

**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 12290 FOLIO 383

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LAND DESCRIPTION

Land in Plan of Consolidation 377104W.

PARENT TITLES :

Volume 09877 Folio 804 to Volume 09877 Folio 805

Volume 09952 Folio 727 to Volume 09952 Folio 730

Created by instrument PC377104W 11/03/2021

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ALL SEASONS MANSFIELD PTY LTD of 105 HIGH STREET MANSFIELD VIC 3722
PC377104W 11/03/2021

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PC377104W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

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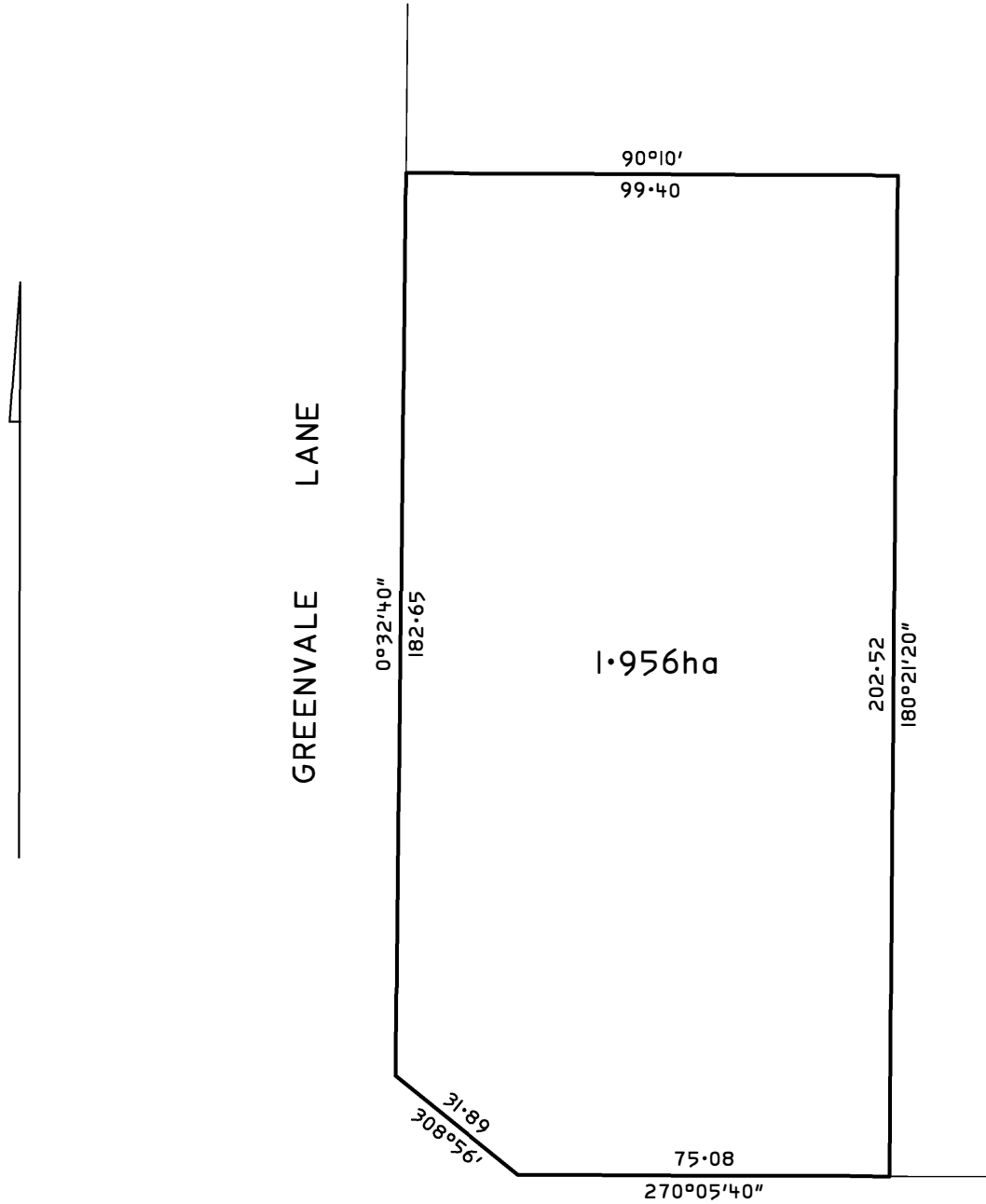
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PLAN OF CONSOLIDATION UNDER SECTION 32A OF THE SUBDIVISION ACT 1988		EDITION I	PC377104W	
Location of Land Parish: MANSFIELD Township: Section: Crown Allotment: Crown Portion: 15 (PART) Title Reference: Vol. 9877 Fol. 804 , Vol. 9877 Fol. 805, Vol. 9952 Fol. 727, Vol. 9952 Fol. 728, Vol. 9952 Fol. 729, Vol. 9952 Fol. 730. Last Plan Reference: SP31675 Postal Address: 2 GREENVALE LANE, MANSFIELD, 3722 (at time of subdivision) MGA94 Co-ordinates: E: 420450 Zone:55 (of approx centre of land N: 5897700 MGA 94 in plan)		Council Name: Mansfield Shire Council Council Reference Number: S163313T/20 Planning Permit Reference: Planning permit not required SPEAR Reference Number: S163313T Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Leanne Joy Curphey for Mansfield Shire Council on 12/10/2020		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
Identifier	Council/Body/Person	PURPOSE OF PLAN: 1. TO CONSOLIDATE UNITS 1, 2, 3, 4, 21, 22 & COMMON PROPERTY ON SP31675 AND TO REMOVE THE UPPER AND LOWER BOUNDARIES OF UNITS 1, 2, 3, 4, 21 & 22 SO THAT NEW PARCEL HAS NO UPPER AND LOWER BOUNDARY. 2. TO DISSOLVE OWNERS CORPORATION SP31675.		
Nil	Nil			
NOTATIONS		DEPTH LIMITATION DOES NOT APPLY SURVEY: This plan is not based on survey. STAGING: This is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.		
Depth Limitation does not apply				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
_____	_____	_____	_____	_____
SURVEYORS NAME: MALCOLM JOHN PERRIAM SURVEYORS FILE REF: I1271/02 Version No: I		I127102vl.lcd		
PEYTON WAITE <i>CONSULTING LAND SURVEYORS & TOWN PLANNERS</i> LEVEL 1 240 LOWER HEIDELBERG ROAD EAST IVANHOE 3079 PHONE 94784933 A.C.N. 004 963 884		Digitally signed by: Malcolm Perriam, Licensed Surveyor, Surveyor's Plan Version (1), 01/09/2020, SPEAR Ref: S163313T		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2
		PLAN REGISTERED TIME: 9.35am DATE: 11/3/2021 H.Skidmore Assistant Registrar of Titles		



