



Delegate Assessment Report

File Number: DA8079
Planning Application No. P084/23
Responsible Officer: Nicole Embling – Coordinator Statutory Planning

Conflict of Interest

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes No

| <i>Application Details</i> | |
|-------------------------------|---|
| APPLICANT | En Vogue Development Pty Ltd C/O- Hatch Planning Pty Ltd |
| PROPOSAL | Use and development of land for a Child Care Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces |
| APPLICATION LODGED | 2 June 2023 |
| NOTICE AND SUBMISSIONS | Notices sent to 52 Owners/Occupiers of surrounding properties. Notice on site and in the local Newspaper. No submissions to the application have been received. |
| <i>Property Details</i> | |
| PROPERTY ADDRESS | Part of 2 Greenvale Lane, Mansfield |
| LAND DESCRIPTION | PC 377104W (proposed Lot 1 PS 905402K) |
| RESTRICTIVE COVENANTS | Nil |
| LAND AREA | 4,564 sqm |
| EXISTING USE | Vacant |
| <i>Planning Provisions</i> | |

| | |
|------------------------------------|---|
| ZONE | Clause 32.04 – Mixed Use Zone |
| OVERLAYS | Clause 42.02 – Design and Development Overlay Schedule 1 – Alpine Approaches and Township Gateways Clause 44.04 – Land Subject to Inundation Overlay |
| MUNICIPAL PLANNING STRATEGY | Clause 02.02 - Vision Clause 02.03 – Strategic Directions Clause 02.03-3 – Environmental Risks and Amenity Clause 02.03-4 – Natural Resource Management Clause 02.03-5 – Built Environment and Heritage Clause 02.03-9 – Infrastructure |
| PLANNING POLICY FRAMEWORK | Clause 11.01-1L – Mansfield Township Clause 11.02-3S – Sequencing of Development Clause 11.03-1S – Activity Centres Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches Clause 13.02-1S – Bushfire Planning Clause 13.03-1S – Floodplain Management Clause 13.03-1L – Floodplain Management Clause 13.05-1S – Noise Management Clause 13.07-1S – Land Use Compatibility Clause 14.02-1S – Catchment Planning and Management Clause 14.02-1L – Catchment Planning and Management Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 14.01-5S – Neighbourhood Character Clause 15.01-5L – Mansfield Township Approaches Clause 17.02-1S – Business Clause 19.02-2S – Education Facilities Clause 19.03-3S – Integrated Water Management |
| PARTICULAR PROVISIONS | Clause 52.05 - Signs |

| | |
|---|--|
| | <p>Clause 52.06 – Car Parking</p> <p>Clause 52.34 - Bicycle Facilities</p> <p>Clause 53.18 – Stormwater management in urban development</p> |
| <i>Permit Triggers</i> | |
| MIXED USE ZONE | <p>32.04-2 – Use land for a Child Care Centre</p> <p>32.04-2 – Use land for an Indoor Recreation Facility (Swimming Pool)</p> <p>32.04-9 – Construct a building or to construct or carry out works associated with Section 2 Uses</p> |
| DESIGN AND DEVELOPMENT OVERLAY | <p>43.02-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule</p> <p>43.02 – Schedule 1 – Construct a building with a maximum roof height of more than 6 metres from natural ground level</p> |
| LAND SUBJECT TO INUNDATION OVERLAY | 44.04-2 – Construct a building or to construct or carry out works, where an exemption does not apply under the Schedule |
| CAR PARKING | 52.06-3 – Reduce the number of car parking spaces required under Clause 52.06-5 |
| <i>Other</i> | |
| CULTURAL SENSITIVITY | The site is not in an area of aboriginal cultural heritage sensitivity |
| SITE INSPECTION | Yes |

Background

Subject Land

The site is a slightly irregular rectangle and is approximately 4,564sqm in area with direct frontage to Greenvale Lane on the west boundary. The land is currently vacant with some small planted exotic trees and a drainage easement (3.01 metres wide) along the east and north boundaries. The site has access to reticulated electricity, telecommunications, water and sewage.



Figure 1: Photograph of Subject Land, provided by Applicant

The land is in the Mixed Use Zone and the Design and Development Overlay (*Alpine Approaches and Township Gateways*) and Land Subject to Inundation Overlay apply to the entire site.

The land is partially within an area of Cultural Heritage Sensitivity where an exclusion area is proposed to be retained as natural land in the outdoor area of the Child Care Centre.

Surrounds

The subject site adjoins 'All Seasons Mansfield' on the south boundary and 'Greenvale Holiday Units' on the north boundary - both of which are established accommodation businesses with self-contained units. The land adjoining to the east is a large property currently operating as 'Delatite Veterinary Services', with vacant paddocks abutting the subject land. To the north-east there is an existing dwelling and associated outbuildings.

The surrounding area includes a variety of existing land uses, including commercial development along the Mt Buller Road Service Road (west of the subject land), and a recently permitted Residential Village at the adjoining land across Greenvale Lane.

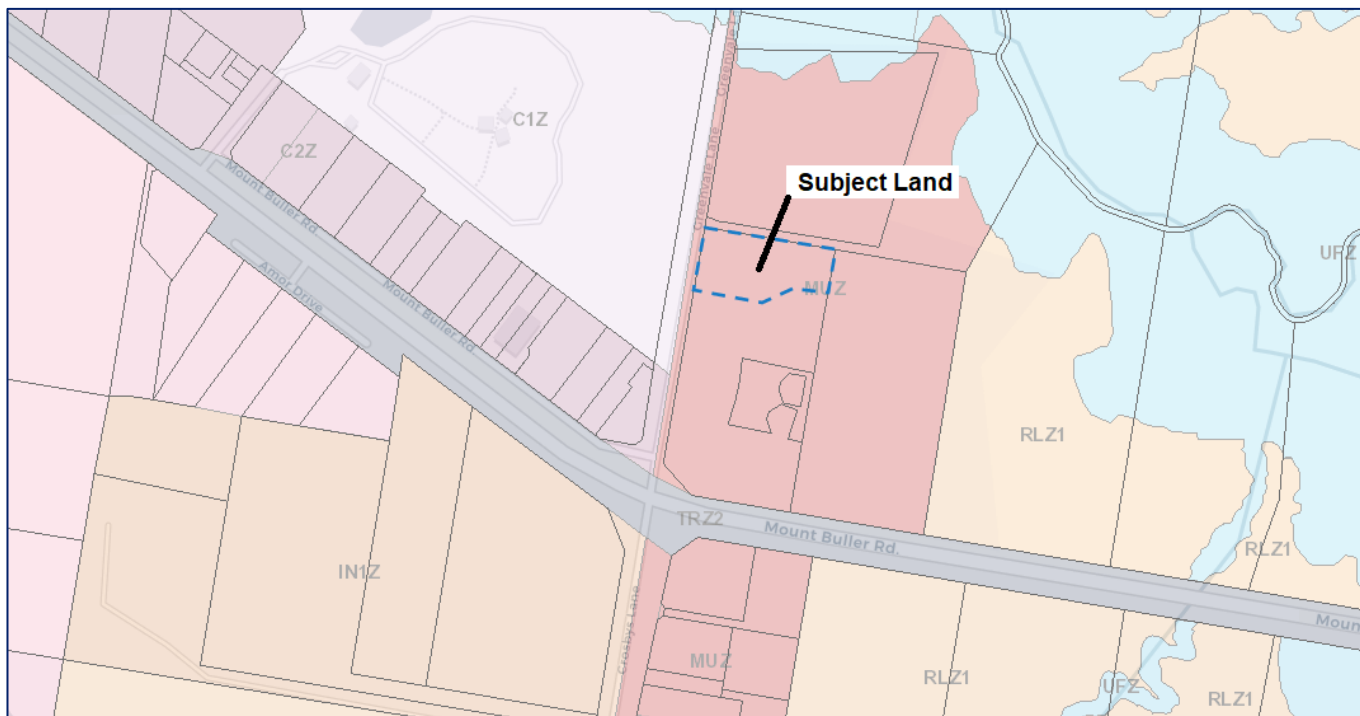


Figure 2: Zoning of surrounding land

This area, north of Mt Buller Road, is prone to flooding with the subject land in a designated Land Subject to Inundation Overlay and land abutting Ford Creek to the north within the Urban Floodway Zone.

