

2 AMEND CONDITIONS ON EXISTING PLANNING PERMIT FOR A RURAL STORE AT 100 SCHOOL ROAD BAYLES

FILE REFERENCE INT1750965

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Frances Stipkovic

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T990164 - 2 be issued for an amendment to Planning Permit T9900164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents at 100 School Road, Bayles subject to the conditions attached to this report.

Attachments

1	Locality plan	1 Page
2	Development plans	13 Pages
3	Objections circulated to councillors only	13 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T990164 - 2
APPLICANT:	Nick Anderson
LAND:	100 School Road, Bayles Victoria 3981
PROPOSAL:	Amendment to Planning Permit T990164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents.
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing one (1) sign on site Council has received 6 objections to date.
KEY PLANNING CONSIDERATIONS:	Consistency with objectives and decision guidelines of the Green Wedge Zone 1 Off-site amenity Impacts
RECOMMENDATION:	Grant an amended Permit subject to conditions

BACKGROUND:

Planning Permit T990164 was issued on 12 May 2000 for the use and development of the land for a Rural Store (bulk fertiliser) subject to 16 conditions.

Since the issuing of the Planning Permit, Council's Planning Compliance Department has received a number of complaints relating to non-compliance with the Permit conditions.

SUBJECT SITE

The site is located on the south-east side of School Road, Bayles, approximately 910m south of Koo Wee Rup-Longwarry Road. The site is rectangular in shape, has a frontage to School Road of 162.9m and a total area of 7.7 hectares. The site is currently used and developed for a Rural Store (bulk fertiliser storage). The main building associated with this use is setback approximately 140m from the frontage and 91m from the south-western boundary. The external storage of materials is located directly north of the main storage building.

Vehicle access to the site is provided via a crossover and driveway located at No. 70 School Road that runs along the common boundary. Car parking is located adjacent to the existing office building.

The subject site is bound by No. 70 School Road (comprising 5 lots) to the north-east, south-east and south-west. Lot 88 adjoins the north-eastern boundary and is developed with rural shed along the School Road frontage. Lot 89 adjoins the south-eastern boundary, has a frontage to School Road and is developed with a single dwelling and outbuilding setback approximately 230m from the common boundary. All other remaining lots are currently vacant.

No. 96, 105 and 115 School Road are located directly opposite the site on the north-west side of School Road. Each parcel is between 3.8 and 4.07 hectares and are developed with a single dwelling, setback between 17m and 42m (approx.) from the School Road frontage.

School Road is unsealed and is devoid of kerb and channelling. Vegetation lines the road reservation on the south-east side.

Land in the broader vicinity is characterised by large rural allotments, either vacant or developed with a single dwelling and outbuildings.

PROPOSAL

Approval is sought for an amendment to Planning Permit T990164 issued for the use and development of the land for a Rural Store (bulk fertiliser storage). The amendment is to enable the expansion of the operation and comprises the following:

Endorsed Plans

Approval is sought to increase the area of works (hard surfacing) by 975sqm surrounding the existing office and storage area. 14 formal car spaces are proposed adjacent to the existing office and south-western boundary.

A 184 cubic metre dam is proposed east of the storage area adjacent to the north-eastern boundary. This dam is in lieu of the dam shown on the current endorsed plans.

An updated landscaping plan has also been submitted which includes additional shrubs/ground covers on the north-east and south-western boundaries. Established vegetation along the frontage is to be retained.

Conditions

Condition 3 is proposed to be amended to increase storage of materials from 5000 tonnes to a 20,000 tonnes per annum.

Condition 4 is proposed to be amended to allow organic fertiliser to be loaded and unloaded externally. Inorganic fertiliser will continue to be loaded and unloaded within the building.

Condition 5 is proposed to be amended to allow vehicles to enter and exit the site between 3:00am and 9:00pm Monday to Saturday. The hours of operation for the storage facility is to remain (Monday to Saturday 6:00am – 6:00pm).

As a consequence of the changes to the endorsed plans, Condition 13 is required to be updated to reflect the capacity of the dam.

Endorsed Environmental Management Plan

An updated Environmental Management Plan has also been provided which makes reference to the organic material to be brought to the site, the amended storage capacity and hours of operation (for vehicles entering and exiting the site).

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.06-7 Green Wedges
- Clause 13.04-1 Noise Abatement
- Clause 13.04-2 Air Quality
- Clause 14.01-1 Protection of agricultural land
- Clause 14.01-2 Sustainable agricultural land
- Clause 17 – Economic development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.04-2 Agriculture

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.10 - Uses with adverse amenity potential
- Clause 57 – Metropolitan Green Wedge Land
- Clause 65 – Decision Guidelines

Zone

The land is subject to the **Green Wedge Zone Schedule 1**

Overlays

The land is subject to the following overlays:

- Land subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for *(detail the description of the proposal)* requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause *(detail the description of the proposal)* a planning permit is required for *(detail reasoning for permit required)*
- Pursuant to Clause (detail clause number and name) a planning permit is required for (detail reasoning for permit required).

