

# **REVIEW OF THE SUNBURY SOUTH PSP**

**EXPERT EVIDENCE STATEMENT – TOWN PLANNING**

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**DIRECTOR, URBIS**

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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# 1. INTRODUCTION

1. This statement of evidence has been prepared regarding land within the Sunbury South Precinct Structure Plan (**Sunbury South PSP**). The land is identified in the table below and is owned or controlled by Hi-Quality Quarry Products Pty Ltd and Trantaret Pty Ltd. I refer to them hereafter collectively as **Hi-Quality**.

2. The sites within the Sunbury South PSP owned or controlled by Hi-Quality are:

Volume 11304 Folio 501, known as 570 Sunbury Road, Bulla (Lot 1)
Volume 11304 Folio 502, known as 580 Sunbury Road, Bulla (Lot 2);
Volume 11304 Folio 503, known as 600 Sunbury Road, Bulla (Lot 3);
Volume 9691 Folio 598, known as 650 Sunbury Road, Bulla (Rossett Lodge)
Vol 1 10807 Folio 165, known as 670 Sunbury Road, Bulla (Ware Land) <sup>1</sup>

3. The land is illustrated in **Appendix A**.

4. I refer to these sites hereafter as the '**subject site**' unless I specifically discuss a particular parcel.

5. The Sunbury South PSP area is 1759 hectares (ha) in total. Of this, approximately 785ha is capable of being developed. This is referred to as the '*net developable area*' (**NDA**)<sup>2</sup>. The sites detailed above are 369.41 hectares and represent approximately 20% of the total PSP area.

6. The subject site is located within the City of Hume.

7. Planning scheme amendment C207 (the **Amendment**) has been prepared by the Victorian Planning Authority (**VPA**) who is the planning authority. Hume City Council (**HCC**) assisted in its preparation.

8. The Amendment proposes to incorporate the Sunbury South PSP into the Hume Planning Scheme (the **Planning Scheme**) which will facilitate the use and development of the land in the PSP area for urban purposes. The PSP general location is shown in **Figure 1**.

9. I am aware that the Sunbury South PSP has been prepared alongside the Lancefield Road PSP<sup>3</sup>. Both PSPs were *Exhibited* from 18 November 2016 to February 2017. I refer only to the Sunbury South PSP in my report when I refer to **the PSP**, unless specifically stated otherwise.

10. In summary of the draft exhibited PSP it proposes:

- Housing land for approximately 11,800 dwellings (based on average of 15 dwellings per hectare).
- A projected population of approximately 33,000 people.
- A projected employment creation in the order of 4484 jobs.

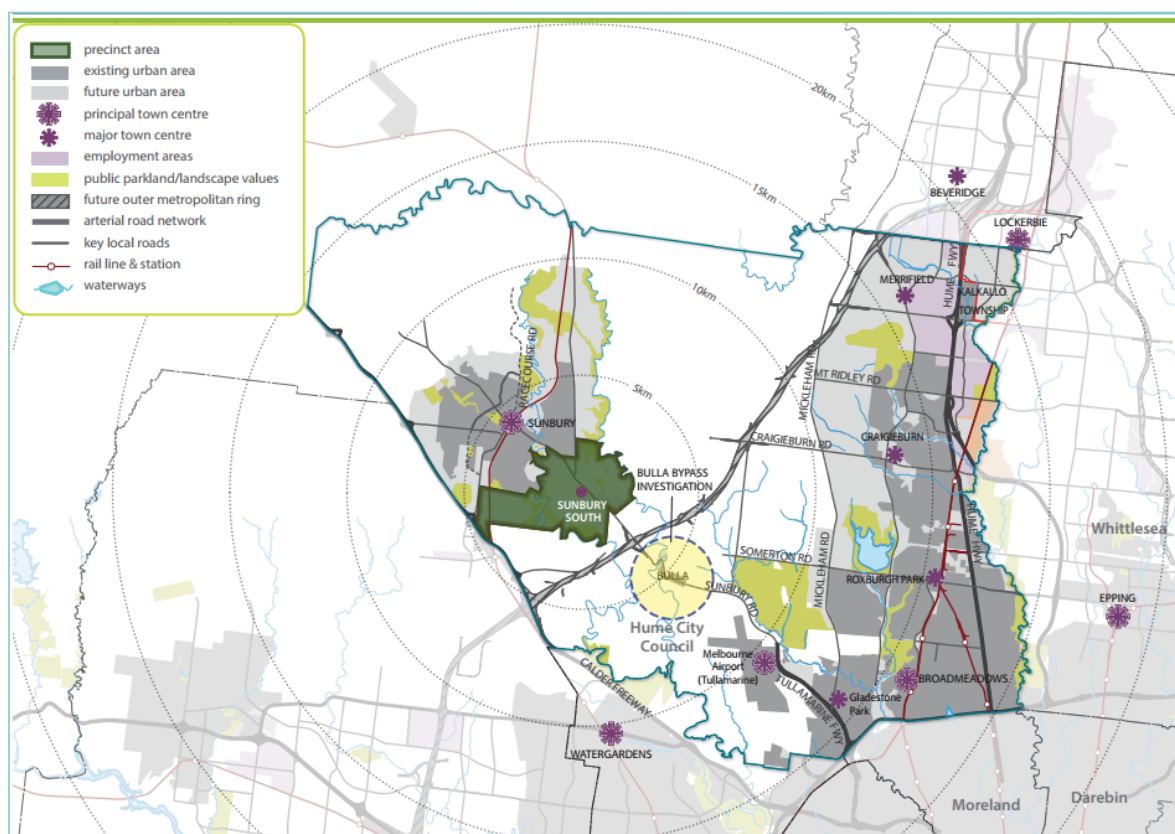
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<sup>1</sup> Hi-Quality is currently negotiating with this owner to purchase the land

<sup>2</sup> See page 13 of the PSP, Section 2.3 – '*Land budget*'.

<sup>3</sup> See for example the single 'Background Report' (November 2016) prepared by the VPA in respect of both PSP areas.

- To facilitate employment, the PSP designates 65.64ha (NDA) of employment land, including the following as part of the '*Sunbury South Economic Plan*'<sup>4</sup>:
- A 'Sunbury South Sub-Regional' activity centre on the west side of Sunbury Road (approx. total floor area of 35,000m<sup>2</sup> (25,000m<sup>2</sup> retail, 10,000m<sup>2</sup> commercial). This is referred to in the PSP as the *Redstone Hill Major Town Centre*.
- A *Sunbury South Neighbourhood Activity Centre* – located on the east side of the rail line with a total floor area of 5,000m<sup>2</sup> retail & 625m<sup>2</sup> commercial. This is referred to in the PSP as the '*Harpers Creek Centre*'.
- Sunbury South Employment Area – located on the east side of Sunbury Road, with a proposed total area of approximately 48ha or 400,000m<sup>2</sup> - to include industrial, major bulky goods, showroom space, office space (subject to demand) and convenience retail.
- Two local convenience centres (one of which is included in the Sunbury South Employment Area with up to 500m<sup>2</sup>).
- Open space networks comprising conservation reserves (333.65ha), waterway and drainage channels and reserves (228.29ha) and sports reserves.
- 176.21 of land with a '*landscape values*' designation (9.8% of total PSP area)<sup>5</sup>



**Figure 1** - Location of Sunbury South PSPs in Sunbury-Diggers Rest Growth Corridor – as highlighted in green shaded area (Source: VPA Background Report)

<sup>4</sup> See page 13 of the VPA Background Report.

<sup>5</sup> See Section 2.3, Table 1 of Sunbury South PSP – 'Land budget'.

11. As per the exhibited Explanatory Report, under the heading 'What the amendment does', the amendment proposes to:

*...incorporate a new document into the Hume Planning Scheme titled "Sunbury South Precinct Structure Plan". The amendment also rezones the land to Urban Growth Zone Schedule 9 to facilitate the development of the land and makes a number of other changes to the Hume Planning Scheme.*

*More specifically, the Amendment proposes the following changes to the Hume Planning Scheme:*

- Introduces and applies Schedule 9 to 37.07 Urban Growth Zone (UGZ9) into the Hume Planning Scheme. This zone sets out the land use and development controls for the precinct and requires land use and development to be generally in accordance with the incorporated Sunbury South Precinct Structure Plan.*

12. A number of other consequential changes to the planning scheme are outlined in the explanatory report that are required to implement the PSP. The following is most relevant to the matters I have been asked to consider in my report:

- Amends the Schedule to Clause 66.04 to require referrals for planning permit applications in the Redstone Hill Major Town Centre and the Harpers Creek Local Town Centre to the Growth Areas Authority; the 'quarry buffer' area to the Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990; and the Biodiversity Conservation Strategy conservation areas on land within the SUZ10 to the Department of Environment, Land, Water and Planning.*

### **1.1.1. Guide to Expert Evidence**

13. I acknowledge that I have read and complied with the *Guide to Expert Evidence* prepared by Planning Panels Victoria. In accordance with this guide, I provide the following information.

### **1.1.2. Name and Address**

Michael Bruce Barlow  
Urbis Pty Ltd  
Level 12, 120 Collins Street,  
Melbourne VIC 3000

### **1.1.3. Qualifications and Experience**

14. I am a Director of Urbis Pty Ltd. I am a qualified town planner and have practised as a town planner for over 35 years (including 31 as a consultant planner) and hold a Diploma of Applied Science (Town Planning) from Royal Melbourne Institute of Technology for which I qualified in 1981.
15. My experience includes:
- 2011 to present: Director of Planning, Urbis Pty Ltd
  - 2002 to 2010: Managing Director, Urbis Pty Ltd
  - 1990 – 2001: Director of Urbis Pty Ltd (and its predecessors including A.T. Cocks Consulting)
  - 1985 – 1990: Senior Planner, A.T. Cocks Consulting
  - 1982 – 1985: Planning Officer and Appeals Officer, City of Melbourne
  - 1981 – 1982: Planning Officer, Shire of Eltham
  - 1977 – 1980: Planning Officer, City of Doncaster and Templestowe



16. I advise on the development of cities; their principal activities and land uses and have extensive experience in strategic and development planning. I have been engaged on a wide range of projects throughout Australia, China and the Middle East. I have project experience involving major urban development projects across a range of localities and activities including:
- The analysis of drivers of change in cities and their impacts and influence on industry, employment and economic development, retail and activity centres, residential development strategies and policy, metropolitan growth and urban management.
  - The preparation of master plans for institutional and educational establishments, airports and new urban development.
  - A wide range of international urban development projects including the planning of the new port city serving Shanghai and major city and new town strategies for a number of cities within the Yangtze River corridor, China.
  - Leadership of the development of a comprehensive Framework Plan for the Emirate of Dubai. This project created a Vision to guide the economic development of the Emirate, an Urban Framework Plan and an Urban Management System for the government of Dubai.
  - Advice on new and specialist land uses and development concepts including the ongoing development of major Australian airports, the introduction and impacts of new retail concepts and standalone megaplex cinemas and the introduction of the casino into central Melbourne.
  - Major retail developments comprising central city centres, super-regional centres and mixed use developments.
  - Major commercial and residential developments in the Melbourne central city area including the CBD, Docklands and Southbank and throughout metropolitan Melbourne.

I provide expert evidence at various forums including the Supreme Court of Victoria, Federal Court of Australia, Land and Environment Court (NSW), the Victorian Civil and Administrative Tribunal and independent planning panels regarding the planning implications and impacts of development.

#### **1.1.4. Expertise to make the report**

17. I have advised on and assessed the introduction of new planning controls across Victoria ranging from the introduction of the new format schemes, new urban area development controls to site-specific development controls over the past 30 years.

#### **1.1.5. Instructions**

18. On 27 February 2017, I was instructed by Norton Rose Fulbright, on behalf of Hi-Quality Quarry Products Pty Ltd and Tranteret Pty Ltd (**Hi-Quality**) to:
- Prepare evidence relating to planning issues
19. For the purposes of this report I focus on the following matters:
- a. Review the Future Urban Structure and consider the appropriateness or otherwise of the overall layout of the PSP.
  - b. Consider the merits or otherwise of the changes proposed to the exhibited draft PSP by Hi-Quality in its submission of 6 February 2017.
  - c. Review and consider the location and quantum of employment land, quarry and landfill buffers, land use mix and the planning merits of town centres/ activity centres identified in the draft urban structure
20. I confirm that I am the author of this report and I have been assisted by Mr. Anthony Calthorpe in its preparation.



### **1.1.6. The Facts, Matters and Assumptions on which the Opinions are Expressed in this Report**

21. In undertaking my assessment, I have familiarised myself with the site and I have had regard to the following documents:
- Plan Melbourne
  - The Hume Planning Scheme
  - The Growth Corridor Plans (2012) which includes the 'Sunbury and Diggers Rest Growth Corridor Plan'
  - The Sunbury HIGAP Spatial Strategy 2012
  - Documents related to Amendment VC68 to the Hume Planning Scheme (that put in place the UGB under the Melbourne @ 5 Million and Delivering Melbourne's Newest Sustainable Communities process)
  - The documents associated with Amendment C207 to the Hume Planning Scheme.
  - Precinct Structure Planning Guidelines (2012)
  - Relevant Planning Panel Reports
  - Submissions made by Councils, relevant authorities and others regarding the draft Precinct Structure Plan and Amendment C207
  - Other technical reports, drawings and information (that I will specifically reference within the main body of my report).
22. The matters addressed within this report fall within my planning expertise. I note in the body of my report where I have specifically relied on the detailed technical assessments and supporting documentation prepared by others to assist my assessment of a particular matter.

### **1.1.7. Declaration**

23. I declare that in preparing the material contained in this report I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

### **1.1.8. Findings**

24. My findings are set out in the body of this report.

## 2. PARTICULAR COMMENTS REGARDING THE EXHIBITED PRECINCT STRUCTURE PLAN

25. As per the instructions I have been given, as outlined in 1.1.5, I have been asked to review and comment on several matters that have arisen in relation to the exhibited Amendment C207 and the PSP.
26. A range of key issues are identified in the following sections. I begin with an assessment of the exhibited draft PSP.

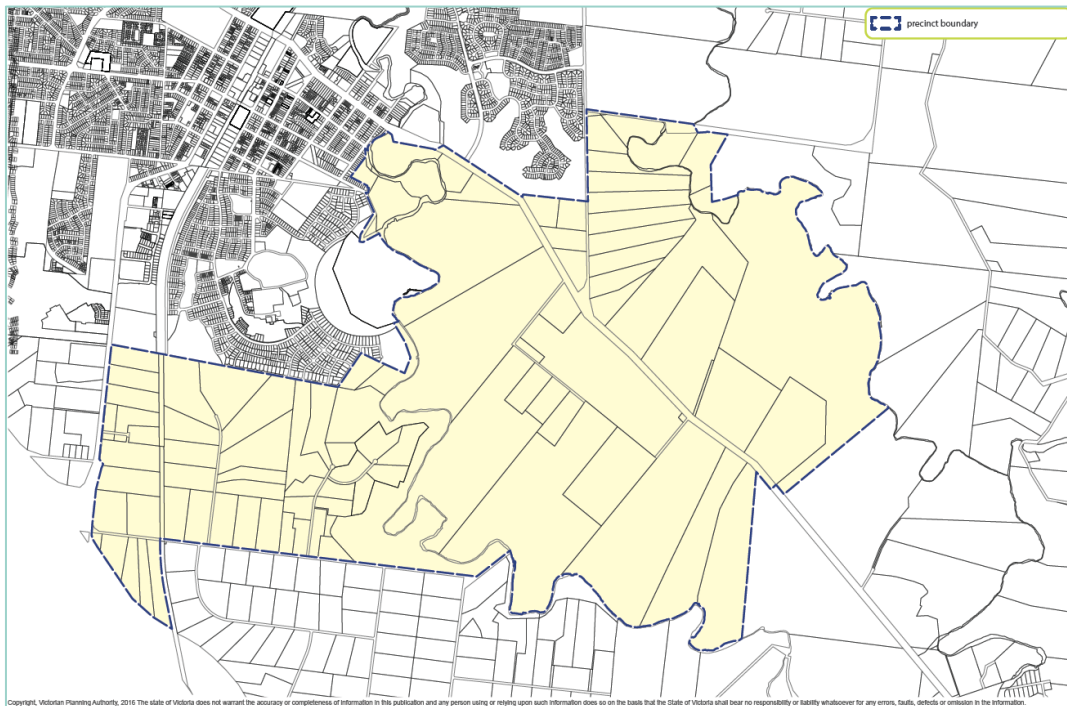


Figure 2 - The PSP area - replicated from the VPA Background Document.

### 2.1. THE PSP IN CONTEXT

27. Melbourne's population continues to grow at a strong rate, with approximately 100,000 new residents being added to Melbourne each year. With its population expected to grow by 3.4 million to upwards of 7.9 million by 2051<sup>6</sup>, Melbourne's growth areas will continue to play a very important part in providing not only new housing, but employment opportunities for this growing population.
28. Creating neighbourhoods where people have easy access to jobs, services, parks, shops, healthcare and community facilities is an increasingly important part of planning, enshrined in the '20-minute neighbourhood' concept of Plan Melbourne. Melbourne's growth area planning has continued to evolve through the precinct planning coordinated by the *Victorian Planning Authority* (previously Metropolitan Planning Authority/ Growth Areas Authority), which has focused on developing more integrated and coordinated planning for our new suburbs, with an increasingly strong focus on delivering integrated and more self-sustaining communities.
29. Melbourne's growth areas have also provided important housing choice and affordability that have allowed Melbourne to maintain a significant competitive advantage over other major cities in Australia.

<sup>6</sup> See for example Plan Melbourne, page 7 – 'Melbourne Context'.

30. The Hume City Plan 2017-2021 states that the municipality is fast growing and is expected to grow its current resident population from 203,600 (in 2017) to 345,400 by 2041. Between 2006 and 2011, the Council Plan states that 28,500 new residents moved to Hume.
31. In my consideration of the PSP, I have been informed by the *Growth Corridor Plans (GCPs)* that include the *Sunbury-Diggers Rest Growth Corridor Plan (SDR GCP)* - see **Figure 3**. I consider the SDR GCP to be the most relevant document that guides the preparation of PSPs (in this Growth Corridor) because it defines a broad strategic framework for future development that has general support of various State Government agencies and departments responsible for coordinating infrastructure. I recognise that the SDR GCP is a high level strategic framework, however PSPs are expected to be prepared generally in accordance with it.
32. The Sunbury – Diggers Rest Growth Corridor is being planned through the PSP process. Sunbury Town Centre is the primary activity centre. The SDR GCP notes that employment provision rates have traditionally been lower in Sunbury. It also recognises the significant role that Melbourne Airport plays as a key employment centre in the region<sup>7</sup> and the challenge that this poses for employment generation in this growth corridor. I will return to employment land considerations later in my assessment.

