

STATEMENT OF ENVIRONMENTAL EFFECTS

**MULTI-DWELLING HOUSING (11
ATTACHED DWELLINGS) AND STRATA
TITLE SUBDIVISION (INCLUDING REMOVAL
OF EXISTING SLABS AND ASSOCIATED
EARTHWORKS FOR DWELLINGS)**

107 – 117 SWAN STREET, MORPETH, NSW, 2321
(LOT 1 DP 521620, LOT 1 and 3 DP 538510 and
LOT 321 DP 1226896)



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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by GHT Holdings Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Multi-Dwelling Housing development comprising of eleven dwellings, and associated strata title subdivision at 107 – 117 Swan Street, Morpeth, NSW, 2321, legally identified as LOT 1 DP 521620, LOT 1 and 3 DP 538510 and LOT 321 DP 1226896 (**'the site'**).

The objective of the proposed development is to obtain development consent for:

1. Removal of existing slabs and associated earthworks for dwellings.
2. Construction of 11 x new dwellings (multi-dwelling housing) fronting Swan Street in three blocks of attached dwellings, comprising of:
 - Block 1: Dwelling 1 – 4
 - Block 2: Dwelling 5 – 7
 - Block 3: Dwelling 8 – 11
3. The built form will incorporate:
 - a. 6 x two storey dwellings including three bedrooms (Dwelling 1, 4, 5, 7, 8, 11), with the following floor plan details:

Dwelling 1, 4, 8, 11:

 - **Ground floor (GF):** staircase, double lock up garage, courtyard, bedroom (with ensuite), open plan kitchen, dining and living area and laundry.
 - **First floor (FF):** two bedrooms, bathroom and sitting room.

Dwelling 5 and 7:

 - **GF:** as above.
 - **FF:** two bedrooms, bathroom, store, study, sitting room and deck.
 - b. 5 x three-storey dwellings (Dwelling 2, 3, 6, 9 and 10) with the following floor plan details:
 - **GF:** staircase, double lock up garage, courtyard, open plan kitchen, dining and living area, laundry, powder room and storeroom.
 - **FF:** staircase, deck, three bedrooms (one with ensuite and WIR) and bathroom.
 - **Third floor (TF):** loft.
4. Driveway access and egress via William and Market Street;
5. Upgrade of central utilities and services to cater for the new dwellings/development of the site;
6. Landscaping to the entire site;
7. Strata Title Subdivision of the proposed dwellings and associated common property.

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

- The proposed Multi Dwelling Housing and Strata Subdivision is permissible on the site with consent.
- The proposal ensures the creation of a variety of density and designed dwellings, located on suitable lots that are useable and appropriate for residential purposes.
- No adverse impact on the existing character or amenity of the area will result.
- The proposed development scale and form is consistent with the layout of the existing area without burdening the essential services supply.
- The proposed development is consistent with the intended layout and character of the Morpeth area, and is sympathetic to the heritage conservation character as detailed within the SoHI.
- The provision of additional dwellings assists in meeting the objectives and associated dwelling and resident yield / population established within the Hunter Regional Plan 2020.
- Development of the land will directly benefit the community through providing eleven additional dwellings to meet the housing needs of the growing community population.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity.

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

TERMS AND ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Deposited Plan	N/A
4	AHIMs Search Results	AHIMs
5	DBYD Search Results	DBYD
6	Proposed Design Plans	Sorensen Design
7	Proposed Strata Subdivision Plan	Northpoint Surveys Pty Ltd
8	Proposed Landscaping Plans	JK's Garden Creations
9	Hunter Water Corporation Stamped Plans	Hunter Water Corporation
10	Cost Report	Jolanah Pty Ltd
11	BASIX Certificate	Sorensen Design
12	Stormwater Management Plan	Skelton Consulting Engineers
13	Archaeology Report	Nexus
14	Statement of Heritage Impact	John Carr
15	Site Contamination Investigation Report	Coffey Group
16	Remedial Action Plan	Coffey Group
17	Survey Plan	Northpoint Surveys Pty Ltd
18	Heritage s140 Permit	Heritage NSW

