5 June, 2020
Form 2

NOTICE OF AN APPLICATION
FOR PLANNING PERMIT

<table>
<thead>
<tr>
<th>The land affected by the application is located at:</th>
<th>Lot 1 PS 821308, 25-27 Malcolm Street Mansfield</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application is for a permit to:</td>
<td>Use and development of land for a service station, business identification signage, creation of access to a road zone category 1</td>
</tr>
<tr>
<td>The applicant for the permit is:</td>
<td>Jane Macey C/- Spiire</td>
</tr>
<tr>
<td>The application reference number is:</td>
<td>Application No: P046/20, File Reference: DA5081</td>
</tr>
<tr>
<td>You may look at the application and any documents that support the application at the office of the Responsible Authority. This can be done during office hours and is free of charge.</td>
<td>Mansfield Shire Council 33 Highett St Mansfield, 3722 Ph: 5775 8555 Email: <a href="mailto:council@mansfield.vic.gov.au">council@mansfield.vic.gov.au</a></td>
</tr>
</tbody>
</table>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must:

* be sent to the Responsible Authority in writing;
* state that it is an objection against the proposal;
* include the reasons for the objection; and
* state how the objector would be affected.

If you object, the Responsible Authority will tell you its decision.

| The Responsible Authority will not decide on the application before: | 23 June 2020 |

PLEASE NOTE: Pursuant to the Planning and Environment Act any submissions may be made available to the public. This is for the sole purpose of enabling consideration and review as part of a planning process. The document must not be used for any purpose which may breach any copyright.
Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

Application Type
Is this a VicSmart application?*

[ ] No  [ ] Yes

If yes, please specify which VicSmart class or classes:

If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

Pre-application Meeting
Has there been a pre-application meeting with a Council planning officer?

[ ] No  [ ] Yes

If "Yes", with whom? Leanne Curphy

Date: 18/12/2019 day / month / year

The Land
Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

[ ] Unit No.:

[ ] St. No.:

[ ] St. Name:

[ ] Postcode:

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.:

[ ] Lodged Plan

[ ] Title Plan

[ ] Plan of Subdivision

No:

OR

B Crown Allotment No.:

Section No.:
The Proposal

**You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.**

1. **For what use, development or other matter do you require a permit?**

   - Use and development of land for a service station
   - Advertising signage associated with the service station
   - Creation/alteration of access to a Road in a Road Zone Category 1

2. **Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.**

3. **Provide a plan of the existing conditions. Photos are also helpful.**

4. **Estimated cost of any development for which the permit is required**

   - Cost $2.2M

5. **Existing Conditions**

   - **Describe how the land is used and developed now.**
     - For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

   - **Vacant land, zoned Commercial 1.**

   - **Provide a plan of the existing conditions. Photos are also helpful.**

6. **Title Information**

   - **Encumbrances on title**
     - Yes (If yes contact Council for advice on how to proceed before continuing with this application.)
     - No
     - Not applicable (no such encumbrance applies.)

   - **Provide a full, current copy of the title for each individual parcel of land forming the subject site.**
     - The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

---

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### Applicant and Owner Details

Provide details of the applicant and the owner of the land.

#### Applicant *

The person who wants the permit.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Title: Mr</th>
<th>First Name: Peter</th>
<th>Surname: Spargo</th>
</tr>
</thead>
</table>

Organisation (if applicable): Spargo Group

<table>
<thead>
<tr>
<th>Postal Address:</th>
<th>If it is a P.O. Box, enter the details here:</th>
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<tbody>
<tr>
<td>Unit No.:</td>
<td>St. No.:</td>
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<tr>
<td>St. Name:</td>
<td>State:</td>
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<tr>
<td>Suburb/Locality:</td>
<td>Postcode:</td>
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</table>

#### Contact Information for Applicant OR Contact Person Below

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Phone: 5849 1007</td>
<td><a href="mailto:jane.macey@spiire.com.au">jane.macey@spiire.com.au</a></td>
</tr>
<tr>
<td>Mobile Phone: 0407884982</td>
<td></td>
</tr>
</tbody>
</table>

Fax: 

#### Owner *

The person or organisation who owns the land.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Title:</th>
<th>First Name:</th>
<th>Surname:</th>
</tr>
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Organisation (if applicable): Spiire

<table>
<thead>
<tr>
<th>Postal Address:</th>
<th>If it is a P.O. Box, enter the details here:</th>
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<tbody>
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<tr>
<td>Suburb/Locality:</td>
<td>Postcode:</td>
</tr>
</tbody>
</table>

Owner's Signature (Optional):

Date: 

#### Information Requirements

Is the required information provided?

- [ ] Yes
- [ ] No

#### Declaration *

This form must be signed by the applicant *

- [ ] Yes

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: J. Macey

Date: 19/05/2020
Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Provided all necessary supporting information and documents?
  - A full, current copy of title information for each individual parcel of land forming the subject site.
  - A plan of existing conditions.
  - Plans showing the layout and details of the proposal.
  - Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
  - If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).
  - If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.
- Completed the relevant council planning permit checklist?
- Signed the declaration above?

Need help with the Application?

If you need help to complete this form, read More Information at the end of this form.

For help with a VicSmart application see Applicant's Guide to Lodging a VicSmart Application at www.planning.vic.gov.au

General information about the planning process is available at www.planning.vic.gov.au

Assistance can also be obtained from Council's planning department.

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Deliver application in person, by post or by electronic lodgement.
This report has been prepared by the office of Spiire
144 Welsford Street PO Box 926 Shepparton Victoria 3632

<table>
<thead>
<tr>
<th>Issue Date</th>
<th>Rev No</th>
<th>Authors</th>
<th>Checked</th>
<th>Approved</th>
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<tbody>
<tr>
<td>April 2020</td>
<td>A</td>
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<td>JM</td>
<td>J. Macey</td>
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<td>D</td>
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<td>J. Macey</td>
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Spiire Job Number: 307512

Citation: Spiire 2020, PLANNING REPORT for SPARGO GROUP.
Authors: T. Coates, J. Macey, Spiire Australia Pty Ltd. Project Number 307512

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1. INTRODUCTION AND OVERVIEW

Spiire acts on behalf of the Spargo Group in regard to a proposed service station to be established at 25 Malcolm Street, Mansfield.

As demonstrated in the Report, the site presents an excellent opportunity for the establishment of a service station to cater for both residents in the local area as well as visitors travellers through Mansfield.

The purpose of this Planning Report is to set out the town planning and physical context of the subject site and surrounding area, and to explain and support the proposal.

A Planning Permit application is made for:

- Use and development of land for a service station;
- Advertising Signage associated with the service station;
- Creation/alteration of vehicle access to roads in Road Zone, Category 1.

The Mansfield Planning Scheme outlines the provisions for the proposed site. The land is contained within the Commercial 1 Zone and is not covered by any overlays. The site is adjacent to two roads in a Road Zone Category 1 (Chenery Street and Malcolm Street).

Planning approval is required for the proposal under the following provisions of the Mansfield Planning Scheme:

- Clause 34.01-1 Commercial 1 Zone: Permit required to use land for a service station.
- Clause 34.01-4 Commercial 1 Zone: Permit required to construct or carry out buildings and works.
- Clause 52.05-15 Signs: Permit required for a panel sign and internally illuminated signage greater than 1.5sqm.
- Clause 52.29-2 Land Adjacent to a Road Zone, Category 1: Permit required to create and alter access to a Road Zone, Category 1.

This Report addresses the following in support of the planning permit application:

- The site context;
- The proposal;
- The relevant planning policy context and planning scheme provisions; and
- The merits of the proposal.

This Report should be read in conjunction with the following documentation submitted with this planning permit application:

- Copy of Title;
- Planning Permit Application Form;
- Level and Feature Survey, prepared by Peyton Waite;
- Site and Elevation Plans, prepared by McIntyre Cross Architects; and
- Traffic Impact Assessment Report, prepared by GTA.
3. PROPOSAL

This planning permit application is for "the use and development of land for a service station with associated signage, and to alter access to Road Zone Category 1" at 25 Malcom Street, Mansfield.

3.1 SERVICE STATION

The premises will provide for the sale of fuel and convenience goods. Specifically, the service station will utilise the entire site and consist of the following:

► A petrol retail building/convenience store with a gross floor space of 200 square metres which will be used for the sale of fuel, associated motor accessories such as oil, food, drinks and other convenience goods. The building will be located in the north-west corner of the site and set back approximately 2.5 metres from the western boundary, and 12.3 metres from the site's northern boundary; these being the nearest boundaries.

► Two bowser canopies will be sited to the south and east of the retail building. The south canopy will measure 7m x 24.5m and will be 5.5m high. The east canopy will measure 7m x 29.5m and will be 4.5m high in the southern end and 6m high in the northern end, due to the slope of the land.

► Both canopies will house three bowser which can be accessed from either side, providing for a total of 6 filling stations each.

► A loading bay, enclosed service yard of 22 square metres and an outdoor terrace are located to the immediate north of the retail building.

► An air and water unit is located at the Malcolm Street frontage of the site, in the south west corner, with one designated car parking spaces and two adjoining spaces.

► Landscaping buffers of various widths are provided around the site boundary and on small traffic islands throughout the site. Landscaping along the residential interface (western boundary) varies between 4 metres and 2.5 metres in width.

► The site will use two new/relocated dual entry and exit points; one at Chenery Street and one at Malcolm Street.

► The site will provide 18 car parking spaces, including 1 disabled parking space, plus 12 informal parking spaces at the filling stations.

► The site will use various signage for the purposes of business identification and direction, primarily through a pylon sign at the corner of Chenery and Malcolm Streets, canopy signs and business identification sign on the retail building.

► Acoustically treated timber fencing of 1.8 metres in height will be used along the western boundary. Landscaping with a minimum width of 2.5 metres will also contribute aesthetically to soften the visual outlook towards the service station. Timber-batten fencing and glazed fencing will be installed along part of the northern boundary occupied by the service yard and outdoor terrace, with the balance remaining unfenced with a landscaping buffer. The southern and eastern boundaries along Malcolm and Chenery Streets respectfully will be open, unfenced and landscaped.