PUBLIC NOTIFICATION

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

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

Council has received six (6) objections to date from the following properties:

- No. 55 School Road, Bayles
- No. 60 School Road, Bayles
- No. 65 School Road, Bayles
- No. 85 School Road, Bayles
- No. 95 School Road, Bayles
- No. 105 School Road, Bayles

The key issues that were raised in the objections are:

- Noise, lighting and vibration associated with heavy vehicles
- Impact of vehicles on local road network/environment
- Dust emissions/air pollution (health and financial implications)
- Commercial land use in Green Wedge Zone
- Breaches of existing Planning Permit
- Impact on land value

REFERRALS

Melbourne Water

The application was referred to Melbourne Water as a statutory referral for comment. Melbourne Water had no objection to the proposal. There are no conditions required.

Environmental Protection Authority (EPA)

The application was referred to Environmental Protection Authority as a non-statutory referral for comment. The EPA had no objection to the proposal subject to the inclusion of permit notes.

DISCUSSION

On balance the proposed amendment is consistent with the relevant State and Local Planning Policy Framework, the objectives of the Green Wedge Zone 1, Land subject to Inundation Overlay and relevant particular provisions.

State and Local Planning Policy Framework

The amendment is consistent with the relevant State and Local Planning Policy. The site is located in an area where there is existing agriculture in the broader vicinity. General amenity conditions currently form part of the Permit. Further, the applicant is required to comply with all relevant EPA legislation which is consistent with Clause 13.04.

Clause 17 and Clause 21.01 recognise the importance of economic development. The amendment will stimulate local economic activity. The intensification of the land use will enable the operation to expand and service existing produce growers within the Shire of Cardinia and throughout Victoria. Given the locality, existing farms will benefit from this operation therefore encouraging more viable agricultural activity within the Green Wedge and Special Use Zone 1 in Cardinia Shire which is consistent with the primary purpose of these Zones.

Green Wedge Zone 1

The purpose of the Green Wedge Zone is to provide for the use of land for agriculture, to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources. However, regard must also be given to the existing locality, environmental qualities of the area and sensitive land uses (i.e. dwellings) in the immediate vicinity.

Whilst the amendment will result in an intensification of the land use, it is appropriate in this rural context having regard to the storage area on the site and setbacks from title boundaries. Whilst the capacity is proposed to be increased to 20,000 tonnes per annum, the existing storage area itself is not increasing in area. Rather, it will be at full capacity more frequently. There are no offensive odour emissions associated with the organic fertiliser.

Whilst it's acknowledged that heavy vehicle movement will increase, a maximum 23 truck movements per day is not excessive in this rural context. This equates to 1.2 truck movements per hour of operation (proposed). The proposed increase in hours beyond 6:00am and 6:00pm is strictly for the entry and exit of vehicles and will enable the products to be delivered in a timely manner throughout Victoria bypassing peak hour traffic in Melbourne. The application was referred to the EPA who have stated that the noise from the site must comply with 'Noise from Industry in Regional Victoria' night period noise levels. This will be imposed via a Permit note and is regulated under EPA legislation.

A Traffic Impact Assessment, prepared by O'Brien Traffic dated May 2017, was submitted in support of the application and concludes that the proposal will not result in unreasonable traffic generation. The use of larger vehicles will increase vehicle movements per day by only 50% (total 23 truck movements per days during peak times).

The application was referred to Council's Traffic Engineer who does not object to the proposal subject to conditions restricting vehicle numbers. A total of 30 heavy vehicles will not have a detrimental impact on the road environment and surrounding road next work. Whilst the applicant

has stated there will be 23 truck movements, a maximum of 30 movements allows for vehicle break downs/unforeseen circumstances.

It is noted that School Road and the surrounding road network are public roads (managed by Council). Unsealed roads are typical in this rural setting with Council obligated to maintain such roads. All vehicles (with the exception of B-Double trucks) are able to utilise these roads with no time limitations. Given the locality and zoning, it's expected that heavy vehicles associated with agriculture would utilise the road network on a regular basis.

Approval through the National Heavy Vehicle Regulator is required for any vehicles accessing the site over general mass limits and is considered by Council's Traffic Engineers under a separate application process. Council and the applicant have acknowledged that the impact of heavy vehicles on the road environment does cause amenity impacts to near-by residential land given the setbacks from the School Road frontage.

The applicant has offered regular monetary contributions to Council to assist with the maintenance (i.e. grading) of School Road. Having regard to the above, a condition of approval will require that the land owner enter into a Section 173 Agreement to ensure this requirement is enforceable. The Agreement will become redundant in the event that the business ceases to operate from the land. The regular maintenance of School Road will alleviate amenity impacts by way of noise and vibration and improve the road environment on School Road.

The extent of additional hard surfacing is appropriate in this rural context and will allow vehicles to maneuver more easily within the site. The existing condition relating to storm water will remain on the Permit.

The updated landscaping plan will provide additional planting which will partially screen the site when viewed from adjoining land.

Clause 44.04 – Land subject to Inundation Overlay

Whilst there are no buildings proposed, the application does propose additional hard surface area and as such, referral to Melbourne Water was required. There are no objections to the proposal. There are no conditions required to be imposed.

