

Planning and Environment Act 1987

Panel Report

Wangaratta Planning Scheme Amendment C76

Wangaratta Industrial Land Use Strategy

2 April 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning, a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Wangaratta Planning Scheme Amendment C76

Wangaratta Industrial Land Use Strategy

2 April 2020



Con Tsotsoros, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
C2Z	Commercial 2 Zone
Council	Rural City of Wangaratta Council
EPA	Environment Protection Authority
EPA Publication 1518	<i>Recommended separation guideline distances for industrial residual air emissions</i> , Publication 1518, EPA March 2013
GOTAFE	Goulburn Ovens Institute of TAFE
IN1Z	Industrial 1 Zone
IN2Z	Industrial 2 Zone
Industrial Strategy	Wangaratta Industrial Land Use Strategy 2017
North East CMA	North East Catchment Management Authority
PCRZ	Public Conservation and Recreation Zone
Planning Scheme	Wangaratta Planning Scheme
Practitioner's Guide	A Practitioner's Guide to Victorian Planning Schemes, Version 1.3, January 2020
PUZ	Public Use Zone

Note: Any number shown after a zone or overlay in this report refers to a schedule number. For the PUZ, it refers to a land use type code.

Overview

Amendment summary	
The Amendment	Wangaratta Planning Scheme Amendment C76
Common name	Wangaratta Industrial Land Use Strategy
Brief description	Seeks to implement the Wangaratta Industrial Land Use Strategy 2017 by rezoning land, applying and amending zone and overlay schedules and by amending the Planning Policy Framework
Subject land	Applies to all Industrial 1 Zone land, and selected Commercial 2 Zone land and public owned land in the urban area of the Wangaratta Rural City
Planning Authority	Rural City of Wangaratta Council
Authorisation	23 August 2018
Exhibition	18 April to 27 May 2019
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Michael Porter and Amanda Keane 2. Ray Stamp 3. Michael Dal Zotto 4. Rhonda Diffey 5. GWCW Investments Pty Ltd 6. Max Crosher 7. Jeffrey Kyne 8. Goulburn Ovens Institute of TAFE 9. North East Water 10. North East Catchment Management Authority 11. Department of Transport

Panel process

The Panel	Con Tsotsoros
Directions Hearing	Wangaratta Government Centre, 4 February 2020
Panel Hearing	Wangaratta Government Centre, 10 March 2020
Site inspections	Unaccompanied, 4 February 2020
Appearances	<ul style="list-style-type: none">- Rural City of Wangaratta Council represented by David Hunter of Habitat Planning- Rhonda Diffey
Citation	Wangaratta PSA C76 [2020] PPV
Date of this Report	2 April 2020

Executive summary

The Rural City of Wangaratta is located in the Hume region and its municipal population is estimated to increase from 29,090 to 32,160 between 2018 and 2036.

The Hume Regional Growth Plan designates Wangaratta as one of the region's three regional cities in a medium to high growth location and one of the region's key urban employment locations. Wangaratta is strategically located in the Hume Region to capitalise on:

- access to nationally significant interstate road and rail transport routes and airports that support regional connectivity and provide access to markets
- a diverse economic base built on manufacturing, agriculture and food processing, health and human services and facilities, defence, tourism, retail, freight and logistics industries.

The Wangaratta Industrial Land Use Strategy 2017 (Industrial Strategy) was completed in December 2017 to focus on industrial and large scale commercial development in Wangaratta's industrial areas and selected commercial areas. It seeks to accommodate diverse businesses that can co-exist harmoniously and to only consider sensitive uses that can prove they will not be negatively impacted. To achieve its vision, the Industrial Strategy sets out themes, objectives and strategies which are instilled in strategic directions plans for the South Wangaratta and North Wangaratta industrial areas.

Council subsequently prepared Wangaratta Planning Scheme Amendment C76 (the Amendment) to implement the Industrial Strategy. The Amendment proposes to rezone land, apply and amend zone and overlay schedules and amend the Planning Policy Framework. It affects all Industrial 1 Zone land, selected Commercial 2 Zoned land and public owned land in the urban area of the Wangaratta Rural City – particularly the North Wangaratta and South Wangaratta industrial areas.

Key changes include:

- new strategic guidance through Clause 21.11, including strategic and indicative buffers, for the North Wangaratta and South Wangaratta Industrial areas
- rezoning land to align with the intent sought through the Industrial Study
- applying new Design and Development Overlay Schedules 4 and 5 to guide future built form on Commercial 1 and industrial zone land with main road frontage respectively
- applying the Environmental Audit Overlay to 12-14 Tone Road, Wangaratta.

The Amendment was exhibited from 18 April to 27 May 2019 and received 11 submissions. Issues raised in submissions include the appropriateness of the proposed South Wangaratta strategic buffer, how the buffers should be measured, rezoning, property value, and drafting related matters. The Hearing, comprising Council and one party, was held in Wangaratta on 10 March 2020. The Panel considered issues raised in submissions and presented at the Hearing and makes the following findings.

Strategic justification

There is a clear strategic thread between the existing Planning Policy Framework of the Planning Scheme, the Industrial Strategy and changes proposed to the Wangaratta Planning

Scheme. The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework. It is consistent with the relevant Ministerial Directions and Practice Notes, is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions.

Panel response to issues

South Wangaratta industrial area

The Mackay Casings and the Wangaratta saleyards buffers align with EPA Publication 1518 and are strategically justified. Clause 21.11 would benefit from changes which clarify Strategy 1.3 and the extent of the strategic buffer. Council's revised South Wangaratta industrial area strategic buffers map better represents the extent and intent of the buffers, however Council should consider whether any further notice of the revised map is needed.

North Wangaratta industrial area

The buffer areas proposed for the North Wangaratta industrial area through Clause 21.11 are appropriate and justified and should not be extended to include more land. They can be sufficiently managed through this clause, when assessing a permit application, without the need for a planning scheme overlay. There is insufficient strategic justification to rezone most of the North Wangaratta industrial area to Industrial 2 Zone.

It is justified and appropriate to rezone Council-owned land between Detour Road and Bourke Road from Public Use Zone 1 to Industrial 1 Zone.

Property value and financial impact

Any economic effects associated with the Amendment should be considered at the broader community (not individual) scale. At the broader scale, the net community benefit of ensuring available industrial land with buffers outweighs any potential individual financial impact.

Drafting matters

The Wangaratta Urban Waterways Flood Investigation, 2017 should not be referenced in the Planning Scheme through the Amendment.

There is no apparent inconsistency between terminology proposed through the Amendment and *Delivering the Goods – Victorian Freight Plan*, July 2018.

The Amendment would benefit from drafting changes that improve the clarity and operation of Clauses 21.08 and 21.11. The Industrial Strategy would benefit from similar changes.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Wangaratta Planning Scheme Amendment C76 be adopted as exhibited subject to the following:

- 1. Amend Clause 21.08, as shown in Appendix C1, to:**
 - a) append 'industrial area' to the 'South Wangaratta' and 'North Wangaratta' headings in 21.08-2**
 - b) replace references to an 'industrial precinct' with 'industrial area' to make them consistent with other policy references.**

2. Amend Clause 21.11, as shown in Appendix C2, to:
 - a) merge strategies 1.2 and 1.3 at 21.11-3 to:
Protect the operation of McKay Casings and the Wangaratta saleyards by requesting that a permit application or planning scheme amendment proposing to introduce or intensify a sensitive use on land in a strategic buffer identified in Figure 8 include an odour assessment which demonstrates the buffer can be satisfactorily reduced.
 - b) revise Figure 8 (South Wangaratta Strategic Directions Plan) to:
 - show the full extent of the proposed strategic buffer
 - measure the strategic buffer from the boundary of MacKay Casings and the operational area of the Wangaratta saleyards.
 - c) replace references to an 'industrial precinct' with 'industrial area' to make them consistent with other policy references.

The Panel further recommends:

4. Amend the Wangaratta Industrial Land Use Strategy 2017 to refer consistently to the 'South Wangaratta Industrial area' and 'North Wangaratta Industrial area'.

1 Introduction

1.1 The Amendment

The Amendment seeks to implement the Wangaratta Industrial Land Use Strategy 2017 (Industrial Strategy) by rezoning land, applying and amending zone and overlay schedules and by amending the Planning Policy Framework. Specifically, the Amendment proposes to:

Planning Policy Framework

- change Clause 21.03 (Environment and landscape values) to add a new strategy, guidelines and strategic work action regarding buffers and reserves along rivers
- change Clause 21.08 (Economic development) to introduce vision statements, objectives and strategic work action, consistent with the Industrial Strategy
- change Clause 21.11 (Local areas) to introduce context and issues, objectives, strategies and strategic work actions, consistent with the Industrial Strategy
- change Clause 21.12 to reference the Industrial Strategy
- introduce a new Clause 22.09 (Industrial and commercial development).

Zones

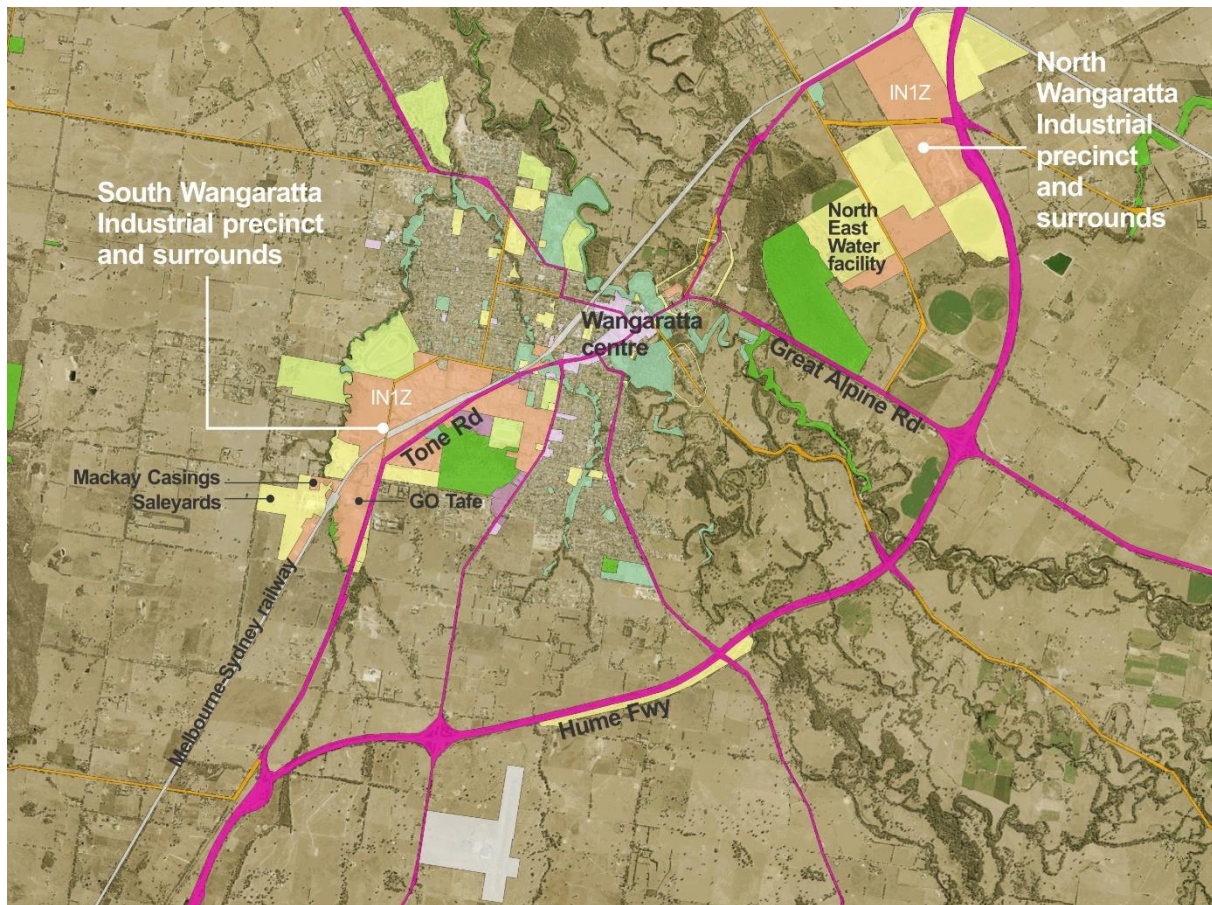
- introduce the Industrial 3 Zone into the Planning Scheme
- change Special Use Zone Schedule 6 to change prohibited uses from 'Any use not in Sections 1 or 2' to a specified list
- rezone land bounded by Detour and Bourke Roads, North Wangaratta from Public Use Zone 1 (PUZ1) to Industrial 1 Zone (IN1Z)
- rezone land occupied by North East Water at Klemm Road, North Wangaratta and Anker Road, North Wangaratta from IN1Z and Farming Zone to PUZ1
- rezone land at 9, 11 and 13A Ashmore Street, Wangaratta and 1, 3 and 7-9 Bickerton Street, Wangaratta from IN1Z to Industrial 3 Zone
- rezone 118 Greta Road, Wangaratta from Public Use Zone 7 to IN1Z
- rezone 2-24 Tone Road, Wangaratta from IN1Z to Commercial 2 Zone (C2Z), and correct an anomalous zone boundary between the Public Purpose and Recreation Zone and the proposed C2Z
- rezone selected land on the southern side of Tone Road and known as 15, 29 43, 45 93 Tone Road, Wangaratta from Industrial 1 Zone to C2Z
- rezone 28-30 Roy Street East, Wangaratta from IN1Z to Industrial 3 Zone
- rezone part of 218 Tone Road, Wangaratta (Eastern portion of lot, for the Goulburn Ovens TAFE) from IN1Z to Public Use Zone 2 (Education)
- rezone part of land bounded by Shanley Street and Reith Road, South Wangaratta and adjoining the Wangaratta Livestock Exchange, part of the land bounded by Gravel Pit Road and Reith Road, South Wangaratta and adjoining the Wangaratta Livestock Exchange from Farming Zone to Public Use Zone 6 (PUZ6) (Council owned land comprised of paddocks used with the livestock exchange)
- rezone Part of land at 79 Shanley Street, South Wangaratta from PUZ6 to IN1Z
- rezone North East Water land at Sandford Road, Wangaratta and adjoining from IN1Z to PUZ1

