

5.2 T210338 PA - Use of the Land for a Food and Drink Premises, Manufacturing Sales and the Sale and Consumption of Liquor (Producer's Licence) in Association with Industry (Micro-Brewery) and a Reduction of Car Parking Requirements at 1/9 Southeast Blvd

Responsible GM: Lili Rosic
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Recommendation(s)

That Council form a position to refuse to grant Planning Permit T210338 for the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements at L1 PS815176, 1/9 Southeast Boulevard, Pakenham on the following grounds:

1. The proposal provides insufficient on-site car parking sought to be protected by:
 - o Clause 18.02-4S – Roads
 - o Clause 52.06 - Car Parking
2. The proposal will generate traffic management and safety concerns sought to be protected by:
 - o Clause 18.02-4S – Roads, and
 - o Clause 52.06 - Car Parking
3. The proposal is incompatible with the industrial location, sought to be protected by:
 - o Clause 33.01 Industrial 1 Zone
 - o Clause 13.07-1S - Land use compatibility
 - o Clause 17.03-2S - Sustainable Industry
 - o Clause 17.03-3S - State-significant Industrial land, and
 - o Clause 21.04-4 – Industry
4. The proposal encourages commercial uses outside activity centres sought to be protected by:
 - o Clause 17.02-2S – Out-of-centre development

Attachments

1. Traffic Demand Assessment [5.2.1 - 22 pages]
2. Proposed Layout Plan [5.2.2 - 1 page]
3. Locality Map [5.2.3 - 1 page]
4. CONFIDENTIAL - Compiled Objections [5.2.4 - 2 pages]

Executive Summary

APPLICATION NO.:	T210338
APPLICANT:	Matt Gormann, Liquor Plan
LAND:	L1 PS815176, 1/9 Southeast Boulevard, Pakenham
PROPOSAL:	Use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements
PLANNING CONTROLS:	Industrial 1 Zone
NOTIFICATION & OBJECTIONS:	Public notice undertaken through letter and on-site signage. Two objections received.
KEY PLANNING CONSIDERATIONS:	On-site parking availability Traffic issues and safety Intensity of land use and appropriateness in industrial area Out of centre development Suitability of a liquor licence
RECOMMENDATION:	Refusal

Background

The site is the subject of an approved Planning Permit T170134, which was issued on 9 May 2017 for the construction of six warehouses.

As part of the assessment for that planning permit, eight parking spaces were identified as required for the premises on the basis of a 'warehouse' land use classification. A total of 49 were required for the overall warehouse complex where 50 spaces were provided.

Planning Permit T170546 was later approved on 15 December 2017 that subdivided each warehouse and allocated parking to each lot on title. This resulted in seven spaces assigned for the premises.

An application for review was lodged with the Victorian Civil and Administrative Tribunal (VCAT) on 17th January 2022 under Section 79 of the *Planning and Environment Act 1987* for a failure to of Council to decide the application within the prescribed time (60 statutory days).

Subject Site



The subject site forms part of a six-warehouse complex located in SouthEast Business Park, a large industrial area adjacent to Princes Freeway and 1.5 kilometres south of Pakenham Activity Centre.

The site is situated off a dual carriageway road at the junction of Commercial Drive and Southeast Boulevard. Approximately 300 metres west of the site is Koo Wee Rup road, a major road linking the estate to Pakenham and the wider regional area.

The warehouse is approximately 488 square metres with seven parking spaces allocated to the premises. All spaces are located behind the building and accessed from Commercial Drive.

Businesses within the complex include trade supplies stores, a showroom and a plumbing/drainage service. One tenancy appears to be vacant at the time of writing.

Beyond the complex is an established area of SouthEast Business Park where the majority of sites are developed and occupied. These sites accommodate a range of businesses including commercial and light industrial businesses such as a gymnasium, motor vehicle repairs and parts centres, vehicle rentals and a café.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

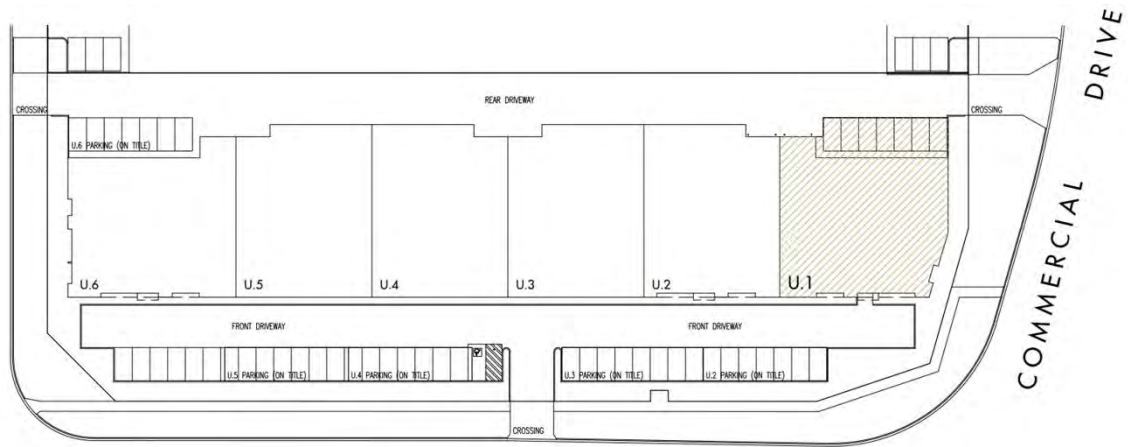
4.1 We support our productive land and employment land to grow local industries

4.1.4 Drive local innovation in technology to better support and attract businesses and industries.

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

Proposal

Approval has been sought for the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements.

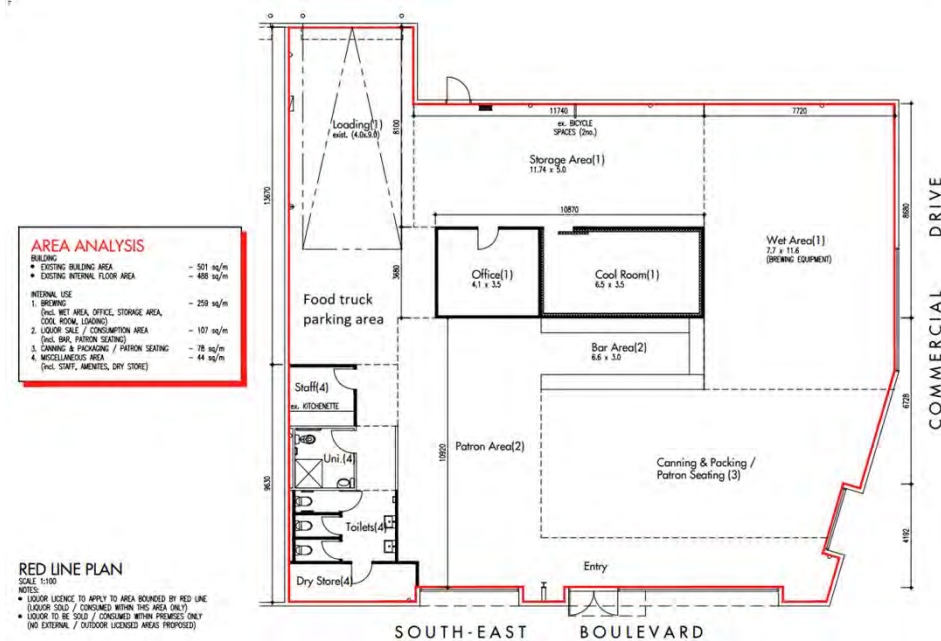
**SITE PLAN**

SCALE 1:400

NOTES:

- SUBJECT TENANCY (incl. PARKING) AS SHOWN HATCHED

SOUTH-EAST BOULEVARD

**AREA ANALYSIS****BUILDING**

- EXISTING BUILDING AREA - 501 sq/m
- EXISTING INTERNAL FLOOR AREA - 488 sq/m

INTERNAL USE

- 1. BREWING (incl. WET AREA, OFFICE, STORAGE AREA, COOL ROOM, LOADING) - 258 sq/m
- 2. LIQUOR SALE / CONSUMPTION AREA (incl. BAR, PATRON SEATING) - 107 sq/m
- 3. CANNING & PACKAGING / PATRON SEATING - 78 sq/m
- 4. MISCELLANEOUS AREA (incl. STAFF, AMENITIES, DRY STORE) - 44 sq/m

RED LINE PLAN

SCALE 1:100

NOTES:

- LIQUOR LICENCE TO APPLY TO AREA BOUNDED BY RED LINE (LIQUOR SOLD / CONSUMED WITHIN THIS AREA ONLY)
- LIQUOR TO BE SOLD / CONSUMED WITHIN PREMISES ONLY (NO OUTSIDE / OUTDOOR LICENSED AREAS PROPOSED)

Micro-brewery

The brewery is to be a key function of the business where beer will be produced under a Producer's Licence. The brewery will operate 24 hours a day, 7 days per week and include a range of processes, from fermentation through to packaging of the product.

