
From: Jason Gillies <jason@greenchiprecycling.com.au>
Sent: Friday, 13 January 2017 3:44 PM
To: Adjudication
Cc: 'Terry Corrigan'
Subject: A91551 –North East Waste and Resource Recovery – submission
Attachments: RPT - Wodonga PS C123 & C124 LPPF Recognition of Plants [PPV] 0816 54070....pdf

Hi
Please accept our company response to the draft submission.

We request the submission is accepted and considered.

Should a pre-conference be called we request opportunity to make an oral submission.

Our feedback in this case is as follows;

The draft determination does not correctly capture our existing organic processing facility capable of meeting needs of North East region. The determination A91551 at page 7 states “there are no existing ‘hubs’ of importance to the state, this is not correct. The third dot point of 14(page7) references to footnote18, Footnote 18 refers to page5 of the NEWRR implementation plan para9 “There is one materials recovery facility (MRF) in the region. This point references Wodonga transfer station and is incorrect, there is a larger facility at Greenchip Recycling in the region.

The Greenchip Facility is EPA licensed and approved since the 1990’s to process larger volumes than Wodonga MRF so is significant. Greenchip recycling has planning approval for the operations and has been recommended by the planning panel to have an ESO on the site. See the attached planning report in specifically page20

Please contact myself or Director Terry Corrigan on if or as required.

Regards
Jason Gillies

Compliance Manager
Greenchip Recycling

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Planning and Environment Act 1987

Panel Report

**Wodonga Planning Scheme Amendments C123 and C124
Local Planning Policy Framework Rewrite and
Central Wodonga Activity Centre Zone**

29 July 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Wodonga Planning Scheme Amendments C123 and C124

Local Planning Policy Framework Rewrite and
Central Wodonga Activity Centre Zone

29 July 2016

A handwritten signature in black ink, reading "Lester Townsend". The signature is written in a cursive style with a large initial "L".

Lester Townsend, Chair

Contents

	Page
Executive Summary	1
1 Introduction.....	4
1.1 The proposals	4
1.2 Background to the proposals	6
1.3 Issues raised in submissions	7
1.4 Issues dealt with in this report	8
2 Planning Context.....	9
2.1 Policy framework.....	9
2.2 Planning strategies used in preparing the Amendments.....	10
2.3 Planning Practice Notes.....	11
2.4 Conclusions.....	13
3 Issues with the LPPF review	14
3.1 General changes	14
3.2 Protection of water, sewerage and waste facilities	14
4 Wodonga CBA.....	26
4.1 External references in Clause 21.13-1.....	27
4.2 Use of the Activity Centre Zone	28
4.3 Precincts	30
4.4 Table of uses.....	31
4.5 Consistency with Junction Place Plans	33
4.6 Are the controls too prescriptive?	35
4.7 Preference for pedestrians and bicycles	38
4.8 Access to Elgin Boulevard.....	39
4.9 Active frontage	40

List of Figures

	Page
Figure 1 Existing zones	5
Figure 2 Proposed Activity Centre Zone.....	5
Figure 3 Area of Development Agreement	34

List of Abbreviations

ACZ	Activity Centre Zone
C2Z	Commercial 2 Zone
CBA	Central Business Area
CBA Plan	Wodonga CBA Revitalisation Plan
CDZ	Comprehensive Development Zone
DELWP	Department of Environment, Land, Water and Planning
Design Guide	Wodonga CBA Revitalisation Design Guide
EPA	Environment Protection Authority
ESC	Essential Services Commission
ESO	Environmental Significance Overlay
Framework Plan	Wodonga CBA Policy Framework Plan 2016
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NEW	North East Water
PPN	Planning Practice Note
PWTP	Potable Water Treatment Plant
Review Report	Wodonga Planning Scheme Review Report 2013
SPPF	State Planning Policy Framework
the Act	<i>the Planning and Environment Act 1987</i>
the Strategy	the Wodonga Growth Strategy 2016
VPP	Victoria Planning Provisions
WBAG	Wodonga Business Action Group
WMF	Wastewater Management Facilities

Overview Amendment C123

Amendment Summary

The Amendment	Wodonga Planning Scheme Amendment C123
Common Name	Local Planning Policy Framework Rewrite
Subject Site	The Amendment applies to all land in the City of Wodonga
The Proponent	The City of Wodonga
Planning Authority	The City of Wodonga
Exhibition	4 February to 18 March 2016
Submissions	<ol style="list-style-type: none"> 1 Country Fire Authority 2 Environment Protection Authority 3 Towong Shire Council 4 Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and Public Transport Victoria 5 Department of Environment, Land , Water and Planning (DELWP) 6 Goulburn Murray Water 7 Blueprint Planning 8 VicRoads 9 North East Catchment Management Authority 10 Habitat Planning 11 Habitat Planning on behalf of Nordcom Land 12 Russell Kennedy Lawyers on behalf of behalf of North East Water (NEW) 13 Russell Kennedy Lawyers on behalf of Ileowl Pty Ltd (Greenchip)

Panel Process

The Panel	Lester Townsend (Chair)
Directions Hearing	Wodonga City Council Chamber, 17 May 2016
Panel Hearing	Wodonga City Council Offices, 17 June 2016
Site Inspections	Unaccompanied 28 June 2016.
Appearances	<ul style="list-style-type: none"> • Wodonga City Council represented by Bridie Guy • Goulburn Murray Water represented by Neil Repacholi • Ileowl Pty Ltd and North East Water represented by Stefan Fiedler of Russell Kennedy Lawyers calling expert evidence from Andrew Clarke of Matrix Planning in Planning.
Date of this Report	29 July 2016

Overview Amendment C124

Amendment Summary

The Amendment	Wodonga Planning Scheme Amendment C124
Common Name	Central Wodonga Activity Centre Zone
Subject Site	The Amendment applies to Central Business Area of Wodonga
The Proponent	The City of Wodonga
Planning Authority	The City of Wodonga
Exhibition	24 March to 22 April 2016
Submissions	<ol style="list-style-type: none"> 1 VicRoads 2 Living Streets Design Pty Ltd on behalf of Central Place Pty Ltd 3 Department of Environment, Land Water and Planning (DELWP) 4 Places Victoria 5 Habitat Planning on behalf of Wodonga Business Action Group (WBAG) 6 Habitat Planning on behalf of Weatherall Wodonga Hotels Pty Ltd 7 Wodonga Chamber of Commerce 8 VicTrack

Panel Process

The Panel	Lester Townsend (Chair)
Directions Hearing	A Directions Hearing was not held
Panel Hearing	Wodonga City Council Offices, 27 June 2016
Site Inspections	Unaccompanied 17, 27 and 28 June 2016.
Appearances	<ul style="list-style-type: none"> • Wodonga City Council presented by John Sidgwick and Ken Chan calling expert evidence from Robert Milner of 10 Consulting in Planning. • Places Victoria represented by Stephanie Baker • Wodonga Chamber of Commerce represented by Martin Ireland and Brendan Baxter • Weatherall Hotels represented by Tom Weatherall • Central Place represented by Ron Mildren of Living Street Designs Pty Ltd
Date of this Report	29 July 2016

Executive Summary

(i) Summary

Amendment C123 to the Wodonga Planning Scheme revises the Local Planning Policy Framework in the Wodonga Planning Scheme by replacing Clauses 21 and 22.

Council is to be congratulated on a thorough review and update of its Municipal Strategic Statement (MSS).

Issues were raised in submissions regarding the identification and protection of buffers around wastewater management facilities (WMF) and requested a number of changes to the MSS.

Council has worked with submitters to address most of the issues raised and the Panel supports the changes proposed by Council.

Amendment C124 updates the planning controls for the Central Business Area (CBA) of Wodonga. Council has undertaken extensive strategic work to guide the redevelopment of the Wodonga CBA and to ensure high standards of design in the public realm throughout the past decade. These different pieces of strategic work were supported by a clear and transparent process, and extensive consultations with the community. Amendment C124 is one of the steps to implement this strategic work.

Concerns were raised about the level of detail in the proposed controls. The concern is that credibility and sustainability over the longer term may be compromised by decision making expediencies give some developers a 'let out' from the controls in the Amendment. If developers form the view that they may not be treated equally with their competitors they will take their business elsewhere which will adversely affect the critical mass and economic confidence in the CBA. The Panel broadly agrees with this sentiment, but does not see the solution in the removal of the guidance, but rather a consistent approach to decision making.

For both Amendments Council has worked to resolve issues and the Panel supports the changes proposed by Council.

The Panel thanks Council for the additional material it produced to assist the Panel in understanding the detailed changes requested for each Amendment.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends:

Wodonga Planning Scheme Amendment C123 be adopted as proposed to be modified by Council in response to submissions and subject to the following changes:

- 1. Amend Clause 21.02-4 to change the Wodonga Strategic Framework Plan to identify the two wastewater treatment sites and the potable water treatment site.**
- 2. Amend Clause 21.03-2 to replace the third Residential Strategy with:**
 - *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.

3. Amend Clause 21.11-3 to:

a) Add the objective:

- *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.*

b) Add under the new objective, the strategy:

- *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.*

c) Replace the third dot point under Further Strategic Work with:

- *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.*

4. Add the following new Clause 21.11.4 after Clause 21.11-3:

Waste and resource recovery

Objective

To ensure that the organic waste processing facility at Baranduda is protected from encroachment by sensitive uses.

Strategies

Provide a buffer around the organic waste processing facility at Baranduda to minimise encroachment by sensitive land uses.

