

8 April 2024

Dean Rochfort
Executive Director, Regional Victoria
Victorian Planning Authority
Level 25, 35 Collins Street
MELBOURNE VIC 3000



Our Ref: REQ004322

Dear Dean,

RE: EXHIBITED AMENDMENT - GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C117GSHE – SHEPPARTON SOUTH EAST PRECINCT STRUCTURE PLAN

Thank you for the opportunity to provide a submission in relation to the Shepparton South East Precinct Structure Plan (PSP) and associated draft Planning Scheme Amendment C117GSHE referred to the Environment Protection Authority (EPA), via email on 12 February 2024.

EPA is in receipt of the following documents of relevance:

- Referral letter from Victorian Planning Authority (VPA) to EPA, dated 12 February 2024;
- Explanatory Report;
- Schedule 2 to the Urban Growth Zone (UGZ2);
- Shepparton South East PSP Background Report, prepared by the VPA, dated February 2024;
- Shepparton South East Precinct Structure Plan, prepared by VPA, dated February 2024;
- Shepparton South East Precinct Structure Plan Amenity Impact Assessment, prepared by GHD, dated 24 January 2022; and
- Shepparton South East Precinct Structure Plan Noise Amenity Impact Assessment, prepared by GHD, dated 6 April 2022.

Our understanding of the proposal

EPA understands the Shepparton South East PSP applies to approximately 385 hectares of land located south-east of Shepparton (the Precinct). The Precinct is adjacent to the Industrial 1 Zone (INZ1), the Activity Centre Zone (ACZ1) and urban development to the north, urban development to the west, the Shepparton Alternative Route (Doyles Road) to the east, the Broken River to the south.

The Amendment proposes changes to the Greater Shepparton Planning Scheme to facilitate the development of land within the Precinct, which is predominantly zoned Farming Zone – Schedule 1 (FZ1), in accordance with the vision for urban growth outlined in the PSP.

Specifically, the Amendment proposes the following changes to the Greater Shepparton Planning Scheme, where relevant to EPA:

- Rezones land from the FZ1 and the Public Use Zone Schedule 1 (PUZ1) to the Urban Growth Zone Schedule 2 (UGZ2).
- Inserts Schedule 2 to Clause 37.07 – UGZ.
- Applies Clause 45.03 Environmental Audit Overlay (EAO) to the properties within the Precinct that are nominated as having high or medium potential for contamination.

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- Amends the Schedule to Clause 72.04 Schedule to incorporate two new documents:
 - Shepparton South East Precinct Structure Plan, dated February 2024; and
 - Shepparton South East Development Contributions Plan, dated February 2024.

Comparison against previous comments

EPA provided written views in accordance with Ministerial Direction 19 (MD19), on earlier iterations of the proposed provisions in a response dated 6 July 2022 (Reference: REQ002202), which provided multiple recommendations and suggestions. The table below compares the exhibited provisions with EPA's comments, offering conclusions on whether the recommendations have been addressed (refer to the legend for summary classification).

Legend:

- | | |
|----|---------------------|
| 1. | No further comments |
| 2. | Matter outstanding |

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Potentially Contaminated Land	<p>EPA's MD19 response stated:</p> <p>"A Land Capability Assessment (LCA) has been prepared to determine whether land in the Precinct is potentially contaminated. The LCA identifies a number of sites within the Precinct as having a low-medium, medium and high risk for potential for contamination. EPA confirmed that the assessment of the previous land uses was consistent with guidance in Planning Practice Note 30".</p> <p>EPA advised that 'land identified as having a 'low' potential for contamination does not require further assessment, in accordance with PPN30'.</p>	<p>The Explanatory Report outlines that the properties identified by the LCA as carrying a 'low-medium', 'medium' or 'high' risk for contamination will be subject to a proposed EAO.</p>	<p>It is important to note that since the last response was provided to VPA in 2022, considerable time has lapsed.</p> <p>EPA reiterates that PPN30 provides no guidance for land that has a 'low' potential for contamination. This classification was removed from Planning Practice Note 30 (PPN30) when it was updated in 2021. VPA should seek further clarification or assessment regarding this matter, as this statement does not indicate whether the land is or isn't potentially contaminated.</p> <p>The Explanatory Report does not outline whether land is potentially contaminated or not. Consistent with Clause 5(b) and 5(c) of MD1, EPA recommends VPA amends the Explanatory Report to clearly state what land is potentially contaminated or not.</p> <p>The reason for deferring the environmental audit system requirements has not been documented in the Explanatory Report. This should be clearly stated in the Explanatory Report,</p>

