

PSP 1094

# Quarry Hills

C188

## Appendix 1

January 2016

| <b>AMENDMENT C188 - QUARRY HILLS PSP 1094</b>   |   |  |   |   |                                    |                              |
|---|---|--|---|---|------------------------------------|------------------------------|
| Unresolved Submissions - summary & MPA response |   |  |   |   |                                    |                              |
| Sub. #  | Affected property / properties                            | Issue Raised   | Is a change to the amendment requested? | MPA Comment / Proposed Outcome  | ACTION                             | STATUS                       |
|   | INSERT SUBMITTER NAME                                     |  |   |   |                                    |                              |
|   |   |  |   |   |                                    |                              |
| 4   | Tract Consultants on behalf of Boral Resources - Ben Daly | 6) To avoid any sensitive uses being 'as of right' in the applied General Residential Zone that applies to the majority of the PSP, including the quarry buffer and quarry site, the PSP should apply a different zone to this area. This could then be rezoned to UGZ3 after the cessation the site's operation.    | Yes - PSP                               | The MPA do not think its suitable to apply a different zone to this land. The underlying applied zones represent the ultimate land uses. Sensitive land uses will not be as of right, as the buffer will trigger the planning permit, and resultant referral to DEDJTR. It is also noted that the land has been identified for urban development and as such the applied zoning should reflect urban uses. The quarry operations can benefit from existing use rights for ancillary uses. | No action                          | Unresolved<br>Refer to panel |
|   |   | 7) The MPA should fully investigate the quarry area topographical and geotechnical constraints before the incorporation of the PSP to ensure rehabilitation and regeneration of the site is considered.  |   | The MPA considered undertaking a report like this during the pre-planning stage of the PSP, however it was considered that this would be better prepared once the quarry has ceased operation and rehabilitation has occurred. Boral also have an obligation to ensure that the area is suitable as per the EPA requirements and submit those findings to DEDJTR.   | No action                          | Unresolved<br>Refer to panel |
|   |   | 9) The DCP rate of \$294,980 (including community infrastructure) is questionable with respect to the commercial viability of development in this location.  | Yes - DCP                               | The MPA are reviewing the costs associated with the significant infrastructure items within the DCP however the MPA are not proposing to remove any items from the DCP. The items that are being reviewed are the specs for Harvest Home Road bridge crossing.  | Further review/discussion required | Unresolved<br>Refer to panel |
| 4b  | Email from Boral to CoW - 7/8/15                          | 10) Wish to protect short -medium term operations. Provided a site plan showing a blue area where the potential adverse amenity impacts occur. They claim that the PSP should show not just the quarry pit, rather all site operations e.g. crushing plant, haul road. However plan appears to address this concern. |   | Do not agree that this information should go in the PSP for reasons discussed earlier with regard to the ultimate land use for the precinct. This information could go in the background report.  | No action                          | Unresolved<br>Refer to panel |
|   |   |  |   |   |                                    |                              |

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| 5   | Spiire on behalf of Stockland                                | 1) Stockland seek further guidance from the MPA for development within the Extractive Industry Buffer Area based on technical evidence. Requests MPA undertake additional investigations regarding the impacts of an active quarry on development within the precinct prior to finalising the PSP. | Yes - PSP                               | The MPA are satisfied with the background work undertaken to date. It is the responsibility of the development proponent to undertake additional investigations relating to the suitability of their land for development. The landowner has had the option to prepare a subdivision layout through a ghost permit process which could be discussed with DEDJTR. It is understood by the MPA that the landowner has not progressed with any plans to determine the impact of the buffer on their development. | No action | Unresolved<br>Refer to panel  |
|   |  | 9) Oppose the inclusion of two local roads in the DCP (RD-04 Whitebark Street Extension and RD-05 Local Road portion of Illani Street) as there is no nexus for these roads for the wider population of the PSP.   | Yes - DCP                               | These have been funded due to their importance in providing access and connectivity to the PSP area and the limited impetus on private developers to construct these roads.   | No action | Unresolved<br>Refer to panel  |
|   |  | 10) The PSP should consider the impacts of the E6 - OMR Corridor with regards to the necessity or design of infrastructure.  | Yes - PSP                               | The PSP has considered the impacts of the E6 corridor. Vic Roads have not offered any objection to the proposed road network and will need to take the road infrastructure into consideration in the detailed design of the E6 in the future.   | No action | Unresolved<br>Refer to panel  |
|   |  |  |   |   |           |   |
| 6   | Best Hooper Lawyers on behalf of Findon Pastoral Co Pty Ltd. | 2) The readjustment of the GGF Conservation Area to allow for greater developable land remains unresolved with DELWP (Environment).  | Yes - PSP                               | Noted. This is a matter for the submitter to pursue with DELWP (Environment). MPA was advised by DELWP in 2014 that this would not change the GGF conservation area. This would be a federal decision as it is a BCS area.  | No action | Unresolved<br>- Matter of Federal significance - beyond the Panel's scope |

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### Unresolved Submissions - summary & MPA response