Clause 52.10 - Uses with adverse amenity potential

Whilst the storage of organic fertiliser is not listed in Clause 52.10, the application was referred to the EPA who do not object to the proposal. The site must comply with all relevant EPA legislation.

Clause 57 – Metropolitan Green Wedge Land

As the site is located outside the Urban Growth Boundary, Clause 57 is applicable. The proposal complies with the table at Clause 57.01 as 'Rural Store' is not listed.

RESPONSE TO OBJECTIONS

A response to the objections received is provided below:

Noise, lighting and vibration associated with heavy vehicles and impact of vehicles on local road network/environment

As detailed above, a condition of approval will require that the land owner/business operator to enter into a Section 173 Agreement which will require on-going monetary contributions for the maintenance of School Road. Such maintenance must be undertaken by Council. This will alleviate amenity impacts by way of noise and vibration and improve the road environment on School Road.

The intensity of lighting when vehicles are entering/exiting the site is not expected to cause unreasonable amenity impacts as vehicles are required to enter the site from the accessway along the northern boundary (and not directly from School Road where the dwellings are sited). Further established vegetation buffers shields lighting internally. There is no external lighting (i.e. long term lighting) proposed. Engine noise and lighting emitted from the vehicles whilst on public roads is regulated under EPA legislation.

Dust emissions/air pollution (health and financial implications)

As detailed above, the application was referred to the EPA who do not object to the proposal. The general amenity conditions currently imposed will remain on the Planning Permit. The amended Environmental Management Plan includes measures to mitigate dust from vehicles and the external storage area and is acceptable. The organic material to be stored externally are granular rather than fine particles therefore minimising the chance of dust emissions. All fertiliser products are transported to and from the site covered therefore minimising the risk of dust emissions. It's noted that the external storage area also contains physical barriers however is uncovered, this is appropriate given setbacks to title boundaries and the location of existing dwellings. In the event that dust/air emissions are in breach, this matter is to be investigated by the EPA and is subject to testing.

Commercial land use in Green Wedge Zone

Whilst the Green Wedge Zone supports agricultural activity, rural type commercial uses, can also be considered. It is also important to highlight that the use of the land for a dwelling (whilst a sensitive, less intensive land use) also requires planning approval pursuant to Green Wedge Zone as priority is given to agriculture.

Whilst the dwellings on School Road were developed many years ago, it can be expected that large rural land in the immediate vicinity will be used for rural type operations, therefore this application must consider whether the proposed amendments are unreasonable. As detailed above, the intensity of proposed use is not excessive in this rural context having regard to the site area, maximum vehicle movements per day, the storage area and the siting of dwellings on the north-west side of School Road.

Breaches of existing Planning Permit

Whilst it's acknowledged there have been previous and non-compliance matters with the existing Planning Permit, this amendment must only give regard to the proposal itself and suitably based on the planning controls and site context. Any past or future compliance matters must be dealt with by Council's Compliance Department separately.

Impact on land value

The impact of land value (perceived or actual) cannot be considered for any planning permit application and is reflected in multiple VCAT decisions.

CONCLUSION

On balance it is considered that the proposal is consistent with the State and Local Planning Policy Framework, the objectives of the Green Wedge Zone 1, the Land Subject to Inundation Overlay and relevant Particular Provisions.

It is recommended that an amended Planning Permit be issued for an amendment to Planning Permit T9900164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents at 100 School Road, Bayles

CONDITIONS

1. The layout of the site, and the size of the proposed buildings and works, as shown on the approved plan, shall not be altered or modified without the consent in writing of the Responsible Authority.
2. Before the use or development start/s, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:

- a. Regular monetary contributions to Cardinia Shire Council for the maintenance of School Road as agreed with satisfaction of the Responsible Authority.

Should the land use approved under Planning Permit T990164 (or subsequent planning permits) cease, this Section 173 Agreement is redundant.

Before the amended use commences, an application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

3. All vehicle movement associated with the fertiliser storage facility must use the northern access as shown on the approved plan.
4. No more than 20,000 tons of fertiliser (10,000 inorganic and 10,000 organic) may be stored or distributed annually from the fertiliser storage facility without the further written consent of the responsible authority
5. All loading and unloading of inorganic fertiliser must be conducted within the confines of the enclosed fertiliser storage shed. if necessary, a dust extraction system must be installed to control dust within the shed.
6. All loading, unloading and storage of organic fertiliser must be undertaken in a manner this minimises dust emissions from the site.
7. The use may only operate between the hours of 6.00 am to 6.00 pm Monday to Saturday.
8. Vehicles associated with the approved use may enter and exit the site between 3:00am and 9:00pm Monday to Saturday.
9. No more than 30 heavy vehicle movements may occur to and from the site per day.
10. Prior to the commencement of the development a landscaping plan must be submitted for approval which includes details of areas set aside for landscaping and planting, a schedule of all proposed trees, shrubs and ground cover and details of. mulching. the landscaping must be completed in accordance with the approved plan prior to the commencement of the use. once planted the trees and shrubs must be, maintained in a healthy condition to the satisfaction of the responsible authority.
11. The exterior colour of the fertiliser storage shed must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the fertiliser storage shed

including the roof must be of a non-reflective nature. Cladding materials must either be 'Colorbond' or painted in muted shades of green, brown, or other colours approved by the responsible authority. All paintwork must be maintained to the satisfaction of the responsible authority.

