

PLANNING PANELS VICTORIA**MITCHELL PLANNING SCHEME AMENDMENT C106: BEVERIDGE NORTH WEST PRECINCT
STRUCTURE PLAN****STATEMENT - IN-SITU HARD ROCK RESOURCE AND QUARRY APPLICATION**

1. Item 17-22 of the Panels directions dated 13 March 2020 require the VPA to coordinate the preparation of a statement (agreed where possible) that:
 - 1.1. Identifies key factual information (eg quality and quantity of resource)
 - 1.2. Identifies key statements of Government policy that are relevant including:
 - a. *State and local Planning policy (including the implication of VC160 if any)*
 - b. *Other relevant adopted State policy around resource protection and extraction*
 - c. *Advice on the approach to buffer definition (on a without prejudice basis, assuming the quarry resource warranted some form of protection)*
 - d. *Where (if) there are matters not in dispute around the resource/quarry issue these should be identified.*
2. This statement has been prepared by the VPA. The following parties were identified in the Panel's direction as having an interest in the preparation of this statement:
 - 2.1. Mitchell Shire Council
 - 2.2. Conundrum
 - 2.3. Crystal Group
 - 2.4. Mr Wally Mott
 - 2.5. Balcon Beveridge Project Management
 - 2.6. Yarra Valley Water as the landowner of Hazelwynde (**YVW – Hazelwynde**)
 - 2.7. Gilbo Family
 - 2.8. DJPR
 - 2.9. Transport for Victoria
 - 2.10. Boral¹
3. The VPA circulated a draft statement to the above listed parties and invited comment. Comments received from parties have, where agreed with the VPA, been incorporated into the VPA statement. Where comments are not agreed, they are shown under the relevant party heading.

¹ Parties are listed in the order listed in the Panel's direction.

QUALITY AND QUANTITY OF THE RESOURCE

VPA

4. The exhibited background materials for the Amendment include the document titled “Wallan/Beveridge Extractive Resources Analysis (2017) Coffey Services Pty Ltd, for DEDJTR” (**Coffey Report**). The Coffey Report evaluated the quarry proposal WA1473.
5. Page 4 of the exhibited Beveridge North West Plan states that a ‘*basalt flow containing a high-quality hard rock resource has been identified to the west of Spring Hill*’. WA1473 is located within this area.
6. In summary the Coffey Report concludes as follows:

Resource type

- 6.1. WA1473 proposes to extract Newer Basalt.
- 6.2. The resource is part of the ‘stony rise’ sub-group of the western Victorian Newer Volcanic (Basalt) flows.
- 6.3. The stony rise “sub-group is generally a younger grey iddingsite basalt flow occurring as tongues and stony rises which is above the groundwater table and with little weathering and soil development and consequently of a higher stone quality, than other Newer Basalts”.²

Alternative supply sources

- 6.4. The resource covered by WA1473 is “one of the last available undeveloped resource for Newer Basalt, and particularly the “stony rises” sub-group”³
- 6.5. Hard rock resources on other sites in the northern growth corridor have either been relinquished or exhausted.
- 6.6. There are no other significant operating or planned stone resource sites north of Craigieburn, other than WA1473.
- 6.7. The location of WA1473 would means it could “produce stone for concrete, road base, rail ballast, for use within the northern development corridor, with lower transport costs compared with competing quarries.”⁴
- 6.8. Rock types other than New Basalt may also can be used for the production of aggregate and road sub-base.
- 6.9. Sources of alternate hard rock resources are available. The Coffey Report surmises:

Given a criteria for a significant quarry of a production rate >300,000 tpa and a life time of >25 years, there are six significant suppliers that lie within 50 km of WA1473 which can produce substitute products for that expected to be produced from WA1473.

Of these six WAs, two are operated by Holcim (one), Hanson (three) and Boral (two).

In terms of spatial distribution of the six suppliers most are located 10 km to 50 km south of WA1473 and serve the Melbourne and Geelong regions. Two quarries

² Coffey Report Page 3.

³ Coffey Report Page 4.

⁴ Coffey Report Page 4.

(operating as one supplier) are some 20 km to the north. WA1473 is located closest to a region of recent and strong residential development in the areas of Wallan, Whittlesea and Donnybrook and should, by virtue of this, have the lowest transport cost to those areas for concrete and road, rail and building products.

Thus WA1473 represents a strategic long term resource that is well placed to serve the northern development corridor for many years into the future. The quarry will also be able to supply the northern half of the Greater Melbourne region as this lies within 50 km of the quarry, a reasonable estimate of the maximum transport distance for the products the quarry will produce.

There are significant proposals for residential and commercial development in the northern corridor within the next 10 years. The long time frames for Work Authority approvals currently experienced in Victoria, would suggest, in this time frame, that WA1473 is critical to serving these developments.

*In the list of significant suppliers to the northern development region all but the proponent are large vertically integrated suppliers. The proponent remains the only independent supplier, (that is independent of cement suppliers). This may be a significant factor in supporting local and associated business developments and reducing costs of building.*⁵

The following paragraphs identify responses or statements received from interested parties that the VPA did not agree to include in its summary.

Mitchell Shire Council

7. The State has identified the site with the designation WA1473. A planning permit application is currently before Mitchell Shire Council seeking permission for the use and development of the land as a quarry. Various technical reports have been lodged with the application in support of the grant of a permit.
8. Mitchell Shire Council acknowledges the existence of a stone resource in the vicinity of the proposed quarry but also acknowledges the existence of other resources in the reasonable vicinity of Melbourne.
9. Council submits that the submission that seeks to identify the proposed quarry in the Beveridge North West PSP requires an assessment of the relevant planning policy framework to determine what outcome ultimately achieves the greater net community benefit. Council's position before the Planning Panel is that the permit application must ultimately be considered on its merits *but* within a clear, unambiguous and settled statutory planning framework.
10. Mitchell Shire Council generally agrees with the VPA's characterisation of the relevant planning policy provisions and will elaborate on those provisions in the course of its submissions. Mitchell Shire Council submits that the current planning policy framework is to some extent still evolving. The proposed PSP will ultimately form an important part of the determination and settlement of that policy framework and ultimately it is necessary to ensure that the "can is not kicked" down the road any further on this issue. Only then can any permit application be properly considered and determined.

Conundrum

11. In addition to the above, the following is a list of policy documents which Conundrum say properly informs the Panel's consideration of matters:
 - 11.1. Draft Work Plan (WA1473), which was statutorily endorsed in 2015 under Section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*; and

⁵ Coffey Report Page 10.

- 11.2. Report titled *Extractive Resources in Victoria: Demand and Supply Study 2015-2050* released by Department of Economic Development, Jobs, Transport and Resources (now Department of Jobs, Precincts and Regions) in 2015.

Yarra Valley Water as the landowner of Hazelwynde (YVW – Hazelwynde)

12. YVW – Hazelwynde will call evidence in relation to the analysis and conclusions contained in the Coffey Report and accordingly at this time it does not agree that the statements contained in the Coffey Report extracted above are agreed facts.
13. At the time of writing, YVW – Hazelwynde has not seen Conundrum's list of key factual information and hence cannot comment on whether any items are agreed at this time.
14. YVW – Hazelwynde does not, at this time, have any reason to dispute the statement in the planning permit application that:
 - 14.1. there is a proven 22 million tonnes of stone available at the site; and
 - 14.2. of the 17 million tonnes proposed for extraction, 12 million tonnes will be high quality Class 3.

Gilbo Family

15. The Gilbo family does not support the inclusion of the Coffey Report in this document and, in particular, takes issue with the conclusions under the heading 'Alternative supply sources' at paragraphs 4.4 to 4.9 above. However, if a summary of the conclusions of the Coffey report are to be recorded in this document, which the Gilbo family does not support because the conclusions reached in that report are not agreed and will be the subject of evidence before the Panel, this document should record that the Gilbo Family disagrees with the summary of the conclusions expressed in the Coffey Report at paragraphs 4.4 to 4.9 above.

