

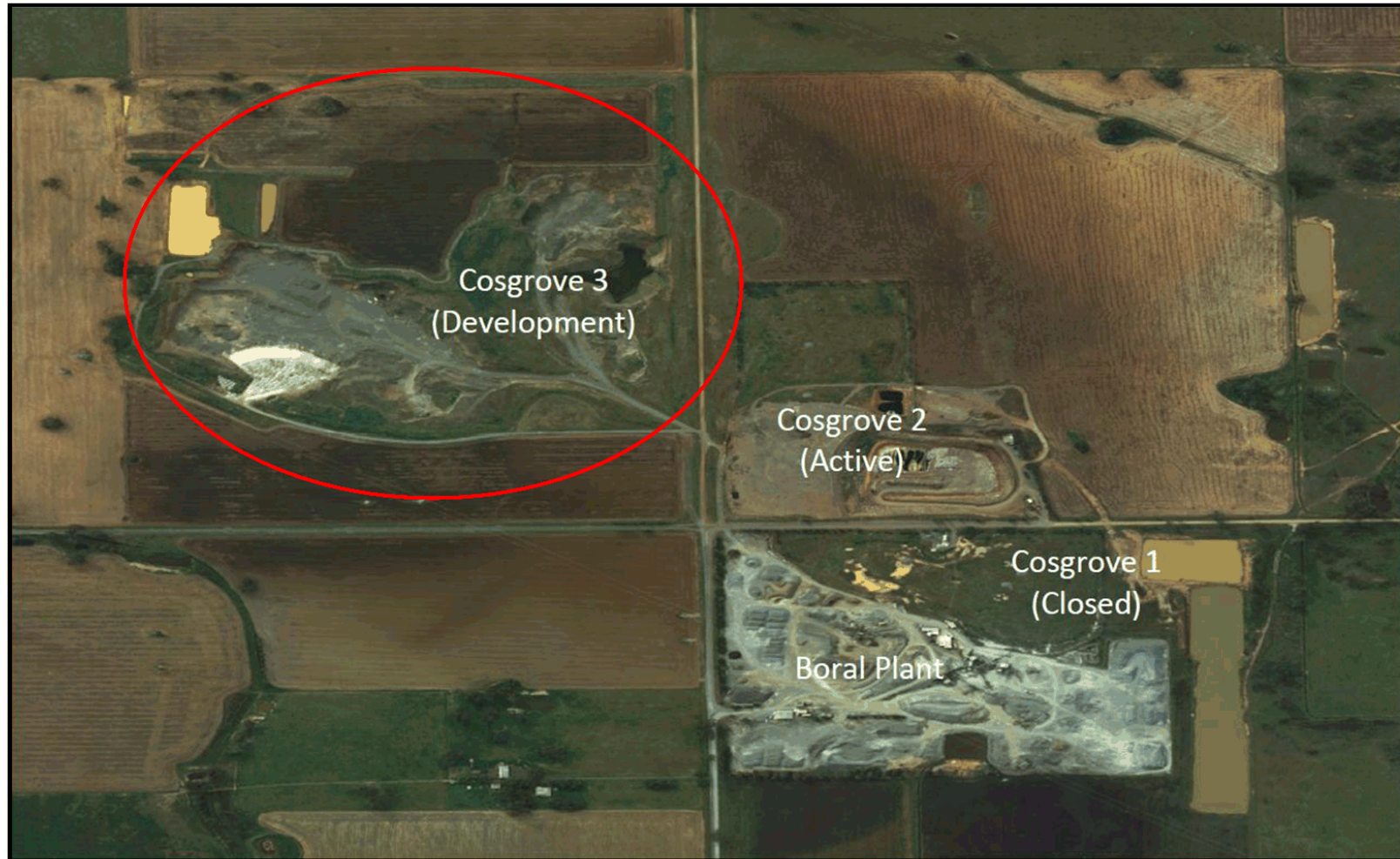
# **ATTACHMENT TO AGENDA ITEM**

Ordinary Meeting

16 September 2014

<b>Agenda Item 9.4</b>	<b>Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill</b>	
<b>Attachment 1</b>	<b>Aerial Map showing Cosgrove 1, 2 and 3.....</b>	<b>221</b>
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The relative locations of Cosgrove 1, 2 and 3 are shown below.



