

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 13/2013

**HELD ON
THURSDAY 24 OCTOBER 2013
AT 10.03AM**

**IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET**

ACTING CHAIR

Jonathan Griffin

1. RESOLUTION OF THE MEETING

Moved by Braydon Aitken and seconded by Ian Boyle that the Team Leader – Development, Jonathan Griffin be appointed acting Chairperson for the Development Hearings Panel to be heard on 24 October 2013.

Carried

2. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

3. COMMITTEE MEMBERS PRESENT

Braydon Aitken, Ian Boyle, Robert Frame and Jonathan Griffin

4. OFFICERS PRESENT

Andrew Dainton – Principal Statutory Planner

5. RECORDING OF PROCEEDINGS

The acting Chairperson advised the Hearing that:

- the proceeding is being recorded.
- that people can arrange to come and listen to the recording at a suitable time.
- that it is Council’s preferred position that we do not provide copies of the recording.
- that all other recording devices be turned off during the course of the hearing.

6. APOLOGIES

Johann Rajaratnam, Colin Kalms, Councillor Les Oroszvary and Councillor Michael Polan.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Moved by Ian Boyle and seconded by Braydon Aitken that the minutes of the meeting held on 12 September 2013 be adopted.

Carried.

- The unconfirmed minutes of the meeting held on 11 July 2013 could not be confirmed.

8. DECLARATIONS OF CONFLICTS OF INTEREST

None

9. MATTERS FOR CONSIDERATION

Two items listed for consideration.

10. LATE REPORTS

None

11. NEXT MEETING

14 November 2013

I N D E X

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2013-125	11 Huggard Drive, Mooroopna	Use of land for material recycling (scrap metal)	3
2012-70/A	5 Williams Street, Tatura	Amendment to Condition of Permit 2012-70.	32

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2013-125
Applicants Name:	Commo's Metals P/L
Date Application Received:	10 May 2013
Statutory Days:	162 days to DHP on 24 Oct 2013
Land/Address:	11 Huggard Drive MOORoopna VIC 3629
Zoning and Overlays:	Industrial 1 Zone, No Overlays
Why is a permit required (include Permit Triggers):	Use of land in the IN1Z for materials recycling under 33.01-1 Buildings and works in the IN1Z under 33.01-4
Are there any Restrictive Covenants on the title?	No

Proposal

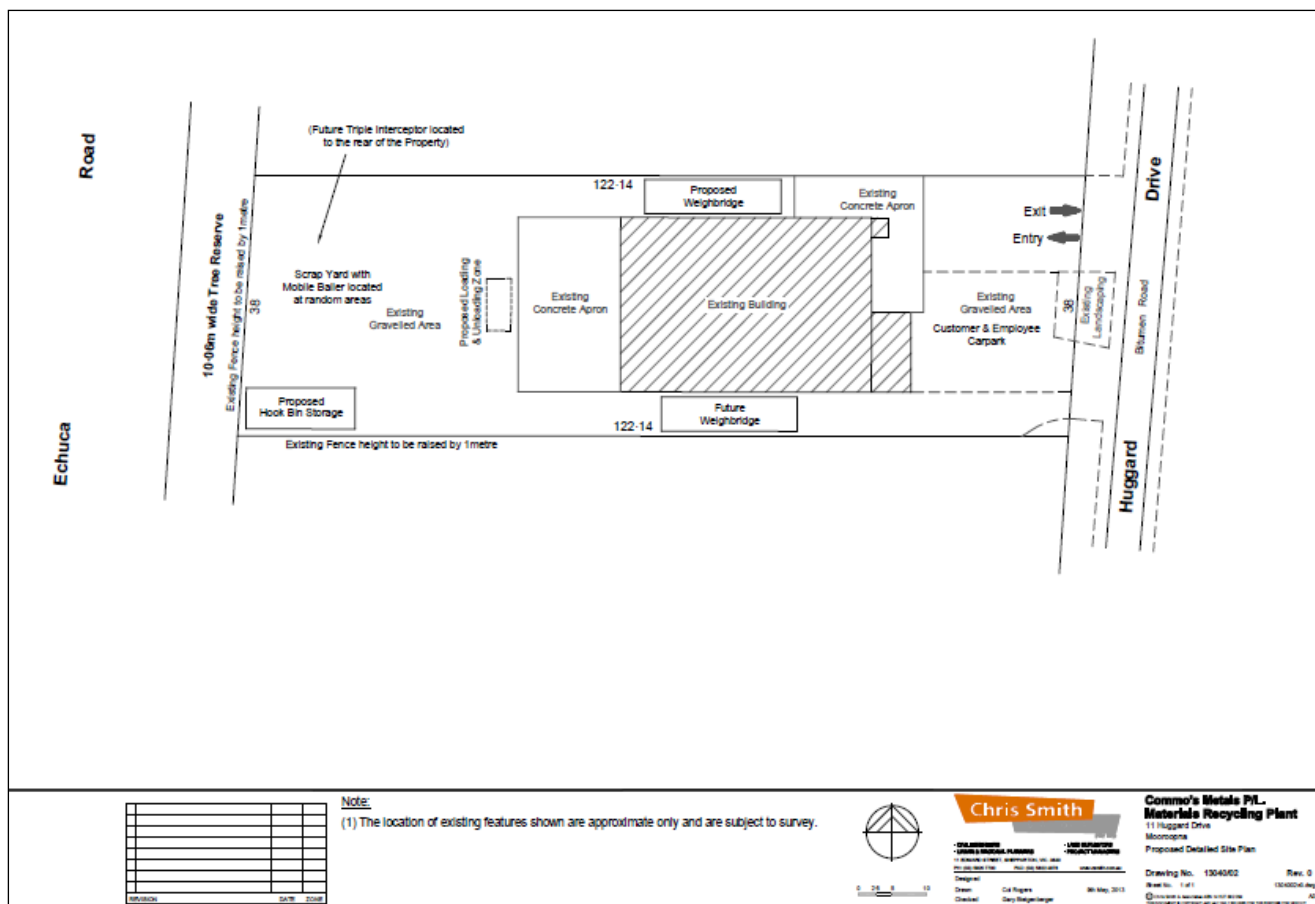
The application proposes to use and develop the land for materials recycling (scrap metal recycling). The business 'Commo's Metals' currently operates in the Farming Zone (FZ) in Ardmona and is seeking to relocate to this site in the Industrial 1 Zone (IN1Z).

The use involves the collection of scrap metal including car bodies at the land. Material is brought to the site by individual customers, and by Commo's Metals trucks bringing various sized bins that have been located at commercial and industrial sites and from farms in the region. Cans are also collected.

The scrap metal is sorted and weighed, materials may be stripped and compacted by excavator and then loaded into large metal containers for transport by truck to Melbourne. Metal is generally collected once or twice a day and transported to Melbourne by a large truck and dog trailer. Commo's Metals trucks may also be used to transport metal to Melbourne. At any time there is likely to be 200-300 tons of metal on the land.

The use requires various works such as installation of a concrete acoustic wall on the western boundary and part of the southern boundary of the land, sealing of the land with a combination of all-weather seal and gravel, staged installation of two weigh bridges on the land, installation of process equipment within the existing building on the land and construction of appropriate drainage infrastructure, including staged triple-interceptor trap.

A site plan of the proposed use is below



Summary of Key Issues

- Materials recycling is an appropriate use in an industrial area.
- The materials recycling operation makes a positive contribution to achieving resource recovery targets established by the Victorian Government and for community disposal of metal waste.
- Some activities associated with the use will generate noise emissions that have the potential to affect amenity of the surrounding area. Applicable noise limits are NIRV (Noise from Industry in Regional Victoria- EPA) and the affected receiver site is the closest dwelling in the Low Density Residential Zone (LDRZ) on the West side of Echuca Road in Cornish Road.
- An objection was received from the owner of the closest dwelling. The objection was based on likely loud noise causing disturbance and appearance of the site from Echuca Road, and a long running concern regarding proximity of the industrial area to the low density residential area. The objector has since been made aware of the acoustic wall proposed which will keep noise within allowable limits and also hide any stored materials or activities from Echuca Road, however the objection is maintained.
- Tilt Slab walls of 4.5m in height are proposed as acoustic barriers to shield the noise source from the closest dwelling which is about 100m to the south-west.

- A noise assessment concludes that the greatest noise generation activities of car crushing and filling bins with metal by an excavator should only occur during 'day' hours and with the installation of the proposed acoustic walls will then comply with EPA noise requirements with a reasonable margin to spare when measured within 10m of the closest dwelling. Other activities likely to occur during 'evening' or 'night' hours will generate lower noise levels which coupled with the proposed noise shielding will also comply with EPA requirements.
- EPA is a referral authority to any application for materials recycling and has provided a list of requirements and considerations, including conditions for any permit issued.

Moved by Braydon Aitken and Seconded by Robert Frame to amend the Notice of Decision as follows:

Condition 2. Detailed Construction Plan

The plans must include:

- a) To be amended to read:

The installation of a 4.5m high acoustic wall extending across the full length of the rear (west) boundary of the site and along the southern side boundary of the site from the corner of the rear boundary to the rear building line. The acoustic walls are to have a mass of at least 25kg per m², made from a frame with 6mm thick cement sheet on either side with an acoustic infill such as R2.0 fibreglass batts, or suitable pre-cast panels, or other construction endorsed as suitable by a suitably qualified noise consultant.

Condition 4. Prior to Commencement of Use

The use must not start until:

- a) To be amended to read:

The permit holder has constructed a 4.5m high acoustic wall extending across the full length of the rear (west) boundary of the site and along the southern side boundary of the site from the corner of the rear boundary to the rear building line, to the satisfaction of the responsible authority; and

That Council having caused notice of Planning Application No. **2013-125** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **Clause 33.01** of the Greater Shepparton Planning Scheme in respect of the land known and described as **11 Huggard Drive MOOROPNA VIC 3629**,

for the **use and development of land for materials recycling (scrap metal)** in accordance with the amended Notice of Decision and the endorsed plans.