DJPR

16. DJPR sought inclusion of a comment that asserts the "VPA has adopted Coffey's findings and accepts DJPR's position."
17. WA1473 remains the only significant resource that is available to service development the northern part of the growth corridor and the northern half of the Greater Melbourne Region
18. The long time frames it takes to gain approval for a quarry Work Authority and planning permit in Victoria (up to 10 years) would suggest that WA1473 will have an important role in supplying affordable construction materials for urban development within the northern part of the corridor.
19. WA1473 has been statutorily endorsed by the regulator (ERR).
20. Planning Permit application PLP268/19 has been lodged with Mitchell Shire for the land covered by WA1473.
21. The proponent's commitment to this project as evidenced by several years of investigations and engagement with key stakeholders further demonstrates there is clear intent to establish a quarry in this location.

Boral

22. Boral acknowledges the items included in paragraphs 4.1 to 4.7 above as accurate.
23. Boral considers the statement which appears in paragraph 6.8 [*Other rock types can be used in aggregate and road sub-base in place of Basalt*] to be misleading and fails to recognise the

supply chain dynamics of the extractive industry through the omission of important context. In particular, we note the following:

- 23.1. Some level of substitution is possible between hard rock types; however, the cost to extract and produce high-grade products from Basalt, for most product types, is at the lower end of the scale, compared to other geologies.
- 23.2. The geology of the underlying region comprises predominantly basalt and the use of other rock types for aggregates and road base is more expensive due to transporting products from locations much further away.
24. Boral considers the statement at paragraph 6.9 [Sources of alternate hard rock resources are available] to be overtly brief and lacking context.
 - 24.1. In particular, Boral challenges the assumption that alternate hard rock resources have the capacity to address future demand within the northern growth corridor. Extractive resources are ideally extracted close to where they are needed to minimise transport costs as well as social and environmental impacts. Sources of alternate hard rock resources, within an economic proximity of growth areas, are either significantly scarce or limited in their production rates due to inappropriate encroachment of urban development, technology, land confinement or other factors.
 - 24.2. Boral defers to DJTR on supply and demand; however, it has been widely recognised and highlighted in the Victorian Government's Extractive Resources in Victoria Supply and Demand Study report, and according to the CCAA, *"there is insufficient supply within current or planned quarry resources to satisfy the demand. It is estimated that 34 percent of Victoria's requirements for quarry products by 2050 will need to be sourced from new quarries"*. The inability of the industry to establish new resources close to Melbourne will mean construction materials may need to be imported from substantial distances i.e rural Victoria or interstate. The report also identifies an additional \$2 billion in transport costs for every 25 kilometres that quarry materials must be transported over the 2015-50 period.

No comments were received on this section from Crystal Group, Wally Mott, Balcon Beveridge Project Management⁶, or Transport for Victoria.

POLICY

VPA

25. In general terms, the VPA considers the following to be the relevant state, local and adopted policy documents:
 - 25.1. Delivering Melbourne's Newest Sustainable Communities
 - 25.2. Plan Melbourne
 - 25.3. Growth Corridor Plan (North Growth Corridor Plan)
 - 25.4. State Policy

⁶ The lawyers for Balcon Beveridge Project Management Pty Ltd provided the following response to the draft statement"

Our client refers to and relies on its response to Mr Tony Marks of the VPA dated 7 October 2019 which outlines significant concerns in relation to the potential inclusion of a proposed quarry WA1473 on the Precinct Features Plan (Plan 2).

We have no further submissions or input for the draft statement at this point in time and reserve our client's rights to make further submissions (if necessary) on the proposed quarry and the final statement – 'In Situ Hard Rock Resource and Quarry Application'.

- 25.5. Particular Provisions
 - 25.6. Local Policy
 - 25.7. Extractive Industry and Resources Planning Practice Note 89, February 2020
 - 25.8. Managing buffers for land use compatibility, Planning Advisory Note 92, May 2020
 - 25.9. EIIA area map and GSV TR2003/2 - Melbourne Supply Area: Extractive Industry Interest Areas Review
 - 25.10. Joint ministerial statement on extractive resources, 2018
 - 25.11. EPA Publication Number 1518 Recommended separation distances for industrial residual air emissions
26. [Delivering Melbourne's Newest Sustainable Communities](#)
27. *Delivering Melbourne's Newest Sustainable Communities* report, dated June 2009, set out the Victorian Government's proposal to:
- 27.1. Revise Melbourne's Urban Growth Boundary and designate land for development;
 - 27.2. Plan the alignments of the Regional Rail Link (west of Werribee to Deer Park) and the Outer Metropolitan Ring / E6 Transport Corridor; and
 - 27.3. Define the boundaries and management of grassland reserves in Melbourne's west.
28. The following provisions are relevant to the issues before the Panel:
- 28.1. *Clause 3.2 – Opportunities and Constraints*

Understanding land development opportunities and constraints has been fundamental to the process of reviewing Melbourne's Urban Growth Boundary. Consideration has been given to a range of issues such as Government policy objectives seeking access to and/or use of the same land. This has included understanding the long term potential of resources such as quarries and identifying opportunities to deliver improved environmental outcomes.

The results have contributed to defining the proposed Urban Growth Boundary and to identifying areas that should not be developed. The preparation of more detailed Precinct Structure Plans will enable the precise location of these constraints and other constraints present within the new growth areas to be determined..

...
 - 28.2. *Clause 3.2.4 – Extractive Industry*

Extractive industry plays a fundamental role in development. The resources provided by the industry underpin virtually all building and construction. Victoria is fortunate in having an abundance of stone, sand and soil resources. As the cost of extraction and transport translates into the cost of raw building materials, care needs to be taken to ensure that the industry can continue to operate efficiently.

The review has carefully examined current and proposed extractive industry areas, their buffer and access requirements. With some exceptions, the approach has been to ensure extractive industry can continue to operate into the long term.

Where quarries are adjacent to the proposed Urban Growth Boundary, either the whole quarry area has been left outside the boundary, or where a buffer to the quarry area overlaps land within the Urban Growth Boundary, it has been shown as non-developable. The latter approach will allow some flexibility. It protects the buffers to quarry tenements until it can be demonstrated that this protection is no longer required.

The effect of this approach can be seen, for example, at Plumpton, where the proposed Urban Growth Boundary is located along the Melton Highway but land within the buffer to the quarry located on the north side of the highway is shown as non-developable (with the exception of the Special Use Zone in that instance).

There are instances, however, where entire extractive industry tenements are inside the proposed Urban Growth Boundary. In some cases this is due to the operator indicating that the quarry work will end within the 20 year planning horizon. In other cases, the extractive industry operation is too far from the edge of the proposed Urban Growth Boundary to be excluded.

In all such cases, provision has been made to allow for 500 metre buffers around these operations. Land within these buffer areas has not been included in the calculation of the potential urban area. Some quarries may be converted to landfill so it is appropriate that the buffer remains until a clear future is determined

