

APPLICATION FOR PLANNING PERMIT

Three lot subdivision and development of three dwellings

10 Victoria Street, Mansfield



Figure 1 – Aerial photograph of the Subject Land and surrounds.

Introduction

A planning permit is sought for a three lot subdivision and the construction of three dwellings at 10 Victoria Street, Mansfield (**Subject Land**). The Subject Land is located in the Mansfield Shire and is governed by the Mansfield Planning Scheme (**Scheme**).

Site description

The Subject Land is located on the southern side of Victoria Street between Loch Street and Apollo Street in the Township of Mansfield. The Subject Land has an area of approximately 859 square metres and has frontage to Victoria Street on its northern boundary. The land is described as lot 1 on TP172686 and more particularly contained in certificate of title volume 9161 folio 069.

Please refer to the attached certificate of title.

The Subject Land is a levelled block of land containing an existing single-storey weatherboard dwelling, carport, garden sheds and planted exotic vegetation. The dwelling has frontage to Victoria Street and gains access via an existing gravel crossover and gravel driveway.



Photograph 1 – View of Subject Land from Victoria Street.

Victoria Street is a sealed, two-laned road that runs east – west between Highett Street to the east and Elvins Street to the west. Mansfield Primary School is located opposite the Subject Land and Lords Reserve is further to the west on the western side of Apollo Street. Otherwise, the majority of the lots along Victoria Street are developed with dwellings and ancillary outbuildings.



Photograph 2 – Mansfield Primary School opposite the Subject Land on the northern side of Victoria Street.



Photograph 3 – Victoria Street, to the east of the Subject Land.



Photograph 4 – Victoria Street to the west of the Subject Land.

The Subject Land is surrounded by similar sized allotments, all in the General Residential Zone (**GRZ1**) in the township of Mansfield. Most of these properties in the broader area contain single detached dwellings and associated outbuildings. Mansfield Primary School in the Public Use Zone 2 (Education) (PUZ2) and Lords Reserve is in the Public Park and Recreation Zone (PPRZ) approximately 70 metres to the west. The land and surrounding area are not subject to any overlays.

Refer to the zoning map in Figure 2 below.



Figure 2 – Map showing the zoning of the Subject Land and surrounds.

Proposal

The landowner seeks a planning permit to subdivide the Subject Land into three lots with a common property driveway on the western side of the development. The area of each of the proposed lots is approximately 273 square metres for lot 1, 172 square metres for lot 2 and 234 square metres for lot 3. The proposed lots will each gain access via the common property driveway located along the western boundary of the Subject Land.

The proposal also includes the construction of three dwellings on the Subject Land with one dwelling to be located in each of the proposed new lots. The existing dwelling, ancillary shedding and planted exotic vegetation will be removed to facilitate the construction of the proposed development. A detailed landscaping plan has been prepared for the new development to replace the removed vegetation and to enhance the visual amenity from the public realm.

Dwelling 1 is a single storey dwelling containing two bedrooms, open plan kitchen, dining and living room, family bathroom and laundry. Dwellings 2 and 3 are double storey and each contain on the ground floor open plan kitchen, dining and living area, laundry and toilet, and on the first floor two bedrooms, bathroom and linen cupboard. Each of the proposed dwellings has a single-car garage and separate externally accessible storage space. Private open space is located to the side and rear of dwellings 2 and 3 and to the rear and to the frontage of dwelling 1 with adequate solar access to these areas.

The new dwellings are designed to reflect the general characteristics of dwellings in the area, with pitched corrugated iron roofs, brick external walls and garden areas around the frontage of the dwellings.

The new dwellings will be connected to the existing reticulated water, sewer and electricity supply.

Please refer to the attached plans:

- Proposed plan of subdivision prepared by Linear Land Surveying;

- Feature Survey prepared by Linear Land Surveying;
- Neighbourhood analysis prepared by AGC Design Drafting
- Site plan;
- Floor and elevations for each dwelling; and
- Landscaping plan.

Permit Triggers

The following planning permit triggers apply to this application:

- Clause 32.08 General Residential Zone
 - a permit is required to subdivide the land; and
 - a permit is required to construct two or more dwellings on a lot.

Zoning

Clause 32.08 General Residential Zone

The purpose of the General Residential Zone (**GRZ**) is:

- *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.*

Under clause 32.08-3, an application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

An application for subdivision must be accompanied by a site and context description and design response. A response to the objectives and standards of Clause 56 is provided below.

Under clause 32.08-6, the development of three dwellings on a lot must meet the requirements of Clause 55. A response to the objectives and standards of Clause 55 is provided below.

