

**11. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2010/477
CONSTRUCTION OF SHOPS AND SUPERMARKET & PARTIAL
WAIVER OF PARKING REQUIREMENT.
1-3 STATION STREET RIDDELLS CREEK VIC 3431**

Officer: Christo Crafford, Town Planner

File Ref: PLN/2010/477

Council Plan Relationship: Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment

Attachments: Plans

Date of Receipt of Application: 29 October 2010

Trigger for Report to Council: Council to consider objections received

Applicant: Bill Jacobs Building Design Pty Ltd

Synopsis:

The site is located between Station Street and the railway line in Riddells Creek. The site is irregular in shape with a northern frontage of approximately 70m onto Station Street. The site consists of five lots and the total size of all the lots is 16040m². The land is zoned Business 1. The land is also partly affected by Land Subject to Inundation Overlay.

The application relates principally to the development of a 2800m² supermarket building and two separate buildings containing shops. Building C would contain a supermarket with a retail floor area of 2800m², an associated store of 400m², four adjacent shops with a combined floor area of 470m² and a cafe with a floor area of 95m². Building B would contain four shops with a combined retail floor area of 300m². Building A would contain eight shops with a combined retail floor area of 684m².

A total of 179 car parking spaces are provided on the land at 1-3 Station Street. The proposal also relies on a credit of 10 parking spaces off-site on a council car park on Sutherlands Road. These 10 spaces were previously provided by the developer as part of an agreement with the council's engineering unit. The proposal includes an application for a partial waiver of the car parking requirement being an application to waive 13 car spaces. The proposed waiver is considered satisfactory for the following reasons:

- The application is accompanied by a parking assessment which demonstrates that the proposed car parking provision will satisfy the demand; and

- The referral advice from Council's traffic engineers did not raise any concern with the rate of parking.

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The proposal includes the removal of vegetation as a result of the proposed development. It is however proposed to provide replacement landscaping throughout the site.

The application was advertised and nine (9) objections were received. It is noted that of the 9 objections received three objections appear to be in-principle objections to the proposal.

In light of the above, the application is supported subject to the relevant conditions being included.

Officer Recommendation:

That the Council resolve to issue a Notice of Decision to Grant a Planning Permit for development of the land for a supermarket with associated car parking, a reduction in the car parking requirements & signage on Lot 1 PS 307526A, Lot 1 TP 886481X, Lot 1 TP 844997W, Lot 1 TP 844916A and Lot 1 TP944810K situated at 1-3 Station Street, Riddells Creek, subject to the following conditions:

- 1. Prior to the commencement of any works, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the submitted plans but amended to show the following:**
 - (a) Location of all proposed external lighting. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
 - (b) Appropriate screening of the air conditioning units on the roofs of all the buildings on all elevations, to the satisfaction of the Responsible Authority.**
- 2. Prior to the commencement of the development, a landscaping/revegetation plan shall be submitted to and approved by the Responsible Authority. The plan must be in accordance with the Plans drawn by Bill Jacobs Pty Ltd, titled "Site Plan, Drawings no TP2/6 dated 15/10/10 (and amended 7/12/12) to the satisfaction of the Responsible Authority and must be submitted to and approved by**

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the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) Location of planting;
 - b) Number of species to be planted;
 - c) Type of species to be planted including botanical name and species should be indigenous and native to the locality;
 - d) Completion date of works;
 - e) Maintenance of the works;
 - f) Appropriate screening to the adjacent reserve to the west; and
 - g) Advanced trees with the ability grow to high height are to shown on the landscaping strip on the southern boundary. These trees are to be chosen from the following species list:
 - Messmate (*Eucalyptus oblique*)
 - Candle Bark (*Eucalyptus rubida*)
 - Narrow-leaved peppermint (*Eucalyptus radiata*)
 - Yellow Box (*Eucalyptus melliodora*)
3. Unless with the written consent of the Responsible Authority, the landscaping shown on the endorsed plans must be undertaken prior to the occupation of the building(s) and thereafter maintained to the satisfaction of the responsible authority.
 4. Prior to the commencement of the development Lot 1 PS 307526A, Lot 1 TP 886481X, Lot 1 TP 844997W, Lot 1 TP 844916A and Lot 1 TP944810K must be consolidated and a copy of the Plan of Consolidation and proof of its registration must be submitted to the satisfaction of the Responsible Authority.
 5. The activity undertaken from the site must not impact detrimentally upon the amenity of the neighbourhood by the emission of smoke, dust, fumes, odour, noise, vibration, waste products or otherwise, to the satisfaction of the Responsible Authority.

