

MANSFIELD PLANNING SCHEME

AMENDMENT C49

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Mansfield Planning Scheme, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to land to which the Development Plan Overlay (DPO) applies in various locations in Barjarg, Bonnie Doon, Goughs Bay, Mansfield, Merrijig, Merton, Sawmill Settlement and Tolmie.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment implements the *Mansfield Planning Scheme Development Plan Overlay Review*, May 2021 by reducing the application of the Development Plan Overlay and streamlining and simplifying the overlay schedules.

Specifically, the amendment proposes to:

Planning Scheme Maps:

Barjarg:

- Site 1: Delete the DPO5 from 4555, 4551 and 4553 Midland Highway, Barjarg, being the Barjarg commercial area on the eastern side of the Midland Highway (Map 2DPO).

Bonnie Doon:

- Site 8 (southern section): Delete the DPO3 from land on the eastern side of Barjarg – Glen Creek Road, Bonnie Doon, located northeast of Bonnie Doon (Map 6DPO).

Goughs Bay:

- Site 30: Delete the DPO2 from 35 Bayside Boulevard, Goughs Bay being the Goughs Bay Caravan Park (Map 21DPO).

Mansfield:

- Site 11: Delete the DPO3 from the Sunnyside Estate on the western side of Rifle Butts Road, Mansfield, located south of Mansfield (Map 9DPO).
- Site 12 (western section): Delete the DPO2 from the Kareen Hills Estate on the eastern side of Mansfield - Whitfield Road, Mansfield, located on the northern side of Mansfield (Maps 9DPO & 12DPO).
- Site 13: Delete the DPO2&3 from the Merinda Park Estate on the western side of Stoneleigh Road, Mansfield, located southwest of Mansfield (Maps 9DPO & 12DPO).

- Site 16 (northern section): Delete the DPO3 from land bounded by Maroondah Highway to the north, Beolite Village to the east, Malcolm Street to the south and Howes Creek Road to the west, Mansfield, located on the western side of Mansfield (Map 11DPO).
- Site 18 (western section): Delete the DPO2 from the developed section of the Stockmans Rise Estate on the eastern side of Withers Lane, Mansfield, located on the northwestern side of Mansfield (Map 11DPO).
- Site 21 (northern section): Delete the DPO1 from the developed section of the Red Gum Rise Estate, Redgum Drive, Avoca Court and Kerry Court, Mansfield (Map 12DPO).
- Site 22 (northern section): Delete the DPO1 from the Loyola Run Estate, Mansfield, located on the southeastern side of Mansfield – Whitfield Road and Dead Horse Lane (Map 12DPO).
- Site 23: Delete the DPO4 from the Bank Place area, Mansfield, located to the south of existing shops on the southern side of High Street (Map 12DPO).
- Site 24 (part of western section): Delete the DPO1 from 20-24, 36-48 and 56-62 Highton Lane, Mansfield, being land parcels with existing dwellings on the eastern side of Highton Lane (Map 12DPO).
- Site 25 (part of western section): Delete the DPO1 from 142-148 and part of 140 Highton Lane, Mansfield, being existing residential lots with frontage to Highton Lane within Lot A in the *Highton Manor Development Plan* (Map 12DPO).
- Site 26: Delete the DPO1 from 2-30 Greenway Lane and 265 Mt Buller Road, Mansfield, being land on the northeastern side of Mount Buller Road and Greenvale Lane (Map 12DPO).
- Site 27: Delete the DPO3 from the Dundas Court Estate, Dundas Court, Mansfield, located to the southeast side of Mansfield, on the northern side of Ogilvies Road (Map 12DPO).

Merrijig:

- Site 28: Delete the DPO1 from 2575-2663 Mount Buller Road, Merrijig, being land on the northern side of Mount Buller Road (Map 15DPO).

Merton:

- Site 3: Delete the DPO3 from both the northern and southern sides of Shaws Road, Merton, located on the western side of Merton (Map 4DPO).
- Site 4: Delete the DPO3 from 23 and 31 Old Strathbogie Road, Merton, located on the western side of Old Strathbogie Road, northeast of Merton (Map 4DPO).
- Site 6: Delete the DPO3 from 220 and 290 Merton - Strathbogie Road, Merton, located on the eastern side of Merton - Strathbogie Road, northeast of Merton (Map 4DPO).

Sawmill Settlement:

- Site 29: Delete the DPO1 from 28 and 28A Changue Road and 15 Alpine Ridge Drive, Sawmill Settlement, being land located east of Alpine Ridge Drive and west of Changue Road (Map 16DPO).

Tolmie:

- Site 2: Delete the DPO3 from 9-203 Ambrose Drive and 920-980 Tabletop Road, Tolmie, being land on the southern side of Tabletop Road (Map 3DPO).

