



# Assessment against Planning Scheme

Planning Application No.: P002-23

Responsible Officer: Nicole Embling

## Conflict of Interest

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes  No

<i>Application Details</i>	
<b>APPLICANT</b>	DAVID LUELF & SONS PTY LTD
<b>PROPOSAL</b>	Multi-Lot Staged Industrial Subdivision, removal of native vegetation, and creation of access to a road in the principal road network
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	175 Dead Horse Lane Mansfield 3722
<b>LAND DESCRIPTION</b>	Crown Allotment No: 39 Volume: 12073 Folio: 890

## 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.

### Municipal Planning Strategy (MPS)

#### **Clause 02.03-1 – Settlement**

*The settlement pattern in the Shire is characterised by Mansfield Township as the major urban centre, with a number of surrounding smaller settlements, significant areas for rural living and a number of isolated 'legacy' settlements principally located around the shores of Lake Eildon. The 4 major valleys: Upper Delatite, Upper Goulburn, Howqua and Jamieson provide a distinctive and valued landscape setting for all settlements.*

#### Mansfield Township

The Hume Regional Growth Plan 2014 considers Mansfield Township a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north. It is the only urban centre with significant growth potential in the Shire and provides all major services and infrastructure for the community. Commercial and retail growth will occur within and around the shopping centre. There is a need for more industrial land to service demand. Existing infrastructure is capable of servicing growth however there is a need to increase water storage capacity.

**Officer Response:**

The subject land is within the Mansfield Township and positioned in the Industrial precinct on Dead Horse Lane (see red arrow and box in Figure 1).

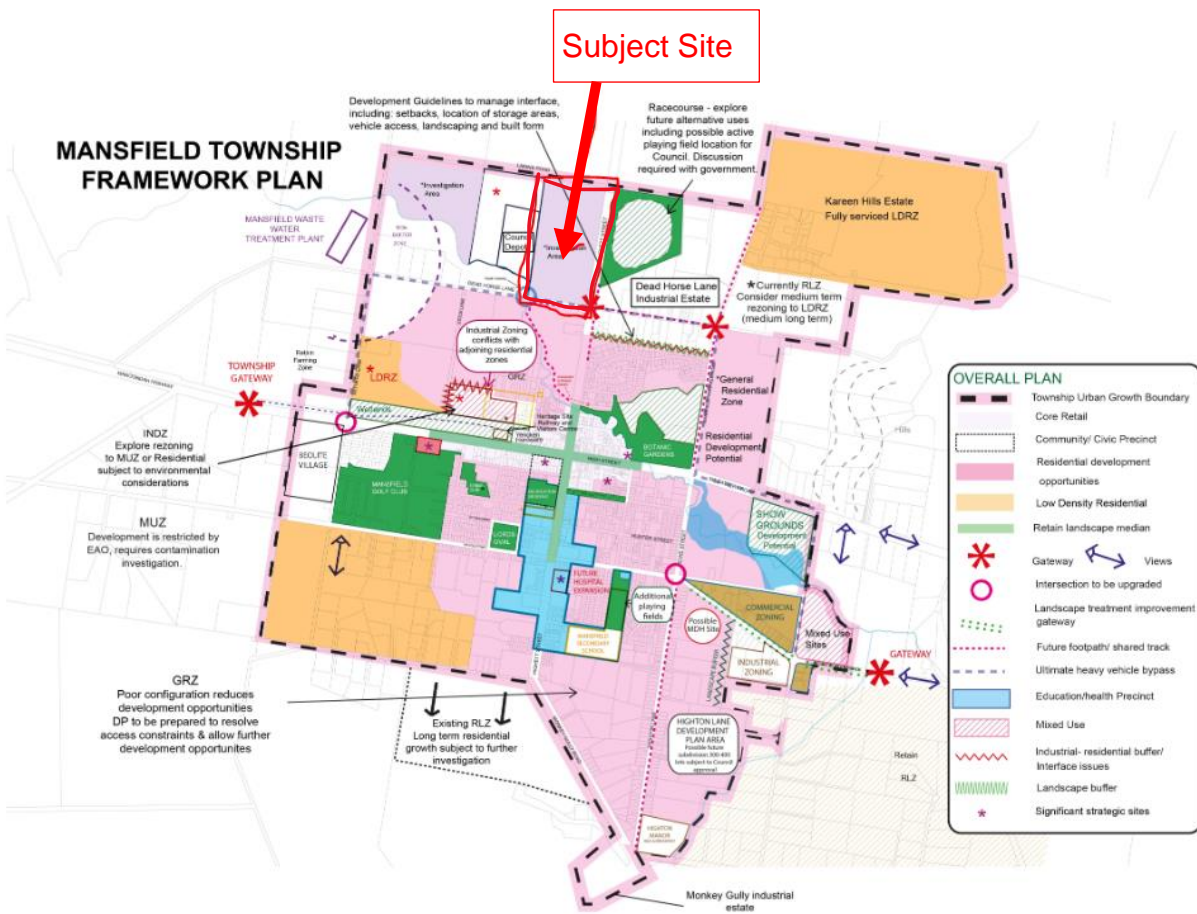


Figure 1. Mansfield Township Framework Plan

**Clause 02.03-2 – Environmental and Landscape Values**

**Biodiversity**

Large areas of native vegetation have been cleared for agriculture, especially in the Mansfield basin. Although the current rate of clearing has reduced, the incremental loss of remaining habitat is a major issue. Potential threats to remnant vegetation include clearing (including removal of single paddock trees), salinity, roadside management, lack of regeneration, inappropriate fire regimes, disturbance and damage; including that caused by livestock grazing, timber harvesting and intensification of use and development.

*There are a number of endangered, vulnerable or depleted Ecological Vegetation Classes (including Plains Grassy Woodland, Grassy Woodland, Herb-rich Woodland and Valley Grassy Forest). and numerous threatened plant and fauna species including the nationally-listed Grassy White Box Woodland.*

*Protection of remnant vegetation is a high priority including in:*

- *Roadsides, which provide some of the most significant native habitats and are under threat through pressures from development and degradation.*
- *Riparian zones, where vegetation is particularly important for the protection of native habitat and biodiversity values, but also for its benefits to water quality that result from riparian buffer zones with a width of at least 30 metres.*

#### Officer Response:

The proposal is seeking to remove 17 large trees and 6 trees are Assumed Lost relating to the proposed 78 lot multi-stage industrial subdivision in the Township of Mansfield.

As discussed in **Clause 52.17** discussion, the application has considered opportunities to avoid the loss of and impacts on native vegetation in accordance Clause 52.17, and the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).

Opportunities to avoid and minimise impacts on biodiversity has been discussed in onsite meetings and demonstrated through, realigning lot boundaries/sizes, access roads and general alignment, as well as avoiding higher quality vegetation where possible.

The application is therefore deemed to be compliant with the requirements of this clause.

