





## Contents

<b>Executive Summary</b>	<b>2</b>
<b>Proposal</b>	<b>4</b>
<b>Subject Site and Surrounds</b>	<b>7</b>
<b>Planning Provisions</b>	<b>12</b>
<b>Referrals and Notice</b>	<b>16</b>
<b>Assessment</b>	<b>17</b>
<b>Recommendation</b>	<b>32</b>

# Executive Summary



Key Information	Details		
<b>Application No:</b>	PA2201903		
<b>Received:</b>	21 OCTOBER 2022		
<b>Statutory Days:</b>	134		
<b>Applicant:</b>	Yarra Valley Water c/- Jacobs Pty Ltd		
<b>Planning Scheme:</b>	Yarra Ranges		
<b>Land Address:</b>	83-85 Nelson Road Lilydale 3140 535-537 Maroondah Highway, Coldstream 1a Coldstream West Road, Coldstream		
<b>Proposal:</b>	Use and development of a waste to energy facility at the Yarra Valley Water sewerage treatment plant, removal of native vegetation and creation of access to a road in a Transport Zone 2		
<b>Development Value:</b>	\$22 m		
<b>Why is the Minister responsible?</b>	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because: The application is for an energy generation facility with an installed capacity of 1 megawatt or greater		
<b>Why is a permit required?</b>	<b>Clause</b>	<b>Control</b>	<b>Trigger</b>
<b>Zone:</b>	Clause 36.01	Public Use Zone Schedule 1 (PUZ1)	<i>Use the land for a waste to energy facility Construct a building or construct or carry out works</i>
	Clause 36.04	Transport Zone 1 (TRZ1)	<i>Use the land for a road associated with a section 2 use Construct a building or construct or carry out works</i>
	Clause 35.04	Green Wedge Zone (GWZ)	<i>Use of land as a Road associated with a section 2 use Construct a building or construct or carry out works</i>
<b>Overlays:</b>	Clause 44.04	Land Subject to Inundation Overlay (LSIO)	<i>Construct a building or construct or carry out works</i>
	Clause 44.06	Bushfire Management Overlay (BMO)	<i>N/A – no permit trigger</i>
	Clause 42.03	Significant Landscape Overlay Schedule 2 (SLO2)	<i>Construct a building or construct or carry out works Removal of vegetation</i>
	Clause 42.01	Environmental Significance Overlay Schedule 1 (ESO1)	<i>Construct a building or construct or carry out works within 30m of a waterway and removal of vegetation</i>
<b>Particular Provisions:</b>	Clause 52.06	Car parking	<i>Provision of car parking to the satisfaction of the Responsible Authority.</i>
	Clause	Native Vegetation	<i>Removal of native vegetation</i>



52.17

	Clause 52.29	Land Adjacent to the Principal Road Network	<i>Creation of access to a road in a Principal Road Network.</i>
<b>Cultural Heritage:</b>	An approved CHMP was provided to the Department of Transport and Planning on 21 October 2022 (Cultural Heritage Management Plan 17255 entitled: <i>Lilydale Waste to Energy 83-85 Nelson Road Lilydale and 535-537 Maroondah Highway, Coldstream</i> dated 7 December 2021)		
<b>Proposed installed capacity:</b>	2.4MW		
<b>Referral Authorities:</b>	Ausnet (s55 – Determining) Head, Transport for Victoria (s55 – Determining) Environment Protection Authority (s55 – Determining) Melbourne Water (s55 – Determining)		
<b>Public Notice:</b>	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none"><li>- Letters to adjoining owner and occupier properties</li><li>- Notice to the Council, Yarra Ranges Shire</li><li>- Notice to parties including Country Fire Authority, Emergency Management Victoria, Vic Track, and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation</li></ul> <b>2 objections</b> have been received as of <b>25 October 2023</b> .		
<b>Delegates List:</b>	Approval to determine under delegation received on <b>11 October 2023</b>		



## Application Process

1. Planning permit PA2000903 was lodged with the Department of Transport and Planning on 21 October 2022.
2. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	21 October 2022
Further information requested	18 November 2022
Further information received	24 May 2023
Decision Plans	Plans prepared by: <b>Jacobs</b> titled ' <b>Lilydale Waste to Energy Development Plans</b> ' And DeLorean Corporation titled ' <b>YVW LILYDALE WTE SITE ELEVATIONS FRONT AND BACK VIEWS</b> '.
Other Assessment Documents	Ecology Report prepared by Jacobs dated 29 April 2023 Tree Removal Plan prepared by Jacobs (undated) Air Quality Impact Assessment Report Plan prepared by Jacobs and dated 09 May 2023. Arboricultural Report prepared by ironbark and dated 04 April 2023. Landscape and Visual Impact Assessment prepared by Jacobs dated 11 October 2022. Noise Impact Assessment prepared by Jacobs dated 18 April 2023 Preliminary Land Management Plan prepared by Yarra Valley Water and dated 2023 Traffic Impact assessment by Jacobs dated 15 November 2021

3. The subject of this report is the decision plans (as described above).

## Proposal Summary

4. The proposal can be summarised as follows:

Key Information	Details
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>The proposal includes the construction of a facility which will convert organic waste to energy at the existing Yarra Valley Water sewerage treatment plant.</li> <li>The facility includes an anaerobic digester which will convert the waste to biogas. The biogas will then be burned to generate electricity.</li> <li>The electricity generated will be used to supply the treatment plant with power, with the remaining energy being exported into the electricity grid.</li> <li>The proposal also includes the construction of an accessway over the existing Yarra Valley Trail (cyclist path) and a new intersection at Maroondah Highway.</li> <li>The proposal also includes the removal of vegetation.</li> </ul>
<b>Proposed capacity</b>	<b>2.4 MW</b>
<b>Removal of vegetation</b>	<b>0.180 ha</b> of native vegetation, comprising of: <ul style="list-style-type: none"> <li>- 0.0855ha of EVC 821: Tall Marsh</li> <li>- 0.0944ha of EVC 134: Creepline Herb-rich Woodland.</li> </ul>

5. The Applicant has included the following images of the proposal:



Figure 1 - Rendered image of the proposed facility (source Planning Report, Jacobs)



Figure 2 - Site layout plan (source Planning Report, Jacobs)

