Planning Panels
Evidence Statement

Amendment C105 to the Wodonga Planning Scheme

Planning Evidence Statement on behalf of North East Region Water Corporation (NEW)

Statement prepared by Daris Olsauskas

Date: October 2017

THIS REPORT HAS BEEN REQUESTED BY RUSSELL KENNEDY ON BEHALF OF NEW AND IS SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE
1 | INTRODUCTION

1. I received instructions from Russell Kennedy lawyers acting on behalf of North East Region Water Corporation ("NEW") to prepare a Planning Evidence Statement in relation to Amendment C105 (the “Amendment”) to the Wodonga Planning Scheme.

2. NEW is the owner and operator of the Baranduda Waste Water Treatment Plant (the “BWWTP”) located at 221 Whytes Road Baranduda and the West Wodonga Waste Water Treatment Plant (the “WWWWTP”) located at 28 Old Barnawartha Road West Wodonga.

3. I am aware that NEW has proposed an Environmental Significance Overlay (the “ESO”) for the BWWTP and the WWWWTP.

4. A copy of my instruction in this matter is attached at Appendix A. In summary, I have been instructed to provide an expert opinion addressing planning aspects of the separation distances for BWWTP and the WWWWTP.

5. In preparing this report, I have considered:
   - The relevant Amendment C105 documentation including:
     - The Explanatory Report
     - The proposed Schedule 5 to the ESO
     - The proposed schedule to Clause 66.04
     - The proposed ESO overlay maps
   - The submissions received by Wodonga City Council to proposed Amendment C105
   - Advice from EPA Victoria to NEW dated 1 May 2017
   - The relevant aspects of the Wodonga Planning Scheme, zoning maps and aerial photos of both waste water treatment plants
   - The relevant strategic documents including the Hume Regional Growth Plan ("HRGP")
   - EPA publication 1518 titled ‘Recommended Separation Distances for Industrial Residual Air Emissions’ dated March 2013;
   - State Environment Protection Policy – Air Quality Management
   - Draft Guideline - Guidance notes for using the regulatory air pollution model AMEROD in Victoria
   - Draft Guideline - Construction of input meteorological data files for EPA Victoria’s regulatory air pollution model (AERMOD)
   - Panel reports for Amendments C123, C124, C54 and C49 to the Wodonga Planning Scheme

6. I inspected both the BWWTP and WWWWTP and surrounding lands between September and December 2016.

7. I prepared, in my capacity as a Director of In2Planning Pty Ltd, Planning Scheme Amendment Reports for Amendment C 105 dated December 2016. I adopt these reports. These reports are attached in Appendix B.

8. A summary of my opinion is provided at Section 7

9. My conclusion are set out at Section 8
2 PLANNING FOR THE PROTECTION OF PUBLIC INFRASTRUCTURE

Planning and Environment Act 1987

10. Section 4(1) of the Planning and Environment Act 1987, sets out the objectives of planning in Victoria. These objectives are:

- **To provide for the fair, orderly, economic and sustainable use and development of land.**
- **To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.**
- **To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.**
- **To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.**
- **To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.**
- **To facilitate development in accordance with the objectives set out in the points above.**
- **To balance the present and future interests of all Victorians.**

11. The first, third, fifth and seventh objectives (in italics and bold) are of particular relevance to this Amendment.

State Planning Policy Framework

12. The protection of utility infrastructure (including waste water treatment plants) is supported by State policy on several levels including the State Planning Policy Framework.

13. The following State and regional strategies seek to protect significant utility infrastructure, particularly waste water treatment plants:

- To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements (Clause 11.01-1)
- Provide for appropriate settlement buffers around sewerage treatment areas, solid waste management and resource recovery facilities and industrial areas to minimise potential impacts on the environment such as noise and odour (Clause 11.12-4).
- Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses (Clause 13.04-2).
- Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality (Clause 14.02-3).
- To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment (Clause 19.03-2).
- To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.(Clause 19.03-5)

14. Plan Melbourne 2017-2050 Policy 6.7.3 Protect waste management and resource recovery facilities from urban encroachment and assess opportunities for new waste facilities and Policy 7.1.1 Stimulate employment and growth in regional cities are relevant to the proposed Amendment.
15. The HRGP (Section 14.3 Energy, Communications Water and Waste) acknowledges that growth of towns and cities in the region will result in demand for additional utility infrastructure and the need to protect this infrastructure from inappropriate development.

Local Planning Policy Framework

16. Clause 21.02-4 Wodonga Strategic Framework Plan identifies in the Wodonga Strategic Framework Plan the West Wodonga and Baranduda Waste Water treatment plant sites.
17. Clause 21.03-2 Urban Growth identifies in third Residential Strategy to maintain appropriate buffers around the Killara Township, and Department of Defence operations, the West Wodonga and Baranduda Waste Water treatment plants and the Wodonga potable water treatment plant to prevent encroachment by sensitive land uses.
18. Clause 21.11-3 Water supply, sewerage and drainage identifies in the objectives and strategies to ensure the waste water management facilities (West Wodonga and Baranduda) which provide essential sewerage services and the potable water treatment plant at Wodonga are protected from encroachment by sensitive uses and to provide a buffer around the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant to minimise encroachment by sensitive land uses.
19. Clause 21.11-4 includes under Further Strategic Work to jointly investigate with North East Water the application of the Environmental Significance Overlay to apply a buffer between any residential growth in West Wodonga sensitive uses and the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant.

Ministerial Directions

20. The Amendment introduces controls that are within the existing set of Victoria Planning Provisions.
21. The Amendment is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987.
22. A recent review of this Direction was gazetted on the 24 May 2017. Alterations to the Schedule in response to these changes are identified in Section 8 and Appendix D of this report.

3 SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS OF THE AMENDMENT

23. Section 4(2) of the Planning and Environment Act 1987 establishes that the objectives of the planning framework are to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.
24. Section 12 (2) (b) of the Planning and Environment Act 1987 requires a planning authority when preparing a planning scheme amendment to take account of any significant effects a proposal might have on the environment and (more relevantly) ‘the environment might have on the use or development envisaged in the amendment.’ The purpose of this section of the Act is clearly to ensure that land use decisions do not result in land use conflict.
25. Planning Practice Note 46 Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments dated May 2017 identifies¹ that:

¹ Refer Page 3 of Planning Practice Note 46 Strategic Assessment Guidelines
...the types of environmental, social and economic issues that need to be considered are dependent on the nature and scale of the amendment.

26. The Explanatory Report addresses the specific social, economic and environmental considerations relevant to the proposed Amendment.

4 THE WASTE WATER TREATMENT PLANTS AND ADJOINING LAND USES

27. Section 12(2)(aa) and 12(2)(ab) of the Planning and Environment Act 1987 requires a planning authority when preparing a planning scheme amendment to consider the Victorian Planning Provisions and any code or guideline which forms part of a Planning Scheme.

28. As identified in Section 2 the relevant policy guidelines in assessing the separation distances between land uses that reduce amenity and sensitive land uses at Clause 13.04-2 of the State Environmental Planning Policy Framework are:

- State Environment Protection Policy (Air Quality Management); and
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environment Protection Authority 1990).

29. Clause 19.03-2 of the State Planning Policy Framework requires planning to consider any relevant Environment Protection Authority guidelines.

30. As identified in the EPA letter dated 1 May 2017 this confirms the use of the AUSPLUME modelling to determine the ESO for both waste water treatment plants under State Environment Protection Policy (Air Quality Management).


32. In relation to separation distances for sewerage treatment plants, the guidelines state:

Sewerage treatment plants are linked to the size of the population that they serve. Generally, if the population that the infrastructure serves grows, then the size of the separation distance will need to increase. The exception to this is if the treatment process is upgraded, for example from the use of facultative ponds to an aerobic pondage system. The recommended separation distances for sewerage treatment plants should be determined in consultation with the EPA. Wind regimes, topography, waste-loading, treatment/disposal methods and design capacity should be taken into account.

33. In relation to cumulative impacts the guidelines state:

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2 I understand that these guidelines have been replaced with a new document titled Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, March 2013).
3 Refer to Page 15 of Publication 1518, March 2013
4 Refer to Page 14 of Publication 1518, March 2013
This guideline does not seek to recommend specific separation distances for any cumulative impacts resulting from the co-location of like industries

34. Planning therefore needs to ensure that development is not prejudiced and community amenity is not reduced by air emissions by ensuring, wherever possible, that there is suitable separation between potentially amenity reducing and sensitive developments. The purpose of separation distances are to discourage the establishment of land use and development on land within a designated area that is sensitive to, and incompatible with, environmental impacts resulting from the operation of waste water treatment plants.

35. The WWWWTP and BWWTP interact with a range of adjoining land use zones and existing developments. Some of these existing developments include uses that have some potential to impact on reducing amenity as well as being potentially sensitive to the operation of the waste water treatment plants.

36. The location of specific land uses adjacent to the BWWTP are identified in Figure 1 which is an aerial overlay with the proposed ESO.

Figure 1 – Adjoining land uses to BWWTP and boundaries of the ESO

Organics recycling, liquid industrial waste storage and retail garden supply facility

37. The BWWTP adjoins an organics recycling, liquid industrial waste storage and retail garden supply facility at 219 and part 221 Whytes Road.
38. This facility is located immediately west of the BWWTP and within the Industrial 1 Zone under the Wodonga Planning Scheme and is located wholly within the proposed ESO.

39. The EPA Baranduda Odour Reduction Strategy includes the BWWTP and the existing the organics recycling, liquid industrial waste storage and retail garden supply facility at 219 and part 221 Whytes Road. This strategy addresses issues of offensive odours impacting residents in Killara, Bandiana and Baranduda.

40. The organics recycling, liquid industrial waste storage and retail garden supply facility operates under EPA Victoria license EI51665. The licence holder operates a waste treatment and composting facility. This licence addresses odour discharges and allows certain industrial and prescribed industrial wastes to be received, treated and stored. The licence also allows up to 25,000 tonnes of solid material for composting to be accepted at the premises per year.6

41. The EPA Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, March 2013) refers to a 500m buffer separation distance for prescribed industrial waste treatment facilities. There are different guidelines for assessing separation distances for composting facilities.8

42. EPA Publication 1588.1 dated 1 June 2017 provides separation distances for organic recycling facilities based on assessment of the type of feedstock, technology and size of the plant.

Organics recycling facility (vermiculture)

43. An organics recycling facility (vermiculture) is located at 343 Whytes Road to the south of the BWWTP within the Farming Zone. This facility is located outside the boundaries of the proposed ESO.

44. The only Guidelines prepared by EPA Victoria that included vermiculture facilities are the previous Environmental Guidelines for Composting and other Organic Recycling Facilities (EPA Publication 508 June 1996).

45. Buffer distances for vermiculture operations are calculated under Section 3.2 of those Guidelines based on the size and the type of process employed in the operation.

46. The current EPA Guidelines for composting supersedes the 1996 Guidelines and specifically exclude vermiculture operations.9

47. The recent changes to the Environment Protection (Scheduled Premises) Regulations 2017 that commenced on the 25 June 2017 include vermiculture in the definition of Organic Waste Processing as a Scheduled Premise. EPA Publication 1588.1 is under review for Scheduled Premises.

48. Public information indicates this facility is operated by NutriSoils LS, employs at least five (5) people, includes internal and external operations associated with a vermiculture (worm) recycling system to produce a liquid spray which is a concentrated, broad spectrum liquid plant food.11

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5 Sourced from EPA website
6 Sourced from the EPA Interaction Portal
7 Refer to Table on Page 11 of Publication 1518, March 2013
8 Refer to Table on Page 11 of Publication 1518, March 2013
9 EPA Draft guideline Composting Publication No 1577 September 2014 Section 1.2
10 Section 4.4.5 Page 82 Regulatory Impact Statement – Proposed Environment Protection (Scheduled Premises) Regulations 2017
11 Sourced from NutriSoils web-site
There is a Vitasoy food processing and warehouse facility at 50 Baranduda Drive west of the BWWTP and located within the Industrial 1 Zone. Available public information indicates this operation commenced in 2001 and included a major expansion in 2010. The site employs up to 60 full-time staff within the site and in 2016 produced 200,000 litres (200 tonnes) of soy milk per day.

