

MANSFIELD PLANNING SCHEME

AMENDMENT C57MANS, Part 2

EXPLANATORY REPORT

Overview

The Amendment seeks to implement the recommendations from The Mansfield Open Space Strategy, January 2023. 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, including open space provisions, 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 **Friday 19 April**.

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: 10 June.
- panel hearing: Monday 15 July.

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 introduce new requirements for public open space contribution and subdivision from the *Mansfield Open Space Strategy*, January 2023 (MOSS).

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

Planning Scheme Ordinance

1. Amends Clause 18.01-3L (Sustainable personal transport) to include strategies from the MOSS.
2. Inserts new Clause 19.02-6L (Open Space - Mansfield) to insert local strategies to achieve the planning outcomes sought by MOSS.
3. Amends Clause 19.03-1L (development and infrastructure contributions plans) to introduce strategies from the MOSS.
4. Amends the Schedule to Clause 53.01 (Open Space Contribution and Subdivision) to specify contributions for public open space recommended by MOSS.
5. Amends the Schedule to Clause 72.08 (Background Documents) to include the *Mansfield Open Space Strategy* and the *Mansfield Open Space Strategy Open Space Contributions Plan* as -background documents.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to implement relevant policies and ordinance changes proposed in documents adopted but not yet implemented into the Mansfield Planning Scheme. The following documents informed the Planning Scheme Review, and are proposed to be inserted as background documents in the Schedule to Clause 72.08 (Background Documents):

- *The Mansfield Open Space Strategy*, January 2023
- *The Mansfield Open Space Strategy Open Space Contributions Plan*, January 2023

The amendment introduces recommendations from the *Mansfield Open Space Strategy*, and *Mansfield Open Space Strategy Open Space Contributions Plan* January 2023 by inserting new local policies for open space and sustainable transport and introducing open space provision requirements into the Schedule to Clause 53.01.

The Open Space Contributions are required to ensure that community benefit is gained relative to the scale of development in Mansfield Shire. A detailed explanation of how the contributions have been calculated is as follows:

Within the MOSS, public open space gaps were identified, noting that each residence should have access to public open space within a 400-metre distance. 7 areas within Mansfield Township were identified as being required for future open space to provide adequate amenity for future residents.

The value of each of these open spaces was calculated, and the relative costs to construct these spaces to having appropriate community infrastructure.

Subdivisions by lot yield were totalled between 2016 to 2021 to determine the percentages of size of each development across the Mansfield Shire and are as follows:

- 2-4 lots: 86%
- 5-9 lots: 8%
- 10+ lots: 6%

On this basis, a sliding scale has been proposed to capture open space contributions in accordance with the scale of development. The scale employs principles of equity and cost apportionment through

various types of subdivisions within the Shire by recognising that residential developments are different to Commercial or Industrial type subdivisions and that different scales of subdivision should provide varying degrees of open space provision. These amounts should be in accordance with the expected future growth of an area and the contributions received from them should be expended into the improvement of those areas. The amendment aims to achieve fair contributions through proposing the following open space contribution brackets:

- 2-4 lots: 5% in line with the *Subdivision Act*, 1988
- 5-9 lots: 6%
- 10+ lots: 7.5%
- Mixed Use, Commercial or Industrial: 5%, in accordance with the *Precinct Structure Planning Guidelines*, prepared by the Growth Areas Authority.

A detailed breakdown of the calculations is included as a supporting document to this amendment, titled: "*Mansfield C57mans Mansfield Open Space Strategy Contribution Calculations*".

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. Implementation of the *Mansfield Open Space Strategy*, January 2023 ensures that future developments will provide adequate open space contributions under the Schedule to Clause 53.01 to create high quality public open spaces for the current and future residents and visitors of Mansfield Shire.

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

Not applicable, addressed with Part 1.

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. Amending the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) ensures that future developments benefit the local community by providing appropriate contributions relative to the scale of development.

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;

Not applicable, included in Part 1.

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:

- **Open Space Preservation:** With the introduction of recommendations from the Mansfield Open Space Strategy, the amendment aims to ensure every residence has access to public open space within a 400-meter distance. This promotes green spaces, improving ecological balance and air quality.

Social Effects:

- **Community Amenity:** The Mansfield Open Space Strategy aims to address public open space gaps, ensuring that residents have access to these spaces, which enhances community well-being and promotes recreational activities.

Economic Effects:

- **Open Space Contribution:** The introduction of open space contributions, based on the scale of development, ensures that the community benefits economically from developments. These contributions are calibrated to ensure they are fair and in line with the scale of the development, promoting sustainable economic growth.
- **Strategies from the Mansfield Open Space Strategy:** The inclusion of strategies from the MOSS in various clauses ensures that there is economic provision for the maintenance and enhancement of open spaces, which indirectly boosts property values and attracts tourism.

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.

Clause 19.02-6S – Open Space

The amendment supports the objective *“To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community”* by introducing a new local Clause 19.02-6L (Open Space – Mansfield) which seeks to establish specific open space corridors.

Clause 19.03-1S – Development and Infrastructure Contributions Plans

The amendment in part supports the objective *“To facilitate the timely provision of planning infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans”*. By implementing a schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) which ensures adequate contributions are gathered for open space and public infrastructure.

Clause 19.03-1L – Development and Infrastructure Contributions Plans

The amendment supports the strategy to *“Ensure that the cost of new infrastructure required to service a specific development is met by the developer”* by clarifying that these costs include upgrades to infrastructure.

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 supports the municipal direction for transport, particularly the direction to improve road safety by supporting the provision of an efficient movement network for vehicles, pedestrians and cyclists. The amendment does this by providing specific directions for the creation of transport linkages by amending Clause 18.01-3L (Sustainable personal transport) (02.03-8 – Transport).

The amendment supports the strategic direction for community infrastructure which include the adequate provision for public open space by implementing a schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) ensuring that adequate contributions are provided by future developments (Clause 02.03-9 – Infrastructure).

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

The amendment introduces a new Schedule to Clause 53.01 (Public open space contribution and subdivision) which is consistent with the form and content directions. The amendment has also considered all planning practice notes relevant to the amendment, discussed below.

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.

The amendment will also reduce the burden of justifying proposed percentages in public open space contributions accrued through the subdivision act. It does this by clearly denoting the brackets for contribution percentages and providing a more equitable and consistent framework for collecting development contributions.