Overall, the proposed development and subdivision of the land into three lots responds appropriately to the purpose of the General Residential Zone and the general characteristics of the residential areas of Mansfield.

The proposed development on the Subject Land provides medium density housing within proximity to the town's centre.

Municipal Planning Strategy

The relevant sections of the Municipal Planning Strategy are addressed as follows:

Clause 02.02 Vision

Council has set the following vision:

To live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

Clause 02.03 Strategic Directions

02.03-1 Settlement

The settlement pattern in Mansfield Shire is characterised by the major urban centre based in Mansfield with a number of smaller settlements surrounding the urban centre.

Mansfield has significant growth potential and provides all major services and infrastructure for the community.

02.03-5 Built environment and heritage

Mansfield has a rich built, cultural and natural environment. Mansfield township's residential areas are characterised by wide streets with on street parking, large lots and street trees. Infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected.

02.03-6 Housing

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.

Council's strategic directions for housing are to:

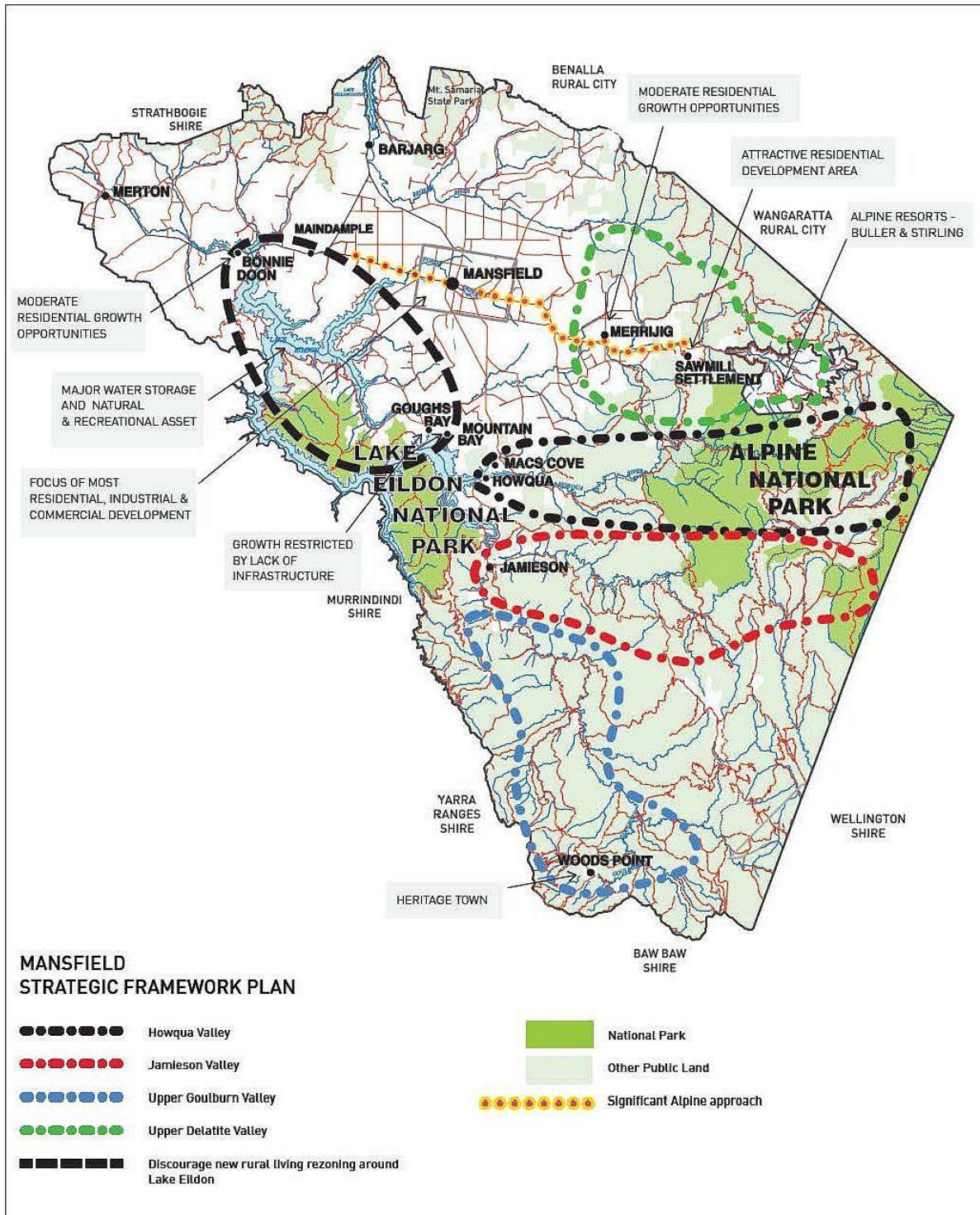
- *Provide for housing needs to be met within townships and designated rural living areas.*
- *Maintain housing affordability and increase the diversity of housing choices, including opportunities for rural living and medium density housing.*

