

# Planning Assessment Report

Planning Permit Application No: **PA2402814**

1486-1492 Korumburra-Wonthaggi Road and 25 Church Road Kongwak



Officer Assessment Report  
Development Approvals & Design

© The State of Victoria Department of Transport and Planning 2024

## Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.



Department  
of Transport  
and Planning

OFFICIAL

# Executive Summary



Key Information	Details		
<b>Application No:</b>	PA2402814		
<b>Received:</b>	2 April 2024		
<b>Applicant:</b>	Kongwak Butter Factory Precinct Pty Ltd c/o Hatch Planning		
<b>Planning Scheme:</b>	South Gippsland Planning Scheme		
<b>Land Address:</b>	1486-1492 Korumburra-Wonthaggi Road and 25 Church Road Kongwak VIC 3951		
<b>Proposal Summary:</b>	The use and development of land for a restaurant, place of assembly, group accommodation (and ancillary use for a caretakers house, art gallery and shop), sale and consumption of liquor, removal of native vegetation, reduction of car parking requirements, creation and alteration of access to a Road in the Transport Zone 2		
<b>Project Name:</b>	Kongwak Butter and Cheese		
<b>Development Value:</b>	\$36 million (estimated based on submitted Quantity Surveyors Report)		
<b>Total Site Area:</b>	16 hectares (approximately)		
<b>Why is the Minister responsible?</b>	In accordance with Clause 72.01 of the South Gippsland Planning Scheme, the Minister for Planning is the Responsible Authority in relation to the use and development of land for which Clause 53.22 (Significant Economic Development) applies.		
<b>Why is a permit required?</b>	<b>Clause</b>	<b>Control</b>	<b>Trigger</b>
<b>Zone:</b>	Clause 32.05-2	Township Zone (TZ)	<i>A permit is required to use land for 'Group Accommodation', 'Place of Assembly' and 'Restaurant'</i>
	Clause 32.05-10	Township Zone (TZ)	<i>A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2</i>
	Clause 37.01-1	Farming Zone (FZ)	<i>A permit is required to use land for 'Group Accommodation'.</i>
	Clause 37.01-4	Farming Zone (FZ)	<i>A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1.</i>  <i>A permit is required to construct a building:</i> <ul style="list-style-type: none"> <li>• <i>Within 50 metres of a Road in a Transport Zone 2 (Korumburra-Wonthaggi Road);</i></li> <li>• <i>Within 20 metres of any other road;</i></li> <li>• <i>Within 100 metres of a dwelling not in the same ownership;</i></li> <li>• <i>Within 5 metres of a boundary; and</i></li> <li>• <i>Within 100 metres of a waterway, wetland or designated flood plain.</i></li> </ul>
<b>Overlays</b>	Clause 44.01-2	Erosion Management Overlay – Schedule 1	<i>A permit is required to construct a building or construct or carry out works and to remove vegetation.</i>
	Clause 43.01-1	Heritage Overlay (HO4) (Specific to main existing buildings)	<i>A permit is required to:</i> <ul style="list-style-type: none"> <li>• <i>Demolish or remove a building;</i></li> <li>• <i>Construct a building or construct or carry out works;</i></li> </ul>



			<ul style="list-style-type: none"> <li>• Externally alter a building by structural work, rendering, sandblasting or in any other way;</li> <li>• Externally paint a building; and</li> <li>• Internally alter a building.</li> </ul>
<b>Particular Provisions:</b>	Clause 52.06	Car Parking	<i>A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5</i>
	Clause 52.17-1	Native Vegetation	<i>A permit is required to remove, destroy, or lop native vegetation including dead native vegetation.</i>
	Clause 52.27	Licensed Premises	<i>A permit is required to use land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998.</i>
	Clause 52.29	Land adjacent to the Principal Road Network	<i>Create or alter access to a road in a Transport Zone 2.</i>
<b>Cultural Heritage:</b>	<p>The subject land is partially located in an area of Aboriginal Cultural Heritage Sensitivity under the <i>Aboriginal Heritage Act 2006</i> and the proposal contains activities defined as high impact activities under Division 5 of the Aboriginal Heritage Regulations 2018.</p> <p>A Cultural Heritage Management Plan (CHMP) has been approved for the proposed development – CHMP reference number 19263.</p>		
<b>Determining Referral Authorities</b>	<ul style="list-style-type: none"> <li>• Head, Transport for Victoria</li> <li>• Ausnet</li> <li>• Environment Protection Authority</li> </ul>		
<b>Non-statutory referrals</b>	<ul style="list-style-type: none"> <li>• Department of Environment, Energy and Climate Action (DEECA)</li> <li>• West Gippsland Catchment Management Authority</li> </ul>		
<b>Public Notice:</b>	<p>Notice of the application was undertaken by the applicant in accordance with Section 52(1)(a) of the Act, at the direction of the Minister for Planning in the following manner:</p> <ul style="list-style-type: none"> <li>• Notices to affected persons and signs erected on the subject land</li> </ul> <p>Notice was also given by the Department of Transport and Planning in accordance with Section 52(1)(b) of the Act to the following organisations:</p> <ul style="list-style-type: none"> <li>• South Gippsland Shire Council (the Council)</li> </ul>		
<b>Submissions</b>	<p>At the time of writing, 65 objections and 58 submissions in support have been received.</p> <p>A petition opposing the application and containing 1,165 signatures was presented to the Victorian Governments Legislative Council which also highlighted that over 4,100 signatures against the proposal had been submitted on change.org</p>		



## Planning History

- The following Planning Permits have been identified in relation to the site:

Application Number	Proposal	Decision
2023/233	Use of land for an Art and Craft Centre, Place of Assembly and car parking reduction	Under assessment by the Council (at time of writing)
2023/68	Buildings and works and partial demolition for the purpose of repairs to an existing building	Permit Issued
2017/185	Use and development of Licenced Restaurant and Accommodation (3 units), Internally Illuminated Business Identification Signage and ancillary works	Permit Issued
2009/276	Change of Use (Dwelling) and Boundary Realignment	Permit Issued

## Application Process

- The key milestones in the application process were as follows:

Milestone	Date
<b>Pre-application</b>	<p><u>Development Facilitation Program</u></p> <p>The Development Facilitation Program (DFP) is an accelerated assessment pathway for eligible projects to inject investment into the Victorian economy, keep people in jobs and create homes for people. All applications lodged to the DFP are determined by the Minister for Planning or the Department of Transport and Planning under delegation.</p> <p>A pre-application meeting was held under the DFP process on 27 September 2023.</p> <p>The purpose of the pre-application meeting was to discuss the vision and overview of the proposal, site and policy context, draft architectural plans and the scope of documentation prepared by the project team for this application and key issues based on a preliminary assessment by DFP team.</p> <p>As a result of feedback during pre-application discussions the proposal has been amended to respond to recommendations made by DFP.</p> <p>The DFP team confirmed the proposal was eligible for the Clause 53.22 (Significant Economic Development) pathway noting:</p> <ul style="list-style-type: none"> <li>The Proposal has investment certainty or capacity to secure funding.</li> <li>The Proposal includes development components that can commence construction within 12 months of approval, and likely immediately following approval.</li> </ul> <p>The Proposal satisfies the priority sector eligibility criteria under the Visitor Economy sector as it seeks permissions associated with 'Group Accommodation', 'Restaurant' and 'Place of Assembly' which are land uses which within this sector.</p>
<b>Application lodgement</b>	2 April 2024
<b>Further information requested</b>	23 April 2024



<b>Further information received</b>	28 July 2024
<b>Public notice given</b>	10 August 2024
<b>Decision Plans</b>	<ul style="list-style-type: none"> <li>Architectural plans prepared by Wardle Architects (latest Revision G, dated 19 July 2024)</li> </ul>
<b>Other Assessment Documents</b>	<ul style="list-style-type: none"> <li>Agricultural Impact Assessment, prepared by Ag-Challenge Consulting (dated 18 June 2024)</li> <li>Traffic Impact Assessment prepared by One Mile Grid (dated 2 July 2024)</li> <li>Bushfire Planning Considerations Report prepared by Euca Planning, (Version 3, dated 31 July 2023)</li> <li>Environmental Noise Assessment prepared by JTA (dated July 2023)</li> <li>Ecological Assessment prepared by Ecocentric dated July 2023</li> <li>Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 18 February 2023</li> <li>Preliminary Flood Analysis (dated 1 August 2023) Addendum to Flood Modelling Report prepared by Afflux Consulting (dated 11 June 2024)</li> <li>Heritage Impact Assessment (dated June 2024) and Addendum to Heritage Assessment prepared by David Helms Heritage Planning (dated 17 June 2024)</li> <li>Landscape Masterplan prepared by PWLA (dated June 2024)</li> <li>Red Line Plan prepared by Wardle Architects (dated May 2024)</li> <li>Site Survey Plan prepared by Spiire (dated February 2023)</li> <li>Stormwater Management Report prepared by CJ Arms (Revision 1, dated 15 June 2023)</li> <li>Concept Layout Plan (CLP100) - One Mile Grid</li> <li>Waste Management Plan prepared by One Mile Grid (date 2 July 2024)</li> <li>Wastewater Treatment and Reuse Options Report prepared by Diston (dated July 2024)</li> <li>Planning report prepared by Hatch Planning (dated July 2024)</li> <li>Draft Operational Management Plan (dated July 2024)</li> </ul>

3. The subject of this report is the decision plans and supporting technical documents (as described above).

## Proposal Summary

4. The submitted planning report prepared by Hatch Planning provides a detailed outline of the proposal. The key aspects of the proposal are as follows:

Proposed Land Use or Development	Details
<b>Restaurant (Use)</b>	<ul style="list-style-type: none"> <li>Proposed restaurant maximum capacity – 150 patrons</li> <li>Gross floor area / net floor area – approximately 389.8 sqm / 377.8 sqm</li> <li>Operating hours: <ul style="list-style-type: none"> <li>Sunday to Wednesday – 7:00 am to 10:00 pm</li> <li>Thursday – 7:00 am to 11:00 pm</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>- Friday and Saturday – 7:00 am to 12:00 am</li> </ul>
<b>Place of Assembly (Use)</b>	<ul style="list-style-type: none"> <li>• Proposed place of assembly capacity – 278 patrons.</li> <li>• Gross floor area / net floor area – approximately 1,476.6 sqm / 1,462.2 sqm</li> <li>• Operating hours –             <ul style="list-style-type: none"> <li>- Sunday to Wednesday – 7:00 am to 10:00 pm</li> <li>- Thursday – 7:00 am to 11:00 pm</li> <li>- Friday and Saturday – 7:00 am to 12:00 am</li> </ul> </li> </ul>
<b>Group Accommodation</b>	<ul style="list-style-type: none"> <li>• Proposed group accommodation cabins comprised of the following:             <ul style="list-style-type: none"> <li>- 32 x 'Type A' cabins each containing a one-bedroom studio with ensuite bathroom and private terrace (46.7 sqm per cabin);</li> <li>- 7 x 'Type B' cabins each containing a one-bedroom villa with ensuite bathroom, open plan living/dining and private terrace (95sqm per cabin);</li> <li>- 1 x 'Type C' cabin containing 3-bedrooms, 2 bathrooms (including ensuite), open plan kitchen/living/dining, and private terrace.</li> </ul> </li> <li>• Constructed of corrugated galvanized steel to roofing, corrugated galvanized steel and timber cladding to walls, timber decking to private terrace areas and double-glazed windows.</li> <li>• Maximum overall development height = 4.68 metres / RL 3.5m</li> <li>• The cabins are proposed to be sited within the larger parcel of land (25 Church Road generally to the southern end of the part of the land in the Farming Zone. The minimum setbacks proposed are:             <ul style="list-style-type: none"> <li>- 28.5 metres to the northern (rear) property boundary;</li> <li>- 24 metres to the eastern (side) property boundary;</li> <li>- 67 metres to the southern property boundary (frontage); and</li> <li>- 139 metres to the western (side) property boundary.</li> </ul> </li> </ul>
<b>Agriculture (no permit required)</b>	<ul style="list-style-type: none"> <li>• 5.2 ha (approx.) of agricultural production, comprised of:             <ul style="list-style-type: none"> <li>- 0.7 ha (approx.) market gardens</li> <li>- 0.7 ha (approx.) fruit orchard</li> <li>- 0.8 ha (approx.) vineyard</li> <li>- 3 ha (approx.) grazing paddock (split into 3 paddocks).</li> </ul> </li> </ul>
<b>Restaurant and place of assembly (development)</b>	<p><u>Demolition</u></p> <ul style="list-style-type: none"> <li>• Partial excavation of existing floor level of the butter factory building.</li> <li>• Removal of existing roller door to frontage of the butter factory building.</li> <li>• Demolition of the existing lean-to of the existing cheese factory building (non-significant).</li> <li>• Demolition of the existing dwelling and curtilage at 1492 Korumburra-Wonthaggi Road.</li> <li>• Partial demolition of internal walls of the existing cheese and butter factory buildings.</li> <li>• Partial demolition of external rear and side walls to create new openings (doors and windows)</li> </ul>



- Replacement of existing doors and windows in the existing cheese and butter factory buildings (including framing).
- Removal of window and door boardings, and reinstatement of windows and doors to frontage of the existing cheese factory building.
- Reinstatement of original window openings to side wall of butter factory building.
- Partial demolition of existing roofing to provide for skylights.
- Existing pumphouse to be dismantled and rebuilt in new siting to the north of main carparking area.

External modifications:

- A new internal glass link between the butter and cheese factory buildings;
- New windows and doors (including framing);
- New skylights in existing roofing;
- New chimney atop cheese factory building;
- New steel awning over main entrance to frontage of butter factory; and
- General external improvements to the existing buildings.

Internal modifications

- Event space (194 sqm);
- Art Gallery) (87 sqm);
- Shop (providore) with licence (64 sqm)
- Restaurant with bar and fireplace (226 sqm)
- Conference room (56 sqm)
- kitchen / back-of-house area;
- externally accessible bar;
- externally accessible storage room;
- back-of-house storage room;
- reception area / guest lounge with bar and fireplace;
- bridal suite / small conference room with shower facility and toilet provision;
- Staff offices; and
- Provision for toilet facilities, including a DDA-compliant toilet in each building.

**Caretakers House**

- Construction of a 175 m<sup>2</sup> (138 m<sup>2</sup> internal) single storey building to be used as a 'Caretakers House' containing 3 bedrooms, 2 bathrooms (including ensuite), open plan kitchen/living/dining, and private terrace.
- Primarily constructed of corrugated galvanized steel to roofing, corrugated galvanized steel and timber cladding to walls, timber decking to private terrace areas and double-glazed windows.



	<ul style="list-style-type: none"><li>• The proposed building has a maximum overall height of 4.68 metres with setbacks of 105 metres to the northern (rear) property boundary, 450 metres to the eastern (side) property boundary, 191 metres to the southern property boundary (frontage) and 70 metres to the western (side) property boundary.</li></ul>
<b>Service building (associated with group accommodation and agriculture/crop raising)</b>	<ul style="list-style-type: none"><li>• Construction of a 247 sqm (35.9 m x 11.9 m) service building (refer to TP 0110 and TP 0540) Comprised of a staff room with toilet facilities; a store area (including storage for tractors and agricultural equipment), bin storage area; and a small outdoor decked area to entry.</li><li>• Features 2x external rollers doors to eastern elevation and a double pedestrian entry door to the northern elevation (accessible via timber deck and stairs).</li><li>• Primarily constructed of corrugated galvanized steel to roofing, corrugated galvanized steel and timber cladding to walls, corrugated galvanized steel to external roller doors, timber decking to decked entry area and double-glazed windows.</li><li>• Maximum overall development height = 6.1 metres.</li><li>• Setbacks: 78 m to the northern (rear) property boundary; 395 m to the eastern (side) property boundary; 700 mm to the southern property boundary (frontage); and 38 m to the western (side) property boundary.</li></ul>
<b>Bicycle and car parking provision and car parking reduction</b>	<ul style="list-style-type: none"><li>• Provision of 16 on-site bicycle parking spaces for the restaurant and place of assembly (on 1486- 1492 Korumburra-Wonthaggi Road).</li><li>• Provision of 171 car parking spaces on the subject site, comprised of: Provision of 52 on-site car parking spaces for the group accommodation (on Church Road site). Provision of 52 on-site car parking spaces for the restaurant and place of assembly (on 1486- 1492 Korumburra-Wonthaggi Road).</li><li>• Provision of an additional 67 car parking spaces (overflow) on 25 Church Road</li><li>• A reduction of 24 car parking spaces for the restaurant and place of assembly (group accommodation spaces will cater for onsite guests using these facilities, which is discussed further in this report).</li></ul>
<b>Access</b>	<ul style="list-style-type: none"><li>• The development includes multiple access points to the site:<ul style="list-style-type: none"><li>- New crossover from Korumburra-Wonthaggi Road serving the main car park located to the immediate west of the existing butter factory building (;</li><li>- Eastern access from Church Road to the group accommodation, service building and secondary car park.</li><li>- Access to the 'Caretakers House' and accommodation at the end of Brownes Road (adjacent to the northern boundary).</li><li>- Bus parking area and 'loop road' in front of the Butter Factory off Korumburra-Wonthaggi Road</li></ul></li></ul>
<b>Native Vegetation removal</b>	<ul style="list-style-type: none"><li>• Removal of 0.059 ha of native vegetation at the proposed waterway crossing point.</li><li>• An offset amount of 0.023 General Habitat Units (no large trees), with a minimum strategic biodiversity value score of 0.744.</li></ul>





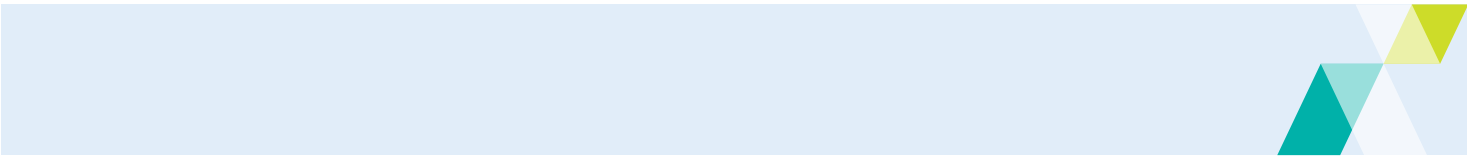


Figure 2: Architects impression of the proposed cheese factory as viewed from Korumburra-Wonthaggi Road (source: Wardle Architects).



Figure 3: Architects impression of the proposed butter factory as viewed from Korumburra-Wonthaggi Road (source: Wardle Architects).



Figure 4: Architects impression of the proposed reservoir and group accommodation as viewed from Korumburra-Wonthaggi Road (source: Wardle Architects).



Figure 5: Architects impression of the proposed open area adjacent to Korumburra-Wonthaggi Road (source: Wardle Architects).



Figure 6: Architects impression of the proposed group accommodation as viewed from Korumburra-Wonthaggi Road (source: Wardle Architects).



Figure 7: Architects impression of the proposed group accommodation as viewed from Brownes Road (source: Wardle Architects).



## Site Description

7. The subject site (the site) comprises a number of allotments, formally known as:
  - Lots 1 and 2 on Plan of Subdivision 716625R (1486 Korumburra-Wonthaggi Road, Kongwak)
  - Lot 11 on Plan of Subdivision 004610 (1492 Korumburra-Wonthaggi Road, Kongwak)
  - Lots 1, 2 and 3 on Plan of Subdivision 331420F Parish of Kongwak (25 Church Road, Kongwak)
8. The site encompasses approximately 16 hectares of land situated on the northern side of Korumburra-Wonthaggi Road, between Church Road to the east and Bena-Kongwak Road to the west, in the centre of Kongwak. Kongwak is a small 'Hamlet' located in the South-Gippsland region of Victoria. The site is the amalgamation of several individual lots creating an irregular overall shape which is located in two different zones, being the Township Zone (Cheese and Butter Factory and surrounding areas, 1492 Korumburra-Wonthaggi Road and the southern areas of 25 Church Road) and Farming Zone for the balance of the site.
9. The south-west area of the site which is relatively flat and bordered by the existing waterway and vegetation, contains the historic cheese and butter factories. The westernmost area of the site is a residential lot containing a small detached single dwelling to be demolished as part of the development (1492 Korumburra-Wonthaggi Road).
10. The existing cheese factory is positioned close to the front (south) boundary giving it a prominence along the main road through Kongwak. The cheese factory is constructed of rendered brick (with a parapet wall facing the road) and cement sheet roofing (refer Figures 10 & 11). There is no formal parking on the land to service the existing buildings.
11. The butter factory is in relatively good condition (currently used for short stay accommodation) located to the east of the cheese factory and is setback from the front boundary and generally runs parallel to the road. The butter factory also has a rendered exterior, is the equivalent of two storeys in height with corrugated metal sheeting roofing (gable profile). There is an informal parking area between the butter factory and road.
12. In terms of natural features, as outlined in the applicant's submission, Foster Creek and Browns Creek run through the land, effectively segmenting it into three parts. The larger parts of the land (25 Church Road) are characterised by open pastoral land with a small shed / outbuilding in the north-eastern corner.
13. The watercourses are delineated by remnant swampy riparian woodland consisting of shrubbery and high canopy, of which is dominated by Swamp Gum (*Eucalyptus ovata*). Although the balance of the site is generally cleared pasture comprised of dominant common weed pasture grasses. There is a natural depression in the western sector of the cleared pasture area that has been drained by way of a channel being cut to the Foster Creek.
14. There is also a farm dam in the north-west area of the cleared pasture area. The southwestern corner of the site is comprised of gardens, which contain trees such as peppercorn, managed lawns stretching to the waterway, and ornamental exotics planted along the waterway. The topography of the land varies, generally sloping down into the waterways of Foster Creek and Brownes Creek and gradually up towards the north-east corner of the site (as shown in the figures below).
15. There are no formal crossovers which presently exist to access the subject land, although there is a semi-formal crossover providing access to the butter factory. Informal access to the land is also possible from the gravel roads of Church Road (east) and Brownes Road (north). The site appears to have access to reticulated electricity and telecommunications but not water and sewer. There is an overhead electricity line which runs in a north-south direction across the main area of the site (open pasture located on 25 Church Road).
16. An aerial image of the subject site and surrounds is shown below:



Figure 8: Aerial image of the subject site and surrounds (source: Wardle Architects).

## Site Surrounds

17. The site has a primary frontage to Korumburra-Wonthaggi Road, an arterial road which runs in an east to west direction through the centre of Kongwak. The road provides a single lane in either direction with grass and gravel road reserves on either side and no formal parking. A 60km/h speed limit applies to Korumburra-Wonthaggi Road in the vicinity of the site, with a 40km/h school speed zone applying on school days to the east.
18. The Kongwak 'Avenue of Honour' is a row of mature trees which run along either side of Korumburra-Wonthaggi Road, adjacent to the property boundary to the south. The Avenue of Honour is in the Heritage Overlay (HO50). A smaller row of trees has been planted along the western side of Church Road (north of the Kongwak town hall) as an extension to the Avenue of Honour however is not covered by the Heritage Overlay. This row also serves as a memorial to fallen soldiers from the area,
19. The surrounding context to the north and east consists mainly of rural land used for agricultural purposes or open pastures with most containing a dwelling (per property). The land to the north at 44 Browne Road (an unmade gravel road) is used as an organic pig farm with associated pens and sheds and a separated double storey dwelling further to the east (refer Figures 29 & 30). The topography of the land rises gradually towards the north-east before rising steeply to create the undulating hills which form a distinct characteristic of the broader landscape and provide a significant backdrop to the subject site.
20. The land to the south and immediate west of the site is located in the Township Zone (TZ) and is generally characterised by residential lots (ranging between approximately 1000 sqm – 2,500 sqm). These lots are occupied primarily by single detached dwellings located amongst mature trees and low scale gardens.
21. Directly opposite the cheese and butter factory building to the south (opposite side of Korumburra-Wonthaggi Road at no. 1487) is a large, elongated brick building with large awning which typically forms part of the Kongwak Market. Limited off-street parking is provided in front of the building. Further to the south-east is the Kongwak Primary School and associated RN Scott Memorial Park. Foster Creek continues through the subject land under Korumburra-Wonthaggi Road to the south.
22. The Kongwak public hall is located at 1440 Korumburra-Wonthaggi Road (at the corner with Church Road) which is a predominantly weatherboard building with gravel car parking at the rear and bordered by a row of mature Cypress pine trees (refer Figure 24).



**Figure 9: Korumburra-Wonthaggi Road looking towards the west**



**Figure 10: Front and side elevations of the existing historic cheese factory**



Figure 11: Area between the existing cheese factory and west boundary (looking towards the south-east)



Figure 12: Existing single storey dwelling at 1492 Korumburra-Wonthaggi Road to be demolished (source: Hatch Planning Report).





Figure 13: Existing rear elevation of the former cheese factory



Figure 14: Existing internal structure of the former cheese factory



**Figure 15: Foster Creek at the rear of the former cheese and butter factory buildings**



**Figure 16: Front elevation of the historic former butter factory as viewed from Korumburra-Wonthaggi Road**



**Figure 17: Side (east) elevation of the former butter factory**



**Figure 18: Rear (north) elevation of the former butter factory (currently used for short stay accommodation)**



**Figure 19: Grass area at the rear of the existing buildings**



**Figure 20: Open grassed area to the north of the former butter factory, bordered by vegetation and a bend in Foster Creek (further north)**



Figure 21: Korumburra-Wonthaggi Road looking east



Figure 22: Brick building and car parking opposite subject site used as part of Kongwak Market (1487 Korumburra-Wonthaggi Road)



**Figure 23: Open pasture which forms the main part of the subject site (25 Church Road) as viewed from Korumburra-Wonthaggi Road**



**Figure 24: Kongwak Public Hall located at 1440 Korumburra-Wonthaggi Road**



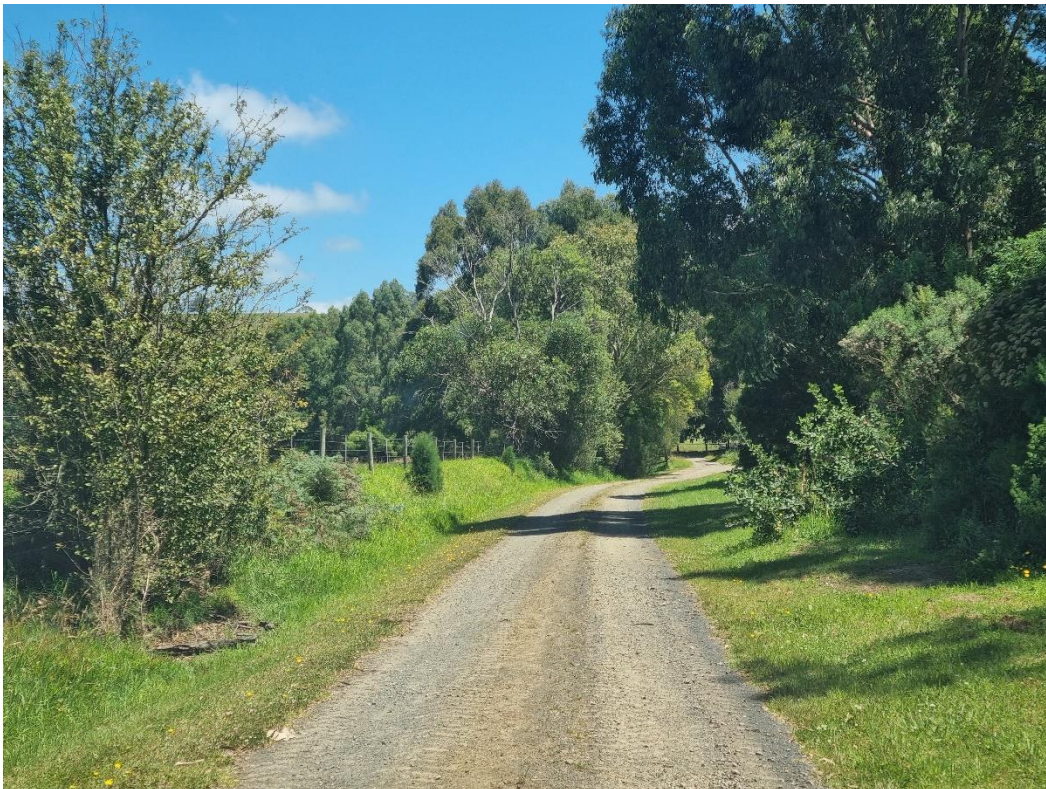
**Figure 25: Church Road looking towards North with the trees forming an extension of the 'Avenue of Honour' located on the road reserve**



**Figure 26: Open pasture which forms the main part of the subject site (25 Church Road) as viewed towards the west (from Church Road)**



**Figure 27: Open pasture which forms the main part of the subject site (25 Church Road) as viewed from Brownes Road**



**Figure 28: Brownes Road looking west**





Figure 29 & 30: Existing dwelling and associated buildings for the organic pig farm at 44 Brownes Road



Figure 31: Open pasture bordered by mature trees which forms the north-west area of the subject site (as viewed from the end of Brownes Road)



## Municipal Planning Strategy

23. The following Clauses contained in the Municipal Planning Strategy for South Gippsland are considered relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-4	Natural Resource Management
02.03-5	Built environment and heritage
02.03-7	Economic development
02.03-9	Infrastructure

## Planning Policy Framework

24. The following objectives and strategies of the Planning Policy Framework under the South Gippsland Planning Scheme are considered relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.01-1S	Settlement
11.01-1R	Settlement - Gippsland
11.01-1L-10	Hamlets - Kongwak
11.03-6S	Regional and local places
<b>Clause 12</b>	<b>Environmental and Landscape Values</b>
12.01-1S	Protection of biodiversity
12.01-1L	Biodiversity
12.01-2S	Native vegetation management
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.02-1S	Bushfire planning
13.03-1S	Floodplain management
13.04-2S	Erosion and landslip
13.05-1S	Noise management
13.07-1S	Land use compatibility
<b>Clause 14</b>	<b>Natural Resource Management</b>
14.01-1S	Protection of agricultural land
14.01-2S	Sustainable agricultural land use



14.02-1S	Catchment planning and management
14.02-2S	Water Quality
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-2S	Building Design
15.01-2L-01	Building design – residential
15.01-5S	Neighbourhood Character
15.01-6S	Design for rural areas
15.01-6L	Open Farmed Landscapes
15.03-1S	Heritage conservation
15.03-1L	Heritage
15.03-2S	Aboriginal cultural heritage
<b>Clause 16</b>	<b>Housing</b>
16.01-3S	Rural residential development
<b>Clause 17</b>	<b>Economic Development</b>
17.01-1S	Diversified Economy
17.01-1R	Diversified Economy – Gippsland
17.04-1S	Facilitating Tourism
17.04-1R	Tourism – Gippsland
17.04-1L	Tourism – South Gippsland
<b>Clause 18</b>	<b>Transport</b>
18.02-4S	Roads
<b>Clause 19</b>	<b>Infrastructure</b>
19.02-6S	Open space
19.03-2S	Infrastructure design and provision
19.03-2L	Infrastructure design and provision – South Gippsland
19.03-3S	Integrated water management
19.03-3L	Integrated water management - South Gippsland

25. The 'Assessment' section of this report provides a detailed assessment of the proposal's response to the relevant planning policies.

## Zoning and Overlays

### Township Zone

26. A planning permit is required pursuant to Clause 32.05-2 of the Township Zone to use land for Group Accommodation, Place of Assembly (other than Carnival, Circus and Place of Worship) and Restaurant.
27. A planning permit is required pursuant to Clause 32.05-10 of the Township Zone to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2
28. The purpose of the **Township Zone** is:
  - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
  - *To encourage development that respects the neighbourhood character of the area.*
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
29. The Decision Guidelines under the Township Zone include (as relevant):
  - *The MPS and PPF*
  - *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*
  - *The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.*
  - *In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system*
  - *The design, height, setback and appearance of the proposed buildings and works including provision for solar access.*
  - *Provision of car and bicycle parking and loading bay facilities and landscaping.*
  - *The effect that existing uses on adjoining or nearby land may have on the proposed use.*
  - *The scale and intensity of the use and development.*
  - *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*
30. The 'Assessment' section of this report includes a discussion of how the proposal responds to these requirements.