Further Strategic Work

- *Investigate the application of the Environmental Significance Overlay to apply a buffer between sensitive uses and the Baranduda organic waste processing facility.*

5. Move the detailed material on the Logic Centre from Clause 21.09 to Clause 21.13.

6. Amend Clause 21.13 to:

a) Insert a new section dealing with the Baranduda industrial precinct, but drafted in a way that is consistent with the other local areas.

b) Delete in Clause 21.13-1:

- *Ensure that any proposed use or development within or around the Central Business Area is generally consistent with the Wodonga Central Business Area Revitalisation Plan 2014-2034 and the Wodonga Central Business*

Area Revitalisation Design Guide including the Central Business Area Framework Plan.

- ***Implement the Central Business Area modal hierarchy identified in the Wodonga Integrated Transport Strategy 2015.***
- ***Ensure development implements the principles of the Wodonga Central Business Area Revitalisation Design Guide.***

Wodonga Planning Scheme Amendment C124 be adopted as proposed to be modified by Council in response to submissions and subject to the following changes:

1. **If Amendment C123 is approved before Amendment C124 abandon the proposed changes to Clauses 21 and 22 in Amendment C124.**
2. **Amend Activity Centre Zone Schedule 1 to:**
 - a) **Include both the VicTrack and the Department of Treasury and Finance land parcels in Precinct 6.**
 - b) **Correct the drafting so it is clear in the various references in objectives that ‘at upper levels’ refers to residential uses only.**
 - c) **Revise the Table of Uses to:**
 - **remove Section 2 conditions against Industry**
 - **remove Section 2 restrictions on cultural and entertainment uses in Precinct 5**
 - **ensure all Section 2 conditions have a clear policy basis**
 - **limit prohibited uses in Section 3 to Brothel, Corrective institution, Intensive animal husbandry, Major sports and recreation facility and Motor racing track.**
 - d) **Review the height controls in Precinct 1 based on the Development Agreement to ensure appropriate development is not hindered.**
 - e) **Express the preferred heights in storeys.**
 - f) **Change the requirement at Clause 4.1 to read:**
 - ***Medium density residential development is encouraged at a minimum density of approximately 30 to 40 dwellings per hectare.***
 - g) **Review the permit triggers and exemptions for access to Elgin Boulevard to ensure a planning permit is required for additional access points.**

1 Introduction

1.1 The proposals

(i) Amendment C123

The Amendment implements the recommendations of the *Wodonga Planning Scheme Review Report 2013* by introducing a revised Local Planning Policy Framework and referencing relevant adopted Council strategies.

Specifically the Amendment replaces existing Clauses 21.01 to 22.03 with the following new clauses:

- Clause 21.01 Municipal Profile
- Clause 21.02 Vision and Strategic Framework
- Clause 21.03 Settlement
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risk
- Clause 21.06 Natural Resource Management
- Clause 21.07 Built Heritage and Environment
- Clause 21.08 Housing
- Clause 21.09 Economic Development
- Clause 21.10 Transport
- Clause 21.11 Infrastructure
- Clause 21.12 Reference Documents
- Clause 21.13 Local Areas.

The Amendment also amends Clause 22.04 Subdivision and Housing on Small lots in the Rural Zones.

The Amendment deletes existing local planning policies Clauses 21.14, 21.15, 22.06, 22.07, 22.08, 22.09, 22.10, 22.11, 22.12, 22.13, 22.14, 22.15, 22.16, 22.17, 22.18, 22.19 and 22.20 by translating policy into the MSS where appropriate.

(ii) Amendment C124

The Amendment gives effect to the *Wodonga CBA Policy Framework Plan 2016* (the *Framework Plan*). The *Framework Plan* incorporates the adopted Council strategies the *Wodonga CBA Revitalisation Plan* (the *CBA Plan*) and *Wodonga CBA Revitalisation Design Guide* (the *Design Guide*), to guide land use, built form and development in the Wodonga CBA.

As exhibited the Amendment makes the following changes:

- Amend the following parts of the MSS:
 - Clause 21.11-1 Activity Centres Strategy
 - Clause 21.12-01 Wodonga Road Strategy Plan
 - Clause 21.15 Reference Documents.
- Delete the following parts of the MSS and Local Planning Policy Framework:
 - Clause 21.11-2 Redevelopment of the Wodonga CBA

- Clause 22.09 Wodonga Central Business Area.
- Rezone land to the Activity Centre Zone:
 - Insert a new zone, Clause 37.08 – Activity Centre Zone (ACZ) and new Schedule 1 to the ACZ.
 - Rezone land to the ACZ1, as shown in Figure 2 from: Commercial 1 Zone, shown as in Figure 1; Comprehensive Development Zone, ; Mixed Use Zone, ; and Public Use Zone 4 (PUZ4) – Transport, .
 - Amend the Schedule to Clause 66.04 Referral of permit applications under local provisions by replacing Comprehensive Development Zone (CDZ) with ACZ.
- Remove redundant provisions:
 - Delete zone the CDZ and its Schedule 1.
 - Amend the Schedule to Clause 81.01 by deleting Wodonga Central Comprehensive Development Plan 2011.
 - Delete Schedule 4 to Clause 43.02 – Design and Development Overlay and remove Design and Development Overlay (Schedule 4) from the land.

Figure 1 Existing zones



Figure 2 Proposed Activity Centre Zone



(iii) Overlapping issues

Amendment C124 has had regard for Amendment C123.

The policy presented in Amendment C123 is the latest thinking for the policy settings in the CBA, and the policy component of Amendment C123 together with the controls in Amendment C124 represent a complete and coherent package. Council submitted:

Of particular importance, Amendment C123 seeks to restructure the [Local Planning Policy Framework] LPPF and delete redundant, duplicated content. As such, the proposed MSS clauses exhibited alongside the ACZ are proposed to be superseded by the revised LPPF in Amendment C123.

Amendment C124 would support and implement a range of objectives and strategies contained in proposed Clause 21 of Amendment C124, as follows:

- Clause 21.02-2 Strategic Planning Vision – which sets a vision for economic development to deliver a diverse and vibrant economy which capitalises on a revitalised CBA and to attract new and emerging industries and support existing businesses.
- Clause 21.03-1 Activity Centres – which identifies that there are large areas of vacant, commercially zoned land in the CBA and which seeks to reinforce the role of Wodonga’s CBA as the city’s Principal Activity Centre for retail, civic, commerce and entertainment.
- Clause 21.03-3 Public Open Space – which identifies that the location and provision of open space contributes to the liveability of an urban area and that some parts of the City do not have enough public open space.
- Clause 21.13-1 Central Business Area – which identifies the upgrade and revitalisation of the Wodonga CBA as of the Council’s key strategic initiatives and sets a vision, supported by the Central Business Area *Framework Plan*, for the centre to be: A CBA that is welcoming, people friendly, thriving, inclusive, healthy and sustainable, and is the cultural and community heart of the City.

The Panel recommends:

If Amendment C123 is approved before Amendment C124 abandon the proposed changes to Clauses 21 and 22 in Amendment C124.

1.2 Background to the proposals

(i) Amendment C123

In August 2013, Council commenced a comprehensive review of the Wodonga Planning Scheme pursuant to the provisions of Section 12B of the *Planning and Environment Act, 1987*.

Amendment C123 was prepared by the Wodonga Council as Planning Authority.

Council undertook a planning scheme review in 2013 and advised that the review sought to assess the effectiveness, relevance and performance of the Wodonga Planning Scheme. The review was undertaken in-house with the assistance of planning consultants, Keaney Planning and Research, and managed by Council’s Strategic Planner. The review concluded with the *Wodonga Planning Scheme Review Report 2013* (the Review Report) which identified a number of content and structure issues with the current planning scheme. The Review Report also recommended a series of changes to streamline, simplify and update the planning scheme.

Council advised that the rewrite of the MSS was undertaken on a ‘policy neutral’ basis to restructure existing content as recommended by the Review Report.

(ii) Amendment C124

In 2010 the Wodonga Rail Bypass project was completed moving the Wodonga station from the original central location to a position on a new line on the northern edge of the town, along with five kilometres of new track. This move eliminated ten level crossings and released railway land for redevelopment in Wodonga’s commercial area.

The redevelopment project for the rail land, known as Junction Place, is regional Australia's largest urban renewal project. Places Victoria is managing the development of Junction Place with a number of key stakeholders.

The project is in the early stages of its development, and is home to a number of food and beverage operators as well as Junction Square, a significant new meeting place for Wodonga.

Council has carried out significant strategic planning over the past five years in relation to the CBA, and Amendment C124 revises the planning controls for the whole of the CBA

1.3 Issues raised in submissions

(i) Amendment C123

The following key issues were raised in submissions to Amendment C123:

- North East Water (NEW) raised issues regarding the identification and protection of buffers around WMF and requested a number of changes to the MSS.
- Ileowl Pty Ltd raised issues regarding protection of the Greenchip Recycling Facility from encroachment by incompatible sensitive uses.
- Goulburn Murray Water and North East Catchment Management Authority sought the inclusion of various reference documents and to reinforce the protection of environmental values and catchment areas through various clauses and planning overlays.
- Blueprint Planning and Development sought the removal of the requirement in Clause 22.04 for a Section 173 Agreement for subdivision and housing on small lots in the Rural Zones.
- VicRoads raised specific issues in relation to the depiction in the MSS of the Murray Valley Highway and Hume Freeway.
- Department of Economic Development, Jobs, Transport and Resources (DEDJTR) sought specific wording in Clauses 21.03-2, 21.07-3, 21.10-1 and 21.10-4 in relation to various integrated transport and urban growth principles consistent with the Wodonga Integrated Transport Strategy 2015.
- Other submitters raised general concerns about the wording of specific parts of the MSS or local policy.

Submissions from the Environment Protection Authority (EPA), Country Fire Authority and Towong Shire supported or had no concern with the Amendment.

