



# Assessment Against Planning Scheme

Planning Application No.: P245-22

Subject Land: 151 Monkey Gully Road, Mansfield

Responsible Officer: Nicole Embling

## Mansfield Planning Scheme and Context Assessment

Mansfield Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

### Clause 02.03-1 Settlement – Mansfield Township

*The settlement pattern in the Shire is characterised by Mansfield Township as the major urban centre, with a number of surrounding smaller settlements, significant areas for rural living and a number of isolated 'legacy' settlements principally located around the shores of Lake Eildon. The 4 major valleys: Upper Delatite, Upper Goulburn, Howqua and Jamieson provide a distinctive and valued landscape setting for all settlements.*

*The future growth of all towns will depend upon the provision of infrastructure, particularly reticulated sewerage. Mansfield Township, Bonnie Doon, Merrijig, Sawmill Settlement and Alpine Ridge are the only towns with reticulated sewerage. Development in other towns will be restricted to infill development provided wastewater can be managed on site.*

*The Hume Regional Growth Plan 2014 considers Mansfield Township a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north. It is the only urban centre with significant growth potential in the Shire and provides all major services and infrastructure for the community. Commercial and retail growth will occur within and around the shopping centre. There is a need for more industrial land to service demand. Existing infrastructure is capable of servicing growth however there is a need to increase water storage capacity.*

### Clause 02.03-3 – Environmental risks and amenity – Bushfire

*Bushfires are a risk to life, property and community infrastructure. Risk is most significant in and around forested areas in mountainous topography. Other hazardous areas include extensive grassland areas, particularly along the urban and rural interface of existing settlements.*

*Development pressure near forested land, often in locations where there is only one access road is a major risk. The bushfire risk is increasing in areas that are popular for residential and rural residential development, areas where there is a high number of non-resident*

*landowners and where property maintenance can be variable, and in areas that may introduce vulnerable people to a location close to bushfire hazards.*

#### **Clause 02.03-4 – Natural resource management**

##### *Water and Declared Special Water Supply Catchments*

*Council's strategic directions for catchment planning and management are to:*

- Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- Avoid development in catchments that is detrimental to water quality.*
- Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

#### **Clause 02.03-7 – Economic Development – Industrial Development**

*Mansfield Township is the only location that provides significant industrial development opportunities. There are 90 hectares of industrial zoned land. The industrial areas are relatively fragmented and poorly connected by suitable heavy vehicle routes.*

*There has been very little recent activity in Mansfield Township's industrial land sector, reflecting the existing situation in which any latent demand cannot be realised because of the lack of available industrial land for sale or lease.*

#### **Clause 02.03-9 – Infrastructure – Development Infrastructure**

*Council's strategic directions for development infrastructure are to:*

- Support the provision of infrastructure that meets current and future needs.*
- Support the provision of full reticulated infrastructure to all urban areas.*
- Support the fair and equal distribution of infrastructure and services to new development.*
- Support the provision of wastewater management systems that will minimise adverse impact on Special Water Supply Catchments.*

#### **Planning Policy Framework (PPF)**

#### **Clause 11.01-1L – Mansfield Township**

##### **Objective**

- To support the growth of Mansfield township as the focus of development in the Shire.*

##### **Relevant Strategies**

- Contain and intensify residential development within existing residentially zoned land.*
- Encourage the redevelopment of key strategic sites, infill sites and currently vacant General Residential land.*

- *Provide on-site car parking as part of retail and commercial development, wherever possible.*
- *Ensure urban development is connected to existing town infrastructure.*
- *Reduce vehicular, pedestrian and bicycle traffic conflicts within the precinct through the closure of Stock Route to prevent vehicular movement through the precinct.*
- *Manage transport movements and access interfaces with the surrounding transport network to improve access arrangement and navigation to and from the site for all transport modes.*

Comment:

This Clause seeks to prevent urban sprawl and direct growth into existing settlements through infill development, which ultimately minimises the amount of land on the periphery of Mansfield that would need to be rezoned to accommodate future population growth and jobs. The proposed subdivision provides for the industrial growth of Mansfield and promotes choice within an existing industrial area. The suitability of the proposed service industry use will be further discussed in this report.

