

Delegate Report

File Number: DA7615
Planning Application No. DP001/20
Responsible Officer: Melissa Crane
Attachments: N/A

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	Highton Development Pty Ltd
PROPOSAL	Approval of Development Plan
APPLICATION LODGED	4 January 2021
NOTICE AND SUBMISSIONS	Yes – 20 submissions and 1 petition
<i>Property Details</i>	
PROPERTY ADDRESS	100 Highton Lane, Mansfield
LAND DESCRIPTION	Lot 33 on Plan of Subdivision 135575, Certificate of Title Volume 09436 Folio 619; Lot 34 on Plan of Subdivision 135575, Certificate of Title Volume 09436 Folio 620
RESTRICTIVE COVENANTS	None on title
LAND AREA	10.37ha
EXISTING USE	Dwelling and shedding
<i>Planning Provisions</i>	
ZONE	General Residential Zone

OVERLAYS	Development Plan Overlay
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Background

Proposal

An application has been received to consider and approve a development plan for 100 Highton Lane, Mansfield. The development plan has vision to be to provide for residential development that respects the environment and surrounds and provides an opportunity for sensitive greenfield housing development that integrates with the existing and future community. To implement this vision, the Objectives for the DP are:

- Provide the opportunity for through connectivity between Highton Lane and Crosbys Lane.
- Provide opportunities for connectivity to future development north and south through both streets and open spaces.
- Address integrated stormwater management through the development, and ensure protection of Monkey Gully Creek.
- Include a diversity of lot sizes in the general range of 700-1600sqm.
- Maximise views to the mountain ranges to the north and west through the streetscape design.

Subject site, neighbourhood and environs

The site is located on the south eastern edge of the existing township of Mansfield and extends between Highton Lane and Crosbys Lane. The Mt Buller Road is approximately 500m north of the site from Crosbys Lane, and 1km north from the Highton Lane access. Monkey Gully Road is approximately 700m south-west of the site. Both roads provide access to the town centre of Mansfield.

Land to the west of the site, along both sides of Highton Lane is predominantly developed for large residential allotment ranging from 1000-2000sqm in size. A number of these larger lots have been further subdivided into 2 lots, creating some lots down to approximately 800sqm along Highton Lane.

A number of the larger properties to the west of Highton Lane are currently undergoing further subdivision. Land to the east, along Crosbys Lane is zoned for Rural Living, therefore the land is predominantly larger allotments, ranging from around 1-5ha.

Land to the immediate north and south of the subject land is made up of larger sites of approximately 5ha, that are all within the same DPO1 area and can be further subdivided with a Development Plan in place.

Referrals and Advertising

Referral Responses

<i>Referral Agency</i>	<i>Response</i>
AUSNET SERVICES	No objections, subject to connected to the reticulated power network.

COUNTRY FIRE AUTHORITY	No objections, subject to the installation of hydrants.
GOULBURN BROKEN CATCHMENT MANAGEMENT AUTHORITY	No objections, will require a vegetated buffer along Monkey Gully Creek upon a permit being issued.
GOULBURN MURRAY WATER	No objections, will require a vegetated buffer along Monkey Gully Creek upon a permit being issued.
GOULBURN VALLEY WATER	No objections, and noted that the development can serviced by the Mansfield Sewer and Reticulated Water network.

Advertising

The application was advertised to nearby and adjoining owners, with 20 objections and 1 petition received. The grounds of objection, number of objections received to that point, applicant response and officer assessment of all these objections is as follows:

1. Capacity of infrastructure

Ground of Objection	No	Applicant Response	Officer Assessment
Concerned about growth and access to school and health care services not able to accommodate the additional population	5	There is no capacity in this development to provide for social and community services.	Access to services is an important issue for Mansfield. While this is not a planning issue for consideration as part of this application, the adopted Mansfield Planning Strategy identified that community and development infrastructure was required to support the ongoing liveability of the township. Council works collaboratively with developers, other state government departments and agencies to plan and deliver these important services.
Parking in town is at capacity and is not able to accommodate additional cars, caravans, boats, trailers, etc.	5	No specific response was provided to this ground as it does not relate to the site itself.	Council has purchased 34 High Street, Mansfield and is in the process of designing and constructing a new car park to address parking issues in Mansfield township.
Capacity of water, sewer, telecommunications and drainage systems	7	The development will provide all required infrastructure in accordance with a servicing report	Any future application for planning permit will include conditions requiring the provision of water, sewer, telecommunications and drainage.