Note:

No advertising may be erected for the supermarket without a separate application being made and approved.

Ongoing Requirements

6. The following ongoing requirements must at all times be met, to the satisfaction of the Responsible Authority:

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- (a) Noise generated from air conditioners or mechanical plant or such equipment must comply with the relevant State Environment Protection Policies.**
 - (b) All external lighting must be designed, located and fitted with suitable baffles or otherwise to prevent the emission of direct light onto adjoining properties and the road.**
 - (c) No goods or materials are to be stored or left exposed outside the building(s) so that they are visible from any public road or thoroughfare.**
 - (d) The loading and unloading of goods must only be carried out on the land to the satisfaction of the Responsible Authority.**
- 7. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

Major Projects

- 8. The applicant/owner shall restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).**
- 9. The development is to be constructed in accordance with standards and requirements contained within the Policy “Macedon Ranges Engineering Requirements for Infrastructure Construction” applicable at the time of lodgement of the engineering plans.**
- 10. The access and exit to the development from Stations Street is to be constructed generally in accordance with the concepts provided in GTA Report dated 6 December 2012 Issue A.**
- 11. All works to Station Street, Kilmore Gisborne Road and Sutherland Road and related modifications to road surfaces including the establishment of pedestrian islands/crossings required by Macedon Ranges Shire Council and VicRoads are to be undertaken at the applicant’s cost.**
- 12. Prior to any works commencing the applicant is to provide Engineering Plans which demonstrate that the internal roadways are**

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adequate for the circulation of all vehicles intended to access the site.

13. The following minimum car parking spaces are to be provided:
 - a) 179 parking spaces on-site including 4 DDA nominated spaces.
14. The shopping centre parking bays are to be limited to a maximum of 1.5 hour parking duration with the exception of car spaces located in vicinity of the supermarket loading dock.
15. Prior to the occupation of the development a sign is provided at the South end of the supermarket restricting car spaces to staff only.
16. Prior to the occupation of the development all vehicle crossings shall be constructed in accordance with the Macedon Ranges Shire Council's industrial standards. Crossings are to be a minimum of 10.0m from any intersection, 1.0m from any power pole, sign or service pit and a minimum of 3.0m from any street tree. The crossing must be sealed.
17. Prior to the occupation of the development all car parks and access ways are to be completed to a sealed construction and the line marking of the bays are to conform to the Macedon Ranges Shire Council planning scheme dimensions.
18. Prior to the commencement of any works, a "Storm Water Drainage Plan" is to be submitted and approved by the Responsible Authority. The design is to also show that the development is to be provided with an underground drainage system within its own boundaries and such that:
 - a) All buildings and paved areas including car parking area are provided with underground drainage and Gross Pollutant Traps.
 - b) The drainage system must be designed to limit downstream flow to pre-development levels.
 - c) The development as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.
 - d) All drainage courses within the development must pass through easements.
 - e) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other

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than those within the boundaries of the development shall be constructed at the cost of the applicant and the applicant shall secure adequate easements for such drainage to be constructed within.

- f) The flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans.
 - g) The quality of the water discharged is to be in accordance with the Water Sensitive Urban Design principles.
19. A fee of 3.25% of the value of the drainage works and civil works outside the site are to be paid prior to approval of the engineering plans.
20. Prior to occupation, the development is to be provided with a drainage system to the design approved by the Responsible Authority.
21. Prior to any works being undertaken an "Asset Protection Permit" must be obtained from Council for the Council road reserve and drainage assets.
22. Prior to the occupation of the development the existing footpath in Station Street is to be reinstated and a pedestrian crossing established.
23. Prior to the occupation of the development remedial upgrade works to Station Street for the length of the property boundary are to be completed and all car spaces are to be line marked.

VicRoads

24. Vehicle access to and from the development via the Government Road Reserve from Station Street at the Gisborne-Kilmore Road intersection must not be permitted.
25. A type "CHR(S)" intersection treatment must be provided at the Gisborne-Kilmore Road/Station Street intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections". The treatment must incorporate retaining the two 3.5 (min.) metre wide sealed through lanes and include a 3.2 (min.) metre wide right turn lane based on Fig. 7.18 of the above publication.