# Subject Site and Surrounds

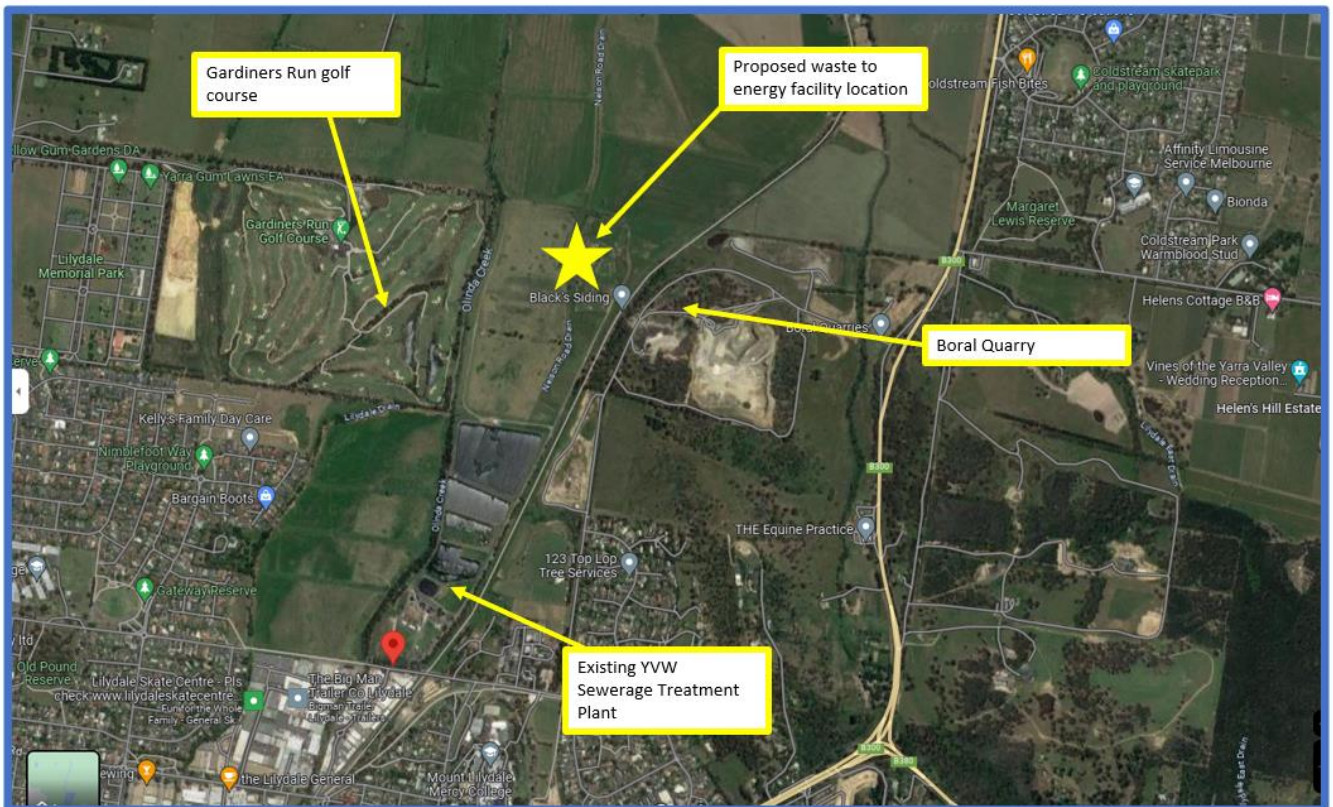


## Site Description

6. The site is located outside of the Urban Growth Boundary, within the Shire of Yarra Ranges, approximately 34 kilometres from Melbourne CBD.
7. The existing site comprises of water treatment facilities owned and operated by Yarra Valley Water.
8. The site is formally described as 83-85 Nelson Road Lilydale, 535-537 Maroondah Highway, Coldstream and 1a Coldstream West Road, Coldstream.
9. The land comprises the following land parcels:
  - Lot 1 of TP125400
  - Lot 1 on TP550095
  - Lot 5 on PS327190
  - Lot 2 on TP18019
  - Lot 1 on TP544987
  - Lot 1 on TP340613
  - Lot 1 on TP428498
  - Lot 2 on TP895065
10. There are two high voltage electricity easements on the site, none of which will be impacted by the proposed use and development. There are no covenants on any of the lots which would prohibit the proposed use and development.

## Site Surrounds

11. The surrounding land is occupied by a variety of non-residential uses, including a quarry, golf course and industrial development. There is also a cemetery and drainage reserve within the vicinity of the sewerage treatment plant. The below image depicts the nearby and surrounding land uses.



12.





13. Development surrounding the site can be described as follows:

- To the **north** of the site the land is owned by Yarra Valley Water and is within the Green Wedge Zone. The land is used for agricultural purposes and is largely cleared of vegetation. The nearest residential dwelling to the northeast of the project area is approximately 1,000 metres, in the nearby community of Coldstream.
- To the **south** of the site is the Lilydale Sewerage Treatment Plant (STP). It comprises of wastewater treatment buildings, infrastructure and lagoons. The buildings are partially screened by vegetation that has been planted along the rail trail. The entire site is fenced with a wire fencing approximately 1.9 m tall.
- To the **south- east** of the site is used for industrial and warehouse uses. A BMX track is located on the south-side of Nelson Road, as well as the Mount Lilydale Mercy College. The college also leases a sports field (on YVW land) which is located on the northern side of Nelson Road, between Quarry Road and the Yarra Valley Rail Trail. The nearest residential dwelling in the south-east is approximately 850 metres from the project area. The residential land is separated from the site by land that is zoned for industrial purposes and used for storage and laydown.
- To the **east** of the site is the Boral Quarry site which is still operating as a quarry for rock products.
- To the **west** of the site is Gardiners Run Golf Course. The land directly south of the golf course and west of the Lilydale STP is used for agricultural purposes and separates residents from the Lilydale STP. The nearest dwelling to the west of the project site is approximately 1,000 metres.
- The Yarra Valley Rail Trail which runs north-south adjacent to the site, runs from Lilydale to Yering and will eventually be extended to meet the existing Warburton to Lilydale Trail. The trail is a gravel path for cyclists and walkers along the discontinued rail tracks in the Yarra Valley. The trail is approximately 4 m in width and is fenced for most sections with open post and wire fencing.

14. A site inspection of the subject site and surrounds was undertaken in August 2023. Images of the site and surrounds are reflected in **Photos A- F below**.



*Photo A - The subject land as viewed from the Yarra Valley Rail Trail*



*Figure B- The subject land as viewed from the Yarra Valley Rail Trail*



*Photo C - The treatment plant ponds as viewed from the Yarra Valley Rail Trail*



*Photo D - The YVW owned land used as sports fields as viewed from the Yarra Valley Rail Trail*



*Photo E: The existing bus depot (looking north-east) as viewed from the Yarra Valley Rail Trail*



*Photo F - The existing road crossing at Nelson Road (looking north-east) as viewed from the Yarra Valley Rail Trail*



## Municipal Planning Strategy

15. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-3	Environmental Risks and Amenity

## Planning Policy Framework

16. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.01-1R	Settlement – Metropolitan Melbourne
11.01-1L-04	Green wedge
11.03-3S	Peri-urban areas
11.03-5S	Distinctive areas and landscapes (Yarra Ranges Localised Planning Statement 2017)
<b>Clause 12</b>	<b>Environmental and Landscape Values</b>
12.01-1S	Protection of biodiversity
12.01-1L	Biodiversity
12.01-2S	Native vegetation management
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
12.05-1S	Environmentally sensitive areas
12.05-2S	Landscapes
12.05-2L	Rural landscapes
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.02-1S	Bushfire planning
13.03-1S	Floodplain management
13.04-1S	Contaminated and potentially contaminated land
13.05-1S	Noise management
13.06-1S	Air quality management
13.07-1S	Land use compatibility
<b>Clause 14</b>	<b>Natural Resource Management</b>
14.02-1S	Catchment planning and management
14.02-1L	Catchment systems
14.02-2S	Water quality
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-2S	Building design
15.03-2S	Aboriginal cultural heritage



