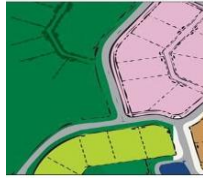


Bernie Wilder and Associates



We respectfully acknowledge the traditional custodians, the Gunditjmara peoples. We pay our respects to all Aboriginal Community Elders past and present who have been an integral part of this region's history.

Town Planning, Project Management and Local Government Consultants

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23 March 2025

Planning and Development Manager
Glenelg Shire Council
Cliff Street
PORTLAND VIC V3305

Dear

PLANNING PERMIT APPLICATION: P25009 PROPOSAL: USE AND DEVELOPMENT OF A DWELLING LAND AT: 104 THE BROADWAY, PORTLAND NORTH VIC 3305

I refer to your request for further information and we provide details as requested.

Background Details

The proposed dwelling is set back 170 metres from the School Road boundary and 220 metres from the industrial building to the east. The proposed dwelling is 12m below the road level and the industrial building is 1.5 m below the road level.

Screen planting is proposed as shown on the plans and the industrial building contains screen planting and sealed access and parking. The enabling permit contained conditions relating to dust prevention and meeting EPA works approvals.

The industrial building was allowed by a planning permit in 2004 and that permit allowed wind turbine blade manufacture. That use has ceased, and the current owner does not manufacture windfarm components, blades or towers as all these items are now imported from China.

The industrial building is now used as an administrative office and light industrial workshop maintaining plant and equipment for companies such as Portland Aluminium. Much of the work is done off site and the hours are normal business hours Monday to Friday.

The current use of the industrial building does not trigger Clause 53.10 of the Planning Scheme or the EPA Separation Guidelines as the use is not included in the Tables. In addition the proposed dwelling does not trigger Clause 53.10 of the Planning Scheme or the EPA Separation Guidelines for the same reason.

The proposed dwelling is also separated by a proposed shed to the east.

An existing dwelling to the north of the proposed dwelling is more than 100m away and that dwelling is at a similar setback as the proposed dwelling. A school is located 500m from the industrial building to the south.

Background noise levels have been measured in still wind conditions adjacent to the industrial building and 40dBA measured using a precision instrument. In moderately windy conditions 63dBA has been measured. The measurements were taken outside operation hours.

The EPA Standard applying to the industrial building is as follows:

Day 53dBA

Evening 45 dBA

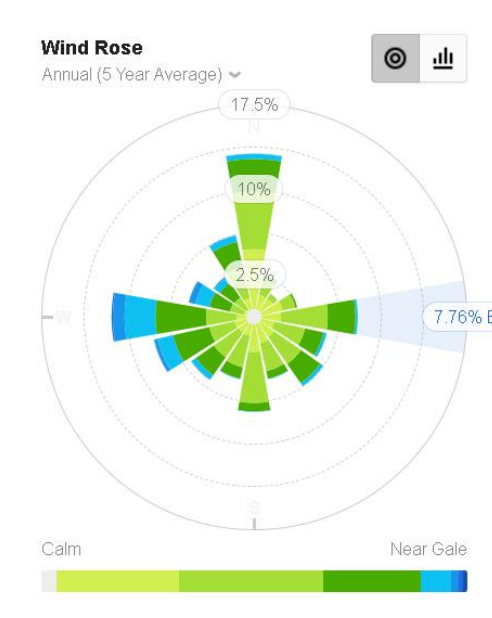
Night 43 dBA

The following sets out the reduction in noise over distance:

≡ CalcTool	≡ CalcTool
Point 1	Point 1
Distance from the source 1 m ▾	Distance from the source 1 m ▾
Sound pressure level 53 dB	Sound pressure level 43 dB
Point 2	Point 2
Distance from the source 220 m ▾	Distance from the source 220 m ▾
Sound pressure level 6.152 dB	Sound pressure level -3.8485 dB
Sound level difference	Sound level difference
Difference in SPL 46.85 dB	Difference in SPL 46.85 dB

This result indicates that the noise associated with the industrial building will be inaudible as the background noise at the proposed dwelling has been measured at 39dBA

The following wind rose applies to Portland:



It is relevant that most of the prevailing winds take any odour, dust and noise away from the proposed dwelling. Any winds from the east are deflected upward by the industrial building and the adjacent embankment. It is also relevant that the proposed dwelling is downhill 12m from School Road and is protected by a proposed shed and extensive screen planting at the Road boundary.

