

**CITY OF GREATER GEELONG**  
**DEVELOPMENT HEARINGS PANEL**

**MINUTES OF THE MEETING HELD AT BROUGHAM STREET OFFICE,**  
**100 BROUGHAM STREET, GEELONG**

**ON THURSDAY 16 AUGUST 2018**

*Meeting opened at 5:00pm.*

**1. COMMITTEE MEMBERS PRESENT:**

Peter Smith, Melissa Garrett, Jessica Hurse, John Bryce

**2. OTHER OFFICERS PRESENT:**

Leanne Stockley

**3. APOLOGIES:**

NIL

**4. CONFIRMATION OF MINUTES:**

**MOVED: Melissa Garrett**

**SECONDED: Jessica Hurse**

That the minutes of the meeting of 2 August 2018 as circulated be adopted.

**Carried**

**5. DECLARATION OF INTEREST:**

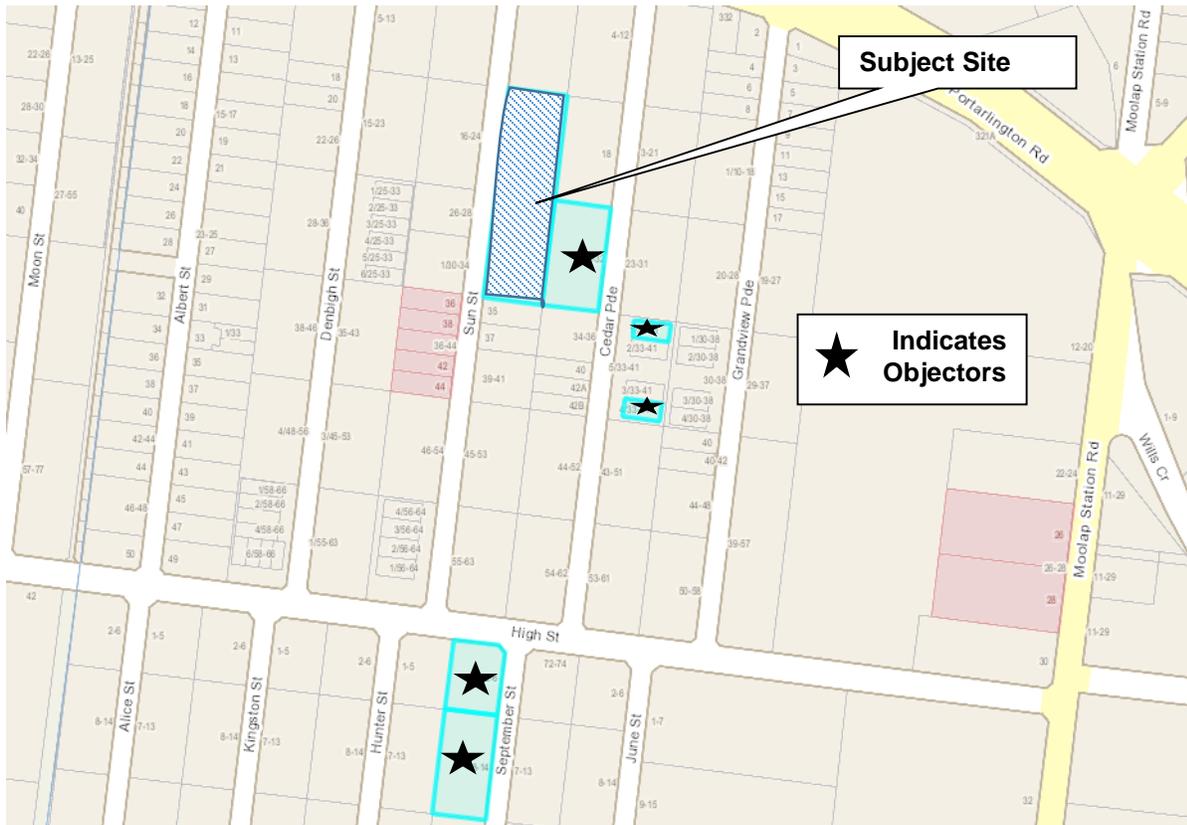
NIL

**6. MATTERS FOR CONSIDERATION:**

**7. LATE REPORTS:**

A revised version of the officer's report was provided to all parties at the meeting. It showed changes to clause numbers as a result of Planning Scheme Amendment VC148.

