

**AMENDMENT C48, MANSFIELD PLANNING SCHEME
SUMMARY OF SUBMISSIONS**

1. AGENCY SUBMISSIONS:

1.1 DELWP:

Land: General submission.

Submission summary:

- Supports amendment.

Discussion:

- Amendment support noted.

Recommendation:

- Note submission.

1.2 Goulburn Valley Water:

Land: General submission.

Submission summary:

- No objection to amendment.

Discussion:

- Amendment support noted.

Recommendation:

- Note submission.

1.3 AusNet:

Land: General submission.

Submission summary:

- AusNet land at 3540 Maroondah Highway, Mansfield is zoned General Residential Zone 1. Seeks rezoning of this substation land to Special Use Zone under C48.

Discussion:

- C48 does not propose any rezoning of land. While it sound practice to zone land in accordance with its primary use, this amendment does not provide this opportunity to rezone land at this stage. This matter is best considered as part of a separate and relevant planning scheme amendment, for example a future anomaly amendment to rezone the land to Public Use.

Recommendation:

- Note submission.
- Discuss options with GVW to rezone the land as part of a separate planning scheme amendment to reflect its public use.

2. COMMUNITY ORGANISATION SUBMISSIONS:

2.1 Mansfield Cultural Heritage and Arts Centre Inc.:

Land: General submission.

Submission summary:

- General endorsement.
- DDO title: Schedules 1 and 2 to the DDO should be revised to be titled 'Alpine approaches and township gateways'.
- Request:
 - Building height: Retain previous height limit of 6 metres, at least where current DDO1 applies (mostly Commercial 1 Zone on western approach);
 - Signage: Retain current DDO 1 signage control to retain current status quo and avoid confusion;
 - Setbacks: Revise setback controls from setbacks not being reduced when land is opposite a township approach within a residential zone to be 'within a residential zone, is public land or within a Heritage Overlay';
 - Building siting: Revise building siting controls from buildings oriented to be parallel with the township approach to be 'parallel with and facing the township approach'.

Discussion:

- DDO title: The existing DDO1 title is 'Alpine approaches and township gateways'. As the proposed DDO1 and 2 areas are both Alpine approaches and township gateways, it is appropriate to retain this title in both the DDO1 and 2.
- Building height: While the current DDO has a height limit of 6 metres, which differ from the revised exhibited DDO1 (building heights to respond to the scale of existing development along the township approach within a residential area) and DDO2 (building heights to not exceed 9 metres above natural ground level unless a taller built form is required for the purpose of the industry or business and it will have a minimal visual impact on views from the township approach and views to and from significant landscapes). The adopted study moves away from a prescribed minimum of 6 metres to a more merit and performance based approach to height in residential areas in the exhibited DDO1. This new approach is considered satisfactory to address building height and form, assisted by the design objectives and decision guidelines for the sections of the approaches where the DDO1 is proposed to apply.
- Signage: The existing DDO 1 includes a range of criteria for signage, being not to dominate or compromise the existing landscape, not being internally illuminated, not being a reflective sign, not exceeding a height of 5 metres above ground level and not being located between a building line setback and a front boundary. Both the exhibited DDO1 and DDO2 do not include signage controls. While Clause 52.05 (Signs) includes considerations for signage that area included in the present DDO1, it does allow for additional signage controls to apply in an overlay in addition to controls for category 3 (high amenity areas, medium limitation) for the General Residential 1 Zone (ie exhibited DDO1 area) and category 1 (minimum limitation) for the Commercial 1 Zone (ie exhibited DDO2

area). The existing signage provisions under the DDO 1 are sound, will protect highway amenity and should be added to both the exhibited DDO 1 and 2.