► Operation hours will be 24 hours, 7 days a week, with a maximum of two staff working at any one time.
2. SUBJECT SITE AND SURROUNDING CONTEXT

2.1 SUBJECT SITE

The subject site is located at 25 Malcolm Street, Mansfield. It is rectangular in alignment, with a large slope down from south to north. The site has an area of approximately 3,000 square metres, with a frontage of 72 metres to Chenery Street and 40 metres to Malcolm Street. The site is mostly vacant with the exception of assorted concrete pads in the south of the site and scattered exotic vegetation at the boundaries. It is currently surrounded by high chain mesh fencing and gains access from both Chenery Street and Malcolm Street.

The land is contained wholly within the Commercial 1 Zone and is not affected by any overlays. The land is adjacent to two roads in a Road Zone - Category 1 (Chenery Street/Malcolm Street).

Formally identified as Lot 2 on Plan of Subdivision 821308, the property contains easements adjacent to the western boundary for the purposes of drainage, pipelines and ancillary purposes in favour of adjacent lots and relevant servicing authorities. The lot also contains a caveat for the purchase of the land and a Section 173 Agreement relating to the Statement of Environmental Audit for the land. This relates to the site's previous use as a petrol station. Please see the copy of Title submitted with the planning permit application.

![Figure 1: Subject Site and Surrounds](image-url)

2.2 SURROUNDING AREA

The subject site is located in Mansfield, approximately 700 metres south of the town centre. It is located at a gateway entry into the town from the snowfields and Lake Eildon, and experiences significant passing traffic en-route between Mansfield and Mount Buller and the surrounding high country or the recreational areas around the lake and rivers. The site has ready access to the town centre to the south via Chenery Street.

The local area comprises a mix of residential, commercial and community facilities.

Land immediately surrounding the subject site can be described as follows:
Immediately adjacent to the south of the site is Malcolm Street, an east west aligned road. East of the site Malcolm Street transitions to the Mount Buller Road. South of Malcolm Street is established residential development, comprising a mixture of detached dwellings and townhouse/unit developments. Further south is a large vacant lot and the Mansfield Secondary College.

Immediately west of the site are two residential properties. One is at 29 Malcolm Street which contains a single storey detached dwelling with associated open space and garden. The other forms part of 35 Malcolm Street which contains a medium density unit development, one unit of which shares a common boundary with the subject site. This is a double storey brick dwelling with a small upper level window facing the subject site. At 39 Malcolm Street is the St Mary's Catholic Primary School and further west of the school is the Alzburg Resort, accommodation for tourists.

Immediately north of the site is a vacant commercial lot, used for informal car parking, also in the Commercial 1 Zone. Further north is a mix of established detached dwellings and more recently constructed/under construction townhouse developments.

Immediately adjacent to the south of the site is Chenery Street, the main north south connection between the town centre and the Mount Buller Road. This Road is a Road Zone Category 1 Road, managed by Regional Roads Victoria. Further to the east, opposite the site is Martin's Garage (Holden and Nissan dealership) in the Mixed Use Zone and established dwellings on large lots. Approximately 500 metres east of the site is a corridor of tourist and snowfield related businesses in the Commercial 2 Zone.

Figure 2: Zoning Map
The proposal will improve the presentation of the site to both street fronts and make a positive contribution to the streetscape in the area. The proposal is designed for the safe and efficient movement of vehicles and pedestrians through the use of clear signage, site-sensitive landscaping and appropriate siting and orientation of buildings. Development is of a scale which is not likely to generate activities or impacts which would detrimentally impact upon the amenity of surrounding uses, particularly residential.

The design of structures and buildings utilises contemporary design features which respect the low scale, residential context of the area. The use of colours and materials throughout the site comprises prefabricated concrete, with wood features and aluminium composite in tonal colours of grey, white and black with touches of brand colours; blue and red. The retail building will be constructed of fibre cement sheet with timber cladding features. The majority of the eastern side of the building will comprise large glass windows and doors, with a narrow covered walkway extending from the roofline.

![Figure 3: Site Plan](image)

### 3.2 TRAFFIC, ACCESS AND CIRCULATION

The site will utilise two dual-way crossovers, one at Chenery Street and one at Malcolm Street. New purpose built crossovers will replace the existing crossovers at both these street frontages. The street tree in Malcolm Street will need to be removed to allow for the creation of the new crossover.

Fuel tankers and B-Double trucks will be able to access the site from both entrance points. Once onsite, vehicles will be able to move north south, circulating around the bowers, leading to the retail building and car parking in the north-west. Internal access ways allow for cars to travel in both directions with adequate space for two cars to pass.

A Traffic Impact Assessment Report has been prepared for the proposal and forms part of the planning permit application.
3.3 VEHICLE AND BICYCLE PARKING

It is proposed to provide vehicle and bicycle parking for staff and customers of the service station as follows:

- 18 formalised car parking spaces including 1 disabled parking space. Three of these spaces will be adjacent to the air and water facilities.
- 12 informal car parking spaces at the bowser.
- 6 bicycle parks alongside the southeast corner of the retail building.

All car parking spaces are angled at 90 degrees and have minimum dimensions of 2.6m x 4.9m, with access from an aisle of at least 6.5m wide. No parking is provided for trucks or larger vehicles, however the fuelling areas and loading bays provide sufficient space for up to 8.8m Medium Rigid Vehicles.

A Traffic Impact Assessment Report has been prepared for the proposal and forms part of the planning permit application.

3.4 DELIVERIES, LOADING AND WASTE MANAGEMENT

Deliveries and waste collection will be undertaken from the loading bay immediately north of the retail building. Trucks will be able to access this area via either site entrance. Hard waste will be collected from the site by a qualified contractor to the satisfaction of the Council.

The fuel tank re-filling point will be located adjacent to the central bowser under the southern canopy. Re-fuelling trucks can enter the site from either access point; park next to the filling point then drive through the site to exit via the opposite access point.

It is anticipated service vehicles, fuel tankers and rubbish collection vehicles will access the site outside peak times, thereby avoiding potential traffic conflicts with customer vehicles.

3.5 LIGHTING AND ILLUMINATION

Lighting will be installed around the eastern, northern and southern facades of the retail building, and underneath the fuel canopies to allow the premises to operate safely at night. Most major signs at the site will be internally illuminated and baffled into the site or away from the western interface. All lighting, including that which forms part of the signage, will not emit light onto sensitive land beyond the site.

Refer to the plans submitted with the planning permit application for further details on lighting and illumination.

3.6 FENCING

The length of the western boundary will be fenced with a 1.8 metre high acoustically treated timber fence. Part of the northern boundary will be fenced with vertical timber batten and grey tinted glazed fencing. The balance of this boundary, as well as the southern and eastern boundaries will be open and unfenced. All boundaries will be landscaped, including to a minimum width of 2.5 metres adjacent to the western boundary.

All fencing between the site and residential land to the west will be constructed in accordance with relevant acoustic standards to the satisfaction of Council.
3.7 VEGETATION AND LANDSCAPING

Existing vegetation at the site consists primarily of planted exotic vegetation and weeds, which will be removed as part of the development.

The site will be landscaped to reflect the features of the land and the neighbourhood to soften the built form features and improve the streetscape. Site boundaries, entranceways and areas adjacent to the retail building will be the main landscaped components. Landscaping will be designed to the satisfaction of Council.

3.8 SIGNAGE

The proposal involves the installation of various signage, primarily for business identification purposes. Most signs will be internally illuminated, primarily for safety reasons, allowing motorists to make informed decisions during the night. The signs will consist of:

- One internally illuminated, double-sided pylon sign measuring, 0.43m from the ground, 8.57m high and 2.5m wide, with a total display area of 42.85sqm. The sign is located in the south-west corner of the site and will identify the business and advise the price of fuel.

- Five internally illuminated signs with a display area of approximately 1.2sqm each (total area 6sqm) located on the sides of the fuel canopies, orientated to face surrounding streets. These signs will identify the name of the business.

- One internally illuminated sign will be placed on the eastern façade of the building, above the entranceway. This sign will have a display area of approximately 3.29sqm and identify the name of the business.

- Various small freestanding or pole signs throughout the site, with display areas of less than 0.7sqm for the purposes of identifying parking, air and water and directional signage. These signs will not be illuminated.

Refer to the Plans submitted with the planning permit application for further details on signage.

3.9 EARTHWORKS

As stated previously, the site has a slope downwards from south to north. In order to improve efficiency of movement within the site, and to meet the grade requirements for B-double delivery tankers, fill needs to be placed on site to lift the northern section. The fill will be graded on site, resulting in a retaining wall of approximately 1.2 metres maximum height along the northern boundary and part of the western boundary. The wall will be at its highest in the north western corner and taper down towards Chenery Street to the east and Malcolm Street to the north. Refer to the elevation plans submitted as part of the planning permit application.

3.10 PHYSICAL INFRASTRUCTURE AND OPERATIONS

Infrastructure and site operations will be as follows:

3.10.1 WATER SUPPLY

An existing water main is located in Chenery Street and Malcolm Street. This main can be used to service this development. No water main extension is required. Water supply will be provided in accordance with Goulburn Valley Water requirements.
3.10.2 EFFLUENT DISPOSAL

Sewer reticulation is available for the development via an existing main along the western boundary of the site and can be appropriately connected to the development. Effluent disposal will be conducted in accordance with Goulburn Valley Water requirements.

3.10.3 ELECTRICITY

Existing overhead electricity supply is available at the site. Electricity supply will be provided in accordance with Powercor requirements.

3.10.4 TELECOMMUNICATIONS

Existing telecommunication assets are available in the vicinity of the site and can be connected to the development.

3.10.5 STORMWATER DRAINAGE

Stormwater drainage will be designed to connect to the legal point of discharge, as advised by Council, and to best mitigate any impacts on the environment, property and public safety. Drainage infrastructure will be constructed to the satisfaction of Council.
4. PLANNING CONTEXT

The use and development of the subject site is guided by the provisions contained in the Mansfield Planning Scheme, including the Planning Policy Framework, relevant zoning, overlay and particular provisions.

4.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework contained within the Mansfield Planning Scheme details a series of objectives for land use and development in Victoria that support this proposal.

Clause 11.01-1S Settlement

The objective is "To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements."

Clause 13.05-1S Noise abatement

The objective is "To assist the control of noise effects on sensitive land uses".

Clause 13.07-1S Land use compatibility

The objective is "To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects".

Clause 15.01-1S 'Urban Design'

The objective is "To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity."

Clause 17.02-1S 'Business'

The objective is "To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services".

Clause 17.02-2S 'Out-of-centre development'

The objective is "To manage out-of-centre development".

Clause 18.02-4S Car parking

The objective is "To ensure an adequate supply of car parking that is appropriately designed and located".

Clause 19.03-3S Integrated water management

The objective is "To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach".

4.2 MUNICIPAL PLANNING STRATEGY AND LOCAL PLANNING POLICY

The Municipal Planning Strategy and Local Planning Policy provides the local policy context for land use and development within the Mansfield Shire. The following clauses are applicable to this proposal:
Clause 21.04-2 Character

The objective is "To ensure the urban character of the Mansfield Township and other towns is maintained."

Clause 21.07-1 Commercial, retail and industrial development

The objective is "To ensure there is sufficient retail/commercial and industrial land to meet demand."

Clause 21.09 Mansfield Township

Objective 5 - Economic Development and Employment is "To provide a sustainable business environment for retail and commercial businesses."

Objective 7 - Economic Development and Employment is "To continue to promote tourism-based activities, accommodation and complementary land uses."

Objective 12 - Car parking is "To ensure that car parking can accommodate existing conditions and future growth."

4.3 ZONE

The subject site is within the Commercial 1 Zone and is adjacent to a road in a Road Zone – Category 1.

The purpose of the Commercial 1 Zone is:

- 'To implement the Municipal Planning Strategy and the Planning Policy Framework.'
- 'To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.'
- 'To provide for residential uses at densities complementary to the role and scale of the commercial centre.'

Pursuant to Clause 34.01 a planning permit is required for the use of land for a service station and to construct and carry out buildings and works.

4.4 OVERLAY

The subject site is not affected by any overlays.

4.5 PARTICULAR PROVISIONS

Clause 52.05 – Signs

The purpose of this provision is:

- "To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder."
► To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.”

Clause 32.08-14 of the Commercial 1 Zone identifies the land within Category 1 – Commercial Areas, the purpose of which is to provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

Clause 52.05-11 states a permit is required for a panel sign, business identification sign, internally illuminated sign and electronic sign where the total display area of all signs exceeds the maximum display area/height.

Clause 52.06 Car Parking

Clause 52.06 applies to a new use. The purpose of this provision is:

► "To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

► To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

► To support sustainable transport alternatives to the motor car.

► To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

► To ensure that car parking does not adversely affect the amenity of the locality.

► To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.”

Before a new use commences, the number of car parking spaces specified at Table 1 of Clause 52.06 must be provided.

The use of land for a service station is not specified in Table 1 of Clause 52.06, therefore the number of car parking spaces must be provided to the satisfaction of the responsible authority.

Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is:

► "To ensure appropriate access to identified roads.

► To ensure appropriate subdivision of land adjacent to identified roads.”

Pursuant to Clause 52.29-2 a planning permit is required to alter access to a road in a Road Zone, Category 1.

Clause 52.34 Bicycle Parking

The purpose of this Clause is:

► "To encourage cycling as a mode of transport.
The purpose of this clause is:

- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities."

A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Clause 53.18 Stormwater Management in Urban Development

The purpose of this clause is:

- To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

An application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 and 53.18-6 and should meet all of the standards of Clauses 53.18-5 and 53.18-6.
5. MERITS OF THE PROPOSAL

The following provides an analysis of the proposal’s consistency with planning policies, and the relevant zoning and particular provisions.

5.1 CONSISTENCY WITH PLANNING POLICY FRAMEWORK

The proposal will allow for the establishment of a service station on a major transport route (Chenery Street and Malcolm Street) proximate to complementary commercial and tourist uses. The site is an appropriate location for the proposal given its prominent location on an arterial road and the provision of small-scale convenience shopping within an established urban residential area. The service station will provide the sale of fuel and convenience goods to service nearby residents and travellers through Mansfield.

Considering the mix of uses in the area, including residential, a service station is an appropriate land use at the site. In recognition of the site’s context, design measures including acoustic fencing, siting of the built form and landscaping have been employed to ensure the proposal is compatible within the local environment.

Design at the street frontage prioritises safety and amenity through distinguished crossovers, landscaping, improved pavements and nature strips. Access points will be clearly designated.

The service station has been carefully designed and sited to ensure the site functions in a safe and efficient manner with regard to the movement of pedestrians and vehicles. The proposal also provides for the establishment of a new retail premises which services the convenience shopping needs of the area and travellers. The service station is in close proximity to other commercial facilities, particularly those related to vehicles and tourism.

The proposal provides for an adequate number of appropriately designed and located car parking spaces onsite. Car parking has been integrated with pedestrian areas, landscaping and other services at the site to improve the presentation and cohesiveness of the site.

The proposal will be appropriately serviced and drained to the satisfaction of the responsible authority.

5.2 CONSISTENCY WITH MUNICIPAL PLANNING STRATEGY & LOCAL PLANNING POLICY FRAMEWORK

The proposal is consistent with Clause 21.04-2 Character for the following reasons:

- The proposal respects significant character features of the Mansfield township. It maintains a large setback from street frontages, contributes landscaping and vegetation to the streetscape and will not block any Alpine views. The design is sensitive to the role of the Malcolm Street/Mt. Buller Road Corridor and surrounding residential land with simple built form, minimal signage and appropriate arrangements for site access and internal movement.

The proposal is consistent with Clause 21.07-1 Commercial, retail and industrial development for the following reasons:

- The service station will utilise existing vacant commercial land and provide additional small-scale convenience retail with direct access to a major road.
- The proposal will provide this site with a meaningful purpose.
The proposal is consistent with Clause 21.09 Mansfield Township for the following reasons:

- The proposal allows infill development of vacant commercially zoned land in an ideal location between the town centre and the tourism corridor/Alpine approach.
- The proposal complements the existing mix of uses in the area and will not generate detrimental amenity impacts for nearby residents.
- The proposal will support local tourism activities and is proximate to existing tourist facilities and businesses.
- Adequate car parking has been provided to minimise impacts on surrounding streets and land users.

5.3 CONSISTENCY WITH ZONE PROVISIONS

Clause 34.01 Commercial 1 Zone

Clause 34.01 contains the decision guidelines for applications within the Commercial 1 Zone. An assessment of the proposal against the decision guidelines is provided below:

General


The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as detailed in previous sections.

- The interface with adjoining zones, especially the relationship with residential areas.

The subject site interfaces with residential land on the western boundary only. Appropriate mitigation measures such as landscaping and acoustically treated timber fencing will be employed to ensure any adverse amenity impacts on this land are appropriately mitigated. Other adjoining and nearby zones include Road Zone, Mixed Use Zone and Commercial 1 Zone.

Use

- The effect that existing uses may have on the proposed use.

There are no existing uses in the vicinity of the subject site which may prevent or impact upon the operation of the service station.

- The drainage of the land.

The land can be drained appropriately to the legal point of discharge and existing drainage easements will not be impacted upon.

- The effect of traffic to be generated on roads.

A Traffic Impact Assessment has been undertaken for the proposal and determined the proposed site layout is expected to operate safely and efficiently. Both access points and the Malcolm Street / Chenery Street intersection are expected to operate satisfactorily with consideration of the increased traffic volumes generated by the proposal.
The interim use of those parts of the land not required for the proposed use.

The entire subject site will be used and/or developed for the service station.

Buildings and Works

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

Vehicles will be able to circulate around the site with sufficient space for vehicles to pass one another whilst moving into, out of and throughout the site safely and easily. Signage and markings will help to guide drivers and traffic throughout the site. The site is accessible by B-Double trucks and smaller service vehicles. Refuelling vehicles will enter the site from Malcolm Street and exit the site in a forward direction onto Chenery Street. The movement of vehicles using the service station, providing supplies and waste removal is discussed further in the Traffic Impact Assessment Report forming part of the planning permit application.

The provision of car parking.

The application provides for 18 formalised car parking spaces and 12 informal parking spaces next to the fuel bowers. Due to the transitory nature of the use and the low number of staff, the number of car parking spaces provided will be sufficient to meet demand throughout various periods. The provision of car parking is discussed further in the Traffic Impact Assessment Report forming part of the planning permit application.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

All development will be setback from the both street frontages to allow for easy views through and into the site and improve safety for pedestrians. Landscaping, nature strip and crossover upgrades will ensure the site's presentation to the street is neat and makes a positive contribution to the public realm.

The storage of rubbish and materials for recycling.

Rubbish and recyclable waste will be stored within the service yard, which will be fenced from public view and located adjacent to the loading bay to allow ease of access for rubbish vehicles.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

Maintenance of buildings, landscaping and all surfaced areas will be maintained by the tenants of the service station.

Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The orientation of the retail building, location of windows and proposed fencing will ensure no overlooking is possible for the residential land to the west. The proposed retail building will be setback a minimum of 5 metres from the dwelling at 13/35 Malcolm Street. Given these factors, the proposed building will not cause significant overshadowing of buildings or private open spaces of either 29 or 13/35 Malcolm Street for most of the day.
There are no existing rooftop solar energy systems on dwellings on adjoining lots.

- **The availability of and connection to services.**

All relevant services are available at the site and no significant infrastructure upgrades are required to connect the development.

- **The design of buildings to provide for solar access.**

The retail building has a glass façade on the east side of the building with no nearby structures which may block light. Solar access is not a great priority at the development as visitors will only spend short amounts of time at the site.

### 5.4 CONSISTENCY WITH PARTICULAR PROVISIONS

**Clause 52.05 Signs**

The proposed signs are considered to be appropriate for the development and are consistent with the relevant decision guidelines as follows:

- **The character of the area**

  Signage has been orientated towards the street fronts to ensure good visibility and to clearly identify the site from a distance and at night time. The Panel sign is located to face Malcolm Street, which is one of the main thoroughfares for Mansfield and routes to the Alpine region. Land in the vicinity of the subject site is characterised by a mixture of commercial, community, tourism and residential uses with a generally low scale built form. The design use of minimal signage throughout the site avoids clutter and reduces the impact on sensitive land uses in the area, while recognising the key transport role of the adjoining road network. Simple design, limited colours and minimal text is used to reduce visual conflicts with residential land.

