

## MANSFIELD PLANNING SCHEME

### AMENDMENT C44

#### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Mansfield Shire Council which is the planning authority for the amendment.

#### Land affected by the amendment

The amendment applies to the Mansfield Station Precinct, being 12.9 hectares in area and described as Crown Allotment 59A, Parish of Mansfield ('the land'). The precinct forms the major western entrance to the Mansfield Township, located north of the Maroondah Highway, east of Withers Lane, west of Kitchen Street and south of private land to the east and west of the Stock route.

Significant features within the Mansfield Station Precinct are the trail head (commencement / finish) of the Great Victorian Rail Trail, the Mansfield Information Centre, aboriginal (Taungurung) interpretations / gathering space, the Mansfield Mullum Wetlands and a large historic display within the former railway station and associated buildings.

Under the Mansfield Planning Scheme, the land is zoned Public Park and Recreation, with the Heritage Overlay applying to two heritage places on the land (19, Sawdust kilns, towards the western end and 31, Station, goods shed, outbuildings and platform, towards the eastern end).



Mansfield Station Precinct to which this amendment applies

## What the amendment does

The amendment implements the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 by introducing an incorporated document *Mansfield Station Precinct* to allow a wider range of uses and developments without the need for a planning permit in the Public Park and Recreation Zone applying to the land.

The incorporated document will provide that any use or development of land under the Public Park and Recreation Zone that is not prohibited under Section 3 may be used without a planning permit, whether or not it is conducted by or on behalf of a public land manager subject to compliance with the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019.

Specifically, the amendment:

- Introduces the *Mansfield Station Precinct* as an incorporated document to the Mansfield Planning Scheme.
- Amends Clause 21.09 to include the plan as a reference document to the planning scheme and a new objective and strategic directions for the precinct to provide guidance for the use and development of the land.
- Amends the Schedule to Clause 36.02 (Public Park and Recreation Zone) to reference the incorporated document *Mansfield Station Precinct* being introduced under this amendment.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to reference the incorporated document *Mansfield Station Precinct* being introduced under this amendment.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment is required to provide additional policy weight and guidance for the Mansfield Station Precinct and additional controls for land use and development under the existing Public Purpose and Recreation Zone (PPRZ) applying to the precinct.

The inclusion of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 as a reference document to the planning scheme will give the adopted plan further strategic weight and provide the strategic framework for the full implementation of the plan in the scheme. A new objective under Clause 21.09, Mansfield township, will emphasise the strategic significance of the precinct, the importance of attracting further investment in and redevelopment and revitalisation of the precinct and the use of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 to guide future use and development in the precinct.

While the PPRZ best reflects the primary public and recreation uses of the land and should be retained, zone provisions require that some uses identified for the land in the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 cannot be conducted unless they are 'by or on behalf of the public land manager'.

The use of an incorporated document is provided for in the PPRZ, providing the flexibility to retain the present suitable zone over the precinct but also allow some widening of the scope of use and development proposed under the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019.

In addition to recreation uses, the adopted master plan identified additional preferred uses for the land of community activities, retail and café associated with a community hub, a food and beverage outlet, bike hire, shop and repair and functions and events. While all of these uses would not require a planning permit if they are conducted by or on behalf of a public land manager, they become prohibited if they are not conducted by or on behalf of a public land manager. As Mansfield Shire Council would not be directly conducting these additional uses and activities itself and intends to allow other organisations / entities to run them under sub-lease, they would become prohibited under present zone provisions. The proposed incorporated document allows them to be conducted by an entity other than a public land manager without a planning permit. Mansfield Shire Council would still retain management overview of these uses though conditions and management of any sub-lease for the operations.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land.
- Providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Conserving and enhancing those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- Protecting public utilities and other assets and enabling the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Balancing the present and future interests of all Victorians.
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels.
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.

This amendment supports these overall objectives of planning by:

- Protecting natural and man-made resources on the land.
- Securing and enhancing a quality living and recreational space for residents and visitors to Mansfield.
- Protecting and enhancing public spaces and infrastructure, including historic buildings and aboriginal heritage areas of cultural significance.
- Protecting and enhancing public infrastructure.
- Providing for appropriate development of community and tourism amenities.
- Facilitating business opportunities that complement the public use of the land for the benefit of the community.

