Kaufland Supermarket and complementary uses, part 1550 Pascoe Vale Road, Coolaroo

Incorporated Document, June 2019
1.0 INTRODUCTION

This document is an incorporated document in the schedule to clause 45.12 and clause 72.04 of the Hume Planning Scheme ("Planning Scheme") pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

The land identified in clause 3.0 of this document may be used and developed in accordance with the specific control in clause 4.0 of this incorporated document.

If there is any inconsistency between any of the provisions of this document and the provisions of the Planning Scheme, the control at clause 4.0 of this document shall prevail over any contrary or inconsistent provision in the Planning Scheme.

2.0 PURPOSE

To facilitate efficient land use for the purposes of supermarket and retail uses in the area affected by this control.

3.0 LAND

The control in this document applies to the land defined as part of 1550 Pascoe Vale Road, Coolaroo, formally referred to as part of Lot 1 on PS 709155T, marked as SCO4 on Hume Planning Scheme Map 17SCO.

4.0 CONTROL

4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Any requirement in the Planning Scheme which:

- Prohibits use and/or development of land; or
- Requires a permit for use and/or development of land; or
- Requires use or development of land to be carried out in a particular manner,

does not apply to the use and development of the land identified in clause 3.0 of this document undertaken either for or in connection with the use or development of land:

- for a supermarket or a bottle shop used in conjunction with a supermarket where such use or development is carried out by or on behalf of Kaufland Australia Pty Ltd (or a related entity); and
- for the purposes of the following uses of land:
  - Bank
  - Electoral office
  - Medical centre
  - Real estate agency
  - Travel agency
  - Art gallery
  - Food and drink premises except for hotel or tavern
  - Postal agency
  - Shop except for adult sex product shop, department store, laundromat, restricted retail premises (other than party supplies)
  - Party supplies

- for the purposes of signage associated with the above uses of land.
4.2 PLANS

The use and development of the land must be undertaken generally in accordance with the following plans but as modified by clause 4.3 of this document:

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4.3 CONDITIONS

The exemption from Planning Scheme requirements outlined in clause 4.1 of this document is subject to the following conditions:

Submission and approval of architectural plans

1. Prior to the commencement of any development (including demolition, bulk excavation works and site preparation/retention works), detailed architectural plans must be prepared and submitted to the Minister for Planning for approval and endorsement. The plans must be drawn to scale, and be generally in accordance with the plans listed in clause 4.2 to this incorporated document but modified to show:

   a. The removal of the Pylon Sign Type 2.
   b. The provision of secure and undercover bicycle parking for staff.
   c. End-of-trip facilities for staff in accordance with Clause 52.34.
   d. A minimum of seven accessible parking spaces in closer proximity to the entry to the supermarket.
   e. Any widening of the throat to the proposed two way service road off Pascoe Vale Road to provide an adequate width for the passing of the type of vehicles expected to use that service road.
   f. A pedestrian connection between the proposed footpath along the access road and the pedestrian connection proposed as part of the development of the medical centre to the south of the access road.
   g. Widening of the new proposed footpath along the access road to 2 metres if required by the Responsible Authority.
   h. The footpath running adjacent to the Tenancy Loading Zone extended to meet a parking aisle at the southeast corner of the building.
   i. Any changes resulting from the Car Parking and Traffic Management Report, the Car Park Plan and the Stormwater Management Plan required by these conditions.

Layout not altered

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. Where a proposed alteration would require referral to a referral authority, save for these provisions, a request for the Responsible Authority’s written consent must be accompanied by the written views of the referral authority.

Hours of Operation

3. The supermarket and all other uses other than bottle shop uses shall only operate between the hours of 7:00am and midnight each day of the week, unless with the written approval of the
Responsible Authority. Bottle shop uses shall only operate between the hours of 9:00am and 10:00pm each day of the week, unless with the written approval of the Responsible Authority.

4. Waste collection from the site in association with the permitted uses must not occur between the hours midnight and 7:00am (other than a maximum of one waste collection truck between midnight and 7:00am) unless with the written consent of the Responsible Authority.

Noise

5. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
   a. the environment in the area around the premises; and
   b. the wellbeing of persons and/or their property in the area around the premises.

In considering whether noise is detrimental, an assessment must be made to ensure compliance with SEPP N-1 or a newer guideline or regulation.

6. Plant and equipment shall be assessed by a suitably qualified acoustic consultant during design and construction to ensure compliance with SEPP N-1 or newer guidelines or regulation.

Waste

7. Prior to the commencement of use, a waste management plan for the development must be prepared to the satisfaction of the Responsible Authority.

8. Provision must be made on the land for the storage and collection of garbage and other solid waste.

Loading and Delivery Management Plan

9. Prior to the commencement of development, a Loading and Delivery Management plan must be submitted to and be approved by the Responsible Authority.

10. Any loading and unloading of goods and all manoeuvring of vehicles must only be carried out within title boundaries of the land.

Landscaping

11. Prior to commencement of development, a landscape plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the landscape plans by FORMium Landscape Architects ACP Figures 1-8 dated February 2019 dimensioned and drawn to scale, and must show:
   a. the location of all existing vegetation to be retained and/or removed;
   b. the location of buildings and trees on neighbouring properties within 3 metres of the title boundaries;
   c. details of surface finishes of pathways and driveways;
   d. a planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each species; and
   e. replacement of any trees nominated as White Cedar with Pyrus calleryana ‘Capital’ or Eucalyptus leucoxylon ‘Euky Dwarf’.

Car parking and Traffic Management

12. Prior to the commencement of development, a Car parking and Traffic Management Report and Car Parking Plan by a recognised traffic consultant must be submitted to and be approved to the satisfaction of the Responsible Authority.

