

AMENDMENT C48, MANSFIELD PLANNING SCHEME

SUMMARY OF SUBMISSIONS

1. AGENCY SUBMISSIONS:

1.1 Goulburn Murray Water:

Land: General submission.

Submission summary:

- No objection to amendment.
- Water: Development can be serviced by the respective Mansfield and Bonnie Doon water networks, although potential water network augmentation works will be required for which a detailed water servicing assessment will be required to be provided by the developer.
- Sewerage: Existing assets such as sewer pumps are at their peak, with any development requiring pump upsizing to be funded by the developer. Additional new trunk sewer requirements outlined for each area proposed for rezoning.

Discussion:

- Amendment support and additional servicing requirements noted.

Recommendation:

- Note submission.
- No change to exhibited amendment required.

1.2 EPA

Land: General submission.

Submission summary:

- EPA advice not sought under Ministerial Direction No 19.
- EPA is supportive of the intent of the amendment to protect and provide for Mansfield's growing economy and the recommendations of the Strategy to ensure land-use conflicts are minimised in the process.
- The Amendment identifies land currently zoned FZ to be rezoned to IN1Z and C1Z, and C1Z to GRZ1. EPA takes this opportunity to remind Council of the requirements of MD1 and PPN30 when rezoning land where the proposed zone would allow for future sensitive uses to be developed, such as the GRZ1 and C1Z. Council is obliged under Ministerial Direction No 1 to satisfy themselves that land proposed to be rezoned is suitable for its intended use and the appropriate steps have been undertaken as set out in PPN30.
- EPA's Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, March 2013) includes recommended separation distances for specific industry types. Encroachment by sensitive uses into the separation distances of industry should be avoided to prevent future land use conflicts.
- The Buffer Area Overlay (BAO) can be used in certain circumstances to prevent future encroachment and intensification of incompatible use and development within the buffer areas of industry, warehouse, infrastructure, or other uses with potential off-site impacts.
- Throughout the Strategy, buffers are identified as a tool in managing potential land use conflict. The Strategy specifies the use of buffer treatments such as acoustic and visual buffers at residential interfaces of the Mount Buller Road and Dead Horse Land commercial/industrial precincts. The draft Development Plan Overlay (DPO) further requires assessment of the 'potential impact of the proposed development plan on neighbouring and nearby land'. In considering the comments above, EPA recommends that the wording of this requirement could be strengthened so that it links back to the sections of the Strategy that refer to acoustic and visual buffers, if this is the intent of the requirement. Further attention is needed to ensure that the recommendations of the Strategy are implemented via the application of the DPO which we note is not proposed for all areas where land use conflict may arise. Alternatively, an additional requirement may be considered that relates directly to the areas that have been identified to require the acoustic and visual buffers.
- It appears that there are no mechanisms proposed to capture the recommendations of the Strategy for implementation of buffers to manage interface conflicts at Crosbys Land Industrial Land and Mount Buller Road Precinct.

Discussion:

- Ministerial Direction Nos 1 and 19:

The EPA advice was not formally sought under Ministerial Direction 19, requiring planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste. In reviewing the application criteria under the direction, it is considered that the proposals under exhibited C51 will allow potentially contaminated land to be used for any sensitive use, cause any adverse impact on air, land or human health or allow the use or development of land within a buffer or separation distance for industry. In any case, EPA is aware of the exhibited C51 and has made a submission to it.

The amendment is considered to meet Ministerial Direction No 1, Potentially Contaminated Land. The direction requires that in preparing an amendment which would have the effect of allowing a sensitive use, such as residential, a planning authority must establish the level of contamination, and if necessary require remediation works to remove potential contamination. C51 meets these requirements as no land is being rezoned for a residential ('sensitive') use that has formerly been used for an industrial or potentially contaminating use. Land being rezoned to Industrial 1 in Dead Horse Lane is former farming land with no known contamination on the land. Land being rezoned from LDRZ to Mixed Use in Dead Horse Lane has not formerly been used for any form of industry or contaminating use and in any case is only being rezoned from one residential zone to another. Land in Maroondah Highway, Bonnie Doon being rezoned from Commercial 1 to General Residential 1 comprises residential units that have never been formerly used for any form of contaminating activity.

- Industrial air emissions separation:

EPA's Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, March 2013) includes recommended separation distances for specific industry types from 'sensitive' uses. Greater separation distances apply for more hazardous industries. It is considered that potential industries on land proposed to be rezoned Industrial 1 may be adequately sited to avoid proximity to and impact on zoned residential land to the south. Clause 53.10, Uses with adverse amenity potential, provides a planning control and mechanism to guide industries with greater potential impact away from residential uses and zones. See the following section on buffers.

- Buffers:

The Buffer Area Overlay (BAO) was not considered relevant in the preparation of the strategy or amendment. The use of the overlay has only been inconsistently applied in Victorian planning schemes to date and in any case, is not relevant or required for application for C51. Clause 53.10, Uses with adverse amenity potential, provides a satisfactory framework for potential industrial uses to be separated from residential uses and zones.

Under the proposed Industrial 1 Zone on the land north of Dead Horse Lane, future industries may be separated from residential uses and zones under Clause 53.10 as:

- Section 1 (no planning permit): Industries are required to meet prescribed threshold distances from a residential zone, in this case zoned, undeveloped land on the southern side of Dead Horse Lane; or
- Section 2 (planning permit required): Industries are subject to a planning permit, and therefore consultation and appeal rights, when a prescribed threshold distance is not met, allowing a proposal to be considered on its merits.

