

South Gippsland Shire Council

Planning Delegation Report

Application Details	
Application No	2021/135
Proposal	Use and development of the land for a service station (including truck stop) with associated convenience store, food and drink premises (convenience restaurant with drive thru), car parking area and to create access to a TRZ2.
Applicant	Claremont Project Management
Application lodged	28 April 2021
Property Details	
Property Address	8418 South Gippsland Highway Korumburra VIC 3950
Land Description	CA 28 SD, CA 29 SD Parish of Korumburra Township
Land Area	1.30 hectares
Restrictions on title	None.
Existing Use	Vacant land.
Planning Provisions	
Zone	Mixed Use Zone (MUZ)
Overlays	None.
Particular Provisions	Clause 52.06 Car Parking Clause 52.17 Native Vegetation Clause 52.29 Land adjacent to the principal road network Clause 52.34 Bicycle Parking
General Provisions	Clause 65 - Decision Guidelines
CHMP	Not within cultural sensitivity area
Permit Triggers	
Zone?	Clause 32.04 Mixed Use Zone
Overlay?	N/A
Provisions?	Clause 52.29 Create or alter access to a Road Transport Zone 2
Notifications	
Advertising	Yes
Number Objections	11
Recommendation	
	Planning Permit/Refusal/Notice of Decision Notice of Decision to Grant a Permit

THE PROPOSAL

The application proposes:

- A service station and truck stop including a convenience store with a total area of 500 square metres.
- A total of three food and drink premises with seating for up to ninety (90) customers with a total area of 673 square metres and drive through option available to one of the three tenancies.
- An amenity area for drivers including toilets, change rooms and showers available to use.
- Thirty (30) car parking spaces available for parking, as well as separate truck parking bays provided within a designated truck parking zone.
- An area (canopy 1) located within the front of the site with three bowsers (5 in total) for cars to access petrol.

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- A separate area (canopy 2) with three bowsers available for trucks to access fuel.
- A separate area for charging stations for electronic vehicles.
- Various loading bays are provided on site as well waste storage areas.
- Air and water bays are provided on site.
- A mural reflecting the town's history is proposed to be incorporated into the east façade (facing South Gippsland Highway).
- An indicative location for a sub-station is proposed adjacent to the south-eastern corner of the site
- Landscaping beds are provided along each of the property boundaries which range from 1.0m to 6.27m in depth to provide a landscape edge to the site.
- Retaining walls are to be constructed along the north and south boundaries with heights ranging from 0.3m to 2.0m.
- The service station is proposed to operate 24 hours a day, 7 days a week.

Built form

- The proposed building is to be constructed at a single storey form with a building height of 5m with the proposed petrol canopies to have heights of 7m.
- Building materials include rendered blockwork and metal cladding consisting of pre-cast concrete walls with exposed joints, louvres and glazing finishes.
- A flat roof design is proposed which will be finished in metal cladding.
- The proposal incorporates a mural in the front façade (east elevation) to reflect the towns history associated with coal mining.
- The perspectives have been provided to assist with illustrating the proposal from different perspectives and views.



Figure 1: Proposed site plan

South Gippsland Shire Council**Planning Delegation Report*****SUBJECT SITE AND SURROUNDING AREA***

The site is located on the western side of South Gippsland Highway (Leongatha Road) in Korumburra. The property's legal description is Crown Allotment 29 Section D Township of Korumburra Parish of Korumburra.

The land has a frontage of 72m, a depth of 137m on the north boundary and 158m on the southern boundary with an overall area of approximately 12,757sqm (1.275ha).

The site is vacant and has a relatively steep slope from east to west with a fall of approximately 11m from the north-western corner to the south-eastern corner of the site. While the certificate of title does not indicate any easements, there is a high-pressure sewer which transects the property and is shown on the architectural plans.

The site currently has no physical structures built on it and fencing consists of post and wire construction. There are no driveways constructed to the property however there is an existing gate located at the southern end of the frontage. The Gippsland Highway verge is relatively deep with a width of approximately 40m from the front title boundary to the edge of kerb.