- **Impacts on views and vistas**

  There is no signage which would detrimentally impact upon views into/out of the site or to adjoining land. The panel sign is setback an appropriate distance from the intersection so as to not to block views of approaching traffic. Signage on buildings is located above entrances and windows to maximise visual connection between the building, bowsers and the street for security.

- **The relationship to the streetscape, setting or landscape**

  The streetscape contains a mix of urban features such as footpaths, signage, street trees, on-street parking and the like. Signage in the surrounding area is generally found within frontage of commercial premises or on the façade of buildings, and there are no significant landscape or streetscape features in the vicinity from which the signs would detract attention or significance. The pylon sign is of a similar scale to other signs at the road frontage (such as Martin's Garage car dealership at Chenery Street) and is appropriate given the function of Malcolm Street as a major road.
The relationship to the site and building

Signage at the site is used to identify the business and provide fuel prices to encourage passers-by to enter the site. Signage on buildings has been integrated into the design of buildings through colour, scale and placement which appears coordinated and purposeful.

The impact of structures associated with the sign

Most signage as part of the proposal is located on the façade of buildings or other structures as part of the service station to simplify and rationalise development at the site. Only the panel sign will have a separate structure which has been appropriately located to minimise any visual or functional impact the sign might have on the site. Other freestanding signs will be located internally of the site and will be of a small scale, located out of the way of areas required for access or other movements.

The impact of any illumination

Larger signs at the site will be internally illuminated. The majority of these signs are located within the centre of the site and are orientated towards the street fronts. There will not be any light spill into habitable rooms of dwellings and proposed landscaping and physical screening will minimise the spill of light onto residential land, primarily to the west of the site.

The impact of any logo box associated with the sign

Logo boxes are utilised on the panel sign and the fuel canopy as a way to identify the premises in the most precise manner possible. Logo boxes are consistent and are limited to 1-2 presenting to each external direction of the site, so as not to visually dominate the site.

The need for identification and the opportunities for adequate identification on the site or locality

Business identification is important at the site particularly from the north at Chenery Street and the west at Malcolm Street to ensure visitors can identify the location of the premises and have adequate time to make informed decisions about the prices of fuel and enter the site. Business identification is used minimally and is simplified, relying on logos and colour rather than extensive text and images.

The impact on road safety

Most signs are well within the site and are clearly distinguishable as relating to the commercial function. The pylon sign will not block important views into/out of the site, particularly at the intersection of Chenery and Malcolm Streets or at any access points to the site. Although signs will be illuminated, there will be no flashing, moving or animated components which may distract or dazzle drivers.

Clause 52.06 Car Parking

The proposed use of a service station is not a listed use in Table 1 of Clause 52.06 of the Mansfield Planning Scheme. As such, car parking must be provided to the satisfaction of the Responsible Authority.

Rates for a convenience shop, which is included as part of this application can be assessed as a guide:
The proposed development provides for a total of 18 car parking spaces throughout the site, including 1 disabled car parking space. This significantly exceeds the requirements for a convenience shop. There is also provision of 12 additional informal parking spaces at the site adjacent to fuel bowsers.

The proposed car parking is considered appropriate for this proposal given the nature of the use. While the site will receive a high number of visitors, most cars would only be parked for a few minutes at a time and it can be reasonably expected the majority of vehicles visiting the site would be parked at the fuel bowsers. The formalised car parking spaces will mainly be used by staff, convenience store customers or those stopping for an extended period. Car parking demand for these activities will be far lower than for refuelling. Given the proximity of the site to the Mansfield town centre, it is unlikely the site would receive a significant number of longer-term visitors, therefore reducing the need for a high volume of formalised parking spaces.

Considering the above, car parking at the site has been appropriately catered to the expected use and volume of vehicles at the site. Please see the Traffic Impact Assessment Report submitted with the planning permit application for further detail.

Car parking at the site meets all relevant Design standards for car parking at Clause 52.06-9.

Clause 52.29 Land Adjacent to Road in a Road Zone, Category 1

A planning permit is required to alter access to a road in a Road Zone, Category 1. The proposal includes the relocation/ redesign of the existing crossover at Chenery Street, which is within the Road Zone, Category 1.

A Traffic Impact Assessment Report for the site has been prepared, which concludes the following:

- The site layout is expected to operate safely and efficiently catering for both passenger cars and trucks.
- Both access points have been designed to accommodate up to a 20m articulated vehicle (AV) to accommodate fuel tankers.
- A 20m AV fuel truck will be able to enter the site from any entrance and prop near the fuel filling point. The fuel truck will need to exit via the other access from which it enters the site as there is no turning area.
- Access points to the site have been designed to adequately accommodate B-Double trucks to access the site entering from right turn into the site from Chenery Street and right turn out onto Malcolm Street on exit as well as left turn into the site from Malcolm Street and left turn out onto Chenery Street on exit.
- The loading area will cater for all loading and waste collection needs.
- The site is expected to generate an additional 12 vehicle movements through the Malcolm Street / Chenery Street intersection in the network peak hour and an additional 60 vehicle movements at each of the new access points in the peak hour.
The SIDRA post development analysis concluded that both access points and the Malcolm Street / Chenery Street intersection is expected to operate satisfactorily with the increased volumes.

For these reasons, the new access point and associated vehicle movements are not anticipated to generate traffic impacts at Chenery Street which would affect the safety or function of the road network or the subject site.

Clause 52.34 Bicycle Parking

The Tables at Clause 52.34-5 set out the number and type of bicycle facilities required for a particular land use.

Bicycle facilities are not required by this clause for a service station.

For a comparable rate, however, a retail premises requires 1 space to each 300sqm of leasable floor space for employees and 1 space to each 500sqm for visitors, which would require the proposal to supply a total of 0 bicycle parking spaces (200sqm of leasable floor area).

The proposal provides for six bicycle parking spaces for visitors to the site, which is considered to be adequate.

Clause 53.18 Stormwater Management in Urban Development

An assessment of the application against the objectives of Clauses 53.18-5 and 53.18-6 is provided below:

- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
- To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.
- To protect drainage infrastructure and receiving waters from sedimentation and contamination.
- To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

Stormwater at the site will be designed with consideration of the impacts stormwater design has on the appearance and amenity of land. The design seeks to ensure stormwater from the site does not contribute any pollutants or damage to the stormwater system.

An outline of the application's consistency with the standards of Clauses 53.18-5 and 53.18-6 is provided below:

- Standard W2: The stormwater management system should be designed to:
Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The development can be appropriately drained to the existing legal point of discharge. Subject to detailed civil engineering design, stormwater will be designed to carefully integrate with landscaping and other development features to ensure the proposal has a positive contribution to the site and surrounding area.

- **Standard W3:** An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:
  - Erosion and sediment.
  - Stormwater.
  - Litter, concrete and other construction wastes.
  - Chemical contamination.

During construction, all waste and pollutants will be appropriately stored and disposed of to the satisfaction of Council. The development will not require the use of any highly hazardous materials during construction.
6. CONCLUSION

This Report establishes a sound planning basis for Council to support the proposed "use and development of land for a service station with associated signage and to alter access to Road Zone Category 1" at 25 Malcom Street, Mansfield.

The proposed development will allow the establishment of a new commercial use on a major arterial road to service tourists and nearby residents with fuel and daily convenience products. The development will make a positive contribution to the neighbourhood and will mitigate any potential adverse amenity impacts.

This Report demonstrates consistency with:

► The Municipal Planning Strategy and Planning Policy Framework;
► The provisions of the Commercial 1 Zone;
► The relevant particular provisions;
► The sensitivity to the site and its environs; and
► The amenity of the adjoining properties.

For the above reasons, the proposal is commended to Council as one seeking to achieve relevant outcomes as promoted by the Mansfield Planning Scheme. Accordingly, it is respectfully requested the application be supported.
LAND DESCRIPTION

Lot 2 on Plan of Subdivision 8213085.
PARENT TITLE Volume 02755 Folio 971
Created by instrument PS8213085 25/03/2019

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MANSFIELD PROPERTY HOLDINGS PTY LTD of LEVEL 2 36 JACKSON STREET TOORAK VIC 3142
AT232080T 11/05/2020

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AR357818J 16/08/2018

DIAGRAM LOCATION

SEE PS8213085 FOR FURTHER DETAILS AND BOUNDARIES

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**Additional information:**

**ADMINISTRATIVE NOTICES**

-------------------------
NIL

ect Control 19848D MGA LAWYERS
Effective from 11/05/2020

DOCUMENT END

Lodgement No: 5617171
Email: IVAN@MGA-LAWYERS.COM
Customer Code: 19848D
Customer Name: MGA LAWYERS

LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000
GPO Box 527 Melbourne VIC 3001, DX 250639
Telephone: (03) 9194 0601 Facsimile 9194 0616
ABN 90 719 052 204
LAND DESCRIPTION

Lot 2 on Plan of Subdivision 821308S.
PARENT TITLE Volume 02755 Folio 971
Created by instrument PS821308S 25/03/2019

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
SILVERWOOD PROPERTY INVESTMENTS NO.2 PTY LTD of 185 ARDEN STREET NORTH
MELBOURNE VIC 3051
PS821308S 25/03/2019

ENCUMBRANCES, CAVEATS AND NOTICES

CAVEAT AT071081L 13/03/2020
Caveator
MANSFIELD PROPERTY HOLDINGS PTY LTD ACN: 150817271
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
22/10/2019
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
MGA LAWYERS
Notices to
MARK GEREMIA of LEVEL 9 179 QUEEN STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AR357818J 16/08/2018

DIAGRAM LOCATION

SEE PS821308S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER STATUS DATE
AT071081L (E) CAVEAT Registered 13/03/2020

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**PLAN OF SUBDIVISION**

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**VESTING OF ROADS AND/OR RESERVES**

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**NOTATIONS**

DEPTH LIMITATION: Does not apply.