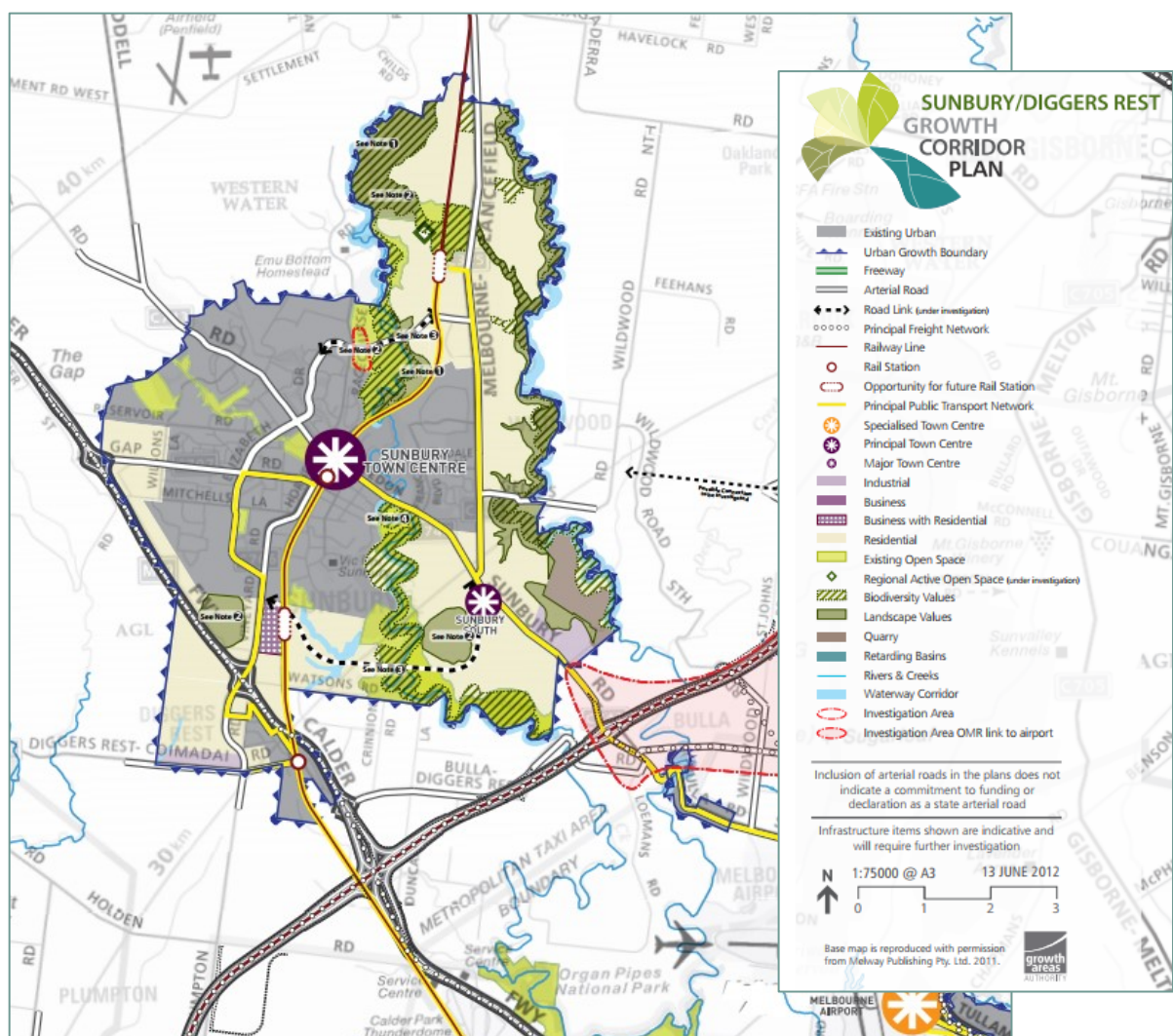


Figure 3 - The Sunbury - Diggers Rest Growth Corridor Plan, 2012

<sup>7</sup> See for example page 105 of the Sunbury Diggers Rest Growth Corridor Plan at Section 5 (*Employment*) for discussion about Melbourne Airport as an employment centre.

33. The GCPs contain a set of *Principles* that informed the preparation of each Corridor Plan. The Principles are also to guide the preparation of PSPs.
34. I have also had regard to the Integrated *Open Space Concept Plan*, the *Community Concept Plan* and the *Employment Concept Plan* in the SDR GCP (see **Figures 4, 5 and 6**), which I feel are particularly useful to illustrate the intended location of future open space, 'new residential districts'<sup>8</sup> (residential district) along with planned 'major town centres' for this Growth Corridor. The Employment Concept Plan illustrates identified opportunities for employment provision.
35. In the order that they appear in the SDR GCP, the three Concept Plans identified above are replicated below:

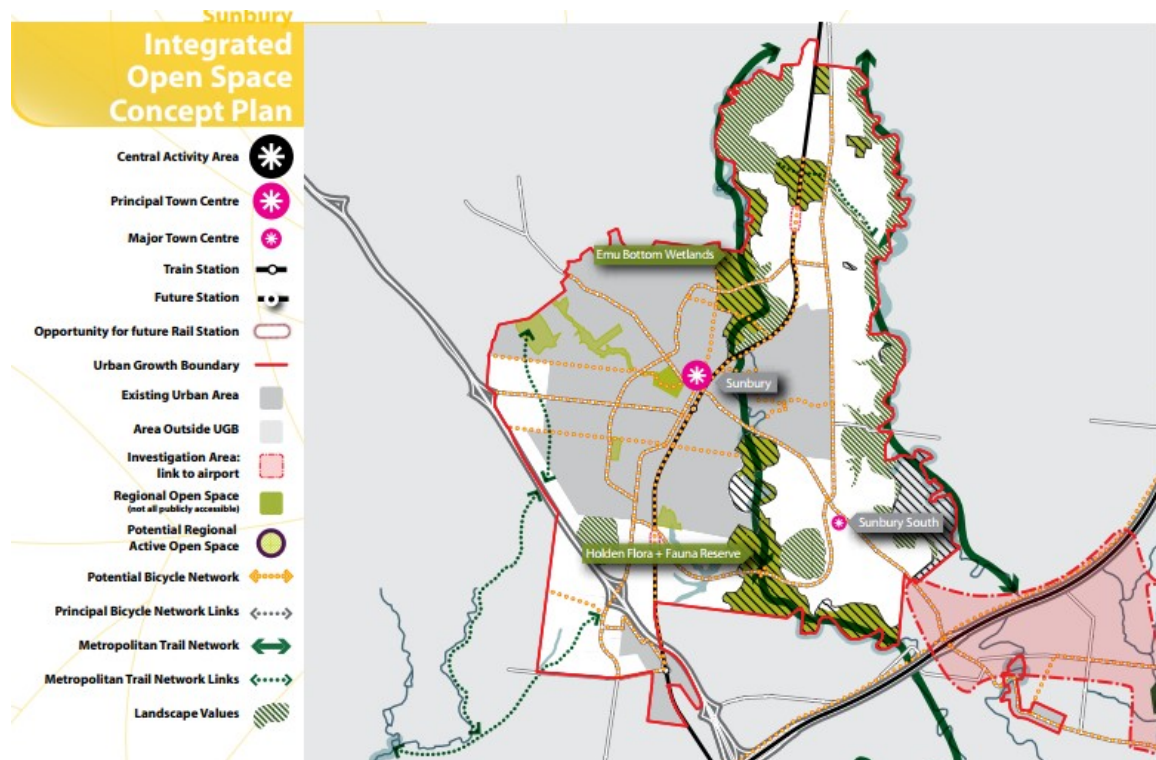
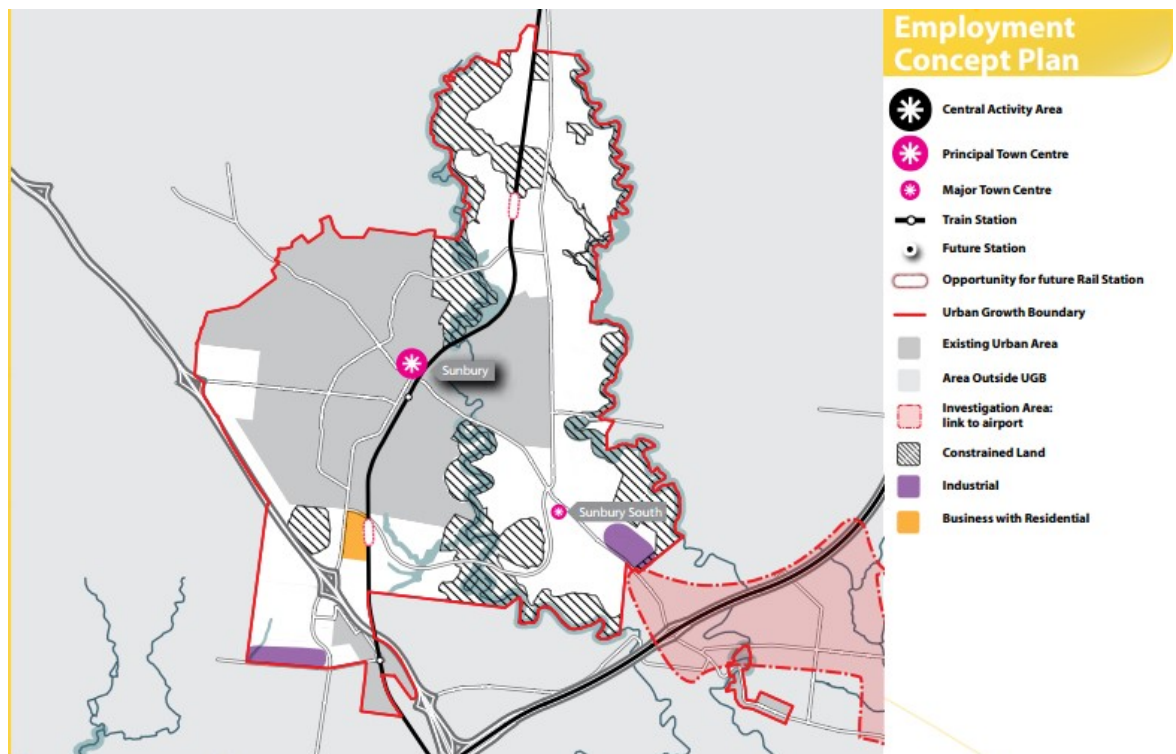
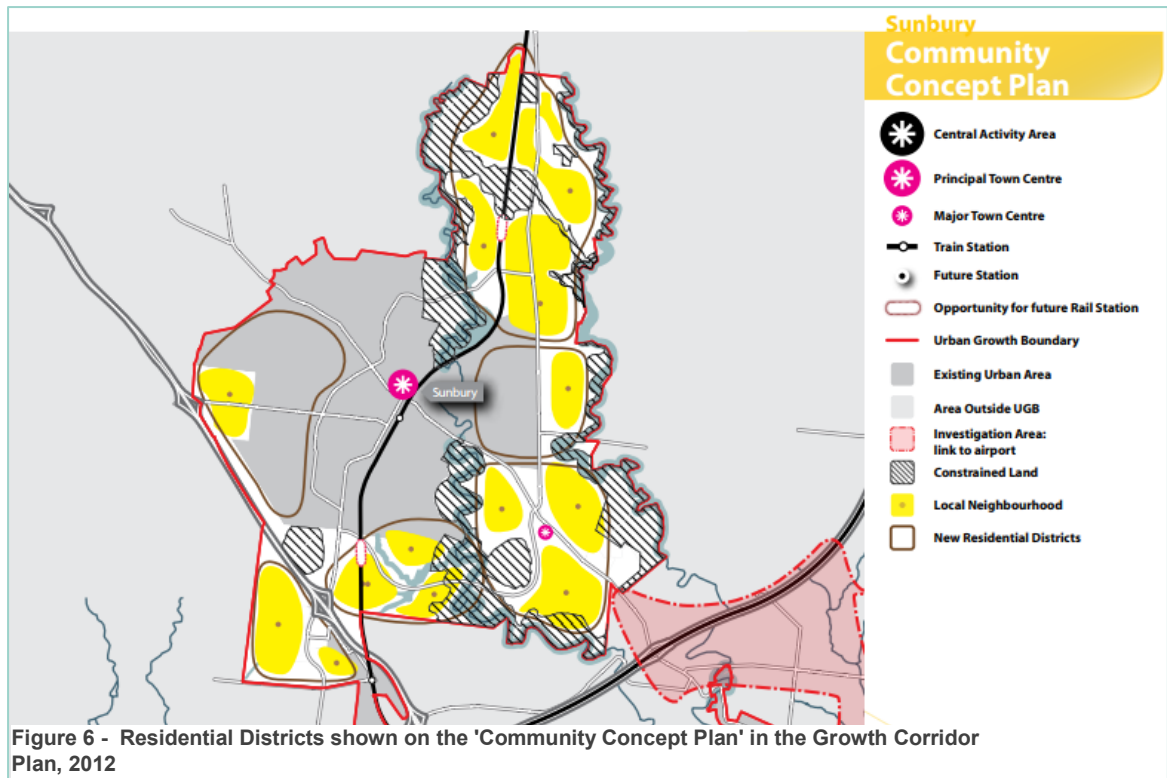


Figure 4 – Open Space Concept Plan – Sunbury-Diggers Rest Growth Corridor Plan (2012)

36. The Open Space plan identifies that the Sunbury South PSP area comprises a number of open space areas as well as constrained land. In relation to the subject site, it identifies '*landscape values*' covering it in part. I consider landscape values in more detail later in my assessment.
37. The Community Concept Plan indicates the extent of residential areas, noting the intent shown in relation to the subject site. I note the '*landscape values*' area does not appear on this plan. It also does not appear on the Employment Concept Plan either.

<sup>8</sup> A residential district is comprised of several local neighbourhoods – see page 103 of Growth Corridor Plans (Community HQ Concept Plan)





38. Relevant to my consideration of the exhibited urban structure of the PSP, *Principle 1* at section 3.1 of the GCPs aims to:

*Create diverse and vibrant new urban communities*

39. I note that *Figure 1* on page 14 of the GCP (replicated herein at **Figure 7**) illustrates, indicatively, how a typical cluster of neighbourhoods would form a residential district. Although it isn't specifically stated in the GCP, I have taken this Figure to be illustrative of the outcomes that Principle 1 is seeking to achieve. In this context, I note that the location of town centres, schools and open space are provided in a co-located manner and typically alongside public transport routes. I consider that the PSP generally appears to have adopted this approach of co-locating facilities.
40. I can generally see how the exhibited draft PSP has tried to apply this 'model' district concept to try and encourage walkable communities.

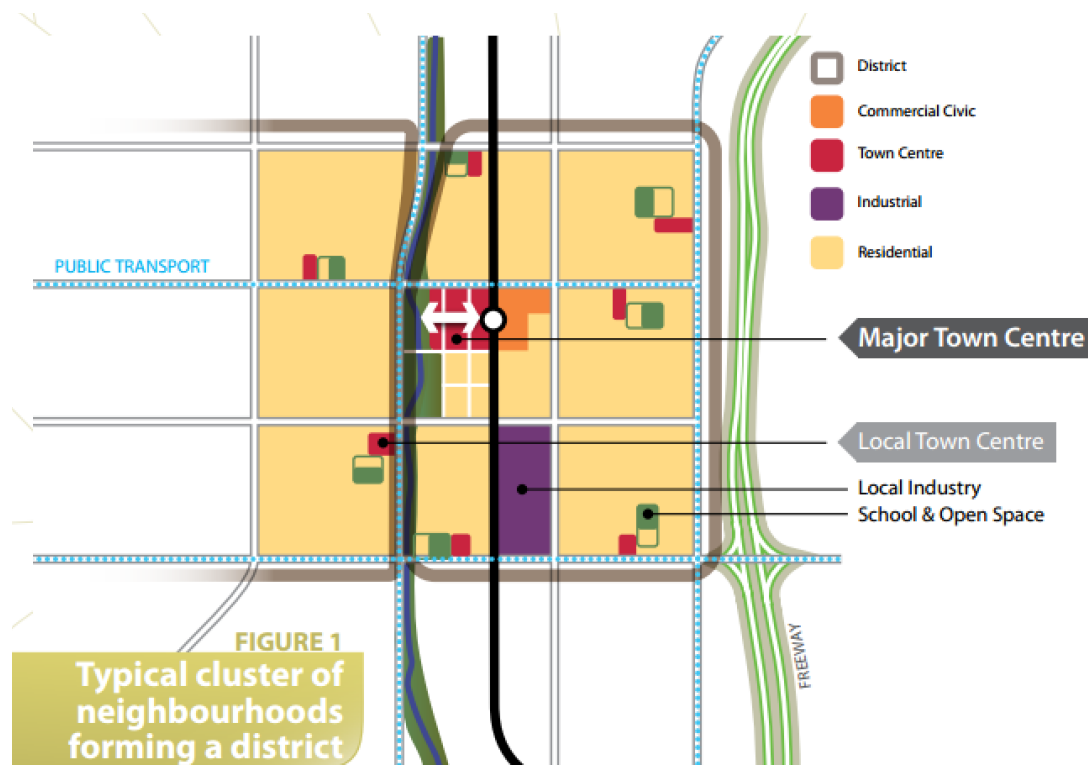


Figure 7 - A model 'district' shown as *Figure 1* In the 2012 Growth Corridor Plans

41. Finally, I have also had regard to the *Precinct Structure Planning Guidelines (PSP Guidelines)*, as revised in 2013.
42. They set out seven (7) 'Objectives' and seven (7) 'Elements' that should inform the preparation of a PSP. With each Element, a set of 'Relevant Standards' are detailed that a PSP is expected to respond to.
43. The PSP Guidelines establish the purpose of PSP planning and includes the following at 1.0 that describes what a PSP is:

*Precinct Structure Plans (PSPs) are master plans for whole communities of generally up to 30,000 people and are designed to create balanced new communities rather than just housing estates. They lay out roads, shopping centres, schools, parks, housing, employment, and connections to transport, which are fundamental to making Victoria's growth areas great places to live and work, both today and for future generations.*

44. While I have considered all of the *Objectives* in the PSP Guidelines, the following are particularly relevant to my consideration of the overall urban structure in the exhibited PSP, along with my assessment of the **Hi-Quality** Concept Plan:

**Objective 1:** To establish a sense of place and community

**Objective 2:** *To create greater housing choice, diversity and affordable places to live*

**Objective 3:** *To create highly accessible and vibrant activity centres.*

**Objective 4:** *To provide for local employment and business activity*

## 2.2. THE DRAFT FUTURE URBAN STRUCTURE (FUS)

45. I have been asked to consider the general urban structure outlined in the exhibited draft PSP. Plan 3 of the exhibited PSP illustrates what is referred to as the 'Future Urban Structure' or **FUS**. I include a copy at **Figure 9**.
46. The PSP has been prepared within the broader strategic context of the SDR GCP. The Vision, at Section 2.0 (*Outcomes*) on page 9 of the Draft PSP, establishes 12 'Outcomes that the precinct is intended to achieve'. I note that several of the 12 outcomes are focused on responding to the natural elements (and constraints) of the precinct, including Jacksons and Emu Creek, Holden Flora and Fauna Reserve and the Redstone Hill volcanic cone.
47. The Land Budget at Section 2.3 of the PSP (page 13) indicates that only 43.70% of the total PSP land area is currently considered to be developable. This indicates the range of constraints identified within the PSP.
48. At a high level, the types of constraints I have identified include:
- Existing alignment of major arterial road Sunbury Road
  - Drainage and waterway corridors
  - Conservation areas, including volcanic cones
  - Slope and landform
  - 'Landscape values'
  - Gas pipeline and its 'measurement length'
  - Urban Growth Boundary alignment
  - Existing extractive industry and waste and resource recovery facilities
49. Of the above, I consider that 'landscape values' and the landfill and quarry buffers present as key issues relevant to the matters I have been asked to consider in relation to the Hi-Quality submission and the planning for the subject site. I consider these in more detail later in my report.
50. I believe the draft FUS appears to be generally consistent in terms of the high-level strategic outcomes anticipated by the SDR GCP. This includes the general distribution of activity centres (town centres and local convenience centres), open space, community facilities and schools.
51. Sunbury Road is the major arterial road through the eastern half<sup>9</sup> of the PSP area and distributes traffic into the broader region. Notably, it provides direct connection between Sunbury and Melbourne Airport – one of the region's major employment locations.
52. The proposed major activity centre and employment location align Sunbury Road on its south-western and north-eastern side respectively, providing good accessibility to these areas. They will form part of a new entry corridor into Sunbury.
53. I consider, at a high-level, that the draft FUS – as exhibited, represents a logical planning response to the many natural constraints and existing conditions (e.g. quarry/ landfill or high pressure gas pipeline) that exist across the precinct, as shown on Plan 2 (*Precinct Features*) in the exhibited draft PSP.
54. I acknowledge that the matters I have been asked to consider in my assessment include some proposed changes to the FUS by Hi-Quality. These changes include land use modifications within

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<sup>9</sup> The eastern half of the PSP contains the bulk of the NDA. It sits generally between Jacksons Creek and Emu Creek.

