

Morpeth Planning Proposal

24 Edward Street Morpeth

GATEWAY DETERMINATION REVIEW



August 2016

MORPETH PLANNING PROPOSAL – Gateway Determination Review

Request for amendment to Maitland LEP 2011

Prepared by Morpeth Land Company Pty Ltd

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PART A

A1 APPLICANT

Maitland City Council is the applicant for the Gateway Review. This report has been prepared in support of the Council's Gateway Review application.

A2 SITE DETAILS

The site is now identified as Lot 721 DP1217690 No. 24 Edward Street Morpeth.

At the time of the lodgement of the Planning Proposal, the site was identified as Lot 72 DP755205 No. 24 Edward Street, Morpeth. The land has recently been subdivided in conjunction with the redevelopment of part of the site. A copy of the current Deposited Plan is provided in **Appendix A**.

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

The land is zoned RE2 Private Recreation under the provisions of Maitland Local Environmental Plan (LEP) 2011.

The site is currently vacant. Part of the site has been redeveloped since the lodgement of the planning proposal and is now occupied by a childcare centre, "Joeys Pre-school and Early Learning Centre".

The land is the site of the former Morpeth Bowling Club, which included two bowling greens, a restaurant and licensed premises. Due to a decline in lawn bowls and increasing operating costs, the Morpeth Bowling Club ceased to operate on the site in 2011. The land had been utilised as a bowling club since 1940. The clubhouse had been boarded up and was subject to vandalism.

The adaptive reuse of the former bowling club for a childcare centre and associated parking was approved by Council in October 2015 on part of the site which has since been subdivided. The childcare centre has recently commenced operating.

PART B

B1 REASON FOR GATEWAY REVIEW

The original Gateway determination was made by a delegate of the Minister. It was determined that the planning proposal should not proceed due to inadequate information in relation to heritage and consistency with the Lower Hunter Regional Plan.

B2 THE PLANNING PROPOSAL

The Department's Reference Number is PP_2016_MAITL_003_00

The land is located within the Maitland Local Government Area.

B2.1 Description of Proposal

The planning proposal seeks to retain the RE2 Private Recreation zoning and seeks the inclusion of an additional use to permit seniors housing on the land.

The objective of this planning proposal is to be achieved through the amendment of Clause 2.5 of Maitland LEP 2011 to include the additional permitted use in Schedule 1 of Maitland LEP 2011.

The planning proposal seeks to provide self-contained housing for seniors or people who have a disability. Seniors are generally defined as people aged 55 or more years.

Seniors housing is a form of residential accommodation and is defined by MLEP 2011 as follows:

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

B2.2 LEP to be Amended by the Planning Proposal

Maitland LEP 2011 (Standard Instrument)

B2.3 Justification for Gateway Review

The Gateway Determination was issued on 9 June 2016. It was determined not to support the planning proposal at this time 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).

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

A meeting was subsequently held with the Manager and relevant officers of the Hunter and Central Coast Regional Office of the Department of Planning and Environment on 6 July 2016 to discuss the options and the process for a Gateway Review.

The decision of the Gateway Determination was reported to Maitland City Council at its meeting of 26 July 2016 for information and consideration of the option for a Gateway review.

Council resolved the following:

THAT:

1. *Council note the decision of the Department of Environment and Planning to refuse the gateway request for the planning proposal to permit seniors housing as an additional permitted at 24 Edward Street Morpeth.*
2. *Council request a review of the gateway determination for Edward Street Morpeth by the Joint Regional Planning Panel.*

Based on Council's original decisions to include the land as an urban infill and extension site in the Maitland Urban Settlement Strategy (13 October 2015) and to support the planning proposal at their meeting of 8 December 2015, Council have decided to request a gateway review to enable the development of the site for seniors housing. The recommendation to enable seniors housing and support the planning proposal was confirmed by an independent planning consultant.

A review of the Gateway Determination is requested to enable additional and supporting information to be provided in response to the matters raised, and to clarify Council's position with regard to the continued assessment of development proposals within Morpeth. The determination indicated that the matters could be clarified and resolved. The meeting with the Department suggested there was some confusion in the assessment of the information provided due to conflicting opinions on heritage.

