



Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

**To permit seniors housing as an additional permitted use at
24 Edward Street, Morpeth (Lot 72 DP755205)**

Version 1.0
1/12/2015





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Version 1.0 – 1.12.2015 (Council Report - Request for Gateway)

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 to list in Schedule 1 land at 24 Edward Street, Morpeth described as Lot 72 DP755205 to permit seniors housing as an additional permitted use.

A location plan is included at APPENDIX One.

This planning proposal is the result of an application made by Morpeth Land Company Pty Ltd as the landowner to seek the rezoning of the land.

Council resolved at its meeting of 13 October 2015 to include the land as an Urban Infill and Extension Site in the Maitland Urban Settlement Strategy 2012 (MUSS 2012).

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are:

1. To allow seniors housing as an additional permitted use on the subject site.
2. To respond to the heritage and flooding constraints affecting the site.
3. To protect the public views to the rural land.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to include the subject land in Schedule 1 Additional Permitted Uses with seniors housing.

PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

At its meeting of 13 October Council resolved to include 24 Edward Street, Morpeth in the Maitland Urban Settlement Strategy as an urban infill and extension site. The site meets the definition for an urban extension site being:

“Sites adjoining urban areas of less than 15 hectares or have potential for less than 50 residential lots. Only development proposals matching these size criteria will be considered by Council on their merits for rezoning, where the broad planning objectives of this strategy in relation to character, environment, infrastructure and design are clearly demonstrated and justified in the development proposal.”

Council received a revised planning proposal from the landowner in October 2015. The revised proposal seeks to permit seniors housing on the site for 22-24 dwellings. A copy of the revised proposal is at APPENDIX Three.

The site and seniors housing proposal was assessed against the broad planning objectives specified in Section 4.4 of the MUSS. It was determined that the site and proposal largely met those criteria although further work was required on certain matters, particularly heritage.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The original planning proposal for the site sought to rezone the land to R1 General Residential. The Council officer's report that assessed this proposal did not find the proposal to be justified, in part because the supply of residential land in nearby locations is adequate to meet demand. The revised planning proposal sought to permit seniors housing on the land by amending the Maitland Local Environmental Plan to include the site in Schedule 1 Additional Permitted Uses. Whilst a residential rezoning would also achieve this objective, the Schedule 1 listing is the preferred method as it constrains the residential uses to seniors housing.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this application. It is unlikely that the development will result in significant community benefit. It will provide a small amount of additional seniors housing.

The impact of the proposal on the heritage significance of Morpeth may be considered a negative impact on the community. However, the proposal is supported by considerable study of heritage issues. Provided that detailed design of the proposal, including the dwelling density and site coverage is sympathetic to the surrounding locality, the heritage impact will be mitigated.

It is considered that the net community benefit is neutral.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy (NSW Department of Planning and Infrastructure) 2006

The LHRS seeks to provide for up to 117,200 new dwellings across the region by 2031, with 16,000 of these new dwellings to be accommodated as urban infill. Morpeth is an existing urban area identified in the LHRS. Therefore, this planning proposal is consistent with this objective of the LHRS.

The LHRS recognises the importance of the historic cultural landscapes of the region and their contribution to the Lower Hunter's unique sense of place. It acknowledges that all places, precincts and landscapes of cultural heritage significance in the region are identified and protected in planning instruments.

The LHRS requires that all development opportunities created by land use zonings and densities are compatible with the underlying heritage values of the place.

The planning proposal is supported by a Statement of Heritage Impact, which was peer reviewed during the assessment of the original planning proposal for the residential rezoning. A copy of these documents is attached to this planning proposal.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Maitland +10 (Community Strategic Plan)

The proposal supports the following objectives of the Council's community strategic plan (Maitland +10);

Our Built Space

- Our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.
- Our unique built heritage is maintained and enhanced, coupled with sustainable new developments to meet the needs of our growing community.

Our natural environment

- The potential impacts of our growing community on the environment and our natural resources are actively managed.