The area is heavily planted with large established trees (planted approximately in the past 30 years) and are predominantly native species.

Adjoining land uses include a garden supplies and nursery to the south (Burra Garden Supplies), farm and trading supplier (MG Trading) to the north boundary, residential properties to the rear and to the east on the opposite side of South Gippsland Highway. Coal Creek is located to the south east of the site.

A number of residential properties are to the rear (west) of the site in Riflebutts Rd including single storey dwellings at 10-16 and 20 Riflebutts Road. The dwellings on each property are setback approximately 60m and 40m from the shared boundary with the subject site. In respect to 10-16 Riflebutts Road the dwelling is situated high on the hill elevated above the subject site.

The site is located within the southern approach/exit to the township within an established mixed use precinct. It is noted that there are no existing service station facilities at the southern entrance of the Korumburra township with existing stations located in the town centre (BP) and the corner of King Street and the South Gippsland Freeway (BP).

RESTRICTIVE COVENANTS, CAVEATS AND SECTION 173 AGREEMENTS

There are no restrictions listed on the certificate of title.

PLANNING SCHEME CONTROLS & PERMIT TRIGGERS

Zone/Overlays/Particular Provisions		
Provision	Trigger?	Rationale
Mixed Use Zone	Clause 32.04 -2	A permit is required for: Use of the land for a service station Use of the land for food and drink premises (convenience restaurant) as the leasable floor area exceeds 150sqm Buildings and works associated with the development of the service station and food and drink premises (convenience restaurants)
Land adjacent to the	Clause 52.29-2	A permit is required to create or alter access to:

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principal road network		- A road in a Transport Zone 2.
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SPECIAL WATER SUPPLY CATCHMENT AREA

The site is within a special water supply catchment area.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The site is not within a cultural sensitivity area therefore a CHMP is not required.

FURTHER INFORMATION

Additional information was requested regarding the overall use details of the site, landscaping and vegetation removal and the proposed accessway regarding the future proposed bypass for the South Gippsland Highway.

The applicant has provided the relevant information to satisfy Council's requirements.

NOTIFICATION OF THE PROPOSAL

The application was advertised by way of:

- A notice in the South Gippsland Sentinel Times;
- A notice posted to the adjoining and adjacent owner and occupiers and;
- A site notice on the subject site facing South Gippsland Highway.

Eleven (11) objections were received. Without repeating each of these objections here, the key concerns raised in the submissions are:

- o traffic generation and safety;
- o amenity (increased noise and lighting impacts);
- o hours of operation (seeking 24 hr operation);
- o township character, integration with adjacent businesses;
- o tree removal, and;
- o queries regarding the overall need for the facility in the township.

A response to the above concerns will be addressed in the assessment part of the report.

REFERRALS UNDER SECTION 55 OR 57C and Internal referrals

Authority	Rationale	Date received and response
South Gippsland Water	Clause 66.02-5 – Special Water Catchment Area - Determining	<ul style="list-style-type: none"> • Conditional consent provided on 6 October 2021.
Department of Transport (DoT)	Clause 66.03 & Clause 52.29 – an application to create or alter access – Determining	<ul style="list-style-type: none"> • 5 November 2021 - DoT requested additional information regarding the access requirements due to the future road re-alignment. • The applicant provided the relevant plans and information to DoT and Council. • 6 January 2023 – Conditional consent provided from DoT