12. The surface of the access lanes must be treated to the satisfaction of the responsible authority to prevent dust and drainage runoff causing a loss of amenity to the area.
13. The use must not detrimentally affect the amenity of the area, through the:
 - a. transport of materials, goods or commodities to or from the land.
 - b. appearance of any building, works or materials.
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. presence of vermin.
14. Noise levels emitted from the site must not exceed the permissible levels specified in state Environment Protection Policy No N-1.
15. Prior to the commencement of the development, the operator of the use must submit an environment management plan for the operation of the fertiliser storage facility for approval to the satisfaction of the responsible authority. the environment management plan must include (but not necessarily be limited to):
 - a) the type of fertilisers to be stored in the facility
 - b) measures to control noise and dust
 - c) the management of stormwater and wastewater
16. The use must be conducted in accordance with the approved environment management plan.
17. Should dust become a problem for near neighbours then treatment of the road should be incorporated in Councils dust suppressant programme at the applicants cost.
18. No polluted and/or sediment laden runoff is to be discharged, directly or indirectly into Melbourne Water's drains or watercourses.
19. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
22. The layout of the subject land and the size of the proposed dam, as shown on the endorsed plan, may not be altered or modified without the written consent of the Responsible Authority.

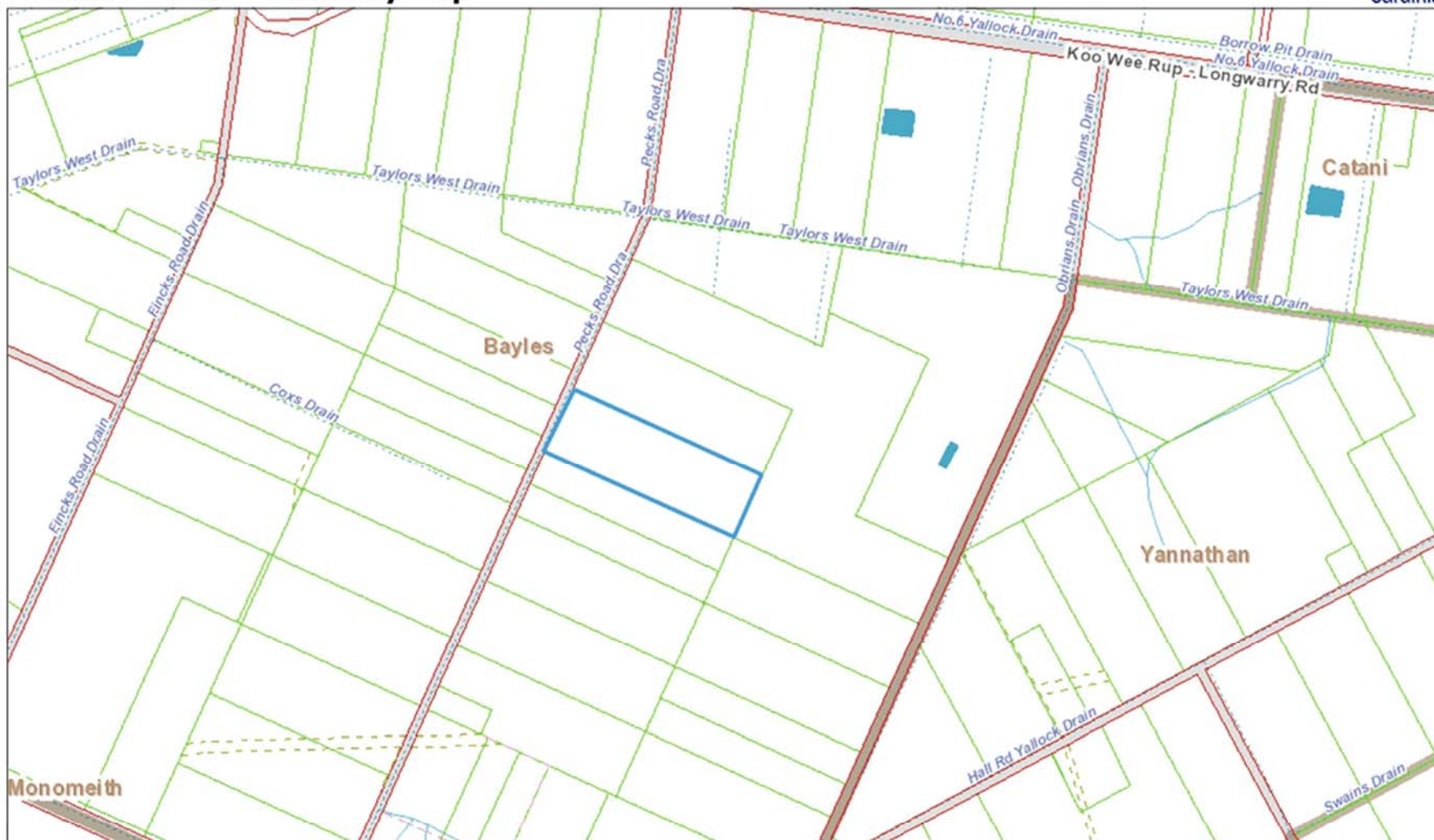
23. The dam must be sited and constructed to prevent damage or detriment to adjoining properties from the discharge of water from the dam.
24. The spillway of the dam must be constructed of rock or similar non-erodible material.
25. The construction and maintenance of the dam must be in accordance with the specifications contained in the publication 'How to prevent dam construction failures', prepared by the Department of Environment Land Water & Planning.
26. Any topsoil on the proposed dam site must be stripped and stockpiled for spreading on all disturbed ground above the full supply level.
27. The top and outside face of the dam wall must be covered with a minimum of one hundred and fifty millimetres (150mm) of topsoil and must be sown with a suitable grass species to prevent erosion, to the satisfaction of the Responsible Authority.
28. A dam is to be constructed to contain runoff from the impervious areas. the dam is to provide approximately 184 cubic metres of freeboard storage with a controlled outlet of 1l/s.
29. The use must comply with the EPA's guidelines for wastewater reuse and guidelines for wastewater irrigation.
30. This permit will expire if:
 - a) the use and development is not commenced within two (2) years of the date of this permit; or,
 - 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 before the permit expires or within three (3) months afterwards.

