

Delegate Report



Mansfield Shire

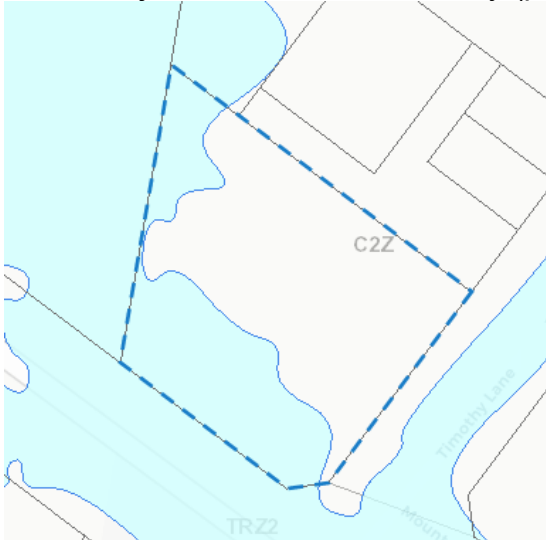
File Number: DA571
Planning Application No. P032A/21
Responsible Officer: Nicole Embling, Coordinator Statutory Planning

Conflict of Interest

The author does not have a conflict of interest pursuant to Sections 127 and 128 of the *Local Government Act 2020*.

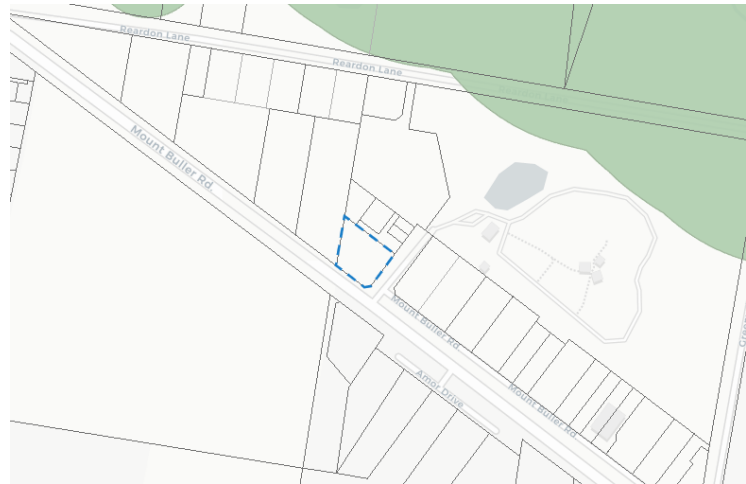
<i>Application Details</i>	
APPLICANT	AJs Laundry Services
APPROVED PERMIT ALLOWS	Use of land for Service Industry (Commercial Laundry) Permit issued – 9 June 2021
AMENDED PROPOSAL	Use of land for Service Industry (Commercial Laundry) and development of a semi-detached extension to the existing buildings and four Shipping Containers, and a reduction of car parking
APPLICATION LODGED	8 February 2023
NOTICE AND SUBMISSIONS	Total of 35 Submissions received: <ul style="list-style-type: none">- 8 objections- 27 supporting submissions
<i>Property Details</i>	
PROPERTY ADDRESS	195 Mt Buller Road, Mansfield
LAND DESCRIPTION	Lot 1 PS 215446A
RESTRICTIVE COVENANTS	Nil
LAND AREA	2,230 sqm
EXISTING USE	Commercial Laundry
<i>Planning Provisions</i>	

<p>MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK</p>	<p>Clause 02.03-1 - Settlement, Mansfield Township</p> <p>Clause 02.03-3 - Environmental risks and amenity, Flooding</p> <p>Clause 02.03-4 - Natural resource management, Water and Declared Special Water Supply Catchments</p> <p>Clause 02.03-5 - Built environment and heritage, Township and neighbourhood character</p> <p>Clause 11.01-1L-01 – Mansfield Township</p> <p>Clause 12.05-2L – Significant landscapes, ridgelines and alpine approaches</p> <p>Clause 13.03-1S – Floodplain management</p> <p>Clause 13.03-1L – Floodplain management</p> <p>Clause 13.05-1S – Noise management</p> <p>Clause 13.07-1S – Land use compatibility</p> <p>Clause 14.02-1S – Catchment planning and management</p> <p>Clause 14.02-1L – Catchment planning and management</p> <p>Clause 15.01-2S – Building design</p> <p>Clause 15.01-5S – Neighbourhood character</p> <p>Clause 15.01-5L – Mansfield Township Approaches</p> <p>Clause 17.03-1S – Sustainable industry</p> <p>Clause 17.03-1L – Industrial development</p> <p>Clause 19.03-3S – Integrated water management</p>
<p>ZONE</p>	<p>Commercial 2 Zone (C2Z)</p>
<p>OVERLAYS</p>	<p>Design and Development Overlay – Schedule 1 (DDO1 – Alpine Approaches and Township Gateways)</p>

	<p>Land Subject to Inundation Overlay (partial):</p> 
<p>PARTICULAR PROVISIONS</p>	<p>Clause 52.05 - Signs Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to the Principal Road Network Clause 52.34 – Bicycle Facilities Clause 53.10 – Uses and Activities with Potential Adverse Impacts</p>
<p><i>Permit Triggers</i></p>	
<p>PREVIOUS TRIGGERS</p>	<p>Clause 34.02-1 Commercial 2 Zone – <i>Use of land for Industry, where the Condition is not met. The subject land is less than 100m from a residential zone and does not meet the requirements of Clause 53.10.</i></p>
<p>ADDITIONAL TRIGGERS</p>	<p>Clause 34.02-4 Commercial 2 Zone – <i>A permit is required to construct a building or construct or carry out works.</i></p> <p>Clause 43.02-2 Design and Development Overlay – <i>A permit is required to construct a building or construct or carry out works.</i></p> <p>Clause 52.06-3 Car Parking – <i>A permit is required to reduce the number of car parking spaces required under Clause 52.06-5.</i></p>
<p><i>Other</i></p>	

CULTURAL SENSITIVITY

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

**Background****Proposal**

The permit applicant, AJs Laundry Services, seeks approval to amend the current planning permit to include development of a semi-detached extension to the existing buildings and four Shipping Containers, and a reduction of car parking at 195 Mt Buller Road, Mansfield.

The proposal would comprise the following features:

- Completion of the existing (partially constructed) extension to the building on the northern elevation, to provide additional storage for the Laundry.
- Erection of a canvas roofed structure (existing) to provide a sheltered access to the operational section of the building, where loading and unloading occurs.
- Placement of four (4) Shipping Containers, each to be used for storage of laundry, including:
 - *Storage 1* – 20ft Container, placed adjacent to the external east wall of the main building (in between the existing main building and Storage 2)
 - *Storage 2* – 40ft Container, placed abutting Storage 1 and fronting Timothy Lane Proposed to have 2-metre high free standing trellis to visually screen the Container along the east and south facades
 - *Storage 3* – 20ft Container, placed at the north-west corner of the main building, adjacent to the external west wall of the proposed extension (This container is currently located at the north-east corner of the main building and is proposed to be relocated)
 - *Storage 4* – 20ft Container, placed abutting Storage 3 and is in between Storage 3 and the west property boundary

(This container is currently located at the north-east corner of the main building and is proposed to be relocated).

- Removal of the existing Banner Sign hanging under the verandah on the southern elevation of the building, which is currently visible from Mt Buller Road.
- Delete Condition 13 of the planning permit, to maintain the existing V-shaped sign at the Mt Buller Road frontage.
- Landscaping along the Mt Buller Road frontage, including Native plants, *Grevillea Excelsior* and *Anigozanthos* (Kangaroo Paws).