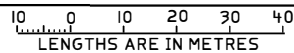
MANSFIELD - MT. BULLER ROAD

SURVEYORS NAME: MALCOLM JOHN PERRIAM
 SURVEYORS FILE REF: I1271/02
 Version No: 1
 I127102v1.lcd

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CONSULTING LAND SURVEYORS & TOWN PLANNERS
 LEVEL 1 240 LOWER HEIDELBERG ROAD EAST IVANHOE 3079
 PHONE 94784933 A.C.N. 004 963 884

SCALE
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ORIGINAL SHEET
 SIZE: A3

SHEET 2

Digitally signed by: Malcolm Perriam, Licensed Surveyor,
 Surveyor's Plan Version (1),
 01/09/2020, SPEAR Ref: S163313T

Digitally signed by:
 Mansfield Shire Council,
 12/10/2020,
 SPEAR Ref: S163313T

PLAN OF SUBDIVISION

EDITION 1

PS 905402K

Location of Land

Parish: MANSFIELD

Township:

Section:

Crown Allotment: 15 (PART)

Crown Portion:

Title Reference: V12290 F383

Last Plan Reference: PC377104W

Postal Address: 2 GREENVALE LANE
(at time of subdivision) MANSFIELD, 3722

MGA Co-ordinates: E: 420460 Zone: 55
(of approx centre of land in plan) N: 5897720 MGA2020

Council Name: MANSFIELD SHIRE COUNCIL

EXPLANATORY NOTE

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VESTING OF ROADS AND/OR RESERVES

NOTATIONS

Identifier	Council/Body/Person
Nil	Nil

NOTATIONS

Depth Limitation: Does not apply

SURVEY:

This plan is based on survey.

STAGING:

This is not a staged subdivision.

Planning Permit No. P182147H/21

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	3m	THIS PLAN	LAND IN THIS PLAN

SURVEYORS NAME: MALCOLM PERRIAM

SURVEYORS FILE REF: 11271/04

Version No: 1 DATE 6/9/2022 1127104.lcd

PEYTON WAITE

CONSULTING LAND SURVEYORS & TOWN PLANNERS

LEVEL 1 240 LOWER HEIDELBERG ROAD EAST IVANHOE 3079

PHONE 94784933 A.C.N. 004 963 884

ORIGINAL SHEET
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SHEET 1 OF 2

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MGA2020 ZONE 55

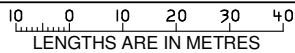


SURVEYORS NAME: MALCOLM PERRIAM
SURVEYORS FILE REF: 11271/04
Version No: 1 1127104.lcd

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LEVEL 1 240 LOWER HEIDELBERG ROAD EAST IVANHOE 3079
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ORIGINAL SHEET
SIZE: A3

SHEET 2

SEE SHEET 1 FOR EXPLANATORY NOTE

**Use and Development of
Land for a Child Care
Centre, Indoor Recreation
Facility (Learn to Swim
Centre) and Reduction of
Car Parking Spaces**

**Planning Permit
Application**

**2 Greenvale Lane
MANSFIELD 3722**

Prepared for:
En Vogue Developments

Prepared by:
Tim Berger
Director, Hatch Planning



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1. Introduction

This town planning report has been prepared in support of an application for a planning permit for the use and development of land for a child care centre, indoor recreation facility (learn to swim centre) and reduction of car parking spaces associated with the indoor recreation facility at 2 Greenvale Lane, Mansfield.

Figure 1 shows the subject land in relation to the surrounding landscape.



Figure 1: Subject site and immediate surrounds. Source: Mansfield Pozi.

This report provides details of the site and its environs, the proposal, relevant planning controls and an assessment against the relevant provisions of the Mansfield Planning Scheme.

2. Subject site, surrounding area and proposal

2.1 Site and area

The subject site, PC377104 (and more particularly, part of proposed Lot 1 PS905402K Parish of Mansfield), comprises a single land parcel of approximately 4,564m² (of which approximately 4,200m² comprises the planning unit to which this application applies), located approximately 1.5km south-east of the Mansfield Town Centre. The subject land is irregular in shape, and comprises a small amount of planted vegetation, but is otherwise vacant grassed land. Access is provided from Greenvale Lane.

The subject site is surrounded by an eclectic mix of land uses and developments. To the south of the site is the All Seasons Holiday Accommodation, comprising a number of cabins providing tourist accommodation to visitors of the area. To the east of the site is land used and developed for a single dwelling on a lot of approximately 2ha. To the north of the site is land used and developed for a dwelling, on the edge of the MUZ and UFZ interface. To the east of the site is land in the Commercial 1 Zone, used for the Mansfield Holiday Park.

The subject site appears to have access to reticulated electricity, telecommunications, water and sewer.

