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URBAN PLANNING**

Town Planning and Urban Context Report

# 295 - 325 Whitehall Street & 2A Francis Street, Yarraville

Date of Report: February 2023



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# 1 Introduction

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This report has been prepared to accompany a planning permit application to the City of Maribyrnong for the use of land for the purpose of 'Industry (clinker grinding facility)' and associated buildings and works at 295 - 325 Whitehall Street & 2A Francis Street, Yarraville (Lots 1 & 2 on Title Plan 383531, Lot 1 on Title Plan 680220, Lots 2, 3 & 4 on Title Plan 856333, Lots 1 & 2 on Title Plan 671096).

A separate but concurrent application is being made to the Minister for Planning as the Responsible Authority for the administration of the Port of Melbourne Planning Scheme, as part of the proposal extends to land in the Port Zone which is known as part Allotment 5B Section 8, Parish of Cut Paw Paw.

The application is accompanied by:

- Plans depicting the proposal prepared by Mlei;
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by CML Heritage (dated 31 August 2022);
- Heritage Impact Statement prepared by CML Heritage (dated 31 August 2022);
- Noise Assessment prepared by SLR Consulting (dated September 2022);
- Air Quality Assessment prepared by Ektimo (dated 5 September 2022);
- Traffic Engineering Assessment prepared by Traffix Group (dated July 2022);
- Draft Operational Management Plan prepared by Steel Cement (dated 8 September 2022); and
- Civil Engineering Report prepared by KPA Management and Consulting (dated 23 August 2022).

The report provides the planning context and assessment of the proposal including:

- A description of the locality and site.
- An overview of the proposal.
- A summary of the planning controls and policies set out in the Maribyrnong Planning Scheme.
- An assessment of the proposal under the relevant provisions.



## 2 Subject Land

### 2.1

#### Subject Land

The subject land is irregular in shape and is bound by Whitehall Street to the west, Lyell Street to the north, the Yarra River to the east and Francis Street to the south.

The land is formally described as:

- Lots 1 & 2 on Title Plan 383531
- Lot 1 on Title Plan 680220
- Lots 2, 3 & 4 on Title Plan 856333
- Lots 1 & 2 on Title Plan 671096.
- part Allotment 5B Section 8, Parish of Cut Paw Paw

The planning unit as a whole is partly included within the Maribyrnong Planning Scheme and partly included within the Port of Melbourne Planning Scheme (Allotment 5B only). This report relates to land affected by the Maribyrnong Planning Scheme only.

The land comprises a frontage to Whitehall Street of approximately 250m, a frontage to Lyell Street of approximately 580m, a frontage to the Yarra River of approximately 270m and a frontage to Francis Street of approximately 480m.

The site is currently used for the grinding of slag and production of cement blended products, a grinding mill and associated infrastructure including storage sheds, administration areas and port related materials handling equipment.

A number of planning permits have previously been issued for the subject land including:

- **Planning Permit No. 50/2020** which allowed *Buildings and Works in an Industrial 1 Zone in Association with an Existing Materials Recycling Facility and Demolition, Alterations and Construction of a Building in a Heritage Overlay*
- **Planning Permit No. 816/2019** which allowed *New Construction Bagging Facility - Stage 2.*
- **Planning Permit No. 109/2018** which allowed *Construction of a Warehouse and Bagging Facility Reduce Parking Construction of a Warehouse and Bagging Facility in Association with the Existing Use as a Materials Recycling Facility and a Reduction in Parking Requirements*

The southern and western portion of the land was formerly used for manufacturing by Orica and is currently being remediated in accordance with an EPA Clean Up Notice. These works are expected to be complete by the end of 2022.



## 2 Subject Land

Figure 2.1  
CADASTRAL PLAN

Source: Vic Plan

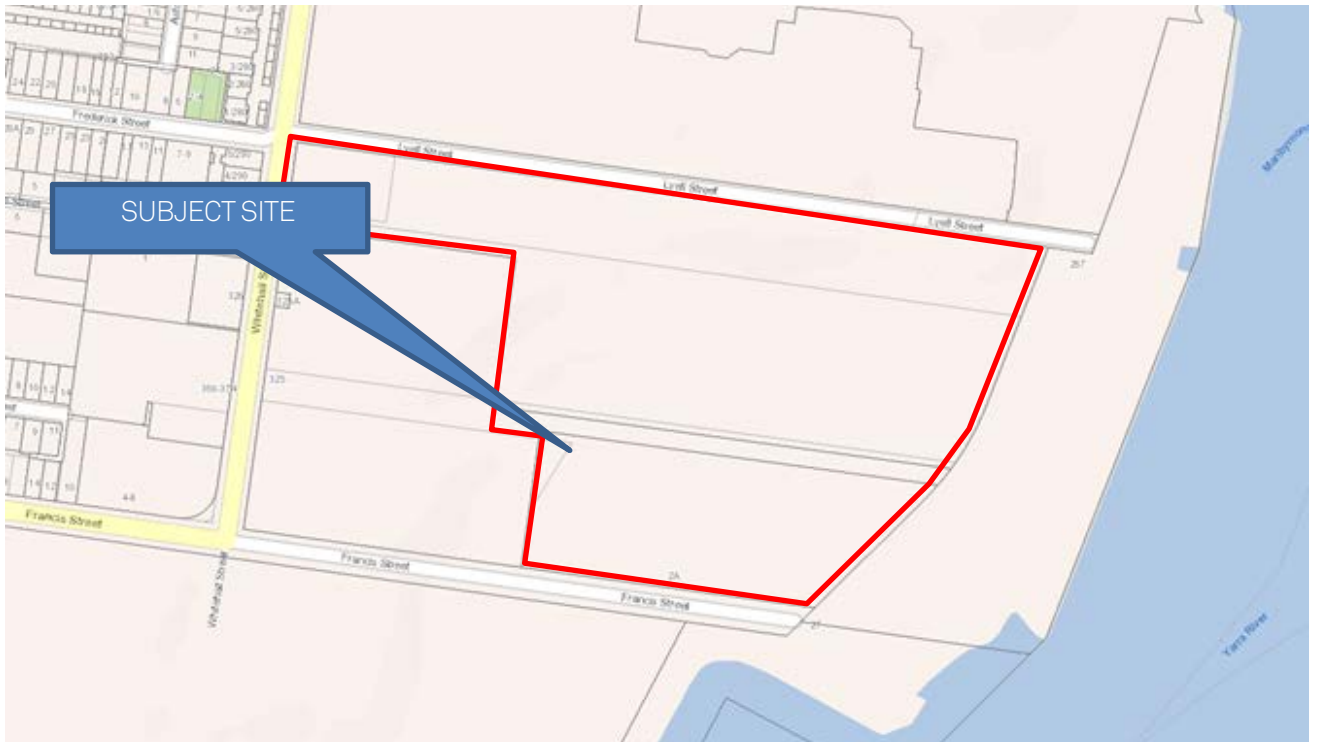


Figure 2.2  
AERIAL PHOTOGRAPH

Source: Nearmap (21 July 2022)





## 2 Subject Land

### 2.2

#### Surrounds

The wider site is located within the Yarraville Wharves precinct where there are a range of manufacturing and industrial activities.

