

mesh

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1 EXPERT'S STATEMENT

1.1 Name and Address

Chris De Silva, Executive Director of Mesh, Liveable Urban Communities at Level 2, 299 Clarendon Street, South Melbourne Victoria 3205.

1.2 Qualifications and Experience

I hold a Bachelor of Applied Science (Planning)(Honours) from RMIT University. I have worked as a strategic planner, principally in the field of metropolitan and regional growth area planning for approximately 30 years. A CV is included at Appendix 1.

1.3 Area of Expertise

I have a broad range of experience in strategic planning and development matters (including preparation and implementation of precinct structure plans and development contributions plans). My expertise is mainly in the area of metropolitan and regional growth area planning and delivery.

I started my career in a planning consultancy and thereafter was employed by the City of Whittlesea over an extended period (approximately 18 years). At the City of Whittlesea, I occupied various positions including Manager Strategic Planning and Director Planning and Development. After leaving Council I occupied a specialist strategic planning role in a privately owned development company for a year.

I established Mesh in 2009 and have since occupied the position of Executive Director and owner of the company. Mesh acts for a combination of public and private sector clients on a broad range of metropolitan and regional growth area projects, infill redevelopment projects, urban design of all scales including activity centre planning and design and infrastructure funding frameworks including preparation and implementation of development contributions plans.

I have appeared as an expert witness in a number of Panel Hearings and VCAT cases.

1.4 Other Contributors

This work has been prepared by Chris De Silva, with no other assistance other than graphic support.

1.5 Instructions for scope of work

I have been engaged by Ponte Business Lawyers for Business and requested on behalf of Barro Group Pty Ltd (Barro) to advise on and prepare an expert witness report for the Panel Hearing (Amendment C241wsea, Shenstone Park Precinct Structure Plan). More specifically I have been requested to:

1. Review the Amendment and any revisions to the Amendment (including the PSP) that are produced by the VPA prior to the hearing;
2. Review all submissions relating to the Amendment;
3. Review the Panel Directions and any relevant information circulated in response to the Panel Directions;
4. Provide an expert witness report that addresses the following:

- > State and local government policies relevant to extractive industries, generally or within the northern growth corridor;
- > The status of the Woody Hill Quarry and the Phillips Quarry in the context of strategic planning within the northern growth corridor;
- > The relationship between the Woody Hill Quarry and the Phillips Quarry and their operational requirements from a planning perspective;
- > Whether and, if so, how the ability to extract the resource in the Woody Hill Quarry and the Phillips Quarry and their operational requirements should be protected through the Amendment;
- > What zone should apply to the Barro land and why;
- > Whether any changes are required to the Amendment; and
- > A response to the relevant submissions.

1.6 Completion of tests or experiments upon which the expert has relied on

No additional tests or experiments have been completed.

1.7 Declaration

I have made all enquires I believe are desirable and appropriate and confirm that no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Panel.



Chris De Silva
Executive Director

2 INTRODUCTION

2.1 Structure of Evidence

This evidence has been structured into the following parts:

- Underlying Proposition
- Subject land
- Planning Policy Framework and Relevant Strategies
- The status of the Woody Hill Quarry and the Phillips Quarry in the context of strategic planning within the northern growth corridor;
- Relationship between the Woody Hill Quarry and Phillips Quarry from a planning perspective
- Whether and how the ability to extract the resource from the Woody Hill Quarry and the Phillips Quarry and their operational requirements should be protected through the Amendment
- What zone should be applied to the Barro land and why
- Recommended changes to the Amendment
- Response to submissions
- Conclusion and Summary of Opinion.

I have based my statement on the exhibited and revised versions of the Amendment including the Shenstone Park Precinct Structure Plan and revised versions of the future urban structure contained therein.

In preparing my statement I have also had regard to the following documents:

- Whittlesea General Plan
- Whittlesea Municipal Statement
- Growth Corridor Plans Managing Melbourne's Growth (June 2012)
- North Growth Corridor Plan
- Policy sections of the Whittlesea Planning Scheme
- Northern Quarries Investigation Area – Draft Addendum to the Growth Corridor Plans: Managing Melbourne's Growth by the Metropolitan Planning Authority (MPA)
- Extractive Industry Interest Areas
- Planning Practice Note 89
- Amendment C230 Whitt Planning Panel Report
- Amendment C106 Mitc Planning Panel Report
- Ministerial Direction No.12
- Melbourne @ 5 Million
- Plan Melbourne 2017-2050

- Lodged submissions

3 UNDERLYING PROPOSITION

1. In preparing this statement I have identified an underlying proposition that I consider to be very important for the Panel to keep in mind when assessing the Amendment and the extent to which the PSP properly addresses the importance of extractive resources within and adjacent to the PSP area.
2. The proposition relates to the manner in which planning has been undertaken within the northern part of the Whittlesea growth areas (including preparation of the Shenstone Park PSP and the Donnybrook/Woodstock PSP) and the extent to which planning for urban development purposes has been undertaken **following** grant of approvals for extractive industry.
3. In other situations, where there are plans for urban expansion and at the same time there are proposals for use of part of the same land or nearby land for extractive purposes, questions typically arise in relation to the relative 'value' of use of the land for extractive **or** urban purposes.
4. From a policy, strategy and demonstration of net community benefit perspective, such questions can be difficult to answer with clarity such that they enable a definitive conclusion to be drawn and questions can arise with regard to impacts of buffers on private land.
5. In the case of the preparation of the Shenstone Park Precinct Structure Plan however, it is clearly evident that:
 - > approvals for extractive purposes have been granted well in advance of identification of the suitability of the surrounding land for urban purposes;
 - > planning for urban purposes in the vicinity of the subject land has not taken place as part of a broader well defined, contiguous 'corridor' of urban expansion; and
 - > much of the subject land that is now being considered for urban purposes was formally designated for non-urban and/or green wedge purposes.
6. The impact of planned urban development effectively encroaching on land that has been previously identified and/or approved for extractive purposes is a highly relevant matter in relation to assessment of the PSP and consideration of any lodged submissions in that:
 - Existing and proposed land uses should not be assessed 'competitively' – there should be no need to establish the 'value' of the resource nor to identify support for extraction from a policy or strategy perspective (notwithstanding that such support clearly exists) - **extractive interests must take priority**;
 - The extent of potential extraction must not be limited by the planned introduction of sensitive uses;
 - Attention must be directed toward ensuring that necessary buffers are properly determined and are well maintained where the emphasis must be placed on ensuring that planned land uses do not limit potential for extraction as opposed to assessing the impact of quarry buffers on planned land uses; and
 - Any operational requirements of the quarries that are relevant to the PSP process should be resolved with certainty such that the resource can be extracted efficiently and without the risk of future conflict.
7. Adoption of the approach described above is consistent with the intent of policy and the 'protective' approach that has been adopted within key documents such as the North Growth Corridor Plan and Ministerial Direction 12 which

applies to preparation of any planning scheme amendment that seeks to incorporate a PSP into the Planning Scheme.

8. Ministerial Direction 12 requires that the Amendment implement the relevant Growth Area Framework Plan and confirms that any PSP must be '*generally in accordance with*' the North Growth Corridor Plan.
9. In terms of the relevance of the land that is within the boundaries of the Shenstone Park PSP not forming part of a 'broader well defined, contiguous corridor of urban expansion', it is important to acknowledge that the land use relationships and the supporting transport networks in the vicinity of the subject land are impacted by various landform and other features to the extent that the primary land use relationship is to the north and there is very limited north-south transport connectivity to the south of Donnybrook Road.
10. In this context, the Shenstone Park PSP can appropriately be described as an adjunct to the larger Donnybrook/Woodstock PSP when it is viewed in its broader strategic context.
11. This condition is quite different to the western part of the Hume Corridor (west of the Hume Freeway) for example that has a more definite, contiguous corridor pattern of planned urban land uses and supporting transport networks.
12. A central consideration of the Panel in relation to the Amendment and the lodged submissions is a careful assessment of the extent to which the exhibited PSP properly recognises the known extractive resources and protects the potential for the resources to be extracted in a relatively unconstrained way.
13. The importance of this underlying proposition will be referenced throughout this statement.

4 SUBJECT LAND & EXISTING APPROVALS

14. Barro owns and conducts extractive industry and associated operations on the '**Woody Hill Quarry**' property and are in the process of obtaining approvals for the '**Phillips Quarry**' property.
15. The Woody Hill Quarry is located within the PSP area – the Phillips Quarry is not within the PSP area however the PSP acknowledges its strategic importance being located adjoining the PSP boundary to the south-west (see *Figure 1*).
16. Some important particulars are set out below in relation to each of the quarries.

Woody Hill Quarry, 870 Donnybrook Road, Donnybrook

17. The Woody Hill Quarry currently comprises extractive industry operations pursuant to **Work Authority 492** (WA 492) (with existing use rights) and concrete batching plant operations pursuant to Planning Permit 710157. Expansion of extractive industry operations and commencement of a trade supplies business are also in progress.
18. A work plan variation to extend the extraction area of **WA 492** generally to the south of the existing extraction area was statutorily endorsed in February 2020 (see *Figure 2*).
19. **WA 492** is listed on the Extractive Industry Priority Project List (formerly the Extractive Industry Project Hot List).
20. A work plan for the area generally to the north and east of the existing extraction area of WA 492 was statutorily endorsed in August 2019 (**WA 6437**) (see *Figure 3*).

Figure 1 Woody Hill Quarry and Phillips Quarry Sites

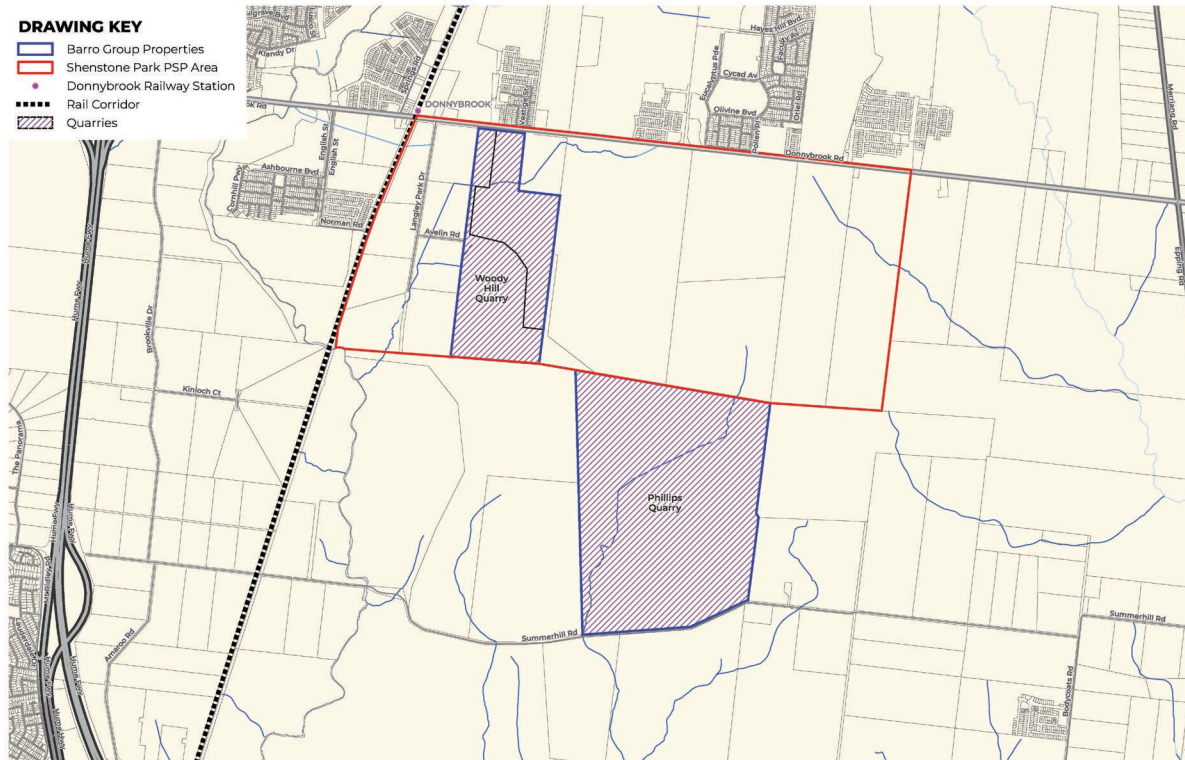


Figure 2 Woody Hill approved extraction boundary (WA492)

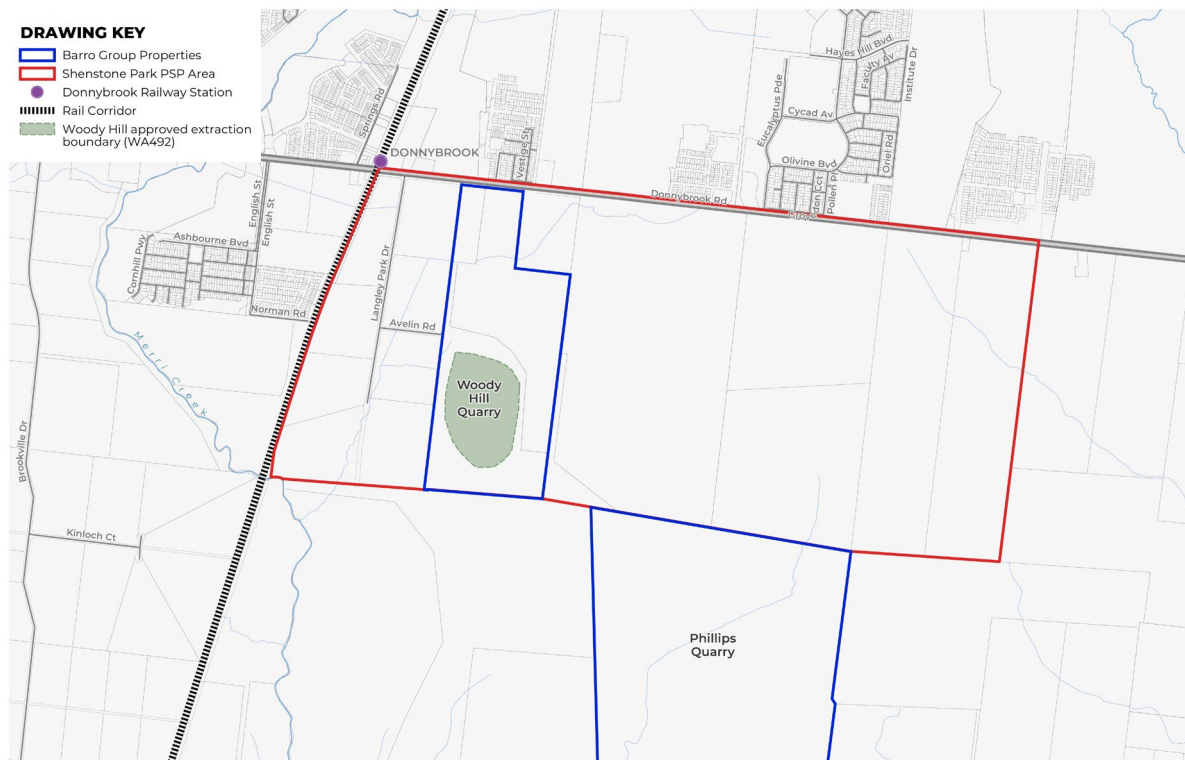
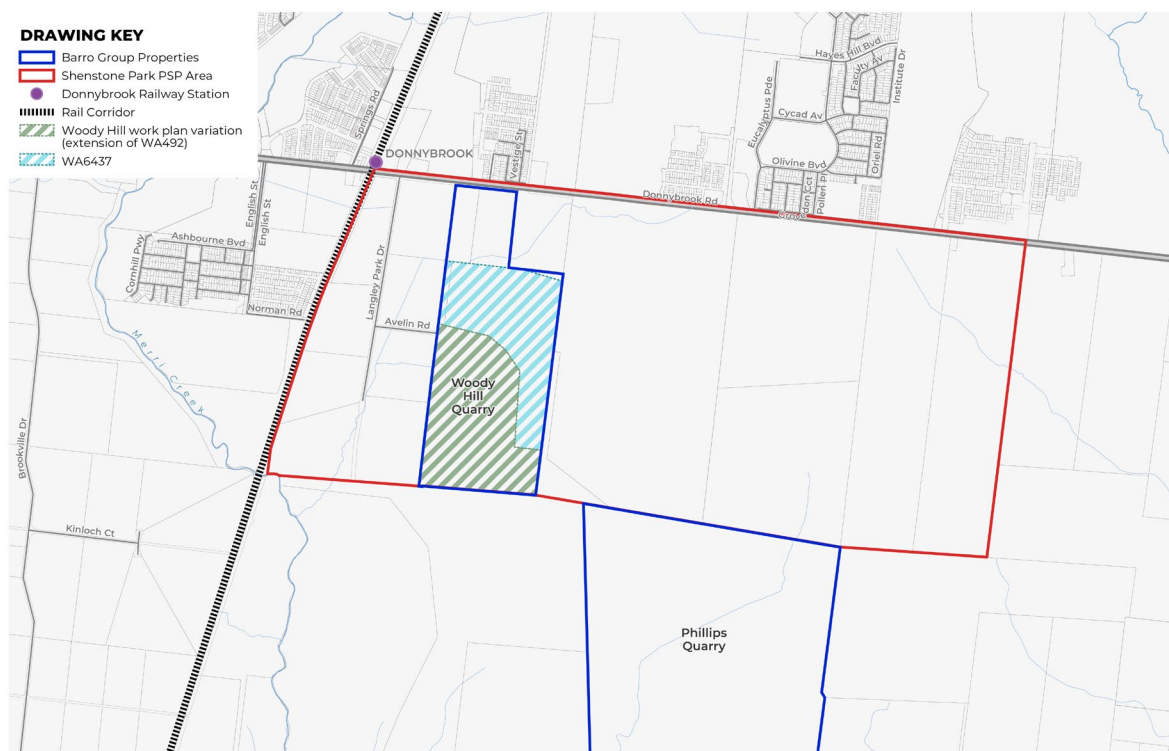
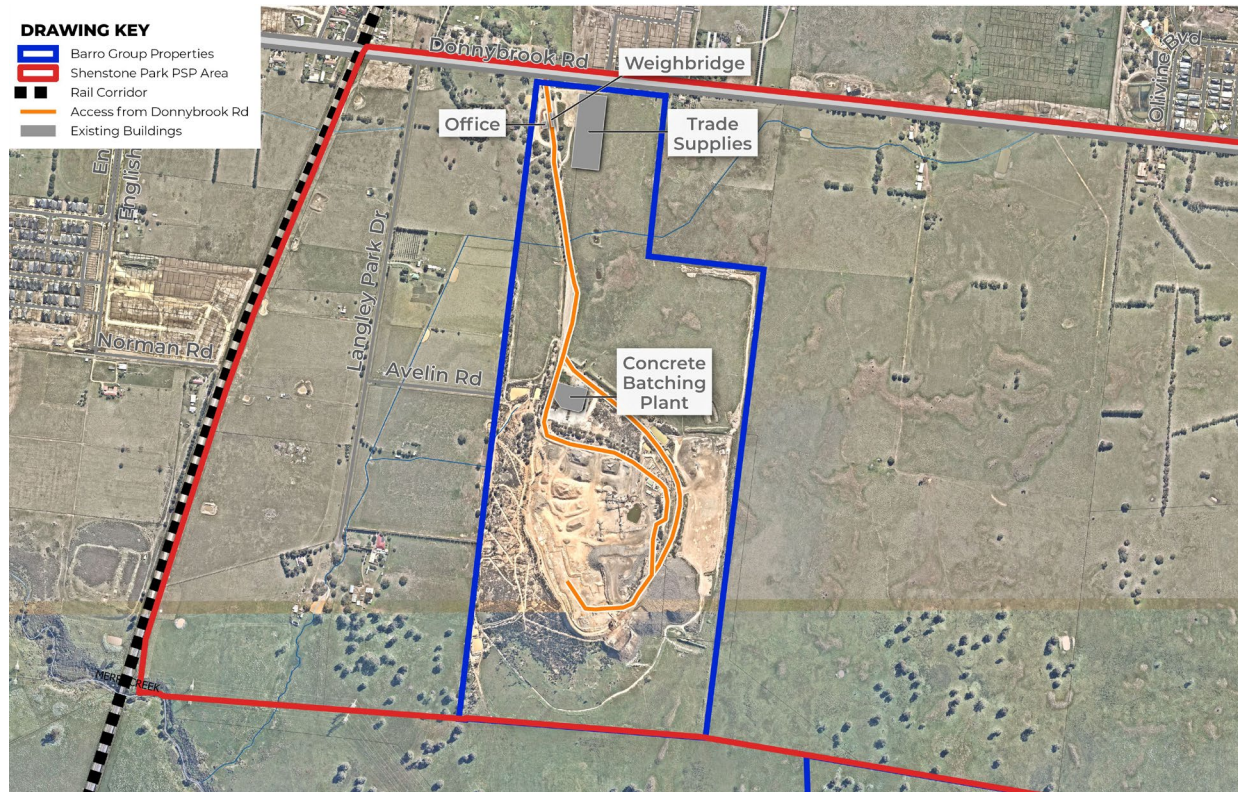


