

City of Greater Shepparton

Greater Shepparton Planning Scheme
Strategic Review of Tatura Industrial
Land

Tatura Abattoirs
Tatura Milk Industries
Unilever Industries

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1 INTRODUCTION

Greater Shepparton City Council (the 'Council') requires a 'review' of the existing suite of planning controls that apply to three industrial sites in Tatura being:

- The Tatura abattoir site
- The Tatura Milk site (TMI)
- The Unilever site

The Strategic Planning Review is to include (in summary);

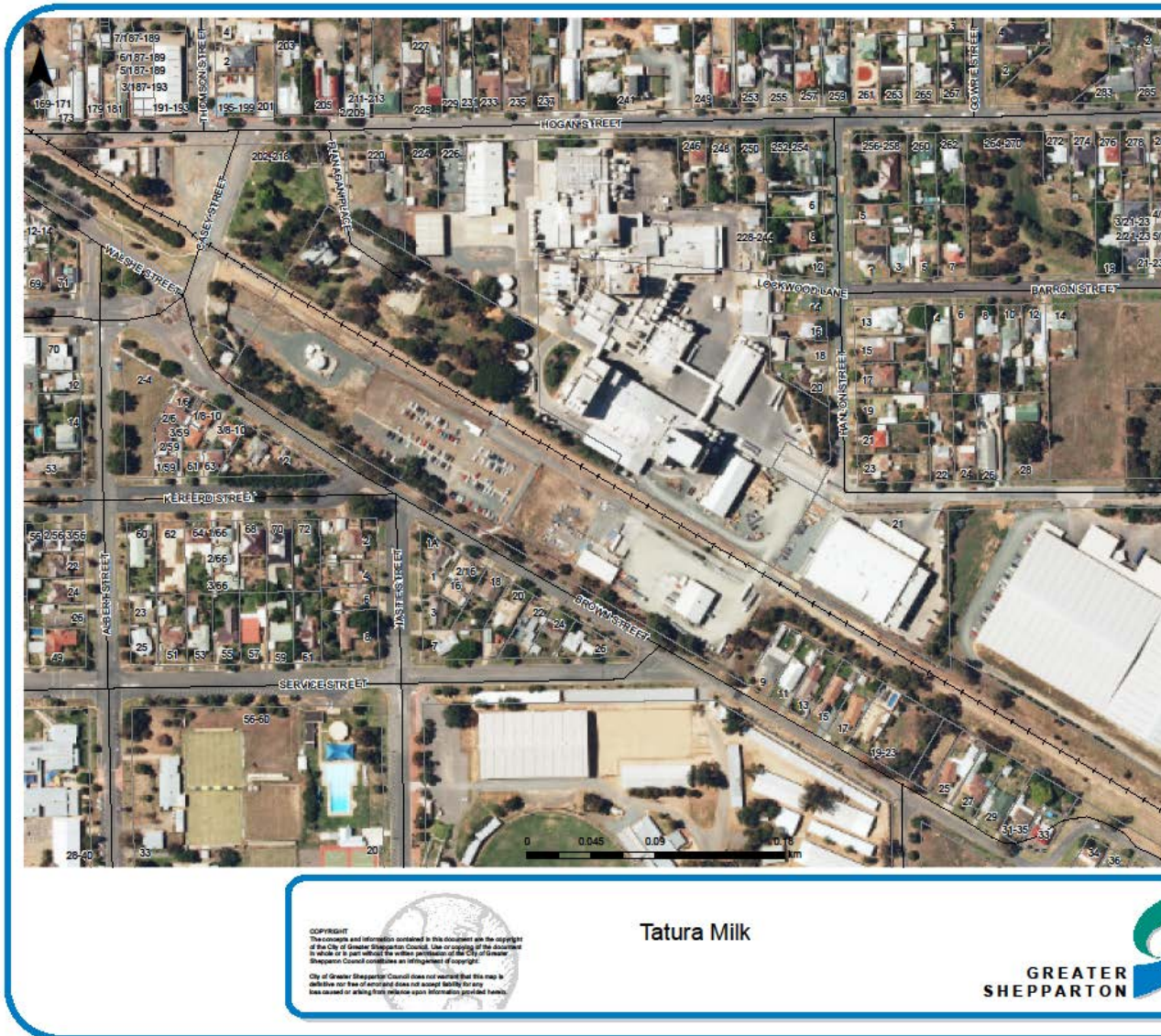
- Consideration of all relevant strategic planning reviews;
- An analysis of the relevance of the existing Municipal Strategic Statement (MSS) and local polices;
- A commentary on the degree to which the existing Local Planning Policy Framework (and other parts of the planning scheme) meet the objectives of the TMI Master Plan and other strategic work;
- A commentary on the adequacy of existing zones, overlays and schedules (as appropriate) on the three sites;
- An analysis of options for alternative zones, overlays and schedules;
- An assessment of the TMI Master Plan;
- Recommendations on modified zones, overlays and schedules to reflect the Master Plan and other adopted strategic work;
- Provision of a suite of modified (draft) planning controls for the three sites.

As part of the TMI analysis, a 'Master Plan' for the Tatura Milk Industries site is being prepared by Council to:

- Establish a long term framework for land use planning and development on the site; and
- Outline an economic development framework to guide investment and promote economic prosperity in Tatura.

Keaney Planning has been engaged by Council undertake the strategic review of the three sites and to implement (as appropriate) any recommendations into the Greater Shepparton Planning Scheme.

Figure 1: Aerial photo of all three sites





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Unilever





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Tatura Abattoir



2 SITE CONTEXT

2.1 Tatura Abattoir Site

The subject site is known as 50-56 Martin Street and 122-138 Ross Street, Tatura and is located approximately 800 metres south of the main street and commercial business area. The land is made up of two titles with the smaller title being approximately 1.3 hectares in size and the larger title 2.8 hectares in size.

The Tatura abattoirs has been operating at the site for over 20 years. The processing of carcasses into packaged meat products is undertaken entirely indoors to the south of the existing plant, providing a separation from the existing dwellings along Martin Street and O'Toole Street. A noise assessment based on the *'Interim Guidelines for Control of Noise from Industry in Country Victoria'* was undertaken based on background noise levels at these existing dwellings. The assessment stated that the proposed extensions would generate less noise than the existing plant, however the combined noise levels will just exceed that of the existing plant.

2.2 Tatura Milk Industries Sites (Site 1 and Site 2)

The Tatura Milk Industries land is in two parts.

The main plant (**Site 1**) is generally bounded by Hogan Street, Hanlon Street, Brown Street and Mactier Park. This site is traversed by the Echuca railway line. Milk related industries have operated on the site since 1907.

The main plant site contains the TMI factory buildings including two drying towers of about 42m in height. Other buildings on the main site include shed, warehouses, unloading areas, truck manoeuvring areas, weighbridge, main factory entrance (off Mactier Street), servicing workshops and open storage areas.

Site 2 is bounded by Mactier Street, Dhurringile Road and the railway line. It consists of a large warehouse facility and open areas. It is bisected by an overland flow path.

2.3 Unilever Site

Unilever Australasia are the owners of 55 Park Street, Tatura. The site is located on two separate lots being:

- Lot 1 on Title Plan 104804R (formerly known as part of crown Allotment 103 Parish of Toolamba West) on vol. 09579 Fol. 284; and
- Lot 1 on Title Plan 210668E (formerly known as part of Crown Allotment 103 Parish of Toolamba West) on Vol. 09579 Fol. 283.

The site is on the east side of Park Street and is bounded by William Street to the North, Railway reserve to the south and residential development to the east.

The site has frontage of 323.37m to Park Street and a 408.13m frontage to William Street along its northern boundary. The site also abuts the Echuca-Melbourne Railway Line along its southern boundary and a bicycle track along the eastern boundary. The property has an overall site area of 10.139ha.

The site is surrounded by existing industrial uses to the north, including self storage, sheet metal and other related uses. This land is contained within the Industrial 1 Zone and Public Use Zone 1. To the east, the site abuts a bicycle track located upon an existing drainage easement and is zoned Public Use Zone 6. Further East are residential dwellings with the rear yards oriented towards the site and frontages along Mitchell and Erica Avenues and are zoned Residential 1. The Echuca-Melbourne railway line is located along the site's southern boundary and Park Street, running north-south along the subject site's western boundary is dominated by a mixture of single and multi-unit development types also zoned Residential 1.

There is extensive native vegetation on the site although it is understood that this is not remnant having been planted as part of the original Rosella food manufacturing site which was established on the land in the 1950s.

The site is currently occupied under Unilever's Tatura Wet Food Processing facility. The site has an existing total floor area of 16,000m², and consists of preparation and processing components, packaging and dispatch areas, engineering and related services as well as administration and amenities areas.

Operations on the land 'value-add' to existing food stuffs. Manufactured foods include wet pasta sauces, cook in sauces and ice tea, under the

recognised brand names such as Continental, Chicken Tonight, Bertolli, Raguletto and Lipton.

The site employs about 130 full time staff with an additional 30 casual staff. Unilever operates three 8 hours shifts, with the staff spread across these three shifts. The plant currently operates about 200 days a year. Deliveries to and from the site are generally limited to between the hours of 6am and 6pm. Approximately 45 truck movements occur to and from the site on a daily basis, with heavy vehicle access via a secured entrance point located along William Street. Staff vehicle access is from Park Street and there is about 115 existing on-site car spaces.

3 PLANNING CONTEXT

3.1 Existing Planning Controls – Tatura Abattoir Site

The land contained in the shaded area on Figure 2 is within the Industrial 3 zone under the Greater Shepparton Planning Scheme.

In addition the following overlays apply (in part) over the land:

- Land Subject to Inundation (small part only on east side)

Surrounding zones are Industrial 3 to the north, Public Park and Recreation to the east and south and Low Density Residential to the south west over Ross Street. Land to the north west is included in the Business 3 zone.

3.2 Existing Planning Controls – TMI (Site One)

The land contained in the shaded area on Figure 2 is within five separate zones under the Greater Shepparton Planning Scheme being:

- Industrial 1 Zone
- Residential 1 Zone
- Public Use Zone 4
- Public Park and Recreation Zone
- Business 1 Zone

In addition the following overlays apply (in part) over the land:

- Heritage Overlay
- Land Subject to Inundation Overlay

Surrounding zones are mainly residential to the north, east and south with a small abuttal to an Industrial 1 zone to the south east. Land to the west is part of the Tatura shopping area and is included in the Business 1 zone.

3.3 Existing Planning Controls – TMI (Site Two)

The land contained in the hatched area on Figure 2 is within two zones under the Greater Shepparton Planning Scheme being:

- Industrial 1 Zone
- Urban Floodway Zone

In addition the following overlays apply (in part) over the land:

- Land Subject to Inundation Overlay

Surrounding zones are mainly industrial although land to the east, over Dhurringile Road is identified by Council for residential use. It is understood that it has recently been purchased for the purposes of a retirement village.

3.4 Existing Planning Controls – Unilever Site

The land contained in the shaded area on Figure 2 is all contained within the Industrial 1 zone under the Greater Shepparton Planning Scheme.

In addition the following overlays apply (in small part) over the eastern side of the land:

- Land Subject to Inundation Overlay
- Floodway Overlay

Surrounding zones are Industrial 1 to the north and Residential 1 to the south, west and east. On all sides however there is small intervening 'buffer' type zones including PUZ to the south (rail line); Industrial 1 to the west (being the width of Parks Street) and Public Use 6 to the east (linear parkland).