### Farming Zone

31. A planning permit is required pursuant to Clause 35.07-1 of the Farming Zone to use the land for 'Group Accommodation'.
32. A planning permit is required to construct a building or construct or carry out works associated with a section 2 use and within the setbacks outlined in Clause 37.01-4.
33. The purpose of the **Farming Zone** is:
  - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for the use of land for agriculture.*
  - *To encourage the retention of productive agricultural land.*



- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

34. The decision Guidelines under the Farming Zone include (in summary):

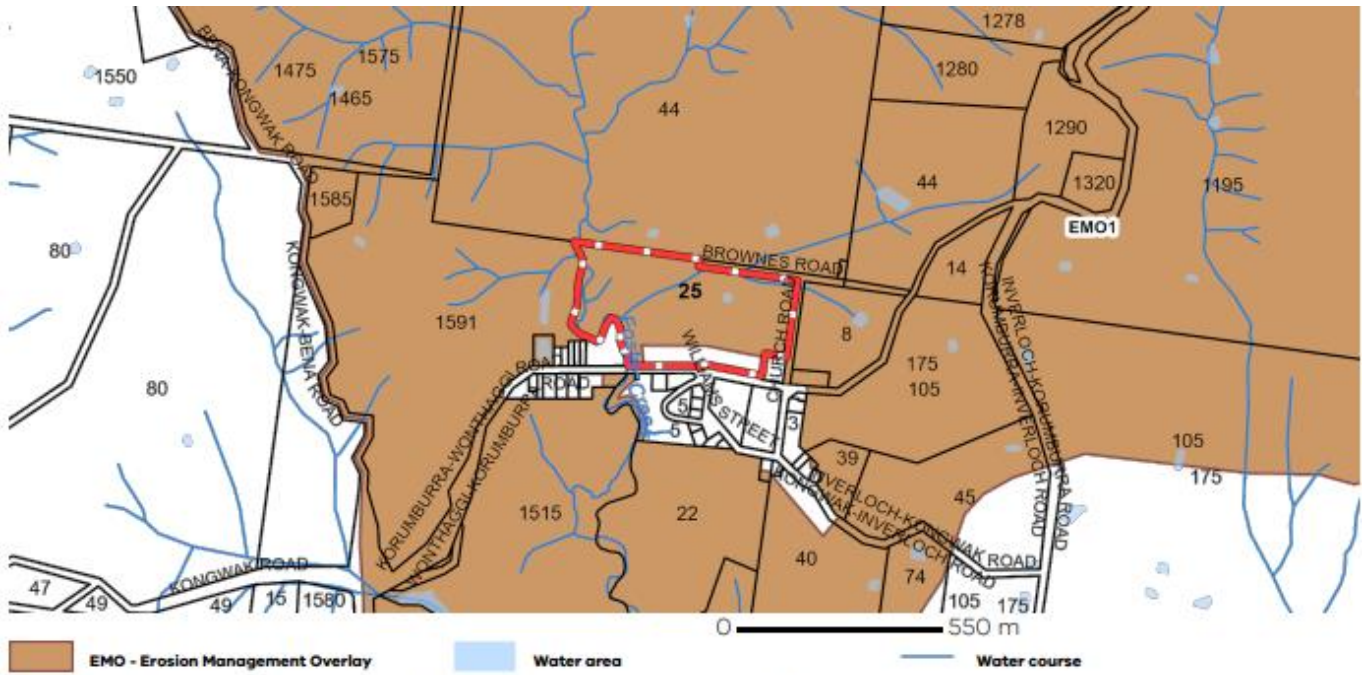
- General issues such as the Municipal Planning Strategy and the Planning Policy Framework, the capability of the land to accommodate the proposed use or development and compatibility with nearby land uses
- Agricultural issues and the impacts from non-agricultural uses such as whether the use or development will support and enhance agricultural production or limit the operation of nearby agricultural uses, soil quality and access to infrastructure.
- Accommodation issues such as whether the accommodation will result in loss or fragmentation of productive agricultural land or be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Environmental issues such as impacts of the proposal on natural features of the area, flora and fauna on the site and surrounds, the need to protect and enhance biodiversity including retention of native vegetation and location of effluent disposal areas.
- Design and siting issues such as the need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land, the impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads etc. and the impact on the character and appearance of the area on features of architectural, historic or natural significance.

35. The 'Assessment' section of this report includes a discussion of how the proposal responds to these requirements.

### **Erosion Management Overlay Schedule 1 (EMO1) Areas Susceptible to Erosion**

36. It is noted that at the time of lodgement, the site was affected (in part – 25 Church Road) by Clause 42.01 Environmental Significance Overlay Schedule 5 (ESO5) – Areas Susceptible to Erosion.

37. Planning Scheme Amendment C119sgip gazetted on 15 August 2024, amended Schedule 1 to Clause 44.01 Erosion Management Overlay (EMO1), deleted Schedule 5 to Clause 42.01 Environmental Significance Overlay (ESO5), replaced the mapping extent of the existing Erosion Management Overlay (EMO) and the ESO5 with the EMO1 and include the associated mapping changes in the Schedule to Clause 72.03. The changes were required to better manage the risk of erosion and landslip in the municipality.



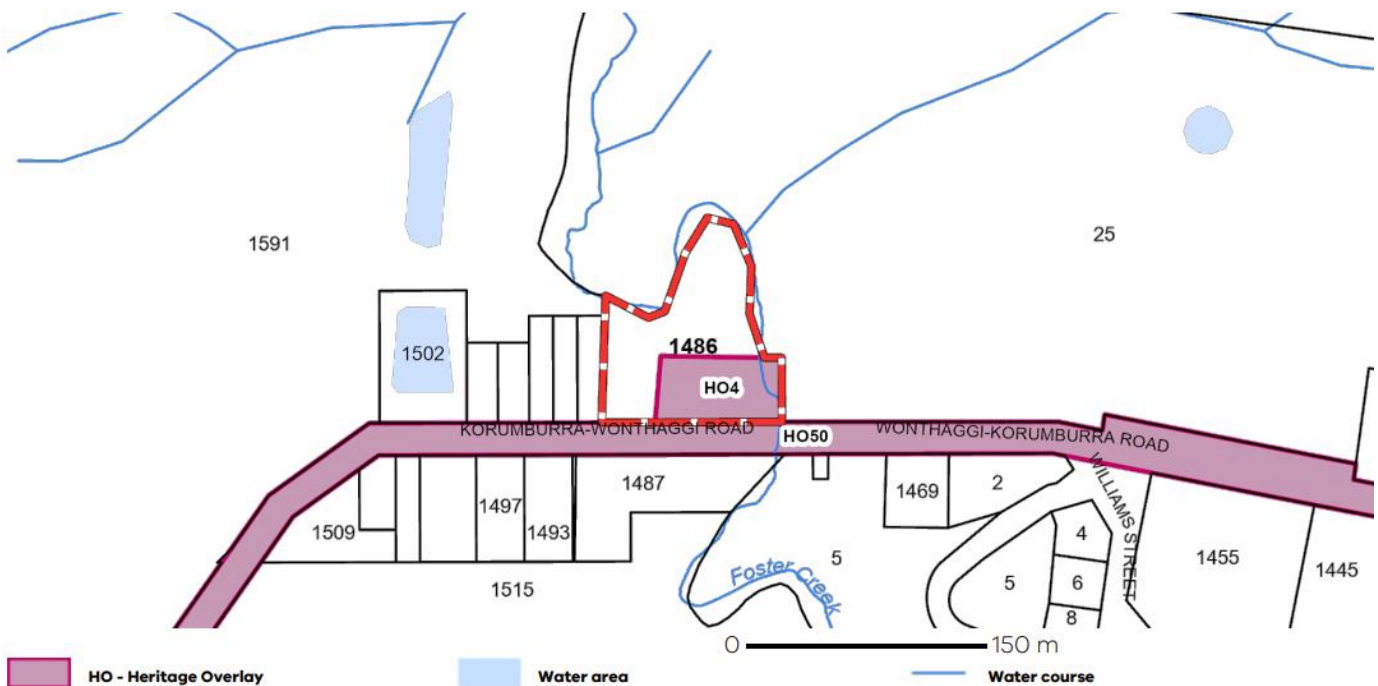
38. As shown in the map above, the larger part of the site is affected by the EMO1, primarily in the areas of the site located in the Farming Zone (being the land at 25 Church Road).
39. A planning permit is required under the EMO1 to construct a building or construct or carry out works and to remove vegetation.
40. The EMO1 exempts the construction of a building or carrying out of works where the difference between finished ground level and natural ground level does not exceed 1.0 metre. In this regard the group accommodation buildings proposed for the 25 Church Rd site would be exempt from a permit under the EMO1, on the basis that they are designed to be on stilt-based footings to integrate into the natural landscape, with no associated cut and fill proposed.
41. The following components of the proposed development would not be exempt under the EMO1 on the basis of the extent of earthworks proposed:
  - The new dam / wetland adjacent to Korumburra-Wonthaggi Road.
  - The rehabilitation of the billabong on the Northern part of the site: Whilst a small amount of cut / fill > 1m is required, this work will be done to reinstate a natural ecological feature of the landscape
  - The recycled water holding dam: A small amount of cut / fill will be required to slightly increase the size of the existing dam, however erosion risk has already been considered as part of the application
  - New check dams and sediment ponds proposed have been included in the master plan as part of the stormwater management strategy, with a new earthworks drawing MP-501 included in the June 2024 Landscape Master plan. This also includes the cut / fill drawings for the abovementioned works.
42. Erosion Management objectives to be achieved
  - *To ensure buildings and works are located and designed to avoid risk to life and property from erosion.*
  - *To ensure that environmental values are protected in areas susceptible to erosion.*
  - *To retain existing vegetation and encourage new plantings to prevent and minimise erosion.*




43. Section 4.0 of the EMO1 sets out application requirements which include (but not limited to) cross-sections depicting proposed cut and fill, details of existing vegetation, details of proposed dams and a written Geotechnical Assessment, Landslide Hazard Assessment or Landslip Risk Assessment (as appropriate).
44. Before deciding on an application under the EMO1, the responsible authority must consider, as appropriate the extent of earthworks and its likelihood to cause erosion, the risk to life, property and the environment, whether there is any alternative site for the proposed building and works, design alternatives, soil type, impacts to waterways, whether the proposal avoids and minimises vegetation removal, impacts of dam construction on erosion and the recommendations of any geo-technical or landslip risk assessment.
45. The assessment section of this report includes a discussion of how the proposal responds to these requirements.

### Heritage Overlay (HO4)

46. The site is partly affected by the Heritage Overlay 4 (HO4) described as 'Kongwak Co-operative Butter & Cheese Factory (former)'.
  47. Pursuant to Clause 43.01 a permit is required to:
    - Demolish or remove a building;
    - Construct a building or construct or carry out works;
    - Externally alter a building by structural work, rendering, sandblasting or in any other way;
    - Externally paint a building; and
    - Internally alter a building.
  48. It is also noted that the subject site is adjacent to land affected by Heritage Overlay 50 (HO50) described as 'Kongwak Avenue of Honour' which runs along Korumburra-Wonthaggi Road, Kongwak. Refer map below.



- 
49. The purpose of the Heritage Overlay is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To conserve and enhance heritage places of natural or cultural significance.*
  - *To conserve and enhance those elements which contribute to the significance of heritage places.*
  - *To ensure that development does not adversely affect the significance of heritage places.*
  - *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*
50. Before deciding on an application under the HO4, the responsible authority must consider, as appropriate:
- *The Municipal Planning Strategy and the Planning Policy Framework.*
  - *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
  - *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
  - *Any applicable heritage design guideline specified in the schedule to this overlay.*
  - *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
  - *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
  - *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
  - *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
51. It is also noted that the subject site is adjacent to land affected by Heritage Overlay 50 (HO50) described as 'Kongwak Avenue of Honour' which is a row of mature trees running along either side of Korumburra-Wonthaggi Road to commemorate fallen soldiers from Kongwak. The overlay covers the extent of the road surface, in addition to the area where the trees are planted.

## Particular and General Provisions

### Clause 52.05 – Signs

52. As stated in the applicant's submission, the proposed development does not incorporate any new signage, acknowledging that any signage will be subject to a future planning permit application or amended permit application.

### Clause 52.06 – Car Parking

53. The purpose of this Clause is:
- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
  - *To support sustainable transport alternatives to the motor car.*





- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
  - *To ensure that car parking does not adversely affect the amenity of the locality.*
  - *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*
54. Pursuant to Clause 52.06-2 (Provision of car parking spaces) before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority on the land.
55. Pursuant to Clause 52.06-3 (Permit Requirement) a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
56. Clause 52.05-8 sets out the requirements for a car parking plan and Clause 52.06-9 sets out the requirements of car parking design.
57. An 'assessment of the proposed car parking, access, traffic generation and other related matters is contained within the assessment section of this report.

### **Clause 52.17 – Native Vegetation**

58. Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation.
59. The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (*Department of Environment, Land, Water and Planning, 2017*) (the Guidelines) which seeks to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation through the following 3-step approach:
1. *Avoid the removal, destruction or lopping of native vegetation.*
  2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- .The proposal includes the removal of 0.059 hectares of native vegetation patches and scattered trees.
60. An assessment of the proposed native vegetation removal against the Guidelines for the removal, destruction or lopping of native vegetation is contained in the assessment section of this report.

### **Clause 52.27 – Licensed Premises**

61. Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.
62. A licence is required under the *Liquor Control Reform Act 1998* to sell or consume liquor on the subject site, associated with the use of the land for a restaurant and place of assembly.
63. The purpose of Clause 52.27 is to ensure that licensed premises are situated in appropriate locations and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.
64. The decision guidelines of Clause 52.27 set out the matters that the Responsible Authority must consider (as appropriate):
- *The Municipal Planning Strategy and the Planning Policy Framework.*
  - *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

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

### Clause 52.29 – Land adjacent to the principal road network

65. Pursuant to Clause 52.29-1, a permit is required to create or alter access to a road in a Transport 2 Zone.
66. Clause 52.29 applies to this application because the site is located adjacent to the Korumburra-Wonthaggi Road which is a road in a Transport 2 Zone.
67. The purpose of the Clause 52.29 is to:
- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network; and*
  - *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*
68. The application was referred to the Head, Transport for Victoria under Section 55 of the act in accordance with Clause 52.29-5.

### Clause 53.22 – Significant Economic Development

69. The purpose of this Clause is:
- *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria’s economy and provide substantial public benefit, including jobs for Victorians.*
  - *To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*
70. This Clause provides the provisions in the planning scheme for Victoria’s Development Facilitation Program which provides an accelerated planning pathway for eligible developments. Table 1 below outlines the criteria which must be met for a development to be eligible under the DFP and Clause 53.22.

Category	Condition
Category 1	<p>The use must be specified in Table 2 and the condition corresponding to that use must be met. If the application includes more than one use in Table 2, only one use must meet the corresponding condition.</p> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal. This condition does not apply to an application for the use or development of land for a renewable energy facility or utility installation.</p>

71. Table 2 outlines the uses including ‘Place of Assembly’ and ‘Group Accommodation’ with a requirement for the estimated cost of the development to be at least \$5 million in this instance (as the land is not located in metropolitan Melbourne).



72. The application was accompanied by a letter from Invest Victoria dated 12 March 2024, which advised that based on a review of submitted documentation, *'Invest Victoria considers that there is some likelihood that your Kongwak Butter Factory Project at 1486 -1492 Korumburra Wonthaggi Road & Church Road Kongwak could be financially feasible'*.
73. A Quantity Surveyor Report prepared by Melbourne Quantity Surveyors was also submitted, providing a detailed breakdown of costs for the overall development include the estimated costs of Group Accommodation which were calculated to be \$11,167,000 (ex. services and associated works).
74. Even when considering the Group Accommodation component of the proposal only, the estimated development cost would be well in excess of the required \$5,000,000 cost of works requirement for land outside of metropolitan Melbourne, and as such DTP is satisfied that the application meets the application requirements of this clause under Clause 53.22-1 and Clause 53.22-3.

### Clause 65.01 – Approval of an Application or Plan

75. Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:
  - *The matters set out in section 60 of the Act.*
  - *Any significant effects the environment, including the contamination of land, may have on the use or development.*
  - *The Municipal Planning Strategy and the Planning Policy Framework.*
  - *The purpose of the zone, overlay or other provision.*
  - *Any matter required to be considered in the zone, overlay or other provision.*
  - *The orderly planning of the area.*
  - *The effect on the environment, human health and amenity of the area.*
  - *The proximity of the land to any public land.*
  - *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
  - *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
  - *The extent and character of native vegetation and the likelihood of its destruction.*
  - *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
  - *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
  - *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
  - *The impact the use or development will have on the current and future development and operation of the transport system.*

## Proposed Exempt Activities

76. The use of land for Crop Raising (proposed market garden, vineyard and orchard) is a Section 1 – permit not required use within the Farming Zone;
77. The use of land for Informal Outdoor Recreation (publicly accessible open space along Korumburra-Wonthaggi Road) is a Section 1 – permit not required use within the Farming Zone and Township Zone.
78. In relation to all uses considered ancillary discussed below, DTP agrees with the applicant's submission that it is irrelevant to the determination of whether something is ancillary, whether it is otherwise a defined term in the Planning Scheme or not. An ancillary use, by its nature, is not a distinct use, but merely a part of (an adjunct) to another, dominant use on the site.

## Shop (providore)

79. The applicant has submitted that the 'Providore' space within the cheese and butter factory building is an ancillary use to the primary (permit required) uses of 'Restaurant' and 'Place of Assembly' noting it will only be operating when one or both of these uses is occurring, generally catering for guests to those uses.

## Art Gallery

80. The proposed 'Art Gallery' space within the cheese and butter factory building is an ancillary use to the Restaurant and Place of Assembly and will only be operating when one or both of these uses is occurring, generally catering for guests to those uses.

## Caretakers House

81. DTP agrees with the applicant's submission that the 'caretakers house' can be considered as an ancillary use to the primary Place of Assembly, Restaurant and Group Accommodation activities, on the basis of the following:
  - The caretakers house has the sole purpose of on-site management of the primary activities approved by this permit (Place of Assembly, Restaurant and Group Accommodation). The caretakers house only exists as an integral part of the primary activities and would not exist otherwise.
  - The caretakers house occupies a fraction of the overall site (less than 1%), has a design, scale and floor plan layout which mirrors that of the group accommodation and would only be occupied by the manager / operator of the overall development and associated activities.
  - A conventional 'Dwelling' as defined under the planning scheme requires a permit under the Farming Zone and considering that the recommended permit is not approving 'Dwelling' the caretakers house will be required to remain an ancillary component of the primary uses in perpetuity, with the exception being in the event the proponent decide to seek planning approval for 'Dwelling' (via an amendment or fresh application).
  - The scale of the overall development and associated activities is such that provision of housing for an on-site manager / operator is considered a necessary component of the overall development (akin to a publican residing in a pub due to operational natures of a pub). On this basis, DTP is satisfied that the link/nexus between the ancillary caretakers house and the primary use is reasonably met in this instance.



## Statutory Referrals

83. The application was referred to the following groups under Clause 66 of the Planning Scheme:

Provision / Clause	Organisation / Type of application	Response received (date)
Clause 66.02-1 (Determining Referral Authority)	<b>Environment Protection Authority (EPA)</b> A use or development requiring a Development Licence or Operating Licence in accordance with Part 4.4 of the Environment Protection Act 2017.	<b>17 April 2024 (final)</b>
Clause 66.02-4 (Determining Referral Authority)	<b>AusNet Transmission</b> To construct a building or construct or carry out works on land within 60 metres of an electricity transmission easement	<b>3 April 2024 (final)</b>
Clause 66.02-11 (Determining Referral Authority)	<b>Head, Transport for Victoria</b> An application subdivide land, to construct a building or to construct or carry out works for any of the following: <ul style="list-style-type: none"> <li>A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</li> </ul> <hr/> An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <i>Road Management Act 2004</i>	<b>9 October 2024 (final)</b>

## Environment Protection Authority (EPA)

84. As noted in the table above, the application was referred to the EPA pursuant to Clause 66.02-1 for a use or development requiring a Development Licence or Operating Licence in accordance with Part 4.4 of the *Environment Protection Act 2017*.
85. The EPA highlighted that the site is not connected to reticulated sewerage and therefore wastewater would need to be managed and treated onsite. The 'Wastewater Treatment & Reuse Options Report', Version 1.3, prepared by Diston Wastewater Technology and dated July 2023 stated the peak projected future loadings for the site will be 35,500L/day at full flow and 24,000L/day using conservation flow fittings.
86. The EPA noted there is a difference in the patron and guest numbers stated in Section 3.0 of the 'Wastewater Treatment & Reuse Options Report' and Section 2.2 of the Hatch Planning Report, resulting in different estimations. Regardless, it was noted that both estimates fall within the criteria for Scheduled Activity A03 (sewage treatment) under the *Environment Protection Regulations 2021*. Therefore, a Development Licence and/ or Operating Licence will be required.
87. Lastly, the EPA stated that the assessment of the applicable EPA Licence(s) would be undertaken by the EPA Permissioning Unit and is separate to the planning permit application process. EPA's response to this planning application does not influence the outcome of the EPA Licence(s) assessment and/ or any EPA exemptions that may apply.

## Recommendation

88. Following a review of the submitted information, the EPA advised that the site is likely to be able to accommodate for the onsite wastewater treatment system. It is on this basis that EPA did not object to the proposal. No conditions were recommended by the EPA should a planning permit be issued other than the inclusion of notes to ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met and highlighting activities that may give rise to a risk to human health or the environment from pollution or waste. DTP supports the inclusion of notes as recommended by the EPA.

## Head Transport for Victoria

89. The application was referred to the Head, Transport for Victoria because it proposed to alter access to a Transport Zone 2 (Principal Road Network - Korumburra-Wonthaggi Road) and proposed a place of assembly exceeding 600 sqm of gross floor area.
90. The Head, TfV noted that previous comments provided to the applicant had not been fully incorporated into the plans. The Head, TfV stated that the use of the road reserve for bus parking at this location is not desirable as the nature of Township, bridge abutments and potential activity relating to the development will have potential road safety impacts. It is unclear of need of the loop road to the Butter Factory.
91. This should be re-considered as a single point of access with a turning circle to better serve the development or its removal as ample parking is available within the carparking areas. If the loop road is to remain, then the traffic management is to be clearly defined and should be one way. This can be accomplished with design and siting.
92. The planning permit conditions recommended by the Head, Transport for Victoria are accepted by DTP and are recommended to be included in the planning permit.

## Non-Statutory Referrals

93. The application was referred informally for comment to the following groups:

Provision / Clause	Organisation	Response received (date)
<b>Section 52(1)(b) Notice</b>	South Gippsland Shire Council	<b>12 September 2024 (final)</b>
<b>Informal</b>	Department of Energy, Environment and Climate Action (DEECA)	<b>11 November 2024 (final)</b>
<b>Informal</b>	West Gippsland Catchment Management Authority (WGCMA)	<b>30 October 2024 (final)</b>

## Department of Energy, Environment and Climate Action (DEECA)

94. The application was referred informally to the Planning and Environmental Assessment division of DEECA in relation to biodiversity and because the application proposes the removal of native vegetation. The DEECA - Gippsland region, as delegate confirmed they do not object to the granting of a permit subject to the inclusion of conditions relating to protection of native vegetation to be retained, permission to remove 0.059 hectares of patch native vegetation and the requirement to achieve native vegetation offsets within the West Gippsland Catchment Management boundary or South Gippsland municipal area and providing evidence this has occurred.
95. DEECA further recommended that additional assessment be required on the EPBC listed species, Giant Gippsland Earthworm. The 'Giant Gippsland Earthworm and Burrowing Crayfish Survey (Ecocentric, 25 September 2024)' does not consider the impacts on the species and therefore does not meet relevant assessment requirements for EPBC listed species. DEECA advise that new surveys and a report be undertaken by a suitably qualified invertebrate ecologist.
96. An assessment by a suitably qualified invertebrate ecologist to survey for Giant Gippsland Earthworm *Megascolides australis* has not been provided. DEECA do not support the determination of the assessment: Giant Gippsland Earthworm and Burrowing Crayfish Survey (Ecocentric, 25 September 2024), noting that this is an area being a highly specialised field and therefore requested an updated survey.
97. DTP supports the inclusion of conditions as recommended by DEECA.

## West Gippsland Catchment Management Authority (waterway proximity)

98. The application was referred informally to the West Gippsland Catchment Management Authority as the relevant catchment authority in flood management for Kongwak. It is noted that the subject site is not identified as liable to flooding under the planning scheme however the area to the south of Korumburra-Wonthaggi Road along the alignment of Foster Creek is affected by the Land Subject to Inundation Overlay.
99. The WGCMA provided a preliminary response on 26 September 2024 which noted that the flood modelling undertaken to support the application and the submitted 'Memo – Kongwak Butter and Cheese Factory – Flood Modelling Results – Local Catchment (Afflux Consulting, 2024)' had been reviewed. The WGCMA requested the flood modelling be updated as follows:
  - *Developed condition hydraulic model set-up schematic. This must clearly demonstrate how the proposed development has been modelled.*
  - *The internal drainage of the site needs to be included in the modelling.*
  - *The proposed water quality treatment differences between the stormwater management concept and the flood modelling report need to be explained.*
100. In relation to waterway management, WGCMA requested a Waterway Management Plan (WMP) to be prepared to support the application. The WMP will detail the existing health of the waterways and identify actions such as weed management and revegetation to improve waterway health. Critical to this plan will be the development of a maintenance schedule to guide future management of the waterway buffers.
101. With respect to stormwater management the WGCMA noted it was unclear from the submitted conceptual plan (Kongwak Butter and Cheese Factory Stormwater Management Concept Rev 1 prepared by CJ Arms Pty Ltd) if the required volumes of stormwater detention can be met, however given the size of the property it is likely to be achievable.
102. The concept plan indicates that best practice stormwater management for the site can be met through a combination of rain gardens, swales, tanks and bioretention systems. The WGCMA highlighted that raingardens and bioretention systems require diligent and ongoing maintenance to continue effective operation. The WGCMA advised that a detailed maintenance plan would be required that identifies the required maintenance actions for the assets, the frequency of maintenance activities and the parties responsible.
103. The WGCMA subsequently provide a response dated 30 October 2024 advising DTP that it did not object to the issue of a planning permit subject to conditions being included in the permit addressing updating flooding modelling, preparation of a Waterway Management Plan and amended Stormwater Management Plan addressing maintenance etc.
104. DTP supports the inclusion of conditions as recommended by WGCMA.

## South Gippsland Water

105. South Gippsland Water advised DTP informally there were no concerns, as the proposed development is not within any sewer/water districts or open potable catchment. South Gippsland Water reiterated that the Lance Creek pipeline would not provide water to the development (the pipe crosses to the North of the township) as it is the major pressure distribution main for water to Korumburra, Poowong, Loch and Nyora. Due to the nature of the main it cannot provide water to Kongwak and the development would need to provide water for itself via tanks
106. The applicant confirmed that this does not raise any issues, as the design is fully self-sufficient with potable water harvested from all roofs and storage tanks on the site.



## Notice

107. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), but is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act).
108. The applicant was directed to give notice under Section 52(1)(a) by way of notifying adjoining owners and occupiers and erecting public notice signs on the land (along the frontages of the site).
109. At the time of writing, 65 objections and 58 submissions in support had been received in response to the application. It should also be noted that many of the residents opposed to the proposal have made several submissions in response to the application.
110. It is also acknowledged that a petition opposing the application and containing 1,165 signatures was presented to the Victorian Governments Legislative Council which also highlighted that over 4,100 signatures against the proposal had been submitted on change.org
111. Further details of the submissions to the application are provided in the 'Objections' sections at the end of this report.
112. Notice of the application was given to the municipality (South Gippsland Council) under section 52(1)(b) of the act.

## South Gippsland Shire Council

113. The Council provide several responses to the application and proposed development, at pre-application stage on 6 December 2023 and on 17 April 2024 in response to the originally submitted application. The Council's final response was submitted on 12 September 2024 stating that the applicant had not revised the proposal to response to Council's concerns. On this basis, the Council provided the following 'final' comments for the DTP's consideration as follows:

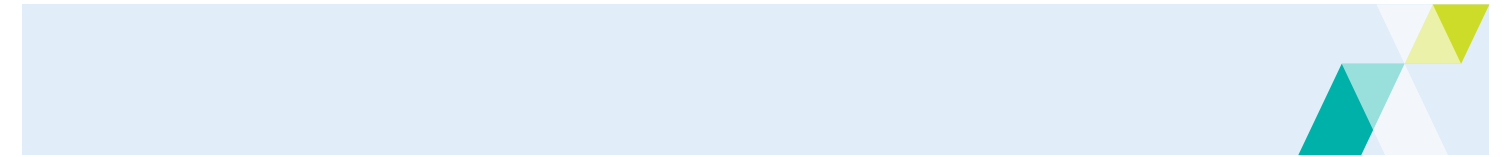
### Community Concerns & Objections:

114. *There is extensive community opposition to the proposed use and development under consideration by DTP. Whilst Council is not privy to the number or form of submissions received by DTP in this matter, Council is well aware of the views of the community in this matter. This is in part illustrated by the over 30 objections received by Council in response to a separate application by the proponent for a smaller scale Arts & Craft, Place of Assembly and Reduction in Car Parking application on the subject site (Application Reference: 2023/233). Council would expect that DTP takes into consideration any submissions made to the proposed application and where necessary adopt relevant conditions (if support of the application is to be given).*

### Scale and Intensity of Land Uses:

115. *Council has significant concerns with respect to the proposed scale and intensity of the land uses proposed. Whilst intrinsically the land uses are considered to be acceptable under the defined zones, the intensity of the land uses, both individually and as a collective are considered to be excessive when considering the strategic direction of 'Hamlets', purpose of the applicable zones and the immediate and surrounding context of the site.*
116. *The scale and intensity of the proposal is inconsistent with the Clause 02.03-1 notes that 'Some Hamlets have potential for small-scale tourism associated with local agricultural products, markets, the rail trail, rural landscapes and natural environments.' Furthermore, the extensive used and development on farming zoned land outside of the 'settlement boundaries' which is inconsistent with the policy directions where Council seeks to 'contain growth within the settlement boundary of each Hamlet to protect agricultural, landscape and environmental values and to reduce risks associated with environmental hazards.'*



- 
117. *The proposal is inconsistent with Clause 02.03-4 by essentially removing a large parcel of farming zoned land from primary agricultural uses and adopting a primary accommodation type land use and development.*
118. *Council supports locating the main activities of restaurant and place of assembly in the town centre to create vibrant and prosperous town centres consistent with Clause 11.01-1R. However, the balance of significant accommodation land uses outside of the town centre is inconsistent with the expectations of the scheme.*
119. *Support is provided to the adaptive re-use of the Butter Factory for commercial enterprise within the town centre although question the scale of the buildings and land uses sought to be accommodated within the expansion and renovated buildings.*
120. *The provision of extensive group accommodation cabins within the farming zone is inconsistent with Clause 14.01-1S in that it does seek to limit new housing development in rural areas. Group accommodation is essentially accommodating people temporarily in housing away from their principal place of residence.*
121. *Whilst eco-tourism is encouraged, Clause 17.04-1L states ‘encourage small-scale tourism within the Township Zones in the Villages and Hamlets that complement the natural environment, agricultural and landscape values of the region and takes advantage of proximity to tourist routes and access to the Great Southern Rail Trail.’ The proposal with a restaurant capacity of 150 patrons, a place of assembly with a capacity of 278 patron and 40 private accommodation suits is significant in nature and not in keeping with the ‘small-scale’ nature expected in Townships and Hamlets.*

Stormwater Management:

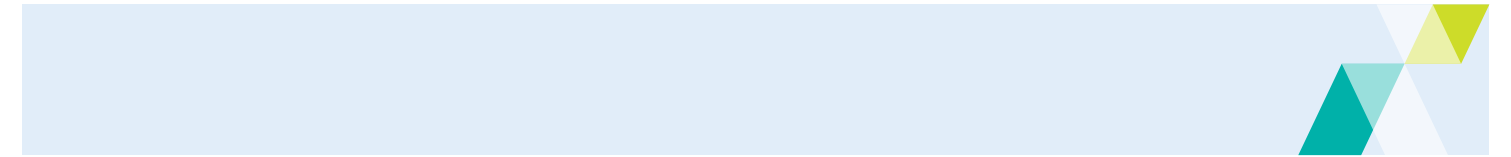
122. *Afflux Consulting has submitted their revised flood modelling which has addressed the relevant comments raised by Council’s Engineers through the pre-application and initial lodgement process.*

Traffic Management:

123. *There appears to be no amendments made to the traffic management report and Council’s concerns about the Traffic Management arrangements for Major events (where the restaurant and event space are being fully utilised); this matter has not been addressed and remain a significant concern as part of this application.*

Car Parking:

124. *We have serious concerns about the number of parking spaces proposed in front of the venue; the allocation convenient to the largest concentrated sources of demand (being the restaurant and event space), is very low compared with the demand described. Specifically, the planning report provided describes a need for a total of 143 spaces to service the combined restaurant and place of assembly uses, but the proposal only provides 52 spaces in the immediate vicinity of these facilities.*
125. *The comment about the shortage in car parking requirements were not addressed by the applicant in their revised submissions.*
126. *The proposed secondary gravel car park is too far away at over 400 metres walking distance for the patrons attending the events. Patrons will be more inclined to utilize the minimal available on-street parking, causing increased hazard on the declared road; accordingly, this cannot be accepted as part of the parking requirements that must be provided for the function centre.*
127. *The applicant’s response to this comment by providing a shuttle bus during large events could not be accepted since there is no reasonable means of monitoring this requirement (i.e. that a shuttle bus and a driver is always available during big events).*
128. *The concentration of parking demand is occurring in a small portion of what happens to be a very large site at approximately 15 hectares, and it is considered inappropriate to place parking so far away despite being contained within the same parcel. Similarly, a parking reduction is not appropriate as there is an enormous amount of space on the site available to accommodate parking per the rates described by the Scheme.*

- 
129. *We do not agree with any proposal for the existing on-street car parking arrangements being relied upon to absorb overflow parking from this development; the parking in Kongwak is already experiencing excessive demand on market days typically occurring every Sunday as evidenced by the abundance of parking controls attempting to mitigate illegal parking already occurring. The proposal would compound this parking shortfall.*

Vehicle Access and Crossovers:

130. *There are two locations for vehicle access / crossovers proposed along Korumburra – Wonthaggi Road. Crossovers must be constructed at those locations as per the requirements specified by DTP.*
131. *There are two vehicle access points proposed along Church Road to access the accommodation cabins and to the market garden area, and one more vehicular access point is required at the western end of Browns Road.*
132. *Council considers it appropriate to that Church Road be upgraded and sealed at least as far as the southernmost entrance in line with IDM Standards and to the satisfaction of Council along with any upgrade to the intersection to DTP standards.*
133. *Service vehicles entering the front of the function venue to collect garbage bins is not acceptable to Council in the arrangement shown. The swept path of the HRV vehicle indicates that it encroaches the car parking area and has no dedicated area for dropping off goods, therefore this is not acceptable. The waste vehicle proposal encounters a similar issue, with no dedicated location for bins to be picked up and relying on the parking being empty.*

Other comments

134. *The proposed dam wall must be built according to relevant standards. An ANCOLD assessment must be carried out by suitably qualified personnel and the results must be submitted to Council for review.*
135. *There is no running water supply connection to the proposed development; the entire development is expected to be operate on a self-sustained methodology. When it comes to water supply, Council believes that it is too ambitious for such an intensive facility / development and hence we are not convinced to accept this proposal without treated municipal water supply connection for domestic purposes and water hydrant connections for firefighting purposes. It appears that mains water may be available to the development via an existing South Gippsland Water pipeline running through the north of the major parcel.*

Conclusions:

136. *In light of the abovementioned comments, Council Officers remain of the view that whilst individually, each of the land uses are considered generally acceptable under the zoning and overlay provisions (as well as in the context of the subject site and surrounding area), the proposed intensity and scale of the proposal when viewed wholistically is not appropriate for the site and surrounds. This view has been formed on the basis of the applicable policy settings contained within the South Gippsland Planning Scheme.*
137. *Accordingly, Council Officers have formed the view that the application should not be supported in its current format. Suggested changes to the proposal:*
- *The number of group accommodation cabins reduced to a maximum of (10) cabins.*
  - *The location of cabins should be provided as far south as practicable from the northern boundary of the subject site, and clustered so as not to reduce the availability of agricultural land.*
  - *The number of patrons for all land uses should be substantially reduced. The numbers allowable for each land use should be contingent on the provision of meeting on-site car parking spaces.*
  - *The hours of operation of all the proposed land uses should be limited to a maximum of 9pm Sunday to Wednesdays, 10pm Thursdays and 11pm Fridays and Saturdays.*



- *The general parking area located in the south-east corner of the site to be shifted to adjoining the proposed footbridge and increased in size commensurate to the total number of patrons allowed as part of any individual event.*
- *The access crossover from Church Road to be shifted further north and not in between the existing street trees along this section of Church Road.*
- *Church Road to be constructed to an urban standard the satisfaction of Council in line with the requirements of the Infrastructure Design Manual. Any upgrade to the intersection will also require DTP approval.*
- *We would also expect conditions which implement the following items / matters:*
  - *The preparation and approval of amended development plans in line with any required changes.*
  - *The preparation and approval of a details landscape plan for the subject site and adjoining road reservations.*
  - *The implementation of the recommendations of the acoustic report.*
  - *Any works carried out within or over the waterway corridor to be to the satisfaction of the relevant water authority.*
  - *The provision of a construction management plan for all proposed works.*
  - *The approval of an operation and event management plan for the subject site.*
  - *The implementation and management of onsite waste-water systems to the satisfaction of the Environmental Protection Authority and Council.*

138. The issues raised and recommendations made by the Council above are discussed in further detail in the 'Assessment' section of this report. The conditions and notes recommended by the Council have generally been adopted in the recommended permit conditions, with the exception of matters discussed in the 'Assessment' sections of this report, whereby DTP has formed a different view.



