

10.5 PLANNING PROPOSAL TO AMEND THE MAITLAND LEP 2011 TO ALLOW AN ADDITIONAL PERMITTED USE OF SENIORS HOUSING AT 24 EDWARD STREET, MORPETH DESCRIBED AS LOT 72 DP755205

FILE NO:	RZ14/007
ATTACHMENTS:	1. Planning Proposal (under separate cover)
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Brad Carmady - Boskae Environmental Planning
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 commissioned Boskae Environmental Planning to undertake an independent assessment of a planning proposal to permit seniors housing at 24 Edward Street, Morpeth. This report presents the findings of that assessment.

The land has been identified by a recent Council resolution as an urban infill and extension site in the Maitland Urban Settlement Strategy. The site may therefore be investigated for urban purposes subject to consideration of broad planning objectives. The planning proposal has been revised from the residential rezoning previously considered by Council. This report addresses the strategic merit of the site for this purpose. There are a number of constraints affecting development of the site, in particular related to heritage, that require the future development to respond sympathetically to the heritage attributes of the locality and be of a high design standard. The proponent is yet to provide supporting information that addresses these matters, instead recommends that a concurrent development application address detailed design.

The proposal is now considered ready to send to the Department of Planning and Environment to request a gateway determination.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to s56 of the Environmental Planning and Assessment Act**

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1979, Council forwards the attached planning proposal to the Minister for Planning requesting a gateway determination.

- 2. Council undertakes community consultation in accordance with the gateway determination.**
- 3. If no submissions are received during the exhibition period, a request is sent to the Minister for Planning to make the amendment in accordance with s59 of the Environmental Planning and Assessment Act 1979.**
- 4. If submissions are received during the exhibition period a report is presented back to Council for consideration.**

BACKGROUND

At its meeting of 22 September 2015 Council considered a request to rezone land at 24 Edward Street Morpeth from RE2 Private Recreation to R1 General Residential. Following consideration of the Council officer's report, which did not support the proposed rezoning, Council resolved the following:

- 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.*

Boskae Environmental Planning has been commissioned to prepare this report in response to the above Council resolution.

On 29 October 2015 Council received a revised planning proposal for the site that no longer proposes a rezoning to a residential zone. The revised proposal seeks to permit seniors housing via a listing in Schedule 1 of Maitland LEP 2011 as an additional permitted use. This revised proposal does not require a change to the zoning of the site, although a planning proposal continues to be required. This report assesses the revised planning proposal for seniors housing in view of the inclusion of the site in the Maitland Urban Settlement Strategy (MUSS) 2012.

REPORT

Council has resolved to accept the site within the MUSS as an urban infill and extension site, which is defined as follows:

"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."

The original planning proposal lodged with Council in December 2014 provided concept plans for residential development with plans indicating 31 to 40 dwellings. The revised planning proposal received in October 2015 is specifically for seniors housing and provides limited detail of the proposed development. Appendix D of the planning proposal includes a truncated plan of the front of the site and a statement that "Detailed design of remainder of site yet to be finalised (Max. 22-24 seniors living dwellings)". The Appendix D plan also incorporates the approved child care centre, and so will reduce the available site area from 1.27 hectares to approximately 1 hectare.

The planning proposal prepared by the proponent states that they intend to lodge detailed plans with a development application that would be assessed concurrently with the planning proposal. This approach seeks to avoid unnecessary costs to proponents until it is known whether Council and the NSW Department of Planning & Environment support the strategic merits of the land use put forward in the planning proposal.

In response to the strategic need for the proposed land use, the MUSS does not specifically address the supply and demand for seniors housing. Whilst it is noted that sufficient residential land is available locally, this does not necessarily translate to sufficient supply of seniors housing. A search of Council records has indicated that almost 1,000 seniors housing dwellings (excluding nursing homes and hostel beds) have been approved since 1993. The majority of these dwellings have been built or commenced construction.

Census data for the Maitland LGA suggest that of the total population of 69,900 people, approximately 16,600 people, or 23.7% are aged 55 or over. Population projections prepared by the NSW Department of Planning and Environment estimate that this figure will grow to 19,900 by 2016 and to 29,650 by 2031. Whilst not all people within this age group require or actively seek out a seniors living facility, the demand from the population for this type of housing appears to be growing strongly. Suitable housing for seniors is often not provided at adequate levels under normal planning control policies, and it is in part for this reason that the State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability 2004 was prepared. The aims of the SEPP are:

"(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design.*

(2) These aims will be achieved by:

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- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes”.*

The above SEPP contains provisions that enable seniors housing in certain locations where they would otherwise be prohibited, including sites that are used as a registered club. Had the above SEPP been utilised when the previous bowling club was operating, seniors housing would have been permitted on the site subject to a development application. The revised planning proposal seeks to reinstate the previous permissibility of seniors housing on the site that was available until the closure of the club.

In addition to the above matters of strategic need and justification, key issues raised in the Council report of 22 September 2015 remain valid, particularly with respect to the impact of the proposal on the heritage significance of Morpeth. The revised planning proposal has reduced the amount of housing to 22-24 seniors housing dwellings. At the same time the previous bowling club has been approved as a childcare centre and this land is no longer to be utilised for housing. The result of this reduction in land area may be to further increase the apparent density of the development.

As a detailed concept plan has not been provided at this stage, further assessment of the appropriate design controls such as dwelling yield, density and site coverage needs to be performed concurrently with community consultation. Whilst some design issues are more appropriately addressed at the development application stage, the suitability of the seniors housing proposal in the locality is dependent upon a suitable design response, and some of the above controls may need to be added to the Schedule 1 listing.

An assessment of the planning proposal against the MUSS broad planning objectives, as required by the definition of urban infill and extension sites, is provided below.

MUSS Planning objectives for investigation areas	Proposal response
CHARACTER	
Reinforce and enhance Maitland's unique physical interrelationship between its urban and rural areas	The site has been identified by Council as an urban infill and extension site. The proposed seniors housing needs to be sensitively designed to ensure that the development is appropriate to the

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	heritage significance of the locality.
Conserve and strengthen Maitland's built and cultural heritage	The impact of the proposal on the heritage significance of Morpeth has been the subject of considerable assessment. The issues raised need to be addressed in the detailed design of the housing.
Consolidate the existing commercial centres hierarchy	Not applicable.
Ensure that potential conflicts with existing or likely future land uses are minimised, including conflict with rural and extractive industries	The site is approximately 140-200 metres from nearby agricultural uses to the east and west. The land is separated by the adjacent Council reserve and nearby residential land from the agricultural land, which acts as a substantial buffer to mitigate against land use conflict.
Facilitate the retention of existing vegetation	The site is mostly cleared and any design can incorporate existing vegetation.
Encourage the creation of high quality urban landscapes	It is critical that any design of the proposal be of a high design standard due to the location of the site on the edge of Morpeth.
Create a built environment which maintains a human scale	Development will be single storey and further design considerations can be addressed as part of the development application process.
Attractive "gateway" points to the City will be created, to promote a sense of arrival	The site is not located at a gateway to the City. It is however located near to the entrance to Morpeth from the south east and needs to make a positive contribution to this entrance.
ENVIRONMENT	
Retain and enhance established flora and fauna corridors	The exclusion of built development from the low lying rear of the site will assist in minimising impacts associated with the proposal.
Conserve and protect important areas of remnant native bushland and wetlands	The rear of the site is flood affected land and should be protected as part of the proposed housing.
Ensure that the physical amenity and ecology of waterways are not adversely impacted by new urban development	A suitable buffer should be provided at the rear of the site to ensure impacts on riparian land are avoided.
Prevent any further deterioration of	The development should avoid flood

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water quality and prevent local flooding	prone land and water management issues can be addressed as part of the development application process.
Minimise soil erosion	Can be addressed as part of development application process.
Encourage design that enhances energy efficiency and the minimisation of waste	Can be addressed as part of development application process.
Mitigate against bushfire	The site is not mapped as bushfire prone land.
Rehabilitate disturbed or degraded areas	The flood prone land at the rear of the site may be suitable for riparian restoration works. This should be addressed in the concept plan for the site.
Utilise environmental assets to create a healthy and safe living environment	The site is well positioned to take advantage of nearby environmental assets.
Enhance Maitland's gateways with natural landscaping	Whilst the site is not a gateway to Maitland LGA, it is close to one of the gateways to Morpeth. Landscaping should be incorporated into the detailed design of the housing.
DESIGN	
Maintain a maximum height limit of three storeys in new urban areas	The proposal should be limited to single storey development to be consistent with the nearby residential areas and the Morpeth DCP.
Ensure that the design of urban neighbourhoods facilitate the use of public transport and encourages walking and cycling in safety	The site is located on the edge of the existing Morpeth village and will benefit from existing local services.
Neighbourhood focal places and centres to be centrally located at major intersections	Not applicable.
Increase the catchment population around public transport nodes and commercial centres	The proposal will provide additional housing that will take advantage of existing transport and commercial facilities of Morpeth.
Smaller residential lots and higher density housing should be located with regard to neighbourhood centres, public transport stops, community facilities and areas with high amenity such as next to	The site is located next to parks and in close proximity to other services.

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parks	
Design lots so that their orientation and dimensions facilitate the development of energy efficient housing which can take advantage of winter solar access and deflect summer sun	Can be addressed as part of detailed design process.
Utilise passive open space or environment protection areas to protect and preserve the margins of remnant bushland, wetlands and watercourses	The rear portion of the site east of the previous bowling greens should be rehabilitated to protect nearby riparian land.
Encourage the possibility of utilising public open space for urban water management and to improve water quality	The site is not public open space. The rehabilitation of land at the rear of the site will however assist in this objective.
Ensure that the design layout of urban neighbourhoods facilitates public transport, cycle ways and pedestrian access to neighbourhood centres, community facilities and active open space	Can be addressed as part of detailed design process.
Subdivision design should facilitate the use of common trenching for the laying of public utility services including water, sewerage, electricity, gas and modern communication infrastructure	Can be addressed as part of detailed design process.
INFRASTRUCTURE	
Only rezone land for urban purposes where it can be demonstrated that the provision of utility infrastructure is viable and efficient	Services are currently connected to the site. No preliminary servicing plan has been provided and this should occur prior to community consultation.
Ensure that any proposed new urban areas are serviceable by public transport i.e. bus and/ or rail	The site is not a new urban area. The provision of suitable transport to residents of the proposed housing can be addressed as part of the development application.
Encourage a greater range of lot sizes and increased diversity of housing types in new urban areas than is currently being provided in contemporary residential estates	The site is not a new urban area.
Determine suitable densities, which maximise the achievement of sustainability principles, whilst	The suitable density of development for the site requires further consideration of the existing locality and how to best

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recognising the character of the area	design what is a higher density proposal in an edge of town location.
Encourage small scale mixed use development such as home offices and industries in residential areas which will help to achieve ecological sustainability and promote diverse economic activity	The planning proposal does not seek to alter the zone of the site to a residential zone. The RE2 Private Recreation zone is intended to remain, in which case land uses such as home businesses and home industries will be prohibited in the zone under LEP 2011. However, home businesses, home industries and home occupations are provided for as exempt development under the relevant SEPP.
Ensure that adequate community facilities and areas of active and passive open space are provided for the prospective residents of new urban areas	The site is ideally located in close proximity to public open space.
Reinforce the viability of existing rural and extractive industry operations by restricting the proximity of new urban development	The site is not in close proximity to any existing rural or extractive industry.
Minimise impacts on major transport routes and contribute to a local, functional road hierarchy	The site is not on a major transport route.

CONCLUSION

Council has resolved that the site be included as an urban extension and infill site in the Maitland Urban Settlement Strategy 2012. This provides for the site to be investigated for rezoning for urban purposes, which involves an assessment against the broad planning objectives of the MUSS. The revised proposal to permit seniors housing on the site addresses a growing need in the local population, and essentially returns the permissibility for such housing to be developed when the previous registered club was in operation.

The assessment against the MUSS planning principles is hindered by the lack of a detailed concept plan for the proposal. Whilst the reasons for not providing a concept plan at this stage are understood, key issues for the proposal remain unresolved. The built form impacts of the proposed seniors housing should be mitigated through a high quality design that is single storey and designed so as to maintain a scale and density that is responsive to the surrounding residential area of Morpeth. The process put forward by the proponent is for these matters to be addressed by a concurrent development application process.

The proponent has indicated that secondary matters such as contamination and servicing can be addressed following a Gateway determination.

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It is recommended that the planning proposal be forwarded to the Gateway and that the outstanding issues identified in this assessment be further addressed during the community consultation process.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.