- **Setbacks:** Exhibited setback controls in the DDO 1 and 2 only provide for no reduction in setbacks under the DDO2 when land is opposite a township approach within a residential zone. This inability to reduce setbacks has been proposed to protect amenity of opposite residential areas. Setbacks may still be considered on their merits on land opposite public land or within a Heritage Overlay, with an inability to reduce setbacks only appropriate for a residential zone.
- **Building siting:** Both the exhibited DDO 1 and 2 propose that buildings should be orientated so that the building frontage is parallel with the township approach. The submission suggestion to add that buildings also face the township approach is sound as it will provide a building frontage that will orient and be in character with the road / township approach. There may be a limited number of valid exceptions to this design principle however, for example when a residential property has dual frontage to both a main approach road and a residential road and a dwelling is required to face the residential road. In these limited cases, buildings should be designed to provide dual frontages, ie a main frontage and a secondary frontage at the rear, with associated facilities (sheds, lines, etc) being located within side boundaries.

Recommendations:

- Note submission, agreeing in part.
- **DDO title:** In the titles of both the DDO 1 and 2, replace reference to 'Mansfield Township Approach', with 'Alpine approaches and township gateways'.
- **Building height:** No change in exhibited C48.
- **Signage:** Amend exhibited C48 to add existing DDO1 signage provisions to both the exhibited DDO1 and DDO2.
- **Setbacks:** No change in exhibited C48.
- **Building siting:** Amend exhibited C48 to add in DDO 1 and DDO2 schedules that building frontages be 'parallel with and facing the township approach' but providing an exception for buildings on land, in which case, dual frontage design be provided for to both the township approach and other access street.

2.2 Arts Mansfield:

Land: General submission.

Submission summary:

- Support C48 to protect the natural environment, heritage, character and amenity.

Discussion:

- Support noted.

Recommendations:

- Note submission.
- No change required to the exhibited Amendment C48.

2.3 Mansfield Matters Group:

Land: General submission.

Submission summary:

- C48 is an opportunity to enhance development of gateways in an orderly manner and further intent as a well paned, welcoming, functional and aesthetic township arrival / departure experience.
- Building height: Retain previous height limit of 6 metres, with no ability to vary this height in the Maroondah Highway entrance (whether for commercial or industrial developments). Other gateways entrances should be restricted to 6 metre heights for commercial developments, with industrial developments that require 9 metres heights focused away from highway entrances.
- Frontages: All frontages to major approach roads must have active major entrance and visual focus, whether commercial or industrial, with no ability for permit waiver.
- Setbacks: Setbacks from front, rear and side boundaries should be specified, with no ability for permit waivers. Side boundary setbacks for buildings less than 30 metres in width should be a minimum of 2 metres, with no ability for permit waiver.
- Signage:
 - Signage plans should be submitted with development proposals, providing a holistic picture of development.
 - Land in DDO 1 should be category 4 'sensitive areas'.
 - Reinstate current DDO1 controls for signage.

Discussion:

- Building height: While the current DDO has a height limit of 6 metres, which differ from the revised exhibited DDO1 (building heights to respond to the scale of existing development along the township approach within a residential area) and DDO2 (building heights to not exceed 9 metres above natural ground level unless a taller built form is required for the purpose of the industry or business and it will have a minimal visual impact on views from the township approach and views to and from significant landscapes). The adopted study moves away from a prescribed minimum of 6 metres to a more merit and performance based approach to height in residential areas in the exhibited DDO1. This new approach is considered satisfactory to address building height and form, assisted by the design objectives and decision guidelines for the sections of the approaches where the DDO1 is proposed to apply.
- Frontages: Both the exhibited DDO 1 and 2 propose that buildings should be orientated so that the building frontage is parallel with the township approach. The submission suggestion that all frontages to major approach roads have active major entrance and visual focus, whether commercial or industrial, is sound as it will provide a building frontage that will orient and be in character with the road / township approach. As there may be unusual exceptions to this standards approach, the suggestion to make this approach mandatory is not supported. It is considered that this urban design principle may be satisfactorily achieved through discretion exercised through applications for planning permit.

