

Date

Friday 15 November 2019

To

Paul Cassidy
Director, Greenfields
Victorian Planning Authority
c/- Amendment C241WSEA or Shenstone Park

Address

Level 25, 35 Collins Street
MELBOURNE VIC 3000

Sent

Via electronic lodgement

Dear Paul,

**Amendment C241WSEA
Shenstone Park Precinct Structure Plan**

We act on behalf of Barro Group Pty Ltd as owners and operators of land affected by the Draft Shenstone Park Precinct Structure Plan (PSP).

Barro Group operates a number of concrete plants, sand pits and quarries in Victoria and Queensland. These include the existing Woody Hill Quarry on land located at 870 Donnybrook Road, Donnybrook, and the Phillips Quarry at 430 Summerhill Road, Wollert.

The Barro Group land is described as:

- The Woody Hill Quarry (also referred to as the Donnybrook Quarry) at 870 Donnybrook Road, Donnybrook (Lots 1 & 2 and Road R1 on LP132357).
- The Phillips Quarry at 430 Summerhill Road, Wollert (Crown Allot. 10A KALKALLO).

Preliminary: Panel Hearing Dates

We note that the Panel hearing dates have been set to commence the week of Monday 6 April 2020 (Easter Friday is at the end of that week).

Those dates are not available for Barro Group's longstanding Counsel, and we understand are not ideal for at least one other land owner, which together with the Barro Group land comprises in excess of 60% of the land affected by the PSP.

We therefore respectfully request that the Panel hearing commence during the week of Monday 20 April 2020.

Donnybrook/Woody Hill Quarry and Operations

The Woody Hill Quarry is located on the south side of Donnybrook Road and was established in the early 1960s.

The Joint Ministerial Statement on Extractive Resources, released by the Minister for Resources and the Minister for Planning in August 2018, recorded the Woody Hill Quarry on its 'Hot List' of Quarries. This list identifies sites that contain State significant accessible resources that are well located to markets. The Statement confirms the strategic importance of the resource and the need for quality material to be closely located to major projects and rapidly growing communities.

The existing operation includes the quarry, concrete batching plant and associated facilities and is carried out pursuant to Work Authority WA492 and Planning Permit No. 710157 (amended).

A Work Plan (Extractive Industry Work Authority No. 6437) has been statutorily endorsed under the *Mineral Resources (Sustainable Development) Act* 1990 for the expansion of the Woody Hill quarrying operation to the north and east. The proposed expansion is known as 'Donnybrook North'.

An application to amend WA492 to increase the extraction depth and the extraction area to the south is also currently being prepared.

Phillips Quarry and Operations

The Phillips Quarry is located to the south east of the Woody Hill Quarry and will provide significant needed resources to the local area.

This land was previously subject to Work Authority WA160, however that Work Authority was surrendered by the then holder after Barro Group obtained rights to the Phillips Quarry.

Barro Group subsequently initiated the process to apply for a new Work Authority and WA006852 has been allocated to the application. The Work Plan, currently being finalised, reflects the proposed operation of the land as an extension to the existing Woody Hill Quarry.

Access to the Phillips Quarry is proposed from the south-east corner of the Woody Hill Quarry. The delivery of this (freehold) access road is subject to a commercial agreement between Barro Group and Donnybrook Joint Venture Pty Ltd (DBJV) as owners of the land at 960 and 1030 Donnybrook Road. The proposed access road would traverse the south-west corner of the land at 960 Donnybrook Road.

Protection of Existing Operations

The significance of the existing and future operation of the Woody Hill and Phillips Quarries is acknowledged numerous times in the exhibited documentation. While the exhibited documents make reference to the existing quarry, they do not adequately acknowledge and protect aspects of the existing and approved operations in terms of:

- The extent of existing approvals and operations associated with WA492;
- The operation of the concrete batching plant; and
- The future trade supplies operation approved by Planning Permit No. 715902, including its approved vehicular access arrangements to Donnybrook Road.

Significance of Resources

The exhibited amendment documentation identifies the importance of resources contained within the Barro Group land, some of which is summarised in the Explanatory Report to Amendment C241WSEA which states:

The extractive resources within and adjacent to the proposed Shenstone Park PSP, in particular those that are encompassed by Woody Hill (including expansion areas) and the future Phillips Quarry (to the south of the precinct) are of strategic importance to the growth of Melbourne. The City of Whittlesea is within the Top 10 of Critical Extractive Resource Locations and is within the Top 10 highest demand areas for extractive resources for the State. The extractive resources in this area are recognised within an Extractive Industry Interest Area, as well as the North Growth Corridor Plan, and were also contemplated for immediate expansion and development by the Joint Ministerial Statement of Extractive Resources. The expanded and increased extraction depth at the Woody Hill Quarry and a future quarry at the former Phillips Quarry are both considered to be strategic extractive resource operations and opportunities.

