

RESPONSE TO PEER REVIEW OF STATEMENT OF HERITAGE IMPACT

FORMER MORPETH BOWLING CLUB SITE

Proposed Redevelopment

**24 Edward Street
Morpeth NSW 2321**

Lot 72 DP 755205



TABLE OF CONTENTS

1. Introduction	2
2. Response to Executive Summary.....	3
3. Conclusion	12

1. INTRODUCTION

This is a Response to the peer review by Dr Richard Lamb of the Statement of Heritage Impact prepared by EJE in October 2014 for the proposed redevelopment of the former Morpeth Bowling Club site. Dr Lamb was engaged by Council to undertake this peer review. The issues raised by his report of May 2015 are best addressed point-by-point, as follows. Dr Lamb's Executive Summary is set out in the first three pages of his report.

It is acknowledged that Dr Lamb has prepared a thorough and detailed peer review. EJE, however, respectfully disagrees with a number of assertions so made, and submits that some of the assertions of the peer review concentrate on the minor issues explored in the SoHI, rather than the entirety of the document. In this Response, each point of the Executive Summary of the peer review is set out in italics, and is then individually addressed.

2. RESPONSE TO EXECUTIVE SUMMARY

1. *The site is located at the edge of the historic planned private town [of Morpeth], a relatively intact example of a Darling era plan based on a strict grid alignment, with the primary and widest streets being aligned east-west and the secondary streets north-south.*

EJE concurs with this statement.

2. *The eastern urban edge of Morpeth has, since soon after the town's establishment, been defined by Edward Street. This is one of the original secondary north-south aligned streets as shown in the original town plan of circa 1834 and the main route into and out of Morpeth to the south east.*

It is agreed that Edward Street forms the eastern urban edge of Morpeth, and is indeed the main route to the south-east.

It is, however, submitted that the street is the limit only of the street grid pattern and not of past or present residential development. It is a fact that the existing layout includes historic and post-War development along Edward Street, and along Duckenfield Road to the south. Existing residential development to the east of Edward Street includes:

- the modern residence on the south-east corner of Edward Street and Brisbane Fields Road;
- the eight dwellings occupying the irregularly-shaped block bounded by Edward Street, Swan Street and Brisbane Fields Road; and
- the five residences at the intersection of Edward Street and Duckenfield Road.

The Concept Plan does not propose the extension of the grid pattern, any more than does the existing residential development here referred to.

3. *Historic themes and processes such as changes in technology, siltation and later regulation of the river, rise of irrigated agriculture economy, population drift to the city, decline of rural industry and pressure for heritage tourism has influenced but had little negative impact on the principles governing the settlement pattern and urban form of the town.*

This statement does not take account of

- the construction of the Morpeth branch railway, which significantly altered the urban form of the town through the demolition of a comparatively large number of waterfront buildings;

- the consequent discouragement of urban development between the railway and the riverfront;
- the pre- and post-War replacement by industrial premises of riverfront land to the east of Robert Street vacated by the Newcastle and Hunter River Steamship Company consequent upon the decline of river shipping; and
- the development, following the closure of the Morpeth branch railway, of housing on the site of the former Edward Street railway terminus and station, on the northern side of Swan Street east of George Street.

4. In an elevated position on the rural outskirts of Morpeth, the subject site is highly visible from south approaches. The site is immediately apparent in the context of heritage items and the underlying wider historical context of Morpeth.

It is agreed that the site is visible from the southern approaches. It is, however, no more or less visible than any of the surrounding context. It is submitted that the entire township of Morpeth is immediately apparent in these contexts.

5. Brisbane Fields Road, Edward Street south of Close Street and Duckenfield Road form the boundary of urban Morpeth beyond which is rural or recreational land to the east with a minimum of built form. The subject site is within this area, which is identified as part of the Rural Outskirts Precinct in the Maitland City Wide DCP.

The site is indeed located within the Rural Outskirts Precinct, and has historically been included as part of the recreational lands. It has operated as a bowling club, held in private ownership, and has not been precluded from development. It is considered to represent part of the urban built form of Morpeth, but not part of the residential footprint.

The land is privately owned, and regardless of a rezoning, can be developed with more “built form”, whether for a recreational purpose or for tourist and visitor accommodation or other permissible uses. The design and layout of future development will be the subject of a future DA.

