

**9.2 DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN**

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**File No:** *PL/03/050*

**Attachments:**

1. *Development Plan Darraweit Road - Under Separate Cover*
2. *Assessment against Schedule 16 of the Development Plan Overlay - Under Separate Cover*
3. *Summary of Submissions - Under Separate Cover*

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**SUMMARY**

In accordance with Clause 43.04 (Development Plan Overlay) of the *Mitchell Planning Scheme*, an application for a Development Plan approval has been received from Bosco Johnson on behalf of Kingsman Project Directors Pty Ltd.

The Development Plan Overlay requires the approval of a Development Plan prior to the issue of any planning permits for the subdivision and development of land at 71 and 81 Darraweit Road and 15 Rowes Lane, Wallan.

Whilst no statutory public exhibition of the Development Plan is required, notification was provided to relevant State Agencies, utility agencies and surrounding land owners. In response to this notification, a total of 36 submissions were received.

Following a review of the Development Plan and consideration of the submissions made, it is recommended that the proposed Development Plan as provided in Attachment 1 (under separate cover) is approved.

**RECOMMENDATION**

**THAT** Council:

1. Approves the Development Plan pursuant to Clause 43.04 Development Plan Overlay (DPO16) of the *Mitchell Planning Scheme*, as provided within Attachment 1 (under separate cover) to this report.
2. Endorse the design principles associated with the Development Plan, including the design tests for the future development of the Medium Density Housing site.

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## **BACKGROUND**

The land affected by the Development Plan consists of three separate parcels;

- 71 Darraweit Road
- 81 Darraweit Road
- 15 Rowes Lane

The site has a combined total area of approximately 9.14ha and is located to the north-west of Wallan town centre.

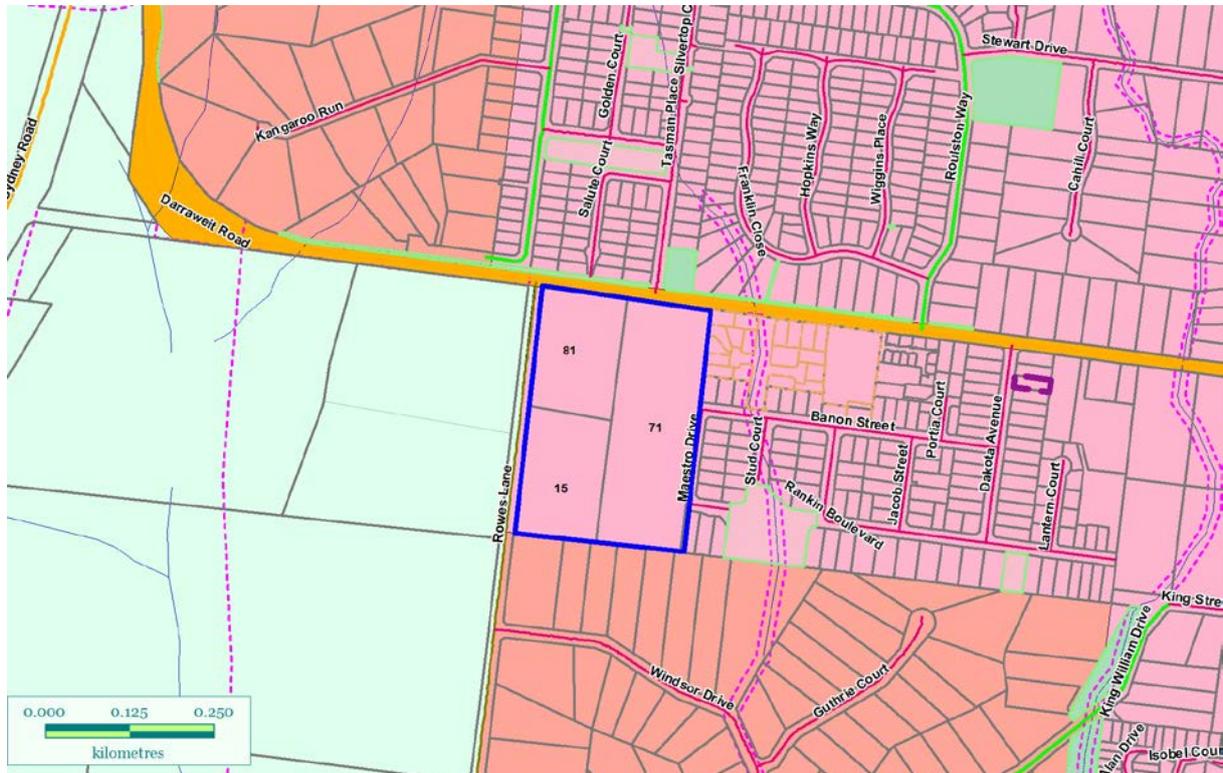
The Wallan Structure Plan was adopted by Council in December 2015. The Wallan Structure Plan identified the subject site as a key residential infill development for Wallan. To ensure the coordinated development of this site, a Development Plan Overlay was applied to the three parcels of land in this location.

