

19/01/2006
VC37**SCHEDULE 2 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ2****PLEMINGS ROAD, BARNAWARTHA – RENEWABLE ENERGY (BIODIESEL) AND RENDERING FACILITY****Purpose**

To facilitate the use and development of the land for a Renewable Energy (Biodiesel) and Rendering Facility in accordance with the Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Development Plan.

To facilitate other works associated with the use in a manner, which recognises the character and amenity of the surrounding rural area.

1.0**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Agriculture (except poultry farming, pig keeping and cattle feed lot)	
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Caretaker's dwelling	Must meet the requirements of Clauses 2 and 3 of this Schedule.
Industry	Must meet the requirements of Clauses 2 and 3 of this Schedule.
Mineral Exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Natural Systems	
Search for Stone	Must not be costeaning or bulk sampling.
Utility Installation	Must meet the requirements of Clause 2.0 and 3.0 of this Schedule.

Section 2 - Permit required

USE	CONDITION
Any other use not in section 1 or 3.	

Section 3 - Prohibited**USE****Accommodation (other than Caretaker's dwelling)****Caretaker's dwelling if the Section 1 condition is not met****Office****Retail Premises****2.0 Use of land**

A permit is not required to use land for a Renewable Energy (Biodiesel) and Rendering Facility in accordance with this Clause.

For the purpose of this Schedule a Biodiesel Facility means a facility for the processing and storage of tallow, vegetable oils, cooking oils, and animal fats to produce biodiesel as an alternative fuel source. This includes the crushing of crops to produce vegetable oils such as canola. A Rendering Facility means a facility for the processing of animal, commercial food and cooking oil waste into a variety of substances such as meat meal, tallow and as a raw

A Renewable Energy (Biodiesel) and Rendering Facility includes any waste water treatment systems, fire protection, utilities, administration, maintenance, amenity buildings and facilities which are ancillary to the use of the land as a Renewable Energy (Biodiesel) and Rendering Facility.

The exemption from a permit under this clause does not apply to:

- The retail sale from the site of any material stored or processed on the land.

A permit is not required to use land for a caretaker's dwelling to accommodate or provide facilities for a worker or workers involved in caretaker duties during the construction and operation of the Renewable Energy (Biodiesel) and Rendering Facility associated works.

The grant of a permit for any use other than a Renewable Energy (Biodiesel) and Rendering Facility or caretaker's dwelling must not adversely affect the operation or further development of the Renewable Energy (Biodiesel) and Rendering Facility or other associated works.

3.0 Buildings and works

A permit is required to construct a building or construct and carry out works. This does not apply to buildings and works to which Clause 4 specifically applies or which Clause 5 specifically exempts. The grant of a permit for any building or works must not adversely affect the operation or further development of the Renewable Energy (Biodiesel) and Rendering Facility or associated works.

4.0 Development Plan

A permit is not required to construct a building or construct and carry out works if the buildings and works are constructed in accordance with a Development Plan prepared to the satisfaction of the Responsible Authority, in consultation with other relevant authorities.

The Development Plan must be generally in accordance with the Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Framework Plan, (Drawing No. 6010 Plan 1) 6 May 2005;

The Development Plan must include:

- The location and layout and height of all buildings and plant and details of site and other works.
- The colour, material and finish of all buildings and plant.
- The location of all loading areas.
- The location of all vehicle and pedestrian access ways.
- Security area or areas not available for public access and security fencing.
- Details of proposed signage.
- Details of proposed outside lighting and measures to reduce the impact of external lighting for surrounding properties. The light emissions must be no greater than those required by safety regulations.
- Details of proposed landscaping including: planting proposals (and any replanting or rehabilitation works), the incorporation of fast growing species, arrangements for ongoing maintenance of landscaped areas and a schedule of plants. The landscape must be integrated with the character of indigenous planting in the locality.
- The stages, if any, in which the land is to be developed.
- The provision of major physical infrastructure to accommodate the development and use including provision of water, sewerage, drainage, electricity and telecommunications.

At the request of or with the agreement of the occupier of land, the Development Plan may be amended to the satisfaction of the Responsible Authority in consultation with other relevant authorities including the Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Community Reference Group.

The Development Plan may be prepared in stages to the satisfaction of the Responsible Authority.

5.0 Exempt Buildings and Works

The following development is exempt from the requirements of Clause 3.0 but must be carried out in a manner consistent with any Development Plan applying to the particular land:

- Buildings and works which are generally in accordance with the Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Framework Plan, (Drawing No. 6010 Plan 1) 6 May 2005;
- Fencing.
- The provision or alteration of plumbing and electrical services.
- The minor rearrangement of car parking areas and landscaping providing that their areas and effectiveness are not diminished.
- Any buildings or works required to be constructed or modified as a consequence of an approval, licence condition, statutory notice or regulation under the Dangerous Goods Act 1985, Petroleum Act 1958, Gas Industry Act 1994 or pollution abatement notice under the Environment Protection Act 1970.
- The rearrangement and renewal of plant provided that the area of plant external to existing buildings is not increased.

- Any works carried out by a public authority in association with the development of new plant or buildings.
- Any works required to be carried out for fire protection under relevant legislation.
- Temporary building, shed or structure not exceeding 100 square metres in floor area.