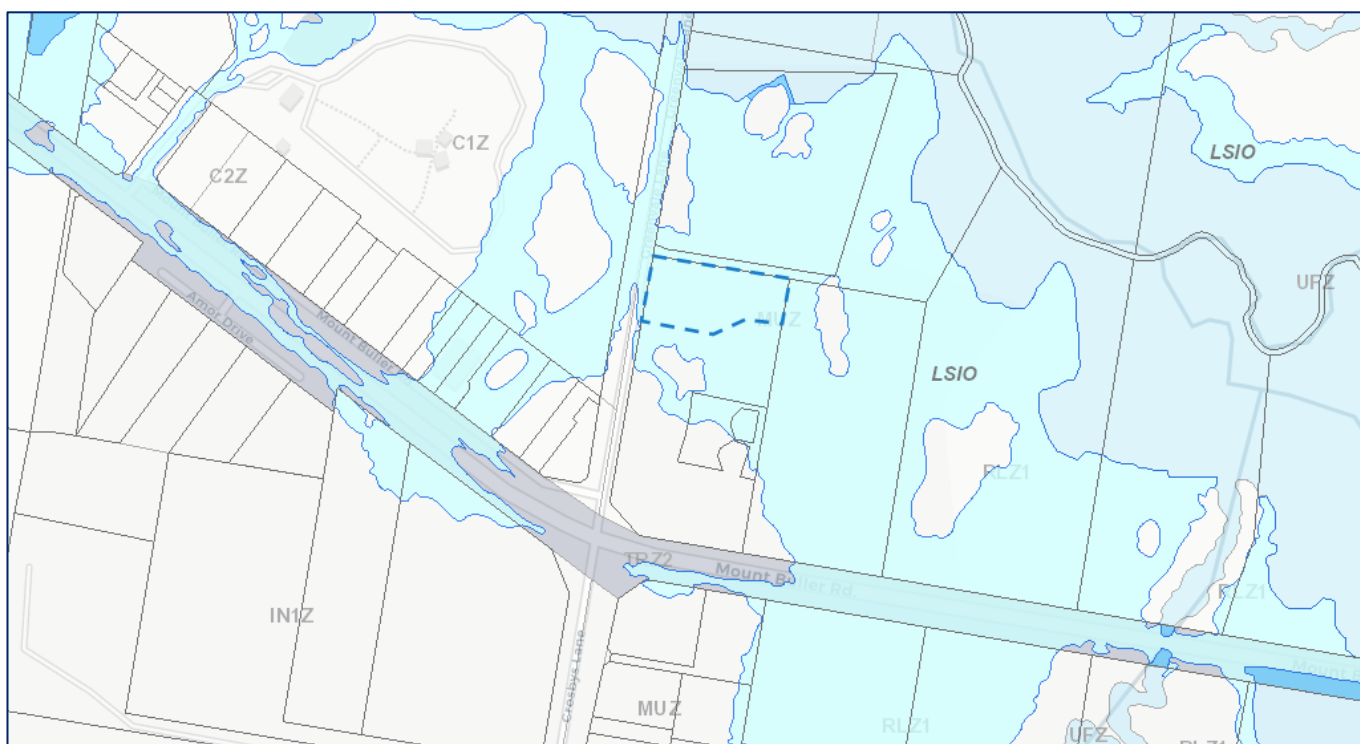


Figure 3: Mapped flooding areas

Site History

Planning Permit 278/87

Development of Holiday Cabins

Planning Permit 44/88

Strata Titling of the Holiday Cabins

Planning Permit P0276/06

A planning permit was issued 20 March 2007 for the Construction of Eight Dwellings and 19 Lot Subdivision in Stages, with endorsed plans showing five of the additional dwellings to be constructed on the subject land. This planning permit expired when the plan of subdivision was not certified by 20 March 2015 and as no works had commenced onsite.

Planning Permit P18247H/21

The subject land is currently a part of PC 377104W which is a 1.956-hectare parcel of land with frontage to Greenvale Land on the west boundary and Mt Buller Road on the south boundary. This parcel includes All Seasons Mansfield accommodation, which has dual vehicle access from Greenvale Lane. The land was approved for a Two Lot Subdivision by Planning Permit P182147H/21, dated 18 May 2022, this subdivision has not yet been registered. This approved permit requires a Drainage Easement along the east and north boundaries of the subject land.

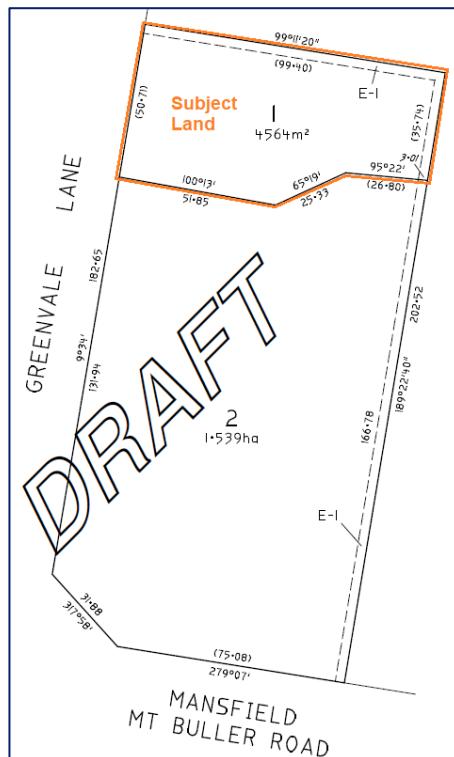


Figure 4: Approved subdivision which will create the Subject Land

Proposal

The permit applicant, En Vogue Development Pty Ltd seeks approval for the Use and development of land for a Child Care Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces on the subject land at Part of 2 Greenvale Lane, Mansfield, PC 377104W (proposed Lot 1 PS 905402K).

