

LATROBE PLANNING SCHEME
INCORPORATED DOCUMENT

Fourth Road, Hazelwood North

December 2020

This document is an incorporated document in the Latrobe Planning Scheme under section 6(2)(j) of the *Planning and Environment Act 1987*.

1.0 INTRODUCTION

This document is an incorporated document in the Latrobe Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

This incorporated document facilitates the use and development of land at Fourth Road, Hazelwood North (CA 2047, Parish of Hazelwood) (the project).

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of the control in Clause 5.0 is to allow the use development of land described in Clause 3.0 of this document for the purposes of the project.

3.0 LAND

The control in this document applies to land at Fourth Road, Hazelwood North (CA 2047, Parish of Hazelwood), that is affected by the Specific Controls Overlay (SCO5) as shown on Planning Scheme Map 92SCO in the planning scheme and identified in Figure 1 below.



Figure 1: Land subject to the incorporated document highlighted in red.

4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of land for the purposes of the project as described in Clauses 5.0 and 6.0 of this document, with the exception of the following clauses of the Latrobe Planning Scheme which continue to apply:

- Clause 43.02 Schedule 1 – Major Pipeline Infrastructure
- Clause 45.03 Environmental Audit Overlay
- Clause 53.10 Uses with adverse amenity potential.

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows the use and development of the land for a Used Lead Acid Battery (ULAB) Recycling Facility, waiver of the carparking requirement, generally in accordance with the following and modified by clause 6.0 of this Incorporated Document:

- 'Application for Planning Permit, Use and Development of Land for An Industry (Used Lead Acid Battery Recycling Facility), Fourth Road, Hazelwood North (CA 2047, Parish of Hazelwood)', prepared by Beveridge Williams, 31 January 2020;
- Works Approval No. 232330, Environment Protection Authority, 31 August 2020;
- Chunxing Used Lead Acid Battery Recycling Facility: Human Health Risk Assessment, EnRiskS, 28 May 2020.

And including any amendment of the plans that may be approved from time to time under the requirements of this document. Once approved, these plans will be the endorsed plans.

6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:

Endorsed plans

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

Development clauses

2. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
3. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
4. Upon completion of works, the sit must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
5. The use and development of the land must be in accordance with Works Approval No. 232330 issued by the Environment Protection Authority, 31 August 2020.

Landscaping clauses

6. Before the development starts, and before any trees or vegetation are removed, a Landscape Plan must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Plan submitted with Latrobe planning permit application 2020/16, but modified to show:
 - a. A planting schedule of all proposed vegetation (trees, shrubs, groundcover), which includes botanical names, common names, pot sizes, mature size and total quantities.
 - b. The use of climate appropriate species.
 - c. Details of path, paving and accessway treatments.
 - d. Non-invasive species within easements to ensure no root system damage to existing infrastructure.
 - e. Irrigation details.

When approved, the Landscape Plan will be endorsed and form part of this incorporated document.

7. The Landscape Plan must be implemented prior to the commencement of the use, or at a later date approved by the Responsible Authority, to the satisfaction of the Responsible Authority.
8. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including replacement of any damaged or dead stock.

Statement of Environmental Audit

9. The use and development approved by this incorporated document must comply with all directions, conditions, requirements and recommendations contained within the Statement of Environmental Audit issued for the land.

Amenity clauses

10. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - d. Presence of vermin;

All to the satisfaction of the Responsible Authority.

11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
12. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
13. No fewer than 54 carparking spaces must be provided on the land for the use and development, including 4 carparking spaces clearly marked for disabled persons.
14. The bicycle spaces shown on the endorsed plans must be provided and maintained to the satisfaction of the Responsible Authority. No less than bicycle 10 spaces must be made available for staff and visitors.
15. No external storage of any materials is allowed to occur on the site, including not limited to intermediate and finished product, solid and liquid wastes and decommissioned or out-of-service process equipment, to the satisfaction of the Responsible Authority and in accordance with the EPA Works Approval.

Decommissioning clauses

16. Once the ULAB recycling facility use permanently ceases operation, the Responsible Authority must be notified within three months.
17. Once the ULAB recycling facility use permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be either removed or rehabilitated to the satisfaction of the Responsible Authority.
18. Within three months of the ULAB recycling facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the Responsible Authority. Once endorsed, the DMP will form part of the incorporated document. The DMP must include:
 - a. Identification of infrastructure, equipment, buildings and structures to be removed, and details of how these will be removed.
 - b. Details of how the land will be rehabilitated.

- c. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the Responsible Authority as soon as practicable, but no less than 12 months after the DMP is endorsed, or by such other period approved by the Responsible Authority.

