

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

22 November 2016

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City of Greater Shepparton

Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land

Tatura Abattoirs
Tatura Milk Industries
Unilever Industries

June 2011

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1 INTRODUCTION

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

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

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

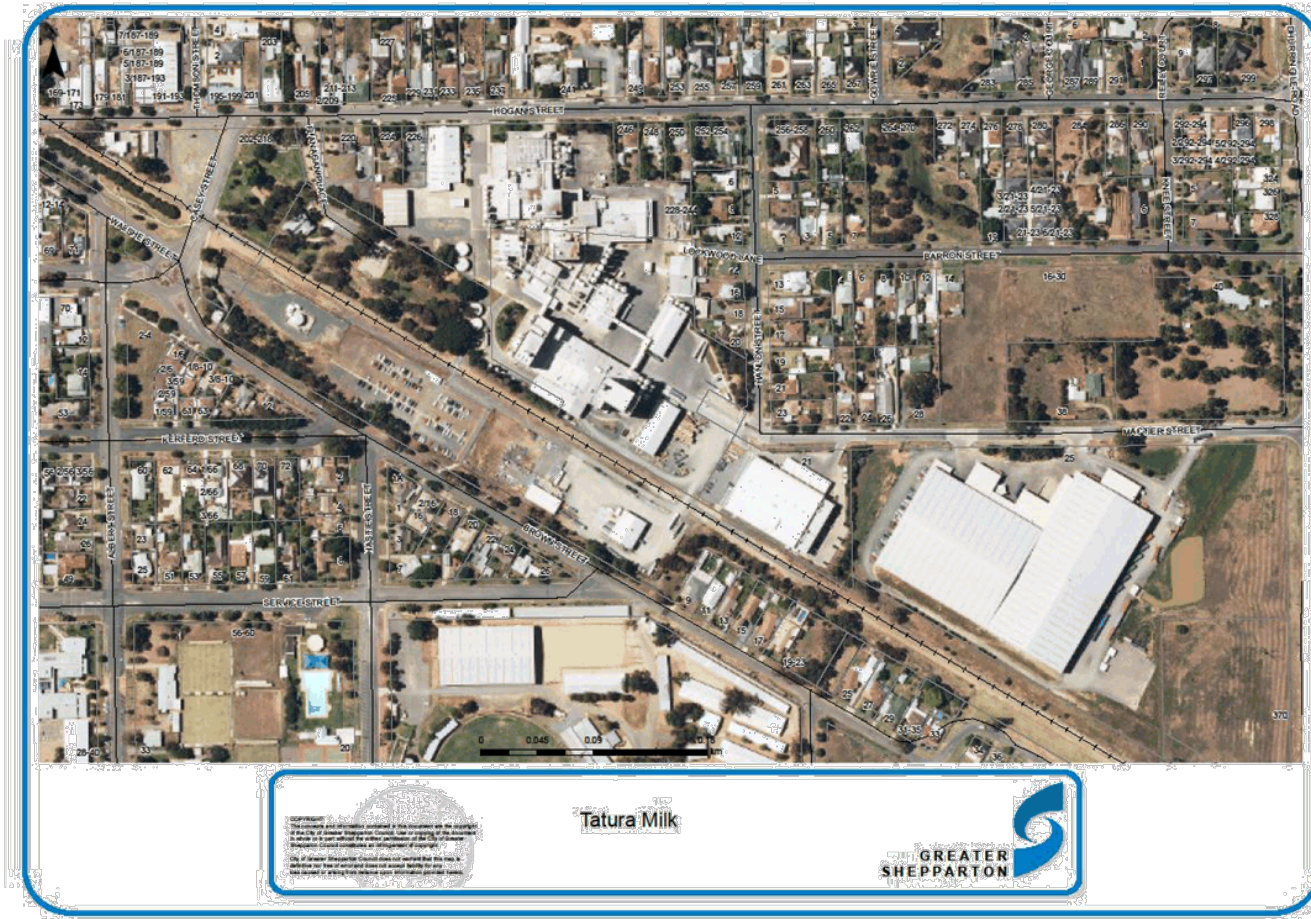
- Consideration of all relevant strategic planning reviews;
- An analysis of the relevance of the existing Municipal Strategic Statement (MSS) and local polices;
- A commentary on the degree to which the existing Local Planning Policy Framework (and other parts of the planning scheme) meet the objectives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

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

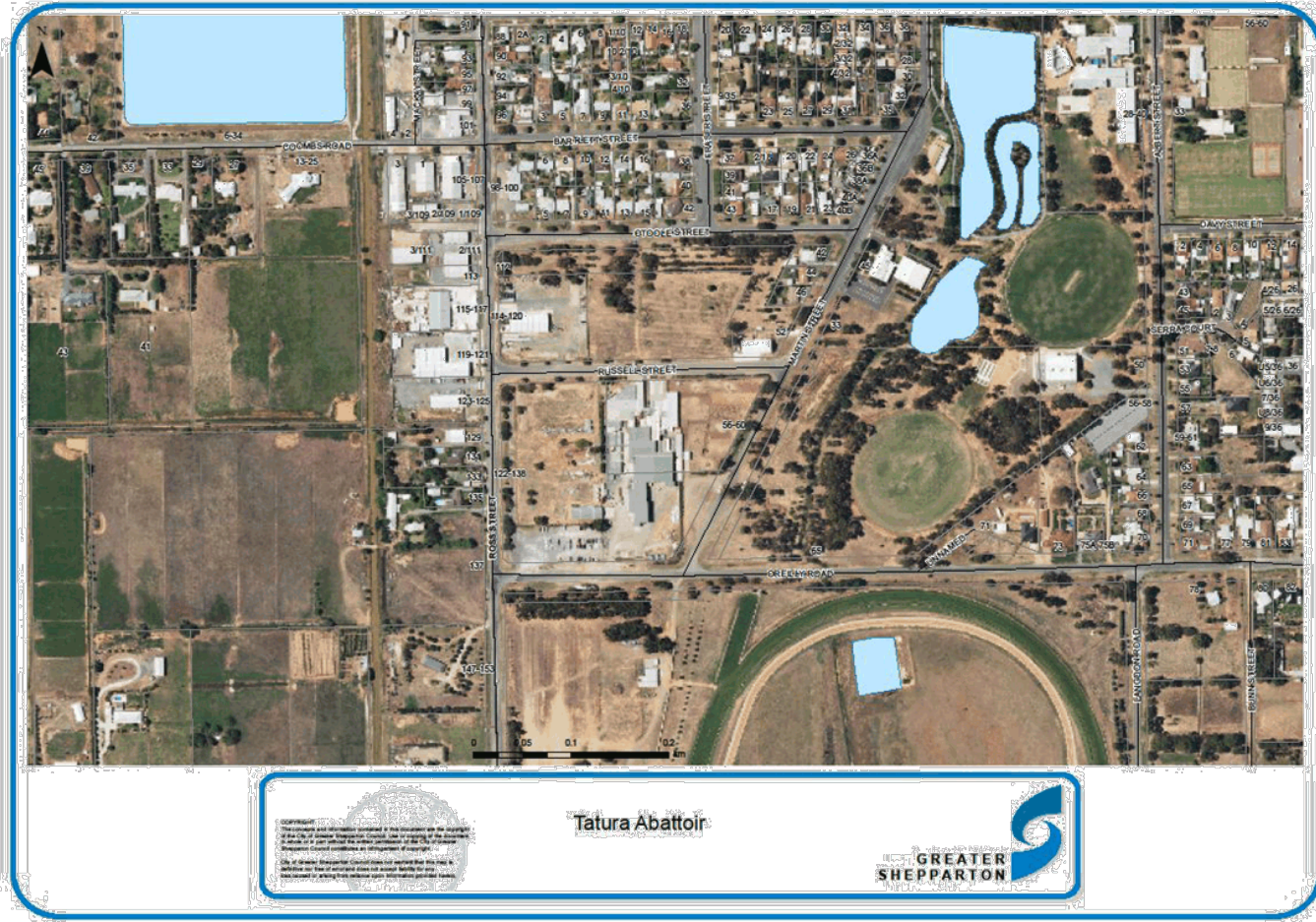
- Establish a long term framework for land use planning and development on the site; and
- Outline an economic development framework to guide investment and promote economic prosperity in Tatura.

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

Figure 1: Aerial photo of all three sites







2 SITE CONTEXT

2.1 Tatura Abattoir Site

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

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

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

The Tatura Milk Industries land is in two parts.

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

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

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

2.3 Unilever Site

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

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

The site is on the east side of Park Street and is generally bounded by William Street to the north, the rear of residential properties in Mitchell Avenue to the east, and the railway line to the south.

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

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

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

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

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

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

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

3 PLANNING CONTEXT

3.1 Existing Planning Controls – Tatura Abattoir Site

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

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

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

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

3.2 Existing Planning Controls – TMI (Site One)

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

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

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

- Heritage Overlay
- Land Subject to Inundation Overlay

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

3.3 Existing Planning Controls – TMI (Site Two)

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

- Industrial 1 Zone
- Urban Floodway Zone

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

- Land Subject to Inundation Overlay

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

3.4 Existing Planning Controls – Unilever Site

The land contained in the shaded area on Figure 4 is all contained within the Industrial 1 zone under the Greater Shepparton Planning Scheme.

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

- Land Subject to Inundation Overlay
- Floodway Overlay

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

4 STRATEGIC PLANNING REVIEW

4.1 New Format Planning Scheme 1998

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2 Existing State Planning Policy Framework (SPPF)

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

Clause 10.02 of the SPPF has the following goal:

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

Clause 13 deals with Environmental Risks and has objectives including:

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

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

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

Clause 17 deals with Economic Development and has objectives including:

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

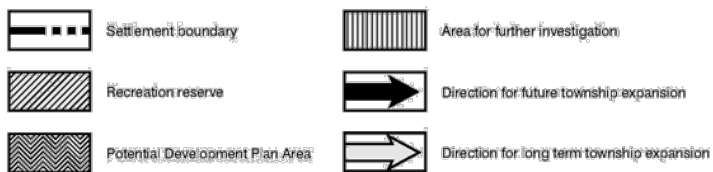
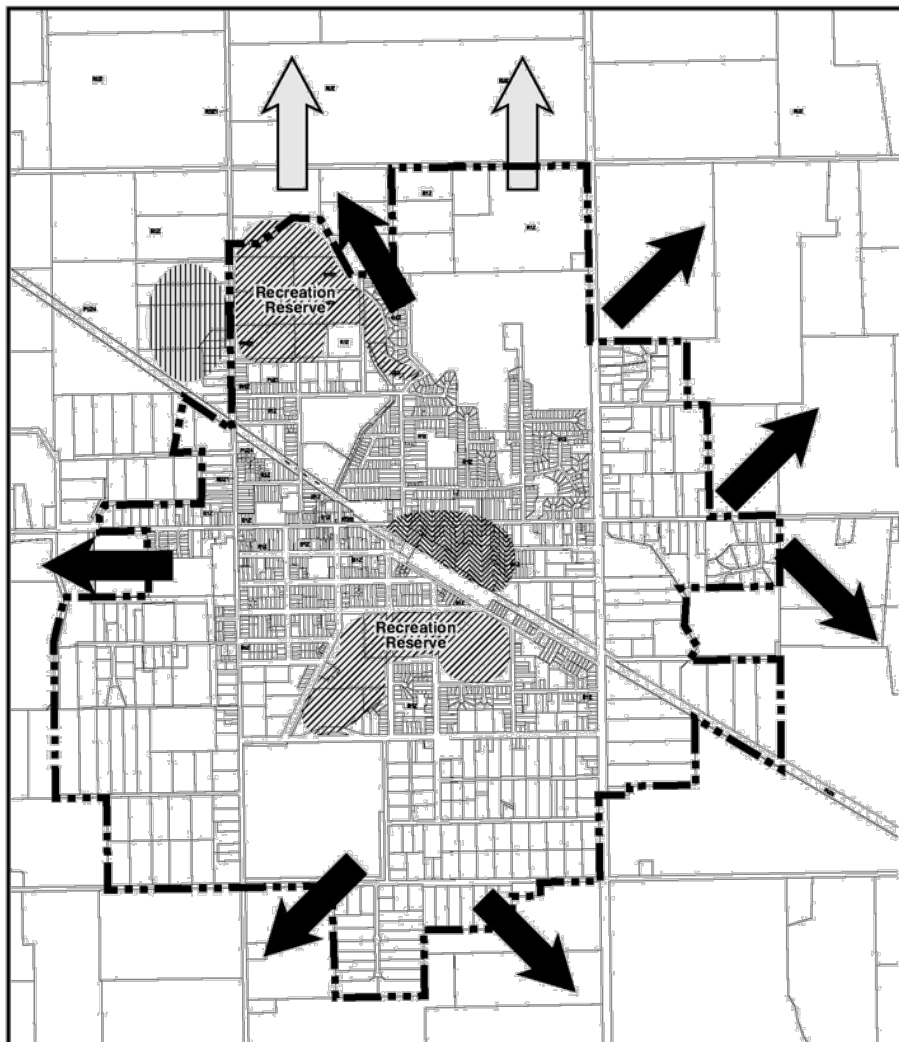
Clause 18 deals with Transport and has relevant objectives including:

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

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

4.3 Existing Local Planning Policy Framework (LPPF)

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



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

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

Related strategies include (with emphasis):

- *Consolidate existing major industrial zones within the new urban growth boundaries.*
- ***Protect existing industries and facilitate their expansion.***
- *Support new industries in established industrial zones, with access to infrastructure and constructed roads.*
- ***Support food related industries and value adding opportunities.***
- *Encourage new value adding industries to locate in existing serviced industrial areas.*
- *Protect the supply of future industrial land from encroachment of non industrial uses.*
- *Allow limited light industry in the townships if it relates to local agricultural production and subject to servicing and environmental constraints.*
- *Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.*
- ***Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.***

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

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

4.4 CoGS Industrial Background Report (2010)

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

Tatura is situated in the City of Greater Shepparton and has a population of 4,376 (ABS, 2006). The food processing sector is the major contributor to the town's economic output with manufacturing employing nearly 20% of the population (compared with 12% for regional Victoria). The major food processing employers include Tatura Milk industries, Snowbrand, Unilever and Tatura Abattoirs. This concentration of food processing facilities in the small town of Tatura provides for some unique planning challenges for the council and as such the City of Greater Shepparton is looking to capitalise on the expansion.

