

Whittlesea Planning Scheme Amendment C241

Expert Planning Evidence

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November 2020

instructed by

GADENS

on behalf of

DONNYBROOK JV PTY LTD

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1. INTRODUCTION

1.1. Purpose

- (1) I have been instructed by Gadens, on behalf of Donnybrook JV Pty Ltd (**DJV**), the registered proprietor of land at 960 and 1030 Donnybrook Road, Donnybrook (collectively '**DJV Land**'), to undertake an independent review of the planning merits of Amendment C241 to the *Whittlesea Planning Scheme* (**WPS**), which has been prepared by the Victorian Planning Authority (**VPA**) in conjunction with the City of Whittlesea (**Council**).

1.2. Background

- (2) The Amendment proposes to implement the *Shenstone Park Precinct Structure Plan* (**PSP**) in the WPS, including by rezoning land to Urban Growth Zone (Schedule 7) (**UGZ7**).
- (3) The PSP envisages that Shenstone Park will be 'a model for a self-sufficient precinct' and an integrated urban extension to the neighbourhoods and employment areas at Donnybrook-Woodstock and English Street.
- (4) The PSP area is bounded by Donnybrook Road to the north, the Urban Growth Boundary to the east and the Sydney-Melbourne Railway line to the west. Donnybrook Station is located to the northeast, on the opposite side of Donnybrook Road.
- (5) The PSP area includes an existing centrally located, operational quarry on Woody Hill ('**Woody Hill Quarry**') and is constrained by significant biodiversity values to the south as well as the location of a Work Authority for future extractive industry (at '**Phillips Quarry**').
- (6) Alongside the plan to deliver housing and grow the employment hub in Melbourne's north, the PSP is advanced to protect and enhance identified biodiversity and to protect key economic and employment generators associated with existing and future extractive industry.

- (7) These considerations have influenced a distinct division between residential and employment uses within the PSP. There would be:
- A new residential neighbourhood established in the eastern part of the PSP forming the southern extension of the emerging residential community at Donnybrook Woodstock (to the north). It would include integrated housing, a local town centre, a network of open space and recreational opportunities; and
 - A western focus on industry and other employment opportunities located generally to the west, north and east of Woody Hill Quarry, which would partially double as a short to medium term buffer area for the quarry prior to being used for industry.
- (8) In addition, the PSP plans for future extractive industry at Phillips Quarry, including a gas pipeline and longer-term access that bisects the eastern part of the land.
- (9) The Draft PSP also indicatively protects the location for a future water treatment facility, including an option for water storage ponds, generally within the western portion of the PSP as an alternative to industry.
- (10) The PSP has been prepared in conjunction with the *Shenstone Park Infrastructure Contributions Plan* and is based upon a series of background reports.
- (11) My instructions direct my review to the town planning impacts and strategic justification for Amendment C241 with a focus on the future land use and development implications for the DJV Land. I have been asked to consider:
- the proposed future urban structure advanced by the VPA and the planning consequences associated with existing and future extractive industry; and
 - the future delivery of other significant public infrastructure with amenity implications and buffer requirements.

1.2.1. DJV Land

- (12) The DJV Land is described as:
- Lot 1 on TP374144X and Lot 1 on TP371225P (**960 Donnybrook Road**); and

- Lot 1 on TP380512K (**1030 Donnybrook Road**).

(13) It comprises a combined area of approximately 275ha.

(14) Contextually, Figure 1 illustrates that the DJV Land comprises roughly the central portion (equivalent to approximately 43.79%) of the PSP, including the land to the immediate east of Woody Hill Quarry.

1.2.2. Existing and future extractive industry

(15) The location of existing and future extractive industry and relevant Work Authorities associated with Woody Hill and Phillips Quarries are illustrated in Figure 2.

- Woody Hill Quarry is located at 870 Donnybrook Road to the immediate west of the DJV Land / 960 Donnybrook Road within the southern part of the PSP (Figure 2).
- Phillips Quarry, which is yet to commence extractive activity, is located to the southeast of Woody Hill Quarry, outside the PSP at 430 Summerhill Road.
- Both quarries are to be operated by the Barro Group.

(16) This report presumes that the Panel has familiarised itself with the Quarry Statement prepared by Hardwood Andrews on behalf of the VPA and will not be further assisted by this evidence repeating that background, save to note the following key matters:

Woody Hill Quarry

- Woody Hill Quarry operates pursuant to Work Authority 492 (**WA492**).
- Woody Hill Quarry has a potential extraction life of approximately 30+ years¹.
- A current application to amend WA492 proposes to expand the existing operation and increase the extraction depth².

¹ Quarry Statement (para 26)

² Quarry Statement (para 14)

- Work Authority 6437 (**WA6437**) provides for expansion of Woody Hill Quarry to the north and the east and the potential extraction life of the future expansion area is estimated at 25+ years³.
- The existing quarry incorporates access from Donnybrook Road⁴.
- At the end of extraction activities, it is expected that “*the entire hill will be removed leaving flat topography*”⁵.

Phillips Quarry

- Work Authority 6852 (**WA6852**) applies to Phillips Quarry.
- Access to Phillips Quarry is restricted, and it is accepted that the most feasible access is likely to be to the north, via the Shenstone Park PSP and Donnybrook Road.
- It is intended that Phillips Quarry will be part of an expanded integrated operation with Woody Hill Quarry⁶.
- It is estimated that Phillips Quarry will have a potential extraction life of 50+ years⁷, once extraction activities have commenced.

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- (17) Figure 2 illustrates that the boundaries of the Work Authorities do not encroach on the DJV Land.
- (18) With respect to access, I am instructed that planning is well-advanced to subdivide land in the southwest corner of the DJV Land (at 960 Donnybrook Road) to formalise and facilitate access between Woody Hill Quarry and Phillips Quarry, via Donnybrook Road.
- (19) The area to be set aside for access, including a landscaped bund, is shown in Figure 3.

³ Quarry Statement (para 30)

⁴ Quarry Statement (para 21)

⁵ Quarry Statement (para 6.5)

⁶ Quarry Statement (para 40)

⁷ Quarry Statement (para 41)

1.3. Relevant considerations

- (20) In preparing this report I have considered as relevant the documentation detailed in **Appendix 1**.

1.4. Witness Statement

- (21) A Witness Statement and curriculum Vitae are detailed at **Appendix 2** and **Appendix 3**.
- (22) I inspected the PSP area and surrounding locality on 14 September 2020.
- (23) In preparing this report I have provided advice in relation to a 'Preferred Future Urban Structure Plan' prepared on behalf of DJV by Niche Planning Studio (dated 26 October 2020) (**DJV-PFUS Plan**).
- (24) This report also addresses that plan, including the strategic merit of the preferred outcomes for the DJV Land.

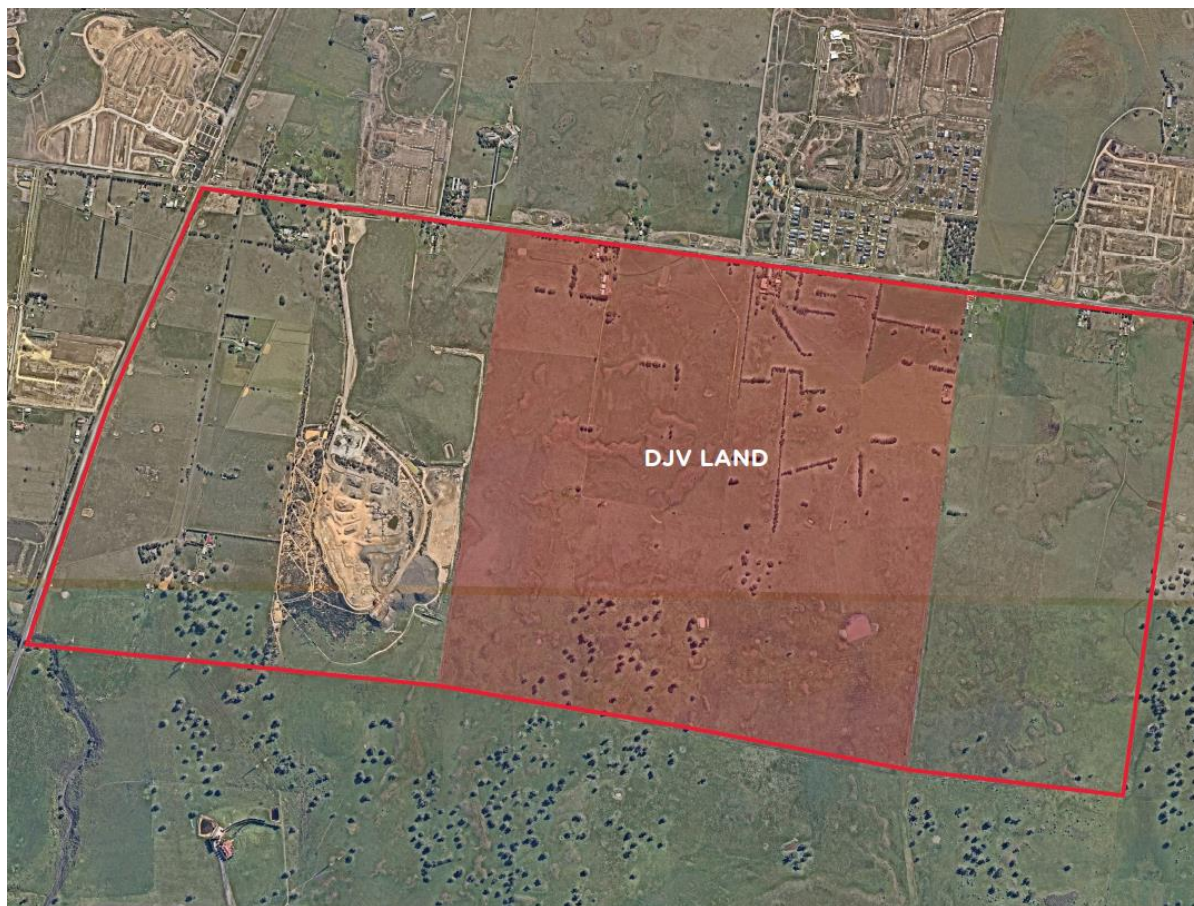


Figure 1 – Shenstone Park PSP and DVJ Land (Shown indicatively) (nearmap).gov.au)

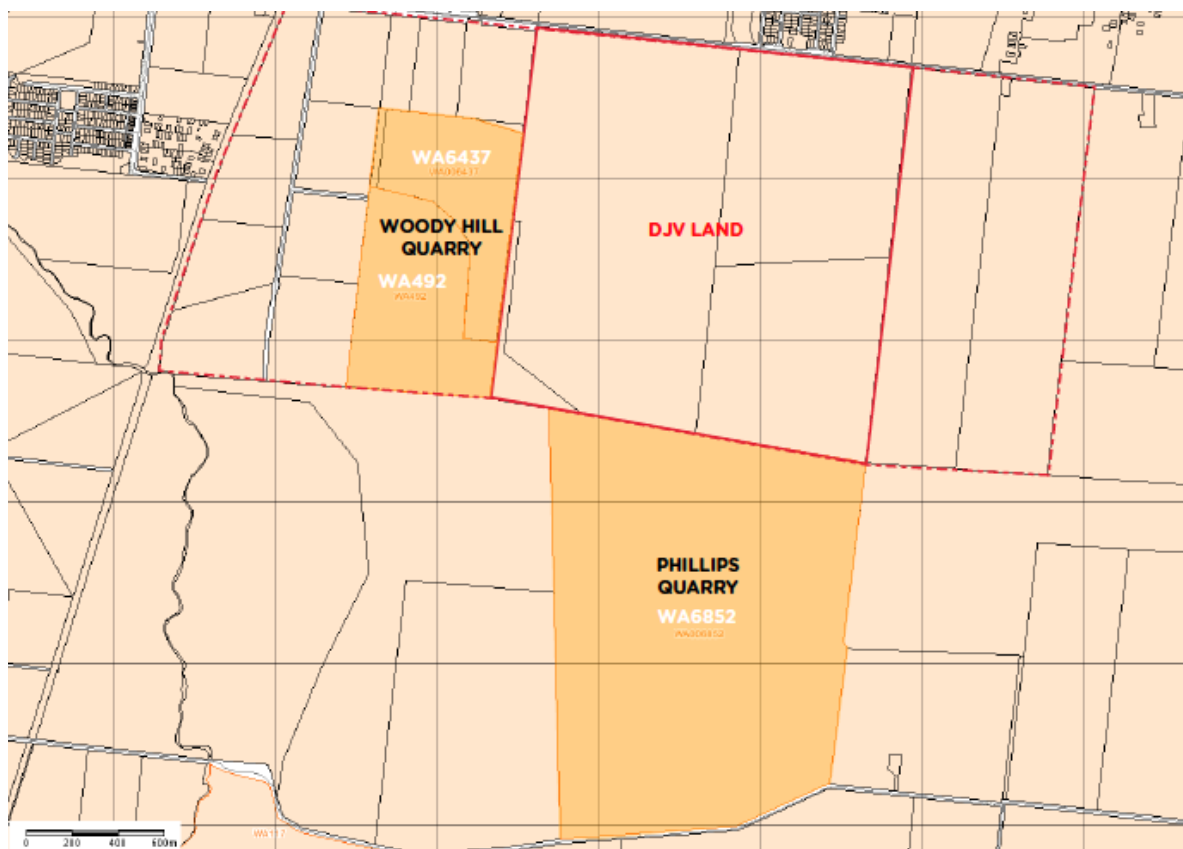


Figure 2 – Location of current extractive industry Work Authorities (shaded orange)