This facility is located within the Industrial 1 Zone and is located outside the boundaries of the proposed ESO.

The EPA Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, March 2013) specifies a separation distance of 100m for food and beverage manufacturing, producing more than 200 tonnes of product per year.

5 DEVELOPMENT CONTROLS TO MITIGATE IMPACTS ON AMENITY FROM ODOUR EMISSIONS

The elements and structure of the proposed ESO is consistent with the use of this planning control to address odour emissions from waste water infrastructure.

This structure has been supported across Victoria by State Government, Councils and Planning Panels through the development of controls protecting key waste water treatment facilities including regional locations such as Mildura (Mildura ESO2 C44), Greater Shepparton (Greater Shepparton ESO2 C115), Benalla (Benalla ESO4 C31 and Panel), Kilmore (Mitchell ESO5 C79 and Panel), Dandenong (Greater Dandenong ESO3 VC37), Stawell (Northern Grampians ESO3 C16), Maryborough (Central Goldfields ESO2 VC37) and South Gippsland (South Gippsland ESO4 VC37).

The Decision Guidelines include those relevant matters to be considered before determining an application for development within the ESO.

It is expected the ESO controls will facilitate a detailed site/development analysis (undertaken by the developer) to determine the likely impacts of odour on new development within the boundaries of the ESO. This would allow consideration of the proximity of the site to the plant, identify the nature and characteristics of the proposed development and guide those measures that may be needed to reduce the impacts of odours.

To assist this process the Decision Guidelines importantly identify the nexus between the proposed use/occupation of a site and the duration, frequency, time and capacity of that use/occupation. This also informs the assessment of the degree of sensitivity of the use of the development to odour.

The Decision Guidelines incorporate “active” and “passive” planning measures to be addressed design and siting of the new development, including any new buildings, to ameliorate the impacts of odour. The term “active” refers to those measures that may lead to active management within a building – i.e. design to control internal air environments. The term “passive” refers to those measures that may need to be integrated into the design and siting of a development, that is built

12 Sourced from the Border Mail 11 March 2010
13 Albury-Wodonga Manufacturing and Industrial Register 2016
14 Personal communication from Site Leader Baranduda 30 June 2017
15 The degree of sensitivity would be determined by a specialist in air quality assessment
form – i.e. building and site layout to maximise physical separation distances to the WWTP and building internal/external design to locate openings.

58. The Decision Guidelines incorporate the management of vegetation within the context of built form to improve air flow turbulence. This addresses existing and future vegetation as a mechanism to alter local air quality conditions.

59. NEW is a Determining Referral Authority for planning applications. This allows NEW to provide publicly available information on the operation of the BWWTP and WWWWTP. Operations will continually evolve as customers discharges also change. This is particularly relevant for major trade waste customers. NEW will also consider future funding and infrastructure expansion information.

6  SUBMISSIONS

Limits to Future Development

60. Six (6) submissions to Amendment C105 raise concern regarding the impact of the ESO on future land use. This includes impact on potential development within the Industrial 1 Zone, the Low Density Residential Zone, the Urban Growth Zone and the Farming Zone.

61. The ESO does not prohibit land use and development within those zones. It provides a trigger for a planning permit and referral to NEW. This facilitates the detailed consideration of the potential for land use conflicts that may arise between that development and the operation of the waste water treatment plant and how these impacts can be mitigated.

62. There are a number of other overlays which will also impact on surrounding land uses and future development particularly:

- Land within the Farming Zone (West Wodonga) – flood overlays
- Land within the Low Density Residential Zone (Baranduda) – Development Plan Overlay Schedule 18
- Land within the Industrial 1 Zone (West Wodonga) – Design and Development Overlay Schedule 1
- All lands affected by the Amendment – revised BMO mapping

63. A response to matters raised by a submission relating to the Urban Growth Zone in vicinity to BWWTP is included in Appendix C.

64. The likely impact of an ESO on future land uses around the BWWTP has been identified as far back as 2009 in Panel Reports on Wodonga Amendments C49, C54 and C86. The Panel Report for C86\(^\text{16}\) includes a map that specifically identifies a buffer distance to the BWWTP and the impact of that buffer on adjoining lands.

ESO Objectives

65. Two (2) submissions raise concern with the environmental objectives of the ESO. These concerns generally relate to defining the relationship between future development and the operation of the Plants.

\(^{16}\) Refer Figure 6 Page 35 Panel Report dated 23 December 2011
66. The objective of the ESO helps to establish the purpose and focus of the planning controls. Firstly to ensure the compatibility of development around the Plants, to regulate as part of the planning process mitigation of odours and to avoid sensitive development within the ESO boundaries.

Decision Guidelines

67. One (1) submission raises concern with the lack of certainty, clarity and direction in the Decision Guidelines.

68. The Decision Guidelines at best provide guidance to the matters to be addressed in any development within the ESO. They do not replace the considerations contained within the State Planning Policy Framework and Local Planning Policy Framework. They reflect the potential air quality impacts of development being located adjacent to significant public infrastructure that generates a certain level of odour.

7 SUMMARY OF MY OPINION

69. I have reviewed the Amendment with a focus on those aspects of the proposal that are within the scope of my expertise, namely:

- Does the Amendment achieve the objectives of planning in Victoria?
- Is the Amendment consistent with the State and Local Planning Policy Framework and the relevance of the Hume Regional Growth Plan?
- What are the likely social and economic and environmental impacts of the Amendment?  
- The likely impact of the Amendment, in relation to planning, on the waste water treatment plants and adjoining specific land uses identified in Section 4.
- The function of a separation distance (in planning terms) for waste water management facilities from incompatible development?
- The identification of specific development controls and appropriateness of inclusion of those controls as additional matters, identified in Section 5, within the decision guidelines of the ESO schedule

70. I consider that the Amendment achieves the objectives of planning in Victoria. By incorporating an ESO into the planning scheme this is the most appropriate available planning control to reduce the risks from encroachment by sensitive development and to ensure that consideration of any future surrounding development recognises the waste water treatment facilities in Wodonga. Both waste water treatment plants provide an essential service to Wodonga. Provision for, and recognition of, a buffer area is an essential tool to protect the integrity of, and the long term ability for both waste water treatment plants to continue to serve their catchment populations.

71. I consider that the Amendment is consistent with the State Planning Policy Framework and is strategically justified within the context of that framework.

72. The Amendment is consistent with the Local Planning Policy Framework which provides local strategic support to the development of an ESO for both the BWWTP and the WWWTP and recognises the importance of protecting these facilities.

17 Within the limitations of my expertise as a town planner
73. The HRGP acknowledges the strategic importance of waste water treatment infrastructure as a critical service within urban communities in the Hume Region and that this infrastructure requires adequate protection from incompatible land uses.

74. I consider that the social, economic and environmental effects of the ESO are well considered and documented within the Amendment and supporting information provided by NEW to the Amendment. Assessment of the strategic effects of introducing an ESO was also considered in preparation of Amendment C123 to the Wodonga Planning Scheme to introduce a local planning framework to protect the waste water treatment facilities.

75. The proposed ESO acknowledges the role and function of both the BWWTP and WWWWTP. I consider that the likely impact of the ESO on these facilities from a planning perspective will be to provide a higher degree of certainty to NEW about the future operation of these plants and the direct relationship of those plants to surrounding land use and development.

76. The proposed ESO alerts prospective purchasers and developers of the BWWTP and WWWWTP and provides NEW rights to be involved in decision making. An important consideration in doing so is shifting the burden of assessing the impacts on the BWWTP and WWWWTP from Wodonga City Council in its capacity as the Responsible Authority alone to NEW as the Determining Referral Authority.

77. The impact of the ESO on those specific surrounding land uses to the BWWTP referred to in Section 4 may include re-considering the future operational conditions for any expansion or alteration to those developments.

78. For existing land uses outside the ESO boundary the introduction of these controls provides a higher degree of certainty. This does not preclude assessing alterations to, or expansion of, these developments and their subsequent impact on other surrounding land uses associated with noise, odour etc.…that they generate. In the Industrial 1 Zone this is a requirement of Clause 33.01-2 and in the Farming Zone this is implied through General Issues in the Decision Guidelines under Clause 35.07-6 of the Wodonga Planning Scheme.

79. For existing land uses within the ESO the decision as to future alteration or expansion relies on their compatibility with waste water treatment operations. This will be a subjective assessment of the degree of sensitivity and available means to mitigate that sensitivity.

80. I consider the primary purpose of separation distances are to discourage the establishment of land use and development on land within a “designated area” that is identified to be sensitive to, and potentially incompatible, with the operation of waste water treatment plants.

81. I consider that the ESO proposed under Amendment C105 will assist to identify the extent of that “designated area” and provide a mechanism to assess the compatibility of new development.

82. I am of the view that separation distances also provide an additional level of protection by specifying distance and space in which odours may reduce or dissipate without adversely affecting sensitive receptors.

83. There is an implied relationship between building design and use/occupation within the proposed Decision Guidelines in Amendment C105. This could be further enhanced to clearly link building design to occupation to provide land owners and proponents with a better understanding that building design is a critical part of the decision making process.

84. Additionally I consider that a specific reference to landscaping, vegetation and solid fencing, as opposed to vegetation alone, would assist to clarify expectations around passive design measures that may assist to reduce odour impacts.
85. While I am not qualified to comment on the effectiveness of landscaping on changes to air quality, I have sufficient general planning knowledge and experience regarding the benefits of existing vegetation, physical plantings (i.e. windbreak design and placement) and structures as a method to alter wind direction (i.e. lifting and/or diverting) and air particle/moisture patterns at ground level.

86. The Decision Guidelines would benefit from a specific reference as to whether a proposed development replaces an existing development, particularly an existing dwelling or other potentially sensitive use with a view to minimise redevelopment of non-compatible uses.

87. The Decision Guidelines will need to assess and understand the demand for locating a potentially sensitive development within the proposed ESO, and the alternative to locate that development outside the overlay area.

8 WHAT AMENDMENTS TO SCHEDULE 5 OF THE ESO ARE RECOMMENDED?

88. In my view the WWWWTP and BWWTP are items of critical public infrastructure which are expensive to build, difficult to relocate and retrofit. Planning must protect these uses from the effects of land use conflict.

89. There is a joint responsibility for NEW, Wodonga City Council and landowners within the ESO to negotiate and communicate on potential land development however NEW also has a responsibility to ensure the best available information regarding odour management is available. This is one of the functions of the ESO.

90. While the proposed planning controls associated with the implementation of the ESO cannot prohibit certain sensitive land uses, there is a need to provide as much certainty around how future land uses would be expected to respond to identified odour.

91. Appendix D is a revised Schedule 5 to the ESO in response to the recent changes to Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. I have identified in red text my alterations to Schedule 5.

92. I would recommend that the Decision Guidelines in Schedule 5 relating to built form be amended as following:

- **Built form of the development, including**
  - Building design addressing the frequency, duration, time and capacity of occupation
  - Building design to isolate internal air environment for occupied rooms (i.e. office) during upset conditions
  - Layout of buildings to maximise the separation distance to the waste water treatment facility
  - Building design to ensure that apertures (i.e. roller doors) are orientated away from the waste water treatment facility
  - Landscaping including earth bunding, solid fencing or similar structures and suitable plantings of suitable windbreak vegetation to screen the waste water treatment plant and improve air flow turbulence
  - Whether the development replaces an existing development, particularly an existing dwelling or other odour sensitive development.

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18 I would defer to an air quality expert on this matter
93. I would further recommend that the Decision Guidelines in Schedule 5 include the following considerations:

- The avoidance of sensitive uses, including residential development, within the overlay area.
- The demand for an odour-sensitive development in this location and their availability outside the overlay area

9 CONCLUSIONS

94. For the reasons advanced in this statement, Amendment C105 to the Wodonga Planning Scheme should be approved with minor amendments that will result in a net community benefit.

95. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Daris Olsauskas
3539 Great Alpine Road Gapsted Vic 3737
October 2017

10 REQUIREMENTS UNDER PRACTICE DIRECTION NO 2: EXPERT EVIDENCE

96. This statement is prepared by Daris Olsauskas 3539 Great Alpine Road, Gapsted, Victoria 3737.

97. I have a Bachelor of Urban and Regional Planning (UNE). I have 30 years planning experience across NSW, ACT and Victoria. I have been engaged in the following positions and roles in my career as a planner in Victoria including:

- Former strategic planning co-ordinator Rural City of Wangaratta Council
- Senior Regional Planner (contract) DELWP Hume
- Director In2Planning Pty Ltd providing statutory and strategic services to Rural City of Wangaratta Council and Moira Shire Council

98. I have experience in statutory and strategic planning and preparation of planning scheme amendments.

99. My expertise to make this statement is based on my experience working in regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors. I have been instructed by Russell Kennedy Lawyers to provide an opinion on the planning aspects of the NEW proposal for an ESO at the WWWWTP and BWWTP.

100. I have relied on the documents referred to in the introduction section of my statement.

101. There were no tests or experiments undertaken in the preparation of this statement.

102. I was assisted in the preparation of Figure 1 this statement by Melanie Squires of the Tomkinson Group Bendigo office.
APPENDIX A: LETTER OF INSTRUCTION RUSSELL KENNEDY
5 June 2017

BY EMAIL dolsauskau@tomkinson.com

Daris Olsauskau
Tomkinson Group
Shop 6, Cecily Court
66 Nunn Street
BENALLA VIC 3672

Dear Daris

Wodonga Planning Scheme – Amendment C105
ESO for wastewater management facilities at Baranduda and West Wodonga

1 We act for the North East Region Water Corporation (“NEW”).

Scope of retainer

2 We are instructed to retain your services on behalf of our client to provide an expert opinion addressing planning aspects of the separation distance for the wastewater management facilities owned and operated by NEW within the municipality.

3 NEW in consultation with the Wodonga City Council (“Council”) intend to introduce an Environmental Significance Overlay (“ESO”) to identify, recognise and protect these wastewater management facilities from encroachment of incompatible land development and use.

4 NEW is the proponent and the Council is the planning authority (appointed by the Minister for Planning) for Amendment C105 to the Wodonga Planning Scheme (“Scheme”).

5 In the municipality, NEW own and operate wastewater management facilities located at:

5.1 Baranduda; and

5.2 West Wodonga.

6 You are retained to provide an expert opinion in relation to proposed Amendment C105, which is likely to proceed to a hearing before Planning Panels Victoria (“Panel”) in August 2017.

7 You will need to appear to give expert evidence to the Panel.
NEW will retain you directly, although you should liaise with this office to obtain your instructions.

We will provide you a brief of documents separate to this letter.

As an expert witness you are required to:

10.1 consider the documents provided to you;

10.2 undertake or procure such enquiries and investigations as you consider necessary for the formulation of your opinion;

10.3 if necessary, meet with any such other persons or organisations as may be appropriate to obtain supplementary information to assist you in formulating an opinion;

10.4 provide an expert witness statement for use in evidence before the Panel; and

10.5 appear to be called as a witness to give your opinion at any hearing.

Commencement and timing of work

Please prepare a fee proposal for approval at your earliest convenience.

Please complete your assessment and provide your draft report to us by no later than 30 July 2017.

A directions hearing is scheduled for the week of 24 July 2017. A timetable for the proceeding before the Panel will be determined at the directions hearing. We will advise you of the date your expert witness statement is required to be filed and served.

You will be required to attend the hearing to give oral evidence. The hearing is tentatively listed for the week commencing Monday, 22 August 2017.

Final Report

Please ensure your report details your opinion on the following matters in so far as they are relevant to issues raised in the submission.

15.1 Does Amendment C105 achieve the objectives of planning in Victoria?

15.2 Does Amendment C105 achieve the objectives and implement the strategies of the State Planning Policy Framework?

15.3 The relevance of the Hume Regional Growth Plan (particularly in relation to protection of wastewater management facilities).

15.4 Is Amendment C105 consistent with the Local Planning Policy Framework?

15.5 What, if any, are:

15.5.1 the social effects of Amendment C105?

15.5.2 the economic effects of Amendment C105?

15.5.3 the significant effects Amendment C105 might have on the environment or which the environment might have on any use or development envisaged by Amendment C105?
15.6 Does Amendment C105 comply with the Minister's Directions?

15.7 The likely impact of Amendment C105 on:

(a) the wastewater management facility at Baranduda in relation to planning?

(b) the wastewater management facility at West Wodonga in relation to planning?

(c) the organic recycling, liquid industrial waste storage and retail garden supply facility at 219 & part 221 Whytes Road in relation to planning?

(d) the organic recycling facility (vermiculture) at 343 Whytes Road in relation to planning?

(e) the Vitasoy food processing facility at 50 Baranduda Drive in relation to planning?

15.8 The appropriateness of the following matters for inclusion within the decision guidelines of the ESO Schedule:

(a) building design addressing the:

(1) frequency;

(2) duration;

(3) time; and

(4) capacity;

of occupation;

(b) building design to isolate internal air environment for occupied rooms (i.e. office) during upset conditions;

(c) layout of buildings to maximise the separation distance to the wastewater management facility;

(d) building design to ensure apertures (i.e. roller doors) are oriented away from the wastewater management facility; and

(e) landscaping (i.e. earthen bund) and vegetation (i.e. fragrant natives) to visually screen the wastewater management facility and improve air flow turbulence (i.e. dispersion);

15.9 Identification of development controls on encroaching development (not confined to sensitive land use), which may mitigate any detrimental impact on amenity from odour emissions, including but not limited to:

15.9.1 building design addressing the:

(a) frequency;

(b) duration;
(c) time; and

(d) capacity;

of occupation;

15.9.2 building design to isolate internal air environment for occupied rooms (i.e. office) during upset conditions;

15.9.3 layout of buildings to maximise the separation distance to the wastewater management facility;

15.9.4 building design to ensure apertures (i.e. roller doors) are oriented away from the WMF; and

15.9.5 landscaping (i.e. earthen bund) and vegetation (i.e. fragrant natives) to visually screen the WMF and improve air flow turbulence (i.e. dispersion).

15.10 the function of a separation distance for wastewater management facilities from incompatible development and use in relation to planning.

Expert Witness Statement

16 Your written expert witness statement should:

16.1 be prepared to be filed as expert evidence in the Panel;

16.2 detail your opinion in respect to the following matters:

16.2.1 your review of the brief of documents and any other documents you consider relevant;

16.2.2 such further investigations and enquiries as are necessary or desirable in the circumstances;

16.2.3 to the extent you are unable to express any opinion as to the above matters, your opinion as to what further documentation or information is necessary to enable you to reach such an opinion;

16.3 take the form of a narrative;

16.4 be expressed in a manner that is unemotional and non-partisan and that reflects the objectivity and independence you have brought to the completion of your tasks pursuant to your retainer as an expert witness; and

16.5 address the points specifically raised in this letter and answer any questions put to you.

17 If you come to the view that it is appropriate for you to address matters in your report in addition to those set out in the list above, please let us know. If appropriate, we will provide you with a supplementary letter of instructions.

18 Please ensure that your expert witness statement is clearly marked with the following words on the front cover:

“THIS REPORT HAS BEEN REQUESTED BY RUSSELL KENNEDY ON BEHALF OF NEW AND IS SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE”.

SHF 6178678v1 SHF
Please send your expert witness statement to this office only.

**Duties as an expert witness**

The preparation of your expert witness statement and the giving of expert evidence to the Panel must comply with the ‘Guide to Expert Evidence’ published by Planning Panels Victoria (copy enclosed).

**Your conduct**

You should assume that all documents and correspondence passing between this firm and you, may be, or become, discoverable and therefore be seen by the other parties in any proceeding arising out of the subject-matter of your retainer. Such documents include this letter, the documents provided to you as part of your retainer, email and other communications and any drafts of your report.

Please do not discuss this matter or any of the enclosed material with any person, including officers of NEW without the prior consent of this office. All communications should in the first instance be through this office. This includes seeking further documents or information in order to prepare your report; this should be done through this firm rather than from any other person directly.

Should it become necessary for you to retain the services of another person in order to assist you in the preparation of any aspect of your report, please let us know. Should that be necessary, you are (of course) at liberty to discuss the matter and the documents provided to you with that person provided that you do so on a strictly confidential basis.

It will be necessary for you to visit each wastewater management facility and the surrounding area. Please arrange permission to do so through this office.

**Billing arrangements**

Please send your invoices directly to NEW with a copy to this office bearing our reference number 119531-00095.

**Conclusion**

Please contact our office in order to confirm receipt of this letter, and with any questions.

Thank you for your assistance.

Yours sincerely

RUSSELL KENNEDY

Stefan Fiedler
Principal
PLANNING SCHEME AMENDMENT
FOR ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WEST WODONGA WASTE WATER TREATMENT PLANT

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Annexure 1: Odour Modelling Report – August 2011
Annexure 2: Odour Modelling Report – May 2016
1.0 INTRODUCTION

In2Planning Pty Ltd has been engaged by the North East Water Corporation to prepare a planning report to support of an application to Wodonga City Council to amend the Wodonga Planning Scheme.

This application seeks Council’s support to introduce an Environmental Significance Overlay (ESO) within the Wodonga Planning Scheme to establish an appropriate buffer to the site containing the West Wodonga Waste Water Treatment Plant (WWTP).

The key purpose of the ESO is to protect the long-term operation of the site from encroachment of incompatible development that may jeopardise its future viability.

The aim of this report is to provide sufficient and relevant information for Council to support the proposal and for Council to commence the formal Planning Scheme Amendment process.

This Report contains a number of sections:

- Section 2 sets out the background to this proposal;
- Section 3 summarises the proposal;
- Section 4 provides an analysis of the site and the surrounding area;
- Section 5 addresses the Victorian Planning Provisions and other relevant provisions;
- Section 6 identifies the extent of the proposed ESO;
- Section 7 addresses the impact of the ESO on surrounding lands;
- Section 8 presents a discussion on the strategic basis for the amendment; and
- Section 9 provides a conclusion to the report.
2.0 BACKGROUND

Wastewater treatment plants provide an essential service to the population.

Planning recognises that the provision of public infrastructure sometimes has priority over landowner expectations regarding the future use and development of land. Access to wastewater treatment services by the local community continues to be one of those priorities.

The implementation and maintenance of buffers is a critical element to ensure the longevity of this key infrastructure. Providing buffer areas within planning schemes is an essential planning tool that aims to protect the integrity of wastewater treatment plants.

The use of Environmental Sensitive Overlays as a planning tool to protect Wastewater Treatment facilities was recognised as early as August 1997 by the Advisory Committee on the Victoria Planning Provisions (VPP).

In the Report of the Advisory Committee on the Victoria Planning Provisions August 1997 a submission from Central Highlands Water requested an overlay be developed for buffer controls to protect its wastewater treatment facilities. This buffer would essentially protect the facility from encroachment by inappropriate development. The Committee in 1997 supported using an ESO.

The Committee specifically identified in developing the ESO:

“The schedule to the Environmental Significance Overlay must contain a statement of the matters of environmental significance to be protected for the area affected by the schedule. A permit is required for all buildings and works, removal of vegetation and subdivision, unless the proposal is exempted in the schedule to the Overlay. Before applying such an overlay however, the council would need to be clear about the justification for it and to develop guidelines to guide in the exercise of discretion, which should be included in the LPPF. Alternatively, it may be sufficient to identify major community infrastructure assets in the LPPF.”

The benefits of using the ESO are that it provides statutory planning weight to consideration of a buffer. A planning permit is triggered and the schedule to the ESO can be drafted to require the permit to be referred to the relevant water corporation.

In December 2015 EPA published its ‘Options Paper’ for Better Managing Encroachment. From that paper an ESO is recognised to achieve two separate purposes – the protection of significant natural environments and protection from adverse amenity impacts.

The protection of wastewater treatment facilities with an ESO is an appropriate use of the VPP and is supported by current planning policy. The ESO has been applied around a number of Wastewater Treatment plants, including recently the Benalla Wastewater Treatment facility.

North East Water Corporation commenced investigations into odour modelling for the site in 2011 and has updated that modelling in May 2016.
North East Water Corporation has initiated a program of establishing suitable buffers at its facilities during the next 12 months. A similar request will be lodged with Council for a separate amendment to implement an ESO at the Baranduda WWTP.

A planning report has also been prepared to implement an ESO at the Baranduda WWTP.

