

21 December 2021

Bryan Colbourne
Senior Strategic Planner
City of Casey
2 Patrick Northeast Drive
NARRE WARREN VIC 3805



Our Ref: REQ00194, REQ001035

Dear Bryan,

RE: PROPOSED PLANNING SCHEME AMENDMENT – 39-46 CYRIL BEECHEY LANE, CRANBOURNE

Thank you for the opportunity to provide further comments on two Preliminary Site Investigations documents for Cyril Beechey Lane, Cranbourne, referred via email on the 16 December 2021. This response reflects EPA's continued involvement in this matter.

EPA's response dated 29 July 2021 (Reference: REQ001035) recommended *"the proponent should follow the appropriate guidance in order to identify if the land is potentially contaminated, and if so, what level of further assessment is considered appropriate in order to satisfy themselves that the land is suitable for the proposed use, in accordance with PPN30"*.

It is understood that to address this recommendation, the proponent has provided the following documentation:

- Preliminary Site Investigation, 39-45 Cyril Beechey Lane, Cranbourne prepared by DRC Environmental, dated 4 November 2021.
- Preliminary Site Investigation, 40-46 Cyril Beechey Lane, Cranbourne prepared by DRC Environmental dated 4 November 2021.

In preparing our advice to support this response, EPA has undertaken a preliminary non-technical review of the above documents.

Ministerial Direction 19

Ministerial Direction 19 (MD 19) requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

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

Environment Protection Authority Victoria
181 William St, Melbourne VIC 3000 DX210492
1300 372 842 (1300 EPA VIC) www.epa.vic.gov.au



Our Understanding of the Proposal

EPA understands the amendment seeks to rezone the land at 39-45 and 40-46 Cyril Beechey Lane, Cranbourne from Farming Zone – Schedule 2 (FZ2) to the General Residential Zone – Schedule 1 (GRZ1) and replace the current Schedule 1 to the Development Plan Overlay (DPO) with a new DPO schedule.

Potentially Contaminated Land

Ministerial Direction 1 (MD 1) was updated on 27 August 2021. The updated MD 1 requires that in preparing a planning scheme amendment that would have the effect of allowing “potentially contaminated land” to be used for a sensitive use, children’s playground or secondary school, a planning authority must satisfy itself that the land is, or will be, suitable for that use. Given this, MD 1 establishes two tests that must be met to trigger the requirements of MD 1, being that the:

- zoning of the land allows a sensitive use, children’s playground or secondary school to be established, whether or not subject to a permit; and,
- land is potentially contaminated land.

Regarding the second test, potentially contaminated land is most often the result of past uses of the land it’s associated effects from pollution and waste. Clause 73.01 of the Kingston Planning Scheme provides a definition of ‘potentially contaminated land’. To further explain this definition, Planning Practice Note 30 – Potentially Contaminated Land (DELWP, 2021) (PPN30) provides a list of land uses with the potential to contaminate.

The two Preliminary Site Investigations conclude that no land uses listed in Table 2: ‘Land uses with potential to contaminate land’ as having a high or medium potential for contamination have been found to have occurred at the site. As such, the current and historical uses of the land for both sites appear to not fit the definition of potentially contaminated land.

On this basis, PPN30 recommends a “[p]lanning authority to document consideration of potential for contamination to impact proposal”. As the proposed zoning allows sensitive uses, EPA reminds Council of the updated MD 1 which requires the following of planning authorities that where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report.

EPA recommends the Explanatory Report is updated accordingly to address these Directions.

Closing

These comments relate solely to the potential for contamination of land. The consideration of the significant effects of the environment, including landfill gas, might have on any use or development envisaged in the scheme or amendment under Section 12(2)(b) of the *Planning & Environment Act 1987* were addressed in EPA response dated (Reference: REQ001035). EPA is willing to provide further input into this planning process as the amendment progresses in relation to landfill gas risks.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact Nicholas Kennedy on 1300 EPA VIC (1300 372 842), or at stratplan@epa.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T Brice', with a stylized, flowing script.

Trisha Brice
Planning Team Lead – Strategic
Major Projects and Planning Unit
Environment Protection Authority Victoria