

DP001B/16 – Highton Manor Development Plan



Mansfield Shire

Assessment of Objections

An assessment of each objection has been undertaken as follows. All objections have been forwarded to Councillors under separate cover. Some of the objectors provided additional submissions which have been included in this assessment.

Objection 1

Ground of objection	Applicant response	Council officer assessment
The amended plan did not set out the changes to the current plan correctly.	The changes to the DP are relatively minor and the intent of the current DP is maintained.	Council officers provided a detailed assessment of the changes to the development plan that had occurred over time.
The addition of short stay accommodation directly adjacent to residential properties is of concern.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	The current approved development plan allows the land to be used for short term accommodation. This proposal moves the location only and any new building would be subject to a planning permit application that would need to give due consideration to the adjoining owners. It is noted that should the plan be approved, this permit application would not be subject to review and appeal rights for the neighbours, however, planning officers would be required to give due regard to the impacts on adjoining owners.
No details are provided on the proposed accommodation.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	Refer above.
The short stay accommodation will require the removal of the vineyard	The current ornamental small vineyard doesn't contribute to the heritage of Highton Manor or the amenity of the property.	Although the vineyard is referred to in the development plan, there is no provision preventing its removal in the current approval. The applicant has advised that they would be either retaining the vineyard in part or relocating it elsewhere on the property. This is being included in the recommendation as a required change to the development plan
The increase of 8 lots on the northern boundary will have a negative impact on the area, with increased traffic, noise and waste.	The applicant submits that the increase in Lot yield will not impact on neighbouring amenity and any increase in traffic movements and waste can be addressed and accommodated as part of a planning permit application for the development of properties on these proposed lots.	The Mansfield Planning Scheme does encourage a range of lot sizes in the General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site. The increase of 2 in the southern portion of the site is not considered to have a significant impact as neither of these lots adjoins a separately owned property.

		The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme.
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Objection 2

Ground of objection	Applicant response	Council officer assessment
The amended plan did not set out the changes to the current plan correctly.	Referred to Council officers	Council officers provided a detailed assessment of the changes to the development plan that had occurred over time.
The addition of short stay accommodation directly adjacent to residential properties is of concern.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	The current approved development plan allows the land to be used for short term accommodation. This proposal moves the location only and any new building would be subject to a planning permit application that would need to give due consideration to the adjoining owners. It is noted that should the plan be approved, this permit application would not be subject to review and appeal rights for the neighbours, however, planning officers would be required to give due regard to the impacts on adjoining owners.
No details are provided on the proposed accommodation.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	Refer above.
The short stay accommodation will require the removal of the vineyard	The current ornamental small vineyard doesn't contribute to the heritage of Highton Manor or the amenity of the property.	Although the vineyard is referred to in the development plan, there is no provision preventing its removal in the current approval. The applicant has advised that they would be either retaining the vineyard in part or relocating it elsewhere on the property. This is being included in the recommendation as a required change to the development plan
The increase of 8 lots on the northern boundary will have a negative impact on the area, with increased traffic, noise and waste.	We submit that the increase in Lot yield will not impact on neighbouring amenity and any increase in traffic movements and waste can be addressed and	The Mansfield Planning Scheme does encourage a range of lot sizes in the General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site.

	accommodated as part of a planning permit application for the development of properties on these proposed lots.	The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme.
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Objection 3

