



Delegate Assessment Report

File Number: DA2861
Planning Application No. P231/22
Responsible Officer: Nicole Embling, Coordinator Statutory Planning

Conflict of Interest

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

Yes No

<i>Application Details</i>	
APPLICANT	Mr Sam Zito Invo Design
PROPOSAL	Use and development of land for an Exhibition Centre (Motor Car Museum) and Restaurant (Café), development of land for Warehouses, display of business identification signs, reduction of car parking requirements, removal of native vegetation (5 trees) and creation of an easement
APPLICATION LODGED	28 November 2023 Application amended – 6 June 2023 To include the removal of native vegetation Application amended – 6 July 2023 To include the creation of an easement
NOTICE AND SUBMISSIONS	12 April 2023 – 4 May 2023 The application was advertised to neighbouring owners and occupiers, a sign was placed onsite, and an advert was in the local newspaper. Following conclusion of the notice period one (1) submission was received. 7 June 2023 – 28 June 2023 The application was advertised to neighbouring owners and occupiers. Following conclusion of the second notice period no submissions were received.

<i>Property Details</i>	
PROPERTY ADDRESS	255 Dead Horse Lane, Mansfield
LAND DESCRIPTION	Lot 1 on Plan of Subdivision 113226
RESTRICTIVE COVENANTS	None
LAND AREA	8,068 sqm
EXISTING USE	Factory/Warehouse
<i>Planning Provisions</i>	
MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK	Clause 02.03-1 Settlement Clause 02.03-4 Natural Resource Management Clause 02.03-7 Economic development (Industrial development) Clause 11.01-1L.01 Mansfield Township Clause 12.01-2S Native Vegetation Management Clause 13.07-1S Land Use Compatibility Clause 14.02-1L Catchment Planning and Management Clause 17.03-1L Industrial development
ZONE	Clause 33.01 Industrial 1 Zone
OVERLAYS	N/A
PARTICULAR PROVISIONS	Clause 52.02 Easements, Restrictions and Reserves Clause 52.05 Signs Clause 52.06 Car Parking Clause 52.17 Native Vegetation Clause 53.18 Stormwater Management in Urban Development
<i>Permit Triggers</i>	
<u>Clause 33.01-4 – Industrial 1 Zone</u> Use of land for an Exhibition Centre (Motor Car Museum) Use of land for a Restaurant (Café) Construct a building or carry out works (Exhibition Centre, Restaurant & Warehouses)	
<u>Clause 52.02 - Easements, Restrictions and Reserves</u> Create an easement under Section 23 of the Subdivision Act 1988	

<u>Clause 52.05 – Signs</u>	
Business identification signage greater than 8 square metres	
<u>Clause 52.06 – Car Parking</u>	
Reduction in car parking requirements	
<u>Clause 52.17 - Native Vegetation</u>	
Remove, destroy or lop native vegetation (5 trees)	
<i>Other</i>	
CULTURAL SENSITIVITY	The subject land is not within an area of cultural heritage sensitivity.

Background

Subject site, neighbourhood, and environs

The site is approximately 8,000sqm and is rectangular with a short frontage of 59.5m to Dead Horse Lane. The land has two existing sheds and is used for general industrial storage with two existing access points to Dead Horse Lane at the southern boundary.



Figure 1: Subject land and surrounds

The land is in the Industrial 1 Zone with no Overlays applying to the site. There is some existing remnant native vegetation around the boundary and a gentle slope down from the north-east corner to the south-west corner.

The adjoining properties to the east and west are currently being used for similar land uses, including storage and a depot. The land to the north is currently occupied with a single dwelling and is also used for storage. There are similar land uses occurring on the south side of Dead Horse Lane, however it is important to note that the land to the south-east is in the Low Density Residential Zone and there are single dwellings. This area is an established industrial precinct.

Dead Horse Lane is a part of the Heavy Vehicle Bypass which is scheduled to be significantly upgraded in the near future to cater for trucks passing through Mansfield. This land has access to Midland Highway and Mansfield-Whitfield Road.



Figure 2: Zoning of the land

Site History

Planning permits approved for the subject land include the following: -

- Planning Permit 01/0120 was issued 22 May 2001 for *Retail Sale of Cars*
- Planning Permit P0285/05 was issued 18 October 2005 for *Extension to an Existing Building*

- Planning Permit P0156/11 was issued 30 November 2011 for *Extension to existing Factory and Construction of five (5) Storage Units*

The five storage units approved in 2011 were never constructed.

Proposal

The submitted planning permit application seeks permission for a Motor Car Museum with an associated Café and 10 Warehouses. The subject land is proposed to be developed with two significant and separated land uses.

The Motor Car Museum and Café are proposed to be sited near the southern boundary with direct frontage to Dead Horse Lane, with access to Dead Horse Lane from the east boundary into a formalised car park. The submitted plans provide for twelve (12) car parking spaces, including one disabled space at the front of the land to be used by staff and patrons of the Museum. The proposed Museum provides space for 48 cars to be on display, plus two (2) wash bays on the ground floor and has a Mezzanine above.

The Museum and Café are proposed to operate 7 days a week from 9am to 5pm and could accommodate a total maximum of 30 patrons and 3 staff at a time. Additional after hours private functions are proposed between 6pm to 1am on an ad-hoc basis with up to 100 patrons.

