



Town Planning Evidence Statement

Planning Panels Victoria
Amendment C241wsea to the Whittlesea Planning Scheme
Shenstone Park Precinct Structure Plan



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1. INTRODUCTION

1. I received instructions from Harwood Andrews, acting on behalf of the Victorian Planning Authority¹ (the 'VPA') to prepare a statement of evidence in relation to Amendment C241wsea (the 'amendment') to the Whittlesea Planning Scheme.
2. The amendment seeks to implement the Shenstone Park Precinct Structure Plan (September 2019) (the 'SPPSP') by making the following changes to the Whittlesea Planning Scheme:
 - Inserting Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7);
 - Inserting Schedule 11 to Clause 37.01 Special Use Zone (SUZ11);
 - Rezoning land within the Precinct Structure Plan area from part Farming Zone (FZ), Urban Growth Zone (UGZ) and Rural Conservation Zone – Schedule 1 (RCZ1) to a combination of the UGZ7 (to most land within the PSP area), the Special Use Zone – Schedule 4 'Earth and Energy Resources' (SUZ4) and Special Use Zone – Schedule 11 'Shenstone Park Precinct Structure Plan – Electricity Easement' (SUZ11);
 - Deleting Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) from land within the precinct;
 - Applying Schedule 6 to Clause 42.01 Environmental Significance Overlay (ESO6) to land within the Biodiversity Conservation Strategy area;
 - Inserting Schedule 8 to Clause 43.03 Incorporated Plan Overlay (IPO8) and applying it to land within the Biodiversity Conservation Strategy area;
 - Amending the Schedule to Clause 43.01 Heritage Overlay (HO) to include a new entry relating to 1030 Donnybrook Road, Donnybrook (HO187);

¹ The Victorian Planning Authority is the planning authority for the amendment.




- Amending the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal;
- Amending the Schedule to Clause 52.33 Post Boxes and Dry Stone Walls to identify dry stone walls exempt from requiring a planning permit for demolition, removal or alteration within the PSP area;
- Amending the Schedules to Clause 66.04 Referral of Permit Applications Under Local Provisions and Clause 66.06 Notice of Permit Applications Under Local Provisions to require referral and notice of certain applications; and
- Amending the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Shenstone Park Precinct Structure Plan, September 2019 and 1030 Donnybrook Road Statement of Significance, September 2019.

3. I was not involved in the preparation of the Precinct Structure Plan or the amendment. I was engaged following the referral of submissions to the amendment to this Panel.

1.1 My evidence

4. My instructions are attached to my evidence at **Appendix C**.
5. I have been instructed to review the amendment and provide my opinion on the following matters:
- The strategic basis and support for the PSP;
 - Issues related to the quarries land, their ability to expand and the way in which their buffers are managed, including (but not limited to):
 - The identification of the Woody Hill Quarry and the proposed Phillips Quarry to the south of the PSP;
 - The manner in which the PSP responds to the Quarry expansion area to the east of the Woody Hill Quarry and the northern expansion area;



- 
- The proposed buffer to the future Phillips Quarry; and
 - The provisions applicable to the blast buffer of the Woody Hill Quarry;
 - The strategic justification for the extent of employment related land within the identified PSP;
 - The Future Urban Structure (including recommended alterations to the Future Urban Structure by submitters);
 - The provisions applicable to development within the pipeline measurement length;
 - The identification of the land use of Yarra Valley Water along Langley Park Drive (including the appropriate zone controls) and the identification of the YVW potential site to the south of the PSP;
 - Any planning opinions arising from submissions relating to drainage; and
 - Any planning opinions in relation to the drafted planning scheme provisions.
6. My evidence will also provide a strategic assessment of the amendment, having regard to Planning Practice Note 46: Strategic Assessment Guidelines and whether the amendment faithfully implements the Precinct Structure Plan.
7. In preparing this statement, I have:
- Read the Shenstone Park Precinct Structure Plan, September 2019;
 - Reviewed the exhibited amendment, including the proposed schedules to the Urban Growth Zone and Special Use Zone, the proposed schedules to the Heritage Overlay and Incorporated Plan Overlay, mapping and the explanatory report;
 - Inspected the Precinct Structure Plan area and its surrounds;
 - Considered the relevant aspects of the Whittlesea Planning Scheme including the Planning Policy Framework and relevant background documents;

- 
- Reviewed *Plan Melbourne 2017-2050: Metropolitan Planning Strategy*;
 - Considered the *Northern Corridor Growth Plan*;
 - Reviewed the *Precinct Structure Planning* Guidelines;
 - Considered relevant Practice Notes, including PPN13: Incorporated and Background Documents, PPN46: Strategic Assessment Guidelines, PPN42: Applying the Rural Zones, PPN47: Urban Growth Zone, PPN89: Extractive Industry and Resources and PPN92: Managing Buffers for Land Use Compatibility;
 - Considered the *Practitioner's Guide to Victorian Planning Schemes*;
 - Considered relevant Ministerial Directions, including the Ministerial Direction on the Form and Content of Planning Schemes, Ministerial Direction No. 1 – Potentially Contaminated Land, Ministerial Direction No. 90 Metropolitan Strategy and Ministerial Direction No. 11 – Strategic Assessment of Amendments; and
 - Read the submissions received by the planning authority² to the amendment.
8. My evidence is based on the revised documentation circulated with the planning authority's Part A submission to these proceedings. This material included an updated Precinct Structure Plan and planning scheme ordinance.
9. My opinion on the amendment is in Section 2 of my statement and my conclusion at Section 3 summarises my opinion.

² I have not had regard to submissions which have been withdrawn.



2. PLANNING EVIDENCE

2.1 My approach

10. The Shenstone Park Precinct Structure Plan is principally a strategic planning exercise.
11. While the practice of contemporary town planning has expanded to encompass a range of issues that are (perhaps strictly speaking) not town planning related³, the planner's role is still very much about ensuring land use compatibility.
12. Land use compatibility is frequently understood in relation to whether the impacts of a proposal (noise, odour, traffic and so on) are appropriate in their context (i.e. the effects that the proposal will have on the environment). However, Section 60(1)(e) of the Act requires a consideration of the opposite as well: the impact that the environment may have on the use and development. The operational requirements of a quarry, for instance, call up both off-site and reverse amenity impacts for consideration.
13. Planning is not only about concepts of land use compatibility: as a discipline it considers both spatial and temporal elements⁴ and how these should inform decision making. Planning seeks to manage physical space (e.g. a town, region or site) and elements within that space (buildings, vegetation, infrastructure and of course, people). Planning aims to put the right building in the right place.
14. The temporal aspect of planning (timing) is also critical. Delivering the 'right' building, service or infrastructure in the right spatial context, in the correct sequencing or else timed to satisfy a specific demand is essentially what is meant by the over-used term 'orderly planning'.
15. I consider orderly planning is synonymous with delivering the 'right building, in the right place at the right time'⁵. Of course, notions of orderly planning are underpinned, informed and assisted by well-developed strategic plans and policies. Good planning is not always

³ See for instance, the need to now address Aboriginal Cultural Heritage Sensitivity at the planning permit stage.

⁴ Space and time.

⁵ Of course, this is not confined to 'buildings'. Arguably the precinct structure planning process aims to achieve this for greenfield areas.





synonymous with orderly planning, but it would be hard to imagine that good planning could even also result in 'disorderly planning'.

16. The outcome of a strategic planning exercise (in a town planning sense) is to identify the future planning settings for a site, a town or a region.
17. Possible settings for future development in a strategic plan:
 - No, not ever;
 - No, not now;
 - Yes, and under these conditions.
18. This exercise can be undertaken with a reasonable level of precision when existing conditions are well understood. In some cases, judgements need to be made and these judgements will be informed by strategic settings elsewhere in the planning scheme, among other factors.
19. In all circumstances, decision making must be guided by concept of net community benefit and sustainable development for the benefit of current and future generations.
20. In some cases, strategic planning might take a very long term view about an issue. In some cases, strategic planning will privilege one issue over another (an example of this is the protection of the curfew free status of Melbourne Airport), which may result in the failure to capitalise on certain opportunities in the short, medium and long term. In other words, good planning does not demand that we realise all of the opportunities all of the time (or at once). It might be that some opportunities are forgone in favour of other opportunities. It might be that the realisation of some opportunities is delayed while others are realised first, or it might be an opportunity is realised but in a more controlled or limited way that was suggested by a proponent.






21. This PSP is informed by a desire among its authors to do the following:
- Protect the operations of an existing quarry and to ensure that land uses in its environs are compatible with that aim.
 - Realise a known resource (stone) by adopting a strategic posture that protects the resource and plans for its extraction.
 - Protects an existing conservation resource by preventing it from being available for urban use and development.
 - Protecting the amenity of existing and planned residential areas to the east (within the PSP area) and the west and north.
 - Identify and safeguard the presence of existing and important infrastructure from urban development (a high pressure gas pipeline) and ensure that future urban development occurs safely.
22. All of these outcomes are consistent with the Objectives of Planning as outlined in the Planning and Environment Act 1987, and with notions of orderly and proper planning.
23. There will be, should be and are arguments around the margins or around how the mechanisms selected to implement these outcomes are drafted and applied. The following sections set out my views in respect to my instructions.

2.2 Overview

24. Having regard to the strategic planning context for the area subject to the amendment and my instructions, I have framed my assessment and evidence around the following questions:
- What is the strategic context for growth area planning in the northern corridor and the Shenstone Park precinct?
 - Is the amendment strategically justified?



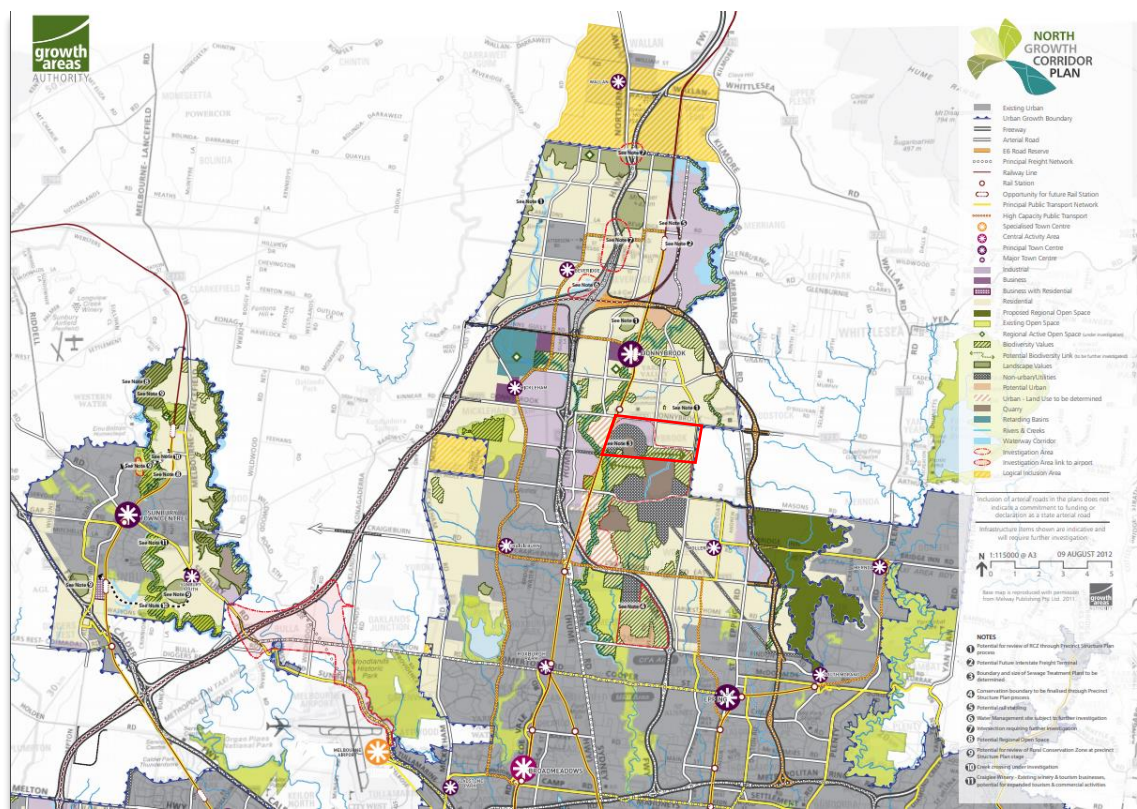
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- Has the PSP appropriately dealt with the issues relating to the quarries land and their buffer areas? There are several aspects to the quarries that need to be explored, including:
 - The Woody Hill Quarry’s sensitive use buffer and the ability for the quarry to expand;
 - The blast buffer to the Woody Hill Quarry; and
 - The future residential area buffer from the Phillips Quarry.
 - Is the extent of employment related land within the PSP strategically justified?
 - Are the provisions applicable to development within the pipeline measurement length are appropriate?
 - Does the amendment appropriately identify the future land use for Yarra Valley Water’s infrastructure?
 - Is the proposed Future Urban Structure Plan generally appropriate?
 - Is the planning scheme ordinance drafted appropriately?

25. These matters are addressed within this section of my statement.

26. In framing my assessment, I note that some submitters have raised matters along similar lines. Regardless, my evidence has considered all submissions in forming my opinion.

2.3 What is the strategic and locational context for the Shenstone Park Precinct Structure Plan Area?

27. The Shenstone Park PSP area is located approximately 30 kilometres north (as the crow flies) of the Melbourne Central Business District.
28. The site is located within the northern sub-region under Plan Melbourne 2017-2050. Within the northern sub-region, it is forecast that an additional 340,000-350,000 new dwellings will be required, with greenfield locations contributing 160,000-180,000 new dwellings.⁶
29. The site is located within the North Growth Corridor. An extract of the corridor plan is provided below.

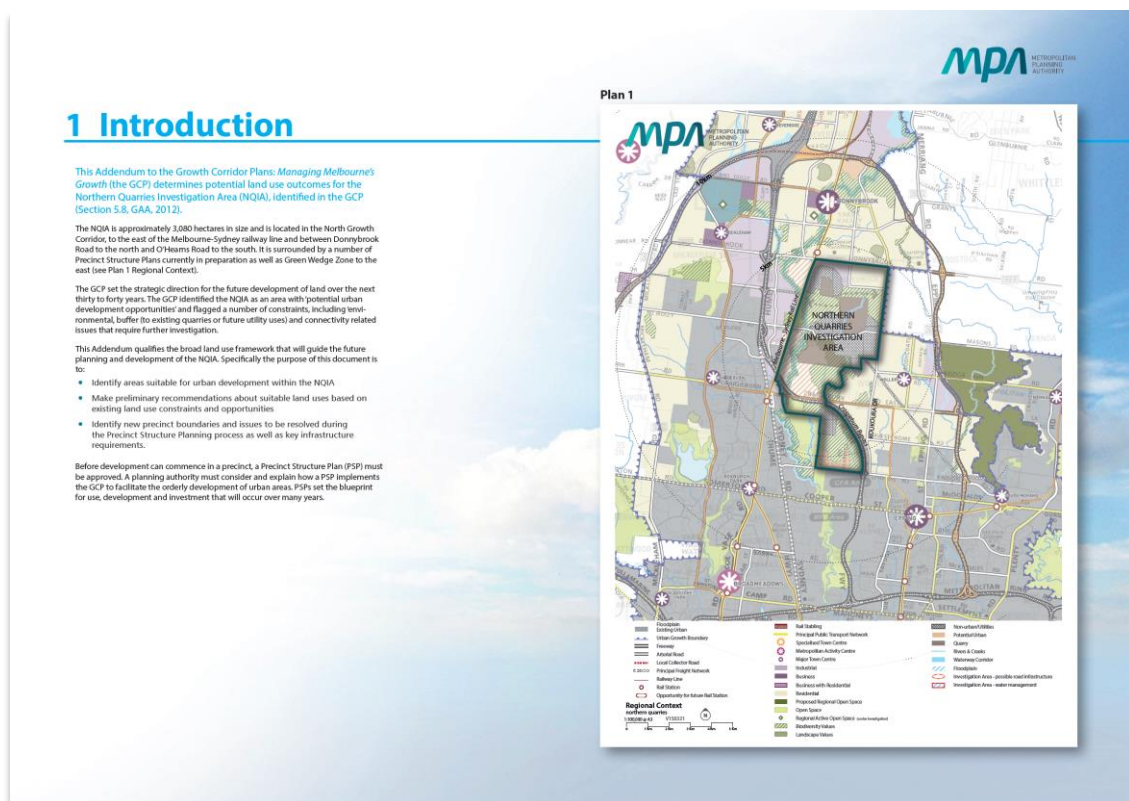


North Growth Corridor Plan, with Shenstone Park PSP area outlined in red (source: Victorian Planning Authority)

⁶ Plan Melbourne 2017-2050, p. 47.



30. The North Growth Corridor Plan prepared by the (then) Growth Areas Authority (now the VPA) identifies that this corridor is to provide for housing, commercial development, industrial land supply, protection of biodiversity values and open space, and quarrying activities. The Northern Quarries Investigation Area (NQIA) was prepared as a Draft Addendum to the Growth Corridor Plans⁷.




Section 1, Northern Quarries Investigation Area

31. The purpose of the NQIA document was 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.

⁷ Prepared by the then Metropolitan Planning Authority.



- 
- *Identify new precinct boundaries and issues to be resolved during the Precinct Structure Planning process as well as key infrastructure requirements.*

32. It identified the following constraints and opportunities:

- The need for industry separation distances associated with active and proposed quarries.
- The presence of a future Yarra Valley Water wastewater treatment plant and recycled water treatment plant to service new development within the north growth corridor and the need to apply separation distances around that of up to 700m.
- A high pressure gas pipeline easement running a north south direction through the eastern part of the NQIA.
- A gas compressor station⁸ and potential gas fired power plant.
- Various conservation areas identified in the Biodiversity Conservation Strategy (BCS) approved by the Commonwealth Government in 2013.
- Limited existing vehicle connectivity through the NQIA, including due to the presence of the Melbourne-Sydney rail line in the west and the Merri Creek.

33. Opportunities in the NQIA were:

- Approximately 1,715 hectares of land area being potentially suitable for urban development (located in discrete parcels)⁹.

34. Relevant to this amendment, the NQIA identified the following potential Precinct Structure Plan Areas:

⁸ At 269-365 Summerhill Road. The gas fired power station was planned to be located to the east of the existing compressor.

⁹ 10 in total and only 2 of which are in the Shenstone Park PSP.

4 Potential Precinct Structure Plan Areas

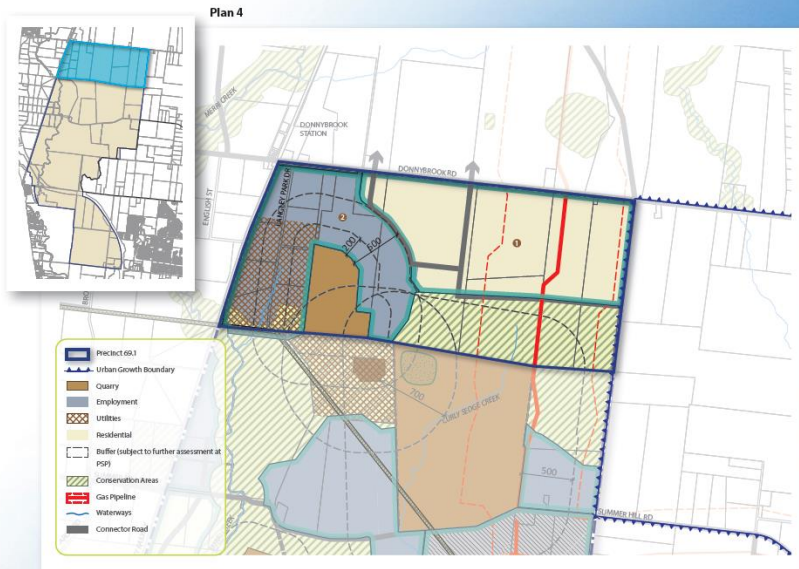
This addendum provides a sub-regional concept for a future urban structure that seeks to qualify and identify appropriate PSP boundaries to assist in the future planning of the area.

