Ordinary meeting – September 16, 2019

8 - Officers reports for determination

Item 8.5 - Attachment B

Planning and Environment Act 1987

WODONGA PLANNING SCHEME

AMENDMENT C129

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Wodonga City Council who is the planning authority for this amendment.

The Amendment has been made at the request of Next 1 Pty Ltd.

Land affected by the Amendment

The Amendment applies to land in Baranduda, Lot 128 on PS 733790 at the corner of Verbena Street and Arnica Circuit - refer to Map 1.

Map 1: Land affected by the Amendment

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to land – Lot 128 on PS 733790 at the corner of Verbena Street and Arnica Circuit, as depicted in Map 1 above.

What the amendment does

The Amendment seeks to facilitate the development of a Neighbourhood Convenience Centre supermarket at Baranduda, in accordance with the Wodonga Growth Strategy (WGS), the Wodonga Municipal Strategic and the Wodonga Activity Centre Hierarchy Strategy (July 2019).
The Amendment:

- Rezones land (Lot 128 on PS 733790) from General Residential Zone (GRZ) to Mixed Use Zone (MUZ)
- Amends Wodonga Planning Scheme Map 16

The planning permit seeks approval for:

- Use of land for retail premises in the Mixed Use Zone
- Construct a building and carry out works associated with a Section 2 use in the MUZ
- Construct a building and carry out works associated with retail premises in the BMO

The planning permit is attached as a separate document to this Explanatory report

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

The amendment is required to facilitate the development of a Neighbourhood Convenience Centre, at Baranduda. The development is in accordance with strategic policy namely, Clause 21.03-1 Activity Centre of the Wodonga Planning Scheme, the Wodonga Activity Centre Hierarchy Strategy and the WGS. These strategic documents and the policy statements within the Municipal Strategic Statement, seek to ensure that a tiered hierarchy of activity and retail centres across the municipality is achieved and that development is commensurate with residential and population growth whilst maintaining the primacy of larger population catchments and centres. The proposed amendment will ensure that development of the site is in accordance with long established strategic objectives and strategies.

The zone applied to the development site along with a pre assessed Planning Permit and s 173 agreement, setting out a floor space cap, ensures that the supermarket, otherwise prohibited under the General Residential 1 Zone, will be developed in-line with preferred strategic direction.

Adopted by Council in 2016, the WGS is Wodonga Council’s long-term strategic planning document. It was prepared, in part, as a response to the State Government’s Hume Regional Growth Plan. In supporting the development of a clear retail hierarchy strategy, the WGS has set specific objectives and actions:

**Objective 13:** “Establish a coherent and tiered retail hierarchy that recognises and reinforces the primacy of the central business area in order to meet the needs of both its regional and local catchments”.

**Action A21:** “Prepare a Retail Strategy that includes a capacity analysis of the CBA and local activity centres and confirms floor space allocations for each centre.”

Since the adoption of the WGS, the Wodonga Planning Scheme Amendment C123 formally adopted the hierarchy, established within that document, and inserted the hierarchy at Clause 21.03-1 of the Municipal Strategic Statement (MSS). In accordance with the stated actions of the WGS Council has continued to refine and confirm the retail hierarchy, by recently completing further analysis via the Wodonga Activity Centre Hierarchy Strategy, which has confirmed the hierarchy, location and retail allowances.

The Planning Scheme is considered the most suitable and efficient tool to ensure that appropriate land use and development is achieved in a timely and strategic manner. The selection of a section 96(a) amendment process is considered fair and orderly.

The amendment will facilitate locals and the immediate adjoining community to “shop locally” and may assist in reducing private vehicle use, offer choice for convenience shopping needs, and reducing unnecessary multiple car trips.

The amendment does not repeat other provisions within the scheme.
How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 (the Act) by aligning land use planning with strategic objectives as stated in the WGS (objective 13) and the Wodonga Municipal Strategic Statement Clause 21.03-1.