- **Setbacks:** The exhibited C48 includes building setback controls for the DDO1 (building setbacks to be consistent with the predominant front setback of the street or at least 6 metres from the township approach and a minimum 3 metre side setback for landscaping for development with a side interface with a township approach) and the DDO2 (setbacks to be consistent with the predominant setback along the township approach or at least 6 metres, a minimum 3 metres from both side boundaries for buildings with a width of greater than 30 metres and 4 metres for landscaping) with an inability to vary these requirements through a planning permit. These proposed controls are a semi- performance based approach to setbacks based on the predominant character of the area. As no specific setbacks have been determined through the adopted study, it is not possible to now prescribe additional setbacks that would be arbitrary and work against the merits based approach taken to date.
- **Signage:** While Clause 43.02-4 (Signs) in the DDO note that sign requirements are at Clause 52.05 (Signs) unless specified in an overlay schedule, this ability to vary signage requirements would only be allowable for development issues (as the DDO is only a development control, not a use control), not use. The applicable zone specifies what category signage under Clause 52.05 applies to that particular zone, which is category 1 (minimum limitation) for the Commercial 1 Zone and category 3 (high amenity areas, medium limitation) for the General Residential 1 Zone. There is no ability under the DDO to override zone provisions and require that category 4 (sensitive areas, maximum limitation) apply to any site zoned Commercial 1 Zone to which the DDO1 applies.

Recommendations:

- Note submission, agreeing in part.
- **Building height:** No change in exhibited C48.
- **Frontages:** No change in exhibited C48.
- **Setbacks:** No change in exhibited C48.
- **Signage:** Amend exhibited C48 to add existing DDO1 signage provisions to both the exhibited DDO1 and DDO2.

2.4 Mansfield Historic Society:

Land: General submission.

Submission summary:

- C48 will help protect the station precinct and other township approaches.
- Any new development near the station precinct and the alpine approach need to be consistent with the heritage values of the precinct, particularly setbacks, built form and signage.

Discussion:

- General support noted.
- The exhibited DDO2, which has been proposed to apply to the station precinct, has sufficient controls, guidance and decision guidelines to satisfactorily address and protect the heritage values of the station precinct and environs.

Recommendations:

- Note submission.
- No change required to the exhibited Amendment C48.

3. PRIVATE SUBMISSIONS:

3.1 Submitter: Private submitter

Land: General submission

Submission summary:

- C48 content:
 - Addition of new Clause 21.09 an important addition.
 - DDO1 also important, protecting sensitive alpine approach, complementing previous 1980's work.
 - Recommend 'alpine approach' be retained in DDO1 title to be 'Alpine approaches and township gateways'.
 - Appears DDO2 does not include some current protections under DDO1 for issues such as single storey, a maximum of 6 metres height, character, signage, setbacks, disability access and signage.
- Signage: Recommend all signage in township approaches in DDO1 be category 4 'sensitive areas' as these areas are all sensitive urban land.

Discussion:

- General background and support for protection noted.
- DDO title: The existing DDO1 title is 'Alpine approaches and township gateways'. As the proposed DDO1 and 2 areas are both Alpine approaches and township gateways, it is appropriate to retain this title in both the DDO1 and 2.
- DDO2 content: The current DDO1 has been further refined through the adopted study and exhibited C48 to provide differences in approach for residential type areas under the DDO1 and commercial and industrial areas under the DDO2. With a more commercial and industrial emphasis, the DDO2 has obvious differences with the existing DDO1 but is considered to have sufficient design criteria to adequately address and integrate the issues raised in the submission. Building heights are discussed in detail in other submissions, with the DDO2 having a maximum height limit of 9 metres due to the nature of development envisaged in the DDO2 area.
- Signage: While Clause 43.02-4 (Signs) in the DDO note that sign requirements are at Clause 52.05 (Signs) unless specified in an overlay schedule, this ability to vary signage requirements would only be allowable for development issues (as the DDO is only a development control, not a use control), not use. The applicable zone specifies what category signage under Clause 52.05 applies to that particular zone, which is category 1 (minimum limitation) for the Commercial 1 Zone and category 3 (high amenity areas, medium limitation) for the General Residential 1 Zone. There is no ability under the DDO to override zone provisions and require that category 4 (sensitive areas, maximum limitation) apply to any site zoned Commercial 1 Zone to which the DDO1 applies.

Recommendations:

- Note submission, agreeing in part.
- DDO title: In the titles of both the DDO 1 and 2, replace reference to 'Mansfield Township Approach', with 'Alpine approaches and township gateways'.
- DDO2 content: No change in exhibited C48.
- Signage: No change in exhibited C48.