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Department of Environment, Land, Water and Planning (DELWP)	Section 52 – comment only advice regarding vegetation removal and trees within the road reserve	<ul style="list-style-type: none"> 22 October 2021 – advice received stating that trees are planted and meets the exemptions listed in Clause 52.17 Vegetation removal of the South Gippsland Planning Scheme.
SGSC Environmental Planning (biodiversity)	Comment only - advice regarding vegetation removal and trees within the road reserve	<ul style="list-style-type: none"> No response received within the allocated timeframe.
SGSC Engineering and infrastructure	Comment only – advice and conditions regarding proposal (stormwater, drainage and access)	<ul style="list-style-type: none"> 17 October 2022- Conditional consent provided.
SGSC Strategic Planning	Comment only - Comments on proposal regarding Korumburra township? Please note of proposed mural.	<ul style="list-style-type: none"> No response within the allocated timeframe. Verbal discussions confirmed that there are no concerns with the proposal.
SGSC Economic Development	Comment only – any advice comments regarding large business proposal?	<ul style="list-style-type: none"> No response within the allocated timeframe.
SGSC Parks & Gardens	Comment only - advice regarding vegetation removal and trees within the road reserve? And proposed re-planting landscaping opportunities.	<ul style="list-style-type: none"> No response received within the allocated timeframe.
SGSC Social Planning (Social impact and community benefit)	Comment only	<ul style="list-style-type: none"> 21/09/2021 – response received with no concerns with the proposal.

ASSESSMENT**PLANNING POLICY FRAMEWORK (PPF)**

The following Victorian Planning Policies and Local Planning Policies are relevant to this proposal:

VPP Clause 02.01 Context Clause 02.02 Vision Clause 02.03 Strategic Directions Clause 11.01-1S- Settlement Clause 11.01-1L-01 Settlement Strategies Clause 11.01-1L-04 Korumburra Clause 11.02-1S Supply of Urban Land Clause 11.02-2S Structure planning

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Clause 11.03-1S Activity Centres
 Clause 13.05-1S Noise management
 Clause 13.06-1S Air quality management
 Clause 13.07-1S Land use compatibility
 Clause 14.02-1S Catchment Planning and management
 Clause 15.01-1S Urban Design
 Clause 15.01-1L-01 Urban design strategies
 Clause 15.01-2S Building Design
 Clause 15.01-5S Neighbourhood Character
 Clause 17.02-1S Business
 Clause 17.02-1L Commercial, office and retail uses
 Clause 18.01-1S Land Use and Transport integration
 Clause 18.01-2S Transport System
 Clause 18.02-1S –Walking
 Clause 18.02-2S Cycling
 Clause 18.02-4S Roads
 Clause 18.02-4L Road system Strategies
 Clause 19.03-2S Infrastructure design and provision
 Clause 19.03-2L Infrastructure design and provision
 Clause 19.03-3S Integrated water management
 Clause 19.03-5S Waste and Resource Recovery

Korumburra is nominated as a Regional Centre with a focus on retaining these centres as the major regional service and urban centres in the Shire under the South Gippsland Shire Council Strategic Framework Plan. The site is located within the established township boundary of Korumburra and on a main arterial road.

The subject site is located within an 'existing mixed use land' area as identified on the Korumburra Framework Plan at Clause 11.01-1L-04. The policy predominantly refers to the reinforcement of the Town Centre in accordance with the Town Centre Framework Plan. It is noted that the subject site sits outside of the Town Centre Core area. The policy seeks to reinforce and develop the town centre area as the primary retail, office and community core of the township.

It is not uncommon for a service station of this size to be located outside of the core town centre area and given the immediate adjoining land uses are of mixed use offering retail and industrial type businesses, as well as the built form of the development being nestled into the landscape with minimal height and roof form design creating a building of low scale and allowing for increased landscaping opportunities and planting of trees to distract from the residential interface. The proposal is considered to be acceptable outcome to the Korumburra township.

There is clear policy support at both State and local level for the proposed use of the site for a service station and food and drink premises. The land is located within the Mixed Use Zone which promotes a mix and range of land uses including commercial and other uses which compliment what is intended to be a mixed use precinct. Clauses 13.07-1S and 17.02-1S support the provision of convenience services within an urban environment in proximity to commercial, residential and amenity uses.

The proposal is consistent with the relevant objectives and strategies of the VPP clauses listed above. The proposal will service the local community, commuters on the South Gippsland Highway, and surrounding areas that rely on other townships as a reliable regional centre. The subject site is located in an area characterised by commercial, retail and residential to align the South Gippsland Highway. Direct abutments

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with main road networks are a common characteristic demonstrated in the locality and make this site suited to commercial use.