Maitland Urban Settlement Strategy (MUSS)

Council resolved at its meeting of 13 October 2015 to include the site as an urban infill and extension site of the MUSS. The site's inclusion does not infer a development outcome.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004	CONSISTENT
Provides incentive measures to encourage housing for seniors and people with a disability, and a consistent approach to design standards and support services for this form of housing.	The development of seniors housing was previously permissible on the site when the licensed club was operational. This planning proposal will reinstate that permissibility. The design principles set out in the SEPP need to be addressed in the detailed design for the housing to ensure that it responds to the characteristics of the site and locality. The planning proposal will result in additional seniors housing in line with the aims of the SEPP.
SEPP (INFRASTRUCTURE) 2007	NOT APPLICABLE

RELEVANCE	CONSISTENCY AND IMPLICATIONS
Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects the aims and provisions of this SEPP. The rezoning and development of the subject land for seniors housing will result in the efficient use of existing services and infrastructure available in the locality.
SEPP (RURAL LANDS) 2008	NOT APPLICABLE
Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	Nothing in this planning proposal affects the aims and provisions of this SEPP. The nearest rural land to the site is separated by a buffer of residential and recreation zoned land.
SEPP NO. 55 REMEDIATION OF LAND	CONSISTENT
Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	The site was formerly used as a bowling club and fill was, historically, placed across the site in conjunction with levelling of the site to accommodate bowling greens. The proponent has provided a Preliminary Contamination Report as part of the development application for the child care centre. Further detail may be required to ensure that the site is suitable for residential development. In the event that any remediation is required following the above assessment, this would occur prior to any development consent for future seniors housing on the site.

7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Table 2: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial zones	Not applicable
1.2 Rural Zones	Not applicable

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS****1.5 Rural Lands****Not applicable****2. ENVIRONMENT AND HERITAGE****2.3 Heritage Protection****Consistent**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The subject land is located within the Morpeth Heritage Conservation Area, as identified in the Maitland LEP 2011 and in the Maitland Citywide DCP Chapter: Special Precincts – Heritage Conservation Areas. There are no items of heritage significance located within the subject site. The Grandstand in the adjoining reserve will however be impacted upon by the proposal.

The proposal satisfies the provisions of this direction, given that the land will continue to be identified as part of the Morpeth Heritage Conservation Area under the Maitland LEP 2011, and the Maitland Citywide DCP chapter: Special Precincts – Heritage Conservation Areas will be amended to remove the site from the “Rural Outskirts Precinct” and instead insert the site in the “Residential Precinct”.

A Statement of Heritage Impact has been prepared in support of the proposal. These documents have been independently reviewed. The independent review did not support the proposal to rezone land from recreation to residential.

As the heritage reports do not support the original planning proposal for a residential rezoning, it is expected that further consideration will have to be given to the density of the proposal and the design of the buildings.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.1 Residential Zones****Consistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services

The proposal will contribute to the variety or choice of housing through development of seniors housing. The use of the site for residential purposes makes efficient use of existing infrastructure and services in the location. The requirement that residential development be of good design will be further addressed in the detailed design of the

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

proposal.

3.3 Home Occupations**Consistent**

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

This direction is relevant to the proposal given that the land is proposed to be developed in the future for residential purposes. Currently, 'Home Occupation' is prohibited in the RE2 Private Recreation zone. However, home occupations are exempt development under the SEPP (Exempt and Complying Development Codes) 2008.

3.4 Integrating Land Use and Transport**Consistent**

The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, jobs and services by methods other than private vehicles.

The land is well located to support the surrounding residential development and to provide high levels of accessibility to existing road and public transport networks. The proposal is consistent with this direction.

HAZARD and RISK**4.1 Acid Sulfate Soils****Consistent**

To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

The Maitland LEP 2011 identifies Class 5 Acid Sulphate Soils over the site, with a very small area of Class 4 at the eastern end of the site. The area subject to Class 4 is flood prone and not anticipated to be developed for housing. Disturbance of the soil 2m below the surface is unlikely, and acid sulfate soils are unlikely to present a significant constraint to development. Nonetheless, the required Preliminary Contamination Assessment should also address this issue. The proposal is therefore consistent with this direction.