Ground of objection	Applicant response	Council officer assessment
Overlooking and loss of privacy, particularly with the track along the waterway	The changes to the current Highton Manor Development Plan are relatively minor and the intent of the current Development Plan is maintained. The changes relate primarily to a minor increase in Lot yield and the nomination of uses to the existing manor and stables.	The changes to the development plan are internal on the site and will not change how the site interacts with the property to the east, on the other side of the waterway. While the objector has concerns with this element, the amendments proposed will not further impact on this property from an overlooking or privacy perspective.
Visual amenity, and potential removal of native vegetation	The removal and/or protection of existing trees will be addressed and assessed during the planning permit applications.	Any removal of native vegetation will require a planning permit and will need to address the requirements of Clause 52.17 <i>Native Vegetation</i> of the Mansfield Planning Scheme.
Noise and disturbance from the short stay accommodation and looking for clarification of the hours of operation.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	The current approved development plan allows the land to be used for short term accommodation. This proposal moves the location only and any new building would be subject to a planning permit application that would need to give due consideration to the adjoining owners. It is noted that should the plan be approved, this permit application would not be subject to review and appeal rights for the neighbours, however, planning officers would be required to give due regard to the impacts on adjoining owners. The use of the land for short stay accommodation is considered under the existing use rights, being that it already occurs in the stables, and conditions about use cannot be applied through a development plan process.
Noise and disturbance through construction phase of the dwellings.	It is anticipated that the construction of the Lots and development of homes on the subdivided Lots will be complete in much less than 5 years. The amenity impacts during construction are strictly monitored and controlled by the Council.	The Building Regulations contain requirements for management of amenity impacts throughout development. It is also noted that the current approval will allow the construction of dwellings on the new lots. This amendment only changes the numbers of dwellings, so there will be a construction phase that

		needs to be dealt with regardless of whether this amendment progresses or not.
Details for the fence line proposal along the boundary	We clarify that the fencing to the rear of the properties fronting Highton Lane and coloured blue on the Development Plan and the rear of the properties coloured pink on the Development Plan will be required to be 1.8m high, timber paling, capping, plinth board and posts, fully coated and stained to preserve timber and reduce and colour inconsistency. All other new boundary fencing within the development will be required to be 1.2m high, spit timber post and wire (farm) fencing with steel droppers and optional chicken wire to maximum 0.9m high to contain small animals.	The details for the boundary fencing are generally the same as those currently approved, and council officers have no objections to this element.
Details for the hours of operation, etc for the function centre	No comments	The function centre has existing use rights and use of this element is not an item Council Officers can give consideration for in this application.

Objection 4

Ground of objection	Applicant response	Council officer assessment
Application shows disregard for the amenity of neighbours	The changes to the current Highton Manor Development Plan are relatively minor and the intent of the current Development Plan is maintained. The changes relate primarily to a minor increase in Lot yield and the nomination of uses to the existing manor and stables. We submit that the amenity of the adjoining property to the south will not vary as a result of the proposed amendment.	The application is to amend elements of an existing approval, not to put a new approval in place. The officer assessment of these changes has been made in light of the existing approval and the potential impacts of the proposed changes only.
Concerns with how the residential and rural living zone properties will interface	It is proposed that a covenant be placed on the title of the proposed Lot in the form of a Section 173 Agreement, which will control the development of these Lots to maintain the character of the Highton Manor precinct, including the home designs and boundary setbacks. The S173 would be created as part of a future subdivision permit.	There was an interface consideration for these two properties prior to this application to amend, with the applicant looking to provide more certainty to this property owner with the Section 173 Agreement. In addition, it is recognised that rear setbacks of 4 metres have now been implemented into the development plan, where they had been deleted in previous amendments, which provides an improved outcome on this element.
Concerns with conflicts of use between their rural living and the residential houses	No particular comment.	The zoning of the subject site is General Residential, with the objector's land being Rural Living. This has not changed as a result of this proposal and is consistent with the zoning at the time of purchase for both parties.