Supporting information to address the concerns raised in the Gateway Determination are discussed in the following sections.

B2.4 Status of Council Reports

There appears to be some confusion in the status of the reports considered by Maitland City Council and the Department of Planning and Environment in relation to this matter.

A summary of the reports are as follows:

1. A planning proposal was lodged with Council on 16 December 2014 for the rezoning of 24 Edward Street Morpeth to residential. This proposal was withdrawn and has no status.
2. A formal request to amend the MUSS was lodged with Council in June 2015, notwithstanding that the matter had previously been addressed in the planning proposal, to ensure that the proposal remained consistent with Council's long term strategies and directions.
3. Council Officers report dated 22 September 2015 (Item 9.7) was withdrawn and not considered by Council. This document has no status and cannot be considered.
4. Council Officers report dated 13 October 2015 (Item 10.4). Council resolved to include the site 24 Edward Street Morpeth as an urban infill and extension site in the Maitland Urban Settlement Strategy, and that a further report be presented to Council in relation to the planning proposal for the site.
5. A revised planning proposal was lodged with Council on 29 October 2015 to retain the private recreation zoning and seek the inclusion of an additional use to permit seniors housing on the land.
6. Council Officers report dated 8 December 2015 (Item 10.5). Council resolved to forward the planning proposal for 24 Edward Street to the Minister for Planning requesting a gateway determination.
7. Council Officers report dated 22 March 2016 (Item 10.3). As part of the Annual Report of the MUSS, Council again endorsed the inclusion of the site, amongst others, as an urban extension site in the Maitland Urban Settlement Strategy. In accordance with Council's resolutions the subject land has been included in the MUSS as an urban extension site. The strategy has been updated to reflect these decisions.

In conjunction with the assessment of this planning proposal a number of heritage assessments have been prepared and considered.

1. EJE Statement of Heritage Impact dated October 2014. This report supports the development of the land for residential purposes.
2. Richard Lamb and Associates (RLA) Statement of Heritage Impact Peer Review dated 20 May 2015. The report concluded that the rezoning does not demonstrate that the potential impacts of rezoning of the Edward Street site would not lead to significant impacts on heritage values.

This peer review raised concerns with the residential subdivision of land and the extension of the historic road layout and grid pattern of Morpeth. There was also confusion that the land formed part of the Common grounds and should be retained for recreational purposes. These concerns were recognised (in part) and the PP was amended to retain the current recreation zoning and allow an additional use for seniors housing on part of the land.

Concerns were also raised that the land did not form part of Council's settlement strategy. The Maitland Urban Settlement Strategy allows Council to consider rezoning urban infill and extension sites adjoining urban areas that meet the specified criteria identified within the strategy, on their merits and outside of the review cycle of the MUSS. Council acknowledged that the land does not need to form part of the MUSS for a rezoning to be considered. The relevant criteria was addressed in the planning proposal as part of the request to rezone the land. The site satisfies the criteria and the principles of the MUSS.

3. Richard Lamb and Associates (RLA) Visual Impact Statement Peer Review dated 20 May 2015 (Swan Street site). This report supports the subdivision of the Swan Street site.
4. EJE Response to Peer Review of Statement of Heritage Impact dated July 2015. This report determined that, subject to design, the land can be developed for residential housing without having a significant impact on the heritage values of Morpeth.

Whilst there are contrasting views in relation to heritage, Council has consistently supported the development of the land.

The proposal is consistent with the criteria of Council's MUSS, to provide a higher priority to the development of lands in locations that are contiguous to existing urban areas and can be easily serviced, are unconstrained, and represent an effective utilisation of land. The development is considered to contribute to the Morpeth community with the provision of affordable seniors housing in a popular location.

B2.5 Compatibility with Heritage Values of Morpeth

Morpeth is recognised as having qualities of State, regional and local heritage significance. The character of Morpeth is derived from its history as a privately founded town and a major river port.

The key heritage qualities of Morpeth generally are:

- As an 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 approach roads.

The land is located within the Morpeth Heritage Conservation Area (HCA) which is identified as having local significance in Schedule 5 of the MLEP 2011. There are no listed items of heritage significance on the subject land.