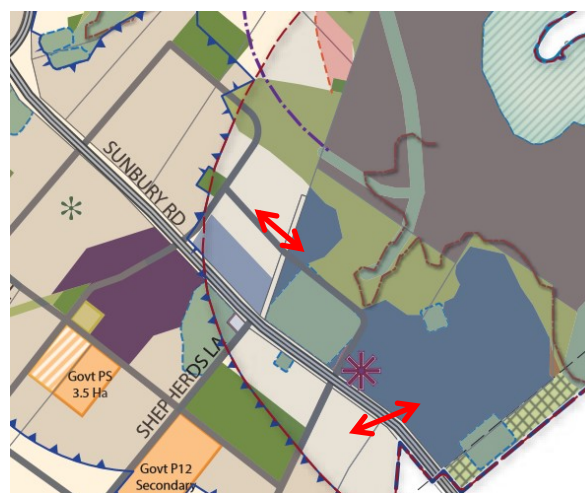


the buffer to the quarry and waste and resource recovery facilities on the north-eastern side of Sunbury Road. Some of these proposed changes also rely upon a range of waterway and drainage modifications (including engineered fill). These are outcomes that propose to alter the nature of the landscape and would result in a net increase in net developable land (**NDA**). The changes also rely on a detailed understanding of the sequencing of extraction and landfilling activities (and how buffers will change over time).

55. I consider the proposed changes by Hi-Quality separately in later sections of report.
56. For the purposes of considering the FUS, as exhibited, I consider that it establishes a legible and reasonably planned structure for the PSP based upon a response to the existing land form, uses and existing road connections. It also assumes the existing Hi-Quality quarry/ landfill facilities will be ongoing and the landform unaltered but perhaps without a clear response to changes to buffers over time.
57. The draft exhibited PSP has included, if not augmented, the areas of 'landscape values' shown on the SDR GCP. They have also been renamed '*regionally significant landscape values*' when compared to the SDR GCP. As already noted, I address this matter later in my report.
58. Relevant to the matters I have been asked to consider in relation to the subject site, the main employment area in the PSP is generally consistent with the SDR GCP, in that industrial land uses have been placed between the quarry/ landfill and Sunbury Road to ensure that sensitive uses, generally, do not encroach upon these uses.
59. The SDR GCP, at Section 7.7 (*Other infrastructure*) states:

*The plan ensures that the existing operational quarry and non-putrescible landfill site within the revised Urban Growth Boundary to the north of Sunbury-Bulla Road is protected from encroachment by sensitive land uses. Industrial uses are identified between the quarry and Sunbury- Bulla Road to achieve this. The development of this industrial area, and the development of land currently zoned Farming Zone adjacent to the quarry, is dependent on the Works Authority being amended by the quarry license holder. Infrastructure Coordination*

60. I note that the FUS in the exhibited draft PSP also contemplates some residential uses within the 'composting odour buffer'. The draft UGZ Schedule 9, along with the requirements of the PSP contemplates a mechanism to enable residential use (with a permit) and subject to providing, for example, Odour Environmental Risk Assessments<sup>10</sup> with any permit application.
61. I find the placement of industrial and residential uses directly alongside one another (see **Figure 8**) in the exhibited draft PSP would likely give rise to amenity conflicts. I would recommend that consideration of an alternative employment designation, such as a Commercial Zone (**CZ**), should be contemplated for these more sensitive interfaces.
62. I also consider that it would be preferential to avoid Industrial 1 uses being able to locate alongside Sunbury Road. Like my comments in the previous paragraph, I consider a Commercial Zone should be applied to the Sunbury Road frontage of the industrial land allocation. This would avoid the possibility of larger industrial/ warehouse uses fronting it and help to separate industrial and residential uses on the opposite side (of Sunbury Road. It would also encourage a better visual outcome to this frontage also.

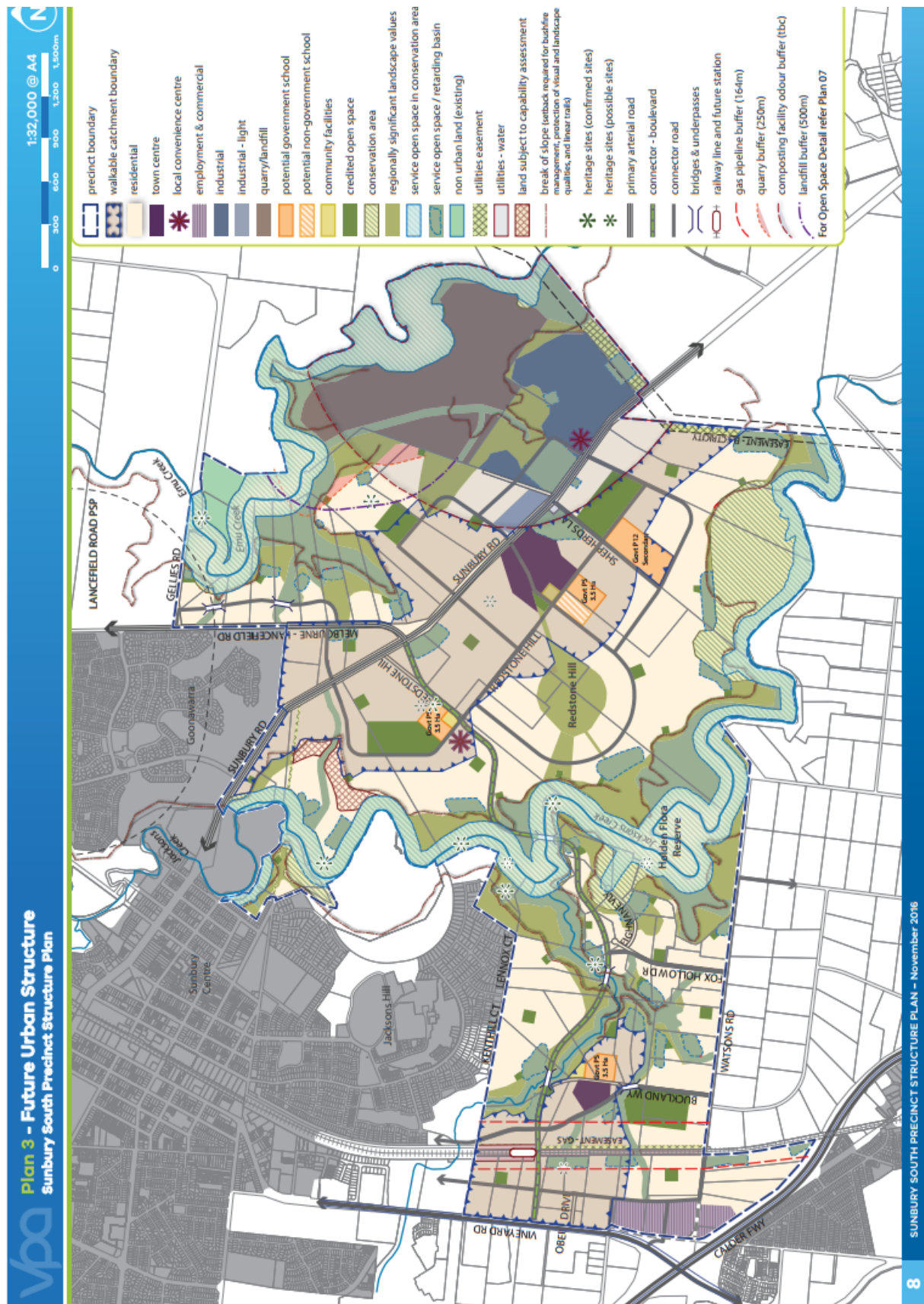


**Figure 8 - Extract of Plan 3 of the PSP showing residential and Industrial uses next to one another (as per annotated red arrow)**

<sup>10</sup> See Clause 3.9 of the draft exhibited Urban Growth Zone Schedule 9.

63. Overall though I find the general layout, structure and form of the proposed FUS to be generally sound.
64. Notwithstanding the above and relevant to the matters I have been asked to consider, including the 'HQ Concept Plan' prepared by Hi-Quality, the key planning issues that I have identified that I will need to consider are:
- Landscape values – what is their strategic basis and should they be retained?
  - Creating additional net developable land within the PSP area – is this a good strategic planning outcome?
  - Identifying quarrying and waste and resource recovery buffers and how these uses are intended to be sequenced in the context of enabling the development land affected (by buffers).
  - Appropriate land uses adjoining the quarry and waste and resource recovery facilities, including sequencing of when development can come forward.
65. I consider these in the later sections of my assessment. The key issues are identified in more detail at Section 4.

Figure 9 – Future Urban Structure as replicated from the draft exhibited Sunbury South PSP.



### 3. THE SUBJECT SITE AND RELEVANT APPROVALS/ LICENCES

#### 3.1. THE SUBJECT SITE

66. I have outlined the lots that comprise the subject site in Section 1. In total, they represent a subject site area of approximately 369 hectares. At present, the current PSP indicates a net developable area of 114.91 hectares (approximate) of the land, representing an NDA of 31%.
67. **Figure 10** illustrates the subject site and the Hi-Quality land. **Appendix A** includes the current zone and overlay plans that apply to the subject site.
68. The subject site is generally located between Emu Creek and Sunbury Road.
69. It is located at the south-eastern edge of the 'urban area' of Sunbury – that is the area included within the Urban Growth Boundary. I consider the history of how it was included in Section 4.
70. The subject site comprises properties 94,95,96,97,98 and 99 of Plan 4 of the exhibited draft PSP.
71. The following zones currently apply to the subject site:
72. Lots 1-3 – Special Use Zone, Schedule 1 (**SUZ1**) – Earth and Energy Resources Industry
73. Rossett Lodge and the Ware Land is predominantly Urban Growth Zone (Part A) and partly Rural Conservation Zone; and
74. In part, subject to the Environmental Significance Overlay, Schedule 1 – Rural Waterways and Environs
75. I understand Lot 1 is operated by Hi-Quality as an 'eco park'. Hi-Quality operates a quarry and landfill.
76. Veolia operates a green waste processing facility on Lot 1 under a long-term lease with Hi-Quality.
77. The remainder of the land is operated for farming purposes.
78. I understand that Hi-Quality is negotiating with the owner of 670 Sunbury Road (the Ware land) to purchase this site. See area outlined in [blue](#) in **Figure 10**.

#### 3.2. PLANNING PERMITS AND OTHER RELEVANT APPROVALS

79. I provide an overview of the relevant planning permits and approvals that currently apply to the subject site in the table below:

Approval type	Description
Planning permit P4131.03, issued on 17 November 1998, as amended on 29 April 2016	Use and development of Lots 1, 2 and 3 for materials recycling (concrete and soils) and a quarry rehabilitation landfill for Category C contaminated soils, acid sulphate soils, asbestos and clean fill.
Work Authority 1123 & Work Plan	Variation for extractive industry – 27 December 2006
EPA Licence 4529, 9 May 2001 and last amended on 10/4/17	Authorises category C soil, asbestos, materials with polychlorinated biphenyls, and solid inert waste to be deposited to land and to recover solid inert material and soil from previously landfilled waste for recycling purposes.





## 600 SUNBURY ROAD, BULLA

### SITE LOCATION

Figure 10 - The subject site, including Hi-Quality Land and the 'Ware Land'.



## 4. ASSESSMENT OF THE HI-QUALITY CONCEPT PLAN - KEY ISSUES

### 4.1. WHAT IS PROPOSED BY HI-QUALITY?

80. In its submission to the VPA of 6 February 2017, Hi-Quality outlined several changes that it sought of the PSP. In summary, it sought the following changes to the PSP:
- To rezone land shown as properties 97 and 98 in the PSP from Rural Conservation Zone (RCZ to Urban Growth Zone).
  - To create additional residential and industrial development land by removing the 'regionally significant landscape values' designation from the PSP.
  - Identify land on the Sunbury Road frontage as suitable for bulky goods and commercial land use rather than industrial.
  - To change the designation of 'light industrial' land to residential.
  - Identification of land that is currently part of the quarry void as 'residential investigation area'.
  - Alternative drainage solutions and questioning whether retarding basin WI-14, WI-16 and WI-18 are required.
  - That the 500m buffer to the landfill is appropriate.
  - That the buffer for the composting facility should be reduced to 600m.
81. The submission contained a concept plan that generally illustrated the above. Since that time, further refinement of the concept plan has been undertaken by **Hi-Quality** and a more updated version (August 2017) is included at **Appendix B** (as prepared by Taylors) and an extract shown at **Figure 10** below. I refer to this (the August 2017 plan) as the **HQ Concept Plan** throughout the rest of my assessment.



Figure 11 - High Quality Concept Plan - August 2017.

## 4.2. KEY ISSUES

82. I have been asked to consider a range of matters in relation to the town planning merits, or otherwise, of the HQ Concept Plan and changes to the PSP proposed by it in relation to the subject site.
83. Following my preliminary contextual review of the strategic basis of the exhibited draft PSP and the proposed FUS outlined on Plan 3 of it, I consider there to be two different parts required of my assessment.
84. Firstly, the HQ Concept Plan indicates the creation of additional NDA, including by means of engineered filling and drainage works. Much of the additional NDA is proposed on part of the exhibited draft PSP shown as '*regionally significant landscape values*'.
85. Secondly – the HQ Concept Plan contemplates the use of that land for residential and industrial purposes. It also proposes to make some modifications to the arrangement of the land uses on the subject site.
86. I consider, therefore, the two distinct parts required of my assessment are:
1. The principle of whether the additional NDA for urban purposes is acceptable; and
  2. The use of that land (and land already identified as NDA) having regard to the proximity to the quarry/ landfill and waste and resource recovery facilities uses that currently operate on the subject site
87. The range of key issues that I have identified in considering the above are:
- Landscape values – the HQ Concept Plan proposes development of this land
  - Drainage and landscape modification – reshaping the landform, including area designated as landscape values, to create additional developable land i.e. extra NDA within the PSP.
  - Extent of buffers – the extent of landfill and quarry buffers and their impact on land use and development outcomes
  - Land use – having regard to the land capability considerations, the draft exhibited PSP and the HQ Concept Plan – what might the appropriate use of land be on the Hi-Quality site?
88. I address the above matters in the following sections and under the two parts outlined in paragraph 73 above.
89. Before I contemplate the above, I consider it relevant to understand why the subject site was included into the UGB.

## 4.3. AMENDMENT VC68 AND THE INCLUSION OF THE HI-QUALITY LAND INSIDE THE URBAN GROWTH BOUNDARY

90. Melbourne's metropolitan Urban Growth Boundary (**UGB**) was amended in July 2010 following the *Melbourne @ 5 Million* and *Delivering Melbourne's Newest Sustainable Communities* (DMNSC) process. It was implemented by Amendment VC68.
91. Specific to Sunbury, it established a new policy for growth that dispensed with the previous 'contained growth' policy approach. This is a matter I consider in more detail in Section 5 later in my assessment.
92. The Sunbury PSP land, including the subject site was included into the UGB as part of VC68.
93. A range of background work was prepared to inform the consideration of land included within the 'Investigation Areas' that formed part of the Melbourne @5 Million and DMNSC's consideration of an expanded UGB.



94. The purpose of the Background Technical Report 1: Land Capability<sup>11</sup> (TR1) was that it was one of:  
 ‘...several background reports that contribute to identifying the extent of developable land’ within Investigation Areas and informing the location of the Urban Growth Boundary’.
95. I note that the following assessment was made in TR1 about the Hi-Quality site’s future depending on the movement of the UGB:  
*The sand/gravel quarry in the eastern most corner of Hume was also identified as a constraint by Hume Council. The quarry is currently active and Council noted that the owner has indicated flexibility on its operation status depending on whether the area is included within the UGB or not. If the quarry does fall within the UGB, the owner may be willing to cease operations sooner and open the area up for staged redevelopment. Council also noted that land fronting Sunbury Road within the quarry site may be available for development based on the future operation of the quarry since the quarry site is moving to a different area within the tenement. Due to this flexibility indicated by the owner, the quarry has been highlighted as posing a medium (orange) level of constraint to development.*
96. Alongside the other technical reports, such as *Background Technical Report 4: Landscape Values* (considered in detail at Section 5 later in my assessment), the final location of the UGB was determined with regard to the range of constraints identified through the background technical reports, consideration of submissions and final assessment by the State Government.
97. The UGB was amended and included the subject site. In the light of the above assessment undertaken as part of TR1, I consider that this established a reasonable sense of expectation that future planning would need to contemplate the medium to longer term future of the quarry/ landfill operations including their cessation and site remediation. Existing conditions but also future options, as evidenced in the above extract from TR1, were considered when establishing the UGB.
98. In my opinion, the alternative option would have been to exclude the subject site from the UGB if there was no recognition of development potential.
99. Had this not been the case (i.e. recognition of development potential), I find that the UGB could quite simply have been aligned along the north-western edge of the subject site to exclude any part of the operating quarry/ landfill and its buffer areas. This would not have caused any irregularity to the UGB boundary. In dealing with extractive industry sites and landfill facilities elsewhere, such as through the centre of the North Growth Corridor, a range of extractive industries were included into the UGB because to exclude them would have caused a confusing ‘swiss cheese effect’ (of the UGB alignment). It did not necessarily mean that these uses (the land) had any development potential. By contrast, this was not a relevant issue in respect of the subject site. Its location on the edge of the growth area means it could have been excluded if there was no intent for it to be brought forward for development.
100. In my opinion, inclusion of the subject site into the UGB:
- Provided an opportunity for efficient use of land that would enable extractive industry and inert landfilling to continue in the short to medium term; but
  - Enabled an alternative future for urban development to be planned for (including planning for appropriate site remediation)
  - Created an opportunity to make the best use of land i.e. land that would no longer be constrained by buffer requirements would become available for urban development at a time when extraction/ landfilling activities (and their associated buffers) move across the site.

