

910 Donnybrook Rd Pty Ltd
Amendment C241 (WSEA)

PSP Property 11 910 Donnybrook Road, Donnybrook (Submitter 7)
EXPERT WITNESS STATEMENT – MARK WOODLAND (NOVEMBER 2020)

Project number	2550
Prepared by	Mark Woodland
Reviewed by	Mark Woodland
Date	6 November 2020
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1. INTRODUCTION.

1. I have been instructed in this matter by Herbert Smith Freehills who act for 910 Donnybrook Rd Pty Ltd who represent the landowners for 910 Donnybrook Road, Donnybrook (the subject site), which is Property 11 of the Shenstone Park PSP (the PSP) subject to Planning Scheme Amendment C241 (WSEA) (C241).
2. I have been asked to provide my opinion as to whether C241 is appropriate having regard to:
 - Submission 7 to C241 (13 November 2019) and the suggested changes set out in the submission on planning grounds;
 - Any regulatory framework applicable to the proposal which is within my expertise to examine and comment on;
 - My own judgement and experience; and
 - Any other matter which I regard as relevant to the formulation of my opinion.
3. I have been provided with an index of documents which includes in part:
 - The Shenstone Park PSP (October 2020), and background studies;
 - The C241 draft ordinance of the Whittlesea Planning Scheme, including Clause 37.07 – Urban Growth Zone Schedule 7
 - Submission 7 to Amendment C241 to the Whittlesea Planning Scheme, including the Land Use Concept Plan dated 12 November 2019 prepared by Tract Consulting.
 - Various strategies, policies, plans and correspondence as referenced throughout my evidence statement.
4. I have relied upon this material to prepare this statement of evidence.

2. EXPERT WITNESS STATEMENT.

The name and address of the expert.

Mark Woodland of 3 Prentice Street, Brunswick 3056.

The expert qualification and experience.

Mark Woodland holds a Bachelor of Planning and Design from the University of Melbourne. He is a member of the Victorian Planning and Environment Law Association and the Property Council of Australia.

A Curriculum Vitae is included Appendix 1

The expert's area of expertise to make this report.

Mark has a broad range of experience in planning and development matters with a sound understanding of statutory planning provisions and significant experience in strategic planning and policy development enabling him to comment on a wide range of planning and development issues.

Other significant contributors to the report.

Not applicable.

Instructions that define the scope of the report

Mark Woodland has been instructed by Herbert Smith Freehills lawyers who act for 910 Donnybrook Rd Pty Ltd in regards to this proceeding.

The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that report.

Not applicable.

The facts and matters and all assumptions upon which the report proceeds.

Mark Woodland relies upon the reports and documents referred to in section 1.0 of this report.

Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature of other material used in making the report.

Mark Woodland has reviewed and taken into account the reports and materials referred to in section 1.0 of this report.

A summary of the opinion or opinions of the expert witness

A summary of Mark Woodlands opinions is set out in section 3.0 of this report.

Any opinions that are not fully researched for any reason

Not applicable.

Questions falling out of the expert's expertise and completeness of the report

Mark Woodland has not been asked to make comment on any matters outside of his area of expertise. This report is a complete statement of evidence.

Expert Declaration

I have made all the inquiries that I believe are necessary and desirable to prepare and present expert evidence in this matter and no matters of significance which I regard as relevant have to my knowledge been withheld from Panels Victoria.



Mark Woodland
6th November 2020

3. SUMMARY OF EVIDENCE.

5. My opinions in relation to the planning matters that I have been asked to review are summarised as follows:

3.1. Is the designation of land for future extractive industries and separation distances in the Shenstone Park PSP appropriate ?

6. State government planning policies and strategies support the protection and extraction of the resources contained within WA492, and the PSP must contain provisions which adequately therefore protect these resources.
7. Beyond this, the question is whether (and to what extent) any *additional stone resources* within the Shenstone Park PSP area should be set aside and protected via land use buffers in order to satisfy relevant state planning policy objectives.
8. Given the focus in government policy on securing high quality stone resources close to metropolitan markets to support the State's future economic growth, it is in my view reasonable to contemplate setting aside land areas beyond WA492 for stone extraction within the Shenstone Park PSP. I say this on the proviso that in doing so the overall planning considerations for the locality (as defined in the Northern GCP and nearby approved PSPs) and the requirements of EPA publication 1518 and other relevant technical guidelines and standards are satisfied.
9. I do not support setting all of the land within WA6437 for quarrying purposes because this would not provide sufficient separation distances to nearby sensitive uses, would prevent the orderly and timely development of adjoining employment land, and would not be consistent with the overall planning considerations for this location as set out in the northern GCP and the approved Donnybrook-Woodstock PSPs.
10. However, I consider that there is scope for the Shenstone Park PSP to designate some additional land areas for possible quarrying activities beyond the land in WA492, and in my view the approach proposed by the VPA in the Shenstone Park PSP should be supported.
11. More specifically, I consider that the *northernmost* extent of potential quarrying activity shown within the Shenstone Park PSP area is appropriate. It makes provision for the extraction of stone resources on a substantial area of land north of WA492 whilst at the same time ensuring that any expansion of quarrying activity does not encroach on the default separation distances to sensitive uses in the Donnybrook-Woodstock PSP area. It also means that the quarry blast buffer does not unreasonably encroach on other land holdings to the north of the proposed extraction expansion area.
12. I note that the *easternmost* extent of the potential quarrying activity shown in the exhibited draft of the Shenstone Park PSP has been based on determining separation distances from a boundary between employment and residential uses that was determined via agency consultation in 2019.
13. Given the method used to determine the eastern extent the possible extraction area (and the fact that the extent and layout of land uses within the Shenstone Park PSP is to be resolved by the current

planning process), it would appear that there is some flexibility in relation to determining where the easternmost extent of the possible quarry expansion area should be set.

14. This determination should be informed by factors such as the quality/extent of the stone resource on property 12-E (if known), the practicality of extraction given that it forms a linear shape along the western edge of property 12-E, and other issues associated with the potential water treatment facility and its buffers, the Phillips Quarry buffers, and design/layout of the employment and residential areas¹.

3.2. Is the proposed amendment to the 25m connector road layout appropriate?

15. It is my opinion that the amended 25m connector road layout shown on the Land Use Concept Plan prepared by Tract Consulting (12 November 2019) will better achieve the underlying aims of the PSP to provide an attractive and functional employment precinct than the layout shown on Figure 3 of the exhibited PSP. The proposed amendments will also serve to increase land use efficiencies while providing greater opportunities to capitalise on a waterway asset to improve amenity in the precinct.

3.3. Is the proposed amendment to the alignment of the constructed Merri Creek Tributary appropriate?

16. I consider that the proposed alignment of the Merri Creek Tributary as shown on the Land Use Concept Plan prepared by Tract Consulting (12 November 2019) is appropriate. Together with the amendment of the 25m connector street layout, this alternative layout will improve the efficient development of the land and will better support the aspirations of the PSP to improve the quality of open space within the precinct.

3.4. Should Plan 3 (Future Urban Structure) of the Shenstone Park PSP be amended to nominate the entire subject site for “business” use, resulting in the Commercial 2 Zone being the site’s only applied zone as per Table 1 of the Urban Growth Zone Schedule 7?

17. In my opinion there is sufficient planning justification for Plan 3 of the Future Urban Structure (FUS) to be amended to nominate “Business” as the future intended land use for the whole of property 11 (the subject site).
18. Including all of the subject site within the Business land use category under the PSP (and applying the Commercial 2 zone to that land) will better enable the creation of the following:
 - a high quality commercial gateway to the precinct;
 - an eastern bookend to the business precinct, and;
 - a higher quality internal demarcation between the industrial and business precincts.
19. The current FUS fragments the subject site, which is of relatively small area at 12.14Ha, with three applied zones (the C2Z, Industrial 1 (IN1Z) and Industrial 3 Zone (IN3Z)). In my opinion this does not

¹ I note from correspondence submitted to the Panel on behalf of submitter 24 that Barro Group and DBJV have entered into an agreement which provides for the transfer of land from DBJV to Barro Group for the purposes of creating a southern access road and bund structure on the western boundary of property 12E.

present a logical future land use structure for the site and there is no apparent advantage for this approach over inclusion of the entire site in a single zone.

20. The alternative of nominating a single “business” use to the entire site will enable it to form part of a more coherent commercial precinct with high quality commercial entrances at the eastern and western ends and with the proposed retarding basin as its edge.

4. THE SUBJECT SITE AND SURROUNDS.

21. 910 Donnybrook Road, Donnybrook (the subject site) is a 12.14ha area of land known as Property 11 in the Shenstone Park PSP and is shown within the red boundary in **Figure 1** below.
22. The land is located on the south side of Donnybrook Road and is east of Langley Park Drive, west of Epping Road and north of Craigieburn Road East.
23. The subject site contains an existing dwelling, outbuildings, rural sheds and landscaped surrounds located in north-west part of site.
24. The balance of the land is farming land comprising a mixture of pasture grasses, shrubs and a few shelter belt trees. A row of trees are also located between the front boundary and Donnybrook Road.

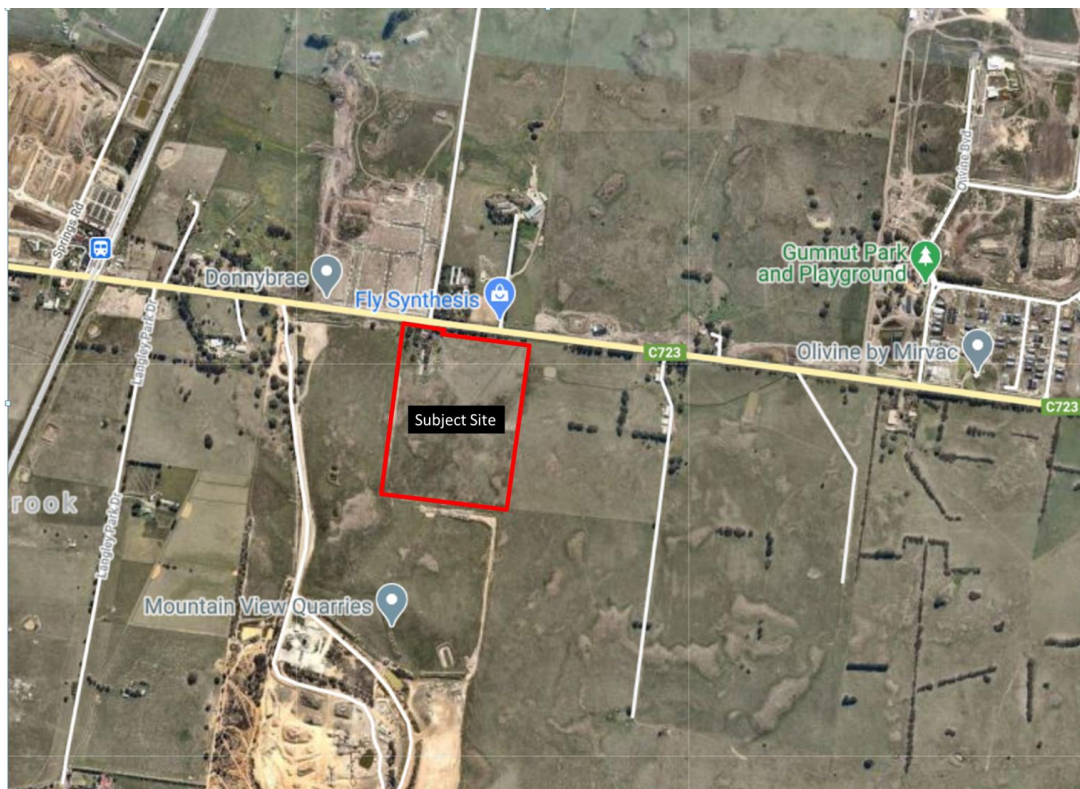


Figure 1 – The subject site and surrounds

25. The subject site currently comprises a single lot that is formally known as Lot 1 on PS 123641. This is shown on **Figure 2** below.

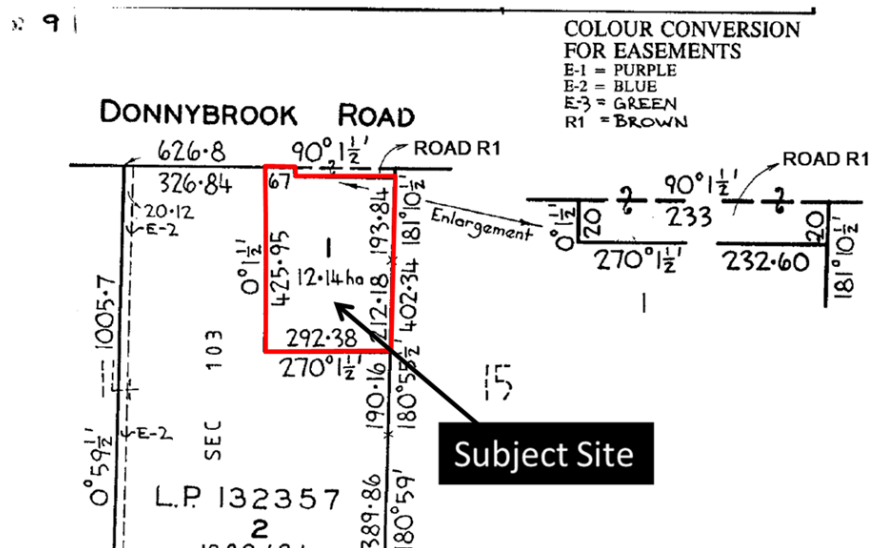


Figure 2 – PSP Property 11 shown on Lot 1 on PS 123641 title

26. Planning permit application 718907 was approved on 22 September 2020 to subdivide the subject site into two lots as follows (refer also to **Figure 3** below):
- Lot A: 1.272ha (contains existing dwelling)
 - Lot B: 10.87ha (balance of land)
27. I understand that the two new titles are currently in the process of being created.