28.3. Clause 7.3 – Assessment

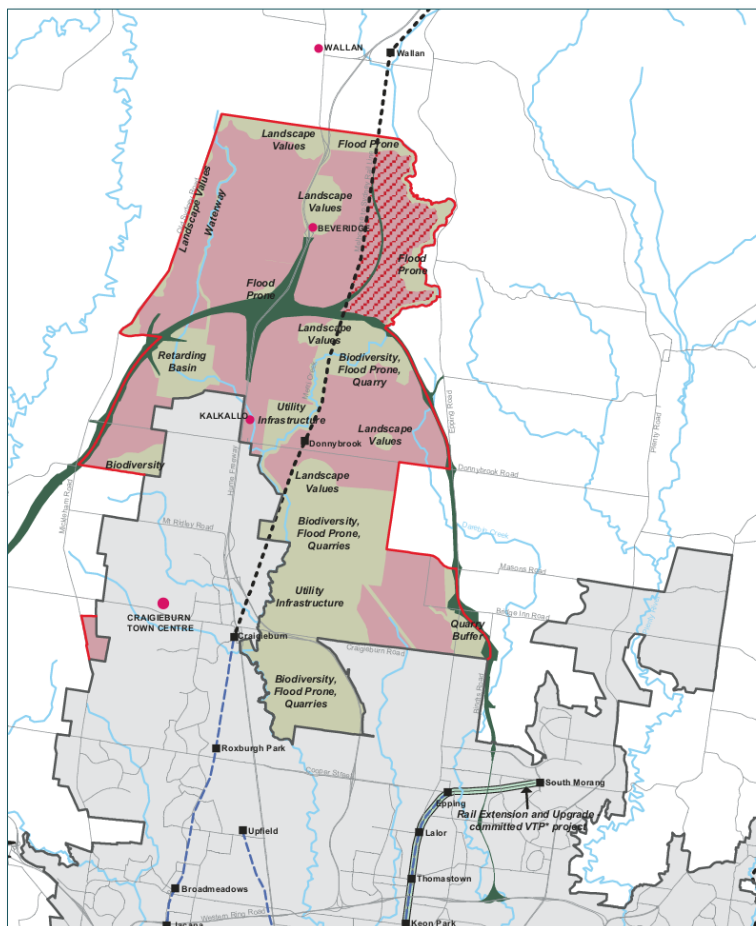
Extractive industries

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

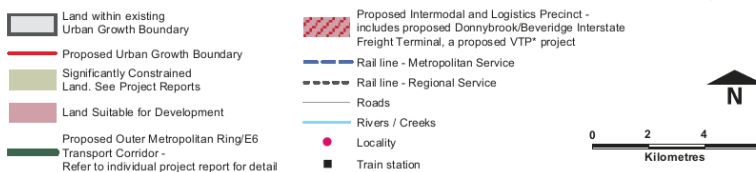
- 28.4. The below figure extracts the Northern Investigation Area map from chapter 7 of the report. The figure relevantly shows areas suitable for urban development and those constrained for identified reasons such as landscape and biodiversity values, flooding, and quarries. The Beveridge North West PSP Area is depicted as “Land Suitable for Development” and “Landscape Values”.

7. MELBOURNE NORTH INVESTIGATION AREA (HUME-MITCHELL-WHITTLESEA)

MELBOURNE'S NORTH – LAND USE AND TRANSPORT INITIATIVES MAP



* The Victorian Transport Plan



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29. [Plan Melbourne](#)

30. Plan Melbourne balances a number of competing land use demands.

31. The following references are relevant to extractive resources:

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

Melbourne's demand for extractive resources is expected to almost double by 2051.21 This demand will be driven largely by sustained growth in the residential

sector—including Melbourne’s growth corridors—and strategic projects such as Fishermans Bend, the Metro Tunnel and major road upgrades.

...

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.

Policy 2.2.5 – Require development in growth areas to be sequenced and staged to better link infrastructure delivery to land release

Growth areas have a significant role to play in how Melbourne’s growth is managed and provide affordable housing options to residents. Melbourne’s greenfield lots are the second cheapest among Australia’s capital cities.

...

In the future, planning and development of growth areas should:

- *provide around 15 years supply of land approved for development*
- *over time, seek an overall increase in residential densities to more than 20 dwellings per hectare*
- *be sequenced to ensure new precincts are contiguous with previously approved precincts.*

This approach will link infrastructure delivery to land release, ensuring residents in new communities receive the services and infrastructure they need sooner. Coordinated planning such as this will help create stronger, healthier communities.

32. [Growth Corridor Plans – Managing Melbourne’s Growth \(GAA, 2011\) – North Growth Corridor Plan](#)

33. The Growth Corridor Plan articulates the relationship between the growth corridor plans and precinct structure plans as follows:⁷

The Growth corridor plans provide a broad land use framework that will guide the future planning and development of new precincts.

...

Before development can commence, detailed planning for each precinct must occur in the form of individual precinct structure plans (PSPs), which must be ‘generally in accordance’ with the Growth corridor plans.

⁷ Page 7, section 1.1.

- ...
34. Section 3.7.4 addresses “Maintaining local quarrying potential” and provides:

The Growth corridors contain significant mineral resources and a number of operating quarries. To avoid the need to transport construction materials substantial distances it is important to enable the continued operation of these quarries and for appropriate buffers to be maintained from the working surfaces of all quarries.

35. The Northern Corridor Plan is set out at section 5 of the document.

36. At section 5.7 the North Growth Corridor Plan provides:

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

37. Although the North Growth Corridor Plan does show quarry locations within the corridor, the plan does not place a quarry in the Beveridge North West PSP area. The relevant part of the PSP area is noted as being of ‘landscape values’.

38. An extract of the North Growth Corridor Plan is extracted below:



8

⁸ The notes shown on this extract are as follows:

- 1 - Potential for review of RCZ through Precinct Structure Plan process
- 2 - Potential Future Interstate Freight Terminal
- 5 - Potential rail stabling
- 7 - Intersection requiring further investigation

39. **Mitchell Planning Scheme – Planning Policy Framework**

40. The following clauses of the Mitchell Planning Scheme are of particular relevance to the issues before the Panel regarding the proposed quarry⁹:

40.1. Clause 11 – Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- ...
- *Protection of environmentally sensitive areas and natural resources.*
- ...

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

40.2. Clause 11.02-1S - Supply of urban land

Objective – To ensure a sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies – including:

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

...

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

...

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

40.3. Clause 11.02-3S - Sequencing of development

Objective – To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies – including:

⁹ These references are from the current version of the Mitchell Planning Scheme, and incorporate revisions introduced by amendment VC160.

...

Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.

...

Improve the coordination and timing of infrastructure and service delivery in areas of growth.

...

40.4. Clause 11.03-2S – Growth Areas

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

Strategies – including:

...

Protect and manage natural resources and areas of heritage, cultural and environmental significance.

...

Develop Growth Area Framework Plans that will:

- *Identify appropriate uses for constrained areas, including quarry buffers.*

40.5. Clause 11.03-SS – Peri-urban areas

Objective – To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies – including:

Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources

...

40.6. Clause 13.07-1S – Land use compatibility

Objective – To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively*

Policy documents:

Consider as relevant:

Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013).

40.7. Clause 17.03-2S – Sustainable industry

Objective – *To facilitate the sustainable operation of industry.*

Strategies:

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

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

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

Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

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

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

Policy documents

Consider as relevant:

Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013)

40.8. Clause 14.03-1S - Resource exploration and extraction

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

Strategies – including:

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 the overall planning considerations and acceptable environmental practice.

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

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

Develop and maintain buffers around mining and quarrying activities.

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

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

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

Policy documents – consider as relevant:

- *Mineral Resources (Sustainable Development) Act 1990*
- *...*
- *Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2)*
- *...*

40.9. Clause 14.03-1R – Resource exploration and extraction – Hume

Strategy – Support the availability of construction materials locally and consider measures to facilitate and manage their extraction.

41. **Mitchell Planning Scheme – Local provisions**

42. The following clauses of the Mitchell Planning Scheme are of particular relevance to the issues before the Panel regarding the proposed quarry:

43. The following local policy provision is also relevant:

43.1. Clause 21.01-2 – Key Planning Issues

Including:

- *Population growth and changing settlements, including the growth of metropolitan Melbourne.*
- *...*
- *Natural resource management and biodiversity.*
- *...*

43.2. Clause 21.08-2 – Industry

Industrial expansion within the various towns is vital to the economic wellbeing of the municipality. The overall appearance of industrial areas is important in attracting ongoing and new investment.

Council's Economic Development and Tourism Strategy, 2010 recommends targeting potential growth industries where the Shire has a competitive advantage, particularly in the equine industry, health and education sectors, transport, logistics and warehousing, value-adding agriculture, viticulture, organic farming and new technologies.

There is some interest in locating both offensive industries and poultry farms in the Shire and other regional areas partly as a consequence of continued pressure on these industries from urban expansion in Melbourne. Care needs to be taken in considering the approval of these industries.