6. Despite claims to the contrary in the SoHI [Statement of Heritage Impact] and Planning Proposal, there is no significant residential development in the eastern Rural Outskirts Precinct. The existing site is of recreational use, surrounded on all sides by the same use. The proposal if resulting in residential development of the site would be out of character with the Rural Outskirts Precinct.

The SoHI nowhere claims that existing residential development is significant, but notes that it is in there (see point 3, above), and goes on to describe it. The Rural Outskirts Precinct presently contains other areas of residential development primarily along the western edge with the expansion of Morpeth Manor and the redevelopment of the St John's College site which is still underway.

7. If the proposal resulted in an application such as in the Concept Plan, it might satisfy the requirements of the Maitland DCP with regard to detailing and materials of individual residences if considered in isolation. However the layout, density and predominance of attached dwellings is not considered either characteristic or consistent with the relevant guidelines.

The Concept Plan is, as its name denotes, merely a concept. The layout, density and predominance of attached dwellings can be altered to better suit the relevant guidelines.

8. The planning proposal and an approved subdivision in themselves will not include significant building work, but subsequent potential built form is likely to disrupt existing rural views to the east and across the site from the intersection of John Street with Edward Street, contrary to provisions in Part E, Special Precincts, Section E.3.5 in the MDCP.

Views to the east are already disrupted by the existing former clubhouse, as well as by trees associated with Morpeth Common.

9. In my opinion the SoHI and the Planning Application in general substantially underestimate the importance of external view into Morpeth and into this part of Edward Street, which will be significantly altered and impacted by visual effects created by housing on the subject site, if the planning proposal is accepted.

As per point 8, above, such views are already heavily disrupted by the existing former clubhouse, as well as by trees associated with Morpeth Common.

10. Residential development of the subject site would also be out of character and prominent in views from the streets and rural approaches from the east and south and in views from adjacent recreational land, including close views.

It is noted that this statement does not suggest what the proposal would be out of character with. It is submitted that the proposed setback from Edward Street, and screening by the existing fig trees, would ameliorate views from the streets from the south, and that the other views are partly screened by the trees of Morpeth common. It is, surely, views from the public domain, rather than from private land to which entry is not available as of right, that must be addressed.

11. The subject site has never been residential and has always been part of the rural fringe of Morpeth in the context of recreational land resumed in 1883 for that purpose. The recent use of the site for private recreation (now defunct) was generally consistent with the historic origins of the place and the dominant recreational use of surrounding land.

It is acknowledged that the subject site has never been residential, for much of the context of the site was historically subject to inundation. It is noted that the site is no longer used for private recreation. Council in 2006 declined to purchase the subject site for incorporation into Morpeth Common.

12. If the indicative concept plan submitted with the Planning Proposal was a guide to a potential future application for residential development on the site, this kind of outcome and subdivision design is inconsistent with and unresponsive to the residential settlement pattern, subdivision planning and to the underlying values of the wider Heritage Conservation Area of Morpeth.

It is once again noted that no extension of the historic grid pattern of the township is contemplated. It is again pointed out that the indicative subdivision plan is, as its name denotes, merely indicative, and is not the subject of the current application.

13. MDCP residential precinct design controls apply to residential development opposite the site along the western side of Edward Street to ensure that the streetscape character of the street has development in a style and manner appropriate to Morpeth. Development as shown in the indicative subdivision plan would contradict the established settlement pattern and does not respond to or address Edward Street in line with the prevailing streetscape character.

It is open to Council to apply these residential precinct controls to any new residential development on the subject site. The indicative subdivision plan is merely indicative, is not the subject of the current application, and may be altered as required. The setback from Edward Street is partly mandated by the situation of the car park addressing Edward Street and the retention of the established fig trees.

14. Notwithstanding the fabric of the site is not of heritage significance, this is not the end of the question as to whether residential development of the land could have impacts on heritage values. The site is of heritage significance, as is the entire Morpeth context in which it exists. Therefore impacts on the values of the place cannot be thought of as confined to the site and immediate locality.

This point appears to approach self-contradiction. The site does not constitute an LEP heritage item. The present SoHI has never concealed that the place is part of the wider Morpeth Heritage Conservation Area.

15. Many individual heritage items are identified within Schedule 5 Part 2 of the MLEP. I note that no individual items exist within the subject site but that the entire site sits within the Heritage Conservation Area of Morpeth Town.