Discuss key Conditions (including Referral Authorities):

1. Layout not altered without further written consent.
2. Submission of detailed construction plans for
 - a. the installation of 4.5m high acoustic wall (concrete tilt slab or similar properties) along west (rear) boundary and along western end of the southern boundary and construction required prior to commencement of use,
 - b. sealed pavement to vehicle crossings and driveways to the building line with construction to be completed within 12 months or as otherwise agreed in writing, and
 - c. any drainage works including polluted water interception.
3. Submission and approval of an Operations Plan - Environment and Amenity Management, including details for hours and communication for orderly arrival, loading and unloading at the site, training of staff in environmental and amenity management, measures to control noise and other emissions, identifying possible risks and responses, and measure and procedures to handle oil and other contaminants including accidental spills.
4. Some augmentation planting to take place within 6 months of commencement of use within the frontage of the site and within the tree reserve along the rear of the property to aid screening of the acoustic wall from Echuca Road and low density residential area to the west of Echuca Road.
5. Limit on hours of operation for vehicle crushing and outdoors bin loading by excavator or similar mechanical means to Mon-Fri 7am to 6pm, Saturday 7am to 4pm. Other activities within the site are not limited to specified hours provided that all relevant EPA noise regulations and conditions of this permit are complied with by the permit holder.
6. Comprehensive noise control condition including
 - a. Compliance with EPA NIRV (Noise from Industry in Regional Victoria) and the additional noise conditions specified by the EPA
 - b. In the event of noise disturbance being established then further noise testing, assessment of what activities are breaching permissible noise levels and what additional measures would minimise the problem,
 - c. Requirement that reasonable measures must be implemented by the permit holder, and these may include physical and/or management measures and/or amendment of the permit conditions including hours for activities.
7. Amenity conditions including for appearance of the site, 4 metre maximum height of storage of materials, control of alarm noise, no loading or unloading or bin storage within Huggard Drive or the Council land opposite the site.
8. All conditions required by the EPA including for handling liquid wastes including spills and bunding, industrial wastes not to be accepted, no dust beyond the site, noise emissions, and no contaminated stormwater to discharge beyond the site.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area was undertaken on 28 May 2013.

The site has a total area of 4631 square metres and currently contains:

- an existing building with two vehicle access points from Huggard Drive, the land is currently used for a transport business
- mainly gravel surface to the frontage of the land and the rear of the site
- Huggard Drive is a wide sealed road that connects with Echuca Road which is a main road and located in the Road Zone Category 1 (RDZ1)

The main site/locality characteristics are:

- abutting the site to the north and south is land zoned IN1Z within the Huggard Drive Industrial Estate that is used for industrial type uses including a transport terminals and an industrial dry cleaners.
- on the eastern side of Huggard Drive is land within the Urban Floodway Zone (UFZ) that is developed with a large regional drainage basin
- abutting the land to the west is a 10m tree reserve and Echuca Road which is within the RDZ1
- on the western side of the Echuca Road is land within the FZ and LDRZ. The nearest point of LDRZ is located about 78m from the nearest corner of the subject site. The nearest wall of the closest dwelling is 100m from the nearest corner of the subject site.
- The LDRZ estate extends about 1.1km along Cornish Road and comprises about 30 lots. About 440m along Cornish Road is the eastern boundary of the PAO (Public Acquisition Overlay) for the future Shepparton by pass. The relevant dwellings along Cornish Road have already been purchased by VicRoads. The freeway will be a source of noise for remaining dwellings in Cornish Road when it is constructed.

An aerial photo shows the situation of the Huggard Drive Industrial Estate and the site shown in a red border, and the Cornish Road Low Density Residential Estate with the objectors dwelling marked with a yellow star.



View of the land from Huggard Drive looking south east.



View of the building on the site from the frontage to Huggard Drive



View across the north side of the site as viewed from Huggard Drive



View of Huggard Drive looking south from opposite the site



View from the eastern end of the Cornish Road LDRZ estate across Echuca Road and the tree reserve to the rear of properties in Huggard Drive

Permit/Site History

The history of the site includes:

- Subdivision LP146431W commenced establishment of the Huggard Drive Industrial Estate and created the 10m wide tree reserve that extends from Huggard Drive intersection with Echuca road, along the west (rear) side of the lots to the Cemetery in the north. This subdivision occurred before 1995.
- 22/8/95 planning permit 95-141 was issued for construction of a building on the site and use for a warehouse and coolroom.
- 3/12/96 Planning Permit 96-425 was issued for transport depot. There had been objections to refrigeration units running on trucks on the site, but no appeal to VCAT by objectors, but an appeal by the operator against conditions on the permit. Conditions included no refrigeration units to be run on site at any time. Solid timber fence to be erected to replace chain mesh fence.
- During 1997 noise complaints about the transport depot were made from a resident. The VCAT hearing was adjourned to allow noise tests to be conducted, with an Enforcement Order being issued on 20/4/99 that various permit conditions must be complied with by operator including completion of the acoustic fence and compliance with limits on hours during which refrigeration units on trucks may operate and limits on hours for loading.

- A pre-application letter was provided to the current applicant for a materials recycling centre on 14 November 2012, which set out the application requirements associated with the application.
- The use is proposing to relocate from Minchin Road to the land.
- The site in Huggard Drive is slightly smaller than the usable area of the site the business presently operates from in Minchin Road, however the site at Huggard Drive is better organised for circulation of trucks and customers vehicles bringing materials to the site.
- The building is about 900m² in area plus office area compared to about 600m² at Minchin Road. Small and valuable metals can be unloaded within the shed and larger materials and cars are taken to the loading area at the rear of the site adjacent to the dismantling area, storage area and the bins where the steel components will be placed.

Further Information

Was further information requested for this application?

On 11 June 2013 a further information request was provided to the applicant seeking information that the EPA required. The information sought included:

1. *Information that demonstrates that the design and operation of the premises will be in accordance with Sustainability Victoria's Guide to Best Practice at Resource Recovery Centres 2009.*
2. *Proposed stormwater drainage and management controls to ensure litter or wastewater does not enter the stormwater system or nearby surface waters. Wastewater or contaminated stormwater must be discharged to sewer under a Trade Waste Agreement, or collected by an EPA permitted contractor, as appropriate.*
3. *Information regarding the provision of a secondary containment system for liquids, which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the 'Bunding Guidelines' (EPA Publication No. 347, December 1992).*
4. *A Waste Management Plan which identifies the types of wastes permitted to be accepted at the premises and outlines proposed management procedures for:*
 - *The management of dust generation and ensuring dust is not discharged from the premises;*
 - *The management, transportation and disposal of wastes that cannot be recycled; and*
 - *The prevention and management of spills and other hazardous material emergencies, including the containment of fire water in the event of a fire.*
5. *Information to demonstrate that noise generated at the premises will not exceed the noise objectives as set out in EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV).*

In relation to point 5 above, if Council is concerned about the proposed hours of operation and/or any particularly noisy activities that are proposed, then Council should consider requesting the applicant to submit an acoustic report prepared by a suitably qualified acoustic consultant to demonstrate that the noise objectives will be

met. Alternatively, council should establish very conservative hours of operation that restrict the times in which noise may be emitted.

As the request was not within the first 28 days of the application no lapse date was included in the request. The applicant has informed that waste oil is stored in an IBC (600litre bulk container) with a bunded tray that can be moved by fork lift. It is on a concrete area with wash bay. Any oil spill would be small and is dealt with using rags and sawdust as appropriate.

Two acoustic reports have been provided on behalf of the applicant and some follow up answers to queries of the Council planning officer.

1. Preliminary Noise Assessment – by Peter Clinnick of AES (Advanced Environmental Systems Pty Ltd) commenced 8 August 2013.
2. Assessment of expected prevailing noise levels from metals recycling operation – by Peter Clinick and Richard Unkles of Audiometric & Acoustic Services dated 26 September 2013.

On 30 September 2013 a copy of the applicant's acoustic report was provided to the EPA.

The preliminary noise assessment report of 8/8/13 determined a daytime background noise at the nearest receiving site was 50dB. This level did not include noise associated with traffic on Echuca Road. The planning based noise limits were then assessed as Daytime 61dB, Evening 54dB, and Night-time 49dB. (Sat after 1pm, and Sunday are included by EPA as evening for setting allowable limits).

Measurements had occurred at the existing site for metals recycling in Minchin Road to assess the noise limit of various activities most likely to generate types or duration of noise that may cause a disturbance to surrounding sites. It was determined that without noise management and/or attenuation that the noise from an excavator crushing cars or loading bins with metal was likely to exceed allowable noise limits.

A more detailed assessment report was submitted on 26/9/13 that focussed on activities of filling bins with sheet scrap metal, crushing cars with an excavator, and placing a flattened car in a bin. A noise logger was placed near the residential site for 4 days to determine all relevant background noise levels. Expert calculations were made of sound pressure levels of all bands of sound generated by the activities, adjustments for impulses and tones, and of suitable noise barrier in the form of 4.5m high acoustic panel walls at the boundary of cement sheet sandwich with acoustic fill, or over-engineered pre-cast concrete panels as proposed to be used by the applicant.

The noise from crushing a car is the noisiest procedure to be carried out at the site. It happens on an infrequent basis and lasts for between 1.5 to 3 mins. Filling a bin with scrap sheet metal is less noisy but takes longer, up to 15 mins. The report identified that without the acoustic wall these activities had the potential for noise disturbance, however with the

walls in place provided these activities occurred during the day then the noise would be well within the limits allowable by a good margin to spare.