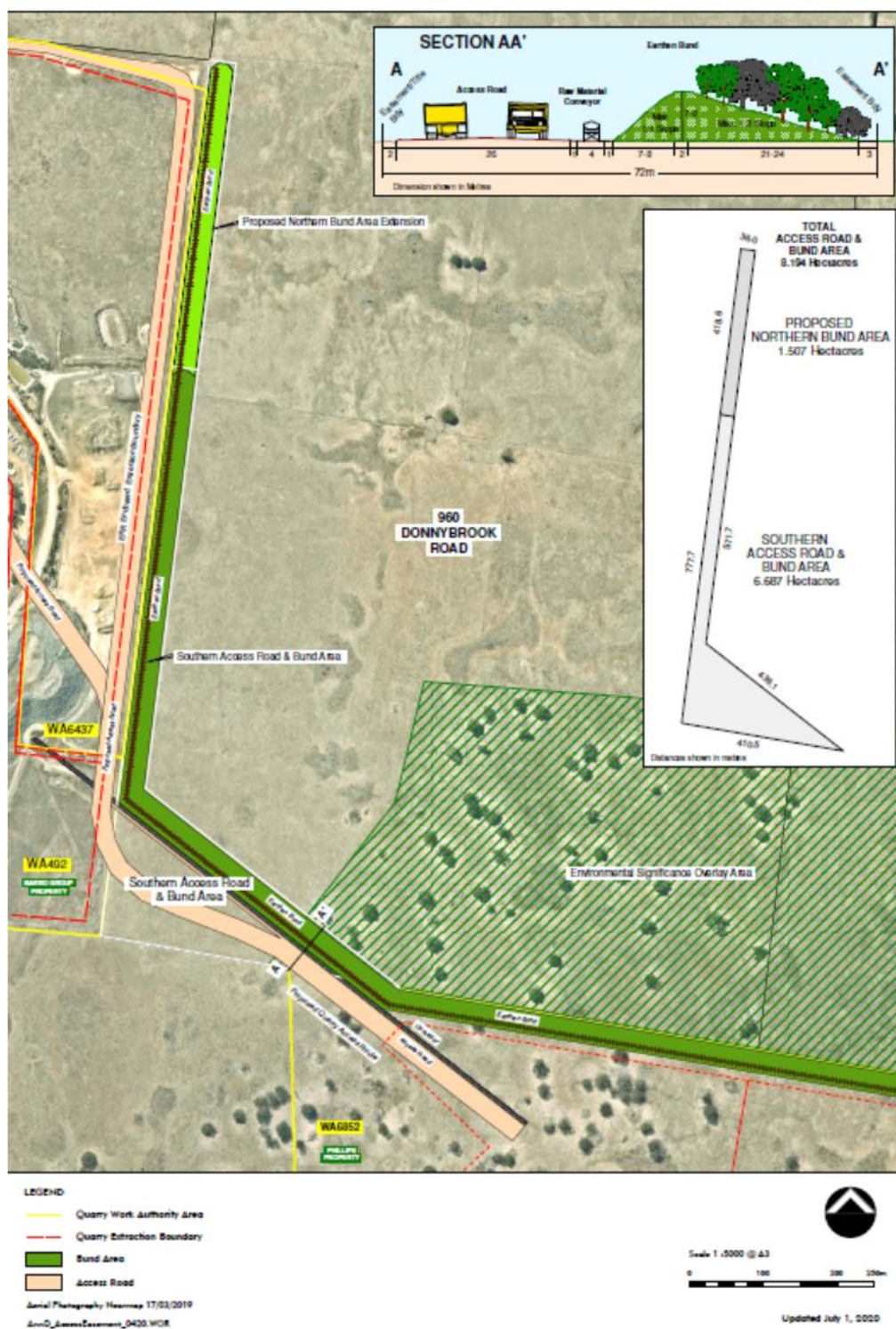


Figure 3 – Proposed access and bund area

2. OVERVIEW

- (25) This report proceeds on the basis that there is sufficient policy support and evidence to substantiate the planned and ongoing protection of Woody Hill Quarry.
- (26) The challenge posed by this PSP is whether the planning for a future community at Shenstone Park has been appropriately considered and resolved in the context of planning and land use allocation for a site that has and continues to be strongly influenced and directed by the protection and management of extractive industry.

2.1. Emerging growth corridor planning

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- (27) The 2009 integrated planning strategy, *Delivering Melbourne's Newest Sustainable Communities (DMNSC)*, was the culmination of an investigation initiated by the 2008 metropolitan planning strategy, *Melbourne @ 5 million* to identify sufficient urban land to accommodate projected growth in housing and jobs to 2036.
- (28) The realignment of the UGB and the inclusion of Shenstone Park within the Northern Growth Corridor came at the conclusion of an extensive period of technical investigation into the suitability of land for urban development, including analysis of landscape, biodiversity, land capability, utility services, drainage, and transport considerations.
- (29) Figure 4 shows the land capability analysis for the Hume / Mitchell / Whittlesea growth corridor undertaken in 2009 established the cluster of extractive industries (mainly in Whittlesea) and the Extractive Industry Interest Area in Melbourne's north as matters for further consideration and protection, including WA492 at Woody Hill incorporating a 500m buffer⁸ and other significantly constrained land to the south.

⁸ Woody Hill was estimated at the time to have a 50 year life-span DMNSC (*Background Technical Report 1: Land Capability*, June 2009)

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- (32) The 2012 *North Growth Corridor Plan* (**Corridor Plan**) (Figure 5) was based upon the detailed understanding and analysis of relevant opportunities and constraints on land capability established by the 2009 review. It was also based upon detailed analysis of Melbourne's future industrial land requirements and an expectation for planning to support environmental sustainability, including by protecting and maintaining local quarrying potential¹⁰.
- (33) For instance, a report prepared by the Growth Areas Authority in 2011 recommended that 1,745 ha of land be set aside in the northern growth area for industrial purposes, presumably reflected in the allocation of industrial and employment land shown in (Figure 5)¹¹.
- (34) The Corridor Plan proposed enhanced road and rail link with metropolitan and interstate markets including the Outer Metropolitan Route and the northern freight logistics hub.
- (35) These major investments in transport infrastructure were seen as lifting the northern growth corridor to one of the most important industrial regions in Australia. The corridor plan provided for between 83,000 and 105,000 new jobs in a range of employment categories, including the protection for key extractive industries which were identified as key economic generators.
- (36) Non-urban / utility buffers were shown around the quarry at Woody Hill in the *North Growth Corridor Plan*.
- (37) A band of industry, partially surrounding but predominantly to the north and east of the quarry was also identified, separating the quarry / buffer from residential use at Shenstone Park (Figure 5).
- (38) The Corridor plan as it applies to the quarry and its surrounds might be characterised as an interim or medium-term strategy. It lacks longer term clarity about:

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¹⁰ The growth corridor plans were advanced on the basis of 8 principles including to plan for environmental sustainability by, inter alia, protecting local quarrying potential of a number of operating quarries and avoiding the need to transport construction materials substantial distances (June 2012, Growth Areas Authority).

¹¹ Planning for Employment and Industry in Melbourne's Growth Areas GAA October 2011

- the urban role for the neighbouring land to the west of the railway line (at English Street)¹²;
- the location for a new sewerage treatment and recycled water plant; and
- the future role of a significant area generally to the east of the railway line and between Craigieburn and Donnybrook Roads (including the western part of the PSP) which was identified in an urban development 'Investigation Area'.

(39) The accompanying text noted that an approximate 50-hectare site, towards the southern end of Langley Park Drive between Woody Hill Quarry and the railway line, had been identified as 'the best location' for a future water treatment facility on the basis that, "... *This location presents the opportunity to co-locate the sewage treatment plant within part of the buffer to the existing quarry*¹³."

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(40) In relation to the Investigation Area, it also noted:

*"This area presents a number of potential urban development opportunities, including future alternative use of the Austral Bricks site. There remain a number of complex environmental, buffer (to existing quarries or future utility uses) and connectivity related issues requiring more detailed investigation before any decisions can be contemplated about the best long-term use or uses within this Precinct. The necessary investigations and land use decisions can occur as part of a local Precinct Structure Plan process for this area ..."*¹⁴

(41) Notwithstanding, the Growth Corridor Plan was underpinned by detailed background studies and reports, which confirmed employment and industrial land use planning for a long-term perspective, including a sufficient supply to last for at least 40 years and to cater for uses requiring large sites and substantial buffer zones¹⁵.

¹² The neighbouring land at English Street was designated as 'urban - land use to be determined'

¹³ *Growth Corridor Plans: Managing Melbourne's Growth* (Growth Areas Authority, August 2012)

¹⁴ Ibid

¹⁵ *Planning for Employment and Industry in Melbourne's Growth Areas* (Growth Areas Authority, October 2011); and *Growth Corridor Plans - Activity Centre and Employment Planning* (Essential Economics, November 2011).

- (42) Relevantly, the background reports also noted that the **(draft) growth corridor plan exceeded the industrial land budget for Melbourne's north¹⁶**, and an **opportunity to create an additional 60 gross hectares** of industrial land south of Donnybrook Road and east of the Melbourne-Sydney rail line was similarly subject to the resolution of a location for public utilities¹⁷.

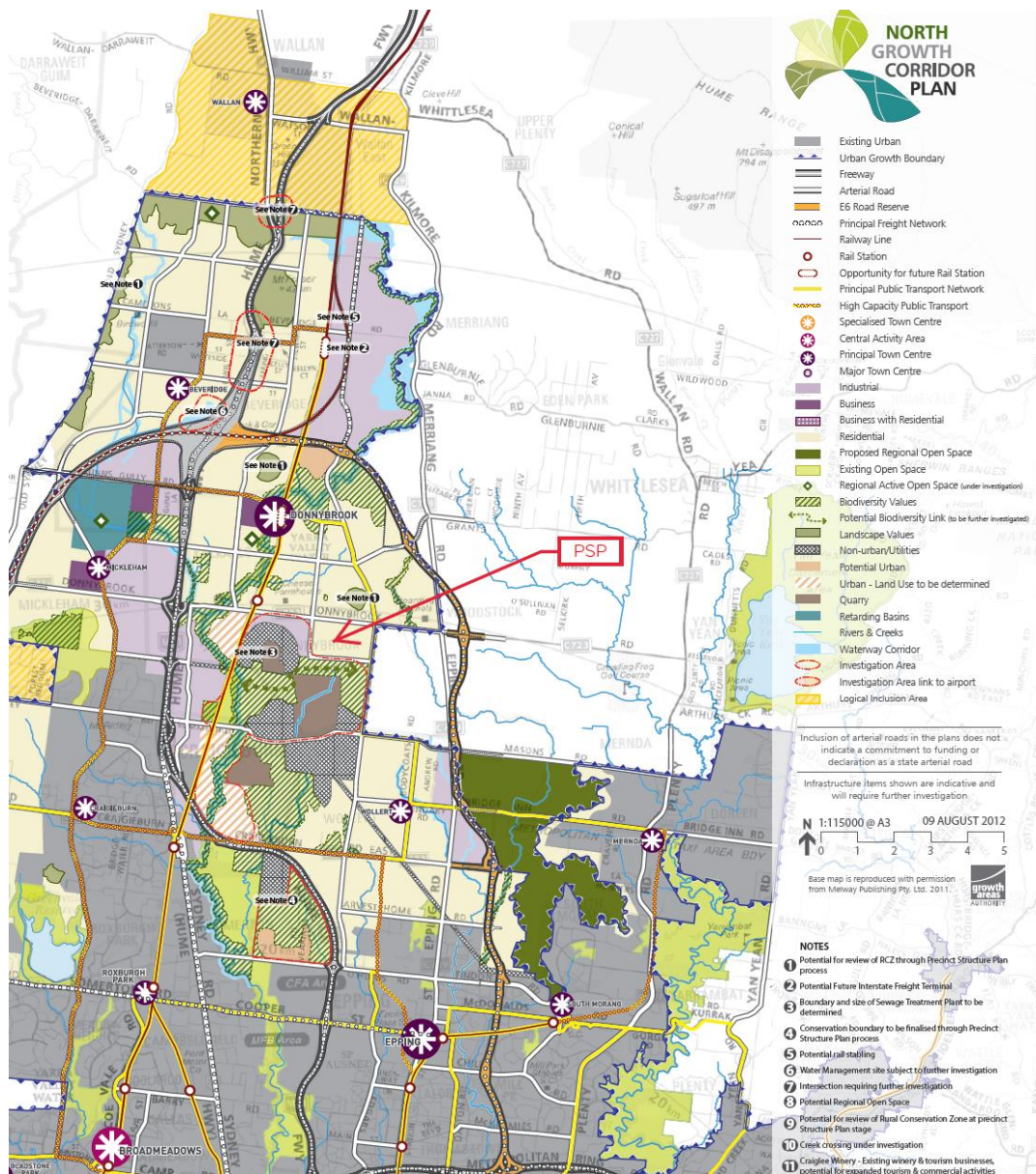


Figure 5 – North Growth Corridor Plan (excerpt) (August 2012)

¹⁶ Providing for 1,700 gross hectares of industrial land and over 100 hectares of mixed use and commercial land.