Notes:

- i. The site must comply with Noise from Industry in Regional Victoria (NIRV) night period noise levels.
- ii. The site must comply with all relevant Environmental Protection Authority (EPA) legislation.

T990164 - 2 APP - Locality Map



598.5 0 299.25 598.5 Meters

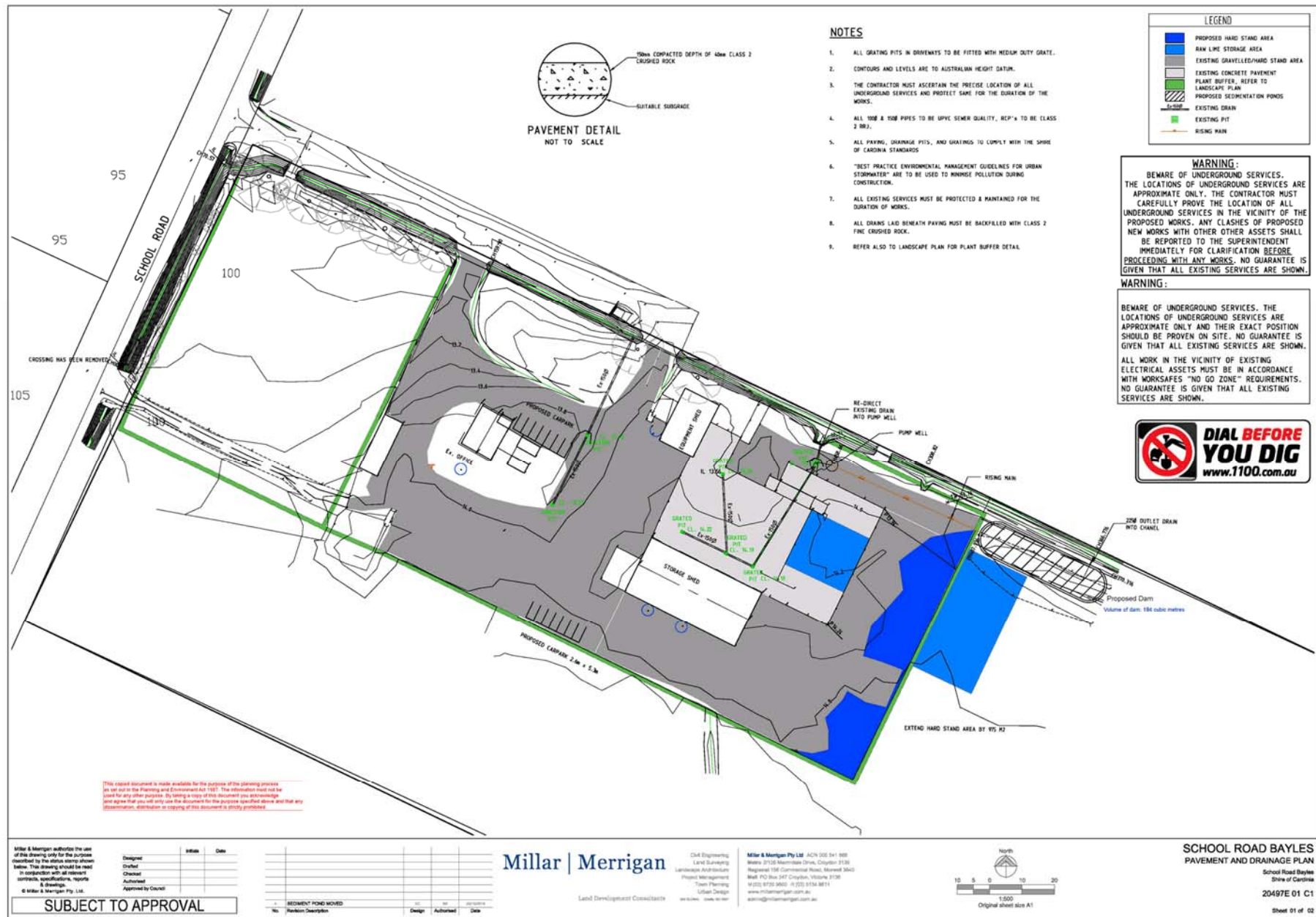
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Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

