

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

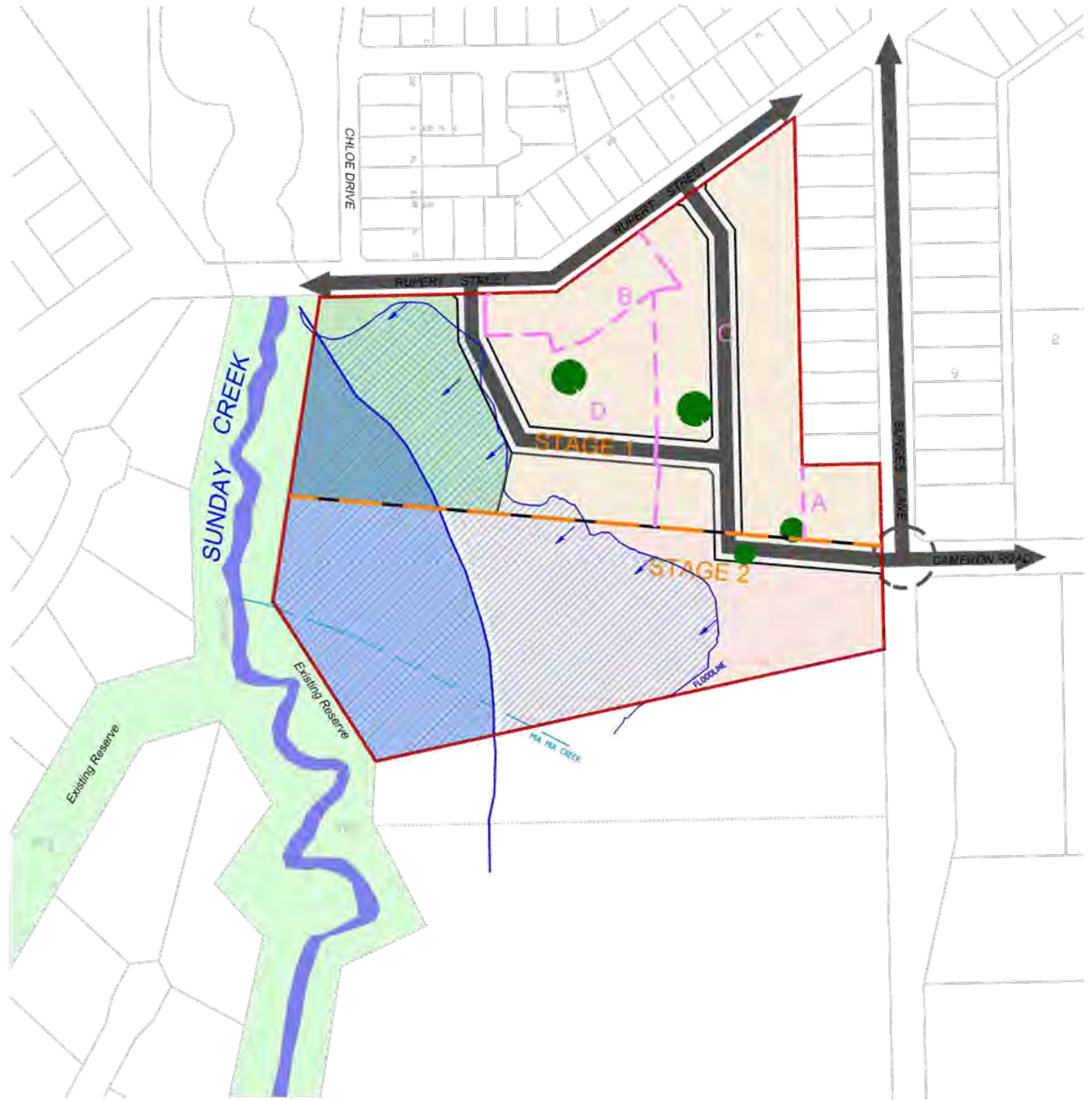
21 MAY 2018

9.5

**DEVELOPMENT PLAN APPLICATION PLI022/16
FOR RESIDENTIAL SUBDIVISION AT 26-28 & 30
BURGES LANE, BROADFORD**

Attachment No: 1

Development Plan for Endorsement



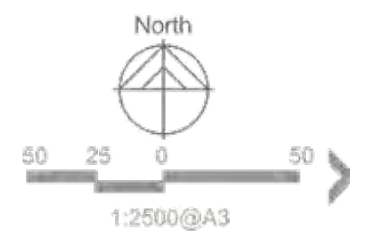
OVERALL AREA : 8.40ha
 TOTAL UNENCUMBERED AREA : 4.39ha
 TOTAL ENCUMBERED LAND : 4.01ha