4.3 Flood Prone Land**Consistent**

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

An area at the rear of the subject land is positioned below the 1 in 100 year flood level. The majority of the site is above the 1:100 year flood level, with future buildings able to be constructed with a 500m freeboard to the flood level. No significant filling of the site will be necessary provided the site coverage is appropriately constrained. The site is capable of supporting residential development, and flood controls are included in Clause 7.3 of Maitland LEP 2011. The proposal is considered to be consistent with this direction.

REGIONAL PLANNING

5.1 Implementation of Regional Strategies

Consistent

This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.

The planning proposal is considered to be consistent with the Lower Hunter Regional Strategy and Draft Hunter Regional Plan 2015 as it provides for new housing in accordance with the adopted MUSS 2012.

LOCAL PLAN MAKING

6.1 Approval and Referral

Consistent

The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

No additional LEP provisions or concurrence requirements will be required.

6.2 Reserving Land for Public Purposes

Not applicable

The direction aims to facilitate the provision of public services and facilities by reserving land for public purposes.

The land is not reserved or zoned for public purposes.

6.1 Site Specific Provisions

Consistent

The direction aims to discourage unnecessarily restrictive site specific planning controls.

The planning proposal does not refer to drawings of the proposal that show details of the development proposal. The proponent has proposed to prepare detailed plans concurrently with the planning proposal process. Development standards that limit the overall dwelling yield may be warranted and will be subject of further consideration and justification.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land to which this planning proposal applies is predominantly cleared, apart from some fig trees at the Edward Street entrance, and some native vegetation along the northern boundary. The land has historically been used for recreational purposes, and development can be designed to avoid riparian and flood affected land. It is therefore unlikely that any threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposed rezoning.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Contamination is a key issue for the site. The site was formerly used as a bowling club and fill was, historically, placed across the site in conjunction with levelling of the site to accommodate the bowling greens.

The proponent has provided a Preliminary Contamination Assessment (PCA) as part of the development application for the child care centre on the site. Further detail is to be provided by the proponent prior to any community consultation process. Any required remediation would occur prior to any development consent for future residential development on the site.

Stormwater will need to be addressed at the development stage in accordance with an approved stormwater management plan.

10. How has the planning proposal adequately addressed any social and economic effects?

The proponent has revised the original proposed residential rezoning of the site to a seniors housing proposal. The demand for seniors housing is considered strong given the steady growth in this segment of the local population.

The proponent has undertaken preliminary studies in relation to potential land contamination, the results of which are discussed above in the context of potential environmental issues for the identified land.

There will be some loss of existing, private views by residents opposite the site.

The proposal is unlikely to have any significant positive or adverse social or economic impacts.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

The precinct is adequately serviced by existing infrastructure.

Traffic generation

The future yield will be further examined during community consultation. It is anticipated that the planning proposal would result in only a marginal increase in traffic in the immediate locality.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No state or Commonwealth public authorities have been consulted at this stage. It is expected that the gateway determination will specify those agencies to be consulted.

Given that the site is within the Morpeth Heritage Conservation Area it is expected that the Office of Environment and Heritage will be consulted. It is also anticipated that the Environment Protection Authority will be consulted in the event that the PCA identifies contamination issues.

PART 4: MAPS

The proposal does not seek to amend the current maps applying to the site under Maitland LEP 2011. A copy of the existing maps is at Appendix Two.

PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the gateway determination. It is anticipated that the consultation period will be a minimum of 28 days.

