Clause 13.03-1 relates to 'Use of Contaminated and potentially contaminated land' and seeks to ensure that potentially contaminated land is suitable for its intended future use and development.

Clause 13.04 'Noise and Air' seeks to ensure that '*development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area'*.

Clause 13.05-1 'Bushfire Planning' seeks to '*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*.

Clause 14.02-1 'Catchment Planning and Management' seeks to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment

Clause 15 'Built Environment and Heritage' seeks to '*ensure that all new land use and development appropriately responds to its landscape, valued built form and cultural context*.' In particular, **Clause 15.01** 'Urban Environment' seeks to create urban environments that are safe, functional and of a good quality and that development responds to its context in terms of valued built form and cultural heritage. This Clause advances a number of strategies relating to urban design and built form at Clause 15.01-2 including: context; the public realm; safety; landmarks, views and vistas; pedestrian spaces; heritage, consolidation of sites and empty sites; light and shade; energy and resource efficiency; architectural quality; and landscape architecture. The *Urban Design Guidelines for Victoria* are included as a Reference Document to this clause.

Clause 15.01-4 relates to 'Design for Safety' and is also relevant as it seeks to *'ensure that the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety'*.

Clause 15.03-2 'Aboriginal Cultural Heritage' seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 17 'Economic Development' seeks to provide for a strong and innovative economy where all sectors of the economy are recognised as being critical to economic prosperity.

Clause 17.07-1 relates to 'Business' and contains the following objective:

- *'To encourage developments which meet communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*'.

Relevant strategies under this Clause include:

- '*Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres'*.

Clause 17.01-2 seeks to '*ensure that proposals or expansion of single use retail, commercial and recreational facilities outside activity centres are discouraged by giving preference to locations in or on the border of an activity centre*'.

Clause 18.01-1 aims to create a safe and sustainable transport system by integrating land-use and transport.

Clause 18.02-1 'Sustainable Personal Transport' seeks to '*encourage the use of walking and cycling by creating environments that are safe and attractive*' and to '*ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport*'.

Clause 18.02-5 'Car Parking' seeks to *'ensure an adequate supply of car parking that is appropriately designed and located'* to ensure that residential amenity is protected from the *'effects of road congestion created by on-street parking'.*

Clause 19.03-2 then discusses 'Water Supply, Sewerage and Drainage' and identifies the need to plan for the appropriate provision of such infrastructure and services whilst **Clause 19.03-3** addresses the need to appropriately manage storm water, so as to minimise impacts on catchments.

4.2 Municipal Strategic Statement

Mitchell Shire's Municipal Strategic Statement (MSS) is at **Clause 21** of the Scheme and sets out Council's strategic approach to land use and development issues within the municipality. The clauses of particular relevance to this proposal are summarised below.

Included at **Clause 21.01-3** is a Strategic Framework Plan which refers to Kilmore as an '*important heritage area and popular rural residential area*'.

Clause 21.02 'Settlement' refers to Kilmore as one of six primary towns in Mitchell. **Clause 21.02-1** 'Urban Growth' seeks to plan for the orderly development of existing settlement and to manage urban growth. To meet these objectives, as series of strategies are identified, including the following of relevance to this current proposal:

- '*Implement town structure plans and establish growth boundaries around primary settlements;*
- *Ensure that sufficient suitably zoned land is provided to support the economic well-being of settlements;*
- *Ensure retail facilities and community services are not unnecessarily duplicated across communities;*
- *Facilitate the planned expansion and release of commercial and industrial development*'.

Clause 21.02-2 relates specifically to 'Activity Centres'**.** The key objective of this clause is '*to create functional and attractive activity centres*'**.** Relevant strategies include the following.

- *'Encourage the consolidation of retail and commercial activity within town centres, particularly within Seymour and Broadford.*
- *Ensure ease of access to and within centres by different modes of transport.*
- *Encourage urban design improvements, landscaping and walkways in and around activity centres'.*

Clause 21.03 relates to 'environmental and landscape values' and **Clause 21.03-1** seeks to protect and enhance indigenous flora, fauna and habitat, including through the revegetation and connection of bio-links including along watercourses. **Clause 21.03-2** relates to 'significant environments and landscapes' and seeks to ensure that the visual quality of rural and urban landscapes is protected and enhanced.

Clause 21.04 relates to 'environmental risks' and**,** amongst a range of objectives, identifies the importance of sustainably managing floodplains and ensuring that the use and development of land does not cause significant land disturbance. **Clause 21.04-4** also addresses the issue of 'noise and air' and identifies the importance of ensuring that the community and environment are protected from the impacts of noise and air pollution.