¹⁷ Planning for Employment and Industry in Melbourne's Growth Areas (Growth Areas Authority, October 2011)

- (43) A subsequent (undated) *Northern Quarries Investigation Area, Draft Addendum to the Growth Corridor Plans: Management Melbourne's Growth (Draft Addendum)* was prepared by the Metropolitan Planning Authority to qualify the broad land use framework established by the Growth Corridor Plan for the land identified in the Northern Quarries Investigation Area (**NQIA**) and to determine potential land use outcomes, including 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; and*
 - *identify new precinct boundaries and issues to be resolved during the Precinct Structure Planning process as well as key infrastructure requirements.*
- (44) Figure 6 illustrates that the NQIA detailed in the Draft Addendum applied broadly to the same area as the Investigation Area detailed in 2012 Growth Corridor Plan, with some variations, including the eastern part of the Shenstone PSP.
- (45) I am instructed that until approximately December 2017, the Draft Addendum was used as the key strategic reference document by Council and the VPA in preparing the Shenstone PSP.
- (46) Figure 6 also illustrates that the Draft Addendum designated the majority of the DJV Land for residential use ('Area 1') with a significant employment area directly south of Shenstone Park, including partially in the buffer to Phillips Quarry.
- (47) The Draft Addendum is instructive to this matter in so far as it illustrates that regardless of the buffers applied to the quarries, emerging growth corridor planning has over approximately the last decade conceptually utilised employment as a 'stop-gap' measure in the absence sound strategic justification for a certain quantum of the same in this part of the growth corridor.
- (48) It is notable that despite being a later plan, the Draft Addendum did not account for any expansion of extractive industry at Woody Hill and accordingly planned for significantly less employment activity on the DJV Land compared with the 2012 Growth Corridor Plan.

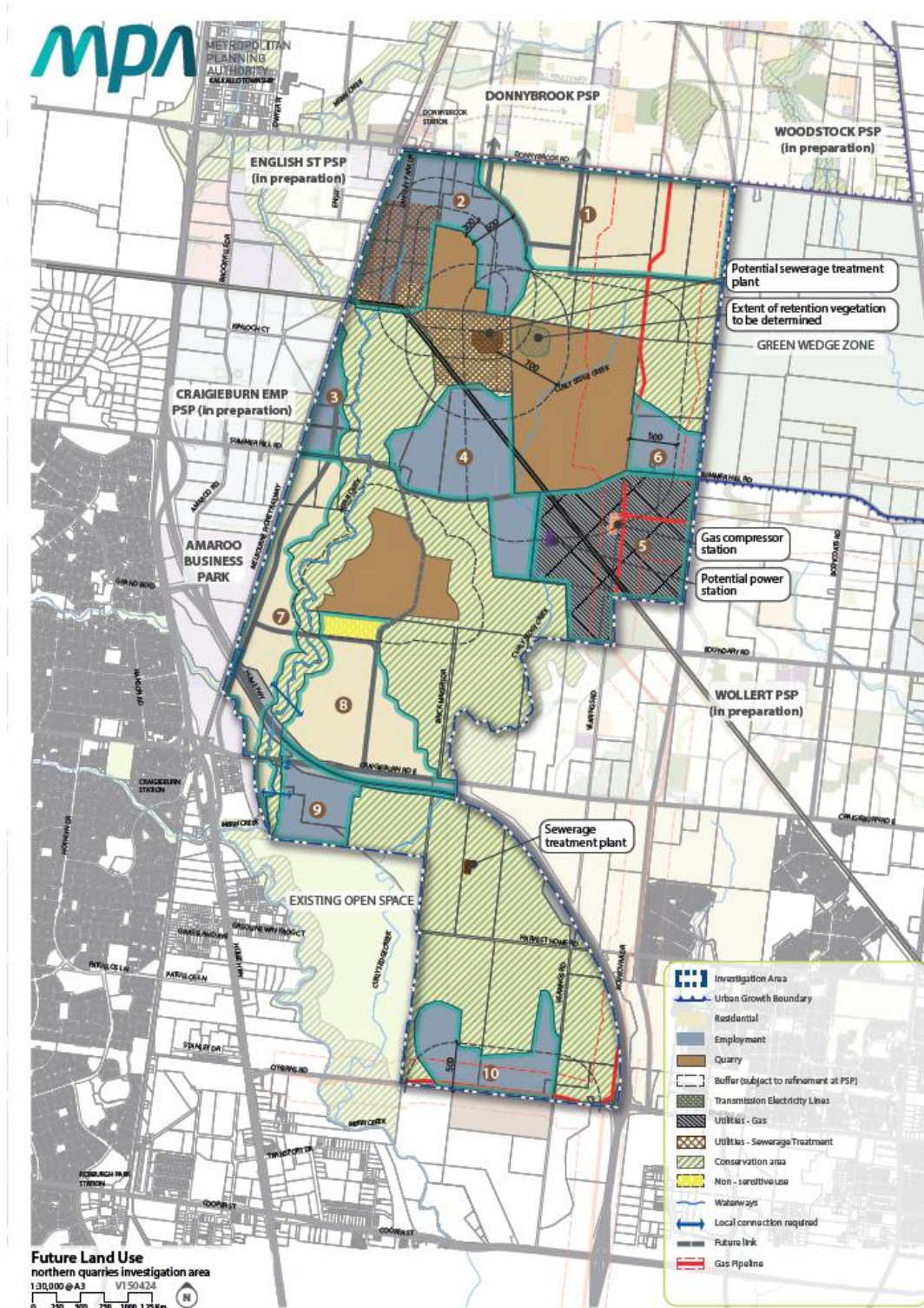


Figure 6 – Future Land Use (Northern Quarries Investigation Area, Draft Addendum to the Growth Corridor Plans: Management Melbourne's Growth)

2.2. An evolving PSP

(49) It is in this context that the Shenstone PSP, can be fairly described as a work-in-progress, with many moving and yet still to be fully resolved parts.

(50) Despite more recent reviews and revision, the PSP retains uncertainty about:

- the long-term role of the quarry land,
- the location of the treatment works and storage ponds, and
- the implications for adjoining land to the west,

particularly as the latest revisions of the PSP provides for potentially even more employment land, west of the quarry (if the land is not used for treated water storage), and despite an apparent oversupply for that purpose.

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(51) At the time of writing the VPA has prepared 3 versions of the PSP, including a December 2017 draft version, a September 2019 exhibited version, and an October 2020 revision. The plans have varied and refined a plan for Shenstone Park while consistently lacking longer term direction around how to designate future land use for part of the area in complex planning conditions.

(52) Figure 7-9 illustrate that the 2017, 2019 and 2020 plans have commonly envisaged a mixed industrial / employment and residential precinct, anchored and influenced by a range of relevant key environmental and environmental risk considerations, existing site features, and emerging planning objectives, including:

- Woody Hill Quarry and Phillips Quarry and their associated buffer areas;
- identified biodiversity and conservation values, predominantly within the southern part of the PSP;
- the existing gas pipeline which bisects the eastern part of the PSP; and
- a desire to protect the opportunity for a wastewater recycling treatment facility, including storage ponds, to be established on and / or nearby the PSP area.

(53) They also illustrate that through the iterative planning phase, the PSP has provided for a distinct east / west 'split' between industrial / employment and residential land use

activities, informed principally by the location and associated impacts of Woody Hill Quarry.

(54) Despite the emerging planning, Figure 7-9 at the same time however show a 'shifting' strategic approach to the allocation of land uses, particularly in relation to:

- the location of boundaries and buffers for Woody Hilly Quarry;
- the quantum and layout of employment / industrial land;
- the location and associated implications of an unresolved site for the proposed wastewater recycling treatment facility, including the potential provision and location of water storage ponds.

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(55) Consequently, the latest October 2020 version of the PSP continues to retain uncertainty and or lacks clarity and meaningful direction about:

- the long-term intended role / use of the Woody Hill Quarry post quarry and rehabilitation;
- the detailed designation of boundaries and buffers for Woody Hill Quarry with respect to the alignment with the relevant Work Authorities;
- the strategic justification for the quantum of employment land proposed, as a result of the need to protect buffer distances to the quarry and to protect the opportunity for 'potential future water storage', rather than as a product of estimated demand for employment land;
- the impact of Woody Hill Quarry on the take-up and use of designated employment land while the quarry is operational;
- the potential requirement to protect a southern access to Phillips Quarry in the long-term; and
- the ongoing inability to resolve a location for the proposed future water treatment facility and or water storage / holding ponds potentially within and adjacent to the southern edge of the PSP.

(56) It is beyond the scope of this evidence to resolve all of these strategic issues and outcomes, but I can advise on the merits of the revisions as they apply to the DJV Land and:

- the appropriateness of a future residential community comprising the significant part of the east of the PSP; and
- the appropriate extent and management of employment land to the north and east of Woody Hill Quarry, including partially on the DJV Land at 960 Donnybrook Road.

(57) Having regard to the DJV-PFUS plan (Figure 10), this report addresses:

- the preferred outcomes for the detailed management and resolution of the interface between residential and employment land uses centrally in the PSP;
- the impact of buffer areas associated with the Phillips Quarry to the south; and
- the general outcomes for the delivery of housing and integrated services, facilities access, and open space for a future urban community at Shenstone Park.