Cosgrove Landfills Area

*Planning and Environment Act 1987*

## GREATER SHEPPARTON PLANNING SCHEME

### PROPOSED AMENDMENT C134

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by Greater Shepparton City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Greater Shepparton City Council.

##### Land affected by the amendment

The proposed amendment applies to land known as 205 Quarry Road, Pine Lodge, also described as Lots 1 and 2 on TP 252790.

The site has an area of approximately 77 hectares and is located on the north-west corner of Lemnos-Cosgrove Road and Quarry Road, Pine Lodge.



The subject land is currently within the Farming Zone, and the south western corner of the site is affected by the Floodway Overlay and the Land Subject to Inundation Overlay.

Land on the north-eastern corner of Lemnos-Cosgrove Road and Quarry Road, is currently developed and used as a landfill, known as Cosgrove Landfill. Cosgrove Landfill is the only landfill in the municipality and, apart from limited public access, is only open to commercial customers.

The site is located approximately 16 kilometres east of Shepparton, and approximately 9 kilometres west of Dookie. It is regular in shape and shares an eastern boundary with Quarry Road, a southern boundary with Lemnos-Cosgrove Road and northern and western boundaries with adjoining agricultural land.

Part of the site is currently used by Boral Pty Ltd for quarrying (stone extraction) purposes. The balance of the site is used for agriculture. The land to the south east is also currently used by Boral Pty Ltd for crushing and related activities. It is expected that the activities currently undertaken by Boral Pty Ltd will be ongoing.

The nearest dwelling is located approximately 850 metres to the south of the site of the proposed landfill expansion, however it appears to be currently uninhabited. No other dwellings are located within a 1 kilometre radius of the site, as shown on the aerial photograph below.



### What the amendment does

The proposed amendment rezones land from the Farming Zone (FZ) to the Public Use Zone Schedule 6 – Local Government (PUZ6). This proposal will facilitate development of the site for the purposes of a municipal landfill, which will be operated by the Greater Shepparton City Council. The land is owned by the Council and will expand the existing landfill facility, which is nearing capacity.

Specifically the amendment proposes to:

- Rezone 205 Quarry Road, Pine Lodge from the Farming Zone to the Public Use Zone Schedule 6 – Local Government; and
- Amend Planning Scheme Map No 28.

## Strategic assessment of the amendment

### Why is the amendment required?

The proposed amendment is required to facilitate the future waste management operations of the Greater Shepparton City Council.

The Draft Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) 2013-2043 (Victoria) (September 2013) brings together “*all the available information from industry, local government, WMGs [Waste Management Groups] and other government agencies relating to waste and resource recovery infrastructure. This analysis provides the evidence base to inform planning decisions for 30 years with a focus on the next five years.*” (page 5 draft SWRRIP).

Page 41 of the draft SWRRIP recognises the State importance of the Cosgrove site as “*This landfill serves a large population centre and a significant food processing sector that operates in the greater Shepparton region. It also accepts C&I waste from surrounding areas, including Benalla.*”

Importantly, page 135 of the draft SWRRIP makes the following recommendation for the Cosgrove site:

*“The Cosgrove Landfill in Shepparton is regionally significant, serving a large population centre and the significant food processing industry in the greater Shepparton region. While there is adequate airspace for the medium term, there is limited airspace associated with the current operation of the Cosgrove Landfill. This landfill is sited adjacent to an operational quarry and there is potential for considerable new airspace in the quarried areas. It is recommended that the City of Greater Shepparton and Goulburn Valley RWMG develop a long term management plan for the Cosgrove Landfill, as a priority.”*

This proposed amendment recognises the long term planning undertaken by Council for the future of the Cosgrove Landfill site, and will ensure appropriately zoned land is available to facilitate the expansion of the existing facility.