Although the measuring of noise and application of influencing factors and adjustment is complex, the average background noise level was concluded as L_{90} 48dBA. Based on EPA SEPP N-1 criteria the Day Period Noise Limit was determined to be 56dBA. This establishes that the receiving area is one that has neither high or low prevailing background noise levels. After measuring noise including over Octave Bands and durations of various activities that would occur on the site, and making allowance for attenuation by outwards radiation over the distance, and the effectiveness of the proposed 4.5m noise barrier, the predicted effective noise level Leq is 52dBA. This provides a suitable margin for operation within the Noise Limit of 56dBA for the potentially most disturbing noise that would be generated at the site.

A follow up query was submitted to the noise consultant about the delivery and pickup of bins outside of daylight hours and also of possible SES training at the centre about once a month. The noise consultant had experience in relation to both these queries and replied that the bin pick up and drop off would be well handled by the acoustic wall and should not cause any problem out of hours, and the SES activity uses battery or small generator powered jaws of life, and occasionally a grinder, however these noises are also well handled by the wall. The acoustic wall is especially suited to attenuation of higher frequency noises such as squeaking of the roller at the end of a bin, or a beeper from a vehicle, or metal to metal noise. Also of note is that higher frequency noise such as would be generated from the site rises over distance which provides an advantage for metal noises and beepers, compared to lower frequency noise which can drop over distance.

On 9 October 2013 the EPA replied regarding the noise reports submitted by the applicant. EPA Assessor Industry advised that the proposed acoustic treatment is expected to deal with the measured noise levels with compliance during day and evening hours by a good margin, and that noise from car crushing (being the greatest noise disturbance by level, duration and pulse) would be within 1dB of compliance for night time levels and given allowable margins, would most likely also be considered acceptable. If Council were to approve night time operations then monitoring is recommended with further abatement measures if necessary. The recommendation to the Panel does not approve car crushing during the night time period. Provided acoustic walls were constructed before the use commenced the noise levels should at all times be well within acceptable levels or inaudible when compared to background noise levels at the relevant times.)

The text of the reply by EPA is as follows:

The receiving property is classified in a major urban area so the recommended levels are determined following procedures in SEPP N-1. The assessment uses this.

Marshall Day calculated the background level as 48 dBA. So applying the influencing factor of 0.3, a night time noise limit of 44 dBA is determined. But in accordance with SEPP N-1, when the background level plus 3 exceeds the zoning level for the evening period or night

period then the noise limit shall be the background level plus 3 dB(A). We get a noise limit of 51 dBA for night time, which is between 10:00-07:00.

Using the shielding proposed, and adjusting for the impulsive nature of the noise source, the predicted Leq is 52dBA. There is a difference of 1 dBA between SEPP N-1 and the predicted noise level for the night time period.

The report notes that car crushing is “a relatively short term procedure, which over the EPA’s 30 minute measurement period would result in a significantly lower Leq.” While a noise that is not audible for significant periods of time is less annoying than a noise that is continuous, the adjustment is made to allow for the additional annoyance caused by the impulses. The impulsive nature of the facility will be the contentious factor for residents.

If council decide to approve use of the facility at 5am, there is a risk that the levels received by residents will (marginally) exceed the SEPP N-1 noise limit. But given that modelling always has a margin of error, and looking at a difference of 1dBA, there is a possibility that levels will fall within acceptable limits. If council approves use within the night time period, we should recommend monitoring to ensure levels are within acceptable limits, and the applicant apply abatement measures when necessary.

EPA gave a formal response on 11 October 2013 to all environmental matters relevant to the application as follows:

EPA has no objections to Council issuing a planning permit for the above application, subject to the following conditions being included:

- Liquid wastes must be collected and disposed of by an approved contractor.*
- Prescribed industrial wastes, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.*
- Nuisance dust must not be discharged beyond the boundaries of the premises.*
- Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.*
- Noise including vibration must not be emitted which is unacceptable in a residential area.*
- Noisy activities e.g. crushing, loading and unloading, should be avoided within the hours specified by council.*
- Stormwater contaminated with waste must not be discharged beyond the boundary of the premises and must be collected and disposed of off-site by an EPA approved contractor or sent to sewer under a Trade Waste Agreement.*
- A secondary containment system must be provide for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.*

In addition, EPA would like to acknowledge the noise modelling work commissioned by the applicant in response to our Further Information Request.

In response to the outcomes of this additional modelling, EPA would also recommend the following matters be considered as permit conditions:

- *Once the site is operational, that noise modelling be conducted for an agreed period (with the responsible authority).*
- *That the outcomes of the noise assessment inform any additional attenuation measures which may need to be implemented retrospectively or an adjustment to hours of operation.*

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land and nearby land including all premises in Huggard Drive and to properties in the Cornish Road low density residential area within a direct distance of 240m of the closest part of the site.

Objections

The Council has received one objection to date. The key issues that were raised in the objections are.

- The establishment of an industrial zone adjacent to a residential zone is unacceptable
- Noise emissions from the land will detrimentally affect the amenity of the area
- Unsightly appearance of the use
- The Council has failed to properly maintain the existing tree screen on the eastern side of the Echuca Road reserve
- Dwellings in Cornish road have existing use rights of which should be respected

Two follow up meetings have been held with the objector, one including the permit applicant and Council planner and held at the objector's property, the other between the objector and Council planners held at the municipal offices.

The acoustic reports have been given to the objector and details of the acoustic walls that have been assessed as being effective to reduce any noise of activities to levels that are within the limits required by noise regulations.

The objector has informed of mistrust of acoustic reports, has ongoing distress associated with the noise of refrigeration units on trucks that has been a problem to the objectors in the past, and has made it quite clear that they do not believe the Hubbard Drive industrial area should have been created and that the objection to the proposed material recycling facility will be maintained.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- An onsite meeting at the dwelling owned by the objector was held on 18 June 2013 and attended by the applicant, objector and planning officer. The meeting allowed the applicant and officer to explain the application and relevant decision guidelines. The meeting was beneficial in sharing information but did not result in the removal of the objection.
 - A further meeting at the municipal offices was held on 15 October 2013 when the objector again stated their concerns and Council planners explained the decision making process to occur and the planning officer recommendation that would be made to the DHP meeting.
-

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	EPA – FI required, then comprehensive reply supporting the proposed use with environmental including noise conditions
Section 52 Notices	GVW – no response, therefore consent is deemed.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Response with proposed conditions mainly about drainage matters

Assessment

The zoning of the land

The land is within the IN1Z.

The purpose of the zone is 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.

Materials' recycling is a section 2 use in the IN1Z subject to the following condition:

The land must be at least 30 metres from land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The land is located more than 30 metres from the listed zones or uses, therefore Materials recycling is a section 2 use in the IN1Z.

Clause 33.01-2 includes the following decision guidelines:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
- *The effect that nearby industries may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*

These decision guidelines are reviewed later within the report.

Relevant overlay provisions

The land is not within any overlays.

The State Planning Policy Framework (SPPF)

11.05-1 Regional settlement networks

A strategy of this clause is to support sustainable development of the regional cities and centres of Ararat, Bairnsdale, Benalla, Colac, Echuca, Hamilton, Horsham, Mildura, Portland, Sale, Shepparton, Swan Hill, Wangaratta, Warrnambool and Wodonga.

13.04-1 Noise abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.04-2 Air quality

Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

17.02-1 Industrial land development

Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.

17.02-2 Design of industrial development

Objective

To facilitate the sustainable development and operation of industry and research and development activity.

Strategies

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*
- *Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.*

19.03-5 Waste and resource recovery

Objective

To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

Strategies

- *Establish new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource recovery.*
- *Encourage facilities for resource recovery to maximise the amount of resources recovered.*
- *Provide sufficient waste management and resource recovery facilities to promote re-use, recycling, reprocessing and resource recovery and enable technologies that increase recovery and treatment of resources to produce energy and marketable end products.*
- *Encourage waste generators and resource generators and resource recovery businesses to locate in close proximity to enhance sustainability and economies of scale.*
- *Ensure buffers for waste and resource recovery facilities are defined, protected and maintained.*

Policy guidelines

Planning must consider as relevant:

- *Victoria's Towards Zero Waste Strategy* (Department of Sustainability and Environment, 2005).
- *Environment Protection (Industrial Waste Resource) Regulations 2009*.
- Any relevant regional waste management plans.
- *Metropolitan Waste and Resource Recovery Strategic Plan* (Sustainability Victoria, 2009).

The continuation of the materials recycling centre at a new location will assist in the achievement of Victoria's Towards Zero Waste Strategy.

In respect of the generation and abatement of noise from the Materials recycling operation, an initial noise assessment was made by Advanced Environmental Systems with assistance from Audiometric and Acoustic Services. A more detailed assessment was conducted at the request of the responsible authority, and finally some follow-up comments of assistance in regard to possible activities outside of EPA daytime hours was also received.

The relevant information and conclusions are detailed in the further information section of this report.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.06-3 Manufacturing And Freight

Objectives - Manufacturing and Freight

- *To sustain a growing and diverse industrial base.*
- *To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.*

Strategies - Manufacturing and freight

Relevant strategies include:

- *Protect existing industries and facilitate their expansion.*
- *Support new industries in established industrial zones, with access to infrastructure and constructed roads.*
- *Encourage new value adding industries to locate in existing serviced industrial areas.*
- *Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.*
- *Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.*

The industrial framework plan identifies the land as being an infill area.

Relevant Particular Provisions

Clause 52.06 Car parking requires that a material recycler set aside 10% of the site area for car spaces and access lanes, but not driveways.

The employee and customer car parking area and access to those spaces is about 500m² in area which is in excess of the 10% site area. In addition, the majority of customers attending the site are bringing materials for recycling and therefore will be queuing around the building on driveways at the weighbridge and the unloading area. The car parking has been assessed as being adequate for the proposed use and complying with clause 52.06.

Permit conditions will require the preparation of a car park plan for the site as required by 52.06-2 to show access lanes and car parking on the land in accordance with 52.06-5.