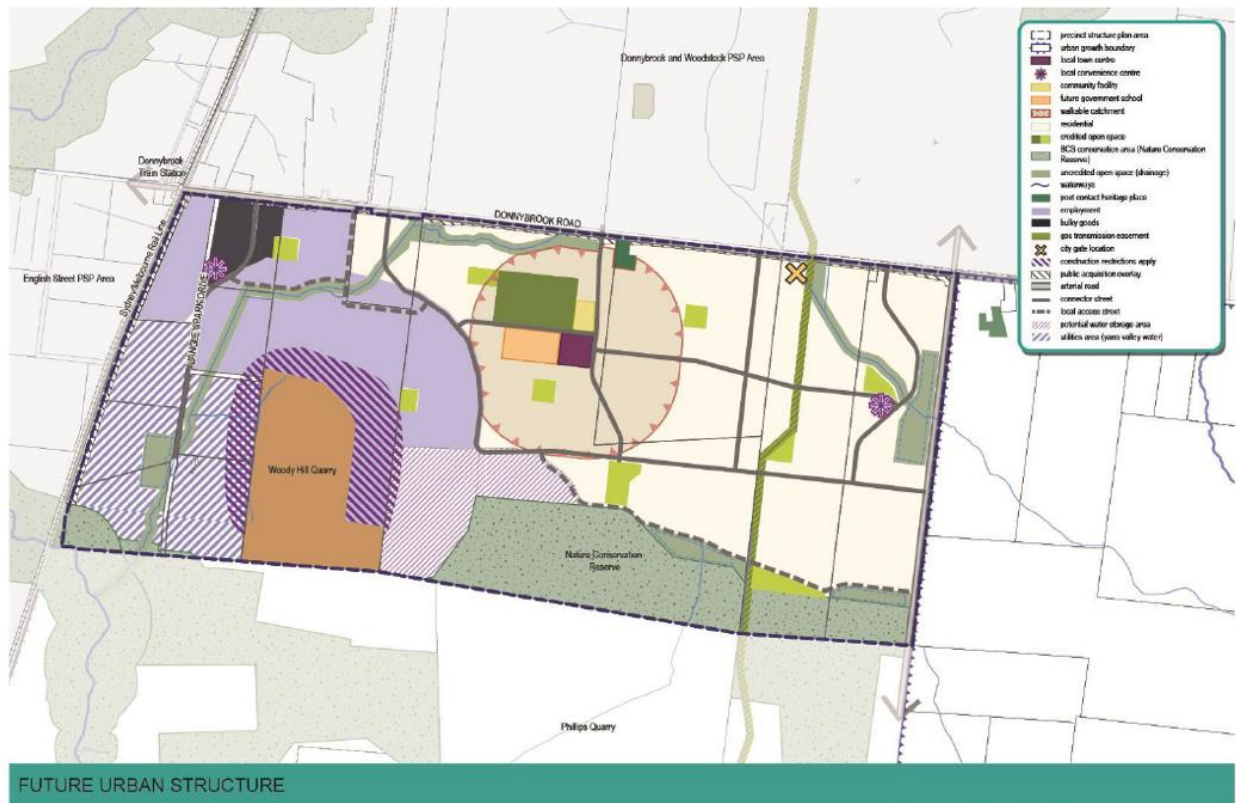


Figure 7 – Shenstone Park Draft PSP (December 2017)

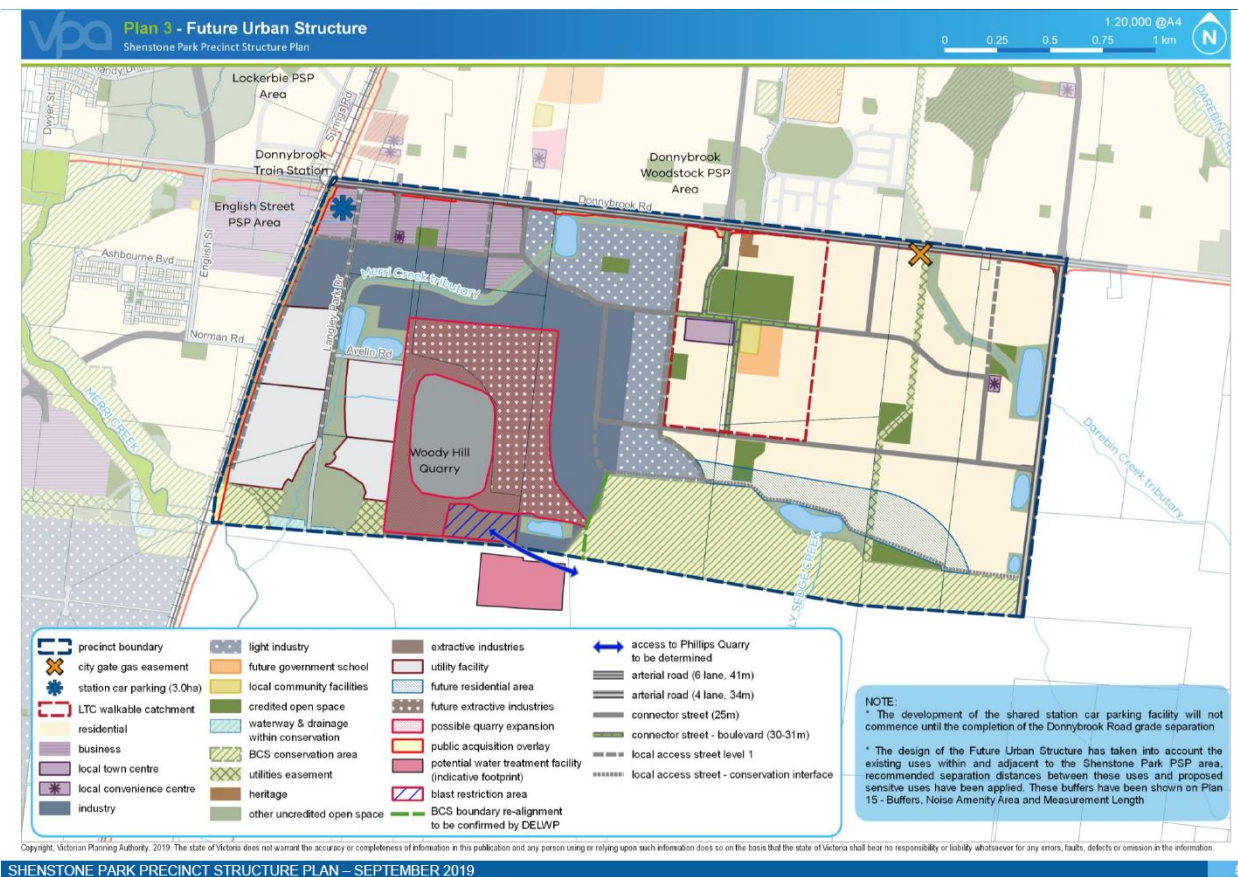
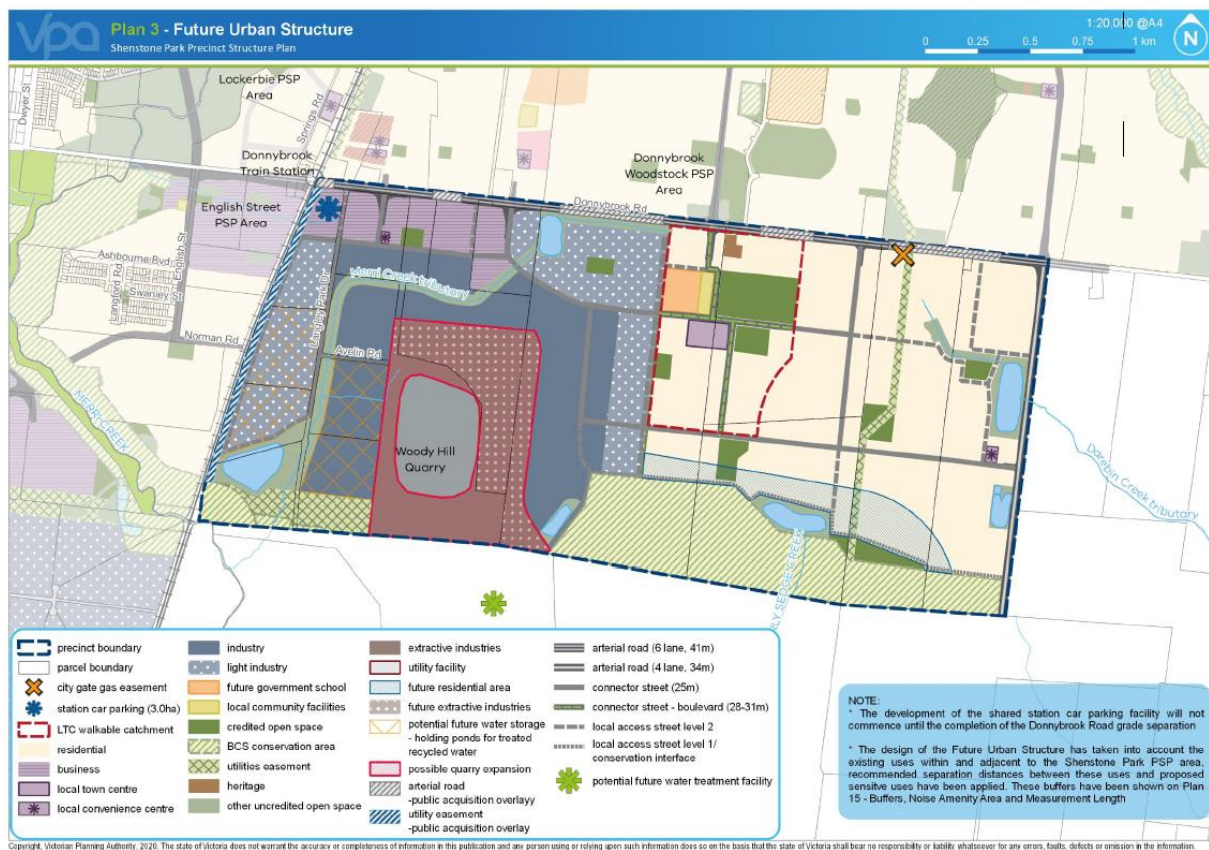


Figure 8 – Shenstone Park Exhibited PSP (September 2019)



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SHENSTONE PARK PRECINCT STRUCTURE PLAN - SEPTEMBER 2020/OCTOBER 2020

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Figure 9 - Shenstone Park Revised PSP (October 2020)

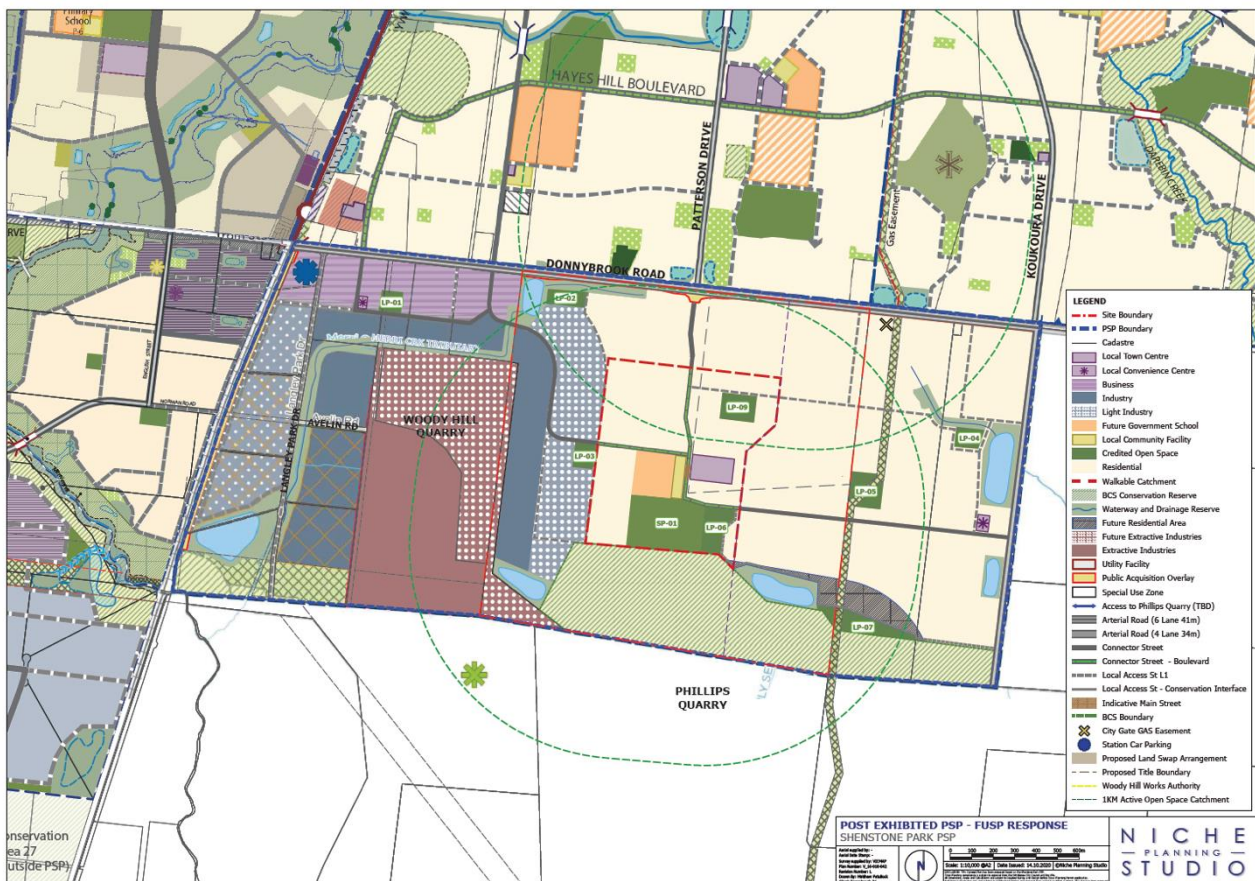


Figure 10 - DJV-PFUS (October 2020)

3. PLANNING POLICY FRAMEWORK

(58) From an overarching strategic policy context, the following themes of the Planning Policy Framework are relevant:

- growth area planning;
- natural resource management;
- major hazard facilities and pipeline infrastructure;
- environmental risks and amenity;
- environment and biodiversity conservation and protection; and
- built environment and heritage.