### **Clause 13.02-1S – Bushfire planning**

#### **Objective**

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Comment:

The Bushfire Management Overlay (BMO) covers part of the site (south-west of the site – see Figure 11 below), with proposed Lots 20 and 21 are touching the BMO area. The subject land is also situated within a Bushfire Prone Area. The CFA referral response includes conditions which will address static water supply and access considerations. Apart from 20 and 21, the other lots are outside the BMO.

The application satisfactorily demonstrates how each proposed lot is capable of meeting defensible space requirements in accordance with Clause 53.02.



Map showing extent of BMO (red hatching) coverage on the subject land.

### Clause 13.07-1S – Land Use Compatibility

#### Objective:

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies to address this objective include to:

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

### Clause 14.02-1S – Catchment planning and management

#### Objective:

*To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.*

Strategies to address this objective include to:

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

**Comment:**

The subject property is located within the Lake Eildon Environs Special Water Catchment area (SWSC). GWM has determined a waterway runs along the south east property boundary. GMW has advised that they are willing to reduce the minimum setback of 30 metres to 15 metres for all future building and works from the top of the bank of the waterway to accommodate the proposed subdivision.

Stormwater will be managed through permit conditions as directed by the relevant authorities and Council's Engineers.

**Clause 15.01-3S – Subdivision design**

***Objective***

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

***Relevant Strategies***

- *In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*
  - *Creating urban places with a strong sense of place that are functional, safe and attractive.*
  - *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
  - *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
  - *Protecting and enhancing native habitat.*
  - *Reduce car dependency by allowing for:*
    - *Convenient and safe public transport.*
    - *Safe and attractive spaces and networks for walking and cycling.*
    - *Subdivision layouts that allow easy movement within and between neighbourhoods.*



- *A convenient and safe road network.*
- *Being accessible to people with disabilities.*

**Comment:**

The proposed subdivision includes the provision of a through road which is a desirable outcome in relation to effective traffic flow. Two (2) footpaths are provided as part of the proposal which will create safe walkable access for pedestrians. It will provide footpaths along Monkey Gully Road which currently do not exist and connect to the existing network along Highton Lane.

Landscaping, lighting, footpath treatments and the like will be conditioned on the permit as standard, including the requirement to submit a detailed landscaping plan prior to Certification.

## **Clause 15.01-5S – Neighbourhood character**

### ***Objective***

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

### ***Relevant Strategies***

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
  - *Pattern of local urban structure and subdivision.*
  - *Underlying natural landscape character and significant vegetation.*
  - *Neighbourhood character values and built form that reflect community identity*

**Comment:**

The subject site is proximate to residential and rural-residential areas. The subject site and its immediate surrounds are in a transitional area on the periphery of the town, with larger farming zone and rural living zone lots to the east, west and south and more typical residential lots in the GRZ to the north. Conceptually, a multi-lot subdivision on the subject land (and subsequent industrial development) is an acceptable proposition.

The area currently used by an earthwork's operation behind the proposal and the Mansfield Recovery Centre, both of which are intensely industrial in their use. Despite this, both operations are hidden or blend into the forest behind being Rifle Butts Reserve due to the abundance of trees which are present on the subject land and surrounds. This shielding of the trees gives the area a rural character and feel.

**Clause 17.01-1S – Diversified Economy****Objective**

- *To strengthen and diversify the economy.*

**Strategies**

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify.*

**Clause 17.03-1S – Industrial Land Supply****Objective**

- *To ensure availability of land for industry.*

**Strategies**

- *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*
- *Identify land for industrial development in urban growth areas where:*
  - *Good access for employees, freight and road transport is available.*
  - *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*
- *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*
- *Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.*
- *Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.*

**Clause 17.03-1L – Industrial Development****Objective**

*To support a growing economy for Mansfield Shire that is attractive to new and diverse industries.*

**Relevant Strategies**

- *Strengthen and grow the capacity of the Shire to service the industrial needs of its growing population by providing clear land use directions for current and future industrial uses.*
- *Support the growth of service-based industries within the Shire by encouraging the development of appropriate service facilities.*
- *Support the diversification and growth of the Shire's industries and trades by supporting the development of a new and contemporary industrial precinct.*
- *Support the capacity of the Shire to attract new industries via the establishment of a new and accessible industrial precinct.*
- *Reduce the potential for land use conflict by minimising the incidence of incompatible land uses and ensuring buffers are applied between growing residential uses and established industrial areas.*

**Comment:**

The proposal is congruous with most elements of the above policies relating to economic development and industry as it seeks to maximise existing industrial land for its intended purpose, that will improve availability of local jobs and promote growth of the local economy. The diversity of lot sizes will promote industry and job growth in line with policy and the zoning of the land.