Under the proposed Mixed Use Zone at 264 - 282 Dead Horse Lane, future industries may be separated from residential uses and zones and considered as follows:

- Section 1 (no planning permit):
 - Office allowed up to 250 m² in area;
 - Shop and food and drink premises allowed up to 150m² in area;
- Section 2 (planning permit required):
 - Office above 250 m² in area;
 - Shop and food and drink premises above 150m² in area;
 - Industry, only provided the industry is not for a purpose listed in Clause 53.10 (ie not an industry with adverse amenity potential that requires a threshold distance from a residential zone); if an industry listed in Clause 53.10, the industry would be a Section 3 use, ie prohibited.

Clause 53.10 and zone controls are considered to be adequate to implement buffers between industrial and residential uses. In the case of proposed Mixed Use zoning at 264 to 282 Dead Horse Lane, the implementation of buffers at the rear of lots at through future development is considered adequate to provide some buffering protection and aesthetic separation between potential commercial and residential uses.

Recommendation:

- Note submission.
- No change to exhibited amendment required.

2. COMMUNITY ORGANISATION SUBMISSIONS:

2.1 Mansfield Cultural Heritage and Arts Centre Inc.:

Land: Curia Street and general submission.

Submission summary:

- General:

MCHAC's particular area of interest is the "Station Precinct", which is important for the long term efforts to enhance the Alpine Approach, particularly the town's western (Melbourne) / Maroondah Highway gateway.
- Rezoning part of Curia Street to GRZ1:

Support strategic objectives of study and statements to direct retail and commercial activity to main road locations along High and Highett Streets as the Shire's core and leading commercial/retail area and support for the rezoning of dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area.

Integration of the western section of High Street (where the railway Station is) will help integrate The Station Precinct with the Town Centre, which will in turn lead to our precinct and new projects (including a newly funded Heritage Centre) becoming more accessible.

Despite rezoning a small amount of CZ1 land back to GRZ, the C51 Amendment will also increase the overall commercial activity of the township by encouraging commercial uses along the "main street frontages" (including High Street and Highett Street) which are currently being underutilized, due to a lack of surrounding commercial activation.
- Mapping error:

Correct zoning / map anomaly.

Discussion:

- General:

Noted.
- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual

dwelling in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2 - 4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

- Mapping error:

The map anomaly referred to in the submission is the correction to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1, as discussed in the paragraph above and under **submission 3.13 and additional Council discussion under 4.1**. This position is support and recommended for an adopted amendment.

Recommendations:

- Support submission.
- No change to exhibited amendment required.

- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

2.2 Mansfield Historic Society:

Land: Curia Street and general submission.

Submission summary:

- **General:**
Support C51 initiatives.
Concern over the add-hoc, conflicting development proposals relating to the western end of our town.
- **Rezoning part of Curia Street to GRZ1:**
Support strategic objectives of study and statements to direct retail and commercial activity to main road locations along High and Highett Streets as the Shire's core and leading commercial/retail area and support for the rezoning of dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area.

Integration of the western section of High Street (where the railway Station is) will help integrate The Station Precinct with the town centre, which will in turn lead to our precinct and new projects (including a newly funded Heritage Centre) becoming more accessible.

Despite rezoning a small amount of CZ1 land back to GRZ, the C51 Amendment will also increase the overall commercial activity of the township by encouraging commercial uses along the "main street frontages" (including High Street and Highett Street) which are currently being underutilized, due to a lack of surrounding commercial activation.

Discussion:

- **General:**
Noted.
- **Rezoning part of Curia Street to GRZ1:**
The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

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Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

2.3 Mansfield Matters Group:

Land: General submission.

Submission summary:

- **General:**

Primary focus of advancing, protecting and improving the aesthetics of the township approaches and the amenity of residents living in the surrounding areas, both current and future.

C51 is an opportunity for the Council to provide greater clarity and certainty for planning outcomes for existing and future residential dwelling occupancy and commercial and industrial enterprises.

Supports other areas recommended for residential rezoning.
- **Rezoning part of Curia Street to GRZ1:**

Support rezoning part of Curia Street, including 37 Curia Street, from Commercial 1 to General Residential 1 (GRZ1).

C51 is an opportunity to future proof the long established residential character and liveability along both the northern and southern sides of Curia Street, a residential area which has evolved over the past one hundred years.

23 existing dwellings on the northern side of Curia Street between Elvins and Apollo Streets. Existing settlement pattern along this stretch is long established residential, with some properties dating back 100 years, with neighbourhood character overwhelmingly, if not exclusively, being residential.

Timely to effect the zoning to respect the existing built forms and protect the amenity expectedly deserved by the residents. Changing the CZ1 zoning to GRZ1 on the northern side of Curia Street is important to avoid conflict at Council and VCAT over “as of right use” and that many or most commercial enterprises bring impacts including traffic, parking, noise, light spill, vapours, fumes, etc.
- **Mapping error:**

Identified mapping error and anomaly at 140 High Street where rear of property should be rezoned to General Residential 1.

Discussion:

- **General:** Noted.
- **Rezoning part of Curia Street to GRZ1:**

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township’s main road environment with a potential to weaken main road retailing and

further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
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In making its recommendations, the adopted strategy (S8.3) noted that:

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- Mapping error:

The map anomaly referred to in the submission is the correction to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1, as discussed in the paragraph above and under **submission 3.13 and additional Council discussion under 4.1**. This position is support and recommended for an adopted amendment.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3. PRIVATE SUBMISSIONS:

3.1 Submitter: Private submitter

Land: Curia Street and general submission

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- Support amendment.
- Rezoning part of Curia Street to GRZ1:

The GRZ zoning of the northern side of Curia Street between Apollo and Elvins Street is respecting the amenity of the residents of this long-established residential settlement in this picturesque quiet section of Curia Street.

The rezoning will provide direction for commercial interests to locate in appropriate and preferred locations to ensure new growth reinforces the role of the town's existing retail and commercial enterprises in High Street.

