

21.0308/12/2016
C37**SETTLEMENT AND HOUSING**

This clause provides local content to support Clause 11 (Settlement) and Clause 16 (Housing).

The Council Plan 2013-2017 is committed to the following:

- *Adopt and commence implementation of the Mansfield Structure Plan to manage future land use and development.*
- *Acknowledging the community view expressed in a petition received in summer (2013/14), Council will investigate the planning options available to mitigate against the proven health/obesity rate impacts of ultra processed food outlets.*
- *Develop an understanding of gaps in our housing stock (i.e. seasonal housing demands and rental accommodation) which are impeding economic growth.*

21.03-108/12/2016
C37**Settlement pattern and growth****Overview**

The settlement pattern is characterised by Mansfield Township as the major town with a number of surrounding smaller settlements, significant areas for rural living or 'rural lifestyle' opportunities 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.

The *Hume Regional Growth Plan 2014* considers Mansfield Township is a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north.

The future growth of all towns will depend upon the provision of infrastructure, particularly reticulated sewerage. Mansfield Township, Bonnie Doon and Merrijig/Sawmill Settlement/Alpine Ridge are the only towns with reticulated sewerage. Development in other towns will be restricted to infill development provided wastewater can be managed on site.

The attraction of the smaller towns and settlements is driven by absentee landowners and locals who seek a 'rural lifestyle' opportunity. This type of development needs to be confined to areas at the urban fringe and existing settlement areas where there is good access to services and impacts of development on agricultural productivity can be minimised.

Development in some settlements is constrained by bushfire and flooding risk. Careful planning for these areas is essential to ensure their impacts are limited.

Key Issues

- Maintaining Mansfield Township as the major town with growth potential.
- Maintaining 'rural lifestyle' opportunities.
- Facilitating limited growth in some small towns and settlements.
- Recognising that the population is ageing and will require a diversified housing stock, including medium density housing.

Objective 1

To coordinate and manage the growth of Mansfield Township as focus of the majority of development.

Strategies

- Strategy 1.1 Ensure there is a sufficient land supply to support residential growth.
- Strategy 1.2 Ensure major commercial and industrial developments are located in Mansfield Township.
- Strategy 1.3 Encourage medium density housing within 400 metres of the shopping centre and other services and facilities.

Objective 2

To encourage diversity in housing choice.

Strategies

- Strategy 2.1 Provide a broad range of housing opportunities, including medium density housing for an ageing community
- Strategy 2.2 Retain the fully serviced low density residential development at the Kareen Hills estate.
- Strategy 2.3 Provide a land supply that meets demand for 'rural lifestyle' opportunities, principally in the Rural Living Zone.
- Strategy 2.4 Prepare a development plan for new rural living development to ensure access, vegetation, fire risk, flooding risk, erosion risk and wastewater management are effectively managed.

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Managing rural land

Overview

Productive agricultural land must be maintained and remain agriculturally viable to ensure the ongoing ability to farm is protected. It is equally important that only marginal rural land, in areas with a minimal visual impact be developed for small scale rural or rural living style development. Maintaining large rural allotments in the rural zones plays a vital role in the maintaining agriculture and rural amenity.

Rural land is under increasing pressure for residential use that is not associated with the rural use of the land. This pressure comes from landowners and developers on the basis of hardship, retirement or superannuation grounds as well as the natural landscape qualities and the resultant demand for such land for rural residential living. A legacy from initial subdivision and decisions made in the 1990's is the large number of 'undersized' lots created in rural areas for the purpose of rural residential living without the appropriate zoning changes to reflect that purpose. Landowners have an expectation that a permit will be granted for a dwelling. A balance needs to be struck between this and the need to protect agricultural land for agricultural use.

Key Issues

- Striking a balance between the need to protect agricultural land for agricultural use and the desire of landowners to develop land for a dwelling.
- Ensuring there is a need for a dwelling to support the agricultural use of the land.
- Avoiding amenity impacts created by legitimate use of agricultural land for agricultural purposes.

Objective 1

To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.

