

Delegate Report

File Number: DA3665
Planning Application No. P091/21
Responsible Officer: Tim Berger
Attachments: N/A

Conflict of Interest

In accordance with Sections 127 and 128 of the Local Government Act 2020, the author does not have a conflict of interest in this matter.

<i>Application Details</i>	
APPLICANT	Mr William Twycross C/- Bell Legal and Planning
PROPOSAL	Development of buildings and works to an existing medical centre
APPLICATION LODGED	27 August 2021 (amended 19 January 2022)
STATUTORY DAYS	27 (as at 15 February 2022)
NOTICE AND SUBMISSIONS	1 submission received, no objections received
<i>Property Details</i>	
PROPERTY ADDRESS	36 Highett Street, 38 Highett Street, 47 Ailsa Street and Road Reserve adjacent to 38 Highett Street and 47 Ailsa Street, Mansfield
LAND DESCRIPTION	Lot 1 PS639392R, Lot 2 PS639392R and Lot 1 TP225035
RESTRICTIVE COVENANTS	Nil
LAND AREA	Approximately 2,764 square metres across the 3 titles
EXISTING USE	38 Highett and 47 Ailsa Street are used as a Medical Centre. 36 Highett contains an existing dwelling
<i>Planning Provisions</i>	
ZONE	Commercial 1 Zone (C1Z)
OVERLAYS	Nil
PLANNING POLICY FRAMEWORK	Clause 15.01-2S – Building design Clause 17.02-1S – Business Clause 19.02-1S – Health facilities

LOCAL PLANNING POLICY FRAMEWORK	Clause 21.04-2 – Character Clause 21.07-1 – Commercial, retail and industrial development Clause 21.09 – Mansfield Township
PARTICULAR PROVISIONS	Clause 52.06 – Car parking Clause 53.18 – Stormwater Management in Urban Development
<i>Permit Triggers</i>	
Clause 34.01-4 – A permit is required to construct a building or construct or carry out works	
<i>Other</i>	
CULTURAL SENSITIVITY	The land is not in an area of Aboriginal Cultural Heritage Sensitivity.

Background

Proposal

The permit applicant, Mr Will Twycross C/- Bell Legal and Planning seeks approval for the development of land with buildings and works associated with extensions to the existing medical centre at 38 Highett Street and 47 Ailsa Street, Mansfield.

The proposal will result in the removal of the existing on site car parking area fronting Ailsa Street, and the development of a new reception building so as to provide greater space for consulting rooms and covid safe seating/waiting areas.

To offset the loss of onsite car parking, 11 spaces are to be provided on the abutting land at 36 Highett Street. In addition, works to the Ailsa Street Road Reserve are proposed, to provide for 6 angled car parking spaces (including 2 disabled spaces) on this reserve for public use.

A copy of the proposed development plans is attached below:

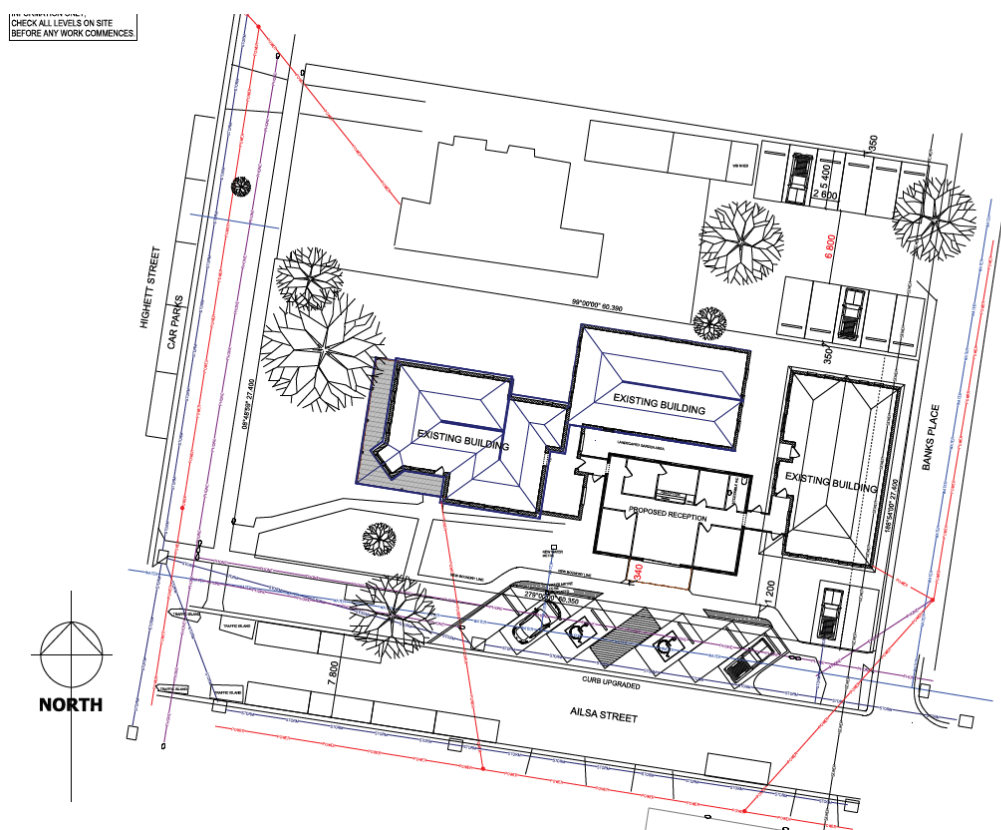


Image 1: Proposed site plan. Source: Application documents.

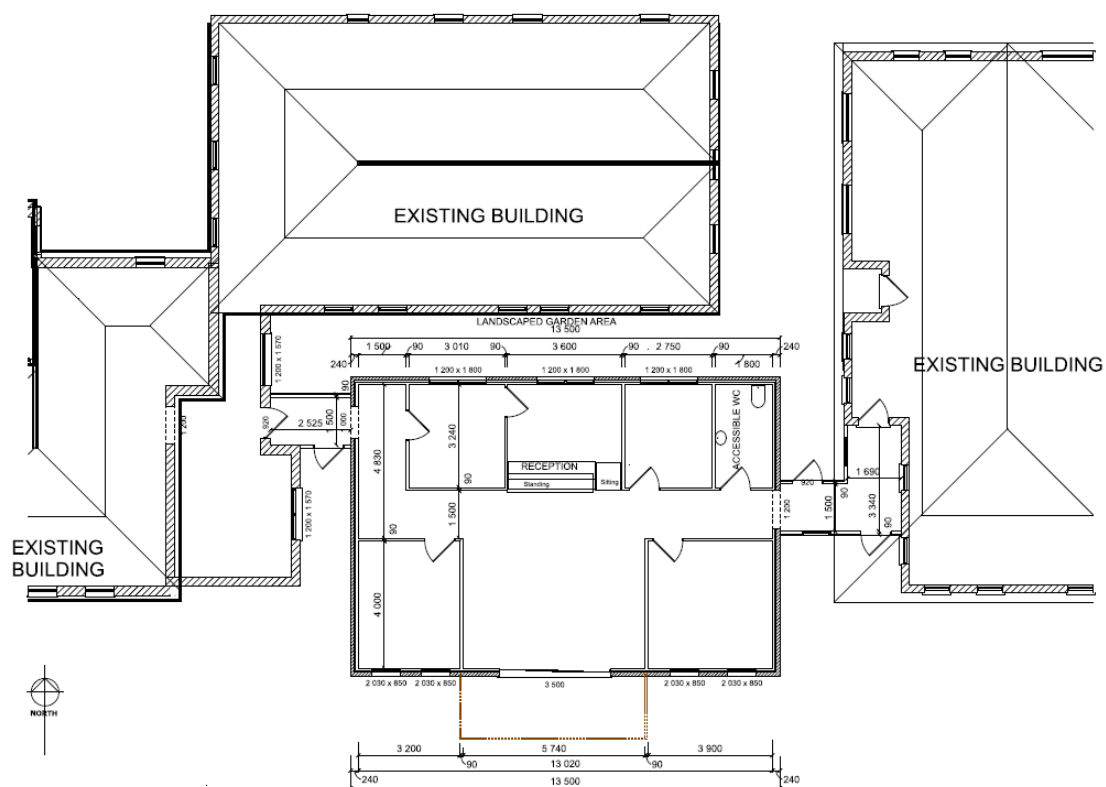


Image 2: Proposed floor plan. Source: Application documents.