To the north, across Lyell Street is the CSR site which includes facilities for the refining and packaging of sugar and the production of gyprock board for use in the construction industry.

To the east is land in the Port Zone that includes wharf infrastructure, vehicle access and a covered conveyor for the unloading of raw materials from ships. A boom gate controls vehicle access from Francis Street to the Port Zone.

To the south, across Francis Street is the Mobil Yarraville Terminal. This land includes facilities for the unloading of ships, bulk storage and distribution of petroleum hydrocarbon products.

To the west, across Whitehall Street is land within the Industrial 3 Zone that includes a range of warehouses, offices, restricted retail premises and dwellings (which are typically prohibited in this zone).

Land on the north-east corner of Francis Street and Whitehall Street is currently vacant.

Figure 2.3  
LOCALITY PLAN

Source: Melway Online



## 2 Subject Land

**Figure 2.4**  
**AERIAL PHOTOGRAPH**

Source: Nearmap



# 3 Proposal

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The proposal is for the use and development of the land for Industry (additional plant and equipment to enable the processing of clinker where the threshold distance at Clause 53.10 is not met) and a reduction of the statutory car parking requirements at Clause 52.06-5 and bicycle parking requirements of Clause 52.34.

The Maribyrnong Planning Scheme defines the use of the land for 'Industry' as:

*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 Mineral, 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:*

- g) *storing goods used in the operation or resulting from it;*
- h) *providing amenities for people engaged in the operation;*
- i) *selling by wholesale, goods resulting from the operation; and*
- j) *accounting or administration in connection with the operation.*

*If Materials recycling, goods resulting from the operation may be sold by retail.*

Clinker is one material used in the production of cement. The current production of cement in Victoria typically relies on imported clinker from overseas to South Australia, given that the two local production sites in Geelong and Waurin Ponds closed in 1992 and 2015 respectively. By delivering the raw product to the site and grinding it in-situ, it will reduce supply chain timeframes and transport costs, and create more local employment opportunities. Our client notes that more than half of the cost of cement comprises transport-related costs, and therefore the grinding of clinker locally will enhance affordability. The existing facility comprises a cement manufacturing plant and a grinding mill. The existing operation includes the grinding of granulated blast furnace slag for use as a supplementary cementations material.

The proposal seeks to increase the capacity of the premises and to allow for clinker to be processed in addition to granulated blast furnace slag.

The proposal includes construction of:





### 3 Proposal

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- New vehicle crossovers to Francis Street and Lyell Street.
  - A main storage shed of 8280 sqm with a maximum height of 19.11m. The storage shed is proposed to be finished in Colorbond 'Trimdek' in surfmist colour.
  - An additive shed of 2369 sqm with a maximum height of 20.70m. This shed is also proposed to be finished in Colorbond 'Trimdek' in surfmist colour.
  - Two mills and associated equipment
  - Nine outloading silos arranged into three rows. The silos comprise a height of 40.3m with the overall structure comprising a maximum height of 49m.
  - Conveyors and associated equipment for the transfer of material from the port and around the site.
  - A workshop of 600 sqm with a maximum height of 7.12m.
  - 38 new car parking spaces including 2 accessible spaces.

For further detail in relation to the proposal please refer to the plans prepared by Mlei.

Vehicle access and egress to the site is via the existing access from Lyell Street and new crossovers to Francis Street. Circulation areas are provided throughout the site and all trucks will follow a designated travel path around the site for safety and operational reasons.

It is proposed to operate the facility 24 hours a day, 7 days per week.

It is noted that a Development Licence is required pursuant to the *Environment Protection Act 2017*.

# 4 Maribyrnong Planning Scheme

## 4.1

### Planning Policy Framework (PPF)

The following clauses from the Planning Policy Framework (PPF) are relevant to the consideration of the proposal:

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Metropolitan Melbourne
- Clause 12.03-1S River corridors, waterways, lakes and wetlands
- Clause 12.03-1R Yarra River protection
- Clause 13.04-1S Contaminated and Potentially Contaminated Land
- Clause 13 Environmental Risks and Amenity
- Clause 13.05-1S Noise Management
- Clause 13.06 Air Quality
- Clause 13.06-1S Air Quality Management
- Clause 13.07 Amenity, Human Health and Safety
- Clause 13.07-1S Land Use Compatibility
- Clause 15 Built Environment and Heritage
- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 17 Economic Development
- Clause 17.01-1S Diversified Economy
- Clause 17.01-1R Diversified Economy – Metropolitan Melbourne
- Clause 17.03 Industry
- Clause 17.03-2S Sustainable Industry
- Clause 18.02-6S Ports)

A summary of the most relevant provisions of the Planning Policy Framework contained within the Maribyrnong Planning Scheme is provided below.

#### Clause 11.01-1S (Settlement)

The objective of this Clause is:

*To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Plan Melbourne 2017-2050: Metropolitan Planning Strategy (DELWP, 2017) and Plan Melbourne 2017-2050: Addendum 2019 (DELWP, 2019) are policy documents at this Clause.

#### Clause 11.01-1R (Settlement – Metropolitan Melbourne)

This clause directs investment and growth to places of state significance, including National Employment and Innovation Clusters.



## 4 Maribyrnong Planning Scheme

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Plan Melbourne identifies the subject land as being adjacent to the Fishermans Bend National Employment and Innovation Cluster, with land in the Port Zone being nominated within the Port of Melbourne 'Key precinct'.

The locality is also identified as a 'Transport gateway – Seaport'.

### Clause 12.03-1S (River corridors, waterways, lakes and wetlands)

The objective of this clause is:

*To protect and enhance river corridors, waterways, lakes and wetlands.*

Strategies to achieve this objective include:

*Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.*

### Clause 12.03-1R (Yarra River protection)

The objective of this clause is:

*To maintain and enhance the natural landscape character of the Yarra River corridor.*

Strategies to achieve this objective include:

*Strengthen the Yarra River's natural environment, heritage and overall health by:*

...

*Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.*

...

### Clause 13.04-1S (Contaminated and Potentially Contaminated Land)

The objective of this clause is:

*To ensure that contaminated and potentially contaminated land is used and developed safely.*

Strategies include:

*Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*

### Clause 13.05-1S (Noise management)

The objective of this clause is:

## 4 Maribyrnong Planning Scheme

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

Strategies include:

*Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*

*Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

### Clause 13.06-1S (Air Quality Management)

The objective of this clause is:

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

Strategies to achieve this objective include:

Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- *Integrating transport and land use planning to improve transport accessibility and connections.*
- *Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.*
- *Providing infrastructure for public transport, walking and cycling.*

*Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.*

The Environment Reference Standard (Gazette No. S 245, 26 May 2021) and Recommended Separation distances for industrial residual air emissions (Environment Protection Authority, 2013) are policy documents at this clause.

### Clause 13.07-1S (Land Use Compatibility)

The objective of this clause is:

*To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

## 4 Maribyrnong Planning Scheme

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### Clause 15.01-1S (Urban Design)

The objective of Clause 15.01-1S is:

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Strategies to achieve this include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

### Clause 15.01-2S (Building Design)

The objective of this Clause is:

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

The strategies that are most relevant are:

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*

### Clause 17.01-1S (Diversified Economy)

One of the strategies at this clause is to:

*Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*

### Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne)

One of the strategies at this clause is to:



## 4 Maribyrnong Planning Scheme

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*Facilitate the development of National Employment and Innovation Clusters.*

### Clause 17.03-2S (Sustainable Industry)

The objective of this clause is:

*To facilitate the sustainable operation of industry.*

Strategies to achieve this objective include:

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*
- *Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.*
- *Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*
- *Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.*

### Clause 18.02-6S (Ports)

The objective of this clause is:

*To support the effective and competitive operation of Victoria's commercial trading ports at local, national and international levels, and to facilitate their ongoing sustainable operation and development.*

Relevant strategies include:

- *Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.*
- *Plan for and manage land in the port environs to accommodate uses that depend upon, or gain significant economic advantage from, proximity to the port's operations.*

## 4 Maribyrnong Planning Scheme

- *Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.*
- *Identify and protect key transport corridors linking ports to the broader transport network.*
- *Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew-free operations of the port.*
- *Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.*
- *Ensure that any use or development within port environs:*
  - *Is consistent with policies for the protection of the environment.*
  - *Takes into account planning for the port.*

### 4.2

#### Local Planning Policy Framework

The following provisions contained within the Local Planning Policy Framework are relevant to the consideration of the proposal:

#### Municipal Strategic Statement (MSS)

The MSS provides the strategic planning framework for the Maribyrnong City Council. The relevant provisions include:

- Clause 21.02 (Municipal Profile)
- Clause 21.03 (Council Vision)
- Clause 21.05 (Environment and Landscape Values)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)

#### Local Planning Policies

The following Local Planning Policies are also relevant to the consideration of the application:

- Clause 22.01-16 (Industrial Heritage Policy)
- Clause 22.03 (Potentially Contaminated Land Policy)
- Clause 22.04 (Yarraville Port Core Employment Area Policy)

Further detail in relation to each clause is provided below:

#### Clause 21.02 (Municipal Profile)

The Port of Melbourne is referenced as “...an important driver in the state and national economies.”

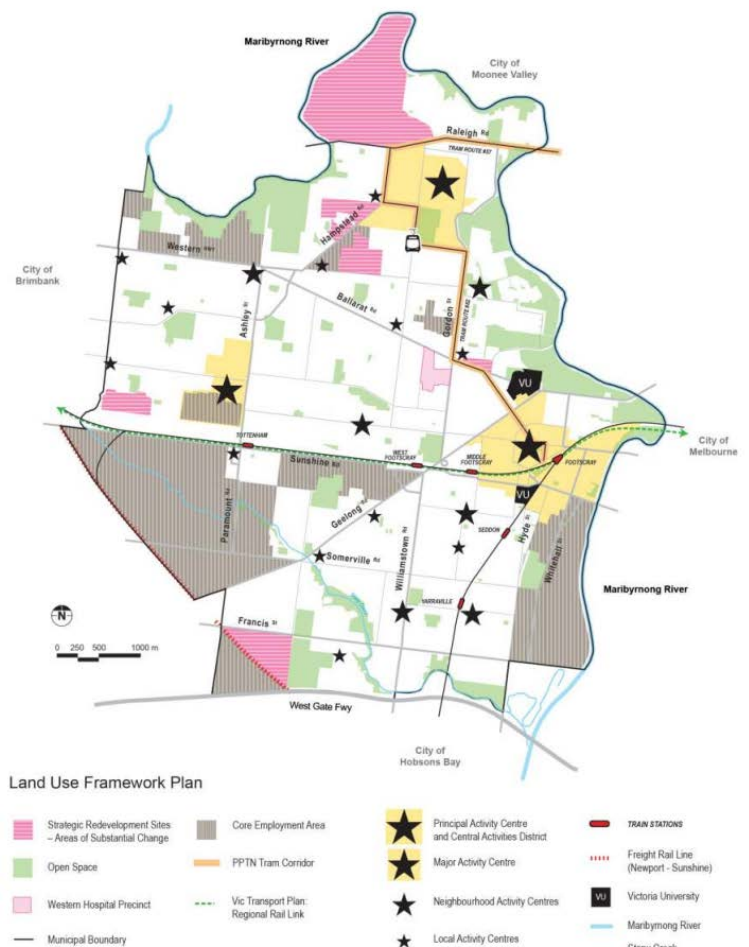
## 4 Maribyrnong Planning Scheme

In relation to settlement, it is acknowledged that while some industrial land has transitioned to other uses, “...new and changing employment uses are also revitalising industrial land.”

The Yarraville Port ‘core employment area’ is identified as an important buffer between residential areas and the port of Melbourne.

### Clause 21.03 (Council Vision)

The ‘Land Use Framework Plan’ identifies the subject land as a ‘Core Employment Area’ and importantly this captures the Industrial 3 Zone land between Whitehall and Hyde Streets which is where a number of non-conforming dwellings are located.