- rezone selected land on the southern side of Tone Road and known as 105-125 Tone Road, Wangaratta from IN1Z to C2Z (including the adjacent slip road)
- rezone Crown Land fronting Greta Road (Part of the Wangaratta Common), Wangaratta South from C2Z to Public Conservation and Resource Zone (PCRZ)
- rezone land comprising the municipal reserve along the creek, which bisects 218 Tone Road, Wangaratta from IN1Z and Farming Zone to PCRZ
- rezone the Three Mile Creek Reserve between Racecourse Road and Shanley Street from IN1Z, PUZ6 and Farming Zone to PCRZ.

Overlays

- introduce Design and Development Overlay Schedule 4 (Commercial 2 Zoned Land with Main Road frontage) to the Planning Scheme and apply it to C2Z land with main road frontage:
 - along either side of Tone Road, between the intersection of Tone Road and Greta Road and past the intersection of Mason Street and Tone Road
 - along either side of Greta Road, between the intersection of Vincent and Tone Roads and past the intersection of Joyce Way and Tone Road
- introduce Design and Development Overlay Schedule 5 (Industrial Zoned Land with Main Road frontage) to the Planning Scheme and apply it to industrial zoned land with main road frontage:
 - along either side of Tone Road, between the intersection of Tone Road and Greta Road and past the intersection of Mason Street and Tone Road
 - along the western side of Greta Road, between the intersection of Vincent and Tone Roads and past the intersection of Joyce Way and Tone Road
- change Development Plan Overlay Schedule 3 (South Wangaratta Civic Precinct) to align it with Ministerial Direction 7(5)
- apply the Environmental Audit Overlay to 12-14 Tone Road, Wangaratta.

The Amendment applies to all IN1Z land and selected C2Z land and public owned land in the urban area of the Wangaratta City shown in Figure 1.

Figure 1 Subject land and surrounds

Source: <https://mapshare.vic.gov.au/vicplan/> and Planning Panels Victoria

1.2 Background

March 2017	Industrial Strategy process commenced
April - May 2017	Key stakeholder consultation
21 July - 18 August 2017	Community consultation
17 October 2017	Council considered six community submissions and resolved to request authorisation from the Minister for Planning to exhibit a planning scheme amendment to implement the Industrial Strategy
23 August 2018	DELWP, under delegation from the Minister for Planning, authorised the Amendment
18 April - 27 May 2019	The Amendment was exhibited
19 November 2019	At its meeting, Council considered 11 submissions and resolved to request the Minister for Planning to appoint a Panel to consider unresolved submissions

1.3 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- South Wangaratta industrial area
- North Wangaratta industrial area
- Other issues
 - Property value and financial impact
 - Drafting matters.

2 Planning context

2.1 Planning policy framework

The Planning Policy Framework clauses in Table 1 are relevant to the Amendment.

Table 1 Planning Policy Framework clauses

State

Clauses

12 Environmental risks and amenity

12.03 Water bodies and wetlands

► 12.03-1S River corridors, waterways, lakes and wetlands

Objective: To protect and enhance river corridors, waterways, lakes and wetlands.

Strategies: Protect the environmental, cultural and landscape values of all water bodies and wetlands. Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.

13 Environmental risks and amenity

13.05 Noise

► 13.05-1S Noise abatement

Objective: To assist the control of noise effects on sensitive land uses.

Strategy: Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.06 Air quality

► 13.06-1S Air quality management

Objective: To assist the protection and improvement of air quality.

Strategy: Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

13.07 Amenity and safety

► 13.07-1S Land use compatibility

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategy: Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by: Directing land uses to appropriate locations; Using a range of building design, urban design, operational and land use separation measures.

14 Natural resource management

14.02 Water

► 14.02-1S Catchment planning and management

Objective: To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

Strategy: Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to: Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values; Minimise erosion of stream banks and verges; and Reduce polluted surface runoff from adjacent land uses.

17 Economic development

17.03 Industry

► 17.03-1S Industrial land supply

To ensure availability of land for industry.

Relevant policy document: *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)

19 Infrastructure

19.02 Community infrastructure

► 19.02-6S Open space

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Local

21 Municipal Strategic Statement

21.03 Environment and landscape values

► 21.03-3 Rivers

To protect and enhance working waterways that support healthy ecosystems and allow for sustainable community use.

21.04 Environmental risks

► 21.04-3 Bushfire

Mitigate the risk of Bushfire.

Recognize the value of the vegetation and the natural environment in areas of bushfire risk.

21.08 Economic development

► 21.08-1 Commercial

To have a strong and vibrant business community consisting of a diverse range of small, medium and large enterprises that will capitalise on the key competitive strengths of the region

► 21.08-2 Industry

To strengthen Wangaratta as a strategically located regional commercial, service and manufacturing centre that has economic and social significance.

To protect agricultural and rural land from inappropriate and incompatible industrial land uses.

To support rural industry in appropriate locations.

2.2 Relevant plans, strategies and guidelines

Council submitted that the following plans, strategies and guidelines are relevant to the Amendment.

Population and Housing Strategy (2013)

The Rural City of Wangaratta Population and Housing Strategy guides future municipal residential growth. Relevant South Wangaratta strategies are:

- Protect the extent of Industrial 1 zoned land within South Wangaratta Urban Renewal Area for industrial purposes in accordance with the South Wangaratta Urban Renewal Strategy, and the land to the west of Tone Road within proximity to

Bruck Mills. A range of small and medium sized businesses are encouraged in this location including light industrial and showroom uses that may be displaced from future commercial development in the CAA.¹

- In association with the above, consider live-work use and development opportunities for small and medium sized business within the South Wangaratta Urban Renewal Area where appropriate, provided that they are not detrimental to the on-going use of the precinct for industry. Live work opportunities will provide locational flexibility to small and medium sized businesses while simultaneously providing for urban infill opportunities.

The Strategy acknowledges that the buffers associated with Mackays Casings and the Wangaratta saleyards will limit extent of growth to the west of Wangaratta and includes a strategy to:

Limit expansion to the south-west of the Wangaratta City so as to protect the on-going operation of Mackays Casings and the saleyards through required buffer distances.

Recommended separation guideline distances for industrial residual air emissions (2013)

Recommended separation guideline distances for industrial residual air emissions, Environment Protection Authority (EPA), March 2013 (EPA Publication 1518) replaced the version referred to in Clause 17.03-1S.

Hume Regional Growth Plan (2014)

The Hume Regional Growth Plan is one of eight regional growth plans that provide broad direction for land-use and development across regional Victoria. The Plan designates Wangaratta as one of the region's three regional cities and in a medium to high growth location. The Plan is included in Clause 11.01-1R of the Planning Scheme.

Section 11.1, which identifies Wangaratta as a key urban employment location, seeks to:

- encourage urban growth where supported by employment, transport services and commerce
- provide strategic employment locations
- improve land use planning processes to support improved responses to investment and business opportunities
- build on existing business and industry and attract new investment
- maximise transport assets to support the regional economy.

Map 3 of the Regional Growth Plan shows Wangaratta's strategic location on major transport links, including the Hume Highway, within the Hume region and between four capital cities. Two of the region's identified strategic assets of regional or national significance are:

¹ CAA: Wangaratta City Central Activities Area (town centre)

Accessibility

High performance, nationally significant interstate road and rail transport routes and airports that support regional connectivity and provide access to markets. Key transport links also provide access to services and infrastructure in large urban centres outside the region, such as Albury and Melbourne.

Diverse economic base

An economy built on manufacturing, agriculture and food processing, health and human services and facilities, defence, tourism, retail, freight and logistics industries.

Population forecasts

The Hume Regional Growth Plan estimates that from 2011 to 2031:

- Wangaratta's municipal population will increase from 29,000 to 31,600
- the Hume Region's population will increase from 276,300 to 333,800.

Victoria in Future, which provides more current figures, estimates that the municipal population will increase from 29,090 in 2018 to 32,160 in 2036.

Growth Area Structure Plans

The Wangaratta North West Growth Area Structure Plan sets out the framework for approximately 215 hectares of land generally bounded by Reith Road in the west, Three Mile Creek in the east and Wangandary Road in the north. This is one of two identified growth areas in the Rural City of Wangaratta.

The Wangaratta South Structure Plan sets out the framework for the land the Wangaratta South Growth Area, which is the second identified growth area in the municipality. The area includes about 83 hectares, comprising 12.5 hectares of land rezoned by Amendment C45 and approximately 71.5 hectares of Farming Zone land.

2.3 Planning scheme provisions

The IN1Z, Industrial 3 Zone, C2Z, Environmental Audit Overlay, Design and Development Overlay and Development Plan Overlay either exist on the subject land or are proposed to be applied through the Amendment.

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

Table 2 Zone and overlay purposes

Zone and overlays	
Zones	
Industrial 1	To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.
Industrial 3	<p>To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.</p> <p>To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.</p> <p>To allow limited retail opportunities including convenience shops, small scale</p>

Zone and overlays

supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Commercial 2

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Overlays**Environmental Audit**

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Design and Development

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Development Plan

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

2.4 Ministerial Directions

Ministerial Directions 7(5) and 11

The Explanatory Report discusses how the Amendment meets the requirements of:

- Ministerial Direction on the Form and Content of a Planning Scheme (Ministerial Direction 7(5))
- Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46).

That discussion is not repeated here.

Ministerial Direction 1

The Amendment proposes to apply the Environmental Audit Overlay to land with potential contamination. Ministerial Direction 1 (Potentially Contaminated Land) seeks to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination. The Explanatory Report did not refer to Ministerial Direction 1.

Ministerial Direction 19

Ministerial Direction 19 requires a planning authority to seek the views of the EPA about potential impacts of an amendment which could result in significant impacts on the environment, amenity and human health due to pollution and waste when:

- reviewing a planning scheme under section 12B of the Planning and Environment Act 1987, or preparing a planning scheme amendment
- applying to the Minister for authorisation to prepare a planning scheme amendment under sections 8A or 8B of the *Planning and Environment Act 1987* (the Act), or preparing a planning scheme amendment under section 9 of the Act.

The Explanatory Report did not refer to Ministerial Direction 19.

2.5 Planning Practice Notes and Guide

Planning Practice Notes 13 and 30 and A Practitioner's Guide to Victorian Planning Schemes are relevant to the Amendment.

