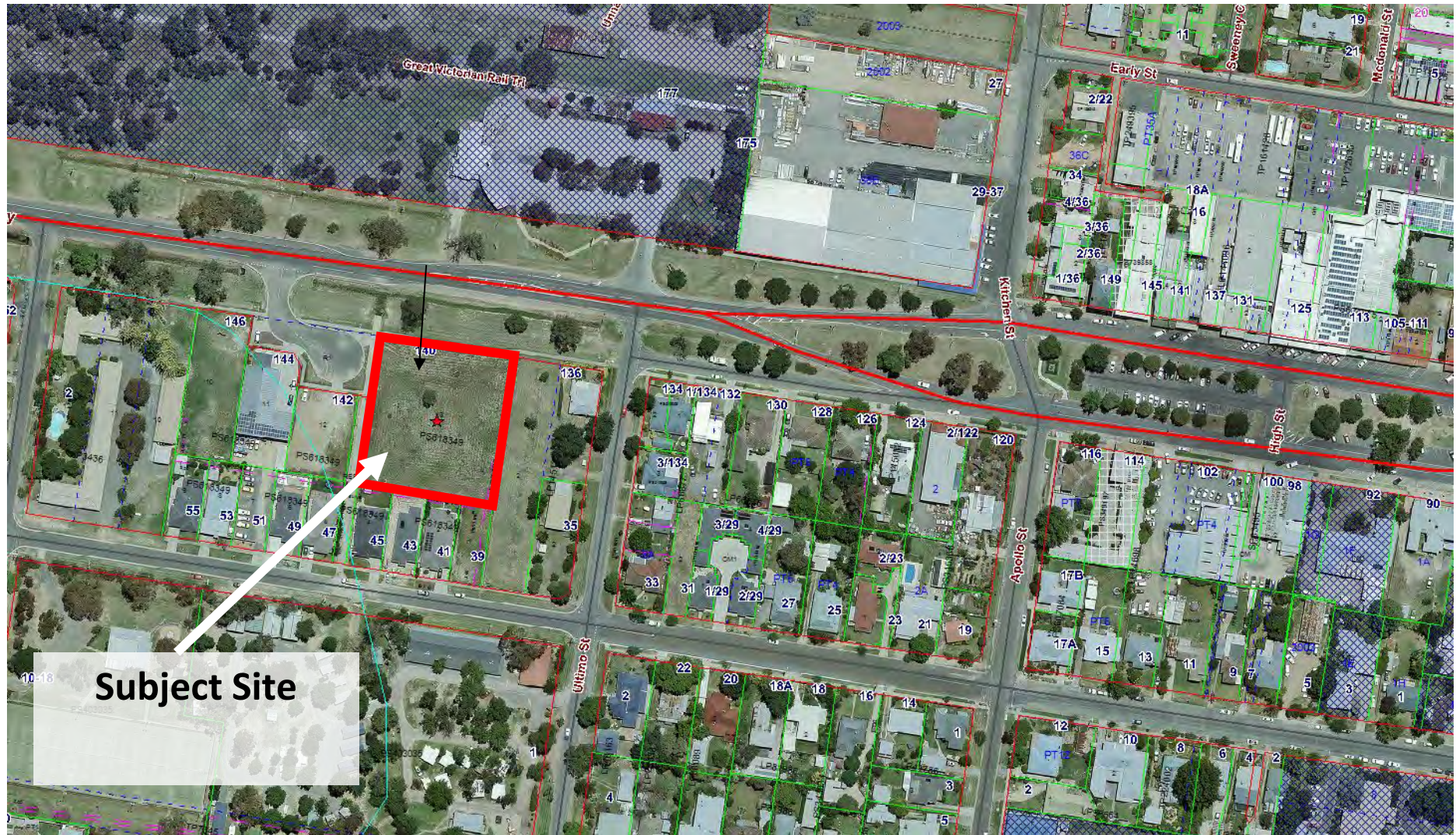


# Attachment 1 Locality Plan



# Specifications

## Subgrade preparation

Site preparation to be carried out in accordance with best horticultural practice and under suitable conditions. Disturbance to indigenous soil structure is to be minimised. The use of machinery that may damage soil structure or profile is not acceptable. Sub-grade to all lawn and planted areas is to be cultivated to a minimum depth of 150mm and shaped to achieve drainage falls prior to topsoiling. Subgrade to be tested prior to preparation and conditioning to determine ph, salinity and gypsum requirements. Any gypsum required is to be distributed as the manufacturers recommended rate and cultivated into the sub-grade at a minimum depth of 150mm. Proposed topping areas to be graded / drained to prevent water discharge into neighbouring properties

## Weed control

Remove and dispose of environmental weeds off site prior to subgrade preparation, topsoiling and planting works.

## Soil Preparation

Topsoil is to be spread in maximum 150mm layers, lightly compacted by use of a 150 - 200kg roller, or by thoroughly walking until it accords with finished kerb levels or to within 75mm below edging levels to accommodate mulch. Imported topsoil for garden beds is to be medium texture general purpose garden soil and lightly compacted to minimum 300mm depth to garden beds. Soil is to comply with s.a.a. 223-19/8, and as follows:

- free from perennial weeds and their roots, bulbs and rhizomes
- free from building rubble and any other matter deleterious to plant growth
- ph to be 6.0 - 7.0
- texture to be light to medium friable loam
- free from silt material

Imported topsoil for lawn rejuvenation / establishment shall have the above characteristics, but shall be a free draining sandy loam lightly compacted to minimum 100mm depth

## Mulch

The specified mulch for garden beds is to be an aged organic material with 60 - 80 percent of its volume being wood chips particles in a size range of 25 - 50 mm maximum. Mulch is to be spread at a consolidated depth of 75mm

## Planting Procedure

If soil to planting hole is dry - fill with water and allow to drain completely. Tree roots are to be teased outwards if matted or circling occurs prior to backfilling. Place tree in centre of hole on firm soil to prevent sinking, ensuring top of the rootball is flush with the surrounding soil surface and the trunk is vertical. Backfill material is to be in a loose, friable state, with no bricks, rocks or foreign material - if sufficient material is not available form the original hole to backfill, a similar soil type must be sourced and used. Soil material must be firmly backfilled in layers to prevent large air pockets from occurring, then thoroughly watered in. Trees to be staked with two 2500mm x 70mm hardwood stakes driven firmly into the ground - stakes must not be placed through the rootball area. Trees are to be secured to each stake with a strong, soft and flexible material, tight enough to support the tree in windy conditions - yet loose enough to stimulate development of a good supportive root system. Tree tie material must not injure tree bark or restrict trunk growth for a minimum period of three years. Slow release fertiliser ( 3/6 month formulation) such as 'Osmocote' is to be applied to the top of the rootball area away from the trunk stem to manufacturers specifications and watered in immediately. All trees to be mulched to a diameter of 1200mm wide and to a depth of 100mm but must not be in contact with the tree trunk. Mulch is to be an aged organic material with 60 - 80 percent of its volume being wood chip particles in a size range of 25 - 50 mm maximum. Mulch to be spread at a consolidated depth of 75mm. The planting hole surface is to be shaped to minimise waterlogging/excessive water retention but retain the mulch material neatly. The site must be left in a clean and safe condition

## Plant Establishment Period

The landscape is to be maintained by applying best horticultural practice to promote healthy plant performance for a 13 week establishment period following the approval of Practical Completion by the responsible authority including (but not limited to) the following tasks - Pruning as necessary to maintain plants in a healthy and structurally sound manner, pest and disease - vegetation to be pest and disease free, mulching, staking and tying - 75mm mulch depth to be maintained around tree bases throughout maintenance period, watering - as often as necessary to ensure healthy and vigorous growth in accordance with current local watering regulations, weeding - maintained in a weed free state over the entire mulch area by spraying or mechanical means, fertilising - 3/6 x monthly slow release fertiliser in accordance with manufacturers recommended application rates, replacement of deceased, stolen or vandalised plants beyond repair or regrowth with the same species as specified in the plant schedule within the assigned maintenance period

## Irrigation

An in-ground automatic drip and spray irrigation system to be installed to all garden areas in accordance with current local watering regulations

## Timber Edging

Timber edging to be 75mm x 25mm treated pine secured to 300mm long treated pine stakes at nom. min 1200mm spacings with galvanised screws and installed to all junctions between garden beds, lawn and topping / pebble areas

## Drainage

The consulting engineer is responsible for civil and hydraulic computations for landscape building works including, but not limited to surface and sub-surface drainage for all landscape areas prior to commencement of works

## General

While care has been taken to select tree species with non-invasive root systems it is recommended that root control barriers be installed for any trees located within five metres of any building lines.

## Plants - Quality of Trees and Shrubs

Trees and shrubs shall be healthy nursery stock free from insects, diseases and weeds. The specified plant heights, and pot sizes are minimums. If plant material is unavailable in these sizes, larger stock must be used. Plant substitution is not acceptable unless confirmed by the responsible authority in writing. The contractor is to supply and install semi mature trees which meet the following criteria: Have a minimum planted height to sizes as indicated in the plant schedule, have a minimum trunk calliper of 50mm at ground level, be undamaged and free of diseases and insect pests, not be root bound or have circling or girdling roots but have roots grown to the edge of the container, should bear a single straight trunk, strong branching pattern, and full canopy, show healthy, vigorous growth

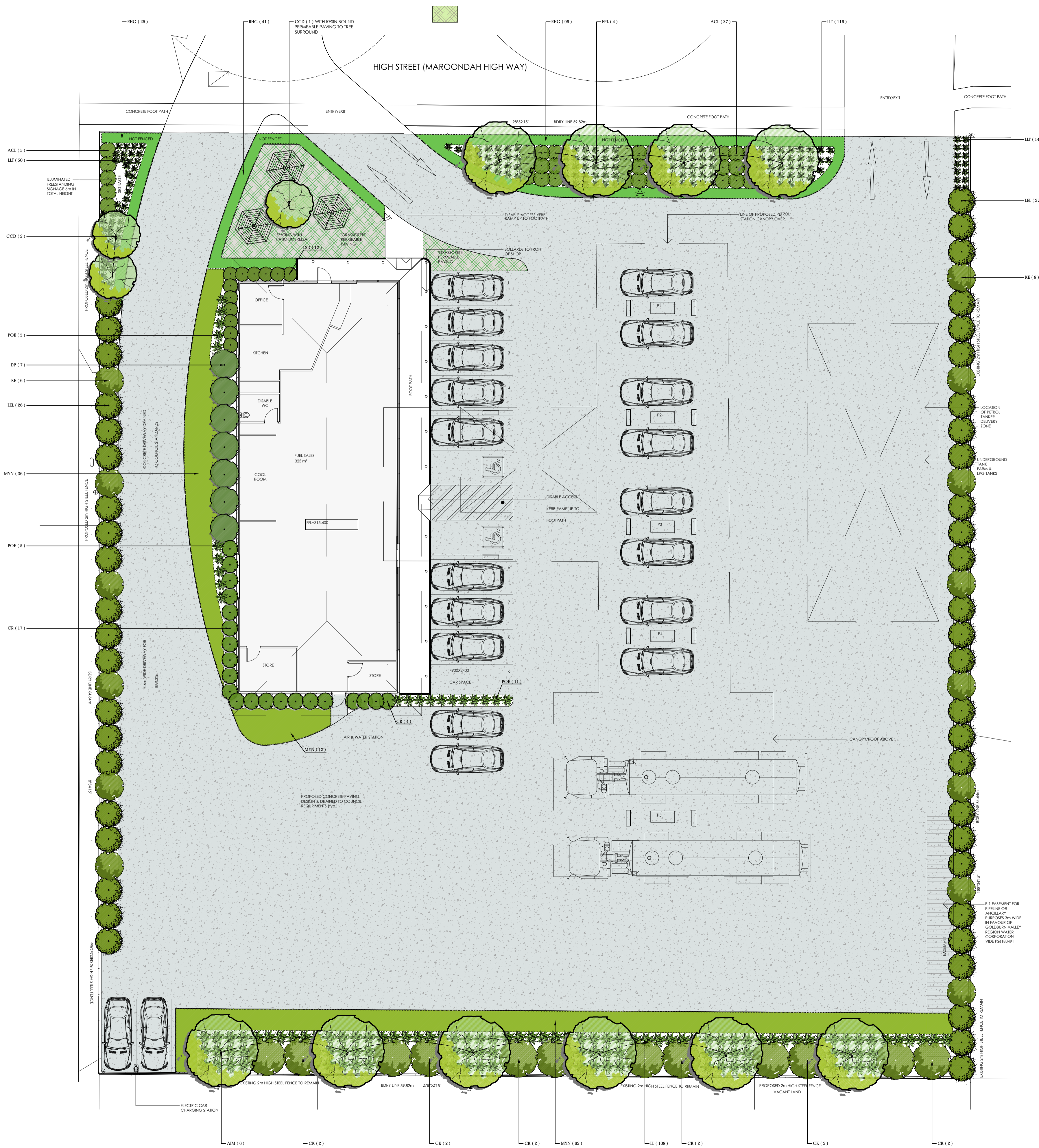
## Protection of Existing Trees

All existing vegetation shown on the endorsed plan ( subject site and neighbouring properties ) to be retained must be suitably marked before any development ( including demolition ) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the responsible authority. Before the commencement of works ( including demolition ) start, tree protection barriers must be erected around trees ( subject site and neighbouring properties ) to form a defined tree protection zone during demolition and construction in accordance with tree protection measures as per AS 4370-2009 ( Tree protection in development sites ).

Any pruning that is required must be carried out by a trained and competent arborist with a thorough knowledge of tree physiology and pruning methods to carry out pruning to the Australian standard - AS 4372-2007 ( Pruning of amenity trees ). All tree protection practices must be in accordance with a consulting arborist and / or to the satisfaction of the responsible authority

# Plant Schedule

Code	Botanical Name	Common Name	Supply Size	Mature HxW(m)	Qty
<b>TREES</b>					
AIM	<i>Acacia implexa</i>	Lightwood	40 tr/min 1.8m high	9 x 5	6
CCD	<i>Corymbia citriodora</i> 'Dwarf Pink'	Dwarf Lemon Scented Gum	40 tr/min 1.8m high	7 x 4	3
SLP	<i>Eucalyptus pauciflora</i> 'Little Snowman'	Dwarf Snow Gum	40 tr/min 1.8m high	7 x 5	4
<b>TOTAL</b>					<b>13</b>
<b>LARGE SHRUBS</b>					
CK	<i>Callistemon</i> 'Kings Park Special'	Bott eczrush	20cm pot	4 x 3	12
JP	<i>Dodonaea viscosa</i> subsp. <i>purpurea</i>	Purple Hop Bush	20cm pot	3 x 2	7
CE	<i>Kunzea ericoides</i>	Burgan	20cm pot	3 x 2	14
EL	<i>Leptospermum lanigerum</i>	Woolly Tea Tree	20cm pot	3 x 1.75	47
<b>MEDIUM SHRUBS</b>					
CR	<i>Correa reflexa</i>	Common Correa	14cm pot	1.1 x 1.2	21
SD	<i>Leucadendron salignum</i> 'Devil's Blush'	Devil's Blush Leucadendron	14cm pot	1.2 x 1	12
<b>GROUND COVERS &amp; LOW SHRUBS</b>					
ACL	<i>Acacia cognata</i> 'Lime Light'	Dwarf Bower 'Watt e	14cm pot	1 x 1	32
MYN	<i>Myrsine parvifolia</i> 'Vareena'	Creeping Boabiala	14cm pot	15 x 1	110
RHG	<i>Rhagodia spinescens</i> 'Silver Border'	Silver Border Salt Bush	14cm pot	50 x 80	165
<b>TUSSOCKS / GRASSES / EVERGREEN PERENNIALS</b>					
L	<i>Lamandra longifolia</i>	Spiny-headed Mat Rush	14cm pot	1 x 1	112
LT	<i>Lamandra</i> 'Lime Tuff'	Lamandra	14cm pot	50 x 50	180
PDE	<i>Poa labillardierei</i> 'Eskdale'	Eskdale Tussock Grass	14cm pot	80 x 70	21



# Legend

- Proposed evergreen trees
- Proposed evergreen shrubs
- Proposed native grasses
- Proposed ground cover/low planting
- Existing trees to be retained and protected
- Existing trees to be removed
- Proposed concrete driveway & paths
- Proposed resin bound permeable paving to tree surround
- Proposed 'grasscrete' or similar permeable paving
- Fences with heights and material as nominated

# Surface Finishes Detail

- Garden Beds**
  - 75mm ORGANIC PINE BARK MULCH
  - 100mm APPROVED MEDIUM LOAM SOIL
  - MIN 100mm DEEP ROTARY HOED SUBGRADE

CLIENT  
140 HIGH ST PTY. LTD.