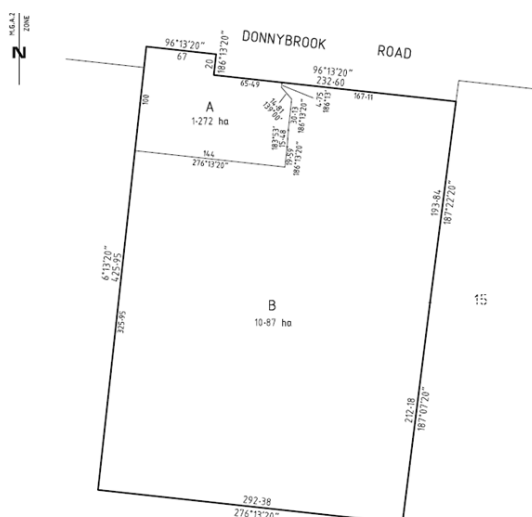


Figure 3 – (Plan of subdivision prepared by Paroissien Grant & Associates, Surveyors Ref No. S19072, Dated 16 July 2019, Rev. 1.)

28. The approved subdivision layout has taken into account the future location and design of a connector street between the subject site and Donnybrook Road, as identified in the Donnybrook-Woodstock PSP, Donnybrook-Woodstock ICP and Shenstone Park PSP. The location of the proposed subdivision boundaries and the proposed future intersection is indicated in **Figure 4** below.



Figure 4 – Aerial image with the approved subdivision and future intersection overlaid.

5. AMENDMENT C241 TO THE WHITTLESEA PLANNING SCHEME.

29. Amendment C241 to the Whittlesea Planning Scheme proposes to incorporate the Shenstone Park Precinct Structure Plan (the PSP), as well as make various changes to the planning controls that apply to the land within the PSP area. The key elements of the amendment (as they relate to the matters addressed in this evidence statement) are set out as follows.

5.1. THE SHENSTONE PARK PRECINCT STRUCTURE PLAN .

30. The Future Urban Structure (Plan 3) from the PSP is shown in **Figures 5 and 6**.

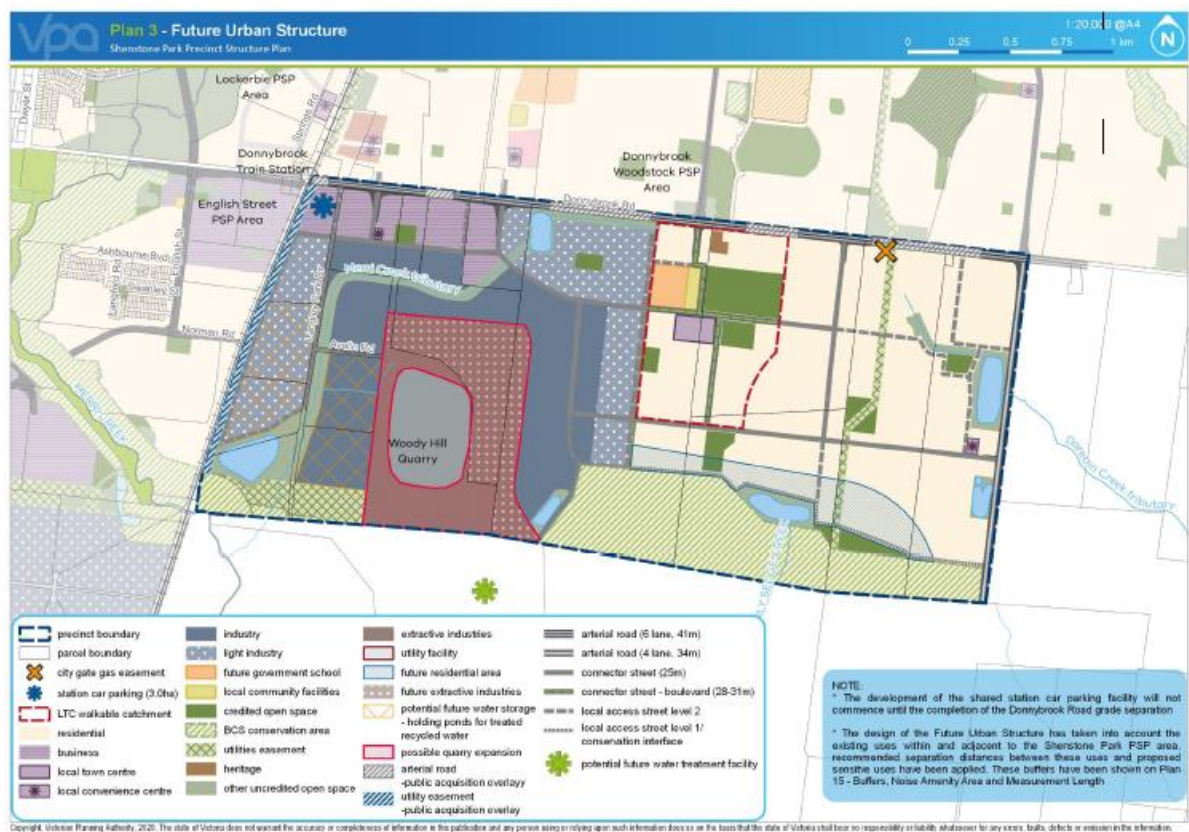


Figure 5 – Future Urban Structure, Shenstone Park PSP (October 2020)

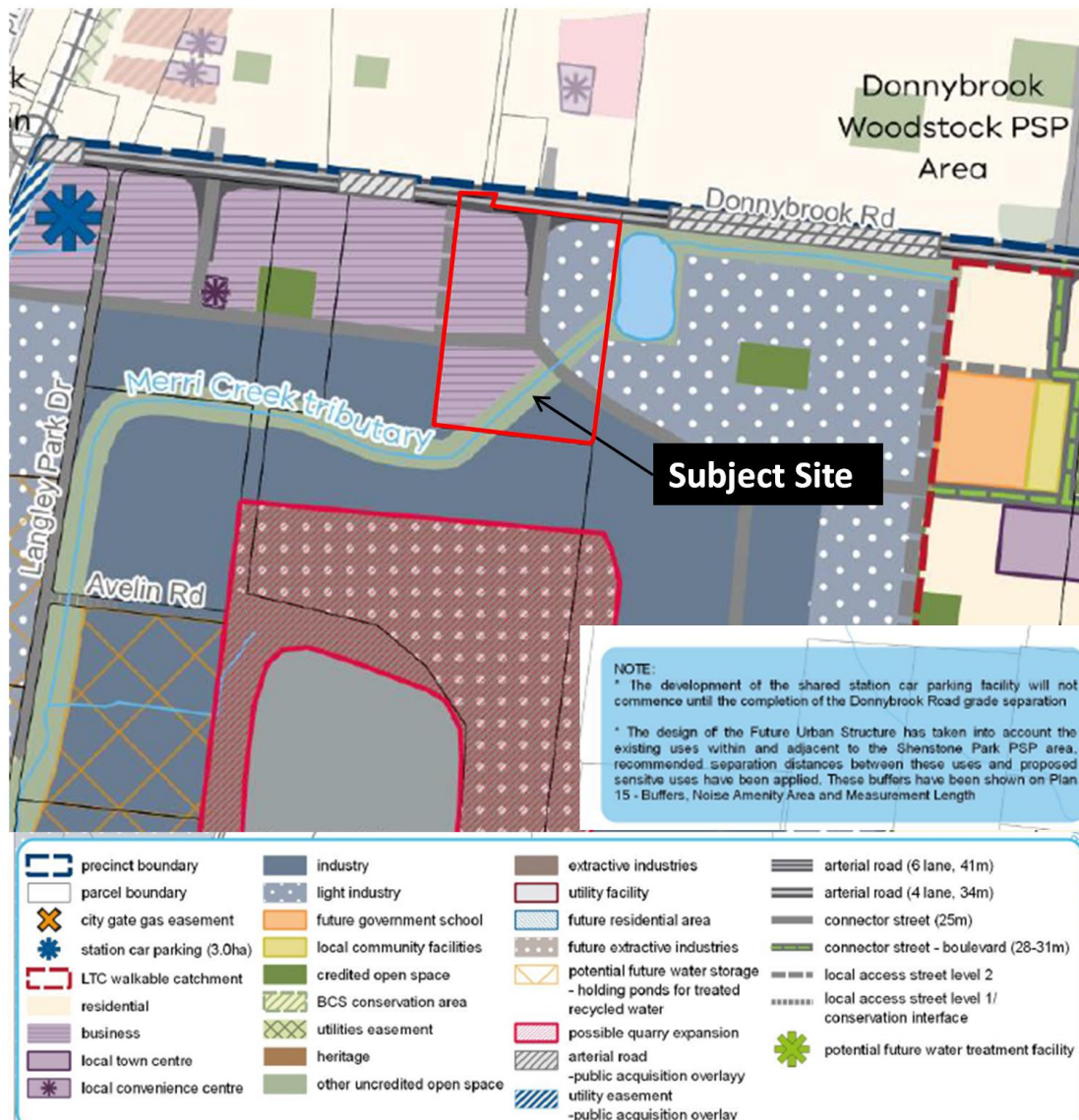


Figure 6 –Future Urban Structure, Shenstone Park PSP (October 2020) – subject site highlighted

31. The parcel specific land budget at Appendix 4.1 of the PSP proposes that the 12.26ha subject site will have 10.16Ha NDA, 1.5Ha waterway/drainage and 0.60Ha PAO arterial.
32. The FUS contemplates the following key features for the subject site:
 - “Business” land located on the western part of the site
 - “Industry” land located on the south-east part of the site
 - “Light Industry” land located on the north-east part of the site
 - “Other Uncredited Open Space”: The Merri Creek Tributary entering the site on the southern boundary, travelling south-west to north-east, and exiting on the eastern boundary

- A north-south 25m connector street, intersecting with Donnybrook Road (the southern leg of the IN-02 signalised intersection is located within the subject site) and then bending east to the eastern property boundary
 - An east-west 25m connector street that intersects with the north-south connector south of the centre of the subject site
 - A small part of Donnybrook Road, (to ultimately be a 41m arterial road) is located within the north-western part of the site.
33. The PSP recognises the current operation of the Woody Hill Quarry and allows for its future expansion. Buffers for noise, sensitive use and blasting are shown on Plan 15. These are described in the PSP as having been calculated from *'the maximum possible extent of expansion, given known constraints²'*.
34. The Phillips Quarry has also been shown on Plan 15 as its future operation impacts the development of residential land in the south east of the PSP area.

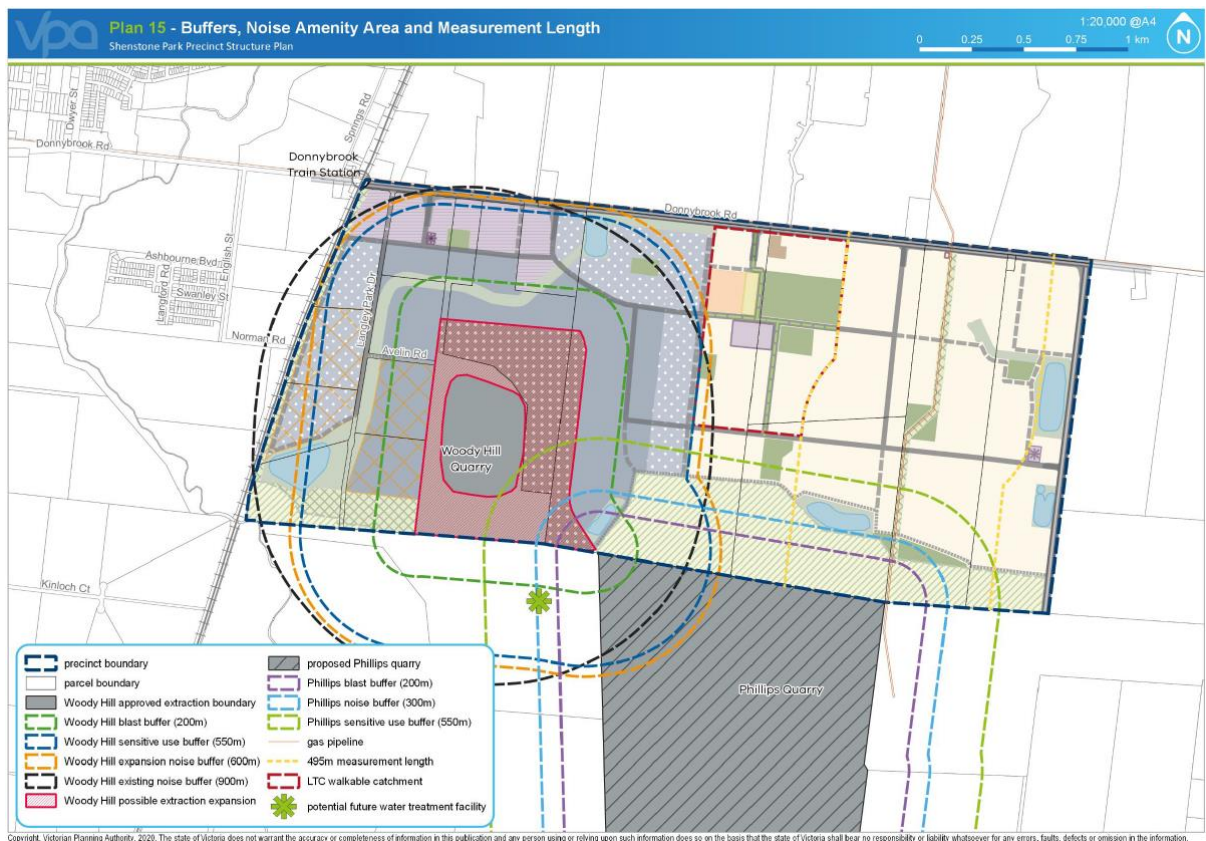


Figure 7 – Buffer, Noise Amenity Areas and Measurement Length, Shenstone Park PSP (October 2020)

² Shenstone Park PSP (October 2020) page 50

35. Of particular relevance to this evidence statement are the following exhibited Requirements and Guidelines from the PSP:

- **O10:** “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 the commencement and expansion of the Phillips Quarry”.
- **O23:** “Ensure that high quality interfaces between development, waterway, utility easements and drainage assets maximise the community’s use and enjoyment of these assets”.
- **G7:** “Streets should be aligned to create views and direct connections to open space areas, River Red Gums, service easements, wetlands and drainage corridors.”
- **R31:** “Buildings adjacent to waterways and open space must provide for buildings to front the open space.”
- **G21:** “Subdivision should provide for the creation of a range of regular-shaped lots to cater for various uses.”
- **R51:** “The connector street network must provide a safe and low speed environment for all road users.”
- **G49:** “Streets should be the primary interface between development and waterways. Public open space and lots with a direct frontage may be provided as a minor component of the waterway interface. This should be in accordance with the relevant waterway/open space cross-section in Appendix 4.4.”

