

Planning and Environment Act 1987
Sections 12(2)(a) and 12(1)(f)

**MINISTERIAL DIRECTION ON THE PREPARATION AND CONTENT OF
AMENDMENTS THAT MAY SIGNIFICANTLY IMPACT THE
ENVIRONMENT, AMENITY AND HUMAN HEALTH**

and

**MINISTERIAL REQUIREMENT FOR INFORMATION FOR
AUTHORISATION OR PREPARATION OF AMENDMENTS THAT MAY
SIGNIFICANTLY IMPACT THE ENVIRONMENT, AMENITY AND HUMAN
HEALTH**

Part A contains the Ministerial Direction No. 19 issued by the Minister for Planning under section 12(2)(a) of the *Planning and Environment Act 1987* on the preparation and content of amendments that may result in impacts on the environment, amenity and human health.

Part B contains the Ministerial requirements issued by the Minister for Planning under section 12(1)(f) of the *Planning and Environment Act 1987* for information for the authorisation or preparation of amendments that may result in impacts on the environment, amenity and human health.

PART A: MINISTERIAL DIRECTION ON THE PREPARATION AND CONTENT OF AMENDMENTS THAT MAY SIGNIFICANTLY IMPACT THE ENVIRONMENT, AMENITY AND HUMAN HEALTH

Planning and Environment Act 1987

Section 12(2)(a)

DIRECTION NO. 19

Purpose

1. The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Application

2. This Direction applies to the review of planning schemes, preparation of planning scheme amendments and any strategies, policies, plans or reviews forming the strategic basis for a review or amendment, including precinct structure plans, that may:
 - Allow the use or development of potentially contaminated land, and/or trigger the requirements of Ministerial Direction No. 1 or State Environment Protection Policy (Prevention and Management of Contamination of Land).
 - Allow the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health, including as defined by State Environment Protection Policies.
 - Allow the use or development of land within a buffer or separation distance for industry, including as set out in the *Recommended Separation Distances for Industrial Residual Air Emissions – Guideline – EPA Publication 1518*, as amended, and other relevant EPA guidelines.
 - Allow the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility), including as set out in the EPA Victoria Best Practice Environmental Management Publication 788.3, *Siting, design, operation and rehabilitation of landfills* (Landfill BPEM), as amended, and other relevant EPA guidelines.
3. This Direction does not apply to the following amendments:
 - A class of amendment prescribed in regulation 8 of the Planning and Environment Regulations 2015.
 - An amendment to the *Victoria Planning Provisions*.
 - An amendment to a planning scheme that is made as a result of an amendment to the *Victoria Planning Provisions*.

Requirements to be met

4. In reviewing a planning scheme under section 12B of the *Planning and Environment Act 1987*, or preparing a planning scheme amendment, a planning authority must:
 - Seek the written views of the EPA about the potential impacts of the proposed review or amendment and any strategies, policies, plans or reviews forming the strategic basis for the review or amendment, including precinct structure plans, on the environment, amenity and human health.
 - For a planning scheme amendment, include in the explanatory report a statement of how the proposed amendment addresses the views of the EPA.

Exemption by Minister

5. The Minister may grant an exemption from the need to comply with this Direction. An exemption may be granted subject to conditions.

Richard Wynne MP
Minister for Planning

Date: 10 October 2018

PART B: MINISTERIAL REQUIREMENT FOR INFORMATION FOR AUTHORISATION OR PREPARATION OF AMENDMENTS THAT MAY SIGNIFICANTLY IMPACT THE ENVIRONMENT, AMENITY AND HUMAN HEALTH

Planning and Environment Act 1987

Section 12(1)(f)

Purpose

1. The purpose of this document is to set out information required of planning authorities by the Minister under section 12(1)(f) of the *Planning and Environment Act 1987* (Act) in respect of planning scheme amendments that could result in significant impacts on the environment, amenity and human health due to pollution and waste.

Application

2. The requirement below applies to:
 - applications for authorisation under sections 8A or 8B of the Act to prepare an amendment that Ministerial Direction No. 19 (Part A above) applies to; and
 - planning authorities authorised under section 9 of the Act to prepare an amendment that Ministerial Direction No. 19 (Part A above) applies to.

Requirement

3. In applying to the Minister for authorisation to prepare a planning scheme amendment under sections 8A or 8B of the Act, or preparing a planning scheme amendment under section 9 of the Act, a municipal council, Minister or public authority must provide the following information to the Minister:
 - The written views of the EPA, including any supporting information and reports.
 - A written explanation of how the proposed amendment addresses any issues or matters raised by the EPA.

Exemption by Minister

4. The Minister may grant an exemption from the need to comply with this requirement. An exemption may be granted subject to conditions.

Richard Wynne MP
Minister for Planning

Date: 10 October 2018