

Planning Scheme Review Submissions

2022 Mansfield Planning Scheme Review



Submission 1:

There has been a structural problem within the shire going back at least 20 years to the wide ranging (and expensive) shire review conducted by the Delatite Shire -Your Town Your Future.

This problem is the identification of the financial and social drivers of the Mansfield shire - particularly as it relates to the relationship of the Farm Zone to all other aspects of housing and amenity across the shire.

Put simply the shire has long viewed its farming sector as the key driver of economic growth. This in turn means that planning decisions are biased towards protection of and promotion of the farming sector. This can take the form of rate reductions, rural road funding and non enforcement of environmental problems associated with chemical and fertiliser use.

The problem with this approach, (identified since the first years of the new shire in 2002/3) is that farming is not the key driver of the shires development.

In all key aspects - employment, lifestyle, housing and land use the major drivers are tourism and lifestyle

Tourism needs little explanation and its employment engages about half of all residents of the shire. This is either directly through summer and winter activities and businesses or indirectly through the retention of workers in retail outlets, schools, medical services and the council itself.

Closely following behind tourism for economic impact is the lifestyle choice of a continual stream of tree changing people coming into the shire. A crucial subset of this group is retirees who are externally funded through superannuation and who have a high use factor for support services in health and aging.

This is, by the way, the only way superannuation is returned to country areas, as Super companies are not normally allowed to invest in smaller countryside enterprises.

Farming itself is a very low-use employer. Very few farms actually employ year around employees. Some use itinerant workers requiring temporary accommodation but most get by on the part-time efforts of their owners who in nearly all farms in this shire earn a substantial part of their income in off- farm activities.

This is not just a recent situation - it is a economic necessity for most farming activities. There is simple not a high enough return on farming over the long term to make it a profitable income stream for most people.

It is quite simple to prove this economic nexus for farming in areas where land costs are high and commodity prices are marginal.

For more information, please contact [name] [title] by [phone] or [email].
mansfield.vic.gov.au

We need only ask this question of any farm enterprise: Can you buy the required land, meet the bank mortgage rates and pay yourself and your family a living wage from your on-farm activities. The answer in nearly all Mansfield farming activities is no. Of course there are farmers who have inherited land who can make a good living but they do not meet a return on capital test and would be better off financially to sell the farm and live off the invested money without any need to work. In short - all farming even the larger establishments in this shire - are almost all lifestyle choices.

The Planning office of the shire has understood this over this period to a greater or lesser degree and so we have had a view of the Farm Zone as being generally a 100 acre requirement for a dwelling but there has long been a loose interpretation that a title even below this figure deserved a planning permit for a dwelling if it met the other overlay and environmental requirements.

We are currently experiencing a more draconian enforcement of this Farm Zone Planning Permit requirement where the Planning Department is not considering the problems of leaving landlocked smaller titles in differing ownerships as ineligible for a dwelling permit.

This has reached absurd decisions in situations around the shire and that I am aware of where previously granted permits have lapsed and not been renewed on productive enterprises with small acreages.

This situation needs to be addressed for two reasons. Titled land and consequent planning permission is an integral part of long term farm generational planning. It is a way for farms to stay within families but provide some capital for the retiring parties.

More importantly we need to recognise the incongruity of the facts of our lifestyle housing nature with the demand that farming enterprises remain large.

There is currently no houses for rental in Mansfield. This severely impacts on the businesses that feed our communities. Planning restrictions which in themselves serve no good purpose are then adding to this lack of affordable housing for the two main drivers of economic sustainability in our shire.

I urge the council to review the way that applications for Planning Permits are being viewed in relation to titled blocks which do not meet the 100 acre/40 ha requirement.

Further council need to adopt a more relevant and real assessment of what constitutes the economic basis of our shire.

Submission 2:

 team

Please note the following comments;

Parking

We note that there is no (obvious) mention of amendments for a parking overlay in the proposed items currently on exhibition. Given parking has not been updated since 2005, we think it is well past the time to include such in this round of Planning Scheme amendments as was recommended in the finding of the VCAT convenience restaurant matter.

As we have stated on numerous occasions, the parking standards (length, width) currently in the ordinance are no longer appropriate for the type of vehicles that reside in or visit Mansfield with 90% of vehicles (as per the study carried out by Mansfield Matters Group for the VCAT convenience restaurant matter) not “fitting” in the B85 dimensions (i.e. 4.9metres length) spacing allocation.