**Application No:** PP-1533-2016/A  
**Applicant:** Barro Group Pty Ltd  
**Subject Land:** 15-33 Sun Street, MOOLAP  
**Owner:** Barro Group Pty Ltd  
**Zone:** Industrial 1 Zone  
**Overlays:** Design and Development Overlay, Schedule 20  
**Existing Use:** Concrete batching plant and adjoining vacant land  
**Proposed Amendment:** Amendment to development and addition of land at 15-23 Sun Street  
**Existing Permit:** Use and Development of a Materials Recycling Facility (Concrete Reclamation Facility)



15-23 and 25-33 SUN STREET MOOLAP

*Pete Sait*

## Summary

- The subject site is located south of the intersection of Sun Street and Portarlington Road in Moolap. The locality is of an industrial nature with the majority of uses being of a manufacturing or repair type service. Development form is generally of industrial shedding with some properties providing for outdoor storage of goods and materials, and informal car parking on site or on the unmade road reserve.
- The subject site now includes two lots addressed as 15-23 and 25-33 Sun Street, with an overall area of 6,598sqm and frontage to Sun Street of 150m. The lots currently contain an existing concrete batching plant on the northern lot with the south lot being vacant, and fenced with chainmesh wire.
- The planning permit for the reclamation facility on the south lot was granted 27 June 2017. No plans have been endorsed at this time and the permit has not been acted on at this time and has an expiry condition requiring commencement by 27 June 2019.
- This application seeks approval to amend the development of the reclamation facility, as approved under permit 1533-2016. The amendment proposes to integrate the reclamation facility with the batching site, and proposes additional buildings to the two lots resulting in the lot addressed as 15-23 Sun Street being included in the application.
- Key additions include:
  - Provision of increased concrete paved hardstand areas
  - Provision of precast concrete panel storage bins with partial Colorbond roofing. These storage bins will be used to store materials that are presently stockpiled in the open and unprotected on the land at 15-23 Sun Street, Moolap.
  - Provision of a filter press associated with the approved concrete reclaimer. The provision of a filter press eliminates the need for settling ponds associated with the concrete reclaimer
  - Construction of a new covered 5 bay slump station
  - Construction of a fully automated wheel wash facility adjacent to the vehicle exit.
- The amended proposal requires permission under Clause 33.01-4 of the Industrial 1 Zone for the development of the land for materials recycling (previously approved use) and under Clause 43.02-2 of the Design and Development Overlay, for buildings and works.
- The amended proposal was referred to Council's Engineering Services Unit and externally to EPA Victoria. Both have supported the proposal, subject to retained conditions seeking to control off-site amenity impacts of stormwater discharge, noise and dust generation.
- The application was notified to adjoining and surrounding owners and occupiers both through a sign and via a notice sent by mail. The application received six (6) objections. The concerns raised centre on the impacts of noise and dust emissions.

*Pete K. Smith*

The proposal was assessed under the relevant policies of the State and Local Planning Framework along with the Industrial 1 Zone, Design and Development Overlay, Schedule 20, and the relevant clauses of the Particular Provisions of the Planning Scheme.

- It was previously assessed that the operation will not exacerbate the atmospheric conditions currently experienced by surrounding operations, and the current proposed amendments to the development are being incorporated to positively address the impacts of the existing use, along with incorporating the reclamation facility to improve the sustainability of the overall operation.
- The design of the amended proposal is vastly improved with the integration of the two sites allowing for improved truck movement, vehicle parking areas, and opportunity for permanent covered storage bins and site maintenance through water use and wheel wash. The proposal has integrated landscaping, appropriate fencing, and materials use which will improve the street presence of the facility as a whole.
- As such it is recommended that the proposal be supported subject to the conditions outlined below.

