



Planography

# **Planning Permit Application**

446 Monkey Gully Road, Mansfield

Lot 1 LP204092

Proposed Rural Industry – Service or repair plant  
or equipment used in agriculture and construction  
of a building. Includes associated  
business signage

**Amended 29 May 2024**

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## 1.0 EXECUTIVE SUMMARY

### Site Details

Address	446 Monkey Gully Road, Mansfield
Property Description	Lot 1 LP204092
Area	1.146 Hectares
Local Authority	Mansfield Shire Council
Current Use	Existing building
Registered Proprietors	Steve Jakovljevic & Natalie Batinovic

### Planning Authority

State	Department of Environment, Land, Water and Planning – Victorian Government
Local	Mansfield Shire Council

### Planning Scheme Provisions

Planning Scheme	Mansfield Planning Scheme
Locality	Mansfield
Zone	Rural Living Zone
Overlays	N/A
Permit Triggers	<i>Clause 35.03-1 Rural Living Zone</i>  A permit is required to construct or carry out any of the following: A building or works associated with a use in Section 2 of Clause 35.03.  A permit is required for Business Identification Signage pursuant to Clause 52.05 Signs.

### Application Details

Applicant	Planography Pty Ltd
Proposal	Proposed Rural Industry
Application Type	Use and Development

## 2.0 INTRODUCTION

This report has been prepared in support of a planning permit application for the use and development of land at 466 Monkey Gully Road, Mansfield.

The planning permit is sought for the use and development of land for a proposed rural industry pursuant to section (b) of the definition which states: “service or repair plant, or equipment, used in agriculture”.

The site is located within the Rural Living Zone (RLZ) of the Mansfield Planning Scheme with no overlays affecting the land.

This report provides an assessment of the proposal against the provisions of the Planning Policy Framework, Zones, Overlays, and other relevant provisions of the Mansfield Planning Scheme.

This report is to be read in conjunction with the following accompanying documentation:

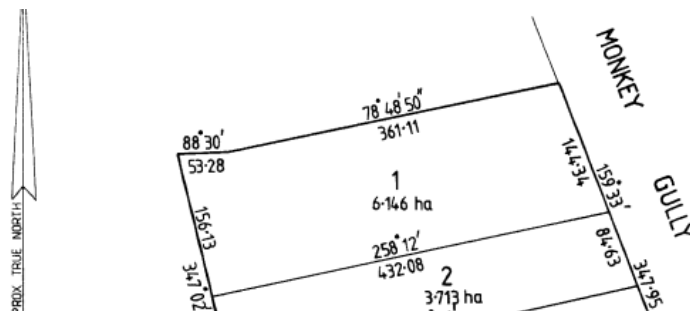
- Appendix 1 – Certificate of Title Appendix
- Appendix 2 – Site Plan

Through this report, and the enclosed supporting documentation, it is demonstrated that the proposed development represents an appropriate response to the application planning policies of the Mansfield Planning Scheme and relevant objectives of the area.

## 3.0 SITE DESCRIPTION

The site is legally described as Lot 1 LP204092. No easement or restrictive covenants have been registered on the title to this property.

Figure 1: The Title Plan



The subject site is located on the west side of Monkey Gully Road and located approximately 2.65km southwest of the Mansfield Township boundary. The broader

