Planning and Environment Act 1987

Panel Report

Wodonga Planning Scheme Amendment C132wdon and Planning Permit Application 103/2018

25 June 2020
How will this report be used?
This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.
The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the Planning and Environment Act 1987 (the Act)]
For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.
The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the Act]
The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the Planning and Environment Regulations 2015]
If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Wodonga Planning Scheme Amendment C132wdon
and Planning Permit Application 103/2018
25 June 2020

Con Tsotsoros, Chair
Peter Edwards, Member
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Glossary and abbreviations

Act                                                                 | Planning and Environment Act 1987 |
BAL                                                                 | Bushfire Assessment Level         |
Council                                                             | Wodonga City Council              |
DELWP                                                               | Department of Environment, Land, Water and Planning |
EIA Report                                                          | Baranduda Neighbourhood Centre Economic Impact Assessment, MacroPlanDimasi, September 2018 |
GRZ                                                                 | General Residential Zone          |
Planning Report                                                     | Planning Scheme Amendment & Planning Permit Application report, Habitat Planning, 8 August 2019 |
Planning Scheme                                                     | Wodonga Planning Scheme           |
Traffic Report                                                      | Traffic Impact Assessment, Peter Meredith Consulting, 6 November 2018 |
VCAT                                                                | Victorian Civil and Administrative Tribunal |
Overview

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Executive summary

Baranduda has a population of over 2,500 people and is located about 8.5 kilometres southeast of the Wodonga city centre. The Leneva-Baranduda Precinct Structure Plan anticipates about 6,153 new dwellings and 15,700 new residents and plans for new activity centres to service their needs.

Baranduda Village is identified as a neighbourhood convenience centre in the Leneva-Baranduda Precinct Structure Plan, Wodonga Planning Scheme and adopted Wodonga Activity Centre Retail Hierarchy Strategy. Collectively, they indicate that Baranduda Village will have up to 1,500 square metres of retail floorspace, including a convenience supermarket. The existing Mixed Use Zone land in the centre has been found to be unsuitable for a viable supermarket.

Lot 128 in PS733790 at the corner of Verbena Street, Baranduda (subject land) is about 5,207 square metres and the only remaining property in Baranduda Village capable of accommodating a viable supermarket. General Residential Zone Schedule 1 applies to the subject land and prohibits a retail premises, including a supermarket.

Next 1 Pty Ltd lodged a combined planning scheme amendment and permit application, enabled by section 96 of the Planning and Environment Act 1987, in June 2018. Wodonga Planning Scheme Amendment C132wdon (the Amendment) seeks to rezone the subject land to Mixed Use Zone to allow an opportunity to consider a supermarket. The associated Planning Permit Application 103/2018 seeks building and works approval for a supermarket, car parking, loading and landscaping.

The Amendment and Permit application included development plans and was supported by a planning report, economic impact assessment, traffic impact assessment and bushfire management statement. The Amendment and Permit were exhibited from 21 November 2019 to 10 January 2020 and received 23 submissions. Key issues raised in submissions included strategic justification, traffic safety and parking, economic impact, interface and activation with its surrounds, visual impact, amenity, location, liquor licensing, and the form and content of the Amendment and Permit.

The Panel has considered all submissions, expert evidence and large volume of material provided by parties before reaching its findings.

Strategic justification

A 1,300 square metre supermarket on the subject land will result in an acceptable economic impact and is entirely consistent with the direction sought through the Wodonga Activity Centre Retail Hierarchy. The proposal would:

- enable a convenience supermarket in Baranduda Village, as directed and envisaged in planning policy
- consolidate retailing with existing retailing and community facilities in the one location
- provide the Baranduda community with convenient access to supermarket shopping and further choice without having to travel unreasonable distances.

The Amendment achieves key policy objectives outlined in Chapter 2 and will deliver net community benefit and sustainable development. It is supported by, and implements,
relevant sections of the Planning Policy Framework, including specific policy for 1,500 square metres of retail floorspace in the Baranduda Village centre. It is also consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is well founded and strategically justified and should proceed.

**Traffic and parking**

The road network can accommodate future traffic volumes and the proposed supermarket will not unreasonably impact road safety. However, the western vehicle crossing should be widened so that semi-trailers entering the subject land do not cross the Verbena Street centreline.

Council should implement line marking and parking restrictions at the Verbena Street bend next to the subject land to address existing road safety issues. It should review traffic conditions and road safety around Baranduda Primary School within three to six months of the supermarket operating to confirm whether further remedial works may be needed.

The amended car parking layout shown in Appendix C is appropriate and can be further refined during the detailed design stage.

**Interface, activation and visual impact**

The proposed development provides reasonable interface interaction which would benefit from improved activation along the building’s southern elevation.

The post-exhibition version of the development plans and Hearing version of the draft permit conditions ensure that the development does not result in a negative visual impact. The excess 200 millimetres not require for the southern car park aisle should be used to increase the landscaped area along the southern boundary or in the car park. All post-exhibition changes should be reflected in the amended plans forming part of the Planning Permit.

**Other matters**

The proposal, with further changes to the permit conditions, will not result in unreasonable amenity impacts.

The subject land is a suitable location for a supermarket because it can appropriately manage any potential offsite impacts. The proposed development can be managed through the section 173 agreement and permit conditions without the need for a Design and Development Overlay.

**The Planning Permit**

The Planning Permit appropriately addresses relevant considerations and should be granted. It would benefit from drafting changes, generally consistent with those proposed by Council and the Proponent, which clarify the intent or improve the operation of conditions.

**Recommendations**

Based on the reasons set out in this Report, the Panel recommends that:

- **Wodonga Planning Scheme Amendment C132wdon** be adopted as exhibited.
- **Planning Permit 103/2018** be issued subject to amending conditions, as shown in Appendix B, to:
Amended plans
  a) require amended plans to:
     • show clear glazing to the eastern most window bay along the south elevation
     • show the realignment of the western Verbena street entrance to ensure that all approach vehicles can enter the subject land without crossing the midline of the road pavement
     • set back the area marked ‘Dash Line Denotes Plant Room Above’ to approximately 2.5 metres from the boundary
     • increase the landscape area along the southern boundary or in the car park by reducing the southern car park aisle by 200 millimetres
     • include other post-exhibition changes shown in Appendix C.

Colours and materials
  b) require all blank walls and fences to be treated with a graffiti resistant finish

Engineering plans and construction
  c) include a new requirement for Condition 4 (Engineering plans & construction) based on Condition 16 (Lighting baffles)
  d) require detailed engineering construction plans to:
     • incorporate a minimum of 7 bicycle parking facilities for the use of employees and visitors to the site
     • require bicycle facilities to be designed and constructed for their efficient access and use
  e) clarify that the new footpath connection shown in the construction plan must be provided to the existing path to Sage Court through the proposed southern walkway

Landscaping
  f) require the landscape plan to include planting in the eastern Arnica Street frontage that includes a combination of understorey and canopy planting

Native vegetation
  g) delete the duplicated reference to all earth works adhering to the Construction Techniques for Sediment Pollution Control (EPA 1991)

General amenity
  h) expand the general amenity clause

Hours of operation
  i) reduce the operating hours to between 7am and 10pm

Draft changes
  j) make other changes which clarify the intent or improve the operation of conditions.
1 Introduction

1.1 The Amendment and planning permit application

The subject land is:
- Lot 128, PS733790 at the corner of Verbena Street, Baranduda
- 5,207 square metres
- in the Baranduda village centre next to the Baranduda Community Centre
- about 8.5 kilometres southeast of the Wodonga city centre.

The combined Amendment and Planning Permit Application is enabled through section 96A of the Planning and Environment Act 1987 (the Act).

Wodonga Planning Scheme Amendment C132wdon (the Amendment) proposes to rezone the subject land from General Residential Zone Schedule 1 to Mixed Use Zone.

Planning Permit Application 103/2018 seeks building and works approval for:
- a supermarket with 1,300 square metres of retail floor area, as shown in Figure 1
- a 73 space car park with two vehicle access points from Verbena Street
- landscaping and a loading bay.

Council prepared draft Planning Permit Application 103/2018, as exhibited, which includes conditions for:
- amended and endorsed plans
- colours and materials schedule
- engineering plans and construction
- construction phase and management plan
- landscaping, native vegetation and sediment control
- waste management plan
- general amenity, lighting baffles, hours of operation, delivery times and security alarms
- vehicle access lanes and car park construction and design
- Food Act 1984 registration
- bushfire matters, including a Country Fire Authority condition.

The Proponent (Next 1 Pty Ltd) amended the plans in response to submissions, as shown in Figure 2.

An agreement under section 173 of the Act between the property owner and Council is proposed to be registered on the title of the subject land. The agreement, among other things, states:

The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council:
- the Leasable Floor Area of the Neighbourhood Convenience Centre must not exceed 1,500 square metres; and
- if any part of the Subject Land is used for the purpose of an Office, the combined Leasable Floor Area on the Subject Land that is used for an Office must not exceed 100 square metres.
Figure 1  Exhibited proposal

![Exhibited proposal]

Figure 2  Amended proposal since exhibition

![Amended proposal since exhibition]
1.2 Supporting assessments

The combined Amendment and Permit Application was supported by the following reports and plans:

- Development Plans, TRG, September 2018
- Planning Scheme Amendment & Planning Permit Application report, Habitat Planning, 8 August 2019 (Planning Report)
- Baranduda Neighbourhood Centre Economic Impact Assessment, MacroPlanDimasi, September 2018 (EIA Report)
- Traffic Impact Assessment, Peter Meredith Consulting, 6 November 2018 (Traffic Report)

Key findings of each report are summarised below.