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			<p>having regard to when the application of the EAO is considered appropriate, in accordance with PPN30.</p>
<p>Potentially Contaminated Land</p>	<p><u>Application of the EAO</u></p> <p>The VPA is proposing the application of the Environmental Audit Overlay (EAO). It was recommended that the VPA include in the PSA documents, the reasons for deferring the environmental audit system requirements via the application of the EAO.</p>	<p>As stated in the explanatory report the Planning Scheme Amendment proposes to apply Clause 45.03 Environmental Audit Overlay to;</p> <p>‘the properties within the precinct that are nominated as having high or medium risk of contamination, with the exception of those medium risk properties located adjacent to the Broken River and identified as ‘existing developed land’. As no further development is anticipated or identified for these sites through the Precinct Structure Plan and the Urban Growth Zone Schedule 2 applies the Farming Zone to these areas, application of the Environmental Audit Overlay to these sites is not necessary as no further sensitive uses are expected to be established in these areas’.</p>	<p>The explanatory report concludes that the EAO is not proposed to be applied to ‘existing developed land’. It is important to note that MD1 does not take into consideration the existing zoning of land, but rather the land uses that will be allowed under the proposed controls, as stated in MD1 “... when preparing an amendment which allows land to be used for a sensitive use... ”.</p> <p>Consistent with MD1 and PPN30, audit system requirements must be met at the time of amendment, where land has been identified to be potentially contaminated, unless the Planning Authority has determined that complying with audit system requirements is difficult or inappropriate.</p> <p>EPA therefore highlights that the approach does not appear to be consistent with MD1 or the guidance in PPN30. A determination should be made in</p>

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			accordance with MD1 and a statement included in the Explanatory Report as to why meeting the environmental audit system requirements at the time of amendment are difficult or inappropriate.
Potentially Contaminated Land	<p>EPA also drew VPA's attention to Table 3 in PPN30:</p> <p>"Where land has been determined to have a 'high' potential for contamination, and the proposal would allow the following land uses to be established:</p> <ul style="list-style-type: none"> • Open space; • Agriculture; • Retail or office; or • Industry or warehouse." <p>Under this scenario, PPN30 recommends the preparation of a Preliminary Site Investigation (PSI), to inform the need for an audit. PPN30 further states that as the purpose of the PSI is to inform decision making on what (if any) requirements should be applied to a planning approval to address potential contamination, the PSI should be requested prior to notice being given for an amendment, or prior to a permit decision.</p> <p>Therefore, EPA recommend that an additional requirement is included in the UGZ2, requiring the completion of a PSI on land where the LCA has determined there to be a 'high' potential for</p>	<p>Schedule 2 to the Urban Growth Zone has been updated to include the following requirement under Clause 3.0 <i>application requirements</i>:</p> <p>'Preliminary Site Investigations</p> <p>An application to construct a building or construct or carry out works associated with the use of the land for minor sports and recreation facility, retail premises, office, industry or warehouse and described in Table 2 must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999).</p> <p>The PSI must make a recommendation as to:</p> <ul style="list-style-type: none"> ▪ The likelihood of contamination and its potential to affect the planning proposal. ▪ Whether a risk-based remediation or management strategy can be derived or 	<p>The requirements and guidance set out in MD1 and PPN30 specifically noting that MD1 would apply where 'other' land uses are permitted.</p> <p>EPA reminds the VPA that determination of whether the land is potentially contaminated should be made up front and the appropriate assessment should inform the suitability of various 'other uses', rather than seeking to differ via a planning control.</p> <p>EPA therefore highlights that the approach is not consistent with PPN30.</p> <p>If the VPA considers that the approach proposed is appropriate to address the risk associated with potentially contaminated land, then EPA highlight the following risks for VPA's consideration:</p>

