

Delegate's Report

Application No: 2017/253

Application Type: Development Only

Received: 4 September 2017

The Applicant:

Name: Wsc Planning Pty Ltd
 Address: Unit 9
 102 Jolimont Road
 East Melbourne VIC 3002

The Proposal:

Proposal: Building and works for milk powder packaging and storage, reduction of car parking requirement and alter access to a RDZ1

The Land:

Land Address: 40-47 Station Street Korumburra VIC 3950
 Land Description: L2 PS301973F Parish of Korumburra, PC164236F Parish of Korumburra and L8 LP142620 Parish of Korumburra

Assessment:

By: David Simon

Planning Scheme and/or Planning and Environment Act Definition

Land Use

The land use is existing. It is considered to be characterised as industry or rural industry more specifically.

Development

Construct a building or construct or carry out works

Zone and Overlays:

Part Industrial 1 Zone
 Part Industrial 3 Zone
 Part General Residential Zone 1 (not where works are proposed)
 Environmental Significance Overlay - Schedule 8

Why is a Permit Required?

Zone

Use

N/A – Use is existing.

Development

Clause 33.01-4 – A permit is required to construct a building or construct or carry out works. The majority of the proposed building and works are within the IN1Z portion of the land.

Clause 33.03-4 – A permit is required to construct a building or construct or carry out works. A footprint of approximately 550m² of the total 3200m² proposed building are within the IN3Z, adjoining the existing car park area. That part of the building includes an access ramp from the existing car park, the entry and administration area, upper process area, change facilities and part of the product preparation and filling areas. Part of the large retaining wall is also proposed within the IN3Z.

Overlays

Clause 42.01-2 – A permit is required to construct a building or construct or carry out works and to remove, destroy or lop any vegetation, including dead vegetation. However, these do not apply if a schedule to the overlay specifically states that a permit is not required. The ES08 schedule provides a relevant exemption for the proposed buildings and works and the vegetation removal that is required to facilitate this proposal.

Particular provisions

Clause 52.06-3 – A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. The applicant proposes 23 car spaces. The number of spaces required by clause 52.06-5 would equate to 109 based on the following calculation:

1. Industry requires 2.9 spaces required per 100m² of net floor area.
2. NFA = 3200m² of ground level + 590m² of first floor level = 3790m².
3. $3790/100 = 37.9 \times 2.9 = 109.91$. According to 52.06-5, this is to be rounded down to the nearest whole number

Therefore, the applicant proposes to reduce the number of spaces by 86 spaces (109 – 23). It should be noted that the applicant appears to have incorrectly based their calculations on the basis that part of the floor area of the building will be used as part “warehouse” and part “industry” and on the basis of a smaller floor area than is actually being proposed. It appears they have chosen warehouse for part of the building because it has a lower parking rate than industry. Even so, it does not explain why their calculation would correctly arrive at the conclusion that 67 spaces are required according to clause 52.06-5. It appears the calculation of net floor area is also not correct. Whilst it may be reasonable to argue that in reality parts of the building will not be used as intensively as an industry, it is considered that to use the car parking rate for warehouse to calculate the reduction is not appropriate because to do so would inappropriately characterise part of the land use as warehouse, and not industry. It is not considered appropriate to do so because warehouse is a separate land use and the extent of storage being proposed here is not considered to be a separate land use in its own right. The storage of goods in this instance appears to be incidental and “ancillary” to the primary use of industry. The definition of industry specifically includes things that are incidental or ancillary to the primary use of many industries, such as (taken from definition of industry):

- a) *storing goods used in the operation or resulting from it;*
- b) *providing amenities for people engaged in the operation;*
- c) *selling by wholesale, goods resulting from the operation; and*
- d) *accounting or administration in connection with the operation.*

As such, the “storing of goods used in the operation or resulting from it” are not considered to be “warehouse”, nor are the other incidental “administration” or “amenities” being considered as different land uses such as “office”, etc and are not being calculated at the higher parking rates in accordance with 52.06-5 for such uses. If the applicant’s logic is applied then those other components of industry should also be calculated differently for the purpose of car parking calculations. It should also be noted that nowhere else in their planning submission does the applicant try to argue that warehouse is a separate existing use on the land, except for when it comes to calculating car parking reductions.

