural heritage, NSW Heritage then recommended to engage and collaborate with the local Aboriginal community in re-establishing the original landscape setting. Communications with the Mindaribba LALC have been initiated, while it is recognised that this engagement process will be part of an ongoing dialogue to gain the LALC's insights on the most suitable approaches for implementing the landscape plans with reference to the original landscape

setting/plantings and for providing for interpretative measures as appropriate to the site. This will be a continuing process in the approval and implementation phase of this project.

As part of this process, contact was also made with Scott Franks at Tocomwall. Mr Franks suggested the use of Red Gums and propagation of seed collected from Site.

Terras have advised that the current environment was highly modified from its original state and suggested that reference is made to the soil landscape to determine the original landscape. The soil landscape is classified as Beresfield and have provided a list of associated species.

On this basis, it is proposed to re-establish the original landscape setting of the area using;

- the soil landscape as classified; and
- propagation of seeds collected on Site.

The vegetation of Beresfield soils is described as clear tall open-forest comprising:

- EUCALYPTUS MACULATA
- EUCALYPTUS FIBROSA
- EUCALYPTUS PUNCTATA
- EUCALYPTUS OLONGA
- EUCALYPTUS EUGENIOIDES
- EUCALYPTUS PANICULATE
- EUCALYPTUS TERETICORNIS (RED GUM)

Understorey species include:

- BURSARIA SPINOSA
- PAPERBARKS INCLUDING MELALEUCA NODOSA
- WATTLES INCLUDING ACACIA FALCATA

These species are proposed to be used to provide buffer/screen planting along the northern and western boundaries of the Site in association with propagation of seeds collected from site.

The proposed subdivision increases the size of the Oval Precinct (Lot 2) by 3,400m² and reduce the size of Lot 7 by the corresponding amount. No additional lots will be created. Both Lots 2 and 7 are owned by the same Lendlease entity and this is essentially a

housekeeping matter to ensure that the Oval Villas are contained on a contiguous lot. We note that the existing subdivision layout has no heritage significance of itself, and was only determined with the original Master Plan.

Extracts from the architectural, landscape and subdivision plans are provided in the following Figures.