**Moved: Melissa Garrett**

**Seconded: Jessica Hurse**

**That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Issue a Notice of Decision to Grant an Amended Planning Permit for the Use and Development of a Materials Recycling Facility (Concrete Reclamation Facility) at 15-33 Sun Street, MOOLAP generally in accordance with the plans submitted with the application and subject to the following conditions:**

**Amended Plans Required**

1. **Prior to the commencement of the use and development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted 07 March 2018 but modified to show:**
  - a) **Location and dimensions of car parking, truck queuing and accessways in accordance with Clause 52.06 of the Greater Geelong Planning Scheme;**
  - b) **Deleted;**
  - c) **All areas set aside for landscaping;**
  - d) **Increase to the front setback to the structures labelled “storage bins” 03 to 06 from 1m to 2m.**
  - e) **Sprinkler system to be shown on the storage bins**

**Endorsed Plans**

2. **The use and development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.**

**Preparation of Landscape Plans**

*Pete Sarte*

3. Prior to the commencement of development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
  - a) Details of surface finishes of pathways and driveways;
  - b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

#### Completion and Maintenance of Landscape Works

4. Prior to the commencement of the use and/or development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

#### Drainage

6. The site must be drained such that no concentrated storm water may drain or discharge from the land to adjoining properties. Unless otherwise approved in writing by the Responsible Authority, stormwater from the new hardstand area to be directed to existing recycled water tank.

#### Vehicular Access

7. Prior to the commencement of use, the developer must construct the vehicular crossing in accordance with the requirements and standards of the City of Greater Geelong. Unless otherwise approved in writing, the crossing shall be concreted from the kerb and Channel to the fence line at the existing gates.

#### Operation Times

8. Unless otherwise approved in writing by the Responsible Authority, the use hereby permitted may only operate during the following times:

7.00 a.m. to 10.00 p.m. any day

to the satisfaction of the Responsible Authority.

#### Use Must Cease

9. Unless otherwise approved in writing by the Responsible Authority, the use of the land hereby approved by this permit, must cease in the event that the use of a concrete batching plant on the adjoining at 15-23 Sun Street, Moolap is ceased.

*Pete Sait*

**Outdoor Lighting**

10. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the Responsible Authority.

**General Loading**

11. The loading and unloading of goods from vehicles must only be carried out on the land. Any vehicles waiting to use the facility hereby approved must only queue on the land and must not disrupt the circulation and parking of any other vehicles on the land.

**Materials Storage Areas**

12. Materials must only be stored in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

**EPA CONDITIONS**

**Dust**

13. Nuisance dust must not be discharged beyond the boundary of the premises.
14. The stockpiles of material must be maintained so that no dust is emitted from the stockpiles beyond the boundary of the premises.
15. Access roads subject to regular traffic must be provided with appropriate surface treatment.

**Noise**

16. Noise emitted from the premises must not exceed the recommended levels as set out in *Noise from Industry in Regional Victoria* (NIRV; EPA Publication 1411, 2011) or as amended from time to time.
17. Noisy equipment must be fitted with appropriate noise silencers/enclosures.

**Surface and Groundwater**

18. Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes to the stormwater system.
19. Stormwater contaminated with waste such as oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.
20. A secondary containment system must be provided 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 from time to time.

*Pete Sait*

**Expiry of Permit – (Use and Development)**

**21. This permit will expire if one of the following circumstances applies:**

- a) The use and/or development is not commenced within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the date of expiry.

**Note:**

1. A Vehicle Crossing Permit must be obtained prior to commencement of works.

**Permit Amendments:**

- Condition 1 refers to plans dated 07 March 2018;
- Condition 1b) deleted;
- Condition 1d) and 1e) added;
- Condition 12 wording amended.