(A Waterways and Open Space Interface cross-section note is: “where active interfaces to waterways are not provided, waterway corridor widths will be increased in order to ensure maintenance access, to the satisfaction of Melbourne Water.)

5.2. PROPOSED ZONING CHANGES

36. The site is currently partly located within the Urban Growth Zone (UGZ) and the Farming Zone (FZ), and it is also partly subject to the Public Acquisition Overlay – Schedule 2 (PAO2) (VicRoads is the acquiring authority) (refer to **Figure 8** below for zoning map).

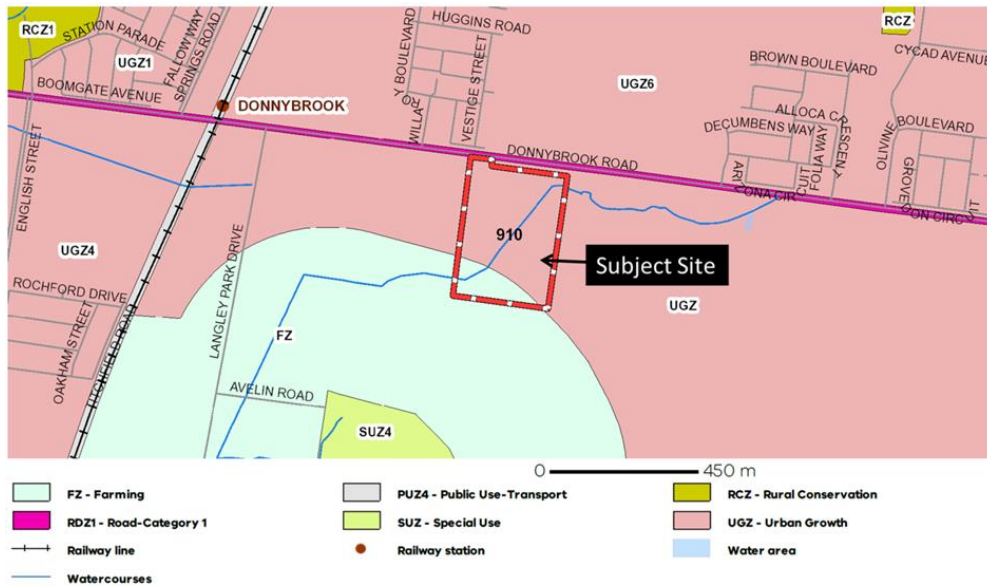


Figure 8 – Existing land use zoning

37. C241 proposes to apply the Urban Growth Zone Schedule 7 (UGZ7) to the entire subject site (refer **Figure 9**). No overlay changes are proposed that affect the subject site.

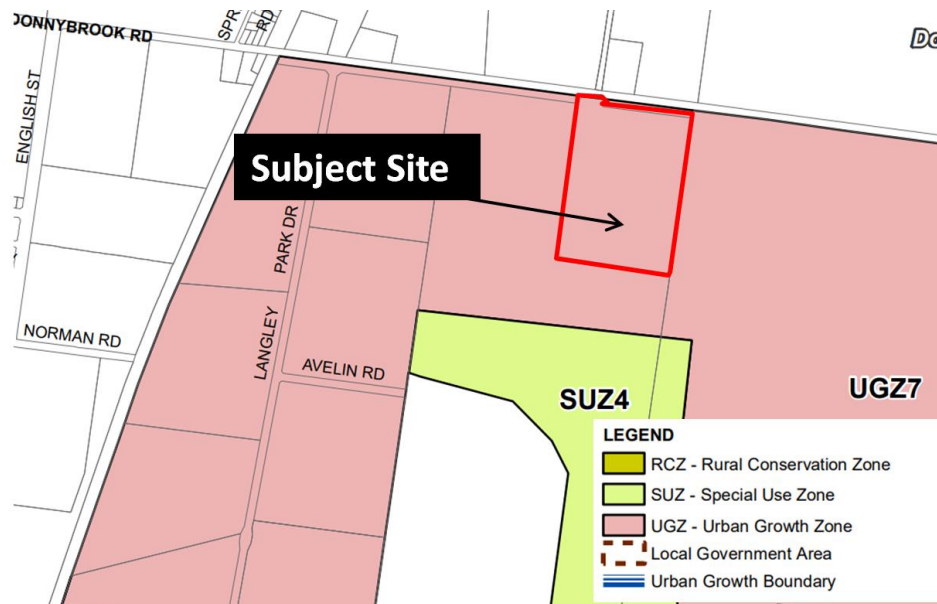


Figure 9 – Proposed changes to land use zoning under Amendment C241

5.3. DRAFT URBAN GROWTH ZONE SCHEDULE 7.

38. The Subject Site is proposed to be located within the Urban Growth Zone - Schedule 7.
39. Clause 2.2 of the Urban Growth Zone - Schedule 7 proposes to apply the following zones to the subject site as follows:

Land Use	Applied Zone
Business	Commercial 2
Light Industry	Industrial 3
Industry	Industrial 1
Connector Street (25m) from Donnybrook Road (four way signalised intersection IN-02) and then east-west split (Plan 10)	N/A
Other uncredited open space (Merri Creek Tributary)	N/A
Donnybrook Road PAO	Road Zone Category 1

40. Clause 2.3 of the UGZ Schedule 7 (Specific provision – Use of land), prohibits the use of land for a Restricted retail premises – where the applied zone is Industrial 1 or Industrial 3. Restricted retail premises are also prohibited where the applied zone is Commercial 2 and where the combined leasable floor area exceeds 25,000sqm.
41. Clause 3.0 of the UGZ Schedule 7 (Specific provision - Buildings and works), specifies that:
- “The construction of a building (not including a temporary building, a building associated with a minor utility installation, a building associated with an extractive industry, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) on land shown within the ‘Woody Hill blast buffer’ on Plan 15 of the incorporated Shenstone Park Precinct Structure Plan is prohibited.”*
42. Clause 4.0 of the UGZ Schedule 7 (Conditions and requirements for permits) specifies that:
- “Any permit for the use or development of land, within the ‘Woody Hill existing noise buffer’ or the ‘Woody Hill expansion noise buffer’ shown on Plan 15 of the incorporated Shenstone Park Precinct Structure Plan must implement any recommendations of the noise assessment submitted with the application and include any conditions necessary, in the opinion of the responsible authority, to implement quarry noise attenuation measures.*
- All to the satisfaction of the responsible authority.”*
43. Clause 6.0 of the UGZ Schedule 7 (Decision guidelines) specifies that:

Woody Hill Quarry Sensitive Use Buffer

Before deciding on an application for subdivision, to use land or construct a building within the ‘Woody Hill sensitive use buffer’ shown on Plan 15 of the incorporated Shenstone Park Precinct Structure Plan,

in addition to the decision guidelines in Clause 37.07-14, the responsible authority must consider the effect that emissions of noise, vibration, odour, dust and grit from Woody Hill Quarry may have on the proposed use or building.

Woody Hill Existing Noise Buffer and Expansion Noise Buffer

Before deciding on an application for subdivision, to use land or construct a building within the 'Woody Hill existing noise buffer' or the 'Woody Hill expansion noise buffer' shown on Plan 15 of the incorporated Shenstone Park Precinct Structure Plan, in addition to the decision guidelines in Clause 37.07-14, the responsible authority must consider the effect that emissions of noise from Woody Hill Quarry may have on the proposed use or building.

6. THE WOODY HILL QUARRY.

44. I understand the following in relation to the Woody Hill Quarry³:

6.1. EXTRACTIVE INDUSTRY WORK AUTHORITY WA 492:

- The Woody Hill quarry was established on Lot 1 PS132357 in the early 1960's and it has existing use rights under the Whittlesea Planning Scheme.
- The existing operations include a quarry, batching plant and associated facilities.
- The quarrying activities are carried out pursuant to Work Authority WA492.
- A variation to the work plan for WA492 was granted in March 2003 (refer **Appendix 2**)
- A further variation to the work plan for WA492 was granted in February 2020, for the extension of the extraction area generally to the south of the existing extraction area of WA492 (refer **Appendix 3**).
- The land within the extractive industry work authority boundary for WA492 is primarily within a Special Use Zone (Schedule 4 – Earth & Energy Resource Industry) under the Whittlesea Planning Scheme.

6.2. EXTRACTIVE INDUSTRY WORK AUTHORITY WA6437:

- A Work Plan was statutorily endorsed in relation to extraction of stone resources on Lot 2 PS PS132357 in August 2019 (refer **Appendix 4**)⁴.
 - The land within the extractive industry work authority boundary for WA6437 is within a Farming Zone under the Whittlesea Planning Scheme.
 - It is intended by the proponent of the quarry that the extraction activities associated with WA6437 will be part of an integrated operation with the activities under WA492.
45. Further, I understand that no planning permits have been sought for stone extraction on the land contained within the statutorily endorsed work plan WA6437.

³ The following information is a summary from the material contained in the Contour submission to Am C241 dated 15th November 2019 and correspondence to the Panel from Ponte Lawyers dated 2 October 2020

⁴ The work authority boundary covers both lot 1 (part) and lot 2 (part) and the proposed extraction limit is located within lot 2

7. THE PHILLIPS QUARRY.

47. I understand the following in relation to the Phillips Quarry⁵:

7.1. EXTRACTIVE INDUSTRY WORK AUTHORITY WA 160:

- A planning permit (ref 704901) was granted for stone extraction on the land known as the Phillips Quarry in July 1999.
- The permit 704901 has been extended and development of the quarry pursuant to that permit must commence by July 8th 2024.
- Work Authority WA160 previously applied to the whole of the Phillips Quarry. However, WA160 was surrendered by the then holder of that work authority.
- Consequently, there is no current Work Authority in place in relation to the Phillips Quarry

7.2. EXTRACTIVE INDUSTRY WORK AUTHORITY WA6852:

- A Work Authority number (WA6852) has been allocated to the Phillips Quarry.
- A work plan is being prepared for the Phillips Quarry, but it has not yet been finalised or lodged for approval.

⁵ The following information is a summary from the material contained in the Contour submission to Am C241 dated 15th November 2019 and correspondence to the Panel from Ponte Lawyers dated 2nd October 2020 & 26th October 2020

8. THE DONNYBROOK-WOODSTOCK PRECINCT STRUCTURE PLAN (OCTOBER 2017).

48. The Donnybrook-Woodstock Precinct Structure Plan was approved by the Minister for Planning and gazetted on 3 November 2017 via Amendment GC28 to the Whittlesea Planning Scheme (refer **Figure 10** for the Plan 3 - Future Urban Structure).
49. This Structure Plan provides for the creation of a substantial residential community of 17,041 new dwellings (47,715 people at 2.8 people per dwelling).
50. This Structure Plan also makes provision for land adjacent to the north of the subject site to create the northern, eastern and western legs of IN-02 (the southern leg is to be located on the subject site).