One block of land on the northern side of Curia Street, just west of Station Street, should also be rezoned to GRZ1 to correct an error and ensure the integrity and fairness of this amendment.

- Additional commercial and industrial opportunities:
Creation of increased commercial and industrial site opportunities in a consolidated area in Lakins Road is an excellent and appropriate strategy to address shortages of this type of land.

Discussion:

- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the

Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

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- Additional commercial and industrial opportunities:

Noted. The adopted strategy has recommended new industrial opportunities in the Lakins Road area address shortages of this type of land, an action that will be implemented through C51.

Recommendations:

- Support submission.
- No change to exhibited amendment required.

- Additional commercial and industrial opportunities: Note support for additional industrial land / Lakins Road area under Part 1 of C51.
- Rezoning part of Curia Street to GRZ1: Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.2 Submitter: Private submitter

Land: 264 - 282 Dead Horse Lane

Current Mansfield Planning Scheme:

Zoning: Low Density Residential

Overlays: Nil

Exhibited Amendment C48:

Zoning: Mixed Use

Overlays: Nil

Submission summary:

- Objection.
- Proposed MUZ in Dead Horse Lane:

Object to rezoning of 264 - 282 Dead Horse Lane from Low Density Residential to Mixed Use Zone which would allow the possibility of more houses, small food/drink premises, doctors' surgeries etc. being developed on these various sites, which would directly impact on the quiet enjoyment of the residential properties on Cambridge Drive.

People who bought properties in Cambridge Drive did so because of their location and because they backed on to large semi-rural land with trees and open space where commercial or industrial activities will negatively impact on existing residents and the value of their real estate.

Have been personally impacted by my neighbours being allowed to build a large, zincalume shed within a few metres of my kitchen and dining room windows which has created massive issues including loss of light, glare, radiant heat and loss of view.

Do not believe proposed 10 metre wide acoustic or landscape buffer will prevent the residents of Cambridge Drive from being significantly impacted by any kind of commercial or industrial developments through noise, lighting, smells, rubbish, more traffic etc.

People should be able to purchase real estate feeling confident the surrounding environment won't be significantly altered to the detriment of them or their tenants.

Discussion:

- Rezoning of 280 Dead Horse Lane:

The adopted strategy noted (S8.6) that although 264-282 Dead Horse Lane supports a small number of dwellings and large sheds, the land is located within the Dead Horse Lane industrial precinct and directly abuts industrial uses to the north and west and a residential subdivision to the rear of the sites to their south. The adopted strategy recommends (S8.6)

rezoning to Mixed Use with a buffer to the south abutting residential land to support a range of commercial activities along the future Heavy Vehicle Alternate Route, while providing continued planning support for existing residential uses to enable land to transition toward a more commercial focus.

The adopted strategy noted (S8.6) also noted that the expansion of industrial and mixed use land along Dead Horse Lane provides a foundation for the future commercial growth of the township and Shire while helping to consolidate and cluster commercial uses in this area which will shortly integrate with the Heavy Vehicle Alternate Truck Route. It also noted (S8.6) that the recommended implementation of buffer treatments to the rear of lots at 264 to 282 Dead Horse Lane would be triggered through the introduction of new commercial uses on these lots.

It is considered that the application of the Mixed Use, as recommended and exhibited, is appropriate and should continue to be supported. The Mixed Use Zone is considered compatible with existing residential uses and a suitable transition between industrial uses to the north and west and conventional residential use to the south. The Mixed Use Zone is within the suite of residential zones in the Mansfield Planning Scheme, and is not within the suite of commercial zones, with a primary purpose of:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

Importantly, the zone allows a dwelling and only low key commercial activities such as office as-of-right (no planning permit required), requires a planning permit for other commercial activities such as a shop and prohibits industry. This purpose and existing zone tables (use consents or prohibitions) are considered compatible with the intentions of the submitter. In any case, existing dwellings have existing use rights and will continue indefinitely in line with existing use right provisions of the planning scheme.

As noted in the adopted strategy, the implementation of buffers at the rear of lots at 264 to 282 Dead Horse Lane would be through the introduction of actual commercial use and development on these lots. This situation is considered adequate to provide some buffering protection and aesthetic separation at the time of development between potential commercial and residential uses. It is noted that under the proposed Mixed Use Zone only commercial developments may be approved with industrial uses being prohibited and that buffers do not presently exist along most of the Dead Horse Lane industrial area bordering onto residential areas on the southern side.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.3 Submitter: Private submitter

Land: Curia Street

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- Rezoning part of Curia Street to GRZ1:

C51 aims to activate the western end of the Mansfield CBD by rezoning areas currently zoned CZ1, but which area historically and currently firmly “residential”, to correct that anomaly and reflect the current reality.

Rezoning will have the effect of strengthening the commercial development of the western end of High Street within the CBD, and so the link of the Railway Precinct to the CBD, consolidating future commercial development there.

Aware of current “shortage” of residential land in Mansfield as the population grows.

Discussion:

- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township’s main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township’s main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*

- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

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This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2-4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.4 Submitter: Private landowner

Land: Curia Street and general submission

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- General:

Particular area of interest is the “Station Precinct”, which is important for the long term efforts to enhance the Alpine Approach, particularly the town’s western (Melbourne) / Maroondah Highway gateway.
- Rezoning part of Curia Street to GRZ1:

Support strategic objectives of study and statements to direct retail and commercial activity to main road locations along High and Highett Streets as the Shire’s core and leading commercial/retail area and support for the rezoning of dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township’s core commercial area.

Integration of the western section of High Street (where the railway Station is) will help integrate The Station Precinct with the Town Centre, which will in turn lead to our precinct and new projects (including a newly funded Heritage Centre) becoming more accessible.

