

MANSFIELD PLANNING SCHEME

AMENDMENT C55MANS

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Mansfield Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Summerset Holdings Pty Ltd.

Land affected by the amendment

The amendment applies to part of the Redgum Rise Estate on the Mansfield – Whitfield Road, being part of Lot A, PS 730533R. More specifically, the amendment applies to parts of Stages 11 and 12 of the Redgum Estate included under proposed Plan and Subdivision Nos 847758N and 847759L.

What the amendment does

The amendment:

- Rezones the southern section of the Redgum Rise Estate, Mansfield to General Residential 1 to align zoning with residential land that has been approved under a planning permit (Planning scheme map 12zn).
- Applies flood overlays (Land Subject to Inundation Overlay and Floodway Overlay) to small sections of the land (Planning scheme map 12LSIO-FO).
- Removes the Development Plan Overlay from the land (Planning scheme map 12DPO).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to allow the residential use and development of land based on identified flood risk assessment by:

- Aligning zoning to reflect land that is developable for residential purposes by rezoning land from Urban Floodway to General Residential 1. This land has existing residential approval under Planning Permit No P0221C/08, issued 27/11/2008 (and amended up to 29/10/2020) for multi lot subdivision and removal of native vegetation. This permit has been partly developed and the land filled for residential purposes, requiring rezoning to General Residential 1 to recognise the permitted residential use and the residential potential of the land.
- Revising flood overlay boundaries to reflect land conditions and revised flood assessment by amending Land Subject to Inundation Overlay and Floodway Overlay boundaries. Although no longer required as part of a more major urban floodway, flood overlays are still required over small sections of the land to indicate areas of low flooding potential (Land Subject to Inundation Overlay for flood depths of 0-300 mm) and slightly higher flood risk (Floodway Overlay for areas where flood level exceeds 300mm).

- Removing the Development Plan Overlay from residential land (zoned General Residential 1) that is no longer required. This removal is required from the land as:
 - having existing residential development, as is the case for the section of the Redgum Rise Estate abutting and to the north of the section of the estate being rezoned under this amendment;
 - in the case of land being rezoned under this amendment, having an existing approval for residential subdivision (under Planning Permit No P0221C/08, issued 27/11/2008) where a future development plan is no longer required to guide future residential layout, servicing and layout. This section of land is small in area and in single ownership where no development planning process is required, with all development being more appropriately implemented through a planning permit process.
 - an earlier development plan for the whole estate, the Redgum Rise Estate Development Plan, 2008, has been implemented to coordinate residential subdivision approvals for the whole estate, including the land subject to rezoning under this amendment, and is no longer required.

The rezoning of land from Urban Floodway to General Residential 1 and the revision of flood overlay boundaries have been agreed to by the Goulburn Broken Catchment Management Authority, as relevant floodplain management authority.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- *Providing for the fair, orderly, economic and sustainable use and development of land:*

The proposal provides for sound planning that facilitates the sustainable use of the land, clarifying this residential area of the Mansfield township and defining floodprone areas and appropriate planning scheme controls for them.

- *Balancing the present and future interests of all Victorians:*

The proposal balances and provides for both present and future interests of the landowner, Mansfield Township and the general community.

- *Ensuring sound, strategic planning and coordinated action at State, regional and municipal levels:*

The proposal provides sound and coordinated planning at a local level for the Mansfield township but defining and controlling floodprone areas in accordance with standard state policy criteria, planning approach and control.

- *Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels:*

Social, environmental and economic policies have been considered and met at local, regional and state levels. The rezoning provides for recognition of environmental (flooding) constraints and planning approaches and planning controls to limit and guide land use and development in floodprone areas.

- *Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land:*

Social, environmental and economic effects have been considered and met, resulting in positive outcomes. The proposal will not cause any adverse environmental effects and will result in positive environmental effects through the recognition and control of floodprone areas in the planning scheme.

- *Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes:*

The proposal facilitates the potential use and development of land that achieves the objectives of planning in Victoria and the strategic policy directions outlined in the Mansfield Planning Scheme.

How does the amendment address any environmental, social and economic effects?

Environmental effects:

The proposal is anticipated to create environment benefits through:

- The more efficient and sustainable use of the land.
- Recognition and protection of floodprone land and environmental values generally in the rezoning of land and its future residential subdivision and development.
- Creation through the future residential subdivision of land to be rezoned General Residential 1 of a drainage reserve on a floodprone section of land and the future transfer of this reserve to Mansfield Shire Council.

The Goulburn Broken Catchment Management Authority (GBCMA), as relevant floodplain manager, has been consulted and has agreed to the amendment.

Social effects:

The proposal will have social benefits through facilitating a greater subdivision and housing supply, increasing housing diversity and increasing housing choice to meet the evolving needs of current and future residents of Mansfield. Positive social benefits will accrue to the owners of the land through clarification of where residential use and development may take place under the general Residential 1 Zone.