PROJECT  
PROPOSED SERVICE STATION  
140 HIGH STREET MANSFIELD

DRAWING TITLE  
LANDSCAPE CONCEPT PLAN

DATE | 31 01 20  
SCALE | 1 : 150 @A1  
JOB NO | 2688  
REV NO | C  
DRAWN | J.H D.AppSc (Hort) Burying / Mdb

NOTE  
Do not scale from plan.  
The contractor must verify all dimensions on site prior to commencing any work or shop drawings

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Justin Hutchison Pty Ltd  
A.B.N. 89 850 124 120  
84 Hutham Street  
Preston Victoria 3072

**JUSTIN HUTCHISON**  
landscape design  
horticultural consultants

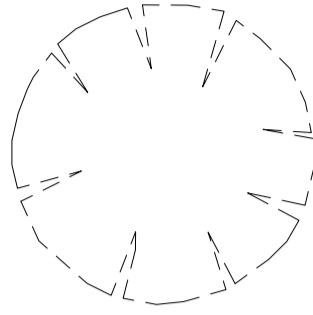
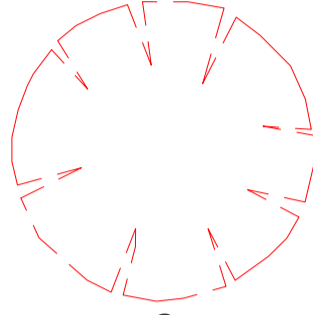



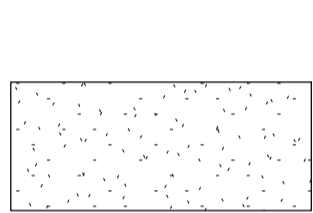
T +61 3 8609 1780  
F +61 3 8609 4087  
E admin@justinhutchison.com.au

www.justinhutchison.com.au

**LIGHTING LEGEND:**

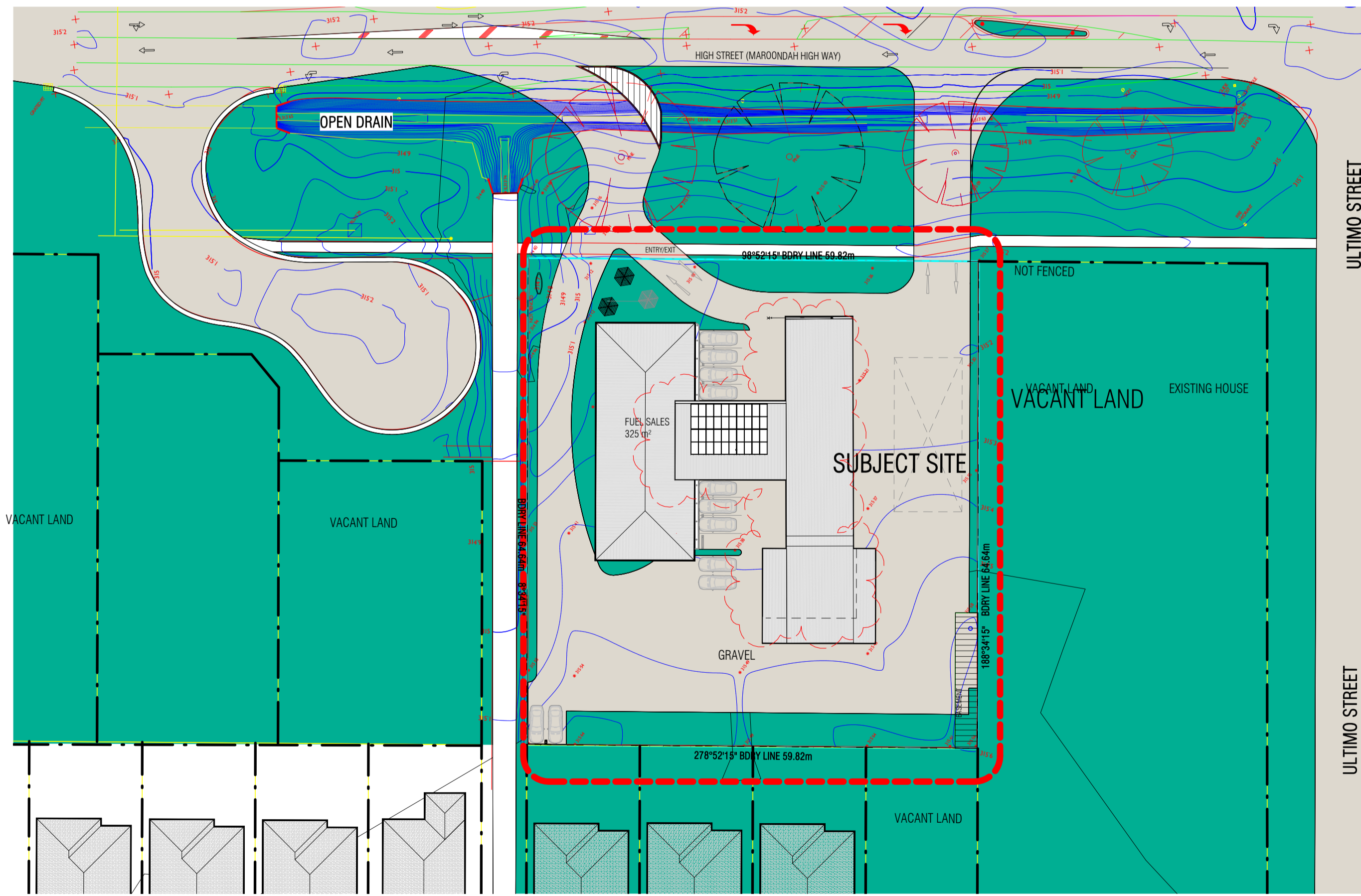
PROPOSED FLOODLIGHTS ON 4.8m HIGH POLES  
FACING DIRECTION SHOWN LIGHTS TO BE 250W  
**NOTE:**  
ALL LIGHTS TO BE FITTED WITH BAFFLES OR SIMILAR  
DEVICE TO ENSURE LIGHT DOES NOT SPILL INTO  
NEIGHBOURING PROPERTIES

**LANDSCAPING LEGEND:**

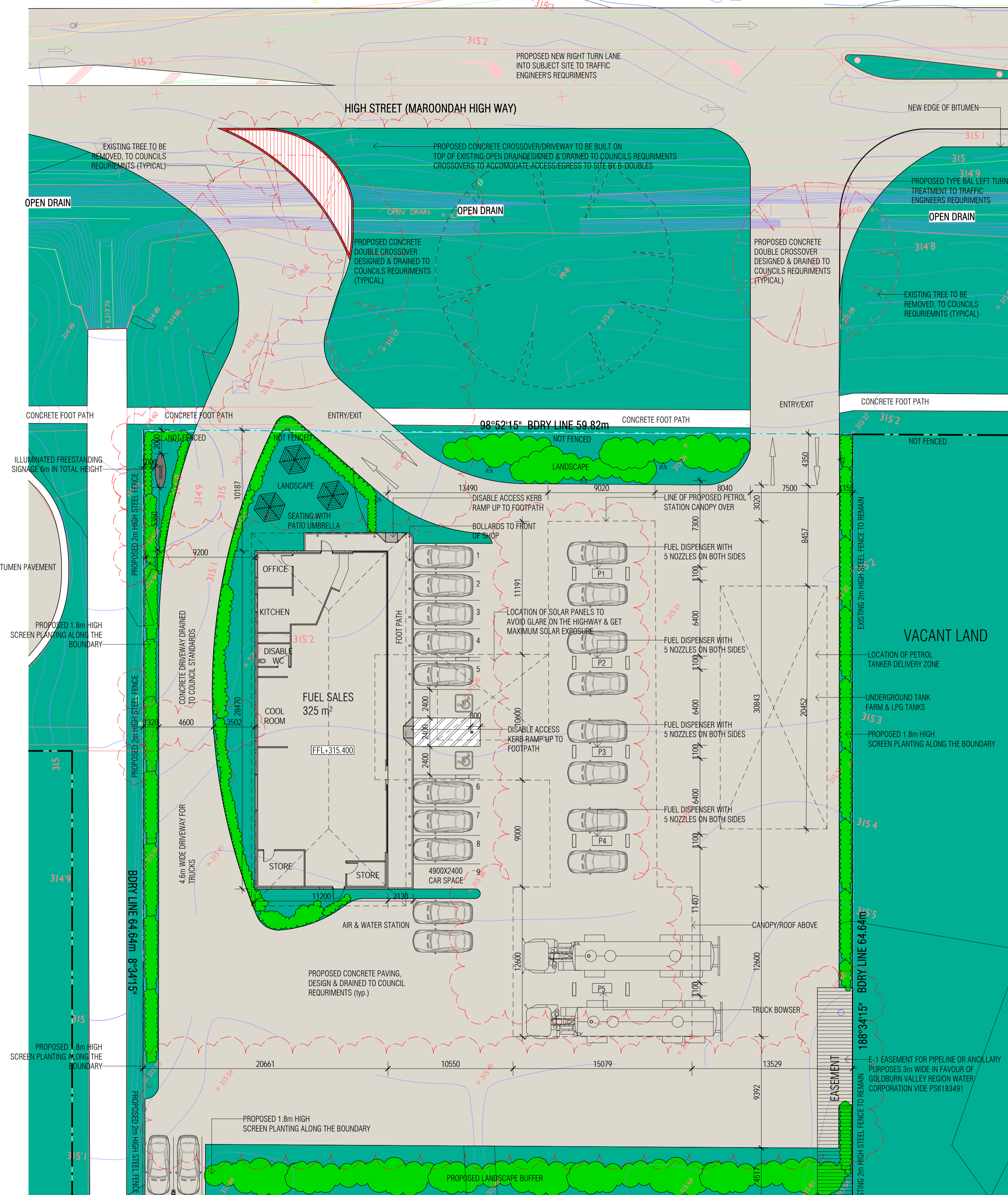
-  EXISTING TREE TO BE RETAINED
-  EXISTING TREE TO BE REMOVED/DEMOLISHED
-  PROPOSED LANDSCAPING TO FUTURE DETAIL BY LANDSCAPE DESIGNER
-  PROPOSED CONCRETE DRIVEWAY
-  PROPOSED PERMIABLE GRASS SURFACE AREA
-  PROPOSED PERMIABLE GRAVEL LANDSCAPE

**SITE ANALYSIS:**

<b>SITE AREA</b>	
SITE AREA:	3866m <sup>2</sup>
<b>PROPOSED BUILDING AREAS</b>	
PETROL STATION CONVENIENCE STORE:	325m <sup>2</sup> (8.50% OF SITE)
CONCRETE PAVING:	2750.6m <sup>2</sup> (71.1% OF SITE)
FOOT PATH:	74.66m <sup>2</sup> (1.90% OF SITE)
PERMEABLE SURFACE:	725 m <sup>2</sup> (18.75% OF SITE)
<b>PROPOSED PARKING:</b>	
CAR PARKING	:9 NO.
DISABLE CAR PARKING	:2NO.
ELECTRIC VEHICAL CHARGING BAY	:2NO.
TOTAL CAR PARKING	:13NO.



**2 LOCATION PLAN**  
1:500



**1 GROUND FLOOR**  
TP-03 1:200

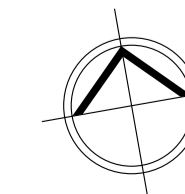
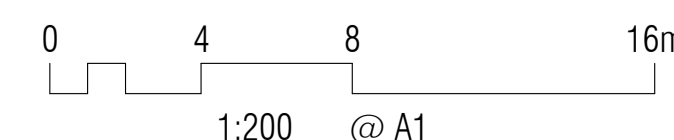
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A	ISSUE TO COUNCIL	EDG	DC	08.05.2014
B	CONDITION 1	HD	DC	29.11.2018
C	TOWN PLANNING AMENDMENT	HD	DC	12.09.2019

**TOWN PLANNING**  
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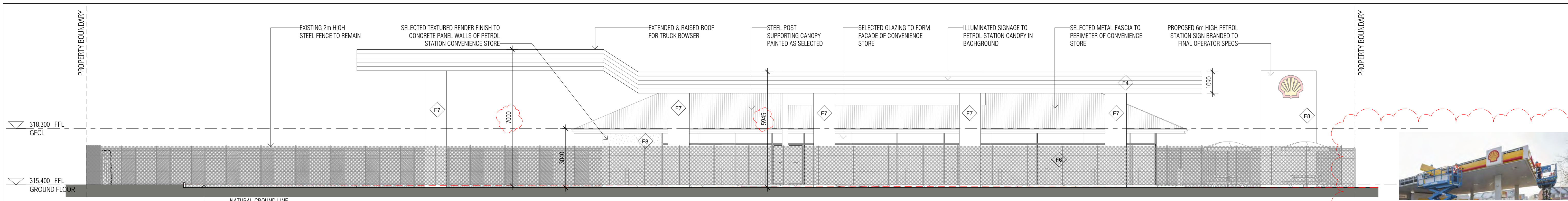
**DCA Design**  
Building Design Consultants  
Level 1-182 Capel Street  
North Melbourne, Vic 3051  
(03) 9682-6655  
email@dcaesign.com.au  
www.dcaesign.com.au



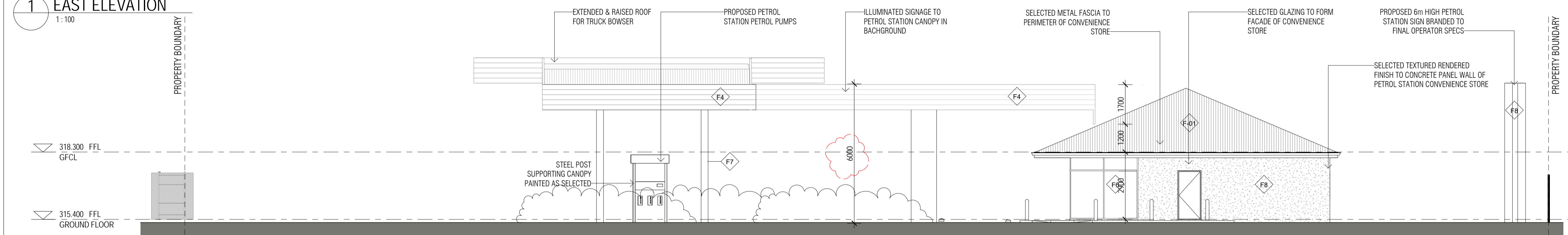
Residential  
Homes/Villa Units/Apartments  
Commercial  
Offices/Industrial/Retail/Institutional  
Environmental Design  
Project Planning  
Contract Admin  
Registered Building Practitioners DP-AD 1040



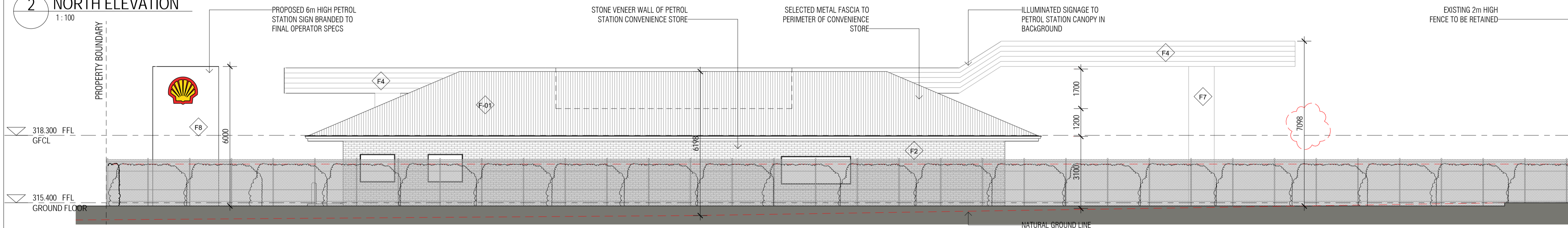
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**ADDRESS:** 136 -138 & 140 HIGH STREET, MANSFIELD  
**CLIENT:** CANCHESTER P/L  
**SHEET TITLE:** GROUND FLOOR PLAN  
**DRAWN:** HD  
**DATE:** NOVEMBER 2019  
**SCALE:** As indicated @ A1 PAPER SIZE  
**DWG NO.:** TP-02  
**REV:** C  
**JOB NO.:** 5021