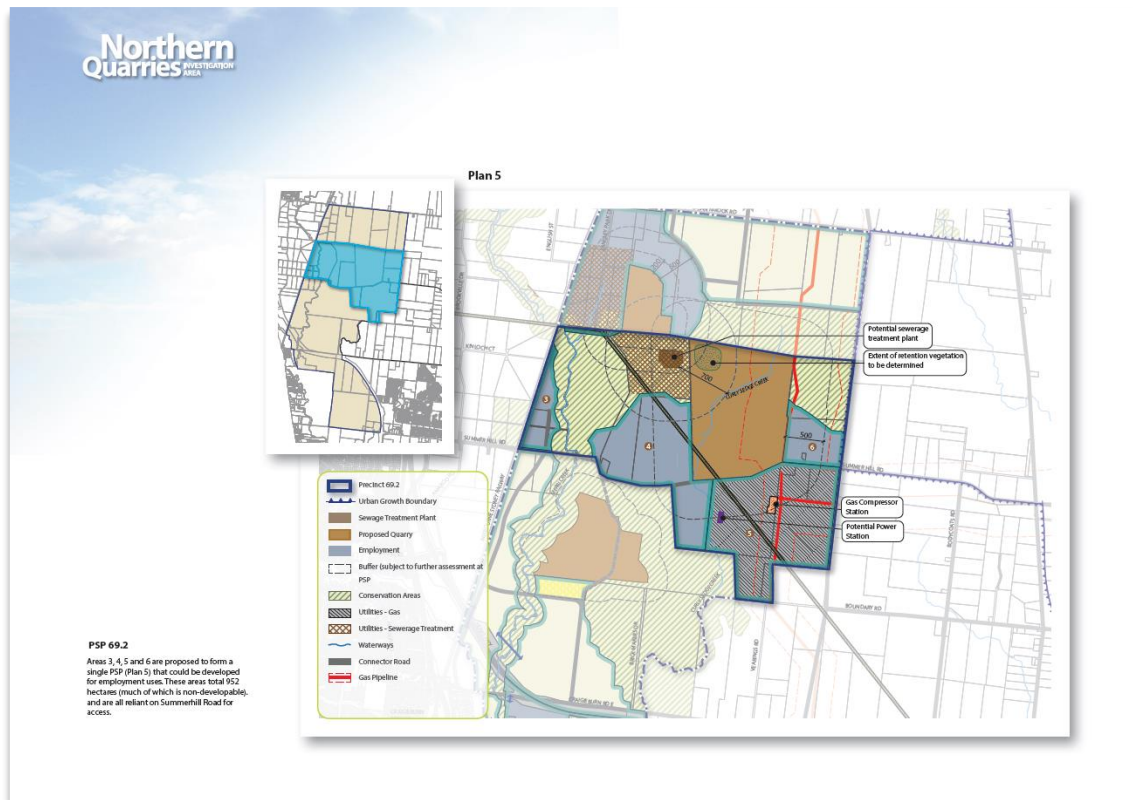
The scale of the NOIA, the context of the underlying and future land uses, the present transport network, as well as barriers to connectivity, determine the need to define explicit areas to assist in the proper and orderly planning of the area.

The following PSP areas have been identified for discussion. They aim to ensure the logical and practical implementation of future PSPs with regard to the creation of future urban areas and the provision and delivery of requisite infrastructure. These precincts may be refined over time following detail assessments of potential impacts of proposed and existing utilities and extractive industries.

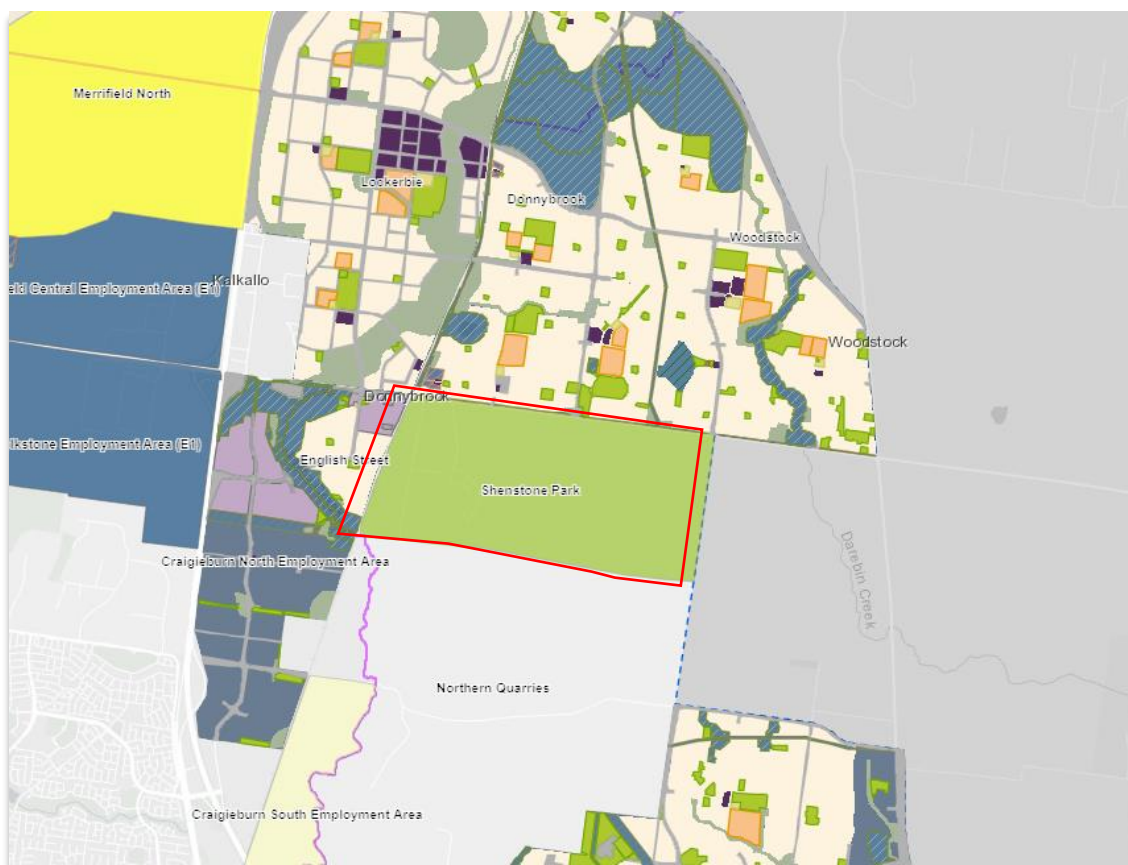
PSP 69.1

Areas 1 and 2 are proposed to form a single PSP (Plan 4) with a total area of 261 hectares, much of which is non-developable. These areas could create a residential population, integrated with the Donnybrook / Woodstock PSP community to the north. This community is complemented by the employment land surrounding WA 492 that is all reliant upon Donnybrook Road for access. The southern boundary of the PSP is defined by the non-developable land to the south.





35. The draft NQIA appears to be a document that was not finalised and has been superseded by the North Corridor Growth Plan.
36. Shenstone Park is identified within the North Growth Corridor Plan as an area that provides for both commercial/industrial land supply (including quarrying activities) and residential development. Within its broader context, it sits alongside a spine of commercial and industrial land supply to the west, including the Craigieburn North, Folkstone and Merrifield Central Employment Areas (generally aligned with the Hume Freeway, connecting to the Beveridge Intermodal Transit Terminal to the north) and predominantly residential development to the north, within the Donnybrook-Woodstock and Lockerbie PSP areas.



PSP Context – Shenstone Park PSP and surrounding completed PSPs (source: VPA Interactive Status Map)

37. In terms of its more immediate growth corridor context, the Shenstone Park PSP is close to the following:

- **North:** The Donnybrook and Woodstock PSP areas¹⁰;
- **East:** The Urban Growth Boundary abuts the eastern edge of the PSP area. Land further to the east is in the Green Wedge Zone and predominantly comprises agricultural production;
- **South:** The land to the south is within the Northern Quarries PSP area. No formal Precinct Structure Planning has commenced for this area. There is a valid planning permit (but no current Works Authority approval) for the Phillips Quarry to the south of

¹⁰ Residential development is underway close to Donnybrook Road and opposite Shenstone Park.



the PSP and Yarra Valley Water (YVW) has identified that it intends to construct a sewerage treatment plant near the southern boundary of the PSP area; and

- **West:** The land to the west is within the English Street Precinct Structure Plan area¹¹. The Melbourne-Sydney rail line forms a physical barrier.

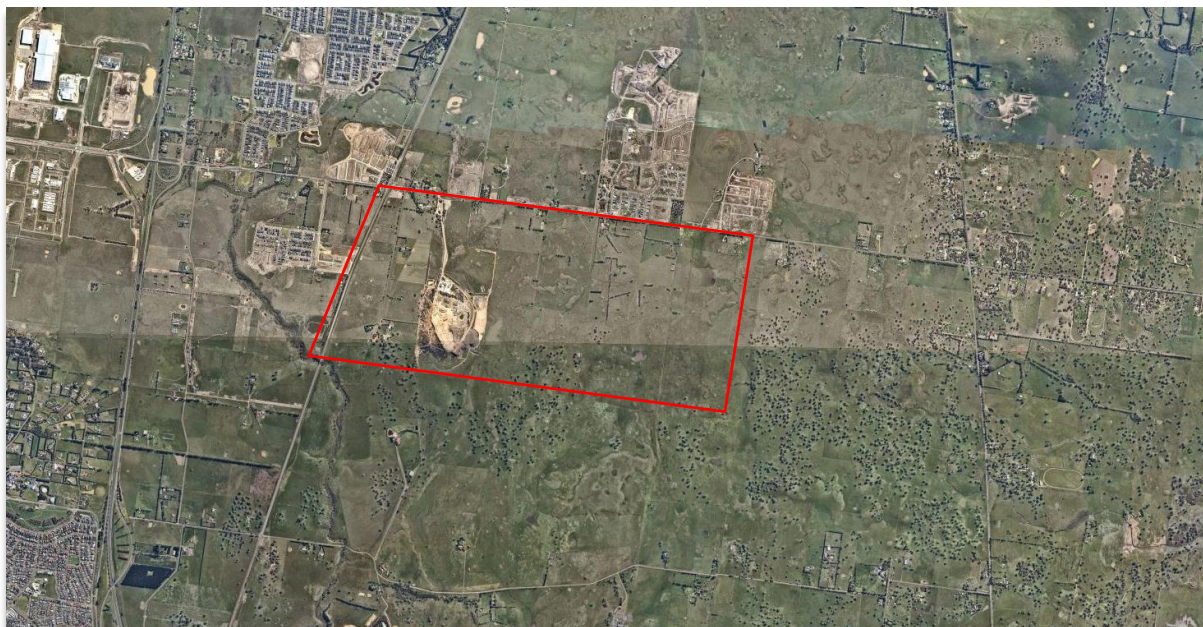
38. I consider this context in more detail as follows.

Interface with the land in the Donnybrook-Woodstock PSP area (north)

39. The Donnybrook-Woodstock PSP area is located to the north of the Shenstone Park PSP area, on the opposite side of Donnybrook Road. The PSP was gazetted in November 2017 and development has commenced.
40. It is a large PSP area that is forecast to provide approximately 16,700 new dwellings and approximately 2,140 jobs.
41. The Future Urban Structure Plan for Donnybrook-Woodstock identifies that mostly residential land uses are located close to the southern boundary. These uses are at conventional density, with the exception of the walkable catchment in the south-western corner (near Donnybrook Station), where medium and higher density development is expected, adjacent to a local town centre. Some residential development at this interface is currently under construction.

¹¹ Residential development is underway.





Aerial photograph of Shenstone Park PSP area and surrounds (source: Nearmap)

42. A 341-metre wide gas pipeline measurement length runs generally north-south through the PSP area. The pipeline asset at the southern boundary aligns with the pipeline asset that runs through the eastern part of the Shenstone Park PSP.



Development within Donnybrae Estate



Development within Olivine Estate



Peppercorn Hill Estate



Looking south towards Shenstone Park PSP area

Interface with the English Street PSP area (west)

43. The English Street PSP area is located to the west of the Shenstone Park PSP area, on the opposite side of the Melbourne-Sydney (and Melbourne-Albury) railway line. The PSP was gazetted in 2016 and some development has commenced.
44. It is a relatively small PSP area. When completed, the PSP is forecast to provide 1,200 dwellings and 800 jobs for the region.
45. The Future Urban Structure Plan identifies a commercial area to the north-east corner and a residential area, both in proximity to the Shenstone Park PSP area and adjacent to the railway line. Part of the residential land in the southern half of the PSP area is under construction.



Development within English Street PSP



Development within English Street PSP



Looking east from English Street PSP towards
Woody Hill Quarry




Looking west from Langley Park Drive towards
railway line and English Street PSP area

Interface with land to the south and east

46. Land to the south of the PSP is within the Northern Quarries PSP area. The area contains existing and proposed future¹² land uses which include:

- Quarrying activities, including the Phillips Quarry;
- A proposed sewage treatment plant to be located close to the southern boundary of the Shenstone Park PSP;
- Areas identified for biodiversity conservation; and

¹² As identified on the North Growth Corridor Plan. No formal precinct structure planning has commenced for the Northern Quarries area.

- 
- Areas identified within the Northern Growth Corridor Plan for future urban land uses.
47. The proposed Phillips Quarry is located to the immediate south of the PSP. The land is within the Special Use Zone – Schedule 4 ‘Earth and Energy Resources Industry’. This zone has a purpose which seeks to recognise or provide for the use and development of land for earth and energy resources.
48. The Phillips Quarry is identified on the Northern Growth Corridor Plan and has a valid planning permit for resource extraction, but no current Works Approval.¹³
49. The Urban Growth Boundary abuts the eastern boundary of the Shenstone Park PSP. Land beyond the Urban Growth Boundary is within the Green Wedge Zone. It is variously affected by overlays which identify flood hazard and environmental significance associated with the protection of River Red Gums and grassy woodland native habitat.

Employment land context

50. In terms of employment context, Plan Melbourne 2017-2050 anticipates that 111,000 additional jobs will be provided within the northern sub-region between 2015-2031.¹⁴
51. In providing a contribution towards this job demand, the *Melbourne Industrial and Commercial Land Use Plan* (MICLUP) identifies that land in the western half of the PSP area is designated as ‘Regionally Significant Industrial Land – Future’¹⁵.
52. MICLUP outlines that Shenstone Park forms a key future regional industrial area within the Northern region. It highlights that:

Beyond the Northern [State Significant Industrial Precinct], there are a number of other industrial areas considered to be of state or regional significance.

¹³ A previous Works Approval was surrendered by the former quarry operator on the sale of the land.

¹⁴ Plan Melbourne 2017-2050, p. 21.

¹⁵ The MICLUP is not referenced in the Whittlesea Planning Scheme. It went through a public exhibition phase and submissions to the plan have been received and considered. A final version of the plan was released in April 2020.

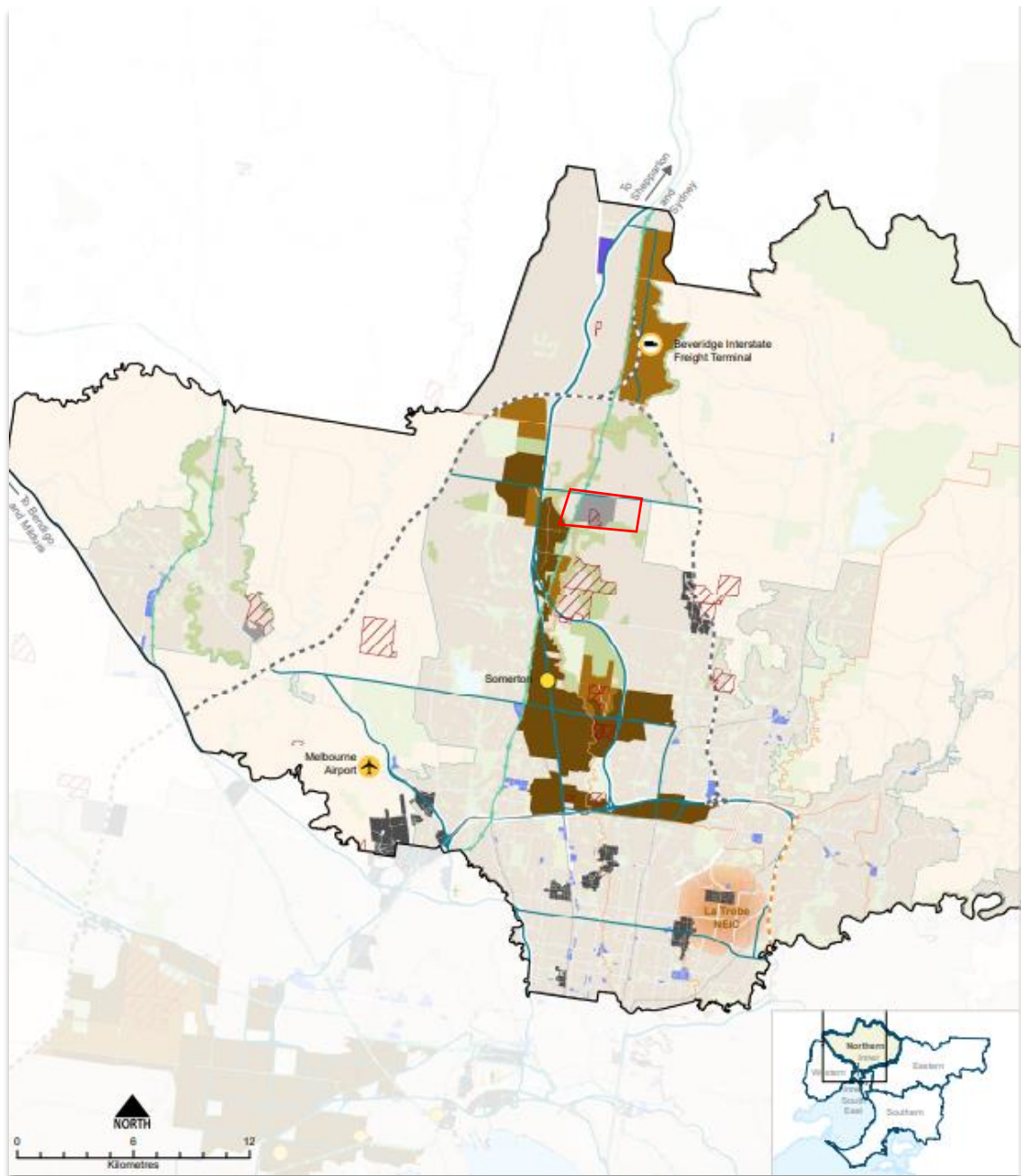





To the north on Donnybrook Road, the Shenstone Park PSP area includes approximately 280 hectares of industrial land identified through the North Growth Corridor Plan and PSP process. This land provides an important buffer to existing and proposed quarry operations, a proposed sewerage treatment plant to the south and nearby residential land uses. This precinct has good access to the Hume Freeway from Donnybrook Road.¹⁶

¹⁶ Melbourne Industrial and Commercial Land Use Plan, p. 64.





Extract of MICLUP Map 8: Northern Region Industrial Land. PSP area outlined in red. Regionally significant industrial land – future shaded in grey (source: MICLUP)



53. MICLUP highlights that demand for industrial land within the region has been variable but has steadily increased and continues to be an important location for the manufacturing sector.¹⁷

54. In relation to quarrying, MICLUP also highlights that:

*The region also has large areas set aside with significant high-quality extractive resources for quarrying operations. A shortfall in extractive resources close to market means that the cost of construction will rise as these materials are sourced from further afield. These operations need to be protected both now and into the future to secure adequate long-term supply of quality and competitively priced extractive resources for growing Victoria's population and economy, especially with demand for extractive resources expected to double between 2015 and 2050.*¹⁸

55. MICLUP also identifies 'Local Commercial Areas – Future' within the PSP and to the west (within the English Street PSP).