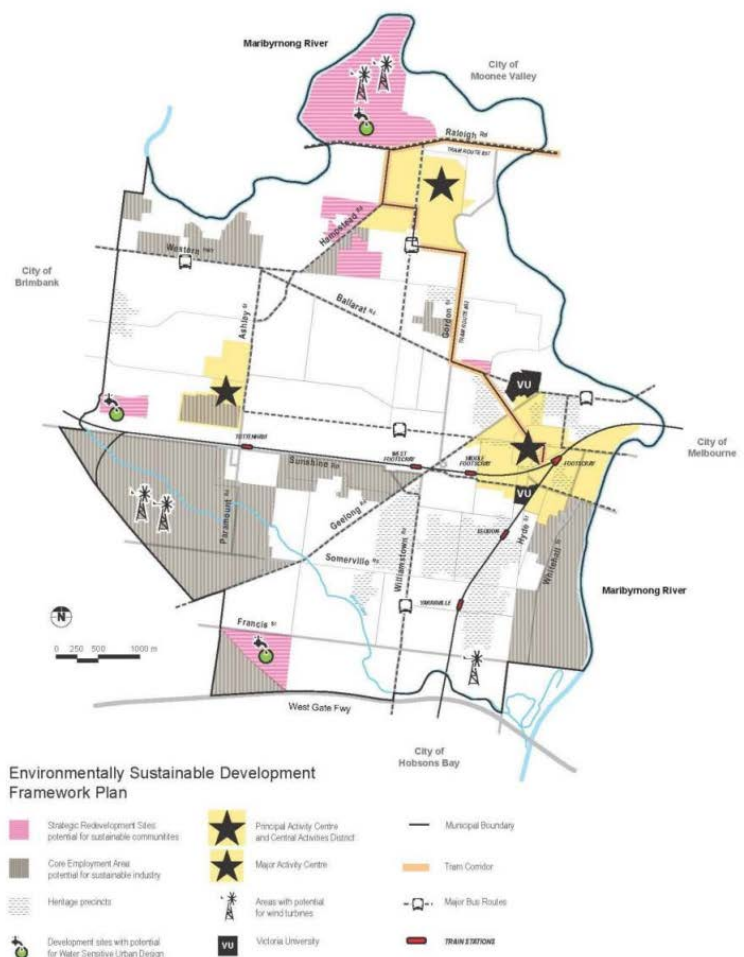
### Clause 21.05 (Environment and Landscape Values)

In terms of landscape values, the ‘Port’ is identified as a ‘working river’ in this location.

## 4 Maribyrnong Planning Scheme

The Maribyrnong River Valley Design Guidelines 2010 are referenced at Clause 21.05-1 and identify the 'Port length' as an area where "Shipping and heavy industrial activities define and dominate this part of the river. There is potential for further industrial and commercial development that could include advanced manufacturing, maritime and service industries that have a strategic need to be near the Port of Melbourne."

The 'Environmentally Sustainable Development Framework Plan' identifies the subject land as a 'Core Industrial Area potential for sustainable industry', and again this extends west to Hyde Street and covers the residential properties in the Industrial 3 Zone.



Clause 21.05-4 relates to 'Potentially contaminated land' and seeks to ensure that potentially contaminated land is appropriately identified and managed.

Clause 21.06 (Built Environment and Heritage)

## 4 Maribyrnong Planning Scheme

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Clause 21.06-2 relates to Environmentally Sustainable Design and seeks to provide for both sustainable building design and improvement of stormwater quality.

### Clause 21.08 (Economic Development)

Industrial Related Employment Land is addressed at Clause 21.08-3. This clause seeks to ensure that enough industrial land is retained for long term use.

The Maribyrnong Economic and Industrial Development Strategy is referenced at this clause.

The Industrial Land Strategy reference the following in relation to Yarraville Port and Sub-precinct 1.4 which includes the subject land:

*Sub-precinct 1.4, bounded by Maribyrnong Street to the north, Whitehall Street to the west, Francis Street to the South and River to the east, is the largest sub-precinct, with an area of 48.5 hectares, zoned Industrial 1. It is located directly opposite the Coode Island facility and falls within the Outer Planning Advisory Area for that facility.*

*Within this area WorkSafe (2010) generally advises against residential, business or other land uses or developments where people likely to be present are not able to safely respond to a potential emergency situation.*

*Warehouse and factory uses dominate, between them accounting for just under two thirds of area. Container storage accounts for 5.9 hectares spread over two sites (2A Somerville Road and 133-151 Whitehall Street). An estimated 1,100 staff work within the sub-precinct, which has the lowest occupational density of the four, estimated at approximately 22 persons per hectare.*

*The Port of Melbourne Corporation has acquired several sites within Sub-precinct 1.4 south of Lyons Street with a combined area of 20.9 hectares for intended port use. Some of this land (including a 9.22 hectare site at 221A Whitehall Street) has been cleared of buildings. The Whitehall Street site accounts for 89% of all vacant land within the Precinct. A further 0.90 hectares is partially vacant. The Port of Melbourne Land Use Plan calls for an increase capacity of liquid bulk berthing on the Maribyrnong River in the Yarraville Sub-precinct 1 and an upgrade of berths and berth capacity. It notes the potential for port-related cargo areas in Yarraville, immediately west of the Maribyrnong River.*

*Other major land holders include CSR Ltd (13.5 hectares), Orica and Albright and Wilson. In 2007 CSR invested \$150 million to develop a 30,000m<sup>2</sup> premises for the manufacture of plasterboard on its land at 257 Whitehall Street demonstrating*



## 4 Maribyrnong Planning Scheme

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*its ongoing commitment to the Yarraville site which is favoured for its immediate port access, aiding distribution.*

This clause includes objectives and strategies to protect, improve and ensure high quality industrial design in Core Employment Areas.

### Clause 22.01-16 (Industrial Heritage Policy)

This policy relates to land affected by the Heritage Overlay and included within the Industrial 1 Zone.

Relevant objectives include:

*To conserve industrial heritage places as an integral part of the City's heritage fabric and in a manner which is supportive of ongoing industrial activity.*

*To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.*

*To encourage conservation and other works including maintenance, restoration, reconstruction and adaptation.*

*To ensure that industrial heritage places continue to be used and conserved, and that replacement and renewal occur where necessary for the continuation of an historic industrial use.*

*To ensure that the conservation of industrial places is balanced against other policies and objectives which may have a bearing upon the ongoing use and development of land.*

*To conserve infrastructure associated with industrial sites including railways, pipelines, roads, wharves and the like where this is practically achievable and will not unreasonably impact, physically or economically, upon the re-development of the site for a continued or new industrial use.*

### Clause 22.03 (Potentially Contaminated Land Policy)

This policy applies to land which is not included on the Register of Contaminated Land prepared by the Environment Protection Authority and which is not included in the Environmental Audit Overlay (refer to Clause 45.03) and which has been used in the past for industrial purposes and commercial purposes where petroleum products, solvents, other dangerous chemical products and asbestos products were (or suspected were) stored, dispensed, sold, used or buried.

