

Assessment against the Planning Scheme



Planning Application No. P062-25
 Responsible Officer: Dominic Corradini
 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	Daniel Moloney
PROPOSAL	Three (3) Lot Re-Subdivision
<i>Property Details</i>	
PROPERTY ADDRESS	27 HUNTER STREET MANSFIELD VIC 3722
LAND DESCRIPTION	Lot 1 on Plan of Subdivision 821313A and Lot 2 on Plan of Subdivision 821313A

Mansfield Planning Scheme and Context Assessment

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.

Municipal Planning Strategy (MPS)

Clause 02.03-1 Settlement of Mansfield Township

This clause states:

The Hume Regional Growth Plan 2014 considers Mansfield Township a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north. It is the only urban centre with significant growth potential in the Shire and provides all major services and infrastructure for the community.

Clause 02.03-6 HousingThis clause states:

A diversity of housing opportunities is an important part of providing housing for all. As the major urban centre of the Shire, the majority of housing growth will take place in Mansfield Township, where aged care, infill and medium density housing development will be key for the community to be able to age in place.

Officer response:

Subdivision of the northern property into two new allotments is in keeping with the Municipal Planning Strategy settlement and housing clauses that encourage infill housing development and higher density living within the Mansfield township.

Planning Policy Framework (PPF)**Clause 11.02-1S Supply of urban land**

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

Planning must ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Officer response:

The proposal is for the subdivision of a general residential allotment within Mansfield Township boundary. The proposal responds to the subdivision pattern of the area and intensifies the existing urban area. The proposal is considered to satisfy the objective of this provision, which is to ensure sufficient supply of land for residential use.

Clause 15.01-3S Subdivision Design

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Planning for urban growth should consider:

- Creating compact neighbourhoods that have walkable distances between activities.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Officer response:

The proposal is generally consistent with the purposes of the GRZ1 as it is residential development and is offering choice in housing types close to the town centre. The existing character of the neighbourhood is a mixture of traditional single detached dwellings and some larger properties which are able to be further subdivided. Subdivision of the northern property into two new allotments will increase the diversity of housing opportunities within this area.

Clause 16.01-1L Housing supply in Mansfield

Relevant strategies include:

Encourage higher density development in areas that can capitalise on existing physical and social infrastructure in proximity to the Mansfield town centre.

Support smaller housing options and retirement and aged care accommodation close to town centres and areas with existing social and physical infrastructure.

Encourage opportunities to increase the supply of affordable housing to cater for lower income households, older people and young people.

Policy guideline:

Consider as relevant:

- *Supporting medium density housing within 400 metres of the Mansfield shopping centre and other services and facilities.*

Officer response:

The proposal to subdivide the northern lot into two new lots will facilitate the construction of two future dwellings and therefore meet objectives to promote infill housing and support smaller housing options. Whilst the subject site is beyond 400 metres from the Mansfield shopping centre, it is located within Mansfield's township boundary with good access to various facilities and services.

Zoning

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.

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 purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this 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.*

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Officer response:

Under Clause 32.08-3 a permit is required for the subdivision of land.

For a two-lot subdivision, Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2 apply.

The proposed subdivision creates two vacant lots. Both lots are relatively large and provide capacity for good solar orientation of future dwellings and to open space areas. Further analysis is provided in the Clause 56 assessment.

Overlays

No overlays apply to the site.

Particular Provisions

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Officer's response:

The proposal creates 2 new lots in an existing residential area where housing intensification and diversity is encouraged. It is considered that neither of the subdivided lots will be further developed/subdivided. The third lot created by the boundary realignment is much larger than the two proposed lots and has the potential to be further subdivided.

Assessment under Clause 56

An assessment against Clause 56 is appended to this report.

General Provisions

Clause 65.02 – Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any owners corporation.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

Officer response:

The matters set out at Section 60 of the Act have been considered. All decision guidelines have been addressed and met.