#### Landscapes

*The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and of intrinsic importance to its landscape.*

*Rural areas are acknowledged as one of the Shire's and the region's greatest assets. Significant for rural production as well as from a natural landscape perspective promoting tourism and attracting visitors to the Shire, many of the rural valleys are recognised as having significant landscape qualities unique to the State and worthy of protection.*

*Significant landscape and natural features include Mounts Buller, Stirling, Terrible and the Great Dividing Range, and parts of the Eildon and Alpine National Parks. Mount Buller and Mount Stirling are in the Alpine National Park.*

*Development along ridgelines or highly visible slopes can impact the landscape character of the area. Approaches to the mountains also need to be protected for their significance and high visual amenity, particularly the state significant Mount Buller and Mount Stirling alpine vista.*

*Council's strategic directions for environmental and landscapes values are to:*

- *Protect areas of remnant vegetation for their environmental, habitat and scenic values, including roadside vegetation, riparian environments, scattered trees and*

*native grasslands.*

- *Protect the landscape character of the Shire and significant landscape features including large old trees, visually significant ridges and view corridors.*
- *Protect the environmental, landscape and visual significance of rural areas, mountain and environmental features and alpine approach areas.*

#### Officer Response:

The location of the proposed industrial subdivision is on the interface between Mansfield rural and township areas, with the open area of the Mansfield Racecourse to east of the site and there is a need to protect the overall rural character of Mansfield is critical and specified through the strategic directions. The subject land is visibly prominent on the approach to Mansfield and when travelling from Mansfield towards Lake Nillahcootie on the Midland Highway, where views to rural areas are prominent. The landscape in this area is characterised by the large native trees which line the road reserve.

It is considered that the proposed subdivision would not detract from the natural landscape character. However, the area is zoned Industrial and the application has considered opportunities to avoid the loss of and impacts on native vegetation in accordance Clause 52.17, and the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). It is considered that the impacts to Landscape are significant but deemed acceptable. The proposal is therefore considered to be acceptable in relation to the requirements of Clause 02.03-2 in relation to Landscape Values.

### **Clause 02.03-4 – Natural Resource Management**

#### Agriculture

*Rural land is under increasing pressure for residential use and development not associated with the rural use of the land. Productive agricultural land must be maintained to remain agriculturally viable and ensure the ongoing ability to farm is protected. To do so, it is important that only marginal rural land in areas with a minimal visual impact be developed for small scale rural or rural living style development.*

*Maintaining large rural allotments in the rural zones plays a vital role in maintaining agriculture and rural amenity. A legacy from past decisions is the large number of ‘undersized’ lots created in rural areas for the purpose of rural residential living without the appropriate zoning changes to reflect that purpose. As a result, landowners have an expectation that those lots can be developed for dwellings. A balance needs to be struck between this and the need to protect agricultural land for agricultural use.*

*Council’s strategic directions for the management of agricultural land are to:*

- *Protect productive agricultural land from land fragmentation and incompatible use and development.*
- *Protecting the on-going viability of agricultural land for agricultural purposes*

*particularly from amenity conflicts arising from dwellings.*

- *Support diversifying the agricultural base to include the development of viticulture, horticulture, and more intensified agricultural pursuits.*

**Officer Response:**

The subject land is zoned as Industrial and to the north there is land subject to the Farming zone north of Latkins Road (see Figure 2 below). As the subject land is Industrial Zone 1, the development of the land industrial subdivision won't result in the loss, fragmentation, decreased viability or overall productivity of agricultural land.



*Figure 2 Zoning of and around the subject site.*

**Water and Declared Special Water Supply Catchments**

*Council's strategic directions for catchment planning and management are to:*

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- *Avoid development in catchments that is detrimental to water quality.*
- *Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

**Officer Response:**

The property is located in the Upper Goulburn Special Water Supply Catchment area and subject to the DPO and LSIO (partial coverage) overlays. Ford Creek abuts the southwestern boundary of the site and there are two water courses traversing the allotment in an east-west direction which are tributaries of Ford Creek. The subject land and this application has been considered by the Responsible Authority for the Catchment Area, being Goulburn Murray Water (GMW) who have provided unconditional support for the proposal. Overall, it is considered that the proposal would not impact on the Special Water Supply Catchment.

Plans show that all roads are setback 30m from the waterway. They also show that the stormwater retardation basins are setback 10m from the waterway and there are building exclusion zones to prevent future buildings on the proposed lots from being located within 30m of the waterway. GMW has also noted that the site will be fully serviced, including sewer and stormwater.

## **Clause 02.03-5 – Built Environment and Heritage**

### Township and Neighbourhood Character

*Development of land along the Maroondah Highway and other major routes such as Mount Buller Road in the Shire need to be sensitive to their role as gateways to the Alpine areas*

*Mansfield Township's residential areas are characterised by wide streets with on street parking, large lots and street trees. Infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected.*

#### Officer Response:

The proposed development area is adjacent to the Midland Highway which is considered a major transport route in Mansfield Shire and is visible from the formally identified Heavy Vehicle Alternative Route (HVAR) which includes Dead Horse Lane. The entrance to Mansfield along the Midland Highway is the gateway to the Alpine areas from the north.

## **Clause 02.03-7 – Economic Development**

### Industrial Development

*Mansfield Township is the only location that provides significant industrial development opportunities. There are 90 hectares of industrial zoned land. The industrial areas are relatively fragmented and poorly connected by suitable heavy vehicle routes.*

*There has been very little recent activity in Mansfield Township's industrial land sector, reflecting the existing situation in which any latent demand cannot be realised because of the lack of available industrial land for sale or lease.*

#### Officer Response:

The subject land is located within the Township Urban Growth Boundary (see Figure 3 below) and is zoned Industrial Zone 1. It is situated just south of Lakins Road and north of Dead Horse Lane, adjacent to the Mansfield Council Depot to the west, and near the Deadhorse Lane Industrial Precinct to the southeast.

The proposal involves industrial development in a strategically desirable location—Mansfield Township's northern area—and is considered appropriate for the zone and



*The increasing number of visitors and added pressure to provide entertainment and recreation facilities that help reinforce Mansfield's competitive advantage in the tourism sector can negatively impact the built and natural environment and landscape character of the area.*

*Council's strategic directions for economic development are to:*

- *Diversify the economic base, particularly to reinforce the role of the Shire as a year-round tourism destination.*
- *Provide sufficient retail/commercial and industrial land to meet demand.*
- *Support commercial and retail development that complements anticipated urban growth and infrastructure improvements.*
- *Support viable industrial business opportunities.*
- *Support environmentally sustainable industries as alternatives to the traditional forms of industry.*
- *Support the continued growth of the agricultural sector.*
- *Support traditional and emerging forms of agriculture.*
- *Attract high quality tourism development that is compatible with the environmental attributes and character of the area.*
- *Support Mount Buller as Victoria's premier snow skiing destination.*
- *Minimise the negative impact that tourism can have on the built and natural environment.*

**Officer Response:**

The proposal is expected to provide additional industrial land, support the viability of existing and future industrial businesses. This type of economic activity is vital to support Mansfield's tourism industry by providing them with an increased variety and access to services and industries. The proposal should have a negligible negative impact on Mansfield's tourism industry.

