

10 December 2025



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EPA Reference: [REDACTED]

Dear [REDACTED]

RE: PROPOSED PLANNING SCHEME AMENDMENT C256BALL – BALLARAT NORTH PSP – PUBLIC SUBMISSION TO EXHIBITED DOCUMENTS

Thank you for the opportunity to provide a submission to the Ballarat North Precinct Structure Plan (Ballarat North PSP) and associated planning scheme amendment C256ball to the Ballarat Planning Scheme (the Amendment). The Environment Protection Authority (EPA) was notified of the public consultation process (on engage.vic.gov.au) via e-mail on 19 September 2025.

As agreed at the meeting with the Victorian Planning Authority (VPA) on 25 September 2025, a late submission from EPA would be accepted considering the ongoing discussions between EPA and VPA.

EPA has reviewed the following documentation:

- Letter to EPA, Public Consultation on the Ballarat North Precinct Structure Plan, dated 19 September 2025, from [REDACTED] (VPA)
- Precinct Structure Plan, VPA, dated September 2025
- Background Report, VPA, dated September 2025
- Environmental Audit Overlay Maps
- Clause 37.07, Urban Growth Zone, Schedule 3 (UGZ3)
- Explanatory Report
- Technical Reports:
 - Adverse Amenity Impact Assessment, GHD, dated May 2024
 - Land Capability Assessment, Part 1, 2 and 3, Jacobs, dated October 2024
 - Landfill Gas Assessment, Landserv, dated April 2025.

epa.vic.gov.au

Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001
1300 372 842



Key Information

Noise – Midland Highway

EPA recommends extending the acoustic buffer (Urban Growth Zone (UGZ3)) to include land within the precinct that is adjacent to the Midland Highway, to ensure that potential impacts from all noise sources are appropriately assessed and effectively mitigated.

Boral Asphalt Plant – Defer odour risk assessment

EPA recommends the Separation distance guideline¹ (the guideline) inform the Amendment, by:

- a. completing a risk assessment to justify a variation to the recommended separation distance of 1,000m for the Boral Asphalt Plant² (as the planning controls show sensitive land uses located within this distance - effectively reducing the recommended distance without supporting evidence), however
- b. if no variation is proposed, amend the planning proposal to prohibit sensitive land uses within the 1,000m recommended separation distance for the Boral Asphalt Plant.

Discretionary option for deferred risk assessments for noise, sodic soils and landfill gas

The discretionary nature of the requirements for a risk assessment should be removed. The use of discretionary application requirements increases the likelihood these assessments may not be undertaken. This may expose future occupants of sensitive land uses to significant human health and amenity impacts.

Our understanding of the amendments

The Ballarat North Precinct Structure Plan (PSP) is a strategic planning project located approximately 8 kilometres north of Ballarat's central business district. The precinct is anticipated to accommodate approximately 6,000 – 8,500 residential dwellings once completed.

EPA Previous Views

EPA has previously provided its views regarding potential environmental risks associated with the proposed Ballarat North PSP and associated Amendment. Through this process the majority of matters have been resolved. This submission is intended to highlight the three significant, outstanding matters where, based on our assessment, the current proposed approach requires further consideration to adequately mitigate risks of harm to human health or the environment. The following sections detail these key areas where EPA seeks further consideration or changes.

¹ See EPA Publication 1949, August 2024, authorised and published by the Victorian Government.

² 67 Old Midland Highway, Mt Rowan

EPA Submission

Noise

Noise can be disruptive and, if persistent or excessive, can negatively impact human health. The Amendment proposes the introduction of sensitive land uses like residences near existing noise sources, potentially exposing future occupants to these harmful effects. Land use planning controls offer a key opportunity to prevent and mitigate these risks.

Given the Site's proximity to the Western Freeway and the Midland Highway, future sensitive land uses may be subject to significant noise impacts.

