

### **3.5 PROPOSED GREEN WASTE RECYCLING FACILITY AND SALES (BITUMEN AND SAND) - LOT 61 BUSHMEAD ROAD, HAZELMERE**

(Guildford) (Development Services)

#### **KEY ISSUES**

- The applicant is seeking approval to use a portion of the rear of Lot 61 for green waste mulching, stockpiling and sale and clean sand and bitumen profiles stockpiling and sale.
- The proposal comprises an access crossover from Central Avenue, stockpiling areas of 200m<sup>2</sup> and 1350m<sup>2</sup>, a 120m<sup>2</sup> administration shed and an onsite drainage basin all contained within a 1.48 hectare area.
- The rear portion of the subject lot is zoned "Industrial Development".
- The proposal is considered to constitute a Use Not Listed under the City's Town Planning Scheme No. 9 and accordingly was advertised for public comment.
- A total of nine submissions were received, eight objecting to the proposal on the grounds of adverse impact from increased traffic, noise, dust, odour, fire risk and contamination from foreign materials introduced into deliveries.
- There is considered to be no potential for fire risk from mulched and stockpiled green waste. No chemicals will be used in the mulching process and materials will be screened, thereby eliminating the potential for (contaminating) foreign items or substances to be introduced onsite. Odour is not considered to present a problem.
- Whilst the volume of heavy vehicle traffic is in the order of 25 movements per day there are no details as to whether such vehicles will be directed to avoid the townsite. Given this is a primary concern the applicant will need to provide a traffic management plan in order for Council to accurately assess the impact of traffic.
- The green waste stockpiling will not generate dust. Access and parking areas will be required to be sealed as a condition of any development approval. Noise from the mulching is identified by an acoustic report as having potential impact on other development within the existing lot and the abutting Lot 60. The report identifies that this can be mitigated by the installation of noise barriers around the machinery. It is recommended that a requirement for such barriers also be included as a condition of any development approval.
- The proposal is considered acceptable in terms of setbacks, plot ratio, car parking and landscaping (retention of areas of remnant vegetation).

It is recommended that Council grant the Principal Planner delegated authority to approve the proposed Greenwaste Recycling Facility and Sales on Lot 61 Bushmead Road, subject to provision of a traffic management report to the City's satisfaction,

and standard conditions.

## **AUTHORITY/DISCRETION**

Council has discretion under Clause 2.3.9 of the Scheme to determine Applications for Development Approval.

## **BACKGROUND**

Applicant:	Statewest Surveying and Planning
Owner:	Guiseppe Peter Callo
Zoning:	TPS - Rural Residential and Industrial Development
	MRS - Rural and Industrial
Strategy/Policy:	NA
Development Scheme:	City of Swan Town Planning Scheme No.9
Existing Land Use:	Hire Service Industrial
Lot Size:	4.4264 ha
Area:	1.48 ha
Use Class:	Use Not Listed "SA"

## **DETAILS OF THE PROPOSAL**

The applicant is intending to utilise a portion of the rear of the subject lot to receive, mulch, stockpile and sell green waste; receive, stockpile and sell bitumen profiles; and receive, stockpile and sell clean sand. Green waste will be stockpiled within a 2000m<sup>2</sup> area and sand within a 1350m<sup>2</sup> area. An office/shed of 120m<sup>2</sup> in area will regulate entry to the site from Central Avenue. Drainage will be contained onsite via a 360m<sup>2</sup> compensating basin.

Green waste, in the order of 150m<sup>3</sup>, will be delivered to the site from tree lopping and earthmoving contractors. It will be processed by a horizontal recycler, where after mulching it will be condensed to approximately 30m<sup>3</sup>. Volumes of sand are expected to be in the order of 100m<sup>3</sup>.

The facility will employ two full-time staff and one part-time employee as required.

## **DESCRIPTION OF SITE**

The subject lot is situated at the north-west corner of Bushmead Road and the unconstructed Central Avenue in Hazelmere. The lot is 4.4364 hectares in area and has frontage of 120 metres to Bushmead Road and 331 metres to Central Avenue. The site is flat and partially vegetated and supports a hire service operation for commercial vehicles and earthmoving plant and equipment, comprising a vehicle parking area, shed, office and workshop.

The area intended for the development of the proposed facility is approximately 1.4 hectares to the rear of the lot and comprises a stand of mature vegetation.