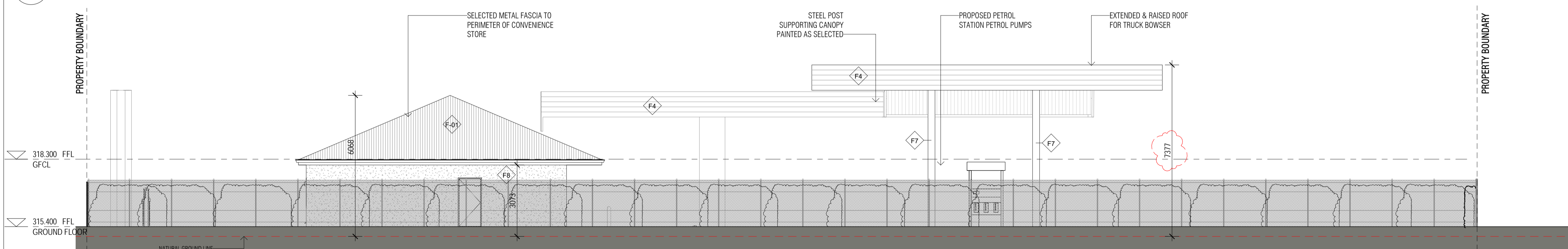
**1 EAST ELEVATION**  
1:100



**2 NORTH ELEVATION**  
1:100



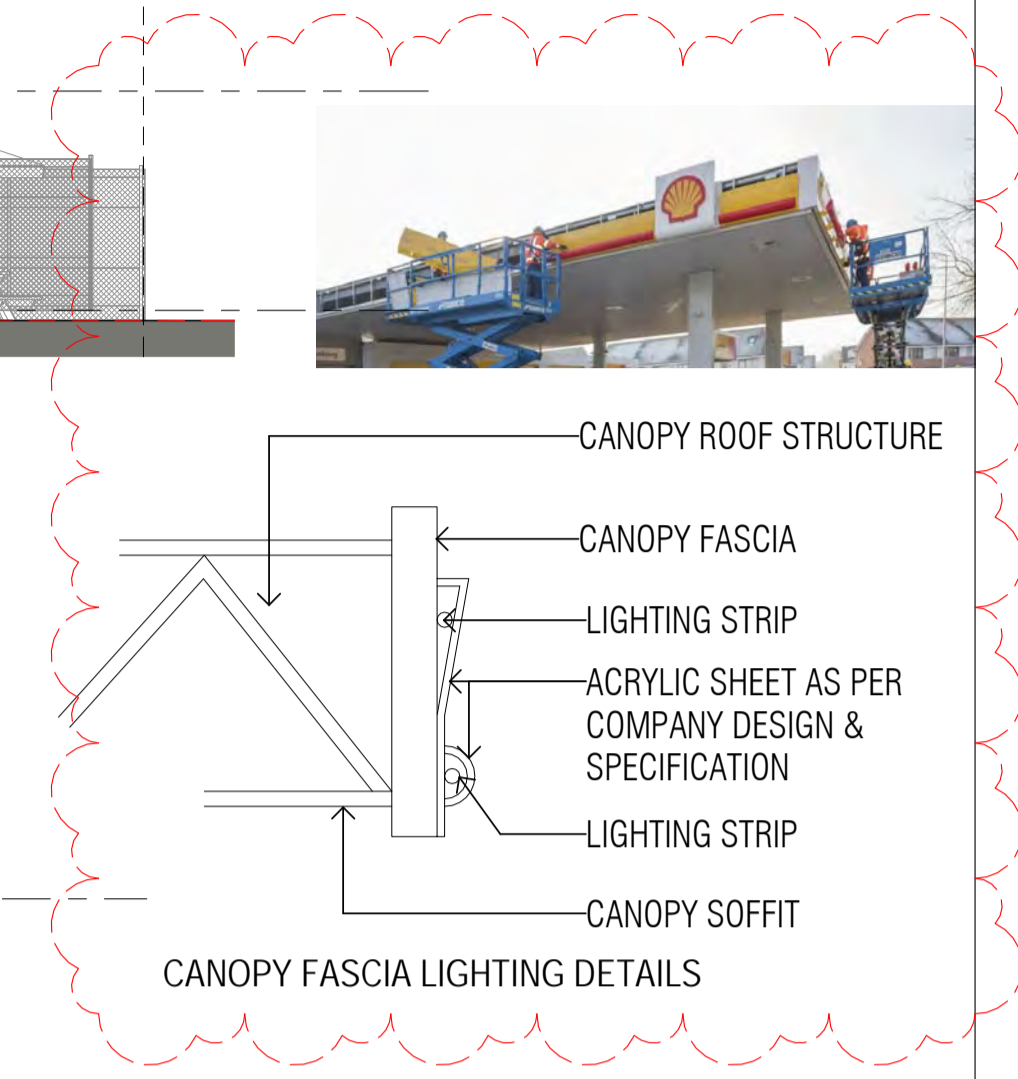
**3 WEST ELEVATION**  
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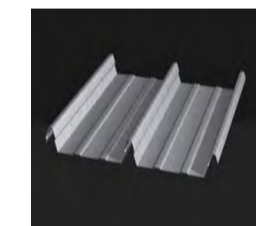



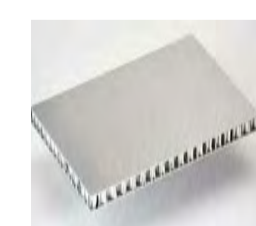
**4 SOUTH ELEVATION**  
1:100



**5 NORTH STREETScape ELEVATION**  
1:200



**FINISHES SCHEDULE:**

- F1  SHALE GREY FINISH COLORBOND CORRUGATED ROOFING WITH FASCIA & GUTTER TO MATCH
- F2  BLUE STONE WALL CLADDING
- F3  SHELL PETROLEUM LOGO
- F4  CANOPY FASCIA IN SHELL PETROLEUM'S OFFICIAL COLOURS
- F5  UNPAINTED ZINCALUME KLIPLOK ROOFING
- F6  SHOP FRONT GLAZING WITH WHITE POWDERCOATED MULLIONS
- F7  DULUX CLASSIC WHITE PAINT TO STRUCTURAL POSTS
- F8  SELECTED TEXTURED RENDER
- F9  SELECTED FIRE RESISTANT/ COMPLIANT SOLID ALUMINIUM PANEL

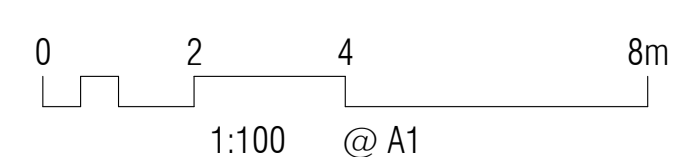
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C	TOWN PLANNING AMENDMENT	HD	DC	12.09.2019
D	RFI	HD	DC	23.01.2020

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**PROJECT:** PROPOSED PETROL FILLING STATION **JOB NO.:** 5021  
**ADDRESS:** 136 -138 & 140 HIGH STREET, MANSFIELD  
**CLIENT:** CANCHESTER P/L  
**SHEET TITLE:** ELEVATIONS  
**DRAWN:** HD **SCALE:** As indicated @ A1 PAPER SIZE **DWG NO.:** TP-03  
**DATE:** NOVEMBER 2019 **REV:** D



Mark and Debra Fabris

50 Highett Street,

Mansfield Vic 3722

Mansfield Shire Council

Private Bag 1000

Mansfield Vic 3724

council@mansfield.vic.gov.au

S 57 Form Objection to Grant a Planning Permit,

Planning and Environment Act 1987.

#### Objectors

Mark and Debra Fabris

50 Highett Street, Mansfield Vic 3722

Business: 5775 2951

Mobile: 0403028490

Email: markanddeb19@bigpond.com

#### Objecting to:

Application number P164A/17 File reference DA6232/2

Lot 13 PS 618349.

140 High Street, Mansfield Vic 3722

Amendment to permit for Buildings and works, use of land for a service station and convenience store.

#### Amenity Definition

A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity (Planning Portal, 2020).

**Objection 1.**

The initial planning application has been granted by Mansfield Shire Council. The current application to amend that permit does not fit within the Design and Development Overlay. The overlay is created to ensure that there is minimal damage to the amenity of the area. This amendment will increase the damage to amenity due to a larger environmental footprint.

**Objection 2.**

This amendment will allow for a far greater flow of large vehicles and large articulated trucks to travel to and from the property thus increasing noise, traffic and as such damaging the amenity of the area.

We would appreciate being notified of the date that this matter will be taken to the council and would like permission to talk on the issue.

Kind Regards

Mark and Debra Fabris

## Lynn Plummer

---

**From:** Council  
**Sent:** Thursday, 6 February 2020 1:55 PM  
**To:** Lynn Plummer  
**Subject:** P164A/17 OBJECTION from Louise Hearn amendment to service station 140 High St Mansfield A8680

-----Original Message-----

**From:** Louise Hearn <louhearn@outlook.com>  
**Sent:** Wednesday, 5 February 2020 8:00 PM  
**To:** Council <council@mansfield.vic.gov.au>  
**Subject:** Objection Re :application #P164/17

I wish to OJECT to the application number P164/17  
File reference number 6232/2

My objection is to the amendment for the planning of a service station.

This is not consistent to the design and development overlay.

The traffic assessment was also not conducted during a peak period.

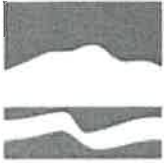
Yours sincerely

Louise Hearn  
35 Glen Creek Rd  
Bonnie Doon 3720  
0487155406

## Lynn Plummer

---

**From:** Ben McKay  
**Sent:** Wednesday, 5 February 2020 11:23 PM  
**To:** Lynn Plummer  
**Subject:** FW: Planning objection



**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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*Mansfield Shire Council acknowledge the Taungurung people as the traditional owners of the land on which our offices are located. We pay respect to the Taungurung Elders, past, present and future and extend that respect to all Aboriginal and Torres Strait Islander peoples.*



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---

**From:** Adam Mahoney <[adammahoney14@hotmail.com](mailto:adammahoney14@hotmail.com)>  
**Sent:** Wednesday, 5 February 2020 9:20 PM  
**To:** Ben McKay <[Ben.McKay@mansfield.vic.gov.au](mailto:Ben.McKay@mansfield.vic.gov.au)>  
**Subject:** Planning objection

✓ Adam Mahoney  
2 Ultimo Street  
Mansfield

Planning Application No:P164A/17  
Reference:DA6232/2  
Address:Lot 13 PS618349 Mansfield  
140 High Street Mansfield 3722



Application to amend planning permit of Building and works, use of land as a service station and convenience store.

Planning Application No:P119/19

Reference:DA 6938

Address:2-4 Station Street, Mansfield

Development of land for a convenience restaurant

I object to the above mentioned planning permit amendment and planning application. My objection is outlined in the following points;

Service Station permit amendment objection points:

- ✓1. No acoustic report provided.
- ✓2. Location of B- Double and Semi truck bowzers.
- ✓1. Air pollution from trucks
- ✓2. Height of canopy over truck bowzers.
- ✓1. Lighting pollution during night.
- ✓2. Blocking of sun to the residential housing to the south.
- ✓3. Blocking of views to Blue range mountain range to the north.
- ✓3. B Double and Semi truck Swept path runs along south boundary to residential housing.
- ✓3. Easement south east corner.
- ✓4. Access to adjoining proposed convenience restaurant.
- ✓5. Noise of heavy vehicles.
- ✓6. The introduction of heavy vehicles in to the town area beyond the truck bypass route.

Convenience restaurant objection points:

1. Close proximity of my home to a fast food outlet with increased traffic flow.
2. Proximity of a fast food restaurant to residential area and schools.
3. Traffic increases along Ultimo Street reducing ease of entry and exit at the Station Street and High Street intersection.
4. The entry and exit for the convenience restaurant on a residential street.
5. Increase in traffic along Ultimo Street where there is no footpaths meaning increased risk to pedestrians walking a log the road.
6. Increased traffic speeds along Ultimo Street
7. Depreciation of house and land values.
8. Our general standard of living in our homes in warmer weather windows and doors are open and we spend countless hours outside will be effected by noise and fumes.
9. Noise from traffic and restaurant noise from the drive through.
10. Late night opening hours increasing noise and traffic
11. Decreased visual amenity in my street and on approach to Mansfield
12. Heights of features of the building exceeding the 6 metre height limit stated in the Design and development overlay.
13. Increase in rubbish and litter in residential spaces and the Mullum wet lands located across the road.
14. Insufficient parking or space for cars in an already congested street due to caravans and tourists accessing Buller road via Ultimo Street to avoid Mansfield town.
15. Light pollution from large neon signage.

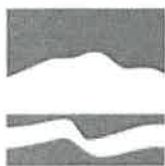
Yours sincerely,

Adam Mahoney  
0437759218

## Lynn Plummer

---

**From:** Ben McKay  
**Sent:** Wednesday, 5 February 2020 11:23 PM  
**To:** Lynn Plummer  
**Subject:** FW: Planning Objection

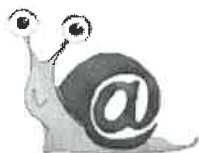


**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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**From:** [rhiannon\\_quigley@yahoo.com.au](mailto:rhiannon_quigley@yahoo.com.au) <[rhiannon\\_quigley@yahoo.com.au](mailto:rhiannon_quigley@yahoo.com.au)>  
**Sent:** Wednesday, 5 February 2020 9:11 PM  
**To:** Ben McKay <[Ben.McKay@mansfield.vic.gov.au](mailto:Ben.McKay@mansfield.vic.gov.au)>  
**Subject:** Planning Objection

**Rhiannon Quigley**  
2 Ultimo Street  
Mansfield

Planning Application No: P164A/17  
Reference: DA6232/2  
Address: Lot 13 PS618349 Mansfield  
140 High Street Mansfield 3722

Application to amend planning permit of Building and works, use of land as a service station and convenience store.

Planning Application No: P119/19  
Reference: DA 6938  
Address: 2-4 Station Street, Mansfield

Development of land for a convenience restaurant

I object to the above mentioned planning permit amendment and planning application. My objection is outlined in the following points;

Service Station permit amendment objection points:

- ✓ 1. No acoustic report provided.
- ✓ 2. Location of B- Double and Semi truck bowzers.
  - ✓ a. Air pollution from trucks
  - ✓ b. Height of canopy over truck bowzers.
    - ✓ i. Lighting pollution during night.
    - ✓ ii. Blocking of sun to the residential housing to the south.
    - ✓ iii. Blocking of views to Blue range mountain range to the north.
  - ✓ c. B Double and Semi truck Swept path runs along south boundary to residential housing.
- ✓ 3. Easement south east corner.
- ✓ 4. Access to adjoining proposed convenience restaurant.
- ✓ 5. Noise of heavy vehicles.
- ✓ 6. ~~The introduction of heavy vehicles in to the town area beyond the truck bypass route.~~

Convenience restaurant objection points:

1. Close proximity of my home to a fast food outlet with increased traffic flow.
2. Proximity of a fast food restaurant to residential area and schools.
3. Traffic increases along Ultimo Street reducing ease of entry and exit at the Station Street and High Street intersection.
4. The entry and exit for the convenience restaurant on a residential street.
5. Increase in traffic along Ultimo Street where there is no footpaths meaning increased risk to pedestrians walking along the road.
6. Increased traffic speeds along Ultimo Street
7. Depreciation of house and land values.
8. Our general standard of living in our homes in warmer weather windows and doors are open and we spend countless hours outside will be effected by noise and fumes.
9. Noise from traffic and restaurant noise from the drive through.
10. Late night opening hours increasing noise and traffic
11. Decreased visual amenity in my street and on approach to Mansfield
12. Heights of features of the building exceeding the 6 metre height limit stated in the Design and development overlay.
13. Increase in rubbish and litter in residential spaces and the Mullum wet lands located across the road.
14. Insufficient parking or space for cars in an already congested street due to caravans and tourists accessing Buller road via Ultimo Street to avoid Mansfield town.
15. Light pollution from large neon signage.

Yours sincerely,

Submission to Mansfield Shire Council

06/02/20

Re: 140 High St, Mansfield

Lot 13 PS 618349

Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

RECEIVED 17 FEB 2020

The Application contains little information about the previous Application, so it is difficult to see what has been amended.

***My grounds for objecting to this permit Amendment are as follows:***

*The Mansfield Shire Council Planning Scheme overarching goals states that it recognises the need for planning to contribute towards:*

- 1. Health, Wellbeing and Safety*
- 2. Diversity of Choice*
- 3. Adaptation in response to changing technology*
- 4. Economic viability*
- 5. A high standard of urban design and amenity*
- 6. Energy efficiency*
- 7. Prevention of pollution to land, water and air*
- 8. Protection of environmentally sensitive areas and natural resources*
- 9. Accessibility*
- 10. Land and transport integration*

The main issues for my objection are with regard to the transport section of the planning scheme noted below

*Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

- The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience restaurant. This development contradicts the planning strategy direction of the heavy vehicle bypass as the drive through convenience restaurant is potentially a "truck attractor" redirecting heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity.
- The side road is not "B-double approved" and I ask that Council run as per process a separate approvals process to ensure pavement strength and dimensions meet B-Double standard.
- There is a claim that 'an acoustic report is not required' while, the Application specifies that the truck bowlers anticipate an additional 12 (heavy) vehicle movements

per hour. There is also a map of B-Doubles moving through the site, and a claim that 'the additional truck movements will have negligible adverse impact on the surrounding road network.' In fact, it is likely that the proposed connection between this and the adjoining convenience restaurant proposal will see and trucks moving through both sites and exiting onto Station Street if the two interconnected developments proceed. If approved, there will, in fact, be no way to stop this happening, with serious acoustic, light and emission pollution onto Station Street, especially late at night.

- The lack of an acoustic report is a serious deficiency when it is considered that the Amended Plan sees a connection to the site next door. This Amendment, with increased truck movement, noise, small and light pollution at night also makes the site unsuitable when considered beside the intent of the work Mansfield Shire Council and The State have done on Mansfield's Heavy Vehicle By-pass.