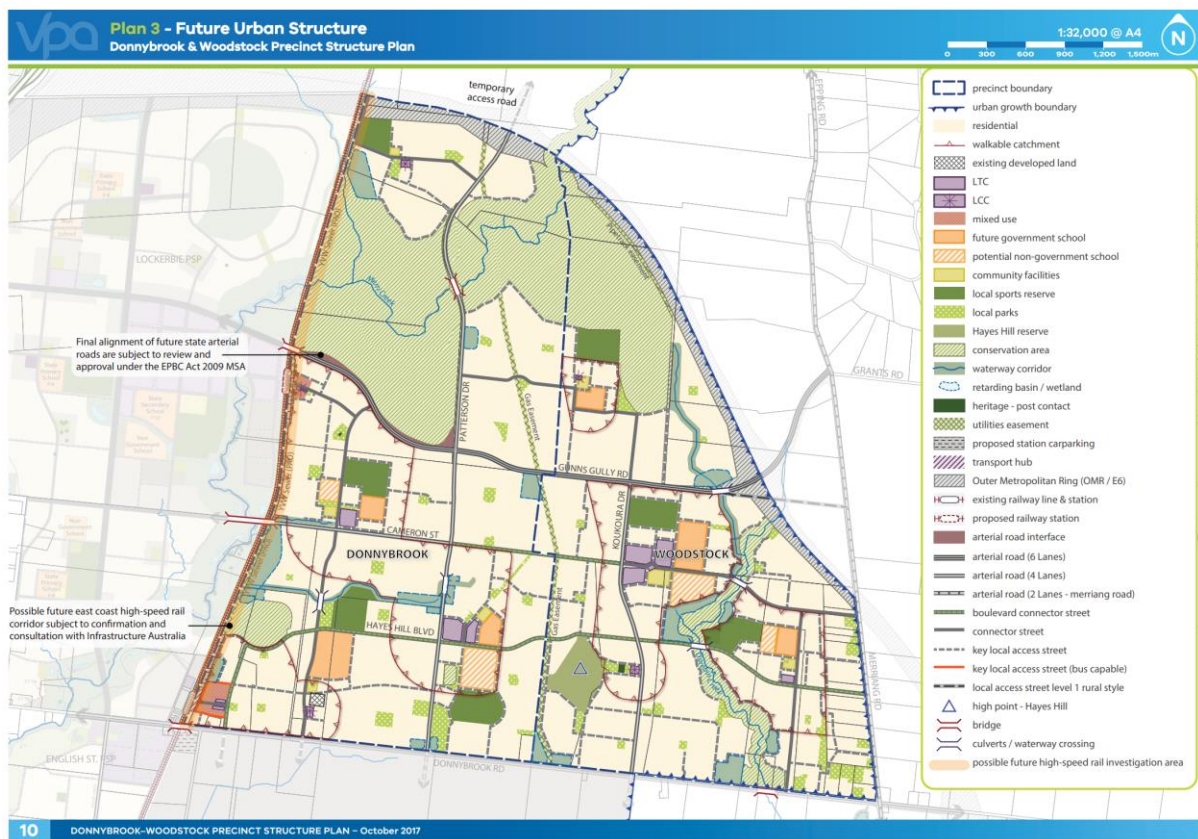


Figure 10 – Donnybrook-Woodstock PSP (October 2017)

9. STRATEGIC PLANNING BACKGROUND.

51. The key strategic planning events that precede and have informed the Shenstone Park PSP are as follows:

- Inclusion of the land within Melbourne's Urban Growth Boundary (Amendment VC68, 2010)
- Preparation of the Northern Growth Corridor Plan (2012)
- Preparation of the Northern Quarries Investigation Area GCP Addendum (2015)

52. The following provides an overview of each of the above strategic planning events.

9.1. AMENDMENT VC68 AND THE URBAN GROWTH BOUNDARY (2010).

53. The Victorian government released a report on the proposed revised metropolitan UGB, and associated land use and transport initiatives in June 2009. This report was titled '*Delivering Melbourne's Newest Sustainable Communities: Report for Public Consultation*' ('DMNSC Report') and it set out the following for the northern growth corridor:

- A revised UGB
- Land considered to be suitable for urban development
- Significantly constrained land (including quarries and associated buffers, landscape values, flood prone land & biodiversity)

54. The DMNSC report was informed by a series of technical investigations relating to transport, land capability (including an assessment of stone resources and existing quarries), biodiversity, landscape, drainage, trunk services and employment.

55. The DMNSC report identified part of the land within the Shenstone Park PSP area as being suitable for urban development, and part of the land as being significantly constrained, based on the assessments contained in the relevant technical assessment reports referred to above.

56. Amendment VC68 applied a Special Use Zone to the Woody Hill and Phillips Quarries. It applied a Rural Conservation Zone to land identified in the Melbourne Strategic Assessment as having conservation values, and a Farming Zone to land that was within a 500m buffer of the two quarries, but not within an area of identified conservation values.

57. The selection of these zones was based on the analysis contained in the DSMNSC report and associated technical studies

58. The zoning of land within the Shenstone Park PSP area that was introduced by Amendment VC68 is shown in **Figure 11**.

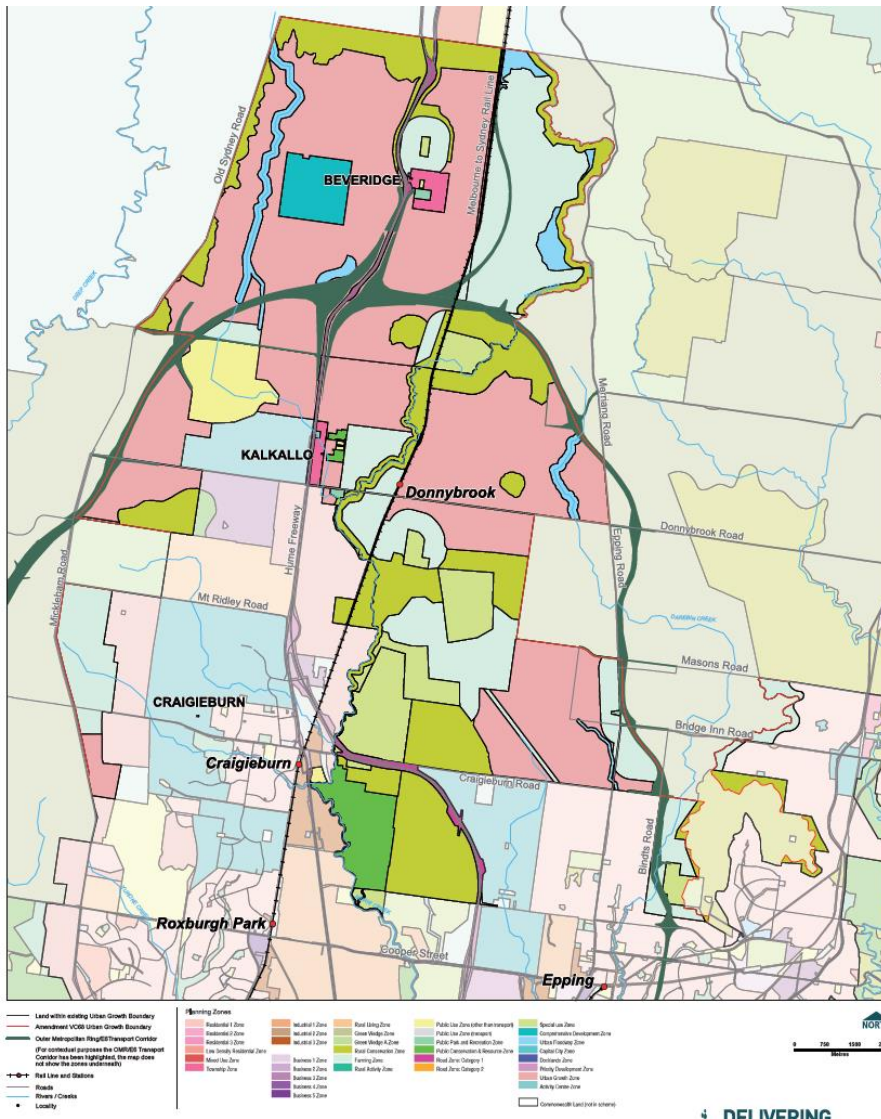


Figure 11 – Amendment VC68 zoning map

59. The Amendment VC68 explanatory brochure noted that future growth area framework plans would:

*'identify appropriate uses for areas described as constrained in Delivering Melbourne's newest sustainable communities, including quarry buffers, and potentially rezone some of this land to urban growth zone.'*⁶

⁶ Page 9, VC68 Delivering Melbourne's Newest Sustainable Communities Brochure updated 27 July-2010

9.2. GROWTH CORRIDOR PLANS (2012).

60. Growth Corridor Plans ('GCPs') were prepared for the northern growth area in 2012.
61. The purpose of the GCPs is to inform Precinct Structure Plans and also to (inter-alia) indicate areas of high environmental or landscape values, natural features or open space to be preserved.
62. The GCPs contain a set of detailed guiding principles, as well as a spatial plan and supporting descriptions of the desired outcomes for each growth area. The Northern GCP is extracted in **Figure 12** below.

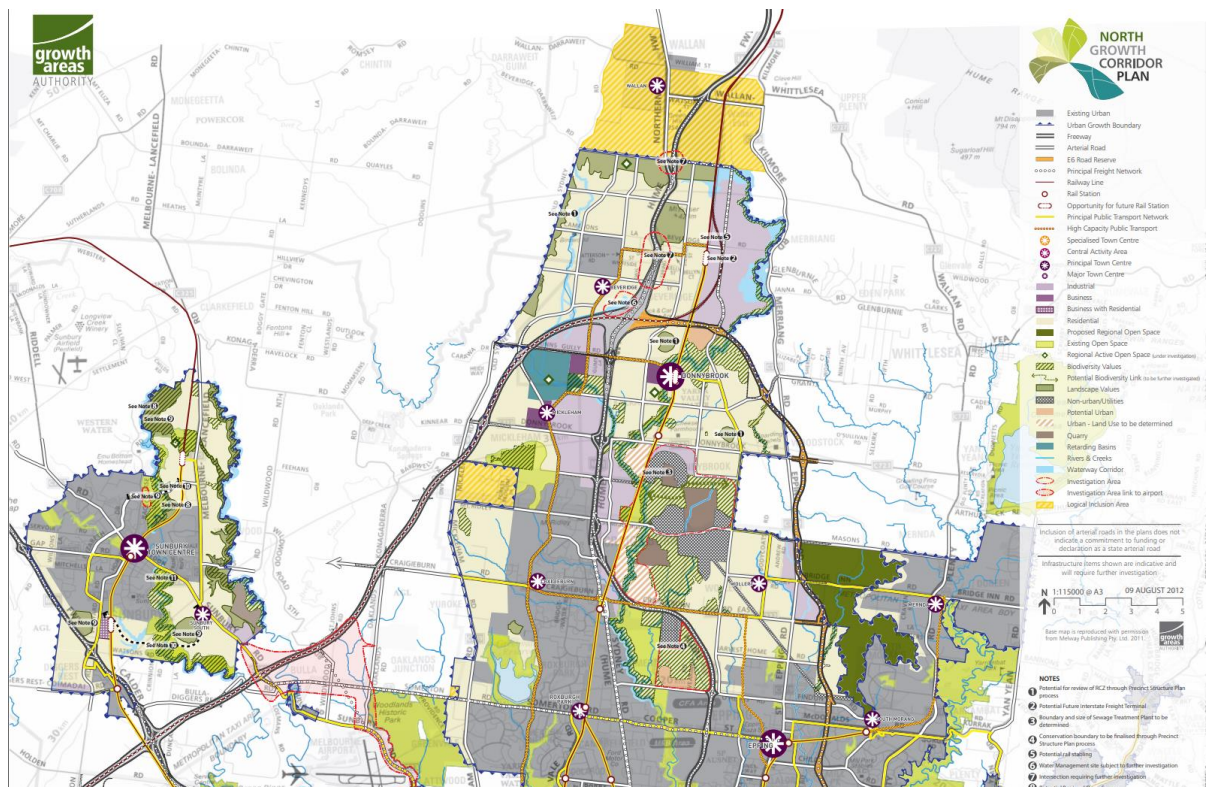


Figure 12 – Northern Growth Corridor Plan (GAA, 2012, updated to include the Logical Inclusions land).

63. The Northern GCP identifies land within the Shenstone Park PSP for a range of uses including the existing Woody Hill quarry, industrial, residential, and conservation areas.
64. The western part of the land within the Shenstone Park PSP forms part of a wider investigation area identified in the GCP (denoted by the red dotted line). The GCP notes that there a range of potential urban development opportunities in this area, and there are a number of complex environment, buffer and connectivity issues that require more detailed investigation before decisions can be made about the best long term use of land within this area⁷.

⁷ Growth Corridor Plans (2012) page 75

65. Chapter 3 of the GCP ('The Growth Corridor Principles in Detail') explain how extractive industry resources have been addressed in the plan, as follows:

"3.7.4 Maintaining local quarrying potential

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 continued operation of these quarries and for appropriate buffers to be maintained from the working surfaces of all quarries."*⁸

66. The GCP describes that the above principle has been applied to the Northern Growth Corridor as follows:

*"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."*⁹

9.3. NORTHERN QUARRIES INVESTIGATION AREA GCP ADDENDUM (2015)

67. The purpose of the Northern Quarries Investigation Area GCP Addendum 2015 (the Addendum) 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 requirement
68. The Addendum references the following publications in determining the likely extent of quarry buffers needed within future PSPs within the investigation area:
- EPA Recommended Separation Distances for Industrial Residual Air Emissions, Publication number 1518
 - Ground Vibration and Airblast Limits for Blasting in Mines and Quarries (DNRE 2001)
69. The buffers identified in the Addendum reflect the recommendations by the application of these guidelines, as well as advice from DEJTR – Earth Resources in relation to separation distances required to deal with risks associated with fly-rock from quarry blasting activities.
70. The Addendum recommended that a single PSP be prepared for the northern part of the investigation area, and it set out an indicative future urban structure for the PSP area.

⁸ Growth Corridor Plans (2012), page 34

⁹ Ibid, page 74

71. The indicative future urban structure made provision for residential uses to the east of the precinct and employment uses to the west (refer **Figure 13**). It made provision for protection of 500m buffers from the Woody Hill Quarry (defined by the extraction limit under WA 492) and the Phillips Quarry to the south (WA 160).
72. It also made provision for a potential new sewerage treatment plant (STP) south-west of the Shenstone Park PSP area, with a 700m buffer from the potential STP contained within the 500m buffers from the adjoining quarries.
73. The extent of residential areas was delineated by the conservation area to the south (which also encompassed a 500m buffer from the Phillips Quarry site to the south) and a 500m buffer from the extraction limit from WA492 (Woody Hill Quarry).