**Carried**

## **Report**

### **The Site & Locality**

The subject site is located south of the intersection of Sun Street and Portarlinton Road in Moolap. The locality is of an industrial nature with the majority of uses being of a manufacturing or repair type service. Development form is generally of industrial shedding with some properties providing for outdoor storage of goods and materials, and informal car parking on site or on the unmade road reserve.

The subject site now includes two lots addressed as 15-23 and 25-33 Sun Street, with an overall area of 6,598sqm and frontage to Sun Street of 150m. The lots currently contain an existing concrete batching plant on the northern lot with the south lot being vacant, and fenced with chainmesh wire.

Land to the south of the subject sites has been developed in the last year or so with an industrial shed. Land to the east of the site is occupied by industrial sheds that house manufacturing businesses of metal fabrication, vehicle repairs and alike. Land to the west in Sun Street is occupied in the same manner.

### **Site History**

The existing concrete batching plant on the north lot has been operating for some time under planning permit 1653/2002.

*Pete Sait*

The planning permit for the reclamation facility on the south lot was granted 27 June 2017. The permit includes a condition to ensure the use of the reclamation facility ceases if the batching plant on the north lot ceases use.

No plans have been endorsed at this time.

The permit for the reclamation facility has not been acted on at this time and has an expiry condition requiring commencement by 27 June 2019.

### **Proposal**

The application seeks approval to amend the development of the reclamation facility, as approved under permit 1533-2016. The amendment proposes to integrate the reclamation facility with the batching site, and proposes additional buildings to the two lots resulting in the lot addressed as 15-23 Sun Street being included in the application.

Alterations to the proposed development include:

- Provision of increased concrete paved hardstand areas (thereby reducing gravel areas).
- Provision of precast concrete panel storage bins with partial colourbond roofing (6 x storage bins) with a height of between approximately 2.95 and 4.0 metres. These storage bins will be used to store materials that are presently stockpiled in the open and unprotected on the land at 15-23 Sun Street, Moolap.
- Provision of a filter press associated with the approved concrete reclaimer with an overall height of approximately 6.37 metres. The provision of a filter press eliminates the need for settling ponds associated with the concrete reclaimer and potential slurry deposits.
- Construction of a new covered 5 bay stump station with a height of between approximately 5.25 and 5.7 metres located toward the southern end of the site.
- Construction of a fully automated wheel wash facility with a height of between approximately 4.38 and 5.25 metres adjacent to the vehicle exit.
- Installation of 4 in-ground water tanks and 3 above-ground water tanks adjacent to the associated facilities.
- Provision of a new vehicle exit to Sun Street located toward the southern end of the site frontage.
- Construction of a new 2.3 metre high precast concrete fence along the eastern property boundary.
- Provision of 2.42 metre high galvanised steel picket fencing along the Sun Street frontage and matching sliding gates at the vehicle exit.
- Provision of landscaping adjacent to the site frontage to Sun Street.

The concrete reclamation facility receives un-used, mixed concrete returned from deliveries associated with the existing concrete batching plant.

### **Greater Geelong Planning Scheme**

#### **Definition and Nesting**

The use as defined as land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials and is nested under the heading of Industry.

#### **Zone**

*Pete Sait*

The subject site (and surrounding properties) are located within the Industrial 1 Zone.

**Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

**Overlay**

The subject site (and surrounding properties) are covered by the Design and Development Overlay, Schedule 20.

**Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

**Schedule 20 - Industrial 1, 2 and 3 Zones**

**Design objectives**

- *To improve the visual appearance and image of industrial areas through well designed site responsive developments.*
- *To facilitate economic development through efficient and functional industrial development.*
- *To provide a high level of amenity for workers and visitors to industrial areas.*
- *To minimise the potential for negative off-site effects to occur.*
- *To promote best practise storm water quality and reuse measures.*

**Permit required clause and condition**

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use land for materials recycling;
- Pursuant to Clause 33.01-4 of the Industrial 1 Zone, a permit is required to construct a building or construct or carry out works;
- Pursuant to Clause 43.02-2 of the Design and Development Overlay, a permit is required to construct a building or construct or carry out works.