Figure 3 Woody Hill work plan variation (extension of WA492) and extent of WA6437



21. It is understood that applications for Planning Permit for **WA 6437** and the variation to **WA 492** have not yet been made but are expected to be lodged in the short term.
22. The existing access road for **WA 492** (and the concrete batching operations) runs from **WA 492** to Donnybrook Road (with existing use rights).
23. The **WA 492** quarry office and weighbridge are also located outside **WA 492** towards Donnybrook Road (see Figure 4).
24. The concrete batching operations are currently located at the northern end of **WA 492** and are conducted pursuant to Planning Permit 710157 (see Figure 4).
25. Planning Permit No. 715902 was issued by the City of Whittlesea for a trade supplies business that is located generally fronting Donnybrook Road (north of **WA 492** and **WA 6437** and east of the **WA 492** quarry office and weighbridge) (see Figure 4).

Figure 4 Woody Hill Quarry site plan



Phillips Quarry, 430 Summerhill Road, Wollert

26. Planning Permit No. 704901 was issued by the City of Whittlesea on 8 July 1999. The permit was subsequently corrected on 3 July 2012 and amended on 20 June 2014. The permit allows:

Use and development of the land for stone extraction in accordance with any Work Authority issued under the Mineral Resources (Sustainable Development) Act 1990 and creation of access to a Road Zone – Category 1 in accordance with the endorsed plans.

27. Condition 37 of the Permit states:

The use and development hereby permitted must commence within ten (10) years of the date of issue of this permit.

28. The expiry date was extended for a further ten (10) years by order of the Victorian Civil and Administrative Tribunal (by consent with Council) by proceeding P1267/2013.

29. A further extension of time has since been approved and the development must now be commenced by 8 July 2024.

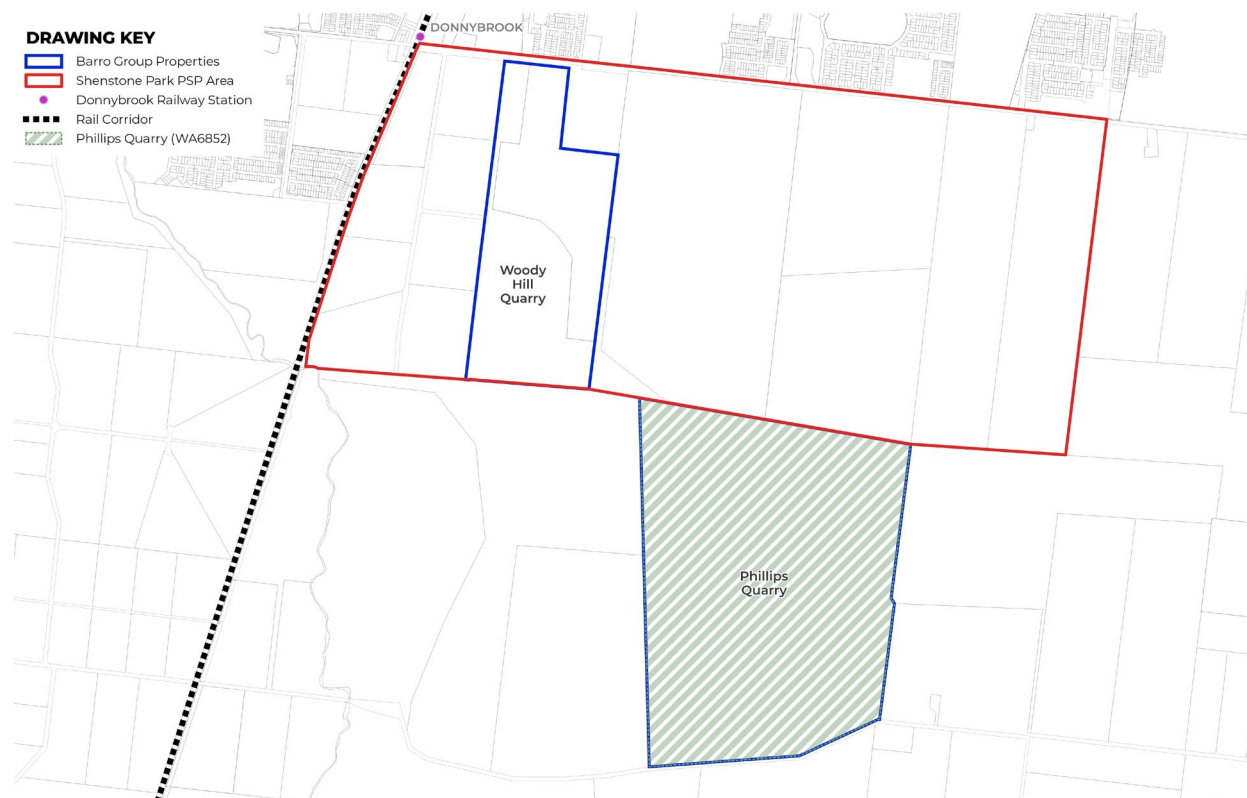
30. Condition 32 of the Permit provides that:

Vehicular access to and from the quarry must be only via the access road linking with Donnybrook Road as shown on the endorsed plans.....

31. It is my understanding that there are no endorsed plans applying to the amended permit.

32. Work Authority WA 160 previously applied to the Phillips Quarry, however that Work Authority was surrendered by a competitor (Holcim) after Barro obtained rights to the Phillips Quarry land (noting that WA approvals do not rest with the land as per Planning Permits).
33. I understand that Barro has commenced the process of applying for a new Work Authority for the Phillips Quarry and WA 006852 has been allocated to the application (see Figure 5).
34. A site meeting has been conducted with representatives from the relevant authorities and completion of the draft work plan is well advanced.

Figure 5 – WA 006852 – Phillips Quarry



5 PLANNING POLICY FRAMEWORK & RELEVANT STRATEGIES

35. A significant number and range of policies and related investigations are relevant to the Amendment (see Appendix 2).
36. From a natural resources perspective, principally via clause 14.03-1S, there is an expectation in relation to resource exploration and extraction to:

Provide for long-term protection of natural resources in Victoria.

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice. (emphasis added)

Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.

Develop and maintain buffers around mining and quarrying activities.

Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

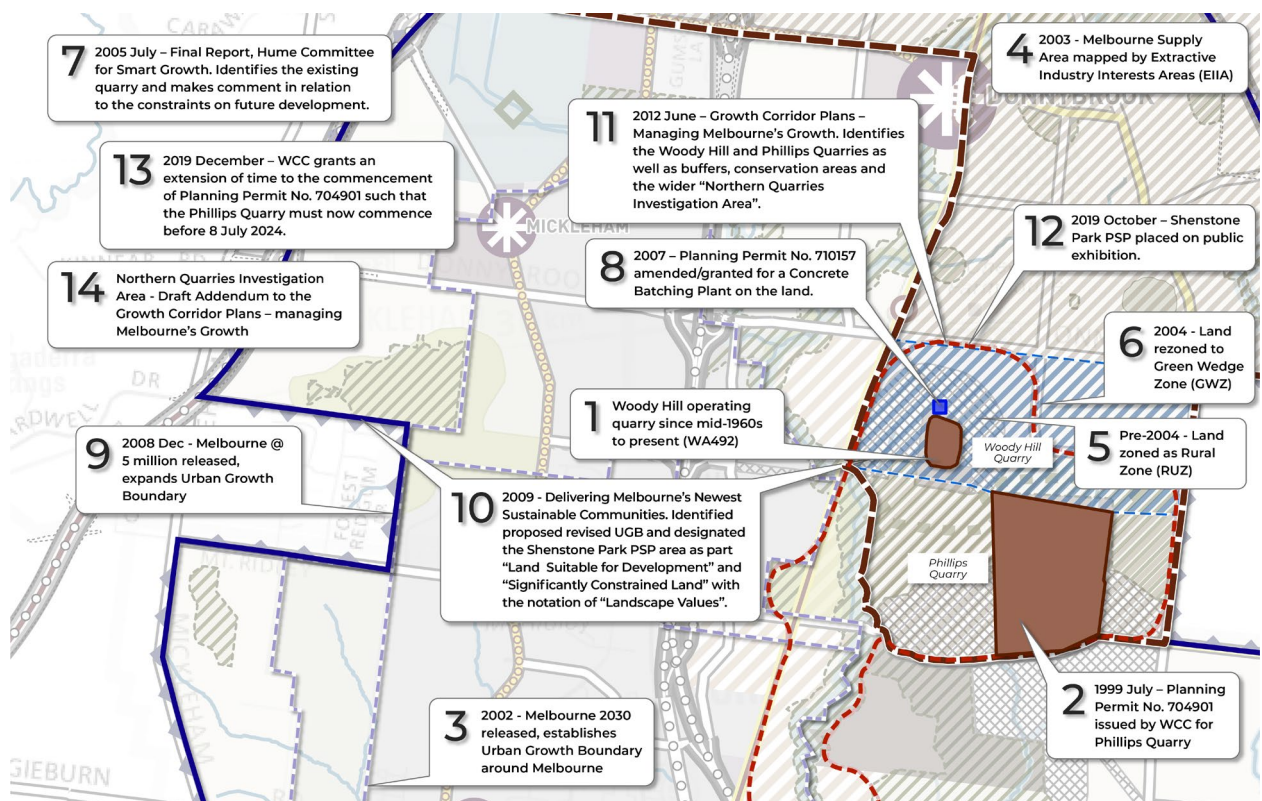
Determine buffer areas between extractive activities and sensitive land uses on the following considerations:

- Appropriate limits on effects can be met at the sensitive locations using practical and 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.

37. To put this expectation into perspective, particularly the underlined strategy above, it is necessary to set out some information about the strategic planning process associated with the quarries and what has become known as the Shenstone Park PSP area.

38. The significant events that need to be taken into account are summarised below (see Figure 6).

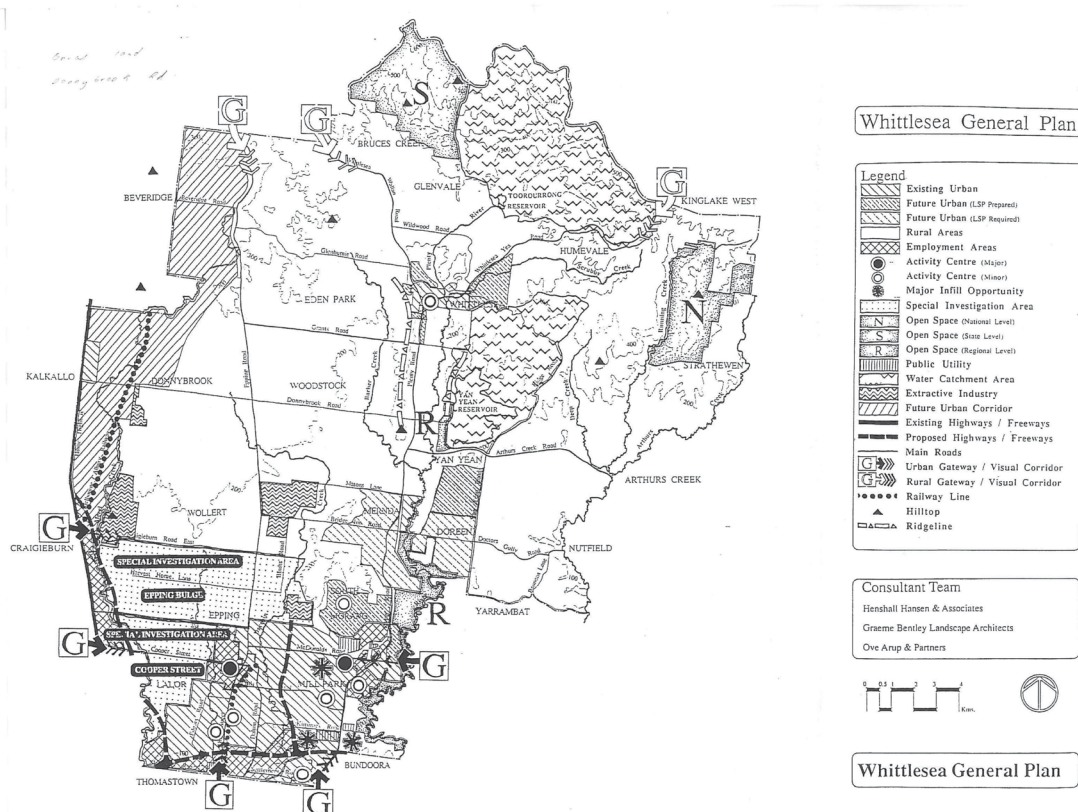
Figure 6 – Summary of Strategic Context



- The Woody Hill Quarry (WA 492) has been in operation since the mid 1960's and currently enjoys existing use rights;

- 1994 the Whittlesea General Plan (municipal land use plan that pre-dated MSS) identifies Epping North urban expansion area but no intention to pursue urban development in the vicinity of the subject land, Woody Hill quarry identified (see Figure 7);