Images of the subject site and proposed development area are provided below:



Figure 2: Drone image of subject site, looking west along Mt Buller Road and to Mansfield Holiday Park



Figure 3: Subject site, viewed from Greenvale Lane



Figure 4: Subject site viewed from north-western corner of land towards All Seasons



Figure 5: Subject site viewed from rear of land towards Greenvale Lane

2.2 The proposal

The subject land is currently vacant land, with land to the immediate south containing the All Seasons Holiday Accommodation. This application seeks to use and develop the land with a 100 place Child Care Centre and a 'Learn to Swim' Centre.

Operating details for each use are shown below:

Child Care Centre

- Proposed capacity – 100 child care places
 - 24 children 0-2 years
 - 32 children 2-3 years
 - 44 children 3-5 years
- Operating hours – 6:30am to 6:30pm Monday to Friday
 - Estimated peak times – 7am – 8:30am and 4:30pm – 6pm
 - Non-peak times – all other times
- Car parking – 22 spaces for the centre

- Peak staff provision – 10 staff on site at one time

Swimming Pool (Learn to Swim Centre)

- No public access – booked sessions only
 - Maximum of 5 person classes during Child Care Centre peak times
 - Maximum of 8 person classes during non-peak times for Child Care Centre
- Operating hours – 6:30am to 7pm Monday to Friday and 9am – 12pm Saturday
 - Class/booked sessions are to be staggered in time by 15 minutes between sessions to provide ample time for patrons to exit the site prior to new patrons arriving.
- Car parking – 8 spaces for the pool
- Peak staff provision – 4 staff on site at one time

The proposed development form is designed to be responsive to the requirements of the DDO1 applying to the land, being designed in light, muted tones of timber, stone and Colorbond, with a maximum height of 6.346m above ground level. Internal floor levels are raised to address low level inundation arising from the LSIO (Ford Creek) to the north.

Pursuant to the provisions of the Mansfield Planning Scheme, a Planning Permit is required for the use and development of the subject land for such purposes.

2.3 Title restrictions

Pursuant to Section 61(4) of the *Planning and Environment Act 1987*, the Responsible Authority must not issue a permit that breaches a registered restriction.

Review of the title documents to the subject land do not show any registered restrictions.

2.4 Cultural Heritage

The subject land is partially identified as being located in an area of Aboriginal Cultural Heritage Sensitivity under the *Aboriginal Heritage Act 2006*; being an area of approximately 363m² in the eastern corner of the site.

Pursuant to Regulation 46(1)(b)(v) and 46(1)(b)(xv), the development of land for a child care centre and a minor sports and recreation facility is a high impact activity.

Regulation 58(1) specifies that the use of land for a purpose specified in Regulation 46(1)(b) is a high impact activity if a statutory authorization is required to change the use of the land for that purpose.

This application has been prepared, to deliberately exclude the area identified as being sensitive from being part of the proposal. This includes:

- The application form and documents specifying that the proposal is for **part of** Lot 1 PS905402, rather than seeking permission for the whole of the land; and
- The application plans specifically stating that this area is excluded from the use of the land and annotation that a post and wire fence will be erected to delineate the sensitive area from the balance of the site.

We do consider it likely that this area has been subject to significant ground disturbance, noting that the feature survey has identified a man made drainage line through this area; however for the avoidance of doubt we exclude this area from the proposal. As a result, no CHMP is required.

2.5 Notice and referrals

2.5.1 Referrals

Pursuant to Section 55 of the Act and Clause 66 of the Mansfield Planning Scheme, the application is required to be referred to the following agencies:

- Goulburn Broken Catchment Management Authority – Recommending Referral Authority – Clause 44.04-7/66.03
- Goulburn Murray Water – Determining Referral Authority – Clause 66.02-5

2.5.2 Notice

Pursuant to Clause 44.04-6 (LSIO) of the Scheme, *an application under this overlay is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.*

The requirements of the MUZ and DDO1 are not exempt from notice and review rights.

It is anticipated that the application will be required to be notified, by way of:

- Letters to adjoining and nearby owners and occupiers; and
- A sign on site.

3. Planning controls

3.1 Planning Policy Framework

The Mansfield Planning Scheme contains the following State and Local Planning Policies relevant to this proposal:

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental and landscape values
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-8 Transport
- Clause 02.03-9 Infrastructure
- Clause 11.01-1L-01 Mansfield Township
- 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 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Mansfield Township Approaches
- Clause 17.01-1S Diversified economy
- Clause 17.02-1S Business
- Clause 18.02-4S Roads
- Clause 19.02-2S Education facilities
- Clause 19.03-1L Development and infrastructure contributions plans
- Clause 19.03-3S Integrated water management

Clause 02.03-1 Settlement sets out the following context for Mansfield:

The settlement pattern in the Shire is characterised by Mansfield Township as the major urban centre, with a number of surrounding smaller settlements, significant areas for rural living and a number of isolated 'legacy' settlements principally located around the shores of Lake Eildon. The 4 major valleys:

Upper Delatite, Upper Goulburn, Howqua and Jamieson provide a distinctive and valued landscape setting for all settlements.

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. Commercial and retail growth will occur within and around the shopping centre. There is a need for more industrial land to service demand. Existing infrastructure is capable of servicing growth however there is a need to increase water storage capacity.

Clause 02.03-2 Environmental and landscape values sets out in relation to landscapes:

The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and of intrinsic importance to its landscape.

Significant landscape and natural features include Mounts Buller, Stirling, Terrible and the Great Dividing Range, and parts of the Eildon and Alpine National Parks. Mount Buller and Mount Stirling are in the Alpine National Park.

Development along ridgelines or highly visible slopes can impact the landscape character of the area. Approaches to the mountains also need to be protected for their significance and high visual amenity, particularly the state significant Mount Buller and Mount Stirling alpine vista.