This is a SPEAR plan.

Survey: This plan is based on survey.

This survey has been connected to permanent marks no(s)
37.47.48849

in Proclaimed Survey Area No.

STAGING: This is not a staged subdivision

Planning Permit No. P018/18

**EASEMENT INFORMATION**

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**RODNEY ALWARD & ASSOCIATES**

Licensed Land Surveyors

Level 1, 125 Camberwell Road, CAMBERWELL, 3124.
Ph. 9813 2222 Fax. 9813 2244
81 Grant Street, ALEXANDRA, 3749 Ph. 5772 9530
aujard9bigpond.net.au

Surveyors Ref. 1921

Original Sheet Size : A3 SHEET 1 OF 2

**PLAN REGISTERED**

TIME: 4:07 pm DATE: 25/03/2019

Y Cheung
Assistant Registrar of Titles
PS 821308 S

MALCOLM STREET

CHENERY STREET

ENLARGEMENT NOT TO SCALE

98°45'30"  40.40
98°28'20"  40.36

1 1043m²

2 3004m²

4.16  4.58
2.55  2.55

R-1 4.5m²

278°39'20"  40.23

Digitally signed by: John Francis Egan, Licensed Surveyor, Surveyor's Plan Version (1).
21/05/2019, SPEAR Ref: S1225448

RODNEY ALWARD & ASSOCIATES
Licensed Land Surveyors
Level 1, 325 Camberwell Road, CAMBERWELL, 3124,
Ph. 9813 2222 Fax. 9813 7244
91 Grant Street, ALEXANDRA, 3744, Ph. 5172 1530
ejordan@tigpp.net.au

Surveyors Ref. 19121

Amended by: John Francis Egan, Licensed Surveyor 25/03/2019.
Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987

Lodged by
Name: BSP LAWYERS
Phone: 960 0722
Address: 15/200 QUEEN STREET, MELBOURNE
Reference: PB: RM C: 183198
Customer code: 182J

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land:(volume and folio)

CERTIFICATE OF TITLE VOLUME 2755 FOLIO 971

Responsible authority;(full name and address, including postcode)

MANSFIELD SHIRE COUNCIL OF 33 HIGHET STREET, MANSFIELD 3722

Section and act under which agreement is made:

SECTION 173 AGREEMENT PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

Signing:

35271702A
181PEA

Page 1 of 2
THE BACK OF THIS FORM MUST NOT BE USED
Land Use Victoria contact details: see www.delwp.vic.gov.au/property> Contact us
Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987

Executed on behalf of
Signer Name
Signature
Execution Date
Full Name of Witness
Witness Signature

Planning & Environment Team Leader
Mansfield Shire Council

35271702A
Page 2 of 2
THE BACK OF THIS FORM MUST NOT BE USED
Land Use Victoria contact details: see www.delwp.vic.gov.au/property> Contact us
PLANNING AND ENVIRONMENT ACT 1987

SECTION 173 AGREEMENT

Between

MANSFIELD SHIRE COUNCIL

And

SILVERWOOD PROPERTY INVESTMENTS NO 2, PTY. LTD.

Of 185 ARDEN STREET, NORTH MELBOURNE, VIC 3051

In relation to

25 – 27 MALCOLM STREET, MANSFIELD
THIS AGREEMENT is made the day of: ____________________________

BETWEEN

Mansfield Shire Council (hereinafter called "the Responsible Authority")

AND

Silverwood Property Investments No. 2, Pty. Ltd. of 185 Arden Street, North Melbourne, Vic 3015 (hereinafter called "the Owner")

WHEREAS:

A "Land" means the land situated at 25 – 27 Malcolm Street, Mansfield, being the land contained in Certificate of Title Volume 02755, Folio 971 any reference to the land in this Agreement includes any lot created by subdivision of the land or part thereof.

B "Permit" means Planning Permit No. P018/18 by the Responsible Authority pursuant to the Mansfield Planning Scheme

C "Plan" means the plan which from time to time is the plan endorsed by the Responsible Authority in respect of

D The Responsible Authority is responsible for the Administration and enforcement of the Mansfield Planning Scheme pursuant to the provisions of the Planning and Environment Act 1987 (the Act).

E Condition number 3 of the Permit provides as follows:

Prior to certification of the plan of subdivision the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act, 1987. The agreement must provide for the following matters:
a) **Copies of the following documents must be annexed to the vendor's statement for each lot:**

i. A copy of this planning permit or, if relevant, any subsequent amended version

ii. A copy of the Statement of Environmental Audit prepared by Australian Environmental Auditors Pty. Ltd. dated 21 July 2016, issued for the land

b) A copy of the Statement of Environmental Audit issued for the land must be provided to the owner of each lot, including a letter that draws attention to the conditions and directions on the Statement of Environmental Audit.

c) A requirement that the owner must comply with the conditions and directions on the Statement of Environmental Audit.

The Agreement will bind the applicant as the owner and must run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority and must be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

F. The Responsible Authority and the Owner have agreed that, without restricting or limiting their respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is an agreement entered into pursuant to Section 173 of the Act.

G. The Responsible Authority and the Owner have entered into this Agreement in order to achieve or advance the objectives of planning in Victoria or the objectives of the Planning Scheme.

**IT IS AGREED AS Follows:**

**Definitions**

1. In this Agreement unless inconsistent with the context or subject matter:
1.1 "Act" means the Planning and Environment Act 1987;

1.2 "Agreement" means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement;

1.3 "Owner" means the owner for the time being of the land and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of an estate in fee simple in the land or any part thereof, and includes a Mortgagee in possession;

1.5 "Planning Scheme" means the Mansfield Planning Scheme and any successor instrument or other planning scheme which applies to the subject land;

1.6 "Responsible Authority" means or its successor as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors;

1.7 "Subject land" means the land described in Recital A;

1.8 "Tribunal" means the Victorian Civil and Administrative Tribunal or any successor tribunal, court, institution or body.

Interpretation

2. In this Agreement unless inconsistent with the context or subject matter:

2.1 The singular includes the plural and the plural includes the singular;

2.2 A reference to a gender includes a reference to each other gender;

2.3 A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law;
2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally;

2.5 A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute;

2.6 The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.

Specific Obligations of the Owner

3. The Owner covenants with the Responsible Authority that in accordance with Condition number 3 of the Planning Permit 018/18.

Prior to certification of the plan of subdivision the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act, 1987. The agreement must provide for the following matters:

a) Copies of the following documents must be annexed to the vendor's statement for each lot:

   i. A copy of this planning permit or, if relevant, any subsequent amended version

   ii. A copy of the Statement of Environmental Audit prepared by Australian Environmental Auditors Pty. Ltd. Dated 21 July 2016, issued for the land

b) A copy of the Statement of Environmental Audit issued for the land must be provided to the owner of each lot, including a letter that draws attention to the conditions and directions on the Statement of Environmental Audit.
c) A requirement that the owner must comply with the conditions and directions on the Statement of Environmental Audit.

The Agreement will bind the applicant as the owner and must run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant’s cost and to the satisfaction of the Responsible Authority and must be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Further Obligations of the Owner

4. The Owner further covenants that:

4.1 The Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the subject land or any part of it without first disclosing to its successors the existence and nature of this Agreement.

4.2 The Owner will do all that is necessary to make an application to the Registrar of Titles to make a recording of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act, including the signing of any further agreement, acknowledgment or other document.

4.3 The Owner shall immediately on demand pay the reasonable legal costs and fees incurred and incidental to the preparation and execution of this Agreement and the registration hereof pursuant to Section 181 of the Act, together with all costs of enforcing this Agreement.

4.4 That until such time as this Agreement is registered on the title to the subject land, the Owner shall ensure that successors in title will give effect to this Agreement and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.
4.5 The Owner agrees to indemnify and keep indemnified the Responsible
Authority from and against all costs, expenses, losses or damages that it
may sustain, incur, suffer or be or become liable for or in respect of any
suit, action, proceeding, judgment or claim brought by any person arising
from or referable to this Agreement and/or any non-compliance with this
Agreement.

4.6 The Owner agrees to allow the Responsible Authority to enter the subject
land at any reasonable time to assess compliance with this Agreement.

Owner's Warranties and Acknowledgements

5. The Owner warrants that:

5.1 It is the registered proprietor (or entitled to be so) of the subject land;

5.2 There are no mortgages, liens, charges or other encumbrances affecting
the subject land which are not disclosed by the usual searches;

5.3 If the subject land is affected by a mortgage, the Mortgagee of the subject
land consents to the Owner entering into this Agreement and the
Agreement being registered on the title to the subject land.

6. The Owner acknowledges that any obligations imposed on the Owner under this
Agreement take effect as separate and several covenants which are annexed to
the subject land and run at law and in equity with the land and every part thereof
and bind the Owner, its successors, assigns and transferees, and the registered
proprietor for the time being of the whole or any part of the subject land.

Further assurance

7. The parties to this Agreement must do or cause to be done all things that are
reasonably necessary to give effect to this Agreement.
Default

8. If the Owner defaults or fails to perform any of its obligations under this Agreement the Responsible Authority may, without prejudice to any other remedies, rectify and remedy such default and the cost of doing so shall be borne by the Owner.

No waiver

9. Any time or other indulgence granted by the Responsible Authority to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by the Responsible Authority against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority in relation to the terms of this Agreement.

No Fettering of Powers of Responsible Authority

10. The Owner expressly acknowledges and agrees that nothing in this Agreement nor the performance by the Owner of any of its obligations under this Agreement does or will restrain, limit or otherwise fetter the exercise by the Responsible Authority of the powers, duties and discretions that the Responsible Authority has or may have (as planning authority, responsible authority or otherwise) under the Act or under the Planning Scheme to consider, approve, amend or to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification relating to any use or development, or in relation to the commencement or initiation of any enforcement action or proceeding whatsoever.

 Entire Agreement

11. This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous Agreements or understandings between the parties in connection with its subject matter.
Severability

12. If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative and be of full force and effect.

Disputes

13. If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute must be referred to the Tribunal for resolution to the extent permitted by the Act.