Planning Report

The subject land is suitable for the proposed development because:

- it is consistent with Council’s strategic planning for Baranduda including the provision of a supermarket in the village centre
- it represents a logical and appropriate expansion of the Baranduda Village centre
- it will be compatible with existing land uses in the Baranduda Village centre
- it will have direct community benefits to the surrounding area
- it will have economic benefits to the local community through commercial investment and employment opportunities
- it will have little to no environmental impact
- it ensures that identified habitat and conservation areas and corridors are retained
- it can be serviced with all required urban infrastructure.

EIA Report

Developing a new supermarket on the subject land will result in a net community benefit by:

- serving existing and future residents in the trading area
- creating a focal point and sense of place for residents
- substantially improving convenience and amenity for residents
- reducing travel time for residents
- creating additional employment opportunities
- not negatively affecting the viability of any existing retail centre or shop.

Traffic Report

The proposed development will:

- generate an additional 1,416 vehicles each day, including 146 trips during the peak time
- not result in a significant negative impact on the surrounding road network or intersections
- have sufficient parking to meet peak demand through its 72 off-site parking spaces and loading bay for trucks of up to 19 metres
- meet minimum Australian Standards for access, parking and internal manoeuvring areas.
A ‘no stopping’ zone is recommended on both sides of Verbena Street from the southern boundary of the subject land to Arnica Circuit.

**Bushfire Management Statement**

The Bushfire Management Statement:

- acknowledged the subject land is next to the Wodonga Retained Environmental Network
- assessed the proposal against the identified bushfire risk and relevant standards at Clause 53.02 of the Planning Scheme
- included a Bushfire Management Plan.

The Statement found:

- relevant Clause 53.02 requirements can be achieved if the building is constructed to a Bushfire Assessment Level (BAL) 29 level
- the required BAL can be achieved by applying and maintaining the required defendable space and the Bushfire Management Plan
- the building is a substantial concrete panel building (covering about one quarter of the subject land) and the car park will enhance bushfire access management.

### 1.3 Background

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<th>Event</th>
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<td>2018</td>
<td>Next 1 Pty Ltd lodged a section 96(a) combined application for a Planning Scheme Amendment and Planning Permit for the subject land</td>
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<tr>
<td>June</td>
<td>Council assessed the application, and requested and received further information</td>
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<tr>
<td>July to November</td>
<td>Council and the Proponent prepared and reviewed draft permit conditions</td>
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<td>2019</td>
<td>Leneva-Baranduda Precinct Structure Plan introduced into the Wodonga Planning Scheme through Amendment C121</td>
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<td>April</td>
<td>Council requested the Minister for Planning to authorise the Amendment</td>
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<td>4 July</td>
<td>Minister for Planning decided to not authorise the Amendment because it was considered there was no exceptional circumstance to justify the Specific Controls Overlay</td>
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<tr>
<td>15 July</td>
<td>Council adopted the Wodonga Activity Centre Retail Hierarchy Strategy</td>
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<tr>
<td>16 September</td>
<td>Council resolved to request authorisation for a revised proposal which sought to rezone the subject land to the Mixed Use Zone</td>
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<tr>
<td>22 October</td>
<td>Minister for Planning authorised the revised Amendment subject to conditions</td>
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<td>21 November</td>
<td>Amendment exhibition commenced</td>
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**2020**

| 10 January | Amendment exhibition ended |
1.4 Procedural issues

(i) Hearing format
The Panel advised parties on 6 April 2020 that Novel Coronavirus Disease 2019 (COVID-19) related government restrictions on public gatherings did not enable the Directions or main Hearing to be conducted in person. It advised of its intention to conduct them by video conference. The Proponent offered to assist in the video process and no party objected.

The Panel provided any party who did not participate in the video conference with an opportunity to provide a further written submission. The Panel received submissions from Ms Dows and Ms Barnett\(^1\) which it considered concurrently with their original submissions.

(ii) Site inspections
Due to issues associated with Covid-19 restrictions, the Panel was unable to inspect the subject land and its surrounds in person. In response to a Panel direction, Council provided aerial video footage and the Proponent provided street level video footage\(^2\).

The Panel thanks Council and the Proponent for providing multi-dimensional perspectives of the subject land and its surrounds which provided a suitable alternative to an in-person inspection and assisted the Hearing process.

(iii) Economic advice
At the Directions Hearing and after learning that JMP Developments was not a party to the Hearing, the Proponent indicated that it might not be calling economic evidence as originally proposed. It confirmed this soon after the Directions Hearing.

On 14 May 2020, Council wrote to the Panel to explain that it did not have in-house economic expertise and did not seek an external review of the EIA Report. At the Hearing, Council explained that it sent a similar courtesy email to the Proponent’s advocate on the same day.

For procedural fairness, the Panel circulated it to all parties and provided them with an opportunity to comment. The Proponent and Council each responded through their submissions at the Hearing.

The Proponent submitted:

By email letter to the Panel, Council has requested the advice of the Panel on issues that would not otherwise be raised by submitters appearing before the Panel and that the Proponent understood were already addressed by the Council at its meeting considering submissions.

It is true that the Council resolved to refer all submissions to the Panel and so that technically the matters now referred for consideration by the Panel ‘for advice’ are matters properly before it.

It is also true, however, that a Panel must afford parties to the hearing procedural fairness. In circumstances where:

- The Proponent indicated an intention to call economic evidence;

\(^1\) Documents 10 and 15 respectively

\(^2\) Documents 11 and 13 respectively
• That issue was contemplated directly at the Panel directions hearing;
• The Council alluded to on 7 May 2020 but did not provide a copy of its correspondence to the Panel to the Proponent with the effect that the Proponent did not receive the material in a timely manner; and
• The issues raised in Council’s letter are matters comprehensively dealt with in the officer’s report that led to the Council referring it to the Panel and the EIA.

there exists a real risk that the Proponent’s right to a fair hearing may be compromised. The import of the Council’s position has been to deny the Proponent the opportunity to provide expert evidence in person at the hearing on the issue.

The Proponent has endeavoured to obtain advice from the authors of the EIA report submitted with the application to Council. In essence that advice articulates the position already presented to and apparently accepted by the Council. The Proponent considers that the matters recently agitated by the Council are properly addressed by this work and submissions.

However, if in all of the circumstances that Panel is concerned or has further questions in respect of the Proponent’s submission relating to issues of economics, procedural fairness would demand that these are matters are voiced prior to the receipt of the Panel's recommendations. This may be done in the course of a hearing or it may be done by interim directions if the Panel was of a mind that it would make adverse recommendations on those related issues.

The Proponent provided further economic advice to assist Council’s query. Council was satisfied that the further economic advice responded to its query and submitted:

The matter of procedural fairness is paramount and therefore Council will defer to the Panel as to the most appropriate way forward and whether the Panel finds it appropriate to offer further commentary in relation to this issue.

However, in consideration of the additional opinion offered to participants by the applicant, from MacroplanDimasi, Council is satisfied that the development of the supermarket will not impact on the timing and development of the larger Baranduda Neighbourhood Centre.

Council is clear on the differing role of the two centres and the importance of the Convenience Centre to the future development of Baranduda.

Should further information be requested to be provided post panel Council has no dispute with this method.

Panel response

The Panel exercised procedural fairness by forwarding Council’s correspondence to all parties and providing them with an opportunity to comment, including whether a party needed more time to prepare for the Hearing. The Panel would have considered adjourning the Hearing if it identified a procedural issue or if a party requested an adjournment for procedural reasons.

The Panel disagrees with the Proponent that its right to a fair Hearing may have been compromised. Each party is responsible for how it prepares for the Hearing irrespective of what other parties are doing. The Panel cannot reconcile the Proponent’s reasons for procedural fairness because:

• it voluntarily sought to not call economic evidence after learning that JMP Developments was not a party to the Hearing

Document 14
• there should be no claim if it considers that matters raised by Council have been comprehensively responded to.

Council may have been the one affected party because it claimed that it was not prepared for the Hearing. While the Panel appreciates Council’s acknowledgement, the late timing of its advice caused unnecessary angst. The Panel finds this claim to be odd because:
• it received the initial economic impact assessment report in June 2018 with the original Permit/Amendment application
• received submissions in response to exhibition by January 2020
• responded to submissions, including economic issues, at the 16 March 2020 Council meeting.

The Panel considers the Proponent’s further submission on this matter and Council’s response resolved this procedural matter. Should the Panel have had any queries regarding economic matters or needed more time to consider new information, it would have explored them further during the Hearing.

(iv) Amendment and Permit Application

JMP Developments submitted that the Amendment and Permit Application was not exhibited with the planning report or accompanying documents. It sought to understand matters such as policy compliance and future strategic direction which supports the proposal and the design response.