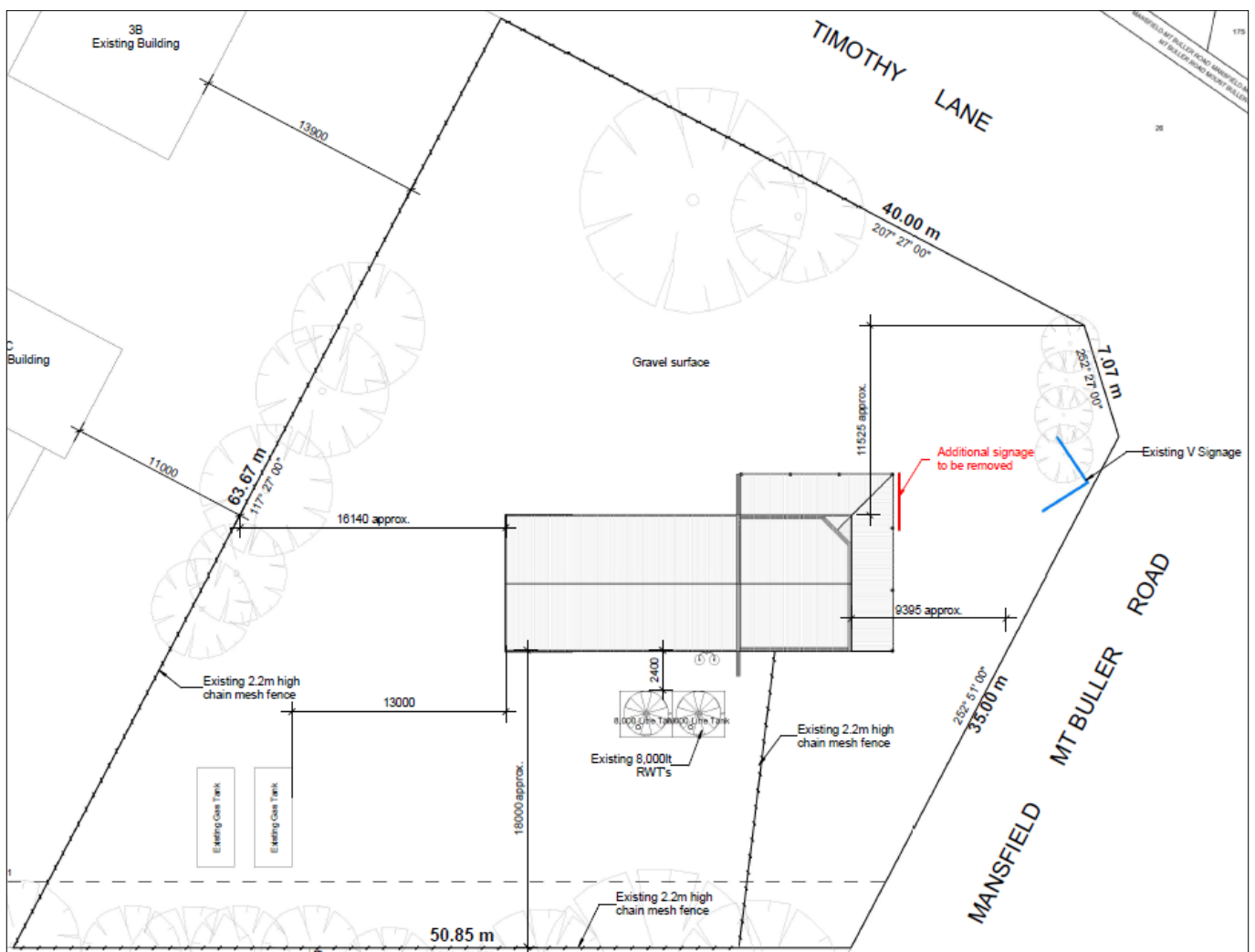


Figure 1: Existing Site Layout with proposed signs

The total proposed buildings would provide for an additional 163.3sqm of floor area undercover.