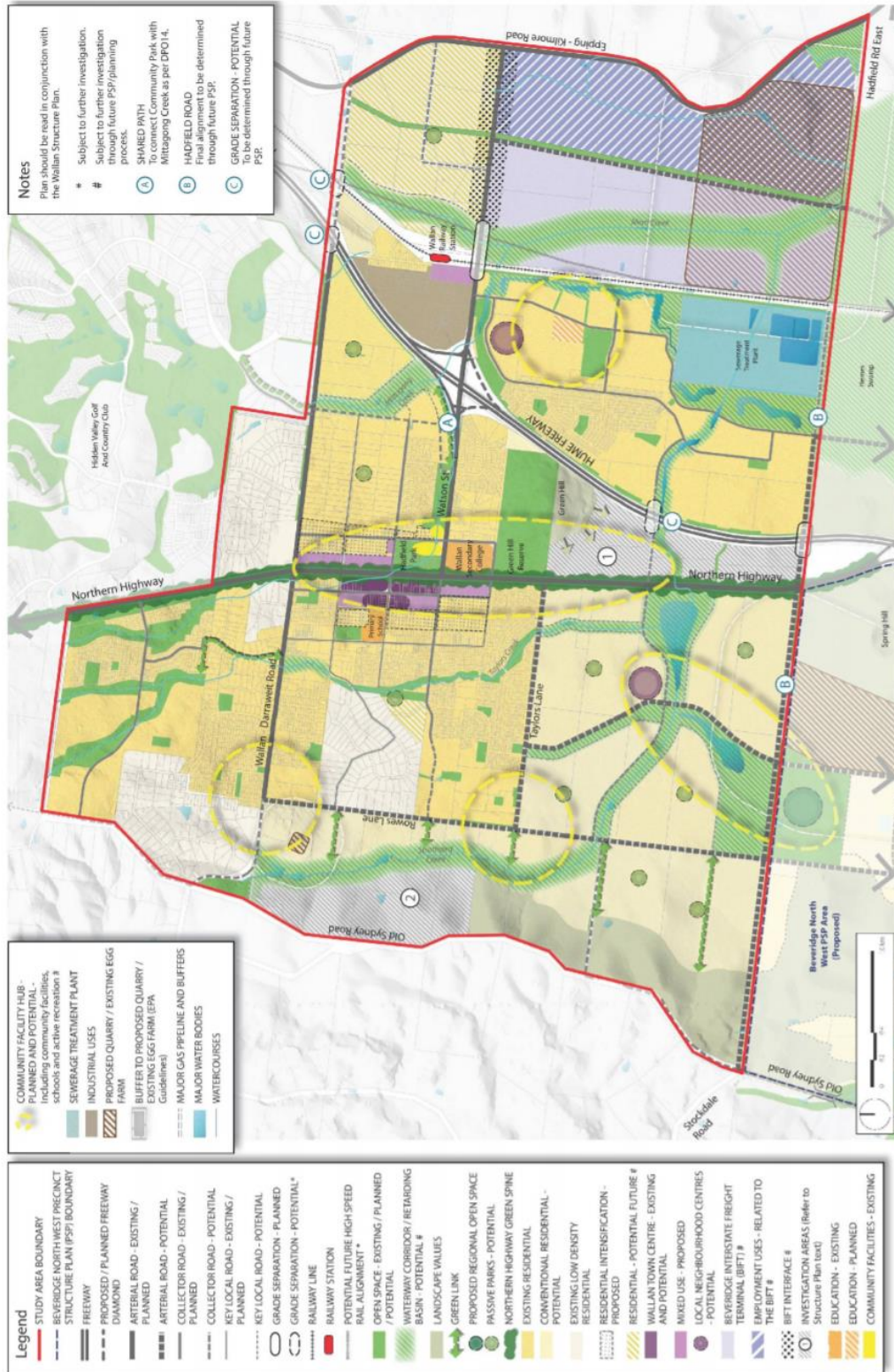
...

43.3. Clause 21.11-9 – Wallan

This clause includes the Wallan Town Centre Master Plan and Urban Design Framework. The master plan currently marks the proposed quarry site as "PROPOSED QUARRY / EXISTING EGG FARM" and depicts a "BUFFER TO PROPOSED QUARRY / EXISTING EGG FARM (EPA GUIDELINES)".

The following image is the Wallan Town Centre Masterplan and Urban Design Framework included in clause 21.11-9.

The document "Wallan Town Centre Masterplan and Urban Design Framework, 2016" is a reference document to clause 21.12-4 of the Mitchell Planning Scheme.



Wallan Town Centre Master Plan and Urban Design Framework

44. [Mitchell Planning Scheme](#) – Particular provisions

45. The following clauses of the Mitchell Planning Scheme are of particular relevance to the issues before the Panel regarding the proposed quarry:

45.1. Clause 52.08 – Earth and Energy Resources Industry

Purpose:

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

The remainder of the clause sets out application requirements and permit exemptions.

45.2. Clause 52.09 – Stone Extraction and Extractive Industry Interest Areas

Purpose:

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

Clause 52.09-4 includes the following decision guidelines:

Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The effect of the proposed extractive industry on any native flora and fauna on and near the land.*
- *The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.*
- *The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.*
- *The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.*
- *The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.*
- *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
- *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*
- *The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.*
- *The impact of the proposed extractive industry on surface drainage and surface water quality.*
- *Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.*

Clause 52.09-7 includes the following regarding notice of an application:

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990:

- *An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:*
- *Within an Extractive Industry Interest Area. – On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990*
- *An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

This requirement does not apply to an application to extend a building or works.

The remainder of the clause sets out application requirements, referral and notice requirements, restrictions on the conditions that may be imposed on a permit, and matters that the use and development of an extractive industry must comply with.

45.3. Clause 53.10 – Uses and activities with potential adverse impacts

Purpose:

To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

Clause 53.10-1 specifies threshold distances for certain uses that trigger a referral to the Environment Protection Authority. Stone extraction or the use of land for a quarry are not addressed by this clause.

45.4. Clause 66.05 – Notice of Permit Applications under State Standard Provisions

This clause requires notice of an application under clause 52.09-8 of the kind set out below to be given to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*.

An application to use or subdivide land or construct a building for accommodation, education centre or hospital:

- *Within an Extractive Industry Interest Area.*
- *On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply to an application to extend a building or works

46. [State Resource Overlay](#)

47. The Victorian Planning Provisions include clause 44.07 – State Resource Overlay.

48. The purpose of the State Resource Overlay is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas of mineral, stone and other resources, which have been identified as being of State significance, from development that would prejudice the current or future productive use of the resource.

49. Clause 44.07 is not included in the Mitchell Planning Scheme and does not apply to the Beveridge North West PSP Area.

50. [Planning Practice Note 89 – Extractive Industry and Resources – February 2020](#)

51. The Department of Environment, Land, Water and Planning prepared the Extractive Industry and Resources Planning Practice Note 89, February 2020.

52. The Practice Note provides information regarding:

52.1. The extractive industry approvals process.

52.2. Protecting existing extractive industry operations, including buffers.

52.3. Protecting Victoria's extractive resources.

52.4. The Victorian Government's initiatives for improving the regulation and protection of extractive industry and resources.

53. The Practice Note comments on the role played by state planning policy and the extractive industry interest areas, relevantly providing:

53.1. In respect of buffers:

Under Clause 14.03 of planning schemes, it is a state planning policy strategy to develop and maintain buffers around quarrying activities. This strategy applies to both new extractive industry and new sensitive use and development.

It is also a state planning policy strategy to 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. However, many existing extractive industries commenced operation prior to this requirement coming into effect.

Planning and responsible authorities need to give effect to Clause 14.03 by ensuring an appropriate buffer is maintained around an existing quarry.

53.2. In respect of Extractive Industry Interest Areas:

Extractive Industry Interest Areas (EIAs) are applied to land that has been identified as likely to contain stone resources of sufficient quantity and quality to support commercial extractive industry operations and where limited environmental and social constraints apply. EIAs have been defined for the Melbourne, Ballarat, Bendigo, Geelong and Latrobe supply areas.

EIAs do not imply that a quarry can be established 'as-of-right' in these areas, nor do they preclude extractive industry from being established outside EIAs. EIAs should not be regarded as totally inclusive of all attainable stone resources in Victoria.

54. [Managing buffers for land use compatibility, Planning Advisory Note 92, May 2020](#)

55. The Department of Environment, Land, Water and Planning prepared Planning Advisory Note 92, Managing buffers for land use compatibility.

56. The purpose of the advisory note is stated as providing guidance on:

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

57. Under the heading *Overview of land use compatibility* the advisory note states:

Many industrial and other land uses have the potential to produce off-site impacts, such as noise, dust, odour and hazardous air pollutants. While these impacts can often be prevented through onsite management, unintended off-site impacts due to equipment failure, accidents, abnormal weather events and other causes may still pose risks to amenity, safety and human health. These impacts are particularly concerning where residential areas, hospitals, schools and other sensitive uses may be exposed.