(ii) Amendment C124

A number of broad concerns were raised in relation to Amendment C124 that the precinct requirements and precinct guidelines in the ACZ would significantly limit the economic opportunities. It was said that many of the provisions written into the proposed ACZ Schedule and included in the reference and incorporated documents appear to be inadequately thought through in terms of practical outcomes.

The following key issues were raised in submissions to Amendment C124:

- the ACZ appears too restrictive and prescriptive where it attempts to dictate what type of businesses can go where
- there are discrepancies between the table of uses of the current CDZ schedule and the ACZ Schedule with some uses have not been translated into the ACZ
- issues with access to Elgin Boulevard
- issues with precinct requirements and guidelines for setbacks, retail frontages and the location of residential use
- the proposed ACZ Schedule is overly complex
- the Amendment will not allow for merits based decisions, and would reduce or restrict development potential in the CBA
- priority should not be given to pedestrians and bicycles; vehicles, bicycles and pedestrians should be given equal priority.

Council received a late submission from VicTrack on 24 June 2016 in relation to its land holdings adjoining Precinct 6. VicTrack intends to rezone part of its surplus railway land (under PUZ4) before divestment, and to jointly divest this land parcel with the adjoining Department of Treasury and Finance land (under the Commercial 2 Zone) to form a combined site.

1.4 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearings. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

The report deals with issues under the following headings:

- Planning context
- Issues with the LPPF review
- Wodonga Central Business Area.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Reports.

The Panel has reviewed the policy context of the Amendment and made a brief assessment of the planning strategies involved in the Amendment.

2.1 Policy framework

(i) Amendment C123

State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):

Council submitted that the MSS has been structured to be underpinned by the structure and themes contained within the SPPF as follows:

- Clause 11 Settlement
- Clause 12 Environment and Landscape Values
- Clause 13 Environmental Risks
- Clause 14 Natural Resource Management
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport and
- Clause 19 Infrastructure.

Local Planning Policy Framework

The proposed new clauses of the LPPF have adopted the same headings and themes as the SPPF, as follows:

- Clause 21.01 Municipal Profile
- Clause 21.02 Vision and Strategic Framework
- Clause 21.03 Settlement
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risk
- Clause 21.06 Natural Resource Management
- Clause 21.07 Built Heritage and Environment
- Clause 21.08 Housing
- Clause 21.09 Economic Development
- Clause 21.10 Transport
- Clause 21.11 Infrastructure
- Clause 21.12 Reference Documents
- Clause 21.13 Local Areas

Council submitted that Amendment C123 implements the Review Report which provided a comprehensive review and restructure of the MSS and local provisions of the Wodonga

Planning Scheme, taking into account strategic work undertaken by Council and the state since the last major rewrite. That rewrite was approved in December 2008 through Amendment C57.

The restructured MSS has been prepared to align with the themes of the SPPF, and incorporates current relevant MSS and local policy provisions under new headings.

(ii) Amendment C124

Wodonga is identified as ‘regional city’ with a policy setting to ‘facilitate growth’ in Clause 11.05, Regional development, of the SPPF.

The SPPF sets out clear policy for structure planning:

11.02-3 Structure planning

Objective

To facilitate the orderly development of urban areas.

Strategies

Ensure effective planning and management of the land use and development of an area through the preparation of strategic plans, statutory plans, development and conservation plans, development contribution plans and other relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Take into account the strategic and physical context of the location.*
- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*
- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*
- *Facilitate the logical and efficient provision of infrastructure and use of existing infrastructure and services.*

...

2.2 Planning strategies used in preparing the Amendments

(i) Amendment C123

Council’s Part A submission describes the planning scheme review process as follows:

Officers commenced the rewrite of the MSS on ‘policy neutral’ basis to restructure existing content as recommended by the Review Report. This

allowed officers to ascertain what content was outdated, duplicated, irrelevant and redundant.

The rewrite commenced with an analysis of existing LPPF clauses to group existing content in relevant SPPF themes. This analysis built on the findings of the Review Report, demonstrating that policy from various SPPF themes were dispersed throughout the LPPF.

The Amendment is supported and informed by aspects of the following strategic documents:

- Age Friendly Strategy, 2005-2016 to 2019-2020
- City of Wodonga Playground Strategy, 2010
- Hume Regional Growth Plan, 2014
- North East Waterway Strategy, 2013
- North East Regional Catchment Strategy, North East Catchment Management Authority, 2013
- Public Art Strategy and Master Plan 2015-2020
- Sustainable Wodonga, Sustainability Strategy, 2014 – 2040
- Wodonga CBA Revitalisation Plan, 2014 – 2034
- Wodonga CBA Revitalisation Design Guide
- Wodonga Council Plan, 2013-2014 to 2016-2017
- Wodonga Enterprise Park – Design and Development Guidelines, 2007
- Wodonga Integrated Transport Strategy, 2015
- Wodonga Growth Strategy Background, 2014
- Bonegilla Structure Plan, City of Wodonga, 2003.

(ii) Amendment C124

The planning for a revitalised CBA has been guided by:

- Wodonga CBA Revitalisation Plan (2013-2014)
- Wodonga Integrated Transport Strategy (2012-2015)
- CBA Revitalisation Design Guide (2014-2015)
- Planning process of the CBA Zoning Review (2014-2015)

2.3 Planning Practice Notes

(i) Amendment C123

The following Planning Practice Notes are relevant to Amendment C123:

- Planning Practice Note 4 – Writing a Municipal Strategic Statement (PPN4)
- Planning Practice Note 8 – Writing a Local Policy (PPN8)
- Planning Practice Note 13 – Incorporated and reference documents (PPN13)
- Planning Practice Note 46 – Strategic Assessment Guidelines (PPN46).

PPN4 is particularly relevant to this Amendment. It provides guidance regarding the context, structure and formatting of the MSS, as well as content that ought and ought not be included.

Section 12A(1) of the *Planning and Environment Act 1987* (the Act) requires every council which is a planning authority to prepare an MSS. The MSS must further the objectives of planning in Victoria and contain:

- the strategic planning objectives of the planning authority
- the strategies for achieving the objectives
- a general explanation of the relationship between the objectives and strategies and the controls on the use and development of land in the planning scheme.

In terms of structure, PPN4 recommends a format that ensures the content of the MSS is presented in such a way that the requirements of the Act are met. It must also ensure the links between the MSS and the application of the zones, overlays, schedules and policies are clearly expressed.

The preferred approach is to use the SPPF themes, reinforcing the strategic linkages between the SPPF and the MSS, facilitating easy navigation of the planning scheme. Policy topics are then included under the themes, according to the needs of the municipality.

Objectives, strategies and implementation

The key policy directions of the MSS are contained in the objectives and strategies. Section 12A(3) of the Act states that an MSS must contain a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme.

Under each theme a summary of the issues or an overview provides the basis for the objectives and strategies of the theme.

Objectives are a council's aims for land use and development and flow from an overall vision for a municipality. Strategies should then explain how the objective will be achieved. PPN4 advises objectives and strategies should only be included in the MSS where they can be achieved through the planning scheme.

PPN4 advises the way strategies are to be implemented should be identified under each theme. A distinction should be drawn between strategies that will be implemented by:

- Policy guidelines (exercise of discretion in decision making under the planning scheme)
- Scheme implementation (rationale of the application of zones, overlays, schedules and local policy)
- Other implementation (including future strategic work and other actions of council).

PPN13 states a document must be incorporated if:

The document will be used to guide the exercise of discretion by the responsible authority (except for a development plan under the Development Plan Overlay, which does not need to be incorporated).

A number of strategies in the MSS call up unincorporated documents – these are intended to guide the discretion of the responsible authority, but are not incorporated.

The Panel agrees that the Amendment is consistent with the relevant Practice Notes except in relation to the reference to unincorporated external documents in strategies which is addressed later in this report.

(ii) Amendment C124

Planning Practice Note 56 Activity Centre Zone June 2015 (PPN56)

PPN56 is particularly relevant to this Amendment. The purpose of the practice note is to:

- explain the function of the ACZ
- provide guidance on how to apply the ACZ
- assist councils in tailoring the Schedule to the ACZ to accord with their centre's adopted structure plan.

PPN56 says:

The ACZ is the preferred tool to guide and facilitate the use and development of land in activity centres.

The ACZ has five purposes which are:

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

To encourage a mix of uses and the intensive development of the activity centre: as a focus for business, shopping, working, housing, leisure, transport and community facilities to support sustainable urban outcomes that maximise the use of infrastructure and public transport.

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

To facilitate use and development of land in accordance with the Development Framework for the activity centre.

2.4 Conclusions

The Panel concludes that the Amendments are supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendments are well founded and are strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Issues with the LPPF review

3.1 General changes

Council has responded to a range of submissions by updating the exhibited MSS.

The Panel has reviewed these changes and supports the changes proposed by Council.

3.2 Protection of water, sewerage and waste facilities

Both NEW and Ileowl Pty Ltd have made submissions seeking very detailed changes to the exhibited MSS. The common theme in the submissions is the protection of public and private infrastructure utilities and facilities from encroachment by incompatible sensitive uses.

3.2.1 Evidence and submissions

The submissions primarily addressed the identification, recognition and protection of critical infrastructure for the delivery of essential services of water and sewerage to the region, including the whole of the City of Wodonga municipality. The protection is from encroachment of incompatible development and use.

The critical infrastructure includes:

- West Wodonga WMF located at Old Barnawartha Road, West Wodonga
- Baranduda WMF located at Whytes Road, Baranduda
- Wodonga Potable Water Treatment Plant (PWTP) located at Anzac Parade, Wodonga.

(i) Expert evidence

Both submissions sought planning policy identification of their infrastructure facilities.

Expert evidence was provided by Andrew Clarke of Matrix Planning Pty Ltd in a combined report addressing the submissions of both NEW and Ileowl Pty Ltd. Mr Clarke notes:

... the changes sought were too detailed and in some cases unjustified.