Clause 19	Infrastructure
19.01-1S	Energy supply
19.01-2S	Renewable energy
19.01-2R	Renewable energy – Metropolitan Melbourne
19.03-5S	Waste and resource recovery

17. The assessment section of this report provides a detailed assessment of the relevant planning policies

## Zoning and Overlays

### Applicable Zone/s

#### Clause 36.01 - Public Use Zone Schedule 1

18. A planning permit is required for the use of land as a waste to energy facility and to construct a building or construct or carry out works in accordance with Clause 36.01 Public Use Zone Schedule 1 (PUZ1). The purpose of the Public Use Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

#### Clause 36.04 Transport Zone Schedule 1

19. A planning permit is required to use the land for a section 2 use (private access road associated with the waste to energy facility) and to construct or carry out works in accordance with Clause 36.04 Transport Zone Schedule 1 (TRZ1). The purpose of the Transport Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for an integrated and sustainable transport system.*
- *To identify transport land use and land required for transport services and facilities.*
- *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
- *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*

#### Clause 36.01 - 36.04 Transport Zone Schedule 2

20. A planning permit is **not** required pursuant to Clause 36.04 Transport Zone Schedule 2 (TRZ2) for the buildings and works associated with a Road, as the works are associated with the upgrades to the Maroondah Highway intersection.

#### Clause 35.04 Green Wedge Zone Schedule 2 and Schedule 4

21. A planning permit is required in accordance with Clause 35.04 Green Wedge Zone Schedule 2 (GWZ2) and Schedule 4 (GWZ4) for the use of land as a road associated with a section 2 use (waste to energy facility). A planning permit is also required for buildings and works for the access road. The purpose of the Green Wedge Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*

- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

22. Discussion of how the proposal responds to these requirements is outlined later in this report.

## **Applicable Overlays**

### Environmental Significance Overlay Schedule 1

23. Pursuant to Clause 42.01 Environmental Significance Overlay Schedule 1 (ESO1) a planning permit is required for the removal of vegetation and to construct a building or construct or carry out works within 30m of a waterway.

24. The objectives and decision guidelines relevant to this proposal are:

- *To protect and manage the larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss so that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna.*

### Significance Landscape Overlay Schedule 2

25. Pursuant to Clause 42.03 Significant Landscape Overlay 2 (SLO2) a planning permit is required for the removal of vegetation and to construct a building or construct or carry out works which exceed 7 m in height and for works which are located within 4 of a tree as defined in the schedule.

26. The objectives and decision guidelines relevant to this proposal are:

- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *Any other matters specified in a schedule to this overlay that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna.*

### Land Subject to Inundation Overlay

27. Pursuant to Clause 44.04 the Land Subject to Inundation Overlay, (LSIO), a planning permit is required to construct a building or construct or carry out works. The proposal includes works for the construction of the road access within the LSIO.

28. The objectives and decision guidelines relevant to this proposal are:

- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *Alternative design or flood proofing responses.*
- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*



- *The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.*
- *To protect and manage the larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss so that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna.*

#### Bushfire Management Overlay

26. Pursuant to Clause 44.06, the Bushfire Management Overlay, a planning permit is **not** required for the proposed use and development.

## Particular and General Provisions

### Provisions that Require, Enable or Exempt a Permit

#### Clause 51.03 Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

26. In accordance with the schedule to the Clause 51.03, a planning permit is not required for buildings and works, or the removal of native vegetation, as the removal is to occur on land within the Public Use Zone which is not within the Urban Growth Boundary.

#### Clause 52.06 – Car Parking

26. Pursuant to Clause 52.06, car parking must be provided to the satisfaction of the Responsible Authority.

#### Clause 52.17 Native Vegetation

26. Pursuant to Clause 52.17, a planning permit is required to remove the following native vegetation:
- 0.180ha of native vegetation patches (EVCs), comprising of:
    - 0.0855ha of EVC 821: Tall Marsh
    - 0.0944ha of EVC 134: Creekline Herb-rich Woodland.

#### Clause 52.29 - Land Adjacent to the Principal Road Network

26. A planning permit is required to create, modify or alter access to a road in a road in Transport Zone 2. A planning permit is required for the proposed access road intersection where the road meets Maroondah Highway.





## Referrals

29. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Ausnet	No response provided.
Section 55 Referral – Determining	Department of Transport – Statewide	No objection subject to conditions received on 02 February 2023.
Section 55 Referral – Determining	EPA	No objection response received on 20 December 2022.
Section 55 Referral – Determining	Melbourne Water Corporation	No objection response received on 01 August 2023. Updated no objection response received on 24 October 2023.

## Municipal Council Comments

30. The Yarra Ranges Shire Council (the council) considered the application and formally responded on 19 July 2023.
31. The Council is generally supportive of the application. However, there are comments requesting that the EVC species are included in an updated Ecology Assessment. Comments were also made in relation to the Preliminary Landscape Plan which has been submitted to support the application. This is discussed in further detail below.

## Advice sought from other agencies

32. VicTrack have provided conditional support for the proposal. The conditions relate to the construction of a road across the VicTrack railway land and seek to manage the interface between assets. The conditions required by VicTrack have been included as conditions on the permit.
33. The CFA have responded to the notice of application and provided no objection subject to the conditions recommended in their response dated 19 September 2023.

## Notice

34. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*. As such, the applicant was directed to give notice to all adjacent land owners and occupiers.
35. The Department of Transport and Planning gave notice directly to the Council, and the following organisations:
- Country Fire Authority
  - Emergency Management Victoria
  - Vic Track
  - Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
36. Two objections have been received, raising the following issues:
- Smell and noise pollution
  - Vermin
  - Water quality
  - Emissions



## Planning Assessment

The assessment below addresses the effect the proposed use and development may have with discussion against the Yarra Ranges Planning Scheme and the objectives of planning in Victoria. Further, where relevant, the assessment addresses the decisions and comments of referral authorities. In this regard, the assessment of the application is consistent with section 60 of the Act.

### Key Considerations:

The assessment is broken down into several matters:

- What is the policy context for the proposed use and development?
- Does the application respond appropriately to the zones, overlays and particular provisions relevant to the site?
- Are impacts on agricultural land acceptable?
- Are impacts on the surrounding area in terms of noise and vibration, light spill, smell and dust acceptable?
- Are impacts on landscape character and visual amenity values acceptable?
- Are impacts on the natural environment and natural systems acceptable?
- What are the implications of any hazards?
- Are impacts on the road network acceptable?
- Are impacts on social and economic values acceptable?