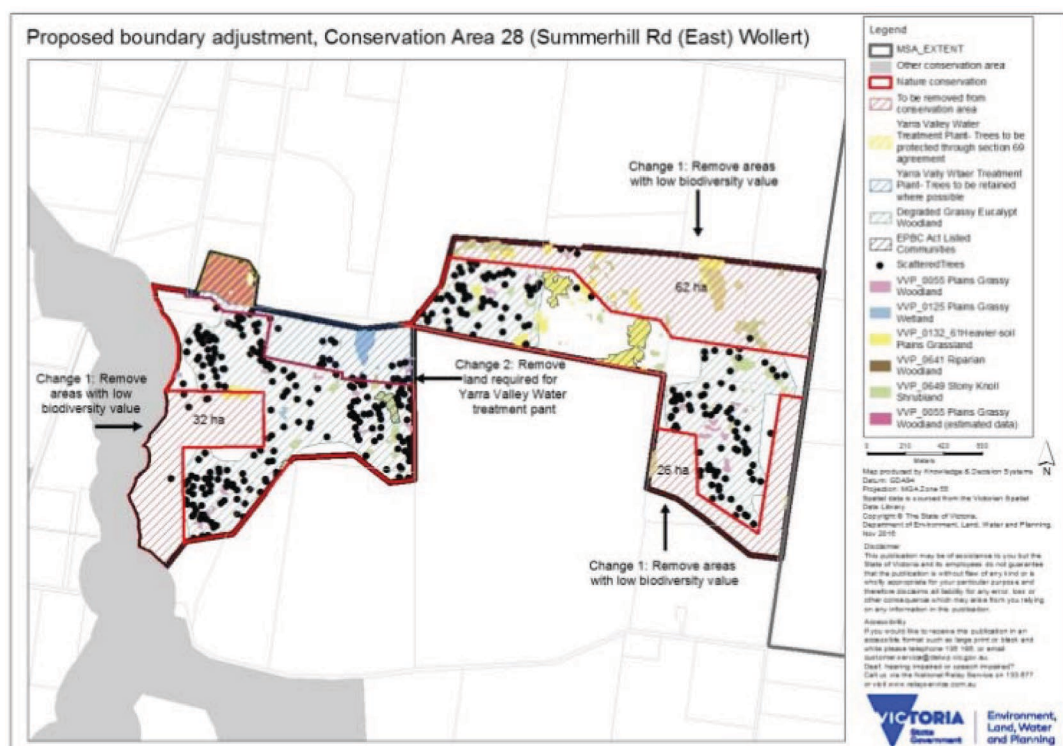
Figure 7 – Whittlesea General Plan



- 1999 July - Planning Permit No. 704901 was issued by the WCC for use and development of the Phillips quarry;
- 2003 Extractive Industry Interest Area Review – EIIA Area Map produced;
- 2005 Final Report Hume Committee for Smart Growth identifies the existing Woody Hill quarry and makes comments in relation to constraints to development;
- 2007 Planning Permit No. 710157 issued by WCC for a concrete batching plant on the Woody Hill land;
- 2008 Melbourne 2030 Update – Melbourne @ 5 Million;**
- 2009 Delivering Melbourne's Newest Sustainable Communities identified proposed revised UGB and designated Shenstone Park PSP area as part land suitable for development and significantly constrained land with the notation of landscape values;
- 2010 Amendment VC68 expands UGB and implements Melbourne @5 Million;**
- Prior to 2010 the land within the Shenstone Park PSP was zoned **Green Wedge**;
- 2012 North Growth Corridor Plan released – identifies the Woody Hill and Phillips Quarries along with employment/utilities land to the north of Woody Hill and conservation areas – section 5.7 of the North Corridor Plan specifically addresses quarries within the plan area;**
- 2013 Biodiversity Conservation Strategy for Melbourne's Growth Areas released;

- 2016 May – Demand Analysis of Extractive Resources in Victoria prepared by Ernst and Young for DEDJTR;
- 2016 May – Extractive Resources in Victoria: Demand and Supply Study 2015-2050 prepared by PWC;
- 2016 October – Strategic Extractive Resource Areas: Victoria's Existing Planning System prepared by Jacobs for Minerals Development Victoria;
- 2017 March – Plan Melbourne 2017-2050 released;
- 2017 July – The Commonwealth Minister of the Department of the Environment and Energy approved changes to the boundary of Conservation Area 28 which reduced the area of Conservation Area 28 (see Figure 8);

Figure 8 – Boundary Adjustment Conservation Area 28



- 2017 October – Commissioner for Better Regulation releases report “Getting the Groundwork Right: Better regulation of mines and quarries”;
- 2017 October – Planning Permit 715902/2016 issued by Whittlesea City Council for the use and development of a Trade Supplies premises fronting Donnybrook Road;
- 2017 November – Wallan/Beveridge Extractive Resources Analysis prepared for DEDJTR and references Woody Hill and Phillips Quarries;
- 2018 May – PWC Memorandum – Northern Corridor Hard Rock Analysis;
- 2018 June – Joint Ministerial Statement on Extractive Resources and identifies Woody Hill on the ‘Hot List’;
- 2018 June – Helping Victoria Grow: Extractive Resources Strategy;
- **2019 August – WA 6437 Work Plan receives Statutory Endorsement;**

- **2019 October – Boundary Realignment application lodged by DJV to facilitate access between the Woody Hill and Phillips quarries;**
- **2019 October – Shenstone Park PSP placed on public exhibition;**
- December 2019 – WCC grants an extension of time for commencement of Planning Permit No. 704901 such that the Phillips Quarry must now commence before 8 July 2024;
- 2020 January – Amendment VC160 gazetted - implements planning reforms for Extractive Industries;
- 2020 February – Planning Practice Note 89 – Extractive Industry Resources;
- **February 2020 – WA492 Work Plan extension receives Statutory Endorsement;**
- May 2020 – Planning Advisory Note 92, Managing Buffers for Land Use Compatibility;

39. The important matters that arise from this summary of events are:

- Quarrying had commenced long before urban development was contemplated within the Shenstone Park PSP or the Donnybrook/Woodstock PSP;
- The presence and value of both the Woody Hill and Phillips Quarry resources have been recognised through successive investigations;
- Prior to amendment to the UGB in 2010 the Shenstone Park PSP land was zoned Green Wedge and the Woody Hill and Phillips quarries were zoned Special Use;
- Land that falls within the sensitive use buffer of the Phillips quarry (that is now available for urban development) was formerly zoned for Conservation purposes (part of Conservation Area 28);
- Various approvals have been granted over time in support of the intention to extract resources from the Woody Hill and Phillips quarries; and
- The North Growth Corridor Plan specifically identifies the quarries and the opportunity to co-locate a sewerage treatment plant within the quarry buffer and designation of 'non-urban utilities' and employment land to create a buffer to Donnybrook Road.

40. This chronology of events supports the proposition that:

- approvals for extractive purposes have been granted well in advance of identification of the suitability of the surrounding land for urban purposes;
- planning for urban purposes in the vicinity of the subject land has not taken place as part of a broader well defined, contiguous 'corridor' of urban expansion; and
- much of the subject land that is now being considered for urban purposes was formally designated for non-urban and/or green wedge purposes.

6 THE STATUS OF THE WOODY HILL QUARRY AND THE PHILLIPS QUARRY IN THE CONTEXT OF STRATEGIC PLANNING WITHIN THE NORTHERN GROWTH CORRIDOR

41. As identified in the previous section, the presence of extractive industry interests preceded planned urban development by a considerable number of years.

42. Prior to preparation of Melbourne @ 5 Million in 2008 there was no reference to an expectation of urban development within the Donnybrook/Woodstock and Shenstone Park PSP areas.

43. 'Delivering Melbourne's newest sustainable communities' in 2009 was the culmination of work around land use, transport and environmental studies and resulted in a range of initiatives including:

- A review of the Urban Growth Boundary;
- An alignment for the Regional Rail Link;
- An alignment for the Outer Metropolitan Ring/E6 Transport Corridor; and
- Establishment and management of the proposed grassland reserves in Melbourne's West.

44. In Melbourne's north, the presence and constraints associated with extractive industry/resources were clearly recognised:

Existing and proposed quarries

There are seven working quarries interspersed across the Investigation Area that pose a constraint to urban development in some locations. These activities require sufficient buffers to ensure they will not impact on future urban development. These buffers are generally all within the Investigation Area. The City of Whittlesea has large areas of land consumed by extractive industry tenements and buffers. The clustering of these operations is a significant constraint to development, and also creates difficulty in maintaining connectivity and integration between future areas of urban development.¹

and

Extractive industries

Other challenges that need to be met in planning the growth area include the protection and alternative long term use of quarries and their buffers. A large group of these activities and assets sit centrally within the proposed Urban Growth Boundary. Urban development should generally avoid quarries and their buffers. The future use and management of these locations will need to be determined through more detailed planning and will become clearer over time as quarries are worked out. Retention of these areas within the Urban Growth Boundary will allow the best land use, transport and biodiversity outcomes to be determined in the longer term.²

45. The North Growth Corridor Plan in 2011/2012 followed preparation of Melbourne's Newest Sustainable Communities and was a significant event in planning for the north corridor generally and in providing specific direction in relation to Shenstone Park PSP and the Donnybrook/Woodstock PSP area.

46. The North Growth Corridor Plan is described as *a broad land use framework that will guide the future planning and development of new precincts* and importantly confirms that *before development can commence, detailed planning for each precinct must occur in the form of individual precinct structure plans (PSPs), which must be 'generally in accordance' with the Growth corridor plans³.*

47. Section 3.7.4 of the North Growth Corridor Plan addresses 'Maintaining local quarrying potential' and confirms that:

The Growth corridors contain significant mineral resources and a number of operating quarries. To avoid the need to transport construction materials substantial distances it is important to enable the

¹ Delivering Melbourne's Newest Sustainable Communities, 2009, pg61

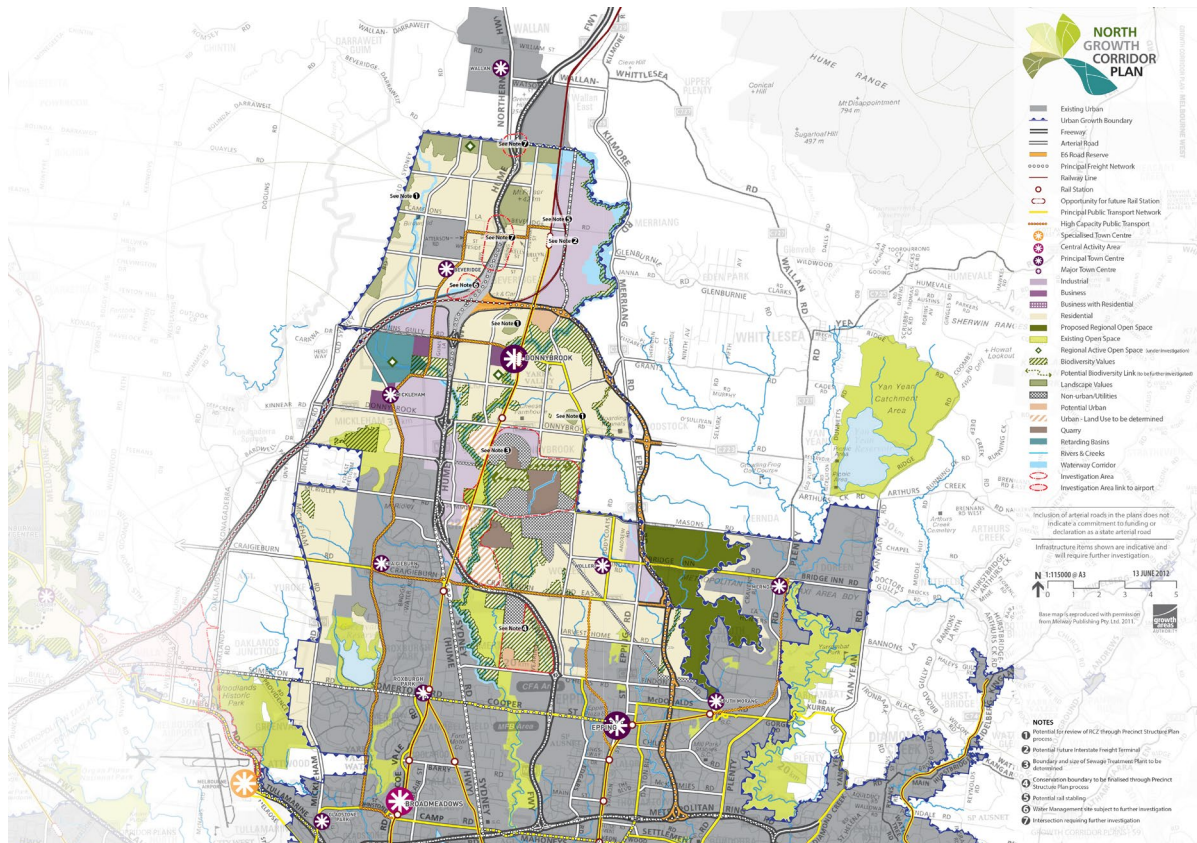
² Delivering Melbourne's Newest Sustainable Communities, 2009, pg 66

³ North Growth Corridor Plan, pg7

continued operation of these quarries and for appropriate buffers to be maintained from the working surfaces of all quarries.⁴

48. It is clearly the case that the North Growth Corridor Plan recognised the presence of approved and operational quarries, including the Woody Hill and Phillips quarries, and sought to adopt a 'protective' approach such that the quarries would not suffer from the effects of encroachment by sensitive land uses.
49. The extent to which the protective approach was adopted is clearly evident where it can be observed that there was a deliberate effort in the North Growth Corridor Plan (see Figure 9) to:
- Recognise the location of the resource areas (quarries) including the Woody Hill quarry and the Phillips Quarry;
 - Set aside the area of land surrounding the Woody Hill quarry (to the west, north and east) as a combination of non-urban/utilities and industrial land and extending to the east, to interface with a planned north-south road, to create a buffer to the quarry;
 - Identify a future investigation area;
 - Connect the Shenstone Park PSP area to the Donnybrook/Woodstock PSP in acknowledgement of the absence of connectivity to the south, generally between Donnybrook Road and Summerhill Road and the relatively small scale of the Shenstone PSP residential area; and
 - Provide for the northern buffer area of the Phillips Quarry to be protected within land identified as 'biodiversity values'.

Figure 9 – North Growth Corridor Plan



⁴ North Growth Corridor Plan, section 3.7.4

50. Evidence of the deliberate intention to protect the quarries from encroachment of sensitive or incompatible land uses can also be found in section 5.7 of the North Growth Corridor Plan which states that:

The North Corridor Plan ensures that approved and operational quarries are protected from encroachment by sensitive land uses. It also locates industrial or commercial development activities adjacent to existing quarry sites within/adjacent to the UGB. On that basis, these precincts would be rezoned to Urban Growth Zone, but any buildings proposed within 200m of the title boundary of such quarries will be subject to a risk assessment to be undertaken at PSP stage, to ensure that the impact of rock blasting is acceptable.⁵

51. The direct reference to ‘any buildings proposed **within 200m of the title boundary** of such quarries will be subject to a **risk assessment to be undertaken at PSP stage**, to ensure that the impact of rock blasting is acceptable’ (emphasis added) is particularly important as it confirms the expectation that the 200m blasting buffer would be measured from the title boundary and that an assessment would be conducted at PSP stage to determine whether it is appropriate to construct any buildings within 200m of the title boundary.
52. Adoption of a ‘protective’ approach toward extractive resources and managing issues associated with urban encroachment into such areas is also consistent with Plan Melbourne 2017-2050.
53. Plan Melbourne includes the following in relation to extractive resources:

Policy 1.4.2 – Identify/protect extractive resources (such as stone and sand) important for Melbourne's future needs

Melbourne's demand for extractive resources is expected to almost double by 2051.⁶ This demand will be driven largely by sustained growth in the residential sector— including Melbourne's growth corridors and strategic projects such as Fishermans Bend, the Metro Tunnel and major road upgrades.

...

There are a small number of extractive industry interest areas within Melbourne's urban growth boundary—such as Boral at Ravenhall. The sequencing of urban development in growth areas should allow strategic resources such as stone and sand to be extracted ahead of establishing urban areas, with provision for these areas to proceed outside defined buffer zones that can be subsequently in-filled by other urban land uses.

If not managed, urban encroachment, rural residential expansion and other incompatible development will constrain the operations of existing quarries and curtail future supplies of extractive resources— endangering Melbourne's medium- to long term growth prospects. To secure a long-term supply of extractive resource materials at competitive prices, current extractive industries must be protected, and future extractive resource areas must be identified.⁷

⁵ North Growth Corridor Plan, 2012, pg 74

⁶ Department of Economic Development, Jobs, Transport and Resources (2016) Extractive Resources in Victoria: Demand and Supply Study 2015-2050, Final Report (prepared by Price Water House Cooper)

⁷ Plan Melbourne 2017-2050

54. The implications associated with a proposal for a quarry 'competing' with plans for urban expansion was subject of a recent Panel Hearing (Shire of Mitchell Amendment C106).
55. The Panel Report for that Amendment is highly relevant to this hearing particularly to the extent that the subject land has an approved Work Authority (WA 1473) but a planning permit has not yet been issued, where the Panel observed that:

Stone resource

The stone resource covered by WA 1473 is significant. It is acknowledged as high quality and if extracted will likely be part of the supply network for both major projects and local and regional demand from urban development.

The resource is well located on the arterial road network and within reasonable transport distance of significant infrastructure projects such as North East Link and the Outer Metropolitan Ring Road, and within the northern corridor itself.

There is significant policy support in the Planning Scheme for resource protection, but this is not absolute and requires a judgement to be made about where the policy balance lies.

While the Panel heard differing views as to how essential the resource is in the supply and demand picture, what is clear is that if the resource is locked up then the move to more distant sources would need to occur earlier than otherwise needed.⁸

56. The Panel in relation to Amendment C106 ultimately supported the quarry over planned urban development as follows:

Overall findings and conclusions

Essentially the Panel's conclusion is a simple one. The PSP is a very significant one, and the stone resource issue aside, is one which has, and deserves, very strong policy support for future urban development.

Delay of this development, if it occurs as the stone resource is extracted, will be costly and result in impacts on development not only in the PSP, but to some extent more broadly in the northern growth corridor.

However, there is nothing before the Panel that says impacts on part of the PSP from stone extraction will result in fundamental supply problems for urban development and lot supply more broadly. The Panel considers the effects will be local and sub-regional and likely to delay development of part of the PSP. Urban development within the buffer will be possible over time.