Clause 52.10 Uses with adverse amenity potential

The purpose of this clause is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Definition

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Construction and demolition materials recycling has no specified threshold distance but includes a note 1 which relies on an assessment of processes used and materials to be processed or stored to determine an appropriate threshold distance.

The EPA publication, 'Recommended buffer distances for industrial residual air emissions' also does not include a threshold distance for the proposed use.

The site is located within an Industrial Estate and there is a tree buffer and wide road reserve of Echuca Road in the intervening distance of about 100m to the closest residence. It is considered that potential noise disturbance would be the appropriate factor to determine an acceptable buffer distance. An assessment of potential noise generation and abatement by distance and acoustic measures has been undertaken by an acoustic engineer and detailed within in this report. The distance of about 100m across the tree reserve and the road reserve together with the inclusion of a 4.5m high acoustic wall close to the noise source greatly reduces transmitted noise and leads to a conclusion that the existing 100m distance is an acceptable buffer.

Clause 52.45 – Resource Recovery

The purpose of this clause is *to facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.*

52.45 -1 Scope

This clause applies to all land used and developed or proposed to be used and developed for:

- *A Transfer station; and/or*
- *A Materials recycling facility.*

52.45 -2 Application requirements

An application must be accompanied by the following information:

- *A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.*
- *A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.*
- *Plans or other media showing anticipated views of the facility from sensitive use locations.*

A written report(s) including:

- *Identification of the purpose of the use.*
- *A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.*
- *Proposed hours of operation.*
- *Likely traffic generation including heavy vehicles.*
- *Consideration of whether a works approval or licence is required from the Environment Protection Authority.*

An assessment of:

- *Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.*
- *The impact of traffic generation on local roads.*

The applicant has submitted the information required under 52.45-2 through planning report, site plans and acoustic reports.

52.45 -3 Decision Guidelines

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- *The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.*
- *The impact of the proposal on the amenity of the surrounding area.*
- *The Towards Zero Waste Strategy (DSE, 2005) and the Metropolitan Waste and Resource Recovery Strategic Plan (Sustainability Victoria, 2009).*
- *Relevant guidelines applicable to the use including the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA, 1996), the Guide to Best*

Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*

All relevant matters set out in Section 60 of the Act have been considered for this application. The proposal is in accordance with these relevant matters.
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The relevant state and local planning policies have been considered for this application. The proposal is in accordance with the objectives and strategies of these policies as set out in this report.
- *The purpose of the zone, overlay or other provision.*

The purpose of the Industrial 1 Zone and relevant particular provisions relating to parking and Resource recovery have been considered for the application. The proposal is appropriate to the purpose of the zone. The application satisfies the parking requirements. The application has addressed the requirements of clause 52.45 for Resource Recovery.

The proposal will comply with these provisions and relevant conditions should be included on any permit issued.
- *Any matter required to be considered in the zone, overlay or other provision.*

The decision guidelines of the zone and particular provisions have been considered and the application is acceptable and appropriate conditions would be placed on any permit to issue.
- *The orderly planning of the area.*

The proposed application is in accordance with orderly planning of the area, with an industrial estate being the appropriate zone for a resource recovery centre.
- *The effect on the amenity of the area.*

The proposed development has been assessed as not likely to have an adverse effect on the amenity of surrounding industrial properties or to the low density residential area located more than 100m to the south-west of the site. This assessment is based on the acoustic reports and the protection to be provided by the inclusion of appropriate conditions requiring the installation of a high acoustic wall and for appropriate noise monitoring with the possibility for additional attenuation measures if necessary.

The 10m wide tree reserve created at the time of the subdivision of the Industrial estate has useful cover of mature trees but with some short lived species having left gaps it would be reasonable to require some augmentation planting to provide additional softening to the appearance of the high acoustic wall to be constructed along the rear boundary.
- *The proximity of the land to any public land.*

The subject land is opposite land owned by Council that is mainly located in the Urban Floodway Zone with the underlying zone being Industrial 1 Zone. The part of

the land closest to the site has a depression for flood retention. The proposed Materials recycling use will not affect this land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- The site has already been fully developed with hard-standing and a large building. The use will be controlled to ensure drainage from the site will not be contaminated with waste products the most likely potential being from oil spills when vehicles are dismantled. The use is required to have measures in place to deal effectively with such events.
- *The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

No native vegetation is to be removed as a result of the proposed change of use.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The subject land is not within the Land Subject to Inundation Overlay although part of Huggard Drive is within LSIO. The expected flood depths on the road would remain safe for access and egress during a 100 year flood event. The site is not within BMO and the fire hazard would be normal to an urban industrial estate, the main riverine bushland associated with the river is some 650m to the east of the site.

Relevant incorporated or reference documents

The following reference documents potentially have some relevance to a materials recycling facility, however the important policy is contained within the Municipal Strategic Statement within local planning policy in clause 21 of the planning scheme.

Greater Shepparton 2030 Strategic Report Strategy Plan 2005

Regional Waste Management Plan, Goulburn Valley Regional Waste Management Group, July 1998

Other relevant adopted State policies or strategies policies

Victoria's Towards Zero Waste Strategy

Mainly directed towards Metropolitan Melbourne where over 70% of waste is generated in Victoria, and towards general household waste which has the lowest recycling percentages. Metals are a low volume, high weight waste and are generally well catered for in regards resource recovery.

Guide to Best Practice at Resource Recovery Centres

Mainly directed towards reduction in waste directed to landfill, and for separation and handling of general household wastes particularly relevant to municipal resource recovery centres. Some relevant sections in relation to safe handling of oils, batteries and other

potential contaminants, and occupational health and safety. General refers to considering noise and amenity but by reference to other documents and planning scheme assessment.

Relevant Planning Scheme amendments

There are no applicable amendments.

Are there any significant social & economic effects?

The application does not raise any significant social or economic impacts. Materials recycling is an important service to the community and finding a new suitable site for this existing business which must move from Minchin road is important for the continuation of this business operator and to the local community.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

Conclusion

- Materials recycling is an appropriate use in an industrial area with a net community benefit. The potential for noise disturbance has been adequately addressed through acoustic treatment and has been assessed by acoustic engineers as expected to meet EPA noise control guidelines.
- Further noise monitoring is possible if any noise problems occur in future and additional physical measures or changes in the management of activities is allowed for in permit conditions, including further restriction on the hours during which particularly noisy activities can occur or relevant other changes to permit conditions.
- The objection received from the owner of the nearest residential property has been considered with the assessment that the transmission of noise should meet EPA guidelines, but if noise monitoring after the use commences shows this is not the case then permit conditions will require implementation of additional measures.
- EPA is a referral authority for materials recycling and supports the application with suggested conditions for any permit issued.
- The application with acoustic measures and proposed conditions is considered to produce an acceptable outcome having regard to the relevant zones, planning policies, particular provisions and decision guidelines. A Notice of Decision to grant a permit should be issued subject to conditions as recommended in this report.

Draft Notice Of Decision

APPLICATION NO: 2013-125
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 11 HUGGARD DRIVE MOORoopNA VIC 3629

WHAT THE PERMIT WILL ALLOW: USE OF LAND FOR MATERIALS RECYCLING
(SCRAP METAL)

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

The use for materials recycling and the associated development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Detailed Construction Plan

Before the commencement of any development or works associated with the proposed use starts, including for the construction of acoustic walls, or installation of excavated pits for weighbridges, or construction of drainage works, or driveway and vehicle crossing works, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and a minimum of two copies or an electronic copy must be provided.

The plans must include:

- a) The installation of a 4.5m high acoustic wall extending across the full length of the rear (west) boundary of the site and along the southern side boundary of the site from the corner of the rear boundary for a minimum distance of 6 metres east of the extent of the area where metal bins are to be filled by excavator or other mechanical means and any area where crushing of car bodies is to take place. The acoustic walls are to have a mass of at least 25kg per m², made from a frame with 6mm thick cement sheet on either side with an acoustic infill such as R2.0 fibreglass batts, or suitable pre-cast panels, or other construction endorsed as suitable by a suitably qualified noise consultant.
- b) fully sealed pavement to Council's Infrastructure Design Manual standards from the back of kerb in Huggard Drive to the property boundary for the two driveways, and for both driveways extending from the front property boundary

west to the front alignment of the existing shed on the site.

- c) Any drainage works associated with the driveway works in (b) above, or upgrading of the vehicle wash area or other paving areas within the site.
- d) Detail of the pits and drainage associated with the installation of weighbridges within the site.
- e) Details of pollution trap or triple interceptor or diversion to sewerage for the wash-down area at the rear of the site or other areas where drainage is likely to be contaminated by materials at the site, to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

When approved, the plans will be endorsed and will then form part of the permit. The plans must include any requirements of conditions of this permit.

All development and works must be constructed in accordance with the endorsed plans and within the time limits specified in relevant conditions of this permit.

3. Operations Plan for Materials Recycling – Environment and Amenity Management

Before the use starts, an operations plan – for environment and amenity management, must be submitted to and approved by the responsible authority. Such plan must be prepared in consultation with Council and the EPA as appropriate.

The plan must include:

- a) Signage and other communication methods giving hours and directions advice to customers and transport operators designed to ensure the orderly arrival, unloading and loading operations and departure of vehicles to the site;
- b) the training of staff in the environmental and amenity management of the materials recycling operation;
- c) measures to control noise and other emissions from the premises;
- d) identification of possible risks or operational failure and response measures to be implemented;
- e) measures and procedures to ensure environmental sustainable handling and management of oil and other contaminants including dealing with accidental spills or other significant adverse environmental impacts;

to the satisfaction of the responsible authority.

When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the approved plan.

