

C55mans Redgum Rise Submissions



Mansfield Shire

Agency Submission 1

Oscar Yencken
Strategic Planning Officer
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722
Dear Oscar

MANSFIELD PLANNING SCHEME AMENDMENT C55MANS

The Department of Transport and Planning (the Department) welcomes the opportunity to comment on Amendment C55mans (the Amendment) which proposes to rezone land in Redgum Drive Mansfield from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Flood Overlay and Land Subject to Inundation Overlay.

The Department has no objections to the proposal.

The Department looks forward to working with Mansfield Shire Council as the Amendment progresses. Should you have any further questions, please contact Lydia Zhang, Integrated Transport Planner, at Lydia.zhang@roads.vic.gov.au

Yours sincerely
Benish Chaudhry
Team Lead Integrated Transport
9 /10 /2023

Agency Submission 2

Our Ref. FOL/96 - DOC23/79691
Your Ref. C55mans
23 October 2023
Oscar Yencken
Mansfield Shire Council
council@mansfield.vic.gov.au

Dear Oscar

AMENDMENT C55MANS MANSFIELD SHIRE COUNCIL NOTICE OF PREPARATION OF AN AMENDMENT

I refer to your letter dated 2 October 2023, regarding the proposed planning scheme amendment C55MANS in accordance with Section 19(1)(c) of the Planning and Environment Act 1987 as a referral authority.

The Planning Scheme Amendment proposes:
To rezone land in Redgum Drive Mansfield from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Flood Overlay and Land Subject to

Inundation Overlay.

The Amendment applies to the following land:

Part of the Redgum Rise Estate on Mansfield – Whitfield Road, being part of Lot A, PS 730533R. More specifically, the amendment applies to parts of Stages 11 and 12 of the Redgum Estate included under proposed Plan and Subdivision Nos 847758N and 847759L. The amendment also affects 111 Mansfield Whitfield Road.

The Corporation appreciates the opportunity to comment on this amendment and advises as follows.

The Corporation has investigated the Planning Scheme amendment forwarded under 19(1)(c) of the Planning and Environment Act, 1987, and does not object to the amendments. However, the following comments are to be considered.

- The land is located within the Corporation’s Water Supply and Sewer District boundaries.
- Servicing of the land for water and sewer is to be assessed when more information is available.
- A reserve or easement will need to be created for the sewer on the land.
- Goulburn Valley Water has no objection to the land being re-zoned.

If you require any further information regarding this matter please contact Melinda Malcolm on (03) 5832-4677.

Yours sincerely

Alan Tyson

MANAGER - ASSET & PROJECT DELIVERY / LAND DEVELOPMENT

Encl Goulburn Valley Water Asset Plan

Agency Submission 3

Melissa Crane
General Manager of Infrastructure and Planning
Mansfield Shire Council
Private Bag 1000
MANSFIELD VIC 3724
Attn: Oscar Yencken
Dear Ms Crane,

**PLANNING SCHEME AMENDMENT APPLICATION C55MANS
MANSFIELD SHIRE COUNCIL: REZONING LAND FROM URBAN FLOODWAY ZONE (UFZ) TO
GENERAL RESIDENTIAL ZONE (GRZ1) AND APPLY THE LAND SUBJECT TO INUNDATION AND
FLOOD OVERLAYS.
REDGUM DRIVE, MANSFIELD 3724**

Thank you for your letter dated and received on 2 October 2023 regarding the above planning scheme amendment.

The application is for rezoning land from Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1) and applying the Land Subject to Inundation (LSIO) and Floodway (FO) Overlays under the Mansfield Planning Scheme.

Response

The Department of Energy, Environment and Climate Action supports the proposed amendment C55 to the Mansfield Planning Scheme.

If you have any questions regarding this matter, please contact me at p&a.north@delwp.vic.gov.au

Yours sincerely,
Matthew Kirley
Program Officer
Planning and Approvals
27 October 2023

Agency Submission 4

GBCMA Ref: GBCMA-F-2023-01134
Contact Officer: Joel Leister
Council No: C55MANS
Date: 31 October 2023
Mr Oscar Yencken
Strategic Planning Officer
Mansfield Shire Council
Private Bag 1000,
Mansfield Vic 3722
Dear Mr Yencken

Planning Scheme Amendment C55MANS
Lot A PS730533, Parish of Mansfield
Redgum Rise Estate, Mansfield
Mr Oscar Yencken

Thank you for providing notice dated 2 October 2023, under Section 19 of the *Planning and Environment Act, 1987*, received by the Goulburn Broken CMA on 2 October 2023, regarding the above matter.

