

## Combined Planning Scheme Amendment and Permit Application

No 109 Northern Highway and 80 Clarke  
Street, Kilmore

Rezoning to the Commercial 1 Zone and  
development of a Neighbourhood Activity  
Centre

Prepared for Lascorp Development Group  
(Aust) Pty Ltd

15 December 2017

Debra Butcher Consulting Pty Ltd  
DBC0002 RP01(Final)(15-12-17)

## 1. Introduction

Debra Butcher Consulting Pty Ltd has been engaged by Lascorp Development Group (Aust) Pty Ltd (Lascorp) to prepare a planning report to accompany a combined planning scheme amendment request and planning permit application pursuant to Section 96A of the *Planning and Environment Act 1987*.

The combined amendment/application seeks to facilitate the development of land on the north west corner of the Northern Highway and Clarke Street in Kilmore for a new supermarket with associated specialty stores, a medical centre and a number of café/restaurant tenancies along the Northern Highway frontage of the site.

The site will form an extension of the Kilmore Town Centre, which runs for approximately 1 kilometre along Sydney Street, from Kilmore-Lancefield Road in the south to Clarke Street in the north.

The site is currently included in the Industrial 1 Zone (IN1Z) of the Mitchell Planning Scheme (the Planning Scheme) and it is proposed to rezone the land to the Commercial 1 Zone (C1Z) to facilitate the proposed development.

From a statutory planning perspective approval is sought for the following:

*Buildings and works associated with the development of an activity centre (including a supermarket and associated specialty stores and medical centre); the use of land for the sale of liquor; the creation of an access point to a road in a Road Zone Category 1; and the removal of native vegetation.*

In preparing this report a review has been undertaken of the relevant provisions of the Planning Scheme as well as the various strategic documents of relevance to the development of the subject site, including the adopted *Kilmore Structure Plan*. This report outlines the strategic justification and planning merits of the combined amendment/application pursuant to this review.

This report finds that the proposed rezoning of the subject site and subsequent development is appropriate in the context of relevant planning policy and, in particular, supports key strategic directions outlined in the *Kilmore Structure Plan* in relation to the provision of a second supermarket in the town and the development/establishment of key gateway sites to the town. In this regard, it is considered that the proposal will result in a net community benefit for Kilmore and will ensure that appropriate retail facilities are available to both the existing and future community of Kilmore.

This report should be read in conjunction with the following supporting documentation:

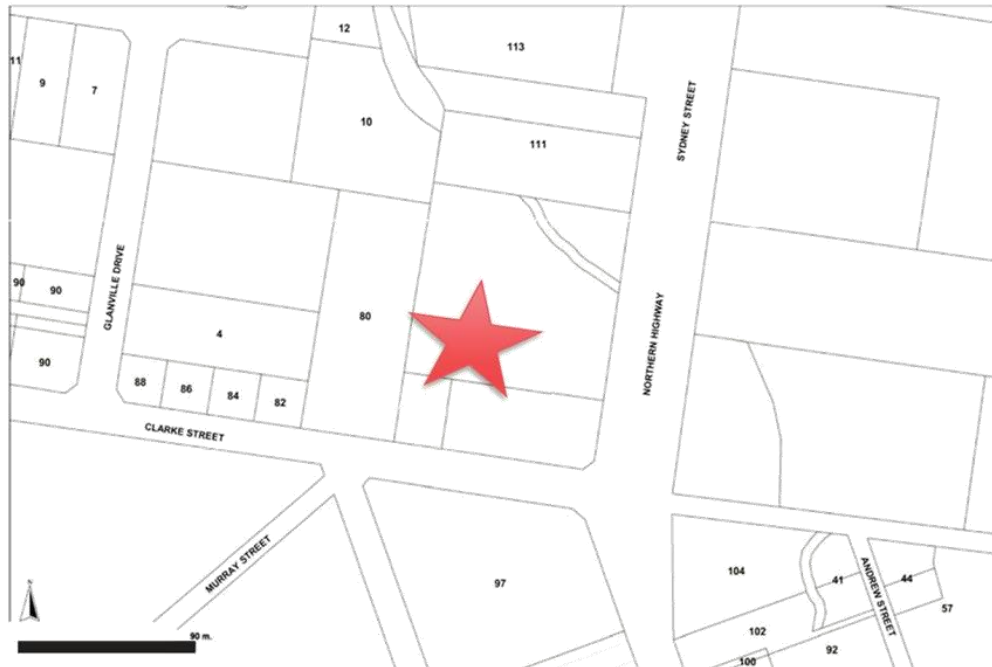
- Architectural Plans prepared by CHC architects;
- Landscape Plan prepared by John Patrick Landscape Pty Ltd;
- Traffic Engineering Assessment prepared by Traffix Group;
- Economic Impact Assessment prepared by Macroplan Dimasi;
- Arboricultural Report prepared by Tree Response;
- Water Management Report by Biofilta; and
- Native Vegetation Assessment by Paul Kelly and Associates.