		The application is to amend elements of an existing approval, not to put a new approval in place. The officer assessment of these changes has been made in light of the existing approval and the potential impacts of the proposed changes only. Although this concern is recognised, this amendment cannot be used to revoke an existing approval to mitigate these concerns.
No details provided on the location and styles of houses on the southern lots	Landscape plans for the proposed dwellings were provided to all parties for their consideration.	The development plan currently controls the number of lots to be created and has very limited controls in relation to styles of houses. This amendment, while increasing the number of lots, also places design controls back in place that were removed in a previous amendment. This is considered an improved outcome by Council officers.
Concerns with visual impacts of houses on southern lots	The rear setback for these building envelopes has been increased from 1 metre on the original development plan to 4 metres.	The zoning of the subject site is General Residential, with the objector's land being Rural Living. This has not changed as a result of this proposal and is consistent with the zoning at the time of purchase for both parties. The application is to amend elements of an existing approval, not to put a new approval in place. The officer assessment of these changes has been made in light of the existing approval and the potential impacts of the proposed changes only. Although this concern is recognised, this amendment cannot be used to revoke an existing approval to mitigate these concerns. There is no change to the number of dwellings that will be visible from this property as part of this amendment.
Addition of two lots in the southern section of concern and is excessive. Would like open space placed on their boundary.	The applicant advised that the increase in Lot yield will not impact on neighbouring amenity and any increase in traffic movements and waste can be addressed and accommodated as part of a planning permit application for the development of properties on these proposed lots.	Refer above.
Would like details of fencing as farm fencing would not provide privacy for adjoining property	The applicant clarified that the fencing along the boundary to the property to the south is proposed as timber split posts and wire (farm) fencing with steel droppers and optional chicken wire to maximum 0.9m high to contain small animals. The provision and design of fencing will be controlled via a proposed Section 173 Agreement.	The details for the boundary fencing are generally the same as those currently approved, and council officers have not objections to this element.
Addition of 8 lots on northern boundary is excessive	We submit that the increase in Lot yield will not impact on	The Mansfield Planning Scheme does encourage a range of lot sizes in the

	neighbouring amenity and any increase in traffic movements and waste can be addressed and accommodated as part of a planning permit application for the development of properties on these proposed lots.	General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site. The increase of 2 in the southern portion of the site is not considered to have a significant impact as neither of these lots adjoins a separately owned property. The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme.
New lots will put pressure on car parking in the area	The increase in Lot yield is minor. We submit that the amenity of the adjoining properties will not vary as a result of the proposed amendment.	The Mansfield Planning Scheme does encourage a range of lot sizes in the General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site. The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme. The northern lots are able to provide car parking in accordance with the requirements of Clause 52.06 of the Mansfield Planning Scheme, including the provision of 2 visitor spaces for the development. It is also noted that the larger development of Highton Manor will incorporate large parking areas, as detailed in the green area between the manor and lots 23 to 36, to be provided within the site.
Lot 9 should be made smaller and a building exclusion zone reinstated.	No specific comments.	Building exclusion zone reinstated on lot 9 to provide protection for the tree.
Concerned that the views from within the development are the only ones being considered	We submit that the amenity of the adjoining properties (including views) will not vary as a result of the proposed amendment.	The current approved development plan allows the land to be development for a residential subdivision. This amendment, while increasing the number of lots, also places design controls back in place that were removed in a previous amendment.

		Council officers acknowledge that regardless of this amendment, there would have been dwellings constructed on each of the proposed lots, with no limitations on single or double storey.
The reduction in open spaces will not fit with the character of the Manor	A high-quality landscape will be provided along the proposed private roadway. The design of the landscaping will be provided with the subdivision permit application.	There will still be large areas of garden and open space around the Manor and along the waterway. The protection of the character of the Manor is the predominant consideration for this element.
Noise and disturbance through construction phase of the dwellings.	It is anticipated that the construction of the Lots and development of homes on the subdivided Lots will be complete in much less than 5 years. The amenity impacts during construction are strictly monitored and controlled by the Council.	The Building Regulations contain requirements for management of amenity impacts throughout development. It is also noted that the current approval will allow the construction of dwellings on the new lots. This amendment only changes the numbers of dwellings, so there will be a construction phase that needs to be dealt with regardless of whether this amendment progresses or not.
Concerned with the potential removal of vegetation	The removal and/or protection of existing trees will be addressed and assessed during the planning permit applications.	Any removal of native vegetation will require a planning permit and will need to address the requirements of Clause 52.17 <i>Native Vegetation</i> of the Mansfield Planning Scheme.
ADDITIONAL ITEMS RAISED IN PART 2 SUBMISSION		
Details required for the Section 173 Agreement, particularly as one wasn't used for Stage 1	No specific comments.	A section 173 Agreement is a condition on a planning permit and generally not provided as part of a development plan. This will be a requirement of the plan and be used to apply the controls identified in the plan itself. It is acknowledged that a S173 was not applied for Stage 1, but as this stage has now been completed and all lots are owned separately, there is no capacity for one to be applied at this point.
Still has concerns about privacy from the residential properties with the proposed farm fence. Would prefer a colourbond fence, with concrete capped brick pillars at the developers cost.	The fencing proposed along that boundary is 1.2m high farm fencing, which is in accordance with the existing approved development plan which states that existing farm fencing would be maintained. However, the applicant has offered to place an evergreen 2m high hedge along the northern side of this boundary fence (similar to others proposed in the DP) for visual screening between the properties should this be acceptable.	As this element is an existing element in the approved development plan, officers have limited capacity to require a variation to address these concerns. The offer of a hedge may be the best outcome for any concerns with privacy.
The references to how heritage character will be managed are too subjective.	No specific comments.	Heritage is a subjective consideration, but the citation for the Manor included in the Development Plan provides direction, as does the Burra Charter as to what sort of development is appropriate. Council officers also have access to independent heritage advice should a proposal be submitted that is of concern.

