

Malcolm Street Development Plan

Address: Applicant: Date: 240 Malcolm Street, Mansfield Mountain Planning May 2024 – Amended April 2025 Approval is granted for this Development Plan Planning Environment Act 1987 Mansfield Planning Scheme

Planning no:DP002-22

Allan

For and or on behalf of the Responsible Authority Date: 26 May 2025



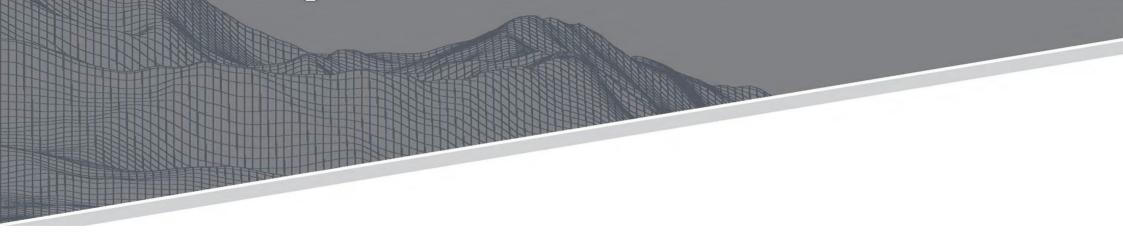
TABLE OF CONTENTS

PART 1

1.	MALCOLM STREET DEVELOPMENT PLAN	6
2.	STRUCTURE OF THE DOCUMENT	8
3.	METHODOLOGY	9
4.	THE ROLE OF MANSFIELD	9
5.	POLICY CONTEXT	10
6.	SITE CONDITIONS	14
PART 2		18
7.	THE VISION	19
8.	MALCOLM STREET DEVELOPMENT PLAN - DESIGN RESPONSE	20
PART 3		28
9.	IMPLEMENTATION OVERVIEW	29

5





PART 1

Introduction & Context

1. MALCOLM STREET DEVELOPMENT PLAN

The Malcolm Street Development Plan (MSDP) area encompasses approximately 53 ha of land and is a nominated growth area of the town of Mansfield.

The Hume Regional Growth Plan 2014 identifies Mansfield as an important sub-regional growth centre in the Central Hume sub-region. Mansfield is the only urban centre with significant growth potential in the Mansfield Shire and provides all major services and infrastructure for the community. Additionally, Mansfield's education presence through secondary, outdoor education, adult education including the Regional University Centre, and other supporting industries makes it a focus for education and employment in the region. Mansfield is also a gateway town that provides entry to many of the region's tourist destinations.

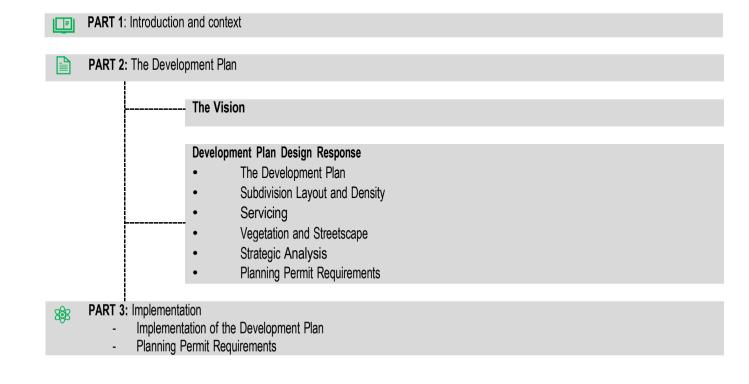
Having regard to the strategic role of Mansfield to the broader region, the purpose of this development plan is to articulate a clear vision and development requirements for the proposal. It will showcase how the proposed development will make a positive extension to the existing area of Mansfield. Mansfield is important to Mansfield Shire and the wider Hume region it terms of its role as a service and retail centre that supports established industries including farming, construction, agriculture, forestry and tourism. Preparation of the MSDP has been underpinned by the strategic directions for the town as set out in the Municipal Planning Strategy which identifies Mansfield Township as "the main town with growth potential, supplying the majority of housing, commercial, retail and industrial growth." Preparation of the MSDP has been guided by a number of key questions and considerations including:

- > How can the Vision of the Municipal Planning Strategy be meaningfully applied and implemented?
- > How can the MSDP ensure diversity in housing choice and design outcomes that will respect the existing character of the area?
- How can the subdivision be designed to overcome any impediments/challenges impacting the subject land to ensure the subject land can be developed in a holistic manner whilst still creating a well-connected and designed subdivision?

