

21 November 2025

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Mansfield Shire Council

*Submitted via email*

**Planning Permit No. P164/17**  
**140 High Street, Mansfield VIC 3722**  
**Section 72 Amendment**

Dear Nicole,

We continue to act on behalf of *140 High Street Pty Ltd*, the landowner and permit holder in relation to the above matter.

Following the pre-application meeting held with Melissa Crane and yourself on 29 October 2025, we confirm our client seeks approval from Council under section 72 of the Planning and Environment Act 1987 (the Act) to make changes to the approved service station. Generally, the amendments seek the introduction of a shop and (ancillary) laser car wash facility to the rear of the subject site to enhance the service offering to the community in a site responsive manner that enhances the commercial capacity of the approved service station.

Planning Permit No. P164/17 ("the permit") was issued on 30 July 2018 and allows planning permission for a service station at 140 High Street, Mansfield ("the subject site"), as below:

*"Use and development of the land for a service station; display of business identification signage; and creation of access to a Road Zone Category 1"*

The plans were amended on 9 November 2022 as part of a secondary consent application and more recently on 22 January 2025, again under secondary consent.

The development has commenced and progression of site works is well underway. Following the most recent time extension of the permit as granted by VCAT (*140 High Street Pty Ltd v Mansfield SC* [2025] VCAT 2), at present the expiry conditions of the permit require the development to be completed by 29 June 2027.

This letter outlines that further changes are sought to the permit and associated endorsed plans pursuant to section 72 of the Planning and Environment Act 1987 (the Act).

## Supporting Information

To assist the Council in its consideration of the application we are pleased to enclose the following information:

- A completed amendment application form;
- A copy of Planning Permit No. P164/17;
- Revised plans prepared by DCA Design, Revision C, dated 29 September 2025;
- Acoustic report prepared by Marshall Day Acoustics, dated 21 November 2025;
- Traffic Impact Assessment prepared by O'Brien Traffic, dated 20 November 2025;
- A planning submission assessing relevant secondary consent matters (this letter).

The requisite amendment fee will be paid upon receipt of an invoice from Council.

## Summary of Amendments

Our client is seeking to make changes to the permit and endorsed plans pursuant to section 72 of the Act.

### Amendments to endorsed plans

As highlighted (using clouds) on the accompanying plans prepared by DCA Design (extracted in the **comparison overleaf**), the key changes include:

- The addition of a new building at the rear within the southeastern corner of the site (currently a vacant, gravel area per the endorsed plans) as part of the currently approved service station, comprising an integrated shop and car wash.
- The new shop (marked as 'retail 2') space has an area of 140 sqm. The shop will be managed in conjunction with service station operator however may function separately and independently in relation to the sale of goods and services from the services station shop (marked as 'retail 1'). The shop (retail 2) will to a large degree service customers already attending the site, and complement the offering to the community by stocking local produce, food and beverage and thus celebrating and supporting the local community and economy with particular focus on the 'cottage industry'.
- The new laser car wash area has an area of 44sqm is attached to the east of the shop (retail 2), with associated driveway traversing to the rear of the new building. The min. 4.5m wide landscape buffer on the south boundary is unchanged. The car wash facility will function as an ancillary component to the service station.
- There will be six additional car parking spaces to the frontage (north) of the shop (retail 2), including one DDA space. The amendment will increase the total parking provision on-site from 13 to 19 spaces (including three accessible parking spaces).
- Relocate loading bay slightly at the rear.

For ease of reference all proposed changes proposed are clearly identified by 'red clouding' on the accompanying amended architectural plans prepared by *DCA Design* (Revision C).