Clause 52.29 – A permit is required to alter an access to a Road Zone Category 1. Whilst the applicant does not propose to alter the existing physical access to Korumburra-Warragul Road, VCAT has previously taken an expansive interpretation of what it means to “alter” an access. This is taken to include potential works as a result of the proposed expansion of an existing use of a site.

Particular or General provisions that are relevant but do not trigger a permit

Clause 52.34 – this clause requires that bicycle facilities are provided at 1 space per 1000m² of net floor area for Industry. The NFA = 3790m² as discussed above. This equates to requiring 4 bicycle spaces. Showers are not required because less than 5 spaces are required. As a result, no change room is required either because it is based on the number of showers. It should be noted that the overall industry contain both facilities even though not required for this specific proposal. The applicant has not shown the bicycle spaces and has acknowledged that Council can include a condition requiring them to be shown.

Clause 53.10 – this clause specifies certain uses with adverse amenity potential. It is considered to fall within the “Manufacture of milk products” use. It is listed with a threshold distance of 300m. This is only relevant in so far as assessing whether the use of the building is for a section 1 or 2 use in the zone table in the IN1Z. It cannot be a section 1 use in the IN1Z because it does not satisfy the relevant condition. The IN3Z specifies that all Industry is a section 2 use irrespective of satisfying a threshold distance.

Clause 63.05 – whilst the clause does not specifically state that a permit is required to construct a building or construct or carry out works, it does state that a use in section 2 or 3 may continue provided “no building or works are constructed or carried out without a permit.” It is considered that the existing use may continue pursuant to this clause because the building and works are to be constructed in accordance with a permit and also meet the other relevant tests in clause 63.05. Whilst this has been subject to some discussion before VCAT, this Council takes the view that clause 63.05 does not specifically trigger a planning permit for buildings and works. Put differently, it simply states that a use may continue provided it meets certain parameters, one of which is that they must be carried out in accordance with a permit.

Size of the Land (Square meters or hectares):

The subject titles are approximately 2.75 ha. The total site is approximately 4.45ha.

Is there a registered restrictive covenant or a Section 173 Agreement on the title? If so, does the proposal comply with the restriction or Section 173 Agreement?

There are no restrictive covenants or 173 Agreements on title. However, caveats have been lodged against the property. The proposal does not affect the interests of the caveator.

Does the land abut a Road Zone Category 1 or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road?

Yes. The land abuts a Road Zone Category 1 road. The application requires referral to VicRoads under Clause 52.29 and 66.03 of the Planning Scheme.

Is there a designated waterway on the land?

No.

Is the land within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994?

Yes. The land is within the Tarwin River (Meeniyah) Water Supply Catchment (ID no: 118) as proclaimed by the Victoria Government Gazette (No. G17 2 May 1990).

Does the application require car parking / bicycle facilities?

Yes, Car parking and Bicycle facilities are required. These requirements are assessed and discussed in the General Assessment section of this report under Clause 52.06 and 52.34.

Is an Aboriginal Cultural Heritage Management Plan required?

No, a CHMP is not required because the proposed development is not in an area of cultural heritage sensitivity.

Was Further Information Requested under Section 54?

Further information was required on a number of occasions. The first request on 20 December 2017 related to a number of matters including traffic, parking, noise and landscaping. Follow up requests were primarily to deal with issues/concerns that both Council and the EPA had from the original request.

The applicant finally submitted a noise report that was considered acceptable on 18 September 2018.