The use of the site for stone extraction by Boral Pty Ltd is currently an ‘as of right’ use in the Farming Zone and, therefore, does not require a planning permit. These activities will continue to be undertaken following this proposed planning scheme amendment if the land is rezoned to the Public Use Zone.

The current zone (Farming Zone) lists Refuse Disposal as a Section 2 – Permit Required use. Rezoning the land to Public Use Zone (PUZ6) will allow for the efficient operation and on-going development of the land as a refuse disposal centre, and importantly, will reflect the ownership and management of the land by the Council. Further, if the land remains in the Farming Zone, minor buildings and works associated with the landfill would continuously require planning approval. Rezoning the land to Public Use Zone (PUZ6) removes this requirement, allowing Council to better manage waste effectively and efficiently.

### How does the amendment implement the objectives of planning in Victoria?

The proposed amendment is consistent with the objectives of planning in Victoria as set out in Section 4(1) of the Act, in particular, the objective ‘*to protect public utilities and other*



assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.' The proposed amendment provides for the ongoing use of an important public utility, whilst supporting the following objectives (paraphrased) of planning in Victoria:

- Protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- Securing a pleasant, efficient and safe working, living and recreational environment; and
- Conserving and enhancing buildings, areas or places which are of scientific, aesthetic, architectural or historical interest, or of special cultural value.

### **How does the amendment address any environmental, social and economic effects?**

#### Environmental

Expansion of the Cosgrove Landfill site will require a Works Approval. "Works Approvals are issued by the Environment Protection Authority (EPA) under the Environment Protection Act 1970 and are required for industrial and waste management activities that have the potential for significant environmental impact ([www.epa.vic.gov.au/about-us](http://www.epa.vic.gov.au/about-us))".

Works Approvals are required for most new landfills in Victoria and they address issues such as landscaping, building setbacks and earthworks. The Works Approval sets performance objectives for the landfill, defines operating parameters and requires continual monitoring for environmental performance.

An EPA Works Approval application for the proposed expansion of the Cosgrove Landfill is currently being prepared however this will be exhibited separately to this planning scheme amendment.

Whilst the majority of potential environmental effects are addressed in the Works Approval application, this amendment has considered the following environmental effects.

- A Flora and Fauna Assessment has been prepared by Brett Lane and Associates for the subject site. The report identifies seven patches of vegetation, consisting of Planes Woodland (totalling 3.97ha) and an additional 23 scattered trees. The report recommends, where possible, the design of the proposed landfill should avoid and minimise the removal of native vegetation. If removal of native vegetation is unavoidable the report recommends offset requirements are located on site, in particular to protect retained vegetation. At this stage, it is not proposed to remove any native vegetation however, should this need to occur, offset planting will be carried out in accordance with the recommendations of this report.
- A Hydrogeological Assessment has been prepared by Cardno Lane Piper for the proposed landfill expansion. The report found the groundwater depths vary between 17 metres and 27 metres below natural ground surface. The base of the landfill is required to be at least 2 metres above the groundwater level, as such the base of the eastern quarry is required to be backfilled. The assessment made three recommendations in relation to the groundwater levels and water samples, which are

included in the Works Approval application prepared for the site. These recommendations include:

- Groundwater level gauging, and sampling and testing of the newly installed groundwater monitoring bores (MB14 to MB17) should occur whenever other bores associated with the Cosgrove Landfill are monitored to ensure that a robust baseline data set is obtained;
  - The installation of an additional groundwater monitoring bore, to be located in the south-east corner of the Cosgrove 3 site, should be considered for the purpose of identifying potential groundwater contamination entering the site from the Cosgrove 1 and 2 Landfill; and
  - Water samples from the Quarry Sump should be sampled and analysed for the same suite of parameters as groundwater, on at least one occasion.
- A Cultural Heritage Management Plan (CHMP) has been prepared for the site by Gaye Sutherland. The CHMP prepared has identified that the area is unlikely to have significant cultural heritage values and the land has been significantly disturbed through modification to the water course and agriculture on the site over the last 100+ years which would have destroyed any artefacts at ground level. There is still a potential for artefacts to be discovered below current ground level and if this occurs, Cultural Heritage will be managed in accordance with the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007. No site specific recommendations have been made in this plan. This plan was approved on 17 June 2013.