The proposed development is within the established residential area of Mansfield and is within proximity to the town's centre and several community facilities. The proposed development utilises

the existing infrastructure and services in the area and further promotes dwelling diversity in the town where smaller lots and dwellings are in demand.

Clause 02.04 Strategic Framework Plan

Mansfield Strategic Framework Plan:



Planning Policy Framework

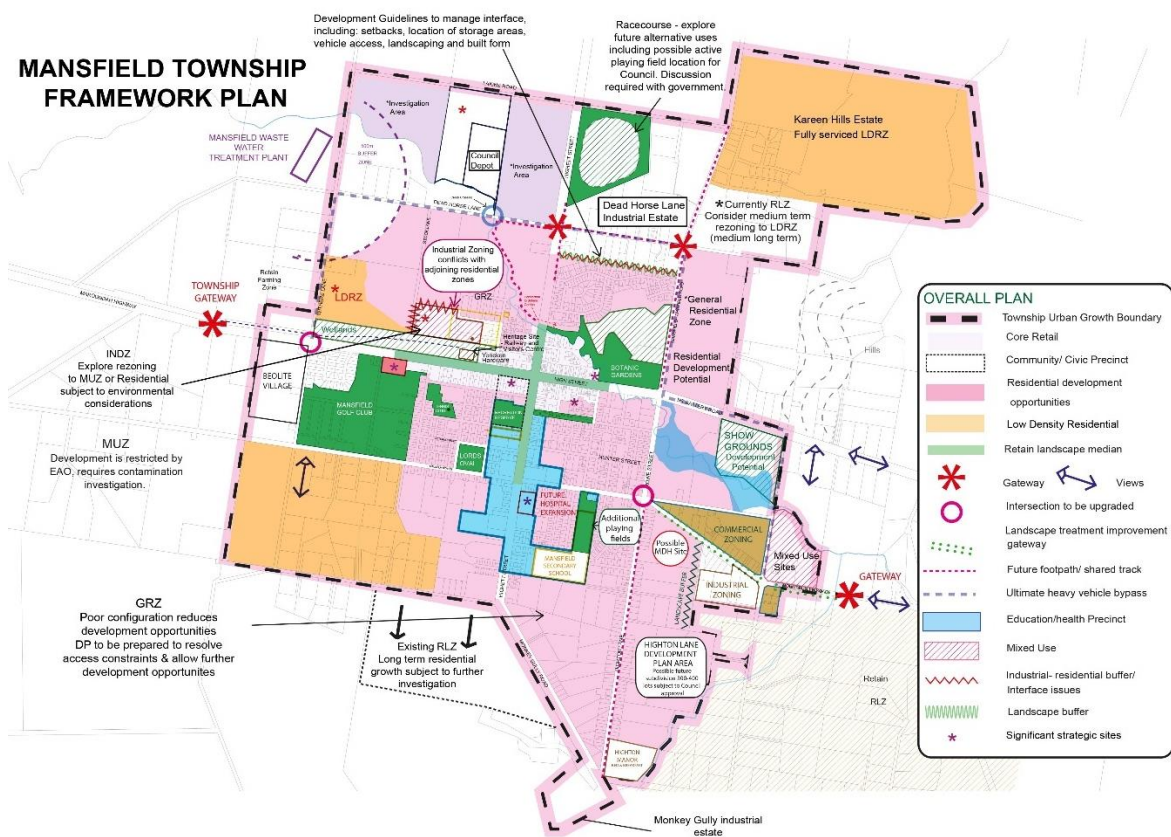
Clause11 Settlement

This clause identifies that Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and services land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

11.01-1L-01 Mansfield Township

Housing strategies for Mansfield Township include containing and intensifying residential development within existing residentially zoned land, and encourage the redevelopment of key strategic sites, infill sites and currently vacant General Residential land.

The proposed subdivision and development is in keeping with the surrounding and existing land use and development. The subdivision takes advantage of the existing residential settlement patterns and the provision of established infrastructure and services in the area. The proposed new dwellings support the growth of Mansfield and provides for further choice in affordable housing.