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<sup>11</sup> See ‘Foreword’, page 4, in *Discovering Melbourne’s Newest Sustainable Communities Background Technical Report 1: Land Capability*, June 2009, prepared by Parsons Brinkerhoff on behalf of the State Government of Victoria.

## 5. PART 1 ASSESSMENT – PRINCIPLE OF ADDITIONAL NDA

101. I have been asked to consider the merits, or otherwise, of the HQ Concept Plan, which would require several changes to the exhibited draft PSP.
102. In the previous Section, I have identified a range of key issues that need to be considered. I have also considered that the 2010 UGB alignment recognised that the subject site had development potential.
103. I consider that the most important issues raised by the HQ Concept Plan, which it appears to rely upon, is the principle of creating additional NDA by removal of the 'regionally significant *landscape values*' designation AND an ability to use it by way of engineered filling and a drainage solution. Together, these considerations form Part 1 of my assessment.
104. Pursuant to my findings in relation to the above matter, I secondly consider what the **Hi-Quality** land, including the additional NDA might be used for given the potentially modified landform. This will form Part 2 of my assessment and will consider any recommended changes to the PSP as a result of my findings, as relevant.

### 5.1. LANDSCAPE VALUES

105. The HQ Concept Plan proposes to make a much more efficient use of the subject site, including use of land currently designated for 'regionally significant landscape values' to create additional NDA and to reconfigure how industrial and residential uses are configured on the land.
106. Some 93.71 hectares or approximately 25% is affected by 'regionally significant landscape values' – as shown on the exhibited draft PSP.
107. It is pertinent in the first instance to consider the principle of whether '*landscape values*' (as per the SDR GCP) or '*regionally significant landscape values*' (as per Plan 4 of the exhibited draft PSP) is an established value that protects the 'values' of the landscape in its current form.
108. I acknowledge that the VPA, pursuant to the Directions Hearing<sup>12</sup> on the 6<sup>th</sup> July 2017 has produced further work in relation to '*regionally significant landscape values*'<sup>13</sup>. No part of the subject site is identified in this mapping as having additional development potential or '*land not serviced by dss – potentially developable land*'. This does though illustrate that the values are not fixed or cross-referenced back to any strategic assessment that the VPA has pointed to during this latest consideration.

#### 5.1.1. Defining landscape values

109. Immediately, I am unable to identify a definition of either:
  - '*regionally significant landscape values*' used in the exhibited draft PSP or
  - the term '*landscape values*' as used by the earlier Growth Corridor Plans (**GCPs**).
110. I have been unable to identify any assessment associated directly and specifically to the PSP that nominates why land should continue to be identified as 'landscape values'. I am also unclear why the 'landscape values' term was given what appears to be greater status in the PSP by putting the words 'regionally significant' in front.
111. I will turn to historical assessments that have considered 'landscape values' later in this Section.

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<sup>12</sup> As per VPA e-mail dated 31 July 2017 – pursuant to paragraph 19 of Planning Panel's Directions (*Panel Directions*) of 12 July 2017.

<sup>13</sup> It is noted that while the Panel's Directions suggested this work would focus upon Amendment C208, the VPA has provided additional mapping and information in respect of both C208 and C207 (Sunbury South PSP)

112. In terms of the categorisation, the PSP's land budget details four categories of uncredited<sup>14</sup> open space. These include (my **emphasis**):
- Conservation reserves
  - Waterway and Drainage Reserves
  - Utilities easements
  - **Landscape values**
113. Of these, only the 'landscape values' category appears to have no management provision or servicing purpose. In the context of the PSP area, the land budget (at Section 2.3 of the PSP) confirms that approximately 176 hectares of land is contained within the 'landscape values' classification – the equivalent of 9.8% of the total PSP area.
114. The PSP makes no provision for the use or role of these areas other than forming part of the open space calculations within the PSP. I am unclear, therefore, whether it is intended that all areas designated 'landscape values' are, at some point to be vested in Council or another lead agency, used as parks or simply left empty and unmanaged? Landscape values in this sense appears to be a form of public reservation, albeit without the reservation.

### 5.1.2. Zones and overlays that Apply to Landscape Values areas

115. The current zone of the land identified as 'landscape values' on the Hi-Quality land in the SDR GCP is part RCZ1 and part Special Use Zone, as per **Figure 12**. The Environmental Significance Overlay 1 (ESO1) is also applied to much of it as well as ESO10<sup>15</sup>. The areas of landscape values appear to generally follow the alignment of the ESO – as per the extract of the SDR GCP.

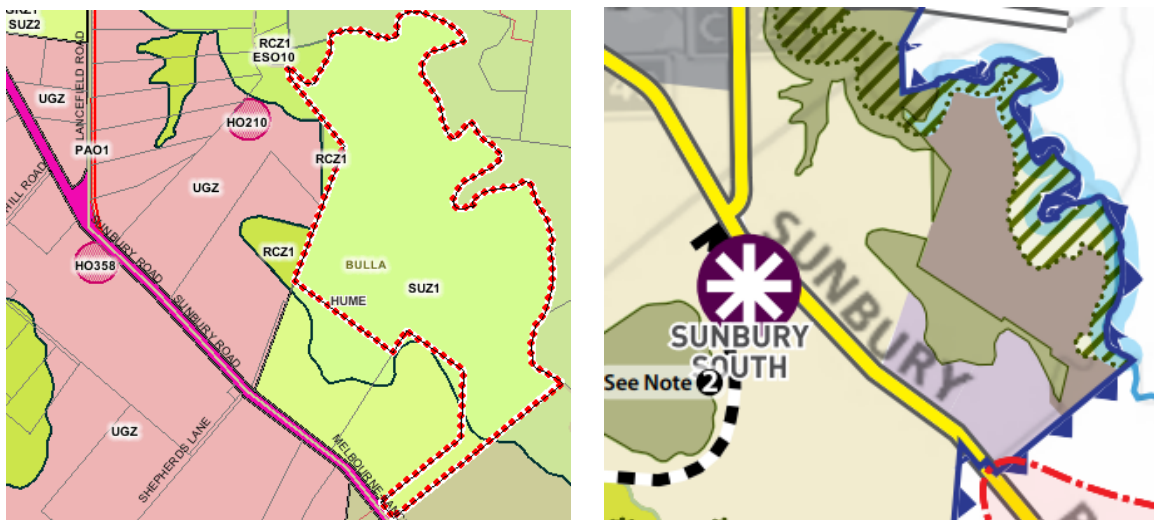


Figure 12 – Above: Current Zones on the subject site - showing landscape values areas as SUZ1 and RCZ1. Right: Comparison to the GCP Landscape values

<sup>14</sup> Uncredited means land/ infrastructure for which no ### cost is apportioned in the Development Contributions Plan that applies to the whole PSP area.

<sup>15</sup> ESO10 is effectively the growing grass frog (GGF) corridor that applies to and alongside Emu Creek, as established under the *Biodiversity Conservation Strategy (BCS)* – 2010 and subsequent 2013 EPBC Act approvals for the Sunbury Corridor.

116. Where the RCZ is applied to land not included in a 'conservation area' i.e. land where ESO10 applies, it appears to be little more than a residual zoning used to include remnant parts of the historic ESO1 area. Even then, the SUZ applies to significant parts of the subject site where the SDR GCP has identified 'landscape values'. I note that the VPA appears to have modified the extent of the landscape values areas during the preparation of the PSP, as per **Figure 13** below. The VPA has, as far as I am aware, not clarified the criteria used to make such as any assessment of landscape values.

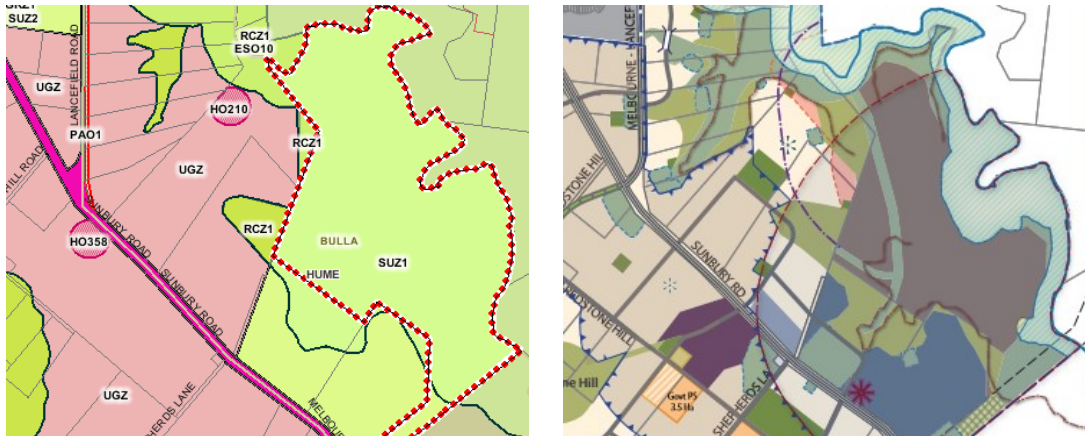


Figure 13 - Comparison of Zone and exhibited FUS plan - showing differences of RCZ1 'landscape values' areas – as contained within industrial component of FUS plan.

117. The ESO1 that applies to the land is titled *Rural Waterway and Environs*. The *Statement of environmental significance* contained within Schedule 1 to the ESO states:
- The rural areas of the municipality contain a number of waterways which are significant visual and geological significant features of the rural landscape and which serve important environmental, drainage and recreation functions. These waterways provide a habitat for a range of flora and fauna species and make a significant visual contribution to the overall character, amenity and identity of the municipality*
118. I note that the Melbourne Water submission<sup>16</sup> made to the VPA during formal exhibition has specifically requested that water-way corridors and 'landscape values' are clearly delineated separately on PSP plans. I consider this matter later.
119. I am also informed that there are no waterways on the subject site within the areas identified as 'landscape values' that have 'significant geological and visual features' that might support the ESO's application to them. I understand them to be natural drainage lines only.

### 5.1.3. Historical consideration of rural character and landscape values

120. The changes made to the UGB in 2010 under Planning Scheme Amendment VC68 established a significant change to the future growth pattern for Sunbury. Land that was previously of rural character and held in the Green Wedge Zone (**GWZ**) was brought into the UGB to meet Sunbury's future growth needs.
121. This was the point at which planning was required to fully consider the transition from rural character to urban when establishing the UGB.
122. I consider the technical assessment that was prepared in support of the UGB change later. In order to provide some more context to my assessment, I have firstly considered some historical planning documents to inform myself of how the '*landscape values*' may have come into effect and to uncover any strategic assessment that may have informed this.
123. I turn firstly to the *Shire of Bulla Rural Areas Strategy Plan – Toward 2011*<sup>17</sup>, June 1993 (**RASP**). The RASP provided policy guidance for rural areas within the municipality, including the current PSP area. The intent of the plan, as per page 2, was for it to be:

<sup>16</sup> Melbourne Water submission 14 February 2017.

<sup>17</sup> Prepared by Henshall Hansen Associates for the Shire of Bulla.

*‘...used by Council to coordinate its actions in planning and managing future land use, subdivision and development in the Rural Areas of the Shire...’*

124. The RASP also stated on page 2 that it would:

*“...be used by Council as the basis for new planning controls and zones which will need to be prepared and included into the Bulla Planning Scheme, and for assessing development proposals in the area.”*

125. The RASP identified a number of *Planning Issues in the Rural Areas* in Chapter 4. In particular, I note that it identified ‘*Landscape Quality*’ as issue number 4<sup>18</sup>. Under this heading, it stated:

*Landscape Quality – the visual contribution to the character and amenity of the Shire of Bulla is one of the most important functions of the rural areas. Visual considerations must be an important criterion in assessing the appropriateness of future change and development in those areas.*

126. Chapter 5 of the RASP was titled ‘Characteristics of the Rural Areas’. It provided a summary of the main characteristics contributing to the character of the area. These included ‘*topography and landscape character*’ and ‘scenic quality’. The RASP summarised these in a series of map based figures. Of most relevance to my understanding of landscape qualities or values is Figure 6 from the RASP – titled ‘*Landscape Sensitivity*’. This is replicated at **Figure 14**.

127. This image indicates that much of the Hi-Quality site, outside of the Emu Creek corridor was in an area identified as ‘Low sensitivity’. Within the *Notes* on Figure 6, it states that ‘sensitivity is sensitivity to change’. It continues and clarifies that ‘*sensitivity*’ (was) *based on*:

*‘scenic and heritage ‘values’, including views, vegetation and cultural geological, archaeological and botanical significance.’*

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<sup>18</sup> See page 7 of the RASP.



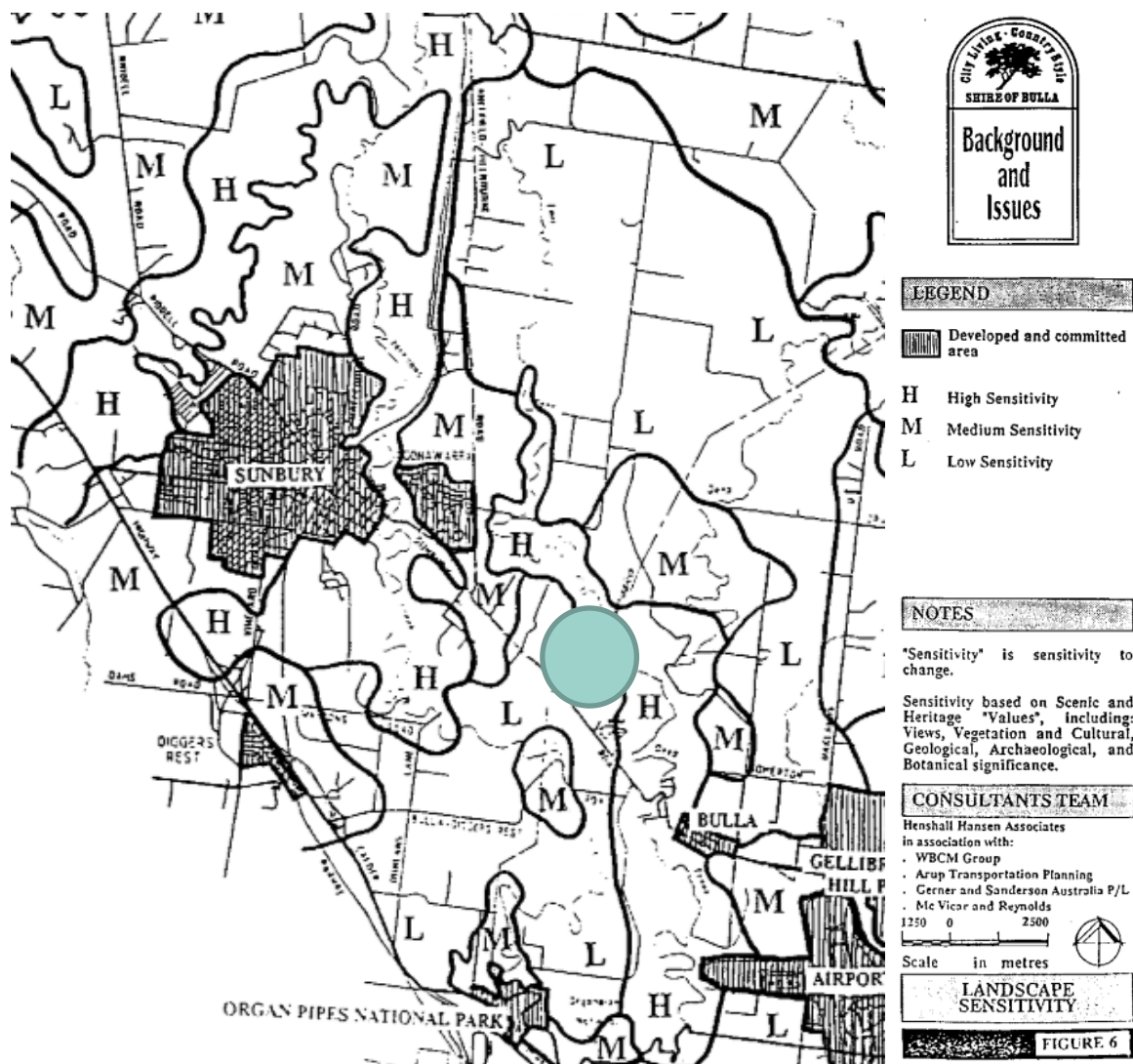


Figure 14 - Figure 6 from the Shire of Bulla Rural Areas Strategy Plan, 1993. Subject site shown in blue circle (approximate)

128. The RASP also contained the Rural Areas Strategy Plan at Section 7.3 (Rural Areas Policy [General policies]). The Strategy Plan is replicated further below at **Figure 15**. This includes the subject site within the 'Rural Landscape 2' area.
129. The supporting policy contained at Table 1 in Chapter 7 of the RASP described this character area as including:

*Land along Sunbury Road (Rural Landscape 2). This land is highly visually from a main entrance to Sunbury and its appearance is important to maintaining a rural approach to the town.*

(Note: text replicated verbatim – noting it contains grammatical errors)

130. From this document alone, I can conclude that:
- 1) Much of the subject site was identified as having low sensitivity to change
  - 2) That it was valued largely as a 'rural' approach into Sunbury
  - 3) The Strategy Plan defined Emu Creek and Jacksons Creek waterway corridors – but no further features of note were identified on the subject site.
  - 4) That the decision made in 2010 to amend the UGB around Sunbury under Amendment VC68 represented a departure from the previous policy of a 'contained' growth approach for Sunbury established by the Sunbury Strategy Plan 1993<sup>19</sup>.

<sup>19</sup> See for example Hume City Council Draft Submission to Melbourne @5 Million.

- 5) The decision to extend the UGB up to and including the subject site also established the likelihood of new conditions alongside Sunbury Road. This meant that the previous identification of this area as a 'rural landscape' forming an entrance feature into Sunbury would be subject to future change.
- 6) That the decision to amend the UGB in 2010, under the Discovering Melbourne's Newest Sustainable Communities (**DMNSC**) process, was an appropriate time to reassess landscape values.