Figure 1: Endorsed site plan

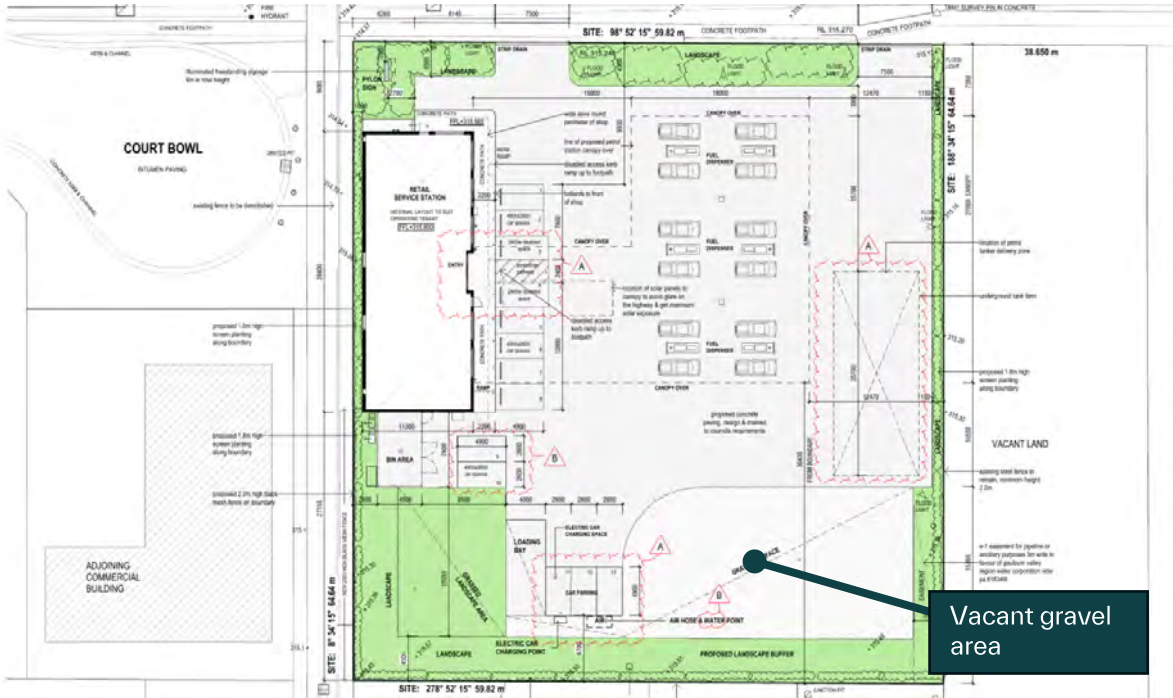
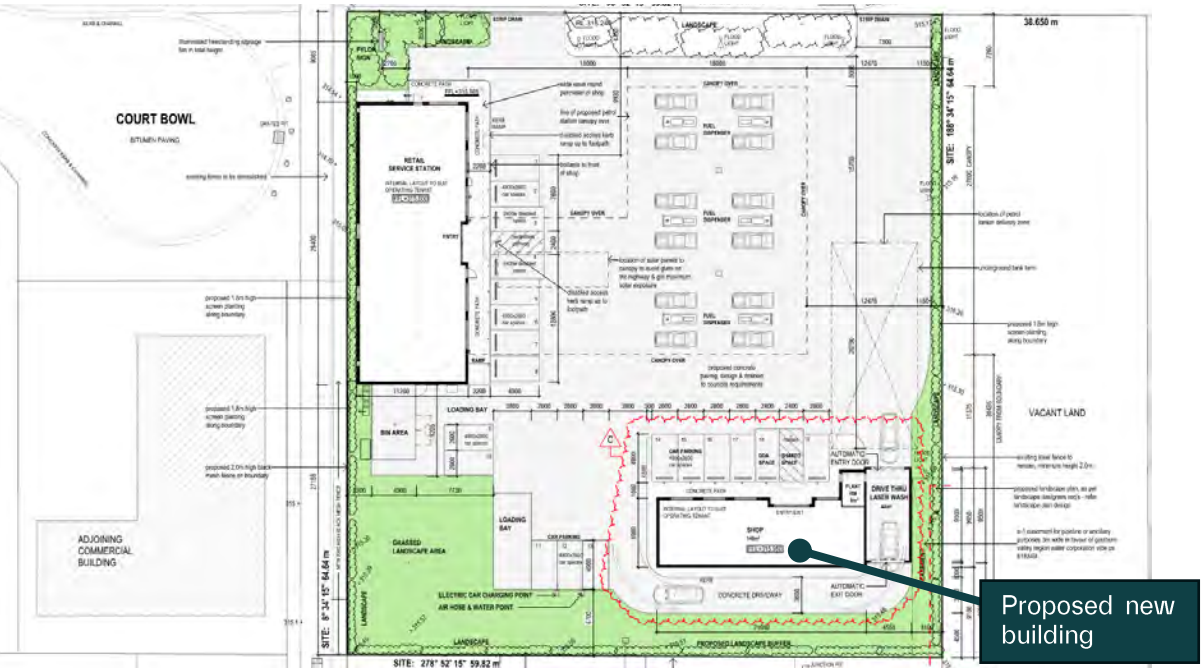