14. If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute must be referred for arbitration by an Arbitrator agreed upon in writing by the parties, or, in the absence of such agreement the Chair of the Victorian Chapter of the Institute of Arbitrators Australia or his or her nominee, for arbitration.

15. The parties shall each be entitled to legal representation for the purposes of any proceedings or arbitration referred to in clause 13 or 14 of this Agreement unless the Tribunal or arbitrator otherwise directs, and each party must bear its own costs.

Commencement of Agreement

16. Unless otherwise provided in this Agreement, this Agreement shall commence on the date of this Agreement.

Amendment of Agreement

17. This Agreement may be amended pursuant to Sections 178 and Section 1781 of the Act and the Council will if the Agreement is registered pursuant to Section 181 of the Act advise the Registrar of Titles in the prescribed manner of any
amendment or request that the Memorandum of Agreement be altered accordingly.

18. The cost and expenses (including legal expenses and disbursements) of and incidental to notifying the Registrar of Titles pursuant to Clause 8 shall be borne and paid for by the party seeking the amendment and/or alteration of the Agreement.

End of the Agreement

19. Upon the Council being satisfied that the Owner has complied with the covenants and warranties herein on the Owner's part to be observed, this Agreement will be at an end and the Council will pursuant to Section 1781 of the Act, if the Agreement is registered pursuant to Section 181 of the Act, notify the Registrar of Titles that this Agreement is at an end and the Memorandum of Agreement endorsed on the Certificate of Title will be cancelled and executed by the parties.

EXECUTED by the parties on the date set out at the commencement of this Agreement:

Signed for and on behalf of Mansfield Shire Council pursuant to Instrument of Delegation which it is certified has not been revoked or varied, by

Council Delegate

Position

Witness

Owner

Witness
Proposed Petrol Station
25 Malcolm Street, Mansfield
Transport Impact Assessment

Prepared by: GTA Consultants (VIC) Pty Ltd for Mansfield Property Holdings Pty Ltd
on 15/05/2020
Reference: V185030
Issue #: A
Proposed Petrol Station
25 Malcolm Street, Mansfield
Transport Impact Assessment

Client: Mansfield Property Holdings Pty Ltd
on 15/05/2020
Reference: V185030
Issue #: A

Quality Record

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<th>Date</th>
<th>Description</th>
<th>Prepared By</th>
<th>Checked By</th>
<th>Approved By</th>
<th>Signed</th>
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<tbody>
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<td>A</td>
<td>15/05/2020</td>
<td>Final</td>
<td>Joshua Mauro</td>
<td>Ruzana Alam</td>
<td>Simon Davies</td>
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GTA Consultants

V185030 // 15/05/2020
Transport Impact Assessment // Issue: A
Proposed Petrol Station, 25 Malcolm Street, Mansfield
1. INTRODUCTION

1.1. Background & Proposal
A service station is proposed to be developed on the corner of Malcolm and Chenery Streets in Mansfield. The proposed development will incorporate a 200sqm convenience store (including an outdoor terrace), 12 petrol bowsers, underground fuel tanks, air and water facilities, on-site vehicle parking for light vehicles, and a loading/service yard area.

GTA Consultants was commissioned by Mansfield Property Holdings Pty Ltd in February 2020 to undertake a transport impact assessment of the proposed development.

1.2. Purpose of this Report
This report sets out an assessment of the anticipated transport implications of the proposed development, including considerations of the following:
- Existing traffic conditions surrounding the site
- Parking demand likely to be generated by the proposed development
- Suitability of the proposed parking in terms of supply (quantum) and layout
- Traffic generation of the proposed development
- Proposed access arrangements for the site
- Transport impact arrangements for the development proposal on the surrounding road network.

1.3. References
In preparing this report, reference has been made to the following:
- Mansfield Planning Scheme
- proposed development plan prepared by McIntyre & Cross, plan no TP-02, revision A, dated 6 May 2020
- Australian Standard / New Zealand Standard, Parking Facilities (AS2890)
- Traffic and car parking surveys undertaken by GTA Consultants as referenced in the context of this report
- An inspection of the site and its surrounds
- Other documents as nominated.
2. EXISTING CONDITIONS

2.1. Location

The subject site is located on the corner of Malcolm Street and Chenery Street. The site is approximately 2,950 sq. m with frontages of 39m to Malcolm Street and 74m to Chenery Street.

The site is located within a commercial 1 Zone (C1Z) and is currently vacant. The surrounding properties are predominantly residential and retail land uses.

The location of the subject site and the surrounding environs is shown in Figure 2.1 and the Land zoning shown in Figure 2.2.

Figure 2.1: Subject Site and its Environs

(photomap courtesy of NearMap Pty Ltd)

Figure 2.2: Subject Site and Surrounding Land Zoning
2.2. Transportation Network

2.2.1. Nearby or Adjoining Roads
Malcolm Street

Malcolm Street functions as a residential street west of the subject site and forms part of the state road network (C320) immediately east of the site.

It is a two-way road aligned in an east-west direction and configured with a two-lane, 11m wide carriageway subject to a 50km/h speed limit in the vicinity of the site. Figures 2.3 and 2.4 depict Malcolm Street in each direction.

Malcolm Street carries in the order of 3,700 vehicles per day.¹

Figure 2.3: Malcolm Street Looking East

Figure 2.4: Malcolm Street Looking West

Chenery Street

Chenery Street functions as a secondary state arterial road and is located within a Road Zone (Category 1) in the Mansfield Planning Scheme.

It is a two-way road aligned in a north-south direction and configured with a 2-lane, 11m wide carriageway and is subject to a 50km/h speed limit to the north of the site.

Chenery Street carries in the order of 3,200 vehicles per day and is shown in Figures 2.5 and 2.6.¹

Figure 2.5: Chenery Street Looking North

Figure 2.6: Chenery Street Looking South

¹ Based on peak hour traffic surveys undertaken on Wednesday 19 February 2020 and assuming a peak to daily ratio of 10%.
2.2.2. Surrounding Intersections

Key intersections in the vicinity of the site include:

- Malcolm Street / Chenery Street (Unsignalised T-intersection).

2.2.3. Public Transport Network

There is one V/line bus service in the vicinity of the site with the bus stop located on High Street approximately 850m north of the site. The bus route runs between Melbourne and Mansfield via Yea V/Line and offers one service in the morning and afternoon peaks.

2.2.4. Active Travel Network

The site has sealed footpaths that run along the length of the eastern and southern boundaries which are 1.5m wide and connect to the wider network.

2.3. Safety Review

A review of the reported casualty accident history for the roads and intersections adjoining the subject site has been sourced from VicRoads CrashStats accident database.

This database records all accidents causing injury that have occurred in Victoria since 1987 (as recorded by Victorian Police) and categorises these accidents as follows:

- Fatal injury: at least one person was killed in the accident or died within 30 days as a result of the accident.
- Serious injury: at least one person was sent to hospital as a result of the accident.
- Other injury: at least one person required medical treatment as a result of the accident.

A summary of the accidents in the vicinity of the site for the last available five year period (2015 - 2019) is presented in Table 2.1.

Table 2.1: CrashStats Review (2015 – 2019)

<table>
<thead>
<tr>
<th>Location</th>
<th>Crash Type (DCA)</th>
<th>Conditions</th>
<th>Date</th>
<th>Time</th>
<th>Severity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunter Street &amp; Chenery Street</td>
<td>Vehicle emerging from driveway (DCA 147)</td>
<td>Dry</td>
<td>14/11/2016</td>
<td>8:20am</td>
<td>Other</td>
</tr>
<tr>
<td>Mount Buller Road &amp; Malcolm Street</td>
<td>Vehicle out of control on carriageway (DCA 174)</td>
<td>Dry</td>
<td>07/06/2017</td>
<td>9:15am</td>
<td>Other</td>
</tr>
</tbody>
</table>

Table 2.1 indicates that only two (2) crashes have occurred in close proximity of the site which is not considered high given the volume of movements through the Malcolm/Chenery Street intersection.
3. CAR PARKING

3.1. Statutory Car Parking Requirement

Statutory requirements for the provision of car parking are set out in Clause 52.06 of the Mansfield Planning Scheme, with parking rates specified in Table 1 to Clause 52.06-5. As the site is not within the Principal Public Transport Network Area, the rates in Column A of the table apply to this site. An assessment of the statutory parking requirements for the development proposal is set out in Table 3.1.

Table 3.1: Statutory Car Parking Requirement

<table>
<thead>
<tr>
<th>Description</th>
<th>Use</th>
<th>Sizes</th>
<th>Statutory Parking Rates</th>
<th>Statutory Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Station / Convenience Shop</td>
<td>Convenience Shop</td>
<td>12 Bowsers</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

The above assessment anticipates the development proposal has statutory requirement of 10 spaces. In this instance, the proposed on-site parking provision of 18 car spaces exceeds the statutory parking requirement and is considered appropriate.

In addition to the statutory car parking requirements in the Planning Scheme, the Building Code of Australia (BCA) outlines requirements for the provision of car parking for people with disabilities. An assessment of the BCA disabled car parking requirements for the development proposal is set out in Table 3.2.

Table 3.2: BCA Car Parking Requirements for people with Disabilities

<table>
<thead>
<tr>
<th>Description</th>
<th>Class</th>
<th>BCA Disabled Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td>Class 6</td>
<td>1 space for every 50 car parking spaces or part thereof</td>
</tr>
</tbody>
</table>

Parking spaces for people with disabilities can be included in the total number of spaces required by the Planning Scheme. The on-site provision of one space for people with a disability meets the BCA requirement and is considered appropriate.

3.2. Car Parking Layout

The proposed parking layout has been assessed in respect to the relevant Design Standards set out in Clause 52.06 of the Mansfield Planning Scheme, AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Specifically:

- Parking spaces are at least 4.9m long, 2.6m wide and are accessed from at least a 6.5m wide aisle in accordance with the Planning Scheme.
- The disabled parking spaces are 4.9m long, 2.4m wide, adjacent to a 2.4m wide shared space in accordance with AS/NZS 2890.6-2009.
- The loading bay area is 12m long, 3.9m wide and can service up to an 8.8m Medium Rigid Vehicle (MRV).
- The grades within the site have been designed to be a maximum of 1:16 on entry for a minimum of 10m and a maximum of 1:20 across the canopy in accordance with AS/NZS 2890.2-2002.
3.3. Vehicle Access layout

Access into the site is provided by a two-way accessway to both Malcolm Street and Chenery Street. The access points have been designed to accommodate up to a 26m articulated vehicle (B-Double) fuel tanker to enter via Malcolm Street and exit via Chenery Street.