Figure 13 – Northern Growth Corridor Plan Addendum (GAA, 2015)

10. RELEVANT PLANNING SCHEME POLICIES

10.1. THE PLANNING POLICY FRAMEWORK (PPF).

74. There are numerous planning policies that are of general relevance to the future development of the subject site, and the following policies are of particular relevance to the matters under consideration:

Clause 11.01-1S – Settlement

State policy seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

A Strategy is to plan for development and investment opportunities along existing and planned transport infrastructure.

Clause 11.02 – Managing Growth

Clause 11.02-1S Supply of Urban Land

State policy seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

A Strategy is to ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Clause 11.02-2S Structure Planning

State policy seeks to facilitate the orderly development of urban areas.

A strategy is to facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Take into account the strategic and physical context of the location.*
- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*
- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*
- *Facilitate the logical and efficient provision of infrastructure.*
- *Facilitate the use of existing infrastructure and services.*

Clause 11.02.3S - Sequencing of Development

State policy seeks to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies include:

- *Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.*
- *Improve the coordination and timing of infrastructure and service delivery in areas of growth.*

Clause 11.03.2S - Growth Areas

State policy seeks to provide to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies include:

- *Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators*
- *Develop precinct structure plans that (inter-alia) provide for local employment and business activity.*

State policy calls for planning to consider any applicable growth area framework plan, the Precinct Structure planning Guidelines and Ministerial Direction No. 12.

Clause 12.05-1S – Environmentally sensitive areas

State policy seeks to protect and conserve environmentally sensitive areas.

Clause 13.05-1S – Noise abatement

State policy seeks to assist the control of noise effects on sensitive land uses.

Clause 13.07-1S – Land use compatibility

State policy seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 14.0-3-1S – Earth & Energy Resources

Clause 14.0-3-1S sets out relevant State Planning Policies in relation to resource exploration and extraction. It provides for the long-term protection of natural resources in Victoria, and the protection of the opportunity for exploration and extraction of such resources where this is consistent with overall planning considerations and environmental practice.

The following relevant Strategies are also contained within Clause 14.04-1S:

- *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.*

Clause 14.03-1S requires that Planning and Responsible Authorities consider as relevant the *Mineral Resources (Sustainable Development) Act 1990* and the *Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2)*.

Clause 14.03-1R also contained a strategy to support the availability of construction materials locally and consider measures to facilitate and manage their extraction.

Clause 17.02 – Commercial

Clause 17.02-1S Business

State policy seeks encourage development that meets the community's needs for retail, entertainment, office and other commercial services

Clause 17.03 – Industry

Clause 17.03-1S Industrial Land Supply

State policy seeks to ensure availability of land for industry

10.2. THE LOCAL PLANNING POLICY FRAMEWORK (LPPF).

75. The following strategies from the Local Planning Policy Framework are of particular relevance to the matters under consideration:

Clause 21.04-2 – Urban Growth

An objective is to effectively manage urban growth, and this is supported by the following relevant strategies:

- *Maximise beneficial relationships between compatible land uses.*
- *Provide for suitable separation of new residential areas from industry, to minimise the potential for adverse amenity impacts.*

Clause 21.08-2 Subdivision

An objective is to ensure that subdivision design is site responsive, and this is supported by the following relevant strategies:

- *Require new subdivisions to integrate with the surrounding environment and land use.*
- *Provide a hierarchy of road cross-sections within new subdivisions.*
- *Ensure that important site features are meaningfully incorporated in to subdivision design.*
- *Design neighbourhoods that feature interconnected grid based road networks that maximise connectivity, accessibility, choice, and legibility, and are aligned to take advantage of views and create vistas to important buildings and spaces.*

Clause 22.09 – Industrial Development Policy.

The objective of this policy is to achieve well designed, quality industrial developments that are suitably located so as to meet stated economic development objectives, and it is supported by a series of strategies relating to the use and development of land for industrial purposes.

11. PLAN MELBOURNE 2020-2050.

76. Policy 2.2.5 from Plan Melbourne requires development in growth areas to be sequenced and staged to better link infrastructure delivery to land release. This Strategy contains the following relevant policies:

- *Maintain a permanent urban growth boundary around Melbourne to create a more consolidated sustainable city.*
- *Require development in growth areas to be sequenced and staged to better link infrastructure delivery to land release.*

77. The following policy is of particular relevance to issues raised in submissions to the Shenstone Park PSP relating to extractive industries:

Policy 1.4.2 from Plan Melbourne seeks to Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs. The following extract from Plan Melbourne discusses the basis and intention of this policy further:

"Melbourne's demand for extractive resources is expected to almost double by 2051.²¹ 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.

Extractive industry resources in green wedges and peri-urban areas need to be protected and carefully planned to provide for Melbourne's needs without impacting on local amenity. Effective strategic planning for these resources will increase industry certainty and improve community confidence.

There are a small number of extractive industry interest areas within Melbourne's urban growth boundary. 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."

78. Action 18 of the Plan Melbourne Implementation Plan states the following:

"Protect the extractive industry 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."

12. MANAGING BUFFERS FOR LAND USE COMPATIBILITY, PLANNING ADVISORY NOTE 92, MAY 2020

79. The purpose of the advisory note is to provide guidance on:

- planning for land use compatibility and the Planning Policy Framework
- requirements in planning provisions relating to the management of buffers, including Clause 53.10 of the Victoria Planning Provisions.

80. The advisory note states the following in relation to the role of land use buffers:

“Buffer’ in the context of land use planning refers to land used to separate or manage incompatible land uses, often industrial uses and sensitive uses, to ensure land use compatibility and avoid land use conflict.

Although buffers are not a substitute for best practice management of off-site impacts by industry, it is recognised that even ‘state of the art’ facilities are not always able to eliminate the potential for unintended off-site impacts. Buffers are often still needed to protect sensitive uses from these impacts and provide certainty for industry operators.

Buffer areas can be used effectively to accommodate compatible land uses. Often these can be complementary to the industry with potential off-site impacts (e.g. lighter industrial and commercial uses). Buffer areas could also be used to accommodate informal outdoor recreation which would be complementary to nearby sensitive uses.”

81. The Advisory note refers to the role of the EPA Recommended separation distances for industrial residual air emissions publication (EPA Publication 1518) as defined under Clause 13.07-1S of the Planning Policy Framework. It notes that this document is to be used to provide guidance on what land uses require separation, the types of land uses that are suitable as interface land uses and informs strategic land use planning decisions and consideration of planning permit applications.

13. EPA RECOMMENDED SEPARATION DISTANCES FOR INDUSTRIAL RESIDUAL AIR EMISSIONS

82. The EPA Recommended separation distances for industrial residual air emissions (Publication 1518) provides advice on recommended separation distances between industrial land uses that emit odour or dust, and sensitive land uses.
83. Publication 1518 contains a list of recommended minimum separation distances that aims to minimise the off-site impacts on sensitive land uses arising from unintended, industry-generated odour and dust emissions.
84. Table 1 specifies a recommended separation distance of 500 metres for a quarry with blasting.
85. It notes that *'Planning Authorities should be consistent with this guideline when making strategic land use decisions'*¹⁰.
86. The recommended separation distances contained in Publication 1518 relate to off-site residual odour and dust emissions and they do not apply to separation distances required for noise, vibration or hazardous air pollutants.
87. Publication 1518 therefore need to be applied alongside other relevant guidelines and standards, such as:
- *EPA Publication 1191: Protocol for Environmental Management: Mining and Extractive Industries (December 2007)*
 - *State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1)*
88. Publication 1518 provides that in an urban setting separation distances should be determined by measuring from the 'activity boundary' of the industrial activity to the nearest sensitive land use.
89. Publication 1518 notes that in some instances, the appropriate separation distance may vary from that recommended in this guideline as a result of site-specific operational or environmental conditions. In such cases, a detailed assessment and a resultant proposal that satisfies EPA will be required before a variation can be given planning approval.

¹⁰ Publication 1518, page 3

14. PLANNING PRACTICE NOTE 89 - THE EXTRACTIVE INDUSTRY APPROVALS PROCESS

90. The extractive industry approvals process is summarised in Planning Practice Note 89 (dated February 2020). It notes that before land can be developed for extractive industry, in most cases:
- A work plan must be statutorily endorsed under the MRSD Act
 - A planning permit must be issued under the Planning and Environment Act 1987 (PE Act)
 - The final work plan must be approved, and a work authority granted, under the MRSD Act.
91. The inter-relationship between the Statutory Endorsement of a Work Plan, Planning Permit and Work Authority is set out in Figure 1 of Planning Practice Note 89 (PPN89), which I have included in **Appendix 5** of this Evidence Statement.

15. CLAUSES 52.08 (EARTH AND ENERGY RESOURCES INDUSTRY) AND 52.09 (EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS)

92. Clause 52.08 states that a permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required. In the case of extractive industries, no permit is required in circumstances where an Environment Effects Statement has been prepared under the Environment Effects Act 1978 (pursuant to section 77T of the MRSD Act and Clause 52.08-1 of planning schemes).
93. The purpose of Clause 52.09 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
 - Excavated areas can be appropriately rehabilitated
 - That sand and extractive industry, which may be required by the community for future use, are protected from inappropriate development.
94. This clause applies to planning permit applications to use or develop land:
- For extractive industry
 - Within an Extractive Industry Interest Area; or
 - Within 500 metres of an existing or proposed extractive industry operation.
95. The purpose of the clause is to (inter-alia) ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development. It requires that notice be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 for an application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital within an EIIA or on land that is within 500m of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

16. MELBOURNE INDUSTRIAL AND COMMERCIAL LAND USE PLAN (MICLUP)

96. The Melbourne Industrial and Commercial Land Use Plan (MICLUP) has been developed to provide an overview of current and future needs for industrial and commercial land across metropolitan Melbourne.
97. MICLUP identifies the employment land within the Shenstone Park PSP as 'regionally significant industrial land' which is defined as having the following purpose:
- "To provide opportunities for industry and business to grow and innovate in appropriate locations for a range of industrial and other employment uses that can contribute significantly to regional and local economies."
- MICLUP notes that some regionally significant industrial precincts offer opportunities to transition to a broader range of employment opportunities offering a higher amenity to workers and economic vibrancy¹¹.
98. MICLUP provides the following guidance in relation to the application of land use zones to regionally significant employment precincts:
- Industrial 1 Zone would usually be applied to precincts focussed on allowing for traditional industrial uses.
 - Industrial 3 Zone could be applied to provide a buffer between industry and local communities where required.
 - Commercial 2 Zone could be applied to precincts where a broader range of employment uses are desirable.
 - Commercial 3 Zone may be applied to help facilitate business growth and innovation in select areas.

17. OTHER RELEVANT POLICIES AND STRATEGIES

99. The Victorian Government released 'Helping Victoria Grow: Extractive Resources Strategy' in June 2018. This Strategy was accompanied by a Joint Ministerial Statement on Extractive Resources as well as the following technical studies:
- 'Extractive Resources in Victoria: Demand and Supply Study 2015-2050' (PWC, 2016)
 - 'Strategic Extractive Resource Areas: Victoria's Existing Planning System' (October 2016)
100. Key points from the above Strategy and Joint Ministerial Statement are summarised as follows.

¹¹ MICLUP, page

17.1. 'HELPING VICTORIA GROW: EXTRACTIVE RESOURCES STRATEGY'

101. The 'Helping Victoria Grow: Extractive Resources Strategy' ('the ER Strategy') has been prepared in response to a growing concern that Victoria might not have sufficient access to extractive resources to support the State's growth over coming decades.
102. The ER Strategy notes that Victoria's high demand for extractive resources and emerging supply shortfalls are creating an urgent need for the Government to take immediate action to secure the high-quality resources needed to meet Victoria's current and future infrastructure and affordable housing requirements¹². The objectives of the ER Strategy include the following:
- 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 resources of strategic importance to the State
 - Maintain and improve Victoria's competitiveness & provide greater certainty
 - Implement improvements to streamline regulatory approval processes in the short-term¹³
103. The ER Strategy identifies Whittlesea Council as being one of the Top 20 local government areas for ensuring the cost-effective supply of extractive resources in Victoria¹⁴.
104. The ER Strategy explains the history and basis of Extractive Industry Interest Areas (EIAs) and it notes that the EIAs are:
- "too extensive, not consistent with other Government strategic planning documents and do not provide a binding mechanism to secure extractive resources of strategic importance."*¹⁵
105. The ER Strategy commits to refreshing the EIAs to identify Strategic Extractive Resource Areas (SERAs). It does not identify proposed location or extent of SERAs (as these need to be subject to detailed technical assessments following the pilot project).
106. Preparing the SERAs (including completion of the SERA Pilot Project) is identified as one of the top 3 actions under the Strategy. A Pilot project on Strategic Extractive Resource Areas (SERAs).
107. It notes that the Government will progressively roll out SERAs following completion of the pilot project¹⁶.
108. The draft Pilot Study Report was released for public comment in June 2020.

17.2. JOINT MINISTERIAL STATEMENT – EXTRACTIVE RESOURCES:

109. A Joint Ministerial Statement – Extractive Resources ('Joint Statement') has also been prepared and it implements priority actions in the Victorian Government's Extractive Resources Strategy, Helping Victoria Grow.