Planning Practice Note 13 (Incorporated and reference documents)

Planning Practice Note 13:

- explains the role of external documents in planning schemes
- explains the difference between incorporated documents and reference documents
- provide guidelines on when a document should be incorporated or be a reference document.

Planning Practice Note 30 (Potentially contaminated land)

Planning Practice Note 30 provides guidance about:

- how to identify if land is potentially contaminated
- the appropriate level of assessment of contamination for a planning scheme amendment
- circumstances where the Environmental Audit Overlay should be applied or removed.

(i) A Practitioner's Guide to Victorian Planning Schemes

A Practitioner's Guide to Victorian Planning Schemes, Version 1.3, January 2020 (Practitioner's Guide) provides guides for practitioners:

- when preparing or considering new planning scheme provisions
- which reflects longstanding and existing advice such as current Planning Practice Notes.

It also provides about how to appropriately use the Public Land Zone.

3 Strategic justification

3.1 Wangaratta Industrial Land Use Strategy

Council's approach

Council appointed consultants in March 2017 to prepare the Wangaratta Industrial Land Use Strategy (Industrial Strategy). Key stakeholder groups and consultants were consulted in April and May 2017 through:

- an economic development workshop attended by Council planning and economic development officers, key industries and Regional Development Victoria
- an infrastructure and services workshop attended by Transport Victoria, Council's assets and technical services departments and North East Water
- an environment workshop attended by Goulburn Murray Water, North East Water, Environment Protection Authority and Council's natural resources and planning departments
- internal consultation by Council's Project Manager
- follow up contact with several industries and government agencies and authorities that were not able to attend the workshops as well as representatives from the development and real estate industries.

At its 17 July 2017 meeting, Council resolved to:

- endorse the draft Industrial Strategy and Background Report for community consultation
- invite submissions on both documents for one month (21 July to 18 August 2017)
- review any feedback on both documents and prepare a final Wangaratta Industrial Strategy and Background Report for Council's consideration and adoption

At its 17 October 2017 meeting, Council resolved to:

- note the six submissions received from community consultation and the officer response to issues raised
- adopt the Industrial Strategy and Background Report subject to changes responding to community feedback
- advise submitters of Council's decision to adopt the Industrial Strategy
- prepare documentation and seek authorisation to exhibit a planning scheme amendment to the Wangaratta Planning Scheme to implement the relevant recommendations of the Industrial Strategy.

The Industrial Strategy

The Industrial Strategy was completed in December 2017 and was informed by the findings in the 148-page Background Report. The Strategy:

- concentrated on industrial land in two areas – South Wangaratta and North Wangaratta
- focussed on IN1Z land and considered C2Z, Mixed Use Zone and PUZ land if it was used or promoted for industrial development
- found that of the approximately 190 hectares of vacant industrial land in Wangaratta (representing 82 per cent of all industrial zoned land):

- about 152 hectares (80 per cent of all vacant industrial zoned land) is in North Wangaratta
- about 38 hectares (20 per cent) is in South Wangaratta.

The Industrial Strategy sets out its vision as:

- Wangaratta's industrial areas will be the focus of industrial and large scale commercial development in the Rural City of Wangaratta. These industries will service the local economy and interstate and export markets, capitalising on the town's strategic location.
- Wangaratta's industrial areas will accommodate a diverse range of businesses that are able to co-exist with one another without the encroachment of sensitive uses. North Wangaratta will be the focus for industries that require large landholdings or separation distances.
- Wangaratta's industrial areas will stimulate local business development and entrepreneurship, generate local employment and play a major role in the local economy.
- Wangaratta's industrial areas will contribute to the sustainability of the local community and the environment, by driving innovation, new technologies and sustainability solutions.
- Wangaratta's industrial areas will provide an attractive gateway to the town from the south and from the Hume Freeway, and exhibit high quality built form that embraces best practice sustainability principles.
- Wangaratta's industrial areas will respect, retain and support elements of the landscape character found within the surrounding area including the waterways and native vegetation associated with these areas.

To implement its vision, the Strategy sets out objectives grouped in four themes:

Urban structure and land use

1. To protect industrial land as an important economic and employment resource.
2. To protect Wangaratta's industrial areas from the encroachment of sensitive uses.
3. To protect appropriately located and zoned sensitive uses from adverse amenity impacts caused by industry.
4. To promote highway-related uses in appropriate locations.
5. To promote the re-use and re-development of industrial land in appropriate locations.

Transport and infrastructure

6. To enhance and protect the local and arterial road networks used by industry.
7. To provide urban services to industrial areas in a timely and cost-effective manner.
8. To ensure that physical infrastructure is planned and funded in a co-ordinated and equitable manner.
9. To enhance pedestrian and bicycle infrastructure in industrial and commercial areas.

Environment and presentation

10. To improve the function and appearance of roads in Wangaratta's industrial areas.

- ## Economic development

- Appendix B of this report shows strategies relevant to each of the objectives. The Industrial Strategy includes strategic directions plans for the South Wangaratta industrial area and North Wangaratta industrial area.

WANGARATTA
Industrial Land Use Strategy

South Wangaratta
Strategic Directions Plan

RURAL CITY OF WANGARATTA

Prepared by Centrum Town Planning, September, 2017, for the Rural City of Wangaratta

1,000 metres

200 400 600m

LEGEND

- Rezone to Industrial 3 (INIZ)
- Rezone to Commercial 2 (CZZ)
- Rezone to Public Use Zone (PUZ)
- Consider alternative zone if appropriate
- Proposed DDO - Industrial areas
- Proposed DDO - Commercial areas
- Infrastructure assessment area
- South Wangaratta Urban Renewal Area
- Possible future intersection upgrade
- Possible future road upgrade
- Mackay Casings and saleyards
- Strategic buffer to casings & saleyards
- Protect industrial expansion opportunities

Specifically, the Amendment implements actions 12.1(a) and (c) of the Industrial Strategy, consistent with Clause 14.02-1S which seeks at least 30 metre-wide vegetated buffer zones along each side of a waterway.

Regional planning policy

The Amendment supports the Hume Regional Growth Plan by:

- enabling Wangaratta to be a regional city which will provide growth and employment to the Central Hume sub region
- consolidating industrial development in two nodes on key transport locations
- implementing specific actions which:
 - strategically plan for new uses while managing potential environmental impacts and preventing incompatible uses from encroaching on existing activities
 - contribute to attracting new investment and increased economic development
 - apply consistent, streamlined land use planning processes to industry clusters to at a regional or sub-regional scale.

At the Hearing, Council submitted that the Industrial Strategy and the Amendment were targeting the sub-region, and the broader region to a lesser degree, because it was seeking to attract large industry with highway access.

Local planning policy

Council submitted that the Amendment implements local planning policy which encourages larger industries with large land and buffer requirements to establish in North Wangaratta – which is specifically designed to accommodate these uses. It seeks to protect and promote this land, including the ability to expand areas if required in the future.

Changes to Clause 22.11 will introduce new Strategic Directions Plans for the North Wangaratta and South Wangaratta industrial areas.

Council explained that the new Clause 22.09 (Industrial and Commercial Development) will:

- apply to all permit applications seeking to develop and subdivide land zoned either IN1Z and Industrial 3 Zone or C2Z
- guide and assist Council when assessing these planning permit applications.

The proposed Clause 22.09 objectives are:

To improve the appearance of all commercial and industrial areas, particularly development along main roads and identified gateway sites.

To facilitate industrial development that is appropriate for its context.

To support industrial development that improves the appearance of the urban areas.

To require that interfaces to sensitive land are appropriately managed.

To avoid shops that may undermine the role of the Central Activities Area.

3.3 Discussion

The Panel considers that there is a clear strategic thread between the existing Planning Policy Framework, the Industrial Strategy and the changes proposed to the Planning Scheme. This is evident through the Industrial Strategy's detailed vision, strategies and actions which

meet objectives and strategies in the Planning Policy Framework. Changes proposed to the Planning Scheme directly implement strategies and actions in the Industrial Strategy.

3.4 Conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 South Wangaratta industrial area

4.1 Mackay Casings and the Wangaratta saleyards buffers

(i) The issues

Mackay Casings (79 Shanley Street) and the Wangaratta saleyards (99 Shanley Street) are located in the South Wangaratta industrial area. The exhibited Clause 21.11 includes Figure 8 which proposes a 1,000-metre 'strategic buffer to casings and saleyards'.

The issues are:

- whether the Mackay Casings and the Wangaratta saleyards buffers are strategically justified
- if justified, how the buffer should be measured.

(ii) Background

Clause 17.03-1S (Industrial land supply) seeks to identify land for industrial development in urban growth areas where appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses. The clause identifies *Recommended Buffer Distances for Industrial Residual Air Emissions*, Environment Protection Authority (EPA), 1990 as a relevant policy document.

Clause 53.10 (Uses with adverse amenity potential) of the Planning Scheme specifies a minimum 1,000-metre threshold distance for rendering and casings works.

EPA Publication 1518 recommends the following separation distances:

- Rendering and casings works (Abattoirs, knackerries or poultry processing works involving rendering processing:
 - less than 200 tonnes each year – no specified distance but EPA recommends no visible dust discharge or odour emission beyond the property boundary
 - more than 200 tonnes each year – 1,000 metres
- Stock saleyard (with more than 500 heads where pigs, cattle or other stock are temporarily confined for sale, transport or processing) – 500 metres.

Ministerial Direction 19 requires a planning authority to seek the views of the EPA about potential impacts of an amendment which could result in significant impacts on the environment, amenity and human health due to pollution and waste when:

- reviewing a planning scheme under section 12B of the *Planning and Environment Act 1987*, or preparing a planning scheme amendment
- applying to the Minister for authorisation to prepare a planning scheme amendment under sections 8A or 8B of the Act, or preparing a planning scheme amendment under section 9 of the Act.

The Amendment proposes to introduce the South Wangaratta Strategic Directions Plan which include the Mackay Casings and the Wangaratta saleyards buffers to Clause 21.11. The Plan is shown at Figure 2 of this report.

(iii) Submissions

Council submitted that the strategic buffers:

- recognise the location of existing uses with adverse amenity potential
- are needed to provide a framework for assessing proposals for sensitive land uses on a case-by-case basis.

Council referred to policy at Clause 13.06-1S of the Planning Scheme which seeks separation between land uses that reduce air quality and sensitive uses, where possible. It provided a copy of EPA Licence 2966 (Van Hessen Australia Pty Ltd) for 79 Shanley Street, Wangaratta South² which includes the following amenity conditions:

- You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premises.
- You must ensure that there are no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
 - the environment in the area around the premises; and
 - the wellbeing of persons and/or their property in the area around the premises.

Council highlighted that the strategic buffers would not prohibit development. Rather, they would be strategic triggers which recognise that *“uses with adverse amenity potential and that future planning for sensitive uses must consider these potential impacts”*. Council explained that EPA Publication 1518 designates the proponent of a future sensitive use in the strategic buffer as the ‘agent of change’ responsible for demonstrating that the use will be suitable.

In line with Ministerial Direction 19, Council sought the views of EPA at the early stage of the Amendment process. In its 6 March 2019 response³, EPA:

- noted that it actively participated in previous consultation which informed the Industrial Strategy
- supported *“the strategic intention to appropriately locate adverse amenity land uses and protect buffers around these sites from sensitive land use of encroachment”*
- considered that protecting strategic buffers around industrial development and public utilities is important to support economic activity and local communities.

There were different views about whether the Mackay Casings and the Wangaratta saleyards buffers were needed and how they should be measured. Goulburn Ovens Institute of TAFE (GOTAFE), Ms Diffey, Mr Dal Zotto, Mr Stamp, Mr Porter and Ms Keane own land in the South Wangaratta industrial area. GOTAFE owns 218 Tone Road, Lot 14 PS 519305K and another lot across 3 Mile Creek and Mr Stamp owns approximately 98 hectares of land next to the Mackay Casings and the Wangaratta saleyards.

Collectively, they submitted that the buffer:

- was not appropriately measured and its extent was not strategically justified

² Document 7

³ Council Part A submission, Attachment F

- would restrict future development opportunities
- would reduce property value.

Ms Diffey, the only submitter who was a party at the Hearing, explained that she had experienced emissions from neighbouring industry many years ago but had not noticed any emissions since.