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	contamination, and the application is for one of the above land uses."	<p>further investigation (such as an audit) is recommended.'</p> <table><tr><th>Table 2: Preliminary Site Investigation Address</th><th>Lot Number</th></tr><tr><td>32 Feiglin Road, Shepparton, 3630</td><td>Lot 1 PS823648</td></tr><tr><td>180 Channel Road, Shepparton, 3630</td><td>Allot 145 Sec D Parish of Shepparton</td></tr><tr><td>640 Doyles Road, Shepparton, 3630</td><td>Lot 2 PS312497</td></tr></table>	Table 2: Preliminary Site Investigation Address	Lot Number	32 Feiglin Road, Shepparton, 3630	Lot 1 PS823648	180 Channel Road, Shepparton, 3630	Allot 145 Sec D Parish of Shepparton	640 Doyles Road, Shepparton, 3630	Lot 2 PS312497	<ul style="list-style-type: none">EPA notes that VPA are proposing a different approach to the advice provided, as different uses have been listed compared to EPA's MD19 advice.EPA considers that 'informal outdoor recreation' fits within 'public open space' in MD1. There are applied zones in which 'informal outdoor recreation' does not need a planning permit (e.g. General Residential) and therefore no further assessment of potentially contaminated land would be triggered. VPA should consider the likelihood of this type of use to occur in the precinct and VPA should satisfy themselves as part of the amendment process that this risk can be mitigated. EPA also notes that Clause 7 of MD 1, which requires a planning authority to satisfy itself that land is suitable for public open space, does not allow for the deferral of this requirement as what is allowed for sensitive uses under Clause 6(3).Differing contaminated land requirements poses difficulty
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			<p>as the planning controls are trying to account for all possible outcomes. That being said:</p> <ul style="list-style-type: none">○ In the instance that the PSI concludes that a risk-based remediation or management strategy is required, or, an Environmental Audit is required, then a condition/requirement should be included in Clause 4.0 of the UGZ2 to ensure that it is implemented.○ page 12 of PPN30 states that: "For any recommendations which are ongoing in nature, such as those requiring maintenance or monitoring, ... a section 173 agreement under the Planning and Environment Act 1987 can be considered".○ Therefore, EPA consider that an additional provision should be included in the planning controls referencing the need for a Section 173

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			<p>agreement for conditions of an ongoing nature.</p> <p>VPA may wish to adapt the below wording:</p> <p>"Where conditions of the Statement of Environmental Audit require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The Section 173 Agreement must be executed on the title of the relevant land prior to [insert trigger point]. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority".</p> <ul style="list-style-type: none">• EPA considers that the drafting of this section could be improved for better legibility. EPA recommends the following wording: 'An application to construct a building or construct or

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			<p>carry out works associated with the use of the land for minor sports and recreation facility, retail premises, office, industry or warehouse and on land described in Table 2 must be accompanied by a Preliminary <u>Preliminary</u> Site Investigation (PSI) prepared <u>prepared</u> by a suitably qualified environmental consultant in accordance with the <u>the</u> National Enviromnet <u>Environment</u> Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) <u>to the satisfaction of the Responsible Authority.</u>'</p> <p>EPA has not reviewed Table 2 to determine if all properties listed as 'high' potential for contamination have been included, therefore VPA should ensure that all Sites determined to have a 'high' potential for contamination are included in table 2.</p>