Summary of context

56. What I take from this strategic context is that:

- There are significant current and future quarrying resources that are identified for protection and extraction within the Northern Growth Corridor Plan and the Whittlesea Planning Scheme¹⁹.
- The northern growth corridor will play a significant role in the provision of commercial and particularly industrial activity and land supply (and in turn job creation).
- The corridor also plays a significant role in the provision of housing within the northern region.

¹⁷ Melbourne Industrial and Commercial Land Use Plan, p. 66.

¹⁸ Melbourne Industrial and Commercial Land Use Plan, p. 70.

¹⁹ Through the application of the Special Use Zone (SUZ4).

- The stone resources, quarrying activities and areas identified for biodiversity conservation limit the extent to which new housing can be provided in the medium term; and
- MICLUP identifies a strong demand for industrial land within the region. It recognises that Shenstone Park will provide regionally significant industrial land supply that will play a key role in providing for industrial land supply for the Melbourne metropolitan area.

57. I have had regard to this context in considering the matters that form part of my evidence.

2.4 Is the amendment strategically justified?

58. I have reviewed the strategic justification for the amendment in accordance with the framework provided by Planning Practice Note No. 36: Strategic Assessment Guidelines.


59. The salient points of my consideration of these issues are as follows:

Why is the amendment required?

60. Amendment C241wsea is required to implement the Shenstone Park PSP.

61. The Shenstone Park PSP seeks to further the development of the northern growth corridor. It seeks to set aside land for continued and future quarrying operations, deliver regionally significant industrial land, as identified in MICLUP, and provides for a residential area that seeks to deliver more than 3,600 new dwellings, for an anticipated resident population of between 10,200-11,300 people.

62. The PSP also seeks to provide for the timely delivery of infrastructure and community facilities to service this community and others in the northern growth corridor. Beyond the regionally significant industrial land, the PSP provides commercial land uses (in the form of a local town centre and local convenience centres), a government school and open space in the form of local parks and a sports reserve.

- 
63. In this regard, the amendment is required to allow for the land to be developed in accordance with the Shenstone Park PSP, consistent with policy outlined in the Whittlesea Planning Scheme, Plan Melbourne 2017-2050 and the North Growth Corridor Plan.


The Objectives of Planning in Victoria

64. Section 4(1) of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria. Relevantly, the amendment implements and advances the following objectives:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives [outlined above].*
- *To facilitate the provision of affordable housing in Victoria.*
- *To balance the present and future interests of all Victorians.*

65. The amendment will provide clear direction for the future use and development of land within the Shenstone Park PSP area.

66. The amendment provides the statutory mechanism to facilitate the sustainable and orderly development of this part of the northern growth corridor in a manner that balances the present and future interests of Victorians.

- 
67. It provides an opportunity to develop a pleasant living, working and recreational environment and seeks to assist in the facilitation of the provision of affordable housing within Victoria.
68. It also proposes to protect sites of biodiversity value and buildings of heritage significance.
69. It is my view that the amendment is generally consistent with the objectives of planning in Victoria.

Environmental, Social and Economic Effects

70. I consider that the amendment will have the following effects:
- The provision of additional economic opportunity through the provision of regionally significant industrial land and continued quarrying operations;
 - The provision of additional housing, which can assist in improving the availability and diversity of housing to a broader cross-section of the community;
 - The protection and conservation of areas identified as being of biodiversity significance within a metropolitan context;
 - The timely provision of infrastructure and community services, which will increase the community's access to social and economic benefits; and
 - The delivery of open space and protection of waterways.
71. In this regard, from a town planning perspective, the amendment will have overall neutral or positive environmental, social and economic effects.

Compliance with Ministerial Directions


72. I have considered the amendment against the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes* (as amended 23 January 2020). I comment on this later in my evidence in assessing the proposed package of changes to the Planning Scheme.



73. *Ministerial Direction No. 1 – Potentially Contaminated Land* requires planning authorities to be satisfied that any amendment which would have the effect of allowing potentially contaminated land to be used for a sensitive use, agriculture or public open space is suitable for those uses in terms of the land's environmental condition.
74. A desktop environmental site assessment was prepared as part of the PSP's preparation²⁰. The assessment identified that the current Woody Hill Quarry had a high risk of potential contamination. As quarrying activities continue, this assessment is not surprising. Further work will be required once the quarry has completed extraction of the resource to remediate the land appropriately.
75. The environmental site assessment identifies that the 16 other properties within the PSP area have a medium risk of potential contamination. The report recommends that sites with a medium potential for contamination should be subject to a more detailed site-specific Phase 1 environmental site assessment, site inspection and, if required, limited environmental sampling.
76. The proposed UGZ7 schedule includes mechanisms that require a preliminary site assessment for all five parcels of land within the area identified as 'residential' (land generally east of the Woody Hill Quarry) within the PSP prior to the use of those sites for sensitive uses. This is an appropriate mechanism for the management of potentially contaminated land.
77. However, it is unclear to me why this requirement has not been included for the other 10 parcels of land within the PSP area. Particularly, the DSE General Practice Note on Potentially Contaminated Land (and indeed the UGZ7 schedule) notes that sensitive uses include '*residential use, child care centre, pre-school centre or primary school*'. The land west of the quarry is proposed to be in the Industrial 1 and Industrial 3 Zones. A Childcare centre is a permit required use within these applied zones. Similarly, a permit can be granted for a Childcare centre or a Primary school within the Commercial 2 Zone, which is proposed to apply to land north of the Phillips Quarry. While these uses are prohibited within

²⁰ City of Whittlesea Shenstone Park Precinct Structure Plan Preliminary Environmental Contamination Assessment, March 2017, prepared by Meinhardt Infrastructure & Environment.





the 'Woody Hill sensitive use buffer' (as Primary school and Child care centre are nested under Education centre), some land within the PSP sits outside of this buffer area. Accordingly, the requirement for an environmental site assessment should also apply within these areas.

78. The amendment was exhibited with an explanatory report that met the requirements of *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.
79. The amendment has had regard to *Ministerial Direction No. 9 – Metropolitan Planning Strategy* and has considered the relevant metropolitan planning strategy – *Plan Melbourne 2017-2050*. I have made comments in my statement about the relationship between this PSP and Plan Melbourne.
80. *Ministerial Direction No. 12* requires a planning authority to evaluate and include information in the explanatory report about how an amendment implements any Growth Area Framework Plan and the Precinct Structure Planning Guidelines as they apply to the land. The explanatory report prepared for the amendment set out a response to the relevant documents. I have reviewed the content of the explanatory report and I am satisfied that it appropriately responds to the matters outlined in the Ministerial Direction.
81. In my opinion, the amendment and the proposed provisions comply (or can comply) with all relevant Ministerial Directions.

The Planning Policy Framework

82. The amendment broadly supports and implements a number of relevant objectives in the Planning Policy Framework, including the Local Planning Policy Framework.
83. Most particularly, it advances the policy direction at Clause 11.03-2S 'Growth areas' that seeks to provide for coordinated development in the growth area and deliver residential and employment land with good access to existing and proposed services and open space.
84. The development of housing, commercial and industrial opportunities is broadly consistent with key strategic directions at Clauses 16 and 17, that generally seek to deliver housing



diversity, affordable housing and increased housing density in proximity to services, as well as to sustain a competitive economy. It provides for regional industrial land supply in accordance with Clause 17.03-1S. The amendment also allows for the continued opportunity for extraction of natural resources, consistent with Clause 14.03-1S.

85. The amendment also provides for the separation of sensitive land uses from those with adverse amenity potential in accordance with Clauses 13.07-1S, 14.03-1S and 17.03-1S.
86. It subsequently advances policy directions at Clause 12.01-1S 'Protection of biodiversity' and provides transport and other infrastructure in a manner anticipated by Clauses 18 and 19.
87. At a local level, Clause 21.02 'Municipal Profile' recognises that the City is a growth area municipality, where new growth will be largely self-contained or in close proximity to metropolitan or major town centres. It notes that ensuring infrastructure is provided in a timely manner is of paramount importance and that the City has rich and diverse environmental features, which need to be preserved.
88. Clause 21.04 'Settlement' provides a high level settlement framework for the municipality. It recognises the State Significant Industrial Precincts within the municipality (the Northern State Significant Industrial Precinct and the Beveridge Interstate Freight Terminal) and seeks to effectively manage urban growth by ensuring that housing development is appropriately planned. Strategies under the objective of 'effectively manage urban growth' include to:
 - *Maximise beneficial relationships between compatible land uses.*
 - *Avoid inappropriate incursions into non-urban or environmentally sensitive areas.*
 - *Protect the non-urban breaks between South Morang, Mernda/Doreen and Whittlesea Township and between Wollert and Donnybrook/Woodstock with a focus on the Quarry and Whittlesea Hills and linking key watercourses.*



- *Protect rural and environmentally sensitive areas, including habitat linkages from the incursion of urban development.*
- *To reinforce the Urban Growth Boundary.*
- *Provide for suitable separation of new residential areas from industry, to minimise the potential for adverse amenity impacts.*

89. Clause 21.05 ‘Environmental and landscape values’ seeks to protect the City’s environmental assets. The Plan at this clause identifies that the conservation area in the south-east of the Shenstone Park precinct provides a strategic habitat link.

90. Clause 21.06-3 ‘Resource exploration and extraction’ recognises the economic contribution of the extractive industry and seeks to safeguard the amenity and environment of land surrounding extractive industries.

91. In terms of housing policy, the amendment is consistent with policy directions at Clause 21.09 ‘Housing’, which seeks to provide for a broad range of housing types and housing diversity, including social and affordable housing.

92. The amendment also advances key economic development policy at Clause 21.10 ‘Economic Development’, which has an objective:

To provide greater balance between housing supply and employment opportunities.

93. Broadly, the amendment advances policy direction for housing, economic development and environmental protection within the Local Planning Policy Framework.

94. The amendment will advance stronger statutory settings to guide development within this part of the northern growth corridor. In this regard, I conclude that the amendment is broadly consistent with and will implement the Planning Policy Framework in the Whittlesea Planning Scheme.



Use of the Victoria Planning Provisions

95. I discuss the appropriateness of the controls later in my evidence.

Views of Relevant Agencies

96. I am advised that the amendment and the Shenstone Park PSP were prepared in consultation with several agencies which would have an interest in the amendment.

97. The amendment was subject to the usual public exhibition process.

98. I have reviewed the submissions received by agencies, public authorities and local government, including Whittlesea City Council, the Department of Environment, Land, Water and Planning, the Department of Jobs, Precincts and Regions, the Department of Transport, the Victorian School Building Authority, the Country Fire Authority and the Environment Protection Authority. I am also aware of the submission made by APA Group, which manages the gas transmission pipeline asset in the PSP area.


Bushfire Risk

99. The Shenstone Park precinct is identified as being within a bushfire prone area.

100. Planning policy at Clause 13.02-1S applies to land that is within a designated bushfire prone area. It seeks to prioritise the protection of human life over competing policy considerations by means which include directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.


101. The requirements for settlement planning seek to ensure that there is no net increase in risk to existing and future residents, property or community infrastructure and that strategic planning documents, local planning policies and planning scheme amendments should not be approved if they will result in an introduction or intensification of development in an area that has a BAL rating greater than BAL-12.5 under *AS3959 – 2009 Construction of Buildings in Bushfire-prone Areas*.



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102. This is further reinforced by the integrated decision-making provisions at Clause 71.02-3, which seek to ensure that the protection of human life is prioritised above all other policy considerations when making an integrated decision.
103. The Shenstone Park PSP was informed by a bushfire assessment prepared by Terramatrix. That report identifies that the landscape is of low to moderate bushfire risk, with bushfire hazard largely resulting from grassland. The report considers that bushfire behaviour can be moderated by implementing the requirements of the Australian Standard and that if dwellings were separated from hazardous vegetation, a BAL-12.5 rating could be achieved.
104. The UGZ7 schedule requires applications or residential subdivision to address bushfire risk by requiring a Bushfire Site Management Plan to be prepared.
105. While I am not a bushfire expert, it is conceivable that bushfire risk is capable of being managed. I also consider that the amendment has had appropriate regard to bushfire risk and bushfire policy.

Resourcing and Administrative Costs

106. I have not been presented with any evidence relating to the resource and administrative costs of the amendment by the planning authority.
107. Notwithstanding this, I note that the City of Whittlesea contains several areas that have been subject to precinct structure planning processes that are completed and now gazetted into the planning scheme.
108. While the facilitation of development as anticipated by the PSP is likely to increase the level of permit activity, I consider that the Council is likely to have established proper resources and processes to assess these applications.
109. The guidance set out in the proposed controls will provide an appropriate reference for the assessment of planning permit applications within the area affected by the amendment.



110. In this regard, the controls and the incorporated PSP will provide some level of certainty about appropriate development for the land for all stakeholders and will not unreasonably impact the resourcing and administrative costs of the responsible authority.

Summary of Assessment

111. Broadly, it is my view that the amendment is strategically justified. The implementation of the Shenstone Park PSP will provide appropriate guidance for the development of this part of the northern growth corridor, consistent with its broad strategic planning settings.

112. Having reviewed the amendment in detail, I consider that the provisions have generally been drafted to reflect the strategic justification of the amendment.

2.5 Has the PSP appropriately dealt with the issues relating to the quarry land?

113. There are several issues that are relevant to my consideration as to whether the PSP has appropriately provided for the Woody Hill Quarry and protected the future potential of the Phillips Quarry.

114. These matters include:

- The manner in which the PSP identifies and strategically supports the quarries;
- The buffer area that applies to the Woody Hill Quarry and the ability for the quarry to expand (either to the north or the east);
- The blast buffer to the Woody Hill Quarry; and
- The future residential area buffer to the Phillips Quarry.

115. I consider these issues in detail, within the context of the policy that applies to quarrying activities.



The Policy Context for Quarrying

116. Within the Whittlesea Planning Scheme, Clause 14.03-1S 'Resource exploration and extraction' has the following objective:

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

117. The accompanying strategies broadly seek to (inter alia):

- *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.*
- *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 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 caused by the extractive activities.*
 - *Performance standards identified under relevant legislation.*
 - *Types of activities within land zoned for public use.*



118. The Extractive Industry Interest Areas (the EIAs) Review are listed as policy documents at this clause. The EIAs are areas which have been identified as potentially containing natural resources that could be extracted.²¹ The Shenstone Park PSP is within an EIA.
119. Broader State policy at Clauses 13.07-1S 'Land use compatibility' and 13.06-1S 'Air quality management' seek to protect community amenity and health and safety while facilitating appropriate commercial, industrial or other uses with potential off-site impacts. Supporting strategies seek to avoid incompatible land uses, protect industry from encroachment by use or development that would compromise its ability to function safely and effectively and to ensure that there is suitable separation between land uses that reduce air amenity and sensitive uses.
120. The *Recommended separation distances for Industrial residual air emissions* (EPA Publication No. 1518) is a policy document at these clauses. It recommends separation distances of 500 metres for a quarry with blasting and 250 metres for a quarry without blasting.
121. At a local level, Clause 21.06-3 'Resource exploration and extraction' has an objective:
- To safeguard the amenity and environment of land surrounding extractive industries.*
122. The accompanying strategy seeks to:
- Provide appropriate separation distances, or buffers between extractive industry operations and sensitive uses on nearby land.*
123. There is a range of other relevant strategic planning and policy documents that apply to the consideration of these quarries. These include:
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy;
 - North Growth Corridor Plan;

²¹ The EIAs do not represent an approval to extract stone resources, but rather an indication that natural resources are likely to be present within the interest area.



- Getting the Groundwork Right – Better regulation of mines and quarries;
- Helping Victoria Grow – Extractive Resources Strategy;
- The Joint Ministerial Statement on Extractive Resources; and
- Extractive Resources in Victoria, Demand and Supply 2015-2050.

124. I have considered these documents in preparing my evidence.

125. In particular, Policy 1.4.2 of Plan Melbourne seeks to:

Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs.

126. The policy further states:

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

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

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



127. The North Growth Corridor Plan identifies the Woody Hill and Phillips Quarries. It includes buffer areas around the quarries as areas for industry or non-urban uses, including utilities.
128. The *Growth Corridor Plans – Managing Melbourne's Growth* includes recognition of the significant mineral and quarrying resources within growth corridors. It recognises that these quarries and their buffers need to be maintained from the working surface of all quarries to ensure efficient and cost-effective quarrying and transport to the market.²²
129. In 2016, the State Government commissioned PwC to prepare the *Extractive Resources in Victoria, Demand and Supply 2015-2050 study*. The study identifies that demand for resources is expected to nearly double by 2050. The Whittlesea municipal area is identified as being within the Top 20 strategic resource local government areas.
130. *Helping Victoria Growth: Extractive Resources Strategy* was developed by the Department of Economic Development, Jobs, Transport and Regions (DEDJTR) in June 2018. Its intent is to ensure that high quality extractive resources continue to be available at competitive prices to support Melbourne's growth. The objectives of the strategy are to:
- *Take immediate short-term action to ensure a sufficient supply of extractive resources is available to meet Victoria's immediate infrastructure construction requirements.*
 - *Provide secure and long-term access to extractive resource areas of strategic importance to the State.*
 - *Maintain and improve Victoria's competitiveness and provide greater certainty for investors in the extractives sector.*
 - *Prioritise and implement improvements to streamline regulatory approval processes in the short-term.*

²² Growth Corridor Plans – Managing Melbourne's Growth, Section 3.7.4.



- *Raise community understanding about the role of extractive resources in supporting Victoria's growing population and build confidence in the regulatory performance of the sector.*
- *Encourage leading-practice approaches to sustainability, environmental management and community engagement.*
- *Encourage and support innovation in exploration, extraction and the end use of landforms after quarrying.*

131. The Joint Ministerial Statement on Extractive Resources (July 2018) implements some of the priority actions identified in Helping Victoria Grow and gives effect to the recommendations of the Commissioner for Better Regulation in her report Getting the Groundwork Right: Better regulation of mines and quarries.

132. The Joint Ministerial Statement seeks to assist quarries to keep operating and new sites to develop alongside growing suburbs and communities by committing to six actions, which are:

- *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; and*
- *Reduce the environmental impact of quarrying and deliver landscapes for the community.*

133. The Joint Ministerial Statement establishes a 'Hot List' that identifies quarries as strategic sites, because they contain significant accessible resources well located to markets, among

other considerations. The Joint Ministerial Statement seeks to halve approval times for the establishment and expansion of these quarries.

134. The Woody Hill Quarry (Works Approval WA492) is identified on the Hot List.²³

The identification of the Quarry land

135. The policy context I have set out above provides significant support for the protection of quarrying resources, particularly where these resources are existing, are identified as being of strategic importance and have good access to markets.



View towards Woody Hill Quarry from Langley Park Drive

²³ Joint Ministerial Statement on Extractive Resources, p. 9. See also: <https://earthresources.vic.gov.au/projects/extractive-industry-priority-project-list>



136. The Woody Hill and Phillips Quarries have been appropriately identified within this PSP having regard to this context. I accept that the Woody Hill Quarry is a particularly significant resource, having been identified on the 'Hot List' in the Joint Ministerial Statement.
137. The Future Urban Structure Plan within the PSP identifies both quarries and protects the opportunity of the Woody Hill Quarry to expand (I turn to its expansion later). The Future Urban Structure Plan has sought to protect these facilities by identifying that land within the buffer for industrial and utility purposes. This is appropriate to ensure that the quarry's operations are protected consistent with and the intent of policy at Clause 14.03-1S is met.
138. The key questions that arise for this PSP in relation to the strategic basis for identifying and protecting the quarry land are:
- The manner in which the PSP responds to the ability of the Woody Hill Quarry to expand – either to the north or the east; and
 - The amenity and blast buffer protections and distances.
139. These issues are interrelated, as the amenity buffer has an impact on the ability of the quarry to expand northward.