21-Jul-2017

Notes









25 October 2016

Frances Stipkovic
Senior Statutory Planner
Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

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Attention: Frances Stipkovic

Dear Frances,

Re: Application No. T990164-2 – Use and Development of the land as a rural store – 100 School Road, Bayles.

Further to your request for additional information dated 8th August 2016, we enclose the following supporting material to satisfy the points raised in said letter.

- Pavement and Drainage Plan 20497E_01_C1 (Site Plan);
- Drainage Long Section and Truck Turn 20497E_01_C2); and
- Landscape Plan 20497_L01.

In response to the points raised in your letter, we provide the following:

1. *An amended site plan to show:*
 - The additional graveled area and additional hard surface area clearly defined with the area (m²) notated;
 - The finished surface level of the works notated (AHD);
 - Vehicle access from the western boundary (School Road) closed off;
 - All relevant details as per the current endorsed plan (i.e. location and use of each building, staff car parking, vehicle access etc.).

Response:

The site plan (20497E_01_C1) has adhered to the requirements as set out above. The attached amended Site and Landscape Plans detail the following:

- The additional gravelled area and additional hard surface area which represents an increase of 975m²;
- The finished surface level of the works notated (AHD);
- A cross section detailing the works required for the proposed dams;
- Vehicle access from the western boundary (School Road) removed;
- Siting and use of each building, staff car parking and vehicle access; and
- Landscape plan detailing the proposed additional planting including the location, species and approximate height.

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2. *A cross section detailing the works required for the proposed dams.*

Response:

A cross section detailing the works required for the proposed dams can be found on the attached plan 20497E_01_C2 accompanying this letter.

3. *An amended landscape plan detailing the proposed additional planting including the location, species and approximate height.*

Response:

A detailed landscape plan (20497_L01) accompanies this submission. The plan details the location and extensive planting proposed by the applicant. The planting schedule highlights the specific details of species proposed as requested, the planting represents a mix of canopy and understory native plantings.

4. *The maximum number of vehicles (trucks) to enter and exit the site outside the approved hours of operation clarified.*

Response:

In response to bullet point 4, currently the client has stated that the number of trucks operating from the Bayles Fertiliser Plant is 2.

The client has indicated that the most number of trucks operating from the site in the future will be 5. This is based on present and future supply demands of clientele in the region and the applicants request to obtain approval of 10000t per annum of inorganic fertiliser and 10000t per annum of organic fertiliser to be stored and held on site.

As such traffic volumes are based on the maximum number of truck movements and is calculated on the changed conditions of the site pending approval of this application. It is envisaged that based on increased tonnage and therefore increased trucks operating from the site, the total truck movements outside of the operational hours will be 10 per day.

The nominated number of 10 truck movements outside of the operational hours' curfew within this period are based on a worst-case scenario.

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NBAgroup

Planning & Implementing Success

Further to our response to the information requested, the applicant also requires an amendment to the wording of condition 3 of the original amendment application under section 50A of the planning and environment Act 1987. Condition 3, as originally lodged, currently states:

3. *The maximum volume of fertiliser (organic in nature and inorganic) stored and handled on site will not exceed 10000t/pa. This excludes the transporting of products directly to the customer's site.*

The applicant/owner hereby requests an amendment to the wording of the condition to state the following:

3. *The maximum volume of fertiliser organic in nature stored and handled on site will not exceed 10000t/pa. The maximum volume of inorganic fertiliser stored and handled on site will not exceed 10000t/pa. This excludes the transporting of products directly to the customer's site.*

Response:

The applicant requests an increase to the total tonnage to be stored on site to better reflect the needs of clientele. As specified in the original amendment application, the applicant business is a growing business and the Bayles site acts as the westernmost distribution point to service the growing clientele within the West Gippsland agricultural catchment.

It is noted that the maximum number of vehicle movements is based on the applicant obtaining approval to store and handle up to 20000t/pa of fertiliser on site and as such represents the maximum numbers of vehicles accessing the site outside of the existing operational curfew. As specified in bullet point 4, total maximum truck movements within this period are estimated to be 10.

If you have any queries, please don't hesitate to contact me.

