

MANSFIELD PLANNING SCHEME

AMENDMENT C48mans

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to four highway approaches around the Mansfield township, outlined on the four (4) maps below, being:

- Approach 1: Maroondah Highway approach on the western side of Mansfield.
- Approach 2: Mount Buller approach on the eastern side of Mansfield.
- Approach 3: Midland Highway approach on the northern side of Mansfield.
- Approach 4: Mansfield Whitfield Road approach on the northern side of Mansfield.

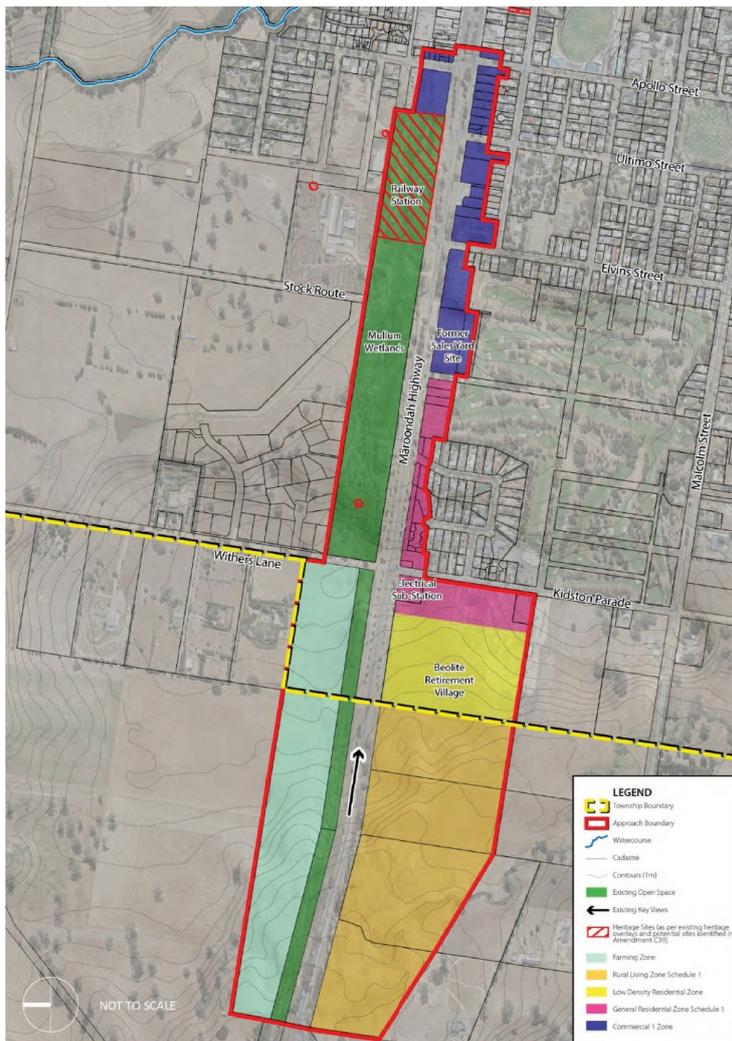


Figure 1 – Approach 1: Maroondah Highway (west) Approach

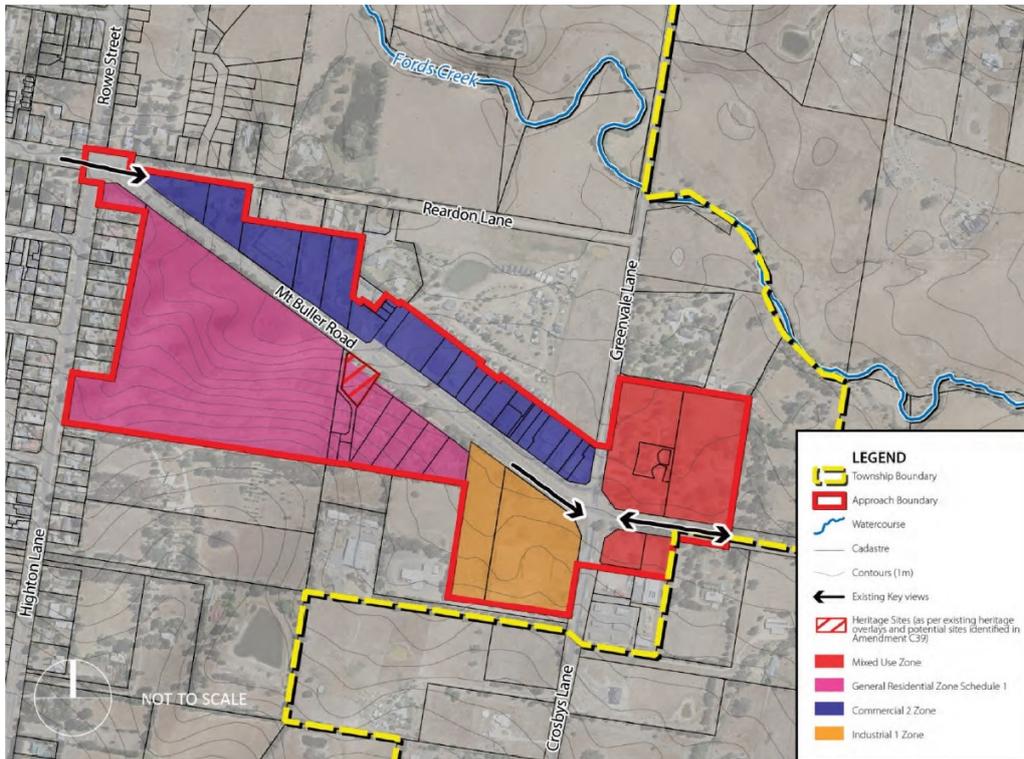


Figure 2 – Approach 2: Mount Buller Road (east) Approach

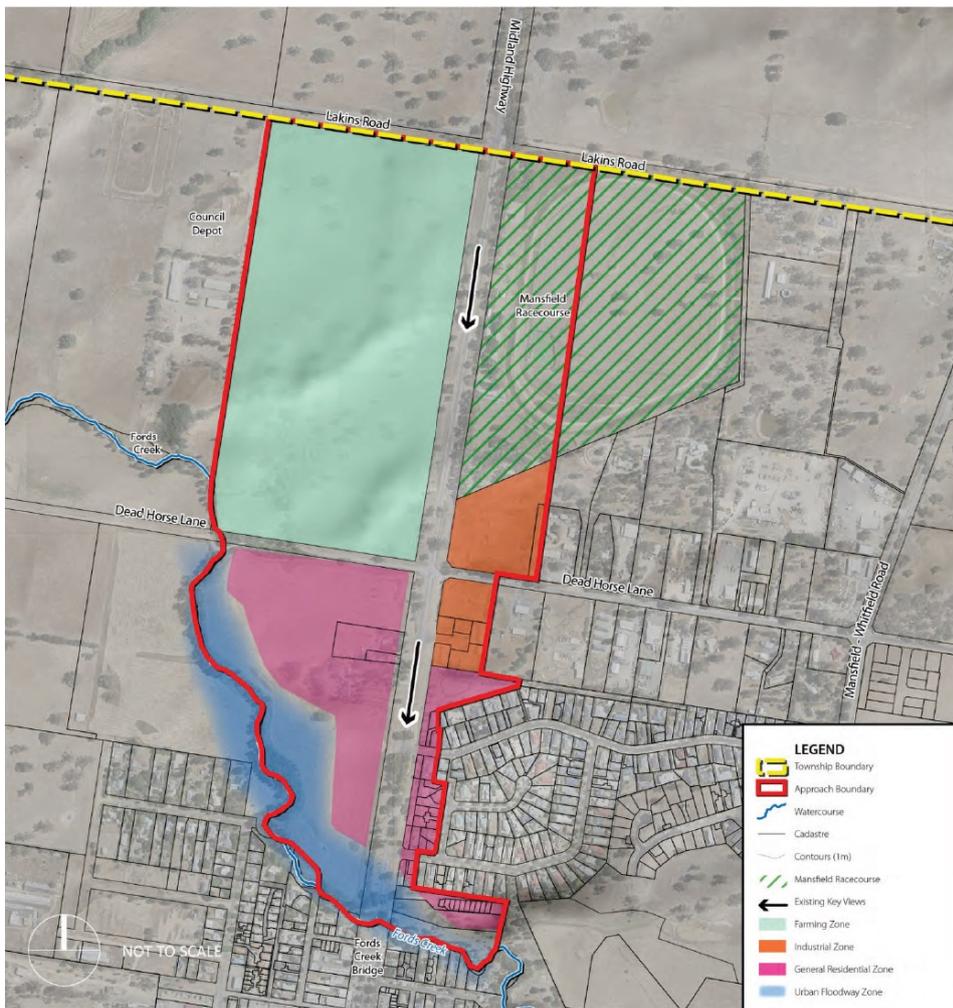


Figure 3 – Approach 3: Midland Highway (north) Approach

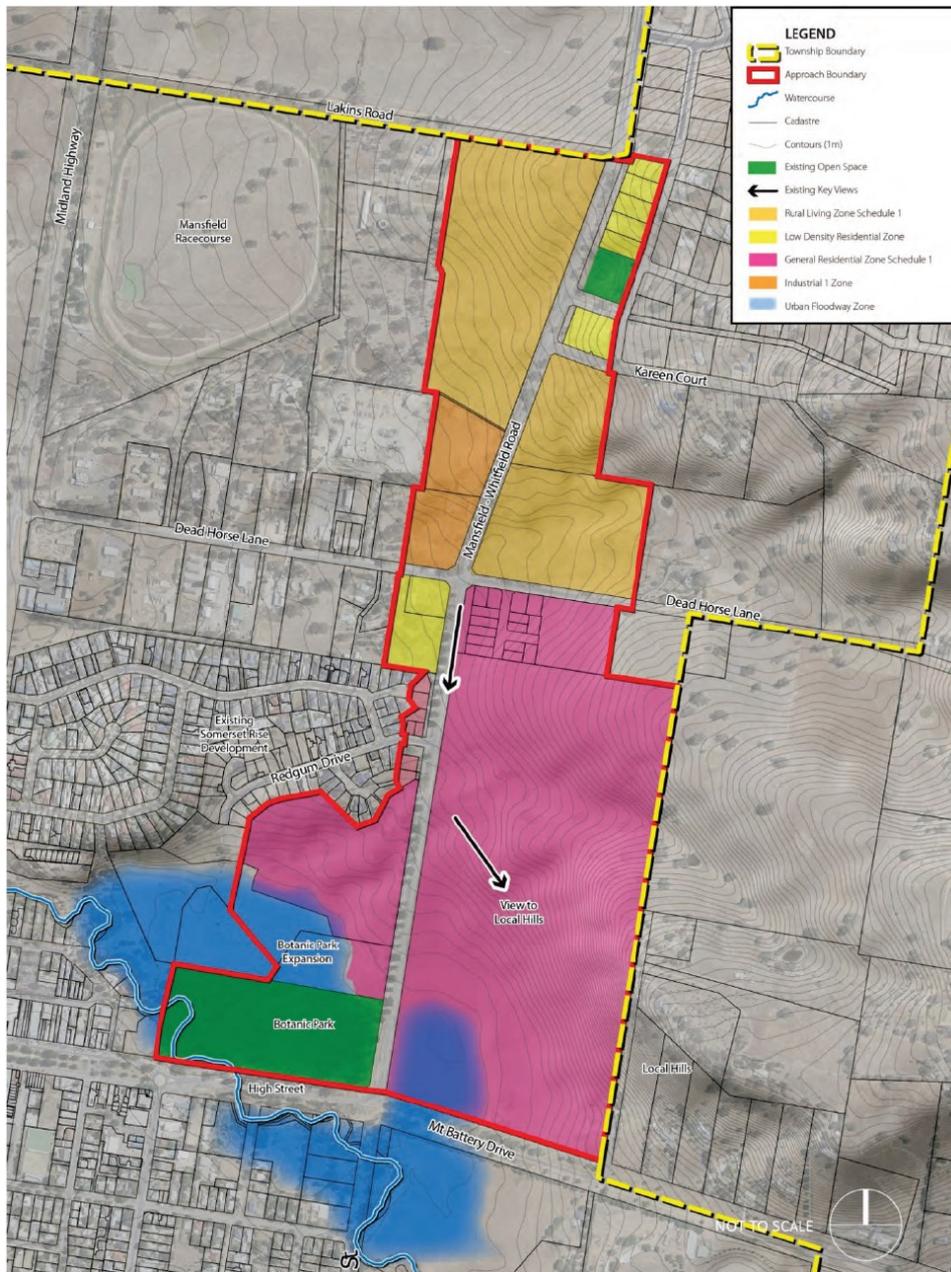


Figure 4 – Approach 4: Mansfield-Whitfield Road (north) Approach

What the amendment does

The amendment implements the *Township Approaches Planning Controls and Guidelines Study, Mansfield, June 2018* ('the study') by:

- Amending Clause 21.09, Mansfield Township.
- Amending Schedule 1 to the Design and Development Overlay, to now be retitled as *Mansfield Township Approach Guidelines - Mixed Use, General Residential 1, Low Density Residential and Rural Living Zones*.