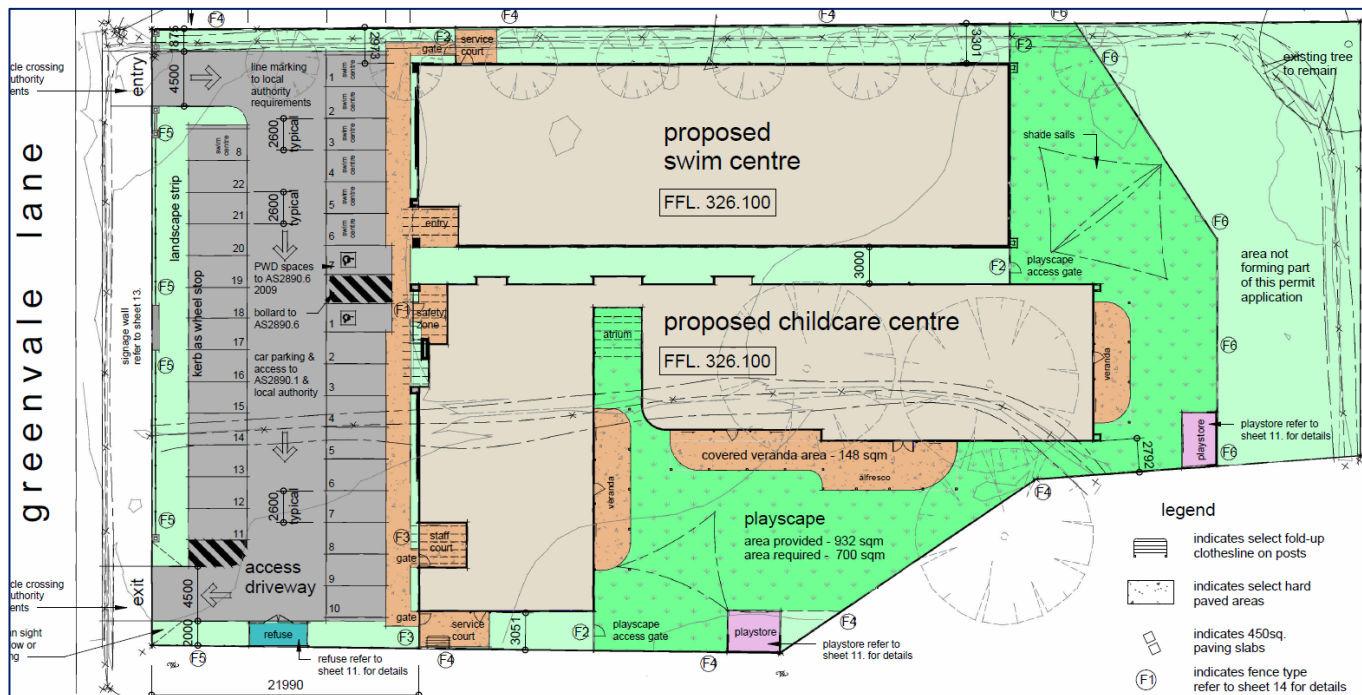


Figure 5: Submitted Site Plan



Figure 6: 3D Artist impression from Greenvale Lane

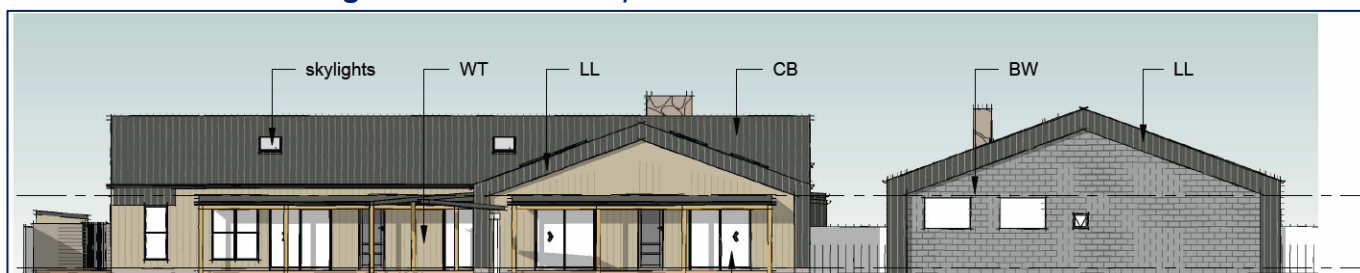


Figure 7: East Elevation

The proposal would comprise the following features:

Child Care Centre

- Capacity for 100 Children:
 - 0-2 years, 24 Children
 - 2-3 years, 32 Children
 - 3-5 years, 44 Children
- Hours of Operation:

- 6:30am to 6:30pm Monday to Friday
- (Estimated Peak Times – 7am to 8:30am and 4:30pm to 6pm)
- Expected 10 staff onsite, depending on capacity
- Outdoor play area of 930sqm
- Twenty-two (22) Car Parking Spaces at the front of the site, including one disabled space
- One-way access through the car parking area
- 21.99 metres setback from Greenvale Lane and a 3.05 metre setback from the south boundary
- External building materials:
 - Roof – Colorbond Lysaght Longline (Dark Grey)
 - Walls – Natural Wood and Stone Cladding
 - Walls (North Elevation only) – Face Blockwork

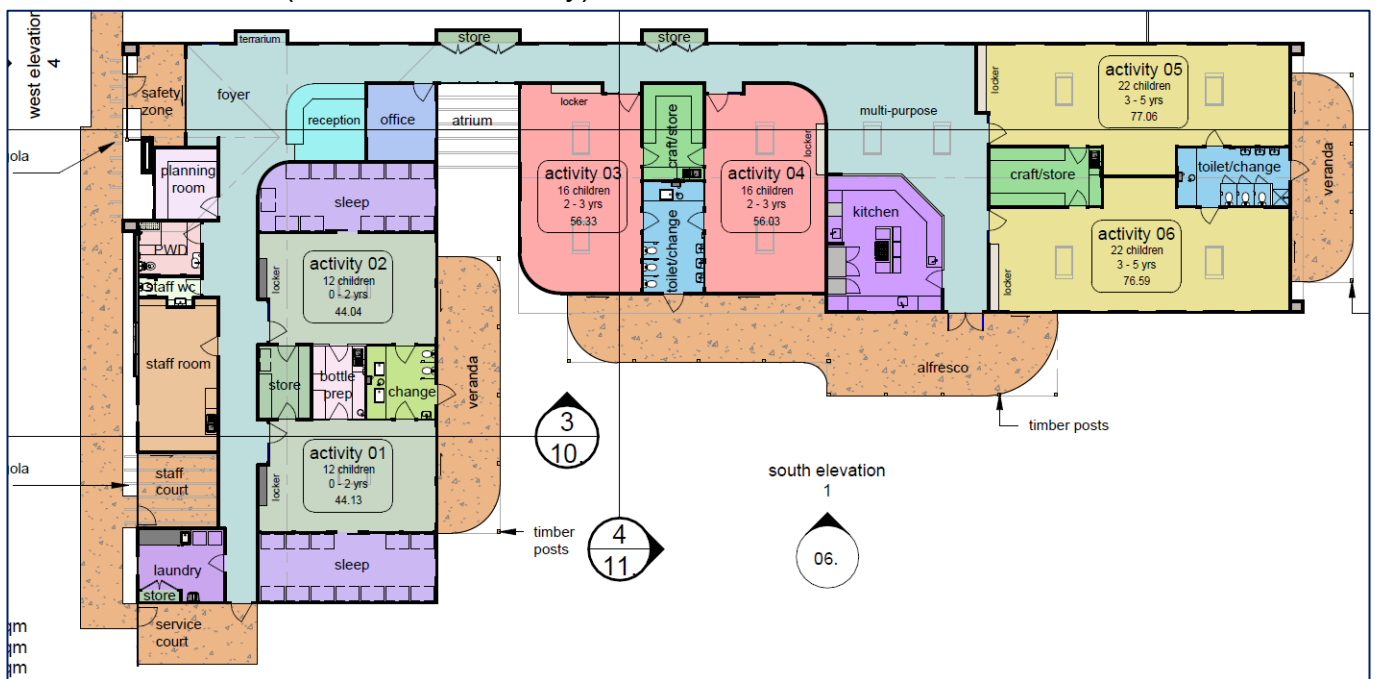


Figure 8: Child Care Centre Floor Plan



Figure 9: South Elevation of Child Care Centre

Indoor Swimming Pool

- 25 x 10 metre Indoor Lap Swimming Pool
- 4.5 x 4.5 metre Hydro-Therapy Pool
- Hours of Operation:
 - 6:30am to 7pm Monday to Friday
 - 9am to 12pm Saturdays
- Eight (8) Car Parking Spaces at the front of the site, including one disabled space

- Pre-booked sessions only:
 - Max. 5 person classes during Child Care Centre Peak Times
 - Max. 8 person classes during Child Care Centre Non-Peak Times
 - Min. 15 minutes between Class times
- Expected 4 staff onsite, depending on bookings
- One-way access through the car parking area
- 21.99 metres setback from Greenvale Lane and a 3.301 metres setback from the north boundary
- 3 metre separation between the Swimming Pool and Child Care Centre
- External building materials:
 - Roof – Colorbond Lysaght Longline (Dark Grey)
 - Walls – Natural Wood and Stone Cladding
- Walls (South and East Elevations only) – Face Blockwork