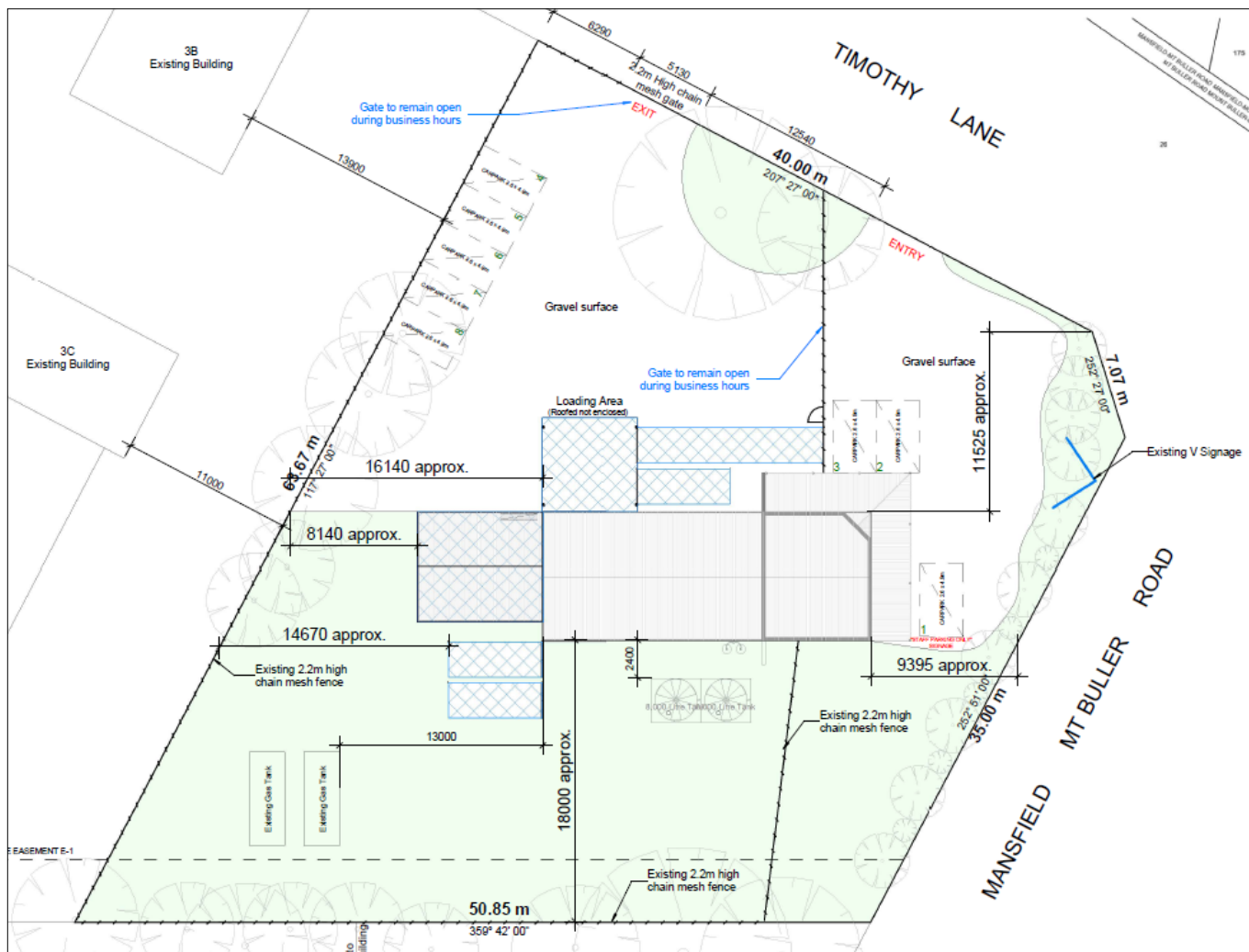


Figure 2: Proposed Site Plan

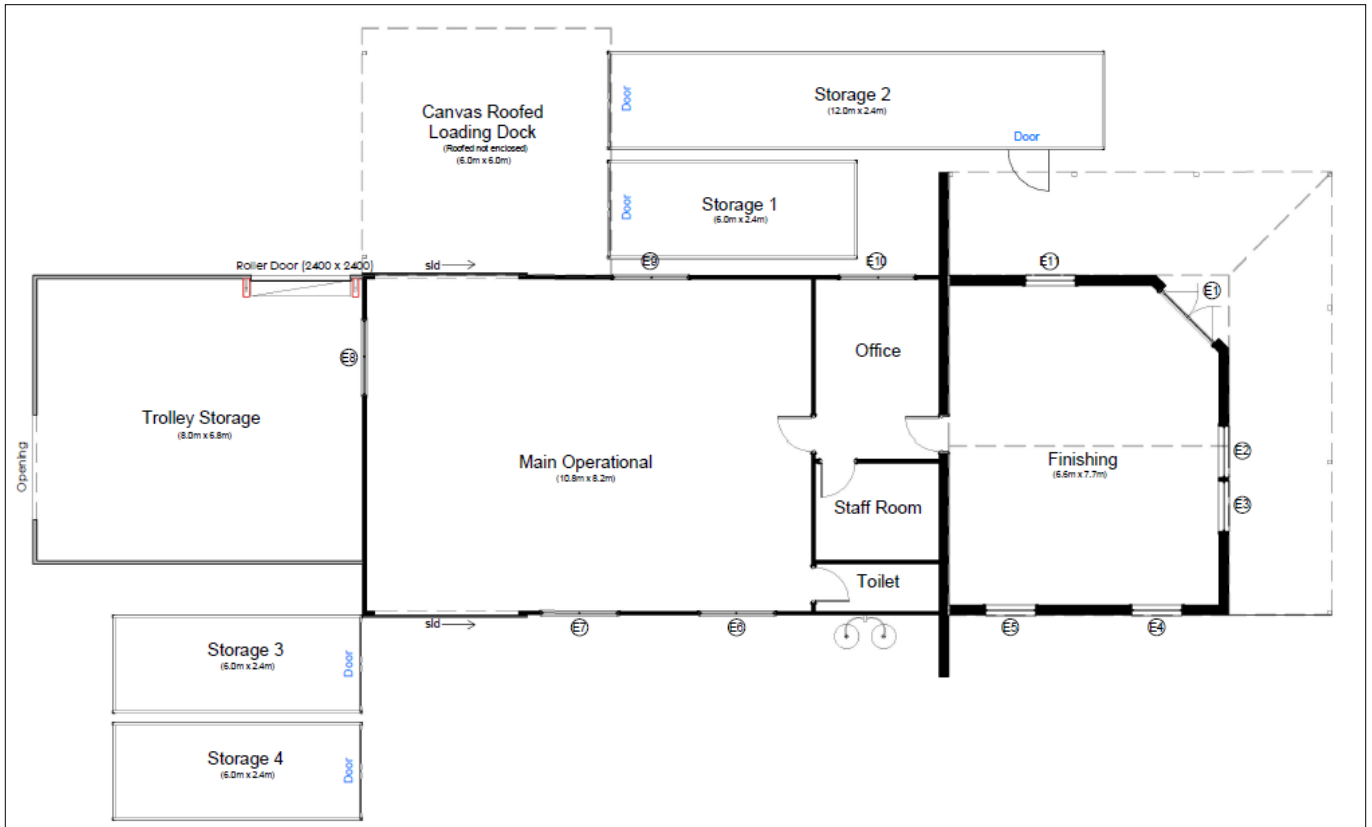


Figure 3: Proposed Floor Plan

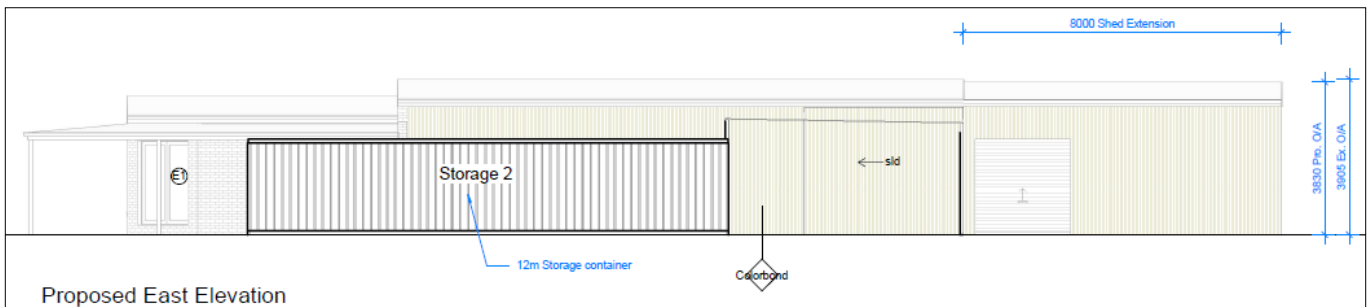


Figure 4: Proposed East Elevation, as viewed from Timothy Lane

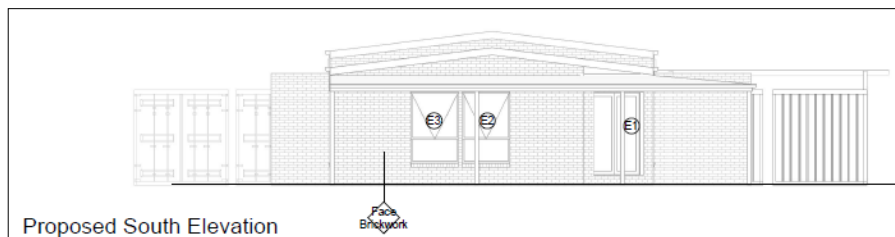


Figure 5: Proposed South Elevation, as viewed from Mt Buller Road

Subject site, neighbourhood and environs

The subject site is a corner orientated property situated on the north side of Mt Buller Road and west side of Timothy Lane. The site is in a prominent position at the eastern gateway to Mansfield and tourist approach to the alpine region.

The site has a frontage of approximately 35 metres to Mt Buller Road and 40 metres to Timothy Lane, with an angled corner of 7.07 metres. The subject site includes approximately 2,230sqm of land with an existing building, some medium sized native trees, fencing, car parking and dual vehicle access from Timothy Lane.

Land to the north of the subject site is occupied by Commercial businesses, utilising a common property access and car parking along the north boundary of the site, with a shared accessway from Timothy Lane. Land to the east of the site includes the Mt Buller Road Service Road, which provides access to many Commercial businesses, including the existing farm machinery sales, *Mansfield Power Ag*, which is on the corner of the Service Road and Timothy Lane. The land to the south is across Mt Buller Road and in the General Residential Zone. There is an existing established Cellar Door and Restaurant with a private residence at the rear and Bed and Breakfast, known as *Ros Ritchie Wines* and *Magnolia*. There are single dwellings on lots south-east of the subject land accessed from Amor Drive. The land south-west of the subject site, across Mt Buller Road, is currently vacant and has approval for a sixty-four (64) lot residential subdivision, to be accessed from Highton Lane. The land to the west of the site is a Commercial business, currently operating as *Chippy's Timber Mansfield*, accessed directly from Mt Buller Road. Timothy Lane provides direct access to *Mansfield Holiday Park*, which provides short term accommodation and camping facilities. The subject land is in an established Commercial precinct on the north side of Mt Buller Road that in on the approach to Mansfield from the east and also on the recognised Alpine Township Approach.

The site is connected to reticulated power, telecommunications, water and sewer.



*Figure 6: Subject land and surrounds
Source: Council GIS 2021 images*



Figure 7: Subject land
Source: Google Maps, 2023

Site History

Planning permits issued for the subject land include the following:

Permit No.	Permit Allows	Decision date
PD/00/00050	Development and use of land for a building for Trade Supplies	14 March 2000
P032/21	Use of the land for Service Industry (Commercial Laundry)	9 June 2021

There are conditions of the original Planning Permit, P032/21, which have not been complied with, including:

- Condition 4
The use of development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.