The submitters have adopted the changes that Mr Clarke did consider justified as their revised position at the Hearing.

(ii) North East Water and Ileowl (Greenchip recycling)

NEW was established in July 1997 and is one of the larger regional Victorian water businesses.

NEW is responsible for the provision of essential services, including reticulated water supply (both rural water and town water supply) and sewerage services (sewerage agreements and trade waste).

Water corporations are constrained in relation to their ability to charge for services. Any capital works, which constitute a significant variation from the approved Water Plan must go back to the Essential Services Commission (ESC) for approval. Approval of the variation is at the discretion of the ESC. Any variation for capital works would require a comprehensive assessment identifying the necessity for the works and an explanation of why forward

estimates, modelling and predictions did not identify the capital works as part of the preceding price submission. A major upgrade or relocation of a wastewater management facility or potable water treatment plant would constitute a significant variation.

The main point of NEW's submission is the need to strengthen identification, recognition and protection of the West Wodonga WMF, Baranduda WMF and Wodonga PWTP. The protection is from encroachment of incompatible development and use. This is existing strategic planning policy at State and to a lesser extent local level.

Specific relevant policy

The following provisions of the Victoria Planning Provisions (VPP) are relevant to the protection of infrastructure and, it was submitted, must be considered in rewriting the local planning policies, which is the purpose of Amendment C123:

- Clause 10.02: adopts the objectives of planning in Victoria
- Clause 10.04: provides that conflicting objectives must be balanced in favour of net community benefit and sustainable development
- Clause 11: provides planning in relation to settlement is to prevent environmental problems created by siting incompatible land uses close together
- Clause 11.05-1: provides regional settlement networks including Wodonga as one of the major regional cities where urban growth should be directed
- Clause 11.10-4: provides 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
- Clause 11.10-4: avoid locating water treatment plants close to development nodes
- Clause 11.10-4: support provision of adequate facilities to manage regional solid waste, including resource recovery facilities
- Clause 13.04-2: ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses
- Clause 14.02-3: protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality
- Clause 17.02-1: provides that industrial development in urban growth areas should occur where appropriate buffers can be provided between the proposed industrial land and nearby sensitive land uses
- Clause 17.02-1: provides that industrial activity in industrial zones should be protected from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affected industry viability
- Clause 19.03-2: 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: encourage the re-use of wastewater, including urban runoff, treated sewerage, effluent and runoff from irrigated farmlands where appropriate
- Clause 19.03-5: ensure buffers for waste and resource recovery facilities are defined, protected and maintained.

The Hume Regional Growth Plan recognises:

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 and 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.¹

NEW submitted that important State government documents were not considered in preparation of the exhibited Amendment. These include:

- the relevant water plan: NEW's Water Plan 3
- Statewide Waste and Resource Recovery Infrastructure Plan Victoria 2015-2044 (Sustainability Victoria, 2015)
- Waste Management Plan – North East Victorian Regional Waste Management Group (approved by EPA, November 1999)
- North East Waste and Resource Recovery Plan – Consultation Draft (May 2016)
- Leneva-Baranduda Whole of Water Cycle Management Plan (2016)
- Baranduda Fields Reclaimed Water Irrigation Functional Design Report (2016).

The Wodonga PWTP services the entire municipality and broader region.

The West Wodonga WMF and Baranduda WMF operate in series (connected by trunk sewer) to service an equivalent population of 113,300. The equivalent population is projected to increase to 146,000 by 2045. The West Wodonga WMF is one of NEW's newer facilities and most significant assets. It is designed to service major trade waste customers within the municipality (Wodonga Rendering, VitaSoy, Mars) and the projected growth of new industries in the region.

The capacity of the Baranduda WMF and West Wodonga WMF is significantly influenced by major trade waste customers. Council's strategic plan for new 'wet' industries to be established in the Logic Industrial Estate will discharge trade waste to the West Wodonga WMF.

The Baranduda WMF is critical to servicing the projected urban population growth in the Leneva-Baranduda growth corridor. The Baranduda WMF will provide reclaimed water for irrigation purposes for the Baranduda Fields Sporting Complex and public open space network.

The existing LPPF, including Clause 21.12-03 identifies the West Wodonga WMF, the Baranduda WMF and the Wodonga PWTP.

Existing Clause 21.12-03 places emphasis on the importance of the West Wodonga WMF as the major plant.

The exhibited Amendment omits any reference whatsoever to:

¹ Hume Regional Growth Plan, p 70

- the Baranduda WMF and the important role it plays in managing peak volume to the West Wodonga WMF and population growth in the Leneva-Baranduda growth corridor; or
- the Wodonga PWTP which is the municipality's only drinking water source.

This omission is perpetuated in the Wodonga Growth Strategy adopted by Council in January 2016 (Growth Strategy). The Growth Strategy projects that Wodonga's population will double in the next 25 years. The Strategy fails to identify or recognise the importance of the West Wodonga WMF, Baranduda WMF or Wodonga PWTP in servicing and facilitating this growth.

Baranduda WMF provides critical pre-treatment and attenuation in managing peak flows and load to the West Wodonga WMF.

The West Wodonga WMF is an advanced biological nutrient removal, which requires constant volume and organic load to prevent upset conditions. Baranduda WMF is important in achieving constant volume and load at the West Wodonga WMF.

The Greenchip Recycling Facility is located adjacent to the Baranduda WMF, on land owned by NEW. The Greenchip Recycling Facility plays an important role in wastewater management for the municipality. The Greenchip Recycling Facility treats grease trap effluent and other liquid wastes predominantly from the commercial food sector and reduces the organic load and oils/fats content prior to discharging the residual effluent to trade waste (to the Baranduda WMF). Importantly, this reduces the odour potential of the trade waste and the potential for upset of the Baranduda WMF. These wastes are otherwise discharged to sewer or transported by tanker to the West Wodonga WMF or Baranduda WMF and discharged as trade waste.

It was submitted that, without the LPPF identifying, recognising and protecting these critical assets, there is no indication or signal to developers, which allows encroachment of sensitive or incompatible development and use.

This threat has been realised at the Baranduda WMF by:

- Amendment C49 rezoned 38 hectares of land from IN1Z (part of Baranduda Enterprise Park Industrial Area) to Urban Growth Zone (south west of Baranduda WMF)
- Amendment C54 rezoned 88 hectares of land for part of the Valley Views Estate to Low Density Residential Zone (south of Baranduda WMF)
- Amendment C69 rezoned 260 hectares of land for the Riverside Estate to Residential 1 Zone (north of Baranduda WMF)
- Amendment C86 rezoned land to for part of the Valley Views Estate to Low Density Residential Zone (south of Baranduda WMF)
- Amendment C117 rezoned 600 hectares of land for the Leneva-Baranduda Growth Area, including land adjacent to the Baranduda Enterprise Park Industrial Area to Urban Growth Zone (south west of Baranduda WMF).

The amendments for the Valley Views Estate to the south rezoned the land from Residential 1 Zone to the present Low Density Residential Zone. It was submitted that, while reducing the intensity of the residential development, the opportunity to identify, recognise and

protect the separation distance to the Baranduda WMF, Greenchip Recycling Facility and the Baranduda Enterprise Park Industrial Area was missed.

The majority of the land rezoned by Amendment C117 has now been rezoned to General Residential Zone 1.

It was submitted that the proposed redevelopment of the Wodonga saleyards and adjoining industrial land presents a further risk of encroachment of incompatible land uses to the Baranduda WMF.

The threat of encroachment of incompatible use on the West Wodonga WMF is also present, with NEW objecting to a proposal for two substantive convenience restaurants being developed within 400 metres of the West Wodonga WMF to the south. Subject to amended plans to the satisfaction of NEW, VicRoads, the Council and the Victorian Civil and Administrative Tribunal (VCAT), this matter has settled with the removal of the convenience restaurant use.

NEW has liaised with the Council to initiate a separate planning scheme amendment to introduce an Environmental Significance Overlay (ESO) for the West Wodonga WMF, Baranduda WMF and Wodonga PWTP in 2016. The Council is supportive of the initiative and has allocated an amendment number.

(iii) Council submission

Council submitted that it considers that this is policy neutral rewrite, however, it acknowledges that through a restructure of the MSS there will be *“of necessity be omissions and additions to policy as a result of the restructure”*.

The Council acknowledges that while individual words will change to bring the LPPF into alignment with state government practice notes, the intent is policy neutral.

It was submitted that the key differentiation between the Council’s omissions and additions resulting from the restructure, and those proposed by NEW and Ileowl is extensive public consultation. Amendment C123 was subject to a six week public exhibition period, whereas the proposed policy relating to buffers and encroachment on sensitive uses was not. In addition, approved Council strategies were also subject to a separate consultation process.

The Council thinks that changes should not be made which the community are not aware of or not had an opportunity to comment on.

Council did not agree with the expert evidence that the changes proposed by NEW are ‘uncontroversial’, that is, *“readily accepted as sensible or common sense”*.

The Council disagrees with a number of elements in this statement. It considered proposed changes are controversial as they may result in the restriction of development rights of landowners by providing a strategic basis to justify further strategic work. In essence, an additional ‘policy hook’ to support the proposed buffers sought by a future ESO.

Council questioned the need to replicate content in relation to buffers when they are already set out in multiple clauses of the SPPF. Such an approach is contrary to the objectives to streamline, simplify and update the LPPF.

The Council noted that buffers are not, as stated “clearly defined”. Odour modelling is complex and affected by various factors such as process, meteorological and topographic factors. The technical modelling which will provide the strategic justification for the proposed ESOs will clearly define the requisite buffers.