Inspections:

Date Inspected	Observations
Numerous times over the last 5 years	<p>The land has frontage to four roads/streets, being; Station Street (main entry for admin), Flinders Street (side entry for trucks), Korumburra-Warragul Road (car park and exit for trucks) and Stuart Street (rear lane/minor access to facilities).</p> <p>The highest portion of the land fronts Station Street and Korumburra-Warragul Road and then the land slopes down to the north-east, toward Stuart Street and the northern end of Flinders Street.</p> <p>There are no waterways on the property but there is one adjacent to the site in Flinders Street.</p> <p>There is scattered vegetation around the site with a majority of it being planted along the northern boundary of the site on Stuart Street and also some along the rear of the adjoining dwellings on Korumburra-Warragul Road.</p> <p>A majority of the southern portion of the site is developed for the existing industry and the supporting infrastructure (waste water treatment system) is located on the northern portion.</p> <p>The site has access to reticulated power, telecommunications, water and sewer.</p>

Was notice of the application given under Section 52(1), 52(1AA), 52(3) or 57B?

The application was notified to adjoining/adjacent owners and occupiers. The application was also notified by placing a sign on the land and by publishing a notice in two newspapers generally circulating in the area.

Were there any objections received?

There were 5 objections/submissions received. The issues raised are summarised below and addressed in turn:

- *Increased noise from proposal above existing operations and non-compliance with Noise from Industry in Regional Victoria (NIRV)*

All objectors state that existing noise levels are not acceptable and that the proposal and its associated noise will also not be acceptable or make the existing situation worse. Some also state that complaints to the EPA, the owner/applicant and Council have not resulted in the issues being resolved. Even if there have been historic non-compliances with relevant noise criteria, Council must assess the current application on the merits before it.

Whilst it is obvious that the small buffer distances to adjoining sensitive uses is far from ideal, it should also be noted that this proposal is for buildings and works associated with an existing, lawfully established use, not for a new use. It is also located within Industrial Zones, where such uses and developments are permitted. Whilst the proposed works and the subsequent associated use could have detrimental impacts on neighbours, this must be tempered against the existing conditions, assuming that they are carried out in accordance with any relevant criteria. Therefore, expecting or comparing noise levels to a "no permit scenario" or to a pre-industrial use of the land is not considered reasonable. Any industrial use on the land is likely to be at least audible at adjoining nearest sensitive receivers (NSRs), even if it did comply with NIRV.

The EPA and Council both had significant concerns regarding the first three noise reports that were submitted. The fourth revision of the noise report prepared by JTA Health, Safety and Noise Specialists dated 7 September 2018 and an Environmental Noise Assessment dated June 2018 have been reviewed by both the EPA and Council and found to be satisfactory. It is considered that the methodology, findings and recommendations now demonstrate that the site can comply with the relevant NIRV criteria. The report is clear in clarifying that the current operation does not comply with NIRV criteria at a number noise sensitive receivers (NSRs), irrespective of whether this proposal proceeds or not. The Environmental Noise Assessment (ENA) includes a Noise Control Program (NCP) that has been developed to ensure that there are cost effective methods for reducing noise emissions from the site and ensure that the proposed development will not have unacceptable amenity impacts. The EPA and Council both consider that a condition or conditions requiring implementation of the NCP measures prior to commencing use of the proposed buildings and works will ensure that the proposal can comply with NIRV. In addition, conditions requiring noise attenuation of the proposed building and limitations on the hours of operation (and delivery times) are also considered necessary as nominated by the noise report. It is considered that such conditions are reasonable and relate to the proposed additional works. This will ensure that the land use associated with the proposed building and works will not have a detrimental effect on neighbouring properties and bring the land back into compliance with NIRV.

- *Increase in traffic (large trucks)*

Whilst it is accepted that the proposed development will intensify the existing land use on the site to some extent, it must be acknowledged that the products to be processed and packaged on-site will originate from another part of the site (i.e. there

will be no importing of additional product). As such, the increase in traffic movements will be relatively minor and associated with the packaging of the product into smaller containers of either 25kg bags or cans. However, it will not result in the potentially excessive increase that some objectors may envisage or fear. The applicant envisages that the proposal will result in an additional 12-20 heavy vehicle movements per day from the site depending on the size of the vehicles to be used (semi-trailers or B-Doubles).

