



Delegate Report

File Number: DA6768
Planning Application No. P081/21
Responsible Officer: Sehaj Bath
Attachments: Plans for endorsement OUT21/38072

Conflict of Interest

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes

(if YES, please complete a Conflict of Interest and Declaration Making Declaration form)

No

<i>Application Details</i>	
APPLICANT	Kathryn Stone
PROPOSAL	Use and development of land for second dwelling and development of an outbuilding ancillary to a dwelling.
APPLICATION LODGED	09 August 2021
NOTICE AND SUBMISSIONS	The application was advertised to adjoining and nearby property owners and occupiers. No objections were received.
<i>Property Details</i>	
PROPERTY ADDRESS	158 Malcolm Street Mansfield
LAND DESCRIPTION	Lot 2 PS727882
RESTRICTIVE COVENANTS	None
LAND AREA	4217 m ²
EXISTING USE	One existing dwelling
<i>Planning Provisions</i>	
ZONE	Clause 32.03 Low Density Residential Zone

OVERLAYS	None
PLANNING POLICY FRAMEWORK	Clause 11.02-1S Settlement Clause 15.01-5S Neighbourhood character
LOCAL PLANNING POLICY FRAMEWORK	Clause 21.03 Settlement and housing Clause 21.09 Mansfield township
PARTICULAR PROVISIONS	Clause 52.06 – Car parking
<i>Permit Triggers</i>	
CLAUSE 32.03 LDRZ	Clause 32.03-1 Use of land for second dwelling Clause 32.03-4 Building and works associated with Section 2 use.
<i>Other</i>	
CULTURAL SENSITIVITY	No
DWMP RISK RATING (IF RELEVANT)	Not relevant as connected to reticulated sewerage.

Background

Subject site, neighbourhood and environs

The aerial image shown in Figure 1 illustrates the shape of the subject land in its current form, existing on site development, vegetation and surrounding developments. The subject land lies within the Low Density Residential Zone (LDRZ) land south of Malcolm Street and faces the General Residential Zone (Schedule 1) to the north (across the street).

Pursuant to Planning Permit P125/17 the land is currently undergoing the process of subdivision, which is currently being managed under the relevant provisions of the *Subdivision Act 1988*. As part of this process, the drainage and sewerage easement shown in Figure 1, was approved to be relocated to adjoin the western boundary. Figure 2 shows the plan of subdivision that was endorsed as part of this permit.

As this subdivision process is not complete yet, the subject land comprises one lot (shown by the yellow boundaries in Figure 1) and is developed with a single dwelling.



Figure 1: Subject site – 158 Malcolm Street Mansfield. Source: MapInfo (Aerial 2019).

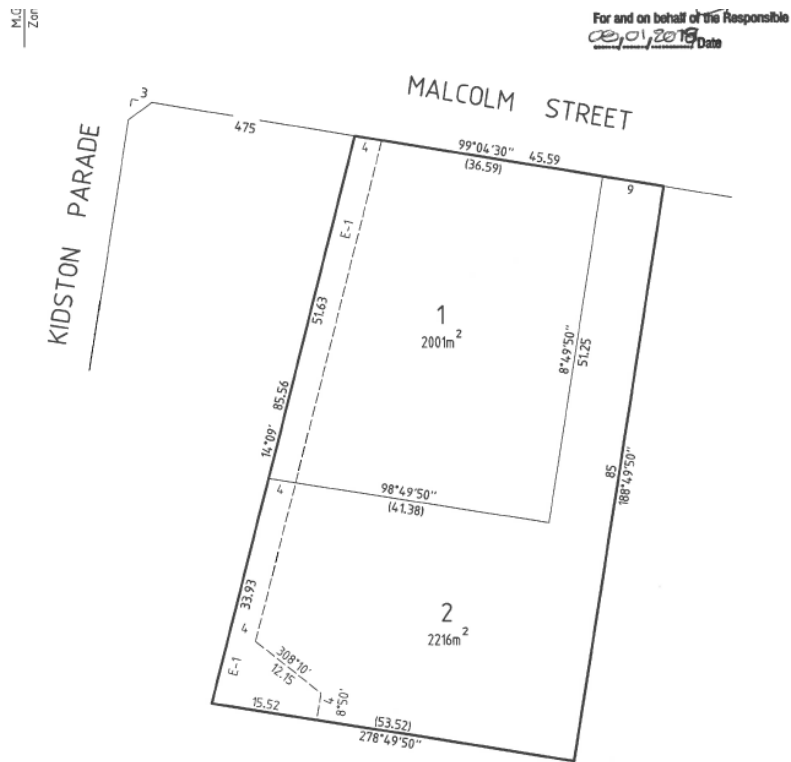


Figure 2: Endorsed plan of subdivision for P125/17. E-1 is vested in favour of 154 Malcolm Street Mansfield, Mansfield Shire Council and Goulburn Valley Water Region.

Site History

P125/17 was issued on 08/01/2018 for a two lot subdivision.