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The existing left turn pavement on Gisborne-Kilmore Road at Merrifield Street intersection must be retained and the intersection works must be constructed prior to the development coming into use.

26. The development must not proceed until a functional layout plan detailing the above intersection treatment is approved in writing by VicRoads. The limits of the functional layout must be to 100m north and 200m south from Station Street in Gisborne-Kilmore Road and to just east of Sutherlands Road in Station Street.
27. The detailed design drawings and specifications for the above required roadworks must be prepared, and the works carried out to the satisfaction of and at no cost to VicRoads.
28. The proponent must not commence any works in, on, under or over the Gisborne-Kilmore Road reserve without having first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.

Western Water

29. Payment of new customer contributions for each separately metered property created by the development, such amount being determined by Western Water at the time of payment.
30. The owner/applicant shall fund a feasibility study for the proposed water supply and sewerage services needed to serve the development.
31. During construction the existing sewer mains within the development site are to be marked and fenced to prevent damage by heavy vehicles. Crossing points over the sewer mains are to be kept to a minimum and must have a mounding treatment over the sewer mains.
32. Prior to development commencing the owner/developer is to arrange with Western Water to have the sewer mains within the development site checked with a CC TV to determine the condition of the sewer mains. Once the development is complete the sewer mains are to be checked again with a CC TV to determine if the construction works have caused any damage. The before and after CC TV work is to be carried out at the cost of the owner/developer and any damage that

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may have been caused to the sewer by the construction works is to be repaired or replaced at the owner/developers cost.

33. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
34. A Build Over Agreement is required to be entered into with Western Water for all paved concrete areas built over the sewer mains. All buildings must be located outside of the easement widths as requested.
35. Western Water requires full details of all drainage crossings and of other drainage works around Western Water's sewer mains. Western Water is to be contacted prior to drainage crossings taking place and is to witness the construction of the crossings.
36. All fire services and hydrant reels are to be fitted with a check meter.
37. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

Melbourne Water

38. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
39. Finished floor levels of proposed buildings must be a minimum of 600mm above the applicable flood level.
40. Any proposed roads or vehicle parking areas must have finished surface levels no lower than 350mm below the applicable flood level.
41. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

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- 42. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 m²/s.**
- 43. Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling. Prior to the commencement of works, volume calculations must be submitted to Melbourne Water demonstrating that the volume of filling does not exceed the volume of cutting.**
- 44. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. Contact Asset Services on telephone 9235 1414 for Melbourne Water's connection requirements, including payment of appropriate fees.**
- 45. Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.**
- 46. Prior to commencement of works, a separate application shall be made directly to Melbourne Water's Asset Services Team for approval of any new or modified waterway crossing. Detailed terms and conditions shall be provided for proposed works, upon receipt of a formal application for the crossing of the waterway for construction purposes. Please note fees and bonds will be applicable.**
- 47. Prior to undertaking any works on or near a Melbourne Water asset (including waterways), the contractor must be in receipt of a Melbourne Water Permit to Work. Any individual carrying out works on Melbourne Water's assets must be recipient trained.**
- 48. Prior to commencement of construction, a Work Method Statement and a Risk Task Assessment must be submitted outlining the**

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general construction technique to be adopted. The statement must address the following:

- a) Process for machinery to access the waterway**
- b) Diversion of flows for low and high flows**
- c) Evacuation procedure during times of high flows**

49. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively.

The SEMP must include a site map detailing the location and design of all measures including the following:

- Silt fencing**
- Access tracks**
- Spoil stockpiling**
- Trenching locations**
- Machinery/Plan Locations**

50. No buildings, works, car parking , filling or paving is permitted within 10 metres setback from the top of bank on both sides of Riddells Creek.