## Planning Policy Framework and Context

Table 1: Policy Summary

Clause 11	Settlement	Assessment
11.01-1R	Settlement – Metropolitan Melbourne	The proposal is consistent with the strategy in <i>Clause 11.01-1R Green Wedges – Metropolitan Melbourne</i> and <i>Clause 11.01-1L-04 Green Wedge</i> , which support the use and development of renewable energy generation in the green wedges of Melbourne.  The proposal is also consistent with the objective of this clause to protect the green wedge from inappropriate development. The proposal will not result in the loss of agricultural land or affect extractive uses within the green wedge.  The proposed development has also been sited to minimise the visual impact of the buildings, with the use of planted vegetation to partially screen the views of buildings and tanks from the Yarra Valley Rail Trail.
11.01-1L-04	Green wedge	
11.03-3S	Peri-urban areas	
11.03-5S	Distinctive areas and landscapes (Yarra Ranges Localised Planning Statement 2017)	
Clause 12	Environmental and Landscape Values	
12.01-1S	Protection of biodiversity	The proposal avoids impacts to the natural environment where possible and is appropriately located upon a property that has been used for public use purposes for an extended period of time.  The removal of native vegetation has been avoided where possible through siting the facility in an area where the least native vegetation is present.  The proposal does not impact endangered fauna or areas of flora used as habitat.
12.01-1L	Biodiversity	
12.01-2S	Native vegetation management	
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs	
12.05-1S	Environmentally sensitive areas	
12.05-2S	Landscapes	
12.05-2L	Rural landscapes	
Clause 13	Environmental Risks and Amenity	



<b>13.02-1S</b>	Bushfire planning	<p>The proposal has appropriately responded to bushfire risks through providing defensible space and emergency management measures. Surface water impacts will be managed through appropriate management techniques.</p> <p>Appropriate siting of the facility on a large agricultural lot with limited surrounding sensitive uses ensures that noise, air quality, amenity and human health impacts are avoided and minimised.</p> <p>The proposal is required to obtain a development licence from the EPA that will further ensure that there are no adverse amenity impacts on the surrounding environs.</p>
<b>13.03-1S</b>	Floodplain management	
<b>13.04-1S</b>	Contaminated and potentially contaminated land	
<b>13.05-1S</b>	Noise management	
<b>13.06-1S</b>	Air quality management	
<b>13.07-1S</b>	Land use compatibility	

**Clause 14 Natural Resource Management**

<b>14.02-1S</b>	Catchment planning and management	<p><i>Clause 14.02-1S Catchment planning and management, Clause 14.02-2S Water Quality and 14.02-1L</i>, which seek to protect catchments, waterways and water bodies and their environs, with developments to be designed with regard to the <i>Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)</i>. The policies also seek to minimise the discharge of contaminated runoff or wastes to waterways, and where permitted to do so that water quality is protected. To avoid the contamination of Olinda Creek and the flood storage compensation area, the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>▪ The site will be raised above the 1/100 year flood event line (600 mm above graded floor level).</li> <li>▪ Any waste or leaks within the tank farm will be directed back into the receival shed for reuse.</li> <li>▪ Any roof and road run-off will be directed to the detention pond.</li> </ul>
<b>14.02-1L</b>	Catchment systems	
<b>14.02-2S</b>	Water quality	

**Clause 15 Built Environment and Heritage**

<b>15.01-2S</b>	Building design	<p>The proposed siting and design of buildings has had regard to <i>Clause 15.01-2S Building design</i> to support environmentally sustainable development. and will not impact areas of Aboriginal cultural heritage significance.</p> <p>No other heritage features exist on the site.</p>
<b>15.03-2S</b>	Aboriginal cultural heritage	

**Clause 19 Infrastructure**

<b>19.01-1S</b>	Energy supply	<p>The proposal will contribute to the existing energy network through the supply of up to 2.4 MW of electricity during peak periods. Siting of the facility also ensures it does not conflict with surrounding land uses.</p>
<b>19.01-2S</b>	Renewable energy	
<b>19.01-2R</b>	Renewable energy – Metropolitan Melbourne	
<b>19.03-5S</b>	Waste and resource recovery	<p>An assessment of the energy use, greenhouse gas emissions and climate change commissioned by YVW found that the waste to energy facility is expected to remove over 1.6 million tonnes CO<sub>2</sub>-equivalent of greenhouse gases from the atmosphere over its 25 year lifespan. The project will also create approximately 173,000 Australian Carbon Credit Units, by diverting waste from landfill (applicable to the first seven years of operation) and will produce Largescale Generation Certificates by displacing fossil-fuel electricity from the grid.</p>



## Zones, Overlays and Particular Provisions

### Zoning

#### **Public Use Zone Schedule 1 (PUZ1)**

The application proposes the use and development of the land within the Public Use Zone (PUZ1) for a waste to energy facility. The remainder of the site is occupied by an existing public use (sewage treatment plant) which is owned and operated by Yarra Valley Water, a service utility provider. The proposed facility will support and improve the existing use through the provision of electricity for the operation of the sewerage treatment plant.

The proposed facility is consistent with the intent of the PUZ purpose, as it will provide for public utility and services. Therefore, the application positively responds to the purpose and decision guidelines of the PUZ1.

#### **Transport Zone Schedule 1 (TRZ1)**

The application proposes use and development of the land within the Transport Zone 1 (TRZ1) for a private access road that is ancillary to waste to energy facility. The proponent has obtained consent from the Head, Transport for Victoria for application for the use of the land. Additionally, as outlined in the planning report, the Yarra Valley Rail Trail is a decommissioned rail corridor, and an at-grade crossing is supported subject to the conditions of VicTrack being met.

The use and development of the proposed road associated with the facility is therefore consistent with the intent of the Transport Zone purpose, as it complements, and is consistent with, the transport system or public land reservations. Therefore, the application positively responds to the purpose and decision guidelines of the TRZ.

#### **Green Wedge Zone Schedule 2 (GWZ2) and Schedule 4 (GWZ4)**

The application proposes the use and development of the land within the Green Wedge Zone for a road associated with the waste to energy facility. The remainder of the site is occupied by existing agricultural uses (grazing) and is also owned by Yarra Valley Water. The proposed road will encroach on a small portion of the site and will not restrict the broader site area from being occupied by future agricultural uses. The road has been located to minimise the loss of land used for agricultural purposes, whilst also offsetting it from the boundary to the minimum extent necessary to avoid impacts on the Tree Protection Zones of vegetation along the southern boundary of 535-537 Maroondah Highway (Lot 1 on TP550095)

Additionally, the proposed road within the GWZ2 and GWZ4 will not conflict with the use of the land to the south for extractive industry (Boral Quarry).

The use and development of the proposed road associated with the facility is therefore consistent with the intent of the Green Wedge Zone purpose, to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

Therefore, the application positively responds to the purpose and decision guidelines of the GWZ.



## Overlays

### **Environmental Significance Overlay – Schedule 1 (ESO1) – Highest Biodiversity Habitat Areas and Biolink Corridors**

The ESO1 seeks to protect and manage the larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss so that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna. From the 42 trees to be removed from the site, 17 trees require a planning permit to be removed within the ESO1. The remaining 25 trees to be removed meet one or more of the exemptions within Schedule 1 to the ESO for the removal of trees.

The application was submitted with an Ecological Impact Assessment which has mapped and assessed the trees and vegetation present on the site of the proposed facility. A Preliminary Land Management Plan (PLMP) has also been prepared and submitted with the application, as it is referred to as an application requirement at Clause 4 of the ESO.

