

**Kaufland Supermarket and complementary uses
592-694 High Street, Epping**

Incorporated Document, March 2019

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

This document is an incorporated document in the schedule to clause 45.12 and clause 72.04 of the Whittlesea 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 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 complementary uses in the areas affected by this control.

3.0 LAND

The control in this document applies to the land defined as 592-694 High Street, Epping, formally referred to as Lot 1 on PS 413977W, marked as SCO1 on Whittlesea Planning Scheme Map 16SCO.

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)
- 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:

SHEET NUMBER	SHEET NAME	REVISION
TP-02	SITE CONTEXT PLAN	ACP dated 8/11/2018
TP-03	EXISTING CONDITIONS PLAN	ACP dated 8/11/2018
TP-04	PROPOSED SITE & GROUND FLOOR PLAN	ACP dated 8/11/2018
TP-05	ROOF PLAN	ACP dated 8/11/2018
TP-06	OVERALL ELEVATIONS	ACP dated 8/11/2018
TP-07	STREET ELEVATIONS	ACP dated 8/11/2018
TP-08	OVERALL SECTIONS	ACP dated 8/11/2018
TP-09	SIGNAGE DIAGRAMS	ACP dated 8/11/2018

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 sleeving of the building to ensure active uses along the main building frontage.
 - b. The provision of a central tree-lined 'boulevard' for the main east-west spine off High Street that incorporates a shared pedestrian / cycle path and narrowing of the carriageway.
 - c. The continuation of the shared pedestrian / cycle path through to Cooper Street.
 - d. The provision of public art in pedestrian areas of the development or in locations visible from the public realm.
 - e. The removal of Pylon Sign Type 2.
 - f. At least 10 bicycle lockers or lockable compound for at least 10 employee bicycles and end of trip facilities.
 - g. Subject to condition 34, the following changes identified in the Transport Impact Assessment (TIA) by GTA Consultants dated 12 November 2018:
 - i. The signalisation of the Cooper Street access point;
 - ii. An extension of the right turn lane on the east approach to the High Street/Cooper Street intersection of approximately 40metres;
 - iii. An extension of the right turn lane on the south approach to the High Street/site access/Pacific Epping Shopping Centre Site Access intersection of approximately 30m;
 - h. Decrease the central carriageway width to 7metres and increase the area provided for landscape accordingly.
 - i. Additional façade treatments (such as random pattern effects or other coloured textured or attached surfaces) to the railway line (eastern) elevation.
 - j. Any changes resulting from the Landscape Plan and Car Parking Plan as required by Conditions 12 and 13 respectively.
 - k. Any changes resulting from the Stormwater Management Plan as required by Condition 18.

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 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 of 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. Noise levels emanating from the premises must not exceed noise levels as determined by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
6. Plant and equipment shall be assessed by a suitably qualified acoustic consultant during design and construction to ensure compliance with SEPP N-1.

Waste

7. Prior to the commencement of use, a waste management plan for the development generally in accordance with the Waste Management Plan prepared by One Mile Grid dated November 2018 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.

Visual Amenity

11. No air conditioning equipment, plant or the like must be installed on the roof of the building such that it would be visible to the public.

Landscaping

12. Prior to commencement of development, a landscape plan dimensioned and drawn to scale must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the landscape plans by Formium Landscape Architects Figures 3-9 dated November 2018 but modified to 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;
- e. the provision of a central tree lined 'boulevard' for the main east-west spine off High Street that incorporates a shared path and narrowing of the carriageway;
- f. the continuation of the shared pedestrian / cycle path through to Cooper Street;
- g. the provision of a large publicly accessible plaza connected to the boulevard which is not shade prone;
- h. the provision for public art in pedestrian areas of the development in locations visible from the public realm;
- i. canopy trees at the rate of one for every eight spaces in surface car parks set out in appropriately designed landscaping bays;
- j. the provision of larger tree bays which integrate Water Sensitive Urban Design and have regard to measures to avoid trampling and litter collection; and
- k. any changes resulting from the Car Parking Plan as required by Condition 13.

