

## **DAREBIN PLANNING SCHEME**

### **AMENDMENT C140**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the City of Darebin, which is the planning authority for this amendment.

The amendment has been made at the request of the landowner.

#### **Land affected by the amendment**

The amendment applies to Lot 2 PS 323775L, Parent Titles Volume 07005 Folio 968 and Volume 07019 Folio 662, otherwise known as 340 Separation Street, Northcote.

#### **What the amendment does**

The amendment removes the Environmental Audit Overlay (EAO) from 340 Separation Street, Northcote.

The amendment will amend Planning Scheme Map No 14EAO.

#### **Strategic assessment of the amendment**

- **Why is the amendment required?**

The amendment removes the Environmental Audit Overlay from the land.

The land is already occupied with a sensitive land use (a Caretaker's house). A planning permit has been issued for this use.

The majority of the site is covered by impervious surfaces and there is limited access to underlying soil.

Advice has been received that this use can continue subject to the application of an Environmental Management Plan (EMP) to the site.

Site contamination will be managed through the application of an EMP. The EMP will be implemented through a Section 173 agreement. The agreement will be registered on the title of the land. It will set out requirements for the existing use of the site for the existing sensitive use and will require other measures in the event that the site is demolished, extended or if there is any excavation.

If these measures are implemented, there is no need to retain the EAO over the land.

This approach is consistent with the Potentially Contaminated Land Practice Note (DSE 2005).

- **How does the amendment implement the objectives of planning in Victoria?**

The proposed amendment will positively implement the objectives of planning in Victoria by providing for the fair, orderly and sustainable development of land.

Relevantly, the amendment will protect human health by ensuring that conditions are applied to the existing sensitive land use occurring on the site and/or if the site is redeveloped in the future.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment will deliver positive environmental outcomes through ensuring that appropriate planning controls are in place to provide for future use and development of the land.

The amendment will have positive social and economic outcomes by allowing the land to be used for a sensitive purpose subject to certain requirements.

- **Does the amendment address relevant bushfire risk?**

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with Minister's Direction No. 1 regarding Potentially Contaminated Land.

The amendment is consistent with Minister's Direction No.11 – Strategic Assessment Guidelines for Amendments and the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with all other Minister's Directions.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

Clause 13.03 Soil degradation and Clause 13.03-1 Use of contaminated and potentially contaminated land contains the following objective:

*To ensure that potentially contaminated land is suitable for its intended future use and development and that contaminated land is used safely.*

The land is already used for a sensitive use. The amendment will apply conditions to this activity (which is currently unregulated) to ensure it is managed in accordance with an approved Environmental Management Plan (EMP).

In the event that the land is redeveloped, the EMP will contain requirements to ensure that a more detailed assessment is undertaken.

- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with the Local Planning Policy Framework and the Municipal Strategic Statement.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions (VPP).

- **How does the amendment address the views of any relevant agency?**

The Environmental Protection Authority ('the EPA') is the key authority for offering advice on the integrity of an environmental audit. The amendment will be referred to the EPA.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The Transport Integration Act 2010 is not relevant for this particular amendment.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have a positive effect on the resources of the responsible authority as it will remove the Environmental Audit Overlay from an area where it is no longer required.

This is a cost-saving to the responsible authority in administering the planning scheme.

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

**[Insert Council's details]**

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.