- Condition 6
The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- Condition 10
Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- Condition 11
Prior to the commencement of use, a landscape plan must be submitted to and approved by the responsible authority for the area on the southern boundary of the property, adjacent to Mt Buller Road. The plan must detail the type and number of plants to be used, and be designed to provide an improved presentation for the site, and buffering of the building from the properties to the south.
- Condition 12
Before the start of the use allowed, the area on the site adjacent to Mt Buller Road set aside for landscaping must be planted in accordance with the endorsed plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.
- Condition 13
Prior to the commencement of use the signage on the south eastern corner of the allotment must be removed to the satisfaction of the responsible authority.

It is noted that Council officers have previously communicated the non-compliance issues to the permit holder with no resolution to date. Council has submitted an Enforcement Order application to the Victorian Civil and Administrative Tribunal (VCAT) in attempt to resolve the outstanding non-compliance which is scheduled to be heard 11 July 2023.

Referrals and Advertising

Referral Responses

<i>Referral Agency</i>	<i>Referral Trigger</i>	<i>Response</i>
ENVIRONMENT PROTECTION AUTHORITY	Section 55 – Determining Clause 66.02-7	
GOULBURN VALLEY WATER	Section 52 Notice	Conditional Consent received 27 June 2023
MSC ENGINEERING	Internal referral	Conditional Consent received 21 June 2023

Advertising

Advertising was carried out pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* for a 3-week period, by:

- Letters to adjoining and nearby owners and occupiers, including 18 properties; and
- Sign on the Mt Buller Road frontage.

As a result of public notice, eight (8) objections and twenty-seven (27) submissions have been received to the application, raising the following concerns:

- Visual amenity impacts
- Temporary structures (gazebo) are not secured and are unsafe
- Inconsistency with Alpine Approaches policy
- Storage of materials under the verandah
- Overflow of parking into Timothy Lane is unsafe at the intersection of the Service Road opposite
- Buildings do not comply with the existing character of the area
- Proposed car parking is not suitable with the location of buildings on the site

These concerns are discussed further in the assessment section of this report.

It is noted however that the submissions supporting the proposal are all from existing customers of the Laundry business who are concerned that if Council does not support the proposal, the business would reduce capacity and some customers may be turned away. The supporting submissions do not include any planning considerations or comments relating to the existing compliance matters that are outstanding. Due to the lack of planning considerations in the supporting submissions the points raised have not been detailed in this report.

Mansfield Planning Scheme and Context Assessment

Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

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

Clause 02.03-3 - Environmental Risks and AmenityFlooding

The subject land is within the catchment of Fords Creek, which is flood prone where flooding has historically caused damage to the natural and built environment.

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

Councils Strategic Directions for environmental risks and amenity are to:

- *Preserve the inherent functions of floodplains to minimise the long-term flood risk to floodplain production, assets, and communities.*

02.03-4 - Natural Resource ManagementWater and Declared Special Water Supply Catchments

Councils 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 02.03-5 - Built Environment and HeritageTownship and Neighbourhood Character

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

Clause 11.01-1L – Mansfield TownshipObjectives

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

Relevant Strategies

- *Locate major commercial and industrial developments in Mansfield township.*
- *Encourage larger-format retailing (e.g. homemaker) in the Commercial 2 zones land on Mt Buller Road.*
- *Encourage the redevelopment of vacant or underutilised sites including retail and mixed use with possible car parking opportunities to the rear where possible.*
- *Support the development of the northern side of Mt Buller Road on the eastern side of Mansfield Township as the preferred linear corridor for business, commercial, mixed use and service industry.*

Officer Response:

The existing use of land for Service Industry is appropriate in this location, where it can be suitably developed and compliant with all other relevant policy. The expansion of the use

through additional buildings can be considered as the use is compatible with existing development in the area.

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

Objective

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

Strategies

- *Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.*
- *Site and design development to be responsive to the topography of the land and unobtrusive in the landscape.*
- *Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.*
- *Incorporate building setbacks from property boundaries, roads and waterways that are consistent with the scale of the building, site characteristics, and potential impact on the environment and rural activities conducted on the site.*
- *Use building materials with external finishes that:*
 - *Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural environment.*
 - *Have a low reflectivity to minimise glare and visual impact.*

Officer Response:

The subject land sits on the north side of Mt Buller Road and can be viewed on departure from Mansfield along the Alpine Township Approach. The character of the area is commercial activity with large setbacks from the road and landscaping forward of buildings.

The existing (permitted) building on the land is setback from Mt Buller Road and is attached to a 1.8-metre-high wire mesh fence, a large V-shaped business identification sign, and limited landscaping. The characteristics of the proposed buildings and works for the site are inconsistent with the surrounding developments and the strategies of this policy. The use of shipping containers is not consistent with natural materials and colours and could be visually obtrusive. The submitted plans also detail additional mesh fencing which would be visible from Mt Buller Road, while this fencing does not require a planning permit it is considered inconsistent with the policy and would have visual amenity impacts on the Alpine Township Approach.

Clause 13.03-1L - Floodplain Management

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

Strategies:

- *Avoid the intensification of land use and development in the floodplains of watercourses.*
- *Discourage development that could adversely inhibit the flow of flood waters.*
- *Minimise the quantity and retard the flow of stormwater runoff from developed areas.*
- *Site and design buildings in such a way that their longitudinal axis is parallel to the predicted direction of the flood flow.*
- *Site and design buildings and extension so that flooding will cause minimal damage to the structure and its contents, including raising floor levels, using water resistant materials and raising electrical fittings and wiring above the nominal flood protection level.*
- *Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.*

Officer Response:

The subject land is partially within the Land Subject to Inundation Overlay however, the proposed buildings and works are not proposed to be within the Overlay. Therefore, it is considered that the proposal is consistent with the requirements of this local policy.

Clause 13.05-1S – Noise Management

Objective

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

Strategy

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

Officer Response

The existing use of land for a Commercial Laundry has been occurring on the site for almost two (2) years and to date Council is not aware of any external impacts in relation to noise. Given the application for buildings and works to expand the use is retrospective and no complaints regarding noise have been received from neighbouring properties or nearby residential uses the risk of noise impacts for the proposed amendment are low. The use of a Commercial Laundry is considered a relatively quiet operation, where noise emissions should be able to be contained within the buildings, causing very limited, if any, noise impacts to surrounding land.

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

Officer Response

The proposed amendment includes expanding the business to the east, north and north-west of the existing building. The nearby sensitive uses, including residential development are to the south of the subject land, therefore the location for the extension is considered appropriate. However, outstanding compliance matters with the existing use include storage of machinery, equipment and materials under the verandah on the south façade (visible from Mt Buller Road) and within the car parking area fronting Timothy Lane. The external storage is inappropriate and could cause operational land use conflicts.

Overall, the use of the land for a Commercial Laundry is compatible with adjoining and nearby land uses and with appropriate practices could be complimentary of the area. Although the current operations have not demonstrated appropriate practices and therefore the proposal is considered inconsistent with the objectives of this policy.

Clause 14.02-1S – Catchment Planning and Management

Objective

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

Strategies

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

Clause 14.02-1L – Catchment Planning and Management

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.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

Clause 15.01-2S – Building Design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.*
- *Ensure the layout and design of development supports resource recovery, including*

separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.

- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

Officer Response:

The proposed amendments to the existing planning permit include the retention of the V-shaped sign at the Mt Buller Road frontage, which is not well maintained and has banners attached to the large board, which are not consistent with the size of the backing board. The signs are also not relevant to the operation of the business with sled dogs, the business name and a van, as shown in the photo below when the Public Notice was displayed.



*Figure 8: V-shaped sign onsite
Source: Council Officer, 30 May 2023*

The sign is not consistent with the character of the area, as neighbouring business have signs on their buildings.

The existing building has windows which face Mt Buller Road and Timothy Lane, which provides for some passive surveillance to the adjoining footpath along the road however, the installed external blinds under the verandah has removed the 'sense of security'. While the blinds are likely see-through from within the building, they are blocking the view to the site from the footpath which has removed the sense of passive surveillance from Mt Buller Road. The Shipping Containers (*Storage 1 and 2*) are proposed to be along the eastern façade which is in front of three existing windows. These proposed Shipping Containers are currently in the proposed location, without the required permits, and have limited passive surveillance and views to the site from Timothy Lane. The positioning of the Shipping Containers has also removed what was previously an 'active street frontage' from Timothy Lane, particularly *Storage 2*, as shown on the submitted plans, provides a blank wall as the frontage to Timothy Lane.