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Potentially Contaminated Land	<p>Consistent with previous advice provided to the VPA, EPA also recommend that the following wording is included in the UGZ2, to implement any environmental audit recommendations:</p> <p><i>"If an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use subject to recommendations, the recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use commences. Written confirmation of compliance must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority."</i></p>	<p>The Victorian Planning Authority has stated in the explanatory report that they respectfully do not support this inclusion and have provided a number of reasons why.</p>	<p>EPA notes that VPA have not included EPAs recommendation.</p> <p>If VPA considers that the approach proposed is appropriate, then EPA has no further comments to make.</p>
Amenity Impact Assessment (AIA)			
Amenity Impact Assessment (AIA)	<p>Informed by EPA's Science Team, EPA stated 'As outlined in our previous response, the AIA recommends the following planning controls to be incorporated within the PSP or via proposed zoning controls (or schedule within):</p> <ul style="list-style-type: none"> o <i>"Setback distances</i> <p><i>No sensitive uses (as defined in section 2.3 [of the AIA]) are to be located within the setback distances shown in Figure 12 [of the AIA]."</i></p>	<p>The Shepparton South East PSP has been amended to include the following 'requirement':</p> <p>R44:</p> <p>'Sensitive uses must not be permitted within 20m of the future Doyles Road reserve in accordance with PSP Cross Section 5.'</p>	<p>EPA considers that the requirement R44 and the updated cross section 5 addresses EPA's concerns.</p>

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	<p>Based on the content in the Background Report, it appears that consideration would be given to development for sensitive land uses within the 20 metre setback.</p> <p>In addition, cross-section 5 in the PSP does not appear to provide a 20 metre setback from the kerb to the sensitive land use as recommended in the AIA.</p>	<p>The Background report also states (page 27): 'Road cross section 5 has been developed to demonstrate how future development must be setback in accordance with recommendations as outlined in the PSP'.</p>	
Amenity Impact Assessment (AIA)	<p>In addition, we previously highlighted that it may be worth confirming with GHD that a 20 metre setback would still be sufficient (as stated in the AIA), if Doyles Road is duplicated, given the duplication would result in increased traffic (including freight traffic) movement.'</p>		<p>EPA does not have any information to check if this confirmation has been sought.</p>
Amenity Impact Assessment (AIA)	<p>EPA previously advised 'In relation to agricultural uses transitioning out of the Precinct or adjacent areas, the AIA recommended the following planning control:</p> <p><i>"Transitioning of land use If existing land use with a specified separation distance has formally indicated that it will transition out of an area over a specified timeframe, then this provision can be used to sequence any proposed sensitive use development within the existing separation distance."</i></p>	<p>The PSP has been amended to include the following Guidelines at Section 4 (Implementation):</p> <p>G42</p> <p>As existing orchard uses transition out of the precinct, a 40m setback from future sensitive uses to the boundary of an active orchards should be delivered, to the satisfaction of the responsible authority.</p> <p>G43</p> <p>If existing land use with a specified separation distance has formally indicated that it will transition out of the precinct over a specified timeframe, then this provision</p>	<p>EPA has reviewed both the PSP and the UGZ2 and has the following comments:</p> <p>G42</p> <p>It is unclear how VPA will ensure that this guideline is adhered to, as there does not appear to be a corresponding planning control.</p> <p>G43</p> <p>EPA considers that the drafting of this section is unclear and consider that there is a still a risk associated with sensitive uses</p>
Amenity Impact Assessment (AIA)	<p>This recommendation has not been included in the UGZ2 or PSP. As outlined in previous advice, VPA will need to determine:</p>		

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	<ol style="list-style-type: none"> whether the timing of agricultural uses transitioning out of the Precinct is compatible with VPA's timeframes around development of the Precinct, or, whether the PSP and/or planning controls will need to incorporate the 40 metre separations distance for some/all agricultural uses within the Precinct and within proximity to the Precinct.' 	<p>should be used to sequence any proposed sensitive use development within the existing separation distance.</p>	<p>establishing with the separation distances as it is unclear how a 'formal indication' will ensure that the use will transition out of the precinct.</p> <p>EPA recommends that this wording is reconsidered and we would welcome the opportunity to discuss further.</p>
Noise Impact Assessment (Noise AIA)			
Noise Impact Assessment (Noise AIA)	<p>Intentionally blank</p>	<p>R43 has been included by VPA:</p> <p>'To manage agricultural, industry and transport related noise impacts, an acoustic assessment must be undertaken for development within all areas identified for a sensitive use in accordance with requirements as outline within Schedule 2 to the UGZ, to the satisfaction of the responsible authority.'</p>	<p>EPA highlights that a 'sensitive use' is not defined in the Planning Scheme and suggest that reference is made to the 'noise sensitive area' from the Environment Protection Regulations 2021.</p> <p>EPA recommends that the wording is modified for clarity as below:</p> <p>'To manage agricultural, industry and transport related noise impacts, an acoustic assessment must be undertaken for development <u>which results in a 'noise sensitive area' (as defined in Regulation 4 of the Environment Protection Regulations 2021)</u> within all areas identified <u>as an Interface Impact Area on Plan</u></p>