On the other side of the equation, if the Amendment is adopted generally as exhibited, the Panel considers that the likelihood the stone resource will ever be extracted is extremely low, and it will probably be impossible; this was clear at the Hearing. This then becomes a very heavy consideration; should a good quality stone resource be 'given up' to expedite a preferred urban development outcome in time and location?

If planning prevents the extraction of the stone resource through this PSP process, then there is no doubt in the Panel's mind the resource is likely sterilised for all time. There may in the Panel's view

⁸ Mitchell Amendment C106 Panel Report, Executive Summary, pg 2 of 5

well be times when that decision is appropriate; the Panel is not satisfied here that the case for giving up a high quality, well located significant resource has been made.

Urban development of most of the PSP area should be possible during resource extraction, with the balance developed post-quarrying. Thus, the Panel is not convinced that the Amendment as exhibited has framed the issue correctly; it should be possible to deliver a very significant urban development outcome and resource extraction in the long term.

In the Panel's view, that would be the net community benefit and sustainable development outcomes that planning seeks to achieve.⁹

57. It is noted within the context of the Panel's findings that the broader northern corridor contains significant areas that have been identified for urban development purposes.
58. The extent of land that has been identified for urban purposes in the vicinity of the Shenstone Park PSP is depicted in the North Growth Corridor Plan, the Hume Regional Growth Plan, Plan Melbourne 2017-2050 and the various PSPs.
59. The availability of significant areas of planned urban development was a consideration that was taken into account by the Amendment C106 Panel.
60. The Amendment C106 Panel also considered submissions in relation to the impact of quarry buffers on private land and essentially concluded that whilst buffers affecting private land were 'problematic' it was appropriate to delay potential urban development outcomes (particularly for sensitive uses) whilst the resource was being extracted.
61. In this context, priority is clearly being directed toward extraction of the resource as the first priority and management of the buffers to ensure that encroachment of incompatible land uses does not occur.
62. The findings and recommendations of the Panel in relation to the significance of the resources and issues associated with urban encroachment are broadly consistent with **Planning Practice Note 89 (PPN89) – Extractive Industry and Resources** which provides information and guidance about protecting Victoria's extractive resources and protection of those resources.
63. PPN89 (updated February 2020) includes an overview in relation to the importance of protecting Victoria's extractive resources, stating:

The building materials used in construction – concrete, road base, asphalt, aggregates, bricks and paving – are all made from stone, sand, clay, most of which come from quarries across Victoria. These raw extractive resources are the foundation of Victoria's built environment, contributing to the State's economic development, jobs, liveability and community wellbeing.

A study commissioned by the Victorian Government to identify the future areas of highest demand and the future sources of extractive resources estimated that demand is expected to almost double between 2015 and 2050 to about 88 million tonnes annually (the Extractive Resources in Victoria, Demand and Supply Study 2015 – 2050 is available on the ERR website).

Extractive resources are expensive to transport, so it is important to be able to source them close to where they will be needed the most, particularly around Melbourne's growth areas and major regional centres across Victoria. This helps to keep construction costs down. Minimising the distances that trucks transporting these resources need to travel also helps to reduce traffic

⁹ Amendment C106 Panel Report, Executive Summary, pg 3 of 5

congestion, protect the amenity of local areas, reduce wear and tear on roads, and reduces the carbon footprint.

In the past, urban areas have been allowed to expand close to operating extractive industries or over land with potential for further extractive resource development. As a result, many quality extractive resources close to potential markets in the Melbourne metropolitan area are no longer available for extraction. If not managed, urban encroachment, rural residential expansion and other incompatible development will constrain the operations of existing quarries and curtail future supplies of extractive resources.

Extractive industries have been and will continue to be pivotal to Victoria's future prosperity and so it is necessary to identify and protect extractive resources for future extraction.¹⁰

64. PPN89 refers to other information in relation to the protection and expansion of extractive resources in Victoria including:

- Joint Ministerial Statement on Extractive Resources (July 2018)
- Helping Victoria Grow: Extractive Resources Strategy (June 2018)
- Helping Victoria Grow: Extractive Resources in Victoria, Demand and Supply Study, 2015-2050 (May 2016).

65. In addition to the features of the North Growth Corridor Plan as described above in paragraphs 44-50, the North Growth Corridor Plan also identifies an 'investigation area' that extends from Donnybrook Road in the north down to O'Herns Road in the south.

66. The investigation area was subject of preparation of a document called the 'Northern Quarries Investigation Area – Draft Addendum to the Growth Corridor Plans: Managing Melbourne's Growth by the Metropolitan Planning Authority (MPA).

67. The document is not dated and appears to have only ever reached draft stage. The introduction to the document explains that:

This Addendum qualifies the broad land use framework that will guide the future planning and development of the NQIA. Specifically the purpose of this document is to:

- *Identify areas suitable for urban development within the NQIA;*
- *Make preliminary recommendations about suitable land uses based on existing land use constraints and opportunities*
- *Identify new precinct boundaries and issues to be resolved during the Precinct Structure Planning process as well as key infrastructure requirements.¹¹*

68. The document then sets out information regarding land use opportunities and constraints including the presence of the Woody Hill and Phillips quarries and section 2.1.1 of the document addresses industry separation distances and makes direct reference to a future sewage treatment plant site (with an associated buffer) within Conservation Area No. 28 (to the south of Woody Hill).

¹⁰ Planning Practice Note 89

¹¹ Northern Quarries Investigation Area – Draft Addendum to the Growth Corridor Plans: Managing Melbourne's Growth by the Metropolitan Planning Authority (MPA) introduction

69. It is unknown why the document was not advanced beyond a draft, however it is noted that at the time of its preparation, potential buffers to the Phillips quarry were contained within the northern extent of Conservation Area No.28.

70. In relation to the basis for potential buffers, the draft report states:

In addition, the guidelines for Ground Vibration and Airblast Limits for Blasting in Mines and Quarries (DNRE 2001) provide the policy of the Department of Economic Development, Jobs, Transport and Resources' (EcoDev - Earth Resource Regulation) with respect to the impacts of blasting (ground vibration and airblast) on sensitive sites such as residences and schools. This guideline does not apply to commercial or industrial premises where less stringent standards may be appropriate. The guideline does not address the control of flyrock from blasting. Operators are required to satisfy EcoDev – Earth Resources Regulation as to the safety of blasting practices, including control of flyrock. The buffers identified in this addendum reflect the recommendations made by these guidelines and other recommendations provided by the EPA and EcoDev - Earth Resource Regulation. Where applicable, refinement of these separation distances will be considered as part of the necessary impact assessments undertaken during the preparation of the PSPs.¹²

71. In this context, it is relevant to note that the land use relationship between an existing quarry (the Conundrum Quarry on the south side of O'Herns Road in Epping) and a proposal to rezone land to the Industrial 1 Zone (Whittlesea Amendment C230) was subject of a recent Panel Hearing.

72. The proposal to rezone the land on the north side of O'Herns Road is located within the NQIA and was subject of a site specific rezoning request that was supported by the City of Whittlesea and the Victorian Planning Authority (VPA) in lieu of preparation of a Precinct Structure Plan.

73. The rezoning to Industrial 1 Zone (which has recently been approved) is accompanied by a Development Plan Overlay which amongst other matters requires identification and management of a 200m quarry blast zone buffer and a 500m sensitive use buffer.

74. The implications associated with the 200m blast zone buffer were subject of discussion with the quarry operator, the City of Whittlesea and the Department of Jobs, Precincts and Regions – (Planning Earth Resources Regulation Planning) to establish whether land within the 200m blast zone buffer could be developed for industrial purposes.

75. The outcome, that is reflected in the extract below from the Panel Report (Amendment C230), was that the potential conflicts within the 200m buffer could be successfully managed via implementation of 'Quarry Interface Guidelines' that are to be prepared as part of the development plan and an application to use or develop land within 200 or 500m of the quarry works authority boundary (as appropriate) being accompanied by a 'Quarry Interface Assessment' (which addresses the guidelines) and a section 55 referral to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act) as either a determining or recommending referral authority (as appropriate).

3.1 Quarry operations

(i) What are the issues?

¹² Northern Quarries Investigation Area – Draft Addendum to the Growth Corridor Plans: Managing Melbourne's Growth by the Metropolitan Planning Authority (MPA) – section 2.1.1

The submissions from the DJPR and Conundrum Holdings (the quarry owner) raised concerns about the Amendment, in particular, the potential impacts on the operations of the quarry.

In summary:

- DJPR indicated that it was not opposed to the Amendment but sought a referral trigger under section 55 of the Act and clear delineation of the relevant buffer distances in the DPO38
- Conundrum sought the imposition of an agreement under s 173 of the Act over the subject land (the extent of the agreement has been subsequently clarified and agreed between the parties) together with changes to the DPO38 to address its concerns.

(ii) Submissions

Council advised that that there had been discussions between the parties for some time, and that following the Directions Hearing these discussions continued, and an agreement was reached.

Council supported further changes to the exhibited DPO38. In particular, it supports:

- further recognition being given to the Quarry in the objectives of the DPO38
- an application to use or develop land within 200 metres of the Quarry extractive industry works authority boundary being accompanied by a Quarry Interface Assessment which addresses the Quarry Interface Guidelines prepared as part of the development plan
- applications to use or develop land within 200 or 500 metres of the works authority boundary (as appropriate) being referred to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act) as either a determining or recommending referral authority (again, as appropriate)
- the preparation of Quarry Interface Guidelines as part of the development plan approval process.

Council noted that the guidelines must be prepared in consultation with, and to the satisfaction of the Secretary of the Department administering the MRSD Act. Council will be looking to DJPR (as the representative of the Secretary) for confirmation that the guidelines are satisfactory, particularly as it pertains to the requirement to address:

Any risks to the environment, to members of the public, or to land, property or infrastructure arising from the ongoing activities of the Quarry.

Council submitted that all of the issues raised by DJPR and Conundrum have been resolved to their satisfaction, and that no outstanding issues or concerns remain between the parties on these matters.

(iii) Discussion and conclusion

There is the potential for land use conflicts between industrial uses on the site and the existing quarry. The Panel agrees with submissions that these conflicts are capable of being effectively managed and supports the proposed agreed changes to DPO38 to address these potential conflicts.¹³

76. The outcome in relation to Amendment C230 described above, where the developer of the industrial land is also required to notify prospective purchasers of the existence and general operations of the quarry, is a practical means of ensuring that private land that is otherwise developable is not treated as a 'no development' area for uses other than sensitive uses.
77. The importance of this example is that the onus rests with the proponent of land that is proposed to be developed that lies within the 200m blast zone buffer and the 500m sensitive use buffer such that the proponent must prepare a 'Quarry Interface Assessment' that implements (as required) the Quarry Interface Guidelines.

7 RELATIONSHIP BETWEEN THE WOODY HILL QUARRY AND PHILLIPS QUARRY AND THEIR OPERATIONAL REQUIREMENTS FROM A PLANNING PERSPECTIVE

78. Planning Permit No. 704901 for the Phillips Quarry was issued by the City of Whittlesea on 8 July 1999. The permit was subsequently corrected on 3 July 2012 and amended on 20 June 2014. The permit allows:

Use and development of the land for stone extraction in accordance with any Work Authority issued under the Mineral Resources (Sustainable Development) Act 1990 and creation of access to a Road Zone – Category 1 in accordance with the endorsed plans.

79. Condition 32 of the Permit provides that:

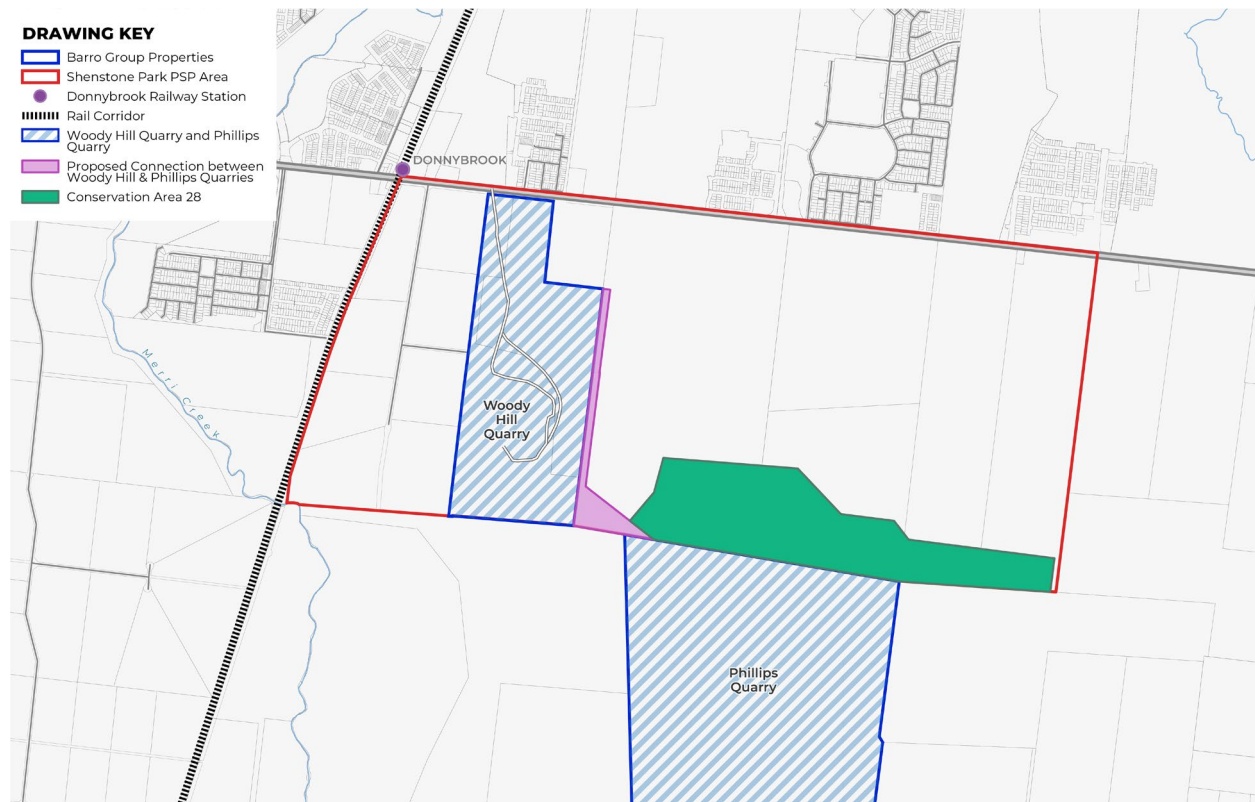
Vehicular access to and from the quarry must be only via the access road linking with Donnybrook Road as shown on the endorsed plans.....

80. At the time of issue of the Phillips Quarry planning permit it is understood that the land to the east of the Woody Hill quarry and to the north of the Phillips quarry was owned by the then extractive industry license holder.
81. At that time, the proposal was to connect the Phillips Quarry to Donnybrook Road via the land to the east of the Woody Hill Quarry in order to satisfy condition 32 of the planning permit.
82. Since that time, and following acquisition of the Phillips Quarry by Barro and sale of the land to the east of the Woody Hill quarry to others, the proposal is to connect the Phillips Quarry to Donnybrook Road via the Woody Hill quarry.
83. This is considered to be an appropriate response to the condition and will ensure that land that is proposed to be developed for sensitive land uses is protected from potential amenity impacts associated with heavy vehicles.
84. The proposed access arrangement of the Phillips Quarry from Donnybrook Road via the Woody Hill quarry is also considered to be a practical response.
85. Connectivity between the two quarries offers the opportunity to share and support related infrastructure such as the weighbridge, office, batching plant etc.
86. In order to achieve compliance with condition 32 of Permit No. 704901, I understand that a boundary realignment of DBJV land has been lodged with the City of Whittlesea.

¹³ Amendment C230 Panel Report, section 3.1

87. The boundary realignment, which requires an amendment to the boundary of Conservation Area 28, has been approved by DELWP, and supported by the VPA and will enable a physical connection to be delivered between the quarries and the excised area will be large enough to also accommodate a bund wall, maintenance track and landscaping (see Figure 10).

Figure 10 – Proposed Boundary Realignment to connect Woody Hill and Phillips Quarries



88. This outcome has been negotiated with the DBJV landowners however the impact of the boundary realignment is not yet reflected in the zoning plans.
89. Aside from the physical connectivity between the quarries and the ability to gain efficiencies associated with shared use of infrastructure, the quarries are related to the extent that they require identification and management of a range of buffers to provide for their continued operation as a key objective of the Shenstone PSP.

8 WHETHER AND, IF SO, HOW THE ABILITY TO EXTRACT THE RESOURCE IN THE WOODY HILL QUARRY AND THE PHILLIPS QUARRY AND THEIR OPERATIONAL REQUIREMENTS SHOULD BE PROTECTED THROUGH THE AMENDMENT

90. Based on the history associated with the presence of extractive industry in the North Growth Corridor and the clear demonstration that planning for urban expansion has followed rather than preceded extractive industry interests and operation, it is essential that the ability to fully extract the resource (existing and potential expansion) in both the Woody Hill and Phillips quarries and their operational requirements are protected through the amendment.
91. The exhibited and revised versions of the Shenstone Park PSP include a vision and associated objectives and a series of implementation-based requirements and guidelines.

