

**10.4 REQUEST TO CONSIDER LAND AT 24 EDWARD STREET, MORPETH
DESCRIBED AS LOT 72 DP755205 FOR INCLUSION IN THE MAITLAND
URBAN SETTLEMENT STRATEGY AS AN URBAN INFILL AND EXTENSION
SITE**

PROPONENT: MORPETH LAND COMPANY PTY LTD

FILE NO:	RZ14/007
ATTACHMENTS:	1. Locality Plan 2. Rezoning Application (under seperate cover) 3. Peer Review of Statement of Heritage Impact (under seperate cover) 4. EJE Peer Review of RLA Heritage Report 5. Planning Response to Peer Review Morpeth 2015 6. Council response to proponent's review of Richard Lamb report
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
AUTHOR:	Rob Corken - Strategic Town Planner
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.1 To encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

EXECUTIVE SUMMARY

Council has received a request to rezone land at 24 Edward Street, Morpeth from RE2 Private Recreation to R1 General Residential on the basis that the site can be defined as an urban infill and extension site. However, Council cannot consider a rezoning proposal before a site's inclusion in Maitland Urban Settlement Strategy. Council has an established process to review urban extension and infill sites as part of the annual report prepared for the MUSS. This request is outside this process. However, the request for inclusion in the MUSS has been assessed against the relevant Council policies.

The Maitland Urban Settlement Strategy allows Council to consider rezoning sites adjoining urban areas that:

- 1. have an area less than 15 hectares; and*
- 2. yield less than 50 residential lots; and*
- 3. meet the specified criteria in s5.5, Table 11 of that strategy.*

An assessment against this criteria and other relevant Council policy has been undertaken. The proposal is not supported on the basis that:

- 1. There is no demonstrable need for residential land in this location.*
- 2. There is 20+ years of locally available land to satisfy projected growth.*
- 3. The proposal is inconsistent with the Community Strategic Plan, the Maitland Local Environmental Plan, the Maitland Development Control Plan and the Morpeth Management Plan.*
- 4. The proposal risks undermining the function of the Morpeth Common/Ray Lawler Sports ground complex adjoining the site.*
- 5. The proposal will irreparably undermine the heritage significance of the 1840 Morpeth Town Plan and set precedence for other compromises to the town bounds.*
- 6. There is no community benefit from the proposal.*
- 7. Morpeth's significant visitor economy may be adversely affected.*

In addition, the arguments to support the site's inclusion and subsequent rezoning to residential on the basis that equivalent built outcomes on the site can occur (such as a manufactured housing estate or serviced apartments) are invalid. Any application is subject to assessment against the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011, the Morpeth Management Plan and ultimately the decision of the Council. The expert heritage advice provided to Council does not prohibit the development of the site. However, any development should be historically relevant, i.e. consistent with its use historic use for recreation and community purposes and sensitive to the surrounding context. The RE2 Private Recreation land use zone is the most appropriate zone to achieve this.

Council has consistently protected the rural curtilage and historical setting of Morpeth. This was most recently demonstrated at its meeting of 8 September 2015 where Council resolved to request that the Site Compatibility Certificate (SCC) not be issued for Duke Street, Morpeth because of adverse impacts on the rural curtilage and historical setting of Morpeth. The Department of Planning and Environment refused the SCC on 25 September 2015. The subject site is considered to be as important in maintaining the open curtilage and historic setting. Resolving to include the site in MUSS for residential purposes would be inconsistent with the recent Council resolution and the Department's decision regarding Duke Street.

Council recently supported the preparation of a planning proposal for the site at 30 Swan Street, Morpeth. This decision should not infer support for rezoning the subject site. The two sites are fundamentally different. The Swan Street site is listed in the MUSS as an urban extension and infill site, it is used for residential purposes and the proposal will extend residential uses between two, existing residences. In comparison, the subject site is not listed in the MUSS, it has never been used for residential purposes and it is surrounded by recreational uses. Council's expert heritage advice supports the rezoning of the Swan Street site for residential purposes but opposes any change to residential at the subject site.

A further report will be prepared to address the request to prepare a planning proposal to rezone the land.

OFFICER'S RECOMMENDATION

1. **That Council refuses to include the site as an urban infill and extension site in the Maitland Urban Settlement Strategy.**

PROCEEDINGS IN BRIEF

A motion was moved:

THAT

1. That Council include the site 24 Edward Street Morpeth as an urban infill and extension site in the Maitland Urban Settlement Strategy.
2. That a further report be presented to Council in relation to the planning proposal for the above site.

Moved Clr S Procter, Seconded Clr A Humphery

The motion when put to the meeting was declared carried.

COUNCIL RESOLUTION

THAT

1. **That Council include the site 24 Edward Street Morpeth as an urban infill and extension site in the Maitland Urban Settlement Strategy.**
2. **That a further report be presented to Council in relation to the planning proposal for the above site.**

Moved Clr S Procter, Seconded Clr A Humphery

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 9 for and 4 against, as follows:

For:	Clr P Blackmore	Against:	Clr R Aitchison
	Clr B Burke		Clr L Baker
	Clr P Garnham		Clr H Meskauskas
	Clr B Geoghegan		Clr B Whiting
	Clr A Humphery		
	Clr N Penfold		
	Clr P Penfold		
	Clr S Procter		
	Clr K Wethered		

RESUMPTION OF STANDING ORDERS

Council Resolution

THAT Council resume Standing Orders to deal with the remainder of the Agenda.

Moved Clr S Procter seconded Clr K Wethered

CARRIED