The internal layout will include a rear loading area, storage, office, a cool room, 'wet area' where the brewing equipment will be accommodated. An additional multipurpose area will be utilised for canning/bottling and hospitality purposes. The brewery area will total 381 square metres (inclusive of the multi-purpose area).

Approximately 14,000 litres of beer is estimated to be produced at the premises on a monthly basis.

Amenities are included such as toilets and staff tearoom.

This use is categorised as Industry - a land use that does not require planning approval in this location.

Food and Drink Premises and Manufacturing Sales

The second component of the proposal is for the serving of food and drink at the premises.

The food will be 'food truck' style and table and chairs will be provided for consumption of beverages and food. The liquor provided will include beverages other than what is brewed on-site such as beers from other breweries, wine and spirits.

The food and drink area will total 229 square metres, located in the front of the building and comprising a bar, amenities and seating area and food truck area providing a rotation of cuisine such as burgers and tacos. Part of the seating area will be used for packaging the product when not in use.

The premises will be open to the public between the following hours:

Wednesday and Thursday	4pm – 10pm
Friday	1pm – 11pm
Saturday and Sunday	12pm-11pm

The same hours will apply on ANZAC Day and Good Friday.

As part of the business model, packaged liquor produced on-site is proposed to be sold directly to the consumer for consumption off premises and this will occur during the same hours as the food and drink premises.

It is proposed a maximum of 90 patrons will be accommodated at the venue during opening hours where a maximum of six staff will be present, including during the operation of the micro-brewery.

Pedestrian access for patrons parking at the site will be limited to the Southeast Boulevard entry. No public access will be permitted from the rear of the building.

The premises will include amplified music but no live music is proposed.

Sale and Consumption of Liquor

Liquor is to be produced and sold under a Producer's Licence that will be managed by the Victorian Commission for Gambling and Liquor Regulation. This licence authorises the supply of:

- The licensee's own product to any other licensee at any time and at any place (wholesale)
- The licensee's own product to the public from the licensed premises for both on- and off- premises consumption
- Any liquor, including the licensee's own product, from the licensed premises for on-premises consumption
- The licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)
- The licensee's own product from an additional retail premises for consumption away from the licensed premises.

The Red Line Area will determine where the liquor can be sold and consumed on-site. The applicant has proposed that this area apply to the whole warehouse. No service is proposed outside the building.

Car Parking

Seven parking spaces are available at the rear of the premises via Commercial Drive. These spaces will be made available to employees and patrons.

A car parking demand assessment has been prepared by TTM Consulting that identifies the need for a parking waiver and provides an assessment of on-street parking availability in the surrounding area.

Land use	Parking rate	Floor area (m ²)	Parking spaces required
Food and drink premises	4 spaces per 100m ² leasable floor area	229	9
Industry	2.9 spaces per 100m ² net floor area	259	7
Total			16

The parking calculation is separated on the basis of floor area allocated to the micro-brewery and food and drink/sales areas with the intention that these will essentially function at alternate times i.e. the bottling/packaging taking place when closed to the public.

The resulting requirement is 7 parking spaces required for the Micro-brewery (Industry) and 9 spaces for the Food and Drink Premises use, resulting in nine spaces less than required by the Planning Scheme.

The assessment acknowledges that a parking calculation based on patron numbers is more accurate where Restaurant is identified a comparable use. On this basis, peak parking requirements will equate to 36 spaces, requiring a parking reduction of 29 spaces.

Due to a difficulty in obtaining accurate data as a result of COVID-19 lockdowns, an aerial assessment has been provided to assist in reviewing kerbside (on-street) parking capacities within proximity of the site.

The occupancy was observed at seven intervals between 17/09/19 and 29/04/21. The assessment calculates a vacancy rate between 82% and 98.2% during this period. Three aerials were taken during 2019, one during 2020 and three during 2021. All but one of the aerial photographs were taken during the morning.

The survey concludes that 92-110 spaces were typically vacant within an approximate 200 metre catchment throughout the week.

Waste Management

A waste area will be provided to manage on-site waste. No further details have been provided to Council.

Planning Scheme Provisions

Planning Policy Framework

Clause 13.05-1S	Noise abatement
Clause 13.07-1S	Land use compatibility
Clause 17.02-2S	Out-of-centre development
Clause 17.02-1S	Business
Clause 17.03-2S	Sustainable industry
Clause 17.03-3S	State significant industrial land
Clause 17.04-1S	Facilitating tourism

Clause 18.02-4S Roads

Local Planning Policy Framework

Clause 21.04-1 Employment

Clause 21.04-4 Industry

Clause 21.04-5 Tourism

Zone

Clause 33.01 Industrial Zone

Particular Provisions

Clause 52.06 Car Parking

Clause 52.27 Licenced Premises

Clause 53.10 Uses with adverse amenity potential

Clause 65 Decision Guidelines

Planning Permit Triggers

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use the land for a food and drink premises and manufacturing sales.
- Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of parking spaces required by Clause 52.06-5.
- Pursuant to Clause 52.27 (licenced premises), a permit is required for the sale and consumption of liquor.

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Distributing letters to neighbouring owners and occupiers and the erection of a sign for fourteen days.

During this public notice period two objections were received. The grounds of these objections related to car parking concerns and associated impacts to trade and operation of neighbouring businesses.

Referrals

Internal Referrals – Traffic Engineering

The proposal was referred to Council's Traffic Engineering Department. The Department does not support the application due to:

- An excessive reliance on street parking and insufficient spaces available on the site.
- The existing parking deficit for the premises.

No external referrals were required to be undertaken.

Discussion

Planning Policy Framework

A number of policies apply to the assessment of this application. The applicable state policies are:

Clause 13.07-1S (Land Use Compatibility)

This policy seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Applicable strategies are:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively

The link between this proposal and the industrial location is the manufacturing of the beer which is considered a use that aligns with Industry and one that does not require planning approval.

The food and drink premises is not an industrial function and this component is expected to generate the primary off-site issues in the industrial area that centre around street parking access and may affect the ability for neighbouring businesses to operate safely.

It is also noted that the presence of a food and drink premises in an industrial context requires careful consideration as the operator and patrons may expect a higher standard of general amenity than can be provided in a precinct where odour and noise related emissions are likely to be higher and more frequent, as expected in industrial areas. The higher likelihood of these emissions will only increase the opportunity of land use conflicts with other industries and affect their ability to function.

The proposal is therefore considered incompatible with the location and prevailing policy.

Clause 17.01-1S (Diversified economy)

This policy aims to strengthen and diversify the economy. Relevant strategies are:

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

The proposal is expected to generate further local employment opportunities and the introduction of skilled and unskilled jobs across the operation. The introduction of a micro-brewery will also increase the variety of businesses type to the area, where a positive flow on effect could be anticipated.

Clause 17.02-1S (Business)

This policy seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. Relevant strategies are:

- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

- Locate commercial facilities in existing or planned activity centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The proposed location is an establishing industrial precinct where food and drink premises are currently limited to small cafés and takeaway premises that generally serve the local workforce. Despite the industrial functions of the business, the area occupied by this component is comparatively small and therefore one that would be capable of being located in commercial centres where a higher aggregation of similar businesses and the supporting infrastructure, such as public transport, are readily availability.

By contrast, the intention and scale of this business is intended to attract people from beyond the industrial precinct, where supporting infrastructure is far more limited.

Clause 17.02-2S (Out-of-centre development)

This policy aims to manage out-of-centre development. Relevant strategies to the policy are:

- Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.
- Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.
- Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The policy encourages 'single use' retail functions to be located within Activity Centres to improve the economic benefits associated with the agglomeration of businesses and avoid dilute these centres.