The heritage values of Morpeth are currently recognised by Council through a number of documents, in particular the Maitland LEP 2011, Maitland Citywide DCP, and the Morpeth Management Plan (MMP).

Council's policies have continued to protect Morpeth's heritage significance and consider all development on a case-by-case basis, whilst considering the cumulative impacts of development in Morpeth.

Under the current land use zone, the land can be developed, with consent, for uses including a childcare centre, hotel or motel accommodation, serviced apartments, camping grounds and caravan parks, being uses compatible with the recreation zoning of the land. While the registered bowling club was operating on the land, seniors housing was also a permissible form of development permitted use on the land.

Until recently, the land had been occupied and utilised as a privately operated bowling club in its current form for the past 45 years when the new club building was constructed. The land has historically been zoned as private recreation as a reflection of the land use of the site.

A number of development approvals have been issued over the site since the preparation of the Morpeth Management Plan, the recognition of the boundaries of the Morpeth Conservation Area, and the adoption of Council's DCP for Morpeth. One approval related to the significant expansion and redevelopment of the club including a function room and licensing for almost 600 patrons, with the building being built to the front and side boundary and two-storey in elevation in part.

The bowling club building has recently been refurbished for a childcare centre. The building is entirely fenced and landscaped to provide for outdoor play space and car parking. The residue part of the land on which the bowling greens are located is the subject of future development.

The land has not historically been set aside for open space or recreational purposes, or precluded from development on heritage grounds.

Richard Lamb's heritage peer assessment (RLA 2015) notes that Morpeth's character has been derived from on-going settlement processes including 'overlays of different historic periods of development, and the arising constraints and opportunities, onto the physical and biological landscape'. The layout of the town and the distribution of land uses still remains today. Council's policies have continually recognised the land use activity and buildings associated with the (former) Morpeth Bowling Club on the site.

Council has considered the compatibility of seniors housing on the site with the heritage values of Morpeth. There were a number of heritage assessments prepared as part of the initial investigations of the site, both by the applicant and by a Council appointed independent heritage advisor.

It is acknowledged that heritage issues are subjective and there are varying expert opinions on the approach to development such as whether to mimic the existing pattern of development. This is the case for this site, and other sites throughout the various conservation areas around Maitland.

The key conflict between the heritage assessments 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.

Council recognises that the Edward Street site has formed part of the town curtilage and has contained development including a residence, and contributed to the character of the town. This approach is consistent with the heritage assessments for the Swan Street site which also historically contained development. The historic development was not of a residential nature but the redevelopment of the land for residential development was deemed to be consistent with the nature of the surrounding area.

Council supports the redevelopment of the Edward Street site for a residential purpose consistent with the character of the surrounding area which comprises relatively recent residential development.

Whilst it adjoins the public recreational grounds it does not have any direct relationship with the surrounding rural lands or the river. It does not form part of, or contribute towards, the "green belt". Council has determined that the site is not identified or required to be acquired as a public asset for public recreation purposes.

The development of the site is not determined to extend the grid pattern of settlements or significantly impact upon the layout or general distribution of land uses within the township. The development can be considered to be consistent with the character of the area. The design elements of any development will be required to address the interface with the adjoining public recreational lands.

It is considered that an integrated development upon the site, considered in conjunction with the planning proposal will provide for more control of the resultant development.

The heritage values are further considered in relation to the principles of the Morpeth Management Plan (MMP) in the following sections.

Council's peer heritage assessment in relation to the Swan Street site recognises that the residential provisions within Council's DCP will assist with ensuring a compatible and sympathetic design outcome for the site. Any future development application for the subject land will address the relevant urban design characteristics consistent with the Morpeth DCP Chapter to maintain the heritage values of Morpeth.

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

The MMP is a strategic document which was prepared to recognise the heritage qualities of the Morpeth township, and covers a broad range of matters including provision of infrastructure such as street furniture, signage, and kerb and gutter, as well as principles for design of development and treatment of building works.

The MMP has been used to inform the current heritage provisions in Council's LEP and DCP as they relate to Morpeth. The conclusions and recommendations of the MMP appear to have consistently been considered and applied to development within Morpeth to retain the heritage values of the town and manage growth whilst enabling some opportunities for redevelopment without significant expansion.

The overarching principles of the MMP which are relevant to the planning proposal are:

- Understanding and sustaining Morpeth's heritage and character
- Protecting local amenity, village character and community life

Morpeth's heritage significance is strongly informed by the layout of the town including its blocks and streets and also its rural setting, focussing on the retention of the rural land and green belt surrounding the township.

The key elements of the Morpeth Management Plan which relate to the site include the following:

- Protection of view corridors from within the township and approaches
- Town footprint – size and shape and layout
- Separate entity in the landscape
- Historic landscape character of parks
- Impact on the Morpeth Common

These matters are addressed in the following section.

1. View Corridors

The MMP states that “the visibility of the rural surrounds comes from the elevation of the town above the rural surrounds, from views along streets and from gaps in buildings” (Section 4.3.4). The views are to be recognised in Council's DCP by a views map. Consideration should be given to limit development that may impact on views to and from the town along approach roads, and views from within town to rural surrounds.

These principles were adopted by Council's DCP relating to Morpeth as required and were addressed in the planning proposal.

The site is identified on the map of “Prominent views and viewsapes to and from the town” (MMP 2000 and DCP 2011). No view corridors from Morpeth are recognised over the site. The site is identified however as forming part of the view corridor from Hinton on this map. Due to substantial plantings within the Morpeth Common, the site is not visible from Hinton (**Appendix B – Photo 1**). The RLA Heritage Peer Review confirms this.

A number of other construction works in the vicinity of the site have further reduced its visibility from the rural surrounds such as the refurbishment of the bowling club building including fencing and landscaping, and the recent construction of the Morpeth Mens Shed located within the grounds of the Morpeth Common/Sportsground) (**Appendix B**).

A POM was prepared for the Morpeth Common – Ray Lawler Reserve by Council (1995) which recognised the presence of the bowling club and specifically required the screen planting of the bowling club from view from the public reserve lands. This has been undertaken with the vegetation well established around the site and the club effectively screened from view of the Morpeth Common wetland reserve. Part of the site remains visible from within the sportsground. A telecommunications tower has been constructed in this location in the south eastern corner of the site. The treatment of fencing and landscaping can be designed to manage this area.

Council has recently supported a similar planning proposal for development along Swan Street to rezone land from a rural to residential land use zoning. The extensive view corridors across the site were considered to be an unreasonable control on a site that has had extensive development on it in the past. The RLA Heritage peer review for the Swan Street rezoning suggested that intensive development on the site has not occurred because of the existing zoning applied to the site.

The Edward Street site does not form part of the significant view corridor mapping.

2. Town footprint

Within the township of Morpeth, the town is structured around the original town layout of 4 blocks with a clear street hierarchy. The footprint and street pattern has not changed significantly in this time period. New development has focussed on redevelopment along the town edges on the elevated land and the resubdivision of the internal lot layout. Laneways have been developed and redevelopment of large lots has occurred over time and created infill development opportunities. The MMP recognises that 60% of all dwellings within the town have been constructed since 1950.

The spill of development has also occurred along the highly trafficked routes into and out of the township. Council has recognised this as having heritage significance in itself as it acknowledges the route to the Hinton Ferry that no longer exists. The EJE heritage assessment provides that Edward Street does not represent the eastern boundary of the town of Morpeth, and that the existing layout includes historic and post-War development along Edward Street, and along Duckenfield Road to the south.

Carefully considered new development within the town and surrounds has enabled new residents to move into the locality, and support the revitalisation of shops and services within the town, the renovation and reuse of heritage buildings, and facilitated the revitalisation of the town through tourism.

The street hierarchy will not change as a result of the development of the Edward Street site. No new roads are proposed. The site will continue to obtain a single direct access from Edward Street as currently exists, as with other development along the approach roads and within the town structure. The development of the site will complement the historic layout of the town without artificially replicating the urban pattern (EJE 2014).

The Morpeth township contains identified precincts of residential, commercial, industrial, river and rural precincts. The development of the site for a residential purpose (being seniors housing) is consistent with the historic distribution of land uses within the town.