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3.1. Growth Area Planning

(59) The objective of settlement planning is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians.

(60) It is expected that this will be achieved, and metropolitan Melbourne will be planned and developed consistent with the metropolitan planning strategy, *Plan Melbourne 2017-2050*, having regard to the regional context and by (inter alia):

- **taking into account municipal and regional contexts and framework;**
- balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level;
- preserving and protecting features of rural land and natural resources a to enhance their contribution to settlements and landscapes;
- **providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan; and**
- **ensuring land that may be required for future urban expansion is not compromised** (Clause 11.01-1S).

- (61) *Plan Melbourne 2017-2050* confirms the growth area role of the North Growth Corridor and establishes the expected population, jobs, and housing growth to be delivered (Figure 11), including a 'future industrial area' generally in the location and of the scale shown in the Corridor Plan, serving as part of a buffer to Woody Hill Quarry.
- (62) The metropolitan strategy also illustrates the location of significant conservation values identified for protection which constrain the southern extent of urban use to the south of the PSP.

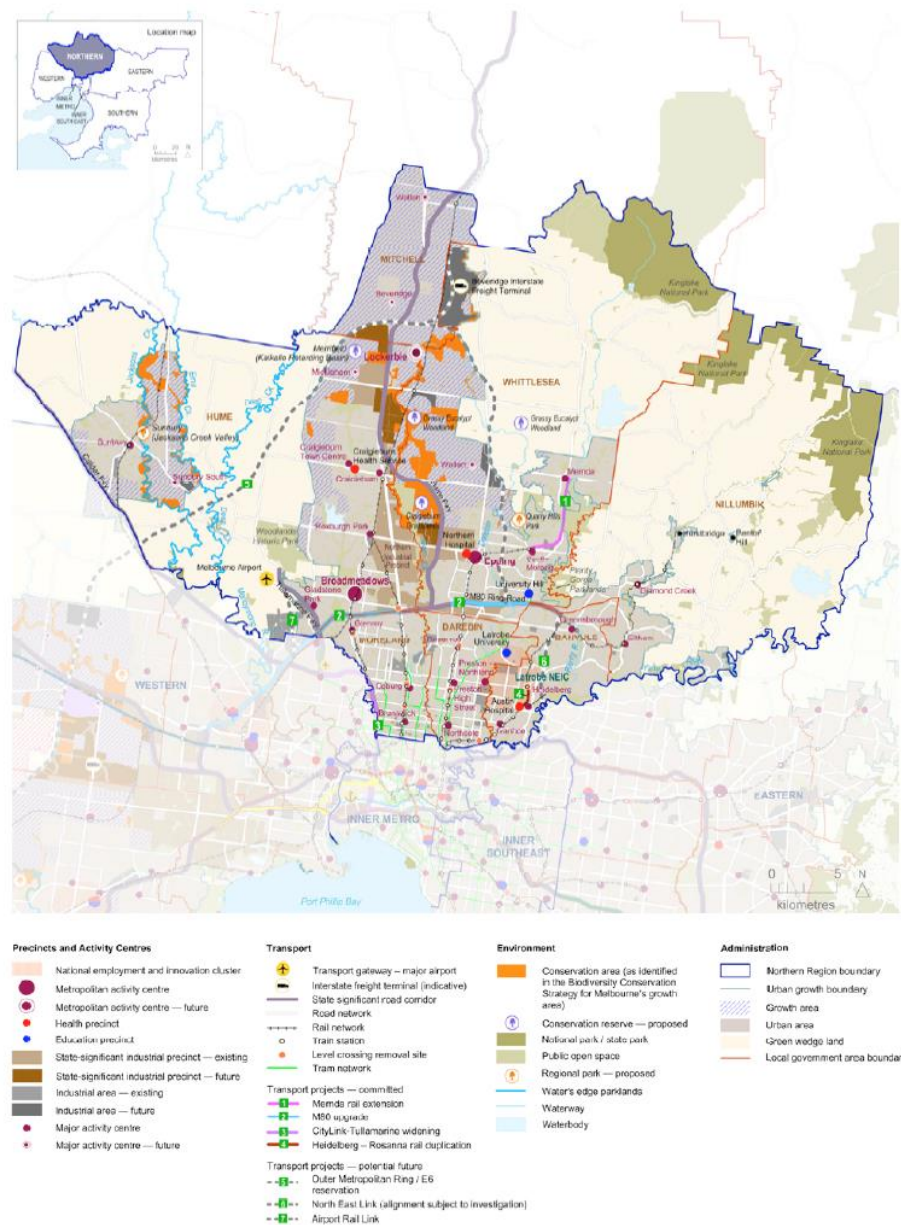


Figure 11 – *Plan Melbourne 2017-2050 (Implementation Plan)*, Northern Region

(63) Strategies directed to ensure the availability of a sufficient supply of urban land relevantly expect planning to carefully balance accommodating projected population growth over at least a 15 year period and **providing clear direction on locations where growth should occur with maintaining access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry** (Clause 11.02-1S).

(64) It is the policy expectation that structure planning will **facilitate the orderly development of urban areas**, by:

- ensuring effective planning and management of the land use and development of an area through the preparation of relevant plans; and
- facilitating the preparation of a hierarchy of structure plans or precinct structure plans that (among other matters):
 - ***take account of the strategic and physical context of the location;***
 - *provide for 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; and*
 - *facilitate the use of existing infrastructure and services* (Clause 11.-2-2S).

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(65) Growth areas policy (Clause 11.03-2S) seeks at the same time to locate urban growth close to transport corridors and services and to provide efficient and effective infrastructure to **create sustainability benefits while protecting primary production, major sources of raw materials, and valued environmental areas.**

(66) Associated strategies foreshadow that planning will:

- implement the strategic directions in the Growth Area Framework Plans;

- provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other regional employment generators;
- provide for a diversity of housing type and distribution;
- protect and manage natural resources and areas of heritage, cultural and environmental significance;
- **identify appropriate uses for constrained areas, including quarry buffers;** and
- develop precinct structure plans consistent with the Precinct Structure Plan Guidelines.

(67) The local planning policy framework of the *Whittlesea Planning Scheme* emphasises the above policy themes while relevantly recognising that rapid growth requires continual careful management to ensure that: 25

- ***environmental assets are not lost;***
- *non-urban areas are not threatened by uncontrolled or ill-defined limits to urban expansion;* and
- ***longer term strategic approaches to the allocation of land uses are not compromised by incremental decision making*** (Clause 21.04-2).

(68) Importantly, it is expected that urban growth will be managed effectively by, among other matters:

- **maximising beneficial relationships between compatible land uses;**
- protecting rural and environmentally sensitive areas, including habitat linkages from the incursion of urban development; and
- **providing for suitable separation of new residential areas from industry, to minimise the potential for amenity impacts** (Clause 21.04-2).

3.2. Natural resource management

(69) Policy 1.4.2 of *Plan Melbourne 2017-2050* seeks to identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs.

(70) While the policy is advanced under a broader policy direction concerned with Melbourne's non-urban areas (Direction 1.4), it is nonetheless instructive to the PSP and this report and assessment that it directs planning to ensure that the sequencing of development in growth areas protects the opportunity for extraction of strategic resources while at the same time providing for the short and interim sequencing of urban development, including in buffer areas.

(71) It is noted:

Melbourne's demand for extractive resources is expected to almost double by 2051. This demand will be driven largely by sustainable growth in the residential sector – including Melbourne's growth corridors – and strategic projects such as Fishermans Bend, the Metro Tunnel and major road upgrades.

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Extractive industry resources in the green wedge and peri-urban areas need to be protected and carefully planned to provide for Melbourne's needs without impacting on 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 UGB – 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 established 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 resource areas must be identified. (Policy 1.4.2)

(72) It remains to be objectively re-evaluated whether the effect of the pandemic and its impact on population growth and transport infrastructure will be reflected in less bullish expectations about the demand and consumption of natural resources.

(73) In the same theme, State resource exploration and extraction policy is directed to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards (Clause 14.03-1S).

(74) Associated strategies relevantly expect that planning will:

- *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 need to provide infrastructure for the exploration and extraction of natural resources; and*
- ***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 area is not limited by adverse effects created by the extractive activities;***
 - ***performance standards identified under the relevant legislations; and***
 - ***types of activities within land zoned for public use.***

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(75) Whittlesea recognises the economic benefits of extractive industry, including the need for extractive industries to be located close to existing and proposed markets, must be carefully balanced with other competing needs and the protection of areas of environmental significance and surrounding amenity.

(76) Clause 21.06-03 notes: “*Extractive industries can have significant impacts on the landform, air quality, biodiversity and water resources of an area.*”

- (77) It is an associated policy expectation that appropriate separation distances, or buffers between extractive industry operations and sensitive uses on nearby land will be utilised to safeguard the amenity and environment of land surrounding extractive industries.
- (78) In considering the implications of extractive industry and Extractive Industry Interest Areas (EIAs) the provisions of Clause 52.09 are relevant as they seek:
- ***to ensure 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;*** and
 - ***to ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.***

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3.3. Major Hazard Facilities and pipeline infrastructure

- (79) The State government has recognised the importance of Major Hazard Facilities (MHFs), pipeline infrastructure, and surrounding land management, including safety and amenity issues and the need for buffer requirements.
- (80) State planning policies have been introduced in the Planning Policy Framework to address amenity and safety issues associated MHFs and pipeline infrastructure, and are relevant to the PSP.
- Clause 13.07-2S applies to *Major hazard facilities* and seeks to minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.
 - Clause 19.01-3S applies to *Pipeline infrastructure* and expects that planning will ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.
 - Associated strategies include:
 - ***recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other***

sensitive land uses, unless suitable additional protection of pipelines is provided; and

- *provide for environmental management during construction and on-going operation of pipeline easements.*

(81) Pipeline infrastructure policy is specifically directed to ensure that gas, oil and other substances are safely delivered to users at minimum risk to people, other critical infrastructure and the environment.

3.4. Environmental Risks and Amenity

(82) The objective of *Noise abatement* policy (Clause 13.05-1S) is to assist the control of noise effects on sensitive land uses, including by **ensuring 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 function and character of the area.

(83) Complementary *Air quality management* policy (Clause 13.06-1S) expects planning to assist the protection and improvement of air quality. It advances associated strategies directed to ensure that land use planning and transport infrastructure provision contribute to air quality by (inter alia):

- *integrating transport and land use planning to improve transport accessibility and connections;* and
- *providing infrastructure for public transport, walking and cycling.*

(84) It is also relevantly expected that planning will ensure, where possible, that there is **suitable separation between land uses that reduce air amenity and sensitive land uses** (Clause 13.06-1S).

(85) Clause 13.07-1S addresses *Land use compatibility* and seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

(86) With relevance to the proposed interface of urban development with industrial and extractive activity, it expects that planning will:

- *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;* and
- *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.*

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3.5. Environment and biodiversity conservation and protection

- (87) It is an overarching objective of the Planning Policy Framework to assist the protection and conservation of Victoria's biodiversity, including by avoiding impacts of land use and development on important areas of biodiversity (Clause 12.01-1S).
- (88) The policy expectation is that planning will protect and conserve environmentally sensitive areas from development that would diminish their environmental conservation or recreation values (Clause 12.05-1S).
- (89) Other supporting and relevant policy considerations include:
- *ensure development does not detract from the natural qualities of significant landscape areas;*
 - *improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas;*
 - *recognise the natural landscape for its aesthetic value and as a fully functioning system;* and
 - *ensure important natural features are protected and enhanced* (Clause 12.05-2S).

3.6. Built environment and heritage

- (90) It an overarching objective of Built environment and heritage policy to create a distinctive and liveable city with quality design and amenity (Clause 15.01-R).
- (91) Planning is expected to ensure the design of subdivision achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods, including by:
- creating urban places with a strong sense of place that are functional, safe, and attractive; and
 - 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 (Clause 15.01-3S).
- (92) It is expected that this will include the protection and conservation of places of Aboriginal cultural heritage significance (Clause 15.03-2S).

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3.7. Zoning and overlays

- (93) The above strategic policy and spatial direction gives rise to the patterns of land use zoning and overlays as detailed in Figures 12 and 13.
- (94) The boundaries of the quarry operations are defined by the boundaries of the Special Use Zone.
- (95) The Farming Zone (used in this instance as a transitional or interim zone) defines the boundaries of the non-urban buffer areas as understood in 2012 and 2017.
- (96) The Rural Conservation Zone and the Environment Significance Overlay protect the same areas of conservation significance and the Urban Growth Zone encompasses residential and employment land. Clearly these boundaries do not consistently accord with those advanced and arising from the PSP.
- (97) The Public Acquisition Overlay provides for the acquisition of land on the south side of Donnybrook Road for widening.