The ability for the Woody Hill Quarry to expand

140. The operator of the Woody Hill Quarry seeks to extend the extraction area of the quarry both generally to the south²⁴ and to the north and east²⁵.
141. The proposed northerly expansion would place the extraction limit of the Woody Hill Quarry within approximately 448 metres of the northern side of Donnybrook Road and approximately 475-500 metres of area identified for residential development (some of which is under construction) within the Donnybrook-Woodstock PSP area, as identified in the aerial photograph below.

²⁴ Under a variation to Work Authority WA492. This work plan variation is listed on the Extractive Industry Priority Project List (formerly known as the Hot List).

²⁵ As identified on the work plan for WA006437.





Aerial photograph showing the Woody Hill Quarry (in the southern portion) and new residential development to the north of Donnybrook Road (source: Nearmap)

142. The quarry is a significant state resource and is on the 'Hot List'. This is acknowledged by the explanatory report to this amendment. The North Corridor Growth Plan also recognises its strategic significance and the need for it to be planned for.
143. Policy at Clause 14.03-1S 'Resource exploration and extraction' generally supports the long-term protection of this resource and the opportunity to extract it where it is consistent with overall planning considerations.
144. I consider that this is a significant resource and that it should be able to be extracted. However, this must be done within the parameters of the applicable planning framework.
145. Policy at Clause 14.03-1S and Clauses 13.06-1S and 13.07-1S support the separation of land uses where adverse amenity impacts are likely to occur.



146. The EPA Publication No. 1518 sets out a recommended buffer distance of 500 metres for quarries with blasting activities. The *Shenstone Park Precinct Structure Plan Background Report* nominates buffer distances for the Woody Hill Quarry in the order of the following:

- *Blast buffer (200m)*
- *Sensitive use buffer (550m directional)*
- *Expansion noise buffer (600m)*
- *Existing operations noise buffer (900m).*²⁶

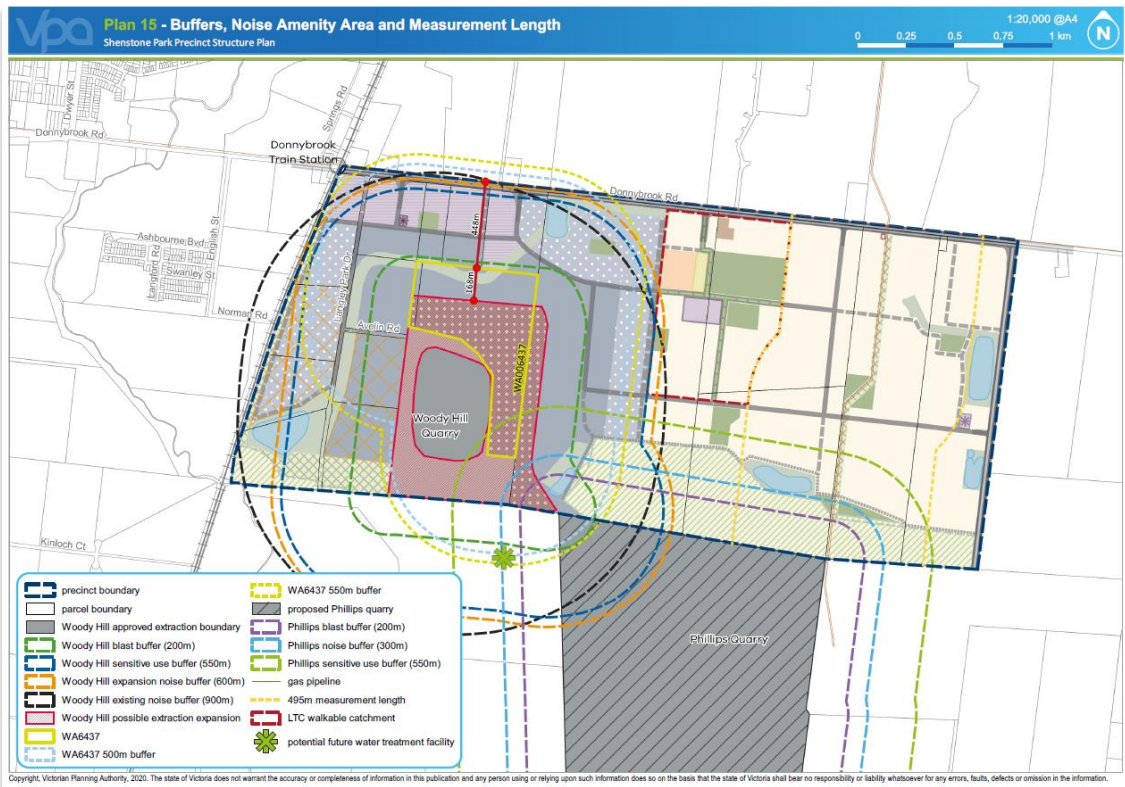
147. These buffer distances have been informed by the *Impact Assessment Report for the Shenstone Park Precinct Structure Plan* prepared by GHD and are reflected on Plan 15 within the PSP. Particularly, the adopted sensitive use buffer incorporates the blast vibration buffer identified within the GHD assessment²⁷.

148. I asked the VPA to prepare a diagram which outlined the extent of buffer distances that would be required, in the event that the Woody Hill Quarry was expanded to the northern extent proposed by operator under the work plan for WA006437.

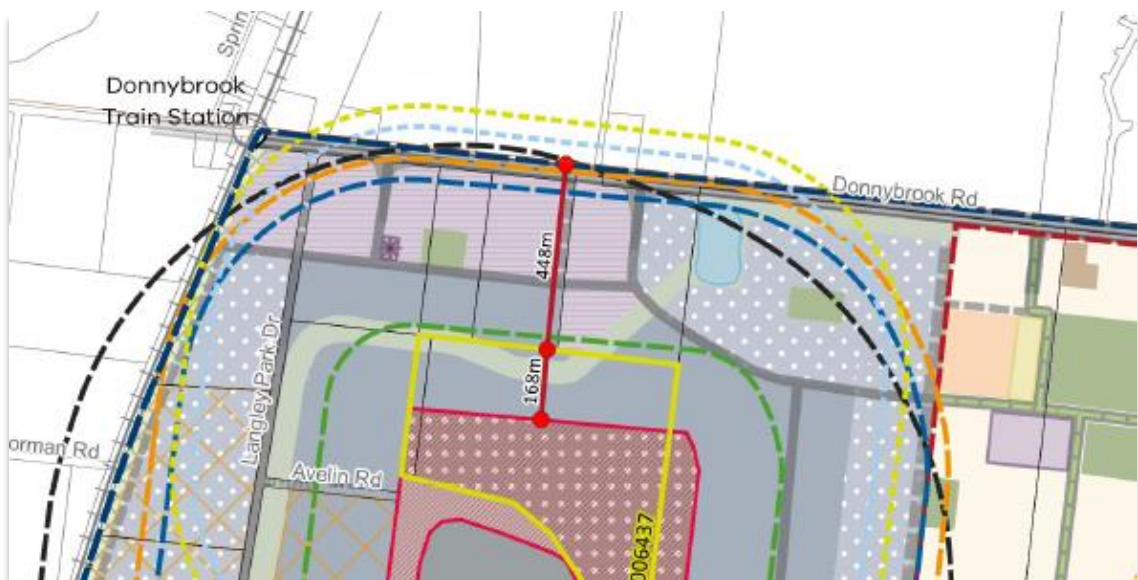
²⁶ Shenstone Park Precinct Structure Plan Background Report, p. 23.

²⁷ The calculation and justification of these buffers is outside of my area of expertise.





Plan 15 – Buffers, Noise Amenity Area and Measurement Length, with annotations for WA006437 (source: Victorian Planning Authority)



Extract of annotated Plan 15 – Buffers, Noise Amenity Area and Measurement Length, with distance to northern side of Donnybrook Road annotated and 500 metre buffer (light blue outline) and 550 metre buffer (light green outline) shown highlighted



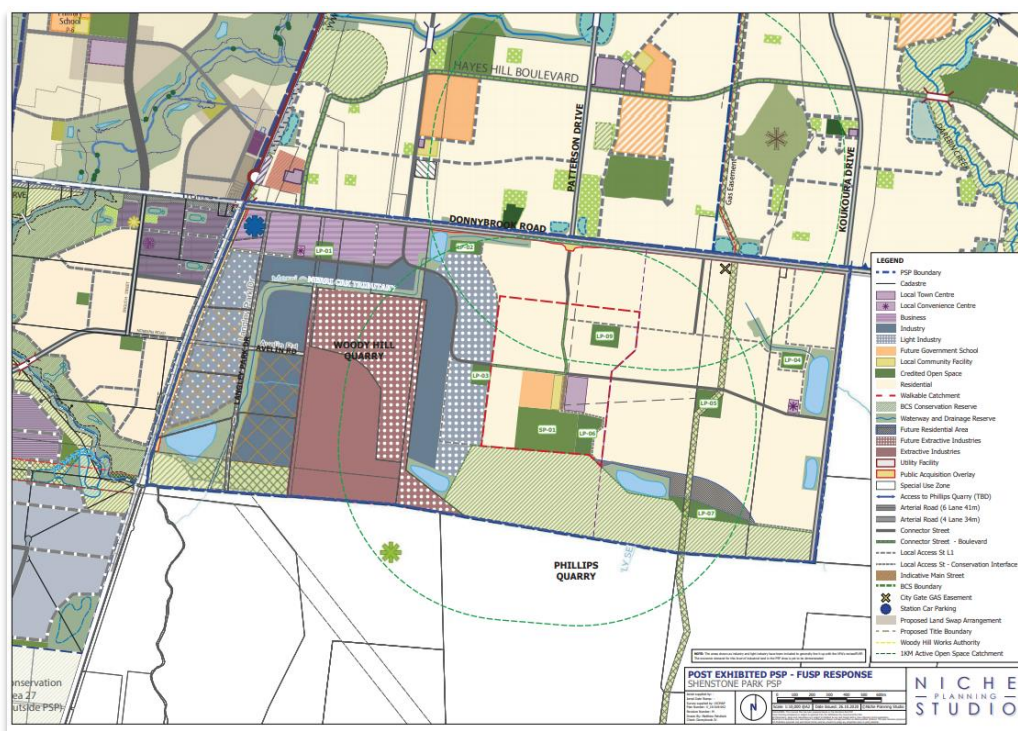
149. The annotated plan demonstrates that the buffer extends north of Donnybrook Road, for a distance of approximately 102 metres (to the 550 metre buffer). This encroaches into land containing approved residential subdivisions (some of which have commenced construction).
150. EPA Publication No. 1518 and the *Joint Ministerial Statement* advance the agent of change principle for managing land use conflict and buffer areas. On my reading of EPA Publication No. 1518, the quarry would be the agent of change, if it seeks to extend its operations beyond its existing licence area.
151. This would require the quarry to plan for its expansion in a manner that limits its impacts on approved residential development on the northern side of Donnybrook Road. In my view, this approach is also consistent with policy at Clause 14.03-1S, which seeks to ensure that permit applications should clearly define buffer areas, which are to be owned or controlled by the proponent of the extractive industry.
152. The presence of the approved residential development on the northern side of Donnybrook Road (with the Donnybrook-Woodstock PSP area) limits the expansion of the quarry in a northerly direction.
153. I note that the Panel for Amendment GC28 (which considered the Donnybrook-Woodstock PSP) did not hear any submissions that a potential land use conflict existed or that residential development within Donnybrook-Woodstock would encroach into the buffer area for the quarry (or its potential expansion). Relevantly, Amendment GC28 was gazetted *prior* to the statutorily endorsed work plans for the extension of the Woody Hill Quarry.
154. The role of the planning framework at this stage of the process is to reconcile land use conflict, where the potential exists for such conflict to occur. I accept that there is clear policy support to protect the opportunity to extract the quarry resource, but this must be considered in the context of existing development and sensitive land uses.
155. There is a risk that the expansion of the quarry to the north has the potential to result in land use conflict, by virtue of residential land being within the buffer area.



156. I observe from the endorsed plans of some permits for land on the northern side of Donnybrook Road, that an internal road network will provide some separation. The road network (including Donnybrook Road and the southern internal roadway within the Donnybrook-Woodstock PSP) could form part of the buffer area. If they were to be included, then the extent of encroachment into the buffer is more in the order of say 50-75 metres.
157. If the quarry were to expand to the north, it will need to manage land use conflict in accordance with the agent of change principle. This may limit the extent of land that can be quarried to the north or it may require an amendment to the planning scheme to expand its buffer in the future. In my view, the VPA's position (given the information before it) has appropriately recognised the limitations on quarrying to the north.
158. In terms of the easterly expansion of the quarry, I note that the VPA proposes extending the area that can be quarried to the east, beyond the boundary of land currently controlled by the quarry operator and where an appropriate buffer can be maintained.
159. That response may present some challenges to the quarry operator in terms of acquiring land for the purpose of quarrying and raises other issues (such as fairness and certainty as well as requiring input from the quarry operator and the adjoining landowner). Nevertheless, it may present an acceptable planning outcome that appropriately allows for the extraction of an important resource. Clearly, if sensitive uses are allowed to encroach further west towards the quarry, then the likelihood is that the existing resource will be lost. That is a strategically undesirable result given:
- The existing strategic support for the quarry;
 - The fact that the quarry currently exists and the operation is 'approved'; and
 - The strategic profile for this PSP, which calls for a mixture of residential and employment land.
160. The alternative, presumably, is to curtail the expansion of the quarry to facilitate sensitive uses in the quarry environs now or in the future. In my view, there is a planning logic in (a) planning for the exploitation of this significant resource and (b) using the quarry buffer land

for employment purposes or other uses that are compatible with the purposes of the buffer. In saying that, it may be that this opportunity is not fully realised in the short, medium or even long term (perhaps because there are other employment precincts that are closer to the action and have the economic momentum behind them to out-compete land at Shenstone Park). As I have previously said, it is strategically acceptable to plan for a short, medium and long term horizon.

161. I understand that the affected landowner²⁸ to the east has put forward its preferred Future Urban Structure Plan (FUSP), which I reproduce below. Below that, I have reproduced the VPA's preferred FUSP. The main differences occur to the east of the Woody Hill Quarry, where there is (essentially) less land identified for industry and light industry and more for residential (insofar as it affects the DJV land).

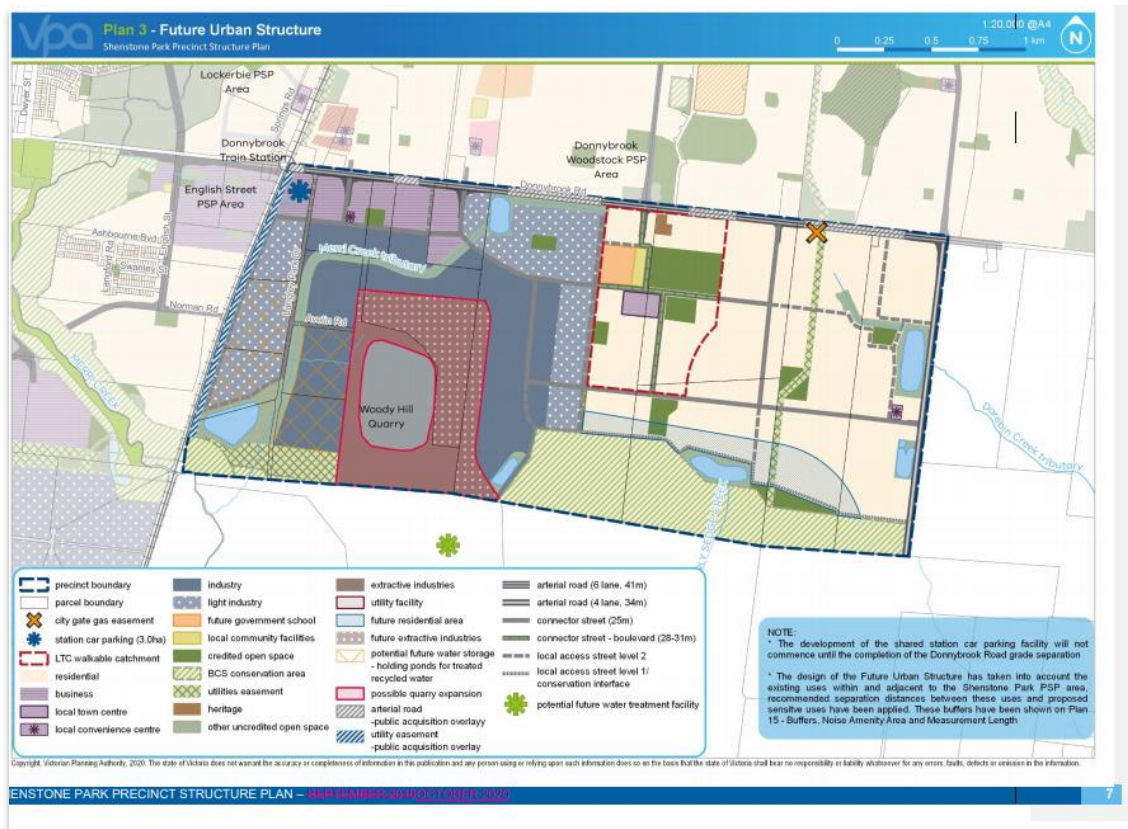


Above: DJV preferred FUSP²⁹

²⁸ Donnybrook Joint Venture

²⁹ I make no comment on the urban design merits of either plan.





Above: VPA Preferred FUSP

162. Dr Spiller will be called by the VPA to give evidence in respect of industrial and commercial land supply and demand and I am not qualified to add to that debate³⁰. However, what I would say is that:

- Strategic planning has consistently identified this PSP area as containing a mixture of land uses.
- There is planning merit in providing employment land close to housing.
- Both the VPA and DJV options contemplate a land use mix, but do not agree on the 'boundaries'.

³⁰ Economic evidence will also be called by other parties. I have read Dr Spiller's evidence.



- The presence of the Woody Hill Quarry is relevant as is the planning approval of the Phillips Quarry.
- Woody Hill and the Phillips Quarry have a long life expectancy, and both comprise good quality resource.
- A slow take up rate for commercial / industrial land is a factor to consider but is not determinative.
- The land identified for commercial and industrial purposes need not be the 'best' commercial or industrial land in the region. There may be industrial areas (existing or proposed) that are 'better'.
- The land identified for commercial / industrial purposes needs to be suitable for that purpose. I see no reason why it would be unsuitable.
- It is common for buffer land to be included in a zone that facilitates activities compatible with the buffer's purpose.

163. It follows that I also generally support the strategic planning approach taken by the VPA in relation to the Woody Hill Quarry, as outlined on Plan 15 of the PSP.

The Blast Area Buffer to the Woody Hill Quarry

164. Plan 15 within the PSP identifies a 200 metre blast buffer for the Woody Hill Quarry. The Schedule to the Urban Growth Zone includes a specific provision that outlines:

No buildings within Woody Hill Blast Buffer

The construction of a building (not including a temporary building, a building associated with a minor utility installation, 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.



165. The Background Report notes the reason for the buffer is that:

More specifically the buffers prohibit most development within 200m from the expanded extraction boundary to mitigate against safety issues from fly-rock and vibration (the blast buffer). Given this, it is expected that the industrial land uses that are designated generally within the northern and eastern sections of the blast buffer would only develop in the long term when extractive operations have contracted and/or been completed.³¹

166. Some submitters have identified that this restriction will severely constrain the ability to develop their land within the buffer area in the medium term. Further, some submitters outline that fly rock is supposed to be managed within the quarry property boundary. The Council questions whether another planning control would be more appropriate to deal with the restrictions. The Council's proposed control is ultimately more permissive than the approach taken by the PSP and ordinance.

167. I am not an expert on vibration and fly rock associated with quarry blasting. However, from a land use planning perspective, I am cognisant of the need to restrict development within a quarry blast buffer. These issues are well ventilated within the Panel report on Amendment C162 to the Melton Planning Scheme (Mt Atkinson and Tarneit PSP).