Through a detailed understanding of the role of Mansfield within the shire, the site conditions and Mansfield Planning Policy, this document serves to answer these key questions to provide clarity on how the proposal responds to the planning and site constraints. Preparation of the Malcolm Street Development Plan sets the framework that will ensure that a coordinated planning outcome is achieved and the new subdivision responds to the vision and strategic outcomes of the Mansfield Planning Scheme.

2. STRUCTURE OF THE DOCUMENT

The MSDP is a detailed planning tool that aims to assist Council in assessing how the proposal responds to the requirements of the Mansfield Planning Scheme.



3. **METHODOLOGY**

The Development Plan was prepared through a comprehensive review of the town of Mansfield and the Mansfield Planning Scheme.

4. THE ROLE OF MANSFIELD

Mansfield is the largest town within Mansfield Shire and is an important economic, commercial and educational hub for the Shire and the broader region, providing key retail, economic, employment, services and facilities.

Given its well-established services, local facilities and employment opportunities, Mansfield has been as an important growth area within the region.

Mansfield is positioned at the gateway to key tourist destinations including the Victorian High Country, Mt Buller and Mt Stirling Alpine Resorts, Lake Eildon and mountain rivers making it a popular stopping point for tourists travelling to the region.

MANSFIELD

****	Current	ρορι	ulation 10,335 (2022)	Ωů	180km North East
**** ****		*		wth 2.11% Prime retail and service role in the Shire Education services: kindergarten, primary, earning and specialist schools 372.5m tourism industry	

5. POLICY CONTEXT

5.1 State Planning Policy

The State Planning Policy Framework (SPPF) seeks to balance the various and competing objectives of the planning scheme and to facilitate sustainable development that achieves a net community benefit.

State planning policy seeks to ensure future development is responsive to site, community and local context while also affording efficient and sustainable provision of utilities and infrastructure.

The following clauses of the SPPF are relevant to MSDR:

- > Clause 11.01-1r Settlement Hume
- > Clause 15 Built Environment and Heritage
- > Clause 16 Housing
- > Clause 17 Transport
- > Clause 19 Infrastructure

VISION

To live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

5.2 Planning Zone

The MSDP area is currently zoned Rural Living Schedule 1. This zone allows for residential development within a rural context and applies minimum subdivision sizes and appropriate Lot sizes for dwellings.

The proposed design creates a vision that seeks to minimse environmental impacts while providing muchneeded residential allotments. To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

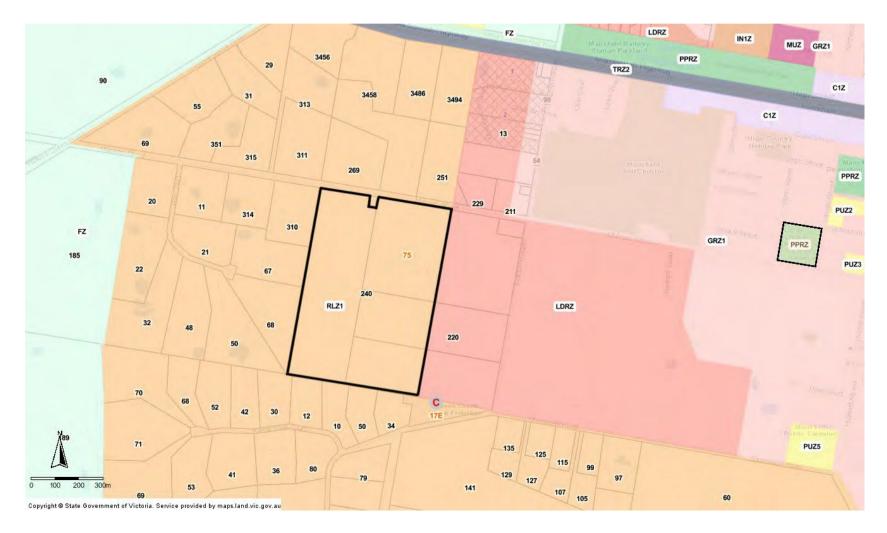


Figure 5.1: MSDP Area zoning and surround area zoning

5.3 Planning overlays

Development Plan Overlay: Schedule 3

This overlay entirety of the MSDP area. The overlay requires a development plan to be prepared to the satisfaction of the responsible authority prior to the issue of a planning permit to guide the appropriate use and development of land. The Schedule outlines the requirements of a development plan relating to subdivision, services, community facilities open space. To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority

To outline the form and conditions of future use and development in the Rural Living Zone.

