

Development Plan

Assessment against Planning Scheme



Mansfield Shire

Development Plan Application No. DP002-22

Mansfield Planning Scheme and Context Assessment

The Municipal Planning Strategy and Planning Policy Framework 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.

The following Planning Policies and Objectives are relevant to this application:

Municipal Planning Strategy (MPS)

Clause 02.03-1 Settlement – Mansfield Township

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.

Officer response:

The proposed development plan responds to the strategic directions outlined for settlement in the Mansfield Township, whereby the subject site and allotments transition into Rural Living style housing serviced by a new court bowl road access.

Clause 02.03-2 Environmental and landscape values

Landscapes

The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and of intrinsic importance to its landscape.

Councils Strategic Directions for environmental and landscape values are to:

- *Protect areas of remnant vegetation for their environmental, habitat and scenic values, including roadside vegetation, riparian environments, scattered trees and native grasslands.*
- *Protect the landscape character of the Shire and significant landscape features including large old trees, visually significant ridges and view corridors.*

- *Protect the environmental, landscape and visual significance of rural areas, mountain and environmental features and alpine approach areas.*

Officer response

The submitted Development Plan provides for protection of the remnant native vegetation on the land, specifically including the retention of the patches of native vegetation in the north western corner of the Development Plan area. The large remnant paddock trees within the proposed Owens Creek riparian area can for the most part be maintained. Other large Native Trees within the proposed development area have been incorporated within the new lot areas.

The submitted Development Plan provides for specified building envelope areas which would enable the retention of the native vegetation.

The layout of the proposed Development Plan does show and acknowledges that all native vegetation within 4m of a boundary is considered lost and will be offset by a third party contribution. It is evident from the proposed layout that there will be losses of remnant native vegetation in the three lots on the southern end of the development plan area. However, whilst the vegetation within 4 metres of any proposed boundary will be considered lost the Development Plan describes how the large trees will be retained.

02.03-4 Natural resource management

Water and Declared Special Water Supply Catchments

Councils 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*

Officer response

The submitted Development Plan has been referred to the Catchment Management Authority and to Goulburn Murray water and received consent.

Clause 02.03-5 – Built Environment and Heritage

Township and Neighbourhood Character

Development of land along the Maroondah Highway and other major routes such as Mount Buller Road in the Shire need to be sensitive to their role as gateways to the Alpine areas. Mansfield Township's residential areas are characterised by wide streets with on street parking, large lots and street trees. Infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected.

Officer response

The submitted Development Plan is in keeping with the Council's strategic directions that encourages development that respects the unique character and of the Mansfield Township. It is considered that the layout plan is in keeping with the rural living style of properties around the subject land.

Clause 02.03-6 – Housing

A diversity of housing opportunities is an important part of providing housing for all. As the major urban centre of the Shire, the majority of housing growth will take place in Mansfield Township, where aged care, infill and medium density housing development will be key for the community to be able to age in place.

Councils Strategic Directions for housing are to:

- Provide for housing needs to be met within townships and designated rural living areas.*
- Maintain housing affordability and increase the diversity of housing choices, including opportunities for rural living and medium density housing.*

Officer response

The submitted Development Plan is directly in keeping with the Council's strategic directions that encourages housing provision within designated rural living areas.

Clause 02.03-9 – Infrastructure

Development Infrastructure

It is expected development will connect to all available infrastructure or provide it as part of larger developments.

Stormwater, onsite water catchment facilities, water sensitive urban design, drainage, reticulated water and sewerage systems, public open space, variety of lot sizes, provision of quality internal and access roads and detailed landscaping plans are necessary to improve development outcomes.

Councils 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.*

Officer response:

An assessment of the proposal has been supportive of the scope of the proposal for the provision of connection to reticulated water. The subject land is located outside the Goulburn Valley Water Corporations Sewer District for Mansfield.

Planning Policy Framework (PPF)

Clause 11.01-1L.01 Mansfield Township

Objectives:

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

Housing Strategies:

- *Contain and intensify residential development within existing residentially zoned land.*

Officer response:

The proposal is located outside the western boundary of the existing Mansfield Township Framework Plan. It is situated on the transition area between Low Density Residential land to the east and a broader area of Rural Living Zoned Land.

Clause 13.02-1S – Bushfire Planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

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

Relevant strategies are:

- *Give priority to the protection of human life by:*
 - *Prioritising the protection of human life over all other policy considerations.*
 - *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
 - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*
- *In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:*
 - *Accommodation.*

Officer response:

The subject land is wholly within a Bushfire Prone Area and is not in the Bushfire Management Overlay (BMO).

The emphasis of relevant bushfire policy at the State and local level is on the preservation of significant landscapes and character of towns like Mansfield and as the highest priority the preservation of human life in bushfire affected areas. In a bushfire prone area designated in accordance with regulations made under the *Building Act 1993*, bushfire risk should be considered when assessing planning applications for subdivisions of more than 10 lots.

The consideration of bushfire risk has been undertaken by referral to Country Fire Authority who have provided consent to the Development Plan with notation that a Section 173 Agreement will be required as part of the future subdivision Planning Permit application. The Agreement will require the adequate provision of water tanks for firefighting as well as site access and road construction standards to allow for fire fighting vehicles.

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.*

Officer response:

It is considered that the proposal will not risk the protection and restoration of catchments, water bodies and ground water. The application has received a written consent from Goulburn Murray Water.

Clause 14.02-11L – Catchment Planning and Management

Policy application:

This policy applies to land within a Declared Special Water Supply Catchment Area, as shown on the Mansfield Shire catchments map to this clause.

Strategies:

- *Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.*
- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Discourage further development, particularly new rural residential estates on the lakes' shores.*
- *Support new development only where connection to reticulated sewerage infrastructure*

- can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*
- Support redevelopment and extensions of existing unsewered dwellings only if an incremental cumulative benefit will be gained by way of upgrading the existing system.*
- Incorporate integrated Water Sensitive Urban Design (WSUD) techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development, particularly in high risk areas as per Schedule 1 to the Environmental Significance Overlay.*
- Ensure any drainage scheme is consistent with the capability of the land.*

Officer response:

The subject land is located within a declared Catchment Area and the Development Plan anticipates Land Capability Assessments for each of the proposed nine allotments which has been assessed by Goulburn Murray Water and Councils Environmental Health team to confirm that the future lots can contain and treat wastewater. The development plan contends that all wastewater from the future nine allotments and dwellings onsite must be treated and disposed of using an approved system(s). The system(s) must have a Certificate of Conformity issued by the relevant body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024.

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 compact neighbourhoods that have walkable distances between activities.*
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- 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 habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.*
- Reduce car dependency by allowing for:*
 - 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.*

Officer response:

It is considered that the proposal will provide for infill Rural Living allotments in keeping with the provisions of what is anticipated for that zone. The applicant has provided for a subdivision layout and density including internal roads and lot layout as well as for servicing to meet the standards of the relevant service authorities. It is not anticipated that the layout of nine allotments will have effect on the nearest arterial road (Maroondah Highway).

Clause 15.01-4S – Healthy Neighbourhoods

Objective:

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies:

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- *Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
- *Streets with direct, safe and convenient access to destinations.*
- *Conveniently located public spaces for active recreation and leisure.*
- *Accessibly located public transport stops.*
- *Amenities and protection to support physical activity in all weather conditions.*

Clause 15.01-5S – Neighbourhood Character

Objective:

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

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.*

Clause 15.01-6S – Design for rural areas

Objective

To ensure development respects valued areas of rural character.

Strategies

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Officer response

The proposed development plan layout is typical of a rural living or farming property development. The proposed location has appropriate boundary setbacks, is softened by existing vegetation in the area and provides for dwelling building envelopes that are not situated on any ridgeline or hilltop, which will not impede any views on the natural scenery of the area. Given these factors, the proposal is commensurate with the reasonable expectations of development forms in a rural landscape.

Clause 16.01-1L – Housing Supply in Mansfield Township

Strategies

- *Encourage higher density development in areas that can capitalise on existing physical and social infrastructure in proximity to the Mansfield town centre.*
- *Support smaller housing options and retirement and aged care accommodation close to town centres and areas with existing social and physical infrastructure.*
- *Encourage opportunities to increase the supply of affordable housing to cater for lower income households, older people and young people.*

Clause 19.03-1L – Development and Infrastructure Contributions Plans

Strategies:

Ensure that the cost of new infrastructure required to serve a specific development is met by the developer.

Officer response

The proposed development plan layout will require the development of a new court bowl road access to service the nine allotments. The lots will also be required to connect to Mansfield reticulated water supply.

Zoning

Clause 35.03 – Rural Living Zone – Schedule 1 (RLZ1)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

Agricultural issues

- *The capacity of the site to sustain the agricultural use.*
- *Any integrated land management plan prepared for the site.*
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.*

Environmental issues

- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*

- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use or development will require traffic management measures.*

Officer response:

The Development Plan will enable future increase in residential density in an existing rural area within close proximity to the Mansfield town centre. The proposed subdivision is appropriate with regards to character considerations in terms of lot configuration and layout and will create a diverse residential area with varied lot sizes that will allow a diversity of development forms. The ongoing upgrade works to Malcolm Street undertaken by Council (independent of this application) as well as the future upgrade to Kidston Parade will ensure that as more land in the immediate area becomes fully developed in accordance with the strategic vision of the Scheme new and improved road connections are developed throughout the area.

For these reasons, the proposal is considered to accord with the decision guidelines of the zone.

Overlays

Clause 43.04 Development Plan Overlay (DPO)

The purpose of the Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the Responsible Authority.*

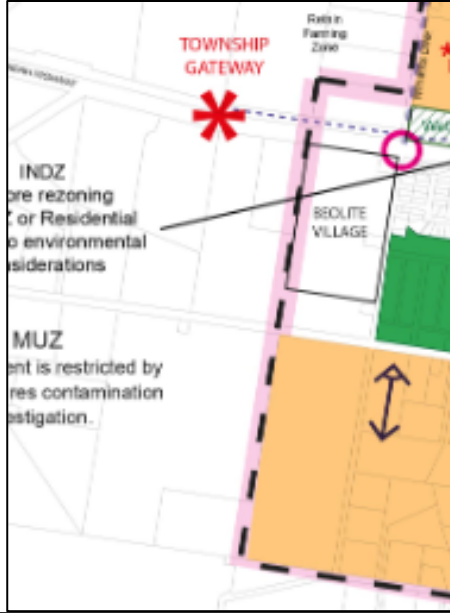
DPO Schedule 3, Rural Living Zoned Land

Objectives:

- *Outline the form and conditions for future use and development of land in the Rural Living.*

- *Establish broad directions for future land use, development subdivision and servicing of an area.*

Requirements	Officer Assessment	Complies?
<i>Site assessment and response, including natural features, slope and orientation, drainage lines, native vegetation, heritage and archaeological significance, view lines and adjoining land.</i>	The Development Plan has been designed in such a way to allow for many natural features of the land to be protected, including drainage lines, buffers to the Creek, and native vegetation where possible. The subject land is within an area of Cultural Heritage Sensitivity a cultural heritage plan has been prepared.	Yes
<i>Proposed subdivision layout and density, indicating internal roads, external road linkages and impacts, pedestrian linages and if appropriate lot layout.</i>	The road design connects to external roads. A future road connection is anticipated in the south eastern allotment with a later stage bridge over the creek and road connection to the LDRZ lot to the east.	Yes
<i>All servicing, including water, sewerage, drainage and stormwater, electricity, and telecommunications to meet the standards of the relevant service authority.</i>	The Development Plan application has been referred to all relevant authorities for their comments. Supporting comments have been received from AusNet Electricity Services, Goulburn Valley Water, Goulburn Broken Catchment Management Authority, Goulburn Murray Water, and Councils Engineering Departments. The subject land will be required to connect to mains water services.	Yes
<i>An assessment of relevant bushfire risk and bushfire protection measures for the site and area, as appropriate.</i>	The Development Plan application has been referred to Country Fire Authority (CFA) in relation to the potential bushfire risk as the land is within the Bushfire Prone Area. Any future subdivision development will require dedicated firefighting water supply and specific road layout.	Yes
<i>Existing and future open space, including linkages to and between areas of open space.</i>	The proposed building envelopes will provide for some visual open spaces and natural landscapes throughout the future development. The Mansfield Open Space Strategy identifies public open space opportunities. Therefore, any future subdivision approved through a planning permit for the subject land will be required to make a monetary contribution for public open space. These funds would be used for the creation and upgrades of nearby public open spaces.	Yes
<i>Proposed measure to address native vegetation, landscaping, and streetscape treatment.</i>	A more detailed flora and fauna assessment will be needed. The will need to include a more comprehensive Native Vegetation assessment will be required to properly anticipate and offset any native vegetation losses as part of any future allotment layout or building envelopes.	Yes
<i>The stages, if any, in which the land is to be subdivided and developed.</i>	The Development Plan anticipates two stages. The nine allotments. A future south eastern allotment and stage.	