- Introducing new Schedule 2 (*Mansfield Township Approach Guidelines - Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zones*) to the Design and Development Overlay.

- Applying the Design and Development Overlay 1 to applicable areas of Mixed Use, General Residential 1, Low Density Residential and Rural Living Zone (Planning scheme maps 11DDO and 12DDO and new Planning scheme map 9DDO).
- Applying the Design and Development Overlay 2 to applicable areas of Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zone (Planning scheme maps 11DDO and 12DDO).
- Amends the Schedule to Clause 72.03 What does this scheme consist of? to insert the new planning scheme map 9DDO.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement the *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018 with objectives to:

- Identify the preferred future character of the four (4) township approaches.
- Ensure future development makes a positive impact on the amenity and environment within the township approaches.
- Ensure future development within the four (4) township approaches have regard to their local context and reinforces the valued character of the township.
- Clearly define township approaches through built form and landscaping treatments within the private realm.
- Provide clear, logical and useful guidelines for all – including, but not limited to developers, residents, Council officers and Councillors.

Specific proposals under the amendment are required as:

- Clause 21.09, Mansfield Township: New objective 5 *Mansfield Township Approaches* and strategies is being added to include strategic directions (objective and strategies) from the study to form part of the strategic directions for the Mansfield township. As new objective 5 is being added, subsequent objectives (6-14 inclusive) are being renumbered.
- Schedule 1 (Mansfield Township Approach Guidelines - Mixed Use, General Residential 1, Low Density Residential and Rural Living Zones): Schedule 1 to the Design and Development Overlay is being amended to outline revised, specific design objectives and controls recommended in the study for the areas to which it applies. These applicable areas are substantially wider than the limited areas to which Schedule 1 presently applies.
- Schedule 3 (Mansfield Township Approach Guidelines - Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zones): New Schedule 3 to the Design and Development Overlay is required to outline specific design objectives and controls recommended in the study for the areas to which it applies.
- Planning scheme maps: Planning scheme maps 11DDO and 12DDO are being amended and new Planning scheme map 9DDO introduced into the planning scheme to apply either the Design and Development Overlay 1 to areas of Mixed Use, General Residential 1, Low Density Residential and Rural Living Zone to which it applies or the Design and Development Overlay 2 to areas of Farming, Urban Floodway, Industrial 1, Commercial 1 and Commercial 2 Zone to which it applies.

The township of Mansfield is set in the foothills of the Victorian High Country and is surrounded by picturesque countryside. The views to the surrounding area are highly valued by the residents of Mansfield and the visitors to the area alike. Development pressures in recent years has resulted in a gradual loss of the scenic value afforded to the surrounding area, especially along the four (4) main approaches to the township.

Strategic planning work was commenced in 2017 to investigate the recent development impacts to these four (4) main approaches and similarly seek community comment. Specifically, community input was sought to ensure that any proposed control would support the preferred character of the approaches.

This amendment follows on from extensive background research and strategic assessment. The established preferred character for the four (4) township approaches are protected and enhanced through the establishment of refinement of existing design and development controls that shape residential and commercial/industrial land uses.

