

## ALTERNATE MOTION BY COUNCILLOR GREGSON

ITEM NUMBER: 2.5

ITEM TITLE: AMENDMENT REQUEST – LOT 21 (NO. 100) JOHN STREET, MILPARA

DATE & TIME RECEIVED: TUESDAY 12 FEBRUARY 2013 AT 6.15PM.

### ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to **ISSUE** a Notice of Planning Scheme Consent for General Industry (Waste Transfer Station, material processing & screening, garden centre, transport depot and incidental infrastructure including weighbridge and office buildings) at Lot 21 (100) John Street, Milpara subject to the following conditions:

- a) The Planning consent is limited to a period of 2 years. This period may be extended at the discretion of Council.
- b) Notwithstanding the submitted detail; a site plan showing the locations onsite of the various facets of the onsite operations (in accordance with the legal agreement for exclusive use rights between the landowners) shall be submitted to the City of Albany for approval within 30 days of the date of this decision.
- c) Within 30 Days of the date of this decision a noise assessment of 'high noise generating activities' carried out on the site shall be undertaken. The noise assessment is required to inform the detail contained in the Operation Manual/Environmental Management Plan requires pursuant to Condition c and is required to demonstrate that the activities onsite comply with the Noise Regulations.  
*Advice relating to Condition b:*
  - *The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.*
- d) Within 60 days of the date of this decision; an Operation Manual/Environmental Management Plan for the site, including (but not limited to) dust suppression/minimisation measures, noise minimisation/mitigation measures, odour emission management and a complaint record and handling procedure; shall be submitted to the City of Albany for approval.
- e) All activity and operations on the site shall be undertaken and carried out in accordance with the directions and controls as set out in the Operation Manual/Environmental Management Plan to be approved pursuant to Condition c.
- f) Within 60 days of the date of this decision; a landscaping plan shall be submitted to and approved in writing by or on behalf of the City of Albany. The landscaping plan shall include a 10m wide soft landscaped strip along the north (John Street) boundary of the site to the extent of the operations subject of this application.  
*Advice relating to Condition e:*
  - *The landscaped strip shall be planted with trees and shrubs capable of growing to form an effective screen with specimens capable of growing to a height of 5m planted at 1.5 - 2m intervals.*

PLANNING AND DEVELOPMENT REPORT

**g) Vehicle and plant parking, manoeuvring and circulation is to be designed, constructed, properly drained and sealed to the satisfaction of the City of Albany.**

***Advice relating to Condition f:***

- It is unlikely that a sprayed seal would be appropriate in all areas but we would accept blue metal (or aggregate products such as metal dust or road base) only in certain areas for the purpose of dust suppression.***
- Blue metal aggregate (or aggregate products such as metal dust or road base) would not be acceptable in wash down areas or where entry to the road reserve would result in blue metal being flicked into drains or onto the road.***

**h) All disturbed areas are to be permanently stabilised to the satisfaction of the City of Albany.**

**i) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.**

***Advice relating to Condition h:***

- Stormwater disposal is to be designed in accordance with the ‘City of Albany’s Subdivision and Development Guidelines’;***
- Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;***
- The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.***
- Discussion has been had with the owner regarding stormwater management requirements and a letter detailing requirements was hand-delivered on 3<sup>d</sup> February 2012. The requirements of this letter must be met in order to comply with this condition.***

**j) Within 60 days of the date of this decision; a fire management plan to be prepared in consultation with the City of Albany’s Community Safety Team, shall be submitted to the City of Albany for approval.**

**k) Development shall be carried out in accordance with the approved plans, including any details and/or amendments marked in red.**

**Councillors Reason:**

There has been a considerable number of complaints regarding dust etc from nearby residents.

The application has been submitted for approval retrospectively and therefore conditions A to K are required to halt further noise, dust and pollution affecting surrounding residents.

**PLANNING AND DEVELOPMENT REPORT**

**OFFICERS REPORT (Executive Director Planning and Development Services)**

**STATUTORY IMPLICATIONS**

1. ***Town planning Scheme 3 clause 5.3.3 allows Council to limit the time for which a planning consent remains valid.***
2. ***“5.3.3 Time Limited approvals  
The Council may limit the time for which its planning consent remains valid.”***

**POLICY IMPLICATIONS:**

3. No Change.

**FINANCIAL IMPLICATIONS:**

4. No Change.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

5. No Change.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

6. The Council must be aware of the short or long term ramifications of any alternate motions.