### ***Land Ownership***

The Development Plan has been prepared and submitted by Bosco Johnson on behalf of the landowner of 81 Darraweit Road (Kingsman Project Directors Pty Ltd). Kingsman Project Directors Pty Ltd have also recently purchased 15 Rowes Lane.

The applicant does not own the remaining parcel associated with the Development Plan Overlay (71 Darraweit Road). The landowner of 71 Darraweit Road is aware of the proposed Development Plan but has not made a formal submission to Council.

## DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN (CONT.)

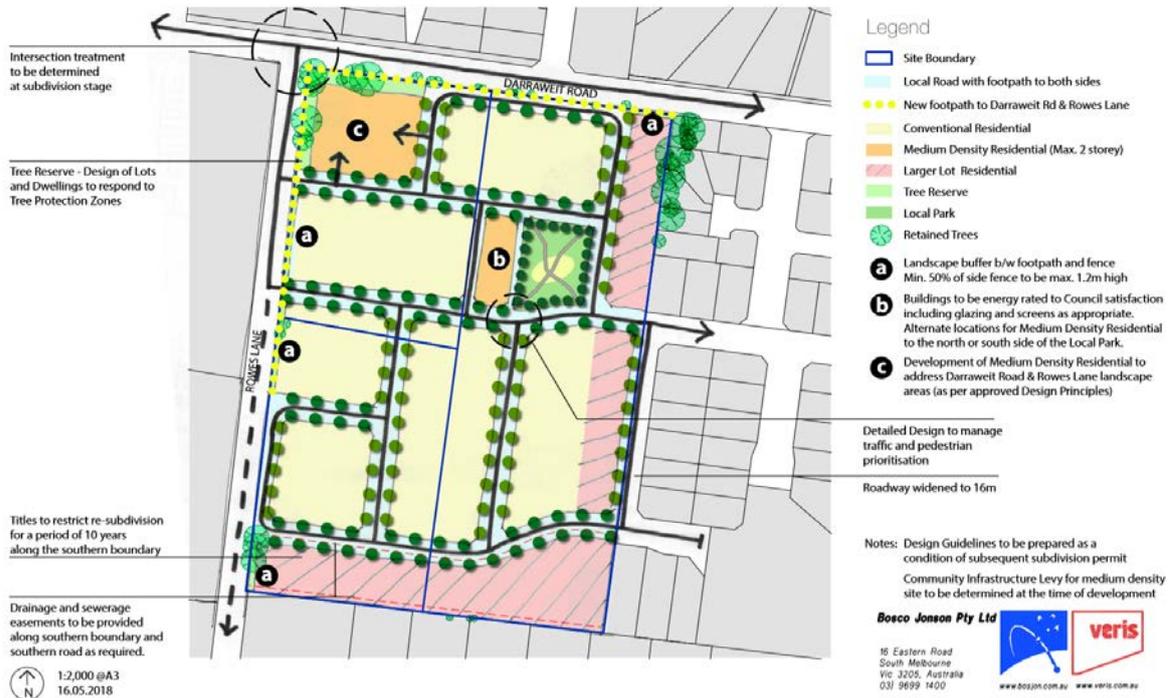
**Figure 1: Location Plan****Proposal**

The Development Plan proposes:

- A diversity of lot sizes
- An internal road network connecting with Banon Street and Rows Lane.
- Construction of a new vehicle access point from Rows Lane.
- 0.30ha of Open Space provision
- Pedestrian footpaths along all internal roads connecting to existing paths and future links identified within the Wallan Structure Plan.
- Upgrade of Rows Lane from Darraweit Road to the connection proposed at Banon Street.