**Clause 17.03-2S – Sustainable Industry**

***Objective***

- *To facilitate the sustainable operation of industry.*

***Relevant Strategies***

- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*
- *Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.*

**Clause 19.03-3S – Integrated water management**

***Objective***

- *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

***Relevant Strategies***

- *Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:*
  - *Take into account the catchment context.*
  - *Protect downstream environments, waterways and bays.*



- *Manage and use potable water efficiently.*
- *Reduce pressure on Victoria's drinking water supplies.*
- *Minimise drainage, water or wastewater infrastructure and operational costs.*
- *Minimise flood risks.*
- *Provide urban environments that are more resilient to the effects of climate change.*
- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*
- *Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*
- *Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:*
- *Minimising stormwater quality and quantity related impacts.*
  - *Filtering sediment and waste from stormwater prior to discharge from a site.*
  - *Managing industrial and commercial toxicants in an appropriate way.*
  - *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*
  - *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
- *Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.*
- *Ensure land is set aside for water management infrastructure at the subdivision design stage.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*

#### Comment:

The proposal will be required to treat and disperse all stormwater into the existing stormwater network, with appropriate treatment systems in place to protect water quality. This will be required by way of permit condition (should a permit be issued). Likewise, GVW considers that both reticulated water and wastewater facilities should be provided to the proposed development. A draft stormwater management plan has been provided which includes solutions for detaining water onsite.

#### Zoning

##### **Clause 33.01 – Industrial 1 Zone (IN1Z)**

The subject land is zoned IN1Z.

A permit is triggered under this Clause for subdivision and development.

#### **Purpose**

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

### **Decision Guidelines – subdivision (Clause 33.01-3)**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*

### **Comment:**

The relevant planning policy has been addressed in the body of the report.

The existing streetscape is typical of a rural area and the proposed subdivision would somewhat transform that streetscape.

There are existing dwellings, primarily to the east in rural-living sized lots and conventional residential lots which present a non-industrial interface to the subject land.

The proposed subdivision would likely have a moderate impact on traffic movements along Monkey Gully depending on what kind and extent of use and development prevails by virtue of the proposed subdivision. The design of the access and internal road layout is likely to have impact on future subdivision area, and shape the future character of the area.

The subject land is identified as forming part of the Monkey Gully industrial estate in the Mansfield Township Framework Plan. Subsequently, local policy and the zoning of the land would expect that the land may be subdivided into more affordable and manageable industrial lots.

In summary, the proposed development accords with the IN1Z as it provides an appropriate subdivision layout and warehouse development for future industrial land uses.

### **Overlays**

#### **Clause 44.06 – Bushfire Management Overlay**

#### ***Purpose***

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Comment:

The subject land is identified as forming part of the Monkey Gully industrial estate in the Mansfield Township Framework Plan. The proposed subdivision and development has been designed around the Bushfire Management Overlay, whereby the Warehouses will not be within the Overlay. The application has been reviewed by CFA who are supportive of the development.

**Clause 53.02 requirements**

Clause 44.06-4 prescribes that the provisions of Clause 53.02 apply to the assessment of this application.

Comment:

In accordance with Clause 44.06-6, the application was referred to the relevant fire authority in accordance with the requirements of section 55 of the Act.

The mandatory conditions specified under Clause 44.06-5 are not relevant to this application and therefore their inclusion is not warranted.

An assessment of the application against the requirements of Clause 53.02 is provided further along in this report.

**Particular Provisions**

**Clause 52.06 Car Parking**

Purpose:

- To ensure that car parking is provided in accordance with the *Municipal Planning Strategy and the Planning Policy Framework*.
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Scope

Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use.

**Number of car parking spaces required under Table 1 (Clause 52.06-5)**

Use	Rate Column A	Car Parking Measure	Complies?
Warehouse	2 to each premise, plus 1.5 to each 100sqm of net floor area	21 Warehouses = 42 spaces + 3,430sqm = 51 spaces Total = 93 spaces	No, shortfall of 3 spaces. 90 spaces have been provided.

Comment:

The Warehouses would provide 90 spaces within the development.