**Clause 02.03-8 – Transport**

*The region is characterised by east-west transport connections providing access to the Hume and Goulburn Valley corridors, with many of these roads playing an additional role as Alpine approaches and major tourism routes.*

*It is becoming increasingly important to provide freight access to the regional centre to minimise its adverse impacts on existing road networks. Council in conjunction with VicRoads has identified an interim and ultimate Heavy Vehicle Alternative Route through Mansfield Township. The ultimate northern route will require further road augmentation works to divert traffic away from the shopping centre.*

*Council's strategic directions for transport are to:*

- *Facilitate improved transport linkages and east/west connections to the Hume and*

*Goulburn Valley Highway corridors in particular.*

- *Protect the Alpine approaches as major transport and tourism routes.*
- *Facilitate use and development that directs heavy vehicle/freight traffic away from Mansfield Township and minimises any adverse impact on existing road networks and local traffic.*
- *Improve road safety by supporting the provision of an efficient movement network for vehicles, pedestrians and cyclists.*

### Officer Response:

The application provided a Traffic Impact Assessment Report was prepared by Trafficworks on the 16/05/2025.

The application was initially referred to Department of Transport who have provided conditional consent to the proposed creation of 2 new accesses onto Midland Highway.

The application was also referred to Mansfield Shire Engineering Department, who have also considered the proposal to be acceptable and have also provided conditions.

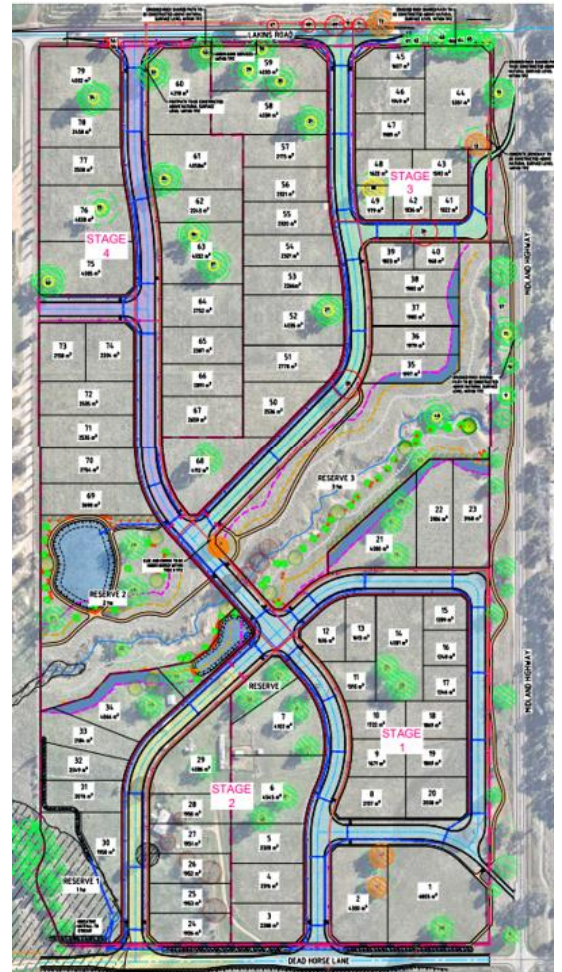


Figure 4 Development Plans-1.0-Trafficworks - FINAL

## Planning Policy Framework (PPF)

### **Clause 11.01-1L-01 – Mansfield Township**

*This policy applies to all land identified in the Mansfield Township Strategic Framework Plan and Mansfield CBD Framework Plan to this clause.*

### Objectives

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

*To consolidate the Mansfield Township Central Business District (CBD) shopping centre.*

*To protect the development and future growth of the Lakins Road precinct as the Shire's primary industrial area.*

### Industrial Strategies

*Encourage relocation of service industries, light industrial, rural supplies and vehicle repair uses from the town centre to new industrial areas, including Mount Buller Road and Lakins Road once subdivided.*

*Protect Lakins Road industrial precinct from residential encroachment.*

*Site and design industrial development in Dead Horse Lane to reduce amenity conflicts with neighbouring residential properties to the south by incorporating the necessary landscape and acoustic buffers.*

*Support the continuity of the Dead Horse Lane industrial area as an established industrial area.*

*Support the rejuvenation and redevelopment of Dead Horse Lane through improved road infrastructure.*

*Implement buffering treatments to manage interactions between existing industrial uses and growing residential dwellings to the south of Dead Horse Lane.*

*Encourage relocation of manufacturing, construction, rural supplies and vehicle repair uses to new industrial land in Dead Horse Lane.*

*Require new development in Dead Horse Lane to maintain a suitable landscape and acoustic buffer to the residential properties to the south to reduce amenity conflicts.*

### Transport Strategies

*Improve connectivity by using existing mid-block connections such as Bank Place and Eisners Lane) as pedestrian links.*

*Provide on-site car parking as part of retail and commercial development, wherever possible.*

*Support development and growth in Lakins Road industrial area through improvements to transport infrastructure.*

### Officer Response:

The proposal effectively supports the growth of Mansfield Township by concentrating industrial land use within the preferred and strategic location of the Latkins Road/ Dead Horse Lane Precinct. The provision of industrial lots in this area will facilitate the relocation of service industries, light industrial operations, rural supply businesses, and vehicle repair services from the town centre to new, purpose-built industrial lots. The proposed industrial subdivision also includes a new road connection between Latkins Road and Dead Horse Lane, along with a mid-block connection that can link to the land west of the subject site and new connections to Midland Highway (see Figure 5 below). These enhancements will significantly improve transport infrastructure within the Latkins Road Dead Horse Lane Precinct, supporting its development as a key industrial hub for the region. Overall, the proposal is considered to be acceptable with relation to Clause 11.01-1L-01 – Mansfield Township.



Figure 5. Approved Development Plan

## Clause 12.01-1S – Protection of Biodiversity

### Objective

*To protect and enhance Victoria's biodiversity.*

### Strategies

*Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*

*Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.*

*Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*

- *Cumulative impacts.*
- *Fragmentation of habitat.*
- *The spread of pest plants, animals and pathogens into natural ecosystems.*

*Avoid impacts of land use and development on important areas of biodiversity. Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).*

*Assist in the identification, protection and management of important areas of biodiversity.*

*Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.*

*Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.*

#### Officer Response:

The proposal will result in 17 trees being removed and 6 are considered to Assumed Lost due to encroachment on Tree Protection Zones. The application has been referred to DEECA who have given conditional consent. The proposal includes several reserves throughout the development site, including a large reserve located along an existing drainage line. This drainage line flows into the Ford Creek to the south, which contains records of Platypus (endangered). DEECA has given conditional consent to the proposal and Condition 6 requires that a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of the responsible authority and submitted to and approved by the responsible authority. Other conditions in given by DEECA, enforce protection of native vegetation to be retained.

The application has also been referred to Mansfield Shire Councils Environment Department who have commented the following. "There is an increase in the amount of trees being removed [in the latest/ current revision of the plans], however this is due to many of the trees not being assessed in the initial submission. Eleven of the seventeen trees for removal are not on the site and are a result of upgrades required to external roads. The six trees for removal on the site are due to road locations, with maximum thought

around layout to minimise the impacts. Quality of the trees to be removed have also been accounted for to make sure where trees cannot be avoided, the trees with the greatest ecological value have been prioritised. “ This response as well as the DEECA response is discussed in further detail below in Clause 52.17.