Appendix

Clause 56 Residential Subdivision

Clause and objective	Standard	Assessment
56.03-5 To design subdivisions that respond to neighbourhood character.	C6 Subdivision should: <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character 	The proposed subdivision is consistent with neighbourhood character by creating two lots capable of accommodating suitable residential developments.

	<p>consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <ul style="list-style-type: none"> • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>The area has a number of similar rectangular style lot subdivisions nearby.</p>
<p>56.04-2</p> <p>Lot area and building envelopes objective</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>C8</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> • The objectives of the relevant standards are met, and • The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. 	<p>The proposed lots are larger than 500 square metres and are able to contain a rectangle measuring 10 by 15 metres.</p> <p>As such the proposed lots are sufficiently designed and are able to contain dwellings and related uses (eg/ Private open spaces, vehicular access and water management in accordance with the requirements of the Mansfield Planning Scheme.)</p> <p>There is a sewerage easement running along the eastern boundary of the lot, which will be accessed by both lots for the purpose of connecting to sewerage. There is no significant vegetation or site features on the proposed lots.</p>
<p>56.04-3</p> <p>Solar orientation of lots objective</p> <p>To provide good solar orientation of lots and</p>	<p>C9</p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p>	<p>Both lots are relatively large and provide capacity for good solar orientation of future dwellings and to open space areas.</p>

<p>solar access for future dwellings.</p>	<p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	
<p>56.04.5</p> <p>Common area objectives</p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the</p>	<p>C11</p> <ul style="list-style-type: none"> • An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management 	<p>No common area will be created in this subdivision.</p>

neighbourhood street network.	arrangements including maintenance standards for streets and open spaces to be commonly held.	
<p>56.06-8</p> <p>Lot access objective</p> <p>To provide for safe vehicle access between roads and lots.</p>	<p>Standard 21</p> <ul style="list-style-type: none"> • Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. • The design and construction of a crossover should meet the requirements of the relevant road authority. 	<p>Both lots will have direct access to New Street.</p>
<p>56.07-1</p> <p>Drinking water supply objectives</p> <ul style="list-style-type: none"> • To reduce the use of drinking water. • To provide an adequate, cost-effective supply of drinking water. 	<p>C22</p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>The site is connected to a reticulated water supply system.</p>

<p>56.07-2</p> <p>Reused and recycled water objective</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>C23</p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>There is no provision for reused or recycled water in relation to GVW.</p>
<p>56.07-3</p> <p>Waste water management objective</p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>C24</p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with a domestic waste water management plan adopted by the relevant council. • Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>Both lots will be connected to reticulated sewer.</p>

<p>56.07-4</p> <p>Stormwater management objectives</p> <p>To minimise damage to properties and inconvenience to residents from stormwater.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p>C25</p> <p>The stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed. • 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). • Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. • Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>The stormwater management system should be integrated with the overall development plan including the street and public</p>	<p>Stormwater can be directed into the existing system within the road reserve.</p>
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	<p>open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. • For storm events greater than 20% AEP and up to and including 1% AEP standard: • Provision must be made for the safe and effective passage of stormwater flows. <p>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</p> <p>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).</p> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure stormwater is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should 	
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	<p>be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</p> <ul style="list-style-type: none"> • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. <p>Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</p> <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
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<p>56.08-1</p> <p>Site management objectives</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>C26</p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>It is considered that subdivisional works will be minimal in nature given the existing established Council Road network and service lines already connected to the property.</p>
<p>56.09-1</p> <p>Shared trenching objectives</p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>C27</p> <p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Shared trenching will not be required as each lot has direct road frontage and access to services.</p>

<p>56.09-2</p> <p>Electricity, telecommunications and gas objectives</p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>C28</p> <p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where proposed to be connected, a reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency.</p>	<p>The Applicant has advised that electricity, telecommunications and gas systems will be designed in accordance with the relevant authority requirements.</p>
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