Upon review of the submitted Ecological Assessment, the Council has made comment on the Ecological Vegetation Class (EVC) for the site. The Council made comment that the EVC has been listed incorrectly and as such an updated report should be submitted to correctly identify the species to be removed. However, the applicant has responded to this response with photo evidence of the type of vegetation and has clarified its presence on the site.

The Council has also reviewed the Preliminary Land Management Plan and raised concerns raised regarding the specific actions outlined in the PLMP. The plan has not specified any minimum actions proposed to be undertaken in order to protect and enhance indigenous flora and fauna. Land management issues have been listed, but there is no commitment to undertake any management actions to achieve identified and measurable goals within a realistic timeframe. Therefore, an updated PLMP is recommended to be required through permit conditions prior to the any use or development commencing.

Having regard to the decision guidelines within the Environmental Significance Overlay Schedule 1, the proposed development:

- Would not impact on remnant bushland, as all remnant bushland is to be retained.
- Has been sited on land that has been significantly disturbed in the past.
- Has been sited to minimise the removal of native and non-native vegetation.
- Has been sited to minimise the impact to areas of environmental significance.
- Has been designed to avoid the removal of trees and vegetation within the high amenity areas.

Based on the above, and subject to the conditions recommended on any permit granted, the application responds positively to the purpose and decision guidelines of the ESO.

### **Significant Landscape Overlay – Schedule 2 (SLO2) – Open Valley Plain**

The Significant Landscape Overlay Schedule 2 seeks to identify significant landscapes and to conserve and enhance the character of significant landscapes.

The landscape character objectives to be achieved within schedule 2 include:

- To maintain a broad open rural landscape in which buildings are inconspicuous elements.
- To allow middle and long distance views from the valley to the surrounding ranges.
- To ensure that the siting and design of new buildings complements their setting and reinforces the open rural landscape character of the area.
- To retain the pattern of development with occasional clusters of building and infrastructure located well away from roads.
- To retain established trees and patches of indigenous vegetation as an important element of the rural landscape.

The development has been located within the flat and low-lying areas of the site, which is already occupied by an existing non-agricultural use. The proposed facility will be appropriately screened by vegetation, similar to the existing sewerage treatment plant. Additionally, the colours and materials used will enable the larger buildings associated within the facility



to blend into the landscape. There will be minimal obstruction to long distance views from the facility, due to its location away from significant view lines, as demonstrated in the submitted visual impact assessment. The location of the facility has also been sited away from major roads, with minimal visibility from major roads of Maroondah Highway and Nelson Road.

As outlined above, the application was submitted with an Ecological Assessment.

From the 42 trees to be removed from the site, 17 trees require a planning permit to be removed within the SLO2. A planning permit is also required for buildings and works within the SLO2. The remaining trees to be removed meet one or more of the exemptions in schedule 2.

Having regard to the decision guidelines within the Significant Landscape Overlay - Schedule 2, the proposed development:

- The visual amenity of the trees to be removed are low with the exception of Tree ID 22, 40 and 58 (moderate) and 37 (significant).
- The removal of Tree ID 104 and 106 has been avoided given their high amenity and retention value.
- A Preliminary Land Management Plan has been prepared showing actions to be undertaken by the proponent to support re-establishment of the canopy along the Lilydale East Drain (Branch).
- The replacement of (or fee payment for) vegetation removed from the Yarra Valley Rail Trail and Maroondah Highway is to be determined post-approval of the planning permit in consultation with VicTrack, the Department of Transport, Yarra Ranges Council and the Minister for Planning (as may be required)
- The landscape assessment found that the proposed site is immediately adjacent to farmland and industrial areas, with most views toward the site not considered to be visually sensitive as the landscape is already highly disturbed. While infrastructures will change the landscape visually, the location is already highly developed and there would be minimal visual impacts to the landscape as a result of the project.
- To enhance the visual amenity and reduce the visibility of buildings, structures, parking and infrastructure from the Yarra Valley Rail Trail and other nearby locations, the visual assessment recommended the use of materials and screening vegetation (in areas outside of the Ausnet easement). The landscape concept plan show appropriate opportunities to landscape the interface.


Based on the above, and subject to the conditions recommended on any permit granted, the application responds positively to the purpose and decision guidelines of the SLO2.

### **Land Subject to Inundation Overlay – LSIO (LSIO)**

The Land Subject to Inundation Overlay seeks:

- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

A planning permit is required to construct the waste to energy facility and the access road where it crosses the creek (branch of the Lilydale East Drain) in 535-537 Maroondah Highway (Lot 1 on TP550095). A planning permit is not required for the Maroondah Highway intersection roadworks as the proposal would not redirect or obstruct the flow path.



The application was referred to Melbourne Water in accordance with Clause 44.04-7. On 1 August 2023, Melbourne Water advised that they had no objection to the application, subject to conditions. The proposed conditions included risk control measures requiring bunding to be constructed around the perimeter of the site.

In response to concerns from the applicant around the feasibility of implementing the proposed perimeter bunding, Melbourne Water provided an updated referral response on 24 October 2023. The updated response included amended conditions so that bunding is only required around areas of the site where hazardous or contaminated liquid materials are handled and stored, including the anaerobic digester tanks and around chemical storage areas.

Having regard to the decision guidelines, the proposed development:

- Is consistent with the pre-development advice provided by Melbourne Water
- The site has been designed above the applicable 1% flood level grades (from 83.6 metres to AHD at the south boundary down to 83.3 metres to AHD at the north boundary).
- The finished floor levels are designed to be 600mm above the graded flood level.
- A Flood Storage Compensation area has been provided within the development to offset the loss to the existing flood storage.
- The proposed crossing of waterways will comply with Melbourne Water's Bridge Crossing Guidelines and separate approval from Melbourne Water's Asset Maintenance Services team will be obtained prior to the commencement of construction.
- The proposed development has address potential flood risks to life, health and safety. The project includes design mitigation measures to off-set the storage loss, as well as to protect waterways and waterbodies from the proposed development.

Based on the above, and subject to the conditions recommended in Melbourne Water's updated referral response dated 24 October 2023, the application responds positively to the purpose and decision guidelines of the LSIO.

## Particular Provisions

### Clause 52.05 – Signs

No signage is proposed.

### Clause 52.06 – Car parking

In accordance with Clause 52.06-6, the provision of car parking for the proposed facility must be provided to the satisfaction of the responsible authority. The application has been submitted with a Traffic Impact Assessment to support proposed car parking response.

The development proposes a bitumen/concrete sealed vehicle parking area with line-marking and drainage and provision for 8 car parking spaces, inclusive of one disability parking space. This exceeds the day-to-day operational requirements of the five on-site staff and infrequent visitors to the site. The hardstand area has provision for additional parking (not line-marked).

As such, the proposed use and development complied with decision guidelines of Clause 52.06.

### Clause 52.17 – Native Vegetation

A planning permit is required to remove, destroy or lop native vegetation pursuant to Clause 52.17-1. The application proposes to remove a total of 0.180 ha of native vegetation. This amount has been reduced since the application was originally lodged and does not require a referral to the Secretary of DEECA as the amount of vegetation to be removed falls within the intermediate assessment pathway. The ecology report has identified the removal of the following vegetation as a result of the project, including the waste to energy facility, the access road and modification of the intersection:

- 0.180ha of native vegetation patches (EVCs), comprising of:



- 0.0855ha of EVC 821: Tall Marsh
- 0.0944ha of EVC 134: Creekline Herb-rich Woodland.