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1 BACKGROUND

1.1 PURPOSE

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

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address and Lot / DP	Address	Lot / DP
	107 Swan St, Morpeth	Lot 1 DP521620
	109 Swan St, Morpeth	Lot 3 DP538510
	111 Swan St, Morpeth	Lot 321 DP1226898
	113 – 117 Swan St, Morpeth	Lot 1 DP538510
Current Use	Various built elements of workshops, sheds and a residence that are partly demolished and in poor condition and vacant concrete and brick slab (eastern portion).	
Zoning	R1 – General Residential	
Size	Total is 2,712.4m ²	
Site Constraints	Minimum lot size – 450m ² . Class 5 ASS Heritage – Morpeth Heritage Conservation Area	
Owner	Owner’s consent has been provided with the DA lodgement package.	
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposal. No existing easements are apparent, as shown within the DP provided at Appendix 3 .	

1.3 SITE DESCRIPTION

The site is located at 107 – 117 Swan Street, Morpeth, NSW 2321 (**‘the site’**) and has a total area of 2,712.4m² (**Figure 1**). The site is located within the township of Morpeth, within the Maitland Local Government Area (LGA). Photos of the site are provided within **Photo 1 – 4** below.

The subject site is by far the largest undeveloped site in the main portion of the Morpeth Town Centre, comprising of 4 lots with an area total of 2,713m². The site was formerly known as Sim’s Foundry and Griffins Garage and currently contains various built elements of workshops, sheds and a residence (western portion) that are partly demolished and in poor condition and vacant concrete and brick slab (eastern portion). The primary frontage is to Swan Street (main street) and secondary street frontages to both William and Market Streets. An excavation around the concrete building slab to approximately 1m depth has generated a stockpile of material (placed on building slab in the north-eastern corner of the site).

The existing topography of the site is relatively flat, with levels on site falling between RL 14.7 and RL 13.7 from the rear to the front Swan Street boundary as shown within the survey plan provided at **Appendix 17**. The site contains areas of contamination and

archaeological importance, as detailed within the supporting studies provided under separate cover.

Adjoining the site in all directions comprise single and two storey residences, with the Hunter River located to the north adjacent to dwelling houses fronting the River and Swan Street. The neighbouring site to the east comprises the former Post Office, a heritage listed building. Further to the west on Swan Street is the Morpeth Town Centre, with numerous heritage listed buildings including the former Court House which is now utilised as a museum.

The subject site is located within the Morpeth Town Centre, is part of Commercial Precinct (Part E of DCP) and is a short walk to many community facilities such as shops, post office, museum, cafes, restaurants, hotels riverside parks and public transport. The DCP identifies the subject site as Commercial Precinct which is described as follows:

“Within this area there is considerable diversity in building form and age, including some housing. However, the specific character of this precinct is defined by the established row of shops and dwellings along the southern side of Swan Street of two and three storey (attic style) buildings.”

The DCP states that there should be no further expansion of the B2 local centre into existing residential zones. The proposed development as detailed below aims to meet these requirements to redevelop the abandoned lots for residential living, which is permissible within the R1 General Residential zone and as encouraged by Part E of the Maitland DCP 2011.



Photo 1 - The site viewed from the corner of Swan & William Streets (Source: JCHD, 2021)



Photo 2 - The site viewed from the corner of Swan & Market Streets (Source: JCHD, 2021)



Photo 3 - Shop and residence viewed from the corner of Swan & Market Streets (Source: JCHD, 2021)

Figure 1 - Locality Plan (Source: SixMaps, 2015)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site was formerly known as Sim's Foundry and Griffins Garage and currently contains various built elements of workshops, sheds and a residence that are partly demolished and in poor condition. According to local knowledge, the Service Station garage and two storey shop and residence were constructed in the late 1940s.

A DA under 07-2206 for demolition of buildings was approved by Council on 19 December 2007. Evidence of substantial commencement was provided to Council, with an email dated 16 April 2014 from Council forming that commencement of the consent has occurred. No additional demolition of buildings is therefore proposed as part of this application.