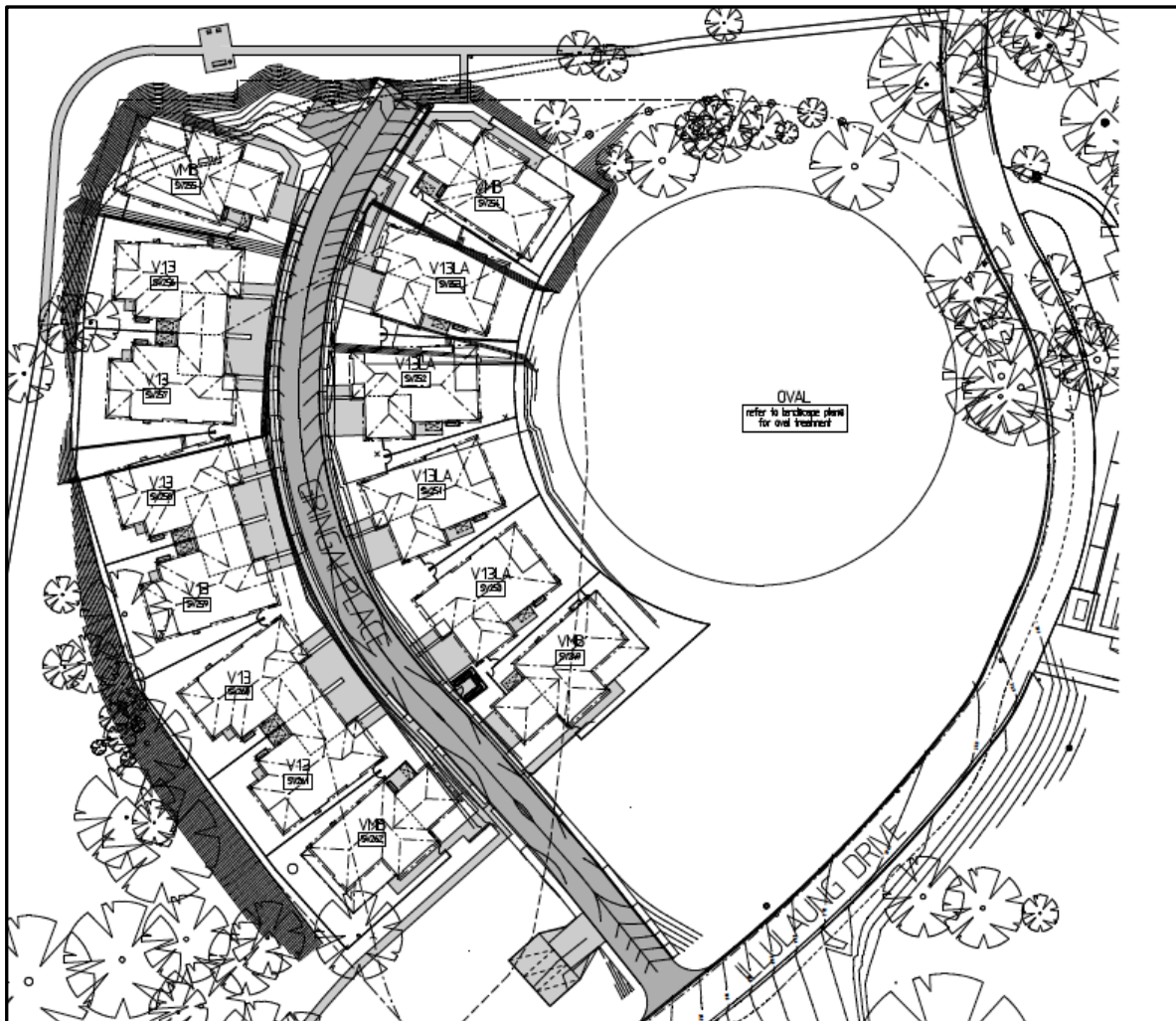


Figure 7 - Extract from Architectural Site Plan

Figure 8 - Villa Floor Plan - Type V13LA

Figure 9 - Villa Floor Plan - Type V/MB

Figure 10 - Villa Floor Plan - Type V13



Figure 11 - Extract from Landscaping Master Plan



Figure 12 - Extract from Significant Planting Landscape Plan



Figure 13 – Current view & Photomontage from Morpeth Road



Figure 14 - Current view & Photomontage from entry Boulevard looking south east



Figure 15 - Current view & Photomontage from the south end of the entry Boulevard



Figure 16 - Current view & Photomontage of the Site from Illulaung Drive

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
Strategic Plans	
Seniors Living Policy Urban Design Guideline for Infill Development 2004	The proposal has been designed with consideration of the Urban Design Guidelines and provisions of the Seniors Housing SEPP as discussed in this table.
Hunter Regional Plan 2036	<p>The Hunter Regional Plan 2036 is a 20 year blueprint for the future to guide planning and land use decisions for ten local government areas including Maitland LGA. The Regional Plan comprises of four goals, 27 directions and 127 actions and identifies strategic directions for the Maitland LGA including the following:</p> <ul style="list-style-type: none"> - Focusing on delivering land for housing quickly and cost-effectively to establish new communities. - Focus development to create compact settlements in locations with established services and infrastructure. <p>The proposal is consistent with the strategic directions and is seeking to deliver high quality independent living units in an area with established services and infrastructure. The proposal will support the existing and future ageing population.</p>
Conservation Management Plan (CMP)	<p>The CMP was endorsed by the Heritage Council in 2005 and informed the approved Master Plan.</p> <p>It provided a comprehensive understanding of the place, its context and setting, an assessment and statement of its cultural significance and established conservation policies. Those policies include identifying areas of the Site where development can occur while still retaining and respecting the values of the Site.</p> <p>The CMP identified landowner intentions for development in parts of the Site for mixed use area incorporating retirement residential, large rural lifestyle and community uses. It also</p>

