

# MANSFIELD PLANNING SCHEME

## AMENDMENT C59MANS

### EXPLANATORY REPORT

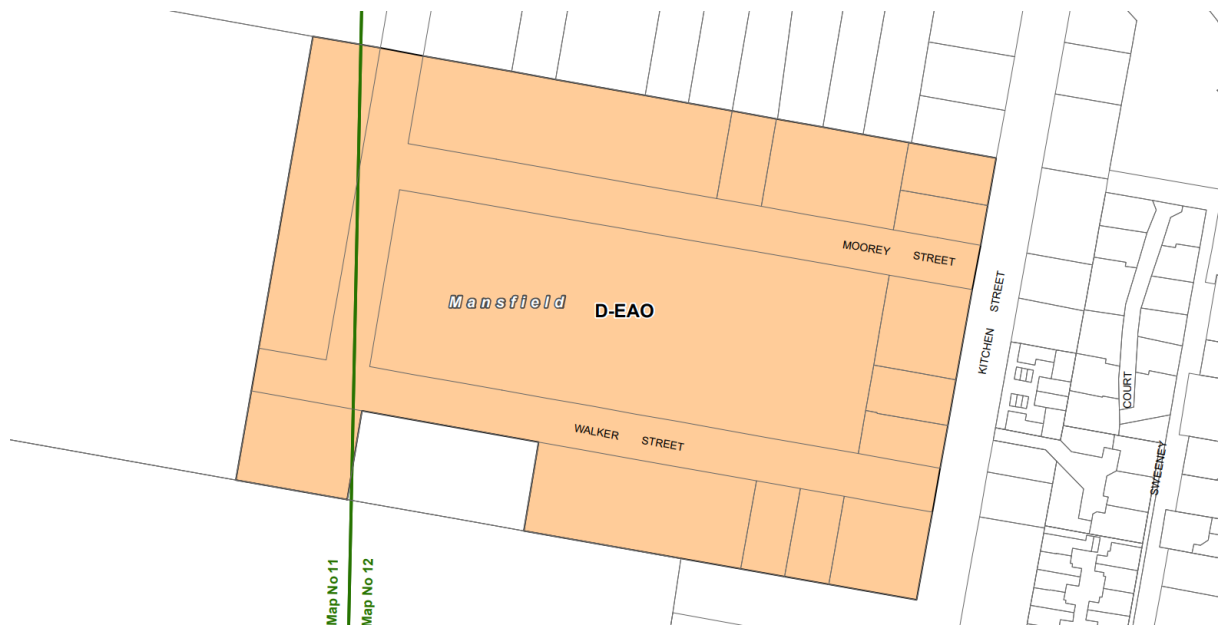
#### Who is the planning authority?

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

The amendment has been made at the request of Breaker Brothers Pty Ltd.

#### Land affected by the amendment

The amendment applies to various lots within Moorey and Walker Street, Mansfield shown within the below map. The title particulars are also listed below.



Lot 1 TP950206 Lot 15 LP2044, Lot 16 LP2044, Lot 17 LP2044, Lot 20 LP2044, Lot 21 LP2044, Lot 22 LP2044, Lot 23 LP2044, Lot 24 LP2044, Lot 29 LP2044, Lot 30 LP2044, Lot 31 LP2044, Lot 32 LP2044, Lot 34 LP2044, Lot 35 LP2044, Lot 44 LP2044, Lot 57 LP2044, Lot 58 LP2044, Lot 66 LP2044, Lot 67 LP2044, Lot 68 LP2044, Lot 69 LP204, Lot 70 LP2044, Lot 71 LP2044, Lot 72, LP2044, Lot 1 PS407669, Lot 1 TP100163, Lot 1 TP100164, Lot 1 TP100165, Lot 1 TP100166, Lot 1 TP100167, Lot 1 TP100168, Lot 1 TP100169, Lot 1 TP100170, Lot 1 TP114204, Lot 1 TP114205, Lot 1 TP114206, Lot 1 TP114207, Lot 1 TP134530, Lot 1 TP950203, Lot 2 TP950206, Lot 1 TP123868, Lot 1 TP143633, Lot 1 TP849872, Lot 2 TP849872, Lot 3 TP849872, Lot 1 PS704285, Lot 2 PS704285, Lot 1 LP146466, Lot 2 LP146466, Lot 1 PS407670, Lot 2 PS407670, Lot 1 PS407669, Lot 2 PS407669,

#### What the amendment does

The amendment deletes the Environmental Audit Overlay from overlay maps 11 and 12 within the Mansfield Planning Scheme.