to accommodate the growth		submitted with the application.	
Highton Lane needs upgrading first	10	Council has undertaken survey and design work for the upgrade of Highton Lane and has received funding for the IMPACT Route to assist in its construction.	Council has obtained funds to undertake works to upgrade Highton Lane as part of the IMPACT route.
Intersection of Highton Lane and Malcolm Street/Mt Buller Road needs upgrading	7	The Traffic Impact Assessment Report does not identify any required works for this intersection as part of this proposal.	The Traffic Impact Assessment Report does not identify any required works for this intersection as part of this proposal. Council recognises that this intersection is of concern for local residents and will look at different measures that can be put in place to improve the safety of this area and will look to seek funding to implement improvements in this area.
Impact on Crosbys Lane needs consideration	2	Acknowledged that this is a different road and is providing egress only at this point.	The road to Crosbys Lane is for egress from the development only. Any future planning application will give due consideration to how this egress will intersect with Crosbys Lane.
Impacts of stormwater on adjoining and nearby land	2	The Development Plan provides for a drainage reserve adjacent Monkey Gully Creek for stormwater management. There will be a requirement that the development does not discharge additional stormwater from the site, mitigating any downstream impacts.	All new development must maintain stormwater flows offsite to predevelopment levels, and these requirements are included in any future planning permits that may issue.
There is a lack of footpaths, kerb and	1	The development will be serviced with sealed roads, kerb	Any future planning permit that may issue will include these

channel and proper drainage		and channel, footpaths and a drainage network.	requirements in accordance with the Infrastructure Design Manual.
Parking an issue on Highton Lane	1	No specific response was provided to this ground as it does not relate to the site itself.	Parking on Highton Lane from existing developments cannot be addressed as part of this application.

2. Amenity and Character Impacts

Ground of Objection	No	Applicant Response	Officer Assessment
Increase in traffic will have a negative impact	2		The development plan provides for approximately 70 new residential allotments and provides for vehicle egress to Crosby's Lane in addition to the two-lane proposed to go to Highton Lane. It is considered that this solution will adequately provide for access to and from the site while allowing development in accordance with the zone.
Privacy of existing dwelling will be impacted by new housing	1	The adjoining dwellings are in the General Residential Zone and the setbacks that will be attained are considered reasonable in that zone.	The land is zoned for residential development, as is the adjoining land and the proposal is in accordance with the amenity considerations in this zone.
Will change the character of Mansfield	4	Development is being undertaken across Mansfield and this proposal is considered to be in character with these developments.	The Mansfield Planning Strategy identifies that the development of these lots should reflect the "Township Residential". The lots sizes proposed are considered to achieve this outcome.
Density too high/Lot sizes are too small (less than 800sqm)	6	Most lots are between 800-1200sqm in size, with only some between 700-800sqm. This was done to provide	These lots sizes are considered to be a reasonable response to the character of the area, being General Residential. This zone allows lots to be created that are under 300sqm, so these proposed lot sizes are significantly larger

		for a diversity of lot sizes.	than what could be applied for. Lots of this size will allow for dwellings to be constructed and still maintain front, rear and side setbacks that will be able to accommodate gardens and the like.
Impact of construction traffic not adequately addressed	1	No specific response provided.	Any planning permit that may issue would generally include a condition requiring a construction management plan for the site to be prepared, detailing how the development of the new roads, etc, will be undertaken.
Loss of views of the countryside and to Mt Buller	4	No specific response provided.	This property and properties to the north, south and west are in an area identified for residential use and has been zoned this way since 2006. Should any adjoining property owner wish to protect their views, they will have the option to purchase the relevant parcels of land to maintain that view.
New roads will be too close to existing houses	2	No specific response provided.	The land is zoned for residential development, as is the adjoining land and the proposal is in accordance with the amenity considerations in this zone.
Increase in dust and noise disturbance from passing trucks	1	Existing impacts of heavy vehicle traffic can't be addressed as part of this application.	Traffic on Highton Lane from existing uses cannot be addressed as part of this application.

