

Our Ref: RZ14007 ((1176759))

Phone Enquiries: 4934 9700
Ian Shillington



03 March 2016

Monica Gibson
Director Regions, Hunter and Central Coast
Department of Planning and Environment
PO Box 1226
NEWCASTLE NSW 2300



Dear Ms Gibson

Re: Planning proposal to allow seniors housing at 24 Edward Street, Morpeth

I refer to the Department's letter dated 5 February 2016 requesting further information on the impact of the Edward Street planning proposal on the heritage values of Morpeth, as well as further information as to how Council will consider the cumulative impacts of recent planning decisions at Morpeth including the Swan Street planning proposal.

As you are aware, development in Morpeth must address the provisions of the Maitland Local Environmental Plan (MLEP) and Maitland Development Control Plan (MDCP). The current MDCP provisions for Morpeth Heritage Conservation Area have been informed by the Morpeth Management Plan, which is Council's overall strategic plan for the management of Morpeth.

Council has resolved to support the use of the site for seniors housing via a Schedule 1 amendment that does not alter the zoning of the site. It is proposed that the compatibility of the seniors housing proposal with the heritage values of Morpeth would be further considered through preparation of a site-specific concept plan that is informed by further detailed heritage assessment of the proposal. This would establish design controls that would apply to the site consistent with the MDCP for the Morpeth Heritage Conservation Area.

The applicant has stated that if a gateway determination is issued, their intention is to lodge a combined rezoning and development application for the site for consideration and public exhibition in accordance with the provisions of Sections 72J and 72K of the EPA Act 1979. To ensure that this occurs, Council request that the Department consider requiring a combined rezoning and development application as a condition of a gateway determination.

The proposed development application (incorporating the concept plan and detailed plans) would therefore be considered concurrently by Council with the planning proposal. The issues to be addressed in the assessment of the development application would include appropriate

development controls for seniors housing and the relationship with the existing club house building being re-used for a child care centre. The development controls would include, but not be limited to, heritage, site coverage, setbacks, building heights, view lines, density, landscaping and other controls that address the issues raised in the assessment of the original residential planning proposal. It is considered that a seniors housing development designed on the basis of such planning controls would address the heritage issues identified in Council's assessment of the proposal. Council propose that the draft planning proposal would be placed on exhibition concurrently with the development application.

As stated in the Council report of 8 December 2015, the proposed LEP Schedule 1 amendment could also specify development controls for the site, such as the number of dwellings permitted. It is noted that the Peer Review by Richard Lamb and Associates did not seek to prevent further development on this site, rather it advocates the re-use of the site for a historically more relevant use than the original residential proposal. The Council report also notes that the planning proposal seeks to reinstate the previous permissibility of seniors housing on the site that was available until the closure of the bowling club.

The heritage significance of Morpeth has been a key consideration in Council's decisions for development in Morpeth. Council's decisions 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 originally 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 fundamental curtilage of Morpeth is informed by the blocks and road layout. Council has recently considered the Swan Street planning proposal and at its meeting of 8 March 2016 it recommended that the planning proposal can be made.

It is considered that the Swan Street site falls within the town's curtilage. Therefore, it will not have an adverse impact on the site town's historic bounds. The NSW Heritage Council has raised no objections to the proposal.

The reduction of the view corridors at Swan Street illustrated in the Maitland Development Control Plan (MDCP) is supported by an Independent Heritage Consultant and a public view has been secured at the intersection of Swan and Edward Streets. Views between buildings will be provided by the increased setback requirements required by the MDCP.

In relation to the site compatibility certificate for seniors housing at Duke Street, Council in 2007 refused to support a proposal. This decision was again upheld for a revised seniors living proposal at its meeting of 8 September 2015. At that meeting, Council requested the Department of Planning and Environment not to issue a site compatibility certificate (SCC) because of adverse impacts on the rural curtilage and historical setting of the village of Morpeth. The Department of Planning and Environment refused the SCC on 25 September 2015.

The reasons for refusing to issue a SCC were:

The site is not considered suitable for more intensive development, due to its location within the Morpeth Heritage Conservation Area.

The development is of bulk, scale, built form and character not compatible with the existing and future uses in the vicinity of the development, and

Council's analysis identifies a range of significant impacts on the heritage setting and values of the village of Morpeth that could not be reasonably and effectively mitigated.

In summary, while each proposal is considered on its individual merits, Council has considered the cumulative impacts of development in Morpeth. All decisions have largely maintained development within the important historic curtilage as defined by the 1840s plan and been considerate of the key heritage values of the town.

Yours sincerely



David Simm

A/g Executive Manager

Planning Environment & Lifestyle