SouthEast Business Park is not classified as an activity centre however the proposal incorporates an industrial function to establish a link with this location. The intensity of the food and drink premises (open five days a week to 90 patrons) however, exceeds what can reasonably be considered a complementary function to the industrial use of land.

As a consequence of the retail focus, the proposal heavily promotes a land use the retailing of the product and one that would be better integrate in an established commercial environment and centralised location, to provide greater community benefit and avoid eroding strength of these centres.

Clause 17.03-2S (Sustainable Industry)

This policy seeks to facilitate the sustainable operation of industry. Applicable strategies include:

- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

The proposal encourages the establishment of commercial in conjunction with an industrial activity at the site. The proposal does not remove industrial land from industrial activity but has the potential to impose limitations on existing or future industrial activities proximate to the site.

A higher standard of amenity may be expected for a food and drink premises and a heavy reliance on street parking has the potential to affect the efficient distribution of goods for businesses, and may lead to conflict with neighbouring land uses. As mentioned, the micro-brewery is also of a scale that is compatible with smaller tenancies typically found in commercial areas with a low likelihood of generating adverse safety or amenity issues.

Clause 17.03-3S (State significant industrial land)

The objective of this policy is to protect industrial land of state significance where relevant strategies seek the protection of state significant industrial precincts from incompatible land uses to allow for future growth. The Officer/Pakenham industrial areas are specifically listed in this policy as a State Significant Precinct.

SouthEast Business Park is among land that is recognised with this significance, placing further weight on interrelated policies that seek to protect this industrial land from encroachment and inappropriate land uses/development.

The business park however accommodates a range of uses outside traditional industry such as special purpose commercial uses, indoor recreational facilities and some forms of retail such as trade supplies.

A food and drink premises of the size and intensity proposed encourages a retail land use that undermines the protection of industrial areas and critically erodes the purpose of activity centres where these businesses are actively encouraged.

While manufacturing sales associated with the brewery is a function that requires a small footprint and parking needs, introducing a significant focus on the serving of food and beverages (including beverages not manufactured on-site) and their consumption on-site will place an unreasonable demand on parking that may impact the desirability of the surrounding land for future industrial business that is inconsistent with the ongoing protection of this state significant land.

Clause 17.04-1S (Facilitating Tourism)

The objective of this policy is to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Applicable strategies of this policy include:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.
- Encourage investment that meets demand and supports growth in tourism

The applicant has emphasised the tourism value that will be brought to the Shire through craft beers tours and the revenue from the hospitality venue. While this supports the broad objective of the policy, it is not considered compatible with an industrial site context where there are limited tourist facilities or infrastructure established and will draw the focus away from recognised areas of investment in the Shire.

Clause 18.02-4S (Roads)

The objective of this policy is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. Relevant strategies relate to the adequate supply of car parking that is design and located to:

- Protect the role and function of nearby roads
- Enable the efficient movement and delivery of goods
- Facilitate the use of public transport.

The allocation of parking must consider:

- The existing and potential modes of access including public transport
- The demand for off-street car parking
- Road capacity
- The potential for demand management of car parking.

The building and car parking were designed with the intention to accommodate a warehouse or related use where the majority of parking demand is usually generated by employees rather than customers. For this reason, rear-loaded parking has been considered appropriate to serve the final purpose.

A food and drink premises requires far higher parking provisions due to a higher demand for parking where purpose-built development is designed for pedestrian accessibility. The applicant has noted that a maximum six staff are expected during peak operation when the business is open to public, allowing 1 space to provide for 90 patrons.

When considering the lack of alternative transport options and the type of business proposed, this function will result in substantial demand for parking that will need to be met by surround businesses and the street. Street parking is typically designed to accommodate overflow parking, rather than the majority of a business's needs. The high concentration of off-premises parking is likely to impact other businesses and the ability for them to operate safely and efficiently, particularly in a location where large loading vehicles and wider turning circles add further constraint to these businesses.

As a consequence, the proposal is not consistent with this policy in protecting the role and function of roads for the efficient movement and delivery of goods and does not sufficiently account for an absence of public transport alternatives.

Local Planning Policy Framework

A number of policies contained within the Local Planning Policy Frameworks are also relevant to the application assessment:

Clause 21.04-1 (Employment)

A key issue identified in this policy relates to recognising the need for innovation, diversification and resilience within the local economy to improve and develop employment opportunities and a strong employment base within the municipality.

The objective seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Relevant strategies to the policy focus on the need to assist in meeting local and regional employment needs in terms of the supply, type, quality and availability of employment land by facilitating appropriate development and encourage development that provides a diverse mix

of employment opportunities including for 'new economy' workers and people with business, professional and management skills.

The proposal improves employment opportunities and introduces a new type of industry to the Shire and will result in the creation of skilled and unskilled jobs in the hospitality and brewery sectors.

Clause 21.04-4 (Industry)

Key issues identified in this policy are the locating of future industry to ensure appropriate access from the transportation network and providing for investment and development both for local businesses and larger industries. A further issue is recognising the need for innovation, diversification and resilience to improve and develop employment opportunities and a strong employment base within the municipality.

The objective of this policy is to develop manufacturing and service industries that provide services to local residents and business, support local employment and reflect a high standard of urban design.

The applicable strategy contained in this policy is to provide for limited retailing (restricted retail and trade supplies) in industrial areas along arterial roads provided the retailing activities do not conflict with nearby activity centres.

As highlighted, the proposal introduces an industry use to the site with associated employment benefits. The retailing of the beer through manufacturing sales and directly from the venue allows the business to value add, without significant impacts to neighbouring businesses or posing a risk to the Pakenham Activity Centre. The introduction of a comparatively large food and drink premises however, conflicts with the broader protection of neighbouring industry and acts to undermine the commercial importance of the activity centre, particularly following the introduction of an Activity Centre Zone where such uses are demanded.

Clause 21.04-5 (Tourism)

Key issues identified in this policy are acknowledging that tourism is an important economic activity in the municipality. The policy objective seeks to provide support for the maintenance and development of tourism related activities.

Strategies contained within this policy emphasise the importance of rural areas, townships, areas of natural beauty and specific sites such as Gumbaya World in recognising and encouraging local tourism. The policy does not make mention of the role of industrial areas in contributing to tourism. While this doesn't preclude these areas from contributing to local tourism, this acknowledges the primary function of these centres that are not designed to cater for these activities.

Clause 33.01 – Industrial 1 Zone

The purpose of the zone is to implement the municipal planning strategy and the planning policy framework. It also applies to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The table of uses contained in this provision lists Industry as a section 1 use (permit not required) provided the proposal can meet a range of conditions.

The site is not located within proximity of sensitive uses such as Education or Hospital uses or the listed zones and is not classified as a use with adverse amenity potential on the basis of the expected volume of beer to be brewed.

Food and drink premises and manufacturing sales form part of the broader 'retail premises' land use, which is a section 2 use (permit required) under the zone.

The relevant decision guidelines for the assessment of use applications under the zone require the consideration of:

- ***The Municipal Planning Strategy and the Planning Policy Framework.***

The most applicable policies that support this zone include Clause 13.07-1S (Land Use Compatibility), Clause 17.02-1S (Business), 17.02-2S (Out-of-centre development), Clause 17.03-2S (Sustainable Industry), Clause 17.03-3S (State significant industrial land) and Clause 21.04-4 (Industry).

Overall, the proposal is considered inconsistent with the key strategies outlined in these policies and is expected to result in a use that is incompatible with the site and industrial context due to its scale, intensity and parking-related issues.

- ***The effect that nearby industries may have on the proposed use.***

Nearby industries are generally light industry, warehousing and some restricted forms of retail. While these are not expected to impact a manufacturing sales type use, these may be emission issues that affect a hospitality venue given the location and heavier industry on the east side of Koo Wee Rup road.

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

It is understood all necessary services are available to the property and already connected.

- ***The effect of traffic to be generated on roads.***

The proposed use is likely to generate a high demand for parking, with limited means to accommodate this parking on the site. A high dependency on street parking is therefore expected and some impact to local road conditions are possible when the food and drink function of the business is operational. Further discussion is provided below.

52.06 – Car parking

This provision of the planning scheme contains the following purposes:

- 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.