4 STRATEGIC PLANNING REVIEW

4.1 New Format Planning Scheme 1998

In 1998, the City of Greater Shepparton exhibited its 'new format' planning scheme in accordance with the Victoria Planning Provisions. The new format scheme carried over former planning controls from previous schemes into a new amalgamated planning scheme for the City.

No changes were proposed for the **Tatura Abattoir** site or the **Unilever** site as part of the new format scheme.

However, the origins of the current zoning and overlay regime on the **TMI** site are derived from the new format planning scheme Panel report of 1998. Most of the TMI site was contained within the Industrial 1 zone. However, the Panel report (October 1998) considered a proposed change in zoning from a Residential 1 to Industrial 1 for all land on the west side of Hanlon Street. The owner of the land on the south west corner of Hogan and Hanlon objected to the modified zoning on the basis that TMI had indicated that all of their future expansion would be at the southern end of the site beyond the railway reserve.

In rejecting the Council proposal to rezone the land from Residential 1 to Industrial 1, the Panel made a number of observations about the long term planning of the TMI site. The Panel noted (at page 130 and with emphasis added):

As the TMI site and operations have expanded within the town of Tatura the site has progressively encroached upon and consumed the mainly residential land on its boundaries. As this has taken place there has been a gradual re-zoning of adjoining properties purchased by TMI. The expansion of the site footprint has largely been in response to associated growth of the processing and warehouse facilities. This means that historically as the site has grown there has been little if any increase in buffer between the industrial facilities and the neighbours.

TMI are poised to go through a significant expansion in the next 1-5 years. The works will involve major Capital investment of long term assets which will create a number of new jobs and wealth for the community. The growth in question does not come at the expense of others but rather leverages upon the global growth in the high value Nutritional Foods sector.

The planned works include two new 'wet mix' systems, a 5th drier, and a number of other revisions and upgrades across the site. The site space constraints and

timeframes required to purchase and re-zone additional land severely limits the options available to progress the planned enhancements. The timeframe for construction of the wet-mix facilities is very short...operational within 12-15 months. This means building upon inappropriately zoned land is not an option.

The Panel was appraised of the recent history of the development of Tatura Milk Industries (TMI) and the problems associated with industrial expansion adjoining a residential area. The MSS does not foreshadow rezoning to accommodate expansion of TMI at this stage.

*It is apparent that the city is attempting to overcome the conflict associated with this expansion by the establishment of a consultative committee representing the major parties to address issues of concern. Given these efforts, it is surprising that the rezoning has been presented extending the industrial Zone into Hanlon Street. **The Panel inspected this area and as a result of this inspection and the information presented to it, considers it totally inappropriate to extend the industrial zoning into Hanlon Street unless a comprehensive development plan has been developed and approved.** TMI advised that it is in the process of developing an Overall Plan of Development which should be a precondition for consideration of any rezoning proposals in such a sensitive area.*

Accordingly, the Panel recommended that all properties in Hanlon Street be retained in the Residential 1 Zone on the basis that an overall development plan was required prior to any rezoning taking place.

The Tatura Milk Industries Master Plan 2011 is the fulfillment of that overall development plan.

As a result of the 1998 Panel report, the 'New format' Greater Shepparton Planning Scheme was gazetted on 29 July 1999. As a consequence, and as noted above:

- The Tatura Abattoir Site is contained within the Industrial 3 Zone.
- The TMI site is predominantly contained within the Industrial 1 Zone.
- The Unilever site is contained within the Industrial 1 Zone.

4.2 Existing State Planning Policy Framework (SPPF)

The State Planning Policy Framework (SPPF) of all planning schemes details those aspects of state policy which need to be taken into account in planning and development proposals. The SPPF implements the *Planning and Environment Act 1987* and has a primary objective to provide for the fair, orderly, economic and sustainable use and development of land.

Clause 10.02 of the SPPF has the following goal:

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 13 deals with Environmental Risks and has objectives including:

- Clause 13.04-1 (Noise abatement): to assist the control of noise effects on sensitive land uses.

Clause 15 deals with Built Environment and Heritage and has objectives including:

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

Clause 17 deals with Economic Development and has objectives including:

- Clause 17.02-1 (Industrial Land Development): to ensure availability of land for industry. The EPA publication Recommended Buffer Distances for Industrial Residual Air Emissions (1990) is included as a policy guideline.
- Clause 17.02-3 (State significant industrial land): to protect industrial land of State significance.

Clause 18 deals with Transport and has relevant objectives including:

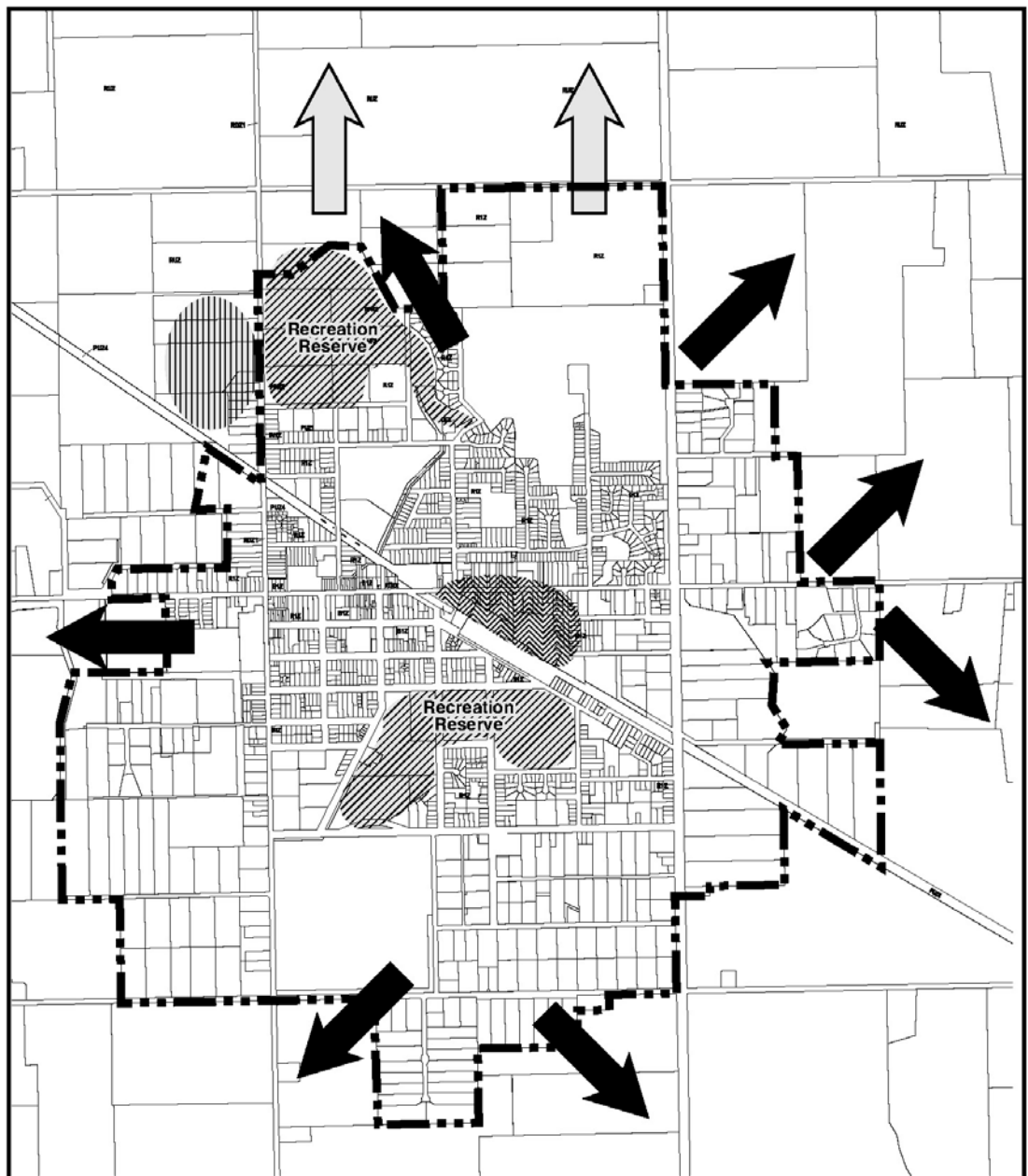
- Clause 18.01-1 (Land use and transport planning): to create a safe and sustainable transport system by integrating land-use and transport.
- Clause 18.01-2 (Transport system): to coordinate development of all transport modes to provide a comprehensive transport system.







Other than noting that the SPPF has been recently revised (albeit in a 'policy neutral' sense) it is not proposed to repeat that analysis in any great detail.

4.3 Existing Local Planning Policy Framework (LPPF)

The Greater Shepparton MSS (at Clause 21.04) contains the following Town Structure Plan for Tatura.

Figure 2: Tatura Town Structure Plan



- | | | | |
|---|---------------------------------|---|--|
|  | Settlement boundary |  | Area for further investigation |
|  | Recreation reserve |  | Direction for future township expansion |
|  | Potential Development Plan Area |  | Direction for long term township expansion |



The Greater Shepparton MSS (at **Clause 21.06**) contains strategic directions for industry noting that the manufacturing sector is a most important component of the local economy and is closely linked to the agricultural sector through many national and international food processing and packaging companies. Relevant objectives in Clause 21.06 include:

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

Related strategies include (with emphasis):

- *Consolidate existing major industrial zones within the new urban growth boundaries.*
- ***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.***

The further strategic work program in the MSS (at Clause 21.06) includes commitments to (with emphasis):

- *Update the Economic Development Strategy, incorporating an Industrial Land and supply analysis (including Tatura and Lemnos); a review of the Tourism Strategy; and trends in the agribusiness sector.*
- ***Apply the Development Plan Overlay or similar tool to provide for protection and future growth of existing large-scale industries in Tatura.***

4.4 CoGS Industrial Background Report (2010)

In 2010 Council commissioned Habitat Planning to undertake some background research as part of preparing an Industrial Land Strategy. The report was a municipal wide analysis and it made some relevant observations about industrial land opportunities in Tatura. The report noted:

Tatura is situated in the City of Greater Shepparton and has a population of 4,376 (ABS, 2006). The food processing sector is the major contributor to the town's economic output with manufacturing employing nearly 20% of the population (compared with 12% for regional Victoria). The major food processing employers include Tatura Milk industries, Snowbrand, Unilever and Tatura Abattoirs.

This concentration of food processing facilities in the small town of Tatura provides for some unique planning challenges for the council and as such the City of Greater Shepparton is looking to capitalise on the expansion.

The report noted that service capabilities are generally good at Tatura and there is general capacity in both the water and wastewater plants. The report cross referenced to earlier work done by Council (the Greater Shepparton 2030 Strategy Plan - GS2030SP) which suggested that any rezoning of land in Tatura to cater for additional industrial development would require close scrutiny. The research of planning and development data and existing supply capabilities in the report suggested that there is a supply shortage in Tatura. This shortage has recently been exacerbated by the sale of the 13 hectares on the eastern side of Dhurringile Road by Tatura Milk for the purposes of a retirement village. This leaves only approximately 4 hectares of appropriately zoned land (although not necessarily available for development) which, according to consumption figures, is a critical shortage. Most of this land is not available for development.

The Background Report also noted that:

- *Although there is unlikely to be a need within 10 years land should be identified to facilitate potential small lot industrial development (<4,000m²), on southern side of Cussen Road. Adequate buffers and separation distances from nearby homes can be planned in as part of the further investigation process.*
- ***The council should investigate and monitor potential land use conflicts and provide design solutions in the Margaret Street and William Street area.***
- *More clarity should be provided to this plan (Town Structure Plan) to highlight the location of the two major industries and to distinguish between the town centre, residential and industrial development.*

- *A long term industrial development should be noted for future investigation in the corridor of land north of Pogue Road between Murchison Road and Dhurringile Road.*

There is no specific reference in the Background Report to the **Tatura Abattoir** site.