LAND BUDGET - STAGE 1		
TOTAL AREA	4.70ha	% NET DEV. AREA
ENCUMBERED O/SPACE	1.10ha	24.7%
UNENCUMBERED O/SPACE	0.11ha	2.4%
ENCUMBERED DEV. AREA	0.07ha	6.1%
UNENCUMBERED DEV. AREA	3.36ha	71.4%
TOTAL AREA OF 47 LOTS	2.77ha	59.0%
TOTAL AREA OF ROADS	0.66ha	14.0%
DEVELOPABLE LAND	3.43ha	72.9%
Density = 14 lots per hectare		

LAND BUDGET - STAGE 2		
TOTAL AREA	3.70ha	% NET DEV. AREA
ENCUMBERED	2.82ha	76.3%
UNENCUMBERED PORTION OF LOTS	0.68ha	23.7%
UNENCUMBERED ROAD	0.10ha	4.2%
TOTAL AREA OF 7 LOTS	2.00ha	55.7%
Density = 3 lots per hectare		

Legend

- Study area
- Standard residential
- Low density residential
- Open space
- Extent of land subject to flooding.
- Floodline



BURGES LANE DEVELOPMENT PLAN

LOT 30 LP129390
 BURGESS LANE BROADFORD 3658
 Mitchell Shire Council

FOR DISCUSSION Millar & Merrigan authorise the use of this drawing only for the purpose described by the status stamp shown hereon. This drawing should be read in conjunction with all relevant contracts.

T (03) 8720 9500 F (03) 8720 9501
 Ausdoc DX 13508 Croydon
 admin@millerandmerrigan.com.au

Millar & Merrigan Pty Ltd ACN 005 541 61
 Metro 2/126 Merrindale Drive, Croydon 3113
 Regional 156 Commercial, Morwell 3840

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DEVELOPMENT AND INFRASTRUCTURE

21 MAY 2018

9.5

**DEVELOPMENT PLAN APPLICATION PLI022/16
FOR RESIDENTIAL SUBDIVISION AT 26-28 & 30
BURGES LANE, BROADFORD**

**Attachment No: 2
April Agenda Report**

9.1 DEVELOPMENT PLAN APPLICATION PLI022/16 FOR RESIDENTIAL SUBDIVISION AT 26-28 & 30 BURGESS LANE, BROADFORD

Author: James McNulty - Manager Development Approvals

File No: PLI022/16

Attachments: 1. Development Plan
2. Possible Subdivision Layout

Property No.:	114274
Title Details:	Lot A on PS 220658E Vol 09989 Fol 191
Applicant:	Millar Merrigan
Zoning:	General Residential Zone
Overlays:	Development Plan Overlay – Schedule 1 Floodway Overlay Land Subject to Inundation Overlay Environmental Significance Overlay – Schedule 3
Objections Received:	The application was informally advertised by mail to surrounding property owners and occupiers and by placing a sign on site. 7 objections were received. Following changes to the plan the application was again informally advertised by mail to surrounding properties. No further submissions were received at the time of writing this report.
Cultural Heritage Management Plan Required:	Yes – provided
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



SUMMARY

Council received an application for approval of a Development Plan to enable the future subdivision and development of land at 26-28 Burges Lane, Broadford (legally described as Lot A on PS 220658E Vol 09989 Fol 191). The submitted plans have been assessed against the requirements of Schedule 1 of Clause 43.04 of the Mitchell Planning Scheme being the Development Plan Overlay. The overlay also applies to the neighbouring property to the south being 30 Burges Lane.

The application was informally advertised by mail to surrounding property owners and occupiers and by placing a sign on site. Seven objections were received. The objections in summary relate to access and traffic issues, fire safety, loss of vegetation and over development of the site. The objections are addressed in detail later in this report.