## Key Considerations

140. The proposal is considered in the context of planning policies which seek to protect and conserve the natural environment and strategically important agricultural land. On balance, the proposal is considered to appropriately avoid unreasonable impacts to biodiversity, rural character and high-quality agricultural land. Further detailed assessment of these and other matters is contained below in this report.
141. The following are deemed the key considerations in assessing the acceptability of the proposal under the relevant provisions of the South Gippsland Planning Scheme (the planning scheme):
- **Municipal Planning Strategy and Planning Policy Framework**
  - **Purpose and decision guidelines of the Township Zone and Farming Zone**
  - **Land use compatibility and protection of agricultural land;**
  - **Heritage**
    - **Heritage Considerations and Statement of Significance, Demolition, Alterations and additions, Kongwak Avenue of Honour**
  - **Visual impacts**
    - **Siting and Design, Glare**
  - **Amenity impacts**
    - **Noise, light spill, Odour**
  - **Landscaping**
  - **Ecological impacts**
    - **Native vegetation, Fauna, Waterways**
  - **Environmental risks**
    - **Erosion, Flooding, Bushfire, Stormwater, Wastewater, Waste**
  - **Traffic Management**
    - **Vehicle Access, Traffic, Car and Bicycle parking, Loading**
  - **Operational Management**
  - **Social and economic values**
  - **Other matters**
    - **Aboriginal Cultural Heritage, Liquor licensing, Contaminated land**



## Municipal Planning Strategy

### Clause 02.01 (Context)

142. Clause 02.01 under the MPS identifies South Gippsland Shire as a large rural municipality with primary industries such as agriculture and food processing identified as main economic drivers, in conjunction with forestry and fishing industry sectors making the greatest contributions to economic output and employment in the region. Tourism based on natural and coastal environments is also highlighted. The proposal appropriately balances the agricultural values of the land with providing regional tourism and employment opportunities. This is discussed in further detail below.

### Clause 02.02 (Vision)

143. Clause 02.02 states strategic objectives to be balanced in support of the vision including *‘to build a sustainable and growing economy that attracts and supports businesses...balance and use the natural values of the environment’* and *‘sustainably adapt to protect and enhance our unique natural environment, towns and villages’*. The proposal balances these strategic objectives as discussed in the following sections of this report.

### Clause 02.03-1 (Settlement)

144. Clause 02.03-1 highlights that the settlements within the Shire are highly dispersed including un-serviced settlements such as Kongwak which is characterised as a ‘Hamlet’. The Council seeks to *‘direct growth to settlements in accordance with their role and function as set out in the South Gippsland settlement hierarchy’* and *‘Support the provision of reticulated water, sewerage and drainage improvements to settlements to protect community health and environmental values and to support population growth’*.
145. Hamlets such as Kongwak are described in this Clause as being *‘...characterised by a cluster of housing on urban or small rural allotments with limited infrastructure and community services, and often no, or highly limited, retail services. Some Hamlets have potential for small-scale tourism associated with local agricultural products, markets, the rail trail, rural landscapes and natural environments.* Kongwak is located in a foothills dairying area, with part of the town susceptible to bushfire risk. It has relatively good community, recreation and tourist-attracting facilities including an historic former butter factory. As discussed in the following sections of this report, DTP is satisfied the land is of sufficient size to accommodate the proposed use and development (noting the primary focus for activity is the former cheese and butter factories) without compromising the valued characteristics of Kongwak including the rural landscape, natural environment and agricultural capacity of land.

### Clause 02.03-2 (Environmental and landscape values)

146. Clause 02.03-2 highlights that remaining native biodiversity in South Gippsland Shire is found on private property and roadsides. Therefore, the protection, enhancement and linking of remnant vegetation and animal species on private and public land is important to the community. It is considered that the proposal adequately protects native vegetation and biodiversity on the land, as discussed under the ‘Environment’ section of this report.

### Clause 02.03-3 (Environmental risks and amenity)

147. Clause 02.03-3 highlights that the effects of climate change on the local environment are becoming apparent and *‘The potential flow-on effects from changing climatic conditions include reduced agricultural production, decreased and more erratic environmental flows in waterways and wetlands, increased risk of bushfire, and decreased water security for settlements and activities’*. South Gippsland relies on key industries such as agriculture and tourism which are particularly vulnerable to climate change impacts. DTP is satisfied that the proposal has adequate regard for the environmental risks which affect the land and (subject to the recommended conditions) will protect the amenity of the surrounding area as discussed in the relevant sections later in this report.

## Clause 02.03-4 (Natural Resource Management)

148. Clause 02.03-4 highlights the importance of agriculture and its associated processing and service industry in underpinning the Shire's economy. Increasing demand for high quality agricultural land and issues of climate change and water scarcity are identified as key challenges. Allowing existing farming activities in the Shire to grow and be unencumbered by unwanted infrastructure and adding value to primary produce, diversify the base income of the rural sector and improve employment opportunities are identified as opportunities to address these challenges. Strategies to maintain a viable and sustainable agricultural industry include:
- *Protecting high quality agricultural land for primary production.*
  - *Supporting diverse and sustainable agriculture industries...*
  - *Facilitate the provision of essential services to support agricultural production.*
  - *Facilitate industries in rural areas that specifically support the agricultural sector and add value to primary produce.*
  - *Promote agricultural land management that includes sustainable integration of economic and environmental needs.*
149. Clause 02.03-4 (under 'rural dwellings') notes that the settlement and subdivision pattern of the Shire comprises small lots scattered amongst larger farming lots, with commercially viable production areas being formed by the aggregation of smaller lots. This policy highlights that the conversion of agricultural land into rural residential land use activities results in a net loss to agriculture due to permanent land use changes. There is also a need to avoid landscape and servicing issues arising from the development of dwellings not reasonably connected to agricultural activities.
150. As discussed in further detail under the following sections of this report, there is only one component of the development which has residential characteristics, being the 'Caretakers House' proposed in the north-western part of the site. The balance of the accommodation buildings fall under the definition of 'Group Accommodation' i.e. residences which accommodate persons away from their normal place of residence in a short stay arrangement. Notwithstanding, DTP is satisfied that the accommodation component of the development will not prejudice existing agricultural activities on surrounding land, notably the organic pig farm to the north, subject to the recommended condition to create a minimum 100 metre buffer between any buildings used for accommodation and existing agricultural activities. Similarly, the group accommodation buildings located on the larger land parcel, are appropriately sited and spaced to achieve a balance between providing a generous setback to Korumburra-Wonthaggi Road and maintaining adequate land in the northern part of the site for agricultural activities such as open pasture, crop raising (vineyard and orchard) and market garden (45% of the land area, noting 32% will be protected for biodiversity values).

## Clause 02.03-5 (Built environment and heritage)

151. Clause 02.03-5 highlights the importance of protecting settlement character and landscape and environmental values through the design and siting of development is necessary to maintain the Shire's desirability as a place to live, work and visit. This will be achieved by promoting sympathetically designed and located development that complements the built form character, environmental, topographical and landscape values of its location. DTP is satisfied that the design and siting of new buildings on the site is responsive to the characteristics of the natural landscape and topography and protects the environmental values (including established vegetation) of the areas along the waterways which divide the land into three parts. The group accommodation buildings have been designed to be low scale, with low angled roofing and generous boundary setbacks to minimise their visual impact and integrate the built form with the surrounding landscape. Further, conditions are recommended to ensure a 'natural' palette of muted colours and materials to further blend the new buildings with the environment and open pasture which presently characterises the site.



152. Clause 02.03-5 also recognises the Shire’s rich and diverse natural and built heritage, seeking to:
- *Protect heritage places from development that would diminish their significance.*
  - *Retain, use, manage and develop heritage places in a way that conserves or reveals their heritage significance and their contribution to the identity, culture and history of the municipality.*
153. The proposed response to the heritage values of the historic cheese and butter factories and ‘Avenue of Honour’ are discussed in detail under the ‘Heritage’ section later in this report,

### **Clause 02.03-7 (Economic development)**

154. Clause 02.03-7 seeks to build a sustainable and growing economy that attracts and supports businesses, builds upon existing sectors such as tourism and agriculture, utilises the natural environment, creates and sustains employment opportunities, establishes the shire as a food hub and supports the growth of the local and regional economy.
155. Tourism is highlighted as a significant employer and generator of economic activity within the Shire due to (as relevant) the rural landscapes and numerous historically and culturally significant sites. This policy highlights that *Growth opportunities exist in eco-tourism while agricultural and farming activities can service the industry through the development of agri-tourism’*. Strategies to encourage tourism in the Shire include:
- *Encourage greater investment in the accommodation sector to support longer visitor stays and greater spend in the region in appropriate locations.*
  - *Protect the Shire’s heritage assets, coastline, rural landscapes and agricultural produce for their tourism value.*
  - *Diversify the Shire’s visitor products and experiences to encourage new and existing markets to visit, stay and spend.*
  - *Encourage the development of eco-tourism and agri-tourism, building on the Shire’s natural assets and agricultural land use.*
156. The proposal aligns with the above strategies under Clause 02.03-7 by building on the value of the historic cheese and butter factories and the Kongwak Market to provide a tourism destination venue which delivers a place of assembly (event venue), restaurant (with associated market garden) and group accommodation associated with an agricultural land use/s (on the site of the activity) and the natural features of the land (eco-tourism).
157. This is consistent with strategies above which seek build on the agricultural features of the settlement and capitalise on the ecological attributes of the site and surrounding area. In this regard, DTP is satisfied that the proposal would, on balance, provide a positive contribution to Kongwak by providing accommodation to support longer visitor stays and greater spend in the region, whilst protecting the heritage assets on the land, the valued characteristics of the rural landscape and important agricultural functions whilst contributing to the diversity of tourism offerings in the Shire.

### **Clause 02.03-9 (Infrastructure)**

158. Clause 02.03-9 seeks to ensure a consistent approach to the planning, design and construction of infrastructure by ensuring proposals align with the Infrastructure Design Manual (IDM) which includes guidelines for the design and construction of infrastructure within the municipality. The Council has recommended conditions to ensure the development is consistent with these guidelines (as relevant) which are supported by DTP.
159. Similarly, the council seeks to facilitate the provision of efficient and effective wastewater management and disposal systems to minimise amenity impacts and support the implementation of stormwater drainage that minimise impacts on the environment. The response to wastewater management and stormwater drainage is discussed in the following sections of this report.

## Planning Policy Framework

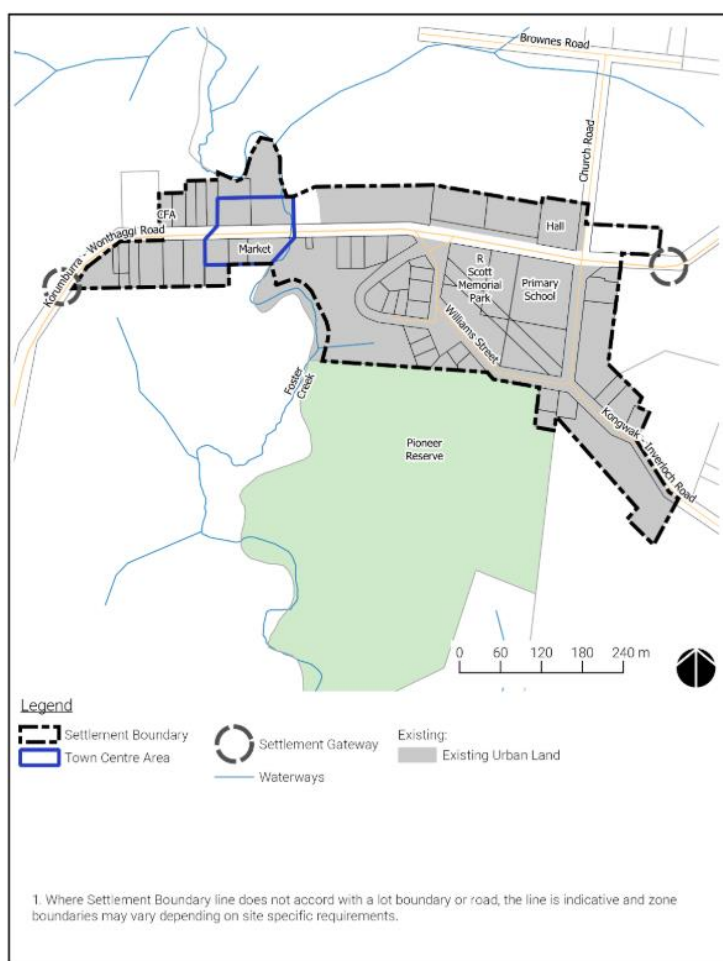
### Clause 11.01-1S (Settlement) and Clause 11.01R (Gippsland)

160. Clause 11.01-1S and Clause 11.01-1R contain overlapping strategies which seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity through a network of settlements. Investment and growth should occur primarily in major regional cities with support for sustainable development in regional centres.
161. The policy seeks to deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
  - *Developing settlements that will support resilient communities and their ability to adapt and change.*
  - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
  - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
  - *Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.*
  - *Minimising exposure to natural hazards, including increased risks due to climate change.*
162. It is also sought to limit urban sprawl and direct growth into existing settlements where natural hazards and environmental risks can be avoided or managed. Support the continuing role of towns and small settlements in providing services to their districts...create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.

### Clause 11.01-1L-10 (Hamlets – Kongwak)

163. Clause 11.01-1L-10 applies to land in the Kongwak Framework Plan. The key strategy under this policy which applies to all 'Hamlets' is to *'Encourage development that is sympathetically designed and located so as to protect the environmental and landscape values of the surrounding area'*. Strategies specific to Kongwak include:
- *Consolidate the Town Centre of Kongwak as the preferred focus for commercial services and facilities.*
  - *Support tourism opportunities associated with Kongwak Market and the former Butter Factory.*
164. It is important to note that the Butter and Cheese factories (which are the main focus of the proposed activities and business) are located within the area identified in the Kongwak Framework Plan as the focus for tourism opportunities which is consistent with the vision for the proposal to bring tourism to the area and town centre as a destination venue. Similarly, the proposal to focus the primary uses of place of assembly and restaurant around the existing historic cheese and butter factories aligns with the strategy above to consolidate commercial uses within the town centre boundaries shown in Figure 32 below.





**Figure 32: Kongwak Framework Plan (Source: South Gippsland Planning Scheme)**

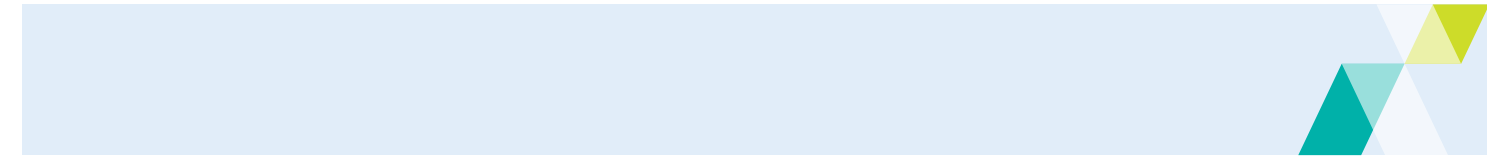
### Clause 11.03-6S (Regional and local places)

165. Clause 11.03-6S aims to facilitate integrated place-based planning by integrating relevant planning considerations and considering the distinctive characteristics and needs of regional and local places in planning for future land use and development.

### Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-1L

166. Clause 12.01-1S and Clause 12.01-1L contain overlapping strategies which seek to protect and enhance Victoria's biodiversity. Decision making should take into account the impacts of land use and development on biodiversity and should consider cumulative impacts, fragmentation of habitat and the spread of pests into the ecosystem. It is encouraged that land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas be supported. Strategies for protection of biodiversity in the Shire include (as relevant):

- Encourage landholders to protect remnant vegetation on their land by fencing off areas of native vegetation and excluding stock.
- Protect and enhance areas of indigenous and native vegetation where possible in development.
- Support protection of Giant Gippsland Earthworm habitat and populations.

- 
167. The application is supported by an Ecological Assessment prepared by Eco-centric (revision 02, dated 28 July 2023) which identifies the ecological values of the site, maps these ecological values and identify their quality and extent, identify potential impacts to these ecological values from the proposed development, outline appropriate measures to avoid, mitigate or offset potential impacts. This report has been reviewed by DEECA (Gippsland Region) who advised they do not object to the granting of a permit subject to the inclusion of conditions relating to protection of native vegetation to be retained, permission to remove 0.059 hectares of patch native vegetation and the requirement to achieve native vegetation offsets within the West Gippsland Catchment Management boundary or South Gippsland municipal area and providing evidence this has occurred.
168. DEECA further recommended that additional assessment be required on the EPBC listed species, Giant Gippsland Earthworm. DTP supports these recommendations and has included the conditions on the permit.

### Clause 12.01-2S (Native vegetation management)

169. Clause 12.01-2S seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The strategy to achieve this objective is to ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):
- *Avoid the removal, destruction or lopping of native vegetation.*
  - *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  - *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*
170. This policy essentially replicates the requirements of Clause 52.17 (Native Vegetation) and is discussed in more detail under the 'Native Vegetation' section of this report.

### Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs)

171. Clause 12.03-1S seeks to *protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs*. Strategies to achieve this include to:
- *Protect the environmental, cultural, landscape values of all waterway systems...*
  - *Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*
  - *Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*
  - *Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:*
    - *Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.*
    - *Limiting earthworks in proximity to waterway systems...*
    - *Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.*
  - *Enhance a sense of place and landscape identity by:*
    - *Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems.*



- *Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.*
- *Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.*
- *Retain and enhance the recreation and amenity values along waterway systems by:*
  - *Enhancing existing and providing new green links, pedestrian and cycle connections and open space.*
  - *Discouraging privatisation of spaces that interface with or provide access to waterway systems.*
  - *Avoiding overshadowing of waterway systems, their banks and adjacent public open space.*
  - *Promoting safety by maximising visibility and passive surveillance and providing good connections and access.*
- *Design and site development to maintain and enhance the natural environment of waterway systems by:*
  - *Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings...*
  - *Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.*
  - *Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.*
  - *Avoiding impeding the natural flow of waterways and future flood events.*
  - *Directing growth to established settlements where water and wastewater can be managed.*

172. The proposal appropriately responds to these strategies and the relevant policy guidelines under Clause 12.03-1S as discussed under the 'Waterway Management' section later in this report.

### **Clause 13.02-1S (Bushfire planning)**

173. Clause 13.02-1S applies to land that is within a designated bushfire prone area (as is the case here). The objective of this policy is 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'. Strategies to achieve this objective include (as relevant):

#### *Protection of human life*

- *Give priority to the protection of human life by:*
  - *Prioritising the protection of human life over all other policy considerations.*
  - *Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
  - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

#### *Bushfire hazard identification and assessment*

- *Identify bushfire hazard and undertake appropriate risk assessment by:*
  - *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*

- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Considering and assessing the bushfire hazard on the basis of...landscape conditions...Local conditions...Neighbourhood conditions... and the site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

#### *Settlement planning*

- *Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:*
  - *Directing population growth and development to low risk locations...*
  - *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
  - *Achieving no net increase in risk to existing and future residents, property and community infrastructure....*
  - *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*

#### *Areas of biodiversity conservation value*

- *Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts..*

#### *Use and development control in a Bushfire Prone Area*

- *In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:*
  - *Accommodation.*
  - *Place of assembly.*
  - *Any application for development that will result in people congregating in large numbers.*
- *When assessing a planning permit application for the above uses and development:*
  - *Consider the risk of bushfire to people, property and community infrastructure.*
  - *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
  - *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

174. The proposal appropriately responds to these strategies and the relevant policy guidelines under Clause 13.03-1S as discussed under the 'Bushfire Risk' section later in this report.



### Clause 13.03-1S (Floodplain management)

175. Clause 13.03-1S seeks to assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows and the natural flood carrying capacity of floodplains and waterways. A key strategy to achieve this objective is to *'Avoid intensifying the impact of flooding through inappropriately located use and development'*.
176. Any policy or adopted strategy by the relevant responsible floodplain management authority and any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority should be considered (as relevant).
177. As discussed in the earlier sections of this report, the application was referred informally to the West Gippsland Catchment Management Authority as the relevant catchment authority in flood management for Kongwak. It is noted that the subject site is not identified as liable to flooding under the planning scheme however the area to the south of Korumburra-Wonthaggi Road along the alignment of Foster Creek is affected by the Land Subject to Inundation Overlay. The application was also supported by flood modelling as detailed in the 'Memo – Kongwak Butter and Cheese Factory – Flood Modelling Results – Local Catchment (Afflux Consulting, 2024)'.
178. Whilst the proposal represents an intensification of the use and development of the land, DTP is satisfied on the basis of the submitted information (flood modelling) and advice from the catchment management authority, that the proposal will avoid intensifying the impact of flooding on the land and surrounding areas. This matter is discussed in detail under the 'Flooding Risk' section of this report

### Clause 13.04-2S (Erosion and landslip)

179. Clause 13.04-2S seeks *'to protect areas prone to erosion, landslip or other land degradation processes'*. Strategies to achieve this objective include identifying areas subject to erosion or instability when considering the use and development of land, preventing inappropriate development in unstable areas or areas prone to erosion and promoting vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.
180. As discussed in the earlier sections of this report, the site is affected by the EMO1 which applies to the parts of the site located in the Farming Zone (25 Church Road). As noted, the group accommodation buildings proposed for the 25 Church Rd site would be exempt from a permit under the EMO1, on the basis that they are designed to be on stilt-based footings to integrate into the natural landscape, with no associated cut and fill proposed. The new and expanded dams and wetlands scattered across the site trigger a permit under the EMO1 on the basis of the extend of earthworks required.
181. The proposed response to the erosion and landslip risk identified under the EMO1 and this policy are discussed under the 'Erosion' section of this report

### Clause 13.05-1S (Noise management)

182. Clause 13.05-1S seeks to assist the management of noise effects on sensitive land uses. The key strategies to achieve this objective are to:
  - *Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.*
  - *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use) near ... noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*
183. Policy guidelines to consider (as relevant) include:



- The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.
  - *Environment Protection Regulations under the Environment Protection Act 2017*
  - *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)
184. The application is supported by a 'Environmental Noise Assessment' prepared by JTA (dated July 2023) JTA Health, Safety & Noise Specialists to conduct an Environmental Noise Assessment for compliance with Victoria EPA Publication 1826.4 - Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol) dated 20th May 2021. An assessment has been conducted with respect to site noise emissions from the proposed development. Based on the assessment, control measures have been recommended to control noise emissions from the site to meet the Noise Protocol criteria. These matters are discussed further under the 'Noise' section of this report.

### Clause 13.07-1S (Land use compatibility)

185. Clause 13.07-1S seeks *'To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. Strategies to achieve this objective include:
- *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 commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*
186. The proposed response to the objectives and strategies under this policy is discussed under the 'Land use compatibility and protection of agricultural land' sections of this report.

### Clause 14.01-1S (Protection of agricultural land)

187. Clause 14.01-1S seeks to protect the state's agricultural base by preserving productive farmland. Strategies to achieve this objective include (as relevant):
- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
  - *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
  - *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
  - *Protect productive farmland that is of strategic significance in the local or regional context.*
  - *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
  - *Prevent inappropriately dispersed urban activities in rural areas.*
  - *Protect strategically important agricultural and primary production land from incompatible uses.*
  - *Limit new housing development in rural areas by:*



- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
  - *Land capability.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

188. The proposed response to the objectives and strategies under this policy is discussed under the 'Land use compatibility and protection of agricultural land' sections of this report.

#### **Clause 14.01-2S (Sustainable agricultural land use)**

189. Clause 14.01-2S seeks to encourage sustainable agricultural land use. Strategies to achieve this objective include:
- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
  - *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
  - *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
  - *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
  - *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
  - *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
  - *Facilitate ongoing productivity and investment in high value agriculture.*
  - *Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*
190. A relevant policy document to consider is the *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018).
191. The proposed response to the objectives and strategies under this policy is discussed under the 'Land use compatibility and protection of agricultural land' sections of this report.

## Clause 14.02-2S (Catchment planning and management)

192. Clause 14.01-2S seek to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. Strategies to achieve this objective include (as relevant):
- *Consider the impacts of catchment management on downstream water quality...*
  - *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
    - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
    - *Minimise erosion of stream banks and verges, and*
    - *Reduce polluted surface runoff from adjacent land uses.*
  - *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
  - *Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
  - *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
  - *Ensure planning is coordinated with the activities of catchment management authorities.*
  - *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*
193. The proposal's response to these strategies is discussed under the 'Waterway Management' section later in this report.

## Clause 14.02-2S (Water Quality)

194. Clause 14.02-2S seek to protect water quality. Strategies to achieve this objective include (as relevant):
- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*
  - *Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.*
  - *Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed land use or development.*
195. The proposal's response to these strategies is discussed under the 'Waterway Management' section later in this report.

## Clause 15.01-2S (Building Design)

196. Clause 15.01-2S seeks 'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development'. Whilst it is considered that this policy has more relevance in an urban context (with Clause 15.01-6S discussed below more relevant given the rural area) it nonetheless provides some helpful guidance in assessing the design and siting of the proposed new buildings associated with the group accommodation, service buildings and associated infrastructure. In this regard, it is considered that:






- The development responds and contributes to the strategic and cultural context of its location, particularly the refurbishment of existing unused or partially used buildings and the low scale nature of new built form.
- The development including proposed new buildings which are generally sited and designed to minimise impacts to neighbouring properties (subject to acoustic measures and maintaining buffers to existing agricultural activities) the public realm (through refurbishment of the historic former cheese and butter factories) and the natural environment (minimising earthworks, vegetation removal and maintaining buffers to Foster Creek).
- The proposed new buildings are sited and designed with a northern orientation to maximise energy performance;
- The development provides adequate areas for waste storage and collection;
- The development supports the adaptive reuse of the historic former cheese and butter factories.
- The development promotes water efficiency and the use of rainwater, stormwater and recycled water through the proposed infrastructure;
- The proposed stormwater infrastructure will minimise stormwater discharge through on-site infiltration and stormwater reuse;
- The landscaped wetlands area will comprise a pond network with swales (for on-site stormwater management).
- The proposed reconstructed form and appearance of the historic former cheese and butter factories will enhance the amenity of Korumburra-Wonthaggi Road.
- The historic buildings on the site form a valued landmark for Kongwak that will be protected. The site is not identified as having vistas or a landscape of particular significance under the planning scheme.
- The development provides safe access and egress for pedestrians, cyclists and vehicles;
- The proposed new buildings are sited to ensure the maximum retention of existing vegetation;
- The development incorporates extensive landscaping that responds to its site context, integrates with the proposed built form and infrastructure and will create safe and attractive spaces for patrons and visitors.

197. The abovementioned matters are discussed further in the following sections of this report.

#### **Clause 15.01-2L-01 (Building design – residential)**

198. Clause 15.01-2L-01 carries limited weight (in DTP's view) considering this policy to applications for residential development however still provides helpful strategies which are relevant to the group accommodation component of the development which include:

- *Orient and site...accommodation to optimise the use of active solar energy generation, passive solar energy, energy efficiency principles and natural, year-round daylight.*
- *Encourage...accommodation to respond to the surrounding natural environment through siting, minimising cut and fill, and use of exterior building materials, finishes and colours that are non-reflective and blend with the surrounding natural environment.*
- *Site and design...accommodation types to minimise the potential impacts of climate change, including factors such as water usage, thermal comfort, maintaining access and protection from environmental risks such as storms, inundation, erosion and bushfires.*

- 
199. As noted above the proposed new accommodation buildings have been sited and designed with a northern orientation to optimise the use of passive solar energy and daylight access. The accommodation buildings respond to the surrounding natural environment through generous boundary setbacks to minimise visual impacts, minimising cut and fill through the use of stilt-based footings, and use of exterior building materials, finishes and colours that are non-reflective and blend with the surrounding natural environment (subject to the recommended conditions for an amended materials schedule).
200. Similarly, the siting and design has regard for the environmental risks to the land from (as relevant) inundation, erosion and bushfires, as discussed in the later sections of this report.

### Clause 15.01-5S (Neighbourhood Character)

201. Clause 15.01-5S seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies which are of relevance under this policy include to *'Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the...Underlying natural landscape character and significant vegetation'*.
202. As described in the 'Site and Surrounds' section of this report, the surrounding context to the north and east consists mainly of rural land used for agricultural purposes or open pastures with most containing a dwelling (per property). The land to the south and immediate west of the site is located in the Township Zone (TZ) and is generally characterised by residential lots (ranging between approximately 1000 sqm – 2,500 sqm). These lots are each occupied primarily by a single detached dwelling located amongst mature trees and low scale gardens.
203. The site itself has unique attributes in terms of the historic former cheese and butter factories and 'Avenue of Honour' trees, both of which are focal points along Korumburra-Wonthaggi Road. Foster Creek and established vegetation along the waterway provides valued feature of the environment forming a 'green backdrop' to the open rural landscape and pasture of which characterises the main part of the site (25 Church Road).
204. The proposed development will not detract from these valued characteristics of Kongwak, noting the proposed works within the Township Zone primarily relate to the refurbishment and adaptive re-use of the historic former cheese and butter factories and associated infrastructure such as car parking, landscaping, bridge crossing, wetlands and pedestrian paths. The proposed group accommodation buildings will be single storey and low scale with colours and materials which integrate with the natural environment. The sense of openness in the areas to the south and north of the new buildings will be maintained with open space, wetlands and landscaping adjacent to the main road, and agricultural activities such as crop raising (vineyard, market garden) and retention of open pasture in the areas to the north.
205. On the basis of the above, DTP is satisfied that the development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment of Kongwak whilst preserving and enhancing the natural landscape and significant vegetation along Foster Creek.

### Clause 15.01-6S (Design for rural areas)

206. Clause 15.01-6S seeks *'to ensure development respects valued areas of rural character'*. Strategies to achieve this objective include:
- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
  - *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
  - *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*



207. As discussed under Clause 15.01-5S above, DTP is satisfied that the development has adequate regard for the valued rural character of Kongwak. It is considered that the proposal strikes an appropriate balance between the values of the rural landscape, protection of agricultural land and supporting the regional economy through accommodation and tourism. The siting and design of the new buildings has regard for views from key vantage points such as Korumburra-Wonthaggi Road through the low scale design, siting on a relatively low point of the land (being well below the horizon line), generous setbacks to the southern and eastern boundaries, landscaping which will soften the visual impacts of the new buildings and a palette of colours and materials which (subject to conditions requiring an amended schedule) assist in further blending the building with the rural landscape.
208. The new buildings are not located on a ridgeline or hilltop and maintain adequate separation from the waterway of Foster Creek and established vegetation along the creek alignment. The proposed service building is setback 22.8 metres from the eastern boundary to Church Road, will be partially obscured by the line of established Cypress trees behind the Kongwak Town Hall and will be softened with new landscaping around the proposed staff car park. The proposed potable and fire water tanks have been sited as far as practical from Korumburra-Wonthaggi Road in the north-east corner of the site. Whilst the water tanks will be approximately 4 metres in height, recommended conditions will require a minimum setback of 5 metres to the boundary in accordance with the requirement of the Farming Zone, muted and non-reflective colour finishes and landscaping around the tanks to soften their appearance.
209. Whilst the proposed new buildings and structures will be visible to varying degrees (depending on the vantage point), DTP is satisfied that the visual amenity of the rural landscape and character along Korumburra-Wonthaggi Road and the approach to Kongwak will be adequately protected through the sympathetic design and siting of the proposed development consistent with this policy.