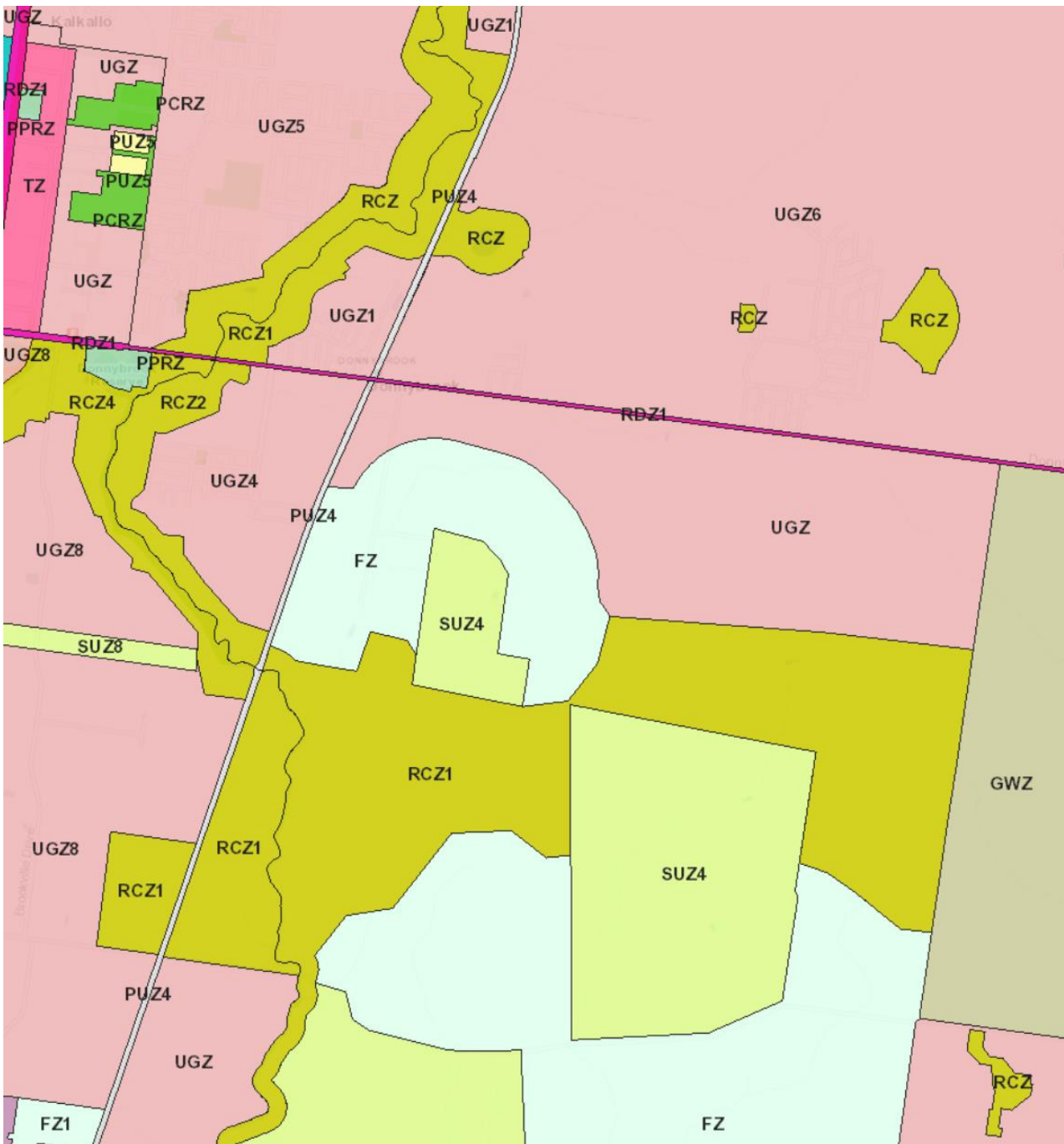


Figure 12 - Zone map (mapshare.vic.gov.au)

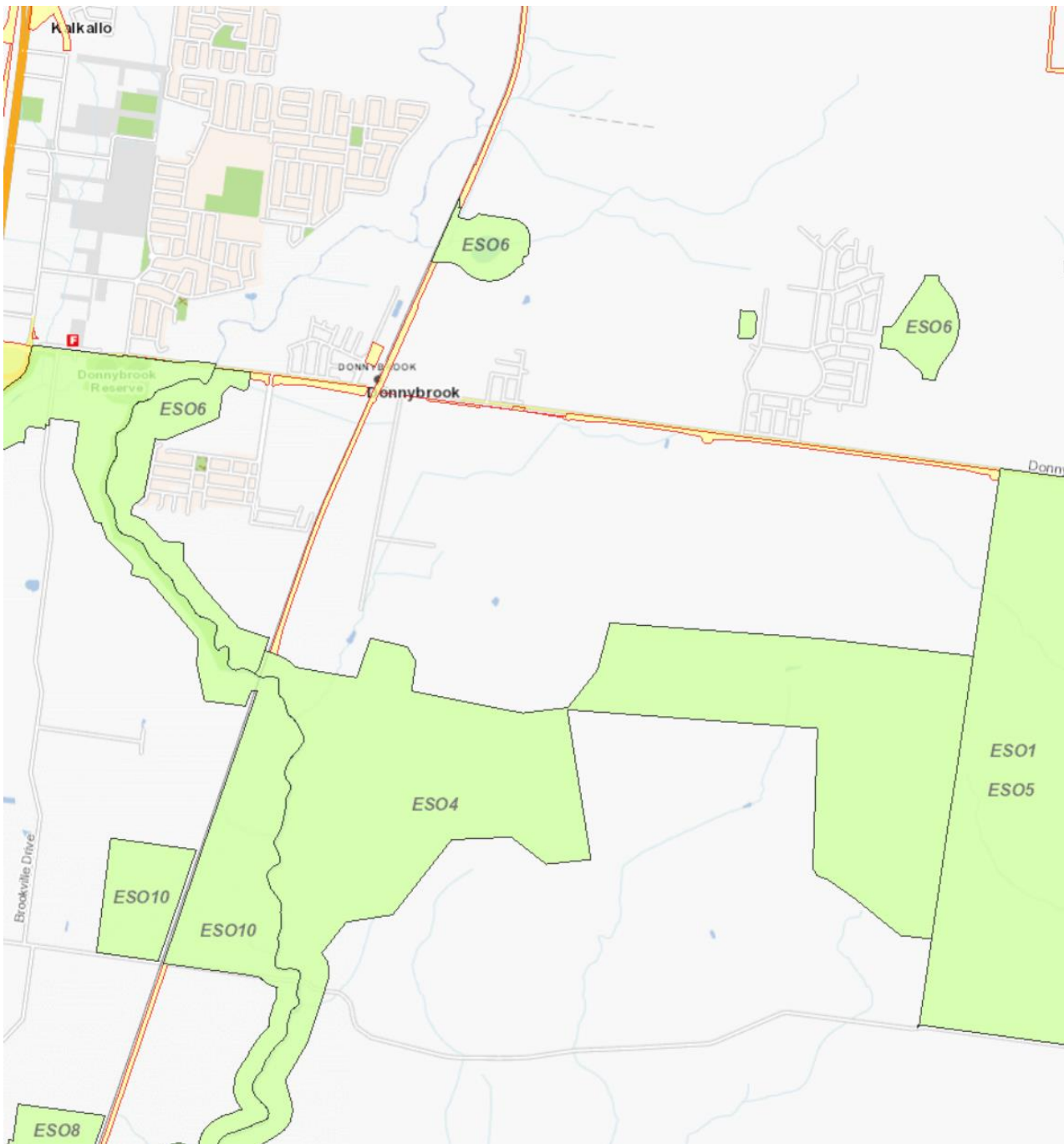


Figure 13 - Overlay map (mapshare.vic.gov.au)

4. SURROUNDING CONTEXT

- (98) The PSP is centrally located within the Northern Growth Corridor, approximately 30km north of Melbourne's CBD.
- (99) It is bounded by Donnybrook Road to the north, the Urban Growth Boundary to the east and the Sydney-Melbourne Railway line to the west. Donnybrook Station is located within the immediate locality, on the northern side of Donnybrook Road.
- (100) The progress of emerging urban development within neighbouring PSPs, including at Donnybrook Woodstock to the north, Lockerbie to the northwest, and English Street to the west, is illustrated in the aerial photograph at Figure 14.
- (101) Sourcing guidance from the Corridor Plan and the approved PSPs surrounding the site the following spatial outcomes will form the context to the Shenstone PSP.
- (102) The proposed employment and industrial precinct will be located 2km east of the Hume Freeway corridor and in time 4km west of the proposed intersection with the OMR.
- (103) A commercial precinct with frontage to the south side of Donnybrook Road will mark the western approach to Shenstone's employment (English Road PSP, Figure 15). This will provide a land use context for an employment / industrial precinct on the Donnybrook Road frontage east of the railway.
- (104) The residential component of the PSP will be the last and southern most pocket of residential land in the central section of the growth corridor. Quarries, conservation areas, green wedge land and industrial activity on surrounding land will prevent connectivity and sharing of facilities with other precincts other than Donnybrook Woodstock to the north. The form of the fully implemented Donnybrook Road will serve as a notable division and separation between the two PSPs. In other words, Shenstone Park will need to be relatively self-sustaining, at least in terms of a neighbourhood level of services available to a new community.
- (105) In time, the principal proximate town centre will be located approximately 2.75km north of Donnybrook Road at Lockerbie (Lockerbie PSP Figure 16).

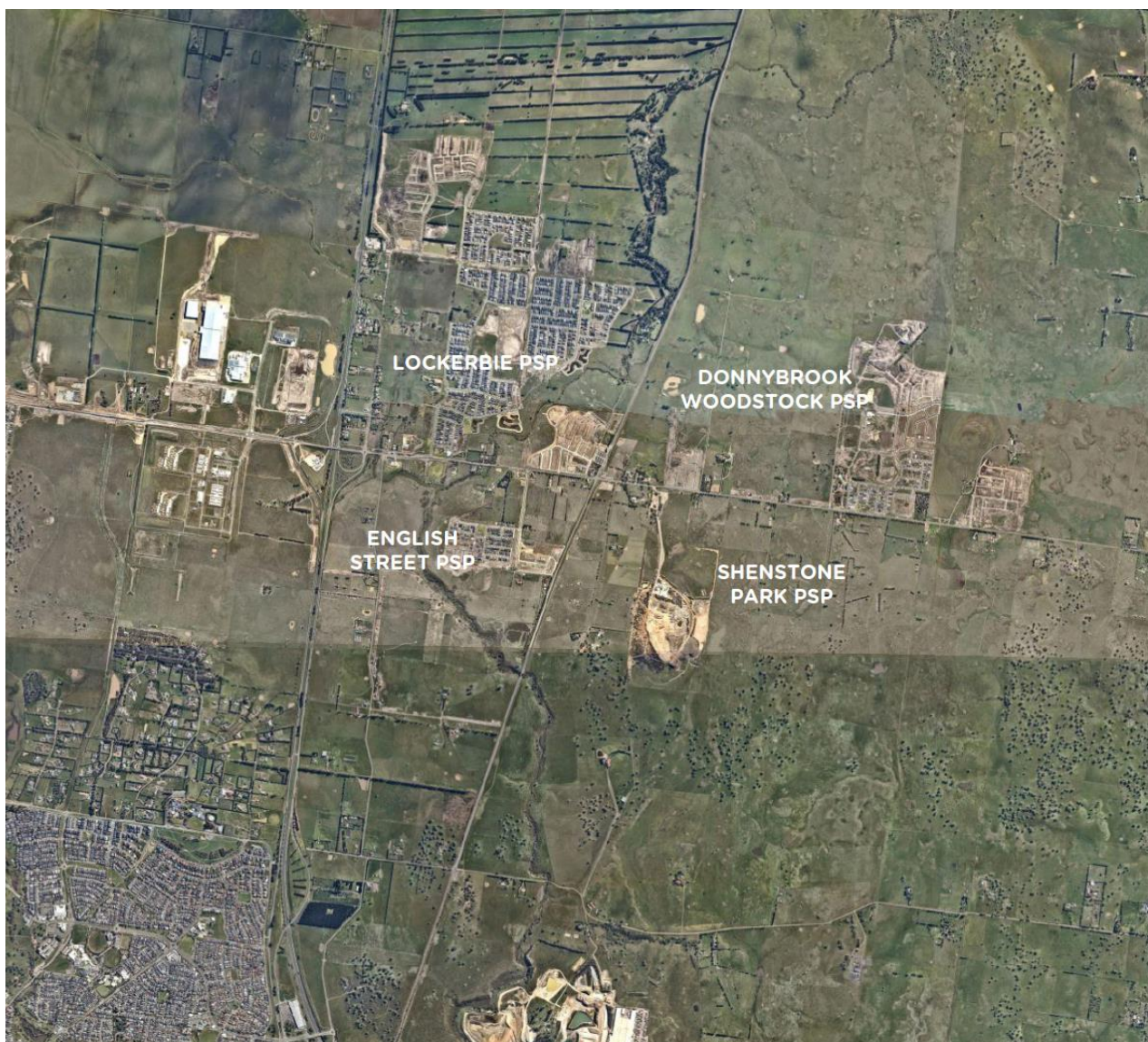


Figure 14 – Progress of urban development (nearmap)

