Assessment against Planning Scheme



Planning Application No. P052-25

Property: 57 Stock Route and (part of) 104 Dead Horse Lane, Mansfield

Responsible Officers: Nicole Embling, Senior Coordinator Planning

Mansfield Planning Scheme and Context Assessment

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

Planning Policy Framework (PPF)

Clause 11.01-1L - Mansfield Township

Objective

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

Relevant Strategies

- Contain and intensify residential development within existing residentially zoned land.
- Encourage the redevelopment of key strategic sites, infill sites and currently vacant General Residential land.
- Provide on-site car parking as part of retail and commercial development, wherever possible.
- Ensure urban development is connected to existing town infrastructure.
- Reduce vehicular, pedestrian and bicycle traffic conflicts within the precinct through the closure of Stock Route to prevent vehicular movement through the precinct.
- Manage transport movements and access interfaces with the surrounding transport network to improve access arrangement and navigation to and from the site for all transport modes.

Officer Response:

The proposed development provides for the growth of Mansfield and choice of housing options within an existing residential area. This Clause seeks to prevent urban sprawl and direct growth

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into existing settlements through infill development, which ultimately minimises the amount of land on the periphery of Mansfield that would need to be rezoned to accommodate future population growth. The previous rezoning of the land from Low Density Residential to General Residential (and from Farming Zone to Neighbourhood Residential Zone at 104 Dead Horse Lane) achieves this outcome and provides for an appropriate residential development option close to the CBD. Permit conditions will require works to be undertaken to the Stock Route (particularly northbound towards Dead Horse Lane), which will assist in directing traffic away from the Stock Route via the Station Precinct, in line with the policy preference towards its eventual closure.

Clause 13.02-1S – Bushfire planning

Objective:

 To strengthen the resilience of settlements and communities to bushfire through riskbased planning that prioritises the protection of human life.

Relevant Strategies:

- Give priority to the protection of human life by:
 - o 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:
 - Subdivisions of more than 10 lots.
 - o Childcare centre.

Officer response:

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.

The subject land is not within a Bushfire Management Overlay however, is a declared Bushfire Prone Area under the Building Act 1993. The site is primarily at risk of grassland fire and ember attack from the south-west, north and east, which would be mitigated by existing residential developments on Stockmans Drive. The development of the land, and likely future development of abutting land will further reduce risk in the long term as the immediate area transitions from open farmland to a more conventional residential form.

As the land is within a Bushfire Prone Area, any future dwellings would be required to be constructed to a minimum Bushfire Attack Level of 12.5, and the land is required to be serviced with fire hydrants to the satisfaction of the Country Fire Authority. Access into the Mansfield Town Centre is readily achievable from the land through non-hazardous vegetation.

In regards to the proposed childcare centre and Residential Village, permit conditions will require the preparation of a Bushfire Emergency Management Plan, which will ensure that the increased risk to human life from such a use is appropriately managed.

Based on these factors, it is considered that the proposal is acceptable from a bushfire safety perspective.

Clause 13.07-1S - Land use compatibility

Objective

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

Relevant Strategies

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

Officer response:

The proposed development comprises residential use and development of residential zoned land, in a manner envisaged by the Mansfield Planning Scheme.

While there is Industrial Zoned land to the east of the site, no objections have been received from these operators, with this land sitting in isolation from the core industrial areas of Mansfield. The Mansfield Township Framework Plan at Clause 11.01-1L-01 seeks to remove this piece of Industrial land in the long term; with the consequence being that residential use is the expected and preferred outcome for the site and area. Consequently, it is considered that the proposal currently provides for appropriate land use compatibility, and may aid the long term strategic vision in relation to the isolated Industrial land to the east transitioning away from such uses.

Clause 15.01-1S – Urban design

Objective

 To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

Relevant Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car
 parking areas, forecourts and walkways, is of a high standard, creates a safe
 environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

Officer response:

The proposed subdivision is considered responsive to the surrounding context and character, providing a development that will appropriately transition from a low density development form to the west of the site to a conventional residential area (noting that land to the east of the Stock Route is also zoned General Residential). The layout provides appropriate connectivity, minimises cul-de-sacs and battleaxes to ensure good passive surveillance and user friendly streetscapes, and appropriate provision for landscaping.

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

- Site and design development to respond to the existing built form character of the centre.
- Protect existing environmental features, including large stands of trees, remnant River Red Gums, native vegetation, native animal habitat and movement corridors, high points, watercourses and drainage lines as part of residential development.
- Maintain a sense of character and provide for pedestrian amenity as part of commercial development, including through the use of verandahs extending to the kerb.

 Design access to parking to minimise impacts on active frontages and preferably be provided via a secondary streets, laneways or other parking areas.

Officer response:

The majority of strategies in this clause relate to the CBD area, however the proposal provides for an appropriate character outcome and pedestrian friendly environment, in close proximity to the linear drainage reserve in Stockmans Drive and the Station Precinct. The childcare centre is designed appropriately and will be sympathetic with the residential character of the area.