**Restrictive Covenant**

There is no restrictive covenant or agreement applying to the land.

**Cultural Heritage Management Plan (CHMP)**

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity.

*Pete Sait*

Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a Cultural Heritage Management Plan. The proposal is not listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity.

In accordance with the above assessment, a Cultural Heritage Management Plan is not required.

### **Coastal Inundation and Erosion**

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Councils data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2100.

### **Landfill Gas Risk Assessment**

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.01-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the "Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills" (September 2010) or "Landfill BPEM."

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.

*Pete Sait*

- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

### **DEVELOPMENTS IN BUSHFIRE PRONE AREAS**

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The proposal is not listed at Clause 13.05 as one of the uses or developments which should be considered and as such no further assessment of Bushfire Prone development is required.

#### **Officer Direct Or Indirect Interest:**

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

### **State Planning Policy Framework**

#### **Clause 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.*

#### **Clause 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 City, Metropolitan Activity Centres 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.*

*Pete Sait*

### **Clause 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.*

#### Strategies

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

### **Clause 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.*

### **Clause 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.*

*Pete Sait*

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

#### **Clause 19.03-5 Waste and resource recovery**

##### Objective

- *To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.*

##### Strategies

- *Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.*
- *Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.*
- *Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.*
- *Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.*
- *Enable waste and resource recovery facilities to locate in close proximity in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.*
- *Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) ( Environmental Protection Authority, 2004).*
- *Integrate waste and resource recovery infrastructure planning with land use and transport planning.*

### **Local Planning Policy Framework**

#### **Municipal Strategic Statement**

#### **Clause 21.07-2 Industry**

##### Objectives

- *To provide an adequate supply of appropriately located industrial land that meets the needs of different industries.*
- *To direct different types of industrial development to appropriate locations.*
- *To facilitate well designed and serviced industrial development that provides a high level of amenity for workers and visitors.*
- *To minimise land use conflicts.*

##### Strategies

- *Focus new industrial development around major transport routes and infrastructure assets.*
- *Protect existing and designated future industrial areas from encroachment by incompatible land uses.*
- *Ensure all industrial development incorporates best practice water sensitive urban design and waste management practices.*
- *Ensure all industrial development is appropriately serviced by road, drainage, water, sewerage and telecommunications infrastructure.*

*Pete Sait*

- *Ensure all industrial development provides high quality urban design and landscaping.*
- *Direct materials recycling industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.*
- *Support the establishment of infrastructure that reduces costs for business and industry.*

### Local Planning Policies

#### **Clause 22.08 Materials Recycling**

*Materials recycling industries play an important role in reducing waste at landfill sites. It is anticipated that there will be continued demand for these uses with the ongoing growth of the City of Greater Geelong. It is important that these uses are located appropriately in order to minimise off site impacts. The location of materials recycling centres should be carefully considered having regard to surrounding land uses and the visual prominence of the site. In the past, operators have been slow to adopt modern business concepts of quick dismantling and fully enclosed storage. As a consequence, materials recycling establishments have often been a visual blight within areas particularly where they adjoin high exposure roads.*

#### Objectives

- *To encourage the establishment of materials recycling facilities in appropriate locations and ensure that site layout is appropriately considered.*
- *To ensure that the use and development does not adversely affect the amenity of the surrounding area.*

#### Policy

*Where a permit is required to use or develop land for materials recycling, it is policy to:*