#### Economic

The proposed amendment will provide for future waste disposal operations Greater Shepparton City Council. The proposal will assist with ensuring the economic benefits of the landfill operation are secured for the future, including employment opportunities generated by the landfill operations.

The currently activities of Boral Pty Ltd on the site will not be negatively impacted upon by this proposed planning scheme amendment.

There are no adverse economic effects associated with this proposed amendment.

#### Social

The rezoning of the land to facilitate the expansion of the landfill facility is unlikely to have any significant social effects.

The site of the landfill expansion is located approximately 1 kilometre from the nearest inhabited dwelling. According to the Table 5.2 of the *Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills* (EPA Publication 788.1\* September 2010) the buffer distances required for landfill gas migration, safety and amenity impacts are:

Municipal (putrescible) waste (Type 2 landfill):	500 metres from buildings and structures
Solid inert waste (Type 3 landfill):	200 metres from buildings and structures

Given the requirements for seeking planning approval for a dwelling in the Farming Zone, and the policy direction of Clause 21.07-2 to “*protect landfill sites from encroachment by inappropriate development*”, it is unlikely that future dwellings will be constructed within these recommended buffers.

It is not expected that the expansion of the facility will create adverse amenity issues in regard to noise, vibration, dust and traffic. As the landfill ‘cells’ reach capacity they will be closed and new ‘cells’ opened for filling, therefore it is not expected that there will be a significant increase in the operating capacity of the facility.

Further, the landfill will only be accessible by commercial waste trucks and generally not be open to receive waste from the public. The site will be accessed as it currently is, via sealed roads from the main road network to the entry at Quarry Road.

It is not expected that the expansion of the facility will adversely impact the surrounding agricultural and quarrying land uses. The internal site buffers are also used for agricultural activities, similar to those undertaken on adjoining properties.

There are no adverse social effects associated with this proposed amendment.

#### **Does the amendment address relevant bushfire risk?**

The proposed amendment meets the objectives, and gives effect to the strategies which address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1) as the site is not exposed to extreme bushfire hazard.

A local policy for bushfire risk management is not required to support the amendment as bushfire mitigation measures can be readily implemented and the potential risk, if any, can be reduced to an acceptable level.

An access track will be provided around the perimeter of the site, which will also function as a fire break. Additionally, an on-site water truck is to be provided as a fire fighting control measure.

During the exhibition period, the Country Fire Authority, as a relevant referral authority, will be notified of the proposed amendment.

#### **Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The proposed amendment complies with Ministerial Direction No 11 – Strategic Assessments of Amendments as detailed in this explanatory report.

The proposed amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.



### How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

Clause 13.02-1 - *Floodplain management* contains the following objective:

- *To assist the protection of:*
  - *Life, property and community infrastructure from flood hazard.*
  - *The natural flood carrying capacity of rivers, streams and floodways.*
  - *The flood storage function of floodplains and waterways.*
  - *Floodplain areas of environmental significance or of importance to river health.*

A portion of the south western corner of the site is affected by the Floodway and Land Subject to Inundation Overlays. The proposed expansion, including access to the new cells, will not be sited in or near these areas. Therefore the proposed rezoning of the site is unlikely to impact on the functioning of the flood affected areas.

Clause 13.03-2 - *Erosion and landslip* contains the following objective:

- *To protect areas prone to erosion, landslip or other land degradation processes.*

Works associated with the future landfill to be developed on the site will need to ensure erosion does not become an issue into the future. This will be addressed as part of the EPA Works Approvals application.