A DA under 17/0515 was lodged with Maitland City Council on 16/03/2017 for a Residential Flat Building comprising 28 Units (6 x 1 bedroom, 22 x 2 bedroom), on-ground car parking and 28 Lot Strata Subdivision. During the assessment, major amendments were made to the design, subsequently decreasing the units to 24 Units (8 x 1 bedroom, 16 x 2 bedroom), increasing setbacks and height along with other major design changes to better address the legislative requirements. This DA was subsequently withdrawn on 6/10/2020 due to unresolved matters regarding built form and scale, building height, character, heritage, and contamination.

Since this time, a review of the site and associated uses has occurred in consultation with Sorensen Design, Perception Planning and other sub-consultant inputs, resulting in the following:

- Development use amended to comprise 'multi-dwelling housing' rather than a 'residential flat building'.
- Unit decrease from 24 to eleven (11).
- Compliant development setbacks to surrounding properties and street network.
- Harmonious design reflective of heritage character, built form and scale.

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

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The proposed development application seeks consent for a multi-dwelling housing development comprising eleven attached dwellings, and associated strata title subdivision, including the following characteristics (**Figure 2 and 3**):

1. Removal of existing slabs and associated earthworks for dwellings.
2. Construction of 11 x new dwellings (multi-dwelling housing) fronting Swan Street in three blocks of attached dwellings, comprising of:
 - Block 1: Dwelling 1 – 4
 - Block 2: Dwelling 5 – 7
 - Block 3: Dwelling 8 – 11
3. The built form will incorporate:
 - a. 6 x two storey dwellings including three bedrooms (Dwelling 1, 4, 5, 7, 8, 11), with the following floor plan details:
 - Dwelling 1, 4, 8, 11:
 - **Ground floor (GF):** staircase, double lock up garage, courtyard, bedroom (with ensuite), open plan kitchen, dining and living area and laundry.
 - **First floor (FF):** two bedrooms, bathroom and sitting room.
 - Dwelling 5 and 7:
 - **GF:** as above.
 - **FF:** two bedrooms, bathroom, store, study, sitting room and deck.
 - b. 5 x three-storey dwellings (Dwelling 2, 3, 6, 9 and 10) with the following floor plan details:
 - **GF:** staircase, double lock up garage, courtyard, open plan kitchen, dining and living area, laundry, powder room and storeroom.
 - **FF:** staircase, deck, three bedrooms (one with ensuite and WIR) and bathroom.
 - **Third floor (TF):** loft.
4. Driveway access and egress via William and Market Street;
5. Upgrade of central utilities and services to cater for the new dwellings/development of the site;
6. Landscaping to the entire site;
7. Strata Title Subdivision of the proposed dwellings and associated common property.

The proposed Design Plans are provided at **Appendix 6** and Subdivision Plan is provided at **Appendix 7**.