Mr Stamp supported the buffer being applied around Mackay Casings but could not find clear reason why it should be applied to the Wangaratta saleyards and vacant Council-owned land. He referred to Clause 53.10 of the Planning Scheme, EPA Industrial Air Emissions Guidelines and Ministerial Direction 19 which supported a 1,000-metre separation distance between rendering casings industry and sensitive uses. He added:

Given that Mackay Casings is a licensed EPA premises, and has significant ongoing odour issues, it makes sense to establish a buffer with an appropriate separation distance around this premises.

Mr Stamp explained that the Public Use Zone (PUZ6 Local Government) applies to the Wangaratta saleyards and Council-owned vacant land. He submitted that a saleyard does not need a separation distance from sensitive uses because it is not listed as a use with adverse amenity potential. He questioned why a 1,000-metre buffer was needed when a use such as an abattoir only needs 500 metres. He submitted that the Industrial Strategy identifies the North Wangaratta industrial area for more noxious industries.

Accordingly, Mr Stamp requested that:

- the buffer be measured from the boundary of the Mackay Casings licensed site only
- the South Wangaratta Strategic Direction Plan reflect the reduced buffer
- the Council-owned site be identified as an informal buffer between the Wangaratta saleyards, Mackay Casings and existing Rural Living land to the west of Reith Road.

Mr Porter and Ms Keane submitted that the proposed 1,000-metre buffer:

- is incorrect for saleyards because EPA Publication 1518 specifies 500 metres
- should be not measured from the separate land where the ponds are located because this is where treated wastewater is discharged and is not part of the Mackay Casings facility.

They requested that the South Wangaratta Strategic Framework Plan in the proposed Clause 21.11-3 be revised to reflect a reduced buffer area. If this was not supported, they requested that associated strategies 1.2 and 1.3 be revised to not constrain their property as a future investigation area.

Mr Dal Zotto, who considered there was no need for the buffer, questioned why the buffer was only measured in only one direction for 1,000 metres between Reith Road and Three Mile Creek.

GOTAFE noted that the Environment Protection Authority (EPA) did not propose the buffer. It requested Council to review the buffer distances with advice from EPA and in consultation with GOTAFE.

Council referred to the Background Report which found the 1,000-metre measure for Mackay Casings to be appropriate with regard to EPA Publication 1518 and Clause 53.10 of

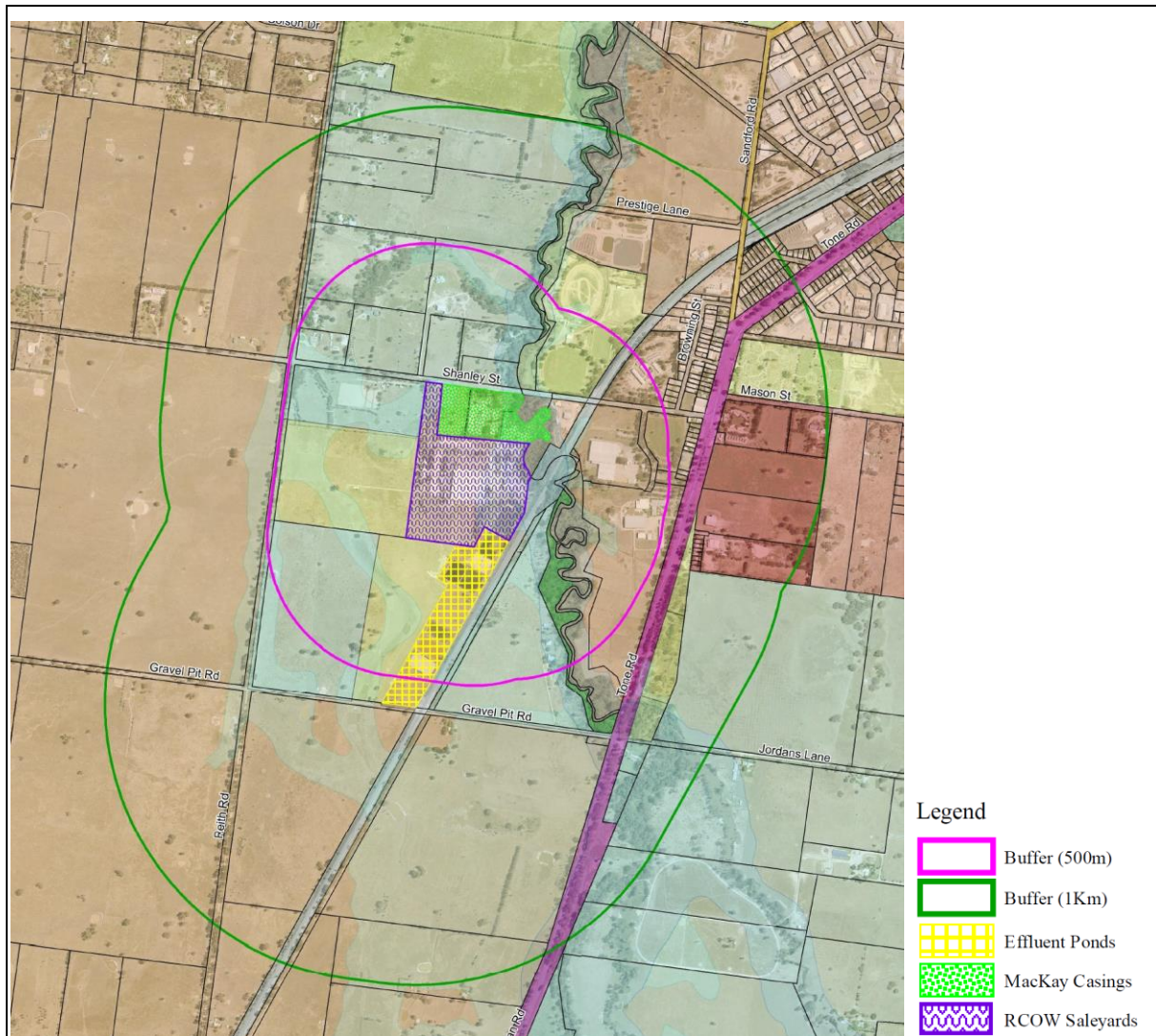
the Planning Scheme. Council applied the 'rural' method set out in EPA Publication 1518 to measure the strategic buffer. It explained that this method:

- includes the dwelling and associated facilities including any garage, carport, barbeque area, clothesline and swimming pool of an affected property
- requires a proposal for a sensitive use on land in the buffer to provide detailed justification.

After considering submissions to the Amendment at its 19 November 2019 meeting, Council resolved to:

- revise strategy 1.2 of Clause 21.11-3 to:
Avoid supporting rezoning proposals or changes to zoning schedules which will enable the consideration of dwellings and other sensitive uses, unless an odour assessment has been provided which demonstrates the strategic buffer around McKay Casings and the sale yards can be satisfactorily reduced.
- revise strategy 1.3 of Clause 21.11-3 to:
Avoid supporting permit applications for dwellings and other sensitive uses, unless an odour assessment has been provided which demonstrates the strategic buffer around McKay Casings and the sale yards can be satisfactorily reduced.
- revise the South Wangaratta Strategic Directions Plan at Figure 8 of Clause 21.11-3 to:
 - show the full extent of the proposed strategic buffer
 - measure the strategic buffer from the boundary of MacKay Casings and the operational area of the Wangaratta saleyards.

Council provided a revised buffers map for the South Wangaratta industrial area which clarifies the full extent of each buffer, as shown in Figure 4.

Figure 4 Revised South Wangaratta industrial area buffers since exhibition

Source: Rural City of Wangaratta with VicPlan information

Council submitted that it applied the same measure and methodology in the exhibited and revised versions, even though they were represented differently.

(iv) Discussion

The Planning Policy Framework supports appropriate buffers between industrial uses such as the MacKay Casings and the Wangaratta saleyards and encroaching sensitive uses. The proposed changes to Clause 21.11 would reinforce this approach.

Applying strategic buffers through planning policy provides a practical approach to considering whether sensitive land uses should establish within the identified strategic buffers. The EPA Licence 2966 conditions which require Mackay Casings to not discharge odours, noise or vibrations beyond its premises confirms that such an opportunity may exist.

Clause 21.11 would provide an opportunity for the 'agent of change' to prove that the proposed sensitive land use can reside harmoniously with the surrounding industrial uses. For example, a planning scheme amendment or permit application proposing to introduce or

intensify a sensitive use in the buffer area would have to be supported with a professional assessment which concludes that it can be done without unreasonably affecting the future sensitive land uses or the operation of McKay Casings and the Wangaratta saleyards.

This approach is consistent with EPA Publication 1518 which specifies the default 500 and 1,000 metre buffer measures and seeks the agent of change to prove that they can be varied.

The Panel agrees with what the post-exhibition version of Strategy 1.3 seeks to achieve. Council should consider:

- rewording the strategy to positively reinforce that its key intent is to protect the operation of McKay Casings and the Wangaratta saleyards
- merging Strategies 1.2 and 1.3 because they both seek to achieve the same intent and the same process through two different processes – permit application and planning scheme amendment
- refer to the buffers in Figure 8 of Clause 21.11 for clarity.

The Panel considers that the revised South Wangaratta industrial area strategic buffers map better represents the extent and intent of each intended buffer. This will clarify what assessment is needed to support a permit application.

However, Council should:

- review the exhibited and proposed revised South Wangaratta industrial area buffers map to confirm whether their different graphic representations express the same intent
- inform itself whether there should be further notice of the revised map.

Property value is discussed in Chapter 6.1 of this report.

(v) Conclusions and recommendations

The Panel concludes:

- The Mackay Casings and Wangaratta saleyards buffers are consistent with EPA Publication 1518 and are strategically justified.
- Clause 21.11 would benefit from changes which clarify Strategy 1.3 and the extent of the strategic buffer.
- The revised South Wangaratta industrial area strategic buffers map better represents the extent and intent of the buffers, however Council should consider whether any further notice of the revised map is needed.

The Panel recommends:

1. Amend Clause 21.11, as shown in Appendix C2, to:

a) merge strategies 1.2 and 1.3 at 21.11-3 to:

Protect the operation of McKay Casings and the Wangaratta saleyards by requesting that a permit application or planning scheme amendment proposing to introduce or intensify a sensitive use on land in a strategic buffer identified in Figure 8 include an odour assessment which demonstrates the buffer can be satisfactorily reduced.

b) revise Figure 8 (South Wangaratta Strategic Directions Plan) to:

- **show the full extent of the proposed strategic buffer**
- **measure the strategic buffer from the boundary of MacKay Casings and the operational area of the Wangaratta saleyards.**

4.2 Zoning – 218 Tone Road, Wangaratta

GOTAFE submitted that there is insufficient strategic justification to rezone part of 218 Tone Road, comprising 16.85 hectares to PUZ2. It explained that it was not consulted about the proposed rezoning before or after the Industrial Strategy was prepared. It added that the existing IN1Z:

- aligns better with the overall goals of the industrial land use strategy
- enables the current administration, education, horticulture, agriculture and equine infrastructure uses.

GOTAFE considered it inconsistent to rezone land to reflect ownership, particularly when:

- only a small percentage of the land is used for education purposes
- the entire land is unlikely to be used solely for public education, therefore greater flexibility will be needed.

GOTAFE referred to Ministerial Direction 7(5) which states:

A planning scheme may only include land in a Public Use Zone, Public Park and Recreation Zone or Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

In its submission, North East CMA noted that the proposed rezoning reflects the current use and it unlikely to intensify the use further.

At its 19 November 2019 meeting, Council resolved to no longer rezone 218 Tone Road so that it would retain the IN1Z.

The Panel considers this matter to be resolved because no other submitter expressed a position on the proposed rezoning. North East CMA commented on the rezoning but did not support or object to it.

5 North Wangaratta industrial area

5.1 Buffer area

(i) The issue

The issue is whether the buffer area proposed for the North Wangaratta industrial area through Clause 21.11 is appropriate and justified.

(ii) Submissions

Council explained that the Industrial Strategy seeks to accommodate heavier industries and those which need greater separation distances. It noted that the North Wangaratta industrial area can accommodate these.

In its 6 March 2019 response, EPA supported Council's intention to investigate planning provisions for protecting buffers around the North East Water treatment plant.

GWCW Investments Pty Ltd owns 247 Detour Road, North Wangaratta. It submitted that the Industrial Strategy vision would be better achieved if the buffer applied to all land in the North Wangaratta industrial area, except for land within 300 metres of Bowers Road or the North Wangaratta settlement. It explained that this approach would:

- make the area more appealing for new uses through its extensive land supply
- encourage uses that may have been previously deterred due to no INZ2 land
- create a diverse industrial land offering.

GWCW Investments considered that the new uses would be compatible with the existing North East Water wastewater treatment plant and Alpine MDF facility.

Council did not support the proposed buffer being expanded because:

- the Industrial Strategy did not identify significant trends for larger industry so there will not be significant demand over the next 20 years
- Council will monitor land supply and demand during future Planning Scheme reviews to assess how the Industrial Strategy is performing.

(iii) Discussion

The indicative buffers for North Wangaratta are consistent with guidance in EPA Publication 1518. It advises to apply a buffer on an industry which may generate emissions such as odour, noise and dust. The indicative strategic buffers for the North East Water plant and Alpine MDF facilities have been measured using the method appropriate for each use and geographic location.

A proposal for a new or expanded industrial land use would be assessed against the recommended separation distances in EPA Publication 1518. The publication advises that the 'agent of change' should be responsible to provide evidence to the planning or responsible authority to vary the recommended distance. There was no evidence presented to the Panel to support an expanded buffer area which varies from EPA's recommended distance.

The Panel considers that measuring the buffer from predominantly vacant industrial land:

- would conflict with the agent of change principle specified in EPA Publication 1518
- may unnecessarily restrict sensitive land uses on surrounding land that would normally be unaffected.

(iv) Conclusion

The Panel concludes that the buffer areas proposed for the North Wangaratta industrial area through Clause 21.11 are appropriate and justified and should not be extended to include more land.

5.2 Buffer management

(i) The issue

The issue is whether the North Wangaratta industrial area buffer can be sufficiently managed through Clause 21.11.

(ii) Submissions

GWCV Investments submitted that a planning scheme overlay should be considered for the North Wangaratta industrial area to give the strategic buffer greater weight. It considered that the buffer would not prevent encroaching sensitive uses if it was not formalised through an overlay.

Council did not support an overlay because it considered that appropriate buffers around industrial land uses can be established through the Clause 53.10 provisions and EPA Publication 1518. It added:

The North West Strategic Directions Plan also indicates indicative Strategic Buffers as a means of acknowledging that the NWIP must be protected from encroachment of sensitive land uses.

At the Hearing, Council acknowledged that the Environmental Significance Overlay has been used in similar circumstances in other Victorian locations. However, it considered an overlay to be unsuitable because it does not enable a schedule to restrict land uses.

(iii) Discussion

The Panel considers that there are two parts to the issue – whether the exhibited buffer can be effectively managed through Clause 21.11 and if not, whether it should be strengthened through additional provisions.

The Panel considers that a planning scheme overlay would not be effective in preventing new sensitive land uses in the buffer area because it generally cannot control land use. The Practitioner's Guide states:

An overlay is a complementary planning control to the zone. Unlike zones, that deal primarily with the broader aspects of the use and development of land, an overlay generally seeks to control a specific aspect of the development of land.

The Guide sets out rules for writing a planning scheme provision which includes Rule 5:

A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.

Specific to a planning scheme overlay, it states:

The local content in a schedule can only do what the parent provision enables.

The Panel acknowledges that, aside from the airport related overlays, overlays including the Environmentally Significant Overlay do not appear to provide the statutory ability to restrict land uses through their schedules.

(iv) Conclusion

The Panel concludes that the North Wangaratta industrial area buffer can be sufficiently managed through Clause 21.11 for the purposes of assessing a permit application proposing a sensitive land use within the specified area.

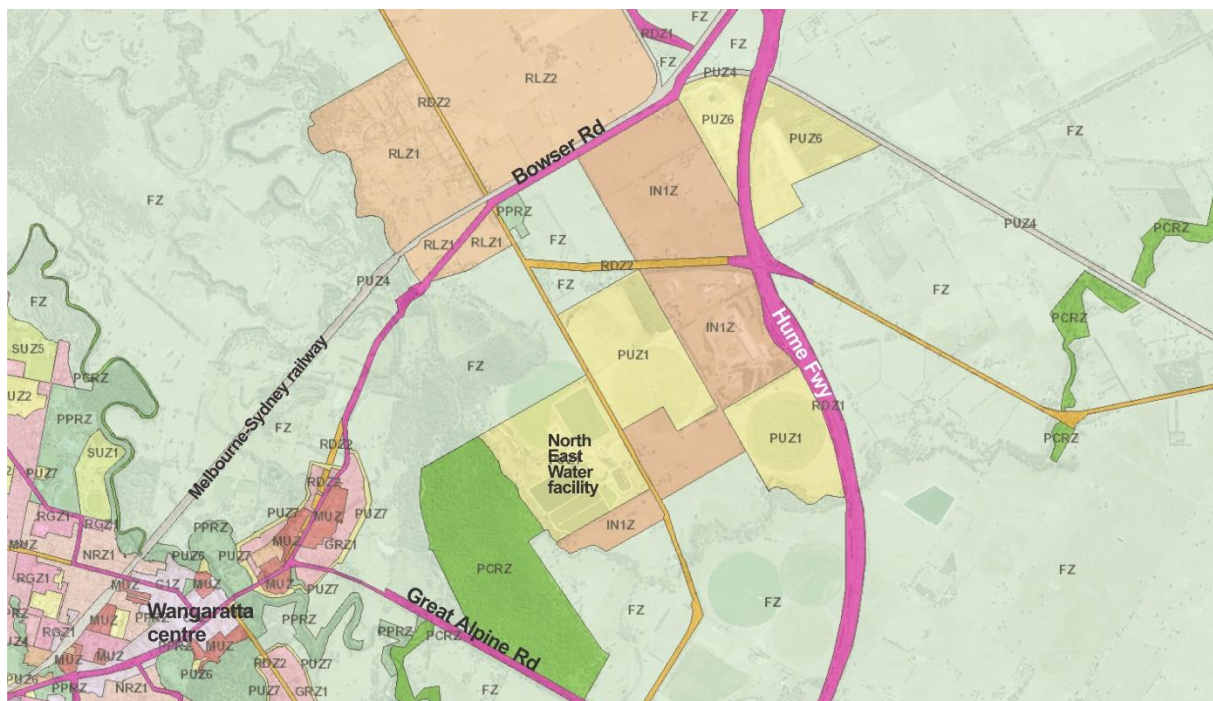
5.3 Precinct-wide zone

(i) The issue

The issue is whether it is justified and appropriate to rezone the North Wangaratta industrial area to Industrial 2 (IN2Z) except for land within 300 metres of Bowser Road, in the North Wangaratta settlement or where the PUZ is appropriate.

(ii) Existing zones

Figure 5 North Wangaratta industrial area existing zones



Source: <https://mapshare.vic.gov.au/vicplan/> and Planning Panels Victoria

(iii) Submissions

GWCW Investments submitted that the North Wangaratta industrial area should be rezoned to IN2Z except for land:

- within 300 metres of Bowser Road
- in the North Wangaratta settlement
- where the PUZ is appropriate.

GWCW Investments considered that IN2Z:

- would reinforce the buffers by discouraging sensitive land uses
- was more flexible than IN2Z for uses with adverse amenity potential
- included clear direction for such uses
- would increase the industrial area's appeal and deter them from locating to other areas with IN2Z such as Benalla.

Council acknowledged that Industrial Strategy identifies the North Wangaratta industrial area as the preferred location for larger industries and those requiring larger separation distances. It noted that a purpose of IN2Z is:

To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.

Council did not support rezoning the land to IN2Z because it considered the change would:

- discourage lighter industry such as warehouses which do not need a permit through IN1Z
- struggle to achieve an IN2Z-style area, given that most of the central part of the North Wangaratta industrial area accommodates North East Water's utilities in the Public Use Zone
- depart from the Amendment and the Industrial Strategy, which did not recommend such a rezoning.

(iv) Discussion

The PUZ1 or IN1Z applies to a considerable proportion of the North Wangaratta industrial area located within the buffers. North East Water manages the PUZ1 land for its Wastewater Treatment Plant and Wastewater Re-use Plantation. IN1Z prohibits accommodation including a dwelling or residential building, a primary or secondary school, hospital and a cinema-based entertainment facility. Other education centres and office can be considered subject to being assessed through a planning permit application. This make is highly unlikely for a sensitive land use to establish on this land.

The Panel agrees with Council's submission on this matter. There is no strategic justification available through any submission or the Industrial Strategy to support such a significant change. Affected property owners were not notified of this degree of departure from the Amendment and were not provided with an opportunity to comment.

(v) Conclusion

The Panel concludes that there is insufficient strategic justification to rezone the North Wangaratta industrial area to IN2Z except for land within 300 metres of Bowser Road, in the North Wangaratta settlement or where the PUZ is appropriate.

5.4 Zoning – Council owned land**(i) The issue**

The issue is whether it is justified and appropriate to rezone Council-owned land between Detour Road and Bourke Road from PUZ1 to IN1Z.

(ii) Submissions

Mr Crosher objected to Council-owned land between Detour Road and Bourke Road being rezoned from PUZ1 to IN1Z. He was concerned that developing the land would result in:

- the strip of plantation trees, which provides some amenity value, being removed
- flooding on neighbouring properties if the existing dam on Council's land overflowed
- infrastructure, service, financial and road access issues
- the land being further subdivided.

Council submitted that it is premature to consider these issues because the future development of the industrial area, including the subject land, are not known at this stage. It added that issues such as tree retention or removal would best be considered at the future planning permit stage.

(iii) Discussion

The Panel acknowledges Mr Crosher's issues of potential impact and agrees with Council's response. The Amendment seeks to establish the framework for assessing further permit applications. There is no planning permit application proposing to remove trees or further develop Council's land. Mr Crosher's issues would be best considered during that stage when design and development details are known.

(iv) Conclusions

The Panel concludes that it is justified and appropriate to rezone Council-owned land between Detour Road and Bourke Road from PUZ1 to IN1Z.

6 Other issues

6.1 Property value and financial impact

(i) The issue

The issue is whether individual property value and financial impact are relevant when considering the Amendment.

(ii) Submissions

Mr Dal Zotto was concerned that the proposed planning provisions would devalue his property.

At the Hearing, Ms Diffey raised issues of property value and financial impact which were not included in her original submission. Council did not object to her raising these issues because they had already been raised in Mr Dal Zotto's submission. Ms Diffey was concerned that the cost of a professional odour assessment may be a financial barrier to applying to subdivide her land in the future.

Ms Diffey explained that she discussed the potential impact of the proposed buffers on her property value with a valuer. The Panel agreed with her request to provide a written valuation following the Hearing subject to Council having a right of reply. Ms Diffey provided a letter from Mr Fisher of Fisher Property Advisers⁴ on 17 March 2020.

The letter, which was predominantly background information, expressed that the buffer would negatively affect the value of Ms Diffey's property. It added:

Buyer perceptions, sentiment as well as stigma caused by buffer areas can all be negative in a market place and we believe would be an issue here.

The Panel provided Council with an opportunity to respond to this new information. In its response⁵, Council submitted that the letter should be given appropriate weight because it was not provided as evidence and Mr Fisher was not available to be cross-examined.

Council submitted that Mr Fisher concluded that the valuation may be impacted by buyer perceptions, sentiment and stigma without providing a property valuation before and after the Amendment. It added:

With respect, those perceptions relate to the existence of existing uses with adverse amenity potential which are readily observable by anyone visiting the area, regardless of the application of a strategic buffer. Furthermore, Mr Fisher provides no examples of where in his experience as a valuer there has been a proven detrimental impact on property values resulting from the imposition of a buffer, or for that matter, any other planning provision (i.e. valuations prepared prior to and after the event).

⁴ Document 6

⁵ Document 9

Council noted that, while Ms Diffey's property is zoned for rural living purposes, the Land Subject to Inundation Overlay and Flood Overlay which apply to the land already affect development potential. It also noted that Mr Fisher did not identify this in his letter.

(iii) Discussion

Mr Dal Zotto and Ms Diffey did not provide any supporting information to explain how the proposed provisions would affect property value.

The Panel has given Mr Fisher's letter equal weight to other submissions and has not regarded it as evidence. However, the letter did little to provide the Panel with greater insight into Ms Diffey's submission on property value, did not explain the scale of the issue and did not provide sufficient context to support his claims. The Panel agrees with Council's response regarding the letter.