Swept path assessments have been undertaken showing 26m AV and B99 vehicle movements entering/exitng the site and manoeuvring through the petrol bowsers and parking. As shown in the Appendix A, these movements can be undertaken comfortably and are considered to be satisfactory.
4. BICYCLE PARKING

4.1. Bicycle Parking & Associated facilities

4.1.1. Overview

Clause 52.34 of the Mansfield Planning Scheme seeks to encourage cycling as a mode of travel through the provision of appropriate bicycle parking and associated facilities. The discussion and analysis presented below examines these requirements.

4.1.2. Statutory Requirements

Bicycle Parking Provision

Statutory requirements for the provision of bicycle parking are set out in Clause 52.34 of the Mansfield Planning Scheme. Based on this, the statutory requirements for the provision of bicycle facilities for the development proposal are set out in Table 4.1.

Table 4.1: Statutory Requirement of Bicycle Facilities

<table>
<thead>
<tr>
<th>Use</th>
<th>Size</th>
<th>Statutory Rate</th>
<th>Statutory Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Station (Retail)</td>
<td>12 Bowsers</td>
<td>1 to each 300 sqm of LFA</td>
<td>0 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to each 500 sqm of LFA</td>
<td>0 spaces</td>
</tr>
</tbody>
</table>

Table 4.1 indicates there is no requirement to provide bicycle parking for this development.

4.1.3. Adequacy of Bicycle Parking/Facilities Provision

A total of three bicycle hoops is provided, accommodating six visitor bicycle spaces. Though not required, given the sites close proximity to a number of residential properties, this provision is considered to be a good inclusion and design outcome.
5. LOADING & WASTE COLLECTION ASSESSMENT

5.1. Loading & Waste Collection

5.1.1. Statutory Requirement

Clause 65.01 of the Mansfield Planning Scheme indicates that "Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: ... The adequacy of loading and unloading facilities ....". The following outlines the proposed loading arrangements and their adequacy.

5.1.2. Loading and Waste Demand and Arrangements

Convenience Shop

There is a proposed loading and waste collection area on the northern side of the building. The loading area can cater for vehicles up to and including an 8.8m MRV. The loading area is considered appropriate to facilitate all loading and waste collection requirements.

Fuel delivery / 26m AV Access

Electronic swept path analyses undertaken by GTA demonstrates that a 26m AV fuel delivery truck will be able to left turn into the site from Malcolm Street and exit via a right turn onto Chenery Street, before right turning back onto Malcom Street at the intersection. It is understood that all fuel delivery trucks will only be permitted to access / egress the site in this manner.
6. TRAFFIC ASSESSMENT

6.1. Existing Conditions

To understand the existing traffic volumes in the vicinity of the site, GTA Consultants undertook traffic movement counts at the intersection of Malcolm and Chenery Streets on 19th February 2020 during the following peak periods:

- 7:00am - 9:00am
- 4:00pm - 6:00pm.

The AM and PM peak hour traffic volumes are shown in Figure 6.1 and Figure 6.2 with a total of 581 (between 8am - 9am) and 617 (between 4pm - 5pm) vehicles observed during these times respectively.

The commonly used measure of intersection performance is referred to as the Degree of Saturation (DOS). The DOS represents the flow-to-capacity ratio for the most critical movement on each leg of the intersection. For un-signalised intersections, a DOS of around 0.95 is typically considered the 'ideal' limit, beyond which queues and delays increase disproportionately.

6.1.1. Existing Intersection Operations

The operation of the intersection of Malcolm and Chenery has been assessed using SIDRA INTERSECTION 6\(^2\), a computer-based modelling package which calculates intersection performance.

The program used under license from Akcelik & Associates Pty Ltd.

SIDRA INTERSECTION adopts the following criteria for Level of Service assessment:

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Unsignalised Intersection</th>
<th>Signalised Intersection</th>
<th>Roundabout</th>
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</thead>
<tbody>
<tr>
<td>A Excellent</td>
<td>&lt;=0.60</td>
<td>&lt;=0.65</td>
<td>&lt;=0.60</td>
</tr>
<tr>
<td>B Very Good</td>
<td>0.60-0.65</td>
<td>0.60-0.70</td>
<td>0.60-0.70</td>
</tr>
<tr>
<td>C Good</td>
<td>0.70-0.85</td>
<td>0.70-0.95</td>
<td>0.70-0.85</td>
</tr>
<tr>
<td>D Acceptable</td>
<td>0.80-0.90</td>
<td>0.90-0.95</td>
<td>0.85-0.95</td>
</tr>
<tr>
<td>E Poor</td>
<td>0.90-1.00</td>
<td>0.95-1.00</td>
<td>0.95-1.00</td>
</tr>
<tr>
<td>F Very Poor</td>
<td>&gt;=1.0</td>
<td>&gt;=1.0</td>
<td>&gt;=1.0</td>
</tr>
</tbody>
</table>

\(^2\) Program used under license from Akcelik & Associates Pty Ltd.
\(^3\) SIDRA INTERSECTION adopts the following criteria for Level of Service assessment.
Table 6.1 presents a summary of the existing operation of the intersection. Full SIDRA outputs are available on request.

Table 6.1: Malcolm/Chenery Street – Existing Operating Conditions in AM and PM

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Approach</th>
<th>DOS</th>
<th>Average Delay (sec)</th>
<th>95th Percentile Queue (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM</td>
<td>Chenery Street (North)</td>
<td>0.11</td>
<td>6 sec</td>
<td>3 m</td>
</tr>
<tr>
<td></td>
<td>Malcolm Street (East)</td>
<td>#0.18</td>
<td>3 sec</td>
<td>5 m</td>
</tr>
<tr>
<td></td>
<td>Malcolm Street (West)</td>
<td>0.09</td>
<td>2 sec</td>
<td>0 m</td>
</tr>
<tr>
<td>PM</td>
<td>Chenery Street (North)</td>
<td>#0.15</td>
<td>6 sec</td>
<td>4 m</td>
</tr>
<tr>
<td></td>
<td>Malcolm Street (East)</td>
<td>0.15</td>
<td>3 sec</td>
<td>5 m</td>
</tr>
<tr>
<td></td>
<td>Malcolm Street (West)</td>
<td>0.10</td>
<td>1 sec</td>
<td>0 m</td>
</tr>
</tbody>
</table>

DOS = Degree of Saturation, # = Intersection DOS

On the basis of the above assessment, Table 6.1 clearly identifies that the intersection of Malcolm/Chenery currently operates well with minimal queues and delays on all approaches.

6.2. Traffic Generation

6.2.1. Traffic Generation

Service Station

Traffic generation estimates for the petrol filling station and convenience shop have been sourced from surveys completed by GTA and other consultants of 27 service stations throughout Australia during the AM and PM peak. These surveys indicated an average traffic generation rate of 10 movements per bowser during peak hours.

Based on the above, estimated traffic generation of the development is outlined in Table 6.1.

Table 6.2: Traffic Generation Estimates

<table>
<thead>
<tr>
<th>Description</th>
<th>Sizes</th>
<th>Traffic generation Rate</th>
<th>Vehicle Movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Station / Convenience Shop</td>
<td>12 Bowsers</td>
<td>10 movements/bowser</td>
<td>120 movements/hr</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>120 movements/hr</td>
</tr>
</tbody>
</table>

Table 6.1 indicates that the site could potentially generate up to 120 movements in any peak hour.
TRAFFIC ASSESSMENT

6.2.2. Characteristics Trip Types

An important characteristic of the traffic generation of service stations is the different types of trips which may occur. These different trip types correspond to:

- 'Primary Trips'
- 'Link-diverted Trips'
- 'Non-link-diverted Trips'.

Primary trips and link-diverted trips involve a vehicle either making a special trip or a modification of the route to an existing trip. Non-link-diverted trips, on the other hand, correspond to those trips which do not involve a diversion from the route that would otherwise have been taken, or in other words are trips generated by passing traffic. The important distinction here is that it is only primary trips and link-diverted trips which impact upon the external road network. Non-link-diverted trips are already present on the adjacent road network, and although these trips need to be considered in the design of access driveways, turning lanes and so on, they do not constitute additional traffic per se.

Indeed, up to 90% of traffic using a service station are likely to be passer-by trips. Of these trips, all are assumed to be non-link-diverted trips, noting that motorists can enter and exit on either road that they would usually be travelling on. The balance of trips are assumed to be 'primary trips' (i.e. new to the network).

Due to the location of the service station it is reasonable to assume that 90% of the trips will be passer by trips with 10% of trips being primary trips.

After adopting these assumptions, it can be considered reasonable that the proposed development will generate an additional 12 'new' vehicle movements onto the road network with the remaining traffic being passing traffic that is already on the road network.

6.3. Traffic Impact

6.3.1. Traffic Distribution and Assignment

To understand the post development conditions of the site, traffic distribution and assignment has been determined so we can model the traffic impact on the Malcolm Street / Chenery Street intersection.

Traffic distribution has been based on the existing traffic volume directional splits at the intersection (based on survey data outlined in Section 6.1) and on the internal layout of the site. Based on this, the following assumptions have been made:

- 50% of trips will use the Malcolm Street access
  - Of this, it has been assumed there will be a 50/50 split between inbound and outbound movements.
  - Further, it has been assumed that there will be a 50/50 split between vehicles to/from the east and west
- 50% of trips will use the Chenery Street access
  - Of this, it has been assumed there will be a 50/50 split between inbound and outbound movements.
Further, it has been assumed 50/50 split between vehicles to/from the north and south. The traffic generation at each of the vehicle access points is shown in Figure 6.3 with the above splits applied.

Figure 6.3: Traffic Generation at New Access Points

6.3.2. Post Development Summary

The AM and PM post development traffic conditions have been reproduced in Figures 6.4 and 6.5.