Figure 2: Proposed revised site plan



## Amendments to permit conditions

The proposed shop (retail 2) is proposed as a standalone use, although is intended to be managed in conjunction with the service station operator. As the use is 'as of right' (section 1) under the Commercial 1 Zone, the preamble of the permit does not require amendment.

It is proposed to extend the operating hours of the services station to 24 hours, 7 days. As a result, this application also seeks the amendment of the following permit condition (with track changes added):

21. The use for a service station may **only** operate ~~between the hours of 6am to 12midnight~~ 24 hours a day, 7 days a week.

This is to enable the incoming tenant to meet the demands of the local market, such as tradespeople who often leave the Mansfield township prior to 6am, hence are unable to refuel on-site.

Importantly, this does not result in any undue impact on adjoining sites in terms of amenity, by way of noise (as outlined in detail by the accompanying acoustic report), traffic (refer enclosed traffic impact assessment) or otherwise.

## **Planning Considerations**

### Overview

The amendment which seeks the introduction of a shop and (ancillary) laser car wash facility to the approved (and now partly constructed) service station is responsive to the sites strategic and physical context and will give effect to the purposes of Commercial 1 Zone, the DDO1 and relevant planning policy. There have been no relevant/consequential changes in the Mansfield Planning Scheme (the Scheme) since the planning permit was issued.

The potential for off-site amenity impacts arising from the additional uses at the rear will be limited and / or further managed, where practical. In recognition of the commercial zoning of the subject site, the proposal aligns with the purposes of the zone without resulting in undue noise and amenity impacts, especially noting the residential neighbours to the south are also zoned Commercial 1.

We defer to the accompanying acoustic report which provides a comprehensive assessment that lends support for the amendments, subject to various noise mitigation measures. The recommendations of the noise report are adopted by the Applicant as appropriate, and can otherwise be implemented via permit conditions, as deemed necessary by Council.

The proposed changes to the endorsed plans maintain the currently approved 'service station' but will broaden the services offered with the addition of a laser car wash facility as well as a relatively small, bespoke shop. The shop will be a separate, standalone retail space however will be managed in connection with it's the future service station tenant, who will occupy/lease the entirety of the site.

The proposed changes are of minimal consequence to the character and amenity of the area, particularly when assessed in light of the site layout and design of the currently approved service station.

Overall, the changes proposed are confined to the southeast rear corner of the lot and therefore will not result in a significant difference to the appearance of the development as viewed from the streetscape, given the significant setback from the front (northern) boundary to the proposed new car wash/retail building.

The proposed changes do not impact the scale and configuration of the approved service station and the provision of car spaces and internal access/egress arrangements have been carefully considered and subsequently supported by the transport engineering experts at O'Brien Traffic (OBT).

#### Suitability of Land Uses

With reference to Amendment VC148 that was approved on 31 July 2018 (the day after the permit was granted), this deleted particular provisions for Service Station at clause 52.12, which the Explanatory Report indicates was done to “*simplify and modernise Victoria’s planning policy and rules to make planning more efficient, accessible and transparent*”. In turn, the removal of clause 52.12 results in less prescriptive controls for service stations.

For clarity, the definition of ‘service station’ as included at Clause 73.03 (Land use terms) is reproduced below.

*Land used to sell motor vehicle fuel from bowsers or charge electric vehicles. It may include the:*

- a) selling of motor vehicle lubricants, accessories or parts;*
- b) **selling of food, drinks and other convenience goods;***
- c) hiring of trailers;*
- d) servicing or **washing of motor vehicles;** and*
- e) installing of motor vehicle accessories or parts.*

Importantly, it is noted that the sale of food and/or drinks in addition to the washing of motor vehicles (as included within the amended proposal) is inherently linked to the overall use of the site as a service station which has been previously approved under the permit.