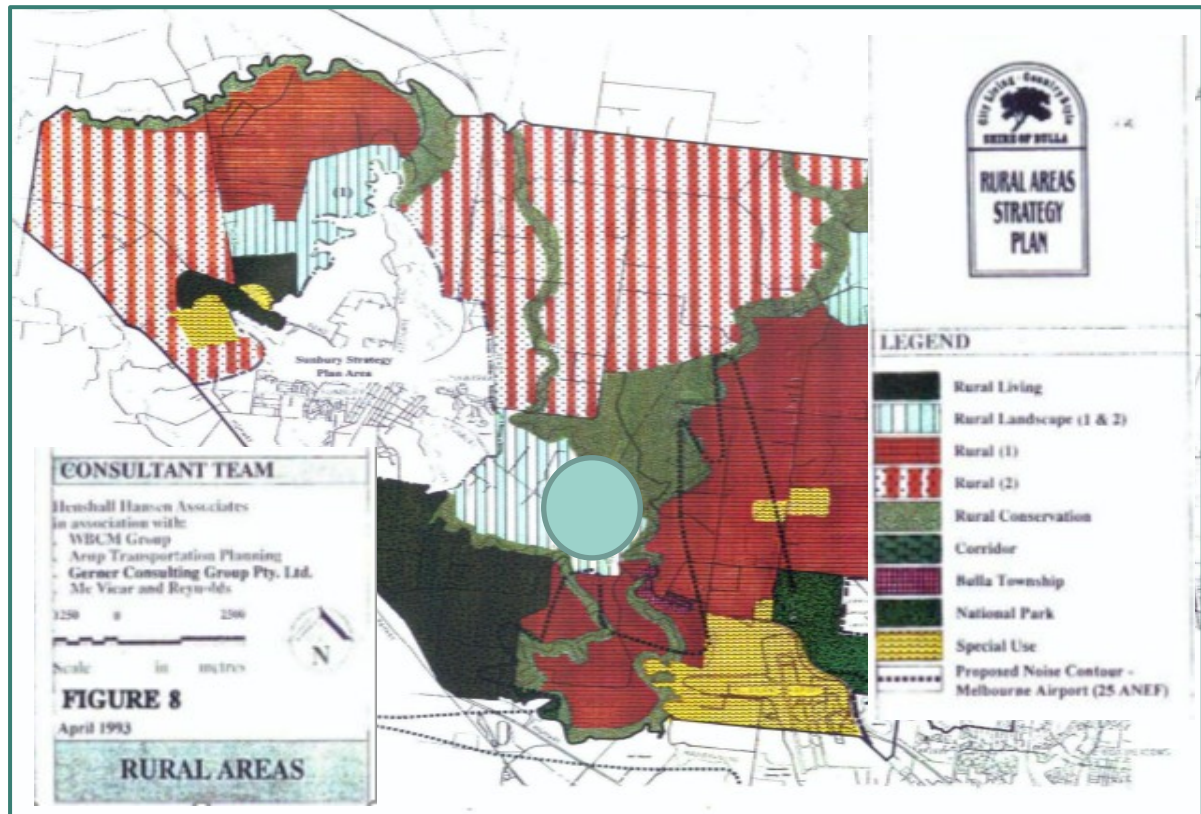


Figure 15 - Rural Areas Strategic Plan, Bulla Shire Council 1993. Note approximate location of subject site within blue circle

#### 5.1.4. Consideration of landscape values under Amendment VC68 – the UGB

131. I have already discussed the context around why the subject site was included into the UGB in 2010.
132. With regard to the range of background reports prepared in support of DMNSC, Technical Report 4: *Landscape Values*<sup>20</sup> (**TR4**) is directly relevant to my consideration here (of landscape values).
133. In the introduction section to TR4, it stated that '*landscape values and imagery of the areas has been identified as a critical consideration*' in the '*future planning and design of the Growth Areas*'.
134. TR4 also stated that 'individual Land Units' with each growth area were identified that had their own '*distinctive landscape character*'.
135. I note that this report did not include the subject site within any 'study unit', as shown on the replicated Figure 7.1 from TR4 below at **Figure 16**. I can only conclude that this study did not consider the **Hi-Quality** site or land to the north-east of Sunbury Road to be of significant value on the basis that it was not included and assessed as part of a 'study unit'.

<sup>20</sup> Delivering Melbourne's Newest Sustainable Communities: Background Technical Report 4: Landscape Values, June 2009, prepared by Landdance Pty Ltd on behalf of the State Government of Victoria.



Figure 7.1: Location of Northern Growth Area (Sunbury) Study Units

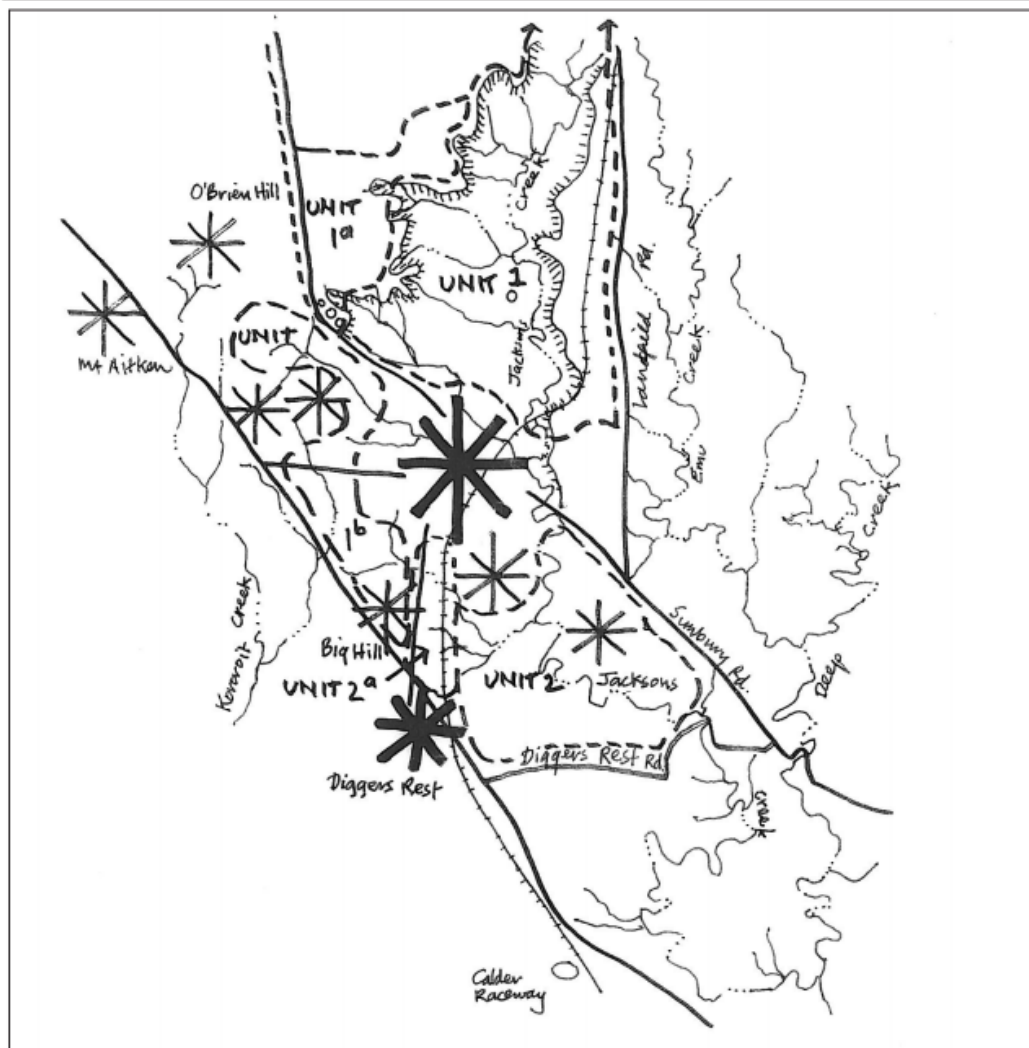


Figure 16 - Replicated Figure 7.1 from the DMNSC Background Technical Report 4: Landscape Values

136. Notwithstanding this conclusion, I note that one of the recommendations of TR4 was:  
*'The development of a thorough visual analysis of each landscape setting, identifying first and second order components of that landscape...'*
137. Prior to the gazettal of Amendment GC68, I am not aware of any further detailed 'visual analysis' being prepared to inform the final UGB alignment.
138. It appears that the 2010 UGB realignment did not identify or attribute any 'landscape values'<sup>21</sup> to the north east of Sunbury Road.

### 5.1.5. Landscape values in the 2012 Growth Corridor Plans

139. Tract Consultants prepared a report that considered open space opportunities to inform the preparation of the draft Growth Corridor Plans (November 2011)<sup>22</sup> – the **Tract Report**. Within its

<sup>21</sup> Not a term specifically defined by the TR4 report.

<sup>22</sup> Tract Report titled: 'Analysis of Opportunities & Priorities for Open Space Network Planning for Melbourne's Growth Areas, 14 April 2011. Report prepared for the Growth Areas Authority.

*Principles*<sup>23</sup> that guided its recommendations, it established the following general outline of 'Landscape Values':

*Landscape Values - 'Sense of Place' and Regional Character*

140. Amongst the attributes listed under this heading that were considered (generally) as contributing to landscape values, it included amongst others the following (noting in particular the one I have highlighted in **bold**):
- *Contribute to and protect the individual identity of each of the growth areas*
  - *Influence the character, form and function of the future neighbourhoods*
  - ***Consideration of visual buffers in the open space network to uses with adverse amenity***
  - *Enhance major transport corridors into Melbourne; protect and enhance valuable city gateways & iconic features (green gateways and urban breaks)*
  - *Manage viewing corridors and vistas to key features with the intention of enhancing 'sense of place' and regional character.*
  - *Features contributing to sense of place might include but not restricted to:-*
  - *Topography – rivers, creeks, major waterbodies, hilltops, valleys*
  - *Natural environments such as grasslands and woodlands*
  - *Regional Parks*
141. In my opinion, this could reasonably infer a that the purpose of identifying 'landscape values' next to the subject site was simply to reinforce buffers to the extractive industry/ landfilling uses ('*uses with adverse amenity*'). This is a very different reason for using the term 'landscape values' when compared to, for example, protection of a key view corridor or heritage setting.
142. Chapter 4 of the Tract Report considered the Sunbury/ Diggers Rest Corridor. At Section 4.2 the Tract Report replied upon a description of the Sunbury Growth Area from the TR4 report to describe the landscape character of this area.
143. The Tract report contains recommending plans. I note that 'landscape values' was not a term used to identify any existing or proposed feature of the landscape. For example, the plan titled '*Design Response, Visual Intent*', as replicated herein at **Figure 17**. This plan identified the rural conservation zoned (RCZ) part of the Hi-Quality site not used for extractive industry as part of the 'proposed regional open space system'. It didn't identify any key views, major ridgelines or other notable landscape features in relation to the subject site as it has done elsewhere on the plan.
144. The final 2012 SDR GCP appears to have used the term 'landscape values' to label residual parcels of RCZ land that were not contained within a 'conservation area' or held within the public parks and recreation zone. I consider that none of the background studies, be it the TR4 background report (prepared for DMNSC) or the Tract Report adequately address the extent of landscape values now shown in the draft exhibited PSP, most particularly in relation to the subject site.
145. I acknowledge that the VPA has reviewed some of the areas noted as 'regionally significant landscape values' across the PSP and conceded that, in some instances, some additional developable land may be achievable within the PSP area.
146. Above, I have identified that the Tract Report used the term 'proposed regional open space' to label some of the subject site. The exhibited draft PSP does not include any of this land as part of a defined regional park, noting that the Land Budget at Section 2.3 of the exhibited draft PSP identifies 0% Regional Open Space within the PSP area.

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<sup>23</sup> See page 6-7 of Tract Report



Figure 17 - Tract - Growth Corridor Plan Background Report - Plan of Visual Intent



### 5.1.6. City of Hume Submissions and HIGAP Spatial Strategy

147. In the context of the above assessment relating to the 2010 UGB changes under the Melbourne @5 Million and DMNSC process I have also reviewed the City of Hume submission to 'Response to Delivering Melbourne's Newest Sustainable Communities' (July 2009) and in particular the part focused on Sunbury from Section 5.1 onwards. At 5.1 (*Urban Growth Boundary Alignment*). It includes a map that identifies no obvious landscape sensitivities on the part of the subject site not used as a quarry (including its buffers). It also suggested potential for future residential use of the investigation area. See **Figure 18**. I accept that this was a high-level submission.
148. Since the Council's RASP was prepared in 1993, I have not identified any more recent Council policy that contemplated 'landscape values' in the context of the changes to the urban growth boundary in relation to the subject site.

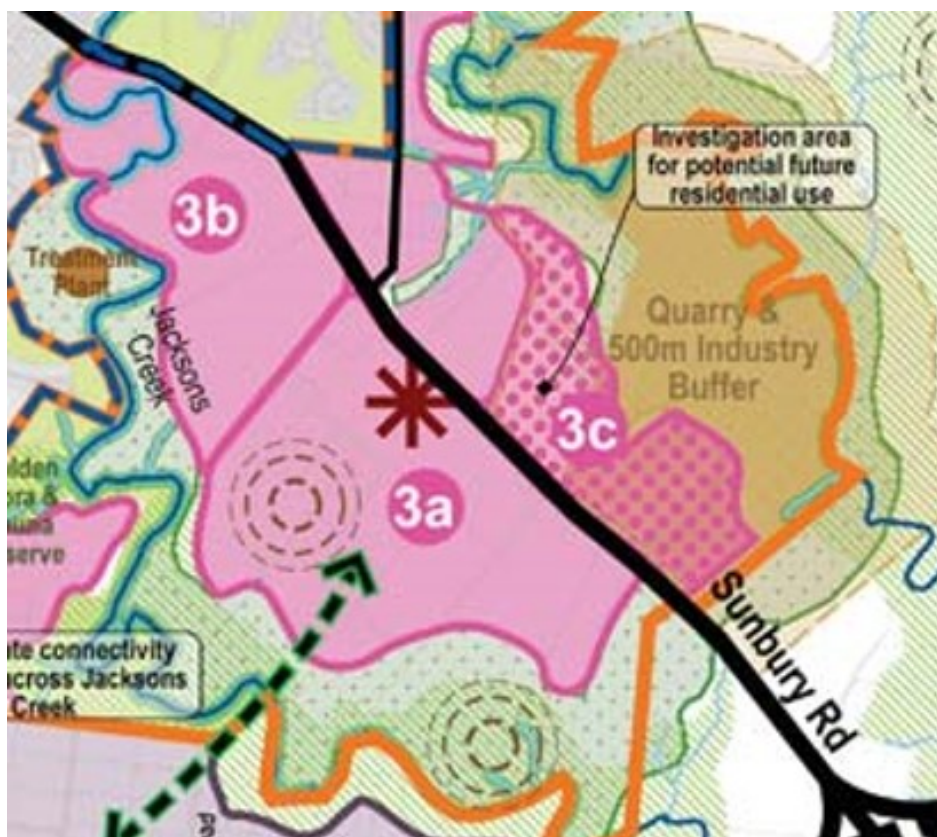
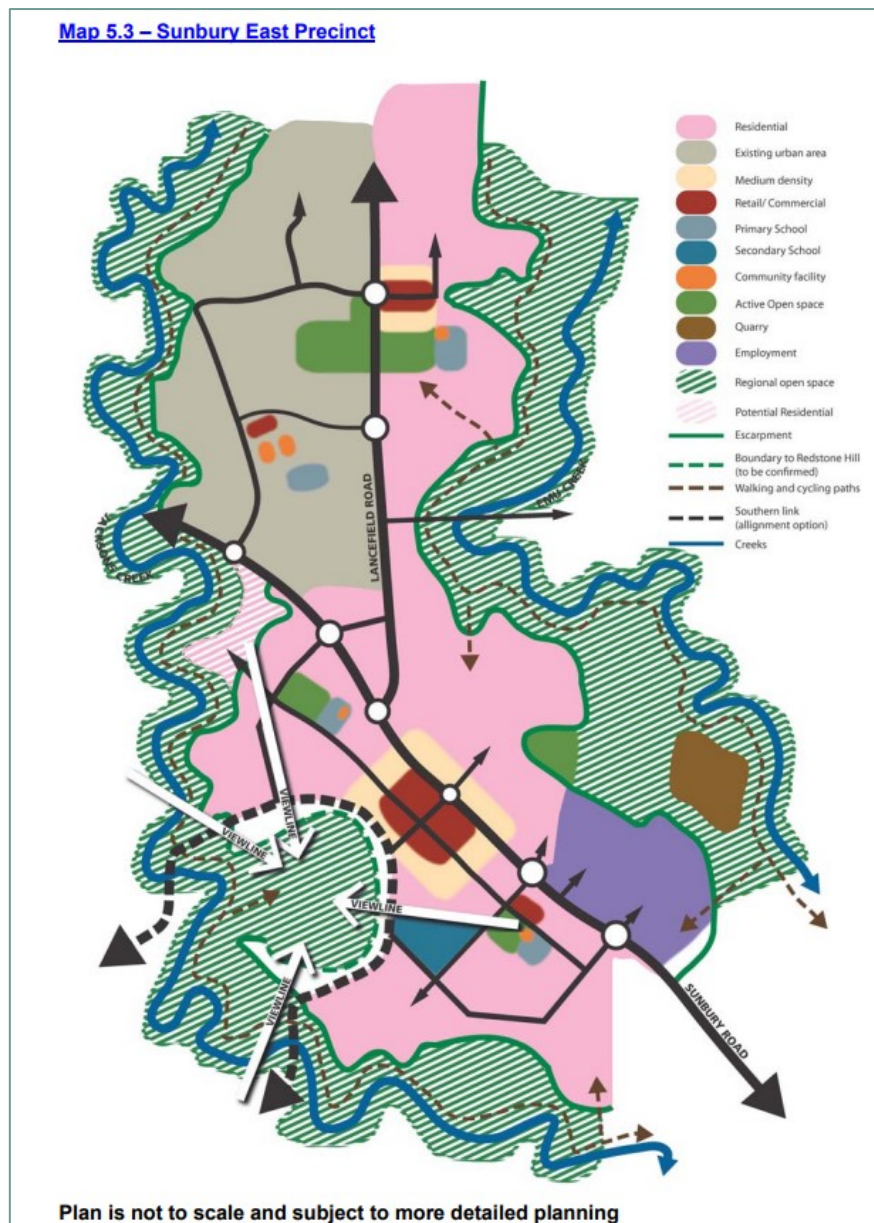


Figure 18 - Hume City Council submission to DMNSC, 2009 showing suggested residential use (area 3c) of the subject site and no obvious landscape value constraints.

149. I have also considered the City of Hume's HIGAP Spatial Strategy 2012 (**HIGAP**) that informs Council's position on future planning for Sunbury. Amongst its spatial strategies, it identified a series of Precincts. The Sunbury South PSP area is partly included in the HIGAP *Sunbury East Precinct*. Map 5.3 *Sunbury East Precinct* from HIGAP is replicated at **Figure 19**. It sets out an overall framework of land use, key connections (road, public transport, activity centres, and walking and cycling paths<sup>24</sup>.
150. I note that much like the City of Hume submission to the 2010 UGB process, this plan again identifies 'regional open space' along Emu Creek and industrial and residential development on the part of the subject site not constrained by the (labelled) quarry.

