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Planning Report

Proposal

Land Use:

Market

Address

170-198 Bulban Road Werribee

December 2021

Prepared By:

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1.0 Introduction & Subject Site

The subject site, 170-198 Bulban Road in Werribee, is an operational poultry farm (egg production) known as *Casaccio Egg Farm*. The farm has been operating for over 55 years. The owners of the egg farm seek planning permission to operate a small weekend market once a month.

The 2.5 hectare farm site is located on the north-east corner of Bulban Road and McGrath Road in Werribee. The site is triangular in shape and is free of title encumbrances, including easements.

The farm infrastructure comprises a large layer shed, egg grading facilities, storage sheds, a small vegetable growing area, a farm shop and two farm dwellings. There are also multiple car parks and vehicular access points to the site.

The site is located opposite the railway line and abuts a residential village along its eastern boundary. The land to the west of the site, on the opposite corner of McGrath Road is Harpley residential estate. The portion of the Harpley Estate within 500 metres of the egg farm is currently undeveloped, being within the defined buffer of the egg farm.

The permit applicants, *Casaccio Egg Farm*, seek to operate a small weekend market on the farm site. Planning permission is sought to use the front garden area of the farm, in front of the shop, for a *Market* as defined under Wyndham Planning Scheme.

2.0 Planning Controls

2.1 Zone and Overlay Provisions

The subject land is in a General Residential Zone – Schedule 1 under Wyndham Planning Scheme. Abutting land to the east and north is also within the General Residential Zone. Land opposite, at the front of the site, is within a Public Use Zone 4 (Transport) and covers the railway line. Land opposite the site on the west side of McGrath Road is within the Urban Growth Zone – Schedule 6 (Blackforest Road South Precinct Structure Plan [Harpley Estate]). No overlay controls apply to the site.

Under Clause 32.08 *General Residential Zone*, the purpose of the zone encourages development that respects neighbourhood character, diversity of housing types and allows for a limited range of non-residential land uses to serve local community needs in appropriate locations.

It is proposed to conduct a small *Market* complementary to the egg farm. Under Wyndham Planning Scheme, a *Market* is defined as:

Land used to sell goods, including foodstuffs, from stalls.

Under the General Residential Zone, use of the land for a *Market* is a 'Section 2 – Permit Required' land use. Schedule 1 to the zone (*Wyndham Residential Areas*) does not specify any provisions that would be relevant to the use of the land for a *Market*.

Clause 52.06 *Car Parking* applies to a new land use. Before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of Council. The requirements of this Clause are further discussed in Section 4.0 of the report.

Clause 52.34 *Bicycle Facilities* of Wyndham Planning Scheme applies to a new use. The requirements of this Clause are further discussed in Section 4.0 of the report.

Assessment is also required against planning policy frameworks within the Planning Scheme.

2.2 Planning Policy Framework

Under the planning policy framework of Wyndham Planning Scheme, Clause 15.01-4S *Healthy Neighbourhoods* seeks to foster healthy and active living and community wellbeing. The small market would be a well-located facility that would add an additional leisure option and vibrancy to the local community.

2.3 Local Planning Policy Framework

Clause 22.01 *Non-Residential Uses in Residential Zones Policy* seeks to protect the character and amenity of residential areas and provides guidelines for the establishment of non-residential land uses. A detailed response to this policy is provided under Section 5.1 *Decision Guidelines*.

2.4 Aboriginal Cultural Heritage

Clause 15.03-2S *Aboriginal Cultural Heritage* seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. The northern tip of the subject land is located within an identified area of cultural heritage sensitivity. The proposed *Market* would not be located in this part of the site and does not require any buildings and works (significant ground disturbance) for the establishment of the land use.

3.0 Proposed Use

It is proposed to conduct a small *Market* on the front lawn of the *Casaccio Egg Farm*. The market would operate on one weekend per month, both Saturday and Sunday, between the hours of 9am and 1pm. The market would comprise up to ten (10) stalls, each with dimensions of 3m x 3m and spacing between stalls of 1.5m. It is proposed to augment the market with two ancillary food trucks, also located on the lawn at the front of the farm. The food vans would be ancillary to the proposed use of the land as a *Market*, which is a common feature at both large and small markets found across metropolitan Melbourne.

The market would occupy the existing landscaped frontage at the farm located in front of the farm shop. The market stall holders and food trucks would be permitted to erect their stalls from 8am and would leave the site by 2pm on operating weekend days. Some stall holders and food van operators would be permitted to leave their structures up overnight should they wish to do so as the farm gates would be locked at 1pm on each weekend day. The market would be held on one weekend per month – essentially 12 times per year.

4.0 Particular Provisions

4.1 Car Parking

Clause 52.06 *Car Parking* applies to a new land use. Before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of Council. Under Table 1 to Clause 52.06-5 a *Market* requires the provision of 8 car parking spaces to each 100m² of site area (Column A rate). The part of the farm site to be occupied by the market would be approximately 446m². Based on the site area occupied by the market thirty-five (35) car parking spaces would be required. A total of thirty-six (36) spaces would be provided on site, which is consistent with Planning Scheme requirements.