The EJE SoHI was prepared largely because the subject site is within the Morpeth Heritage Conservation Area. It notes the presence at Morpeth of LEP 2011 heritage items. Any development on the site would not restrict or compromise views to or from any listed heritage items or landmark buildings, or have a significant impact upon a listed item. The site is only located within the Heritage Conservation Area, and is not of itself an LEP 2011 heritage item.

16. The SoHI is part of a larger document which although it is titled Statement of Heritage Impact is a Heritage Assessment of which the SoHI is a small part. The Historical Context section is competent and informative and requires no comment.

It is noted that a heritage assessment must be undertaken before a Statement of Heritage Impact is composed. It is clear in terms of layout, language and syntax that, as noted above, the actual Statement of Heritage Impact is contained within a separate section of the document; no attempt is made to pretend otherwise. This practice has, in the experience of EJE, never before been the object of criticism, whether in the Maitland local government area or any other local government area.

17. *The Physical Condition and Context section at Pages 25-39 contains a series of photographs of the site, but no analysis exists of the built context outside the site in Edward Street or Duckenfield Road, in both of which there are views of the existing site.*

The setback from Edward Street, together with the fact that the site is surrounded on three sides by the Morpeth Common, make it unlikely that the built context of Edward Street or Duckenfield Road would be specifically affected by the current application.

18. *The Surrounding Context described in Section 3.5 concentrates on the built environment and does not acknowledge that the site is effectively surrounded by land for public recreation or uses ancillary to it. The description of the built context appears intent on minimising reference to or significance of the heritage values evident in the immediate locality and adjacent streets to which the site is exposed.*

There has been no attempt to minimise the relationship between the subject site and the surrounding recreational/ancillary recreation land. It is noted that Section 1.3 of the SoHI states that the site 'is surrounded on three sides by Council land classified as Community Land'.

It is further noted Section 3.5 of the SoHI notes that

The site is bounded by the Ray Lawler and Morpeth Common Reserve to the north and east; by the cricket ground, Wally Malepka pavilion and Frankie Bowe grandstand to the south; and by Edward Street to the west.

In addition, the three aerial location images, as well as nineteen photographs taken from ground level, demonstrate that the subject site is surrounded by recreational/ancillary land. This is, surely, more than sufficient to any ordinarily skilled reader.

The immediate locality contains no LEP heritage items, but does feature some recently-developed dwellings, including some dual occupancies. The location of the site does not allow for the extension of the John Street visual axis, unless the relevant fig tree is removed, something which is not proposed. Due to plantings within the Common and the built form of the former clubhouse, water corporation pump house, sportsground pavilion and grandstand, there are no significant views from John Street.

19. *Section 4 is an assessment of Heritage Significance of the subject site, following the guidance in JS Kerr's The Conservation Plan and assessing the significance of the site against the heritage*

criteria of the NSW Heritage System. It is well argued. I agree that the item itself (the former Bowling Club) is of little heritage significance.

This statement is noted.

20. Rezoning of the site would not have physical impacts on individual items of heritage significance listed in the LEP. However the site itself has a history of significance and is surrounded on all sides by land with a long history of recreational uses. An option for adaptively re-using the site would be to put it to an historically more relevant use than changing it to a use with no historical precedent, such as housing.

It is noted that this statement supports EJE's conclusion that the proposal would not negatively affect individual heritage items.

Whether the site may or may not, in the past, have had heritage significance is not at issue; the subject site is not an LEP 2011 heritage item, a fact unchanged by its being bordered by land used for recreation. It is noted that the existing former bowling club clubhouse is being adaptively re-used as a child care centre.

21. I found no close consideration of the heritage impacts of alternative uses for the site in the Heritage Assessment, as is required in the Questions to be Answered in a SoHI in the Heritage Manual as endorsed by the Office of Environment and Heritage.

It is submitted that point 23, below, highlights the fact that some consideration of alternative uses was in fact provided in the EJE SoHI.

Dr Lamb's reference is to Table 1 of the publication 'Statements of Heritage Impact' (Heritage Office and Department of Urban Affairs and Planning, 1996, revised 2002). It is noted that the table is not precisely prescriptive, and is not exhaustive. The field of the table relevant to the current proposal is extracted hereunder:

TABLE 1

Proposed Change to Heritage Item	Some Questions to be Answered in a Statement of Heritage Impact
Demolition of a building or structure	• Have all options for retention and adaptive re-use been explored? • Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site? • Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible? • Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?

It is submitted that these questions have indeed been adequately addressed in the SoHI.