The subject land has a recent history for having machines and supplies stored outside the building, materials which are visible from the public realm and have a significant impact on the visual amenity of the land. There is recent and current evidence of materials being stored under the verandah and north of the building.

The submitted application has not detailed how the proposal might be trying to achieve water efficiency or any sustainable designs. The site is connected to reticulated water and sewerage, however, has a large roof mass and potential to utilise stormwater as a way to recycle water. No information has been provided as part of the proposal.

It is recognised that the proposed use of four (4) Shipping Containers provides a maximum roof height that is below the roofline of the existing building however, the design and visual amenity of the Shipping Containers as solid walls with no articulation or roof form provides for a poor design outcome. Particularly the use of Shipping Containers which would be (and are) visible from Mt Buller Road and Timothy Lane is considered inconsistent with the strategies and objectives of this policy.

The submitted landscaping plan outlines protection of the existing trees along the northern boundary, the small cluster of trees near the south-east corner, and the two (2) trees between the vehicle accesses on Timothy Lane, it also provides for additional landscaping along the Mt Buller Road boundary. This proposed landscaping is submitted in attempt to align with the requirements of Condition 11 of the existing planning permit which requires landscaping '*be designed to provide an improved presentation for the site and buffering of the building from the properties to the south*'.

The landscaping plan provides for six (6) trees *Grevillea Excelsior* (large native shrub) to be planted along the Mt Buller Road boundary, with five (5) *Kangaroo Paw* plants alternating in between the shrubs. The landscaping proposed would meet the minimum requirements of Condition 11 of the existing permit.

It is noted that 2-metre-high free standing trellis is proposed to surround *Storage 2* along the east and south façade to screen the Shipping Container partially from view. While this may provide an improved visual view of the Shipping Container it would not be a permanent solution and may not provide the intended design outcome.

Clause 15.01-5S – Neighbourhood Character

Objective

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

Strategies

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

Officer Response

The existing building has a pitched roof, painted brick façade and verandah which is consistent with the existing character of the area and is a relevant reflection of the mixed use, including commercial and residential land uses. However, the proposed placement of Shipping Containers and a temporary canvas structure over the vehicle loading area is inconsistent with the existing design of the site, surrounding built form, and preferred character of the area. The proposed development would negatively impact on the character of the area.

Furthermore, the submitted set of plans are misleading as the photos provided pre-date the existing business and illegally placed Shipping Containers, as shown below.



Figure 9: Photograph of the subject land, submitted with the application (being used by a previous occupier of the land)



*Figure 10: Photo of the subject land
Source: Council Officer, 22 June 2023*

Clause 15.01-5L – Mansfield Township Approaches

Objective

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

Strategies

- *Ensure future development within identified township approach corridors meets stipulated built form design outcomes.*
- *Retain and enhance the landscape qualities of each approach.*
- *Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.*

Officer Response

The subject land is identified as being along the Alpine Approach and Township Gateway as the Design and Development Overlay, Schedule 1 applies to the land.

The existing planning permit requires the removal of the V-shaped sign along the Mt Buller Road boundary, which would have significantly reduced the visual clutter of the site. The proposed amendment deletes the relevant Condition 13 to retain the sign.

There are Christmas decorations on the buildings and within the rear yard which have maintained since December 2022 and are not being used. This is cluttering the visual amenity of the property and is inappropriate to be in place year-round.

Overall, the existing and proposed layout and development is not in keeping with the preferred design qualities along the Township Approach.

Clause 17.03-2S - Sustainable Industry

Objective

To facilitate the sustainable operation of industry.

Strategies

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*

Officer Response

The proposed amendment does not change the existing Service Industry use of land for a Commercial Laundry. The use is generally compatible with the adjoining Commercial operations and is well suited to the area. The proposed amendment to extend the storage areas does not change the extent of the use and therefore is considered appropriate in the context of this policy.

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 Response

The use of land for Service Industry is well established and has been operating for almost two (2) years and the business for much longer at other locations, servicing the broader area for Commercial Laundry operations. As the Mansfield and nearby Alpine areas provide extensive tourism and accommodation facilities, particularly during the winter months, this type of business is considered essential.

Through the illegal buildings and works on the site, continuous non-compliance with the existing permit, and this application for an amendment to expand the storage facilities, it is evident that the operations of the business have outgrown the capacity of the subject land. The proposed extension, Shipping Containers and canvas structure are not a suitable solution for the required growth of business, especially considering the temporary nature of the buildings and works proposed.

It is considered that the proposed buildings and works are not a suitable outcome to support the existing Service Industry business operating at the subject land.

Clause 19.03-3S – Integrated Water Management

Objective

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

Strategies

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

 - *Take into account the catchment context.*
 - *Protect downstream environments, waterways and bays.*
 - *Manage and use potable water efficiently.*
 - *Reduce pressure on Victoria's drinking water supplies.*
 - *Minimise drainage, water or wastewater infrastructure and operational costs.*
 - *Minimise flood risks.*
 - *Provide urban environments that are more resilient to the effects of climate change.**
- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*
- *Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:

 - *Minimising stormwater quality and quantity related impacts.**

- *Filtering sediment and waste from stormwater prior to discharge from a site.*
- *Managing industrial and commercial toxicants in an appropriate way.*
- *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*
- *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*
- *Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.*

Zoning

Clause 34.02 – Commercial 2 Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retaining, other retail uses, and associated businesses and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Relevant Decision Guidelines

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *Any natural or cultural values on or nearby the land.*
- *Outdoor storage, lighting, and stormwater discharge.*

- The design of buildings to provide for solar access.

Officer Response

An assessment of the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework is provided earlier in this report.

The proposed amendments do not alter the existing conditions of the site in relation to the movement of pedestrians, cyclists and vehicles providing supplies.

The application has provided detail of the existing and proposed car parking onsite, including eight (8) car parking spaces, one to be dedicated for staff in addition to the loading area for delivery vehicles. The dedicated staff car parking space is existing, with the additional seven (7) spaces proposed to be formalised. A detailed analysis of the car parking is provided later in this report.