#### **Cause 15.01-6L (Open Farmed Landscapes)**

210. Clause 15.01-6L seeks to protect open farmed landscapes from inappropriate dwelling development by avoiding:
- *Proliferation of dwellings.*
  - *Development on ridgelines.*
  - *Development that visually impacts on the landscape due to colour, building outline, size, mass, reflectivity, earthworks, vegetation clearance or siting.*
211. The proposal is consistent with the above strategies on the basis that only one of the proposed buildings could be characterised as a 'dwelling' under the planning scheme, being the caretakers residence which is sited in the north-west corner of the site, designed to be low scale, generously setback from existing agricultural uses, not located on a ridgeline and well screened and buffered by established vegetation.
212. Similarly, the proposed group accommodation buildings are appropriately sited with a setback of between 67-74 metres from the boundary to Korumburra-Wonthaggi Road reducing their prominence, whilst not unreasonably encroaching in the land in the Farming Zone, are not located on a ridgeline, designed with a low scale single storey building form, spread out across the land in an east-west orientation, require minimal earthworks and no vegetation removal and will be finished in a colour and material palette which will integrate with the surrounding natural landscape as encouraged by this policy.

#### **Clause 15.03-1S (Heritage conservation)**

213. Clause 15.03-1S seeks to ensure the conservation of places of heritage significance. Strategies to achieve this objective include (as relevant):
- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*



- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*

214. The proposal's response to heritage policies and the purpose and decision guidelines of the applicable Heritage Overlay's is discussed in detail under the 'Heritage' section later in this report.

### **Clause 15.03-1L (Heritage)**

215. Clause 15.03-1L applies to all heritage places included in the Heritage Overlay. Relevant strategies are:

#### *General strategies*

- *Facilitate buildings, works or subdivision where it will assist in the short or long term conservation of the place by:*
  - *Maintaining, protecting, restoring, repairing or stabilizing significant fabric.*
  - *Supporting the continued original use of the building by enabling it to be upgraded to meet present day requirements and standards, including improved energy efficiency.*
  - *Allowing an alternative use (where this is permitted by the zoning or in accordance with the Heritage Overlay Schedule) when the original use of the building is no longer viable.*

#### *Demolition strategies*

- *Discourage the demolition of a building or works that contribute to the significance of a heritage place.*
- *Discourage the demolition of part of a building or works unless:*
  - *The fabric to be removed is not of primary significance and its removal will not adversely affect the significance of the place.*
  - *It will assist in the long term conservation of the place.*

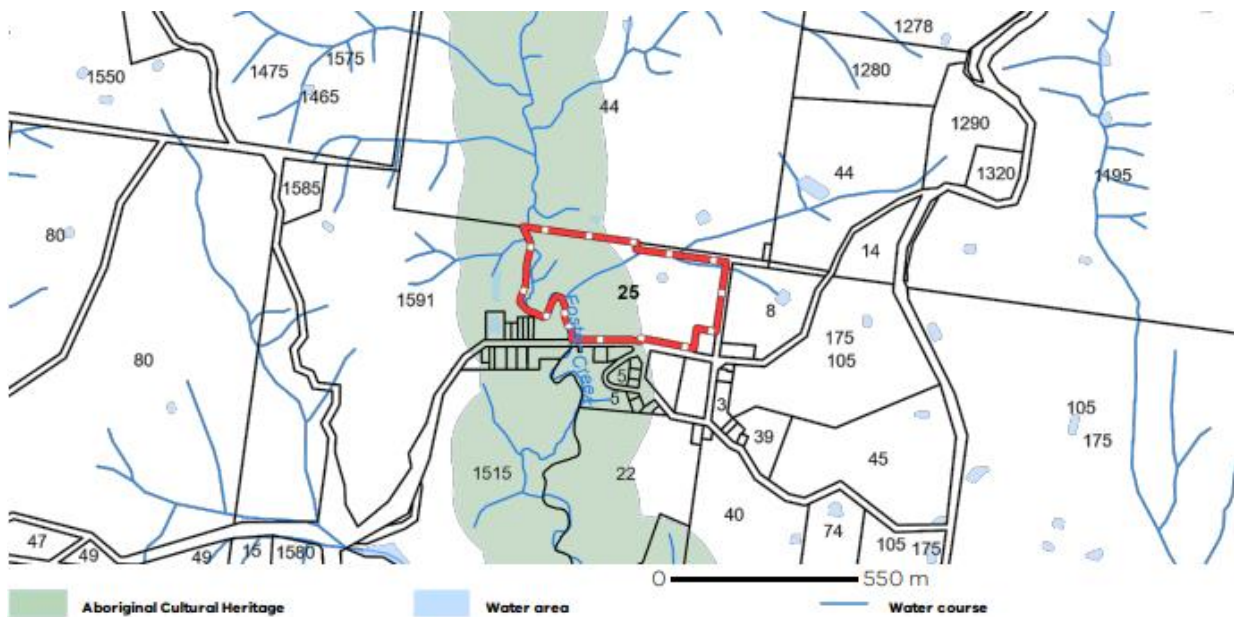
#### *Development or works strategies*

- *Encourage development that assists in revealing the significance of the place.*
- *Discourage development that would alter, destroy or conceal any fabric that contributes to its significance, except where it can be demonstrated that any alteration is reversible.*
- *Ensure that the siting, size, height, setback, materials, form and colour of new development are sympathetic to the elements that contribute to the significance of a heritage place, including its context.*
- *Distinguish new development from heritage fabric whilst being sympathetic to the heritage context.*
- *Discourage development that mimics or copies an earlier style.*
- *Discourage buildings or works that will have an adverse effect upon a significant tree identified by the South Gippsland Heritage Study (2004), or any tree that contributes to the setting of a heritage place.*

216. *South Gippsland Heritage Study (David Helms, 2004)* is a key policy document which should be considered as relevant. As noted above, the proposal's response to heritage policies and the purpose and decision guidelines of the applicable Heritage Overlay's is discussed in detail under the 'Heritage' section later in this report.

### Clause 15.03-2S (Aboriginal cultural heritage)

217. Clause 15.03-2S seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. A key strategy under this policy is to ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.
218. The subject land is partially located in an area of Aboriginal Cultural Heritage Sensitivity under the *Aboriginal Heritage Act 2006* (refer map below) and the proposal contains activities defined as high impact activities under Division 5 of the *Aboriginal Heritage Regulations 2018*. A Cultural Heritage Management Plan has been approved for the proposal – reference number 19263.



### Clause 16.01-3S (Rural residential development)

219. Clause 16.01-3S seeks to identify rural residential development. Whilst it is considered that this policy does not strictly apply to the proposed group accommodation given it is providing short stay accommodation rather than permanent accommodation, the proposal does include the ancillary caretakers dwelling therefore the strategies under this policy which seeks to '*Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development*' still provide helpful guidance.
220. DTP acknowledges concerns raised by objectors regarding perceived inconsistencies with Clause 16.01-1S (Housing Supply) in terms of the objectives including '*Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas*' and '*encourage higher density housing development on sites that are well located in relation to jobs, services and public transport*'. DTP view is this policy is not strictly applicable to the proposal, which is not seeking to provide new housing, rather short stay 'group accommodation' which is categorised as a land use differently under the planning scheme and which is an allowable use under the Farming Zone.

### Clause 17.01-1S (Diversified Economy)


221. Clause 17.01-1S and Clause 17.01-1R (Diversified Economy – Gippsland) include overlapping objectives and strategies which seek to strengthen and diversify the economy of the South Gippsland region. Facilitating growth in employment sectors such as tourism which can leverage off the emerging and existing strengths of the region and harnessing emerging economic opportunities (such as regional tourism) are key strategies. DTP is satisfied that the proposal for a destination tourism venue in Kongwak is consistent with these strategies and will support the growth and diversification of the rural economy.
222. DTP acknowledges concerns raised by objectors regarding the low population of Kongwak in the context of the strategy under this policy to *‘improve access to jobs closer to where people live’*. The site is located within a reasonable distance (15 mins or 15km) from the larger townships of Korumburra, Wonthaggi and Inverloch and will provide employment opportunities for the local populations of these towns. Developments such as this which seek to build upon the unique characteristics of the land and building on the strengths of Kongwak i.e. by restoring the historic butter and cheese factories, is consistent with the strategies outlined above and will bring tourism to the area and wider region.

### Clause 17.04-1S (Facilitating Tourism)

223. Clause 17.04-1S seeks to encourage tourism development for the benefit of Victoria. Strategies to achieve this objective include to *‘Encourage the development of a range of well-designed and sited tourist facilities, including ...accommodation...’*, *‘...have access to suitable transport’*, *‘...are compatible with and build on the assets and qualities of surrounding activities and attractions’* and *‘Encourage investment that meets demand and supports growth in tourism’*.
224. It is considered that the proposed development represents a well-designed and site tourist facility which adapts and restores the historic former cheese and butter factories and provides additional accommodation for the region. In this regard, the proposed venue provides a unique offering that builds on an existing asset (the cheese and butter factories) and the qualities of the natural environment, rural landscape and agricultural values of the land setting it apart from other established tourism and hospitality venues in the region. On balance, DTP is satisfied that the proposal responds to the strategies under this policy and will make a positive contribution to Kongwak and the wider region by investing and supporting growth in tourism for South Gippsland.

### Clause 17.04-1R (Tourism – Gippsland) and Clause 17.04-1L (Tourism – South Gippsland)

225. Clause 17.04-1R and Clause 17.04-1L contain overlapping strategies which include (as relevant):
- *Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.*
  - *Support nature-based tourism proposals that complement and are compatible with the region’s environment and landscape attractions or are close to identified strategic tourism investment areas.*
  - *Encourage small-scale tourism within the Township Zones in the Villages and Hamlets that complement the natural environment, agricultural and landscape values of the region and takes advantage of proximity to tourist routes and access to the Great Southern Rail Trail.*
  - *Support improved visitor accommodation that encourages tourists to visit and remain longer in the region.*
226. As discussed in the earlier sections of this report, the former cheese and butter factories are located within the area identified in the Kongwak Framework Plan (refer Figure 32) as the focus for tourism opportunities which is consistent with the strategy to bring tourism to the area and town centre as a destination venue. Similarly, the proposal to focus the primary uses of place of assembly and restaurant around the existing historic cheese and butter factories aligns with the strategy above to consolidate commercial uses within the existing urban settlement, defined by the areas in the Township Zone.

- 
227. The proposal has regard for the for the limited infrastructure in Kongwak by providing appropriate development infrastructure, including potable water supply, on-site wastewater treatment and stormwater management ensuring the development is self-sufficient, as demonstrated in the technical reports submitted in support of the application.
228. The proposal supports nature-based tourism and encourages a scale of tourism that is commensurate to the site and its surrounds. The proposal would provide a place of assembly, restaurant and group accommodation options – that are proportionately-scaled and good quality – directly linked to the primary landmark and tourism driver for Kongwak (the butter and cheese factory buildings and the valued landscape characteristics) for prospective visitors to the area to experience. The group accommodation offering is consistent with the strategy under this policy by supporting improved visitor accommodation that will supplement the place of assembly and restaurant activities and encourage tourists to visit and remain longer in the region.
229. DTP acknowledges concerns raised by objectors regarding the scale and intensity of the proposal relative to the small size of Kongwak in the context of the above strategy to ‘encourage small scale tourism within the Township Zone of Hamlets. The primary focus of activity will be the adaption of the former cheese and butter factories into a place of assembly (event space, conference centre etc) and restaurant with small ancillary uses including art gallery and shop / providore which will supplement the primary uses. Conditions are recommended to moderate the scale of the activities through reductions in patron number and hours of operation.
230. Considering the overall site is 16 hectares, the remaining elements of the development (group accommodation, agricultural uses, infrastructure such as service buildings, car parking and water tanks and open space) can be readily absorbed within the larger part of the site without compromising the natural environment, agricultural and landscape values of the land as discussed in this report.
231. DTP is satisfied that the proposal will on balance provide a venue and accommodation options which will create a unique experience and bring tourism to the area. DTP agrees with the applicant submission that he location of the site is well located for such activities, provides for the promotion and consumption/sale of agricultural products produced on the land (and the surrounding area more generally), promotes heritage tourism and eco/agri-tourism, and which does not unreasonably compromise the natural landscape features or agricultural value of the land. Overall, the proposed use and development is considered an appropriate response which balances the site’s limitations and opportunities.

#### Clause 18.02-4S (Roads)

232. Clause 18.02-4S seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. Strategies to achieve this objective include (as relevant) to:
- *ensure people are safe, on and around roads,*
  - *plan an adequate supply of car parking that is designed and located:*
    - *Protect the role and function of nearby roads.*
    - *Protect residential areas from the effects of road congestion created by on-street parking.*
    - *Enable easy and efficient use.*
    - *Protect the amenity of the locality, including the amenity of pedestrians and other road users.*
    - *Create a safe environment, particularly at night.*
233. The allocation of land for car parking should consider the availability of public car parking, demands for off-street car parking, road capacity and demand-management of car parking. The proposed car parking and access arrangements are discussed in detail in the later sections of this report.

### Clause 19.02-6S (Open space)

234. Clause 19.02-6S seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. A key strategy to achieve this objective is to plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.
235. DTP notes there is no formal requirement to provide open space as part of the development. Notwithstanding, the development includes a landscaped wetlands area adjacent to which will largely be set aside for public use as a publicly-accessible, privately owned public open space reserve with landscaping, open grassed areas and pedestrian pathways. The proposal is consistent with the policy direction under this policy as it provides a new recreational area for the benefit of the local community and visitors

### Clause 19.03-2S and Clause 19.03-2L (Infrastructure design and provision – South Gippsland)

236. Clause 19.03-2S and Clause 19.03-2L contain overlapping objectives and strategies which seek to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community. Strategies to achieve this objective include to provide an integrated and consistent approach to the planning and engineering design of development and design and construction of infrastructure across the South Gippsland municipality and integrate developments with infrastructure and services in regional towns such as Kongwak.
237. The proposal has been reviewed by the Council's engineering department who have recommended several conditions requiring the submission of civil engineering and stormwater drainage works designs based on Councils Infrastructure Design Manual. These recommended conditions are supported by DTP and have been included in the permit.

### Clause 19.03-3S (Integrated water management)

238. Clause 19.03-3S seeks 'To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach'. Strategies to achieve this objective include (as relevant):
- *Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use...to take into account the catchment context, protect downstream environments, waterways and bays...minimise flood risks*
  - *Integrate water into the landscape...*
  - *Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*
  - *Ensure that development protects and improves the health of water bodies including creeks...*
  - *Minimising stormwater quality and quantity related impacts.*
  - *Manage stormwater quality and quantity through...on-site measures...*
  - *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*
  - *Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.*
  - *Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.*
239. The proposed response to the objectives and strategies under this policy is discussed under the 'Water Management' sections of this report.



### Clause 19.03-3L (Integrated water management - South Gippsland)

240. Clause 19.03-3L promotes the use of new technology in wastewater system design, testing and management and encourages the use of best practice water sensitive urban design measures for new developments. Policy guideline is to consider establishing artificial wetlands, retention basins and stormwater pollution traps to control the quality and quantity of stormwater run-off.
241. A proposed dam /wetland situated at the downstream end of an informal drainage channel will reuse a portion of the stormwater for irrigation. The proposed response to the objectives and strategies under this policy is discussed under the 'Water Management' sections of this report.

## Strategic Documents

### Gippsland Regional Economic Development Strategy

242. The Gippsland Regional Economic Development Strategy (REDS) was prepared by the Victorian Government and provide strategic directions for the Gippsland Region, including under *Section 4.4 Support growth and diversification in the visitor economy, about creating visitor opportunities*. It is considered that the proposal would broadly align with this direction by diversifying the visitor economy and creating visitor opportunities in Kongwak through the unique offering of the restoration of the former cheese and butter factories and conversion into a tourism destination venue supported by an accommodation offering.

### Towards 2030 Gippsland Destination Master Plan

243. The Towards 2030 Gippsland Destination Master Plan (updated February 2022) identifies opportunities to strengthen tourism offerings, lift visitor numbers and improve the resilience and adaptive capacity of Gippsland. The plan has been developed to provide a clear vision for achieving long-term sustainable growth of Gippsland's visitor economy and includes a number of strategic priorities for growing Gippsland's visitor economy.
244. The 'Villages of Gippsland' concept is explored on pages 79 and 80 of DMP:  
*Visitors travelling around the region are looking for opportunities to stop, experience the local and authentic nature of Gippsland, and potentially spend their money. Towns and villages need to determine the extent to which they wish to engage in the visitor economy and what they can deliver best to encourage visitors. This can contribute to the overall experience of people travelling through the region and encourage greater dispersal, spend and positive feedback.*
245. DTP acknowledges that this direction specifically refers to 'towns' and 'villages' of South Gippsland Shire and includes a list of locations. Kongwak is defined as a 'hamlet' in the Planning Scheme and is the lowest-order settlement in the hierarchy of settlements. Notwithstanding, that Kongwak as a hamlet has a lack of commercial activity and limited ability to expand, it is considered that the unique offering of the restoration and conversion of the former cheese and butter factories, combined with the substantial size of the development site provides a unique opportunity to encourage Visitors travelling around the region to stop, experience the local and authentic nature of Gippsland, and potentially spend their money in the local economy for the benefit of the region.

## Zoning and Overlays

### Township Zone

246. The site is partly located in the Township Zone, notably the land at 1486-1492 Korumburra-Wonthaggi Road which contains a single dwelling to be demolished and the existing former cheese and butter factories and a strip of land running adjacent to the main road towards the east up to the Kongwak Town Hall (at the intersection with Church Road). Refer map below.

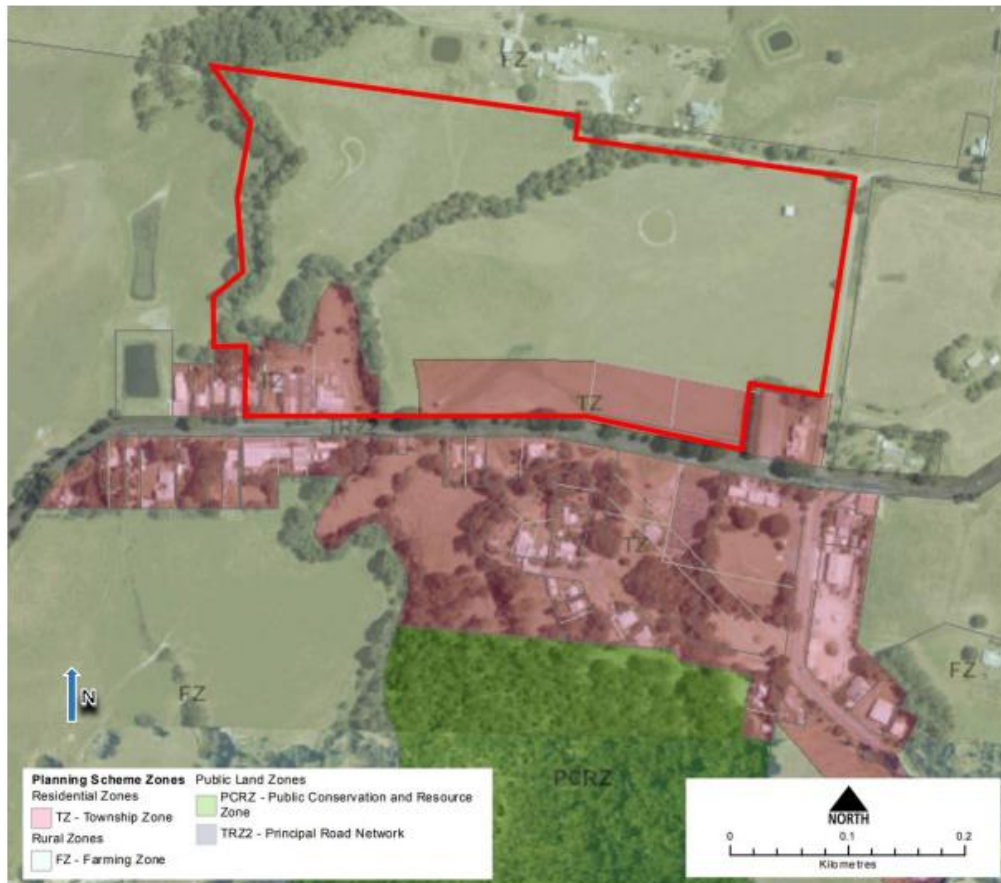


Figure 33: Areas of the site located in the Township Zone and Farming Zone (Source: JTA Noise Assessment)

247. The purpose of the Township Zone is to implement the MPS and PPF, provided for a range of commercial and other uses in small towns, encourage development that respects neighbourhood character and a limited range of other non-residential uses to serve local community needs. Further detailed assessment proposal against the Decision Guidelines (as relevant) contained within the Township Zone is provided in the table below:

Decision Guidelines	Response
<b>General</b>	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	As discussed in the relevant sections of this report the proposal is consistent with the objectives and strategies under the MPS and PPF
<i>The objectives set out in a schedule to this zone.</i>	Not applicable – There are no objectives set out in the schedule to the zone.



<p><i>The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.</i></p>	<p>It is considered that the proposal will make a positive contribution by refurbishing and adapting the former cheese and butter factories which are a prominent landmark for Kongwak. The historic 'Avenue of Honour' trees will be protected by the development and vegetation retention has been maximised across the site. The proposed new buildings (group accommodation and service building with associated structures) will not detract from the character of Kongwak.</p> <p>Vegetation is largely unaffected by this proposal with the exception of some native vegetation removal (which will be offset) and the proposed riparian revegetation works along the waterways running through the site.</p>
<p><i>The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.</i></p>	<p>The site has limited availability to utility services including sewerage, water and drainage. These factors have been considered in the design of the development and supported by submitted technical reports. It is understood the site has access to electricity and telecommunications.</p>
<p><i>In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.</i></p>	<p>A Wastewater Treatment report (Land Capability Assessment) has been prepared, demonstrating how wastewater will be managed on the site for the proposed use and development.</p>
<p><i>The design, height, setback and appearance of the proposed buildings and works including provision for solar access.</i></p>	<p>The group accommodation buildings are single storey with a height of 4 metres and generously setback from Korumburra-Wonthaggi Road and other boundaries. The design and appearance (colours and materials) will integrate with the rural landscape and are sited with a northern orientation to maximise solar access.</p>
<p><i>Provision of car and bicycle parking and loading bay facilities and landscaping</i></p>	<p>The design of the proposed pedestrian, vehicle access, car parking areas and bicycle spaces are well-considered/designed, safe and appropriate for the proposal and the site and surrounds, as demonstrated in the submitted Transport Impact Assessment.</p>
<p><i>The effect that existing uses on adjoining or nearby land may have on the proposed use.</i></p>	<p>The most notable existing use which may affected the proposed use and development is the proximity to the organic pig farm to the north of the site (44 Brownes Road). In order to protect this established agricultural activity, conditions are recommended to ensure no buildings used for accommodation are within 100 metres of farm operations.</p>
<p><i>The scale and intensity of the use and development.</i></p>	<p>The scale and intensity of the use and development are appropriate for the location for the reasons discussed throughout this report.</p>
<p><i>The safety, efficiency and amenity effects of traffic to be generated by the proposal.</i></p>	<p>The traffic generated by the proposal can be accommodated within the surrounding road network. The proposed car parking and access will allow the safe and efficient movement of vehicles to and from the site (subject to the recommended conditions).</p>

248. On the basis of the above, it is considered that the proposal responds appropriately to the purpose and decision guidelines of the applicable area of the Township Zone.

## Farming Zone

249. The Farming Zone (FZ) seeks to provide for the use of land for agricultural purposes and for non-agricultural uses that do not adversely affect the use of the land for agriculture, encourages the retention of productive agricultural land and promotes the retention of rural employment to support rural communities. The application is supported by an Agricultural Impact Assessment, prepared by Ag Challenge Consulting (with addendum dated 18 June 2024) which provides advice on the inherent land characteristics, agricultural development and productivity of soils, water requirements and potential fragmentation of agricultural land.
250. Further detailed assessment proposal against the Decision Guidelines (as relevant) contained within the Farming Zone:

Decision Guidelines	Response
<b>General</b>	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	As discussed in the relevant sections of this report the proposal is consistent with the objectives and strategies under the MPS and PPF.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	As discussed throughout this report, the use and development does not exceed the capacity of the land and wastewater will be managed on site.
<i>How the use or development relates to sustainable land management.</i>	The proposed use and development would promote the eco-tourism and agri-tourism concept and enable viable sustainable land management practices on the site, particularly riparian buffers along the waterways. The development would not impact on the potential for the subject land to be used for agricultural purposes; rather the proposal has been deliberately designed to complement, support and enhance agricultural production on the site and surrounds, noting that the proposed restaurant, group accommodation and place of assembly activities are directly tied with the proposed market garden, orchard, vineyard and pastural (agricultural) activities on the site
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	The site is suitable for the proposed use and development and several conditions are recommended to ensure the amenity of surrounding residential properties is managed and protected.
<i>How the use and development makes use of existing infrastructure and services.</i>	The site will utilise existing services available to the land, along with onsite wastewater treatment and stormwater management measures and minor changes to internal access arrangements.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
<i>Whether the use or development will support and enhance agricultural production.</i>	The use and development will support and enhance agricultural production through the inclusion of activities such as crop raising (vineyard and orchard), market garden and retention of pastural land for animal grazing. The proposal also retains a significant portion of the land to allow for traditional agricultural practices such as grazing.
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	The proposed use and development would not adversely affect soil quality or permanently remove land from agricultural production.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby</i>	The proposed use and development in its current form has potential



<p><i>agricultural uses.</i></p>	<p>to limit the operation and expansion of adjoining and nearby agricultural uses, primarily due to the limited separation between the proposed accommodation building in the north-west area of the site, 28.5 metres from the shared boundary with 44 Brownes Road which is currently used as an organic pig farm.</p> <p>In order to protect this established agricultural activity, conditions are recommended to ensure no buildings used for accommodation are within 100 metres of farm operations to ensure its operations are not affected and future expansion is possible.</p>
<p><i>The capacity of the site to sustain the agricultural use.</i></p>	<p>The proposed agricultural activities are within the capacities of the land. The siting of the proposed non-agricultural use and development as well as the proposed agricultural activities (market gardens, fruit orchard, vineyard and pastures) on the site have been informed by the Agricultural report, prepared by Ag-Challenge Consulting Pty Ltd, which provided recommendations based on the land and soil types to best ensure viability.</p>
<p><i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i></p>	<p>The proposal has regard for the agricultural qualities of the land, such as soil type, access to water and access to rural infrastructure and will be self-sufficient in this regard.</p>
<p><i>Any integrated land management plan prepared for the site.</i></p>	<p>Not applicable</p>
<p><b>Accommodation issues</b></p>	
<p><i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i></p>	<p>The proposed accommodation use will not result in the loss or fragmentation of productive agricultural land nor the operation and expansion of adjoining and nearby agricultural uses owing to the measured and considered design and siting of the proposed new buildings and integration with the landscape and agricultural activities on the site. Refer to the discussion below.</p>
<p><i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i></p>	<p>There is potential for the accommodation use to be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation primarily due to the limited separation between the proposed accommodation building in the north-west area of the site, 28.5 metres from the shared boundary with 44 Brownes Road which is currently used as an organic pig farm. Conditions are recommended to increase the buffer distance to 100 metres (as discussed below)</p>
<p><i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>The most notable existing use which may be affected by the proposed use and development is the organic pig farm located in close proximity to the north of the site (44 Brownes Road). In order to protect this established agricultural use, conditions are recommended to ensure no buildings used for accommodation are within 100 metres of farm operations to ensure its operations are not affected and future expansion is possible.</p>
<p><i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i></p>	<p>It is considered that the proposal will not lead to a concentration of dwellings in the area, noting the proposed use is for 'group accommodation' which is intrinsically linked to the primary uses of place of assembly, restaurant and will supplement the proposed</p>



	agricultural uses of crop raising, market garden and animal grazing. The proposed 'caretakers house' is considered an ancillary component of the primary uses proposed under this application.
<b>Environmental issues</b>	
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	The development has been designed and sited to respond to the natural features of the land and Foster Creek by avoiding locating new buildings on a prominent position within the rural landscaping and providing a 30-metre buffer either side of Foster Creek to protect the environmental qualities of the waterway.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	The proposal will not impact flora and fauna on the site and surrounds as discussed under the 'Environment' section of this report.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	The proposal will protect and enhance the biodiversity of the area. Native vegetation removal has been minimised to 0.059 hectares and will be offset. Faunal habitat and the areas along the Foster Creek alignment will be protected through the implementation of riparian buffers where no buildings or works are proposed.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	The location of on-site effluent disposal has been informed by the Wastewater Treatment report, prepared by Diston Wastewater Technology (dated July 2023), which has validated that all wastewater management needs can be catered for onsite with consideration of the worst case scenario, in accordance with the EPA Code of Practice, and without adverse impact or without removing land from agricultural production.
<b>Design and siting issues</b>	
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	The proposed accommodation buildings have been generally sited in an east and west orientation across the open pasture of the larger area of the site and well separated from existing agricultural uses (with the exemption of the accommodation in the north-west area of the site which will be addressed by a recommended condition of the permit). Whilst the siting does separate two areas of land with agricultural functions – the area for water harvesting and storage to the south, and the area for intensive horticultural use to the north, Ag-Challenge Consulting have advised that this physical separation should not affect the integrity of either operation and will not unreasonably detract from the productivity of the agricultural land.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	The site is not identified as having any particularly significant landscape features under the planning scheme. Notwithstanding, the proposed new buildings, notably the group accommodation, is sited and designed to integrate with the natural environment and avoid appearing visually intrusive within the rural landscape through the generous setbacks
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	As discussed in this report, the proposal has regard for the features and valued characteristics of the area, notably through the retention and adaptive reuse of the historic former cheese and butter factories, protection of the historic 'Avenue of Honour' trees along Korumburra-Wonthaggi Road and protection of the natural features



	of the land through sensitive siting and design of the proposed new buildings.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	The submitted plans and supporting technical reports provide adequate detail of existing and proposed infrastructure including roads and accessways, water storage and sewerage facilities. The recommended conditions of the permit will ensure these facilities are designed and constructed to relevant standards.
<i>Whether the use and development will require traffic management measures.</i>	Traffic generated by the proposal can be accommodated within the existing road networks. Conditions are recommended by the Head, Transport for Victoria and the Council to ensure traffic movements to and from the site are appropriately managed through civil design and construction.

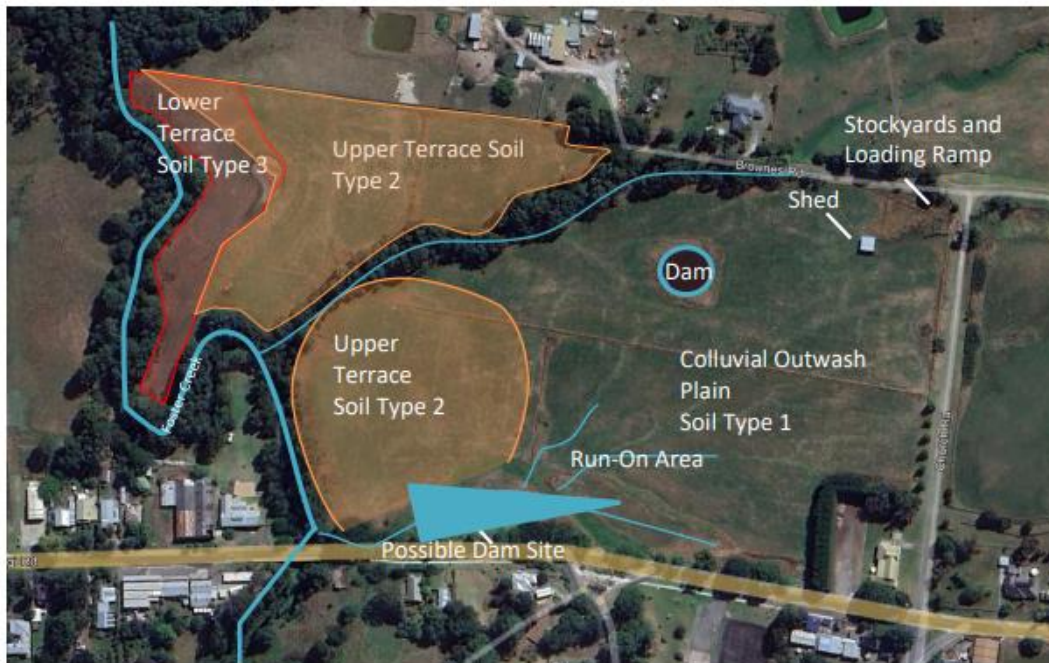
251. On the basis of the above, it is considered that the relevant portion of the proposal responds appropriately to the purpose and decision guidelines of the Farming Zone.