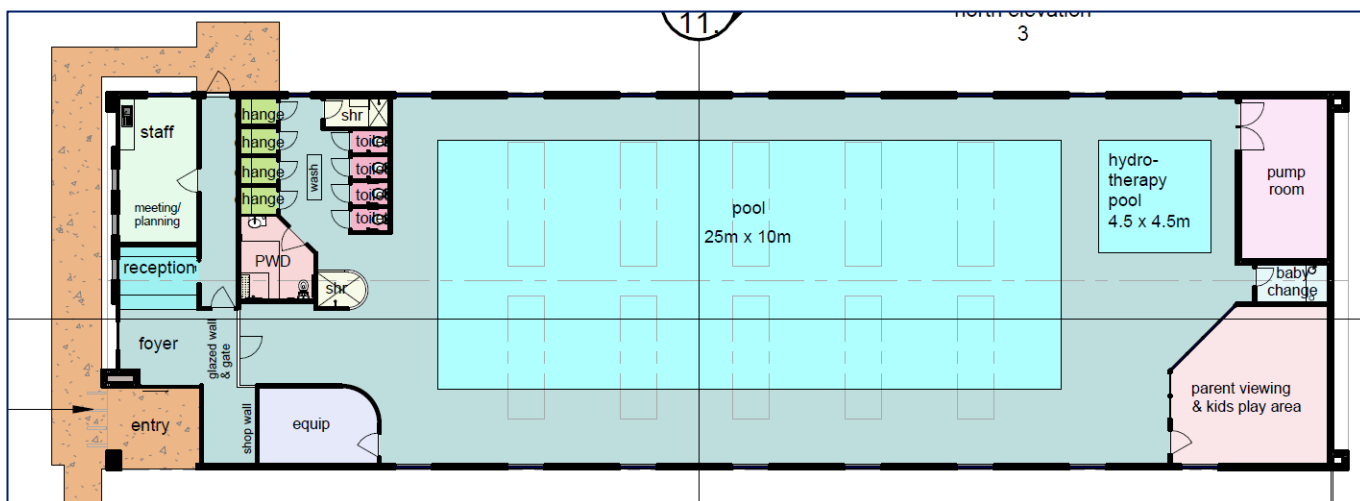


Figure 10: Swimming Pool Floor Plan

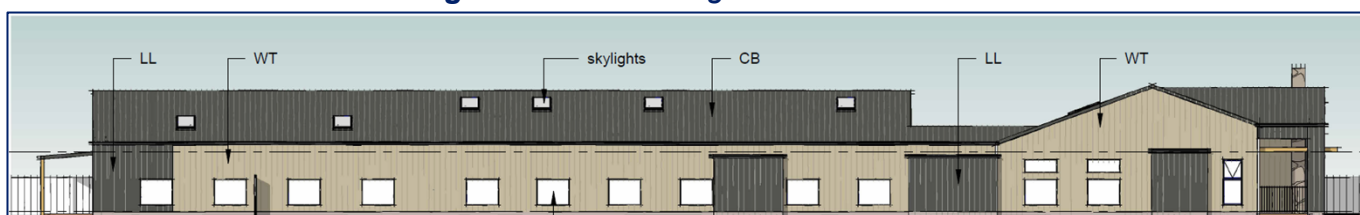


Figure 11: North Elevation

Area of Cultural Heritage Sensitivity



Figure 12: Cultural Heritage on the Subject Land

The subject land is partially within an area of cultural heritage sensitivity in the north-east corner. This area of the site is not included as part of the proposal and is proposed to be specifically fenced off and maintained as natural grassland through a Peppercorn Lease to the All Seasons Mansfield who will manage it as part of their open space. The plan below shows how the land will be excluded from this proposed development and accessed by the adjoining land to the south.

The exclusion of this land from the proposal satisfies the requirements of Section 46(1)(a) of the *Aboriginal Heritage Act 2006* and Regulation 7 of the *Aboriginal Heritage Regulations 2018*.

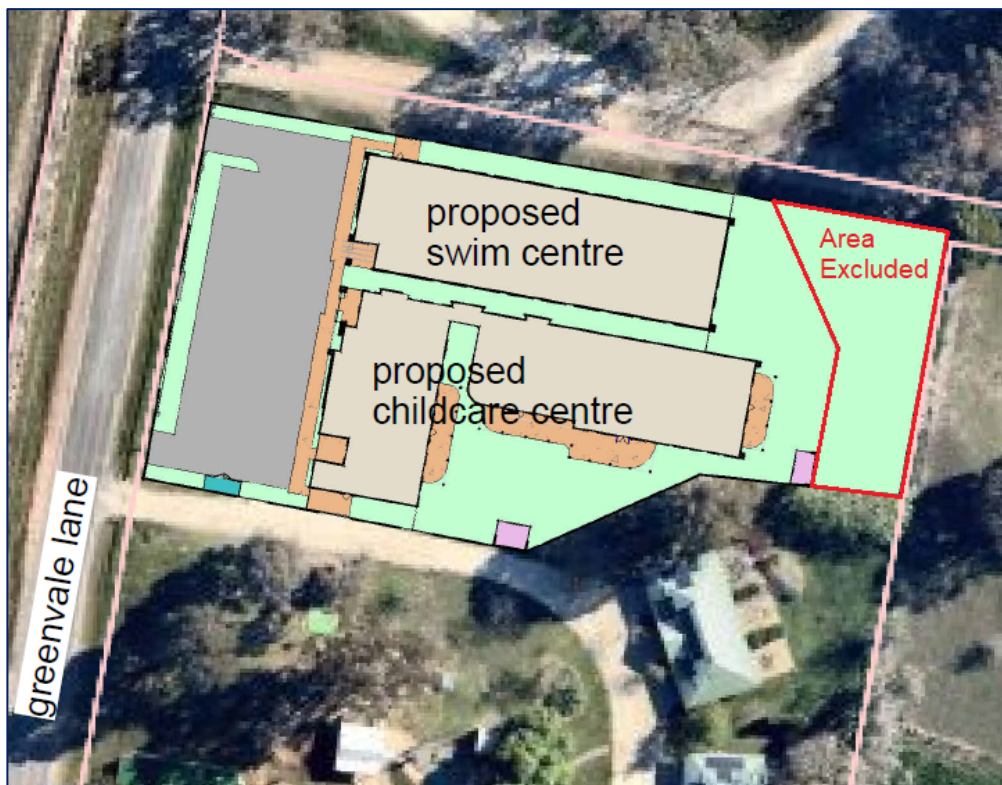


Figure 13: Area excluded from this proposal

Consultation

Referral Responses

| Referral Authority | Type of Referral | Response |
|--|------------------|---|
| Goulburn Murray Water (GMW) | Determining | Conditional consent |
| Country Fire Authority (CFA) | For Comment | Supportive, with recommended conditions |
| Goulburn Broken Catchment Management Authority (GBCMA) | For Comment | Supportive, with recommended conditions |

| Department | Response |
|-------------|---|
| Engineering | Supportive, with recommended conditions |

Public Notice

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act 1987*, for the period of 12 July to 2 August 2023 including:

- Letters to fifty-two (52) adjoining and nearby owners and occupiers;
- Sign on site; and
- Public notice in the local Mansfield Courier newspaper.

As a result of public notification, no objections have been received.

It is noted that a confidential comment was submitted to Council and has been considered as part of this assessment.

Mansfield Planning Scheme and Context Assessment

Mansfield Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following Planning Policies and Objectives are relevant to this application:

Planning Policy Framework (PPF)

Clause 02.02 – Vision

To live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

Clause 02.03 – Strategic Directions

Mansfield Township

The Hume Regional Growth Plan 2014 considers Mansfield Township a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north. It is the only urban centre with significant growth potential in the Shire and provides all major services and infrastructure for the community.

Clause 02.03-3 Environmental Risk and Amenity

Flooding

The catchments of Lake Eildon, Lake Nillahcootie, Fords Creek, Doolam Creek, Glen Creek, Broken River, Delatite River, Goulburn River and Howqua River include areas of flood prone land where flooding has historically caused damage to the natural and built environment. Parts of the Mansfield Township and Jamieson Township have been most affected by past flooding events.