Whilst the land is identified for recreation primarily as a result of its previous land use, it adjoins the residential precinct and has always had extensive development on it and been recognised as containing built form. A dwelling existed on Edward Street in the front of the site until the early 2000s and the bowling club has operated on the site since the 1940s up until 2011. The current zoning enables a range of intensive land uses including serviced apartments and hotel and motel accommodation.

The heritage assessments recognise that development can occur on the site and did not seek to prevent further development. The conflicting advice related to whether that development should reflect the historical recreational land use. Ultimately, both developments will result in built form upon the site. Seniors housing development is supported on the site as a means of providing a more sensitive and compatible building design. In this respect, the location and appearance of the built form upon the site can be addressed in conjunction with the development application for the site. The RLA assessment recognises that, in relation to the Swan Street development, *“the controls for residential development in the MDCP which in our opinion are appropriate and sufficient to ensure the existing and desired future character of the immediate and wider context is protected and enhanced.”*

The EJE heritage assessment provides that “the layout of the site lends itself to the implementation of design parameters that ensure minimal visual impact on the surrounding precincts and views, or on the historic settlement pattern of Morpeth” (EJE 2014).

The fundamental street hierarchy, alignment and curtilage of the town will remain with development occurring on the elevated part of the site and along one of the main five north-south roads and the main route into and out of Morpeth to the south east. Development will not obscure views from the street axis or be obtrusive in the streetscape. Other residential development has occurred along the eastern side of Edward Street, on privately owned land also adjoining the Morpeth Common grounds, where the land is not constrained by flooding.

There are no other unconstrained lots in this location and minimal opportunity for additional development. The town is not characterised by perimeter roads and development has occurred on both sides of the road network within Morpeth, with the exception of gaps to maintain view corridors where relevant.

Consistent with this assessment, the development of both this land and the Swan Street site are supported as they are both located on a main axis of the street layout and are considered to be consistent with the pattern of development of Morpeth and the established town footprint.

3. Rural Setting

The MMP recognises the importance of the rural surrounds to Morpeth. The MMP seeks to retain and protect the rural use of surrounds. To achieve this the MMP recommends retaining the rural zoning around Morpeth. Typically the rural zoning has reflected the natural characteristics of the land and the flood constraints.

The key values identifying this area are the views/visibility of the rural surrounds, and historical features and character of the floodplain – including the path of the river and river cut-offs, barns, older houses and other buildings on earth platforms, remnant fences, and the levee banks. These principles are also adopted by Council’s DCP.

The Morpeth Common and sports ground, bowling club site, and the surrounding rural land is mapped within the DCP as part of the Rural Outskirts Precinct. The DCP states that the “rural outskirts precinct defines the edge of the town as located on a natural ridge above the river and surrounding flood prone land”.

The DCP states that “the specific character of this precinct is defined by its open rural nature that supports predominantly open pasture. The only buildings associated with this land are isolated barns and rural dwellings and those associated with the Morpeth Sportsground in the form of the grandstand and adjacent Morpeth Bowling Club.”

The subject land is not zoned rural. The land is zoned RE2 Private Recreation under the MLEP 2011 which reflected its established land use as a private recreational facility and as such it was identified as part of the “recreational space”. It has been privately owned since the 1940s and does not form part of the Morpeth Common grounds or the sportsground. It has operated as a bowling club and licensed premises until 2011.

The site has had a history of development and does not reflect the characteristics of the open rural surrounds supporting predominantly open pasture, barns, remnant fencing, the floodplain, and river cut-offs. The MMP has always recognised that the previous bowling club operations and its built form existed as an additional use within the rural surrounds, along with the caretakers dwelling at the front of the site.

The site forms part of the elevated land within the township. The rear of the site falls away to the Common and is proposed by the applicant to be retained as open space. Council has consistently restricted development from extending down the hillslopes to the floodplain. The proposal is consistent with this approach.

The site is partly developed, isolated from the rural surrounds, and generally screened from view. The development of the site will not be directly visible from outside of the township. Any development will not give the appearance of sprawl from the township down into the floodplain and detract from the appearance of Morpeth as a separate entity in the landscape. A ‘green belt’ will continue to surround Morpeth and the distinctive edge will be maintained.