Western Freeway

The UGZ3 includes an application requirement to address noise impacts on sensitive land uses such as residences, within 300 metres of the Western Freeway (the designated 'Acoustic Buffer'). EPA supports this requirement and considers that it should also be extended to address noise impacts to the Midland Highway, as outlined below.

Midland Highway

While the UGZ includes an application requirement to address noise impacts from the Freeway (as detailed above), no equivalent consideration has been given to transport noise generated by the Midland Highway. Noise from road traffic is a recognised source of disturbance that can adversely affect sleep and overall health, particularly during peak hours and at night.

This section of the Midland Highway is predicted to carry over 25,000 vehicles per day. As a consequence, there is a risk to the environmental values of both:

1. domestic and recreational activities, and
2. sleep during the night,

that applies in a residential setting, as the road traffic noise levels from Midland Highway may be above the Environment Reference Standard (ERS) objectives for land use Category 3: Ambient Sound. Relevantly, Clause 13.05-1S Noise of the Ballarat Planning Scheme identifies the ERS as a policy document for planning and responsible authorities to consider, as relevant.

EPA notes that whilst Planning Practice Note 83 – Assessing External Noise Impacts for Apartments (PPN83) applies to apartments, EPA considers that it can also be used as a guide for other dwellings. Considering there is no provisional layout plan, the proximity of future dwellings to the road is unclear. As such, there is currently insufficient information to assess the proposal against PPN83.

As it is unclear if apartments or single dwellings are to be built on the proposed area, and there is a risk identified particularly due to the road traffic noise on Western Freeway, EPA recommends a road traffic noise assessment should be undertaken. This should assess the risk to the environmental values of domestic and recreational activities that applies in a residential setting as well as the value of sleep during the night considering the ERS objectives.

EPA therefore suggests extending the Acoustic Buffer to include land adjacent to the Midland Highway. This will ensure that potential impacts from all noise sources are assessed and appropriately mitigated. Without this assessment, the amenity of future occupants may be significantly impacted.

Boral asphalt plant – risk assessment

Poor air quality can affect occupants of sensitive land uses where they are located too close to an asphalt plant. Offensive odour can also be detrimental to people's health and well-being. Offensive odour can trigger health impacts through physiological and psychological triggers such as stress, headaches, nausea, shortness of breath or aggravating asthma symptoms. The consequences include health risks to sensitive uses, such as feeling revolted, disgusted, upset or annoyed³.

Separating incompatible land uses is important.

- a) It protects the community from human health and amenity risks associated with unintended offsite odour and dust generated by industry/activity.
- b) It protects industry/activities from inappropriate land use and development nearby that may constrain operations.

EPA developed the guideline to support state agencies, local government, community and industry to make informed land use decisions under both the *Planning and Environment Act 1987* and the *Environment Protection Act 2017*. This guideline is referenced in the Victoria Planning Provisions. The guideline lists recommended separation distances for activities and industrial uses that may have offsite odour and dust emissions that could impact human health and amenity. The guideline states that it is essential to address land use compatibility early in the land use planning process to avoid potential conflicts after approvals are in place. Separation distances support decision makers to direct land use and development to the most appropriate locations based on the level of risk. It also supports planning decisionmakers to prevent underutilisation of land adjacent to industrial land by identifying compatible land uses within a separation distance.

The Amendment proposes to rezone land, which would allow sensitive land uses to establish within the recommended separation distance of the Boral Asphalt Plant. A separation distance

³ Refer to EPA Publication 1883 'Guidance for Assessing Odour' (June 2022).

of approximately 500 metres is proposed. The guideline recommends a 1,000m distance from a Boral Asphalt Plant producing more than > 100 tonnes asphalt/week. As land is being rezoned to allow sensitive land uses within the recommended separation distance for the Boral Asphalt Plant, the Planning Authority (VPA) is the agent of change. The guideline recommends that the agent of change has the responsibility to:

- a. Avoid land use conflict, and
- b. Ensure potential impacts on nearby land uses are appropriately mitigated and managed.

