

Item 12.9 - Planning Application PA PA2014/4641 - Use and development of the land for the purpose of restricted retail, trade supplies, landscape gardening supplies, office, convenience restaurant and food and drink premises, creation of access to a road in a Road Zone (Category 1) and variation of particular provision requirements related to loading and unloading, service station, car wash and bicycle facilities, all with associated car parking and landscaping, and removal of native vegetation At 24 High Street, Melton

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## Attachment 3 - Detailed Planning Controls Assessment

### Planning Policy Framework

#### State Planning Policy Framework

The following State and Local planning policies are considered most relevant to the proposed development:

Clause 11.01-2 refers to **activity centre planning**, 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.

Clause 11.02 refers to the **supply of urban land**, and seeks to ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.

Clause 11.02-4 refers to the **sequencing of development** and seeks to manage development in growth areas.

Clause 11.04-1 refers to **delivering jobs and investment** and seeks to create a city structure that drives productivity, supports investment through certainty and creates more jobs.

Clause 15.01-1 refers to **urban design** and seeks to create good quality urban environments that are safe, functional and provide a sense of place and cultural identity.

Clause 15.01-2 refers to **urban design principles** and seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 17.01-1 refers to **business** and seeks to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 17.01-2 refers to **out of centre development for Metropolitan Melbourne**, and seeks to manage out of centre development in Metropolitan Melbourne.

Clause 17.02-1 refers to **industrial land development** and seeks to ensure the availability of land for industry, and encourages industrial uses that meet appropriate standards of safety and amenity.

#### **Response:**

The objectors raised concerns of an oversupply of restricted retail in the area as a result of the application. Whilst the site is zoned Industrial, the use of the site partly for a restricted retail development is supported by Council's Retail and Activity Centre's Strategy, which states the following about the site on page 19.

#### Melton Homemaker Precinct

*The Melton Home maker Precinct at the corner of the Melton Highway and High Street has emerged as a bulky goods centre taking up the highway frontage of the surrounding light industrial area. This area provides a useful service in an accessible location and further growth and consolidation should be expected here.*

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*A large area of land at 2-64 High Street Melton (**the subject site**) has previously been zoned for industrial purposes on the east side of the Melton Highway. This site will form an important component of the surrounding community and should be planned in conjunction with the Melton East Precinct Structure Plan. However, this will be some years away as will the development of alternative bulky goods precincts adjacent to the Toolern MAC. Some further development of bulky goods outlets may be warranted here in the short term.*

*Any development of the site at 2-64 High Street should recognize its importance as the entrance to the Melton township in design terms and should preserve opportunities for connections through to Melton East. Given the existing and proposed hierarchy of activity centres, the site should not be rezoned to allow conventional retail development.*

The Melton East PSP has not yet commenced planning. In accordance with the strategy, it is considered appropriate to allow development of part of the site for bulky goods/restricted retail. The application only affects a relatively small part of the overall site. The remainder of the land, which is directly adjoining the Melton East PSP, will be subject to separate further approvals.

#### Local Planning Policy Framework

Clause 22.04 refers to **urban development** and seeks to ensure that developers contribute equitably to the cost and provision of physical and community infrastructure, and that industrial land uses that have off-site impacts on the amenity of sensitive uses will be discouraged.

Clause 22.05 refers to **employment** and aims to create an environment conducive to economic growth and wealth generation, and aims to provide a range of employment opportunities for a variety of skill levels and qualifications.

Clause 22.06 refers to **retailing** and seeks:

- *To provide a clear and concise hierarchy of retailing facilities across the municipality.*
- *To encourage and support the establishment of an economically and socially thriving and diverse retail sector, which provides the community with a range of quality retail facilities and options.*
- *To provide direct, safe and convenient access and car parking to commercial areas for local residents and the general public.*
- *To develop, encourage and support measures that reduce the level of escape expenditure from the local economy.*
- *To facilitate the regular refurbishment and upgrading of centres and retail streetscapes within the municipality.*
- *To improve amenity levels for shoppers and businesses.*
- *To encourage shopping centres to incorporate natural and built features surrounding the centres.*
- *To encourage a broader range of activities to locate in and around shopping precincts.*

#### **Response:**

The proposed use and development is considered to be in accordance with Council Local Planning Policies given the following:

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- The development of the site with predominantly restricted retail, with a small office component and convenience restaurants is consistent with the LPPF and Council's adopted Retail and Activity Centres Strategy.
- It is a logical expansion of the established home-maker precinct on the western side of High Street/ Melton Highway.
- The office component is relatively small (2272 square metres over multiple floors) and will provide opportunities for small office tenancies, which is currently lacking in Melton township.
- The site provides a diverse range of activities and uses in proximity to the restricted retail components.
- Overall the proposal is considered to be a reasonable standard of design.