JMP Developments considered that the combined Amendment and Permit Application should have been exhibited with the floor plan; colour and materials schedule; planning report; traffic impact assessment report; waste management report; bushfire hazard assessment for Clause 13.02; and stormwater management response for Clause 53.18. It added:

Quite surprisingly in the omission of these documents, there is no Condition 1 requirement in the ‘draft permit’ to provide these documents.

JMP Developments referred to Crothers v Moira SC [2019] VCAT 342 where Moira Shire Council was criticised for assessing and determining a permit application without adequate documentation. At the Hearing, the Proponent provided a copy of the decision4 which related to a permit application without plans or elevations. It added that this cannot be compared with the subject application which includes plans, elevations and supporting documents.

Council submitted that, like all such applications, the supporting reports did not form part of the Amendment or draft permit. They were not exhibited but were available for inspection during and after the exhibition period. In response to a Panel question, Council referred to Planning Scheme clauses which triggered the need for a planning permit.

Panel response

The Panel considers that Council has met its statutory obligations when assessing or exhibiting the combined Amendment and Permit application. Having reviewed the application requirements for each clause triggering a permit, the Panel is satisfied with the

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4 Document 21
application. The application was exhibited with development plans and supported by a planning report which appended various technical reports. These documents were publicly available for inspection at Council’s offices during and after the exhibition period.

Should the application had been deficient, Council could have requested further information to inform itself before assessing the application. It is unlikely Council would have required further information through a permit condition after making its decision.

1.5 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from video footage and photographs, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Traffic and parking
- Other issues
- The Planning Permit.

There are several versions of draft Planning Permit 103/2018. For the purposes of this report, the Panel refers to the following versions:

- Exhibited – the version which submitters responded to during exhibition
- Post-exhibition – included in Council’s Part A submission (Attachment 11)
- Hearing – provided by the Proponent and agreed to by Council (Document 22).
## Planning context

### 2.1 Planning policy framework

Council and the Proponent submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has merged and summarised below.

<table>
<thead>
<tr>
<th>State Clauses</th>
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<tbody>
<tr>
<td>11 Settlement</td>
</tr>
<tr>
<td>11.01 Victoria</td>
</tr>
<tr>
<td>▶ 11.01-1S Settlement</td>
</tr>
<tr>
<td>To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</td>
</tr>
<tr>
<td>11.02 Managing growth</td>
</tr>
<tr>
<td>▶ 11.02-1S Supply of urban land</td>
</tr>
<tr>
<td>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</td>
</tr>
<tr>
<td>11.03 Planning for places</td>
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<tr>
<td>▶ 11.03-1S Activity centres</td>
</tr>
<tr>
<td>To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.</td>
</tr>
<tr>
<td>13 Environmental risks and amenity</td>
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<tr>
<td>13.02 Bushfire</td>
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<td>▶ 13.02-1S Bushfire planning</td>
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<tr>
<td>To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</td>
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<tr>
<td>13.07 Amenity and safety</td>
</tr>
<tr>
<td>▶ 13.07-1S Land use compatibility</td>
</tr>
<tr>
<td>To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</td>
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<tr>
<td>15 Built environment and heritage</td>
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<tr>
<td>15.01 Built environment</td>
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<tr>
<td>▶ 15.01-2S Building design</td>
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<tr>
<td>To achieve building design outcomes that contribute positively to the local context and enhance the public realm.</td>
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<tr>
<td>17 Economic development</td>
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<tr>
<td>17.02-1S Diversified economy</td>
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<tr>
<td>▶ 17.02-1S Business</td>
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<tr>
<td>To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.</td>
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<th>Local Clauses</th>
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<tr>
<td>21 Municipal Strategic Statement</td>
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<tr>
<td>21.03 Activity Centres</td>
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</table>
21.03-1 Activity centres
To provide 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 and to provide for Wodonga’s existing and future communities.

New communities within growth areas, and in particular the Leneva-Baranduda Growth area, will require access to new or expanded activity centres. The delivery of these centres must have regard to their place in the overall hierarchy so as not to threaten the primacy and central role of the Central Business Area.

Baranduda Village is designated as a Convenience Centre that “Meets the convenience retail needs of a local catchment or passing trade” comprising 500-1,500 square metres of retail floorspace.

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

21.03-3 Urban growth
To achieve sustainable urban growth and ensure equitable access to services and facilities.

21.03-5 Implementation
Prepare a Retail Strategy that includes analysis of the activity centres (including the Central Business Area) and confirms the capacity, timing and appropriate floorspace allocations for each centre.

21.13 Local areas
21.13-5 Leneva Valley and Baranduda Growth Area Corridor
The Leneva Valley and Baranduda Growth Area Corridor, located south east of the City, will accommodate the city’s medium-long term growth.

2.2 Other relevant planning strategies and policies

(i) Hume Regional Growth Plan
The Hume Regional Growth Plan provides broad direction for land use and development across the Hume region, as well as more detailed planning frameworks for the key regional centre of Wodonga.

(ii) Wodonga Growth Strategy
The Wodonga Growth Strategy 2016 is referenced in the local section of the Planning Policy Framework.

(iii) Wodonga Activity Centre Retail Hierarchy Strategy
The Wodonga Activity Centre Retail Hierarchy Strategy was adopted by Council in July 2019 and seeks to:

- Integrate and articulate a tiered activity centre hierarchy with retail floorspace allocation and staged supply timeframe;
- Establish the Central Business Area (CBA) as a regional hub for employment and commercial activities;
- Meet the needs of both its regional and local catchments; and
- Meet the existing and future retail needs of Wodonga and surrounding areas in a staged manner having regard to the overall hierarchy.

The Strategy identifies Baranduda Village as an existing centre which includes convenience retail.
(iv) Leneva Baranduda Precinct Structure Plan

Leneva-Baranduda Precinct Structure Plan is a long-term urban development plan for how the about 1,062 hectares of land is to be developed and where services are planned to support development. It was introduced into the Wodonga Planning Scheme on 4 April 2019 through Amendment C121.

The Structure Plan refers to a future Baranduda Town Centre comprising 12,000 square metres of retail floor space.

2.3 Planning scheme provisions

The subject land is proposed to be rezoned to the Mixed Use Zone and the Bushfire Management Overlay exists to most of the land. A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework. Other purposes specific to the Mixed Use Zone and Bushfire Management Overlay are shown in Table 1.

<table>
<thead>
<tr>
<th>Zones and overlays</th>
<th>Relevant zone and overlay purposes</th>
</tr>
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</table>
| **Mixed Use Zone** | To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.  
To provide for housing at higher densities.  
To encourage development that responds to the existing or preferred neighbourhood character of the area.  
To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone. |
| **Bushfire Management Overlay** | To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.  
To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.  
To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. |

2.4 Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46). That discussion is not repeated here.
3 Strategic justification

3.1 The issues

The issues are whether the combined Amendment and Permit application is:

- supported by, and implements, the relevant sections of the Planning Policy Framework
- consistent with the relevant Ministerial Directions and Practice Notes
- strategically justified.

To explore this further, the Panel has considered the proposal’s degree of strategic support and its potential economic impact.

3.2 Economic impact

(i) The issue

The issue is whether a 1,300 square metre supermarket on the subject land will result in an unacceptable economic impact or conflict with the Wodonga Activity Centre Retail Hierarchy.

(ii) Evidence and submissions

JMP Developments Pty Ltd submitted that the proposed supermarket would:

- duplicate the retail offering in the Baranduda Village precinct
- undermine the broader retail strategy for Wodonga
- "cannibalise" the future 12,000 square metre Baranduda Town Centre and delay its development.

It added that demographics and economics suggest that ‘mid to full-size’ supermarkets in the future Town Centre and Baranduda Village cannot survive without the population estimated in about 40 years. It referred to a NSW Department of Environment and Planning review which found that a 1,500 square metre supermarket would require a catchment of 20,000 people. It explained that the Leneva Baranduda Precinct Structure Plan estimates a future population of 15,000 people. A further 7,000 people from the broader rural catchment would be realised when the Precinct is fully populated.

JMP Developments considered a smaller supermarket of 1,000 square metres would limit the negative impact and viability of a full-line supermarket in the Baranduda Town Centre.

The Proponent considered the matter of economic impact to have been comprehensively dealt with in:

- the EIA Report which supported the application
- the officer report for the 16 March 2020 Council meeting which referred to the EIA Report.

The EIA Report found that the proposed supermarket would:

- be in a main trade area:
  - with an estimated 4,060 people in 2018 forecast to grow to about 8,800 people in 2031
- with a population which could support a supermarket of 1,360 square metres by 2021
  - have an economic impact of less than three per cent dispersed across several retail centres in the surrounding area
  - not threaten the ongoing viability of any existing centre or retail shop
  - result in net community benefit.