4. Prior to Commencement of Use

The use must not start until:

- a) The permit holder has constructed a 4.5m high acoustic wall extending across the full length of the rear (west) boundary of the site and along the southern side boundary of the site from the corner of the rear boundary for a minimum distance

of 6 metres east of the extent of the area where metal bins are to be filled by excavator or other mechanical means and any area where crushing of car bodies is to take place, to the satisfaction of the responsible authority; and

- b) The parking area shown on the endorsed plan has been provided and signed to the satisfaction of the Responsible Authority; and
- c) A landscape plan showing layout and number and location of plants and a species list which shall consist of drought tolerant native species has been submitted to and approved by Council.

5. Car Spaces Required

Before the use begins no fewer than 10 car spaces must be provided within the frontage of the site, clearly marked as car spaces for staff and customers. The car spaces must be available for such use at all times the business is operating and must not be used for other storage purposes.

6. Tree Planting

- a) Within six months of the commencement of the use hereby permitted, additional planting of trees and shrubs is required;
 - within the 10m tree reserve outside the rear boundary of the site to provide screening/softening of the appearance of the acoustic wall when viewed along Echuca Road; and
 - in the landscape areas inside the frontage of the site where the land is not required for driveways and car parking;

such planting to be completed by the permit holder to the satisfaction of the responsible authority.

- b) The planting is required as augmentation of the planting that already exists to the extent to fill gaps that have occurred by previous planting having died or matured to a stage where a useful screen no longer exists. to the satisfaction of the responsible authority
- c) A layout plan showing number and location of plants and a species list which shall consist of drought tolerant native species must be submitted to and approved by Council.
- d) The planting within the frontage of the site when planted must be maintained including the replacement of dead or diseased plants to the satisfaction of the responsible authority.

7. Urban Vehicle Crossing Requirements

Within 12 months or such longer time if allowed by the responsible authority in writing of the use of materials recycling commencing vehicular crossings and driveways with associated drainage within the site as specified in condition 2 of this permit, shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the

responsible authority.

The vehicle crossings must

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel); and
- b) be setback a minimum of 1 metre from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree.

8. Hours of Operation

- a) Unless with the further permission of the responsible authority given in writing, the crushing of car bodies and like operations and the outdoors filling of bins with metal by excavator grab or similar mechanical means must only operate between the hours of:-
 - Monday – Friday 7:00am to 6:00pm
 - Saturday – 7:00am to 4:00pm
 - and is not permitted on Sunday or Public Holidays
- b) Other activities within the site are not limited to specified hours provided that all relevant EPA noise regulations and conditions of this permit are complied with by the permit holder.

9. Noise Control

- a) The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.
- b) In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby residential property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what additional measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.
- c) Such measures may include modifying activities conducted on the site, additional restrictions on permissible hours for such activities by amendment of this permit, or additional acoustic attenuation measures, or a combination of the above.
- d) Following receipt of the report of measured noise levels and additional measures to ensure noise of activities of material recycling does not breach the above EPA noise limits, in consultation with the permit holder the responsible authority will require the permit holder to implement appropriate measures, which may include the permit holder submitting a formal request for changes to permit conditions, and the measures must be implemented and maintained thereafter to the satisfaction of the responsible authority.

10. General Amenity

- a) The use and/or development of the land must not adversely affect the amenity of the area, by way of:
- processes carried on the land;
 - the transportation of materials, goods or commodities to or from the land;
 - the appearance of any buildings, works or materials;
 - the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil; or
 - the presence of vermin;
- to the satisfaction of the responsible authority.
- b) The subject land as viewed from Huggard Drive or Echuca Road reserve or adjacent properties must be kept clean and tidy at all times and must not adversely affect the amenity of the area, to the satisfaction of the responsible authority.
- c) During the operation of the materials recycling use stacks or piles of materials must not exceed four metres in height above ground level to the satisfaction of the responsible authority.

11. Security Alarms

Before the use starts and thereafter, any security alarm installed on the premises must be fitted with a cut off device limiting any sounding of the alarm to a maximum duration of 10 minutes, with no repeat sounding until manually reset and or silently wired to a security firm or the Victoria Police.

12. Construction Phase

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

13. Delivery of Goods

The loading and unloading of goods from vehicles in association with the materials recycling use on the land, must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

No metal collection or transportation bins associated with the metals recycling use are permitted to be unloaded from vehicles or left or stored within the Huggard Drive road reserve or opposite the site on Council property.

14. Council Assets

Unless identified in a written report submitted to Council prior to any development or works on or associated with the land, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.

15. Environment Protection Authority Requirements

1. Liquid wastes must be collected and disposed of by an approved contractor.
2. Prescribed industrial wastes, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.
3. Nuisance dust must not be discharged beyond the boundaries of the premises.
4. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.
5. Noise including vibration must not be emitted which is unacceptable in a residential area.
6. Noisy activities e.g. crushing, loading and unloading, should be avoided within the hours specified by council.
7. Stormwater contaminated with waste must not be discharged beyond the boundary of the premises and must be collected and disposed of off-site by an EPA approved contractor or sent to sewer under a Trade Waste Agreement.
8. A secondary containment system must be provide for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

16. Time for Starting the Use

This permit will expire if the use of materials recycling is not started within **two (2) years** of the date of this permit.

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approvals must be obtained.

Road Opening/Crossing Permit Required

A road opening/crossing permit must be obtained from the Responsible Authority prior to carrying out of any vehicle crossing works.

Change of Use

The use of the land for any purpose not specified in this permit may require the further permission of the Responsible Authority, by way of a new planning permit. Any use of the land without such approval may result in enforcement proceedings.

Amended Application Details:

Responsible Officer:	Andrew Dainton
Amended Permit Number:	2012-70/A
Applicants Name:	Brent Williams & Associates
Date Amendment Received:	31 January 2013
Statutory Days:	88
Land/Address:	5 William Street TATURA VIC 3616
Zoning and Overlays:	Industrial 1 Zone Part Land Subject to Inundation Overlay
Why was the amendment required?	To increase the size of warehousing including an additional warehouse, further reduction parking requirements and to delete condition 1i from the permit
Why is an amended permit required (include Permit Triggers):	Buildings and works in the IN1Z under 33.01-4 Reduction in car parking under 52.06-3
Are there any Restrictive Covenants on the title?	No

Proposal

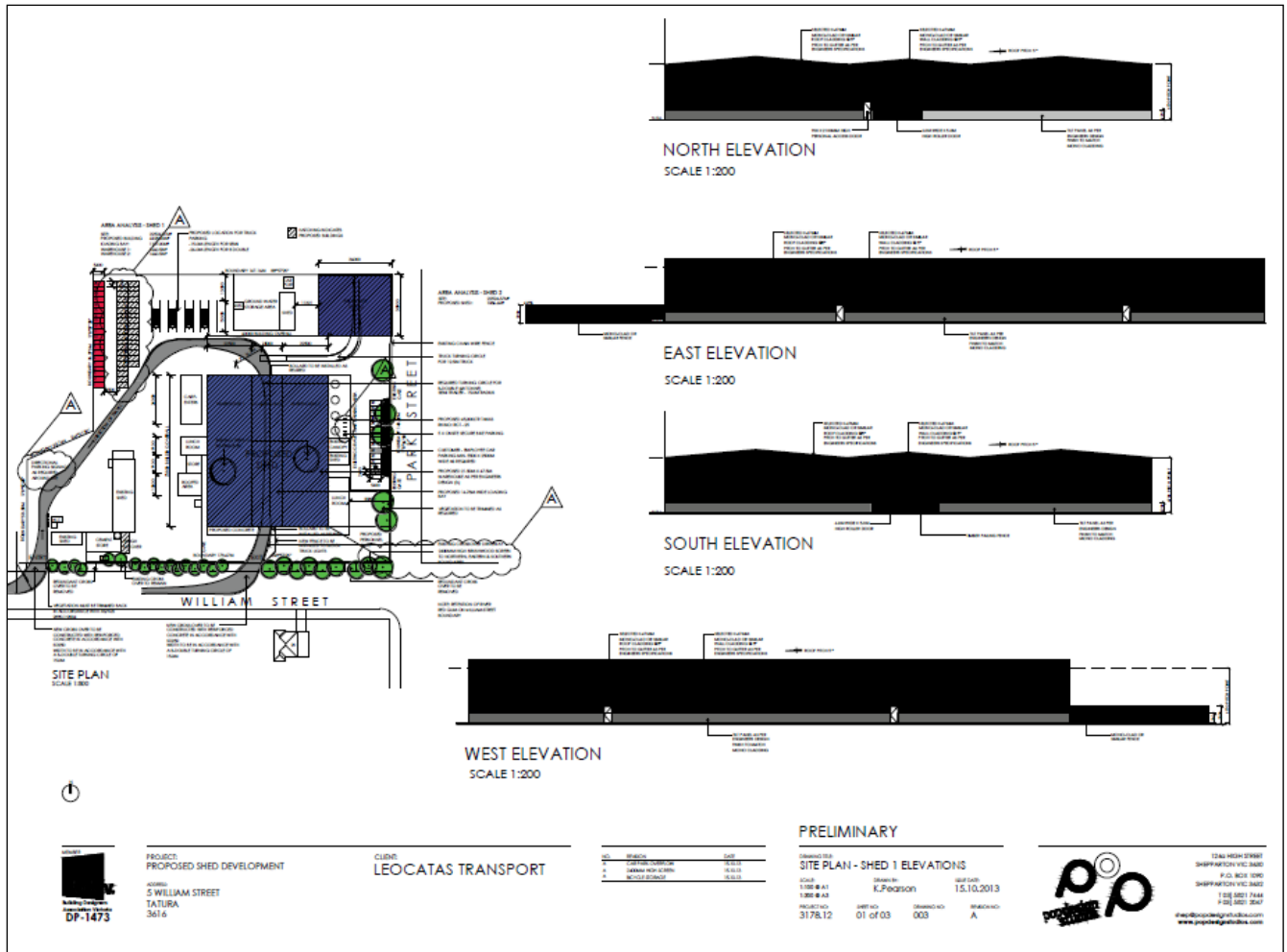
This application proposes to amend planning permit 2012-70 which was issued on 2 July 2012 and allowed the following:

To use and develop the land for a transport terminal and warehouse, reduction in car parking requirement and remove of one native tree

The initial planning application was advertised and no objections lodged. To date construction has not started on the approved development under 2012-70.