Clause 02.03-3 Environmental risks and amenity sets out in relation to environmental risk and amenity:

Bushfire

Bushfires are a risk to life, property and community infrastructure. Risk is most significant in and around forested areas in mountainous topography. Other hazardous areas include extensive grassland areas, particularly along the urban and rural interface of existing settlements. Urban areas of Mansfield Township are generally unaffected.

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.

The impact of floods has the potential to increase due to land use and vegetation changes, such as:

- *Urban expansion, by increasing the speed and quantity of flood runoff while at the same time reducing natural flood storage and obstructing flood flows leading to an increase in the risk to life, health and safety of occupants of the floodplain.*
- *Raised earthworks (including but not limited to roadworks, levees and farm channels), by reducing natural flood storage, obstructing or redirecting flood flows and increasing flow velocities and levels*
- *Clearing of land for rural and urban development.*

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 02.03-5 Built environment and heritage sets out the following relevant context for Mansfield:

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

Mansfield Township's residential areas are characterised by wide streets with on street parking, large lots and street trees. Infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected.

Council's strategic directions for the built environment and heritage are to:

- *Support development (including advertising signage) that is sensitive to the role of the Alpine approaches as gateways to Mansfield Township and the Alps.*

Clause 02.03-8 Transport sets the following context in relation to transport and car parking:

The region is characterised by east-west transport connections providing access to the Hume and Goulburn Valley corridors, with many of these roads playing an additional role as Alpine approaches and major tourism routes.

It is becoming increasingly important to provide freight access to the regional centre to minimise its adverse impacts on existing road networks. Council in conjunction with VicRoads has identified an interim and ultimate Heavy Vehicle Alternative Route through Mansfield Township. The ultimate northern route will require further road augmentation works to divert traffic away from the shopping centre.

Council's strategic directions for transport are to:

- *Facilitate improved transport linkages and east/west connections to the Hume and Goulburn Valley Highway corridors in particular.*
- *Protect the Alpine approaches as major transport and tourism routes.*
- *Facilitate use and development that directs heavy vehicle/freight traffic away from Mansfield Township and minimises any adverse impact on existing road networks and local traffic.*
- *Improve road safety by supporting the provision of an efficient movement network for vehicles, pedestrians and cyclists.*

Clause 02.03-9 Infrastructure sets out the following context in relation to infrastructure provision:

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.

Clause 11.01-1L-01 Mansfield Township has the relevant objective:

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

Relevant strategies to achieve this objective include:

- *Encourage the redevelopment of vacant or under-utilised sites including retail and mixed use with possible car parking opportunities to the rear where possible.*
- *Support the development of the northern side of Mount Buller Road on the eastern side of Mansfield Township as the preferred linear corridor for business, commercial, mixed use and service industry.*
- *Provide on-site car parking as part of retail and commercial development, wherever possible.*

- *Ensure urban development is connected to existing town infrastructure.*

Clause 12.05-2L Significant landscapes, ridgelines and alpine approaches has the 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 to achieve this objective include:

- *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.*
- *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.*

Clause 13.02-1S Bushfire planning has the objective:

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

Relevant strategies to achieve this objective include:

- *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:*
 - *Child care centre*
 - *Indoor recreation facility*

Clause 13.03-1S Floodplain management has the objective:

- *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 to achieve this objective include:

- *Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.*
- *Avoid intensifying the impact of flooding through inappropriately located use and development.*
- *Plan for the cumulative impacts of use and development on flood behaviour.*
- *Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.*
- *Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.*
- *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 has the relevant strategies:

- *Avoid the intensification of land use and development in the floodplains of watercourses.*
- *Discourage subdivision of parcels that could lead to intensification of development on flood prone land.*
- *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 any buildings and works, including earthworks, vegetation clearance and land filling, in Urban Floodway Zone and Floodway Overlay areas along water courses.*
- *Discourage the use of levees, except to protect existing dwellings where floor levels are known to be below flood level or to protect areas in accordance with an approved scheme.*
- *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.*
- *Avoid large building extensions that will be below the nominal flood protection level.*
- *Locate replacement dwellings on the highest available land unless an alternative site is more suitable.*
- *Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.*

Clause 13.05-1S Noise management has the objective:

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

Relevant strategies to achieve this objective include:

- *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.

Clause 13.07-1S Land use compatibility has the 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 to achieve this objective include:

- *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 commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 15.01-1S Urban design has the 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 to achieve this objective include:

- *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 has the objective:

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

Relevant strategies to achieve this objective include:

- *Require a comprehensive site analysis as the starting point of the design process.*
- *Ensure the site analysis provides the basis for the consideration of height, scale and massing 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.*
- *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 provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- *Encourage development to retain existing vegetation*

Clause 15.01-5S Neighbourhood character has the objective:

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

Relevant strategies to achieve this objective include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *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.*

Clause 15.01-5L Mansfield Township Approaches has the 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 to achieve this objective include:

- *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.*

Clause 17.01-1S Diversified economy has the objective:

- *To strengthen and diversify the economy.*

Relevant strategies to achieve this objective include:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*

- *Support rural economies to grow and diversify.*

Clause 17.02-1S Business has the objective:

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

Relevant strategies to achieve this objective include:

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*

Clause 18.02-4S Roads has the objective:

- *To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

Relevant strategies to achieve this objective include:

- *Plan an adequate supply of car parking that is designed and located to:*
 - *Protect the role and function of nearby roads.*
 - *Enable the efficient movement and delivery of goods.*
 - *Facilitate the use of public transport.*
 - *Maintain journey times and the reliability of the on-road public transport network.*
 - *Protect residential areas from the effects of road congestion created by on-street parking.*
 - *Enable easy and efficient use.*
 - *Achieve a high standard of urban design.*
 - *Protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - *Create a safe environment, particularly at night.*