3.2 Submitter: Private submitter

Land: General submission

Submission summary:

- General support.
- DDO2 content: DDO2 addresses long strip of Commercial 1 Zone but loses some of the current DDO1 controls, such as building heights, which is confusing.
- Building height: Retain previous height limit of 6 metres, with no ability to vary this height. Industrial developments that require 9 metres heights focused away from gateway entrances.
- Frontages: All frontages to major approach roads must be the active major entrance and visual focus of a development enterprise whether commercial or industrial.
- Building form: Roof lines should be constructed with a minimum pitch of 7° and a preferred pitch of 45° to enhance existing rhythm of the streetscape. Support the DDO2 proposal for roof mounted infrastructure to be screened from all adjoining streets.
- Setbacks: Setbacks should be specified, with no ability for permit waivers. Side boundary setbacks for buildings less than 30 metres in width should be a minimum of 2 metres, with no ability for permit waiver.
- Signage: Support signage plans meeting zoning specifications and to be submitted as part of a development plan.

Discussion:

- DDO2 content: The current DDO1 has been further refined through the adopted study and exhibited C48 to provide differences in approach for residential type areas under the DDO1 and commercial and industrial areas under the DDO2. With a more commercial and industrial emphasis, the DDO2 has obvious differences with the existing DDO1 but is considered to have sufficient design criteria to adequately address and integrate the issues raised in the submission. Building heights are discussed in detail in other submissions, with the DDO2 having a maximum height limit of 9 metres due to the nature of development envisaged in the DDO2 area.
- Building height: While the current DDO has a height limit of 6 metres, which differ from the revised exhibited DDO1 (building heights to respond to the scale of existing development along the township approach within a residential area) and DDO2 (building heights to not exceed 9 metres above natural ground level unless a taller built form is required for the purpose of the industry or business and it will have a minimal visual impact on views from the township approach and views to and from significant landscapes). The adopted study moves away from a prescribed minimum of 6 metres to a more merit and performance based approach to height in residential areas in the exhibited DDO1. This new approach is considered satisfactory to address building height and form, assisted by the design objectives and decision guidelines for the sections of the approaches where the DDO1 is proposed to apply.
- Frontages: Both the exhibited DDO 1 and 2 propose that buildings should be orientated so that the building frontage is parallel with the township approach. The

submission suggestion that all frontages to major approach roads have active major entrance and visual focus, whether commercial or industrial, is sound as it will provide a building frontage that will orient and be in character with the road / township approach. As there may be unusual exceptions to this standards approach, the suggestion to make this approach mandatory is not supported. It is considered that this urban design principle may be satisfactorily achieved through discretion exercised through applications for planning permit.

- **Building form:** Although only the proposed DDO1 proposes a minimum roof pitch of 7°, both the proposed DDO1 and 2 have performance criteria for roofing design and materials. The submission is requesting a very prescriptive approach to roofing that has not been assessed or justified in the adopted study. All buildings in the DDO1 and 2 will require planning permits. It is considered that the proposed DDO1 and 2 can adequately address merit based design through permit proposals.
- **Setbacks:** The exhibited C48 includes building setback controls for the DDO1 (building setbacks to be consistent with the predominant front setback of the street or at least 6 metres from the township approach and a minimum 3 metre side setback for landscaping for development with a side interface with a township approach) and the DDO2 (setbacks to be consistent with the predominant setback along the township approach or at least 6 metres, a minimum 3 metres from both side boundaries for buildings with a width of greater than 30 metres and 4 metres for landscaping) with an inability to vary these requirements through a planning permit. These proposed controls are a semi- performance based approach to setbacks based on the predominant character of the area. As no specific setbacks have been determined through the adopted study, it is not possible to now prescribe additional setbacks that would be arbitrary and work against the merits based approach taken to date.
- **Signage:** Noted. Plans submitted with applications will enable an integrated approach to proposed on-site development.

Recommendations:

- Note submission, agreeing in part.
- **DDO2 content:** No change in exhibited C48.
- **Building height:** No change in exhibited C48.
- **Frontages:** No change in exhibited C48.
- **Building form:** No change in exhibited C48
- **Setbacks:** No change in exhibited C48.