Planning Scheme Ordinance:

- Amend Schedule 1 (*General Residential Zone and Mixed Use Zone*) to Clause 43.04, Development Plan Overlay, to retitle the schedule to *General Residential 1 Zone* and update and streamline permit and development plan requirements for residential development.
- Amend Schedule 2 (*Low Density Residential Zone*) to Clause 43.04, Development Plan Overlay, to update and streamline permit and development plan requirements for low density residential development.
- Amend Schedule 3 (*Rural Living Zone*) to Clause 43.04, Development Plan Overlay, to update and streamline permit and development plan requirements for rural living development.
- Delete Schedule 4 (*Southern side of High Street, Mansfield*) to Clause 43.04, Development Plan Overlay.
- Delete Schedule 5 (*Mixed Use Zone, Barjarg*) to Clause 43.04, Development Plan Overlay.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to reduce the application of the Development Plan Overlay and streamlining and simplifying the overlay schedules to guide the preparation and assessment of development plans to guide the future use, development, subdivision and servicing of land.

Specific proposals under the amendment are required as:

- Development Plan Overlay removal: The Development Plan Overlay is being removed from sites in the Barjarg, Bonnie Doon, Goughs Bay, Mansfield, Merrijig, Merton, Sawmill Settlement and Tolmie areas that are either already developed or no longer required to guide future use, development, subdivision and servicing.
- Schedules 1, 2 and 3: The three primary Development Plan Overlay schedules (1, 2 and 3 for residential, low density residential and rural living areas) are being revised to make the schedules more relevant and streamlined, including the provision of updated and simplified development plan requirements and exemptions from the need for development plan before a permit may be granted.
- Site specific provisions in Schedules 2 and 3: Site specific requirements are being removed from Development Plan Overlay Schedules 2 (Low Density Residential Zone) and 3 (Rural Living Zone) as these provisions have now either been met or are redundant, allowing proposed revised generic schedules to be applied and used.

- Schedules 4 and 5: Development Plan Overlay Schedules 4 and 5 are being deleted as these sites are now developed, making the schedules no longer relevant or required to be included in the planning scheme.

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.
- 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.

How does the amendment address any environmental, social and economic effects?

Environmental effects:

The amendment has fully considered environmental effects. The amendment will have no significant effect on the environment or the environment on the use or development envisaged in the amendment. The amendment proposes revision to Development Plan Overlay schedules to provide enhanced clarity and requirement for a range of environmental issues to be considered and environmentally significant land to be protected in the preparation of development plans.

Social effects:

The amendment is expected to have positive social benefits for landowners and Mansfield Shire generally. Positive social effects and benefits will accrue from the amendment through the removal of the Development Plan Overlay when it is no longer required, enhanced residential and rural living development options and provision of greater clarity on the assessments and considerations that are to be made in the preparation of development plans.

Economic effects:

The amendment is expected to have positive economic benefits for landowners and Mansfield Shire generally. Positive economic effects and benefits will accrue from the amendment through increased economic activity and residential development within and nearby established townships and settlements.

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 Bushfire Management Overlay only applies to sites 2, 3 (part), 4 (part), 5, 6 (part), 7 (part), 8 (part), 9, 10, 11 (part), 28, 29 and 30. While the Bushfire Management Overlay applies to this limited number of sites, the removal of a Development Plan Overlay does not preclude a comprehensive assessment of bushfire risk for proposals, a process that may be satisfactorily undertaken through a planning permit process for subdivision.

The amendment meets and gives effect to Clause 13.02-1S, Bushfire planning, with the objective:

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

The CFA will be notified of the amendment, allowing confirmation that the amendment proposal satisfactorily meets relevant bushfire risk.

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 to meet the requirements of this direction through the preparation and implementation of the report *Mansfield Planning Scheme Development Plan Overlay Review*, May 2021. The report provides the strategic and technical justification for the removal and refinement of the application and content of the Development Plan Overlay.
- 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. Development Plan Overlay schedules forming part of this amendment have been prepared in accordance with this direction.

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

The proposed changes in the amendment meet the guidelines and requirements outlined in 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?

Clause 11, Settlement:

▪ Clause 11.02, Managing Growth:

Clause 11.02-1S, Supply of urban land:

Objective:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.02-2S, Structure planning:

Objective:

To facilitate the orderly development of urban areas.

Clause 11.02-3S, Sequencing of development:

Objective:

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Clause 15, Built environment and heritage:

▪ Clause 15.01, Built environment:

Clause 15.013S, Subdivision design:

Objective:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

▪ Clause 15.03, Heritage:

Clause 15.03-1S, Heritage conservation:

Objective:

To ensure the conservation of places of heritage significance.

Strategies include:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *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.*

Clause 16, Housing:

▪ 16.01, Residential Development:

Clause 16.01-1S, Housing supply:

Objective:

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

Clause 16.01-3S, Rural residential development:

Objective:

To identify land suitable for rural residential development.