## 2. Subject site and Surrounds

The proposed development is located on the north west corner of the Northern Highway (also described as Sydney Street) and Clarke Street and comprises four land parcels, as follows.

- Lot 1 on Plan of Subdivision 332594P (Volume 10247 Folio 017) street address of 80 Clarke Street, Kilmore;
- Lot 1 on Title Plan 616275M (Volume 02105 Folio 994) street address of 109 Northern Highway, Kilmore;
- Lot 1 on Plan of Subdivision 348076Y (Volume 10306 Folio 923) street address of 109 Northern Highway, Kilmore;
- Lot 2 on Plan of Subdivision 348076Y (Volume 10306 Folio 924) street address of 109 Northern Highway, Kilmore.

The site has frontages of approximately 96 metres to the Northern Highway and 144 metres to Clarke Street (refer *Figure 1: Locality Plan* below).



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Subject site

*Figure 1: Locality Plan*

The site is currently vacant however was previously occupied by a single dwelling which has been located on the site for some 50 years. There is planting around the former dwelling with much of the vegetation comprising small wattles and mixed Eucalypts, almost all of which appears to be planted.

There is also existing vegetation located around the perimeter of the site including trees along the Clarke Street frontage as well as vegetation located within the Northern Highway road reserve, adjacent to the site's frontage. Existing planting is also located along the boundary between 109 Northern Highway and the Clarke Street property and along the Kilmore Creek boundary.



The site slopes downwards from the south west corner to the north-east corner, towards Kilmore Creek, with a fall of some 5 metres.

There are existing easements which affect the land including:

- A drainage and sewerage easement in the north west corner of the site;
- A roadway easement which also includes drainage, sewerage, gas, electricity, telephone and data transmission running along the length of the Clarke Street frontage.

The site is located in an area identified as being of Aboriginal Cultural Heritage Significance due to it abutting the Kilmore Creek and a Cultural Heritage Management Plan (CHMP) is currently being prepared for the site.

Land in proximity to the subject site comprises the following.

- To the north, north west and west, is industrial zoned land, some of which is vacant and some of which is developed. Land uses include a motor wreckers, a guttering and spouting manufacturer, a pipe manufacturer and a storage facility.
- To the east, on the opposite side of the Northern Highway, is a dwelling and caravan park, both of which are also located on Rural Living Zone land, located to either side of Kilmore Creek.
- To the south east is a BP petrol station, on the south east corner of the Northern Highway/Clarke Street intersection.
- To the south is C1Z land which includes a Coles supermarket and associated specialty stores, and a McDonald's restaurant with the main car park area located directly on the corner and the loading dock for the supermarket located further west along Clarke Street, in proximity to the western boundary of the subject site.
- Extending south from the Coles supermarket and petrol station is the Kilmore town centre, with retail outlets and cafes extending south along both sides of the Northern Highway.
- Further to the east of the subject site is an area designated as having the potential for long term urban growth in the adopted *Kilmore Structure Plan*.

An aerial photograph showing the subject site area is provided below at *Figure 2*.



