

[REDACTED]

29 October 2020

Victorian Planning Authority  
c/- PMP Printing  
Level 25, 35 Collins Street  
MELBOURNE VIC 3000

Attention: Alexandra Malishev, Strategic Planning Manager

Sent via email: amendment@vpa.vic.gov.au

Dear Alexandra

### **PMP PRINTING STRATEGIC SITE - PLANNING SCHEME AMENDMENT C156**

Thank you for providing [REDACTED] with the opportunity to comment on the proposed Planning Scheme Amendment C156 as it relates to the redevelopment of the PMP Printing strategic site. [REDACTED] recognises that the public exhibition of this amendment represents an important milestone for VPA and Council.

Documents reviewed by [REDACTED] in preparing this submission include:

- Monash Planning Scheme Draft Amendment C156 Explanatory Report;
- Plan 1 – Future Urban Structure PMP Comprehensive Development Plan;
- Schedule 2 to Clause 37.02 Comprehensive Development Zone (CDZ2);
- Monash C156 Zone Map 20;
- Monash C156 EAO Map 20;
- Monash C156 D-DDO Map 20;
- PMP Printing Precinct Comprehensive Development Plan dated September 2020; and
- As well as the supporting material available on the VPA website (<https://vpa.vic.gov.au/project/pmp-printing-strategic-site/>).

### **The Subject Site**

The subject site located at 209-211 Carinish Road and 31-49 Browns Road, and land east of Bendix Drive, Clayton. The precinct, measuring approximately 10.4 hectares, consists predominantly of industrial land with a small strip of commercial land, bounded by the former Clayton Primary School site (north), residential land along Moriah Street (east), Centre Road (south), and Browns Road (west).

### **Our Position**

- [REDACTED] position on the timing of the audit, deferred by way of application of the EAO, remains as stated in February 2020 in that we do not object to the application of the EAO [REDACTED] dated 12 February 2020).
- [REDACTED] supports the inclusion an additional requirement to ensure that the risk of contamination is assessed at Bendix Drive East where there has not been any previous form of environmental assessment. This assessment, having regard to the current and proposed use of the land, and where necessary, ensure that

an environmental audit is carried out prior to the commencement of buildings and works associated with the use (excluding demolition).

- [REDACTED] generally supports the current drafting of Schedule 2 to the CDZ which includes a number of specific requirements relating to the use of land and application requirements that will enable the planning authority to identify and manage any potential risks to amenity and human health.
- However, [REDACTED] considers that the requirement for an ‘assessment of other potential amenity impacts’ should be risk based, and only apply where there is potential for amenity impacts on sensitive uses. [REDACTED] is concerned that a requirement that applies to all buildings and works for sensitive uses may be onerous, particularly if they are sufficiently separated from other non-residential uses.

## Our Understanding of the Proposal

The amendment seeks to facilitate the use and development of the subject site for commercial, retail, residential, and a mix of other uses generally in accordance with the PMP Printing Precinct Comprehensive Development Plan. Specifically, and of relevance to EPA<sup>i</sup>, the amendment seeks to:

- Rezone the subject site from Industrial 1 Zone to Comprehensive Development Zone and insert Schedule 2 to Clause 37.02 (CDZ2) into the Monash Planning Scheme;
- Apply Clause 45.03 - Environmental Audit Overlay (EAO) to the subject site.

## Previous Advice

Previous discussions and advice provided to both the Victorian Planning Authority (VPA) and the City of Monash (the Council) has centred around several key issues which have evolved throughout the course of our involvement in this project including:

- the potential for contamination,
- the need for and timing of environmental audit(s); and
- recognition of potential risks to amenity and human health from industrial residual air emissions and noise.

This submission focuses on these three key matters.

For reference, [REDACTED] letters to VPA as below:

- Letter dated 15 February 2019 (review of ESA and requirement for Audit);
- Letter dated 17 July 2019 (requirement for audit, timing and EAO);
- Letter dated 2 August 2019 (adverse amenity);
- Letter dated 3 October 2019;
- Letter dated 12 February 2020.

## Current Assessment

### Potential for Contamination and Application of the EAO

Application of the EAO responds to the current use of the land for industrial purposes having potential for contamination as well as the previous assessments that have already taken place. It signals the requirement to further assess the risk of contamination and provides a framework to protect future sensitive uses in respect of any contamination that is revealed through this further investigation.