Floods are naturally occurring events. The inherent functions of floodplains are to convey and store floodwater. Natural flooding, long term productivity of flood prone land, river and wetland health are all closely linked. Inappropriate development on the floodplain can lead to the deterioration of environmental values and reduced agricultural production.

Council's strategic directions for environmental risks and amenity are to:

- *Strengthen resilience to bushfire and minimise the risk to life.*
- *Preserve the inherent functions of floodplains to minimise the long term flood risk to floodplain production, assets and communities.*
- *Discourage use and development in areas where an environmental hazard has been identified and cannot be sufficiently mitigated.*

Clause 02.03-4 – Natural Resource Management

Water and Declared Special Water Supply Catchments

Over 95 per cent of the Shire lies within a Declared Special Water Supply Catchment. The catchments include: Parts of the Goulburn Broken Catchment (Upper Goulburn and Upper Goulburn (Upper Delatite), Lake Eildon Environs and Lake Nillahcootie.

The Goulburn Broken Catchment is the source of the Mansfield Township water supply and one of Victoria's highest priorities for nutrient reduction. Major sources of nutrients include treated effluent, sediment mobilisation and urban stormwater run-off.

Lake Eildon and Lake Nillahcootie are artificial water storage lakes and significant economic, environmental and tourism resources. However, their primary function is to regulate water supply to downstream irrigation areas. Onsite wastewater management for surrounding use and development is a key issue, with their cumulative impact risking to affect catchment health, water quality and public health. Unsewered towns such as Goughs Bay, Macs Cove and Howqua are located on the shores of Lake Eildon, and Jamieson is located on two of the Lake's key tributaries.

Other key water sources include the Broken, Goulburn, Delatite, Jamieson, Howqua and Big Rivers, and the Brankeet, Merton and Fords Creeks.

The upper catchments of the Broken and Goulburn Rivers provide 11 per cent of the entire water resource of the Murray Darling Basin and need to be protected.

Council's strategic directions for catchment planning and management are to:

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- *Avoid development in catchments that is detrimental to water quality.*
- *Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

Clause 02.03-5 – Built Environment and Heritage

Township and Neighbourhood Character

Development of land along the Maroondah Highway and other major routes such as Mount Buller Road in the Shire need to be sensitive to their role as gateways to the Alpine areas

Clause 02.03-9 Infrastructure

Development Infrastructure

It is expected development will connect to all available infrastructure or provide it as part of larger developments.

Stormwater, onsite water catchment facilities, water sensitive urban design, drainage, reticulated water and sewerage systems, public open space, variety of lot sizes, provision of quality internal and access roads and detailed landscaping plans are necessary to improve development outcomes.

Council's strategic directions for development infrastructure are to:

- *Support the provision of infrastructure that meets current and future needs.*
- *Support the provision of full reticulated infrastructure to all urban areas.*
- *Support the fair and equal distribution of infrastructure and services to new development.*

Clause 11.01-1L – Mansfield Township

Objective

To support the growth of Mansfield township as the focus of development in the Shire.

Relevant Strategies

- *Provide on-site car parking as part of retail and commercial development, wherever possible.*
- *Ensure urban development is connected to existing town infrastructure.*
- *Manage transport movements and access interfaces with the surrounding transport network to improve access arrangement and navigation to and from the site for all transport modes.*

Officer Response:

The proposed development provides for additional services that can offer opportunities to the existing and future residents of Mansfield and surrounds. Currently there is a shortage of availability in existing child care facilities and there is long-standing requests from the community for a year-round swimming pool providing learn-to-swim lessons for children and hydrotherapy for adults and seniors.

The subject land provides an easy-to-access facility on the edge of the township on a road that is a part of Councils Heavy Vehicle Alternative Route (HVAR). This road (Greenvale Lane) is currently undergoing significant upgrades and will be suitable for additional traffic flows.

The site will have access to reticulated water, sewerage, electricity and telecommunications.

Clause 11.02-3S – Sequencing of Development

Relevant Strategies

- *Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.*
- *Improve the coordination and timing of infrastructure and service delivery in areas of growth.*
- *Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.*

Officer Response:

The proposed development will be required to make minor road upgrades, including additional vehicle crossovers and possibly a short-left turn lane into the development.

Clause 11.03-1S – Activity Centres

Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Relevant Strategies

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- *Comprises a range of centres that differ in size and function.*
- *Is a focus for business, shopping, working, leisure and community facilities.*
- *Is connected by transport.*
- *Maximises choices in services, employment and social interaction.*
- *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.*
- *Improve access by walking, cycling and public transport to services and facilities.*
- *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of activity centres.*

Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs

Objective

To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Relevant Strategies

- *Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.*
- *Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*
- *Sensitively design and site development to maintain and enhance the waterway system*

and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

- *Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.*
- *Enhance a sense of place and landscape identity by:*
 - *Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems.*
 - *Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.*
 - *Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.*
- *Design and site development to maintain and enhance the natural environment of waterway systems by:*
 - *Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.*
 - *Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.*
 - *Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.*
 - *Avoiding impeding the natural flow of waterways and future flood events.*
 - *Directing growth to established settlements where water and wastewater can be managed.*

Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches

Objective

To protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity.

Relevant Strategies

Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.

Site and design development to be responsive to the topography of the land and unobtrusive in the landscape.

Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.

Avoid development on visually exposed ridgelines, unless its visual impact can be minimised by using designs and colours that blend with or compliment the landscape.

Incorporate building setbacks from property boundaries, roads and waterways that are consistent with the scale of the building, site characteristics, and potential impact on the environment and rural activities conducted on the site.

Use building materials with external finishes that:

- *Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural environment.*
- *Have a low reflectivity to minimise glare and visual impact.*

Officer Response:

The proposed development on the subject land does not have any direct frontage to the Alpine Approach (Mt Buller Road) and there is significant buildings in between the subject land and Mt Buller Road that restrict views to and from the site. Furthermore, the proposed buildings are single storey with muted and naturally coloured external materials to compliment the surrounding landscape.

Clause 13.02-1S – Bushfire planningObjective

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

Relevant Strategies

- *Give priority to the protection of human life by:

 - *Prioritising the protection of human life over all other policy considerations.*
 - *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
 - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.**
- *In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

 - *Subdivisions of more than 10 lots.*
 - *Childcare centre.**

Officer Response:

The emphasis of relevant bushfire policy at the State and local level is on the preservation of significant landscapes and character of towns like Mansfield and as the highest priority the preservation of human life in bushfire affected areas.

The subject land is not within a Bushfire Management Overlay, however, is in a declared Bushfire Prone Area under the *Building Act 1993*. The site is primarily at risk of grassland fire and ember attack from the east, which would be mitigated by existing developments on Mt Buller Road.

Permit conditions will require the preparation of a Bushfire Emergency Management Plan, which will ensure that the increased risk to human life from such a use is appropriately managed. Based on these factors, it is considered that the proposal is acceptable from a bushfire safety perspective.

Clause 13.03-1S – Floodplain ManagementObjective

To assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*

- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Relevant Strategies

Avoid intensifying the impact of flooding through inappropriately located use and development. Plan for the cumulative impacts of use and development on flood behaviour.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

Clause 13.03-1L – Floodplain Management

Policy Application

This policy applies to all land affected by the Urban Floodway Zone (UFZ), Flood Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

Relevant Strategies

Avoid the intensification of land use and development in the floodplains of watercourses.

Discourage development that could adversely inhibit the flow of flood waters.

Avoid earthworks that obstruct natural flow paths or drainage lines, such as cut and fill.

Avoid landfill in all areas subject to flooding other than for building envelopes in flood fringe areas, generally within the Land Subject to Inundation Overlay towards the limit of inundation extent.

Encourage the retention of natural drainage corridors with indigenous vegetation buffer areas along waterways to maintain the natural drainage function, stream habitat and wildlife corridor and landscape values.

Minimise the quantity and retard the flow of stormwater runoff from developed areas.