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

The Background Report also noted that:

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

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

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

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

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

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

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

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

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

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

4.5 City of Shepparton Housing Strategy (GSHS)

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

- Minimal Change
- Incremental Change
- Urban Growth

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

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

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

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

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

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

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

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

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

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

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

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

*To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
Protect existing industries and facilitate their expansion.
Support food related industries and value adding opportunities.*

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

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

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

5 PLANNING PERMIT HISTORY AND ANALYSIS

5.1 Recent Planning Permit Analysis – Tatura Abattoir Site

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

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

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

The application was advertised and four objections were received noting:

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

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

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

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

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

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

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

The abattoir has existed for decades and presently enjoys:

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

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

The need to extend the abattoir is driven by;

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

VCAT concluded that:

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

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

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

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

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

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The Tribunal confirmed Council's conditions.

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

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

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

5.2 Recent Planning Permit Analysis – TMI Site

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

A number of recent examples are relevant.

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

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

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

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

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

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

building.

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

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

3.2 Planning Permit Analysis – Unilever Site

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

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

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

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

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

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

- Drainage plans
- Landscape plans

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

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

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

5.4 Commentary

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

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

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

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

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

6 OPPORTUNITIES

6.1 Expansion Plans

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

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

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

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

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

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

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

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

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

- Office/Store
- Redeveloped Former Hospital Building

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

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

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

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

.....

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

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

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

6.2 Commentary

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

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

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

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

7 CONSTRAINTS

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

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

7.1 Existing Settlement Pattern and Residential Interface

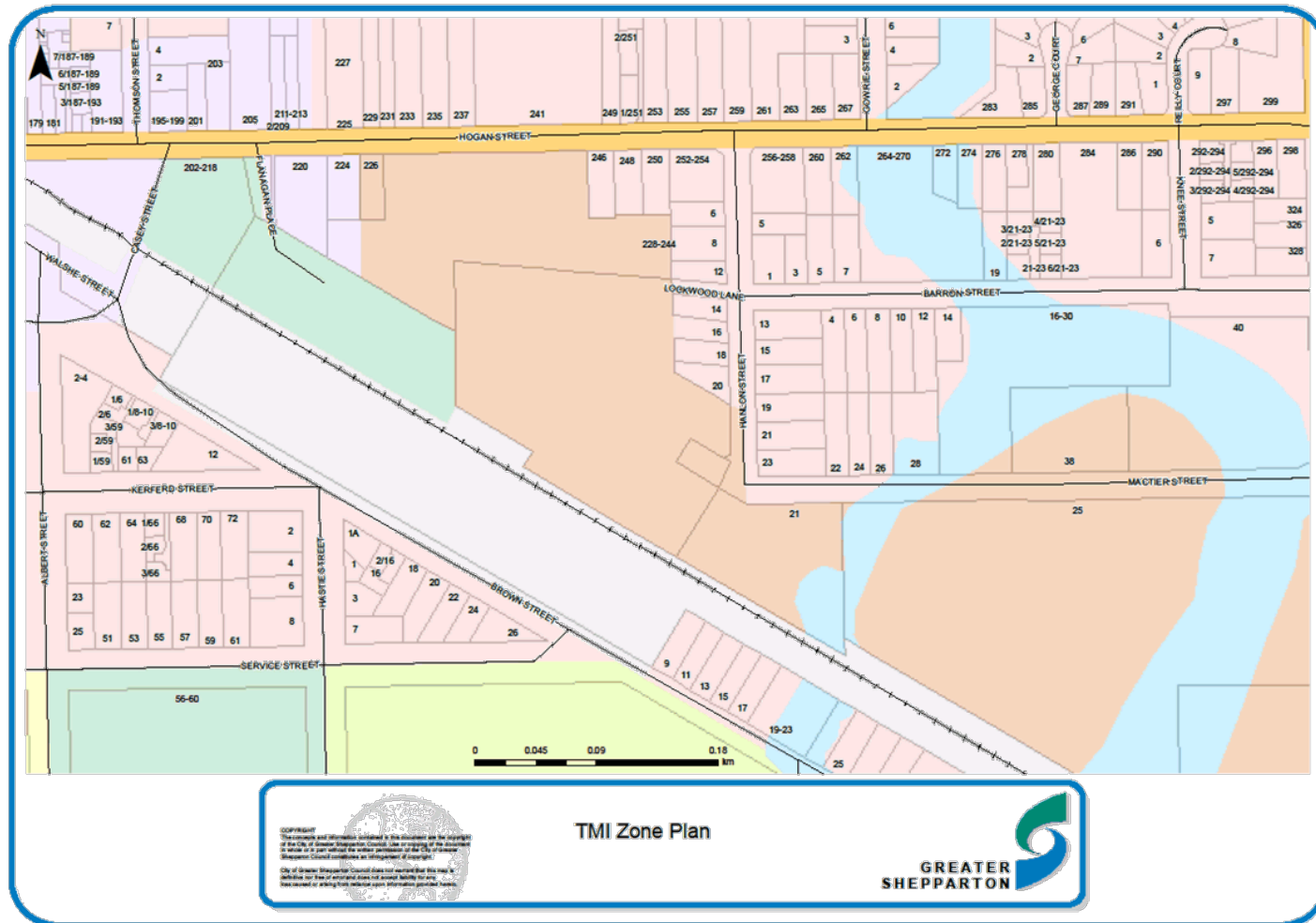
As evident from **Figure 3**, there is already an established settlement pattern of residential development around all three sites.

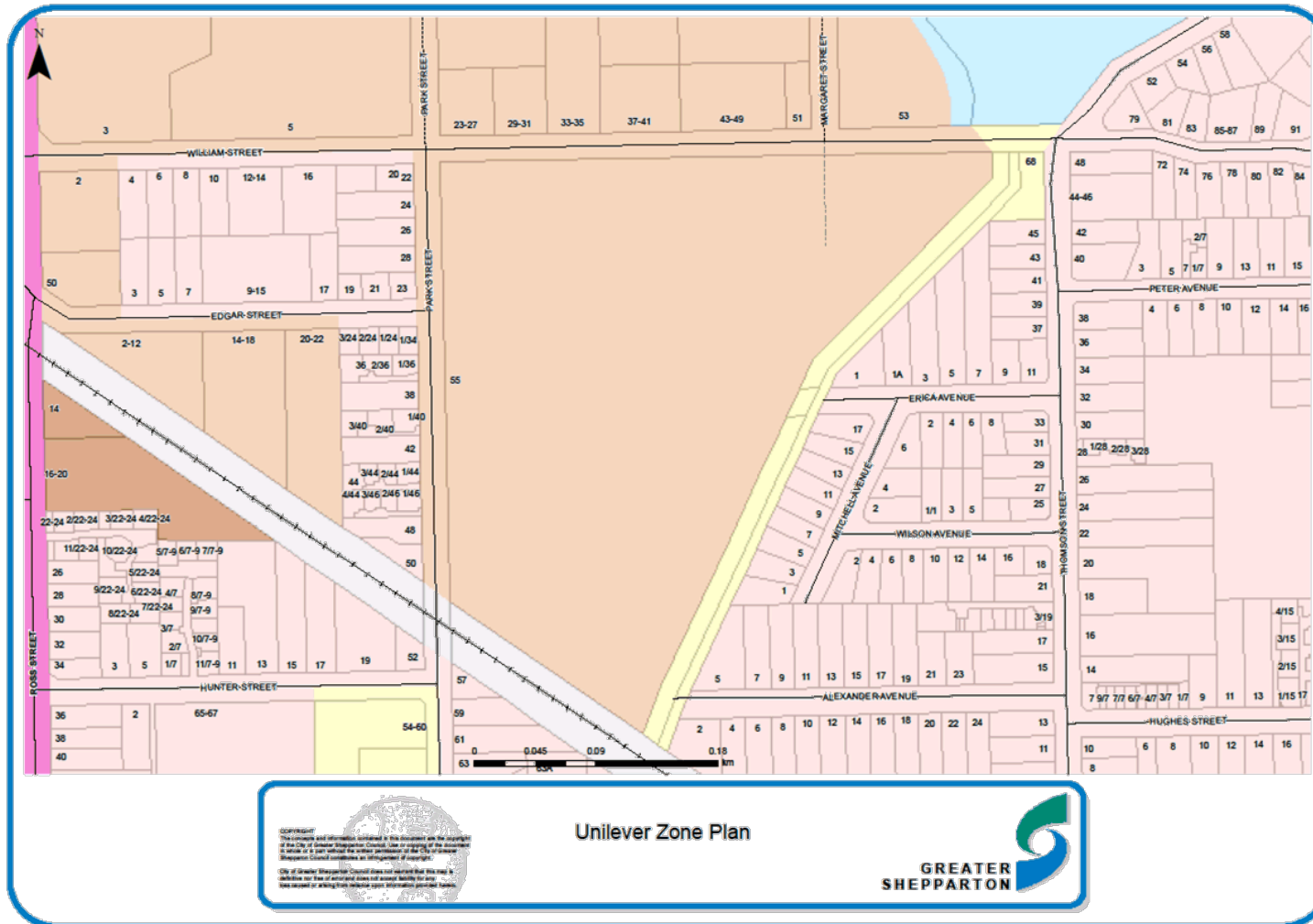
Near the **Tatura Abattoir** site there are a small number of houses on the west side of Ross Street and these are of the traditional detached housing form. All other surrounding land is industrial or open space although there is a large vacant parcel of land on the west side of Ross Street near its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

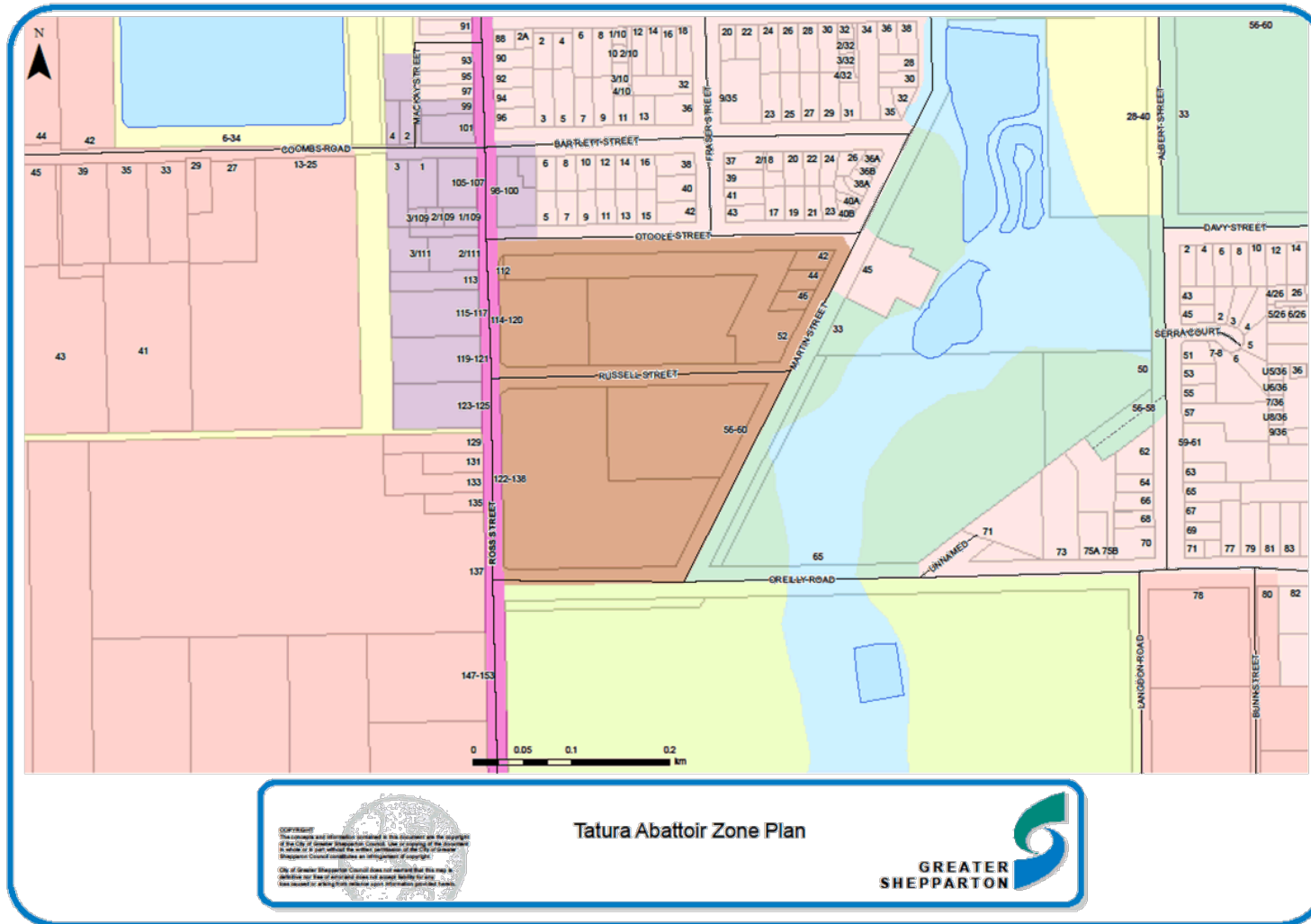
Near the **TMI** site there are about 50 houses within close proximity to the TMI property. These are mainly on the southern, northern and eastern side of the site and are mainly of the traditional detached housing form. That said, there is evidence of some modest medium density emerging to the north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

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

Figure 3 – Zoning Plans for the three sites







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

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

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

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

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

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

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

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

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

5.4 Commentary

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

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

8 PLANNING CONTROL OPTIONS

8.1 Tatura Abattoir

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

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

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

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

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

8.2 TMI Master Plan (Sites 1 and 2)

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

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

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

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

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

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

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

The zoning options are now assessed in more detail.