19. The endorsed DMP must be implemented to the satisfaction of the Responsible Authority.

Engineering clauses

20. Before the commencement of any buildings and works, a Site Drainage Plan, including levels or contours of the land and hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated document. The plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided. The drainage plan must be prepared in accordance with the requirements of the Latrobe City Council's Design Guidelines and must provide for the following:

- a. Details of how stormwater from all buildings, open space and paved areas will be detained within the site for a 1% AEP (Annual Exceedance Probability) storm event. The stormwater detention system must be designed to ensure that stormwater does not discharge from the land for all storm events up to and including the 1% AEP event. Calculations must be provided to demonstrate the adequacy of the proposed stormwater storage facilities.
- b. Details of measures for control and prevention of stormwater from the site entering external drainage systems.

Environmental Management Plan

21. Prior to the commencement of any works permitted, an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority. The plan must detail how issues, such as erosion prevention, flood and stormwater mitigation, dust generation and sediment control will be managed on-site during the construction of the permitted buildings and works and during the operation of the permitted use. Details of a contact person / site manager must be provided, so that this person can be easily contacted should any issues arise. Reference should be made to the Environment Protection Authority's publication 960: 'Doing it Right on Subdivisions', as relevant.

22. Appropriate measures must be implemented throughout the construction stage of the development to rectify and / or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

23. Control measures in accordance with the approved EMP, must be employed throughout the construction stage and during the operation of the permitted development to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the EMP. If, in the opinion of the Responsible Authority, departure from the approved EMP is significant, an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out and completed to the satisfaction of the Responsible Authority.

24. Before the commencement of the use, or by such later time as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority, including all necessary permits and inspections:

- a. All stormwater discharging from the proposed buildings and works must be conveyed to a legal point of discharge by the property drainage system.
- b. The areas shown on the endorsed plans for car parking and vehicle access to car parking areas must be constructed to an all-weather sealed surface, drained, line marked for each vehicle space and access lanes, and clearly marked to show the direction of traffic along access lanes and roadways.
- c. The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in the Latrobe City Council's Standard Drawing LCC 307.

25. Polluted stormwater must be treated on the land from which it emanates, to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the land from which it emanates or into a watercourse or easement drain.
26. Stormwater from the land and works must be managed so as not to cause pollution or nuisance to the surrounding land, to the satisfaction of the Responsible Authority.
27. The loading and unloading of goods and vehicles must only be carried out on the land subject to this incorporated document and must not disrupt the circulation and parking of vehicles on the land or adjacent roads.
28. Car spaces, vehicle access ways and driveways must be kept available for these purposes at all times.
29. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Health Services clauses

30. Wastewater from the office sanitary and staff kitchen facilities will be directed to the existing reticulated sewerage system that extends along the part of the site's southern boundary.
31. Wastewater from fixtures, such as showers, toilets and kitchen amenities, must not be directed into treatment of industrial wastewater streams – in-line with Environment Protection Authority's publication IWRG632 'Industrial Water Reuse Guidelines 2017'.
32. Wastewater from the laboratory and truck wash is to be treated in-line with the Environment Protection Authority's publication IWRG632 'Industrial Water Reuse Guidelines 2017'.
33. Sewage, sullage and other liquid wastes to arise from the use and development shall be treated and retained on-site by a septic tank system in accordance with the requirements of the *Environment Protection Act 1970, Guidelines for Environmental Management: Code of Practice – On-site Wastewater Management 891.4 (2016)*, to the satisfaction of the Responsible Authority.
34. No buildings or works must occur over any part of the approved waste disposal system, including any septic tank, in accordance with the requirements of the *Environment Protection Act 1970, Guidelines for Environmental Management: Code of Practice – On-site Wastewater Management 891.4 (2016)*, to the satisfaction of the Responsible Authority.
35. Stormwater from the facility must not be permitted to enter a septic tank treatment system or disposal field.
36. Unless alternative waste treatment measures are approved by the Responsible Authority, prior to the commencement of buildings and works, an application for a permit to install a septic tank system must be submitted to and approved by the Responsible Authority.
37. A land capability assessment must be submitted with any application of a septic tank permit.

Worksafe clauses

38. The development must comply with the relevant requirements of the *Dangerous Goods Act 1985* and its subordinate legislation, in particular, the *Dangerous Goods (Storage and Handling) Regulations 2012*, with specific regard to risk assessment and control of risks, fire protection and spill containment for any risks arising from the storage and handling of Class 8 dangerous goods.

7.0 EXPIRY

The control in this document expires if any of the following circumstances apply:

- The development allowed by this control is not started within one year of the date of the gazettal of Amendment C129latr.
- The development allowed by this control is not completed within four years from the date of gazettal of Amendment C129latr.

- The use allowed by this control is not started within four years from the date of gazettal of Amendment C129latr.

The Responsible Authority may extend these periods if a request is made in writing before the expiry date or within six months afterwards.