

## Planning Implementation (DELWP)

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**From:** contact@engage.vic.gov.au  
**Sent:** Tuesday, 31 December 2019 10:48 AM  
**To:** Planning Implementation (DELWP)  
**Subject:** New Form submission on Planning for Melbourne's Industrial and Commercial Land



### **New Form submission on Planning for Melbourne's Industrial and Commercial Land**

Hi planning.implementation@delwp.vic.gov.au

There has been a submission on [Planning for Melbourne's Industrial and Commercial Land](#) through Engage Victoria

A copy of the submission is provided as below:

#### **Planning principles and strategies for employment land.**

The draft Melbourne industrial and commercial land use plan includes principles and strategies to guide planning for industrial and commercial land. (page 32).

**Do you think the principles and strategies provide enough clarity and guidance to assist planning for industrial and commercial land?**

**If no, please let us know why and how they could be improved.**

Please refer to submission.

### **Criteria to identify regionally-significant industrial precincts.**

Plan Melbourne identifies state-significant industrial precincts. The draft Melbourne industrial and commercial land use plan identifies regionally-significant industrial precincts and includes criteria used as the basis to identify these locations (page 34).

**Do you support the criteria developed to identify regionally-significant industrial precincts?**

**If no, please let us know why and how they could be improved.**

Please refer to submission.

### **Purpose for regionally-significant industrial precincts and local industrial precincts.**

Plan Melbourne outlines a purpose for state-significant industrial precincts. The draft Melbourne industrial and commercial land use plan identifies a purpose for regionally-significant industrial precincts and local industrial precincts (page 35).

**Do you support the purpose developed for regionally-significant industrial precincts and local industrial precincts?**

**If no, please let us know why and how they could be improved.**

Please refer to submission.

## **Developing local industrial land use strategies.**

Appendix 2 of the draft Melbourne industrial and commercial land use plan proposes guidance for developing local industrial land use strategies.

### **Do you have any comments or suggestions to improve the guidance for developing local industrial land use strategies?**

Please refer to submission.

## **Key industrial and commercial areas.**

The draft Melbourne industrial and commercial land use plan identifies and describes key industrial and commercial areas for each of the six metropolitan regions (refer to Part B of the plan).

### **Have the key industrial and commercial areas been adequately identified and described across the regions?**

**If no, please let us know which other area we should identify or how the areas can be better described.**

Please refer to submission.

### **Would you like to comment on any other aspects of the plan?**

Please refer to submission.

**If you would like to upload a submission, please do so here.**



**I am making this submission:**

on behalf of an organisation

**Email address (Optional)**



**I agree to receive emails about my submission if required or project updates.**

Yes

## **Privacy Statement - Draft Melbourne Industrial and Commercial Land Use Plan**

### **What we will do with your submission**

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws. The submission you provide to DELWP will be used to inform the finalisation of the Melbourne Industrial and Commercial Land Use Plan.

The information you provide will be made available to DELWP to develop a consultation report. This report will be uploaded to the Melbourne Industrial and Commercial Land Use Plan page on the DELWP website.

The contact information you provide may be used to contact you should we need to clarify your submission or to provide you with project updates.

The submission you provide will be published on the DELWP website. To protect individual privacy, DELWP will remove your name and address from your submission when we receive it.

If you do not wish to be identified, please ensure there is no other information in your submission that could identify you or other individuals.

If you are making comment as an organisation, then your comments may be published, including the name of your organisation.

De-identified submissions may be used by DELWP, or its contracted service providers under confidentiality agreements, in preparing its recommendations to government.

Please note, if you do not provide your name/email address we will not be able to identify your submission if you wish to access it, make a correction, or require technical support.

Should you need to correct the information you provided or gain access to your submission, please contact us via email at [planning.implementation@delwp.vic.gov.au](mailto:planning.implementation@delwp.vic.gov.au)

**I agree to the privacy statement**

yes

To view all of the form's submissions, visit:

<https://engage.vic.gov.au/index.php/dashboard/reports/forms/viewDetail/2373>

Regards,

The Engage Victoria Team

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Engage Victoria. If you think you have been sent this by mistake please contact us at [contact@engage.vic.gov.au](mailto:contact@engage.vic.gov.au).

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Our Ref: [REDACTED]

Department of Environment, Land, Water and Planning  
PO Box 500  
EAST MELBOURNE VIC 3002

31 December 2019

Dear Sir/Madam,

**Draft Melbourne Industrial and Commercial Land Use Plan**

Thank you for the opportunity for Environment Protection Authority (EPA) to provide a submission in relation to the *Draft Melbourne Industrial and Commercial Land Use Plan* (Draft Plan).

EPA understands that the Draft Plan builds on the relevant policies, strategies and actions of *Plan Melbourne 2017-2050* (Plan Melbourne), and the associated *Plan Melbourne 2017-2050 Five-Year Implementation Plan*. It is largely underpinned by economic considerations to ensure there is sufficient and appropriate land supply to meet future demand for business and employment purposes and to help support Victoria's competitive advantage in attracting economic investment.

EPA is passionate about Victoria being one of the most liveable places on the planet – a place where community and industry continue to thrive. As Victoria's environmental regulator, our job is to protect the environment and human health by preventing and reducing harm from pollution and waste. Whilst EPA is responsible for the approval and licensing of some of the state's major industries, our role is not to advocate for such operations, but rather to ensure their operation complies with relevant legislation and statutory policy.