Council supported a separate planning scheme amendment to introduce such an overlay is the correct process to undertake to ensure fair and orderly planning. The introduction of an ESO would be accompanied by the requisite technical modelling, strategic justification and would allow all affected persons to be notified.

Council submitted that while the same issues apply in relation to odour impacts from wastewater and waste management facilities, the circumstances surrounding these facilities are vastly different. While NEW’s WMFs are essential infrastructure, Ileowl’s facility is a resource recovery and organic materials recycling facility. While the facility has positive impacts of reducing the volume of waste going to landfill, it does not provide municipal waste management services, and is not essential infrastructure. Characterising Ileowl’s policy proposals alongside NEW’s serves to leverage NEW’s role as an essential infrastructure provider. Further, while there is policy in the current LPPF in relation to NEW’s facilities, there is none for Ileowl’s facility, and Ileowl’s content fails the policy neutral test.

Council referred to ongoing complaints regarding odour impacts from the Whytes Road area that alleged Ileowl as the source over a number of years as evidence of the controversial nature of this issue.

3.2.2 Discussion

(i) Recognition of buffers in planning schemes

The use of the ESO as a buffer to protect sewerage ponds has been supported since at least 1997 when the Advisory Committee on the Victoria Planning Provisions (VPP) reported that:

The Committee considers that the ESO would be suitable for the purpose of protecting the type of major community infrastructure assets [being a sewerage pond] referred to by the Central Highlands Water Board

Recently, the EPA published its ‘Options Paper’ for Better Managing Encroachment (December 2015), which relevantly states:

The Environmental Significance Overlay is used to achieve two separate purposes in the planning system: protection of significant natural environments and protection from adverse amenity impacts... The ESO has been applied around a number of waste water treatment plans, including recently the Benalla waste water treatment facility.

It is clear to the Panel that protection of WMFs with an ESO is an appropriate use of the VPP and is supported by policy as a general proposition. The Panel notes this is proposed for the facilities.

The Panel accepts that determining a site specific buffer can raise a number of issues, not the least of which is whether the EPA default buffer distance is an acceptable methodology.

While the application of a buffer might be considered controversial by some members of the community, it is not really controversial from a state policy perspective. If anything practice at a local level is lagging clear State level policy directions.

What might be legitimately debated is the extent of a buffer for any particular facility; this might involve whether the default distances apply or whether a site specific approach is needed.

At the core of this issue is whether the facilities that require the buffers are a better long-term land use than the urban development that might occur if the use is relocated. For the NEW facilities this is not an issue; the facilities are vital urban infrastructure and need to be protected. Any proposal to move these facilities – if indeed such a move was even feasible – would require a high level policy decision.

The Panel does not accept the argument that waste processing and recovery infrastructure, in general, is not essential infrastructure, though to be fair, it is not clear whether Council was making a general point or a specific point about the Ileowl's facility. The Panel notes that the facility treats grease trap effluent and other liquid wastes predominantly from the commercial food sector and reduces the organic load and oils/fats content prior to discharging the residual effluent to trade waste to the Baranduda WMF. The Panel accepts that this reduces the odour potential of the trade waste and the potential for upset of the Baranduda WMF. In this regard it is an important component of the whole waste rearmament infrastructure. The facility also has positive impacts of reducing the volume of waste going to landfill.

The fact that the application of buffers is not 'uncontroversial' with the local community is more reason to give them recognition in the LPPF – the issue of encroachment will not go away simply by ignoring it because some members of the community may be upset.

It may well be that the Ileowl facility is not needed or that an assessment of net community benefit says the use should relocate, but this is a different issue to the application of appropriate buffers. It is not possible to make a decision about the future of the facility in the absence of a review of the Waste Management Plan and North East Waste and Resource Recovery Plan for the region. Unless these plans propose a relocation of the facility planning ought to get on with the job of properly identifying and protecting its buffers. Putting clear statements in the LPPF based on the SPPF is the first step; applying the ESO is the second.

(ii) Proposed changes

Mr Clarke detailed each component of the requested changes. He then provided his thoughts and recommendation in relation to each component. The changes he recommended were included as a tracked changes document at Attachment 2 to his report.

The Panel does not repeat Mr Clarke's commentary except where it leads to a specific recommendation for change.

Clause 21.02-4

NEW Submission: insert into the 'Wodonga Strategic Framework Plan' identification of the water and wastewater management facilities operated by NEW at East Wodonga, West Wodonga and Baranduda (whole of land holding).

This necessitates identification on the plan and an insertion into the legend – “Wastewater Management Facility” and “Water Treatment Facility”.

There is agreement between NEW and Council about this issue. Mr Clarke agrees with the Council response that these infrastructure assets should be shown on the plan. The plan is of sufficient scale to show their locations. The Panel supports Mr Clarke’s assessment.

Recommendation

The Panel recommends:

Amend Clause 21.02-4 to change the Wodonga Strategic Framework Plan to identify the two wastewater treatment sites and the potable water treatment site.

Clause 21.03-2

NEW Submission:

- Insert: Bullet point at ‘Key issues’:
Identification, preservation and protection of public utilities from encroachment of incompatible development and use allowing efficient use of existing utilities to support urban growth.
- Insert: Bullet point at ‘General’:
Ensure incompatible urban development and use does not encroach within the separation distance for the municipality’s water and wastewater management facilities.
- Amend: Bullet point at ‘Industrial’:
Provide a buffer around industrial land at Baranduda Enterprise Park (adjoining the Baranduda wastewater management facility) at Precinct Structure Plan stage to prevent encroachment from future sensitive incompatible development and uses.

In Mr Clarke’s view the reference to ‘environmental risks’ in the first dot point in Key Issues adequately addressed the issue of concern to NEW without specific reference to any particular facility; he noted that Environmental Risks under the SPPF specifically includes Air Quality (odours and noise).

On this basis there is no need to include the NEW additional General Strategy if the third ‘Residential Strategy’ is amended as Mr Clarke recommended:

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.

The Panel notes third Residential Strategy already makes reference to buffers around Killara township and Department of Defence land. As a matter of completeness it could also include reference to buffers around the wastewater treatment plants and the potable water treatment plant.

Mr Clarke felt that the NEW change sought to the Industrial Strategy is semantic. Both the exhibited expression and the suggested change by NEW were acceptable to him.

Recommendation

The Panel recommends:

Amend Clause 21.03-2 to replace the third Residential Strategy with:

- **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

NEW Submission:

- Insert after “Water Supply, sewerage and drainage”:

North East Water provides essential services of water and sewerage to the region, including the municipality. Within the municipality North East Water operates wastewater management facilities at West Wodonga and Baranduda and a water treatment facility at East Wodonga.

These facilities are necessary to facilitate urban growth of the municipality.

These facilities must be protected from encroachment of incompatible development and use.

- Delete text and insert after ‘Objective’:

To ensure the wastewater management facilities (West Wodonga and Baranduda) and the water treatment facility (East Wodonga) remain viable for the long-term provision of essential services (water and sewerage) to the municipality.

- Delete and insert after ‘Strategies’:

- *Apply the ESO to the land owned by North East Water forming part of the wastewater management facilities at West Wodonga and Baranduda and the separation distance surrounding those plants to prevent encroachment by incompatible development and use.*
- *Provide a separation distance around the water treatment facility owned by North East Water and located at East Wodonga from encroachment of incompatible development and use.*
- *Identify, recognise and protect North East Water’s water and wastewater management facilities in strategic plans and policies for the municipalities.*
- *Require all development and use within the separation distance of the wastewater management facilities (West Wodonga and Baranduda) to consider the impact on North East Water’s infrastructure and its future expansion”.*

Council’s response is generally supportive of the NEW submission, but provided alternative wording.

Clause 21.11 is the obvious location to deal with the wastewater treatment plant buffer issues. Provided clear and concise commentary and policy direction is provided, there is no necessity to repeat wastewater treatment issues elsewhere in the MSS to any great extent.

In Mr Clarke's view, the NEW submission requested changes were too detailed. The essential outcome sought is to protect the wastewater treatment plant from encroachment by sensitive uses. The Panel agrees with Mr Clarke that the requested changes were too detailed. The Panel considers that the changes proposed by Council were not detailed enough, and that there was an opportunity to give more local guidance along the line suggested by Mr Clarke. The Panel generally prefers Mr Clarke's proposed wording.

The Panel notes that Council is proposing to move the exhibited statements at Clause 21.11 to another section of the MSS where they are more relevant.

Recommendations

The Panel recommends:

Amend Clause 21.11-3 to:

Add the objective:

- ***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.***

Add under the new objective, the strategy:

- ***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.***

Replace the third dot point under Further Strategic Work with:

- ***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.***

Clause 21.11

Ileowl submission:

- Insert after Clause 21.11-4:

Waste and resource recovery

The organic waste processing facility at Baranduda provides the important service of organic resource recovery diverting waste from landfill and providing pre-treatment of grease trap effluent and liquid food waste prior to discharge to the adjoining Baranduda wastewater management facility.

This facility is necessary to implement the regional waste management plan and facilitate urban growth of the municipality.

This facility must be protected from encroachment of incompatible development and use.

Objective

To ensure the organic resource recovery facility at Baranduda remains viable for the long-term provision of waste and resource recovery services to the municipality.

Strategies

- *Apply the ESO to the organic resource recovery facility at Baranduda and the separation distance surrounding the plant to prevent encroachment by incompatible development and use.*
- *Provide a separation distance around the organic resource recovery facility at Baranduda from encroachment of incompatible development and use.*
- *Identify, recognise and protect the organic resource recovery facility at Baranduda in strategic plans and policies for the municipality.*
- *Require all development and use within the separation distance of the organic resource recovery facility at Baranduda to consider the impact on the facility's infrastructure and its future expansion.*

Reference documents

- *Regional waste management plan*
- *Hume Regional Growth Plan, 2014, Victorian Government.*
- *Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA, 1996)".*

Clause 21.11 is the obvious location to deal with the resource recovery buffer issues. Provided clear and concise commentary and policy direction is provided, there is no necessity to repeat resource recovery issues elsewhere in the MSS to any great extent.