This clause applies to new uses where parking provision must be provided in accordance with the requirements of a use specified in table 1 of the provision. If the use is not listed, parking must be provided to the satisfaction of the Responsible Authority (Council).

A permit is required to reduce the number of spaces that a new use requires. Industry (micro-brewery) requires 2.9 spaces to each 100 square metres of net floor area and Food and Drink premises requires 4 spaces to every 100 square metres of leasable floor area. The addition of manufacturing sales will be complimentary to the food and drink function that is expected to generate the majority of demand which will generate the high parking demands.

Use	Parking spaces
Industry (micro-brewery)	
2.9 spaces x 259 square metres (2.59)	7
Food and Drink premises	
3 spaces x 229 square metres (2.29)	9
Total	16
Parking spaces provided allocated to the subject site	7
Shortfall of spaces	9

The applicant has submitted to Council that their client seeks to operate the micro-brewery on an alternating basis with the food and drink/manufacturing sales, thereby reducing parking demand to the maximum parking requirement for a single use. Based on this perspective, two spaces would need to be waived for the operation of the Food and Drink premises.

The details of the business operation are relevant to the consideration of a parking reduction. In this application, the applicant has submitted that the micro-brewery will be predominantly passive during large periods of time and designed around the function of the food and drink premises which is logical and accepted. A planning permit however, cannot reasonably impose conditions on the operation of a use that does not require planning approval (the micro-brewery) and therefore the applicant would still have the opportunity to operate both functions concurrently.

A statutory calculation of parking demand is not determined on what areas of the premises will be used at any one time but rather incorporates the whole floor area to determine what numbers are required. In this instance, as highlighted in the table above, a total of 16 sixteen spaces are needed.

What is critically important to this parking assessment is the characterisation of the retail function as a food and drink premises for an accurate representation of parking demand. The traffic report submitted by the applicant states that a rate that more accurately reflects the proposed operation would be a 'restaurant' where parking is generated on a per patron basis of 0.4 spaces per patron, resulting in a need for 36 spaces on-site. The permit applicant has stated 'restaurant' or 'bar' do not accurately describe the proposal as 'restaurant' specifically excludes sale of packaged liquor and 'bar' only refers to on-premises consumption.

Council notes that food and drink premises is defined as:

Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.

Food and drink premises is a broad definition in the planning scheme and generally accepted for premises such as cafes where there is a higher rotation of patrons than would be expected from a venue primarily design around drinking alcoholic beverages.

Nonetheless, for the purpose of determining the statutory parking demand, the combined rates of the food and drink premises and industry is applied for a parking reduction of 9 spaces

It is important to note that the incorporation of manufacturing sales in this calculation is a favourable assessment as this function is only likely to increase parking demand given it will function in tandem with the food and drink premises, but not exclusively to people who dine there.

Decision guidelines

The Car Parking provision sets out a list of decision guidelines that must be considered for applications seeking parking reductions. As relevant to the application, these include:

- ***The Car Parking Demand Assessment.***

As a result of an aerial imagery review, the traffic assessment's author has determined there is a high availability of street parking in proximity to the premises and that this warrants provision of a planning permit from a traffic engineering perspective.

There are however some limitations to the assessment that should be acknowledged. Primarily, this relates to the method of assessment using aerial photograph and the developing context of southeast business park.

The aerial photography relies on imagery taken outside lockdown periods and school holidays to provide a closer representation of current demand. As a consequence, the report is reliant on imagery from 2019 to assist in drawing conclusions. These images are two or more years old and taken within 18 months of the completion of this industrial complex and the large complex immediately south of the site and not likely to accurately reflect what the likely street parking demand would be without COVID limitations today.

Secondly, there are questions of how the catchment area for street parking has been determined. In defining street parking availability, the report suggests that an approximate 200-metre catchment has been applied. This catchment extends to Koo Wee Rup Road (figure 4, page 4, Car Parking Demand Assessment) which is over 300 metres from the premises, resulting in a generous representation of street parking that is readily accessible to patrons of the premises.

- ***Any relevant local planning policy or incorporated plan.***

There is no relevant local policy or incorporated plan other than those highlighted in the policy discussion.

- ***The availability of alternative car parking in the locality of the land, including:***
 - *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.*

Street parking within the industrial estate is not currently time restricted however the frontages adjacent to the proposed brewery are restricted due to the proximity of the roundabout connecting Southeast Boulevard with Commercial Drive. All street parking must therefore be accommodated outside the frontages of this premises.

- ***Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.***

The Pakenham Activity Centre is approximately 1.5 kilometres north of the subject site and no parking-related impacts are anticipated however the very high reliance on street parking for this site suggests that neighbouring businesses may be affected, particularly those that operate on Fridays and Saturdays that coincide with the lunchtime hours are proposed.

- ***Any car parking deficiency associated with the existing use of the land.***

The original development permit was assessed for parking on the basis of a 'warehouse' parking calculation where 8 spaces were required for the premises. While the overall industrial complex meets statutory parking requirements, the premises has access to seven spaces, resulting in an existing deficiency of 1 space.

- ***Local traffic management in the locality of the land.***

The site is located adjacent to the major thoroughfare in SouthEast Business Park that links to the municipality and metropolitan Melbourne. For this reason, there is a heavy reliance on this road to maintain and manage traffic flows, particularly for heavy vehicles that are commonplace in these areas. The priority of this road has resulted in the construction of a dual carriageway where the demand is only expected to increase as more undeveloped and unoccupied parts of the business park continue to come online.

This presents a range of road safety issues when a business is heavily reliant on street parking and where most assessed parking is located on either side of the thoroughfare.

- ***The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.***

A reduced number of spaces will promote street parking in an area that is less equipped for pedestrian accessibility than most commercial areas. Commercial Drive and other roads included in the parking survey such as Tarmac Way and Carmart Way have restricted footpath access and there are no traffic lights in the business park to facilitate pedestrian access from neighbouring streets.

- ***Access to or provision of alternative transport modes to and from the land.***

The traffic assessment has identified that the nearest available public transport is north of Princes Freeway approximately 1.8 kilometres walk from the nearest bus stop on Racecourse road. The premises does propose to offer cycling facilities but is therefore solely reliant on private transport to visit the site.

By accepting the food and drink land use premises that the permit applicant has applied for – and noting this is a conservative parking rate – a deficit of 9 spaces is requested or 56% of the parking needs of the business.

This parking reduction places a serious reliance on street parking availability and brings into question the equitable access of public parking for all businesses. A reasonable availability of street parking in this area is not disputed however the proposal places a disproportionate demand on this asset, to the extent that the function of other businesses and their needs for overflow parking will be affected.

The applicant places substantial weight on the proposed operation hours that are submitted to generally complement standard business hours, reducing the collective demand on public parking and conflict. As a diverse precinct there is a number of neighbouring businesses, including at least two businesses in this industrial complex, that trade outside normal business hours and typically on Saturdays. Council does not dispute that there will be greater availability of parking during these hours and particularly evening operation however an argument that the business park will be mostly vacant is not consistent with the diverse land uses approved in this area.

When the application is considered in its industrial context and the context of the planning policy framework a consideration of the appropriateness of the business in this location is questioned.

The development and parking provision was predicated on a basis of a far less intensive use and a use that does not require planning permission in an industrial zone. The proposal seeks to introduce a more intensive land use to the site that it was not designed to accommodate and will result in substantial pressure placed on street parking in an area that is not designed for this purpose. As a consequence, this parking demand may affect the traffic safety in surrounding streets, including the ability of heavy vehicles to access their businesses.

Ultimately, the proposed parking reduction places a disproportionate demand on street parking as a shared asset, to the benefit of one business at a risk to neighbouring businesses and consequently, in an area with no alternative transport options. For these reasons the parking reduction is considered inappropriate.

Clause 52.27 – Licenced Premises

The purpose of this provision is to ensure that licenced premises are situated in appropriate locations and ensure the impact of the licenced premises on the amenity of the surrounding area is considered.

Under this provision, a permit is required to sell or consume liquor for a licence required under the *Liquor Control Reform Act 1998*.

The decision guidelines of this provision require consideration of the following:

- ***The Municipal Planning Strategy and the Planning Policy Framework.***

There is limited policy context for licenced premises beyond considerations of noise abatement. The effect of noise is expected to be moderated due to inside dining and no live music. The industrial location of premises will ensure off-site impact is unlikely to be experienced with no residential land in proximity of the site.