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**Figure 2: Development Plan**



The proposed Development Plan is supported by a range of supporting documentation, including the following;

- Planning Assessment Report
- Site Context Analysis
- Design Response
- Design Principles
- Development Plan

A copy of this documentation can be found within Attachment 1 (under separate cover).

**Planning Scheme Provisions**

Zoning

The site is located within the General Residential Zone pursuant to Clause 32.08 of the Mitchell Planning Scheme.

Overlay

The site is affected by the Development Plan Overlay – Schedule 16 pursuant to Clause 43.04 of the Mitchell Planning Scheme.

Schedule 16 to the Development Plan Overlay states that, before deciding on an application for a permit or a request to approve a development plan or a request to amend an approved development plan, the responsible authority must consider a range of requirements. An assessment of the Development Plan against the

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requirements of the Development Plan Overlay (DPO16) has been undertaken and can be found within Attachment 2 (under separate cover).

### Particular Provisions

Pursuant to Clause 52.01, Public Open Space Contribution and Subdivision, where land is subdivided and not otherwise exempt, then in accordance with the *Subdivision Act 1988* a contribution of 5%, unless another amount is otherwise prescribed in the schedule to Clause 52.01, is to be made to Council.

The proposed Development Plan includes 3,000sqm of land to be set aside for passive open space purposes and a further cash contribution to fulfill the requirements of the Act.

### State Planning Policy Framework (SPPF)

The following Clauses within the State Planning Policy Framework are considered relevant to this proposal;

*Clause 11 - Settlement*

*Clause 15 - Built Environment and Heritage*

*Clause 16 - Housing*

*Clause 19 - Infrastructure*

The proposed Development Plan is consistent with the relevant State Planning Policy Framework. The State's vision is to encourage population growth in Wallan, and to facilitate an increased supply of residential land.

The proposed Development Plan will provide housing diversity and a clearly defined road network.

### Local Planning Policy Framework (LPPF)

The following Clauses of the LPPF are considered relevant to this proposal;

*Clause 21.02 - Settlement*

*Clause 21.03 - Environmental and Landscape Values*

*Clause 21.04 - Environmental Risks*

*Clause 21.06 - Built Environment and Heritage*

*Clause 21.07 - Housing*

*Clause 21.09 - Transport*

*Clause 21.10 – Infrastructure*

The proposed Development Plan is consistent with the relevant Local Planning Policy Framework. The subject site is identified as a key strategic infill residential location for Wallan and will provide for residential urban growth and public open space.

## **ISSUES AND DISCUSSION**

### ***Development Plan Overlay***

Planning Scheme Amendment C108 introduced a wide range of planning control changes to properties within Wallan. As part of this Amendment, a Development Plan

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Overlay was applied to the subject site. The site is identified as a key residential infill development site within Wallan.

### ***Lot Sizes***

The Development Plan provides the framework to facilitate a variety of lot sizes across the subject site. There are also two proposed 'superlots' which will have the ability to introduce townhouse type product into the overall development. The largest residential lots will be delivered along the southern boundary of the site which adjoins residential properties along Windsor Drive.

The overall lot yield and sizes will be determined at the future subdivision stage. The residential development which is delivered on the site must be generally in accordance with the approved Development Plan.

### ***Developer Contributions***

Consistent with the effects of population growth, the creation of additional lots in Wallan will have a level of impact on the demand for local infrastructure and services.

It is recognised that landowners must contribute (either financially or through completion of works), to the provision of services and infrastructure. As part of consideration of the proposed Development Plan, there have been ongoing negotiations with regard to the financial contributions which are to be paid to Council. Such contributions will support transport, community and open space needs generated by the Development Plan area.