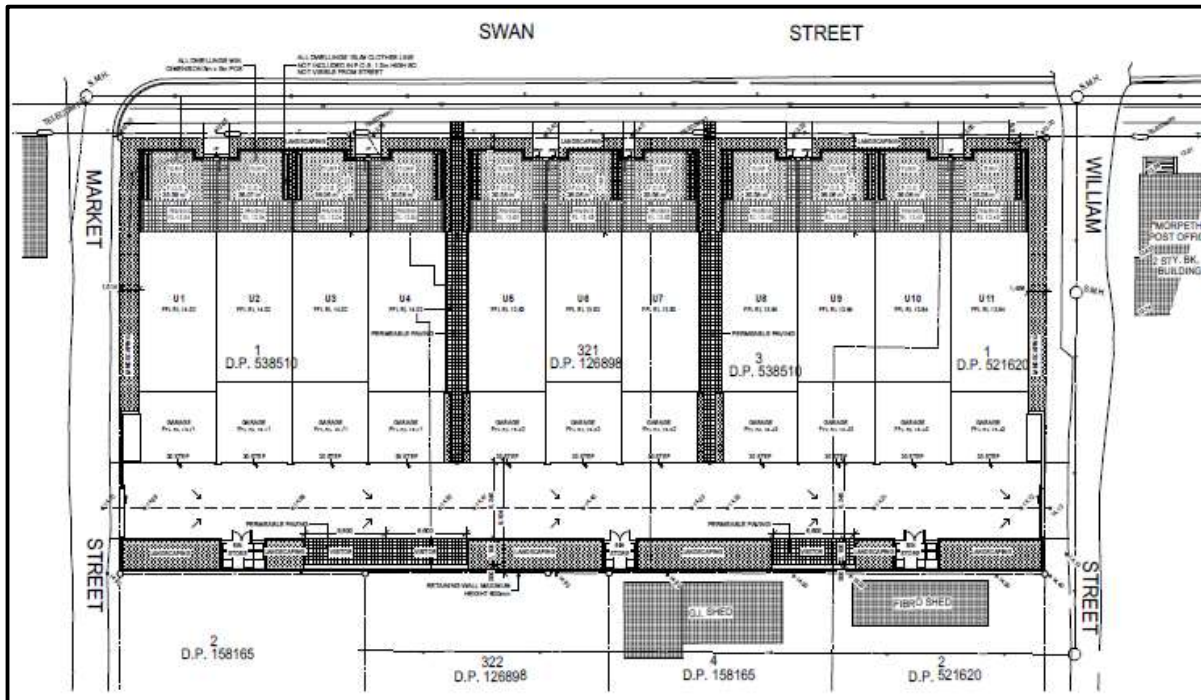


Figure 2 - Proposed development layout (Sorensen Design, 2021)

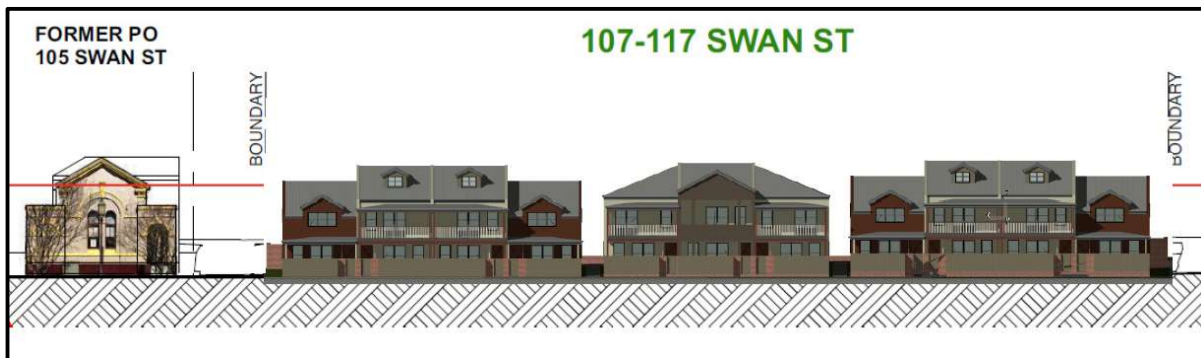


Figure 3 - Proposed development fronting Swan St (Sorensen Design, 2021)

The proposal will continue with the southern side of Swan Streets building diversity and comprises eleven (11) dwellings attached in form within three separate buildings over the four residential lots. By positioning through-access between William and Market Street to the rear of the buildings, separation from the existing dwellings fronting close street has occurred. The buildings present as two or three-storey (as above) to provide visual interest and diversity, consistent with the streetscapes character, and does not propose expansion of the business/commercial zone.

The Statement of Heritage Impact provides the following summary of the development design:

“The design is contemporary but using common elements found in the Morpeth Township such as face brickwork, rendered walls, vertically oriented windows grouped in banks of two and three, corrugated metal roofs and the use of varying verandah structures to reflect the many street verandahs in the town while providing individual aesthetics to each building in the group. The modelling of the building together with the setbacks off all streets provides a variation to the traditional two and three storey terrace row by breaking up the run of units into an arrangement of two and three storey units in each building.