Wants all dwellings in the southern section to be single storey.	Applicant wishes to retain two double storey dwellings in this section of the development.	The current development plan would allow for all dwellings to be double storey. Restricting the development plan on this element is not in accordance with the existing approval.
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Objection 5

Ground of objection	Applicant response	Council officer assessment
The amended plan did not set out the changes to the current plan correctly.	Referred to Council officers	Council officers provided a detailed assessment of the changes to the development plan that had occurred over time.
The addition of short stay accommodation directly adjacent to residential properties is of concern.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	The current approved development plan allows the land to be used for short term accommodation. This proposal moves the location only and any new building would be subject to a planning permit application that would need to give due consideration to the adjoining owners. It is noted that should the plan be approved, this permit application would not be subject to review and appeal rights for the neighbours, however, planning officers would be required to give due regard to the impacts on adjoining owners.
No details are provided on the proposed accommodation.	The current Highton Manor Development Plan retains the existing short-term accommodation within the stables building. This proposal locates this accommodation with a new building. The details of the building would form part of a future planning permit application and assessed at this time.	Refer above.
The short stay accommodation will require the removal of the vineyard	The current ornamental small vineyard doesn't contribute to the heritage of Highton Manor or the amenity of the property.	Although the vineyard is referred to in the development plan, there is no provision preventing its removal in the current approval. The applicant has advised that they would be either retaining the vineyard in part or relocating it elsewhere on the property. This is being included in the recommendation as a required change to the development plan
The increase of 8 lots on the northern boundary will have a negative impact on the area, with increased traffic, noise and waste.	We submit that the increase in Lot yield will not impact on neighbouring amenity and any increase in traffic movements and waste can be addressed and accommodated as part of a planning permit application for the development of properties on these proposed lots.	The Mansfield Planning Scheme does encourage a range of lot sizes in the General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site. The increase of 2 in the southern portion of the site is not considered to have a significant impact as neither of these lots adjoins a separately owned property. The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot

		was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme.
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Objection 6

