

29 July 2021

Tegan McKenzie
Senior Strategic Planner
City of Casey
2 Patrick Northeast Drive
Narre Warren VIC 3805



Our Ref: REQ001035

Dear Tegan,

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

Thank you for the opportunity to provide a response in relation to the proposed planning scheme amendment referred to the Environment Protection Authority (EPA) on 9 July 2021.

Ministerial Direction 19

Ministerial Direction 19 requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendment 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.

Our Understanding of the Proposal

EPA understands the amendment seeks to rezone the land at 39-45 and 40-46 Cyril Beechey Lane (the sites) 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.

The Amendment documents state that the western parcel of land is currently used for horse agistment and contains a small caretaker's residence. The eastern parcel is void of any structures but has dense vegetation regrowth.

It is noted that the site are within the 500m buffer of the former Stevensons Road landfill.

The supplied documents of relevance to EPA are:

- Background Report prepared by *KLM Spatial* dated June 2021;
- Landfill Gas Risk Assessment – 39-45 and 40-46 Cyril Beechey Land, Cranbourne prepared by *DRC Environmental* dated 27 May 2021;
- Peer Review of Landfill Gas Documents prepared by *Salient GeoEnvironmental* dated 25 May 2021;
- Draft Explanatory Report; and
- Draft schedule to the DPO.

Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001 DX210082
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Potentially Contaminated Land

The draft Explanatory Report states the following in regard to satisfying Ministerial Direction No. 1 – Potentially Contaminated Land (MD1):

Ministerial Direction No.1 – is addressed through the Audit which has been completed for the land. The Audit concludes the land is suitable for sensitive uses subject to a number of ongoing and built form requirements. These measures are stipulated within the Schedule to the DPO.

EPA wishes to advise that, to its knowledge, no environmental audits have been completed for the sites. It is not clear which environmental audit is being referred to in the draft Explanatory Report,

While several environmental audits have been completed for the former Stevensons Road landfill in accordance with section 53V of the *Environment Protection Act 1970*, these have been carried out to satisfy an EPA Post-Closure Pollution Abatement Notice (PC PAN 90006965).

These audits were undertaken in relation to the risk of any possible harm or detriment to segments of the environment by the former landfill. The completed audits do not address potentially contaminated land for the amendment sites.

The proponent should therefore follow the process outlined in *Planning Practice Note 30 - Potentially Contaminated Land* (DELWP, 2021)(PPN30) in order to identify firstly, if the land is potentially contaminated and secondly, the appropriate level of assessment of potential contamination, to determine if the land is suitable or can be made suitable for the proposed use.

Landfill Gas Risk

Landfills have the potential to impact the surrounding environment and community by discharging landfill gas for more than 30 years after they last accept waste. In the context of landfill gas, any building or structure is considered sensitive, because of the risk of explosion or asphyxiation. Consequently, use or development near landfills require specific consideration due to the potential for landfill gas risk as well as contamination of land and groundwater which can be present for many years after their closure.

As noted above, and while there have been several environmental audits completed for the former Stevensons Road Landfill, these audits relate to the landfill and ongoing management of the landfill itself. These audits do not address potential risks to the development of the land in accordance with the proposed rezoning.

EPA Publication 1642 – *Assessing planning proposals within the buffer of a landfill* (Publication 1642) provides guidance and a recommended approach in determining what level of assessment is appropriate for both operating and closed landfills.

Section 6 provides the recommended approach to considering landfill gas risks during the assessment of a planning proposal within a landfill buffer. This is based on the type of proposal, size of the landfill, its type and age. Publication 1642 supports and is consistent with EPA publication Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills (Landfill BPEM, August 2015).

The former Stevensons Road Landfill accepted putrescible waste, ceased accepting waste in 2006 and accepted between 500,001-2,000,001m³ of waste.

Whilst it is acknowledged that the proponent has undertaken a site specific landfill gas risk assessment for the sites, it appears to us that a Section 53V audit is required, in accordance with Publication 1642. This is because the amendment does not seek to limit the establishment of below ground structures.

If the proposal included controls to prohibit below ground structures from being developed on the sites, the appropriate level of assessment would be to 'require a landfill gas risk assessment', as has already been completed.

Summary

The proposal has incorrectly addressed Ministerial Direction No.1. 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.

In accordance with EPA Publication 1642, the appropriate level of assessment required for this proposal is a section 53V audit in accordance with the *Environment Protection Act 2017*.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is subsequently amended, please contact Monika Zuscak, Planning Officer on 1300 EPA VIC (1300 372 842).

Yours sincerely,



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