	Staging of future development will be approved through subsequent subdivision applications.	
Consistency with any adopted structure plan, urban design framework or strategy relevant to the area.	<p>The Mansfield Township Framework Plan, at Clause 11.01-1L-01 Mansfield Township, does not specifically identify the subject land as being part of any <i>Development Plan Area</i>. However, it is considered that the Development Plan appropriately responds to existing policies and strategies.</p> 	
If the proposal is likely to have an effect on an arterial road, a Transport Impact Assessment Report (TIAR) should be prepared to the satisfaction of the relevant road authority. The TIAR must have regard to the relevant road authority's access management policies and determine the extent of mitigating works required on arterial roads in consultation with the relevant road authority.	<p>The subject land only directly adjoins Malcolm Street. The additional infill rural living allotments is considered to have little impact to the arterial road network as the land is close to the western end of Malcolm Street and traffic movements would likely go north to High Street/ Maroondah Highway. Council Officers have determined that a TIAR is not necessary for this application, which was supported by Councils Engineering Team.</p>	

Particular Provisions

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.

Officer Response :

The Mansfield Open Space Strategy identifies public open space. Any future subdivision approved through a planning permit for the subject land will be required to make a monetary contribution for public open space. These funds would be used for the creation and upgrades of nearby public open spaces.

General Provisions**Clause 65.01 – Approval of An Application or Plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Officer response:

The matters at section 60 of the Act have been considered.

The MPS and PPF have been addressed under separate headings in the body of the report. The proposal is considered to generally be accordant with the relevant policy.

The proposed Development Plan is considered to be generally consistent with the considerations of the Rural Living Zone and the catchment management considerations of the of the local special water supply catchment area.

The proposed future subdivision layout is not considered to adversely impact the current and future development and operation of the broader transport system, noting that the scale of future infill development from nine allotments proposed will not give rise to marked increases or pressure to the capacity of the local road network.

The proposal is considered to result in an appropriate and orderly outcome for the site and surrounds. The development plan realises the limitations of the site and maximises on the locational and environmental attributes of the site.

Based on the matters discussed above and throughout this report, the proposed Development Plan is considered acceptable and is generally considered to be consistent with the Mansfield Planning Scheme. In this instance, the matters assessed tend in favour of approving the application for a Development Plan.

Conclusions

The Development Plan has been submitted to Council to satisfy the requirements of Clause 43.04 Development Plan Overlay (DPO) of the Mansfield Planning Scheme. The DPO requires a Development Plan to be approved prior to any planning permits being issued for subdivision or development.

In addition to the requirements of the DPO, the local and state planning policy provisions and municipal planning strategy provide objectives and strategies specifically relating to the development of residential land. The submitted Development Plan appropriately responds to the requirements of the state and local planning policies and sets out requirements for future development.

The Development Plan sets out requirements for future subdivision, requirement for protection of the creek and its immediate surrounds, future native plantings and landscaping. The proposed layout for future roads and lots would enable protection of existing vegetation, including multiple native/ remnant paddock trees.

If approved, any future planning permit application would need to comply with the Development Plan and any relevant planning policy. The submitted Development Plan is considered to be in accordance with the relevant planning policies and in particular the Development Plan Overlay, Schedule 3 Rural Living Zoned Land. The Development Plan and the associated plan detail a layout which will provide suitable access for residential development to Malcolm Street and the Mansfield Township, whilst being designed in such a way that respects the existing natural landscape and surrounds.

Officer Recommendation

That Council approves the **Development Plan** for Application DP002-22 for Development Plan for Rural Living Zoned Land on Lot 2 on LP80798, Lot 1 on TP244731, Lot 75 on PP3056- Part of Lot 2 TP245258 , commonly addressed as 240 Malcolm Street, Mansfield.

Planner
Responsible: Claire Wilkinson
Senior Statutory
Planner

Reviewed
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Senior Coordinator
Planning

Signature:



Signature:



Date:

28 March 2025

Date:

8 May 2025