Following Council’s email dated 7 May 2020 querying economic matters, the Proponent provided parties with a letter prepared by Macroplan. The letter found the proposed supermarket on the subject land would have negligible implications for the timing or scale of development at the future Baranduda Town Centre. It explained that:
  - the estimated existing population of 4,060 people in the catchment is sufficient population to support the proposed supermarket
  - the proposed supermarket does not rely on future residents in the Leneva-Baranduda Precinct Structure Plan area to be supported
  - the main trade area for the proposed supermarket is primarily based on its 1,300 square metre size and the lack of other notable existing retail facilities in the surrounding region
  - the future 12,000 square metre Baranduda Town Centre would most likely contain one or two major supermarkets (one at least 3,200 square metres in size) and a broad range of other shops and services
  - it is generally accepted that 8,000 to 10,000 people are needed to support a full-line supermarket – this is consistent with the Wodonga Activity Centre Hierarchy Strategy
  - the proposed supermarket would:
    - serve a different role and catchment to a full line supermarket at the Baranduda Town Centre
    - not impact on the timing of future retail facilities including supermarkets at the Baranduda Town Centre
  - once a major supermarket opens at the Baranduda Town Centre, the trade area for the Baranduda Village supermarket would reduce substantially because residents in the Leneva Valley Precinct Structure Plan area would have better access to a bigger range of retail facilities closer to home

Having reviewed the further economic advice from Macroplan, Council was satisfied the supermarket would not impact on the timing and development of the Baranduda Town Centre. Council acknowledged the different roles between Baranduda Village and Baranduda Town Centre and how important the proposed supermarket was to the future development of Baranduda.

(iii) Discussion

The proposed supermarket’s retail floor area is less than the indicative 1,500 square metres specified in the Activity Centre hierarchy outlined in Planning Scheme Clause 21.03-1. This existing retail hierarchy implemented previous strategic work which found that a 12,000

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5 Document 14
6 Wodonga Planning Scheme Amendment C125, 5 July 2018
square metre centre with a larger full-line supermarket at the Baranduda Town Centre (Large Local Town Centre) can co-exist with up to 1,500 square metres of retail floorspace at Baranduda Village (Convenience Centre).

The adopted Wodonga Activity Centre Hierarchy Strategy continues to reflect the same centre-wide retail floor areas for Baranduda Village and the future Baranduda Town Centre (now referred to as the Baranduda Large Neighbourhood Centre). It goes further to indicate that up to 1,500 square metres of retail floor space including a supermarket would be provided at Baranduda Village in the short term, subject to local demand assessment.

The question is whether there is currently enough demand to support a 1,300 square supermarket on the subject land and whether enabling a supermarket at this stage would result in an unacceptable economic impact.

The combined application was supported by the EIA Report – a local demand assessment. The EIA Report has clearly and thoroughly considered the potential economic issues associated with the proposed supermarket. These include the extent of its trading area, the population threshold to make the supermarket viable, its potential impact on other retail centres and how a full-line supermarket in the future Baranduda Town Centre is likely to impact the subject supermarket. No submission persuaded the Panel to question the report’s findings.

Further economic advice prepared by Macroplan is consistent with, and clarifies aspects of, the EIA Report findings. The Panel has afforded the EIA Report and further Macroplan advice more weight than the figures referred to in the JMP Developments submission.

The Panel accepts that the estimated existing 4,060 people in the trade catchment can support a 1,300 square metre supermarket on the subject land. It considers an economic impact of less than three percent shared across several retail premises to be an acceptable outcome.

JMP Developments was not a party to the Hearing to explain the figures in its submission or the context in which they were used. The Panel cannot reconcile the figures sourced from New South Wales research, particularly the need for 20,000 people to support a 1,500 square metre supermarket. The empirical socio-demographic and economic figures shown in the EIA Report demonstrate that only 20 per cent of those people would be needed to support a 1,300 square metre supermarket.

(iv) Findings

The Panel finds that a 1,300 square metre supermarket on the subject land:
- will result in an acceptable economic impact
- is entirely consistent with the direction sought through the Wodonga Activity Centre Retail Hierarchy.

3.3 Strategic support

(i) The issues

The issues are whether there is strategic support to:
- rezone the subject land from General Residential Zone 1 to Mixed Use Zone (the Amendment)
• use and develop the subject land for a supermarket (Permit application).

(ii) Evidence and submissions
JMP Developments Pty Ltd submitted there is “no long term, strategic support to dictate increasing the area of zoned commercial land in Baranduda for the purposes of introducing a 1300 square metre mid-size supermarket”. It considered the proposed increase floorspace would border on transitioning Baranduda Village into a Neighbourhood Activity Centre and that Clause 11.03-1S does not refer to expanding or redefining activity centres.

JMP Developments referred to Clause 21.03 which states:

Support the staged delivery of a new Large Local Town Centre in Baranduda in accordance with catchment growth and projected demand for additional retail floor space.

It considered that “prematurely” enabling retail at Baranduda Village “fails to provide the opportunity to test the future viability of the Baranduda Leneva town centre, obliterating any opportunity for it to support a full-line supermarket within the next 20 to 40 years”.

JMP Developments added:

The proposed rezoning supports retail (supermarket) use but does not include any provision for the rewriting of existing local planning policy to promote the growth of the Baranduda Village area and additional retail use.

Accordingly, there is no justification to support the proposal in its current location.

The Proponent submitted that there is abundant support for a retail facility of this nature and size in this location and that the proposal represents the “proper long held and consistent policy”.

Mr McGurn of Urbis, who was called as a planning expert, found the Amendment to be consistent with relevant policies in the Planning Policy Framework and other strategies and plans. Among those policies, he referred to Clause 21.03 which designates:

• Baranduda Town Centre as a large neighbourhood centre
• Baranduda Village as a Convenience Centre with an indicative retail floorspace of 1,500 square metres including a supermarket.

Mr McGurn considered the proposal:

• to be consistent with Clause 21.03 and noted that the Amendment would facilitate this outcome
• would not undermine the broader strategy for Wodonga, given supermarket is within the retail floor area specified in policy
• would achieve a positive policy outcome with limited impacts
• constitutes a net community benefit for Baranduda and surrounds.

(iii) Discussion
Having found that a 1,300 square metre supermarket in Baranduda Village would not result in a negative economic impact, the Panel has turned its mind to whether the subject land should be rezoned to the Mixed Use Zone. This would provide the ability for a decision to be made on the planning permit application which forms part of the combined Amendment and Permit Application.
The Mixed Use Zone applies to the Baranduda Village centre therefore extending it to apply to other land in the centre is logical and represents good planning.

The zone requires a planning permit for a retail premises, other than a shop of up to 150 square metres which does not need a permit. This ensures that a permit application for a larger shop such as a supermarket is given public notice so that any affected person can express their views.

Baranduda Village is defined by an indicative retail floorspace and not with a boundary or by an overall land area. Applying the Mixed Use Zone to the subject land is therefore consistent with planning policy. The Permit Application is consistent with retail policy because the 1,300 square metre floorspace is within the extent of retail floorspace specified for Baranduda Village. The policy envisages a convenience supermarket at Baranduda Village.

The subject land provides the only opportunity to facilitate a convenience supermarket in Baranduda Village because no other land within the centre appears capable of accommodating it. While it may have been ideal to locate the supermarket on existing Mixed Use Zone land with Baranduda Boulevard frontage, such land is unsuitable, so there is a need for a practical outcome. The Amendment and Permit Application represent this outcome.

The proposal would:

- enable a convenience supermarket in Baranduda Village, as directed and envisaged in planning policy
- consolidate retailing with existing retailing and community facilities in the one location
- provide the Baranduda community with convenient access to supermarket shopping and further choice without having to travel unreasonable distances.

The Panel considers the Amendment achieves key policy objectives outlined in Chapter 2 and will deliver net community benefit and sustainable development, as required by Clause 71.02-3.

(iv) Findings

The Panel finds that the Amendment is:

- supported by, and implements, relevant sections of the Planning Policy Framework, including specific policy for 1,500 square metres of retail floorspace in the Baranduda Village centre
- consistent with the relevant Ministerial Directions and Practice Notes.

3.4 Conclusion and recommendation

The Panel concludes the Amendment is well founded and strategically justified and should proceed.

The Panel recommends:

For reasons set out in this Report, the Panel recommends that Wodonga Planning Scheme Amendment C132wdon be adopted as exhibited.
4 Traffic and parking

4.1 Road capacity

(i) The issue

The issue is whether the existing road network can accommodate future traffic, including delivery vehicles, generated by the proposed supermarket.

(ii) Evidence and submissions

Many submitters, including Baranduda Primary School, were concerned with the ability of the surrounding road network to accommodate the additional traffic generated by the proposed development. For example, Ms Barnett considered that Verbena Street was not designed for an additional 1,200 vehicles each day.

Submitters noted that congestion already occurred during drop off and pick times at Baranduda Primary School and believed that the nearby roads could not safety absorb further traffic; the roads were too narrow, on-street parking limited opportunities for overtaking and through traffic.

Baranduda Primary School noted that student numbers are likely to increase in the future with further development occurring around the area. It was unable to confirm the likely student numbers.

The Proponent called expert traffic evidence from Mr Turnbull of Traffix Group. He clarified in his evidence that at the time of his site inspection, only a small number of students were attending school. The majority were learning remotely due to COVID-19 related government restrictions, and accordingly Mr Turnbull was not able to see the full extent of traffic volume and on-street parking demand generated by the school.

Mr Turnbull found:

- traffic generated by the proposed supermarket can readily be accommodated on the surrounding road network and intersections without any adverse impacts
- the level of traffic on Verbena Street between Arnica Circuit and Juniper Way will remain within the environmental capacity of a local access street
- the site’s loading provisions are adequate and there will not be any adverse on-site or offsite amenity, traffic flow or road safety impacts.