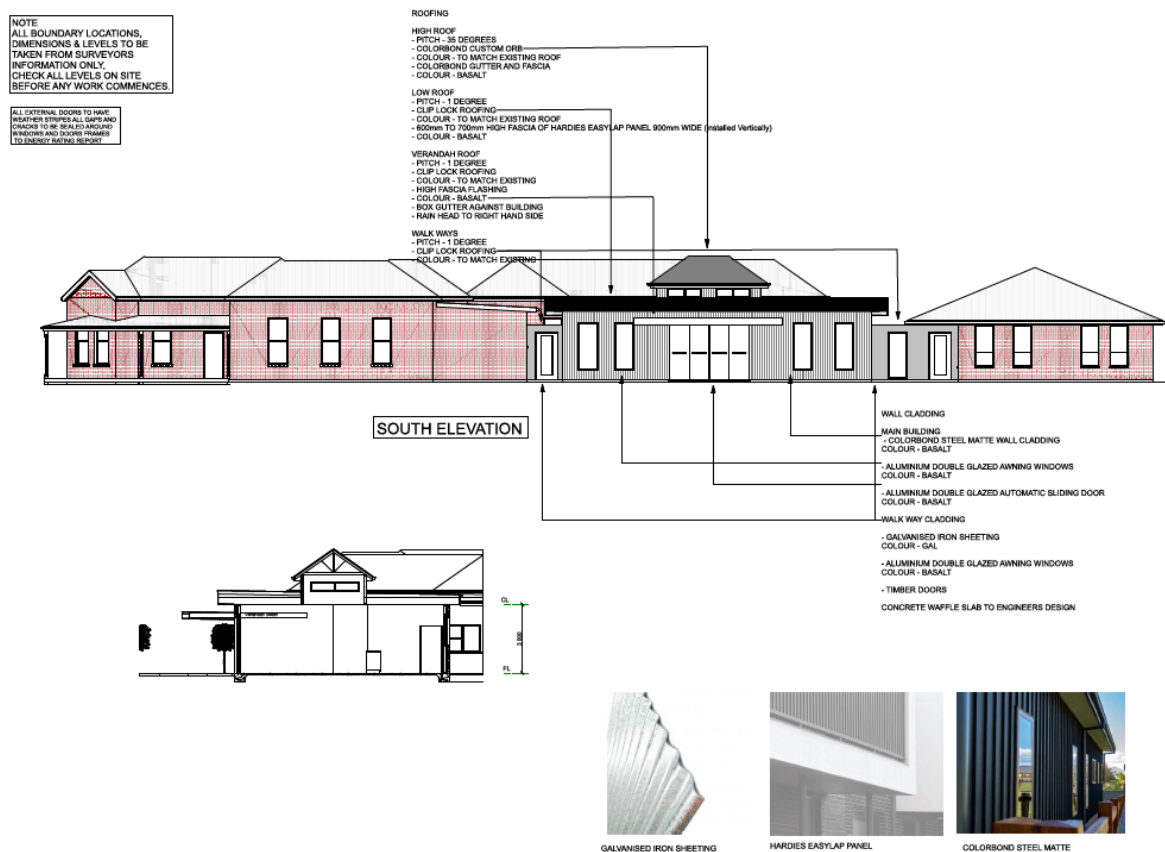


Image 3: Proposed elevation plans. Source: Application documents.