## **SITE HISTORY/PREVIOUS APPROVALS**

- 18 December 1996: Council deferred an application for Transport Depot
- 29 January 1997: Council refused the above application for Transport Depot
- 26 March 1997: Council refused an application for "Shed and temporary Transport Depot" and resolved to initiate legal action against the owners of the land
- The Minister for Planning dismissed an appeal lodged by the owner of the land against Council's earlier refusal for the transport depot
- 4 November 1997: Zoning for Lot 61 changed from General Rural to split zoning of Rural Residential/Industrial Development
- 25 March 1998: Council refused an application for "Storage Yard for Vehicles in support of Water Cartage Business" (Transport Depot)
- 13 June 2001: Council refused an application for "Hard Standing Storage Area, Sheds, Staff Parking - Hire Service (Industrial)"
- 14 November 2001: Application for "Hard Standing Storage Area, Shed, Staff Parking - Transport Depot
- 18 November 2001: Application for "Hard Standing Storage Area, Staff parking and retention of existing buildings as Higher Service (Industrial)"
- 19 December 2001: Council resolved to defer these three applications until the outcome of the consultant's report on the zoning of Lots 58, 59, 60 and 61 had been considered by Council.
- 2 July 2004: Town Planning Appeal Tribunal Minute of Consent Orders for conditional allowance of Appeal for Hire Service Industrial.

## **OTHER RELEVANT PREVIOUS DECISIONS OF COUNCIL**

As listed above.

Council's consideration of the proposed Transport Depot for the adjoining Lot 60 has required access to come from Central Avenue, with this road to be constructed to a standard to the satisfaction of the City at the applicant's cost.

The subject proposal has indicated access to be obtained from Central Avenue.

## **APPLICANT'S SUBMISSION**

The applicant has provided the following points in support of the proposal:

- Total truck movements will be 25 per day
- Noise from the mulching operations has the potential to affect immediately adjoining residents and noise barriers can be installed around the mulcher to minimise noise
- Mulched green waste has minimal odour
- No emissions of wastewater, oils or gases
- Vegetation buffers to be maintained and enhanced along external boundaries
- With the removal of the proposed concrete crushing there will be no dust emissions

## **PUBLIC CONSULTATION**

The application was advertised for public comment in accordance with Scheme requirements with written notification to surrounding owners and a sign onsite inviting any interested parties to make a submission. A total of nine submissions were received, with eight objections on the grounds of traffic, noise, dust, odour, fire and contamination risk. These issues will be addressed further in the report.

## **CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS**

None undertaken.

## **REPORT**

### **Zoning and Permissibility of Use**

The proposed use is categorised as a "Use Not Listed" under the City's Town Planning Scheme No. 9. This is an "SA" use in the "Industrial Development" zone and accordingly the proposal has been advertised for public comment in accordance with Scheme requirements.

### **Consideration of the application prior to finalisation of a structure plan for the Hazelmere Industrial Area**

It is noted that Council has approved a number of applications for development of land within the Hazelmere Industrial Development zone. The existing development on Lot 61 was accepted by Council on appeal and, at the Ordinary Meeting of Council held on 6 September 2006, a Transport Depot was approved on the rear portion of the adjoining Lot 60. Other similar examples exist throughout the Hazelmere Industrial Area. In these instances Council has considered the proposals to be generally

consistent with the existing industrial development in the locality and an objective of the strategic approach to the Hazelmere Industrial Area to permit some low intensity industrial developments that are able to effectively manage drainage and effluent disposal on-site, without the provision of relevant reticulated infrastructure. Furthermore, Council has considered it unreasonable to delay proposed development of this type within Hazelmere until the finalisation of a Place Plan, for which at this stage there is no programmed timeframe.

## **Scheme Development Standards**

### Setbacks

The proposed green waste and sand stockpiling areas are indicated on the submitted plan as being setback approximately 14 metres from the boundary with Lot 60 to the west and 24 metres from the rear boundary. Given the nature of the development approved for the rear portion of the abutting Lot 60 it is considered that the proposed setback to this boundary is acceptable and will not present any adverse impact on its amenity. The proposed setback to the rear boundary is also considered sufficient, noting it will include vegetated bunding and other vegetated buffers.

### Plot ratio

The only built development proposed for the site will be the 120m<sup>2</sup> administration shed which is well under the 0.6:1 plot ratio applicable to the General Industrial zone within the Scheme.