51. No public access to the 10 metre riparian zone on either side of Riddells Creek is permitted.

52. Maintenance tracks a minimum of 5 metres in width must be included within the 10 metre riparian setback.

53. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan must be submitted to and approved by Melbourne Water. The plans must show:

- a) title boundaries;**
- b) drawing description (e.g. for planning approval only, for cost estimation only, for construction);**
- c) toe of bank and top of bank of Riddells Creek established by a registered licensed surveyor;**
- d) a survey (including botanical names) of all existing vegetation to be retained and/or removed including weed species;**
- e) details of surface finishes of any pathways, carparking and driveways;**
- f) proposed grading and drainage design including any new or modified stormwater connections to Riddells Creek;**

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- g) details for the proposed bank treatment including a minimum of three cross sections which extend from the toe of the bank of Riddells Creek to the proposed, building envelope;
 - h) details of any new and existing fencing within the floodplain;
 - i) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities to be planted on the land and along the riverbank. Several mature trees and shrubs must be planted adjacent to Riddells Creek to provide additional visual screening of the new development from the Waterway. All species should be consistent with Melbourne Water's Floodplain Riparian Woodland - EVC 56 template;
 - j) the plans must show no new structures, impervious surfaces or non-indigenous garden beds within 10 metres from the top of the bank as specified by Melbourne Water.
54. Prior to construction commencing, a draft maintenance agreement must be submitted to and accepted by Melbourne Water for the creek corridor defining the responsibilities of Land Owner and Melbourne Water regarding maintenance.
55. Prior to the development plans being endorsed and the commencement of works, a detailed landscape management plan for the Riddells Creek embankment and the 10 metre vegetated buffer above the top of bank must be submitted and approved by Melbourne Water. The management plan must specify the timeframe for the proposed landscape works (specifically outlining the staged progressive restoration of the river bank) and the proposed maintenance regime, scope of responsibility and schedule for the works.

Note(s)

- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 128702.
- The applicable flood level for the property is 363.1 metres to Australian Height Datum (AHD).

CFA

Hydrants

56. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.

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57. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m and hydrants must be no more than 120m apart.
58. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.ciov.au)

Access Roads

59. Driveways/roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
60. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
61. Roads must have a minimum trafficable width of 6.4m to allow for suitable access for emergency fire fighting vehicles.
62. Driveways/roads on the site more than 60m in length must have a turning circle with a minimum radius of 10m.

VicTrack

63. No drainage or effluent must enter or be directed to railway land, unless prior approval from VicTrack has been obtained and subject to conditions set by it.
64. Prior to the commencement of works, the Applicant/Developer must submit to VicTrack, drainage design plans and specifications for the review and approval of VicTrack.
65. No waste, soil or other materials resulting from the works are to be stored or deposited on railway land.
66. Entry onto railway land is at the discretion of V/Line, the Rail Operator, and is subject to any conditions imposed by it. V/Line contact is Brendan Geary on (03) 8414-8553.

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- 67. No excavation, filling or construction must take place on or near the common boundary with railway land without the prior approval of the Rail Operator and then on conditions set by it.**
- 68. No works are to interfere with railway infrastructure.**
- 69. No lighting is to be erected that throws light onto the railway tracks or interfere with the sight of train drivers.**

Note:

These conditions are requested to ensure that the proposed development will not disrupt rail infrastructure or services both during the construction period and on an ongoing basis. It is necessary to mitigate all risks to rail operations or assets arising from the construction of the development.

Expiry

- 70. 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.****

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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Existing conditions and relevant history

The site consists of five lots and is located between Station Street and the railway line in Riddells Creek. The site is irregular in shape with a northern frontage of approximately 70m onto Station Street. The total size of all the lots is 16040m². It is noted that one of the lots was until recently designated as “Government Road” and the applicant has recently acquired a portion of the “road”.

The site slopes down to the east to a creek which drains through a culvert under the railway line to the south.

The site is zoned Business 1 and is currently vacant. The surrounding properties to the north include a mix of retail, medical centre and residential land uses. To the west there is a reserve, neighbourhood house and pre-school. The Riddells Creek Railway Station is located east of the site. The land to the north and east is also zoned Business 1 and Public Park and Recreation Zone. The land to the south is zoned Public Use Zone (railway line) and further south, across the railway line, the land is zone Rural Living Zone. The land to the west is zoned Public Park and Recreation Zone.

The site is currently accessed off Station Street and there is a small portion along the northern boundary of the site is informally used for car parking.

There are some trees located in the north-western corner of the site and along the south western boundary of the site on the adjoining property.

Registered restrictive covenants and/or Section 173 Agreements affecting the site.