Clause 15.01-2S – Building design

Objective

• To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Relevant Strategies

- Require a comprehensive site analysis as the starting point of the design process.
- Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Encourage development to retain existing vegetation.

Officer response:

The design and form of the childcare centre is such that it will present to abutting properties and the streetscape as a large dwelling, with materials and form consistent with the valued alpine character of Mansfield.

The design and layout of the proposed dwellings provides options to the future residents on either a 2 or 3-bedroom dwelling layout, with multiple façade choices. The external dwelling designs are

considered to be consistent with neighbouring development at Stockmans Drive and the general character of development in Mansfield Shire. All dwelling layouts proposed are single storey, ensuring consistently in the built form design and to reduce any impact of views to surrounds being restricted.

Clause 15.01-5S – Neighbourhood character

Objective

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

Relevant Strategies

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

Officer response:

The subject site and immediate surrounds represent a transition area from low density development to conventional residential development; with the consequence being that there is no existing character comparable in the immediate area. The design of the development is consistent with relevant policy and provides a sound basis to achieve a positive character outcome with future development.

Clause 16.01-1S – Housing Supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

- Plan to accommodate housing targets specified in this clause by ensuring zones and overlays deliver sufficient realisable development capacity.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported

- accommodation for people with disability, rooming houses, student accommodation and social housing.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - o Provides a high level of internal and external amenity.
 - o Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Officer response:

The proposal helps to consolidate urban land within Mansfield for urban purposes and ensure that such land is being used and developed for its intended purpose.

Councils housing target is set for 3,900 homes by 2051 which requires a continual population growth rate. The proposed Residential Village would provide medium density development and 185 homes toward the housing target.

To enable the restriction of Mansfield sprawling developments such as this will be necessary to retain our surrounding landscapes.

Clause 16.01-1L - Housing supply in Mansfield Township

Relevant 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.

Officer response:

The proposal provides for higher density development than what otherwise would have been realised under the former Low Density Residential Zoning and the previous approved traditional-style subdivision. The site is proximate to the Mansfield CBD and will increase opportunities for affordable and smaller housing supply.

Clause 17.02-1S - Business

Objective

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

Relevant Strategies

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

Officer response:

As previously discussed, the proposed childcare centre is considered compatible with adjoining future residential land use, in a manner that each use can be protected from adverse impact from each other. Childcare centres are reasonably envisaged in a residential zone in such circumstances, and in this instance will provide a net community benefit to the immediate and broader area.

Clause 18.02-4S - Roads

Objective

 To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

- Plan and develop the road network to:
 - Ensure people are safe on and around roads.
 - o Improve people's perceptions of safety on and around roads.
 - o Improve road connections for all road users.
 - Facilitate the use of public transport, cycling and walking.
 - Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.
 - o Accommodate the expansion of the High Productivity Freight Vehicle Network, and

oversize and overmass vehicles.

- Plan an adequate supply of car parking that is designed and located to:
 - Protect the role and function of nearby roads.
 - Enable the efficient movement and delivery of goods.
 - Facilitate the use of public transport.
 - o Maintain journey times and the reliability of the on-road public transport network.
 - Protect residential areas from the effects of road congestion created by on-street parking.
 - o Enable easy and efficient use.
 - Achieve a high standard of urban design.
 - Protect the amenity of the locality, including the amenity of pedestrians and other road users.
 - o Create a safe environment, particularly at night.

Officer response:

A Traffic Impact Assessment Report has been submitted with the application, which justifies the proposed road construction including the upgrade of Stock Route. The internal road network will be retained as part of the development and will not become a part of Councils Road Register. Car parking for the childcare centre is appropriate as discussed further in this report.

Clause 19.03-3S - Integrated water management

Objective

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

- Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
 - Take into account the catchment context.
 - Protect downstream environments, waterways and bays.
 - Manage and use potable water efficiently.
 - Reduce pressure on Victoria's drinking water supplies.
 - o Minimise drainage, water or wastewater infrastructure and operational costs.
 - Minimise flood risks.
 - o Provide urban environments that are more resilient to the effects of climate change.
- Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.
- Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- Ensure that development protects and improves the health of water bodies including

creeks, rivers, wetlands, estuaries and bays by:

- Minimising stormwater quality and quantity related impacts.
 - o Filtering sediment and waste from stormwater prior to discharge from a site.
 - o Managing industrial and commercial toxicants in an appropriate way.
 - Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.
 - Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.
- Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Ensure land is set aside for water management infrastructure at the subdivision design stage.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Officer response:

The proposal will be required to treat and disperse all stormwater into the existing stormwater network, with appropriate treatment systems in place to protect water quality. This will be required by way of permit conditions.