Overall, the car parking proposal for the Warehouses is considered appropriate when considering the nature of the use and likelihood that customers would only be onsite for short periods if any Showrooms were developed and therefore would likely be a regular turnover of car parking spaces.

The application generally satisfies the requirements of Clause 52.06-5.

**Design standards for car parking (Clause 52.06-9)**

Design Standard	Compliance
<b>Design Standard 1 – Accessways</b>	<b>Complies</b> Vehicles would be able to enter and exit the site in a forward direction. The accessway is designed to be one-way and therefore will not require any passing areas.
<b>Design Standard 2 – Car parking spaces</b>	<b>Complies</b> The proposed car parking space dimensions and associated accessway widths are satisfactory.
<b>Design Standard 3 – Gradients</b>	<b>Not applicable</b> The subject land is relatively flat.

<b><i>Design Standard 4 – Mechanical Parking</i></b>	<b>Not applicable</b> No mechanical parking is proposed.
<b><i>Design Standard 5 – Urban Design</i></b>	<b>Complies</b> The design and layout of the car parking areas is not visually dominant, which is considered to be a positive urban design outcome.
<b><i>Design Standard 6 – Safety</i></b>	<b>Complies</b> The design and layout of the car parking areas would allow for passive surveillance to be generally achieved whilst also recessing it from the streetscape – which is considered to be a positive safety outcome.
<b><i>Design Standard 7 – Landscaping</i></b>	<b>Complies</b> Landscaping is afforded to the entire site, including the car parking and accessway areas.

Comment:

Overall, the proposal is considered to be generally in accordance with the requirements of this provision.

### Clause 53.01 – Public Open Space Contribution and Subdivision

*A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.*

Under section 18(1) of the *Subdivision Act 1988*:

*A Council acting as a responsible authority or a referral authority under the Planning and Environment Act 1987 may require the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision to—*

- a. set aside on the plan, for public open space, in a location satisfactory to the Council, a percentage of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*

- b. *pay or agree to pay to the Council a percentage of the site value of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*
- c. *do a combination of (a) and (b) so that the total of the percentages required under (a) and (b) does not exceed 5 per cent of the site value of all the land in the subdivision.*

The Schedule to Clause 53.01 does not stipulate a mandatory public open space contribution to apply to the subdivision of residential, commercial or industrial land. As the subject land has not previously paid a public open space contribution, the relevant tests for the application of a contribution to this application are found in Section 18 of the Subdivision Act 1988.

Section 18(1A) states (*inter alia*):

*The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to—*

- a. *the existing and proposed use or development of the land;*
- b. *any likelihood that existing open space will be more intensively used after than before the subdivision;*
- c. *any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*
- d. *whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
- e. *how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*
- f. *any policies of the Council concerning the provision of places of public resort and recreation.*

#### Comment:

It is considered that there would be an inherent need for more public open space (POS) for the proposed subdivision for the following reasons:

- The land has remained largely underutilised thus far – with three modest existing dwellings taking up a small portion of the land and the balance being generally vacant.
- The proposed subdivision would intensify the use of the land substantially, resulting in more jobs and significantly more people being brought into the area.
- There is limited existing POS proximate to the subject land that could be easily utilised by workers and visitors to the subject land. The existing deficiencies in this area would be further entrenched by the proposed subdivision without a POS contribution.
- The subject land is located on the periphery of the Mansfield township and is subsequently surrounded by a diversity of land uses and development density. There is RLZ land to the east and west, FZ land to the north and south, PUZ land to the south-west, PCRZ land to the south and GRZ land to the north-east.
- The proposal does not include any part of the land set aside for POS.



## Clause 53.02 Bushfire planning

### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

### Assessment against Clause 53.02-4 (Pathway 2)

Clause 53.02-4.4 applies to the assessment of this application, and specifies the following:

#### 53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Measure	Requirement
AM 5.1	An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting: <ul style="list-style-type: none"> <li>• The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.</li> <li>• The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.</li> </ul>
AM 5.2	An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows: <ul style="list-style-type: none"> <li>• Each lot satisfies the approved measure in AM 2.1.</li> <li>• A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defensible space in accordance with:               <ul style="list-style-type: none"> <li>- Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or</li> <li>- Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.</li> </ul>               The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.             </li> <li>• Defensible space wholly contained within the boundaries of the proposed subdivision.</li> <li>• Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space.</li> <li>• Vegetation management requirements in accordance with Table 6 to implement and maintain the defensible space required under this approved measure.</li> <li>• Water supply and vehicle access that complies with AM 4.1.</li> </ul>
AM 5.3	An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.
AM 5.4	A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

