

4 October 2018

Victorian Planning Authority
Attention: Tony Marks, Strategic Planning Manager
Level 25, 35 Collins Street
MELBOURNE VIC 3000

Our Ref: 5007900

Dear Tony,

**RE: AMENDMENT 232 OFFICER TOWN CENTRE PRECINCT
STRUCTURE PLAN**

EPA have been in discussions with VPA regarding the Officer Town Centre PSP (C232) and specifically, the requirement for a buffer around the existing HyGain Feedmill Facility site in accordance with EPA Publication 1518, *Recommended Separation Distances for Industrial Residual Air Emissions*.

To assist the discussions, EPA attended a site inspection (26 September 2018) with VPA to confirm the extent of offsite impacts and gain a better understanding of site operations and conditions.

Due to the presence of odour observed during the site visit, VPA has requested a response from EPA regarding offsite impacts of the HyGain Feedmill Facility and the need for planning controls to be incorporated into the PSP and Planning Scheme.

It is noted that VPA proposes a 250m separation distance to be mapped in accordance with prevailing meteorological conditions. This has not yet been received by EPA.

In addition, VPA proposes the following controls for sensitive land uses:

- *A permit is required to use land for a sensitive use within the separation distance area (within the UGZ4 area only, as permits for sensitive uses outside the town centre where land is zoned UGZ3 and that is within the separation distance area, have already been issued and are under construction).*
- *The UGZ4 to include application requirements and decision guidelines for applications for sensitive uses. EPA to provide examples and input as to what these may be.*
- *EPA may be a 'recommending' referral authority – EPA to confirm.*
- *Require permits for dwellings to include a S173 agreement to be registered on title highlighting to purchasers within HyGain's separation area the likelihood of exposure to odours emanating from HyGain's operations.*

It was requested that EPA consider these controls and provide a response. EPA's response is as follows:



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1. Publication 1518 recommends a separation distance of 250m, and not 85m as currently set out in the PSP. The recent site inspection confirms offsite impacts and notes the presence of odour up to approximately 611m from the HyGain facility. EPA therefore supports the proposal for a 250m separation distance to be mapped from an agreed envelope of sources.
2. EPA supports the requirement for a planning permit for any new sensitive use anywhere within a circular 250m buffer of the HyGain Feedmill Facility until a buffer is shown diagrammatically (subject to meteorology) and EPA can be assured of where this will apply.
3. EPA supports the proposal for the proposed Urban Growth Zone Schedule 4 (UGZ4) to include specific application requirements and decision guidelines for applications for sensitive uses.
4. EPA proposes to be a recommending referral authority (not a determining authority). This is consistent with our approach to permit application referrals for other strategic planning matters such as Fisherman's Bend.
5. In providing a referral response for applications for sensitive uses within the 250 metre separation distance, EPA would consider what, if any, measures are proposed to respond to the potential for odour impacts from HyGain's operations; and
6. EPA considers that the proposal to require a s173 agreement to be registered on the title of residential properties within the 250 metre separation distance will provide some transparency regarding potential odour impacts associated with HyGain's operations. However, a s173 agreement would not alter the requirements of the *Environment Protection Act 1970* or change EPA's advice regarding appropriate separation distances. Residents of those properties would retain their rights under the Environment Protection Act 1970, including rights to complain about impacts.

If you need additional information or assistance, please contact Rund Gorgis, Strategic Planning Officer, Southern Metropolitan Region, on 1300 EPA VIC (1300 372 842).

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a long, wavy horizontal line.

Ruth Davies
Team Leader
Major Projects and Planning
EPA Victoria