The closest portion of the proposed building to Swan Street is approximately in the same alignment as the former post office building on the corner of William and Swan Streets. The modelling of the building then allows greater setbacks, particularly the units at the ends, allowing an ease of view to the post office and toward the former courthouse.

The verandah lintel on the proposed building is slightly higher than the parapet wall string course on the former post office but effectively reflects this element particularly as the ground floor of the development is slightly higher than the post office”.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

3.1.1 Environmental Planning and Assessment Act 1979

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

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

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **Table 1** below.

Table 1 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	Yes
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	N/A
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	N/A – the site is not bushfire prone.
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	N/A – Not within 40m of the mapped watercourse applicable under this Act. The Hunter River is located over 80m to the north of the site.

3.1.2 Hunter Water Act 1991 (HW Act)

The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act.

Stamped plans are provided in accordance with Section 49 of the HW Act are provided as **Appendix 9** to this application.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

3.2.1 SEPP No.55 – Remediation of Land

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

The site is currently zoned for residential purposes and a search of the EPA Public Register does not identify any previous notices or audits in relation to the site. Despite this however, given the historic use of the site incorporating a ferrous foundry and a mechanics workshop / service station, multiple reports regarding potential historical contaminating activities have been prepared. The reports also included an assessment of residual hydrocarbon contamination impact to local Council perimeter stormwater drainage resulting from previously undertaken remediation works associated with the removal of service station infrastructure at the site.

A Site Contamination Investigation Report has been prepared by Coffey Group and provided at **Appendix 15**, providing a detailed review of previous assessments and additional site contamination assessment to inform assessment of the proposed development. In conclusion, Coffey considers that the site can be made suitable for the proposed development, within the assumptions of the Tier 2 Risk Assessment and the comparison of the investigation data with the calculated site-specific risk based criteria and the implementation of recommendations, contained within Section 10.1 of the Report. A Remediation Action Plan has also been prepared by Coffey Group and is provided at **Appendix 16**.

3.2.2 SEPP (BASIX) 2004

The aim of this SEPP is to encourage sustainable residential development. A BASIX Certificate has been prepared for the development and is attached with this development application at **Appendix 11**. The certificate demonstrates that the proposal can achieve the required water and energy saving targets compared to the standard model house.

3.2.3 SEPP (Koala Habitat Protection) 2021

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

Maitland is listed under Schedule 1 of this SEPP as Land to which this policy applies. It is noted that no koala plan of management is available at present for the Maitland LGA.

In accordance with Part 2, council's determination of the development application must be consistent with any approved koala plan of management that applies to the land. Before Council can grant consent the Council must consider whether the development applies to land that is greater than 1ha (including adjoining land within the same ownership), and whether the development will have an impact of Koalas or their habitat. If no or minor impact is considered likely consent may be granted by Council.

The development site is not greater than 1ha in size and no vegetation removal is required, thus no further assessment against the SEPP is required.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

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

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

The subject site is zoned R1 General Residential. The proposed development includes eleven residential dwellings defined as 'Multi-Dwelling Housing', which is permissible with consent in the zone in accordance with Clause 2.3 and the Land Use Table objectives of the zone. Multi-Dwelling Housing under the LEP means:

"3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building. Note—Multi dwelling housing is a type of residential accommodation".

The proposed dwellings are to be located on the parent lot (once consolidated under a separate application / process with the Land Registry Services) with access at ground level for each and does not meet the definition of a residential flat building.

The Land Use Table of the LEP identifies the following objectives for the R1 zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development provides development of the site for residential multi-housing development. The proposal will meet the needs of the community by providing eleven

additional dwelling houses as residential accommodation. The proposal ensures a variety of housing types and layouts within the Maitland LGA and Morpeth area, respectful of the heritage character in which it resides. The proposal shall encourage community members to live in the area who will provide support to locate facilities and create demand for services. To this extent, the proposed development meets the objectives of the zone.