The request for an amendment was discussed with Council officers on 20 October 2016 and it was agreed from that meeting that a single amendment identified as Amendment C105 was appropriate.
3.0 THE PROPOSAL

The proposal is for an amendment to the Wodonga Planning Scheme to:

- Include of a new Schedule to the Environmental Significance Overlay introducing a buffer area to protect the West Wodonga WWTP from encroachment of development that may adversely impact on the continued operation of the facility;
- Introduce new overlay mapping representing odour modelling that has been completed for the West Wodonga WWTP; and
- Include North East Water Corporation as a determining referral authority within the Scheme.

The key environmental objectives of the proposed amendments are:

- To ensure that the development of land around the West Wodonga WWTP is compatible with the Facility’s operation;
- To regulate the establishment and siting of odour-sensitive development so that the impact of any non-routine odour emissions from the Facility is minimised;
- To avoid residential development;
- To regulate avoid development that requires the presence of people over an extended period of time; and
- To avoid development that would compromise the ongoing operation of the Facility.

The key environmental objectives ensure that appropriate development is permitted within the ESO while limiting particular sensitive land uses.
4.0 THE SITE

4.1 Location and Context

The West Wodonga WWTP is located approximately 5km to the west of Wodonga CBD. The plant is located within the Public Use Zone – Service and Utility (PUZ1). The land containing the plant is described as Lot 1 TP209999, Lot 1 PS720663 and Lot 3 PS340801. North East Water also owns an adjoining parcel immediately to the west of the plant which is described as Lot 1 PS416936.

The site containing the plant is located on the rural western edge of the City and is physically positioned between the Murray River and the Hume Freeway. The land to the west, north and east of the plant is located within the wider flood plain to the Murray River and is primarily used for agricultural purposes.

A sand and gravel extraction site and plant is located immediately to the east of the site and land generally to the south of the Highway is currently being developed for light industry purposes.

There is a 250m wide strip of trees and rural land zoned industrial between the plant and the Hume Freeway to the south. The nearest occupied industrial land is 800m south-east of the plant across the Hume Freeway.

There is no land zoned residential within a kilometre or more of the plant.

Figure 1: Aerial site plan
The site contains a mechanical treatment plant that consists of a number of above, and in ground structures designed to treat waste water from Wodonga.

The plant is an advanced biological nutrient removal facility that consists of:

- Inlet works (coarse bar screen and grit removal);
- Pre-fermenter (to enhance nitrogen removal);
- Two bio-reactors (operated for biological nutrient removal);
- Three secondary clarifiers;
- UV disinfection system;
- Continuous sand filters (for reclaimed water production);
- Inflow storage pond (2ML) used to attenuate high flows;
- A balancing discharge lagoon (10ML);
- Two emergency storage lagoons (57ML and 192ML)
- DAF sludge thickener; and
- Centrifuge for sludge dewatering.

4.2 Strategic Infrastructure Context

The West Wodonga WWTP is essential strategic infrastructure that treats wastewater from Wodonga.

The West Wodonga WWTP is a relatively new facility and represents one of North East Water’s most significant regional assets. It is designed to service major trade waste customers within the City as well as the projected growth of new industries in the region.

The Wodonga WWTP currently treats wastewater from a residential population of about 40,000 persons. There is a substantial commercial and industrial trade waste flow entering the treatment plant, equivalent to another 20,000 persons in terms of flow but 105,000 persons in terms of load.

The total plant load corresponds to an equivalent population (EP) of 145,000 persons. Other towns with large food processing industries (e.g. Shepparton and Devonport) also have a large industrial EP compared to the domestic EP.

Importantly the West Wodonga WWTP and Baranduda WWTP operate in series (connected by trunk sewer).

By 2047 there is anticipated to be a 65 per cent increase in the connected residential population, and a 20 per cent increase in commercial/industrial loads, resulting in a 32 per cent increase in the plant load. There will need to be an expansion of the plant in the future to handle the increased loads, which may involve additional screens, grit tank, reactor and clarifiers adjacent to the existing facilities.
5.0 VICTORIA PLANNING PROVISIONS

5.1 State Planning Policy Framework

In considering the State Planning Policy Framework and the provisions of the Victoria Planning Provisions (VPP) the following are relevant to the protection of essential infrastructure:

Clause 10.02 Operation of the State Planning Policy Framework

This Clause adopts the objectives of planning in Victoria which are:

a. To provide for the fair, orderly, economic and sustainable use, and development of land
b. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
c. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
e. To protect public utilities and other facilities for the benefit of the community
f. To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).
g. To balance the present and future interests of all Victorians

Clause 10.04 Integrated Decision Making

This Clause identifies that conflicting objectives must be balanced in favour of net community benefit and sustainable development for the benefit of present and future generations.

Clause 11 Settlement

This Clause identifies that planning in relation to settlement is to prevent environmental problems created by siting incompatible land uses close together.

Clause 11.05-1 Regional Settlement Networks

This Clause includes regional settlement networks highlighting Wodonga as one of the major regional cities where urban growth should be directed.

Clause 11.10-4 Infrastructure

This Clause identifies the need for appropriate settlement buffers around sewerage treatment areas, solid waste management and resource recovery facilities in industrial areas to minimise potential impacts on the environment such as noise and odour, and avoid locating water treatment plants close to development nodes.
Clause 13.04-2 Air Quality

This Clause ensures, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

Clause 14.02-3 Water Conservation

This Clause specifically protects areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Clause 19.03-2 Water Supply, Sewerage and Drainage

This Clause identifies that there is a need to:

- Plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment; and
- Encourage the re-use of wastewater, including urban runoff, treated sewerage, effluent and runoff from irrigated farmlands where appropriate.

5.2 Regional Planning – Hume Regional Growth Plan, 2014

The Hume Regional Growth Plan was included in the Wodonga Planning Scheme by Amendment VC 106. It is a policy guideline at various parts of the Clause 11 of the Planning Scheme.

The Hume Regional Growth Plan recognises in Section 14.3 Energy, Communications Water and Waste:

“Growth in the towns and cities of the Hume Region will result in demand for additional water, energy and utility infrastructure. Efficient use of existing systems and preservation and identification of utility infrastructure corridors an urban location have been considered as part of this plan. The projected population and settlement patterns take into account high level planning for currently planned and anticipated service utilities.”

Specifically, with reference to reticulated water and sewerage in Section 14.3, this Plan highlights:

“Planning should provide and maintain appropriate buffers between sewerage treatment facilities and settlement areas.”
5.3 Local Planning Policy Framework – Wodonga Planning Scheme

The assessment of the proposed amendment has been addressed in this Section and Section 7.0 of this report.

This Section deals with the current Local Planning Policy Framework as well as the introduction of the West Wodonga WWTP into the Wodonga Planning Scheme through Amendment C123.

Section 7.0 addresses the specific local controls that are relevant in considering the future impacts of the ESO on surrounding areas.

5.3.1 Existing Local Planning Policy Framework

Clause 21.12-03 Water and Waste Water Services identifies that:

“the region’s water and wastewater services are managed by North East Region Water Corporation, which has a shared approach with the Wodonga Council on the future growth and servicing requirements for Wodonga and its outlying areas.”

The Clause recognises that Wodonga is serviced by two wastewater treatment plants, at Wodonga West and Baranduda. It also recognises:

“the major capacity exists at Wodonga West which, with progressive upgrading in line with loading requirements, has the potential capacity to service long term residential and industrial growth demands. The Baranduda plant will have a minor role in wastewater service demands. North East Region Water Corporation is continually investigating the beneficial uses of recycled water and bio-solids.”

As identified by North East Water Corporation and a recent planning panel the West Wodonga WWTF plays an important role in supporting population growth in the City and future growth in the Leneva-Baranduda growth corridor.

The West Wodonga WWTF is part of the key infrastructure servicing the City.

5.3.2 Proposed Changes to the Local Planning Policy Framework

From August 2106 the Wodonga Planning Scheme, particularly the Local Planning Policy Framework, has been undergoing a significant review by Council.

This review was as a direct result of Amendment C123 which was formally adopted, with changes, by Council on the 15 August 2016. This followed a Panel hearing into the proposed amendment. At the time of preparation of this report the Amendment was with the Minister for Planning for approval.

Under the Local Planning Policy Framework the following changes facilitated by Amendment C123 are relevant to considering this amendment to support essential infrastructure including the West Wodonga WWTP.
Clause 21.02-4 Wodonga Strategic Framework Plan

This Clause incorporates changes to the Wodonga Strategic Framework Plan to identify the two wastewater treatment sites and the potable water treatment site.

Clause 21.03-2 Urban Growth

This Clause now identifies in third Residential Strategy to:

“Maintain appropriate buffers around the Killara township, and Department of Defence operations, the West Wodonga and Baranduda waste water treatment plants and the Wodonga potable water treatment plant to prevent encroachment by sensitive land uses.”

Clause 21.11-3 Water supply, sewerage and drainage

This Clause now identifies in the objectives and strategies:

“To ensure the wastewater management facilities (West Wodonga and Baranduda) which provide essential sewerage services and the potable water treatment plant at Wodonga are protected from encroachment by sensitive uses.

Provide a buffer around the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant to minimise encroachment by sensitive land uses.”

Includes under Further Strategic Work:

“Jointly investigate with North East Water the application of the Environmental Significance Overlay to apply a buffer between any residential growth in West Wodonga sensitive uses and the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant.”
6.0 IDENTIFYING THE EXTENT OF THE WEST WODONGA WWTP ESO

Odour modelling of the West Wodonga WWTP was completed in August 2011.

A copy of this report is included in Annexure 1.

A further odour modelling report was prepared in response to VCAT Order P2639/2015 Planning Application No 77/2015 to the Wodonga Planning Scheme in May 2016.

A copy of this report is included in Annexure 2.

Both reports undertake an assessment of odour from the plant in accordance with agreed EPA methodology and in accordance with policy regarding control of odours is set out in the State Environmental Protection Policy (Air Quality Management) 2001. This covers general requirements to adopt best practice control, a design criterion for general odour, risk assessment and separation distances.

The main issues considered in an assessment of odour risk – essentially the likelihood and consequence of events of noticeable and nuisance odour – are:

- EPA Separation Distance;
- Topography and Winds;
- Odour Modelling;
- Odour Complaints and Community Surveys; and
- Experience with Other Similar Plants.

The EPA has published a Guideline (EPA Publication 1518) with relationships defining the separation distance between various types of wastewater treatment plants and odour-sensitive premises (such as residential zones and restaurants). The EPA Guidelines encourage the use of odour modelling and risk assessment to complement the recommended separation distances.

The main sources of odour at the West Wodonga WWTP are:

- Inlet works, due to wastewater being pumped long distances;
- Anoxic and anaerobic treatment tanks with low dissolved oxygen;
- Sludge dewatering;
- Sludge drying and stabilisation pans;
- Flow attenuation storage for peak flows;
- Emergency storage for process liquids; and
- Sludge stockpiles (fresh sludge is odorous until dry).
As identified in this report further expansion of the plant will be required in the future however for the purpose of determining the buffer zone for the plant, it has been assumed that the year 2047 plant load will be for a connected EP of 191,000 persons. This corresponds to a future residential EP of 66,000 persons and an industrial EP equivalent to 125,000 persons.

The extent of the ESO proposed for the West Wodonga WWTP is represented in Figure 2.

Figure 2: Aerial of proposed ESO boundaries

Importantly the subsequent report prepared for the site in May 2016 identified:

“An ESO imposes responsibilities on land owners, local government and the operators of the WWTP.

The responsibilities arising from a buffer zone are as follows:

- Planning authorities and developers have a responsibility to ensure that land development within the buffer zone is managed so that compatible land uses are provided within the buffer zone and incompatible land uses are kept beyond the boundary of the buffer zone.
- The operator of the wastewater treatment plant has the responsibility to operate and manage the treatment plant to ensure that there is not nuisance odour beyond the agreed buffer zone. The manager also has a responsibility to take advantage of opportunities
(plant upgrades or new technology) to reduce the size of the buffer zone when this can be done at a reasonable cost. Further, the manager has a responsibility to locate new treatment units or capacity on the site to avoid the need to increase the size of the buffer zone.”