Clause 15.01-1S Urban design

Objective:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

The Subject Land is located within the Mansfield township. The proposed subdivision and development of the land will enhance the urban environment and contribute to the sense of place and community.

Clause 15.01-2S Building Design

Objective:

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

The proposed development responds and contributes to the context of its location. It will not have a detrimental impact on any neighbouring properties, nor will it impact the public realm or the natural environment. The form, scale and appearance of the proposed dwellings will sit comfortably within the residential area and responds to the characteristics of Mansfield. The specific design of the development provides for a single story dwelling located at the frontage of the Subject Land, and the double story dwellings located centrally and to the rear of the land thereby minimising any impact on the predominant built character of the area.

Clause 15.01-3S Subdivision design

Objective:

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

The proposed subdivision will provide for diversity in lot sizes available in the area to meet the needs of different groups of people.

Clause 15.01-4S Healthy neighbourhoods

Objective:

- *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

The Subject Land is located close to the centre of Mansfield township thereby supporting walking and cycling as a part of daily life. The location of the nearby Lords Reserve, Mansfield Recreation Reserve and Great Victorian Rail Trail provides for active recreation and leisure.

Clause 15.01-5S Neighbourhood character

Objective:

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

The general character of the area consists of single storey detached dwellings on lots with landscaped front gardens. The proposed development continues the single-storey character with the front dwelling being single story and provides for landscaped gardens at the front of each of the proposed dwellings.

Clause 16 Housing

This clause identifies that planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planning for long term sustainability, including walkability to activity centres, schools and open space.

The Subject Land is located in Mansfield, which provides a range of community and physical services. The Subject Land is located within easy walking distance to the activity centre of town and is accessible by sealed roads.

16.01-1L Housing supply in Mansfield Township

The 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.*

The proposed subdivision and development provides for medium density housing in an established township with existing infrastructure and services available to support the development. The proposed development adds to the diversity of housing available in Mansfield, where there is demand for smaller lots in the residential area and close to medical facilities.

Clause 18.02-1S Walking

Objective:

- *To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.*

An existing concrete footpath is located on the northern side of Victoria Street, connecting the Subject Land to the commercial area and other community facilities of Mansfield.

Clause 19 Infrastructure

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure. The local policy strategy is to ensure that the cost of new infrastructure required to serve a specific development is met by the developer.

Particular Provisions

Clause 53.01 Public open space contribution and subdivision

The subdivision of land in the GRZ requires a public open space contribution to be made to the council (a percentage of the land, or a percentage of the site value of the land, or a combination of both) for an amount specified in the schedule to Clause 53.01. The Scheme does not specify an amount in the schedule to this clause.

The proposed three lot subdivision is located close to existing open space and public leisure facilities in Mansfield. It is submitted that the proposed development will not intensify the use of these areas, and as such it is considered that there will not be an impact on the overall demand for public open space in the Mansfield township. It is submitted that the public open space contribution should be a percentage of the site value of the land, of no more than 2%.

Clause 55 Two or more dwellings on a lot and residential buildings

The purpose of clause 55 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the exiting neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Clause 55.01 Neighbourhood and site description and design response

The neighbourhood

The Subject Land is in a residential area of Mansfield, close to the health precinct and sporting facilities, and within proximity to the main commercial centre. The typical pattern of development in the area is of single storey dwellings on generally 800-1200 square metre lots. The streets in the area form a grid-like pattern with the streets running north-south, and east-west.

The architectural style within the area varies, consisting of mixed construction types; generally pitched roofs, and wall cladding of brick, weatherboard and some examples of fibro-cement sheeting.

Victoria Street supports a wide variety of front fences, with no particular predominant style. The Subject Land has no front fence, along with a number of other properties along this stretch. Those with front fences have varying styles of front fences that include wooden and Colourbond materials.

The site

The Subject Land is 859 square metres in area and is rectangular in shape. The short sides of the Subject Land are on the south and north ends, with the northern end having frontage to Victoria Street. The long axis of the land lies generally north-south.

The site is generally flat with the front setback being standard for dwellings to the west of the Subject Land.

The existing dwelling and storage shed on the land are located centrally on the lot. This is typical of the properties in the area. The property to the east and the two properties to the west of the Subject Land all support a single dwelling and land on the northern side of Victoria Street contains Mansfield Primary School.

There are no trees on the lot identified in the Scheme as significant that affect the proposed new dwellings.

There are no significant views to or from the Subject Land.