There is no restrictive covenant on the titles of the properties.

Previous planning permit history

A previous application P2070616 for a similar application was received on 3 December 2007. This application has however lapsed.

The proposal

It is proposed to establish retail/office development on the site with the following attributes:

- Construction of three separate buildings where:

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- Building A contains eight shops with a combined retail floor area of 684m². This building will have a maximum height of 4.5m above ground level. Elevations consists largely of a mixture of glazing, timber (western red), concrete panels with texture paint finish (mole grey), Colorbond roof (“windspray”) and small sections of powder coat window frame (charcoal) and feature steel frame /shades (blue). 10 advertising signs of 2m X 0.49m are proposed.
- Building B contains four shops with a combined retail floor area of 300m². This building will have a maximum height of 4.6m above ground level. Elevations consists largely of a mixture of glazing, timber (western red), concrete panels with texture paint finish (mole grey), Colorbond roof (“windspray”) and small sections of powder coat window frame (charcoal) and feature steel frame /shades (blue). 7 advertising signs of 2m X 0.49m are proposed.
- Building C contains a supermarket with a retail floor area of 2800m², an associated store of 400m², four adjacent shops with a combined floor area of 470m² and a cafe with a floor area of 95m². This building will have a maximum height of 8,575m above ground level. Elevations consists largely of a mixture of glazing, timber (western red), concrete panels with texture paint finish (mole grey), Colorbond roof (“windspray”) and small sections of powder coat window frame (charcoal) and feature steel frame /shades (blue). 5 advertising signs of 3m X 0.49m are proposed. The eastern portion of this building will be elevated to accommodate potential flooding as per Melbourne Water’s requirements.
- A 179 space car park on site and 10 spaces off site on a council car park on Sutherlands Road.
- Access to the site would be via one access point off Station Street.
- 17 Bicycle spaces.
- A small open paved area to the east of Building A.
- Due to the slope of the site there will be several areas requiring cut and fill and an engineered and sleeper retaining walls with a maximum height of 1m are proposed to contain the cuts.

Site Inspection

A site inspection was undertaken by Christo Crafford on 25 August 2011.

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Relevant Macedon Ranges Planning Scheme controls

State Planning Policy Framework

MRPS Clause No.	Clause Name
17.01-1	Business

Local Planning Policy Framework

MRPS Clause No.	Clause Name
21	Municipal Strategic Statement
22.02-5	Riddells Creek Township

Zoning

MRPS Clause No.	Clause Name
34.01	Business 1 Zone

Overlay

MRPS Clause No.	Clause Name
44.04	Land Subject to Inundation (partly)

Particular Provisions

MRPS Clause No.	Clause Name
52.05	Advertising signs
52.06	Car Parking
52.07	Loading and unloading of vehicles
52.17	Vegetation Removal
52.29	Land adjacent to a Road Zone, Category 1
52.34	Bicycle Facilities
52.36	Integrated Public Transport Planning

General Provisions

MRPS Clause No.	Clause Name
Clause 65	Decision guidelines

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The relevant permit triggers are summarised below:

Zone, Overlay or Particular provision	Permit requirement
34.01-4	A permit is required to construct or carry out works.
44.04-1	A permit is required to construct or carry out works.
52.05	A permit is required for advertising signage.
52.06	A new use must not commence until the required car spaces have been provided.
52.07	No building or works may be constructed for the sale of goods or materials unless Space is provided on the land for loading and unloading vehicles.
52.34-1	A new use must not commence until the required bicycle facilities have been provided.

Referral

The application was referred to the following external authorities or MRSC units:

Authority/Unit	Response
MRSC Engineering, Infrastructure & Projects Unit	No objection subject to conditions.
MRSC Conservation Planner	No objection.
VicRoads	No objection subject to conditions.
Melbourne Water	No objection subject to conditions.
Western Water	No objection subject to conditions.
Powercor	No objection.
Telsta	No response.
Tenix	No objection.
Country Fire Authority	No objection subject to conditions.
Department of Transport	No objection.
Victrack	No objection subject to conditions.

Advertising

The application was advertised to the owners and occupiers of abutting properties by registered mail and one sign on the site. Seven (7) objections have been received.