- *Encourage the location of materials recycling proposals within the core of industrial zones.*
- *Discourage the establishment of materials recycling in areas which are in close proximity to residential and rural living areas, in highly visible locations, on roads with high public exposure or along tourist routes.*
- *Ensure that materials recycling centres do not adversely affect the amenity of the surrounding area with regard to noise, air quality, traffic, visual appearance and hours of operation.*
- *Ensure that sufficient area is set aside on site to provide adequate landscaping.*
- *Ensure that stormwater quality is not adversely affected by the use of the site.*
- *Encourage the visual and operational enhancement of existing materials recycling establishments where an application is received to alter or expand the use.*

*It is policy that proposals for materials recycling are assessed against the following performance measures:*

- *Fencing should fully enclose the site and effectively screen the materials recycling facility. Where fencing is visually permeable, landscaping should be provided to enhance the visual appearance of the site from adjacent properties and roads.*
- *Stacks of material should not be visible above the height of any approved fence or screen and the height of any fence or screen should be appropriate having regard to the site and surrounding area.*
- *Areas adjacent to roads should be set aside for landscaping, parking and access.*
- *Materials should not be stored or operations carried out within this area*

*Pete K. Smith*

- *The materials recycling establishment should be designed to enable the loading and unloading of materials to be carried out within the site.*
- *All processes on site should be contained within buildings*

### **Particular Provisions**

#### **Clause 52.06 Car Parking**

##### Purpose

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

A Materials Recycling use generates a car parking demand of ten per cent (10%) of the site area. This equates to approximately 650sqm of the subject site. A sufficient area of the subject site is to remain vacant and it is considered that this area is satisfactory for the parking requirements of the clause.

#### **Clause 52.10 Uses With Adverse Amenity Potential**

##### Purpose

- *To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.*

Materials Recycling is listed with a "Note 1" in the table of the clause, denoting that no specific threshold distance applies, but that the distance is variable dependent upon process used in the proposal.

#### **Clause 52.45 Resource Recovery**

##### Purpose

- *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.*

The clause sets out what information should be supplied for an application of this type and supplies decision guidelines including to consider the impact of the proposal on the amenity of the surrounding area.

*Pete Sait*

### **Clause 65.01 Approval of an application or plan**

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.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public 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.*

### **Referrals**

External - EPA Victoria (Section 55, determining authority)

*EPA has no objections to the above proposal according to the information provided. EPA previously responded to planning permit application PP-1533-2016 via a letter dated 4 April 2017 (EPA reference 5007189). EPA still recommends the inclusion of the conditions as previously stated in our letter and this letter is attached for Council's reference.*

*EPA also offers the following comments for Council's consideration.*

*The amended application states that 'it is not anticipated that there will be any unreasonable off-site impacts associated with the incorporation of a filter press associated with the approved concrete reclaimer'. The application also notes that Condition 16 of planning permit PP-1533-2016, which was issued on 27 June 2017, relates to noise emissions and requires compliance with the EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV). Council should ensure that noise emitted from the site will not exceed the recommended levels as set out in EPA Publication 1411. EPA Publication 1481 How to reduce noise from your business (2012) includes further information relating to noise source and possible mitigation measures.*

*The application states that there will be the provision of a new covered slump station located at the southern end of the site to enable improved wash down of vehicles following loading of concrete. EPA notes that guidance on washing of vehicles can be found in EPA publication IWRG642 Motor Vehicle Repair and Service Premises (2009). EPA Publication 978 Reducing Stormwater Pollution: A Guide for Industry (2005) also provides guidance to help avoid polluting the stormwater system.*

*Pete Sait*

Internal - Engineering Services Unit

Planner's Comments

Both the Engineering Services Unit and EPA Victoria have offered conditional support for the proposal, and consider that the proposal can be operated within the limits offered by the conditions. As such, the conditions are acceptable and shall be placed on any permit to issue.

**Amendment of the Proposal Prior to Public Notification**

The application was not amended prior to public notification.

**Public Notification**

The application is **not** 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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was placed on the land

**Amendment of the Application Following Public Notification**

The application was not amended following public notification.

**Objection**

At the completion of the notification period, a total of six (6) objections had been received. In summary, the concern raised by all objectors was for the impacts that the proposal will have on surrounding businesses and residents through the generation of dust and noise.