This joint responsibility balances the impact and the need to introduce an ESO for the West Wodonga WWTP.
7.0 IMPACTS OF THE ESO ON SURROUNDING LAND

7.1 General Impacts

From both the odour modelling reports the following land use implications associated with implementing the ESO for the site can be summarised as follows:

- The ESO extends over the river flood plain to the north, west and east of the plant, and the adjacent gravel extraction area;
- The ESO would cross a small strip of land to the south of the Hume Highway, and areas of land used for road reserves and car parks;
- The width of the proposed ESO corresponds to the 400m to 650m wide buffer that would be indicated by use of normal separation distances;
- No residential zoned land would be affected by the proposed ESO;
- The ESO does not affect the Mixed Use Zone area located to the south east; and
- The most compatible use of the land within the buffer zone to the south of the plant on both sides of the Hume Freeway is for industrial purposes that are not sensitive to odour.

Figure 3: ESO impact on adjoining zoned lands
7.2 Impacts of the ESO on industrial land (north of Hume Freeway)

The Industrial 1 Zone applies to land immediately to the north of the Hume Freeway and Sydney-Melbourne rail line. This zoned land extends along Old Barnawartha Road generally to the south and west of the West Wodonga WWTP.

Only part of this industrial zoned area has been developed for industrial purposes on the corner of Old Barnawartha Road and Greenhills Road.
There is an existing dwelling house located within this precinct fronting the Old Barnawartha Road close to the entrance of the WWTP near the intersection of this road and the Hume Freeway.

The remainder of the industrial land at this stage remains undeveloped.
The Industrial 1 Zone permits a number of uses within Section 1 and 2 that could be sensitive to odours emitted from the waste water treatment plant.

The purpose of the ESO is to impose controls over the form of development to reduce, as far as practical, the impact of residual air emissions to people living and working in the buffer.

The long term risk to this area of industrial land is that sensitive development, other than normal industrial development, may lead to an increase in the number of people (and residing) in the buffer zone and being exposed to levels of risk against which the buffer zone is designed to protect.

The ESO will impose additional restrictions on the development of this land but this is required considering the proximity of the land to the West Wodonga WWTP. It is also considered that it would be poor planning to permit sensitive land uses within the odour buffer without conditions or without comment from the relevant water corporation.

No industrial supply analysis has been undertaken in support of this application for the proposed ESO.

However in reviewing Council’s publication *Land Development Trends – An analysis of land supply and consumption* for 2015 Figure 5 extracted from that report identifies this land as being part of the western industrial edge of Wodonga available to be developed.
From that report the following are clearly relevant to the future development of this area as industrial land:

- The Industrial 1 zone provides for the manufacturing industry, storage and distribution of goods and associated uses. This is consistent with the strategic direction adopted by Council in zoning industrial land;
- The land to the south of the Hume Freeway appears to be partially developed with a reasonable land supply;
- Council’s analysis indicates that from July 2006 most development activity has occurred in the industrial precincts of Baranduda Industrial Estate and to a lesser degree Wodonga;
• The amount of land currently zoned and available across the City for industrial development is equivalent to in excess of 25 years land supply; and

• There is no identified shortfall of industrial land by specific lot size with an ample availability of larger industrial lots to be potentially subdivided for smaller industrial land users and the availability of larger lots to meet demand of potential large industrial land users.

It is unlikely that the proposed ESO will reduce the available land supply to service the industrial uses of the type encouraged by Council. Unless there is a significant shift in current development trends there is substantial land to the south of the Hume Freeway still to be developed.

7.3 Impacts of the ESO on Wodonga Enterprise Park Industrial Precinct

The proposed ESO has a number of physical impacts on the adjoining Wodonga Enterprise Industrial Park. Clause 22.15 Wodonga Enterprise Park Industrial Precinct, Clause 21.11-07 Enterprise Park Wodonga and Clause 43.02 Design and Development Overlay Schedule 1 applies to part of the land affected by the proposed ESO. The impacts of the ESO on these planning controls under the Local Planning Policy Framework are examined below.

7.3.1 Clause 22.15 Wodonga Enterprise Park Industrial Precinct

This Clause applies to the use and development of land within the Industrial 1 Zone of the Wodonga Enterprise Park.

The Enterprise Park is located generally along both sides of McKoy Street Wodonga West.

The objectives of the Policy under Clause 22.15 are:

• To ensure that all new use and development makes a positive contribution to the amenity of the area.

• To encourage a range of use and development that reinforces the role of the Enterprise Park.

• To create the best possible entry to Wodonga by ensuring development achieves a high standard of presentation.

• To implement the land use structure plan Enterprise Park.

• To protect remnant native vegetation and to use locally indigenous species in any new plantings proposed on land within the Industrial 1 Zone.”
The ESO will impact on the western end of Enterprise Park which through the Policy Implementation under this Clause recognises:

- General industry is encouraged at the western end of Enterprise Park; and
- Bulky goods retailing and retail uses in general are discouraged.

The majority of the western end of Enterprise Park remains undeveloped. The closest industrial use, not impacted by the ESO, is the Visyboard factory.

**Plate 3:** View of western industrial zoned land from McKoy Street
The ESO will be generally consistent with the future development of general industrial land uses in this area.

7.3.2 Clause 21.11-07 Enterprise Park Wodonga

This Clause establishes a Land Use Structure Plan for the Enterprise Park precinct which is identified below in Figure 6.

The Land Use Structure Plan identifies that the area impacted by the ESO on the western end of McKoy Street is identified for light industrial uses including high presentation uses fronting the Hume Freeway.

The Strategic Actions in Clause 21.11-07 include:

- Encourage development of Enterprise Park that is in accordance with an approved development plan.
- Ensure development visible from the Hume Freeway achieves high standard of visual presentation.
- Encourage general industry at the western end of the Enterprise Park.
- Discourage residential development within the Mixed Use Zone that is located outside the areas designated on the approved development plan.
▪ Retain the opportunity for technology, research and development based activities to cluster on land adjoining the La Trobe University as shown on the Enterprise Park Land Use Structure Plan.

▪ Ensure land highlighted as open space on the land use structure plan is protected in the planning scheme for use as future parkland.”

Figure 6: Enterprise Park Land Use Structure Plan

As identified in this report the extent of the impact of the proposed ESO will be related to industrial land uses within the Enterprise Park.

The proposed ESO also extends over land that is identified and zoned as open space. This forms part of the open space network which extends eastward along McKoy Street and is generally positioned between McKoy Street and the Hume Freeway.
The EPA Publication Recommended Separation Distances for industrial residual air emissions identifies outdoor informal recreation sites as being a sensitive land use.

The open space area that is impacted by the proposed ESO is partially developed for informal car and truck parking close to the intersection with the Hume Freeway while the remainder of the site contains scattered areas of native vegetation.

This area provides a visual buffer to development along McKoy Street from the Hume Freeway and also as advised by Council acts as a drainage detention area.

This area has not been specifically identified in the following Council Strategies:

- Play Environments in Wodonga;
- Physical Activity Strategy 2015 – 2020; and
- Sport and Recreation Plan 2014 – 2040.

Council’s Draft Open Space Strategy has not been made available for public review at this stage so it is unclear what plans Council has for this area.

Given the current use of the site it is unlikely that the ESO will impact on the current use or future development of this area as passive open space and drainage detention.
7.3.3 Clause 43.02 Design and Development Overlay Schedule 1 (DDO1)

Schedule 1 to the Design and Development Overlay provides design objectives and controls for the industrial precincts identified under the Enterprise Park Structure Plan.

There are no matters contained within DDO1 that are relevant to the proposed ESO.

7.4 Impact of the ESO on adjoining lands zoned as PUZ1

The proposed ESO will cover the whole of the West Wodonga WWTP owned by North East Water.

The ESO will also impact on land to the west and east of the site within the PUZ1 zone which is currently undeveloped.

Plate 6: View of existing PUZ1 land north-west of WWTP

In Clause 36.01-6 the Table of Public Use lists this land as being for service and utility purposes.

The application of the ESO will not impact on these types of permitted land uses.
7.5 Impact of the ESO on adjoining land in the Farming Zone

The ESO extends to the north and north-west over existing farming land located along the southern banks of the Murray River.

The land impacted by the ESO in currently vacant.

There is one existing dwelling house located on Goynes Road which is located outside the ESO.

The majority of the land within the Farming Zone is included in the Flood Overlays (FO) under Clause 44.03. The purpose of the Flood Overlay is:

“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.”

The proposed ESO is not inconsistent with the purpose of the FO and will not impact on current agricultural use of adjoining rural land.
8.0 STRATEGIC PLANNING ASSESSMENT OF THE PLANNING SCHEME AMENDMENT

Minister’s Direction No. 11 Strategic Assessment Guidelines requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations.

The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

The following assessment addresses the relevant matters in Planning Practice Note No 46 Strategic Assessment Guidelines July 2014 for preparing and evaluating planning scheme amendments.

8.1 Why is the amendment required?

The amendment is required to change the Wodonga Planning Scheme to introduce an ESO to implement an air quality buffer the West Wodonga WWTP.

The desired outcome is to ensure that appropriate development is permitted within the ESO while limiting particular sensitive land uses. The necessary changes to the Planning Scheme to achieve this are outlined in this report.

The introduction of the ESO is supported by detailed analysis and modelling to meet statutory and regulatory requirements based on best practice techniques and liaison with the EPA.

The ESO will generate the need for a S55 referral of applications for a planning permit within the overlay area to North East Region Water Corporation.

The ESO provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the waste water treatment facility and will provide a net community benefit.

The proposed ESO is a mechanism for considering development impacts upon an essential component of community infrastructure and therefore the planning scheme is a most appropriate means of controlling the land use impacts.

The use of an ESO is the most appropriate mechanism available to implement this change. There are other regulatory mechanisms that deal with some components associated with wastewater treatment facility management and development which potentially interrelate but which do not provide appropriate protection mechanisms for the essential infrastructure facility from encroachment by inappropriate sensitive uses.
8.2 **Does the amendment implement the objectives of planning and address any environmental, social and economic effects?**

Incorporating ESOs into planning schemes is the most appropriate planning control to reduce the risks from encroachment by sensitive development and to ensure that consideration of any future surrounding development recognises the West Wodonga treatment facility.

The *Planning and Environment Act 1987* and *Victorian Planning Provisions* provide statutory mechanisms to control land uses and development. Decision-making by planning and responsible authorities must be consistent with any relevant requirements of the State Environment Protection Policy (The Air Environment) as varied from time to time.

Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by air emissions by ensuring, wherever possible, that there is suitable separation between potentially amenity reducing and sensitive developments. Consideration should be given to “Recommended Separation Distances for Industrial Residual Air Emission (EPA 2013) previously “Recommended Buffer Distances for Industrial Residual Air Emissions (EPA 1990)” to determine the extent of the separation however more specifically appropriate research and environmental assessment leading to best practice odour modelling provides a better environmental outcome.

Responsible authorities should have regard to the potential for conflict between development and the subject land due to air emission impacts.

This amendment provides a greater level of security of separation distances that have been derived through odour modelling consistent with current EPA best practice expectations and therefore provides better public utility asset protection in a fair, orderly, economic and sustainable manner that benefits all the local community.

The proposal to introduce the ESO implements the objectives of planning in Victoria and the amendment to the Wodonga Planning Scheme will result in a net community benefit.

This report outlines the environmental, social and economic impacts associated with the proposed ESO. The proposal, in summary, will:

- Protect air quality of the area;
- Have a positive effect on community amenity;
- Not impact on the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity);
- Not impact on sites with significant historic, architectural, aesthetic, scientific and cultural values;
- Not impact on natural resources including energy, water, land, flora and minerals;
- Have a positive effect on the economic well-being of the community by protecting key infrastructure necessary to support growth within the City;
- Not reduce the viability of surrounding agricultural uses, industry, tourism and commercial or retail activity;
- Reduce the impact on public and private sector investment in infrastructure;
- Not limit the potential capacity for growth of the immediate and surrounding areas;
- Not impact on employment in the area or influence changes in travel patterns for shopping, employment and social and leisure activities;
- Not impact on transport movement, services and infrastructure, including public transport;
- Have limited demonstrated effect on community infrastructure in the immediate and surrounding areas; and
- Not alter or change the physical condition of the immediate and surrounding areas.