Despite rezoning a small amount of CZ1 land back to GRZ, the C51 Amendment will also increase the overall commercial activity of the township by encouraging commercial uses along the “main street frontages” (including High Street and Highett Street) which are currently being underutilized, due to a lack of surrounding commercial activation.
- Mapping error:

Correct zoning / map anomaly.

Discussion:

- General:

Noted.
- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2 - 4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

- Mapping error:

The map anomaly referred to in the submission is the correction to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1, as discussed in the paragraph above

and under **submission 3.13 and additional Council discussion under 4.1**. This position is support and recommended for an adopted amendment.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.5 Submitter: Private landowner

Land: 11 Chenery Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Nil

Exhibited Amendment C48:

Zoning: No change to Commercial 1 but amended zone schedule exhibited

Overlays: Nil

Submission summary:

- Zone provisions for Commercial 1 Zone at 11 Chenery Street:

Strongly object to rezoning of half of property and seek retention of Commercial 1 Zone over whole of land.

Property was purchased many years ago as an investment opportunity with an intention to develop in the future based on the Commercial 1 zoning.

Property sits in a prime position only one property away from the shops in the centre of town end with main road frontage.

Discussion:

- Zone provisions for Commercial 1 Zone at 11 Chenery Street:

Rather than a rezoning referred to in the submission, this objection relates to a proposed schedule change for the applicable Commercial 1 Zone where it is proposed to indicate the western half of the land within an area as 'preferred single enterprise commercial office, recreation and health' and introduce a permit requirement for all shops, ie above 0 square metres in area.

The adopted strategy (S8.2) noted the issue that with commercial and retail uses being able to occur in residential streets outside of the township's main road environment, with a potential to weaken main road retailing. The adopted strategy recommends (S8.3) that main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses and that non – main road commercial land is preferred for commercial office uses for single enterprises as well as health care, education and recreation uses, with all forms of retail being discouraged in non-main road residential locations.

This adopted strategic position was exhibited under C51 through the proposed Commercial 1 Zone schedule change and should continue to be supported to direct primary commercial uses and development away from residential areas and encourage lower key commercial office uses in these areas and should continue to be supported.

The proposed amendment change does not affect the eastern section of the submitter's land, which remains Commercial 1 without schedule change where a full range of commercial and retailing uses may occur as-of-right, with a permit only required for development. It is considered appropriate that the land still retains schedule controls at the rear or western end where office and low key commercial activities may occur without a planning permit. In any case, under proposed exhibited provisions the submitter may still apply for a planning permit for a shop or similar commercial use which would be considered on its merits.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.6 Submitter: Private landowner

Land: 280 Dead Horse Lane, Mansfield

Current Mansfield Planning Scheme:

Zoning: Low Density Residential

Overlays: Nil

Exhibited Amendment C48:

Zoning: Mixed Use

Overlays: Nil

Submission summary:

- Rezoning of 280 Dead Horse Lane:

Object to rezoning of 264-282 Dead Horse Lane from Low Density Residential (LDRZ) to Mixed Use (MUZ).

Purchased land in 1983 with industrial zoning, advised at time that dwelling would only be a manager / owner's residence. Rezoning to LDRZ in 1993 made perfect sense as a transition between industrial zoning to the north and west and higher density residential to the south.

LDRZ represents precisely the current use of all of the land and should not have industry or business next door.

Objectives for 264 Dead Horse Lane should not change existing situation for other nearby properties.

Discussion:

- Rezoning of 280 Dead Horse Lane:

The adopted strategy noted (S8.6) that although 264-282 Dead Horse Lane supports a small number of dwellings and large sheds, the land is located within the Dead Horse Lane industrial precinct and directly abuts industrial uses to the north and west and a residential subdivision to the rear of the sites to their south. The adopted strategy recommends (S8.6) rezoning to Mixed Use with a buffer to the south abutting residential land to support a range of commercial activities along the future Heavy Vehicle Alternate Route, while providing continued planning support for existing residential uses to enable land to transition toward a more commercial focus.

The adopted strategy noted (S8.6) also noted that the expansion of industrial and mixed use land along Dead Horse Lane provides a foundation for the future commercial growth of the township and Shire while helping to consolidate and cluster commercial uses in this area which will shortly integrate with the Heavy Vehicle Alternate Truck Route. It also noted

(S8.6) that the recommended implementation of buffer treatments to the rear of lots at 264 to 282 Dead Horse Lane would be triggered through the introduction of new commercial uses on these lots.

It is considered that the application of the Mixed Use, as recommended and exhibited, is appropriate and should continue to be supported. The Mixed Use Zone is considered compatible with existing residential uses and a suitable transition between industrial uses to the north and west and conventional residential use to the south. The Mixed Use Zone is within the suite of residential zones in the Mansfield Planning Scheme, and is not within the suite of commercial zones, with a primary purpose of:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

Importantly, the zone allows a dwelling and only low key commercial activities such as office as-of-right (no planning permit required), requires a planning permit for other commercial activities such as a shop and prohibits industry. This purpose and existing zone tables (use consents or prohibitions) are considered compatible with the intentions of the submitter. In any case, existing dwellings have existing use rights and will continue indefinitely in line with existing use right provisions of the planning scheme.

As noted in the adopted strategy, the implementation of buffers at the rear of lots at 264 to 282 Dead Horse Lane would be through the introduction of actual commercial use and development on these lots. This situation is considered adequate to provide some buffering protection and aesthetic separation at the time of development between potential commercial and residential uses. It is noted that under the proposed Mixed Use Zone only commercial developments may be approved with industrial uses being prohibited and that buffers do not presently exist along most of the Dead Horse Lane industrial area bordering onto residential areas on the southern side.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.7 Submitter: Private landowner

Land: 274 Dead Horse Lane, Mansfield

Current Mansfield Planning Scheme:

Zoning: Low Density Residential

Overlays: Nil

Exhibited Amendment C48:

Zoning: Mixed Use

Overlays: Nil

Submission summary:

- Rezoning of 274 Dead Horse Lane:

Object to rezoning of 264-282 Dead Horse Lane from Low Density Residential (LDRZ) to Mixed Use (MUZ).