- Like I stated before this 'Amended Plan', with its significant increase in truck movements is in direct contradiction to the fact that the ratepayers of the shire and the taxpayers of the State of Victoria have invested heavily in the heavy vehicle by-pass that specifically seeks to exclude such vehicles from the town approach and the CBD.

- In addition, the Application has no Landscape Plan, yet the Developer wants to proceed as soon as possible. It is not reasonable for ratepayers to be asked to comment on a plan for development that is deficient in this and many other aspects.

- There is no loading facility. This is in contravention of Clause 52:34 of the Mansfield Planning Scheme, and the Application to waive this should be rejected. The site is, put simply, too small for what is proposed in the Amended Application (as is the site to the East for the "convenience restaurant"), and there is no compulsion on Council to waive this requirement of their planning scheme.

- The DDO requires pedestrian access from the front of the site (there is a convenience store, as well as a service station). There appears to be no pedestrian access in the Amended Plans as presented in the Application, as well as no provision for bicycles (above).

Regards

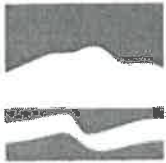
Melanie Green  
31 Cambridge Drive  
Mansfield VIC 3722

[Melanie.rae.green@gmail.com](mailto:Melanie.rae.green@gmail.com)

## Lynn Plummer

---

**From:** Council  
**Sent:** Friday, 7 February 2020 12:49 PM  
**To:** Lynn Plummer  
**Subject:** FW: Application to amend #P164A/17 140 High Street Mansfield



**MANSFIELD SHIRE**

**Kim Kipping**  
**Records & Customer Service Officer**  
Phone: 03 5775 8550  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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---

**From:** Sarah Stegley <[sarah@theinspiredtraveller.com.au](mailto:sarah@theinspiredtraveller.com.au)>  
**Sent:** Thursday, 6 February 2020 3:58 PM  
**To:** Council <[council@mansfield.vic.gov.au](mailto:council@mansfield.vic.gov.au)>  
**Subject:** Application to amend #P164A/17 140 High Street Mansfield

I object to the Planning application # P164A/7 to amend the permit for a **SERVICE STATION** and **Convenience Store at 140 High Street Mansfield.**

The four major grounds of my objection are:

### **1. DEFICIENT APPLICATIONS**

The application is significantly deficient in information as required by the Planning Scheme to adequately inform councillors to make a sound decision. This application and App# P119/19 should be considered as one integrated development as referred to by the applicant. The Convenience Restaurant is dependent on the service station property for truck manoeuvres and management and cannot stand alone.

The development is contrary to the Township Approaches Planning Controls and Guidelines Study which states that 'drive thru' sales franchises are discouraged within view of the town

## 2. TRAFFIC & SAFETY

The impact of traffic movements for vehicles, bikes and pedestrians will be significant and there needs to be much more analysis of how this will manifest, especially in peak seasons. The traffic survey submitted was done in a period in December when there were fires and smoke in the area and traffic movements were not typical. More traffic analysis needs to be conducted during the peak visitation periods to show the true impact of a new drive-through business of this nature.

Impact on proposed emergency precinct.

The combined developments introduce intensive use, distraction and activity into an already busy entrance to the township. Station Street is close to where High Street converges into two-way traffic leaving the township. The site is relatively close to the proposed Emergency Services Precinct and should not pre-empt safe and clear access and egress from this area, especially during busy visitation and emergency periods.

## 3. COMMUNITY HEALTH

The community strongly protests against fast food franchises being in the township, especially in the entrances and in a prominent location close to a school and sports precinct. It also poses a risk to community health and wellbeing. This has been recognised with studies throughout the world and has been highlighted for years by the Keep Mansfield Healthy group.

Obesity and diabetes will directly affect our community as an impact of this amendment to a petrol station permit..

## 4. TOWNSHIP AND DISTRICT RUBBISH ABUSE

It is my experience that fast food outlets generate rubbish in nearby streets and the local countryside.

I live on the Howqua river Road, after weekends there is often fast food rubbish strewn along the road verge. McDonalds containers are the worst offenders and must come all the way from either Melbourne or midway between Benalla and Wangaratta.

To assume there would be an increase in this anti-social, dirty and costly behaviour, seems a reasonable and serious downside to this amendment before you.

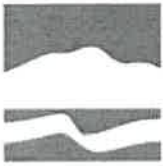
With Regards,

Sarah Stegley

**Lynn Plummer**

---

**From:** Ben McKay  
**Sent:** Friday, 7 February 2020 8:40 AM  
**To:** Lynn Plummer  
**Subject:** FW: Convenience restaurant objection



**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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---

**From:** James Yencken <[jamesyencken@bigpond.com](mailto:jamesyencken@bigpond.com)>  
**Sent:** Friday, 7 February 2020 8:38 AM  
**To:** Ben McKay <[Ben.McKay@mansfield.vic.gov.au](mailto:Ben.McKay@mansfield.vic.gov.au)>  
**Subject:** Fwd: Convenience restaurant objection

Hi Ben,

I tried sending this through yesterday however I muddled your address slightly



 Back

From: James Ye... &gt;

To: BenMckay@... &gt;

Yesterday at 12:43...

# Convenience restaurant objection

*I, James Yencken object to the  
Planning Application No. P119/19 ref  
DA 9638 (convenience restaurant )  
and Anendment Application No  
P164A/17 ref DA 6232/2 (service  
station and convenience store).*

*The Mansfield Shire Council Planning*

Sent from my iPhone

Begin forwarded message:

**From:** James Yencken <[jamesyencken@bigpond.com](mailto:jamesyencken@bigpond.com)>

**Date:** 6 February 2020 at 12:43:03 pm AEDT

**To:** [BenMckay@mansfield.vic.gov.au](mailto:BenMckay@mansfield.vic.gov.au)

**Subject:** Convenience restaurant objection

*I, James Yencken object to the Planning Application No. P119/19 ref DA 9638 (convenience restaurant ) and Anendment Application No P164A/17 ref DA 6232/2 (service station and convenience store).*

*The Mansfield Shire Council Planning Scheme overarching goals states that it recognises the need for planning to contribute towards:*

- 1. Health, Wellbeing and Safety*
- 2. Diversity of Choice*
- 3. Adaptation in response to changing technology*
- 4. Economic viability*
- 5. A high standard of urban design and amenity*
- 6. Energy efficiency*
- 7. Prevention of pollution to land, water and air*
- 8. Protection of environmentally sensitive areas and natural resources*
- 9. Accessibility*
- 10. Land and transport integration*

In line with the first point the development of a convenience restaurant at the entrance to the Mansfield township contradicts statements within the Mansfield Municipal Health and Wellbeing Plan. The areas which are contradicted include:

- Priority Theme 1: Healthy Lifestyles - addressing high levels of obesity. This is further supported by the Mansfield Shires work on the RESPOND project in conjunction with Deakin University tackling childhood obesity via a community led place-based approach. Key themes to prevent obesity included reducing access to ultra-processed foods.
- The close proximity of the development to Mansfield Primary School will have an adverse effect on the health and wellbeing of its young students, as it actually increases access by being within walking distance, and the inclusion of an indoor play area as stipulated in the planning permit appeals to children.
- Safety - the increased traffic flow of 1000 vehicles a day which includes significant heavy vehicle traffic will cross the main pedestrian access route for Beolite residents to the commercial centre of Mansfield. This potentially increases the risk of injury to a group of older residents with less mobility, hearing and vision.
- Priority theme 3: Enhanced Liveability – Ensuring access to key health and social services, increase in planned tourism and improve the cost of living. A convenience restaurant does not meet any of these key drivers to improve the liveability of Mansfield.

*Section 17 31/07/2018 VC148 ECONOMIC DEVELOPMENT of the Mansfield Shire Council Planning Scheme states planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential. This is further enhanced by Section 17.01-1S 31/07/2018 VC148 Diversified economy Objective to strengthen and diversify the economy. Strategies 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.*

- One of the current strengths of the Mansfield community is the richness and diversity of the current 27 café and food offerings – which are identified in the shire economic development strategy – and will be put at risk with this development
- The shire economic development strategy identifies: Small producers, Agritourism, Education, Construction, Manufacturing and Tourism – Ultraprocessed fast food is not an identified gap and will undermine growth of several key sectors. **Net community benefit is not met by this proposal.**
- The lifestyle property and tree change market are the reasons for growth above trend for our community and will be potentially negatively impacted by this development with the resultant loss of amenity and current food richness and diversity.

*Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

- The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience restaurant. This development contradicts the planning strategy direction of the heavy vehicle bypass as the drive through convenience restaurant is potentially a “truck attractor” redirecting heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity.

*Section 53.04 31/07/2018 VC148 CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES from the Mansfield Shire Council Planning Scheme states that an application must meet the following decision guidelines before allowing to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: Any policy in this scheme relating to convenience restaurants or take-away food premises. Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:*

- Amenity of the neighbourhood.
- Proximity of the land to non-residential uses and zones.

- *Effect of the use on heritage and environment features.*
- *Capacity of the land to contain significant off-site effects.*
- *Access to land in a Road Zone.*
- *The suitability of the land for a residential use.*

*The effect on the amenity or character of the street or neighbourhood having regard to:*

- *Massing and proportions of any building.*
- *Ground floor height above ground level.*
- *Ceiling heights. – Roof form and pitch.*
- *Facade articulation.*
- *Window and door proportions.*
- *Building features including verandas, towers, eaves, parapets and decorative elements.*
- *Building materials, patterns textures and colours.*

*Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.*

*Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.*

*The adequacy of traffic measures to:*

- *Provide safe pedestrian movement.*
- *Achieve safe, efficient vehicle movement on site and access to and egress from the land.*
- *Avoid disruption to traffic flow on land in a Road Zone.*
- *Prevent inappropriate use of local residential streets.*

The following objections demonstrate that the planning submission does not meet section 53.04 31/07/2018 VC148 of the Mansfield shire planning scheme (as detailed above):

- Reduction in the visual amenity of the tree lined approach to Mansfield township with large illuminated signs
- An extended hours (6am-midnight) drive through fast food outlet has never been identified as a need in any survey or consultation run through council to date.
- The design of the convenience restaurant plan will encourage drive through rather than allow for rest breaks for drivers, which are an important safety factor in preventing road fatalities.
- The large drive through multiple car park plan which means it is in fact a fast food restaurant that will result in increased noise, decreased visual amenity, smell, significantly increased traffic (>1000 vehicles/day) and litter directly affecting local private residences in Station and Ultimo streets.
- The visitor profile to Mansfield includes large number of motor homes and cars towing floats, trailers, boats and caravans. Without sufficient space for parking, this will flow onto residential streets and impact negatively on residents.
- The drive through operating 0600 - midnight in a residential precinct with the associated service station will see high traffic volumes, including large trucks leading to greater pollution from noise, light and litter.
- The application contains a drive through discouraged within the Township Approaches Guidelines and the Municipal Strategic Statement.

- The building and signage both exceed the 6m height limit that applies to the Design and Development overlay (DDO) which applies to the town approach and will thus visually detract from that approach
- The applicant is applying for two separate permits for two sites to be developed at separate times, but the two businesses are clearly (by their own admission) interconnected with respect to traffic movement and business. This should be one application
- The fact that a colour scheme has been chosen, but no operator/franchisee nominated. A franchisee will in future want to change the colour to their “brand”, so how can the colour scheme be enforced? (it can’t)
- Most franchises will in future demand more illuminated signs (light pollution). This will also be impossible for Council to stop if the development proceeds.
- The drive through nature and access to the residential Station/Ultimo streets will have significant knock on traffic diversion impacts to the current residents of these streets, who have previously written to the shire lodging complaints about increased traffic flow along Ultimo street as a result of altered speed limits.

Final objections relate to health, youth engagement and the council’s acceptance of community input:

- The playground, which is included to attract families with small children, will associate small children with ultra processed food and introduce poor health and eating habits in a way that has not previously happened in Mansfield
- The negative health implications of an ultra processed fast food drive through convenience restaurant are well documented. This development will be located 375m away from the major primary school in Mansfield significantly increasing the risk of childhood obesity in our community. This location is seen as a “locational advantage” by the developer in the submission suggesting that this, coupled with a playground attractive to children, will be used to exploit increased patronage and subsequently poor health outcomes for our primary school children.
- The last survey of youth by the council (2015) on the desirability of an ultra processed fast food chain in Mansfield in proximity to schools was soundly rejected.
- Council in its Planning Scheme and Council Plan indicates it welcomes and supports the voice and input of community in determining its own future and that it will consider net benefit. Support of this application will be in direct opposition to the evidenced sentiment of the community on health, social and planning grounds and flies in the face of the council’s own economic, health and wellbeing objectives.

Yours sincerely

James Yencken

Sent from my iPhone

## Lynn Plummer

---

**From:** Ben McKay  
**Sent:** Friday, 7 February 2020 2:47 PM  
**To:** Lynn Plummer  
**Subject:** HPE CM: FW: Objection re: Application for Amendment to aPlanning Permit: P164A17, File Ref: DA6232/2

**Record Number:** IN20/4237



**MANSEFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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**From:** Steve Brown <[stevebrown.au@gmail.com](mailto:stevebrown.au@gmail.com)>  
**Sent:** Friday, 7 February 2020 2:44 PM  
**To:** Ben McKay <[Ben.McKay@mansfield.vic.gov.au](mailto:Ben.McKay@mansfield.vic.gov.au)>; Council <[council@mansfield.vic.gov.au](mailto:council@mansfield.vic.gov.au)>  
**Subject:** Objection re: Application for Amendment to aPlanning Permit: P164A17, File Ref: DA6232/2

Submission to Mansfield Shire Council

07/02/20

Re: 140 High St (or 1-2 Station St), Mansfield

Lot 13 PS 618349

Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

The Application contains little information about the previous Application, so it is difficult to see what has been amended.

***My grounds for objecting to this permit Amendment are as follows:***

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10. *Land and transport integration*

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*Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme*

*Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

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Regards,

Stephen Brown



Ben Martin  
1 Apollo St  
Mansfield

February 6th 2020  
RECEIVED 17 FEB 2020

Planning Application No: P164A/17  
Reference: DA6232/2  
Address: Lot 13 PS618349 Mansfield  
140 High Street Mansfield 3722

Application to amend planning permit of Building and works, use of land as a service station and convenience store.

Planning Application No: P119/19  
Reference: DA 6938  
Address: 2-4 Station Street, Mansfield

Development of land for a convenience restaurant

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  2. Height of canopy over truck bowsers.
    1. Lighting pollution during night.
    2. Blocking of sun to the residential housing to the south.
    3. Blocking of views to Blue range mountain range to the north.
  3. B Double and Semi truck Swept path runs along south boundary to residential housing.
3. Easement south east corner.
4. Access to adjoining proposed convenience restaurant.
5. Noise of heavy vehicles.
6. The introduction of heavy vehicles in to the town area beyond the truck bypass route.

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2. Proximity of a fast food restaurant to residential area and schools.
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4. The entry and exit for the convenience restaurant on a residential street.
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6. Increased traffic speeds along Ultimo Street
7. Depreciation of house and land values.
8. Our general standard of living in our homes in warmer weather windows and doors are open and we spend countless hours outside will be affected by noise and fumes.

9. Noise from traffic and restaurant noise from the drive through.
10. Late night opening hours increasing noise and traffic
11. Decreased visual amenity in my street and on approach to Mansfield
12. Heights of features of the building exceeding the 6 metre height limit stated in the Design and development overlay.
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14. Insufficient parking or space for cars in an already congested street due to caravans and tourists accessing Buller road via Ultimo Street to avoid Mansfield town.
15. Light pollution from large neon signage.

Yours sincerely,

Ben Martin

0400 940 377

Naomi Martin  
1 Apollo St  
Mansfield

RECEIVED / 7 FEB 2020 February 6th 2020

Planning Application No: P164A/17  
Reference: DA6232/2  
Address: Lot 13 PS618349 Mansfield  
140 High Street Mansfield 3722

Application to amend planning permit of Building and works, use of land as a service station and convenience store.

Planning Application No: P119/19  
Reference: DA 6938  
Address: 2-4 Station Street, Mansfield

Development of land for a convenience restaurant

I object to the above mentioned planning permit amendment and planning application. My objection is outlined in the following points;

**Service Station permit amendment objection points:**

1. No acoustic report provided.
2. Location of B- Double and Semi truck bowsers.
  1. Air pollution from trucks
  2. Height of canopy over truck bowsers.
    1. Lighting pollution during night.
    2. Blocking of sun to the residential housing to the south.
    3. Blocking of views to Blue range mountain range to the north.
  3. B Double and Semi truck Swept path runs along south boundary to residential housing.
3. Easement south east corner.
4. Access to adjoining proposed convenience restaurant.
5. Noise of heavy vehicles.
6. The introduction of heavy vehicles in to the town area beyond the truck bypass route.