### **Clause 12.01-1L – Protection of Biodiversity**

#### *Strategies*

*Protect significant vegetation communities, especially from higher residential densities that lead to fragmentation and incremental clearing and disturbance.*

*Protect large old paddock trees for their significant habitat and landscape value, especially in the context of the intensification of land use, including residential and rural living developments.*

*Prevent unjustified removal of native vegetation and encourage the recovery of threatened species and communities.*

#### Officer Response:

Discussed above in Clause 12.01-1S – Protection of Biodiversity and below in Clause 52.17.

### **Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches**

#### *Objective*

*To protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity. Strategies*

*Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.*

*Site and design development to be responsive to the topography of the land and unobtrusive in the landscape.*

*Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.*

*Avoid development on visually exposed ridgelines, unless its visual impact can be minimised by using designs and colours that blend with or compliment the landscape.*

*Incorporate building setbacks from property boundaries, roads and waterways that are consistent with the scale of the building, site characteristics, and potential impact on the environment and rural activities conducted on the site.*

*Use building materials with external finishes that:*

- *Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural*

*environment.*

- *Have a low reflectivity to minimise glare and visual impact.*

#### *Policy Guidelines*

*Consider as relevant:*

- *Designing buildings located on or close to a visually exposed ridgeline to not exceed 1 storey or 6 metres in height from natural ground level.*

#### Officer Response:

The subject land is considered to be in a significant landscape, at the gateway to Mansfield, in an area characterised by large native trees, open spaces, farmland and a growing industrial precinct. The impact from a major industrial subdivision which is proposed would change the character of the area on the immediate subject land which is currently two dwellings and paddocks. The proposed industrial subdivision would however be a compatible with the existing Industrial land use in the Latkins Road Precinct and in the Dead Horse Land Precinct to the southeast.

The application has been assessed against the approved Development Plan, which aligns with the proposed Design and Development Overlay. The future development of the land will require further planning approval where all development will also be required to comply with the Design and Development Overlay specifically relating to protecting the visual amenity the northern Mansfield Township Approach and the approved Development Plan which includes building and siting controls.

### **Clause 14.02-1S Catchment planning and management**

#### Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

#### Strategies

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

## **Clause 14.02-1L - Catchment planning and management**

### Policy application

This policy applies to land within a Declared Special Water Supply Catchment Area, as shown on the Mansfield Shire catchments map to this clause.

### Strategies

Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.

Discourage land uses that would contribute to the degradation of downstream water quality.

Discourage further development, particularly new rural residential estates on the lakes' shores.

Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.

Support redevelopment and extensions of existing unsewered dwellings only if an incremental cumulative benefit will be gained by way of upgrading the existing system.

Incorporate integrated Water Sensitive Urban Design (WSUD) techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development, particularly in high risk areas as per Schedule 1 to the Environmental Significance Overlay.

Ensure any drainage scheme is consistent with the capability of the land.

### Officer Comment:

The subject land is partially covered by Flood overlay in the southwest corner of the site. In accordance with Clause 14.02-1S and 14.02-1S of the Planning Scheme, the proposal includes the retention of natural drainage corridors which traverses the site (see Figure 6 below) with vegetated buffer zones of 30 metres wide along each side of the central tributary to create an asset for the estate and protect stream dynamics, a tributary to Fords Creek; creation of a wetland asset to supplement the drainage system of the proposed development; ceding of land as designated by the drainage system of the proposed development; ceding of land as designated by the Fords Creek Flood Zone; maintenance of 64 mature endemic trees and 14 exotic trees exemplifying past settlement; placement of road alignments and boundary side boundaries to provide separation to tree trunk as stipulated in the Development Plan; stipulation for specific land use and development outcomes from properties fronting Dead Horse Lane in accordance with Clause 5.10 of the Planning Scheme; and five intersections with surrounding roads comprising two to Lakins and Dead Horse Lane and one main access from Midland Highway.

This application was referred to Goulburn Broken CMA on 26 May 2025 and they responded on the 10 June 2025 and GBCMA have given conditional consent to the proposal. They have noted that “Having regard to the impacts of flash flooding, the Goulburn Broken CMA requires that the finished floor level of any proposed buildings be set at least 300 millimetres above the general natural surface elevation to safeguard against flash flooding associated with episodes of localised severe thunderstorm events”. GBCMA has also conditioned that “any proposed buildings and works must be located a minimum distance of 30 metres from the top of the bank of Ford Creek”.

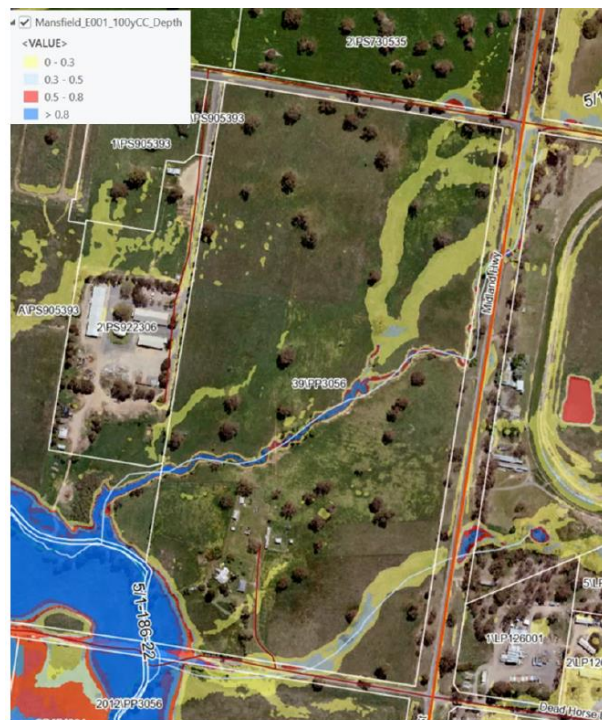


Figure 6. Flood Data from GBCMA Referral Response - 10 June 2025

## Clause 15.01-3S - Subdivision design

### Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.
- Being accessible to people with disabilities.
- Creating an urban structure that:
  - Responds to climate related hazards.
  - Incorporates integrated water management, including sustainable irrigation of open space.
  - Minimises peak demand on the electricity network.
  - Supports energy efficiency and solar energy generation through urban layout and lot orientation.
  - Supports waste minimisation and increased resource recovery.
- Providing utilities and services that support the uptake of renewable energy technologies, such as microgrids and energy storage systems, including batteries.
- Providing all-electric lots.

### Officer Comment

The proposed subdivision will create an industrial subdivision with a variety of lot sizes to accommodate a large amount of industrial land use. To ensure the design of subdivisions achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods. The proposal incorporates design measures that balance development with environmental and visual sensitivity. Through the use of frontage roads, generous setbacks, and the maximum retention of significant remnant trees, the subdivision softens its visual impact along the Midland Highway.

While some vegetation loss is necessary (as discussed below in Clause 52.17), the proposal prioritises the retention of trees with high ecological value, aligning with the strategy to protect and enhance native habitat.