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

How does the amendment support or implement the Municipal Planning Strategy?

The amendment complies with and implements the Local Planning Policy Framework of the Mansfield Planning Scheme. In particular, the amendment implements:

Clause 21.03, Settlement and housing:

21.03-1, Settlement pattern and growth:

Objective 1: *To coordinate and manage the growth of Mansfield Township as focus of the majority of development.*

Objective 2: *To encourage diversity in housing choice.*

Strategy 2.3: *Prepare a development plan for new rural living development to ensure access, vegetation, fire risk, flooding risk, erosion risk and wastewater management are effectively managed.*

21.03-3, Rural living:

Objective 1: *To master plan new rural living estates based on an appropriate lot size.*

Strategy 2.2: *Subdivision should take into account the constraints and opportunities provided by the site as well as the infrastructure and servicing*

Clause 21.09, Mansfield township:

21.09-1, Overview:

Objective 3: *Settlement, housing and character.*

Strategy 3.2: *Use the Development Plan and Design and Development overlays and environmental buffer areas to ensure that new residential development does not disrupt or restrict existing or future viable agricultural, industrial, or rural activities.*

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions, in this case use of the Development Plan Overlay schedules and mapping to guide the future use, development, subdivision and servicing of land through the use of development plans. The Development Plan Overlay is the most appropriate planning scheme tool to facilitate and control this future guidance through the use of development plans.

How does the amendment address the views of any relevant agency?

Agencies of potential relevance to the amendment include Mansfield Shire Council (local roads, drainage and non-reticulated effluent disposal), VicRoads (arterial roads) and agencies providing infrastructure (primarily Goulburn Valley Water providing reticulated water and sewerage). The proposed revision of Development Plan Overlay schedules clarifies and improves the assessment of proposals for service provision and includes VicRoads requirements for the preparation and assessment of a Transport Impact Assessment Report for development plan proposals on arterial roads.

All relevant agencies will be directly notified of this amendment and will have an opportunity to make a formal submission to it.

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. The amendment does not propose new areas for rezoning that would affect the transport system. The amendment proposal to remove the Development Plan Overlay from several sites fronting arterial roads will not have any significant impact on the transport system as these areas are already developed with no additional access or transport considerations to be made. Future development plans prepared under the Development Plan Overlay would consider and implement transport requirements, as required and relevant.

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

The amendment will reduce resource and administrative costs. The amendment will reduce the need for development plans through removal of the Development Plan Overlay in some locations and provide a greater level of guidance for the future preparation of development plans in locations where the Development Plan Overlay will remain.

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.

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 [insert submissions due date].

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: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Barjarg	4555, 4551, and 4553, Midland Highway, Barjarg	2DPO
Bonnie Doon	Eastern side of Barjarg – Glen Creek Road, Bonnie Doon	6DPO
Goughs Bay	35, Bayside Boulevard, Goughs Bay	21DPO
Mansfield	Sunnyside Estate, western side of Rifle Butts Road, Mansfield	9DPO
	Kareen Hills Estate, eastern side of Mansfield - Whitfield Road, Mansfield	9DPO & 12DPO
	Merinda Park Estate, western side of Stoneleigh Road, Mansfield	9DPO & 12DPO
	Land bounded by Maroondah Highway to the north, Beolite Village to the east, Malcolm Street to the south and Howes Creek Road to the west, Mansfield	11DPO
	Developed section of Stockmans Rise Estate, eastern side of Withers Lane, Mansfield	11DPO
	Developed section of Red Gum Rise Estate, Redgum Drive, Mansfield	12DPO
	Loyola Run Estate, southeastern side of Mansfield – Whitfield Road and Dead Horse Lane, Mansfield	12DPO
	Bank Place area, south of High Street, Mansfield	12DPO
	20-24, 36-48, and 56-62, Highton Lane, Mansfield	12DPO
	142-148 and part of 140, Highton Lane, Mansfield, being land within the Highton Manor precinct with frontage to Highton Lane	12DPO
	2-30 Greenway lane and 265 on the northeastern side of Mount Buller Road and Greenvale Lane, Mansfield	12DPO
	Dundas Court Estate, Dundas	12DPO

	Court, Mansfield	
Merrijig	2575-2663, Mount Buller Road, Merrijig	15DPO
Merton	Northern and southern sides of Shaws Road, Merton	4DPO
	23 and 31, Old Strathbogie Road, Merton	4DPO
	220 and 290, Merton - Strathbogie Road, Merton	4DPO
Sawmill Settlement	28, 28A Changue Road and 15 Alpine Ridge Drive, east of Alpine Ridge Drive and west of Changue Road, Sawmill Settlement	16DPO
Tolmie	9-203 Ambrose Drive and 920-980, Tabletop Road, Tolmie	3DPO