**Convenience restaurant objection points:**

1. Close proximity of my home to a fast food outlet with increased traffic flow.
2. Proximity of a fast food restaurant to residential area and schools.
3. Traffic increases along Ultimo Street reducing ease of entry and exit at the Station Street and High Street intersection.
4. The entry and exit for the convenience restaurant on a residential street.
5. Increase in traffic along Ultimo Street where there is no footpaths meaning increased risk to pedestrians walking along the road.
6. Increased traffic speeds along Ultimo Street
7. Depreciation of house and land values.
8. Our general standard of living in our homes in warmer weather windows and doors are open and we spend countless hours outside will be affected by noise and fumes.

9. Noise from traffic and restaurant noise from the drive through.
10. Late night opening hours increasing noise and traffic
11. Decreased visual amenity in my street and on approach to Mansfield
12. Heights of features of the building exceeding the 6 metre height limit stated in the Design and development overlay.
13. Increase in rubbish and litter in residential spaces and the Mullum wet lands located across the road.
14. Insufficient parking or space for cars in an already congested street due to caravans and tourists accessing Buller road via Ultimo Street to avoid Mansfield town.
15. Light pollution from large neon signage.

Yours sincerely,

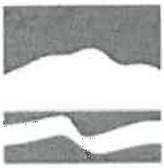
Naomi Martin

0415 171 777

**Lynn Plummer**

RECEIVED 7 FEB 2020

**From:** Ben McKay  
**Sent:** Friday, 7 February 2020 2:47 PM  
**To:** Lynn Plummer  
**Subject:** FW: Objection Re: Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2



**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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*Mansfield Shire Council acknowledge the Taungurung people as the traditional owners of the land on which our offices are located. We pay respect to the Taungurung Elders, past, present and future and extend that respect to all Aboriginal and Torres Strait Islander peoples.*



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**From:** Lesa Brown <lesa200@hotmail.com> ✓  
**Sent:** Friday, 7 February 2020 2:47 PM  
**To:** Ben McKay <Ben.McKay@mansfield.vic.gov.au>; Council <council@mansfield.vic.gov.au>  
**Subject:** Objection Re: Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

Submission to Mansfield Shire Council

07/02/20

Re: 140 High St (or 1-2 Station St), Mansfield

Lot 13 PS 618349

Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

The Application contains little information about the previous Application, so it is difficult to see what has been amended.

***My grounds for objecting to this permit Amendment are as follows:***

*The Mansfield Shire Council Planning Scheme overarching goals states that it recognises the need for planning to contribute towards:*

- 1. Health, Wellbeing and Safety*
- 1. Diversity of Choice*
- 1. Adaptation in response to changing technology*
- 1. Economic viability*
- 1. A high standard of urban design and amenity*
- 1. Energy efficiency*
- 1. Prevention of pollution to land, water and air*
- 1. Protection of environmentally sensitive areas and natural resources*
- 1. Accessibility*
- 1. Land and transport integration*

The main issues for my objection are with regard to the transport section of the planning scheme noted below

*Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme*

*Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

- The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience restaurant. This development contradicts the planning strategy direction of the heavy vehicle bypass as the drive through convenience restaurant is potentially a “truck attractor” redirecting heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity.

- There is a claim that 'an acoustic report is not required' while, the Application specifies that the truck bowzers anticipate an additional 12 (heavy) vehicle movements per hour. There is also a map of B-Doubles moving through the site, and a claim that 'the additional truck movements will have negligible adverse impact on the surrounding road network.' In fact, it is likely that the proposed connection between this and the adjoining convenience restaurant proposal will see and trucks moving through both sites and exiting onto Station Street if the two interconnected developments proceed. If approved, there will, in fact, be no way to stop this happening, with serious acoustic, light and emission pollution onto Station Street, especially late at night.
- The lack of an acoustic report is a serious deficiency when it is considered that the Amended Plan sees a connection to the site next door. This Amendment, with increased truck movement, noise, small and light pollution at night also makes the site unsuitable when considered beside the intent of the work Mansfield Shire Council and The State have done on Mansfield's Heavy Vehicle By-pass.
- Like I stated before this 'Amended Plan', with its significant increase in truck movements is in direct contradiction to the fact that the ratepayers of the shire and the taxpayers of the State of Victoria have invested heavily in the heavy vehicle by-pass that specifically seeks to exclude such vehicles from the town approach and the CBD.
- In addition, the Application has no Landscape Plan, yet the Developer wants to proceed as soon as possible. It is not reasonable for ratepayers to be asked to comment on a plan for development that is deficient in this and many other aspects.
- There is no loading facility. This is in contravention of Clause 52:34 of the Mansfield Planning Scheme, and the Application to waive this should be rejected. The site is, put simply, too small for what is proposed in the Amended Application (as is the site to the East for the "convenience restaurant"), and there is no compulsion on Council to waive this requirement of their planning scheme.

8. The DDO requires pedestrian access from the front of the site (there is a convenience store, as well as a service station). There appears to be no pedestrian access in the Amended Plans as presented in the Application, as well as no provision for bicycles (above).

Regards,

Lesa Brown

e: [lesa200@hotmail.com](mailto:lesa200@hotmail.com)

5 /02/2020

✓ The Responsible Authority

Mansfield Shire Office

33 Highett st

Mansfield 3722

Dear Responsible Authority,

I would like to register my objection to planning applications P119/19DA6938 and P164A/17

The planning applications are for a permit for a Convenience Restaurant in Station Street and for An Amendment to a Planning Permit for a Service Station and Convenience Store in High Street.

The reasons for the objections are the effect on the flow of effluent to and the subsequent pollution of the water draining to the Wetlands. The inflow of water to the Wetlands is from the southern side of the midland highway.

The water is vulnerable to pollution from waste and rubbish which is typically prevalent around convenience restaurants along open roads. I note that waste from the site is only being collected twice weekly, and that there is proof that such restaurants are responsible for high levels of waste in their localities, which in this case will include the wetlands.

The wetlands area is a community asset. There is no other wetland in the township area. I have been a member of the community group, 'Friends of the Wetland', that developed the idea of a nature reserve and participated on working bees to make it an important place for birds and plant life as well as an enjoyable experience the many local walkers and riders.

I trust that you will take my objections to both developments into consideration.

Yours sincerely,

Mrs Margaret Twycross

121 Mt Battery Rd

Mansfield 3722



Submission to Mansfield Shire Council

06/02/20

Re: 140 High St, Mansfield

Lot 13 PS 618349

Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

***My grounds for objecting to this permit Amendment are as follows:***

1. The Application specifies that the truck bowzers anticipate an additional 12 (heavy) vehicle movements per hour. There is also a map of B-Doubles moving through the site, and a claim that "the additional truck movements will have negligible adverse impact on the surrounding road network". I am concerned about the impact on nearby residents, from traffic flow, noise of traffic and business operation and subsequent loss of amenity.
2. This Amendment, with increased truck movement, noise, small and light pollution at night also makes the site unsuitable when considered beside the intent of the strategic work Council and the State Government have done in investing on Mansfield's Heavy Vehicle By-pass, that specifically seeks to exclude such vehicles from the town approach and the CBD.
3. The Application appears to have no Landscape Plan yet the proposed development is opposite a heritage and tourism precinct area and forms part of the visual approach to a major tourist town.
4. The DDO requires pedestrian access from the front of the site (there is a convenience store, as well as a service station). There appears to be no pedestrian access in the Amended Plans as presented in the Application, which could cause a safety issue.

Thank you for your consideration,

Judy Dixon

Resident and Ratepayer

159 Ogilvies Road, Mansfield

Judy\_dixon@outlook.com



6.2.2019

Dear Mr McKay

My wife (Andrea Dolling) and I (Daniel Hough) both of 138 Malcolm St Mansfield are writing to object to the Planning Application No. P119/19 ref DA 6938 (convenience restaurant) and Amendment Application No. P164A/17 ref DA 6232/2 (service station and convenience store). Our objection is based on the following key concerns based around planning and community health.

Our planning objections are heavily influenced by the fact that we were once business owners of Tarts Café and understand the difficulties small businesses experience in staying afloat and in a bushfire effected economy. Our objections include –

#### **Point 1**

*Section 17 31/07/2018 VC148 ECONOMIC DEVELOPMENT of the Mansfield Shire Council Planning Scheme states planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

*This is further enhanced by Section 17.01-1S 31/07/2018 VC148 Diversified economy Objective to strengthen and diversify the economy. Strategies 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.*

- One of the current strengths of the Mansfield community is the richness and diversity of the current 27 café and food offerings – which are identified in the shire economic development strategy – and will be put at risk with this development
- The shire economic development strategy identifies: Small producers, Agritourism, Education, Construction, Manufacturing and Tourism – Ultra processed fast food is not an identified gap and will undermine growth of several key sectors. Net community benefit is not met by this proposal.
- The lifestyle property and tree change market are the reasons for growth above trend for our community and will be potentially negatively impacted by this development with the resultant loss of amenity and current food richness and diversity.

#### **Point 2**

*Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme*

*Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

- The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience restaurant. This development contradicts the planning strategy direction of the heavy vehicle bypass as the drive through convenience restaurant is potentially a “truck attractor” redirecting heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity.

#### **Point 3**

The following objections demonstrate that the planning submission does not meet section 53.04 31/07/2018 VC148 of the Mansfield shire planning scheme (as detailed above):

- Reduction in the visual amenity of the tree lined approach to Mansfield township with large illuminated signs
- An extended hours (6am-midnight) drive through fast food outlet has never been identified as a need in any survey or consultation run through council to date.
- The design of the convenience restaurant plan will encourage drive through rather than allow for rest breaks for drivers, which are an important safety factor in preventing road fatalities.
- The large drive through multiple car park plan which means it is in fact a fast food restaurant that will result in increased noise, decreased visual amenity, smell, significantly increased traffic (>1000 vehicles/day) and litter directly affecting local private residences in Station and Ultimo streets.
- The visitor profile to Mansfield includes large number of motor homes and cars towing floats, trailers, boats and caravans. Without sufficient space for parking, this will flow onto residential streets and impact negatively on residents.
- The drive through operating 0600 - midnight in a residential precinct with the associated service station will see high traffic volumes, including large trucks leading to greater pollution from noise, light and litter.
- The application contains a drive through discouraged within the Township Approaches Guidelines and the Municipal Strategic Statement.
- The building and signage both exceed the 6m height limit that applies to the Design and Development overlay (DDO) which applies to the town approach and will thus visually detract from that approach
- The applicant is applying for two separate permits for two sites to be developed at separate times, but the two businesses are clearly (by their own admission) interconnected with respect to traffic movement and business. This should be one application
- The fact that a colour scheme has been chosen, but no operator/franchisee nominated. A franchisee will in future want to change the colour to their "brand", so how can the colour scheme be enforced? (it can't)
- Most franchises will in future demand more illuminated signs (light pollution). This will also be impossible for Council to stop if the development proceeds.
- The drive through nature and access to the residential Station/Ultimo streets will have significant knock on traffic diversion impacts to the current residents of these streets, who have previously written to the shire lodging complaints about increased traffic flow along Ultimo street as a result of altered speed limits.

Community health concerns include –

*The Mansfield Shire Council Planning Scheme overarching goals states that it recognises the need for planning to contribute towards "Health, Wellbeing and Safety"*

In line with the first point the development of a convenience restaurant at the entrance to the Mansfield township contradicts statements within the Mansfield Municipal Health and Wellbeing Plan. The areas which are contradicted include:

- Priority Theme 1: Healthy Lifestyles - addressing high levels of obesity. This is further supported by the Mansfield Shires work on the RESPOND project in conjunction with Deakin University tackling childhood obesity via a community led place-based approach. Key themes to prevent obesity included reducing access to ultra-processed foods.
- The close proximity of the development to Mansfield Primary School will have an adverse effect on the health and wellbeing of its young students, as it actually increases access by being within walking distance, and the inclusion of an indoor play area as stipulated in the planning permit appeals to children.
- Safety - the increased traffic flow of 1000 vehicles a day which includes significant heavy vehicle traffic will cross the main pedestrian access route for Beolite residents to the commercial centre of Mansfield. This potentially increases the risk of injury to a group of older residents with less mobility, hearing and vision.
- Priority theme 3: Enhanced Liveability – Ensuring access to key health and social services, increase in planned tourism and improve the cost of living. A convenience restaurant does not meet any of these key drivers to improve the liveability of Mansfield.

In addition to this we believe –

- The negative health implications of an ultra processed fast food drive through convenience restaurant are well documented. This development will be located 375m away from the major primary school in Mansfield significantly increasing the risk of childhood obesity in our community. This location is seen as a “locational advantage” by the developer in the submission suggesting that this, coupled with a playground attractive to children, will be used to exploit increased patronage and subsequently poor health outcomes for our primary school children.
- The last survey of youth by the council (2015) on the desirability of an ultra processed fast food chain in Mansfield in proximity to schools was soundly rejected.
- Council in its Planning Scheme and Council Plan indicates it welcomes and supports the voice and input of community in determining its own future and that it will consider net benefit. Support of this application will be in direct opposition to the evidenced sentiment of the community on health, social and planning grounds and flies in the face of the council’s own economic, health and wellbeing objectives.

Our community’s health is a matter of great importance to us as I am a teacher, my wife is a gym instructor and we have a young son, and we see good health and wellbeing as a vital component of a healthy and vibrant community. We request that you consider these issues at the relevant Shire forum and are both happy to be contacted to discuss the matter further.

Yours Sincerely

Daniel Hough

Email – [hough.daniel.d@edumail.vic.gov.au](mailto:hough.daniel.d@edumail.vic.gov.au)

Mobile – 0419501358

Andrea Dolling

Email – [andrea.dolling@bigpond.com](mailto:andrea.dolling@bigpond.com)

Mobile - 0427775730

6<sup>th</sup> February 2020

[Ben.McKay@mansfield.vic.gov.au](mailto:Ben.McKay@mansfield.vic.gov.au)

Submission to Mansfield Shire Council

Re: 140 High St, Mansfield

Lot 13 PS 618349

Application for Amendment to a Planning Permit: P164A17, File Ref: DA6232/2

The Amended Application contains little information about the previous Application, so it is difficult to see what has been amended in the very short time frame given for submissions. I therefore make this submission and request further details of the previous application to council, with the intention of expanding on this submission with an oral submission to council at the time the application is considered.

I object to the Application for Amendment to a Planning Permit because the application contravenes the shire planning scheme and will reduce the amenity of Mansfield in the following ways:

- Section 21.08-1 08/12/2016 C37 Transport of the Mansfield Shire Council Planning Scheme Objective 1 To improve transport linkages.*

*Strategies Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections.*

*Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.*

The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience store. This planning application contradicts the shire planning strategy direction of the heavy vehicle bypass as the Application specifies that the truck bowlers anticipate an additional 12 (heavy) vehicle movements per hour. There is also a map of B-Doubles moving through the site, and a claim that "the additional truck movements will have negligible adverse impact on the surrounding road network" is therefore clearly false as it will redirect heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity. Additionally it is in direct contradiction to the investment of the ratepayers of the shire and the taxpayers of the State of Victoria in the heavy vehicle by-pass that specifically seeks to exclude such vehicles from the town approach and the CBD.
- There is a claim that "an acoustic report is not required" but the Application specifies that the truck bowlers anticipate an additional 12 (heavy) vehicle movements per hour. There is also a map of B-Doubles moving through the site, and a claim that "the additional truck movements will have negligible adverse impact on the surrounding road network". In fact, it is likely that the proposed connection between this and the adjoining "convenience restaurant" proposal will see cars and trucks moving through both sites and exiting onto Station Street if the two interconnected developments are approved by council and proceed. Under the proposed applications there will be no way to stop this happening and there will

# Graham Slaney

86 Kidston Parade  
Mansfield  
Victoria 3722  
AUSTRALIA  
Ph: 61 3 5775 2166  
email: gslaney2@gamil.com

be serious acoustic, light and emission pollution onto Station Street and Ultimo street, especially late at night. The lack of an acoustic report is therefore a serious deficiency when it is considered that the Amended Application sees a connection to the site next door. It is likely vehicles will exit onto Station street and proceed south along Ultimo street to Malcolm street increasing traffic flows to the residential zone, rather than just the commercial zone.

3. The Pre-Application meeting with Council officers appears to be have been held on the same day as a pre-application meeting for a Convenience Restaurant on land adjoining to the east. As they are clearly interconnected developments, they should have been part of one Application.
4. The Application has no Landscape Plan, yet the Developer wants to proceed as soon as possible. It is not reasonable for ratepayers to be asked to comment on a plan for development that is deficient in this with the risk that the ratepayers will then be expected to provide for the deficiency in landscaping.
5. There is no loading facility. This is in contravention of Clause 52:34 of the Mansfield Planning Scheme. The Amended Application requests to waive this and this should be rejected as this application includes a convenience store requiring a loading facility. The site appears too small for what is proposed in the Amended Application (as is the site to the East for the "convenience restaurant"). There is no compulsion on Council to waive this requirement of their planning scheme.
6. The DDO requires pedestrian access from the front of the site as there is a convenience store, as well as a service station. There appears to be no pedestrian access in the Amended Plans as presented in the Application, as well as no provision for bicycles.

I look forward to your response and am prepared to provide a further oral submission at the time the council considers the Amended Application.