¹² 'Helping Victoria Grow: Extractive Resources Strategy' (2018), page 5

¹³ Ibid, page 7

¹⁴ Ibid, page 20

¹⁵ Ibid, page 27

¹⁶ Ibid, page 29

110. The Joint Statement refers to the following actions:

- 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

111. The statement identifies that:

"A new Extractive Industry Project Hot List [now referred to as the Extractive Industry Priority Project List] has been developed to identify quarries that will be given priority planning consideration with the goal of halving typical approval times from 18 months to 9 months for good quality applications (Attachment 1)."¹⁷

112. The resource covered by WA492 is identified in the Extractive Industry Priority Project List.

¹⁷ Joint Ministerial Statement, page 5

18. MY OPINION

113. My opinion in relation to the key planning matters raised in Submission 7 to C241, now follows.

18.1. IS THE DESIGNATION OF LAND FOR FUTURE EXTRACTIVE INDUSTRIES AND SEPARATION DISTANCES IN THE SHENSTONE PARK PSP APPROPRIATE ?

114. I have given particular consideration to the following State planning policies, strategic plans and guidelines in forming my opinion about whether or not the designation of land for future extractive industries and separation distances in the Shenstone Park PSP is appropriate:

- The Planning Policy Framework (PPF) –
 - Clause 11.03-2S (Growth Areas)
 - Clause 13.07-1S (Land Use Compatibility)
 - Clause 14.03-1S (Earth and Energy Resources)
- The Northern Growth Corridor Plan (2012)
- EPA Recommended Separation Distances for Industrial Residual Air Emissions
- Plan Melbourne Policy 1.4.2
- Helping Victoria Grow: Extractive Resources Strategy & the Joint Ministerial Statement on Extractive Resources

115. I address the wider planning policy consideration and the precinct specific considerations in turn, as follows:

18.1.1. Wider planning policy considerations:

116. The PPF seeks to provide for the long-term protection of natural resources in Victoria, and to protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.¹⁸
117. The PPF requires separation distances to be developed and maintained around mining and quarrying activities, and it requires Planning Authorities to consider State Environment Protection Policies (as relevant) in determining such requirements.¹⁹
118. In relation to managing land use compatibility, the PPF seeks to 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. It requires Planning Authorities to consider the EPA Publication 1518 (*Recommended Separation Distances for Industrial Residual Air Emissions*) in determining such requirements.²⁰
119. The relevant separation distances under the EPA Publication 1518 for a quarry with blasting is 500m.
120. In relation to planning for growth areas, the PPF requires the preparation of growth area framework plans that (inter-alia) identify appropriate uses for constrained areas, including quarry buffers. It

¹⁸ Clause 14.03-1S

¹⁹ *ibid*

²⁰ Clause 13.07-1S

requires Planning Authorities to consider any applicable Growth Area Framework Plan in preparing Precinct Structure Plans.²¹

121. The Northern Growth Corridor Plan (the Northern GCP) is the relevant framework plan pursuant to clause 11.03-2S.
122. The Northern GCP was prepared following a wider assessment of Melbourne's stone resource supplies and future needs which was undertaken as part of Amendment VC68 and the urban growth boundary review in 2010. The outcome of Amendment VC68 were as follows:
 - the existing Woody Hill Quarry (as defined by the extractive industry work authority boundary associated with WA492) was set aside in a Special Use Zone.
 - land within 500m of the work authority boundary was included in a Farming Zone, and the potential to utilise land within the quarry buffers for non-sensitive uses (and rezone the land to the Urban Growth Zone) was foreshadowed.
 - Land outside of the abovementioned 500m buffer was identified as being unconstrained and therefore suitable for urban development.
123. The Northern GCP identifies the Woody Hill Quarry (as defined by the extractive industry work authority boundary associated with WA492), and a circa 500m buffer around the Woody Hill Quarry. It notes that the existing Woody Hill Quarry will be protected from encroachment by sensitive land uses by locating industrial or commercial development activities adjacent to it, and that such land will be rezoned to the Urban Growth Zone. It also notes that any buildings proposed within 200m of the Woody Hill Quarry will be subject to a risk assessment at the PSP stage, to ensure that the impact of rock blasting is acceptable.²²
124. Amendment VC68 and the subsequent Northern Growth Corridor Plan satisfied the relevant requirements of the PPF (clauses 11.03-2S, 13.07-1S and 14.03-1S) in that they have protected the existing Woody Hill Quarry (as defined by WA492) by ensuring that no sensitive land uses can encroach within at least 500m from the existing work authority boundary, and they have ensured that the potential risks associated with rock blasting within 200m of the work authority boundary are considered as part of future PSP processes.
125. Subsequent to the preparation of the Northern Growth Corridor Plan, the Victorian Government has released Plan Melbourne, Helping Victoria Grow: Extractive Resources Strategy (the ER Strategy) and a Joint Ministerial Statement on Extractive Resources (the Joint Statement).
126. Plan Melbourne contains a discussion on extractive resources which notes that current extractive industries must be protected and that the sequencing of urban development in growth areas should allow strategic stone resources to be extracted ahead of establishing urban areas.

²¹ Clause 11.03-2S. Note also the Ministerial Direction No. 12 also requires Planning Authorities to demonstrate how the amendment implements any Growth Area Framework Plan applying to the land.

²² Northern Growth Corridor Plan, page 74

127. The ER Strategy emphasises the importance of securing high quality stone resources to support the State's future economic growth, and it commits to the establishment of Strategic Extractive Resource Areas (SERAs), and pilot studies are currently underway to confirm the criteria for defining such locations.
 128. The Joint Statement implements priority actions from the ER Strategy, including the establishment of a Project Hot List to identify quarries that will be given priority planning consideration. The resource contained within WA492 is identified in the Project Hot List.
 129. It is clear from these more recent policies and strategies that the protection and extraction of the resources contained within WA492 are a high priority for the State, and that the PSP must therefore protect them.
 130. Beyond this, the question is whether (and to what extent) any *additional stone resources* within the Shenstone Park PSP area should be set aside and protected via land use buffers in order to satisfy relevant state planning policy objectives.
 131. My views in relation to the more precinct-specific considerations are set out below.
- 18.1.2. Precinct-specific considerations:**
132. The VPA is proposing that the Shenstone Park PSP cater for a substantial expansion of quarry extraction to the north and east of the existing WA492 area.
 133. I understand that submitter 24 (operators of the Woody Hill Quarry) has submitted that the PSP ought to make provision for quarrying across a larger area as defined under an statutorily endorsed work plan WA6437, and that other submitters are seeking various other outcomes relating to the extent of quarrying activity and the designation of separation distances.
 134. My views in relation to the designation of additional land for quarrying and associated separation distances are set out as follows.
- Proposed quarry on land north of Woody Hill (WA6437):**
135. I understand that the operators of the Woody Hill Quarry wish to undertake quarrying activities on land to the north of the existing WA 492, and that a work plan has been statutorily endorsed in August 2019 in respect to this area (WA6437).
 136. I also understand that the proposed quarry on land in WA6437 is not on the State Government's 'Hot List' and that no planning permit has been sought for the quarry at this point. For these reasons, the degree to which the proposed quarry can be regarded as a seriously entertained or priority proposal at this time is somewhat limited.
 137. Notwithstanding, given State Planning Policies to protect opportunities for extraction of strategic natural resources it is important to consider the merits of setting all of the land within WA6437 aside for quarrying purposes under the Shenstone Park PSP.
 138. If quarrying were to occur in the area shown in the endorsed work plan area, then appropriate land use buffers relating to sensitive land uses, noise and blasting would need to be established, pursuant to the

relevant Planning Policy Framework (Clauses 13.07-1S (Land Use Compatibility) and 14.03-1S (Earth and Energy Resources), having regard to EPA Publication 1518, relevant SEPPs, and accepted industry technical standards relating to air quality, noise, vibration, and blasting impacts.

139. I am not qualified to comment on the technical basis of how specific types of buffers referred to in the above guidelines and standards are calculated. My expertise extends to the application of land use and separation distance policies referred to in the planning scheme and associated guidelines into planning instruments such as precinct structure plans.
140. I note that the distance between the northern boundary of WA6437 and residential lots that are under construction in the Donnybrook-Woodstock PSP to the north of that area is circa 450m (refer **Appendix 6**).
141. The separation distance between the proposed quarry indicated in WA6437 and these sensitive uses to the north is therefore less than the default 500m separation distance referred to in EPA publication 1518, and the larger separation distances suggested by GHD as being necessary in order to address noise and sensitive use impacts.
142. EPA Publication 1518 states that Planning Authorities should be consistent with this guideline when making strategic land use decisions. It notes that where a variation from the recommended separation distance is sought, approval should not be given by the planning authority until the relevant land use separation issues have been resolved to the satisfaction of EPA.
143. EPA Publication 1518 also states that it should be the responsibility of the 'agent of change' to provide evidence to the planning authority that a variation from the recommended separation distances is appropriate. The guideline defines the 'agent of change' as the proponent of the proposed land use that will give rise to the consideration of separation distances.
144. In my view, the agent of change is different in relation to land within WA492 versus WA6437.
145. In the case of land within WA492, this land has been used for a quarry for many decades and the Planning Authority has been the agent of change over the past decade. The Planning Authority has acted as the agent of change via Amendment VC68 which included the Shenstone Park PSP area into the metropolitan UGB, as well as via the adoption of the Northern Growth Corridor Plan (which designated land uses for the land within the PSP area) and via the preparation of the Shenstone Park PSP.
146. In my view the Planning Authority has made appropriate provision for the protection of the quarry resources in WA492 in each of these strategic planning steps (for the reasons outlined earlier in this evidence statement).
147. In the case of land within WA6437 the agent of change is the proponent of the quarry proposal. The strategic planning framework for the long term use of the area around the land contained within WA6437 was broadly set by Amendment VC68 and the Northern Growth Corridor Plan, and this has now been implemented in part via the gazettal of the Donnybrook-Woodstock PSP, and the commencement of residential subdivision and development on land immediately north of Donnybrook Road.

148. In my view the commencement of residential development on land immediately north of Donnybrook Road must be treated as an existing sensitive land use which the proponent of the quarry must take into account in designing their proposal.
149. EPA Publication 1518 states that when seeking to prove that a recommended separation distance should be varied, the agent of change must take into account the principles and criteria contained in this guideline, together with the modelling protocols set out in the relevant SEPP and other relevant guidelines and codes applicable to the industry in question.
150. I am not aware of any submissions or technical studies that have been put forward as part of the current panel hearing process that demonstrate that a reduction from the default quarry separation distances set out in EPA Publication 1518 is warranted at this point.
151. I also note that if the PSP were to set the land within WA6437 aside for future quarrying purposes, this would impact how and when the land adjoining WA6437 could be developed.
152. The GHD assessment noted that buildings should be prevented from establishing within 200m of the boundary of a quarry extraction area in order to mitigate against safety issues from fly rock during blasting. I understand this view is shared by DJPR (Earth Resources).
153. If quarrying were to occur up to the northern boundary of WA6437 then this would mean that significant portions of the adjoining land would need to be kept free of buildings until such time as quarrying activities were relocated to 200m within the boundary of WA6437 (pursuant to the wording of clause 3 of the draft UGZ Schedule)²³.
154. The timeframe in which this constraint would apply is uncertain although I note that the proponent of the quarry proposal for WA6437 has indicated that the potential extraction life of a quarry on this land is expected to be in excess of 25 years.
155. In summary it is my view that setting all of the land within WA6437 for quarrying purposes would not provide sufficient separation distances to nearby sensitive uses, would prevent the orderly and timely development of adjoining employment land, and would not be consistent with the overall planning considerations for this location as set out in the Northern GCP and the approved Donnybrook-Woodstock PSP.

The exhibited Shenstone Park PSP:

156. The Shenstone Park PSP (Plan 3) identifies land within WA492 as an existing extractive industry, and a 'possible quarry expansion', as well as showing land to the north and east of WA492 as areas for 'future extractive industries'.
157. Plan 15 in the Shenstone Park PSP shows a 900m noise buffer associated with the existing quarry and a blast (200m), sensitive use (550m) and noise (600m) buffers associated with the future extractive industries area.

²³ I note here that in my view this provision should be drafted so as to contain some flexibility to construct buildings within this buffer where quarrying activities has moved further south of the extraction limit.