Site and design buildings in such a way that their longitudinal axis is parallel to the predicted direction of the flood flow.

Site and design buildings and extensions so that flooding will cause minimal damage to the structure and its contents, including raising floor levels, using water resistant materials and raising electrical fittings and wiring above the nominal flood protection level.

Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.

Policy Guidelines

Consider as relevant:

- *Locating buildings more than 30 metres from streams and rivers and 100 metres from state water storages, unless otherwise approved by the relevant authorities (Goulburn Broken Catchment Management Authority and Goulburn-Murray Water).*

Officer Response:

The emphasis of the flooding policy at a state and local level is to ensure waterways are protected and floodplains are managed to ensure the free flow of flood waters. The proposed development is located approximately 200 metres from Ford Creek which north-east of the subject land. The flooding in this area is relative to Ford Creek and is being managed through new drainage installations within Greenvale Lane. The proposed development will be responsible for ensuring appropriate flood mitigation design and management of stormwater to pre-development flows. The application is supported by a Stormwater Management Plan which includes a suitably designed stormwater management system with retention tanks.

Clause 13.05-1S – Noise Management

Objective

To assist the management of noise effects on sensitive land uses.

Relevant Strategies

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Officer Response:

The proposed uses will mostly be retained indoors with the child care centre having an outdoor play area in the south-east corner. The adjoining land to the south, which abuts the area to be the outdoor play space, includes a tourist accommodation building setback approximately 12 metres from the boundary. The building is oriented so that there are no windows on the north elevation.

It is considered that the tourist accommodation buildings are generally only occupied at night when the child care centre is closed, therefore reducing any potential noise impacts.

The proposal includes acoustic fencing along the north and south boundaries, which was recommended as part of the acoustic report conducted prior to the planning permit application being submitted.

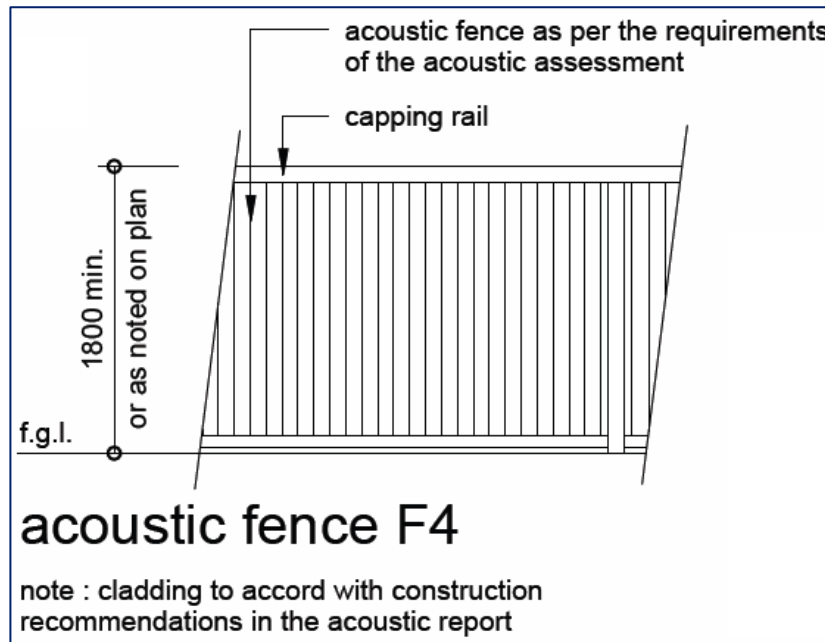


Figure 14: Acoustic Fence proposed

Clause 13.07-1S – Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Relevant Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Officer response:

The subject land is located between two established tourist accommodation facilities, that provide self-contained options in small units, suitable for couples and families. These buildings are dispersed across the properties with reasonable setbacks from boundaries and associated outdoor recreation facilities, such as BBQ areas, swimming pools and playgrounds. There is a very low risk of any land use conflicts between the existing uses to the north and south for accommodation and the proposed child care centre and indoor swimming pool.

The land to the east is a larger property with a veterinary clinic and some associated holding yards/paddocks which adjoin the subject land.

The land to the west, across Greenvale Lane, has a current planning permit approved for a Residential Village, which is small permanent accommodation in the form of Unregistered Moveable Dwellings (UMD). The land gains access from the southern boundary, approximately 35 metres from the proposed access (exit) to the child care centre and swimming pool. The Residential Village incorporates a landscaping buffer along the Greenvale Lane frontage which will provide visual separation between the two uses.

Consequently, it is considered that the proposal provides for appropriate land use compatibility.

Clause 14.02-1S – Catchment Planning and ManagementObjective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Relevant Strategies

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.*
- *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
 - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
 - *Minimise erosion of stream banks and verges, and*
 - *Reduce polluted surface runoff from adjacent land uses.*

- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
- *Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.*
- *Require appropriate measures to restrict sediment discharges from construction sites.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

Clause 14.02-1L – Catchment Planning and Management

The subject land is recognised as being with the Upper Goulburn Catchment area.

Relevant Strategies

- *Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.*
- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*
- *Incorporate integrated Water Sensitive Urban Design (WSUD) techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development, particularly in high risk areas as per Schedule 1 to the Environmental Significance Overlay.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

Clause 15.01-1S – Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

Relevant Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*

- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-2S – Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Relevant Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:

 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.**
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

Officer Response:

The design and form is such that it will present to abutting properties with materials and form consistent with the valued alpine character of Mansfield.

Clause 15.01-5S – Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Relevant Strategies

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity*

Officer Response:

The subject site and immediate surrounds have a varied character with a mix of commercial and accommodation uses. The development along Greenvale Lane has generous setbacks and landscaping. It is considered that the proposed development is in keeping with the surrounding landscape.

Clause 15.01-5L – Mansfield Township Approaches

Objective

To ensure future development along the four key Mansfield Township Approaches is compatible with and reinforces the existing and preferred future character of these areas.

Relevant Strategies

Ensure future development within identified township approach corridors meets stipulated built form design outcomes.

Retain and enhance the landscape qualities of each approach.

Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.

Policy Documents

Consider as relevant:

- *Mansfield Township Structure Plan, 2015*
- *Township Approaches Planning Controls and Guidelines Study (Mansfield Shire Council, 2018).*

Clause 17.02-1S - Business

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Relevant Strategies

Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.

Clause 19.02-2S – Education Facilities

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Relevant Strategies

Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities. Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.

Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.

Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.

Consider the existing and future transport network and transport connectivity.

Officer Response:

The proposed development includes a new Child Care Centre with capacity for 100 children ranging from 0 to 5 years old. The population of Mansfield is continuing to grow with significant increases in young families moving to the area who require care for children.

The subject land is suitably located to provide child care services as it is within close proximity to the township and there are residential areas in the vicinity. Additionally, the land on Greenvale Lane is very accessible to commuters travelling from the smaller townships east of Mansfield, including Merrijig, Jamieson, etc.

The proposed design includes a one-way car parking and drop off area that provides suitable parking for parents and staff, the one-way traffic flow is safer for children crossing the internal access road and will reduce the necessity for children and parents to cross Greenvale Lane.

Clause 19.03-3S – Integrated water management

Objective

To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Relevant Strategies

- *Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:

 - *Take into account the catchment context.*
 - *Protect downstream environments, waterways and bays.*
 - *Manage and use potable water efficiently.*
 - *Reduce pressure on Victoria's drinking water supplies.*
 - *Minimise drainage, water or wastewater infrastructure and operational costs.*
 - *Minimise flood risks.*
 - *Provide urban environments that are more resilient to the effects of climate change.**

- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*
- *Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*
- *Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:*
- *Minimising stormwater quality and quantity related impacts.*
 - *Filtering sediment and waste from stormwater prior to discharge from a site.*
 - *Managing industrial and commercial toxicants in an appropriate way.*
 - *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*
- *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*
- *Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.*

Officer Response:

The proposal will be required to treat and disperse all stormwater into the existing stormwater network, with appropriate treatment systems in place to protect water quality. This will be required by way of permit conditions.