In Mr Clarke's view, the Ileowl submission requested changes are too detailed. Council did not think that it was policy neutral. The essential outcome sought is to protect the resource recovery facilities from encroachment by sensitive uses.

In relation to the application of the ESO, the Panel understands that Ileowl has commissioned engineering analyses to define the extent of a proposed ESO around its resource and recovery facility. The work has defined the areal extent around the site but has not included a draft ESO schedule detailing how the control would operate. When this work is finalised Ileowl intends to request Council to prepare and exhibit a separate planning scheme amendment to include an ESO around the facility.

In relation to the proposed reference documents Mr Clarke felt:

- it is premature to reference the regional waste management plan
- the Hume Regional Growth Plan and the EPA Composting Guidelines are already referenced in the SPPF, so it is unnecessary to reference them again in the MSS.

The Panel agrees with Mr Clarke.

Recommendation

The Panel recommends (in addition to Council's proposed changes):

Add the following new Clause 21.11.4 after Clause 21.11-3:

Waste and resource recovery

Objective

To ensure that the organic waste processing facility at Baranduda is protected from encroachment by sensitive uses.

Strategies

Provide a buffer around the organic waste processing facility at Baranduda to minimise encroachment by sensitive land uses.

Further Strategic Work

- ***Investigate the application of the Environmental Significance Overlay to apply a buffer between sensitive uses and the Baranduda organic waste processing facility.***

Local area reference

Reference to industrial areas occurs at two places:

- Logic Wodonga is addressed in Clause 21.09-2 in the 'Economic development' clause
- West Wodonga Enterprise Park is addressed in Clause 21.13-3 in the 'Local areas' clause.

NEW's submission sought reference to the Baranduda industrial precinct in both Clauses 21.09 and 21.13.

NEW's submission for Clause 21.13 was:

- Insert after Clauses 21.13 in the list of local areas:

Baranduda industrial precinct

- ***Insert after Clause 21.13-5:***

Baranduda Industrial Precinct

The Baranduda industrial precinct accommodates significant food production, engineering, waste management and public utilities (adjoins the Baranduda wastewater management facility and includes the former saleyards site).

The Baranduda industrial precinct includes the land bounded by the Kiewa Valley Highway, Murray Valley Highway, Boyes Road and the eastern boundary of Baranduda wastewater management facility (excludes the Army Tank Facility).

Future industrial growth should be directed to the Baranduda industrial precinct.

Industrial development

Encouraging industrial development and investment in Baranduda industrial precinct.

Prevent encroachment of incompatible development and use.

Further strategic work

Apply industrial or commercial zones to the land surrounding the Baranduda industrial precinct providing a transition from industrial land with the potential to impact on amenity to incompatible urban development and use”.

Council Response

Nothing specific.

Discussion and Recommendation

The only industrial area mentioned in the exhibited MSS Clause 21.09 is Logic Wodonga and it is in this context that the NEW submission is made as the Baranduda site is in the Baranduda industrial precinct.

The Panel considers that these specifically local area policies should be presented in Clause 21.13 along with other local areas. This means moving some of the content that deals with Logic Wodonga to Clause 21.13. There may be a need to include a high level strategy about logic in 21.09, but the detailed guidance should be in Clause 21.13. The Panel thinks that a comprehensive local area section will provide a better structure going forward and avoid potential confusion to scheme users about where material on industrial precincts is located.

The Panel notes that the wording requested by NEW does not seem to follow the format of other local area. The Panel supports the inclusion of material on the Baranduda industrial precinct, but notes that it will need to be refined to fit the drafting conventions and content for Clause 21.13.

Recommendations

The Panel recommends:

- **Move the detailed material on the Logic Centre from Clause 21.09 to Clause 21.13.**
- **Amend Clause 21.13 to:**
 - Insert a new section dealing with the Baranduda industrial precinct, but drafted in a way that is consistent with the other local areas.**

4 Wodonga Central Business Area

4.1 External references in Clause 21.13-1

Amendment C123 introduces new policy for the CBA. A number of statements in the proposed Clause 21.13-1 make reference to external documents:

Local area implementation

Ensure that any proposed use or development within or around the Central Business Area is generally consistent with the Wodonga CBA Revitalisation Plan 2014-2034 and the Wodonga CBA Revitalisation Design Guide including the Central Business Area Framework Plan.

Traffic and transport

Implement the Central Business Area modal hierarchy identified in the Wodonga Integrated Transport Strategy 2015.

Urban design

Ensure development implements the principles of the Wodonga CBA Revitalisation Design Guide.

Central Place submitted:

The Wodonga CBA Revitalisation Plan expressly states that the CBA Design Guide is a companion document that will be referenced in the Wodonga Planning Scheme to provide the necessary statutory framework. Clearly the stated intent is to utilise the provisions in the Design Guide to regulate and prescriptively provide development design control.

The detail included in the Design Guide is highly prescriptive about form and location and specifies that road design prioritise pedestrians (p15-20). The Design Guide for example also specifies that "Proponents are to provide a design statement with their application describing how the design contributes to the creation of a unique identity for Wodonga's CBA" (p25). This is effectively prescribing the information required to be submitted with an application for permit which is usually something that might be in zone provisions and furthermore seeks to create another layer of prescriptive development control at a low level in the procedural hierarchy under the VPP system.

It is one thing to have a policy to create a point of difference. It is another thing altogether to express that policy in a prescriptive manner deep within a statutory reference document, particularly when the connection with the principle statutory provision is nebulous at best.

The Panel agree that it is inappropriate to give weight to the Design Guide. While there may not be the intent to use the Design Guide to regulate development and prescriptively provide development design control its reference in the MSS is problematic.

PPN4, Writing a Municipal Strategic Statement, says:

The documents that were used to strategically construct the objectives and strategies in the MSS should be referred to in the MSS preferably at the end of each theme or local area implementation.

A reference document merely points the reader to background or supporting information that will assist in understanding the basis for the MSS. It has no statutory status and is not a substitute for appropriate policy content in the scheme itself. Specific planning requirements should be extracted from a reference document and included in the scheme in an appropriate way.

PPN 13, Incorporated and Reference Documents, is clear that if a documents is to guide the exercise of discretion it should be incorporated.

Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. Reference documents only have a limited role in decision making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight.

Reference documents should only be relied on to provide background or explanatory material in support of the planning scheme. They should not be relied on as a de facto planning control that sits outside the planning scheme. They should not be 'called up' by particular strategies.

The ACZ requirements will be part of the scheme and the Design Guide should have the status of a background report.

Recommendation

The Panel recommends:

Amend Clause 21.13 to:

Delete in Clause 21.13-1:

- ***Ensure that any proposed use or development within or around the Central Business Area is generally consistent with the Wodonga Central Business Area Revitalisation Plan 2014-2034 and the Wodonga Central Business Area Revitalisation Design Guide including the Central Business Area Framework Plan.***
- ***Implement the Central Business Area modal hierarchy identified in the Wodonga Integrated Transport Strategy 2015.***
- ***Ensure development implements the principles of the Wodonga Central Business Area Revitalisation Design Guide.***

4.2 Use of the Activity Centre Zone

(i) Issues and submissions

It was submitted that the ACZ was not an appropriate tool for Wodonga and the Commercial 1 Zone was appropriate. It was submitted that the Commercial 1 Zone was more typical of regional activity centres.

The argument advanced against the ACZ was that in the case of Wodonga there is little development pressure and attempts to guide different types of development to different precincts might simply restrict development.

Council received a late submission from VicTrack on 24 June 2016 in relation to its land holdings adjoining Precinct 6). VicTrack intends to rezone part of its surplus railway land (currently PUZ4) before divestment, and to jointly divest this land parcel with the adjoining Department of Treasury and Finance land (currently C2Z) as a combined site.

As the land adjoins Precinct 6 of the proposed ACZ, VicTrack expressed its general support of the inclusion of the land into ACZ Precinct 6.

Given the late stage the submission was received, Council advised that no further negotiation had taken place.

(ii) Discussion

Planning Practice Note 56 Activity Centre Zone June 2015 says:

Where should the Activity Centre Zone be used?

The ACZ is a centre-wide tool developed specifically for application at activity centres and Metropolitan Activity Centres in metropolitan Melbourne.

It has also been developed for application at larger regional cities which demonstrate distinct 'CBD' type functions and have undertaken a structure planning process.

In very limited instances it may be considered for application at large Neighbourhood Centres.

The Panel agrees that there is a danger in the use of the ACZ that development opportunities and innovative approaches are stifled. This is as much about the content of a particular ACZ Schedule, as the application of the ACZ itself.

The advantage of the ACZ is that it can be written to be a flexible and strong tool for facilitating development in accordance with an overall vision. Investment decisions require confidence that policy outcomes will be achieved, and a zone such as the ACZ can help deliver that confidence. While the added 'restrictions' of the ACZ may seem like a hindrance to investment, over the longer term they could support development as investors have a clearer picture of how the whole CBA renewal project will play out and can make their plans accordingly.

The Panel is not sure that the application of the ACZ to such a significant town as Wodonga can be rejected on the basis that it is the wrong planning tool, when it is a tool intended for precisely larger scale activity centres.

The extension of the ACZ to cover the VicTrack land is appropriate given the location of the land.

(iii) Conclusion and recommendation

The Panel concludes the use of the ACZ is appropriate.

The Panel recommends:

Amend Activity Centre Zone Schedule 1 to:

Include both the VicTrack and the Department of Treasury and Finance land parcels in Precinct 6.