The proposed built form is considered to be relatively modest in scale and nature, but also in relation to what would be expected in a mixed use zoned area and on a main entrance point to the town. This proposal is considered to be acceptable for the site and would contribute to the Korumburra township, particularly considering its location on the main entrance to Korumburra.

The design incorporates landscaping along the western property boundary aiding as a buffer to residential interface. There are opportunities for increased landscaping along the eastern (front) and side boundaries. The building is located central within the subject site allowing for visitor car parking, petrol bowsers and a service lane into the site contributing to reduce impacts to the residential properties located to the east. As such it is considered that there would be a reasonable separation between the proposed works and the residential properties.

Conditions imposed on any issued permit would ensure that the noise, lighting, and hours of operation are appropriately managed to ensure that any potential amenity impacts with the interface with the residential zone to the east these are dwellings located on the opposite side of the highway, around 60 metres from the front boundary of the subject site. The west includes dwellings at the rear of the site and within Stag Street. The conditions will ensure amenity impacts are reduced.

The proposal will also aid in providing walking and cycling network along South Gippsland Highway and connecting pedestrian paths. Clause 18.02-1S Walking main objective is to *'To facilitate an efficient and safe walking network and increase the proportion of trips made by walking'*. As part of conditions should a permit be issued would be the requirement for the developer to construct a pedestrian path from the subject site to Princes Street. This requirement will enhance safe walking paths network through out the Korumburra township.

Overall the proposal is consistent with the relevant objectives and strategies of the PPF clauses listed above.

Mixed Use Zone

The following considerations have been considered as part of the assessment of this application:

- *Appropriateness of the proposed land use within the context of the site and surrounds.*

In respect to amenity considerations, issues of amenity relate to visual bulk, noise, odour, light spill and litter. Decision guidelines in the Mixed Use Zone relevant to consideration of land uses include *'whether the use is compatible with adjoining and nearby land uses'* and *'for non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.'*

- *Noise*

In terms of current noise events in the locality it is noted that South Gippsland Highway is designated as an arterial road and carries high levels of traffic. Furthermore, the site is located within an established mixed use precinct that supports a range of non-residential land uses including farming and industrial supplies and a nursery.

In respect to loading and deliveries, two designated loading bays are incorporated into the design and located south of the main food and drink premises and along the northern wall of the building. The southern-most loading bay is incorporated into the design of the building and is screened from the south by the drive-thru ordering bays being setback over 27m from the southern boundary.

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The loading bay is located adjacent to the adjoining Nursery building and is not expected to result in any unreasonable impacts to the nearby residential properties. Once loading has occurred, delivery vehicles will utilize the passing area at the rear to exit the site.

The loading bay on the northern wall of the building will be accessed via the truck passing bay and is located opposite the Murray Goulburn Trading and fertilizer store and building on the north boundary.

Further consideration of noise impact the proposal may have to the surrounding area is the drive thru component of the use; to reduce any noise travelling from this noise source, use it is recommended as a condition on any permit issued that an acoustic barrier is constructed at the drive thru order facility area.

However, there are residential properties that interface directly adjacent the subject site and there may be traffic noise impacts with truck breaks and stopping to use the service station. The noise may also be noise impacts from the use of the drive-thru takeaway food premises.

Council is not satisfied that the amenity of the area will not be impacted by noise during the night with the use proposed to be 24 hours. Council has also considered the surrounding area existing businesses of operation; the nearby uses operate at 7.30am -5pm on weekdays and 8am – 2pm on weekends.

For this proposed use it is considered that the use can operate at 6am on weekdays while this is earlier, it is expected that trades traveling from Melbourne will use the premises and the earlier time is necessary. The use on the weekends however is proposed to be reduced to 7am – 10pm which is considered reasonable given the immediate context and interface to residential properties and reducing noise and traffic nuisance during the relaxed weekend hours.

As part of permit conditions should a permit be issued, the hours of operation are recommended to be restricted to 6am to 11pm on weekdays and 7am to 10pm on weekends.