To establish broad directions for future land use, development, subdivision and servicing of an area.



Figure 5.2: MSDP area and overlay coverage

6. SITE CONDITIONS

6.1 Form and Character of Mansfield

To ensure that the proposed form and character of the MSDP area integrates with, and becomes a logical expansion of, the surrounding area it is important to understand the form and existing character of the area.

A simplified analysis of Mansfield relative to the MSDP area

Key features:

- > The main township of Mansfield is generally defined by buildings and a streetscape from the mid 1800s. The town centre is designed around a gridded road system
- The town centre contains a vibrant mix of business, property, financial and personal services, health and community services, as well as training and educational facilities making is an important hub for shire residents and visitors.
- > Wide roads and tree-fined streets consisting of both exotic and native trees are typical.
- > Numerous historical buildings feature throughout the town adding to its historical.
- > Over recent years, Mansfield has seen increased investment and development both in established areas and on the outer edges of the township to meet growing residential and tourist needs.

- As Mansfield has grown and expanded beyond the historical centre, the gridded road network changes along east-west connections particularly along the Maroondah Highway and Mount Buller Road
- > The landform of Mansfield is generally flat, with gently undulating hills.

6.2 Malcolm Street Site Analysis

The MSDP area is located at 240 Malcolm Street, Mansfield to the west of the Mansfield CBD and contains three parcels: Lot 2 on LP80798, Lot 1 on TP244731 and Lot 75 on PP3056. A section of Lot 2 on TP245258 is also incorporated.

The MSDP area is irregular in shape and has a frontage to Malcolm Street of approximately 528.5m. The eastern boundary is approximately 800.5m long and western boundary approximately 794.4m; the width of the main part of the land is approximately 560.2m. The land is approximately 53ha in area and slopes gently up from north to south. The rear square steepens up to a ridge that is very visible in the landscape. The area has been extensively cleared and there are only scattered trees.

There are three watercourses traversing the MSDP area.

There is an existing dwelling located in the north eastern corner of the MSDP area. There are also two large sheds located on the eastern edge.

The landscaping around the existing dwelling is well-established and consists largely of exotic species.

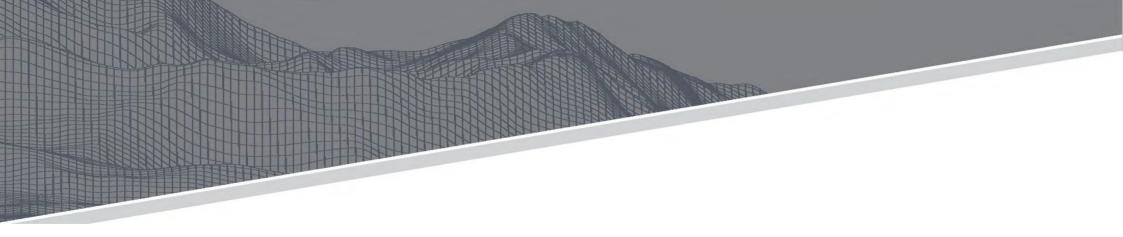
The MSDP abuts the Low Density Residential Zone to the east The character of the surrounding area is defined by single storey detached rural dwellings and outbuildings with informal landscaping consisting of a mix of exotic and endemic vegetation.

The lot sizes in the local area vary greatly, ranging in size from 1,542m² to 304,436m².





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PART 2

Development Plan

Development Plan

27

7. THE VISION

The MSDP area will form a western extension to the established rural living area of Mansfield and will accommodate the future growth of the town and, in doing so, provide essential housing supply for the growing region. Specifically, the vision of the MSDP is to:

- Create a new subdivision which draws upon the existing rural character of the surrounding area and which positively contributes to the local area.
- Provide a subdivision design that recognises the structural limitations/barriers of the area and implements design initiatives to ensure the creation of allotments that are physically and visually connected.
- Provide for a subdivision design which positively responds to site-specific features that will serve to create a sense of place.
- Encourage sensitive design outcomes on the edges of the MSDP area that recognise its location at the gateway into town.
- > To create a consistent built form character which builds upon to the rural living density and incorporates elements of Alpine architecture.