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The objections are summarised below:

1. *Concern that the supermarket may affect and old walking track between the station and Smith's nursery.*
2. *Require clarity on the boundary between the commercial area and "Lake Park". It is desirable that there be access from the Lake Park walking track through to the supermarket car park.*
3. *Concern that if the project is staged that the areas for building B & C must remain clear of rubble, shipping containers & machinery.*
4. *Request that shop 10 not be built as it would obscure the view to the adjoining heritage building.*
5. *Request that the path and footbridge linking the supermarket to the railway station be built at the same time.*
6. *Request that landscaping will be completed before the supermarket is operational.*
7. *Concern re water run-off & drainage. Drainage and treatment of the creek reserve must be detailed.*
8. *Request for provision of a community bus pick-up and delivery service.*
9. *Concern re traffic access into the site arrangements, traffic management, car parking plan and waiver of parking*
10. *Approval would be premature in the absence of an overall structure plan for the business precinct.*
11. *It appears that buildings will be constructed over portions of Government road.*
12. *Object to the construction of the proposed elevated footbridge between the station and the supermarket over Government Road.*
13. *The streetscape perspective does not accurately reflect the current proposed plans, given changes to the speciality shop layout.*
14. *Request portion of Government road (as shown on plan) to be retained for future community use to gain access to the neighbourhood House and Men's shed building currently in the process of construction.*
15. *Also wishes to be granted a partial waiver of parking should we redevelop in the future.*
16. *Concern re potential pedestrian and vehicular traffic and fragmentation of the development.*
17. *Concern re visual impact of development as viewed from the Public Gardens Reserve, including scale, finishes, inadequate space for screen planting.*
18. *The design of the proposed supermarket does not contribute to the architectural or urban design of Riddells Creek.*
19. *Object from a visual amenity and noise perspective and request that adequate visual landscaping is put in place.*
20. *The proposal is an overdevelopment of the site and there is no need for such a large supermarket in Riddells Creek.*

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Officer comment on the objections will be provided further below.

Officer Assessment

State Planning Policy Framework

State Planning Policy aims to encourage intensive business development in existing business areas such as proposed under the following clause:

The objective of Clause 17.01-1 (Business) is:

“To encourage developments which meet community’s 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.”

Local Planning Policy Framework

The objectives of Clause 22.02-5 are to protect Riddells Creek’s landscape character and setting by confining development to within established boundaries; to reinforce Station Street as the primary focus of the town centre and protect its townscape qualities and character and to facilitate development of Riddells Creek’s weekly shopping role.

The proposal is considered to be entirely consistent with the objectives of the above clauses given its locality within land designated as the town centre (as defined by the Business 1 Zone).

Zone

Intensive business development is further encouraged under the objective of Clause 34.01 (Business Zone 1) which states:

“To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.”

The proposed use for a Supermarket is “As-of-right” pursuant to the provisions of the Business 1 Zone and the proposed use is therefore consistent with the objective of this clause. The larger supermarket building will be sited at the rear of the site and far removed from the street frontage and would therefore not impact on the streetscape. This will be expanded upon below.

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Overlays

The eastern portion of the land is affected by the Land Subject to Inundation Overlay (LSIO). The purpose of Clause 44.04 includes:

- *“To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.”*

The proposal has been referred to Melbourne Water and Council’s engineering unit who are satisfied with the proposal subject to conditions . It is noted that in order to accommodate some of Melbourne Water’s concerns the eastern section of the supermarket building will be elevated to accommodate potential flood waters.

Design of development

The proposed infill retail development as an expansion of the Riddells Creek town centre responds to the retail function of the centre in terms of the building form, the height and scale of development. The building height is limited to single storey and the building footprint is commensurate to the surrounding built environment.

The larger main building (the supermarket building) will be placed at the rear of the site near the southern frontage and at rear it will be in close proximity to the railway line. The proposal will therefore not have any impact on significant views or vistas. The larger building is also well removed from other buildings and the Station street frontage and is therefore not expected to unreasonably impact on other developments or sensitive public areas. The two smaller and lower buildings will be placed near the Station Street frontage and will complement the streetscape. It is noted that Shop 10 has in the amended proposal be moved back from the 0m to 3.62m from the street frontage to provide a more sympathetic response to the adjoining heritage building to the east. Mechanical plant and equipment on the roofs of the buildings will require appropriate screening and this will be achieved through conditions.