- *Emissions from the land*

The service station will be fitted with all the required specifications of the EPA and must comply with the EPA's Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems.

Further, the proposal will incorporate vapour recovery techniques which minimise emissions from the site, and vapour emissions are governed and enforced by the EPA.

The proposed bin enclosure is located at the southern boundary of the site and will be enclosed on all sides by 1.95m high screening. Further, the bin enclosure is to be cut into the natural ground level so that it will sit approximately 1.8m below the ground level on the boundary. Reducing any unreasonable emissions or result in pollution of the local area. Subject to suitable exhaust systems and separation distances, it is unlikely that cooking odours will cause unreasonable nuisance. It is considered that a general amenity condition if a permit is issued would appropriately address (inter alia) odour.

- *Light spill*

No direct light should be allowed to spill into neighbouring or nearby residential properties. Appropriate lighting and baffling will ensure that light spill to adjoining existing residential properties will not be unreasonable.

There are significant setbacks proposed of the relevant buildings and truck parking and passing areas away from the boundary will limit impacts of light spill acknowledging that the proposal will be cut into the site at the rear of the property so that the finished levels of the truck parking area will sit well below the elevated residential properties.

Low level bollard lighting can be incorporated into the rear truck parking area so as to avoid light spill detrimentally impacting the adjoining residential properties. The primary access point and vehicle parking

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area associated with the service station and restaurants are located at the eastern section of the site away from the more sensitive interfaces to the south west and west.

A lighting plan can be included as a condition on the permit which would include details of light baffling to avoid direct impacts to residential properties.

- *Litter, waste collection and storage*

Bins for customer use are provided and shown on the included waste management plan at locations that are adjacent to car parking areas and the building. Bins from the service station and convenience restaurants will be emptied into the bin store and collected at regular intervals by a private waste contractor.

Waste collection is to occur between 7am and 10pm, Monday to Saturday and 9am to 10pm, Sundays and public holidays so as to limit impacts on adjoining properties. Appropriate provision has been made within the design of the building and tenancies for storage so that all storage needs for future tenants will be accommodated within the building. No external storage areas are proposed.

To limit and avoid littering in the surrounding area from pedestrians and customers, as part of the endorsement of the WMP, a requirement of the operators of the premises the surrounding area within a 200 metres radius along the South Gippsland Highway the area must be regularly monitored and rubbish collected on a weekly basis.

As discussed above, the development is considered to generally meet the requirements of the relevant planning policy framework. The development is to be constructed on the strip of Mixed Use zoned land on the western side of South Gippsland Highway which is currently developed with a range of retail premises including a large nursery and garden supplies business and farm supplies business.

It is therefore considered that the opposing residential area already shares an interface with commercial activity. Conditions imposed on the permit will ensure that lighting, noise, deliveries, and the use would not result in any additional detrimental amenity impacts on the sensitive land use on the eastern side of South Gippsland Highway (the GRZ1) and the western interface to Residential.

- *Urban design, including built form, scale and site layout.*

The character of the surrounding area is mixed with a range of large industrial buildings on the western side of the Highway while the eastern side supports more traditional single and double storey pitched roof dwellings.

Existing commercial buildings and existing service stations in the township use typically contemporary design and flat roofing. The proposed building design is of a single storey contemporary design with active frontages facing the frontage of the site with relatively simple side and rear elevations.

The two bowser and drive thru canopies will match the materials and finishes used in the main building. The scale of the buildings and the size and siting of the proposed structures on the site are consistent with the the existing buildings within the mixed-use precinct on the western side of the Highway which includes typically large industrial shed structures.

Landscape buffers are proposed along all site boundaries which will enable screening vegetation that will soften views to the site from the nearby properties. Due to the considerable depth of the roadside verge, the subject site's front boundary is setback approximately 40m from the current carriageway which considerable reduces the impact the site will have in the current streetscape.