The site is already capable of accommodating semi-trailers and B-Double size trucks based on a traffic management plan approved by Council and VicRoads as part of a planning application in 2009 (2009/120). The current traffic impact assessment is not particularly thorough in discussing the existing and proposed vehicle movements or car parking issues. However, the previous report from 2009 was more thorough and the 2018 report simply appears to confirm the projections from 2009 as being accurate. The 2009 report stated that truck movements in and out of the site as at 2009 were a maximum of 41 trucks per 24 hour period (82 movements). The report projected that truck movements in and out of the site to increase to be a maximum of approx. 74 trucks per 24 hour period by 2015 (148 movements).

The surrounding road network traffic movements have also steadily increased during that period according to the traffic counts from VicRoads that are included in the 2009 and 2018 reports. There were approx. 2800 vehicle movements along Korumburra-Warragul Road as of the latest counts as opposed to only 1300 in 2009. Based on the 2009 percentages, approximately 10-20% of those movements are still likely to be large trucks (approx. 15% in 2009). That means that somewhere between 140-280 trucks would already use Korumburra-Warragul Road everyday (i.e. between 280-560 movements per day). Of those, approx. half would be attributed to the Burra Foods existing operations. An additional 12-20 movements per day would be unlikely to have any adverse impact on road safety or traffic. Council's Engineering Department and VicRoads have provided either conditional or unconditional consent to the proposal.

The increase in employee traffic is considered negligible in comparison to the traffic on the existing road network and can be easily and safely accommodated.

The noise associated with truck movements (reversing beepers and engines) and their potential amenity impact has been included in and addressed through the noise assessment that is discussed above.

- *Odour/air pollution*

Whilst some objectors have raised this as an existing and potential concern, it may only be relevant to the existing operations and have nothing to do with the proposed buildings and works. That is because the applicant has stated that the proposed building will not be used for any processing or milk products that would give rise to either odour or air pollution. That is because they will be utilising existing products and then packing them into smaller containers (25kg bags and cans) if this proposed building is constructed. As such, the bagging and canning in a controlled environment should not ever lead to increased odour or air pollution above that which may already be experienced from the site.

- *Lighting*

A relatively standard condition used on most planning permits for industrial or commercial developments can address this issue adequately. It requires that any outdoor lighting is appropriately directed, screened or baffled from adjoining properties to the satisfaction of the Responsible Authority to ensure that there is no amenity impact on neighbouring properties.

- *Overshadowing*

The proposal will result in some overshadowing of adjoining land during some parts of the day. However, due to the location and design of the building being cut into the site (benched) below the level of adjoining dwellings, its effective height above natural ground level is greatly reduced. Hence, the shadow that it will cast onto those adjoining dwellings/properties is minimal during the equinox periods. This complies with the requirements that all residential developments in Victoria are assessed against (i.e. Rescode provisions).

Whilst one of the objectors rightfully points out that the equinox periods are not the "worst case scenario" in terms of overshadowing, the Victorian planning system does not require overshadowing to be assessed against the Winter solstice, as is the benchmark in some other States. The level of overshadowing of adjoining properties during the relevant equinox periods is considered acceptable and compliant with Victorian provisions. It would be considered unfair to require this applicant to meet a higher standard than everyone else

Was the application referred under Section 55 or 57C?

Authority	Which Clause? Determining or Recommending?	Date received and response
Environment Protection Authority	66.02-1 Works approval or licence - Determining 66.02-7 Industry or warehouse - Determining	Conditional consent. Response dated 29 October 2018.
South Gippsland Water	66.02-5 Special water supply catchment - Determining	Conditional consent. Response dated 26 June 2018.
SP Ausnet	66.02-4 Major electricity line or easement - Determining	Consent, no conditions. Response dated 2 January 2018.
VicRoads	66.03 and 52.29 An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004 - Determining	Consent, no conditions. Response dated 24 April 2018.

Were there any non-statutory or internal referrals?

Authority	Which Clause / Overlay / Why?	Date received and response
SGSC Assets	To determine if provision of access / parking / stormwater facilities is acceptable and complies with the Planning Scheme / IDM / Australian Standards.	Conditional consent. Response dated 27 March 2018.