<sup>24</sup> I acknowledge that Map 5.3 contains a note that the plan is subject to more detailed planning. A recognition I understand toward future PSP processes.

151. The HIGAP states that it was produced alongside the Growth Corridor Plans and aligns closely, as acknowledged in Section 1.4 (page 5) of HIGAP.
152. As far as the subject site is concerned, there is a misalignment between Map 5.3 (of the HIGAP Spatial Strategy) and the GCP in terms of areas identified for possible development and areas labelled shown as non-urban or shaded green (as landscape values in the GCP).
153. In my assessment, I have found that there are various approaches to the illustration of 'green areas' (landscape values) on the many different plans affecting the subject site – be it the draft GCP, Tract background report, HIGAP or even the current exhibited draft PSP. This is not a concern in my opinion. What I find most telling is that none of these plans have been able to identify, even at a high level, any particular 'landscape values' or features on the subject site that would, in my opinion, prevent non-quarry or landfill land coming forward for development.



154. ESO1 that applies to subject site (including parts of the areas defined as landscape values) has been in place for a considerable time. As noted earlier, its purpose is to provide protection to 'Rural waterways and environs'.

155. The Melbourne Water submission (during exhibition of the PSP) has requested that 'landscape values' be de-coupled from waterways. The VPA's Part A submission<sup>25</sup> has acknowledged that changes to the PSP will be made to separate 'waterway/ drainage' reserves as distinct to 'regionally significant landscape values'. The changes outlined in the VPA's submission suggest that potentially developed land is likely to see land identified as 'land not serviced by Development Services Scheme'. I note at the time of writing that the subject site is not currently considered to be 'developable' by the VPA or Melbourne Water.

### 5.1.7. Management role for areas of landscape values?

156. In the 2012 HIGAP Spatial Strategy, it contains discussion on how areas with significant environmental value should be protected.
157. I note that a small node of 'active open space' on the subject site was detailed on Map 5.3 of HIGAP. This node is not included in the exhibited draft as either a local sports reserve or local park. It remains as 'uncredited' open space.
158. It highlights my earlier concern about the designation of landscape values in the open space categories of the PSP's land budget. It is, effectively, a 'reservation' of the residual areas of land not included in a conservation area, Melbourne Water 'waterway'; 'regional park' or identified for active or passive open space.
159. There does not appear to be an obvious mechanism for the future management of areas of 'landscape values' that are not designated as parks in the PSP. HIGAP states (noting that I have highlighted the final 'strategy'):

#### *Environmental Protection*

*The most significant areas of native vegetation and biodiversity are located in the areas zoned Rural Conservation Zone (RCZ) along Jacksons Creek and Emu Creek. Likewise, the areas of greatest landscape sensitivity are also covered by RCZ. To ensure their long term protection and management these areas, and to ensure the greatest community benefit of these areas and the resources required to achieve this protection, these will form part of the future Regional Parks.*

*There will be other areas of native vegetation and biodiversity that need to be protected through development. Where possible these areas will be conserved and form part of local open space parks or linkages.*

#### *Strategies*

*To protect areas of environmental significance the following strategies will be pursued:*

- *Continue to implement the three step approach to native vegetation management as detailed at Clause 12.01-2 of the Hume Planning Scheme.*
- *As far as practicable, require conservation reserves containing important habitat to be linked by habitat corridors.*
- *Ensure that the masterplans prepared for the Jacksons Creek and Emu Creek Regional Parks protect and provide public access to the significant environmental and landscape assets, and the natural and visual qualities of the Jacksons Creek and Emu Creek corridors.*
- *Promote the protection and long term management of other significant environmental and landscape features such as hilltops, creeks, escarpments and significant native vegetation but where possible encourage public access through incorporation into open space.*
- ***Require such areas to be appropriately managed and if transferred to public ownership require appropriate management plans and funding as agreed with the applicable management authority.***

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<sup>25</sup> See VPA Part A Submission, Appendix A: 'Submissions Register' – 7 August 2017 for response to Melbourne Water submission No. SS77.



160. To designate land as undevelopable, not credited (within the PSP land budget) but part of an open space network – it would suggest that the planning authority must be certain about the values that warrant its preservation. I do not believe that the exhibited draft PSP, the SDR GCP or any other strategic planning documents have adequately established that there are any values on the subject site.
161. The land should not be 'set aside' or effectively reserved if it is capable of being developed. Otherwise it should form part of the 'credited open space' network as a minimum, notwithstanding.

### **5.1.8. Conclusions about the strategic basis of the 'landscape values' designation in the PSP**

162. I have reviewed a range of policies, strategies and background reports that have considered the natural landscape around Sunbury. The 2010 UGB alignment represented perhaps the single biggest change to the town's growth strategy. This extended the UGB into rural areas around the existing township boundaries, including the subject site. Re-assessment of the landscape and its values was, therefore, an integral part of that shift.
163. The background reports prepared for the DMNSC process and the Growth Corridor Plans contemplated 'landscape values' as part of an assessment of the overall characteristics of the landform and open space strategy.
164. The draft 2011 Growth Corridor Plan was the first time the term 'landscape values' appeared on a strategic plan for Melbourne's Growth Corridors.
165. The background Tract Report used to prepare the draft Growth Corridor Plan did not (much like the TR4 report for DMNSC) recognise any landscape values on the subject site (beyond those that form part of the Emu Creek waterway and Biodiversity Conservation Strategy (BCS) conservation corridor.
166. I understand that the findings of the expert evidence prepared by Alan Wyatt conclude that there are no significant landscape features present on the subject site that require the areas of 'landscape values' to be maintained in situ and that with careful consideration of landform and engineered outcomes, some of this land could be used for a range of purposes, including development.
167. For the reasons set out in my assessment, I find the designation 'landscape values' or 'regionally significant landscape values' carries little weight in respect of the subject site.
168. I make the following findings in respect of 'landscape values' on the subject site (as delineated in the exhibited draft PSP):
  - There is no strategic planning support for the retention of land on the subject site as landscape values – effectively a reservation. Landscape values appears to be residual areas of land not sitting within a conservation area or regional open space. They have no obvious role or management mechanism.
  - That in principle, this land could be used for development, subject to satisfactory consideration of the physical capacity to develop the land (a point considered in the following section.)

## **5.2. CREATING ADDITIONAL NET DEVELOPABLE AREA - DRAINAGE AND LANDSCAPE MODIFICATION**

169. In the previous section, I have considered the principle of whether parts of the subject site are 'protected' by landscape values.
170. The HQ Concept Plan contemplates modification to the existing landform on the subject site, as illustrated in the plans contained at **Appendix B**. It contemplates uses of land currently protected by the 'regionally significant landscape values' designation in the exhibited draft PSP. Having found that this designation carries little weight and that it could be considered for development, the next question is can the land be developed?



171. The HQ concept plan would create an additional 47.24ha of NDA, increasing the developable area of the subject site from 114.91 hectares to 162.15ha.
172. I understand that a workable solution is available that would address drainage, slope and fill requirements affecting parts of the site. This will result in an engineered fill solution that would create the additional NDA on the subject site.
173. Separate evidence will consider the technical engineering aspects of this and I will defer to the expertise of others regarding the technical requirements and options needed to engineer this outcome. I am comfortable that a satisfactory outcome can create suitable land for development.
174. The proposed program of cut and fill would
  - Commence once certainty can be provided about the future of the subject site's future uses.
  - Take approximately 10-15 years
  - Require early decisions about land use in order to enable the type of fill to be appropriately prepared
  - Enable land to be made ready for development (for any use: residential, commercial or industrial uses) but which would require different filling if the land was only to form open space.

### **5.2.1. Conclusions about drainage and landscape modification**

175. I make the following conclusions about the ability to engineer additional NDA on the subject site:
  - A technical engineering solution is available that will enable additional NDA to be created on the subject site – subject to relevant approvals.
  - A drainage solution that can achieve best practice standards in line with Melbourne Water requirements can be realised
  - The drainage solution would be capable of meeting best practice stormwater retardation to control peak flows and provide best practice stormwater quality.
  - I have relied upon the technical evidence of other experts to confirm the above.
176. Alongside my findings in respect of 'landscape values' – I find no reason why the proposal to modify the landscape through engineering and drainage works is unacceptable from a strategic planning perspective. I find that this could enable additional land within the UGB to be brought forward for development to meet housing and employment needs (subject to consideration of appropriate uses). This would represent an efficient and highly sustainable use of land, a finite resource within the UGB.

## **5.3. PART 1 CONCLUSIONS – ADDITIONAL DEVELOPABLE LAND AND RESPONDING TO THE DEMANDS OF POPULATION GROWTH**

177. Overall, I consider that the principle of creating additional net developable area within the PSP is sound. There are no landscape values of any demonstrable value and an engineering and drainage solution that could create additional developable land.
178. Using land within Melbourne's UGB efficiently and to the best of its ability is important to meet increasing growth pressures. Plan Melbourne contextualises the current population boom being experienced by Melbourne:

*Over the past two decades, Melbourne has been in the midst of a third great demographic change that rivals the Gold Rush and the post-War boom. This new wave of growth is driving a population boom in inner-city places such as Southbank and Docklands, as well as outer-suburban development in the west, north and south-east.*

*In the process, Melbourne has become a global city: a diverse, multicultural home to more than 4.5 million people that covers approximately 9,000 square kilometres—and Melbourne's third wave of growth is not yet finished.*

***The challenge is to manage this third wave of growth so all Melburnians can benefit from the prosperity and choice it brings—well into the 21st century***

*Note: My emphasis*

*'How Melbourne has grown', Plan Melbourne, page 5*

179. From a planning policy perspective, the efficient use of land within the UGB is of ever increasing importance. Continued population growth is significantly impacting the way that land is used, the intensity of land use demand and the overall demand on services and utilities.
180. The subject site was included into the UGB based upon an understanding that existing uses would, eventually transition off the site and that sensitive interfaces would, over time, disappear.
181. For this reason, it is important that the PSP and the planning framework of the UGZ Schedule clearly establishes the future use of the additional NDA so that the correct steps can be put in place to engineer the outcomes around the phased movement of quarrying and landfill activity on the land.
182. To delay this process for a later time is inappropriate if effective planning is to take into account the significant amount of drainage and engineering commitments required to transition the subject site. The PSP needs to provide greater certainty of outcome to its owners now in order to commit to the proposed outcomes.
183. Recent metropolitan planning has been severely challenged by upward revision to population projections for metropolitan Melbourne and this has impacted significantly on the planning response that has been adopted.
184. By way of illustration, I refer to the 1954 Plan that anticipated a future metropolitan population for Melbourne of 2.5 million people by 2000<sup>26</sup>.
185. This was actually reached between the census period 1966 and 1971<sup>27</sup>, far in advance of the projections anticipated by the original 1954 MMPS.
186. This is similar to more recent trends since 2002 and the preparation of Metropolitan planning strategies Melbourne 2030 and Plan Melbourne. Population projections have regularly proved to be below actual growth rates and required revision of projections – typically upwards as the population has grown quicker than anticipated.
187. To illustrate this point, Melbourne 2030 was prepared on the basis of an additional one (1) million people over the plan period (2002 to 2030) and advancing the metropolitan population of Melbourne to 4.6 people (based on a high growth scenario).
188. Metropolitan Melbourne, already at a population of 4.2 million people in 2012 had grown to 4.56 million by 2015<sup>28</sup>. The current population is already, therefore, toward the upper end of the growth predicted by Melbourne 2030 almost fifteen years ahead of schedule.
189. Melbourne @5 Million (Melbourne 2030: a planning update) was released by the State Government in December 2008 in response to revised *Victoria in Future (VIF)* population projections. VIF anticipated Melbourne would reach a population of 5 million much faster than previously anticipated and, consequently this led to a reconsideration of where urban growth should occur.
190. Melbourne @5 Million was based on the scenario that over 30 years (from 2006 to 2036), Victoria would grow by 2.3 million people, with 1.8 million additional people in metropolitan Melbourne. This varied from the additional 1 million people predicted between 2002 and 2030.
191. The most recent ABS growth projections suggest that metropolitan Melbourne will now grow to between 7.6 million and 9.8 million by 2061<sup>29</sup>. Plan Melbourne, the most recent metropolitan planning strategy, adopted a growth figure of 7.7 million (metropolitan population) to 2051 at the time it was released by the State Government in May 2014.

<sup>26</sup> See *Melbourne Metropolitan Planning Scheme 1954 – Survey and Analysis* report, Part 4 (The People of the Planning Area) by the Melbourne and Metropolitan Board of Works

<sup>27</sup> Source: Australian Bureau of Statistics (ABS): 'Australian Historical Population Statistics', 2014.

<sup>28</sup> See ABS Regional Population Growth, Australia 2014-2015

<sup>29</sup> ABS Population Projections, Australia, 2012 (base) to 2101, 26 October 2013.

192. Plan Melbourne itself was subject to significantly revised population figures during its drafting, whereby the draft released for public comment (9 October 2013) was based on a population of 6.5 million by 2051. This was subsequently revised upwards by 1.2 million people to the projected metropolitan population of 7.7 million by the final version following the release of revised ABS population projection in late October 2013.
193. The above history of population projections highlights the significant ongoing challenge for strategic planning in Victoria but particularly so for metropolitan Melbourne where much of Victoria's population growth is occurring. For example, in the period from June 2014 to June 2015, the ABS estimated that the Victorian population experienced a net increase of 99,400, of which metropolitan Melbourne grew by 91,600 people to 4,529, 500 representing 92% of Victoria's total growth over the twelve-month period.
194. From a strategic planning perspective, it places significant importance on ensuring that the limited land within the UGB is used as efficiently as possible to meet the population growth pressures outlined in Plan Melbourne.

### **5.3.1. Increasing NDA**

195. The exhibited draft PSP represents a relatively low quantum of NDA across it – at 43.5%. Typically, a PSP is expected to achieve in the order of about 70% NDA.
196. The HQ Concept Plan would increase the NDA of the PSP by approximately 5.4%, taking the overall NDA from 43.7% (exhibited draft PSP) to 49.1% (approximate) if the HQ Concept were incorporated into a modified PSP.
197. I accept that the range of constraints affecting the PSP area are significant. The HQ Concept Plan could help to contribute additional housing and employment opportunities close to shops, services, schools and open space. In the context of Plan Melbourne's 20-minute neighbourhood concept, I consider that there is significant policy support to create land for jobs and employment in the right locations.
198. The HQ Concept Plan will enable the subject site to continue to be used for extractive industry and waste and resource recovery policies, including retention of active buffers. Importantly, it also puts in place the necessary planning to facilitate the progressive staged development of land as buffers are actively removed from land. I consider this to be the most efficient outcome for land within the UGB.
199. In the next Section, I consider what the future land uses for the subject site might be in the Part 2 Assessment.

## 6. PART 2 ASSESSMENT: ARE THE USES PROPOSED BY THE HI-QUALITY HQ CONCEPT PLAN ACCEPTABLE?

200. In the previous section of my assessment, I have considered the principle of creating additional NDA to be acceptable.
201. The second part of my assessment now considers what this additional land might be used for in the context of the whole of the subject site and its broader relationship to the PSPs draft FUS and the existing extractive industry and waste and resource recovery uses on the land.
202. Under the following headings, I consider the potential constraints over the use of the land, most notably the buffers associated to the quarry and waste and resource recovering uses (e.g. landfill) that occur on the north-eastern part of the subject site and how these may impact on the future use of land.
203. The proposed HQ Concept Plan proposes changes to the PSP that would introduce approximately 47.64 hectares of additional NDA land into the PSP (for residential and employment purposes). It also proposes to reconfigure the location of industrial use by consolidating it into a single area at the southern end of the subject site.
204. I firstly consider the impact of buffers as this will inform my later consideration of the potential uses of the subject site.

### 6.1. BUFFERS: USE OF LAND FOR QUARRYING AND WASTE AND RESOURCE RECOVERY PURPOSES

205. The ongoing use on the subject site of quarrying and waste and resource recovery uses establishes the following circumstances:
- 1) The subject site is identified within the State's Metropolitan Waste and Resource Recovery Infrastructure Plan (SWRRIP)<sup>30</sup> as a State Significant Hub for organics processing – known as the Veolia Organics Facility, Bulla.
  - 2) Table 11 (*Metropolitan landfill sequence of fill*) of the *Metropolitan Waste and Resource Recovering Implementation Plan (MWRRIP)* identifies the Hi-Quality Bulla landfill and an estimated likely closure date beyond 2046.
  - 3) Buffers associated to the range of established uses on the subject site need to be clearly identified and any development and land use in proximity managed in response to the sequenced and staged pattern of extraction/ landfilling so as not to adversely impact these uses.
206. Given the State Significant status of the waste and resource recovery facilities and the landfill capacity of the Hi-Quality site, I have assumed that these uses, along with quarrying, will continue to operate to their projected lifespan. I have furthermore assumed that the identified buffers, work authorities and other licensing requirements remain in place to ensure that any adverse impacts to the surrounding area are retained within buffer areas.
207. I have assumed that the pattern and sequencing of quarrying, landfill and remediation will be programmed such that that buffers will be sequentially reduced and/ or removed from land currently constrained.
208. State policy, both town planning (e.g. Plan Melbourne) and the waste resource recovery strategic framework prepared under Division 2AB of the Environment Protection Act 1970 (**EP Act**) contemplate integrated decision making with regard to the identification and safeguarding of important waste and resource recovery facilities for Victoria. I summarise the EP Act framework below.

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<sup>30</sup> Amendment Consultation Draft July 2017.



209. State Policy, at Clause 14.03 - *Resource exploration and extraction* deals with extractive industry. It has the following objective:

*To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.*

210. Amongst the Strategies of Clause 14.03, it includes the following:

*Buffer areas between extractive activities and sensitive land uses should be determined on the following considerations:*

- *Appropriate limits on effects can be met at the sensitive locations using practical and readily available technology.*
- *Whether a change of land use in the vicinity of the extractive industry is proposed.*
- *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.*
- *Performance standards identified under the relevant legislation.*
- *Types of activities within land zoned for public use.*

### **6.1.1. Waste and Resource Recovery policy under the Environment Protection Act 1970 (as amended) and relationship to State Planning Policy**

211. The Environment Protection Act 1970 (the **EP Act**) is the principal legislation that sets out Victoria's regulatory framework for environmental protection, including waste management.
212. The EP Act was amended in August 2014 to establish the Victorian Waste and Resource Recovery Infrastructure Planning Framework and to implement many of the actions of the State's Waste Policy *Getting Full Value* (see following section). The framework requires and facilitates the need for strategic planning for waste and resource recovery and requires an integrated planning approach for the State.
213. More particularly Section 50 of the EP Act establishes the scope and content of the Statewide Waste Resource Recovery Infrastructure Plans (SWRRIPs) and the Regional Waste Resource Recovery Implementation Plans (RWRRIPs). The MWRRIP, referenced further above, is the relevant plan affecting Melbourne's metropolitan area.
214. The RWRRIPs require a plan to be prepared setting out how waste and resource recovery will be managed over a 30-year period.
215. The current State Planning Policy Framework (**SPPF**), at Clause 19.03-5 - *Waste and Resource Recovery*, provides the bridge from environmental policy to planning policy. It was updated by Amendment VC134 in March 2017 to reflect the waste infrastructure planning framework established under the EP Act.
216. Clause 19.03-5 of the SPPF has the following objective:

*To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills*

217. Strategies to achieve this objective are:

- *Establish new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource.*
- *Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.*
- *Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.*

- *Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.*
- *Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.*
- *Enable waste and resource recovery facilities to locate in close proximity in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.*
- *Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).*
- *Integrate waste and resource recovery infrastructure planning with land use and transport planning.*

218. In my opinion this integrated approach provides a clear policy intent toward safeguarding operating and future waste and resource recovery facilities.