The introduction of the ESO will:
- Reduce the risks to the Wastewater Treatment Plant from encroachment of sensitive development;
- Assist Council with future land use planning, and the processing of planning permit applications;
- Provide more certainly for communities and surrounding landowners regarding development considerations;
- Allow the Wastewater Treatment Plant facility to remain in its current location, where it can be upgraded when required to accommodate future demand and growth;
- Eliminate a significant financial and environmental burden if the plant would have to be relocated;
- Reduce the need for VCAT Hearings to resolve uncertainty; and
- Minimise the potential impact for the community due to waste odours should inappropriate development be approved.

8.3 Does the amendment address relevant bushfire risk?

The proposed ESO will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. Effectively the proposed ESO only introduces a control triggering a referral and in principle does not materially change the effects of bushfire or considerations in respect to bushfire planning matters.
8.4 Does the amendment comply with all relevant Ministers’ Directions? Applicable to the amendment?

The proposal utilises overlay controls that are within the existing set of Victoria Planning Provisions. The proposed ESO is only of local significance and is not directly affected by Minister’s Directions for the ‘Melbourne 2030Strategy’ that Minister’s Direction No 9, ‘Metropolitan Strategy’ and Minister’s Direction No10, ‘Urban Growth Strategy’.

Ministerial Direction 1 “Potentially Contaminated Land” and the General Practice Note in respect to potentially contaminated land are of little or no direct relevance to the introduction of an ESO. The ESO is not designed or intended to address matters associated with contaminated land and it does not change provisions in reference to land contamination. No environmental audit overlay exists over the West Wodonga WWTP.

8.5 Does the amendment support or implement the State Planning Policy Framework (SPPF)?

The proposal to introduce an ESO into the Wodonga Planning Scheme is consistent with the State Planning Policy Framework as addressed within this report.

8.6 How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?

The proposal to introduce an ESO into the Wodonga Planning Scheme is consistent with the intention to protect key sewerage infrastructure within the Wodonga City as outlined within this report.

8.7 Does the amendment make proper use of the Victoria Planning Provisions?

The use of an ESO is the most appropriate planning control to protect the Wastewater Treatment Plant and to reduce the risks from encroachment by sensitive development and to ensure that consideration of any future surrounding development proposals recognises the existence of the facility.

The ESO does not capture matters that do not specifically relate to the purpose or objectives of the proposed control. The proposal expressly seeks to protect encroachment by inappropriate sensitive development.
8.8 How does the amendment address the views of relevant agencies?

In developing the ESO buffer, the Environment Protection Authority was consulted and engaged by North East Water Corporation. The process and use of an ESO has been supported by the EPA. The mechanism of research and establishment of odour modelling is generally in accordance with EPA requirements and best practice. In the case of the current proposal there are no known specific issues affecting the Ministers or Department interests that would warrant specific consultation.

8.9 Does the amendment address the requirements of the Transport Integration Act 2010?

The proposal will have no effect upon the transport system as defined by Section 3 of the Transport Integration Act 2010. There are no known applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010.
9.0 CONCLUSION

This report supports the proposed Planning Scheme Amendment which seeks to introduce an ESO to the West Wodonga WWTP.

In particular, this report notes that:

- The implementation of an ESO to the West Wodonga WWTP is consistent with Council’s strategic engagement and decision to protect essential public infrastructure across the City;
- The ESO is the most appropriate planning mechanism and statutory control to implement a buffer to the West Wodonga WWTP; and
- The introduction of the ESO through a Planning Scheme Amendment is the only practical means to implement necessary controls.

Based on the details of this report and the associated documentation, it is requested that Wodonga City Council facilitates the proposed Planning Scheme Amendment through the formal amendment process.
PLANNING SCHEME AMENDMENT
FOR ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
BARANDUDA WASTE WATER TREATMENT PLANT

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ANNEXURES

Annexure 1 Odour Modelling Report – Baranduda WWTP
1.0 INTRODUCTION

In2Planning Pty Ltd has been engaged by the North East Water Corporation to prepare a planning report to support of an application to Wodonga City Council to amend the Wodonga Planning Scheme.

This application seeks Council’s support to introduce an Environmental Significance Overlay (ESO) within the Wodonga Planning Scheme to establish an appropriate buffer to the site containing the Baranduda Waste Water Treatment Plant (WWTP).

The key purpose of the ESO is to protect the long-term operation of the site from encroachment of incompatible development that may jeopardise its future viability.

The aim of this report is to provide sufficient and relevant information for Council to support the proposal and for Council to commence the formal Planning Scheme Amendment process.

This Report contains a number of sections:

- Section 2 sets out the background to this proposal;
- Section 3 summarises the proposal;
- Section 4 provides an analysis of the site and the surrounding area;
- Section 5 addresses the Victorian Planning Provisions and other relevant provisions;
- Section 6 identifies the extent of the proposed ESO;
- Section 7 addresses the impact of the ESO on surrounding lands;
- Section 8 presents a discussion on the strategic basis for the amendment; and
- Section 9 provides a conclusion to the report.
2.0 BACKGROUND

Wastewater treatment plants provide an essential service to the population.

Planning recognises that the provision of public infrastructure sometimes has priority over landowner expectations regarding the future use and development of land. Access to wastewater treatment services by the local community continues to be one of those priorities.

The implementation and maintenance of buffers is a critical element to ensure the longevity of this key infrastructure. Providing buffer areas within planning schemes is an essential planning tool that aims to protect the integrity of wastewater treatment plants.

The use of Environmental Sensitive Overlays as a planning tool to protect wastewater treatment facilities was recognised as early as 1997 by the Advisory Committee on the Victoria Planning Provisions (VPP).

In the Report of the Advisory Committee on the Victoria Planning Provisions August 1997 a submission from Central Highlands Water requested an overlay be developed for buffer controls to protect its wastewater treatment facilities. This buffer would essentially protect the facility from encroachment by inappropriate development. The Committee supported using an ESO.

The Committee specifically identified in developing the ESO:

“The schedule to the Environmental Significance Overlay must contain a statement of the matters of environmental significance to be protected for the area affected by the schedule. A permit is required for all buildings and works, removal of vegetation and subdivision, unless the proposal is exempted in the schedule to the Overlay. Before applying such an overlay however, the council would need to be clear about the justification for it and to develop guidelines to guide in the exercise of discretion, which should be included in the LPPF. Alternatively, it may be sufficient to identify major community infrastructure assets in the LPPF.”

The benefits of using the ESO are that it provides statutory planning weight to consideration of a buffer. A planning permit is triggered and the schedule to the ESO can be drafted to require the permit to be referred to the relevant water corporation.

In December 2015 EPA published its ‘Options Paper’ for Better Managing Encroachment. From that paper an ESO is recognised to achieve two separate purposes – the protection of significant natural environments and protection from adverse amenity impacts.

The protection of wastewater treatment facilities with an ESO is an appropriate use of the VPP and is supported by current planning policy. The ESO has been applied around a number of wastewater treatment plants, including recently the Benalla wastewater treatment facility.
North East Water Corporation commenced investigations into odour modelling for the Baranduda WWTP in 2011.

North East Water Corporation has initiated a program of establishing suitable buffers at its facilities during the next 12 months.

A planning report has also been prepared to implement an ESO at the West Wodonga WWTP.

The request for an amendment was discussed with Council officers on 20 October 2016 and it was agreed from that meeting that a single amendment identified as Amendment C105 was appropriate.
### 3.0 THE PROPOSAL

The proposal is for an amendment to the Wodonga Planning Scheme to:

- Include of a new Schedule to the Environmental Significance Overlay introducing a buffer area to protect the Baranduda WWTP from encroachment of development that may adversely impact on the continued operation of the facility;
- Introduce new overlay mapping representing odour modelling that has been completed for the Baranduda WWTP; and
- Include North East Water Corporation as a determining referral authority within the Scheme

The key environmental objectives of the proposed amendments are:

- To ensure that the development of land around the Baranduda WWTP is compatible with the Facility’s operation;
- To regulate the establishment and siting of odour-sensitive development so that the impact of any non-routine odour emissions from the Facility is minimised;
- To avoid residential development;
- To regulate development that requires the presence of people over an extended period of time; and
- To avoid development that would compromise the ongoing operation of the Facility.

The key environmental objectives ensure that appropriate development is permitted within the ESO while limiting particular sensitive land uses.
4.0 THE SITE

4.1 Location and Context

The Baranduda WWTP is located approximately 4km to the east of Baranduda and 11km south east of Wodonga CBD. The land is described as Lot 1 TP 106977 Whytes Road Baranduda.

Lot 1 is currently zoned as Industry Zone (INZ1), Public Use Zone (PUZ1) and Farming Zone (FZ). The existing treatment plant is located within the PUZ1 zone. Access to Lot 1 is from Whytes Road.

The site containing the plant is located on the eastern edge of the City. The land to the north of the site consists of Commonwealth land and the High Country Rail trail, the land to the west includes the Baranduda Industrial Estate, the land to the south is farming and agricultural land and land to the east consists of agricultural land along the Kiewa River. Land to the south west includes vacant land identified for future urban growth and further south along Whytes Road is a low density residential estate referred to as Valley Views.

Figure 1 identifies the location of the site and its context to surrounding land uses.

Figure 1: Aerial site plan

The site contains a treatment plant that comprises a partially-mixed aerated lagoon equipped with one 15kw aerator, a small secondary lagoon and a large winter storage lagoon. The treated effluent is pumped to the Wodonga sewerage reticulation system, where it flows to the West Wodonga WWTP and is treated again.
4.2 Strategic Infrastructure Context

The Baranduda WWTP is essential strategic infrastructure in the process of treating wastewater from Wodonga. The Baranduda WWTP has a design capacity of 19,100 EP (equivalent persons).

Importantly the West Wodonga WWTP and Baranduda WWTP operate in series (connected by trunk sewer).

The Baranduda WWTP has strategic importance as a treatment facility for the Leneva growth corridor and for supplying reclaimed water for irrigation of open spaces to Baranduda and Leneva.
5.0 VICTORIA PLANNING PROVISIONS

5.1 State Planning Policy Framework

In considering the State Planning Policy Framework and the provisions of the Victoria Planning Provisions (VPP) the following are relevant to the protection of essential infrastructure:

Clause 10.02 Operation of the State Planning Policy Framework

This Clause adopts the objectives of planning in Victoria which are:

a. To provide for the fair, orderly, economic and sustainable use, and development of land
b. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
c. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
e. To protect public utilities and other facilities for the benefit of the community.
f. To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).
g. To balance the present and future interests of all Victorians.

Clause 10.04 Integrated Decision Making

This Clause identifies that conflicting objectives must be balanced in favour of net community benefit and sustainable development for the benefit of present and future generations.

Clause 11 Settlement

This Clause identifies that planning in relation to settlement is to prevent environmental problems created by siting incompatible land uses close together.

Clause 11.05-1 Regional Settlement Networks

This Clause includes regional settlement networks highlighting Wodonga as one of the major regional cities where urban growth should be directed.

Clause 11.10-4 Infrastructure

This Clause identifies the need for appropriate settlement buffers around sewerage treatment areas, solid waste management and resource recovery facilities in industrial areas to minimise potential impacts on the environment such as noise and odour, and avoid locating water treatment plants close to development nodes.
Clause 13.04-2 Air Quality

This Clause ensures, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

Clause 14.02-3 Water Conservation

This Clause specifically protects areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Clause 19.03-2 Water Supply, Sewerage and Drainage

This Clause identifies that there is a need to:

- Plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment; and
- Encourage the re-use of wastewater, including urban runoff, treated sewerage, effluent and runoff from irrigated farmlands where appropriate.

5.2 Regional Planning – Hume Regional Growth Plan, 2014

The Hume Regional Growth Plan was included in the Wodonga Planning Scheme by Amendment VC 106. It is a policy guideline at various parts of the Clause 11 of the Planning Scheme.

The Hume Regional Growth Plan recognises in Section 14.3 Energy, Communications Water and Waste:

“Growth in the towns and cities of the Hume Region will result in demand for additional water, energy and utility infrastructure. Efficient use of existing systems and preservation and identification of utility infrastructure corridors an urban location have been considered as part of this plan. The projected population and settlement patterns take into account high level planning for currently planned and anticipated service utilities.”