The staff car park (ten spaces) located on the west side of the farm shop would be used for the stall holder parking area on market weekends. Overflow parking for five additional cars can also be accommodated on the north side of the shop, for market stall holders, as required. These car parking areas are accessed via an independent driveway.

The majority of farm workers work on Monday, Wednesday and Friday every week which is when egg grading is conducted. For the remainder of the week, including weekends, farm staff is generally confined to Casaccio family members. There are plenty of additional parking alternatives on the farm that are available to, and accessible by, the small number of weekend farm staff. These include the area north of the farm vegetable garden and at the farm dwellings on the site. This would allow the parking areas adjoining the farm shop to be dedicated to stall holder parking on market weekends. The ability to access the site from the independent (west side) driveway would allow stall holders easy access to the market area to set up. The ten (10) car parking spaces to the west of the shop and the five (5) overflow spaces to the north would be allocated for stall holder use only.

The existing driveway directly in front of the farm shop provides access to an area able to accommodate up to 32 car parking spaces. There are eleven (11) existing fully sealed parking spaces located in front of the farm shop (including one disabled car parking space). One additional space would be added to this row of car parking for market days. Car parking for twenty (20) cars off the existing central driveway would be created by adding wheel stops to the aggregate crushed rock areas immediately adjoining the central driveway. The wheel stops are removable but would define each car parking space, act as a safety mechanism and protect the adjoining landscaped and lawn area. The access point, driveway and some of the car parking facilities are existing. The crushed rock area

abutting the driveway is easily converted to car parking facilities by the addition of wheel stops.

The on-site car parking arrangements proposed would be more than sufficient to cater to car parking demand generated by the proposed market. It is anticipated that patrons visiting the market might also visit the farm shop, and vice-versa. Overall, up to 47 easily identifiable and accessible car parking spaces would be available for the farm shop and market combined. Regardless, the existing shop car parking facilities have not been used to supplement the market car parking. Whilst the ongoing operation of the farm shop has been taken into consideration in designing the market, the market component does not rely on the existing shop car parking spaces in order to meet the planning scheme requirement for on-site car parking demand.

The market has been designed as a small facility to ensure that all car parking arrangements are appropriate for the market use and can meet planning scheme requirements. These arrangements would protect the amenity of the locality and thereby meet the purpose of Clause 52.06 *Car Parking*. It is anticipated that conditions of permit would be applied to reflect these arrangements accordingly.

4.2 *Bicycle Parking*

Clause 52.34 *Bicycle Facilities* of Wyndham Planning Scheme applies to a new use of land. The use of the land for a *Market* requires one bicycle parking space for each 50 stalls for stall holders and one to each 10 stalls for visitors/shoppers. The 10 market stalls proposed would generate demand for one (1) bicycle parking space. Two bicycle parking spaces are provided at the front of the farm shop as noted on the submitted plans. The bicycle parking on the site would cater to cyclists visiting the market. The site is located directly on the Principal Bicycle Network and the level of provision of on-site bicycle parking is appropriate.

4.3 *Traffic*

The level of traffic anticipated would be commensurate with the land use proposed, which is a small market. Traffic levels anticipated would be appropriate for Bulban Road, a higher order connector street. The level of traffic would be appropriate for the locality and would not have any impact on traffic flow or road safety. The proposal would not generate additional traffic on local residential streets as the catchment for patrons is local.

and Bulban Road connects directly to other nearby connector streets including McGrath Road, Browns Road, Ison Road, Walls Road and arterial roads (Bailan Road). The small size of the market is not designed to attract patrons from beyond the local level which indicates that traffic volumes would be commensurate with the size and scale of the proposal and would not generate unreasonable traffic volumes beyond the context of the area.

4.4 Waste

Two 240L waste bins would be provided for the public to dispose of their waste. The farm uses a private waste contractor for the collection of farm waste. Waste is collected weekly. All waste from the market would be collected using the existing farm waste collection service.

5.0 Planning Context

The *Casaccio Egg Farm* is an unusual land use in a residential area, a use which remains after more than 55 years of continuous operation and in the face of residential growth and encroachment. A small market, with a focus on farm produce (though not exclusively) would be complementary to the current farm use of the land. Regardless, small community markets such as this market proposed are welcome additions to communities and add a source of vibrancy to neighbourhoods. The footpath along Bulban Road provides a direct pedestrian connection to the residential neighbourhoods to the east and north and the Browns Road railway crossing allows for easy access from communities south of the rail line.

Although the site is in a residential area, it is on the corner of two connector roads, opposite the rail line and at the edge of the residential neighbourhood. The use would have very reasonable hours of operation from 9am to 1pm, with the farm gates closing in the early afternoon and securely locked to prevent entry. The market would also operate on only one weekend per month – 12 times per year – which is appropriate for a non-residential land use in this context.