3. Other Issues

Ground of Objection	No	Applicant Response	Officer Assessment
Would like Council to put a halt on future development	1	No specific response provided.	Under the <i>Planning and Environment Act 1987</i> council must accept and assess every application on its merits. In this case, the application is for a residential development in residentially zoned land and is

			being considered in accordance with the provisions of the Mansfield Planning Scheme.
Not enough green space/Green space needs to be included	3	An open space reserve is proposed on the northern boundary, to facilitate the provision of a larger reserve upon the development of land to the north.	The Mansfield Open Space Strategy identifies the need for additional open space in this area, and this development plan provides for half of the required amount. Future development of the properties to the north will be required to add to this open space area.
Concerned with the clearing of established trees	1	There is little native vegetation on site, and the application has been supported by a Flora and Fauna Assessment.	The Assessment details only one native tree, being a dead Red Box, with the rest of the vegetation being either planted or exotic. This standing dead tree may be removed as part of a future planning permit and an offset requirement will be included in any permit that may issue. This tree is located in the road network giving future consideration to protection should this be deemed necessary.
Children walking to school will be in danger	1	No specific response provided.	Safety of children is an important issue, and the development will be required to provide footpaths to ensure safety of pedestrians within the site.
What provisions for fencing have been made?	1	Timber paling or Colourbond style fencing will most likely be used for the lots.	Fencing in residential areas is not usually a condition on planning permits unless there is a specific landscape objective to be achieved. Based on the lot sizes, this type of side and rear fencing is considered appropriate.
Existing dead tree should be retained	1	There is little native vegetation on site, and the application has been supported by a Flora and Fauna Assessment.	The Assessment details only one native tree, being a dead Red Box, with the rest of the vegetation being either planted or exotic. This standing dead tree may be removed as part of a future planning permit and an offset requirement will be included in any permit that may issue. This tree is

			located in the road network giving future consideration to protection should this be deemed necessary.
Impact on native animals not considered	1	The application has been supported by a Flora and Fauna Assessment.	The Assessment identified 10 species of fauna, with no rare or threatened species observed at the site.
Concerns with the consultation process	1	No specific response provided.	The application was advertised in accordance with the <i>Planning and Environment Act 1987</i> , and included notifications directly to abutting owners, a sign was placed on site and a notice put into the Mansfield Courier. Council will accept and consider any objection up until the time a decision is made. A consultative meeting was also held with objectors, which did not resolve the issues but gave all parties an opportunity to further raise questions and get information.
What if the 2 way access to Crosby's Lane doesn't proceed?	1	The TIAR found that traffic can be accommodate the development, however the plan has been amended to show one way egress for vehicles to Crosby's Lane, providing a part solution regardless of future development	Any future development of the lot the north will be required to provide the second half of the access to Crosby's Lane. The assessment is constrained by the land included in the application, but it is considered to provide adequately for the future provision of infrastructure in this area.

A petition has also been received, with 80 signatures, which raise other objection grounds. This was received late and was not included as part of the applicant response, but an officer comment on these grounds is provided as follows:

Ground of Objection	Officer Assessment
The plan will funnel 200 plus houses via a single entrance onto Highton Lane	The development plan provides for approximately 70 new residential allotments and provides for vehicle egress to Crosby's Lane in addition to the two-lane proposed to go to Highton Lane. It is considered that this

	comment does not accurately reflect the proposal as being considered by Council.
Other feeder roads should be provided	As lots in the broader Development Plan area for properties off Highton Lane develop, Council officers will continue to look for opportunities to provide north/south connections and alternative routes such as proposed here to Crosby's Lane.
The intersection at Malcolm Street/Mt Buller Road and Highton Lane needs a safe traffic plan and budget for implementation	The Traffic Impact Assessment Report does not identify any required works for this intersection as part of this proposal. Council recognises that this intersection is of concern for local residents and will look at different measures that can be put in place to improve the safety of this area and will look to seek funding to implement improvements in this area.

Consultative Meeting

A meeting of parties was held on 8 August 2022. One of the objections was withdrawn as a result of this meeting. Some questions were raised by residents at the meeting, with the following additional information provided to all parties relating to items not related to the application being considered:

1. Burning off:

A Local Law permit is required within Residential, Commercial & Industrial zoned land to undertake burning off and can only be applied for outside of the Fire Danger Period.

Permits can be issued for burning off on farmland during the fire danger period under CFA legislation, but are normally subject to a range of conditions. Council also issues some blanket permits for residential areas each year for the upper Merrijig area and for other areas in the lead-up to the fire danger period. These blanket permits are determined on a year-by-year assessment of risk.

2. Highton Lane Construction Standard:

The design for the Highton Lane upgrade will consist of 4 lanes, being 2 lanes in each direction, with kerb and channel and footpaths on both sides of the road.