In consideration of good urban design principles, the following comments are made:

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- The location of the fuel pumps and main building structure is located away from nearby residential properties to the west and the east.
- A landscape setback is proposed along each of the site's boundaries which enhances the presentation of the site.
- The form and scale of the buildings and the generous setbacks proposed to the boundaries of the site reduce the visual bulk impact of the proposal in the context of adjoining properties and the broader area.
- The single storey forms that are proposed which incorporate a suitable range of variations in the elevations to create a visually interesting façade with varied materials and finishes.
- Car parking areas are clearly defined and will be line marked.

The built form outcome is of a contemporary design and suitable for an arterial road location in a designated mixed use area. The buildings are designed to be setback to the boundaries. The single storey scale combined with the setbacks ensures that no unreasonable visual bulk impacts result from the proposal on nearby and adjoining land uses. The proposed building will have less impact on the public realm of South Gippsland Highway.

To reflect the town's history, the proposal has included a mural on the east elevation of the building facing South Gippsland Highway including an image of Coal Creek which will be printed on glass panels. This is considered to be a positive design response that seeks to reflect the history of the township and create visual interest on the building façade.

- *Traffic management, including provision of parking, layout of accessways and access arrangements along the South Gippsland Highway.*

A detailed car parking and traffic assessment has been prepared as part of the planning application documents. From a car parking perspective, the proposed use generates a requirement for a total of 27 car parking spaces based on a total of 90 seats that will be available for customers of the convenience restaurants.

The proposal provides a total of 30 car parking spaces which satisfies the requirements under the South Gippsland Planning Scheme.

The proposal includes a one way service road to be used for the subject site and the garden supplies business directly to the south. As part of the planning application process consultation with Department of Transport (DoT), the Applicant, Council and the adjoining land owner and operator were held to ensure that all parties concerns/issues were considered.

As a result, multiple versions of the concept plan were considered, Council and DoT assessed and determined the appropriate width and size of the service lane ensuring that all large vehicles and trucks could adequately travel and use the lane in accordance with the requirements. The service road will eventually be the responsibility of the Responsible Authority being Council.

Appropriate permit conditions are required relating to the service road should a permit be issued. The service road will be constructed to a cost of the developer and prior to the construction of the service road the Developer will be required to conduct consult meetings with DoT and the adjoining land operators to ensure businesses are not affected during the construction stage.

In addition to this requirement as part of the permit conditions a Construction Management Plan will be required to be submitted prior to any works commencing. Part of this plan will require the Applicant to

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provide details demonstrating how the adjoining business and operator will not be affected by the construction and able to operate their normal business hours.

There will be two new crossovers from South Gippsland Highway as well as an allocated right turning lane into the Service Road and one crossover to exit from South Highway. The proposed concept plans have been assessed by Dot and Council's Engineering Unit, who have consented to the issue of a permit subject to conditions.

The traffic impact assessment report has considered the proposed access arrangements in respect to the future realignment of the Highway in proximity to the subject site and that the proposed new crossovers will not impact this future regional road project.

Waste collection is to occur via a private waste contractor with a bin storage and collection area nominated on the plans. A condition on the planning permit will require the provision of a waste management plan to be provided and endorsed to form operational requirements for waste collection and disposal.

- *Opportunities for landscaping outcomes to maximise amenity and biodiversity outcomes.*

The proposal will include removal of some of the existing trees in the South Gippsland Highway road reserve which are required to accommodate the proposed vehicle access entry and exit points. The impact on the trees is to a degree un-avoidable given the site does not currently have any access point to the Highway.

Any development of the land would require a driveway to be constructed to the site and given the spacing and location of the trees, avoiding impacts altogether is not possible. As part of any planning permit issued it is recommended to retain as many trees as possible and conditions should require detailed plans that show the location of the trees and trees proposed for removal as well as a replanting schedule.