Site and Surrounds:

The subject land comprises three (3) lots, with a combined area of approximately 2,764 square metres. The subject land is located on the corner of Highett and Ailsa Streets, with frontage to Highett Street of approximately 46.55 metres and secondary frontage to Ailsa Street of approximately 60.35 metres. The land is generally flat, with minimal fall across the site.

The subject land is rectangular in shape and is currently improved by the existing medical centre (38 Highett Street and 47 Ailsa Street), with a residential dwelling and domestic curtilage on 36 Highett Street.

The surrounding area is on the interface of the Commercial 1 Zone and General Residential areas of Mansfield. To the south, east and north of the subject land lots with dwellings developed. Further east on Ailsa Street is the Mansfield Kindergarten. Building forms, setbacks and sizes vary from lot to lot, with no consistent characteristic present.

The site appears to have access to reticulated power, telecommunications, water and sewer.



Image 4: Aerial image of site and surrounding area. Source: Council GIS 2019 images.

Site History

Planning permits approved for the subject land include the following:-

- P0081/10 – Two (2) lot subdivision – issued 9 June 2010
- P0148/09 – Construction of doctors consulting rooms and waiver of car parking spaces – issued 9 December 2009

Consultation

Referral Responses

Referral Agency	Response
GOULBURN VALLEY WATER (SECTION 52 NOTICE)	Conditional consent.
ENGINEERING	Conditional consent.

Advertising

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act 1987*, by:

- Sending out letters to adjoining and nearby owners and occupiers; and
- Erecting a sign on site for fourteen (14) days.

As a result of public notification, no objections and 1 submission has been received. The submission did not object, but wanted to ensure that there was sufficient space on Ailsa Street for emergency vehicle access and that the proposed disabled spaces would be indented.

The proposal provides for a wider trafficable carriageway on Ailsa Street which will improve access for all vehicles travelling down the street. All angled spaces proposed are indented to the maximum extent possible.

It is therefore considered that the proposal, as currently before Council has addressed the concerns of the submitter.

Mansfield Planning Scheme and Context Assessment

Planning Policy Framework (PPF)

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following Planning Policies and Objectives are relevant to this application:

Clause 15.01-2S – Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Comment:

The development reflects a modern, architecturally designed building that uses a varied materials palette and design forms to create visual interest and break up the built form when viewed from the public realm or other properties. The development is considered to be consistent with the prevailing built form of the surrounding area, and with these features coupled with landscape screening, will not present as jarring or dominant from Ailsa Street.

Clause 17.02-1S – Business

Objective

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Comment:

The proposal allows for the continued development and operation of health services in an area well suited for such uses to operate and expand. The subject land is within the identified Mansfield Commercial Area where such development outcomes are to be expected.

Clause 19.02-1S – Health facilities

Objective

To assist the integration of health facilities with local and regional communities.

Comment:

As above, the proposal allows for the continued operation and expansion of an existing medical centre, well located to residents, the Mansfield Town Centre, ambulance station and Mansfield Hospital.

Local Planning Policy Framework (LPPF)

The following Local Planning Policies are relevant to this application:

Clause 21.04-2 – Character

Objective

To ensure the urban character of the Mansfield Township and other towns is maintained.

Comment:

The development reflects a modern, architecturally designed building and design that caters for a range of community members and is sympathetic with the prevailing development and design forms in the Mansfield township. Due to the impact of the works on the Ailsa Street Road Reserve verge, landscaping will be required to soften the built form impact of the development and allow it to nestle into the street like the majority of developments in the surrounding area.

Clause 21.07-1 – Commercial, retail and industrial development

Objective

To ensure there is sufficient retail/commercial and industrial land to meet demand.

Comment:

This objective is primarily designed to guide strategic land supply across Mansfield, however the proposal consolidates commercial development in a commercial zone, in an area well connected to infrastructure and services.

Clause 21.09 – Mansfield Township

Relevant objectives

To provide a sustainable business environment for retail and commercial businesses.

To provide a range of community and cultural facilities that are well connected and easily accessed by all members of the community.