- Ensure a well-considered, coordinated and sustainable drainage and service provision to support the new subdivision.
- > The following section will explain each section of the MSDP as it implements this vision.

The MSDP area will form a western extension to the established rural living area of Mansfield and will accommodate the future growth of the town and in doing so, provide essential housing supply for the growing region.

8. MALCOLM STREET DEVELOPMENT PLAN - DESIGN RESPONSE

8.1 Development Plan Overview

This section describes the MSDP in a series of layers, and describes each as follows:

Design Response

Describes the design rationale for each specific element of the Development Plan.

Subdivision layout and density

Describes the rationale behind the subdivision design and density.

Servicing

Describes how the MSDP area will be serviced including roads, water (for domestic, stock and fire-fighting purposes), onsite wastewater disposal, drainage and stormwater, electricity and telecommunications to meet the standards of the relevant service authority

Vegetation and Streetscape

Outlines measures to address native vegetation, landscaping and streetscape treatment.

Strategic Analysis

Describes specific areas of compliance with relevant planning policy.

Permit Requirements and Guidelines

Address the key urban design and planning responses.

The following sections of this Chapter set out in more detail the design rationale that underpins the vision for the MSDP area.

The MSDP encompasses an area of approximately is 53 hectares.

The MSDP will accommodate:

- > 9 dwellings on lot sizes ranging between 2.57ha to 8.91ha
- > The MSDP will be conducted as in two stages
 - Stage 1: Existing dwelling exercised
 - Stage 2: Remainder of allotments created

8.2 Design Response

The proposed subdivision design has taken into consideration an assessment of the MSDP site which found the following:

- The MSDP area consists of predominately flat topography in the northern half with a small knoll in the south east corner and steeply rising terrain in the south west.
- > There is a predominant ridgeline along the southern boundary.
- > Three drainage lines run through the MSDP area.
- Scattered native vegetation throughout the property has been assessed by BIOSIS.
- The subject land is within an area of cultural heritage sensitivity. As the works are associated with a subdivision the activity is considered a high impact activity under the Aboriginal Heritage Regulations 2018. A Cultural Heritage Management Plan has been prepared and is attached to this plan.
- The proposed layout has been developed in consideration of the cultural heritage sensitivities of the site.
- > There are significant view lines from ridgeline and the knoll.
- > The ridgeline is significant in the broader landscape.

Mountain Planning has carefully designed the proposed 9 lot subdivision and the proposed building envelopes.

The subject land is zoned Rural Living and is also covered by Schedule 3 to the Development Plan Overlay. Under the provisions of the Mansfield Planning Scheme there are no requirements for building envelopes to designed or imposed for a rural living subdivision. However, Mountain Planning designed building envelopes to protect critical elements of the site. These elements included:

- sufficient side and rear setbacks to reflect the low density of the subdivision;
- minimisation of impact on native vegetation;
- sufficient setbacks from waterways to promote water quality;
- prevention of buildings being located on the southern ridgeline; and,
- staggered alignment of building envelopes to create unique view corridors.

It also important to recognise that the design of the subdivision layout considered similar parameters and in particular the need to minimise impacts on native vegetation, waterways, the existing dwelling in the north east corner and the excised dwelling to the north of the property.

Numerous concept plans were also prepared to specifically try and integrate a subdivision design into the east abutting allotment. An early concept plan is provided below and it sought to create a road along the eastern boundary to provided a link to the east abutting land. However, this was not feasible due to environmental constraints with Owens Creek and that the creek riparian area was identified as containing cultural heritage sensitivity and the archaeologists and the Taungurung Land and Waters Council (TLaWC) advised that no works should occur within close proximity of the creek.