APPENDIX ONE. LOCATION PLAN



Scale NTS
Printing Date: July 2015

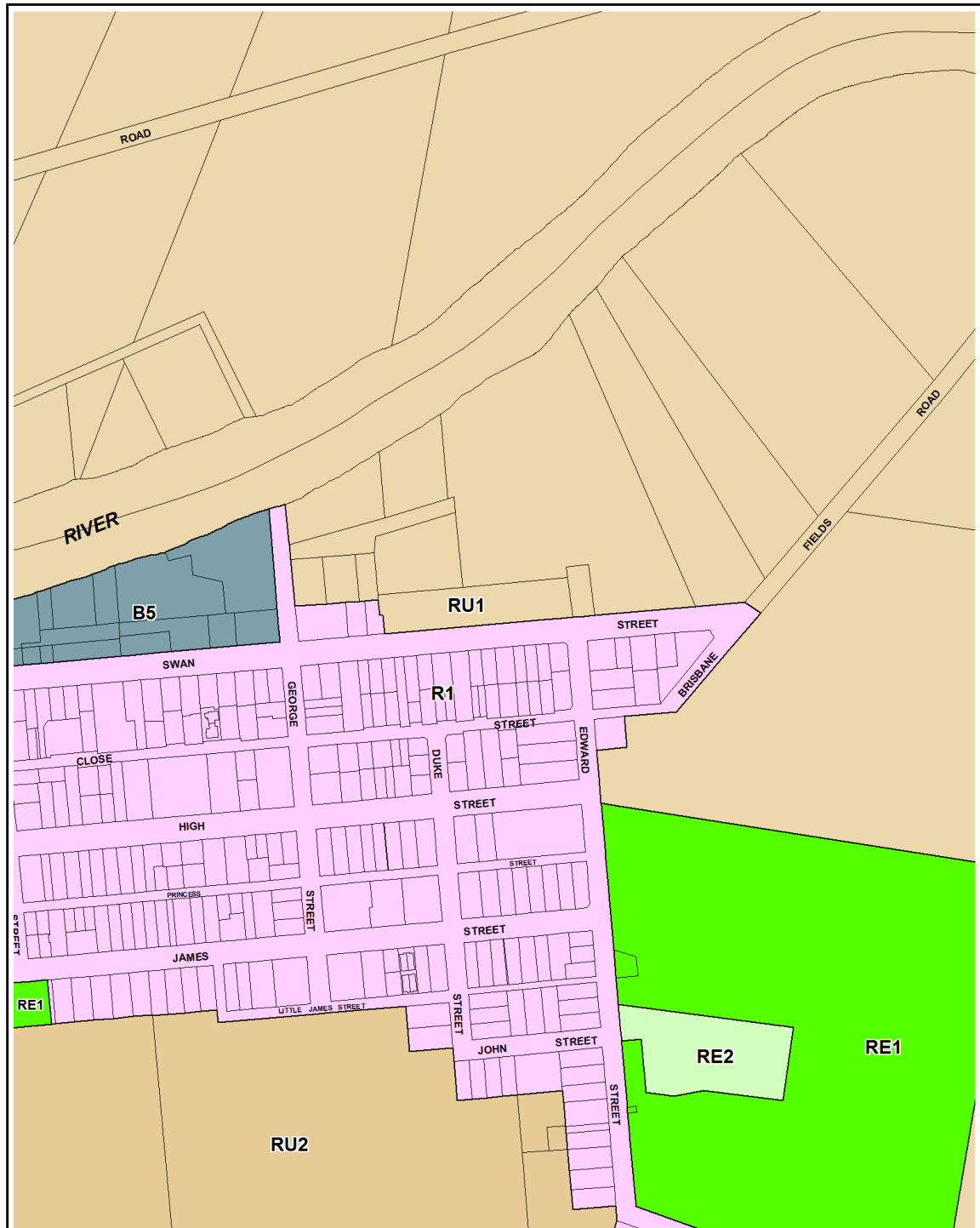


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24 Edward Street, Morpeth

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APPENDIX TWO. EXISTING LEP PLANS