Mr Turnbull carried out a detailed analysis of traffic generation and distribution across the road network. Traffic generation rates were those typically used throughout the industry and he principally relied on rates specified in RTA Guide to Traffic Generating Developments (2002) supplemented by his experience from other regional supermarket sites.

He advised that proposed 1,300 square metre supermarket would most likely generate 98 vehicles in the peak hour and 780 vehicles each day, as shown in Table 2 noting that the standard rates were generally more applicable to metropolitan, larger supermarkets.
Mr Turnbull noted that while Verbena Street is estimated to currently carry around 400 vehicles each day, he conservatively assumed a fully built out subdivision which included future traffic loading from an additional 38 lots off Bilberry Way, still to be constructed. Superimposing the proposed supermarket traffic onto the full build out scenario, Verbena Street between Arnica Circuit and Juniper Way would carry:

- 160 vehicle each hour (in the peak periods)
- 1,600 vehicles each day (based on peak to daily ratio of 10 per cent).

Mr Turnbull considered this level of traffic to be well below the indicative traffic capacity of 2,500 vehicles each day for Council’s two way access street (7.3 metre carriageway within 16 metre road reserve compared with Verbena Street which has a more generous 8.6 metre carriageway within an 18 metre reservation), and a collector street (western end of Verbena Street) has a capacity of up to 6,000 vehicles each day.

In relation to the peak hour flows, Mr Turnbull advised that the supermarket peak would occur on Saturdays, outside of school times. He added that during school drop off and pick up, there would be some sharing of trips with some parents and carers parking in the supermarket car park and combining shopping, when dropping off or picking up children. This sharing of trips would lead to less congestion on Verbena Street.

Council generally agreed with Mr Turnbull’s evidence and noted that the proposal will impact at the local level and no upgrades are expected to be required to nearby parts of the road network.

(iii) Discussion

The Panel acknowledges submitters concern regarding the ability of the road network to accommodate further traffic, particularly during school drop off and pick up times when local congestion is more likely to occur. The proposed supermarket will increase traffic beyond what residents are generally accustomed to in their local neighbourhood. The question is whether this increase would result in unreasonable impacts.

The Panel accepts Mr Turnbull’s evidence regarding road capacity, particularly his traffic figures. They demonstrate that the subject land’s surrounding road network can comfortably accommodate 2,500 vehicles each day without an unreasonable impact.

The Panel acknowledges that localised congestion exists around Baranduda Primary School during relatively short periods of time. However, they do not coincide with the proposed supermarket peak times.
(iv) Conclusion
The Panel concludes that the road network can accommodate future traffic volumes, including delivery vehicles.

4.2 Road safety

(i) The issue
The issue is whether the proposed retail centre will unreasonably impact road safety.

(ii) Evidence and submissions
Submitters were concerned about safety, including safety for children when arriving and leaving school. Other safety related issues were excessive vehicle speed, near misses at the school crossing, congestion, parking issues leading to inappropriate driver behaviour and delivery vehicles such as semi-trailers not being able to safely access the subject land.

Ms Dows considered there would be an unacceptable risk to students because they have a limited sense of the road and are known for running onto the road when told not to. She suggested the Verbena Street school crossing safety be enhanced with pedestrian fencing and be supervised while others suggested the crossing be upgraded to a wombat crossing (raised pavement with zebra crossing) with flashing lights.

Baranduda Primary School advised that it had discussed safety issues around the school with Council and noted that parking enforcement had been undertaken. It was still concerned that safety fears associated with additional traffic would result in potentially less students walking or riding to school.

Mr Turnbull stated it is common for local neighbourhood retail to be near a primary school. He considered the traffic flow along the school frontages:

- to be within acceptable limits for local access streets
- would remain acceptable after the supermarket begins operating and after the subdivision is fully built out.

Mr Turnbull considered that:

- additional traffic would not negatively impact pedestrians and cyclists using the footpath network
- students would still be able to ride and walk to school.

He explained that the development’s new footpaths along Arnica Circuit and Verbena Street frontages connecting into the existing footpath network would assist their journey.

Mr Turnbull considered that the Department of Transport (VicRoads) requirements for a school crossing supervisor are unlikely to be met, although this may change after the supermarket begins operating and the area is fully developed. He added that, regardless of the supermarket development, the bend in Verbena Street adjacent to the subject land should be treated to enhance safety with centreline line marking and ‘no stopping’ parking restrictions. He explained that these works would provide motorists with clear delineation and discourage ‘corner cutting’. Similarly, parking too close the bend may cause a potential safety issue by forcing motorists to travel onto the other side of the street.
Regarding delivery vehicles using Verbena Street, Mr Turnbull evaluated semi-trailer swept path diagrams which showed:

- these vehicles could comfortably enter and leave the subject land
- travel along Verbena Street to and from Baranduda Boulevard without encroaching onto the other side of the road.

The notable exception was entry to the subject land, however during cross examination, Mr Turnbull explained that the western splay on the west vehicle crossing should be widened so semi-trailers could drive straight into the subject land without the need to swing over the midline of the road. While delivery times are proposed from 7am to 7pm, Mr Turnbull noted that delivery drivers would naturally try and avoid school times where possible, but noted that there would still be opportunity for them to access the subject land (though more congested).

While Mr Turnbull did not identify any safety issue around the Verbena Street school crossing, he suggested that remedial works could include a raised pavement at the school crossing and additional parking restrictions. He stated that no immediate works were required, and these would be subject to future Council investigations.

Mr Turnbull considered the bend in Verbena Street, adjacent to the subject land, would encourage motorists to travel more slowly, and further supermarket shoppers would naturally be slowing down when entering the subject land.

Council advised that it is prepared to conduct a formal traffic assessment and monitor conditions if the development proceeded. It generally agreed with the findings of Mr Turnbull’s evidence.

(iii) Discussion

The Panel acknowledges submitter concern about road safety, considering its location near the Baranduda Primary School, community centre and aquatic centre.

Mr Turnbull’s evidence has been founded on sound and logical analysis. The Panel agrees with him that additional traffic generated by the proposed supermarket would not significantly increase existing traffic volumes during school times and would not result in unacceptable road safety issues.

The Panel agrees with Mr Turnbull’s recommendation for centreline road marking and for parking restrictions around the bend adjacent to the subject land. This is a pragmatic approach to enhancing safety. The Panel also supports western driveway being widened to improve access for larger delivery vehicles, so they do not need to encroach over the middle of the road.

Road safety around schools is a common and continual issue due to localised congestion created by parents and carers arriving to pick up and drop off their children around the same time as students walking and cycling. Baranduda Primary School and Council would benefit from continuing to work together to address any future parking restrictions and enforcement issues.

The Panel commends Council for committing to review traffic and safety conditions around the school and subject land. This review should occur within six months of the supermarket commencing operation to allow traffic conditions to settle and the supermarket customer
base to develop. Mr Turnbull’s suggestion for a raised pavement at the Verbena Street school crossing and additional parking restrictions and submitter suggestions for pedestrian fencing may be worthwhile but should be considered by Council after detail survey and consultation has been completed.

(iv) Conclusions and recommendation
The Panel concludes:
- The proposed supermarket will not unreasonably impact road safety.
- The western vehicle crossing should be widened so that semi-trailers entering the subject land do not cross Verbena Street centreline.
- Council should implement line marking and parking restrictions at Verbena Street bend next to the subject land to address existing road safety issues.
- Council should review traffic conditions and road safety around Baranduda Primary School within three to six months of the supermarket becoming operational to confirm whether further remedial works are needed.

The Panel recommends:
Amend Planning Permit 103/2018, as shown in Appendix B, to:
a) require amended plans to show the realignment of the western Verbena street entrance to ensure that all approach vehicles can enter the subject land without crossing the midline of the road pavement.

4.3 Parking layout

(i) The issue
The issue is whether the parking layout is appropriate to manage onsite traffic.

(ii) Evidence and submissions
Several submitters raised issues regarding:
- whether the supermarket would have sufficient parking
- the use of spare parking spaces for dropping off and picking up children
- general car park safety and operation with delivery vehicles travelling past the supermarket entrance (where higher pedestrian numbers would be expected).

Mr Turnbull advised:
- the proposed car parking provision exceeds the statutory requirement and will easily accommodate the peak demands generated by the supermarket as well as allowing for overspill school drop-off/pick-up parking to occur
- adequate provision can be made for bicycle parking on the site in accordance with Clause 52.34, and this is appropriately addressed by permit condition 4h.

Regarding parking, Mr Turnbull explained that the development exceeded the statutory parking requirements by eight spaces. Based on his experience with regional supermarkets, which generally have a lower parking demand, at least 20 spaces would normally be available for other uses (refer to Table 3). He explained that peak parking demand would occur on Saturdays, outside of school hours. He considered that during school drop off and pick up it is unlikely that there would be a significant number of supermarket customers with at least 20 spaces available on-site during these times.
Mr Turnbull provided an amended car parking plan in his evidence which he considered to be an improvement over the exhibited plan. He explained that its key features include:

- wider access aisle (8.4 metre) adjacent to the supermarket to enhance delivery vehicle access
- a two-metre landscape buffer along the eastern boundary and a 1.205 metre landscape buffer on the southern boundary
- realigned parking modules to provide seven spaces along the southern boundary – this moves the internal aisle into the car park and away from the driveways, improving safety and internal car park operations
- delivery vehicles still being able to arrive and depart in a forward direction with the loading dock located to the north west of the subject land, away from general car park operations.