6.0 Environmental Management Plan

The use of the land as a Renewable Energy (Biodiesel) and Rendering Facility and associated construction activities must be in accordance with an Environmental Management Plan prepared to the satisfaction of the Responsible Authority in consultation with EPA, other relevant authorities and the Community Reference Group.

In determining its satisfaction with a draft Environmental Management Plan, the responsible authority must also be satisfied that the plan and any relevant EPA requirements are consistent.

The Environmental Management Plan reflect best practice environmental management and must include details of (but not be limited to) proposals to minimise amenity and environmental impact of the use of the site and construction activities and must set out objectives, performance and monitoring requirements for:

- The upgrade and environmental improvement of the existing rendering facility.
- Erosion mitigation and control.
- The treatment of all waste water.
- Water quality including groundwater.
- The reuse and/or offsite disposal of treated waste water.
- A methodology for testing and monitoring groundwater must be included.
- Air emissions including odour.
- Noise.
- Flora and fauna.
- Landscape and amenity:
 - In particular, a dense planting strip to a height of at least 20 metres should be included around the perimeter of the site (with allowance for clear and safe site entry and exit),
 - The biodiesel plant tower should be clad and coloured appropriately to assist in lessening night-time noise and light from the site, and to lessen the daytime visual impact.;
 - Any methane flare should be placed in an enclosed pit or structure to remove its night-time visibility.
- Cultural heritage.
- Waste management.
- Safety.
- Fire safety [including bushfires emanating from outside the site].
- Traffic

The Traffic Section of the Environmental Management Plan and/or the proposed Section 173 agreement requirements should include the upgrading of Plemings Road as proposed in Section 3.1.3 of the expert witness statement by Stephen Pelosi and the

preliminary design plans tabled by the Council, including the following qualifications and clarifications:

- The level of the existing bridge should be accepted even though it does not comply with the 100 year ARI requirement.
- The bridge should be widened to at least 7.9m between the insides of the kerbs.
- The under-bridge beaching should be extended to cater for the widened bridge and the existing beaching be rehabilitated to its original design requirement.
- Road works required on the bridge approaches should minimise the need to remove trees.
- A speed limit of 60kph should be placed on Plemings Road between points 100m west of the Plemings Road bridge and the eastern boundary of the site.
- The site design for the movement of trucks should be to a high standard of safety, with a one-way forward-only movement system for B-Double trucks within the site.
- The matter of a night-time curfew on trucks along Plemings Road should be considered by the proposed Community Reference Group. The Panel suggests a curfew between the hours of 11.30pm and 6.30am, with provision and guidelines for occasional exceptions to be considered. A reporting mechanism for exceptions should be included in the environmental management plan requirement.
- Bus stops on Indigo Creek Road between the Hume Freeway and Plemings Road should be provided to the standard usually required by the Council and VicRoads, and must include at least a 2m widening of the road shoulder and school bus stop signs on each approach to the stop.
- Construction activities to be outlined with a Construction Management Plan which includes control of off-site dust emissions, measures to reduce the transfer of site mud to roads, control of noise and hours of operation, erosion control, storm water runoff and off-site road works.

The Environmental Management Plan must also provide for the landowner or operator of the plant to enter into an agreement made pursuant to S.173 of the Planning and Environment Act 1987, with the Responsible Authority and other relevant authorities and persons, in relation to the following matters:

- The construction of a fire water tank on the site and the maintenance of water in that tank to meet fire fighting requirements.
- The control of use of adjacent roads by heavy construction equipment vehicles and other trucks, including speed, hours of use, and advice to abutting residents of the hours of use.
- The establishment of a fire emergency management plan in conjunction with local fire brigades, local emergency services and the Indigo Shire Council, including training the appropriate personnel in emergency procedures relevant to the proponent's construction and operation of a Renewable Energy (Biodiesel) and Rendering Facility.
- The keeping of a log which details alarms (false and otherwise), incidents and complaints on a register together with a record of action taken to investigate and rectify the situation and which details any interaction with relevant agencies.

7.0 Environmental Management Plan Implementation

The Environmental Management Plan may be prepared in stages to the satisfaction of the Responsible Authority. The Environmental Management Plan may be amended to the satisfaction of the Responsible Authority after consultation with the EPA other relevant authorities and the Community Reference Group.

The operation of the Renewable Energy (Biodiesel) Facility must not commence until the upgrade and environmental improvement of the existing Rendering Facility has been completed in accordance with the requirements of Clauses 4.0 and 6.0.

Buildings and works for the purpose of a Renewable Energy (Biodiesel) Facility and use of the land as a Renewable Energy (Biodiesel) Facility must not commence before requirements of Clauses 4.0 and 6.0 are met.

8.0 Community Reference Group

The establishment of a Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Community Reference Group must take place within 45 days of Gazettal of Amendment C29. The Barnawartha Renewable Energy (Biodiesel and Rendering) Community Reference Group must be chaired by an independent person appointed by the Responsible Authority in advance of the commencement of the development, to meet regularly to advise upon any amenity and environmental problems and the necessary management measures to reduce such problems, including advising on the incorporation of the results of further studies in the Environmental Management Plan.

The independent chair must ensure that the membership of the group reflects the balance of views in the community and broadly consists of:

- a representative of each of the operators of the biodiesel and rendering facilities;
- the responsible authority;
- EPA;
- other relevant government departments and agencies;
- a representative of local business interests; and
- two representatives of local residents.