168. There is general policy support for the approach in Clause 14.03-1S 'Resource exploration and extraction', which seeks to develop and maintain buffers around quarrying activities and determine buffers based on appropriate limits on effects.

169. The submission of Yarra Valley Water (YVW) questions the appropriate location of the blast area buffer boundaries and says that this should be clarified with Barro Group, as this is not identified in its submission.

170. I note that the Quarry Impact Assessment Addendum prepared by GHD provides the justification for prohibiting buildings within the buffer area. I also recognise that such an approach was taken in Mt Atkinson, supported by the Panel and ultimately gazetted. I do

³¹ Shenstone Park Background Report, September 2019, p. 22.





not say that simply because a similar approach was appropriate there, it is appropriate everywhere. However, if the assumptions around vibration, fly rock and blasting are true, it is a good idea for the planning scheme to address the issue.

171. A cautious approach to this issue is warranted and I support the prohibition of buildings (with minor exemptions) within the quarry blast buffer area and the need to mitigate the impact of fly-rock at the receptor end. However, the comments of YVW regarding the blast buffer area should be investigated and clarified. This is significant, because although 'works' are not proposed to be prohibited, I wonder whether infrastructure such as water storage basins could be adversely affected by vibration from blasting or being struck by fly-rock?
172. In terms of what activities might be appropriate within the blast buffer for a period when buildings are not permitted, these could allow for other uses to be established in the medium term – including Materials recycling and outdoor recreation provided they can be done safely.
173. I agree with submitters that the ordinance should sunset the restriction when quarrying activities cease. Buffers, by their nature, should be dynamic. It is appropriate for the planning scheme to be amended from time to time to update the buffer distances, based on the area identified for active quarrying activities, including blasting. The mechanism for achieving this should be explored appropriately and perhaps similar text to R20 would assist.

The Future Residential Area Buffer from Phillips Quarry

174. The Future Urban Structure Plan shows a blue hatching over part of land at 960, 1100 and 1150 Donnybrook Road. The hatching identifies the land as 'future residential area'. This designation relates to Requirement R20³² within the PSP, which says:

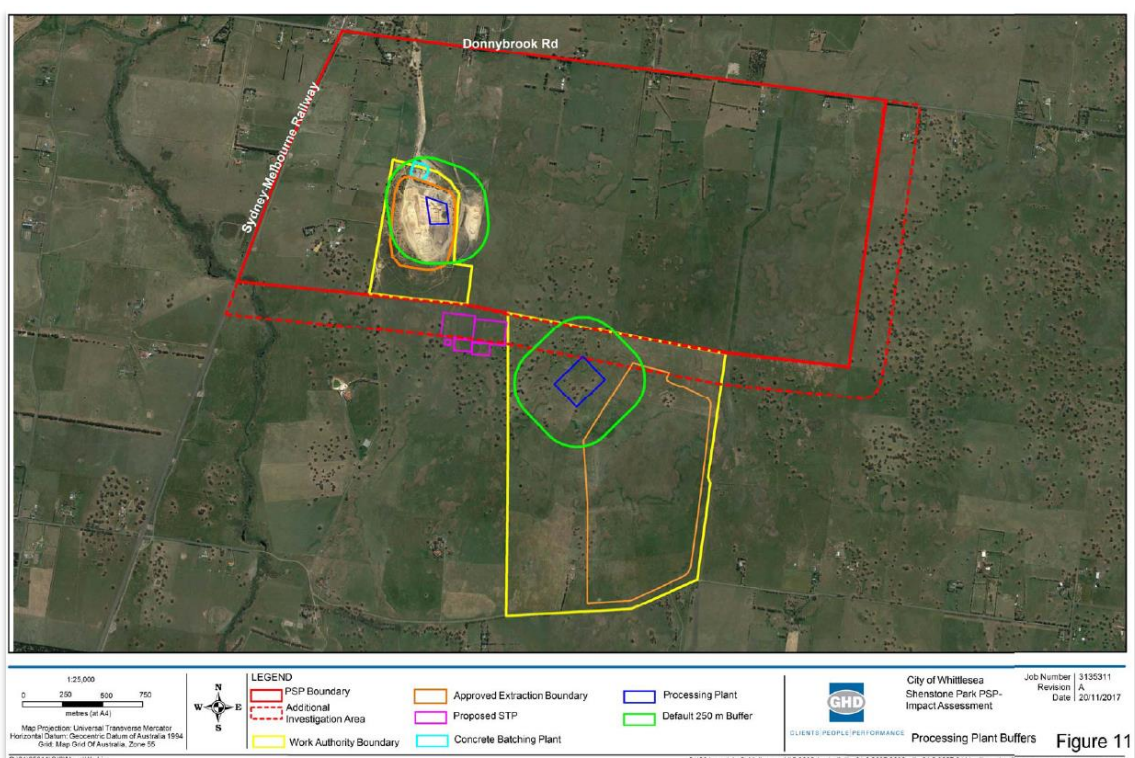
Development (including subdivision) is not permitted in the "future residential area" identified on Plan 3, until such time as DJPR determines that the earth resources in

³² It is listed as Requirement R20 in Document 25a Track Changes Panel Version of the PSP. In the original PSP, this requirement is listed as R19.



the Phillips Quarry have been extinguished, or that the sensitive use buffer is no longer required.

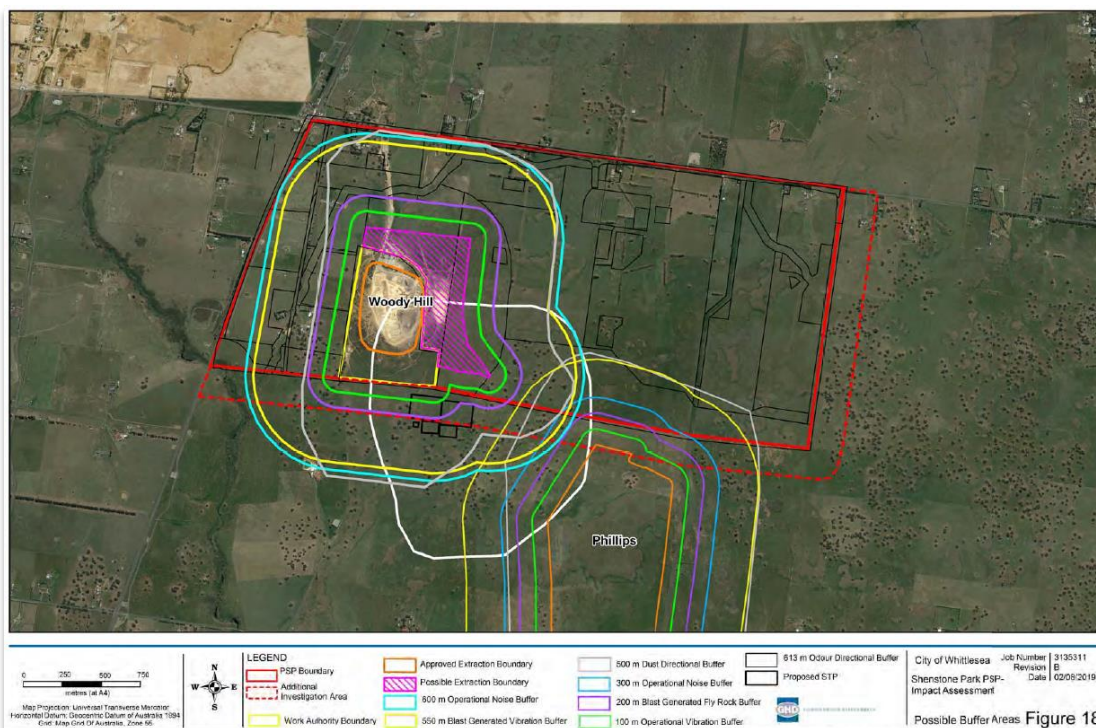
175. This 'buffer' is informed by a technical report prepared by GHD. It identifies a Work Authority Boundary and 'Approved Extraction Boundary' (with an additional 100 metres added to the north) for the Phillips Quarry, as identified below.³³



Work Authority Boundary – Proposed Phillips Quarry and existing Woody Hill Quarry

176. The addendum to that report identifies various buffer distances (including a 500m dust directional buffer) that is largely taken from the approved extraction boundary for the Phillips Quarry (as identified below).

³³ I note that the boundary for Phillips Quarry is identified further to the north in materials that have been provided to the Panel by the quarry permit holder.

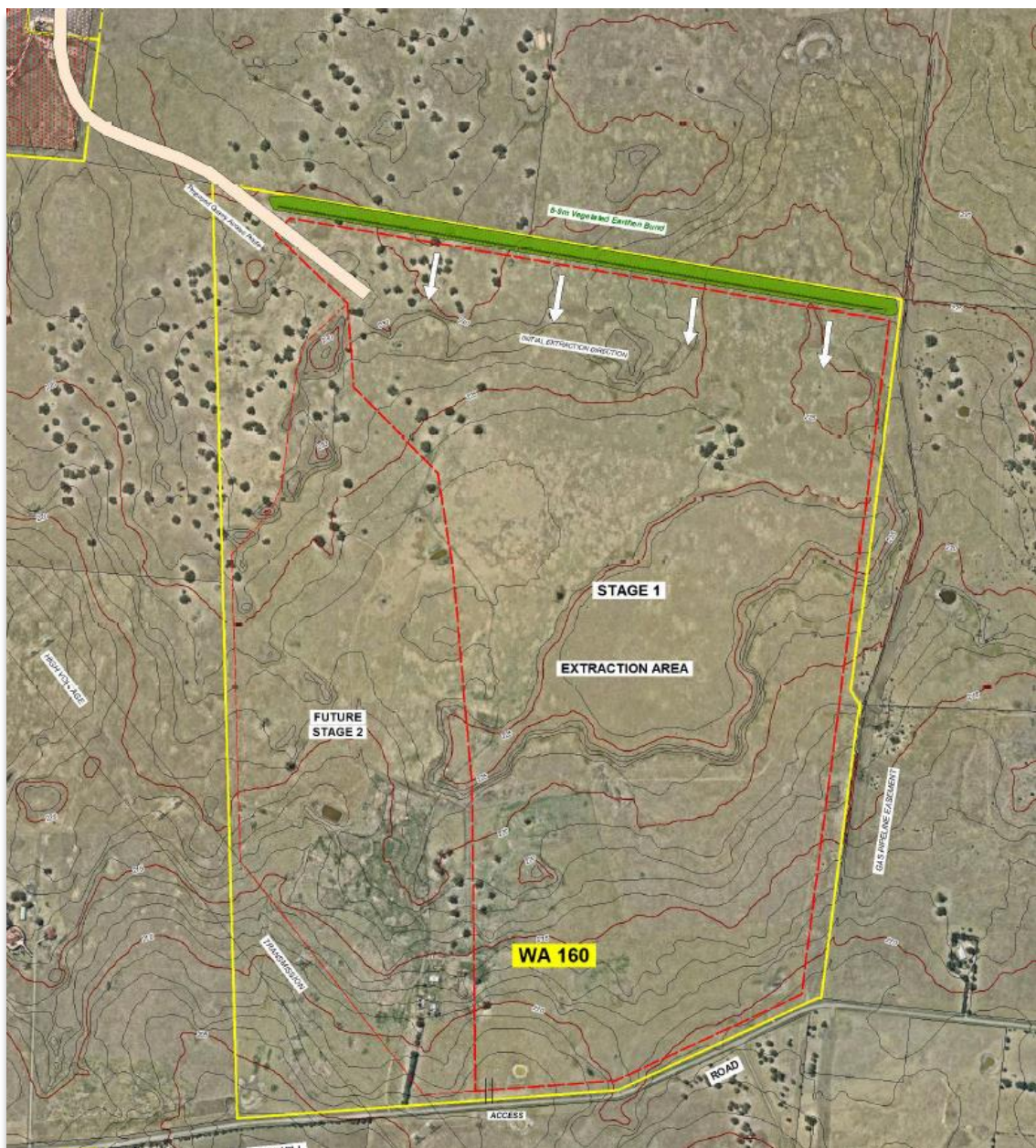


Possible Buffer Areas Plan (source GHD)

177. As I understand the position, some submitters consider that the GHD report outlines a more appropriate buffer (based on previously assumed extraction limits) than that outlined in the PSP, which applies a buffer slightly further to the north.
178. EPA Publication No. 1518 'Recommended separation distances for industrial residual air emissions' identifies that separation distances (or buffers) should generally be taken from a polygonal envelope of potential emissions sources. GHD has utilised this method to develop buffers based on 'existing and approved extraction boundaries for the two quarries rather than the Work Authority Boundary'.³⁴
179. The Phillips Quarry is not subject to a Work Authority. Work Authority WA160 previously applied to the land but was surrendered after Barro Group obtained rights to the quarry. A planning permit allowing for the use and development of the land for stone extraction is still valid and was last renewed in 2019. The Barro Group has provided documents to this Panel

³⁴ GHD report, p. 40.

proceeding, which outline that it generally seeks to apply an extraction boundary close to the northern extent of the Phillips Quarry (and the southern extent of the PSP area).



Site Plan for Phillips Quarry (source: Annexure to Document 18 in these proceedings)

180. In this regard, there is some uncertainty about the future operational profile of the Phillips Quarry, although the quarry operator has said that it will start to extract the resource from as close to the northern boundary as possible and then move in a southerly direction. The




VPA has adopted a cautious approach by maximising the buffer extent, in the absence of a detailed Work Authority.

181. In general, I support a conservative approach to buffer extents being adopted for strategic planning purposes and the later refined as more information is known about the proposed operations.
182. However, the Phillips Quarry raises genuine questions as to whether the extent of the proposed buffer meets the objectives of the Planning and Environment Act 1987.
183. On the one hand, the Phillips Quarry is identified on the North Growth Corridor Plan. This recognises the need to appropriately plan for the extraction of the resource within the quarry. In this regard, it would be reasonable to adopt a buffer to protect the resource and strategic planning for the precinct should be undertaken in a manner consistent with the North Growth Corridor Plan. It is also logical to apply a conservative buffer to protect the maximum extent of the resource that can be extracted.
184. On the other hand, there is no Works Authority for the Phillips Quarry. Barro Group has indicated that the quarry has an operational life of 50 years but has not provided a detailed timeframe for resource extraction (that I am aware of at least). It is, however, relevant that a planning permit is still valid for the extraction of the resource. And the land is zoned for this purpose³⁵. The effect of the requirement in the PSP is to prevent residential land within the buffer until circumstances change (presumably when the resource has been extracted).
185. Turning to the Objectives of the Act, it would certainly not be 'orderly' to allow for residential development to occur in the short term within the buffer area of the Phillips Quarry. This has the potential to cause land use conflict and/ or to impede the quarry's ability to extract the resource. This approach be inconsistent with Clause 14.03-1S.
186. However, on the other hand, it would also not be 'fair' to blight the land within the buffer for an unspecified length of time with no certainty that the resource would be extracted and

³⁵ A Purpose of the Zone is 'to recognise or provide for the use and development of land for earth and energy resources industry'. Another Purpose is to encourage land management practice and rehabilitation that minimizes adverse impact on the use and development of nearby land'.





with no certainty around the review process to change the extent of the buffer. I think that this situation (in planning terms at least) can be contrasted with the Woody Hill Quarry, which is an operating quarry.

187. While I consider it is appropriate to protect the resource and the maximum extent of its buffer, my support for this approach is not unequivocal. The ordinance and the PSP need to recognise that if quarrying or approvals for quarrying do not commence in a reasonable amount of time, there needs to be a mechanism to allow for some adjustment. Notionally, R20 allows for this to be achieved to some degree, in the event that the buffer was “no longer required”. However, it leaves the decision solely at the discretion of the DJPR. I do not think it is appropriate for DJPR to be the sole arbiter of that decision and that a different strategic process of reviewing the buffer should be undertaken periodically – over a period of every 10 years, for instance.
188. This review should consider the rock resource, the strategic need to protect the resource and review any demand for housing within the northern growth corridor.
189. Alternatively, the ordinance could be amended to allow the responsible authority to approve housing within the buffer area, after a certain period of time, in consultation with DJPR, but with the responsible authority having the discretion.
190. Subject to these comments, I support the VPA’s position.

2.6 Is the extent of employment related land within the PSP strategically justified?

191. I am not qualified to comment on land supply or land economics matters. I understand that Dr Spiller will give evidence about employment land within the precinct.
192. From a town planning perspective, my consideration of the strategic justification for the employment land is informed by the Retail and Employment Needs Economic Assessment for the precinct prepared by Ethos Urban, Plan Melbourne 2017-2050, MICLUP and the North Growth Corridor Plan.



193. The designation of the western half of the PSP area for industrial and commercial development is consistent with aspirations outlined within the North Growth Corridor Plan, Plan Melbourne and, more particularly, MICLUP.
194. The North Growth Corridor Plan has identified land in the western half of the precinct for industrial or commercial purposes. On my reading of the PSP, the extent of commercial and industrial land is remarkably aligned to the land set aside within the Growth Corridor Plan.
195. Earlier in my evidence, I set out the context that Plan Melbourne and MICLUP provided for this PSP area. MICLUP, particularly, identifies that the industrial land within this precinct is future regionally significant industrial land. It is strategically located between other State Significant Industrial Precincts, including the Beveridge Intermodal Freight Terminal and the Northern State Significant Industrial Precinct. The land has good access to the arterial road and freeway network, rail, Melbourne Airport and the Port of Melbourne.
196. These are important strategic benefits and advantages to setting aside this land for commercial and industrial opportunities.
197. It is also clear that a significant part of the PSP area is constrained in its ability to provide for residential development, on the basis that land use buffers are required within proximity of the Woody Hill and Phillips Quarries.
198. Resolving land use conflict and separating incompatible land uses is a key function of any strategic planning exercise, such as the precinct structure planning process. Relevant policy within the Whittlesea Planning Scheme and EPA Publication No. 1518 seek to avoid land use conflict and to separate sensitive land uses (such as dwellings) from uses with adverse amenity potential, such as the quarries.
199. Beyond the land economics and strategic support for the designation of industrial and commercial land within MICLUP and the North Growth Corridor Plan, the buffer areas required for the Woody Hill Quarry in particular are a significant barrier to providing more residential (or rather, non-commercial or industrial) land within this PSP area. I consider





that that barrier is reasonable, because of the strategic support that is afforded to the quarry that I have outlined earlier in my evidence.

200. The other part to the land use conflict principle is that it is appropriate for ‘compatible’ uses to be located within the buffer of the quarries. Industrial and light industrial land uses are entirely appropriate within these buffer areas (although not within the blasting buffer areas during the life of blasting activities), as industrial land uses are not as sensitive to the impacts of quarry operations as residential or other sensitive land uses.
201. Clause 11.02-1S ‘Supply of urban land’ 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 ‘plan for projected population growth over at least a 15 year period’. Unlike residential land, the strategy is silent on how to calculate commercial / industrial land supply.
202. A strategic choice has been made to provide commercial and industrial land at this location. I consider that this approach is consistent with strategic directions outlined in the North Growth Corridor Plan, Plan Melbourne and MICLUP. It is also an effective way to manage land use conflict within the precinct, that ensures the protection of the quarry resource.

2.7 Are the provisions applicable to development within the pipeline measurement length are appropriate?

203. Two gas transmission pipelines run in a north-south direction through the PSP (within the one easement) – the Keon park – Wodonga West pipeline and the Victorian Northern Interconnect Loop 1 pipeline.

Use and Development within the Measurement Length

204. APA Group has responsibilities to manage the pipeline assets. The exhibited PSP identified a measurement length³⁶ of 590 metres from the gas pipelines, accounting for the larger separation distance required by the Northern Interconnect Loop 1 pipeline. Subsequently,

³⁶ Measurement is defined by AS2885 as a heat radiation zone associated with a full-bore pipeline rupture.





a Safety Management Study has been prepared, which adopts a measurement length of 495 metres, as reflected in the current Buffer Plan.