In relation to the **Tatura Milk** site, the Background Report focused on 13 hectares of land is located on the Eastern side of Dhurringile Road which offers an expansion option for Tatura Milk. The report noted:

The land adjoins rural residential development fronting Ferguson Road and further investigation should be undertaken by the Council to ensure that any development on the site has regard to existing residential development. The area is also understood to be under investigation for residential zoning in the housing strategy.

In relation to the **Unilver** site, the Background Report noted that:

William Street provides a location for a mixture of industrial businesses ranging from Unilever to small scale service industries. A number of sites remain vacant or under developed in this area and inter-dispersed with a number of homes. Council will need to monitor this area and the interface with residential development. Some design suggestions should be offered to any expanding businesses to ensure the risk of amenity based complaints are minimised.

Finally, the Background Report suggested the following relevant monitoring and review projects for Tatura:

- *Monitor land development trends in Tatura and consider the need in 5 to 10 years time to investigate and rezone additional land as shown on the recommended changes to the Township Framework Plan, including Cussen Road and Margaret Street.*
- *The council should investigate options to ensure the Tatura Milk land east of Dhurringile Road avoids development outcomes that may have adverse impacts on residential properties fronting Ferguson Road.*

The Background Report has yet to be considered by Council but is most likely to become a reference document that informs a future Industrial Land Strategy and consequent zoning changes.

4.5 City of Shepparton Housing Strategy (GSHS)

The GSHS contains a modified Framework Plan for Tatura and it identified areas for:

- Minimal Change
- Incremental Change
- Urban Growth

The GSHS became part of Amendment C93 to the Greater Shepparton Planning Scheme which was exhibited in late 2010. The explanatory report for the amendment noted:

The Greater Shepparton Housing Strategy 2009 (GSHS) outlines Council's approach to housing delivery and growth in the municipality and provides the basis for the objectives, strategies and policy guidelines outlined below. It provides for sufficient land supply to accommodate housing demand within a consolidated and sustainable development framework. In doing so, it defines settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the well being of productive agricultural land. The strategy is based on using as a guide/trigger the need for 10 years of land supply and 5 years of zoned land being available. This is a different approach from the State standards of 15 years of supply and 10 years of zoned land and is based on Shepparton's growth rates.

Changes were recommended for the various Framework Plans in the scheme and six Investigation Areas were identified. Area No. 5 was the Dhurringile Road, Tatura area and the explanatory report noted that:

The land is opposite the Tatura Milk Industries. The future role of this land for industrial purposes is dependent on investigation through an Industrial Land Use Strategy.

Of direct relevance to the three sites in Tatura, the GSHS included:

- Residential land to the west of **Tatura abattoirs** is identified for 'Minimal Change'.
- Residential land to the west of **Unilever** is also identified for 'Minimal Change' while land to the east is identified for 'Incremental Change'.
- All residential land surrounding the **TMI** site is identified for "Incremental Change".

The GSHS recommended that the Industrial 1 Zoned land owned by TMI on the east side of Dhurringile Road be considered for residential development. The Strategy noted that TMI had spent considerable sums acquiring nearby residential homes so as to reduce the limitations placed on its business and that Council should be ensuring that the company is protected from further residential encroachment.

Otherwise, the GSHS noted that the expansion of residential development to the north and south of Tatura would have minimal impact on the potential industrial land requirements.

The Panel report for Amendment C93 was received by Council in late March 2011. The report noted that **TMI** had sought:

- The identification of residentially zoned land within the buffers around TMI properties as a minimal change area in order to minimise potential land use conflicts; and
- Recognition under Clause 21.04-1 of the importance of TMI to the region and the need to preserve ongoing operations.

Council supported TMI's submission in relation to the removal of the residential growth notation from land in industrial zone but it did not support its removal from other private land in the vicinity. The Panel acknowledged that Council was currently working with TMI on a master plan for industrial area master planning in Tatura. Council advised the Panel that it was not appropriate to alter any residential notations within any TMI buffer area, which in itself is not clearly defined, until completion of that master plan.

The Panel acknowledged that **TMI** was a major industrial operator of strategic importance in the region, employing 400 people. The Panel noted the SPPF aims to protect industrial activity in industrial zones from the encroachment of unplanned sensitive uses which would adversely affect industry viability (Clause 17.02-1). In addition the Panel noted that the Greater Shepparton MSS Clause 21.06 includes objectives and strategies including:

To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.

Protect existing industries and facilitate their expansion.

Support food related industries and value adding opportunities.

The Panel noted that it would be inappropriate to include industrial land in “residential development” designations in the Housing Strategy and on Framework Plans and also expressed some concerns about way the ‘change’ designations were developed.

While the Panel considered that it is appropriate for the MSS to include the proximity to uses which cause significant off-site impacts as one of the factors for consideration in determining the nature of residential change that would be supported in an area, it was not in a position to support TMI’s request for extensive designation as ‘minimal change’ of residential land to the north and east of TMI’s main operational property and south of the railway line.

The Panel report for Amendment C93 is to be considered by the Council at its meeting on 21st June 2011.

5 PLANNING PERMIT HISTORY AND ANALYSIS

5.1 Recent Planning Permit Analysis – Tatura Abattoir Site

Planning Application No. 2005-28 for 56-60 Martin Street, Tatura proposed extensions to the existing Tatura Abattoir to allow for the processing of animal carcasses into meat products. Processing the carcasses will lead to the requirement of additional shift work which has the potential to increase operating hours from 6.00pm to 11.00 pm on week days and may also involve the occasional Saturday morning.

A formalised car parking area providing 133 spaces was to be constructed as part of the proposal. The proposal involved a 5 stage re-development of the Tatura Abattoirs to allow the processing of carcasses into packaged meat products. This re-development will involve the construction of processing rooms, chilling facilities, additional storage areas, staff facilities and car parking directly to the south of the existing plant. In addition to this, a new kill floor will be constructed directly to the east of the existing plant. Once completed, the existing kill floor will become redundant.

The amount of livestock unloaded on site will not increase as a result of the proposed extensions. It was estimated that the delivery of packaging and the removal of the packaged product will generate an additional three to four semi trailer movements per day.

The application was advertised and four objections were received noting:

- The noise generated by unloading of stock
- The odours produced by the abattoir.

In approving the development Council acknowledged that Clause 17.03-2 of the SPPF recognised the need for existing industrial areas containing key processing industries to be protected to facilitate further industrial development. In addition, it was noted that the aim of Clause 21.05-3 of the LPPF was to facilitate the development of industrial land in Tatura for food related purposes. The LPPF also recognised the need to improve the design and appearance of new industrial development in existing industrial areas, including the consideration of the impact of noise and odour on adjoining land uses.

An increase in odour as a result of the developments was considered unlikely as the amount of livestock unloaded, stored and killed at the premises was not to be increased. If anything the additional cool storage and an improved kill floor may lead to an overall reduction in the odour generated on site.

Council included conditions in its notice of decision to ensure that the use met the requirements of the relevant authorities in relation to noise, stormwater and wastewater management and chemical storage. Conditions also ensured the appearance of the site and the completed buildings and works would improve the overall appearance of the area.

Planning Permit No. 2005-28 was issued by Council on 13 April 2005 for extensions to the existing Tatura Abattoir and an extension of the hours of operation. The permit identified that the permitted use included the processing of carcasses.

The abattoir permit went on review to VCAT on the basis of some of the above conditions. VCAT noted:

The abattoir reviews permit conditions imposed by council requiring 2.3 metres of road widening to O'Reilly Street and 1.9 metres of road widening to Martin Street, plus kerb and channelling with water sensitive drainage (swales) to both streets. These works only align with and abut the abattoir. No formal footpath is sought on the grassed verges remaining in the road reserve.

The abattoir has existed for decades and presently enjoys:

- a. Informal dual access off Martin Street for offloading animals into its livestock unloading ramp;*
- b. Informal access off O'Reilly Street for both employees vehicles into its informal car park and for heavy trucks collecting carcasses for delivery to clients.*

The conditions were imposed as part of a planning permit for extension to the existing abattoir (packing room; new kill floor) and associated facilities (new car park; new livestock unloading ramp) as well as for extension of operating hours. The building size is being doubled (according to the applicant) or trebled (according to the council).

The need to extend the abattoir is driven by;

- c. Client demand for packaged and boxed product rather than carcass delivery as present;*
- d. OH&S requirements for reduced manual handling of the animals and carcasses and for improved handling standards for exported meats.*

VCAT concluded that:

I find it difficult to envisage that expansion of the abattoir and increased industrial weight truck movements will not increase the burden on the road reserve, its edges and verges, and will not slow, to some extent, the through traffic when turning movements occur.

There is no doubt there will be an increase in O'Reilly Street, and the question is the extent of increase in Martin Street. I find it difficult to envisage that there will be no increase in the kill rate (and consequently the unloading rate) with the planned expansion of the abattoir. I note there is no limitation on the kill rate in the conditions.

The abattoir permit went on review to VCAT (P1196/2005) on the basis of some of the above conditions. VCAT noted:

The abattoir reviews permit conditions imposed by council requiring 2.3 metres of road widening to O'Reilly Street and 1.9 metres of road widening to Martin Street, plus kerb and channelling with water sensitive drainage (swales) to both streets. These works only align with and abut the abattoir. No formal footpath is sought on the grassed verges remaining in the road reserve.

The conditions were imposed as part of a planning permit for extension to the existing abattoir (packing room; new kill floor) and associated facilities (new car park; new livestock unloading ramp) as well as for extension of operating hours. The building size is being doubled (according to the applicant) or trebled (according to the council).

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The Tribunal confirmed Council's conditions.

Permit 2005-28 has been the subject of a number of amendments, the most recent of which (September 2009) specified:

- Hours of operation (being Monday – Saturday 6am to midnight)
- Construction of car park
- Standard amenity protection conditions
- Baffled lighting
- Need for an Environment Management Plan
- Compliance with SEPP N-1

- Noise insulation of refrigeration and air conditioning
- Good delivery times
- Stormwater Management Plan
- Drainage Plan
- Onsite retardation/offsite discharge rate
- Boundary fencing to 2.4m
- Landscape Plan

5.2 Recent Planning Permit Analysis – TMI Site

Based on an analysis of Council records, and on discussions with Council and TMI staff, it is evident that unlike the abattoirs and the Unilever site, the provisions in the various zones on the TMI site trigger many minor permits some of which appear unnecessary in the context of an important local industry.

A number of recent examples are relevant.

Application 2008/201 was made for the construction of a management hut at 16 Hanlon Street. While the land is zoned Residential 1 (and therefore has to rely on the existing use provisions of Clause 63), the land on which it is located already contained an existing hut, weighbridge, car park, truck turning area and above ground piping.

Another application was made in September 2010 to develop underground stormwater tanks in the Residential 1 zone. However, this was considered to be a prohibited use for which a rezoning was required.

Many of these (and other) applications would be 'as of right' and therefore not needing a planning permit if the land were in an industrial type zone.

The existing 'triangular' parcel of land near the south east boundary of the site (fronting Hanlon Street) has caused difficulties in terms of the proposed wet mix facility. Amendment C150 to the GSPS was gazetted on 10 March 2011 and this exempted notice and review provisions under the Act which enabled the 'wet mix' application to be considered by Council without notice to residents.