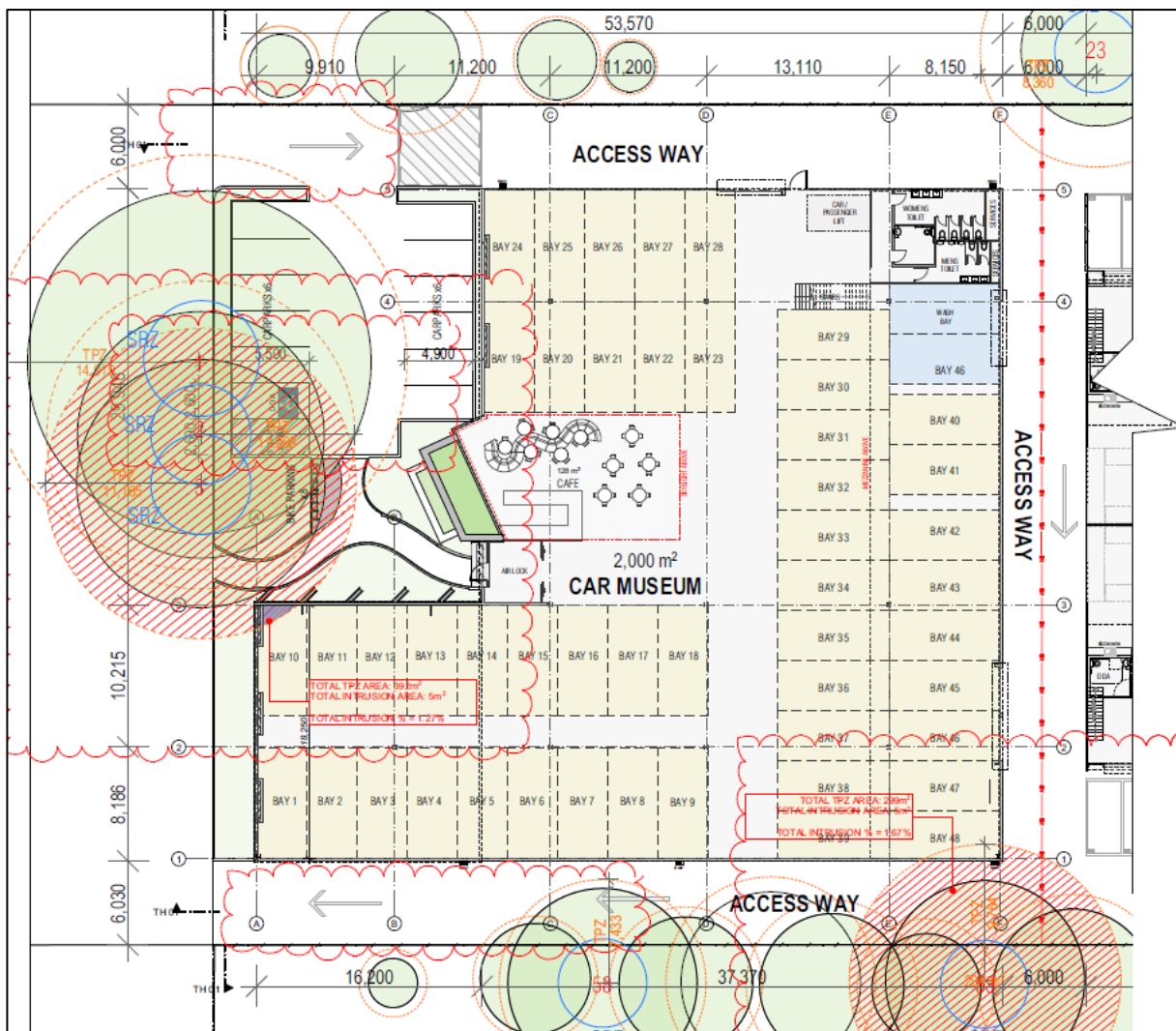


Figure 3: Ground Floor, Car Museum

The Warehouses are proposed to be located towards the rear of the land with an internal access road around the boundary, to be one-way in an anti-clockwise direction. The Warehouses are all proposed to be of the same dimensions with a ground floor area of 210 square metres, including a bathroom facility in each and a 60 square metre office above. Each Warehouse is proposed to have three (3) car parking spaces and a large loading bay, with additional carparking at the rear of the land, providing an additional ten (10) spaces, plus a disabled car park.



Figure 4: Artist Impression of Warehouses

The planning permit application was supported by a Traffic Engineering Assessment, which provides a detailed analysis of the proposed internal accessway and car parking to ensure vehicles could manoeuvre the site safely and enter and exit the site in a forward direction.

A Stormwater Management Plan was provided to address onsite stormwater management.

A Waste Management Plan was provided which details how waste can be stored onsite and suitably removed.

A Landscaping Plan was submitted which provides landscaping along the Dead Horse Lane boundary and some small pockets out the front of each Warehouse.

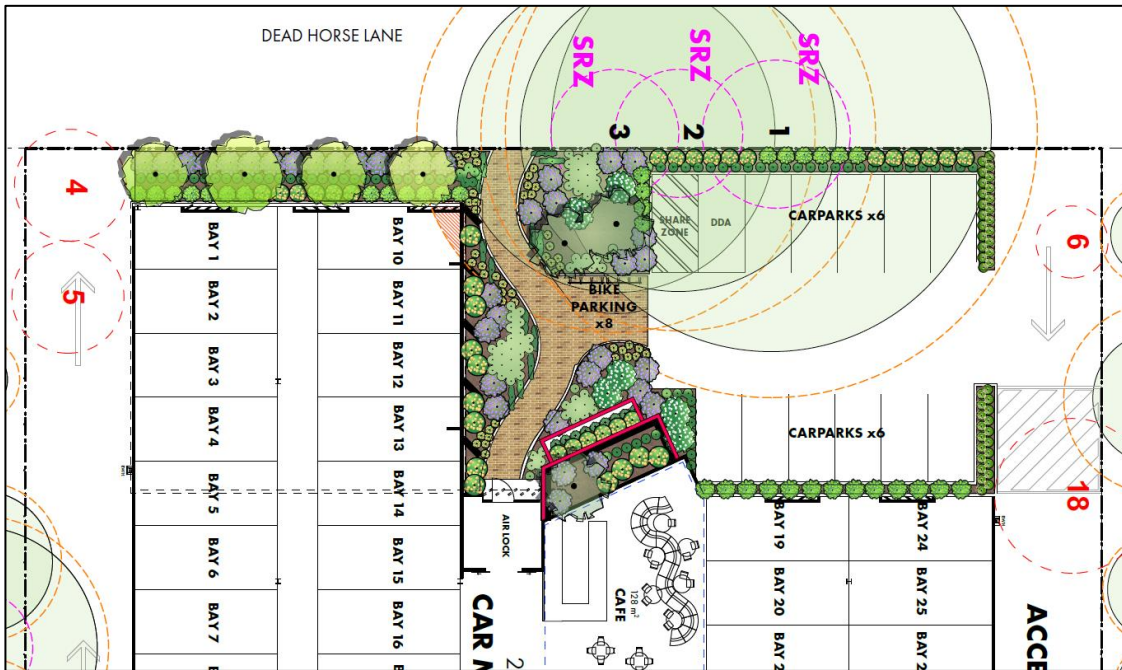


Figure 5: Landscaping Plan

Referrals

The application is not required to be referred to any external referral authorities.

The application has been referred internally to Councils Engineering Department, who have provided a supportive response with conditions for a permit.

Advertising

The application was advertised in accordance with the requirements of the *Planning and Environment 1987* and involved a sign on site, letters to adjoining and nearby owners and occupiers, and a notice in the newspaper, *Mansfield Courier*.

The application was required to be advertised in accordance with Clause 33.01-4 as the subject land is within 30 metres of properties in the Low Density Residential Zone.

Following the notice period one (1) submission has been received.

The submission is generally supportive of the application however, requests that consideration be given towards a requirement for a shared path for pedestrian and bicycle access along Dead Horse Lane.

Officer Response

Dead Horse Lane is a part of the Heavy Vehicle Bypass and is scheduled for significant upgrade works in the near future. The upgrade works will include a shared path on one of Dead Horse Lane, which has not yet been determined. As part of the development process for the path the applicant would be required, through permit conditions, to provide a development contribution to assist with the creation of a new path.

Mansfield Planning Scheme and Context Assessment

The Municipal Planning Strategy and Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices

which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

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

Clause 02.03 Municipal Planning Strategy, Strategic Directions

Clause 02.03-1 Settlement

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

02.03-4 Natural resource management

Water and Declared Special Water Supply Catchments

Council's Strategic Directions for catchment planning and management are to:

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments*
- *Avoid development in catchments that is detrimental to water quality*

Clause 02.03-7 Economic development

Council's strategic directions for economic development are to:

- *Support viable industrial business opportunities.*
- *Support environmentally sustainable industries as alternatives to the traditional forms of industry.*

Clause 11.01-1L.01 Mansfield Township

Strategies:

- *Locate major commercial and industrial developments in Mansfield township.*
- *Site and design industrial development in Dead Horse Lane to reduce amenity conflicts with neighbouring residential properties to the south by incorporating the necessary landscape and acoustic buffers.*
- *Support the continuity of the Dead Horse Lane industrial area as an established industrial area.*
- *Implement buffering treatments to manage interactions between existing industrial uses*
- *Require new development in Dead Horse Lane to maintain a suitable landscape and acoustic buffer to the residential dwellings to the south of Dead Horse Lane.*

Officer Assessment

The subject land is situated on the north side of Dead Horse Lane, which allows for a natural separation buffer of approximately 190 metres between the subject land and land in the General Residential Zone and includes Dead Horse Lane and other properties in the Industrial Zone, with existing industrial uses. To the south-east of the subject land there is properties in the Low Density Residential Zone (LDRZ), which are occupied by single dwellings, the nearest sensitive residential use within the LDRZ is approximately 72 metres.

The submitted application is supported by a landscaping plan which provides for significant plantings along the southern (Dead Horse Lane) property boundary and will partially screen the proposed buildings from the existing dwellings on Dead Horse Lane.

Clause 12.01-2S Native vegetation management

Objective:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Officer Assessment

The application proposes to remove most of the vegetation on the subject, save for the three large trees near the Dead Horse Lane boundary at the front of the site.

The vegetation to be removed includes five (5) native trees which require a planning permit and offsetting, two of which are considered large. One of the large trees has been identified as a habitat for native fauna and therefore will need to be monitored carefully prior to and during any removal works.

The application has been supported by a Native Vegetation Removal Report which provides for appropriate offsetting.

As the application proposes to utilise the two (2) existing access points, the native vegetation in the road reserve will not be impacted. The buildings and works near the vegetation in the road reserve would be separated by a landscaping strip along the front boundary.

Clause 13.07-1S Land use compatibility

Objective:

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

Strategies:

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

Clause 14.02-1L Catchment planning and management

This policy applies to land within a Declared Special Water Supply Catchment Area, the subject land is within the Upper Goulburn Catchment Area.

Strategies:

- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*

- *Incorporate integrated Water Sensitive Urban Design techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

Officer Assessment

The application is supported by a Stormwater Management Plan which has assessed the existing catchment area and determined pre-development flows to ensure there is no additional impact to the water network from the proposed development. A legal point of discharge has been indicated which is respective of the existing natural flow towards the south-west corner of the subject land.

The Stormwater Management Plan has been assessed by Councils Engineering Department who are satisfied that the designs proposed is suitable and could be appropriately conditioned as part of any permit issued.

Clause 17.03-1L Industrial development

Objective:

To support a growing economy for Mansfield Shire that is attractive to new and diverse industries.

Strategies:

- *Strengthen and grow the capacity of the Shire to service the industrial needs of its growing population by providing clear land use directions for current and future industrial uses.*
- *Support the growth of service-based industries within the Shire by encouraging the development of appropriate service facilities.*
- *Support the diversification and growth of the Shire's industries and trades by supporting the development of a new and contemporary industrial precinct.*
- *Support the capacity of the Shire to attract new industries via the establishment of a new and accessible industrial precinct.*

Officer Assessment

The proposed use and development of land for a Motor Car Museum with an associated Café is unique to the Mansfield area and would provide an additional tourist attraction and an event space for small private functions. The Museum could promote a new contemporary industry and welcome new tourists to Mansfield whilst providing an additional Café.

The proposed warehouses at the rear of the site would provide for 10 new industrial business opportunities with appropriate storage opportunities, office space (second-storey mezzanine) and access to the Heavy Vehicle Bypass.

Zoning

Clause 33.01 Industrial 1 Zone

Purpose

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Use Decision Guidelines:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
- *The effect that nearby industries may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*

Officer Assessment

As mentioned above, the proposed use for a Motor Car Museum and Industrial Warehouses would be naturally separated from existing residential uses, the closest dwelling is south-east of the subject land and approximately 72 metres away, additionally there is a dwelling on the Industrial Zoned land adjoining to the north, the dwelling is approximately 143 metres from the northern boundary of the subject site. The existing land uses on other adjoining and nearby properties are being used for light-industry and are considered compatible with the proposal. It is noted that the application did not require referral to any external authorities.

Nearby industrial land uses include a vehicle depot for a tree lopping company (*High Country Tree Services*), boat and caravan storage (*High Country Boat & Caravan Storage*), car mechanic (*Kyalan Mechanical*), car panel repairs (*High Country Smash Repairs*), and sheds used for storage or warehouses. The adjoining land to the north is also in the Industrial 1 Zone and includes a residential dwelling and warehouse for an electrician business (*Lovicks Electrical*). It is considered that the surrounding land uses are very similar to the proposed Warehouses and therefore shouldn't be any land use conflicts. Furthermore, there is an existing take-away café east down Dead Horse Lane, approximately 125 metres from the subject land. This section of Dead Horse Lane, between Midland Highway and Mansfield-Whitfield Road, is an established industrial estate with similar land uses as the proposal.

The subject land has a natural slope down from the north-east corner to the south-west corner and there is a recognised natural waterway which flows through the subject land from east to west. The application is supported by a Stormwater Management Plan which has identified the natural watercourse and slope of the land, the Plan details how the proposal will respond to the existing conditions and drainage levels are maintained to pre-development flows.



Figure 6: Existing natural drain across the subject land

Source: Stormwater Management Strategy, prepared by DPM Consulting Group, pg. 11

The subject land has available connections to reticulated electricity, water and sewerage.

The proposed Museum and Café propose to have a maximum of thirty (30) patrons and three (3) staff at any time and have provided a car park with twelve (12) spaces, including one disabled space and eight (8) bicycle spaces. The Museum access will utilise the shared access at the east boundary and is direct to the car park at the front of the land. Patrons of the Museum and Café could exit the site from the same shared access at the east boundary, or follow the one-way internal road around the rear of the Museum to exit at the west boundary access. The submitted Traffic Engineering Assessment has provided that 60 vehicle movements could be expected for an after-hours event, which caters for up to 100 patrons, the Warehouse car parking spaces could be used as overflow from the Museum.

The proposed Warehouses each provide three (3) car parking spaces and a Loading Area, with an additional eleven (11) spaces at the rear of the building including one disabled space. The access to the Warehouses will utilise the proposed one-way internal road network which provides a counter-clockwise road around the Museum and Warehouses, providing an entrance from Dead Horse Lane near the east boundary and exit to Dead Horse Lane near the west property boundary. The submitted Traffic Engineering Assessment has detailed an expected 108 daily vehicle trips, including 14 morning peak hour vehicle trips (pg. 12). Swept pathway diagrams have been provided in the submitted Traffic Engineering Assessment to

determine that vehicles utilising the Warehouse car parking spaces and loading bays could enter and exit the site in a forward direction.

The proposed design and layout would occupy the entire subject site and provides landscaping treatments in unused areas.

Buildings and Works Decision Guidelines:

- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Built form.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*
- *Parking and site access.*
- *Loading and service areas.*
- *Outdoor storage.*
- *Lighting.*
- *Stormwater discharge.*

Officer Assessment

The subject land has an existing natural drainage line which has been incorporated into the Stormwater Management Plan submitted with the application, some native vegetation which is proposed to be remain and be protected with suitable setbacks, and a natural upslope from Dead Horse Lane. The existing natural features of the land have been considered through the design of the proposal, which is demonstrated in the submitted plans.

The subject land is not in an area of Cultural Heritage Sensitivity.

Dead Horse Lane is an established industrial area, mostly used for light industry, with each property having its own access. The character of the streetscape is currently a fairly narrow road with grassed open swale drains and above-ground power lines. However, as Dead Horse Lane is a part of the Heavy Vehicle Bypass it will soon be upgraded to have a wider formed road with curb and channel and formal crossovers to each property. Most of the existing buildings have generous setback from the front boundaries, with the minimum setback being 15 metres. There is some established native trees in the road reserve and additional vegetation within the front setbacks. Additionally, there are many battle-axe shaped allotments which provide a narrow access and infrastructure at the rear of the other industries, whereby a lot of the established industrial land uses are not visible from Dead Horse Lane, similar to the proposed layout of the Warehouses. The submitted landscaping plan and proposal to protect the large native trees at the front of the subject land will provide for a development that is generally in accordance with the existing streetscape character of Dead Horse Lane.

The proposed design of the Museum, which will have direct frontage to Dead Horse Lane, has varying roof heights and a mixture of materials, textures and colours which reflect the natural surrounding landscape. The built form is proposed to include solid walls articulated with angles and vertical panels, as is depicted in the *Artist Impression* shown below.



Figure 7: Artist Impression of Exhibition Centre (Motor Car Museum) and Café, viewed from Dead Horse Lane

Source: Plans, prepared by Invo Design

The proposed Warehouses would be located at the rear of the land and wouldn't be visible from Dead Horse Lane, however the submitted plans detail a design which responds to the natural slope of the land, maintaining a building height above natural ground level. The entrance to each warehouse would include large glass doors to provide active frontages to the internal road network and controlled business identification signage in a similar place for each Warehouse.

The application is supported by a complete Landscaping Plan which provides detailed design at the frontage of the site to separate the Museum building from the road and for partial visual buffers for the car park. Additional pocket landscaped areas are proposed at the front of each Warehouse. The landscaping proposed is considerate of the proposed built form and will compliment the surrounding landscape, including the large existing native trees along Dead Horse Lane.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

Purpose:

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Officer Assessment

The proposed application includes a new drainage easement in favour of Council which will cover the proposed underground stormwater system. The stormwater system will be a continuation of the existing system on the adjoining land to the east where the upstream catchment flows. The easement will be within the proposed internal accessway and will connect to the road reserve at the southern boundary where stormwater flows will continue within an underground system.

The proposal has been reviewed by Councils Engineering Department who are satisfied with the proposal and the creation of a new easement.

Clause 52.05 Signs

Pursuant to Clause 33.01-5 of the Industrial 1 Zone Category 2 – Office and Industrial applies to this land. The purpose of Category 2 is:

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

A planning permit is required for any Business Identification Signs which exceed 8sqm to each premises.

Officer Assessment

The submitted Planning Report and relevant plans propose Business Identification Signs of 13sqm for the Car Museum and 17sqm for each Warehouses.

The location of the sign for the Car Museum is set on an angled wall and is of a minimalist design.

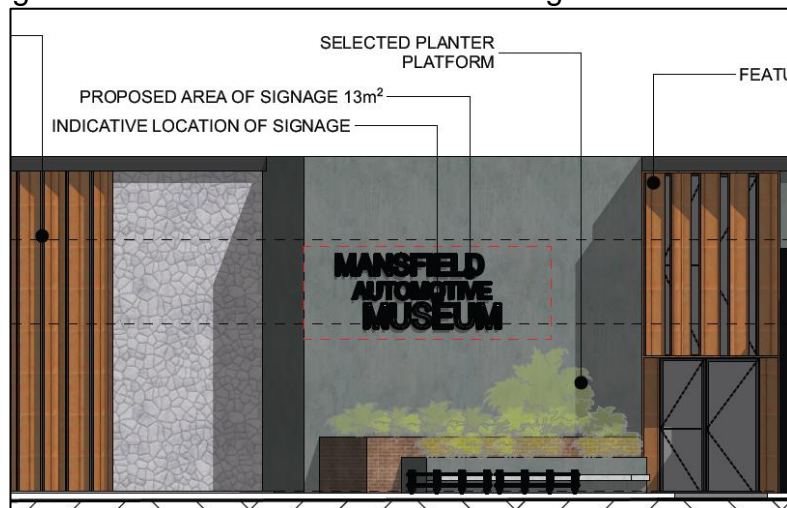


Figure 8: Sign proposal for Car Museum

Similarly, the signs for each Warehouse have allocated areas which face the east and west boundaries and will not be visible from the public realm.

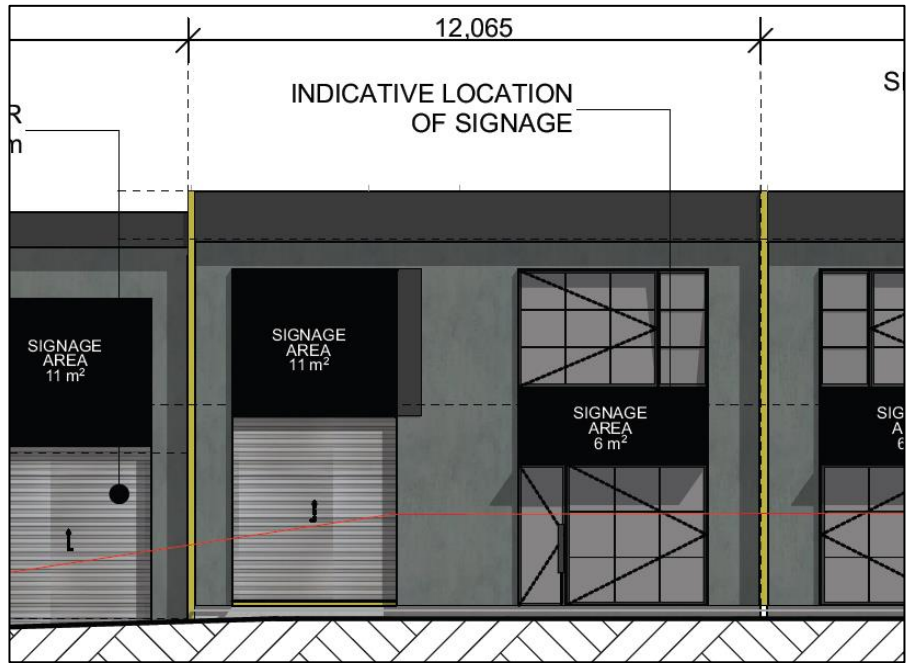


Figure 9: Sign proposal for each Warehouse

Overall the submitted signs are considered appropriate.

Clause 52.06 Car Parking

Purpose:

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

Scope

Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use.

Number of car parking spaces required under Table 1 (Clause 52.06-5)

Use	Rate Column A	Car Parking Measure	Complies?
Place of Assembly (Exhibition Centre – Motor Car Museum) and Restaurant (Café)	0.3 per patron 0.4 per patron	100 patrons = 30 spaces 30 patrons = 12 spaces	Partially, see comments below Yes
Warehouse	2 to each premise, plus 1.5 to each 100sqm of net floor area	10 Warehouses = 20 spaces + 2,100sqm = 32 spaces Total = 52 spaces	No, shortfall of 29 spaces

Comment:

The proposed Museum and Café would provide twelve (12) spaces, including one disabled space. The Warehouses at the rear of the land would provide three (3) spaces at the front of each Warehouse (totalling 30 spaces), with an additional eleven (11) spaces at the northern boundary, including one disabled space.

Overall, the car parking proposal for the Warehouses is considered appropriate when considering the nature of the use and likelihood that customers would only be onsite for short periods and therefore would likely be a regular turnover of car parking spaces.

The Café is proposed to accommodate no more than 30 patrons at any given time in support of the Car Museum and therefore the available car parking at the front of the site is considered suitable. The Exhibition Centre for the Car Museum will only operate for larger functions (up to 100 patrons) will only occur after hours, meaning any overflow parking could utilise the spaces of the Warehouses. It is expected that the proposed uses will be able to be accommodated onsite.

The application generally satisfies the requirements of Clause 52.06-5.

Design standards for car parking (Clause 52.06-9)

Design Standard	Compliance
Design Standard 1 – Accessways	Complies Vehicles would be able to enter and exit the site in a forward direction. The accessway is designed to be one-way and therefore will not require any passing areas.

Design Standard 2 – Car parking spaces	Complies The proposed car parking space dimensions and associated accessway widths are satisfactory.
Design Standard 3 – Gradients	Not applicable The subject land is relatively flat.
Design Standard 4 – Mechanical Parking	Not applicable No mechanical parking is proposed.
Design Standard 5 – Urban Design	Complies The design and layout of the car parking areas is not visually dominant, which is considered to be a positive urban design outcome.
Design Standard 6 – Safety	Complies The design and layout of the car parking areas would allow for passive surveillance to be generally achieved whilst also recessing it from the streetscape – which is considered to be a positive safety outcome.
Design Standard 7 – Landscaping	Complies Generous landscaping is afforded to the entire site, including the car parking and accessway areas.

Comment:

Overall, the proposal is considered to be generally in accordance with the requirements of this provision.

Clause 52.17 Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*

3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
4. *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Permit Requirement

Pursuant to Clause 52.17-1 of the Mansfield Planning Scheme, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

The Guidelines stipulate the following:

- *Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:*
 - *the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation*
 - *the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation*
 - *feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.*
- *The role of native vegetation to be removed in:*
 - *Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994.*
 - *Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: -where ground slopes are more than 20 per cent -on land which is subject to soil erosion or slippage -in harsh environments, such as coastal or alpine areas.*
 - *Preventing adverse effects on groundwater quality, particularly on land: -where groundwater recharge to saline water tables occurs -that is in proximity to a discharge area -that is a known recharge area.*
- *The need to manage native vegetation to preserve identified landscape values.*
- *Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.*
- *The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.*

- *Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.*
- *Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.*
- *For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:*
 - *The extent.*
 - *The condition score.*
 - *The strategic biodiversity value score.*
 - *The number and circumference of any large trees.*
 - *Whether it includes an endangered Ecological Vegetation Class (EVC).*
 - *Whether it includes sensitive wetlands or coastal areas.*

Officer Assessment

The subject site is not within an area of identified aboriginal cultural heritage sensitivity, and it is not located within a Bushfire Management Overlay which would otherwise require the provision of defensible space.

The application includes a Native Vegetation Removal Report (NVRR), report ID GEN_2023_512 which has been undertaken using the Intermediate Assessment Pathway. The NVRR details that the vegetation to be removed accounts for 0.178 hectares (2 large trees). The vegetation has a condition score of 0.036 and a strategic biodiversity score of 0.267. It does not have a relevant EVC status.

The vegetation removal is necessary to allow for the development of the proposal. Local planning policy and the zone anticipates more development and higher density for industrial uses in an existing industrial precinct. The proposal design and layout has made considerable effort to retain the three (3) large trees near the southern (Dead Horse Lane) boundary. Subsequently, the removal proposed is considered to be measured (avoided and minimised).

Offset Requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

Officer Assessment

As discussed in this report, a NVRR has been prepared and submitted with the application, which details an appropriate offset amount that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines, as per the following:

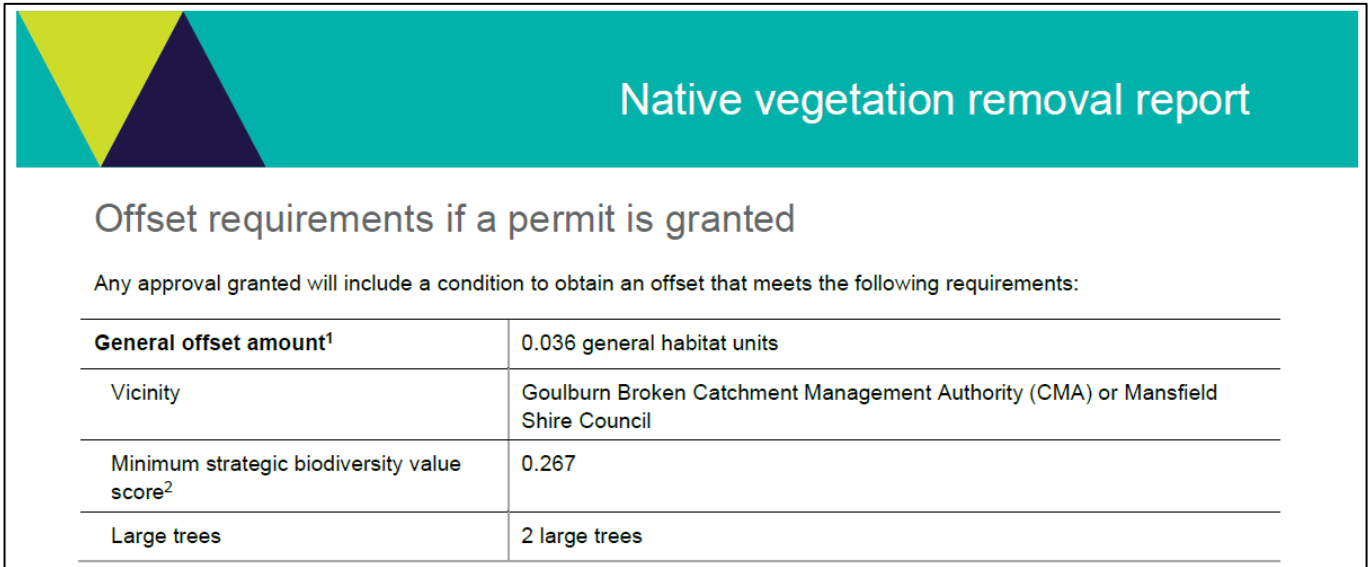


Figure 10: NVRR

Offset requirements will be a condition of permit. Overall, the proposal is considered to be generally in accordance with the requirements of this provision.

Clause 53.18- 5 Stormwater management objectives for buildings and works

Purposes include:

- *To encourage stormwater management that maximises the retention and reuse of stormwater*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site*
- *To encourage stormwater management that contributes to cooling local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Standard W2

The stormwater management system should be designed to:

- *Meet the current best practice performance objective for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, building, bunding and covering of roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Comment

The proposal provides for an appropriate response to this Clause. Plans will be endorsed to form part of the permit detailing the proposed stormwater management system.