The new laser car wash facility is deemed an ‘ancillary’ component to the service station as permitted, on the basis that it will falls within the definition of the service station which encompasses “*washing of motor vehicles*”, that it will be managed in conjunction with the primary service station operator, that it will largely service customers of the site, and that it is of modest scale and intensity.

In this instance, the currently approved building to the western side of the site (under construction) which is labelled as ‘retail 1’ comprises the “*selling of food, drinks and other convenience goods*”.

Under this amendment application, however, although the new shop (marked as ‘retail 2’) is intended to be used and managed in conjunction with overall service station operator

and to a degree will service customers already attending the site for the service station, it is a standalone building with separate car parking allocation, and also has potential to function independently from the sale of “*food, drinks and other convenience goods*” as allowed within the services station shop (marked as ‘retail service station’). Therefore, for the purpose of this amendment application, the new shop (marked as ‘retail 2’) is not deemed to be an ‘ancillary’ use. The use is “as of right” (section 1) under the zoning and the statutory car parking requirement is met per Clause 52.06.

It is envisaged the additional shop will complement the overall offering of the service station to the community by stocking local produce, food and beverage and thus celebrating and supporting the local community with particular regard to the cottage industry of the high country.

However, we acknowledge that Clause 34.01-2 within the C1Z calls for (inter alia) the consideration of the:

- *Emission of **noise**, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Importantly, we highlight that extensive input has been provided by Marshall Day Acoustics (MDA) from the inception of the amendments to this project, and defer to the **acoustic report enclosed** as part of the application, which outlines compliance with the relevant acoustic considerations and EPA legislation.

MDA have found (per Section 6 of the report) that the proposed amended development is expected to meet the relevant Victorian EPA legislation at all nearby receivers, and the sleep disturbance targets at most nearby receivers, subject to the recommendations provided.

These recommendations include new 3m high screening to parts of the southern and eastern boundaries (see Appendix G of the MDA report), though we note the inclusion of these may result in platforms for graffiti. With this in mind, MDA have concluded that even without these barriers, the outcome would **not appreciably alter the character of the area in relation to sleep disturbance**. As such, we leave it to the Council’s discretion as to whether these barriers are required, which could form the basis of a permit condition if deemed required.

Consistent with the primary purposes of the zoning “*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*”, the revised proposal will contribute positively to the site and the locality by making more efficient of this commercial site. This will increase the capacity of the site to function in particular during evening and night time periods (as proposed via 24 hour trading for the service station) so as to enhance the vitality and activities of the commercially zoned land in a central location of the Shire, along its most prominent entry/exit passage.

For reasons set out in this submission, these strategic land use outcomes will be achieved whilst having minimal adverse consequences in respect of amenity impacts, noise and car parking.

An assessment against the decision guidelines of the C1Z provision is included in the table below.

Table 1: Assessment against the decision guidelines of the commercial 1 zone

Decision Guideline	Response
<p><i>The effect that existing uses may have on the proposed use.</i></p>	<p>There are residential uses existing to the immediate southern context, noting that they are also within the C1Z. While any proposal for a new use or intensification of an approved use on the subject land should have regard to sensitive uses, it should be noted that the surrounding context including the residential properties to the sides and rear are (like the subject site) within the commercial 1 zone.</p> <p>It is generally agreed upon in planning ‘first principles’ and well established case law that residential uses within or adjacent to commercially zoned land are not afforded the same standard of amenity protection as residential addresses in hinterland areas distant from commercial zones.</p> <p>These contextual factors are certainly at play in the case here.</p> <p>That notwithstanding, careful consideration has been given to these residential addresses in addition to those in the broader surrounds. Engagement with Marshall Day acoustic engineers finds that the revised design of the already approved service station use will not result in any undue impacts upon the amenity of the surrounding area by way of noise, subject to meeting their recommendations and parameters recommended. Please refer to the accompanying acoustic report for further details of this, which have been adopted and are reflected in the particulars and material that accompany the application.</p>
<p><i>The drainage of the land.</i></p>	<p>This is <b>not applicable</b> as the site is not subject to any overlay or other control that regulates flooding (such as a Special Building Overlay, Flooding Overlay or other).</p> <p>We note that Council has conducted revised local flood mapping, though we are instructed that this consideration has been accounted for through the building permission phase, noting the approved development on-site is already under construction.</p>
<p><i>The availability of and connection to services.</i></p>	<p>The subject land has existing connection to services as already ensured as part of the current approval which is underway.</p>
<p><i>The effect of traffic to be generated on roads.</i></p>	<p>The proposed use will not result in any undue impacts upon the traffic network of the surrounding locality. In this regard, we highlight the accompanying Transport Impact Assessment (TIA) by O’Brien Traffic which concludes that there is no parking or traffic related grounds to refuse the amended application, based on the following key reasons:</p>