Economic effects:

Positive economic benefits are anticipated as a result of the proposed amendment through enabling a residential subdivision and subsequent residential development to take place. Increased subdivision and building activity will generate increased direct and indirect employment opportunities, benefiting local businesses and the broader municipal community generally.

Does the amendment address relevant bushfire risk?

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The land forms part of the established Mansfield township with reticulated water supply and urban fire-fighting services. The Bushfire Management Overlay does not apply to the land.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with all Minister's Directions under Section 12 of the Planning and Environment Act 1987. Specifically, the amendment has considered and complies with the following Ministerial Directions:

- Ministerial Direction 11, *Strategic Assessment of Amendments*: The amendment has been strategically assessed and justified in accordance with this direction.
- Ministerial Direction No. 15, *The Planning Scheme Amendment Process*: All process requirements to be met under the direction have been considered and met in the preparation of the amendment.
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

No other Minister's Direction is directly affected by the amendment.

The amendment meets the objectives and guidance under:

- Planning Practice Note 12 *Applying the flood provisions in planning schemes. A guide for Councils*, June 2015. The rezoning of land from Urban Floodway to General Residential 1 and the revision of flood overlay boundaries have been agreed to by the Goulburn Broken Catchment Management Authority, as relevant floodplain management authority.
- Practice Note 23, *Applying the Incorporated Plan and Development Plan Overlays*, November 2018. A development plan is no longer required for any part of the Redgum Rise Estate due to its either existing development or approval for residential subdivision.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports and implements the Municipal Planning Strategy (MPS) of the Mansfield Planning Scheme, specifically relevant strategic directions under:

Clause 11, Settlement:

- Clause 11.01-1S, Settlement
- Clause 11.01-1R, Settlement Hume
- Clause 11.01-1L-01, Mansfield township:

(with objective To support the growth of Mansfield township as the focus of development in the Shire).

This proposed rezoning is compliant with Clause 11.01-1L-01 without further changes, being consistent with the existing strategic directions of the planning scheme and the existing Mansfield Framework Plan which identifies the land as residential.

- Clause 11.02-1S, Supply of urban land:
(with objective To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses)
- Clause 11.02-3S, Sequencing of development

Clause 13.03, Floodplains:

- Clause 13.03-1S, Floodplain management:
- Clause 13.03-1L, Floodplain management:

The proposed rezoning meets the objectives and strategies of Clauses 13.03-1S and 13.03-1L, Floodplain Management, of the Mansfield Planning Scheme. GBCMA has consented to the proposed rezoning and amendment to flooding overlays.

Clause 16, Housing:

- Clause 16.01-1S, Integrated Housing
(with objective *To facilitate well-located, integrated and diverse housing that meets community needs*
and strategies that include:
Identify opportunities for increased residential densities to help consolidate urban areas.)
- Clause 16.01-1L, Housing Supply in Mansfield Township, in particular:
(with strategies that include:
Encourage higher density development in areas that can capitalise on existing physical and social infrastructure in proximity to the Mansfield town centre.)
- Clause 16.01-2S, Location of Residential Development
- Clause 16.01-3S, Housing Diversity
- Clause 16.01-4S, Housing Affordability

Clause 19, Infrastructure:

- Clause 19.03-2S, Infrastructure design and provision

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions, in this case the:

- Use of zoning and flood overlays to reflect current flood risk and suitable areas for residential use and development.
- Removal of the Development Plan Overlay when the preparation of a development plan is no longer required to guide the future use, development, subdivision and servicing of land.

Zoning and overlay changes are the most appropriate planning scheme tools to reflect these flooding characteristics and identification of developable areas.

How does the amendment address the views of any relevant agency?

The Goulburn Broken Catchment Management Authority (GBCMA), as relevant floodplain manager, has been consulted and has agreed to the amendment (by emails, dated 3 and 6 May 2022). GBCMA has:

- Recognised that the southern section of the land has been filled in accordance with a previous planning permit for residential subdivision (P0221C/08, issued 27/11/2008) and that it is now suitable to rezone this section of land to General Residential 1 to recognise the future residential use of the land and allow the permitted residential subdivision to take place.
- Supported the retraction of the Urban Floodway Zone so that the zone now follows the southern boundary of the filled lots.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?

The amendment is not considered to have a significant impact on the transport system. The amendment does not propose new areas for rezoning that would affect the transport system. The proposed rezoning is a small area of residential land that has already been assessed and approved. This area has access through an existing residential estate that has established access onto the main road to the east (Mansfield – Whitfield Road).

Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?

There are no statements of policy principles applicable under section 22 of the *Transport Integration Act 2010*.