The proposal is designed to respond to the general character of the area, that being single-storey dwellings with front gardens. There are no significant neighbourhood character objectives for this area provided for in the Scheme.

Please refer to the Neighbourhood Plan at TP02 and Neighbourhood Street View at TP03 for further details. The relevant Clause 55 objectives are addressed as follows:

Clause & Objective	Response
55.02 Neighbourhood character and infrastructure	
55.02-1 Neighbourhood character objectives Standard B1	Complies: The design of the proposed dwellings has responded to the neighbourhood character of the area. Although there is a variety of dwelling design, along Victoria Street the dwellings are predominantly single-storey and with pitched roofs. The proposed dwellings are of similar design, albeit with dwelling 2 and 3 of double storey construction, with the development presenting as single-storey to the street. The proposed dwellings have pitched Colourbond steel roofs. The proposed landscaping for the Subject Land continues the pattern of front gardens evident along the street.
55.02-2 Residential policy objectives Standard B2	Complies: The proposed development is consistent with the Scheme's policy for housing. Refer to the response to clause 02.03 and clause 16 of this report.
55.02-3 Dwelling diversity objective Standard B3	Not applicable: The proposal is for less than 10 dwellings.

55.02-4 Infrastructure objectives Standard B4	Complies: The proposed development will be connected to reticulated water, sewer and electricity. It is anticipated that the low number of proposed dwellings will be easily accommodated in the existing network.
55.02-5 Integration with the street objective Standard B5	Complies: Proposed dwelling 1 is oriented towards the street and proposed dwellings 2 and 3 are oriented towards the access driveway along the western side of the development. Fencing is proposed along the frontage of the Subject Land, however will be set back from the front boundary.
55.03 Site layout and building massing	
55.03-1 Street setback objective B6	Complies: The existing dwellings on the land immediately to the west of the Subject Land have a front setback of 10 metres from Victoria Street. Dwellings at 2 and 4 Victoria Street have an approximate front setback of 4 metres and dwellings on the northern side of Victoria Street to the west of Lords Reserve have a front setback of approximately 3 metres. The proposed development is setback 6.0 metres from Victoria Street which is less than the average setback between the two adjoining allotments but is not unreasonable for multi-dwelling development and medium density development. With the proposed landscaping at the frontage of the land, it is submitted that the proposed setback is appropriate for the development.
55.03-2 Building height objective B7	Complies: No maximum building height is specified in the schedule to the GRZ. The maximum building height does not exceed the maximum height of 9 metres prescribed in the GRZ.
55.03-3 Site coverage objective B8	Complies: The schedule to the GRZ does not specify maximum site coverage. The site coverage proposed is 46.8%, which is less than the maximum site coverage of 60% prescribed in the GRZ.
55.03.4 Permeability and stormwater management objectives B9	Complies: There is no minimum area specified in the schedule to the GRZ, therefore the site area covered by the pervious surfaces should be at least 20%. The proposed development has a permeable area of 33.0%.

55.03-5 Energy efficiency objectives B10	Complies: The proposed dwellings all contain north or west facing windows into the living areas of the dwellings, maximising solar efficiency. The proposed private open space for each of the dwellings is located such that solar access is available to the space. Any shadows cast from the proposed development will not affect the adjoining allotments.
55.03-6 Open space objective Standard B11	Not applicable: There is no communal open space proposed for the development.
55.03-7 Safety objective Standard B12	Complies: The entrances to the dwellings are not obscured or isolated from the internal accessway. All entrances are clearly visible from the driveway or street and can provide surveillance of the driveway by the occupants of the dwellings. The proposed landscaping will not create unsafe spaces along the common driveway. The private open spaces within the development have not been designed to enable use as public thoroughfares.
55.03-8 Landscaping objectives Standard B13	Complies: A landscaping plan has been prepared for the Subject Land. Refer to the Landscaping plan at sheet TP13.
55.03-9 Access objective Standard B14	Complies: Accessways have been designed to allow safe access within the site as well as safe ingress and egress to the Subject Land. The width of the accessway does not exceed 33% of the street frontage. Only one crossover is proposed for the development, utilising the existing gravel crossover, and ensuring that on-street car parking spaces are not impacted. Access for service, emergency and delivery vehicles is available to the development.
55.03-10 Parking location objectives Standard B15	Complies: The proposed development provides convenient and secure parking for each dwelling. Each dwelling has a lock-up single-car garage, accessed from the common property driveway. The accessway is located less than 1.5 metres from habitable room windows of the proposed dwellings, however it is submitted that due to the small scale of the development, and the proposed landscaping, that this setback is acceptable.