The MMP recommended the conservation of the Common Keepers Cottage at the front of the site (Council owned land) and to make viable as a residence again. Following assessment and rehabilitation works on the cottage, advice was to be sought in relation to its occupation for a compatible use including the option for a long term lease for use as a private dwelling. The dwelling has since been demolished.

Other dwellings are located on the privately owned land along Edward Street, also adjoining the Morpeth Common grounds to the north.

The impact from flooding and land use zonings, and ownership, have restricted further development along Edwards Street. As a result of such constraints, the town will continue to remain distinctly surrounded by a predominantly rural open space buffer. There are no other unconstrained lots in this location.

4. Retain and restore the historic landscape character of parks, and develop parks and maintain in good condition.

These matters are not relevant to the site. The land is privately owned and adjoins but does not form part of the Morpeth Common grounds. It has been held in private ownership since the 1940s. It has always been recognised as containing development.

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

The Plan of Management for the Morpeth Common, referred to as the Ray Lawler Reserve, acknowledges the presence of the bowling club on the land and recommends dense plantings to screen the bowling club from the Common.

The MMP aims to ensure that nearby uses have minimal adverse impacts on the Morpeth Common/Ray Lawler Reserve. It suggests the inclusion of criteria in Council's policy documents (LEP/DCP) for any new building on or near the bowling club site to be unobtrusive and to consider the appearance and impact on the reserve.

These matters can be adequately addressed through design. The rear of the site which adjoins the Morpeth Common is not proposed to be developed and will be retained as open space. The development site can be fenced and landscaped to maintain privacy and minimise any significant impacts upon the public recreational lands.

The previous bowling club building has had numerous approvals from Council since the preparation of the MMP and the Morpeth DCP (prior to MDCP 2011) for extensive upgrade works and extensions, and also approvals for filling and car parking areas within the site.

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.

6. New development within Morpeth

At the time of preparation of the MMP 2000, the town of Morpeth was considered to be generally fully developed. Council has supported new development within Morpeth and its surrounds, consistent with the adopted policies. This has contributed to the revitalisation of the town and the provision of new shops and services to support both the local residents and the tourism industry.

The MMP states (section 4.1.3) that "the preferred form of new development relates to the character of the surrounding streetscape, both within the immediate area and within the town as a whole". The town is described as being generally divided into two precincts: the shopping and business area, and the remainder of the town which is predominately residential in character. "The characteristics of each area should guide the form of new development" (MMP 2000).

Morpeth has a pattern of continuous infill and some redevelopment. The Morpeth Management Plan states that "more than 60% of the houses in Morpeth have been constructed since 1950. In most streets there is variety in the age of dwellings. The town may be considered as many different clusters of buildings, ranging in size from only a few allotments up to a few blocks. Each area has its own unique characteristics, but is also part of the overall town character." The MMP also states that new development should not mimic the historic details, but rather fit into the general form so as to blend with the surrounding streetscape. *"One means of achieving this is to set the new development further back on the site than the surrounding development, perhaps with appropriate screening, so as to be unobtrusive within the streetscape"* (Section 4.1.3 MMP).

The development of the site is consistent with this approach. The design of any future development of the site will aim to minimise the impacts on the local streetscape.

The plans, policies and strategies relating to the site identify key principles for future development upon the land. New buildings are not to obstruct streetscape views of buildings constructed before 1949. Alterations and additions to buildings are to retain gaps between buildings on adjoining allotments to maintain existing views to other parts of the town and to the surrounding rural areas.

Single storey dwellings are preferred to maintain low density characteristics, and provide a single building mass to the street frontage. Development is to be set back from the street and include screen planting / landscaping for amenity, retaining views where necessary, and to minimise the impact on the streetscape. The design should address the appearance of the development from the reserve.

These matters can be considered in the future design of development upon the site. The concept development is proposed to have a single storey dwelling fronting the street and set back from the front boundary behind the established fig trees (approximately 15m). Fencing and landscaping associated with the existing childcare centre will reduce the impact of any development from the streetscape. A copy of the concept plan is provided in **Appendix C**.