Clause 13.03-3 - *Salinity* contains the following objective:

- *To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

Currently, the site is not affected by a Salinity Management Overlay. Any vegetation removal or earthworks that could potentially contribute to a future salinity issue on the site will be managed as part of the EPA Works Approvals application.

Clause 13.04-1 – *Noise Abatement* contains the following objective:

- *To assist the control of noise effects on sensitive land uses.*

The operational noise of the facility will be managed through the EPA Works Approvals, and will seek to minimise any potential impact on amenity caused by noise. The nearest sensitive use is a dwelling located approximately one kilometre from the existing landfill, and the proposed expansion of the facility is not expected to result in detrimental change to the current operating environment.

Clause 13.04-2 – *Air Quality* contains the following objective:

- *To assist the protection and improvement of air quality.*

The proposed rezoning of the land is unlikely to affect air quality. Air quality will be managed in accordance with the relevant Works Approval and EPA guidelines.

*Clause 14.02-1 - Catchment planning and management* contains the following objective:

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

The development of the land will be developed in a manner which minimises any potential impacts on the management of the catchment.

*Clause 15.03-2 – Aboriginal Cultural Heritage* contains the following objective:

- *To ensure the protection and conservation of places of aboriginal cultural heritage significance.*

Due to the proximity of the proposed landfill to a waterway, a Cultural Heritage Management Plan is required under the *Aboriginal Heritage Act 2006*. This plan has been approved and any works or operational requirements of the landfill will be carried out in accordance with this plan.

*Clause 19.03-5 - Waste and resource recovery* contains the following objective

- *To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.*

In order to achieve this objective, a number of strategies have been listed which include:

- Establish new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource recovery.
- Encourage facilities for resource recovery to maximise the amount of resources recovered.
- Provide sufficient waste management and resource recovery facilities to promote re-use, recycling, reprocessing and resource recovery and enable technologies that increase recovery and treatment of resources to produce energy and marketable end products.
- Encourage waste generators and resource generators and resource recovery businesses to locate in close proximity to enhance sustainability and economies of scale.
- Ensure buffers for waste and resource recovery facilities are defined, protected and maintained.
- Site and manage waste disposal and resource recovery facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (EPA, 2004).

As stated previously, the proposed expansion of the Cosgrove Landfill site will require a Works Approval issued by the EPA. The Works Approval application will address issues such as appropriate setbacks and siting, buffer distances, earthworks, dust and sediment control, landscaping/screening requirements, and revegetation (as necessary). The Works Approval will set performance objectives for the landfill, define operating parameters and require continual monitoring for environmental performance.

The proposed amendment will facilitate the expansion of an existing landfill which is nearing capacity. The application of a Public Use Zone to the site will enable the Council to continue to sustainably manage the facility so as to provide an ongoing community asset for the future of the municipality. The land is located adjacent to the existing landfill and is at least one kilometre from existing sensitive land uses.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

Clause 21.04-1 of the Greater Shepparton Planning Scheme relates to settlement within Greater Shepparton. It is expected that the population will increase from 59,202 people in 2006 to 71,509 people in 2026. As stated in the Draft Statewide Waste and Resource Recovery Infrastructure Plan 2013-2043 (Victoria), the existing Cosgrove Landfill facility is nearing capacity. To ensure that appropriate waste facilities continue to be available to the municipality, it is proposed to expand the existing operation at the Cosgrove Landfill.

*Clause 21.07-2 - Urban and Rural Services* contains the following objective:

- *To ensure that waste management facilities are protected from the encroachment of unsuitable development.*

It also includes the following strategy:

- *Protect landfill sites from encroachment by inappropriate development.*

Cosgrove Landfill presents an opportunity to provide the future in waste management for the municipality. The necessary infrastructure exists and operates currently on site and there is ample area adjoining the existing facility to provide for many years of waste management. There is an absence of sensitive uses within the surrounding area and planning provisions in place which seek to ensure this is not compromised. The road network can accommodate the traffic movement without adverse impacts on nearby amenity of the function of the roads and, importantly, the surrounding land use activities are unlikely to impact on the operations of the landfill facility.