The Goulburn Broken CMA note previous correspondence (Our Ref: GBCMA-F-2022-00203) on this matter between the Authority, Council, and the developer's planning consultant. The proposed amendment is in accordance with the requirements outlined by the Goulburn Broken CMA in this previous correspondence.

In the light of the above information, the Goulburn Broken CMA raises no objections to the proposed planning scheme amendment.

Please note that the 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.

If you have any queries, please contact Joel Leister on **(03) 5822 7700**. To assist in handling any enquiries please quote **GBCMA-F-2023-01134** in your correspondence. Please note that all electronic correspondence should be directed to planning@gbcma.vic.gov.au.

Yours sincerely
Guy Tierney

Statutory Planning and Floodplain Manager

Information contained in this correspondence is subject to the definitions and disclaimers below.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to

the Authority by the applicant(s) and/or local government authority.

2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. No two floods are the same and can vary depending on the quantity, duration and location of rain falling on the catchment.
4. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. **NFPL** as Nominal Flood Protection Level – is 300 millimetres above the applicable 1 in 100 AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared at the request of local government authority for the purpose of a Section 55 referral under the *Planning and Environment Act 1987*, for a proposed **Overlay and Zoning Amendment** and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

Agency Submission 5

Thank you for providing CFA the opportunity to provide comment on Planning Scheme Amendment C055mans which seeks to rezone land at Redgum Drive, Mansfield from the Urban Floodway Zone to the General Residential Zone.

CFA has reviewed the proposed planning scheme amendment and would like to provide the following advice:

The subject land is located within a Bushfire Prone Area (BPA) and *Clause 13.02-1S Bushfire planning* applies to all decision making under the *Planning and Environment Act 1987*. CFA has reviewed the proposal and notes that no supporting bushfire information has been provided to support the amendment.

CFA strongly recommend that the proposal consider relevant bushfire policy at Clause 13.02-1S and that a bushfire assessment be provided that addresses relevant bushfire policy, including:

- A landscape hazard assessment that identifies surrounding bushfire considerations and likely fire behaviour within the wider landscape.
- A localised bushfire hazard site assessment that identifies bushfire hazards, including vegetation classification in relation to AS3959 and relative slopes located within proximity of the site.
- Information on alternative locations for development and justification as why the site and surrounds is appropriate to encourage an increase in residential population given the bushfire risk.
- Details on the availability of safer areas and evacuation options in the event of an emergency.
- Details on the ability of the proposal to achieve radiant heat exposure benchmarks. Bushfire policy seeks that development is exposed to radiant heat no greater than 12.5kW/m².
- Details of any proposed bushfire protection measures to reduce bushfire risk that will form part of the planning scheme amendment.

In the event that no bushfire protection measures are proposed, justification for this approach is to be included in the Bushfire Assessment and to justify any future planning scheme amendment.

If you wish to discuss this matter in more detail, please do not hesitate to contact either Darren Viney, Manager Community Safety on 5833 2413, or myself on 9262 8672.

Yours sincerely,

Luci Johnston

Land Use Planning Coordinator

CFA Fire Risk, Research & Community Preparedness

Private Submission 1

Mick Ellis

i am at a loss to understand why this land is being rezoned when there is at best minimal land fill that has occurred over the last 5 years or so with no significant changes to the water catchment or flow since the original urban floodway zoning occurred. this land is currently subject to inundation after heavy rain and floods the catchment area below including the botanical gardens area on a regular basis. such flooding will only be exacerbated should the rezoning occur with significant runoff occurring from hard surfaces such as rooftops, roadways etc. I believe that the current zoning restrictions should remain in place and the developers be required to adhere to these existing restrictions.

Private Submission 2

To the strategic planning team Mansfield Shire Council

I am writing to express my dismay at the private submission for a planning amendment to the Redgum Rise estate. As a resident of the current Redgum estate I have witnessed in the past 12 months significant flows of water through the estate where the amendment is proposed resulting in flooding of the area below the estate in the Botanical gardens and along Fords Creek. I find it incredible that such an amendment is even considered when one only has to look at the surrounding landscape and the hills on the other side of the estate to understand where water flows naturally. To then overlay hard surfaces from development without maintaining some form of natural flow is surely a disaster waiting to happen. Do we learn nothing from the disasters that have occurred elsewhere in Australia through inappropriate zoning and development? I also find it incredulous that the developer considers the “dumping” of a bit of soil on the site as appropriate mitigation for a natural flood zone. I am totally against this amendment.

Kind regards Rowena Ellis

38 Redgum Drive Mansfield

Hi Oscar

Thank you for taking us through the proposed amendment today.