Some of the content of the objections demonstrate a misunderstanding of the proposal. Comments indicate that objectors believe the facility will be for concrete crushing; will increase the number of trucks using Sun Street and surrounding streets; and will increase the amount of dust being emitted from the site. Objectors also seem to be unaware that the existing batching facility has approval to operate 24 hours.

Comment

The proposal to amend the development for the concrete reclamation facility seeks to integrate the facility more wholly with the batching plant site. This proposal has come out of a review by the operator to consider the dust emission issues that were raised by surrounding owners and occupiers, which was the subject of planning enforcement investigation, and became a topic of concern with the original application.

The amended proposal now seeks to include a number of improvements to the operation that will improve the cleanliness of the use of the site, and ultimately decrease dust emissions from the site. It is expected that the amendments will decrease the ability for dust to generate on windy days due to covered storage bins and hard stand surfaces; decrease the ability for dust to escape from the reclamation machinery which is now fully enclosed; and decrease the dust/residue on the road surface due to trucks passing through a wheel wash prior to exiting the site.

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With regard to noise, the reclamation facility is not a crushing machine which appears to be the main concern of residential objectors. The original assessment considered noise emissions with the applicant completing an acoustic assessment for the proposed operation showing that the reclamation machinery can operate within the EPA guidelines. A condition is included in the permit to ensure the noise levels do not exceed *Noise from Industry in Regional Victoria* (NIRV; EPA Publication 1411, 2011).

Objections that concern the use of the batching plant and associated truck use of the surrounding road network are irrelevant to the current application to amend the development plans. Only concerns relating to the amendment can be considered as part of the assessment here.

### **Assessment**

The primary consideration for this amended proposal is if the proposed amendments will result in unreasonable impacts to the amenity of the locality, bearing in mind that the locality is an established industrial area, and the use of the reclamation facility has already been considered and approved via the issue of the permit.

State and Local Planning Policy requires consideration of amenity impacts, specifically under clauses 13.04-1 and 13.04-2 for Noise Abatement and Air Quality. The Noise Abatement clause seeks to assist in the control of noise effects on sensitive land uses, being those that are residential, used for education or health care. Whilst there are no sensitive uses in the direct vicinity of the proposed land use, the applicant has undertaken the step of submitting an acoustic assessment addressing the possible noise impacts to be generated. The assessment has demonstrated that noise produced will be within the allowable limits for this industrial location. In addition, EPA Victoria have recommended conditions to any permit issued that will ensure the operation continues within allowable limits. The applicant has confirmed that the amended proposal can will be able to meet the conditions on the permit regarding noise emissions.

With regard to Air Quality, the objective of the clause seeks to protect air quality by ensuring new developments have a suitable separation to sensitive land uses. Again, sensitive land uses are those considered to be for residential, education or medical uses. In this instance the immediate locality does not include any sensitive land uses. Having said this, it is noted that the processes being undertaken by the concrete reclamation facility proposed are unlikely to result in air borne particles, as the amended proposal includes improvements to the reclamation process such as covered storage areas, wheel wash, and sealed hard stand areas.

Clauses 15.01-1, 17.02-1 and 17.02-2 address the development of land uses which relate to their context. Clause 17.02-1 seeks to ensure availability of land for industrial uses, with a strategy to facilitate further industrial development in appropriate locations. In addition, the clause directs planning to protect industrial activity in industrial zones from the encroachment of unplanned commercial (or other) activities, which would adversely affect industry viability. The proposal is considered to be appropriate for this location, which includes good separation from sensitive land uses, and is to utilise industrial land located in vicinity with other like land uses, primarily the concrete batching plant adjoining, which has been in operation for some time. The batching plant received a planning permit in 2003 with this application advertised at that time and no objections received.