Proposal

The applicant proposes to construct a single storey gable roofed dwelling with dimensions of 12.4m (L) x 9m (W) x 4.3m (H), to be clad with corrugated Colorbond material. The dwelling will contain two bedrooms, a bathroom, laundry, open plan kitchen-living, verandah and porch. The dwelling will be located in the south western corner of the property and will be set back, at its closest point, by 8.2 metres from the southern boundary and 5.4 metres from the western boundary.

The applicant proposes to construct a shed 3 metres north of the dwelling. It will be a single storey shed of size 10m (L) x 12m (W) x 5.3m (H), will be clad in corrugated Colorbond, and have two roller doors and one standard door. The shed will be set back, at its closest point, by 4 metres from the western boundary and 1 metre from the approved subdivision boundary.

The attached plans show the location and orientation of the proposed buildings with regards to the subdivision plan that was approved for planning permit P125/17.

Consultation

Referral Responses

<i>Referral Agency</i>	<i>Response</i>
ENGINEERING	Conditional consent.

Advertising

Pursuant to section 52 (1)(a) and (d) of the Planning and Environment Act 1987, the application was advertised to eight neighbouring properties. No objections were received.

Mansfield Planning Scheme and Context Assessment

The Mansfield Planning Scheme 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.

Planning Policy Framework (PPF)

Clause 11.02-1S Supply of urban land

Objective is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Relevant strategies include:

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.

Officer's comment: The subject land is developed with one dwelling in the first half of the property. The proposal utilises the balance of the land to develop a second dwelling. Corresponding to the P125/17 subdivision, the proposal as a whole ensures the ongoing provision of urban land within Mansfield Shire to meet forecast demand.

Clause 15.01-5S Neighbourhood character

Objective is *to recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Relevant strategies include:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision;
 - Underlying natural landscape character and significant vegetation;
 - Neighbourhood character values and built form that reflect community identity.

Officer's Comment: The subject land lies within the Mansfield Township boundary and interfaces with the General Residential Zone across Malcolm Street. The proposal corresponds to the local development and subdivision pattern of the surrounding land to the north and northeast and provides a subtle transition between lot sizes between the two zones.

Local Planning Policy Framework (LPPF)

Clause 21.03 Settlement and housing

Objective is *to coordinate and manage the growth of Mansfield Township as focus of the majority of development.* The relevant strategy requires to ensure that there is a sufficient land supply to support residential growth.

Officer's comment: refer to officer's comment in Clause 11.02-1S.

Clause 21.09 Mansfield Township

Objective is *to provide an adequate land supply to meet current and future housing needs.* The relevant strategy requires to contain and intensify residential development within existing residentially zoned land.

Officer's comment: The proposal provides for additional residential development on a lot which will help intensify the residential zone of the township but will also help in smoothly transitioning between the varying density moving in a south westerly direction.

Zoning

Clause 32.03 Low Density Residential Zone

Purpose of the zone:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

As per Clause 32.03-1, a planning permit is required to use the land for second dwelling and as per Clause 32.03-4, for the associated building and works.

Table 2		
Decision Guidelines	Officer Comments	Complies?
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	As discussed above.	✓ Yes

Particular Provisions

Clause 65 Decision guidelines

Table 3: Clause 65.01 Approval of an application or plan		
Requirements	Officer Comments	Complies ?
<i>The matters set out in section 60 of the Act.</i>	Satisfies	✓ Yes
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	Satisfies	✓ Yes
<i>The purpose of the zone, overlay or other provision.</i>	Satisfies	✓ Yes
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	Satisfies	✓ Yes
<i>The orderly planning of the area.</i>	The proposal is considered to be in line with the existing use and development pattern of the locality.	✓ Yes
<i>The effect on the amenity of the area.</i>	No amenity impacts are anticipated. The application was advertised to eight neighbouring properties and no objections were received.	✓ Yes
<i>The proximity of the land to any public land.</i>	No public land is in the vicinity of the area.	n/a
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	The proposal is not considered to cause or contribute to land degradation, salinity or reduce water quality.	✓ Yes
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	Any stormwater from the proposed development will be managed through planning permit conditions.	✓ Yes
<i>The extent and character of native vegetation and the likelihood of its destruction.</i>	The property does not have any native vegetation.	n/a
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	Not applicable.	n/a
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or</i>	Any risk associated due to location of subject land within a Bushfire Prone	✓ Yes

Table 3: Clause 65.01 Approval of an application or plan		
Requirements	Officer Comments	Complies ?
<i>management of the land so as to minimise any such hazard.</i>	Area will be managed during the building permit stage.	
<i>The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.</i>	Not applicable.	n/a

Conclusions

The proposed use and development of the subject land for a second dwelling is considered to satisfy the relevant provisions of the Mansfield Planning Scheme under which the planning permit is triggered. The proposal has a conditional consent from council engineers and did not receive any objections from the neighbouring properties. It is considered that subject to appropriate planning permit conditions, the proposal will achieve the desired planning outcomes.