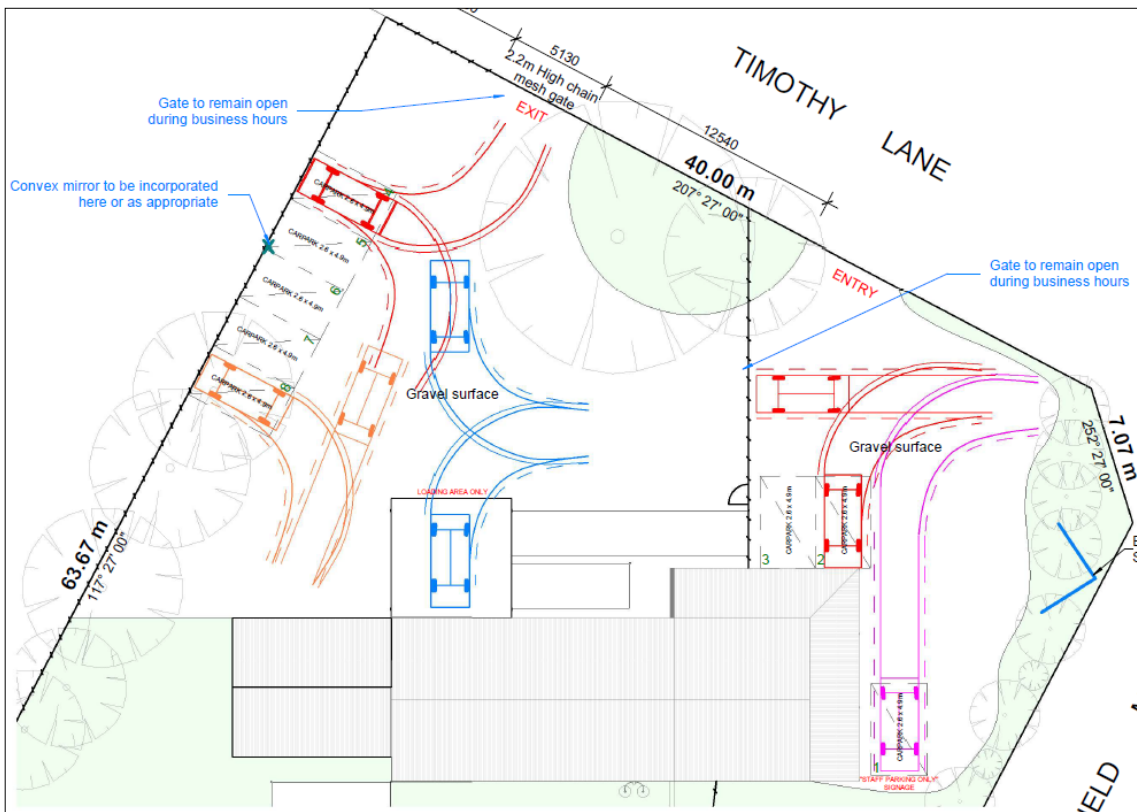


Figure 11: Proposed car parking spaces with swept path diagrams showing potential vehicle movements

The existing façade and presentation of the southern frontage, adjacent to Mt Buller Road, is not proposed to change, save for the retention of the V-shaped sign and additional landscaping. There is an existing verandah, and the building is naturally set on a lower elevation than the road, providing for a low profile building. However, the proposal includes four Shipping Containers, three (3) which would be visible from the southern boundary and Mt Buller Road, as demonstrated in the submitted elevations.

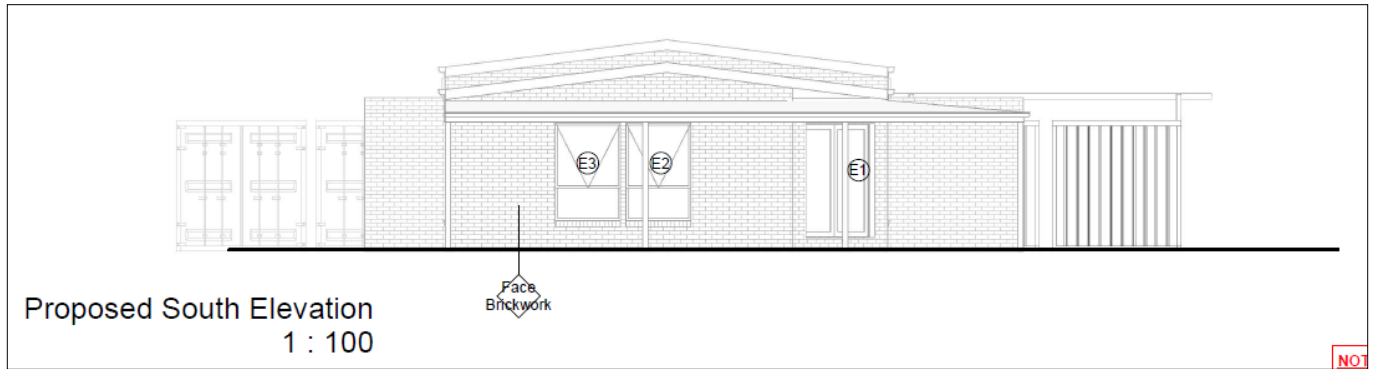


Figure 12: Proposed south elevation, as viewed from Mt Buller Road

The proposed building extension to the south would be a continuation of the existing shed attached to the main building and is designed to have similar external materials and colours.

The view of the proposed buildings from the Service Road along Mt Buller Road and Timothy Lane would be the most impacted with the addition of *Storage 2*, being the largest proposed Shipping Container occupying the bulk of the front on the east elevation. The inclusion of this Shipping Container would cause a significant reduction of the active street frontage where there is a footpath along Timothy Lane.

The proposed buildings and works to the north and west of the existing building can only be seen from adjoining private properties, and the shared common property access along the north boundary which provides access to 3A, 3B, and 3C Timothy Lane.

The subject land does not currently have any landscaping, which is contradictory to the requirements of the existing planning permit. The current permit and proposal, as stipulated in the submitted plans, would require landscaping along the Mt Buller Road boundary to be maintained as a visual screening.

The current planning permit requires that goods not be stored outside the building (Condition 10), which the permit holder is not compliant with, regardless of the outcome of the amended planning permit application this will be an ongoing requirement.

For the reasons above, the proposal is considered inappropriate having regard to the Commercial 2 Zone.

Overlays

Clause 43.02 – Design and Development Overlay

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *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 building, the streetscape of 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.*

Officer Comment

The existing building is well established and has been maintained historically for various uses, with a similar façade. The existing operating business for a Commercial Laundry has dramatically changed the presentation of the building and subject land. Significant additions to the building, including external blinds, a non-compliant extension and Shipping Containers has left the site cluttered and unorganised, with impacts to the car parking area.

The proposed placement of Shipping Containers on the site, particularly where they would be visible from the road, is inconsistent with the existing design of the main building and surrounding properties. The use of un-clad Shipping Containers with no windows, would be a poor design outcome.

The property directly opposite the subject land to the south is in the Heritage Overlay, 190 Mt Buller Road, known as 'Magnolia'. Magnolia is recognised for its architectural features as a double-storey brick building with a verandah and associated gardens. It has a generous setback from the street and is landscaped along the front boundary, in place of fencing.



Figure 13: Magnolia
Source: Google Street View

The proposed landscaping along the Mt Buller Road boundary would be consistent with the surrounding land uses once established and could provide a visual barrier to the site from residential land uses.

The existing car parking at the Timothy Lane frontage is proposed to be utilised, with additional formalised car parking spaces along the northern boundary. Previously the car parking spaces for staff and customers have been occupied by trailers used to support the business, some unused (potentially broken) equipment has also been stored in the car parking area. There is limited on-street parking available in Timothy Lane, out the front of the neighbouring businesses. The street is not suitable for parking on both sides of the street due to its limited width and traffic flows for the Holiday Park at the end of Timothy Lane.

Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1) **Alpine Approaches and Township Gateways**

Design Objectives

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

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The Mansfield Urban Design Framework 2005.*

The DDO1 provides that new buildings or works must:

- *Be of a design, form, appearance and scale that compliments an alpine approach and township gateway theme ie use of natural materials and colour schemes that compliment the surroundings, pitched roof designs rather than flat or skillion roofs only.*
- *Have at least one active frontage (i.e. entries, windows, external activities) and not have solid walls and solid fencing facing the road/s.*
- *Be of natural or muted materials and colours that complement an alpine approach and township gateway theme, that is timber, stone, colourbond, brick or earth based materials. Zincalume materials are prohibited. Galvanised iron materials may only be permitted when it can be demonstrated that the building will have minimal visual impact.*
- *Not exceed single storey in height, with the maximum height allowable being 6 metres from natural ground level to the upper point of the building roofline.*
- *Create visual interest and enhance alpine and gateway character.*
- *Be sited to have sufficient building setbacks to allow a sense of space, lineal corridor and alpine landscape to be retained.*
- *Have a setback/s to accord with (or exceed) the setbacks of building/s on adjoining properties.*
- *Allow pedestrian access, and vehicle parking and landscaping at the frontage of the land.*
- *Have a strong emphasis on environmental sustainability and energy efficiency.*
- *Have any storage area and parking for large vehicles away from road frontages.*
- *Provide landscaping that creates an attractive environment that is consistent with and complements an alpine theme and gateway approach into a high country tourist town, especially on the Maroondah Highway frontage.*
- *Enable high levels of accessibility, including access for people with a disability.*

The proposed extension to the existing building is currently partially constructed however, the submitted plans detail the continuation of the existing building design. Currently at the rear of the main building there is a large shed, which is now proposed to be extended with the same design and materials. The extension of the existing pitched roof design and colour would be appropriate. The existing shed is constructed with a light-grey Colorbond product, however the submitted plans detail the shed to be 'Monument', which is a very dark grey. The proposed Storage, to be constructed with Shipping Containers, does not meet the requirements of this policy as the roofs are flat and the walls solid, with no articulation, design features or windows. The submitted plans provide that the Shipping Containers will be 'Monument' in colour as well, currently three (3) of the Shipping Containers are painted in a dark grey colour, the fourth is blue and untreated.