- *The proposed supply of 19 on-site car spaces will be more than adequate to meet the likely peak parking demands generated by the amended proposal;*
- *The vehicle access arrangements for the amended proposal are based on the previously approved layout and feature separate entry and exit driveways. The refined functional layout plan is attached in Appendix C;*
- *The car park access and layout arrangements meet the design standards of Clause 52.06 of the Planning Scheme and relevant Australian Standard requirements;*
- *The car wash facility is unlikely to generate a queue of arriving vehicles in excess of the queuing capacity of the site;*
- *No statutory bicycle parking requirement is triggered for the proposal;*
- *The internal site layout accommodates the movements of large fuel delivery vehicles up to 26-metre B-doubles;*
- *Delivery vehicles will be adequately accommodated on the site; and*
- *The level of additional traffic movements generated by the amended development will have negligible adverse impact on the safety and operation of the surrounding road network. For further details on this we defer to the TIA.*

*The interim use of those parts of the land not required for the proposed use.*

The endorsed and proposed amended plans account for the entirety of the site and show its efficient use and development, as improved by the revised proposal which includes a new retail/car wash building in a previously vacant space whose use may have otherwise been used for undetermined interim purposes.

The revised development, with specific regard to the proposed additional retail space will further local planning policy by contributing to a diversity of land uses within the Mansfield township which is a thoroughfare to and from the Shire's tourism hub in Mount Bulla. In doing so it will add further employment opportunities to a site host to an existing service station approval.

#### Noise management

Clause 13.05-1S (Noise management) seeks to *assist the management of noise effects on sensitive land uses*. To achieve this objective, the following strategies are outlined:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre,*

*residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

This provision also requires the following to be considered, as relevant:

- *The noise requirements in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.*

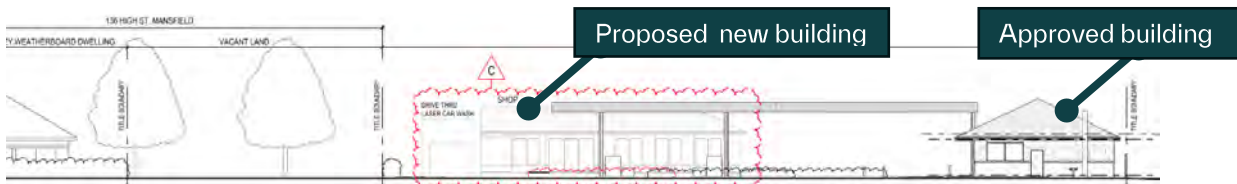
We defer to the accompanying Acoustic Report which includes an assessment against the regulations stipulated by this provision, in accordance with the Environment Protection Act 2017. In providing this assessment, it is demonstrated that the revised proposal will satisfy the above policy encouragement by ensuring that existing residential uses in the surrounding environs are not unreasonably impacted by way of noise, as such, the impact upon human health from noise exposure is adequately mitigated, subject to the recommendations outlined at (inter alia) Section 6 of the MDA report.

#### Response to Design and Development Overlay – Schedule 1 / Built form and design

In the context of the proposed changes under this application, the proposal will remain consistent with the proposed DDO1 provisions, noting:

- The placement of the building at the rear (southeast) corner of the lot ensures minimal visual impact in the streetscape context.

**Figure 3: Extract of streetscape elevation**



- the maximum building height of the new building including 5.7m to the ridgeline of the shop (retail 2) and 4.55m to the laser car wash, and therefore is compliant and not increased from the canopy height under the permit;
- the design and external finishes of the new building features selected river stone wall cladding and muted / earthy tones to other materials that will suit the desired character and be consistent with the existing approval; and
- the presentation to the streetscape of High Street (as part of the Mansfield Township Approach) is largely unchanged and would retain the same level of landscaping as approved, including maintenance of a landscaped frontage and around the perimeter boundaries adjacent to residential land to the south.