How does the Amendment address any environmental, social and economic effects?

Baranduda is located on the southern boundary of Wodonga’s Growth Area Corridor. As such, it is recognised that residential growth in the immediate area has the potential to continue over time, in particular the pending approval of the Leneva Baranduda Growth Area Precinct Structure Plan (PSP), will set the desired guidelines and planning framework for growth.

The amendment will facilitate appropriate retail and grocery shopping at Baranduda, and will serve as an important and ongoing retail outlet at the initial stages of development, within the PSP. Despite the limited size of the retail allowance at the centre, economic, environmental and social impacts include the potential to retain in the order of 16% of the total retail expenditure of the combined main trade area population (Economic Impact Assessment MacroPlan Dimasi), the potential for increased use of alternative methods of transport in accordance with Wodonga’s Integrated Transport Strategy. Such use may result in less consumption of resources (economic impact on household expenditure on fuel and motor vehicle maintenance) and a potential for a healthier lifestyle.

In addition, development of the site, which is located adjoining the existing Baranduda Community Centre, may led to increase use of the area as the “Community Hub” for community services, events and meetings, in conjunction with the adjoining Baranduda Community centre and local primary school.

Overall the positive impact on air quality may be small however, it is desirable to facilitate the development of good habits for healthy communities by less reliance on private vehicle use.

Does the Amendment address relevant bushfire risk?

The land affected by the Amendment is subject to the provisions of the Bushfire Management Overlay (BMO). As this amendment is combined with a Planning Permit application for a supermarket, a Bushfire Management Statement (BMS) has been prepared for the development.

The BMS concludes that:

The recommendations of this report acknowledge that the building will be constructed to a BAL 29 level of construction given the modified nature of adjoining WREN vegetation located to the north, which will achieve the relevant bushfire protection requirements in accordance with the provisions of clause 53.02. The building is a substantial concrete tilt panel building covering about 25% of the site and the car park will provide enhanced access and area for management of a bushfire incident in the adjacent WREN land.

The required BAL can be achieved through the application and ongoing maintenance of the required defendable space identified within this Bushfire Management Statement and the enclosed Bushfire Management Plan.

The Amendment also gives effect to the objective for Bushfire planning within the planning policy framework of the planning scheme by assessing the proposed development against the risks of bushfire.

The Country Fire Authority (CFA) was consulted in preparing the Amendment and planning permit application and advised on their requirements for the proposed development.

Having regard for the BMS and the advice of the CFA, the bushfire risk is adequately addressed by the Amendment.

Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?
The Amendment has been prepared having regard to Ministerial Direction No 11 – Strategic Assessment of Amendments. The amendment is consistent with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act) and Section 12(2) of the Act

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Planning Policy Framework (PPF) provides policy guidance relevant to the proposed planning scheme amendment.

The objectives of clause 11 Settlement and in particular Clause 11.01-1S is to “promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements” and in particular major regional centres such as Wodonga.

The strategy for the above objective identifies Wodonga as one of the ten major regional centres on Victoria, with a significant focus on investment and growth.

The objective of clause 11.03-1S Planning Policy Framework (PPF) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies include the building up of activity centres as a focus for high quality development, activity and living by developing a network of activity centres that comprise a range of centres that differ in size and function.

The objective of clause 13.02-1S is “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.” This objective is achieved through the preparation of a Bushfire Management Statement (BMS) relating to the development of a supermarket on the land identified in the site control. This BMS undertakes an analysis of the risk of the development from bushfire.

The PPF Clause 17.02-1S Business, provides an objective for the “provision of development that meets the community’s needs for retail…” strategies include: the provision of small-scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is strategically supported by the following objectives and strategies of the Municipal Strategic Statement (MSS):

Clause 21.03 Activity centres, recognises the established retail hierarchy and acknowledges that as Wodonga grows, additional floor space will be required to serve the needs of a growing community. New communities within the growth areas in particular the Leneva – Baranduda will require access to new or expanded retail floor space. The need and delivery of this increased economic activity must have regard to their place in the overall hierarchy.

