Who is the planning authority?

This amendment has been prepared by the Mansfield Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of North East Survey Design, who act for Oaksford Pty Ltd, the owner of the land.

Land affected by the Amendment

The Amendment applies to land at 264 Dead Horse Lane, Mansfield (Lot 6 on LP132754).

What the amendment does

The Amendment proposes to rezone the land at 264 Dead Horse Lane Mansfield from Low Density Residential Zone (LDRZ) to Industrial 3 Zone (IN3Z).

The Amendment:

- Inserts Clause 33.03 Industrial 3 Zone into the Mansfield Planning Scheme.
- Inserts a schedule to Clause 33.03 Industrial 3 Zone into the Mansfield Planning Scheme.
- Rezones 264 Dead Horse Lane from Low Density Residential Zone to Industrial 3 Zone.
- Amends Planning Scheme Map 12.

Strategic assessment of the Amendment

Why is the Amendment required?
The amendment is required to facilitate the development of the subject land for light industrial uses and, in doing so, provide a buffer between established land uses with potential for conflict. Currently the land is zoned Low Density Residential Zone which allows the development of new dwellings immediately adjacent to established industrial uses. The potential encroachment of residential uses can impact on the ongoing operation and expansion of legitimate industrial businesses, whilst impacting negatively on the amenity of the new residences through noise and air emissions.

The proposed Industrial 3 Zone prevents the use and development of the land for further residential development, whilst facilitating appropriate buffer uses such as warehousing and goods distribution.

The subject site is located on the southern side of Dead Horse Lane, in the heart of one of Mansfield’s industrial estates. The site is approximately 1.7 hectares in size, with a frontage of 98 metres to Dead Horse Lane. The site is one of the last undeveloped sites along Dead Horse Lane, with an existing dwelling located in the north-western corner of the site.

The subject land is currently bordered by Industrial 1 Zone land to the north and west; land zoned Low Density Residential to the east; and land zoned General Residential Zone to the south (refer to Figure 1: Zone map). Based on a 2000m² lot size, the land has existing potential to be subdivided into seven new lots, which would allow the addition of six new dwellings on this site.

The subject land abuts operating industrial uses to the north and west with adverse amenity potential for new residents to the area. These uses include earthmoving; landscaping supplies; freight and logistics; automotive smash repairs and scrap metal recycling.

The IN3Z will prevent the encroachment of further housing into an area identified for industrial use and development. One of the purposes of the IN3Z is to ‘provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community’. In effect, the imposition of the IN3Z will create a transition between existing dwellings and existing industrial uses.

Dead Horse Lane has been identified as a heavy vehicle bypass route by Mansfield Shire Council, and work has commenced on upgrading the western section of the road to facilitate heavy vehicle movements. These upgrades will result in additional heavy vehicle movements along this road, reducing the amenity for both existing and future residents, whilst creating an important transport connection for industrial businesses in the area.

Due to the proximity of the land to surrounding sensitive uses, there are many industrial uses that will not be possible, as statutory setback distances cannot be achieved. This proximity to sensitive uses will prevent inappropriate industrial uses from establishing on the site.

Under the IN3Z, all but the most minor buildings and works require a planning permit. This will ensure that any future development is suitable for the site; provides adequate setbacks and buffers from adjoining residential uses; utilises suitable materials and finishes and is adequately serviced with car parking, loading facilities and landscaping.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements relevant objectives of planning in Victoria as follows:

To provide for the fair, orderly, economic and sustainable use, and development of land.

The rezoning of 264 Dead Horse Lane, Mansfield from LDRZ to IN3Z is a fair and orderly response to the potential land use conflicts that may arise with current zoning in place. Without change, there is potential for encroachment of new housing into an area abutting established industrial uses with adverse amenity potential. Encroachment of sensitive uses into established industrial areas has long been identified as a problem, particularly where industries are required to be licensed under the Environment Protection Act 1970 and are required to maintain statutory separation distances from sensitive uses, such as dwellings.

The rezoning from LDRZ to IN3Z will prohibit the expansion of housing closer to established businesses, whilst facilitating a suite of lower impact industrial and commercial uses with less offsite impacts. The rezoning also responds to an identified demand for vacant industrial zoned land in the Mansfield township.
To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The creation of a buffer between established industrial and residential uses will help contribute to a more pleasant and safe working and living environment within the immediate Dead Horse Lane area. The prevention of further housing in this location will help safeguard the ongoing operation of the surrounding industrial uses.