The current and proposed layout of buildings does not provide for any active street frontage, where the site has potential for two (2). With direct road frontage to Mt Buller Road and Timothy Lane and existing windows and glass doors on the main building, there is a missed opportunity for good design. The proposed Shipping Containers will prevent an active street frontage to Timothy Lane and the use of a car parking area blocks direct pedestrian access. Furthermore, the existing external blinds under the verandah on the Mt Buller Road frontage have detracted from the previous active street frontage. The existing and proposed use of the land does not meet the requirements of this policy.

The proposed use of dark grey Colorbond materials is relatively suitable when considering the design requirements of this policy to create an attractive Alpine Approach and Gateway to Mansfield from the east. However, the use of dark grey materials on solid walls, including the use of Shipping Containers, is visually obtrusive and stands out in the landscape.

The proposed buildings and works are single storey and would not exceed the existing maximum roof height.

As previously mentioned, the use of solid walls along road frontages and car parking areas in front of the buildings does not create visual interest. The site is very visible when approaching Mansfield from the east as it is on a prominent corner. The buildings have generous setbacks from the roads and opportunities for detailed landscaping and active street frontages.

The existing use of the land has previously led to materials and equipment being stored within the car parking area and under the verandah, which is an inappropriate use of land, especially when visible from roads, the alpine approach and as a gateway to Mansfield. The submitted documents provide that the proposed storage within Shipping Containers will provide space for equipment and laundry to be stored when not in use however, the four (4) shipping containers as proposed are existing on the property, without permits, and have not provided sufficient storage. There is evidence of materials being stored outside and visible from the public realm, especially during the busy winter months that suggests the proposed extension and Shipping Containers may not provide sufficient storage and therefore materials could continue to be stored outside. The loading and unloading of vehicles currently, and is proposed to, occurs within the frontage of the site in the car parking area. Where the proposed temporary canvas structure is to be placed large vehicles (mostly vans and small trucks) will park to load and unload. This location is unsuitable in terms of visual amenity and safety of vehicles and pedestrians.

The proposed landscaping would be a suitable outcome and provides for Australian native plants which have a visual interest and would be colourful year-round. However, given the generous setback of buildings from the road frontages the submitted landscaping is considered an under-development as the site has potential to have significant landscaping along the alpine approach. Furthermore, the consideration for landscaping around the buildings and proposed additional Shipping Containers has not been provided with the application.

These objectives reflect the intent of the *Mansfield Urban Design Guidelines 2005*. For these reasons, the proposal is considered not to accord with the provisions of the DDO1.

Clause 44.04 – Land Subject to Inundation Overlay

The subject land is partially within the Land Subject to Inundation Overlay and the proposal does not provide for any buildings or works within the Overlay, therefore there is no permit requirements under this policy.

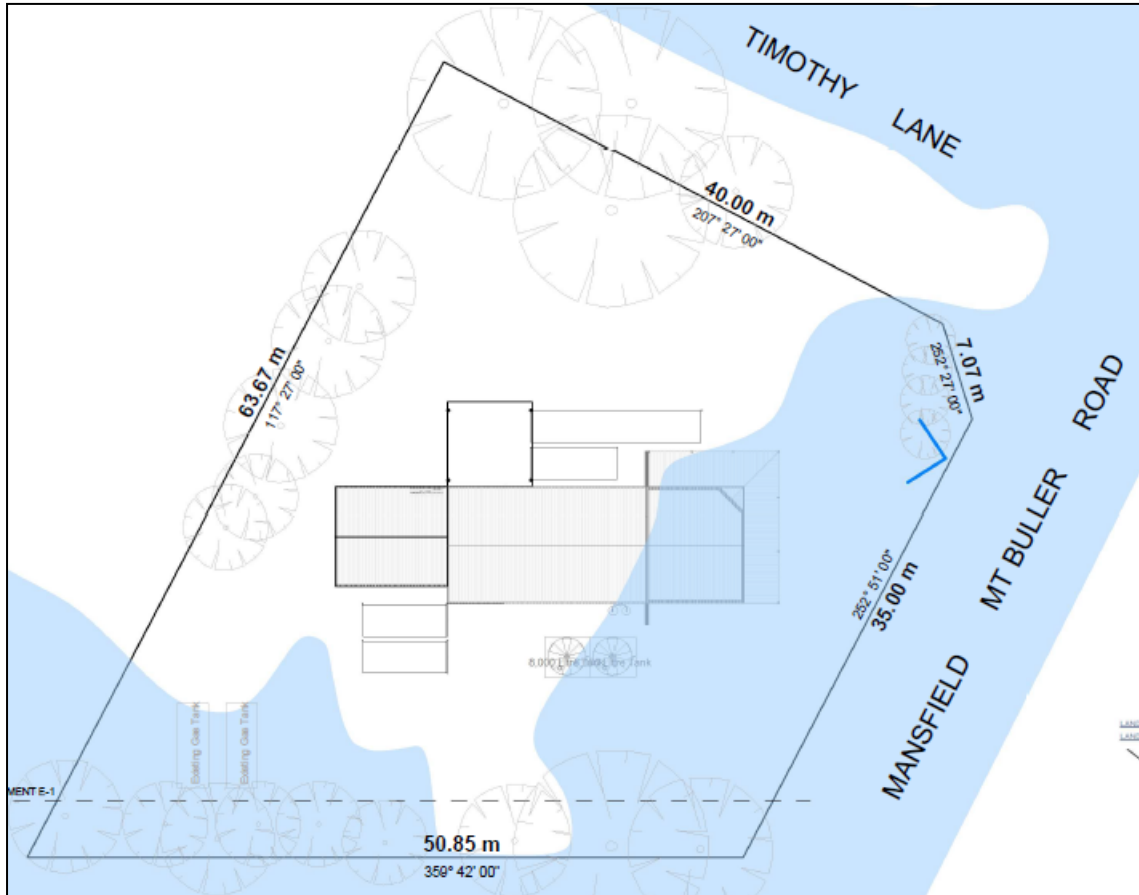


Figure 14: Land Subject to Inundation Overlay as it applies to the site

Particular Provisions

Clause 52.05 – Signs

Purpose

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Officer Comment

The site falls under the classification of Category 1 – Commercial Areas for Clause 52.05-11 where minimum limitations apply. For a business identification sign a planning permit is not required where the total display area does not exceed 8sqm.

The existing signs on the land which are proposed to be retained include the V-shaped sign at the Mt Buller Road frontage. The retention of this sign requires the removal of Condition 13 of the planning permit.

It is considered that the location and type of sign as a business identification sign are appropriate for the business however, the existing sign includes a banner attached to the backing sign with imagery that is not directly related to the business operating at the subject land even though the wording and contact details are relevant.

The removal of the banner under the verandah is generally supported by Council and does not require any permissions, however, has not yet been done.

The proposed signs on the land are considered appropriate and do not require any additional permission.

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.*

Required Car Parking Spaces

Land Use	Required Car Parking	Floor area	Total Required	Total Provided	Shortfall/Surplus
Industry	2.9 spaces to each 100 sqm of net floor area	379.8 sqm	11	8	-3

				Plus 1 loading bay	
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Comment:

The submitted documents provide that the application does not comply with the parking requirements (page 8 of the Planning Submission, prepared by Mecone, dated 22 May 2023) and therefore a reduction of car parking must be considered.