- **Clause 2.6 – Subdivision**

The application includes subsequent subdivision as strata title of the dwellings and associated common property for central access and infrastructure.

Subdivision is permitted with development consent under this clause and is not exempt development.

- **Clause 2.7 – Demolition**

The proposed development incorporates the removal of existing concrete slabs located on the site in accordance with Clause 2.7. A DA under 07-2206 for demolition of buildings was approved by Council on 19 December 2007. Evidence of substantial commencement was provided to Council, with an email dated 16 April 2014 from Council forming that commencement of the consent has occurred.

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause applicable to the proposed development is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that it is consistent with the relevant development controls.

This clause does NOT apply as per 4.1(4) to registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015* thus no further assessment is required.

- **Clause 4.3 – Height of buildings**

The site does not contain a maximum height of buildings under Clause 4.3.

- **Clause 4.4 – Floor Space Ratio**

The site does not contain a maximum floor space ratio under Clause 4.4.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (21 June 2021) identifies the subject site as containing one Aboriginal sites or places (50m buffer) as shown in **Appendix 4**. An Archaeology Report (AR) has been prepared by Nexus (now known as Maxim Multicon Pty Ltd) and is provided at **Appendix 13**. Despite the absence of a formal

listing, the site / study area was formerly assessed by the writer in 2006 as possessing heritage significance (according to present zoning) as follows:

- the site of the former Foundry and family development on **Zone A** was assessed as rare at the local level;
- the developments on **Zone B** were assessed as possessing little or no significance, although their location in the Morpeth Heritage Conservation Area warranted their archival photographic recording. This recording was completed in 2012 prior to the approval of Council in that year of DA 07/2206 concerning the demolition of the **Zone B** buildings to ground level. In the result, some CGI annexe buildings at the rear of the former service station were then demolished.

These assessments of cultural heritage significance are adopted/confirmed in the AR. The AR recommends that prior to commencement the project, an application should be made to the NSW Heritage Council for an Excavation Permit pursuant to s140 of the *Heritage Act 1977*. It is noted that an Excavation Permit (s140 of the AR) was issued on 26 May 2020 and is provided at **Appendix 18**.

The site is not identified within Schedule 5 of the LEP as containing any items or places of heritage significance. The site is located within the Morpeth Heritage Conservation Area, thus in accordance with Clause 5.10(5) of the MLEP, a Statement of Heritage Impact (SoHI) has been prepared by John Carr Heritage Design and is provided at **Appendix 14**.

The SoHI concludes that the proposed development will have minimal impact on the heritage significance of the surrounding heritage conservation area and nearby individual heritage items in Morpeth due to the development conforming to the requirements of the Maitland DCP 2011. The new buildings are proportioned to address the surrounding commercial streetscape and their bulk and scale together with facade modelling, materials and colour selections all created to reflect the myriad of large and small buildings associated with the site when it was a foundry. Boundary setbacks allow the development to sit comfortably in the conservation area complimenting both the period architecture and other infill contemporary designs. The proposed development retains the dominance of the existing large nineteenth century buildings in the streetscape, allowing the public to view the surrounding conservation area. The buildings have been designed with three distinctive footprints with the central building separating the two end buildings to minimise their impact.

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

- **Clause 7.1 – Acid Sulphate Soils**

The objective of clause 7.1 is to ensure that development does not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. The proposed development is located within an area identified as containing Class 5 ASS.

The proposal will not require any major or deep soil disturbance works that would affect or disturb any potential ASS. In this regard, the disturbance or risk of exposing acid sulfate soils is unlikely, and an acid sulfate soil management plan is not required.

- **Clause 7.2 – Earthworks**

The objective of the above clause is to ensure that earthworks that require development consent do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Minor earthworks are required to level the building pads of the buildings and infrastructure installation. Cut and fill shall be won onsite and is minimised where possible with each dwelling being designed to suit the natural building pad in each location. As detailed within the Site Contamination Investigation Report:

- Existing site fill soils will not be used within the proposed landscape areas and not reused on site.
- The stockpile SPI currently located on the hardstand area in the north-eastern corner may be reused beneath buildings and hardstand (pavement, carparks and roadways).