An offset of 0.054 general habitat units is required to offset the loss of the native vegetation in accordance with the Guidelines. The native vegetation is in an area mapped as an endangered Ecological Vegetation Class (as per the state-wide EVC map). Removal of less than 0.5 hectares of native vegetation in this location will not have a significant impact on any habitat for a rare or threatened species.

As outlined above, the Council has raised concerns relating to the EVC type, but the applicant has appropriately responded and therefore the native vegetation removal and offset calculations can be deemed correct.

The proposed use and development has been designed and sited to avoid the removal of native vegetation where possible. The amount of vegetation to be removed has been reduced since the application was originally lodged, to avoid as much removal as possible. There is sufficient opportunity to offset the vegetation to be removed, and therefore the application has satisfactorily responded to *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)* referred to at Clause 52.17.

#### **Clause 52.29 – Land Adjacent to the Principal Road Network**

A permit is required to create or later access to a road in Transport Zone 2. The new road proposed at the Intersection of Maroondah Highway therefore requires a planning permit under Clause 52.29. The application has been referred to the Head, Transport for Victoria.

The Department of Transport reviewed the report and provided a letter to Yarra Valley Water confirming its in-principal support including the concept layout and signalisation of the intersection, subject to the details of a Functional Layout Plan and resolution of the concept layout. It was also recognised by the Head, Transport for Victoria that the layout would require agreement with the Yarra Ranges Shire Council as Ingram Road is a local road under its management.

Therefore, the proposed new road and accessway meet the decision guidelines of Clause 52.29, subject to the conditions referred to above.

#### **Clause 53.10 – Uses with adverse amenity potential**

The EPA have advised that the primary concerns associated with a waste-to-energy facility are air quality, odour and noise.

Given the anaerobic digestion process and the use of organic waste in the process, the proposed use has the potential to emit foul odour into the air. If the odour emissions are not properly managed onsite, it has the potential to travel onto nearby sensitive receptors. The application was submitted with an air quality and odour assessment that characterised all potential air and odour emission risks and identified risk controls and mitigation measures for the proposed facility.

The application is required to obtain a Development Licence from the EPA due to the facility being a waste to energy facility that processes organic waste and biosolids. Specific aspects of the use or development of land are controlled by an EPA licence. It is noted that conditions in a planning permit for the use or development should not attempt to control the same thing other than stating that the facility must be in accordance with a licence or works approval issued by the EPA (as amended from time to time) (SITA Australia Pty Ltd and PWM (Lyndhurst) Pty Ltd v Greater Dandenong CC [2007] VCAT 156).

The applicant provided an Assessment of Noise Emission (Jacobs Noise Impact Assessment dated 18/08/2023 Revision B). The results indicate that the facility contribution is expected to meet the noise limit criteria at all receivers, during the day, evening and night under worst-case meteorological conditions. Comparison of the predicted effective noise levels against the noise limits, without adjusting for noise character, indicates that no additional controls are required to comply with the Noise Protocol noise criteria.

Subject to the approval of the EPA Development Licence, the proposed use will be able to mitigate any adverse amenity impacts to a sufficient level to not adversely impact the amenity of the surrounding area.



## Are impacts on the surrounding area in terms of noise, vibration, glint and glare, light spill, dust, odour, and electromagnetic radiation and interference acceptable?

### Noise

As outlined earlier in the assessment, the application was submitted with a noise assessment that modelled maximum noise levels emitted from the facility based on the equipment proposed to be used. The expected noise sources from the facility include pumps, fans, depacking machinery, conveyors, compressors, generators and transformers. The deliveries to and from the site via tankers have also been included in the noise sources.

The maximum noise levels heard from nearby dwellings were then calculated to determine if they would comply with the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA publication 1826.4)* (the Noise Protocol).

#### The noise

The submitted noise assessment predicts that the operation of the facility will not produce noise levels that would exceed the most stringent noise requirements set by the Noise Protocol, being the night time noise limit of 32 Leq dB(A). The below Figure 4 as extracted from the Noise Assessment details the predicted noise levels to all nearby dwellings. Noise levels at all nearby properties are predicted to be below the limit.

**Table ES-1: Predicted Effective Noise Levels – Option 1 General operations  $L_{Aeq(30\text{ minutes})}$  (dBA) (outdoor, free-field)**

Receiver	Day			Eve			Night		
	Crit	SPL	dBc-dBA	Crit	SPL	dBc-dBA	Crit	SPL	dBc-dBA
R1_Prop_4 Saintry Place	42	27.5	8.5	46	27.5	8.5	35	27	8.2
R2_60 Trafalgar Crescent	42	27.4	10.0	42	27.4	10.0	35	26.4	10.1
R3_75 Como Road	45	21.1	11.3	37	21.1	11.3	32	17.4	12.4
R4_517-519 Maroondah Hwy	45	20.9	12.6	37	20.9	12.6	32	8.3	12.0
R5_564-566 Maroondah Hwy	45	21.6	10.8	37	21.6	10.8	32	8	12.0
R6_572 Maroondah Hwy	45	32.3	5.5	37	32.3	5.5	32	16.6	12.1
R7_5 Ingram Road	42	28	11.1	44	28	11.1	38	19.3	11.4
R8_584 Maroondah Hwy	42	36.3	7.0	44	36.3	7.0	38	21.9	11.2
R9_74 Station Street	42	24.9	9.7	44	24.9	9.7	38	21	11.2
R10_11 Coldstream West Road	45	26	9.9	37	26	9.9	32	23.4	11.0
R11_19-21 Coldstream West Road	45	24.8	10.3	37	24.8	10.3	32	23.3	10.6
R12_23-27 Coldstream West Road	45	25.3	11.9	37	25.3	11.9	32	23.3	9.6
R13_138 Victoria Road	45	23.4	9.1	37	23.4	9.1	32	22.9	8.6
R14_134 Victoria Road	45	20.5	9.4	37	20.5	9.4	32	19.9	8.6

Figure 3 - Predicted noise levels from the operation of the facility Source: Noise Impact assessment by Jacobs dated 18/08/2022

The noise impact assessment has also taken into account the deliveries to and from the site which is expected to be one per hour and daytime only.

The noise assessment does not specify that any noise mitigation infrastructure or equipment is required to be installed to reduce noise due to the distance from the noise producing components of the facility.

Based on the finding within the noise assessment, there are not considered to be any adverse noise impacts as a result of the operation of the facility.

### Recommendations

DTP officers recommend permit conditions to require the facility to always comply with the Noise Protocol.



## Vibration, dust and light spill

The plans submitted with the application do not indicate that there is any external lighting will be present on site. Due to its 24-hour operation it is expected that there will be some form of external lighting. The proposed landscaping will also to help screen any potential light spill.

Vibration is not expected to be an ongoing issue following the completion of the construction of the facility due to the anerobic method of transforming the waste to energy. Restricting vibration during construction will be managed through a construction management plan that will address the requirements outlined within EPA Publication 1834 *Civil construction building and demolition guide* (November 2020).