The plans for the proposal include eight (8) car parking spaces, one specifically identified for staff parking, two in front of the entrance and five (5) along the northern boundary, all to be access from the Timothy Lane accessway. There is also an informal loading bay in front of the canvas roofed structure which provides space for larger vehicles to load and unload. The nature of the business does not require customers to be at the premises for a long time and therefore turnover of car parking would be frequent.

It is considered that the proposed car parking is suitable for the existing use and proposed buildings and works and a reduction of car parking could be supported.

Clause 52.29 – Land Adjacent to the Principal Road Network

The subject land is adjacent to Mt Buller Road, which is in the Transport Zone 2, Principal Road Network. There is no existing or proposed access direct to the Principal Road Network and therefore no planning permit trigger. The proposal meets the requirements of this policy.

Clause 52.34 – Bicycle facilities

Purpose

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

Required bicycle facilities

Land Use	Employee Rate	Visitor/Shopper Rate	Floor area	Total Required	Total Provided	Shortfall/Surplus
Service Industry	1 to each 800 sqm of net floor area	None	379.8 sqm	1	0	- 1

Officer Comment

The application has not provided for any formal bicycle parking facilities however, the subject land includes unused open space and a wide verandah that could provide space for bicycle parking. It is considered that formalised bicycle parking is not required for the proposal.

Clause 53.10 – Uses and activities with potential adverse impacts

Purpose

- *To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

Comment:

The proposed buildings and works for the existing Service Industry (Commercial Laundry) do not meet the threshold distance for *Laundry for commercial and institutional customers, or in bulk quantities*. The requirement is for a threshold distance of 100 metres from any residential zone. The land adjacent across Mt Buller Road is in the General Residential Zone.

Whilst the threshold distance is not able to be met, the operation is existing on the land and the proposed extensions, buildings and works would not be expected to increase the existing impact. It is considered that the current use of the land and proposed extensions will not have an unreasonable impact on the nearby residential area.

General Provisions

Clause 65.01 – Approval of An Application or Plan

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

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Comment:

The Municipal Planning Strategy and Planning Policy Framework have been addressed under separate headings in the body of the report. The proposed amendment to the existing permit is inconsistent with the design requirements of the Mansfield Planning Scheme and is an unsuitable development at this location. Whilst the proposal has reasonably addressed the requirements for access and car parking, flooding, and signs, the buildings and works are not considered appropriate.

Response to Objections

Concern: *Visual amenity impacts.*

Response: The subject land in its current layout and operations does not suitably reflect the character of the area and is impacting on surrounding properties, the approach to alpine areas and the gateway to Mansfield in a negative way. The proposed Shipping Containers do not provide a suitable design outcome that responds to the surrounding area and are considered visually obtrusive in the landscape.

Concern: *Temporary structures (gazebo) are not secured and are unsafe.*

Response: The submissions objecting to the proposed amendment provided photographic evidence of previous temporary (gazebo) structures damaged and stored in the rear yard, suggesting a turnover of structures due to damage. It is not clear if this damage is caused by vehicles hitting them, or from weather damage.

As the structures do not conform to Building Regulations, they are considered temporary works and should not be placed on the land for any permanent reason. The use of a temporary structure to provide shelter for loading is considered inappropriate.

Concern: *Inconsistency with Alpine Approaches policy*

Response: As previously discussed in this report, the proposed amendment application does not align with Clause 43.02 Design and Development Overlay, Schedule 1 – Alpine Approaches and Township Gateways. The application provides solid walls along street frontages, limited landscaping, loading area in front of the building and flat roofed Shipping Containers.

Concern: *Storage of materials under the verandah.*

Response: The storage of materials outside the buildings has been previously discussed in this report and is non-compliant with the existing conditions of the planning permit. Furthermore, the storage of materials outside is visually unappealing and inconsistent with relevant local policies.

Concern: *Overflow of parking into Timothy Land is unsafe at the intersection of the Service Road opposite.*

Response: It is considered that the street front adjoining the subject land is an inappropriate location for vehicles to park, given the proximity to the intersection. However, through a planning permit Council does not have any capacity to restrict on-street parking. The submitted application provides for eight (8) car parking spaces within the site, which would be an increase by five (5) spaces on the current available space. The creation of five additional spaces would require items stored outside to be removed from the land and the Shipping

Containers as proposed, to be moved to the rear yard. The proposed car parking is considered to be appropriate and would reduce the necessity for customers and staff to park in the street.

Concern: *Buildings do not comply with the existing character of the area.*

Response: The proposed building extension, Shipping Containers, and temporary canvas structure are proposed to be mostly located at the eastern frontage of the site and would be visible from Timothy Lane and Mt Buller Road. The extension to the existing shed, north of the main building, would be constructed in the same materials and colours and is considered appropriate providing additional storage. However, the Shipping Containers and temporary canvas structure are visually obtrusive and generally do not comply with the character of the area, especially as the Shipping Containers have solid walls and flat roofs.

Concern: *Proposed car parking is not suitable with the location of buildings on the site.*

Response: The existing and proposed location of car parking for staff and customers on the site utilises the Timothy Lane access, which is also the only available access for pedestrians. The car parking area where there are spaces directly in front of the building is a relatively poor design and poses traffic risks to other vehicles and pedestrians. However, the proposed additional five (5) car parking spaces along the north boundary are more suitable and would be able to provide safe parking for customers with the ability to enter and exit the property in a forward direction.

Conclusions

This application proposes the Use of land for Service Industry (Commercial Laundry) and development of a semi-detached extension to the existing buildings and four Shipping Containers, and a reduction of car parking at the site known as 195 Mt Buller Road, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the development does not meet the requirements of the policies with respect to development of the Commercial 2 Zone land, DDO1 design provisions, and local policy for the Alpine Approach and Township Gateway. The proposed amendment would likely cause visual amenity impacts to the surrounding properties and Mt Buller Road, and additionally is unlikely to resolve the outstanding non-compliance issues.

The application is therefore recommended for refusal.

Officer Recommendation

REFUSAL TO GRANT A PLANNING PERMIT

That Council issue a **Refusal to Grant a Permit** for Planning Application P032A/21 for Use of land for Service Industry (Commercial Laundry) and development of a semi-detached extension to the existing buildings and four Shipping Containers, and a reduction of car parking on **Lot 1 PS 215446A**, commonly addressed as 195 Mt Buller Road, Mansfield, based on the following grounds:

- 1) The proposal does not comply with the strategies of Clause 12.05-2L Significant Landscapes, Ridgelines and Alpine Approaches, including:
 - a) *Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.*
 - b) *Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.*
 - c) *Use building materials with external finishes that:*
 - i. *Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural environment.*
 - ii. *Have a low reflectivity to minimise glare and visual impact.*
2. The proposal does not comply with the strategies of Clause 13.07-1S Land Use Compatibility, particularly:
 - a) *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
 - b) *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
3. The proposal does not comply with the strategies of Clause 15.01-2S Building Design, including:
 - a) *Ensure development responds and contributes to the strategic and cultural context of its location.*
 - b) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
 - c) *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
 - d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
 - e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
 - g) *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*
4. The proposal does not comply with the objective and strategies of Clause 15.01-5S Neighbourhood Character.

5. The proposal does not comply with the strategies of Clause 15.01-5L Mansfield Township Approaches, particularly:
 - a) *Ensure future development within identified township approach corridors meets stipulated built form design outcomes.*
 - b) *Retain and enhance the landscape qualities of each approach.*
 - c) *Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.*

6. The proposal does not comply with the purpose and decision guidelines of Clause 34.02 Commercial 2 Zone as the submitted proposal includes buildings and works that are not suitably designed and sited to respond to the context of the area.

7. The proposal does not comply with the decision guidelines and design objectives of Clause 43.02 Design and Development Overlay – Schedule 1, Alpine Approaches and Township Gateways as the design and appearance of the proposed buildings are not in keeping with the character of the area and the design is not compatible with surrounds.