### Car parking

The applicant has not indicated provision of any car parking bays on the submitted plan. Noting that the proposed facility will employ a maximum of three staff and given that the estimated number of customers includes 10 cars/trailers per day it is reasonable to require provision of 5 constructed bays on site as a condition of any development approval.

### Landscaping

The applicant has indicated their intention to retain 10 metre wide areas of remnant vegetation as buffers. This is considered acceptable.

### Drainage

Stormwater drainage will be fully managed onsite through connection into a 360m<sup>2</sup> drainage compensating basin.

### Access

The proposal indicates that access to the rear of the lot will be obtained from Central Avenue. As access to the proposed development on the abutting Lot 60 is also intended to be from this direction, it will be conditional that this road be constructed to a standard to the satisfaction of the City

### Traffic

As with the proposal for the Transport Depot approved on Lot 60 next door, concern was raised in submissions that approval of the development will entail increased levels

of heavy traffic along Bushmead Road and in particular through the Hazelmere townsite. Whilst the applicant has provided details on the estimated traffic volumes generated by the proposal there is no indication whether this traffic will or will not be restricted to avoid the townsite. In order to accurately address the concerns of residents in this regard it is recommended that Council delegate to the Principal Planner authority to approve the proposal subject to satisfactory provision of a traffic management plan.

### **Dust, Noise, Odour and Fire Risk**

There will be no dust generated by the mulching activity and access and delivery/car parking areas within the site will be required to be sealed as a condition of any development approval. Noise from the mulcher can be minimised by the incorporation of barriers around it to absorb sound and it is recommended these also be required as a condition of any development approval. In relation to the matter of odour it is probably unlikely that this would be evident to surrounding landowners beyond the abutting property to the west (who have not objected to the proposal). Notwithstanding it is reasonable to impose a condition that the applicant take measures to mitigate against potential odour nuisance.

It is not considered that the proposed mulched stockpile will present a significant fire risk to the subject lot or surrounding properties.

### **OPTIONS AND IMPLICATIONS**

Option 1: The Council may resolve to grant delegated authority to the Principal Planner to approve the proposed Green Waste Recycling Facility and Sales on Lot 61 Bushmead Road, subject to provision of a traffic management report to the City's satisfaction, and standard conditions.

This is the recommended option.

Implications: The concerns of surrounding property owners in relation to traffic generated by the proposal can be properly addressed.

Option 2: The Council may refuse the proposed development on the following grounds:

- that development within the Industrial Development zone in advance of a place planning process and adopted structure plan for the Hazelmere Industrial Area is potentially prejudicial to orderly and proper planning for the locality; and
- in the absence of a traffic management plan there is the potential for traffic generated by the proposal to adversely impact on the amenity of the Hazelmere townsite

This is not the recommended option.

Implications: The applicant will have a right of appeal to the State Administrative Tribunal. A refusal on these grounds would appear to be a departure from Council's position in considering and approving other similar applications for Transport Depots in the Industrial Development zone.

## **CONCLUSION**

The applicant is seeking approval to use a portion of the rear of the subject lot for green waste mulching, stockpiling and sale and clean sand and bitumen profiles stockpiling and sale. The proposal comprises an access crossover from Central Avenue, stockpiling areas of 200m<sup>2</sup> and 1350m<sup>2</sup>, a 120m<sup>2</sup> administration shed and an onsite drainage basin all contained within a 1.48 hectare area. All development will be contained within the portion of the lot zoned "Industrial Development". The proposal was advertised for public comment in accordance with Scheme requirements and nine objections were received citing concerns with the adverse impact of traffic, dust, noise, odour, fire risk and contaminants.

Matters of dust, noise, odour, fire risk and potential contamination can be addressed, so far as they constitute a relevant concern, by conditions of any development approval. Scheme development standards in respect of setbacks, plot ratio, car parking and landscaping are considered to be satisfactorily addressed. However, whilst estimated traffic volumes have been provided by the applicant, it is uncertain what impact this will have on the Hazelmere townsite. Accordingly, it is recommended that Council grant delegated authority to the Principal Planner to approve the proposed Green Waste Recycling Facility and Sales on Lot 61 Bushmead Road, subject to provision of a traffic management report to the City's satisfaction, and standard conditions.