Permit No. 2011/31 was then issued by Council on 28 April 2011 for the proposed wet mix facility. This application was subject to a number of conditions including:

- Landscaping strip of 4m in width along Brown Street.
- Noise limit of 36dBA measured 70m from the centre of the new

- building.
- Noise monitoring.
- Acoustic fencing treatment.
- Drainage plan.
- Landscape plan.
- Provision of 31 additional car spaces.
- Control of light spill.
- Loading and unloading on site.
- Soil erosion control measures.

There is no recent record of permits on the TMI site on Dhurringile Road.

3.2 Planning Permit Analysis – Unilever Site

Permit Application Nos. 2006-523 proposed to develop the ‘Unilever’ land for a dry foods processing plant in addition to the existing activities on the site. The application sought an increase in floor area of 10,160m² made up of the following extensions:

- Extended dry foods store – 1,400m²
- Process building – 1,700m²
- Packaging building – 3,500m²
- Mezzanine deck – 750m²
- Extended warehouse – 2,700m²
- Extended amenities and canteen – 110m²

The proposal also sought to undertake modifications to the existing internal heavy vehicle access road. 70 new car parking spaces were proposed.

Sound attenuation measures were proposed along the western boundary facing Parks Street in the form of fencing, additional landscaping and earth mounding.

The application also sought approval for Unilever to run its operations 24 hours a day 365 days a year. The additional dry food processing plant was to employ about another 100 staff, bringing the total staff to about 265 persons. As a result of the proposed extensions, truck movements were to increase to about 70-80 truck movements per day.

Permit No. 2006-523/B was issued on 14 December 2006 for a dry foods processing plant subject to conditions requiring:

- Drainage plans
- Landscape plans

- Stormwater discharge
- At least 185 (and up to 199) car spaces
- Loading and unloading entirely on site
- Noise emissions to comply with SEPP N-1
- Buffer fencing
- Baffled lighting

In addition to this planning permit, an EPA works approval was also required addressing noise, odour and particle emissions. Notably, the planning permit application was referred to the EPA who did not object to the application.

Unilever currently operates a trade waste system and the proposed extensions were required to be connected to this existing system which also requires approval from the EPA prior to the authority issuing a Works approval.

5.4 Commentary

Council's MSS (Clause 21.06-3) makes it clear that the manufacturing industry (including around Tatura) is strongly supported and that it needs protection for the long term economic benefit of the town and the municipality.

The Abattoir site is an 'island' site that is entirely contained within an Industrial 3 zone which is the appropriate zone that provides a neat fit with the strategic direction in the MSS. This site has received planning permits for significant works in recent years in accordance with the zoning of the land.

While the Unilever site is also an 'island' sites that is entirely contained within an Industrial 1 zone, the company is preparing a Master Plan for the long term use and development of the land.

The TMI sites are split between six different zones and the company's expansion plans have been frustrated, delayed and even prohibited by virtue of this cocktail of zones. At the very least, it seems prudent to treat the TMI site in the same manner as the other two sites by considering the inclusion of all of its affected land within the one zone.

In view of the fact that both TMI and Unilever are preparing Master Plans, it is considered appropriate to consider a tailored special zone to link with the master plans.

6 OPPORTUNITIES

6.1 Expansion Plans

As noted, the Greater Shepparton MSS (at Clause 21.06) acknowledges the long association between the food related manufacturing industry and the town of Tatura and notes the significant employment opportunities that these industries provide.

Both **Unilever** and **Tatura Abattoirs** have recently received planning approval for substantial developments. Based on its brief consultations, Council understands that no significant expansion of existing facilities is proposed at the **Tatura Abattoir** site in the short term.

Unilever however is in the process of developing a Master Plan and consultations with the company suggest that it may wish to expand to provide a more efficient plant and to expand their range of products. The company hope to be in a position to finalise its Master Plan during 2011.

At the same time, **TMI** has activated its expansion plans. In response to the new format Panel report in 1998, TMI has now prepared a 'Master Plan' document to guide that expansion.

The 'Master Plan' was prepared by TMI in consultation with Regional Development Victoria, Department of Innovation, Industry and Regional Development, the EPA, the Department of Transport, VicTrack and the City of Greater Shepparton.

Possible 'major works' identified on the Master Plan include:

- Wetmix/Batching Plant
- Cogeneration Plant
- Fire Pump Shed
- Processing and Storage Facilities
- New Ingredient Process
- Cheese Plant Expansion
- Workshop and Storage Expansion

Possible 'minor works' identified on the Master Plan include:

- Relocated Chemical Store
- Trade Waste Vessel
- Town Water Reservoir
- Staff Change Rooms
- Stormwater Monitoring and Diversion System

- Office/Store
- Redeveloped Former Hospital Building

TMI's Site Master Plan report (2010) notes the following in relation to the growth and expansion of the site:

As the TMI site and operations have expanded with the town of Tatura the site has progressively encroached upon and consumed the mainly residential land on its boundaries. As this has taken place there has been a gradual re-zoning of adjoining properties purchased by TMI. The expansion of the site footprint has largely been in response to associated growth of the processing and warehouse facilities. This means that historically as the site has grown there has been little if any increase in buffer between the industrial facilities and the neighbours.

Both the processing and warehouse sites are becoming saturated with existing infrastructure. Virtually any development will lessen the already limited buffer zones.

The ability for any closely bound industrial site to expand can be severely hampered by the planning processes required prior to any actual works. If the scale, or impact, of the works is significant then the prior planning steps can take years to complete. Future delays associated with this process can be greatly reduced if site Master Plans are developed in conjunction with input from the relevant regional and state authorities. Ideally master plans must flag all potential works for the next 5-10 years.

.....

TMI are poised to go through a significant expansion in the next 1-5 years. The works will involve major Capital investment of long term assets which will create a number of new jobs and wealth for the community. The growth in question does not come at the expense of others but rather leverages upon the global growth in the high value Nutritional Foods sector.

In preparing its Master Plan, TMI noted that plans had been provided outlining an array of potential developments across the two sites and these have subsequently been segregated into smaller scale (minor) projects and larger scale (major) projects. It was acknowledged that most of the 'minor' projects fall outside of the timeframe in which the Master Plan can be developed and processed therefore they must be progressed via individual consent and permit processes. They are still shown on the master plan as they form part of what the overall site is expected to comprise. The Master Plan also noted that the desire to commence building a wet-mix facility within the next 12 months means that Planning and Approvals for this project also cannot be incorporated into the Master Plan process. The impact for this is

that separate planning, environmental and consenting processes must be followed. That said, as this project forms part of the eventual site infrastructure it is also shown on the Master Plan.

6.2 Commentary

Tatura clearly has a number of advantages over other similarly sized towns in regional Victoria.

The presence of three food related industries gives the town a ‘critical mass’ in terms of being able to attract employees and their families. This has long term implications for the growth of the town and the provision of adequate commercial, community, education and housing opportunities.

There is now an opportunity to include the only one of the three sites which has a ‘split’ zoning regime within its own tailored zone.

This will entrench all of these important local industries in the town into appropriate zones in the Planning Scheme. This opportunity coincides with a strong commitment at the state and local level to support the expansion of the TMI business in Tatura.

7 CONSTRAINTS

Given the evident opportunities that the three industries present to Tatura in terms of employment, it is prudent to see to what extent any of the site's suffer from locational constraints. The most notable constraints to the continued development of the three industries appear to be:

- Existing settlement pattern with evidence of some residential properties hosting detached dwellings and some medium density housing nearby.
- The consequent potential 'interface' amenity issues that might be caused to these dwellings by lighting, noise, smell and hours of operations.
- Bulk issues by virtue of the size and scale of some of any proposed buildings.
- Long term growth directions for the town.

7.1 Existing Settlement Pattern and Residential Interface

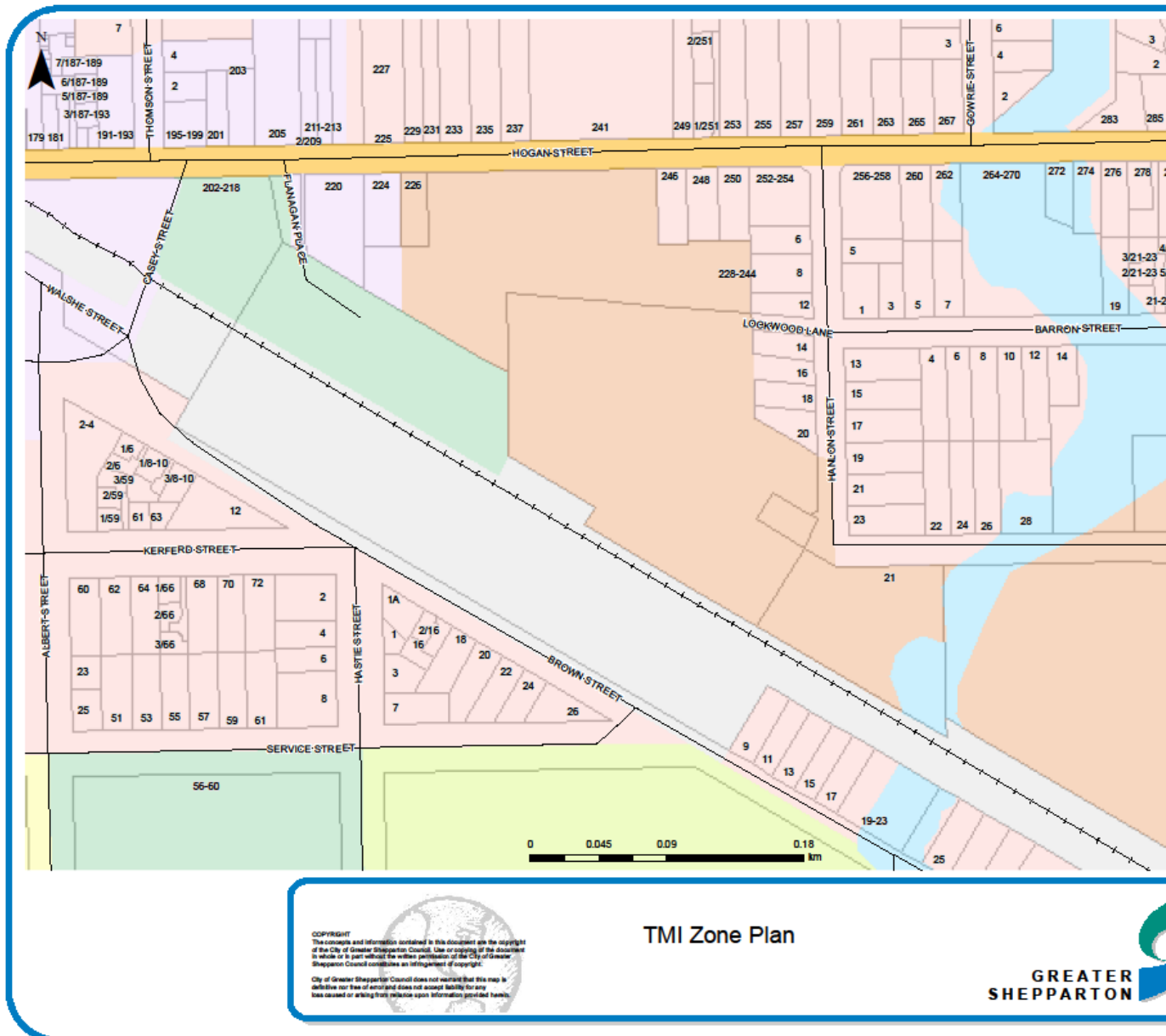
As evident from **Figure 3**, there is already an established settlement pattern of residential development around all three sites.