Following the advertising period Council officers requested a number of changes to the plan which have now been made. This also included indicating a possible future subdivision of the property to the south being 30 Burges Lane. The application was again informally advertised by mail to surrounding properties including the requested changes. No new or additional submissions were received at the time of writing this report.

The proposal, in officer's assessment, satisfies the requirements of Schedule 1 of the Development Plan Overlay. The subject site is suitable for residential infill development as this plan will allow with a number of detailed requirements being able to be resolved at the planning permit stage.

It is therefore recommended that Council resolve to approve the development Plan.

SITE AND SURROUNDS

Subject Site Description

The subject site has a street address of 26-28 Burges Lane in Broadford with the main frontage being to Rupert Street forming the northern boundary of the site. A small portion of the site has frontage to Burges Lane on the east and a number of existing dwellings forming this boundary.

To the west of the site is the Sunday Creek and to the south an existing dwelling, being 30 Burges Lane. The Mia Mia Creek runs to the south of this property and both properties are affected by the Development Plan Overlay Schedule 1.

The site is irregularly shaped and has an area of approximately 4.7 hectares. The site is legally described as Lot A on PS 220658E Vol 09989 Fol 191.

Planning Background

Council's electronic records do not contain any planning history relevant to the assessment of this application

Title/Restrictions/Agreements

There are no restrictions or agreements on title relevant to the assessment of this application.

Surrounding Area

The surrounding area in which the subject site is located is characterised by dwellings on a mixture of lot sizes. The area surrounding the site is located within the General Residential Zone. Land to the north has been developed for a more recent subdivision and consists of dwellings on smaller lot sizes.

Land to the west which was part of the original subdivision of the area is generally developed for dwellings on larger lots and land to the immediate south and east consists of dwellings on large lots reflective of the site constraints experienced in the vicinity.

The site is located approximately 700 metres (further by road) from the commercial centre of Broadford.

PROPOSAL

In accordance with Clause 43.04 Schedule 1 (Development Plan Overlay) of the Mitchell Planning Scheme an application for Development Plan application has been received for the land. Approval of this Development Plan will facilitate the eventual subdivision of the land for residential purposes.

The Development Plan Overlay also affects a property (30 Burges Lane) to the south, the land owners have indicated they do not wish to further develop their land beyond its current conditions. This property is also significantly affected by flooding

which would impact the ability of the land for further development. Officers however sought through the application process that an indicative layout be included in the development to show how this area might be subdivide in the future should it ever be desired to do so.

The proposal includes provision for the eventual staged subdivision of the land with a loop road arrangement proposed to service the area. This will see access from Rupert Street in two locations to the north of the site. No direct access is proposed to Burges Lane in the short-term development of 26-28 Burges Lane however three lots will front Burges Lane and not be internal to the site. The development plan as amended will allow for the eventual connection through to the south to 30 Burges Lane and future access onto Burges Lane itself and a future intersection with Cameron Road.

There is a significant area of land affected by flooding from Sunday Creek which is proposed to be retained as open space in the development plan. This will also perform a drainage function in the eventual development of the area. No detail has been provided of how this area will eventually be delivered, however, this will be requested in any approval of an eventual subdivision planning permit application.

Detail has been included relating to the eventual subdivision staging and layout, and whilst this is useful information, this level of detail would be more appropriately assessed as part of an ultimate planning permit application for the subdivision of the land. The indicative subdivision layout shows the creation of 47 lots on 26-28 Burges Lanes with a ranges of lot sizes from approximately 332 square metres up to a maximum of 1542 square metres. The eventual planning permit application will determine these exact lot configurations.

The indicative future lot layout of 30 Burges Lane shows the creation of seven lots ranging in size from the smallest of 640 square metres and up to a miximum of 6270 sqare metres. This lot variety seeks to take account of the extent of area affected by flooding on 30 Burges Lane.

The proposed development plan originally proposed the removal of vegetation on the site including two existing mature trees. As per officer requests the revised development plan proposal now shows these two existing trees being retained and appropriately incorporated into the ultimate layout.

PLANNING SCHEME PROVISIONS

Zoning

The subject site is affected by the General Residential Zone.