158. I understand that these buffers are based on the technical assessments contained within the Shenstone Park Impact Assessment (2017) and Addendum (2019) reports prepared by GHD.
159. The extent of the possible quarry expansion on land to the north/east of WA492 was defined in the GHD Addendum report based to the location of sensitive uses within the approved Donnybrook/Woodstock PSP, and the proposed location of sensitive uses in a draft future urban structure plan for the Shenstone Park PSP prepared in 2019.²⁴
160. I note that aside from the 900m noise buffer associated with the existing quarry, the proposed buffers shown within the GHD report and Plan 15 of the exhibited PSP fall generally within the Shenstone Park PSP boundary and the adjacent Donnybrook Road reservation.
161. Given the focus in government policy on securing high quality stone resources close to metropolitan markets to support the State's future economic growth, it is in my view reasonable to contemplate setting aside land areas beyond WA492 for stone extraction within the Shenstone Park PSP. I say this on the proviso that in doing so the overall planning considerations for the locality (as defined in the Northern GCP and nearby approved PSPs) and the requirements of EPA publication 1518 and other relevant technical guidelines and standards are satisfied.
162. As I have noted earlier, I do not think that the Shenstone Park PSP should designate additional areas for stone extraction in locations that would either encroach on sensitive residential uses to the north (in the Donnybrook-Woodstock PSP) or that would prevent buildings being constructed on employment land for decades to come.
163. However, I consider that there is scope for the Shenstone Park PSP to designate additional land for possible quarrying activities beyond the land in WA492, and in my view the approach proposed by the VPA in the Shenstone Park PSP should be supported.
164. More specifically, I consider that the *northernmost* extent of potential quarrying activity shown within the Shenstone Park PSP area is appropriate. It makes provision for the extraction of stone resources on a substantial area of land north of WA492 whilst at the same time ensuring that any expansion of quarrying activity does not encroach on the default separation distances to sensitive uses in the Donnybrook-Woodstock PSP area. It also means that the quarry blast buffer does not unreasonably encroach on other land holdings to the north of the proposed extraction expansion area.
165. I note that the *easternmost* extent of the potential quarrying activity shown in the exhibited draft of the Shenstone Park PSP has been based on determining separation distances from a boundary between employment and residential uses that was determined via agency consultation in 2019.
166. The resulting eastern extent of the possible extraction area shown in the Shenstone Park PSP encompasses the southern portion of WA6437, as well as part of property 12-E.
167. Given the method used to determine the eastern extent the possible extraction area (and the fact that the extent and layout of land uses within the Shenstone Park PSP is to be resolved by the current

²⁴ The GHD Addendum Report notes on Page 4 that 'north and east scenarios' have been based on the Future Urban Structure Plan prepared by the PSP, as set out in Appendix A to the report.

planning process), it would appear that there is some flexibility in relation to determining where the easternmost extent of the possible quarry expansion area should be set.

168. This determination should be informed by factors such as the quality/extent of the stone resource on property 12-E (if known), the practicality of extraction given that it forms a linear shape along the western edge of property 12-E, and other issues associated with the potential water treatment facility and its buffers, the Phillips Quarry buffers, and design/layout of the employment and residential areas.²⁵

18.2. IS THE PROPOSED AMENDMENT TO THE 25M CONNECTOR STREET LAYOUT APPROPRIATE?

169. It is my opinion that the amended 25m connector street layout shown on the Land Use Concept Plan prepared by Tract Consulting (12 November 2019) is appropriate and will provide improved efficiencies to the development of the land²⁶.
170. The amended road layout will assist with the creation of rectilinear shaped lots that will be easier to develop with efficient rectangular development footprints and areas of car parking. These are preferred by commercial and industrial land developers because they provide more flexibility with the siting and design of buildings, parking, services, etc.
171. The re-alignment of the connector street is supported by G21, which states that: "Subdivision should provide for the creation of a range of regular-shaped lots to cater for various uses." The current FUS is not consistent with this guideline given that the curved road interface for land within the south-eastern part of the site will result in irregular shaped lots.
172. The proposed intersection of connector street intersection with the Merri Creek tributary shown in the exhibited PSP also results in the creation of irregular shaped lots that will be inefficient and difficult to develop.
173. G49 states that:
- "Streets should be the primary interface between development and waterways. Public open space and lots with a direct frontage may be provided as a minor component of the waterway interface."*
174. The proposed layout illustrated on the Tract Concept Plan will achieve a greater degree of consistency with G49 compared to the current FUS. The concept plan shows a much larger stretch of the re-aligned Tributary fronted by connector streets. This is opposed to the current FUS providing no street frontage to the creek within the subject site.
175. The Waterways and Open Space Interface cross-section contains the following note:
- "Where active interfaces to waterways are not provided, waterway corridor widths will be increased in order to ensure maintenance access, to the satisfaction of Melbourne Water."*

²⁵ I note from correspondence submitted to the Panel on behalf of submitter 24 that Barro Group and DBJV have entered into an agreement which provides for the transfer of land from DBJV to Barro Group for the purposes of creating a southern access road and bund structure on the western boundary of property 12E.

²⁶ This plan appended to Submission 7

176. Avoiding non-active interfaces therefore increases the efficiency of land use through avoiding the need to widen waterways. Given that the proposed amendment to the FUS provides a greater length of active interface to the waterway, it will increase the efficiency of land use within the subdivision.
177. The amendment will not impact the location of the IN-02 signalised intersection providing the connection with Donnybrook Road as shown on Plan 10 (Street network) of the PSP. Other road connections within the PSP will also not be impacted by the proposed changes, including road network connections immediately east and west of the subject site.
178. The proposed alternative road alignment will support R51 (*“the connector street network must provide a safe and low speed environment for all road users”*) - by replacing the curved north-south connector with a layout incorporating a 90 degree turn, traffic will be forced to slow down before travelling to the east.
179. The amended alignment will not physically impede the introduction or upgrade of infrastructure and utilities as set out in the various PSP plans, including Plan 11 – Public Transport and Pathways and Plan 13 – Utilities (of the Shenstone Park PSP).
180. PSP Plan 11 – Public Transport and Pathways directs that the 25m Connector Street be bus capable and that off-road bike paths follow its alignment.
181. Plan 13 – Utilities directs that a potable water main travel east-west through the subject site and a proposed sewer main north-south from Donnybrook Road to beyond the southern boundary.
182. My view is that, the abovementioned infrastructure, services, utilities can continue to be provided in general accordance with the PSP Plans as follows:
- The sewer can continue to align with the connector street and then pass under the waterway to just beyond the southern boundary of the site.
 - The potable water main can continue to following the east west connector street to the intersection with the north- south and then align with the amended location of the connector street as it travels to the eastern property boundary.
 - The connector streets can continue to be bus capable and an off-road bike path can follow their alignment.
183. In summary, I consider that the proposed amendment to the FUS identified in the Submitters Concept Plan will better achieve the underlying aims of the PSP to provide an attractive and functional employment precinct. The proposed amendments will also serve to increase land use efficiencies while providing greater opportunities to capitalise on a waterway asset to improve local amenity within the precinct.

18.3. IS THE PROPOSED AMENDMENT TO THE ALIGNMENT OF THE CONSTRUCTED MERRI CREEK TRIBUTARY APPROPRIATE?

184. I consider that the proposed alternative alignment of the Merri Creek Tributary as shown on the Land Use Concept Plan prepared by Tract Consulting (12 November 2019) is appropriate. Together with the amendment of the 25m connector street layout, it will deliver improved efficiencies for the future development of the site, whilst not compromising the amenity that the waterway will offer to the future employment precinct.
185. The amended alignment will assist in the provision of rectilinear shaped lots that can be efficiently developed, which is supported by G21.
186. The amended alignment avoids the Tributary isolating the south-eastern part of the site from the balance of the land. The current connector street alignment further complicates this south-east part of the site and together with the Tributary creates irregular shaped areas that will be difficult to develop.
187. A benefit of the new alignment is an increase to the length of frontage to the waterway by connector streets and open space interfaces, helping to provide amenity to the precinct. As discussed in Section 6.1 above, this will also reduce the need to widen the waterway for Melbourne Water maintenance purposes, supporting G49 and the Open Space Interface cross-section notation.
188. Buildings will also be capable of addressing stretches of the waterway and the open space interface, including in the south-east corner and where it travels north to RB-01. This will provide a pleasant outlook from buildings and provide passive surveillance of the off-road path that extends to Donnybrook Road. This is supported by R31 that states: "Buildings adjacent to waterways and open space must provide for buildings to front the open space."
189. I noted that the Geomorphology and vegetation value assessment released with the PSP (Alluvium, February 2018) stating that the Tributary as it flows through the subject site forms part of the "middle reach" (Reach 2), which is defined as a "single, discontinuous man-made channel" (pp. 13 and 14).
190. Whilst I am not qualified to provide an opinion on the technical aspects of waterway design, I do note that the Alluvium assessment supports the re-construction of the waterway. The Alluvium assessment notes that given the low geomorphology values and artificial nature of the channel, a high quality constructed waterway is recommended to improve its "condition for environmental and social values" (p. 25). I would defer to hydrological experts on whether the alternative location can fulfil the same hydraulic function as the location shown on the exhibited PSP.
191. R39 provides decision guidelines for proposals to relocate allocated open-space that can be used to assess the now proposed change to the waterway alignment. Whilst these criteria generally apply to consideration of alternative arrangements for credited open spaces (the waterway is an uncredited open space area), I nonetheless address these guidelines as follows:
- *"Proposals to relocate allocated open-space must:*
 - Not detract from walkable access as demonstrated on Plan 7 not being adversely impacted

In my opinion no impact will result to the walkable access to parks, open space and facilities provided for on Plan 7 (Open Space).

- Not diminishing the quality or usability of the space

Neither the quality nor usability of the space will be diminished by the re-alignment. On the contrary, the alignment will facilitate greater access to the space through providing an open space interface in the south-west and eastern part of the site and greater length of street frontage. These interfaces enable an off-road path along the waterway extending from the south-west corner to the north-east corner of the site (supporting Plan 11 of the PSP).

The re-alignment will not adversely impact other landscape features. There is a dry stone wall located along the eastern boundary of the subject site. This can be retained to form an eastern boundary to the waterway and then be included in the open space interface that forms the western edge of RB-01.

- Not adversely impacting on the overall diversity of the precinct open space network

The diversity of the precinct open space network will not be adversely impacted in my view.

- Still be supported by the preferred path network outlined in Plan 9

PSP Plan 11 – Public Transport and Pathways directs that an off-road path is to follow the alignment of the Merri Creek Constructed Tributary. The amended alignment facilitates this for the waterway's entire length within the subject site, as discussed above.

- Have the written consent of the landowner, where it is proposed to relocate onto another property, and to the satisfaction of the responsible authority."

The realignment will not result in open space being relocated to another property.

The Tributary will continue to connect to RB-01 on the adjoining property at the south-western tip.

192. The new alignment is logical and efficient when consideration is given to Plan 15 (Buffers, Noise Amenity Area and Measurement Length). This plan shows that a southern part of the site is within the Woody Hill Blast Buffer (200m).
193. The proposed waterway alignment will mean that the majority of the affected land, which is prevented from being developed with a building by Clause 2.5 of the UGZ Schedule 7 (Specific provision - Buildings and works), will be occupied by the Merri Creek Tributary. The new alignment therefore has the positive effect of reducing the loss of developable land to the blast buffer.
194. In summary I consider that the re-alignment of the Tributary, coupled with the realignment of the connector streets, will improve the efficient development of the land. The changes are supported by

aspirations of the PSP to improve the quality and provision of open space from an environmental and social perspective and the changes are unlikely to be detrimental to neighbouring properties.

18.4. SHOULD PLAN 3 (FUTURE URBAN STRUCTURE) OF THE SHENSTONE PARK PSP BE AMENDED TO NOMINATE THE ENTIRE SUBJECT SITE FOR “BUSINESS” USE, RESULTING IN THE COMMERCIAL 2 ZONE BEING THE SITE’S ONLY APPLIED ZONE AS PER TABLE 1 OF THE URBAN GROWTH ZONE SCHEDULE 7?

195. In my opinion there is sufficient planning justification for Plan 3 of the Future Urban Structure (FUS) to be amended to nominate “Business” as the future intended land use for the whole of the subject site. In my view it is appropriate for the entire site to be subject to the Commercial 2 Zone (C2Z).
196. The urban structure shown in the exhibited PSP bisects property 11 into 5 separate development parcels, located within three separate zones – Industrial 3, Industrial 1 and Commercial 2. Four of the five development parcels comprise irregular shapes.
197. In my view the combination of different zones and fragmented irregular shaped development parcels shown in the PSP is a sub-standard and unnecessary situation that can be readily overcome by adopting the changes to the layout proposed by the Submitter’s Concept Plan (discussed earlier in my evidence statement) and by simplifying the zoning that applies to the land.
198. In my view the urban structure shown in the PSP would be strengthened if the three easternmost development parcels shown for property 11 in the PSP were designated for ‘business’ purposes.
199. My reasons for taking this view are as follows:

Creating a high quality commercial gateway to the precinct:

200. There are two main access points for the employment land shown within the PSP – these are the signalised intersections and connector streets located east of Langley Park Drive (property 5) and on the land owned by submitter 7 (property 11).
201. These main access points will be the major entry points to the wider employment precinct – they will be the most high profile locations and they will attract the greatest number of vehicle trips into the employment precinct.
202. For these reasons, commercial sites on intersections present the best opportunity to establish gateway buildings including offices and other forms of retail and commercial uses.

Creating a bookend to the business precinct:

203. The proposed retarding basin to the immediate east of the subject site is an appropriate physical feature to demarcate the transition from a commercial to light industrial land use. That way all of the land between the retarding basin and the railway line can be planned so as to have a common commercial character and function, which in turn will help strengthen the brand and identity of the place as a business precinct.

Creating higher quality internal demarcation between the industrial and business precincts:

204. The Submitter's Concept Plan proposes that the realigned waterway will act as a stronger landscape feature and clear point of delineation between the business precinct to the west and industrial areas to the east of the waterway.
205. The FUS shown in the exhibited PSP does not capitalise on the waterway as a landscape features in that it allows 3 of the 4 corners of the waterway to be developed for industrial purposes.
206. Including all of the land within property 11 in the commercial precinct (in combination with the alternative layout of roads and waterways shown in the Submitter's Concept Plan) will result in a better use of the waterway asset and a higher quality internal demarcation of the business and industrial precincts.
207. In summary, the current FUS arrangement of fragmenting the subject site, which is of relatively small area at 12.14Ha, with three applied zones (the C2Z, Industrial 1 (IN1Z) and Industrial 3 Zone (IN3Z)) does not present a logical land use structure for the site in my view and there is no apparent advantage for this to occur. The alternative of nominating a single "business" use to the entire site will enable it to form part of a more coherent commercial precinct with high quality commercial entrances at the eastern and western ends and with the proposed retarding basin as its edge.