A retaining wall and swale drain is proposed along the southern (rear) boundary. See Landscaping and Civil Plans for more detail at **Appendix 8 and 12**. In accordance with the requirements of Clause 7.2(3), the proposed development will:

- (a) Not result in the disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) Not result in any impact on the likely future use or redevelopment of the land,
- (c) Ensure the quality of fill (if required) is VENM or ENNM in nature, and compliant with the recommendations made within the Site Contamination Investigation Report,
- (d) Have a minimal – negligible impact on the existing and likely amenity of adjoining properties,
- (e) Ensure the source of any fill material and the destination of any excavated material is licenced / recognised by the EPA,
- (f) Require a s140 permit under the Heritage Act to ensure the likelihood of disturbing relics is managed,
- (g) Is located a sufficient distance from and subsequently has minimal potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

When taking the above into consideration, the proposed development is consistent with the requirements of Clause 7.2.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Maitland DCP 2011 is provided in the Table of Compliance provided at **Appendix 2**. The Table of

Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

4 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development will reinforce the residential nature of the locality and is characteristic of other developments in both the local and wider community, consistent with the intended development of Morpeth and the heritage conservation area. An appreciation of the proposed development design and impact is provided within the SoHI as also summarised under Clause 5.4 of the MLEP above.

The application includes relevant construction methods and services such as an on-site stormwater management system and landscaping that will prevent adverse impacts on adjoining properties. The proposal addresses site constraints (heritage character, contamination and archaeology) and proposed reasonable landscaping, setbacks to provides a custom development of the site with minimal impact to adjoining landowners. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

A landscaping plan accompanies the development and ensures the visual amenity and visual/acoustic privacy impacts of the site is improved with the development and reasonable. The proposal's amenity of the site is considered to be consistent with the locality and appropriate.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access is proposed via Market and William Street, into and out of double lock up garages per dwelling or into the three visitor carparking spaces. The access is safely secured by an automatic gate on both ends.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development will provide infrastructure and public domain improvements in accordance with the Maitland Development Contributions Plan.

4.1.4 SERVICES

The subject site is serviced by reticulated water, electricity and sewer and will be extended to service the proposed development without burdening the public supply. In addition, the application demonstrates that stormwater drainage resulting from future roof and hard stand areas can be catered for in accordance with Council's requirements.

Waste collection will be serviced via private contractor, with waste storage areas accessible via the proposed driveway.

4.1.5 NOISE AND VIBRATION

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

Ongoing operational/land use noise is residential in nature and suitable for the land use zone.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

No trees or significant vegetation will be required to be removed in order to facilitate the construction of the dwellings. It is not anticipated that the proposed development will have a detrimental impact on the ecology on the site or the surrounding area.

4.2.2 LANDSCAPING

A landscaping plan is provided at **Appendix 8**. The landscaping plan and civil engineering plans which demonstrated the proposal and measures proposed to ensure the visual amenity of the site is improved with the development. Species incorporated into the plan vary in size, height and type to provide a sense of scale and character to the development, reflective of the heritage characteristics of the Morpeth locality.

4.2.3 ARCHAEOLOGY

Please refer to the detailed assessment provided under Clause 5.10 of the MLEP above, the Statement of Heritage Impact (SoHI) prepared by John Carr Heritage Design and is provided at **Appendix 14** and an Archaeology Report (AR) prepared by Nexus (now known as Maxim Multicon Pty Ltd) provided at **Appendix 13**.

4.2.4 STORMWATER

The Concept Stormwater Plans at **Appendix 12** detail onsite detention as per Councils MoES, the provision of permeable paving and stormwater pipes connecting stormwater from swale drains. The on-site detention ensures stormwater and water quality is managed appropriately with no adverse impact on adjoining properties.