Yours sincerely,



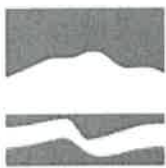
Dr Graham Slaney

**Lynn Plummer**

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**From:** Ben McKay  
**Sent:** Wednesday, 5 February 2020 11:28 PM  
**To:** Lynn Plummer  
**Subject:** FW: Planning Application objection P164A/17

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**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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**From:** Paul martin <pmpd08@gmail.com>  
**Sent:** Wednesday, 5 February 2020 9:04 PM  
**To:** Council <council@mansfield.vic.gov.au>; Ben McKay <Ben.McKay@mansfield.vic.gov.au>  
**Subject:** Planning Application objection P164A/17

Planning Application Number P164A/17  
File Reference DA6232/2

Proposed Address Lot 13 PS618349 Mansfield  
140 High Street Mansfield 3722

Application to amend planning permit of Building and works, use of land as a service station and convenience store.

MAIN REASONS FOR OBJECTION.

1. No acoustic report provided.
2. Location of B- Double and Semi truck bowzers.
  1. Air pollution from trucks
  2. Hight of canopy over truck bowzers.
    1. Lighting pollution during night.
    2. Blocking of sun to the residential housing to the south.
    3. Blocking of views to Blue range mountain range to the north.
  3. B Double and Semi truck Swept path runs along south boundary to residential housing.
3. Easement south east corner.
4. Access to adjoining proposed convenience restaurant.
5. Noise of heavy vehicles.
6. Hight of advertising sign exceed a height of 5 metres above ground level as per MANSFIELD PLANNING SCHEME 3.0 02/03/2006 C1(Part 1)
7. Questionable hight of roofline above truck bowzers been greater that 6mt. 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. 2.0 02/03/2006 C1(Part 1)

#### HOW WILL YOU BE AFFECTED.

1. Own adjoining land.
2. Decrease in Land/ house value.
3. Our general standard of living in our homes in warmer weather windows and doors are open and we spend countless hours out side will be effected by noise and fumes.
4. Lighting coming from roof over truck bays.

Regards Paul Martin.

39 Curia St Mansfield Vic 3722

pmpd08@gmail.com

0428545626

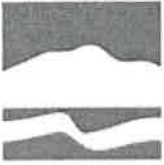


**Lynn Plummer**

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**From:** Claire Wilkinson  
**Sent:** Wednesday, 5 February 2020 10:40 AM  
**To:** Lynn Plummer  
**Subject:** FW: Objection to convenience and service station

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**MANSFIELD SHIRE**

**Claire Wilkinson**  
**Statutory Planner**  
Phone: 03 5775 8533  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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*Mansfield Shire Council acknowledge the Taungurung people as the traditional owners of the land on which our offices are located. We pay respect to the Taungurung Elders, past, present and future and extend that respect to all Aboriginal and Torres Strait Islander peoples.*



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**From:** tonybere@internode.on.net <tonybere@internode.on.net>  
**Sent:** Tuesday, 4 February 2020 10:06 AM  
**To:** Claire Wilkinson <Claire.Wilkinson@mansfield.vic.gov.au>  
**Subject:** Objection to convenience and service station

✓ *I Tony Conabere of 13 – 15 Elvins Street Mansfield  
phone 0412 486586 email [toybere@internode.on.net](mailto:toybere@internode.on.net)*

*I am objecting to application number P119/19 and P164/117  
being at 2-4 Station Street and 140 High Street (lot 1 LP 145112 and lot 2 LP 3436 and File  
references DA 6938 and DA 623212)  
Proposals of Convenience Store and Service Station.*

*The reasons for the objection and how I would be affected by the granting of a planning permit are as follows*

***We don't need a Service Station – show me the evidence.***

*we already have two Service Stations in town as well as 2 at Bonnie Doon and 1 at Swanpool.*

*The demand for petrol vehicles is going to decline rapidly as new and cheap Electric vehicles arrive next year.*

***We don't need a Convenience Store – show me the evidence.***

*IGA and Foodworks are both very Convenient.*

*Open 8am to 8pm, free deliveries, and staff that know your name.*

***We don't need a Stealth unhealthy fast food assault – show me the evidence.***

*Mansfield has a wonderful mix of approximately 35 cafes.*

*People live and come to Mansfield*

*because it is "ALPINE"*

*because it is "HIGH COUNTRY"*

*because it is "FRESH and PURE"*

*This Proposal endeavours to steel our essence in order to give us something we don't need.*

*Do we want to present ourselves to our guests as they enter our town*

*with a monument to fossil fuel and cheap and unhealthy fast food,*

***NOT CONVIENT, NOT GOOD FOR LOCAL ECONOMY AND WORK FORCE, NOT HEALTHY.***

***F..... OFF back to America with your stealth proposal.***

*TonyC*

**Lynn Plummer**

---

**From:** Marysia Anne Burke <anneburke27@gmail.com>  
**Sent:** Tuesday, 4 February 2020 2:32 PM  
**To:** Council  
**Subject:** Re: Planning permit Lot 1 LP 145122, Lot 2 LP 3436

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Mansfield Shire Council,  
Planning Department  
33 High Street,  
Mansfield 3722

Re: Planning permit Lot 1 LP 145122, Lot 2 LP 3436  
2 - 4 Station Street, Mansfield Vic 3722

Application No P 119/19  
File Reference DA 6938

Dear Sir/madam

I object to the granting of this permit.

Firstly, we have two very good service stations in our town. a third will be surplus to requirement and therefore unnecessary.

Secondly, we have a charming town which visitors and tourists alike come to enjoy. We have excellent small businesses on our very attractive main street, many of which are themselves "convenience" stores and quality cafes and restaurants.

The approach to our town from the west is graceful and charming. A lovely welcome into a pretty little town of which we are very proud.

Users of a service station and convenience store in that location will undoubtedly be tourists & visitors whose primary purposes are camping or visiting the snow fields. After using the proposed facility, they would then exit via Elvins Street which is a very quiet and peaceful street, travel up to Malcolm Street and out towards their ultimate destination, depriving our small businesses of a chance to make tourists welcome.

How does this effect me? I love Mansfield and want to see it thrive but we need to help our town to grow in a positive and sustainable way. This proposal will reduce it. Please consider the future. This town is unique and very special.

Sincerely, Anne Burke

M. A. Burke  
7 Club Court,  
Mansfield Vic 3722

Lynn Plummer

**From:** smurfs.rb@gmail.com  
**Sent:** Tuesday, 4 February 2020 2:48 PM  
**To:** Council  
**Subject:** Objection to amendment of planning permit

OA 6232/2

RECEIVED

R M Burke  
7 Club Court  
Mansfield  
Vic 3722

To whom it may concern  
Mansfield Council

Dear Sir/Madam

Subject: Objection to Amendment of Planning Permit  
Application P164A/17  
File 6232/2  
Lot 13 PS618349 Mansfield Use of Land For a service Station and  
Convenience store

I wish to make an objection to the above application.

Mansfield has an acknowledged attractive entrance to the town from the west with its wide grassed and treed areas. Service Stations are not recognised for their inherent architectural beauty, usually presenting garish advertising, cheap buildings and large car parks. Adding convenience foods usually increases the congestion around these places. I know from a lifetime of experience seeing these places go up that such businesses will not make Mansfield more attractive. Quite the reverse.

On a commercial level as opposed to a picturesque one, do we really need another service station and convenience store right on the edge of the town business district? In time that part of town may well be the middle of the CBD. Won't such a business have a very negative impact on the other businesses in town? From my own experience, if you put out there, to a driver, the temptation to avoid stopping in a town, most of us will take the easy way out and not go into town at all if we can get what we want just outside. Many small towns get "hollowed out" by these large "convenience" places.

No doubt arguments will be presented about wonderful employment opportunities while disregarding the employment losses in the competing businesses such enterprises create. Cafes and food venues already in existence will undoubtedly be forced to close. It is a big price to pay for half a dozen underpaid kid's jobs.

How will the changes affect me? Well as a resident I will have to live with whatever decision you make. All the residents who see the folly of allowing this application will have to live with something they don't want in this town we care about. If it is allowed we will see a significant part of the town changing for the worse and see it and pass by it every day. We will see many cars at busy periods trying to get in and out of the car parks on to the main road.

Worst of all, once such a decision has been made to set the town off in this kind of direction, it will no doubt lead to even worse decisions in the future by creating a precedent, and when the uniqueness and beauty of Mansfield has been compromised what does it matter if we allow more of the same and even more ugliness to appear.

I think this a very important moment in the town's history.

Yours sincerely

Ron Burke

R

Sent from my iPad

## Lynn Plummer

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**From:** Ben McKay  
**Sent:** Friday, 31 January 2020 3:58 PM  
**To:** Lynn Plummer  
**Subject:** FW: Objection to applications for convenience restaurant, service station and convenience store.  
**Attachments:** Objections to fast food outlet..doc

RECEIVED 31 JAN 2020



**MANSFIELD SHIRE**

**Ben McKay**  
**Development Services Manager**  
Phone: 03 5775 8591  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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*Mansfield Shire Council acknowledge the Taungurung people as the traditional owners of the land on which our offices are located. We pay respect to the Taungurung Elders, past, present and future and extend that respect to all Aboriginal and Torres Strait Islander peoples.*



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✓ **From:** Bannister, Elizabeth H <bannister.elizabeth.h@edumail.vic.gov.au>  
**Sent:** Friday, 31 January 2020 3:38 PM  
**To:** Ben McKay <Ben.McKay@mansfield.vic.gov.au>  
**Subject:** Objection to applications for convenience restaurant, service station and convenience store.

Hi Ben,

Please find attached my objections to Planning Application No. P119/19 ref DA 6938 (convenience restaurant) and Amendment Application No. P164A/17 ref DA 6232/2 (service station and convenience store).

Yours sincerely

Lizzie Bannister  
45 Ailsa Street

## **Planning permit objections to an ultra processed fast food drive through convenience restaurant.**

With regard to Planning Application No. P119/19 ref DA 6938 (convenience restaurant) and Amendment Application No. P164A/17 ref DA 6232/2 (service station and convenience store).

I object vehemently to these applications being accepted by the Mansfield Shire Council on the following grounds –

### **The Mansfield Shire Council Planning Scheme overarching goal recognising Health, Wellbeing and Safety.**

#### **The proposal to create a fast food outlet contradict the statements within The Mansfield Municipal Health and Wellbeing Plan. These include –**

- Priority Theme 1: Healthy Lifestyles - addressing high levels of obesity. This is further supported by the Mansfield Shires work on the RESPOND project in conjunction with Deakin University tackling childhood obesity via a community led place-based approach. Key themes to prevent obesity included reducing access to ultra-processed foods.
- The close proximity of the development to Mansfield Primary School will have an adverse effect on the health and wellbeing of its young students, as it actually increases access by being within walking distance, and the inclusion of an indoor play area as stipulated in the planning permit appeals to children.
- Safety - the increased traffic flow of 1000 vehicles a day which includes significant heavy vehicle traffic will cross the main pedestrian access route for Beolite residents to the commercial centre of Mansfield. This potentially increases the risk of injury to a group of older residents with less mobility, hearing and vision.
- Priority theme 3: Enhanced Liveability – Ensuring access to key health and social services, increase in planned tourism and improve the cost of living. A convenience restaurant does not meet any of these key drivers to improve the liveability of Mansfield.

#### **The Mansfield Shire Council Planning Scheme overarching goal recognising the need to provide for a strong and innovative economy, where all sectors are critical to economic prosperity will be compromised because -**

- One of the current strengths of the Mansfield community is the richness and diversity of the current 27 café and food offerings – which are identified in the shire economic development strategy – and will be put at risk with this development
- The shire economic development strategy identifies: Small producers, Agritourism, Education, Construction, Manufacturing and Tourism – Ultra processed fast food is not an identified gap and will undermine growth of several key sectors. Net community benefit is not met by this proposal.
- The lifestyle property and tree change market are the reasons for growth above trend for our community and will be potentially negatively impacted by this development with the resultant loss of amenity and current food richness and diversity.

#### **The Mansfield Shire Council Planning Scheme overarching goal recognising the need to improve transport linkages by planning for and working with relevant agencies to improve east/west transport connections and identifying and planning for a heavy vehicle bypass through Mansfield Township will be negated because –**

- The heavy vehicle bypass currently under construction along Withers lane is located at the western end of town 1km prior to the entrance to the proposed Service station and convenience restaurant. This development contradicts the planning strategy direction of the heavy vehicle bypass as the drive through convenience restaurant is potentially a “truck attractor” redirecting heavy vehicle passage through the commercial centre of Mansfield adding to noise, parking congestion and loss of amenity.

**Mansfield Shire Council Planning Scheme states that an application must meet stipulated guidelines before allowing to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: Any policy in this scheme relating to**

**convenience restaurants or take-away food premises. Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to a wide range of conditions.**

The following objections demonstrate that the planning submission does not meet section 53.04 31/07/2018 VC148 of the Mansfield shire planning scheme

- Reduction in the visual amenity of the tree lined approach to Mansfield township with large illuminated signs
- An extended hours (6am-midnight) drive through fast food outlet has never been identified as a need in any survey or consultation run through council to date.
- The design of the convenience restaurant plan will encourage drive through rather than allow for rest breaks for drivers, which are an important safety factor in preventing road fatalities.
- The large drive through multiple car park plan which means it is in fact a fast food restaurant that will result in increased noise, decreased visual amenity, smell, significantly increased traffic (>1000 vehicles/day) and litter directly affecting local private residences in Station and Ultimo streets.
- The visitor profile to Mansfield includes large number of motor homes and cars towing floats, trailers, boats and caravans. Without sufficient space for parking, this will flow onto residential streets and impact negatively on residents.
- The drive through operating 0600 - midnight in a residential precinct with the associated service station will see high traffic volumes, including large trucks leading to greater pollution from noise, light and litter.
- The application contains a drive through discouraged within the Township Approaches Guidelines and the Municipal Strategic Statement.
- The building and signage both exceed the 6m height limit that applies to the Design and Development overlay (DDO) which applies to the town approach and will thus visually detract from that approach
- The applicant is applying for two separate permits for two sites to be developed at separate times, but the two businesses are clearly (by their own admission) interconnected with respect to traffic movement and business. This should be one application
- The fact that a colour scheme has been chosen, but no operator/franchisee nominated. A franchisee will in future want to change the colour to their "brand", so how can the colour scheme be enforced? (it can't)
- Most franchises will in future demand more illuminated signs (light pollution). This will also be impossible for Council to stop if the development proceeds.
- The drive through nature and access to the residential Station/Ultimo streets will have significant knock on traffic diversion impacts to the current residents of these streets, who have previously written to the shire lodging complaints about increased traffic flow along Ultimo street as a result of altered speed limits.

**Final objections relate to health, youth engagement and the council's acceptance of community input –**

- The playground, which is included to attract families with small children, will associate small children with ultra processed food and introduce poor health and eating habits in a way that has not previously happened in Mansfield
- The negative health implications of an ultra processed fast food drive through convenience restaurant are well documented. This development will be located 375m away from the major primary school in Mansfield significantly increasing the risk of childhood obesity in our community. This location is seen as a "locational advantage" by the developer in the submission suggesting that this, coupled with a playground attractive to children, will be used to exploit increased patronage and subsequently poor health outcomes for our primary school children.
- The last survey of youth by the council (2015) on the desirability of an ultra processed fast food chain in Mansfield in proximity to schools was soundly rejected.
- Council in its Planning Scheme and Council Plan indicates it welcomes and supports the voice and input of community in determining its own future and that it will consider net benefit. Support of this application will be in direct opposition to the evidenced sentiment of the community on health, social and planning grounds and flies in the face of the council's own economic, health and wellbeing objectives.



Lynn Plummer

**From:** Council  
**Sent:** Tuesday, 28 January 2020 5:42 PM  
**To:** Lynn Plummer  
**Subject:** P119/19 OBJECTION from Michele Lunam regarding Convenience Restaurant - 4 Station Street Mansfield - A8326

RECEIVED  
30 JAN 2020

-----Original Message-----

**From:** Michele Lunam <chelelunam@yahoo.com>  
**Sent:** Saturday, 25 January 2020 8:19 PM  
**To:** Council <council@mansfield.vic.gov.au>  
**Subject:** OBJECTION!!! P119/19. DA6938

Dear Councillors,

I wish to formally submit my objection to the above planning & reference numbers proposed "convenience" food store and or Service station on the corner of Station St. and the Maroondah Hwy. in Mansfield.

My objections as a long term resident in Olympic St (very near the proposed site) is that it will...

1. Increase vehicular traffic in Ultimo St.
2. Divert tourist dollars from entering our tourism dependant township. Eg. A service station with a fast food restaurant attached placed in said position a block from the large ski hire which diverts people via a drive through away from the township literally funnels money from the town.
3. Create an excess amount of litter for which no one will take responsibility for cleaning up.
4. Young people may congregate until shortly after midnight around the area in question. This may result in...

