

## **MANSFIELD PLANNING SCHEME**

### **AMENDMENT C55mans**

#### **EXPLANATORY REPORT**

#### **Overview**

This amendment proposes to rezone land in Redgum Drive Mansfield from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Flood Overlay and Land Subject to Inundation Overlay.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Mansfield Shire Council website at <https://www.mansfield.vic.gov.au/Home>

And/or

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

33 Highett Street, Mansfield Victoria 3722

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

#### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by **5 November 2023**.

A submission must be sent to: [strategic.planning@mansfield.vic.gov.au](mailto:strategic.planning@mansfield.vic.gov.au) or 33 Highett Street Mansfield, Victoria 3722.

#### **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: 11 December 2023
- panel hearing: 12 February 2024

## **Details of the amendment**

### **Who is the planning authority?**

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

The amendment has been made at the request of Summerset Holdings Pty Ltd.

### **Land affected by the amendment**

The amendment applies to part of the Redgum Rise Estate on Mansfield – Whitfield Road, being part of Lot A, PS 730533R. More specifically, the amendment applies to parts of Stages 11 and 12 of the Redgum Estate included under proposed Plan and Subdivision Nos 847758N and 847759L. The amendment also affects 111 Mansfield Whitfield Road.

Map below shows the details of all the land affected by this amendment.



### **What the amendment does**

The amendment rezones land at Redgum Drive, Mansfield to recognise changes in the AHD flood levels due to earthworks undertaken for the approved development of Redgum Drive. The amendment will change the land from Urban Floodway Zone to General Residential Zone Schedule 1 as the land is no longer prone to significant flooding and allows for residential development.

Specifically, the amendment makes the following changes:

#### **Zoning Maps**

- Amends Planning Scheme Map No.12 to rezone land at Redgum Drive Mansfield from Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1).

#### **Overlays Maps**

- Amends Planning Scheme Map Nos. 12FO and 12LSIO to apply the Flood Overlay and Land Subject to Inundation Overlay to parts of Redgum Drive Mansfield that are still affected by flooding.

## **Strategic assessment of the amendment**

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

The amendment is required to allow for the subdivision of the land for residential purposes, which is consistent with the existing approved Planning Permit (P0221C/08). The land has already been filled and partially developed for residential purposes in accordance with the permit.

To enable further stages of the development to be completed, the land needs to be rezoned from the Urban Floodway Zone (UFZ) to the General Residential Zone 1 (GRZ1) and have the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) applied to areas still affected by flooding. This will provide an appropriate planning control framework and allow for residential development while still managing flood risk.

### **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(1) of the *Planning and Environment Act 1987* (PE Act) as follows:

*a) Provide for the fair, orderly, economic and sustainable use, and development of land*

The amendment will result in the fair, orderly, economic and sustainable use and development of land by allowing the development of land for residential use within close proximity to Mansfield town centre in accordance with the Mansfield Township Framework Plan.

*b) Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

The amendment identifies and protects local environmental features by applying Flood Overlay controls along the existing tributary to Ford's Creek and the Southern boundary of Redgum Drive to protect the natural functions of the floodplain from unsuitable development.

*c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

The amendment supports residential development close to existing public spaces and essential services in accordance with Clause 16.01-1L of the Mansfield Planning Scheme. Identifying the areas prone to flooding and inundation with the Floodway Overlay and Land Subject to Inundation Overlay will ensure development is managed safely in the floodplain.

*d) Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The amendment is prepared in accordance with Clause 16.01-1L by supporting medium density housing within 400 meters of the Mansfield shopping centre.

*f) Facilitate development in accordance with the objectives;*

The amendment achieves this objective by proposing a land rezoning and overlay applications to guide development for the benefit of Mansfield Town, consistent with state, regional and local planning policy.

*g) Balance the present and future interests of all Victorians.*

The proposed rezonings and overlay applications have been prepared to ensure development occurs in a logical manner consistent with the objectives set out in paragraphs (a) to (e).

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

#### Environmental Effects

The amendment has thoroughly considered potential environmental effects of the amendment. The development will not impact water quality, floodwaters, or adjacent properties. The land is in the

Upper Goulburn Catchment, but flood depths do not affect the Ford Creek floodplain or passive flood storage areas.

Application of the LSIO and FO, which is underpinned by supporting submissions and information provided by the Goulburn Broken Catchment Management Authority prioritize the protection of the Ford's Creek and the health of the flood plain from future development. The amendment will prevent future development from occurring in areas subject to flooding that could negatively impact on the floodplain's ability to store and convey water.