55.04 Amenity impacts	
55.04-1 Side and rear setbacks objective Standard B17	Complies: The side and rear setbacks of the proposed development comply with this standard, with the maximum building height of 6.856 metres and the minimum setback from the rear boundary of 1.969 metres.
55.04-2 Walls on boundaries objective Standard B18	Not applicable: There are no walls on or within 200mm of a side or rear boundary.
55.04-3 Daylight to existing windows objective Standard B19	Complies: The wall of proposed dwelling 1 located close to the east boundary is not greater than 3 metres in height and therefore adequate daylight is provided to the existing habitable windows of the adjacent dwelling.
55.04-4 North-facing windows objective Standard B20	Not applicable: There are no north-facing windows of existing dwellings within 3 metres of the southern boundary of the Subject Land.
55.04-5 Overshadowing open space objective Standard B21	Complies: The proposed development does not unreasonably overshadow the private open space of any adjoining properties. Refer to TP11 and TP12.
55.04-6 Overlooking objective Standard B22	Complies: A 1.8 metre fence on the eastern boundary as well as obscured glass and raised windowsill heights for the first floor are proposed to prevent any overlooking into the private open space of the adjoining allotments. Refer to TP10.
55.04-7 Internal views objective Standard B23	Complies: The first floor windows will have raised windowsill heights or obscured glass to prevent overlooking into the secluded private open space of the proposed dwellings.
55.04-8 Noise impacts objectives Standard B24	Complies: Noise sources will not be located near bedrooms of adjoining dwellings. Noise sources on immediately adjacent properties have also been considered in the design of the development.
55.05 On-site amenity and facilities	
55.05-1 Accessibility objective Standard B25	Complies: The dwelling entries are at ground level and dwelling 1 is a single storey dwelling, allowing easy accessibility to those with limited mobility.

55.05-2 Dwelling entry objective Standard B26	Complies: Each dwelling has its own separate entry with covered portico, providing shelter and a sense of personal address.
55.05-3 Daylight to new windows objective Standard B27	Complies: Habitable room windows all face an outdoor space clear to the sky with a minimum area of 3 square metres.
55.05-4 Private open space objective Standard B28	Complies: Each proposed dwelling has been designed to have a minimum of 40 square metres of private open space, with an area of secluded private open space of at least 25 square metres with a minimum width of 3 metres at the side or rear of the dwellings with convenient access from a living room.
55.05-5 Solar access to open space objective Standard B29	Complies: The private open space for each of the proposed dwellings is located on the east or north sides of the dwellings, providing adequate solar access to these areas.
55.05-6 Storage objective Standard B30	Complies: Each proposed dwelling has convenient access to 5.94 cubic metres of externally accessible, secure storage space, located in each of the garages.
55.06 Detailed design	
55.06-1 Design detail objective Standard B31	Complies: The design of the dwellings respects the existing neighbourhood character of the area, whilst providing for modern style dwellings.
55.06-2 Front fences objective Standard B32	Complies: There is a variety of front boundary treatments along Victoria Street. The proposed development includes a front fence to provide for an area of secluded private open space for dwelling 1. The new front fence is in keeping with nearby properties in the street.
55.06-3 Common property objective Standard B33	Complies: The proposed common property aligns with the access driveway to the dwellings. This area will be easily maintained.
55.06-4 Site services objectives Standard B34	Complies: The proposed development provides sufficient space and facilities for services to be installed and maintained efficiently. Adequate space is provided for each dwelling for the storage of rubbish and recycling bins and mailboxes are proposed at the frontage of the site for easy access by Australia Post officers.

Clause 56 Residential subdivision

The purpose of clause 56 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

Clause 56.01 Subdivision site and context description and design response

The Subject Land is in a residential area of Mansfield, where the majority of lots in the immediate vicinity have been developed for residential purposes. The area is a typical historical subdivision where the lots are generally 800-1000 square metres in area.

The lots adjacent to the Subject Land support dwellings, with the land to the north containing the local Mansfield Primary School.

Victoria Street is a sealed, two-way road with kerb and channel. A concrete footpath is located on the northern side of the street only. The nature strips on either side of the road are grassed with no street trees.

The proposed lots will be fully serviced and will gain access from the sealed road at the frontage of the land. The proposed subdivision and development supports and enhances Mansfield's residential areas by providing housing and lot diversity.