In relation to catabatic flows in cold still air conditions typically 2 hours before sunrise the flows related to the industrial building would be to the east away from the proposed dwelling because of the slope to the east.

In relation to still air and hot conditions the heating effect of the road pavement, car park and accessways would direct emissions if any, upward and away from the proposed dwelling.

In relation to the high pressure gas line we understand that the pipe is sufficiently deep to accommodate a vehicle crossing. We of course will consult the gas authority when the crossing is constructed.

Clause 13.07-1S and 13.071L

13.07-1S

14/01/2025
VC237

Land use compatibility

Objective

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

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

Consider as relevant:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)

It is submitted that the proposed dwelling and its siting meet the objectives set out for those reasons set out above. There are no dust or odour emissions relating to the adjacent industrial building or its use and Clause 53.10 is not triggered for that use.

13.07-1L

16/01/2020
C102gellg

Land use compatibility

Strategies

Discourage sensitive land uses from encroaching on the recommended separation distances of established or planned industrial areas.

Require residential development to the west of Henty Highway between Wilson Road and Bridgewater Road to incorporate adequate buffers from land used for industrial purposes.

Support non-conforming uses, particularly existing residential uses located in industrial zones, to convert to industrial or business uses.

Support the use of acoustic barriers and/or vegetated earth berms/bunds to manage the interface between industrial and sensitive uses and for industries that require extended hours of operation and the containment of off-site amenity impacts in industrial precincts.

Discourage accommodation and sensitive uses within the rural zones along Lightbodies Road, School Road, Westlakes Road and Darts Roads that share an interface with the North Portland Industrial Precinct.

Policy documents

Portland Industrial Land Strategy (2016)

It is submitted that the proposed dwelling and its siting meet the strategies set out for those reasons set out above. There are no dust or odour emissions relating to the adjacent industrial

building or its use and Clause 53.10 is not triggered for that use and accordingly the proposed dwelling should not be discouraged as that would be unreasonable in the particular circumstances of this case.

The matter raises issues of equity and fairness.

Equity and fairness are both important principles in the realm of justice and ethics. Equity refers to the concept of providing individuals with what they need in order to achieve equality, taking into account their unique circumstances and needs. Fairness, on the other hand, is the idea of treating all individuals impartially and without bias. While equity focuses on addressing disparities and ensuring everyone has equal opportunities, fairness emphasizes the importance of treating everyone with respect and justice. In essence, equity seeks to level the playing field, while fairness aims to ensure that everyone is treated justly and ethically.

In our submission the EPA Separation Guidelines were intended to apply to Industry for those uses generally under Clause 53.10. However, Clause 13.07-1L attempts to blight and discourage all dwellings and other uses deemed sensitive adjacent to Clause 53.10 uses which will result in an inability to develop land for those purposes.

We have made an assessment of affected properties in the industrial and residential zones by drawing lines at 200m, 500m and 1000m from the sensitive uses such as Houses. Schools Clause 53.10 uses etc. and the result is horrific wiping out substantial industrial and residential development potential. I suggest that the Consultants who devised the clause based on your Industrial Study should be required to fix the problem and or the Minister be required to remedy the problem.

EPA Separation Guidelines

The guidelines are meant to apply to industry and not sensitive uses. It is because of Clause 13.07-1 that this issue has arisen. The saving words are discourage which does not mean prohibit. We request that the proposed dwelling be allowed in the circumstances.

Re Subdivision

We have looked at a re subdivision and submit that is not necessarily viable because the resultant blocks would be long and skinny and the proposed house closer to the existing house and a shed would be lost. To put the existing house on 2ha and have a 6ha balance may work but for any subdivision \$60,000 to \$100,00 would be involved depending if a CMP was required and the extent of servicing costs. We submit that such an idea is unreasonable.

Conclusion

We request that you exercise your discretion and issue the Permit accordingly. There is no likely amenity concern as a result of the proposal.

Should you wish to discuss this matter further, please contact the writer on mobile

Yours sincerely