General Provisions

The appropriate decision guidelines at Clause 65 of the Mansfield Planning Scheme have been considered in the above discussion and the proposal is considered to be generally in accordance with these.

Conclusions

It is considered that this proposal is generally consistent with the Mansfield Planning Scheme and is appropriate for the site and surrounds. There are no other issues for consideration relevant to this application.

Officer Recommendation

PLANNING PERMIT

That Council issue a **PERMIT** for Planning Application P231/22 for Use and development of land for an Exhibition Centre (Motor Car Museum) and Restaurant (Café), development of land for Warehouses, display of business identification signs, reduction of car parking requirements, removal of native vegetation (5 trees) and creation of an easement on **Lot 1 on Plan of Subdivision 113226**, commonly addressed as 255 Dead Horse Lane, Mansfield in accordance with the endorsed plans and subject to the conditions attached to this report.

Amended Plans Required

1. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to a scale and be generally in accordance with those submitted with the application, but modified to show:

- a. Site Plan detailing the internal road access to be one-way, with the entrance near the east boundary and exit near the west boundary. Access to the Museum and Café Car Park is to be via the one-way access road.
- b. Site Plan, including the proposed Easement over the underground stormwater pipes traversing from the east boundary to the Road Reserve.
- c. The underground Stormwater Detention System not impacting the Structural Root Zones of any trees retained.
- d. The underground stormwater pipes located with minimum impact possible to the Tree Protection Zones of any retained trees on the land and trees in the adjoining properties.

Endorsed Plans

2. The development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

External building materials

3. The external materials of the building(s), including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used.

For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

Signs

4. The signs must not be illuminated by external or internal light. The Responsible Authority may consent in writing to vary this requirement.
5. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the Responsible Authority.

Easement

6. All existing and proposed easements and sites for existing or required utility services on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Development

7. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.
8. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
9. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
11. Disabled car parking spaces must be provided in accordance with the *Disability Discrimination Act 1992*.

Engineering

12. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
13. All road and stormwater design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.
14. Any damage to Council managed assets such as trees, roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority prior to the commencement of use of the development hereby permitted.
15. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried

onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.

16. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
17. Prior to the commencement of works all design drawings must be submitted to Council for approval.
18. Prior to the commencement of works, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction management plan must describe how the site will be managed prior to and during the construction period and set out requirements for managing:
 - a. Erosion and sediment.
 - b. Stormwater.
 - c. Litter, and other construction wastes.
 - d. Chemical contamination.
19. Prior to the commencement of works construction and drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

The drainage plans must include:

- a. An on-site detention system designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
 - b. Measures to enhance stormwater discharge quality from the development including output from MUSIC, Storm updated or similar with design calculation summaries of the treatment elements.
20. Prior to any works commencing within the road reserve, an application for Works Within Roads Reserve Permit must be made to Council.
 21. Prior to the commencement of works an assessment must be made for altering the natural stormwater flow path. Any infrastructure upgrade or alteration required must be done by the permit holder and at no cost to Council.
 22. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
 23. Before the commencement of the use of the development hereby permitted, the area set aside for the parking of vehicles and access as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;

- f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
24. Altered overland flow paths must pass through the designed routes within reserves for municipal purposes or within easements. No overland flows shall impact on the adjacent or downstream lots.
25. Interrupted overland flows from this development must not impact on any adjacent land.
26. Industrial and commercial liquid waste must not enter the stormwater drainage system. An EPA approved waste collection system is to be installed onsite to collect waste.
27. Prior to the commencement of use Development Contributions must be agreed to and paid to Council for the following:
- Upgrade to the existing Culvert under Dead Horse Lane
 - Development of a Shared Path along one side of Dead Horse Lane, for the frontage of the land.
28. The internal road network (access way) must be suitably lit with outdoor lighting to provide adequate illumination to access area and must not detrimentally affect any adjoining or nearby properties.
29. Following completion of all works, and prior to the commencement of use, “as constructed” drawings relating to drainage assets and assets with the road reserve must be submitted to Council in AutoCAD format.

Environment

30. Prior to the commencement of site works and any vegetation removal the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
31. Prior to the removal of Trees No. 8 and No. 10, as identified in the Arboricultural Impact Assessment prepared by Treetec Professional Tree Services 19 May 2023, the trees must be inspected by an appropriately qualified Zoologist to determine the presence of any native animals living or nesting in the trees. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the Zoologist.
- A report on the findings and decisions of the Zoologist must be supplied to the Responsible Authority within 30 days of the inspection.
32. A general offset of 0.036 general habitat units: located within the Goulburn Broken Catchment Management Authority boundary or Mansfield Shire Council municipal district with a minimum strategic biodiversity score of at least 0.267 (2 large trees).
33. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register

34. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning

Permit Expiry

35. This permit will expire if one of the following circumstances applies:

- a) The buildings and works have not substantially commenced within two (2) years of the date of this permit.
- b) The buildings and works are not completed within four (4) years of the date of this permit.

36. This permit as it relates to signs will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support it must be removed.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in these conditions.

Notations

- 1) In accordance with Section 23 of the *Subdivision Act 1988* requires a certified plan to be registered at the Titles Office.
- 2) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
- 3) An application for works within a road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.