Strategies

- Strategy 1.1 Ensure housing needs for the community in general are to be met within the townships and the designated rural living areas in the Shire.
- Strategy 1.2 Ensure productive use of agricultural land uses sustainable land management practices with respect to maintaining and improving upon the resource base.

Objective 2

To ensure that the development of existing small rural allotments does not prejudice any existing surrounding agricultural activities.

Strategies

- Strategy 2.1 For lots of less than 10 hectares that are not Crown allotments ensure any residential development is sited to minimise off site impacts, including avoidance of impacts on adjoining agricultural land use.

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Strategy 2.2 Development should not lead to a concentration of dwellings so as to change the land uses and/or character of the rural locality, unless it can be shown that the clustering of dwellings will not limit the productive use and development of adjacent agricultural land.

Implementation

The strategies in relation to development of small rural lots less than 40 hectares in the Farming Zone will be implemented through the planning scheme by:

Application requirements

The responsible authority will require, as appropriate:

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A report that addresses Clause 21.03-2 and substantiates that the dwelling is required to support the agricultural use of the land.
- An environmental assessment detailing:
 - Full specifications of the proposed means of potable water supply, domestic and stock water supply, effluent disposal and stormwater drainage.
 - The possible fire risk faced by the proposal and details of the fire prevention and management measures to be employed.
 - The impacts of the proposal on the environment including no net loss of vegetation.
- A detailed set of plans, drawn to scale, showing:
 - Site layout
 - Floor plans
 - Elevations
 - Building materials
 - Access

Decision guidelines

Before deciding on an application to use or develop small rural lots the responsible authority must consider, as appropriate:

- Whether there is the need for an agreement under Section 173 of the *Planning and Environment Act 1987* to be entered into with Council ensuring that in the event of a dwelling being erected on the land that such dwelling cannot be excised from the lot.
- Whether the consolidation of existing smaller lots into larger parcels is achievable.

Objective 3

To ensure that dwellings excised will not prejudice rural production activities on the larger lot created or in the general area.

Strategy

Strategy 3.1 Ensure the agricultural capability of the land is not reduced by inappropriate subdivision or fragmentation of landholdings.

Implementation

The strategies in relation to subdivision that excises a dwelling will be implemented through the planning scheme by:

Application requirements

The responsible authority will require, as appropriate:

- A report that addresses:
 - The decision guidelines of the Farming Zone.
 - The relevant matters outlined at Clause 65.02.
 - Evidence via a land capability assessment that the land is capable of containing an appropriate wastewater treatment system in accordance with relevant legislation, policies and codes of practice.
 - Full specifications of the proposed means of potable water supply for the dwelling.
 - Details of the fire prevention and management measures available to the dwelling.
- A detailed set of plans drawn to scale showing:
 - Existing and proposed property boundaries.
 - Existing site features including contours, land forms, slopes, soil conditions, vegetation, creeks, gullies, drainage lines, dams, ridge lines, views.
 - Existing buildings and fences.
 - Existing and proposed roads and access ways (including unmade roads).
 - Utility service locations.
 - Existing and proposed easements.

Policy guidance

When considering an application the responsible authority will be guided by the following provisions:

- A lot created for an existing dwelling will be the smallest practicable lot based on the characteristics of the site considering such issues as setbacks from the road frontage, dams, topography and vegetation. A maximum lot size of 2 hectares is recommended.
- The area of the lot remaining after a lot is excised should be as large as practicable, with a minimum of 40 hectares being the smallest lot in the Farming Zone.
- An agreement under Section 173 of the *Planning and Environment Act 1987* be entered into with the owner of each lot created that ensures that no additional lots are created for existing dwellings. The agreement must be registered on title.
- The applicant must enter into an agreement under section 173 of the Act acknowledging the possible off-site impacts from adjoining or nearby agricultural activities where it appears to the responsible authority the development would not restrict agricultural production on adjacent land.
- Any dwelling, for which a lot is created, should have existed on the date the new format (1997) Mansfield Planning Scheme was gazetted and has been occupied for a continuous period of two years immediately prior to the subdivision and be in a habitable condition.
- A lot created must be capable of containing an appropriate Environment Protection Authority certified wastewater treatment system.

