

From: [REDACTED]
To: [Scheduled Premises](#)
Subject: Comment in relation to the Scheduled Premises Regulations Review - Discussion Paper - Publication 1613 - November 2015
Date: Monday, 14 December 2015 6:38:48 PM

Dear EPA

Scheduled Premises Regulations Review
Discussion Paper - Publication 1613 - November 2015

Thank you for the opportunity to provide comment regarding the abovementioned Discussion Paper.

As Strategic Planning Coordinator, my interest in the Discussion Paper is limited to those matters discussed in Section 4.1.4 as they relate to rural industry and in particular milk processing facilities.

As you may be aware, Burra Foods in Korumburra has undergone significant expansion in recent years which has resulted in environmental impacts on the surrounding residential areas in terms of odour, dust and to a lesser degree noise.

In response to complaints from surrounding landowners about factory impacts, Burra Foods approached Council to implement measures to seek to control the encroachment of sensitive land uses around the factory. Council has sought to achieve this via the application of a planning scheme overlay control that, while allowing new development to continue to occur near the factory, discourages the establishment or intensification of some sensitive uses in the factory curtilage. The amendment (C99) is currently with the Minister for Planning for consideration.

In a perfect world, correct factory operations in accordance with EPA's Works Approval and Licensing requirements, combined with enforcement action, would allow the factory to coexist with the surrounding area without having any unreasonable impact on the surrounding lands. The reality of the situation is sometimes more complicated with Burra Foods impacting the surrounding lands when operations go wrong. Burra Foods have been fined by the EPA for environmental breaches in recent times, demonstrating successful implementation of the EPA's regulations.

This is a quick summary of the Burra Foods situation, however the key point to draw out is that the planning system and EPA regulatory system are tilted towards assessing how new uses with adverse amenity potential affect surrounding sensitive land uses and not how the incremental intensification of sensitive land uses may affect the viability of adverse amenity causing uses – the so called 'reverse buffer' effect. Perhaps improved technology and management, combined with strict EPA works and licensing approvals can address the management of these issues however this might be overly optimistic given the complexity of modern food processing operations and the multiple operations that occur in most factories.

Burra Foods is one example and similar conflict issues are now occurring in relation to Farming Zone based intensive animal industries in the Shire. These issues are likely to continue if more intensive farming operations move from the inner to the outer peri urban area as appears to be

occurring.

With the above comments in mind I agree with the proposition of Question 7 of the Discussion Paper that the challenges outlined in the illustrative example are the most relevant ones for the Review. EPA works and license approvals will go a long way to address amenity conflict, but other tools (as referred to in question 8) could benefit how amenity is managed, including tools that alert land purchasers about the potential for amenity impacts from nearby uses and / or tools to manage the intensification of sensitive land uses near existing industrial uses. These tools may be more relevant to the planning systems than the EPA regulatory system however I note this for discussion purposes.

This Council's experience with Burra Foods has found that how these matters are managed can be very challenging to balance and can be controversial however (especially in growing peri urban townships and farmland areas) these conflicts are likely to increase in coming years.

We trust that your review of the Scheduled Premises Regulations will assist in managing what is an increasingly challenging regulatory space. In relation to the other questions in the Discussion Paper I offer no comment as I have no practical experience in these areas.

If you have any queries regarding these comments I will be pleased to assist.

Regards

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