Planning Scheme Requirements and policies:SPPF

The following SPPF clauses are considered relevant to the assessment of this application:

11 SETTLEMENT

- 11.01 Victoria
 - 11.01-1S Settlement
 - 11.01-1R Settlement - Gippsland

13 ENVIRONMENTAL RISKS

- 13.05 Noise
 - 13.05-1S Noise abatement
- 13.06 Air quality
 - 13.06-1S Air quality management
- 13.07 Amenity and safety
 - 13.07-1S Land use compatibility

14 NATURAL RESOURCE MANAGEMENT

- 14.02 Water
 - 14.02-1S Catchment planning and management
 - 14.02-2S Water quality

17 ECONOMIC DEVELOPMENT

- 17.01 Employment
 - 17.01-1S Diversified economy
 - 17.01-1R Diversified economy - Gippsland
- 17.03 Industry
 - 17.03-1S Industrial land supply
 - 17.03-2S Industrial development siting

18 TRANSPORT

- 18.01 Integrated Transport
 - 18.01-1S Land use and transport planning
 - 18.01-2S Transport system

LPPF

The following LPPF clauses are considered relevant to the assessment of this application:

21.01 MUNICIPAL STRATEGIC STATEMENT

21.02 MUNICIPAL PROFILE

- 21.02-3 People and settlement
- 21.02-5 Natural resource management
- 21.02-7 Economic development

21.03 KEY ISSUES

- 21.03-4 Natural resource management
- 21.03-7 Economic development

Attachment 2.5.4

21.04 VISION

- 21.04-2 Vision

21.07 ENVIRONMENTAL RISKS

- 21.07-2 Land and catchment management

21.08 NATURAL RESOURCE MANAGEMENT

- 21.08-1 Agriculture

21.11 ECONOMIC DEVELOPMENT

- 21.11-1 Processing and manufacturing

21.12 TRANSPORT

- 21.12-1 Transport

21.15 LOCAL AREAS

- 21.15-2 Korumburra

Clause 22 policies

The following Clause 22 policies are considered relevant to the assessment of this application:

- 22.02 Industrial Development

General Assessment:

Planning Policy Framework

The proposal is considered to be consistent with the relevant objectives and strategies of the PPF clauses listed above. Specifically, the proposal is considered to be consistent with the objectives and strategies that promote employment, industrial and agricultural developments and a diversified economy, noise abatement, air quality, and protection of water quality.

Local Planning Policy Framework and Local policies

The proposal is consistent with the relevant objectives and strategies of the LPPF clauses and Local policy listed above. The relevant LPPF clause follow a similar pattern of objectives and strategies that are similar to the relevant PPF above.

Industrial 1 Zone

Industrial 1 Zone - Development	
Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework.	As discussed above, the proposal is considered to be consistent with the objectives and strategies within the MPS and PPF.
Any natural or cultural values on or near the land.	There are no natural or cultural values on or near the land.
Streetscape character.	The proposed building and works are considered to have minimal impact on the streetscape character. The building will largely only be seen from Stuart Street to the north of the site and from Korumburra-Warragul Road to the west of the site. Stuart Street is a dirt road maintained by

	<p>Council that serves less than 10 rural residential dwellings along it. Other than the existing Burra Foods factory, most of the street along this road is characterised as either open rural land (paddocks) or rural residential dwellings. The Stuart Street frontage contains significant screen planting from the proposed building and will have a minimum setback of almost 10m. Therefore, it is not considered to affect the existing Stuart Street streetscape character.</p> <p>The proposed building will be significantly cut into the site (benched). This will reduce the size and scale of the building when viewed from Korumburra-Warragul Road, as it will reduce its visual height above natural ground level. The maximum height of the building to the eaves will be 12.81m. However, over 5.1m of this will be cut into natural ground level which will give it the appearance of a building that is only 7.7m building above natural ground level when viewed from the west. This is equivalent to a two storey dwelling in height but will be setback over 30m from the Korumburra-Warragul Road boundary and separated from it by existing car parking. The rest of the building will be "tucked" in behind the dwellings at 2-8 Korumburra-Warragul Road. It will also appear lower in scale than the existing warehouse on the corner of Korumburra-Warragul Road and Station Street.</p>
Built form.	<p>As discussed above, the bulk of the building will be hidden due to the large proposed cut. Otherwise, the built form is proposed to be an extremely basic design which is intended to serve a set function. This basic design might be considered to lack innovation or interest, however, it will help with ensuring that it is less intrusive in its surrounding environment than the existing built form.</p>
Landscape treatment.	<p>The applicant effectively refused to provide a detailed landscape plan and requested that if Council does support the application to include a condition on the permit requiring it to be submitted. It is considered that concept landscaping shown on the plans is basic, but reasonably indicative of what and effective visual screen could be planted within the space available. Further, it is considered that this can</p>