The proposal does demonstrate responsiveness to local landscape character, ecological sensitivity, and rural identity and it is therefore deemed that the proposal partially addressing the broader objectives and strategies of Clause 15.01-3S.

### **Clause 15.01-5L – Mansfield Township Approaches**

#### *Objective*

*To ensure future development along the four key Mansfield Township Approaches is compatible with and reinforces the existing and preferred future character of these areas.*

#### *Strategies*

*Require subdivision layouts to appropriately address identified township approaches.*

*Ensure future development within identified township approach corridors meets stipulated built form design outcomes.*

*Retain and enhance the landscape qualities of each approach.*

*Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.*

#### *Policy Documents*

*Consider as relevant:*

- *Mansfield Township Structure Plan, 2015*
- *Township Approaches Planning Controls and Guidelines Study (Mansfield Shire Council, 2018).*

#### *Officer Response:*

The *Mansfield Township Approach Planning Controls and Guidelines Study* includes a Preferred Character Description of the Midland Highway approach:

*“The sense of enclosure and presence of Mansfield Racecourse and Fords Creek are important elements of the approach that will be built upon. This will be achieved through the use of native and indigenous species that reinforce the environmental qualities of Fords Creek and the retention of existing street trees.*

*“Industrial areas are discrete with mounding and landscaping used to screen these uses along the approach.*

*“Buildings are high quality and contemporary, while the approach has a spacious character facilitated by generous front and side setbacks that allow for landscaping. On-site car park areas, sheds, loading and storage areas particularly associated with industrial / commercial uses and rural residential lots, are sited to the rear or side of buildings, allowing a stronger presence of landscaping along the approach.*

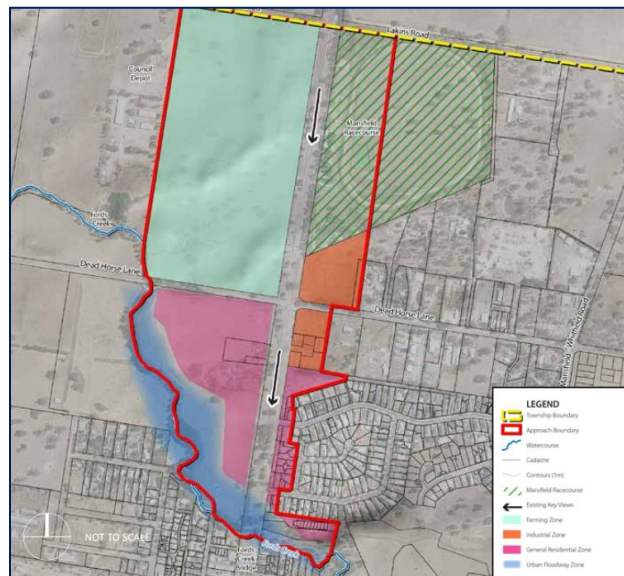


Figure 7. Midland Highway North Approach

#### Officer Comment:

The design of the subdivision provides for frontage roads addressing Midland Highway to achieve a positive amenity outcome to the entrance to Town. Frontage road verges and large setbacks to the private realm for landscaping fulfill the objectives of Mansfield Township Approaches Scheme Amendment. This substantiates the piping of a section of meandering open unlined drain across the common boundary of Midland Highway and Lot 39 emanating from the racecourse and Midland Highway Road Reserves. The accompanying Development Plan further reinforces design and development outcomes for the proposed industrial estate.

#### **Clause 15.01-6S – Design for Rural Areas**

##### *Objective*

*To ensure development respects valued areas of rural character.*

##### *Strategies*

*Ensure that the siting, scale and appearance of development protects and enhances rural character.*

*Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*

*Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

#### Officer Response:

The proposal industrial subdivision incorporates design measures which seek to protect and enhance the rural character along the key township approach of the Midland Highway, which is also a sensitive tourist route into Mansfield and the Alpine region. The use of frontage roads, large setbacks, and the retention of 64 mature endemic and 14 exotic trees help to soften the visual impact of the industrial subdivision and retain Mansfield's attractive gateway. While 17 trees are proposed for removal (with an additional 6 likely lost due to encroachment), this is balanced by considered road placement and prioritisation of keeping trees with a higher ecological. The siting and layout of the proposed residential subdivision, aims to reduce visual prominence from surrounding roads and landscapes, including Fords Creek and nearby wetlands. This all contributes to a design that is sympathetic to the area's rural setting and partially meets the objectives of Clause 15.01-6S to an acceptable degree.

### **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.*

#### *Relevant Strategies*

*Plan and develop the road network to:*

- *Ensure people are safe on and around roads.*
- *Improve people's perceptions of safety on and around roads.*
- *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.*
- *Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.*

*Protect and develop the Principal Road Network to:*

- *Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.*
- *Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.*
- *Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.*
- *Improve high-capacity on-road public transport.*

*Design road space to complement land use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.*

*Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres, around schools and around community facilities.*

#### Officer Response:

This application included a Traffic Impact Assessment Report by Trafficworks from 16 May 2025 which was referred to the Department of Transport and Mansfield Shire's Internal Engineering Department. Xavier White from DTP on the 13 June 2025 stated that he supported "the data Trafficworks obtained from their traffic surveys along Midland Highway". Department of Transport are yet to give consent to the proposal.

The proposed industrial subdivision also includes a new road connection between Latkins Road and Dead Horse Lane, along with a mid-block connection that can link to the land west of the subject site and new connections to Midland Highway. These enhancements will significantly improve transport infrastructure within the Latkins Road Precinct, supporting its development as a key industrial hub for the region.

## Zoning

### Clause 33.01 – Industrial Zone 1

#### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

### Officer Comment:

The proposal seeks to utilise industrial-zoned land for a large Multi-Lot (79 lots) Staged Industrial Subdivision. This constitutes an industrial use and is consistent with the purpose of the Industrial 1 Zone (IN1Z), which is to provide for manufacturing industries, the storage and distribution of goods, and associated uses.

The subject site, along with adjacent land to the east and west, is located within the Industrial 1 Zone, and strategic policies, including the Industrial and Commercial Land Use Study, identify the Dead Horse Lane and Latkins Road area as a priority location for future industrial development. The Study supports increased industrial land use in this precinct, and the proposed subdivision aligns with this direction.

The proposal has been assessed against the relevant clauses of the Planning Policy Framework and Municipal Planning Strategy. The interface with Farming Zone land to the north of Latkins Road has been addressed under Clause 02.03-4 – Natural Resource Management, and any potential impacts are considered to be manageable. Drainage has been addressed under Clause 14.02-1S, with conditional consent granted by the Goulburn Broken Catchment Management Authority (GBCMA).

Traffic impacts have been considered under Clause 18.02-4S – Roads, with the application referred to the Department of Transport, which has provided [insert DTP response], and the Mansfield Shire Council Engineering Department has imposed conditions to mitigate traffic impacts.

The site is fully connected to reticulated services. The subdivision is compatible with the Council Depot to the west and the Dead Horse Lane Industrial Precinct to the southeast.

While the Mansfield Racecourse, located to the east across the Midland Highway, may experience some traffic impacts, these are considered acceptable.

