Dear Sir/ Madam

**PLANNING SCHEME AMENDMENT C41 - MANSFIELD PLANNING SCHEME REZONING OF 264 DEAD HORSE LANE, MANSFIELD**

Your property or the property you occupy has been identified as adjoining or in the vicinity of land known as 264 Dead Horse Lane, Mansfield. I am writing to notify you of the commencement of the formal exhibition period from **5 September 2018 to 5 October 2018** for planning scheme amendment C41 to the Mansfield Planning Scheme. This letter provides you with a brief overview of its content and information as to how you may further inform yourself of the amendment and, if you wish, provide Council with written comments to the amendment.

**Information about the amendment**

**What is Amendment C41 to the Mansfield Planning Scheme?**

Amendment C41 is a statutory process by which the current land use zoning for land at 264 Dead Horse Lane Mansfield is proposed to be changed from Low Density Residential Zone to Industrial 3 Zone. This amendment is sought by the land owner and would require support by Council to proceed further. As part of this process adjoining landowners and occupiers are notified so that Council can get your feedback to the proposal before making a decision to support or not support the amendment.

**How can the land currently be used and developed?**

Currently, the land is zoned Low Density Residential Zone. Mansfield Council has recently approved a planning permit for a seven lot residential subdivision on this land, with a minimum lot size of 4000m². A range of other land uses can be considered in this zone, subject to Council approval, including commercial accommodation, convenience shop and place of assembly. Place of assembly incorporates uses where people congregate for religious or cultural activities, entertainment or meetings. Possible uses include a hall, library, place of worship or function centre.

**What is the proposed new zoning? What could happen on the land as a result of this zoning?**

The land is proposed to be rezoned to Industrial 3 Zone. This zone is commonly used to provide for a transition between residential areas and more heavy industrial uses and allows for low impact, light industrial uses to locate and operate.
Types of uses under the Industrial 3 Zone that could locate on the subject land without a planning permit include a convenience shop; service industries such as a car wash, dry cleaner or motor repairer, take away food premises and warehouse (subject to adequate setbacks).

Land uses that could locate on the land, subject to Council approval (through a planning permit application and notification to adjoining properties) include industrial uses such as, office, place of assembly (refer above) restricted retail premises (land used to sell or hire goods that require a large area for display and handling such as animal supplies, camping equipment, automotive parts and accessories, furniture and bedding) and retail premises. Any buildings and works associated with any new use on the land, and any subdivision of the land, will also require Council approval (through a planning permit application). This process would seek feedback from adjoining neighbours.

Why is the Industrial 3 Zone being proposed for this site?

The current owner of the land would like to develop the site for light industrial uses and, in doing so, create a buffer or transition between established residential uses and established or future heavy industrial uses to the north and west. Currently, the subject land could be developed for more houses, bringing residential uses close to operating industries along Dead Horse Lane that are more consistent with “heavy” industrial uses. Similarly, the encroachment of sensitive uses can impact on the ongoing operation and expansion of legitimate industrial businesses and affect their long term viability. In turn, these established industrial uses can impact negatively on the amenity of new residences through noise and air emissions.

Dead Horse Lane has been identified as a heavy vehicle bypass route by Mansfield Shire Council. Sections of Dead Horse Lane are currently being upgraded. These upgrades will facilitate additional heavy vehicle movements along this road. Conversely, upgrades to Dead Horse Lane may facilitate growth in heavy industrial uses further to the west that will derive benefit from increased connections to transport routes. The proposed rezoning will provide opportunity for businesses to capitalise on this important transport link but also provide a light industry buffer to residential uses.

How will any potential impacts of industry be mitigated?

Due to the closeness of the site to surrounding dwellings, there are many industrial uses that will not be possible, as statutory setback distances cannot be achieved. The Mansfield Planning Scheme sets out minimum setback distances that must be achieved between industries with ‘adverse amenity potential’ and any close sensitive uses. This proximity to existing dwellings around the periphery of the site will prevent inappropriate industrial uses from being able to establish in this location. The Industrial 3 Zone also in itself prohibits industries with detrimental off-site impacts and this is why it is commonly used to transition industry adjacent to residential areas.

Under the Industrial 3 Zone, all but the most minor buildings and works will require further approval from Council (through a planning permit application). This will ensure that any future development is assessed by Council as suitable for the site by providing adequate setbacks and buffers from adjoining residential uses; utilising suitable building materials.
and finishes and being adequately serviced with car parking, loading facilities and landscaping. Amenity impacts to neighbouring areas can be controlled through permit conditions such as hours of operation and noise impacts. Enforcement can be undertaken if these conditions are breached.

A requirement of any future subdivision and/or development would be the creation of an internal buffer along the southern and eastern boundaries of the site, where the land abuts existing houses. This internal buffer is proposed to be a minimum of 10 metres wide, and planted with native vegetation, so as to create a visual and acoustic screen.

**How do I get involved in this proposal?**

You are receiving notice of this amendment because you live, work or own land close to the subject site. You have an opportunity to view all the amendment documents online or at the Mansfield Council offices. If you have queries or concerns about the proposal, you may seek advice from Mansfield Shire Council’s planning department; or make a submission to Council within the prescribed time.

The amendment documents are available to be viewed at:

a) The Mansfield Shire Council office at 33 Highett Street, Mansfield. Ask at the planning counter to view the documents. A planner is available at the counter or over the phone to assist with any questions.

b) Mansfield Shire Council website at www.mansfield.vic.gov.au Select from the Main Menu at the bottom of the home page, Building and Planning → Strategic Planning → Amendment C41.


**What happens next?**

During the exhibition period you have an opportunity to make a written submission should you have any comments on the amendment. Council must consider all submissions it receives during the public exhibition process. Depending upon the content of these submissions, Council may determine to make changes to the amendment; refer the amendment to a Panel or abandon the amendment. If you make a submission, you will be notified of the Council meeting at which it will be considered and invited to speak to your submission.

If Council decides to proceed with the amendment, then any unresolved submissions will be referred to an independent Planning Panel appointed by the Minister of Planning. This Panel would consider the merits of the amendment and all submissions received. As a submitter you would be a party to this process.

**Making a submission**

Please be sure to clearly mark it as *Submission to Amendment C41* and include your contact details.
Submissions should be addressed to:

Strategic Planning Unit
Mansfield Shire Council
Private Bag 1000
Mansfield VIC 3724

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

Submissions must be received no later than 5pm on 5 October 2018.

Yours faithfully

Per:
Alex Green
Chief Executive Officer