

2 December 2021

Emily Killin  
Strategic Planning Manager  
Victorian Planning Authority  
Level 25, 35 Collins Street  
MELBOURNE VIC 3000



Our Ref: [REDACTED]

Dear Emily,

**RE: DRAFT PLANNING SCHEME AMENDMENT -  
WONTHAGGI NORTH EAST PRECINCT STRUCTURE PLAN**

Thank you for the opportunity to continue to provide advice in relation to the Wonthaggi North East Precinct Structure Plan referred to the Environment Protection Authority (EPA) via email on the 22 November 2021.

**Update from the VPA**

We understand that the Minister for Planning has referred submissions to the VPA Projects Standing Advisory Committee (SAC) for consideration. The SAC held the Tranche 1 hearing earlier this year. Prior to the hearing a number of issues were identified for further investigation, and the VPA has now finished investigating these issues and the documents have been updated.

VPA are therefore providing EPA with a further opportunity to prepare a new or updated submission to respond to these updated documents. Relevant to EPA is the following statement in the covering letter:

- *Identification of new sites on the Environmental Audit Overlay in light of recent changes made to the Environment Protection Act 2017 (VIC).*

EPA understands the VPA will refer any outstanding or unresolved submissions to the SAC for their consideration at the Tranche 2 hearing, due to commence on 30 May 2022.

**Previous Advice**

EPA have provided advice regarding this matter on several occasions. The most recent advice was provided on 27 August 2021 (EPA ref: 5011817), and is summarised below:

- The proposal to apply the Environmental Audit Overlay (EAO) to properties identified as having a high potential for contamination and where a new sensitive use may be established, appears consistent with policy.
- The proposal to apply the EAO to all properties identified as having a medium potential for contamination (and where a new sensitive use is established), which were previously identified in the Urban Growth Zone – Schedule 1 (UGZ1) and

Development Plan Overlay – Schedule 21 (DPO21) as requiring a Preliminary Site Investigation (as an application requirement, and condition) appears consistent with policy.

- The proposal to require a Preliminary Site Investigation (PSI) (to inform the need for an audit) for a property with a high potential for contamination, which would allow an industrial use to be established is consistent with policy.
- The proposal to require a PSI (to inform the need for an audit) for a property with a medium potential for contamination, which would allow an industrial use to be established is a satisfactory outcome, albeit a higher level of assessment that PPN30 2021 recommends.
- EPA recommended the UGZ1 include a provision for ensuring any recommendations of an audit are complied with, and we directed VPA to the example conditions set out in PPN30 2021,

### **Changes to the Draft Amendment**

Whilst EPA does not have any specific comments to make in relation to the Changes Report dated November 2021, we note the following matters outlined in the report, relevant to our previous advice and/or comments:

- Medium-risk properties that were previously required to undertake a PSI in either the UGZ1 or DPO21 now have the EAO applied to them, and the proposed EAO Map has been amended to include these properties.
- The PSI requirement previously included within the UGZ1 and DPO21 is not required, and the schedule has been updated to remove it.
- The PSI requirement in the Incorporated Plan Overlay – Schedule 2 has been retained.

In addition, we note the following statement included in the *Submissions Summary Spreadsheet* dated November 2021:

*“The VPA are still considering this element of the EPA’s submission and will continue to discuss the matter with the aim of resolving this recommendation”.*

This statement is in response to EPA’s recommendation to include a provision in the Wonthaggi PSP UGZ1 to ensure any recommendations of an audit are complied with (Item 30.05).

### **Summary**

The Changes Report does not identify any new issues or matters relevant to EPA that we have not already commented on previously. We generally support VPA’s approach to applying the EAO, and the requirements around further assessment of potentially contaminated land. We note item 30.05 from the Submissions Summary Spreadsheet remains outstanding although we anticipate that that VPA will be able to effectively resolve this.

At this stage, EPA does not wish to be heard in support of this or previous submissions; however, this can be confirmed at a later stage if required. .

We would be happy to engage in a discussion with you regarding these comments. If our assessment is not aligned with your view of the environmental risk, or if the proposal is subsequently amended, please contact Kristen Argus, Senior Planning Officer on [REDACTED]

Yours sincerely,



Trisha Brice  
Team Leader, Strategic Planning Advisory  
Development Advisory  
Environment Protection Authority Victoria