#### Industrial 1 Zone

The purpose of this zone 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.*

#### **Response:**

The proposed uses are all permissible within the INZ1 and the site does not present any interfaces to sensitive land uses expected to result in any adverse amenity impacts.

The proposal has been appropriately designed and sited in accordance with relevant planning policies, and can accommodate suitable car parking, access, loading docks, storage, lighting and landscaping treatments.

#### Clause 52.06 – Car parking

The table at Clause 52.06-5 sets out required parking rates.

Clause 52.06-8 sets out the various design standards for car parking.

#### **Response:**

The development proposes the same use across several different areas of the site, and at times includes clusters of uses within the same building or area.

For clarity the car parking requirements have been broken down into their site areas as follows:

Use	Parking rate	Use measurement	Requirement
<b>Restricted Retail 1</b>			
<b>Restricted retail</b>	3 spaces to each 100m <sup>2</sup> of leasable floor area	9,591m <sup>2</sup> leasable floor area	<b>287 spaces</b>

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<b>Restricted Retail 2</b>			
<b>Restricted retail</b>	3 spaces to each 100m <sup>2</sup> of leasable floor area	9,315m <sup>2</sup> leasable floor area	<b>279 spaces</b>
<b>Landscape gardening supplies</b>	10 per cent of site area	3,190m <sup>2</sup> site area	<b>12 spaces</b> (319m <sup>2</sup> area / 25m <sup>2</sup> space)
<b>Trade supplies</b>	10 per cent of site area	1,800m <sup>2</sup> site area	<b>7 spaces</b> (180m <sup>2</sup> area/ 25m <sup>2</sup> space)
<b>Service Station</b>			
<b>Service station</b>	To the satisfaction of Council	1,440m <sup>2</sup> site area	To Council satisfaction only – 35 provided at service station and adjacent convenience restaurant
<b>Convenience restaurant</b>	0.3 spaces to each patron permitted;	42 patrons per convenience restaurant (avg.)	<b>12 spaces</b>
<b>Other</b>			
<b>Convenience restaurant</b>	0.3 spaces to each patron permitted;	68 patrons	<b>20 spaces</b>
<b>Food and drink premises</b>	4 spaces to each 100m <sup>2</sup> of leasable floor area	670m <sup>2</sup> leasable floor area	<b>26 spaces</b>
<b>Office</b>	3.5 spaces per 100m <sup>2</sup> of net floor area	2,742m <sup>2</sup> net floor area	<b>95 spaces</b>
<b>Motor repairs workshop</b>	3 spaces to each 100m <sup>2</sup> of net floor area; 1 space for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners	4 work bays; 447m <sup>2</sup> net floor area	<b>4 spaces + 13 spaces</b>
<b>Carwash</b>	To the satisfaction of Council	186m <sup>2</sup> site area	To Council satisfaction only – 20 provided at carwash and adjacent workshop
<b>Total</b>			<b>755 spaces</b>

The development proposes 916 spaces across the site, and exceeds the 755 space minimum requirement, excluding the number required for the Service Station and Carwash.

The excess parking is an inefficient use of land and inconsistent with Councils wider policies to reduce car dependency and promote alternate modes of travel. A condition of permit will require the car park bays be amended to increase the amount of landscape areas by reducing the number of spaces in accordance with Councils Off-street Parking Guidelines.

Clause 52.07 – Loading and Unloading of Vehicles

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Clause 52.07 requires loading areas to be provided for buildings for the manufacture, servicing, storage or sale of goods or materials as per the following table:

Floor area of building	Minimum loading bay dimensions
2,600 sq m or less in single occupation	Area 27.4 sq m
	Length 7.6 m
	Width 3.6 m
	Height clearance 4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m

"Goods" are not defined within the planning scheme or *Planning and Environment Act 1987*.

The common usage of the term goods typically includes a physical product that is ready for use or consumption (as opposed to materials that are likely to undergo further refinement to turn them into "goods").

The restricted retail, landscape garden supplies, trade supplies, service station, convenience restaurant and food and drink premises are all considered to be primarily involved in the storage or sale of goods, and subject to the Clause 52.07 loading bay requirements.

**Response:**

Loading areas are proposed as shown below. The plans do not show any loading areas for the service station, convenience restaurants or food and drink premises. The traffic report suggests that loading bays for these uses can be accommodated in various internal accessways.

	Floor area	Standard requirement	Loading areas provided	Dispensation sought
<b>Restricted Retail 1</b>	9,591m <sup>2</sup>	99m <sup>2</sup>	301m <sup>2</sup>	None
<b>Restricted Retail 2 (Restricted retail, landscape and trade supplies)</b>	14,305m <sup>2</sup>	153m <sup>2</sup>	324	None
<b>Service station (Service station and convenience restaurant)</b>	505m <sup>2</sup>	27.4m <sup>2</sup>	None	27.4m <sup>2</sup>
<b>Convenience restaurant</b>	456m <sup>2</sup>	27.4m <sup>2</sup>	None	27.4m <sup>2</sup>
<b>Food and drink premises</b>	792m <sup>2</sup>	27.4m <sup>2</sup>	None	27.4m <sup>2</sup>

This dispensation is considered acceptable give the following:

- Adequate provision is made for loading and unloading vehicles via the roads, access ways and car parks adjacent to the service station, convenience restaurants and food and drink premises.

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- A review of the proposal by Council's Engineering Department did not raise any concern with the proposed loading arrangement.

Clause 52.12 – Service Station

Clause 52.12-1 sets out the requirements to be met for a service station development.

A permit may be granted to vary the requirements, if the responsible authority considers a better design solution will result.

**Response:**

The following assesses the proposal against the requirements:

Requirement	Assessment
<p><b>Site area and dimensions</b></p> <p>The site must be at least 1,080 square metres.</p> <p>The frontage must be at least 36 metres (30 metres if the site is on a corner) and the depth at least 30 metres.</p>	<p><b>Complies</b></p> <p>The petrol station occupies 1,440m<sup>2</sup> of the subject site.(based on building and canopy area, not including surrounding hard stand).</p> <p>The petrol station has a minimum frontage of 36m to Melton Highway, and minimum 30m depth.</p>
<p><b>Crossovers</b></p> <p>No more than 2 vehicle crossovers may service the site from a road and at the road alignment a crossover must be:</p> <ul style="list-style-type: none"> <li>• No wider than 7.7 metres.</li> <li>• At least 4.5 metres from another crossover on the site.</li> <li>• At least 4.5 metres from another road or if a splayed corner, at least 7.7 metres from the splay.</li> <li>• At least 1.8 metres from a crossover on another property.</li> </ul>	<p><b>Variation required</b></p> <p>The service station will be serviced by the two northernmost crossovers proposed across the development.</p> <p>A variation is required as the crossover widths will exceed the maximum 7.7m.</p> <p>Officers consider that as the proposed crossovers provide access to the broader site rather than solely to the service station the increased width is acceptable particularly given larger vehicles may need to access the site.</p>
<p><b>Kerb or barrier</b></p> <p>Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles.</p>	<p><b>Complies</b></p> <p>Permit conditions will require the construction of a kerb or barrier along the relevant sections of road.</p>
<p><b>Road setbacks</b></p> <p>A wall of a building must be at least 9 metres from a road.</p> <p>A canopy must be at least 2.5 metres from a road.</p> <p>Petrol pumps, pump islands, water and air supply points and storage tank filling points must be at least 3.6 metres from a road.</p>	<p><b>Complies</b></p> <p>The main building, canopy, petrol pumps and other ancillary setbacks are all appropriately setback from the adjacent roads.</p> <p>The driveway and hard standing areas are large enough to allow the safe and efficient movement, refilling and servicing of trucks within the site.</p>