The Clause 21.03-1 Activity centres – sets out the desired retail hierarchy for Wodonga. Table 1 of that clause, clearly recognises the affected land (Baranduda) as the site for a convenience centre supermarket of a designated floor space.

The objective of the clause is to provide a coherent and tiered retail hierarchy in order to meet the needs of its regional and local catchments. The Strategy of this clause states: “Support a small supermarket within the Baranduda village to service the convenience retail needs of the community”

Clause 21.03-2 Design of activity centres Support the delivery of mixed use, walkable local town centres which maximise opportunities for multiple trips and reduced reliance on car based travel.

Clause 21.03-3 Urban growth: Achieve sustainable urban growth and ensure equitable access to services and facilities.
Clause 21.03-5 *Implementation*, further strategic work: “Prepare a Retail Strategy that includes analysis of the activity centres… and confirms the capacity, timing and appropriate floor space allocations for each centre”

The *draft* Wodonga Activity Centre Retail Hierarchy Strategy (the Strategy) confirms the retail assessment undertaken, as part of the WGS (2016).

Clause 21.13 *Local areas* considers the long-term growth of Wodonga will be directed to the Leneva Baranduda Growth corridor. While recognising that there will be three larger activity centres within the Leneva Baranduda Precinct a number of smaller activity centre(s) are acknowledged – such as Baranduda Village.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victorian Planning Provisions, by utilising the provisions of the Specific Controls Overlay to introduce an Incorporated Document into the Planning Scheme that applies specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

At the time of preparing this amendment, no translation has been undertaken for the Wodonga Planning Scheme.

**How does the Amendment address the views of any relevant agency?**

The views of relevant agencies have been sought. In particular, the Country Fire Authority have been consulted, prior to preparation of the amendment. Their pre assessment information requirements have been considered and addressed in the Amendment.

Consultation with the local Department of Land Water and Planning have been undertaken and the amendment is proposed in line with discussions and advice with local officers.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the Transport Integration Act 2010 is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The proposed combined amendment/application will impact on the transport system at a local level, and no upgrades are expected to be required to the nearby parts of the road network to accommodate the proposal. The proposal will facilitate safe vehicular access to and from the site as well providing safe and accessible pedestrian access via the proposed pathways and links to existing pedestrian routes.

Accordingly, it is considered that the proposal is appropriate in the context of the requirements of the Transport Integration Act 2010.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

  The Amendment facilitates the implementation of the objectives of the WGS, the draft Wodonga Activity Centre Retail Hierarchy Strategy, as well as the Municipal Strategic Statement in an effective and resource responsible manner. It is not expected to have unnecessary impact on the current or future resources or administrative costs for the responsible authority.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Wodonga City Council
Ordinary meeting – September 16, 2019

8 - Officers reports for determination

104 Hovell Street,
Wodonga, VIC 3690

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [TO BE CONFIRMED].

A submission must be sent to:
The Chief Executive Officer,
Wodonga City Council
PO Box 923,
Wodonga VIC 3689.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [TO BE CONFIRMED]
- panel hearing: [TO BE CONFIRMED]
ATTACHMENT X - Mapping reference table

<table>
<thead>
<tr>
<th>Location</th>
<th>Land /Area Affected</th>
<th>Mapping Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example</td>
<td>Land bounded by Gumnut Road and Cupid Lane, Gumnut</td>
<td>Gumnut C001 001vpoMap37 Exhibition</td>
</tr>
<tr>
<td>Gumnut</td>
<td></td>
<td>Gumnut C001 002vpoMap38 Exhibition</td>
</tr>
</tbody>
</table>

[DELETE THIS SECTION IF NOT APPLICABLE]
PROPOSED CONDITIONS

Amended Plans
1. Before development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application being plans TP01 Rev P8, TP02 Rev P8, and TP04 Rev P8 prepared by +trg dated September 2018, but modified to show:
   a) A screening wall, a minimum 1.2 metres in height, along the length of the Arnica Circuit boundary, to prevent headlight glare to residential properties.