Two food trucks would offer food to patrons of the market. The food vans would be an ancillary and subordinate component, enhancing the market experience. The trucks would be offered electrical supply to negate the use of generators, the common source of noise from food trucks. On that basis, mechanical noise from the market will be negligible.

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Under the EPA noise regulations, prohibited times for noise in residential areas includes motor vehicles before 9am on weekends, but not when entering or leaving a site. The only vehicles that will be entering the site prior to 9am on weekends will be stall holders and food trucks. The entry point for these will mainly be from the west side entry, which is well removed from neighbouring residences. Regardless, vehicles entering and leaving a site are not prohibited on weekends.

The policy for non-residential land uses in residential zones seeks to ensure amenity is protected, buildings and works are appropriately designed and sited, vehicular access and traffic does not create detrimental impacts and that the uses are managed to limit amenity impact. The proposed market meets all of the tests – it is small in scale, is not designed to attract patrons beyond the local community catchment, is located at an existing non-residential use site, is located on a higher order connector road, would retain a 3 metre landscaped front setback, would comply with EPA noise requirements for weekends and would have access to an appropriate waste collection by a private contractor.

5.1 Decision Guidelines

A response to the decision guidelines of Clauses 32.08 and 22.01 is provided below.

Clause 32.08-13 Decision Guidelines	Response
Whether the use or development is compatible with residential use.	<i>The use would be located at an existing non-residential land use – a farm within a residential area. Community markets are common in residential areas. The frequency of the market and hours of operation would be compatible with the residential area.</i>
Whether the use generally serves local community needs.	<i>The market is small and designed to cater to the local community. It is not a large facility nor aiming to become a destination but rather is focussed on serving the local community.</i>
The scale and intensity of the use and development.	<i>The use would operate on only 12 weekends per year, primarily in the morning and closing at 1pm. This is appropriate for a residential area.</i>
The design, height, setback and appearance of the proposed buildings and works.	<i>All works (stalls and food vans) would be temporary installations. They would be located on an existing landscaped area which would provide an attractive environment for patrons and would present</i>

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	<i>an appropriate appearance from the street frontage.</i>
The proposed landscaping	<i>See above.</i>
The provision of car and bicycle parking and associated accessways.	<i>An appropriate level of car parking would be provided on site to cater to demand and would be consistent with the planning scheme. Existing accessways would be utilised. Two bicycle parking spaces would cater to cyclist parking demand.</i>
Any proposed loading and refuse collection facilities	<i>The existing private waste contractor used by the farm would be used to collect waste generated by the market facility.</i>
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	<i>The level of traffic would be commensurate with the size of the market and would be consistent with the function of Bullban Road within the road hierarchy.</i>
Clause 22.01-4 Decision Guidelines	Response
The extent to which the application for a non-residential use meets the objectives and policy statements of this policy.	<i>The proposed market has a high level of consistency with Clause 22.01 (see Section 5.0).</i>
The layout of the site, the scale and form of any proposed building, the building design including: setbacks, façade treatment, building materials, colour scheme and proposed landscaping and whether the proposal is consistent with the surrounding residential environment in these respects.	<i>The proposed market would occupy the landscaped garden at the front of the site. All structures associated with the market would be temporary and the garden area would be reinstated at the close of each monthly market. The scale of the proposal is small and consistent with the site and neighbourhood.</i>
The effect of traffic movements on existing networks and whether car parking is sited, marked and sign posted appropriately.	<i>The traffic generated by the small market would have no appreciable impact on the local transport network. Bullban Road is a higher order connector street and has scope to accommodate a small increase in traffic at the limited times proposed. Car parking facilities would be highly visible and easily accessed from the main entry to the site.</i>
Whether advertising signs are appropriately sited, dimensioned and non-illuminated.	<i>No advertising signage forms part of the application.</i>
Whether a Waste Management Plan is required.	<i>The market would have access to the existing private waste collection facilities used by the farm.</i>

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6.0 Conclusion

The proposed use of the land for a *Market* is a ~~complementary land use to the existing use~~ of the land as an egg farm, a use which has occupied the site for over 55 years. Small community markets, particularly farmers markets, are often held in local schools and parks, and are popular weekend destinations for local communities. These markets are local in nature and designed to cater to local communities and enhance the vibrancy of neighbourhoods – another meeting place, albeit temporary.

The market proposed would be small and limited in operation to one weekend every month. The hours of operation would be entirely appropriate for weekends, with limited noise generated and amenity impacts anticipated.

Every care has been taken to ensure that hours of operation and potential noise impacts from the vehicles and food vans would be minimised for neighbouring residents. Every care has been taken to ensure that sufficient car parking is provided on the site to limit potential impacts on the neighbourhood and Bulban Road. This small market with its limited hours of operation is appropriate for the portion of the site to be occupied and is well planned and well considered to minimise potential impacts.

As the proposal would have no adverse impact on surrounding land uses and is in accordance with existing planning policy, it is requested that a planning permit be granted for this proposal.

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