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Alternative measure	
Measure	Requirement
AltM 5.5	A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defensible space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that: <ul style="list-style-type: none"> <li>• All other requirements of AM 5.2 have been met.</li> <li>• Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> </ul>

### Clause 53.02-4.5 – Decision Guidelines

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.*
- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*
- *Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.*
- *Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.*
- *Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- *If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.*

#### Comments:

Accompanying this application is a Bushfire Hazard Landscape Assessment (BHLA), Bushfire Hazard Site Assessment (BHSA) and Bushfire Management Statement (BMS), as required by Clause 44.06.

The BHLA and BHSA has characterised vegetation conditions within the subject land as 'modified with scattered exotic vegetation'. It has characterised surrounding vegetation as modified with some woodland and having nil to five degrees of slope. Specifically, on the northern side as 'generally grassland with patches of remnant vegetation along the ridgeline and waterways', to the west as 'modified to patches of remnant vegetation' (classified as forest), to the east as modified vegetation – Including 'remnant vegetation classified as woodland runs along the waterway' to the north east – and to the south as 'patches of connective remnant vegetation located along ridegelines' (classified as forest). The latter of which is subject to planned burn-offs.

The BMO Technical Guide identifies four landscape types in which to assess landscape risk (with 1 being the lowest and 4 being the highest risk). The BHLA has characterised the landscape risk to the subject land as being within a Type 2 landscape.

Type 2 landscapes are defined as:

- *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.*
- *Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.*

- Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.

Having regard to Clause 53.02-4.1:

Measure	Requirement	Compliance
<b>AM 5.1</b>	<p>An application to subdivide land, other than where <b>AM 5.2</b> applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> <li>• The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.</li> <li>• The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.</li> </ul>	<p>The plans show that proposed Lots 19, 20 and Lot 21 are within or close to the BMO.</p> <p>A static water supply and access will be provided in accordance with CFA requirements (condition of permit for hydrants and access) and Clause 53.02-4.3.</p>
<b>AM 5.2</b>	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> <li>• Each lot satisfies the approved measure in <b>AM 2.1</b>.</li> <li>• A building envelope for a single dwelling on each lot that complies with <b>AM 2.2</b> and provides defensible space in accordance with: <ul style="list-style-type: none"> <li>• Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or</li> <li>• Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.</li> </ul> </li> </ul> <p>The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.</p> <ul style="list-style-type: none"> <li>• Defensible space wholly contained within the boundaries of the proposed subdivision.</li> <li>• Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space.</li> <li>• Vegetation management requirements in accordance with Table 6 to implement and maintain the</li> </ul>	<p>N/A</p> <p>Subject land is zoned industrial and for industrial purposes.</p>

	<i>defendable space required under this approved measure.</i> <ul style="list-style-type: none"> <li>• <i>Water supply and vehicle access that complies with <b>AM 4.1</b>.</i></li> </ul>	
<b>AM 5.3</b>	<i>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</i>	The application does not create more than 10 lots within the BMO.
<b>AM 5.4</b>	<i>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</i>	The subdivision would sufficiently manage the bushfire risk to future development.

For these reasons, it is considered that the proposal in its current form satisfactorily addresses bushfire risk.

### Clause 52.17 Native Vegetation

#### Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

#### Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

#### Comment:

Five trees have been assessed as having major >10% encroachments into their TPZ's of more than 10%.

A Native Vegetation Removal Report was conducted and states the following.

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

<b>General Offset amount <sup>1</sup></b>	<b>0.032 General Habitat Units</b>
Minimum strategic biodiversity value score <sup>2</sup>	0.272
Large Trees	2
Vicinity	Goulburn Broken CMA or MANSFIELD SHIRE LGA

NB: values within tables in this document may not add to the totals shown above due to rounding

## Clause 53.18 Stormwater management in urban development

### ***Purpose***

- To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

### **Comment:**

Detailed stormwater designs will be required as a condition of approval to ensure no impacts to the broader stormwater or waterway network. A Stormwater Management Plan Report was provided with the application – which was amended at the direction of Mansfield Shire's Development Engineer.