#### Social Effects

This amendment aims to facilitate the orderly growth and development of Mansfield Town to cater for the needs of the projected population.

The amendment introduces several restrictions on the use and development of land with the application of overlays, including the Floodway Overlay and Land Subject to Inundation Overlay. These overlays could impact landowners by restricting what they can do with their land or requiring conditions for how to develop, but overall they provide a community benefit by protecting important assets and protecting life and property.

The subject land is not marked as being within an area of Aboriginal cultural heritage sensitivity. Traditional Owners will be engaged during the exhibition of the amendment to ensure that their views are captured given that a floodplain directly abuts the land proposed for rezoning.

#### Economic Effects

Mansfield Town's economy is largely reliant on Agriculture and construction. As the town grows it is increasingly becoming a destination for tourism which effects a significant portion of the existing housing stock given that approximately half of it is currently owned by non-resident ratepayers and another portion of it is used for short term accommodation. *The Mansfield Planning Strategy, 2021* determined that increasing the housing stock in Mansfield town is required to cater for projected population growth.

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

The amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because the context of the site has been considered, with the land being within a designated bushfire prone area.

#### Landscape Considerations

The land is located within an already established settlement area that is largely cleared of vegetation and having surrounding areas which do not present themselves as bushfire hazards. The land has clear access from arterial roads and the surrounding topography is gently sloping and also cleared of any dense vegetation.

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

The amendment complies with the requirements of the Ministerial Direction – The Form and Content of Planning Schemes (Section 7(5) of the PE Act).

#### *Direction No. 1: Potentially Contaminated Land*

The amendment complies with Ministerial Direction No. 1. It includes rezoning of land to GRZ1 that could be potentially contaminated, given that the UFZ could have been historically subject to flooding with potential contaminants. This is however unlikely, and the earthworks undertaken on site to date uncovered no evidence of contamination.

#### *Direction No. 11, Strategic Assessment of Amendments:*

The amendment complies with Ministerial Direction No. 11 under section 12 of the PE Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The explanatory report provides a comprehensive strategic evaluation of the amendment and the outcomes it produces.

#### *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.

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

The proposed amendment is consistent with the Planning Policy Framework (PPF) and adopted State policies, as it supports and implements the following:

*Clause 11.01-1S - Settlement*

The amendment is consistent with the objective of this clause *“To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.”* by concentrating growth within the defined township boundary of Mansfield to support the sustainability of small rural settlements and foster growth and development in other existing urban settlements. The amendment also responds appropriately to urban consolidation while considering land capability with respect to natural hazards

*Clause 11.01-1R – Settlement – Hume*

The amendment accords with the with the relevant strategies of the *Hume Regional Growth Plan* by supporting growth and development in an existing urban settlement.

*Clause 11.01-1L-01 – Mansfield Township*

The amendment is consistent with the objective *“To support the growth of Mansfield Township as the focus of development in Mansfield Shire”*.

*Clause 11.01-1S – Supply of Urban Land*

The amendment is consistent with the objective *“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”* and implements several strategies including ensuring that sufficient land is available to meet forecast demand.

*Clause 11.02-3S – Sequencing of Development*

The amendment supports the objective *“To manage the sequence of development in areas of growth so that services are available from early in the life of new communities”* and accords with the strategy to *“ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure”*.

*Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs*

The amendment is consistent with the objective *“To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.”* Having considered the potential impacts of encroaching development and applying necessary planning controls to manage it.

*Clause 13.01-1S – Natural Hazards and Climate Change*

The amendment is consistent with the following strategies to *“Direct population growth and development to low risk locations”* and *“Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.”*

*Clause 13.02-1S – Bushfire Planning*

The amendment meets the requirements for bushfire protection, as discussed earlier within the report under ‘bushfire risk’.

*Clause 13.03-1S Floodplain Management and Clause 13.03-1L Floodplain Management*

The amendment accords with the objectives of this clause by ensuring that development gives credence to flood flow management and does not intensify the impact of flooding and that land liable to flooding.

*Clause 16.01-1S – Housing Supply*

The amendment accords with the objective *“To facilitate well-located and diverse housing that meets community needs”* and supports a number of strategies within this policy.

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

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving objectives of the clauses as follows:

The amendment aids advancing the vision of creating an inclusive, dynamic and prosperous place where community spirit is strong, and residents are empowered to engage in issues that affect their lives (Clause 02.02 – Vision) by providing opportunity for residential growth within an existing urban area.