### **Agricultural Land and land use compatibility**

252. The application is supported by an Agricultural Impact Assessment, prepared by Ag-Challenge Consulting (addendum dated 18 June 2024). The assessment states the following in relation to the potential fragmentation of agricultural land (in summary):

- *The proposed development of 3VPS331420 allocates the land along the south boundary and abutting the Kongwak Korumburra Road for water supply purposes. A substantial dam is proposed to be constructed across the waterway which lies inside the property boundary and runs east west close to the road. The dam wall would store water for irrigation use back up the waterway and towards the east. A formal survey of the waterway and storage area is yet to be undertaken, but it is likely that the east west dimension of the water storage would exceed 100 metres. This area along the south property boundary is proposed to be used for water harvesting and storage.*
- *The proposed villa units for Group Accommodation are to be located in an east west alignment along the north side of this waterway and future water storage dam, essentially spanning the area in Figure 1 identified as receiving Run-On. The balance of the land to the north of the Group Accommodation area is to be developed for horticultural use. It will remain in a single consolidated and manageable unit.*
- *Thus the east west orientation of the Group Accommodation units do separate two areas of land with agricultural functions – the area for water harvesting and storage to the south, and the area for intensive horticultural use to the north. This physical separation should not affect the integrity of either operation. It is not a requirement for the water storage to be immediately adjacent to the irrigation sprayfields, or vice versa for the irrigation area to be adjacent to the water storage. So long as the two areas are in reasonably close proximity the function of both is preserved.*
- *In consideration of the above, the physical separation of these two areas with important but different agricultural functions is of no substantial consequence.*

**Figure 1 Aerial Photomap and Sketch of the Different Land Types East of Foster Creek**



**Figure 34: Map of different land types which exist on the land (Source: Ag Challenge Consulting)**

253. The siting of the proposed non-agricultural use and development as well as the proposed agricultural activities (market gardens, fruit orchard, vineyard and pastures) on the site have been informed by the Agricultural report, prepared by Ag-Challenge Consulting Pty Ltd, which provided recommendations based on the land and soil types to best ensure viability for the proposed agricultural activities (vineyard, market garden, orchard). The report notes it is not uncommon for this type of agriculture to be provided adjacent complementary land uses to provide an enticing visitor experience and economic benefits to the operators and region more generally. DTP agrees with the report, that the proposal, while being for a restaurant, place of assembly and accommodation, is wholly related to both the agricultural use of the land and its riparian characteristics, which provides the desired context for guests to visit in and experience the site and surrounds.
254. DTP acknowledges that the proposed works will directly remove the land on which it is sited from theoretical agricultural production, however the greater concern regarding the removal of land is the indirect removal of a parcel from agricultural production due to change in land use. As demonstrated through the submitted report, the site is not currently used for productive agricultural use, largely owing to its size, locational and topographic attributes. These factors indicate that productive agriculture on its own (on the site) is not a viable activity and must be augmented in some manner.
255. The submitted landscape plan by PWLA provides a breakdown of the proposed land uses and area (in hectares) dedicated to each component of the development. Notably the existing land available for agricultural is 12.95 hectares (or 83%) of the total site area with 1.83 hectares (or 12%) for biodiversity and 0.84 hectares (or 5% for tourism. The proposal will result in a reduction in the area used for agriculture to 6.65 hectares (or 43%) but increases the area used for biodiversity to 5.03 hectares (or 32%) and 3.42 hectares (or 22%) for tourism, primarily due to the group accommodation component.
256. When considering the areas used for agriculture and biodiversity collectively, the majority of the site i.e. 75% will be retained for its ecological, landscape and agricultural values. When balanced against policy objectives which seek to enhance eco-tourism, agri-tourism and accommodation offerings in the region, it is considered that adequate areas have been preserved as part of the proposal for uses which align strongly with the purpose of the Farming Zone (notwithstanding Group Accommodation is a permissible use in the Farming Zone).





257. Noting that the land area to which the development is proposed is minor in the total context of the site, the form of the group accommodation buildings as modular structures ensures that they can be readily removed should the need arise, and other buildings such as the service building can be reconfigured. There is no impact to land quality either directly on the building site or immediately surrounding same as a result of the works.
258. The location of the buildings and works will not impact on adjoining agricultural activities (or their potential), with the use and development appropriately setback from property boundaries, avoiding land use conflict (with the exception of the standalone accommodation adjacent to the northern boundary discussed below). The nature of use on the site means that it is likely to expand rather than contract, such that any change to land value resulting from the proposal will not impact agricultural expansions or economic viability of land.

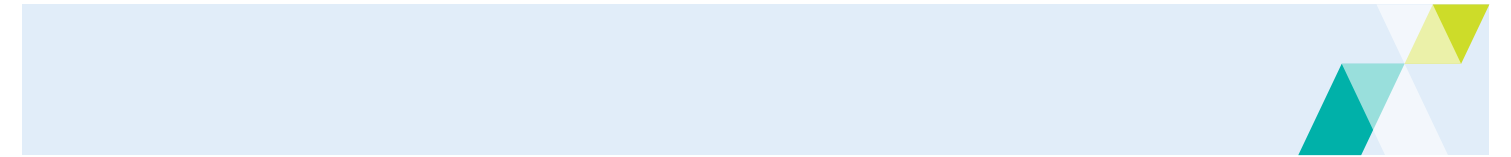


Figure 35: Map of proposed land uses and area allocated to each (Source: PLWA)

259. In relation to the agricultural productivity of the soils which exist on the land, the Ag-Challenge Consulting report notes the following:

*The two inspections of this property have established that it possesses land types that are inherently capable of more intensive use and potentially suitable for horticultural production. One land type is imminently suitable, that being the lower terraces on the east side of Foster Creek. The soils here are deep loams and would be a valuable wet weather area for a more extensive cropping program. This land type is however quite restricted in extent. The most widespread land type is the outwash colluvial slope and the soils on these slopes are deep, naturally well drained, and have good soil structure such that they are suitable for regular cultivation and the traffic of farm equipment associated with vegetable cropping. They will require careful management in wet weather to avoid loss of soil structure. The third land type is the upper terrace which is not suitable for regular cultivation but could be used for perennial crops such as pome fruits, wine grapes, avocados, and citrus.*

260. A relevant policy document to consider under Clause 14.01-2S (Sustainable agricultural land use) is the Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018). The strategies of protecting agricultural land and existing agricultural activities on adjacent and nearby land from sensitive uses such as accommodation is emphasised several times under the relevant policies under Clause 14.01 (Agriculture).

- 
261. In this regard, DTP has concerns that there is potential for the proposed accommodation building (Type B) in the north-west area of the site to be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. Conversely, the proposed introduction of a sensitive land use (accommodation) in close proximity and with limited separation of 28.5 metres from the shared boundary with adjacent land to the immediate north (44 Brownes Road) has potential to impact the organic pig farm which operates on the adjacent land. The pig farm comprises fenced pens and other supporting infrastructure in close proximity to the proposed building.
262. Clause 53.16 (Pig Farm) under the planning scheme, whilst not applicable in this instance (given the pig farm is established) nonetheless provides helpful guidance in relation to preferred separation between any area used as a pig range, including associated buildings and works and a building used for a sensitive use (such as accommodation) recommending 100 metres separation distance. The Pig Farm Planning Permit guidelines referenced in Clause 14.01-2S also seeks to protect community amenity by ensuring the site location, design and farm management of a low density mobile outdoor pig farm protects the community from odour, dust and other amenity impacts. Standard 3.1 under the guidelines specifies a minimum separation distance of 100 metres between pig paddock boundaries and a building used for a sensitive use
263. The proposed building in question with a setback of 28.5 metres would not adequately respond to the relevant strategies under Clause 14.01. Therefore, in order to protect this established agricultural activity and as the 'agent of change' conditions are recommended to ensure no buildings used for accommodation are within 100 metres of farm operations (i.e. the shared northern boundary of the site) to ensure its operations are not affected and future expansion is possible.
264. The balance of the land remains capable of sustaining some agricultural use, noting that the proposal introduces agriculture to the site, and therefore agricultural output from the site is improved as a result of the proposal. On this basis, DTP is satisfied that the proposed accommodation use will not result in the loss or fragmentation of productive agricultural land nor the operation and expansion of adjoining and nearby agricultural uses owing to the measured and considered design and siting of the proposed new buildings and integration with the landscape and agricultural activities on the site.

## Heritage

### Heritage Considerations and Statement of Significance

265. As discussed in this report, the area affected by the Heritage Overlay is confined to the land within 1486 Korumburra-Wonthaggi Road (the former cheese and buttery factory site) and, therefore consideration of the heritage overlay and relevant planning policies only relates to buildings and works within that area of the overall site. The considerations which are relevant to the Heritage Overlay 50 (HO50) which sits outside the site ('Avenue of Honour' trees along Korumburra-Wonthaggi Road) are discussed in the section below.
266. The application is supported by a Heritage Report and Heritage Impact Assessment, prepared by David Helms Heritage Planning dated March 2023 and June 2023 (respectively). It is relevant to highlight that David Helms was the principal author of the *South Gippsland Heritage Study 2004 (SGHS)* and prepared the original heritage citation for this place.
267. The March 2023 heritage report provided an assessment of the potential heritage impacts of the proposed structural and remedial works to the former Kongwak Cheese Factory and Milk Depot (referred to as the 'former cheese factory'), which forms part of the former Kongwak Co-operative Butter and Cheese Factory complex at 1486 Korumburra-Wonthaggi Road, Kongwak. The June 2023 report includes a detailed Heritage Impact Assessment which provides an assessment of the heritage impacts of the proposed part demolition, buildings and works to enable adaptive re-use of the complex as a place of assembly, restaurant and ancillary uses.

268. The *South Gippsland Shire Heritage Study 2004* identifies the existing buildings on the site, that being the former Kongwak Co-operative Butter & Cheese Factory complex comprising the butter factory (constructed in 1925) and the former cheese factory and milk depot designed by T.C McCullough (constructed c.1941), as having local historical, representative, and aesthetic significance to South Gippsland Shire. Note, the extent of heritage significance does not extend to alterations and additions made after 1945, such as the existing lean-to, which are not heritage significant. Figure 36 below provides an image of the former Kongwak Cheese Factory and Figure 37 provides an image of the former Butter Factory.
269. The current statement of significance for the 'Kongwak Co-operative Butter & Cheese Factory complex' from the *South Gippsland Shire Heritage Study 2004* is provided below:

**What is significant?** *The former Kongwak Co-operative Butter & Cheese Factory complex, constructed in four stages between 1896 and 1941, at 1486 Korumburra-Wonthaggi Road, Kongwak.*

**Why is it significant?** *The former Kongwak Co-operative Butter & Cheese Factory complex is of local historical, aesthetic, and architectural significance to South Gippsland Shire. Historically, the complex demonstrates the importance of the dairying industry to the development of the Kongwak township and district and is important for its ability to illustrate in one location the key phases of growth that occurred from the Federation to postwar periods. It includes the 1941 cheese factory, which illustrates the change to cheese production that occurred as a result of World War 2 and is believed to be the only surviving example of its type in the Shire. (AHC criteria - A.4, B.2 and D.2) Aesthetically and architecturally, the 1941 cheese factory designed by TC McCullough is a locally rare example of the Art deco/Moderne style, which is expressed in a spare, but powerful way. It is the superior interwar factory in the Shire, and the use of such a progressive commercial styling demonstrates the importance of the dairying industry at that time. (AHC criterion - E.1)*



Figure 36: The Kongwak cheese factory in 1946 (Source Kongwak: The valley of peace 1883—1983)



Figure 37: c.1920s/30s image of the former butter factory showing the original openings that will be reinstated.

270. The HIS contained in the June 2023 report provides a summary of the proposed works to the main buildings:
- *Part demolition of the butter and cheese factory buildings. The extent of demolition is limited and most of the fabric to be demolished or removed is of little or no heritage significance. This includes:*
    - *Parts of the non-original north wing and non-original internal floors and walls, fittings and fixtures and non-original windows in the former butter factory.*
    - *The 'lean to' west addition to the former cheese factory.*
  - *However, there will be demolition of some fabric of primary or secondary significance including:*
    - *Within the former butter factory, part of one internal wall, and two external walls at the rear.*
    - *Within the former cheese factory, part of the original internal walls, stairs, and associated fittings and one section of raised floor within the western bay, parts of the rear (north) wall and the side walls to create enlarged or new openings.*
  - *Conservation works including:*
    - *The repair and restoration of original windows to the front and side elevations of the former cheese factory.*
    - *Reconstructing original signage to the façade of the former cheese factory.*
    - *Reinstating/reconstructing timber windows to match the original in the front (south) and east elevations of the former butter factory, and the former cheese factory (east elevation, at rear/north end).*
  - *External alterations and additions including:*



- *An extension to the non-original north wing of the former butter factory, and a thin steel awning over the ground floor opening in the front façade, which will have sliding timber doors.*
- *A glazed link structure between the two buildings.*
- *New full height glazed openings in the side walls of the former cheese factory. On the east side this connects to the glazed link and on the west side there is a thin steel awning and a full-height sliding timber door.*
- *Installation of new windows within existing openings to both buildings, replacing non-original windows or roller doors.*
- *New internal walls to both buildings, and fit out works to enable the new uses including kitchens, toilets, lifts and stairs, and associated services.*

271. The objectives and decision guidelines under the Heritage Overlay and strategies under Clause 15.03-1L (Heritage) are summarised in the earlier sections of this report and therefore it is not intended that they be repeated. There is no heritage design guidelines specified in the schedule to the HO.

## Demolition

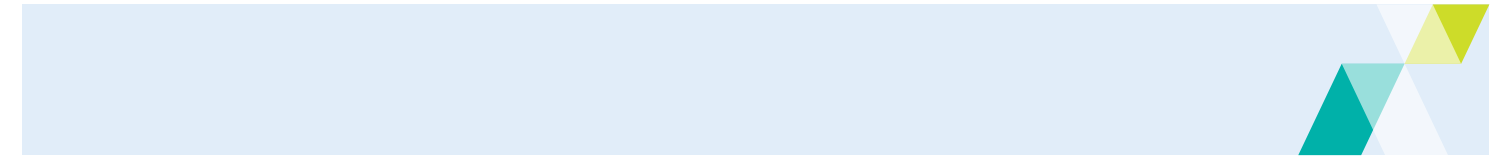
272. As outlined in the HIS, Clause 15.03-1L seeks (amongst other strategies) to discourage the demolition of a building or works that contribute to the significance of a heritage place. The HIS states that the extent of demolition complies with relevant policies and will not result in adverse heritage impacts (in summary) because:

- All exterior fabric of primary significance, including the principal facades of the two buildings will be retained.
- The demolition of the external parts of the buildings of secondary significance is limited to discrete sections to create openings in secondary (side and rear) elevations.
- Sufficient fabric will be retained to maintain the external integrity of the buildings.
- Removal of some original walls and features will have an impact upon the integrity of the buildings. However,
  - representative sections of the original walls and glazing and other details will be retained, enabling the original spatial arrangement and layout to be understood and interpreted.
  - The demolition will be balanced by the conservation works to the facades, which will include repairing and reconstructing original windows and signage (see below).
  - The works are necessary to facilitate the adaptive re-use of the place.
  - There is an opportunity to mitigate the impacts through interpretation.
- Some of the demolition will result in a positive change by removing intrusive features and/or allowing original features to be revealed, reinstated, or reconstructed.

273. DTP supports the extent of demolition on the basis of the findings above and is satisfied that the fabric to be removed is not of primary significance and its removal will not adversely affect the significance of the place. Furthermore, it has been demonstrated through the will assist in the long term conservation of the place.

## Alterations and additions

274. In relation to the proposed new works, as outlined the HIS Clause 15.03-1L seeks (amongst other strategies) to encourage development that assists in revealing the significance of the place and is sympathetic to the heritage context and to ensure that the siting, size, height, setback, materials, form and colour of new development are sympathetic to the elements that contribute to the significance of a heritage place. The HIS states that the proposed alterations and additions comply with relevant policies and will not result in adverse heritage impacts (in summary) because:
- The conservation works, which include the repair, restoration or reconstruction of original windows and signage will enhance the integrity of the buildings and reveal the significance of the place. The original signage to the former cheese factory will be accurately recreated.
  - The proposed palette of colours and finishes for new materials, which includes galvanised, or dark grey powder coated steel, in-situ render, and timber cladding is simple, honest, and robust and sympathetic to the industrial character of the buildings. The proposed white colour for the walls of the heritage buildings is based on historic photos and physical evidence.
  - Proposed new windows and glazing will have a simple 'grid' layout that is sympathetic to the historic glazing, without simply copying it. The proposed timber sliding doors to existing and new openings are influenced by traditional timber doors that have been removed.
  - There are no new openings in the principal facades of the buildings. Where openings are created, they are to allow reinstatement of original windows.
  - While alterations are proposed to the layout of internal walls of the former cheese factory, enough fabric will remain to ensure the original spatial arrangement of this area as a series of discrete rooms can be interpreted.
  - In the former butter factory, the original double-height volume to the eastern half of the building will be restored.
  - In the former butter factory, the proposed new bathrooms service areas and the like are within areas that have been altered and will not require the alteration or removal of original fabric
  - The linking structure is a simple, discrete glazed element, which is set well back from the facades of both buildings and will not diminish their understanding as originally freestanding buildings.
  - The car parking to the west of the former cheese factory is outside of the HO and will not affect the setting of this robust industrial building.
  - Similarly, the proposed footbridge over the Foster Creek is a discrete structure that will not impact upon the setting of the former butter factory
275. DTP supports the proposed alterations and additions on the basis of the findings above and agrees with the HIS that the proposed new works will ensure the heritage place has a viable use and remains occupied. A key strategy under heritage policy is to encourage adaptive re-use as a means of ensuring the conservation of culturally significant fabric, which is achieved by the proposed works.
276. DTP is satisfied that the integrity and historic setting of the heritage buildings and their current relationship to each other and as viewed from the road will not change. Conservation works including the repair and restoration or reconstruction of original features including windows and signage will enhance the integrity of the buildings and assist in revealing their significance.
277. The proposed alterations and additions respect the heritage buildings by using sympathetic materials, colours, and detailing that complements the simple, honest, and robust industrial aesthetic. New development will be readily identifiable as new, separate works and does not seek to replicate the historic fabric in detail.

- 
278. It is recognised that continuity of occupation of heritage assets will ensure their security and ongoing maintenance and DTP agrees that opening these buildings to the public for the first time in over 50 years will facilitate a greater understanding and celebration of their important history and significance to Kongwak. The proposed conservation works will retain the significant attributes of the heritage place, utilising like-for-like replacement and reinstatement of heritage-significant features, which will enhance the integrity of the buildings and assist in revealing their significance.
279. On this basis, the proposed demolition, buildings and works to enable the adaptive re-use of the former Kongwak Butter and Cheese Factory complex complies with the outcomes sought by heritage controls and policy in the South Gippsland Planning Scheme and will not adversely impact upon the heritage significance of the place. Most importantly, the proposal will achieve a key State heritage strategy to support adaptive re-use of heritage buildings where their use has become redundant. Based on the above, it is considered that the proposal is supported by the relevant purpose and decision guidelines of the Heritage Overlay and is an appropriate use and development for the heritage buildings on the site.
280. Conditions are recommended requiring the submission and approval of a Heritage – Conservation Management Plan and Heritage – Structural Engineering Report to provide further details regarding how the retained portions of the heritage buildings will be conserved, protected and supported during construction (amongst other requirements).

### Kongwak Avenue of Honour

281. In addition to the HO4 which applies to the site, the Heritage Overlay 50 (HO50) applies to the section of Korumburra-Wonthaggi Road between Church Road running in a westerly direction until the road turns southwards. In this regard, the HO50 applies to the entire frontage of the site to Korumburra-Wonthaggi Road. DTP acknowledges that several objections to the proposal have highlighted the local significance of the ‘Avenue of Honour’ trees which are protected under the HO50 raising concerns that the proposed development has potential to impact the health of these established trees, notably as a consequent of the proposed vehicle access to the group accommodation, service building and overflow car parking from Church Road (east).
282. The State of Significance for the Kongwak Avenue of Honour is provided below:

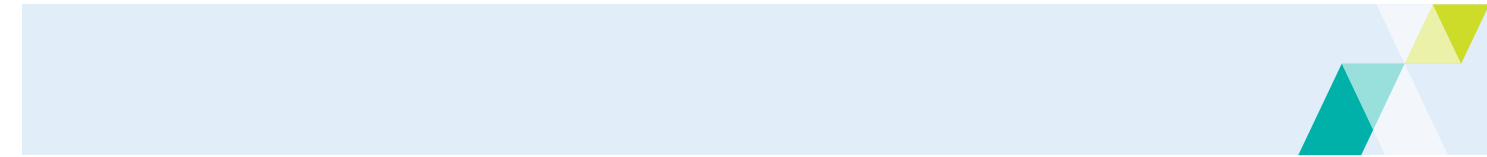
**What is significant?** *The Kongwak Avenue of Honour, planted on 15 August 1918, at Korumburra-Wonthaggi Road, Kongwak. The Kongwak Avenue of Honour comprises approximately 70 mature exotic trees planted on either side of the Korumburra-Wonthaggi Road. Originally extending from the Kongwak School and Foster Creek, it now extends to the west of the Creek beyond the Kongwak Store*

**How is it significant?** *The Kongwak Avenue of Honour is of local historic, social, aesthetic, and scientific (horticultural) significance to the district of Kongwak.*

**Why is it significant?** *Historically and socially, the Avenue is important as the World War 1 memorial for Kongwak. One of a series established throughout South Gippsland, presumably in response to the initiative of the Victorian State Recruiting Committee, it demonstrates the significant impact of the war upon small rural communities. (Criterion A & G)*

*Aesthetically, the Avenue is unique in the Shire for its mixed planting, which enhances the appearance and amenity of Kongwak and is an integral part of its identity. (Criterion D & E)*

*Scientifically, the Bunya Pine and the Turkey Oak are outstanding examples of their type in terms of their age, condition and size. (Criterion D & E)*

- 
283. DTP notes that a proposed entrance to the development directly from Kongwak-Wonthaggi Road (shown in the originally submitted proposal) has since been deleted in favour of the Church Road access described above. Despite the removal of any vehicle access which would cut in between the avenue of honour trees along Kongwak-Wonthaggi Road, many objections retained concerns with the Church Road for the reasons it would require works which would impact the trees that were planted in 2009 along the western road reserve of Church Road as an extension of the historic Avenue of Honour.
284. In response, the applicant provided additional advice from David Helms Heritage Planning (dated 31 October 2024) which stated there is a clear distinction between the historic Avenue of Honour, established in 1918 (which was confirmed to the Korumburra-Wonthaggi Road and never extended along Church Road) and the 'new' Avenue of Honour, along Church Road, which is outside the extent of HO50 and is not of heritage significance.
285. The advice noted that the proposed entrance on the Kongwak-Wonthaggi Road, which would have required a crossover entrance through the historic Avenue of Honour has been deleted and the crossover from Church Road will be sited in a way that avoids impacts upon the trees that were planted in 2009, as an extension of the historic Avenue of Honour. On this basis, the advice supported the removal of the crossover from Korumburra-Wonthaggi Road within the historic Avenue of Honour and supported the proposed crossover on Church Road as (in the opinion of the Heritage Consultant) it will have no impact on any features of heritage significance and will avoid the need for the access to cut through the historic Avenue of Honour.
286. DTP acknowledges the advice of David Helms Heritage Planning and preference expressed by the applicant to retain the proposed Church Road access in its current location, in addition to the recognition that the Church Road trees have a different status, at least under the planning scheme, for the reason they do not have the same heritage overlay protection as the trees along Korumburra-Wonthaggi Road.
287. Notwithstanding the above, DTP considers that the objective and strategies under Clause 15.03-1S (Heritage Conservation) provide a strong policy direction for the conservation of places of heritage significance, even in the absence of a Heritage Overlay. Of particular importance, this policy seeks to provide for the protection of natural heritage sites, encourage retention and conservation of those elements which contribute to the importance of a heritage place (in this case the existing trees) and ensure that development respects those heritage places. It is DTP's view that, the Church Road trees meet this threshold and (in part) derive the heritage value and significance to the local community due to the fact that they are not interrupted by accessways or development.
288. In this regard, the proposed Church Road access between the existing trees would be inconsistent with the abovementioned policy direction and as such it is recommended that the vehicle access from Church Road be relocated to be clear of the Tree Protection Zone (TPZ) of the northernmost tree on the road reserve. In addition, it is recommended that any direct pedestrian access to Korumburra-Wonthaggi Road is deleted, for the reasons stated above.

## Amenity Impacts

### Noise

289. Clause 13.05-1S (Noise Management) seeks to assist the management of noise effects on sensitive land uses. The key strategies to achieve this objective are to:
- *Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.*
  - *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use) near ... noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*



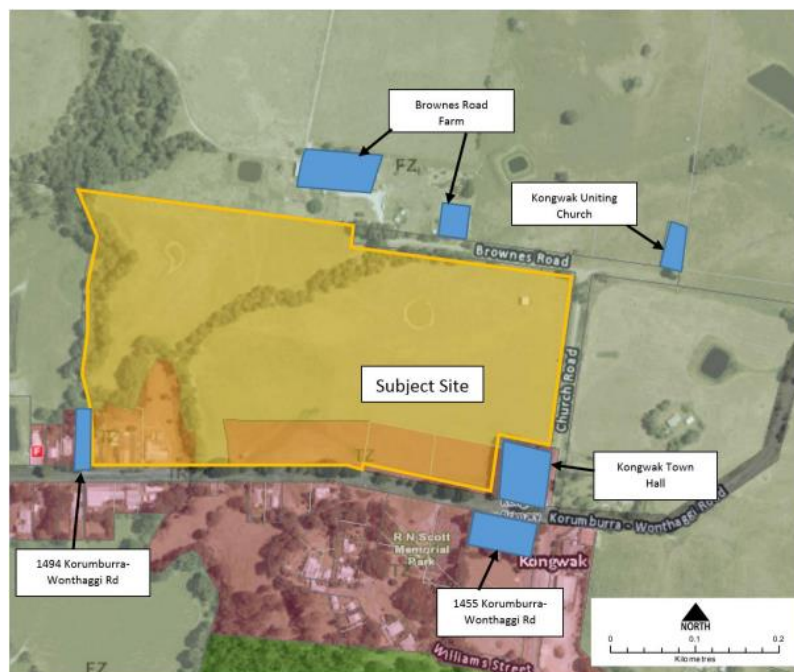
290. Policy Guidelines to consider as relevant under Clause 13.05-1S include:

- The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)

291. The application is supported by an Environmental Noise Assessment (prepared by JTA Health, Safety & Noise Specialists) which assesses compliance with Victoria EPA Publication 1826.4 - *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol)*. An assessment has been conducted with respect to site noise emissions from the proposed development. The assessment includes:

- Measure existing background noise levels at close proximity to the subject site.
- Identify all major noise sources at the proposed development.
- Using the above information and data, develop a noise model to determine noise emissions.
- Provide recommendations in principle for all noise sources identified as requiring acoustic treatment.

292. The nearest noise receivers to the proposed development are identified in Figure 4.3 within the report:



**Figure 38: Map of nearest noise receivers to the subject site (Source: JTA Noise Assessment)**

293. Based on the assessment, control measures have been recommended to control noise emissions from the site to meet the Noise Protocol criteria. Measures to control noise emissions from the key noise sources (accommodation, Butter and Cheese Factory commercial premises and carpark) have been identified to comply with the Noise Protocol Criteria and are summarised below:

**Table ES1: List of Noise Control Measures**

Acoustic Barrier	Install 2.4m high wall at boundary to adjacent residential sub-division with panelling of at least 10kg/m <sup>2</sup> . Wall to be continuous with no gaps. Doors to be shut when not in use.
External Mechanical Plant	Locate on roof or at ground level in acoustic enclosures as required to meet the design noise levels detailed in this report.
Waste Disposal	External waste operations to be conducted only during day time when the noise limits are less stringent.
Speaker System	Install a Noise Limiter which will be a digital limiter that measures, displays, and controls the sound pressure level in the space. It is expected to be installed within the audio chain that powers the venue speaker systems.
Cheese Factory Dining	Windows installed in acoustic frames with a minimum single 6 mm thick float glazing.
Volume Attenuation Area	Maintain existing foliage/trees between the Butter and Cheese Factory Commercial Premises and the Accommodation as well as along Brownes Road

294. Conditions are recommended requiring the proposed venue to implement the above-mentioned noise control measures to ensure the use and development operates below the levels required to comply with *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA publication 1826.4)* (the Noise Protocol). Notably, DTP supports the installation of a 2.4 metre high noise protection wall at the western edge of the carpark facing 1494 Korumburra-Wonthaggi Road to reduce the effective noise levels for compliance with the night time noise limits, and is satisfied that this proposed structure on the boundary will not unreasonably impact the amenity of the existing dwelling.

### Light Spill

295. Given the nature of the proposed use and the central location of operational buildings on the site and their primarily daytime operation, it is anticipated that the proposal will not cause off-site amenity impacts by way of light spill.

### Dust

296. The proposal is not anticipated to regularly generate activity that would result in dust impacts to nearby and adjoining properties during its operation due to the separation distance between gravel access roads and neighbouring properties. Any dust generated as a result of the proposed agricultural activities would be reasonable in this setting.
297. Dust impacts caused during the construction phase of the facility are recommended to be addressed by dust emission mitigation measures in a Construction Environmental Management Plan, which is recommended to be secured via a condition of the permit.

### Odour

298. The proposal is not anticipated to emit odour that would have any amenity impacts on the surrounding area. Notwithstanding this, a Construction Environmental Management Plan is recommended to be secured as a condition of the permit, in which operational arrangements, including that relating to odour, will be addressed.

## Visual Impacts

### Design and Siting

299. The topography of the land varies, generally sloping down into the waterways of Foster Creek and Brownes Creek and gradually up towards the north-east corner of the site. The topography of the land rises gradually towards the north-east before rising steeply to create the undulating hills which form a distinct characteristic of the broader landscape and provide a significant backdrop to the subject site.
300. The site itself has unique attributes in terms of the historic former cheese and butter factories and 'Avenue of Honour' trees, both of which are focal points along Korumburra-Wonthaggi Road. Foster Creek and established vegetation along the waterway provides valued feature of the environment forming a 'green backdrop' to the open rural landscape and pasture of which characterises the main part of the site (25 Church Road). On this basis, it is considered that the highest visual impacts would occur within the road reserve of Korumburra-Wonthaggi Road.
301. The proposed development will not detract from these valued characteristics of Kongwak, noting the proposed works within the Township Zone primarily relate to the refurbishment and adaptive re-use of the historic former cheese and butter factories and associated infrastructure such as car parking, landscaping, bridge crossing, wetlands and pedestrian paths. The proposed group accommodation buildings will be single storey and low scale with colours and materials which integrate with the natural environment. The buildings are clustered in small groups, with clear physical breaks in between, to avoid the appearance of continuous built form across the open rural landscape (as shown in Figure 39 below).
302. The sense of openness in the areas to the south and north of the new buildings will be maintained with open space, wetlands and landscaping adjacent to the main road, and agricultural activities such as crop raising (vineyard, market garden) and retention of open pasture in the areas to the north.

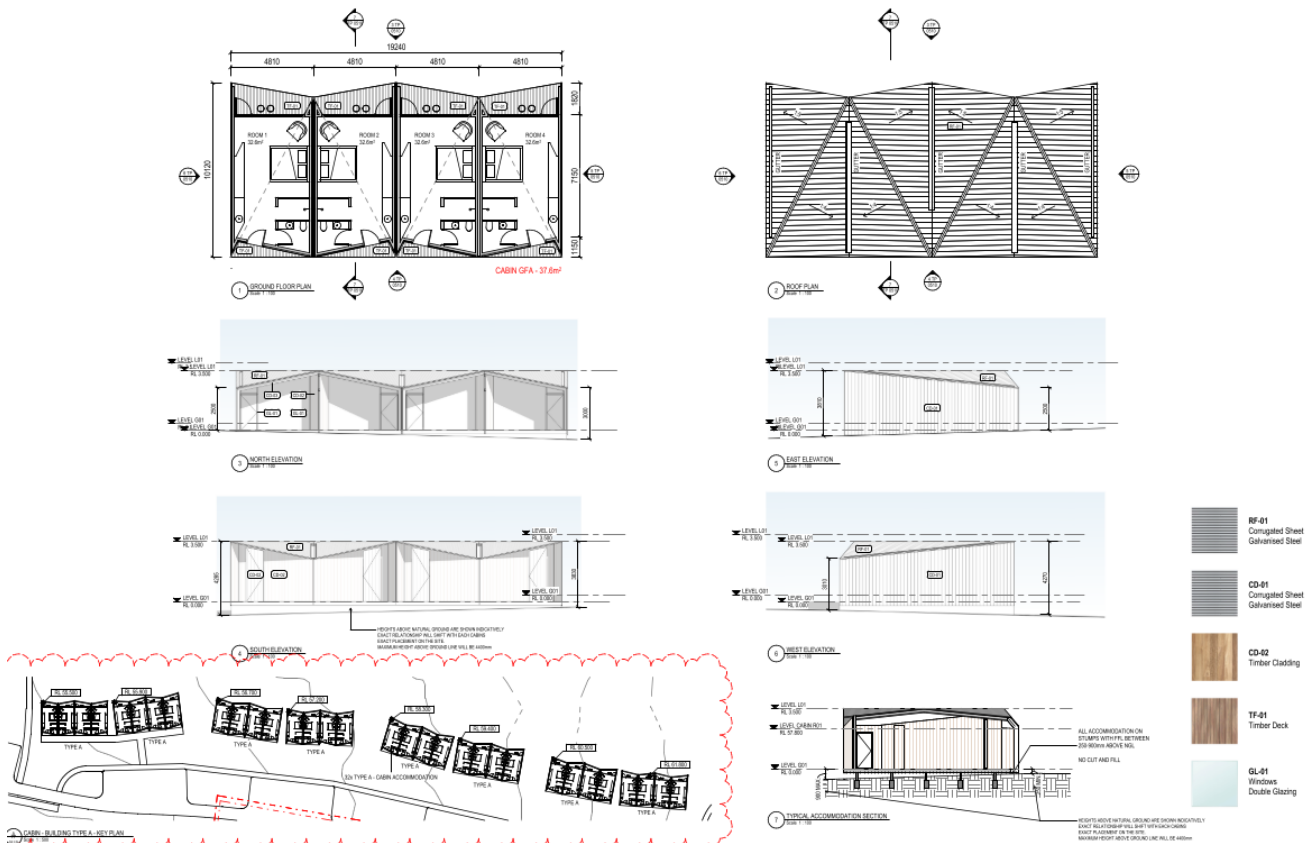


Figure 39: Group Accommodation typical floor plans, elevations and materials (Source: Wardle Architects)



303. As discussed under Clause 15.01-5S, DTP is satisfied that the development has adequate regard for the valued rural character and natural features of Kongwak. It is considered that the proposal strikes an appropriate balance between the values of the rural landscape, appropriate protection of agricultural land and supporting the regional economy through accommodation and tourism. The siting and design of the new buildings has regard for views from key vantage points such as Korumburra-Wonthaggi Road through the low scale design, siting on a relatively low point of the land, generous setbacks to the southern and eastern boundaries, landscaping which will soften the visual impacts of the new buildings and a palette of colours and materials which (subject to conditions requiring an amended schedule) assist in further blending the building with the rural landscape. Conditions are recommended requiring:
- *All buildings used for accommodation, including (but not limited) external walls and roofing finished in muted and non-reflective tones which integrate with the surrounding natural landscape.*
  - *The service building adjacent to Church Road finished in mute and non-reflective tones which integrate with the surrounding natural landscape.*
  - *The above-ground water tanks (and any associated structures) finished in mute and non-reflective tones which integrate with the surrounding natural landscape.*
304. The new buildings are not located on a ridgeline or hilltop and maintain adequate separation from the waterway of Foster Creek and established vegetation along the creek alignment. The proposed service building is setback 22.8 metres from the eastern boundary to Church Road, will be partially obscured by the line of established Cypress trees behind the Kongwak Town Hall and will be softened with new landscaping around the proposed staff car park. The proposed potable and fire water tanks have been sited as far as practical from Korumburra-Wonthaggi Road in the north-east corner of the site. Whilst the water tanks will be approximately 4 metres in height, recommended conditions will require a minimum setback of 5 metres to the boundary in accordance with the requirement of the Farming Zone, muted and non-reflective colour finishes and landscaping around the tanks to soften their appearance.
305. Whilst the proposed new buildings and structures will be visible to varying degrees (depending on the vantage point), DTP is satisfied that the visual amenity of the rural landscape and character along Korumburra-Wonthaggi Road and the approach to Kongwak will be adequately protected through the sympathetic design and siting of the proposed development consistent with this policy. On the basis of the above, DTP is satisfied that the development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment of Kongwak whilst preserving and enhancing the natural landscape and significant vegetation along Foster Creek.