Car parking and Traffic Management

13. 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. relocation of the outdoor plaza further towards the entry to the supermarket;
 - b. pedestrian linkages designed having regard to Figure 22 of the statement of evidence by Charmaine Dunstan of Traffix group dated 14 November 2018 which shows the following additional pedestrian connections:
 - i. an improved pedestrian link to the northern carpark
 - ii. an additional link across the Service Road to the south of site
 - iii. relocation and extension of the footpath connection between the main path (linking the store and High Street) and Epping Hub
 - iv. Provision of a shared path between High Street and Copper Street entries;
 - c. line marking and signage; and
 - d. detail of the shared zones including any pedestrian priority spaces.
14. Prior to the occupation of the permitted development:
- a. the car parking spaces and vehicular access ways shown on the endorsed plans and approved Car Parking Plan must be fully constructed, sealed, delineated and/or signed and drained incorporating Water Sensitive Urban Design elements including gross pollutant trap(s); and
 - b. all traffic mitigation works and management measures as recommended in the car parking and traffic management report and Car Parking Plan must be implemented at no cost to the Responsible Authority, and must be maintained to the reasonable 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 that the roof top photovoltaic arrays have been optimised and that the development has been designed to achieve a 5 Star Green Star Design & As Built rating.

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

Stormwater Management

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

Construction

20. 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;
 - g. site services and amenities during construction;
 - h. a requirement that, at all times during the construction phase of the development, the owner shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site;
 - i. a requirement that any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building / development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and / or use of the building, all litter shall be completely removed from the site; and
 - j. a requirement that, during the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
21. Upon completion of all buildings and works authorised by this Incorporated Document, the owner must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.

Signage

22. 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.

23. 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.
24. The signs must only contain a logo or name which identifies the business conducted on the site unless otherwise approved by the Responsible Authority.

Green Travel Plan

25. Before the use and/or development starts, a Green Travel Plan must be prepared for the supermarket and submitted to and approved by the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the staff of the supermarket. When approved, the Green Travel Plan will be endorsed by the Responsible Authority. The Green Travel Plan must include the following:
 - a. an introduction to the site, a description of the location and the objectives for the Green Travel Plan;
 - b. a site audit report, including an assessment of the available alternative modes of transport;
 - c. an action plan outlining methods used to implement the objectives of the Green Travel Plan including targets and measures; and
 - d. a monitoring and evaluation strategy outlining how the ongoing performance and success of the Green Travel Plan will be assessed.

Provision of Services

26. Prior to the occupation of the building hereby approved, the Owner is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
27. Prior to the occupation of the building hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
28. The Owner shall be responsible to meet all costs associated with reinstatement and / or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Owner shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

Landscaping completion and maintenance

29. Unless with the prior written consent of the Responsible Authority, before the occupation of the development and/or use hereby permitted commences and/or within 6 months and/or 12 months of the completion of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
30. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Universal Access

31. A report and additional plan prepared by a suitably qualified and accredited person demonstrating that access to and throughout the commercial part of the building (including the public toilets) must be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010 and applicable Australian Standards: AS 1428.1 – 2009, AS/NZS 1428.4.1 – 2009 and AS/NZS 2890.6

– 2009 and conforms with the objectives of the Disability Discrimination Act 1992 (Commonwealth).

Development contributions

32. Prior to the completion of the development or at any other time agreed by the Collecting Agency, any development contributions that would have been payable under the Development Contributions Plan Overlay Schedule 14 if a permit had been issued for the development, must be paid to the Collecting Agency.

VicRoads Conditions

33. 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.

34. Prior to the commencement of the development (excluding demolition and site preparation works) or at another time agreed in writing with VicRoads, an updated Transport Impact Assessment (TIA) shall be prepared to the satisfaction of and at no cost to VicRoads and the Head, Transport Victoria. The TIA shall consider the signalisation of the Cooper St access taking into consideration 2020 and 2031 network operating conditions and shall identify any works required to mitigate the impact of the development on the arterial road network and on Cooper Street bus operations.

35. Unless otherwise agreed in writing by VicRoads, and prior to the commencement of any works, Functional Layout Plans must be submitted to and approved by VicRoads to show (as modified by any requirement of the TIA):

- a. the signalisation of the Cooper Street access point;
- b. the extension of the right turn lane on the east approach to the High Street/Cooper Street intersection; and
- c. the extension of the right turn lane on the south approach to the High Street/site access/Pacific Epping Shopping Centre site access intersection.

36. 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.

37. Prior to the commencement of the development (excluding demolition and site preparation works) or at another time agreed in writing with VicRoads, the endorsed plans must be amended (if required) to be consistent with the required impact mitigation works identified in the TIA.

38. Prior to the occupation of the development, all impact mitigation works required by the TIA must be completed to the satisfaction of and at no cost to VicRoads.

4.4 EXPIRY

The control in this document expires in respect of land identified in clause 3.0 and Appendix A 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 GC123; or
- b. use of that land has not commenced 4 years after the approval date of Amendment GC123; or
- c. development of that land is not completed 4 years after the approval date of Amendment GC123.

The Whittlesea 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 GC123.