Overlays

The subject site is affected by the following Overlays:

- Development Plan Overlay Schedule 1 (under which this application is being made)
- Environmental Significance Overlay Schedule 3
- Floodway Overlay
- Land Subject to Inundation Overlay

PUBLIC NOTIFICATION (ADVERTISING)

The *Planning & Environment Act 1987* does not mandate any requirements for public exhibition of an application for a Development Plan. However informal advertising was carried out by mailing letters to surrounding properties and by placing a sign on the subject site. Given this notice was informal in nature no appeal rights exist for objectors.

The seven objections received were all from residents residing near the subject site in either Burges Lane or Rupert Street.

Officers requested a number of changes to the proposed development plan to address officer and resident concerns. The revised layout was re-advertised by mail to surrounding properties with no new submissions received. However, the seven objections originally received remain to be considered.

A number of reoccurring themes were raised and the points of objection, along with a brief response are provided below:

Summarised Points of Objection	Officer Response
Over development of land	Land is zoned General Residential and was always intended to be developed for residential purposes. The layout will allow for lots at a variety of sizes that would be considered conventional residential.
Impact of eventual development – fences, road construction and built form	The eventual planning permit application will determine road construction requirements and interface treatments. The built form of the individual dwellings will be determined at building permit stage.
Advertising board in Rupert Street but property listed as Burges Lane	Property address of subject site is Burges Lane whereas the main access points are proposed to Rupert Street where the advertising board was placed.
References real estate agents who informed of restrictions preventing development of subject land	No restrictions exist preventing the development of the subject land.
Bushfire risk and emergency access	Two points of access are proposed to Rupert Street in the initial phase. Should the entire area be developed in the future an additional access will be created the Burges Lane. A referral of the eventual permit application to the CFA will also assess the appropriateness of the development from an emergency perspective. This is deemed by officers to be appropriate.
Ability of Rupert Street to take additional traffic and parking	Rupert Street was designed and constructed anticipating the development of the subject land, indented car parking could be included as a permit condition later.
Storm water, drainage and increased risk of	The eventual planning permit application for

flooding from Sunday Creek & water quality	the subdivision of the land will resolve drainage and storm water requirements. All subdivisions are required to be appropriately drained so as not to impact existing or surrounding properties. This would include appropriate treatments prior to water discharging into existing creeks.
Objects to removal of trees	Officers agree and recommendations were made to retain the mature trees. The revised proposal includes the retention of the existing mature trees.
Open space / recreation area should be included	Officers agree and will seek greater detail be provided in relation to the open space abutting the flood affected area through the eventual planning permit application to subdivide the land
Lack of services available	The development of the land will be required to connect to all servicing infrastructure (i.e. water, gas, electricity)

Consultation

All submitters as well as the Development Plan applicants were invited to address Councillors at the Community Questions and Hearings Committee on 9 April 2018. The submissions made to that forum have been utilised to finalise the recommendations of this report.

REFERRALS

The Development Plan application was informally referred to all relevant external and internal authorities. No issues were identified as part of this process that would prevent the consideration and approval of the development plan.

It should also be noted that the eventual planning permit application for the subdivision of the area would also require referral to the relevant statutory authorities who would then have the ability to apply any required conditions.

DISCUSSION

Development Plan Overlay (DPO) Schedule 1 applies to the subject site, being 26-28 Burges Lane and also the adjoining land to the south being 30 Burges Lane. The DPO restricts the granting of permits normally permitted under the zone until a Development Plan has been prepared and approved. The application of the DPO would signal the intent that the subject site would be eventually be developed and that the development should be generally in accordance with the approved development plan.

The land owners of 30 Burges Lane have indicated they do not wish to proceed with development of their property. However, given the limited land area the development plan covers it was deemed appropriate for officers to request the plan shows an indicative possible layout of 30 Burges Lane. The revised plan now shows an appropriate possible subdivision outcome is possible of the southern site which will also allow for an additional road access for the area.

Overall it is deemed that the subject site is suitable for consideration for infill residential development. The approval of the development plan will allow for the lodgement of a planning permit application which in turn will provide the opportunity to address a number of site constraints in greater detail.

The Development Plan lodged for the site seeks to respond to the capabilities of the land in terms of topography, servicing, drainage, vegetation, surrounding land uses and site opportunities and constraints. Documents lodged with the application include an Environmental Site Assessment, Tree Assessment Report, Infrastructure Report and Aboriginal Cultural Heritage Management Plan.