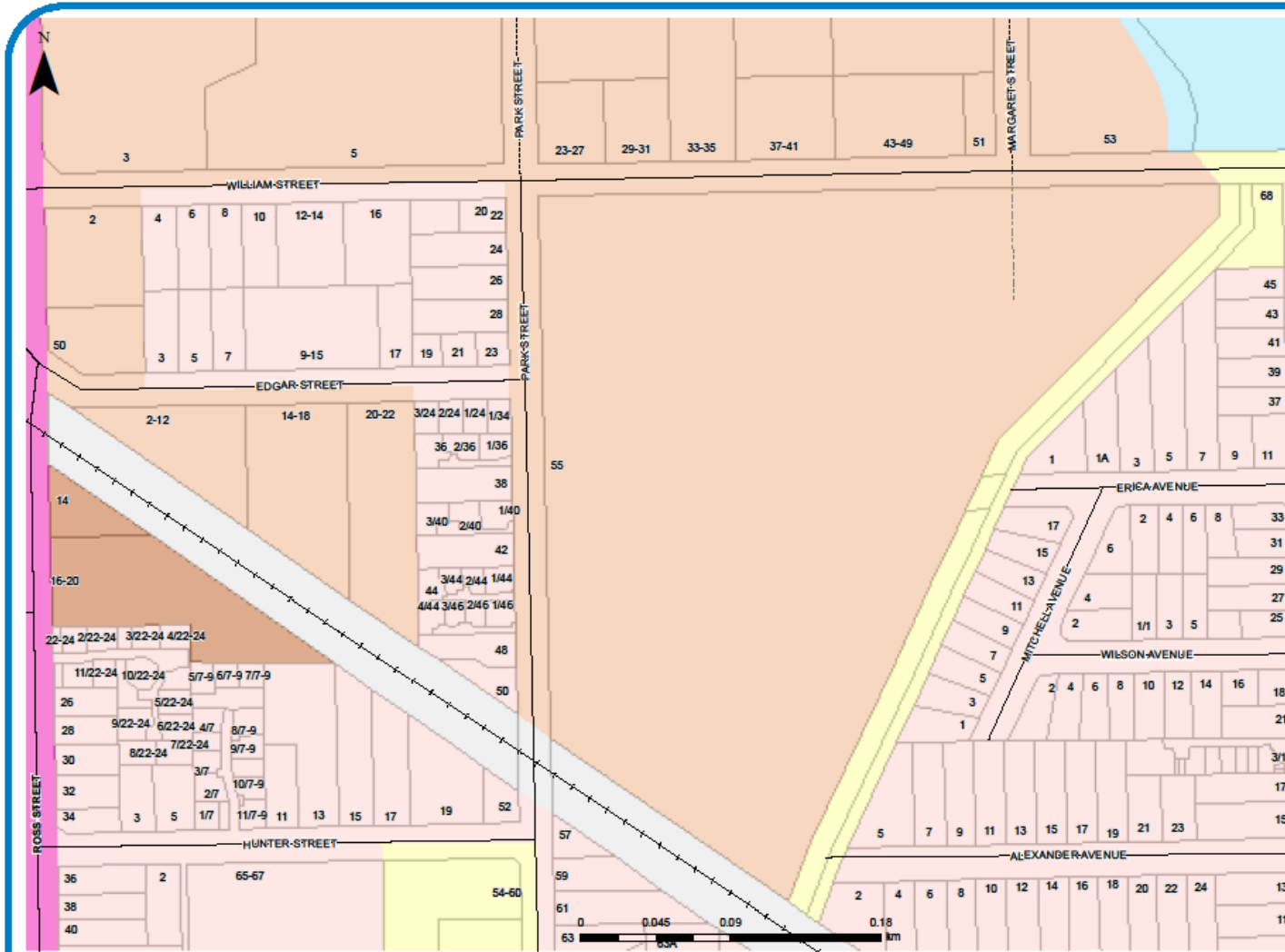
Near the **Tatura Abattoir** site there are a small number of houses on the west side of Ross Street and these are of the traditional detached housing form. All other surrounding land is industrial or open space although there is a large vacant parcel of land on the west side of Ross Street near its junction with O'Reilley's Road.

Near the **TMI** site there are about 50 houses within close proximity to the TMI property. These are mainly on the southern, northern and eastern side of the site and are mainly of the traditional detached housing form. That said, there is evidence of some modest medium density emerging to the north and it is notable that the Council Housing Strategy is promoting further medium density development all around the site on land zoned Residential 1.

Near the **Unilever** site there are about 30 houses within close proximity on the west side of Park Street. These consist of both detached housing and more recent medium density housing. There are another 15 or 20 detached houses along the east side of the plant. It is again notable that the Council Housing Strategy is promoting further medium density development on land zoned Residential 1 to the east of the site. According to the Industrial Strategy Background Report (2010) land to the north of **Unilever** has been the source of some complaint.

Figure 3 – Zoning Plans for the three sites



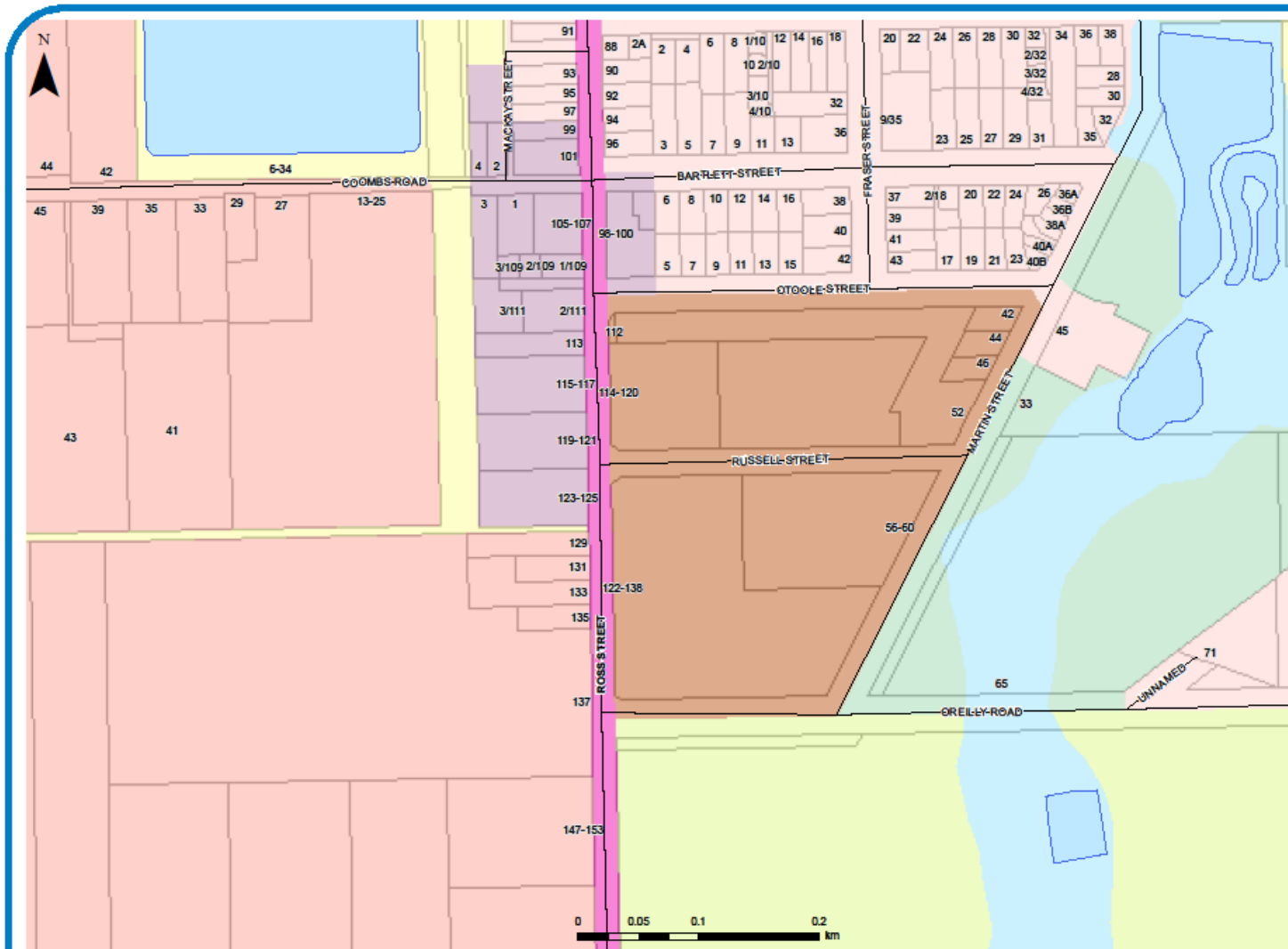


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Unilever Zone Plan





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Tatura Abattoir Zone Plan



In terms of the interfaces around all three sites, existing state level controls on noise and air emissions are designed to safeguard existing residential amenity.

State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. 1 ("SEPP N-1") provides for control of noise from industrial premises in the Melbourne metropolitan area. It requires noise emissions generated by plant, equipment and vehicles on industrial sites to not exceed certain criteria, when measured at residential use areas. SEPP N-1 is a mandatory control that sits outside of the planning system and planning controls.

In regional Victoria, the 'Interim guidelines for control of noise from industry in country Victoria' (N3/89) were issued on 18 April 1989. The guidelines apply to industries in areas outside metropolitan Melbourne and acknowledge that in some cases existing industries in rural areas may not be able to comply with these requirements. In such cases staged reductions may be appropriate and may be related to developments in noise control technology which shall be reviewed periodically.

The guidelines note that the noise limits in provincial cities and rural areas where background sound levels are comparable to Metropolitan Melbourne and are to be determined using the procedures of SEPP N-1. The guidelines note that where background sound levels are very low (ie. less than 25 dB(A) at night or 30dB(A) during the day or evening period) the minimum limits for noise from industry should be (when measured at residential premises):

DAY	EVENING	NIGHT
45dB(A)	37dB(A)	32dB(A)

The more intensive residential development of land surrounding **Unilever or TMI** may introduce new sensitive uses in close proximity to an industrial site. Notably, the obligation to ensure compliance with SEPP N-1 is achieved at any residence (existing or proposed) remains with the owner of the site. The SEPP N-1 principle is that it is the industry which is the emitter of noise and which must take remedial action to comply.

Council must therefore be mindful of promoting an industrial expansion of any of the sites while encouraging new residential development. If residents experience noise in excess of the SEPP N-1 noise limits as a consequence of the current and future industrial activities on the site, then it will be the industry (and not the resident) that must comply.

Any of the three sites might therefore be required to modify its operations so as to reduce noise and comply with SEPP N-1. This might require expensive (and possibly impractical) physical changes to its facilities, or a reduction in the times or manner in which it can operate. This could jeopardize the viability of the industrial operations that are so critical to the town.

In that context, Council may need to re-consider its housing strategy of promoting more intensive development (incremental change), especially around the **TMI** and **Unilever** sites. As an alternative, and if Council wishes to persist with this strategy, it may need to consider applying noise attenuation type controls on new residences. This is discussed below in relation to the planning control options for the site.

5.4 Commentary

There are adequate state level controls in place administered by the EPA which require works approval for specified uses and which control noise, air and odour emissions.

In addition to this, and at the local level, permit conditions are able to be applied by Council to address traffic, access, hours of operation and amenity type conditions.

8 PLANNING CONTROL OPTIONS

8.1 Tatura Abattoir

Based on an analysis of the existing and likely future operations on the abattoir site, it is considered that the most suitable zone is one of the industrial category zones.