205. The Future Urban Structure Plan seeks to limit residential development densities within the measurement length, by seeking to remove the 'walkable catchment', where the Residential Growth Zone is to be applied, from land within the measurement length.

206. This is also accompanied by a new objective (Objective 24) which seeks to:

Ensure sensitive land uses (as defined by Australian Standard 2885.1-2012 are located outside the measurement length of the high pressure gas transmission pipeline where possible and that construction is managed to minimise risk of adverse impacts.

207. This objective is reflected in the land use table within the UGZ7 schedule, which requires a planning permit for the following uses, irrespective of the underlying zone, where they are located within the measurement length:

- Accommodation (other than a dwelling);
- Place of worship; and
- Residential aged care facility.

208. The General Residential Zone (as the applied zone within the measurement length) also requires a permit for uses identified in the APA Group submission as being sensitive, including:


- Education centre (including Childcare centre, Primary and Secondary schools);
- Hospital;
- Place of assembly; and
- Service station;



209. Other sensitive uses in the context of gas pipelines (such as Retail premises and Cinema based entertainment facility) are prohibited.
210. There is also an application requirement for subdivision applications within the gas easement to prepare a Safety Management Study and a requirement for a condition on permits relating to a gas pipeline construction management plan.
211. There is strong policy support for the protection of gas pipeline infrastructure in the Whittlesea Planning Scheme. Clause 19.01-3S seeks to 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. Strategies relevantly seek to:
- Recognise existing transmission-pressure gas pipelines in planning schemes and protect them from further encroachment by residential development or other sensitive land uses unless suitable additional protection of pipelines is provided.*
212. There is a health and safety risk that must be managed. The PSP and UGZ have been drafted to ensure that higher density residential land uses and other sensitive uses are directed outside of the pipeline measurement length. Where development is proposed within or in proximity to the gas easement, a Safety Management Study and Construction Management Plan are required.
213. This amendment's response is consistent with the objective of Clause 19.01-3S, which seeks to minimise risk to people. In my view, the provisions have been appropriately drafted to manage the risk that the pipelines and the associated measurement length present.
214. The approach also generally aligns with the approach that has been taken in other PSP areas, such as Plumpton and Donnybrook-Woodstock, immediately to the north of this PSP area.³⁷

³⁷ I note that UGZ6 does not, however, require a permit for Accommodation under a specific provision. Some uses nested under Accommodation require a permit in the applied zone, while others do not.





215. While I support the approach, I consider that improvements could be made to the drafting of the UGZ7 schedule. I make comments later in my evidence about this aspect of the amendment.

The Notice Provision

216. The amendment proposes to make the pipeline licensee a notice authority in the Schedule to Clause 66.06. I am aware that APA Group's submission is that it would prefer to be nominated as a recommending referral authority under the Schedule to Clause 66.04.

217. Planning Practice Note No. 54: Referral and Notice Provisions provides guidance on whether an entity should be listed as a referral authority or instead receive notice.

218. The Practice Note encourages an entity to be listed as a referral authority when its specialist or technical expertise is necessary for the responsible authority to make a decision. A further criterion recommends that referral requirements can apply to ensure that public assets are protected. The Practice Note considers that a section 52 notice requirement should be used when the comments or advice of the entity may influence a decision but the circumstances do not warrant their comments or advice directing the outcome of the application.

219. On the one hand, the licensee's views can assist in ensuring that the public assets are protected. Its specialist expertise may also assist the responsible authority in managing the risk in land use and development.

220. However, the UGZ schedule includes requirements which seek to manage the risk through requiring planning permits for use, restricting higher density development and setting application requirements and conditions for permits. I am also aware that the adopted practice of the Minister in these type of amendments has been to make the licensee a notice authority – and this practice currently applies to the Donnybrook-Woodstock PSP area immediately to the north of this PSP.

221. On balance, I think that it is appropriate for the licensee to be a notice authority.



2.8 Does the amendment appropriately identify the future land use for Yarra Valley Water's infrastructure?

222. The North Growth Corridor Plan identifies the potential sewage treatment plant located south of the Shenstone Park PSP area. Yarra Valley Water (YVW) has identified a need for a future sewage treatment facility within the northern growth corridor.
223. The exhibited Future Urban Structure Plan identified a potential sewage treatment facility located outside the southern boundary of the PSP, with additional land on either side of Langley Park Drive (within the PSP area) identified as 'Utility Facility'.
224. As I understand YVW's proposed concept for its operations, it is seeking to acquire land for a sewage treatment plant south of the PSP area, with recycled water then pumped from the facility to holding ponds, which are located within the PSP area for distribution within the northern growth corridor.

The Proposed Sewage Treatment Facility

225. The North Growth Corridor Plan identifies:

The provision of a new sewage treatment and recycled water plant is essential to allow for development of much of the Growth Corridor. A 50 hectare site (approximately) towards the southern end of Langley Park Drive, between Barro's Woody Hill quarry and the railway line has been identified as the best location for this facility. This location presents the opportunity to co-locate the sewage treatment plant within part of the buffer to the existing quarry.³⁸

226. The North Growth Corridor Plan shows the approximate location of the facility immediately west of the Woody Hill Quarry, with a notation that:

Boundary and size of Sewage Treatment Plant to be determined.

³⁸ Growth Corridor Plans – Managing Melbourne's Growth (GAA, 2012), Section 5.7, p. 74.



Extract of North Growth Corridor Plan, Note 3 relating to proposed Sewage Treatment Plant, Woody Hill and Phillips Quarries shown in brown

227. Locating the Sewage Treatment Plant in the original location identified within the Growth Corridor Plan does not appear to be possible, without causing an odour buffer to extend over residential land within the English Street PSP area. In any event, I acknowledge that this location is purely 'conceptual'.
228. Instead, the exhibited Future Urban Structure Plan showed a footprint for the Sewage Treatment Plant, generally south of the PSP area. I understand the exhibited location of the plant presents some challenges, in that it would potentially:
- Conflict with the blast area buffer of the Woody Hill Quarry;
 - Result in an odour buffer extending over part of 960 Donnybrook Road; and
 - Conflict with the biodiversity conservation area.



229. I also understand that YVW does not currently own land south of the PSP and therefore it is uncertain as to whether the land would ultimately be acquired by YVW, particularly given the challenges identified above.
230. In the PSP before the Panel, the Future Urban Structure Plan is modified to show a notation for the potential future water treatment facility, with no indicative footprint of the development.
231. It is appropriate that the proposed water treatment facility is identified in the PSP. It is critical infrastructure to support development within the northern growth corridor; it has a clear relationship with the southern interface of the PSP and it has a direct relationship with the potential future use of land on either side of Langley Park Drive. Moreover, policy and EPA Publication 1518 outlines that buffer requirements will apply for sewage treatment plants and these need to be considered by the agent of change.
232. The designation of this facility on the Future Urban Structure Plan will provide strategic support for the development of the plant, as critical infrastructure. It will also allow its associated buffer to be appropriately planned for in the future. Given the uncertainty of the exact location, size and operational profile of the plant, it would be difficult to calculate this odour buffer during the immediate implementation of this PSP.

The Langley Park Drive Land

233. The exhibited PSP showed land on either side of Langley Park Drive identified for a 'Utility Facility' associated with the water treatment facility.
234. The exhibited Schedule to the UGZ proposed to apply the Industrial 1 Zone as the applied zone for land identified as 'Industry and utility facility'. Under this zone, a Utility installation requires a permit. However, a Minor utility installation does not require a permit.³⁹
235. The FUS Plan replaces the identification of the land as a 'Utility facility' with "potential future water storage – holding ponds for treated recycled water" and underlays this hatching for

³⁹ In some circumstances, a sewage treatment plant and associated infrastructure can be considered to be a Minor utility installation.





such a use with designations for Industry (east of Langley Park Drive) or Light Industry (west of Langley Park Drive).

236. During this process, I understand Yarra Valley Water did not object to the potential alternative designation of the land, but preferred that the applied zone be the Public Use Zone 1 – Service and utility, instead of the Industrial Zones, on the basis that the use of land for a utility installation would not require a permit under the Public Use Zone and because the use and development would not be subject to public notice. Yarra Valley Water considered that requiring a planning permit would result in an outcome that increases the time, cost and uncertainty associated with establishing the water storage facility.

237. The amended Schedule to the UGZ that the VPA now relies on makes a Utility installation – where the applied zone is Industrial 1 or Industrial 3 a Section 1 use, where the following condition is met:

Must be on land identified as ‘potential future water storage’ which provides holding ponds for treated recycled water on Plan 3 in the incorporated Shenstone Park Precinct Structure Plan.

238. This addresses part of Yarra Valley Water’s concerns, as the use does not require a planning permit. However, by applying the Industrial 1 and 3 Zones, buildings and works associated with the use still require a planning permit⁴⁰. Relevantly, applications that are generally in accordance with the PSP are exempt from third party notice and review.

239. In terms of whether it would be more appropriate for the water storage basins to be within the Public Use Zone 1, the *Practitioner’s Guide to Victorian Planning Schemes* says:

Public land zones are not intended to identify the legal status of the land or indicate the existing land use. They are intended to set out appropriate statutory requirements that apply to the use and development of the land in addition to the relevant land management legislation.

⁴⁰ Clauses 33.01-4 and 33.03-4 require a permit to construct or carry out works.





Land should not automatically be in a public land zone just because it is public land.

...

A public land zone can be applied to public land where the surrounding zoning is inappropriate or where there is a special reason to separately identify the public land for planning purposes. This will commonly be where land management arrangements apply under legislation other than the Act.

A useful test in considering if a public land zone is appropriate is to determine if a public land manager needs some level of flexibility, protection or exemption that is different from the surrounding zone provisions because of the special nature of the public land or asset and its control (in a land use or management sense) under another Act. For this reason, public land zones should be applied in consultation with the relevant public land manager.

A public land manager should be able to use and develop public land for any purpose under the relevant land management legislation without the need for a permit. This is achieved by allowing many uses to be Section 1 within a public land zone, subject to the use being conducted by or on behalf of the public land manager or a specified public authority. These words should not be interpreted to allow a public land manager to have a blanket exemption within the zone to the extent that it could consent to any use or development by another party and have that use or development also automatically exempt from planning control.

...

Land that is not public land must not be included in a public land zone. Many public authorities established under Victorian legislation are government business enterprises that are commercial in nature. Where the public land use is essentially of a





*commercial or business nature (such as an office or the provision of services) or comprises a community facility, the surrounding zoning will usually be appropriate.*⁴¹

240. On the one hand, applying the Public Use Zone 1 (Service and Utility) (either by zoning the land accordingly or listing it as the ‘applied zone’ in the Schedule to the UGZ) would reduce the regulatory burden associated with establishing the plant and its water storage basins. The Public Use Zone would exempt both use and development from requiring a planning permit. This is an important consideration in a context where such facilities are critical community infrastructure that need to be established in a timely manner.
241. On the other hand, applying the Public Use Zone would limit the use of the land for alternative purposes (industry) in the event that the water treatment plant did not proceed. Any permit application would require the consent of the public land manager. Moreover, if the land were sold, it would need to be rezoned and that would place a burden on the landowner in the future.
242. The Practitioner’s Guide recognises that infrastructure such as this can be established outside of Public Use Zones. This use and development could be appropriately established within an Industrial Zone, although the implication of this approach is that the development of land would require a planning permit.⁴²
243. In my view, the regulatory burden for public utilities should be minimised, but this is not a ‘blank cheque’ for such uses and development to be exempt from permit requirements. The ordinary distinction within all standard (non-Public Use) zones between Minor utility installations and Utility installations is an important one. It recognises that there is a scale of Utility installations that should be exempt from requiring a planning permit in all circumstances (except if the facilities are located within the Public Conservation and Resource Zone), but larger scale facilities may require planning permission, depending on their situational context.

⁴¹ A Practitioner’s Guide to Victorian Planning Schemes, pp. 32-33.

⁴² Ordinarily, in the absence of the specific use provision in the UGZ schedule, the use of land would require a permit under these zones if it were a Utility installation.





244. The Public Use Zone is applied to many sewage treatment plants. In this regard, many of these facilities do not require planning permission for their operation or expansion. In some cases, these facilities are remote from uses where conflict might exist (e.g. sensitive uses) and facilitation under the Public Use Zone is appropriate. Greenfield structure planning provides another opportunity for the impact of these facilities on surrounding land uses to be appropriately managed and might provide circumstances where exemption from planning permission is appropriate.
245. In the present case, the proposed water storage basins would be located close to residential land in the English Street Precinct Structure Plan area. By my estimates, this is as close as approximately 70 metres. There is also some uncertainty about Yarra Valley Water's plans, including the layout and composition of the facility. Given this, identifying an alternative use for the land in the event Yarra Valley Water's plans do not eventuate may be appropriate.
246. On balance, I consider that it is appropriate to apply the Industrial 1 and Industrial 3 Zones as the applied zones for the water storage basins. This will allow the land to be used for alternative purposes with minimal regulatory burden in the event that the water storage basins are not pursued.
247. Water storage basins are compatible with industrial activity and can be facilitated in Industrial zones with a permit. Having considered whether the land should be in an industrial zone, I have turned my mind to whether a specific provision should be introduced to exempt the use and development of land for the water storage basins from requiring a permit, noting that the VPA proposes to make the use of land for this purpose exempt from a permit, but not the development.
248. I would be prepared to support such an exemption for the development of land if there was more certainty about what Yarra Valley Water intends to do on the land and other landowners and stakeholders had the benefit of that information. As I mentioned earlier, a degree of uncertainty currently exists around Yarra Valley Water's ultimate plans for the land, the extent of land required and how it would operate. While the use is broadly appropriate, I have not been provided with sufficient information that would allow me to





comfortably conclude that there will be no unacceptable impacts on the English Street Precinct Structure Plan area or that the proposal would be compatible with the quarry to the east.

249. In the absence of detailed information, it is appropriate for the development to require a planning permit, as this would allow the impact of the buildings and works to be properly assessed. I accept that this would potentially limit the 'use' elements from being considered, such as hours of operation, any odour generation etc. However, given that the use is for the storage of treated wastewater, my experience is that odour is likely to be minimal and the use itself is acceptable in a light industrial context.
250. In terms of the development requiring a permit, I consider this is appropriate given the relatively uncertainties associated with the final built form and the need to ensure it appropriately moderates its impact on the English Street PSP area. When more is known, Yarra Valley Water can lodge a permit application or, alternatively, seek to have the land rezoned to the PUZ to facilitate what it wishes to achieve for the land.
251. In this regard, the approach taken by the VPA is not dissimilar to how applications subject to a Development Plan Overlay are treated. Indeed, the presence of the sewage treatment plant on the North Growth Corridor Plan has provided greater transparency about the future location of the facility.

2.9 Is the proposed Future Urban Structure Plan generally appropriate?

252. The key influences on the Future Urban Structure Plan are:
- The need to protect the quarries and their buffers;
 - The need to provide for regionally significant industrial land, as identified in MICLUP and the North Growth Corridor Plan;
 - The extent and location of required drainage infrastructure; and
 - The need to manage the interface between the PSP area and adjoining precincts, particularly to the west.



253. In my view, the PSP has effectively resolved these strategic challenges, for many of the reasons I have outlined earlier in my statement.
254. I note that some submitters recommend alternative Future Urban Structure layouts be adopted by the Panel. Strategically, the issue of the location of town centres and schools in PSPs is largely an issue of macro-level 'place-making', urban design and transport provision and I am not qualified to comment on those matters.
255. From a town planning perspective, I think that the existing Future Urban Structure is entirely appropriate.
256. That said, there may be strategic merit in the alternative Future Urban Structure Plans identified by some submitters. Ultimately, these Future Urban Structure Plans need to be prepared having regard to the constraints of the area, such as the quarry buffers, or the identified service needs of the authority (in terms of drainage infrastructure).
257. From this distance, it is difficult to discern whether any alternate Future Urban Structure would result in any increased net community benefit in overall terms.

2.10 Is the planning scheme ordinance drafted appropriately?

258. I have reviewed the ordinance, as set out in the planning authority's Part A submission.
259. I have found that the ordinance is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes and generally implements the Shenstone Park PSP.
260. The UGZ7 schedule has some matters that require redrafting and clarification, as I outline below:
261. As drafted, the Specific Provisions for the Use of land have the effect of inadvertently prohibiting accommodation where it:
- Is located outside the measurement length (the Section 1 condition); and
 - Is not on land identified as 'future residential area' on Plan 3 of the PSP.



262. This has the effect of prohibiting accommodation in the residential area outside the measurement length, which does not appear to be the intention of the control.

263. The same issue occurs for Medical centres, but with a different Section 1 requirement.

264. I recommend that this be corrected by making changes that would:

- Make Accommodation (other than a dwelling) Section 1, provided it was not within the measurement length or within the future residential area. This has the effect of making Accommodation a permit required use in the measurement length and future residential area, which I consider to be the intended purpose;
- Make Dwelling Section 1, provided it is not located within the future residential area; and
- Make Medical centre Section 1, provided it meets the existing Section 1 condition and is located outside the future residential area.

265. I also made observations earlier in my statement that the requirement for a preliminary site investigation should be expanded to all land within the PSP, noting that the *Preliminary Environmental Contamination Assessment* identified that all land had the medium potential for contamination and that such an assessment would be appropriate before use of land for sensitive uses such as residential, child care centre, pre-school centre or primary school. I recommend that this requirement be amended in the schedule.

266. I have also made minor recommendations to improve expression and clarity, particularly with regard to application requirements and conditions.

267. My recommendations are reflected in **Appendix B**.

3. CONCLUSION

268. My conclusions are summarised below:

- The amendment is strategically justified.
- The PSP and planning scheme ordinance have appropriately recognised the strategic significance of the quarry resources. They have formed an essential component to the structure planning for this precinct.
- The provision of employment related land within the precinct is strategically supported by MICLUP and the North Growth Corridor Plan. The land is identified as regionally significant industrial land and is well located to be accessible to transport infrastructure.
- The provisions for land within the pipeline measurement length are appropriate.
- The PSP appropriately deals with the potential future use of the Yarra Valley Water land, whether that be for public purposes or otherwise.
- The proposed Future Urban Structure is appropriate.
- Subject to my recommendations, the planning scheme ordinance has been drafted effectively.

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



John Glossop FPIA
Director, Glossop Town Planning Pty Ltd
November 2020



REQUIREMENTS UNDER PLANNING PANEL'S GUIDE TO EXPERT EVIDENCE

270. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, Level 5, 111 Cecil Street, South Melbourne VIC 3205. I am a Director of the firm. The firm has been in business since 1997.

271. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:

- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
- Strategic and Social Planning Manager, Shire of Melton until 1997.
- Sessional member, Planning Panels Victoria between 1997-2012.

272. I have sat as a Chairman or member on several planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.

273. Sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02).

- Member of the ResCode Advisory Committee 2000.
- I have considerable experience in statutory and strategic planning and new format planning schemes.

274. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors.

275. I have been instructed by Harwood Andrews Lawyers, acting on behalf of the Victorian Planning Authority to provide an opinion on the planning merits of the Shenstone Park





Precinct Structure Plan and accompanying amendment documentation. I also gave evidence for the VPA on the Beveridge North West PSP.

276. My office was not involved in the preparation of the amendment. I was engaged following the referral of submissions to the Planning Panel.