## **ATTACHMENTS**

- Location Plan
- Site Plan

## **STRATEGIC IMPLICATIONS**

The requirement for a structure plan for the Hazelmere industrial area prior to subdivision and development is recognised by the Kewdale Hazelmere Integrated Masterplan. Council's approach to development applications in this area has been established through precedence.

## **STATUTORY ENVIRONMENT**

City of Swan Town Planning Scheme No. 9

## **FINANCIAL IMPLICATIONS**

Nil

## RECOMMENDATION

That the Council resolve to:

- 1) Grant delegated authority to the Principal Planner to approve the proposed Green Waste Recycling Facility and Sales on Lot 61 Bushmead Road, subject to provision of a traffic management report to the City's satisfaction and the following conditions:
  - (a) The applicant to construct at their cost the portion of Central Avenue through to Bushmead Road, as indicated on the approved plan, to the specification and satisfaction of the City.
  - (b) Access to the development subject of this approval will be limited to Central Avenue as indicated on the approved plan.
  - (c) The applicant to install appropriate noise barriers around the mulching machine during such time as it is in operation.
  - (d) The applicant to ensure that the mulched green waste does not generate an odour nuisance to surrounding properties.
  - (e) Use of the site for the purpose approved shall not commence until a Certificate of Classification is issued under Regulation 20 of the Building Regulations 1989 for the proposed office shed.
  - (f) Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
  - (g) A total of 5 parking bays shall be provided, each measuring 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway. Where the accessway abuts a building or other barrier, a minimum width of 6.5 metres is required. Disabled bays to measure 5.5 x 3.5m, bays near obstructions to measure 5.5 x 2.8m.
  - (h) All pavement on the site must be capable of accepting anticipated loadings (including accessways, parking areas, storage and hardstands). The City will not accept any responsibility for subsequent failure of any pavement.
  - (i) Vehicle parking area, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
  - (j) All stormwater is to be collected and contained onsite. No stormwater is to be discharged from the property into other land or reserves. Stormwater drainage plans are to be included at submission of building licence application.
  - (k) No fluid, other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City and the Environmental Protection Authority.

- (l) A gross pollutant trap must be incorporated as part of the internal drainage system.
- (m) All drainage to be constructed as per approved plans certified by a practising Civil Engineer.
- (n) The drainage system of the site must be designed for a 1 in 5 year storm (minimum). An overland flow path must be provided for potential internal system failure.
- (o) **An approved effluent disposal system** must be installed prior to the occupation of any building the subject of this approval.
- (p) All landscaping must be completed in accordance with the approved plan, **prior to the occupation of any building** and all landscaping is to be maintained onsite to the satisfaction of the Chief Executive Officer.
- (q) All bunding is to be and stabilised and at gradient on 1 in 3 to the satisfaction of the chief executive officer.
- (r) All crossovers must be built and maintained in accordance with the City's specifications.
- (s) All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment, landscaping and footpath placement or reinstatement, must be built and maintained in accordance with the City's specifications. Failure to do so may result in these works being removed and reinstated by the City at the applicant's expense.  
  
At occupancy, the owner is responsible for the maintenance of the crossover, landscaping and reticulation in the verge.
- (t) The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
- (u) Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

#### ADVICE NOTES

- (i) Take notice that it is the responsibility of the applicant to advise the landowner(s) and/or builder(s) of the need to satisfy the requirements of the conditions of the planning approval for the subject lot, prior to or on lodgement of Building Applications. The City will not issue a Building Licence until all the conditions of planning approval and any other requirements pertaining to this planning approval have been met (including payment of fees and charges).

- (ii) In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989 a Building Licence application must be submitted to, and approved by the City's Principal Building Surveyor prior to any construction or earthworks commencing on site.
- (iii) Embankment stabilisation shall be in accordance with the provisions of the Building Code of Australia.
- (iv) The **Application for Approval to Construct or Install an Apparatus for the Treatment of Sewage Form** and the required fee is to accompany the Building Licence application.
- (v) The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard.

No works shall commence prior to 7.00 am without the City's approval

- (vi) The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City's Principal Environmental Health Officer if it is considered that a dust nuisance exists.
  - (vii) Approval of this development does not constitute an obligation on the part of the Council to upgrade the road reserve leading to and fronting this property.
  - (viii) This is a Development Approval of the City of Swan under its Town Planning Scheme No. 9. It is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
  - (ix) Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2) Those who lodge a submission to be advised of Council's decision accordingly.

**CARRIED**