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

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

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

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

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

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

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

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

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

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

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

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

- *Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.*

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

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

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

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

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

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

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

8.3 Unilever Site

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

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

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

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

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

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

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

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

8.4 Noise Attenuation Overlay Option – All Sites

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

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

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

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

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

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

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

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

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

8.5 Other Zone Options

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

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

8.6 Commentary

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

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

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

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

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

9. SUGGESTED PLANNING CONTROLS

9.1 Tatura Abattoir

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

9.2 Unilever

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

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

9.3 TMI Master Plan

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

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

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

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

Relevant details of the proposed Master Plan include:

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

9.4 SUZ Structure

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

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

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

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

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

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

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

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

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

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

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

The Special Use Zone would include an exemption from the notice and review requirements of the Act for use, development and subdivision subject to it being generally in accordance with the *Tatura Milk Industries Master Plan 2011*. This exemption does not apply to an application within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The zone will be accompanied by an **Incorporated Document at Clause 81** which contains the Master Plan and related requirements. These requirements will specify detailed building setback and height controls which should be complied with. These controls provide that development must not be closer to the site boundary than:

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

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

Site 1

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

Site 2

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

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

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

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

9.5 Commentary

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

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

10. RECOMMENDATIONS

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

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

11. PROPOSED ZONE SCHEDULE

SCHEDULE 9 TO THE SPECIAL USE ZONE

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

TATURA MILK INDUSTRIES – HOGAN STREET, TATURA**Purpose**

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

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

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

1.0**Table of uses****Section 1 - Permit not required**

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

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

Section 2 - Permit required

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

Section 3 - Prohibited

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

2.0**Use of land****Application requirements**

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

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

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

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

3.0 BUILDINGS AND WORKS

Permit requirement

A permit is not required to construct or carry out:

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

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

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

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

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

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

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

4.0 Car parking

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

5.0 Exemption from notice and review

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

6.0 Decision guidelines

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

- The *Tatura Milk Industries Master Plan 2011*.
- The views of the Environment Protection Authority on the Stormwater Management Plan, the Environmental Management Plan, the Noise Reduction Plan, the Air Emissions Reduction Plan and the Staging Plan.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.

- The illumination of buildings and their immediate spaces.
- The interim use of those parts of the land not required for the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- Provision for vehicle and bicycle parking.
- Provision for the loading and unloading of vehicles.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- The storage of rubbish and materials for recycling.
- The provision of solar access.

7.0 Maintenance

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

8.0 Advertising signs

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

City of Greater Shepparton

Greater Shepparton Planning Scheme

Tatura Milk Industries Master Plan
2011

Incorporated Document

1. Introduction

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

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

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

2. The Land

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

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

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

3. Purpose

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

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

4. What does this document provide for?

4.1 Use

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

4.2 Development

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

4.2.1 Setbacks

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

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

4.2.2 Landscaping

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

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

4.2.3 Building Heights

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

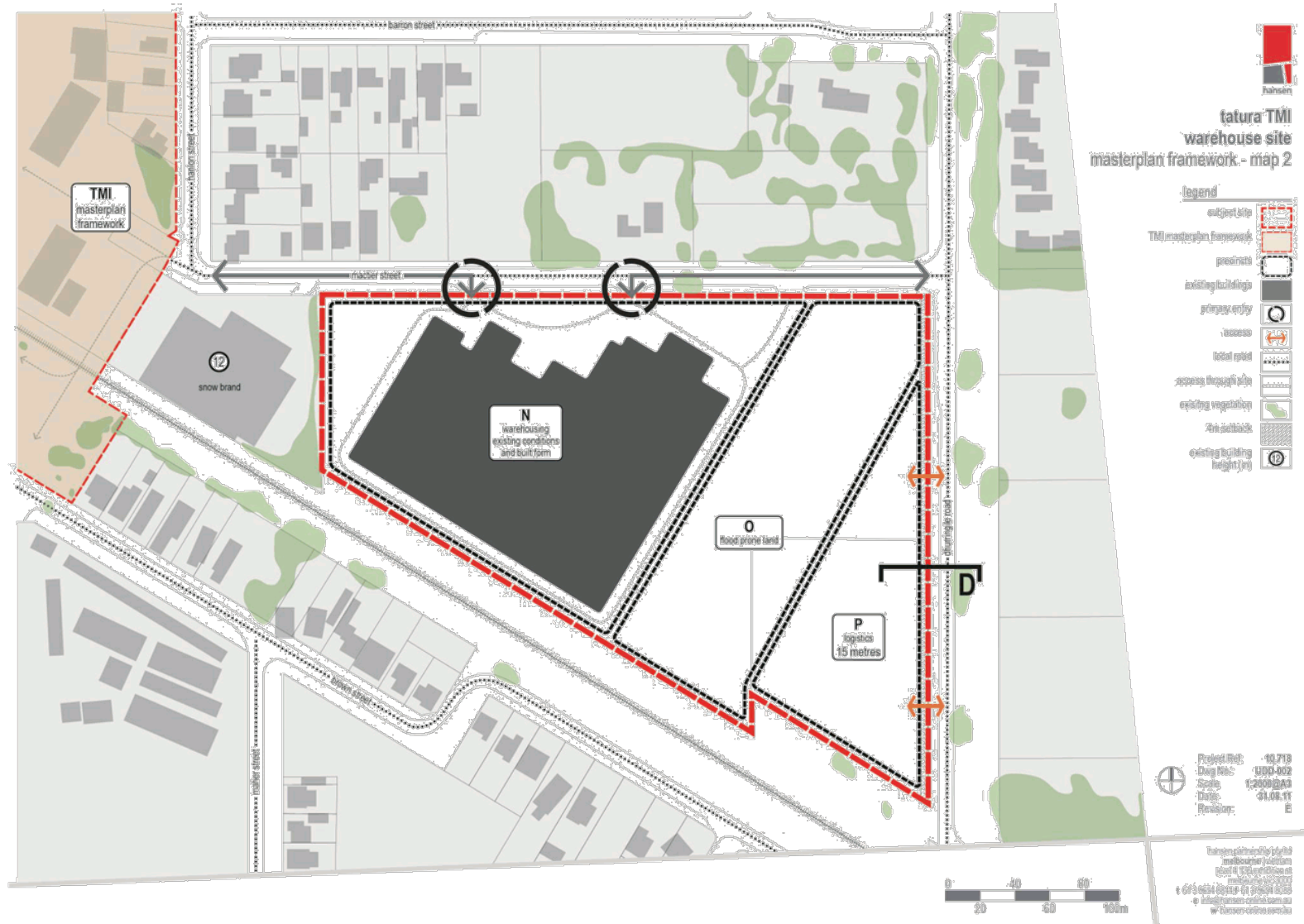
Site 1

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

Site 2

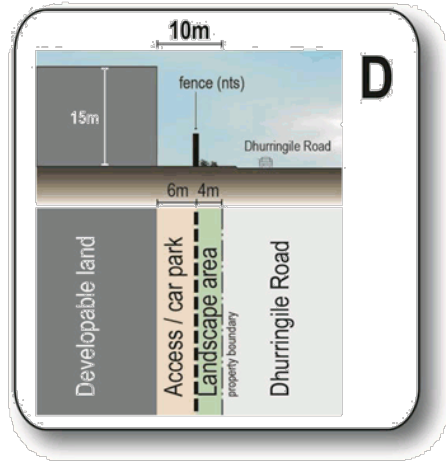
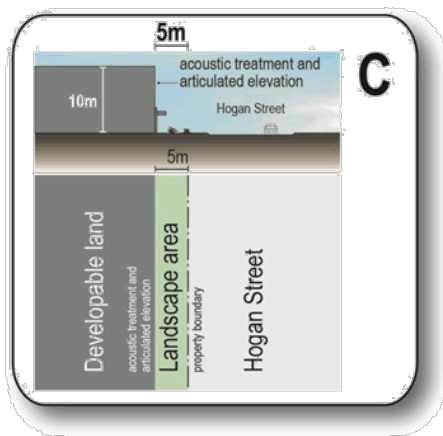
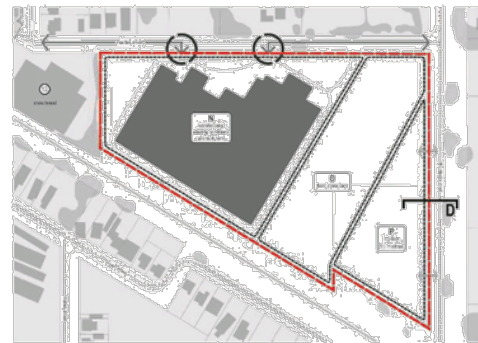
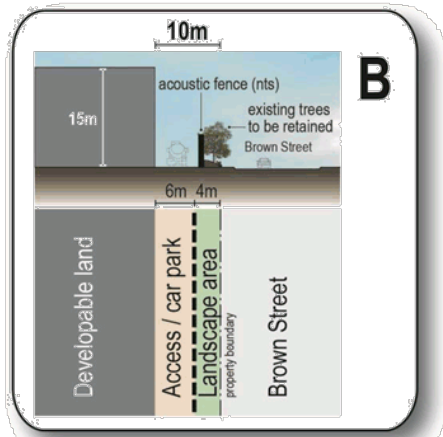
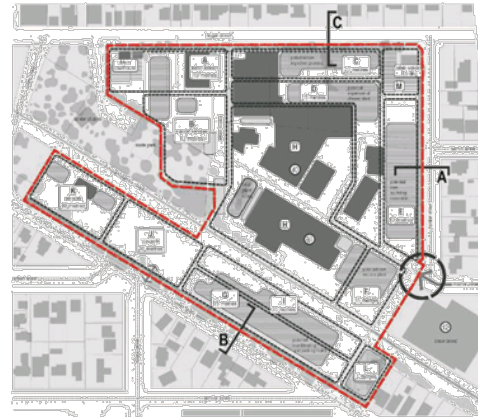
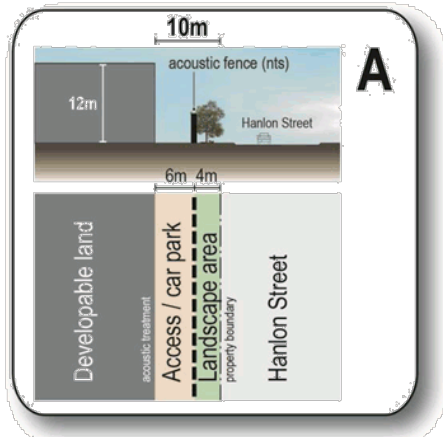
- | | |
|--------------|-------------------------|
| • Precinct N | As per existing heights |
| • Precinct O | None specified |
| • Precinct P | 15 metres |

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



Greater Shepparton Planning Scheme – Tatura Milk Industries Master Plan 2011 Incorporated document

tatura TMI
cross sections - map 3





City of Greater Shepparton

Greater Shepparton Planning Scheme
Strategic Review of Tatura Industrial Land

Addendum Report
(Interim)

Tatura Abattoirs Site

June 2016

Keaney Planning
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Maribyrnong VIC 3032
Mob: 0411 147 559
Email: keanplan@bigpond.com

1 INTRODUCTION

The township of Tatura has a number of advantages over other similarly sized towns in regional Victoria. The presence of three significant food related industries gives the town a 'critical mass' in terms of being able to attract and retain, employees and their families. This has long term implications for the growth of the town and the provision of adequate industrial, commercial, community, education and housing opportunities.