The existing zoning of Industrial 3 has enabled extensions to be sought and approved. The zone accurately reflects the land use and the likely future land use.

There is also no basis to modify the overlay control being the LSIO especially as it only affects a very small part of the land on the east side. While future development could be facilitated by use of a Development Plan Overlay (or similar) there does not appear to be a pressing need for this given that the zoning adequately addresses both use and development controls.

The only possible additional overlay that could be applied might relate to protecting the low density residential land to the west from noise by use of a 'noise attenuation' type DDO. This is discussed in relation to all sites below.

On that basis there is no need to modify the existing zoning or overlay controls that presently apply to the land.

8.2 TMI Master Plan (Sites 1 and 2)

The existing zoning on the TMI site has either inhibited or frustrated the expansion plans of the company. The Master Plan that has now been prepared has identified the following major projects to be developed over about a ten year period.

- Wetmix/Batching Plant
- Cogeneration Plant
- Fire Pump Shed
- Processing and Storage Facilities
- New Ingredient Process
- Cheese Plant Expansion
- Workshop and Storage Expansion

The intended outcomes for the planning controls on TMI sites are as follows:

- An ability to articulate specific purposes for the control;
- An ability to exempt a permit for 'industry' but only if it is consistent with an approved Master Plan.

Having determined this, the next issue is to determine the planning control options that are available. In particular, is there an 'off the shelf' suite of planning controls that align with this vision or is a more tailored approach is needed?

A number of options have been considered for implementing the outcomes of the TMI Master Plan. The apparent zoning options include:

- Retention of the existing zoning regime over all or part of the precinct.
- Application of a new overlay on top of the existing zoning regime.
- Application of a Special Use Zone (SUZ) (or similar) with a tailored schedule.

The zoning options are now assessed in more detail.

The existing zone on most of the land (**Industrial 1**) has not enabled the company to expand as demands have required. As noted, there have been examples of time consuming applications processes and other examples of prohibited uses. The existence of business, residential, public use and parkland type zones on parts of the land compounds the uncertainty.

While there are a number of overlays that may assist in implementing the Master Plan (especially the **Design and Development Overlay**), these are typically 'development' tools and not 'use' tools whereas the fundamental issue for the company is certainty about the on-going use of their land.

The **Special Use Zone** (SUZ) will enable TMI to use the land for industry 'as of right' subject to compliance with a Master Plan. The SUZ will not trigger a buildings and works permit so long as the buildings and works are in accordance with the Master Plan. However, the SUZ will require the submission of development plans to the satisfaction of the Council.

All applications for use, development and subdivision will be exempt from the notice and review requirements of the Act if they are generally in accordance with the Master Plan.

A critical issue in part of the suggested rezoning of **Site 1** relates to its residential abuttals. A rezoning from "Residential 1' to a Special Use Zone also impacts on surrounding residential areas especially Hanlon Street to the east and Brown Street to the south (and Hogan Street to the north). In all cases, the outcome of a SUZ would be to introduce a zone that effectively operates as an industrial type zone across the road from existing residences. The main issues associated with such a rezoning relate to visual impact, noise and residual air emissions. The issue of noise and emission buffers is dealt

with by the EPA Publication No. N3/89 and as noted earlier this requires compliance with SEPP N-1 with the onus placed on the emitter of the noise.

Based on the acoustic material submitted by TMI in relation to its wet mix facility, noise readings of 36dBa were detected at the closest property on the corner of Hanlon and Mactier Streets, approximately 70m away. Condition 3 of Permit 2011-31 requires:

The total effective noise level from the new wet mix facility (excluding trucks), when measured in accordance with SEPP N-1, shall not exceed 36dBA at 70m from the centre of the Wet Mix building.

As noted earlier, under SEPPN-1 (and presumably all other EPA regulations) the onus is on the emitter to comply with the requirement, not the receiver.

A rezoning of residentially zoned land to a SUZ therefore must take account of these noise and residual air emission buffers.

Given that the settlement pattern along Hanlon is long established for residential use and development, it is considered prudent to replicate as far as possible the existing separation distances from the dwellings on the east side to the new industry on the west side. Most existing dwellings on the west side of Hanlon are setback between about 7 and 10 metres from their front boundary and this setback is typically landscaped. So as to maintain that undeveloped corridor along Hanlon it is suggested that any new development on the TMI site be setback a similar distance to that which presently exists.

Importantly, the GSPS already provides direction on this issue and there is an existing strategy (at Clause 21.06-3) stating:

- *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.*

Given this, it is considered appropriate to adopt a 10m setback to any new building on the TMI site from Hanlon Street. The Master Plan shows the first four metres as being landscaped with boundary fencing separating it from a six metre access way on the eastern side of a prospective new building thereby achieving the 10m setback advocated by Clause 21.06-3.

The same principle applies to Brown Street. Once again, and as indicated on the Master Plan, the likely development of that part of the site for a new blending and packing facility includes a 6m wide accessway all around that

new building for fire access purposes. The combined effect of the 6m accessway and the 4m landscape offset to Brown satisfies the Clause 21.06-3 strategy of the 10m offset.

Hogan Street is in a slightly different category given its long standing use for industrial purposes along the frontage of the site. In place of former dwellings, boundary fencing has been erected in recent years at a 5m offset to Hogan Street and this offset has all been landscaped. Given the more 'commercial' nature of Hogan (even though there are dwellings opposite), it is considered reasonable to maintain the existing regime especially in the absence of any complaint from residents over the years.

In terms of the easterly TMI site (**Site 2**), the same tailored SUZ can be applied. This site is presently warehouse related and it is compromised by an Urban Floodway Zone that bisects the eastern part of the land thereby isolating a small parcel of land contained within the Industrial 1 zone. The company intends to use this smaller parcel for logistics related uses.

One option is to leave the zoning regime in place on Site 2 given its industrial abutments. However, consistent with the approach adopted for Site 1, a Master Plan has been prepared identifying three precincts on this site. Given that TMI has now disposed of land on the east side of Dhurringile Road, and that this parcel is likely to be used for residential type purposes, then the same interface issues that present themselves on the main site may also become evident on this site.

Consistent with its strategy of trying to 'buffer' itself, it is considered that a 10m setback with a 4m landscape buffer be provided along Dhurringile Road.

8.3 Unilever Site

Based on an analysis of the existing operations on the Unilever site, it is considered that the most suitable zone remains one of the industrial category zones.

The existing zoning of Industrial 1 has enabled extensions to be sought and approved. As with the Abattoir, the zone accurately reflects the land use and the likely future land use.

Future development on the Unilever site is currently being assessed by the company as part of a Master Plan process. The outcome of the Master Plan (like TMI) could facilitate the use of a Special Use Zone (or similar).

In the short term, there does not appear to be a pressing need for a change given that the zoning adequately addresses both use and development

controls, however this will need to be reviewed pending the outcomes of the Master Plan process.

Finally, an additional overlay could be applied might relate to protecting the residential land to the west from noise by use of a 'noise attenuation' type DDO. This is discussed in relation to all sites below.

On that basis there is no need to modify the existing zoning or overlay controls at present on the Unilever land pending the outcome of the master Plan process.

Once the Master Plan is completed, Council should give consideration to including all of the Unilever land within a Special Use zone linked to the Master Plan.

8.4 Noise Attenuation Overlay Option – All Sites

As is to be expected in a densely settled town within which long term entrenched industries have incrementally grown, all three industrial sites are abutted by land zoned and used for residential purposes. As noted earlier, these abutments vary from site to site.

The interface between residential and industrial use is not unusual particularly in urban areas with a similarly long established settlement pattern. Partly in response to this it is a common decision guideline in industrial zones that consideration be given to the 'interface with non industrial areas'. (See Clauses 33.01-2; 33.01-4; 33.03-2; 33.03-4)

Some Councils have taken this a step further and have applied extra layers of planning controls on residential land near an industry so as to safeguard the amenity of those residents and so as to provide some certainty for the industrial land use.

The City of Darebin Design and Development Overlay Schedule 9 (DDO9 – Noise Amenity Area) seeks to ensure that development for residential and other sensitive uses incorporates appropriate acoustic attenuation measures in its design so that it has regard to nearby industrial activity.

The City of Melbourne Design and Development Overlay Schedule 12 (DDO12 – Noise Attenuation Area) aims to ensure that new or refurbished developments for new residential or noise sensitive uses constructed in the Docklands area include appropriate acoustic measures to attenuate noise levels audible within the building. DDO26 similarly applies to land in North and West Melbourne near older industrial areas.

These same principles could be applied, if thought necessary, to other environmental impacts including air emissions, light spill etc.

Such an overlay would oblige the developers of the residential land to incorporate amelioration measures in their development plans even though it would be the industry creating the impact. The equity of this is questionable.

Moreover, with the exception of a small undeveloped area to the west of the Abattoir, all other abutting and nearby residential land around the three sites is already committed to and developed for detached housing or modest medium density developments (especially west of Unilever). However, Council's Housing Strategy includes directions to identify land around TMI and Unilever for 'incremental change'.

While a DDO (or equivalent) remains an option it is not considered that there are sound enough reasons based on demand and justification for their introduction in Tatura. In addition, there is no equitable basis upon which to introduce such measures at this stage.

8.5 Other Zone Options

The option of a **Comprehensive Development Zone (CDZ)** or a **Priority Development Zone (PDZ)** seemingly provides similar benefits to that of the SUZ. The CDZ and PDZ contain subtle differences such as the subdivision requirements of Clause 56 which apply to residential areas (as opposed to this rural setting). In addition there are some applications that are automatically exempt from notice and review requirements. However, the biggest drawback of these zones is that they require an Incorporated Plan (at Clause 81) to be attached which has typically been applied to (say) residential development in metropolitan areas.

Clause 52.03 is another option and this clause enables any other provision of the scheme to be exempted from operation including zones and overlays. The shortcoming of the provision is that the land stays in the same zone and the particular provisions are unknown to casual observers of the scheme. One of the benefits of the SUZ (or the CDZ) is that it sends a very clear message from simple perusal of the zone maps that some form of 'special activity' is contemplated on the land. The SUZ (or CDZ) also allows specific 'purposes' to be specified.

8.6 Commentary

It is common ground that Abattoir, Unilever and TMI facilities are important local employers whose future in the town is actively encouraged by state and local government and by the industry and other stakeholders.

Based on the above analysis there is no pressing need to change the zoning of the Tatura Abattoir site.

While the Unilever site should remain in its present zone in the short term, consideration should be given to including it within a Special Use zone pending completion of its current Master Plan process.

All of the strategic analysis supports the continued growth and development of TMI on the existing site notwithstanding its multiple zones. Of all of the options for the TMI land, it is considered that a SUZ is the zone of 'best fit'. The SUZ enables the critical use and development provisions to be tailored to suit the objective of ensuring compatibility between the industrial needs of the company and the residential interests of the neighbours.

Finally, consideration needs to be given to applying a Design and Development Overlay as a separate amendment on all residential land that surrounds the three industrial sites to address noise attenuation.

9. SUGGESTED PLANNING CONTROLS

9.1 Tatura Abattoir

Based on the above analysis, there is no proposal to change the existing planning controls.

9.2 Unilever

Based on the above analysis, there is no proposal to change the existing planning controls.

That said, once the current Master Plan process is finalized, Council should consider a new tailored zone for the land which implements the Master Plan.

