

# Statements of Agreed Opinions and Facts

## **Whittlesea Planning Scheme Amendment C241wsea: Shenstone Park PSP - Noise Impact Conclave**

**Date:** 13<sup>th</sup> November 2020

**Time:** 10.00am – 11.30am

### Introduction

The Planning Panels Victoria (PPV) directed to organise conclave as relevant to noise impact for Whittlesea Planning Scheme Amendment C241wsea: Shenstone Park PSP. The PPV has required the following experts to participate in a conclave to discuss noise issues relating to the proposed quarries:

- Jim Antonopoulos (SLR)
- Christophe Delaire (MDA)
- Valeri Lenchine (GHD)
- Peter Ramsay (Peter J Ramsay & Associates)
- Darren Tardio (Enfield Acoustics)
- Robert Szymanski (DJPR)

Robert Szymanski is a DJPR representative that was present as an observer in the conclave to add comments of fact where required on particular subjects and was therefore not required to agree/disagree with any statements.

The conclave was conducted by MS Teams. This statement highlights points of agreement and disagreement between the experts.

## Summary of outcomes

Issue	Statement	All experts agreed or not agreed?	Jim Antonopoulos	Christophe Delaire	Valeri Lenchine	Peter Ramsay	Darren Tardio	Comments from DJPR representative Robert J Szymanski	
<b>1. Applicable Noise Limits</b>									
Applicable noise limits	Day time noise limits need to be based on comparison of future zoning along with measured background levels under the PSP.	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed		
	Background levels also have to be considered for deriving noise limits.	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed		
	Noise limits based on planning zones should be derived based on future/PSP planning zones, not current zoning.	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed		
	The elevated background noise levels during the 6am to 7am period are the most relevant for defining night time noise limits.  SEPP N1 defines background which is relevant to operation, i.e. pre-6am should not be considered as night period.	Not agreed by all	Agreed	Agreed	Agreed	Not agreed – no clarification in SEPP N1 explanatory notes regarding that topic.	Agreed	Agreed  Clause C2, C3 and Part VI of SEPP N-1 already defines this	
	Evening noise limits should be based on background measurements and zoning levels.	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	
	Discrepancies in calculated noise limits in separate	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	

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	reports are due to the derivation methods concerning future zoning and current zoning, background noise levels used and different locations for sensitive receptors.							
	Urban Growth Zone (UGZ) is not clearly defined under SEPP N-1, however NIRV states that UGZ should be classified in accordance with the intended land use under the PSP. For the purposes of this assessment, UGZ should be considered to be residential or commercial/industrial based on intended land use under the PSP.	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	UGZ is purely a holding zone that will be changed to a different zone in the future.
<b>2. Noise Buffer Zones</b>								
Reference for buffer zone	The noise buffer should be based on compliance with SEPP N-1 considering all future scenarios including worst-case	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	
	Buffer should be defined based on point of compliance, rather than point of source. Reference point (e.g. Works Authority boundary or extraction boundary) will then be irrelevant and can be taken	Not agreed by all	Agreed	Agreed	Not agreed For a simple and conservative approach, buffer should be taken from Works Authority boundary.	Agreed.	Agreed	Satisfied with reference point being consistent with other disciplines and planning requirements

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	from either work authority or extraction boundary.							
Buffer zone for Woody Hill quarry	The buffer based on agreement between Barro and DBJV should be 500 m from the future extraction boundary	Not agreed by all	Agreed Individual calculations led to a 450 – 480 m from the Works Authority boundary, which would be approximately 500 m from the extraction boundary.	N/A Only performed assessment for Phillips quarry.	Not agreed. Buffer for existing operations also should taken into account.	Agreed	Agreed	
Buffer zone for Phillips quarry	Predicted noise levels show compliance within residential area north of the quarry (1100 Donnybrook, approximately 300 m from the property boundary).  Note – individual experts have calculated different buffers outlined in their comments.  Caveat – character adjustments (due to impulsive noise from rock breaking operations) need to be considered, as this could show non-compliance in future measurements.	Not agreed by all	N/A	Agreed  Without additional noise mitigation than those proposed by Barro, a 250 m buffer from the extraction boundary (i.e. limited to the conservation area) would be sufficient.  There is an option for mitigation measures to be implemented to further reduce the noise buffer.	N/A	Not agreed  Recommended buffer is 250 m from the potential quarry operation area without blasting and 500 m from the proposed extraction boundary (where blasting may occur).	Not agreed  Some allowance should be made for character adjustment under SEPP N-1. 500m recommended to extraction boundary. Buffer distances can be revisited in the future if conditions change under Section R19 of the PSP.	Section R19 in the PSP discusses a building exclusion area – development will be not permitted in any future residential area until such time as DJPR determines that earth resources in Phillips quarry has been extinguished or the sensitive use buffer is no longer required
<b>3. Restrictions/Recommendations for Developments</b>								

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Restrictions/recommendations for developments within the operational noise buffers	<p>No sensitive use (residential) development should be approved within buffer that shows SEPP N-1 non-compliance.</p> <p>Proviso – schools and kindergartens should be considered to be sensitive use (and will be defined as 'residential' under changes to SEPP N-1 in 2021)</p>	Agreed	Agreed	Agreed	Agreed	Agreed	Agreed	
	<p>If conditions change, chosen buffer should be revisited to determine appropriateness of development under Section R19 (e.g. when Phillips quarry operations move from North to South)</p>	Agreed	Agreed	<p>Agreed</p> <p>Onus will be on developer to show that development is appropriate, providing that a clear mechanism is available for the developer to request an amendment of the buffer.</p>	Agreed	Agreed	Agreed	<p>Any decision needs to be based on evidence that impact is unlikely to adversely impact area in question. Should be a three-way discussion between the department, quarry operator and landowner.</p>

**Signed by**



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Jim Antonopoulos (SLR)



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Valeri Lerchine (GHD)



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Christophe Delaire (Marshall Day Acoustics)



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Darren Tardio (Enfield Acoustics)



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Peter Ramsay (Peter J Ramsay & Associates)