The Car Parking Plan must show:
   a. line marking and signage
   b. detail of the shared zones including any pedestrian priority spaces
c. all car parking spaces required by Condition 14.

The Car Parking and Traffic Management Report must be informed by a masterplan for the whole of 1550 Pascoe Vale Road that establishes the expected leasable floor area and loading requirements for a redevelopment of the former Masters building and assess any changes required both within the site and to the external traffic mitigation works specified in Condition 25.

13. All traffic mitigation works and management measures as recommended in the car parking and traffic management report must be implemented at no cost to the Responsible Authority, and must be maintained to the reasonable satisfaction of the Responsible Authority.

14. If fewer than 306 car parking spaces are provided within 1550 Pascoe Vale Road (Lot 1 on PS 709155T) for the use of Kaufland, alternative parking (if required) must be provided to the satisfaction of the Responsible Authority or the floor area of the supermarket or retail reduced to the satisfaction of the Responsible Authority.

Materials, finishes and design integrity

15. Prior to the commencement of development, a facade and materials strategy must be submitted to and be to the satisfaction of the Responsible Authority. The facade and materials strategy must include a detailed schedule of materials and finishes including the colour, type of materials (and quality), construction and appearance.

Environmentally Sustainable Design (ESD)

16. Prior to the commencement of development, an ESD report and ESD Management Plan must be submitted to and be approved by the Responsible Authority. The ESD report must confirm to the satisfaction of the Responsible Authority that:
   a. the roof top photovoltaic arrays have been optimised; and
   b. the development has been designed to achieve a 5 Star Green Star Design & As Built rating or equivalent.

The measures included in the ESD report must be implemented prior to occupation of the building, to the reasonable satisfaction of the Responsible Authority.

Stormwater Management

17. Prior to the commencement of development, a Stormwater Management Plan (SMP) must be submitted to and be approved by the Responsible Authority. The SMP must:
   a. be based on an integrated water sensitive urban design strategy;
   b. meet the objectives of clause 53.18-5 of the Planning Scheme;
   c. include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system; and
   d. confirm that the development has been designed to achieve compliance with the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

18. The measures included in the SMP must be implemented prior to occupation of the building, to the satisfaction of the Responsible Authority.

Construction Management Plan

19. Prior to the commencement of development, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority. The plan must be prepared in accordance with any municipal construction management plan guidelines (where applicable), and should include the following:
   a. public safety, amenity and site security;
   b. construction hours, noise and vibration controls;
c. air and dust management;
d. stormwater and sediment control;
e. waste and materials reuse;
f. traffic management; and
g. site services and amenities during construction.

Signage

20. The type, location, size, lighting and material of construction of the signs shown on the endorsed plans shall not be altered without the written consent of the Responsible Authority.

21. The signs, including their structure, as shown on the endorsed plans must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.

22. The signs must only contain a logo or name which identifies the business conducted on the site unless otherwise approved by the Responsible Authority.

23. Flashing or intermittent lighting must not be used in the signage for the land.

VicRoads Conditions

24. An electronic or animated sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must not be constructed without the written consent of VicRoads and the Responsible Authority.

25. Unless otherwise agreed in writing by VicRoads, prior to the commencement of any works, Functional Layout Plans must be submitted to and approved by VicRoads. The plans must reflect the mitigating works for Pascoe Vale Road, as identified in the Transport Impact Assessment Report prepared by GTA Consultants (Reference V155990 dated 14 February 2019) to the satisfaction of VicRoads. These plans must be generally in accordance with the Concept Layout Plan (Drawing No. V155990-04-01, Issue P3, and Drawing No. V155990-06, Issue P2- dated 14 February 2019 prepared by GTA Consultants), and include:

a. extension of the existing right-turn lane on Pascoe Vale Road at the signalised access point as recommended in the Transport Impact Assessment and as shown on the concept layout plan
b. the provision of a left-turn auxiliary lane at the site’s northern access point to the satisfaction of VicRoads, to ensure trucks can safely enter/exit the site at this location.

The plans must be amended to reflect any changes or additional traffic mitigation works recommended in the Car Parking and Traffic Management Report required by Condition 12.

26. Subsequent to the approval of the Functional Layout Plans and prior to the commencement of any roadworks, detailed engineering design plans must be submitted to VicRoads for approval. The detailed design plans must be prepared generally in accordance with the approved Functional Layout Plans.

27. Prior to the occupation of the development, all road improvement works as per approved Functional Layout Plans and Detailed Design Plans must be constructed to the satisfaction of and at no cost to VicRoads.

28. Where the proposed road infrastructure, including footpath and nature strip, lie within the private land, a widening of the road reserve will be required. Before the commencement of the use of the permitted development, the permit holder must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled “ROAD”, which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.
Transport for Victoria Condition

29. All reasonable steps must be taken to ensure that disruption to bus operation along Pascoe Vale Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation procedures must be communicated to Public Transport Victoria thirty-five (35) days prior.

Melbourne Water Conditions

30. Finished ground level must be constructed no lower than 157.4 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 157.1 metres to AHD or otherwise to the satisfaction of Melbourne Water.

31. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows or otherwise to the satisfaction of Melbourne Water.

32. All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows or otherwise to the satisfaction of Melbourne Water.

33. 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 the satisfaction of Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water’s requirements.

34. Prior to commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water’s drains or watercourses.

4.4 EXPIRY

The control in this document expires in respect of land identified in clause 3.0 of this document if any of the following circumstances apply:

a. development of that land has not commenced 2 years after the approval date of Amendment GC137; or
b. use of that land has not commenced 4 years after the approval date of Amendment GC137; or

The Hume City Council is the responsible authority for the purposes of extending time under Clause 45.12-2.

The exemption in this document from the need for a permit for a major promotion sign expires 15 years after the approval date of Amendment GC137.