The Environmental Site Assessment report examines historical use of the site but concludes that there is no evidence of soil contamination that would prevent the development of the site.

None of the expert plans lodged have highlighted any reasons as to why the subject land should not be developed in the manner suggested. In that regard it is officer's recommendation that the revised development plan be approved to allow for the eventual subdivision of the land.

The supporting information accompanying the application provides justification as to why residential development is suitable for the land, including a range of affordable lots within the Broadford township. Such an approach has strong policy support from the planning controls applying to the site.

The schedule to the DPO is an older planning control within the Mitchell Planning Scheme and as a result it requires a number of items which would now largely be controlled under a planning permit such as servicing of the land, site analysis and response, lot layout and density and staging of the development. The information supplied addresses all of the requirements outlined in the schedule to the DPO and is therefore appropriate to be supported by officers.

The plan to be endorsed allows for high level matters to be locked in such as the road network, areas to be developed for residential and open space networks. Whilst it is useful to see a possible lot layout as has been included and is attached for information purposes, the plan to be endorsed will not include the proposed lot layout. This approach would allow for greater flexibility when it comes to the assessment of the planning permit application.

It is submitted that the development plan appropriately responds to the requirements of the DPO and should be endorsed to allow for the future subdivision of the land.

CONCLUSION

Overall the proposal has strong policy support to approve the Development Plan. A number of the concerns raised during the informal advertising were addressed by the submission of a revised plan. Other matters raised through the assessment of the application will require to be addressed by condition in the eventual planning permit that will be required prior to any development occurring on the site.

Therefore, it is officer's recommendation that the development plan be approved and endorsed.

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to approve the Development Plan (Application No. PLI022/16) at 26-28 and 30 Burges Lane Broadford (Lot A on PS 220658E Vol 09989 Fol 191).

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

21 MAY 2018

9.5

**DEVELOPMENT PLAN APPLICATION
PLI022/16 FOR RESIDENTIAL SUBDIVISION
AT 26-28 & 30 BURGES LANE, BROADFORD**

Attachment No: 3

April Minutes

9.1 DEVELOPMENT PLAN APPLICATION PLI022/16 FOR RESIDENTIAL SUBDIVISION AT 26-28 & 30 BURGESS LANE, BROADFORD

Author: James McNulty - Manager Development Approvals

File No: PLI022/16

Attachments: 1. Development Plan
2. Possible Subdivision Layout

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Title Details:	Lot A on PS 220658E Vol 09989 Fol 191
Applicant:	Millar Merrigan
Zoning:	General Residential Zone
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Objections Received:	The application was informally advertised by mail to surrounding property owners and occupiers and by placing a sign on site. 7 objections were received. Following changes to the plan the application was again informally advertised by mail to surrounding properties. No further submissions were received at the time of writing this report.
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SITE MAP



SUMMARY

Council received an application for approval of a Development Plan to enable the future subdivision and development of land at 26-28 Burges Lane, Broadford (legally described as Lot A on PS 220658E Vol 09989 Fol 191). The submitted plans have been assessed against the requirements of Schedule 1 of Clause 43.04 of the Mitchell Planning Scheme being the Development Plan Overlay. The overlay also applies to the neighbouring property to the south being 30 Burges Lane.

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The proposal, in officer's assessment, satisfies the requirements of Schedule 1 of the Development Plan Overlay. The subject site is suitable for residential infill development as this plan will allow with a number of detailed requirements being able to be resolved at the planning permit stage.

It is therefore recommended that Council resolve to approve the development Plan.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. CHISHOLM

THAT Council resolve to defer consideration of the proposed development plan (Application No. PLI022/16) at 26-28 and 30 Burges Lane, Broadford on the basis that it requires further information and/or clarification on the following issues:

- The location of significant trees on proposed lots, in particular, that enable a tree protection zone, and building envelope, to accommodate a future dwelling
- Traffic impacts, including the number of access points, from the subdivision onto surrounding road networks with due consideration to emergency services scenarios also
- The extent and impact of any soil contamination on the land by virtue of previous land uses and any mitigating works that may be required.

CARRIED UNANIMOUSLY