Rural living

Overview

The subdivision of rural land for rural living opportunities has been a major element of development in the Shire. It has facilitated a variety of lifestyle choices and more intensive use of agricultural land. Subdivision needs to take into account the constraints and opportunities provided by the site as well as the infrastructure and servicing requirements of the development.

The areas zoned Rural Living seek to recognise existing developed areas able to support a mix of small scale commercial farming operations and rural living situations. These areas generally avoid land of high quality agricultural value or environmental hazard. The areas may be capable of being used for a wide variety of small-scale intensive agricultural and horticultural uses.

The *Rural Living Strategic Study 2003* found there was an excess supply of rural living land and the focus should be on reducing the land bank before consideration is given to rezoning more land.

Areas around Mansfield township (Rural Living Zone Schedule 1) use a minimum subdivision lot size that provides a range of lot sizes and to ensure higher quality agricultural land is protected.

Other rural living areas are more remote and unable to be economically serviced with infrastructure so the minimum subdivision lot size for these areas is larger (Rural Living Zone Schedule 2). This was a compromise position to avoid 'back zoning' land from Rural Living to Farming, particularly in the Merton area.

Key Issues

- Rural living opportunities provide a key element of the housing mix.
- Subdivision must consider access, drainage, land capability, wastewater management, dwelling siting and vegetation.
- The current oversupply of rural living land.

Objective 1

To manage the current rural living 'land bank'.

Strategies

Strategy 1.1 Avoid further rezoning until the rural living land bank has been reduced.

Strategy 1.2 Only consider future rezonings where the land is:

- close to infrastructure and town facilities
- of a higher visual amenity
- capable of sustaining a higher lot yield and managing wastewater on site.

Objective 2

To master plan new rural living estates based on an appropriate lot size.

Strategies

Strategy 2.1 Provide for a range of lot sizes and ensure productive agricultural land is protected by requiring a minimum subdivision size of 2 ha with an overall density in any development of 1 lot per 4 ha.

Strategy 2.2 Subdivision should take into account the constraints and opportunities provided by the site as well as the infrastructure and servicing requirements of the development.

Strategy 2.3 The areas zoned Rural Living recognise existing developed areas that are able to support a mix of small scale commercial farming operations and rural living situations.

Implementation

The strategies in relation to subdivisions in the Rural Living Zone will be implemented through the planning scheme by:

Application requirements

The responsible authority will require, as appropriate:

- In the absence of reticulated sewerage, a land capability assessment report in accordance with the *Code of Practice for Septic Tanks and Land Capability Assessment for Domestic Wastewater Management* (EPA, 2003) demonstrating the capability of the land to accommodate on-site effluent disposal.
- A site analysis explaining how the proposed subdivision and/or development has responded to its context and will be managed in the future. The site analysis should show:
- Assessment against criteria referenced in the *Land Capability Assessment for Domestic Wastewater Management* (EPA, 2003).
 - The existing physical characteristics of each lot including slope, soil type, drainage pattern, existing vegetation, hazard areas i.e. areas subject to erosion, fire, flooding, etc. and any areas of environmental significance.
 - The existing, or likely, use and development of adjoining and nearby land.
 - Any existing buildings on site.
 - Any roads, property fences and boundaries, water races, electricity and other service easements.
- A design analysis showing:
 - Proposed building envelopes, effluent disposal envelopes and vehicular access and egress.
 - Proposed dam locations and sizes and how they are to be supplied with water (including an approval from Goulburn-Murray Water).
 - How the proposed subdivision and/or development relates to the existing or likely use and development of adjoining and nearby land.
 - How the proposal addresses the decision guidelines required in the Zone.
 - In the case of a staged subdivision, how the balance of the land may be subdivided and performs against the 'development plan'.
 - An analysis of the expected water requirements and water availability for proposed developments.