With regard to the Local Planning Policies of the Greater Geelong Planning Scheme, Clause 21.07-2 for industry requires consideration of the objectives to ensure appropriate locations for

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industrial use and development; design of industrial development to provide for a high level of amenity for workers and visitors; and minimisation of land use conflicts. This proposal is in accordance with the policy directions for location of like industry use, and it is considered that the activity can be undertaken in a manner that does not create land use conflicts.

Consideration of the decision guidelines to the Industrial 1 Zone, and Design and Development Overlay, Schedule 20 are also required for this proposal. The decision guidelines of relevance to this proposal include:

- 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.
- The design and siting of existing development in the area.

The design of the amended proposal is vastly improved with the integration of the two sites allowing for improved truck movement, vehicle parking areas, and opportunity for permanent covered storage bins and site maintenance through water use and wheel wash. The proposal has integrated landscaping, appropriate fencing, and materials use which will improve the street presence of the facility as a whole.

The street setback objective of the overlay is not met by this proposal with the “back” of four storage bins proposed to be abutting the street frontage with a landscape strip between. The building wall height and material will be consistent with other built form in the locality, however its location close to the boundary is inconsistent.

The applicant has proposed to increase the landscape strip to 2m to ensure a greater opportunity for meaningful landscaping in an effort to soften the built form. Again, whilst not strictly complying with the design objectives of the overlay, it is considered that the proposed layout of the development overall will be an improvement to the visual amenity of the streetscape and as such remains consistent with the purpose of the Design and Development Overlay, Schedule 20.

Possible effects upon stormwater quality have been considered by Council’s Engineering Services Unit. They have offered support for the proposal, subject to conditions that require stormwater from hardstand areas to be directed back into the existing recycled water system, to be connected to this proposal. As a result, no sediment laden stormwater will discharge from the site.

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The Industrial 1 Zone additionally requires consideration of the effect that nearby industries may have on the proposed use. In this case it is evident through objections that the surrounding industries require atmospheric conditions that do not impact upon their activities. The impacts upon them are existing and not of a consequence of this proposal. It was previously assessed that the operation will not exacerbate the atmospheric conditions currently experienced, and the current proposed amendments to the development are being incorporated to positively address the impacts of the existing use, along with incorporating the reclamation facility to improve the sustainability of the operation as a whole.

The proposed amendments result in some changes to the permit conditions:

- Condition 1a) will remain with the plans not detailing the car parking, access way, etc. dimensions in accordance with the scheme requirements;
- The plans submitted with the application now indicate areas for storage of materials and as such condition 1b) can be deleted;
- Condition 1c) can remain:
- The applicant has committed to increasing the setback of storage bins 3 to 6 from 1m to 2m. This requirement will become condition 1d).
- Condition 12 shall be amended due to the inclusion of permanent covered storage bins with reference to regular removal no longer required.

### **Legislative Issues**

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.

### **Conclusion**

The proposed amendments to the development is generally responsive to the policies of the planning scheme for the design of industrial development, with the visual impact of the proposal to be improved, and is acceptable in this location with the addition of landscaping to boundaries, and control of storage of goods on-site through permanent covered bins.

Amenity impacts are of concern to surrounding land users, with main focus on dust and noise to be created by the operation. The concern of objectors is noted, with the existing batching plant operations being the main source of their concern, and a misperception that the operation is a crushing or recycling facility. The proposed amendments are geared toward decreasing the amenity impacts with the process now being unlikely to exacerbate the current circumstance given the process undertaken, areas for storage, improvements to site and vehicle cleanliness, and the addition of conditions ensuring the operation is acceptable in the industrial location.

The proposal has been assessed against the relevant policies of the Greater Geelong Planning Scheme and found to be an appropriate response in context with the location and the activity to be undertaken. As such it is recommended that the proposal be supported subject to conditions to be included in a Notice of Decision to Grant a Permit.

*Pete Sait*

**8. NEXT MEETING:**

**6 September 2018**

*Meeting closed at 5.36pm*

Peter Smith

**Chair**

16 August 2018

*Peter Smith*