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SCHEDULE 1 TO CLAUSE 44.08 BUFFER AREA OVERLAY

Shown on the planning scheme map as **BAO1**

Asphalt Plant – Inner Buffer Area

1.0 Statement of risk

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The asphalt plant is a medium size plant and asphalt operations located at 208-292 Arden Street, North Melbourne, which has operated at the site since 1952. Activities at the site involve producing warm mix asphalt (known as Greenpave) from sand and aggregates, reclaimed asphalt pavement (RAP), lime, and bituminous materials. Potential unintended off-site impacts from odour emissions within this buffer area being within 152 metres of the source could have moderately offensive impacts on amenity and human health. Sources include an 18 metre tall stack (increases dilution and dispersion), medium sized volume source (truck loadout), medium sized area sources (raw material bays).

2.0 Objectives

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- While the asphalt plant continues to operate, to restrict encroachment and intensification of land uses that are sensitive to the potential unintended off-site odour impacts of the asphalt plant.

3.0 Use of land

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A permit is required to use land for a:

- Hospital
- Place of assembly
- Accommodation
- Education centre

4.0 Subdivision

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A permit is required to subdivide land.

Any subdivision of land which would increase the number of Dwellings which the land could be used for is prohibited. This does not apply to the subdivision of land to create a lot for a Dwelling in respect of which a permit has been granted or for an existing Dwelling.

5.0 Buildings and works

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A permit is required to construct a building or construct or carry out works associated with Accommodation, Education centre, Hospital or Place of assembly.

6.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 44.08, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Amenity assessment – buildings associated with a sensitive use

An application to construct a building associated with a Hospital or Place of assembly, on land subject to this overlay must be accompanied by a site specific amenity assessment report that includes the following:

- An assessment of potential odour amenity impacts from the asphalt plant at 208-292 Arden Street, North Melbourne, prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the

use within the proposed building will experience an appropriate level of amenity and consider:

- The staging of the proposed development;
- The sensitivity of the use proposed;
- The local meteorological conditions; and
- The structure or built form.

All to the satisfaction of the responsible authority.

Asphalt plant transition or relocation evidence

An application to construct a building associated with Accommodation or Education Centre on land subject to this overlay must be accompanied by::

- Formal indication that will result in asphalt plant ceasing operation on land at 208-292 Arden Street, North Melbourne prior to the proposed use commencing; or
- Suitable evidence to demonstrate that the risk of odour associated with the asphalt plant at 208-292 Arden Street, North Melbourne has been eliminated.

7.0 Exemption from notice and review

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An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

8.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 44.08, in addition to those specified in Clause 44.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed use may be affected by potential unintended odour impacts from the asphalt plant at 208-292 Arden Street, North Melbourne.
- For an application for Accommodation or Education centre, whether the proposed use will commence following the asphalt plant ceasing operation of odour causing activities on the land at 208-292 Arden Street, North Melbourne.
- For an application for a Hospital or Place of Assembly, whether the proposal provides suitable design responses to ensure the use within the proposed building will experience an appropriate level of amenity.
- The staging of the proposed development.
- The views of the Environment Protection Authority.