277. I have relied on the documents referred to in the introduction section of my statement.

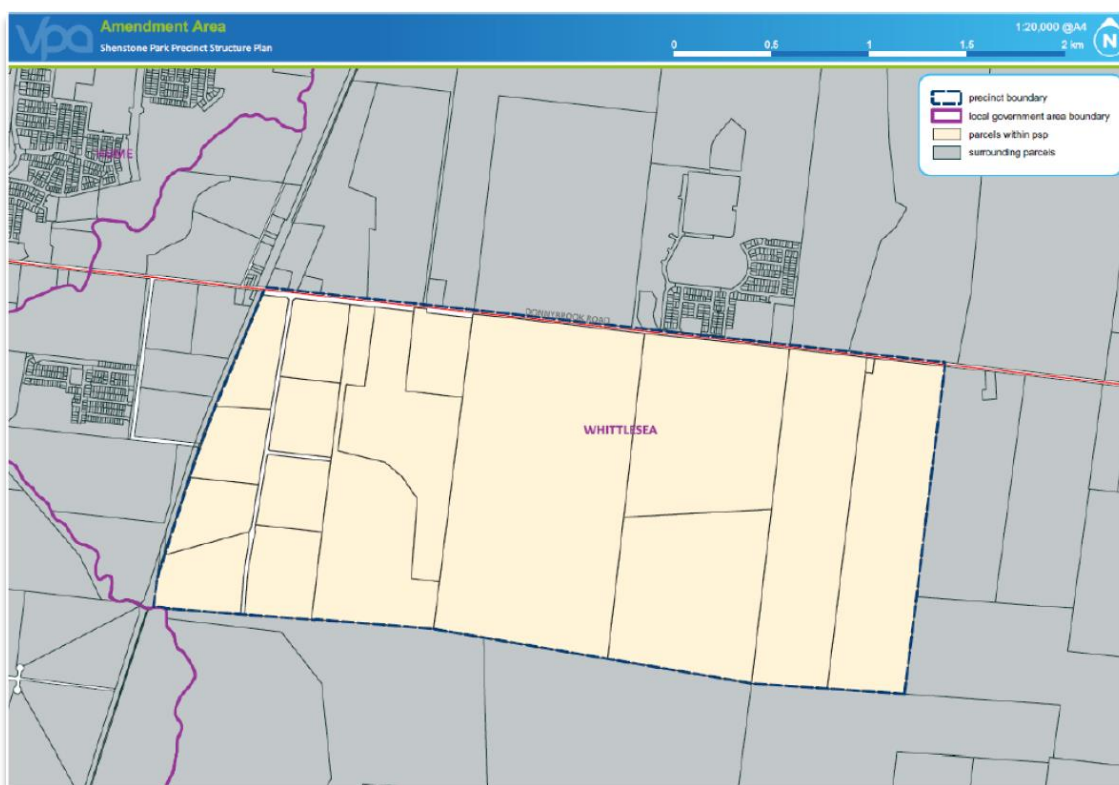
278. There were no tests undertaken in the preparation of this statement.

279. I was assisted in this statement by Matthew Gilbertson, Senior Associate.

APPENDIX A: THE AMENDMENT & POLICY CONTEXT

The Amendment

280. Amendment C241wsea to the Whittlesea Planning Scheme applies to land within the Shenstone Park Precinct Structure Plan area, as shown on the map below.



Shenstone Park PSP Amendment Area (source: Explanatory Report)


281. In summary, the explanatory report records:

The amendment incorporates a new document into the Whittlesea Planning Scheme titled 'Shenstone Park Precinct Structure Plan, September 2019' (the PSP). The amendment also rezones the majority of land to Urban Growth Zone Schedule 7 to facilitate the development of the land generally in accordance with the PSP and makes a number of other consequential changes to the Whittlesea Planning Scheme to support the implementation of the PSP.



282. The explanatory report outlines the specific changes required to the Whittlesea Planning Scheme to implement the PSP, which are (in summary):

- Inserting Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7);
- Inserting Schedule 11 to Clause 37.01 Special Use Zone (SUZ11);
- Rezoning land within the Precinct Structure Plan area from part Farming Zone (FZ), Urban Growth Zone (UGZ) and Rural Conservation Zone – Schedule 1 (RCZ1) to a combination of the UGZ7 (to most land within the PSP area), the Special Use Zone – Schedule 4 ‘Earth and Energy Resources’ (SUZ4) and Special Use Zone – Schedule 11 ‘Shenstone Park Precinct Structure Plan – Electricity Easement’ (SUZ11);
- Deleting Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) from land within the precinct;
- Applying Schedule 6 to Clause 42.01 Environmental Significance Overlay (ESO6) to land within the Biodiversity Conservation Strategy area;
- Inserting Schedule 8 to Clause 43.03 Incorporated Plan Overlay (IPO8) and applying it to land within the Biodiversity Conservation Strategy area;
- Amending the Schedule to Clause 43.01 Heritage Overlay (HO) to include a new entry relating to 1030 Donnybrook Road, Donnybrook (HO187);
- Amending the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal;
- Amending the Schedule to Clause 52.33 Post Boxes and Dry Stone Walls to identify dry stone walls exempt from requiring a planning permit for demolition, removal or alteration within the PSP area;
- Amending the Schedules to Clause 66.04 Referral of Permit Applications Under Local Provisions and Clause 66.06 Notice of Permit Applications Under Local Provisions to require referral and notice of certain applications; and

- 
- Amending the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Shenstone Park Precinct Structure Plan, September 2019 and 1030 Donnybrook Road Statement of Significance, September 2019.


Policy Context

283. Within the Planning Policy Framework, the following policies are considered most relevant:

- Clause 11 – Settlement;
- Clause 12 – Environment and Landscape Values;
- Clause 13 – Environmental Risks and Amenity;
- Clause 14 – Natural Resource Management;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Economic Development;
- Clause 18 – Transport; and
- Clause 19 – Infrastructure.

284. Within the Local Planning Policy Framework, the following policies are considered most relevant:

- Clause 21.02 – Municipal Profile;
- 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; and
 - Clause 21.12 – Infrastructure.

285. I have considered this policy context in preparing my evidence.

286. I have also had regard to the following documents, which are identified as policy documents in the Whittlesea Planning Scheme:

- Plan Melbourne 2017-2050;
- *Melbourne Supply Area – Extractive Industry Interest Areas Review*;
- Recommended separation distances for Industrial residual air emissions (EPA Publication No. 1518).
-



APPENDIX B: RECOMMENDED CHANGES TO UGZ7



DD/MM/YYYY
Proposed
C241wsea

SCHEDULE 7 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ7**.

SHENSTONE PARK PRECINCT STRUCTURE PLAN

1.0

The Plan

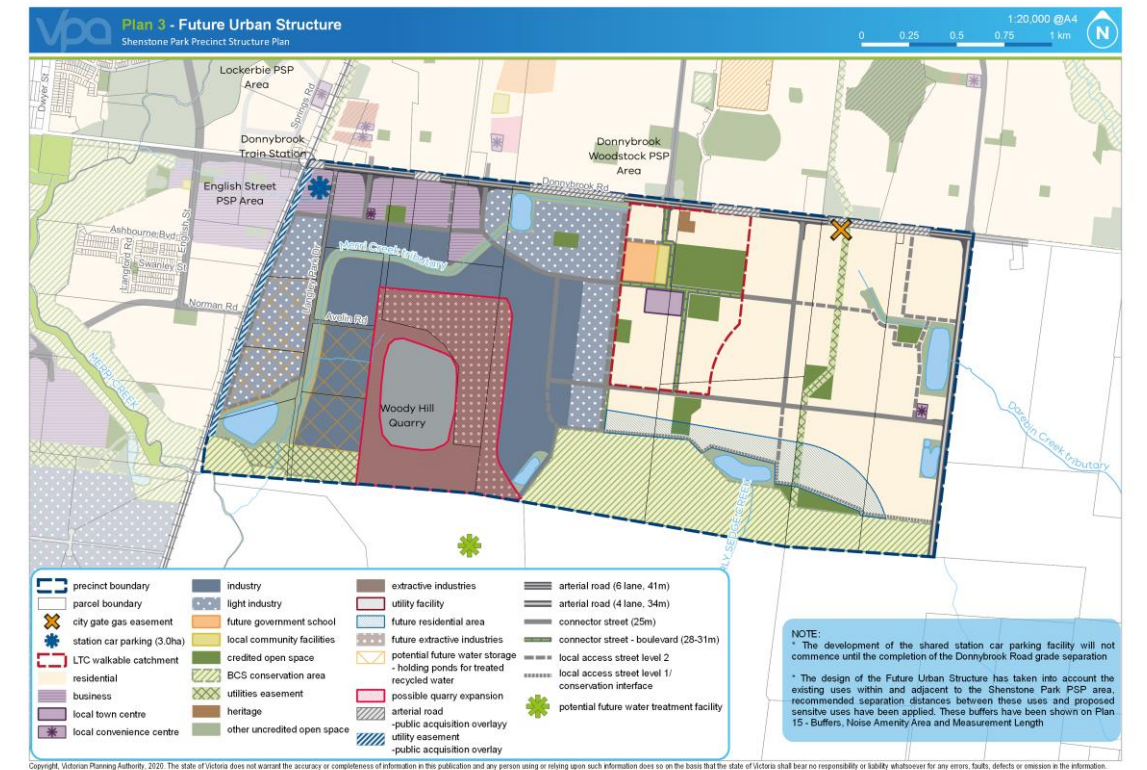
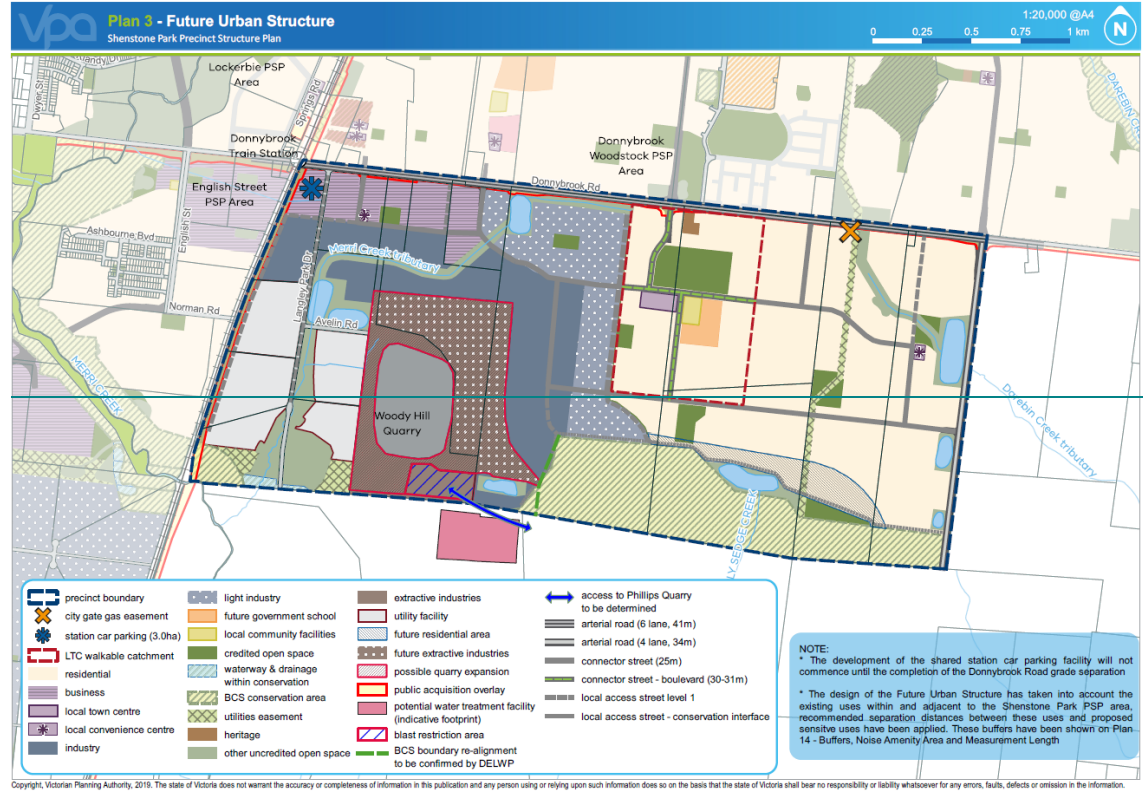
DD/MM/YYYY
Proposed
C241wsea

Plan 1 below shows the future urban structure proposed in the *Shenstone Park Precinct Structure Plan, September 2019*. It is a reproduction of Plan 3 in the *Shenstone Park Precinct Structure Plan, September 2019*.

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

Plan 1 to Schedule 7 to Clause 37.07



2.0

DD/MM/YYYY
Proposed
C241wsea

Use and development

2.1DD/MM/YYYY
Proposed C241
wsea**The land**

The provisions of this schedule apply to the land within the 'precinct boundary' shown on Plan 1 of this schedule and shown as UGZ7 on the planning scheme maps. This schedule must be read in conjunction with the incorporated *Shenstone Park Precinct Structure Plan*.

Note:

If land shown on Plan 1 is not zoned UGZ7, the provisions of this zone do not apply.

2.2DD/MM/YYYY
Proposed
C241wsea**Applied zone provisions**

Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Shenstone Park Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

For example: The Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land.'

Table 1: Applied zone provisions

Land shown on plan 1 of this schedule Arterial road	Applied zone provisions Clause 36.04 – Road Zone – Category 1
Land shown on plan 1 of this schedule Local town centre and local convenience centre (east)	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule Industry and utility facility	Applied zone provisions Clause 33.01 - Industrial 1 Zone
Land shown on plan 1 of this schedule Light industry	Applied zone provisions Clause 33.03 - Industrial 3 Zone
Land shown on plan 1 of this schedule Business and local convenience centre (west)	Applied zone provisions Clause 34.02 – Commercial 2 Zone
Land shown on plan 1 of this schedule Residential on a lot wholly within the local town centre walkable catchment	Applied zone provisions Clause 32.07 – Residential Growth Zone
Land shown on map 1 of this schedule All other land	Applied zone provisions Clause 32.08 –General Residential Zone

2.3DD/MM/YYYY
Proposed
C241wsea**Specific provisions – Use of land****Table 2: Use of land**

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

Section 1 - Permit not required

Use	Condition
Accommodation (other than Dwelling) – where the applied zone is General Residential or Residential Growth	Must not be on land identified within the '495590m measurement length' shown on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> . <u>Must not be on land identified as 'future residential area' on Plan 3 or the Phillips Quarry sensitive use buffer on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
Child care centre Hall Indoor recreation centre Library Medical Centre Restricted Recreation Facility	On land identified as 'local community facilities' in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .
<u>Dwelling</u>	<u>Must not be on land identified as 'future residential area' on Plan 3 or the Phillips Quarry sensitive use buffer on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
<u>Hall</u> <u>Indoor recreation centre</u> <u>Library</u>	<u>On land identified as 'local community facilities' in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
<u>Medical Centre</u>	<u>On land identified as 'local community facilities' in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u> <u>Must not be on land identified as 'future residential area' on Plan 3 or the Phillips Quarry sensitive use buffer on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
<u>Restricted recreation facility</u>	<u>On land identified as 'local community facilities' in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
Place of worship – where the applied zone is General Residential or Residential Growth	Must not be on land identified within the '495590m measurement length' shown on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> . The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Residential aged care facility – where the applied zone is General Residential or Residential Growth	Must not be on land identified within the '495590m measurement length' shown on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .
Restricted retail premises – where the applied zone is Commercial 2	The combined leasable floor area must not exceed 25,000 square metres.

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

Use	Condition
Shop – where the applied zone is Commercial 1	The combined leasable floor area on land identified as 'Local Town Centre' in the incorporated <i>Shenstone Park Precinct Structure Plan</i> must not exceed 6,000 square metres.
<u>Utility installation – where the applied zone is Industrial 1 or Industrial 3</u>	<u>Must be on land identified as 'potential future water storage' which provides holding ponds for treated recycled water on Plan 3 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation Education centre Medical centre	On land identified as 'future residential area' on Plan 3 and within the 'Phillips Quarry sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.
Car wash Dry cleaner Food and drink premises Panel beating	On land identified within the 'Woody Hill sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .
Dry cleaning agent Laundromat	On land identified as 'business' or 'light industry' on Plan 3 and within the 'Woody Hill sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .
<u>Art gallery</u> <u>Cinema</u> <u>Cinema based entertainment facility</u> <u>Museum</u>	<u>On land identified as 'business' on Plan 3 and within the 'Woody Hill sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
<u>Informal outdoor recreation</u>	<u>On land identified as 'industry' on Plan 3 and within the 'Woody Hill sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.</u>
Any other use not in Section 1 or 3 of the applied zone	

Section 3 – Prohibited

Use	
Caretaker's house Education centre (other than Employment training centre or Tertiary institution) Hotel Residential hotel	On land identified within the 'Woody Hill sensitive use buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .
Caretaker's house Education centre (other than Employment training centre or Tertiary institution) Hotel	On land identified within the 'sewage treatment plant odour buffer' on Plan 15 in the incorporated <i>Shenstone Park Precinct Structure Plan</i>.

Use	
Restricted retail premises – where the applied zone is Industrial 1 or Industrial 3	
Restricted retail premises – where the applied zone is Commercial 2	Where the combined leasable floor area exceeds 25,000 square metres.
Shop – where the applied zone is Commercial 2, Industrial 1 or Industrial 3	On land identified as ‘business’, ‘industry’ or ‘light industry’ on Plan 3 in the incorporated <i>Shenstone Park Precinct Structure Plan</i> .

2.4DD/MM/YYYY
Proposed
C241wsea**Specific provision – Subdivision**

None specified.

2.5DD/MM/YYYY
Proposed
C241wsea**Specific provision – Buildings and works****Dwellings on a lot less than 300 square metres**

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme.

No buildings within Woody Hill Blast Buffer

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.

Buildings and works for future local parks and local community facilities

A permit is not required to construct a building or construct or carry out works for a local park, local sports reserve or local community facility provided the use or development is carried out generally in accordance with the incorporated *Shenstone Park Precinct Structure Plan* and with the prior written consent of Whittlesea City Council.

Bulk Earthworks

[A permit is required for bulk earthworks, unless a report has been prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area.](#)

3.0DD/MM/YYYY
Proposed
C241wsea**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision – Residential development

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision must include, to the satisfaction of the responsible authority:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- An ~~explanation-demonstration~~ of how the proposed subdivision will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- A ~~demonstration of lot size diversity by including~~ lot size diversity plan, which includes a colour coded lot size plan, reflecting the lot size categories and colours outlined in Table 2 – Housing Type by Lot size and Housing Type Guide in the incorporated *Shenstone Park Precinct Structure Plan*;
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 8– Native vegetation retention and removal and any tree protection requirements and guidelines within the incorporated *Shenstone Park Precinct Structure Plan*;
- The location of any ~~P~~potential bus route and bus stop locations prepared in consultation with Head, Transport for Victoria~~Public Transport Victoria~~;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives, planning and design requirements and guidelines within the “Image, Character, Housing and Heritage” section of the incorporated *Shenstone Park Precinct Structure Plan*;
- Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of 1030 Donnybrook Road (Heritage Overlay – HO187) and its surrounding area;
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of City of Whittlesea and Melbourne Water;
- ~~Any air borne~~An airborne emissions impact assessment for properties adjoining the nominated City Gate on Plan 1 of this schedule. Assessment must include recommendations to address any potential noise impacts that may be emitted from the City Gate facility;
- A Safety Management Study for subdivision applications on land containing the ‘gas easement’ shown on Plan 13 in the incorporated *Shenstone Park Precinct Structure Plan*. The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Safety Management Plan prior to the application being lodged; and
- A Bushfire Site Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the responsible authority. The plan must specify, amongst other things:
 - The staging of development and the likely bushfire risks at each stage;
 - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
 - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped

Changes recommended by John Glossop (in red)**Changes by the Planning Authority in its Part A Submission (in teal)**

landscape to protect residents and property from the threat of grassfire and bushfire;

- Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the PSP.

Retail Economic Impact Assessment

An application to use land for a Shop in the 'local town centre' ~~where the combined leasable floor area of all shops exceeds the figure shown in the land use table at 2.3 of this schedule~~ must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional.