- ***The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.***

The area is an establishing industrial precinct with very few liquor licences. While the sale and consumption of liquor is not expected to directly impact the operation of neighbouring businesses, the nature of the venue promotes higher levels of alcohol

consumption than would be expected from other venues in the precinct such as an approved indoor recreation facility and cause greater amenity issues if patrons become drunken and disorderly.

- ***The impact of the hours of operation on the amenity of the surrounding area.***

The hours of operation are consistent with the nature of the venue and not unreasonable for location with few sensitive nearby uses.

- ***The impact of the number of patrons on the amenity of the surrounding area.***

The patron numbers are moderate for this type of venue. Provided staff are appropriately trained these numbers are not expected to affect the amenity of the area, having regard for liquor consumption.

- ***The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.***

There are very few licenced premises in area and therefore there is a very low likelihood of cumulative impact by licenced venues on the industrial precinct.

The above assessment relates solely to the effects of the sale and consumption of liquor at the site. While this is considered acceptable, the suitability of the Food and Drink Premises is not considered appropriate.

Clause 53.10 – Uses with adverse amenity potential

This provision seeks to identify uses and activities which if not appropriately designed and located may cause office or unacceptable risk to the neighbourhood.

The provision includes a range of threshold distances from sensitive zones or land use that must be met or otherwise referred to the Environment Protection Authority.

Alcoholic beverage production exceeding 5,000 litres per day requires a threshold of 500 metres. Given the output intended by the proposal, the application of a threshold distance does not apply.

Clause 65 – Decision Guidelines

Before deciding on an application, consideration must be taken for the planning policy framework, the purpose and any other matters required to be considered by a zone or other provision and the impacts a use will have on current and future development and operation of the transport system.

As highlighted in the policy response and the assessment against the zone and car parking provision, the proposal not considered appropriate for site and does not reflect to orderly planning of Southeast Business park.

Conclusion

The proposal seeks to introduce a multi-faceted business to the Shire, bringing the opportunity of greater business diversity, employment opportunity and tourism potential. While these are qualities that are supported by the planning scheme they must be considered in the context of the planning controls and other relevant policy that applies to the land to determine whether an application should be supported.

The Industrial 1 Zone is underpinned by a selection of state and local policies that seek to preserve land for appropriate uses, ensuring that new uses are compatible with existing and future uses and to protect this land for long-term sustainability and certainty for industry. The critical function of this land in facilitating industrial productivity is given further weight where land is recognised with state significance, a level of identification that is reserved for a small selection of industrial areas across Melbourne.

Key policy that also seeks to protect and strengthen activity centres through an aggregation of commercial activity and the minimisation of out-of-centre uses risks drawing activity away from established activity centres in the Shire and emphasising a theme that the application is inconsistent with critical planning policy.

An overwhelming dependency on street parking for 56% of the proposal's needs further reinforces a position that the proposal is not site-appropriate and will cause unreasonable impact to neighbouring businesses and the economic function of the area that is expected to outweigh the benefits introduced.

As a result of the scale and intensity of the proposal, the application is considered inconsistent with the balance of relevant policies at the expense of Cardinia's activity centres and the long-term protection of Southeast Business Park.

Following the applicant's appeal to VCAT for a failure of Council to make a decision in the prescribed time, Council can no longer make a determining decision on the application. It is therefore recommended that Council form a position that the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements is refused on the following grounds:

1. The proposal provides insufficient on-site car parking sought to be protected by:
 - o Clause 18.02-4S – Roads
 - o Clause 52.06 - Car Parking
2. The proposal will generate traffic management and safety concerns sought to be protected by:
 - o Clause 18.02-4S – Roads, and
 - o Clause 52.06 - Car Parking
3. The proposal is incompatible with the industrial location, sought to be protected by:
 - o Clause 33.01 Industrial 1 Zone
 - o Clause 13.07-1S - Land use compatibility
 - o Clause 17.03-2S - Sustainable Industry
 - o Clause 17.03-3S - State-significant Industrial land, and
 - o Clause 21.04-4 – Industry
4. The proposal encourages commercial uses outside activity centres sought to be protected by:
 - o Clause 17.02-2S – Out-of-centre development

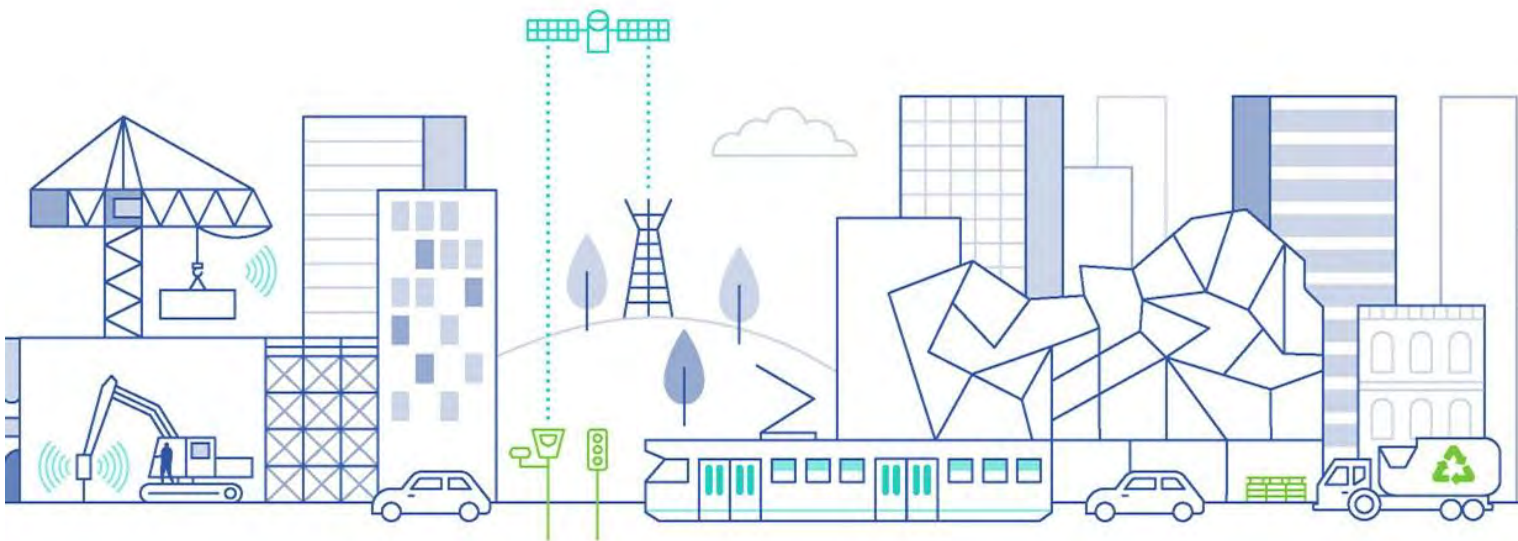


Traffic Engineering

Proposed Brewery & Taproom

Unit 1, 9 Southeast Boulevard, Pakenham

Car Parking Demand Assessment





1 Introduction and Scope

TTM Consulting (Vic) Pty Ltd has been requested by the Applicant to provide a car parking demand assessment for the proposed change of use to a brewery and taproom at Unit 1, 9 Southeast Boulevard, Pakenham.

This report reviews the following:

- The existing conditions at the site and on the adjacent road network, including existing on-street car parking demand.
- The expected demand generated by the proposal.
- The appropriateness of the car parking provision with regards to Clause 52.06-7 Decision Guidelines.

The report concludes that the sought Planning Permit is warranted from a traffic engineering perspective.

RECORD

No.	Author	Reviewed/Approved	Description	Date
1.	P. Chan	D. Hancox	Proposed Warehouse Development	30/08/2021

2 Existing Conditions

2.1 The Site

The subject site is located at 9 Southeast Boulevard, Pakenham. The site comprises a total of 6 warehouse style units with on-site parking available in the front setback of the property with additional parking along the accessway at the rear of the site. The accessway at the rear of the site also provides access to loading areas for each warehouse. The existing site layout is depicted in the following figure.