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			<p>11 in for a sensitive use in accordance with requirements as outline within Schedule 2 to the UGZ, to the satisfaction of the responsible authority'.</p>
Noise Impact Assessment (Noise AIA)	<p>Recommended wording to replace the existing application requirement in its entirety:</p> <p>'A permit application for residential subdivision or to construct a building for accommodation on land within an identified 'noise amenity area' shown on Plan 11 of the Shepparton South East Precinct Structure Plan must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsibility authority which.</p> <ul style="list-style-type: none"> • Applies the following noise objectives: <ul style="list-style-type: none"> - 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am. - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm. • Noise levels should be assessed: <ul style="list-style-type: none"> - considering the cumulative noise from all sources impacting on the proposal including road traffic noise, industry and agriculture noise, as well as potential other noise sources; and - in unfurnished rooms with a finished floor and the windows closed and be based on 	<p>An application requirement has been included to the schedule to the UGZ requiring an acoustic assessment as follows:</p> <p>'Any application for use or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital on land within an interface impact area shown on Plan 10 of the Shepparton South East Precinct Structure Plan, must be accompanied by an acoustic assessment report prepared by a qualified acoustic consultant or other suitably skilled person to the satisfaction of the responsible authority which:</p> <ul style="list-style-type: none"> • Applies the following noise objectives: <ul style="list-style-type: none"> - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am. - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm. - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended 	<p>VPA has not adopted EPAs recommended wording, however EPA considers the provided wording will generally achieve the same outcome.</p> <p>Notwithstanding, EPA draws VPAs attention to the following:</p> <ol style="list-style-type: none"> 1. EPA highlights that this requirement no longer applies to 'residential subdivision'. EPA highlights that this was included in the draft UGZ2 which EPA provided advice on at MD19. There are applied zones in which sensitive uses (e.g. dwellings) do not require a planning permit (e.g. GRZ) and therefore no further acoustic assessment would be triggered. VPA will need to consider appropriate planning controls to account for this.

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	<p>average external noise levels measured as part of a noise level assessment.</p> <ul style="list-style-type: none"> For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors). Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives, which address: <ul style="list-style-type: none"> a) noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to; b) setting building envelope performance requirements. Includes additional considerations, where relevant, to address: <ul style="list-style-type: none"> potential noise character (tonality, impulsiveness or intermittency); noise with high energy in the low frequency range; and transient or variable noise. 	<p>design sound level and reverberation times for building interiors).</p> <ul style="list-style-type: none"> Noise levels should be assessed: <ul style="list-style-type: none"> Considering the cumulative noise from all sources impacting on the proposal including road traffic noise, agriculture and industry noise, as well as other potential noise sources; and In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment. Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address: <ul style="list-style-type: none"> Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements; Potential noise character (tonality, impulsiveness or intermittency); Noise with high energy in the low frequency range; Transient or variable noise; and 	<p>2. The 'Acoustic Assessment Report' requirement in Clause 3.0 (UGZ2) refers to 'plan 10'. It appears to EPA that this should reference 'plan 11'.</p>

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		<p>- Vibration.</p> <p>This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence from a qualified acoustic consultant or other suitably skilled person and having regard to Clause 13.05. The statement must demonstrate that:</p> <ul style="list-style-type: none"> • The proposed development is not prejudiced; • Community amenity and human health is not adversely impacts by noise emissions; and • No noise attenuation measures are required. 	
Noise Impact Assessment (Noise AIA)	Intentionally blank	Intentionally blank	<p>Whilst not previously raised, EPA also highlights that there may be the need for some noise attenuation measures to be implemented at subdivision stage through legal mechanism such as a Section 173 agreements, covenant and/or title restrictions. This would depend on the recommendations made in the acoustic assessment report, i.e., if the assessment recommends building envelope requirements (setback requirements), these could only be enforced by such an agreement. If an acoustic</p>