### Glare and Reflectivity

306. Subject to the recommended conditions requiring an amended schedule of colours and materials which must be muted and non-reflective tones, primarily for roofing of the group accommodation units and potable water and fire water tanks, the proposal is considered to be acceptable in glare and glint impact terms and will not result any unreasonable off-site amenity impacts.

## Operational Management

307. The proponent has prepared a draft Operational Management Plan (dated July 2024). The OMP acknowledges that the owners and operators have a responsibility to ensure that the design and future operations do not cause detrimental safety, amenity and enjoyment impacts to the Kongwak community, particularly neighbouring properties. The OMP also highlights the design and engineering solutions which have been implemented to the interfaces with neighbouring properties whilst protecting community amenity, human health and safety. These include:
- *Noise – An acoustic assessment, was prepared by JTA Health, Safety and Noise Specialists (dated July 2023). The Acoustic Assessment recommends that: a 2.4m high acoustic wall be constructed along the shared boundary with 1494 Korumburra-Wonthaggi Road; external mechanical plants be acoustically enclosed/treated; a noise limiter be installed to the speaker system; windows in the dining area of the cheese factory be installed in acoustic frames; and existing vegetation be maintained to suppress noise.*
  - *Patron movements – A footbridge has been included in the masterplan to support the traversing of KBF patrons to accommodation and car parking on private land, without needing to venture onto public land.*
  - *Car parking – All car parking needs are catered for onsite, without any reliance on existing parking opposite the KBF, and no new parking in the road reserve. A 9.6 metre by 21.7 metre landscaping buffer is also proposed at the frontage between the vehicle crossover to the main car parking and the shared boundary 1494 Korumburra-Wonthaggi Road, to improve the visual amenity of the site and encapsulate the proposed car parking are behind the vegetation screening.*
  - *Accommodation – New accommodation has been carefully designed to be sympathetic to the Bunurong landscape and in character with the township and rural setting. Building placement in the landscape ensures long distant views are not interrupted, and new informal landscaping, trees and vegetation have been designed to respond to the existing character of the site and are used to integrate and screen any new built form.*
  - *Heritage – The Butter and Cheese factory buildings are of historical, aesthetic and architectural significance to the region. In preserving heritage, and maximising associated amenity, the restoration of these buildings has been done with extensive input from a specialist Heritage Consultant. Design features include restoring street facing elements of both buildings back to original heritage condition – this includes removing current aluminium windows, and replacing these with original timber sash windows, and restoring the Cheese factory post-war modern façade in line with it's original finishing and signage.*
308. Further matters covered in the OMP include patron numbers and hours of operation, seasonality and modes of operation, access and patron movements, waste management, farm management, public space management, drug and alcohol risk management, CCTV, insurance, noise, incident reporting, communication, staff training, emergency management and key staff roles.
309. DTP supports the proposed draft OMP and recommends conditions to further expand and refine the information contained within the OMP including a reduction in hours of operation (highlighted) to further protect the amenity of the surrounding residents as follows:
- a) *Details of the hours of operation of the premises (Place of Assembly and Restaurant and ancillary uses within the butter and cheese factory) which must only operate between the following times:*
    - i. 7:00 am and 9:00 pm Sunday to Wednesday or public holiday***
    - ii. 7:00 am and 10:00 pm on Thursday***
    - iii. 7:00 am and 11:00pm on Friday and Saturday***
  - b) *Details of the maximum number of patrons to be permitted on the premises and breakdown of patrons for each use.*



- c) *Details of anticipated events to occur on the subject land;*
- d) *staffing and other measures which are designed to ensure the orderly arrival and departure of patrons*
- e) *signage to be used to encourage responsible off-site patron behaviour*
- f) *the training of staff in the management of patron behaviour*
- g) *staff communication arrangements*
- h) *measures to control noise emissions from the premises*
- i) *complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant*
- j) *Details of the provision of music including the entertainment provided by live bands, live music (DJ), amplified music and any other forms of entertainment*
- k) *Details of how music and other forms of entertainment will be managed to limit impacts to surrounding residential properties.*
- l) *Lighting within the boundaries of the site*
- m) *Regulation of deliveries to and from the site*
- n) *General rubbish storage and removal arrangements, including hours of pick up.*
- o) *Bottle storage and removal arrangements including hours of pick up.*
- p) *The recommendations of any acoustic report for the premises.*
- q) *Details of the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties.*
- r) *Details of the management of patrons who are smoking.*

## **Landscaping**

310. The submitted planning report provides an overview of the proposed landscape response as follows:

- *Construction of garden beds and landscaping around the butter and cheese factory buildings, frontages and car parking area.*
- *Construction of a landscaped wetlands area traversing between the southern property boundary and the balance of the proposed group accommodation cabins. Comprised of a pond network with swales (for on-site stormwater management), indigenous and deciduous vegetation, pedestrian paths, a communal space and sculptures. A large portion of this area will be set aside for public use as publicly-accessibly, privately owned public open space reserve for the community along the balance of the Township Zoned land along Church Road.*
- *Provision for a network of walking trails throughout the site, largely following existing and proposed waterway areas and open spaces.*
- *Revegetation works – Existing billabong in north-western section of the property will be re-instated and revegetated. The existing drainage outlet in this location will be filled in. Re-vegetation along select parts of the existing waterway corridor(s).*
- *Waterway management – Ongoing weed control and management of existing vegetation along existing waterway corridor(s).*



- 311. DTP supports the proposed landscape response subject to conditions requiring a Landscape Plan including any staging of the landscaping, screen planting around the perimeter of the overflow car park and water tanks in the north-west corner of the site, a Vegetation Management Plan to ensure the protection of existing vegetation to be retained, notably the historic 'Avenue of Honour' trees located on the road reserve of Korumburra-Wonthaggi Road and the existing trees on the road reserve of Church Road.
- 312. DTP is satisfied that the proposed landscaping will assist in softening the proposed buildings, particularly the new group accommodation cabins, and integrate the built form with the open rural landscape and sensitive environs along Foster Creek. In particular, this will have a positive benefit for the views of the development from the key vantage points along Korumburra-Wonthaggi Road and Church Road and provide a green backdrop for the heritage Avenue of Honour trees along the main road, as shown in Figures 40 & 41 below.



Figure 40: Landscape Master Plan – enlargement of area and proposed works around existing buildings (Source: PWLA)



Figure 41: Landscape Master Plan – enlargement of southern area of the site showing proposed development (Source: PWLA)

## Environmental impacts

### Native Vegetation

313. Clause 52.17 (Native Vegetation) of the South Gippsland Planning Scheme seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. A three-step pathway for assessment of native vegetation removal is referred to in Clause 52.17 aligns with Clause 12.01-2S (Native vegetation management) and the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). The three-step approach is generally to:
- *Avoid the removal, destruction or lopping of native vegetation.*
  - *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  - *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*
314. The application is supported by an Ecological Assessment prepared by Ecocentric (dated July 2023) which aimed to (as outlined in the report):
- Identify the ecological values of the site, including:
    - Presence of threatened flora, fauna and/or vegetation communities;
    - Areas of remnant or planted habitat that may support threatened flora, fauna and/or vegetation communities; and
    - Areas of native vegetation, including native vegetation ‘patches’ and ‘scattered trees’ on site that may have to be Offset if impacted by the proposed development;
  - Map these ecological values and identify their quality and extent;
  - Identify potential impacts to these ecological values from the proposed development, including implications under relevant legislation and policies;
  - Identify which, if any, of these ecological values will require Native Vegetation Offsets and/or mitigation measures if impacted under Clause 52.17 of the Planning Scheme and the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation policy (DELWP 2017; hereafter the Guidelines 2017 policy)*; and
  - Outline appropriate measures to avoid, mitigate or offset potential impacts.
315. A native vegetation assessment was undertaken to determine the quality and extent of native vegetation present at the site, and to inform potential Offset requirements for native vegetation clearance if approved. Ecological Vegetation Classes were determined based on EVC modelling and benchmarks (DELWP 2017), and as confirmed in the field during the site surveys. Vegetation Quality Assessments (VQA; also commonly referred to as a Habitat Hectare Assessment) were undertaken for all areas of native vegetation (both remnant and as scattered trees) in accordance with the Vegetation Quality Assessment Manual – Guidelines for applying the habitat hectare scoring method (DSE 2004).
316. Pre-1750 EVC modelling identifies that prior to disturbance and clearing, this site once predominantly hosted a Swampy Riparian Woodland Ecological Vegetation Class (EVC 83; classified as endangered in the Strzelecki Ranges bioregion). Higher land along the eastern edge of the site is modelled as having hosted Damp Forest (EVC 29; also classified as endangered in the Strzelecki Ranges bioregion). 2005 EVC modelling identifies remnant Swampy Riparian Woodland in patches along the creek, although aerial imagery suggests that this EVC may actually continue the full length of Foster Creek beyond the site to the north and south. The remainder of the study area is identified in the 2005 EVC modelling as cleared pasture.





317. The report states that all native vegetation losses are confined to a relatively small area of 590m<sup>2</sup> at the proposed waterway crossing. This includes the assumed loss of one small canopy eucalypt (identified in the arborist report as Tree #47) which will be retained on site but still requires an offset due to unavoidable impacts within the TPZ.
318. A total area of 0.059 hectares of Swampy Riparian Woodland (EVC 83) within the proposed development area was identified on site as a native patch under the Guidelines (sites of perennial native vegetation with a 25% or greater cover threshold) that would potentially be impacted by the development.
319. Table 10 below outlines the extent of native vegetation clearance associated with this project, and identifies the commensurate Offset target as set out in the NVR report (included as an Appendix to the report). The minimum strategic biodiversity value (SBV) required of the secured Offset is relatively high at 0.744, due to the habitat importance of the riparian corridor.

**Table 10. Vegetation clearance and offset requirements**

VEGETATION CLEARANCE	
Assessment pathway	INTERMEDIATE Assessment Pathway
Extent including past and proposed	0.059 ha
Extent of past removal	0.000 ha
Extent of proposed removal	0.059 ha
No. Large trees proposed to be removed	0
Location category	Location 2 The native vegetation is in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map). Removal of less than 0.5 hectares in this location will not have a significant impact on any habitat for a rare or threatened species.
OFFSET REQUIREMENTS	
General offset amount	<b>0.023 General Habitat Units (no large trees)</b>
Vicinity	West Gippsland Catchment Management Authority (CMA) or South Gippsland Shire Council
Minimum strategic biodiversity value score	0.744
Large trees	0 large trees

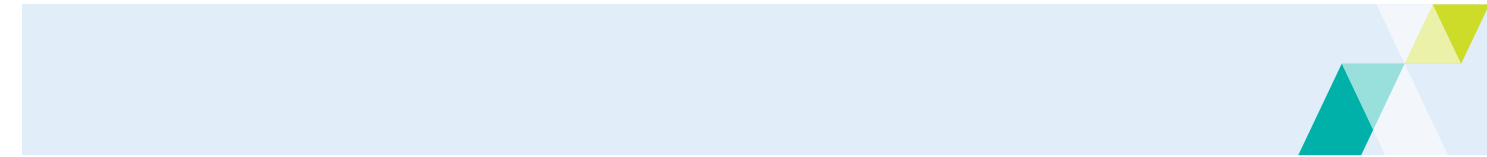
320. The report provides a 'Native Vegetation Avoid and Minimise Statement' which considers that every effort has been made through careful consideration of the project design and proposed siting of building envelopes to avoid and minimise impacts associated with the loss of native vegetation on site. Avoidance measures include (but are not limited to):
- *Construction impacts are to be constrained to the extent of the proposed building envelopes with minimal impacts to native vegetation within the property associated with the establishment of accommodation buildings and farm sheds, a bridge over Foster Creek, access driveways, car parks, walking paths, gardens and/or drainage infrastructure.*
  - *There is to be no storage of construction material, parking of vehicles, or clearing of native vegetation outside of the proposed building envelopes and infrastructure corridors.*



- *Native vegetation losses associated with the proposed bridge over Foster Creek is limited to the minimum extent necessary for construction purposes. All native canopy trees will be retained during bridge construction, but for the purpose of calculating Offset requirements have been assumed lost as a precautionary measure, to ensure that the development results in no net loss of biodiversity.*
  - *With the exception of the aforementioned losses, there is to be no additional loss of native vegetation or canopy trees associated with this project; with the possible exception of impacts, not losses, associated with judicious pruning of selective branches with the intent to maintain worker safety requirements.*
321. The report states there are no feasible opportunities to further avoid and minimise impacts on native vegetation – with the exception of the footbridge, all development lies well outside of native vegetation, and the development has minimal impact on the site’s natural habitat.
322. The Offset target for this project is for 0.023 General Habitat Units and no large trees (with a minimum Strategic Biodiversity Value (SBV) score of 0.744), from an Offset Site in the West Gippsland Catchment Management Authority (CMA) or South Gippsland Shire Council; there are no waterway or wetland losses associated with this proposal. A suitable Offset Site will be identified on the DEECA Native Vegetation Credit Register and Offset Credits will be purchased and secured with an Allocated Credit Extract prior to the commencement of footbridge construction works.
323. The application was referred informally to DEECA as the application falls within ‘Intermediate Assessment Pathway’. The DEECA – Gippsland region responded under delegation that they do not object to the grant of a permit, subject to conditions. The recommended conditions by DEECA adopt the findings of the report outlined above Requiring specific native vegetation protection measures, the installation of native vegetation protection fencing and the requirement for native vegetation offsets. The conditions recommended by DEECA are accepted and are recommended to be included on the planning permit.
324. DTP agrees with the findings of the report that native vegetation losses associated with the proposal are minimal given the scale of the development and impacts have been largely avoided and minimized to the installation of the pedestrian bridge over Foster Creek. On this basis and subject to the recommended conditions, DTP considers the proposed native vegetation removal is considered to be acceptable and in accordance with the purpose and decision guidelines of Claus 52.17 (Native Vegetation) of the Planning Scheme.

## Fauna

325. The submitted Ecological Assessment by Ecocentric outlines the database analysis and a habitat assessment was undertaken for fauna that could potentially occur on site (based on a search radius of 5km from the site). No significant fauna species were identified on site during the surveys. With the exception of the proposed new crossing of Foster Creek in the south of the site, all areas of development lie well outside the riparian corridors and areas of native vegetation habitat, and it is considered unlikely that the development would impact upon most of the significant fauna species listed above, even if present on site.
326. Possible exceptions to this are the Giant Gippsland Earthworm and the South Gippsland Burrowing Crayfish, which could potentially occur within damp soils adjacent to the riparian corridors, and which are less mobile than the other significant fauna species. Ecocentric conducted active searching for signs of both Giant Gippsland Earthworm and South Gippsland Burrowing Crayfish whilst on site. No signs were found, and it is considered unlikely that either of these species would be impacted by the proposed development.
327. DEECA further recommended that additional assessment be required on the EPBC listed species, Giant Gippsland Earthworm. The ‘Giant Gippsland Earthworm and Burrowing Crayfish Survey (Ecocentric, 25 September 2024)’ does not consider the impacts on the species and therefore does not meet relevant assessment requirements for EPBC listed species. DEECA advise that new surveys and a report be undertaken by a suitably qualified invertebrate ecologist.

- 
328. An assessment by a suitably qualified invertebrate ecologist to survey for Giant Gippsland Earthworm *Megascolides australis* has not been provided. DEECA do not support the determination of the assessment: Giant Gippsland Earthworm and Burrowing Crayfish Survey (Ecocentric, 25 September 2024), noting that this is an area being a highly specialised field.
329. The benefits of widening the riparian corridor and providing EVC appropriate habitat (i.e. reduction in the edge effects, such as weed invasion; provision of a buffer against nutrient and sediment runoff and fauna movement; and limits to erosion of the streambank and maintenance of a saturation zone adjacent to the waterway for provision of habitat for burrowing crayfish and the Giant Gippsland Earthworm).
330. DTP supports the recommended conditions by DEECA and has included the permit.

## Waterway Management

331. The objective of Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) is *'To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.'* The objective of Clause 14.02-1S (Catchment Planning and Management) is *"To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater and the marine environment."* Strategies to achieve these objectives include sensitively designing and siting development, retaining drainage corridors, and retaining and re-establishing riparian vegetation within a buffer zone of at least 30 metres each side of a waterway. Vegetated waterway buffers are critical to maintain natural functionality (especially in a highly modified urban environment), minimise erosion of the waterway and protect water quality.
332. As noted in the earlier sections of this report, the application was referred to the West Gippsland Catchment Management Authority as the relevant catchment authority in flood management for Kongwak. The WGCMA provided a preliminary response on 26 September 2024 which requested the submitted flood modelling be updated and a Waterway Management Plan to be prepared to support the application. The Waterway Management Plan would need to detail the existing health of the waterways and identify actions such as weed management and revegetation to improve waterway health. Critical to this plan will be the development of a maintenance schedule to guide future management of the waterway buffers. The WGCMA further noted:
- *The Kongwak Butter Factory Landscape Masterplan (PWLA, 2024) identifies that a 30-metre buffer was not achievable in all areas of the development and that has been addressed by providing an equivalent area of vegetated buffer overall of 3.18 hectares including full regeneration of the existing northern billabong and southern drainage line. However, no explanation has been provided as to how revegetation of these additional areas will provide the equivalent benefit of revegetation directly adjacent to the waterway.*
  - *The extent of the revegetation and rehabilitation areas has not been clearly defined.*
  - *The recommendations of the Proposed Land Use Plan and the Proposed Bushfire Mitigation Plan do not align. Some areas identified for 'Land Managed for Biodiversity and Nature Based Tourism' are also identified in the area marked as 'C' which is shown as defendable space.*
  - *The proposed development will result in the loss of 0.059 hectares of native vegetation at the proposed waterway crossing point and a significant network of paths also proposed through vegetated areas.*
  - *The Kongwak Butter Factory Landscape Masterplan (PWLA, 2024) and Planning Report (Hatch Planning) identify that the existing billabong will be re-instated and revegetated however, the revegetated billabong is shown as surrounded by mown pasture.*
  - *The Landscape Masterplan Enlargement Plan North identifies that the existing drainage outlet at the location of the billabong will be filled in but has not addressed where the overflow from the billabong will be directed.*



- *The Planning Report (Hatch Planning) states revegetation works will occur “along select parts of the existing waterway corridor(s).” It has not explained why some areas have been selected for revegetation and other areas have not.*
333. The WGCMA subsequently provide a response dated 30 October 2024 advising DTP that it did not object to the issue of a planning permit subject to conditions being included in the permit addressing updating flooding modelling, preparation of a Waterway Management Plan and amended Stormwater Management Plan addressing maintenance etc. DTP supports the inclusion of conditions as recommended by WGCMA.
334. On this basis, it is considered that the proposal will appropriately respond to the objectives and strategies under Clause 12.03-1S and Clause 14.02-1S by:
- Protecting the environmental and landscape values of Foster Creek by protecting indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.
  - Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting by locating development, including earthworks and dams a minimum of 30 metres from waterway systems.
  - Protecting bank stability and flood management capacity of Foster Creek by retaining, enhancing and re-establishing indigenous riparian vegetation and weed and pest management
  - Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.
  - Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.
  - Avoiding overshadowing of Foster Creek and promoting good connections and access.
  - Minimising the visual intrusion of development on the natural landscape views from Korumburra-Wonthaggi Road and the bridge crossing over Foster Creek
  - Ensuring the development will be visually subordinate to the local landscape setting, including through the use of extensive landscaping (as shown on the landscape plan prepared by PWLA) to filter views of development.
  - Ensuring development adjacent to Foster Creek will be constructed of high-quality materials
  - Avoiding impeding the natural flow of waterways and future flood events.
  - Avoiding incompatible land use activities in areas subject to flooding noting any potential hazards can be mitigated through the proposed design and infrastructure
  - Avoiding detrimental impacts on groundwater resources from proposed use and development.

## Traffic Management

### General

335. The application is supported by a Traffic Impact Assessment (TIA) prepared by One Mile Grid (dated 2 July 2024). The assessment considers the impacts of the proposed use and development on local roads, traffic during construction and operation and the anticipated car parking demand generated by the proposed activities. The applicant has advised that the intention is for the proposed Cheese and Butter Factory to operate as a destination precinct with the group accommodation component expected to typically be booked as part of events held at the site.
336. Table 2 contained within the TIA provides a summary of the key components which make up the development and floor area / patron numbers for each:

**Table 2 Proposed Development**

<i>Location</i>	<i>Component</i>	<i>No/Area</i>
Cheese Factory	Pantry/Providore	100 m <sup>2</sup>
	Gallery	20 patrons 157 m <sup>2</sup>
	Destination Restaurant	150 patrons 220 m <sup>2</sup>
	Event Space	200 patrons 200 m <sup>2</sup>
Butter Factory	Reception/Lounge	120 m <sup>2</sup>
	Conference Room	52 patrons 130 m <sup>2</sup>
	Bridal Suite (1 bed) / Conference Room	1 bed / 6 patrons
Accommodation	Group Accommodation – Type A Cabin (1 bed)	32 no.
	Group Accommodation – Type B Cabin (1 bed)	7 no.
	Group Accommodation – Type C Cabin (3 bed)	1 no.
	Caretaker's Residence	1 no.

### Vehicle Access

337. The TIA states the two of the three access points along Korumburra-Wonthaggi Road are existing informal accesses associated with the Cheese and Butter Factory buildings and are located on the western side of the Foster Creek bridge. It is proposed to formalise these access points in order to provide access to the proposed main car park and to a proposed 'pick-up / drop-off' area in front of the Butter Factory.
338. The access to the main car park to the west of the Cheese Factory is 6.1 metres wide to allow for two-way passing to occur at the entrance to the site, in addition to allowing access for loading vehicles up to a 12.5m heavy rigid vehicle (HRV). The TIA states that the proposed 'pick-up / drop-off' area shown in front of the butter factory would also allow vehicles up to an 8.8m medium rigid vehicle (MRV), in addition to providing sufficient area for a 12.5 metre long bus to prop along the northern side of Korumburra-Wonthaggi Road to pickup/drop-off patrons.
339. A third accessway is proposed from Church Road at the eastern side of the site, to the immediate north of the existing Kongwak Public Hall. This access point will be utilised to provide access to the overflow car park (during events), the group accommodation component of the development, the service building, and the Restaurant's market garden. This proposed access has been designed to accommodate a typical waste collection vehicle (up to 9.8 metres long), with swept path diagrams prepared demonstrating access by a 12.5m heavy rigid vehicle (HRV) is also possible, which is considered the largest vehicle expected to utilise this access.

340. Lastly, a separate access point is proposed at the end of Browns Road along the northern boundary of the site, which is proposed to be use for access to the standalone group accommodation unit and the caretaker's house. The proposed access arrangement for the cheese and butter factory is shown in Figure 42 below:



Figure 42: Proposed access arrangements from Korumburra-Wonthaggi Road (Source: One Mile Grid)

341. The proposed formal access points along Korumburra-Wonthaggi Road (described above) were referred to the Head, Transport for Victoria as the relevant statutory authority responsible for reviewing proposals to create or alter access to a road in a Transport Zone 2 (as is the case here).
342. The Head, TfV noted that a number of access points proposed for the development appear to be based on the assumption of existing accesses and minimising access in this location will assist in the operation of the arterial road (Korumburra-Wonthaggi Road). The proposed bus drop off which appears to rely on the existing road reserve was not supported by Head, TfV, which stated that all drop off and pick up must be contained within the property boundary.
343. Furthermore, it was noted that this 'loop driveway' would potentially create confusion for drivers, who may seek to access the drop off area from either end. Considering that this area becomes congested during times of markets and is also known that traffic speed reduction occurs during these times to assist with the traffic management, it was recommended that the proposed access points and temporary parking area and associated signage must be removed from the arterial road and any requirements for the servicing of buses must be provided within the site and not on the road reserve.
344. In addition, Head TfV recommended the upgrading of the intersection of Church Road and Korumburra – Wonthaggi Road with a 'Basic Auxiliary Left treatment'. DTP is satisfied that this can be achieved whilst still ensuring the protection of the established 'Avenue of Honour' trees in proximity to these works (noting conditions are included in the permit requiring tree protection measures be in place during construction).
345. DTP has included all recommended conditions from Head, TfV in the permit, noting their status as a 'Determining Referral Authority'.

## Traffic Generation

346. Outside of the operating times for the Kongwak Market, traffic activity in Kongwak is very limited. As indicated in Section 2.4 of the TIA, the traffic volume surveys along Korumburra-Wonthaggi Road proximate to the site, suggest weekday peak hour directional flows of up to 49 vehicles per hour on average, equivalent to less than 1 vehicle movement every minute. Any additional traffic generated by the proposed development will be easily accommodated by the surrounding road network.
347. The TIA, noted that during the Kongwak Market, traffic activity is high in comparison, with vehicles looking for parking and circulating the surrounding area, though due to the high demand for parking, and high activity in the area, traffic speeds are low, and drivers are cautious and alert. Regardless of the high activity, traffic capacity is expected to remain available, and it is expected that the majority of site patronage on market days is expected to be generated from market patrons, and therefore the proposed development will not generate considerable additional traffic. The traffic generated by the proposed development is therefore expected to be easily accommodated by the surrounding road network, even during peak market days.
348. Subject to the recommended conditions, it is considered any traffic related impacts associated with the use and development can be suitably managed, subject to conditions recommended by the Council for Traffic Management Plans to be prepared and approved by the Responsible Authority for major events.

## Car parking

349. As discussed in the earlier sections of this report, the car parking requirements for the proposed development are contained Clause 52.06 (Car Parking) of the Planning Scheme, which specifies the following requirements for the different components of the proposed development. Table 6 within the TIA outlines the statutory car parking requirements for the different uses which make up the overall proposal:

**Table 6 Clause 52.06 – Car Parking Requirements**

Use	No/Area	Rate	Car Parking Measure	Total
Shop (Pantry/Providore)	100 m <sup>2</sup>	4	to each 100 m <sup>2</sup> of leasable floor area	4
Place of assembly (Gallery)	20 patrons	0.3	to each patron permitted	6
Restaurant	150 patrons	0.4	to each patron permitted	60
Place of assembly (Event Space)	200 patrons	0.3	to each patron permitted	60
Place of assembly (Conference Space)	58 patrons	0.3	To each patron permitted	17
<b>Total</b>				<b>147</b>

350. As noted in the TIA, the Planning Scheme does not specify car parking requirements for the group accommodation or caretaker's house, therefore, the parking provision for this component must be to the satisfaction of the responsible authority.
351. The development includes the provision of 171 car parking spaces in total on the subject site, comprised of:
- Provision of 52 on-site car parking spaces for the restaurant and place of assembly in the proposed car park adjacent to the cheese factory (on 1486-1492 Korumburra-Wonthaggi Road).
  - Provision of 49 on-site car parking spaces to service the group accommodation (25 Church Road).
  - Provision of 3 on-site car parking spaces for the Caretakers House.
  - Provision of an additional 67 car parking spaces (overflow) on the larger parcel (25 Church Road)



352. This results in a reduction of 24 car parking spaces for the restaurant and place of assembly. As outlined in table 6 of the TIA above, with the exception of the small shop / providore which generates a relatively modest 4 spaces.
353. DTP acknowledges the concerns raised by the Council regarding the availability of car parking in proximity to the large concentration of demand being the place of assembly and restaurant occupying the restored cheese and butter factory buildings in the south-western corner of the site. The relevant comments in Council's (final) response are repeated below:
- *We have serious concerns about the number of parking spaces proposed in front of the venue; the allocation convenient to the largest concentrated sources of demand (being the restaurant and event space), is very low compared with the demand described. Specifically, the planning report provided describes a need for a total of 143 spaces to service the combined restaurant and place of assembly uses, but the proposal only provides 52 spaces in the immediate vicinity of these facilities.*
  - *The comment about the shortage in car parking requirements were not addressed by the applicant in their revised submissions.*
  - *The proposed secondary gravel car park is too far away at over 400 metres walking distance for the patrons attending the events. Patrons will be more inclined to utilize the minimal available on-street parking, causing increased hazard on the declared road; accordingly, this cannot be accepted as part of the parking requirements that must be provided for the function centre.*
  - *The applicant's response to this comment by providing a shuttle bus during large events could not be accepted since there is no reasonable means of monitoring this requirement (i.e. that a shuttle bus and a driver is always available during big events).*
  - *The concentration of parking demand is occurring in a small portion of what happens to be a very large site at approximately 15 hectares, and it is considered inappropriate to place parking so far away despite being contained within the same parcel. Similarly, a parking reduction is not appropriate as there is an enormous amount of space on the site available to accommodate parking per the rates described by the Scheme.*
  - *We do not agree with any proposal for the existing on-street car parking arrangements being relied upon to absorb overflow parking from this development; the parking in Kongwak is already experiencing excessive demand on market days typically occurring every Sunday as evidenced by the abundance of parking controls attempting to mitigate illegal parking already occurring. The proposal would compound this parking shortfall.*
354. In relation to the proposed Group Accommodation and Caretakers House, DTP agrees with the findings of the car parking demand in the TIA that the provision of more than one car parking spaces per accommodation room for the group accommodation, with a total of 49 spaces for 42 bedrooms, and 3 spaces are proposed for caretaker's house is adequate to meet anticipated demand. DTP also accepts that the car spaces allocated to the group accommodation will cater in part for onsite guests using the place of assembly and/or restaurant uses within the main buildings (former cheese and butter factories).
355. The TIA states that staff, event and conference patrons will primarily be directed to the overflow parking area at the eastern end of the site, arguing that as a result the main car park (adjacent to the cheese factory) will only need to accommodate the demand generated by restaurant patrons only, equivalent to a peak of up to 51 spaces (for an occasional capacity of 150 patrons), though more commonly no more than 44 spaces (associated with the normal capacity of 130 patrons). The TIA considers that with the provision of 52 spaces, the proposed main car park would be sufficient to accommodate the demands generated by patrons of the restaurant and ancillary gallery, and providore components of the development.





356. DTP agrees with this to an extent, given it is likely that some proportion of patrons using the place of assembly and/or restaurant uses will also be staying in the group accommodation on site. Notwithstanding, DTP shares the concerns raised by the Council (above) regarding the distance the proposed secondary gravel car park is from the main buildings (400 metres walking distance) for the patrons attending the events and that it should not be relied upon entirely to service patrons of the place of assembly.
357. Accordingly, DTP also recommends that the patron numbers be reduced to provide a more appropriate balance between patron numbers for the primary uses of place of assembly and restaurant relative to the available car parking within reasonable proximity to the venue, generally limited to the main car park accessed from Korumburra-Wonthaggi Road. In arriving at the recommended maximum patron numbers of 304, it has been assumed that up to 80% of car parking associated with the group accommodation will be utilised.
358. Lastly, it is noted that 17 spaces are provided within the staff car park adjacent to the service building, which is expected to accommodate the peak staff demands generated by the accommodation, restaurant, and ancillary uses.

### Bicycle Parking

359. Bicycle parking requirements are included at Clause 52.34 (Bicycle Facilities) of the Planning Scheme, which specifies the following requirements for the different components of the proposed development. The Planning Scheme does not specifically refer to parking requirements for the group accommodation or caretaker's house, therefore, no bicycle parking is required.