Resource and administrative costs

• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will reduce resource and administrative costs through:

- Reducing unnecessary flooding controls and incorrect subsequent referral of applications to GBCMA on land that is suitable for residential development and has either no or reduced flood controls applying to it.
- Removing the Development Plan Overlay from the land, removing the need for the future preparation of a development plan prior to the consideration and granting of any planning permit for the residential subdivision of the land.

Where you may inspect this amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Mansfield Shire Council
33 Highett Street
MANSFIELD

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Mansfield Shire Council
Private Bag 1000
MANSFIELD VIC 3724

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

Planning and Environment Act 1987

MANSFIELD PLANNING SCHEME

AMENDMENT C55mans

INSTRUCTION SHEET

The planning authority for this amendment is the Mansfield Shire Council.

The Mansfield Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of three attached map sheets.

Zoning Maps

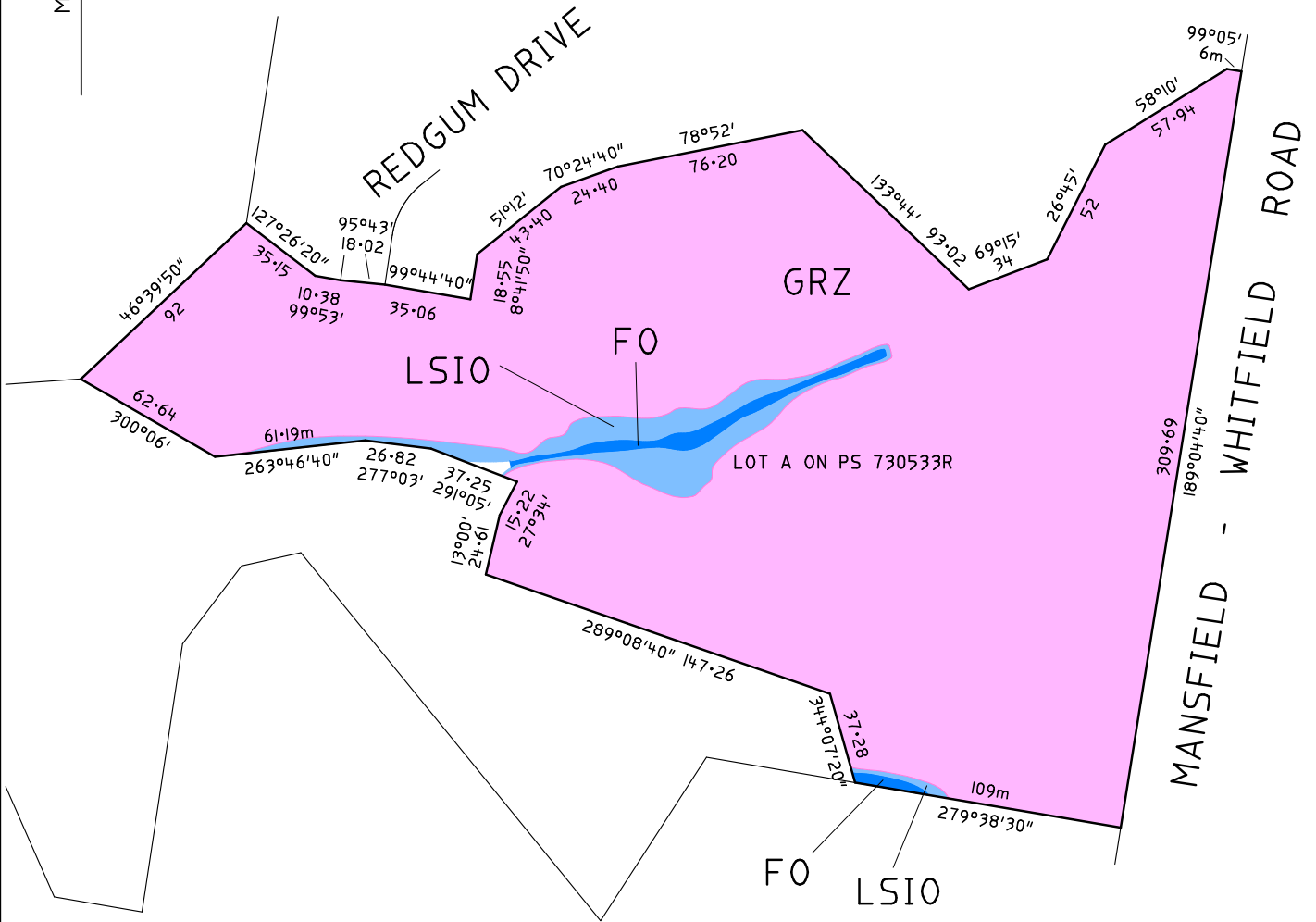
1. Amend Planning Scheme Map No 12 in the manner shown on the one attached map marked "Mansfield Planning Scheme, Amendment C55".

