

Planning and Environment Act 1987

MANSFIELD PLANNING SCHEME

AMENDMENT C57MANS, Part 1

EXPLANATORY REPORT

Overview

The Amendment seeks to implement the recommendations from The Mansfield Planning Scheme Review of November 2022. The amendment is primarily focused on updating various clauses and sections of the Mansfield Planning Scheme, ensuring alignment with the Planning and Environment Act, 1987, and integrating key policies and strategies, that have previously been adopted by the Mansfield Shire Council but not yet incorporated into the Planning Scheme.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Mansfield Shire website at Mansfield.vic.gov.au

And/or

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

33 Highett Street Mansfield, Victoria 3722

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

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

A submission must be sent to:

Attention: Strategic Planning

By Post or in person: 33 Highett Street Mansfield, Victoria 3722

By Email: strategic.planning@mansfield.vic.gov.au

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]

Details of the amendment

Who is the planning authority?

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

Land affected by the amendment

The Amendment applies to all areas of the municipality of the Mansfield Shire.

What the amendment does

The amendment proposes to implement the recommendations of *The Mansfield Planning Scheme Review*, November 2022 (The Review). The review analysed the performance of the Mansfield Planning Scheme and a number of strategic documents adopted by Mansfield Shire Council, but not implemented into the Mansfield Planning Scheme. The Amendment implements The Review by revising the Municipal Strategic Statement, many local policies contained within the Mansfield Planning Scheme.

In detail, the amendment proposes to make the following changes to the Mansfield Planning Scheme:

Planning Scheme Ordinance

1. Amends Clause 02.01 (Settlement) and 02.03-7 (Economic Development) to acknowledge the Traditional Owners of Mansfield Shire and include a strategic direction related to the *Lake Eildon Masterplan*, May 2020.
2. Amends Clause 02.03-8 (Transport) in accordance with advice provided by the Head, Transport for Victoria.
3. Amends Clauses 11.01-1L-01 (Mansfield Township), 11.01-1L-02 (Other Local Areas) 12.05-2L (Significant landscapes, ridgelines and alpine approaches), 13.03-1L (Floodplain management), 15.01-1L (Urban design in Mansfield Township CBD), and 16.01-3L (Rural residential development) to accord with section 7(5) of the *Planning and Environment Act, 1987* (The Act) for the form and content of planning schemes.
4. Inserts new Clause 17.01-1L (Diversified Economy - Mansfield) to provide strategic directions for commercial and industrial development in the Mansfield Township.
5. Amends the Schedule 1 and Schedule 2 to Clause 35.03 (Rural Living Zone) to accord with section 7(5) of The Act.
6. Amends the Schedule 1 to Clause 35.06 (Rural Conversation Zone) to accord with section 7(5) of The Act.
7. Amends the Schedule to Clause 35.07 (Farming Zone) to accord with section 7(5) of The Act.
8. Amends the Schedule 1 to Clause 42.01 (Environmental Significance Overlay) to correct a spelling error.
9. Amends the Schedule 1, Schedule 2 and Schedule 3 to Clause 43.04 (Development Plan Overlay) to accord with section 7(5) of The Act.
10. Amends the Schedule to Clause 74.02 (Further Strategic Work) to update the list of further strategic work as recommended by The Review.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to implement the *Mansfield Planning Scheme Review*, November 2022. It is a review of the Mansfield Planning Scheme which is required every four years under Section 12B of the *Planning and Environment Act, 1987* (The Act). The review is required to check that the Planning Scheme is consistent with any directions or guidelines issued by the Minister for Planning under section 7(5) of The Act, identify policy and strategy gaps and make recommendations to improve the operation of the planning scheme.

The review was led by the Regional Planning Hub from the Department of Transport and Planning.

The review involved a comprehensive audit of the Mansfield Planning Scheme and the effectiveness of the Local Planning Policy Framework, and the previous Mansfield Planning Scheme review from 2015.

Since the previous review, Mansfield Shire Adopted and completed amendment C53mans which translated the Local Planning Policy Framework for the Mansfield Planning Scheme into the new format introduced by amendment VC148. Amendment C53mans largely considered many areas usually covered by a planning scheme review, meaning that there are less significant changes proposed now by amendment C57mans.

The Amendment makes changes to ensure that the Mansfield Planning Scheme is written in accordance with section 7(5) of The Act for form and content of planning schemes.

Additional documents also informed the preparation of The Review and have policies to be implemented into the Mansfield Planning Scheme. However, these do not wholly include information which is directly relevant to the planning scheme and are therefore not appropriate to be included as background documents in accordance with the recommendations of the *Practitioners Guide to Victoria's Planning Schemes*, 2022. Documents which have informed The Review but are not proposed to be implemented as background documents are as follows:

- *The Mansfield Council Plan, 2021*
- *The Mansfield Commercial and Industrial Land Use Strategy, 2021*
- *The Activating Lake Eildon Masterplan, 2020*
- *The Taungurung Country Plan, 2016*
- *The Gunaikurnai Whole of Country Plan, 2015*

Not all elements of these documents are included to be implemented as part of the review, in particular the extensive scope of the Mansfield Planning Strategy means that it will be implemented through a separate proposed planning scheme amendment, C60mans.

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(1) of the *Planning and Environment Act 1987* (PE Act) as follows:

a) Provide for the fair, orderly, economic and sustainable use, and development of land

The amendment will result in the fair, orderly, economic and sustainable use and development of land by including strategies and guidelines that respect both the current land usage patterns and future developmental prospects, meeting the needs of the Mansfield Shire community..

b) Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

The Amendment identifies and protects local features by clarifying strategies within Clause 12.05-2L (Significant Landscapes, ridges and alpine approaches) which seek to protect natural assets and encourage development to be sensitive to the natural environment.

c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The Amendment includes policy in Clause 19.02-6L (Open Space Mansfield) to enhance connectivity through Mansfield and create a place where the community can live, work and play safely by ensuring that future development is designed with appropriate layouts which prioritise the pedestrian environment..

d) Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

The Amendment recognises the significance of preserving the township's unique historical, cultural, and aesthetic landmarks by amending Clause 15.01-1L (Urban design in Mansfield Township) to clarify the strategies included to achieve desired urban design outcomes.

f) Facilitate development in accordance with the objectives;

The amendment achieves this objective by introducing a suite of planning scheme provisions to guide development for the benefit of Mansfield Shire, consistent with state, regional and local planning policy.

g) Balance the present and future interests of all Victorians.

The proposed provisions in the overlay schedules have been drafted to ensure development occurs in a logical manner consistent with the objectives set out in paragraphs (a) to (e).

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

Environmental Effects:

- **Land and Water Quality:** The proposed acknowledgment of the Traditional Owners of the Mansfield Shire and inclusion of a strategic direction related to the Lake Eildon Masterplan emphasizes the cultural and environmental significance of the land and waterways in the area.
- **Protection of Significant Landscapes:** The amendment to Clause 12.05-2L (Significant landscapes, ridgelines and alpine approaches) ensures that significant landscapes, ridgelines, and alpine approaches are taken into account, which will aid in preserving the environmental aesthetics of the region.
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Social Effects:

- **Cultural Recognition and Respect:** By acknowledging the Traditional Owners of the Mansfield Shire, the amendment demonstrates respect and recognition for indigenous heritage, contributing positively to the social fabric of the region.
- **Urban Design in Mansfield Township CBD:** Changes to the Clause 15.01-1L (Urban design in Mansfield Township CBD) stress the importance of urban design, aiming to enhance public spaces and ensure they are both functional and aesthetically pleasing.

Economic Effects:

- **Economic Development and Diversification:** The amendment emphasizes diversification with the new Clause 17.01-1L (Diversified economy-Mansfield), which provides strategic directions for commercial and industrial development in Mansfield Township. This aims to strengthen the economic foundation of the area.

Does the amendment address relevant bushfire risk?

The proposed changes within the amendment directly address Clause 13.02 (Bushfire Planning) having considered prioritising the protection of human of human life over all other policy considerations. In preparation of the Planning Scheme Review, Planning Practice Note 64 – Local Planning for Bushfire Protection was considered. The landscape conditions of Mansfield Shire have not changed significantly to justify alterations to the existing bushfire provisions or policies. Although the amendment applies to bushfire prone areas and areas within the bushfire management overlay, it does not propose any changes which increase the risk to human life.

The amendment updates the Schedule 1 and Schedule 2 to Clause 44.06 (Bushfire Management Overlay). Changes to the schedules clarify the application of the overlay, making them accord with the Ministerial Direction for form and content for planning schemes. The amendment does not make any material changes in regard to bushfire protection.

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

Ministerial Direction – The Form and Content of Planning Schemes (Section 7(5) of the Act).

The amendment complies with the Ministerial Direction on the form and content of Planning Schemes.

Ministerial Direction No. 11 Strategic Assessment of Amendments.

The amendment complies with Ministerial Direction No. 11: (Strategic Assessment of Amendments) under section 12 of the PE Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, evidenced throughout this explanatory report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with, and gives effect to the following clauses of the Planning Policy Framework (PPF), in particular:

Clause 11.01-1S - Settlement

The amendment is consistent with the objective of this clause *“To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.”* by ensuring that the planning scheme is presented in a consistent manner reducing time required to interpret the planning scheme.

Clause 11.01-1R – Settlement – Hume

The amendment accords with the with the relevant strategies of the *Hume Regional Growth Plan* by continuing to support growth and development in an existing urban settlement.

Clause 11.01-1L-01 – Mansfield Township

The amendment is consistent with the objective *“To support the growth of Mansfield Township as the focus of development in Mansfield Shire”*.

Clause 11.01-1L-02 – Other Local Areas

The amendment is consistent with the strategies of this Clause, proposing only changes which clarify the intention of the existing policy.

Clause 11.03-1S – Activity Centres

The amendment is consistent with the following strategies to *“Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres”* and *“Improve the social, economic and environmental performance and amenity of activity centres”*.

Clause 11.03-5S – Distinctive Areas and Landscapes

The amendment is consistent with the objective *“To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes”*.

Clause 11.03-6S – Regional and Local Places

The amendment is consistent with the strategy to *“Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development”*.

Clause 12.05-2L – Significance Landscapes, Ridgelines and Alpine Approaches

The amendment is consistent with the objective *“To protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity”*. The amendment includes changes to clarify policy for the protection of native and exotic vegetation and environmental amenity.

Clause 13.01-1S – Natural Hazards and Climate Change

The amendment is consistent with the following strategies to *“Direct population growth and development to low risk locations”* and *“Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.”*

Clause 13.02-1S and 13.02-1L – Bushfire Planning

The amendment meets the requirements for bushfire protection, as discussed earlier within the report under ‘bushfire risk’.

Clause 13.03-1L – Floodplain Management

The amendment is consistent with the strategies in this Clause, clarifying the intent of 2 strategies within it to provide directions for the design of buildings.

Clause 15.01-1S - Urban Design

The amendment is consistent with the objective *“To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”*

Clause 15.01-1L - Urban design in Mansfield Township CBD

The amendment supports the strategies within this Clause including *“Design access to parking to minimise impacts on active frontages and preferably be provided via a secondary streets, laneways or other parking areas”*. The amendment will assist Mansfield Shire Council make planning decisions by having clarified planning policy requiring less time spent to interpret the planning scheme.

Clause 15.01-2S - Building Design

The amendment supports the objective *“To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development”*.

Clause 15.01-5S – Neighbourhood Character

The amendment is consistent with the objective *“To recognise, support and protect neighbourhood character, cultural identity, and sense of place”*.

Clause 15.01-6S – Design for Rural Areas

The amendment is consistent with the objective *“To ensure development respects valued areas of rural character”* and strategies within this Clause including *“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”*.

Clause 16.01-3L – Rural Residential Development

The amendment supports the objective *“To protect productive agricultural land by directing rural living to areas based on their suitability and land capability”* by clarifying the strategy to discourage further rezoning unless the existing rural living land has been developed.

Clause 18.01-3L – Sustainable personal Transport

The amendment supports the strategy *“Facilitate development that improves linkages between open space reserves and key community facilities such as schools through improved paths and trails, the development of landscape themes and the provision of directional and informational signage”* by specifying prioritised linkages which support the strategy.

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

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving objectives of the clauses as follows:

The amendment aids providing content for Mansfield Shire by amending the context of the shire to include formal acknowledgment of the traditional owners of the land (Clause 02.01 – Context).

The amendment aids advancing the vision of creating an inclusive, dynamic and prosperous place where community spirit is strong, and residents are empowered to engage in issues that affect their lives (Clause 02.02 – Vision) by providing opportunity for residential growth within an existing urban area.

The amendment is consistent with the strategic directions for settlements and does not propose any change to this Clause (Clause 02.03-1 – Settlement).

The amendment recognises the scenic value of the mountains, valleys, foothills and cleared grazing country as characteristic and of intrinsic importance. Preservation of significant landscapes are considered as one of the municipality's greatest assets and is supported within the amendment by clarifying the policy surrounding avoiding development on significant ridgelines and encouraging designs sensitive to the natural landscape (Clause 02.03-2 – Environmental and Landscape Values).

The amendment recognises the importance of climate change and natural disasters by Considering the location and topography of the Shire and acknowledging that buildings on ridgelines or prominent exposed areas are particularly vulnerable to natural hazards such as bushfire, flood and land slip (Clause 02.03-3 – Environmental Risks and Amenity).

The amendment is consistent with the directions for protection of natural assets, implementing changes which make clear the view of Council and aligning policy with the Ministerial directions for form and content of planning schemes to avoid confusion when interpreting the scheme's guidance for the protection of farmland (Clause 02.03-4 – Natural Resource Management).

The amendment aids the continual direction to ensuring that development along major routes along the Maroondah Highway and Mt Buller need to be sensitive to their role as gateways to Alpine Areas (Clause 02.03-5 – Built Environment and Heritage).

The amendment implements the strategic direction for housing by recognizing that a diversity of housing options is essential to provide for all residents (Clause 02.03-6 – Housing). As the major urban centre of the Shire, Mansfield Township will experience a significant portion of housing growth, and aged care, infill and medium density housing development will be key to enabling residents to age in place.

The amendment supports Council's strategic direction for economic development by introducing a new strategic direction support increased activation and access to Lake Eildon. This new strategic direction supports tourism as an economic driver, with Lake Eildon noted as a key tourism destination (Clause 02.03-7 – Economic Development).

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

The amendment makes better use of the Victoria Planning Provisions (VPPs) through reviewing the Municipal Planning Strategy, Planning Policy Framework, schedules to zones and particular provisions as well as general and operational provisions to ensure that they are presented in a format that is consistent with the Ministerial Directions for Form and content for planning schemes and operating to achieve their desired outcomes. The amendment has also considered all planning practice notes relevant to the amendment, discussed below.

The amendment has considered *Planning Practice Note 32 – Review of Planning Schemes* and undertaken all steps suggested for the review cycle. This amendment implements the recommendations of the Planning Scheme Review and inserts new further strategic work into the schedule to Clause 74.02 (Further Strategic Work) for the continual improvement of operation of the Planning Scheme.

The amendment has considered *Planning Practice Note 46 – Strategic Assessment Guidelines* throughout its preparation. The amendment accords with the considerations of the planning practice note as evidenced throughout this explanatory report.

The amendment has considered *Planning Practice Note 55 – Planning in Open Drinking Water Catchments* because the area affected by the amendment is within an open drinking water supply catchment. The amendment proposes to insert the need for further strategic work to flood mapping throughout the Mansfield Shire and prepare a new rural strategy that addresses use, development, subdivision of land, the outcomes of the *Domestic Wastewater Management Plan, 2014* and other environmental constraints and landscape significance.

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

Requests for feedback and review of the planning scheme review were sent to Goulburn Murray Water and Goulburn Valley Water as both agencies are listed under Clause 66.04 and 66.06 and have direct involvement in Clause 42.01 schedules 1 and 2. Both agencies provided feedback to the amendment that buffer zones for wastewater management facilities need to be undertaken. This has been included as part of the amendment into the Schedule to Clause 74.02 (Further Strategic Work) to be undertaken later.

Exhibition stage:

Approval stage:

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

The amendment is consistent with the objectives and decision-making principles in the *Transport Integration Act 2010*. Specifically:

- It promotes social and economic inclusion by developing residential areas close to a transport network which is accessible by all in the community.

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development, and the road network has existing capacity. The amendment includes no areas for rezoning, although it seeks to acquire greater public open space contributions from future developments which may aid Council in managing and providing future pedestrian and cycling connections.

There are no applicable statements of policy principles under section 22 of the *Transport and 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 benefit Council as the Responsible Authority by reducing both resource and administrative costs. This will be achieved through having the planning scheme updated to clarify planning policies and controls and include new ones which are in accordance with the Ministerial Direction for form and content and reduce the time spent by officers needing to interpret planning controls that are unclear or create confusion by duplicating other planning scheme policies or not providing clear directions.