1. Excess noise pollution.
2. Dangerous escapades close to a highway at night.
3. Crime (bored groups of teens tend to get up to mischief.)
4. Groups of congregated teens may intimidate nearby residents & (typically) young staff.
5. Increased lighting (no doubt more lights will be introduced), creating brightness during typically sleeping hours.
5. The proposed area in question is surrounded by residential homes and a caravan park, all of which will likely have people directly affected negatively by a business open until midnight.
6. Dogs will be set off by the extra foot and vehicular traffic, exacerbating that situation.
7. Residents who live here in the area, never considered such a commercial establishment EVER impacting upon our very quiet and lovely neighbourhood.

This is an awful proposal, please, do not allow it.

Regards

Michele Lunam  
8 Olympic St

Mansfield 3722

chelelunam@yahoo.com

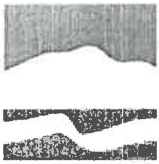
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Lynn Plummer

**From:** Claire Wilkinson  
**Sent:** Tuesday, 28 January 2020 11:10 AM  
**To:** Lynn Plummer  
**Subject:** FW: Objection to convenience and service station

RECEIVED 28 JAN 2020

See below.

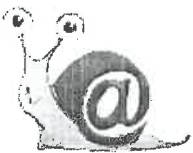


MANSFIELD SHIRE

**Claire Wilkinson**  
**Statutory Planner**  
Phone: 03 5775 8533  
Fax: 03 5775 2677  
Website: [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au)

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**From:** Kelvin Kaye <kelvinkaye@gmail.com>  
**Sent:** Sunday, 26 January 2020 12:50 PM  
**To:** Claire Wilkinson <Claire.Wilkinson@mansfield.vic.gov.au>  
**Subject:** Objection to convenience and service station

I Kelvin Kaye of 124 High Street Mansfield

phone 0357791570 email [kelvinkaye@gmail.com](mailto:kelvinkaye@gmail.com)

I am objecting to application number P119/19 and P164/117

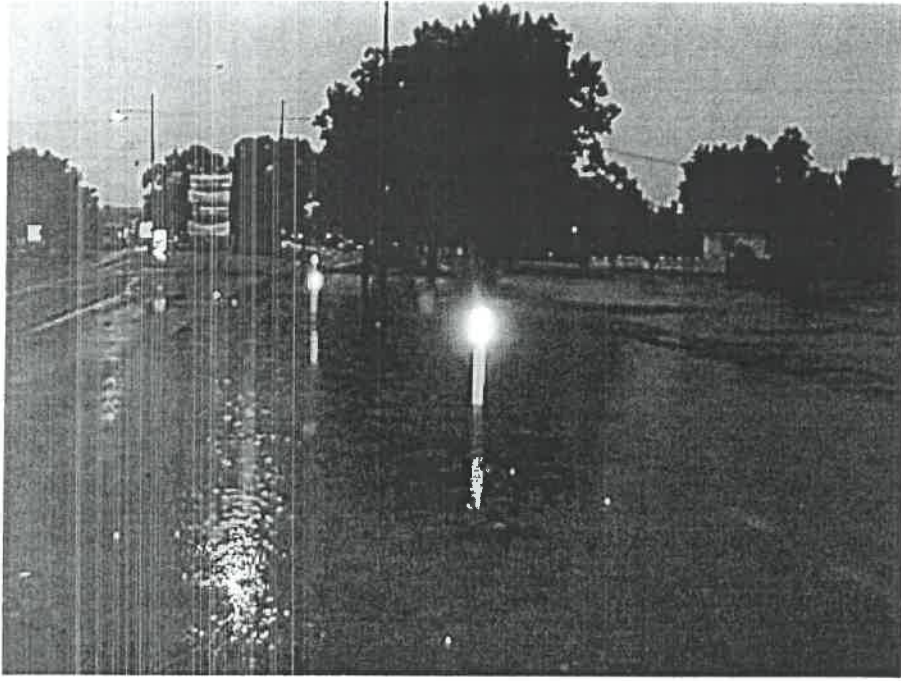
being at 2-4 Station Street and 140 High Street (lot 1 LP 145112 and lot 2 LP 3436 and File references DA 6938 and DA 623212)

Proposals of Convenience Store and Service Station.

Reasons for the objection and how I would be affected by the granting of a planning permit are as follows

- Concerned about increased traffic (local and more of the Melbourne traffic) being on the side street (part of High Street) adjacent to Highway/High Street passing past my house and danger to residents and their children, grand children and great grand children from 6 am to 12 pm.)
- Increased run off (minor problem ) and existing inadequate drainage problems associated with the areas in front of the two proposed planning applications. This is already a massive problem see photos attached. This existing problem would need to be addressed before development in this area is considered. Present drainage problem inflicts access and parking in the side street to High Street and to parking in front of my house with a conventional car water levels can be about a 1/3 the way up the doors especially near 132 High Street. after less than 50 mm of rain. There is a need to a) widen the outlet at same height at the wetlands which would not alter the dynamics of the water getting into the wetlands much but allow more water to flow into the creek and alleviate inundation/flooding problems in High Street b) clean out table drains both sides of High Street and water access into wetlands again to increase flow at the same height.
  - c) fill in the base of the table drains to concrete base height at the bridge so that water weeds and cumbungi does not congest the drain. This needs to be done both sides with the possible extra of a draining pipe at wetlands exiting into the wetlands so the drains do not hold water all year round creating a snake, duck and mosquito hazard. It allows water weeds to row all year round at present
- Entry and exit to both premises is from a busy road pre Station Street and from side street of High Street. and would be a safety concern. Exiting my drive way and all those on the side street would be made more difficult with extra traffic.
- Rubbish :- increase in rubbish in the immediate area from the convenience store and service station (I've only seen one piece of rubbish picked up by Council on the roadside and median strip area in 20 years! from the Apollo Street corner on High Street towards Melbourne, towards the East the street is regularly cleaned I pick up most of the rubbish from the area referred to. ) There would be a need for Council to patrol this area and this would be an increased cost to Council.

Looking back from Station Street corner Photos 15/1/20 < 50 mm of rain



Drain in front of proposed Convenience store. Notice It is filled to the brim with less than 50 mm of rain size of pipes/drain would need to be considerably bigger than the cross sectional area of the present drain to cope with a heavier rainfall.



Looking down side Street West direction foreground 126 High Street. Water height at gutter side of road is extreme.



Yours Sincerely Kelvin Kaye

MANSFIELD SHIRE COUNCIL			
7 FEB 2020			
FILE NO.	2	10	P
EBGOS			✓

Mrs Susan Binzer-Jones  
70 Lochiel Road,  
Barwite,  
VICTORIA, 3722

✓ Mailed 10/2  
RECEIVED 17 FEB 2020

6th February, 2020

**Mansfield Shire Council**  
Planning Department

Re: 140 High Street, Mansfield  
**Service Station and Convenience Store**  
Application P164A17  
File Ref: DA6232/2

Dear Sir,

I wish to raise an objection to the application for a planning permit for the above. There is a claim made that the businesses have "no reliance on each other". That claim needs to be tested and validated.

Kind regards,



Sue Binzer



MANSFIELD SHIRE COUNCIL		
3 FEB 2020		
FILE NO.	2	10 P
E6605		

Mansfield Shire Council  
 Private Bag 1000  
 Mansfield Vic 3724  
 Phone 5775 8555  
 Email council@mansfield.vic.gov.au

**S.57 Form OBJECTION TO GRANT A PLANNING PERMIT** Planning and Environment Act 1987

*mailed  
 9/2/20*

**WHO IS OBJECTING?**

I/We (please print): **Ross & Norma PARSONS**  
 Of (postal address): **45 CURIA ST**  
 Suburb: **MANSFIELD** Postcode: **3720**  
 Phone: **(03) 57752620** Mobile:  
 Email:

**WHAT APPLICATION ARE YOU OBJECTING TO?**

What is the application number? **P 164A/17**  
 What is the property address? **140 High Street Mansfield**  
 What is the proposal? **Service Station Convenience store.**

**REASONS FOR YOUR OBJECTION AND HOW YOU WOULD BE AFFECTED BY THE GRANTING OF A PLANNING PERMIT:**

- ① Noise from prime movers idling while refueling.
- ② Noise from prime movers and cars re starting, doors slamming.
- ③ Fumes from (carcinogenic) diesel fuel, and exhaust fumes.
- ④ Fencing needs to be much higher than existing domestic fencing.
- ⑤ operating hours too long in view of proximity of truck to neighboring houses.
- ⑥ noise from electric charging station.  
 D Parsons.

Please affix additional pages if required.

Privacy Notification: The personal information requested on this form is collected by Council for the purposes of enabling you to object to a planning proposal. The personal information will be used solely by Council for this purpose or directly related purposes. The objector understands that the personal information provided is for these purposes. Under some circumstances the personal information disclosed will be made available to the public, as required by the Planning and Environment Act 1987 or other legislation. Your decision not to provide your personal information will impede our ability to engage with you regarding the objection process relating to your submission.





**Submission to Mansfield Shire Council**

**W. Twycross, 121 Mt Battery Rd**

**Mansfield**

**02/02/20**

**Re: 140 High St, Mansfield**

**Lot 13 PS 618349**

**Application for Amendment to a Planning Permit:  
P164A17, File Ref: DA6232/2**

**"Service Station and Convenience Store"**

### **Introduction:**

**This objection makes the initial point that the plan for the Convenience Restaurant P119/19 is intimately linked to the Plan for an Amendment to an adjoining Service Station and Convenience Store (P164A17). It then lists the many ways it is contravenes the Mansfield Shire and State of Victoria Planning law.**

**The Amendment seeks increased medium and heavy truck movements and refuelling, in addition to removing a solid boundary between it and a proposed "Convenience Store" to the east the permit for which had been issued only months before. The plan, with the solid boundary received a Planning Permit two months after the Applicant chose to hold a pre-Application meeting in connection to both the Convenience Restaurant and this Amended Plan seeking to have it overturned. It is clear that the amendment was being applied for (October 2019 Pre-Application meeting) just months after this permit was issued. (image of solid boundary appended).**

**With respect to the physical traffic and pedestrian connection sought between these two properties in this Amendment Application, the following claim is made in the P119/19 (Convenience Restaurant) application, Page 25:**

***"Other considerations":7.2: Council Request for Further information: (Traffic Impact Assessment):***

***With the provision of an internal vehicle connection (in both applications) between the two sites there will likely be some crossover in traffic movements between the uses. However .. is has been assumed that the proposed (convenience restaurant) will have no reliance on the service station and vice versa.***

**Claiming "no reliance" is a completely unsustainable claim, which is evidentially untrue, and can easily be proven to be so, when compared to the plethora of other service stations around the world which are co-located with convenience restaurants and which have direct traffic access and business interdependence. The claim of "no reliance" sets the bar of proof of that claim very high.**

**It is notable that neither application has a Traffic Impact Assessment or diagrams of vehicle flows between the sites, which should be required when the Application for the Service Station Amendment assesses 12 truck (new, medium to large trucks) movements per hour.**

**The reason for this is likely to be that no Traffic Consultant could afford to do that honestly and independently, while making the unsustainable claim of "no reliance" of each business on the other. One of the many Planning problems for these two inextricably linked applications is that that assessment is missing, because the truth of what it would show can't be admitted.**

**This highly contestable "no reliance" claim alone should invalidate both applications, quite apart from the many planning flaws both have under the DDO1 zoning of the land (listed below), a zoning which Councils and the Mansfield Shire community over the years**

have worked hard to establish to protect the alpine approach from inappropriate developments such as P119/19 and P 164A17.

**This objection presents four categories of objection and associated information:**

**A: Reference Documents.**

**B: Deficiencies in the Application Forms submitted to the Shire of Mansfield.**

**C: Contraventions of the Mansfield Planning Scheme in the body of the Application.**

**D: Screenshots/ Images referable to Application deficiencies.**

## **A: Reference Documents (Mansfield Shire Planning Scheme and Planning Studies) (edited):**

(this list does not include the many links that the MSS has to Council's Corporate Plan (2017 - 2021) and its Municipal Public Health and Wellbeing Plan. (MPHWBP) 2017-21. It is noted that the Council Plan: The Council Plan is Council's primary forward planning document. It sets the following vision: To work with our community to continue to build a Shire that is recognised for its balanced economic, social, and environmental development that, in turn, acknowledges the diverse needs and values of our communities).

### **DDO1:**

**43.02-6 31/07/2018 VC148 Decision guidelines** Before deciding on an application, in addition to the decision guidelines in Clause 65, 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.

**02/03/2006 C1(Part 1) SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY** Shown on the planning scheme map as **DDO1 ALPINE APPROACHES AND TOWNSHIP GATEWAYS 1.0** 02/03/2006 C1(Part 1) Design objectives Ensure that building siting, design, form, height, appearance, scale and materials that are compatible with the role of land as an alpine approach or gateway to and from the Mansfield or Merrijig townships **Ensure that buildings and other development meet the recommendations of The Mansfield Urban Design Framework 2005 2.0** 02/03/2006 C1(Part 1) Buildings and works Any new building or works must: **Be of a design, form, appearance and scale that compliments an alpine approach and township gateway theme** i.e. use of natural materials and colour schemes that complement 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 Maroonah Highway frontage. Enable high levels of accessibility, including access for people with a disability 3.0 02/03/2006 C1(Part 1) **Advertising signs** Any new advertising sign must: Be of a size that does not dominate or compromise the existing landscape or design of a building. **Not be internally illuminated.** External lighting will be considered, provided proposed lighting does not interfere with amenity and usage of adjoining or nearby properties, or vehicular movement and safety on the adjoining road reserve. Not be a reflective sign as defined in Clause 73 of the Mansfield Planning Scheme. **Not exceed a height of 5 metres above ground level.** MANSFIELD PLANNING SCHEME Page 1 of 2 **Not be located between a building line setback and a front boundary.** 4.0 02/03/2006 C1(Part 1) Decision guidelines Before determining any application, the responsible authority must consider: The Mansfield Urban Design Framework 2005

ref maps:

DDO1: Mansfield Planning Scheme

Design and Development

[http://s3.dpcd.vic.gov.au/planning\\_scheme\\_history/faea133539e29b1e7c79d252d43f0303.pdf](http://s3.dpcd.vic.gov.au/planning_scheme_history/faea133539e29b1e7c79d252d43f0303.pdf)

[http://s3.dpcd.vic.gov.au/planning\\_scheme\\_history/4e3250ba28c2a1ef9ede9f6aa9cbecl1a.pdf](http://s3.dpcd.vic.gov.au/planning_scheme_history/4e3250ba28c2a1ef9ede9f6aa9cbecl1a.pdf)

ref documents:

Noise:

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/13\\_05-1S.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/13_05-1S.pdf)

Municipal Strategic Statement:

[https://planning-schemes.delwp.vic.gov.au/schemes/mansfield/ordinance/21\\_mss01\\_mans.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/mansfield/ordinance/21_mss01_mans.pdf)

Including:

## **Mansfield Shire Municipal Strategic Statement:**

### **23.02 31/07/2018 VC148 OPERATION OF THE MUNICIPAL**

**STRATEGIC STATEMENT** The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the **State Planning Policy Framework is applicable to the municipality and local issues**. It provides the **strategic basis for the application of the zones, overlays** and particular provisions in the planning scheme and decision making by the responsible authority. The MSS provides an opportunity for an integrated approach to planning across all areas of council and **should clearly express links to the corporate plan**. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community. When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take the MSS into account.

## **21.01-2 08/12/2016 C37 Key Issues:**

**Heritage and Character** Protecting European and Aboriginal heritage. **Protecting the Alpine approaches as major transport and tourism routes.**

**Environmental and Natural Resource Values: Protecting sensitive and environmentally valuable landscapes. Maintaining the natural resource base and amenity is critical to long term sustainability.**

**Transport and infrastructure** Identifying a heavy vehicle bypass for Mansfield Township.

**21.03 08/12/2016 C37 SETTLEMENT AND HOUSING** 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.*

**21.04-2 08/02/2018 C39 Character Overview** Linear development along the major routes into and out of the Mansfield Township should be sensitive to the role that the town plays as an 'Alpine Approach'. Development of land along the Maroondah Highway on the western entry into town should be designed in such a way that the 'gateway' to the Alpine areas is promoted and themed so it becomes obvious to locals and visitors that Mansfield Township has embraced its heritage and capitalised on its attractiveness.

**21.05-1 24/05/2018 C36 Landscapes Overview** The alpine vista to Mount Buller and Mount Stirling is of state significance and requires protection from inappropriate development. The approaches to the mountains and its influence on Mansfield and surrounds during the winter months, requires special planning consideration by Council. **Scenic value of the foothills, valleys and cleared grazing country is a characteristic of the district and of intrinsic importance to the landscape and requires careful management of development.** Key issues Protecting the landscape character of the Shire. Managing development in significant landscapes. Objective 1 **To recognise and protect the environmental and landscape significance of the broader alpine approach areas.** Strategies **Protect significant landscape features, large old trees, visually significant ridges and view corridors of the Shire.**

**21.07-1 08/12/2016 C37 Commercial, retail and industrial development**  
**Overview** Retail Retail expenditure per resident in Mansfield Shire is notably higher than regional Victorian averages. **The data estimated that on average, over \$13,010 is spent**

per resident, compared to the average regional Victorian resident of \$11,754. The data shows that residents spend a higher proportion of income on bulky goods; apparel, homeware and leisure; and groceries and liquor. It is estimated that over \$79.1 million of retail expenditure has been undertaken in Mansfield Shire in 2011; 60% attributed to local resident's food expenditure (or \$47.7 million), with the remaining 40% attributed to local resident's non-food expenditure (\$31.4 million). Accounting for impact of tourism visitor expenditure reveals that an estimated \$86 million can be attributed to visitor expenditure which would give a total retail spend of approximately \$165 million.