### 6.1.2. Maintaining buffers and transition

219. As per Clauses 14.03 and 19.03-5, State planning policy seeks to ensure that the encroachment of 'sensitive uses' toward quarries and important waste and resource recovery facilities is avoided and appropriate decisions about land use buffers achieved through integrated planning processes, such as PSPs.
220. I am instructed that buffers will recede over time as quarrying (blasting/ extraction) and landfill activities move from the northwest to southeast of the subject site. I am instructed that, in the worst-case scenario, there will be no buffer associated with Veolia from 2028/2033 as there is no possible scenario in which it will be operating in a manner that requires a buffer over the land shown for residential (on the HQ Concept Plan) by 2028/2033.
221. I am also instructed that it is not yet known when there will no buffers affecting the land identified for development, but that it will likely be post 2046.
222. From these plans, I understand that:
- 1) The most significant of the buffers is associated to the composting facility.
  - 2) That a buffer of 1.3km is currently proposed and not being challenged currently.
  - 3) That it is unlikely that sensitive uses can occur within the composting facility buffer and that there would need to be a vigorous assessment prior to any such use being contemplated. As above, this restraint will not exist beyond 2028/2033.
223. In the long-term interests of planning for the site, certainty for the land needs to be established through the planning process as this will significantly impact how site remediation and fill are programmed.
224. For example, I understand that the filling method (e.g. compaction) and rehabilitation of the site required would be very different for urban development purposes compared to open space. Likewise, the different compaction methods used would alter between industrial and residential uses. This needs to be understood well in advance given the significant cost of works and engineering involved.
225. I consider appropriate methods for clarifying the future intent of the land later in my assessment at Section 6.4; however, a clear balance in the planning framework needs to be established that clearly establishes a future intent for the development of land BUT also to put in place very clear controls to safeguard against any sensitive uses coming forward prematurely.

## 6.2. LAND USES

226. In the previous sections of my assessment, I have contemplated both the physical capacity to develop the parts of the site currently identified as 'landscape values' and, subsequently, the creation of additional NDA.
227. In satisfying myself that this additional land for development would be an acceptable outcome, I then considered the limitations created by buffers and the impacts of the quarry extraction and waste and resource recovery programmes.
228. These investigations have informed me that progressively, the parts of the site not being quarried or used for landfill can be brought forward for urban development. In my opinion, this enables the configuration of land proposed in the HQ Concept Plan to be effectively managed in stages so that no sensitive use (predominantly residential) would be impacted by buffers. Likewise quarrying and landfill would not be unduly impacted. This would represent an efficient and effective use of land within the UGB.
229. In this regard, I consider it good strategic planning practice that the PSP contemplate this longer-term outlook and plan for this outcome, as per the reason for first including the subject site into the UGB in 2010 (as discussed earlier in my assessment).
230. At this point, I make reference to the planning work that has been undertaken by the VPA in respect of the *Northern Quarries Investigation Area*.
231. In the VPA's<sup>31</sup> document titled '*Draft Addendum to the Growth Corridor Plan: Managing Melbourne's Growth*'<sup>32</sup> (**NQIA Draft Addendum**), it contemplates future land use around a number of quarries and other utility infrastructure sites (in the North Growth Corridor). In particular, the work contemplated the future land use outcome for the large Austral Quarry and Brickworks site at Brick Makers Drive, Craigieburn beyond the projected 10-15-year operating lifespan of the quarry. It contemplated future residential use for the Austral bricks site, noting that it is still operating.
232. This provides an important example of longer term planning that will enable appropriate rehabilitation programmes to be put in place for future use.
233. My consideration of future land uses assumes that:
- 1) Land, as shown on the HQ Concept Plans, is made available for development, including additional NDA land.
  - 2) That buffers are removed from the land, as anticipated, thereby allowing sensitive land uses to be considered.
234. The proposed HQ Concept Plan anticipates the following overall net changes to land uses on the subject site when compared to the current exhibited draft PSP:

Table 1 - Land budget changes proposed by HQ Concept Plan.

Proposed land use	Existing PSP (as per land budget <sup>33</sup> ) – in hectares (ha)	HQ Concept Plan – proposed area in hectares (ha)	Approximate Net Difference +/- hectares (ha)
Employment - Industrial (Could include bulky goods uses)	48ha (includes 4.95ha light industrial (IN3))	59.87ha <sup>34</sup>	+11ha
Residential	66.91	102.29ha	+35.38ha
Total	114.91	162.55ha	+47.64ha

<sup>31</sup> Prepared by the VPA under its former operating title of MPA.

<sup>32</sup> See: [https://vpa.vic.gov.au/wp-content/uploads/2015/05/NorthQuarries\\_Addendum\\_document.pdf](https://vpa.vic.gov.au/wp-content/uploads/2015/05/NorthQuarries_Addendum_document.pdf)

<sup>33</sup> As taken from Section 2.3 – Land Budget in the exhibited draft PSP.

<sup>34</sup> See plans prepared by Taylors, included at Appendix 3.

235. I consider that the key land use issues relevant to the subject site and the HQ Concept Plan are:
- 1) Is the proposed HQ Concept Plan generally consistent with the SDR GCP?
  - 2) Does the proposed arrangement of land uses represent a reasonable and logical planning outcome?

### **6.3. CONSISTENCY OF THE HI-QUALITY CONCEPT PLAN WITH THE SDR GCP**

236. Table 1 in the previous section summarises the HQ Concept Plan's proposed changes to the PSP land use outcomes. Increasing the overall NDA of the PSP by 47.64ha, it illustrates that the overall amount of employment land (industrial, employment and commercial) would be increased by some 11 hectares, while the additional residential area could increase by up to 35.38 hectares.
237. Noting that Melbourne is continuing to grow at a strong rate of approximately 100,000 people per annum, the ability to create an additional residential and employment land will be an important contribution toward helping Melbourne to provide additional housing and jobs within the UGB.
238. For the above reasons, I consider the HQ Concept Plan to not only be 'generally in accordance' but would positively exceed the key land use outcomes shown on the SDR GCP in respect of the provision of land for employment and additional land for housing purposes.
239. I have already considered the SDR GCP's use of the term 'landscape values' and found that it has limited strategic support in terms of any definition or application as a land use designation. The designation should be removed to enable the additional NDA.
240. I understand that separate evidence will be provided by Matt Ainsaar that considers employment land needs within Sunbury. I further understand that it generally concludes that:
- The amount of employment land proposed by the exhibited draft PSP is approx. 47.87ha.
  - The HQ Concept Plan would result in a total of 59.87ha of employment land, an additional 11+ hectares compared to the exhibited draft PSP.
  - There is a current projected demand for bulky goods of up to approximately 15.5ha of land alongside Sunbury Road.
  - That if the projected demand for bulky goods occupied the employment land on the exhibited draft PSP – it would reduce the availability of industrial land (for industrial uses) to approximately 32ha.
  - The HQ Concept Plan would increase the 'pure' industrial land supply, even allowing for 15ha of bulky goods to 44ha (approximately).
  - That the VPA's own background report by Hill PDA indicated that approximately 9ha of land was needed for showroom/ motor vehicle uses in the Sunbury South PSP.
  - Typically, showroom uses require a visible frontage.
  - The HQ Concept Plan would be capable of providing better employment land outcomes when compared to the exhibited draft PSP.
241. For these reasons, I am satisfied that the changes to the PSP proposed under the HQ Concept Plan would achieve the correct balance between housing and employment outcomes for the longer-term future and even provide more scope for growth than allowed by the exhibited PSP.
242. The HQ Concept Plan proposes to appropriately separate industrial and residential uses. I would recommend a 'softer zone' is put along the Sunbury Road frontage to ensure that this approach into Sunbury is not fronted by typical industrial uses/ buildings.
243. The PSP zones should be modified to include an appropriate zone, preferably to the Sunbury Road frontage to accommodate the anticipated demand for 15.5ha of bulky goods and showroom/ motor vehicle uses. The HQ Concept Plan could be modified by indicating such an area within the 'industrial' land area fronting Sunbury Road. A 'Commercial 1 or 2 Zone' would be more facilitative than an Industrial 1 Zone. Residential or supermarket uses could be 'scheduled out' or limited by the UGZ schedule – as appropriate to ensure an employment focus for this area.



## **6.4. ENABLING THE USE OF LAND CURRENTLY CONSTRAINED BY BUFFERS – SUGGESTED PLANNING CONTROLS**

244. Where land on the subject site is suitable for future urban development purposes, but subject to resolution of drainage, fill and buffer constraints, I consider it appropriate that a longer term strategic plan for the use of this land is established within the PSP.
245. The PSP is the guiding detailed strategic planning framework for this area including the subject site. Land around the existing quarry and waste and resource recovery facilities that might currently be affected by buffers will, in time, have the ability to accommodate sensitive uses.
246. This land, as well as parts of the quarry itself, will require a rehabilitation plan, filling and drainage solutions (as relevant to the land parcels) to make it development ready. This will need to be informed by the PSP providing clear guidance about future use.
247. I understand, for example, that filling programs need to be informed early about future use so that the correct fill and compaction methods are utilised way in advance of the end of the extractive use. The significant cost and process required to undertake this in respect of the subject site is considerable.
248. There are several possible changes to the PSP that could address the medium to longer-term use of the land. The reason for doing this would be to provide all stakeholders with longer term certainty about how the land would transition into urban use.
249. I recommend the following to address sensitive land uses (residential) within current buffer areas in the PSP:
- 1) Clearly identify all future residential land 'future urban' in the PSP.
  - 2) Zone all land shown in the PSP as 'future residential' to Urban Growth Zone and apply the General Residential Zone (GRZ) as the 'underlying zone'.
  - 3) The exhibited 'special provision(s)' in the draft PSP relating to sensitive uses in buffers are considered to adequately address the use of land to be identified as future residential.

## 7. CONCLUSIONS

250. In summary, I have found that:

- 1) The Sunbury South PSP area was included into the Urban Growth Boundary under Amendment VC68 in August 2010.
- 2) The exhibited draft Sunbury South PSP has adopted a relatively sound approach to the future urban structure (FUS), except that it has not adequately contemplated the future use of the Hi-Quality land (the subject site) in the scenario that the current extractive uses and waste and resource recovery facilities reach the end of their operational lifespan and/ or transition into remediation.
- 3) As part of the State Government assessments that considered the suitability of land for inclusion into the UGB between 2008 and 2010, various land constraints were considered, including lifespan of existing extractive industries, buffers and landscape qualities, such as those on the Hi-Quality site
- 4) This was evidenced in the Background Technical Report 1: Land Capability<sup>35</sup> (*Land Capability*) prepared as part of the DMNSC UGB realignment process that considered the Hi-Quality land (the subject site):

*If the quarry does fall within the UGB, the owner may be willing to cease operations sooner and open the area up for staged redevelopment. Council also noted that land fronting Sunbury Road within the quarry site may be available for development based on the future operation of the quarry since the quarry site is moving to a different area within the tenement. Due to this flexibility indicated by the owner, the quarry has been highlighted as posing a medium (orange) level of constraint to development.*

- 5) The alignment of the UGB was based on the development potential of land.
- 6) I have considered the submission made during the draft Sunbury South PSP exhibition period by Hi-Quality. It put forward an alternative future for land in the buffers to the existing quarry and waste and resource recovery facilities at 570, 580, 600 and 650 Sunbury Road - the subject site.
- 7) In consideration of the concept plan for the subject site prepared by Hi-Quality (the HQ Concept Plan). It has required me to consider the following issues:
  - 'Landscape values' - what are they and do they need to be retained?
  - Drainage and landscape modification – the strategic planning implications of creating additional net developable area within the PSP.
  - Extent of buffers – the extent of existing landfill and quarry buffers and their impact on future land use and development outcomes
  - Future land use – what might the appropriate use of land be on the Hi-Quality site including any additional NDA?
- 8) Following my assessment of the HQ Concept Plan I have found that:
  - There is no obvious strategic basis to the current designation of land as 'regionally significant landscape values' shown in the exhibited draft PSP that would merit their retention in full or in part.

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<sup>35</sup> See 'Foreword', page 4, in *Discovering Melbourne's Newest Sustainable Communities Background Technical Report 1: Land Capability*, June 2009, prepared by Parsons Brinkerhoff on behalf of the State Government of Victoria.

- I understand, based on the expert opinion of others, that the subject site can be physically modified through a programme of engineered cut and fill to create additional net developable area (NDA).
  - Satisfactory drainage outcomes can be achieved on the subject site, as per the above-mentioned cut and fill engineering works and as per the expert opinion of others that I have relied upon.
  - The reason the subject site was included into the UGB was because of the anticipated medium term operational lifespan (of quarry/ landfill) and the potentially developable land contained within the site.
  - A staged program of development could reasonably see subject site progressively brought forward for development as quarry and landfill buffers are removed from land – subject to an appropriate planning mechanism being introduced into the PSP (and other environmental assessments).
  - The continued use of the site for quarrying and waste and resource recovery purposes need not be adversely impacted if managed through appropriate planning controls
  - That employment outcomes put forward by the HQ Concept Plan would exceed those proposed by the current exhibited draft PSP by approximately 11+ hectares of land, based on the expert opinion of others that I have relied upon.
  - That the housing outcomes i.e. choice, affordability, diversity would exceed those currently proposed by the exhibited draft PSP
- 9) Overall, I consider that the PSP should be amended to enable the additional NDA to be created via a programme of engineered cut and fill – generally as shown on the HQ Concept Plan. Alongside this, a managed program of bringing this land forward (as buffers are removed) would represent a sound strategic planning outcome for the subject site and the PSP. It would provide the following benefits:
- Provide certainty to all stakeholders regarding the future strategic intent for the subject site
  - Provide certainty to enable the landowner to commit to the significant engineering, drainage and remediation works that would be required to prepare the land for urban development purposes. I note the significant lead-in times required to modify the landscape and why early decisions need to be made now to enable this to happen.
  - In the context of continued significant and burgeoning population growth, the creation of additional housing and employment land within the current UGB would, in my opinion, represent a highly efficient and sustainable future for the subject site, entirely consistent with policy requirements.
  - That the program of managing buffers and establishing sensitive uses can be adequately controlled via appropriate planning controls.





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# **APPENDIX A      SITE AREA & PLANNING INFORMATION (ZONES, OVERLAYS)**