4.3 Precincts

(i) Issues and submissions

It was submitted that precincts could be merged to reduce complexity.

Concern was expressed that the Amendment did not recognise the role of the Weatherall Wodonga Hotels business, which is the largest pokies venue in the region.

The Ambulance Station located on South Street is proposed to be retained in a PUZ. It was submitted that in undertaking a strategic planning exercise of the nature proposed in Amendment C124, it would be anticipated that the longer term use and development of the site might have influence.

(ii) Discussion

It is not clear to the Panel that merging precincts is feasible, and it is not clear precisely what this would achieve. Land would still be covered by the ACZ and so from an applicant's point of view there would be no less 'red tape'. The precincts have come out of a wider strategic planning exercise and seem to reasonably capture the different components of the CBA.

An objective of the precinct the Weatherall's hotel is located in is:

To encourage a range of retail, office, hospitality and residential uses at upper levels where appropriate.

The Panel presumes that the reference to upper levels – objectives in other precincts have similar drafting – is only for the residential use and the objective should read:

To encourage a range of retail, office, hospitality uses and residential uses at upper levels where appropriate.

Apart from the need to clarify the drafting, the precinct clearly supports hospitality uses. The main concern of the submitter seems to be that the plans for the CBA call for a different form of development, characterised by a denser built form with upper level uses, than the low scale existing operation with its surrounding car parks. The Panel supports the long-

term vision for the CBA as a more urban area, and sees that vision as consistent with the broader policy aspirations as set out in the SPPF.

The Panel acknowledges that Ambulance Victoria preferred the Ambulance site to be retained in the PUZ. The rezoning of this land is not part of the Amendment, and the land by the nature of its use is has a different range of issues to land that is being rezoned. The Panel does not see that need to rezone this land, but notes including it in the Amendment would require further notice and opportunities for submission.

(iii) Recommendation

The Panel recommends:

Amend Activity Centre Zone Schedule 1 to:

Correct the drafting so it is clear in the various references in objectives that ‘at upper levels’ refers to residential uses only.

4.4 Table of uses

(i) Evidence and Submissions

A number of submissions expressed concerns that the ACZ directed uses to particular areas in an overly prescriptive manner.

Central Place submitted:

An example being the policy statement at 3.1.1 of the Wodonga CBA Policy Framework Plan 2015 which states “Retail use and development in Wodonga CBA will be expanded and diversified as a means of improving the choice, range and diversity of offer to the CBA catchment”. However the more prescriptive components of the ACZ and reference documents seek to direct where retail can locate in the inner CBA areas.

Mr Milner in his evidence responded to the issue of overly prescriptive location of uses and recommended:

No change or further action is necessary. However if the view was formed that the conditions on land uses in certain precepts in the Table of Uses to the Activity Centre Zone was too prescriptive, the multiple references to ‘must’ might be changed to ‘should’.

Council advised that it proposed to list industry as a Section 2 use with the condition that it “not be an industry listed in Clause 52.10”. This is how the Commercial 1 Zone is configured.

(ii) Discussion

At the Hearing the concept for Junction Place was elaborated as a ‘market’ with the potential for a wide range of business, including the potential for local craft businesses or the like. It is not the role of the Panel to decide whether this concept is appropriate or not, but the Panel notes there are similar successful versions of this concept in a number of cities around the world.

It is a feature of the ACZ that it allows for specific precinct-by-precinct control of uses. The Panel agrees that this feature can be overused, resulting in unnecessary controls.

If the conditions next to a use in Section 2 of the land use table are not met, the use is prohibited. The Panel is concerned that a number of these conditions will work against the very sort of uses and development that might be appropriate.

It is not possible, given the way the table of uses is constructed, to substitute 'should' for 'must', as Mr Milner suggested, and still have a workable control. The relevant VPP Clause state:

31.01 Section 1 Uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met.

If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

31.02 Section 2 Uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

The operation of the zone would become uncertain if the conditions in the table of uses were drafted as discretionary requirements.

The revitalisation of Wodonga presents a clear range of challenges, one of which is to find a compelling reason to visit the site when other locations are already established as shopping destinations. The market concept is a potential point of difference and care needs to be taken that potential uses in this precinct are not inadvertently ruled out. If the market wants to include local arts and craft production, a number of these uses may be prohibited based on the current drafting (and the drafting and the current CDZ).

The exhibited Amendment proposes to list Industry as a Section 2 use with the condition "must not be an industry listed in Clause 52.10". Understanding the practical effect of this requires a careful review of Clause 52.10.

Clause 52.10 lists a wide variety of uses, many of which at a small scale might fit very well into the market concept proposed. The issue is that the listing in Clause 52.10 does not depend on the scale or size of the operation, but the nature of the use.

Industries listed in 52.10 include:

- 'Works producing iron or steel products' or 'Fabricated Metal Products' this would include a 'smithy' as part of any market proposal
- a range of food or beverage production that would capture even small bespoke operations, including, say, a micro-brewery
- 'Leather and artificial leather goods production', which might be appropriate in a proposed market – someone making hand tooled leather goods would be prohibited
- 'Paper production', which would rule out a small craft paper production
- 'Joinery'.

Agriculture is listed as a Section 3 prohibited use in certain precincts. This would include a roof top garden or green roof growing local produce for a restaurant or cafe. It would also prohibit a community garden.

Precinct 5 includes The Cube Wodonga's state-of-the-art entertainment centre. In Precinct 5 the objectives include:

- *To create a major community and cultural based focus at the southern end of The Heart (Precinct 2) and the intersection of High Street and Hovell Street.*
- *To encourage a range of office, administration, education, community and cultural uses with scope for cafes and restaurants.*

The table of uses as proposed in the amended ACZ would prohibit a nightclub which is defined as:

Nightclub: A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming. It includes a Cabaret.

The policy basis for prohibiting which includes a cabaret (or a Tavern, which is separately prohibited) in a cultural area with the main performance space is not clear.

These sorts of issues lead the Panel to conclude that the ACZ should be redrafted to ensure prohibited uses, including those listed in Section 3, or in Section 2 with a condition that might not be met, are kept to the absolute minimum.

(iii) Recommendation

The Panel recommends

Amend Activity Centre Zone Schedule 1 to:

Revise the Table of Uses to:

- **remove Section 2 conditions against Industry**
- **remove Section 2 restrictions on cultural and entertainment uses in Precinct 5**
- **ensure all Section 2 conditions have a clear policy basis**
- **limit prohibited uses in Section 3 to Brothel, Corrective institution, Intensive animal husbandry, Major sports and recreation facility and Motor racing track.**

4.5 Consistency with Junction Place Plans

(i) Issue and submissions

Central Place Pty Ltd has a signed Development Agreement with Places Victoria which is responsible for redevelopment of the former railway land in the old railway station precinct of Wodonga.

The Panel was advised that the signed Development Agreement is a binding contract for development of the Places Victoria owned land areas outlined in red below.

Figure 3 Area of Development Agreement



The Development Agreement provides that the development will be undertaken in accord with the project proposal accepted by Places Victoria subsequent to the formal project selection process:

Furthermore the development accepted under the Places Victoria agreement would see buildings both on Elgin Boulevard and possibly on Smythe Street that exceed the height limitations.

Places Victoria submitted made a number of detailed submission about specific wording issues, as well as general submissions about consistency with the Development Agreement.

(ii) Discussion

It is not clear to the Panel precisely what elements of the proposal envisaged under the Development Agreement could not be progressed under the Amendment.

Until a specific example of a building is presented, it is difficult to tell if it would be acceptable or not. Nonetheless it would be prudent to review the height controls in the relevant precinct based on the Development Agreement to ensure appropriate development is not hindered.

(iii) Recommendation

The Panel recommends:

Amend Activity Centre Zone Schedule 1 to:

Review the height controls in Precinct 1 based on the Development Agreement to ensure appropriate development is not hindered.

4.6 Are the controls too prescriptive?

4.6.1 General issues

(i) Issue and submissions

A number of submissions expressed concerns about the prescriptive nature of the controls and their impact on investment. Central Place provided a good overview of the concerns:

We are reluctant to venture into the detail of the planning scheme provisions proposed to be included, deleted or changed under Amendment C124 as to do so risks diluting the effect and distracting attention from the principle objection to the Amendment.

It is our submission that although we would be reasonably supportive of the highest order strategic objectives espoused by Council in respect to the broader CBA growth and redevelopment it is from the next structural level down that we say the Council has lost its way. It is our submission that much of the structural approach contained in the ACZ as being applied under C124 and much of the detail and lower order prescriptive provisions are counterproductive to actually facilitating and achieving the higher order strategic objectives.

The redevelopment of the Wodonga CBA is much more than a simple academic or regulatory town planning exercise. It is not something that can be facilitated by pretty drawings and wish lists of land uses and building facades but is something that must be underpinned by comprehensive economic development planning derived from the real world of central activity centre economics and dynamics in a regional city context and, in this case, with recognition that the context is further complicated by the specifics of proximity to Albury and the history of planning and development decision making over at least the past 20 years and probably back to the 1970s [Albury Wodonga Development Authority] AWDC era.

Having said the above we applaud the Council for having recognised that the Wodonga central area is in need of substantive regeneration and revitalisation however the approach and mechanisms employed to achieve the regeneration in our submission fail to deal with the vital components.

There are reasons why the central area of Wodonga has not been the focus of commercial activity growth and development generally over the past 20 or so years and prescriptive planning controls applied as a generally academic regulatory town planning exercise in isolation of the economics and other

factors are not the answer and will continue to drag down the growth potential.

(ii) Discussion

The Panel is not sure precisely what the “real world of central activity centre economics and dynamics in a regional city context” is meant to refer to. Fundamentally it seems to be an argument that the visions presented in the strategic planning documents cannot be achieved in Wodonga, though they may be able to be achieved in other parts of Victoria.