#### Strategic assessment of the amendment

### **Why is the amendment required?**

The amendment is required to remove a redundant planning ordinance, applying to land that has been issued a certificate of environmental audit. It is required to correct the planning scheme so that unnecessary permit requirements are removed from properties where the current overlay is inappropriate.

The Environmental audit overlay requires that an application for a sensitive use on the land to which the EAO applies must first have a certificate of environmental audit stating that the potentially contaminated land is appropriate for the proposed use. This certificate has been issued, making the current planning control redundant.

The amendment removes the Environmental Audit Overlay from the land. The requirement of the EAO has been satisfied by way of a Statement having been issued by an auditor in accordance with Part IXD of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the sensitive use.

Removing this overlay will remove administrative burden from the Responsible Authority and give landowners certainty that their land is uncontaminated and suitable for future residential development within the centre of Mansfield Township.

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

The amendment implements the objectives of the Act in section 4(1):

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

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

The amendment will not enable anything not already allowed under the Mansfield Planning Scheme as it proposes only to remove a redundant planning control. The amendment will have positive social and economic outcomes by removing the need for unnecessary planning permits for the development of land which is a cost to proponents of development and the Council.

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

The amendment meets the objectives in Clause 13.02 by:

- Directing development to low-risk fire locations within Mansfield Township
- Decreasing the bushfire risk within Mansfield Township by facilitating the development of a currently vacant site.

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

The amendment is in accordance with the duties of the Responsible Authority, having regard to the objectives of planning within Victoria and current relevant ministerial directions:

Direction 11, for form and content of planning schemes:

The amendment proposes no ordinance changes to the Mansfield Planning Scheme, only the removal of the EAO from relevant sites.

Direction 19 for potentially contaminated land:

The amendment contains two supporting documents to meet the requirements of this direction, including the *Environmental Audit Report, Former Timber Mill and Surrounding Properties, Mansfield, Kirsa Environmental Report Ref 6114, 18 January 2019* and a *Certificate of Environmental Audit, Former Timber Mill & Surrounding Properties, 18 January 2019*.

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

The amendment reduces red tape within supports the Planning Policy Framework:

- To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

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

The amendment does not alter the Municipal Planning Strategy.

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

The amendment deletes planning controls where they are inappropriate.

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

The relevant agency for this amendment is the Environmental Protection Agency, who will be consulted prior to a request for Authorisation with the Minister for Planning.

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

The Transport and integration Act, 2010 is not applicable to this amendment.

**Resource and administrative costs**

The amendment will reduce resource and administrative costs by removing the requirement to consider a permit under the EAO where the *Certificate of Environmental Audit. Former Timber Mill & Surrounding Properties, 18 January 2019* states that it is no longer required. This reduces unnecessary permit applications and referral requirements under the EAO.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Mansfield Shire Council website at [engage.mansfield.vic.gov.au](http://engage.mansfield.vic.gov.au)

or

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

33 Highett Street Mansfield

The amendment can also be inspected free of charge at the Department of Transport and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

**ATTACHMENT X - Mapping reference table**

Location	Land /Area Affected	Mapping Reference
Mansfield Township	Land Bound by Moorey Street and Walker Street	Mansfield C059 11eao and 12eao Map Exhibition

*Planning and Environment Act 1987*

**MANSFIELD PLANNING SCHEME**

**AMENDMENT C58**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Mansfield Shire Council.

The Mansfield Planning Scheme is amended as follows:

**Planning Scheme Maps**

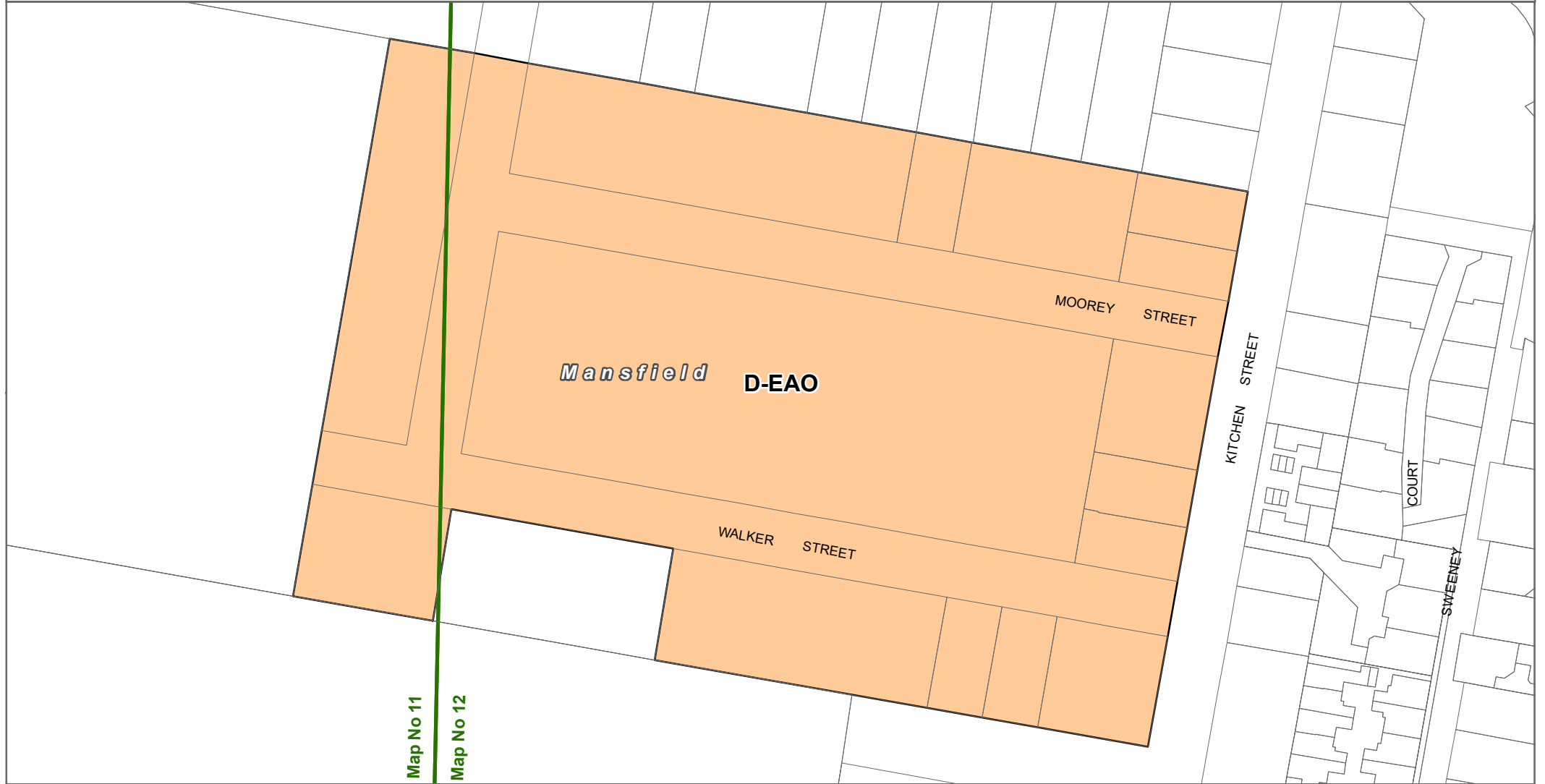
The Planning Scheme Maps are amended by a total of 1 attached map sheets.

***Overlay Maps***



1. Delete Planning Scheme Map No.11 and 12 EAO in the manner shown on the attached map marked "Mansfield Planning Scheme, Amendment C58mans".

End of document

# MANSFIELD PLANNING SCHEME - LOCAL PROVISION AMENDMENT C58mans



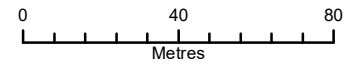
**LEGEND**

-  D-EAO - Area to be deleted from an Environmental Audit Overlay
-  Local Government Area

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Planning Group  
 Print Date: 25/01/2023  
 Amendment Version: 1



Part of Planning Scheme Maps 11EAO & 12EAO



Department of Transport and Planning