	<p>established a development curtilage line based on significance, view lines and landform, and also identified precinct boundaries and significance gradings.</p> <p>The Heritage Impact Statement that accompanies this DA provides an assessment of the proposed development in light of the CMP.</p>
State Environmental Planning Policies	
SEPP 55 – Remediation of Land	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.
State Environmental Planning Policy – Rural Lands (2008)	<p>SEPP Rural Lands applies to the land within the prescribed rural zones including RU2 Rural Landscape and provides considerations. Clause 10 applies to the proposal, as outlined in Clause 10 (3) the design of the proposed independent living units has taken into account:</p> <ul style="list-style-type: none"> - The existing and approved uses in the vicinity including the aged care facility, the oval and the residential dwellings. - The impacts of the proposed development on the uses within the vicinity. - Capability with the surrounding uses including the heritage significance of the surrounding sites.
SEPP (Building Sustainability Index: BASIX) 2004	The proposal has been designed to be consistent with the relevant BASIX requirements and Certification is provided with this DA.
SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)	The proposed development does not rely on the Seniors Housing SEPP for permissibility, noting that the site is approved for seniors housing under the Master Plan.
- Clause 10 – Seniors Housing	The land use is consistent with the definition of Seniors Housing, and will be used permanently for seniors or people with a disability consisting of a group of self- contained dwellings. The development is permissible on the site by virtue of the fact that it was approved as part of the Master Plan for the Site.
- Clause 13 – Self-contained dwellings	The approved use is a form of Seniors Living and is consistent with the definition of self-contained dwellings under the SEPP.
- Clause 16 – Development Consent	The proposed use is approved under the Master Plan.

- <i>Clause 18 – Restrictions on Occupation</i>	The proposed occupants and residents of the development will be consistent with the requirements of this Clause.
- <i>Clause 21 – Subdivision</i>	This clause enables the development to be subdivided with the consent of Council.
- <i>Clause 26 – Location and access to facilities</i>	The Site is subject to a Master Plan which has established the suitability for seniors housing within the curtilage of the Site.
- <i>Clause 28 – Water and Sewer</i>	The proposal development will be connected to the reticulated water and sewer.
- <i>Clause 29 – Consent Authority to consider certain matters</i>	This clause is discussed in detail following this Table.
- <i>Clause 30 – Site Analysis</i>	A site analysis has been provided as part of the Architectural Plans.
- <i>Clause 31 – Design of in-fill self-care Housing</i>	The proposed design has incorporated the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development. The proposal is consistent with the guidelines and will deliver a high level of amenity for the new and existing residents.
- <i>Clause 32 - Design</i>	An assessment against the relevant clauses 33-39 are included below.
- <i>Clauses 33 – Neighbourhood Amenity and Streetscape</i>	The proposed design is consistent and will contribute to the current character of the streetscape and neighbourhood amenity of the Village.
- <i>Clause 34 – Visual and Acoustic Privacy</i>	<p>The proposed development has been designed with consideration of the independent living units and seeks to mitigate potential impacts on the privacy of residences by the location and siting of different dwelling designs, setbacks to provide adequate privacy and separation between each independent living unit; and boundary landscaping and boundary fences will act as layered screening devices between the independent living units.</p> <p>The proposed development has therefore been designed to consider the privacy of surrounding residences.</p>
- <i>Clause 35 – Solar Access and Design for Climate</i>	The proposed siting has had regard to the northern orientation to ensure that living areas and private open spaces achieve adequate solar access during the winter solstice.
- <i>Clause 36 – Stormwater</i>	Detailed Stormwater Management Plans to Council's requirements are included with the DA.

- <i>Clause 37 – Crime Prevention</i>	This clause is discussed in detail following this Table.
- <i>Clause 38 – Accessibility</i>	The proposal has been designed to comply with the relevant provision of the Building Code of Australia (BCA) and Australian Standards relevant to the structure of the building, fire safety, access and egress, the health and amenity of visitors, staff and residents and energy efficiency.
- <i>Clause 39 – Waste Management</i>	A Waste management Plan is provided with this DA.
- <i>Clause 40 – Development Standards – Min sizes and building height</i>	<p>This clause established development standards for seniors living developments under the SEPP. The proposal complies with the following relevant minimum requirements:</p> <ul style="list-style-type: none"> - The proposed site size is 40.29 hectares complying with the minimum requirement of 1,000m². - The proposed site frontage exceeds the minimum of 20m as measured at the building line.
- <i>Clause 50 – Standards that cannot be used to refuse development consent for residential care facilities</i>	It is noted that these standards do not apply to state heritage listed sites, and therefore are not applicable to the proposed development.
Local Planning Instruments	
<i>Maitland Local Environmental Plan 2011</i>	
- <i>Clause 2.3 – Zone objectives and Land Use Table</i>	<p>The Site is zoned RU2 Rural Landscape. Seniors Housing is not listed as a permissible land use.</p> <p>Notwithstanding, the approved Concept Plan for the Site approved the development of Seniors Housing in this location.</p>
- <i>Clause 4.3 – Height of Buildings</i>	There is no maximum building height specified for the Site; however we note that all development is single storey and compatible with its context.
- <i>Clause 4.4 – Floor Space Ratio</i>	There is no maximum floor space ratio for the Site.
- <i>Clause 5.10 – Heritage Conservation</i>	This Clause is discussed in detail following this Table.
- <i>Clause 7.1 – Acid Sulfate Soils</i>	The Site is mapped as containing Class 5 Acid Sulfate Soils and can be dealt with as a condition of consent if necessary.