The amendment recognizes that the future growth of towns will be dependent on the provision of infrastructure by proposing rezoning in a location suited to residential expansion where infrastructure is readily available and strategically placed (Clause 02.03-1 – Settlement).

The amendment recognises the importance of climate change and natural disasters by Considering the location and topography of the Shire and acknowledging that buildings on ridgelines or prominent exposed areas are particularly vulnerable to natural hazards such as bushfire, flood and land slip (Clause 02.03-3 – Environmental Risks and Amenity).

The amendment implements the strategic direction for housing by recognizing that a diversity of housing options is essential to provide for all residents (Clause 02.03-6 – Housing). As the major urban centre of the Shire, Mansfield Township will experience a significant portion of housing growth, and aged care, infill and medium density housing development will be key to enabling residents to age in place.

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

The amendment makes proper use of the Victorian Planning Provisions.

Inspections and assessments with the Goulburn Broken Catchment Management Authority have been undertaken since the application of the UFZ to the land, which confirm that this control is no longer required.

Planning Practice Note No. 91 (Using the Residential Zones) (PPN91) recommends that the General Residential Zone should be applied to areas where a planning authority seeks to respect the existing single and double-storey character of an area. The proposed GRZ1 aligns with this objective and allows for appropriate residential development.

The current UFZ zoning and proposed LSIO and FO are similar in nature and share the same Purpose, application requirements, and decision guidelines. However, the UFZ controls land use, whereas the LSIO and FO only control buildings and works.

Planning Practice Note No. 12 (Applying the Flood Provisions in Planning Schemes) (PPN12) sets out when the flooding related zone/overlays should be applied. The UFZ applies to urban areas where the primary function of the land is to convey active flood flows, and where the potential flood risk is high due to existing or new development pressures. The FO applies to both rural and urban areas that convey active flood flows with a lesser risk, while the LSIO applies to areas with lower flood risk, such as with slower-moving flow or passive flood storage.

In terms of application, the UFZ is recommended to be applied to mainly undeveloped urban land, whereas the FO and LSIO can be applied to both developed and undeveloped land. The amendment facilitates an orderly transition from the UFZ (existing) to land covered by the FO and LSIO (proposed), based on the advice of the relevant floodplain manager, the Goulburn Broken Catchment Management Authority. This aligns with PPN12 and ensures appropriate flood risk management measures are in place.

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

The amendment has been strategically assessed in consultation with the Goulburn Broken Catchment Management Authority, who are the relevant floodplain manager for the area.

The Goulburn Broken Catchment Management Authority (GBCMA) has provided support for the proposed amendment, which involves retracting the Urban Floodway Zone from the southern boundary of specific allotments, roadway, and common property affected by the amendment.

The GBCMA has confirmed that the proposed amendment is consistent with their previous advice on

subdivision below flood level. The land proposed to be rezoned from Urban Floodway Zone to General Residential Zone would generally flood to depths of up to 0.5 meters during a 100-year ARI (1% AEP) type flood event, according to available ground surface level information.

To manage flood risk, the proposed amendment includes the application of the Floodway Overlay and Land Subject to Inundation Overlay, as advised by the GBCMA. The Floodway Overlay is required for any subdivision below flood level by more than 300 millimetres, while the Land Subject to Inundation Overlay applies to depth less than 300 millimetres deep. No flood overlay controls are required for land above flood level.

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

The amendment does not affect the transport system.

The amendment is consistent with the objectives and decision-making principles in the *Transport Integration Act 2010*. Specifically:

- It promotes social and economic inclusion by developing residential areas close to a transport network which is accessible by all in the community.

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development, and the road network has existing capacity. The amendment includes one area being rezoned to GRZ1, which will increase the population in that area over the next 10 years by approximately 20 people, which is not of a sufficient scale to have a significant impact on the transport system. It is also located within an area that has good road and public transport access.

**Resource and administrative costs**

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

The amendment will have negligible impact on the administrative costs of the responsible authority. The amendment will reduce unnecessary flooding controls and incorrect subsequent referral of applications to GBCMA on land that is suitable for residential development and has either no or reduced flood controls applying to it.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed changes		
				Zone	Overlay	Deletion
Mansfield	Redgum Drive	Mansfield C55mans 004znMap 12	Redgum Drive, Mansfield	Rezone from UFZ to GRZ1		
		Mansfield C55mans 03lsio-foMap12	Redgum Drive, Mansfield		Applies LSIO & FO	
		Mansfield C55mans 02d-lsio-foMap12	Redgum Drive, Mansfield			Deletes LSIO from filled land