Integration of both the planning and environment and the environment protection regulatory systems is central to managing human health and amenity issues and preventing land use conflicts in the future. EPA is routinely involved in responding to adverse impacts affecting residents from industrial facilities that have originated or been exacerbated by land use conflicts. Many of the land use conflicts have arisen due to either rezoning of land, or planning permit approvals that have reduced the separation distances between sensitive uses and established industry.

Development of guiding principles for the future planning for industrial and commercial land, and the creation of an industrial and commercial precinct framework is of interest to EPA. This work will assist in protecting established and future strategic industrial and commercial precincts from incompatible land uses, which in turn will assist to protect the health and amenity of the Victorian community.

EPA is currently working with DELWP Planning on their project to update the Planning Policy Framework and Clause 53.10 of the Victoria Planning Provisions (Planning for amenity, health and safety buffers). The project aims to improve the way the planning system addresses buffers for amenity,



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human health and safety impacts. Noise, dust, odour and other off-site impacts can pose amenity, health and safety risks to communities, while encroachment of sensitive uses, such as residential development, can threaten the ongoing viability of industries.

EPA considers there are synergies between that project and the Draft Plan, with each seeking to ensure land use compatibility.

EPA is generally supportive of the proposed approach to planning for industrial and commercial land proposed within the Draft Plan. The following comments are provided for consideration by the Department.

### **Environment Protection Act 2017 and Human Health**

The *Environment Protection Act 2017*, as amended by the *Environment Protection Amendment Act 2018* (the amended EP Act 2017) is intended to come into force on 1<sup>st</sup> July 2020. The statutory objective of EPA as defined in the amended EP Act 2017, is to protect human health and the environment by reducing the harmful effects of pollution and waste. The definition of human health in the *Environment Protection Amendment Act 2018* (EP Amendment Act 2018) includes psychological health. It is now well accepted that long term exposure to amenity impacts can result in adverse impacts to psychological health as well as physical health. Intended and unintended industrial emissions including noise, dust, and odour cause adverse amenity and health impacts. Protection and maintenance of separation distances is particularly important to protect human health and amenity, and the ongoing operation of industry.

The strategies contained within the Draft Plan relating to protection of separation distances will support EPA's current and future objectives.

### **General Comments**

#### ***Industrial and commercial precinct frameworks:***

EPA supports the principle-based frameworks proposed, which prioritise protection of existing and future industrial precincts of state and regional significance from encroachment by sensitive land uses. Maintenance of separation distances to prevent land use conflict from occurring is the most robust strategy to employ, recognising that even when industry is operating in accordance with all relevant statutory policy, there are still unintended emissions that must be allowed for. This will ensure the health and amenity of the community is not compromised.

#### ***Sensitive land uses:***

Part B of the Draft Plan, 'Regional Summaries and Directions' contains suggestions for land use planning in each considered region. The Draft Plan identifies retention of regionally significant industrial precincts and proposes the protection of these precincts from encroachment by sensitive uses that would compromise development and efficient operation of businesses within each precinct.

In determining whether a land use is deemed sensitive, it is important to consider the environmental risk posed. In the context of likely risks posed by industry (odour, dust and noise), any land use requiring a focus on protection of human health and wellbeing and local amenity would be considered sensitive. Given the Victoria Planning Provisions do not define the term sensitive use, it will be important that the Draft Plan considers this

by articulating which land uses could be considered sensitive in the context of the likely risks posed. Clarification of the term sensitive use could be provided in 'Appendix 3 – Glossary' of the Draft Plan.

In addition to adverse impacts experienced from industrial emissions, industrial land proposed for redevelopment or rezoning may be potentially contaminated. To avoid risks to human health from redeveloped contaminated land, relevant planning authorities must ensure they fulfil their statutory obligations in the consideration of potentially contaminated land per '*Ministerial Direction No. 1 – Potentially Contaminated Land*'.

EPA notes the direction provided to municipalities in the consideration of potentially contaminated land in Appendix 2 of the Draft Plan. Further comments on this section are detailed below.

***Appendix 2 – Developing local industrial land use strategies:***

EPA supports the development of a consistent framework for municipalities to develop local industrial land use strategies. This will ensure local councils consistently consider site specific issues in the development of local industrial land use strategies. EPA supports the policy direction encouraging councils to consider key issues including:

- identification of existing industrial uses that may require buffers to sensitive uses;
- identification of any contamination or environmental issues (aligning with the requirements of Ministerial Direction No. 1 - Potentially Contaminated Land); and
- identifying any waterways and habitats that require consideration or protection.

***Ministerial Direction 19 – Preparation and Content of Amendments that may significantly impact the environment, amenity and human health***

The EPA reform process recognised the value of EPA's early involvement in strategic planning to protect the environment, amenity and human health from pollution and waste. In accordance with Ministerial Direction 19, responsible planning authorities are required 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 takes this opportunity to re-iterate the importance of early engagement for planning proposals that impact the establishment, operation or re-development of industrial precincts defined by the Draft Plan.

For further discussion or clarification in relation to EPA's comments, please contact [REDACTED] Planning Policy Officer, Major Projects and Planning [REDACTED]

EPA would appreciate the opportunity to review any future policy documents on this subject, and looks forward to continuing to support the Department on this important program of work to strengthen policy controls in the ongoing management of industrial and commercial land.

[REDACTED]

Manager – Major Projects and Planning Unit