Regards,



Nick Anderson
Managing Director

Environmental Management Plan

Gibson's Groundspread

Bulk Fertiliser Storage Facility

100 School Road, Bayles

Planning Permit No T990164

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Table of contents

1. Introduction

2. The Site and Surrounds

3. The Facility

3.1 Storage and Distribution

3.2 Capacity of the Facility

3.3 Types of Products Handled

3.4 Movement of Product

3.5 Hours of Operation

3.6 The Fertiliser Storage Shed

3.7 Dams

3.8 Access Driveway

3.9 Fuel Storage

4. Environmental Management

4.1 Enclosure of Activities

4.2 Dust Management

4.3 Water Management

4.4 Soil Protection

4.5 Odour

4.6 Noise

4.7 Visual Amenity

5. Conclusion

Appendices:

1. Planning Permit and Endorsed Plans

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1. Introduction

This Environmental Management Plan has been prepared pursuant to Condition 11 of Planning Permit No. T990164 issued by Cardinia Shire Council on 12 May 2000 for a Bulk Fertiliser Storage Facility at 100 School Road, Bayles.

Copies of the planning permit and endorsed plans are attached at Appendix 1.

The facility was originally operated by Mr Ralph Townley and his family.

The facility is currently operated by the land owner, Gibson's Groundspread.

2. The Site and Surrounds

The subject site is located approximately 1.2 kilometres south-east of the Bayles township between School Road to the west and O'Briens Road to the east.

The site comprises Crown Allotment 85 in the parish of Yallock. The site is rectangular in shape and has frontage to School Road of approximately 100m. The total area of the site is approximately 4 hectares.

Access to the site is from the north west corner of the property via School Road.

Set back approximately 90 metres from School Road is the old Townley residence which has been converted to an office. A number of small, incidental sheds exist on the site adjacent to the office (the old residence).

Around the office building is gravelled hardstand area for employee and customer parking, and also fertiliser spreading truck parking.

East of the office is a 20 x 35m (approximately) enclosed shed for storing inorganic fertiliser. To the north of this shed is a concrete area for the storage and loading of lime, gypsum and Revive. It also contains a weighbridge for weighing of trucks prior to delivery to customer. Adjacent to this area is also a smaller shed, approximately 15 x 20m in size. A refuelling station is located on the west side of this shed for refuelling trucks and loaders etc. Around the shedding and concrete hardstand area will be a rocked hard stand area to facilitate all weather access and egress for the trucks to deliver product and access the loading site whilst minimising potential for mud developing and the subsequent soil degradation from driving through wet paddocks.

The balance of the site predominantly consists of improved pasture and is currently used for grazing purposes.

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3. The Facility

This section describes the details of the Bulk Fertiliser Storage Facility.

3.1 Storage and Distribution

The facility will be used to store finished inorganic fertilisers, lime, gypsum and Revive Compost that have been transported in bulk to the site. Individual loads of products will then be delivered to customers as required. It must be emphasised that the operation involve the storage and distribution of finished fertilisers only. The facility will not be used to manufacture fertiliser in anyway. There will be no retail sales from the site.

The fertiliser storage shed is used to store the inorganic fertiliser products. The other, smaller shed located to the north of the fertiliser storage shed is used to store machinery, maintenance equipment and other equipment associated with the fertiliser operation. Organic products will be stored outside on the hardstand area adjacent to the shedding.

3.2 Capacity of Facility

The maximum volume of fertiliser stored and handled on site will not exceed ~~10000t/yr~~ 20,000t/yr

This excludes the transporting of products directly to the customer's site.

3.3 Types of Products Handled

The inorganic fertilisers stored on the site will be Nitrogenous, Phosphate and Potassic products such as superphosphate double, urea, MAP trace element blend, pasture fertiliser, hay booster and Gold Blend. In addition organic in nature products such as lime (calcium and magnesium carbonates), gypsum and Revive will also be stored.

The inorganic fertiliser products to be stored on site are granular rather than powder form and are, for the most part, "coated" to provide slow release characteristics. The fertiliser products are very similar to the common brands of domestic fertiliser such as "Osmocote" which can be purchased in a variety of retail outlets including supermarkets. It is widely regarded that this form of coated fertiliser product minimises dust and odour generation.

3.4 Movement of Product

All loading and unloading of inorganic products will be conducted within the fertiliser storage shed using a front end loader or conveyor type loading mechanism. Loading and unloading organic in nature products such as lime (calcium and magnesium carbonates), gypsum and Revive will be conducted adjacent to the fertiliser storage shed.

3.5 Hours of Operation

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The facility will only load, unload or blend different products on site between the hours of 6.00am and 6.00pm, Monday to Saturday.

Access to the site will be between 3.00am and 9.00pm unless extenuating circumstances were to apply. It is noted that the fertiliser business is seasonal with the peak period of activity being March to May. Winter and summer are generally quiet periods.

3.6 The Fertiliser Storage Shed

The fertiliser storage shed is sited approximately 140 metres from the School Road boundary, almost in the centre of the property. The shed is fully enclosed around approximately 95% of its perimeter. One corner is unenclosed to allow the blending and loading apparatus to operate. This is on the north east corner of the shed so as not to be affected by the prevailing westerly wind. The enclosing of the shed substantially limits potential dust emissions. The internal floor of the shed is concrete to prevent any leaching of bulk fertiliser into the ground.