92. Given the potential threats associated with encroachment of sensitive land uses and the broader expectations of future communities, it is essential that the PSP document (text and plans) perform some very important roles in order to properly protect the quarry resources now and into the future.
93. References to the Woody Hill and Phillips quarries can be found in various parts of the PSP including the introduction, the vision, the objectives and a number of the plans.
94. Notwithstanding the various references including the statement in the introduction to the PSP which states that *'the PSP facilitates the quarrying of important stone resources in, and in proximity to, the precinct'*¹⁴, the definitive statement that *'these two quarries are of strategic importance to the State and the earth resources in these locations need to be protected and utilised. These resources take precedence over private development and the buffers shown on Plan 15 are intended to ensure the quarries can operate while protecting amenity and human health'*¹⁵ (emphasis added) does not appear until deep into the document under the heading 3.8.4 Buffers, Noise Amenity Area & Measurement.
95. Recognition that the resources 'take precedence over private development' and that the PSP has in effect been designed around the known extractive resources must be clearly established in the vision and objectives before land use direction is provided and specific requirements and guidelines appear in the implementation based sections of the PSP.
96. This approach is consistent with the North Growth Corridor Plan (which the PSP must be generally in accordance with) where a 'protection' based approach was foreshadowed.
97. Accordingly, in order for the vision to be effective it is necessary for the exhibited version of the vision be revised to include the following additional text in place of the first paragraph:

The Shenstone Park precinct has been designed taking into account the presence of State significant extractive resources within the Woody Hill and Phillips quarries. In accordance with the direction that is set out in the North Growth Corridor Plan that acknowledges the presence of the resources, the PSP adopts a precautionary, protective approach to avoid encroachment of incompatible land uses.

The precautionary, protective approach has been adopted in recognition of the quality and value of the resource being such that the ability to efficiently extract the resource must take precedence over private development. In order to avoid encroachment of incompatible land uses, industrial land use has been planned surrounding the Woody Hill Quarry. The industrial land will act as a 'land use buffer' between the quarry and the sensitive land uses that are planned further to the east. The planned extent of the industrial land has been designed to take into account the ability to extract resources to the maximum extent possible under existing and future extractive approvals for the Woody Hill Quarry.

The Phillips Quarry lies outside the precinct but its presence and extraction potential is recognised by the plan. The plan limits the southerly extent of residential development (adjacent to conservation area reserve No.28) until such time as quarrying activity has moved further south.

The balance of Shenstone Park will be a model(include remainder of vision as per the exhibited PSP).

98. The vision contained within the PSP is accompanied by a number of important objectives.
99. The most relevant of which to extractive interests is Objective 010 which states:

¹⁴ Shenstone Park Precinct Structure Plan, pg 2

¹⁵ Shenstone Park Precinct Structure Plan, pg 66

Deliver employment land for a variety of sectors through industrial and commercial precincts that allow the continued operation and expansion of the Woody Hill quarry and commencement and expansion of the Phillips quarry (emphasis added).

100. This objective is supported when it is read in conjunction with the revised vision described above (other than the reference to 'commercial' precincts that will be addressed following) but the objective lacks clarity in the absence of the proposed revisions to the vision statement.

101. Equally, objective 015 would benefit from the proposed revisions to the vision statement.

102. Objective 010 includes direct reference to 'industrial and commercial precincts' which is also depicted on the exhibited Future Urban Structure which shows business, industry and light industry and the schedule to the Urban Growth Zone identifies the following applied zones (see Table 1 UGZ schedule):

- | | |
|------------------|----------------------|
| - Industry | - Industrial 1 Zone |
| - Light Industry | - Industrial 3 Zone |
| - Business | - Commercial 2 Zone. |

103. There is some concern that the Commercial 2 Zone may enable some incompatible uses to be established as per the submission that has been prepared by DJPR. The schedule of potential uses that are either as of right or discretionary should be reviewed in order to assess whether the Commercial 2 Zone could result in introduction of incompatible land uses.

104. Given the specialised nature of quarry operations and maintenance of buffers, it is considered appropriate for applications to be referred to DJPR as per the Whittlesea example and also to the quarry operator to assist DJPR in their assessment.

105. The PSP also plays a very important role in expressing the objective to '*allow the continued operation and expansion of the Woody Hill quarry and commencement and expansion of the Phillips quarry*' (objective 010).

106. When reference is made to the Future Urban Structure and Plan 15 of the PSP however it is evident that there are a number of issues that need to be resolved in order to ensure that the objectives of the PSP in relation to the quarries can be delivered with certainty.

8.1 Alignment of the Merri Creek Tributary

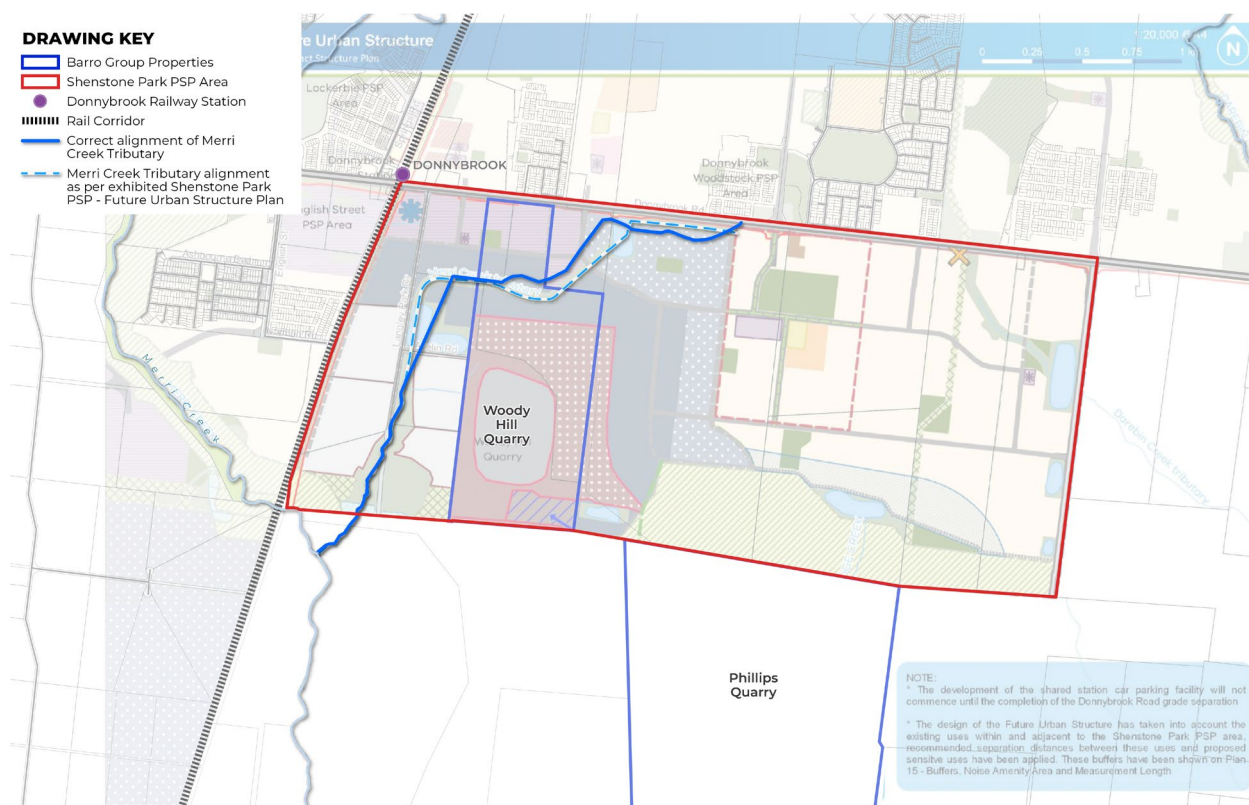
107. Plan 2 of the PSP includes the correct alignment of the Merri Creek Tributary however the exhibited version of the Future Urban Structure depicts an alignment of the Merri Creek tributary that encroaches into part of the land that is subject of WA 6437.

108. This alignment is in error when compared to the current alignment.

109. The actual alignment when compared to the Future Urban Structure alignment (see Figure 11) is located generally to the north of the alignment that is depicted on the Future Urban Structure.

110. It is very important that the correct alignment of the tributary is depicted in the Future Urban Structure as the correct alignment was not a constraint to the statutory endorsement of the Work Plan for WA 6437 and would not be a constraint to future extraction.

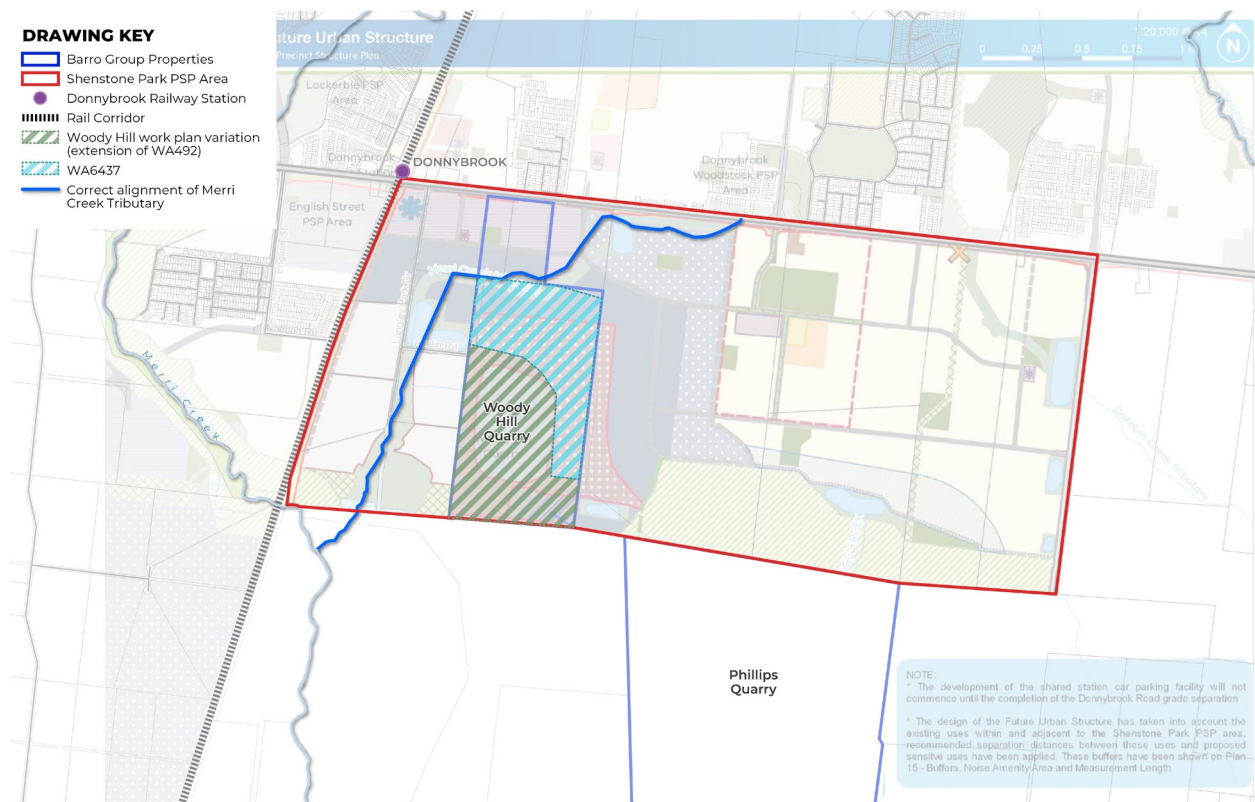
Figure 11 – Merri Creek Tributary Comparison of Alignments



8.2 Northerly extent of Future Extractive Industries Woody Hill Quarry

111. The exhibited Future Urban Structure Plan depicts a northerly extent of future extractive industries on the Woody Hill quarry site that does not coincide with the boundary of WA 6437 or the extraction limit which is generally 20m inside the Work Authority boundary (along the northern boundary).
112. Adoption of the correct alignment of the Merri Creek tributary as described above will enable the northern extent of future extractive industries to be extended to the north to coincide with the boundary of WA 6437 (see Figure 12).
113. Adjustment to the northern boundary of WA 6437 is considered to be appropriate in order to realise the full potential of the resource associated with WA 6437.

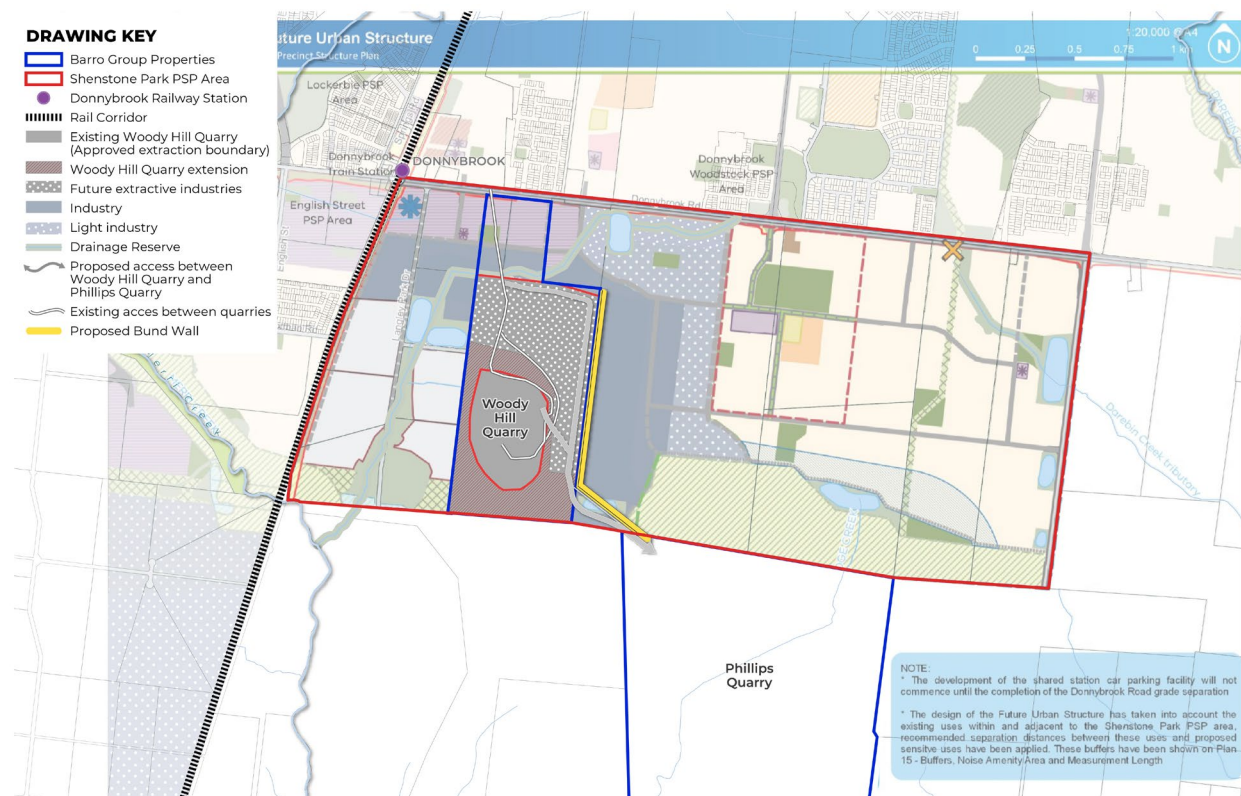
Figure 12 – Merri Creek Tributary Alignment and WA 6437



8.3 Easterly extent of Future Extractive Industries Woody Hill Quarry

114. The exhibited Future Urban Structure Plan depicts an easterly extent of 'future extractive industries' that extends approximately 100m into the adjoining privately owned land.
115. This depiction presumably reflects the extent of the known resource which does not coincide neatly with an existing property boundary.
116. But when viewed within the context of the eastern extent of WA 6437, and the relationship to planned sensitive land uses further to the east, it would be appropriate to restrict the extent of 'future extractive industries' to the eastern boundary of the Woody Hill quarry land (see Figure 13).
117. Adjustment of this boundary to coincide with the eastern boundary of the Woody Hill quarry may serve to provide certainty in relation to intended land use outcomes for the adjoining industrial land and the residential land further to the east.

Figure 13 – Reduced easterly extent of possible extraction



8.4 Connection between the Woody Hill and Phillips Quarries

118. As set out previously in paragraph 79 there is a specific condition on the Phillips quarry permit that requires access to be provided via Donnybrook Road – as discussed previously this connection is now proposed to be achieved via the Woody Hill quarry.

119. Noting the relevant objectives of the PSP in relation to the quarries which seek to enable ‘the continued operation and expansion of the Woody Hill quarry and commencement and expansion of the Phillips quarry’ (Objective 010), it is essential that the PSP depicts the means by which this connection can be achieved.

120. The connection was indicatively shown on the exhibited Future Urban Structure with a blue line with arrow heads at either end however the revised version of the Future Urban Structure Plan has deleted the blue line with the arrow heads.