Policy guidance

When considering an application the responsible authority will be guided by the following provisions:

- The number of lots to be created in a subdivision is within a demonstrated demand for no more than 15 years supply in the locality (demand will be based on lot sales and housing construction rates for rural living development over the previous decade).
- Each lot should have access to an all weather public road with the access point being located to the satisfaction of Council and VicRoads.
- Each lot should have access to and relate to an existing town or community with suitable services and facilities.
- Subdivision/development proposals should provide appropriate facilities for fire fighting in accordance with current CFA guidelines.
- Each lot shall conform to any water authority requirement for on site water management.

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- Whether there is a need for contributions toward the upgrading of roads in the locality.
- How the proposal responds to relevant LandCare issues and any strategy prepared by the Goulburn Broken Catchment Management Authority.
- Whether there is a need for an agreement under Section 173 of the *Planning and Environment Act 1987* to be entered into with Council requiring the landowner to acknowledge and accept any current surrounding agricultural activities that may cause loss of residential amenity to the dwelling.
- Whether water is available as determined by Goulburn-Murray Water.
- The relationship to landscape and avoidance of visually prominent sites.
- Whether the proposal responds to privacy and noise amenity impacts.
- Vegetation cover and how the proposed development meets the requirement of ‘no net loss’ under the *Permitted clearing of native vegetation – Biodiversity Assessment Guidelines*.
- The protection of ‘designated waterways’ to the requirements of the relevant authorities.

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Entertainment, recreation and community facilities

Overview

Provision of a wide range of facilities for existing and future residents is an important issue. The population is projected to grow at a rate of around 2% per annum for the next 20 years, with a significant increase in the number of residents aged over 50 years. The increasing number of visitors to the Shire also means that there is added pressure to provide entertainment and recreation facilities that help reinforce Mansfield’s competitive advantage in the tourism sector, particularly around nature based tourism.

A major challenge is how the differing needs of each town can be met with relatively limited resources. Finding a solution to this issue will require a strong partnership between Council and the community. There will be a preference for multi-use co-located facilities over single purpose buildings.

The Great Victorian Rail Trail is Australia’s longest dedicated rail trail. The Epic Mountain Bike trail on Mount Buller is also an important recreational facility.

While the community is generally prosperous, it must be recognised that there are areas of disadvantage. There is an existing network of support services provided by government and non government agencies; however any exacerbation of socio-economic disadvantage will significantly test service providers. It is essential, therefore, to ensure the services required to support this sector of our community are provided. It is also vital that applications for entertainment or recreation uses that have potential adverse impacts on local amenity and the well being of our community, such as electronic gaming machines, are appropriately located and demonstrate a net community benefit.

Objective 1

- To ensure that the provision of entertainment, recreation and community facilities respond to the current and future needs of residents and visitors to the Shire.
- To ensure that entertainment and recreation uses that include gaming machines are located where they will provide a net community benefit and minimise any potential harm to the community.

Strategies

Strategy 1.1 Support access to a range of appropriate entertainment, recreation and community facilities where they are compatible with the needs, character and socio-economic profile of the local area.

- Strategy 1.2 Discourage gaming machines from locating in small towns unless it can be demonstrated that the venue primarily services passing visitors.
- Strategy 1.3 Discourage gaming machines from locating in disadvantaged communities.
- Strategy 1.4 Encourage gaming venues to only be located in areas where a choice of non-gaming activities and social infrastructure are available.
- Strategy 1.5 Prohibit gaming venues in shopping complexes and strip shopping centres identified in the Schedule to Clause 52.28-4.
- Strategy 1.6 Prohibit or discourage gaming machines from being located in areas which might encourage convenience gambling, particularly in shopping areas and in proximity to other community hubs.
- Strategy 1.7 Ensure that all gaming venues achieve a net community benefit and protect community wellbeing.

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Further strategic work

- Prepare a new rural strategy that addresses use, development, subdivision of land, the outcomes of the *Domestic Wastewater Management Plan 2014*, other environmental constraints and landscape significance.
- Develop a planning response to ultra-processed food outlets which reflects community concerns.
- Consider rezoning the General Residential Zone land to Township Zone to reflect the lack of infrastructure to support more intensive development.

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Reference documents

- *Mansfield Township Structure Plan 2015*
- *Rural Living Strategic Study 2003*