

25 October 2023



Justin O'Meara  
Executive Director, Metropolitan Melbourne  
Victorian Planning Authority  
Level 25, 35 Collins Street  
MELBOURNE VIC 3000

Our Ref: REQ003840,

Dear Justin,

**RE: OFFICER SOUTH EMPLOYMENT PRECINCT STRUCTURE PLAN AND ASSOCIATED DRAFT AMENDMENT C274CARD TO THE CARDINIA PLANNING SCHEME**

Thank you for the opportunity to provide a submission in relation to the Officer South Employment Precinct Structure Plan (PSP) and associated draft Planning Scheme Amendment C274card (the Amendment), currently on public consultation and referred to the Environment Protection Authority (EPA) via email on 25 September 2023.

EPA has reviewed the following documents of relevance:

- Referral letter to EPA dated 25 September 2023;
- Draft Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7);
- Draft Explanatory Report;
- Officer South Employment PSP Background Report, dated September 2023;
- Officer South Employment Precinct Structure Plan (PSP), dated September 2023; and
- VPA document titled 'proposed inclusions for Officer South Employment PSP – for discussion with EPA – Dec 2022', provided to EPA at the agency validation stage of the PSP preparation process.

**Our Understanding of the Proposal**

EPA understands the PSP seeks to establish a state significant industrial precinct, with a regionally significant commercial area in Melbourne's south east. Whilst the majority of the precinct will facilitate industrial and commercial use and development, EPA notes that the precinct will facilitate a small area of residential land use to the north of the PSP near the Princes Freeway.

The Amendment provides for the development of approximately 1,600 new homes to accommodate an expected population of 5,000 residents, and approximately 637 hectares of the Precinct will accommodate land for the purpose of industrial and commercial development.

Of relevance to EPA, the Amendment proposes to:

- Insert Schedule 7 to 37.07 Urban Growth Zone (UGZ7) into the Cardinia Planning Scheme and rezones part of the land from Urban Growth Zone (UGZ) to Urban Growth Zone Schedule 7 (UGZ7);
- Apply the Environmental Audit Overlay (EAO) to 94 Princes Freeway, Officer, located in the north of the Precinct; and
- Amend the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Officer South Employment Precinct Structure Plan, September 2023, the Officer South Employment Infrastructure Contributions Plan September 2023 and the Site specific control State Infrastructure Items – Officer South Employment Precinct Structure Plan September 2023.

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The Precinct is located south of the Officer township and covers approximately 1,069 hectares of land. It is generally defined by the Princes Freeway to the north, Lower Gum Scrub Creek to the east, Cardinia Creek to the west and the Urban Growth Boundary to the south.

### **Previous Views**

EPA previously provided Ministerial Direction 19 views to the Victorian Planning Authority (VPA) on 10 August 2022 (EPA ref: REQ002159) and 13 January 2023 (EPA ref: REQ002901) in relation to:

- Potentially contaminated land;
- Odour – South East Water (SEW) sewer pump station;
- Consideration of the Buffer Area Overlay to the SEW sewer pump station;
- Sodic and Dispersive Soils;
- Land use Compatibility; and
- Potential Noise Impacts.

EPA's previous views are discussed in further detail within this submission.

### **Key risks of harm to the Environment, Human Health, and Amenity**

Having reviewed the submitted documents, EPA provides the following written views for consideration, having regard to the potential impacts on the environment, amenity, and human health from pollution or waste. EPA considers the key risks to be:

#### **Potentially Contaminated Land**

EPA previously advised that whilst a copy of the '*Officer South Employment Precinct Structure Plan – Land Capability Assessment – Aurecon – 2022- 06-14*' was not provided, EPA agreed with the approach to apply the EAO to 94 Princes Freeway, given the property had been identified as having a 'high' potential for contamination, and could be rezoned in future; the EAO will ensure that the necessary assessment of potentially contaminated land is carried out should there be a proposal to establish sensitive uses on the land.

EPA has no further comments to make on this matter.

#### **Odour - South East Water Sewer Pump Station**

##### Previous Views

In a letter to VPA dated 19 May 2022 (EPA ref: REQ001595), EPA provided its views in relation to the proposed Buffer Area Overlay being sought by SEW, to be applied to the sewer pump station. This advice included detailed comments on the proposed drafting of the schedule to the BAO including suggested wording for the Statement of Risk etc.

However, with progressing the PSP and associated Amendment, VPA have elected to respond to the risk of odour from the sewer pump station by way of planning controls within the proposed UGZ6 (now UGZ7 and herein referred to only as UGZ7). EPA previously provided its views on this approach in accordance with MD19. In addition, EPA notes that Planning Practice Note 92 - *Managing buffers for land use compatibility*, DELWP 2021 (PPN92) includes the following principle, in considering the BAO: "*Policy and zoning are the primary and preferred tools within the planning system for ensuring land use compatibility*".