	<p>be appropriately conditioned. Given Burra Foods' history of non-compliance in other areas particularly regarding permit conditions, it is considered reasonable to require the detailed landscape plan to be submitted and to be to the satisfaction of the responsible authority before the permit comes into force or effect.</p>
Interface with non-industrial areas.	<p>Unfortunately, the proposed building has a direct interface with adjoining General Residential Zoned (GRZ) land to the north and west. It also adjoins land in the FZ to the north and in the LDRZ to the east. Whilst not ideal, the applicant has submitted sufficient information to demonstrate that the development will not have any adverse impacts on adjoining residential uses that cannot be ameliorated through permit conditions.</p>
Parking and site access.	<p>There are approximately 43 existing car spaces within the IN3Z portion of the site. The applicant claims 40-50 spaces although 50 is not substantiated by any evidence, they are not formally line-marked and Council has not witnessed that many on site or in aerial photos. There is ability to park at least another 55 in the Station Street road reserve, which are adjacent to the site and almost exclusively used by Burra Foods alone. That provides the existing site with approx. 98 spaces. However, the proposed building requires 109 spaces according to clause 52.06-5. That amount of spaces is not considered necessary or reasonable to provide. The request to reduce the requirement is discussed in detail below.</p> <p>Access to the site has been discussed earlier in the report.</p>
Loading and service areas.	<p>The site has existing loading and service areas accessed via Flinders Street and exit via Korumburra-Warragul Road. A new loading area is proposed on the eastern side of the shed. It is in excess of the minimum sizes that clause 52.07 once required for loading areas. Clause 52.07 has been deleted by the State Government and therefore there are no minimum standards applicable or even a guideline. However, it is considered that the proposed loading area is sufficient.</p>

Outdoor storage.	No outdoor storage is proposed. All will be within the building.
Lighting.	As previously discussed, the applicant has not provided any details regarding lighting. However, it is considered that a standard condition regarding lighting can satisfactorily deal with this matter.
Stormwater discharge.	The proponent has not submitted any details for stormwater discharge or any proposed detention/retention on-site. Some of the proposed building site is already a hardstand area from previous buildings and works. However, Council's Engineering Department have provided conditional consent subject to detailed design of a stormwater detention system to ensure that post development flows do not exceed pre-development levels.

Industrial 3 Zone

Industrial 3 Zone - Development	
Decision Guidelines	Response
All guidelines except for below.	Same as above for IN1Z.
The effect on nearby industries.	The proposal will have limited or no effect on the one other industrial development adjoining the site.

52.06

For applications to reduce the car parking requirement	
Decision Guidelines	Response
The Car Parking Demand Assessment.	The CPDA submitted by the applicant does not contain any relevant empirical data and is based on unverified estimates from the proponent or assumptions by the author. Nevertheless, Council has conducted its own assessment and considers that the existing and proposed amount of car parking is adequate if no more than an additional 23 employees are involved in the running of the additional building.
Any relevant local planning policy or incorporated plan.	N/A. there is no relevant local policy or incorporated plan for the site.

