

PEER REVIEW

PROPOSAL: MORPETH PLANNING PROPOSAL SUBMISSION OF GATEWAY DETERMINATION REVIEW 24 Edward Street, Morpeth

August 2016

Report prepared for:
Maitland City Council

Prepared by:

Boskae Environmental Planning
PO Box 398 Blackheath
NSW 2785
T: (02) 4787 5704

ABN: 99 144 733 424

Copyright: The contents of this report are the property of BOSKAE Environmental Planning Pty Ltd. Use or copying of this document in whole or part without the written permission of BOSKAE Environmental Planning constitutes an infringement of copyright.

Document History and Status

Version	Issue To	Quantity	Date	Reviewed
Draft	Project Manager	1	12/8/16	Felicity Blaxland
1.0	Client	1	15/8/16	Brad Carmady
1.1	Client	1	18/8/16	Brad Carmady

Site Details

The subject site is identified as Lot 721 DP 1217690, known as No.24 Edward Street, Morpeth.

The owner of the land is Morpeth Land Company Pty Ltd.

The subject site is currently zoned RE2 Private Recreation under Maitland Local Environmental Plan (LEP) 2011. The land is the site of the former Morpeth Bowling Club, which ceased operations in 2011.

Background

The Planning Proposal was submitted on 15 April 2016 under Reference No. PP_2016_MAITL_003_00. The Planning Proposal sought to initiate an amendment to Maitland LEP 2011 to seek the inclusion of an additional permitted use in Schedule 1 of Maitland LEP 2011 to permit seniors housing on the subject site. The planning proposal seeks to provide self-contained housing for seniors or people with a disability.

The Gateway determination was issued on 9 June 2016 and determined not to support the planning proposal for the following reasons:

1. The planning proposal does not adequately demonstrate that the site may be developed without undermining the heritage values of the Morpeth Heritage Conservation Area.
2. Insufficient evidence has been provided to demonstrate that the proposal will be consistent with the Lower Hunter Regional Strategy which requires development opportunities created by land use zonings (permitting seniors housing) are compatible with the underlying heritage values of the place (Morpeth).

It was noted that there were other proposals for urban development within the conservation area. Concern was also raised as to the consistency of the proposal with Council's strategic plan for the town – the Morpeth Management Plan (MMP) and its continued relevance.

Review of Gateway Determination

Council at its meeting on 26 July 2016, considered the decision of the Gateway Determination and resolved to request a gateway review to enable the development of the site for seniors housing. Morpeth Land Company has now prepared a document titled *'Morpeth Planning Proposal 24 Edward Street Morpeth, GATEWAY DETERMINATION REVIEW' August 2016* which provides additional and supporting information to provide to the Review Panel in response to matters raised by the Department.

Objective of this Peer Review Document

BOSKAE Environmental Planning has been requested by Council to provide a peer review of the *'Morpeth Planning Proposal 24 Edward Street Morpeth, GATEWAY DETERMINATION REVIEW' August 2016*. This peer review has regard for the documents included in the Department's review of the planning proposal and builds upon an earlier peer review performed by BOSKAE Environmental Planning in December 2015 of the planning proposal.

Justification for the Gateway Review

The following outlines the key area of concern that has been raised by the above document and comments with relation to those matters:

B2.4 Status of Council Report

Council has consistently supported the development of the land and has determined that the proposal is consistent with the criteria set out in the Maitland Urban Settlement Strategy (MUSS). While concern was raised by a heritage consultant that the land was not identified by Council's settlement strategy, Council has undertaken an assessment of the site against the MUSS criteria and the site has satisfied the criteria and principles of the MUSS. A higher priority has been given to the development of lands that are contiguous to existing urban areas, can be

easily serviced, are unconstrained and represent an effective utilisation of land. The proposal also provides the local community with much needed seniors housing in a suitable location.

It appears that Council's assessments have been transparent and the subject site is suitable for further development in satisfying a much needed demand for seniors housing in the area.

B2.5 Compatibility with Heritage Values of Morpeth

Council has identified that Morpeth is recognised as having State, regional and local heritage significance and the key heritage qualities of Morpeth are:

- As a uncommon example of a town whose road layout and extent has changed little since the mid 19th Century.
- A Distinct Urban Entity in a Rural Landscape. Morpeth has a clearly defined edge and a distinctive form in a rural setting. It is clearly separate from other urban areas, and is also visible as an entity in the landscape from surrounding areas and from several approaches.

Council's decisions for development in Morpeth have largely contained development within the curtilage set by the 1840s town plan.

The town plan was influenced by two major factors – the river and Lt Edward Charles Close's theories of town planning. The block structure planned in the 1840s remains evident. The original planned street hierarchy is also still evident with three major roads and two service lanes in an east-west orientation and five major roads in a north-south orientation. The development pattern and original street layout by Close was simpler than the pattern now in existence. However, the fundamental hierarchy and alignment clearly remain today. The curtilage of Morpeth is informed by the 1840's blocks and the original road layout.

Morpeth is described as a distinct urban entity in a rural landscape. This is a fundamental quality of the township and its heritage significance. Despite some minor encroachment into the rural buffer from the southwest, the town remains distinctly surrounded by a rural, open space buffer. Only minor departures from the four block layout have occurred. However, these minor departures along Duckenfield Road, Brisbane Fields Road and Morpeth Road have significance in themselves as the main historic routes into and out of the township. It is logical that development extended along these routes.

The Edward Street site is located on the edges to the town curtilage and is located on the south-eastern route (Duckenfield Road) into and out of the Morpeth township. It is clear that Morpeth is separate from other urban areas, however it is questionable whether Morpeth in its current form today, has a clearly defined edge, as development has encroached on the periphery of the town edges, along key historic routes into and out of the town. (Refer orange highlighted areas in Figure 1).

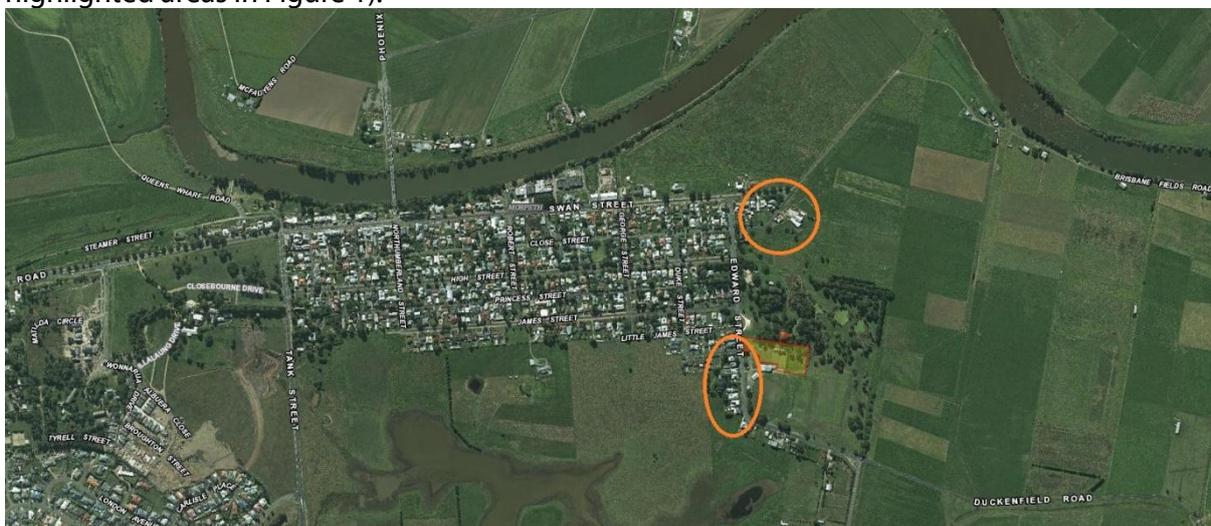


Figure 1: Aerial view of Morpeth township, highlighting in orange, deviations in the township's edge.

The document identifies *the key conflict between heritage assessment relates not to whether the site should or could be developed, but rather to whether the site should be developed for a more historically relevant use.* The document provides justification regarding the sites' history as containing residential development and its consistency with surrounding modern residential development. It identifies that the site does not have a direct relationship with surrounding rural lands or the river and does not contribute towards the 'green belt'. This justification appears to be appropriate and consistent with Council's MUSS and the Morpeth Management Plan (MMP). While recreational land has historically surrounded the site, the placement of residential development that is suited to the scale and density of surrounding residential land is not opposed.

Any future residential development needs to respect the scale and nature of existing residential development surrounding the site in order to maintain the heritage values of Morpeth. Residential development is consistent with the character of the surrounding area. Suitable design elements could be developed to ensure that the interface with the adjoining public recreational lands is addressed.

B2.6 Consistency with the Principles and Application of the Morpeth Management Plan

The Morpeth Management Plan was developed by Council to inform the current heritage provisions in Council's LEP and DCP as they relate to Morpeth. Key elements of the MMP were addressed by Council as they relate to the site. An evaluation of each of the key elements are provided below:

B2.6.1 View Corridors

The document identifies a number of reasons why the Edward Street site does not form part of significant view corridor sharing. The fact that over the years a number of developments including screen plantings and fencing has effectively screened the site from view from the public reserve lands, from Hinton and surrounding rural lands shows that this key element should not limit consideration of the site for future residential development. It is evident that no view corridors from Morpeth can be recognised over the site.

B2.6.2 Town Footprint

The document has recognised the structure and original town layout of Morpeth, however has also identified the highly trafficked routes into and out of the township. The document recognises this as having heritage significance and that the edge of the Morpeth township extends beyond Edward Street and along Duckenfield Road. This position is supported as detailed in Section B2.5 above.

The document identifies that the street hierarchy will not change as a result of the Edward Street development and that the proposal will complement the historic layout of the town. It is also identified that the residential use of the site is consistent with the historic distribution of land uses within the town. This position is supported as although the site adjoins recreational land uses, it appears that the site once had a dwelling which existed on Edward Street at the frontage to the site until the early 2000. This is consistent with other residential development that has occurred in Edward Street. It is further noted that the town is not characterised by perimeter roads and development has occurred on both sides of the road network. It is supported that the proposal is consistent with the pattern of development within Morpeth and the current town footprint.

B2.6.3 Rural Setting

The Morpeth Management Plan (MMP) seeks to retain and protect the rural land uses surrounding the township. The key values are the views and visibility of rural surrounds, historical features and the character of the floodplain. The document identifies that the Morpeth Bowling club site is not zoned rural, but RE2 Private Recreation under the Morpeth LEP 2011. The site has a history of development and does not reflect the characteristics of open rural lands. This position is supported, as the site contained the built structure of the bowling club building and surrounding recreational buildings are also in keeping with the recreational

use of the land including the Common Keepers Cottage and Morpeth Sportsground grandstand. It is also supported that the site is isolated from rural surrounds and is well screened from view.

It is noted that the current zoning enables a range of intensive land use including serviced apartments, hotel and motel accommodation. The proposal for seniors housing is supported, noting the range of permissible land uses for the site.

It is identified that the rear of the site falls away to the Common and the document is mindful of the need to restrict development from extending down the hillslopes to the adjoining floodplain and ensure that it does not give the appearance of sprawl from the township down into the floodplain. The proposal is identified as being consistent with this approach.

Any future development of the site is unlikely to be directly visible from outside the township and measures need to be put into place to ensure that the development is restricted from extending down the hillslopes to the floodplain.

B2.6.4 Retain and Restore the historic landscape character of parks, and develop parks and maintain in good condition.

Position agreed, these matters are not relevant to the subject site as the site does not form part of the Morpeth Common ground.

B2.6.5 Consideration of impacts on the Morpeth Common/ Ray Lawler Reserve

The document recognises that the MMP aims to ensure that nearby uses have minimal impact on the Morpeth Common / Ray Lawler Reserve. The MMP does not prohibit or restrict any development from occurring on the site or suggest that the land should be retained for recreational uses. The document also identifies that the Plan of Management for the Morpeth Common recommends dense plantings to screen the bowling club from the Common.

It is supported that any future development of the bowling club site can be effectively screened by vegetation from the Morpeth Common, however it is recommended that Council include suitable criteria in the Morpeth DCP to ensure that any future development of the site is landscaped and there is minimal impact on the public recreational lands.

B2.6.6 New Development within Morpeth

The document identifies that the MMP describes the town as containing two distinct precincts, the shopping/business area and the remainder of the town which is predominantly residential. The character of each area should guide the form of new development. The subject site is clearly located within the outskirts of the existing residential precinct of the township. It is supported that the redevelopment of the site for residential development will be guided by Council's plans, policies and strategies and that a suitable outcome can be achieved on the site.

B2.7 Consistent with the Lower Hunter Regional Plan

The document identifies that the proposal is consistent with the Lower Hunter Regional Plan. The Plan ensures that the development opportunity in providing seniors housing in established urban environments which have access to community facilities, services and infrastructure to retain social networks does not compromise the existing heritage values of the Morpeth township. Consistency with the Lower Hunter Regional Plan is supported. There is a recognised need to provide seniors housing accommodation in the Morpeth community and the future development of the site is unlikely to compromise the heritage qualities and values of the township. View corridors, views to and from existing heritage items and approaches to and from the township are unlikely to be obstructed by the proposal.

B2.8 Consistency with the Draft Hunter Regional Plan

Similar to the above, the review request identifies that the proposal is consistent with the Draft Hunter Regional Plan. This position is supported, the proposal will contribute to providing smaller housing options which will be an important source of new housing in the Morpeth township for the future.

B2.9 Cumulative Impacts

Council has consistently applied the provisions of the Morpeth Management Plan (MMP) and the Morpeth Local Environmental Plan (MLEP) 2011 for the subject site. The view that the

development of the site is not considered to be an expansion of the boundaries of the township is supported. The land is not rural land and is contained within the Morpeth township. The zoning of the site permits a range of permissible land uses, many of which could result in a higher density and built form than the proposal for a low scale seniors housing development. It is unlikely that the proposal will set precedence for further development around the fringes of the Morpeth township, noting the zoning of the site and the permissible land uses permitted in the RE2 zone.

Conclusion

BOSKAE Environmental Planning has been requested by Council to provide a peer review of the *'Morpeth Planning Proposal 24 Edward Street Morpeth, GATEWAY DETERMINATION REVIEW' August 2016*. This review has independently assessed the above document and it is concluded that the assessment of the bowling club site in Morpeth is consistent with Council's planning framework and the planning proposal should be subject to further review. Support of the proposal is unlikely to create an undesirable precedent due to the unique circumstances applicable to the site. Provided suitable design controls are applied, the proposal is considered to be consistent with the Morpeth Management Plan and other Council planning policies relevant to the locality. The planning proposal should be supported by the Department of Planning and Environment in its Gateway Review Determination.