Ensuring land use compatibility is fundamental to the objectives of planning in Victoria. Where separation between incompatible uses is not considered as part of the planning process, land use conflict can occur. This often results in situations where the operation and viability of industries, including critical infrastructure, is threatened while communities are put at risk.

58. Under the heading *What are buffers and why are they important?* The advisory note states:

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

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

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

59. The advisory note goes on to address the following:

- 59.1. *How does the Planning Policy Framework help protect and manage buffers?*
- 59.2. *The importance of strategic planning.*

60. The following passages are of especial relevance to the issues before the Panel:

- 60.1. *State planning policy sets out broad principles for use and development, including consideration of encroachment and land use compatibility.*

Clause 13.07-1S Land use compatibility of the Planning Policy Framework aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial or other uses with potential adverse off-site impacts. The Environment Protection Authority (EPA) Recommended separation distances for industrial residual air emissions publication (EPA Publication 1518) is included under Clause 13.07-1S for consideration as a policy document. This document provides guidance on what land uses require separation, the types of land uses that are suitable as interface land uses and informs strategic land use planning decisions and consideration of planning permit applications...¹⁰

- 60.2. *As reflected in the Planning Policy Framework, the priority when planning land use and development is avoiding land use conflict in the first place. This involves*

¹⁰ Page 2.

understanding where existing industry and other uses with potential off-site impacts are and ensuring current zoning appropriately protects operators and surrounding communities. It also means making sure that sensitive uses and future urban growth are directed away from areas that could be affected by off-site impacts. Strategic planning around uses with potential off-site impacts should consider the capacity or need for future expansion of that use or expected changes to operations. Planning approaches might differ depending on the strategic planning scenario.

Avoiding land use conflict in greenfield areas

Greenfield areas are typically still in the process of being developed, and therefore may not suffer from existing land use conflict. However, while buffers for industries and other uses established in greenfield areas often remain intact, it is crucial that zones and other land use planning tools are used to prevent land use conflict from occurring in the future – especially in the face of strong urban growth pressure. Industries and other uses with potential off-site impacts should be clearly identified so they can be considered early in strategic planning processes and in the development of precinct structure plans. Where incompatible land uses are forecast to be transitioned out of an area, implementation should be staged to ensure land use conflict can be effectively managed before transition has finished. This should be outlined in precinct structure plans.¹¹

61. [EIIA area map and GSV TR2003/2 - Melbourne Supply Area: Extractive Industry Interest Areas Review](#)
62. The EIIA area map and 2003 Melbourne Supply Area review identify the PSP area as an Extractive Industry Interest Area.
63. The EIIA designation is provided to land that has been identified as likely to contain stone resources of sufficient quantity and quality to support commercial extractive industry operations and where limited environmental and social constraints apply.
64. The application site is The location of the application site in relation to the PSP area and EIIA area (orange) is shown in the below figure (source: gsv.vic.gov.au/).

¹¹ Page 2.



65. [Helping Victoria Grow: Extractive Resources Strategy \(the Strategy\)](#)

66. The “Overview” section of the Strategy provides as follows:

Victoria is growing rapidly. Our population is forecast to exceed 10 million people by 2050. We need extractive resources to build new housing, roads, rail lines, hospitals, schools and other public infrastructure to accommodate and service this significant population growth.

The construction materials relied upon by Victorians such as concrete, bricks, asphalt, paving, road base and aggregates are made from stone, sand, clay and other resources extracted from quarries across Victoria. These raw resources are the foundation of our built environment, contributing to Victoria’s economic development, liveability and the wellbeing of our communities.

The extractive resource sector underpins our \$23 billion building and construction industry. Maintaining cost competitiveness for construction is critically important for Victoria’s future economic growth. Currently, our 535 quarries produce around 50 million tonnes of stone, limestone, sand and gravel each year, generating \$786 million at the ‘quarry gate’.

In 2016, demand for extractive resources in Victoria was expected to double to 2050 as a result of ongoing growth in residential and commercial development, our community infrastructure, and transport and utilities infrastructure.

In 2018, demand for extractive resources in Victoria has been tracking at levels higher than previously forecast due to the ramp up in major transport infrastructure investment, while underlying housing demand remains strong. If this high demand trend persists, total extractives production is expected to increase to more than 100 million tonnes per annum by 2050, more than doubling annual production compared to 2016 levels.

While demand for extractive resources is at an all-time high, previously anticipated resource supplies have not all come to fruition or are restricted due to delays in approval processes, strong competition for land or restrictions on existing quarry operating conditions.

Victoria's high demand for extractive resources and emerging supply shortfalls are creating an urgent need for the Government to take immediate action to secure the high-quality resources needed to meet Victoria's current and future infrastructure and affordable housing requirements.

67. Under the heading "This Extractive Resource Strategy" the Strategy, provides:

This Extractive Resources Strategy The Victorian Government has developed this Helping Victoria Grow: Extractive Resources Strategy ("Strategy") to help ensure that high quality extractive resources continue to be available at a competitive price to support Victoria's growth.

This Strategy builds upon key insights into challenges and opportunities for the extractives sector gleaned from extensive engagement with industry in 2016 and subsequent discussions with local councils and key stakeholders during 2017.

This Strategy looks 'beyond the quarry gate' to recognise the interactions between a quarrying operation and its surrounding landscape. It applies across the whole quarrying life cycle, from exploration for new extractive resources through to innovative end land uses for quarries. Applying a holistic view provides for an integrated approach to managing the social, environmental and economic impacts of the extractives industry.

The objectives of this 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*
- *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.*

This Strategy includes priority actions for implementation in the short, medium and longer term under six broad themes. It will be supported by an implementation plan setting out further detail, timelines and responsibilities to deliver this Strategy

68. The Strategy goes onto outline the following themes:

68.1. Resource and land use planning

Strengthening the security of future extractive resources through improved forward planning for resources and land use

68.2. Transport and local infrastructure planning

Informing freight transport and infrastructure planning for the delivery of quarry resources to market

68.3. Efficient regulation

Helping to build greater industry certainty, confidence and investment in the sector

- 68.4. Confident communities
Building community awareness and acceptance in the extractives sector
- 68.5. Environmental sustainability
Promoting sustainability and environmental stewardship in the sector
- 68.6. Innovative sector
Promoting innovation in the sector, including facilitating innovative end land use for quarries post-closure
69. The top three actions identified by the Strategy are:
- 69.1. *Updating mapping to refine areas for future potential extractive industries, including implementing the Strategic Extractive Resource Areas Pilot Project*
- 69.2. *Implementing the recommendations set out in the Commissioner for Better Regulation's Report on Earth Resources Regulation – Continuous Improvement Project*
- 69.3. *Revising short term supply and demand forecasts to reflect the recent increase in population growth and the Government's investment in new infrastructure*
70. [Joint ministerial statement on extractive resources](#)
71. In 2018 the Minister for Resources, Tim Pallas, and the Minister for Planning, Richard Wynne, released a joint ministerial statement on extractive resources providing rock solid foundations for Victoria's growth.
72. The purpose of the Joint Ministerial Statement is stated as being *'to deliver a better approach for land use planning and regulation that will secure the quarries we need to meet our growing needs.'*
73. The statement outlines 6 key commitments:
'To assist quarries to keep operating and new sites to develop alongside growing suburbs and communities we commit to:
1 Streamline approval processes to expand production
2 Protect the continuity of supply from existing quarries
3 Apply the 'agent of change' principle to quarries
4 Provide better guidance to industry and local government
5 Identify and protect extractive resources of strategic importance
6 Reduce the environmental impact of quarrying and deliver landscape for the community
74. The statement identifies that:
A new Extractive Industry Project Hot List has been developed to identify quarries that will be given priority planning consideration with the goal of halving typical approval times from 18 months to 9 months for good quality applications (Attachment 1).¹²
75. The resource covered by WA1473 is not identified in the statement as a "Hot List" project.
76. [EPA Publication Number 1518 Recommended separation distances for industrial residual air emissions](#)

¹² Joint ministerial statement on extractive resources, page 5.