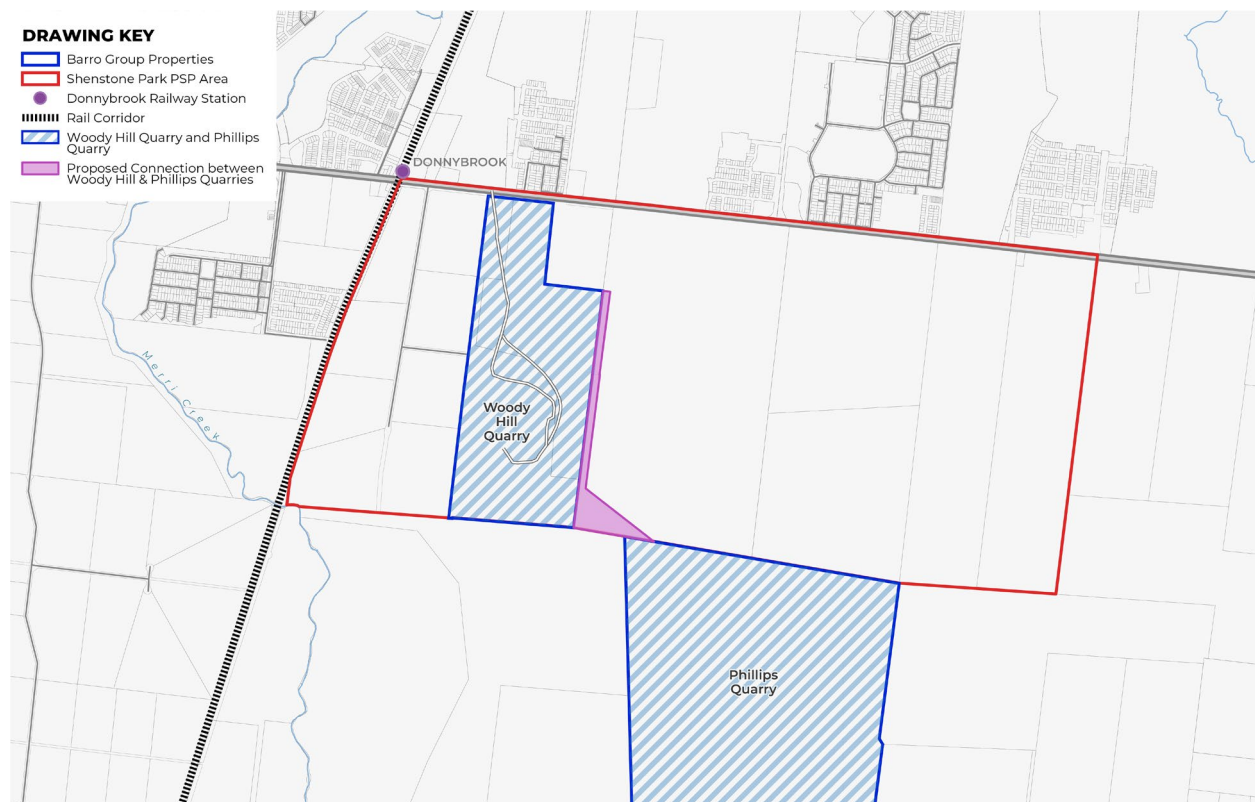
121. To facilitate the connection the adjoining landowners have lodged a boundary realignment plan which has required an amendment to the boundary of Conservation Area No.28 (with the approval of DELWP) and relocation of a planned wetland/retarding basin.

122. I understand that DELWP have approved the minor change to the boundary on the basis that other land that is proposed to be added to CA28 to offset the loss contains higher conservation values than the area that will be removed.

123. The area of the boundary realignment (that is intended to become part of the Woody Hill land) is sufficient to connect the quarries and also to accommodate the road link and a planted bund.

124. Given the importance of the connection, it is essential that the Future Urban Structure clearly depicts the connection as shown (see Figure 14).

Figure 14 – Proposed connection between the Woody Hill and Phillips Quarries



8.5 Quarry Buffers

125. Plan 15 of the exhibited PSP depicts a number of overlapping buffers.

126. The buffers are broadly consistent with the extent of industrial land that is depicted on the North Growth Area Corridor Plan.

127. Within the context of the PSP process the buffers have served to define the area of land that should not be subject to residential encroachment to ensure that the quarries can operate into the future.

128. In practical terms that area (for the Woody Hill quarry) is defined by the railway line to the west, Donnybrook Road to the north and the boundary between light industrial land and residential land to the east.

129. The applied zones will ensure that this area acts as a land use buffer for the Woody Hill quarry however it will be necessary to establish whether land that falls within the 200m buffer is able to be developed in accordance with the applied zones.

130. In accordance with the approach that was adopted in Whittlesea Amendment C230, it is recommended that the land within the 200m buffer for the Woody Hill quarry only (given that the 200m Phillips quarry buffer is contained within the Conservation Area boundary) be subject to a requirement for any future planning permit applications to prepare a 'Quarry Impact Assessment'. Applications within the sensitive use buffer, as determined by the buffer experts, should be referred to DJPR for both sites and also referred to the quarry operator to assist DJPR with their assessment.

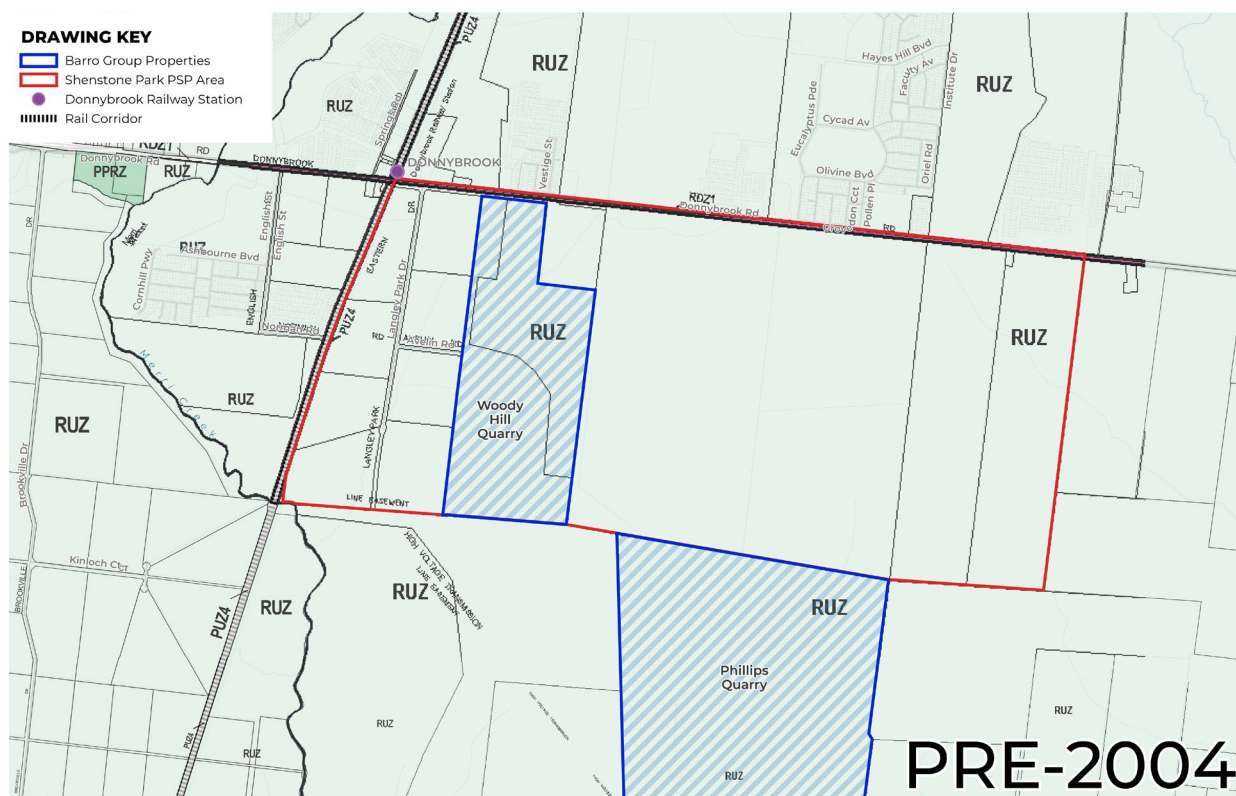
131. The requirement to prepare and refer a Quarry Impact Assessment will ensure that the continued operation of the quarry is taken into account when assessing the potential impacts of any planning permit application.

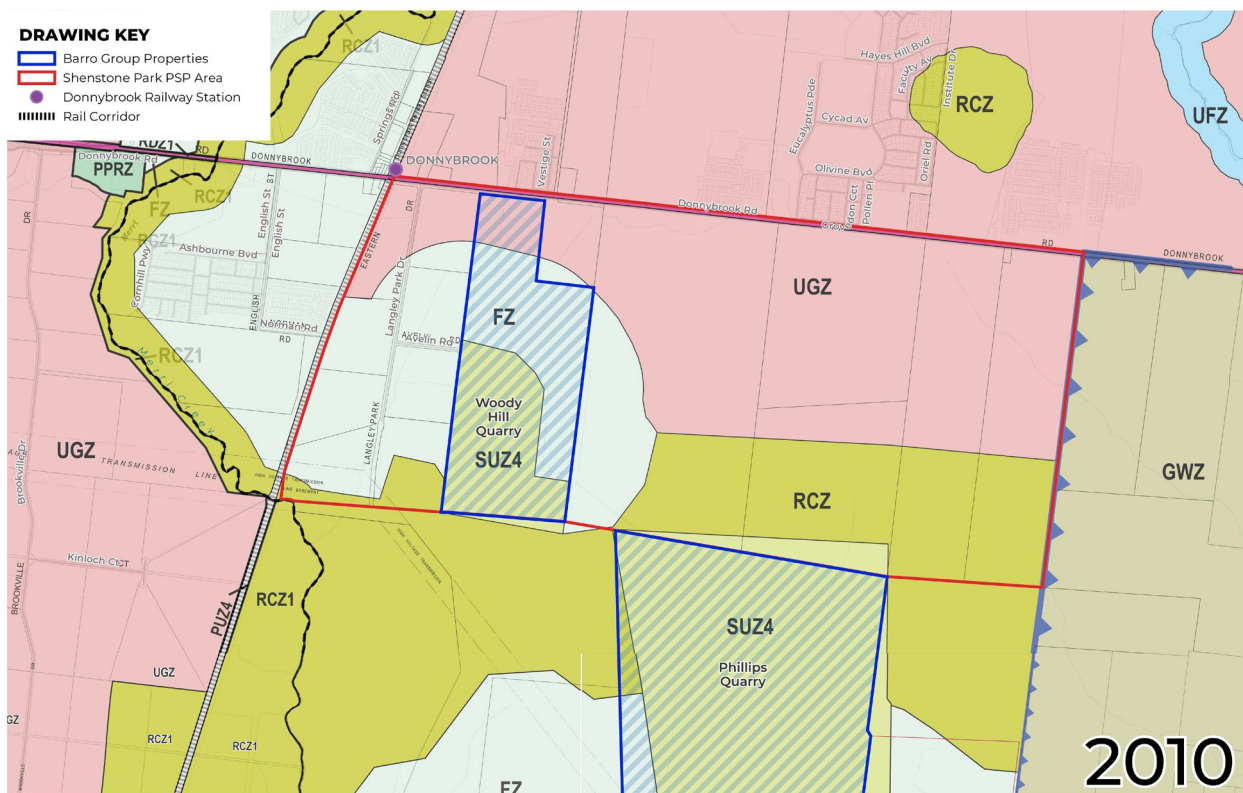
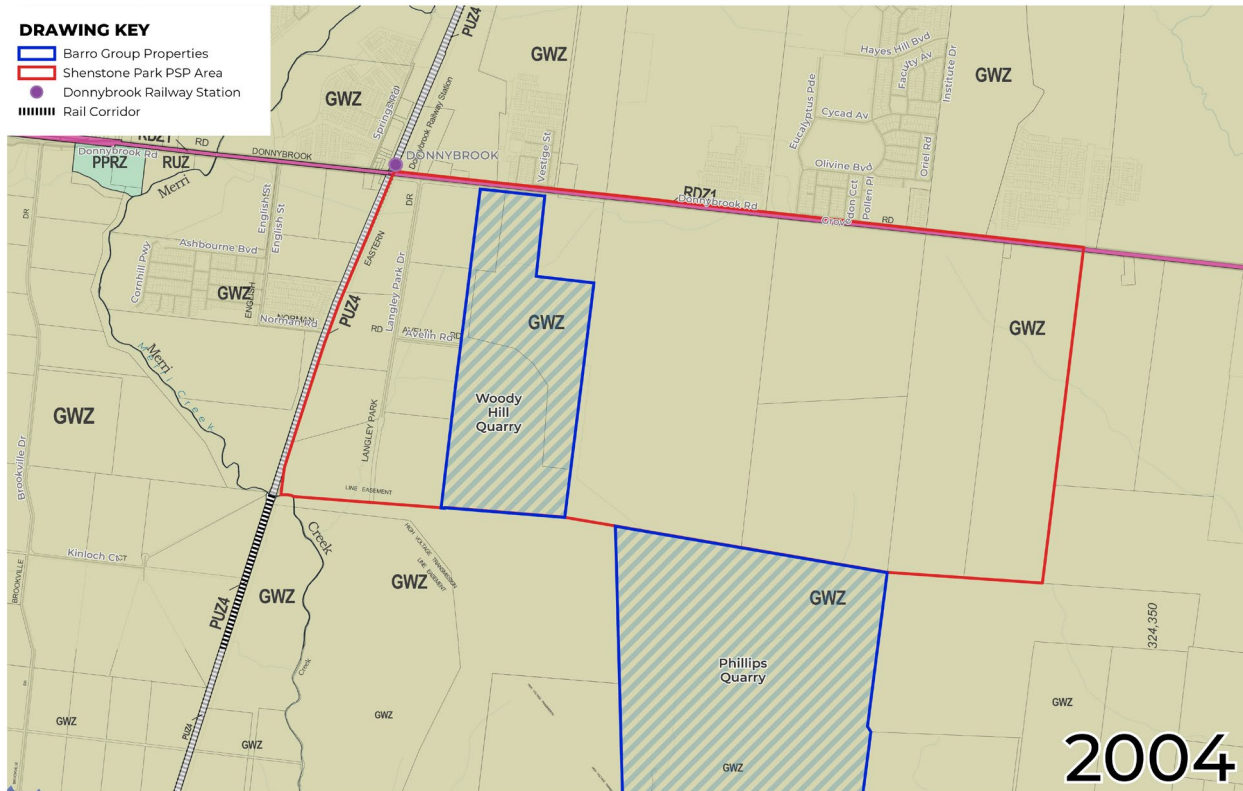
132. The requirement to prepare a Quarry Impact Assessment and referral to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act) as either a determining or recommending referral authority (again, as appropriate) could be included within the schedule to the UGZ.
133. Referral of such applications to the quarry operator could also assist the Department in their assessment of the referred applications.
134. In the Whittlesea example, completion of the Quarry Impact Assessment requires that regard be given to 'Quarry Interface Guidelines' that are to be prepared in association with preparation of a Development Plan that will apply to the developable land. In this example, given that the requirement to prepare the guidelines rests with the developer of the private land, this requirement could be included within the schedule to the UGZ.
135. This approach would be suitable for the Woody Hill quarry however it is noted that the Phillips quarry buffer extends into an area of developable land (to the north of Conservation Area 28). Notwithstanding, it would be prudent to include this requirement on the Future Urban Structure Plan such that it will also appear in the schedule to the UGZ.