Endorsed Plans
2. The use and development must be generally in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the responsible authority.

Colours and Materials
3. Before development starts, a schedule of colours and materials to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

Engineering Plans & Construction
4. Before development starts, detailed engineering construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. All works constructed or carried out must be in accordance with those plans. The construction plans must incorporate the following requirements:
   a) Stormwater drainage and management including:
      i. Identification of any existing and/or proposed stormwater infrastructure, including proposed legal point of discharge.
      ii. Stormwater from all roofs, gutters, downpipes and paved areas shall be drained to a legal point of discharge.
      iii. Prevention of stormwater discharge onto adjoining public and or private land up to a 1 in 20 year ARI, with overland escape routes for larger storm events.
      iv. Incorporation of gross pollutant trap(s) to any and/or all outlets to the satisfaction of the responsible authority.
   b) Any existing, new, additional or extensions to existing roadways, carparks & hardstands, must be finished with a fully sealed all weather
surface, drained in accordance with an approved drainage plan. Details of proposed pavements and surfacing treatments must be provided.

c) Parking shall be provided in accordance with the planning permit conditions, each parking bay is to be clearly delineated (line marked and/or signed) as required. The removal of any existing parking bays must be offset by new bays.

d) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road(s) other than by a vehicle crossing.

e) Vehicular crossing and driveway crossovers shall be constructed to the Council’s standard. A maximum crossing width must be the minimum required to accommodate the design turning template of the anticipated service vehicles. A Road Reserve Works Permit is to be obtained from the relevant authority.

f) Incorporate safe pedestrian walks and (line marked) crossing within the proposed carpark.

g) New footpath construction and associated crossing(s) must be provided along the full frontage of the development along Verbena Street and Arnica Circuit. New connections and strategic links must be provided to the existing reserve path (north of the proposed development) and to the existing paths in Sage Court.

h) Provision of bicycle facilities in accordance with Wodonga Planning Scheme Clause 52.34.

i) Any existing footpaths, vehicular crossings and/or driveways, signage and/or line marking conflicting with, not required or deemed obsolete shall be relocated and/or removed and the kerb & channel, roadway, paths and nature strip shall be reinstated to the satisfaction of the responsible authority.

**Construction Phase**

5. All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

**Construction Management Plan**

6. Before development starts, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must address:

a) Fencing to contain all litter, restrict vehicle access and deter unauthorized access to the site;
**b)** Temporary fencing of the site during construction;

**c)** Construction vehicle access point to the site during construction;

**d)** Parking facilities for construction workers;

**e)** Erosion and sediment control during construction.

**f)** Control of mud on roads during construction;

**g)** Control of dust generation during construction;

**h)** Details including contact details of a liaison officer for contact the event of relevant queries or problems experienced during construction.

Once approved the Construction Management Plan will be endorsed and form part of this permit.

**Landscaping**

7. Before development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Once endorsed this plan will form part of the planning permit. The plan must include details of:

**a)** Proposed buildings and other structural features that influence the landscape design.

**b)** Any natural features that influence the landscape design.

**c)** Planting within and around the perimeter of the site comprising trees and shrubs, including using appropriate native species for areas adjoining the WREN reserve.

**d)** Shade trees.

**e)** The proposed design features such as any paths, paving, and finished surfaces.

**f)** A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant.

**g)** Hard and soft landscape treatments at the interface between the subject land and the WREN reserve.

**h)** A pedestrian connection between the carpark and the existing unsealed trail within the WREN Reserve.

**i)** Means of watering the landscaped area.
8. Before the use allowed by this permit commences, the site must be landscaped in accordance with the endorsed plan and shall be thereafter maintained to the satisfaction of the responsible authority.