We are delighted that the Shire has been able to protect a number of the significant old redgums within this development.

Whilst we have some lingering concerns as to potential flooding we are happy that the matters have been adequately addressed by relevant external agencies and on this basis along with the maintenance of old redgums are comfortable to withdraw our previous objections.

We would also like to formally request that as the road structures are put in place that consideration be given to mitigating traffic flows through what as proposed would be a

thoroughfare on the extended Redgum dve. In particular we would like to reduce any significant increase in traffic in the existing Redgum Dve area as a result of the new extension and propose 3 possible courses of action for consideration

- 1: have the current Redgum Dve stop at the current end of the existing bitumen by means of a garden which allows pedestrian access to the walkway to the new botanical garden development for all residents North of this point with the new roadway commencing from this point.
- 2: develop the new extension in such a manner that it has a one way flow into the new extended Redgum area from the existing Redgum dve but allows 2 way within the proposed new roadway.
- 3: develop a roundabout at the point the new roadway joins the current one with a central garden area that encourages reduced traffic speeds.

As we discussed we would hate to see the new Redum Dve develop characteristics of traffic flows similar to those in Cambridge Dve and the negative safety aspects this brings to residents. The current stage of development provides a great opportunity to address these concerns

We remain happy to speak with you further in this regard

Regards

Mick and Rowena

Private Submission 3

Submission: MANSFIELD PLANNING SCHEME AMENDMENT C55mans

Names: Ms Gerri Allan and Ms Donna McRae

Address: 44 Redgum Drive, Mansfield (Lots 87 and 88)

Following is our submission in response to the proposed Amendment C55. Also included are various issues which pertain to and affect our property, which we would like to go on record:

1. The Reference Document: 'Mansfield Planning Scheme Amendment C55mans, Redgum Rise Estate Information Sheet' clearly sets out that the area under consideration is: "Specifically, Stages 11 and 12 of the Redgum Estate included under proposed Plan and Subdivision Numbers..."

However, the aerial map labelled "Land Affected by the Amendment", included in and distributed with the above-mentioned document, shows the Plan boundary incorporating Stage 10 also. This clearly includes the Reserve adjoining our land (i.e., the consolidated block of Lots 87 & 88 in Stage 9), which is discussed later in this Submission.

So, the first and important question for us to have answered unequivocally by the Shire is: What are the intended boundaries of the land under consideration regarding the proposed Amendment to C55?

2. We think that the person/s interested in rezoning the area from an Urban Floodway Zone (UFZ) to a General Residential Zone (GRZ) may not have been keen observers of what happens to the proposed area when there is more than a day's worth of rain! After considerable rainfall, the proposed area for the amendment becomes a lake - a shallow one, but a lake none the less. [The Redgum locals have, over the years, jokingly called the area 'Lake Canavan'.]
3. The land fill that has been deposited on the flat northern edge of the floodplain is of soil brought from local construction sites as it became available. We were approached back in 2016 re disposing of the soil from our own block, but we replied that we would need it to landscape the property once the house was completed. This person then added that "the people who buy any of those blocks - pointing to the 'built-up' land on the floodplain - will need to have an additional 25K to 30K to sink big piers so their homes don't float away".
4. Since that time, Australia has experienced increasingly major flooding in many areas such as all around Lismore and the Richmond Valley, the Brisbane River and Lockyer Valley, the Murray River and the Maribyrnong River areas – i.e., beyond all 'normal' flood levels previously recorded. We all heard many national and State calls for Local Governments to be more circumspect in allocating land for housing on known floodways and river flats, in the face of significant and current climate change patterns.

5. However, Mansfield Shire's recent mailout re the proposed C55 Amendment does note that all applicable, regional water management authorities have recently certified that "appropriate flood risk management measures are now in place" for the zone under consideration. We both accept the truth of this in good faith. We also accept that the relevant documents, issued by the Victorian Government's Department of Transport and Planning in August 2023 - Flood Overlay and the Land Subject to Inundation Overlay – allow

support of Amendment C55 as sought: i.e., re-zoning from 'Urban Floodway Zone' to 'General Residential Zone 1', [despite the State government's small-print disclaimer on the overlays re not accepting liability!!]

6. Our remaining hope is only that the rezoning of this previous 'floodway area' land for residential purposes will not detract from the pleasing, peaceful and open-space environment that the Botanical Park currently provides for the wider community and for tourists...and that the rezoning will not visually encroach negatively upon the new Strategic Plan for the Botanical Park which is currently awaiting implementation.