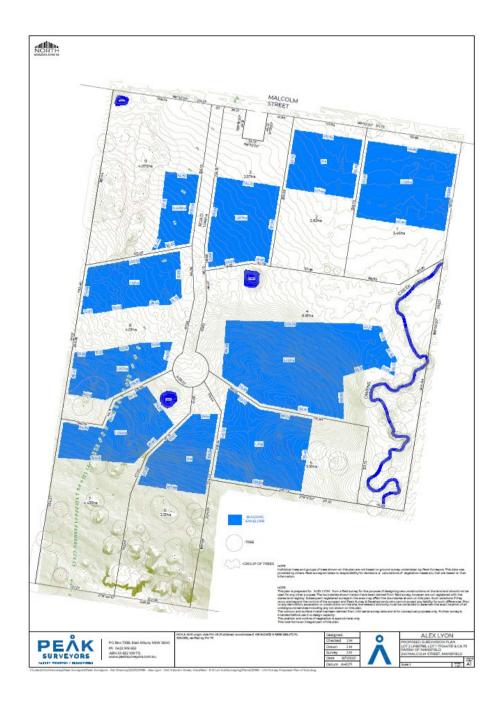


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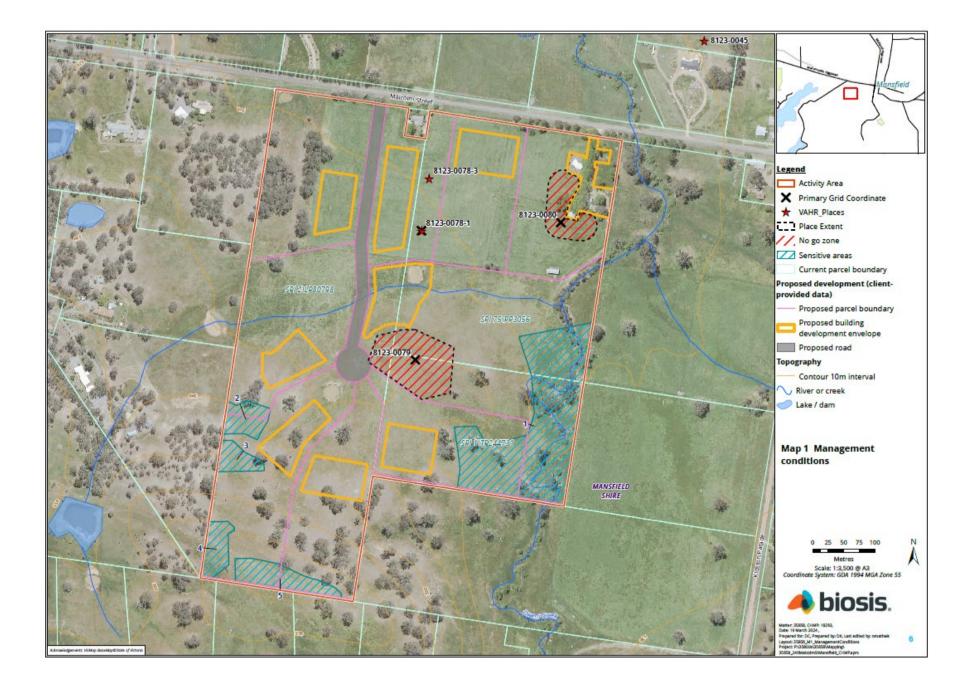
Concept Plan 240 Malcolm Street, Mansfield North

Drawn by; Nick V Date: 1 September 2021 Ref: 240 Malcom Street, Mansfield Concept Plan Rev: A Scale: 1:4,000 Owens Creek also contains significant native vegetation within the riparian area and any connection to the east abutting allotment would result in significant native vegetation losses.

A further concept plan was prepared with larger building envelopes to provide landowners with multiple building locations. This original plan is show below:



The CHMP involved both a Standard Assessment and Complex Assessment. As a result, the building envelopes have altered since the original submission of the planning permit application. The reduction in size of the building envelopes was due to the presence of artifacts on the land and the significant costs in undertaking sub-surface testing across the original building envelopes. As a result, a decision was made to reduce the buildings envelopes to around an acre in size; this still provides significant opportunities for a single dwelling and associated outbuildings. The revised plan with building envelopes is shown below and is Map 1 within the final CHMP:



In comparing the two layouts there are some major differences as follows:

- Lot 3 building envelope is contained to the western boundary and extends further north due to the presence of VAHR places to the east

- Lot 1 building envelope is constrained to the existing dwelling and structures due to a "no go zone" being established to the west and south of the existing dwelling