**Table 5 Clause 52.34 – Bicycle Parking Requirements**

Component	No/Area	Requirement	Total
Shop (greater than 1000m <sup>2</sup> ) (Pantry/Providore)	100 m <sup>2</sup>	1 space per 600m <sup>2</sup> for employees 1 space per 500m <sup>2</sup> for visitors	0 0
Restaurant	220 m <sup>2</sup>	1 space per 100m <sup>2</sup> of floor area available to the public for employees 2 + 1 space per 200m <sup>2</sup> of floor area available to the public for visitors if the floor area exceeds 400m <sup>2</sup>	2 2
Place of assembly (Event Space)	200 m <sup>2</sup>	1 space per 1,500m <sup>2</sup> for employees 2 + 1 space per 1,500m <sup>2</sup> for visitors	0 2
Place of assembly (Gallery)	157 m <sup>2</sup>	1 space per 1,500m <sup>2</sup> for employees 2 + 1 space per 1,500m <sup>2</sup> for visitors	0 2
<b>Total</b>		<b>Employees</b> <b>Visitors</b>	<b>2</b> <b>6</b>

360. As outlined in the TIA, the development includes provision of 16 on-site bicycle parking spaces for the staff and visitors associated with the restaurant and place of assembly (on 1486- 1492 Korumburra-Wonthaggi Road) which exceeds the requirements of Clause 52.34. Bicycle parking is proposed to be provided using on-ground bicycle hoops. The bicycle hoops have been designed in accordance with the Australian Standards (at 1.0 metre spacing, with an envelope of 1.8 metres provided for bicycles and a 1.5 metre access aisle. DTP agrees with recommendations of the TIA that given the relatively remote location of the site, and the low likelihood of bicycle access, the number of bicycle parking spaces could be reduced (if needed), particularly in the context of the recommended condition (Head, Transport for Victoria) to relocate bicycle parking to be within the boundaries of the site.



## Loading / Unloading

361. Clause 65 (Decision Guidelines) of the Planning Scheme identifies that *'Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts'*.
362. The submitted TIA provides an assessment of the proposed loading arrangements, noting that the proposed development includes a kitchen garden, and proposes to use predominantly locally sourced produce, therefore, it is expected that the majority of deliveries will occur via small vans and utility vehicles, which can utilise the on-site parking proposed, or temporarily prop within the parking aisle for deliveries.
363. Nonetheless, accesses to the main car park and the service building have been designed to accommodate vehicles up to 12.5m heavy rigid vehicle (HRV), within the main car park and at the service yard, and up to an 8.8m medium rigid vehicle (MRV) along the eastern side of the Butter Factory. Swept paths have been prepared illustrating access and circulation for both the HRV and MRV. Whilst the swept paths show that a 12.5 metre HRV would not be able to manoeuvre around the access aisles without impacting car spaces, it is considered more likely that delivery vehicles would be smaller (up to MRV) which can be accommodated in the main car park without compromising car spaces.
364. DTP agrees with the recommendations of the TIA that larger deliveries which are to occur from the main car park must be scheduled to avoid the peak operating periods for the proposed development, to ensure that appropriate area is available within the main car park to allow for loading, with conditions recommended to address this issue. Alternate loading access is provided adjacent Foster Creek, to the east of the Butter Factory building. For the accommodation component, and the market garden, any loading activity can occur from adjacent the service building, with sufficient space to accommodate loading vehicles. DTP agrees that the provision for loading is therefore considered to be appropriate.

## Environmental Risks

### Erosion

365. As discussed in the earlier sections of this report, the site is partly affected by the EMO1 (in the areas located in the Farming Zone) which seeks to ensure buildings and works are located and designed to avoid risk to life and property from erosion, environmental values are protected, and vegetation is retained and replanted to prevent and minimise erosion. It is important to note that the group accommodation buildings and caretakers house would be exempt from a permit under the EMO1, on the basis that they are designed to be on stilt-based footings to integrate into the natural landscape, with no associated cut and fill proposed. It is understood that works such as the proposed service building, accessways and car parking would also be exempt under the EMO1 on the basis that any excavation or filling would not exceed 1.0 metre.
366. The areas of the overall development which require planning approval include:
  - The new dam / wetlands adjacent to Korumburra-Wonthaggi Road.
  - The rehabilitation of the billabong on the Northern part of the site. Whilst a small amount of cut / fill > 1m is required, this work will be done to reinstate a natural ecological feature of the landscape
  - The recycled water holding dam: A small amount of cut / fill will be required to slightly increase the size of the existing dam.
  - New check dams and sediment ponds proposed have been included in the master plan as part of the stormwater management strategy, with a new earthworks drawing MP-501 included in the June 2024 Landscape Master plan.
367. The landscape plan (prepared by PWLA) includes cross-sections of the proposed waterbodies above:

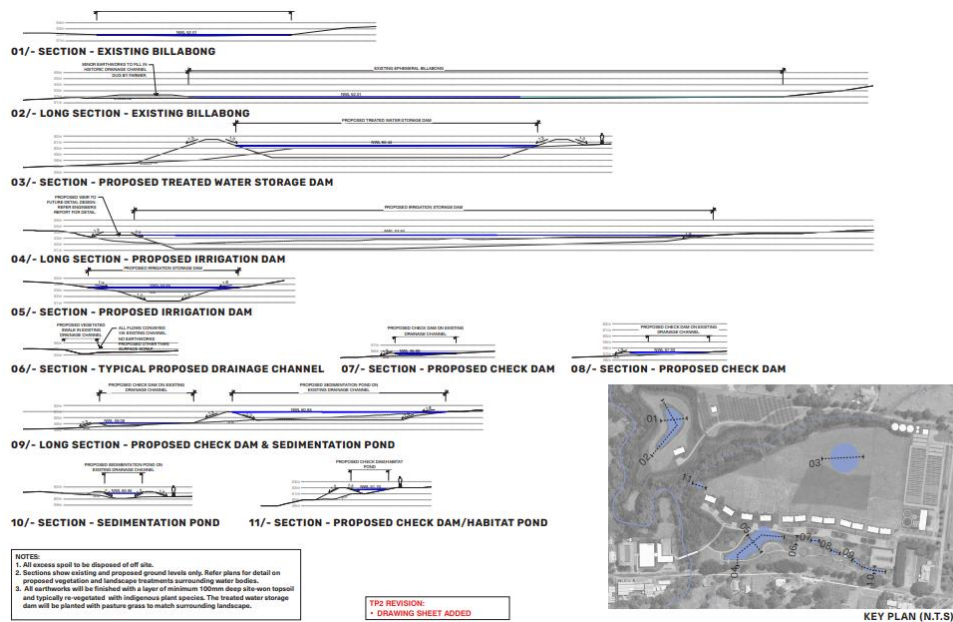


Figure 43: Cross sections of the proposed water bodies (Source: PWLA)

368. DTP is satisfied that the proposal is consistent with the objectives and decision guidelines of the EMO1 and would not increase the site's susceptibility to erosion based on the following:
- The minimal land disturbance and vegetation loss associated with the proposed development (the siting of the proposed accommodation is well setback from waterways and has minimal vegetation impacts).
  - The efficient onsite treatment and management of wastewater and stormwater, as demonstrated by the submitted Wastewater Treatment and Stormwater Management reports;
  - The riparian zone has been widened along Foster Creek to avoid erosion of the streambank
  - The extent of earthworks has been minimised to the extent practical for the proposed water bodies;
  - There are no reasonable alternative locations for the proposed building and works outside of the overlay area noting the EMO1 covers the majority of the site;
  - The group accommodation, service building and caretakers house use design methods such as stumps to minimise earthworks and following the natural contours of the land and are sited to avoid removal of vegetation;
  - Accessways will require minimal earthworks and have generally been aligned to respond to the natural contours of the land;
  - The soil and land types have been assessed in the report by Ag-Challenge Consulting and are considered to inherently capable of more intensive use and potentially suitable for horticultural production;
  - the proposal avoids and minimises vegetation removal and remediation will be undertaken through and extensive planting schedule, sediment control and stabilisation methods around the new and expanded waterbodies.
  - The proposed expansion of the existing dam and construction of new waterbodies is considered unlikely to increase the risk of erosion, river and stream stability, environmental flows and water quality.

## Bushfire Risk

369. As discussed in the earlier sections of this report, the site and wider region are designated as a Bushfire Prone Area, however, is not affected by the Bushfire Management Overlay. The BMO does apply to the area to the immediate south of the site, generally affecting Pioneer reserve and a buffer area around the reserve. In the absence of the BMO, Clause 13.02-1S (Bushfire Planning) provide the relevant policy guidance, seeking 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'.
370. Preliminary advice was sought from Fire Recue Victoria (which provides services on behalf of the Country Fire Authority in relation to the built environment across Victoria) through the Development Facilitation Program which occurred prior to formal lodgement of the application. FRV provided preliminary comments in relation to the proposed fire-pump set and hydrant locations confirming no objections to the proposed design.
371. It was recommended that the east hydrant be located offset to the building end wall. This is proposed as the 'Butter Factory' roof framing is timber construction that extends as an eave past the end wall and this hydrant location is remote from any other hydrant onsite. A variation option would be providing an alternative hydrant in addition to this location, central to the front of the site. The provision of emergency vehicle access and a firefighting water supply for the group accommodation was deferred to the planning assessment, noting consent under regulation 129(1) & (2) of the *Building Regulations 2018* would still be required.
372. The application is supported by a 'Bushfire Planning Considerations Report' (prepared by Euca Planning Bushfire Specialists) which provides a detailed assessment the bushfire considerations relevant to the proposal and subject land in the context of the policy guidance provided by Clause 13.02-1S. The report assesses the proposed response to the strategies under this policy which is supported by DTP.
373. The report provides a Bushfire Hazard Assessment at Section 4.5 for the subject land including existing buildings (former cheese and butter factories) and proposed group accommodation buildings as showing in Figures 44 and 45 below.



Figure 44: Bushfire Hazard Assessment for proposed Place of Assembly (Source: Euca Planning)



Figure 45: Bushfire Hazard Assessment for proposed group accommodation (Source: Euca Planning)

374. The report states that the proposal has demonstrated compliance with the policy contained at Clause 13.02-1S including the key strategy which is 'Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009'. This proposal is for 'development' and is not a strategic document or plan. For rural-based tourism to occur, it will need to be based in grassland, similar to the proposal.
375. The report identifies the site as being 'landscape Type 2' according to landscape typologies identified for the Bushfire Management Overlay (BMO) simply due to the presence of grassland in all directions. The land is not in the Bushfire Management Overlay and has exposure to ember attack from forest fire from a single direction (north). The primary bushfire risk to the study area is from grassfire. There is no potential for extreme fire behaviour due to the lack of rugged, forested terrain, even with riparian forest revegetation.
376. The methodology for a bushfire hazard landscape assessment set out in Planning Permit Applications Bushfire Management Overlay Technical Guide (DELWP,2017) identifies four landscape typologies to provide a framework for identifying landscape risk consistently across Victoria. This methodology can be used in areas that are not contained in the Bushfire Management Overlay. Landscape Type Two most closely aligns with the landscape around the study area given the grassland and riparian forest. Irrespective, the report highlights the site is one of the lowest bushfire hazard locations for rural tourism development with farming and township zone interface.
377. A bushfire hazard site assessment has been prepared for the subject land. The assessment calculations are shown in Table 1 and the associated diagram in Figure 9. The assessment shows that the site can achieve exposure less than 12.5kw/m<sup>2</sup> on all aspects after discussion with the owner and some changes to the revegetation works onsite. Three units will be exposed to 29 kW/m<sup>2</sup> and there is a small intrusion from the north (waterway) into the setback for the existing buildings.
378. Lastly, in relation to bushfire mitigation measures the report states that the group accommodation can be managed for the majority of the year without threat of bushfire due to the climate. During the fire season, the report states that the proposal can easily provide for tailored bushfire mitigation measures as follows:
- Construction works to comply to BAL12.5 in accordance with AS3959-2018, with the exception of the three northwestern group accommodation where construction works are to comply to BAL29 in accordance with AS3959-2018.

- *Basic bushfire emergency plan that enables the development occupancy to be appropriately managed on days of increased fire danger. This should be developed by the owners using information available from CFA for businesses.*
- *Installation of static water supply that can be readily accessed by occupants and fire service at the group accommodation, minimum 10,000 litres to be located within 60 metres of all group accommodation (can be co-located, shared or integrated into site fire system that will service the butter and cheese factories redevelopment).*
- *Provision of identified passing bays every 200 metres along the access for the group accommodation site.*
- *Management of the vegetation as defensible space responding to the grassland and revegetation as outlined on the Bushfire Mitigation Plan and outlined in Table 6 of Clause 53.02-5.*

379. DTP recommends conditions requiring a Bushfire Management Plan must be approved and endorsed generally in accordance with the Bushfire Planning Considerations Report prepared by Euca Planning, Version 3, dated 31 July 2023. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
380. Subject to the recommended conditions, it is considered the proposed use and development will not compromise the resilience of the area to bushfire and the appropriate risk-based planning will be implemented which prioritise protection of human life in the area. This is in accordance with Clause 13.02-1S (Bushfire planning) of the Planning Scheme.

## Flooding Risk

381. Clause 13.03-1S seeks to assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows and the natural flood carrying capacity of floodplains and waterways. A key strategy to achieve this objective is to *'Avoid intensifying the impact of flooding through inappropriately located use and development'*.
382. DTP reiterates that the subject site is not identified as liable to flooding under the planning scheme however the area to the south of Korumburra-Wonthaggi Road along the alignment of Foster Creek is affected by the Land Subject to Inundation Overlay (LSIO). Notwithstanding, the application was supported by flood modelling as detailed in the 'Preliminary Flood Analysis' prepared by Afflux Consulting dated 1 August 2023 and subsequent 'Memo – Kongwak Butter and Cheese Factory – Flood Modelling Results – Local Catchment (Afflux Consulting, 11 June 2024)'.
383. As discussed in the earlier sections of this report, the application was referred informally to the West Gippsland Catchment Management Authority as the relevant catchment authority in flood management for Kongwak. In relation to waterway management, WGCMA requested a Waterway Management Plan (WMP) to be prepared to support the application. The WMP will detail the existing health of the waterways and identify actions such as weed management and revegetation to improve waterway health. Critical to this plan will be the development of a maintenance schedule to guide future management of the waterway buffers.
384. Afflux Consulting undertook a flood analysis and integrated water management plan in support of the proposed development. The report notes that the site does not have any official record of flooding, though clearly interacts with the Foster Creek. As such the West Gippsland Catchment Management Authority have requested an investigation to see if the property is likely to be subject to flooding from Foster Creek during a 1% AEP flood event. The report states that the flooding mechanism for the area were evaluated by reviewing time series plots of flood extent and velocities, generally showing the following:



- Water flowing down Foster Creek, stays well in the lower channel for several hours of the design event.
  - Around 3 hours into the event the water breaks into the macro channel and fills the upstream larger basin areas to the north of the site.
  - There is a breakout of flows, south of Kongwak Market around 4 hours into the modelled event that spills west into a farm dam and slowly discharges back into Foster Creek.
  - Around 6 hours into the modelled event that spills west towards the old cheese and butter factory. Where water will continue to build up in the terrace surrounding the butter factory until 8 hours into the modelled event.
385. Based on the flood analysis undertaken in the 2023 study, the report made several recommendations in relation to the proposed development stating that the preliminary flood analysis provided flows and flood levels with enough detail to give the Catchment Management Authority and the Council with confidence that the development is not overly affected by flooding in its current form. This work analysed the upstream hydrology and determined the risk of flooding for the site along the frontage of Foster Creek.
386. Through the application process, DTP requested that further analysis be undertaken responding to the likelihood or potential of flooding caused by drainage channel proposed along southern boundary of site and reinstated dam to the north. Confirmation should also be provided that the proposed siting and elevation of cabin accommodation will not be impacted by water overflow at drainage channel or open paddock areas.
387. In response, the applicant submitted a memorandum (prepared by Afflux Consulting, dated 11 June 2024) which assessed the flood depths and water surface elevations (amongst other matters) for the existing conditions and proposed conditions as shown in Figures 46 and 47 below.

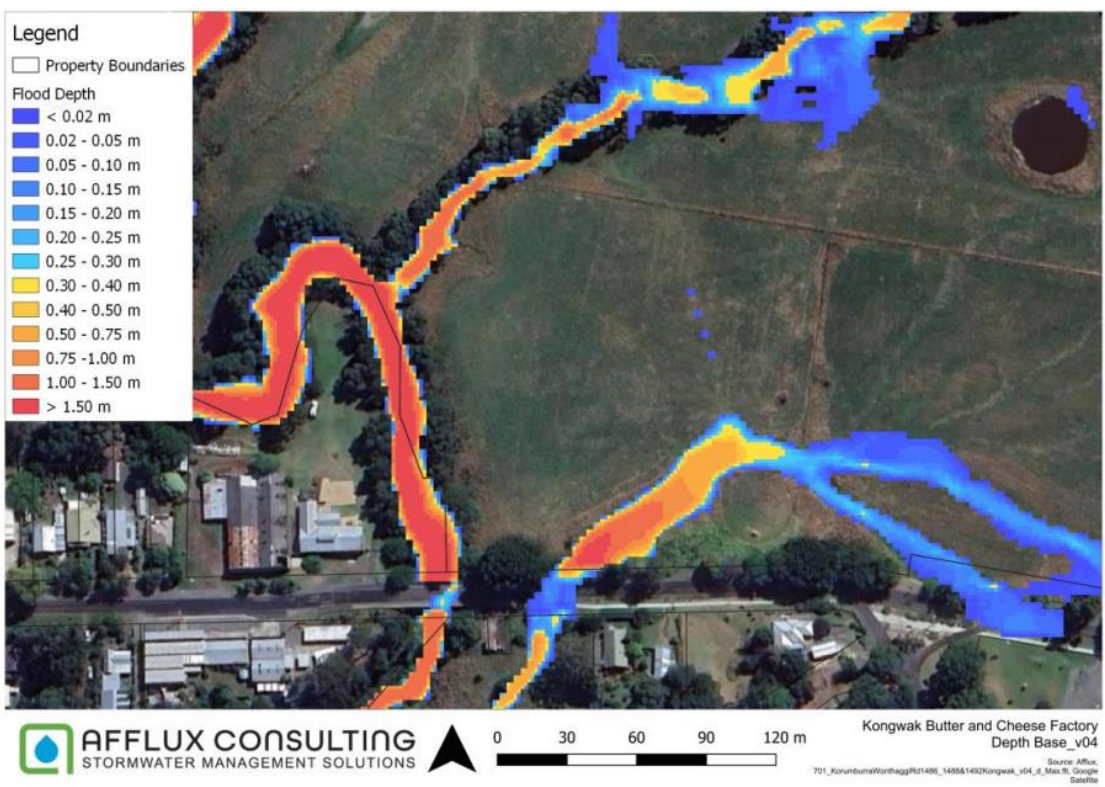


Figure 46: Existing site flood conditions (Source: Afflux Consulting)

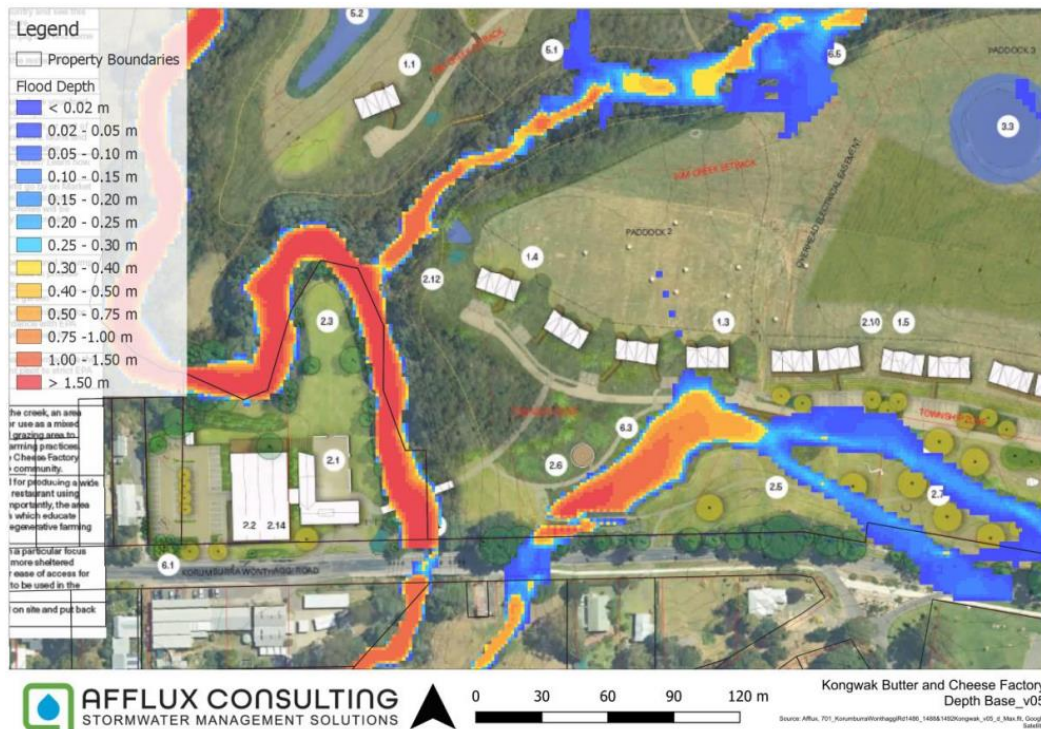
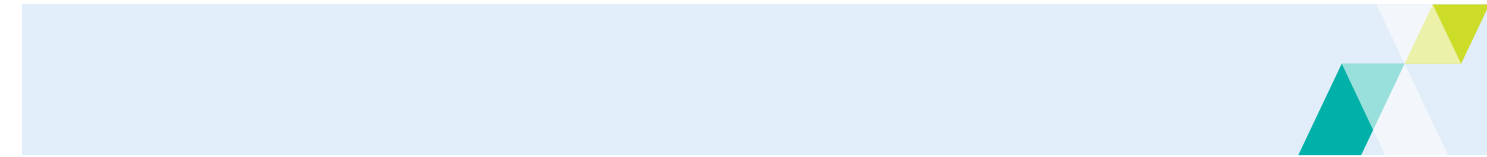


Figure 47: Flood depths for development conditions (Source: Afflux Consulting)

388. The report advised that based on the flood modelling results, it is evident that the flood extents and flow patterns in the proposed development match those of the existing conditions. The afflux associated with the development is contained within the proposed reservoir, indicating minimal impact in terms of flooding downstream. The report notes that the proposed accommodation buildings and pathways will occupy only a small portion of the primarily pervious-surfaced site, as such the corresponding hydrology results were expected. In addition to providing a reusable water supply, the reservoir is also expected to enhance the landscape aesthetics.
389. The channel along the south boundary is an existing overland flow path. The results demonstrate that the 1% Annual Exceedance Probability (AEP) flows in the channel have largely been maintained.
390. The report states the dam weir has been designed to convey adequate flows to maintain a safe water level in the reservoir during 1% AEP storm events. A broad-crested weir design with a cross-sectional area of approximately 6.3m<sup>3</sup> and an invert level of 53.5m AHD was used, resulting in a water surface elevation of 53.81m AHD. The report notes that this design can be adjusted to comply with construction requirements (for example, using box culverts instead of a weir), as long as the flow capacity is maintained or improved, while keeping the invert level constant.
391. The report concluded by stating that the hydrological and hydraulic changes associated with the development had been assessed and subject to recommendations outlined in the report, would ensure that any adverse stormwater effects to the site itself, the neighbouring properties, and the environment will be minimal. The report noted that the proposed Finished Floor Levels of the group accommodation units will meet the standard freeboard protection requirements of the WGCMA.
392. The WGCMA provided a 'final' response dated 30 October 2024 advising DTP that it did not object to the issue of a planning permit subject to conditions being included in the permit addressing updating flooding modelling, preparation of a Waterway Management Plan and amended Stormwater Management Plan addressing maintenance etc. DTP supports the inclusion of conditions as recommended by WGCMA including a requirement for a Waterway Management Plan and updates to the plans (as necessary) to address the recommendations by Afflux Consulting.



- 
393. The Council acknowledged that Afflux Consulting has submitted their revised flood modelling which has addressed the relevant comments raised by Council's Engineers through the pre-application and initial lodgement process.
394. Lastly, DTP acknowledges that several objections to the proposal raised concerns regarding the impacts the intensification of land use and development would have on flood conditions and flood risk to the site and surrounds. In this regard, DTP relies in the expert advice provided by Afflux Consulting and supported by WGCMA and the Council. Therefore, the proposal represents an intensification of the use and development of the land, DTP is satisfied on the basis of the submitted information (flood modelling) and advice from the catchment management authority, that the proposal will avoid intensifying the impact of flooding on the land and surrounding areas.

## Stormwater Management

395. A Stormwater Management report, prepared by CJ Arms (dated June 2023) has been prepared. It specifies:
- *Stormwater runoff from roofs will be pumped to water storage tanks and treatment system for reuse as potable drinking water.*
  - *The stormwater runoff from footpaths, roads, and carparks will be guided by swales and channels to raingardens located downstream, improving stormwater quality, before finally being discharged into the waterways.*
  - *A proposed dam /wetland situated at the downstream end of an informal drainage channel will reuse a portion of the stormwater for irrigation.*
  - *The proposed levels and grading will utilise the existing hydrology of the site to minimise construction works and site disturbance.*
  - *All stormwater infrastructure will be constructed in accordance with planning scheme requirements, AS3500.3 and all other relevant standards and guidelines.*
396. The WGCMA advised that The Kongwak Butter and Cheese Factory Stormwater Management Concept Rev 1 (prepared by CJ Arms Pty Ltd, dated 15 June 2023) indicates that an onsite detention storage arrangement would need to be designed in the future, which may include a combination of rainwater tanks, swales, raingardens, and an underground pipe network. It is unclear from the conceptual plan if the required volumes of stormwater detention can be met, however given the size of the property it is likely to be achievable.
397. The concept plan indicates that best practice stormwater management for the site can be met through a combination of rain gardens, swales, tanks and bioretention systems. The WGCMA highlighted that raingardens and bioretention systems require diligent and ongoing maintenance to continue effective operation. A detailed maintenance plan will be required that identifies the required maintenance actions for the assets, the frequency of maintenance activities and the parties responsible.
398. South Gippsland Water advised DTP informally there were no concerns, as the proposed development is not within any sewer/water districts or open potable catchment. South Gippsland Water reiterated that the Lance Creek pipeline would not provide water to the development (the pipe crosses to the North of the township) as it is the major pressure distribution main for water to Korumburra, Poowong, Loch and Nyora. Due to the nature of the main it cannot provide water to Kongwak and the development would need to provide water for itself via tanks.
399. The applicant confirmed that this does not raise any issues, stating that the design is fully self-sufficient with potable water harvested from all roofs and storage tanks on the site. These matters are addressed through the recommended conditions of the permit.



## Wastewater Management

400. A Wastewater Treatment report (Land Capability Assessment) has been prepared, demonstrating how wastewater will be managed on the site for the proposed use and development as required under the decision guidelines of the Township Zone. The location of on-site effluent disposal has been informed by the Wastewater Treatment report, prepared by Diston Wastewater Technology (dated July 2023), which has validated that all wastewater management needs can be catered for onsite with consideration of the worst-case scenario, in accordance with the EPA Code of Practice, and without adverse impact or without removing land from agricultural production.
401. The report notes that Kongwak is not serviced by a reticulated sewage system and is unlikely to be in the foreseeable future given the excessive cost of pumping to Inverloch's Wastewater Treatment system (14km away) some fourteen kilometres away. Wastewater treatment and reuse has always been an integral issue with the site with a previous proposed development being restricted due to the land area. This constraint has been addressed through the purchase of surrounding land. The soils of the area are not conducive to absorption being dispersive and strong clays with low percolation capacity. The town has a reasonably high rainfall and a relatively low evaporation potential in the cooler months, plus a limited footprint area for a reuse field on the site, necessitating the purchase of the farmland to the east for use.
402. A decision guideline under the Farming Zone is '*The capability of the land to accommodate the proposed use or development, including the disposal of effluent*'. The existing treatment system comprises septic is a poured in situ tank of 3,500 litres, that discharges to the absorption trenches. The existing treatment system not adequate or capable of consistently meeting more rigorous EPA standards for reuse or discharge off site.
403. The *Environment Protection Act 2017* has specific regulatory controls that are relevant to the site. Any changes to the sites wastewater treatment and reuse system must be subject to a development approval application. In particular, the EP Act (2017) and regulations gives the EPA powers to licence sites not exempted from licencing by regulation. The Kongwak Butter Factory site is likely to be exempt from licencing if all wastes are treated and reused on site, but an EPA Development Approval must be obtained for the wastewater treatment and reuse system.
404. The report states that any changes at the site will require a Development Licence Approval for any works to be undertaken in the provision of changes to the sewage treatment system, as the system has a capacity greater than 5000Lt/day. As part of that process, the percolation tests for dam construction and a land capability assessment will need to be conducted to justify full onsite reuse if irrigation watering is to be undertaken.
405. The Wastewater Treatment report recommends a new on-site Trickling Biofilter type plant be provided to cater for all wastewater needs from the various uses described above, which will meet the Class B reuse quality required at the site. The core treatment will provide an effluent quality of a maximum BOD of 20 mg/L, Suspended Solids of 30 mg/L and low bacterial content. Maximisation of reuse of the treated effluent will be required to satisfy the EPA guidelines and policy requirements. DTP is satisfied that the site can accommodate the required treatment plant and associated infrastructure to services the proposed uses and development. Conditions will require the Wastewater Treatment report to be updated according to the recommended reduction in patron numbers.

## Waste Management

406. The Waste Management Plan, prepared by Onemilegrid (dated 7 August 2024), nominates a private contractor to manage the collection and disposal of all waste streams associated with the development. Bulk waste bins for the Cheese and Butter Factory component will be stored within a dedicated bin storage area located adjacent to the main car park, whilst for the accommodation component, bulk waste bins will be stored within the service building located on the eastern side of the site.
407. The waste collection vehicle (up to a 9.8m long truck) will access the site and prop adjacent to the respective the bin storage areas, from where the bins will be transferred directly to the waiting truck for emptying. The bins will be returned to the bin storage areas immediately following collection. Smaller bins will be placed throughout the Cheese and Butter Factory and within each accommodation unit to ensure the separation of garbage and recyclables at the time of disposal. Staff or the appointed cleaning contractor will be responsible for emptying these bins into the larger bins at the collection location. The collection locations and expected transfer routes for both the Cheese and Butter Factory and the accommodation are shown in Figures 2 & 3 within the WMP
408. There will be provision for a dedicated bin storage area adjacent to the cheese and butter factory car parking area comprised of 5x 1,100 L garbage bins and 4x 1,100 L recycling bins, housed within the repurposed pumphouse structure. A further bin storage area within the proposed service building to the east of the site to service the group accommodation comprised of 2x 1,100 L garbage bins and 2x 1,100 L recycling bins. Refer Figures 48 and 49 below.

Figure 4 Cheese and Butter Bin Storage Room Layout

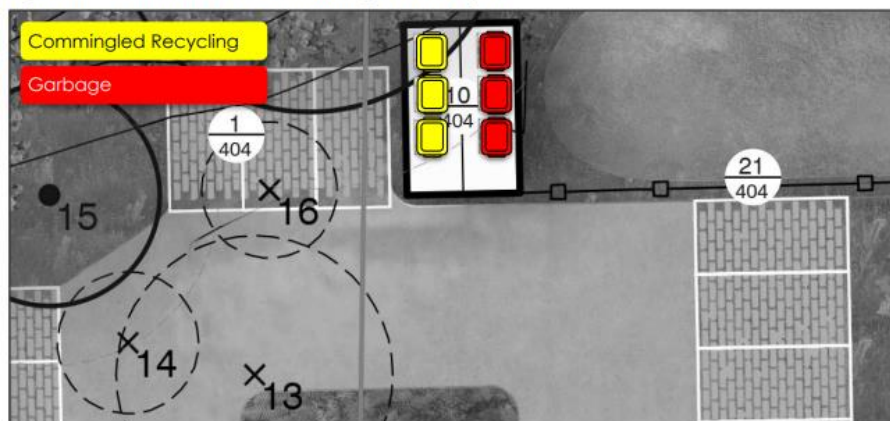


Figure 5 Cheese and Butter Bin Storage Room Layout

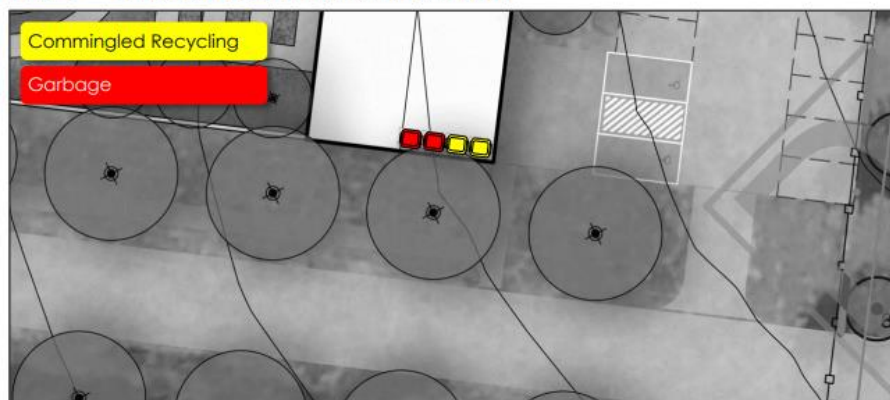


Figure 48 & 49: proposed bin storage areas (Source: One Mile Grid)



409. In terms of noise control, to minimise disturbance to the surrounding residential areas during waste collection, the collection should follow the criteria specified by the EPA including hours of collection, frequency of collection, location of refuse bins, disposal of bottles etc. Division 2 of the Food Standard Code details requirements for the design and construction of food premises. With regard to garbage and recycling, Section 6 of Division 2 details 3 requirements for the storage of garbage and recyclable matter.
410. A review of these requirements with the proposed waste storage area follows: (a) adequately contain the volume and type of garbage and recyclable matter on the food premises; The proposed bin storage room has been designed to accommodate the required number of bins for the volume of garbage and recycling generated by the restaurant uses. (b) enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it; and The proposed bin storage room is enclosed, secured and will be vermin proof. (c) are designed and constructed so that they may be easily and effectively cleaned. The proposed bin storage room will be constructed to ensure effective cleaning
411. DTP supports the proposed waste storage and collection arrangements as outlined in the submitted WMP and recommends conditions to ensure these are implemented to ensure the amenity to the surrounding area is not unreasonable impacted.