There is a risk that dust may be disturbed during construction and impact adjoining and surrounding properties. The proponent has identified that the environmental risks will be managed through the preparation and implementation of three separate environmental management plans that would cover the phases of construction, operation and decommissioning.

## Recommendations

Inclusion of conditions on a planning permit requiring:

- All lighting installed and operated on the site to comply with Australian Standard AS 4282 Control of the obtrusive effects of outdoor lighting.
- The submission of a construction management plan that details how construction activities will be managed to ensure compliance with EPA Publication 1834 Civil construction building and demolition guide (November 2020).

## Are impacts on landscape character and visual amenity values acceptable?

The application has been submitted with a Landscape and Visual Impact Assessment (by Jacobs dated 11 October 2022). The site is occupied by an existing sewerage treatment plant, which is partially visible from some the nearby and surrounding properties as outlined above in the site visit images. The existing treatment plant includes a range of industrial type buildings including tanks, sheds, office buildings and large open treatment ponds.

The surrounding topography is undulated or hilly. Varied land uses surround the development site and includes agricultural, quarry, golf course, industrial/warehouse, recreational and residential uses. The Landscaper Visual Impact Assessment (LVIA) has used 6 viewpoints to assess the impact of the proposed facility on the visual amenity of the area. Figure 4 below outlines the 6 viewpoint locations.

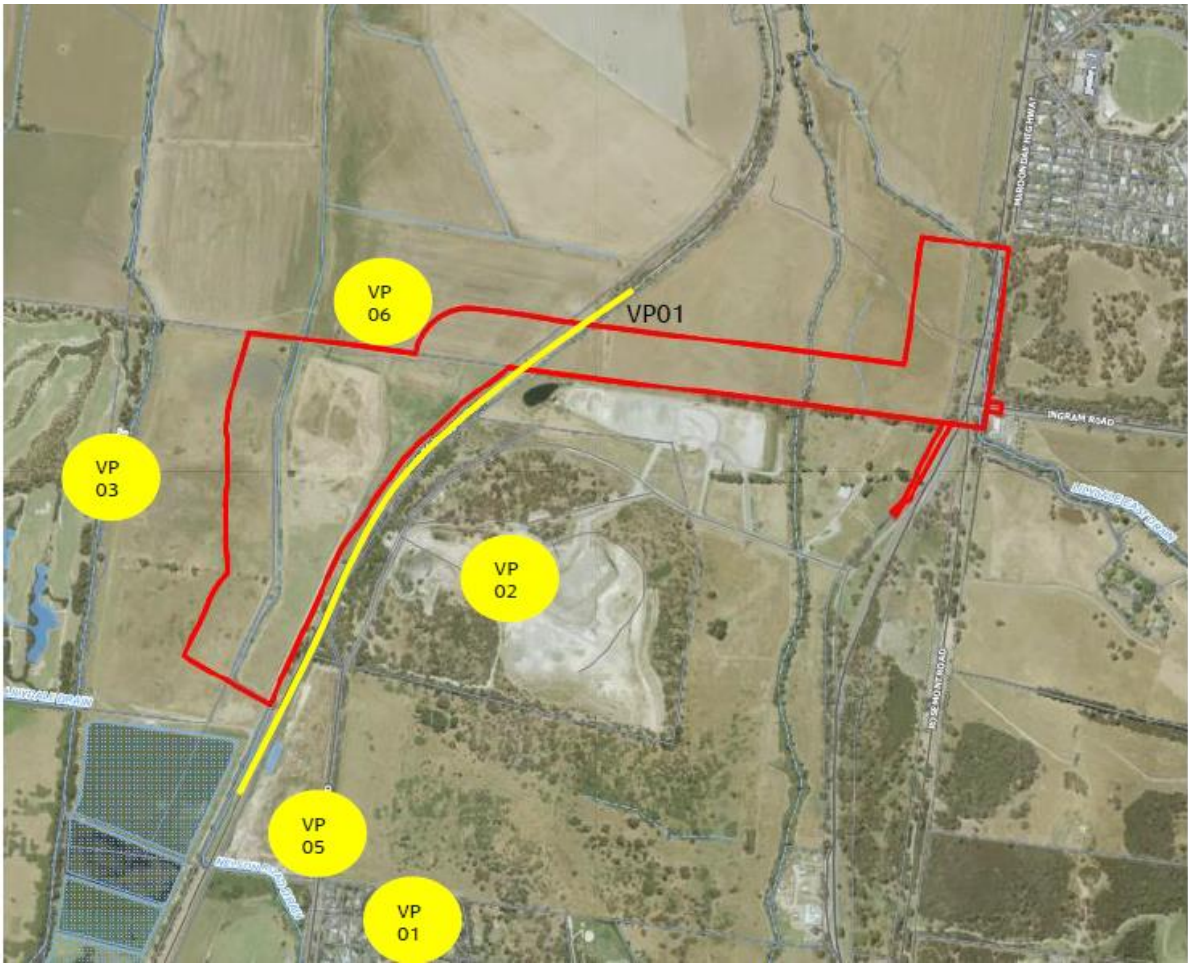


Figure 4 - Locations of viewpoints form visual impact assessment (LVIA by Jacobs, 11 October 2022)



Figure 3 - Elevation of Facility. Source: Development Plans

The LVIA found that the proposed site is immediately adjacent to farmland to the north and industrial areas to the east and south, with most views toward the site not considered to be visually sensitive as the landscape is already highly disturbed.

It was recognised that the site would be visible from the Yarra Valley Rail Trail and the Gardiner Run Golf Course. It also found that it will be visible to a lesser extent from public areas in the residential area and sportsfield (located on YVW's land) located to the south-east.

While the introduction of new infrastructure will change the landscape visually, the location is already highly developed and there would be minimal visual impacts to the landscape as a result of the project. To enhance the visual amenity and reduce the visibility of buildings, structures, parking and infrastructure from the Yarra Valley Rail Trail and other nearby locations, the assessment recommended the use of materials and screening vegetation.

The landscape concept plan has detailed the proposed mitigation measures in the form of vegetation planting detailed in the landscape plans. The recommended materials include muted colours which will compliment the landscape such as *Pale Eucalyptus* and *Evening Haze* Colorbond tones.

It is considered that the development has been appropriately designed and sited to have a minimal impact on sensitive landscape views. It has been co-located with an existing sewerage treatment plant to ensure that there will be no unreasonable change in the landscape. The development is therefore considered acceptable in visual amenity impacts, subject to the enforcement of the proposed landscaping and construction material mitigation measures as outlined above.



Figure 4 and 6 - Photomontage of the Facility as viewed from the Yarra Valley rail Trail Source: LVIA by Jacobs dated 11/10/2022

### Recommendations

It is recommended that conditions be included on any permit issued to require the landscaping proposed throughout the site be planted and maintained on a continuing basis through the endorsement of the Landscape Plan and ongoing landscape maintenance conditions.