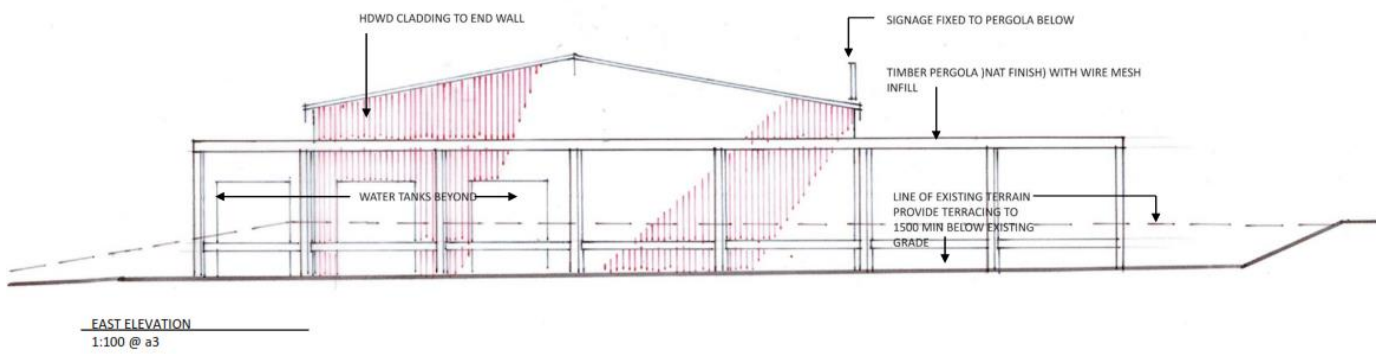
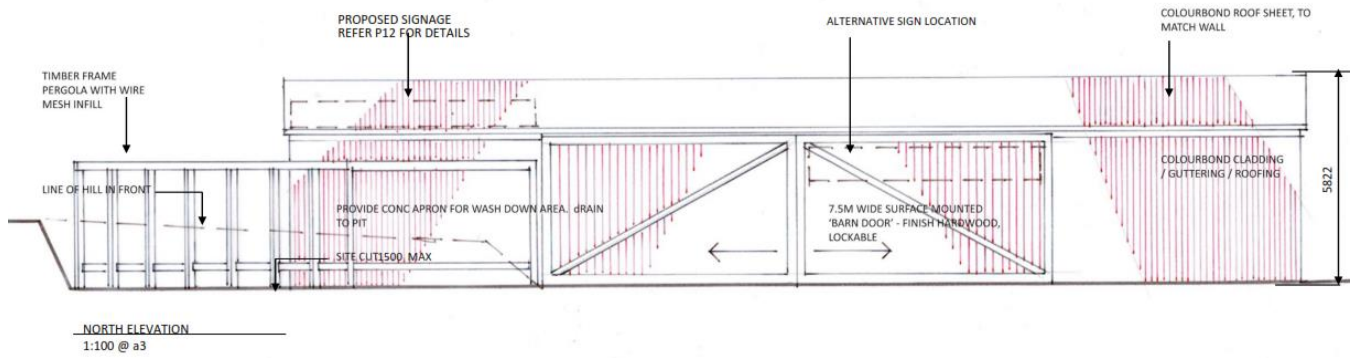
surrounding area is zoned Farming and predominantly used for agriculture to the south, east and west of the subject site.

*Figure 2 Location of the subject site (Subject site shown in blue border)*



*Figure 3 Aerial view of the subject site*





**Proposed Workshop Building**



**SIGNAGE ON BUILDING**



**SIGNAGE ON FRONT FENCE**

**Proposed Signage**



## 5.0 PLANNING ASSESSMENT

### 5.1 Mansfield Planning Scheme

The land is governed by the Mansfield Planning Scheme, with Mansfield Shire Council being the Responsible Authority. The relevant clauses of the Mansfield Planning Scheme include:

#### VPP

- Clause 13 Environmental Risks and Amenity
- Clause 15.01-6S Design for rural areas

#### Zone

- Clause 35.03 Rural Living Zone

#### Overlay

- N/A

#### Other provisions

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.11 Home Based Business

The permit triggers include:

<b>Clause No.</b>	<b>Clause name</b>	<b>Details</b>
35.03	Rural Living Zone	Rural industry



## 5.2 Planning Provisions

### 5.2.1 Planning Policy Framework

#### Clause 13 Environmental Risks and Amenity

##### **Objective**

- *Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.*
- *Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:*
  - *Land use and development compatibility.*
  - *Effective controls to prevent or mitigate significant impacts.*
  - *Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*
  - *Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.*
  - *Planning should prepare for and respond to the impacts of climate change.*

**Response:** The Rural Living Zone provides a zoning interface with the Farming Zone, in areas which can be used for hobby farming and are usually in close proximity to townships. In this instance, Monkey Gully Road provides land that is suited to a single dwelling and hobby farming generally. Being in rural areas provides contact with agricultural production and with primary producers. The land uses on both sides of the Farming Zone and the Rural Living Zone are considered to be compatible, and some amenity issues are considered to be warranted, whilst others may be a conflict caused by agricultural noise, odour or the like. The proposed rural industry is considered to be on the lighter end of industry, having a connection with and providing a service for primary producers and hobby farmers alike. The location and the small-scale nature of the rural business proposed is considered to be in-keeping with the purpose and the character of the zone and the district.