An established access currently services the site and will be utilised for any future development. The entrance to the Morpeth Common and park facilities is located further to the north of the site at a much lower elevation and will not conflict with the site.

The redevelopment of the site is consistent with the re-subdivision of existing lots and new development located within the village. Other than the grandstand associated with the adjacent sportsground, there are no Items of Heritage Significance located within close proximity of the site. The development of the site will not conflict with any views to listed heritage items or landmark buildings.

There are no specific requirements within the LEP or DCP addressing potential future development on the site. All development is considered on its merits. Regardless of the type of future development on the site, this eastern part of Morpeth will remain clearly separate from the other adjoining urban areas (Tenambit, Raworth, Berry Park and Chisholm) and will retain clearly defined limits due to the public ownership of land and flood constraints.

B2.7 Consistency with the Lower Hunter Regional Plan

The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing needs of the Region. It plans for the provision of sufficient new urban lands to meet strong demands for growth.

The Lower Hunter Regional Strategy (LHRS) supports more compact settlement for housing to be provided within or adjacent to existing urban areas and centres. It also encourages the provision of a wide range of housing choices to provide for different needs and different incomes, including smaller, lower maintenance homes and affordable housing opportunities.

The LHRS requires that “all places, precincts and landscapes of cultural heritage significance in the Region are identified and protected in planning instruments”. The Morpeth Heritage Conservation Area is identified as having local significance in the MLEP. The guidelines for development within this area are provided by Council’s DCP for Morpeth.

The LHRS requires that “development opportunities created by land use zonings and densities are compatible with the underlying heritage values of the place”. The site may be developed having regard to the principles of the MMP, LEP and DCP in relation to future development within Morpeth without compromising the heritage qualities and values of the township. It will not obstruct any identified view corridors, views to or from any items of heritage significance, or the approaches to or from the township. It is located on elevated land adjoining the established residential precinct on a main axis of the town. It will not contribute to the appearance of town sprawl, or the visible appearance of the town as a distinct and separate entity surrounded by low-lying rural land. It has continuously contained built form and future development of the site is not discouraged. The PP seeks to provide seniors housing accommodation for which there is a recognised need in the community.

It is well documented that Australia has an ageing population. The Lower Hunter is characterised by a population which is older than, and continuing to age at a rate faster than, the NSW average (LHRS 2009).

There are a number of national and regional strategies being developed to assist with and encourage “Ageing in Place”. The provision of assisted living housing provides a choice of housing for seniors which suits their needs for the future and enables them to age in place. It enables them to continue to live independently within their local area, reduce their dwelling size and lower their costs, and provides security and assistance with maintenance.

The development of the site for seniors housing can provide alternative housing opportunities in an established urban environment with access to established community facilities, services and infrastructure and enable residents to retain social networks.

There is a community benefit in developing underutilised land in an established urban area on unconstrained land, with access to existing public services and facilities and public transport links. The site is suitable for more intensive development and provides for the most efficient use of resources in this location.

The development of the site is consistent with outcomes of the LHRS to focus development in existing urban areas, and to provide housing choice to reflect the changes in population and occupancy rates. The development of the site is unlikely to compromise the heritage values of the township given that other forms of development are permitted and could be developed upon the site.

B2.8 Consistency with the draft Hunter Regional Plan

The draft Hunter Regional Plan supports the growth and diversification of multiple centres and a greater mix of housing types to meet changing demand.

It recognises that delivering infill sites and renewing established residential areas will be an important source of new housing. The development of sites that have previously accommodated non-residential uses is recognised as a means of achieving this.

Council has included this site as an urban extension site within the adopted Maitland Urban Settlement Strategy, recognising that this site is capable of being developed for residential purposes. The PP seeks to restrict the development of the site to provide for seniors housing.

The growth in the number of single or couple-only households is significant and is set to continue. This is contributing to a strong growth in demand for smaller dwellings. The provision of smaller housing options will create opportunities for the redevelopment and revitalisation of established dwellings in existing residential areas.

The efficient delivery of housing and infrastructure will benefit all residents and boost economic activity and jobs growth.

B2.9 Cumulative Impacts

The provisions of the MMP, DCP and the MLEP towards development both within Morpeth as a whole and towards development upon the subject site have been given proper and due regard in the preparation of the Planning Proposal.