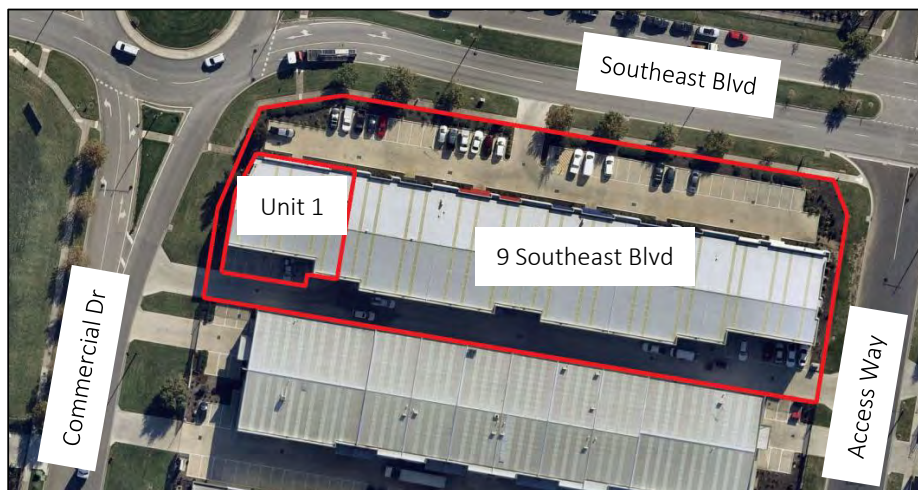


Figure 1: Aerial Image of the Site

The locality is within an Industrial Zone – Schedule 1 (IN1Z) in the Cardinia Planning Scheme and consists of industrial uses. The following figure shows the location of the site and the surrounding road network.

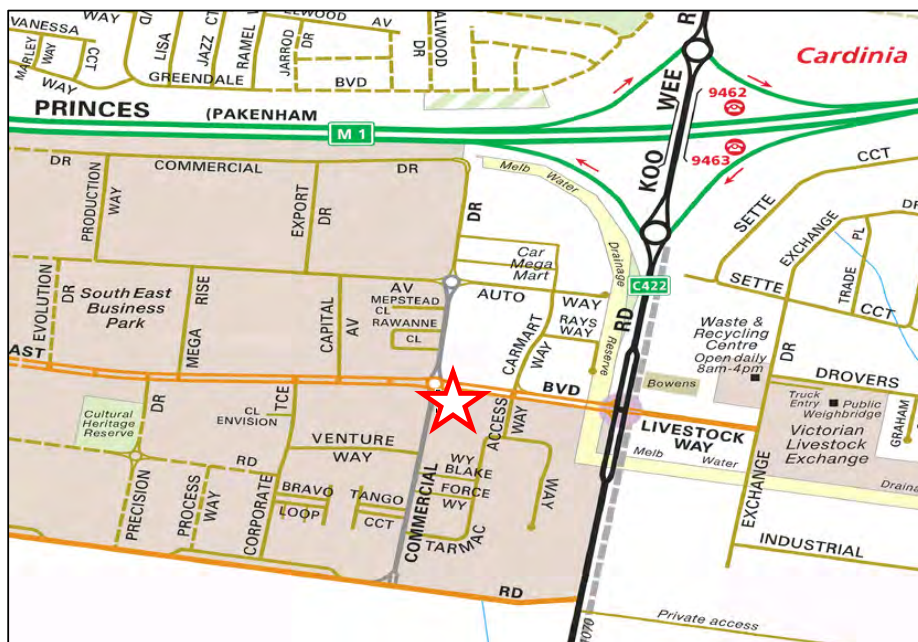


Figure 2: Site Locality

Site: Unit 1, 9 Southeast Boulevard, Pakenham

Reference: 11393R9125.DOC



2.2 The Subject Tenancy

The subject tenancy is Unit 1 which is the westernmost tenancy at 9 Southeast Boulevard as indicated in Figure 1 above.

The current planning permit allows a warehouse use with a floor area of 488 square metres.

All parking at 9 Southeast Boulevard is allocated to specific tenancies. The subject site is allocated 7 parking spaces at the rear of the site, thus the existing use has a reduction of 2 spaces as discussed in Section 4.4.

2.3 The Street Network

Southeast Boulevard is a local road with a dual carriageway. Each carriageway contains 2 traffic lanes and is approximately 8 metres wide. Southeast Boulevard facilitates traffic in an east-west direction throughout the surrounding industrial locality.

Unrestricted kerbside parking is permitted in both directions.

Commercial Drive is a local road with a single 12.5 metres wide carriageway. Unrestricted kerbside parking is permitted in both directions.

Access Way is a local road with a single 12.5 metres wide carriageway.

2.4 Local Public Transport

Public transport services proximate to the site are depicted in the following figure.

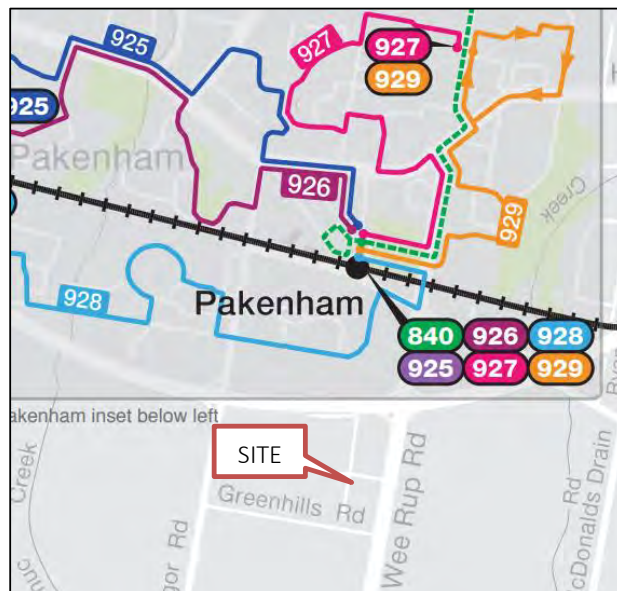


Figure 3: Local Public Transport Map

2.5 On-Street Parking Demand

2.5.1 Collection of Parking Data

This report has been prepared during COVID-19 lockdown when on-site surveys would not reflect long term parking trends. Therefore on-street parking occupancy data has been obtained using NearMap timestamped aerial images. The NearMap images are attached in Appendix A.

Images taken during school holidays and during COVID-19 lockdown periods were excluded from the data. It is noted that NearMap images were not available on weekends (outside the aforementioned excluded periods). However, parking demand in industrial/warehouse areas is typically negligible on weekends.

Data has been obtained for on-street kerbside parking within approximately 200 metres of the site. This radius is considered an appropriate walking distance for a commercial use of this scale.

The follow figure shows the surveyed area, and the table on the following page summarises the results.