He noted that the car park layout and dimensions were generally in accordance with Australia Standard Parking facilities Part 1: Off-street car parking (AS/NZS 2890.1-2004) but preferred the Planning Scheme car parking dimensions because in his opinion the 4.9 metre long parking bays (compared to the Australian Standard 5.4 metre long bays) ‘encouraged’ motorists to park further into the bay providing more aisle space.

Mr Turnbull clarified that the 6.2 metre aisle servicing the southern car parking spaces could be six-metre wide without compromising car park operations (to be consistent with the remaining parking aisles) and the remanent space be utilised for landscaping. Mr McGurn suggested that the 0.2 metre difference be added to the 1.2 metre landscape strip on the southern boundary to further enhance landscaping opportunities, while the Proponent suggested that it may be more appropriate for it to use within the landscaping areas within the car park.

Mr Turnbull advised that bicycle parking and facilities could be readily met, and potentially, bicycle rails should be located towards the southern end of the subject land next to the pedestrian link to better serve customer needs.

Council generally agreed with the findings of Mr Turnbull’s evidence.

(iii) Discussion

Mr Turnbull’s revised car park layout is practical, appropriate and would provide a safe environment for all users. The layout prioritises pedestrians and improves safety by:

- providing a pedestrian crossing through the subject land
- enabling delivery vehicles to travel in a forward direction when accessing and leaving the loading dock.

### Table 3

<table>
<thead>
<tr>
<th>Proposed supermarket car park demand</th>
<th>Parking rate (spaces/100sqm)</th>
<th>No of spaces</th>
<th>Credit/shortfall</th>
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<td>1,300 sqm supermarket with 73 space car park</td>
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<td></td>
<td>Estimated 4</td>
<td>52</td>
<td>+21</td>
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Panel Report | 25 June 2020
The layout can be further refined during detail design to include the optimal location for bicycle rails, and reduce the excess southern aisle space by 0.2 metres. This can be used for additional landscaping opportunities.

The Panel observes that the standard dimension for an aisle with 90 degree parking each side, under the planning scheme requirements would be 16.2 metres (a 6.4 metre aisle with 2 x 4.9 metre parking bays each side of the aisle). Mr Turnbull’s plan using Australian Standards provides a generous, 16.8 metres (6 metre aisle with 2 x 5.4 metre parking bays) an additional 0.6 metres. This may provide scope to further refine the car park layout.

The Panel has not reviewed car parking requirements because the proposal does not need a planning permit for car parking, as it exceeds the standard number of spaces specified in the Planning Scheme. Whether parents and carers use the supermarket car park to drop off and pick up their children is not a planning issue.

(iv) Conclusion and recommendation

The Panel concludes that the amended car parking layout is appropriate and can be further refined during detail design.

Amend Planning Permit 103/2018, as shown in Appendix B, to:

a) require detailed engineering construction plans to:
   • incorporate a minimum of 7 bicycle parking facilities for the use of employees and visitors to the site
   • require bicycle facilities to be designed and constructed for their efficient access and use.
5 Other issues

5.1 Interface and activation

(i) The issue

The issue is whether the proposed development appropriately interfaces with the public realm with enough activation.

(ii) Evidence and submissions

JMP Developments submitted that the subject land’s interface with residential land uses and public open space makes it unsuitable for a commercial centre. It added that the proposed design did not have enough activation with the public realm. It referred to:

- Clause 21.02-2 (Activity centre design) of the Planning Scheme which seeks to avoid large expanses of car parking at street frontages
- Clause 21.07 (Built environment) which ‘requires’ that Neighbourhood and Local Activity Centres be developed with a street-based format with off-street parking located behind so that buildings can activate the pedestrian walkway.

It also referred to state planning policy at Clauses 15.01-1S and 15.01-2S which see to:

- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads. Promote good urban design along and abutting transport corridors.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Council, the Proponent and Mr McGurn each acknowledged the challenges of achieving a street-based development on the irregularly shaped subject land.

Council submitted that a more street based development with active frontages to all three sides would be desirable. It noted that the proposed design was similar to Baranduda Community Centre with parking and vehicle circulation at the front the buildings. It considered car parking to be perhaps more essential in a regional context than a metropolitan setting because “cities and towns in rural and regional Victoria are dominated and will continue to be dominated, by car-based transport and car parking”.

The post-exhibition version of the draft Permit included a new Condition 1(b):

Clear glazing to a minimum 50% of the windows along the building’s south elevation.

Mr McGurn considered that the building appropriately addresses Sage Court, subject to a more active frontage. He added that the proposed pedestrian links are appropriate to connect the centre with the existing footpath network. These include the pedestrian link:

- which wraps around the building’s southern and eastern elevations under the verandah and to Verbena Street which would contribute to pedestrian comfort and amenity
- through the car park to Arnica Circuit.
Mr McGurn considered there should be activity to the building edges along the pedestrian link on the southern elevation, particularly for passive surveillance.

He recommended a permit condition to require clear glazing to continue around the southern elevation and returning to the edge of the western elevation for approximately five metres. He added the glazing to these elevations should be at least 50 per cent clear. Mr McGurn considered it appropriate to require a more detailed plan which details the proposed supermarket layout so that this arrangement can form part of the endorsed plans.

The Proponent provided the proposed supermarket layout within a set of amended plans at the time it lodged Mr McGurn’s evidence. At the Hearing, Mr McGurn suggested that clear glazing be included at the western end of the southern facade while acknowledging the inherent difficulties with supermarkets using their walls for the storage and display of goods.

The Proponent understood the rationale for Mr McGurn’s recommendations, however, it submitted that it was difficult to achieve the extent of his recommended clear glazing because the proposed supermarket layout plan shows freezers and fridges located along southern and western walls. It added:

- The walkway is approximately 25 metres in length and would take in the order of 20-30 seconds to traverse.
- There is a practical reality to the formatting of supermarkets that we all experience, being that the perimeter of the floorplate is commonly utilised for shelving as this represents an efficient use of space.
- The walkway space is generous with overall dimension of 4 metres (1 metre landscaping) and so will be an airy, free flowing footpath.
- It is not an area where there are any facilities that support congregation – it is a link to Sage Court.

For these reasons, the Proponent preferred clear glazing to the most eastern bay of the four window bays along the southern façade. Council and the Proponent agreed to a new permit condition requiring amended plans to show:

- Clear glazing to the eastern most window bay along the south elevation.

(iii) Discussion

The planning policies referred to by JMP Developments are relevant to designing an activity centre. Consistent with these policies, Wodonga Central and the Mann Centre in the Wodonga Central Business Area have located speciality shops along the footpath to activate the public realm and sleeved large floor plate retailing and car parking behind. Whether an area is dominated by car transport may be relevant to how many parking spaces are needed but is not relevant how the centre is designed to achieve these policies.

The Panel agrees with Council, the Proponent and Mr McGurn that the subject land’s irregular shape presents challenges. Irrespective of this constraint, the centre’s design generally strikes a good balance between activating the interface of the supermarket and subject land while managing the centre’s visual impact. The design achieves this by:

- locating the supermarket next to the existing community centre building to consolidate Baranduda Village’s activities
- providing a pedestrian walkway network within the subject land which connects to existing public footpaths
• having about 20 metres of its eastern façade near the Verbena Street with an abutting pedestrian walkway to the supermarket’s front door
• locating the supermarket further away from Arnica Circuit to diminish the building’s visual impact from the sensitive residential interface.

These rational design outcomes help to achieve urban design planning policy objectives which would normally have been achieved by sleeving the car park behind the building.

However, some further activation is needed to address the building’s:
• awkward rear (western) elevation to the existing community centre
• siting which will partly obscure passive surveillance between the community centre and Verbena Street.

The Panel agrees with Mr McGurn that the building’s southern elevation needs to be activated to enable public surveillance. This elevation has an important walkway of about 30 metres connecting the front of the community centre with the supermarket entrance and surrounding residential area. Activating part of the southern elevation with clear glazing would improve public surveillance, safety and the pedestrian experience. The intent of the glazing is to offset the inactive walkway between the supermarket’s activated frontage area and the community centre.

Locating clear glazing towards the western end of the southern elevation would achieve the most benefit because it is closest to the blank western wall and furthest from the supermarket frontage. Locating clear glazing to the eastern most window bay of the southern elevation achieves some activation by shortening the extent of walkway without public surveillance. This is the minimum amount of clear glazing which should be provided along the southern elevation and should be reflected as a permit condition.

The proposed supermarket locates its loading and storage to its side along the northern elevation, providing a unique opportunity to add some glazing to the western elevation. This could be achieved by locating a window in line with the frozen food aisle through to Sage Court. This would moderately reduce the dairy fridge area and address the shortfall of locating clear glazing to the eastern end of the southern elevation.