4.3 SOCIAL AND ECONOMIC

Social

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

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

The proposed development provides additional dwellings in the Morpeth area, and will facilitate demand for the construction of additional housing to service the needs of the community. The subdivision will be serviced by suitable facilities and services without burdening the existing supply available within the area. Utilities are available and suitable for connection by the development proposal. The proposed development:

- Will increase the numbers of residents within the locality, consistent with the general objectives of the zone,
- Will not disadvantage or benefit any particular social group, rather will provide additional Lots and houses to achieve the objectives and requirements of the Hunter Regional Plan 2036 and associated population and dwelling projection.
- Will enhance the cultural life of the community through increasing the number of residents within Morpeth area who will in turn contribute to cultural and community activities when available.
- Will not create areas of insecurity or risk for occupants.
- Will provide the opportunity to increase housing diversity within the wider area and provides for greater housing choice.
- Provides enhanced social and built infrastructure to positively benefit the new and existing population within the locality and adjoining areas.

There are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through an increase in residents. The proposed development is not out of character with the existing urban and heritage context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

Economic

The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy, and the increased number of residents in the locality will provide ongoing economic input through daily living activities.

The increase in housing within the area will directly influence and enhance business and employment opportunities within the area.

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

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site. Additional residential development on the site will help to further enhance the passive surveillance of the adjoining streets from the site and may contribute to increased safety and security in the area. Access to the site and each dwelling is safely secured via sliding gates on each street frontage, lockable garages and private courtyards enclosed by suitable fencing.

4.4 SUITABILITY OF THE SITE

The site has access to all relevant services and the proposed development makes good use of the available land within the Maitland LGA. The successful development of the site is considered to have a positive impact to the locality in that it will see the re-use of the four abandoned sites for the purpose of residential housing. It will be a long term economic and housing asset to the neighbourhood and offers a different density of living and housing to the LGA and is suited to the population demographic of Morpeth. It is anticipated to strengthen commercial viability for the businesses of the town centre. It will ensure the clean up the abandoned site and ruined buildings, and act to manage previous site contaminating land uses for the benefit of the wider area. To date it has been a costly development project, due to the state of the site when acquired. Maximising the developable area and clean-up of the site has been balanced with the planning and environmental constraints to achieve a favourable design that is generally consistent within the wider locality, planning regulations and is to provide a variety of housing density to the Maitland LGA and the popular Morpeth Precinct.

The application design includes all elements required under the relevant planning instruments and policies, and the Maitland DCP, and there are no anticipated negative impacts on the locality as a result of the development. Where variations are proposed, suitable justification has been provided within the relevant Section to demonstrate consistency with the locality and land development on adjoining boundaries.

To this extent, the site is suitable for development.

4.5 ANY SUBMISSIONS AND CONSULTATION

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

4.6 PUBLIC INTEREST

The proposal represents additional residential dwellings to accommodate residential development for the locality to service the needs of the community, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality.

The proposed development reinforces the residential nature of the land and is in keeping with the character of surrounding developments. Comparatively to the previous residential flat building DA lodged over the land, the proposed multi-dwelling housing development provides sympathetic design to the heritage conservation area and does not create any overbearing mass to surrounding neighbours. When viewed from the street network, the proposed development is contributory to the desired heritage character, providing visual interest to residents and visitors alike.

The proposed development is in the public interest.

5 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed development is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE. The key reasons why the proposed development is appropriate are as follows;

- The proposed Multi Dwelling Housing and Strata Subdivision is permissible on the site with consent.
- The proposal ensures the creation of a variety of density and designed dwellings, located on suitable lots that are useable and appropriate for residential purposes.
- No adverse impact on the existing character or amenity of the area will result.
- The proposed development scale and form is consistent with the layout of the existing area without burdening the essential services supply.
- The proposed development is consistent with the intended layout and character of the Morpeth area, and is sympathetic to the heritage conservation character as detailed within the SoHI.
- The provision of additional dwellings assists in meeting the objectives and associated dwelling and resident yield / population established within the Hunter Regional Plan 2020.
- Development of the land will directly benefit the community through providing eleven additional dwellings to meet the housing needs of the growing community population.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Council's determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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