Land is empty paddock of approximately 4 acres in size that is currently zoned LDRZ. When purchasing our block, the quiet residential location adjacent to other LDRZ and GRZ1 zonings influenced decision. The development area is residential homes with sheds, and large family friendly yards.

If the proposed area becomes zoned MUZ, it may result in a lack of buffer between residential and future construction.

The redgums on 264 Dead Horse Lane are hundreds of years old, supporting the ecological functioning of the landscape and are biodiversity hotspots, providing essential habitat for local wildlife such as native birds, insects and possums. If this land is industrialised, the chances of these irreplaceable trees being removed are much greater than if it stays as LDRZ. This along with the possibility of larger roads, parking and more buildings means that it is highly likely that the red gums will be lost as has been recently seen across the road at 275 Dead Horse Lane.

The range of uses in MUZ is quite varied and many items do not require special planning to proceed such as small food shops, houses of worship etc.

The road is already busy and in poor condition and lacks any sort of footpath. Bringing a higher density of businesses brings more traffic and more pedestrians. Constant flow of extra traffic and pedestrians will put further pressure on the road.

Consider rezoning will decrease the value of our land with no idea what may be built beside us, and the open rural living we enjoy, will be encroached upon.

Existing water pressure issues at the end of the line for water, with added industrial workplaces straining this further.

Seek details on future uses and developments, services, amenity impacts and vegetation protection.

Discussion:

- Rezoning of 280 Dead Horse Lane:

The adopted strategy noted (S8.6) that although 264-282 Dead Horse Lane supports a small number of dwellings and large sheds, the land is located within the Dead Horse Lane industrial precinct and directly abuts industrial uses to the north and west and a residential subdivision to the rear of the sites to their south. The adopted strategy recommends (S8.6) rezoning to Mixed Use with a buffer to the south abutting residential land to support a range of commercial activities along the future Heavy Vehicle Alternate Route, while providing continued planning support for existing residential uses to enable land to transition toward a more commercial focus.

The adopted strategy noted (S8.6) also noted that the expansion of industrial and mixed use land along Dead Horse Lane provides a foundation for the future commercial growth of the township and Shire while helping to consolidate and cluster commercial uses in this area which will shortly integrate with the Heavy Vehicle Alternate Truck Route. It also noted (S8.6) that the recommended implementation of buffer treatments to the rear of lots at 264 to 282 Dead Horse Lane would be triggered through the introduction of new commercial uses on these lots.

It is considered that the application of the Mixed Use, as recommended and exhibited, is appropriate and should continue to be supported. The Mixed Use Zone is considered compatible with existing residential uses and a suitable transition between industrial uses to the north and west and conventional residential use to the south. The Mixed Use Zone is within the suite of residential zones in the Mansfield Planning Scheme, and is not within the suite of commercial zones, with a primary purpose of:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

Importantly, the zone allows a dwelling and only low key commercial activities such as office as-of-right (no planning permit required), requires a planning permit for other commercial activities such as a shop and prohibits industry. This purpose and existing zone tables (use consents or prohibitions) are considered compatible with the intentions of the submitter. In any case, existing dwellings have existing use rights and will continue indefinitely in line with existing use right provisions of the planning scheme.

As noted in the adopted strategy, the implementation of buffers at the rear of lots at 264 to 282 Dead Horse Lane would be through the introduction of actual commercial use and development on these lots. This situation is considered adequate to provide some buffering protection and aesthetic separation at the time of development between potential commercial and residential uses. It is noted that under the proposed Mixed Use Zone only commercial developments may be approved with industrial uses being prohibited and that

buffers do not presently exist along most of the Dead Horse Lane industrial area bordering onto residential areas on the southern side.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.8 Submitter: Private landowner

Land: 278 Dead Horse Lane, Mansfield

Current Mansfield Planning Scheme:

Zoning: Low Density Residential

Overlays: Nil

Exhibited Amendment C48:

Zoning: Mixed Use

Overlays: Nil

Submission summary:

- Rezoning of 278 Dead Horse Lane:

Object to rezoning of 264-282 Dead Horse Lane from Low Density Residential (LDRZ) to Mixed Use (MUZ).

254 Dead Horse Lane has been given preference over views of 6 other landowners. 254 Dead Horse Lane directly abuts residential land to the south and east yet the fact that he has a low level commercial business to his west is given far more weight in this zoning proposal.

Residents in Cambridge Drive and Galway Court whose blocks adjoin the area proposed to be rezoned will be negatively impacted by any commercial or industrial activities with amenity and destruction of the natural vegetation.

In 1997, as part of its new planning scheme, the Shire rezoned 272-282 Dead Horse Lane as Rural Residential because it “reflected the current usage.” That usage has not changed.

These examples of uses as allowed in a Mixed Use Zone are not appropriate for the rezone area in Dead Horse Lane or neighbouring blocks in Cambridge Drive and Galway Court - food and drink premises, offices, small shops, places of worship, or other uses of a similar nature.

276 is completely surrounded by residential properties. Any rezoning of this block would not be in keeping with its context. It can only be zoned residential as can most of the properties.

The properties 272-278 share a bitumen driveway measuring 100 x 4 metres. It was built to service residential properties, not businesses.

The principal area of development focus at 264-270 Dead Horse Lane contains six red gum eucalyptus trees which are hundreds of years old, forming part of Mansfield’s living landscape heritage. Their loss will certainly follow any commercial/industrial development, including subdivision of 264-270 Dead Horse Lane. If Council fails to protect the ancient

river red gums, particularly those on 264-270 and 276 Dead Horse Lane, its Environmental Strategy will be shown to be worthless.