Section 12(2) of the Act require a planning authority to take into account an amendment's economic effects. When read with other sections of the Act including its objectives and relevant sections of the Planning Policy Framework, the Panel considers that this should be assessed at the broader community scale and does not extend to individual financial impact. From an integrated decision making perspective, the net community benefit of ensuring available industrial land with buffers, as supported by planning policy identified in Chapter 2.1 of this report, far outweighs any potential individual financial impact.

(iv) Conclusions

The Panel concludes:

- Any economic effects associated with the Amendment should be considered at the broader community (not individual) scale.
- At the broader scale, the net community benefit of ensuring available industrial land with buffers outweighs any potential individual financial impact.

6.2 Drafting matters

(i) Wangaratta Urban Waterways Flood Investigation

North East CMA requested that the *Wangaratta Urban Waterways Flood Investigation, 2017* (Flood Investigation) be referenced in the Planning Scheme. Council proposed to introduce this document through a separate planning scheme amendment.

The Panel agrees with Council that the Flood Investigation should not be introduced through the Amendment. This change would be inconsistent with the Amendment's intent to implement to the Industrial Strategy. The Panel notes Council's proposal to introduce it through a separate future amendment.

(ii) Terminology – Victorian Freight Plan

Department of Transport submitted that Council should consider aligning the Amendment's wording with *Delivering the Goods – Victorian Freight Plan*, July 2018 (Victorian Freight Plan). Council submitted that the Amendment does not specifically refer to, and does not need to refer to, state government freight plans. Responding to a question from the Panel,

Council submitted that it could not find any inconsistency between terminology proposed through the Amendment and the Victorian Freight Plan.

The Department of Transport did not refer to examples of Amendment wording that is inconsistent with the Victorian Freight Plan. Like Council, the Panel could not find any inconsistency.

(iii) Terminology – references to industrial precincts and areas

At the Hearing, the Panel questioned Council about industrial areas being referred to as precincts in:

- Actions c. and d. of Strategy 2.2 in Industrial Strategy
- Action a. of Strategy 14.1 in the Industrial Strategy
- Action d. of Strategy 16.2 in the Industrial Strategy
- Clause 21.11 (throughout 21.11-3)
- Clause 21.08.

Council agreed that the terminology should be consistent throughout and it proposed to rename all references to 'precinct'. It provided a further version Clause 21.11 which opted for the term 'area'. The Panel has applied Council's preferred term of 'area' rather than 'precinct' in the clauses appended to this report.

(iv) Conclusions and recommendations

The Panel concludes:

- The *Wangaratta Urban Waterways Flood Investigation, 2017* should not be referenced in the Planning Scheme through the Amendment.
- There is no apparent inconsistency between terminology proposed through the Amendment and *Delivering the Goods – Victorian Freight Plan*, July 2018.
- The Amendment would benefit from drafting changes that improve the clarity and operation of Clauses 21.08, 21.11 and the Wangaratta Industrial Land Use Strategy 2017.

The Panel recommends:

2. **Amend Clause 21.08, as shown in Appendix C1, to:**
 - a) **append 'industrial area' to the 'South Wangaratta' and 'North Wangaratta' headings in 21.08-2**
 - b) **replace references to an 'industrial precinct' with 'industrial area' to make them consistent with other policy references.**
3. **Amend Clause 21.11, as shown in Appendix C2, to:**
 - a) **replace references to an 'industrial precinct' with 'industrial area' to make them consistent with other policy references.**

The Panel further recommends:

4. **Amend the Wangaratta Industrial Land Use Strategy 2017 to refer consistently to the 'South Wangaratta Industrial area' and 'North Wangaratta Industrial area'.**

Appendix A Document list

No.	Description	Provided by
20 January 2020		
1	Revised industrial area buffer maps	Council
3 March 2020		
2	Part A submission with attachments: <ul style="list-style-type: none"> - A. Amendment C76 – Chronology of Events - B. Minutes of Ordinary Meeting of Council (17 October 2017) - C. Copy of Authorisation email from DELWP (23 August 2018) - D. Officers Assessment of Submissions (19 November 2019) - E. Minutes of Ordinary Meeting of Council (19 November 2019) - F. C76 Exhibited changes comparison table - G. Environment Protection Authority pre-authorisation correspondence 	Council
10 March 2020		
3	Part B Submission	Council
4	Submission – Rhonda Diffey	Ms Diffey
17 March 2020		
5	Closing submission	Council
6	Letter – Simon Fisher of Fisher Property Advisers to Ms Diffey	Ms Diffey
7	EPA Licence 2966 – 79 Shanley Street, Wangaratta South	Council
8	Post-exhibition clauses with tracked changes	Council
20 March 2020		
9	Council response to Document 6	Council

Appendix B Industrial Strategy themes, objectives and strategies

Urban structure and land use

1. To protect industrial land as an important economic and employment resource.
 - 1.1 Strongly discourage proposals to rezone land from the industrial zone unless substantial net social, economic and environmental benefits can be demonstrated
 - 1.2 Ensure an adequate supply of diverse land to accommodate demand over a 15 year period or based on industry trends
 - 1.3 Encourage small-scale industries in rural townships that are compatible with surrounding land uses
 - 1.4 Discourage industrial development in the Municipality's rural areas unless it is directly associated with agricultural production on the land
2. To protect Wangaratta's industrial areas from the encroachment of sensitive uses.
 - 2.1 Discourage sensitive land uses near industrial areas that may restrict existing or future industrial development
 - 2.2 Protect and promote North Wangaratta for industries that require separation distances from sensitive uses
 - 2.3 Apply local policies to manage amenity impacts associated with existing dwellings in industrial zones
3. To protect appropriately located and zoned sensitive uses from adverse amenity impacts caused by industry.
 - 3.1 Manage adverse amenity impacts caused by existing industries in consultation with business owners and the EPA
 - 3.2 Protect the internal buffers of large industrial sites
 - 3.3 Encourage inappropriately sited uses to relocate if on-site management of amenity related issues cannot be achieved
4. To promote highway-related uses in appropriate locations.
 - 4.1 Broaden the range of commercial uses that can be established on Tone Road
 - 4.2 Prevent out-of-centre retail development that will detrimentally affect the Wangaratta Central Activities Area
5. To promote the re-use and re-development of industrial land in appropriate locations.
 - 5.1 Encourage the re-use and improvement of existing industrial sites and buildings
 - 5.2 Rezone land to more appropriate zones where it is poorly located for long-term industrial development
 - 5.3 Encourage the redevelopment of surplus land at the Australian Textile Mill site to provide a transition to sensitive uses

Transport and infrastructure

6. To enhance and protect the local and arterial road networks used by industry.

- 6.1 Improve connections between industrial areas and the arterial road network
- 6.2 Protect the role and function of important freight routes in Wangaratta's residential growth areas
- 7. To provide urban services to industrial areas in a timely and cost-effective manner.
 - 7.1 Require new industrial development to provide all urban services in accordance with authority requirements unless suitable alternative servicing arrangements are made
 - 7.2 Require infrastructure that is commensurate with the likely usage and benefits
 - 7.3 Progressively upgrade and install major items of drainage infrastructure to alleviate flooding issues in South Wangaratta
- 8. To ensure that physical infrastructure is planned and funded in a co-ordinated and equitable manner.
 - 8.1 Prepare development and infrastructure plans for broadacre industrial land and pursue appropriate funding mechanisms
- 9. To enhance pedestrian and bicycle infrastructure in industrial and commercial areas.
 - 9.1 Construct new footpaths and shared paths in high usage industrial and commercial areas, and to connect with residential precincts

Environment and presentation

- 10. To improve the function and appearance of roads in Wangaratta's industrial areas.
 - 10.1 Explore options to fund and carry out progressive improvements to the road reserves of older industrial areas
 - 10.2 Implement the findings of the South Wangaratta Urban Renewal Strategy and Masterplan
- 11. To ensure that new industrial development contributes positively to the appearance of Wangaratta.
 - 11.1 Introduce planning provisions to improve the appearance of land fronting arterial roads in commercial and industrial areas
 - 11.2 Introduce and apply planning policies to improve the appearance of industrial land use, development and subdivision
- 12. To protect important environmental values and manage environmental risks in future industrial development.
 - 12.1 Improve the treatment of waterway reserves in industrial areas for water quality, drainage biodiversity and recreation purposes
 - 12.2 Assist industries in managing environmental risks associated with bushfire hazards
- 13. To promote sustainability principles in all new industrial land use, development and subdivision.
 - 13.1 Provide for new development that maximises energy efficiency and water re-use

Economic development

14. To support investment by existing industrial firms and attract new businesses to Wangaratta's industrial areas.
 - 14.1 Promote Wangaratta's industrial precincts to potential investors
 - 14.2 Strengthen the working relationships between Council and stakeholders in order to capture emerging development opportunities
15. To encourage the efficient use of land and resources and maximise the benefits of clustering.
 - 15.1 Encourage businesses to cluster in areas that will create efficiencies for investors and the wider community
16. To ensure that there is sufficient land to accommodate the range of industrial activities with potential to invest in Wangaratta.
 - 16.1 Continue to deliver small serviced industrial lots in South Wangaratta
 - 16.2 Prepare land in North Wangaratta for larger industrial investors
 - 16.3 Investigate the potential for surplus land at Wangaratta Airport to be developed for industries that are compatible with, or can benefit from, an airside location
 - 16.4 Protect opportunities for the establishment of a freight and logistics centre on or near the Sydney-Melbourne railway line to the south-west of Wangaratta.

Appendix C Panel preferred version of the planning provisions

Clauses shown in Appendix C apply the following formatting:

Tracked Added

~~Tracked Deleted~~

Appendix C1 Clause 21.08

21.08 ECONOMIC DEVELOPMENT

This Clause provides local content to support Clause 17 Economic Development of the State Planning Policy Framework.

21.08-1 Commercial

Context and Issues

- Wangaratta is a vibrant commercial centre offering a large range of commercial and office functions.
- Wangaratta serves a large regional retail catchment, extending into southern New South Wales.
- The Wangaratta Central Activities Area is a significant business area, its performance enhanced through a range of retail, office, recreation, educational and other functions.
- South Wangaratta Urban Renewal Area has been identified as an appropriate location for a mix of land uses including bulky goods sales, accommodation, civic precinct and recreation.

Objectives and strategies

Objective 1 To have a strong and vibrant business community consisting of a diverse range of small, medium and large enterprises that will capitalise on the key competitive strengths of the region

- | | |
|--------------|---|
| Strategy 1.1 | Support sustainable business growth and economic development appropriate to their location throughout the municipality. |
| Strategy 1.2 | Support sustainable growth and development of existing local enterprises. |
| Strategy 1.3 | Support development of a thriving retail sector that meets the expectations of consumers in the catchment area. |
| Strategy 1.4 | Facilitate a range of diverse business enterprises. |
| Strategy 1.5 | Protect main road locations outside the Wangaratta Central Activities Area for bulky goods, service business, warehousing and peripheral sales. |

Implementation

Further strategic work

- Undertake a study to investigate the role, possible locations and design guidelines for bulky goods sales.

21.08-2 Industry

Context and Issues

Vision

- Wangaratta's industrial areas will:

- Be the focus of industrial and large scale commercial development in the Rural City of Wangaratta. These industries will service the local economy along with interstate and export markets, capitalising on the City's strategic location.
- Accommodate a diverse range of businesses that are able to co-exist with one another without the encroachment of sensitive uses.
- Stimulate local business development and entrepreneurship, generate local employment and play a major role in the local economy.
- Contribute to the sustainability of the local community and the environment, by driving innovation, new technologies and sustainability solutions.
- Provide an attractive gateway to the town from the south and from the Hume Freeway, and exhibit high quality built form that embraces the best practice sustainability principles.
- Respect, retain and support elements of the landscape character found within the surrounding area including waterways and native vegetation associated with these areas.

Wangaratta

- Wangaratta is a strategically located regional commercial, service and manufacturing centre with strengths in metal fabrication and engineering, trade and technical services, wine industry, textiles and timber processing.
- The traditional strength of textiles manufacturing has weakened, although it still is of economic significance to the City.
- Food production is a key industry with the potential for further growth in the City, including animal products, beverages, timber and related services.
- The wholesaling and logistics sector has grown and has further potential for growth given the close proximity of the Hume Freeway and the Melbourne to Sydney rail line.