The development of the site is not considered to be an expansion of the boundaries of the Morpeth township, but rather as an extension of the residential land use zoning within Morpeth. As previously identified, the subject land is not zoned rural and does not form part of the agricultural or floodplain lands surrounding Morpeth. The land has always been identified as part of the village footprint containing existing built form. The land has the benefit of the RE2 zone which permits a range of built form uses and significant development potential.

It is considered that seniors housing is a suitable use of the land, and more appropriate than many of the higher density uses currently permitted under the RE2 zone.

The development of the land as part of an integrated design is compatible with both the surrounding residential and recreational land uses, is not inconsistent with the locality, and will not impact on the use of, or access to, the adjoining public recreational lands. It will provide the opportunity for affordable housing and a variety of housing in an aesthetic setting, with access to established services and infrastructure, and without significant environmental impacts.

In relation to the rural zoned surrounds of Morpeth, arguments have been put forward over the years for the expansion of the boundaries of the township of Morpeth. Consideration should be given to this at a strategic level to determine the potential for this to occur and to minimise ad-hoc development of the rural zoned land surrounding the township. These boundaries have typically reflected topographical features and view corridors, along with the established road layout and grid pattern of the township.

These matters could occur as part of a review of the Morpeth Management Plan as suggested by the NSW Planning and Environment, following the progression of the two current planning proposals (Swan Street and Edward Street) currently under consideration.

B3 CONCLUSION

The planning proposal aims to provide for flexibility in the planning and design for the redevelopment of the land, consistent with the surrounding urban area. The land uses permissible within the current zoning, by their nature, do not allow for quality urban design sympathetic with the principles of the village of Morpeth.

The site is not part of either the publicly owned Morpeth Common grounds or the rural floodplain or agricultural lands surrounding the township. It is not rural zoned land and does not form part of the rural surrounds, nor does it have the characteristics of the surrounding farming land.

As with the commercial and industrial precincts surrounding the township, the Edward Street site was always individually recognised and has always formed part of the built environment of Morpeth. Whilst there are no specific controls in place for the development of the site, it has not been precluded from development due to its location.

The planning proposal or subsequent development of the site is not considered to significantly impact upon the collective heritage qualities of Morpeth, the conservation area or any items of heritage significance. The key conflict is the development of the land for a residential purpose rather than development for a recreational purpose. In this regard, it needs to be acknowledged that residential uses such as serviced apartments, caravan parks and the like are currently permitted uses under the existing land use zone.

The development of the land will not restrict any public access that was previously available to the general public. The site is not constrained by way of environmental or servicing concerns. Adequate infrastructure and access to services and facilities is available to accommodate the future needs of the site.

The site does not obstruct any view corridors or vistas to or from Morpeth. The site is not visually obtrusive as the land is screened from view from most locations by the established grounds of the Morpeth Common, existing urban development, and mature street trees. Morpeth will continue to be viewed as a separate entity in the landscape.

The residential development in this location is predominately new housing and dual occupancy developments. The development of the land for urban housing will not significantly change the character of the local area.

The MMP does not require any amendment to accommodate the planning proposal or the proposed development.

The proposal is considered to be consistent with the principles of the MMP, Morpeth DCP, and the MLEP. Whilst the Department has requested that Council should consider undertaking a review of the MMP, it is acknowledged however that the overall principles of the MMP are considered to be sound.

The redevelopment of the site will provide the opportunity to introduce new housing choices into the Morpeth township, providing for a range of ages and circumstances, in a highly aesthetic location. Any potential environmental impacts can be mitigated during the design and development phase.

It is requested that the planning proposal be supported by the Department of Planning and Environment for a Gateway Determination.

The DPE Planning Team Report acknowledges that there is an increased level of community interest in development proposals for Morpeth and that this PP would likely generate a high level of community interest. It is requested that the Department enable a gateway to be issued to gauge the level of interest in the proposal.

The applicant has committed to lodging a combined Rezoning and Development Application for consideration in accordance with the provisions of Sections 72J & 72K of the EP&A Act 1979 following a gateway determination.

PART C

There are no donations or gifts to disclose.