We also note that the current standards are no longer Australian Standards, which as a minimum should be implemented.

Township DDO

We make specific reference to the implementation of a township overlay and support such a standard to protect the township character into the future.

Whilst the current DDO1 protects the 2 main gateways and a new amendment C48 will further this control and add by protecting the other 2 gateways, the town should have controls as well.

Happy to talk further

Kind regards

Submission 3:

MCHAC

MCHAC is generally supportive of the Shire Planning Review and its recommendations. It particularly supports the work to be done on a DDO for the township (CBD).

This submission does not address the whole Review .. only MCHAC's particular area of interest, which is the town's most important gateway, currently protected under DDO1.

In view of the fact that the recent VCAT ruling effectively overturned C48, Part 2, (Minister's attention to Shire Resolution awaited ..) we would like to draw attention to the following:

1. Page 11:

5.2 VCAT decisions A detailed assessment of specific VCAT decisions of note is included in Appendix 1. Only a small number of the VCAT cases have exposed policy gaps in the Planning Scheme. A notable policy gap identified in VCAT decision '140 High Street Pty Ltd v Mansfield SC [2021] VCAT 291' relates to the application and extent of Schedule 1 to the Design and Development Overlay (DDO1) and the preparation of policy guidance relating to signage policy and built form character along Mansfield's gateway precincts. Council prepared the Township Approaches Planning Controls and Guidelines Study, Mansfield (2018) to introduce new local planning policy and two Schedules to the Design and Development Overlay (DDO) to the scheme to guide built form of residential, commercial, industrial, and farming areas along the Mansfield township approaches. Part of this work is being implemented into the scheme via amendment C48, however further work is required to prepare a signage policy. 12 Planning Scheme Review Mansfield Planning Scheme VCAT decision Harris v Mansfield SC [2018] VCAT 1504 raises a policy issue associated with rural land uses and compatibility between tourism accommodation, rural amenity, and extractive industries and highlighted a policy gap in this area. Findings: Prepare a signage strategy to implement the Township Approaches Planning Controls and Guideline Study, Mansfield (2018) Undertake strategic work to prepare the municipality for climate change impacts, including risks such as fire and flooding.

We would like to address:

1. *Only a small number of the VCAT cases have exposed policy gaps in the Planning Scheme. A notable policy gap identified in VCAT decision '140 High Street Pty Ltd v Mansfield SC [2021] VCAT 291'.* We submit that several policy gaps were exposed. One of note was the size of car parking spaces required of developers. Put simply, the current policy no longer reflects the size of visiting or local vehicles. Figures support the case that a significant number of visiting and resident vehicles are utes, SUVs, landcruisers, minbusses, campervans and vehicles towing boats, trailers, horse floats and similar. In fact, sedans are now in the minority. The Australian standards should be used as a minimum.
2. *"Part of this work is being implemented into the scheme via amendment C48" ..* our understanding is that that (the implementation of the Schedules) is no longer the case, due to serious deficiencies in the way the case was prepared and advertised on the DELWP website. As Council is well aware, what went onto the website failed to reflect Council's resolution in several respects.
3. *"...however further work is required to prepare a signage policy".* The signage policy is both important and urgent, and its failure at VCAT has been acknowledged as per the problem outlined in point 2. MCHAC will submit on signage when the strategy is

advertised, and we would urge that to reflect the Shire's later submissions to the panel. That is, the signage policy should include:

- a. the Township Approaches Planning and Guidelines Study signage protections,
- b. the protections of the current DDO1, and
- c. the provision that all Applications must have a signage plan as part of their application.

More importantly, but not addressed in the Review, we submit that DELWP and the Shire have weakened our Gateway protections by "lumping" Industrial and Commercial land in the "same basket" in the original drafting of the Schedules to C48. Put simply, by doing this, the Shire and DELWP seriously compromised and lessened the protections of the current DDO1 land (which is all Commercial .. CZ) by failing to separate it in the Schedules from Industrial Land. We would contend that the "further Strategic work" addresses this problem.

2. Page 16:

We would like also to refer to:

Overlays DDO1 to be redrafted to include guidelines from Mansfield Township Housing Strategy and Mansfield Township Approaches Planning Controls and Guidelines Study if not implemented through C48mans. This policy should reflect Alpine Gateway policies recommended to be included in the PPF at Clause 12.04.

