

45.03 ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as **EAO**

Purpose

To ensure that potentially contaminated land is suitable for a sensitive use, agriculture or public open space which could be significantly adversely affected by contamination.

Application

This provision applies to land in an Environmental Audit Overlay and applies whether or not a permit is required.

Requirement

Before:

- An agriculture use or sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, secondary school and children's playground, even if ancillary to another use) commences;
- The issue of a statement of compliance to subdivide land in a zone that would allow (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use;
- The construction or carrying out of buildings and works in association with a sensitive use or agriculture or public open space commences;

An environmental auditor appointed under the *Environment Protection Act 2017* must issue an environmental audit statement in accordance with the *Environment Protection Act 2017* that the environmental conditions of the land are suitable for a sensitive use.

A recommendation to manage residual contamination in a environmental audit statement required under this provision must:

- Be carried out to ensure the environmental conditions of the land are suitable for a specified sensitive use;
- For the subdivision of land, be completed to ensure that the environmental conditions of the land are suitable for a sensitive use before the issue of a statement of compliance;
- Be included as a permit condition when a permit to use, develop or subdivide land for a sensitive use is granted. The permit condition may include the management of contamination before, during and after the construction of the development or commencement of the use.

Exemption from requirement

The requirement for an environmental audit in this provision does not apply where:

- An environmental auditor appointed under the Environment Protection Act 2017 has issued a preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for buildings and works associated with an existing sensitive use on the land.
- The construction or carrying out of buildings and works is not associated with a change in land use and does not include soil disturbance.
- Buildings and works that are required by the Environment Protection Authority or an environmental auditor appointed under the Environment Protection Act 2017 to make the site safe.
- Works that an environmental auditor appointed under the Environment Protection Act 2017 advises are reasonably required to undertake a preliminary risk screen assessment or environmental audit.

Transitional provisions

The requirement for an environmental audit before the issue of a statement of compliance to subdivide land in this provision does not apply to an application for a statement of compliance for subdivision lodged before the approval date of Amendment VCXXX

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