Clause 21.06 'Built Environment and Heritage' includes at **Clause 21.06-1** 'Urban Environment' the following relevant objectives and strategies:

- '*To enhance the presentation of towns and their main road entrances;*

- *Improve the quality of development through improved design, siting and landscaping;*
- *Build on the established and strong sense of identity and character of each town*'.

Clause 21.08 'Economic Development' includes the following relevant objectives and strategies to promote economic development in the Shire:

- '*To facilitate new development and employment opportunities in business, industry and tourism;*
- *Ensure adequate land availability;*
- *Protect and improve the attractiveness of towns, particularly their main streets'*.

Clause 21.11-3 relates specifically to Kilmore and specifies that any proposed use or development within Kilmore should be generally consistent with the Kilmore Structure Plan included at the clause. The clause states that Kilmore is the cultural and historic centre of Mitchell Shire and highlights some of its key attributes including the historical and cultural features of the town, the creek and the range of visitor amenities available in the town.

Of relevance to this current proposal, the clause identifies the importance of ensuring that development along the main street is undertaken in a manner that is sympathetic to the remainder of the streetscape having regard for the architectural and historical integrity of the area and containing commercial development within the town centre.

The Structure Plan map shows the subject site as being located in an industrial precinct.

It is noted that the Kilmore Structure Plan has recently been the subject on exhibition as part of Amendment C123. This adopted Structure Plan is discussed further at Section 4.7 of this report.

4.3 Local Planning Policies

There are no local policies of relevance to this proposal in the Mitchell Planning Scheme.

4.4 Zoning

As outlined in Section 3.1, the subject site is currently included in the IN1Z. Land to the north and west is also included in the IN1Z, land to the south is primarily in the C1Z and land to the east, on the other side of the Northern Highway, is in the Rural Living Zone (RLZ).

The purpose of the IN1Z is:

- '*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Pursuant to **Clause 33.01-1,** a shop (which includes a supermarket) is prohibited in the zone. The use of land for a medical centre is a Section 2 use and requires a planning permit.

Pursuant to **Clause 33.01-4**, a permit is required to construct a building or carry out works.

4.5 Overlay Controls

The site is not affected by any overlay controls. However, it is noted that the land to the east, on the other side of the Northern Highway, is affected by a Development Plan Overlay Schedule 7 (which relates to the RLZ land), as well as a Design and Development Overlay Schedule 3 (which relates to the Kilmore Equine Lifestyle Precinct).

4.6 Particular and General Provisions

The following particular and general provisions are relevant to the proposal.

- **Clause 52.06 – Car Parking**

Clause 52.06-5 of the Planning Scheme specifies the rate of car parking required for particular land uses. In the case of a 'Supermarket', a rate of 5 car spaces per 100 square metres of LFA is specified, whilst a rate of 4 spaces per 100 square metres applies for specialty stores and 3.5 spaces per 100 square metres for office use is required. In the case of a medical centre a rate of five spaces applies to the first person providing health services plus three spaces to every other person providing health services.

An assessment has been undertaken by Traffix Group which demonstrates that proposed car parking meets the requirements of this clause. Accordingly, this proposal does not seek dispensation from the requirements of **Clause 52.06**. This is discussed further at Section 6.3 of this Report.

- **Clause 52.07 – Loading and Unloading of Vehicles**

Clause 52.07 relates to 'Loading Bays', the purpose of which is:

- *'To set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'.*

This Clause identifies requirements for loading bay areas and provides for dispensation from those requirements in some circumstances. This is addressed further in the Traffic Engineering Assessment and at Section 6.3, which confirms that the requirements of this Clause are met.

- **Clause 52.17 – Native Vegetation**

Clause 52.17-2 specifies that a planning permit is required to remove native vegetation except in particular circumstances and identifies different 'pathways' for assessment of the removal.

In the case of the current proposal an Arboricultural Report has been undertaken as well as Native Vegetation Assessment. The Native Vegetation Assessment demonstrates that the potential removal of native vegetation will fall within the 'low' risk based pathway as per Clause 52.17 and any removal of native vegetation will not be significant in the context of that clause.

- **Clause 52.27 – Licensed Premises**

Clause 52.27 relates to Licenced Premises and specifies that a planning permit is required to use land to sell or consume liquor. The Schedule to this clause does not specify any type of liquor licence either where no permit is required or where a permit may not be granted. Therefore, a planning permit is required for the proposed bottle shop pursuant to this Clause.