3.3 Submitter: Private submitter

Land: General submission

Submission summary:

- General support for C48 to value history, culture and natural assets.
- C48 content:
 - Explanatory report notes creation of a 'European feel as visitors enter town'.
 - Recommend 'alpine approach' be retained in DDO1 title to be 'Alpine approaches and township gateways'.
- Signage: Recommend all signage controls for township approaches in DDO1 be retained as they are important.

Discussion:

- General support noted.
- DDO title: The existing DDO1 title is 'Alpine approaches and township gateways'. As the proposed DDO1 and 2 areas are both Alpine approaches and township gateways, it is appropriate to retain this title in both the DDO1 and 2.
- Signage: The existing DDO 1 includes a range of criteria for signage, being not to dominate or compromise the existing landscape, not being internally illuminated, not being a reflective sign, not exceeding a height of 5 metres above ground level and not being located between a building line setback and a front boundary. Both the exhibited DDO1 and DDO2 do not include signage controls. While Clause 52.05 (Signs) includes considerations for signage that area included in the present DDO1, it does allow for additional signage controls to apply in an overlay in addition to controls for category 3 (high amenity areas, medium limitation) for the General Residential 1 Zone (ie exhibited DDO1 area) and category 1 (minimum limitation) for the Commercial 1 Zone (ie exhibited DDO2 area). The existing signage provisions under the DDO 1 are sound, will protect highway amenity and should be added to both the exhibited DDO 1 and 2.

Recommendations:

- DDO title: In the titles of both the DDO 1 and 2, replace reference to 'Mansfield Township Approach', with 'Alpine approaches and township gateways'.
- Signage: Amend exhibited C48 to add existing DDO1 signage provisions to both the exhibited DDO1 and DDO2.

3.4 Submitter: Private landowner

Land: 9 Oaksford Drive, Mansfield

Current Mansfield Planning Scheme:

Zoning: Low Density Residential

Overlays: Development Plan 2

Exhibited Amendment C48:

Zoning: No change

Overlays: DDO1

Submission summary:

- Object to application of DDO1 to 9 Oaksford Drive as the land is zoned Low Density Residential with no direct access to Mansfield – Whitfield Road.
- Proposal for development to be parallel to the town approach is incorrect as in this case, development should be oriented to Oaksford Drive, the main street frontage.
- Proposed requirements are not appropriate for a residential dwelling.

Discussion:

- The land has frontage to both Oaksford Drive to the east and Mansfield – Whitfield Road to the west. The land is the northern most site for which the DDO1 is proposed in this corridor. While it not considered appropriate to remove the proposed DDO1 from the property, it is appropriate to amend proposed provisions to address issues raised in this submission.
- The submission correctly notes that any requirement for development to be parallel to the town approach is incorrect and that development should be oriented to Oaksford Drive as the main street frontage.
- Given that the land forms part of an establishing residential area, DDO1 provisions should be amended to cater for these situations where it is more appropriate and safer from an access and traffic management perspective to have frontage to a residential street rather than a main road.
- Both the exhibited DDO 1 and 2 propose that buildings should be orientated so that the building frontage is parallel with the township approach. There may be a limited number of valid exceptions to this design principle however, for example in this case when a residential property has dual frontage to both a main approach road and a residential road and a dwelling is required to face the residential road. In these limited cases, buildings should be designed to provide dual frontages, ie a main frontage and a secondary frontage at the rear, with associated facilities (sheds, lines, etc) being located within side boundaries.

Recommendations:

- Note submission, agreeing in part.
- Amend exhibited C48 to add in DDO 1 and DDO2 schedules that building frontages be 'parallel with and facing the township approach' but providing an exception for buildings on

land, in which case, dual frontage design be provided for to both the township approach and other access street.