The identification of significant resources within the precinct is supported. However, the background documentation that has informed the broad urban structure is inconsistent with the known location of future resources and the off-site impacts associated with the existing operation do not appear to be based on an appropriate analysis of the current operations on the Barro Group land.

Given the need to secure quality resources in a location where urban development has created substantial demand, the Amendment documentation, as exhibited, does not adequately protect or provide for this need.

Future Expansion

The proposed future expansion of the Woody Hill Quarry is contemplated by various text references in the PSP, including proposed Schedule 7 to the Urban Growth Zone, Plans 3, 4, 5 and 15 of the PSP as well as the extension of the Special Use Zone 4.

'The Woody Hill possible extraction expansion boundary' (which has not been confined to the Barro Group land) appears to have been determined by background work undertaken by GHD. This background work, contained in two documents titled *Quarry Impact Assessment - GHD - December 2017* and *Quarry Impact Assessment - Addendum - GHD - September 2019*, make a number of assumptions regarding both the existing and proposed operating conditions of the Woody Hill Quarry and the proposed Phillips Quarry. This work appears to underpin the *Buffers, Noise Amenity Area and Measurement Length Plan* (Plan 15) of the PSP.

The assumptions and background research underpinning the GHD work do not accurately reflect the current and proposed operations on the Barro Group land and consequently does not accurately reflect potential off-site amenity impacts and associated buffer distances. These assumptions have been carried through the PSP. As a result, the reports do not reflect the ability for the Barro Group land to fully meet the well documented demand for quality resources.

Furthermore, the ability to expand the operation consistent with the strategic importance of the resource is limited by:

- The extension of the Special Use Zone to only part of the Barro Group land; and
- The *Future Urban Structure Plan* (Plan 3) which appears to have been informed by the recommended buffer distances set out in the GHD work. Buffer distances must be considered in terms of the existing operation at WA492; the proposed future expansion of the Woody Hill Quarry (under WA6437 and the extension of WA492 to the south); and the entire extent of future operations at the Phillips Quarry (under WA6852).

Future Urban Structure Plan

The Future Urban Structure Plan (Plan 3) of the PSP will guide and inform development in and around the Barro Group land. The plan includes the following matters which are inconsistent with the existing and future quarry operations:

- The proposed location of the water treatment plant and the ‘blast restriction area’ within the south east section of the existing Woody Hill Quarry.
- The blast restriction area is an impediment to Barro Group’s intentions to expand the extraction boundary of the Woody Hill Quarry to the south. The extent of the blast restriction zone should be reviewed and confirmed.
- The link between the Woody Hill Quarry to the proposed Phillips Quarry which is identified by a double headed arrow labelled ‘*access to Phillips Quarry to be determined*’. The location of this link is shown across the land designated as ‘*potential water treatment facility (indicative footprint)*’ and is inconsistent with the preferred alignment of this access. It is also shown in a location where the proposed water treatment plant may constrain both the use of the link and any proposed buildings and works within the link.

Furthermore, the link is not underpinned by any mechanism that provides certainty as to how or when it will be provided and in what form.

The preferred alignment of the access road is via the south west corner of the DBJV land, and we note that the UGZ7 provisions identify future land use within the access road alignment as ‘industry’ and a retarding basin. The applied zone provision for the ‘industry’ land is the Industrial 1 Zone where ‘Stone extraction’ is a permit required use. Furthermore, this land is within the ‘Woody Hill Blast Buffer’ where the construction of a building (not including a temporary building, a building associated with minor utility installation, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) is prohibited. The zoning provisions, and the location of the retarding basin, may have adverse implications in terms of obtaining permission for the effective use and development of the land as a link between the State significant and well recognised strategically important Woody Hill and Phillips Quarries.

- Indicative locations for future open space and utilities have not adequately considered their impact on existing and future operations on the Barro Group land. These include:
 - The Merri Creek Tributary with linear open space on either side crosses the Barro Group land in an east west alignment;
 - The *Open Space Plan* (Plan 7) depicts LP-01 as a (credited open space) local park (1.1ha) with its primary function being to protect scattered remnant River Red Gums. The proposed park straddles two landholdings, with the majority of the park being on Barro Group land. LP-01 is nominated on the Precinct Infrastructure Plan (Plan 14) as being delivered in the short to medium term. The land required for the park is accounted for in the Infrastructure Contributions Plan but the interim and ultimate construction is not.