The application of the Industrial 3 Zone to the subject land seeks to provide a safe working, living and recreational environment.

How does the Amendment address any environmental, social and economic effects?

**Environmental**

Potential environmental impacts of the rezoning relate to the impact of development on the site as a result of the IN3Z; and the potential for noise and air emissions from light industrial uses impacting on neighbouring dwellings.

The subject site is currently used for grazing, with an existing dwelling located in the north-western corner of the site. There are six large native trees scattered across the site, with the remainder of the site highly modified with pasture grasses for agricultural uses and planted exotic trees.

There are no designated waterways or other significant environmental features on the site. There are no areas of cultural sensitivity identified on or adjacent to the site.

The size of the site allows for future small lot industrial subdivision to be considered. Given the nature of light industrial uses, development often takes the form of shedding with large areas set aside for vehicle movement, loading and parking. The low density nature of this type of development can help facilitate the retention of the existing large old trees across the subject site.

With regards to setbacks from existing dwellings, any industrial use with adverse amenity potential has setbacks that must be achieved through Clause 53.10 of the Mansfield Planning Scheme, or statutory buffer distances established by licences and works approvals issued by the Environment Protection Authority. Due to the relatively small size of the subject site, and its proximity to existing dwellings to the south and east, there is limited potential for these types of uses to establish on the site, reducing potential impacts to residents.

There is precedent for the establishment of a vegetated buffer along the southern and eastern boundaries of the subject site, to provide a visual and acoustic barrier to existing residents. A similar buffer was established between land rezoned for General Residential purposes and industrial zoned land further to the west of the site. This buffer could be continued, at cost to the owner, along with an extension to the shared path, providing a connection from Dead Horse Lane through to the Midland Highway.

All but the most minor buildings and works require a planning permit in the industrial zones. The siting of buildings and works, materials, colours and finishes, landscaping and areas for parking, loading and vehicle movement can be assessed on a case by case basis by Mansfield Council to safeguard against adverse impacts on existing residents.

The site will be connected to all available services including sewer, water and power. Therefore, the risk of pollution to waterways or surrounding properties is minimal.

There are no unreasonable adverse environmental impacts.

**Social**

The application of the IN3Z to the subject land will prevent any further dwellings establishing along Dead Horse Lane, thereby minimising potential land use conflict between industrial and residential land uses. Appropriate development on the subject site will ensure the creation of a suitable vegetated buffer between existing land uses. The construction of a shared path along this buffer can help provide linkages between Dead Horse Lane and the Midland Highway for use by local residents.

There are no identified adverse social impacts.

**Economic**
Recent studies have identified that Mansfield has a current oversupply of rural living style land. At the same time, it has an identified shortage of industrial zoned land. The rezoning of land from LDRZ to IN3Z is considered to respond to both the existing rural living ‘land bank’ within Mansfield, whilst creating new industrial land for development. The site is located on Dead Horse Lane which has been recently identified as the northern heavy vehicle bypass route to keep large vehicles out of the main town centre. It is considered, therefore, that more industrial land and less residential land adjacent this heavy vehicle bypass is a positive economic outcome for the town.

The addition of industrial land in Mansfield will help create opportunities for new businesses to establish, or existing businesses to expand their operations. This, in turn, creates opportunities for new employment within the town, contributing to economic growth and wellbeing and a positive social outcome.

**Does the Amendment address relevant bushfire risk?**

The key overarching strategy at Clause 13.02-1S – Bushfire is to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire. Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to life and property can be reduced.

The rezoning of the subject site from LDRZ to IN3Z is not considered to increase the risk to life, property, community infrastructure and the natural environment from bushfire. The site is not identified as at particular risk from bushfire. The rezoning will prohibit further dwellings being constructed in this area.

Any future subdivision of the land will require connection to reticulated water and referral to the Country Fire Authority. Any requirements for provision of infrastructure will be made at that time.

**Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.

The Amendment has been prepared in accordance with Ministerial Direction No. 11 – Strategic Assessment of Amendments.