With the assistance of the Department of Innovation, Industry and Regional Development (DIIRD), Greater Shepparton City Council commissioned a review of industrial land in Tatura in 2010 comprising of three components:

- Transport Assessment Study (Aurecon)
- Strategic Planning Review (Keaney Planning) including the TMI Site Plan; and
- Tatura Industrial Development Framework (Essential Economics).

The Strategic Planning Review analysed all of the industrial land in Tatura, specifically the three major industrial sites of:

- The Tatura Abattoir;
- Tatura Milk Industries (TMI); and
- Unilever.

The Tatura Abattoir, Unilever and TMI facilities were acknowledged as important local employers whose future in the town was actively encouraged by state and local government and by industry and other stakeholders.

The *Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land June 2011* (the 'Review') supported the continued growth and development of all three industries in Tatura.

The 'Review' was adopted by Council in July 2011 and it included;

- A consideration of all strategic planning reviews relevant to Tatura;
- An analysis of the relevance of the existing Municipal Strategic Statement (MSS) and local policies;
- A commentary on the degree to which the existing LPPF (and other parts of the planning scheme) meet the objectives of strategic plans for the three sites;
- A commentary on the adequacy of existing zones, overlays and schedules (as appropriate) on the three sites;
- An analysis of options for alternative zones, overlays and schedules;

- An assessment of the *TMI Master Plan* (being the only Plan available at that time) which had been prepared to establish a long term framework for land use planning and development on the site;
- Recommendations on modified zones, overlays and schedules to reflect the *TMI Master Plan* and other adopted strategic work;
- Provision of a suite of modified (draft) planning controls for the three sites.

The 'Review' noted the degree to which TMI were well advanced in a Master Planning exercise for its land and recommended that a new tailor made *Special Use Zone* was appropriate for that site linking the zone with the Master Plan. Importantly, the 'Review' noted that while Unilever and Tatura Abattoirs had yet to prepare Master Plans:

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

The 2011 'Review' ultimately recommended that Council prepare and exhibit an amendment to the Greater Shepparton Planning Scheme to implement the report including:

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

The 2011 'Review' has since provided the strategic justification for two amendments to the Greater Shepparton Planning Scheme being:

- The Tatura Milk site (TMI) Amendment C151
- The Unilever site Amendment C170

In both cases, the sites were rezoned to a Special Use Zone that reflected the adopted Master Plans, provided certainty for the owners, and protection for nearby sensitive uses, especially residential use. This 'Addendum Report' will briefly review the outcomes of Amendments C151 and C170; and will discuss the prospects of adopting a similar approach at the Tatura Abattoirs site.

2 TATURA MILK INDUSTRIES (TMI)

2.1 Tatura Milk Industries Sites

The Tatura Milk Industries land is in two parts. The main plant is generally bounded by Hogan Street, Hanlon Street, Brown Street and Mactier Park. This site is traversed by the Echuca railway line. Milk related industries have operated on the site since 1907. The main plant site contains the TMI factory buildings including two drying towers of about 42m in height. Other buildings on the main site include shed, warehouses, unloading areas, truck manoeuvring areas, weighbridge, main factory entrance (off Mactier Street), servicing workshops and open storage areas.

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

2.2 Amendment C151

Amendment C151 applied to land generally bounded by Hogan Street, Hanlon Street, Brown Street and Mactier Park, which is developed as Tatura Milk Industries (TMI). The amendment proposed to partly implement the findings of the *Strategic Review of Tatura Industrial Land, City of Greater Shepparton, June 2011*, in relation to the Tatura Milk Industries land. Specifically, the amendment proposed to:

- Amend the Tatura Framework Plan at Clause 21.04 in accordance with the findings of the review report;
- Amend Clause 21.06-3 to include references to the importance of the food related industries in Tatura in accordance with the findings of the review report.
- Amend Clause 21.06-7 by inserting changes to the Strategic Work Program
- Amend Clause 21.08 by inserting changes to the General Implementation of Zones and Overlays – Economic Development
- Amend Clause 21.09 to include the *Strategic Review of Tatura Industrial Land, June 2011* as a reference document.
- Rezone the Tatura Milk Industries land to the Special Use Zone.
- Include a new Schedule to the Special Use Zone (SUZ9).
- Amend Clause 81 to include the *Tatura Milk Industries – Master Plan* as an incorporated document.

The strategic analysis in the 'Review' supported the continued growth and development of TMI on the existing site notwithstanding that the land was within six different zones. A

rationalised zoning regime was needed for the TMI site that enabled use and development provisions to be tailored to suit the objective of ensuring compatibility between the industrial needs of the company and the residential interests of the neighbours.

The Amendment noted that Council's Municipal Strategic Statement (MSS) at Clause 21.06-3 makes it clear that the manufacturing industry around Tatura was strongly supported and that it needed protection for the long-term economic benefit of the town and the municipality.

TMI prepared a Master Plan as part of the Amendment and applied a tailored Special Use Zone (SUZ) over all of the site to link the zone with the Master Plan. A direct outcome of the Amendment was that the fragmented zoning regime that existed on the site was replaced by the one zone.

The Special Use Zone (SUZ) enabled TMI to use the land for industry 'as of right' subject to compliance with an Incorporated Master Plan. The SUZ does not trigger a buildings and works permit so long as the buildings and works are in accordance with the Master Plan. However, and as an important safeguard, the SUZ requires the submission of Development Plans to the satisfaction of the Council.

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

The intention is that the tailored SUZ schedule removes doubt as to uses that can be established on the land and provides certainty for TMI and neighbours that such uses do not need a planning permit so long as they comply with the Master Plan. The new Special Use Zone has the following 'purposes'.

- To promote the use and development of the land consistent with the *Tatura Milk Industries Master Plan 2011*.
- To provide for the continued use and development of the land by Tatura Milk Industries for the manufacture of milk related or allied food products in a manner which does not affect the safety and amenity of surrounding areas.
- To provide safe and efficient vehicle ingress to and egress from the land.

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

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

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

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

- The *Greater Shepparton Planning Scheme TMI Master Plan 2011*.
- The views of the Environment Protection Authority for specified plans.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.
- The interim use of those parts of the land not required for the proposed use.
- The availability of and connection to services, including drainage.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- Provision for vehicle parking.
- The design of the buildings including its impacts on the streetscape, the treatment of the front and back of buildings, the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.

The 'second arm' of the TMI control is the Incorporated Document which helps emphasise the certainty that Council seeks in the planning controls.

Aside from TMI itself, a number of agencies were involved in the formulation of the 'Review', the TMI Master Plan and the Incorporated Document. Perhaps the most critical of these was the input from the EPA given its responsibilities in relation to air and noise pollution. The EPA was kept informed all the way through the process and was provided a copy of the draft SUZ and relevant plans. As a result, the EPA advised Council by letter of 28 July 2011 that it '*...supports the concept of the special use zone and development being governed by the Master Plan*'.

Chris Smith and Associates were engaged to prepare the 'Master Plan' for the site showing (among other things):

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

The Plan contained details of the treatments at the site boundaries including landscaped areas, setbacks, wall heights, acoustic measures and access ways.

Amendment C151 was exhibited from 8 December 2011 to 30 January 2012 to rezone the TMI land to the Special Use Zone (Schedule 9). As a result of the exhibition, sixteen (16) submissions were received, eight (8) of whom opposed aspects of the Amendment. The main concerns raised by submissions seeking changes included:

- Blocking of views / construction of high walls;
- Removal of vegetation;
- Parking and traffic management;
- Increased noise;
- Devaluation of property;
- Lack of information regarding hours of operation;
- Inappropriate location of the industry;
- Inappropriate zoning;
- Lack of information regarding landscape buffering;
- Losing the residential buffer along Hanlon Street; and
- Minor changes to mapping required in the Master Plan.

The Minister for Planning appointed an Independent Panel (the 'Panel') to consider unresolved submissions. The Panel conducted hearings in Tatura in July 2012 and it reported its findings in a report dated 28 August 2012. The Panel noted that:

Tatura Milk Industries (TMI) is a strategically significant food processing industry in the centre of Tatura in northern Victoria. The plant has operated on the site for over 100 years and has residential dwellings within close proximity on some sides.

A range of different planning scheme zones and other controls cover the TMI land and the company argues that this complex planning framework makes it difficult to contemplate expansion and provides inconsistency in the types of buildings and works that require a planning permit.

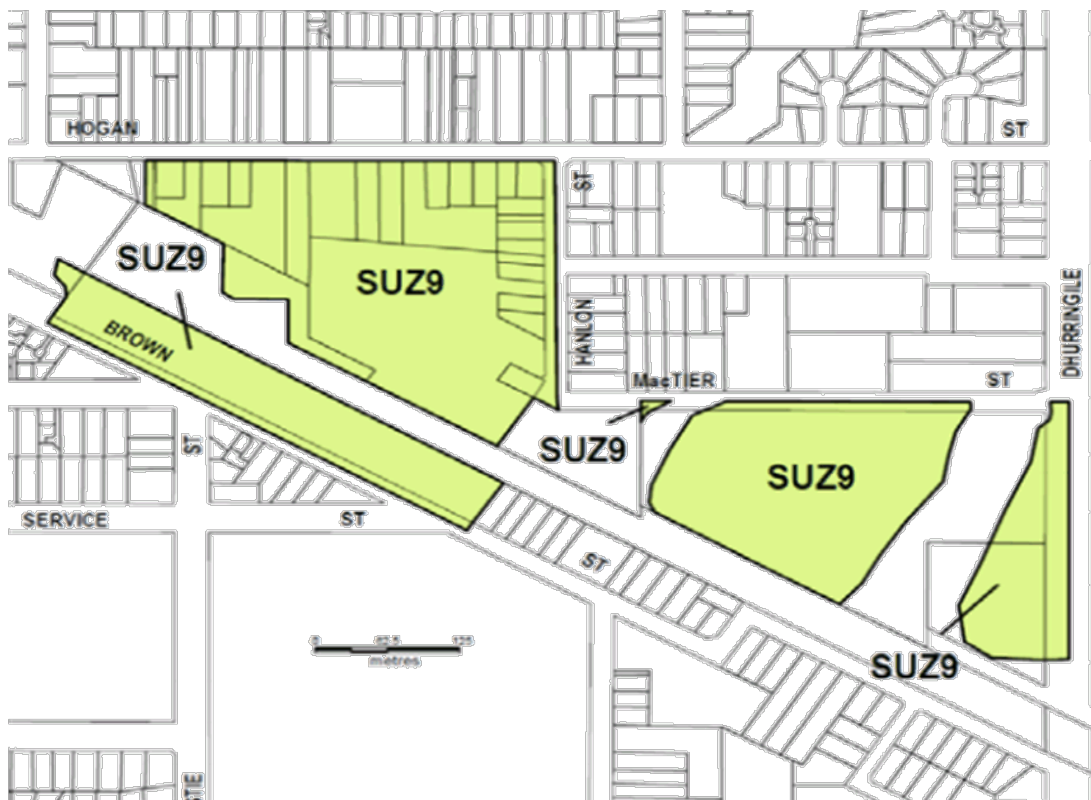
Following investigation of a range of possible alternatives, Amendment C151 was developed to apply the Special Use Zone to the site with an associated Master Plan that outlines the future development on the site, and which itself will become an Incorporated Document in the planning scheme. The Amendment was exhibited and attracted a number of objections from nearby residents based on amenity, noise, views, built form, traffic and a range of other concerns.

The Panel has considered these submissions and the general approach in the Amendment and has concluded that with some minor changes the Amendment should be adopted, and has recommended accordingly.

The Panel concluded that:

The Panel has reviewed the proposed zoning of the TMI land and considers this approach and the associated Master Plan will form an effective planning control that allows for the continued development of the TMI site whilst providing a level of certainty and protection to the neighbouring residential communities.

The Minister for Planning approved **Amendment C151** and it was gazetted on 6 December 2012 with the new SUZ applying to the land as follows:



3 UNILEVER

3.1 Unilever Site

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

- Lot 1 on Title Plan 104804R; and
- Lot 1 on Title Plan 210668E.

The site is on the east side of Park Street and is bounded by Elizabeth Street to the north, Thompson Street to the west, Hogan Street to the south and the Tatura-Undera Road to the west.

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

The site is surrounded by existing industrial uses to the north, including self-storage, sheet metal and water authority related uses.

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

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

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

Operations on the land 'value-add' to existing food stuffs. Manufactured foods include wet pasta sauces, cook-in sauces and ice tea, under recognised brand names such as *Continental*, *Chicken Tonight*, *Bertolli*, *Raguletto* and *Lipton*.

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

3.2 Amendment C170

Amendment C170 applied to the Unilever land at 55 Park Street, Tatura. Amendment C170 rezoned the land from the Industrial 1 Zone to the Special Use Zone and inserted a new Incorporated Document titled “Unilever Tatura Master Plan 2014” in the Schedule to Clause 52.03 and the Schedule to Clause 81.01. The Amendment inserted a new Schedule 11 to the Special Use Zone at Clause 37.01.

The site was formerly within the Industrial 1 Zone and is partially affected by the Land Subject to Inundation Overlay and the Floodway Overlay. As with the TMI site, the Amendment again implemented the findings of the *Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land, June 2011*. Specifically, the Amendment:

- Amended Clause 21.08 by inserting changes to the General Implementation of Zones and Overlays – Economic Development;
- Rezoned the Unilever land to the Special Use Zone;
- Amended Planning Scheme Map No. 7;
- Inserted a new Schedule to the Special Use Zone (SUZ11) at Clause 37.01; and
- Amended Clause 81.01 Incorporated Documents to include the *Greater Shepparton Planning Scheme Unilever Tatura Master Plan 2014* as an incorporated document.

The 2011 ‘Review’ had supported the continued growth and development of Unilever on the existing site. As with Amendment C151, it recommended the application of the Special Use Zone to the site, linked to a site master plan that improved the efficiency of the plant and provided the opportunity for its expansion. The application of the Special Use Zone was intended to assist in safeguarding the Unilever manufacturing facility by providing a streamlined planning approval process and safeguard against inappropriate development that could impinge on surrounding residential properties.

The amendment implemented the following objectives:

- Protecting and enhancing the existing Unilever manufacturing site for regional employment opportunities by providing a planning mechanism to facilitate future expansion.

- Ensuring that the future planning of the Unilever site was undertaken in a co-ordinated and logical manner through the preparation of a site-specific master plan.
- Minimising off-site impacts through the inclusion of appropriate requirements within the Special Use Zone to assess the impact of future expansion plans on the amenity of the surrounding residential areas as part of the planning assessment process.

The amendment was accompanied by (among other things) an Environmental Noise Assessment which recommended a number of acoustic treatments to ensure that the amenity of surrounding residential neighbourhoods was not unreasonably reduced by noise emissions associated with the expansion of the Unilever manufacturing facility.

Amendment C170 was exhibited from 17 October to 17 November 2014 and it attracted 10 submissions (eight of which were supporting submissions).

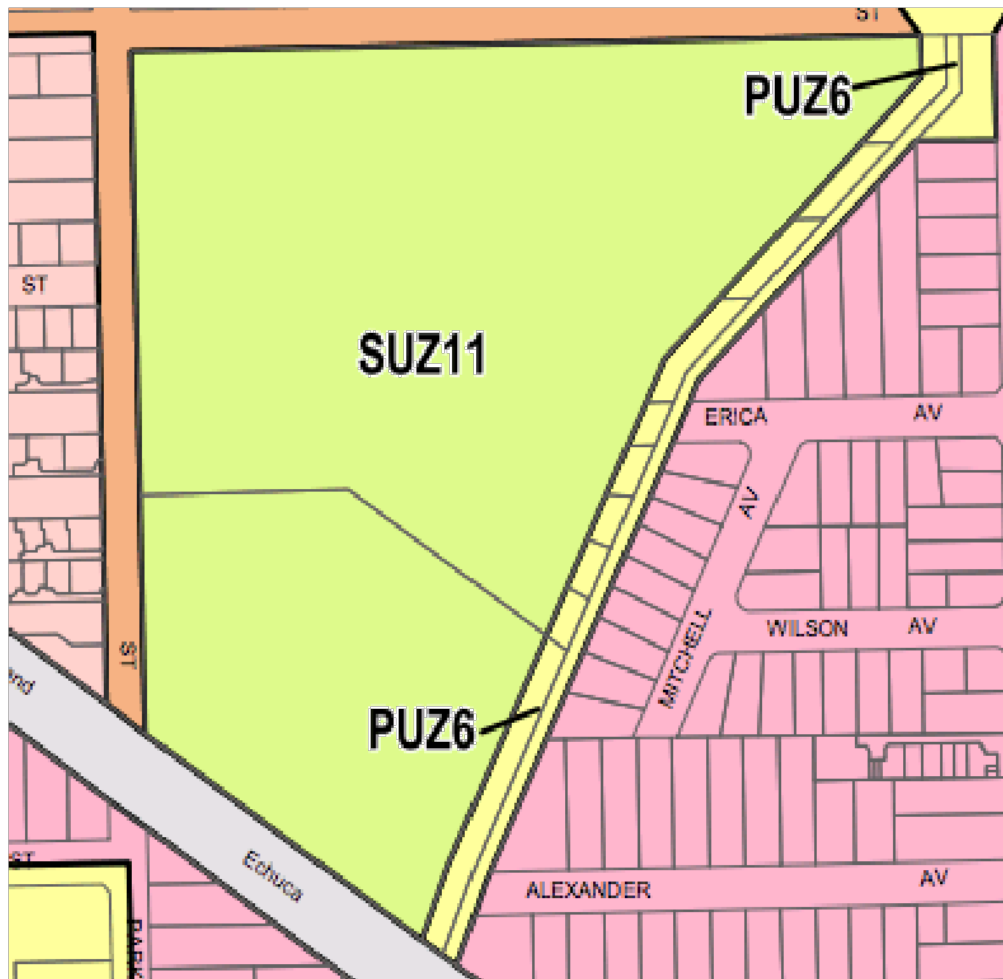
A Panel conducted a hearing on 23 April 2015 and it submitted its report on 4 May 2015. The Panel Report noted that:

Greater Shepparton's Municipal Strategic Statement makes it clear that the manufacturing industry (including around Tatura) is strongly supported and that it needs protection for the long-term economic benefit of the Tatura and Greater Shepparton. The Unilever facility is an important local employer whose future in Tatura is actively encouraged by State and local government and by the industry and other stakeholders. The Amendment will introduce controls that will allow Unilever to respond in a timely manner to emerging trends and challenges. The Special Use Zone will provide certainty for surrounding residents of the likely use mix and the location of future buildings on the site.

The Panel also cross-referenced to the Amendment C151 Panel Report which had considered the application of a SUZ to the TMI site noting:

The Panel has reviewed the proposed zoning of the TMI land and considers this approach and the associated Master Plan will form an effective planning control that allows for the continued development of the TMI site whilst providing a level of certainty and protection to the neighbouring residential communities. I conclude that the Special Use Zone is an appropriate zoning control for the subject land on the basis that a site specific master plan has been prepared to facilitate the future use and development. The Unilever Master Plan will be incorporated into the Scheme and will provide certainty for the future expansion of the subject land for manufacturing.

The Minister for Planning approved **Amendment C170** and it was gazetted on 10 December 2015 with the new SUZ applying to the land as follows:



4 TATURA ABATTOIR

4.1 Site Context

The Tatura abattoir site is known as 50-56 Martin Street and 122-138 Ross Street, Tatura and it is located approximately 800 metres south of the main street and commercial business area in the town. The land is made up of two titles with the smaller title being approximately 1.32 hectares in size and the larger title 2.82 hectares in size.

The Tatura abattoirs has been operating at the site for over 25 years. The processing of carcasses into packaged meat products is undertaken entirely indoors to the south of the existing plant, providing a separation from the existing dwellings along Martin Street and O’Toole Street.



The main characteristics of the site and the area include:

- The site south of Russell Street has a total area of approximately 4.1 hectares (in two titles).
- The site contains an existing abattoir, including stock yards, a large amount of sheds, car parking, loading areas and multiple access points.
- The site abuts a road on all boundaries
- The land adjacent to the northern boundary is mostly vacant except for an existing shed previously used as a contractors depot and the SES shed.
- The majority of this land is also owned by the abattoir.
- Further to the north approximately 165 metres from the northern boundary of the abattoir the land is zoned and used for residential purposes.
- The land to the west of the site is zoned and used for Low Density residential purposes.
- The land to the south of the site is zoned Special Use and is used by the Tatura Racing Club.
- The land to the east is zoned both Public Park and Recreation (PPRZ) and Urban Floodway (UFZ).
- That land is owned by Council and it hosts a sporting field which is provided with a visual buffer from the abattoir via existing established vegetation.
- There are a small number of houses on the west side of Ross Street and these are of the traditional detached housing form.
- All other surrounding land is industrial or open space although there is a large vacant parcel of land on the west side of Ross Street near its junction with O'Reilley's Road.

The most notable constraint to the continued development of the abattoirs site appears to be:

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

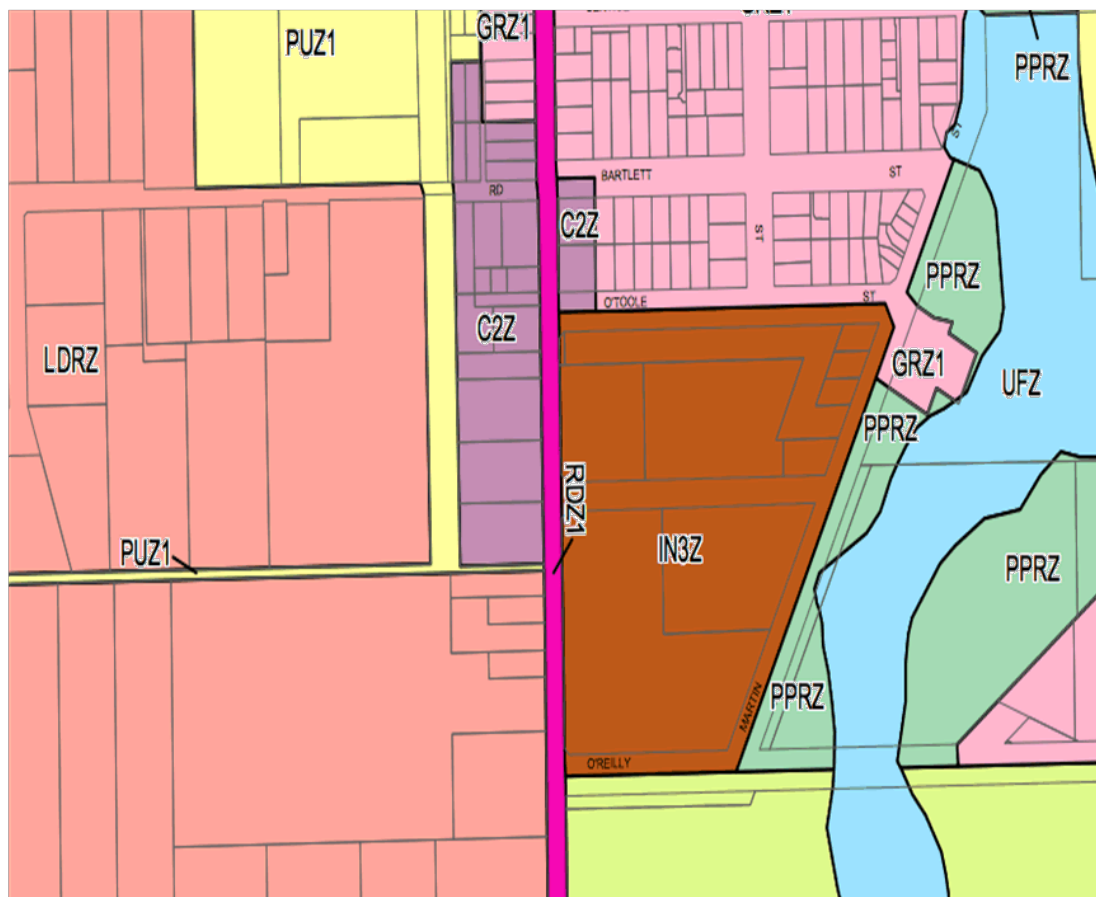
4.2 Planning Controls

The Tatura Abattoir land is within the Industrial 3 zone under the Greater Shepparton Planning Scheme.

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

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

Surrounding zones are Industrial 3 to the north, Public Park and Recreation to the east and south and Low Density Residential to the south west over Ross Street. Land to the north west is included in the Commercial 2 zone.



5 STRATEGIC PLANNING REVIEW

5.1 New Format Planning Scheme 1998

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

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

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

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

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

5.2 State Planning Policy Framework (SPPF)

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

Clause 11-10-1 of the SPPF deals with the Hume Regional Growth Plan and seeks:

- *to develop a more diverse regional economy while managing and enhancing key regional economic assets.*

Supporting strategies include planning for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production

Clause 13 of the SPPF deals with *Environmental Risks* and it has objectives including:

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

- Clause 13.04-2 (Air quality): to assist the protection and improvement of air quality.

Clause 17 deals with *Economic Development* and has objectives including:

- Clause 17.02-1 (Industrial Land Development): to ensure availability of land for industry.
- The EPA publication Recommended Buffer Distances for Industrial Residual Air Emissions (1990) is included as a policy guideline in this clause.
- Clause 17.02-2 (Design of industrial development) has a strategy to identify land for industrial development where there are appropriate buffers to nearby sensitive uses.

Noise Attenuation

Existing state level controls on noise and air emissions are designed to safeguard existing residential amenity.

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

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

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

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

Odour and Air Emissions

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

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

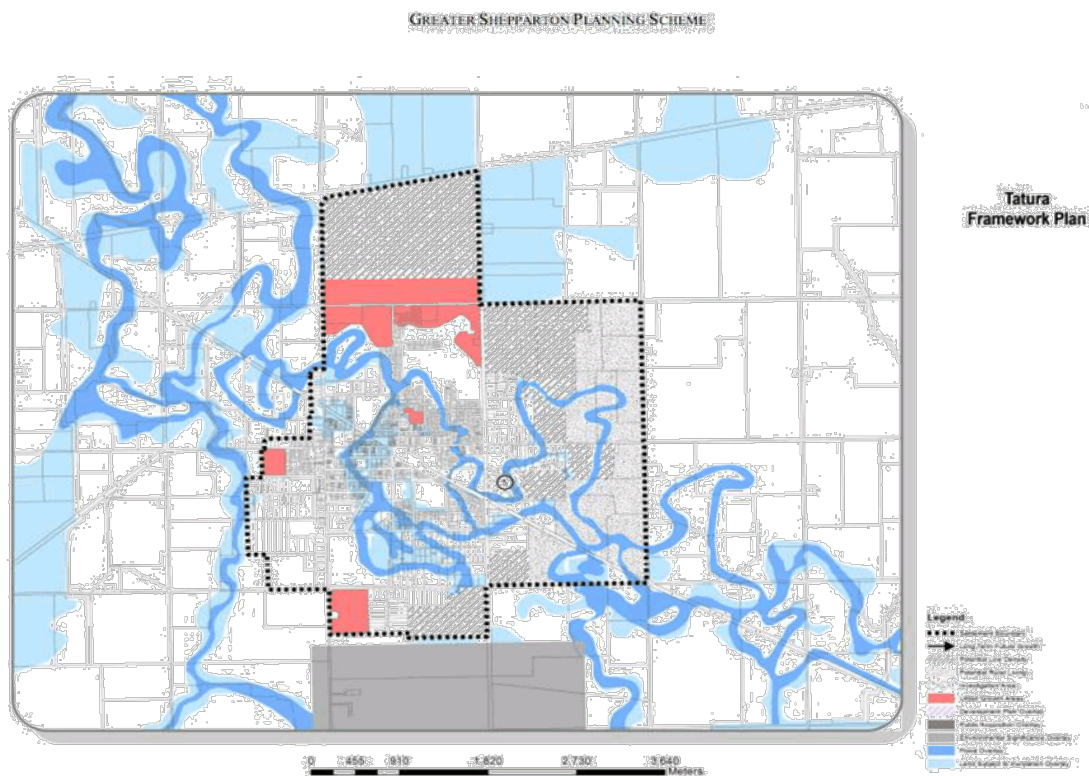
As further discussed in Section 6, Council and the EPA have already agreed to an extra condition on a permit which applies to the Abattoir site (Permit 2005-28 (J)) where they included the condition:

- (a) *Offensive odours must not be discharged beyond the boundaries on the premises.*
- (b) *Prior to the commencement of any works associated with the abattoir upgrade the applicant must submit to EPA a ‘pathways application’ for assessment. If EPA determines that the activity under the Environment Protection (Scheduled Premises and Exemptions Regulations) 2007, then the applicant must:*
 - *Submit a Works Approval application to EPA, and*
 - *Be issued with a Works Approval or Exemption from EPA prior to any works commencing.*

It is understood that the Permit applicant has complied with this condition and has submitted the required ‘pathways’ application.

5.3 Local Planning Policy Framework (LPPF)

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



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

Amendment C162 in March 2016 updated relevant policies within the MSS and modified zones and overlays to implement the findings and recommendations of the *Industrial Land Review, City of Greater Shepparton, 2011 (ILR)* into the Greater Shepparton Planning Scheme.

The MSS now includes the following specific discussion on Tatura:

Tatura is also an important manufacturing centre with three significant local employers. Council has adopted the Strategic Review of Tatura Industrial Land (2011) to provide a long term framework for land use planning in the township and to provide an economic development framework to guide investment and promote prosperity in the town.

*Greater Shepparton has a dispersed pattern of industrial areas with the main concentration of industrial activity occurring within the urban centres of Shepparton, Mooroopna and Tatura. The activities in these industrial areas vary from small-scale uses with a more localised focus to larger manufacturing and warehousing facilities operated by large national and international companies. The established industrial areas contain significant pockets of vacant undeveloped land which continue to provide opportunities for additional industrial development. The expansion of Shepparton has also resulted in many of these industrial areas now being encumbered by surrounding sensitive land uses. **Industrial land is a limited resource in the municipality and there is an ongoing need to ensure that existing industrial zoned lands are appropriately protected for industrial and related land uses. (Emphasis added).***

Relevant objectives in **Clause 21.06** include:

- *To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non compatible land uses.*

Related strategies in **Clause 21.06** include (with emphasis):

- *Consolidate existing major industrial zones within the new urban growth boundaries and around major transport routes and infrastructure assets.*
- ***Protect the supply of existing and future industrial land from encroachment by incompatible land uses.***
- ***Support food related industries and the development of value adding opportunities.***
- *Encourage new value adding industries.*
- *Allow limited light industry in the townships if it relates to local agricultural production..... subject to servicing and environmental constraints.*
- *Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.*

- *Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.*

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

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

5.4 Industrial Land Review City of Greater Shepparton, 2011 (ILR)

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

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

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

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

As noted above, the Planning Scheme was modified in March 2016 by **Amendment C162** which included the following specific reference to the Review in Clause 21.06 (with emphasis added):

To coherently address these concerns, Council commissioned the preparation of the Industrial Land Review, City of Greater Shepparton, 2011 (ILR). The ILR delivers an understanding of the key planning issues relating to the location of industry in the municipality. It also includes an analysis of the land supply and demand situation that drives the market for industrial land. The ILR provides information necessary to guide the planning and future provision of industrial land in the municipality.

The ILR has found that demand for industrial land is greatest in Shepparton East and that this area will continue to be the preferred location for industry. Annual industrial land consumption within the municipality is 9 hectares – 6 hectares of which occurs in Shepparton East. The ILR found that the municipality generally contained a sufficient supply of industrial zoned land to satisfy predicted demand over the next 20 years. However the ILR recommended investigating the need to rezone additional industrial zoned lands in Tatura where anecdotal evidence indicates that this may be required. The ILR contains a number of recommendations to examine potential land rezoning within the municipality and provides the basis for more intensive future investigative work within Shepparton, Mooroopna and Tatura.

5.5 Tatura Industrial Development Framework (Essential Economics) 2011

As part of DIIRD sponsored review of industrial land, Council also commissioned Essential Economics to prepare the Tatura Industrial Development Framework in 2011.

The Framework noted that the food processing sector is a major contributor to Tatura's economic output with manufacturing employment in the town almost double that of regional Victoria. In that context, the Framework commented on the wider employment catchment noting that:

Each day, hundreds of people commute to Tatura from places such as Shepparton to work in businesses such as Tatura Milk, Goulburn-Murray Water, Department of Primary Industries and the abattoir.

The Framework specifically discussed the issues relevant to the TMI, Unilever and Abattoir sites and concluded, with respect to the abattoirs that:

'.....other than some minor odour issues for residents north of the industrial area, there do not appear to be any significant amenity issues resulting from the uses currently operating...

The Tatura Industrial Development Framework was adopted by Council in July 2011.

6 RELEVANT PLANNING PERMIT APPROVALS – TATURA ABATTOIR

6.1 Planning Permit 2005-28

Planning Application No. 2005-28 was lodged on 27 January 2005 for 56-60 Martin Street, Tatura proposing extensions to the existing Tatura Abattoir to allow for extensions to the existing abattoir so as to allow for the processing of animal carcasses into meat products. The processing of the carcasses led to the requirement for additional shift work which increased operating hours from 6.00pm to 11.00 pm on week days.

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

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

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

The applicant advised in its submission that:

- *Similarly to noise, our clients advise there is no history of any odour complaints from neighbours at the plant..... They also advise that the new process which involves processing and packaging of the already killed and chilled carcass will not generate additional odours.*

In response to the application, **the EPA advised** as follows:

As the proposal does not require EPA works approval, EPA is not a statutory referral authority for this matter under section 55 of the Planning and Environment Act.

EPA is concerned about the proximity of the residents to the facility. Industry on IN3Zone must not adversely affect the amenity of the neighbourhood, including through the:

- *Transport of material or goods;*

- *Appearance of any stored goods or material; and*
- *Emission of noise and odour.*

Before EPA can provide any comments, we consider that the applicant should demonstrate by providing the following information, that it can operate at the site without adversely impacting on the nearby residents:

Noise

Acoustic consultant's report from the proponent should be prepared detailing:

- *what noise is likely from the proposed extension to the existing abattoir; and*
- *what measures would be put in place to reduce expected noise at nearby residences.*

The report should include actual measurements at the sensitive locations to demonstrate compliance with EPA's Noise Guidelines.

Stormwater Management

The applicant should provide the complete information demonstrating that the existing stormwater system is upgraded to provide adequate capacity for the additional stormwater from the proposed expansion as the inappropriate management of the stormwater can result in the pollution of the stormwater channel. Stormwater contaminated with any of the operational activities must be discharged to the sewage system under the agreement with the Goulburn Valley Region Water Authority.

Wastewater Management

EPA must be informed should any intermediate treatment facility provided to treat the process wastewater before being discharged to the sewage system in accordance with the water authorities (Goulburn Valley Region Water Authority) requirements.

Chemical Storage

The applicant should provide information to confirm that all chemicals, solvents, oil and fuel would be stored in a bunded area in accordance with EPA publication no 347 "Bunding Guidelines".

Odour Control

The applicant should demonstrate how the operational activities will be managed to minimise the possibility of odour emission from the premises.

Waste Management

Solid waste generated from the abattoir operation is prescribed industrial waste and must be stored within the bunded area constructed and maintained in accordance with EPA Publication no 347

"Bunding Guidelines". The applicant should demonstrate that all such wastes would be stored properly and transported and disposed of with appropriate permits and certificates.

Council considered the application, referral responses and the objections and resolved to issue a 'Notice of Decision to Grant a Permit' on 16 March 2005. In approving the development, Council acknowledged that **Clause 17.03-2** of the SPPF recognised the need for existing industrial areas containing key processing industries to be protected to facilitate further industrial development. In addition, it was noted that the aim of (then) **Clause 21.05-3** of the LPPF was to facilitate the development of industrial land in Tatura for food related purposes. The (then) LPPF also recognised the need to improve the design and appearance of new industrial development in existing industrial areas, including the consideration of the impact of noise and odour on adjoining land uses.

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

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

In light of there being no objector appeals, **Planning Permit No. 2005-28** was ultimately issued by Council on 13 April 2005 for extensions to the existing Tatura Abattoir and an extension of the hours of operation. The permit identified that the permitted use included the processing of carcasses. In summary, the initial permit proposed the following:

- Construction of new processing and storage facilities.
- Construction of a new slaughter facility
- Decommissioning the existing slaughter facility
- Construction of upgraded employee parking facilities
- Construction of a new main entrance.

(Note: There are multiple copies of this permit on Council files and some bear the date of 16 March 2005. It is understood that this is an error in that it records the date of the 'Notice of Decision'.)

The Abattoir permit applicant went on review to VCAT on the basis of a number of conditions relating to road upgrading and car parking works. VCAT noted (*Tatura Abattoirs Pty. Ltd, v. Greater Shepparton City Council – P1196/2005*):

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

The abattoir has existed for decades and presently enjoys:

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

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

The need to extend the abattoir is driven by;

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

VCAT concluded that:

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

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

The Tribunal confirmed Council's conditions by decision dated 9 December 2005.

6.2 Amended Planning Permit 2005-28 - Tatura Abattoirs

The subject site has been the subject of at least ten amendments to the original planning **Permit No. 2005/28** issued in April 2005. Some of these are very minor and could have been adequately dealt with by the existence of a 'Master Plan'. In addition there have been repeated instances of 'secondary consents' and numerous examples of endorsed plans being redone.

A short summary of the more significant amendments to the permit include (with version references):

Date of Amendment	Brief description of amendment
24 May 2005	<ul style="list-style-type: none"> Amended the permit by editing conditions 1, 4, 5, 13, 19, 20, 22, 23, 32 and 33, removing conditions 11 and 28 and renumbering conditions accordingly.
1 November 2005	<ul style="list-style-type: none"> Amended the permit by revising the wording of conditions 21 and 27.
17 July 2007	<ul style="list-style-type: none"> Amended the wording of conditions 4 and 5 and by endorsing amended plans.
18 September 2009 (E)	<ul style="list-style-type: none"> Amended conditions 18, 27 and 30 to allow for revised car parking, boundary fencing and landscaping arrangements and by endorsing an amended staging plan and elevation plan.
18 August 2011 (F)	<ul style="list-style-type: none"> Amended the plans to include covered livestock walkway.
18 January 2013 (G)	<ul style="list-style-type: none"> Amended the plans to modify various buildings and works and relocate fire fighting tanks.
7 August 2014 (H)	<ul style="list-style-type: none"> Amended to include use of land for a caretaker's residence and inclusion of Goulburn Valley Water Condition. Amendment to plans to include boot wash areas, new skin shed and a new shelter over the northern entrance.
8 July 2015 (I)	<ul style="list-style-type: none"> Amendment to site plan to include Wastewater Treatment Shed, Runner Room and Bone Bin Shed and the endorsement of elevations.
14 September 2015 (J)	<ul style="list-style-type: none"> Amendment to plans to increase the height of the land kill floor from single to double story and to include a cover over the lamb yard and inclusion of EPA condition.

6.3 Details of Amended Planning Permit - 2005-28 (J)

A significant request to amend Permit 2005-28 was lodged on 11 June 2015. According to Council, it proposes to amend the existing plans to increase the height of the lamb kill floor from single to double storey.

The permit application form does not specify what is sought and it seemingly relied on the plans submitted with the application. (See submitted plans below)

In its letter of acknowledgement to the permit applicant, Council noted:

I acknowledge receipt of your amended application for a planning permit for a Use and Development of the land for extensions to an existing abattoir (including the processing of carcasses) and caretakers residence an extension of hours and a reduction in car parking requirements at 56-60 Martin Street and 122-138 Ross Street TATURA VIC 3616 received at this office on 11 June 2015.

When it advertised the amended plan, Council described the application in its public notice in the following terms:

Amendment to plans endorsed previously under the planning permit to increase the height of the lamb kill floor (shown yellow on plans) to a two storey building and for a new cover over the lamb shed (shown hatched red on the plans).

In its consideration of the proposal, Council summarized the key issues to include:

The extent of the permission sought is to only amend the plans to increase the height of the proposed lamb kill floor and include a cover over the lamb yards. The relevant matters to consider are what the two changes to the amended plans will have when assessed under the relevant policies and not assess whether the use of the land for an abattoir should be there in the first place, such use already existed prior to the first version of this permit issuing.

It is understood that the permit applicant considers that the request included all of the buildings and works shown on this plan and marked as red, blue and yellow.

2. *Be issued with a Works Approval or Exemption from EPA prior to any works commencing.....*

In response to this, Council imposed a new Condition 30 on the Permit as follows:

- (a) *Offensive odours must not be discharged beyond the boundaries on the premises.*
- (b) *Prior to the commencement of any works associated with the abattoir upgrade the applicant must submit to EPA a 'pathways application' for assessment. If EPA determines that the activity under the Environment Protection (Scheduled Premises and Exemptions Regulations) 2007, then the applicant must:*
 - *Submit a Works Approval application to EPA, and*
 - *Be issued with a Works Approval or Exemption from EPA prior to any works commencing.*

As already noted, it is understood that the Permit applicant has complied with this condition and has submitted the required 'pathways' application.

Permit 2005-28(J) was issued on 14 September 2015 inclusive of endorsed plans.

It is apparent that the endorsed plans that form part of Permit 2005-28 (J) show (despite the permit notation) that there are to be significant works at the front (south) of the building as well as the increased 'kill floor' height.

7 PLANNING CONTROL OPTIONS

Based on an analysis of the existing permit (especially 2005-289(J)) and the short to medium term future operations on the abattoir site, the most suitable option might be to retain the existing zoning of IN3. This zone has enabled extensions to be sought and approved and it still reflects the land use and the likely future land use.

In the longer term, a 'Master Plan' should be considered for the whole Abattoir site, north and south of Russell Street. Specifically tailored planning controls on the Abattoir site should then be developed which should endeavor to deliver:

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

This will be best achieved by applying a Special Use Zone similar to the TMI and the Unilever sites. The **Special Use Zone (SUZ)** will enable Tatura Abattoirs to use the land for industry 'as of right' subject to compliance with an approved Master Plan. The SUZ will not trigger a buildings and works permit so long as the buildings and works are in accordance with the Master Plan. That said, the SUZ will require the submission of Development Plans to the satisfaction of the Council.

All applications for use, development and subdivision would be exempt from the notice and review requirements of the *Planning and Environment Act* if they were generally in accordance with the Master Plan.

The main issues associated with a rezoning to a Special Use Zone on the whole Abattoir site will relate to visual impact, noise and residual air emissions. The issue of noise and emission buffers is dealt with by the EPA Publication No. N3/89 and as noted earlier, this requires compliance with SEPP N-1 with the onus placed on the emitter of the noise. Under SEPPN-1, the onus is on the emitter to comply with the requirement, not the receiver.

While a **Development Plan Overlay** is another option for the site, sitting on top of the Industrial 3 Zone, it requires a Development Plan to be prepared for it to function properly. This option is in a similar category as the SUZ/Master Plan option in that it is contingent on a fairly detailed plan being prepared indicating long term plans. Such a plan is seemingly some time off.

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

8. SUGGESTED OUTCOMES FOR THE TATURA ABATTOIR SITES

8.1 Short/Medium Term – Retain Existing Zone

The Abattoir still has much land on its primary site of about 4.1ha into which it might expand. It also owns undeveloped land (about 1.3ha) to the north of Russell Street. It is understood that the Abattoir management has no immediate plans for either area other than as indicated in Version (J) of the permit. Until such time as the future of these parcels are clear, it would be premature to develop and implement a 'Master Plan'. Unlike both TMI and Unilever, the long-term aspirations for the Abattoir are still being developed. In the interim, the Abattoir's short to medium term aspirations are understood to be seemingly accommodated by **Amendment Permit 2005-28 (J)** which was issued in September 2015.

Until there is long-term clarity about the future of the Abattoir site, it is therefore considered that there is no demand for the preparation and implementation of a Master Plan. In the event that such plans come to fruition in the near future, this report has included a draft Special Use Zone Schedule which might be applied to the site including details required of a Master Plan and accompanying reports. (See Appendix One).

8.2 Long Term - Master Plan

If Tatura Abattoirs wish to pursue a Special Use Zone on the land, it will need to prepare a 'Master Plan' for all of its landholdings showing (among other things):

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

The Master Plan should contain details of the treatments at the site boundaries including landscaped areas, setbacks, wall heights, acoustic measures and access ways.

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

8.3 Long Term – Special use Zone (SUZ)

Consistent with TMI and Unilever, the long term intention should be that a new tailored SUZ (linked to the Master Plan) be applied to all of the land owned by Tatura Abattoirs. The SUZ will remove doubt as to uses that can be established on the land and will provide certainty for Tatura Abattoirs that such uses will not need a planning permit so long as they comply with the Master Plan.

The new Special use Zone should have the following ‘purposes’.

- To promote the use and development of the land consistent with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*.
- To provide for the continued use and development of the land by Tatura Abattoirs for the manufacture of food and other products in a manner which does not affect the safety and amenity of surrounding areas.
- To provide safe and efficient vehicle ingress to and egress from the land.

The SUZ should provide certainty for surrounding residents of the likely use mix and the location of future buildings on the site.

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

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

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

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

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

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

The Special Use Zone would include conditional exemptions from the notice and review requirements of the Act for use, development and subdivision subject to it being generally in accordance with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*.

The Special Use Zone would be accompanied by an **Incorporated Document at Clause 81** which contained the Master Plan and related requirements. These requirements would specify detailed building setback and height controls which should be complied with.

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

- The *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*.
- The views of the Environment Protection Authority.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.
- The interim use of those parts of the land not required for the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- Provision for vehicle parking.
- The design of the buildings including its impacts on the streetscape, access points from street frontages, the treatment of the front and back of buildings and their appurtenances, illumination of buildings or their immediate spaces, the landscaping of land adjoining a road and the provision of solar access.
- The storage of rubbish and materials for recycling.
- The maintenance of buildings, landscaping and paved areas.

Given the involvement of the EPA in the most recent amended permit (2005-28(J)), it may be prudent to consider including the existing EPA condition in the SUZ.

A draft SUZ that might be suitable to apply to the Tatura Abattoir site is appended at Appendix One.

10. CONCLUSION AND RECOMMENDATIONS

All of the strategic analysis supports the continued growth and development of the Tatura Abattoir on the existing site. Of all of the options for the land, it is considered that a SUZ is the most appropriate long-term zone of 'best fit' for the land. Like the TMI and Unilever sites, the SUZ enables the critical use and development provisions to be tailored to suit the objective of ensuring compatibility between the industrial needs of the company and the residential interests of the neighbours.

However, there does not appear to be a short term imperative for this zone. **Permit 2005-28(J)** authorises extensive redevelopment of the site which is likely to accommodate growth in the short to medium term. Tatura Abattoirs is yet to resolve the future of its other landholdings and so it would be premature to prepare a Master Plan or a Special Use Zone until its long-term plans are resolved.

While a new tailor made zone and schedule is recommended for the Tatura Abattoirs site in the longer term, the existing zoning and permits should satisfy short to medium term plans. In the event of a Master Plan being developed, a draft new Special Use Zone has been prepared, linked to a Master Plan which should provide certainty for Council, the company, residents and the community as to the long term development prospects for the site.

It is recommended that:

Short Term

- That Council retain the status quo for the zoning regime on the land.
- That Council regularly monitor the intentions of the Abattoir owner with respect to its future development plans.

Long Term

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

- Modify the planning scheme map(s) to rezone the Tatura Abattoirs land to the Special Use Zone.
- Insert a new schedule to the Special Use Zone (Schedule 12) at Clause 37.01 in accordance with the draft schedule attached at Appendix 1.
- Modifications to the Clause 21.09 to include this report as a Reference Document.

APPENDIX ONE: PROPOSED SPECIAL USE ZONE FOR TATURA ABATTOIRS

SCHEDULE 12 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ12**

TATURA ABATTOIRS – MARTIN STREET, TATURA**Purpose**

To promote the use and development of the land consistent with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*.

To provide for the continued use and development of the land by Tatura Abattoirs for the manufacture of food and other products in a manner which minimises the impact on the amenity of surrounding areas.

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

1.0 Table of uses**Section 1 - Permit not required**

USE	CONDITION
Home occupation	
Industry	Must be associated with the manufacture of food and other products.
Informal outdoor recreation	
Minor utility installation	
Railway	
Tramway	
Warehouse	Must be associated with the manufacture of food or other products.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

USE	CONDITION
Agriculture (other than Apiculture and Intensive animal husbandry)	
Caretaker's house	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Manufacturing sales	
Place of assembly	
Shop (other than Adult sex bookshop)	The leasable floor area must not exceed 200 square metres.

USE	CONDITION
Utility installation (other than Minor utility installation and Telecommunications facility) Any other use not in Section 1 or 3	
Section 3 - Prohibited	
USE	
Accommodation (other than Caretaker's house)	
Adult sex bookshop	
Brothel	
Cinema based entertainment facility	
Hospital	
Intensive animal husbandry	
Major sports and recreation facility	
Motor racing track	
Retail premises (other than Manufacturing sales and Shop)	

2.0 Use of land

Application requirements

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

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, odour emissions, air-borne emissions, emissions to land and water, traffic, the hours of delivery and dispatch of goods and materials, the hours of operation, light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- An application to use land for an industry or warehouse must also be accompanied by the following information:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
 - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

3.0 Building and works

Permit requirement

A permit is not required to construct or carry out:

- A building or works generally in accordance with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.

A building or works generally in accordance with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx* must be constructed or carried out in accordance with the following plans, as appropriate, prepared to the satisfaction of the responsible authority:

A **Design Plan** drawn to scale showing:

- The boundaries and dimensions of the site.
- Adjoining roads.
- The location, height and purpose of buildings and works on adjoining land.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways, vehicle parking areas and loading and unloading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.
- Elevations, including the colour and materials of all buildings and works.

A **Stormwater Management Plan** specifying details of how stormwater runoff will be conveyed into existing drainage works.

A **Construction Management Plan** specifying the measures proposed to ensure that construction activity has minimal impact on surrounding areas.

A **Fencing Plan** showing details of boundary fences, including the height, location, design and treatment of the fences.

A **Landscape Plan** describing the vegetation species to be planted, the number of trees, planting formations, earth mounding, surface treatments and the method of preparing, draining, watering and maintaining the landscape areas.

A **Traffic Management Plan** providing details on:

- Heavy, Light and Emergency Vehicle, pedestrian and bicycle access points at the property boundaries.
- The location and treatment of circulation areas, driveways and other accessways within and abutting the site.
- The location, layout and treatment of all vehicle and bicycle parking areas and loading and unloading areas within and abutting the site.

An **Environmental Management Plan (EMP)** showing the measures proposed to satisfy all relevant environmental requirements to minimise impacts on surrounding areas including noise attenuation, air emissions and odours. The EMP must include all monitoring, auditing, reporting and mitigation measures that are relevant to the use and development of the land.

A **Utility Services Plan** detailing the existing and proposed connections to utility infrastructure and relevant utility requirements.

A **Cultural Heritage Management Plan** or **Cultural Heritage Management Plan Due Diligence Report**, as specified and approved by the relevant registered aboriginal party.

A **Staging Plan** identifying the likely sequence and timing of development and the obligations on the land owner to implement the landscaping and acoustic treatment requirements of the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*.

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

Except with the written consent of the responsible authority, the following plans must be submitted to and endorsed by the responsible authority and must be constructed or carried out

either before the use of an approved building or works is endorsed or within 24 months of the approval of Amendment CXX (whichever is the sooner):

- Landscaping in accordance with the Landscape Plan.
- Boundary fences in accordance with the Fencing Plan.
- Circulation areas, driveways and other accessways in accordance with the Traffic Management Plan.
- Drainage of the building or works in accordance with the Stormwater Management Plan.

4.0 Noise limits

For the purposes of noise, the applicable limits for Industrial 1 zoned land apply to the site.

5.0 Odour limits

Offensive odours must not be discharged beyond the boundaries on the premises.

Prior to the commencement of any works associated with the abattoir upgrade, the applicant must submit to EPA a 'pathways application' for assessment. If EPA determines that the activity under the Environment Protection (Scheduled Premises and Exemptions Regulations) 2007, then the applicant must:

- Submit a Works Approval application to EPA; and
- Be issued with a Works Approval or Exemption from EPA prior to any works commencing.