The proposal for rezoning to Mixed Use Zone for 264-282 Dead Horse Lane, which can include industrial and commercial uses, fails to mention if a buffer zone will be required. This is particularly relevant around the edges of the 264-270 and 276 Dead Horse Lane blocks to protect adjoining residential properties, both in Dead Horse Lane and Cambridge Drive. Acoustic and visual buffers around or within a Mixed Use Zone are essential. Mansfield Commercial and Industrial Land Use Strategy notes the importance of buffering.

The rezone proposal fails to mention any change in rates for the affected properties.

Dead Horse Lane is already busy but in poor condition with no footpaths. Extra commercial and industrial use will only bring more traffic and more pedestrians.

Currently proposed area is totally well balanced with the high density Cambridge Drive and Galway Court residents overlooking low density households providing amenity of parkland, habitat corridors and established trees at no cost to the shire.

Commercial and Industrial land use is important but should be sited on the outskirts of the town, e.g. Lakins Road, with residential properties located within walking and cycling distance of the main street.

Completely impossible for the six residences on 272-282 Dead Horse Lane to transition to a more commercial focus unless you demolish them.

Discussion:

- **Rezoning of 280 Dead Horse Lane:**

The adopted strategy noted (S8.6) that although 264-282 Dead Horse Lane supports a small number of dwellings and large sheds, the land is located within the Dead Horse Lane industrial precinct and directly abuts industrial uses to the north and west and a residential subdivision to the rear of the sites to their south. The adopted strategy recommends (S8.6) rezoning to Mixed Use with a buffer to the south abutting residential land to support a range of commercial activities along the future Heavy Vehicle Alternate Route, while providing continued planning support for existing residential uses to enable land to transition toward a more commercial focus.

The adopted strategy noted (S8.6) also noted that the expansion of industrial and mixed use land along Dead Horse Lane provides a foundation for the future commercial growth of the township and Shire while helping to consolidate and cluster commercial uses in this area which will shortly integrate with the Heavy Vehicle Alternate Truck Route. It also noted (S8.6) that the recommended implementation of buffer treatments to the rear of lots at 264 to 282 Dead Horse Lane would be triggered through the introduction of new commercial uses on these lots.

It is considered that the application of the Mixed Use, as recommended and exhibited, is appropriate and should continue to be supported. The Mixed Use Zone is considered compatible with existing residential uses and a suitable transition between industrial uses to

the north and west and conventional residential use to the south. The Mixed Use Zone is within the suite of residential zones in the Mansfield Planning Scheme, and is not within the suite of commercial zones, with a primary purpose of:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

Importantly, the zone allows a dwelling and only low key commercial activities such as office as-of-right (no planning permit required), requires a planning permit for other commercial activities such as a shop and prohibits industry. This purpose and existing zone tables (use consents or prohibitions) are considered compatible with the intentions of the submitter. In any case, existing dwellings have existing use rights and will continue indefinitely in line with existing use right provisions of the planning scheme.

As noted in the adopted strategy, the implementation of buffers at the rear of lots at 264 to 282 Dead Horse Lane would be through the introduction of actual commercial use and development on these lots. This situation is considered adequate to provide some buffering protection and aesthetic separation at the time of development between potential commercial and residential uses. It is noted that under the proposed Mixed Use Zone only commercial developments may be approved with industrial uses being prohibited and that buffers do not presently exist along most of the Dead Horse Lane industrial area bordering onto residential areas on the southern side.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.9 Submitter: Private landowner

Land: 6 Collopy Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Nil

Exhibited Amendment C48:

Zoning: No change to Commercial 1 but amended zone schedule exhibited

Overlays: Nil

Submission summary:

- Zone provisions for Commercial 1 Zone at 6 Collopy Street:

Object to rezoning from Commercial 1 to General Residential 1 (GRZ1).

With a rapidly growing population and so many new residential developments, Commercial 1 Zone properties located in Collopy Street are a viable option.

As Collopy St is located just off High St, we feel that there is potential for future Commercial premises to continue in this location.

Discussion:

- Zone provisions for Commercial 1 Zone at 6 Collopy Street:

Rather than a rezoning referred to in the submission, this objection relates to a proposed schedule change for the applicable Commercial 1 Zone where it is proposed to indicate the western half of the land within an area as 'preferred single enterprise commercial office, recreation and health' and introduce a permit requirement for all shops, ie above 0 square metres in area.

The adopted strategy (S8.2) noted the issue that with commercial and retail uses being able to occur in residential streets outside of the township's main road environment, with a potential to weaken main road retailing. The adopted strategy recommends (S8.3) that main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses and that non – main road commercial land is preferred for commercial office uses for single enterprises as well as health care, education and recreation uses, with all forms of retail being discouraged in non-main road residential locations.

This adopted strategic position was exhibited under C51 through the proposed Commercial 1 Zone schedule change and should continue to be supported to direct primary commercial uses and development away from residential areas and encourage lower key commercial office uses in these areas and should continue to be supported.

The proposed amendment change does not affect the eastern section of the submitter's land, which remains Commercial 1 without schedule change where a full range of commercial and retailing uses may occur as-of-right, with a permit only required for development. It is considered appropriate that the land still retains schedule controls at the rear or western end where office and low key commercial activities may occur without a planning permit. In any case, under proposed exhibited provisions the submitter may still apply for a planning permit for a shop or similar commercial use which would be considered on its merits.

Recommendations:

- Not support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.10 Submitter: Private landowner

Land: Curia Street and 37 Curia Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- Rezoning part of Curia Street to GRZ1:

Support rezoning part of Curia Street, including 37 Curia Street, from Commercial 1 to General Residential 1 (GRZ1). These properties are residential and some have been in existence for almost 100 years.