South Wangaratta industrial area

- South Wangaratta has many small to medium size industries, many taking advantage of good transport linkages in the area.
- Land along the Three Mile Creek zoned Industrial is constrained by flooding.
- The availability of zoned and serviced industrial land is important for investment certainty.

North Wangaratta industrial area

- Industrial Zoned land located in North Wangaratta is currently not development ready, due to its broad acre nature and therefore requires major investment in services and infrastructure to accommodate future development.
- The ~~precinct~~-area is ideally located to accommodate industries which require large land holdings involve high water intensive uses and/or separation distances.

Objectives and strategies

Objective 1 To strengthen Wangaratta as a strategically located regional commercial, service and manufacturing centre that has economic and social significance.

- | | |
|--------------|---|
| Strategy 1.1 | Facilitate development of 'investment ready' industrial land supported by high standard infrastructure. |
| Strategy 1.2 | Develop an adequate supply of appropriately serviced industrial land. |
| Strategy 1.3 | Facilitate a range of diverse major industries. |

- | | |
|--------------|--|
| Strategy 1.4 | Strengthen Wangaratta as a strategically located source of local and regional labour resources. |
| Strategy 1.5 | Facilitate infill industrial development in south Wangaratta to facilitate the efficient use of existing infrastructure. |
| Strategy 1.6 | Require adequate separation of industrial and non-industrial uses to avoid land use and amenity conflicts. |

Objective 2 To support and protect industrial land as an economic and employment resource.

- | | |
|--------------|--|
| Strategy 2.1 | Protect Wangaratta's industrial areas from the encroachment of sensitive uses. |
| Strategy 2.2 | To protect appropriately located and zoned sensitive uses from adverse amenity impacts caused by industry. |
| Strategy 2.3 | To promote the re-use and re-development of industrial land in appropriate locations. |
| Strategy 2.4 | To enhance and protect key local and arterial road networks used by industry. |
| Strategy 2.5 | To require that industrial areas are adequately serviced in a timely and effective manner and that physical infrastructure is planned and funded in a co-ordinated and equitable manner. |

Objective 3 To support functional, attractive and sustainable industrial land use and development.

- | | |
|--------------|---|
| Strategy 3.1 | To require that new industrial development contributes positively to the appearance of Wangaratta. |
| Strategy 3.2 | To create enhanced pedestrian and bicycle infrastructure in industrial and commercial areas. |
| Strategy 3.3 | To facilitate sustainability principles in all new industrial land use, development and subdivision. |

Objective 4 To develop a wine industry cluster servicing the needs of the regional wine industry.

- | | |
|--------------|----------------------------------|
| Strategy 4.1 | Develop a wine industry cluster. |
|--------------|----------------------------------|

Objective 5 To protect agricultural and rural land from inappropriate and incompatible industrial land uses.

- | | |
|--------------|--|
| Strategy 5.1 | Avoid use and development of rural land for non-ancillary industry, warehousing and trade supplies. |
| Strategy 5.2 | Avoid industrial, warehouse and trade supply use and development that adversely affects rural land uses. |
| Strategy 5.3 | Avoid locating industrial uses in Declared Special Water Supply Catchment Areas. |

Objective 6 To support rural industry in appropriate locations.

- | | |
|--------------|---|
| Strategy 6.1 | Direct rural industrial uses, warehousing and trade supplies to appropriate locations in Wangaratta, townships and locations well connected with road, power supply and necessary infrastructure. |
|--------------|---|

Objective 7 To support the location of small scale industry within rural townships, where they are compatible with the surrounding area.

- Strategy 7.1 Direct small scale industries to locate in townships where they are compatible with the surrounding area and can demonstrate the ability to achieve the following:
- Be serviced with good road access.
 - Adequately treat wastewater on site or connection to reticulated sewerage if available.
 - Connection to a suitable water supply and other services.
 - Are visually compatible with the surrounding area.
 - Suitably located away from sensitive uses to minimise any impact.

Objective 8 To minimise the impact of industrial development on the environment and sensitive uses.

- Strategy 8.1 Balance industry and adjoining rural and residential development.
- Strategy 8.2 Protect the biodiversity and water quality of declared catchments and watercourses.
- Strategy 8.3 Protect the presence and diversity of any remnant native vegetation and native fauna within and adjacent to industrial land.
- Strategy 8.4 Require new industrial development is be compatible with the aesthetic character of the surrounding land.
- Strategy 7.5 Require that industrial development protects important environmental values and manages environmental risks.

Implementation

Policy guidance

- Encourage industrial land use that requires a buffer distance of 300m or less to locate in south Wangaratta industrial areas, unless the land use is connected with an existing industry through business association.

Applications for planning permits must demonstrate:

- Noise emissions will not exceed EPA guidelines.
- All buildings, structures and carparks will be screened by landscaping within the site.
- Lighting will be directed within the site and light spillage outside the site is minimal.
- Building height will be below the mature tree height line where practicable.
- Specified vehicle access routes will be used.
- External building cladding colours are in muted tones with no 'white' colour or 'reflective' type material used.

In deciding on an application, Council will:

- Consider the effect of the industry on surrounding uses.
- Consider the effect of the industry on the Ovens River floodplain.

Applications must contain the following information when lodged:

- A statement demonstrating how the proposed development meets the required buffer distances shown at Clause 52.10 of the *Victoria Planning Provisions*.
- A schedule of all external building cladding colours.
- The anticipated staging and timing of the development.

- A report explaining how the land use and development has been sited to address:
 - The topography of the site.
 - The visual amenity effects of all works on the rural landscape.
 - All required onsite vehicle manoeuvring, noting that vehicles are required to enter and leave the site in a forward direction.
 - The most efficient use of infrastructure, particularly reticulated water infrastructure using water saving and/or reuse technology or processes.
 - Any impacts on nearby watercourses, drainage lines, or land subject to flooding.
- Provide a landscaping plan showing the following information, where relevant to the application:
 - The location of all landscaping and fencing, including fencing construction details and heights.
 - A planting schedule showing species and mature heights.
 - Consideration of the following with regards the retention of remnant trees:
 - Avoid clearing native vegetation,
 - Identify appropriate off-sets (to achieve net gain), and
 - Mature remnant native trees are to be retained in road reserves (widened) or open space, with tree canopy drip zones protected from services trenching, roads and general construction.
- A report prepared by a qualified acoustic engineer, where considered relevant by Council, providing:
 - The predicted noise levels and relevant noise criteria based on EPA standards for the dwelling assessed to be the most affected in each compass direction quadrant within the circumference formed by the radius of the threshold distance listed in the table to Clause 52.10 of the *Victoria Planning Provisions*.
 - An assessment of the cumulative effects of noise considering noise emissions from adjoining industry.

Planning scheme application

Further strategic work

- Further Investigate the potential for contamination of Industrial 1 Zoned land in Roy Street West, subject to these investigations rezone the land to an appropriate zone that is compatible with the surrounding area, taking into account the extent of any contamination and any remediation's works required. If required apply an Environmental Audit Overlay.

21.08-3 Tourism

Context and issues

- Tourism is a significant economic strength of the municipality.
- The municipality has an important role as an accommodation and touring base for tourist attractions in the region.
- There has been rapid growth in tourism and allied support industries in the region and there are opportunities to grow tourism destinations and support services in Wangaratta, townships and rural areas. Key tourism attractions are:
 - Viticultural and wine industries in the King Valley and Milawa areas.

- Fine food trails centred in the Milawa area.
- The Wangaratta Jazz and Blues Festival.
- Bushranger heritage in Glenrowan.
- The historic gold dredge at Eldorado.
- The Murray to Mountains Rail Trail, extending from Wangaratta to Beechworth and Bright.
- The Wangaratta Central Activities Area is of tourism significance, including the Ford Street arts and cultural precinct and the Ovens River / Faithfull Street precinct.

Objectives and strategies

Objective 1 To support sustainable tourism development throughout the municipality

- | | |
|--------------|---|
| Strategy 1.1 | Provide a diverse range of tourist opportunities and facilities |
| Strategy 1.2 | Strengthen the municipality as a significant hub for the Legends, Wine and High Country Region and for its eco-tourism experiences |
| Strategy 1.3 | Support an expanded range of festivals and community events |
| Strategy 1.4 | Reinforce Glenrowan as a significant tourist destination of national and international significance in association with the Ned Kelly story |
| Strategy 1.5 | Maintain the area as an outstanding destination for wineries and gourmet food experience, particularly in the Milawa/Oxley and the King Valley gourmet region |
| Strategy 1.6 | Promote a wide range of accommodation facilities catering for large numbers of visitors |
| Strategy 1.7 | Promote and develop tourism attractions and opportunities based on local economic, geographic and community strengths. |

Objective 2 To enhance touring route options.

- | | |
|--------------|---|
| Strategy 2.1 | Complete the Milawa gourmet loop and the trail to the northeast of Wangaratta to link with the Murray River (Bowser to Wahgunyah section) of the Murray to Mountains trail. |
| Strategy 2.2 | Extend the Murray to Mountains Trail from Wangaratta to Whitfield. |

Appendix C2 Clause 22.11

21.11 LOCAL AREAS

21.11-2.1 Wangaratta Central Activities Area

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21.11-2 South Wangaratta Urban Renewal Area

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21.11-3 South Wangaratta Industrial Area

Context and issues

- The South Wangaratta Industrial [Area](#) is located approximately 2.2 kilometres to the north of the Hume Freeway, at its closest point. The ~~precinct~~[area](#) extends across a four kilometre area from the southern gateway of the town to within close proximity of the Wangaratta CAA, and consists of approximately 257ha of Industrial and Commercial zoned land as shown of Figure 9 (South Wangaratta Industrial [Area](#) – Strategic Framework Plan).
- The ~~precinct~~[area](#) is generally bounded by Three Mile Creek in the west, Greta Road in the west and Mason Street in the south. The ~~precinct~~[area](#) is focused around three key north-south transport spines: the Melbourne to Sydney Railway Line, Tone Road and Greta Road. Tone Road provides the main entry point to the town from the Hume Freeway.
- South Wangaratta forms a substantial part of the main Wangaratta urban area and directly adjoins residential, commercial and other urban land. It contains a wide variety of lot sizes, ranging from very small lots to very large areas of broadacre land. The northern part of the South Wangaratta precinct was first established during the early settlement of Wangaratta.
- A large number of dwellings exist in the Industrial 1 Zone, and whilst these are not causing major issues at present, this issue requires monitoring and changes to the planning framework should be considered if they arise in the future.
- Many dwellings area also in close proximity to long established industries that require substantial separation distances, reinforcing the need to ensure that suitable land is available elsewhere in Wangaratta for these businesses if they choose to relocate.
- There is a risk that industrial uses could be affected by the encroachment of residential uses over the long term in the south of the precinct. The Strategic potential of land to the south east of Shanley Street should be protected.
- The South Wangaratta Industrial Area has potential to further support a range of business seeking high exposure sites along Tone and Greta Roads, current demand confirms this. Higher Standards of built form outcomes should be encouraged along these major entrances to the City.
- The lack of infrastructure along some roads, detracts from the appearance of some sections ~~of precinct~~ and investment will be required in the future to support any redevelopment of these areas.
- There is the potential to improve freight movements within the City, removing the issues associated with freight traveling through the town centre, this can be achieved from actively planning and constructing the key north-west bypass route.