Clause 19.02-2S Education facilities has the objective:

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

Relevant strategies to achieve this objective include:

- *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.*
- *Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.*
- *Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).*
- *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.*

Clause 19.03-1L Development and infrastructure contributions plans has the strategy:

- *Ensure that the cost of new infrastructure required to serve a specific development is met by the developer.*

Clause 19.03-3S Integrated water management has the objective:

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

Relevant strategies to achieve this objective include:

- *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.*
- *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.*

Discussion

The interaction with the relevant decision guidelines of the Mixed Use Zone and applicable Overlays is contained in Section 4 of this report. The key considerations applying to this application and the application of policy relate to the use and development of land in the Land Subject to Inundation Overlay, with the applicable policy direction being to ensure that development provides for the protection of human life. Other relevant policy relates to built form outcomes, intensity of land use and provision of needed community facilities in Mansfield. These matters are considered in more detail below:

Settlement

Relevant Planning Policy highlights Mansfield as the major centre for the municipality, which provides services to the broader Shire and Mt Buller. The subject site is on the periphery of the urban area of Mansfield, and provides for much needed local commercial activities in relation to child care and swimming centre. This is consistent with local and regional policy to support the sustainability of the settlement and provide such services locally, to avoid the economic and social benefits of these activities leaving the municipality.

Environmental Risk

- Flooding

This application seeks to use and develop a child care centre and learn to swim centre on an existing cleared site, in an area where the prevailing adjoining development form is sensitive land uses (accommodation). The proposal will be required to implement emergency management plans for a number of scenarios, which will incorporate flood risk commensurate with the risk to the site.

Planning Practice Note 11: Applying for a Planning Permit under the flood provisions states in relation to the LSIO:

*The LSIO applies to mainstream flooding in both rural and urban areas. **In general, areas covered by the LSIO have a lower flood risk than UFZ or FO areas.***

[emphasis added]

PPN11 highlights that LSIO land is at a lower risk of impact, with design and operational measures able to be introduced to the proposal to manage that risk.

The proposal is designed consistent with policy, to *site and design buildings in such a way that their longitudinal axis is parallel to the predicted direction of the flood flow, and to 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.*

Flooding of the Ford Creek is typically known in advance of the event hitting Mansfield, allowing appropriate time for evacuation/closure of the site to occur. This further mitigates the risk of flooding to the site, and the proposal as a whole is considered to represent an appropriate response to policy and the hazard risk. Detailed assessment of the LSIO is contained further in this report.

- Bushfire

The subject land, while not within a Bushfire Management Overlay, is identified as being in a Bushfire Prone Area and as such, bushfire risk must be considered. The predominant risk to the site arises from grassland vegetation to the south/south-east/south-west. The location of the site at the edge of the urban area of Mansfield, including the creeks and waterways nearby prevents risk of widescale bushfire impact to the site, as fire fronts are unable to build in the landscape for long periods of time or burn areas with high fuel loads.

Conditions can be imposed on any permit issued to require the use to close on extreme or catastrophic fire risk days, should this be considered necessary to ensure protection of human life. The site will be connected to reticulated water supply, providing ample water supply to manage fire risk should the need arise at a localised level.

Built Form

The proposed development is considered to be responsive to the character of the area and does not detract from the rural aesthetic of the surrounding area, or intent of land in the Alpine Approaches. The particular characteristics of the built form are discussed further in Section 4 of this report, however consistent with policy, the design of the development is consistent with the Urban Design Guidelines relating to the Alpine Approach.

Economic Development

The proposal is wholly consistent with planning policy relating to economic development within the Mansfield Shire; providing much needed community services to the Mansfield community, supporting

the sustainable growth and development of the town as it continues to experience a higher than average growth rate. The development is consistent with the character of the surrounding area, being sensitively designed to the alpine approaches and the prevailing development forms of the immediate area. The location of the site is well serviced and located for such activities, being zoned for mixed use development and encouraging use and development of this nature.

As a result of the above, the proposed use and development on the subject land is considered to be supported by the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy.

3.2 Zoning and overlay controls

3.2.1 Zoning

The subject land is located within the Mixed Use Zone under the Mansfield Planning Scheme. An extract of the relevant zoning map is provided below:



Figure 6: Zoning map of subject site and immediate surrounds. Source: VicPlan

The purpose of the Mixed Use Zone, as stated at Clause 32.04 of the Scheme is:

- 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.*

Pursuant to Clause 32.04-2, a permit is required to use land for a Child Care Centre and Indoor Recreation Facility.

Pursuant to Clause 32.04-9, a permit is required to construct a building or construct or carry out works.

In accordance with Clause 32.04-12, this report and accompanying application plans provides a site analysis and detail of the proposed development form.

3.2.2 Overlays

The subject land is covered by the following overlays:

- Design and Development Overlay – Schedule 1 (DDO1)
- Land Subject to Inundation Overlay (LSIO)

Design and Development Overlay



Figure 7: DDO1 map of subject site and immediate surrounds. Source: VicPlan

The purpose of the Design and Development Overlay, as stated at Clause 43.02 of the Mansfield Planning Scheme is:

- *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.*

The design objectives of the DDO1 are:

- *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.*

Pursuant to the provisions of Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

Clause 2.0 of Schedule 1 to the DDO provides that 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. Zincalume 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 Maroondah Highway frontage.*
- *Enable high levels of accessibility, including access for people with a disability.*

The Schedule to the DDO does not include specific application requirements for the proposal. An assessment of the decision guidelines of the DDO1 is provided in Section 4 of this report.

Land Subject to Inundation Overlay



Figure 8: LSIO map of subject site and immediate surrounds. Source: VicPlan

The purpose of the LSIO, as stated at Clause 44.04 of the Mansfield Planning Scheme is:

- 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.