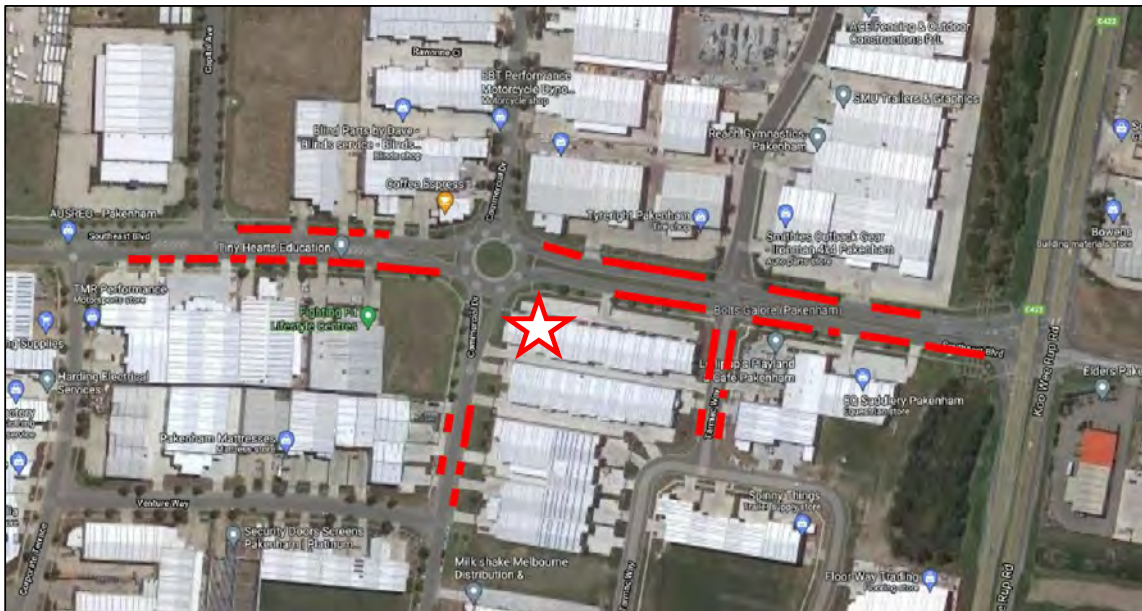


Figure 4: Surveyed Parking Area



2.5.2 Summary of On-Street Parking

Table 1: Parking Occupancy Data

Parking Location	Parking Controls	Parking Capacity	Parking Occupancy						
			Thu 29/4/21	Wed 17/3/21	Wed 10/3/21	Wed 25/11/20	Mon 9/12/19	Thu 24/10/19	Tue 17/9/19
			10:30am	10:45am	4:15pm	11:15am	9:40am	11:50am	9:55am
Southeast Blvd (North side) Capital Ave to Koo Wee Rup Rd	Unrestricted	37	10	10	1	16	5	1	4
Southeast Blvd (South side) Corporate Tce to Koo Wee Rup Rd		48	1	6	0	3	2	1	1
Commercial Dr Southeast Blvd to Venture Way		11	1	0	0	0	0	0	0
Access Way Southeast Blvd to Terrace Way		16	0	2	1	1	1	2	0
Total		112	12	18	2	20	8	4	5
Vacant Parking Spaces			100	94	110	92	104	108	107
Percent Vacant			89.3%	83.9%	98.2%	82.1%	92.9%	96.4%	95.5%

The surveys indicate that there are typically 92 to 110 spaces vacant within walking distance of the site throughout the week.



2.5.3 Application of Parking Data within Local Context

City of Cardinia notes that some land in the locality has not been developed, and raises concern that there will be greater on-street parking once these properties are developed and occupied.

The figure below depicts the properties abutting the surveyed streets, which have a total area in the order of 72,000 square metres. This includes 2 vacant properties with a combined land area in the order of 7,560 square metres. This suggests that the locality is 89.5% developed. It may be assumed that on-street parking will increase by up to 11.7% (calculated based on vacant area divided by developed area) if the vacant properties are fully developed.

On this basis, occupancy in the surveyed area would be 2 to 22 vehicles, which leaves 90 to 110 spaces vacant within walking distance of the site.



Figure 5: Surveyed Parking Area



3 The Proposal

3.1 Proposed Operation

The Applicant proposes a change of use from an existing warehouse to a brewery and taproom.

The proposed use includes a brewery component and a food & drink component. The plans include a “multi-use” area which will be used for patron seating while the food & drink component operates and will be used for canning and packaging while the brewery component operates. Therefore the 2 components will operate at different times.

The food & drink component will operate during the following hours:

- Wednesday to Thursday, 4:00pm to 10:00pm
- Friday, 1:00pm to 11:00pm
- Saturday to Sunday, 12:00pm to 11:00pm

The brewery component operates outside the above hours.

3.2 Floor Areas and Inventory

The Development Plans are attached in Appendix B. A summary of the proposed inventory is as follows.

Table 2: Development Summary

Item	Area / No.
Brewery and Taproom	488 sqm floor area
• During food & drink hours	229 sqm floor area (incl. multi-use area) 90 patrons
• During brewery hours	381 sqm floor area (incl. multi-use area)
On-Site Car Parking Spaces	7 no.

There will be a maximum of 6 staff on-site at any time.

The Applicant proposes no changes to the building footprint or car parking provision.



4 Parking Requirements

4.1 Clause 52.06-5 Planning Scheme Requirements

Clause 52.06-5 of the Planning Scheme outlines car parking requirements for various land uses. The statutory requirement for the proposal is summarised in the following table.

Table 3: Clause 52.06-5 Requirements

Proposed Use	Planning Scheme Parking Rate	Inventory	Requirement
Food and Drink Premises	4 per 100 sqm leasable floor area	229 sqm*	9
Industry (Brewery)	2.9 per 100 sqm net floor area	259 sqm*	7
Total			16

*The "multi-use" area and miscellaneous area (kitchenettes, toilets, etc) are including in the Food and Drink area for this calculation, because this generates a higher parking requirement, i.e. represents a worst-case scenario.

There are 7 parking spaces on-site. Thus the Applicant is seeking a reduction of 9 spaces against the statutory requirement.

4.2 Clause 52.06-7 Decision Guidelines

The Planning Scheme allows the following 'decision guidelines' to be taken into account when determining an appropriate car parking rate:

- The car parking demand likely to be generated by the use.
- Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use.

An assessment of the car parking demand likely to be generated by the use must have regard to the following factors, as appropriate:

- Multi-purpose trips within an area.
- **The variation of car parking demand over time.**
- The short stay and long stay car parking demand.
- The availability of public transport in the locality.
- The convenience of pedestrian and cyclist access to the site.
- The provision of bicycle parking and end of trip facilities for cyclists.
- The anticipated car ownership rates of likely or proposed occupants (residents or employees).
- An empirical assessment or case study.



An assessment of the appropriateness of allowing fewer spaces to be provided than the number likely to be generated by the use must have regard to the following, as appropriate:

- Any relevant local planning policy or incorporated plan.
- The availability of car parking including:
 - 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.
- On street parking in residential zones for residential use.
- Any adverse economic impact a shortfall of parking may have on the economic viability of an activity centre.
- The future growth and development of an activity centre.
- **Any car parking deficiency associated with the existing use of the land.**
- 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.
- Local traffic management.
- The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other relevant consideration.



4.3 Variation of Car Parking Demand over Time

The brewery component and food & drink component will operate at different times, which reduces the peak parking demand. The parking demand at different times is calculated as follows.

Food and Drink Premises

The Clause 52.06-5 parking rate for a food & drink premises is 4 spaces per 100 square metres leasable floor area, which is a requirement of 9 spaces. However, given that the Applicant proposes 90 patrons, the parking demand will likely exceed 9 spaces. Therefore a rate based on patrons is considered more accurate.

A restaurant is considered a comparable use, and the Clause 52.06-5 rate for a restaurant is 0.4 parking spaces per patron. Thus the peak parking demand is likely to be in the order of 36 parking spaces. This is an overflow of 29 spaces.

The food & drink premises primarily operates on weekends and towards the end of weekdays (after 4pm) when parking demand in an industrial and warehouse area will be minimal, with the notable exception of Fridays when it opens at 1:00pm. Therefore, 2 scenarios are considered:

- Friday afternoons:

Data summarised in Section 2.5 indicates that there will be 90 to 110 on-street spaces available within walking distance during typical weekday business hours, accounting for future development of the locality. Thus, during Friday afternoons, an overflow of 29 spaces equates to 26% to 32% of available parking which is considered appropriate.

However, it is unlikely that the business will reach 90 patrons during Friday afternoons, and a significant proportion of patrons on Friday afternoons are likely to consist of staff in the locality walking to the site. Therefore the actual parking overflow will be significantly less.

- Evenings (after typical business hours) and weekends:

The surrounding industrial uses are unlikely to operate on weekends and evenings, therefore parking overflow is not expected to impact the surrounding uses. Regardless, data summarised in Section 2.5 indicates that on-street capacity is 112 spaces within walking distance of the site. Parking demand is expected to be negligible, therefore the overflow will use in the order of 26% of available parking which is considered appropriate.

Brewery

The parking demand for the brewery is expected to match the Clause 52.06-5 rate and is calculated as follows.

Table 4: Parking demand for brewery based on Clause 52.06-5 rates

Proposed Use	Planning Scheme Parking Rate	Inventory	Requirement
Industry (Brewery)	2.9 per 100 sqm net floor area	381 sqm	11

This is an overflow of 4 parking spaces, which is negligible and is unlikely to have an adverse impact on local amenity.



Summary of Variation over Time

Assessment of the variation of parking over time indicates 3 scenarios throughout the week:

- Friday afternoons – Food & Drink:

It is unlikely that the food & drink will reach maximum patronage on Friday afternoons. However, as a worst-case assumption, parking overflow generated by maximum patronage would use 26% to 32% of available on-street spaces within walking distance of the site, which is not expected to have an adverse impact on local amenity.