To provide an efficient movement network for vehicles, pedestrians and cyclists.

To ensure that car parking can accommodate existing conditions and future growth.

To ensure the provision of infrastructure services to meet current and future needs.

Comment:

The development allows for a community health facility to remain accessible to members of the community in a Covid safe manner, providing greater space for waiting patients and consulting spaces. Car parking is appropriately provided for, with the development able to utilise existing infrastructure to the land. The proposal will support the ongoing use of the land as a medical centre, providing a valued service to the Mansfield community.

Zoning

Clause 34.01 – Commercial 1 Zone (C1Z)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access*

Comment:

Assessment of the proposal against the Municipal Planning Strategy and the Planning Policy Framework is provided earlier in this report. The proposal utilises existing infrastructure and services, with sufficient land area to accommodate the development.

In terms of building development, the proposed additional office space is designed consistent with the development typology of the area; providing a modern addition to the existing buildings on

site that will provide a focal point of the development to Ailsa Street. Weather protection is provided in front of the building, with the works considered to activate the interface to Ailsa Street. The provision of such features is consistent with State and Local Planning Policy relating to building design and streetscape integration. No residential solar systems are present that would be affected by the proposed development.

In terms of streetscape works to Ailsa Street, it is proposed to undertake works to indent the existing road carriageway and footpath, to make provision for angled car parking spaces to be installed on the street. To accommodate this, it is proposed to vest additional land in Council from the subject land, to widen the road reserve accordingly.

The existing configuration of Ailsa Street provides for parallel on-street car parking, and a grassed verge with crossovers into the subject land. These crossovers will become redundant as a result of the proposal.

In considering the acceptability of the car parking arrangement proposed, Council is required to balance the impact of angled car parking in reducing the verge and increasing hardstand areas, against the benefit of moving vehicles further off the road and providing on-street disabled car parking.

Officers consider that the benefits to be obtained in allowing for additional disabled spaces to be provided on the street, safety benefits of people being able to enter and exit cars off the roadway and associated increase in the carriageway width for people driving down Ailsa Street are sufficient to justify the reduction in green space on the verge in front of the site, with sufficient land area available for landscaping planting to soften the development.

There is further opportunity to increase landscaping outcomes on the eastern section of the allotment, as well as change the brickwork in the gap between the car parking and footpath to increase green space and plant some more canopy trees, to minimise the visual impact to Ailsa Street. This will be required by conditions of any permit that may be granted.

Particular Provisions

Clause 52.06 – Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Comment:

The proposal results in the loss of 9 on site car parking spaces to accommodate the proposed development. 11 new spaces are proposed to be incorporated on the adjoining lot at 36 Highett Street which is in common ownership, which will offset this reduction. All car parking spaces proposed on site and the road reserve comply with the design standards specified at Clause 52.06-9 of the Scheme. No additional spaces are required under Clause 52.06-5 as a result of the proposed development.

Clause 53.18 – Stormwater Management in Urban Development**Purpose**

To ensure that storm water in urban development, including retention and reuse, is managed to mitigate the impacts of storm water on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Standard W2

The stormwater management system should be designed to:

- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- *Erosion and sediment.*
- *Stormwater. Litter, concrete and other construction wastes.*
- *Chemical contamination.*

Comment:

The application was referred internally to Council's Engineering Services department, who had no objection to the proposal subject to conditions being placed on the permit. Detailed drainage designs as a condition of permit will ensure that discharge from the site meets the Standards and Objectives of this Clause.

General Provisions

Clause 65.01 – Approval of An Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Comment:

The Municipal Planning Strategy and Planning Policy Framework have been addressed under separate headings in the body of the report. No impacts to native vegetation are proposed. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Conclusions

This application proposes the development of buildings and works to the existing medical centre at the site known as 36 and 38 Highett Street and 47 Ailsa Street, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the development responds positively to the requirements of the Scheme with respect to works within the Commercial 1 Zone and consideration of the general decision guidelines at Clause 65 for the reasons discussed in this report.

The application is therefore recommended for approval.