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			<p>wall/barrier is recommended, this should be constructed prior to statement of compliance.</p> <p>Consideration to ongoing maintenance responsibilities should also be given.</p> <p>These recommendations should be inserted as part of Clause 3.0 <i>application requirements</i> of the UGZ2 to ensure that they will be applied to a planning permit.</p>
Noise Impact Assessment (Noise AIA)	<p>As outlined in our previous response (MD19), the Noise AIA recommended that noise sensitive land uses should not be located within 300m of any agricultural land where scare guns are likely to be used. However, this recommendation had not been translated across to the PSP and PSA documents.</p>	<p>The background report states (page 33):</p> <p>The [noise] assessment could not definitively establish which farming properties employed the use of frost fans, diesel pumps or scar[e] guns which are all seasonal and intermittent use.</p> <p>Plan 11 in the UGZ2 shows a 'agriculture – gun scare (300m)' area. In which a sensitive land use requires an acoustic report (Clause 3.0).</p>	<p>EPAs notes that although a '300m scare gun interface area' has been shown on Plan 11, it is unclear how this area has been identified.</p> <p>VPA should ensure that this area includes any agricultural land where scare guns are likely to be used.</p>
Noise Impact Assessment (Noise AIA)	<ol style="list-style-type: none"> 1. With reference to the detailed external noise intrusion assessment required for sensitive land uses within the 300 metre Industrial 1 Zone noise influence area... It is also noted that the 300metre noise influence area has not been mapped/included in Plan 11. 2. In addition, EPA suggest that the acoustic assessment required in the UGZ2 should be the assessment required here, rather 	<p>The 300m noise influence area has been mapped in Plan 11 as the 'Industrial 1 zone and noise influence area (300m)'.</p> <p>An acoustic assessment is required for this area.</p>	<p>EPA considers that this matter has been addressed.</p>

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	than an additional requirement of a 'detailed noise intrusion assessment'.		
Noise Impact Assessment (Noise AIA)	<p>In relation to Doyles Road, given that the Noise AIA includes a 70 metre noise impact area for sensitive land uses, and the AIA recommends no sensitive land uses within 20 metres of Doyles Road, it may be worthwhile updating this requirement to show:</p> <ol style="list-style-type: none"> 1. the 20 metre area where no sensitive land uses are permitted, and, 2. therefore the noise impact area would be between 20 and 70 metres. 	<p>Plan 11 in the PSP shows:</p> <ol style="list-style-type: none"> 1. a 20metre – 'no sensitive use permitted' area from Doyles Road. 2. A 20metre - 70metre 'noise impact area' from Doyles Road. 	EPA considers that this matter has been addressed.
		<p>Schedule 2 To the Urban Growth Zone has been updated to include the following <i>conditions and requirements for permits</i> (Clause 4.0):</p> <p>Requirement – Acoustic Report</p> <p>Any permit for use or development of land where an acoustic assessment report has identified that mitigation from noise sources is required, must implement any recommendations of the acoustic assessment report submitted with the application and include any conditions necessary, in the opinion of the responsible authority, to implement noise attenuation measurers [emphasis added].</p> <p>All to the satisfaction of the responsible authority.</p>	EPA recommends that the wording is corrected to refer to 'measures' rather than 'measurers', which is consistent with the wording in Clause 3.0 of the UGZ2.
Noise Impact Assessment (Noise AIA)	EPA also recommends an additional requirement be included in the UGZ2 that verifies buildings that will accommodate noise sensitive uses have been constructed in		EPA highlights that this recommendation has not been addressed.