Figure 6.4: AM Post Development

Figure 6.5: PM Post Development
6.3.3. Traffic Impact

The post development operations of the site have also been assessed with using SIDRA INTERSECTION 6+. Table 6.3 presents a summary of the post development operation of the intersection. Full SIDRA outputs are in Appendix B.

6.3.4. Malcolm Street / Chenery Street

Table 6.3: Malcolm Street / Chenery Street – Post Development in AM and PM

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Approach</th>
<th>DOS</th>
<th>Average Delay (sec)</th>
<th>95th Percentile Queue (m)</th>
</tr>
</thead>
<tbody>
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<td>AM</td>
<td>Chenery Street (North)</td>
<td>0.11</td>
<td>7 sec</td>
<td>3 m</td>
</tr>
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<td></td>
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<td>Malcolm Street (West)</td>
<td>0.09</td>
<td>2 sec</td>
<td>0 m</td>
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<td>PM</td>
<td>Chenery Street (North)</td>
<td>0.15</td>
<td>6 sec</td>
<td>5 m</td>
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<td></td>
<td>Malcolm Street (East)</td>
<td>#0.16</td>
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<td>1 sec</td>
<td>0 m</td>
</tr>
</tbody>
</table>

DOS – Degree of Saturation, # - Intersection DOS

Table 6.3 indicates that the intersection is expected to continue to operate well with minimal delays and queues on all approaches.

6.3.5. Malcolm Street Service Station Access

Table 6.4: Malcolm Street Service Station Access – Post Development in AM and PM

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Approach</th>
<th>DOS</th>
<th>Average Delay (sec)</th>
<th>95th Percentile Queue (m)</th>
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</thead>
<tbody>
<tr>
<td>AM</td>
<td>Service Station Access (North)</td>
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<tr>
<td></td>
<td>Malcolm Street (East)</td>
<td>#0.13</td>
<td>0 sec</td>
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<td></td>
<td>Malcolm Street (West)</td>
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<tr>
<td>PM</td>
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</tr>
<tr>
<td></td>
<td>Malcolm Street (East)</td>
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<td>0 sec</td>
<td>1 m</td>
</tr>
<tr>
<td></td>
<td>Malcolm Street (West)</td>
<td>0.11</td>
<td>0 sec</td>
<td>0 m</td>
</tr>
</tbody>
</table>

DOS – Degree of Saturation, # - Intersection DOS

Table 6.4 indicates that the proposed Malcolm Street access is expected to operate well with minimal delays and queues on all approaches.

* Program used under license from Akcelik & Associates Pty Ltd.
6.3.6. Chenery Street Service Station Access

Table 6.5: Chenery Street Service Station Access – Post Development in AM and PM

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Approach</th>
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<td>Service Station Access (West)</td>
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<td>1 m</td>
</tr>
</tbody>
</table>

DOS – Degree of Saturation. # - Intersection DOS

Table 6.5 indicates that the proposed Chenery Street access is expected to operate well with minimal delays and queues on all approaches.
7. CONCLUSION

Based on the analysis and discussions presented within this report, the following conclusions are made:

1. The development proposal has statutory requirement of 10 spaces. The proposed on-site parking provision of 18 car spaces exceeds the statutory parking requirement and is considered appropriate.

2. It is proposed to provide no staff bicycle spaces and six visitor spaces. This is considered appropriate considering the location of the site.

3. Loading and waste collection can be completed by up to and including an 8.8m MRV. The loading will cater for all loading and waste collection needs.

4. A 26m AV fuel truck will be able to enter the site from Malcolm Street, prop near the fuel filling point, and exit via the Chenery Street access.

5. The site layout is expected to operate safely and efficiently catering for both passenger cars and trucks.

6. The site is expected to generate an additional 12 vehicle movements through the Malcolm Street / Chenery Street intersection in the network peak hour and an additional 60 vehicle movements at each of the new access points in the peak hour. The SIDRA post development analysis concluded that both access points and the Malcolm Street / Chenery Street intersection is expected to operate satisfactorily with the increased volumes.
A. SWEPT PATH ASSESSMENTS
The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

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The document is invalid if this cover sheet is removed or altered.
# PLAN OF SUBDIVISION

**LOCATION OF LAND**

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<th>PARISH</th>
<th>MANSFIELD</th>
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<td>POSTAL ADDRESS</td>
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<td>MGA94 Co-ordinates</td>
<td>E 449 207 N 5878 297 ZONE : 55</td>
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**VESTING OF ROADS AND/OR RESERVES**

| ROAD R-1 | MANSFIELD SHIRE COUNCIL |

**NOTATIONS**

- DEPTH LIMITATION: Does not apply.
- This is a SPEAR plan.
- Survey: This plan is based on survey.
- This survey has been connected to permanent marks no.(s) 37,47,48&49 in Proclaimed Survey Area No.
- STAGING: This is not a staged subdivision

**EASEMENT INFORMATION**

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<th>Easement Reference</th>
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<th>Width (metres)</th>
<th>Origin</th>
<th>Land Benefited/in Favour Of</th>
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<td>SEE PLAN</td>
<td>MANSFIELD SHIRE COUNCIL &amp; LOTS ON THIS PLAN</td>
</tr>
<tr>
<td>E-1E-2</td>
<td>PIPELINES &amp; ANCILLARY PURPOSES</td>
<td>SEE PLAN</td>
<td></td>
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</tr>
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<td>E-3</td>
<td>PIPELINES &amp; ANCILLARY PURPOSES</td>
<td>SEE PLAN</td>
<td></td>
<td>GOULBURN VALLEY REGION WATER CORPORATION</td>
</tr>
</tbody>
</table>

**RODNEY AUJARD & ASSOCIATES**

Licensed Land Surveyors

Level 1, 325 Camberwell Road, CAMBERWELL, 3124.
Ph. 9813 2222 Fax. 9813 2244
81 Grant Street, ALEXANDRA, 3741 Ph. 5772 1530
aujard@bigpond.net.au

Surveyors Ref. 19121

Original Sheet Size : A3

PLAN REGISTERED
TIME: 4:07 pm DATE: 25/03/2019
Y Cheung
Assistant Registrar of Titles

Amended by: John Francis Egan, Licensed Surveyor 25/03/2019.
B.SIDRA RESULTS
**Site: 101 [Malcolm / Chenery AM Existing]**

New Site
Site Category: (None)
Giveaway / Yield (Two-Way)

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<th>Lane Use and Performance</th>
<th>Demand</th>
<th>Peak</th>
<th>Cap.</th>
<th>Sat.</th>
<th>Util.</th>
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<th>Level of Service</th>
<th>95% Exh of Stream</th>
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<td><strong>North: Chenery Street</strong></td>
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Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Lane LOS values are based on average delay per lane.
Minor Road Approach LOS values are based on average delay for all lanes.
NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.
Site: 101 [Malcolm / Chenery PM Existing]

New Site
Site Category: (None)
Giveaway / Yield (Two-Way)

<table>
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<tr>
<th>Lane Use and Performance</th>
<th>Lane 1</th>
<th>Approach</th>
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Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Lane LOS values are based on average delay per lane.
Minor Road Approach LOS values are based on average delay for all lanes.
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SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.
Site: 101 [Malcolm / Chenery AM Post Development]

New Site
Site Category: (None)
Giveaway / Yield (Two-Way)

### Lane Use and Performance

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HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.
**Site: 101 [Malcolm / Chenery PM Post Development]**

New Site
Site Category: (None)
Giveaway / Yield (Two-Way)

**Lane Use and Performance**

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<th>%</th>
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Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Lane LOS values are based on average delay per lane.

Minor Road Approach LOS values are based on average delay for all lanes.

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SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.


HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.
### Site: 101 [Malcolm St Access AM Post Development]

**New Site**
- Site Category: (None)
- Giveway / Yield (Two-Way)

#### Lane Use and Performance

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## Site: 101 [Malcolm St Access PM Post Development]

**New Site**
- Site Category: (None)
- Giveaway / Yield (Two-Way)

### Lane Use and Performance

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<th>Gap (s)</th>
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Site: 101 [Chenery St Access AM Post Development]

New Site
Site Category: (None)
Giveaway / Yield (Two-Way)

<table>
<thead>
<tr>
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<tr>
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</tr>
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<td>Intersection</td>
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## Site: 101 [Chenery St Access PM Post Development]

**New Site**  
**Site Category:** (None)  
**Giveaway / Yield:** (Two-Way)

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</table>

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Lane LOS values are based on average delay per lane. Minor Road Approach LOS values are based on average delay for all lanes. NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road lanes. SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay. Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D). HV (%) values are calculated for all Movement Classes of All Heavy Vehicle Model Designation.
SOUTH ELEVATION

- TIMBER ACOUSTIC FENCE ON BOUNDARY
- TIMBERS
- 334 EL AHD
- 33.12 AHD
- TIMBERS BATTEN
- FC SHEET FASCIA, PAINT FINISH
- STANDARD CANOPY BRANDING
- ACM CLAD COLUMNS
- FC SHEET FASCIA, PAINT FINISH
- PRECAST CONCRETE, PAINT FINISH
- VERTICAL TIMBER SLAT FENCING
- REINFORCING WALL
- TITLE BOUNDARY

EAST ELEVATION (BUILDING)

- STANDARD CANOPY BRANDING
- ACM CLAD COLUMNS
- Pylon (Beyond)
- Pylon (In Foreground)
- 334.7 AHD
- 333.52 AHD
- 332.12 AHD

EAST ELEVATION VIEWED FROM ADJOINING PROPERTY

- TITLE BOUNDARY
- TIMBERS
- 334.7 AHD
- 333.52 AHD
- 332.12 AHD

FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING DIMENSIONS.
BUILDER TO CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK OR PREPARATION OF SHOP DRAWINGS.
ANY DISCREPANCIES SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
ALL WORK TO CONFORM TO THE BUILDING CODE OF AUSTRALIA.
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Figure dimensions shall take precedence over scaled dimensions. 

Builder to check all dimensions and levels on site prior to commencement of any work or preparation of shop drawings. Any discrepancies shall be immediately reported to the architect. 

All work to conform to the building code of Australia. 

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