Mark Woodland
6th November 2020

APPENDIX 1 – CV

CURRICULUM VITAE

Address:
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Phone:
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Date of Birth:
25th June 1970

Nationality:
Australian

Mark Woodland

Expertise:

- Strategic planning
- Development facilitation
- Project management & feasibility
- Structure planning
- Urban policy
- Stakeholder & Government relations
- Community consultation
- Media & communications.

Employment Overview:

Director, Echelon Planning
(July 2012 –Present)

Strategic Planning Director– Growth Areas Authority
(July 2010 – June 2012)

New Business/Strategic Planning Manager – Delfin Lend Lease
(July 2007 – July 2010)

Senior Planning Adviser - Minister for Planning
(February 2005 - June 2007)

Manager, Strategic Planning - City of Melbourne
(September 2001 - January 2005)

Manager, Investment Development - Hume City Council
(Jan 2001 - Aug 2001)

Manager, Strategic Planning – City of Kingston
Sept 1997 - Dec 2000

Urban & Environmental Planning Consultant - Gutteridge Haskins & Davey Pty Ltd
(Sept 1995 - Aug 1997)

Urban Planner – Cities of Port Phillip, Boroondara and Camberwell
(1991 - 1995)

Qualifications:

- Bachelor Planning and Design 1990 - Melbourne University.
- Grad. Certificate, Business Administration. , 2000 - Monash School of Business.

Committee Memberships:

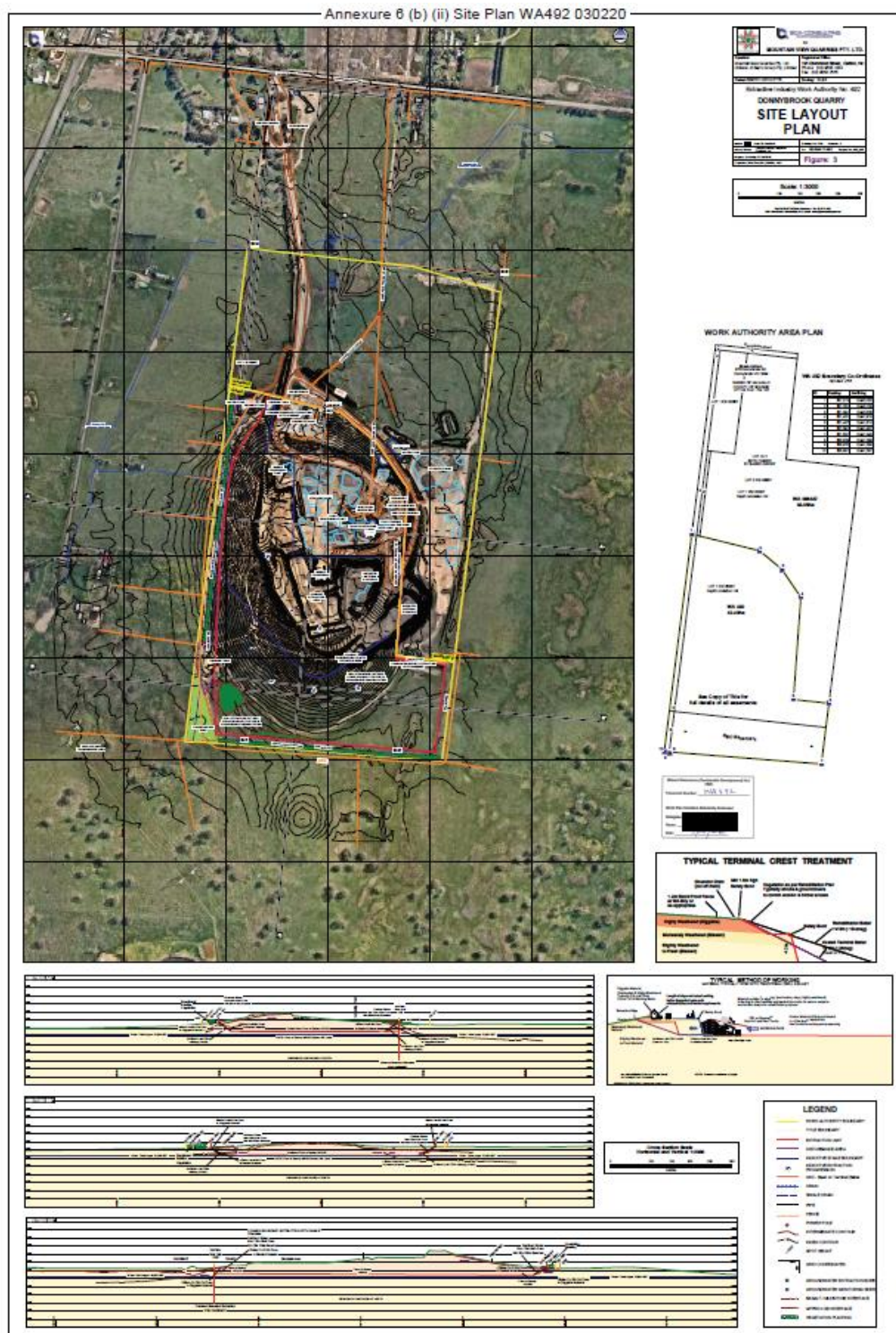
- Property Council of Australia – current member of the Residential Developers Committee
- Victorian Planning & Environmental Law Association

Curriculum Vitae for Mark Woodland

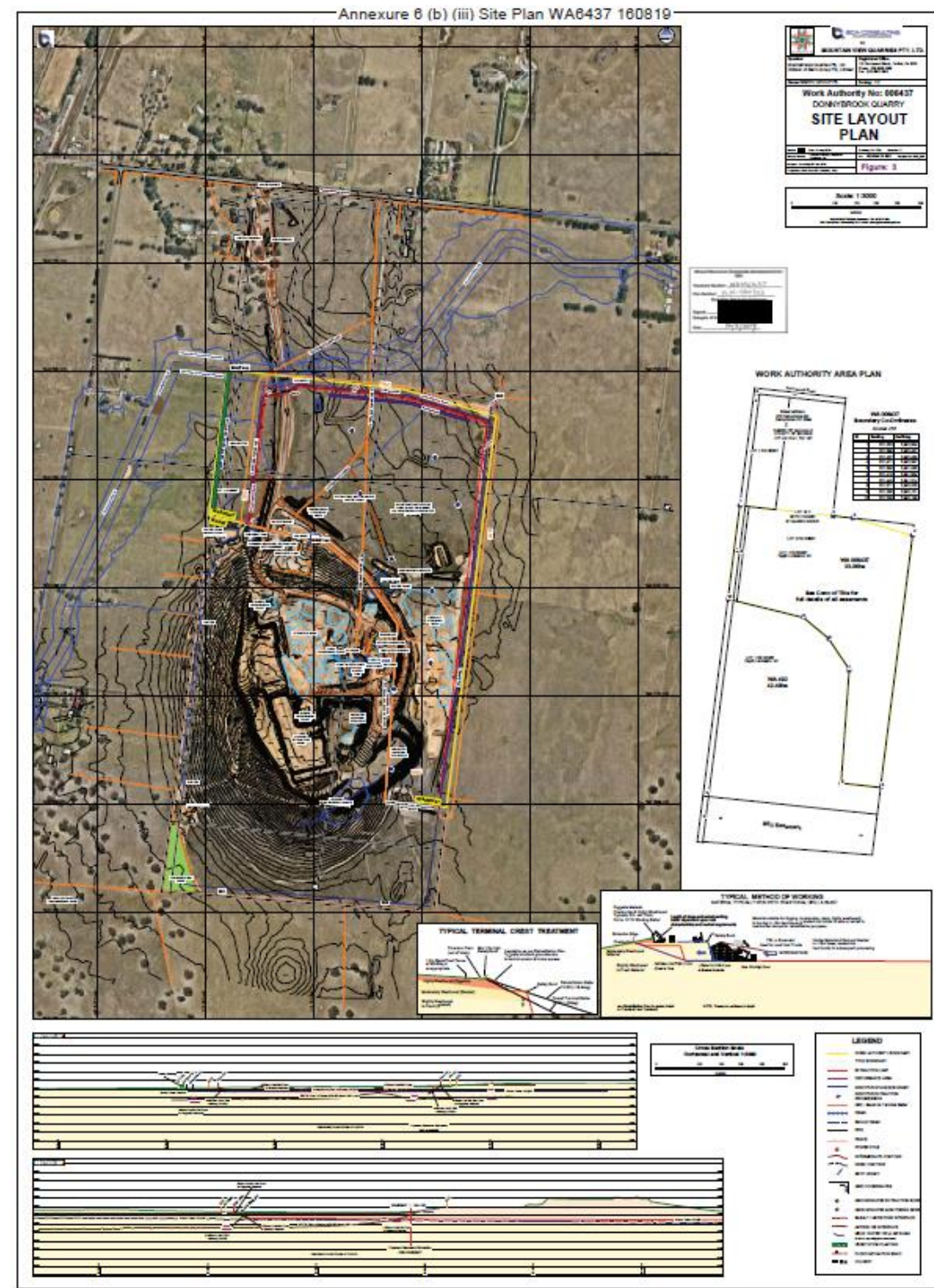
APPENDIX 2 – WA492 WORK PLAN VARIATION MARCH 2003



APPENDIX 3 – WA492 WORK PLAN VARIATION FEBRUARY 2020

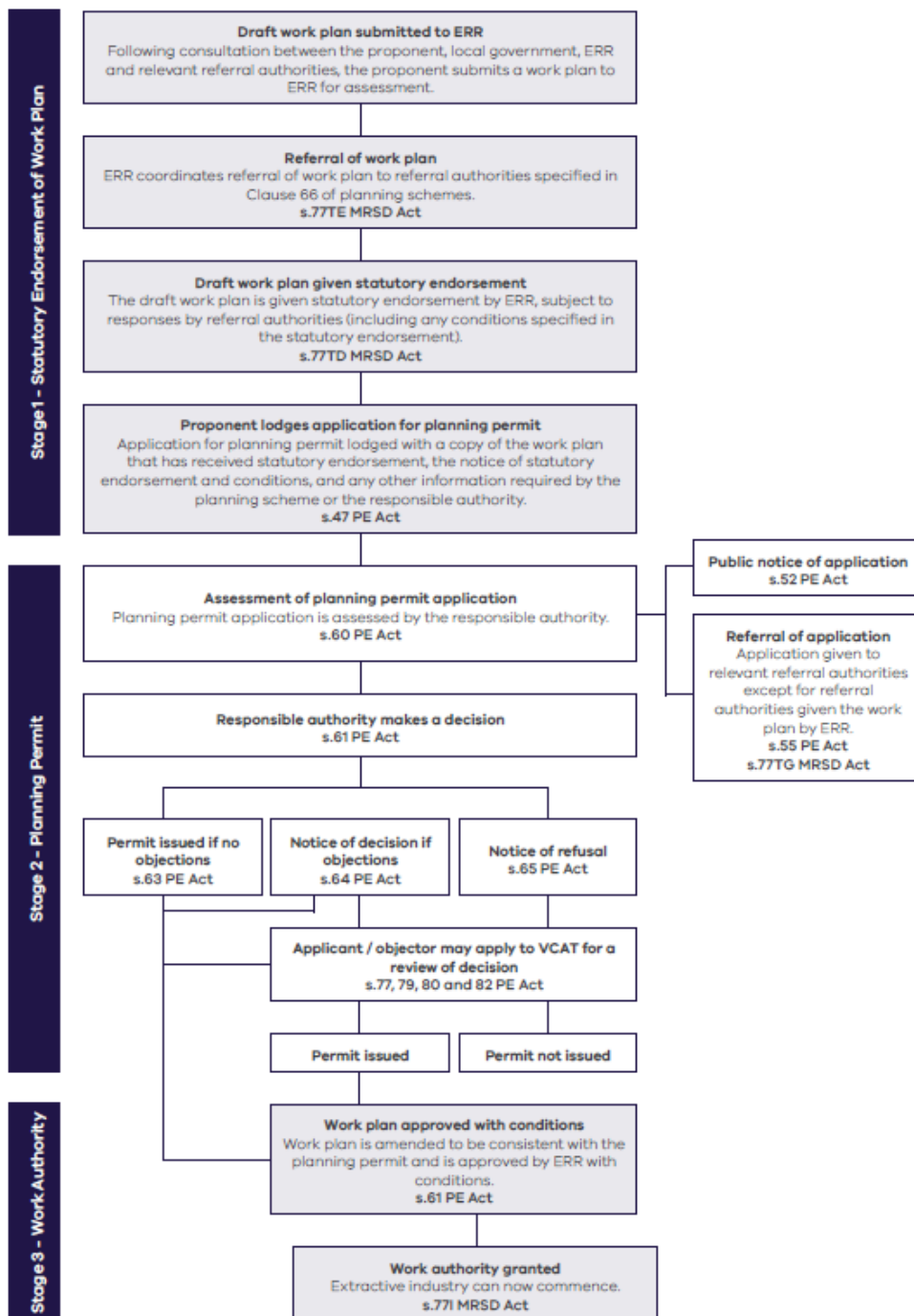


APPENDIX 4 – STATORILY ENDORSED WORK PLAN 6437 AUGUST 2019



APPENDIX 5 – EXTRACTIVE INDUSTRIES APPROVALS PROCESS

Figure 1: Summary of extractive industry approval process



APPENDIX 6 – DISTANCE BETWEEN WA6437 BOUNDARY AND RESIDENTIAL SUBDIVISIONS IN THE DONNYBROOK- WOODSTOCK PSP