Officer Recommendation

PLANNING PERMIT

That Council, having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Application P091/21 for the Development of buildings and works to an existing medical centre on **Lot 1 PS639392R, Lot 2 PS639392R and Lot 1 TP225035**, commonly addressed as 36 Highett Street, 38 Highett Street, 47 Ailsa Street and Road Reserve adjacent to 38 Highett Street and 47 Ailsa Street, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Attachment A – Draft Conditions

Development of buildings and works to an existing medical centre 36 and 38 Highett Street and 47 Ailsa Street, MANSFIELD

Amended plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.

The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. A plan of subdivision, vesting land in Council so as to provide for the relocated footpath and car parking spaces.
- b. A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. Landscaping around the on-site car spaces on the south-eastern corner of the site;
 - ii. A survey (including botanical names) of all existing vegetation to be retained.
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iv. A range of plant types such as shrubs and trees between the Ailsa Street footpath and buildings on the site.
 - v. Planting of grasses and small shrubs between the car parking spaces on the Ailsa Street Road Reserve and footpath.
 - vi. Planting of a canopy tree on the road reserve east of the easternmost car parking space.
 - vii. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
 - viii. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

4. Unless with the prior written consent of the Responsible Authority, within 3 months of the commencement of use of the building hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection

6. Prior to the commencement of works on the Ailsa Street Road Reserve, a Tree Protection Zone must be set up around the existing street tree to the west of the proposed angled car parking. The Tree Protection Zone must be established in accordance with the relevant Australian Standard and maintained until all development works are completed.
7. The owner and occupier of the site must ensure that, prior to the commencement of works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of trees
8. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the written consent of the Responsible Authority.

Section 173 Agreement

9. Prior to the commencement of use of the building hereby approved, the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, to the effect that:
 - a) The car parking located on 36 Highett Street Mansfield as shown on the endorsed plans of Planning Permit P091/21 must be made available for use in association with the Medical Centre at 38 Highett Street
 - b) The Medical Centre must maintain the car parking located on 36 Highett Street at its cost and to the satisfaction of the Responsible Authority.
 - c) This agreement will expire if:
 - i. The land at 36 Highett Street is resubdivided so as to place the car parking on the same title as the Medical Centre.
 - ii. The use of land for a Medical Centre ceases for a period of two (2) or more years.

The permit holder must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement by Council's preferred solicitors.

Car Parking and Access

10. Prior to the commencement of use of the building hereby approved, all car parking spaces and access lanes shown on the endorsed plans (including those in Ailsa Steet) must be:
 - a) Constructed in an all weather surface (sealed surface for spaces on Ailsa Street);
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Drained; and
 - d) Marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Vesting of land

11. Prior to the commencement of works on the Ailsa Street Road Reserve, all land shown on the endorsed plan to be vested in Council must be formally vested by registration of a plan under the *Subdivision Act 1988*.

Consolidation of land

12. Prior to the commencement of use of the building hereby approved, Lots 1 and 2 PS639392R must be consolidated under the *Subdivision Act 1988* and a single title issued

Engineering Conditions

13. Prior to the commencement of works, a Drainage Design Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) in accordance with Clause 53.18 of the Mansfield Planning Scheme, and must include:

- a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained; and

- b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site to the satisfaction of the Responsible Authority.
- 14. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
- 15. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
- 16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
- 17. Prior to the commencement of use of the building hereby permitted, all redundant crossovers must be removed and reinstated with kerb, channel and nature strip (including landscaping where appropriate) to the satisfaction of the Responsible Authority.

Goulburn Valley Water Conditions

- 18. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section

- 19. The applicant shall be required to comply with the Corporation's policy for 'Structures Over Corporation Works' and the requirements of Section 148 of the *Water Act 1989*.

The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Water Region Water Corporation, relating to the existing building over the Corporation sewer main and the sewerage connection points within Lot 2 PS639392R. A copy of the format of the Agreement will be provided on request.

Permit Expiry

- 20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit; or
 - b) The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.