

## **MANSFIELD PLANNING SCHEME**

### **AMENDMENT C51**

#### **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 various sites in the Mansfield and Bonnie Doon townships.

##### **What the amendment does**

The amendment implements the *Mansfield Commercial and Industrial Land Use Strategy, 2021* ('the strategy') by:

- Amending Clause 21.07, Economic Development.
- Amending Clause 21.09, Mansfield Township.
- Amending the Schedule to Clause 34.01, Commercial 1 Zone.
- Introducing Schedule 4 (*Industrial 1 Zone*) to Clause 43.04, Development Plan Overlay.
- Amending the Schedule to Clause 72.08, Background Documents.
- Rezoning parcels of land in the Bonnie Doon township area as follows:
  - Rezone 1621 – 1625 and 1627 (part) Maroondah Highway, Bonnie Doon from Commercial 1 to General Residential 1;
  - 1738 Maroondah Highway, Bonnie Doon (Bonnie Doon Hotel) from Farming to Commercial 1(Planning scheme map 7zn).
- Rezoning parcels of land in the Mansfield township area as follows:
  - Rezone 16 Stock Route from Industrial 1 to General Residential 1;
  - Rezone 175 Dead Horse Lane from Farming to Industrial 1;
  - Rezone 264 - 282 Dead Horse Lane from Low Density Residential to Mixed Use;
  - Rezone 5 – 17 Crosbys Lane from Mixed Use to Commercial 2.(Planning scheme maps 9, 11 and 12zn).
- Applying the Development Plan Overlay 4 to 175 Dead Horse Lane and 141 Lakins Road, Mansfield (Planning scheme maps 9DPO, 11DPO and 12DPO).
- Applying the Environmental Audit Overlay to 16 Stock Route, Mansfield (Planning scheme map 11EAO).

##### **Strategic assessment of the amendment**

## Why is the amendment required?

The amendment is required to implement the adopted recommendations of the *Mansfield Commercial and Industrial Land Use Strategy, 2021* to secure, strengthen and diversify the economic and employment base of Mansfield Shire.

Specific proposals under the amendment are required to reflect the adopted strategy as follows:

- Clause 21.07, Economic Development:

Clause 21.07 is being amended to revise commercial and industrial issues, objective and strategies.

- Clause 21.09, Mansfield Township:

Clause 21.09 is being amended to revise commercial and industrial objectives and strategies for the Mansfield township (three different precincts) and revise the Mansfield Township Framework Plan.

- Clause 34.01, Commercial 1 Zone schedule:

The Schedule to the Commercial 1 Zone is being amended to identify various land parcels in High, Curia, Nolan and Baldry Streets, Mansfield where a planning permit is required for a shop in all instances, i.e. above 0 square metres in area. This proposal reflects the position in the adopted strategy to require consent for all retail use in non-main road locations to discourage retail use with a preference 'for commercial office uses for single enterprises as well as health care, education and recreation uses'.

- Schedule 4 (*Industrial 1 Zone*) to Clause 43.04, Development Plan Overlay:

New Schedule 4 (*Industrial 1 Zone*) is being introduced into the Mansfield Planning Scheme to allow a development plan process to be applied to selected areas of Industrial 1 Zone to guide the future use, development and subdivision of land.

- Schedule to Clause 72.08, Background Documents:

The Schedule is being amended to include the *Mansfield Commercial and Industrial Land Use Strategy, 2021* as a background document to the Mansfield Planning Scheme.

- Bonnie Doon township area rezoning:

Land in Maroondah Highway is being rezoned from Commercial 1 to General Residential 1 to reflect the current predominant residential use of the land. The Bonnie Doon Hotel is being rezoned from Farming to Commercial 1 to reflect the commercial use of the land.

- Mansfield township area rezoning:

- Rezone 16 Stock Route from Industrial 1 to General Residential 1;
- Rezone 175 Dead Horse Lane from Farming to Industrial 1;
- Rezone 264 - 282 Dead Horse Lane from Low Density Residential to Mixed Use;
- Rezone 5 – 17 Crosbys Lane from Mixed Use to Commercial 2.

Various land parcel in Mansfield township are being rezoned to General Residential 1, Industrial 1, Mixed Use and Commercial 2 to reflect the predominant and preferred long term use of the land.

The proposed rezoning of 175 Dead Horse Lane from Farming to Industrial 1 will provide an area for the expansion of industrial use and development. The proposed rezoning of 5 – 17 Crosbys Lane from Mixed Use to Commercial 2 reflects the long term use of the Mount Buller Road for highway commercial uses, rather than mixed residential and commercial uses.

- Development Plan Overlay 4 - 175 Dead Horse Lane and 141 Lakins Road, Mansfield:

The Development Plan Overlay 4 is being applied to the land to allow a development plan process to be required to guide the future use, development and subdivision of land (which may include road linkages between both land parcels) prior to any specific planning permits being granted for the land.

- Environmental Audit Overlay - 16 Stock Route, Mansfield:

The Environmental Audit Overlay (EAO) is being applied to the land as the land has formally been used as a sawmill and is now being rezoned to General Residential 1. The EAO provides that prior to the use of the land for a sensitive use, an environmental audit and if required, remediation, is undertaken.