3.7 Dams

In accordance with Condition 13 of the planning permit a series of 3 dams will be established to capture surface run off water from the fertiliser storage shed and adjacent paved areas. The dams will be utilised as sediment basins and the water reused on the site (refer to section 4.3 Water Management for further details). The dams will provide approximately 400 cubic metres of freeboard storage with a controlled outlet of 1 l/s.

3.8 Access Driveway

Access to and from the facility will be from School Road. This access is via a shared driveway on the northern boundary of the property.

3.9 Fuel Storage

A diesel and petrol refuelling point is located on the western side of the smaller equipment shed. It contains approximately 30000L of diesel and 850L of petrol in a fully bunded area. This fuel storage facility is fully compliant with current Dangerous Goods legislation.

4. Environmental Management

The following environmental management measures will be undertaken in the operation of the Bulk Fertiliser Storage Facility.

4.1 Enclosure of Activities

The primary method of environmental management will be by the enclosure of the inorganic products within the fertiliser storage shed.

All storage operations of inorganic fertiliser will occur within this shed. The shed also has a concrete floor. Thus the potential for inorganic fertiliser to escape from the shed or polluting the surrounding environment is very limited.

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In the event of fertiliser spillage, the operator will immediately sweep the product up and return it to the appropriate storage bay within the enclosed shed. Due to the high cost of inorganic fertiliser, prompt and efficient clean up measures will be undertaken.

4.2 Dust Management

The nature of the product itself will minimise dust emissions. As previously stated the inorganic fertiliser products are stored on the site in a granular rather than powder form and are for the most part “coated” for slow release purposes. This form of product produces very little dust.

The minimal amount of dust that is created by loading, unloading and storage activities will be contained by the enclosed nature of the storage shed as much practicable.

All fertiliser products will be transported to and from the site in covered vehicles to ensure dust escape is minimised. All internal driveways will be surfaced with crushed rock to reduce dust emissions from vehicular traffic.

4.3 Water Management

Whilst the loading, unloading and storage activities of inorganic products will be undertaken within the enclosed shed, a water management regime will be implemented to maximise the protection of land, groundwater and surface water from pollution of concentrated, inorganic fertiliser products.

A stormwater diversion system will be installed to collect storm water runoff from the concrete area adjacent to the storage shed, and also storm water from the shed itself. The concrete area may be subject to some deposition of materials from the truck wheels etc. This run off will be diverted to the series of 3 dams located adjacent to the storage shed. The potentially contaminated water will be directed to dams together with general runoff to allow sediments to settle out of the water. The water will then be used to irrigate the landscaped areas and the pasture on this site. The dams will have “Dirty Water” signage to alert visitors of the potential contaminants within the water. All water reuse will comply with the EPA’s Guidelines for Wastewater Reuse (Publication 464) and Guidelines for Wastewater Irrigation (Publication 168) in accordance with Condition 14 of the planning permit.

The enclosure of operations and good housekeeping practices will keep the premises in a clean state. This will ensure that the stormwater collected from the shed roof and concreted area remains of acceptable standard as irrigation water. During the course of a storm event excessive runoff water will be discharge into the local drainage network.

As the fertiliser storage shed and the adjacent hardstand area will have an impermeable concrete floor the operation will not pose a risk to groundwater.

4.4 Soil Protection

Soils on the site will be protected from contamination as a result of the measures described above.

4.5 Odour Control

The operation will involve the storage and distribution of finished inorganic, coated fertilisers, lime, gypsum and Revive Compost. No manufacturing of fertilisers will occur on the subject land. Odour

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causing, organic fertilisers such as manure will not be stored or handled on site. Thus there is no opportunity for odours to emanate from the operations and have a detrimental impact on nearby properties.

4.6 Noise The enclosure of the inorganic fertiliser loading, unloading and storage activities will mitigate the majority of the noise that could be generated from the site. The distance of the storage shed from nearby houses (closest house approximately 175 metres) and the hours of operation will also curtail any noise that may emanate from the operation and be inconsistent with the local farming orientated area. Noise generated from any other activities on site will be consistent with the noise typically generated from any other farming enterprise located close to the site.

In accordance with condition 10 of the planning permit, noise levels will comply with State Environmental Protection Policy No. N-1.

4.7 Visual Amenity

Approximately 500 trees have been planted on the site over recent years. As these trees mature they will contribute to the visual screening of the shedding from outside the property. A new landscaping plan will be developed to further develop the landscaping of the site. This will include trees, shrubs and groundcovers, and details of mulching. Once planted the trees and shrubs will be maintained in a healthy condition to the satisfaction of the responsible authority.

In accordance with Condition 7 of the existing planning permit, the exterior of the fertiliser storage shed is clad in materials of a non-reflective nature like colourbond, or painted in muted shades of green, brown or other colours approved by the Responsible Authority.

5. Conclusion

Subject to compliance with the planning permit and this Environmental Management Plan, this Bulk Fertiliser Storage Facility will not have a detrimental impact on the local environment or amenity of the area.