Overlay Maps

2. Amend Planning Scheme Map Nos 12LSIO-FO and 12DPO are in the manner shown on the two attached maps marked "Mansfield Planning Scheme, Amendment C55".

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MGA ZONE 55

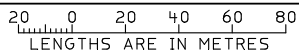


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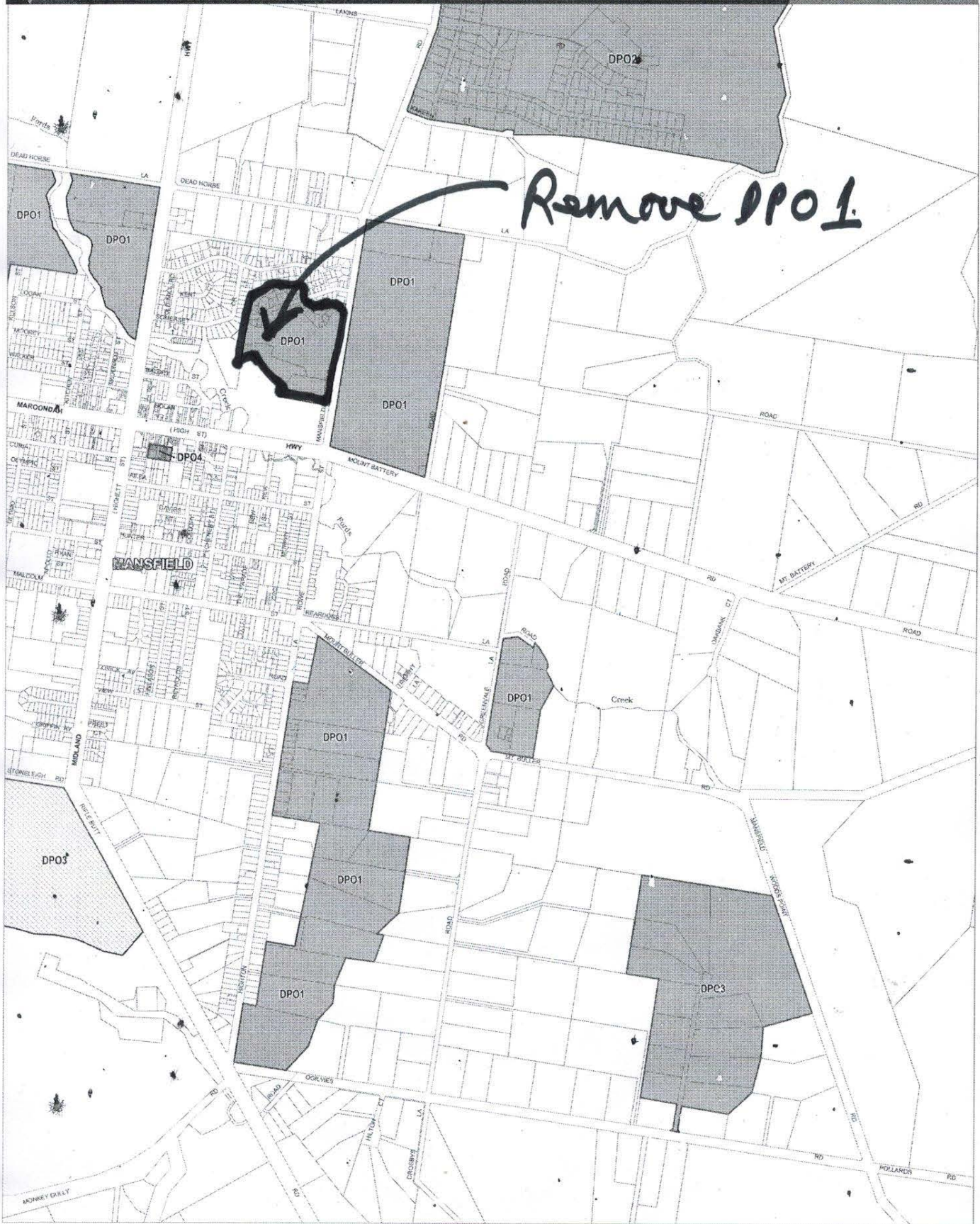
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ORIGINAL SHEET
 SIZE: A3

SHEET 1

MANSFIELD PLANNING SCHEME - LOCAL PROVISION



Remove DPO 1

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This map should be used in conjunction with the Mansfield Planning Scheme Map (if applicable) as released on the MDS 12 MAP.

----- Municipal Boundary

- Development Plan Overlay Schedule 1
- Development Plan Overlay Schedule 2
- Development Plan Overlay Schedule 3
- Development Plan Overlay Schedule 4

Plan No 974298
AMENDMENT C37

AUSTRALIAN PAV DPO CODE 35

PREPARED BY: Planning Mapping Services

VICTORIA
State Government

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SCHEMES 100-3