Specifically, with reference to Reticulated water and sewerage in Section 14.3, this Plan highlights:

“Planning should provide and maintain appropriate buffers between sewerage treatment facilities and settlement areas.”
5.3 Local Planning Policy Framework – Wodonga Planning Scheme

The assessment of the proposed amendment has been addressed in this Section and Section 7 of this report.

This Section deals with the current Local Planning Policy Framework as well as the introduction of the Baranduda WWTP into the Wodonga Planning Scheme through Amendment C123.

Section 7.0 addresses the specific local controls that are relevant in considering the future impacts of the ESO on surrounding areas.

5.3.1 Existing Local Planning Policy Framework

Clause 21.12-03 Water and Waste Water Services identifies that:

“the region’s water and wastewater services are managed by North East Region Water Corporation, which has a shared approach with the Wodonga Council on the future growth and servicing requirements for Wodonga and its outlying areas.”

The Clause recognises that Wodonga is serviced by two wastewater treatment plants, at Wodonga West and Baranduda. It also recognises:

“the major capacity exists at Wodonga West which, with progressive upgrading in line with loading requirements, has the potential capacity to service long term residential and industrial growth demands. The Baranduda plant will have a minor role in wastewater service demands. North East Region Water Corporation is continually investigating the beneficial uses of recycled water and bio-solids.”

As identified by North East Water Corporation and a recent planning panel the Baranduda WWTF plays an important role in managing peak volume to the West Wodonga WWTF and population growth in the Leneva-Baranduda growth corridor.

Despite this omission regarding the importance of the plant the existing Local Planning Policy does identify the Baranduda WWTF as part of the key infrastructure servicing the City.

5.3.2 Proposed Changes to the Local Planning Policy Framework

From August 2106 the Wodonga Planning Scheme, particularly the Local Planning Policy Framework, has been undergoing a significant review by Council.

This review was as a direct result of Amendment C123 which was formally adopted, with changes, by Council on the 15 August 2016. This followed a Panel hearing into the proposed amendment. At the time of preparation of this report the Amendment was with the Minister for Planning for approval.
Under the Local Planning Policy Framework the following changes facilitated by Amendment C123 are relevant to considering this amendment to support essential infrastructure including the Baranduda WWTP.

**Clause 21.02-4 Wodonga Strategic Framework Plan**

This Clause incorporates changes to the Wodonga Strategic Framework Plan to identify the two wastewater treatment sites and the potable water treatment site.

**Clause 21.03-2 Urban Growth**

This Clause now identifies in third Residential Strategy to:

> “Maintain appropriate buffers around the Killara township, and Department of Defence operations, the West Wodonga and Baranduda waste water treatment plants and the Wodonga potable water treatment plant to prevent encroachment by sensitive land uses.”

**Clause 21.11-3 Water supply, sewerage and drainage**

This Clause now identifies in the objectives and strategies:

> “To ensure the wastewater management facilities (West Wodonga and Baranduda) which provide essential sewerage services and the potable water treatment plant at Wodonga are protected from encroachment by sensitive uses.

> Provide a buffer around the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant to minimise encroachment by sensitive land uses.”

Includes under **Further Strategic Work:**

> “Jointly investigate with North East Water the application of the Environmental Significance Overlay to apply a buffer between any residential growth in West Wodonga sensitive uses and the Wodonga West and Baranduda Waste Water Treatment Plants and the Wodonga Potable Water Treatment Plant.”
6.0 IDENTIFYING THE EXTENT OF THE BARANDUDA WWTP ESO

Odour modelling of the Baranduda WWTP was completed in August 2011.

A copy of this report is included in Annexure 1.

This report undertakes an assessment of odour from the plant in accordance with agreed EPA methodology and in accordance with policy regarding control of odours is set out in the State Environmental Protection Policy (Air Quality Management) 2001. This covers general requirements to adopt best practice control, a design criterion for general odour, risk assessment and separation distances.

The main issues considered in an assessment of odour risk – essentially the likelihood and consequence of events of noticeable and nuisance odours are:

- EPA Separation Distance;
- Topography and Winds;
- Odour Modelling;
- Odour Complaints and Community Surveys; and
- Experience with Other Similar Plants.

The EPA has published a Guideline (EPA Publication 1518) with relationships defining the separation distance between various types of wastewater treatment plants and odour-sensitive premises (such as residential zones and restaurants). The EPA Guidelines encourage the use of odour modelling and risk assessment to complement the recommended separation distances.

The main sources of odour at the Baranduda WWTP are:

- Lagoons; and
- Inlet works.

The extent of the ESO proposed for the Baranduda WWTP is represented in Figure 2.
Figure 2: Aerial of ESO boundaries
7.0 IMPACTS OF THE ESO ON SURROUNDING LAND

7.1 General impacts

From the odour modelling report the following land use implications associated with implementing the ESO for the site can be summarised as follows:

- The ESO extends over industrial land to the west and south west of the plant along Baranduda Drive including the existing waste processing facility;
- The ESO buffers a section of the army barracks training grounds to the north extending up to the previous Wodonga and Tallangatta railway line;
- The ESO extends over rural land extending to the Kiewa River generally to the south and east;
- The ESO encroaches onto future urban growth zoned land to the south and south west; and
- The width of the proposed ESO for this site is somewhat smaller than the 400m to 700m wide buffer that would be indicated by use of normal separation distances.

Figure 3 represents the ESO impact on adjoining zoned lands.

Figure 4 represents the ESO impact on adjoining relevant overlays.
Figure 3: ESO impacts on adjoining zoned lands
Figure 4: ESO impacts on adjoining overlays
7.2 Impacts of the ESO on industrial land

The Industrial 1 Zone applies to land immediately to the south and west of the Baranduda WWTP.

This zoning applies to land on both sides of Baranduda Drive between Whytes Road and the Kiewa Valley Highway.

This land is currently used for a range of industrial uses including a major electrical sub-station however the majority of the land immediately to the west of the WWTP is undeveloped. The estate supports a mix of industrial uses.

Plate 1: View west along Baranduda Drive from Whytes Road
The Industrial 1 Zone permits a number of uses within Section 1 and 2 that could be sensitive to odours emitted from the waste water treatment plant.

The purpose of the ESO is to impose controls over the form of development to reduce, as far as practical, the impact of residual air emissions to people living and working in the buffer.

The long term risk to this area of industrial land is that any sensitive development, other than normal industrial development, may lead to an increase in the number of people (and residing) in the buffer zone and being exposed to levels of risk against which the buffer zone is designed to protect.

The ESO will impose additional restrictions on the development of this land but this is required considering the proximity of the land to the Baranduda WWTP. It is also considered that it would be poor planning to permit sensitive land uses within the odour buffer without conditions or without comment from the relevant water corporation.

No industrial supply analysis has been undertaken in support of this application for the proposed ESO.

However in reviewing Council’s publication Land Development Trends – An analysis of land supply and consumption for 2015 Figure 5 extracted from that report identifies this land as being part of the Baranduda Industrial Estate with land available to be developed on Baranduda Drive.
From the *Land Development Trends* report the following are clearly relevant to the future development of this area as industrial land:

- The Industrial 1 zone provides for the manufacturing industry, storage and distribution of goods and associated uses. This is consistent with the strategic direction adopted by Council in zoning industrial land;

- Council’s analysis indicates that from July 2006 most development activity has occurred in the industrial precincts of Baranduda Industrial Estate and to a lesser degree Wodonga;

- The amount of land currently zoned and available across the City for industrial development is equivalent to in excess of 25 years land supply; and

- There is no identified shortfall of industrial land by specific lot size with an ample availability of larger industrial lots to be potentially subdivided for smaller industrial land users and the availability of larger lots to meet demand of potential large industrial land users.
It is unlikely that the proposed ESO will reduce the available land supply to service the industrial uses of the type encouraged by Council. Unless there is a significant shift in current development trends there is substantial land within Baranduda Industrial Estate still available to be developed.

### 7.3 Impacts of the ESO on the Urban Growth Zone

The proposed ESO impacts on land within the Urban Growth Zone (UGZ) situated between Whytes Road and the Kiewa Valley Highway. This land is generally located along the southern boundary of the Baranduda Industrial Estate.

The UGZ was introduced through two Planning Scheme amendments:

- Amendment C49 gazetted on 16 July 2009. This rezoned that land on the south eastern boundary of the Baranduda Industrial Estate between Whytes Road and the Kiewa Valley Highway; and
- Amendment C117 gazetted on the 23 October 2014. This rezoned that land located on the south-western side of the Kiewa Valley Highway.
Figure 6: Amendment C49 Zoning Map
The ESO will encroach onto the eastern edge of the UGZ land that was introduced through Amendment C49. This land is currently vacant and used for agricultural purposes.
Amendment C49 was undertaken to address a situation where a number of properties had been included in an urban development zone, 50 years or more ahead of when they were logically required for urban development. This situation was a legacy of the Growth Centre’s Strategy of the 1970’s served to facilitate the activities of the Albury Wodonga Development Corporation.

The amendment sought to ensure that the implementation of the UGZ was to be consistent with the strategic direction that the land is not required for short or medium term urban development. Those parcels of land included in the Urban Growth Zone through this amendment were at the time not projected to be required for urban development within the next 30 years.

The UGZ has four purposes:

- To manage the transition of non-urban land into urban land;
- To encourage the development of well-planned and well-serviced new urban communities in accordance with an overall plan;
- To reduce the number of development approvals needed in areas where an agreed plan is in place; and
- To safeguard non-urban land from use and development that could prejudice its future urban development.
As identified in Planning Practice Note 47 dated June 2015:

“the application of the UGZ does not, by itself, allow urban use and development to proceed. A precinct structure plan must be prepared and applied to the land before this can occur. Before a precinct structure plan is in place, the UGZ applies provisions that are designed to safeguard the land from use or development that could prejudice its long term urban development potential. Land may be used and developed for farming and rural related activities and urban subdivision cannot occur.”

At this stage as advised by Council a Precinct Structure Plan has not been prepared and applied to the UGZ land introduced by C49. North East Water Corporation have previously identified with Council consideration will be needed for both the ESO proposed for the Baranduda WWTP as well as the potential separation distances to the Baranduda Industrial Estate.

7.4 Impacts of the ESO on the Rural Living Zone

The proposed ESO extends over land to the south west of the plant which fronts Whytes Road as well as a small part of land immediately to the west. This land is currently in the Low Density Residential Zone (LDRZ) and forms part of the northern extent of Valley Views Estate. The land fronting Whytes Road is currently vacant and the land to the west contains an existing dwelling located well outside the extent of the ESO.

Plate 4: View of northern edge of Valley Views Estate looking north east
Land within the ESO is affected by Clause 43.04 Development Plan Overlay Schedule 18 (DPO18). DPO18 requires that a Development Plan must be prepared and must:

“Be designed to accommodate the separation distance and any other requirements associated with the existing waste water treatment facility located to the north east of the Valley Views estate.”

It is considered that the location of the ESO will still permit development of a dwelling house on that land affected fronting Whytes Road. The ESO will not affect any other vacant land or existing dwellings.

7.5 **Impacts of the ESO on the Farming Zone**

The proposed ESO will impact on the land within the Farming Zone (FZ) to the east and south of the treatment plant. Specifically the ESO extends to the Kiewa River and south along Whytes Road.

**Plate 5:** View generally south east over adjoining agricultural lands

The majority of this land is currently used for grazing purposes and it would appear that only one (1) existing dwelling house may be impacted by the proposed ESO immediately to the south of the plant. This dwelling has access from Whytes Road. The existing dwelling house is not affected by any planning scheme overlays.
A large extent of land immediately east of the WWTP is affected by Flood Overlays (FO) and is also identified as High Quality Agricultural Land under Clause 42.01 Environmental Sensitive Overlay Schedule 1 (ESO1).

The purpose of the Flood Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding;
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting;
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made;
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria); and
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The proposed ESO is not inconsistent with the purpose of the FO.

The environmental objectives of ESO1 to be achieved through this overlay are:

- To recognise the finite nature of high quality agricultural land;
- To protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation;
- To protect the potential production from high quality agricultural land;
- To prevent the unsustainable development of high quality agricultural land that results in the loss of the quantity or quality of the land and limits the realisation of its full productive potential; and
- To prevent the conversion of high quality agricultural land to non-soil based development.