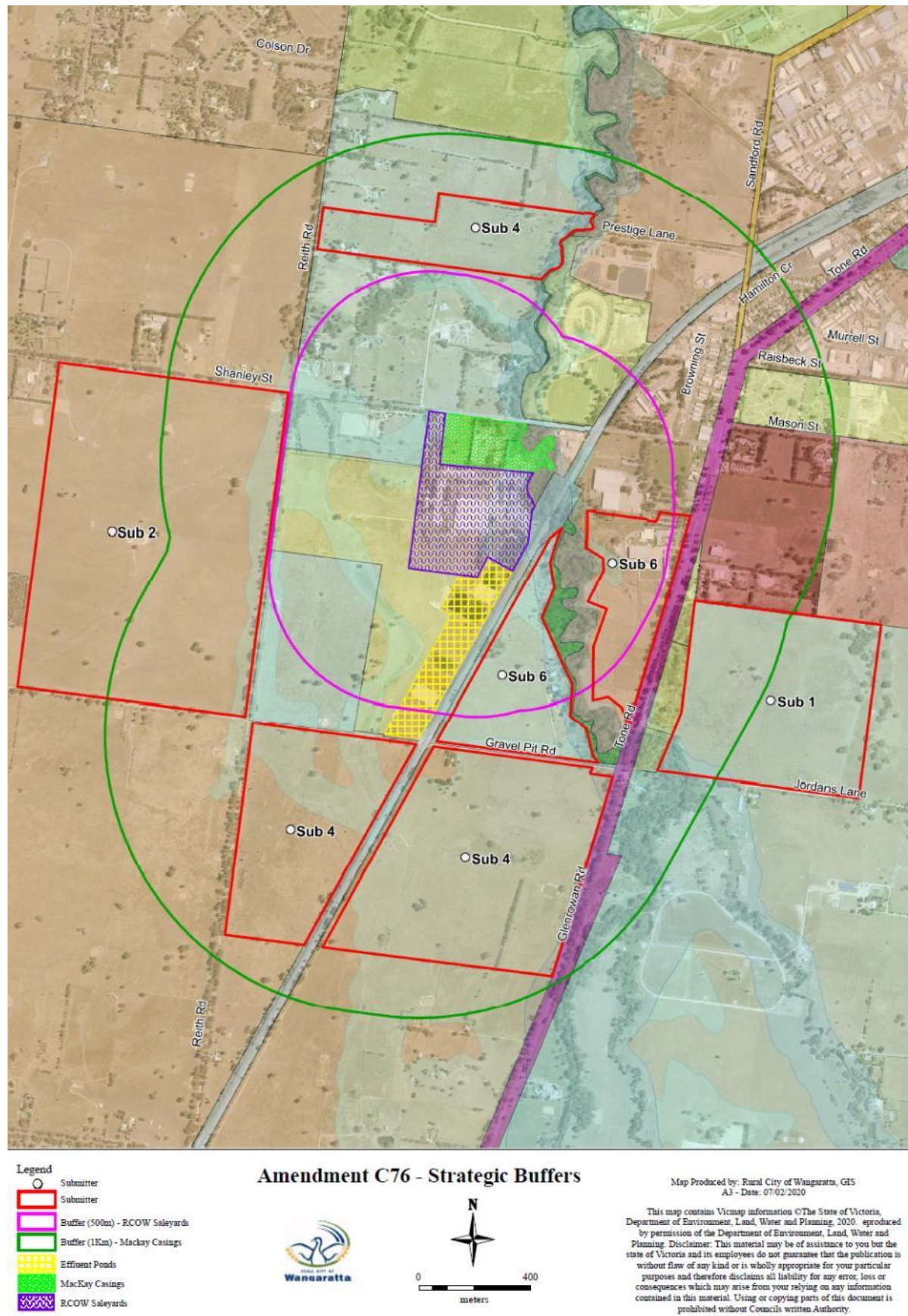


Fig. 9 South Wangaratta Industrial Area – Strategic Framework Directions Plan

Objectives and strategies

Objective 1 To protect Industrial land as an important economic and employment resource.

- | | |
|---------------------------------------|---|
| Strategy 1.1 | Protect the potential for long term industrial expansion to the south east of Shanley Street. |
| Strategy 1.2 | Avoid the development of dwellings and other sensitive uses from locating within the Strategic buffer area from the Saleyards and MacKay Casings shown on Figure 9 and defined by: <ul style="list-style-type: none"> * Farming Zoned land generally bounded by Reith Road, Gravel Pit Road, and land zoned SUZ7 (Reith Road Equine Precinct) as a Strategic Buffer to MacKay Casings, the Saleyards, the South Wangaratta Trade Waste Facility and the potential future industrial areas. |
| Strategy 1.3 | Avoid any future investigations for the establishment of residential and other sensitive uses within the Strategic Buffer of 1000m around the MacKay Casings plant and the saleyards until an appropriate buffer distance is confirmed. |
| <u>Strategy 1.2</u> | <u>Protect the operation of McKay Casings and the Wangaratta saleyards by requesting that a permit application or planning scheme amendment proposing to introduce or intensify a sensitive use on land in a strategic buffer identified in Figure 8 include an odour assessment which demonstrates the buffer can be satisfactorily reduced.</u> |
| Strategy 1. 3 ⁴ | Require the 'agent of change' in the Mixed Use Zone in Tone Road and Low Density Residential Zone in Mason Street to incorporate suitable separation distances to the adjacent land as appropriate. |
| Strategy 1. 4 ⁵ | Support industrial infill development within South Wangaratta Urban Renewal Area. |
| Strategy 1. 5 ⁶ | Protect the Industrial 1 Zoned land within the South Wangaratta Urban Renewal Area from the encroachment of sensitive uses. |
| Strategy 1. 6 ⁷ | Avoid the development of the Mixed Use Zone land on the corner of Mason Street and Tone Road for a major commercial development. |
| Strategy 1. 7 ⁸ | Avoid the development of general retail and shop uses on Commercial 2 Zone land along Tone Road and encourage these uses to locate within the Central Activities Area. |

Implementation

Further strategic work

- Support the investigation of IN1Z land in Roy Street West for the potential of land contamination. Subject to the outcome of these investigations, support the rezoning of this land to an appropriate zone that is compatible with the surrounding area, taking into account the extent of any contamination and any remediation works required.
- Undertake a Commercial Areas or Retail Strategy to assess the supply of and the likely future demand for retail and office floor space in Wangaratta.
- Support the redevelopment of surplus land at the Australian Textile Mill (ATM) Site in Sisely Avenue, following the preparation of a Development Plan for the entire site, which incorporates appropriate transitions to the adjoining sensitive uses, prior to any consideration of rezoning the land or major redevelopment.
- As a first priority light industrial development should be considered on the surplus ATM land.

- Investigate the potential for a truck parking area in the South Wangaratta Area.

21.11-34 North Wangaratta Industrial Area

Context and issues

- The North Wangaratta Industrial ~~A~~area is located to the east side of the Ovens River, approximately 2.5 kilometres to the north east of the CAA and at least one kilometre from other urban zoned land. It is separated from the urban area by large tracts of riverine land and floodplain associated with the Ovens River and its tributaries. It predominantly contains land in medium and large lots, with large tracts of broadacre land.
- The North Wangaratta [Industrial Area](#) – Strategic Directions Plan (figure ~~8~~10) outlines the strategic planning framework for North Wangaratta, which fundamentally seeks to attract industries with large land and buffer distance requirements.
- The land zoned industrial and public use in North Wangaratta has flexibility to respond to a range of future industrial uses, sizes and locational requirements, including opportunities for value adding industries.
- There are current limitations in the provision of reticulated water and electricity services with both services requiring upgrading.
- Development is occurring slowly in the ~~pre~~inetaarea and is likely to require up-front investment in services to stimulate new development. The land within the ~~pre~~inetaarea is generally in a broad acre form, so it is not immediately available for new industries without major investment in services and infrastructure.

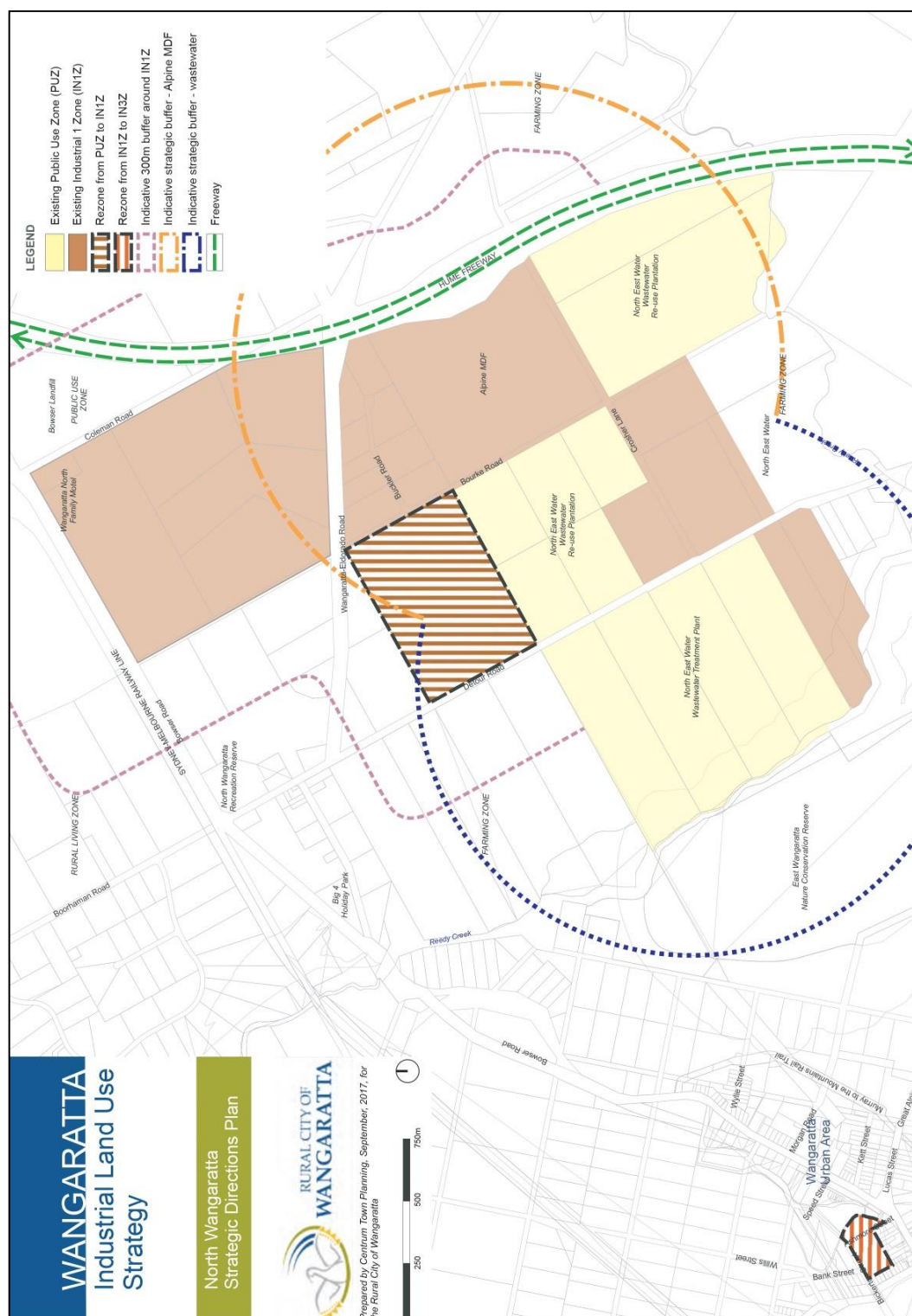


Figure 8. North Wangaratta [Industrial Area](#) - Strategic Directions Plan

Objectives and strategies

Objective 1 To achieve the economic potential and performance of industrial land and public use zone land located in the North Wangaratta industrial area and surrounds.

Strategy 1.1	Facilitate development of a range of medium to large industrial uses.
Strategy 1.2	Direct the establishment of Industries requiring buffer requirements in excess of 300 metres and large water requirements to the North Wangaratta Industrial Area.
Strategy 1.3	Upgrade reticulated water and electricity services.
Strategy 1.4	Protect the North Wangaratta industrial area from encroachment by sensitive uses, in particular land located within the indicative Strategic Buffers outlined on the North Wangaratta Industrial - Strategic Development Directions Plan (figure 810).
Strategy 1.5	Avoid development that may prejudice the availability of land for future industrial requirements or the operation of land for industrial purposes.
Strategy 1.6	Avoid non-industrial land use and development in the North Wangaratta industrial area.
Strategy 1.7	Support the continued operation of the Wangaratta Wastewater Treatment Plant (refer to Figure 810) as a key piece of infrastructure for Wangaratta.
Strategy 1.8	Require existing dwellings located within the Strategic Buffer areas and on land zoned for Industrial purposes are either: <ul style="list-style-type: none">• removed as part of any industrial development. Or;• repurposed for use within any proposed industrial or commercial operation of the land.
Strategy 1.9	Avoid the excision of dwellings located on land shown within the Strategic Buffers on Figure 8 and surrounding land zoned Industrial 1 and Farming Zone, in order to reduce the number of sensitive uses within the precinct.