9.3 TMI Master Plan

Hansen Partnership has been engaged to prepare a 'Master Plan' for the whole TMI site showing (among other things):

- Existing buildings
- Existing tanks
- Proposed buildings
- Expansion areas
- Vehicular and pedestrian access and entry points
- Existing vegetation
- Landscaped setbacks
- Acoustic treatments to walls and fences
- Buffers to neighbours
- Existing building heights
- Proposed building heights
- Land subject to inundation

The Master Plan contains details of the treatments at the site boundaries of Hanlon Street, Brown Street, Hogan Street and Dhurringile Road including landscaped areas, setbacks, wall heights, acoustic measures and access ways.

The Master Plan is intended to be an integral part of the new suite of planning controls affecting the site. Use, development and subdivision will all be linked to the 'Master Plan' which is to be an Incorporated Document at Clause 81 of the Planning Scheme.

Relevant details of the proposed Master Plan include:

- A new blending and packaging facility near the south east corner of the site
- A new wet mix plant east of the existing dryer
- An expanded workshop area east of the existing workshop
- Expansion of the cheese plant near the north east corner of the site
- Potential new ingredient process near the Hogan Street frontage
- Retention of heritage courthouse building to the north west of the site
- Buffer to this heritage building
- Retention of heritage building on corner of Hogan and Hanlon Streets (note: not part of the site)
- Buffer to this heritage building
- Building and landscaped setback to Hogan Street of 5m.
- Building setback to Hanlon Street of 10m.
- Acoustic treatment to Hanlon Street
- Acoustic treatment to Brown Street behind existing vegetation.
- Articulated wall treatment to Hogan Street.
- Landscaped setback to Hanlon Street of 4m.
- Landscaped setback to Brown Street of 4m.
- Various nominated building heights within the property ranging from lowest at the edges to highest within the central part of the site.
- All vehicular access from the existing entrance at the junction of Mactier and Hanlon Streets.
- Pedestrian access from Brown Street car park
- Identification of existing warehouse site on Mactier Street.
- Identification of urban floodway zone bisecting the site on Mactier Street.
- Small island site for logistic purposes on Dhurringile Road.
- Building and landscape setback to Dhurringile Road.

9.4 SUZ Structure

The intention is that a new tailored SUZ will remove doubt as to uses that can be established on the land and will provide certainty for TMI that such uses will not need a planning permit so long as they comply with the Master Plan. The new Special use Zone should have the following 'purposes'.

- To promote the use and development of the land consistent with the *Tatura Milk Industries Master Plan 2011*.
- To provide for the continued use and development of the land by Tatura Milk Industries for the manufacture of milk related or allied

food products in a manner which does not affect the safety and amenity of surrounding areas.

- To provide safe and efficient vehicle ingress to and egress from the land.

The SUZ is also intended to provide certainty for surrounding residents of the likely use mix and the location of future buildings on the site.

The Table of Uses for the Special Use Zone incorporates aspects of the Industrial 1 Zone with the most important change being to make 'industry' as of right (or Section 1) so long as it satisfies certain specified pre-requisites. The most fundamental of these is to link 'industry' with the Master Plan at Clause 81. Any proposal for an industry or warehouse must be generally in accordance with the Master Plan. If it is, then the applicant can proceed further; if it is not, then a planning permit is required.

This provision is intended to safeguard those stakeholders around the site who may be satisfied with the Master Plan yet who can be assured that if there is a departure from the Master Plan then a planning permit would be required.

Another fundamental aspect of the SUZ is to link 'industry' with an EPA works approval so that if an approval has been granted then no permit will be required. If an approval has not been granted, a planning permit for the industry will be required.

There is also a much more extensive list of prohibited uses in the zone including any form of accommodation (other than a caretakers dwelling), shop, brothel, cinema etc.

The SUZ will also not require permits for buildings and works that are in accordance with the Master Plan. Once again this will introduce certainty on terms of building heights and building setbacks.

So as to provide some certainty for Council, and despite no permit being required for buildings and works, a 'Development Plan' will have to be lodged and endorsed by Council which may need to address matters including a Design Plan, Stormwater Management Plan, Construction Management Plan, Fencing Plan, Landscape Plan, Traffic Management Plan, Environmental Management Plan, Noise Reduction Plan, Air Emissions Plan and a Staging Plan.

The Special Use Zone would include an exemption from the notice and review requirements of the Act for use, development and subdivision subject to it being generally in accordance with the *Tatura Milk Industries Master Plan 2011*. This exemption does not apply to an application within 30 metres of 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 zone will be accompanied by an **Incorporated Document at Clause 81** which contains the Master Plan and related requirements. These requirements will specify detailed building setback and height controls which should be complied with. These controls provide that development must not be closer to the site boundary than:

- Hogan Street 5 metres (all landscaped)
- Hanlon Street 10 metres (at least 4m landscaped)
- Brown Street 10 metres (at least 4m landscaped)
- Dhurringile Road 10 metres (at least 4m landscaped)

In addition, development must not exceed the following heights as identified as 'precincts' on the Master Plan:

Site 1

- Precinct A 10 metres
- Precinct B 12 metres
- Precinct C 10 metres
- Precinct D 15 metres
- Precinct E 12 metres
- Precinct F 15 metres
- Precinct G 15 metres
- Precinct H 40 metres
- Precinct I 20 metres
- Precinct J None specified
- Precinct K 10 metres
- Precinct M As per existing height
- Precinct L None specified

Site 2

- Precinct A As per existing heights
- Precinct B None specified
- Precinct C 15 metres

The Master Plan notes that the above building heights do not include air conditioning plants, exhaust stacks, lift overruns, parapets or service and maintenance equipment that it no more than 10% of the total height of the building.

Finally, in determining any application, Council is to consider the following matters (among other things):

- The *Tatura Milk Industries Master Plan 2011*.
- The views of the Environment Protection Authority.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.
- The interim use of those parts of the land not required for the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- Provision for vehicle parking.
- The design of the buildings including its impacts on the streetscape, access points from street frontages, the treatment of the front and back of buildings and their appurtenances, illumination of buildings or their immediate spaces, the landscaping of land adjoining a road and the provision of solar access.
- The storage of rubbish and materials for recycling.
- The maintenance of buildings, landscaping and paved areas.

9.5 Commentary

A new tailor made zone and schedule is recommended for the TMI site. The new zone is linked to a Master Plan which will provide certainty for Council, the company, residents and the community as to the long term development prospects for the TMI site.

In the event that either of the other two sites progress a Master Plan then those sites should be similarly treated pending satisfactory completion of their Master Plan.

10. RECOMMENDATIONS

That Council prepare and exhibit an amendment to the Greater Shepparton Planning Scheme to implement this report including:

- Modifications to the Tatura Framework Plan at Clause 21.04 in accordance with the findings of this report.
- Modifications to Clause 21.06 to include updated references to the importance of the food related industries in Tatura accordance with the findings of this report.
- Modifications to the Clause 21.09 to include this report as a Reference Document.
- Modify the planning scheme map(s) to rezone TMI land to the Special Use Zone in accordance with this report.
- Insert a new schedule to the Special Use Zone (Schedule 9) at Clause 37.01 in accordance with the modified schedule attached at Chapter 11.
- Prepare a similar amendment for the Unilever (or abattoir) land upon satisfactory resolution of the Master Plan process.
- Prepare an amendment for all land zoned residential around the Unilever, Abattoir or TMI sites to introduce a noise attenuation DDO.

11. PROPOSED ZONE SCHEDULE

SCHEDULE 9 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ9**

TATURA MILK INDUSTRIES – HOGAN STREET, TATURA

Purpose

To promote the use and development of the land consistent with the *Tatura Milk Industries Master Plan 2011*.

To provide for the continued use and development of the land by Tatura Milk Industries for the manufacture of milk-related or allied food products in a manner which minimises the impact on the amenity of surrounding areas.

To provide safe and efficient vehicle ingress to and egress from the land.

1.0

Table of uses

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Geothermal energy extraction	Must meet the requirements of Clause 52.08-4.
Greenhouse gas sequestration	Must meet the requirements of Clause 52.08-6.
Greenhouse gas sequestration exploration	
Home occupation	
Industry	Must be associated with the manufacture of milk-related or allied food products.
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	

USE	CONDITION
Warehouse	Must be associated with the manufacture of milk-related or allied food products.

Section 2 - Permit required

USE	CONDITION
Agriculture (other than Apiculture and Intensive animal husbandry) Caretaker's house Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) Manufacturing sales Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone) Place of assembly (other than Carnival and Circus)	
Shop (other than Adult sex bookshop)	The leasable floor area must not exceed 200 square metres.
Utility installation (other than Minor utility installation and Telecommunications facility) Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Accommodation (other than Caretaker's house) Adult sex bookshop Brothel Cinema based entertainment facility Extractive industry Hospital Intensive animal husbandry Major sports and recreation facility Motor racing track Retail premises (other than Manufacturing sales and Shop)

2.0

Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, the hours of delivery and dispatch of goods and materials, the hours of operation, light spill, solar access and glare.
- The means of maintaining land not required for immediate use.

An application to use land for an industry or warehouse must also be accompanied by the following information:

- The type and quantity of goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

3.0 BUILDINGS AND WORKS

Permit requirement

A permit is not required to construct or carry out:

- A building or works generally in accordance with the *Tatura Milk Industries Master Plan 2011*.
- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.

A building or works generally in accordance with the *Tatura Milk Industries Master Plan 2011* must be constructed or carried out in accordance with the following plans, as appropriate, prepared to the satisfaction of the responsible authority:

- A **Design Plan** drawn to scale showing:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - Driveways, vehicle parking areas and loading and unloading areas.
 - Proposed landscape areas.
 - External storage and waste treatment areas.
 - Elevations, including the colour and materials of all buildings and works.
- A **Stormwater Management Plan** specifying details of how stormwater runoff will be conveyed into existing drainage works.
- A **Construction Management Plan** specifying the measures proposed to ensure that construction activity has minimal impact on surrounding areas.
- A **Fencing Plan** showing details of boundary fences, including the height, location, design and treatment of the fences.
- A **Landscape Plan** describing the vegetation species to be planted, the number of trees, planting formations, earth mounding, surface treatments and the method of preparing, draining, watering and maintaining the landscape areas.
- A **Traffic Management Plan** providing details on:
 - Vehicle, pedestrian and bicycle access points at the property boundaries.
 - The location and treatment of circulation areas, driveways and other accessways within the site.
 - The location, layout and treatment of all vehicle and bicycle parking areas and loading and unloading areas.

- An **Environmental Management Plan** (EMP) showing the measures proposed to satisfy all relevant environmental requirements to ensure minimal impact on surrounding areas. The EMP must include all monitoring, auditing, reporting and mitigation measures that are relevant to the use and development of the land.
- A **Noise Reduction Plan** providing details on the expected levels of noise at the property boundaries and the ameliorating measures proposed to reduce the levels of existing noise.
- An **Air Emissions Reduction Plan** providing details on the expected levels of air emissions and the ameliorating measures proposed to reduce the levels of existing emissions.
- A **Staging Plan** identifying the likely sequence and timing of development and the obligations on the land owner to implement the landscaping and acoustic treatment requirements of the *Tatura Milk Industries Master Plan 2011*.
- A Heritage **Maintenance Plan** providing details on the conservation and management of the existing heritage buildings...

Before any of the above plans are approved for a building or works, the land owner must advise the responsible authority whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

Except with the written consent of the responsible authority, the following must be constructed or carried out before the occupation of an approved building or works:

- The landscaping in accordance with the Landscape Plan.
- The boundary fences in accordance with the Fencing Plan.
- The circulation areas, driveways and other accessways in accordance with the Traffic Management Plan.
- The drainage of the building or works in accordance with the Stormwater Management Plan.