77. EPA Publication 1518 “provides advice on recommended separation distances between industrial land uses that emit odour or dust, and sensitive land uses:
78. The publication notes that the *guideline contains a list of recommended minimum separation distances that aims to minimise the off-site impacts on sensitive land uses arising from unintended, industry-generated odour and dust emissions. In some instances, the appropriate separation distance may vary from that recommended in this guideline as a result of site-specific operational or environmental conditions. In such cases, a detailed assessment and a resultant proposal that satisfies EPA will be required before a variation can be given planning approval.*
79. Section 4 of Publication 1518 notes that:
- This guideline applies only to off-site residual odour and dust emissions from industries which have the potential to impact on human health and wellbeing, local amenity and aesthetic enjoyment. Noise, vibration, ambient and hazardous air pollutants have not been considered in the development of this guideline.*
- Accordingly, decision-makers and applicants should review all relevant regulations, policies and guidance to ensure that other amenity-reducing issues have been appropriately taken into account (for example threshold distances listed in the Victoria Planning Provisions).*
- ...
80. Section 8 of Publication 1518 provides:
- Separation distances should be determined by measuring from the ‘activity boundary’ of the industrial activity to the nearest sensitive land use. The activity boundary of the industrial activity is the area (within a convex polygon) that includes all current or proposed industrial activities (including the plants, buildings or other sources) from which IRAEs may arise (including stockpiles, windrows, leachate ponds and odour-control equipment)*
81. Table 1 to Publication 1518 specifies a recommended separation distance of 500 metres for a quarry with blasting.

The following paragraphs identify responses received from interested parties that the VPA did not agree to include in its summary.

Mitchell Shire Council

82. Mitchell Shire Council acknowledges that the version of the Wallan Structure Plan (map) within Clause 21 identifies a proposed quarry in the location of the current permit application. Council submits however that Clause 21 of the Mitchell Planning Scheme contains a mapping error in that the proposed quarry does not form part of the adopted Wallan Structure Plan. This mapping error in the Mitchell Planning Scheme is not consistent with the Council adopted Wallan Structure Plan 2015. Recent discussions between Council and DELWP have indicated that DELWP is supportive of an administrative amendment to fix this mapping error.
83. Council notes the letter from the Minister for Planning dated September 2018 outlining his instructions to the VPA to finalise the draft PSP for exhibition in a form without a quarry.
84. Council is calling expert evidence which will talk to relevant strategic planning landscape and economic considerations concerning the future urban development of the Precinct Structure Plan and provide guidance on how the analysis of community benefit should be undertaken.
85. Relevant strategic planning policy considerations include:
- 85.1. The exhibited draft Beveridge North West PSP

- 85.2. Logical Inclusions Advisory Committee (LIAC), Report no. 1: overview and summary report, 11 November 2011
- 85.3. Hume Regional Growth Plan (2014)
- 85.4. Extractive Resources in Victoria - Demand and Supply Study 2015 - 2050 (2016) prepared by Price Waterhouse Coopers on behalf of Department of Economic Development, Jobs, Transport and Resources
- 85.5. Helping Victoria Grow (2018)
- 85.6. Strategic Extractive Resource Areas - Concept and Pilot

Conundrum

- 86. In addition to the matters set out above, the following is a list of policy documents which Conundrum say properly informs the Panel's consideration of matters:
 - 86.1. Delivering Melbourne's Newest Sustainable Communities: Background Report 1 – Land Capability, dated June 2009;
 - 86.2. Report titled *Extractive Industry Interest Areas Melbourne Supply Area (August 1993)*; and
 - 86.3. Extractive Resources Strategy – Helping Victoria Grow (2018).

YVW – Hazelwynde

- 87. YVW – Hazelwynde will be calling evidence from several experts who will set out their own views on relevant policy.
- 88. YVW – Hazelwynde notes that the North Growth Corridor Plan does identify a number of existing quarries, but does not identify the Conundrum quarry.
- 89. Without pre-empting their evidence, while YVW – Hazelwynde considers that the list provided by the VPA covers the most relevant statements of government policy relating to resource extraction and protection, it is not possible at this point in time to ascertain whether the extracts set out in this statement are a comprehensive summary of the relevant policy statements in each policy document.
- 90. Further, the list above does not cover key government policy in relation to other important issues such as the imperative to provide sustainable and affordable housing within the Urban Growth Boundary. YVW – Hazelwynde's evidence and submissions will address those matters.
- 91. The following additional policies, and reports which have informed the policies, are also of relevance to the issue of resource extraction and protection:
 - 91.1. Helping Victoria Grow – Extractive Resources Strategy prepared by the Department of Economic Development, Jobs, Transport and Resources dated June 2018;
 - 91.2. Strategic Extractive Resource Areas – Victoria's Existing Planning System prepared by Jacobs dated October 2016; and
 - 91.3. Melbourne 2030: a planning update – Melbourne @ 5 million, including the Technical Reports listed below:
 - a. Background Technical Report 1: Land Capability
 - b. Background Technical Report 4: Landscape Values dated June 2009

- 91.4. Extractive Resources in Victoria: Demand and Supply Study 2015-2050 = Final Report prepared by PwC dated May 2016.

Gilbo Family

92. The Gilbo Family requested changes that have been agreed to by the VPA and are included in the VPA section.

DJPR

93. Do not agree with how the Policy section has been ordered by the VPA.

94. In regards to clause 1.4.2 of Plan Melbourne the Department requires the following:

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. [with emphasis]

95. Does not agree that reference be made to the State Resource Overlay (SRO) as it does form part of the Mitchell Planning Scheme, nor is it currently used for extractive resources, just coal. Noting that the Strategic Extractive Resources Area Pilot Project (open on Engage Victoria) is proposing to utilise the SRO in the Pilot Areas of Wyndham and South Gippsland.
96. The reference to WA1473 not being included on the Joint Ministerial Statement (JMS) Hot List is misleading, given that the current Hot List only applies to expansions of existing operations, not new quarries. Furthermore, the main purpose of the JMS was to sure up supply in the short to medium term in numerous ways, rather than just through a Hot List.
97. Reinforces that quarries are not permanent land uses and that staging can be designed to enable uses to co-exist with other land uses.
98. Extractive Industry Interest Areas (EIIAs) were established in the 1990s by the Geological Survey of Victoria (GSV) for Melbourne, Latrobe, Geelong, Bendigo and other regions. They serve to highlight areas characterised with favourable geology and limited planning and environmental restrictions to guide industry and other interests about potential sites for earth resources development.
99. The concept of EIIAs was to identify land located in reasonable proximity to major population (demand) centres that is likely to contain commercially viable stone resources where extractive industry is more likely to be established.
100. Extractive Industry Interest Area Supply Area reports serve as reference documents for the purposes of State Planning Policy (Clause 14.03-1S).
101. Over half of the proposed Beveridge North West PSP is located within the north western corner of EIIA884011. Proposed WA1473 is located in the part of the PSP that encompasses EIIA884011.
102. EIIA884011 covers a total of 7,762ha and extends into the south of Mitchell Shire and the north western areas of the City of Whittlesea. In 2003, this EIIA was selected as an area with potential to produce basalt for the long term and to “replace that being produced in the operations to the south of this area” (Department of Primary Industries, 2003, page 93).
103. Helping Victoria Grow: Extractive Resources Strategy (the Strategy)
104. The Strategy highlights that demand for extractive resources in Victoria is at an all time high and supply shortfalls have begun to emerge. This has created an urgent need for the

Government to take immediate action to secure high-quality resources particularly in proximity to major growth areas to meet Victoria's current and future infrastructure and affordable housing requirements.