An application to amend the permit was made on 31 January 2013 to add an additional warehouse (shed 2) in the north east corner of the land and remove condition 1(i) from the permit.

The site plan of the proposed amendment is below:



The Approved Permit	The Amended Application
Allows for a transport terminal, warehouse, reduction in parking and removal of one tree	Seeks to increase the warehouse allowed under the approved permit by 1728sqm including loading
The warehouse is shown on plan as 2700sqm including loading	Seeks to construct a second 1080sqm warehouse in the north eastern corner of the land
Permit requires 33 onsite parking spaces	Seeks a further reduction in car parking
Application was advertised	Seeks to delete condition 1i from the permit which

and no objections lodged	required the relocation of the eastern vehicle crossing to William Street
Permit granted on 2 July 2012. To date the permit has not been acted on.	Amended application advertised and two objections lodged

The proposed shed 2 is 1080sqm in size and is proposed to be located on the northern and eastern boundary of the land abutting Elizabeth Street which is an unformed road and Park Street (gravel road).

The proposed shed 2 is within the IN1Z with adjoining zones being IN1Z and PPRZ.

The first approval (2012-70) required the provision of 33 on site car parking spaces, of which are shown on the plans.

The additional 1080sqm warehouse triggers the need for an extra 16 on site car parking spaces. The submitted plans do not show these additional spaces; therefore a further reduction in parking is required.

The previously approved warehouse building proposed on the amended application is shown as 4428sqm of which 1107sqm is for loading, whereas the plans submitted as part of 2012-70 indicates a building of 2700sqm (of which 701sqm is for loading), therefore the amended proposal seeks an extension of 1728sqm (1320sqm excluding loading).

In total across the larger warehouse building and the newly proposed building this amended application seeks to increase the overall floor area on the site by 2808sqm (2400sqm excluding loading).

The applicant's traffic report (submitted with the initial application) recommended car parking is provided on the land on the basis of the expected activity on the land being:

- 10 B'double's
- 4 semi trailers
- 5 rigid trucks

Based on this activity 25 car parking spaces were recommended. The planning department required the provision of 33 on site car parking spaces which satisfied the warehouse parking rate based on a floor area of 2000sqm.

Based on this rate (1.5 per 100sqm) an additional 36 on site spaces would be required (based on 2400sqm of additional floor space) bring the total onsite parking to 69. The submitted plans provide for 33 on site car parking spaces.

The amended application was placed on public notice as the application proposed additional warehousing and further reduced the car parking rate.

To facilitate the construction of the larger warehouse, two Grey Box trees require removal. Planning permissions for the removal of these trees have been previously approved following public notice under 2008-389 and 2012-70; therefore this amended application does not seek permission to remove the trees.

Following an assessment of the amended application it is considered the application achieves acceptable outcomes for the following reasons:

- The amended application does not change the use of the land and continues to provide a range of measures to provide a reasonable residential amenity to the adjacent Residential 1 Zone (R1Z)
- The initial application was properly advertised to neighbours and no objections were lodged
- This amended application was also properly advertised and one objection was lodged. The objections relate to location of shed 2 abutting boundaries, impact on amenity and public notice of 2012-70. The objection has been considered within this report and concluded that the objection does not warrant a refusal to grant an amended permit
- In response to the amended development proposal, additional permit conditions are required in relation to landscaping, screen fencing, overflow car parking and drainage
- The Council's traffic engineer has reviewed the applicants request to delete condition 1i (location of existing vehicle crossing) and found that the provision of the fence adequately prevents light spill from the land. In turn the traffic engineer did not oppose the deletion of condition 1i from the permit
- The application positively responds to the relevant policies and decision guidelines as set out within this report

Summary of Key Issues

- This application seeks to amend 2012-70 which allowed for use and development of land for a transport terminal and warehousing, reduction in parking and removal of one Grey Box tree
- The proposed amendments include, increase size of warehouse building, additional warehouse building, further reduction in car parking requirements and deletion of condition 1i
- The amended application has been advertised and one objection lodged. The grounds of objection have been considered within this report and deemed that the objection should not lead to the refusal of the amended application

- The initial application was advertised to adjoining neighbours including the owner of Cussen Park being the Council and the occupiers. No objections were lodged in respect to the initial application which included the removal of one Grey Box tree
- The amended application was notified to GVW and GBCMA who did not oppose the amended application
- The assessment of the amended application has determined that it is appropriate for the Panel to issue a notice of decision to grant an amended permit

Moved by Braydon Aitken and Seconded by Ian Boyle

That Council having caused notice of Amended Planning Application No. 2012-70/A to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 33.01-4 and 52.06-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 5 William Street Tatura, for the use and develop the land for a transport terminal and warehouse, reduction in car parking requirement and remove of one native tree in accordance with the Notice of Decision to grant an amended permit and the endorsed plans.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 1 May 2013 Time: 10.30am

The site has a total area of 2.2ha and currently contains:

- existing shedding and other infrastructure which was previously used by GMW
- the land has been finished with a hard surface of crushed rock over the site
- the land has an unsealed access to the land from William Street and two redundant vehicle crossovers exist
- Park Street has two access points to the land and is an unsealed road, which has significant vegetation within the road reserve

The main site/locality characteristics are:

- To the west of the land is the existing Leocata's truck terminal which is used to store heavy vehicles
- On the southern side of William Street is land within the R1Z, which has been developed for dwellings

- On the eastern side of Park Street is a plant nursery and Unilever is located to the south east of the land
- Abutting the land to the north is land within the PPRZ known as Cussen Park

The Photos below show the existing site:



Area of proposed 'shed 2'



View of land looking towards William Street



View of land looking towards William Street

Permit/Site History

The history of the site includes:

- C141 rezoned the land from PUZ1 to IN1Z on 6 January 2011
- Planning permit 2012-70 was issued on 2 July 2012 and allowed the use and development of 5 William Street, Tatura for a transport terminal and warehouse, reduction in car parking and removal of one tree
- Planning permit 2008-389 allowed the removal of a Grey Box tree from the land

Further Information

Was further information requested for this application? No

Public Notification

The amended application has been advertised pursuant to Section 52 (for buildings and works in the IN1Z within 30m of a R1Z and reduction in parking) of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

A planning officer undertook a sign inspection on 25 February 2013 and took a photo of the displayed sign as shown below:



The applicant provided a sign declaration stating the sign was displayed on site between 20 February to 6 March 2013.

Objections

The Council has received two objections to date, one of which was subsequently withdrawn. The key issues that were raised in the objections are.

- Failure to properly notify the Cussen Park Advisory Committee of the planning applications
- Objection to the removal of a Grey Box tree
- Proximity of shed two to the north and east boundary of the land
- Objection to the choice of planned landscaping along the north boundary fence
- Construction materials of sheds and associated noise emissions
- Provision of lighting
- Reduction in parking
- Pedestrian access along Park Street

Written acknowledgement of both objections was provided by the Planning Department.

Officer's response to objections

Planning application 2012-70 was advertised by letters to neighbours and sign on site. The initial application included provision of notice by letter to Cussen Park to the Council's Property Manager and to the occupiers of Cussen Park. Additionally a sign was erected on the land between 6 April to 21 April 2012. The message within this public notice was:

To use and develop the land for a transport terminal and warehouse and removal of one native tree

Based on this public notice of which included letters to the owner of Cussen Park, letter to the occupier of the park and sign on site, proper notice of the initial application was given. The proposed removal of the Grey Box tree was considered as part of the initial application and it was decided the removal of the tree was acceptable for the following reasons:

- The tree is a scattered tree, centrally within the land, that is now subject to a proposed industrial development
- The size of the proposed building and need for large spaces for truck turning and truck parking results in the building not being able to be relocated to allow retention of the tree
- The proposed development has been designed to allow the retention of a River Red Gum in the setback between the building and William Street

The proposed landscaping along the northern boundary utilises native plants, however amended species to meet the objectors concerns are not opposed by the planning officers. The proposed warehouse buildings are to be constructed in part of concrete tilt panels and monobond cladding. The officers share the objectors concerns relating to noise emissions and in response to this have included the following conditions on the permit (2012-70):

- Limited hours of operation to not earlier than 7am or later than 7pm
- Acoustic testing of the use within six months of the use commencing to ensure the noise guidelines are complied with
- All loading / unloading must occur from within loading bays whilst the doors of the warehouses are closed to limit noise emissions

Planning permit 2012-70 includes condition 15 which requires the baffling of lights to prevent light spill to adjoining land.

The planning officer agrees with the objectors that sufficient on-site parking should be provided on the land for the use. Conditions of the permit require the provision of overflow parking that can be constructed if additional onsite car parking is required.

Planning permit 2012-70 prevents the use of Park Street as an access street to the land other than for emergency access. Therefore as the proposed use will not use Park Street for regular access, it is not considered fair to require the applicant to construct a footpath along Park Street.

An onsite meeting was held on 7 October 2013 attended by the permit applicants, objectors and planning officer. The meeting allowed the objectors to undertake a site inspection of the land. Following discussions, Cussen Park agreed to withdraw their objection based on:

- Provision of screening of the existing cyclone boundary fence along the Elizabeth Street boundary and part of the Park Street boundary
- Cussen Park as a result of this screened fence consented to the development including the building with a zero setback to Elizabeth and Park Street's

The applicant provided revised plans to Cussen Park on 16 October 2013 that showed the inclusion of a brushwood screening on the fencing. Based on these revised plans Cussen Park formally withdrew their objection on 16 October 2013.

Terry Court informed his objection could possibly be withdrawn if screened fencing was also constructed along the William Street boundary, although to date the objection has not been withdrawn.