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<p>Petrol tankers must be wholly on the site when storage tanks are being filled.</p> <p>Driveway space must be sufficient to enable a vehicle 13.8 metres by 2.5 metres to enter and leave the site without reversing.</p> <p>No vehicle may be serviced unless it is wholly on the site.</p>	
<p><b>Discharge of waste</b></p> <p>Waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.</p>	<p><b>Complies</b></p> <p>Permit conditions will require the appropriate drainage and management of waste water from the site.</p>
<p><b>Amenity requirements</b></p> <p>The amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.</p>	<p><b>Complies</b></p> <p>The proposed service station forms part of a broader development on the subject site. The building and canopy design is typical of modern service stations. Landscaping of the wider site will help soften the appearance of the proposed built form.</p> <p>Permit conditions will require the appropriate management of emissions or adverse materials on the site.</p>
<p><b>Trailers for hire</b></p> <p>If trailers are for hire on the site:</p> <ul style="list-style-type: none"> <li>• The site must be at least 1,080 square metres.</li> <li>• All trailers must be wholly on the site and must not encroach on landscaping or car parking areas or access ways.</li> <li>• On a corner site, a trailer higher than 1 metre must be parked at least 9 metres from the corner.</li> </ul>	<p><b>Complies</b></p> <p>It is unclear if trailers will be hired from the site.</p> <p>Permit conditions will require any trailers hired from the site to be stored within the service station area of the subject site.</p>

The proposed variation is acceptable, and on balance the proposed service station is considered to be generally in accordance with the requirements of Clause 52.12.

Clause 52.13 – Car Wash

Clause 52.13 sets out the requirements to be met for a car wash development.

A permit may be granted to vary the requirements, if the responsible authority considers the purposes of this clause are satisfied.

**Response:**

The following assesses the proposal against the requirements:

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Requirement	Response
<p><b>Crossovers</b></p> <p>No more than 2 vehicle crossovers may give access to the site from a road and at the road alignment a crossover must be:</p> <ul style="list-style-type: none"> <li>• No wider than 7.7 metres.</li> <li>• At least 4.5 metres from another crossover on the site.</li> <li>• At least 7.7 metres from another road or if a splayed corner, at least 7.7 metres from the splay.</li> <li>• At least 1.8 metres from a crossover on another property.</li> </ul>	<p><b>Complies</b></p> <p>The car wash sits internal to a wider development and will use the access points created by other elements of the site.</p>
<p><b>Kerb or barrier</b></p> <p>Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles.</p>	<p><b>Complies</b></p> <p>Permit conditions will require the construction of a kerb or barrier along the relevant sections of road.</p>
<p><b>Queuing lane</b></p> <p>A queuing lane on the site must be able to accommodate at least 10 vehicles before entry to a car wash.</p> <p>If petrol is available for sale to vehicles queuing to be washed, the lane must be able to accommodate at least 10 vehicles before the petrol-selling point.</p> <p>The lane must be clearly shown on the ground and marked for use only by vehicles queuing to be washed.</p> <p>The area between the exit from a car wash and the nearest crossover must be able to accommodate at least 2 vehicles in single file.</p>	<p><b>Variation required</b></p> <p>No queuing lane is provided.</p>
<p><b>Discharge of waste</b></p> <p>Waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.</p>	<p><b>Complies</b></p> <p>Permit conditions will require the appropriate drainage and management of waste water from the site.</p>
<p><b>Amenity requirements</b></p> <p>The amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.</p> <p>No building or works may be of temporary or portable construction.</p>	<p><b>Complies</b></p> <p>The proposed car wash forms part of a broader development on the subject site. The building design is typical of a car wash. Landscaping of the wider site will help soften the appearance of the proposed built form.</p> <p>Permit conditions will require the appropriate management of emissions from the site.</p>



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<p><b>Adjoining residential zone</b></p> <p>If the site adjoins a residential zone, a landscape buffer strip at least 3 metres wide along the common boundary must be planted and maintained to the satisfaction of the responsible authority.</p>	<p><b>Not applicable</b></p> <p>The site does not adjoin a residential zone.</p>

The proposed variation is acceptable, and on balance the proposed car wash is considered to be generally in accordance with the requirements of Clause 52.13.

Clause 52.17 – Native Vegetation

Clause 52.17-2 states that a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.
- To an area specified in the schedule to this clause.

The vegetation to be removed is not listed in the table at Clause 52.17-7 or the schedule to the clause.

**Response:**

Council's Environmental Services department have reviewed the Biosis report and are satisfied with the proposed removal of native vegetation. Offsets will be required and provided as a permit condition.

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

Clause 52.09 states that a permit is required to create or alter access to a road in a Road Zone, Category 1, and includes the following decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*
- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

**Response:**

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VicRoads are the road authority managing the Melton Highway. The application was referred to VicRoads, who did not raise any objection to the proposal subject to conditions being included on the permit.

The proposal does not contravene any policy within the *Road Management Act 2004*, and is consistent with the State and Local planning policy framework.