### **Clause 15.01-6S Design for rural areas**

#### ***Objective***

- *To ensure development respects valued areas of rural character.*

#### ***Strategies***

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*

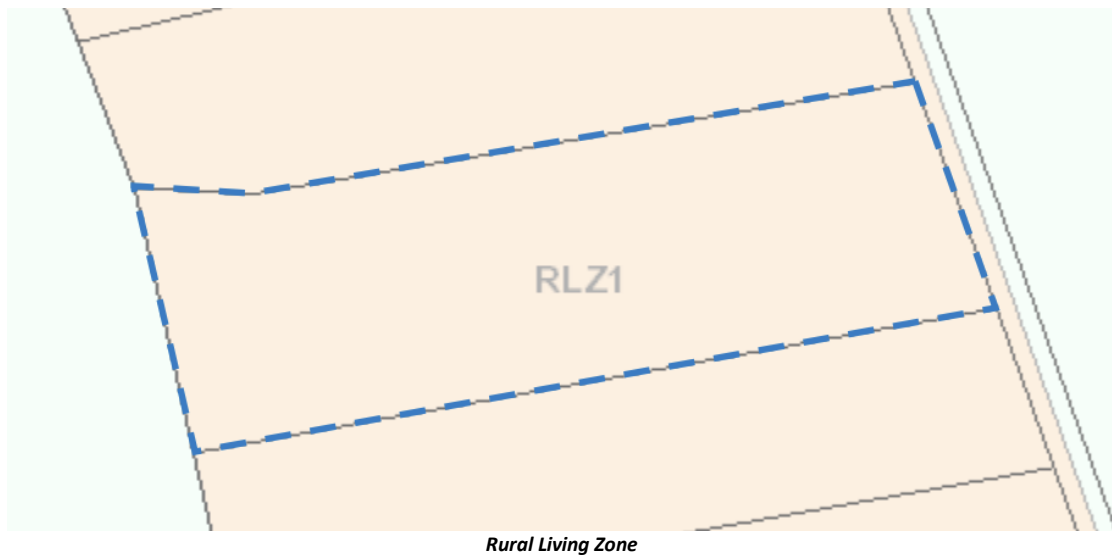
**Response:** The proposed building to be used in the business is considered to be in-keeping with the rural character of the precinct and the greater farming district. The proposed setbacks and colour scheme, including materials being used are muted tones and similar to other buildings in the vicinity.

<b>5.2.2</b>	<b>Zones</b>
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### **Clause 35.03 Rural Living Zone (RLZ)**

#### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.



**Response:** The proposed business and associated workshop have considered the amenity of the Rural Living Zone by siting the building in a location which is naturally screened by mature native vegetation. The compatibility of the business for repairs and servicing of agricultural machinery, equipment, vehicles and farming implements for the agricultural and hobby farm sector is appropriate. The small-scale operation ensures that the business will be contained within the building and in many situations, the service is also undertaken offsite at farms during harvest season. The general maintenance of farm equipment will take place out of season inside the workshop by appointment only. Opportunity to incorporate an Integrate Land Management Plan if required for the improvement of biodiversity and landscaping exists and can be prepared on request.

### 5.2.3 Overlays

There are no overlays affecting the land.

### 5.2.4 Particular Provisions

#### Clause 52.05 Signs

- *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 that 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.*

The locality is Category 3 – High amenity areas which triggers a planning permit for a Business identification sign pursuant to Section 2. Both signs are considered to be business identification signs with one being located on the fence (3.25m x 0.50m) fronting the road and the other located on the wall of the workshop building (7.50 x

1.0m). The internal sign on the northern elevation will be screened-out from Monkey Gully Road due to the vegetation plantings that are proposed.

**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.*

Response: Sufficient carparking spaces are proposed on the site. The building is 15m x 30m, totalling a net floor area of 450m<sup>2</sup>. The car parking table requires 2.9 car spaces to each 100m<sup>2</sup> of net floor area. This equates to 13 car spaces being required. A car parking plan can be provided which will also show a loading and unloading area for deliveries.

**Clause 52.11 Home Based Business**

The home-based business includes the online sale of farm work accessories including tractor wiper blades, aerials, battery chargers, hay rake tines, work gloves, 12 volt appliances and the like. It is undertaken within the dwelling and meets the requirements listed and there are no online products available for collection from the dwelling or the workshop. Therefore, no planning permit is required for the home-based business in this instance.

**5.2.5 General Provisions**

Relevant Issues	Response
The matters set out in Section 60 of the Planning & Environment Act 1987.	A review of section 60 did not identify any matters of concern that were considered to prevent this planning application from being approved.