- Clause 7.3 Flood Planning	The Site is not identified as being flood prone.
- Clause 7.4 Riparian land and watercourses	The Site is not identified as being "Watercourse land".

Cl. 29 Seniors Housing SEPP – Matters to Consider

The consent authority is required to consider the matters in cl. 25 (5)(b)(i)(iii) and (v) which requires it to form the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,*
- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development*

In respect to these matters we make the following assessment:

- The proposed development will appropriately be connected to existing utilities including telecommunications, electricity, water and sewer.
- The use of the Site for independent living units was assessed in the CMP and in the Master Plan. The design and location of the independent living units has appropriately considered the environmental constraints of the Site including heritage, topography and vegetation. The proposed development is considered to respond appropriately to the natural environment and to the existing approved uses of the land.

- The proposed development for independent living units is consistent with and compatible to the existing use of the land for seniors housing.
- The proposed development for independent living units is located on land that was identified in the Concept Master Plan for retirement living purposes and the proposal will not materially impact upon the provision of land for open space.
- The design, scale and form of the proposed independent living units is commensurate to the established built form for the Site and consistent with the underlying Master Plan.

On that basis, the proposal complies with c.29 of the Seniors SEPP.

Cl. 37 Seniors Housing SEPP – Crime Prevention

This Crime Prevention Through Environmental Design (CPTED) Assessment has been undertaken to assess the potential opportunities for crime and the perceived fear of crime that may be associated with the proposed development.

CPTED is a situational crime prevention strategy that focuses on the design, planning and structure of the environment. This assessment aims to identify the potential opportunities of crime created by the proposed development by assessing the development in accordance with design and place management principles of CPTED.

Catalyze Property Consulting Pty Ltd have undertaken a site inspection and have assessed the proposed development in regards to the surrounding properties and have undertaken a review of the proposed development plans in relation to the CPTED principles.

- Surveillance - The proposed development will undoubtedly increase opportunities for natural surveillance, both within the Closebourne Village and to the immediate surrounds. The orientation, layout and design of the independent living units will improve passive surveillance to the surrounding areas and to the oval.
- Lighting and Technical Supervision - High quality lighting throughout all publicly accessible areas should be adequate to permit facial recognition, and reduce the threat of predatory crime. Furthermore, the proposed

development provides the opportunity for improved lighting for the oval and the surrounding open space.

- Territorial Reinforcement - The proposal has been designed to reinforce the perceived ownership of spaces and define the different between the independent living units and the open spaces including the oval.
- Environmental Maintenance - As envisioned by the photomontages the proposed development provides a high quality development and greater amenity than the existing cleared area and under utilised oval (presently not in an oval form nor able to be used for recreation). In addition, the proposed development will be integrated with the existing seniors housing located within the Closebourne Village.
- Access Control - The access into the Site is via a single-entry point off Morpeth Road which restricts the access to the Closebourne Village.
- Design, Definition and Designation - The design of the proposed development reflects its purpose, and while perpetrators will often exploit areas with unclear spatial definition, the design of the proposed development generally benefits multiple principles of CPTED. The design of the proposed development will be integrated into the overall Closebourne Village.

On this basis the proposal is assessed as satisfactory in terms of cl. 37 of the Seniors Housing SEPP.

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. In particular, 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.