The application also addresses relevant decision guidelines, including natural values, streetscape character, built form, and landscape treatment. On balance, and having regard to the strategic intent for the area, the nature of surrounding land uses, and compliance with

relevant planning provisions, the proposed Multi-Lot Staged Industrial Subdivision is considered to be appropriate and suitable for the Industrial 1 Zone.

### **Clause 37.03 Urban Floodway Zone**

#### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

#### Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

#### Officer Comment:

The drainage and flood risk of the land has been considered in detail in Clause 14.02-1S and 14.02-1S and conditional consent has been given by the Goulburn Broken Catchment Management Authority (GMBCA). Flood paths, depressions and high hazard areas have been identified (see Figure 6) and GBCM have approved plans and enforced a 30 meter setback from the waterway which travels through the site as a condition of their consent.

As such the proposal ensures there is free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

GMBCA's conditions mean Any proposed buildings and works will have to must be located a minimum distance of 30 metres from the top of the bank of Ford Creek and that the designated waterway which traverses the site shall have an effective waterway corridor/exclusion zone of 60 metres.

No lots are proposed to be on the areas subject to the Flood Zone.

This proposal will have full access to reticulated services including sewerage and the application was referred to Goulburn Murry Water who's interest are surface water and groundwater quality, use and disposal. They have given their conditional consent. Conditions imposed on the permit by GBCMA will enforce that the "The subdivision must meet best practice for water sensitive urban design principles in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999".

Overall, the proposal is within keeping to the requirements of Clause 37.03 Urban Floodway Zone.

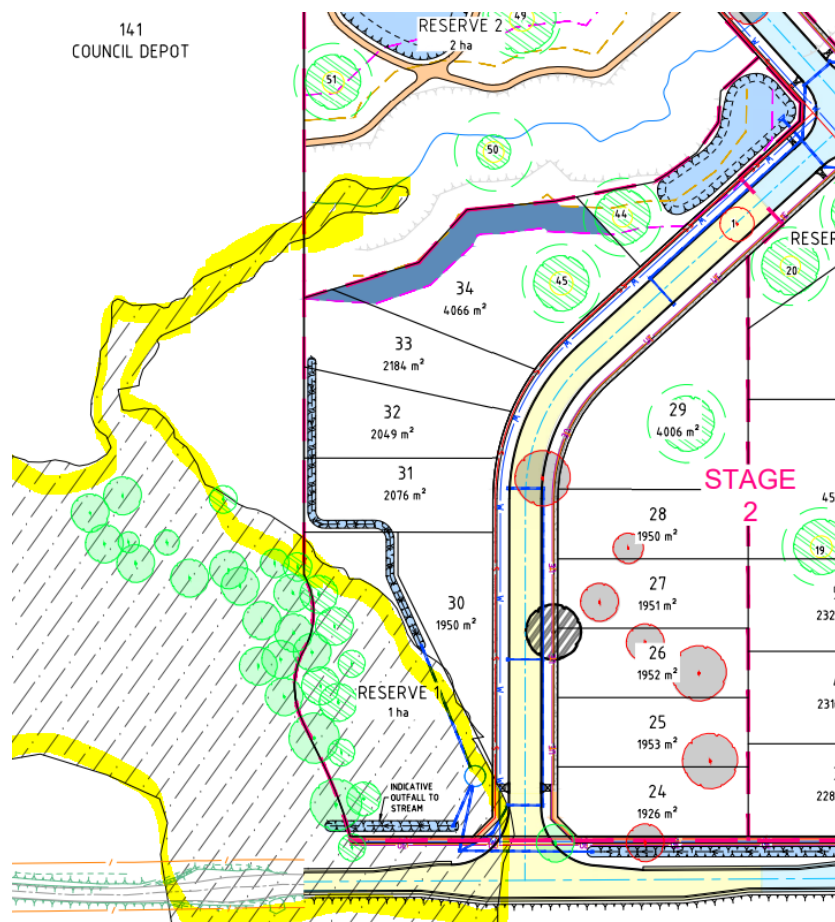


Figure 8 Flood Zone Land highlighted in yellow.

## Overlays

### Clause 43.04 - Development Plan Overlay

#### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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.

#### Requirement before a permit is granted.

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.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

Be generally in accordance with the development plan.

Include any conditions or requirements specified in a schedule to this overlay.

#### Officer Comment

The Development Plan DP003-22 for the subject land, was submitted to satisfy the requirements of Clause 43.04 – Development Plan Overlay (DPO) of the Mansfield Planning Scheme, which mandates that a Development Plan be approved prior to any planning permits being issued. The land was re-zoned from Farming to Industrial 1 Zone in 2022 following community consultation and alignment with Council's strategic plans for industrial land supply. The submitted Development Plan DP003-22 was found by the assessing officer to respond to relevant state and local planning policies and to include detailed provisions for future subdivision and development similar to that which is proposed as part of this application being the Multi-Lot Staged Industrial Subdivision - P002-23, including vehicle access, parking, setbacks, design, landscaping, and vegetation protection. Notably, it proposes the retention of approximately 88% of existing native vegetation and integrates design controls consistent with the proposed Design and Development Overlay, ensuring no duplication of requirements. This retention data has now been updated to include many previously missed trees and the retention rate is now 66.7%. This is discussed below in Clause 52.17 – Native Vegetation. The plan was also found to align with the Township Approaches Planning Controls and Mansfield Design Guidelines and facilitates appropriate access to the Midland Highway and Heavy Vehicle Bypass while respecting the natural landscape to an acceptable degree. The Development Plan was approved by Council at its meeting on 18 April.

## Particular Provisions

### Clause 52.17 – Native Vegetation

#### Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

#### Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

#### Officer Comment:

There are many large remnant native trees scattered across the land, of varying ages and sizes, and some exotic vegetation. The exotic vegetation includes some willows within the waterway and planted vegetation around the existing dwelling. The Preliminary Tree Assessment Arboricultural Report dated 28 July 2023 completed by Consulting Arborist Nick Papez was assessed by Council's Environmental Officer and found to be lacking in data and/or incorrectly calculated.

Council requested a series of changes be made and on 21 November 2023, an updated native vegetation impact assessment (detailed pathway) report (version 2 on spreadsheet) was submitted to Council from DEECA certified assessor DM Ecological.

Whilst this was considered a much more thorough report, with consideration given to suggestions of lot sizes, fence-lines and TPZ encroachments, Council's Planning Department still believed there could be improvements. A range of suggestions were made, then an onsite visit was held.

Whilst this was considered a much more thorough report, with consideration given to suggestions of lot sizes, fence-lines and TPZ encroachments, Council's Planning Department still believed there could be improvements. A range of suggestions were made, then an onsite visit was held. This meeting was attended by Council's Senior Coordinator Planning Nicole Embling and Environment Officer Kylie Russell, DEECA's Benn Sheffield,

Dylan McWhinney (DM Ecological), David Luelf (applicant), and Joseph Borelli (CAF Consulting).

Through this assessment and meeting, the trees being retained went from thirteen to forty-five and removal dropped from thirteen to nine. However, a further nine trees had still not been accounted for as impacted by this proposal. The “assumed loss” and “consequential loss” had also dropped from twenty-four to six.