Zoning

Clause 32.08 – General Residential Zone Schedule 1 (GRZ1)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Decision Guidelines

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential

Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Officer response:

Key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ, with the overwhelming policy direction being to intensify residential development in such areas in close proximity to jobs, transport and services.

When assessing the application against the state policies in the PPF and the decision guidelines above, there is clear support for the proposed increase in density on the site as the site is well serviced by infrastructure and community services, and has been zoned for residential development. This ensures efficient use of infrastructure and supports the usual preference that designated residential areas experience residual increase in population and density.

The site layout demonstrates that each dwelling can be readily developed in accordance with the Scheme, and there are ample landscaping opportunities within the site. The intensity of the development is therefore consistent with State Planning Policy.

The key planning considerations associated with the proposal relate to whether the proposed intensity of the development, including its layout, will achieve satisfactory outcomes. In determining the appropriateness of the proposal in the context of the local policies, due weight and consideration must also be given to the sites' location within a zoned residential area and the role of the town.

The proposal will facilitate an increase in residential density in an establishing residential area within walking distance of the Mansfield town centre. Given the absence of general residential

development immediately abutting the site (as development in Stockmans Rise west of the drainage reserve is Low Density Residential Zone), the proposed development is appropriate with regards to character considerations in terms of lot configuration and layout.

In terms of the proposed childcare centre, the proposed use is one that is much needed within Mansfield, with the zone envisaging such community orientated uses to establish where interface issues can be appropriately addressed. The intensity of the use is considered compatible with residential use, with the submitted acoustic report demonstrating that the centre can operate without unreasonable impact on future residents. The proposed built form is designed to be compatible with a residential area, and from abutting properties will largely present like a large dwelling screened by boundary landscaping. The development form is considered to provide a positive outcome for the area.

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

Clause 32.09 – Neighbourhood Residential Zone Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Decision Guidelines

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Officer Response:

The purpose and decision guidelines of the NRZ are very similar to the GRZ, with the key difference outlining the predominance of single and double storey residential development in the NRZ (where GRZ enables up to three storeys) and the provision to encourage educational facilities.

Overall, it is considered that the proposal, where it is within the NRZ, is consistent with the Planning Scheme.

Overlays

No overlays apply to the subject site.

Particular Provisions

Clause 52.06 – Car parking

Purpose

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

Officer response:

The application documents state that the proposed childcare centre will provide 36 car parking spaces. Pursuant to Clause 52.06-5, car parking is to be provided at a rate of 0.22 spaces/child. Based on the submitted plans showing a maximum capacity of 164 children, 36 car parking spaces are required and the statutory requirement would be met.

All car parking spaces proposed on site comply with the design standards specified at Clause 52.06-9 of the Scheme. As such, the proposed centre is considered acceptable with regards to car parking provision.

The Residential Village provides for garages for each dwelling with sufficient space for onsite carparking within each driveway. The requirements for car parking spaces per dwelling have been exceeded. The Village also includes a Community Centre which provides for some visitor car parking spaces, additional spaces are provided at various locations around the development where there are small areas of open space. Additionally, the proposal has demonstrated an ability for on-street car parking along one side of each internal roadway.

It is considered that the car parking requirements of the planning scheme have been suitably met.

Clause 53.18 – Stormwater Management in Urban Development

Purpose

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

Officer response:

In relation to the proposed childcare centre, the site provides ample permeable space and gardens to ensure that stormwater can be harvested, stored and re-used on the site without adverse impacts to other land. In relation to the Residential Village, detailed stormwater designs will be required as a condition of approval to ensure no impacts to the broader stormwater or waterway network in Stockmans Rise.

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 Municipal Planning Strategy and Planning Policy Framework have been addressed under

separate headings in the body of the report. The proposal is consistent with the purpose of the General Residential Zone and Neighbourhood Residential Zone and allows for the orderly planning and use of land in the area in accordance with that zone. In terms of the childcare centre, the proposal provides for a needed community service within Mansfield, in an area that will be well serviced and located for such a use to establish without adverse impact to surrounding land uses. The proposed Village creates an alternative housing model with the intent of the zone, that harmonise with approved and proposed subdivisions of adjoining land and will facilitate increased residential development within Mansfield. While native vegetation will be removed from the site, this approval has already been granted previously and the vegetation offset, such that it is already considered lost for the purpose of this permit application.

The proposal will increase traffic generation along the Stock Route (and by extension, Dead Horse Lane and Withers Lane. However, the land is zoned for residential purposes, with such impacts reasonably expected with any development of the land. Conditions of any permit issued will require the permit holder to upgrade the Stock Route and undertake appropriate works to ensure the safe and efficient operation of the transport network.

Conclusion

Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal is consistent with the state and local policies relating to residential development, as well as the purposes of the Zones and appropriate decision guidelines. The proposal represents an outcome that planning policy in the Mansfield Planning Scheme explicitly seeks, for increased residential development and density in a location that is well serviced and has pedestrian access to the Mansfield Township.

The application is therefore recommended for approval.