## Are impacts on the natural environment and natural systems acceptable?

The Yarra Ranges Planning Scheme has overarching planning strategies that seek to avoid the loss of biodiversity, to protect the visual quality and significance of the prominent hills, slopes and extensive open areas. The below assessment of the proposal identifies that any impacts are limited and acceptable.

### Flora and Fauna

Impacts to flora and fauna have been considered in the Lilydale Waste to Energy - Ecological Impact Assessment prepared by Jacobs and dated 29 April 2023. The application was also submitted with a copy of the EPBC referral outcome which was prepared in response to previous report which was conducted for the assessment area in 2017. This included targeted Growling Grass Frog (*Litoria raniformis*) surveys on the Lilydale STP site, resulting in an *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) referral for the species. The referral was deemed to be 'not a controlled action.'

Overall, the report concluded that the project does not impact on flora or fauna protected under the *Flora and Fauna Guarantee Act 1988* (FFG Act).

## What are the implications of any hazards?

### Flooding

The site is partially located within a Land Subject to Inundation Overlay (LSIO). The application has been referred to Melbourne Water for comment and conditions have been recommended to mitigate any flooding risk associated with the proposed development.

### Recommendation

Ensure conditions as recommended by Melbourne Water are included on the planning permit.

### Bushfire

The site is within a Designated Bushfire Prone Area but not affected by a Bushfire Management Overlay.

The CFA was given notice of the permit application and recommended various conditions to be included on any permit issued.

In summary, the proposed waste-to-energy facility layout has been designed in accordance with the CFA's Guidelines and reviewed by the CFA and found acceptable subject to conditions requiring further detailed emergency management features and plans to be implemented during the construction and use of the facility.

### Recommendation

DTP officers recommend that the conditions recommended by the CFA in their submission of 19 September 2023 be included on any permit issued.

## Are impacts on the road network acceptable?

The application was submitted with a Traffic Impact Assessment prepared by Jacobs Pty Ltd, dated 15 November 2021 (the TIA). The TIA assessed the existing traffic movements associated with the existing sewerage treatment plant and the anticipated traffic movements to and from the site during both the construction phase and the operation phase of the proposed waste to energy facility on the same site.

The TIA also assessed the impacts of the proposed crossing of the Yarra Valley Trail and the new intersection located at Maroondah Highway. The TIA concluded:



- Access to the site is proposed via a new road link that will connect to the Maroondah Highway/ Ingram Road intersection. The proposed access track will cross the existing Yarra Valley Trail (Stage 1) approximately 800m west of the intersection
- The predicted delivery movements to and from the site is expected to be 33 heavy vehicles (HV) accessing the site— with approximately 30% (i.e., 10) of these heavy vehicles travelling during the peak periods.
- An Access Road Typical Rail Trail Entry-Exit treatment is proposed to be provided at the Yarra Valley Trail crossing point of the new access road. The treatment is consistent with the road crossing treatments provided on Station Street and Nelson Road to the north and south of the site respectively.
- An assessment of the proposed treatment using SIDRA Intersection 9.0 shows that the provision of a pedestrian/cyclist crossing where trail users give way to vehicles on the road will have a minimal impact on trail users for all three nominated scenarios in both the AM and PM peak periods.
- The usage of the Yarra Valley Trail should be monitored and assessed regularly by Council to determine if any upgrades are required in the future to improve safety and performance along the trail, including road crossing points. The proposed crossing of the new Waste to Energy access road will form part of the trail network which will be managed by Council.
- Overall, the intersection analysis results indicate that the intersection of Maroondah Highway, Ingram Road and the new access road would perform within the acceptable range of degree of saturation and delays for both peak periods during the peak construction year (2023), the opening year (2025), and the twenty-year operation horizon (2045). In addition, the performance of Ingram Road is improved with the implementation of a signalised intersection, with delays and level of service improving.

### **Recommendation**

The conditions recommended by VicTrack and the Head, Transport for Victoria must be included on the planning permit to ensure the proposed crossing and intersection upgrades are constructed in accordance with the relevant authorities and approvals.

### **Are impacts on social and economic values acceptable?**

Section 60 of the Act requires consideration of any significant social and economic effects the use or development may have.

The proposal following the balancing of all relevant planning policy is considered to have strategic policy support, particularly for energy generation in Victoria and the reduction of waste.

As noted in other sections of this report, the submissions from relevant authorities do not include matters that require an amended design of the proposal, or that cannot be suitably mitigated through various management plans required by permit conditions.

### **Conclusion**

Overall, the proposal generally accords with the Yarra Ranges Planning Scheme and other relevant policy and planning considerations. The project is sited on an existing sewerage treatment plant site which is zoned for service & utility purposes. The proposal will allow for the diversification of the existing treatment plant and provide opportunity to reduce reliance on landfills and minimise environmental, amenity and public health impacts, a key strategic priority for the state of Victoria.

The potential impacts of the proposal are assessed as being acceptable (subject to conditions) and the proposal is satisfactory with regards to views of referral authorities as well as the matters raised in submissions. On balance, the proposal is assessed as representing an orderly planning outcome and resulting in net community benefit and sustainable development. Importantly, the application will be required to obtain a Development Licence from the EPA. This application process will entail a thorough assessment of noise levels, air-borne emissions, and emissions to land or water



from the proposed facility. This limits the breadth of assessment of the facility and permit conditions are not sought to control the same matters that will be covered in the EPA Development Licence.

Based on the above assessment, the proposed use and development is considered appropriate subject to conditions.





38. The proposal is generally consistent with the relevant planning policies of the Yarra Ranges Planning Scheme and will contribute to the provision of energy generation facilities within the area.
39. The proposal is generally supported by the various referral agencies.
40. It is recommended that the delegate of the Minister for Planning:
- Issue a Notice of Decision to Grant Planning Permit No. PA2201903 for the use and development of a waste to energy facility, removal of native vegetation and creation of access to land adjacent to a road in a Transport Zone 2 at 83-85 Nelson Road, Lilydale, subject to conditions.
  - Notify the permit applicant, objectors, council and referral authorities of the decision in writing.

Prepared by: [Redacted]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [Redacted]  
Title: [Redacted]

Signed: [Redacted]  
Dated: [Redacted]

Phone: [Redacted]

Reviewed by: [Redacted]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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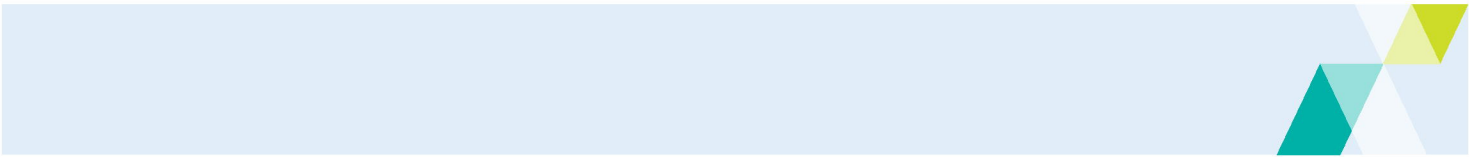
Name: [Redacted]  
Title: [Redacted]  
Phone: [Redacted]

Signed: [Redacted]  
Dated: [Redacted]

Approved by: [Redacted]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Signed: [Redacted]

Dated: [Redacted]