A comprehensive landscape plan has been prepared by John Patrick Landscape Architects which has incorporated a range of landscape outcomes appropriate for the proposed use and development including:

- planting of three canopy trees between the drive thru and truck parking area;
- planting of eight (8) canopy trees along the frontage and south boundary of the site including Australian native specimens
- landscape beds have been incorporated on all boundaries of the site which will enable both the retention of existing vegetation along the southern boundary of the site and further landscaping opportunities which include a range of shrubs and ground covers with a focus on native species.
- screen planting provided along the north and south boundary.
- low order screening along the edge of the drive thru.

As part of Council's assessment increased landscaping opportunities could be provided for the site and as such as part of any permit issued conditions will be required to provide an amended detailed landscaping plan that shows a landscape buffer along the western (rear) boundary comprising of small, medium and tall trees.

Further, as part of the proposal retaining walls are required along most of the boundaries, and it is not clear on the plans the materials, height and details of the retaining walls proposed and whether the retaining walls could provide further landscaping and planting opportunities. This should be confirmed through a detailed landscaping plan also.

PARTICULAR PROVISIONS

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The development provides a suitable number of on-site car parking and bicycle facilities and is not expected to unreasonably burden surrounding traffic conditions from a safety perspective. The proposed development comprises of 37 car parking spaces in the following sequences:

- seven (7) car parking spaces are provided to the rear of the building allocated for staff
- twenty two (22) car spaces adjacent to the convenience store along the eastern (front) boundary.
- Eight (8) car spaces located along the southern side of the building.
- There is also vehicle and caravan/trailer parking available on the southern boundary.

The proposal as it relates to the convenience restaurants generates a requirement for 27 car parking spaces pursuant to Clause 52.06 for the proposed 90 seats at a rate of 0.3 spaces per patron. A total of thirty seven (37) on-site car parking spaces are provided which complies with the requirement of the planning scheme.

A service station use (which includes the selling of food, drinks and other convenience goods) is not listed in the table to Clause 52.06 and therefore car parking is to be provided to the satisfaction of the Responsible Authority. This is considered to be an appropriate number of on-site car parking spaces provided, given that patrons will not spend extended periods of time on the land which will ensure that spaces are regularly vacated by vehicles.

Clause 52.17 Native Vegetation

As noted earlier in this report, some trees within the road reserve are proposed to be removed to accommodate the two new driveways and crossovers. Clause 52.17-7 includes an exemption from requiring a permit to remove *'Native vegetation that is to be removed, destroyed or lopped that was planted or grown as a result of direct seeding'*.

The applicant has provided an arborist report which identifies the trees as planted species dating back to 30 years. DELWP have also assessed the application and agree that the trees are planted and therefore native vegetation is exempt from requiring a planning permit.

Clause 52.29 Land Adjacent to the Principal Road Network

The development proposes two new crossovers along the frontage of South Gippsland Highway to allow vehicle access to and from the site. additionally, the proposal includes the inclusion of a service road to minimise the traffic flow to the South Gippsland Highway. The proposal and traffic management plans were referred to Council's engineering team and DoT. With close consultation with the applicant an agreed concept plan was recommended. As there were no objections to the proposal by either department, it is considered that the proposed access is acceptable provided it is constructed to the appropriate standards which will be required as conditions on any permit to issue.

Clause 52.34 Bicycle Parking

There is a requirement to provide a total of 12 bicycle associated with the convenience restaurants. A total of 12 bicycle spaces are provided on the site in the form of bicycle rails adjacent to the front entry of the building. All relevant conditions related to bicycle parking should be included on any issued permit.

GENERAL PROVISIONS

The proposal generally meets the requirements of the relevant planning policy framework, the objectives and requirements of the Mixed Use Zone The proposal provides a positive contribution to the commercial

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offering of Korumburra and will appropriately complement existing land uses within the immediate area and will not detrimentally impact the amenity of the surrounding commercial and residential area through appropriate permit conditions.

Declaration of Conflict of Interest:

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion and Recommendation:

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

It is recommended that a Notice of Decision is issued for the Use and development of the land for a service station (including truck stop) with associated convenience store, food and drink premises (convenience restaurant with drive thru), car parking area and to create access to a TRZ2., in accordance with the endorsed plans.