Issues which primarily apply to and affect us:

1. The two blocks of land, Lots 87 & 88 Redgum Drive on which our house is built, were purchased in 2016. At the time of purchase, we were verbally assured in person by the Developer that the Reserve ("Public Open Space") located on the Estate Plan of August 2008 right next to Lot 87 would *never* be built on, and that it was noted on all plans and submissions re the Redgum Rise Estate as being a Reserve. The Developer also advised us, in 2016, that as soon as all vacant blocks were purchased within the Redgum Rise Estate, the Reserve block would be deeded to the Shire by the Developer. This information and promise, given to us in person by the Developer, John Canavan, was one of the main reasons that we decided to go ahead with the purchase of Lots 87 & 88, i.e., our being reassured that the Reserve and its two River Redgum trees would never be under threat. **(See Attachment A - Plan of Redgum Rise Estate dated 2008; Attachment B – Position of Redgums; Attachment C – Fencing Authority re Reserve).**
2. In about mid-2017, we noted a re-surveying of the 'Reserve' adjoining our land. Shortly thereafter, the north-south width of the Reserve's boundary was reduced by about 3 metres. Mr Canavan told us that he had to re-survey the Reserve because of his plan to build a new home on the brow of the hill (on Lot 105, Stage 10), which sloped down to the Botanical Park: the adjusted Reserve land was needed to build a driveway in order to access that block. Again, he assured us that the remainder of the Reserve would remain untouched as 'Public Open Space'.
3. Around Easter in 2018, our neighbourhood became aware that some building lots in Stage 10 were being considered for alteration of their boundaries...in particular, the re-shaping of Lots 105 and 106 - which would then *de facto* allow for the 'legal' removal of the two River Redgums on the Reserve if those two lots were re-drawn – as the new boundaries would then render the Redgums as part of someone's future backyard!

The neighbourhood was NOT happy, knowing that these two large trees not only provide stability to the sloping ground, and much-needed shade – especially when this area will become part of the planned walkway through for the Estate via the wetlands and Botanic Park extension to the rear of the main street of town - but they also are home to parrots, possums, magpies, cockatoos...and even nesting ducks! We set about raising a petition to Mansfield Shire Council, which was signed by 55 Mansfeldians – not all of them residing in this part of town, then or now – but ratepayers who felt the same as us, and who wanted those trees and the Reserve retained. **(See attached Petition D and signatures - March-April 2018).** We believe that the petition remains topical and viable, and we wish it to be read by Councillors and Shire Administrators now, in the light of the current C55 Amendment proposal!

Mr Canavan visited us on Easter Sunday of 2018, having heard of our Petition. He asked us to not present it to the Council at this stage, and re-stated his promise - namely that the Reserve would not be built on, and it would remain classified as public open space. We accepted his word and agreed to not present the petition.

4. In early 2023 we heard that some of the Stage 10 Lots on the lower slope could no longer be gazetted for building sites because land within designated proximity to any waterways now came under the remit of this area's First Nations people, i.e., the Taungurung people. It was with additional relief and comfort that this information seemed to resolve any current questions or future concerns about the Reserve's preservation.

We now request, however, that the permanence of and adherence to all previous assurances regarding the Stage 10 Reserve, adjoining Lots 87 & 88 of Stage 9, be confirmed for us, in writing, by the Mansfield Shire Council.

5. We have already thoughtfully contributed to the new Strategic Plan for the Botanic Park, via our submissions in January and September, our attendance at the walk-around, and our in-person follow up session with the Shire's Planning Department. We have been under the impression that the Botanic Park Plan and all documentation related to it (letter, topographic map, and the timeline) is proceeding as communicated.

We could quite possibly be back now to square one, with all of the above points being negated and seemingly "off the table" regarding the 'Redgum Reserve' – i.e., the Redgum Development Plan for Stage 10, the promises given by John Canavan, as well as our Contract of Sale. Whether designated Aboriginal Land is a relevant issue here, or not, needs to be further clarified for the community's understanding.

The information/plan of the C55 Amendment might remain a possible source of further questions and frustration – given that much time, money, and consultative effort by both the Shire's Planning Department and the community has already been expended.

Thank you for inviting this Submission and for your consideration of the issues we have raised.

We also appreciate the ongoing and courteous consultative manner of officers of the planning authority of Mansfield Shire.