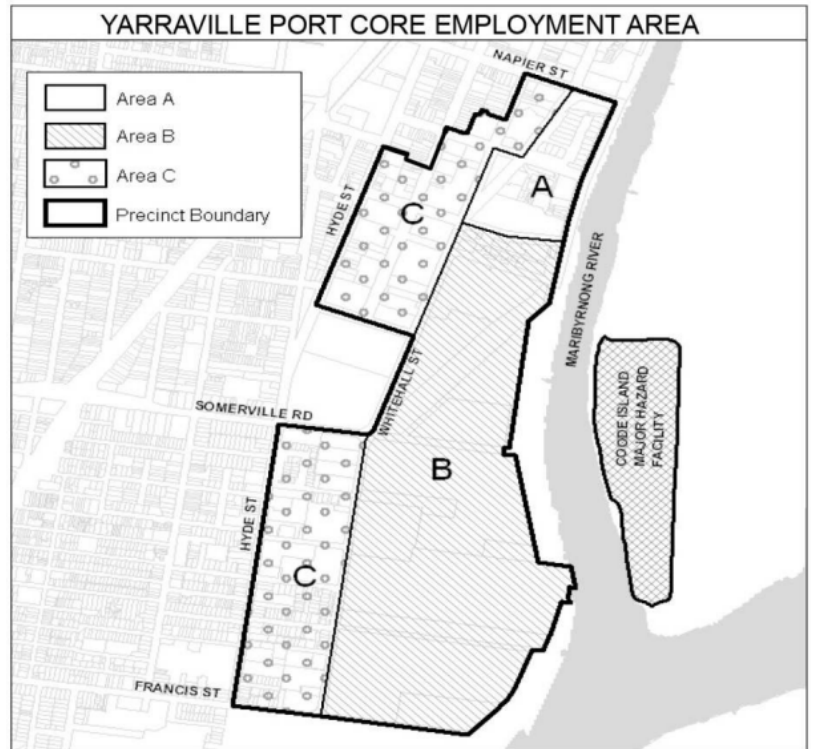
It is noted that the southern portion of the subject land is identified on the EPA Priority Site Register.

## 4 Maribyrnong Planning Scheme

### Clause 22.04 (Yarraville Port Core Employment Area Policy)

The subject site is included within Area B which is identified as comprising:

*Large scale industries, such as Sugar Australia and Orica, requiring river access have historically dominated this area and remain in the southern part of the area. The Port of Melbourne is now a major land owner and intends using the northern part of the area for port, logistics and port related industrial uses.*



The policy objectives are:

*To ensure that uses and developments do not constrain the operation of the Port of Melbourne.*

*To ensure that applications respond to amenity and risk/health impacts relating to the port and Coode Island MHF.*

*To develop the precinct for industrial, office, commercial and port related activities appropriate to the function of the precinct as a buffer.*

*To provide safe, appropriate and convenient access for cyclists and pedestrians through the precinct.*

*To provide for infrastructure development for any future freight diversion proposals.*

## 4 Maribyrnong Planning Scheme

*To manage land contamination and remediation requirements.*

*To strongly discourage uses that attract or accommodate significant numbers of people and which cannot respond to an emergency.*

*To ensure new buildings achieve a high quality built form outcome, through the use of various material, design features, articulation/visual interest, appropriate setbacks and/or landscaping features that will improve and enhance the character and amenity of the precinct.*

Area B policy is to:

*Encourage logistics, low scale industrial and port related uses and development.*

*Ensure that the use and development of the land has appropriate safety arrangements and plans in place to limit any potential impact of exposure to any incident at Coode Island MHF.*

*Discourage uses that attract or accommodate significant numbers of people.*

*Present attractive built form and well landscaped frontages to Whitehall Street.*

*Discourage caretakers' houses.*

### 4.3

#### Zoning

The subject land is located within the Industrial 1 Zone (IN1Z) pursuant to the provisions of the Maribyrnong Planning Scheme.

The purpose of the IN1Z (Clause 33.01) is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Pursuant to the Table of uses at Clause 33.01-1, 'Industry' is a Section 1 (permit not required) use where the following conditions are met:

- *Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.*
- *The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a*

## 4 Maribyrnong Planning Scheme

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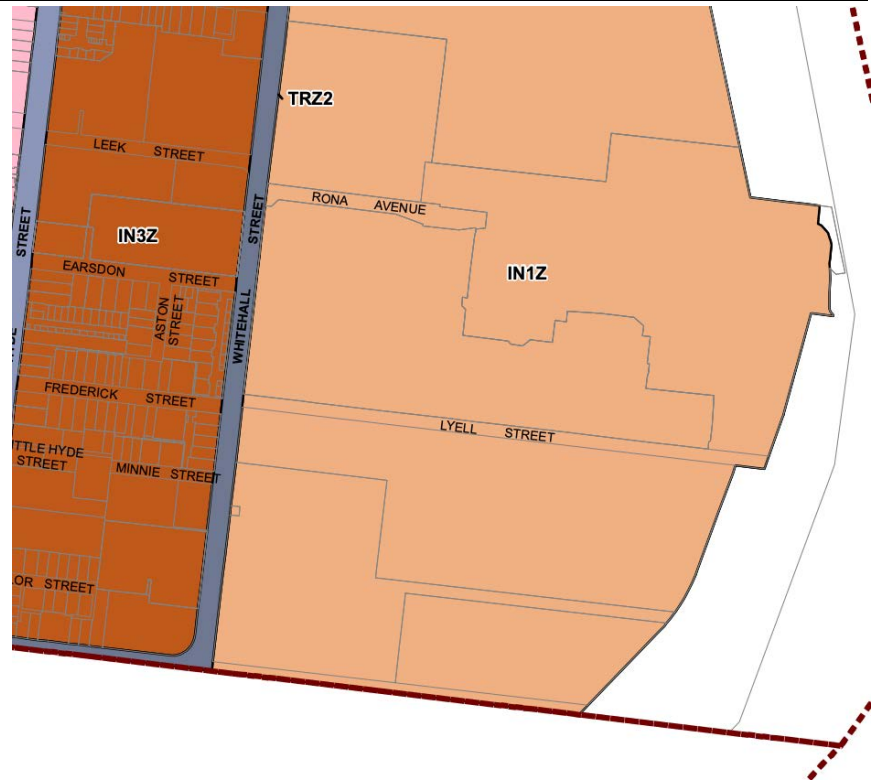
*corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:*

- o The threshold distance, for a purpose listed in the table to Clause 53.10.*
  - o 30 metres, for a purpose not listed in the table to Clause 53.10.*
- *Must not:*
  - o Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.*
  - o Require a notification under the Occupational Health and Safety Regulations 2017.*
  - o Require a licence under the Dangerous Goods (Explosives) Regulations 2011.*
  - o Require a licence under the Dangerous Goods (HCDG) Regulations 2016.*
- *Must not adversely affect the amenity of the neighbourhood, including through the:*
  - o Transport of materials, goods or commodities to or from the land.*
  - o Appearance of any stored goods or materials.*
  - o Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

A planning permit is required to use the land for 'Industry' where the Condition 1 requirements are not met. Namely that the threshold distance of 500m for the proposed production of cement (exceeding 150,000 tonnes per year) is not met.