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Overall the design response contemplates a contemporary built form element and it is not considered that it would have a detrimental impact on the site and surrounding retail/commercial development. In terms of scale and massing, the new development is considered a sensitive addition to the site and one that will fit comfortably in the site’s context. In addition, the building façades are well articulated by the varied palette of building materials and finishes including timber cladding, feature steel frames, textured paint finishes and glazing. The overall development is considered to represent a positive design response.

Car parking

The statutory parking requirements would be as follows:

<u>Description</u>	<u>Size</u>	<u>Statutory Parking Rate</u>	<u>Statutory Parking Requirement</u>
Supermarket	2800m ²	5 car spaces/ 100m ²	140 spaces
Shops	1454m ²	4 car spaces/ 100m ²	58.16 spaces
Cafe	95m ²	4 car spaces/ 100m ²	3.8 spaces
Total			202 spaces

The proposed 400m² storage area is considered ancillary to the supermarket use and no parking requirement for this use has been included in the calculation.

A total of 179 parking spaces have been provided on-site. There is additionally a credit of 10 parking spaces that has previously been constructed off-site on a Council owned car park on Sutherlands Road. There is therefore a shortfall of 13 car-parking spaces.

Provisions in the Planning Scheme however provide for the reduction or waiving of the requirements in specified circumstances so long as the applicant can satisfy the Responsible Authority that a reduction or waiver is justified due to any of a number of reasons including:

- a) *“the availability of car parking in the locality;*
- b) *the availability of public transport in the locality;*

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- c) *any car parking deficiency or surplus associated with the previous use of the land;*
- d) *a reduction in the car parking demand due to sharing of spaces by multiple uses;*
- e) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement;*
- f) *an empirical assessment of car parking demand.”*

The applicant has engaged the services of traffic engineering consultants (GTA) for advice on the application. The Traffic Impact Assessment has made some recommendations based on research that results and suggests that a total of 161 car spaces would be sufficient. The report furthermore advises that the proposal exceeds the anticipated peak parking demand. The report also addresses the loading facilities, bicycle facilities and adjoining road network and access to and internally the site.

It is noted that the Council's engineering section is satisfied with the proposal with respect to car parking provision, loading dock access, surrounding roads and intersections, car parking layout and DDA access.

Given the integrated parking arrangements together with the backing of a traffic engineering assessment and the support of the council's engineering section this proposal is with regards to parking arrangements considered acceptable. Notwithstanding the above, technically a reduction of 13 spaces is required.

Landscaping & tree removal

Vegetation removal will be required as result of the construction of the proposed Building A in the north western corner of the site. The trees are a mixture of deciduous and fruit trees. These trees can be removed under Clause 52.43 with the remainder being exempt from requiring a planning permit for removal under the exemptions in Clause 52.17. It is noted that the Conservation Planner has no objection to the proposed removal of the trees. The remainder of the site is clear of trees and is covered by grasses.

Several areas have been set aside for landscaping. Should a permit issue a condition would be placed on the permit to provide a landscaping plan to the satisfaction of the Responsible Authority.

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It is noted that the railway line that adjoins the site on the southern boundary is significantly raised at this point. In order to appropriately screen the site from the railway line conditions will be imposed to require high growing trees to be planted at the rear of the supermarket building.

Consideration of Submissions

The objections are summarized below in italics with officer comment below:

1. *Concern that the supermarket may affect and old walking track between the station and Smith's nursery.*

The proposed development will not affect any public walking tracks as it is fully located on private owned land.

2. *Require clarity on the boundary between the commercial area and "Lake Park". It is desirable that there be access from the Lake Park walking track through to the supermarket car park.*

There is currently no formal access available between the proposed development and the Reserve. Access would however be available or at least possible given the car parking is fronting onto the Reserve.

3. *Concern that if the project is staged that the areas for building B & C remain clear of rubble, shipping containers & machinery.*

No application has been made to stage the development and the standard expiry condition will require that the development is completed in 4 years. A condition will also be included to ensure that the amenity of the locality must not be adversely affected by activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.

4. *Request that shop 10 not be built as it would obscure the view to the adjoining heritage building.*

The applicant has responded to this concern and has amended the proposal in this regard by setting back Shop 10 from the street frontage by 3.62m to provide a more sympathetic design response to the adjoining heritage building to the east.