The *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018 forms the basis for the preparation of two (2) schedules for the Design and Development Overlay that will bring into effect this project. Each has been prepared to reflect the different built form outcomes sought in relation to the residential and commercial/industrial areas within the Mansfield township approaches.

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:

This amendment seeks to introduce changes and pathways for further enhancement of the environmental values of the four (4) township approaches. The community consultation identified that the community places a high value on the established street tree planting along these corridors and an ongoing commitment to the further expanding this aspect of the existing character. Additions have been included within the two (2) schedules to the Design and Development Overlay that will result in an increase over time of mature canopy cover in both the private and public domains along the township approaches.

Social:

The community of Mansfield places a large social value on its unique township approaches. These corridors welcome all visitors to the region and form a key gateway to the Victorian High Country beyond. As such, the community and Council have sought to shape these corridors along a defined preferred character individual to each route. In developing these controls as a community, the residents of Mansfield have invested significant social capital into their vision for the area. This amendment takes this community vision and places a range of design and development controls around aspects to ensure that these corridors are shaped in the direction the community wishes for them to head, building further social cohesion and pride amongst the townships residents. Overall, this project has significant community social benefits.

Significant cultural and built heritage sites are located within the township approaches. The development controls contained within the two (2) Design and Development Overlays seek to conserve these sites or ensure that future development does not negatively impact on their value for future generations to enjoy.

Economic:

Tourism is a large contributor to the local economy, both through providing accommodation, services to the nearby ski fields, and through Mansfield's key location as a gateway to the wider Victorian High Country. The townships appeal to tourists is in part influenced by its historic and unique country town feel.

This amendment seeks to introduce changes to the Design and Development Overlay to protect and enhance this historic country town feel through the four (4) preferred character statements for the identified township approaches. These suggested changes have been proposed to support planning controls to enhance the overall amenity and tourist attractiveness of the town, with the potential to result in increased tourist visitor ship across a larger part of the year. The suggested changes have been prepared to be simple and effective and not be considered onerous to existing or future commercial or industrial uses, ensuring that appropriate businesses continue to remain attracted to these key movement corridors.

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. Suggested changes to the two (2) schedules to the Design and Development Overlay seek to guide future built form outcomes within urban areas, therefore bushfire risk will not be increased.

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 adopted *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018. The study provides the strategic and technical justification for the identification of the preferred character of the four (4) Mansfield township approaches, the application of additional strategic directions for highway entrances into Mansfield and the application of the Design and Development Overlay to these areas.
- 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.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

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

Clause 11.03, Planning for Places:

The foothills to the Victoria High Country are a distinctive landscape, which are visible surrounding the Mansfield township. The views to these foothills are a distinctive aspect of the approach to the township and form a key highlight of residents and visitors. This amendment seeks to protect these views by limiting buildings and developments that detract from this character along the four (4) key approach routes to the town.

Clause 14.02, Water:

Urban stormwater run-off poses a significant risk to the natural watercourses that flow through Mansfield. Improving the way water is managed along the township approaches was identified as a concern through the community consultation process, with development controls included to incorporate Water Sensitive Urban Design measures into future development. These measures are developed in a manner that seeks to achieve improved water management outcomes whilst enhancing the overall built form character.

Clause 15.01, Built Environment:

The main objective of this amendment and the background work undertaken to support the process is to '*Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate*'. The amended two (2) schedules for the Design and Development Overlay identify the preferred character for the four (4) township approaches and identify the specific development controls required to ensure that this character is protected and enhanced for future generations.

A focus has been placed on the impacts that signage has on the amenity of the township approaches as well as the safe operation of the main roads connecting the towns to the surrounding area.

Clause 15.03, Heritage:

The four (4) township approaches contain a number of key heritage sites that were vital to the development of Mansfield and tell the story of the township's past. The building and development controls further seek to protect these sites, maintaining these features curtilage so that their stories can continue to be told.

17.04, Tourism:

Mansfield is renowned as a tourist destination and as a gateway to the Victorian Alps. The town is an attractive place, characterised by its country feel and historic significance. The four (4) township approaches form a key aspect of creating the European feel as visitors enter the town. By supporting the preferred character for these corridors with a suite of improved controls to protect and enhance this prevailing character, the township will be able to further enhance and protect its unique regional character.