- **Clause 52.29 Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road**

It is a requirement of **Clause 52.29** that a planning permit is obtained to create or alter access to a road in a Road Zone Category 1. The proposed development of the subject site requires the construction of a new crossover to the Northern Highway which is in a Road Zone Category 1. Therefore, a planning permit is required pursuant to this Clause.

- **Clause 52.34 – Bicycle Facilities**

Clause 52.34 sets out bicycle requirements for new land uses including bicycle parking requirements for both employees and visitors, as well as well as shower and change room facilities. The Clause provides that a permit may be granted to vary, reduce or waive any requirement where appropriate justification can be provided. Bicycle parking and facilities has been discussed further in the Traffix

Group report and is also discussed at Section 6.3 of this Report, which confirms that the requirements of this Clause are met.

- **Clause 65 Decision Guidelines**

Clause 65 Decision Guidelines outlines the matters that a responsible authority must consider when assessing a planning permit application.

4.7 Relevant Strategic Documents

- **Plan Melbourne, 2017 -2050**

Plan Melbourne 2017-2050 was released in March 2017 by the State Government of Victoria and sets out the strategic plan for Melbourne through to 2050. The Plan replaces Melbourne 2030 and is a reference document in the SPPF and provides the key policy guideline for **Clause 11.06** of the Planning Scheme.

Outcome 7 of Plan Melbourne relates specifically to Regional Victoria and includes Policy 7.1.2 which seeks to '*support planning for growing towns in peri-urban areas'* (page 131).

Specific mention is then made of Kilmore where the following is stated:

'*A number of towns in peri-urban areas have capacity for more housing and employment-generating development without impacting on the economic and environmental roles that surrounding non-urban areas serve. Those towns include Warragul–Drouin, Bacchus Marsh, Torquay–Jan Juc, Gisborne and Kyneton. Other towns identified by Regional Growth Plans as having potential for growth include Wonthaggi, Kilmore, Broadford, Seymour and Ballan.*

Peri-urban towns can provide an affordable and attractive alternative to metropolitan living. However, strategies need to be developed for the timely delivery of state and local infrastructure to support growth and protect their significant amenity.

Most importantly, development in peri-urban areas must also be in keeping with local character, attractiveness and amenity. Growth boundaries should be established for each town to avoid urban sprawl and protect agricultural land and environmental assets'.

Thus, Plan Melbourne supports the growth of peri-urban towns such as Kilmore, acknowledging the need to ensure that appropriate services are available to the growing populations of those towns.

- **Adopted *Kilmore Structure Plan*, August 2016**

The *Kilmore Structure Plan* was adopted by Council on 15 August 2016 and has recently been placed on formal public exhibition as part of Planning Scheme Amendment C123.

The Structure Plan provides a framework for the development of the town by focussing on a series of key 'elements', before then addressing nominated precincts in the town and subsequently the implementation of the Structure Plan.

Figure 6 of the document comprises the Kilmore Structure Plan which nominates the subject site as a 'key gateway site', adjacent to the Kilmore Creek, abutting a future signalised intersection (noting that this is now signalised) and a future key intersection.

The Plan shows the subject site as directly abutting employment land to the north and west and an activity area to the south, on the southern side of Clarke Street.

Section 3.1 of the Draft Plan relates to 'Urban Form'. Section 3.1.4 'Gateways and Public Realm' is particularly relevant to the subject site as it identifies the bridge crossings of the Kilmore Creek and the Northern Highway at the southern and northern ends of the town as being important secondary gateways which have the opportunity to '*progressively reveal the character of the township*'. This is

demonstrated in Figure 10 'Gateways and Public Realm' which shows the site as a gateway location providing connectivity between the 'character' of the Northern Highway approach and the Sydney Street north precinct.

Relevant objectives/strategies in this section refer to the need to reinforce the primacy of Sydney Street as the 'heart' of Kilmore (refer Urban Framework (UF) Objective 3, page 31) whilst also providing for township gateways and streetscapes which will define the entry into Kilmore and provide an improved sense of place (UF6, page 31). The need to support high quality development outcomes within the public realm which enhance and reinforce Kilmore's secondary gateways is also specifically identified at UF6.3 (page 31).

Section 3.4 relates to 'Open Space Systems' and is relevant to the proposed development of the subject site given the identified objective to extend the Kilmore Creek as the primary linear open space corridor through Kilmore and in doing so improve the relationship between the Kilmore Creek and the Sydney Street town centre. Figure 22 'Open Space Systems' identifies Kilmore Creek as a primary linear open space with the opportunity for key streetscape links to the south west.