Public Infrastructure Plan

An application for ~~the subdivision and/or~~ use and/or development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Environmental Site Assessment Preliminary Site Investigation

An application to subdivide land or use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) and ranked as 'Medium' Potential for Contamination ~~and described in Table 2~~ must be accompanied by an ~~an Environmental Site Assessment~~ Preliminary Site Investigation of the land prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority, which takes account of the report titled '*Preliminary Environmental Contamination Assessment Shenstone Park Precinct Structure Plan*' (Meinhardt, March 2017). ~~and includes the following information:~~

The Preliminary Site Investigation should be prepared in accordance with Schedule B2 of the:

- ~~Further detailed assessment of potential contaminants on the relevant land;~~
- ~~How the site assessment responds to the 'Preliminary Site Investigation' process outlined in the~~ National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPM); and
- ~~Provide a clear advice clear determination as to on~~ whether the environmental condition of the land is suitable for the proposed use/s ~~and/or~~ whether an environmental audit of ~~all, or part, of~~ the land is recommended ~~having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.~~

Table 2

Address	Legal Description
960 Donnybrook Road—Donnybrook	Lot 1 TP371225

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

Address	Legal Description
1030 Donnybrook Road— Donnybrook	Lot 1 TP380512
1100 Donnybrook Road— Donnybrook	Lot 1 LP38239
1140 Donnybrook Road— Donnybrook	Lot 1 LP98632
1150 Donnybrook Road— Donnybrook	Lot 2 LP98632

Traffic Impact Assessment

An application that proposes to create or change access to an ~~primary or secondary~~ arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be prepared to the satisfaction of the Head, Transport for Victoria ~~VicRoads~~ or the Whittlesea City Council, as required.

Woody Hill Quarry noise assessment

An application for use or development 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*, for accommodation, child care centre, display home, hospital, hotel or bar must be accompanied by an assessment of noise impacts on the development from the quarry operations. The acoustic assessment must be prepared by an acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing operation of Woody Hill Quarry operations; and
- Include recommendations for noise attenuation measures designed to ensure that internal noise levels in bedrooms are not greater than 35 dB Leq8h.

Heritage Places

An application to subdivide land or to demolish a building or to construct a building or construct and carry out works on land at 1030 Donnybrook Road, Donnybrook must include the following:

- a Heritage Conservation Management Plan (HCMP) ~~for the heritage place;~~
- ~~A statement that takes into account the approved HCMP and explains how the significance of the identified heritage features has been considered in the design of the development, including:~~
- ~~incorporation within open space/public realm;~~
- ~~design of perimeter fencing;~~
- ~~surrounding residential interfaces;~~
- ~~interpretive signage, information boards relating to buildings that have been retained, restored, rebuilt or removed.~~

All to the satisfaction of the responsible authority.

Sodic and Dispersive Soils Management Plan

Changes recommended by John Glossop (in red)**Changes by the Planning Authority in its Part A Submission (in teal)**

An application to subdivide land or undertake bulk earthworks must be accompanied by a sodic and dispersive soils management plan, prepared by a suitably qualified professional, that includes:

- The existing site conditions, including:
 - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area.
 - land gradient.
 - erosion risk mapping.
 - the extent of any existing erosion, landslip or other land degradation.
- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
 - The management, volume and location of any stockpiles.
 - Vehicle access and movement within the site area.
 - Any treatment to manage the soil while works are undertaken.
 - Treatments to rehabilitate areas that are disturbed during site works.
 - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

Affordable Housing Assessment

An application to develop or subdivide land for residential purposes should demonstrate how it is providing affordable housing by submitting a report, prepared by a suitably qualified person, which includes:

- Anticipated demographic characteristics of the suburb;
- Anticipated household composition (i.e. singles, couples, families with dependants);
- What proportion of housing is estimated to be provided for the income ranges specified at 3AA(4) of the Act; and
- A response to matters addressed in the Ministerial Notice under 3AA(2) of the Act.

Dry Stone Wall Management Plan

Dry stone walls identified with a 'moderate' to 'very high' retention value on Plan 5 – Image, Character, Housing and Heritage of the incorporated Shenstone Park Precinct Structure Plan must be retained as part of any future development, unless otherwise agreed to by the Responsible Authority after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall.

4.0

Conditions and requirements for permitsDD/MM/YYYY
Proposed
C241wsea**Condition - subdivision permits that allow the creation of a lot of less than 300 square metres**

Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the Incorporated Document *Small Lot Housing Code, August 2014*.

The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

Condition – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Condition - Gas pipeline construction management plan

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas pipeline easement shown on Plan 13 in the incorporated *Shenstone Park Precinct Structure Plan*, a Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

The Construction Management Plan must be implemented to the satisfaction of the responsible authority.

The Construction Management Plan may be amended to the satisfaction of the responsible authority.

Conditions and requirements - Kangaroo Management Plan

A permit granted for subdivision of land must include the following conditions:

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning (DELWP). The approved plan will form part of the permit;

The ~~submitted~~ Kangaroo Management Plan must include:

- Strategies to avoid land locking kangaroos, including staging of subdivision;
- Strategies to minimise animal and human welfare risks;

Changes recommended by John Glossop (in red)**Changes by the Planning Authority in its Part A Submission (in teal)**

- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location;
- Actions to address the containment of kangaroos and to ensure adequate animal welfare.

The approved Kangaroo Management Plan must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Condition - Environmental Management Plans

A planning permit to subdivide land, construct a building, or construct or carry out works within 30 metres of land shown as a conservation area in the incorporated *Shenstone Park Precinct Structure Plan* must include the following condition:

The subdivision, buildings or works must not commence until an Environmental Management Plan has been approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Condition - Salvage and translocation

A planning permit to subdivide land, construct a building, or construct or carry out works must include the following condition:

The Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment, Land, Water and Planning, 2017) must be implemented in the carrying out of development to the satisfaction of the secretary to the Department of Environment, Land, Water and Planning.

Requirement - Protection of conservation areas and native vegetation during construction

A permit to subdivide land, construct a building, or construct or carry out works, where the incorporated *Shenstone Park Precinct Structure Plan* shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must contain the following conditions:

Before the commencement of buildings or works within or on or within 30m of land abutting a conservation area shown on Plan 3 of the incorporated *Shenstone Park Precinct Structure Plan* as a conservation area, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage in the incorporated *Shenstone Park Precinct Structure Plan*. The fence must be:

- highly visible
- at least 2 metres in height
- sturdy and strong enough to withstand knocks from construction vehicles
- in place for the whole period of construction occurring within 30m of the conservation area, patch of native vegetation or scattered tree
- located at a minimum distance from:

Element	Minimum distance from element
Conservation area	0.5 metres
Scattered tree	The distances as shown in the incorporated <i>Shenstone Park Precinct Structure Plan</i> (section 4.6)
Patch of native vegetation	2 metres

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Department of Environment, Land, Water and Planning.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

Requirement - Land Management Co-operative Agreement

A permit to subdivide land on land shown in the incorporated *Shenstone Park Precinct Structure Plan* as including a conservation area shown on Plan 3 of the precinct structure plan as a BCS conservation area, must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
 - Must provide for the conservation and management of that part of the land; and
 - May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.
- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this clause does not apply to land of any lot or part of a lot within the conservation area shown on Plan 3 of the incorporated *Shenstone Park Precinct Structure Plan* as a conservation area, that:

- is identified in a Precinct Structure Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- is identified Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- is the subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
 - the Secretary to the Department of Environment, Land, Water and Planning;
 - the Minister for Environment and Climate Change; or
 - another statutory authority.

to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

Condition – Environmental ~~Site Assessment~~Audit

Any permit for the use and development of land, listed in Table 2 of this schedule, for a sensitive use (residential use, child care centre, pre-school centre or primary school) and where the ~~phase 2 environmental site assessment~~ Preliminary Site Investigation recommends ~~advises~~ that an environmental audit is required, must contain the following conditions:

- Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide: (a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or (b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.
- All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, ~~prior to commencement of use of the site~~. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Condition - Public transport

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the *Public Transport Guidelines for Land Use and Development*; and compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

Condition - Road network

Any permit for subdivision or building and works must contain the following conditions:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
- Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the Shenstone Park Infrastructure Contributions Plan.

Condition - Public Infrastructure Plan

Any permit for subdivision must contain the following condition:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:
 - The implementation of the Public Infrastructure Plan approved under this permit.

Changes recommended by John Glossop (in red)

Changes by the Planning Authority in its Part A Submission (in teal)

- The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.

Requirement – Woody Hill Quarry Noise Assessment

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.

Requirements – Sodic and dispersive soil site management plan

A permit to subdivide land or to undertake earthworks must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

5.0
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C241wsea

Exemption from notice and review

None specified.

6.0
DD/MM/YYYY
Proposed
C241wsea

Decision guidelines

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.

Phillips Quarry Sensitive Use Buffer

Before deciding on an application for subdivision, to use land or construct a building within the ‘Phillips Quarry 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 Phillips Quarry may have on the proposed use or building.

Yarra Valley Water Sewage Treatment Plant

Changes recommended by John Glossop (in red)**Changes by the Planning Authority in its Part A Submission (in teal)**

~~Before deciding on an application to use land or construct a building within the 'sewage treatment plant odour 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 odour from the future Yarra Valley Water Sewage Treatment Plan may have on the proposed use or building.~~

Local Town Centre

Before deciding on an application to create floorspace in excess of any cap in the local town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within the City of Whittlesea.

Affordable Housing

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application has demonstrated that the proposal will contribute towards the provision of affordable housing;
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

7.0

DD/MM/YYYY
Proposed
C241wsea

Signs

Sign requirements are at Clause 52.05. All land within the Shenstone Park Precinct Structure Plan area is included in the category specified in its applied zone at Clause 2.2 of this schedule.



APPENDIX C: MY INSTRUCTIONS



Our ref: 22000990
Contact: Aaron Shrimpton
Direct Line: 03 5225 5248
Direct Email: ashrimpton@ha.legal
Principal: Greg Tobin
Your ref:

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Melbourne VIC 3008

DX 30970

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harwoodandrews.com.au

22 September 2020

John Glossop
Glossop Town Planning
Email: john@glossopco.com.au

Subject to legal professional privilege

Dear John,

**Amendment C241wsea to the Whittlesea Planning Scheme (Amendment)
Shenstone Park Precinct Structure Plan (PSP)**

We continue to act for Victorian Planning Authority (**VPA**) in relation to the upcoming panel hearing for the Amendment. The Amendment seeks to incorporate the PSP into the Whittlesea Planning Scheme (**Planning Scheme**).

Background

1. The PSP is located in the Northern Growth Corridor Plan area.
2. The PSP is adjoined to the north by the Donnybrook and Woodstock PSP area¹, the Melbourne-Sydney rail corridor to the west (and English Street², and Craigieburn North Employment Area³ PSPs west of the rail corridor), the future Northern Quarries PSP area to the south, and the urban growth boundary to the east.
3. Land within the PSP has primarily been used for agricultural purposes, with the exception of the existing Woody Hill Quarry located in the central-western half of the PSP area.
4. The Amendment was exhibited in October and November 2019. The VPA received 32 submissions. In general terms, the key issues raised in submissions raised issues relate to:
 - 4.1. Protection of extractive resources, in particular the expansion of Woody Hill Quarry and future development of the Phillips Quarry, as well as access arrangements to Phillips Quarry.
 - 4.2. Land use compatibility and what development should be permitted within quarry buffers.
 - 4.3. Location of a potential Yarra Valley Water treatment facility.
 - 4.4. Location of the proposed school and local community centre in the north-central part of the PSP.

¹ The gazetted PSP is accessible [here](#).

² The gazetted PSP is accessible [here](#).

³ The gazetted PSP is accessible [here](#).

4.5. Heritage value of the homestead at 1030 Donnybrook road.

5. A planning panel (Nick Sarah Carlisle (Chair), Colin McIntosh, and Annabelle Paul) has been appointed to consider and hear submissions (**Panel**).
6. The Panel hearing will commence on Monday 16 November 2020 and continue until Wednesday 23 December 2020.
7. The hearing timetable schedules the VPA's case for Monday, Tuesday, Wednesday and Thursday 16 – 19 November 2020. We will confirm closer to the hearing which of these days you would be required to appear and provide evidence. Please let us know if you have any constraints 16 – 19 November 2020.
8. A copy of the Panel's primary directions are included in your brief. Items 18-20 of the direction sets out requirements for the witness reports and includes a link to the Planning Panels guide to expert evidence which sets out further requirements for your witness statement.
9. Witness reports are required to be circulated by 4 pm on Wednesday 28 October 2020. We would appreciate a draft for review as soon as possible.

Instructions

We are now instructed to brief you to:

10. Review the exhibited amendment and background materials (as relevant);
11. Prepare an expert witness statement;
12. Appear at the panel hearing to provide expert evidence.

Your expert witness statement should, in addition to any other relevant matter, address the following issues:

13. Provide your expert opinion on the strategic basis and support for the PSP including the identification of the Woody Hill Quarry and the proposed Phillips Quarry to the south of the PSP.
14. Specifically, provide your expert opinion on the manner in which the PSP:
 - 14.1. the manner in which the PSP (and subsequent versions of the PSP) responds to the Quarry expansion area to the east of Woody Hill Quarry (Barro 23, DJV 23, Satterley 22).
 - 14.2. Northern expansion area (Barro 24).
15. Provide your planning opinion on the strategic justification for the extent of employment related land identified within the PSP.
16. Provide your planning opinion on the alternate Future Urban Structure provided in submissions (DJV 23, Satterley 22).
17. Provide your planning opinion on the manner in which the Future Urban Structure (Plan 3) shows a blue hatching over land at 1150, 1100 (Ouson) and 960 Donnybrook Road (DJV) representing a buffer from the future Phillips Quarry.
18. Provide any planning opinion you may have on the provisions relating to development within the pipeline measurement length (relevant submissions 1150 Donnybrook Rd 12, Ouson 20, Satterley 22).
19. Provide your planning opinion on the provisions applicable in the blast buffer of the Woody Hill Quarry (Prattico 3, Whittlesea 32).
20. Provide your opinion on the identification of the Land use of Yarra Valley Water land along Langley Park Drive (YVW 18) and the appropriate zone controls.

21. Provide your opinion on the identification of the YVW potential site to the south of the PSP.
22. Any planning opinions arising from the submissions relating to drainage.
23. Any planning opinion you hold in relation to the drafted provisions arising from the finalised VPA position at the recent Beveridge North West PSP hearing.

Your fees

Our client will remain responsible for your fees in accordance with the procurement arrangements agreed between the VPA and yourself.

Legal professional privilege

We confirm that your professional opinion is sought in the context of us providing legal advice in relation to the Panel hearing for the Amendment.

Our advice, and your advice by virtue of your engagement by us, attracts legal professional privilege. Our client is therefore not required to disclose any advice provided by you to any other party unless that legal professional privilege is waived.

To ensure that legal professional privilege is maintained, we request that you do not advise anyone, other than our client or Harwood Andrews, that you have been requested to provide independent advice in relation to this matter.

We will notify you if legal professional privilege is waived in respect of your advice. We expect that this will not occur until just prior to the anticipated Panel hearing at the time when expert witness reports are due to be filed and served.

Contact

If you have any queries or require any further information, please contact Greg Tobin (gtobin@ha.legal or 5225 5252) or Aaron Shrimpton (ashrimpton@ha.legal; or 5225 5248).

Yours faithfully,



HARWOOD ANDREWS

Encl.

Index to Brief

<u>Exhibited Amendment</u>	
24.	<p>Maps</p> <ul style="list-style-type: none"> • Zone • ESO-6 • ESO-4 • HO187 • IPP9
25.	<p>Ordinance and explanatory materials</p> <ul style="list-style-type: none"> • Schedule 7 to Clause 37.07 Urban Growth Zone • Schedule 11 to Clause 37.01 Special Use Zone • Schedule to Clause 43.01 Heritage Overlay • Schedule 8 to Clause 43.03 Incorporated Plan Overlay • Schedule 9 to Clause 43.03 Incorporated Plan Overlay • Schedule to Clause 52.17 Native Vegetation • Schedule to Clause 52.33 Post Boxes And Dry Stone Walls • Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions • Schedule to Clause 66.06 Notice of Permit Applications Under Local Provisions • Schedule to Clause 72.04 Documents Incorporated in This Planning Scheme • 1030 Donnybrook Road, Donnybrook Statement of Significance • Explanatory Report
26.	PSP
27.	<p>Background studies</p> <ul style="list-style-type: none"> • Background Summary Report 2019 • Aboriginal Cultural Heritage Assessment - Biosis - October 2017 • Arboriculture Assessment - Treetec - February 2017 • Bushfire Development - Terramatrix - April 2019 • Community Infrastructure & Open Space Needs Assessment - City of Whittlesea & VPA - September 2019 • Economic Assessment - Ethos Urban - September 2019 • Geomorphology and Vegetation Values Assessment - Drainage - Alluvium - February 2018 • Hydrologic Regime - Drainage - Alluvium - February 2018 • Land Capability - Environmental Contamination Assessment - Meinhardt - March 2017 • Post Contact Heritage Assessment - Ecology and Heritage Partners Pty Ltd - May 2017 • Quarry Impact Assessment - Addendum - GHD - September 2019 • Quarry Impact Assessment - GHD - December 2017 • Strategic Transport Modelling Assessment - GTA - September 2019 • Utility Services Infrastructure Assessment - Cardno - July 2017 • Visual Character Assessment - City of Whittlesea - November 2017
28.	<p>Extractive resources background materials</p> <ul style="list-style-type: none"> • Better Regula'n Earth Resources 17 • Extractive resources strategy 18 • Growth Corridor Plan - Chapter 5 The North Corridor Plan - 2012 • Melbourne Supply Area – EIIA Review 2003 pt1 • Melbourne Supply Area – EIIA Review 2003 pt2 • Plan_Melbourne_2017-2050_Strategy • Whole-of-Victorian-Government-Joint-Ministerial-Statement-Extractive-Resource • Supply Demand of Extractive Resources report - PwC - May 2016
29.	PPV Guide to expert evidence.

Panel Documents	
30.	Direction and Timetable 4 September 2020.
Submissions	
31.	#1 – EPA Victoria
32.	#2 – APA Group
33.	#3 – Terrain Consulting Group (for owner 75 Langley Park Drive, Donnybrook)
34.	#4 – Mirvac
35.	#6 – Tract (for Golina Holdigns Pty Ltd – owner of 570, 620 and 650 Summerhill Road, Wollet)
36.	#7 – Tract (for 910 Donnybrook Road Pty Ltd – owner of 910 Donnybrook Road, Donnybrook)
37.	#10 – Tract (for Retzos Group – prospective purchaser of 910 Donnybrook Road, Donnybrook)
38.	#12 – Tract (for Donnybrook Road Unit Trust– owner of 150 Donnybrook Road, Donnybrook)
39.	#13 – Tract (for Landream and Austral Brickworks– owner of land in Craigieburn East PSP)
40.	#15 – Sarah Davies (for owner of 825 and 795 Epping Road, Wollert)
41.	#16 – Insight Planning Consultants (for Lavender Rain Pty Ltd – owner of land in English Street PSP)
42.	#17 – DELWP
43.	#18 – Yarra Valley Water
44.	#19 – Melbourne Water
45.	#20 – Dominion Property Group (for 1100 Donnybrook Road Developments Pty Ltd – owner of 1100 Donnybrook Road, Donnybrook)
46.	#22 – Slattery Property Group (future developer of PSP property 13, being 1030 Donnybrook Road, Donnybrook)
47.	#23 – Donnybrook Joint Venture Pty Ltd (owner of 960 and 1030 Donnybrook Road, Donnybrook)
48.	#24 – Contour (on behalf of Barro Group Pty Ltd, owners and operator of the Woody Hill Quarry (870 Donnybrook Road, Donnybrook) and owner of the Phillips Quarry (430 Summerhill Road, Wallert)
49.	#25 – Merri Creek Management Committee
50.	#27 – Department of Jobs Precincts and Regions (DJPR) – Resources Branch
51.	#28 – Victorian School Building Authority
52.	#29 – CFA
53.	#30 – Department of Transport
54.	#32 – City of Whittlesea