

11th August 2021

Project 1434

The General Manager
Maitland City Council
220 High Street
MAITLAND NSW 2320

Attention: Development Assessment

**Section 4.55 Application
DA 16-1351
Residential Subdivision**

Lot 1 DP 634551 - 123 Princes Street Morpeth

This application concerns the conditions relating to proposed Lots 7 & 8. These two lots front Tank Street however Conditions 10, 11, 27 and 28 provide restrictions which are considered onerous and unnecessary. These Conditions seek to mitigate visual impact of future development occurring on Lots 7 and 8 on the heritage significance of the entry scape when entering or leaving Morpeth from Tank Street.

There currently exists a constructed vehicle access on Tank Street. Condition 10 requires this to be removed. We see no justifiable reason for this requirement. Condition 27(a) provides for a 20m building line setback on Tank Street. We are of the opinion that is an onerous condition which should be reduced to 15 metres.

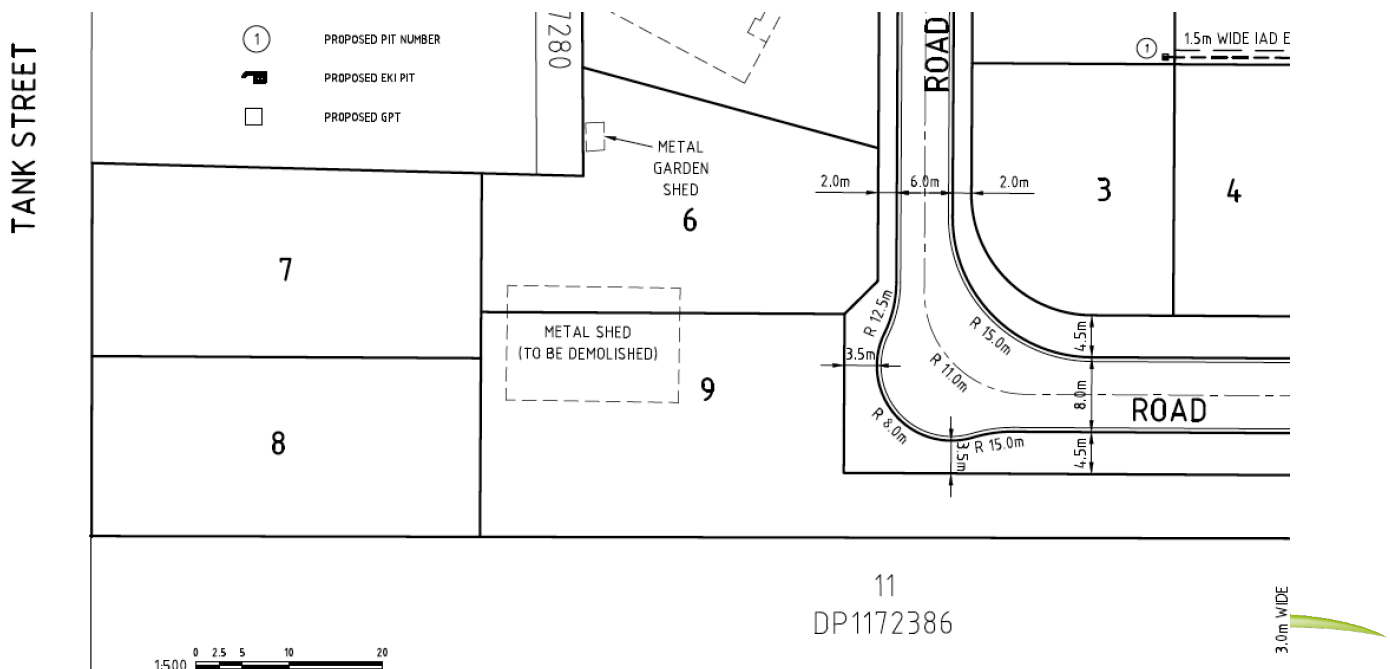


Figure 1 Approved plan

During consultations with the NSW Heritage Office in respect to the alternate subdivision proposal involving the demolition of the existing dwelling, etc, the heritage officer was of the opinion that the provisions of access to these lots directly off Tank Street would not diminish the heritage significance of the Rectory or the village.