Mapping error exists where 37 Curia Street (vacant land Curia Street to High Street) that was part of the convenience restaurant proposal is not proposed to be changed to residential.

Discussion:

- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently*

zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2-4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.11 Submitter: Private landowner

Land: Curia Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- Rezoning part of Curia Street to GRZ1:

Support rezoning part of Curia Street, including 37 Curia Street, from Commercial 1 to General Residential 1 (GRZ1).

Mainly all houses anyway where don't want threat of a commercial establishment hanging over their heads, not knowing how invasive that premise might be would be intolerable.

Increased noise in a quiet residential street with increased traffic and possibly odours and noise, all seriously changing the nature of their neighbourhood and be detrimental to the amenity residents are used to.

Discussion:

- Rezoning part of Curia Street to GRZ1:

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*

- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2-4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.12 Submitter: Private landowner

Land: Curia Street and northern side of Maroondah Highway, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: General Residential 1

Overlays: No change

Submission summary:

- Rezoning part of Curia Street to GRZ1:
Support rezoning part of Curia Street, including 37 Curia Street, from Commercial 1 to General Residential 1 (GRZ1).
Rezoning is in keeping with the areas surrounding neighbourhood characteristics as well as the capacity of the road network that will likely struggle to cater to increased volumes of traffic that come with commercial ventures.
Ensuring homes are rezoned to residential we can preserve and protect Mansfield's charm and the values of its residents.
- Northern side of Maroondah Highway:
Concerns with preservation of the old red gums on the Station side of the Maroondah Highway. Additional access roads or driveways to commercial enterprises will require the redesign of the road putting the red gums at risk.

Discussion:

- Rezoning part of Curia Street to GRZ1:
The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

This strategic position of directing commercial use and development away from this western end of Curia Street was exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. In addition to this exhibited position, Council identified that 2-4 Station Street should have also been exhibited to rezone that land from Commercial 1 to General Residential 1 (see **summary and recommendations under submission 3.13 and additional Council discussion under 4.1**). This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

- Northern side of Maroondah Highway:

The northern side of Maroondah Highway is not directly affected by C51. This area and issue is more directly relevant to Amendment C44, dealing with the Station precinct and now under consideration by the Minister for Planning, and ongoing VicRoads main roads management. Both road safety and function and the ongoing protection of remaining red gums are important issues for both C44 and VicRoads main roads management.

Recommendations:

- Support submission.
- No change to exhibited amendment required.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

3.13 Submitter: Ratio Consultants on behalf of 140 High Street Pty Ltd, the landowner of 2 - 4 & 8 - 10 Station Street.

Land: 2 - 4 & 8 - 10 Station Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: No change (but later advised of Council's intention to rezone land to General Residential 1)

Overlays: No change

Submission summary:

- Rezoning of 2 – 4 Station Street from Commercial 1 to GRZ1:

Objection to proposed rezoning from Commercial 1 to General Residential 1 (GRZ1).

Current application for the use and development of the land for a convenience restaurant, seeking to address the findings of a VCAT decision relating to a previous application for a convenience restaurant. Since appeal, have engaged in discussions with Council for a revised development scheme for the use and development of the land for a restaurant, microbrewery/distillery and function centre on the site.

Object as not strategically justified, it would create significant prejudice to the owner, it will unreasonably limit future use and development opportunities and is problematic insofar that it does not correspond with or reflect the current subdivision boundaries.

Site purchased as commercially zoned land and reasonably expects to pursue a land use and development scheme in future that is commensurate with its current commercial zoning and indeed with the character of the 'main road' approach to Mansfield.

Rezoning of land should take into account property boundaries and should not divide an allotment into two separate zones as it makes the application of those zoning controls difficult.

The land does not adjoin or share any interface with existing residential use in a residential zone. Rather, it is well separated and buffered from existing dwellings due to Curia Street to the south and Station Street to the east.

An old, dilapidated house on the land is vacant and does not reflect the landowners future land use ambitions. The presence of other existing dwellings on Curia Street should not offer strategic justification for the proposed rezoning as these are technically 'non-conforming' uses that were approved under the present C1Z.

Discussion:

- Rezoning of 2 – 4 Station Street from Commercial 1 to GRZ1:

This submission objects to Council's intention to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1. Although not exhibited under C51, Council advised the landowner of the exhibition anomaly on 24 November 2021 and its intention to rezone this parcel to General Residential 1 in the finalisation of C51 to align with the recommendations of the adopted strategy (see discussion under 4.1). This parcel forms the southern section of the overall landholding bordering Curia Street (2 – 4 Station Street) and is not the northern section of the holding bordering the Maroondah Highway (8 – 10 Station Street). The overall holding, comprising both lots, is subject to a current application for planning permit for the development of a convenience restaurant.

The intention to rezone 2-4 Station Street from Commercial 1 to General Residential 1 is to reinforce and fully implement the strategic position of the adopted strategy to direct commercial use and development away from this western end of Curia Street, as exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

The adopted strategy (S8.2) noted issues of lack of dedicated contemporary office space, commercial and retail uses being able to occur in residential streets outside of the township's main road environment with a potential to weaken main road retailing and further activation required in the western section of High Street to strengthen the link between the town centre and the former station precinct. In outlining the issues facing the Curia Street area, the adopted strategy (S8.2) noted that the development of individual dwellings in residential streets for commercial uses has the potential to impact on the amenity of adjoining residential dwellings (with increased day and night activity and vehicle movements) while fragmenting commercial uses in the township's main retailing locations.