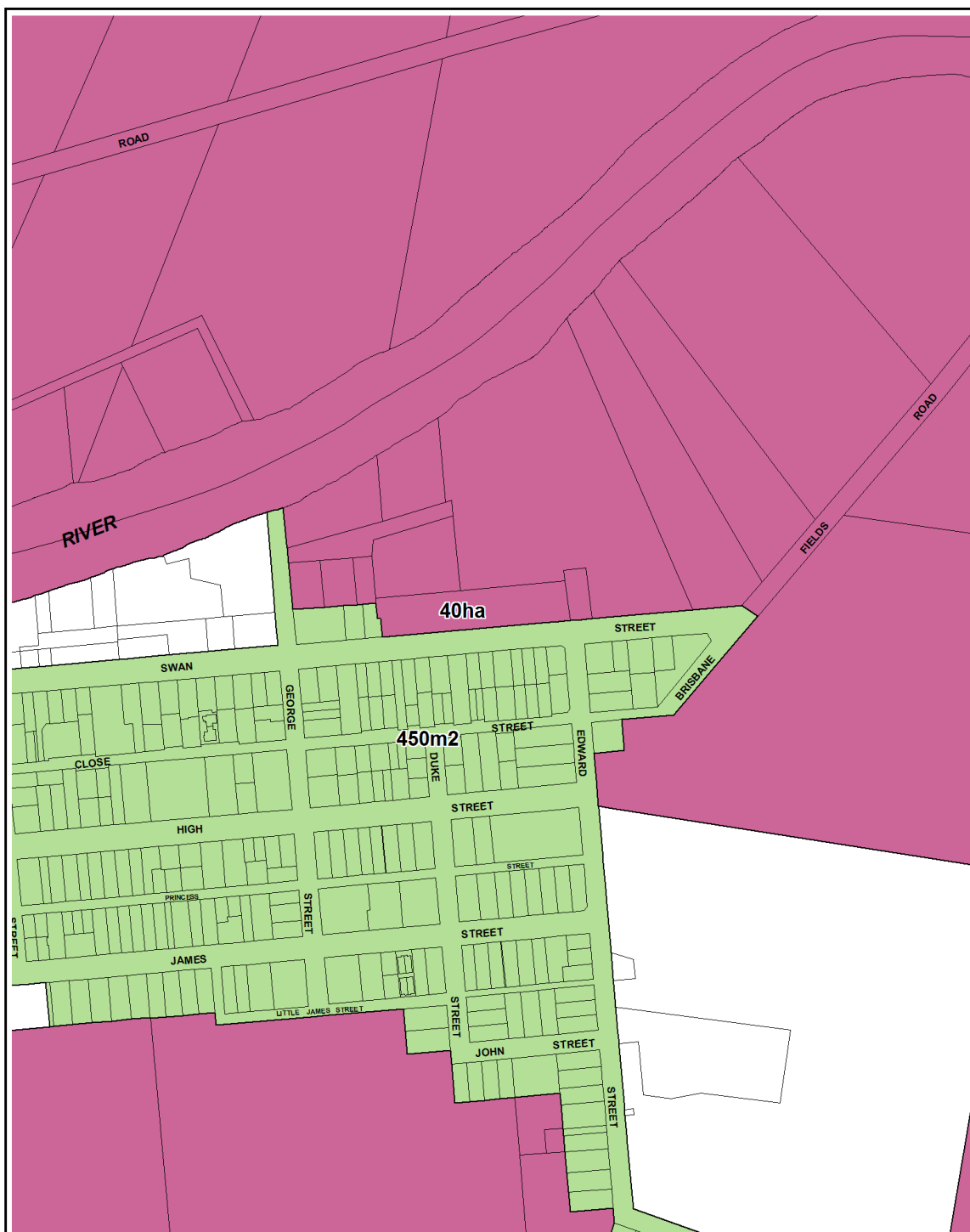
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Existing lot zoning
Morpeth

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NORTH

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Existing lot size
Morpeth

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**APPENDIX THREE. MORPETH PLANNING PROPOSAL REQUEST
OCTOBER 2015**

**APPENDIX FOUR. STATEMENT OF HERITAGE IMPACT PEER
REVIEW**

**APPENDIX FIVE. PROPONENT RESPONSE TO STATEMENT OF
HERITAGE IMPACT PEER REVIEW**

**APPENDIX SIX. COUNCIL REVIEW TO PROPONENT
RESPONSE TO STATEMENT OF HERITAGE IMPACT PEER REVIEW**

APPENDIX SEVEN. INDICATIVE TIMEFRAME OF PROPOSAL

Project Timeline	Date
Anticipated commencement date (date of Gateway determination)	January 2016
Anticipated timeframe for the completion of required studies	NIL
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	April 2016
Commencement and completion dates for public exhibition period	February 2016
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	June 2016
Timeframe for the consideration of a proposal post exhibition	July 2016
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	August 2016
Anticipated date RPA will make the plan (if delegated)	N/a
Anticipated date RPA will forward to the department for notification (if delegated)	N/a