*Figure 2: Aerial Photograph*

On the following pages are some photographs of the subject site.



*Photo 1: South west corner of the site looking west along Clarke Street*



*Photo 2: The site, looking east along Clarke Street towards the Northern Highway.*





*Photo 3: South west corner of the site, corner of Clarke Street and Northern Highway*



*Photo 4: Coles development opposite the subject site.*

### 3. The Proposal

#### 3.1 The Amendment

The subject land is currently included in the IN1Z as shown in Figure 3 below. Under the provisions of the IN1Z the use of land for a supermarket or shop is prohibited.

It is therefore proposed to rezone the land to the C1Z to facilitate the proposed development of a supermarket and associated specialty stores on the site.

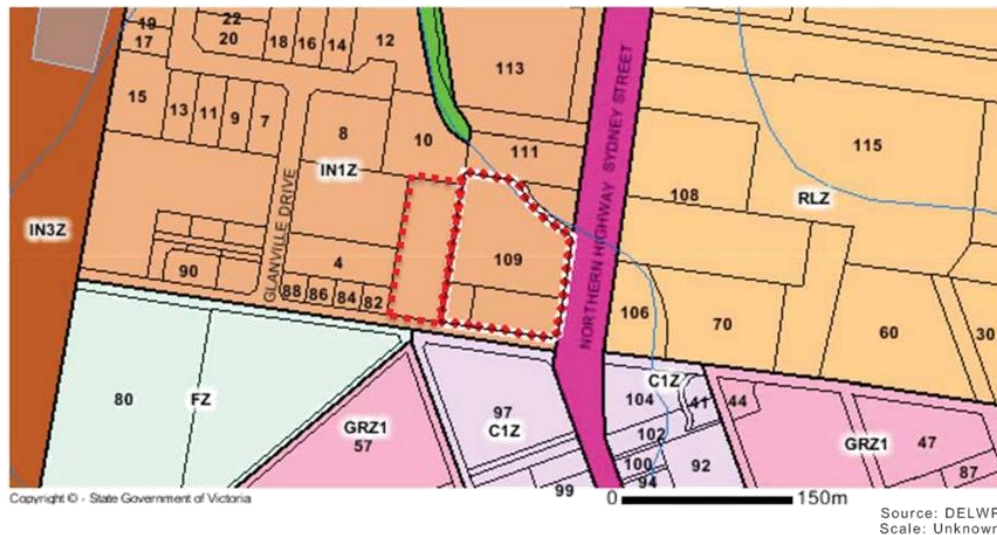


Figure 3: Existing Zoning Map

The purpose of the C1Z includes the following:

*'To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

Under the provisions of the C1Z a planning permit is required for all building and works.

In terms of the land uses that are proposed, pursuant to the provisions of the C1Z, a planning permit is not required for a 'shop' use (which includes supermarket) providing the combined leasable floor area for all shops does not exceed the amount specified in the Schedule to the Zone.

A planning permit is also not required for the use of land as a food and drink premises or to use land for 'office' purposes (which includes a medical centre in its definition), providing in the case of the office use the combined leasable floor area does not exceed the amount specified in the schedule to this zone.

Given that there is no maximum floor area proposed to be included in the schedule for office, a planning permit is not required for the proposed office use.

In addition to the above, a permit is also required for the sale of liquor (pursuant to **Clause 52.27** of the Planning Scheme), for the removal of native vegetation (**Clause 52.17**) and to create or alter access to a road in the Road Zone (**Clause 52.29**).



### 3.2 The Planning Permit Application

It is proposed to develop the site for a supermarket and specialty stores to form an extension to the existing Kilmore town centre.

To facilitate the proposed development a planning permit is sought for the following:

*Buildings and works associated with the development of an activity centre (including a supermarket and associated specialty stores and medical centre); the use of land for the sale of liquor; the creation of an access point to a road in a Road Zone Category 1; and the removal of native vegetation.*

A total of 5,371 square metres of floor space is proposed, comprising 5,047 square metres of 'shop' floor space and 300 square metres for medical centre purposes. A total of 256 car spaces are proposed to service the supermarket, specialty stores and medical centre.