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|        | INSERT SUBMITTER NAME          |   |   |   |                                    |                                 |
|        |                                | 3) The client requests confirmation that they will not have to provide further justification for developing the land for residential purposes for land outside of the EIBZ to the DEDJTR.   | No                                      | MPA advises that a referral to DEDJTR is not required if the land is outside the 500m buffer. MPA is currently in discussions about this matter with Findon Pastoral.   | No action                          | Decision pending further review |
|        |                                | 4) There is concern over the land tax issues associated with land within the EIBZ if it cannot be developed.  | No                                      | This concern is noted, however this matter cannot be addressed in this PSP. The PSP provides a transition from the current land uses to urban development. There is often uncertainty with regards to timing of development.  | No action                          | Unresolved<br>Refer to panel    |
|        |                                | 6) Clarification is sought for the status and construction of the road shown in grey in the south east corner of the property (i.e. who pays and standard of construction). The road is not in the DCP and currently exists on the property and Borals land.  | Yes - DCP                               | Local access roads (except Whitebark Street and the N-S street over the PAO) are developer funded and therefore not included in the DCP.  | No action                          | Unresolved<br>Refer to panel    |
|        |                                |   |   |   |                                    |                                 |
| 14     | PSCA (LATE)                    |   |   |   |                                    |                                 |
|        |                                | 29) Figure 1-3 (Guideline 14, R10) should be drawn to scale at a gradient that they illustrate or else retaining and offsetting between floor levels would be required at later stages. Further guidance should be provided for land with a gradient more than 10%. By redrafting the figures this will remove retaining walls in front of the building line. Further advice on how retaining can be sensitively located in the front of the building line should be provided | Yes - PSP                               | The intention of Figures 1-3 is to provide some guidance to developers when dealing with sloped sites but also to avoid significant cut and fill into the land.<br><br>It was discussed at the meeting with the submitter on 9/10/15 that G14 and R10 of the PSP could be amended to include greater flexibility in design outcomes. However it is not desirable for streets to run perpendicular to the contours which R10 is aimed at avoiding. | Change the amendment               | Decision pending further review |
|        |                                | 30) Dwelling controls for sloping land with a slope greater than 10%, will not achieve 15 dwellings /NDA. Controls should be modified to allow more medium density housing on 100, 130 and 150 Bindts Rd  | Yes - PSP                               | The MPA consider that the targets set are targets only and are not prescriptive. It is acknowledged that the area of land with at least a 20% slope will unlikely achieve 15-17 dwellings/ ha. Council is happy to review a design based response at the subdivision stage.   | Further review/discussion required | Decision pending further review |

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|        | INSERT SUBMITTER NAME          |   |   |  |                      |                                 |
|        |                                | 31) There is no examination of heritage values on HO161 and 162 - as per R13. This means that conventional and medium density is not known if it can be provided on this land as the heritage value of the site is not known and there is uncertainty about dwelling targets, road connections and open space. The extent of HO161&162 must be reviewed and refined as part of the amendment process.   | Yes - PSP & overlay (HO)                | The MPA acknowledges that the heritage study did not include to the Heritage Overlays, however it is considered that the development of the land is not prevented by the HO. The response to the heritage sites can be considered at the planning permit stage. HO161 has already been reduced in size. Whilst HO162 is larger, it can be worked around. should there be a resulting reduction in the HO areas from subdivision design, this can suitably form part of another amendment and does not necessarily need to be included with C188. | No action            | Unresolved<br>Refer to panel    |
|        |                                | 32) Local Park 01 should be relocated to improve amenity to residents. The park appears to be positioned to retain mature native trees, however 2 trees (124 and 126) are dead and 7 are of low value (97, 98, 101-103). Instead the park should be protect HO162 - Timm's House on 130 Bindts Rd. This would retain some trees, and allow more frontage to the park instead of adjacent to E6 PAO which creates an inactive edge to the local park | Yes - PSP                               | Whilst the park has been located around the natural features of the precinct, it is considered that the ultimate shape of the park can be manipulated at the detailed design phase. However, given that the park has been located to protect certain values, these should not be compromised through an amended design. It is also noted that despite some trees suffering in health, they still have habitat values and are characteristic of the general health of protected River Red Gums.   | No action            | Unresolved<br>Refer to panel    |
|        |                                | 33) Defendable space of 28m for BAL12.5 should be provided not 60m as per Figure 7 (p35) for the Quarry Hills Regional Park. Also a front setback of 10m is more sufficient than 41m shown in Figure 7 for the Regional Park front setback.   | Yes - PSP                               | The MPA acknowledges the inconsistency between the exhibited bushfire management requirements and Clause 52.47. it is noted as per the CFA submission above, that this section of the PSP will be removed. (see CFA submission). Currently in discussions with PSCA.   | Change the amendment | Decision pending further review |

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|   | INSERT SUBMITTER NAME          |  |   |   |                                |                                 |
|   |                                | 35) There is a large sterilisation of land in the DCP by the quarry extractive works area buffer as per the FUS and therefore the DCP will be ineffective means to fund infrastructure items to Lots 40, 60, 90, 100, 130 and 150 Bindts Rd. It is not clear that the DCP is viable. | Yes - DCP                               | The quarry has been considered as part of the PSP. The DCP process is that development does not occur all at the same time and that items are funded over a long period of time. Works in kind may be an option or other options as agreed by Council but it is considered that this is typical of growth area planning.  | No action                      | Unresolved<br>Refer to panel    |
|   |                                | 36) The DCP shows road projects are for arterial road construction (section 2.3.1), which is not the case. Road projects are all connector roads or local access roads and we believe these items should not be included into the DCP  | Yes - DCP                               | Section 2.3.1 There are no arterial roads within the PSP this is a typo and needs to be corrected. The MPA does not agree to remove these projects from the DCP. These have been funded due to their importance in providing access and connectivity to the PSP area and the limited impetus on private developers to construct these roads. It was communicated to the submitter that given Whitebark Street is required to access their land, it would be developer works should this road not form part of the DCP. We are currently in discussions with PSCA. | Change the amendment - In part | Decision pending further review |