Section 3.6 relates to 'Activity Centres' and is of most relevance in the context of this combined amendment and planning permit application. Relevant issues/considerations identified in this section include:

- the need to consolidate the Sydney Street Town Centre as the primary focus for activity in Kilmore;
- the lack of clear gateways to the Sydney Street Town Centre;
- the lack of integration of the Kilmore Creek corridor and Sydney Street;
- the lack of large unconstrained sites suitable for a major retail anchor in the Town Centre.

Figure 42 'Activity Centres' includes the subject site within the boundary of the primary commercial centre, shows it as a 'key gateway site' and includes the following annotation:

'***Potential full line supermarket site subject to minimal impact on the existing town centre, high quality urban design outcomes with interface to Sydney Street/Northern Highway and the Kilmore Creek and other strategies set out within the Structure Plan'***.

In relation to the Sydney Street Town Centre in particular, the Structure Plan identifies the importance of defining a town centre 'boundary' for Sydney Street and specifically nominates the subject site as an important gateway site.

Section 3.6.2 also states the following:

'Future retail demand assessments for Kilmore shows that the town centre will need, and can accommodate further retail growth. An additional supermarket is required to meet the needs of residents. The location and design of future supermarkets and other large format retail must not detract from the vision to create a diverse and highly activated active town centre of high built form quality'.

Relevant strategies at Section 3.6 include the following.

- ***Activity Centre (AC) 1.1*** *- Consolidate Sydney Street Town Centre by prioritising all retail and other activity-generating uses within the existing town centre area as defined in Figure 42.*
- ***AC 1.4*** *Provide for enhanced gateways which mark the arrival at the northern and southern approaches into the town centre as provided in Chapter 4.9.*
- ***AC 1.17*** *- Support an additional full line supermarket or other large anchor retail tenancy within the established town centre or immediately adjacent provided the requirements for AC1.18 and Figure 41 are met.*

- ***AC 1.18*** *- Avoid retail development including a full line supermarket outside of the established Sydney Street Town Centre boundary unless it is located immediately adjacent to the town centre and each of the following can be demonstrated:*
  - *there are no alternative sites available for the desired retail development within the town centre;*
  - *for larger format retail uses, there is no opportunity to consolidate parcels within the town centre for the proposed use to consolidate parcels;*
  - *there is demonstrated demand for additional retail floor space;*
  - *the proposal will provide a net community benefit including upgrades to providing for additional infrastructure;*
  - *the proposal does not detrimentally affect the vitality of Sydney Street and attract other retail uses that are better suited within the established town centre;*
  - *the proposal can integrate into the existing town centre and is accessible; and*
  - *the proposed location supports other Structure Plan Objectives, Strategies and Actions and has regard to the Design Requirements listed in Table 7 and other Planning Scheme requirements.*

Table 7 includes a series of Design Requirements for Sydney Street. In relation to the subject site, relevant requirements include the following:

- *'(ensure new development) is of appropriate scale and form that has regard to the underlying heritage character of the town centre.*
- *Encourage development of architectural interest that respects but does not mock or replicate heritage features and character.*
- *Encourage pedestrian paths and links to be provided between Sydney Street and the Kilmore Creek to increase opportunities for connectivity.*
- *Avoid freestanding or other signage that detracts from the built form attributes of the town centre.*
- *Encourage the development of corner lots which activate and present to both/all street frontages.*
- *Provide clear gateways which identify an arrival point into the town centre.*
- *See further implementation requirements in Chapter 4.9'.*

Section 4 of the Structure Plan discusses the various 'precincts' that make up Kilmore. Of particular relevance to the subject site is Section 4.3 Precinct 1A Established Areas: North of Kilmore-Lancefield Road (refer Figure 52) and Section 4.8 Precinct 4: North Growth Precinct. (refer Figure 70)

In the case of Precinct 1A, this Precinct includes the town centre land along Sydney Street and identifies the potential need for a signalised intersection on the corner of Clarke Street and Sydney Street.

In the case of Precinct 4, the subject site is identified as being a 'gateway site' on Figure 70 with an accompanying annotation that states '*Support high quality development of Key Gateway site (see Chapter 4.9 for further detail)*'.

Section 4.9 relates specifically to the town centre and provides the following Town Centre Design/Development Objectives for the Key Gateway Site (page 148):