The agent of change should demonstrate that the proposed land use will not be at risk of harm from incompatible land uses. The decision-making process recommended by EPA in Figure 4 of the guideline sets out the steps a planning authority should follow to vary a recommended separation distance. This includes preparing a risk assessment to inform whether a variation is appropriate. Completing a risk assessment will ensure the planning authority can make an informed decision based on the risks to the proposed sensitive uses. Without a risk assessment to inform a separation distance different to the recommended separation distance, the planning authority cannot demonstrate that the potential impacts on sensitive uses allowed by the Amendment have been evaluated and mitigated.

A requirement within the UGZ3 for an odour risk assessment to be undertaken at the planning permit application stage does not provide early evidence to a strategic planning decision maker or relevant stakeholders that the variation proposed by this amendment is appropriate. The primary mitigation against odour impacts is to spatially separate sensitive land uses from the odour source. Deferral of the risk assessment to the planning permit application stage, means that this primary mitigation is no longer available. After rezoning, mitigations/controls are limited at the sensitive use and may result in increased likelihood of adverse impacts.

EPA recommends the guidelines inform the Amendment, by:

- a) completing a risk assessment to justify a variation to the recommended separation distance of 1,000 for the Boral Asphalt Plant (as the planning controls show sensitive land uses located within this distance - effectively reducing the recommended distance without supporting evidence), however
- b) if no variation is proposed, amend the planning proposal to prohibit sensitive land uses within the 1,000m recommended separation distance for the Boral asphalt plant.

Discretionary option for deferred risk assessments for noise, sodic soils and landfill gas

Both EPA and VPA acknowledge that noise, sodic soils, and landfill gas pose potentially significant impacts on human health and the environment. While VPA proposes to defer assessment and mitigation of these risks to the planning permit stage, the current application requirements allow the responsible authority to *waive* or *reduce* them.

The discretionary nature of the requirements should be removed. EPA is concerned that the use of discretionary application requirements increases the likelihood these assessments may not be undertaken, leaving risks unaddressed. This may expose future occupants of sensitive land uses to significant human health and amenity impacts.

Land developers have duties and obligations to protect the community and environment under the *Environment Protection Act 2017* (EP Act). Everyone has a general environmental duty to eliminate or otherwise reduce risk to human health and environment from pollution and waste; so far as reasonably practicable. Understanding and addressing these risks through mandatory assessments in application requirements is an effective way to assist land developers to meet their duties under the EP Act.

EPA therefore recommends that the relevant application requirements be made mandatory, consistent with the approach applied to the application requirement for a Preliminary Risk Screen Assessment/Audit.

Exemptions from consideration of Section 60(1)(e) of the *Planning and Environment Act 1987*

EPA notes that recent amendments such as VC267 now exempt a responsible authority from considering any significant effects a use or development may have on the environment or the environment may have on a use or development. Consideration of the planning policy framework is also exempt. The effect of these exemptions should be considered where there is a reliance on the permit application processes to manage environmental risks within the amendment area and surrounding areas.

Closing

EPA provides its written submission as Victoria's environmental regulator. It does so with the understanding that responsibility for the outcomes remain with the planning authority and the Minister for Planning and that the decision to approve the Amendment ultimately rests with the Minister for Planning.

EPA acknowledges that a planning authority may need to consider other factors beyond the views of the EPA. Planning authorities are required to implement a range of objectives under Section 12(1)(a) of the *Planning and Environment Act 1987* (P&E Act), including facilitating

development alongside economic, social, and environmental priorities. When balancing the range of often competing priorities, a planning authority must undertake its own assessment of significant effects on the environment under Section 12(2)(b) of the P&E Act and may elect to proceed with a planning scheme amendment without adhering to EPA's written views.

Planning authorities should, however, understand the effect planning decisions may have on the ability of those with a duty to meet obligations under the EP Act, including the general environmental duty, when discharging their decision-making functions under the P&E Act.

Should the planning authority require clarification of any of the matters outlined in this letter, we request it contact EPA by contacting [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Environment Protection Authority Victoria