4.0 Car parking

The number of car spaces to be provided on the land for an industry for the manufacture of milk-related or allied food products or an associated warehouse must be to the satisfaction of the responsible authority.

5.0 Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the *Tatura Milk Industries Master Plan 2011* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

6.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works or the approval of a plan prepared in accordance with the requirements of Clause 3.0 of this schedule, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The *Tatura Milk Industries Master Plan 2011*.
- The views of the Environment Protection Authority on the Stormwater Management Plan, the Environmental Management Plan, the Noise Reduction Plan, the Air Emissions Reduction Plan and the Staging Plan.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.

- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The interim use of those parts of the land not required for the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- Provision for vehicle and bicycle parking.
- Provision for the loading and unloading of vehicles.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- The storage of rubbish and materials for recycling.
- The provision of solar access.

7.0 Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

8.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

City of Greater Shepparton

Greater Shepparton Planning Scheme

Tatura Milk Industries Master Plan
2011

Incorporated Document

1. Introduction

This document is an Incorporated Document in the schedule to clause 81.01 of the Greater Shepparton Planning Scheme.

The land identified in this Incorporated Document may be used, developed and subdivided in accordance with the specific controls contained in this document.

If there is any inconsistency between the specific controls in this document and the general provisions of the Greater Shepparton Planning Scheme, the specific controls in this document will prevail.

2. The Land

The land that is the subject of the specific controls in this document is in two parts (**Site 1** and **Site 2**).

Site 1 is that land bounded by Hogan Street, Hanlon Street, Brown Street and Mactier Park generally known as the Tatura Milk Industry site as indicated on the attached map.

Site 2 is that land bounded by Dhurringile Road, Mactier Street and the railway reserve generally known as the 'Warehouse' site as indicated on the attached map

3. Purpose

To provide for the continued use and development of the land by Tatura Milk Industries for the manufacture of milk related or allied food products in a manner which minimises the impact on the amenity of surrounding areas.

To provide safe and efficient vehicle ingress to and egress from the land.

4. What does this document provide for?

4.1 Use

Use of the land must be in accordance with Schedule 9 to the Special Use Zone.

4.2 Development

Development on the land must be in accordance with Schedule 9 to the Special Use Zone.

4.2.1 Setbacks

Buildings must be setback from all side boundaries in accordance with the following table:

- 5m Hogan Street
- 10m Hanlon Street.
- 10m Brown Street.
- 10m Dhurringile Road

4.2.2 Landscaping

Development must have a landscape treatment in accordance with the following table:

- 5m landscape setback to Hogan Street
- 4m landscape setback to Hanlon Street.
- 4m landscape setback to Brown Street.
- 4m landscape setback to Dhurringile Road

4.2.3 Building Heights

Buildings and works should not exceed the following heights in the precincts specified on the attached maps and in accordance with the following table:

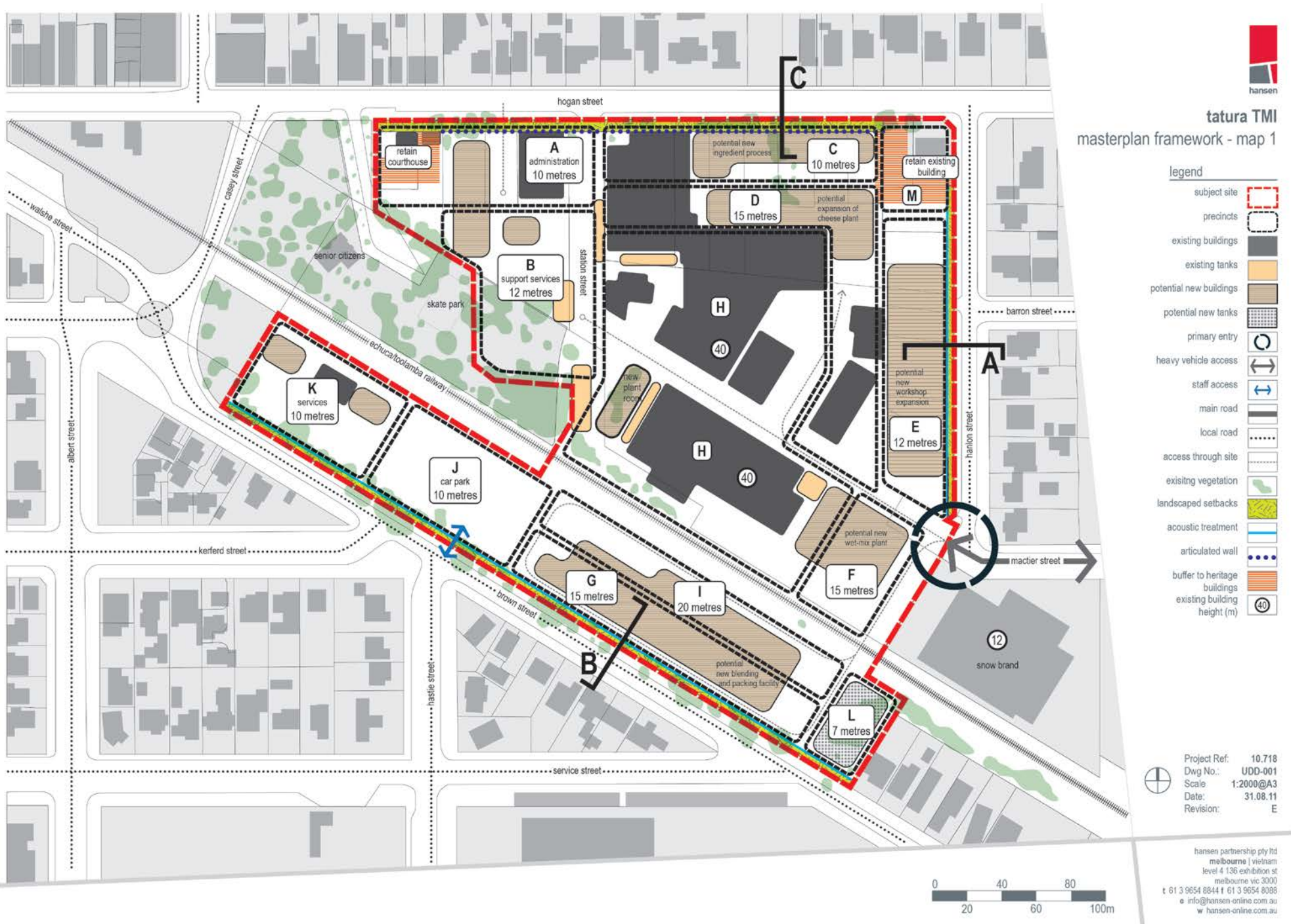
Site 1

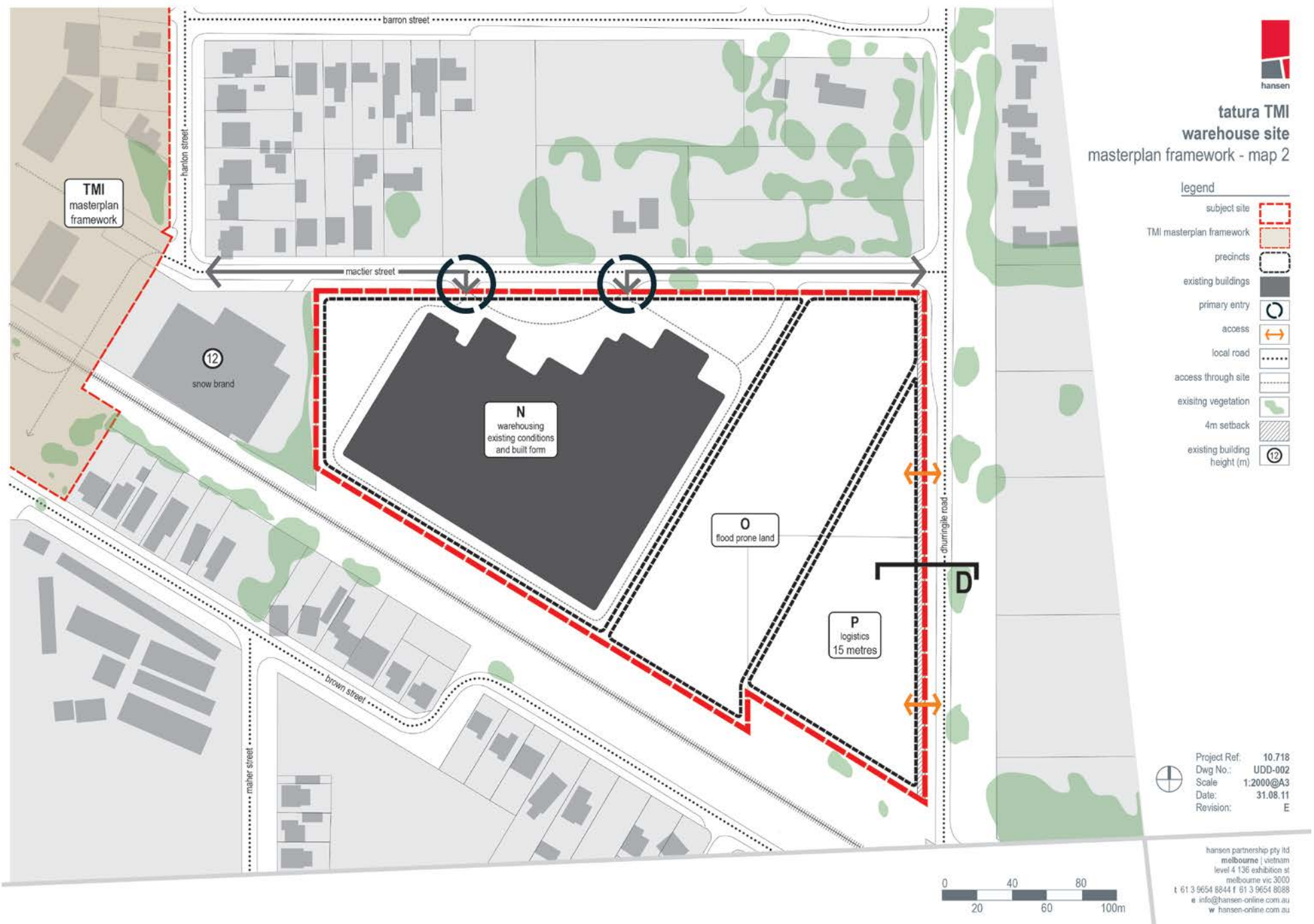
- | | |
|--------------|------------------------|
| • Precinct A | 10 metres |
| • Precinct B | 12 metres |
| • Precinct C | 10 metres |
| • Precinct D | 15 metres |
| • Precinct E | 12 metres |
| • Precinct F | 15 metres |
| • Precinct G | 15 metres |
| • Precinct H | 40 metres |
| • Precinct I | 20 metres |
| • Precinct J | None specified |
| • Precinct K | 10 metres |
| • Precinct L | 7 metres |
| • Precinct M | As per existing height |

Site 2

- | | |
|--------------|-------------------------|
| • Precinct N | As per existing heights |
| • Precinct O | None specified |
| • Precinct P | 15 metres |

(The above building heights do not include air conditioning plants, exhaust stacks, lift overruns, parapets or service and maintenance equipment that is no more than 10% of the total height of the building).





**tatura TMI
warehouse site
masterplan framework - map 2**

legend

- subject site
- TMI masterplan framework
- precincts
- existing buildings
- primary entry
- access
- local road
- access through site
- existing vegetation
- 4m setback
- existing building height (m)

Project Ref: 10.718
 Dwg No.: UDD-002
 Scale: 1:2000@A3
 Date: 31.08.11
 Revision: E



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