



Our Ref: 5011342

15 December 2020

Victorian Planning Authority
Level 25, 35 Collins Street
MELBOURNE VIC 3000

Attention: Tony Marks
Acting Director – Outer Melbourne

Dear Tony,

CRAIGIEBURN WEST PRECINCT STRUCTURE PLAN AND DRAFT PLANNING SCHEME AMENDMENT

Thank you for the opportunity to provide a response in relation to the Craigieburn West Precinct Structure Plan (PSP), which is now on public consultation, and was referred to the Environment Protection Authority (EPA) via email on 17 November 2020.

EPA understands the amendment is seeking to incorporate the '*Craigieburn West Precinct Structure Plan, November 2020*' (the PSP) into the Hume Planning Scheme. The amendment rezones the land to Urban Growth Zone Schedule 12, to facilitate the development of the land generally in accordance with the PSP and also makes a number of other consequential changes to the Hume Planning Scheme to support the implementation of the PSP.

Pre Ministerial Direction 19

EPA have previously provided a pre-Ministerial Direction 19 response to the Victorian Planning Authority (VPA) in a letter dated 9 July 2020 (EPA Ref. 5009827). At this time, VPA were seeking feedback from the EPA in relation to the following key elements of the PSP:

- Draft Requirements and Guidelines relevant to the EPA;
- Draft Place Based Plan and associated plan sets; and
- Specific application requirements and/or decision guidelines to be included in the Schedule to the Urban Growth Zone (UGZ).

Upon review of the documents, EPA did not have any specific feedback on the draft PSP requirements and guidelines and plan set but provided high level advice for consideration. This included the need to have regard to Ministerial Direction No. 1 *Potentially Contaminated Land* as it relates to the current and historical use of land and proposed future uses. General comments were also provided in relation to separation distances, traffic noise, and air quality.

VPA Fast Track Program

We understand that this project is part of the VPA – Fast-Track Program, an element of the Victorian Government's response to support a post-COVID economic recovery, and that if required, the project will be subject to the VPA Projects Standing Advisory Committee (VPA SAC) which has been established to provide independent advice on draft planning scheme amendments to the VPA and the Minister for Planning.

It is in this context that EPA provides the comments below.

EPA have now reviewed the following documents of relevance:

- EPA referral letter dated 17 November 2020;
- Craigieburn R2 Precinct Structure Plan September 2010 (Amended November 2020);
- Craigieburn West Precinct Structure Plan (PSP), draft for public consultation, dated November 2020;
- Craigieburn West background report (the Background Report), draft for public consultation, dated November 2020;
- Explanatory Report;
- Schedule 12 to Clause 37.07 UGZ; and
- Schedule 6 to Clause 43.03 Incorporated Plan Overlay.

In reviewing the above documents, EPA provides the following comments:

Potentially Contaminated Land

EPA supports the requirements and conditions included in Schedule 12 to Clause 37.07 UGZ whereby it requires the PSI to provide a determination as to whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit of the land is recommended.

While it is acknowledged that the intent is generally the same, for consistency across the PSPs, it is recommended that the wording is updated to reflect the recommended wording provided by the EPA for the Shenstone Park PSP as outlined in the letter dated 29 September 2020 (EPA Ref: 5011138).

For example, Schedule 12 to the UGZ omits reference to land that is 'ranked as having a 'Medium' Potential for Contamination' (as included in Schedule 7 to the UGZ relating to Shenstone Park). This would have the effect of requiring all planning applications to be accompanied by a PSI, even where the risk of contamination is low.

In addition, the recommendations under *Section 10 Land Contamination* of the Background Report are inconsistent with the proposed planning controls in Schedule 12 to Clause 37.07 UGZ.

- The Background Report recommends further assessment to take the form of a Detailed Site Investigation, if the Preliminary Site Investigation (PSI) identifies contamination, or if uncertainty remains as to the environmental condition of each area investigated.
- This is contrary to the UGZ Schedule 12, which requires that either:
 - a conclusion that the environmental condition of the land is suitable for the proposed use/s or;
 - whether an environmental audit of the land is recommended.
- The National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) states that if the site history is incomplete and contaminating activities are suspected to have occurred, it may be necessary to undertake a limited preliminary sampling and analysis program to determine whether an environmental audit is required.

It may be worth clarifying the intent of further work as set out in the Background Report (i.e., DSI) represents another step in the assessment of potentially contaminated land and is intended to inform whether an audit is required.

Sodic Soils

We note that the draft PSP includes guidelines and a requirement for managing the risks associated with sodic and dispersive soils; designed to mitigate the potential risk for erosion and stormwater runoff impacts. The proposed schedule to the UGZ also includes the requirement for a 'sodic and dispersive soils management plan'.

Whilst EPA has not undertaken a technical assessment as to whether the measures set out in these documents are adequate, we do support the inclusion of the requirement to manage the impact of sodic soils on nearby waterways in general terms.

Closing

Overall, EPA supports VPA undertaking this project and would be happy to engage in a discussion with you regarding the comments above, as required. Please contact Kristen Argus, Senior Planning Officer on 1300 EPA VIC (1300 372 842).

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Brice', with a long horizontal flourish extending to the right.

Trisha Brice
Planning Team Lead (Strategic)
Major Projects & Planning Unit
EPA Victoria