22. *Section 5 is in my opinion given too much weight in a SoHI as it concerns discussion of the merits of works for a hypothetical design for the site, if the planning proposal is accepted. It is actually a submission about the claimed merits of the indicative concept plan and it pre-emptes the later findings of the SoHI.*

It is a fact that uses other than residential development are permissible under the existing zoning. It is again submitted that this use is much more sympathetic to the Morpeth Heritage Conservation Area than, say, the mobile home park or serviced apartments permitted with consent by the current zoning.

23. *Section 5 is predicated on the same hypothetical discussion about forms of development that could be permissible with consent in the existing zone. The argument being put is that development of the site under the R1 General Residential zoning would produce a better outcome than implementation of a consent for any of the uses permissible under the existing zoning. It is not convincing for reasons explained in more detail in this report.*

Reference is made to point 22, above.

24. *Section 6, Compatibility of Proposed Works with Maitland City-Wide Development Control Plan 2011, is out of place in the SoHI in my opinion as it is primarily a summary of material in the Planning Proposal. As there is in fact no application for works associated with the planning proposal, a great deal of the content of Section 6.0 is irrelevant.*

This is at variance with Dr Lamb's previous assertion as reproduced at point 7, above. It is, in any case, common that expert views may sometimes differ.

25. I disagree with many statements regarding impacts on streetscape, views and heritage impacts in Sections 5 and 6. Specific comments are detailed later in this report.

It is impossible in a concise Response to contest such assertions; it is, however, noted that it is open to Dr Lamb to entertain such opinions.

26. The Actual SoHI is in Section 7 of the EJE document. It does not answer the requisite questions in the Heritage Manual. It is a narrative, which repeats many of the statements already made in other parts of the Heritage Assessment as support for the draft Concept Plan.

It is noted that such a criticism has never before been advanced with reference to the EJE Statements of Heritage Impact, many dozens of which have been submitted over the years in the context of diverse NSW local government areas, including the many such documents submitted to officers of Maitland City Council.

As Statements of Heritage Impact must necessarily follow Heritage Assessments, and must be informed by it, it stands to reason that there is a close relationship between the two. This has never before been the subject of dispute.

27. An analysis of the site against the MUSS shows that the site is not identified for consideration as a residential urban infill site. In addition, it does not respond to constraints of heritage factors or location context appropriately.

It is the purpose of the Maitland Urban Settlement Strategy to identify opportunities for suitable development, and the issues arising therefrom. It is no part of its stated purpose to prohibit the residential development of land not identified within it. The MUSS is a strategy, not a Local Environmental Plan or Development Control Plan.

The Planning and Development component of Council's website notes that

The Maitland Urban Settlement Strategy 2001-2020 (MUSS) is reviewed every 5 years to ensure that:

- There is an adequate supply of land available across the local government area (LGA) to accommodate the anticipated population growth;
- To reflect any policy changes made by Council and/or other levels of government; and
- To keep the strategy current with new economic and urban development issues.

28. Part 5.1.3 of the strategy states that in all cases investigation and development of land should be on the basis that the highest priority be given to development on existing vacant land which is currently zoned for residential, large lot residential or employment purposes. The site does not qualify for consideration on this basis.

This is addressed at point 27, above.

29. The SoHI does not adequately address the visual effects and impacts of the proposal with regard to the MMP and the importance to be given to the conservation of the existing character of Morpeth, for economic and heritage tourism reasons etc.

The Morpeth Management Plan (MMP), at its time of promulgation (May 2000), provided 'a framework for long term management, decision-making and action and will be implemented in accordance with available resources', and aimed to 'provide material that can be translated into Council's Local Environment Plan (LEP) and Development Control Plan (DCP)'.

The recommendations of the MMP have in fact been translated into Maitland DCP 2011 (Part E Chapter 5: Morpeth Heritage Conservation Area, as amended from time to time.

30. In my opinion the SoHI does not demonstrate that the potential impacts of rezoning of the subject site would not lead to significant impacts on visual and associated heritage values.

It is open to a reviewer to arrive at such an opinion, which is obviously at variance with that of the author of the EJE SoHI. It should, however, be noted that the remaining 29 points of the Executive Review, as set out above, have been systematically addressed in the order in which they arise.

3. CONCLUSION

This response to Dr Richard Lamb's peer review of the Statement of Heritage Impact for the proposed redevelopment of the former Morpeth Bowling Club. It is determined that, subject to

design, the land can be developed for residential housing without having a significant impact on the heritage values of Morpeth.