**How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The rezoning supports the Planning Policy Framework (PPF) by facilitating the orderly development of urban areas, minimising potential land use conflict and responded to identified demand for industrial land. The following addresses the relevant State policies:

- **Clause 11.02-1S Supply of urban land**

  The objective of this clause is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

  Mansfield is identified in Council’s Strategic Framework Plan for the municipality as the ‘focus of most residential, industrial and commercial development’. It is appropriate, therefore, that new industrial land be created within the existing Mansfield township.

- **Clause 11.12-3 Planning for growth**

  The objective of this clause is to focus growth and development to maximise the strengths of existing settlements. A policy of this clause is to consider the Hume Regional Growth Plan 2014 (HRGP).

  Strategies include to support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
Mansfield is identified in the HRGP as a location where growth and lifestyle opportunities should be supported. The provision of industrial zoned land within the Mansfield township is an appropriate response to this policy.

- **Clause 13.05 Noise & 13.06 Air quality**

The objectives of Clauses 13.05 and 13.06 are to assist in the control of noise effects on sensitive uses; and assist the protection and improvement of air quality. The application of the IN3Z to the subject land will ensure that any industrial uses with adverse amenity potential require a planning permit and, where relevant, referral to the Environment Protection Authority. Given the small size of the subject land, it is unlikely that statutory buffer distances will be achieved, thereby limiting potential adverse amenity impacts on adjacent sensitive uses.

- **Clause 17.03-1S Industrial land supply and 17.03-2S Industrial development siting**

The objectives of this policy are to ensure availability of land for industry and to facilitate the sustainable development and operation of industry.

Strategies to support these objectives include:

- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses that would adversely affect industry viability.
- Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

The proposed rezoning of the subject site is consistent with this policy and strategies by limiting the potential for further encroachment of sensitive uses (particularly dwellings) into an established industrial estate.

The proposed rezoning supports the key State planning policies relating to urban growth and development for industry.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed rezoning is consistent with the Local Planning Policy Framework (LPPF). In particular, the following clauses:

- **Clause 21.03-1 Settlement pattern and growth**

This clause includes as a reference document the Mansfield Township Structure Plan 2015.

Objective 1 of this policy is to ‘coordinate and manage the growth of Mansfield Township as the focus of the majority of development’. Strategies include to ‘ensure major commercial and industrial developments are located in Mansfield Township’.

The proposal to rezone land within the Mansfield town perimeter for industrial purposes is supportive of this objective.

- **Clause 21.07-1 Commercial, retail and industrial development**

Under this clause, Mansfield is identified as the only location within the municipality that provides significant industrial development opportunities. Existing industrial land is relatively fragmented and poorly connected to suitable heavy vehicle routes.
It is also acknowledged that a lack of activity in this sector is due to a lack of available industrial land for sale or lease. Hence, a key issue identified is the ‘need to increase the supply of industrial land’.

Objective 1 of this policy is to ‘ensure there is sufficient retail/commercial and industrial land to meet demand’. Strategy 1.1 is to ‘plan for the release of more industrial land to service existing demand’.

The proposed rezoning of a 1.7 hectares parcel of land within an existing industrial area of Mansfield is consistent with this policy. The site has a 98 metre frontage to Dead Horse Lane, which is identified as a heavy vehicle bypass route.

- **Clause 21.08-1 Transport**

  The objective of this clause is to ‘improve transport linkages’. Council has identified an ultimate heavy vehicle bypass route along Dead Horse Lane to keep heavy vehicles out of the town’s central business district. The road is currently being upgraded to accommodate additional heavy vehicle traffic. This designation is not compatible with additional low density residential development. The change of zoning from LDRZ to IN3Z along this road, therefore, is considered a suitable response to address identified transport linkages.

- **Clause 21.09 Mansfield Township**

  This clause references the Mansfield Township Structure Plan 2015 and directly brings across many of its strategies. The document identifies the need for more industrial land to service the latent demand of saleable and leasable industrial land. More specifically it identifies in the Mansfield Framework Plan a need for development guidelines to manage the interface between adjacent residential areas and industrial uses in the Dead Horse Lane estate.

  Objective 6 of this policy is to ‘support viable industrial business opportunities in Mansfield Township’.