The development will comprise the following key elements.

- A 'full-line' supermarket comprising 3,800 square metres, with an adjoining liquor store of 200 square metres. The supermarket will be accessed via two entrances, on the eastern and southern sides of the activity centre, both of which will have significant entry canopies utilising a variety of building materials. The liquor store will be able to be accessed both internally from the supermarket and externally onto the paved area abutting its frontage.
- The loading dock to the supermarket will be located on the west side of the building with access and egress expected to be provided from Clarke Street.
- Specialty retail tenancies wrapping around the supermarket building along its south and east sides with a total floor area of 702 square metres. The specialty retail tenancies are expected to comprise a variety of uses including shops, cafes and takeaway food premises.
- A medical centre is proposed near the north-east corner of the supermarket. This medical centre will have an area of approximately 300 square metres (comprising six practitioners) and be oriented to the north east towards the creek corridor.
- Three speciality retail tenancies are also proposed in the eastern portion of the site fronting either the Kilmore Creek or the Northern Highway. These tenancies vary in area from 76 to 186 square metres and are intended to provide a built form 'gateway' to the town centre.
- In the case of the northern most tenancy it is proposed to have frontage to Kilmore Creek with outdoor seating (set back some 5 metres or more from the top of the bank) abutting the creek corridor, whilst also providing activity oriented towards the medical centre.
- The central tenancy is intended to frame both the Northern Highway and the main vehicular entry to the site, with a paved outdoor area proposed to its east fronting the Highway.
- The southernmost tenancy, on the corner of the Northern Highway and Clarke Street, is the largest of the three and is intended to act as a feature building on the site, providing opportunities for outdoor eating to the west of the building and utilising high quality building materials and finishes to reflect that of the other three highway tenancies as well as the 'main' building on the site.
- Amenities, including a dedicated parents room, are proposed on the western side of the activity centre.
- Bicycle facilities are proposed adjacent to the north east corner of the supermarket including change room facilities and internal bike lockers. Additional external bicycle parking is also proposed scattered throughout the site.
- Convenient pedestrian access is proposed throughout the development. This includes along the both street frontages, along the southern and eastern sides of the proposed centre as well as a



number of internal north-south and east-west pedestrian connections. An additional connection is also proposed between the Northern Highway and the medical centre providing opportunities for surveillance and views to the Kilmore Creek.

- Three access points are proposed to the site comprising a left-in/left-out arrangement to the Northern Highway, and two access points to Clarke Street.
- A total of 256 car parks are proposed as part of the development. A key east-west access road connects the car parking areas and provides access from the Northern Highway through the site to the loading bay area. This access way has been designed to have a greater width than a standard access aisle to provide the opportunity for additional planting and a 'boulevard' presentation. The central north-south access point also provides important access to the car park areas.
- Whilst signage is not proposed as part of this application, indicative images have been provided of proposed pylon signs and 'signage zones' (showing where tenancy signs might ultimately be located) are also shown on the plans. Whilst the detail of the signage is not yet known the signage zones are useful in showing the intent and extent of the proposed signage scheme. In relation to the pylon sign it is likely that there will be one located along the Northern Highway and one located along Clarke Street. However, signage is proposed to form part of a separate planning permit application at a later date and thus the details of the signage will be addressed at that time.
- The slope of the site towards Kilmore Creek means that levelling of the site will be required with fill required in the northern portion of the site, as shown in the submitted sections and requiring retaining walls in some locations. The potential impacts of the levels on the site have been considered in the design of the building, with the north-eastern portion of the supermarket building deliberately designed to be single storey in height, including the use of a sloping roof to minimise any visual impacts as a result of the height of the buildings when viewed from the north or the adjoining creek corridor.