Pursuant to the provisions of Clause 44.04-2, a permit is required to construct a building or construct or carry out works.

In processing the application, the Responsible Authority must refer the proposal to the Goulburn Broken Catchment Management Authority for assessment.

Pursuant to Clause 44.04-5, the proposal must be consistent with the incorporated 'Mansfield Shire Local Floodplain Development Plan (June 2015)'. The Floodplain Development Plan sets out the following application requirements:

- *Whether the proposed development could be located on flood-free land or land with a lesser flood hazard.*

There is no flood-free land on the site. The layout of the site has been designed to ensure that egress to the site can be achieved onto Greenvale Lane and south along flood-free land.

- *Whether the proposal is likely to adversely impact on floodplain and waterway environs including surface and ground water quality.*

The proposal is unlikely to have any impact on surface and ground water quality.

- *The boundaries, dimensions, orientation, slope and elevations (drawn to scale) of the site.*
- *Location, layout, size, elevations (drawn to scale) and use of existing and proposed buildings and works, including subdivision, on the site and on surrounding properties.*
- *Relevant existing and proposed ground levels of the site, to AHD, and the difference in levels between the site and surrounding properties.*
- *Floor levels of all existing and proposed buildings to Australian Height Datum (AHD).*

These matters are all annotated on the submitted plans.

- *Details of existing and proposed internal driveways and pathways and their height in relation to the nominated flood level for the site.*

The internal driveways and pathways gradually slope to Greenvale Lane from the building, however finalised AHD levels are expected to be determined by the Goulburn Broken Catchment Management Authority.

- *Construction details of all buildings and works, including fences, and driveways.*

- *Adjoining roads, internal driveways, and access tracks.*
- *Location of significant environmental values including flora, fauna, waterways and wetlands on the site and surrounding properties.*

These matters are all annotated on the submitted plans.

- *Details of the measures to be used to reduce the susceptibility of the development to flood damage.*

The proposal has been designed to minimise flood risk, including:

- Floor levels at 326m AHD, well above current spot heights on the land and above the extent of flooding that would be expected in an LSIO;
- Ensuring that egress from the site is at the southern-most point of the land, which is the lowest flood risk and where traffic can move to the south on flood-free land; and
- Operational measures can be implemented, providing that the site is not to operate should a flood warning be issued.

It is fair to say that the site is not immune from flood risk, however the design and operational parameters can ensure that risk is managed to an acceptable level and allow the development to proceed.

Criteria:

Applications for new or replacement buildings must satisfy the following criteria:

- *New buildings must be on the highest available natural ground.*

The development is sited on the highest available natural ground, noting that land at the rear is encumbered by an area of aboriginal cultural heritage sensitivity.

- *New or replacement buildings must be constructed to minimise potential for disrupting floodwater flow.*

The works will be constructed in such a way, in particular flood levels are elevated to 326m AHD (minimum 420mm above spot levels at the highest point of the development footprint), with drainage designs taking into account inundation risk.

- *New or replacement buildings must be aligned with their longest axis parallel to the direction of floodwater flow unless it can be demonstrated that this cannot be practically achieved and/ or the floodplain management authority has advised in writing that an alternative alignment is acceptable.*

The long axis of the development is parallel to the Ford Creek and direction of flood flow (east-west).

It is noted that the land has been subject to a recent subdivision, to which the GBCMA had no objections and no conditions. This indicates that such a development of the subdivided land, subject to the above matters being satisfied is a reasonable development expectation under the LSIO.

3.3 Particular provisions

Clause 52.05 – Signs is relevant to this application. The site is within the Mixed Use Zone and Category 3 sign requirements apply.

The application does not currently propose any signage, acknowledging that any signage will be subject to a future Planning Permit application or amendment application.

Clause 52.06 Car parking is relevant to this application. Pursuant to Clause 52.06-5, the following car parking requirements arise for the site:

- Child Care Centre (100 child capacity) – 22 spaces required
- Swimming Pool other than in conjunction with a dwelling¹ (5.6 spaces required to each 100m² of the site²) – 255 spaces required.

The application provides for:

- 22 spaces associated with the Child Care Centre – no reduction required
- 8 spaces associated with the pool – 247 space reduction required.

¹ Table 1 to Clause 52.06-5 lists this as a category, noting however that ‘Swimming Pool’ is not a defined land use at Clause 73.03.

² The supplied Car Park Demand Assessment considers the ‘site’ to be the area for the pool, however it could be fairly contended that ‘site’ means the entirety of the land to which the application applies. In any event, a reduction of spaces remains required.

A permit is required to reduce the number of car parking spaces required under Clause 52.06-5. An assessment of the application requirements and decision guidelines will be undertaken in Section 4 of this report.

Clause 52.34 Bicycle Facilities is relevant to this application. Pursuant to Clause 52.34-5, the following bicycle facility requirements arise for the proposal:

- Child Care Centre – Nil.
- Minor Sports and Recreation Facility – 1 x employee space and 4 x visitor spaces

It is anticipated that permit conditions will require these spaces to be provided on the land; noting that the specific location of bicycle spaces has not been determined at the time of application.

Clause 53.18 Stormwater Management in Urban Development is relevant to this application. The purpose of Clause 53.18 is:

- *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.*

Clause 53.18-3 states:

An application to construct a building or construct or carry out works:

- *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
- *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

The application has been submitted with a detailed drainage design prepared by Taylors Consulting Engineers that meets the requirements of Clause 53.18-3.

3.4 General provisions

The provisions of Clause 65 – Decision Guidelines are relevant to this proposal and are discussed at Section 4 of this report.