  Strategy 6.2 requires ‘new development in Dead Horse Lane to maintain a suitable landscape and acoustic buffer to the residential properties to the south to reduce amenity conflicts’.

  The proposed future development of the subject site for industrial purposes will include provision of a 10 metre vegetated buffer along the southern and eastern boundaries of the site. The buffer will include a share path for pedestrian and cyclists to be constructed by the owner/developer of the site. This buffer will provide a visual and acoustic buffer to reduce amenity conflicts, whilst also providing a shared link between Dead Horse Lane and the Midland Highway.

  The proposed rezoning supports the LPPF.

**Draft Mansfield Township Housing Strategy 2018**

The draft Mansfield Township Housing Strategy 2018 was adopted by Council in June 2018. The document does not specifically make reference to the subject site, however, it does identify current and future areas of low density land that are located primarily to the outer ring of the township to provide that transition between farm or rural living land and the more urbanised land to the centre of the township. There are several areas that are earmarked for further investigation for low density living. These areas would provide for an ample future supply of well-located, low density land.

The document identifies that development should respond to the future heavy vehicle bypass route and potential amenity and safety impacts on residential areas. The rezoning of the land to an industrial zoning places more appropriate uses along the heavy vehicle bypass and reduces the potential to impact on further residential properties if the zoning were to remain as low density residential.

The interfaces between existing and future residential and non-residential uses were also considered to be an issue. The Industrial 3 Zone provides an appropriate transitional zone between residential uses and the Industrial 1 Zone.
Does the Amendment make proper use of the Victoria Planning Provisions?

There are a number of zones which support industrial development and limit residential development. These include the Industrial 1, 2 and 3 Zones, the Commercial 2 Zone and the Mixed Use Zone. The Industrial 1 and 2 Zones are intended, however, to promote heavy industrial uses with potential for adverse amenity potential, without necessarily accommodating adjoining sensitive uses. Conversely, the Mixed Use Zone, whilst promoting industrial uses, also promotes development of dwellings at higher densities. The Commercial 2 Zone promotes light industrial uses, but also allows for commercial and retail uses that may be better located within or adjacent Mansfield’s central business district.

The Industrial 3 Zone has a range of purposes, which are consistent with the concept of limiting land use conflict in this location. Of note are the following:

- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

The Industrial 3 Zone is the most appropriate zone because it:

- Prevents the encroachment of new housing into an area identified for industrial use and development.
- Provides for a range of light industrial uses with low amenity impacts that could locate close to sensitive uses.
- Encourages a range of uses that will create an appropriate interface between the existing settlement to the south and east, and the established industrial operations to the north and west.
- Requires a permit for most buildings and works to ensure that detailed design takes account of materials, colours, landscaping, loading and parking areas.
- Takes advantage of the proposed upgrade of Dead Horse Lane to a heavy vehicle bypass route that will benefit commercial/industrial uses.

The proposed amendment makes proper use of the Victoria Planning Provisions.

How does the Amendment address the views of any relevant agency?

There are no agencies identified with a particular interest in this proposal. The site is expected to be fully serviced with available services at the time of any future subdivision, and relevant service authorities will have opportunity to provide input at that time.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The purpose of the Transport Integration Act 2010 is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the Transport Integration Act 2010 relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

Given the small size of the site and the light industrial outcomes intended by the rezoning, the impact of any future development on the surrounding road network will be negligible. The site abuts Dead Horse Lane, which has been identified as a heavy vehicle bypass route to keep freight movements out of the central business district of Mansfield. The expected upgrades to Dead Horse Lane itself and
associated intersections will more than adequately accommodate any change in local traffic generated by the rezoning.

The Minister has not prepared any statements of policy principles under Section 22 of the Transport Integration Act 2010; therefore, no such statements are applicable to this amendment.

Resource and administrative costs

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The new planning provisions will not have any significant effect on the resource and administrative costs of Mansfield Shire Council.
Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:
Mansfield Shire Council
33 Highett Street
Mansfield

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Friday 5 October 2018.
A submission must be sent to:
Senior Strategic Planner
Mansfield Shire Council
Private Bag 1000
Mansfield VIC 3724

Or via email to:
strategic.planning@mansfield.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:
• directions hearing: 14 January 2019
• panel hearing: 4 February 2019