A planning permit is required to construct a building or construct or carry out works.

## 4 Maribyrnong Planning Scheme



### 4.4

#### Overlays

The subject land is affected (in part) by the Heritage Overlay (Schedule 184—Mt Lyell, 295 Whitehall Street, Yarraville).

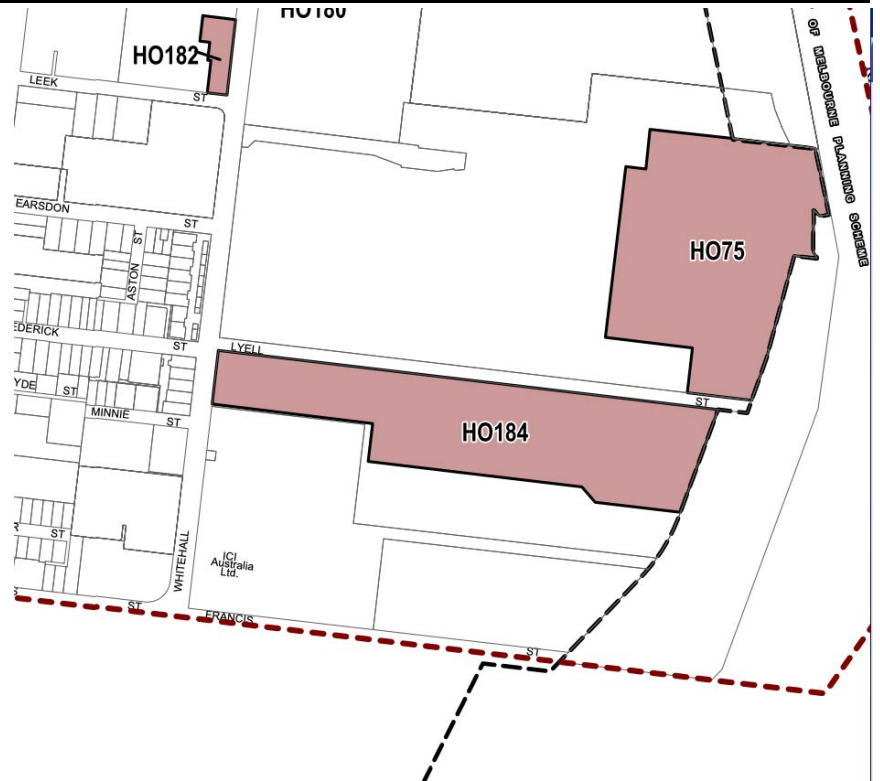
An Incorporated Plan exists for the site that recognises three buildings and several elements at 295 Whitehall Street, Yarraville that are of historical, technological and architectural significance.

Two of these buildings; the Salt Storage Shed and No 2. Storage Shed, and some of the bluestone paving to the north of the site were demolished in accordance with Planning Permit TP06/0648 (V1) issued by Maribyrnong City Council on 28 August 2007.

A planning permit is required to construct a building and carry out works within the Heritage Overlay.



## 4 Maribyrnong Planning Scheme



### 4.5

#### Particular Provisions

The relevant Particular Provisions are:

- Car Parking (Clause 52.06)
- Land Adjacent to the Principal Road Network (Clause 52.29)
- Bicycle Facilities (Clause 52.34)
- Uses and Activities with Potential Adverse Impacts (Clause 53.10)
- Stormwater Management in Urban Development (Clause 53.18)
- 

#### Clause 52.06 Car Parking

Clause 52.06 sets out the applicable car parking rate for 'Industry other than listed in this table', being 2.9 to each 100sqm of net floor area.

A planning permit is required to reduce the statutory car parking provision.

The enclosed traffic report prepared by Traffix Group provides a detailed assessment of the proposal having regard to the requirements of Clause 52.06.

## 4 Maribyrnong Planning Scheme

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Based on the proposed 'Industry' floor area of 15,635sqm, the statutory parking requirement is 453 spaces. A total of 30 new car parking spaces are proposed which requires a reduction of 423 car parking spaces.

The enclosed traffic report provides a detailed car parking demand assessment to confirm the suitability of the proposed car parking provision having regard to the operation.

### Clause 52.29 Land Adjacent to the Principal Road Network

Clause 52.29 applies to land adjacent to a Transport Zone 2, or a Public Acquisition Overlay.

Whitehall Street (Docklands Hwy) is a road in a Transport Zone 2; however, the proposal does not seek to alter vehicle access to Whitehall Street. Accordingly, a permit is not required.

### Clause 52.34 Bicycle Facilities

Clause 52.34 sets out the applicable bicycle parking rate for 'Industry', being 1 to each 1000sqm of net floor area for employees.

The enclosed traffic report prepared by Traffix Group also provides an assessment of the proposal in relation to bicycle facilities.

Based on the proposed floor area, a total of 16 employees bicycle parking spaces are required.

The proponents do not anticipate any staff will cycle to the site and on this basis a full waiver of the bicycle parking requirements is proposed.

A planning permit is required to vary the statutory bicycle parking provision.

### Clause 53.10 Uses and Activities with Potential Adverse Impacts.

The purpose of Clause 53.10 is:

*To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

The proposal involves the production of cement (over 150,000 tonnes in Stage 2) for which a threshold distance of 1,000 metres is listed.

The threshold distance is measured from any part of the land to the nearest land to:

- *land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or*

## 4 Maribyrnong Planning Scheme

- *land used for a hospital, an education centre or a corrective institution; or*
- *land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.*

The nearest land in a residential zone is 435m from the proposed development site. The threshold distance is therefore not met.

The application must be referred to the Environment Protection Authority where the threshold distance is not met.

### Clause 53.18 Stormwater Management in Urban Development

The purpose of this clause is:

*To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

The application is accompanied by a preliminary assessment of the proposal having regard to the objectives and standards of Clauses 53.18-5 and 53.18-6.

## 4.6

### **Planning Permit Triggers**

The permit triggers applicable to this application are:

- To use the land for 'Industry' within the Industrial 1 Zone where the Section 1 conditions are not met (Clause 33.01-1)
- To construct a building and carry out works within the Industrial 1 Zone (Clause 33.01-4)
- To construct a building and carry out works within the Heritage Overlay (Clause 43.01-1)
- To reduce the number of car parking spaces required under Clause 52.06-5 (Clause 52.06-3)
- To reduce the number of bicycle parking spaces required under Clause 52.34-6 (Clause 52.34-2)

The application is required to be referred to:

- Environment Protection Authority

# 5 Planning Assessment

The key planning considerations for this application are:

- the suitability of the land use and the strategic planning outcomes sought by the MPS;
- the suitability of the proposed buildings and works in the context of the zone and Heritage Overlay provisions;
- the requirements associated with the land being located within an area of cultural heritage sensitivity;
- the amenity considerations associated with the proposal;
- the car and bicycle parking waivers; and
- the acceptability of proposed stormwater management

These matters are addressed in the following sections of the report.

## 5.1

### Land Use and Strategic Considerations

The proposal supports the strategic and policy outcomes sought by the Maribyrnong Planning Scheme as follows:

- The land is located adjacent to a National Employment and Innovation Cluster where State policy and Plan Melbourne encourages investment and growth.
- The Melbourne Industrial and Commercial Land Use Plan (MICLUP) identifies the subject land as "Regionally Significant Industrial Land - Existing".
- The sustainable operation of industry is encouraged in locations where land use conflicts can be managed.
- The subject land provides for the production of cementitious materials that assist in reducing the carbon footprint of concrete.
- The ongoing operation of industries that rely on Port infrastructure is encouraged.
- The proposal is intrinsically linked to the ability to efficiently receive bulk shipments of raw materials for processing on site.
- At the local level, the site forms part of the Yarraville Port 'core industrial area where industrial and port relates uses and development are encouraged.
- The land is suitably separated from sensitive land uses and the potential impact of the proposal in terms of noise and dust can be managed as recommended within the reports that accompany the application (further detail is contained in Sections 5.5 of this report).
- The use and development of the land is consistent with the purpose of the Industrial 1 Zone.
- The land forms part of an existing cement production facility where there is a clear synergy between ability to handle clinker as well as granulated blast furnace slag.
- The proposal will provide improved supply of cement products in Victoria
- The proposal will provide new employment opportunities (both during construction and ongoing roles).



## 5 Planning Assessment

### 5.2

#### Zoning

The application seeks approval for the construction of buildings and works associated with the use of land for Industry.

The Industrial 1 Zone sets out a range of 'decision guidelines' with respect to the application, and a response is provided below:

*The Municipal Planning Strategy and the Planning Policy Framework.*

As noted in Section 5.1 of this report, the proposal responds positively to the various planning policies and strategies that apply to the land.

Specifically in relation to the Yarraville Port Core Employment Area Policy at Clause 22.04, the proposal responds positively to the policies for Precinct B in that it:

- Is a port related industrial use that is reliant on efficient access to the Port.
- Can be managed to ensure appropriate safety arrangements are in place in the event of an incident at Coode Island MHF.
- Is a use that requires a limited number of people to operate.
- Is well set back from the site frontage and will be viewed in the context of existing industrial uses when viewed from Whitehall Street.

*Any natural or cultural values on or near the land.*

The application is accompanied by a report prepared by CML Heritage which concludes:

*This due diligence assessment finds that there is no requirement for a mandatory CHMP under the Act.*

*While the study area is within an area of cultural heritage sensitivity associated with Yarra River and is a high impact activity as defined by the Regulations, it is to be used for the same purpose (Industry) as it was prior to 28 May 2007—meaning there is no requirement for a mandatory CHMP.*

*Streetscape character.*

The proposed buildings are set back from Whitehall Street and will be read in the context of existing development on the site when viewed from this direction.

A new streetscape character will be created along Francis Street where vacant land currently exists.

The proposal is entirely consistent with the type of uses encouraged to establish within the Yarraville Port area and it is appropriate for the site to have an industrial appearance reflective of the activities carried out on site.

*Built form.*

## 5 Planning Assessment

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The built form is in part determined by the operational and functional aspects of the cement plant, and the on-site logistical arrangements.

The outbuildings range between 7.1m and 20.7m in height and are typical of what might be expected in an industrial area. These buildings are proposed to be used for storage of materials and as a workshop and their appearance is reflective of their function.

The top of the silos are 40.3m and are located towards the south-eastern corner of the land where they will have limited visibility from Whitehall Road. From the Yarra River they will be visible consistent with the 'Working Port' character of this area.

### *Landscape treatment.*

The subject land currently hosts limited landscaping which is consistent with the industrial character of the immediate area.

### *Interface with non-industrial areas.*

The land is located in an industrial area and does not have any non-industrial interfaces other than to the 'Port Zone' which is a functional extension of the industrial area.

### *Parking and site access.*

Please refer to the enclosed report prepared by Traffix Group.

### *Loading and service areas.*

Please refer to the enclosed report prepared by Traffix Group.

### *Outdoor storage.*

The proposal includes the covered storage of both raw materials and finished product. It is not proposed to store any materials outdoors.

### *Lighting.*

External lighting will be required to facilitate operation of the plant 24 hours a day as required. The lighting detail is not currently finalised but will need to comply with relevant Australian Standards and OH&S requirements for industrial premises. This detail could be provided as a condition of any planning permit that is granted.

### *Stormwater discharge.*

Stormwater matters have been considered by KPA. A preliminary stormwater management strategy is attached.

Further detail could be provided as a condition of any planning permit that is granted.

## 5 Planning Assessment

5.3

### Heritage Overlay

The application is accompanied by a Heritage Impact Statement prepared by CML.

The Heritage Impact Statement concludes:

*The proposed construction of two milling operations and new shed are located in a part of the site at 2a Francis Street and 295 Whitehall Street, Yarraville, that is outside the areas occupied by elements that contribute to the heritage significance of HO184.*

*One section of the proposed construction is within the area covered by HO184; however, this is in an elevated location above and existing convey belt associated with Storage Shed 1. The proposed construction does not modify or intersect with the elements that contribute to the heritage significance of HO184.*

*The proposed new shed is of a similar scale, form and character to other existing contemporary buildings in this location within the site and are also compatible with its industrial past. The proposed cladding matches that of other nearby buildings and reflects the utilitarian nature of the site.*

*In summary, the works constitute no heritage impact to HO184, Mt Lyell, 295 Whitehall Street, Yarraville.*

5.4

### Cultural Heritage Considerations

An Aboriginal Cultural Heritage Due Diligence Assessment has been prepared by CML Heritage and accompanies the application.