In particular, the amendment proposes that the EAO be applied to the overall site area including the Bendix Drive properties (where an environmental site assessment has not already occurred). The EAO requires a Certificate or Statement of Environmental Audit to be issued before sensitive uses can commence or before commencing buildings and works associated with a sensitive use.

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<sup>i</sup> [REDACTED] does not consider it is within its remit to comment on other aspects of the amendment as they relate to the calculation and payment of development contributions or the provision of open space as an obligation on subdivision.

As previously stated by █████ in our letter dated 12 February 2020, "... There are several scenarios which can influence the optimal timing of an audit, with early completion being only one. The application of the EAO ultimately means that the audit must be completed prior to sensitive uses commencing. This approach also provides the required protection of sensitive uses from potential contamination impacts.

On this basis, █████ is satisfied that the risk of harm from potentially contaminated land will be appropriately assessed. Further, planning controls which ensure that any identified contamination is remediated and will ensure that any adverse impacts to the environment and human health are managed to an acceptable level."

#### Bendix Drive East

In addition to the EAO, there will be a requirement included in Schedule 2 to the CDZ which requires the completion of a Detailed Site Investigation (DSI), as below:

#### *Environmental site assessment – Bendix Drive East*

*An application to construct a building or construct or carry out works on land shown as Bendix Drive East on Plan 1 of this schedule must be accompanied by an Environmental Site Assessment (Detailed Site Investigation) prepared by a suitably qualified practitioner in contaminated land assessment as set out in the National Environment Protection (Assessment of Site Contamination) Measure (2013) (NEPM).*

*Should the Detailed Site Assessment identify that an Environmental Audit in accordance with Section 53X of the Environment Protection Act 1970 is required, then prior to the commencement of buildings and works associated with the use, excluding any demolition or works required by the environmental auditor, an environmental auditor appointed under the Environment Protection Act 1970 must prepare an environmental audit report in accordance with Part IXD of that Act, and either:*

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or*
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.*

█████ supports the inclusion of this additional requirement to ensure that the risk of contamination is assessed where there has not been any form of environmental assessment having regard to the current and proposed use of the land, recognising the limitations of the EAO as it relates to non-sensitive uses. Where necessary, this requirement will ensure that an environmental audit is carried out prior to the commencement of buildings and works associated with the use (excluding demolition).

#### Rezoning to Comprehensive Development Zone – Schedule 2

The rezoning of the land will facilitate reuse for a range of purposes including predominantly residential use located across most of the precinct, with commercial and mixed uses concentrated in the south of the precinct adjacent to Centre Road and Bendix Drive. Areas of open space are provided for throughout the precinct. (refer Attachment A - Plan 1 Future Urban Structure)

The introduction of sensitive uses in a mixed use environment necessitates the identification of and management any potential risks to amenity and human health from industrial residual air emissions (dust and odour) and noise, as well as other impacts such as impacts that fall outside of EPA's remit.

█████ supports the current drafting of Schedule 2 to the CDZ which:

- clearly indicates the intended future land use by way of Clause 1.0 Table of Uses together with Plan 1 to Schedule 2 to Clause 37.02, and
- includes several specific requirements relating to the intended use of land and application requirements that will enable the planning authority to identify and manage these risks, including (bolded for our own emphasis) as below:

“2.0 Use of land Requirements

All requirements of the incorporated PMP Printing Precinct Comprehensive Development Plan must be met.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.**

Application requirements

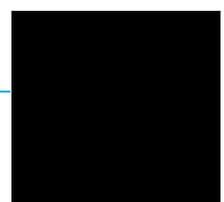
The following application requirements apply to an application for a permit to use land in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out.
- The likely number of employees for commercial uses.
- The likely effects of the use on the local and regional traffic network.
- **The likely effects on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.**
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

Given the proposal allows mixed uses which may include accommodation located above non-sensitive uses [redacted] supports the drafting of the Table of Uses which will limit the establishment of new industry where this includes a purpose listed in the table to Clause 53.10, as below:

Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Corrective institution and Residential hotel) where the Section 1 condition is not met</b>	Where located in a mixed use area as shown on Plan 1 to Schedule 2 to Clause 37.02, accommodation must not be located on the ground floor, excluding entry and common areas; or  Where located in a commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02, accommodation must not be located on the ground, first or second floor levels, excluding entry and common areas.
<b>Industry (other than Transfer station)</b>	Must be located in a mixed use area or commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02.  Must not be a purpose listed in the table to Clause 53.10.





ATTACHMENT A – Extract from the PMP Printing Comprehensive Development Plan