The amendment supports the implementation of the Municipal Strategic Statement. *Clause 21.07-4 Strategic Work Program* includes:

- *Provide for the future expansion of the Cosgrove landfill site by identifying a Public Acquisition Overlay.*

As the Council has already acquired the land needed to facilitate the proposed expansion, it is not necessary in this instance to apply a Public Acquisition Overlay. The proposed amendment is consistent with the intent of this policy in that it will facilitate the efficient expansion of the Cosgrove Landfill site. The action to apply a Public Acquisition Overlay to additional land required for future expansion of Cosgrove Landfill will remain in the Planning Scheme to enable Council to pursue this course in the event there is a need for the landfill to expand onto land not currently owned by the Council.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The site subject to this amendment is owned by the Greater Shepparton City Council. Therefore, the amendment proposes to rezone land to the Public Use Zone. The purposes of this zone include:

- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of public land reservation or purpose.*

The Public Use Zone – Local Government (PUZ6) is considered to be the most appropriate zone for the land, as it is owned by Council and is consistent with the nearby land, also under Council ownership.

The retention of the Farming Zone is not considered an appropriate outcome for this site. The purposes of the Farming Zone are primarily to provide and retain land for agricultural pursuits. Whilst the subject site does contain some agricultural use, its principal use is as a landfill, now and into the future. Agricultural use of the buffer areas complements adjoining land uses and at the same time provides a meaningful use to the balance of the site. It is not expected this use will change as a result of the proposed amendment.

The provisions of the Farming Zone require planning approval for all buildings and works associated with the landfill operation. The inclusion of the site within the Public Use Zone, which is reflective of the site's ownership, will provide greater certainty for continued use (subject to EPA Works Approvals process). It will also provide flexibility to adopt new technologies and processes without having to continuously obtain planning approval.

### **How does the amendment address the views of any relevant agency?**

During the preparation of the proposed amendment, consultation has occurred with the Department of Transport, Planning and Local Infrastructure and the Environment Protection Authority. The views of these agencies have been taken into consideration in the preparation of the amendment.

All relevant authorities and agencies will be consulted and provided with the opportunity to respond as part of the exhibition of this proposed amendment.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the Transport Integration Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the Transport Integration Act relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

Given the existing use of the site for a landfill, and current traffic movements in and out of the facility, the rezoning of the site to an appropriate zone is not expected to create any

detrimental impact regarding traffic on the surrounding road network. On this basis it is considered that the proposed amendment will not have any significant impact on the transport system, as defined by Section 4 of the Transport Integration Act 2013.

The Minister has not prepared any statements of policy principles under section 22 of the Transport Integration Act 2010, therefore no such statements are applicable to this proposed amendment.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed amendment is unlikely to have significant implications on the resource and administrative cost to Council. It is noted that the proposed amendment will remove the requirement for individual planning permits for most aspects of the future development of the landfill.

### **Where you may inspect this Amendment**

The proposed amendment is available for public inspection, free of charge, during office hours at:

Greater Shepparton City Council  
90 Welsford Street  
Shepparton

The proposed amendment can also be inspected free of charge at:

- the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection> and
- the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://www.greatershepparton.com.au)

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by Monday, 30 June 2014

A submission must be sent to: City of Greater Shepparton  
Locked Bag 1000  
SHEPPARTON VIC 3632

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No. 15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week starting 28 July 2014
- panel hearing: Week starting 18 August 2014



**AMENDMENT C134 - SUBMISSIONS RECORDER**

Sub No.	Organisation	Content of Submission	Recommendation
1	Goulburn Broken Catchment Management Authority	No objection	No action required
2	Goulburn Valley Region Water Corporation	No objection	No action required
3	Environment Protection Authority	No objection	No action required
4	Department of Environment & Primary Industries	No objection	No action required
5	VicRoads	No objection	No action required
6	Goulburn-Murray Water	No objection	No action required
7	Country Fire Authority	No objection	No action required