The report concludes that:

*This due diligence assessment finds that there is no requirement for a mandatory CHMP under the Act.*

*Based on the evidence of significant ground disturbances relating to the historical industrial use of the study area a voluntary CHMP is not recommended. This is further due to the high potential of soil contaminants across the study area. While the study area is within an area of cultural heritage sensitivity associated with Yarra River and is a high impact activity as defined by the Regulations, it is to be used for the same purpose (Industry) as it was prior to 28 May 2007—meaning there is no requirement for a mandatory CHMP.*

5.5

### Amenity Considerations

SLR Consulting has carried out a noise assessment of the proposal having regard to the existing facility, proposed operation and proximity to nearby residential receivers.

The report concludes:

*The noise emissions from the existing and proposed Steel Cement facility at Yarraville have been modelled and predicted by SLR.*

## 5 Planning Assessment

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*The results indicate that the total noise emission levels from the Steel Cement facility will comply with the various EPA noise limits at the most affected residential dwellings, though consideration of noise mitigation will need to continue through the design process, such that where feasible to further reduce noise levels, such measures will be considered.*

An Air Quality Assessment has been carried out by Ektimo and a copy of the report accompanies the application.

The report provides an assessment of both Stage 1 and Stage 2 operations and concludes:

*Peak daily average and annual average concentrations of PM10 and PM2.5 as predicted at the nearest sensitive receiver locations complied with the APAC inclusive of background concentrations for both Stage 1 and Stage 2 production emissions. At the most affected sensitive receiver for the higher total emissions from the Stage 2 production:*

- *The peak predicted incremental daily average represented 13% of the APAC for both PM10 and PM2.5. The existing daily background levels of PM10 and of PM2.5 already exceed the APAC a few times per year. When the predicted increment from the operations at the facility are added to this, there is no increase to the number of days that the APAC are exceeded for either PM10 or PM2.5.*
- *The peak predicted annual average represented 3.8% and 5% of the APAC for PM10 and PM2.5, respectively. When added to the existing average background, the total was not predicted to exceed the APAC for each.*

*RCS is at <3% of any of the materials ground within the mills onsite, with a peak predicted impact at the most affected sensitive receiver of <0.4% of the substance APAC.*

*These outcomes are dependent upon the proposed cement grinding plant and the existing slag grinding and raw material drying/mixing/bagging plants being managed and operated effectively to maintain low dust emissions to air. Steel Cement will undertake the management and control measures detailed in Table 10 to minimise the risk of causing environmental harm so far as is reasonably practicable, with performance measures detailed in Section 5.4.*

*Key monitoring requirements recommended to manage this risk include:*

- *Ongoing observation of ship unloading and production activities via video links to identify visible dust emissions and trigger enhanced dust management measures.*
- *Continuous monitoring of differential pressure on all baghouse filters with alarm levels to trigger immediate investigation and a potential halt in production if abatement has reduced.*



## 5 Planning Assessment

- *Continuous ambient air monitoring at a single location on the western boundary in the direction of the nearest sensitive receivers for indicative concentrations of PM10 and PM2.5 with short term alarm levels to trigger enhanced dust management measures to minimise the risk of daily average APAC's being exceeded.*
- *Annual testing of the cement and slag grinding baghouse stack emissions of TPM, PM10 and PM2.5 to current EPA sampling guidelines to validate that the emissions are comparable to the expected norms as assessed.*

We also note that the proposed facility is required to obtain a Development Licence from the Environment Protection Authority prior to commencing operation and that the technical aspects of the operation will be reviewed as part of this process.

### 5.6

#### Car and Bicycle Parking

The enclosed report prepared by Traffix Group concludes as follows:

*Having undertaken a detailed traffic engineering assessment of the proposed expansion to the cement processing and distribution development at 265 Whitehall Street, Yarraville, we are of the opinion that:*

- a) the proposed development has a statutory car parking requirement of 453 car spaces under Clause 52.06-5,*
- b) the car parking reduction is supported on the basis of the anticipated staffing demands are significantly lower than the statutory car parking requirement and adequate car parking and hardstand areas are available through the site to accommodate the car parking demands,*
- c) the proposed parking layout and vehicle access arrangements accord with the requirements of the Planning Scheme, Australian Standards (where relevant) and current practice,*
- d) suitable access is available within the internal access aisles to accommodate movements associated with the largest design vehicle required to access the site (26m B-double),*
- e) new and modified vehicle crossovers to Francis Street will require formal engineering drawings to be prepared and submitted to Council for approval, this can occur as a condition of permit,*
- f) a reduction in the bicycle parking requirements under Clause 52.34 is supported on the basis of the low staffing requirements and proposed use of the site,*
- g) the level of traffic generated by the proposal can be accommodated without any adverse impacts to the operation of the local road network,*
- h) all loading and waste collection activity will be readily accommodated on-site, and*
- i) there are no traffic engineering reasons why a planning permit for the proposed amendments to the cement processing and distribution development at 265 Whitehall Street, Yarraville should be refused, subject to appropriate conditions.*

## 5 Planning Assessment

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5.7

**Stormwater  
Management  
Considerations**

Stormwater matters have been considered by KPA. A preliminary stormwater management strategy accompanies the application.

It is anticipated that further detail could be provided as a condition of any planning permit that is granted.

## 6 Conclusion

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The proposed use of 295-325 Whitehall Road and 2A Francis Street, Yarraville for the purpose of Industry will facilitate the operation of a new cement production facility. This use is considered consistent with the purpose of the Industrial 1 Zone and the strategic planning outcomes sought by the Maribyrnong Planning Scheme.

Furthermore, the operation of a cement production plant will deliver the net community benefit sought by Local Planning Policy in terms of its investment and employment generating capacity.

The buildings and works have been sited and designed to integrate with the existing operations on the land and port operations. The proposed materials and finishes have been selected for their consistency with the existing structures on the land.

The use / land use amenity can be managed by way of operational management procedures as well as appropriate planning permit conditions. It is noted that an EPA Development Licence is also required for the proposed facility and many of the technical considerations will be assessed via this application process.

Proposed car parking provision, bicycle facilities and loading arrangements are considered to suitably accommodate the proposed use.

The proposal is considered to be in accordance with the provisions of the Maribyrnong Planning Scheme and suitable for approval.