MCHAC contends that Clause 12.04 is a state planning policy which is of limited relevance to the Mansfield Township, and particularly to the protection of the Heritage values of the Railway Precinct (HO30), or the town Gateway, or the rural and urban aspects of the "Alpine Approach".

Clause 12.04 is much more relevant to the Alpine Resorts (including Falls Creek, Hotham, Buller/Stirling etc.), and properly the concern of the ARC (or whatever is latest manifestation of the ARC). Clause 12.04 is, in fact currently silent on Alpine Gateways as they exist in Mansfield, Mt Beauty and Bright.

Of much more local relevance with respect to the inclusion of future Alpine Gateway "policies recommended" would be consideration of LPP 02, and in particular "02.03, Strategic Directions". This part of the local Planning Scheme is the result of extensive local community input since the 1980s, and is where policies with respect to the gateways lie, and should lie.

Our concern in that regard is Heritage Protection, but we note that 02.03 extends to other important protections in the Gateway, including built form.

To recap, 12.04, a State Framework of relevance to the Alpine Resorts, is of limited relevance to say, Mansfield, Bright and Mt Beauty Townships and is, in our view, too diluted to protect our Town Gateways.

As evidence of that fact, we mention that the reference documents to 12.04 are:

"Policy documents

Consider as relevant:

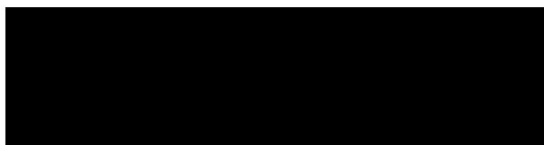
- *Alpine Resorts Strategic Plan 2020-2025 Responding to a Changing Climate* (Victorian Government, Alpine Resorts Co-ordinating Council, 2019)
- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks, agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales"

It is notable and relevant that there are no local policy documents listed in the Planning Scheme which underpin 12.04.

We would therefore suggest changing the last line to: *This policy should reflect Alpine Gateway policies currently existing in the LPPF at 02.03, and strengthen them as necessary.*

Thankyou for considering our submission.

We re-iterate, we are in broad support of the Review.



Submission 4:

Overall, I think this report is a positive step for Mansfield and I would like to make the following comments.

Executive Summary

Characteristics of the municipal area

Key Planning issues Point 1.

I find the statement of 'Balancing economic development for agricultural vs tourism' ambiguous and confusing. Why use the word versus? Agriculture has been the mainstay of Mansfield's economic prosperity since the early days of white settlement and should not be seen to be a potential sacrifice or competitor to a more recent economic generator such as tourism. It is because of the rural landscape and lifestyle that Mansfield has attracted visitors and residents in significant numbers over the past four decades. This executive point could be read that arable agricultural land could be sacrificed to tourism. Over-development of tourism could jeopardise local productivity. Why not remove versus and replace with "and"?

Overall health check

I agree with the point that the schedules are deficient in local policy and these need to be a priority to streamline processes and protect local character. This would include signage, township overlay, conserving key biodiversity areas, more developed climate change policy, neighbourhood character study and housing affordability strategy. The proliferation of ridgeline buildings has become more obvious in recent times and should be addressed urgently.

Key Issues - Findings

In addition to the report's findings which I strongly support I would like to see the following items addressed:

- Updated parking conditions within the planning scheme that address current standards and accommodate the typically larger vehicles that dominate Mansfield's roads. This has come up frequently in VCAT hearings.
- Include the northern gateway of the Midland Highway into the top three major entrances that require protection from inappropriate development. The northern gateway has become extremely busy in recent years and statistics and road count would illustrate this. It is also very attractive with its naturally-planted wide verges, redgums, stunning views to distant rural landscape features and the spectacular view it affords from Byrne's Hill approach looking down over the valley and township to The Paps in the west and to alpine range in the east as you enter the gateway from the north. It is unique and must be protected.
- ▶ Because of future industrial and commercial zoning in this area, it is essential that this gateway is preserved from inappropriate development, signage and building dimensions that would intrude into the corridor of this major attraction of Mansfield. The ugly commercial development, signage and hoardings that pave the way into many other rural towns must not be allowed to destroy the natural beauty and attraction of the Northern Gateway. It is an essential part of Mansfield's character in our gateways.