It was noted that the draft Place Based Plan identified a proposed buffer area (180m from the '*Recommended Buffer Zone for Officer South Pumping Station*' Report prepared by Consulting

Environmental Engineers, dated March 2022), which sits over land to be used for 'business' purposes and has an underlying zoning of Commercial 2 (Clause 34.02).

In providing our views, EPA made the following observations:

- There is a known risk of odour arising from the SEW Pump Station;
- Steps have been taken to limit the establishment of sensitive uses within the area of risk through the application of an appropriate zone with controls on sensitive uses;
- Once development in the precinct commences, the UGZ will need to be translated into an appropriate standard zone, because the UGZ is primarily used to manage the transition of nonurban land into urban land; and
- At the appropriate time, having regard to the transitory nature of the UGZ, care must be taken to ensure that the buffer controls are also translated across to the permanent planning controls for the area.

Clause 3.0 *Application Requirements* of the UGZ7 included the following requirement:

*"South East Water Pump Station Amenity Area*

*An application to use land, or to construct a building or carry out works on land within the 'South East Water Buffer Area' on plan 3 of the incorporated Officer South Precinct Structure Plan must be accompanied by an amenity impact assessment which provides for an assessment of the proposed use against the potential for odour and noise impacts to the satisfaction of the responsible authority."*

It was noted that this requirement could be strengthened by:

- Requiring that the Amenity Impact Assessment (AIA) is prepared by a suitably qualified professional;
- The AIA should make recommendations on suitable design responses to ensure that the use within the buffer area will experience an appropriate level of amenity; and
- Inclusion of tailored decision guidelines as well as an ability for applications to be referred to SEW.

EPA Submission

EPA notes that the application requirement at 3.0 of UGZ7 has now been updated as follows:

*"Application requirements 3.0*

*South East Water Pump Station Amenity Area*

*An application to use land, or to construct a building or carry out works on land within the South East Water 'proposed separation area (180m)' on Plan 3 – Place Based Plan of the incorporated Officer South Employment Precinct Structure Plan must be accompanied by an amenity impact assessment prepared by a suitably qualified professional which provides for an assessment of the proposed use against the potential for odour and noise impacts to ensure the use within the proposed buildings will experience an appropriate level of amenity".*

As previously recommended, the proposed requirement could be strengthened by requiring the Amenity Impact Assessment to make recommendations on suitable design responses to ensure that land uses within the buffer area will experience an appropriate level of amenity. This appears to be a gap in the current drafting of the application requirement, and EPA recommend that it should be updated accordingly.

In addition, EPA notes that the *Decision guidelines* at 6.0 of UGZ7 has now been updated, which both address the sewer pump 'separation area' as well as requires the views of South East Water Ltd (or their successors). EPA therefore has no further comments to make on this matter.

## Land use Compatibility – General comment

EPA previously provided general comments regarding *Land use Compatibility*. As sensitive uses such as residential dwellings are introduced to the area through the PSP, there is a need to consider how these uses may be impacted by industrial and commercial uses also seeking to establish in the area due to the potential adverse amenity and human health impacts (having regard to the scope of EPA Publication 1518: Recommended Separation Distances for Industrial Residual Air Emissions which does not include noise).

Whilst this was previously provided as general comments, VPA should have regard to land use compatibility, including how potential amenity impacts may be prevented or mitigated, having regard to the strategies listed at Clause 13.07-1S *Land use compatibility* of the Cardinia Planning Scheme.

## Potential Risks of Harm – Noise

### Previous Views

EPA previously highlighted that the PSP area is bordered by the Princes Freeway to the north, and Officer South Road to the west which is nominated as an arterial road (6 lane). There may be significant noise impacts on future sensitive land generated from these land uses.

In a letter to VPA dated 13 January 2023 (EPA ref: REQ002901), EPA provided its views in relation to noise and vibration in the PSP area in relation to the draft PSP Guideline for noise and the UGZ7 noise provisions.

### EPA Submission

EPA notes that the application requirement for an Acoustic assessment report at Clause 3.0 of UGZ7 has now been updated and no longer includes reference to 'subdivision'. EPA recommends that the application requirement must also apply to subdivision stage, given that the use of the land for a dwelling, and buildings and works associated with a dwelling on a lot greater than 300sqm in the Residential Growth Zone do not require planning permission. This also applies to the *conditions and requirements*, at Clause 4.0.

There may be the need for some noise attenuation measures to be implemented at subdivision stage through legal mechanism such as a Section 173 agreement, 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 wall/barrier is recommended, this should be constructed prior to statement of compliance. Consideration to ongoing maintenance responsibilities should also be given.

These recommendations should be inserted as part of Clause 4.0 *Conditions and requirements for permits* of UGZ7 to ensure that they will be applied to a planning permit.

EPA consider the changes above are necessary prior to the Amendment progressing further.