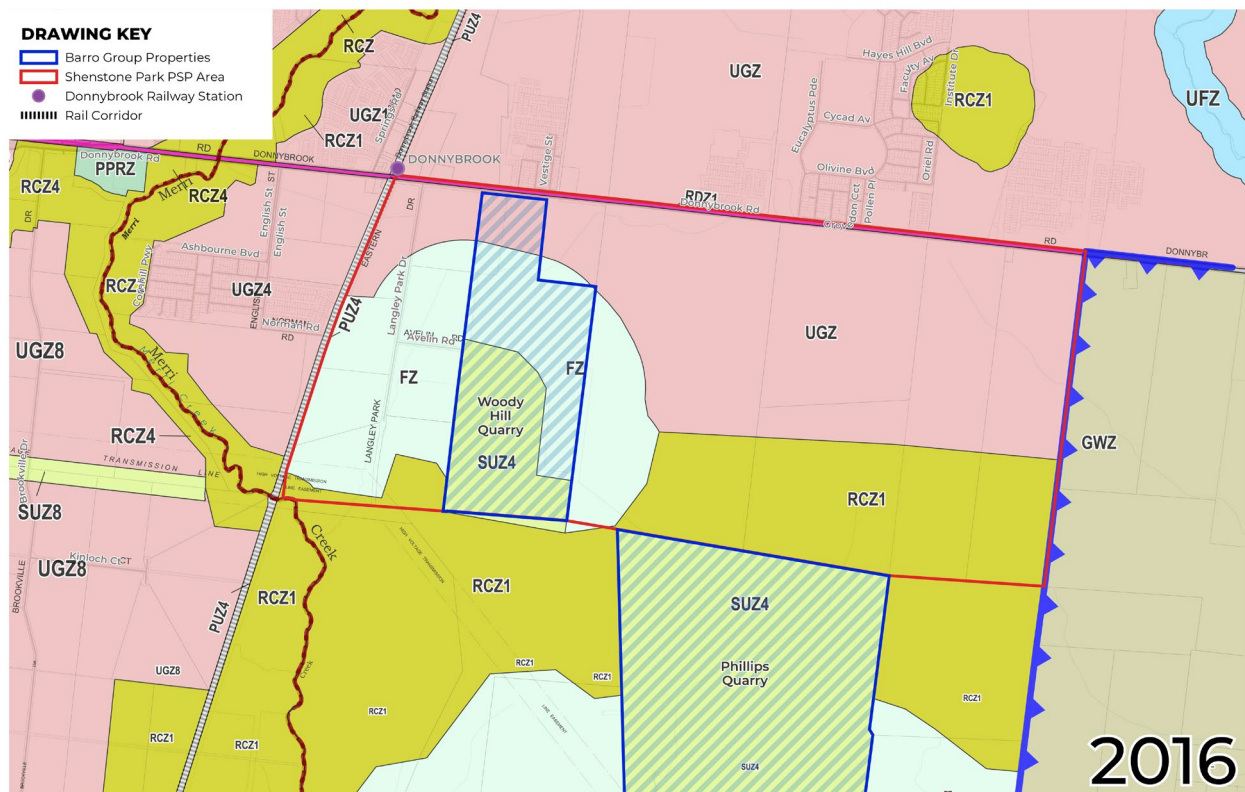
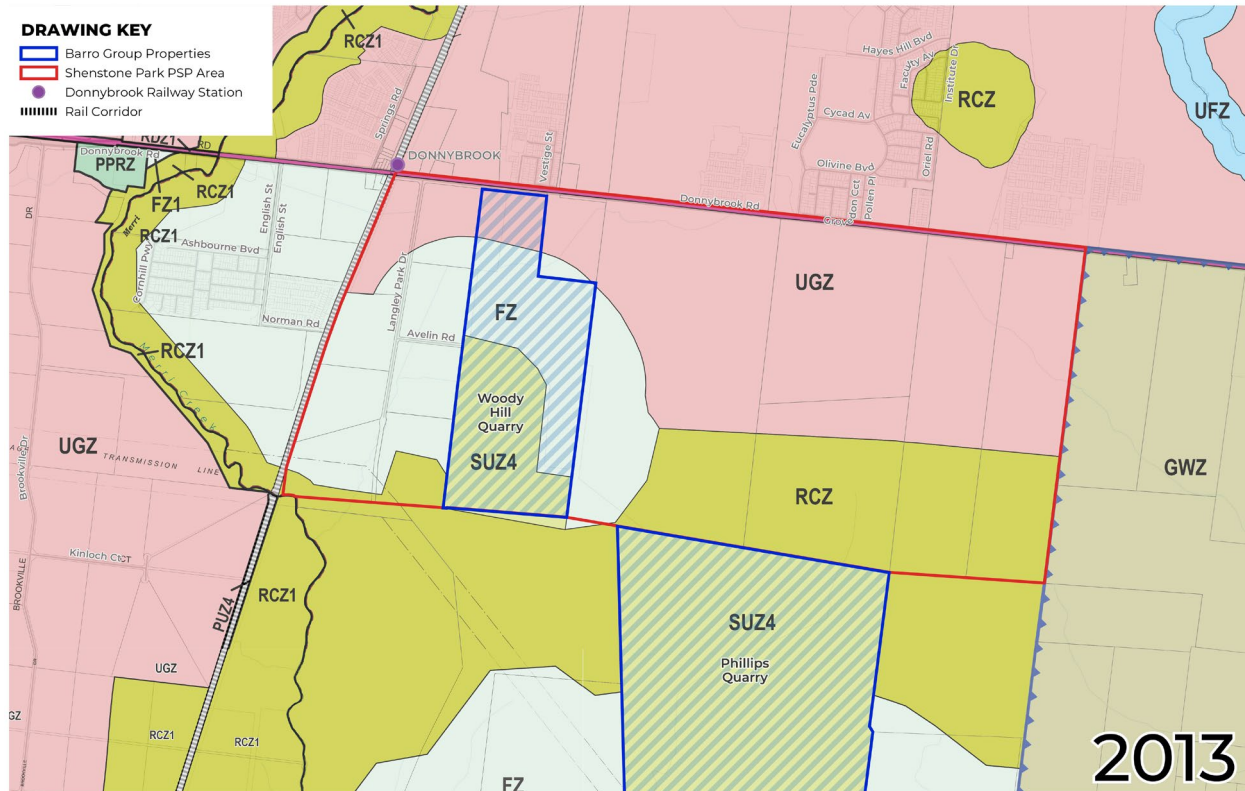
9 WHAT ZONE SHOULD APPLY TO THE BARRO LAND AND WHY

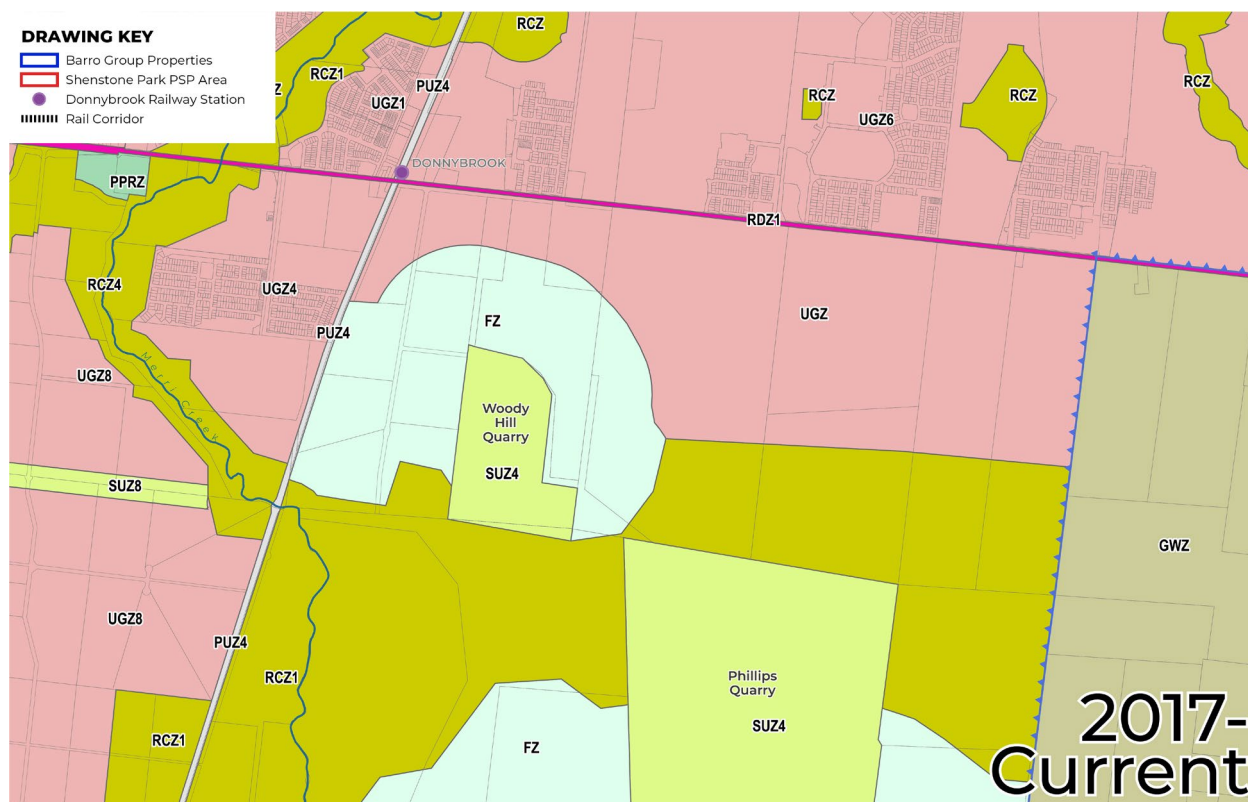
136. Analysis of the zoning history of the Barro land and surrounds (see *Figures 15 to 20*) reveals that part of the Woody Hill quarry land and all of the Phillips quarry has been zoned Special Use Zone (schedule 4) since 2010 and prior to 2010 some of the land (the balance of the Woody Hill land was zoned part Farming Zone and part Urban Growth Zone in 2010).

Figure 15 to 20 – Zoning History Pre-2004









137. The Special Use Zone (schedule 4) is a purpose written schedule that relates to 'Earth and Energy Resources' the purpose of which is:

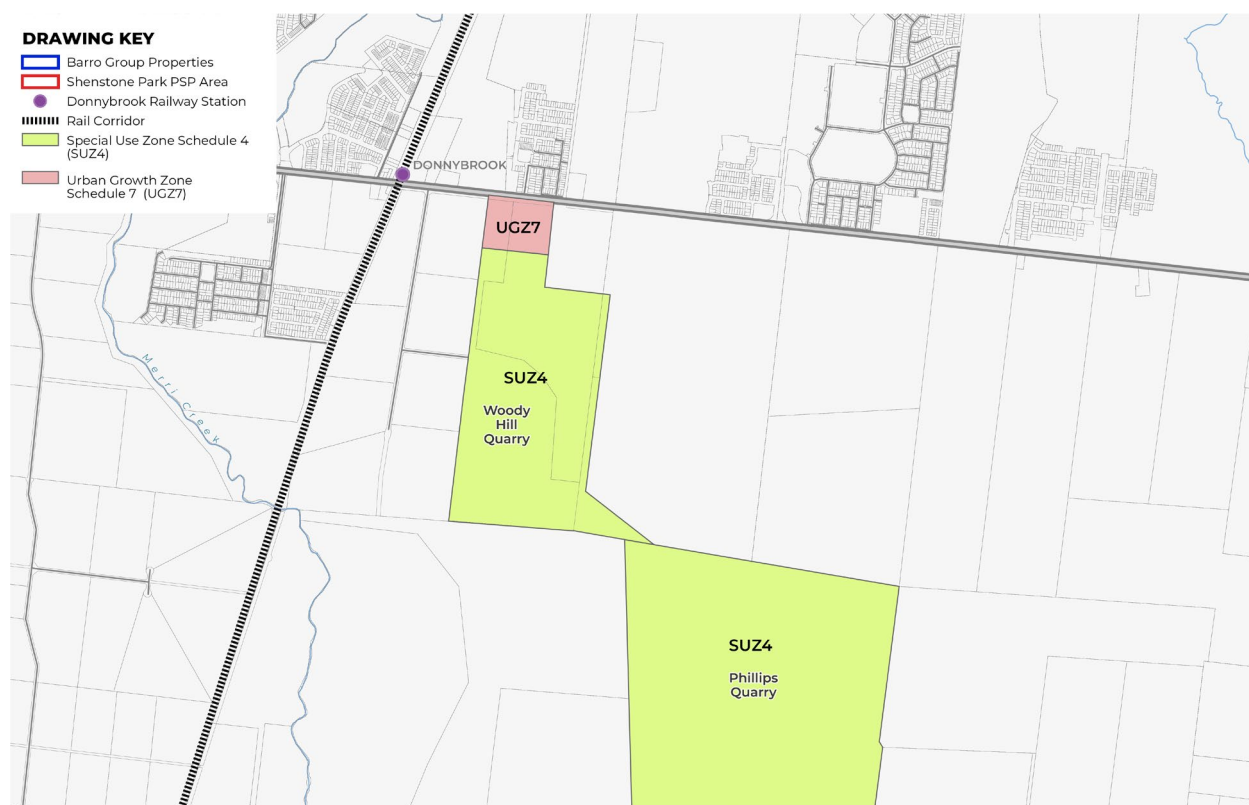
To recognise or provide for the use and development of land for earth and energy resources industry.

To encourage interim use of the land compatible with the use and development of nearby land.

To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

138. The Special Use Zone (schedule 4) is considered to be the appropriate zone that should apply to the combined Work Authority areas (WA 492 and WA 6437), the associated infrastructure and including the connection between the two quarries (see Figure 21) (noting that the Phillips quarry is already zoned Special Use Zone).

Figure 21 – Recommended extent of Special Use Zone



139. Use of the Special Use Zone (schedule 4) is also consistent with the approval process that is contained within the Extractive Industry and Resources Planning Practice Note, Planning Practice Note 89 dated February 2020.

140. In this context, I note that there was a request by Barro for inclusion of all of the Barro land within the Special Use Zone.

141. That approach was able to be justified based on ownership of the land and a view that the front part of the land up to Donnybrook Road was to be used for land uses that are associated with the primary use of the land which is for extractive purposes.

142. That proposal was replaced by way of correspondence dated 2 October that sought a reduced area of application of the Special Use Zone such that the zone will cover the extent of the land to be quarried along with associated infrastructure, while also allowing industrial development along Donnybrook Road.

143. I support the more recent approach of limiting the extent of the Special Use Zone as described above and including the connecting land between the two quarries.

144. This approach will enable the land to the north of the Special Use Zone up to Donnybrook Road to be used for industrial and other purposes and I note that Infrastructure Contributions Plan (ICP) and Growth Area Infrastructure Contributions (GAIC) will apply.

10 WHETHER ANY CHANGES ARE REQUIRED TO THE AMENDMENT

145. A number of changes are required to the Amendment, including:

- i) Amend the exhibited vision to include the following additional text in place of the first paragraph:

The Shenstone Park precinct has been designed taking into account the presence of State significant extractive resources within the Woody Hill and Phillips quarries. In accordance with the direction that is set out in the North Growth Corridor Plan that acknowledges the presence of the resources, the PSP adopts a precautionary, protective approach to avoid encroachment of incompatible land uses.

The precautionary, protective approach has been adopted in recognition of the quality and value of the resource being such that the ability to efficiently extract the resource must take precedence over private development. In order to avoid encroachment of incompatible land uses, industrial land use has been planned surrounding the Woody Hill Quarry. The industrial land will act as a 'land use buffer' between the quarry and the sensitive land uses that are planned further to the east. The planned extent of the industrial land has been designed to take into account the ability to extract resources to the maximum extent possible under existing and future extractive approvals for the Woody Hill Quarry.

The Phillips Quarry lies outside the precinct but its presence and extraction potential is recognised by the plan. The plan limits the southerly extent of residential development (adjacent to conservation area reserve No.28) until such time as quarrying activity has moved further south.

The balance of Shenstone Park will be a model(include remainder of vision as per the exhibited PSP).

- ii) Review the range of permissible uses within the Commercial 2 Zone to assess whether the Commercial 2 Zone is appropriate taking into account the potential for establishment of incompatible land uses in proximity to the Woody Hill quarry;
- iii) Amend the schedule to the Urban Growth Zone (UGZ) to require preparation of a Quarry Impact Assessment (that implements Quarry Interface Guidelines) and referral requirements to DJPR for land within the 200m blast zone buffer (for the Woody Hill Quarry) and the sensitive use buffer as determined by the buffer experts (for the Woody Hill and Phillips quarries);
- iv) Consider a mechanism to require referral of such applications to the quarry operator for comment to DJPR;
- v) Extend the Special Use Zone on the Woody Hill quarry to the north (to include quarry related plant) and east and including the connection between the two quarries and retain the Industrial 1 Zone and Commercial 2 Zone on the balance of the land;
- vi) Amend the Future Urban Structure to show the requirement to exclude development of sensitive land uses within the Phillips quarry sensitive use buffer until such time as extraction has moved to the south such that it will also appear in the schedule to the UGZ.
- vii) Amend the Future Urban Structure Plan (and the related plans throughout the PSP) to:
- Apply the correct alignment of the Merri Creek tributary;
 - Extend the area of future extractive industries on the Woody Hill quarry to coincide with WA 6437;
 - Remove the area of future extractive industries to the east of the Woody Hill property boundary;
 - Show the link between the two quarries and the associated amendment to CA No. 28 and relocation of the wetland/retarding basin including the proposed access road and planted bund;
 - Show the location of the Phillips Quarry; and

- Include the Woody Hill and Phillips quarry buffers.

11 RESPONSE TO THE RELEVANT SUBMISSIONS

146. In response to exhibition of the Amendment a number of submissions were received. Of the submissions that are relevant to the Woody Hill and Phillips quarries the following responses are provided.

Location and Extent of Employment Land

147. Some submitters have challenged the designation of part of the PSP Future Urban Structure for employment purposes on the basis that there is no need for employment land taking into account the quantum of employment land that is designated elsewhere within the corridor.

148. As I have set out previously, designation of land for employment purposes to protect extractive resources from encroachment of sensitive land uses is an explicit and deliberate land use direction that is contained within the North Growth Corridor Plan.

149. In that context, the necessary extent of employment or industrial land in order to avoid encroachment of sensitive land uses, should be determined based on buffers that are determined by the relevant experts.

Water Treatment Facility

150. The exhibited and the amended versions of the Future Urban Structure nominate a 'potential future water treatment facility' via a green asterisk generally to the south of the Woody Hill quarry and to the west of the Phillips quarry outside the PSP boundary.

151. Issues have been raised by DJPR in their submission seeking relocation of the proposed plant outside the Woody Hill and Phillips buffers which would 'remove the need for a blast restriction area for the Woody Hill quarry' or 'delay the establishment of the facility until after the nearby quarries have completed any production in the areas that would be encroached by the facility'¹⁶.

152. I support the submission of DJPR to the extent that it seeks to manage a potential future conflict and protect the Woody Hill and Phillips quarries.

153. With regard to the status of the treatment plant more generally however, I am concerned that the location, design and operational requirements of the treatment plant appear to be largely unresolved.

154. Being located outside the PSP boundary, the PSP and the associated statutory controls offer little certainty about the means by which the location and operational requirements of the treatment plant will be resolved.

155. In a growth area context such infrastructure is essential and without which land cannot be developed for urban purposes.

156. Given that the infrastructure is essential to the planned urban development the Panel is urged to make deliberate enquiries regarding the status of the infrastructure but noting the submission of DJPR in relation to impact on the Woody Hill blast zone buffer, that is, to try to avoid the plant being located within the 200m blast zone buffer.

12 CONCLUSION AND SUMMARY OF OPINION

¹⁶ Department of Jobs, Precincts and Regions (DJPR) Resources Branch, pg 2

157. The history of strategic planning in the vicinity of the Shenstone Park PSP unequivocally confirms that:

- Quarrying had commenced long before urban development was contemplated within the Shenstone Park PSP or the Donnybrook/Woodstock PSP;
- The presence and value of both the Woody Hill and Phillips Quarry resources have been recognised through successive investigations;
- Prior to amendment to the UGB in 2010 the Shenstone Park PSP land was zoned Green Wedge and WA 492 was zoned Special Use;
- Land that falls within the sensitive use buffer of the Phillips quarry was formerly zoned for Conservation purposes (part of Conservation Area 28);
- Various approvals have been granted over time in support of the intention to extract resources from the Woody Hill and Phillips quarries; and
- The North Growth Corridor Plan specifically identifies the quarries and the opportunity to co-locate a sewerage treatment plant within the quarry buffer and designation of 'non-urban utilities' and employment land to create a buffer to Donnybrook Road.