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	accordance with the recommendations of any acoustic assessment, as a way of ensuring that the intended outcome with respect to noise attenuation has been achieved.		
Noise Impact Assessment (Noise AIA)		<p>Schedule 2 To the Urban Growth Zone has been updated to include the following <i>decision guideline</i> Clause 6.0:</p> <p>Acoustic Attenuation</p> <p>‘Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> ▪ If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the impact on human health and amenity from noise exposure near the transport system and other noise emission sources having regard to: <ul style="list-style-type: none"> ▪ whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant; ▪ any building façade treatments that are required to mitigate noise impacts; ▪ any relevant recommendations of an Acoustic Assessment Report for the application.’ 	<p>EPA highlights that ‘minimising’ is an unclear term and will not fully address the risk from noise. EPA recommends the wording is amended (as below). The revised wording will ensure:</p> <ul style="list-style-type: none"> • that proportionate controls to mitigate or minimise the risk of harm will be put in place; • Controls that eliminate or substitute the source of the risk are the most effective, followed by engineering or building controls, and finally training and site practices. Often a combination of all these controls will be needed; • Being proportionate means the greater the risk of harm, the greater the expectation for you to manage it. You do this by demonstrating that you’ve considered and implemented the most suitable controls that are

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			<p data-bbox="1767 220 2085 284">available to eliminate or minimise the harm.</p> <p data-bbox="1693 328 2085 504">EPA therefore suggests the following wording (with additional wording underlined and wording to be removed struck through):</p> <ul data-bbox="1713 549 2130 1410" style="list-style-type: none"> <li data-bbox="1713 549 2130 1082">▪ If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal <u>minimises the risk of harm from noise exposure</u> (near the transport system and other noise emission sources) <u>to human health and the environment so far as reasonably practicable</u> minimises the impact on human health and amenity from noise having regard to: <li data-bbox="1749 1126 2130 1410">▪ whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location and whether this reduces the need for acoustic treatment of buildings or compromises

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			<p>the useability of the building by its occupant;</p> <ul style="list-style-type: none"> ▪ any building façade treatments that are required to mitigate noise impacts; ▪ any building façade treatments that are required to mitigate noise impacts; ▪ any relevant recommendations of an Acoustic Assessment Report for the application.'
<p>Sodic Soils</p>	<p>Table 3-2 in the LCA provides a summary of geological and soil conditions across the Precinct, and includes the following:</p> <ul style="list-style-type: none"> • <i>Soil Order 1 - Sodosols (CSIRO Atlas of Australian Soils). Soils across the site are likely to comprise texture contrast soils with dense sodic (alkaline) subsoils (VRO).</i> • <i>Soil Order 2 – Vertosols (CSIRO Atlas of Australian Soils).</i> <p>EPA understands that both sodosols and vertosols can be sodic and dispersive. Based on our review of the PSA documents it doesn't appear that any further consideration of this risk has or is proposed to be investigated, and therefore whether the management of potential issues that arise if the soils are disturbed, have been considered.</p>	<p>Schedule 2 To the Urban Growth Zone has been updated to include the following requirement under Clause 3.0 <i>application requirements</i>:</p> <p>'Sodic and dispersive soils management plan</p> <p>An application to subdivide land or construct or carry out bulk earthworks, a sodic and dispersive soils management plan must be prepared by a suitability qualified professional, that describes:</p> <p>...'</p> <p>And</p> <p>Clause 4.0 requires:</p> <p>'Requirement – sodic and dispersive soil site management plan</p> <p>A permit to subdivide land or to undertake earthworks must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and</p>	<p>EPA notes that Council are proposing a different approach to the advice provided, by way of 'a sodic and dispersive soils management plan' and a condition requiring the implementation of the plan.</p> <p>However, EPA considers that the wording proposed is sufficient to mitigate the risk proposed from sodic and dispersive soils.</p>

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	EPA sought clarification of the assessment of this risk and considers it would be appropriate to supply data to support this assessment.	dispersive soil management plan, to the satisfaction of the Responsible Authority'.	

Closing

This submission compares the exhibited provisions with EPA's previous views provided in accordance with MD19, offering conclusions on whether the recommendations have been addressed.

We would welcome the opportunity to discuss the table provided further with VPA.

Should the matter be referred to a planning panel, we request that this submission is provided to the panel.

If you need additional information or would like to discuss this matter further, please contact Mychelle Tomsett, Senior Planning Advisor on 1300 EPA VIC [REDACTED]

Yours sincerely,

[REDACTED]

Nick Kennedy
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Development Advisory
EPA Victoria