3.5 Submitter: Ratio on behalf of a private landowner

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

Current Mansfield Planning Scheme:

Zoning: Commercial 1

Overlays: DDO1

Exhibited Amendment C48:

Zoning: No change

Overlays: DDO2

Submission summary:

- Generally support more guidance for built form and landscape character.
- Setbacks: Support proposed setback controls.
- Building height: Support proposed revised height limit of 6 metres for DDO1 and 9 metres for DDO2.
- Building form: Support proposed mix of materials consistent with the natural environment.
- C48 content:
 - Some DDO2 content is unjustified and inappropriate.
 - DDO2 decision guidelines incorrectly refer to use considerations, egs are reference to a range of land uses, drive thru facilities not being visible from the township approach and car parking reduction being referred to (that is dealt with under Clause 52.06).
 - Concerns in relation to application P062/21 for convenience restaurant. As a 'convenience restaurant' is an as-of-right use, disallowing 'drive thru' facilities from locating at the site frontage cannot be provided for under the DDO2 (a development control only) and lacks urban design rationale.
 - The DDO2 is too prescriptive (examples given). The proposed DDO2 car parking controls is at odds with the existing DDO1 which allows car parking at the frontage.

Discussion:

- General support: Noted.
- Setbacks: The submission supports proposed building setback controls in C48 for the DDO1 (building setbacks to be consistent with the predominant front setback of the street or at least 6 metres from the township approach and a minimum 3 metre side setback for landscaping for development with a side interface with a township approach) and the DDO2 (setbacks to be consistent with the predominant setback along the township approach or at least 6 metres, a minimum 3 metres from both side boundaries for buildings with a width of greater than 30 metres and 4 metres for landscaping).
- Building height: The submission supports proposed building height controls in C48 for the DDO1 (building heights to respond to the scale of existing development along the township approach within a residential area) and the DDO2 (building heights to not exceed 9 metres

above natural ground level unless a taller built form is required for the purpose of the industry or business and it will have a minimal visual impact on views from the township approach and views to and from significant landscapes).

- Building form: The submissions supports the proposed controls for colours, materials, and finishes in the proposed DDO1 and DDO2.
- C48 content:
 - More detail is required to ascertain the extent of unjustified, inappropriate and overly prescriptive DDO2 that is asserted in the submission. Further discussion of this detail is required to enable Council to form a view on potential changes to the proposed DDO2 and the position it will take on this part of the submission to a panel hearing.
 - The deletion of any reference to the 'use' of land in the exhibited DDO2 is supported as the DDO is a 'development' control only. Further drafting of the schedule is required, to be discussed with the submitter and presented to panel for consideration.

Recommendations:

- Note submission, agreeing in part.
- Setbacks: No change in exhibited C48.
- Building height: No change in exhibited C48.
- Building form: No change in exhibited C48
- DDO2 content:
 - Amend exhibited DDO2 to delete reference to the 'use' of land, with a redraft to be presented to panel following discussions with the submitter.
 - Consider minor redrafting of the DDO2 to remove unjustified and over-prescriptive content, with a redraft to be presented to panel following discussions with the submitter.

3.6 Submitter: Private landowner

Land: Highett Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Part General Residential 1, part Urban Floodway

Overlays: Development Plan 1, Land Subject to Inundation

Exhibited Amendment C48:

Zoning: No change

Overlays: DDO1 and 2

Submission summary:

- Land has significant historic and cultural value as open green space in a Mansfield approach.
- Rates: Concerned with potential rate rises, seeking confirmation that rates will not increase as a result of this amendment.

Discussion:

- Rates: As this amendment is not rezoning land that could trigger further development, and is simply guiding the design and siting of any future development, the amendment will not have any effect on the rating of the property. This issue has been discussed with the submitter. Rates are not a valid planning issue to consider in planning scheme amendments of applications for planning permit.

Recommendation:

- No change to exhibited C48.

3.7 Submitter: Private landowner

Land: 173-177 High Street, Mansfield

Current Mansfield Planning Scheme:

Zoning: Public Park and Recreation Zone

Overlays: Heritage Overlay Schedule19 and 31

Exhibited Amendment C48:

Zoning: No change

Overlays: DDO2

Submission summary:

- General endorsement
- Land has significant historic structures on site
- Planning controls Concerned that proposed DDO2 will not provide same protection of historical structures as current DDO.

Discussion:

- The subject land is not currently under a DDO. The proposed DDO will be in place in addition to the existing heritage controls.

Recommendation:

- No change to exhibited C48.