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

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

Clause 21.04, Heritage and Character:

This amendment directly aids in the implementation of Clause 21.04 and Clause 21.04-3, by the "...*revis[ion of] the existing Design and Development Overlay for the alpine approaches/gateways to broaden its application*" and to "[p]repare an advertising signs policy for the Mansfield Shopping centre and its key gateways/alpine approaches". The *Mansfield Design Guidelines, June 2018* was undertaken to address this identified strategic work. This amendment seeks to revise the existing schedule to the Design and Development Overlay, whilst also incorporating an advertising signs policy into the development controls contained within Schedule 2 to the Design and Development Overlay.

The key focus of this work is the protection and enhancement of character as detailed in Clause 21.04-2. Specific focus is placed on the Maroondah Highway and Mount Buller Road entrances, which form the main routes into Mansfield. The main focus of this body of work has been undertaken to achieve the aim that "*Linear development along the major routes into and out of the Mansfield Township should be sensitive to role that the town plays as an "Alpine Approach"*".

Other strategies:

In addition to Clause 21.04 above, this amendment implements and supports the following clauses of the Municipal Strategic Statement:

- Clause 21.01 Municipal Profile, by aiding in the protection of the Alpine approaches as major transport and tourism routes whilst also protecting sensitive and environmentally valuable landscapes.
- Clause 21.05 Environmental and Natural Resource Values, by protecting and enhancing views to the significant landscape features of the surrounding area, including "*the alpine vista to Mount Buller and Mount Stirling is of state significance and requires protection from inappropriate development*".
- Clause 21.07 Economic Development, by contributing to the maximisation of tourist visitation while maintaining the attributes that attract tourists. It is also noted that development controls included have been developed to not hinder the development of key industrial land located with the township approach corridors.
- Clause 21.08 Transport and Infrastructure, by not hindering any of the roads from their primary function as a transport corridor.

- Clause 21.09 Mansfield, by aiding in the facilitation of a number of objectives relating to the built form improvement of the Mansfield Township. Additional strategies for the Mansfield highway approaches are proposed to be included in this clause under this amendment.

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

The amendment makes proper use of the Victoria Planning Provisions by applying the Design and Development Overlay, the overlay being the best mechanism to implement the development controls devised to protect and enhance the preferred character of the township approaches. Proposed amendments to Clause 21.09, Mansfield township, reflect the policy guidance and recommendations of the adopted *Township Approaches Planning Controls and Guidelines Study, Mansfield*, June 2018.

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

External agencies have not been consulted directly in the preparation of the amendment, which intends to enhance Mansfield Shire Council's ability to protect and enhance the preferred character of the four (4) township approaches. Proposed controls are not expected to impact how relevant agencies achieve their individual requirements.

VicRoads was consulted in the preparation of the guidelines and has relevance to the amendment due to arterial roads (zoned Road 1) lying adjacent to both private and public land. 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 purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. This vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport, land use, efficiency, coordination and reliability, safety, and health and wellbeing. This amendment is consistent with these objectives by maintaining a movement network promoting health, wellbeing and opportunity for passive recreation. Given the outcomes intended by this amendment, the impact of any future development regarding traffic on the surrounding road network will be minimal.

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 or specific requirements applicable under Section 22 of the *Transport Integration Act 2010* that apply to this amendment.

Resource and administrative costs

This amendment is expected to have minimal impact on the resource and administrative costs of the responsible authority.

The proposed amendment will likely increase the requirements that an applicant within the Design and Development Overlay areas will need to address as part of a planning permit application. The amendment however will provide clear direction, certainty, and parameters for development, which is expected to assist in improved decision making, reduction in time frames for determining decisions and clearer direction for new development within the designed township approaches.

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

And on Council's website at www.mansfield.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <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 **24 October 2021**.

A submission must be sent to:

Mansfield Shire Council
Private Bag 1000
MANSFIELD VIC 3724
council@mansfield.vic.gov.au

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: 17 January 2021
- panel hearing: 21 February 2021