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Relevant Decision Guidelines

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.*

Officer Response:

The proposed uses for an indoor swimming pool and additional Child Care Centre are recognised as being well-needed within Mansfield, with the zone envisaging such community orientated uses to establish where interfacing issues can be appropriately addressed and mitigated. The intensity of the use is considered compatible with the adjoining and surrounding land uses. The proposed built form is designed to be compatible with a mixed use area, compliments the surrounding landscape as it will be screened by boundary landscaping. The development form is considered to provide a positive outcome for the area.

Overlays

Clause 43.02 – Design and Development Overlay

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Relevant Decision Guidelines

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Any other matters specified in a schedule to this overlay.*

Schedule 1 to Clause 43.02 Design and Development Overlay – Alpine Approaches and Township Gateways

Design Objectives

- *Ensure that building siting, design, form, height, appearance, scale and materials that are compatible with the role of land as an alpine approach or gateway to and from the Mansfield or Merrijig townships.*
- *Ensure that buildings and other development meet the recommendations of The Mansfield Urban Design Framework 2005.*

Buildings and Works

Any new building or works must:

- *Be of a design, form, appearance and scale that compliments an alpine approach and township gateway theme ie use of natural materials and colour schemes that compliment the surroundings, pitched roof designs rather than flat or skillion roofs only.*
- *Have at least one active frontage (i.e. entries, windows, external activities) and not have*

solid walls and solid fencing facing the road/s.

- *Be of natural or muted materials and colours that complement an alpine approach and township gateway theme, that is timber, stone, colourbond, brick or earth based materials. Zincolume materials are prohibited. Galvanised iron materials may only be permitted when it can be demonstrated that the building will have minimal visual impact.*
- *Not exceed single storey in height, with the maximum height allowable being 6 metres from natural ground level to the upper point of the building roofline.*
- *Create visual interest and enhance alpine and gateway character.*
- *Be sited to have sufficient building setbacks to allow a sense of space, lineal corridor and alpine landscape to be retained.*
- *Have a setback/s to accord with (or exceed) the setbacks of building/s on adjoining properties.*
- *Allow pedestrian access, and vehicle parking and landscaping at the frontage of the land.*
- *Have a strong emphasis on environmental sustainability and energy efficiency.*
- *Have any storage area and parking for large vehicles away from road frontages.*
- *Provide landscaping that creates an attractive environment that is consistent with and complements an alpine theme and gateway approach into a high country tourist town, especially on the Maroonah Highway frontage.*
- *Enable high levels of accessibility, including access for people with a disability.*

Officer Response:

The proposed development is relatively in keeping with the existing streetscape, with a building setback of 21.9 metres from Greenvale Lane with car parking, landscaping and post and rail fencing forward of the buildings. The buildings are designed with natural colours and materials, including dark grey Colorbond, natural wood and stone, and will have pitched roof which is in keeping with the alpine approach character.

The proposed built form the Swimming Pool and Child Care Centre has a maximum roofline that is more than 6 metres above natural ground level. The proposal has a maximum building roofline height of 6.346 metres with a single storey. The intent of this control is to ensure development does not dominate views to Mt Buller along the alpine approach or the Township Gateway. With the extensive setback from Mt Buller Road and development surrounding it is unlikely that these buildings will be visible along Mt Buller Road. Therefore it is considered that the maximum building height exceeding 6 metres is an acceptable design outcome in this instance.

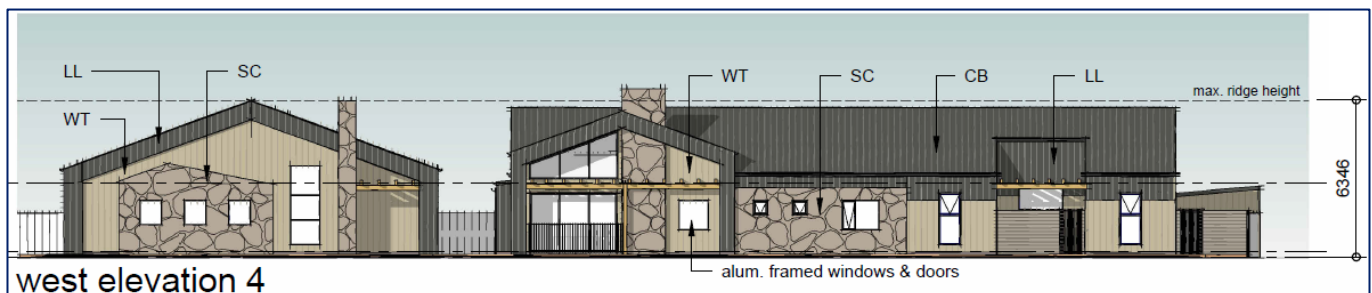


Figure 15: Front façade showing maximum building height

Clause 44.04 – Land Subject to Inundation OverlayPurpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

Relevant Decision Guidelines

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *Alternative design or flood proofing responses.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - *The flood warning time available.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*
- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*
- *The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.*
- *Any other matters specified in a schedule to this overlay.*

Officer Response:

The application documents have been referred to the relevant floodplain authority (Goulburn Broken Catchment Management Authority) who have provided advice that the development is suitable for the land, subject to a condition requiring the buildings be constructed with a finished floor level of at least 300mm above the 1 in 100 AEP flood level. Furthermore, the application has provided significant details regarding stormwater management and existing water flow through the land. It is considered that the application has appropriately responded to the flood risk on site and flooding can be mitigated through the design of the development.

Particular Provisions

Clause 52.05 – Signs

The application has not provided any proposal for business identification, or other, signs at this stage.

Under the MUZ this land is classified as a High Amenity Area in relation to signs and therefore any future proposal for business identification, illuminated, or floodlit signs will require a planning permit.

Clause 52.06 – Car parking

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

| Requirement by Scheme | Application proposal | Spaces required |
|--|---------------------------------|-----------------|
| Child Care Centre 0.22 spaces to each child | 100 children | 22 |
| Indoor Recreation Facility Swimming Pool – other than in conjunction with a dwelling 5.6 spaces to each 100 sq m of the site | 270.25 sq m of swimming pool(s) | 15 |
| Total | | 37 |

Officer Response:

The application documents state that the proposed Child Care Centre will provide 22 car parking spaces. Pursuant to Clause 52.06-5, car parking is to be provided at a rate of 0.22 spaces/child. Based on the submitted plans showing a maximum capacity of 10 children, 22 car parking spaces are required and the statutory requirement would be met.

The application documents state that the proposed Swimming Pool will provide 8 car parking spaces. Pursuant to Clause 52.06-5, car parking is to be provided at a rate of 2.6

spaces/100sqm. Based on the submitted plans showing a floor area for the swimming pool of 270.25, 15 car parking spaces are required and therefore a reduction of car parking of 7 spaces has been applied for. In consideration of the reduction of 7 spaces the permit applicant provided significant details as to how the swimming lessons and aqua aerobic classes will be scheduled ensuring there is no overlap and smaller class sizes during peak drop-off and pick-up times for the Child Care Centre. Due to the ability to share the 30 car parking spaces between the two land uses it is considered appropriate to reduce the requirement by 7 spaces. All car parking spaces proposed on site comply with the design standards specified at Clause 52.06-9 of the Scheme. As such, the proposed parking is considered acceptable with regards to car parking provision.