Title Details

The title does not contain a Restrictive Covenant.

The title does contain a Section 173 Agreement (AB412851V).

The S173 seeks to protect the function of the Tatura Undera Road which is a RDZ1. The proposed development does not create any new accesses to Tatura Undera Road and the new access from the land to William Street is well setback from the RDZ1.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- The applicant prepared a response to the objectors, of which was provided to the objectors on 5 April 2013.
- On site meeting with all parties was held on 7 October 2013

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Clause 66 of the scheme did not require referral of the application.
Section 52 Notices	The application was notified to GVW and GBCMA who did not object to the grant of a permit subject to conditions being included on the amended permit.

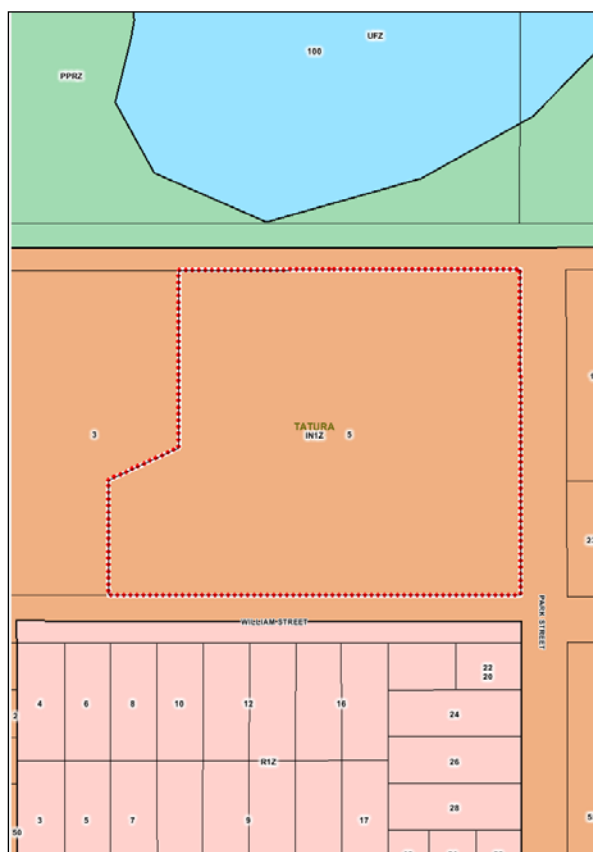
Internal Council Notices	Advice/Response/Conditions
Development Engineers	The application was internally referred to the Council's Development Engineers, although no formal response was received.
Traffic Engineers	The planning officer held discussions with the Council's Senior Traffic Engineer (Brendan Walsh) on 30 April 2013 regarding the amendment to retain the vehicle crossing in its current location. The Traffic Engineer informed the purpose of relocating the crossover was to prevent light spill from trucks into residential windows on the southern side of William Street. The Traffic Engineer informed subject to the provision of a high fence as shown on the plans which prevents light spill, the Traffic Engineers is not opposed to the deletion of condition 1i.

Assessment

The zoning of the land

The land is within the IN1Z.

A zoning plan is below



A purpose of the zone is 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.

Under 33.01-1 a warehouse is a section 1 use subject to a condition which includes land being more than 30m from a R1Z. Transport terminal is a use not listed; therefore it is a section 2 use.

Both uses of land for warehouse and transport terminal require planning permit in the IN1Z.

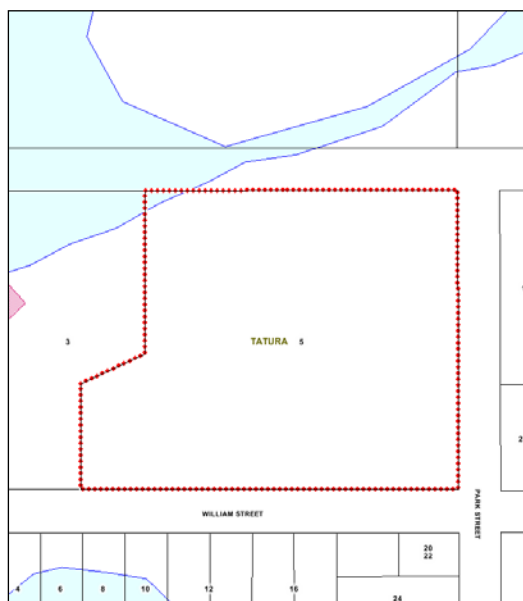
Planning permit 2012-70 included planning permission to use the land for a transport terminal and warehouse.

Clause 33.01-4 provides decision guidelines for buildings and works:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Relevant overlay provisions

The land is partly within the LSIO as shown on the below plan.



The purpose of the LSIO is generally to identify and protect floodplains.

The application was referred to the CMA who consented to the grant of an amended permit subject to a floor level requirement.

The State Planning Policy Framework (SPPF)

13.04-2 Air quality

Objective

To assist the protection and improvement of air quality.

Strategies

Ensure that land-use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land-use planning to improve transport accessibility and connections.
- Locating key developments that generate high volumes of trips in the Central Activity District, Principal and Major Activity Centres.
- Providing infrastructure for public transport, walking and cycling.

Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

15.01-1 Urban design

Objective

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

15.01-2 Urban design principles

Objective

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.

17.02-1 Industrial land development

Objective

To ensure availability of land for industry.

Strategies

Identify land for industrial development in urban growth areas where:

Good access for employees, freight and road transport is available.

Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.

17.02-2 Design of industrial development

Objective

To facilitate the sustainable development and operation of industry and research and development activity.

Strategies

Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

18.05-1 Develop freight links

Objective

To further develop the key transport gateways and freight links and maintain Victoria's position as the nation's premier logistics centre.

Strategies

Improve the freight and logistics network to optimise freight handling.

Ensure suitable sites for intermodal freight terminals at key locations around Metropolitan Melbourne including Altona, Tottenham, Somerton, Dandenong and Beveridge are protected.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.05-1 Natural Environment and Biodiversity

Objectives - Natural Environment & Biodiversity

- To maintain and enhance biodiversity of native flora and fauna communities
- To protect and manage the natural resources of water, air and land.
- To identify natural landscape features which are to be protected and managed.

Strategies - Natural Environment & Biodiversity

- Protect remnant areas of native vegetation, streamlines, wetlands and other environmentally sensitive features.
- Ensure appropriate identification of native vegetation on land to be developed or subdivided.

21.06-3 Manufacturing And Freight

The manufacturing sector is also an important component of the local economy and is closely linked to the agricultural sector through many national and international food processing and packaging companies. The strategic location of Shepparton and Mooroopna on the junction of the Midland Valley and Goulburn Valley Highways makes it an important freight collection and distribution centre, which contributes to the competitiveness of the agricultural and manufacturing base.

Objectives - Manufacturing and Freight

- To sustain a growing and diverse industrial base.
- To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.

Strategies - Manufacturing and freight

- Consolidate existing major industrial zones within the new urban growth boundaries.
- Identify industrial areas in logical areas adjacent to major transport routes, and separated from areas of environmental significance or high residential amenity.
- Support the expansion of the industrial base in appropriate locations, such as land to the north of Wanganui Road, bounded by the proposed Goulburn Valley Highway Bypass; and land north of Gemini Crescent as shown on the Industrial Framework Plan; and land in Lemnos.
- Promote and develop the Goulburn Valley Freight Logistic Centre (inland port).
- Protect existing industries and facilitate their expansion.
- Support new industries in established industrial zones, with access to infrastructure and constructed roads.
- Support food related industries and value adding opportunities.
- Encourage new value adding industries to locate in existing serviced industrial areas.
- Protect the supply of future industrial land from encroachment of non industrial uses.
- Allow limited light industry in the townships if it relates to local agricultural production and subject to servicing and environmental constraints.
- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.

Officer's assessment of the amended application

The permit trigger for the amended application is under the IN1Z for buildings and works and reduction in parking. The amended application is considered to satisfy the zone purpose by providing for storage and distribution of goods whilst not unreasonably affecting the amenity of the adjacent R1Z. The proposed amended application increases the size of a previously approved warehouse, proposes a new warehouse building, deletes condition 1i and further reduces car parking.

The IN1Z includes the following decision guidelines under 33.01-4.

Any natural or cultural values on or near the land

The land is located on the northern edge of Tatura and to the north of the land is Cussen Park which is environmental reserve that contains a waterway and native vegetation. The land has several very large old trees (Grey Box) of which have over time been developed around by previous uses. These trees have been subject to previous planning applications and permission has been granted for tree removal.

The land is within an area of cultural heritage sensitivity, which is discussed in detail later within the report.

Streetscape character and built form

This proposed amended application does not significantly alter the William Street elevation as previously approved. The elevation is typical of a large warehouse style building which consists of mono clad walls and painted concrete panels.

Landscape Treatment

The amended application is accompanied by landscaping plans which incorporate the use of native species including River Red Gums. Amended plans will revised the variety of landscape species to better respond to the abutting Cussen Park environment.

Interface with non-industrial uses

The land is adjacent to R1Z land on the southern side of William Street. The initial approval included a suite of measures including limited hours of operation, acoustic testing to achieve compliance and operational measures to minimise noise emissions to neighbouring land. The proposed amendments particularly the additional warehouse is located at the rear of the land that is further setback to the adjacent residential uses.

Parking and site access

As part of this amended application it is proposed to delete condition 1i of the permit which required the existing eastern vehicle crossing to be shifted to the west by 13 metres. CPG Traffic informed the reason for this amendment is:

The rationale for this relocation is so that the amenity impact on residential properties to the south of William Street is minimised, with exiting trucks lined up shining their headlights on a blank fence rather than the windows of a house opposite.

The amended application proposes to retain the existing location of the vehicle crossing and construct a timber fence which conditions will require be not less than 2m in height. This fence will capture light spill from vehicles headlights and prevent amenity impact on adjoining residential uses. This solution has been reviewed by the Council's Traffic Engineer and deemed acceptable.