At present the haulage road and weigh bridge associated with the Woody Hill Quarry utilises the land identified for LP-01.

 - The *Street Network Plan* (Plan 10) depicts an east / west, bus capable, with off road path connector street (25m reserve) and a north/south local access street crossing the Barro Group land. Similar issues arise with the *Public Transport and Pathways* (Plan 11).
 - The *Utilities Plan* (Plan 13) depicts the main feeders for the potable water supply being located within the Barro Group land holding and quarrying operations.

Proposed Planning Controls

The proposed planning controls, as exhibited, have not adequately addressed the existing and future operations on the Barro Group land. These include:

- Proposed Zone Controls

The Amendment proposes to rezone part of the Woody Hill Quarry land to extend the application of the Special Use Zone Schedule 4 to the north and east and to apply the Urban Growth Zone Schedule 7 to the remainder of the land to the north. The existing land included in the SUZ4 would remain.

As previously noted, the proposed extension of the SUZ4 only reflects part of the intended expansion of the Woody Hill Quarry.

The proposed zone boundaries should be revised to reflect the extent of known quality resources and the ability for the land to supply State significant materials to the urban area.

- Sewerage Treatment Plant

The *Shenstone Park Background Report* prepared by the VPA identifies the potential restriction that the future Sewerage Treatment Plant (STP) may place on expansion of the Woody Hill Quarry to the south. The report further acknowledges that the STP is unlikely to be in operation until 2025 and that “*management strategies and timing*

arrangements may be able to allow both stone extraction and the STP to occur in proximity to each other”.

This has not been accommodated for in the proposed planning controls.

- Buffers

The exhibited Urban Growth Zone (Schedule 7) relates to the north section of the Barro Group land and includes ‘Applied zone provisions’ that reflect the land uses shown on the *Future Urban Structure Plan* (Plan 3). The applied zone provisions are the Industrial 1 Zone for land generally within 200m of the ‘Woody Hill Blast Buffer’, shown as ‘Industry’ and the Commercial 2 Zone for land along Donnybrook Road, shown as ‘Business’.

The exhibited provisions of the UGZ7 prohibit the construction of a building on land shown within the ‘Woody Hill blast buffer’ which applies to parts of the Barro Group land. This provision significantly limits the ability to use this part of the land for any new commercial purpose. The implications of such a significant limitation will need to be considered in light of any future plans Barro may have for the ‘affected’ part of its landholding.

There is also no end date specified for the restriction on the construction of buildings in these areas. Consideration should be given as to whether the restriction should be lifted after extraction (blasting) ends in a particular area.

Although the proposed Schedule to the referral provisions at Clause 66.04 states that an application within the ‘Woody Hill sensitive use buffer’ under the UGZ7 must be referred to DJPR, the UGZ7 provisions do not seem to include this requirement as it is currently drafted.

Consideration should be given to whether a specific provision requiring referral to DJPR is required within the UGZ7 schedule. The Wollert PSP provides a relevant example of this.

Requirement R19 of the PSP states:

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

Consideration should be given to whether this requirement should be carried over to the UGZ7 provisions, as has been done for the Phillips Quarry.

In relation to the existing concrete batching plant at the Woody Hill Quarry, Clause 53.10 includes a threshold distance of 300m. Any future sensitive uses should be located beyond this distance.

- Conservation Area

The exhibition documents show a '*BCS boundary re-alignment to be confirmed by DELWP*' which is generally consistent with the alignment of the proposed access road between the Woody Hill and Phillips Quarries.

The proposed UGZ7 provisions include conditions for the protection of conservation areas and native vegetation during construction.

It is understood that an application to amend the boundary of Conservation Area 28 has been lodged. If approved, the Shenstone Park PSP documentation should be updated to reflect this. Requirement R46 should also provide for the access road and associated bunding and infrastructure between the Woody Hill and Phillips Quarries.

In conclusion, the recognition of well-located extractive industries as a critical component of delivering affordable urban growth is sound and is supported. However, further work is required to accurately reflect the existing and approved operations on the Barro Group land as well as the mechanisms to provide for the operation and expansion of the Woody Hill and Phillips Quarries in line with State and local planning policy. The above comments outline some of the issues which need to be addressed for that purpose and will be further elaborated on in submissions and expert evidence presented to the Panel.

If you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,



Shayne Linke
Director