While the Panel’s suggestion is broadly founded on Mr McGurn’s sound planning advice, it does not make this as a formal recommendation. The Proponent’s approach for clear glazing to the eastern most window bay, while less effective, would not result in an unacceptable interface outcome whereas requiring further glazing may impact the supermarket’s function and viability. Council and the Proponent are best placed to explore this option further.

(iv) Conclusion and recommendations

The Panel concludes that the proposed development provides reasonable interface interaction which would benefit from improved activation along the building’s southern elevation.

The Panel recommends:

Amend Planning Permit 103/2018, as shown in Appendix B, to

a) require amended plans to show clear glazing to the eastern most window bay along the south elevation
b) clarify that the new footpath connection shown in the construction plan must be provided to the existing path to Sage Court through the proposed southern walkway.

5.2 Visual impact

(i) The issue
The issue is whether the proposed development would result in a negative visual impact.

(ii) Evidence and submissions
Several submitters considered the proposed development would result in a negative visual impact.

The Proponent submitted that it had further amended the plans since exhibiting the proposal to minimise visual impact by:

- reducing the parapet height by 400 millimetres in the north-west corner and increasing its setback from 1.5 metres to 2 metres to reduce overshadowing on the community centre in the morning
- increasing the western boundary setback from 0.6 to 1.5 metres
- increasing the eastern boundary landscape buffer from 1.5 to 2 metres.
- increasing landscaping along the southern and western boundaries and in the car park.

Mr McGurn recommended that the western boundary setback be increased to between 1.5 to 2 metres and landscaped to provide a more equitable development outcome and to reduce overshadowing to the community centre. He considered there should be suitable landscaping on the car park interfaces, including Arnica Circuit to soften and filter the interface to the residential area. He supported the need for a landscape plan.

During questions to Mr Turnbull, the southern car park aisle was found to be 0.2 metres wider than necessary. Mr McGurn recommended that the excess space be used along the southern property boundary to enable additional landscaping opportunities. The Proponent preferred to use the space to strengthen landscaping in the car park.

Council noted its work with the Proponent to achieve a more desirable outcome and supported a number of changes including increased setback to the community centre and additional landscaping.

(iii) Discussion
The Panel finds the development’s visual impacts have been appropriately managed and supports the post-exhibition plan which shows additional building setbacks and landscaping areas.

Increasing the setback from the western boundary to 1.5 metres would help soften the awkward back wall to the community centre by enabling increased landscaping opportunities and reduce overshadowing to the community centre to a more acceptable level. The 1.5 metres achieves Mr McGurn’s minimum setback measure.

The eastern boundary has a sensitive interface with residential properties along Arnica Circuit. The street itself acts as a buffer to help diminish the impact of the proposed
development. However, understorey and canopy planting along this boundary would further soften and filter the visual impact from the residential area.

The Panel considers that the person preparing the landscape plan would be best to advise where the excess 0.2 metre aisle space should be used. The southern boundary is:

- opposite Baranduda Primary School which has existing mature vegetation along its northern boundary which obscure views to the subject land
- on the northern side of Verbena Street which comprises paling fences (east of the subject land) along the sides of properties.

If an increased landscaped area along the southern boundary is found to be not necessary, the excess area should be used within the car park to help soften the extent of asphalt area.

(iv) Conclusions and recommendations

The Panel concludes:

- The post-exhibition version of the development plans and Hearing version of the draft permit conditions would ensure that the development does not result in a negative visual impact.
- The excess 0.2 metres not require for the southern car park aisle should be used to increase the landscaped area along the southern boundary or in the car park.
- All post-exhibition changes should be reflected in the amended plans forming part of the Planning Permit.

The Panel recommends:

Amend Planning Permit 103/2018, as shown in Appendix B, to:

a) require amended plans which:

- show the post-exhibition changes shown in Appendix C of this report
- increase the landscape area along the southern boundary or in the car park by reducing the southern car park aisle by 0.2 metres

b) require the landscape plan to include planting in the eastern Arnica Street frontage that includes a combination of understorey and canopy planting.

5.3 Amenity

(i) The issue

The issue is whether the proposed retail centre will result in unreasonable offsite amenity impacts. The exhibited draft permit had permit conditions which sought to manage potential offsite amenity impacts including:

General Amenity

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.
(ii) **Evidence and submissions**

Submitters considered that the proposed supermarket would negatively impact their amenity through odour emissions, noise, (on-site plant and delivery vehicles), car park flood lights, vehicle head lights shining into properties, dumpster bins and trolleys left in the street.

Council considered that amenity issues can be adequately addressed through permit conditions and the design and layout of the proposed supermarket and associated car parking.

In response to submissions, Council revised draft permit conditions to:

- reduce hours of operation from between 6am and 11pm to between 7am to 10pm
- replicate Condition 16 (Lighting baffles) seeking to prevent emission of direct and indirect light onto adjoining roadways, land and properties as a requirement for Condition 4 (Engineering plans & construction)
- require all blank walls and fences to be treated with a graffiti resistant finish
- replace the general amenity condition with:

  The use must at all times be conducted in a manner that ensures the residential amenity of nearby residential properties is not detrimentally affected to the satisfaction of the Responsible Authority.

Mr McGurn considered the supermarket’s potential off-site amenity impacts could be managed through the permit conditions. He was satisfied that conditions 6, 7, 8, 9, 10, 11, 12, 15, 16, 17 and 18 are appropriate in that regard.

There was discussion during the Hearing about how the general amenity condition should be drafted. The Proponent and Council agreed to revising the condition to be broadly similar to what was originally exhibited:

The amenity of the area must not be unreasonably detrimentally affected by the use or development on the land, through the:

  a. Transport of goods or commodities to or from the land.
  b. Appearance of any works, building or materials.
  c. Emission of noise, artificial light or waste products.
  d. Presence of vermin.
  e. Adverse behaviour of persons on the premises.

(iii) **Discussion**

The Panel commends Council and the Proponent on their changes to the draft permit conditions after carefully reviewing submissions regarding potential amenity impacts. These changes recognise that the supermarket will be located in a low density residential area with at least one sensitive interface. The potential amenity issues can be appropriately managed through the post-exhibition version of the permit conditions.

The supermarket will also be subject to other government regulation and policies including:

- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N–1, Environment Protection Authority
- Noise from industry in regional Victoria, Environment Protection Authority Publication 1411
• Environment and Community Protection Local Law (Local Law No. 1 of 2014) which sets out laws for matters such as managing shopping trolleys, vermin control, and amenity including emission of light, noise or odours.

The Panel is satisfied that Arnica Circuit residents would not experience unreasonable amenity impacts if the permit requires:

• baffled car park flood lighting
• a 1.2 metre wall on the east boundary to minimise vehicle head lights shining into neighbouring properties
• a two-metre landscaped area with understorey and canopy planting along the east boundary to further reducing light spillage
• general amenity outcomes set out in an expanded amenity condition.

(iv) Conclusion and recommendations

The Panel concludes that the proposal, with further changes to the permit conditions, will result in reasonable amenity impacts.

The Panel recommends:

Amend Planning Permit 103/2018, as shown in Appendix B, to:

a) require all blank walls and fences to be treated with a graffiti resistant finish
b) include a new requirement for Condition 4 (Engineering plans & construction) based on Condition 16 (Lighting baffles)
c) expand the general amenity clause
d) reduce the operating hours to between 7am and 10pm.

5.4 Location

(i) The issue

The issue is whether the subject land is an appropriate location for a supermarket.

(ii) Evidence and submissions

Eight submitters sought an alternative site for the proposed supermarket. A notable proportion of those submitters supported a supermarket in the area, but not on the subject land, for reasons discussed in earlier chapters. Some suggested that the supermarket be located on the corner of Baranduda Boulevard and Verbena Street, where a vacant site already exists, or other locations with main road frontage.

Council, the Proponent and Mr McGurn considered the subject land a suitable location for a supermarket.

Council noted the land is approximately 70 metres east of the current vacant Mixed Use Zone land, but still within the developing hub of Baranduda Village. Council added that it had sought to facilitate some development of the remaining Mixed Use Zone land since 2010 (corner of Baranduda Boulevard/Verbena Street) but potential developers considered the 2,800 square metre site to be too small.
The Proponent submitted that the subject land, with an area greater than 5,000 square metres, is perhaps the only opportunity to provide a community convenience supermarket, consistent with policy. It considered the location to be fundamentally correct because:

- the areas of greatest activity are furthest away from residential uses
- restricting vehicular access to Verbena Street does not impede access points associated with the Baranduda Primary School
- truck manoeuvring will similarly occur furthest away from residential areas and along a tree reserve
- the pedestrian link to Sage Court would improve access between residential area to the east and the community facilities to the west.

Mr McGurn found that locating a supermarket next to the community hub would support planning policies which seek to agglomerate these uses to maximise accessibility. He considered the subject land suitable for a supermarket because:

- its 5,207 square metres can accommodate a 1,300 square metre supermarket with appropriate setbacks, car parking and loading facilities
- its interfaces:
  - are generally not sensitive in nature with street frontages to the east (though with residential dwellings opposite side Arnica Circuit) and the community centre to the west
  - can be appropriately managed through the setbacks and landscaping
- it is near community facilities in Sage Court and the Baranduda Primary School
- it has good access to neighbouring facilities through pedestrian connections which form part of the wider pedestrian network.