105. Extractive resources are high volume, heavy, low value materials that are ideally extracted close to where they are needed to minimise costs. Failure to ensure that a sufficient supply of extractive resources is available within proximity to our growth areas and infrastructure projects will likely increase the cost of constructing houses and infrastructure.
106. The Strategy recognises that urban expansion towards existing known extractive resources is a key factor in reducing available strategic supplies that are much needed for Victoria in particular, Melbourne's growth. The Strategy commits the Government to a number of short and long term initiatives to secure resources needed to support growth. Strategic engagement and advice to ensure critical resources (such as, extractive industry interest areas and Work Authority Applications) are protected from encroachment is one such initiative.
107. Extractive Resources in Victoria: Demand and Supply Study 2015-2050 (PwC, 2016)
108. The Demand and Supply Study identified that the annual demand for extractive resources in Victoria is expected to double to 2050 because of ongoing growth in residential and commercial development, community infrastructure, and transport and utilities infrastructure.
109. The Study used a set of Strategic Resource Determination criteria to identify and locate resources that are considered critical to the State's development. Mitchell was ranked as the third most important critical strategic resource local government area in Victoria. This assessment was primarily due to its sizable hard rock reserves along with some sand, gravel and clay reserve, which are expected to contribute significantly to supply the local area's needs as well as Greater Melbourne.
110. The assessment identified Mitchell as an area at risk of shortfalls and resource depletion, which could result in significant infrastructure cost increases for Greater Melbourne should encroachment or sterilisation of extractive resources occur. Without additional quarries or expansions, the study found Mitchell could expect production shortfalls in the short (183,383 tonnes shortfall in 2026) term and long (911,085 tonnes in 2050) term.

Boral

111. Boral requested changes that have been agreed to by the VPA and are included in the VPA section.

No comments were received on this section from Crystal Group, Wally Mott, Balcon Beveridge Project Management¹³, or Transport for Victoria.

BUFFER DEFINITION – WITHOUT PREJUDICE STATEMENTS

VPA

112. On a without prejudice basis the VPA submits that:

¹³ The lawyers for Balcon Beveridge Project Management Pty Ltd provided the following response to the draft statement"

Our client refers to and relies on its response to Mr Tony Marks of the VPA dated 7 October 2019 which outlines significant concerns in relation to the potential inclusion of a proposed quarry WA1473 on the Precinct Features Plan (Plan 2).

We have no further submissions or input for the draft statement at this point in time and reserve our client's rights to make further submissions (if necessary) on the proposed quarry and the final statement – 'In Situ Hard Rock Resource and Quarry Application'.

- 112.1. If the proposed quarry warranted protection, the quarry should be shown on the PSP with a 500 metre buffer.
- 112.2. A 500 metre buffer is:
- a. The buffer distance specified for quarries involving blasting in EPA publication 1518: Recommended Separation Distances for Industrial Residual Air Emissions.
 - b. Consistent with the submission to the exhibited PSP made by the quarry proponent.
- 112.3. The Publication 1518 does not consider “Noise, vibration, ambient and hazardous air pollutants”. Any amenity impacts that do not form part of the consideration of Publication 1518 should be managed on site so that they do not create a buffer greater than 500 metres.

Mitchell Shire Council

113. Council has always opposed the quarry and has nothing further to add in relation to the proposed quarry and the implication of a buffer in this area

Conundrum

114. Confirm points 112.1-112.3 (inclusive) as being correct.
115. In relation to approach to buffer distances, Conundrum notes the following approaches have been adopted by Panels in recent Precinct Structure Plans:

115.1. Quarry Hills Precinct Structure Plan

Status: Gazetted

Quarry: Boral Quarries Epping (Wollert) (WA102)

Quarry type: Hard rock (hornfels)

The Urban Growth Zone Schedule 3 shows on Plan 1 a 500-metre buffer specified to be in accordance with EPA publication 1518. This is also shown on Plan 2 of the Quarry Hills Precinct Structure Plan.

The Quarry Hills Precinct Structure Plan at Guideline 14 states:

“Applicants within the buffer of the Extractive Industry Works Area as identified on Plan 2 should liaise with the responsible authority and the Earth Resource Regulation Section of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), prior to lodging any permit application for residential or commercial development.”

115.2. Wollert Precinct Structure Plan

Status: Gazetted

Quarry: Hanson Quarry Wollert (WA393)

Quarry type: Landfill and basalt quarry

The Urban Growth Zone Schedule 5 shows on Plan 1 several buffers to ‘future quarry’ and ‘landfill and quarry buffer’ and ‘odour buffer’ with no dimension specified.

The Wollert Precinct Structure Plan at Plan 2 mirrors Plan 1 in the zone schedule.

The Wollert Precinct Structure Plan at Objective 15 reads

“To deliver local employment opportunities while maintaining adequate separation distances between residential and extractive land uses to enable the continued operation of the existing landfill and quarry, and future quarry to the east of the precinct.”

115.3. Shenstone Park Precinct Structure Plan

Status: Exhibited

Quarry: Woody Hill Quarry (WA492) former Phillips Quarry (WA160)

Quarry type: Sedimentary and basalt

The exhibited Shenstone Park Precinct Structure Plan at Requirement 19 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.”

Further, Plan 15 within the exhibited Shenstone Park Precinct Structure Plan nominates buffers as:

Blast buffer: 200 metres.

Sensitive use buffer: 550 metres.

Noise buffer: 300 metres.

115.4. Sunbury South Precinct Structure Plan

Status: Gazetted

Quarry: Hi-Quality Bulla & "Bulla Hub" (WA1123)

Quarry type: Sand and gravel, recycling of paddock rock.

The Urban Growth Zone Schedule 9 at Plan 1 shows the location of the ‘quarry / landfill / organic waste’ and specifies a 500-metre ‘quarry buffer’.

At section 2.7 of the zone schedule, the following is stated:

“Any application to subdivide land or use land shown within the Sunbury South Precinct Structure Plan as ‘Quarry Buffer (500m)’ must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990.”

The Sunbury South Precinct Structure Plan on Plan 1 notes the quarry buffer at 500-metres.

115.5. Mt Atkinson & Tarneit Plains Precinct Structure Plan

Status: Gazetted

Quarry: Boral resources (WA97)

Quarry type: Basalt

The Urban Growth Zone Schedule 9 specifies land use conditions for the following uses located within the Quarry Sensitive Use Buffer:

“A permit is required to use land for Business college, Car wash, Dry cleaner, Employment training centre, Panel beating, Research and development centre and Tertiary institution on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the Mt Atkinson & Tarneit Plains Precinct Structure Plan.

A permit is required to use land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Business’ and ‘Business/Large Format Retail’ within the Quarry Sensitive Use Buffer on Plan 11 in the Mt Atkinson & Tarneit Plains Precinct Structure Plan.

The use of land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Light Industrial’ within the Quarry Sensitive Use Buffer on Plan 11 in the Mt Atkinson & Tarneit Plains Precinct Structure Plan is prohibited.

The use of land for Accommodation, Child care centre, Education centre (other than Business college, Employment training centre or Tertiary institution) and Hotel on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the Mt Atkinson & Tarneit Plains Precinct Structure Plan is prohibited.”

Section 2.5 of the zone schedule specifies:

“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 quarry blast buffer on Plan 11 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan is prohibited.”

The zone schedule also requires that an application to use land or to construct a building on land identified within the quarry sensitive use buffer requires referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990*.

The zone schedule includes an additional decision guideline requiring the responsible authority to *“consider the effect that emissions of noise, vibration, odour, dust and grit from the nearby quarry may have on the proposed use or building.”*

The Mt. Atkinson & Tarneit Plains Precinct Structure Plan at Plan 11 - Buffers, Railway Noise Amenity Area and Measurement Length, shows a quarry blast buffer at 200 metres, and a quarry sensitive use buffer at 500 metres. The quarry extraction limit (indicative) is approx. 100 metres from the PSP boundary.

Other matters within the Precinct Structure Plan of relevance to the management of use and development in proximity to the quarry include:

On Plan 3 – Future Urban Structure Plan, the Mt. Atkinson & Tarneit Plains Precinct Structure Plan shows ‘Business/large format retail’, and then ‘Business’ land uses buffering residential area from the quarry.

Figure 3 – Mt Atkinson Major Town Centre Concept Plan (p.26) shows a ‘quarry sensitive use buffer’ at an innominate distance.

Requirement 36 (p.37) requires design to respond to quarry buffer requirements.

Section 3.6 (p.53) discusses the timing of delivery for roads needing to be considered in the context of the quarry operations, as land within the title boundary of the Deer Park Quarry may be required to facilitate the future road widening.