- Lot 4 building envelope being relocated to the north west corner due to a "no go zone" being established in the south west corner

- Lot 5 building envelope being reduced in size and constrained to the west of the proposed allotment due to a "sensitive area" being established to the east of the allotment

- Reduction in the size of the building envelopes for lots 6 and 7 $\,$

- Deletion of the northern building envelope for Lot 8 and a reduction in the size of the southern building envelope

- Small reduction in the size of the building envelope for Lot 9

The building envelopes currently proposed are still quite large and range from 5,668 sqm (Lot 6) to 8,105 sqm (Lot 3). The rationale for the large building envelopes was that they are meant to be all encompassing. That is, it is

Development Plan

intended for the building envelopes to contain all buildings, pools, tennis courts etc. This means, buildings will not be permitted outside of the building envelopes.

The TLaWC actually seeks the same outcome to protect the "sensitive areas" and "no go zones" shown on Map 1 within the final CHMP.

The TLaWC and Biosis have requested advice from Mountain Planning on how the building envelopes and "no go zones" can be protected in perpetuity.

There are two tools which can be used to protect the objectives set by all parties. These include:

- The entering into a Section 173 Agreement under the Planning and Environment Act with attached Plan of Subdivision showing building envelopes and buildings and works exclusion zones.

The Section 173 Agreement would include specific restrictions and we would anticipate that these would specifically state that all buildings (as defined under the Planning and Environment Act http://www8.austlii.edu.au/cgibin/viewdoc/au/legis/vic/consol_act/paea1987254/s3.html) must be wholly contained within the building envelopes shown in the

attached plan unless the written consent is obtained from Council and the TLaWC. The only exclusion would be fences which must only be constructed along the title boundaries; fencing within the building envelopes would be permissible.

We would also specify that no works are to occur within the specified "no go zones".

The Section 173 Agreement is registered on each title and it appears as an encumbrance; this ensures that all landowners in the future are aware of the agreement and restrictions on each allotment.

- Plan of Creation of Restriction

The Plan of Creation of Restriction would have exactly the same building envelopes and no go zones as the Section 173 Agreement. 240 Malcolm Street, Mansfield Page 27 of 37 Indeed, it would also have the same wording. However, in this instance we are inclined to recommend a Section 173 Agreement over a Plan of Creation of Restriction and a plan can often be overlooked and it doesn't appear on the Copy of Title as an encumbrance.

The other key design criteria considered and to be implemented include:

- Consideration was given to road connectivity to the south east abutting allotment. However, this was considered unviable for the following reasons:
 - The south east abutting allotment is elevated and comprises part of the southern ridgeline. The CHMP for the project site identified that the southern ridgeline is a "sensitive area" and advice received indicates that this is likely to extend into the south east abutting allotment.
 - Significant mature trees would be required to be removed to facilitate a road through the south eastern allotment. The visual prominence of this area with the removal of vegetation and excavation required for a road would be significant impact on the landscape.
 - The Development Plan for the adjoining development shows that the south eastern allotment abuttal would remain in one single allotment. As such, it would be distinctively different from the low density residential

development proposed to the east.

- There is no need for the subject development to have a road connection through to the east. The proposed development only has five allotments accessing the proposed internal road and logical and practical access to the Mansfield township would be via the internal road and then east along Malcolm Street. It is high unlikely that future landowners within the subject development would exit or enter the site from the abutting proposed development.
- Overall, a road connection through to the south east abutting allotment is unfeasible and not practical.
- Design guidelines will be prepared for the future built form within the development. The design guidelines should be a condition of any planning permit granted. Such matters to be included in the design guidelines include:
 - Design guidelines for fencing to restrict it to low scale, open and transparent, post and rail fencing.
 - Consistent architectural guidelines that require development to respect the topography of the land and to build upon the rural living nature with a sub-alpine theme.
 - o A requirements for onsite static water supply within steel water tanks with a minimum capacity of 2 x 22,250lt.
- Landscaping
 - A Landscape Master Plan will be prepared for the development (to be included as a condition of the planning permit). The Landscape Master Plan will include the following matters:
 - A pedestrian path within the proposed road reserve to connect to a pedestrian path along Malcolm Street to provide connectivity to the Mansfield township.
 - Revegetation and rehabilitation measures for the riparian areas along the waterways.
 - Street trees and landscaping along drainage infrastructure.
- Bushfire
 - Each Lot has been designed to ensure sufficient space to create the required defendable space areas to facilitate the construction of BAL12.5 buildings.
 - The proposed design also reflects the bushfire risk to the MSDP area which found that the predominant vegetation in the surrounding area is Grassland and Woodland and the surrounding vegetation all upslope or flat which reduces the rate and severity of an approach bushfire.