**21.07-3 08/12/2016 C37 Tourism Overview** Mansfield Shire has a number of drivers for tourist visitation. **Key Issues** Maximising tourism visitation while maintaining the attributes that attract tourists. **Objective 1** To attract high quality tourism development that is conducive to the environmental attributes of the area and is empathetic to the character of the Shire. **Strategies** Development should be designed to be unobtrusive and ensure that current environmental and aesthetic values are retained and not degraded.

**21.08-1 08/12/2016 C37 Transport Overview** *The Central Hume sub region is characterised by east west transport connections that provide access to the Hume and Goulburn Valley corridors. Road freight movement will become increasingly important to provide access to the regional centres. Council in conjunction with VicRoads has identified an interim and ultimate heavy vehicle route through Mansfield Township. The ultimate northern route will require further road augmentation works to divert traffic away from the shopping centre.* **Key Issues** Road transport links to the Hume and Goulburn Valley Highway corridors. Planning for a heavy vehicle route through Mansfield Township. **Objective 1** To improve transport linkages. **Strategies** Strategy 1.1 Plan for and work with relevant agencies to improve east/west transport connections. **Strategy 1.2 Identify and plan for a heavy vehicle bypass through Mansfield Township.**

## **Mansfield Heavy Vehicle, Alternative Routes**

**Planning Study, CPG, November 2010** *This study identifies roads that could be designated as preferred routes for heavy vehicles to use to avoid travel through the CBD of Mansfield Township. Mansfield is continuing to grow and develop as a tourist centre. These seasonal peaks generate high visitor traffic in addition to the local traffic. Local traffic is incompatible with the heavy vehicles that also use the direct routes through the townships. It is expected that traffic safety and amenity for local traffic will be improved once alternative routes are provided which result in express type heavy vehicle facilities bypassing the CBD where possible. At the time of this report, part of this project*

*was underway, including improvements along Withers Lane to Lakins Road, Mansfield - Whitfield Road and Mt. Battery to Greenvale Lane.*

## **Mansfield Approaches Planning Controls and Guidelines Study, September 2017**

*<https://www.mansfield.vic.gov.au/sites/default/files/Town%20Approaches%20-%20Background%20Report.pdf>*

### **B: Deficiencies in the Application Forms submitted to the Shire of Mansfield:**

***The Application Form submitted to the Shire of Mansfield (by an unknown Applicant) contravenes State Planning Law, as it is not filled in correctly.***

*This includes deficiencies in the Application in boxes which the Application form says "MUST" be completed. (red asterix \*) As the form is clearly not completed, it should be sent back to the Applicant should they wish to proceed with another application:*

**1. Applicant;** there is no applicant specified (see screenshot). To a ratepayer wishing to analyse the application, the applicant remains unknown. Shire documentation suggests it is a firm called Ratio Consultants, but there is no way of verifying that from the Application submitted by the developer.

*"Ratio Consultants" website states: "For over 30 years we have played a key role in shaping communities that sustain the needs of a growing population while being mindful of the built environment, the natural landscape and a sense of place. Our multi-disciplinary team of more than 70 highly-skilled people delivers innovative solutions to a rapidly changing urban environment. We're truly independent, delivering high quality advice ... while balancing urban evolution and social needs. We are committed to promoting and encouraging an effective work/life balance and actively seek to provide a professional, fun and social environment for all our staff." The sentiments expressed about "the natural landscape, and sense of place", and the claim to be "truly independent" and provision of a "professional, fun and social environment for all our staff" would all appear to be at odds with this application, and with the deliberate obfuscation with respect to the expected franchisee (see "Architects"), the seeking of an Amendment to a neighbouring Application before the existing permit was issued, and the flouting*



*of the "natural landscape and sense of place" provisions of the Mansfield and State Planning schemes (see below). This is particularly so in the DDO1 Alpine Approach Zone, and when they knew that the community ("sense of place") was soundly opposed to an application like this .. a fact articulated in the largest petition Mansfield has ever seen, and in the resulting changes to the Municipal Strategic Statement since that petition adopted by Council to defend the community against an application such as this.*

**2.Owner:** there is no owner specified (it is ticked as being the same as the applicant, but there is no applicant, as above)

**3. Development Cost:** The arithmetic in the development cost is incorrect by an amount of \$320,000, which should require the Application to be resubmitted (see attached screen shot).

These details are required by the Act to be filled in. They have not been. The Application should be rejected, as it is contravention of the Act.

Screenshots of the relevant deficiencies are attached with this objection.

## **C: Contraventions of the Mansfield Planning Scheme:**

### **1. Council Letter:**

**The Application for the adjoining "Convenience Restaurant" (P119/19) refers to a letter from Council (officers) dated 21/11/19** in response to a previous (October) pre-Application meeting. **P119/19 and P 164A17 should have been one application:** The pre-application meeting mentioned above (on the same date) discussed amending a previously issued Planning Permit for a Service Station and Convenience Store (now P164A17). It is noted that this discussion took place prior to the plans for P164/17 being approved, which happened on two months later (19/12/2019). That is to say, the developer was pressuring Council to Amend its Permit before it was issued. While this may or may not be legal, it would not appear to be good corporate practice, or one that would fit with ratio Consultants claim on its website that it:

It is noted that this application states that the land adjoining (Lot 140 / Service Station and Convenience Store / seeking permit for Amendment ) *"will not be included" (in this*

*application for a Convenience store) as part of this Planning Permit Application" suggesting Council officers (correctly, in this objectors view) may have suggested that that should be considered.* It has not been considered, or if considered, not agreed to. ***It is clearly part of an interconnected development with a vehicle connection through the border of both sites. It should have been submitted as one application and considered by Council on its merits as such. (see introduction, above).***

## **2. Non-compliances with the Planning Scheme**

(State and Local).

**1. Acoustic Report:** There is a claim that "an acoustic report is not required" while, the Application specifies that the truck bowzers anticipate an additional 12 (heavy) vehicle movements per hour (many of which are likely to be late at night when many larger trucks are most used). There is also a map of B-Doubles moving through the site, and a claim that " "the additional truck movements will have negligible adverse impact on the surrounding road network". In fact, it is likely that the proposed connection between this and the adjoining "convenience restaurant" proposal will see trucks of various sizes moving through both sites and exiting onto Station Street if the two interconnected developments proceed (see diagram screenshot attached, showing that movement is possible in both directions, and therefore, between the sites). If approved, there will, in fact, be no way to stop this happening, with serious acoustic, light and emission pollution onto Station Street, especially late at night.

The lack of an acoustic report (as required by the Planning Scheme) is a serious deficiency when it is considered that the Amended Plan sees a connection to the site next door.

**2. Heavy Vehicle Bypass:** This Amendment, with (admitted) increased heavy truck movement, noise, small and light pollution at night also makes the site unsuitable when considered beside the intent of the work Council and The State have done on Mansfield's Heavy Vehicle By-pass. The Amended Plan, is in direct contradiction to the fact that the ratepayers of the shire and the taxpayers of the State of Victoria have invested heavily in the heavy vehicle by-pass that specifically seeks to exclude such vehicles from the town approach and the CBD.

**3. Bicycle Facilities:** There is a claim that, contrary to Section 52.34, Victoria Planning Provisions: Bicycle Facilities, that no bicycle facilities are required for a "Service Station". But this is not a Service Station. It is a "Service Station and a Convenience Store". Please refer to the references (DDO1) with respect to the requirements under planning law for a store such as this. The application is in breach of this provision of the Mansfield Shire Planning Scheme, DDO1.

**4. Easement:** The plan shows an "easement" in the south-west corner of the site. An easement normally means access to or over land owned by someone else. It is in fact impossible to tell from the two incomplete Application forms whether this is the case or not, but I suspect it is the same owner, so this is unlikely to be an easement, and should not be permitted, especially since it is in contravention of the Plan for the site issued by the Shire of Mansfield on 19/12/2019.

**5. Landscape Plan:** The Application has no Landscape Plan, yet the Developer wants to proceed as soon as possible. It is not reasonable for ratepayers to be asked to comment on a plan for development that is deficient in this and many other aspects (above and below).

**6. Loading facility:** There appears to be no loading facility. This is in contravention of Clause 52:34 of the Mansfield Planning Scheme, and the Application to waive this should be rejected. The site is, put simply, too small for what is proposed in the Amended Application (as is the site to the East for the "Convenience Restaurant"), and there is no compulsion on Council to waive this legitimate requirement of their planning scheme.

**7. Bicycles:** as well as no provision for bicycles (above).

**8. Pedestrian Access:** DDO1 requires pedestrian access from the front of the site (there is a convenience store, as well as a service station). There appears to be no pedestrian access in the Amended Plans as presented in the Application. The plan contravenes the DDO requirement for unimpeded pedestrian access through the front of the land. Having no pedestrian access from the front of the property, and no bicycle facilities means the only way in or out is by car, and contravenes the DDO requirement.

**9. Signage:** The illuminated "Shell" sign on the plan is 6 metres high and appears to be internally illuminated. The DDO for the Alpine Approach does not allow any sign to be over 5 metres in height, and does not allow internal illumination. It also appears to be between the building line setback and the front boundary. DDO1 does not permit this site to be used for a sign. This sign is (for 3 reasons) not in keeping with the long held intent of the Alpine Approach. (refer to DDO in reference documents).

**D: Screenshots of Application deficiencies and photographs of similar developments' advertising.**

**please see appended folder**

## **Conclusion:**

**The Application forms for this Amendment are seriously deficient, and not completed as required under the Act.**

**This Application for an Amendment and the closely associated Application for Planning Permit for the neighbouring site should be rejected. The Applicant has had a chance to modify this Amendment Application significantly after a pre-Application meeting (Oct 2019) to conform with the provisions of the DDO. The Applicant has failed to do so.**

**The Amendment Application contains multiple and significant planning deficiencies and seeks to conceal the Applicant's true intentions with respect to the interdependence of this application and that for the Convenience Restaurant to the immediate east (adjoining boundary).**

**The process of seeking this Amendment commenced just months after the issuing of the Planning Permit for this site. The true intentions for these two sites should have been flagged from the start and the proposal put as one Application.**

**The Amendment Application fails to comply with the provisions of the DDO in multiple ways (as listed) and, further, by including trucks (medium and heavy) is contrary to the intent of the Mansfield Heavy Vehicle, Alternative Routes Planning Study, CPG, November 2010, which has since become a completed Heavy Vehicle by-pass.**

**The Amendment is sought in Mansfield's most protected DDO (Alpine Approach) Planning zone. It should be struck out.**



### Development Cost

Estimate cost of development if the permit allows development. Estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ 1.3 Million	\$ 1.14 Million	\$ -160,000

Insert 'NA' if no development is proposed by the permit.  
You may be required to verify this estimate.

### Existing Conditions

Describe how the land is used and developed now. For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? If yes, please provide details of the existing conditions.

Yes  No

Vacant land.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

**Table 1 to Clause 52.34-5 Bicycle spaces**

Use	Employee/Resident	Visitor/Shopper/Student
Amusement parlour	None	2 plus 1 to each 50 sq m of net floor area
Convenience restaurant	1 to each 25 sq m of floor area available to the public	2
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings
Education centre (excluding Child care centre) other than specified in this table	1 to each 20 employees	1 to each 20 full-time students
Hospital	1 to each 15 beds	1 to each 30 beds
Hotel	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public
Industry other than	1 to each 1000 sq m of net floor area	None

### Development Cost

Estimate cost of development if the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ 1.3 Million	\$ 1.14 Million	\$ -160,000

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Have the conditions of the land changed since the time of the original permit application? If yes, please provide details of the existing conditions.

Yes  No

Vacant land.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.



There is capacity for up to two trucks to be parked at the truck bays simultaneously, and this should be more than sufficient to cater to the expected demand for truck refuelling, given the total expected vehicle flows into the site.

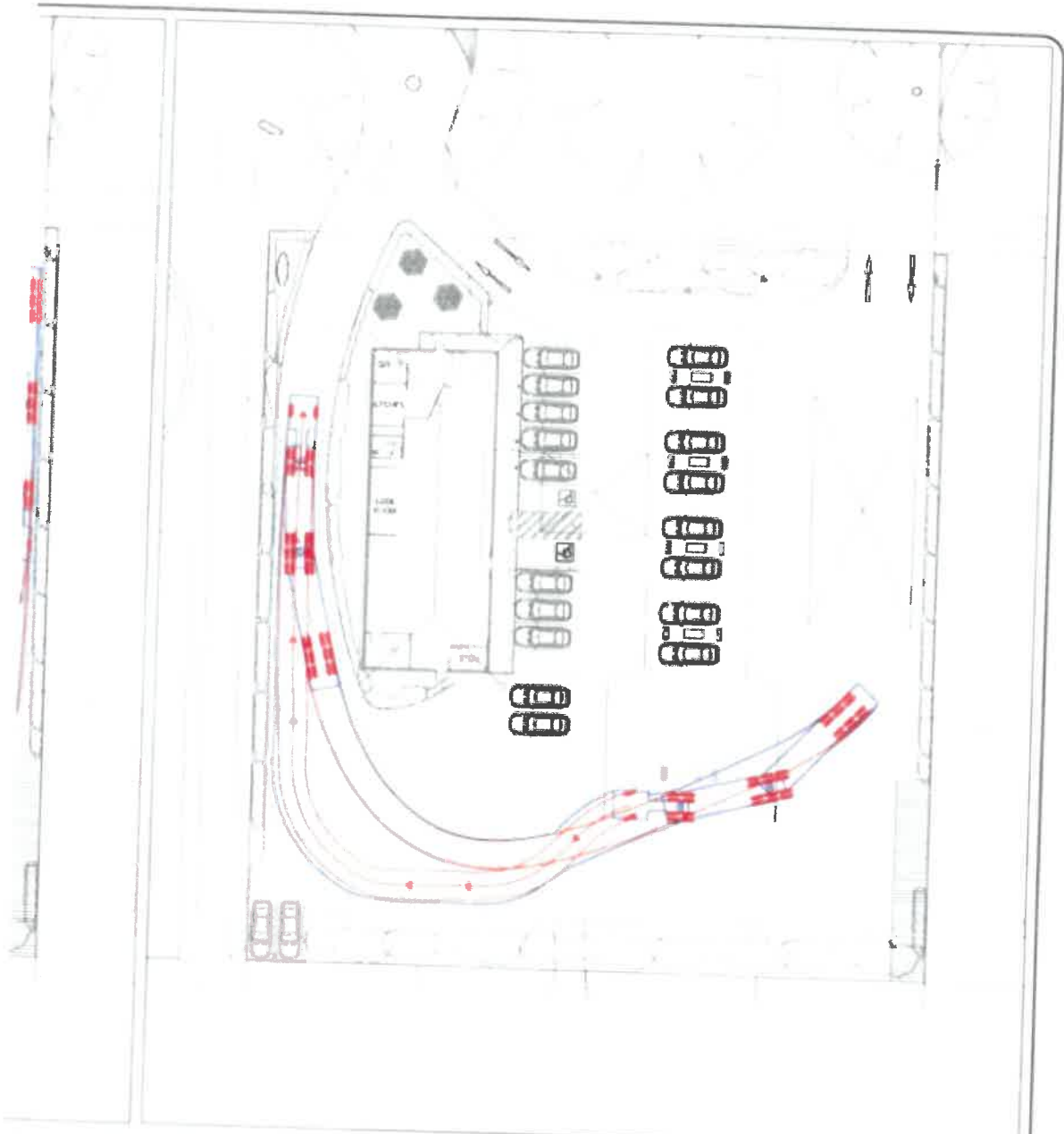
## 5 BICYCLE FACILITIES

Bicycle parking requirements for new developments are specified in Clause 52.34 of the Mansfield Planning Scheme. However, a Service Station is not a listed use in Table 1 to Clause 52.34-3 and hence there is no Planning Scheme requirement for bicycle facilities.

## 6 LOADING





Loading requirements applicable to the proposed development are specified in Clause 52.07 of the Mansfield Planning Scheme. Any land use which involves the sale of goods requires provision of a loading bay on the site, but none is required.

TRAFFIC



**26m B-Double  
ENTRY/EXIT**  
 0 High Street Mansfield  
 1:400 @ A3 19/12/19  
 DWG NO: 14977103

**KEY**

-  CENTRE LINE OF FRONT WHEELS
-  WHEEL PATH
-  VEHICLE BODY
-  VEHICLE CLEARANCE LINE



• Traffic Planning • Transport Planning  
 • Traffic Engineering • Road Safety

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