Figure 4: North elevation extract



The amended plans remain consistent with the relevant requirements and guidelines of the existing DDO1. The new retail / car wash building has been designed in a site responsive manner which continues to provide sufficient landscaping opportunities and is appropriately located within the commercially zoned approach to the Mansfield Township.

The interface conditions to the rear (residential) are largely maintained despite the insertion of the additional building, including a generous landscape buffer that extends continuously along the rear perimeter with min. dimension of 4.5m width. The amendments sought to the site layout and internal configuration will not adversely affect the width or capacity of the landscape buffer to support new tree plantings and screening plantings as shown on the endorsed landscape plan and maintained (as illustrated below).

Figure 5: Landscape buffer to rear boundary (extract of endorsed landscape plan)



### Car Parking and Traffic

The application is accompanied by a detailed Traffic Impact Assessment by O'Brien Traffic which demonstrates the amended proposal will provide for adequate car parking and satisfactory internal vehicle movement and queuing spaces associated with additional laser car wash and shop land uses.

The traffic impact assessment makes the following finding on the adequacy of parking provided:

*A Service Station is not a specified land use in Table 1 of Clause 52.06-5, in which case the supply of parking must be to the satisfaction of the responsible authority. Neither is there a parking requirement specified in Clause 52.12 (Service Station). A Car Wash is a nested land use under 'Industry' as defined in Clause 73.04 of the Planning Scheme. The Planning Scheme parking requirements for the proposed Shop and Car Wash components are summarised in [the following table].*

**Table 2: Planning Scheme parking requirements (extracted from OBT report)**

Land use	Dimension	Planning scheme parking rate	Car parking requirement
Shop	140sqm	4 per 100sqm of leasable floor area	5
Industry (car wash)	44sqm	2.9 per 100sqm of net floor area	1
<b>TOTAL:</b>			<b>6 spaces</b>

*On this basis, the proposed car wash and retail building has a Planning Scheme car parking requirement of 6 spaces, in addition to the requirement to provide car parking for the service station use to the satisfaction of the Responsible Authority. The six parking spaces, including one accessible space, proposed in front of the new retail building comply with the Planning Scheme requirements.*

Furthermore, OBT have carefully considered the arrangements for queuing in relation to the car wash area, in addition to the fuel pumps, making the following comments as included at Section 9.3.1 of their report:

*The distance from the car wash entrance to the site boundary at the access is approximately 32 m, which provides queuing space for up to four vehicles. The car wash is expected to take between three and seven minutes to complete a wash cycle, equating to a capacity of between eight and 20 vehicles per hour. A sustained arrival flow of greater than eight vehicles per hour would therefore have the potential to create a queue. The queue would only exceed four vehicles if the arrival rate of vehicles exceeded 36 vehicles per hour. At any lower arrival rate, the queue of vehicles would be contained within the four car-lengths available within the site.*

*An arrival flow of 40-60 vehicles per hour has been assumed for the combined car wash and retail shop section of the site, including vehicles that also use the service station facility. It is considered reasonable to assume that no more than half of the vehicles would be destined for the car wash. This gives an arrival rate of between 20 and 30 vehicles per hour for the car wash. Therefore, at the maximum likely wash duration, it is not considered likely that the queue of vehicles at the car wash would ever extend past the boundary of the site. Faster car wash operation would reduce the likelihood of queueing.*

*The available queuing space is therefore considered to be appropriate for the car wash.*

## Conclusion

The proposed amendments to the endorsed plans are appropriate and will not substantially affect the overall development, nor result in unreasonable impacts to the character and amenity of the area.

For the reasons outlined above, the proposed changes to the endorsed plans are considered appropriate in planning terms.

We look forward to your consideration and approval of our request at your earliest convenience. Should you have any queries, please do not hesitate to contact me on 9429 3111 or at [lewis.moore@ratio.com.au](mailto:lewis.moore@ratio.com.au).

Yours Sincerely



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