### **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 only proposes a limited range of rezoning of land and application of overlays. The proposed schedule 4 (Industrial 1 Zone) to the Development Plan Overlay and application of this overlay to 175 Dead Horse Lane and 141 Lakins Road, Mansfield will place a requirement for a range of environmental issues to be considered and protected in the preparation of development plans. The application of the Environmental Audit Overlay to 16 Stock Route, Mansfield (proposed to be rezoned from Industrial 1 to General Residential 1) will ensure that the land is assessed, and if required remediated, prior to any future residential use of the land.

**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 enhanced economic activity and employment for residents and tourists, increased liveability in the Mansfield town centre and improved well-being generally within the municipality. Improved social outcomes will be also result from the correct zoning of parcels of land that are presently incorrectly zoned to reflect the primary use of the land.

**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 enhanced commercial and industrial economic activity and employment and the ability to grown these sectors in the future.

**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 affected by this amendment forms part of the established Mansfield and Bonnie Doon townships, both supplied with reticulated water and urban fire-fighting services. The Bushfire Management Overlay, reflecting higher bushfire risk, does not apply to any of the land directly affected by this amendment.

**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 *Mansfield Commercial and Industrial Land Use Strategy* 2021. The study provides the strategic and technical justification for the application of additional strategic directions for commercial and industrial areas in Mansfield Shire and the rezoning of land and application of planning scheme overlays in the Bonnie Doon and Mansfield townships.
- 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 changes in the amendment meet the guidelines and requirements outlined in Practice Note 23, *Applying the Incorporated Plan and Development Plan Overlays*, November 2018.

The proposed application of the Environmental Audit Overlay to 16 Stock Route, Mansfield meets the guidelines and requirements outlined in Practice Note 30, *Potentially Contaminated Land*, July 2021.

### **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 17, Economic development:

- 17.01, Employment:

- 17.01-1S, Diversified economy:

Objective:

*To strengthen and diversify the economy.*

Strategies include:

*Protect and strengthen existing and planned employment areas and plan for new employment areas.*

- 17.02, Commercial:

- 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.*

- 17.03, Industry:

- 17.03-1S, Industrial land supply:

Objective:

*To ensure availability of land for industry.*

Strategies include:

*Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*

- 17.04, Tourism:

- 17.04-1S, Facilitating tourism:

Objective:

*To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

### **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 21.07, Economic development:

The amendment supports the general strategic directions of Clause 21.07 to provide adequate commercial, retail and industrial development land and opportunities. While the existing objective and strategies to provide sufficient commercial and industrial land to meet demand is being retained, a new objective and strategies are being added under the amendment to include recommendations of the adopted strategy to strengthen and support existing and future commercial and industrial use and development.

#### Clause 21.09, Mansfield township:

The amendment supports the general strategic directions of Clause 21.09 to provide adequate commercial and industrial development land and opportunities in Mansfield township. Existing commercial and industrial objectives and strategies are being replaced under the amendment to include recommendations of the adopted strategy, outlining objectives and strategies by each of the three major precincts for the town (Mansfield town centre, Mount Buller Road precinct and Dead Horse Lane / Lakins Road precinct).

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

The amendment makes proper use of the Victoria Planning Provisions by rezoning land and applying the Development Plan Overlay (DPO) to a future industrial area of the northern side of the Mansfield township. These actions are the most suitable mechanisms to achieve the recommendations of the *Mansfield Commercial and Industrial Land Use Strategy 2021*. The DPO is the best mechanism to provide an assessment and outline of future development and servicing. Proposed amendments to Clauses 21.07, Economic development, and 21.09, Mansfield township, reflect the policy guidance and recommendations of the adopted strategy.

### **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 implement the *Mansfield Commercial and Industrial Land Use Strategy*. The proposed rezoning and policies are not expected to impact how relevant agencies achieve their individual requirements. Only one significant area is proposed to be rezoning, being 175 Dead Horse Lane, and this is accessed from Council Roads predominantly. Any application for development will be required address the requirements of the relevant authorities. It is also considered that the Development Plan Overlay proposed for this area will give due consideration to the development of these areas.

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 mostly proposes to rezone smaller parcels of land from one urban zone to another, an action that will not affect the intensity of use or functioning of the transport system.

The amendment does propose to rezone a larger parcel of land adjoining the Midland Highway, that is land at 175 Dead Horse Lane, from Farming to Industrial 1, allowing a more intensive future use and development of land. In this case, the Development Plan Overlay 4 is also being applied to the land, requiring a development plan to be prepared prior to any subdivision or development on the land. This development plan process will require the preparation of a traffic impact assessment report, a process that will allow full consideration of impacts on the main road network, minimisation of impact on the transport system (e.g. with a requirement for a single point of access or use of service road) and any required upgrading of road infrastructure that may be required as a result of the proposed use and development of the land.

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 as 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.

Although the proposed amendment will increase resource requirements for the preparation of development plans on land where the Development Plan Overlay is being applied, future timelines and processes for future applications for planning permit will be reduced and streamlined. The amendment however will provide improved decision making, reduction in time frames for determining decisions and clearer direction and more certainty for new use and development within zoned industrial and commercial areas.

## **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 **[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]**