4. Planning Assessment

4.1 The decision guidelines of the Mixed Use Zone

The decision guidelines of the Mixed Use Zone set out the matters that the Responsible Authority must consider (as appropriate):

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

Discussion

The interaction of this proposal with the relevant clauses of the Municipal Planning Strategy and Planning Policy Framework is contained in Section 3 of this report. Unhelpfully, the decision guidelines of the MUZ do not contain any assessment criteria for the proposed uses and development (noting that there are no scheduled matters for consideration and no overshadowing impacts).

As noted in Section 3.2 of this report, the purposes of the zone includes *‘To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality’*. The proposal achieves this overarching purpose, by providing local commercial uses which are in high demand in the Mansfield Township, consistent with the scale and degree of activity reasonably expected within the Mixed Use Zone. The hours of operation and scale of activity are designed to provide a responsive community function, without unreasonable amenity impacts to adjoining and nearby land uses and developments.

The purpose of the zone speaks to an encouragement of development that is responsive to the character of the area. While this is guided in large part by the DDO1 applying to the land, the design of the proposed development is responsive to both the prevailing development form of the immediate area (which has an eclectic feel), as well as the materiality and forms sought on the Alpine Approaches at the urban extremities of the Mansfield Township. The design of the development includes provision for landscaping buffers, particularly to Greenvale Lane.

Based on the above, it is considered that the proposal is supported by the relevant purpose and decision guidelines of the Mixed Use Zone and is an appropriate use and development for the subject land.

4.2 The decision guidelines of the Design and Development Overlay – Schedule 1

The decision guidelines of the Design and Development Overlay – Schedule 1 set out the matters that the Responsible Authority must consider (as appropriate):

- *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*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*
 - *The Mansfield Urban Design Framework 2005.*

Discussion

The Mansfield Urban Design Framework (2005) sets out the desired development forms for the Alpine Approaches to and from Mansfield.

Specifically, these guidelines provide that new development should:

- *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.*

The design of the development uses natural materials and colour schemes, a pitched roof and form that is consistent with many built form outcomes associated with Mansfield and the Alpine region. Stonework on the front façade provides diversity in built form and further materiality consistent with the Alpine region.

- *Have at least one active frontage (i.e. entries, windows, external activities) and not have solid walls and solid fencing facing the road/s.*

The interface to Greenvale Lane is an active frontage (to the extent practicable given the nature of the land use), with a clearly defined entrance point and low open fencing to Greenvale Lane.

- *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. Zinalume materials are prohibited. Galvanised iron materials may only be permitted when it can be demonstrated that the building will have minimal visual impact.*

No zinalume or galvanised iron materials are proposed, with stone, colorbond and timber materials in greys/neutral materials to clad the building proposed. This is considered an appropriate design response for the alpine approach and township gateway.

- *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.*

The built form marginally exceeds 6 metres, with the maximum height being 6.346m. The intent of this control is to ensure development does not dominate the views to Mt Buller or surrounding development. The proposal, while numerically exceeding 6 metres, achieves this underlying intent and provides a positive visual outcome.

- *Create visual interest and enhance alpine and gateway character.*

The development is considered to be consistent with the character of the surrounding area and alpine approach more generally as discussed. The building will provide a sense of visual interest to passing traffic and visitors to the site.

- *Be sited to have sufficient building setbacks to allow a sense of space, lineal corridor and alpine landscape to be retained.*

A large setback is provided to Greenvale Lane of 21.3m, which continues the consistent development theme of large setbacks along Greenvale Lane and ample landscaping opportunities to the site.

- *Have a setback/s to accord with (or exceed) the setbacks of building/s on adjoining properties.*

As noted above, a large setback is proposed. Abutting development has even greater setbacks, however these setbacks are atypical of development in Mansfield and cannot be reasonably be expected to be replicated.

- *Allow pedestrian access, and vehicle parking and landscaping at the frontage of the land.*

These features are provided at the frontage of the land.

- *Have a strong emphasis on environmental sustainability and energy efficiency.*

The proposal provides strong orientation to northern light/solar access, natural materials and passive design features that will provide positive energy efficiency. Should it be considered required, permit conditions can be imposed to require solar panels to be installed on the site.

- *Have any storage area and parking for large vehicles away from road frontages.*

Storage areas are behind the front building line of the site, save for bin storage which is placed adjacent the accessway for easy collection.

- *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 Maroondah Highway frontage.*

Ample space for landscaping is provided, with details of the landscaping to be provided by way of permit condition. We are also willing to plant landscaping on the road reserve frontage should this be sought by Council.

- *Enable high levels of accessibility, including access for people with a disability.*

The development is accessible at ground level and incorporates wide accessways, disabled car parking and footpaths consistent with this requirements.

These objectives reflect the intent of the Mansfield Urban Design Guidelines 2005. For these reasons, the proposal is considered to accord with the provisions of the DDO1.

4.3 The decision guidelines of the Land Subject to Inundation Overlay

The decision guidelines of the Land Subject to Inundation Overlay set out the matters that the Responsible Authority must consider (as appropriate):

- *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.*
 - *Tidal patterns.*
 - *Coastal inundation and erosion.*
 - *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.*

Discussion

As discussed in Section 3 of this report, the proposal is considered responsive to the Local Floodplain Development Plan, and incorporates all reasonable measures to minimise flood risk to the site and proposed use and development, including locating the Swim Centre further north than the Child Care Centre. There are no opportunities to locate the development outside of the overlay, however riverine flooding is usually slow to build with ample warning time for persons to leave the site if required. The development is unlikely to have an effect on water quality or river health. The subdivision of the land in 2022 was approved by Council and GBCMA with no conditions, with a reasonable expectation that the land would be able to be developed in accordance with the intent of the zoning, subject to appropriate mitigation measures which this proposal incorporates.