<p>The availability of alternative car parking in the locality of the land, including:</p> <ul style="list-style-type: none"> • Efficiencies gained from the consolidation of shared car parking spaces. • Public car parks intended to serve the land. • On street parking in non-residential zones. • Streets in residential zones specifically managed for non-residential parking. 	<p>As discussed above, there are approximately 55 car spaces directly adjacent the site in Station Street that have historically and currently remain almost exclusively for the use of Burra Foods' employees or visitors.</p> <p>Based on aerial photography and multiple site visits at different times of day and week it would appear that the informal onsite car parking and the parking in Station Street is suitable for the existing development on the land.</p>
<p>On street parking in residential zones in the locality of the land that is intended to be for residential use.</p>	<p>The on street parking is not in a residential zone and not intended for residential use.</p>
<p>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</p>	<p>There is likely to be a practical solution to providing more parking than the proposed 23 and the existing approx. 43. However, it would be completely impractical to provide 109 additional spaces. This is particularly so when the existing factory floor area equates to approx. 6900m² which would require apparently 200 spaces yet the 98 currently available suffice. The parking rate of 2.9 per 100m of net floor area is often impractical for industrial uses to provide onsite, irrespective of lot sizes.</p>
<p>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</p>	<p>A shortfall is not envisaged, however, even if there was a shortfall as a result of the proposal it would not have any adverse economic impact on the viability of the activity centre in Korumburra. That's because it is physically separated from the town by the rail way corridor and steep slope which makes it unlikely for people parking in one area to walk to the other and vice versa. As such, it is not likely for it to result in any economic impact. Furthermore, a Parking Study for Korumburra town centre conducted in 2013 found that there was largely an oversupply of parking in the town centre areas.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>The activity centre is projected to grow. However, the existing oversupply of parking in that area has the ability to absorb any realistic growth projection for at least the next 10-20 years.</p>

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Any car parking deficiency associated with the existing use of the land.	As discussed above, there is considered to be an existing parking deficiency in the order of 157 spaces if approx. 200 are required based on current floor area and only 43 are provided onsite. However, the 43 + the 55 in the road reserve appear to be sufficient, which would leave an apparent 102 space deficiency which is simply not the case in reality.
Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.	N/A
Local traffic management in the locality of the land.	N/A
The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.	The impact of fewer spaces on amenity is considered negligible, if any.
The need to create safe, functional and attractive parking areas.	There is a need to create safe, functional and attractive parking areas. However, this application is not considered to require the creation of 109 spaces as required by clause 52.06-5. The 23 proposed would appear sufficient in terms of being safe and functional. It is not considered to be "attractive" as it does not incorporate any landscaping or water sensitive urban design principles.
Access to or provision of alternative transport modes to and from the land.	The only practical provision of alternative transport modes to and from the land is for cyclists and pedestrians if the employees live locally.
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	N/A
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	The character of the surrounding area is a mix of industrial, residential, low density residential and farming.
Any other matter specified in a schedule to the Parking Overlay.	N/A
Any other relevant consideration.	N/A

52.29**Land Adjacent to a Road Zone Category 1**

Decision Guideline	Response
The Municipal Planning Strategy and the Planning Policy Framework.	See above.

The views of the relevant road authority.	VicRoads provided unconditional consent to alter the access arrangements onto Korumburra-Warragul Road.
The effect of the proposal on the operation of the road and on public safety.	The proposal will not have an effect on the operation of Korumburra-Waragul Road or on public safety. As previously discussed, the amount of proposed vehicle movements in addition to the existing vehicle movements are considered negligible and the state of the existing access is considered to provide safe access for existing and future movements.
Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.	N/A

52.34

As previously discussed, it is considered that the site can accommodate the 4 necessary bicycle parking spaces as required by this clause. It will be a condition of the planning permit that they submit amended plans showing the location of the spaces in accordance with the requirements of this clause.

Minister's Guidelines

Planning permit applications in open, potable water supply catchment areas (DSE, 2012)

The Guidelines are not specifically applicable to the proposal as it is not for a dwelling or to subdivide the land. The land is also connected to reticulated sewer.

Conclusion and Recommendation:

Council has considered the matters under Section 60 of the Planning & Environment Act 1987. It considers that the proposed development is appropriate having regard to the relevant matters and can be managed through appropriate conditions.

It is recommended that a report be written to Council supporting the Building and works for milk powder packaging and storage, reduction of car parking requirement and alter access to a RDZ1, in accordance with the endorsed plans.

Signed.

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 Planning Co-ordinator
 Date: