

Item 11.7	Melton Planning Scheme Amendment C140 - Site Specific Exclusion for Industrial and Retail uses at 2 - 50 Meskos Road, Rockbank
Appendix 5	Scheme Amendment C140 - Incorporated Document

MELTON PLANNING SCHEME

INCORPORATED DOCUMENT

**Proposed Concrete Batching Plant, Rock Crushing Facility and associated Garden Supplies,
2 – 50 Meskos Road, Rockbank, April 2013.**

**This document is an incorporated document in the Planning Scheme pursuant to Section
6(2)(j) of the Planning and Environment Act 1987**

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INTRODUCTION:

This document is an incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the Melton Planning Scheme (the Scheme).

Despite any provision to the contrary in this Scheme, pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document, including the concept layout plan prepared by Urban Design and Management titled 'Concept Layout Plan', or any other plan or document approved by the Responsible Authority.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document (or any future approved document) will prevail.

PROPOSED USE:

This document allows the land to be used for industry:

"Land used for any of the following operations:

- a) *Any process of manufacture;*
- b) *Dismantling or breaking up of any article;*
- c) *Treating waste materials;*
- d) *Winning clay, gravel, rock, sand soil, stone or other materials (other than minerals, stone, or soil extraction);*
- e) *Laundering, repairing, servicing or washing any article, machinery or vehicle, other than on-site work on a building, works, or land; or*
- f) *Any process of testing or analysis.*

If on the same land as any of these operations, it also includes:

- a) *Storing goods used in the operation or resulting from it;*
- b) *Providing amenities for people engaged in the operation;*
- c) *Selling by wholesale, goods resulting from the operation; and*
- d) *Accounting or administration in connection with the operation.*

If materials recycling, goods resulting from the operation may be sold by retail".

The document also allows the land to be used as a retail premises (landscape gardening supplies). However, the use of land for a retail premises must be ancillary to the processes carried out on the land:

"Retail premises Land used to:

- a) *sell goods by retail, or by retail and wholesale;*
- b) *sell services; or*
- c) *hire goods."*

The site must be specifically used and developed for a concrete batching plant, recycling crushing facility (to replace a smaller existing facility) and associated garden supplies. Key details include:

- Car parking;
- Administration building;
- Batching plant compound;
- Wheel wash facility;
- Sand and aggregate stockpiles;
- Silo's;
- Rock crusher;
- Bund walls; and

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- Garden Supplies.

ADDRESS OF THE LAND:

The land is described as 2-50 Meskos Road, Rockbank (Lot 3 on PS 448579N) (Volume 8965, Folio 616).

The concrete batching plant is to be developed at the land's eastern end, adjacent to the existing plant nursery and rock crushing facility (to replace an existing facility). Also proposed is a garden supplies area, to be located to the west of the existing nursery building.

APPLICATION OF THE PLANNING SCHEME PROVISIONS:

The following provisions of the Melton Planning Scheme do not apply to the land identified in this incorporated document:

- Clause 37.07 - Urban Growth Zone.

THIS DOCUMENT ALLOWS:

The use and development of the site for industry (concrete batching plant and recycling crushing facility) and retail premises (garden supplies) only. These uses must be generally in accordance with the attached Concept Layout Plan or any future plan or document approved by the Responsible Authority.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:**Endorsed Plans**

1. Prior to any buildings or works commencing on the land, three (3) copies of amended development plans (including elevations) to an appropriate scale and fully dimensioned must be submitted to and approved by the Responsible Authority. When approved the plans (or any future plans) are endorsed by the Responsible Authority, will then form part of the incorporated document. The plans must be in accordance with the Concept Layout Plan, but modified to show:
 - a. The location, layout (including height) and dimensions of all buildings and works, including any acoustic treatments;
 - b. The location of any ancillary works, such as administration buildings (including portables) material stockpiles, ~~fencing and roadworks~~ (whereby all access roads and trafficable areas must be sealed); ~~and fencing~~;
 - c. The location of the recycling crushing facility including bund walls (to be shown wholly on the subject site, and extended along the southern boundary);
 - d. The final location and design of the concrete batching plant;
 - e. Details of any signage proposed to be displayed on site;
 - f. Provision of appropriate car parking spaces;
 - g. A schedule of colours, materials, textures and finishes;
 - h. Updated Landscaping Plan based on the changes identified above.
 - i. Plans must also be accompanied by an amended noise assessment based on the preferred site layout.

Layout Not Altered and Satisfactory Completion

2. The use and operation of the site must at all times be conducted in accordance with:
 - a. All plans and documents endorsed under this Incorporated Document, or any future documents approved by the Responsible Authority; and
 - b. All relevant Management Plans and recommendations for the site. All to the satisfaction of the Responsible Authority.
 - c. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
3. The development and the layout of the uses as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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Dust Management

4. Prior to the commencement of the development, a Dust Management Plan (DMP) must be submitted to and approved by the Responsible Authority. This plan must incorporate best practice dust control measures, to should ensure that all dust resulting from the use is captured, on site and does not cause so the use does not cause amenity issues to surrounding areas. The DMP must address, but not be limited to:
- a. sources of dust;
 - b. any impacts from prevailing winds and climatic conditions, and measures to avoid the incidence of dust in these conditions;
 - a. identification of high risk parts of the operation, and if any identified, measures to enclose these areas and/or manage the incidence of dust;
 - b.c. maximum height and form of proposed bunds and associated landscaping;
 - d. maximum allowable area for and number of stacks for stockpiling;
 - e.e. management requirements for the site. These must be in line with best practice measures, and must include is should include, but is should not be limited to the following; explanation of management-managing impact of onsite processes on the site, including guidelines for the use of proposed equipment and guidelines to maintain proposed stockpiles; review of atmospheric and climatic conditions of the area which may exacerbate the creation of dust, specifications for operation in days of high wind; identification of physical mechanisms to suppress dust and when this should occur (eg. water, crusting agent, physical covers, vegetationvegetation, sprinkler systems); onsite management controls such as controls for the use of water trucks, speed limits to avoid the incidence of dust, and controls to avoid dust to be taken offsite (eg. Road grills, physical cleaning, truck wash, covers).
 - d.f. ongoing monitoring of dust on and off the site, including monitoring schedule and tools to enable monitoring (eg. dust gauges and weather analysis instruments).
 - e.g. reporting procedures to inform the Responsible Authority, and any other relevant body of dust operations and avoidance on the subject site.
5. Air quality monitoring for PM₁₀ and dust deposition shall be undertaken from the commencement of works for a duration of at least the first twelve months of full operation (or upon request of the Responsible Authority), to assess the impact of the operation on the locality and the effectiveness of the dust mitigation measures adopted on site.
6. Dust insoluble solids deposition should be carried out in accordance with the requirements of Australian Standards AS3580.10.1 and PM₁₀ ambient air quality monitoring in accordance with the requirements of Australian Standards AS 3580.9.6.
7. The operator must use its best endeavours to ensure that fine and course aggregate delivered to the concrete batching plant is delivered in a moist state and is covered during transport to the site.
7. All roads, storage areas, external stockpiles or vacant areas onsite must be maintained to avoid nuisance dust to any surrounding area, including the Native Vegetation grassland to the south-southeast of the site, to the satisfaction of the Responsible Authority.
8. —

Stormwater Treatment

- 9.8. Prior to the commencement of the development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The plan must ensure:
- a. The site will be drained to the satisfaction of the Responsible Authority and no additional storm water, sillage, sewerage or polluted drainage is to drain or discharge from the land to adjoining properties, or into any drain or watercourse.
- 10.9. The Stormwater Management Plan must be prepared by an approved Consultant Civil Engineer. The plan is to include (though not limited to) detailed hydrological, hydraulic and water quality treatment analysis, on site retention and measures to prevent polluted water or sediment entering the municipal drainage system.

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Noise Control

- ~~44.10.~~ Noise control measures recommended in Section 7 of the WMG acoustics Pty Ltd report (dated 19 December 2012 and addendum dated 13 February 2013) and recommended as part of post testing on the site, must be employed on site prior to operation. The provision of acoustic walls and enclosing areas of operation must be considered for the site, specifically for the rock crushing use, to ensure SEPP N-1 is complied with for the surrounding area, in all operating scenarios.
11. Noise monitoring assessment must be -shall be carried out prior to commencing the use. Testing should discriminate against ambient noise and noise from the facility to ensure compliance with SEPP N-1 in all locations. Any necessary control measures required to meet at the beginning of the project to confirm the proposed operation is in compliance with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (including acoustic walls and enclosure of plant equipment) must be implemented prior to operation.
12. Every four years, for the lifespan of this facility a noise assessment is required to be conducted on the site. This is to ensure that the use continues to be operating in accordance with the requirements of SEPP N-1. These reports must be provided to the Responsible Authority on request.
- ~~12.~~
13. In the event that at the beginning of the project, the monitoring identifies that the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 is not met, within 1 month from the commencement of the use additional noise control measures must be administered on the subject site, to the satisfaction of the Responsible Authority.

Amenity

- ~~44.13.~~ The amenity of the area must not be detrimentally affected by the development and/or use through the:
- a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, work or materials;
 - c. Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin;
 - e. Change to television and/or radio reception;
 - f. In any other way.

Lighting Baffled

- ~~45.14.~~ All lighting of external areas must be suitably baffled and located to the satisfaction of the Responsible Authority, so not to cause adverse affect or annoyance on adjoining land or road reserve.

Waste Storage and Disposal

- ~~46.15.~~ Provision must be made for the storage and disposal of waste to the satisfaction of the Responsible Authority. This requires:
- a. All waste storage areas to be screened from public view.
 - b. Information on the location and process for washing down trucks and dealing with excess wet concrete, including any material that may be returned to the site.
 - c. All material not required for further onsite processing must be regularly removed from the site.
 - d. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created.
 - e. Material or goods stored in the open on the site must be screened from view of persons on adjoining properties, roads and reserves.
- ~~47.16.~~ Provision must be made on the land for the storage and collection of garbage and other solid waste. These must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.

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Hours of Operation

- ~~18.17.~~ Except with the further written consent of the Responsible Authority, the rock crushing facility and concrete batching plant are to operate only between the following hours:
- a. Monday to Saturday between 5am and 6pm.
 - ~~b. Sundays and Public Holidays between 7am and 6pm. The rock crushing facility and concrete batching plant must not operate on a Sunday or Public Holiday, without prior written approval from the Responsible Authority.~~
 - ~~c. The garden supplies use must only operate within the hours of the existing nursery.~~
- ~~19.18.~~ Mobile equipment operating at the site before 7am must be fit with 'new generation' broadband reverse alarms, which vary their noise depending on the ambient noise level.
~~Alarms should be set to the lowest noise level required for safe operation.~~
- ~~19. The rock crusher must only operate at ground level, and not on the elevated rock stockpile.~~
- ~~20. Deliveries of rock to the site can only occur between the hours of 7am and 6pm Monday to Friday and 7am and 1pm on Saturday.~~
- ~~21. There are to be no deliveries of materials to the site, except between operating hours set out in Condition 17.~~

Car Parking and Access

- ~~22.21.~~ Provision for car parking ~~should must~~ be in accordance with the requirements of Clause 52.06 of the Melton Planning Scheme, unless otherwise approved by the Responsible Authority.
- ~~23.22.~~ Before commencement of onsite operations, car parking areas and access ways, as shown on endorsed plans must be constructed to the satisfaction of the Responsible Authority and in particular be:
- a. Properly formed to such levels that they can be used in accordance with the plans;
 - ~~a.b. Surfaced with full sealed material including asphalt, coloured concrete, coloured patterned concrete and interlocking paving, bricks or other materials as shown on the endorsed plans to the satisfaction of the Responsible Authority;~~
 - ~~b.c. Drained and maintained to the satisfaction of the Responsible Authority;~~
 - ~~e.d. Signposted to identify access lanes and car parking areas; and~~
 - ~~d.e. Clearly marked to show the direction of traffic along access lanes and driveways and car parking areas.~~
- ~~24.23.~~ The internal design of all car parks and vehicle access ways must be generally in accordance with Australian Standard 2890.1-2004 to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for the purpose of car parking at all times.
- ~~25.24.~~ Work site traffic management practices must be in accordance with Australian Standard AS 1742.3-2002 'Manual of Uniform Traffic Control Devices-Part 3; Traffic Control Devices for Works on Roads and VicRoads and 'Worksite Traffic Management (Road works Signing) Code of Practice'.
- ~~26.25. All roads, storage areas, external stockpiles or vacant areas onsite must be maintained to avoid nuisance dust to any surrounding area, including the Native Vegetation grassland to the south-southeast of the site, to the satisfaction of the Responsible Authority.~~
- ~~26. No access or egress is permitted along the railway reserve or from the now redundant Western Freeway entrance onto the site. All operations must be conducted from within the subject site.~~
- ~~27. No vehicles may be permitted to queue or park along Meskos or Hopkins Roads, and must enter/exit the site in a forwards direction.~~

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Road Maintenance

28. Before the development starts the operator must enter into an agreement with Melton City Council in respect of the upgrade and maintenance of Meskos Road to the satisfaction of the Responsible Authority. The agreement must:

- a) Detail a program for the upgrade and ongoing maintenance of Meskos Road to cater for the increase in both the overall traffic volumes and heavy vehicle traffic generated by the development, and the timing for which this is to occur. The agreement should highlight which physical works are to occur both when upgrading the entire length of Meskos Road, and for maintaining the road into the future. All works are to be undertaken by the operator of the concrete batching plant/rock crushing facility – unless otherwise agreed with the current landowner. All costs associated with the preparation, execution and implementation of the agreement must be borne by the above operator (or landowner). The upgrade of Meskos Road must occur prior to the proposed use commencing.

Loading and Unloading

27.29. The loading and unloading of goods to and from vehicles must only be carried out within the identified area of works shown on the endorsed plans.

28.30. Vehicles awaiting the pick up or delivery of concrete or any other material associated with the concrete batching plant, rock crushing facility or nursery must not be left standing in Meskos Road or Hopkins Road at any time. Such vehicles must be accommodated on the subject site to the satisfaction of the Responsible Authority.

Stockpiles

31. All stockpiles must not exceed a height of 6 metres above the natural ground level, and height markers be provided at each corner of the stockpile areas.

29.32. The rock crusher must only operate at ground level, and not on the elevated rock stockpile.

30.33. The loader must operate at the base of the raw material stockpile face on the natural surface and directly load into the primary crusher at that level (the operation must not utilise a off-road haul truck).

34.34. The rock crusher must be fully shielded by the rock stockpile and bunding at all times.

32.35. Must practice regular weed control around stockpiles of imported production materials ie. bunding and concrete sand on the site.

Vehicle Wash

All vehicles leaving the site (including all trucks) must pass through the wheel washing facility so that they do not deposit mud or other materials on roadways.

33.36. All washdown vehicles must be carried out in the designated washing bays, so that all waste drains to an oil and silt interceptor trap before it discharges to an approved outlet to the satisfaction of the Responsible Authority.

34.37. Regularly wash vehicles concentrating on wheels and undercarriage to remove built up soil and dust.

35.38. Contain any washing/process water to the site.

Water Management

38. The permit holder must identify and adopt water use minimisation and sound water use management practices in the operation of the uses hereby allowed by this permit.

38.39. The provision of an adequate supply of water must be available at all times for the purpose of dust suppression.

Sewerage

39. All sewerage and sillage shall be treated in accordance with the requirements of Council's Public Health Department. All effluent shall be disposed of and contained within the curtilage of the property in accordance with the Septic Tanks Code of Practice 1996 and any relevant standards.

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(Note: An application to install a septic tank is required to be submitted to Council's Public Health Department for approval before any building permit is obtained.)

Colours, Materials, Textures and Finishes

39. The exterior colour and cladding of the buildings must be of a non-reflective nature to the satisfaction of the Responsible Authority.

Operational Requirements

40. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the written direction of the Responsible Authority.

41. All graffiti on the subject site which is visible to the public must be promptly removed or obliterated and the site must be kept free from graffiti at all times to the satisfaction of the Responsible Authority.

42. Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road, to the satisfaction of the Responsible Authority.

43. The crushing operation shall be limited to one crushing unit, and only be located in the 'Proposed Rock Crushing Area' identified on site plans.

44. The crushing plant may only crush rock, asphalt, glass and concrete.

45. Prior to any works commencing for the proposed rock crushing facility, the existing rock crushing operation shall cease and any associated infrastructure or development must be removed from the site.

Landscaping Plan

39.46. Before the occupation of the development starts, and the use commences, except where further written consent of the Responsible Authority is obtained, the landscaping works shown on the endorsed plans (or any future plan approved by the Responsible Authority) must be carried out and completed to the satisfaction of the Responsible Authority.

40.47. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose, including that any dead, diseased or damaged plants must be replaced.

Environmental Management Plan

41.48. Before the development starts, an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority.

42.49. When approved, the EMP will be endorsed by the Responsible Authority and will then form part of this document. The EMP must address the issues below, but not be limited to the following:

- a. construction and work site management including:
 - i. specified hours of operation;
 - ii. haulage routes;
 - iii. methods of dust suppression;
 - iv. methods of noise suppression;
 - v. rehabilitation works and methods;
 - vi. training of staff and visitors to the site;
 - vii. any other relevant management mechanism identified within this Incorporated Document.
- b. the identification of all potential contaminants stored on site;
 - i. the identification of all construction and operational processes that could potentially lead to water contamination;

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- ii. the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
- iii. procedures for pollution management;
- iv. the identification of waste reuse, recycling and disposal procedures; and
- v. appropriate sanitary facilities for construction and maintenance staff;
- c. Hydrocarbon and hazardous substances management including:
 - i. procedures for any onsite storage of fuels, lubricants or waste oil;
 - ii. contingency measures to ensure that any chemical or oil spills are contained onsite and cleaned up in accordance with Environment Protection Authority requirements.
- d. water quality management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution;
- e. overall environmental objectives for the operation of the use and techniques for their achievement relating to stormwater, pollution, runoff, dust emissions and noise;
- f. comment on day to day management of the use;
- g. a program for monitoring and reporting including identification of possible risks of operational failure and response measures, a register of environmental incidents, non-conformances, complaints and corrective actions;
- h. a timetable for implementation of all programs and works identified in the EMP.
- i. methods of protection of areas of native vegetation on the land, or on adjacent land.

Construction Management Plan

43.50. Prior to commencement of development, a Construction Management Plan (CMP) must be prepared to the Responsible Authority. The CMP must include details of, but not be limited to the following:

- a. methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing;
- b. Management of parking of construction machinery and workers vehicles;
- c. Management of site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity;
- d. Measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
- e. The provision of adequate environmental awareness training for all on-site contractors and sub contractors;
- f. A liaison officer for contact by the public and the responsible authority in the event of relevant queries or problems experienced;

Once approved the Plan will form part of the endorsed plans and all works must be carried out in accordance with the Plan.

All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this Incorporated Document, to the satisfaction of the Responsible Authority.

Land Management Plan

44.51. Prior to commencement of development, a Land Management Plan (LMP) must be prepared and implemented to the satisfaction of the Responsible Authority. The LMP shall include details of, but not be limited to the following:

- a. Management of noxious weeds (rather than a separate management plan).
- b. Management of noxious pest animals (i.e. rabbits/foxes).
- c. Management of the interface between the Meskos Road grassland/the Rail Reserve (covered by an ESO1) and the subject land. Management of the site must include:
 - i. Provision of a 4 meter slashed fire break between the proposed landscaped bund and southern property boundary. This fire break should preferably be sown with native grass species. Rock stockpiling shall not be located within this buffer area;

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- ii. The existing rock/soil etc which is stockpiled along the southern fenceline and harbours noxious pest animals to be removed. This should be replaced with appropriate fencing to help prevent rabbits entering adjacent areas of ecological sensitivity. At a minimum, this should be a standard farm fence which uses rabbit exclusion mesh.
- iii. The eastern end of the Meskos Road grassland is to be fenced off to exclude unauthorised dumping of construction materials on the grassland, i.e. fence off the buffer area as well.
- iv. Revegetation and management of the bund, with native species where possible.
- v. Council will continue to manage the weeds within the Meskos Grassland reserve, including the buffer area, however targeted weed control should be should be addressed in this Land Management Plan and should target the southern fence line buffer areas.
- vi. A record of weed control works must be kept by the proponent and made available to Melton City Council Environmental Services for review on request.
- vii. Melton City Council Land Management Officers must be allowed onto the property to inspect weed control works on request.

Time Limit

45.52. Notwithstanding other provisions of these conditions, the use and development permitted by this incorporated document will expire if one on the following circumstances applies:

- a. The development is not started within two years of the date of the gazettal of the approved amendment; and
- b. The development is not completed and the use not commenced within two years of gazettal of the approved amendment.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

53. The operation and associated uses must cease 25 years from the date the original use commences, and all development must be removed from the site, unless otherwise approved by the Responsible Authority.

END OF DOCUMENT