Planning Practice Note 11: Applying for a Planning Permit under the flood provisions states in relation to deciding a permit application in the flood controls:

A development should be refused **if it is likely to cause an unacceptable increase** in flood risk in the following situations:

[emphasis added]

- *It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site*

The proposal is unlikely to result in an unacceptable increase to life, health and safety of occupants due to flooding, as:

- Flooding is preceded by warning times in which the use can close and persons exit the site;
- Floor levels of the development are well above the nominated flood level; and
- Flood-free egress is available to the south along Greenvale Lane;

- *It relies on low-level access to and from the site.*

The proposal has been designed to provide egress on the southern-most part of the site, with flood free egress along Greenvale Lane to the south available. This will be available should the need to evacuate arise, noting that there would be a lead time for people to leave the site before water rises to the LSIO area (as the UFZ/FO land will be inundated in advance).

- *It is likely to increase the burden on emergency services and the risk to emergency personnel.*

Based on the above egress arrangement, there is unlikely to be an increase in burden on emergency services or risk to same.

- *It is likely to increase the amount of flood damage to public or private assets.*

The proposed development could theoretically be damaged in a flood event, however the development is designed with flood risk in mind and as such, any impacts have been catered for in this proposal.

- *It is likely to raise flood levels or flow velocities to the detriment of other properties. Potentially adverse effects on upstream and downstream areas must be identified and addressed. Development should not transfer flooding problems from one location to another.*

The proposal is unlikely to raise flood levels or velocities, or transfer problems from one location to another.

- *It is likely to obstruct flood flows or reduce natural flood storage. The capacity of land subject to inundation to convey and store floodwater must be maintained.*

The proposal is unlikely to obstruct flows or flood storage, as the development is located on the edge of the LSIO area where inundation is rare, minimal and already altered by man-made earthworks and developments on the land and immediate surrounds.

- *It is likely to be detrimental to natural habitats, waterway stability, water quality or sites of significance.*

There are no likely detrimental impacts to natural habitats, waterway stability, water quality or sites of significance as a result of the development.

- *If any subdivision, development or redevelopment is likely to increase the number of buildings located in a floodway area.*

The development by definition increases buildings in the overlay, however this is reasonably envisaged by the approved subdivision of the land and importantly, manages risk to an acceptable level.

For the above reasons, the proposal is considered to be consistent with the provisions of the LSI0 applying to the land.

4.4 The application requirements and decision guidelines of Clause 52.06

Clause 52.06-7 states that application must be provided with a Car Parking Demand Assessment and sets out the matters that the Responsible Authority must consider (as appropriate):

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- *new use; or*
- *increase in the floor areas or site area of the existing use; or*
- *increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*

- *Public car parks intended to serve the land.*
- *On street parking in non residential zones.*
- *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

Discussion

As noted in Section 3 of this report, a total of 30 spaces are provided, complying with the requirements for the Child Care Centre and seeking a reduction exclusively towards the swimming pool.

In support of the application is a Traffic Impact Assessment Report (including Car Park Demand Assessment), prepared by Quantum Traffic. This report finds that the likelihood of multi-purpose trips to the site are low, and commensurate with this is that car parking demand consistency will likely be high. However, subject to appropriate operational measures being included in the proposal, car parking for the proposal can be fully accommodated on the site. There is also opportunities for informal parking either on Greenvale Lane or the Mt Buller Service Road, should this be required.

The demand for car parking associated with the use and development will not discernibly change over time, and no other developments are proposed in the immediate area that would change access to transport or public car parking provision. A reduction in car parking spaces associated with the swimming pool will not have an amenity impact on the surrounding area given the nature of the site and surrounds. All provided car parking meets the design requirements of Clause 52.06-9, with the access width being larger than required to cater for larger vehicles that are found in Mansfield. The submitted Car Park Demand Assessment provides further justification against these controls.

For the reasons above it is considered that the shortfall of car parking is considered acceptable in this instance.

4.5 The decision guidelines of Clause 65

The decision guidelines contained in Clause 65 of the Mansfield Planning Scheme set out the matters that the Responsible Authority must consider (as appropriate):

Clause 65.01 – Approval of An Application or Plan

- *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.*

Discussion

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework with regards to the development of land in the Mixed Use Zone. The matters to be considered by the MUZ, DDO1, LSIO and Clause 52.06 are appropriately met, with the proposed development considered to be reflective of orderly planning. The use and development is being assessed in a considered in a holistic manner with regard to the approved subdivision of the land (and associated likely development outcomes), with the proposal unlikely to result in unreasonable amenity impacts, drainage/flooding risks, vegetation impacts or the like. The site will be connected to all available services and both car parking and loading and unloading arrangements are catered for on site. No issues relating to land capability are identified as a result of this application.

5. Conclusion

This report demonstrates that the proposal is consistent with the relevant provisions of the Mansfield Planning Scheme, including the Planning Policy Framework, Municipal Planning Strategy and the relevant objectives and decision guidelines of the Mixed Use Zone, Design and Development Overlay – Schedule 1, Land Subject to Inundation Overlay, Clause 52.06 and Clause 65.

The proposed use and development is appropriate for the site as it:

- Is supported by relevant State and Local Planning Policy relating to floodplain management, economic development, building design and bushfire risk;
- Satisfies the relevant objectives and decision guidelines of the Mixed Use Zone;
- Satisfies the relevant objectives and decision guidelines of the Design and Development Overlay – Schedule 1;
- Satisfies the relevant objectives and decision guidelines of the Land Subject to Inundation Overlay;
- Satisfies the relevant objectives and decision guidelines of Clause 52.06; and
- Is consistent with the decision guidelines of Clause 65 of the Mansfield Planning Scheme.

It is therefore considered that the proposal is worthy of support, and it is therefore respectfully requested that the Mansfield Shire Council issue a Planning Permit to allow the use and development as described in this report at 2 Greenvale Lane, Mansfield.