Sincerely,

Donna McRae and Gerri Allan

44 Redgum Drive, Mansfield VIC 3722

Tel: 0411 253 760

Email: donnalynn@optusnet.com.au and gerrimor@optusnet.com.au

Submission: MANSFIELD PLANNING SCHEME AMENDMENT C55mans

Additional Issues to be attached to our Submission of 6 November

Names: Ms Gerri Allan and Ms Donna McRae

Address: 44 Redgum Drive, Mansfield (Lots 87 and 88)

Date: 20 November 2023

After further consideration, and subsequent discussion with residents of Redgum Drive, we would like to add our support and request to alter the current plan for Redgum Drive.

We are aware that you have 3 suggestions for consideration submitted by M and R Ellis, which are:

- 1: Have the current Redgum Dve stop at the current end of the existing bitumen by means of a garden which allows pedestrian access to the walkway to the new botanical garden development for all residents North of this point, with the new roadway commencing from this point.
- 2: Develop the new extension in such a manner that it has a one way flow into the new extended Redgum area from the existing Redgum dve, but allows 2 way within the proposed new roadway.
- 3: develop a roundabout at the point the new roadway joins the current one with a central garden area that encourages reduced traffic speeds.

We ask that you formally note our request, knowing that it could help address and solve a number of issues that we have experienced over the past 7 years, plus a couple that are just recently occurring.

To have a Northern Entrance to the Park for all of the walkers and bike riders who currently live in the Redgum Rise Development will add an attractive, enticing entry point for their use of the Botanical Park and transit to town. There are a serious number of both groups, now – even setting aside motor vehicle drivers - who get as far as the dirt turnabout, see there is no way to get to the gardens beyond, so turn back, muttering and obviously thwarted that they are unable to progress further.

More personally, and without wanting to cause any fractious neighbourhood dealings, we believe that having easy-care planting enhancing some traffic-slowing mechanism, with a pathway through it running north-south, would help solve our current congestion problems as well as help prevent compounding future problems.

Perhaps if Council invites all this neighbourhood to involve themselves in making the issue a Community Project, it would be an added incentive to make the current 'end' of Redgum Drive

not be a motor vehicle thoroughfare at all... or at least to make it a narrower, one-way motor vehicle access only.

As noted previously within our own and others' submissions, this suggested change would give more than just token consideration – and more than a non-core verbal promise only - that the safety of all users accessing the promised pathway to town via the enlarged Botanic Park would be not only enhanced but also assured. Benefits would be shared by all: by motor vehicle drivers, children on scooters, dog walkers, bike-riders, parents with prams and pushers, pedestrians, and older or disabled residents on motorised scooters in this narrow street.

1. Proper signage at the corner of Cambridge Drive and Redgum Drive - which signals that Redgum is Not a Throughway for Cars - would solve the problem of traffic negotiating our already narrow road.
2. We all understand that country living comes with a few inconveniences, like dust and mud. However, here at number 44, we are given both in spades depending on the time of the year.
 - a. During the rainy season – the unpaved turnaround at the end of Redgum Drive becomes a mud pool which digs out the area and also spreads clods of earth onto the bitumen road making an extension to the mud flow.
 - b. During the summer – this unpaved area magically becomes a whirlygig factory with great clouds of dust blowing in all directions, covering all foliage, buildings, decks, fencing and... well, best not to go into what happens when house windows are left ajar.
 - c. Therefore, the addition of a greened/garden area at the intersection leading to the Botanic Park would dampen the dust and absorb the rain, both to the good of the area.
3. Having a garden which extends to the edges of the current turnaround area would prevent this area from being used as a carpark and camping area - as was recently done on the long weekend by new Redgum Drive neighbours. Because they own a large ski boat, 2 cars, a truck and trailer (and have a swimming pool) – a lot of their friends seem to be taking advantage of a “great place to visit”, filling the street and turnaround area.

We would also like to have it noted that if a green area is not the chosen option for Council's consideration, our next choices, in order of preference, are:

1. Halve the current turnaround space; make a kerbed road on the (eastern) side of the turnaround, making Redgum Drive a one-way road from that point onwards up to the proposed new roadway through the new area of development. Ensure that any 'squatting parking' opportunity is removed, by having bushes planted on both sides of the road.

On the western side – lay an asphalt pathway to the Botanic Park with low bushes either side and clear signage – “Pedestrians and cyclists ONLY”.

2. Construct a roundabout, or other traffic-controlling structure, planted with low bushes and surrounded by a sealed surface, with a path which extends to the Botanic Park. However, the option of a full, circular roundabout still has inherent safety issues, with cars circling where pedestrians or cyclists, etc., are frequently present. It also does not

really solve the issue that Redgum Drive is already too narrow to be a safe, general thoroughfare.

We appreciate your consideration of this addendum to our original Submission to C55 of November 6, 2023.