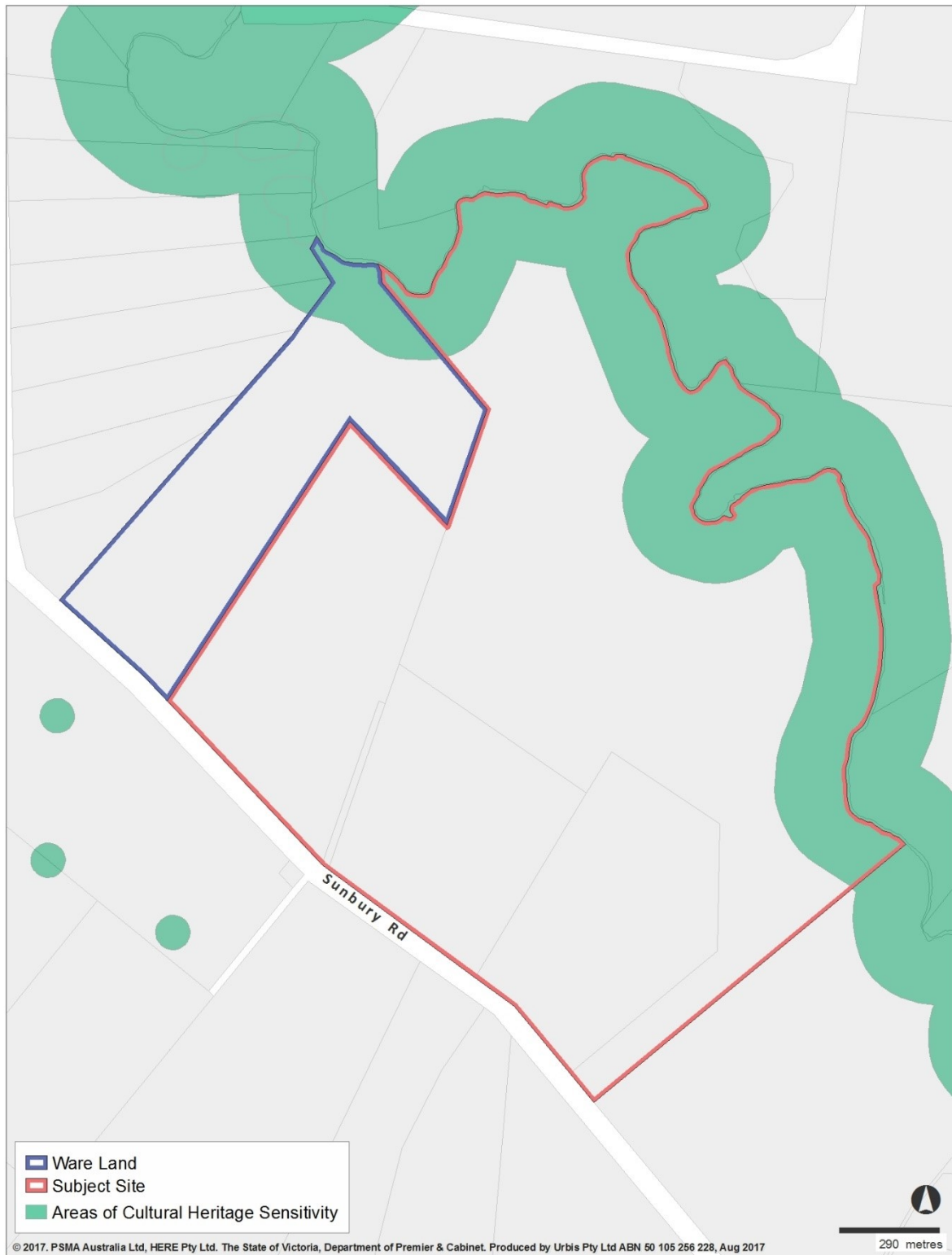




**URBIS**

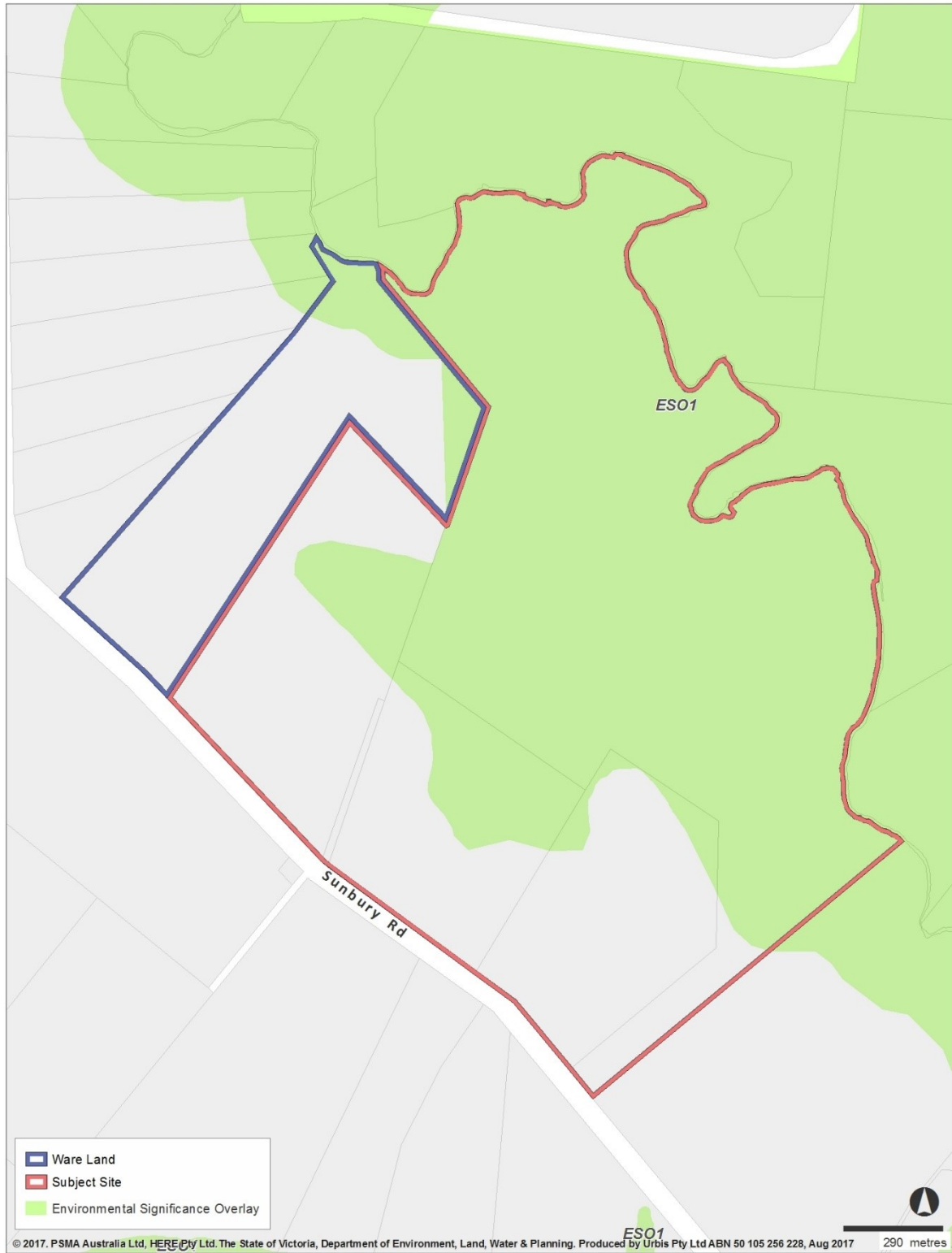
**600 SUNBURY ROAD, BULLA**  
 SITE LOCATION





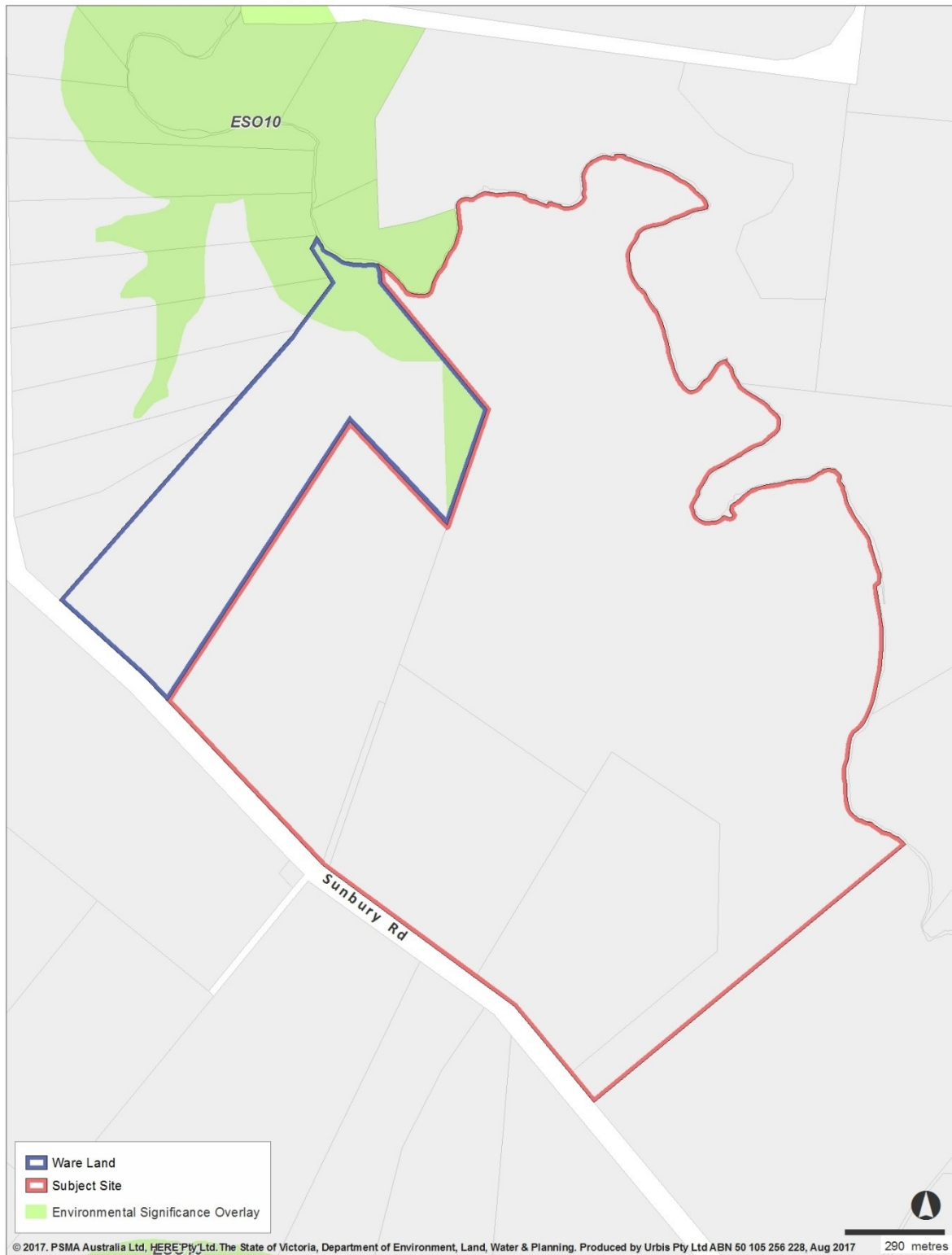
## 600 SUNBURY ROAD, BULLA

### AREA OF CULTURAL HERITAGE SENSITIVITY



## 600 SUNBURY ROAD, BULLA

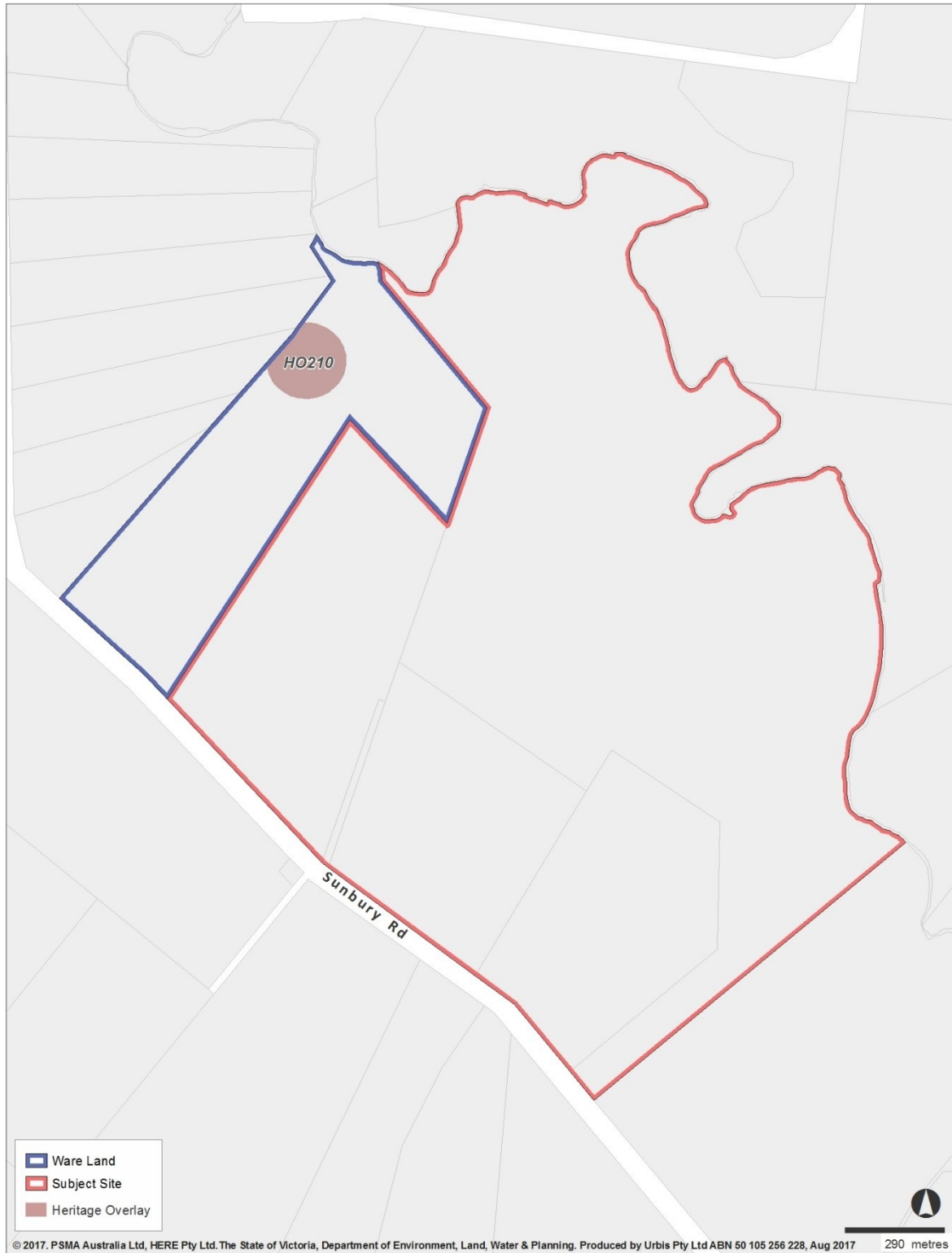
### ENVIRONMENTAL SIGNIFICANCE PLAN OVERLAY (ESO1)



## 600 SUNBURY ROAD, BULLA

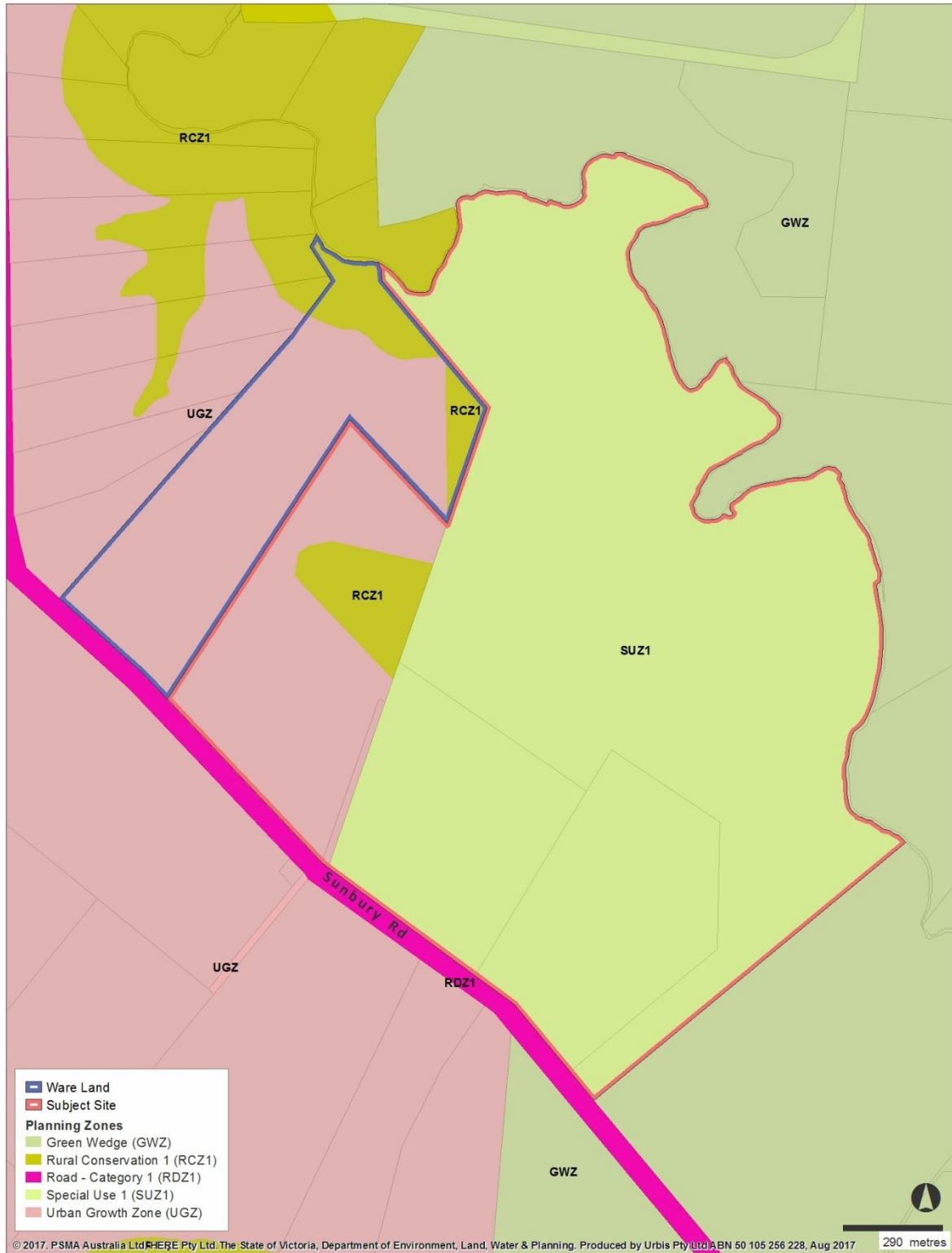
### ENVIRONMENTAL SIGNIFICANCE PLAN OVERLAY (ESO10)





## 600 SUNBURY ROAD, BULLA

### HERITAGE OVERLAY (HO210)

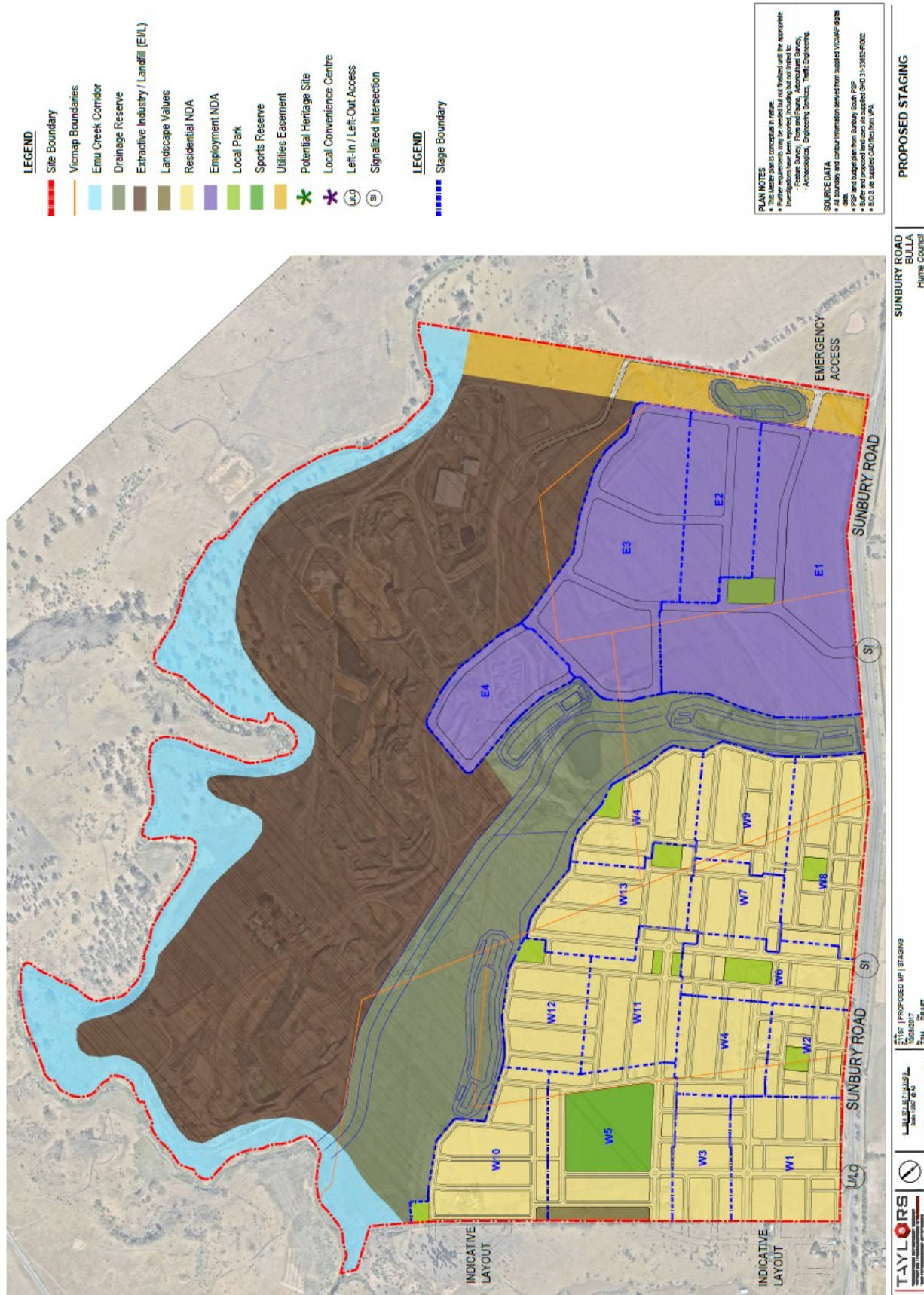


## 600 SUNBURY ROAD, BULLA

### PLANNING ZONES

# **APPENDIX B      CONCEPT PLAN BY TAYLORS (AUGUST 2017)**









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