Extensive redesigning took place following a meeting attended by Council’s Senior Coordinator Planning Nicole Embling and Environment Officer Kylie Russell, DEECA’s Benn Sheffield, Dylan McWhinney (DM Ecological), David Luelf (applicant), and Joseph Borelli (CAF Consulting).

Redesign resulted in the following.

- Road realignment to save four trees (Trees 2, 3, 4 & 20) and lose two (Trees 21 & 22) instead of the six originally proposed.
- Reassessment of assumed loss on Tree 42.
- Road redesign to retain Tree 12 as an assumed loss instead of removal.
- Road redesign to retain Tree 8 as an assumed loss instead of removal.

This all resulted in the following impact to the 69 trees on the site.

- 46 are to be Retained.
- 17 are to be Removed.
- 6 are considered Assumed Lost – due to encroachment on Tree Protection Zones

Eleven of the seventeen trees for removal are not on the site and are a result of upgrades required to external roads. The six trees for removal on the site are due to road locations, with maximum thought around layout to minimise the impacts. Quality of the trees to be removed have also been accounted for to make sure where trees cannot be avoided, the trees with the greatest ecological value have been prioritised.

DEECA referral response on the 17<sup>th</sup> of April 2025 included the following comment “It is acknowledged the application has considered opportunities to avoid the loss of and impacts on native vegetation in accordance Clause 52.17, and the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). Opportunities to avoid and minimise impacts on biodiversity has been discussed in onsite meetings and demonstrated through, realigning lot boundaries/sizes, access roads and general alignment, as well as avoiding lower quality vegetation where possible.”

Overall, the above continued effort to protect vegetation on the site demonstrates that the proposal aligns with Clause 52.17 by applying the required three-step approach to managing native vegetation.

Significant efforts were made to avoid the removal of native vegetation, including road realignments which increased the retention and reduced the removal to the number of trees on the site. The updated assessment by a DEECA-certified assessor and multiple site meetings with Council and environmental officers reflect a thorough evaluation of tree

impacts, including consideration of Tree Protection Zones and the ecological value of each tree.

The redesign minimized impacts and prioritized the retention of high-value native vegetation, addressing both biodiversity outcomes and land/water degradation concerns, and demonstrating compliance with the permit requirements under Clause 52.17.

Over the course of the application assessment process, Council officers have worked with the permit applicant to reduce the impact on native vegetation on the site. There are 65 native trees on site, 9 native trees on Lakins Road and 4 exotic trees on site that have all been assessed as part of this development. There are 5 categories that the trees would fall under as part of the planning assessment, as follows:

1. Retain – Trees proposed to be retained as part of the development.
2. Remove – Trees proposed to be removed as part of the development
3. Assumed Loss – Trees are assumed lost as the impact on the Tree Protection Zone is more than 10%, and as such, under the “Guidelines for the removal, destruction of lopping of Native Vegetation”, as the impacts on the TPZ at most likely to eventually result in the tree being lost.
4. Consequential Loss – Trees that will be exempt from a future permit requirement for removal as the lot size the tree is on is less than 4000sqm. These trees are required to be offset at time of development, regardless of whether they are removed or not.
5. Not assessed – some trees were not assessed in the first two versions, and were identified through the process as needing assessment. All are included in the final version being considered.

In the third and fourth categories, Council officers will use a Section 173 Agreement to require trees to be retained on site, regardless of the fact that they will not need a permit for removal, from a landscape perspective, until such time as that tree does become too dangerous to retain. Any future removal of these would need to be supported by evidence from an arborist that they cannot be saved.

In addition, as part of the final assessment, Council officers required the permit applicant to demonstrate the impact on the trees in the road reserve in Lakins Road as a result of future road upgrades.

The final submitted plans include the removal of 17 native trees of varying sizes and quality. There are eight trees within the garden area of the existing dwelling that do not need a planning permit to be removed. Four of the larger of these trees have also been assessed as part of this application.

Tree	Version 1	Version 2	Reason for Change	Version 3	Reason for Change
1	Remove	Remove	Road	Remove	
2	Remove	Remove	Road	Retain	Realigned connector road
3	Remove	Remove	Road	Retain	Realigned connector road

4	Remove	Remove	Road	Retain	Realigned connector road
5	Remove	Retain	> Lot Size	Retain	
6	Remove	Retain	Redesign entry to take smaller tree instead	Retain	(Could be impacted by future Roundabout – not considered as part of this subdivision)
7	Remove	Remove	Entry	Remove	
8	Remove	Remove	Road	AL - TPZ	Realigned road/moved service junction pit
9	Remove	Retain	Redesign Access Road	Retain	
10	Remove	Remove	Access Road	Retain	Acceptable impact
11	Remove	Retain	Redesign Access Road	Retain	
12	Remove	Remove		AL - TPZ	Retained but deemed lost
13	Remove	Retain	Redesign Access Road	Retain	
18		Retain	> Lot Size	Retain	
19		Retain	> Lot Size	Retain	
20		Retain	> Lot Size	Retain	
21		CL - SA		Remove	Realigned connector road to remove two less healthy trees and save three higher value trees from being lost
22		AL - TPZ	Underground Services	Remove	Realigned connector road to remove two less healthy trees and save three higher value trees from being lost
23		Retain	> Lot Size	Retain	
24		Retain	> Lot Size	Retain	
25		Retain	> Lot Size	Retain	
26		Retain	> Lot Size	Retain	
27		Retain	> Lot Size	Retain	

28		CL - SA		Remove	Road, considered appropriate for removal to retain Tree 27
29		Retain	> Lot Size	Retain	
30		Retain	> Lot Size	Retain	
31		Retain	> Lot Size	Retain	
32	Retain	AL - TPZ		Retain	Acceptable impact
33		Retain	> Lot Size	Retain	
34		Retain	> Lot Size	Retain	
35		Retain	> Lot Size	Retain	
36		Retain	> Lot Size	Retain	
37		Retain	> Lot Size	Retain	
38		CL - SA		CL - SA	
39		CL - SA		Remove	Realigned connector road due to lot configuration and Midland Hwy requirements
40		Retain	> Lot Size	Retain	
41	Retain	Retain		AL - TPZ	Impacted by cut and fill required to make land developable
42	Retain	Retain		AL - TPZ	Impacted by cut and fill required to make land developable
43	Retain	Retain		Retain	
44	Retain	Retain		Retain	
45	Retain	Retain		Retain	
47	Retain	Retain		Retain	
48	Retain	Retain		Retain	
49	Retain	Retain		Retain	
50	Retain	Retain		Retain	