As there does not exist any examples of battle axe lots in Morpeth, the proposal to introduce battle axe lots is contrary to the historic street pattern of Morpeth.

The requested provision of vehicle access from Princess Street to the rear of Lots 7 & 8 significantly compromises the subdivision. Visitors to Lots 7 & 8 will access from Tank Street as the two dwellings will present a frontage to Tank Street.

A 4m wide driveway into Lots 7 & 8 can be constructed so as to present a minimal visual impact on the streetscape.

Visual Assessment

A visual assessment prepared by *de Witt Consulting* (12.07.2021) is provided in support of this application. This report assessed the visual impact of the proposal to construct one additional driveway off Tank Street and was undertaken in accordance with methodology based upon the Guidelines for Landscape and *Visual Impact Assessment, Third Edition* (Landscape Institute and Institute of Environment & Assessment (IEMA), 2013), which is generally considered industry standard and recognised as best practice. The conclusions of the report are reproduced below

6.3 CONCLUSION

This LVIA is intended to provide an assessment of the existing landscape character within the geographical context of the proposal. It has been noted that the assessment of visual impact is subjective, and the individual consideration of qualitative factors such as landscape values may differ between receptors as it is influenced by individual values, preferences and affiliations with the landscape and particular views.

The existing landscape character and value within the visual catchments indicates that the site is appropriate for the proposal as it is considered to be:

- *Sympathetic to the existing development within the surrounding landscape in terms of use and scale, and presents harmoniously in views from landscape and visual receptors;*
- *Will not be a dominant feature in the landscape or result in a change to the landscape character; and*
- *Will not pose a significant adverse visual impact to potential receptors or the heritage character of the surrounding landscape.*

The assessments provided in this report concluded:

- *The landscape surrounding the site includes inconsistent character types.*
- *Urban sprawl has contributed to this fragmentation and reduction in the overall value of the landscape.*
- *The proposed development does not adversely impact the rural approach to Morpeth.*
- *The significance of landscape effects on potential landscape receptors is categorised as*

negligible.

- *The significance of visual effects on potential visual receptors is categorised as **low**.*

*Combined, these assessments form the basis to evaluate the magnitude and significance of the visual impact on the landscape and locality resulting from the proposed development, which is **low** at most.*

Having carefully examined the visual impact of the driveways on the curtilage of Morpeth, the report has concluded that the driveways will not impact on the visual character of Tank Street.

Traffic

A traffic assessment has been prepared for the proposal by Intersect Traffic. The conclusion of the report is reproduced below:

Having undertaken this review of the road safety environment for the provision of vehicular accesses off Tank Street, Morpeth to proposed Lots 7 and 8 of a subdivision of 123 Princess Street, Morpeth (Lot 1 DP634551) it is concluded that suitably safe vehicular accesses to these lots off Tank Street could be constructed to Maitland City Council requirements. Therefore there is no valid or legitimate reason to prohibit vehicular access to Tank Street for these lots. This is evidenced by the fact that vehicular accesses have already been constructed to Tank Street in the vicinity of the site and that there is no known traffic accident history at these accesses.

It is therefore concluded that the proposal to introduce a second vehicle access onto Tank Street can be undertaken on the understanding that vehicles may enter and exit from these driveways safely.

Conclusion

Conditions 10, 11, 28 are considered to be onerous and unnecessary in the circumstances and are requested to be deleted to satisfy this request.

It is requested that Condition 27 be amended as follows:

- 27 (a) – *reduce setback to 15 metres* – a setback of 15m is considered to be adequate to preserve streetscape values.
- 27 (b), (c) – *delete* – There is no justifiable reason why vehicular access should be denied for Lots 7 & 8.
- 27 (f) – *delete reference to Statement of Heritage Impact being required for development on Los 7 & 8* – Clause 5.10(5) MLEP 2011 requires a heritage impact assessment to be submitted to Council for development in a heritage conservation area.

Please advise if additional information is required.

Yours Faithfully