Parking is considered under 52.06.

Loading and service areas

Loading is considered under 52.07.

Outdoor Storage

The applicant has informed that as a result of the creation of large warehouses outdoor storage will be unnecessary.

Lighting

The planning permit as currently stands includes permit conditions that require baffled lighting to minimise light spill to adjoining lands.

Stormwater discharge

The initial planning permit was accompanied by a drainage plan prepared by Len Price and Associates that satisfied the Council's IDM. As a result of the revised proposal which increases floor space and in turn run off from the site, permit conditions require the submission of an amended drainage plan in accordance with the planning drawings.

Based on the above assessment the proposed amended application is capable of complying with the decision guidelines under the IN1Z.

Relevant Particular Provisions

52.06 – Parking

Planning permit 2012-70 required the provision of 33 on site car parking spaces (based on 2041sqm of floor area).

The amended application proposes an increase in floor area as follows:

Large warehouse – 60m by 73.8m = 4428sqm – excluding 1095.93sqm for loading, floor area is 3332sqm.

Small warehouse (Shed 2) – 1080sqm

Total floor area (excluding loading) is 4328sqm across both warehouses.

4328sqm at 1.5 spaces per 100sqm = 65 parking spaces.

Therefore based on the requirements for the use to comply with the warehouse rate, a parking shortfall of 32 spaces exists as 33 on site car spaces are provided on the plans.

As a result of the increase floor space, permit conditions will be added to require an area of the site be designated for future overflow parking should it become necessary to meet the parking demand. The condition will require that following a written request from the responsible authority the overflow car park be constructed in accordance with an endorsed car park plan to the satisfaction of the responsible authority.

Subject to the inclusion of this condition, it is deemed appropriate to reduce the parking rate attributable to the development.

Before the Development Hearing Panel, the applicant submitted revised plans which show an overflow parking area that accommodates 32 spaces.

52.07 – Loading

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	

Based on the buildings floor area of 5100sqm, a 63.4sqm loading area is required. The application proposes to include a loading area of 1095.93sqm, which far exceeds the requirement under 52.07. The dimensions being length, width and height also exceed the requirements under 52.07.

The application complies with 52.07.

52.10 - Uses with adverse amenity potential

Under 52.10 neither transport terminal nor warehouse are a listed use. The nearest R1Z land is adjacent to the land on the southern side of William Street and is about 13m from the land. A R1Z is also located to the north east of side and is setback about 150m from the land.

52.34 – Bicycle Facilities

Under table 1 of bicycle facilities an industrial use requires 1 bicycle space per 1000sqm. Therefore based on 4328sqm of building floor area, a total of four on site bicycle spaces are required.

The submitted plans provide for five on site secure bicycle spaces.

The amended application complies with 52.34.

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act have been considered.

The proposed development does not conflict with the objectives of planning in Victoria.

- The proposed development is located within the IN1Z which is affected by the LSIO
- The proposed development changes the use of the land from a GMW works depot to a transport terminal and warehouse complex
- The CMA has consented to the issue of a permit for the works in the LSIO
- The proposed development will not have any substantial effect on the amenity of the area.

Therefore it is considered that the use achieves acceptable outcomes in terms of clause 65.01.

Relevant incorporated or reference documents

LFDP – Precinct of Mosquito Depression

Other relevant adopted State policies or strategies policies

There is no other relevant adopted state or strategic policies.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments to the land.

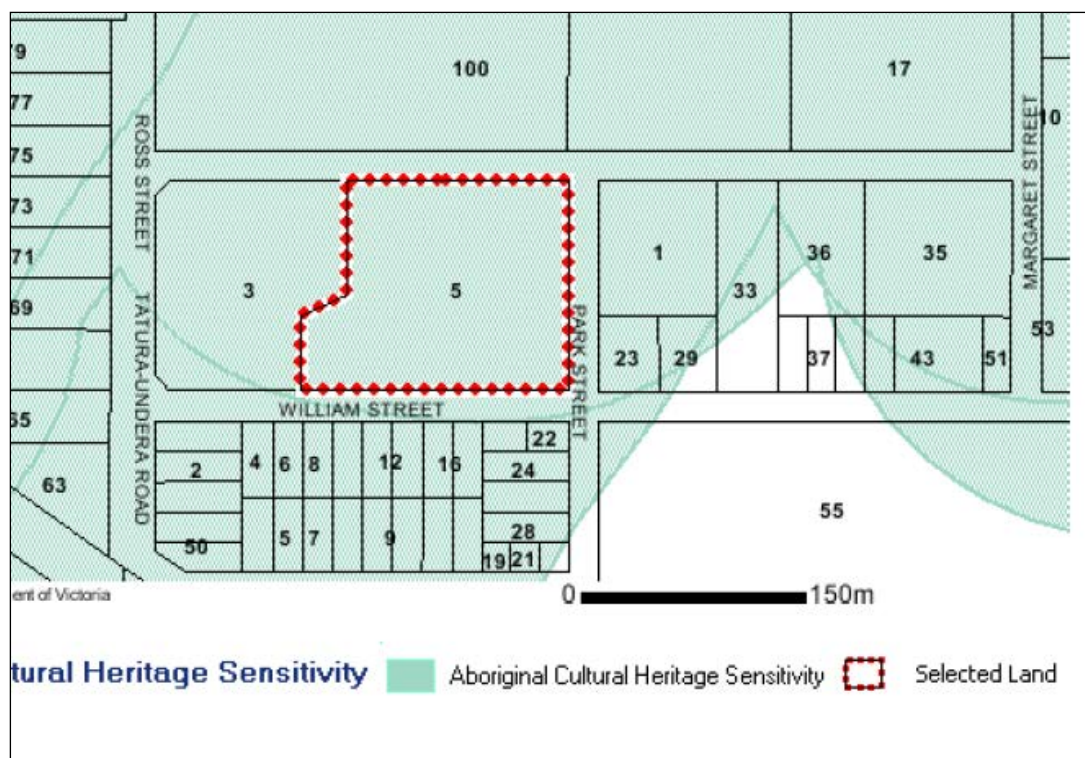
Are there any significant social & economic effects?

The application raises no significant social or economic effects.

Discuss any other relevant Acts that relate to the application?

Aboriginal Heritage Regulations 2007.

The land is within an area of cultural heritage sensitivity as shown below:



In response to the area of cultural heritage sensitivity, the applicant engaged Jo Bell Heritage Services (Jo Bell) to undertake a due diligence assessment to determine if the application triggered the need for a Cultural Heritage Management Plan (CHMP).

As part of the assessment Jo Bell undertook a site inspection of the land.

The Jo Bell report made the following recommendations:

The results of the due diligence assessment indicate that the activity area has sustained significant ground disturbance in accordance with r. 4 of the Regulations. Therefore, under r.24 (2), the activity area is no longer considered an area of cultural heritage sensitivity.

The results also indicated that no surface exposures of Aboriginal cultural heritage are located within the activity area and there are no areas of potential cultural heritage sensitivity within the activity area. It is unlikely that Aboriginal cultural heritage will be located within the activity area.

There is no requirement for the preparation of a CHMP under s.46(a) of the Aboriginal Heritage Act 2006.

Based on the Jo Bell report, it is deemed that the proposed development does not trigger the need for a CHMP.

Conclusion

It is considered that the identified key issues have been satisfactorily addressed. The amended application satisfies policy, zone and particular provisions (parking and loading). In terms of policy the amended application, there will be a net community benefit by the

provision of an expanded transport terminal and warehouse, which is designed to respect the R1Z and natural features of Cussen Park through the use of screen fencing.

In respect to the objection, it is considered that both the initial and amended application have been properly advertised. The other grounds of objection can be satisfactorily responded to with specific conditions of the amended permit.

Based on the assessment detailed in this report the proposed amended development represents an acceptable outcome for the site and locality, and a net community benefit. A Notice of Decision to grant an amended planning permit should be issued subject to appropriate conditions.

Notice Of Decision to

Amend a Permit

APPLICATION NO: 2012-70/A

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 5 WILLIAM STREET TATURA VIC 3616

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2012-70

WHAT AMENDMENT IS BEING MADE TO THE PERMIT?

Planning permit 2012-70 is being amended to increase the size of the previously approved building by 1728sqm and seeks approval for an additional warehouse (shed two) in the north east corner of the land. In association with this increased floor area a further reduction in car parking is required.

In response to these amendments various conditions of the permit are revised or additional conditions have been included, relating to car parking, landscaping, and drainage of the land.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

- Delete condition 1i from the permit

Include additional condition at 1l to require submission of an amended drainage plan of which is generally in accordance with the Len Price and Associates plans submitted on 10 May 2012 (Drawing No. 14354/2012 Rev B dated 2 May 2012) but modified to show and drain the extended shed and shed 2
- Include the additional paragraphs in condition 5 – Car Parking Requirements

Parking shown on the endorsed plans as ‘available for overflow parking if required’ may remain un-constructed until required. If the use of buildings changes, or the use changes in the method of operation, or the use intensifies which increases demand for car parking on the site, then any such required parking and access must be provided within the areas shown on the endorsed plans as ‘available for overflow parking if required’ and must be surfaced with an all-weather seal coat or surfaced with crushed rock or gravel and treated to the satisfaction of the responsible authority to prevent dust within three months

of a written request from the responsible authority;

and all overflow parking required to be constructed must be:

- a) drained in accordance with an approved drainage plan
 - b) line-marked or otherwise treated to indicate each car space and all access lanes
 - c) properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
 - d) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
 - e) provision of traffic control signage and or structures as required; and
 - f) provided with signage directing drivers to the area set aside for car parking.
- Include within condition 14 (General Amenity):

Should graffiti be placed on the northern or eastern walls of shed two the permit holder must undertake works to remove the graffiti from the walls to the satisfaction of the responsible authority

Meeting closed at 11.00 AM