158. In that context there is significant State Policy that seeks to protect known resources and related investigations that have confirmed the significance of the resources that are contained within the Woody Hill and Phillips quarries.

159. The weight of State policy when combined with the history associated with planning for the Shenstone Park PSP and the reality that there are significant reserves of planned residential lot supply elsewhere in the corridor is such that quarrying activity and protection of known resources must take precedence.

160. The exhibited Shenstone Park PSP seeks to recognise the importance of the resources by stating that *these two quarries are of strategic importance to the State and the earth resources in these locations need to be protected and utilised. These resources take precedence over private development and the buffers shown on Plan 15 are intended to ensure the quarries can operate while protecting amenity and human health*¹⁷. However in order for the objectives of the PSP to be realised and in order for the Shenstone Park PSP to be 'generally in accordance with' the North Growth Corridor Plan, the vision of the PSP needs to be expanded and various changes need to be made to the PSP as set out in paragraph 147 of this statement.

161. The Special Use Zone should be applied to the full extent of possible extraction within the Woody Hill and Phillips Quarry sites, including associated infrastructure.

162. In order to protect the resource it is important that employment/industrial land provides a buffer to the quarry to protect against encroachment by sensitive land uses.

163. A net community benefit will only be achieved where the recommended changes are made to the exhibited PSP such that the *continued operation and expansion of the Woody Hill quarry and commencement and expansion of the Phillips quarry*¹⁸ can be achieved with certainty.

¹⁷ Shenstone Park PSP, pg66

¹⁸ Shenstone Park PSP, pg 9

APPENDIX 1 - CV



Chris De Silva

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Chris De Silva is highly respected in the planning industry for his ability to conceptualise the strategic merits of any given project.

Chris has over 30 years experience as a planner, primarily in the specialized field of growth area planning.

Spending 18 years at the City of Whittlesea, occupying the positions of Manager Strategic Planning and Director Planning and Development Chris was broadly responsible for conceptualising and implementing the Whittlesea Growth Areas framework. This process involved in-house preparation of Precinct Structure Plans for each of the growth areas and formulation of integrated transport plans and development contributions plans for the City.

The approach adopted by the City under Chris's guidance culminated in a total of 11 State awards from the Planning Institute of Australia for Planning Excellence and visits from all other growth areas.

education.

- + Bachelor of Applied Science (Planning) RMIT University

employment.

- + 2009 – Mesh, Director
- + 2008 – Villawood Properties, Strategic Development Director
- + 1991 – City of Whittlesea, Director of Planning and Development (and formerly Manager Strategic Planning)
- + 1990 – Wilson Sayer Core, Town Planner

key projects.

Chris has been the mastermind behind the following key projects:

- + Armstrong Creek West Precinct Structure Plan and Development Contributions Plan, Geelong
- + Wollert Precinct Structure Plan, Whittlesea
- + Davies Hill, Woodend
- + Strathfieldsaye East Development plan, Bendigo
- + Schofields Indicative Layout Plan Urban Design Review, New South Wales
- + Trillium Estate Masterplan, Hume
- + Redstone Hill Masterplan and Town Centre, Sunbury
- + Greenvale Central Precinct Structure Plan and Masterplan, Hume
- + North of the Merri Local Structure Plan, Development Contributions Plan and Development Plan, Warrnambool
- + Crinigans Road Development Plan, Morwell
- + Cross' Road Development Plan, Traralgon

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APPENDIX 2 – SUMMARY OF PLANNING POLICY FRAMEWORK

Set out following is a summary of the State Planning Policy Framework.

1. Clause 11.01-1S Settlement

- *Plan Melbourne 2017-2050* and *Plan Melbourne 2017-2050: Addendum 2019* identified as a policy document to be considered as relevant

2. Clause 11.01-1R Settlement

- The *Melbourne 2050 Spatial Framework* identifies a “State-significant road corridor” west of the site

3. Clause 11.01-2S Structure Planning

- Objective is to facilitate the orderly development of urban areas
- It is strategy to:

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation

4. Clause 11.03-2S Growth Areas

- Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators

5. Clause 13.04-1S Contaminated and potentially contaminated land

- Objective is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.
- Strategies include

Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

6. Clause 13.05-1S Noise abatement

- Objective is to assist the control of noise effects on sensitive land uses
- Strategies to achieve the objective include:

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

7. Clause 13.06-1S Air quality management

- Objective is to assist the protection and improvement of air quality
- Strategies to achieve the objective include:

Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

- *State Environment Protection Policy (Air Quality Management) and Recommended Separation distances for industrial residual air emissions (Environment Protection Authority, 2013) are identified as policy documents to be considered as relevant. The relevant separation distances for a quarry (quarrying, crushing, screening, stockpiling and conveying of rock) are:*

- 500m for a quarry with blasting; and*
- 250m for a quarry without blasting.*

8. Clause 13.07-1S Land use compatibility

- Objective is to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Strategies to achieve the objective include:

Ensure that use or development of land is compatible with adjoining and nearby land uses. Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.

Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

- *Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013) is identified as a policy document to be considered as relevant. The relevant separation distances for a quarry (quarrying, crushing, screening, stockpiling and conveying of rock) are:*

- 500m for a quarry with blasting; and*
- 250m for a quarry without blasting.*

9. Clause 14.03-1S Resource exploration and extraction

- Objective is to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.
- Strategies to achieve the objective include:

Provide for the long-term protection of natural resources in Victoria.

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.

Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the

Petroleum Act 1998.

Develop and maintain buffers around mining and quarrying activities.

Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

Determine buffer areas between extractive activities and sensitive land uses on the following considerations:

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

- Any applicable State Environment Protection Policy must be considered as relevant

10. Clause 15.01-1S Urban design

- Objective is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Strategies to achieve the objective include:

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

11. Clause 15.01-3S Subdivision design

- Objective is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Strategies to achieve the objective include:

Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

12. Clause 17.01-1S Diversified economy

- Objective is to strengthen and diversify the economy.
- Strategies to achieve the objective include:

13. Clause 17.01-1R Diversified economy – Metropolitan Melbourne

- Strategies include:

Facilitate investment in Melbourne's outer areas to increase local access to employment.

14. Clause 17.03-1S Industrial land supply

- Objective is to ensure availability of land for industry.
- Strategies to achieve the objective include:

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:

- i. Good access for employees, freight and road transport is available.*
 - ii. Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*
- Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013) is identified as a policy document to be considered as relevant.

15. Clause 17.03-2S Industrial land supply

- Objective is to facilitate the sustainable operation of industry
- Strategies to achieve the objective include:

Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

- Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013) is identified as a policy document to be considered as relevant.

16. Clause 18.01-1S Land use and transport planning

- Objective is to create a safe and sustainable transport system by integrating land use and transport.
- Strategies to achieve the objective include:

Plan urban development to make jobs and services more accessible by:

- i. Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*

Local Planning Policy Framework

Set out below is a summary of the Local Planning Policy Framework

17. The *Local and Regional Context* at Clause 21.02-2 notes the City of Whittlesea the municipality is rapidly growing, set to reach 300,000 residents by 2030.
18. Clause 21.02-2 also notes that major transportation corridors and convenient access to other employment centres provides an incentive to locate major state infrastructure projects in Whittlesea.
19. A number of key issues are identified in Clause 21.02-3, including:
 - Long term strategies are required to ensure that land reserved for residential, industrial and commercial development is suitably serviced.
 - While the City is well represented in manufacturing, warehousing and distribution activities, industrial and other employment generating activities are spread disproportionately throughout the municipality
 - Further opportunities for future employment areas are located within the Northern Quarries Investigation Area which was identified as part of the North Growth Corridor Plan.
20. A key strategic direction of the “*Shaping Our Future*” *Community Plan 2030* is *growing our economy*
21. Clause 21.04-2 includes an objective *to effectively manage urban growth* which includes strategies to
 - *Strategy 1.3: Protect the non-urban breaks between South Morang, Mernda/Doreen and Whittlesea Township and between Wollert and Donnybrook/Woodstock with a focus on the Quarry and Whittlesea Hills and linking key watercourses.*
 - *Strategy 1.6: Provide for suitable separation of new residential areas from industry, to minimise the potential for adverse amenity impacts.*
22. Clause 21.06-3 *Resource exploration and extraction* recognises the extractive industry provides valuable economic benefits for the municipality, having a number of associated economic investment and indirect employment benefits.
23. The objective under Clause 21.06-3 is *to safeguard the amenity and environment of land surrounding extractive industries*, which includes a single Strategy 1.1 *to Provide appropriate separation distances, or buffers between extractive industry operations and sensitive uses on nearby land.*
24. Clause 21.10-1 *Employment opportunities* includes Objective 1 *To provide greater balance between housing supply and employment opportunities*, with a number of strategies including:
 - *Strategy 1.5 Provide for a continued supply of serviceable employment land within growth areas that meets the needs of new industry and the local workforce.*
 - *Strategy 1.6 Continue to provide high quality physical infrastructure to new commercial and industrial development.*
 - *Strategy 1.8 Provide adequate separation and buffer areas between sensitive land uses and high impact industries such as extractive industry and land fill.*
25. Clause 22.09 *Industrial Development Policy* indicates Council are concerned with the appearance of industrial areas, and it is policy to:

Ensure that the scale and appearance of all buildings and works is consistent with the purpose of the zone, site location, and surrounding land uses.

Encourage appropriate landscape and building setbacks that enhance and / or improve the appearance of industrial areas.

Ensure all external storage of goods and materials, refuse collection areas and garbage skips is fully screened from view. Screening should be in materials consistent with buildings to be constructed on the site.

Zones

The below provides a summary of the relevant zones

26. The subject land is currently zoned part Special Use Zone Schedule 4 (SUZ4) *Earth and Energy Resources Industry, part Urban Growth Zone and part Farming Zone.*
27. The purpose of the Special Use Zone (schedule 4) is:
 - *To recognise or provide for the use and development of land for earth and energy resources industry.*
 - *To encourage interim use of the land compatible with the use and development of nearby land.*
 - *To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.*

Overlays

The portion of the subject site which contains the Woody Hill quarry is not affected by any overlays however the Phillips Quarry contains an Environmental Significance Overlay over part of the land.

Particular Provisions

The following particular provisions are relevant to the use and operation of the Woody Hill quarry:

28. Clause 52.08 – Earth and Energy Resources Industry, the purpose of which is
 - *To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.*
 - *To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.*
 - *To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.*
29. Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas, the purpose of which is:
 - *To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.*
 - *To ensure that excavated areas can be appropriately rehabilitated.*
 - *To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.*
30. Clause 53.10 – Uses with Adverse Amenity Potential, the purpose of which is:
 - *To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

Other Relevant Strategies/Investigations

The below provides a summary of the relevant strategic documents

Plan Melbourne 2017-2050

31. Plan Melbourne seeks to guide growth in city and suburbs until 2050, integrating long-term land use, infrastructure and transport planning to meet the needs of current and future generations.
32. Plan Melbourne is a statement of policy intent. Detailed decisions of implementation and delivery are subject to typical planning processes and tools.
33. Outcome 1 of Plan Melbourne is *Melbourne is a productive city that attracts investment, supports innovation and creates jobs*. Within this outcome are multiple directions which seek to strengthen Melbourne's competitiveness for jobs and investment, improve access to jobs and support for productive use of land in Melbourne's non-urban areas
34. Policy 1.4.2 of Plan Melbourne is to *Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs*. This policy notes that demand for extractive resources is expected to almost double by 2051, driven by growth in the residential sector. It identifies that extractive industries need to be protected by effective strategic planning that increases certainty and improves community confidence.

Further, this policy notes there are a small number of extractive industry interest areas within Melbourne's urban growth boundary for which the sequencing of urban development should allow strategic resources to be extracted ahead of establishing urban areas. Provision for urban areas should proceed outside defined buffer areas.

If not managed, urban encroachment will constrain the operations of existing quarries and curtail future supplies of extractive resources. The policy concludes by stating *To secure a long-term supply of extractive resource materials at competitive prices, current extractive industries must be protected and future extractive resource areas must be identified.*

35. Direction 4.5 of Plan Melbourne is *Plan for Melbourne's green wedges and peri-urban areas*, which are required to protect extractive industries. This direction goes on to note that consistent with Regional Growth Plans, planning for green wedge and peri-urban areas should *define and protect areas that are strategically important to the metropolitan area and the state, for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources*

Plan Melbourne 2017-2050 Action Plan

36. Plan Melbourne 2017-2050 was accompanied by an Action Plan. Action 18 is *Management of extractive industry* which is a short term action, led by the Department of Environment, Land, Water and Planning (DELWP), which seeks to protect existing and future extractive resource assets from incompatible land uses by adopting planning options consistent with the findings of the *Extractive Resources in Victoria, Demand and Supply Study, 2015–2050*.

Extractive Resources in Victoria, Demand and Supply Study, 2015–2050

37. The State Government released the *Extractive Resources in Victoria, Demand and Supply Study 2015-2050 (Demand and Supply Study)* in 2016. The Study indicates demand for extractive resources is expected to nearly double by 2050 (from 47 million tonnes in 2016 to 88 million tonnes in 2050).
38. The report identifies the encroachment of urban and regional development into existing quarry areas is presenting challenges in maintaining access to the supply of quality extractive resources
39. Whittlesea is identified as the seventh most significant strategic resource location, the most critical resources being hard rock and clay.

Getting the Groundwork Right – Better regulation of mines and quarries, Commissioner for Better Regulation, 2017

40. The *Getting the Groundwork Right – Better regulation of mines and quarries* report outlines actions taken by the Earth Resources Regulation Branch (ERR) of Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (now known as Department of Jobs, Precincts and Regions (DJPR)). This report is part of the Continuous Improvement Project.
41. The report notes that quarries need to be located as close as possible to development sites, ensuring the cost of construction is low.
42. The report notes that DELWP and DEDJTR in partnership have developed a new approach to strategic resource and land use planning focussed on enabling access to earth resources in geologically promising areas, supporting the efficient allocation of rights, and facilitating jobs and investment.
43. Recommendation 6 of the report is:

DEDJTR should work with DELWP to develop guidelines for Strategic Resource Areas, to support the option of instituting the Minister for Planning as the Responsible Authority for planning approvals for operations located in Strategic Resource Areas.

Growth Corridor Plans, Managing Melbourne's Growth, Growth Areas Authority, June 2012

44. The *Growth Corridor Plans – Managing Melbourne's Growth* document contains high level integrated land use and transport plans that provide a strategy for future development over the coming decades. Within this document is the *North Growth Corridor Plan* which applies to the subject site. This *North Growth Corridor Plan* is reference in Clause 21.02-3 of the Whittlesea planning scheme.
45. The *North Growth Corridor Plan*, identifies the North Growth Corridor (NGC) as one of the most important industrial regions in Australia. Key objectives for the NGC are to build on the potential to provide additional industrial land supply by improving the range and diversity of jobs in the employment market
46. The future industrial area surrounding the subject Woody Hill quarry is identified as the *Donnybrook Road Industrial Precinct* in the *North Growth Corridor Plan*
47. The *North Growth Corridor Plan* identifies a 50 hectare site between the Woody Hill quarry and the railway line as being the best location for the provision of a new sewage treatment and recycled water plant, essential to the development of the NGC. This location presents the opportunity to co-locate the sewage treatment plant within part of the buffer to the Woody Hill quarry.
48. The *North Growth Corridor Plan* states:
 - *The North Corridor Plan ensures that approved and operational quarries are protected from encroachment by sensitive land uses. It also locates industrial or commercial development activities adjacent to existing quarry sites within/adjacent to the UGB. On that basis, these precincts would be rezoned to Urban Growth Zone, but any buildings proposed within 200m of the title boundary of such quarries will be subject to a risk assessment to be undertaken at PSP stage, to ensure that the impact of rock blasting is acceptable.*

Helping Victoria Grow – Extractive Resources Strategy, DEDJTR, June 2018

49. The *Helping Victoria Grow* strategy was prepared to help to secure access to critical materials to build future homes and infrastructure affordably. Objectives of the strategy are:
 - *Take immediate short-term action to ensure a sufficient supply of extractive resources is available to meet Victoria's immediate infrastructure construction requirements*

- *Provide secure and long-term access to extractive resource areas of strategic importance to the State*
- *Maintain and improve Victoria's competitiveness and provide greater certainty for investors in the extractives sector*
- *Prioritise and implement improvements to streamline regulatory approval processes in the short-term*
- *Raise community understanding about the role of extractive resources in supporting Victoria's growing population and build confidence in the regulatory performance of the sector*
- *Encourage leading-practice approaches to sustainability, environmental management and community engagement*
- *Encourage and support innovation in exploration, extraction and the end use of landforms after quarrying.*

Joint ministerial statement on extractive resources, 2018

50. The Joint Ministerial Statement (Tim Pallas Minister for Resources and Richard Wynne Minister for Planning) reinforces the need to identify and protect significant resources. The statement commits to:

- *Streamline approval processes to expand production*
- *Protect the continuity of supply from existing quarries*
- *Apply the 'agent of change' principle to quarries*
- *Provide better guidance to industry and local government*
- *Identify and protect extractive resources of strategic importance*
- *Reduce the environmental impact of quarrying and deliver landscapes for the community*

The Joint Statement implements priority actions in the *Victorian Government's Extractive Resources Strategy, Helping Victoria Grow*. It also gives effect to the recommendations of the Commissioner for Better Regulation, in the report *Getting the Groundwork Right: Better*



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