## Social and economic values

412. Section 60 of the Act requires consideration of any significant social and economic effects the use or development may have. The proposal, following the balancing of all relevant parts of the South Gippsland Planning Scheme, is considered to have strong strategic policy support, particularly for regional tourism in Victoria. The development in the proposed location is an acceptable planning outcome for the site.

## Other matters

### Aboriginal Cultural Heritage

413. The subject land is partially located in an area of Aboriginal Cultural Heritage Sensitivity under the Aboriginal Heritage Act 2006 and the proposal contains activities defined as high impact activities under Division 5 of the Aboriginal Heritage Regulations 2018. A Cultural Heritage Management Plan has been approved for the proposal – CHMP number 19263.

### Liquor Licensing

414. Clause 52.27 (Licensed Premises) seeks to ensure that licensed premises are situated in appropriate locations and ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.
415. *Planning Practice Note 61 (Licenses premises: Assessing cumulative impact)* sets out guidelines that assist with assessing the cumulative impact of licensed premises as part of a planning permit application. That is, the following matters should be considered:
- Planning policy context.
  - Surrounding land use mix and amenity.
  - The mix of licensed premises.
  - Transport and dispersal.
  - Impact mitigation.
416. These matters have been assessed in conjunction with the relevant decision guidelines under Clause 52.27. As outlined in the applicant submission, the Township Zone (where the primary uses of Place of Assembly and Restaurant are located) contemplates a mix of land uses, including commercial and other non-residential uses. The application provides a scale of use and development that is commensurate with the capabilities of the subject site and surrounding land and the expectations of the zoning.

417. The submitted 'Red Line Plan' prepared by Wardle Architects shows that the sale and consumption of liquor will be limited to the main buildings (former cheese and butter factories) and associated outdoor areas connected with the place of assembly and restaurant uses as shown in Figure 50 below. The main car park is excluded from the licensed area and the Operational Management Plan will include measures to control patrons leaving the premises.

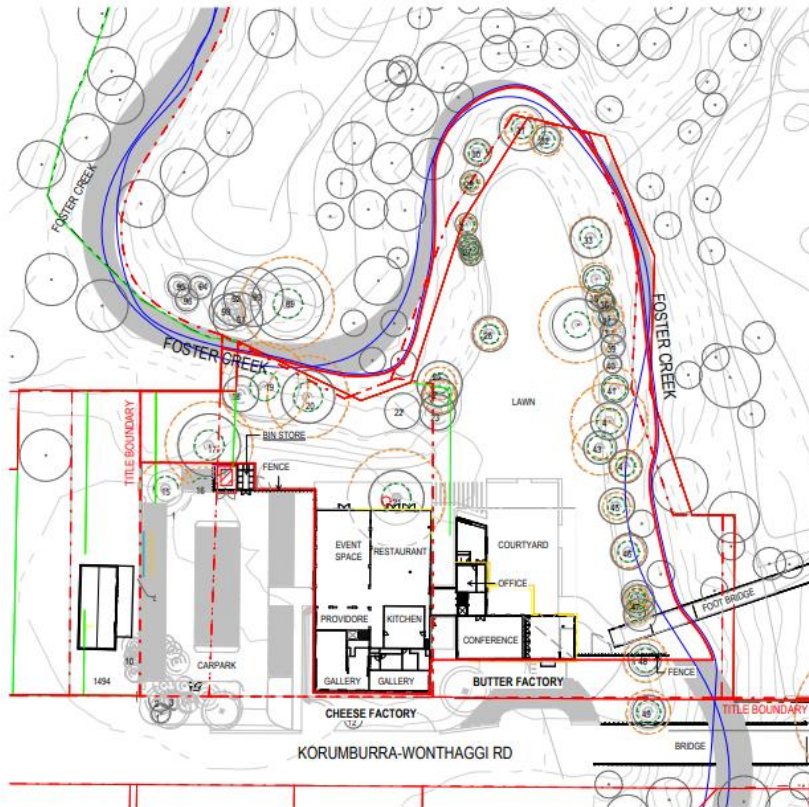


Figure 50: proposed licensed area (Source: Wardle Architects)

418. DTP agrees with the applicant's submission that the introduction of a licensed premises by way of a restaurant and function venue is considered to be an appropriate model for the site and surrounds, noting that the extent of alcohol consumption associated with the proposed use and development is not considered to be excessive in nature, comparative to other types of similar licensed premises in the region. Furthermore, the venue will ensure that responsible service of alcohol is observed at all times in accordance with the relevant legislative and liquor licencing requirements as required by the recommended conditions of the permit.
419. The TIA, prepared by One Mile Grid (dated 2 July 2024) considers that there is a likelihood that a portion of patrons using the restaurant and event space will arrive in groups (i.e. carpooling or by coach services) and/or will be guests to the group accommodation cabins on site or nearby accommodation. Consequently, the dispersal of patrons is likely to be varied and unlikely to have any significant amenity impacts, such as traffic or loitering.
420. DTP agrees with the above statement to an extent, however DTP also recognises that there is a notable absence of licensed premises in Kongwak and therefore there must be consideration of how the proposed hours of operation (and patron numbers) associated with the proposed licensed premises will potentially impact the amenity of the residential properties which surround the former cheese and butter factories and which are the primary focus of the proposed activities. In order to provide an appropriate balance between the economic viability of the business and the amenity of residents it is considered reasonable that the hours of operation should be limited i.e. reduced by one hour (less than proposed) on each day of the week, as discussed under the Operational Management section of this report.



- 421. Subject to this change, the hours of operation are not considered to unreasonably impact upon surrounding amenity, owing to the provision of adequate noise attenuation measures proposed and the nominal intrusion that the proposed uses (restaurant and place of assembly) would typically impose. Aside from the restaurant use, large patron numbers are not considered to be particularly prevalent owing to the periodic and fluctuating nature of corporate events, weddings and the like.
- 422. These matters (and others) are addressed in greater detail in the draft Operational Management Plan prepared by the applicant which will be further refined through the recommended conditions of the permit. Based on the above, it is considered that the proposal is supported by the relevant purpose and decision guidelines of Clause 52.27 and is an appropriate use for the subject land having regard to this particular provision.

**Potentially contaminated land**

- 423. Pursuant to Clause 73.01 of the Planning Scheme, potentially contaminated land is defined as land
  - a) *used or known to have been used for industry or mining;*
  - b) *used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or*
  - c) *where a known past or present activity or event (occurring on or off the land) may have cause contamination of the land.*
- 424. Planning Practice Note 30 (Potentially Contaminated Land) sets out land uses with potential to contaminate land. The historic land uses for the butter and cheese factory sites are not listed in Table 2 as land uses with potential to contaminate land, and these areas are not proposed for sensitive uses as part of this proposal. Moreover, the site for the proposed group accommodation was previously used for cattle grazing, whereby there would have been no use of chemicals that would result in land contamination.
- 425. On this basis, DTP is satisfied that there are no potential contamination issues which need to be addressed through the conditions of the permit.

**Objections**

- 426. DTP has considered all submissions made to the application, recognising the level of community interest in the proposed redevelopment. The table below provides a summary of the key concerns raised by residents opposed to the proposal and is not intended to be an exhaustive list of every specific matter raised in the submission.

SUBMISSION MATTER	DTP RESPONSE
<p><b>Inconsistency with strategic policies</b></p>	<p>There is no planning policy support for this scale of development and growth within Kongwak.</p> <p>As detailed above the local policy for Kongwak does not identify that increased tourism development of this scale is warranted, supported or necessary. The Township Zone clearly seeks small scale development that supports the local residents.</p> <p>This proposal provides limited agricultural output and is seeking approval for not one dwelling, but multiple dwellings (group accommodation) that are in no way</p>
	<p>This matter has been addressed in detail in the 'Assessment' section of this report. DTP is satisfied that the proposal appropriately balances the objectives and strategies of the MPS and PPF.</p> <p>The primary focus for the proposed uses (place of assembly and restaurant) is the historic former cheese and butter factories which are located in the township zone.</p> <p>The proposal is not seeking approval for a 'dwelling/s' rather 'group accommodation' is an allowable use under the Farming Zone and is intrinsically linked to the redevelopment of the former cheese and butter factories.</p>



	connected to the agricultural use of the land.	
<b>Scale and Intensity of proposed development</b>	<p>The scale of this commercial enterprise goes well beyond a non-residential use to serve the needs of our local community. the patron numbers, hours of operation and extent of accommodation make this a large-scale commercial development within a small-scale hamlet, which is contrary to the township zone. the scale, intensity and type of development is aimed at servicing tourists, not the local community.</p>	<p>This matter has been addressed in detail in the 'Assessment' section of this report.</p> <p>The site is substantial in size and in DTP's view can absorb the proposed uses and development without compromising the valued characteristics of Kongwak.</p> <p>As discussed, DTP recommends the scale of the use and development be reduced in terms of patron numbers, hours of operations and setback to established agricultural businesses.</p>
<b>Inconsistent use with zoning of the land – accommodation &amp; tourism in Farming Zone</b>	<p>The patron numbers, hours of operation and extent of accommodation make this a large-scale commercial development within a small-scale hamlet, which is contrary to the township zone.</p>	<p>This matter has been addressed in detail in the 'Assessment' section of this report.</p> <p>The proposal seeks to both improve agricultural productivity on the land, as well as achieve enhanced tourism and ecological outcomes from the site. The application applies for activities that are permissible within the Farming Zone, and activities which in DTP's view will have a positive outcome and achieve the intent of the zone and relevant planning policy for the area.</p> <p>It is intended that the agricultural activities on the subject land would utilise sustainable agricultural and organic practices and would complement other agricultural activities in the area. With particular reference to the concerns raised of land use compatibility to farming land to the north, it is noted that development has been clustered to the south of the subject land, as far away from other agricultural activities as possible.</p>
<b>Loss of productive agricultural land</b>	<p>The proposed development will likely lead to a significant reduction in usable agricultural land, undermining the very purpose of the farming zone. What measures are in place to ensure that this development does not set a precedent for further erosion of agricultural land in Kongwak?</p>	<p>This matter has been addressed in detail in the 'Assessment' section of this report.</p> <p>As discussed under 'Land use compatibility and protection of agricultural land' when considering the areas used for agriculture and biodiversity collectively, the majority of the site i.e. 75% will be retained for its ecological, landscape and agricultural values. When balanced against policy objectives which seek to enhance eco-tourism, agri-tourism and accommodation offerings in the region, it is considered that adequate areas have been preserved as part of the proposal for uses which align strongly with the purpose of the Farming Zone (notwithstanding Group Accommodation is a permissible use in the Farming Zone.</p>
<b>Historical preservation</b>	<p>The plans to "restore" historical buildings are misleading. The permit application suggests that most of the original structures will be</p>	<p>This matter has been addressed in detail in the 'Heritage' section of this report.</p>



	demolished rather than preserved, which undermines the historical value of the site.	
<b>Design and materials are unsympathetic to rural character and Siting of cabins will disrupt natural landscape</b>	Object to the visual impact of the proposed buildings – the cabins will be an eye sore in what is currently farm grazing land. The developers’ proposal, significantly impacts the farming landscape, with significant building density, interruption of views and a vista of parked vehicles. The proposal deeply impacts the amenity of the town and residents ability to be able to enjoy their environs in the way in which they have been accustomed	This matter has been addressed in detail in the ‘Assessment’ section of this report.  DTP is satisfied that the proposed new buildings have been designed and sited to integrate with the rural landscaping and conditions are recommended to ensure a natural palette of colours and materials.
<b>Visual impact of water tanks</b>	The proposed tanks would be the tallest structures in Kongwak, overshadowing key local landmarks, including the CFA station and the church. This would significantly detract from the visual amenity of our community, contradicting the Landscape Architect’s report that minimises the potential for adverse visual effects.	This matter has been addressed in detail in the ‘Assessment’ section of this report.  Conditions are recommended requiring a minimum setback of 5 metres for the water tanks from any boundary, colour finishes which are muted and non-reflective and additional landscaping to soften the visual impacts. The location of the water tanks in the north-east corner of the site is considered the most appropriate location to minimise visual impacts from Korumburra-Wonthaggi Road and the southern section of Church Road.
<b>Region is already saturated with tourism venues</b>	The area surrounding Kongwak is already saturated with a wide variety of venues and restaurants that cater to weddings, events, and large gatherings, making this development redundant and potentially harmful to our local economy and environment.	DTP considers that it will up to the market to ultimately determine the viability of the proposal once it establishes, notwithstanding the proposal has policy support under the PPF (as discussed in ‘Assessment’ section of this report).
<b>Proposed patron numbers are excessive</b>	The hamlet of Kongwak typically has a population less than 45 people – the proposed development would exceed the population of the town by at least 3 times and 4-5 times when the patrons present in accommodation the next day are considered (84 patrons leaving the venue in the mornings and up to 150 occupying the restaurant in the evenings).  The proposed size of the development is completely unaligned with the amenity of the tiny un-serviced hamlet and is in breach of the planning scheme	This matter has been addressed in detail in the ‘Assessment’ section of this report. Conditions are recommended to reduce patron numbers to provide a more appropriate balance with the provision of car parking in the main car park
<b>Lack of visitor demand</b>	According to <b>South Gippsland Shire’s</b>	The proposed use and development is likely to





	<p><b>Visitor Economy Strategy</b>, growth in visitor numbers is primarily centred around Wilsons Promontory, Inverloch, and other coastal destinations. The Kongwak Butter Factory proposal fails to demonstrate how it would draw tourists away from these established attractions, especially given that tourist demand for inland areas like Kongwak has historically remained low.</p>	<p>bring more visitors to Kongwak and the surrounding area, providing a net increase in prospective customers to local businesses and generating a much needed boost to the local economy.</p>
<p><b>Classification of area - a hamlet</b></p>	<p>Tourism development in the hamlet of Kongwak is to be restricted to the township zone indicated in blue on the township boundary map in the scheme. This zone is between the old Cheese and Butter Factory and the weekly market buildings opposite. The use of the adjoining land by the proponents breaches the Planning Scheme, by conducting a tourism operation outside the designated zone.</p> <p>The size of this proposed development is completely inappropriate to a locale nominated as a hamlet in the Planning Scheme.</p>	<p>As discussed in the 'Assessment' section of this report, DTP is satisfied that the extent of the proposed use and development is appropriate in the context of the site and surrounds, coupled with existing use (and activities) occurring in the hamlet, including the Kongwak Market which attracts many visitors to the area every weekend. The site holds significance owing to its history as a butter and cheese factory and its relationship to Kongwak and the wider region, the restoration and adaptive reuse is supported by planning policy.</p>
<p><b>Waste management</b></p>	<p>The processing of waste bins at the rear of the carpark particularly with the arrival and departure of trucks and the dropping of large quantities of bottles, will destroy the amenity of my home and is not compatible with the designation of a hamlet in the SGSC Planning Scheme</p>	<p>A Waste Management Plan has been independently prepared by One Mile Grid, which details how waste will be managed onsite. To summarise, waste collection would be managed entirely by private contractor service and would occur up to twice per week (once per waste stream), occurring only outside of peak period where the car parking is not fully utilised. A condition of permit require the endorsement of the Waste Management Plan.</p>
<p><b>Wastewater treatment &amp; sewerage capacity</b></p>	<p>Sewerage – raw sewage from butter factory over Foster Creek. Reference waste water report etc.</p>	<p>Wastewater would be managed onsite in accordance with the Wastewater Treatment and Reuse Options Report, prepared by Diston Wastewater Technology, dated July 2023. Council's Environmental Health department and the EPA have reviewed the proposal. The EPA, being a Referral Authority, has provided unconditional consent to the proposal. We note that a Development Licence will be required from the EPA for the wastewater system, which will further assess technical matters of wastewater management.</p>
<p><b>Surface runoff and potential contamination of waterways</b></p>	<p>High rainfall and in particular open plains where the cabins are placed.</p>	<p>This matter has been addressed in detail in the 'Flooding' risk section of this report.</p> <p>The proposal includes rehabilitation of the billabong, which is an important ecological feature, as well as improve stormwater runoff management for the catchment through the newly proposed wetland. This will help to preserve and enhance the</p>



		<p>ecological health and landscape character of Kongwak and the surrounding hinterland.</p>
<p><b>Amenity impacts due to proximity to neighbouring dwelling (west)</b></p>	<p>The scale and intensity of operations including the proximity of parking to our fence line will unreasonably and significantly impact upon our amenity.</p> <p>Our site will be significantly impacted by the development and the erection of a 2.4m acoustic wall will severely impact the enjoyment of our property and its rural setting.</p> <p>A 2.4m acoustic wall is out of character with the rural township and will result in excessive overshadowing of our property during the morning.</p>	<p>DTP supports the installation of a 2.4 metre high noise protection wall at the western edge of the carpark facing 1494 Korumburra-Wonthaggi Road to reduce the effective noise levels for compliance with the night time noise limits, and is satisfied that this proposed structure on the boundary will not unreasonably impact the amenity of the existing dwelling.</p>
<p><b>Odour</b></p>	<p>Caused by restaurant and group accommodation</p>	<p>Measures to minimise odour emanating from the proposed land uses will be addressed in the Operational Management Plan.</p> <p>It is noted that there is unlikely to be any unreasonable emission of odour associated with the proposed uses and development given the scale and characteristics of those uses and the development proposed. It is also noted that a high-quality commercial wastewater treatment plant is required for the site. Such units are common and used extensively at locations such as wineries and golf courses, and have low odour potential.</p>
<p><b>Response to potential power outages / electricity supply</b></p>	<p>Almost all objections convey deep concerns toward the local infrastructure not being able to cope with the proposed use.</p>	<p>It is noted that the applicant intends on accommodating where needed to improve electricity supply to their site. The applicant is not liable for the electricity impact on other private properties and have had Ausnet (utility provider) informed prior to submission, as well as a formal referral during the permit process. Ausnet have not expressed any concerns on the current supply infrastructure to the site. If needed, the applicant can upgrade the transformers supplying power to the site.</p>
<p><b>Impacts to existing farming (adjoining certified organic piggery)</b></p>	<p>Object to the proximity of the proposed sewage treatment works to a local organic piggery shown below at the top of the proponents' aerial site map. The piggery is certified organic and is required to be located 400 m away from other domestic buildings. The piggery is a long-standing operation and has been located so as to achieve the minimum separation distances from other domestic houses and a "town" – these distances range between 200 – 400 m. The</p>	<p>In order to protect this established agricultural activity and as the 'agent of change' conditions are recommended to ensure no buildings used for accommodation are within 100 metres of farm operations (i.e. the shared northern boundary of the site) to ensure the organic piggery operations are not affected and future expansion is possible.</p>



	<p>proposed development encroaches on the biosecurity zone of the piggery. object to the impact of the development on this existing business and the contravention of the biosecurity guidelines.</p>	
<p><b>Extent of red line area plan &amp; liquor licensing</b></p>	<ul style="list-style-type: none"> <li>• It is entirely of the factory area and considered excessive</li> <li>• Spread of people</li> <li>• Concerns raised regarding liquor licence impact within 'Hamlet' context</li> <li>• The proposed Red Line Liquor License raises additional concerns, particularly regarding the impact on community safety, public health, and the overall amenity of the area.</li> </ul>	<p>Antisocial behaviour will be enforced the VCGLR and reinforced / management via the Operational Management Plan required as a condition of the permit.</p>
<p><b>Hours of operation</b></p>	<p>The proposed use of the land for a Place of Assembly would create substantial disruptions to the daily lives of Kongwak's residents. The lack of detail about the exact nature of the events to be held, as well as the proposed operating hours raises significant concerns about noise, light pollution, and increased traffic. Nighttime events, in particular, would have a severe impact on the peace and quiet that residents currently enjoy.</p>	<p>Conditions are recommended to reduce the hours of operation on each respective day of the week in order to maintain a reasonable level of amenity for the area, particularly in the evenings.</p>
<p><b>Reduction of car parking</b></p>	<p>Car parking provisions should meet the requirements of the planning scheme for the development and not rely on any overflow to other areas of the hamlet. Parking in Kongwak is already stressed by the arrival of visitors once per week for the Sunday market.</p> <p>The currently proposed parking spaces are therefore inadequate for this purpose and cannot provide any offset for the application for the Place of Assembly.</p>	<p>DTP recommends that the patron numbers be reduced to provide a more appropriate balance between patron numbers for the primary uses of place of assembly and restaurant relative to the available car parking within reasonable proximity to the venue, generally limited to the main car park accessed from Korumburra-Wonthaggi Road.</p>
<p><b>Location of bus parking</b></p>	<p>Bus Zone at the front of the Butter Factory is inappropriately located due to the narrow width of the road and insufficient area for buses to safely stop.</p>	<p>The proposed bus parking zone in front of the butter factory will be deleted as a requirement from the Head, Transport for Victoria and reflected in the conditions of the permit.</p>
<p><b>Impacts to Avenue of Honour trees</b></p>	<ul style="list-style-type: none"> <li>• Objectors state that the trees have not been accounted for outside of identification within landscape plan. Significance of trees and their protection has been detrimentally overlooked.</li> </ul>	<p>The construction of two car parking areas will largely offset the need for cars to park along road shoulders. Current road and parking infrastructure arguably poses higher risk to root damage than two car parking sites well distanced from the trees.</p> <p>The current impacts of the Kongwak Market pose</p>



	<ul style="list-style-type: none"> <li>• Many objectors state that the trees are going to be damaged during construction and their roots impacted by the group accommodation</li> <li>• Cars parking along high street is going to damage trees</li> <li>• Objectors state that the trees along Church Rd have not been considered</li> <li>• Concern raised over heritage expert not evaluating proposals impact</li> </ul>	<p>higher risk to the health of the AOH.</p> <p>Extensive TPZ and CMP conditions during the planning and building permit stages will appropriately mitigate potential impacts on AOH</p> <p>Impacts to trees along Church Road have been considered and addressed through the recommended condition to relocate the Church Road access further to the north.</p>
<p><b>Church Road access</b></p>	<p>The planned Church Road entrance for reasons previously documented, including the desecration and risk to health of our Avenue of Honour trees located there. Object to the assumed permission for the developers to cut a asphalted entrance from an existing dirt road (Church Road) into existing farm land paddocks to facilitate their development.</p>	<p>As discussed under the 'Heritage section of this report, DTP acknowledges the concerns regarding the proposed Church Road access between the existing trees and recommends the relocation of the accessway to be clear of the trees on the road reserve of Church Road, which form the extension of the Kongwak Avenue of Honour.</p>
<p><b>Acoustics</b></p>	<p>Automatic noise limiter – for speaker system (keeps noise to required levels – based on decibels)</p> <p>Acoustic wall</p>	<p>The application has been assessed by JTA who have recommended that the following mitigation measures be adopted:</p> <ul style="list-style-type: none"> <li>• Acoustic wall to the western boundary of the site with panelling of at least 10kg/m<sup>2</sup>.</li> <li>• Acoustic enclosures around plant and equipment (such as air conditioning units).</li> <li>• Waste collection to be undertaken during daytime hours.</li> <li>• Noise limiters installed on speaker systems.</li> <li>• Windows to be installed in acoustic frames for the Cheese Factory.</li> <li>• Retention of vegetation between the Factory and Accommodation along Foster Creek.</li> </ul> <p>These measures will ensure that noise emissions from the site comply with the relevant EPA requirements, which will be enforceable by the EPA and form conditions of the permit.</p>
<p><b>Noise – service equipment - ac units, pumps</b></p>	<p>Concerns over service equipment such as air con condensers and extraction fans being a constant and significant disruptor</p>	<p>Old equipment currently, will be upgraded and can be adequately screened visually and acoustically</p>
<p><b>Increased traffic</b></p>	<p>The proposed parking plan relies heavily on off-site parking located at the Kongwak Community Hall, which is more than 550 meters away from the Butter Factory. This</p>	<p>As discussed under the 'traffic generation' section of this report, DTO is satisfied that the existing road network can absorb any additional traffic generated by the proposal.</p>



	<p>arrangement is not only impractical but also poses a serious safety risk to both patrons and residents. The Korumburra-Wonthaggi Road is a Transport Road Zone 2, a state-managed road where heavy traffic regularly passes through, making it dangerous for pedestrians to cross, particularly at night.</p>	<p>The proposal provides adequate car parking on site to service the proposed uses and patron numbers (which are recommended be reduced under the conditions of the permit). It is not expected that pedestrians will need to cross Korumburra-Wonthaggi Road. The group accommodation cabins are provided with direct access through the proposed pedestrian pathways.</p>
<b>Light spill – impacts to rural night sky and wildlife</b>	<p>Concerns regarding light spill from factories contributing to light pollution that will disrupt resident sleep quality and disturb wildlife</p>	<p>There is potential for the applicant to introduce noise restrictions to the group accommodation of their own volition. The current EPA guidelines relating to noise and disturbance remain an adequate maintenance instrument.</p>
<b>Infrastructure capacity and availability – emergency services</b>	<p>The proposed site is un-serviced, lacking essential utilities such as natural gas and a reliable source of potable water. This raises serious questions about the feasibility and sustainability of the project.</p> <p>The absence of any reticulated water or sewerage requires an entirely onsite treatment solution. The scale of the onsite treatment works is extensive and illustrates that the intensity of the land use, particularly the patron numbers and operating days/times are excessive.</p> <p>This is further evidenced by the lack of existing and planned infrastructure for the town with no strategic imperative or direction for the town to expand or be connected to reticulated sewerage or water infrastructure.</p>	<p>The proposal includes the development of a landscaped wetlands area which will largely be set aside for public use as a publicly-accessibly, privately owned public open space reserve for the community.</p> <p>The proposal provides for appropriate development infrastructure, including potable water supply, on-site wastewater treatment and stormwater management, as demonstrated by the technical reports submitted with the application.</p> <p>Conditions recommended in the permit will require the submission of detailed engineering plans in accordance with the Council's 'Infrastructure Design Manual' and advice from any relevant authorities.</p>
<b>Wildlife impacts</b>	<p>The development would significantly impact local biodiversity. Kongwak is home to a diverse range of flora and fauna, including over 60 species of birds, as well as local wildlife such as koalas, wombats, and possums. Increased human activity and development on this scale will disturb habitats, causing displacement of wildlife and potentially contributing to a decline in local biodiversity.</p>	<p>These matters are addressed in detail in the submitted Ecological Assessment which confirms that the proposal will not unreasonably impact flora and fauna which presently occupies the site.</p>
<b>Bushfire risk</b>	<p>Despite Kongwak being a designated bushfire-prone area, the development proposal does not sufficiently address the risks posed by bushfires. The area's natural landscape, with heavy vegetation, poses significant challenges in managing bushfire risk, particularly with the increased human activity from large events and transient visitors.</p>	<p>As discussed under the 'Bushfire' section of this report, DTP is satisfied that the development has appropriately managed bushfire risk through the submitted BMP.</p>



	<p>The submitted Bushfire Management Plan (BMP) contains errors and fails to adequately address the real risk to both the environment and the safety of future occupants of the site. The Bushfire Management Overlay (BMO) requires specific compliance measures, yet the plan does not adequately address the evacuation routes or provide detailed fire suppression strategies. Impact on the Natural Environment and Local Biodiversity</p>	
<b>Impacts to local businesses</b>	<p>Stating it will impact all local businesses, some quoted businesses being more than 70km away.</p>	<p>DTP do not understand what businesses the objectors refer to. However, many supporters of the proposal argue the opposite effect on business and local economy.</p>
<b>Loss of property values</b>	<p>How will the development address the inevitable decline in property values, given that potential homebuyers may be deterred by the proximity to a large, noisy tourism hub?</p>	<p>This matter is not relevant to the assessment of the submitted application under the provision of the South Gippsland Planning Scheme and Planning and Environment Act 1987.</p>
<b>Lack of community consultation</b>	<p>The developer has not listened to or addressed concerns raised by the community.</p>	<p>The applicant has provided evidence that extensive consultation with the local community was undertaken prior to lodgement of the application. In addition, DTP undertook public notice of the application which involved sending letters to surrounding properties and displaying copies of the notice on the site in accordance with the requirement of the Planning and Environment Act 1987.</p>
<b>Financial viability and business transparency</b>	<p>The project's business model lacks demonstrated profitability, with no clear plan to ensure financial sustainability or benefit to the local economy. Furthermore, the developers have not shown any experience in managing similar large-scale ventures.</p>	<p>The application was accompanied by a letter from Invest Victoria dated 12 March 2024, which advised that based on a review of submitted documentation, 'Invest Victoria considers that there is some likelihood that your Kongwak Butter Factory Project at 1486 -1492 Korumburra Wonthaggi Road &amp; Church Road Kongwak could be financially feasible'.</p> <p>DTP is satisfied that the application meets the application requirements of this clause under Clause 53.22 (Significant Economic Development).</p>
<b>Conflicts of interest and integrity of approval process</b>	<p>This project raises serious ethical concerns due to an apparent conflict of interest. \$500,000 RJIF grant raises questions about impartiality, potentially breaching the Public Administration Act 2004 (Vic), which mandates unbiased decision-making in public funding allocations.</p>	<p>This matter is not relevant to the assessment of the submitted application under the provision of the South Gippsland Planning Scheme and Planning and Environment Act 1987.</p>



## Submissions in Support

427. DTP acknowledges that there was also strong support for the proposal with close to equal numbers of submissions in support relative to objections. The table below provides a summary of the key reasons raised by submitters in support of the application and as noted above, is not intended to be an exhaustive list of every specific matter raised in the submissions.

SUBMISSION MATTER	DETAIL	DTP RESPONSE
<b>Restoration of heritage buildings</b>	Restoring the heritage buildings will enhance the pride in the now tiny hamlet itself and surrounding areas and will enable the community and those in the wider hinterland to have access to a cafe/restaurant as a local meeting place and hub, a place to dine and showcase locally sourced produce as well as cater for visitors to the area.	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Tourism benefits</b>	<p>The Kongwak Butter Factory proposal will bring much needed tourism and retail support to all towns in the vicinity of Kongwak. The restaurants and retail outlets in these towns will benefit as more people will be drawn out of the city to travel to Kongwak.</p> <p>The proponents' plan is one that endeavours to create a cohesive visitor experience that showcases the region's premium produce; and the clean, green, and trusted regional provenance through in-house accommodation and dining experiences, on-site event activations, and take-home/retail through providore sales</p>	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Design quality</b>	The designs of the project - to rejuvenate and develop the historic Kongwak butter factory and cheese factory and site will add considerably to the tourist potential of the area and considerably benefit the local community	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Accommodation for region</b>	<p>The accommodation will be beneficial to the economic sustainability of the project and benefit the tourism to the whole region of South Gippsland. It will also have a beneficial flow on effect economically to regional food &amp; wine producers plus artists.</p> <p>Currently there is minimal accommodation in the area, with the main wedding and conference venues being concentrated in the Phillip Island and Inverloch regions</p>	DTP agrees with this submission as discussed in the 'Assessment' section of this report.



<b>Sympathetic to pastoral landscape</b>	The architectural design and landscaping plans have been developed to protect and optimise the natural beauty and environment.	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Owners have consulted widely on the proposal</b>	The proponents have been open and transparent with their plans and have sought the views of the community and attempted to address any concerns through the submitted application.	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Add vibrancy to Kongwak</b>	<p>Great opportunity to drive food tourism in the region, which will in turn advantage all the local food producers. The development assures the preservation and enhancement of an important part of the region – particularly the historic butter and cheese factory.</p> <p>In increase in visitation will benefit other businesses – not just the Kongwak Butter and Cheese factory. E.g. Guests attending a wedding and staying at Kongwak are likely to visit other places in the region during their visit. The addition of new landmark locations is likely to also increase the length of stay for visitation and have positive economic impacts.</p>	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Employment opportunities</b>	The economic and employment benefits have been well documented in the application and will be realised by the local community for decades to come	DTP agrees with this submission as discussed in the 'Assessment' section of this report.
<b>Noise, Parking issues have been considered</b>	Potential noise and traffic generated from the venue can be adequately managed and is more than offset by improvement in visual and safety amenity, and economic benefits.	DTP agrees with this submission as discussed in the 'Assessment' section of this report.





428. The proposal, following the balancing of all relevant parts of the **South Gippsland Planning Scheme**, is considered to have strong strategic policy support in the proposed location is an acceptable planning outcome for the site and Kongwak.
429. The matters set out at Section 60 of the Act are satisfactorily addressed by the application. It is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework with regards to protection of agricultural land, environment, landscape, biodiversity, economic development, building design, heritage, infrastructure, environmental risks and amenity, and natural resource management, amongst other relevant considerations.
430. The matters to be considered by the provision of the Township Zone, Farming Zone, Erosion Management Overlay (Schedule 1) Heritage Overlay 4, Clause 52.06 (Car Parking), Clause 52.17 (Native Vegetation), Clause 52.27 (Licenses Premises), Clause 52.29 (Land Adjacent to the Principal Road Network) and Clause 53.22 (Significant Economic Development) are appropriately met.
431. The proposal is **supported** by the relevant statutory referral authorities (subject to conditions) and has general support from other authorities which provided advice as part of the application process.
432. It is recommended that **Planning Permit No. PA2402814** for *'The use and development of land for a restaurant, place of assembly, group accommodation, sale and consumption of liquor, removal of native vegetation, reduction of car parking requirements, creation and alteration of access to a Road in the Transport Zone 2'* at **1486-1492 Korumburra-Wonthaggi Road and 25 Church Road Kongwak** be issued under delegation from the Minister for Planning, subject to conditions as discussed in this report.
433. It is recommended that the permit applicant, South Gippsland Shire Council, referral authorities and all submitters to the application be notified of the above in writing.