### ***Open Space***

A contribution towards public open space is required in accordance with the *Subdivision Act 1988* for an amount up to 5% of the land value. The subject site is 9.14ha, which means that a contribution of 0.457ha of land or an equivalent cash contribution is required.

As part of this Development Plan, the open space contribution will include the provision of a local parkland (0.3ha) and a financial contribution (\$148,525) to fulfill the requirements of the *Subdivision Act 1988*.

The applicant has also agreed to make a financial contribution of \$40,000 towards play space equipment within the proposed local parkland.

### ***Road Infrastructure***

The proposed development will result in a new access being created to Rowes Lane. The Development Plan will require the upgrade of Rowes Lane up to Darraweit Road from the new point of access created along Rowes Lane. This would include;

- Fully Sealed pavement
- Kerb and channel and associated drainage to the development side
- Footpath to the development side

The intersection treatment of Rowes Lane and Darraweit Road will also be upgraded however, the detail of the intersection will be formulated through the future subdivision process.

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Pedestrian paths will be provided along internal roads connecting to existing paths and future links identified in the Wallan Structure Plan.

### ***Community Infrastructure and Services***

The proposed development will result in an increased demand on existing infrastructure and services within Wallan. It is recommended that a contribution is sought from future subdivision planning applications via a section 173 Agreement.

Council will be requesting a contribution of \$900 per residential lot via a Section 173 Agreement as part of any future subdivision applications.

### **CONSULTATION**

In accordance with the *Planning and Environment Act 1987* and *Mitchell Planning Scheme*, there was no requirement to formally exhibit the Development Plan documentation and consider submissions.

However, it was determined by officers to notify surrounding landowners of the proposed Development Plan, along with the relevant agencies and stakeholders. A process of non-statutory public notice of the proposed Development Plan was undertaken by sending notices to the surrounding landowners.

A total of 36 submissions were received, including a petition against the development which was signed by 92 people.

Attachment 3 provides a summary of the key issues raised within the submissions.

Seven (7) of the submissions received were from surrounding landowners. Some of the key issues raised within their submissions included the size of the proposed lots and access arrangements along Rowes Lane.

Planning officers have also held a meeting with the landowner of 71 Rowes Lane to discuss the Development Plan. No formal submission has been received from the landowner of 71 Rowes Lane.

Should Council resolve to approve the proposed Development Plan, the provisions at Clause 43.04 (Development Plan Overlay) of the *Mitchell Planning Scheme* would exempt any future planning permit application for subdivision from public exhibition, providing that the application is generally consistent with the approved Development Plan.

### **FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

Population growth can create additional demand for the service which Council provides. As the population of Wallan continues to grow, it is vital that Council plan for services provision accordingly.

Consistent with other residential subdivisions in Wallan, financial contributions will be collected to support local infrastructure such as road upgrades, open space and community infrastructure.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The proposed Development Plan is consistent with the *Mitchell Shire Council Plan 2017-2021*. Key Strategy 3.1 of the Council Plan states that Council should “Plan for

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*growth and change through best practice design of services, infrastructure, open space and recreation facilities”.*

The proposed Development Plan has been prepared in accordance with the provisions of the *Planning and Environment Act 1987*.

### **SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)**

The proposed residential development cannot occur without first obtaining a planning permit. The planning permit application will deal with the detailed consideration of key environmental features such as construction management impacts.

### **CHARTER OF HUMAN RIGHTS IMPLICATIONS**

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

### **CONCLUSION**

In accordance with the requirements at Schedule 16 of the Development Plan Overlay within the *Mitchell Planning Scheme*, Development Plan approval has been requested to facilitate the future residential subdivision of the land at 71 Darraweit Road, 81 Darraweit Road and 15 Rowes Lane, Wallan.

As part of the Development Plan assessment process, non-statutory notification was provided to State Agencies and surrounding landowners. As discussed in the issues section of this report, most submitter concerns related to future lot sizes and the potential impact of the development on the surrounding area. Although these issues are important and relevant, the future subdivision layout will need to have regard to detailed matters such as lots size and interface treatments as these are key principals that are embedded within the Development Plan.

Having considered the site's physical context and planning policy in relation to growth area development, it is recommended that Council resolve to approve the proposed Development Plan.