Ground of objection	Applicant response	Council officer assessment
The proposal may block their views to the mountains.	We submit that the amenity of the adjoining properties (including views) will not vary as a result of the proposed amendment.	The current approved development plan allows the land to be development for a residential subdivision. This amendment, while increasing the number of lots, also places design controls back in place that were removed in a previous amendment. Council officers acknowledge that regardless of this amendment, there would have been dwellings constructed on each of the proposed lots, with no limitations on single of double storey.
Lot 9 should be made smaller, and a building exclusion zone reinstated.	No specific comments.	Building exclusion zone reinstated on lot 9 to provide protection for the tree.
Concerned that the views from within the development are the only ones being considered	We submit that the amenity of the adjoining properties (including views) will not vary as a result of the proposed amendment.	The current approved development plan allows the land to be development for a residential subdivision. This amendment, while increasing the number of lots, also places design controls back in place that were removed in a previous amendment. Council officers acknowledge that regardless of this amendment, there would have been dwellings constructed on each of the proposed lots, with no limitations on single of double storey.
Seeking details on the proposed 2m hedge	The proposed hedge/landscaping would be planted within Lots B, C and D, and not within existing adjoining Lots which front Highton Lane.	There is a hedge in the current proposal and this is proposed to be relocated into the Highton Manor property, which is more practical from a management perspective.
Would like details on the fencing adjacent to the property	The applicant clarified that the fencing to the rear of the properties fronting Highton Lane and coloured blue on the Development Plan and the rear of the properties coloured pink on the Development Plan will be required to be 1.8m high, timber paling, capping, plinth board and posts, fully coated and stained to preserve timber and reduce and colour inconsistency. All other new boundary fencing within the development will be required to be 1.2m high, spit timber post and wire (farm) fencing with steel droppers and optional chicken wire to	The current approval has 1.8m high, vertical hardwood palings spaced 10mm apart, with treated pine capping and plinth boards, cypress pine posts, with the fence stained and coated. The proposed amendment retains the same height of 1.8m and constructed of timber palings. This is not significantly different from the existing approval and is considered reasonable by Council officers.

	maximum 0.9m high to contain small animals.	
The amended plan did not set out the changes to the current plan correctly	Referred to Council officers	Council officers provided a detailed assessment of the changes to the development plan that had occurred over time.
New lots will put pressure on car parking in the area	We submit that the increase in Lot yield will not impact on neighbouring amenity and any increase in traffic movements and waste can be addressed and accommodated as part of a planning permit application for the development of properties on these proposed lots.	The Mansfield Planning Scheme does encourage a range of lot sizes in the General Residential Zone, and this application is giving consideration for an increase in 10 lots over the site. The increase of 8 in the northern section has been given due regard for the previous approvals and the proposed development of these lots. The original approval allowed for 6 lots, but each lot was proposed to have dual occupancies in two storey buildings on each lot and would have resulted in 12 dwellings. In this case, the increase of 2 from the original intent, with a decrease in the number that will be double storey is considered a reasonable outcome for the site in line with the requirements of the planning scheme.
ADDITIONAL ITEMS RAISED IN PART 2 SUBMISSION		
Questions about the hedge and fence proposed on boundary. Would like the hedge to be reduced to 1.8m. Would like management of the hedge to be included in the S173.	The applicant is willing to consider the reduction of this to 1.8m but would need to apply this across the whole section.	The existing approval is for 2m high, so any changes would be at the request of the applicant.
Would like to ensure any trees planted throughout the development do not impede their views.	No specific comments.	The existing approval does not provide controls in relation to the location of trees to be planted. The only change in relation to public spaces is to reflect the actual development that has occurred and change the wording from reserve to open space to reflect that the land will not be taken over by Council upon completion of the development. These changes are considered reasonable.
The references to how heritage character will be managed are too subjective.	The applicant has gone to lengths to explain, outline and quantify the materials and types of structures to be used within the development.	Heritage is a subjective consideration, but the citation for the Manor included in the Development Plan provides direction, as does the Burra Charter as to what sort of development is appropriate. Council officers also have access to independent heritage advice should a proposal be submitted that is of concern.
Wants Lot 9 to be reduced in size to 600sqm so the building cannot block their sun or views and return the exclusion zone to open space.	The applicant advised that while the lot may have increased in size, it is restricted in building area with an exclusion zone. This was done in response to the request from the objector.	The building exclusion zone being reinstated on lot 9 to provide protection for the tree will allow for this area to remain free from buildings and is considered a reasonable outcome.
Raised concerns with the fact that they were not aware of	No specific comments.	The zoning of the subject site is General Residential, with the objector's land being

<p>this development when they purchased their property.</p>		<p>the same. This has not changed as a result of this proposal and is consistent with the zoning at the time of purchase for both parties.</p> <p>The application is to amend elements of an existing approval, not to put a new approval in place. The officer assessment of these changes has been made in light of the existing approval and the potential impacts of the proposed changes only. This amendment cannot be used to revoke an existing approval to mitigate these concerns.</p>
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