115.6. Manor Lakes Precinct Structure Plan

Status: Gazetted

Quarry: Barro Quarry (WA43)

Quarry type: Basalt

The Manor Lakes Precinct Structure Plan at section 4.2.4 specifies under Referral Requirements:

“An application to develop land for a sensitive use within 500 metres of the property boundary of the land containing the Barro Group Quarry, Argoona Road, Mambourin subject to Work Authority 43 (WA43) under the Mineral Resources (Sustainable Development) Act 1990, must be accompanied by a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Barro Quarry and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of the Barro Quarry. The application and risk assessment must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the Department of Primary Industries.”

This requirement is similarly represented at section 2.5 of the Urban Growth Zone Schedule 3.

115.7. Thompsons Road Precinct Structure Plan

Status: Gazetted

Quarry: Hardy's Road Quarry / Daniel Robertson (Austral) (WA190)

Quarry type: Clay

The Urban Growth Zone Schedule 6 at Map 1 shows the location of a 'quarry recommended separation distance (220 metres)'. This distance is reflected on Plan 2 of the Thompsons Road Precinct Structure Plan.

Further, the zone schedule specifies particular referral requirements which read:

“An application to develop land for a sensitive use within 220 metres of the property boundary of the land containing the Hardys Road Quarry, 415 Tuckers Road and 105 Hardys Road, Clyde North subject to Work Authority 190 (WA190) under the Mineral Resources (Sustainable Development) Act 1990, must be referred to the Department of State Development, Business and Innovation (DSDBI). DSDBI may restrict or prevent development within 220 metres of the Work Authority 190 boundary whilst Work Authority is current. The application must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the Department of State Development, Business and Innovation.”

Crystal Group

116. Supports the proposed quarry.

117. Crystal Group also supports the identification in the PSP of a buffer relating to the proposed quarry, subject to the following:

117.1. Recognition in the PSP for flexible approaches to buffer distances to be available on specific sites noting that the 500 metre buffer that is detailed in EPA Publication 1518 is in the nature of a recommendation;

- 117.2. Sensitive land uses should not be prohibited within the buffer. Rather, consistent with the example detailed by Conundum at paragraph 101.6 (relating to the Manor Lakes PSP), the buffer should represent the threshold for the consideration of amenity impacts;
- 117.3. The PSP and UGZ should require a risk assessment to be provided at the time of making an application to develop or subdivide the land for a sensitive use within any defined buffer area;
- 117.4. The buffer should be shown as 480 metres from the extraction boundary that is approved under WA1473, as the operator cannot extract within 20 metres of its extraction boundary at any time. This approach is consistent with the Black Forest Road South Precinct Structure Plan; and
- 117.5. The PSP and the provisions of the UGZ should make specific provision for amenity impacts to be addressed by way of a 173 agreement (if necessary) to be registered on land to be used for a sensitive use.

YVW – Hazelwynde

118. On a without prejudice basis, if the quarry resource is to be protected, YVW – Hazelwynde agrees with the VPA that the area within 500m of the WA boundary would comprise a buffer. Within that buffer, there may not need to be a prohibition on use or development; a risk-based approach could be implemented, with the EPA as recommending referral authority.
119. YVW – Hazelwynde considers that if the quarry resource is to be protected, there may need to be a process, potentially including re-exhibition, for considering whether consequential changes to the PSP will be necessary.
120. Further, cl 52.09-7 requires that notice of the following applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*:
 - *An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:*
 - *Within an Extractive Industry Interest Area.*
 - *On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*
 - *An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990*

Gilbo Family

121. On a without prejudice basis, Gilbo submits that:
 - 121.1. If the proposed quarry application warrants acknowledgement in the PSP, it should be identified with notation: *'indicative buffer for quarry application – subject to planning approval'*;
 - 121.2. If a 500m buffer for the quarry application is to be identified it should be on land controlled by the proponent of the quarry (in accordance with clause 14.03-1S) and measured from the boundary of the activity area to the nearest sensitive use (in accordance with EPA Publication 1518);

121.3. A new Requirement should be inserted into the PSP which states that:

Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the Recommended separation distance for industrial residual air emissions (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of any quarrying activity at WA1473.

122. The Gilbo Family reserves the right to amend this without prejudice position upon receipt of advice from its consultants and/or upon review of the positions of the other parties.

DJPR

123. Generally agrees to the establishment of a 500m buffer provided that the following additional details are incorporated:

124. That the 500m buffer/separation area is measured from the western, southern and eastern boundaries of WA1473 (northern boundary is not included as it lies outside the PSP boundary).

125. The associated planning provisions trigger a permit for development, subdivision and potential incompatible uses, within the associated quarry buffers/separation areas, along with requiring that such applications be referred to DJPR as a determining authority.

126. Incompatible uses being Accommodation, Display Home, Education Centre, Hospital, Leisure and Recreation, Place of Assembly, Crematorium and Funeral Parlour, Retail Premises, Medical Centre, Veterinary Clinic.

127. The above incompatible uses are generally consistent (with the exception of medical centre and winery) with those identified in the proposed State Resources Overlay in the Strategic Extractive Resource Areas Pilot project currently open for consultation on Engage Victoria (<https://engage.vic.gov.au/sera-pilot-project>).

128. Any application must also be accompanied by an assessment prepared by a suitably experienced and qualified person, which provides sufficient justification (i.e. acoustic assessment, building design and siting etc.) and confidence that a potentially incompatible use and/or development can appropriately occur (or subdivision occur) within the buffer area without jeopardising the ultimate extractive potential of the resource

Boral

129. The above statements substantially ignore the fact that the subject site contains a threatened hard rock resource located within an Extractive Industry Interest Area (EIIA). The VPA and Mitchell Shire Council have failed to take account of Extractive Industry Interest Areas when developing the Beveridge North West Precinct Structure Plan.

130. There have been limited new hard rock quarries approved within close proximity to Metropolitan Melbourne within the previous few decades. If this trend continues there is likely to be a significant shortfall in extractive material, where demand significantly outstrips supply. This is acknowledged in the Extractive Resources in Victoria: Demand and Supply Study 2015-2050 prepared by PwC which identifies that:

the indicated reserves of many current and planned future quarries are likely to be exhausted. Unless new deposits are identified and explored, or substitutes found, this is likely to result in:

- potential supply shortfalls emerging in some locations, where the level of demand is greater than regionally available supply for a given rock type*
- several minor rock types nearing State-wide exhaustion of indicated current and planned future reserves.*

131. Effective strategic planning and a strong uplift in approvals for these resources is therefore, required to meet the projected demand and to ensure that stone resources are protected from inappropriate use and development.

No comments were received on this section from Wally Mott, Balcon Beveridge Project Management¹⁴ or Transport for Victoria.

MATTERS NOT IN DISPUTE

The VPA provided parties the opportunity to identify matters not in dispute. Two comments were received confirming matters (as opposed to items of policy) not being in dispute.

132. Mitchell Shire Council

- 132.1. Council has always opposed the quarry and has nothing further to add in relation to the proposed quarry and the implication of a buffer in this area

133. YVW – Hazelwynde

- 133.1. There are a number of factual matters that are not in dispute, including:

- a. In April 2015 a draft Work Plan under Work Authority No. 1473 was statutorily endorsed by the Department of Economic Development, Jobs, Transport and Resources (now Department of Jobs, Precincts, and Regions).
- b. In 2015, a planning permit application was lodged with the Mitchell Shire Council for the use and development of the land for stone extraction. The application was refused by Mitchell Shire Council. The permit applicant applied to VCAT to review the refusal, but withdrew the appeal before the hearing.
- c. In or about October 2019 a fresh planning permit application was lodged with the Mitchell Shire Council for the use and development of the land for stone extraction.
- d. The planning permit application has not yet been advertised.
- e. The planning application differs from the 2015 work plan and the 2015 planning permit application in terms of, among other things, the extent of the work authority boundary, the depth of extraction, the sequencing of extraction, the location of plant and equipment and the proposed life of the quarry.

¹⁴ The lawyers for Balcon Beveridge Project Management Pty Ltd provided the following response to the draft statement”

Our client refers to and relies on its response to Mr Tony Marks of the VPA dated 7 October 2019 which outlines significant concerns in relation to the potential inclusion of a proposed quarry WA1473 on the Precinct Features Plan (Plan 2).

We have no further submissions or input for the draft statement at this point in time and reserve our client’s rights to make further submissions (if necessary) on the proposed quarry and the final statement – ‘In Situ Hard Rock Resource and Quarry Application’.