

27 October 2022



Principal Strategic Planner
Murrindindi Shire Council
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Our Ref: REQ002661

RE: MURRINDINDI SHIRE - DRAFT HOUSING AND SETTLEMENT STRATEGY

We refer to the Murrindindi Shire draft Housing and Settlement Strategy referred to the Environment Protection Authority (EPA) via email on 11 October 2022.

Our Understanding of the Proposal

EPA understand that Council is in the process of preparing a draft Housing and Settlement Strategy (H&SS or 'the draft Strategy') for Murrindindi Shire. As part of the H&SS, Council is investigating areas within the Shire best placed to accommodate new residential development. As outlined in the H&SS, housing growth will be encouraged in the following areas:

- Serviced towns, particularly Alexandra and Yea;
- Existing zoned land within existing towns;
- Incremental change areas nearest town centres;
- Infill sites in serviced towns;
- Growth areas; and
- Investigation areas (future).

Ministerial Direction 19 (MD19)

MD19 requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

While Council will need to seek further MD19 advice from EPA at the planning scheme amendment stage, it is in the context of MD19 that EPA provide the following comments.

Policy Context: Environment Protection Act 2017

The Environment Protection Act 2017 (EP Act 2017) commenced on 1 July 2021 and changed Victoria's focus for environment protection and human health to a prevention-based approach, underpinned by the general environmental duty (GED). The GED sees that the risk of harm to human health and the environment, as a result of pollution or waste, must be reduced, as far as is reasonably practicable and applies to all Victorians.

epa.vic.gov.au

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Whilst the process of making a strategic planning decision is not subject to the GED, planning decisions may impact the ability of those with a duty to meet obligations under the EP Act 2017.

Land Use Compatibility

The H&SS outlines that the areas identified to accommodate the Shire's future growth are located within existing town/settlement boundaries. The draft Strategy also highlights a need to protect agricultural land from encroachment. These objectives will serve to minimise land use conflict between agriculture and residential development as the H&SS progresses.

Council should also be mindful of the land use interfaces within the settlement boundaries, particularly where potential residential growth areas have a direct interface with industrial zones (i.e., 2-6 North Street, Yea, Land east of Wattle Road, Alexandra and land north of Goulburn Valley Highway, Alexandra). Industries may produce unintended offsite impacts, such as odour, dust and noise, while residential land uses may encroach on industry and limit the operational capacity of industry. This may threaten the operation and viability of industries, while communities are put at risk.

In particular, Council should be aware of any industries in the area which may be subject to recommended separation distances. EPA's *Recommended separation distances for industrial residual air emissions* (Publication 1518, March 2013) includes recommended separation distances for specified industry types. These apply to off-site odour and dust emissionsⁱ that have the potential to impact on human health and amenity.

Given this, Council should confirm whether there are any existing or proposed (permit approved) industries in the Shire which are subject to separation distances and ensure that these are considered when directing residential growth.

Noise and Vibration

The GED requires all Victorians to understand and minimise their risk of harm to human health and the environment from pollution and waste, including noise, where the definition of noise includes sound and vibration. Developing land that will include noise sensitive uses near existing sources of noise may be regarded as an activity that may give rise to risks of harm to human health from pollution.

Transport corridors, such as highways, freight railway lines and transport railway lines produce noise and vibration that may have a negative impact on noise sensitive uses.

Council should, in planning for future housing and growth, consider the impact that noise and vibration producing land uses may have on potential residential areas and ensure that the draft H&SS responds appropriately to these risks where appropriate.

Potentially Contaminated Land and Ministerial Direction 1

When considering where to direct residential growth, it is important to be mindful that past land uses have the potential to contaminate land, which may pose a risk of harm to human health. Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented. The first step in safely managing potentially contaminated land is identifying potential contamination.

ⁱ The separation distances do not consider noise, vibration, ambient and hazardous air pollutants.

Potential contamination can often be identified by reviewing Council records, EPA/DELWP publicly available databases or applicant information. Where these information sources are insufficient to make a determination, a Site History Review (SHR) may be undertaken. *Planning Practice Note 30: Potentially Contaminated Land* (DELWP, 2021) (PPN30) contains guidance for identifying potentially contaminated land (see Table 1 and Table 2 of PPN30), as well as details on how to undertake an SHR (see Appendix 2 of PPN30).

Further to this, while no planning scheme amendments are proposed at this stage, EPA wishes to highlight that where potentially contaminated land is identified, and an amendment would allow sensitive land uses (whether or not subject to a permit), Ministerial Direction 1 (MD1) applies. MD1 aims to ensure that potentially contaminated land is suitable for the intended use. Where residential development is proposed on potentially contaminated land, a *Preliminary Risk Screen Assessment* (PRSA) or environmental audit options applies (see Table 3 of PPN30).

Council should be particularly mindful of potential contamination when exploring Infill Sites, which may be potentially contaminated due to previous land uses such as industry. Growth and Investigation Areas may be potentially contaminated if they have been used for farming, in particular, for agriculture and animal production where the following has occurred on the land:

- The commercial use of pesticides, herbicides or insecticides;
- The application of biosolids; and/or
- The disposal of farm waste.

Council may wish to determine if any potential residential areas identified in the draft Strategy meet the definition of potentially contaminated land.

Summary and Recommendations

To summarise the advice contained within this letter, Council should consider the impact of the following risks on potential residential areas:

1. Land use compatibility and apply separation distances where appropriate.
2. Noise and vibration.
3. Potentially contaminated land.

Closing

EPA is willing to meet to discuss our comments and our ongoing involvement in this process to ensure that EPA supports this planning process effectively.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact Sibel Ali, Planning Officer on 1300 EPA VIC (1300 372 842), or at stratplan@epa.vic.gov.au.

Yours sincerely,



Trisha Brice
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