51	Retain	Retain		Retain	
52	Retain	Retain		Retain	
53		Retain		Retain	
54	Not Inc	Retain		Remove	Lakins Road entry – small tree removed to retain Tree 32
55	Not Inc	Retain		Remove	Lakins Road entry – small tree removed to retain Tree 32
56		Retain		Retain	
57	Not Inc	Retain		Retain	
58	Retain	Retain		Retain	
59	Not Inc	Retain		Remove	Dead Horse Lane upgrade
60	Not Inc	Retain		Remove	Dead Horse Lane upgrade
61	Not Inc	Retain		Retain	
62	Not Inc	Retain		Retain	
63	Not Inc	Retain		Retain	
64	Not Inc	Retain		Retain	
65	Not Inc	Remove	Entry, remove to retain Tree 6 which is smaller	Retain	Realigned to remove smaller tree 73 instead
66	Not Inc	Not Inc		Retain	
67	Not Inc	Not Inc		Remove	Arborist assessment of Lakins Road upgrade
68	Not Inc	Not Inc		Remove	Arborist assessment of Lakins Road upgrade
69	Not Inc	Not Inc		Remove	Arborist assessment of Lakins Road upgrade
70	Not Inc	Not Inc		Remove	Arborist assessment of Lakins Road upgrade
71	Not Inc	Not Inc		Remove	Arborist assessment of Lakins Road upgrade

72	Not Inc	Not Inc		AL - TPZ	Lakins Road
73	Not Inc	Not Inc		Remove	In lieu of tree 65
74	Not Inc	Not Inc		Remove	Dead Horse Lane upgrade
Non-Native Trees (Garden Area) - Arborist Report 28 July 2023					Comments
14	Remove	Not Inc		Not Inc	Olive Tree
15	Remove	Not Inc		Not Inc	London Plane Tree
16	Remove	Not Inc		Not Inc	Weeping Cedar Tree
17	Remove	Not Inc		Not Inc	Desert Ash Tree
Not Inc	19	13		4	
Retain	13	45		46	
Remove	17	9		17	This includes 7 trees not previously assessed.
AL/CL	24	6		6	
<b>Total assessed</b>	<b>54</b>	<b>60</b>		<b>69</b>	
	Not accounted for as deemed lost in original report				
Not Inc	Not assessed in the report				
AL - TPZ	Assumed Loss - due to encroachment on Tree Protection Zone				
CL - SA	Consequential Loss - due to Site Area exemption				
Remove	Physical removal of tree				
Retain	No impacts to tree				

## General Provisions

### Clause 64.03 – Subdivision of Land in more than one Zone

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

### Permit Requirement

*A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:*

*The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.*

*The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:*

*To comply with the requirements of the Urban Floodway Zone.*

*To provide access to a road.*

*The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.*

### Officer Comment:

The land on which the proposed multi stage industrial subdivision is situated, is subject mostly to the Industrial Zone 1 and partially to the Urban Flood Zone in the southwest corner of the site and a small amount along the western boundary. No lots are being created as part of the proposal which will be on both zones (see Figure 11 below).



Figure 10. Zoning



Figure 9 Zone Zoomed In

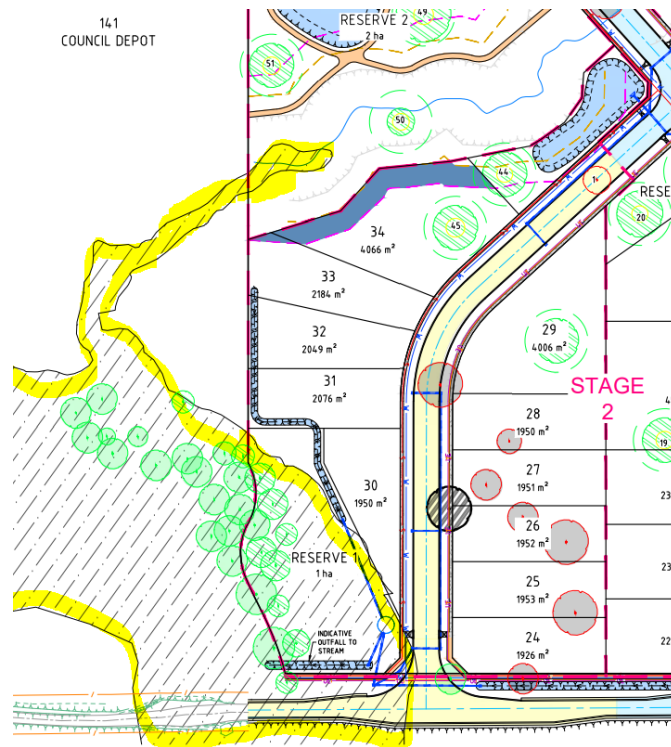


Figure 11 Lots around the Urban Flood Way Zone

**Clause 65 - Decision Guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Decision Guideline	Officer Response
<p>The suitability of the land for subdivision.</p> <p>The existing use and possible future development of the land and nearby land.</p> <p>The availability of subdivided land in the locality, and the need for the creation of further lots.</p> <p>The effect of development on the use or development of other land which has a common means of drainage.</p> <p>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.</p>	<p>The Township Approach along the Midland Highway has been identified as a sensitive area and requiring protection to ensure the visual amenity of the area is retained. The area is significant for its natural and rural characteristics.</p> <p>The preferred future character of the Midland Highway is explicitly stated in the <i>Mansfield Township Approach Planning Controls and Guidelines Study</i> which is a policy document of the Planning Scheme and a Study adopted by Council.</p> <p>The pattern of the subdivision has regard to the physical characteristics of the land including existing vegetation with much consideration and negotiation having occurred to minimise the impact on native vegetation. Design of the lots location has also protected the drainage way and</p>

	<p>Urban Flood Zone areas which are present in the southwest corner of the site with no Lots being in this UFZ and Any proposed buildings and works have conditions which mean they will have to be located a minimum distance of 30 metres from the top of the bank of Ford Creek and Designated waterway shall have an effective waterway corridor/exclusion zone of 60 metres.</p>
<p><i>The density of the proposed development.</i></p> <p><i>The area and dimensions of each lot in the subdivision.</i></p> <p><i>The layout of roads having regard to their function and relationship to existing roads</i></p> <p><i>The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.</i></p> <p><i>The provision and location of reserves for public open space and other community facilities.</i></p> <p><i>The staging of the subdivision.</i></p> <p><i>The design and siting of buildings having regard to safety and the risk of spread of fire.</i></p> <p><i>The provision of off-street parking.</i></p> <p><i>The provision and location of common property.</i></p> <p><i>The functions of any owners corporation.</i></p> <p><i>The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.</i></p> <p><i>If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.</i></p>	<p>The density of the subdivision and the area and dimensions of the lots are deemed to be appropriate for the locality.</p> <p>They layout provides a new connection between Latkins Road and Dead Horse Lane and there is a road in the middle of the block which will connect to the Industrial Zoned land to the west where the Council Depot is currently located. The intersections with Midland Highway will help ease the expected increase in traffic which as a result of the additional subdivision.</p> <p>The subdivision is split into 4 stages which is deemed to be a practical method to develop the land.</p> <p>The development is to be fully connected to reticulate services.</p>
<p><i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i></p>	<p>Measures have been taken to protect as many trees as possible. There are also 60 building exclusion zones from the water way which</p>

<p><i>The impact the development will have on the current and future development and operation of the transport system.</i></p>	<p>traverse the site and this will protect the waterway and native vegetation which follows it.</p> <p>The impact of the proposal on transport is discussed in detail above and is deemed to be acceptable.</p>
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