



**URBIS**

# **AMENDMENT C241 – WHITTLESEA PLANNING SCHEME**

Planning Evidence prepared  
by Sarah Horsfield

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Project Code	P0028153
Report Number	P0028153 rep 001

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# **1. INTRODUCTION**

## **1.1. OVERVIEW**

1. My name is Sarah Kate Horsfield and I am a Director of Urbis Pty Ltd which conducts its business at Level 10, 477 Collins Street, Melbourne.
2. I have been engaged by Best Hooper on behalf of 1150 Donnybrook Road Pty Ltd to prepare town planning evidence in relation to Amendment C241 to the Whittlesea Planning Scheme, insofar as it relates to Property 17 of the proposed Shenstone Park Precinct Structure Plan (the PSP).
3. Amendment C241 proposes various changes to the Whittlesea Planning Scheme to rezone land within the Shenstone Park PSP area and to give effect to the Shenstone Park PSP.
4. A revised PSP and planning scheme ordinance was circulated by the VPA on 12 October 2020. It is this revised PSP and Ordinance that I have relied upon in my assessment of the Amendment

## **1.2. GUIDE TO EXPERT EVIDENCE**

5. I acknowledge that I have read and complied with the Guide to Expert Evidence prepared by Planning Panels Victoria. In accordance with this guide, I provide the following information.

## **1.3. NAME AND ADDRESS**

Sarah Kate Horsfield  
Urbis Pty Ltd  
Level 10, 477 Collins Street  
Melbourne VIC 3000

## **1.4. QUALIFICATIONS AND EXPERIENCE**

6. I am a Director of Urbis Pty Ltd. I am a qualified town planner and have practised as a town planner for over 25 years and hold a Bachelor of Applied Science (Town Planning) from RMIT.
7. My experience includes:
  - 2006 to present: Director of Planning, Urbis Pty Ltd
  - 2002 - 2006: Associate Director Urbis Pty Ltd
  - 2000 - 2002: Manager Strategic Planning City of Kingston
  - 1998 - 2000: Senior Planner, Tract Consulting
  - 1995 - 1998: Statutory Planner, City of Kingston
8. I have extensive experience in strategic and development planning, both in growth areas and metropolitan contexts. I have particular project experience involving greenfield development projects across a range of localities and contexts including:
  - Growth area planning processes across metropolitan Melbourne, including the provision of expert evidence on PSPs and development applications in greenfield areas at Planning Panels and at VCAT
  - Strategic advice on matters related to the preparation and implementation of Precinct Structure Plans;
  - Research and advice to the VPA regarding best practice land use planning in activity centres and employment precincts;
  - Facilitation of major urban renewal projects of state significance
  - Urban development proposals across a wide range of land use settings, including industrial, retail, residential and mixed use projects.

## **1.5. EXPERTISE TO MAKE THE REPORT**

9. I have been involved in the review and implementation of Precinct Structure Plans across many of Melbourne's growth corridors over the past decade, and have advised on matters related to greenfield planning to both Government and the private sector.

## **1.6. INSTRUCTIONS**

10. On 16<sup>th</sup> December 2019, I was instructed by Best Hooper Solicitors, on behalf of 1150 Donnybrook Road Pty Ltd, the owners of land at 1150 Donnybrook Road, to:

- Review Amendment C241 to the Whittlesea Planning Scheme and prepare evidence relating to strategic planning matters.

I confirm that I am the author of this report and I have been assisted by Ms Julia Dickson in its preparation.

## **1.7. THE FACTS, MATTERS AND ASSUMPTIONS ON WHICH THE OPINIONS ARE EXPRESSED IN THIS REPORT**

11. In undertaking my assessment I have had regard to the following documents:

- Plan Melbourne
- The Whittlesea Planning Scheme
- The Growth Corridor Plans (2012)
- The Shenstone Park PSP and all relevant background documents
- All documents associated with Amendment C241 to the Whittlesea Planning Scheme.
- Relevant Planning Panel Reports and the PSPs that have been prepared for surrounding land.

## **1.8. DECLARATION**

12. I declare that in preparing the material contained in this report I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