Plan	Comment
<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.2 – Domestic Stormwater</i>	<i>A Stormwater Management Plan has been prepared that complies with Council's requirements and is included with this DA.</i>
<i>B.6 - Site Waste Minimisation & 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>C.8 Residential Design</i>	<p><i>This chapter applies to all residential development within the Maitland LGA, including seniors housing to supplement the standards prescribed in the Seniors Living SEPP .</i></p> <p><i>The proposed design is consistent with the relevant controls specifically:</i></p> <ul style="list-style-type: none"> - <i>The proposal is consistent with the objectives and will deliver high quality housing within the Closebourne Village.</i>

	<ul style="list-style-type: none"> - A site analysis including all the relevant details has been provided with the Architectural Plans. - The proposal seeks consent for the required retaining walls and earthworks. - The proposed design has considered the side and rear setbacks, privacy earthworks, retaining walls, building heights and fencing in Section 5.0. - The proposed materials and finishes will create visually interesting and appropriate buildings. - The colours and finishes will be integrated with the context in particular the heritage character of the surrounding properties. - The double garage is integrated into the design of the independent living unit. - The proposed design of the independent living units provides private open space accessed from the living areas. - The accessibility of the proposal has been designed in accordance with the Seniors SEPP requirements. - The design of the proposed independent living units has incorporated the relevant requirements of the BCA and BASIX. - As far as possible, the independent living units are orientated to the north or north-east to allow for private open spaces and living areas for good solar access. - A Construction and Environmental Management Plan (CEMP) will be prepared by the appointed contractor prior to commencement of works. - The design and layout of the independent living units have considered the CPTED principles.
<p>C.11 – Vehicular Access and traffic, access Car Parking</p>	<p>Each of the Villas has two bedrooms and a double garage giving a total of 28 spaces. These parking areas have been designed in accordance with the relevant Australian Standards.</p> <p>We note that the Seniors SEPP requires 0.5 spaces per bedroom for self-contained dwellings; resulting in a requirement of 16 spaces. On that basis the parking provided is more than adequate.</p>

Part E – Special Precincts – Heritage Conservation Areas	The Site is identified as being within the Morpeth Heritage Conservation Area and a Heritage Impact Statement has been prepared and accompanies the DA.
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3.4 PLANNING AGREEMENTS

Section 4.15(1)(a)(iiiia) 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

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; including artists impressions of how the completed development will sit in the landscape.

Whilst this HIS observes that aspects of the proposal do not comply with eth approved master plan (noting that a Modification of this plan is also lodged) and the endorsed CMP, it states in conclusion;

A review and assessment of the proposal, including the proposed landscape design, the sightlines and setting, the proposed 'light tones' colour scheme for the villas and deletion of the majority of metal fences, use of rural fence types, concluded that the proposed development will not have an unacceptable impact on the heritage

significance attributed to this 'oval precinct', its neighbouring open spaces or for the overall existing site.

On the basis of this HIS, the assessment and impact are considered acceptable.

For completeness, we provide the recommendations from the Office of Heritage, Manager – Northern Region and our response:

Recommendation	Response
<p>Notes that the development is crossing over the ridge and will be viewed from Morpeth Road and that significant trees will be removed. It is recommended that the proponent collaborate with the local Aboriginal community to re-establish the original landscape setting.</p>	<p>As discussed in Section 2 of this SEE, communications have been initiated. As discussed in pre-lodgement briefings, NSW Heritage then recommended to engage and collaborate with the local Aboriginal community in re-establishing the original landscape setting. Communications with the Mindaribba LALC have been initiated, while it is recognised that this engagement process will be part of an ongoing dialogue to gain the LALC's insights on the most suitable approaches for implementing the landscape plans with reference to the original landscape setting/plantings and for providing for interpretative measures as appropriate to the site. This will be a continuing process in the approval and implementation phase of this project.</p> <p>Further, it is proposed to re-establish the original landscape setting of the area via an understanding of the soil landscape as classified and propagation of seeds collected on Site.</p>
<p>Supports the completion of a revised CMP, noting the project is near completion.</p>	<p>Noted and agreed.</p>
<p>Does not support any further redevelopment for Seniors living and Aged Care Facilities.</p>	<p>Noted and agreed.</p>
<p>Notes that there is a new road and recommend that a condition be included in any approval that prevents car parking along Illalaung Drive and the T-intersection towards the Villas.</p>	<p>Noted, agreed and reflected in the plans.</p>
<p>Notes that there is a proposal for recreational vehicles parking area that will impact on the overall Masterplan.</p>	<p>There is no longer a proposal for a dedicated recreation vehicle parking facility on the Site.</p>

4.2 TRAFFIC, PARKING & ACCESS

The impact of the use of the Site and the traffic generation was assessed as part of the Concept Plan for the Site.