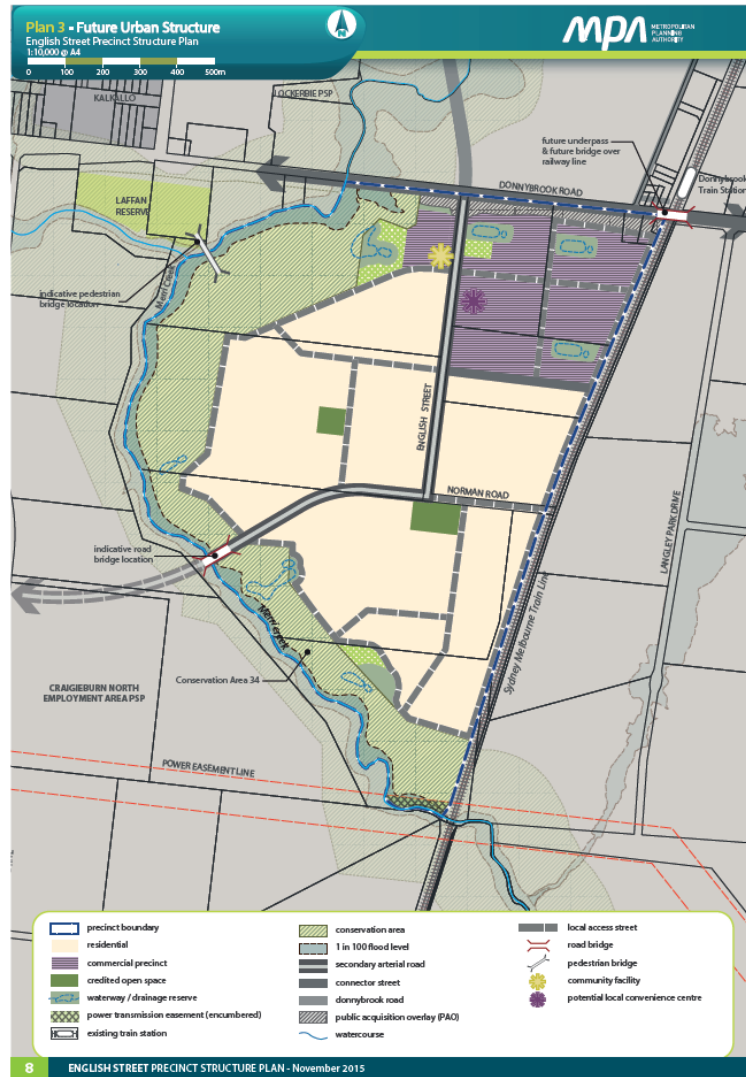


Figure 15 – English Street PSP

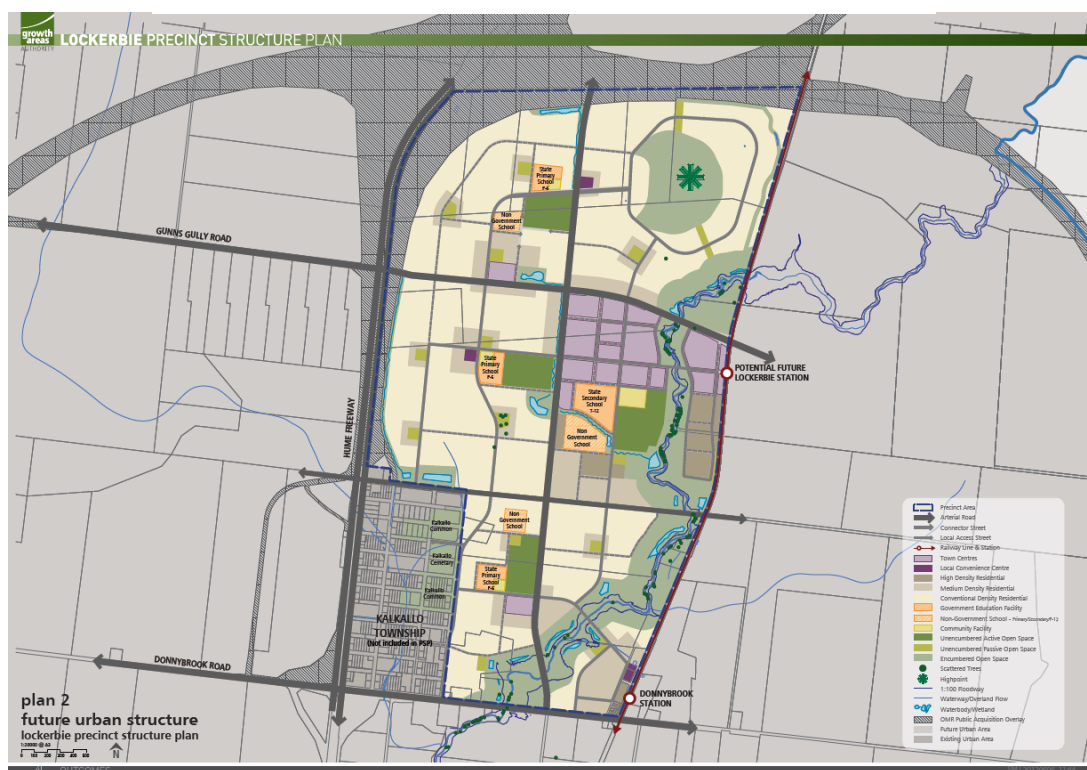


Figure 16 – Lockerbie PSP

5. MERITS ASSESSMENT

5.1. Introduction

(106) The following factors should be evident in the approved PSP:

- it should be generally in accordance with the *North Growth Corridor Plan*;
- the operation of the quarries should be protected;
- the amount of residential land should be optimised, if it can be, to effectively support a greater range of services and make optimum use of growth area land;
- the amount of land set aside for industry and employment should and can be minimised given that the analysis and commentary indicates that there would be an oversupply of such land in the north corridor if the PSP advances in the form illustrated in October 2020; and
- beneficial interim uses should be identified, managed, and enabled that might effectively use the buffer distances to the quarries over the life of the quarries.

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(107) I find that the DJV-PFUS Plan achieves those outcomes more effectively than the latest, October 2020 PSP prepared by the VPA and based upon the following justification I recommend that plan to the Panel.

5.2. Consistency with the North Growth Corridor Plan

(108) The PSP should be generally in accordance with the *North Growth Corridor Plan* (Corridor Plan) but it is necessary to be mindful that that plan was drafted in 2012, was a high level land use allocation, and technicalities around quarry interfaces and buffers were appreciated but not resolved.

(109) Both the VPA October 2020 and the DJV-PFUS plans include the same principal land use components in the general areas shown on the Corridor Plan, save for the treatment of the land on the west side of Woody Hill Quarry.

(110) The latest iteration of the VPA plan progresses from that land being set aside for utility purposes to recommend an option and alternative scenario in which the land may have

an industrial role. I understand the DJV-PFUS Plan to show the same outcome for consistency but not because it independently came to the same conclusion.

- (111) There are two consequences that arise from that recommendation. An endorsement of that outcome is to also accept a probable oversupply of industrial land on the west side of the quarry, but it also further constrains the land use options for the ultimate use of the quarry, post extractive operations. The rehabilitated quarry site would be contained by industry, utility and employment on three boundaries.
- (112) The Corridor Plan provides for an arterial road extending south from Donnybrook Woodstock to serve as the distinction between the employment and residential components at Shenstone and changing direction to serve as a boulevard treatment between the conservation and residential areas.
- (113) Patterson Drive, north of Donnybrook Road, is the implementation of that arterial route, but neither the VPA or DJV-PFUS plans can justify the extension of industrial land east of that alignment and therefore the rationale and role of that road south of Donnybrook Road is diminished.
- (114) Both plans provide for a local access boulevard / conservation interface along the boundary of the conservation area. That is a reasonable interpretation of the higher order plan, given the above contextual considerations.

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5.3. Quarry buffers

- (115) The buffer to the quarries was indicated to be non-urban / utilities. That has translated in both versions of the PSP as an industrial precinct with industrial development being prohibited until the longer-term completion of blasting and quarrying.
- (116) In particular the *Shenstone Park PSP Background Report (2019)* has noted that GHD:

“... found that a 550 metre sensitive uses buffer for stone extraction quarries that have an active blasting were suitable to mitigate amenity impacts (including vibration, dust, grit and odour) between the quarries and future land uses, and should be implemented for the Shenstone Park PSP.

More specifically the buffers prohibit most development within 200 metres from the expanded extraction boundary to mitigate against safety issues from flying rock and vibration (the blasting buffer). Given this, it is expected that the industrial land uses that are designated generally within the northern and eastern sectors of the blast buffer, would only be developed in the long term when extractive operations have contracted and / or been completed.

The remaining 350 metres of the buffer would be suitable for development of industrial employment land, ensuring sensitive uses were prohibited.”

- (117) I noted from evidence to be provided by Peter Ramsay & Associates that refinements can be appropriately made to the width and reach of the buffer areas, relative to the proposed active quarry works, enabling further refinements to the distinctions between Industrial and Light Industrial areas, and the eastern extent for industrial land as shown on DJV-PFUS Plan.
- (118) I rely upon that evidence to substantiate the comments and recommendations made in this evidence.
- (119) I have also reviewed the evidence Jim Antonopoulos, acoustic engineer of SLR and rely upon his advice to the effect that the acoustic advice relied upon in preparing the PSP warrants review and revision. In particular I note that he advises that the results of his modelling indicate that shielding from the proposed new bund support smaller buffer zones for operational noise.
- (120) He also finds that the 200 metre blast buffer is reasonable as indicated in the PSP for any development, although it would be possible to have industry closer than 150 metres and still achieve airblast and vibration criteria nominated in the relevant Australian Standard.
- (121) It is not clear from the PSP and the Background Report whether the authors are recommending the land within the blast buffer and Industrial Precinct be protected from any beneficial use till the long term, or whether they are seeking to prohibit conventional industrial development that brings a concentration of employees.

- (122) It would be an unfortunate and unnecessary outcome if the PSP effectively blights and sterilises this buffer land from any beneficial use for a number of decades, other than for grazing. I understand blasting to be an infrequent event and the area in question to be subject to quarry based noise and disturbance.
- (123) I consider the land might be used on an interim basis for a range of benign and non-sensitive uses that could function without detriment in the context of the blast and acoustic constraints.
- (124) Uses that come to mind are container and other forms of longer term storage, utility functions such small solar facilities and renewable energy facilities, or even occasional recreation uses which of themselves may generate noise, and disturbance, and would have difficulty otherwise establishing in a metropolitan context.
- (125) Any conflict with blasting activity might be controlled by conditions of approval. Any conflict with sensitive uses would be ensured by the separation of the light industrial precinct.
- (126) The Industrial 1 Zone would be applied to this precinct. None of these types of activity would be prohibited in the zone.
- (127) Finally, on the question of buffer distances, I note that the Ramsay advice has enabled a tightening of the *Future Residential Area* protected for Phillips Quarry, adding to the residential land that would be available for early development.

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5.4. Land use distribution and budgets

- (128) A benefit arising from the sustainable revision to buffer distances is the ability to produce a net growth in the amount of land available for use and development for residential purposes.
- (129) The comparative land budgets (Figure 17) suggest that the DJV-PFUS Plan would yield approximate 33 ha of additional residential land and a reduction in the industrial land by approximately a corresponding amount.
- (130) This would be a beneficial to the overall performance of the PSP, minimising the exposure to industrial land oversupply, appropriately protecting the quarry, and

ensuring an improved population base to support and justify the local town centre, school and open space reserves.