- Typical weekday business hours (excluding Friday afternoons) – Brewery:

The parking overflow from the brewery is minimal in the local context.

- After-hours and weekends – Food & Drink:

Surrounding business are likely to be closed, thus would not be impacted by parking overflow. Regardless, parking overflow from the food & drink premises will use approximately 26% of available on-street spaces within walking distance of the site, which is not expected to have an adverse impact on any nearby businesses that may be open.

Thus, the parking overflow at various times throughout the week is considered appropriate.

4.4 Parking Deficiency Associated with Existing Use

The parking requirement associated with the existing use is summarised in the following table.

Table 5: Parking requirement associated with existing use

Proposed Use	Planning Scheme Parking Rate	Inventory	Requirement
Warehouse	2 per premises, plus 1.5 per 100 sqm net floor area	488 sqm	9

The existing site has 7 on-site parking spaces, thus the existing use has a reduction of 2 spaces.



5 Summary and Conclusions

The Applicant proposes a change of use from an existing warehouse to a brewery and taproom at Unit 1, 9 Southeast Boulevard, Pakenham. The proposed use includes a brewery component and a food & drink component. The 2 components will operate at different times.

The site has 7 parking spaces, and the Applicant proposes no changes to the parking provision or layout. The parking analysis of the development is summarised as follows:

- On the basis of Clause 52.06-5 rates, the parking requirement for the proposed use (including both components) is 16 spaces, thus the Applicant is seeking a reduction of 9 spaces against the statutory requirement. The sought reduction is considered appropriate on the basis of the following:
 - The brewery and a food & drink components will operate at different times, which reduces the peak parking demand generated by the site.
 - Assessment of the parking demand over time indicates that the parking overflow generated by the brewery is minimal, and the parking overflow generated by the food & drink can be accommodated on-street.
 - The existing use of the site has a parking reduction of 2 spaces.

The proposed development warrants provision of the sought Planning Permit from a traffic engineering perspective.

TTM Consulting (Vic) Pty Ltd

A handwritten signature in blue ink, appearing to read 'Peter Chan', written over a light blue circular stamp.

Peter Chan
Traffic Engineer

Appendix A NearMap Images

Thu 19-04-2021 10:30am



Wed 17-03-2021 10:45am



Wed 10-03-2021 4:15pm



Wed 25-11-2020 11:15am



Mon 09-12-2019 9:40am



Thu 24-10-2019 11:50am



Tue 17-09-2019 9:55am



Appendix B Development Plans

AREA ANALYSIS

BUILDING

EXISTING BUILDING AREA

- 501 sq/m

EXISTING INTERNAL FLOOR AREA

- 488 sq/m

INTERNAL USE

1. BREWING

(incl. WET AREA, OFFICE, STORAGE AREA, COOL ROOM, LOADING)

- 259 sq/m

2. LIQUOR SALE / CONSUMPTION AREA

(incl. BAR, PATRON SEATING)

- 107 sq/m

3. CANNING & PACKAGING / PATRON SEATING

- 78 sq/m

4. MISCELLANEOUS AREA

(incl. STAFF, AMENITIES, DRY STORE)

- 44 sq/m

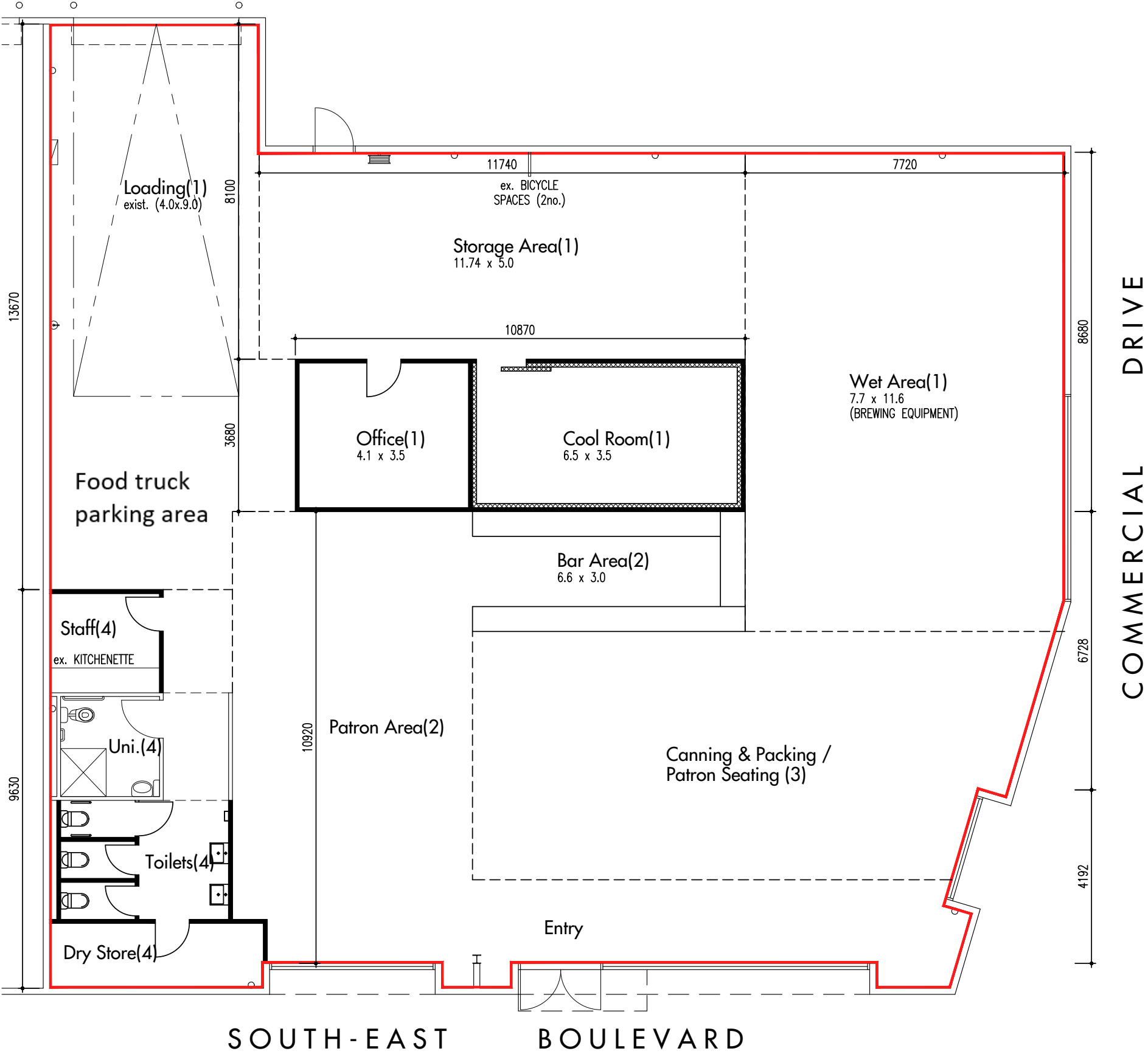
RED LINE PLAN



SCALE 1:100

NOTES:

LIQUOR LICENCE TO APPLY TO AREA BOUNDED BY RED LINE (LIQUOR SOLD / CONSUMED WITHIN THIS AREA ONLY)

LIQUOR TO BE SOLD / CONSUMED WITHIN PREMISES ONLY (NO EXTERNAL / OUTDOOR LICENSED AREAS PROPOSED)



REVISIONS	No.	AMENDMENT	DATE		 <div>Dale Grant Building Design & Documentation pty ltd ABN : 41 007 830 700 Unit 4 / 94 Abbott Road, Hattam, Vic. 3803 phone: (03) 9708 6622 fax: (03) 9708 6785 email: info@dalegrantbuildingdesign.com.au</div>	DESIGN		PROJECT PROPOSED LIQUOR LICENCE 1/9 SOUTH-EAST BOULEVARD PAKENHAM	CLIENT SMILEY BREWING	REF. No. 21096		
	A	FURTHER INFORMATION REQ's	15/6/21			DRAWN	M.W.			DRAWING No.	REV	
						CHECKED				RL01	A	
						APPROVED			DRAWING RED LINE PLAN			
						DATE	MAY 2021					
						SCALE	1:100					

T210338 PA - Locality map



127.0	0	63.50	127.0 Meters
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1: 2,500

Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

12-Jan-2022

Notes