The adopted strategy recommends (S8.3) that to more effectively manage future commercial uses around the town centre:

- *Main road locations are preferred for all forms of retail use, strata titled office uses and all general commercial uses.*
- *Non-main road commercial land that is (a) exclusively residential and (b) remote from the township's core commercial area is not supported for future commercial uses. Specifically, the dwellings along the western section of Curia Street that are currently zoned for commercial purposes are not supported for future commercial uses based on their residential context and distance from the township's core commercial area (the land is more than 500 metres from the intersection of High and Highett Street).*

In making its recommendations, the adopted strategy (S8.3) noted that:

Distinguishing preferred commercial uses in the township serves the dual purpose of:

- a) Helping direct future retail growth to the township's main street locations including land west of Highett Street. These are locations that are best able to support the accessibility requirements and traffic impacts of retail uses.*
- b) Providing a policy basis to both support and discourage new commercial uses in the township's commercially zoned residential streets.*

Overall, it is considered:

- That any commercial proposal on the current land holding may be redesigned, potentially adequately sited and considered on its merits on the northern lot (8 – 10 Station Street) only within the Commercial 1 Zone.
- Land at 2 – 4 Station Street should be rezoned to GRZ1 to meet the strategic findings and recommendations of the adopted strategy, allowing the upgrading or redevelopment of a dwelling on the land and reinforcing the existing residential nature and character of Curia Street.

Recommendations:

- Not support submission.
- Amend the exhibited amendment to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1.
- Further consider the submission under Part 2 of C51, referring the submission to independent panel for consideration.

4. OTHER COUNCIL CHANGES:

4.1 Land: 2 – 4 Station Street

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: Design and Development 1

Exhibited Amendment C48:

Zoning: No change (but later advised of Council's intention to rezone land to General Residential 1)

Overlays: No change

Summary:

- While this land was exhibited to remain as Commercial 1 under C51, Council identified during exhibition that this proposal was incorrect and had been recommended under the adopted strategy for rezoning to General Residential 1 along the Curia Street frontage. Figure 1 below is the incorrect map that has been exhibited, while figure 2 correctly reflects the rezoning proposed in the strategy.

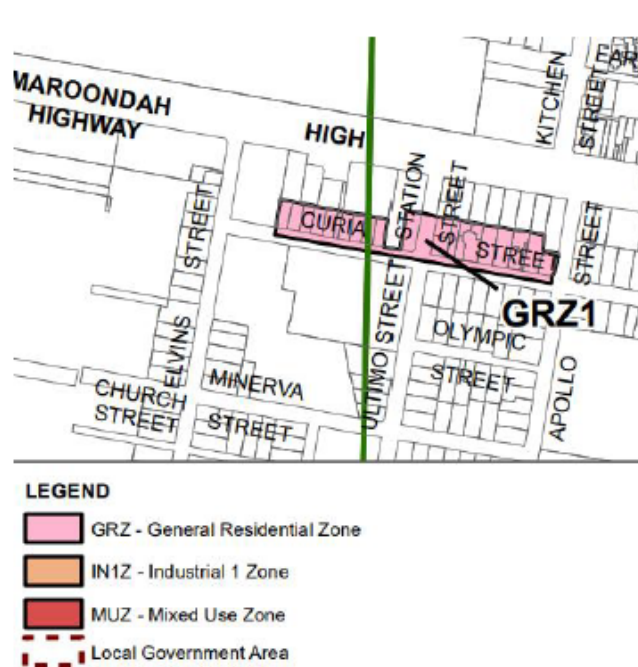


Figure 1 Incorrect

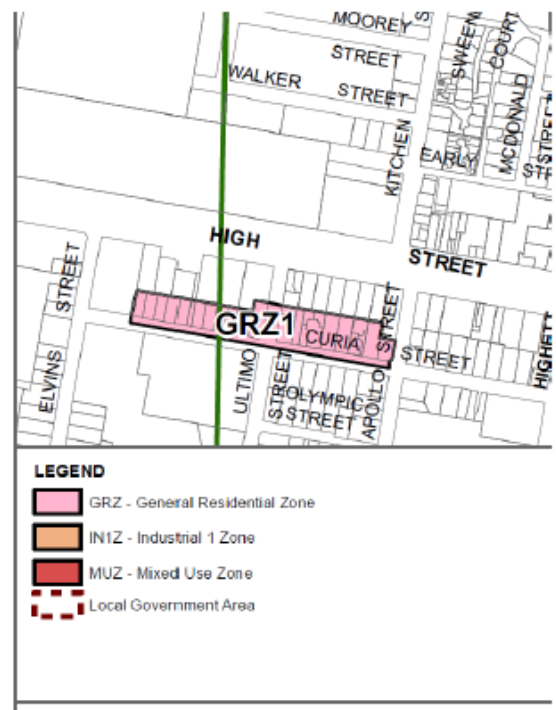


Figure 2 Correct

Council advised the landowner of the exhibition anomaly on 24 November 2021, noting that when the amendment is reported to Council for consideration, it will be

recommended that the correct map be Council's adopted position, rezoning the land to General Residential 1 to maintain and reinforce the residential use along Curia Street and lower the intensity of activity and development along this street. Ratio Consultants on behalf of 140 High Street Pty Ltd objected to this position; **see discussion and recommendations for submission 3.13** above.

- The intention to rezone 2-4 Station Street from Commercial 1 to General Residential 1 is to reinforce and fully implement the strategic position of the adopted strategy to direct commercial use and development away from this western end of Curia Street, as exhibited under C51 through the proposed rezoning of 19 – 55 Curia Street from Commercial 1 to General Residential 1. This strategic position and proposed rezoning will reinforce the main commercial area of the Mansfield town centre and avoid incursion of commercial uses into an established residential area, and should continue to be supported.

Recommendations:

- Amend the exhibited amendment to rezone 2 - 4 Station Street from Commercial 1 to General Residential 1.
- Consider this requested Council change under Part 2 of C51, referring the request to independent panel for consideration.