In terms of the controls that apply across other areas of Victoria, the controls are not unusual or overly prescriptive. Reference to “activity centre economics and dynamics in a regional city context” seem to be an argument that the innovations that have been witnessed in capital cities and large regional centres in Australia (and in other countries) somehow do not apply to Wodonga. The Panel does not accept this. No evidence was presented that Wodonga is unique in the issues it faces or that its residents have fundamentally different aspirations to the rest of Australia.

There is a clear need to revitalise and redevelop the CBA. The fundamental issue is whether this is better achieved by the proposed controls or by, say, a Commercial 1 Zone without any built form controls.

There is strong policy support for structure planning. Council has undertaken that structure planning process and expressed this in the ACZ. The only parts of the ACZ that apply a mandatory control is the land use table; other aspects of the control are discretionary.

The Panel has carefully reviewed the proposed provisions and can find nothing unusual in them; they cover off a range of issues and design approaches typically found in controls of this nature and design guidelines. Most of the requirements are simple statements of what in most places is simply considered to be good design.

Well-designed buildings that are aimed at helping achieve the overall vision for the CBA should have little difficulty in meeting these requirements. What the requirements will do is ensure a level playing field so that developers who do invest in good design do not have that investment undermined by poor quality adjacent development.

4.6.2 Preferred heights

(i) Submission

Concerns were raised about the use of ‘preferred heights’ in the ACZ:

Clause 5.1-3 of the Schedule to the ACZ establishes ‘Precinct requirements’ and provides ‘preferred’ minimum and maximum building heights and street setbacks. There are two concerns in relation to this Clause. Firstly to use the word ‘requirement’ and then to describe the requirement as ‘preferred’ is ambiguous and misleading and rather poor statutory drafting (even if it is a mandatory standard format).

The second point is that there does not seem to be a reasonable connection between the ‘Precinct requirement’ heights and policy objectives. It seems that the numbers have randomly been derived and are not particularly

reflective of the principle objectives associated with development of a higher density well-designed urban form.

(ii) Discussion

The criticism of the language is simply a misunderstanding of how schedules are drafted; there is nothing unusual about requirements that specify preferred heights. This is a typical form of expression in DDOs.

The genesis of the heights can be found in the background material, and the heights appear reasonable given the pattern of development to date.

The heights are expressed in metres and this gives an impression that the height is more precise than is justified.

There is considerable debate about whether heights should be expressed in metres or storeys. Part of the debate stems from the fact that a different floor to ceiling height might be appropriate in different circumstances, depending on the use of the building. One danger of specifying a height limit in metres without a specified number of storeys is that, if the controls allow for a sufficiently generous floor to ceiling height, then a four-storey development can be squeezed into the height anticipated for a three storey development – often with poor results. The Panel for Melbourne C20 discussed the result of a control expressed in metres on a building in Rathdowne Street, Carlton²:

The resulting design however, is so pedestrian as to diminish the quality of the existing streetscape and destroy the potential for pleasure in the view from Macarthur Place. The meanness of the floor to floor height was no doubt made necessary by the need to squeeze three storeys into the front of the site whilst still complying with the height limitation. Coupled with a lowering of part of the ground floor below road level, giving the impression that the building is sinking, the result is a building which in no way relates either to the well-articulated church facade to the north, nor to the dimensions of the Victorian terraces to the south, where the third floor roof barely reaches the first floor verandah guttering.

Where this kind of development is a concern, a control over the number of storeys is be appropriate. The Panel for Amendment C190 to the Melbourne Planning Scheme also discussed the issues of whether control should be expressed in metres or storeys.³:

... Where protection of views or the creation of a consistent built edge is required then specification in metres is appropriate. When the issue is one of pedestrian-friendliness or maintaining low scale development, then perhaps specification in storeys is appropriate. In some cases, it may be necessary to specify both.

² Panel Report for Melbourne C20 page 101

³ Panel Report for Melbourne C190 page 38

The use of storeys to give the community and designers a visual impression of the height of development that is promoted in each sub-precinct is appropriate.

These height levels are proposed based on character and broad strategic issues, as opposed, to say, the Shrine vista controls that are set on a more precise basis of a view line. Given that the controls are aimed primarily at achieving a character outcome we believe the controls could be expressed in storeys.

The height controls have been developed based on an idea of allowing for a development of a particular number of storeys. The controls would be more transparent if the height limit was expressed in storeys.

Recommendation

The Panel recommends:

Amend Activity Centre Zone Schedule 1 to:

Express the preferred heights in storeys.

4.7 Preference for pedestrians and bicycles

Submissions were made that the priority should not be given to pedestrians and that this would undermine the economic development of the centre. Concern was also expressed about requirements to have parking at the rear of developments.

Places Victoria were also concerned about the indicative location of a bike path.

Recent street works have created attractive streets with a high-quality public realm. There is a clear vision, usefully illustrated in the Design Guide. Wodonga is unique in having large tracks of vacant central city land. If central Wodonga is to truly function as a regional city, it is important that this land be developed as a 'town centre' and not as a series of isolated buildings surrounded by car parking.

The Panel does not share Places Victoria concerns about the location of the bike path. As Wodonga develops and as the plans for Junction Place are developed, this level of design detail can be resolved.

The Panel has had difficulty understanding how the pedestrian connections shown in the ACZ relate from precinct to precinct – the links do not seem to line up – and Council may wish to review these.

The Panel concludes:

- the emphasis on pedestrians is appropriate
- there is no need to change the indicative location of the bike path.

4.7.1 Residential density

The ACZ and the reference documents prescribe preferred residential dwelling densities that generally refer to medium density housing rather than higher density inner urban area housing. Clause 4.1 of the Schedule to the ACZ prescribes that "*Medium density residential development is encouraged at a rate of approximately 30 to 40 dwellings per hectare*".

The Panel was told that the Central Place development proposal includes two components of residential development at inner urban higher densities considerably higher than the preferred 30 to 40 dwellings per hectare.

The proposal includes four-storey blocks of townhouses on South Street comprising in the order of 150 dwellings. The proposal also includes two blocks of apartments on Smythe Street which may be up to six storeys.

These would not be subject to density controls under the current CDZ. However, more relevantly, these controls are inconsistent with the higher order objectives found at Clause 2 of The Schedule to the ACZ that seeks to “...develop a higher density principal activity centre”.

Amendment C123 has the strategy:

21.13-1 Central Business Area

Encourage a minimum density for residential development in the Central Business Area of 30 to 40 dwellings per hectare.

The Panel considers that setting a minimum density had the benefit of communicating expectations, but if a proposal is delivering a higher density this higher density would be of benefit to the CBA as it would support retail and entertainment activity.

Recommendation

The Panel recommends:

Amend Activity Centre Zone Schedule 1 to:

Change the requirement at Clause 4.1 to read:

- *Medium density residential development is encouraged at a minimum density of approximately 30 to 40 dwellings per hectare.*

4.8 Access to Elgin Boulevard

(i) Issue and submissions

Concern was expressed about a perceived mismatch between controls over access to Elgin Boulevard and the policy intent of the controls.

Clause 4.3 of the Schedule to the ACZ refers to buildings and works and amongst other things provides that no permit is required to “Create or alter an access to Elgin Boulevard if the works are authorised by the relevant road authority”. This only requires the “works” to be authorised and has no reference to the suitability of establishing an access.

It was submitted:

In this situation it is normal for Council management procedures under the Road Management Act or under a local law to apply in regard to approval of a driveway crossover works and generally councils have a set of standard drawings which meet the works requirements and are usually automatically approved by Council engineers. Therefore if the Council engineers receive an application with the standard drawing compliant with Road Management Act

or local law provisions then approval will usually follow which effectively means access in Elgin Boulevard could potentially be obtained at numerous points so long as the 'works' conformed to the engineering design standards.

Clause 4.4 however, under the 'Access and car parking' heading provides that development should "Avoid vehicular access to High Street and Elgin Boulevard, including car parking entrances and crossover to the footpaths along major shopping strips".

A planning permit for road works, which includes access points within the road reserve, is not needed under the exemptions of Clause 62.02-2 unless specifically required elsewhere in the planning scheme. The provisions under Am C124 do not appear to meet the specific statutory requirements triggering the need for a planning permit, yet the policy seems to seek to limit access to Elgin Boulevard.

(ii) Discussion and recommendation

The Panel agrees there appears to a mismatch between seeking to limit access as an urban design strategy and the drafting of the control which seems to be focussed solely on engineering issues.

Amend Activity Centre Zone Schedule 1 to:

Review the permit triggers and exemptions for access to Elgin Boulevard to ensure a planning permit is required for additional access points.

4.9 Active frontage

(i) Submissions

The Schedule to the ACZ at Clause 5.1-4 provides that shops or specialty retail along Elgin Boulevard should not exceed a maximum frontage width of 10 metres and have 85 per cent of the frontage glazed.

Other controls seek to limit the ground floor frontage of non-retail uses.

It was submitted that establishing a frontage width control is over prescriptive and will place considerable economic pressure on the development viability. It submitted that it is critical that there be an ability for a mix of frontages to accommodate a wider variety of uses and business needs and importantly design needs to be able to incorporate flexibility so that the tenancy mix can change with changing circumstances. Furthermore this requirement is not consistent with the proposal accepted under the Development Agreement.

Council is no longer pursuing the 10 metre frontage requirement.

(ii) Discussion and conclusion

The use of a control to specify the amount of shop front glazing is not unusual. The Panel agrees that these types of controls do not always yield an immediate active frontage, but observes that where they have been applied they preserve opportunities for active frontages that become more viable as the area develops.

Again the Panel sees benefit in Council communicating its vision so that development can proceed with greater confidence about what is intended for a particular street.