Vehicular access to the proposed units will be provided from the internal roads that accessed from the main entrance located on Morpeth Road to the north.

The traffic generation from the net additional 11 independent living units (given 3 were approved in the Precinct under the Concept Plan) will not result in any adverse traffic impacts within the Morpeth Heritage Estate or the surrounding road network.

The proposed laneway connecting to the internal road network (Illalaung Drive) is 5.5m wide and allows for two-way traffic with vehicles entering and exiting in a forward direction. A turning bay is provided at the north end of the laneway.

Four visitor parking bays are provided and most Villas have sufficient space in the driveway to accommodate a visitors car. The proposal meets the Heritage Council recommendation for no parking along Illalaung Dr or to the T intersection.

The Engineering Plans provide the details of the internal road design and the connection to the existing internal roads.

4.3 ARBORICULTURE

The proposed design and siting of the independent living units retains as many mature trees as possible around the periphery of the Oval Precinct in order to provide a visual buffer.

An Arborist Report is provided which provides an assessment of the removal of the trees on the Site as shown on the accompanying plans and a number of recommendations that will be adopted by the Developer to safe guard the trees that will be retained.

The Report estimates that 59 trees (plus 2 dead trees) will be removed and a further 6 trees will be threatened. The development plan proposes to plant 76 new trees resulting in a net increase of 17 trees, plus significant additional landscaping.

4.4 STORMWATER MANAGEMENT

A Stormwater Management Plan and Sediment and Erosion Control Plan have been prepared by Lindsay Dynan Engineers and included with the DA.

Lindsay Dynan Engineers have conducted a site wide catchment analysis to determine the catchment extent directed to the Tank Street OSD Basins and have prepared the stormwater management plans accordingly.

The proposed stormwater detention strategy divides the Site into two precincts being the:

- southern precinct, which has been accounted for within the OSD design of the existing basin fronting Tank Street to verify that sufficient allowance for the oval villas stage had been made at that time. The final OSD configuration will be resolved prior to CC being issued; and
- northern area, which is proposed to discharge to the north of the Site and has been modelled in DRAINS to ensure post development flows do not exceed that of the pre-developed area. This criteria has been met through balancing the portion of developed area discharging north against the original, larger undeveloped portion (as some is now directed through the pit and pipe network to the south). The northern area was broken down into two sub-catchments, one for the proposed roof areas (100% impervious) and a second for the landscape and road area (allowed for as 80% impervious).

Stormwater will be discharged in both areas via vegetated swales sized to achieve the stormwater quality treatment targets in accordance with Maitland City Council DCP.

Water quality management is managed via each villa having a 1,000L rainwater re-use tank, which will provide a net positive impact on the water quality treatment train.

Lindsay Dynan anticipate that this strategy will retain pre-development discharge rates following the proposed development.

4.5 GEOTECHNICAL

A Geotechnical Investigation has been completed by Douglas and Partners and accompanies this DA. This report was originally prepared for DA2018/199 and there are no material changes in relation to Geotechnical matters in relation to the Precinct.

The Report assesses the geotechnical conditions of the Site and confirms it is suitable for the proposed development.

Further the investigations concluded that ground water was not present. As such, it is anticipated that footing excavations should remain dry during excavation providing surface water is excluded.

On this basis, and subject to targeted testing prior to CC, the Site is considered appropriate in terms of Geotechnical matters for the proposed development.

4.6 ARCHAEOLOGY

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 planning, management and monitoring to protect any potential archaeological resources that may be uncovered.

4.7 AMENITY

Overshadowing

A&N Design have prepared shadow diagrams detailing the impact of the proposed development on surrounding properties. These plans are included with the Architectural Plans and have assessed the impacts of overshadowing on the 21 June, being the winter solstice, as the worst-case scenario.

The proposed buildings will not result in any overshadowing impacts.

Privacy

The proposed buildings will not result in any privacy impacts to the existing development on the Site.

The proposed development has been designed with consideration of the independent living units and seeks to mitigate potential impacts on the privacy of residences by providing:

- Suitable designs and orientation of the independent living units;
- adequate setbacks and separation between each independent living unit; and
- boundary landscaping and boundary fences to act as layered screening between the independent living units.