Please refer to the Site Analysis Plan for further details. The relevant Clause 56 objectives are addressed as follows:

Clause & Objective	Response
56.03 Liveable and sustainable communities	
56.03-5 Neighbourhood character objective Standard C6	Complies: The proposed subdivision has responded to the general neighbourhood character of the area. The proposed lot sizes

	are smaller than that immediately adjacent to the Subject Land, however, are typical of lot sizes for unit development and address the demand for a diversity of housing and lot sizes in the serviced residential area.
56.04 Lot design	
56.04-1 Lot diversity and distribution objectives Standard C7	Complies: The proposed subdivision is within walking and cycling distance of the Mansfield town centre. The proposed higher housing density provides diversity in the housing stock available in the area, catering to a wider variety of housing choice.
56.04-2 Lot area and building envelopes objective Standard C8	Complies: The proposed subdivision includes the construction of a dwelling on each of the proposed lots.
56.04-3 Solar orientation of lots objective Standard C9	Complies: The proposed lots will comply with the solar orientation standard. The proposed dwellings on the lots are generally oriented west-east to provide for sufficient solar access into the habitable room windows.
56.04-4 Street orientation objective Standard C10	Complies: Dwelling 1 faces Victoria Street and dwellings 2 and 3 face the common property driveway, thereby increasing visibility and surveillance from the street and within the subdivision.
56.04-5 Common area objectives Standard C11	Complies: The proposed driveway is contained within the common property area as shown on the plan. This will provide common access to each of the new lots. No other common property is proposed.
56.05 Urban landscape	
56.05-1 Integrated urban landscape objectives Standard C12	Not applicable: The proposed subdivision does not create any new streets or public open space.
56.06 Access and mobility management	
56.02-2 Walking and cycling network objectives Standard C15	Complies: The proposed subdivision is in an area with access to sealed footpaths and easy access to the town centre and public open space areas like the Lords Reserve, Mansfield swimming pool and Mansfield Recreation Reserve.

56.06-4 Neighbourhood street network objective Standard C17	Not applicable: No new streets are proposed as part of this subdivision.
56.06-5 Walking and cycling network detail objectives Standard C18	Not applicable: The subdivision is of a size that does not require any new footpaths or shared path and cycle networks. The proposed subdivision has ready access to an existing concrete footpath on the northern side of Victoria Street.
56.06-7 Neighbourhood street network detail objective Standard C20	Not applicable: No new streets are proposed as part of this subdivision.
56.06-08 Lot access objective Standard C21	Complies: The access to the subdivision will be gained from the existing crossover from Victoria Street. The crossover will be upgraded in accordance with Council's requirements. All three proposed lots will gain vehicle access from the common property along the western side of the Subject Land.
56.07 Integrated water management	
56.07-1 Drinking water supply objectives Standard C22	Complies: The supply of reticulated water is available to the Subject Land. New connections will be provided for the new lot as required by and to the satisfaction of Goulburn Valley Water.
56.07-2 Reused and recycled water objective Standard C23	Complies: Goulburn Valley Water do not currently provide a reused and recycled water supply in the Mansfield township. Individual lots in the proposed subdivision will have the ability to harvest water from buildings on the lot for non-drinking purposes, such as watering gardens, in order to conserve drinking water, with sufficient room on the allotments to install a slimline rainwater tank.
56.07-3 Waste water management objective Standard C24	Complies: The proposed lots will be connected to the existing reticulated wastewater system.
56.07-4 Stormwater management objectives Standard C25	Complies: All stormwater from the proposed subdivision will be drained to the legal point of discharge as determined by Council's infrastructure engineers and connected to the local drainage network.
56.08 Site management	
56.08-1 Site management objectives Standard C26	Complies: Standard site management practices will be followed during the construction period of the subdivision and proposed dwellings.

56.09 Utilities	
56.09-1 Shared trenching objectives Standard C27	Complies: Shared trenching of services will be utilised where possible.
56.09-2 Electricity, telecommunications & gas Standard C28	Complies: Reticulated power is available and is currently provided to the Subject Land. Telecommunications are also available in the area. These public utilities will be provided to the subdivision in a timely and efficient manner.
56.09-3 Fire hydrants objective Standard C29	Not applicable: The proposed subdivision is within an existing established residential area of Mansfield and as such the existing fire hydrants and fire plugs in the area should be sufficient.
56.09-4 Public lighting objective Standard C30	Not applicable: As no new streets are proposed no public lighting is required for the subdivision.