The proposed ESO also would not be inconsistent with the use of this land for agricultural purposes.

It should also be noted that the proposed ESO will impact on land contained within Clause 42.02 Vegetation Protection Overlay Schedule 4 (VPO4) being the retained vegetation areas within Baranduda generally and the Industrial Estate. The introduction of the proposed ESO will not impact on native vegetation of ecological processes protected by VPO4.
8.0 STRATEGIC PLANNING ASSESSMENT OF THE PLANNING SCHEME AMENDMENT

Minister’s Direction No. 11 Strategic Assessment Guidelines requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations.

The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

The following assessment addresses the relevant matters in *Planning Practice Note No 46 Strategic Assessment Guidelines July 2014* for preparing and evaluating planning scheme amendments.

8.1 Why is the amendment required?

The amendment is required to change the Wodonga Planning Scheme to introduce an ESO to implement an air quality buffer the Baranduda WWTP.

The desired outcome is to ensure that appropriate development is permitted within the ESO while limiting particular sensitive land uses. The necessary changes to the Planning Scheme to achieve this are outlined in this report.

The introduction of the ESO is supported by detailed analysis and modelling to meet statutory and regulatory requirements based on best practice techniques and liaison with the EPA.

The ESO will generate the need for a S55 referral of applications for a planning permit within the overlay area to North East Region Water Corporation.

The ESO provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the waste water treatment facility and will provide a net community benefit.

The proposed ESO is a mechanism for considering development impacts upon an essential component of community infrastructure and therefore the planning scheme is a most appropriate means of controlling the land use impacts.

The use of an ESO is the most appropriate mechanism available to implement this change. There are other regulatory mechanisms that deal with some components associated with wastewater treatment facility management and development which potentially interrelate but which do not provide appropriate protection mechanisms for the essential infrastructure facility from encroachment by inappropriate sensitive uses.
8.2 **Does the amendment implement the objectives of planning and address any environmental, social and economic effects?**

Incorporating ESOs into planning schemes is the most appropriate planning control to reduce the risks from encroachment by sensitive development and to ensure that consideration of any future surrounding development recognises the West Wodonga treatment facility.

The *Planning and Environment Act 1987* and *Victorian Planning Provisions* provide statutory mechanisms to control land uses and development. Decision-making by planning and responsible authorities must be consistent with any relevant requirements of the State Environment Protection Policy (The Air Environment) as varied from time to time.

Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by air emissions by ensuring, wherever possible, that there is suitable separation between potentially amenity reducing and sensitive developments. Consideration should be given to “Recommended Separation Distances for Industrial Residual Air Emission (EPA 2013) previously “Recommended Buffer Distances for Industrial Residual Air Emissions (EPA 1990)” to determine the extent of the separation however more specifically appropriate research and environmental assessment leading to best practice odour modelling provides a better environmental outcome.

Responsible authorities should have regard to the potential for conflict between development and the subject land due to air emission impacts.

This amendment provides a greater level of security of separation distances that have been derived through odour modelling consistent with current EPA best practice expectations and therefore provides better public utility asset protection in a fair, orderly, economic and sustainable manner that benefits all the local community.

The proposal to introduce the ESO implements the objectives of planning in Victoria and the amendment to the Wodonga Planning Scheme will result in a net community benefit.

This report outlines the environmental, social and economic impacts associated with the proposed ESO. The proposal, in summary, will:

- Protect air quality of the area;
- Have a positive effect on community amenity;
- Not impact on the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity);
- Not impact on sites with significant historic, architectural, aesthetic, scientific and cultural values;
- Not impact on natural resources including energy, water, land, flora and minerals;
- Have a positive effect on the economic well-being of the community by protecting key infrastructure necessary to support growth within the City;
- Not reduce the viability of surrounding agricultural uses, industry, tourism and commercial or retail activity;
- Reduce the impact on public and private sector investment in infrastructure;
- Not limit the potential capacity for growth of the immediate and surrounding areas;
- Not impact on employment in the area or influence changes in travel patterns for shopping, employment and social and leisure activities;
- Not impact on transport movement, services and infrastructure, including public transport;
- Have limited demonstrated effect on community infrastructure in the immediate and surrounding areas; and
- Not alter or change the physical condition of the immediate and surrounding areas.

The introduction of the ESO will:
- Reduce the risks to the Wastewater Treatment Plant from encroachment of sensitive development;
- Assist Council with future land use planning, and the processing of planning permit applications;
- Provide more certainty for communities and surrounding landowners regarding development considerations;
- Allow the Wastewater Treatment Plant facility to remain in its current location to accommodate future demand and growth;
- Eliminate a significant cost to the communities and environmental burden if the plant would have to be relocated;
- Reduce the need for VCAT Hearings to resolve uncertainty; and
- Minimise the potential impact for the community due to waste odours should inappropriate development be approved.

### 8.3 Does the amendment address relevant bushfire risk?

The proposed ESO will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. Effectively the proposed ESO only introduces a control triggering a referral and in principle does not materially change the effects of bushfire or considerations in respect to bushfire planning matters.
8.4 **Does the amendment comply with all relevant Ministers’ Directions? Applicable to the amendment?**

The proposal utilises overlay controls that are within the existing set of Victoria Planning Provisions. The proposed ESO is only of local significance and is not directly affected by Minister’s Directions for the ‘Melbourne 2030 Strategy’ that Minister’s Direction No 9, ‘Metropolitan Strategy’ and Minister’s Direction No10, ‘Urban Growth Strategy’.

Ministerial Direction 1 “Potentially Contaminated Land” and the General Practice Note in respect to potentially contaminated land are of little or no direct relevance to the introduction of an ESO. The ESO is not designed or intended to address matters associated with contaminated land and it does not change provisions in reference to land contamination. No environmental audit overlay exists over the Baranduda WWTP.

8.5 **Does the amendment support or implement the State Planning Policy Framework (SPPF)?**

The proposal to introduce an ESO into the Wodonga Planning Scheme is consistent with the State Planning Policy Framework as addressed within this report.

8.6 **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?**

The proposal to introduce an ESO into the Wodonga Planning Scheme is consistent with the intention to protect key sewerage infrastructure within the Wodonga City as outlined within this report.

8.7 **Does the amendment make proper use of the Victoria Planning Provisions?**

The use of an ESO is the most appropriate planning control to protect the Wastewater Treatment Plant and to reduce the risks from encroachment by sensitive development and to ensure that consideration of any future surrounding development proposals recognises the existence of the facility.

The ESO does not capture matters that do not specifically relate to the purpose or objectives of the proposed control. The proposal expressly seeks to protect encroachment by inappropriate sensitive development.
8.8 How does the amendment address the views of relevant agencies?

In developing the ESO buffer, the Environment Protection Authority was consulted and engaged by North East Water Corporation. The process and use of an ESO has been supported by the EPA. The mechanism of research and establishment of odour modelling is generally in accordance with EPA requirements and best practice. In the case of the current proposal there are no known specific issues affecting the Ministers or Department interests that would warrant specific consultation.

8.9 Does the amendment address the requirements of the Transport Integration Act 2010?

The proposal will have no effect upon the transport system as defined by Section 3 of the Transport Integration Act 2010. There are no known applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010.
9.0 CONCLUSION

This report supports the proposed Planning Scheme Amendment which seeks to introduce an ESO to the Baranduda WWTP.

In particular, this report notes that:

- The implementation of an ESO to the Baranduda WWTP is consistent with Council’s strategic engagement and decision to protect essential public infrastructure across the City;
- The ESO is the most appropriate planning mechanism and statutory control to implement a buffer to the Baranduda WWTP; and
- The introduction of the ESO through a Planning Scheme Amendment is the only practical means to implement necessary controls.

Based on the details of this report and the associated documentation, it is requested that Wodonga City Council facilitates the proposed Planning Scheme Amendment through the formal amendment process.
APPENDIX C: RESPONSE LOT 3 PS645635 WHYTES ROAD BARANDUDA
Dear Stefan,

Amendment C105 Wodonga Planning Scheme – Lot 3 PS645635 Whytes Road Baranduda

Further to the Department of Finance submission to Wodonga City Council dated 28 April 2017 and the specific matters raised in discussions held on the 31 May 2017 I provide the following response.

Rezoning of Lot 3 PS645635 from Industrial 1 Zone to Urban Growth Zone

On 16 July 2009 the land now owned by the Commonwealth Government and identified as Lot 3 PS645635 was rezoned from Industrial 1 Zone to Urban Growth Zone. The Department seeks an indication as to whether the rezoning of the land changed the impact that the proposed ESO will have on the land.

This rezoning was facilitated by Amendment C49 that sought to align land zonings generally to the Wodonga Growth Strategy 2007. This amendment rezoned nine parcels of land at Baranduda which were previously zoned for business, residential or industrial uses. Specifically the Amendment rezoned 38 hectares of land fronting the Kiewa Valley Highway and Whytes Road from the Industrial 1 Zone to and Urban Growth Zone. This included Lot 3 PS645635. The rezoning of the land from Industrial 1 to Urban Growth Zone altered the range of land uses permitted within the site. However regardless of the zoning change the need to recognise a buffer to the Baranduda Waste Water Treatment Plant, as was presented in 2009, and in this case, the development of the ESO, has not altered.

Organic recycling facility Whytes Road

There is an organic recycling facility located at 219 and part 221 Whytes Road, Baranduda. This is also identified for protection under a EPA separation distance requirement. The Department seeks clarification as to whether planning requires consideration of a combined / cumulative separation distance for the organic recycling facility and the wastewater management facility or are the separation distances independent of each other in a planning context.

In the planning context consideration of the separation distances for the recycling facility needs to be independent of the ESO for the Baranduda Waste Water Treatment Plant. They are different facilities and have a range of specific attributes that influence separation distances and the extent of impacts on adjoining land.

Yours sincerely

Daris Olsauskas
Manager North East
APPENDIX D: REVISED ESO SCHEDULE 5
SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ES05**.

**BARRANDUDA AND WEST WODONGA WASTE WATER TREATMENT PLANT BUFFER AREAS**

1.0 Statement of environmental significance

The Baranduda and West Wodonga Waste Water Treatment Plants (Plants) provide essential services (sewerage) to the City of Wodonga. Proximate inappropriate development of odour-sensitive uses may compromise the operation of this infrastructure. The air environment in proximity to the waste water treatment plans may be impacted by odour.

2.0 Environmental objective to be achieved

To identify, recognise and protect the operation of Plants from encroachment of incompatible development where the use of the development may be impacted by odour.

3.0 Permit requirement

A permit is not required to:
- Construct a building or carry out works by or on behalf of the agency responsible for operation and management of the Plant;
- Conduct agricultural activities, including cultivation, the construction of a fence, outbuilding and dam;
- Construct a building or construct or carry out works undertaken by, or on behalf of, a municipal council, public authority or utility service provider in the exercise of any power conferred on them under any Act; and
- Remove, destroy or lop any vegetation, including dead vegetation.

An application must be referred to the North East Region Water Corporation in accordance with Clause 66.04 or a schedule to that clause.

4.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01. In addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:
- The avoidance of sensitive uses, including residential development, within the overlay area.
- The proximity of the site to the Plants.
- The sensitivity of the proposed use of the development to odour that may be generated from the Plants.
- The availability of ameliorative measures on the site to reduce the impact of odour.
- The number of people likely to use the proposed development.
- The potential for the proposed development to expand and attract additional people.
- The degree of choice a person has to remain on the site associated with the development.
- The length and frequency of stay of any person on the site associated with the development.
- Built form of the development, including:
- Building design addressing the frequency, duration, time and capacity of occupation;
- Building design to isolate internal air environment for occupied rooms (i.e. office) during upset conditions;
- Layout of buildings to maximise the separation distance to the waste water treatment facility;
- Building design to ensure that apertures (i.e. roller doors) are orientated away from the waste water treatment facility; and
- Landscaping including earth bunding, solid fencing or similar structures and suitable plantings of suitable windbreak vegetation to screen the waste water treatment plant and improve air flow turbulence.
- Whether the development replaces an existing development, particularly an existing dwelling or other odour sensitive development.

- The demand for an odour sensitive development in this location and their availability outside the overlay area.