The proposed development is, therefore, assessed as satisfactory in terms of privacy impacts.

Light Spill

The proposed buildings will not result in any unreasonable light spill impacts to the existing development on the Site.

The proposed development will seek to provide an appropriate level of illumination within the site for the relevant outdoor areas and environmental conditions. Given the proposed use and the character of the area, it is not expected that all outdoor areas will require illumination at night and if illumination is required, these may be set on timers to coincide with the sunset and sun rise. The extent and types of lighting will be confirmed at the relevant detailed design stage, and will be designed to comply with the relevant standards.

Elements of the proposed development will also assist in minimising light spill including boundary landscaping, fences and retaining walls, the adopted setbacks, and the buildings location within the topography of the site.

Internal Amenity

The proposed development has been designed to provide high levels of amenity for residents and visitors to the site. The layout and the orientation of the units maximise the opportunity for residents to view the internal courtyards, landscaped boundaries, the oval and surrounding open space.

4.8 SOCIAL IMPACTS

The increase in new, purpose-designed independent living units will assist the local community adapt to its aging demographic. It will enable the residents of Maitland LGA to age in a place, have the opportunity to progress to higher care facilities and stay connected to their local community, and in doing so free-up local housing stock.

The proposal will provide for a safe community environment with access to existing facilities within the retirement village including pool, gym and community centre to enhance the health and wellbeing of residents.

The proposed increase in villas provides a suitable number for social connections and passive surveillance of others in this cul-de-sac, increasing safety and security in the precinct and those people walking on the interpretation trail connecting from Morpeth village through to the Morpeth House. This is also true for those visiting the proposed (and approved) aged care facility in Closebourne House, when completed.

The proposed development will therefore result in positive social impacts.

4.9 ECONOMIC IMPACTS

The proposed development will positively contribute to the local economy. The increase in the independent living units by a net of 11 units will provide permanent employment opportunities in the local area associated with running and maintaining the units (for example in waste management, administration and cleaning).

The construction of the development will also generate temporary construction jobs and flow-on multipliers during the construction phase.

Given the increase in population of the Site, it can be expected that the expenditure from the proposed development will benefit established local businesses within the area.

5 SUITABILITY OF THE SITE

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

The use is permitted within on Site pursuant to the Master Plan and assessed as suitable in terms of likely impact on the environment, locality and in terms of hazard and risk.

On this basis the suitability of the Site is considered satisfactory.

Having regard to the characteristics of the Site and its location, the proposed development is suitable as it:

- will provide high-quality, purpose-designed, independent seniors accommodation that will assist the needs of the local community;
- is sensitive to the character of the local area, being designed to integrate with the scale, built form, heritage significance, and landscaped setting of the surrounding development;
- provides new temporary and permanent employment opportunities;
- is capable of being appropriately serviced;
- is integrated with the approved Concept Plan; and

- is capable of being developed in a manner that will minimise impacts and not result in any adverse environmental impacts.

Given the above, and the fact that it has been demonstrated that no environmental matters that would preclude the development, the Site is suitable for the proposed development.

6 SUBMISSIONS

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

7 PUBLIC INTEREST

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

This DA seeks consent for Site preparation works, including tree removal and minor excavation works; construction of 14 independent living units with associated landscaping and civil works and subdivision on the Oval Precinct of Closebourne Village.

The design has been carefully prepared to minimise impacts on the environment from the proposal and has been assessed and is consistent with local and state planning policies and the relevant regulations.

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

- is high-quality in design and will provide a suitable quality of life to residents;
- the built form and site layout has been designed to consider the heritage significance of the site and not adversely impact on this significance;

- provides social benefits in the additional seniors housing to meet local demands and providing a new passive recreation space on the reinstated oval;
- provides sufficient access and car parking and will not adversely impact on the internal road network within the Closebourne Village or on the surrounding road network;
- incorporates a range of environmental sustainable design solutions, ensuring the operation of the independent living units does not negatively impact on the environment;
- provides new temporary and permanent employment opportunities; and
- appropriately mitigates and minimises environmental impacts to ensure there is no risk of generating any significant impacts on adjacent buildings and surrounds.

In light of the merits of the proposed development, 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
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