Clause 52.34 – Bicycle Facilities

Purpose

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Relevant Decision Guidelines

- *Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.*
- *The location of the proposed land use and the distance a cyclist would need to travel to reach the land.*
- *The users of the land and their opportunities for bicycle travel.*
- *Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.*
- *The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.*
- *Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities.*
- *Any relevant bicycle parking strategy or equivalent.*

Required Bicycle Facilities

| Use | Employee/Resident | Visitor/Shopper/Student |
|--------------------------------------|-------------------|--------------------------------------|
| Minor sports and recreation facility | 1 per 4 employees | 1 to each 200 sq m of net floor area |

Figure 14: Bicycle Spaces required by Clause 52.34

| Requirement by Scheme | Application proposal | Spaces required |
|--------------------------------------|----------------------|-----------------|
| 1 per 4 employees | 4 employees | 1 |
| 1 to each 200 sq m of net floor area | 809 sq m | 4 |
| Total | | 5 |

Officer Response

The application documents have not provided any provision for bicycle spaces however the application has noted that the development has sufficient area available for bicycle parking to be provided and therefore it would be appropriate for this to be included as a condition on a permit issued.

Clause 52.34 requires a total of 5 bicycle facilities for the Swimming Pool and none for the Child Care Centre.

Clause 53.18 – Stormwater Management in Urban Development

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Relevant Objectives

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*

Officer Response:

The development provides ample permeable space and gardens to ensure that stormwater can be harvested, stored and re-used on the site without adverse impacts to other land and the application is supported by a stormwater management plan which has been reviewed by Councils Engineering Department. The stormwater management plan will be endorsed as part of any permit issued.

General Provisions

Clause 65.01 – Approval of An Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of*

stormwater within and exiting the site.

- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Conclusions

This application proposes the use and development of a child care centre and indoor swimming pool at the site known as 2 Greenvale Lane, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the proposal responds appropriate to the requirements of the Scheme with respect to land use in the MUZ, DDO1, LSIO and particular provisions relating to car parking and general decision guidelines. The proposal will provide for the use of land for needed community services to Mansfield in a well serviced location.

Officer Recommendation

That Council issue a **Planning Permit** for Planning Application P084/23 for a Use and development of land for a Child Care Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces on PC 377104W (proposed Lot 1 PS 905402K) commonly addressed as Part of 2 Greenvale Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions: -

Endorsed Plans

1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
2. Prior to the commencement of the use authorised by this permit, all works required as per the endorsed plans (including but not limited to the built form, stormwater drainage, accessways and landscaping) must be completed to the satisfaction of the Responsible Authority.
3. Prior to the commencement of works, an amended Traffic Impact Assessment Report to the satisfaction of the responsible authority must be submitted to an approved by the responsible authority. The plan must consider:
 - a. Additional traffic as part of Councils Heavy Vehicle Alternative Route (Greenvale Lane);

- b. Peak traffic for the Child Care Centre turning into the development;
 - c. Any requirement for a short-left turn lane, or similar.
4. Prior to the commencement of works, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
- a) Details of surface finishes of pathways and driveways.
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) Landscaping and planting within all open areas of the subject land.
 - d) Suitable landscaping and plantings along the Greenvale Lane boundary within the subject land.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

5. Prior to the commencement of use, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the Responsible Authority. Once approved, the BEMP will be endorsed and will then form part of the permit. The BEMP must be developed in accordance with AS 3745-2010 Planning for emergencies at facilities and specifically consider the following in response to the bushfire risks:
- a) Clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:
 - i. Describe property and business details.
 - ii. Identify the purpose of the BEMP stating that the plan outlines procedures for:
 - 1) Closure of premises on any day with a Fire Danger Rating of Catastrophic.
 - 2) Evacuation (evacuation from the site to a designated safer off-site location).
 - 3) Shelter-in-place (remaining on-site in a designated building).
 - iii. Review of the BEMP
 - iv. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period
 - v. Include a Version Control Table.
 - vi. Roles and Responsibilities:
 - 1) Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which staff, visitors and children will shelter in place or evacuate.
 - vii. Emergency contact details
 - viii. Bushfire monitoring procedures

- 1) Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
- 2) Describe and show (include a map) the area to be monitored for potential bushfire activity.

Bicycle Facilities

6. No fewer than five (5) bicycle parking/storage facilities must be provided on the land and available for use by the staff and patrons of the Swimming Pool (Indoor Recreation Facility).

Operating and amenity

7. Except with the prior written consent of the Responsible Authority, the **Childcare Centre** must only operate between:
 - a. 6:00am – 7:00pm Monday to Friday.
8. Except with the prior written consent of the Responsible Authority, the **Swimming Pool** must only operate between:
 - a. 6:00am – 7:00pm Monday to Friday; and
 - b. 8:30am – 1:00pm Saturday to Sunday.
9. Waste collection must only be undertaken between:
 - a. 7am – 6pm Monday to Friday; and
 - b. 8am – 1pm Saturdays.
10. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.
11. The use must at all times comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (or as amended).
12. Prior to the commencement of the use authorised by this permit, the area set-aside for vehicle access and movement through the site, as shown on the endorsed plans, must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and

f. clearly marked to show the direction of traffic along access lanes and driveways, to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
14. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
15. Maintenance of all building's surrounds and accessways within the site must be carried out so that the site is neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
17. The stormwater management system must be maintained in good working order at all times to the satisfaction of the Responsible Authority.
18. The external materials, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

Engineering

19. Prior to the commencement of works the Stormwater Management Plan must be amended to include calculations for pre-development and post-development stormwater discharge volumes. The existing overland flow path through the land must be considered and planned for. An assessment must be made to ensure no impact by a 1% AEP rain event for the buildings and works and on any adjoining and neighbouring land.
20. Prior to the commencement of works drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority. The plans must include an on-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development
21. Prior to the commencement of works a vehicle crossover must be constructed to council satisfaction. Prior to any works proceeding within the road reserve, an application for

Works Within Roads Reserve Permit must be made and approved by the Responsible Authority.

22. Prior to commencement of works, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
23. Prior to the commencement of works all design drawings for any road upgrade works to Greenvale Lane and the internal access must be submitted to Council for review. All design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
24. Prior to the commencement of use, all recommendations approved by the Responsible Authority, as included in the amended Traffic Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority.
25. Prior to the commencement of use the internal access must be constructed according to the pavement composition and sealed surface designed by a suitably qualified engineer to the satisfaction of the responsible authority.
26. All external access areas must be suitably lit to provide adequate illumination without affecting the amenity of the area.
27. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.
28. Altered overland flow paths must pass through the designed routes within easements. No overland flows shall be allowed to impact on the adjacent lots or council assets.
29. Any damage to Council managed assets as a result of construction activity, such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

Goulburn Broken Catchment Management Authority

30. The finished floor level of the proposed buildings must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 325.8 metres AHD, i.e. 326.1 metres AHD, or high level deemed necessary by the responsible authority.

Goulburn Valley Water

31. Payment of new customer contribution charges for water supply to the development,

- such amount being determined by the Corporation at the time of payment;
32. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
 33. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
 34. Provision of combined sewer drains with an inspection opening to each tenement within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
 35. In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;
 36. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
 37. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;
 38. Discharge of Trade Waste from the development will be subject to a Trade Waste Discharge Consent. Application to determine the specific requirements for your development may be required. Please contact the Business Customer Service Team on 03 5832 4800 or via email mail@gvwater.vic.gov.au to discuss your business' needs;
 39. The above conditions are subject to the issuing of Preliminary Acceptance for construction of Sewer assets to allow sewer connection to Proposed Lot 2 PS905402K and Statement of Compliance to 2 Lot subdivision PS905402K, 2 Greenvale Lane, as proposed Lot 2 is currently connected to Corporation sewer via proposed Lot 1.

Permit Expiry

40. This permit will expire if any one of the following circumstances applies:
 - a. The development has not commenced within two (2) years of the date of this permit.
 - b. The development is not completed, and the use commenced within six (6) years of the date of this permit.
 - c. The use ceases for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

NOTATIONS

- 1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
- 2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit

Goulburn Valley Water

- 3) Connection to water supply services for each tenement may be subject to backflow prevention requirements determined at the time of application to connect to this service. Backflow prevention devices are to be installed in accordance with Goulburn Valley Water's requirements and to the Corporation's satisfaction.
- 4) Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development. The applicant should contact the Corporation to discuss current and future proposals for this development.