8.3 Subdivision layout and density

The existing landscape influences and constraints have informed the subdivision layout and density

The MSDP proposes a single, internal road to provide access for Lots 3-9. Lot 2 is to be accessed directly off Malcolm Street

The Southern Eastern corner of the Development Plan area (part of existing Lot 2) will continue to gain access from the balance of existing Lot 2 on the eastern side of the creek.

It is not anticipated that the proposal will have any negative impacts on Malcolm Street as the proposal will generate an additional 90 vehicle movements per day and Malcolm Street is of a suitable standard to accommodate these additional movements.

The proposed road access point to the MSDP area has been designed to be setback from the dwelling at 270 Malcom Street and at a point where there is excellent visibility in both directions.

Figure 17.1 below sets out the preferred subdivision design which details subdivision layout, road, lot boundaries and building envelopes; this is the maximum development potential available for the MSDP area.

The design has also taken potential bushfire risk into consideration and there is excellent egress from bushfire travelling in a north east and south east direction with direct, unobstructed, access to the Mansfield township.



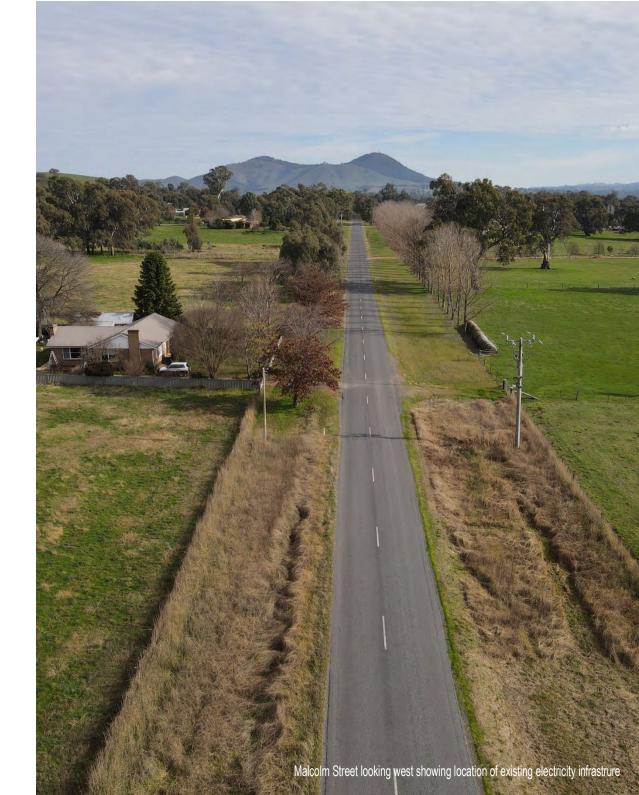


Figure 7.1: Proposed development plan

8.4 Servicing

The design of the DP service network responds to the site conditions and drainage infrastructure requirements.

- All Lots will be capable of treating and containing wastewater in accordance with the submitted LCA.
- > All lots are to have a static water supply via above ground tanks. This will consist of a minimum of 2 x 22,250lt water tanks and 10,000lt which must be made available at all times for fire-fighting purposes.
- Electricity and telecommunications are to be connected directly from Malcom Street for Lot 2 and from Malcolm Street along the proposed road for Lots 3-9
- Drainage is to be constructed in accordance with the submitted engineering plans ensuring environmental compliance and that run off does not impact existing waterways within or surrounding the MSDP area.
- > The south eastern corner of the Development Plan area is currently subject to a separate Planning Application. This Application proposes to create a standalone allotment, severing it from the balance of its area on the eastern side of the creek (outside the Development Plan Area). Access and servicing will be required to be facilitated to this created lot under its respective application.



8.5 Vegetation and Streetscape

The MSDP is located in a prominent location at the western entry to Mansfield. For this reason, it is looked upon as important site at the gateway to the town.