## **How does the Amendment address any environmental, social and economic effects?**

### *Overall:*

The amendment and *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 ('the master plan') address and enhance environmental, social and economic features and effects of the land and Mansfield township generally. The Mansfield Station Precinct is located at the major western entrance to the Mansfield Township, on the northern side of Maroondah Highway.

The precinct has considerable significance for the Mansfield township from social (cultural), economic and environmental perspectives. This location provides a strong sense of arrival for the town, an important feature that will be enhanced with the implementation of the master plan and the amendment.

### *Environmental effects:*

The amendment and master plan will have positive environmental impacts, protecting and enhancing both the man-made and natural environment within the precinct. Actions identified for the implementation of the master plan include improvements to existing heritage buildings, the Mullum wetlands, rail trail, pedestrian connections to the town, adventure playground and Taungurung gathering space, all contributing to a sustainable future for the precinct. It is noted that the site is within an Open Potable Catchment, however as all buildings are connected to reticulated water and sewerage, there are no risks to downstream water quality.

### *Social effects:*

The amendment and master plan provide a range of significant positive social and community benefits through the enhancement of an existing cultural and community hub, provision of additional and expanded community activities (for example the operation of food premises, functions and events by appointed operators) and the establishment of guidelines for the future use and development of community infrastructure and tourism amenities.

The Amendment and master plan contribute to maintaining the valued character and rich heritage of Mansfield Shire, enhancing indigenous artefacts and history, facilitating increased local arts, producing cultural displays and enabling a wider range of community activities and active lifestyle opportunities in a vibrant and engaging setting.

### *Economic effects:*

The amendment and master plan will create positive economic and employment benefits through facilitating additional and complementary tourism and business opportunities within the precinct. The Amendment and master plan enhance an economic environment to stimulate economic activity and attract future investment, encouraging further redevelopment and revitalisation of the precinct over time. The amendment will improve the economic potential of the precinct by allowing uses that complement the public and recreation uses on the land to be conducted by private and community operators.

## **Does the Amendment address relevant bushfire risk?**

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The land forms part of the established Mansfield township with reticulated water supply and urban fire-fighting services. The Bushfire Management Overlay does not apply to the land, nor is the land part of the designated Bushfire Protection Area.

## **Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The amendment complies with all Minister’s Directions under Section 12 of the *Planning and Environment Act 1987*. Specifically, the amendment has considered and complies with the following Ministerial Directions:

- Ministerial Direction 11, Strategic Assessment of Amendments: The amendment has been strategically assessed and justified in accordance with this direction. The *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan, May 2019* forms the strategic assessment and justification for the amendment, outlining preferred future directions, uses and developments for the land. These outcomes were developed as a result of extensive community and agency consultation and complement the public land reservation and existing public zoning (Public Park and Recreation Zone) of the land.
- Ministerial Direction No. 15, The Planning Scheme Amendment Process: All process requirements to be met under the direction have been considered and met in the preparation of the amendment.
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

No other Minister’s Direction is directly affected by the amendment.

The proposed introduction of the *Mansfield Station Precinct* as an incorporated document to the Mansfield Planning Scheme complies with the guidance for incorporated documents under Planning Practice Note 23, *Applying the Incorporated Plan and Development Plan Overlays*, November 2018.

## **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF) of the Mansfield Planning Scheme, in particular:

### Clause 12.05, Significant Environments and Landscapes:

Clause 12.05-2S, Landscapes:

Objective:

- *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Strategies include:

- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*

### Clause 15.01, Built Environment:

Clause 15.01-1, Urban Design:

Objective:

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

Strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*

Clause 15.01, Heritage:

Clause 15.03-1S, Heritage Conservation:

Objective:

- *To ensure the conservation of places of heritage significance.*

Strategies include:

- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*

15.03-2S, Aboriginal cultural heritage:

Objective:

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Clause 17.02, Commercial:

Clause 17.02-1S, Business:

Objective:

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

Strategies include:

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*

Clause 19.02, Community Infrastructure:

19.02-6S, Open Space:

Objective:

- *To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.*

Strategies include:

- *Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.*
- *Ensure that open space networks:*
  - *Are linked, including through the provision of walking and cycling trails.*
  - *Are integrated with open space from abutting subdivisions.*
  - *Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.*
  - *Maintain public accessibility on public land immediately adjoining waterways and coasts.*
- *Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.*
- *Improve the quality and distribution of open space and ensure long-term protection.*
- *Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.*
- *Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.*
- *Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.*
- *Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.*
- *Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.*

#### 19.02-3S, Cultural facilities:

##### Objective:

- *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

#### 19.02-4S, Social and cultural infrastructure:

##### Objective:

- *To provide fairer distribution of and access to, social and cultural infrastructure.*

##### Strategies include:

- *Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.*
- *Ensure social infrastructure is designed to be accessible.*

#### State Planning Policy Framework (SPPF) summary:

The amendment supports and implements relevant sections of the SPPF through:

- Protection and enhancement of a significant landscape and open space area.
- Enhancement of the cultural identity and usage of the Mansfield station precinct and Mansfield township.
- Improvement and enhancement of the public realm of the Mansfield township.
- Enhancement of man-made, cultural and aboriginal heritage of the precinct and Mansfield township.
- Facilitation of an expanded and diversified range of commercial activities on the land.

- Improvement in the function and accessibility of an open space area.

The expanded usage of the precinct by commercial organisations and private operators complements the reservation, zoning and management of the land for public recreational purposes.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with, and gives effect to, the Local Planning Policy Framework (LPPF) of the Mansfield Planning Scheme, in particular:

#### 21.03, Settlement and Housing:

21.03-4, Entertainment, recreation and community facilities:

Objectives include:

- *To ensure that the provision of entertainment, recreation and community facilities respond to the current and future needs of residents and visitors to the Shire.*

Strategies include:

1.1 *Support access to a range of appropriate entertainment, recreation and community facilities where they are compatible with the needs, character and socio-economic profile of the local area.*

#### 21.04, Heritage and character:

Objective 1:

- *To ensure all known and potential heritage buildings and places are protected.*

Strategies:

Strategy 1.1: *Provide for the protection of built heritage.*

Strategy 1.2: *Encourage appropriate redevelopment of heritage sites to ensure they can be adapted for ongoing use.*

Objective 2:

- *To protect areas of Aboriginal heritage.*

Strategies:

Strategy 2.1 *Engage with the local Aboriginal community to identify areas and sites of cultural sensitivity.*

#### 21.07, Economic Development:

21.07-3, Tourism:

Objective 1:

- *To attract high quality tourism development that is conducive to the environmental attributes of the area and is empathetic to the character of the Shire.*
- *To minimise the negative impact that tourism can have on the built and natural environment.*

Strategies:

Strategy 1.1 *Development should be designed to be unobtrusive and ensure that current environmental and aesthetic values are retained and not degraded.*

Policies include:



- *Development should benefit the local economy by improving linkages between development, commercial operators and service providers.*
- *Tourism development should take into account the landscape features of the surrounding area and be sited and designed in a manner which complements the landscape character of the area.*

#### 21.09, Mansfield Township:

Objective 3, Settlement, Housing and Character:

- *To encourage development that respects the unique character and location of Mansfield Township and protects areas of natural, environmental, architectural and cultural significance.*

Strategies include:

*3.4 Ensure new development achieves high standards of urban design, architecture and landscape architecture.*

Objective 5, Economic Development and Employment:

- *To provide a sustainable business environment for retail and commercial businesses.*

Objective 7, Economic Development and Employment:

- *To continue to promote tourism based activities, accommodation and complementary land uses.*

Objective 9, Open space and recreation:

- *To provide a connected pedestrian and bicycle network through Mansfield Township.*

Strategies:

Strategy 9.1: *Improve linkages between open space reserves and key community facilities, such as schools through improved paths and trails, development of landscape themes and directional and information signage.*

Objective 10, Community services and facilities:

- *To provide a range of community and cultural facilities that are well connected and easily accessed by all members of the community.*

Inclusion of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 as a reference document to the planning scheme and introduction of new Objective 14, Station Precinct, Maroondah Highway, Mansfield, is proposed to be included under this amendment to provide further strategic weight for the plan and policy guidance for the precinct.

