

Our Ref: AB:23094
Your Ref: P016/24

4 June 2024

BY EMAIL: planningenquiries@mansfield.vic.gov.au

Statutory Planning
Mansfield Shire Council
Private Bag 1000
MANSFIELD VIC 3724

Dear Sanjana

Application: P016/24
Subject Land: 10 Victoria Street, Mansfield
Proposal: Three lot subdivision and development of three dwellings

Thank you for providing the submissions received in response to the above application at 10 Victoria Street, Mansfield. We wish to address the concerns raised in the submissions to Council. As the submissions have similar concerns, we will address each concern under common headings, rather than addressing each individual submission.

55.06-1 Neighbourhood character

The proposed development maintains the existing character of the area with a single storey dwelling at the front of the land and the double storey dwellings to the rear, reducing any potential visual impact from the street.

There are a number of two storey dwellings throughout the residential area of Mansfield and several multi-unit developments with two storeys. The Mansfield Planning Scheme does not have any policy against two storey dwellings and there is a general push for medium density housing to be located in our residential areas where there are available services and infrastructure.

The proposed development is considered to be consistent with the evolving character of the residential areas of Mansfield.

Overlooking from second storey windows

The proposed development complies with the overlooking objective of clause 55.04-6 where views into existing secluded private open space and habitable room windows have been limited.

Nevertheless, the plans have been amended to further limit the views from habitable room windows on the first floor of dwellings 2 and 3 by obscured glass on fixed window panes up to 1.7m above floor level, and awning window openings above 1.7m.

There will be no direct views into adjoining private open space from the proposed development.

Please refer to the elevation plans on **TP09** and the overlooking plan at **TP10** where the green shaded area shows the potential overlooking area screened by the existing fence.

Overshadowing

The proposed development does not significantly overshadow any existing secluded private open space. Overshadowing plans are provided at **TP11** and **TP12**. These plans show that the majority of the shadows generated by the proposed two storey buildings land within the property boundary with limited shadows on adjoining allotments. The diagrams show that there is very little shadow that will extend beyond the existing shadows created by the existing fences.

Off street parking

Each of the dwellings contain only two bedrooms. In accordance with clause 52.06 each two-bedroom dwelling must be provided with one car parking space. Please refer to plan **TP06** which shows one secure car space for each new dwelling. For a development of less than 5 dwellings visitor parking is not required. This is similar to lots with single dwellings where visitor parking is not required.

The concerns raised about parking for the Mansfield Primary School is an existing and ongoing situation. Any visitors parking in the street, which is available to any visitors to dwellings in the area, will have an insignificant impact on the existing traffic associated with the primary school.

Traffic

There is currently a dwelling on the lot and this proposal provides for the removal of this dwelling and the replacement of three dwellings, therefore a net gain of two dwellings. The potential increase in traffic along Victoria Street, considering the primary school opposite and Lords Reserve to the west, is therefore considered negligible. The existing street is designed to accommodate additional development and is considered to be more than adequate for any low level increase in traffic.

Rubbish bins

Storage is available for four bins for each unit and is shown in each of the garages. Please refer to plan **TP06**. There is provision for four bins – waste, glass bottles, other recycling and green waste – which may be implemented in the future.

Double storey dwellings

Contrary to the statement that there are no double-storey dwellings, there are several double storey dwellings in the residential area of Mansfield, including recently approved two storey unit development.

The proposed dwellings will not tower over neighbouring dwellings as they are no more than two storeys high with a maximum building height of 6.856m. It is noted that the highest ridge of the proposed development is at RL **331.206m** and the highest ridge of the existing dwelling at 8 Victoria Street is **331.24m**, which is higher than the proposed dwellings.

Pre-application consultation was had with Council, where it was recommended that the front dwelling was single storey and the back two dwellings were double storey to maintain the visual amenity of the street. The development has followed this recommendation.

On any vacant lot in the residential area a two-storey dwelling can be developed without requiring a planning permit. As there is no prohibition of two storey dwellings in the General Residential Zone nor any local policy in the Planning Scheme that prohibits two storey dwellings, this proposal can be considered and complies with the requirements of the Planning Scheme. The proposed development

is considered to be consistent with the evolving and preferred character for the residential areas of Mansfield.

Western fence

No change is proposed to the west side fence nor the neighbour's driveway. It is noted that the current fence along the western side of the Subject Land does not comply with the front fence objectives of clause 55.06-2, however, no change is proposed. Please refer to plan **TP06** that has been revised to provide clarity around this concern.

Construction interruptions.

Construction interruptions are expected for any construction work and is only for the duration of construction. It cannot be avoided. This would be the case whether one dwelling was being built or three dwellings. It would be unreasonable to not allow any development in the residential areas due to impacts of construction traffic.

Front setback

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.

Unit development

There is support in the Planning Scheme for urban consolidation and in particular to increase the housing stock in the residential and serviced areas of town. It is appropriate to support medium density housing in areas close to the central part of town, within walking distance to shops, doctors and other services. Although there may not be unit development close by, new unit development should be supported on land zoned for residential development. There is unit development in Victoria Street to the west of the subject land, and again in Parwanoff Street. There is also a two unit development less than 200 metres away at 15 Victoria Street. The fact that there is a primary school opposite the site further supports the proposition that additional housing is required in this area.

Density of housing

An objector has incorrectly labelled the proposed development as "high density housing". The proposal is for medium density housing in an area zoned for residential development.

The General Residential Zone encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport. The proposed dwellings provide a much sought after alternative to a single dwelling on a large lot.

Extension of sewer main

Goulburn Valley Water has assessed the application and is satisfied that the existing system is adequate to accommodate the additional two dwellings proposed with this development.

Stormwater runoff

All stormwater will be directed to the legal point of discharge. Adequate drainage infrastructure will be installed on the site in accordance with Council's requirements.

Impact on property value

As held by the Victorian Civil and Administrative Tribunal property values are not a relevant planning consideration. Furthermore, this claim is unfounded as there is no evidence that new development in residential areas decreases the value of nearby properties.

We trust this assists with addressing the relevant concerns raised.

Yours faithfully

Bell Legal & Planning

Angelina Bell

Angelina Bell
Principal Solicitor

Encl.