It is important to note that the proximity of the site to the Kilmore Creek, and the opportunity to provide a presence and surveillance to the creek corridor, has been a key consideration in the development of a layout for the site. In this regard significant work has been undertaken to ensure that an appropriate set back is provided to the top of the bank of the Kilmore Creek (a minimum set back of 5 metres to any buildings) providing appropriate opportunity for planting in that set back area, whilst also maintaining surveillance and connectivity with the creek corridor.

In addition, the gateway location of the site to the town centre and the ability to provide a contemporary entry feature, sitting behind some of the existing vegetation on the Northern Highway has also been a key influence in the design and layout for the site.

Keeping this mind, key urban design outcomes include the following.

- The paved area located between the medical centre and the northern speciality retail tenancy, along with the pedestrian access provided to this area from the Northern Highway (which also continues around the eastern façade of the activity centre), is a key element of the design. The layout is intended to 'open up' views to the creek and provide the opportunity for connectivity to the existing town centre along the creek corridor if such a connection is eventually built.
- The tenancies along the Northern Highway have been designed to 'frame' the western side of the entry into the town centre and to provide passive surveillance to the pedestrian connection along this part of the Highway.
- The provision of significant entry features on the eastern and southern façades ensuring an articulated presentation to both street frontages utilising composite cladding with a metal sheet roof in conjunction with a mesh screen wall with associated signage, extending to a maximum height of 9.875 metres above ground level in the case of the eastern entry feature.

- The active frontages provided along both the eastern and southern facades with all tenancies facing outwards to the car park areas.
- The provision of landscaping throughout the car park area including a wider, planted 'boulevard' running east-west through the site from the Northern Highway.
- The use of a variety of building materials and finishes including timber look cladding in a herringbone pattern, metal wall sheet cladding and batten screen powder coat finished on a metal frame, to ensure the proposal presents as an articulated and attractive extension to the existing town centre.

## 4. Mitchell Planning Scheme

The following planning provisions contained within the Planning Scheme are applicable to the subject site and the proposed development of the new supermarket and associated facilities.

### 4.1 State Planning Policy Framework

The SPPF of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987*.

**Clause 10.04** 'Integrated Decision Making' requires that responsible authorities *'should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations'*.

**Clause 11** provides specific objectives and strategies relating to 'Settlement' and recognises that planning is to *'anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.'*

**Clause 11.02** 'Urban Growth' and in particular **Clause 11.02-1** 'Supply of Urban Land' aims (amongst other things) to ensure a sufficient supply of land is available for commercial and retail development and to ensure such development is appropriately planned. **Clause 11.02-2** also identifies the importance of structure planning for new development.

**Clause 11.03-1** 'Activity Centre Network' seeks to develop a network of activity centres that comprises a range of centres that differ in size and function and are a focus for business, shopping and working.

**Clause 11.03-2** 'Activity Centre Planning' highlights the objectives for development within and around Activity Centres and seeks to *'encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community'*. Included as a strategy to this clause is the strategy to *'locate new small scale education, health and community facilities that meet local needs in or next to Neighbourhood Activity Centres'*.

**Clause 11.06** relates to Metropolitan Melbourne and puts in a place a series of objectives and strategies that reflect the directions of Plan Melbourne 2017 – 2050. Plan Melbourne is discussed further at Section 4.7.

**Clause 11.07** relates to 'Regional Development' and contains the following objective at **Clause 11.07-1** *'develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable'*.

**Clause 11.07-2** relates to 'Peri-urban areas' and includes Kilmore as one of a number of towns identified by the Regional Growth Plans as having the potential for growth. **Clause 11.12** relates specifically to 'Hume' and refers directly to the *Hume Regional Growth Plan* (Victorian Government, 2014) as a key policy document.

Included at **Clause 11.12-5** is a map showing the Hume Regional Growth Plan which shows Kilmore as a *'designated identified growth centre in Plan Melbourne'*.

**Clause 12.01-2** relates to 'Native Vegetation Management' and seeks to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

**Clause 13.02** 'Floodplains' seeks to assist the protection of life, property and the community from flood hazard whilst also ensuring that the natural flood carrying capacity of waterways and the floor storage function of floodplains and waterways is protected.