6.0 Car parking

The number of car spaces to be provided on the land for an industry for the manufacture of food and other products or an associated warehouse must be to the satisfaction of the responsible authority having regard to an assessment of the anticipated car parking demand.

7.0 Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

8.0 Decision guidelines

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

- The *Greater Shepparton Planning Scheme Tatura Abattoirs Master Plan 20xx*
- The views of the Environment Protection Authority on the Stormwater Management Plan, the Environmental Management Plan and the Staging Plan.
- The effect that existing uses may have on the proposed use.
- The interface with adjoining areas, especially the relationship with residential areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The interim use of those parts of the land not required for the proposed use.
- The drainage of the land.
- The availability of and connection to services.

- The effect of traffic to be generated on roads.
- Provision for vehicle and bicycle parking.
- Provision for the loading and unloading of vehicles.
- Provision for vehicles providing for supplies, waste removal and emergency services.
- The storage of rubbish and materials for recycling.
- The provision of solar access.

9.0 Maintenance

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

10.0 Advertising signs

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

APPENDIX TWO: AMENDED PLANNING PERMIT 2005-28 (J)

PLANNING PERMIT

PERMIT NO:	2005-28/J(AMENDED)
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	56-60 Martin Street and 122-138 Ross Street TATURA VIC 3616
THE PERMIT ALLOWS:	Use and Development of the land for extensions to an existing abattoir (including the processing of carcasses) and caretakers residence an extension of hours and a reduction in car parking requirements in accordance with the endorsed Plans forming part of this Permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**1. Plans required**

Prior to the commencement of works for Stage 1 of the development, 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 a minimum of must be provided. The information submitted must show the following:

- a) Landscape plans in accordance with condition 32.
- b) Drainage plans with computations, including water sensitive urban design treatments in accordance with condition 25.
- c) Details of the proposed colour schemes for all buildings shown on the endorsed plans.
- d) Amended site layout incorporating civil works, protective fencing and a vehicle wash bay into the stock unloading area off Martin Street. This is to include the relocation of the stock unloading ramp further west to provide a wider setback and screening from Martin Street to the satisfaction of the Responsible Authority.
- e) The amended site plan must remove the screening trees which would obstruct the existing site access along Russell Street.
- f) Civil works construction plan for:
 1. Road upgrade to property frontage along Martin Street to include pavement widening, kerb & channel, drainage and driveway access. Civil works to be designed to accommodate turning movements of B-Double transport.
 2. Road upgrade to the full property frontage along O'Reilly Road to include pavement widening, kerb & channel, drainage and driveway. Civil works to be designed to accommodate turning movements of B-Double transport.
 3. Intersection upgrade of Russell Street and Martin Street to accommodate turning movements of B-Double transport including pavement widening and kerb and channel
 4. Intersection upgrade of O'Reilly Road and Martin Street to accommodate turning

movements of B-Double transport including pavement widening and kerb and channel.

Before the development of the new covered area at the northern entrance starts, 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 a minimum of two copies to show:

- a) Elevations of the proposed northern access way shelter.

Before the development of the new covered lamb yard starts, elevation 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.

2. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Consolidation

Prior to the commencement of the development, all lots comprising the subject land must be consolidated into one (1).

Or

A letter from separate title owners addressed to Greater Shepparton City Council consenting to the proposed development layout in lieu of the building infrastructure supporting the planning permit use crossing title boundaries.

4. Hours of operation

The abattoir shall only be in operation during the following times:-

Monday – Friday 6:00am – 11:00pm

Saturday 8:00am – 6:00pm

5. Staging of Works

Prior to the commencement of use for each stage of the development the following works shall be completed to the satisfaction of the Responsible Authority as applicable:

- a) the relevant parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the Responsible Authority; and
- b) the parking and roadway area(s) has been line-marked to the satisfaction of the Responsible Authority, and
- c) the garden and landscape area(s) shown on the endorsed plan(s) have been planted to the requirements and satisfaction the Responsible Authority

Prior to the commencement of use of Stage 1 of the development the following civil works as shown on the endorsed plans shall be completed to the satisfaction of the Responsible Authority

- a) Upgrade to property frontage along Martin Street
- b) Road upgrade to the full property frontage along O'Reilly Road.
- c) Intersection upgrade of Russell Street and Martin Street.
- d) Intersection upgrade of O'Reilly Road and Martin Street.

Prior to the commencement of use of Stage 4 of the development the stock unloading ramp shall be re-located. The relocation shall include the completion of all civil and fencing works and a vehicle wash bay in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

6. General Amenity

The use and development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

7. General Exterior Treatment

The exterior treatment of the building(s) permitted by this permit including all exterior decoration, materials, finishes and colours must be in accordance with the endorsed plans and to the satisfaction of the Responsible Authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the Responsible Authority.

8. Baffled Lighting

Prior to the commencement of use for each stage, all associated outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

9. Waste / Recycling Collection Area

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must have minimum dimensions of 2.4 metres wide by 1.8 metres deep and where located outside a building it must be screen-fenced so as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

10. Waste Materials Disposal

All waste materials produced shall be removed from the site and disposed of in accordance with the relevant Australian Standards, Acts and in such a manner as to avoid nuisance, pollution or loss of amenity to the surrounding area. Waste materials should not be disposed of by burning unless approved by the Responsible Authority.

11. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- 1) avoiding the transport of mud onto roads;
- 2) minimising the generation of dust during earthworks or vehicles accessing site;
- 3) minimising the generation of sound emissions outside approved operating hours;
- 4) maintaining a neat & tidy site.

12. Damage to Assets

Any damage to Council assets during the construction phase must be repaired at the cost of the applicant all to the satisfaction of the Responsible Authority.

13. Car Park Construction Requirements

Prior to the undertaking of each stage of car parking works detailed car parking plans must be submitted for approval by the responsible authority. Details shown on the plan must include:

- The dimensions of all car parks and access ways;
- Details of how the works are to be drained;
- Surface materials and construction details;

All to the satisfaction of the Responsible Authority.

Prior to use commencing for each relevant stage, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority; including:

- surfaced with an all-weather seal coat;
- drained in accordance with an approved drainage plan;
- line-marked to indicate each car space and all access lanes;
- properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- provision of traffic control signage and or structures as required;
- provided with signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.

14. Disabled Car Spaces Required

Prior to the completion of Stage 4 of the development, two car spaces with width of 3.6 metres shall be designated and provided on the site for the exclusive use of disabled persons to the satisfaction of the Responsible Authority, in accordance with the applicable Australian Standard.

15. Vehicle Turning

Prior to the commencement of Stage 1 of the development, provision shall be made for the turning of vehicles within the site to enable all vehicles to travel in a forward direction when entering and leaving the site in accordance with the endorsed plans forming part of this permit.

16. Delivery of Goods

The loading and unloading of livestock and goods from vehicles must only be carried out on the land between:

- 7am -7pm Monday to Friday

Unless otherwise advised agreed to in writing by the Responsible Authority.

17. Urban Vehicle Crossing Requirements

Vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, prior to the commencement of Stage 1 of the development and shall comply with the following:

- standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete (kerb and channel);
- any proposed vehicular crossing shall have satisfactory clearance of any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
- industrial vehicular crossings shall not be less than 6 metres nor more than 9.0 metres (18.0 m – double crossing) in width
- no crossing shall be provided within 9 metres of an intersection of the title boundaries or less than 6.0 metres from the tangent point of any concrete edging;
- crossings shall be a minimum distance apart of 9 metres.

18. Internal Access

Prior to the commencement of use of the relevant stage of the development the internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.

19. Discharge Plan - Works

Before any of the works allowed by this permit can be started, a properly prepared drainage plan with computations must be submitted to and approved by the Responsible Authority. The plan must give details of how the works on the land are to be drained including the provision of litter traps and a gross pollutant trap at the drainage outfall of the development. An endorsed copy of the plan and computations will form part of this permit.

The drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority prior to the commencement of the use for each stage of the development.

The stormwater drainage system for the development shall incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways.

20. Stormwater Management – Water Quality

(a) The Applicant/Developer is to take into consideration the issues of stormwater quality and include an erosion and sediment control plan with appropriate treatments and operational features to minimise stormwater pollution in accordance with the *“Best Practice Environmental Management Guidelines for Urban Stormwater”*.

(b) Erosion and Sediment Control- Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.

21. Onsite retardation/Offsite Discharge Rate

Drainage discharge from the site shall be retarded to ensure a maximum discharge rate off - site of **80lts/ha/sec**. The applicant must supply computations demonstrating on-site retardation methods to the satisfaction of the Responsible Authority. These computations shall be included in the endorsed drainage plan forming part of this permit.

22. Boundary Fencing

All new boundary fencing as shown on the endorsed plans must be constructed of chain mesh or colorbond to a height 2.4 metres from the ground level of the subject land to the satisfaction of the Responsible Authority prior to the commencement of use for Stage 1 of the Development.

23. Advertising Plans

Prior to the use commencing for stage one of the development, full details of signs to be approved on site to be submitted for written approval of the responsible authority if required by the Planning Scheme. Details must include dimensions, type and location of all signs to be placed on the site illumination wording and colour scheme.

24. Sign maintenance

All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

25. Landscape Plan

Within 3 months of the date of the amended planning permit a satisfactory landscaping plan for the

whole of the subject land is submitted to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must include;

- a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
- show proposed bed heights above car-park surface.
- show all areas where vehicle overhang will occur;
- a permanent of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species to be planted around perimeters of the site to form an effective screen between activities on the site and adjoining land to the satisfaction of the Responsible Authority in accordance with the endorsed plans and must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

26. Completion Date

Landscaping works including the installation of an irrigation system as shown on the endorsed plan must be completed prior to the commencement of use for Stage 1 of the development to the satisfaction of the Responsible Authority and then maintained (including the replacement of any dead or diseased planting's) to the satisfaction of the Responsible Authority.

27. Goulburn Broken Catchment Management Authority Requirements

The floor level of any proposed enclosed buildings is to be constructed at least 300 millimetres above the 100-Year ARI Flood Level of 112.9 metres AHD, *ie* 113.2 metres AHD.

28. VicRoads Requirements

1. No direct vehicular access will be permitted from the subject land to the Murchison-Tatura Road.
2. Vehicular access to the subject land shall be via O'Reilly Road, martin Street and Russell Street only. No access point shall be located within 50 metres of the Murchison-Tatura Road Reserve boundary.
3. The discharge of concentrated drainage to the Murchison-Tatura Road reserve will not be permitted. All drainage shall be directed to a legal point of discharge as directed by the Responsible Authority.

29. Goulburn Valley Water Requirements

1. Payment of a headworks contribution for water supply to the development, such amount being determined by the Authority at the time of payment;
2. Provision of water supply augmentation and associated construction works, internal and/or external to the site are to be completed at the developer's expense.
All works external to the development are required to be constructed in accordance with the standards of construction adopted by and to the satisfaction of the Goulburn Valley Region water Authority
3. Payment of a headworks contribution for sewerage services to the development, such amount being determined by the Authority at the time of payment;
4. Provision of any sewerage augmentation and associated construction works internal and/or external to the site, are to be completed at the developer's expense.
All works external to the development are required to be constructed in accordance with the standards of construction adopted by and to the satisfaction of the Goulburn Valley Region water Authority
5. Connection of all sanitary and tradewaste fixtures within the development to reticulated

sewerage, at the developers expense, in accordance with the standards of construction adopted by and to the satisfaction of the Goulburn Valley Region water Authority.

All works required are to be carried out in accordance with AS 3500.2 – “Sanitary plumbing and drainage”, and to the satisfaction of the Authority’s Property Services Section;

6. Any changes to the current trade waste system will require a new Trade Waste Agreement to be entered into between both the developer and the Goulburn Valley Region water Authority to facilitate the receipt of trade waste for the new development.

30. Environment Protection Authority

- a) Offensive odours must not be discharged beyond the boundaries on the premises.
- b) Prior to the commencement of any works associated with the abattoir upgrade the applicant must submit to EPA a ‘pathways application’ for assessment. If EPA determines that the activity is a scheduled activity under the Environment Protection (Scheduled Premises and Exemptions Regulations) 2007, then the applicant must:
 - Submit a Works Approval application to EPA and
 - Be issued with a Works Approval or Exemption from EPA prior to any works commencing.

31. Time for Starting and Completion

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

- a) the development and use are not started 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.

NOTATIONS

Septic Tanks Code of Practice

All waste water disposal systems on the land must comply with the Septic Tanks Code of Practice, (On-site Domestic Wastewater Management), March, 1996, (Publication No. 451) Environment Protection Authority, to the satisfaction of the responsible authority.

Flooding

The land may be subject to flooding and/or associated minimum floor level requirements for any new construction. The owner and any other interested party, must make their own enquires as to whether the proposed development is affected by flooding requirements.

Health Requirements

The premises must comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984.

Trading must not commence without the prior approval of the Chief Environmental Health Officer, and until registration with the Council under the Food Act 1984, has been completed.

APPENDIX THREE: ENDORSED PLANS – 2005-28(J)

GREATER SHEPPARTON PLANNING SCHEME
These endorsed/amended plans form part of
Planning Permit No. 2005-28(J)
Sheet 1 of 2
Planning Officer [Signature] 11/10/16
Date

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