### *Clause 3.0 Application Requirement:*

EPA recommend that the proposed requirement could be strengthened by requiring the below changes (underlined) to the acoustic assessment report requirement to ensure the risk from noise and vibration is adequately addressed:

*'Identifies lots and/or buildings requiring mitigation from noise (including vibration as relevant) 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”.*

And:

*“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 and to the environmental values for ambient sound defined in the Environment Reference Standard (ERS)”.*

PSP document:

VPA previously provided a draft PSP Guideline for noise and EPA suggested the alternative wording:

*“Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, childcare centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.”*

EPA highlights that the PSP only refers to noise in Principle 02, and that there is no Guideline relating to noise:

*“The local town centre design should seek to minimise amenity and noise impacts resulting from the mix of uses by maintaining separation and transitional areas between retail and housing activities, such as open space, road networks and community facilities”.*

This matter now rests with the VPA, to determine whether adequate provision and or direction is provided in the PSP document. EPA have no further comment to make on this matter.

## **Sodic Soils**

### Previous views

EPA previously highlighted that UGZ7 contained an application requirement that related to the preparation of a Sodic and Dispersive Soils Management Plan. It was unclear whether a technical assessment had been undertaken to determine that sodic soils are present within the Precinct and that such a planning control was necessary. EPA also highlighted that sodic soils present challenges for development, including increased run-off and soil erosion, impacting buildings and other structures, as well as vegetation/landscaping.

Any management plan prepared should:

- ensure potential environmental impacts are properly quantified;
- adequately address both surface and subsurface erosion; and
- include site specific recommendations for management practices of sodic soils for the PSP area.

We also suggested that VPA remove duplication of this requirement at Clause 4.0 Conditions and requirements for permits.

### EPA Submission

EPA provided advice to VPA on a recommended approach (not site-specific) to the assessment and management of sodic soils in a letter to VPA dated 17 October 2022 (EPA ref: REQ002576). However, we understand that a Sodic and Dispersive Soil and Acid Sulfate Soil Investigation was commissioned in September 2021 for this Precinct. The Background Report states that this investigation found that *“It should be assumed that all soils within the precinct are potentially dispersive and strongly to very strongly*

sodic, unless testing at a higher sampling density is undertaken to prove otherwise". Hence the requirement for the Sodic and Dispersive Soils Management Plan in the UGZ7.

Despite the recommended approach to addressing sodic soils that EPA provided last year, EPA considers that the approach proposed by VPA to be adequate in this instance, given:

- the work already undertaken to date by the VPA, which was well before EPA's advice that was provided last year;
- the inclusion of the requirement for a *sodic and dispersive soils management plan* in UGZ7; and
- the requirements addressing sodic soils in the PSP.

However, we would recommend the following content is added to the requirement for the management plan, as previously raised, as well as an additional dot point (4):

- ensure potential environmental impacts are properly quantified;
- adequately address both surface and subsurface erosion; and
- include site specific recommendations for management practices of sodic soils for the PSP area.
- *Collection and treatment of stormwater is a critical aspect of the management of the site and must be addressed.*

In addition, Clause 4.0 provides further wording around sodic soils, as the management plan would have already been prepared at time of application, VPA may wish to consider the below wording:

"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 approved sodic and dispersive soil management plan to be implemented, to the satisfaction of the Responsible Authority".

That aside, EPA have no further comments are made with respect to sodic soils.

## Closing

With regard to this submission, EPA's comments have centred around the SEW sewer pumping station, land use compatibility, noise risks and the management of sodic soils. If not managed carefully, these risks have the potential to adversely impact amenity and human health for sensitive uses as they are introduced on the site.

EPA has included a number of recommendations in this submission, which seek to minimise the risk of harm to human health and the environment - a principle that drives the environment protection framework under the Environment Protection Act 2017. Primarily, the recommendations relate to:

- Updating the AIA requirement so that the preparation of an AIA will include recommendations on suitable design responses to ensure that land uses within the buffer area will experience an appropriate level of amenity.
- Land use compatibility, in that the VPA should have regard to how potential amenity impacts may be prevented or mitigated, having regard to the strategies listed at Clause 13.07-1S *Land use compatibility* of the Cardinia Planning Scheme.
- Updating the existing acoustic assessment requirement in UGZ7 with the recommended wording to ensure that the risk will be appropriately addressed and ensure appropriate planning controls are in place regarding implementation of recommendations;
- Recommendations provided for in the acoustic assessment should be inserted as part of Clause 4.0 *Conditions and requirements for permits* of UGZ7 to ensure that they will be applied to a planning permit.
- Updating the requirement for the Sodic and Dispersive Soils Management Plan to include the recommended wording.

If Council is unable to resolve our submission and adopt the recommended changes included in this letter, we ask that our advice be provided to the Committee, as a submission requiring their consideration.

Any questions should be directed to Mychelle Tomsett, Senior Planning Advisor on [REDACTED]  
[REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Argus', written in a cursive style.

Kristen Argus  
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Development Advisory Unit  
Environment Protection Authority Victoria