

New requirements for a planning authority to consult Environment Protection Authority

Planning Advisory Note 73

OCTOBER 2018

The Minister for Planning has issued new Ministerial Direction No.19 and a new Ministerial Requirement for information to ensure that a planning authority seeks early advice from Environment Protection Authority Victoria (EPA) when undertaking strategic planning and preparing a planning scheme amendment that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The new requirements implement the Victorian Government's response to Recommendations 10.1 and 10.2 of the Independent Inquiry into the EPA (EPA Inquiry).

Independent Inquiry into EPA

The EPA Inquiry was conducted over 10 months by a Ministerial Advisory Committee and the final report was publicly released on 16 May 2016. The inquiry made 48 recommendations to the Victorian Government about how EPA can be better equipped to meet the environmental and human health challenges of today and the future, including EPA's role in strategic land use planning.

The EPA Inquiry report highlighted that a large proportion of the problems that EPA routinely deals with arise from poor land use planning decisions. While EPA does not regulate land use, it needs to ensure that decisions are informed about environmental and human health risks.

The Victorian Government's response supported strengthening EPA's role in providing strategic planning advice by the creation of statutory mechanisms to ensure EPA is involved early in strategic planning processes for a specific range of land uses, bringing Victoria in line with other Australian states.

The EPA Inquiry report is available online at: epa-inquiry.vic.gov.au

The Victorian Government response is available online at: environment.vic.gov.au

What is the purpose of the new requirements?

EPA specifically considers environmental, amenity and human health impacts as they relate to past, present and potential future waste and pollution.

Engaging EPA early in the planning process ensures changes or improvements can be easily incorporated, providing greater certainty to government, community and developers.

What are the new requirements?

Ministerial Direction No.19 requires that in reviewing a planning scheme under section 12B of the *Planning and Environment Act 1987* (the Act), or preparing a planning scheme amendment, a planning authority must:

- Seek the written views of 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 EPA.

This approach provides an early opportunity to address potential issues and can assist a planning authority by reducing delays later in the planning scheme amendment process.

The new Ministerial Requirement for information is issued under section 12(1)(f) of the Act. It requires a planning authority to give the Minister for Planning the following information when applying for authorisation to prepare an amendment under sections 8A or 8B of the Act, or preparing an amendment under section 9 of the Act:

- The written views of EPA, including any supporting information and reports.
- A written explanation of how the proposed amendment addresses any issues or matters raised by EPA.

The new direction and information requirement are contained in a two-part document available online at: planning.vic.gov.au/guide-home/the-role-of-the-minister

More information about EPA

More information about how to contact EPA and the process by which EPA will assess proposals, work with planning authorities and provide advice is available online at: epa.vic.gov.au

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