- (131) An additional 33 ha would amount to a supplement of approximately 600-650 dwellings.

SHENSTONE PARK PSP - PREFERRED FUSP LAND USE BUDGET		
PSP	Shenstone Park (Exhibited October. 2020)	
PROPERTIES	ALL	
Plan Number	V_16-018-043	
Date	26.10.2020	
	PROPOSED SHENSTONE PARK PSP	VPA EXHIBITED SHENSTONE PARK PSP (OCT 2020)
Total Landholding within the Shenstone Park PSP*	628.22	628.22
TRANSPORT		
Arterial Road - Existing Road Reserve	5.68	5.68
Arterial Road - Public Acquisitions Overlay	6.22	6.22
Arterial Road - New/Widening/Intersection Flaring (ICP LAND)	10.93	10.93
Non-arterial Road - Retained Existing Road Reserve	1.35	1.35
Sub-total	24.18 HA	24.18 HA
COMMUNITY AND EDUCATION		
Government School	3.50	3.50
ICP Community Facilities	1.20	1.20
Sub-total	4.70 HA	4.70 HA
UNCREDITED OPEN SPACE		
Conservation Reserve	70.75	70.75
Waterway and Drainage Reserve	42.05	42.05
Heritage Reserve - Post Contact	0.00	0.88
Utilities Easement	14.22	14.22
Utilities Easement - Public Acquisitions Overlay	3.86	3.86
Sub-total	130.88 HA	131.76 HA
CREDITED OPEN SPACE		
Local Sports Reserve (ICP Land)	8.00	8.45
Local Network Park (ICP Land)	14.00	14.14
Sub-total	22.00 HA	22.59 HA
OTHER		
Quarry (Including Existing and expanded Area)	75.35	75.35
Utilities Sub-stations / facilities (acquired by others)	0.05	0.05
Sub-total	75.40 HA	75.40 HA
NET DEVELOPABLE AREA	371.06	369.59
NON RESIDENTIAL NET DEVELOPABLE AREAS BREAKDOWN		
Light Industrial	58.00	65.00
Industrial	56.30	84.00
Business	25.30	22.00
Local Town Centre	2.40	2.40
LCC	0.60	0.60
Sub-total	142.60 HA	174.00 HA
NET RESIDENTIAL AREA	228.46	195.59
NET RESIDENTIAL AREA BREAKDOWN		
	Area(ha)	Area(ha)
Walkable Catchment Residential Area	44.00 HA	39.00 HA
Conventional Residential Area	184.46 HA	156.59 HA
Disclaimers and Notes:		
*CAD CALCULATIONS ARE BASED ON A JPEG OF THE PDF PSP SUPPLIED BY VPA WITH NO ASSOCIATED LAND USE BUDGET		

Figure 17 – Comparative analysis – VPA and DJV-PFUS land use budget

5.5. The layout of the residential precinct

(132) Separate evidence will be presented by Mark Sheppard regarding the appropriateness of the siting and urban design response, with the revised layout of the town centre, as made evident in the differences between the VPA and DJV-PFUS plans.

(133) Without addressing the detail and from a strategic planning perspective I favour the DJV response for the following reasons:

- it places a larger residential population around the communal facilities;
- it removes the school from a position adjacent to industrial land use;
- it orders and connects the town centre and the conservation area using public open space as a transition and extension to the latter;
- it places the town centre marginally deeper and central to the community it will serve;
- it consolidates the local and active open space areas in a consolidated parcel of land rather than separating them with a connector street;
- the connection between the Town Centre and Donnybrook Road / Patterson Drive would be more direct and functional; and
- the change in location does not materially change the walkable catchment as shown on the two plans. The protection of the gas easement has a similar impact upon that catchment.

(134) The movement of the sports reserve further towards the southern boundary would not compromise the overlap between sports reserves in Shenstone and Woodstock Donnybrook. While the walkable catchment of that reserve would extend to a greater degree over Phillips Quarry, the resident community of Shenstone would be no poorer for the re-siting.

5.6. The industrial – residential interface

(135) The VPA October 2020 plan provides for a *Local Access Street Level 2 (18.8m) Special Industrial - Residential Interface*, shown as a cross section at page 89 of the PSP.

- (136) The DVJ-PFUS Plan has been indicatively developed to identify how the industrial area might be subdivided for development and it provides for a similar treatment albeit with a reshaped industrial precinct. The plan would be able to apply local access interface treatment.

6. CONCLUSIONS

- (137) The Shenstone PSP addresses complex and transitory land use and timing challenges, particularly those presented by existing, expanding and committed natural resource recovery uses.
- (138) The detail of the PSP has changed markedly over the last three years with refinements being made as recently as October 2020.
- (139) There remain issues with that plan regarding the further commitment of industrial land west of Woody Hill Quarry unless there is acceptance that there will probably be a notable supply of that land.
- (140) The plan for the eastern residential part of the PSP is capable of further refinement that would improve the ability of the plan to meet the vision and objectives of the PSP.
- (141) I am satisfied, for the reasons detailed above, that the DJV-PFUS Plan is an improvement over the VPA plan of October 2020 and would align with the relevant policy framework.
- (142) I recommend as a minimum that as it applies to the DJV Land it should be substituted for that VPA plan and any minor changes should be reflected in the exhibited Precinct Structure Plan.

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Rob Milner
November 2020

APPENDIX 1 – RELEVANT CONSIDERATIONS

Planning Policy Framework	<ul style="list-style-type: none"> • Clause 11, Settlement • Clause 12, Environmental and landscape values • Clause 13, Environmental risks amenity • Clause 14, Natural resource management • Clause 15, Built environment and heritage • Clause 16, Housing • Clause 17, Economic development • Clause 18, Transport • Clause 19, Infrastructure
Whittlesea Local Planning Policy Framework	<ul style="list-style-type: none"> • Clause 21.03, Council vision and strategic framework • Clause 21.04, Settlement • Clause 21.05, Environmental and landscape values • Clause 21.06, Natural Resource management • Clause 21.07, Environmental risk • Clause 21.08, Built environment and heritage • Clause 21.09, Housing • Clause 21.10, Economic development • Clause 21.11, Transport, • Clause 21.12, Infrastructure • Clause 22.03, Bushfire management policy • Clause 22.04, Heritage conservation policy • Clause 22.09, Industrial development policy • Clause 22.11, Development contributions plan policy
Zone	<ul style="list-style-type: none"> • Farming Zone (Clause 35.07) • Rural Conservation Zone (Schedule 1) (Clause 35.06) • Urban Growth Zone (Clause 37.07) • Special Use Zone (Schedule 4) (Clause 37.01)
Overlays	<ul style="list-style-type: none"> • Environmental Significance Overlay (Schedule 4) (Clause 42.01) • Public Acquisition Overlay (Schedule 2) (Clause 45.01)
Particular Provisions	<ul style="list-style-type: none"> • Clause 52.09, Stone extraction and extractive industry interest areas • Clause 52.17, Native vegetation
Other relevant references	<ul style="list-style-type: none"> • <i>Whittlesea Planning Scheme</i> • <i>Draft Shenstone Park Precinct Structure Plan (December 2017)</i> • <i>Exhibited Amendment C241 to the Whittlesea Planning Scheme</i> • <i>Planning and Environment Act 1987</i> • <i>Lockerbie Precinct Structure Plan (May 2012)</i>

- *Donnybrook Woodstock Precinct Structure Plan (October 2017)*
- *English Street Precinct Structure Plan (November 2015)*
- *Precinct Structure Planning Guidelines (2009)*
- *North Growth Corridor Plan (2012)*
- *Plan Melbourne (2014)*
- *Plan Melbourne 2017-2050*
- *Plan Melbourne 2017-2050 – Five Year Implementation Plan*
- *Northern Quarries Investigation Area – Draft Addendum to the Growth Corridor Plans: Management Melbourne’s Growth (MPA)*
- *Shenstone Park PSPS – Retail and Employment Needs: Economic Assessment (Essential Economics, December 2017)*
- *Joint Ministerial Statement – Extractive Resources (Victorian State Government)*
- *Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (Victorian Government Department of Environment and Primary Industries Melbourne, June 2013)*
- *Industrial Land in Melbourne (Spatial Economics for GAA, October 2010)*
- *Planning for Employment and Industry in Melbourne’s Growth Areas (Growth Areas Authority, October 2011)*
- *Delivering Melbourne’s Newest Sustainable Communities (2009)*
- *Delivering Melbourne’s Newest Sustainable Communities – Background Technical Report 1: Land Capability (June 2009)*
- *Delivering Melbourne’s Newest Sustainable Communities – Discussion Paper: Employment (June 2009)*
- *Melbourne 2030: a planning update – Melbourne @ 5 million (2008)*
- As referenced in the body of this report

APPENDIX 2 – WITNESS STATEMENT

The name and address of the expert

Robert Milner, Principal of Kinetica Studio Pty Ltd, located at 25/500 Collins Street, Melbourne 3000.

The expert's qualifications and experience

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Appendix 3.

The expert's area of expertise to make this report

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

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Other significant contributors to the report

Not applicable.

Instructions that define the scope of the report

Robert Milner has been instructed by Gadens, on behalf of Donnybrook JV Pty Ltd (DJV), the registered proprietor of land at 960 and 1030 Donnybrook Road, Donnybrook to undertake an independent review of the planning merits of Amendment C241 to the *Whittlesea Planning Scheme*.

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

Alison Milner an Associate with Kinetica Studio.

The facts, matters and all assumptions upon which this report proceeds

There are no other facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.

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

Robert Milner has reviewed the material as referenced in Appendix 1 and in the body of this report.

A summary of the opinion or the opinions of the expert

A summary of Robert Milner's opinions is provided within the body of the report.

Any provisions or opinions that are not fully researched for any reason

Not applicable.

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

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The report is complete.

Expert declaration

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



Robert Milner
November 2020

APPENDIX 3 – CURRICULUM VITAE



Robert Milner

Principal

Rob Milner is a respected strategic and statutory planner and a recognised leader of the planning profession in Victoria. He has had a high profile career spanning more than 40 years with extended periods of experience working for local government and in private practice. His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout Victoria, as well as a broad range of corporate and other private sector interests. He has a reputation for integrity, objectivity, an original style of evidence and for providing clear and fearless advice to proponents and objectors; the responsible authority; claimants and government agencies. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and restrictive covenants.

Professional Experience

Principal

KINETICA (FORMERLY DLA)
Melbourne, Australia
2019 - present

Director

10 CONSULTING GROUP PTY LTD
Melbourne, Australia
2010 - 2019

General Manager - Planning

CPG AUSTRALIA PTY LTD
Melbourne, Australia
1999 - 2010

Director

ROB MILNER PLANNING PTY LTD &
SAVAGE MILNER
Melbourne, Australia
1994 - 1999

Project Director

COLLIE PLANNING AND
DEVELOPMENT
Melbourne, Australia
1991 - 1994

General Manager Town Planning

JONES LANG WOOTTON
Melbourne, Australia
1988 - 1991

City Planner

CITY OF BOX HILL
Melbourne, Australia
1980 - 1988

Planner

PERROTT LYON MATHIESON
ARCHITECTS AND PLANNERS
Melbourne, Australia
1977 - 1980

Planner

KIRKLEES METROPOLITAN BOROUGH
COUNCIL
Kirklees, United Kingdom
1976 - 1977

Qualifications

Diploma in Town and Country Planning (First Class Honours)

Liverpool Polytechnic

Associations

Life Fellow Planning Institute of Australia
(PIA)

Fellow of the Victoria Planning and
Environmental Law Association (VPELA)

Former State and National President of
the Planning Institute of Australia (PIA)

Member, Planning and Local Government
Advisory Council
(1994 - 1999)

Deputy Chairman, Future Farming Expert
Advisory Group (2009)

Areas of Expertise and Experience

- Strategic studies, policy development and statutory implementation
 - Expert evidence and advocacy
- Rob is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is able to evaluate and form a robust opinion on complex matters quickly and has a capacity to manage a considerable body of work in an

efficient and timely manner.

Rob is also an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome.

- Legislative and planning scheme reviews and amendments
- Gaming policy and applications
- Restrictive Covenants
- Acquisition and compensation
- Organisation audits and process reviews

Rob's ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

He has committed to 'giving back' to a profession that has provided him with a rewarding career. As well as contributing to the development of the Planning Institute of Australia he has acted over the last two decades in the capacity of mentor for many younger planners. Additionally, he regularly attends and gives papers at professional development forums.



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