#### Local Planning Policy Framework (LPPF) summary:

The amendment supports and implements relevant sections of the LPPF through:

- Expansion and enhancement of recreation and community facilities and activities to meet the needs of both residents and visitors.
- Recognition, protection and enhanced use of built and aboriginal heritage within the precinct.
- Facilitation of an expanded and diversified range of tourism and commercial activities on the land.
- Enhancement of the vitality and character of the Mansfield township through the provision of a high quality, multi-functional urban space.
- Improvement in the function and accessibility of an open space area, reinforcing a linked pedestrian and bicycle path through the Mansfield township.

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions by providing new strategic directions under Clause 21.09 and updating schedules to Clauses 36.02 and 72.04 to reference an incorporated document being introduced into the planning scheme, to be used in conjunction with the applicable Public Park and Recreation Zone.

The approach to use an incorporated document in conjunction with the applicable zone is the most appropriate tool available under the Victorian Planning Provisions to widen the scope of uses and developments available for the land. The Public Park and Recreation Zone allows the use of an incorporated document to provide additional guidance and control for uses and developments on the land.

## **How does the Amendment address the views of any relevant agency?**

The views of all relevant agencies have been sought, both in the development of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 and in the preparation of this amendment. Specific agencies that have been engaged are the Department of Environment, Land, Water and Planning (DELWP), the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), VicRoads and the Taungurung Land and Waters Council, all agreeing to the intent of the plan and amendment.

As owner of the land, DELWP is a key agency for the land and amendment. DELWP has designated the land for *Preservation of relics and buildings, recreation, education and tourism* under the *Crown Land (Reserves) Act 1978*, licensing the land to Mansfield Shire Council to manage for these purposes. DELWP has confirmed that the proposed amendment is consistent with and implements the purposes of this reservation, therefore no additional change to the reservation is required.

All relevant agencies will be notified of the amendment as part of the exhibition period.

In addition to agency consultation, Mansfield Shire Council engaged a wide range of local stakeholder groups in the development of the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019. In addition to the general public, notification of the amendment will be given to all of these groups.

## **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

*Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?*

The amendment is not considered to have a significant impact on the transport system. While the Maroondah Highway, a main road, borders the southern side of the land subject to this amendment, any access will be limited and upgraded to cater for any increased traffic movements in accordance with any requirements from the Department of Transport. The amendment does not propose any rezoning or overlay changes that would affect the transport system.

While not affecting any main road, or responsibilities under the *Transport Integration Act 2010*, the *Mansfield Station Precinct Activation Project, Master Plan and Implementation Plan*, May 2019 has two positive actions for the local road network, administered by Mansfield Shire Council:

- The closure of 'The Stock Route' (which runs north – south through the land at a point adjoining the northern end of the land subject to this amendment. This closure (discontinuance) is being undertaken in conjunction with this amendment using procedures under the *Local Government Act 1989* (Schedule 10).
- Construction of a public car park (88 cars) in the northeastern corner of the land, with access off Kitchen Street.

*Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?*

There are no statements of policy principles applicable under section 22 of the *Transport Integration Act 2010*.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to place any increased resource or administrative burden on the responsible authority. The amendment will have a positive effect on Mansfield Shire Council resources and costs due to allowing a greater range of uses and developments on the land without the need for applications for planning permit. Adequate and efficient scrutiny of proposed uses and developments may be undertaken by Council though the issuing and administration of sub-leases to operators.

## **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Mansfield Shire Council  
33 Highett Street  
MANSFIELD

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

## **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 4 November 2021

A submission must be sent to:

Mansfield Shire Council  
Private Bag 1000  
MANSFIELD VIC 3724

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 7 February 2022
- panel hearing: 7 March 2022