5. *Request that the path and footbridge linking the supermarket to the railway station be built at the same time.*

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It is noted that another objector has objected to the proposed elevated footbridge over the creek. The developer has since removed the proposed footbridge from the plans. The deletion of the footbridge is considered appropriate as not all the land on which the footbridge was shown is owned by the developer.

6. *Request that landscaping will be completed before the supermarket is operational.*

A standard condition requiring the landscaping to be completed prior to the occupation of the development will be included in the permit.

7. *Concern re water run-off & drainage. Drainage and treatment of the creek reserve must be detailed.*

It is noted that Melbourne Water and the Council's engineering unit do not object to the proposal and have provided conditions for approval.

8. *Request for provision of a community bus pick-up and delivery service.*

This request is not a statutory requirement and would be demand driven. It is noted that the proposed development is nevertheless in very close proximity to the train station.

9. *Concern re traffic access into the site arrangements, traffic management, car parking plan and waiver of parking.*

It is noted that Council's engineering unit and VicRoads do not object to the proposal and have provided conditions for approval. As detailed above it is considered that the traffic arrangements are satisfactory.

10. *Approval would be premature in the absence of an overall structure plan for the business precinct.*

The proposal has been referred to the Council's Strategic Planning Unit who does not object to the proposal. Some of the Unit's suggestions have been accommodated where possible in the final amended proposal.

11. *It appears that buildings will be constructed over portions of Government road.*

The applicant has since acquired the portions of Government road affected by the proposed development.

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12. Object to the construction of the proposed elevated footbridge between the station and the super market over Government Road.

The original proposed elevated footbridge has been removed in the amended plans.

13. The streetscape perspective does not accurately reflect the current proposed plans, given changes to the speciality shop layout.

The plans have been amended and accurate elevations for approval have been provided.

14. Request portion of Government road (as shown on plan) to be retained for future community use to gain access to the neighbourhood House and Men's shed building currently in the process of construction.

The portion of Government road as requested by the objector has been retained as Government road.

15. Also wishes to be granted a partial waiver of parking should we redevelop in the future.

Each application will have to be determined on its own merits.

16. Concern re potential pedestrian and vehicular traffic conflict and fragmentation of the development.

It is noted that Council's engineering unit does not object to the proposal and have provided conditions for approval.

17. Concern re visual impact of development as viewed from the Public Gardens Reserve, including scale, finishes, inadequate space for screen planting.

The proposal has been amended since it was originally advertised. The interface with the Reserve has been "softened" by providing more landscaping opportunities along the interface between the Reserve and the proposed development.

18. The design of the proposed supermarket does not contribute to the architectural or urban design of Riddells Creek.

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This comment appears to be a subjective concern. It is however noted that the architect has made an attempt to soften the impact of the building and blend it into the locality with the proposed colours, materials, finishes and recessed grooves on some of the external panels.

19. Object from a visual amenity and noise perspective and request that adequate visual landscaping is put in place.

The site is zoned Business 1 and some amenity impact of its development can be expected. Landscaping will be required to be provided prior to the occupation of the development.

20. The proposal is an overdevelopment of the site and there is no need for such a large supermarket in Riddells Creek.

The objector's concern is noted. The provision of a standard sized supermarket will however assist in meeting the local community's needs.

The application was advertised and nine (9) objections were received. It is noted that of the 9 objections received three objections appear to be in-principle objections to the proposal.

Conclusion

In summary, the proposal responds to the strategic land use and urban design objectives contained within the Macedon Ranges Planning Scheme. The proposal represents a significant investment in the economic and employment base of Riddells Creek. The proposed supermarket will strengthen the retail base of the Riddells Creek's primary trade area and have significant socio-economic benefits.

The proposal for the partial waiver of car parking requirement is considered appropriate considering the recommendations of the traffic study and the location of the subject site in a Business 1 Zone. All other access and traffic considerations have been addressed.

It is considered that this development will not have an unreasonable detrimental impact on the amenity of the area and the reasonable concerns of the objectors have been addressed.

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The proposal is further considered acceptable given the zoning of the site and the need to strike a reasonable balance between the expectations and interests of residents and those of commercial activities.

In light of the above it is recommended that the application be supported subject to the relevant conditions being included.