Overall the proposal is considered to adequately comply with the decision guidelines of Clause 52.29.

#### 52.34 Bicycle facilities

Table 1 of Clause 52.34-3 requires the following bicycle parking rates:

Use	Employee/Resident rate	Visitor/Shopper/Student rate
<b>Restricted retail</b>	1 to each 600m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 1000m <sup>2</sup>	1 to each 500m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 1000m <sup>2</sup>
<b>Landscape gardening supplies</b>	1 to each 300m <sup>2</sup> of leasable floor area	1 to each 500m <sup>2</sup> of leasable floor area
<b>Trade supplies</b>	1 to each 300m <sup>2</sup> of leasable floor area	1 to each 500m <sup>2</sup> of leasable floor area
<b>Service station</b>	None	None
<b>Convenience restaurant</b>	1 to each 25m <sup>2</sup> of floor area available to the public	2 spaces
<b>Food and drink premises</b>	1 to each 300m <sup>2</sup> of leasable floor area	1 to each 500m <sup>2</sup> of leasable floor area
<b>Office</b>	1 to each 300m <sup>2</sup> of net floor area if the net floor area exceeds 1000m <sup>2</sup>	1 to each 1000m <sup>2</sup> of net floor area if the net floor area exceeds 1000m <sup>2</sup>
<b>Motor repairs workshop</b>	1 to each 800m <sup>2</sup> of net floor area	None
<b>Carwash</b>	1 to each 800m <sup>2</sup> of net floor area	None

Table 2 of Clause 52.34-3 states that if 5 or more employee bicycle spaces are required, the use must provide 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.

Table 3 of Clause 52.34-3 states that 1 change room or direct access to a communal change room must be provided to each shower provided. The change room may be a combined shower and change room.

#### Response:

Bicycle parking is proposed as follows:

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	Floor area	Employee/Resident rate	Visitor/Shopper/Student rate	Spaces required
<b>Restricted Retail 1</b>				
Restricted Retail	9,591m <sup>2</sup>	16	19	35
<b>Restricted Retail 2</b>				
Restricted retail	9,315m <sup>2</sup>	16	19	35
Landscape gardening supplies	3,190m <sup>2</sup>	11	6	17
Trade supplies	1,800m <sup>2</sup>	6	4	10
<b>Service station</b>				
Service station	1,440m <sup>2</sup>	0	0	0
Convenience restaurant	285m <sup>2</sup>	11	2	13
<b>Other</b>				
Convenience restaurant	456m <sup>2</sup>	18	4	22
Food and drink premises	670m <sup>2</sup>	2	1	3
Office	2,742m <sup>2</sup>	9	3	12
Motor repairs workshop	447m <sup>2</sup>	0	0	0
Carwash	186m <sup>2</sup>	0	0	0
<b>Total</b>		89	58	147

The applicant has requested a dispensation for bicycle parking for the single tenancy Restricted Retail 2. A dispensation is also required to waive the shower and change room requirements for the remaining restricted retail, convenience restaurant and office uses.

All other uses/areas are intended to provide bicycle parking spaces as per the standard requirements. It is however noted that no spaces are shown on the submitted plans, and would need to be secured via a condition of permit.

The traffic report accompanying the application suggests the bicycle parking standards for restricted retail do not reflect the actual likely use of the proposed Restricted Retail 2 format, which they suggest operate more like a warehouse storing goods for instant purchase rather than other shop uses where customers potentially visit the store with the intention of ordering an item for a later pick up or delivery.

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The applicant has suggested that only 8 staff and 10 customer bicycle parking spaces, with accompanying shower and change rooms, be provided for the Restricted Retail 2 uses. The delivery of 18 spaces requires a dispensation of 44 spaces.

It is not made clear in the report why specifically 18 spaces are appropriate. This number appears largely arbitrary. The applicant has not identified the future tenants of the Restricted Retail 2 building, however indicated the site may be suitable for a large format single tenant such as Bunnings or Masters.

With consideration of the above it is recommended that a reduction in the bicycle parking and shower and change rooms be provided.

A condition of permit will require the minimum 103 bicycle parking spaces to be provided in appropriate locations across the site.

#### 52.36 Integrated Public Transport Planning

Clause 52.36-1 requires an application to construct a new retail premises of 4000 or more square metres of leasable floor area to be referred to the Public Transport Development Authority

#### **Response:**

The application was referred to Public Transport Victoria, who advised they did not object to the proposal subject to conditions.