Victorian service-station separation reform

Instructions for policy and legal drafting | Consultation draft

Safe Separations | 22 September 2026. This is a practical drafting brief, not settled legislative text. Independent scientific and Victorian planning-law review remain pending. Public consultation edition. Distances below are proposed precautionary policy choices.

1. Objective and instrument

Prevent avoidable long-term exposure at incompatible land-use interfaces while retaining effective source controls and continuing environmental duties. Ask the Department of Transport and Planning to identify an explicit statewide particular provision and linked amendments to use, referral and decision provisions. Determine whether any enabling Act or regulations also require amendment.

Do not rely solely on adding a retail station to Clause 53.10. The examined Clause 66.02-7 trigger refers to specified industry, utility installation and warehouse purposes. The amendment must expressly capture the intended use and both development directions. The examined 30-metre permit exemption in Clause 33.01 is not the proposed mandatory minimum. [41] [42] [43]

Drafting instruction: make noncompliance with the adopted floor a prohibition or otherwise binding constraint that cannot be displaced by a favourable discretionary model. Confirm the lawful mechanism, review rights and transition through specialist advice.

2. Scope and definitions

Cover a new retail petrol station, a new sensitive land use near an existing or approved station, and a material expansion or operating change that increases emissions or exposure. Protect approved but not yet built sensitive uses. Define treatment of staged development and applications on adjoining titles.

Sensitive uses should expressly include dwellings, schools, childcare, hospitals, aged care and supported residential accommodation, together with comparable prolonged-occupancy or vulnerable uses. Include associated outdoor play areas and relevant ventilation intakes in the assessment. Align definitions with planning land-use terms and sector licensing requirements to avoid gaps.

Material-change triggers should address dispensers, tank capacity, throughput, delivery arrangements, vent relocation and operating hours. Test thresholds against incremental expansion and operational changes that do not involve substantial building works. Do not automatically prohibit routine maintenance or verified emissions-reducing upgrades at existing sites.

Separate petrol-vapour controls from other hazards. LPG, hydrogen, diesel-only operations, bulk terminals, dangerous goods and contaminated land require their own applicable controls. Do not extend petrol-specific numerical assumptions to them without assessment.

Decision needed: whether non-retail fleet facilities with comparable emissions should be included at commencement or addressed in a later evidence-based extension.

3. Separation and assessment

Consult on a 50-metre non-discretionary floor for new covered development; a 100-metre default for 24-hour stations; and a 300-metre area triggering proportionate sensitive-interface assessment. A departure below the 24-hour default would require independent assessment and EPA agreement, never below the floor. These are options for testing, not demonstrated health thresholds. [39]

Compare a uniform 100-metre floor and throughput-based categories. Consider whether regional exceptional circumstances justify any different mechanism; this draft favours retaining the new-site floor and addressing existing-site improvement separately. Record costs, alternatives and residual uncertainty publicly.

Measure the default minimum as the shortest horizontal boundary-to-boundary distance. Define any legally secured activity-area alternative for large parcels narrowly and transparently. Require source-to-receptor coordinates and elevations for air assessment in addition to the statutory boundary measure.

Assessment should extend beyond 300 metres where credible emissions, cumulative sources, terrain, building geometry or contamination warrant it. It should evaluate background and cumulative contributions, normal operation, delivery peaks and credible abnormal conditions. Publish accepted criteria and averaging periods. No new dispersion model is supplied with this proposal.

Decision needed: final numerical choices after technical review and implementation analysis; do not describe any adopted distance as zero-risk.

4. Administration and enforceability

Assign completeness and minimum-distance checks to the responsible planning authority. Create an explicit EPA referral for covered interfaces and material changes, with the legal effect of EPA's response specified. Obtain Health input on vulnerable uses and health-assessment criteria.

Require application data on fuel types, throughput, hours, deliveries, tanks, vents, recovery equipment, adjacent approved uses and potential historical contamination. For complex or disputed assessments, use an independently appointed reviewer under a transparent funding mechanism. Publish reports and reasons, subject to justified confidentiality.

Translate modelling assumptions into enforceable permit conditions. Include throughput and operating limits where material, approved source locations, commissioning evidence, maintenance and functional testing, defect reporting, repair verification, record retention and reassessment triggers. Name the operator, owner and contractor responsibilities.

Require a commissioning report before operation and a documented response after functional-test failure. Determine when an affected activity must cease and what authority permits restart. Technical schedules should use current recognised methods confirmed by EPA and equipment specialists; this proposal does not invent a certification standard.

Decision needed: determining versus recommending referral status, testing intervals, public reporting requirements and powers for noncompliance, after legal and technical review.

5. Transition and implementation

Specify commencement, application cut-off rules, treatment of uncommenced permits, existing-use rights and expansion. Do not assume retrospective cancellation of lawful permissions. Preserve environmental and contaminated-land duties throughout transition.

Prioritise immediate low-regret measures: publish current guidance, improve application checklists, require explicit whole-site emission inventories, identify control responsibilities and make assessment assumptions visible. These measures should not be portrayed as already adopted.

Commission a representative metropolitan/regional implementation assessment before settling final distances. Examine alternative site availability, fuel access, emergency and agricultural needs, development capacity, assessment costs and regulator staffing. This project has not calculated those costs or monetised health benefits.

Develop public templates for station data, independent review, maintenance records and decision reasons. Provide training for council planners and environmental-health officers. Establish a shared de-identified compliance dataset with station, dispenser and test denominators distinguished.

Decision needed: implementation timetable, resourcing and any assistance for existing operators' emissions-reducing upgrades. A broad regional exemption would undermine consistent protection; any exceptional pathway needs clear evidence and public reasons.

6. Consultation, evaluation and national alignment

Invite environmental epidemiology, air-quality engineering and Victorian planning-law review. Consult councils, public-health organisations, residents, operators, equipment specialists, regional service users and First Nations communities. Declare interests and publish a response to substantive submissions.

Track measurable milestones: release of the evidence base; nominated officials; review findings; consultation paper; draft amendment; adopted provision; assessment compliance; functional-test coverage; repair times; and representative measured exposure. Changes in disease incidence are unlikely to provide a timely or adequately attributable early programme indicator.

Review the framework after sufficient implementation experience, using a publicly specified evaluation plan. Examine unintended development displacement, fuel-access effects, enforcement burden and whether modelling assumptions match observed operations. Tighten or amend the rule when evidence supports it.

Seek nationally consistent methods through the Environment Ministers Meeting and relevant planning and health channels. The Commonwealth can support shared research, fuel-quality information and coordination; state and territory adoption is still needed for their planning systems. [60]

Release conditions: resolve material evidence gaps where possible; disclose remaining uncertainty; rerun searches; complete independent review or explain its absence; verify current provisions and office holders; record the consultation outcome. Publish revised policy documents with their evidence and consultation status clearly stated.

Sources and consultation status

[41] Victorian Planning Provisions: Clause 33.01, Industrial 1 Zone (live 2026). [41]

[42] Victorian Planning Provisions: Clause 53.10 (live 2026). [42]

[43] Victorian Planning Provisions: Clause 66.02 (live 2026). [43]

[39] Service stations and sensitive land uses: position paper (accessed 2026). [39]

[60] Communiques and Environment Ministers Meeting (accessed 2026). [60]

This is an advocacy-led, AI-assisted consultation proposal. Independent scientific and planning-law review is pending. It is not enacted legislation or a claim that the proposed distances guarantee safety.

Research: safeseparations.org/research-review/ Contact: contact@safeseparations.org