(iii) Discussion

To determine whether the subject land is a suitable location for a supermarket, the Panel has considered whether there is policy support and whether the proposed use and development can reasonable manage potential offsite amenity impacts.

The Panel has already determined that there is strategic support for a 1,300 square metre supermarket in Baranduda Village, where the subject land is located. Offsite amenity impacts can be appropriate managed to not unreasonably impact on the surrounding area through further refinements to the exhibited draft permit conditions. The subject land is therefore an appropriate location for the proposed supermarket.

The alternative sites suggested by submitters appear to be too small or not in a location supported by planning policy. The Panel has not considered them any further because its role is simply to consider whether the subject land is suitable and does not extend to looking at alternatives.

(iv) Conclusion

The Panel concludes that the subject land is an appropriate location for a supermarket.
5.5 Other matters

(i) Form of the Amendment

JMP Developments submitted that the Design and Development Overlay should be applied to the subject land. It explained that this overlay was applied to the White Box Rise and Riverside estates and there is no reason to take a different approach for the subject land. It added that Design and Development Overlay Schedule 9 which was applied to the Riverside Neighbourhood Activity Centre sought a high design standard for commercial form such as 60 per cent transparent glazing.

Mr McGurn was comfortable that a planning scheme overlay such as the Design and Development Overlay was not applied to the subject land to facilitate an appropriate development of the land, given the amendment is combined with a planning permit application. He noted the section 173 agreement and permit conditions set out restrictions and requirements for the subject land.

The Panel is satisfied that matters necessary for the subject land can be managed through the section 173 agreement and permit conditions. The Panel does not comment on the White Box Rise and Riverside estates because:
- it is not aware of the circumstances which led to their planning outcome
- each Amendment should be assessed on its own merits.

(ii) Liquor licence

The Proponent prepared a submission in response to the exhibited Amendment and Permit which sought a liquor licence for the subject land. The Proponent emailed Council on 6 February 2020 to formally withdraw its submission. At its 15 March 2020 meeting where it considered submissions, Council noted that a liquor licence would need to be exhibited with the permit application and that the Proponent withdrew its submission.

The Panel acknowledges that the Proponent no longer seeks to pursue the issue raised in its submission.

7 Document 5, attachment 2A
6 The Planning Permit

6.1 Drafting

JMP Developments raised issues regarding permit conditions 1, 4, 15, 16, 17, 18 and 19. Collectively, it questioned their generic drafting, degree of detail, clarify and ability to implement them. It sought to amend condition 19(b) to add “surfaced with an impervious all-weather seal coat”.

At the Hearing, there was ‘without prejudice’ discussion about how the permit conditions should be drafted. Discussion was open to all parties, however only Council and the Proponent participated. Discussion included whether the permit should:

- refer to actual bicycle requirements rather than simply referring to Clause 52.34
- clarify and detail the general amenity condition
- repeat ‘to the satisfaction of the responsible authority’ in certain conditions
- reorder and rationalise some similar conditions.

The Proponent provided a revised version of the permit conditions on 22 May 2020\(^8\) with tracked changes agreed to by Council.

6.2 Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the responsible authority to consider, as appropriate:

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of 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.

In addition to Clause 65.01, the Mixed Use Zone and Bushfire Management Overlay requires the responsible authority to consider, as appropriate:

- The objectives, decision guidelines and any matters set out in their schedule (there is no schedule relevant to the subject land).

\(^8\) Document 22
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Clause 53.02 (Bushfire planning) decision guidelines which include:
- the bushfire hazard site assessment and the bushfire management statement submitted with the application
- whether all of the approved measures have been incorporated into the application.

Other matters to be taken into account include:
- objections
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

(i) Discussion

Council’s Part A submission provided a helpful summary of the permit triggers, application requirements and referral requirements for the Project under the Planning Scheme. It also provided a summary of referral authority comments and responses, and a chronology of the Permit Application. The Panel has been assisted by these in its deliberations.

The issues and impacts required to be considered in the decision guidelines have been discussed at length in the issue-specific chapters of this Report. In essence, the Panel considers:
- the road network can accommodate future traffic volumes
- the proposed supermarket will not unreasonably impact road safety
- the western vehicle crossing should be widened so that semi-trailers do not cross Verbena Street centreline
- Council should implement line marking and parking restrictions at Verbena Street bend next to the subject land to address existing road safety issues
- Council should review traffic conditions and road safety around Baranduda Primary School within three to six months of the supermarket operating to confirm whether further remedial works may be needed
- the amended car parking layout is appropriate and can be further refined during the detailed design stage
- the proposed development provides reasonable interface interaction which would benefit from improved activation along the building’s southern elevation
- the revised development plans and draft permit conditions ensure that the development does not result in a negative visual impact
- the excess 200 millimetres not require for a car park aisle should be used to increase the landscaped area along the southern boundary or in the car park
- the proposal, with further changes to the permit conditions, will not result in unreasonable amenity impacts
- the subject land is an appropriate location for a supermarket because it can appropriately manage any potential offsite impacts.
On balance, the Panel considers that Planning Permit 103/2018 should be issued. The proposed development, through the permit conditions specified in Appendix B of this report, will not result in unreasonable offsite impacts and will result in a net community benefit.

### 6.3 Conclusion and recommendation

The Panel concludes that Planning Permit 103/2018:

- would benefit from drafting changes, generally consistent with those proposed by Council and the Proponent, which clarify the intent or improve the operation of conditions
- appropriately addresses relevant considerations and should be issued.

The Panel recommends:

Amend Planning Permit 103/2018, as shown in Appendix B, to:

a) delete the duplicated reference to all earth works adhering to the Construction Techniques for Sediment Pollution Control (EPA 1991)

b) make other changes which clarify the intent or improve the operation of conditions.

Issue Planning Permit 103/2018 subject to the permit conditions contained in Appendix B.
## Appendix A Document list

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<td>Mr Tobin</td>
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<td>Further Panel directions</td>
<td>Ms Agius, PPV</td>
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<td>email – Council to the Panel</td>
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<td>Letter – Next 1 Pty Ltd response to Document 1</td>
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<td>18 May</td>
<td>Submission</td>
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<td>Video footage – subject land and surrounds (by Council)</td>
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<td>Letter – Proponent regarding timetable and site footage</td>
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Appendix B  Panel preferred version of the Permit conditions

Tracked Added
Tracked Deleted

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 labelled Project 17098, TP01 Rev P11 dated 11 May 2020, TP02 Rev P10, TP03 Rev P10 and TP04 Rev P10 dated 12 May 2020 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, 1.2 metres in height, along the length of the Arnica Circuit boundary, to prevent headlight glare to residential properties.

   b) Clear glazing to the eastern most window bay along the south elevation.

   c) Landscaping along the western façade of the supermarket building.

   d) Realignment of the western Verbena street entrance to ensure that all approach vehicles can enter the subject land without crossing the midline of the road pavement.

   e) A setback of the area marked ‘Dash Line Denotes Plant Room Above’ on TP01 of an additional 1 metre to approximately 2.5 metres from the boundary.

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 unless specifically exempt from a permit pursuant to Clause 62.02 of the Wodonga Planning Scheme.

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. All blank walls and fences must be treated with a graffiti resistant finish. 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) **External lighting that prevents the emission of direct and indirect light onto adjoining roadways, land and properties.**

h) 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 Arnica Circuit and to Sage Court **through the proposed southern walkway.**

i) ** Provision of bicycle facilities in accordance with Wodonga Planning Scheme Clause 52.34. A minimum of 7 bicycle parking facilities must be provided for the use of employees and visitors to the site.**

j) **Bicycle facilities must be designed and constructed to allow for their efficient access and use to the satisfaction of the responsible authority.**
k) 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.

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) Planting in the eastern Arnica Street frontage that includes a combination of understorey and canopy planting.
   e) Shade trees.
   f) The proposed design features such as any paths, paving, and finished surfaces.
g) 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.

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

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

j) 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 maintained for the duration of construction and:

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 1.3 metres) 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 metres and no greater than 15 metres.

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

12. 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

13. Prior to the commencement of the use, a Waste Management Plan to the satisfaction of the responsible authority, 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.
   e) Litter management.

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

General Amenity

14. The amenity of the area must not be unreasonably detrimentally affected by the use or development on the land, through the:
   a) Transport of goods or commodities to or from the land.
   b) Appearance of any works, building or materials.
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or waste products, grit or oil.
   d) Presence of vermin.
   e) Adverse behaviour of persons on the premises.

Lighting Baffles

15. 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 properties.

Hours Of Operation

16. The hours of operation for all uses are restricted to between 6.00am and 11.00pm on all days including public holidays.

Regulation Of Delivery Times

17. Deliveries to and from the site (including waste collection, but with the exception of bakery and dairy deliveries which may occur after 6.30am) 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

18. 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.
e) all to the satisfaction of the Responsible Authority.

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.

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

Car Parking For Disabled Persons

19. 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

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

Security Alarms

21. 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.

Mandatory Bushfire Management Overlay Condition

22. 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

23. 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

24. 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 times 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, listed in accordance with section 69 of the Planning and Environment Act 1987.
Appendix C  Post-exhibition development plan