Native Vegetation

9. Before development starts, the common boundary between the subject land and WREN land (identified as Category 3 land in the Leneva Valley and Baranduda Native Vegetation Precinct Plan) must be established. This boundary must be:
   a) Marked with a highly visible and secure vegetation protection fence;
   and
   b) Signed to indicate these vegetation protection areas must be erected and maintained until works are complete.

Vehicles, machinery, earthworks, placement of fill and storage of materials is prohibited within the WREN land.

10. A Tree Protection Zone (TPZ) with a radius of 12 x the trunk diameter (measured at a height of 1.3m) must be implemented around all WREN Reserve trees for the duration of construction activities, unless with the prior written consent of the responsible authority. The TPZ is applied from the base of the tree trunk and should be no less than 2 m and no greater than 15 m.

11. Any construction stockpiles, fill, storage and machinery must be placed away from WREN reserve and drainage lines to the satisfaction of the responsible authority.

12. All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control (EPA 1991).

Sediment Control

13. Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). Specifically, the applicant must ensure:
   a) Grading, excavation and construction must not proceed during periods of heavy rainfall.
   b) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
   c) Disturbed areas must be stabilised and revegetated following the completion of works.

Waste Management Plan
14. Prior to the commencement of the use, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site must be submitted to and approved by the responsible authority. The Waste Management Plan must provide for:
   a) The method of collection of garbage and recyclables.
   b) Designation of methods of collection.
   c) Appropriate areas of bin storage on site and areas for bin storage on collection days.
   d) Litter management.

General Amenity
15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
   a) transport of materials, goods or commodities to or from the land.
   b) appearance of any building, works or materials
   c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
   d) presence of vermin.

Lighting Baffles
16. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

Hours Of Operation
17. The hours of operation for all uses are 6.00am to 11.00pm on all days including public holidays.

Regulation Of Delivery Times
18. Deliveries to and from the site (including waste collection, but with the exception of bakery and dairy deliveries) must only take place between: 7.00am and 7.00pm Monday to Friday and 8.30am and 4.00pm Saturday, Sunday and public holidays.

Vehicle Access Lanes and Car Park Construction
19. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   a) constructed and properly formed to such levels that they can be used in accordance with the plans
   b) surfaced with an all-weather-seal coat
   c) drained
d) Line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.


g) Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amendment 2-2010 minimum light category P11/P12 and the fitting are to minimize spill lighting on to neighbouring properties (including road reserves) in accordance with AS/NZ 4282-1997.

h) Car spaces, access lanes and driveways must be kept available for these purposes at all times.

**Car Parking For Disabled Persons**

20. A minimum of 2 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to suitable entrances of buildings and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons.

**Parking Signs**

21. Signs to the satisfaction of the responsible authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the responsible authority.

**Security Alarms**

22. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

**Food Act Premises**

23. The premises must be registered with Council under the provisions of the *Food Act 1984* and must be constructed and maintained in accordance with the Australia New Zealand Food Standards Code and AS 4674-2004 Design, Construction and Fit-out of Food Premises as adopted by Council. A plan of the proposed food premises must be provided to and approved by Council prior to the commencement of construction and/or fit-out. Operation of the business shall not commence until Food Act registration has been granted by Council.

**Mandatory Bushfire Management Overlay Condition**

24. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

Country Fire Authority Requirements
25. The Bushfire Management Plan prepared by Habitat Planning, Appendix D from the Bushfire Management Statement (dated 11 October 2018), must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the responsible authority.

Expiry
26. This permit will expire if one of the following circumstances applies:
   a) The development is not commenced within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not commenced within two years of the development being completed.
   d) If commenced within two years, the use is then discontinued for a period of two years.

The responsible authority may extend the time for the completion of the development, if an application is received within 12 months after the permit expired and the permit was lawfully commenced prior to the expiry of the permit.