<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>The proposal generally meets all of the objectives of the Planning Scheme in relation to a Rural Industry.</p>
<p>The purpose of the zone, overlay or other provision.</p>	<p>The proposal generally meets all of the objectives of the Rural Living Zone and for a business that is compatible with rural industry and agriculture.</p>
<p>Any matter required to be considered in the zone, overlay or other provisions.</p>	<p>The proposal generally meets the requirements and objectives of the Rural Living Zone and other related provisions.</p>
<p>The orderly planning of the area.</p>	<p>The area consists of properties that are used for agricultural purposes. The Rural industry is considered to be compatible with agriculture.</p>
<p>The effect on the amenity of the area.</p>	<p>The proposed use has no effects on the amenity of the area.</p>
<p>The proximity of the land to any public land.</p>	<p>No public land proximate to the site.</p>
<p>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</p>	<p>The proposal has taken into account the need for the protection of soil on the land.</p>
<p>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</p>	<p>The stormwater will be managed according to the requirements of the Responsible Authority.</p>

The extent and character of native vegetation and the likelihood of its destruction.	No native vegetation will be removed.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The site contains some naturally occurring native vegetation which will be maintained.
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.	There are no significant environment concerns for the subject site. An EMP has been prepared to address environmental issues.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	This proposal is not considered to be a generator of heavy traffic. The business will require deliveries to be made during regular business hours and are generally infrequent.

## 6.0 PLANNING DISCUSSION

The proposed rural industry will be undertaken in a manner that considers the adjoining and nearby properties. The proposed location of the workshop is to be positioned in an area that has the lowest impact on privacy and amenity. The native vegetation on the property provides a natural screen and the proposed setback from boundaries provides additional measures for maintaining a compatible business in the rural living precinct. The design and layout of the development is considered to meet the objectives in responding to the site context and sense of place. The materials and colours to be used in the construction of the workshop will be of muted tones and reduce the visual impact of a shed on the land.

The following information will assist the Council to understand the rural industry operation as it currently operates and for the purpose of gaining planning approval for this business at 446 Monkey Gully Road, Mansfield:

- The business to be undertaken within the workshop is repair and servicing of agricultural and rural plant/machinery and equipment including farm vehicles, tractor implements used in primary production such as, baling, raking, mowing, harvesting, and the like.
- The owner currently operates the business as a mobile service and repair provider.
- Customers include primary producers, hobby farmers, land owners, land managers, rural fencing contractors, pest plant and animal contractor and the like.
- The workshop will contain tools and equipment used in repairing and servicing farm plant/machinery, farm vehicles and equipment. It will also store lubrication, spare parts (globes, cords, tines, fuses, spark plugs etc.).
- The business employs two people in total. One of the employees is the Manager and owner who resides on the property.
- The locality is central to primary production, yet within a short distance to Mansfield to receive deliveries and supplies. The locality is considered to provide primary producers with a service that is close to the source of their livelihood and provide for ease of transportation to and from the farm gate.
- A minimal amount of Diesel and Petrol will be stored for use in the service and repair workshop. Both tanks will be located at the side of the building on a gravel pad.
- The workshop will be accessed via a gravel driveway from Monkey Gully Road. The same driveway currently provides access to the dwelling which is located further behind the building.
- Stormwater will be managed onsite through diverting the output to a suitable part of the land that naturally filters and disperses water before entering the waterway.
- Employees will have a toilet and basin/wash area available within the workshop building.
- There is very little waste produced by the business, with the majority being spent greasegun containers and packaging from servicing and repairs. A skip will be onsite for both recyclables and other waste materials
- The hours of operation include:
  - a) Monday – Friday 8:00am to 6:00pm
  - b) Saturday 8:00am to 1:00pm
  - c) Sunday (Closed)
  - d) Public Holidays (Closed)

## 7.0 CONCLUSION

It is submitted that the above planning submissions and supporting documentation demonstrate the application is in accordance with the relevant provisions of the Mansfield Planning Scheme. In summary the proposal:

- Is well-considered and in accordance with relevant provisions of the Planning Scheme and local policies.
- Is of a scale, design, and siting that respects the established rural character of the area and environmental landscape values of the land.
- Responds appropriately to the provisions of the Rural Living Zone

It is therefore submitted that a permit should be issued for the proposal.