The DP recognises the role of the site and seeks to improve this gateway experience within the DP through:

 Retaining vegetation along Malcolm Street to maintain the existing streetscape and ensuring building envelopes have regard to views and vistas particularly from the rural approach into the town. Landscaping within the private realm is encouraged to soften prominent views.

The DP encourages the retention of existing vegetation where possible for its ecological value and contribution to the broader landscape. It is noted, however, that all native vegetation with 4m of a boundary is considered lost and will be offset by a third-party contribution The DP proposes an internal road for vehicular and cycle links to contributes to the amenity of the neighbourhoods.



8.6 Planning Permit Requirements and Guidelines

Applications for a subdivision within MSDP area are required to demonstrate compliance with the following:

- > Clause 35.03 Schedule 1 of the Rural Living Zone
- Clause 43.04 Schedule 3 of the Development Plan
 Overlay.

Clause 35.03 - Schedule 1 Requirements and Decision Guidelines	 The capability of the land to accommodate the proposed use or development. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. The capacity of the site to sustain the agricultural use. Any integrated land management plan prepared for the site. The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses. The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours. The impact of the use or development on the flora, fauna and landscape features of the locality. The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
Clause 43.04 - Schedule 3 Requirements	A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

9.2 Strategic Analysis

The MSDP is required to demonstrate compliance with the following:

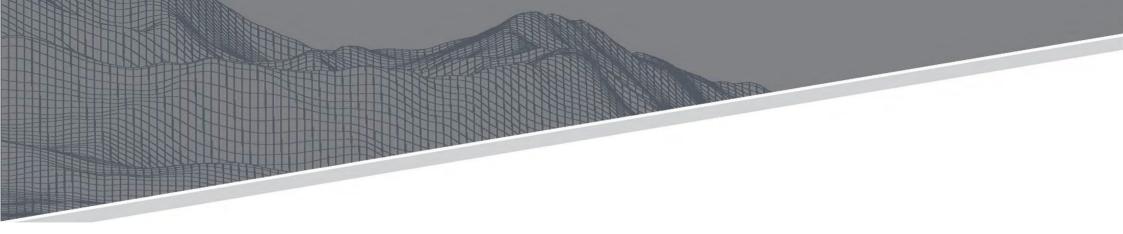
- > The capability of the land to accommodate the proposed use or development.
- > Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- > The capacity of the site to sustain the agricultural use.
- > Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.
- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- > The impact of the use or development on the flora, fauna and landscape features of the locality.
- > The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal

habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

 The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

These requirements are addressed in in detail in the attached Town Planning Report and apendicies.

The size and location of the MSDP area, combined with the typography and ecological features have informed the subdivision design resulting in a cohesive design that responds both to the constraints of the surrounding conditions and to the requirements guidelines of applicable policy.



PART 3

Implementation

9. IMPLEMENTATION OVERVIEW

9.1 Planning Permit Requirements and Guidelines

Applications for planning permits within Mansfield Shire area are required to demonstrate compliance with the following:

- The Local Planning Policy Framework within the Mansfield Planning Scheme,
- > Permit Requirements and Decision Guidelines
- Other relevant requirements of Mansfield Planning Scheme.

Each subdivision application must also include, as part of the application package, the standard requirements as detailed below.

The MSDP is a wholistic response that encapsulates all these required elements.

9.2 Project Delivery

Funding arrangements will be prepared to ensure the timely delivery of infrastructure. Careful regard will be given to the development circumstances and the likely timing of development. Development is to occur in two stages.

The south eastern corner of the Development Plan area is currently subject to a separate Planning Application, which will create this area as a standalone lot, and provide access and servicing.

1. Site specific assessment reports where applicable, such as:	 Flora and fauna assessment; Aboriginal cultural heritage; Drainage Assessment Traffic impact assessments Bushfire risk assessment; and Land capability assessment to ensure the lots created can cater for sewer, water, and other requirements.
2. In addition to the listed background reports, the following is required to be lodged with an application for subdivision:	 Site Analysis and Design Response (in accordance with Clause 56 of the Mansfield Planning Scheme); A graphical and written assessment demonstrating compliance, or otherwise, with the requirements of the zone and any overlays; A detailed layout and staging plan (if applicable), showing the sequence of development. and infrastructure delivery which will require construction or upgrades such as intersections or pedestrian path connections which abut the application area.