General Provisions

Clause 65 Decision Guidelines

Clause 65.01 Approval of an application or plan

Guideline	Assessment
The matters set out in s60 of the <i>Planning and Environment Act 1987</i> .	The proposed subdivision and dwellings are consistent with the objectives of the Scheme and satisfies the Scheme's requirements.
The Municipal Planning Strategy and the Planning Policy Framework.	The MPS and PPF have been addressed above.
The purpose of the zone, overlay or other provision.	The proposal is consistent with the purposes of the General Residential Zone and particular provisions of clause 55 and clause 56.
Any matter required to be considered in the zone, overlay or other provisions.	All matters have been considered and the proposal satisfies the requirements of the Scheme.
The orderly planning of the area.	The proposal supports the orderly planning of the area and is consistent with the policies relating to subdivision and housing in the Scheme.

The effect on the amenity of the area.	The proposal will not have an adverse effect on the amenity of the area.
The proximity of the land to any public land.	Not applicable.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed development is not likely to cause or contribute to land degradation, salinity or the reduction in water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Not applicable.
The extent and character of native vegetation and the likelihood of its destruction.	The Subject Land does not contain any significant native vegetation that is required to be removed for the proposed development.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Landscaping is proposed for the new development containing plantings of native vegetation. This will enhance the presentation of the development to the street.
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.	The Subject Land is not subject to flooding, erosion nor is impacted by increased fire risk.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not applicable.

Clause 65.02 Approval of an application to subdivide land

Guideline	Assessment
The suitability of the land for subdivision.	The Subject Land is suitable for the proposed three lot subdivision and responds to the purpose of the zone.
The existing use and possible future development of the land and nearby land.	The Subject Land currently supports a single-storey dwelling. This dwelling is to be removed and replaced with a new dwelling on each of the proposed new lots.
The availability of subdivided land in the locality, and the need for the creation of further lots.	There are no vacant residential lots in the area. The proposed subdivision and development provides diversity in land size and housing stock to address the needs of different owners.
The effect of development on the use or development of other land which has a common means of drainage.	The proposed development and subdivision will not impact the drainage easement located along the southern boundary of the land.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The proposed three lot subdivision will not impact on the physical characteristics of the land. The area of the Subject Land limits the number of lots it may be subdivided into and the proposed subdivision is designed to respond to the size and shape of the land.
The density of the proposed development.	The density of the proposed development is in keeping with other unit development in the residential areas of Mansfield.
The area and dimensions of each lot in the subdivision.	The area of the each of the proposed lots is approximately 272m ² , 172m ² and 234m ² . The common property containing the proposed accessway to the dwellings has an approximate area of 180m ² .
The layout of roads having regard to their function and relationship to existing roads.	No new roads are proposed. Access to the proposed lots will be gained from Victoria Street.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	Each proposed lot gains access from the common property driveway and has easy access to Victoria Street.
The provision and location of reserves for public open space and other community facilities.	Not applicable.
The staging of the subdivision.	Not applicable.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The party walls of the proposed dwellings will be fire-rated to prevent the potential spread of fire.
The provision of off-street parking.	Each dwelling is provided with a secure car space readily accessed from the common property driveway.
The provision and location of common property.	Common property is located along the western boundary to provide vehicle access to each of the proposed dwellings.
The functions of any body corporate.	The owners corporation will be responsible for the maintenance of the common property driveway and the gardens located along the driveway.
The availability and provision of utility services, including water, sewerage, drainage, electricity and where the subdivision is not a residential subdivision, gas.	Reticulated water, sewer and electricity are available to the Subject Land.

If the land is not sewerred and no provision has been made for the land to be sewerred, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	Not applicable.
Whether, in relation to Your existing site plan shows it to be gravel. subdivision plans native vegetation can be protected through subdivision and siting of open space areas.	Not applicable.
The impact the development will have on the current and future development and operation of the transport system.	The development will have an insignificant impact on the transport system in the Mansfield area.

Conclusion

The proposal for subdivision and the construction of three dwellings is consistent with the purpose and objectives of the Scheme, namely the Municipal Planning Strategy and Planning Policy Framework, and the purpose and requirements of the General Residential Zone. The proposal provides for medium density housing in the serviced township of Mansfield and goes towards taking pressure off the demand for housing outside of the residential areas. The proposal also provides for diversity in lot size and dwelling size, to cater for different needs of the community. The Subject Land is suitably located within proximity to public services, leisure areas, the health precinct and the main commercial area of Mansfield. We therefore respectfully request that a planning permit for a three lot subdivision and the construction of three dwellings on the Subject Land is issued at your earliest convenience.

Angelina Bell
Principal Solicitor
Bell Legal & Planning

5 February 2024