3. Street Lighting:

At this point in time, there are no specific plans to increase street lighting in Highton Lane.

4. Roundabout at Highton Lane/Mt Buller Road:

There are a number of roundabouts that need to be constructed in the Mansfield township, with this being one of them. The construction of a roundabout will be subject to funding availability; however, it is a project that Council would like to undertake as some point.

Zoning

Clause 32.08, General Residential Zone

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Officer Comment:

The application for any future planning permit will need to address the particular provisions for subdivision in the zone. The assessment of the development plan is a requirement of the overlay.

Overlays

Clause 43.04, Development Plan Overlay

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Objectives:

- Outline the form and conditions of future use and development in the General Residential 1 Zone.
- Establish broad directions for future land use, development, subdivision, and servicing of an area.

Officer Comment:

An assessment of the requirements for a development plan has been undertaken as follows:

Requirement	Officer Assessment	Complies?
Site assessment and design response, including natural features, slope and orientation, drainage lines, native vegetation, heritage and archaeological significance, potential impacts, viewlines and adjoining land.	A full site analysis and response has been provided in the plan and is considered to adequately address this requirement as well as providing	✓ Yes

	the relevant details for the site assessment	
Proposed subdivision layout and density, indicating internal roads, external road linkages and impacts, pedestrian linkages and if appropriate, lot layout.	<p>The proposed layout is detailed in the plan showing the following road access:</p> <ul style="list-style-type: none"> • Two way sealed road from the development site to Highton Lane • One way road from the development site to Crosbys Lane • Future linkages to the north and south • Pedestrian connectively throughout the development 	✓ Yes
All servicing, including water, sewerage, drainage and stormwater, electricity and telecommunications to meet the standards of the relevant service authority.	<p>A full servicing strategy is included in the plan.</p> <p>The plan has also been referred to all authorities with no objections or concerns raised with the development.</p>	✓ Yes
An assessment of relevant bushfire risk and bushfire protection measures for the site and area, as appropriate.	The application has been assessed by the Country Fire Authority who had no objections subject to the provision of hydrants in the road network.	✓ Yes
Existing and future open space, including linkages to and between open spaces.	Future open space is provided in the form of a 5389sqm allotment on the northern section of the property. This is in accordance with the Draft Mansfield Open Space Strategy and an appropriate location to provide for open space that is accessible to the local area.	✓ Yes
Proposed measures to address native vegetation, landscaping and streetscape treatment.	<p>A Flora and Fauna Assessment has been provided with the application that details only one tree that will be impacted by the future development. It is noted that this tree is dead and removal of it will not have an impact on the broader biodiversity of the area.</p> <p>In addition there will be a requirement from GMW and GBCMA to vegetate the buffer along Monkey Gully Creek in any future development.</p>	ü Yes

The stages, if any, in which the land is to be subdivided and developed.	The site is proposed to be developed in stages from west to east. Detailed staging will be provided as part of a future planning permit application.	✓ Yes
Consistency with any adopted structure plan, urban design framework or strategy relevant to the area.	There is no specific adopted structure plan or strategy for the area. The proposal is generally in accordance with the draft Mansfield Open Space Strategy.	✓ Yes
If the proposal is likely to have an effect on an arterial road, a Transport Impact Assessment Report (TIAR) should be prepared to the satisfaction of the relevant road authority. The TIAR must have regard to the relevant road authority's access management policies and determine the extent of mitigating works required on arterial roads in consultation with the relevant road authority.	<p>A TIAR was provided with the application and any requirements will be included on any permit that may issue.</p> <p>Point 5.4 of the plan also requires that:</p> <p><i>The developer must provide contributions to Council in accordance with Clause 13 of the Mansfield Urban Design Framework 2005 to the satisfaction of the Responsible Authority. Such contributions may be cash or works in kind to the satisfaction of the Responsible Authority.</i></p>	✓ Yes

Conclusions

- The site can only provide a two way road access to the existing street network at the access from Highton Lane.
- To mitigate the impacts of traffic on adjoining owners, the plan provides for egress to Crosbys Lane. This will be widened to provide two way access should the property to the north of 52 Crosbys Lane be developed.
- The proposed layout provides for future north/south linkages in appropriate locations when these properties are developed.
- The location of the proposed open space is in accordance with the draft Mansfield Open Space Strategy.
- The approval of the development plan can be supported as it provides for an appropriate and connected outcome for development in an existing residential area.