## **1.9. FINDINGS**

13. My findings are set out in the body of this report.

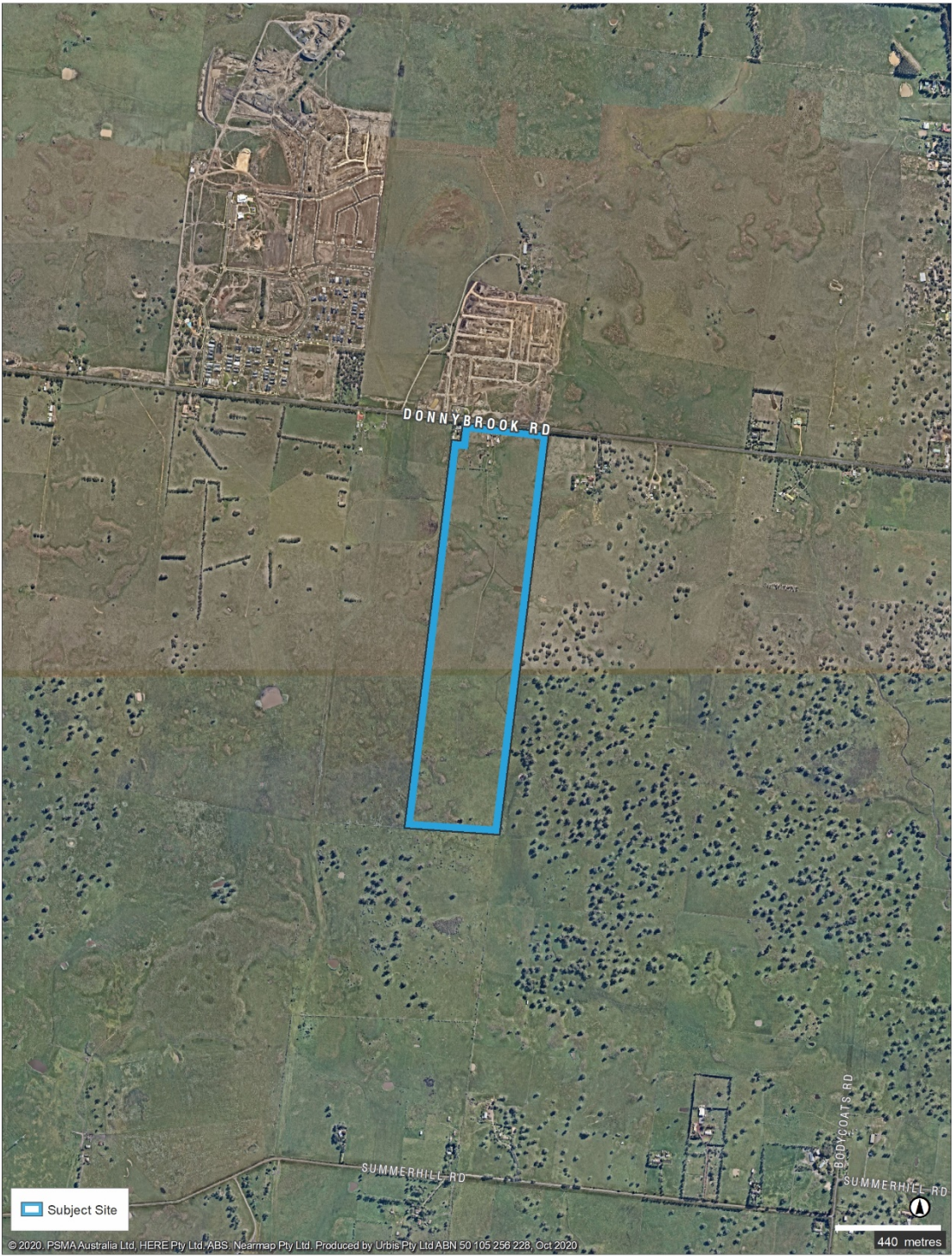
## 2. LOCATIONAL CONTEXT

14. The subject site is located within the suburb of Donnybrook, and is located approximately 30 kilometres from the CBD, within the City of Whittlesea.
15. The land sits within the eastern portion of the Shenstone Park PSP, which covers approximately 628 hectares of land. The PSP area is bound by Donnybrook Road to the north, the Urban Growth Boundary to the east, Wollert suburb to the south and the Sydney-Melbourne Railway Like to the west.
16. The subject site enjoys a primary frontage to Donnybrook Road of 360 metres, and a depth of 1.6km, giving the site an overall area of approximately 67 hectares. The land comprises a single parcel (Lot 2 on LP98632).
17. A Section 173 Agreement exists on Title, and gives effect to a Weed Management Plan, endorsed under Planning Permit 709567. The agreement also restricts the removal of top soil and the placement of fill on the land.
18. The subject land is largely cleared farming land, with a dwelling and outbuildings established in the northern portion of the site. 34 trees are located on the subject land, with 14 of these being indigenous species<sup>1</sup>.
19. The surrounds of the subject land can generally be described as follows:
  - To the north: Donnybrook Road adjoins the site to the north in an east-west alignment. Donnybrook Road is currently 20 metres wide and comprises a single traffic lane in each direction. It is proposed to be widened to an ultimate road reserve of 41 metres. On the north side of Donnybrook Road is land forming part of the Donnybrook Woodstock Precinct Structure Plan. The northern boundary of the site features a dry stone wall, of moderate – high value.
  - To the east: The Urban Growth Boundary forms the eastern boundary. Further east is cleared land for farming that sits outside the Shenstone Park PSP.
  - To the south: The land to the south of the subject forms part of a conservation reserve established under the Biodiversity Conservation Strategy (BCS). Further south is land within the future 'Northern Quarries PSP'. Preparation of this PSP has not yet commenced.
  - To the west: To the west of the subject site is farming land which forms part of the Shenstone Park PSP, including the Woody Hill Quarry.
20. The 'Phillips Quarry' is located at 430 Summerhill Road, Donnybrook, directly south of the PSP area. A Planning Permit (ref: 704901) was issued in 1999 for stone extraction on the site, however no plans have ever been endorsed under the permit. A Work Plan was approved subsequent to the permit approval but was later surrendered by the previous operator. The Planning Permit has been amended and extended over the years, with development to commence by 8 July 2024.

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<sup>1</sup> Arboricultural Assessment, Prepared by Tree Logic for 1150 Donnybrook Road, April 2017

Figure 1 - Aerial Photo of Subject Land



**1150 DONNYBROOK ROAD, DONNYBROOK**  
SITE LOCATION



### 3. EXISTING PLANNING CONTEXT

21. The subject land is within the Urban Growth Boundary (UGB), which sets the limit of urban development around metropolitan Melbourne.
22. The Growth Corridor Plans are high level integrated land use and transport plans. The plans are to provide a strategy for the delivery of housing, employment and transport areas within Melbourne's growth areas. Within the Northern Growth Corridor Plan, the northern portion of the site is identified for residential purposes, whilst the southern portion is identified as 'biodiversity values'.

Figure 2 - Excerpt from Northern Growth Corridor Plan

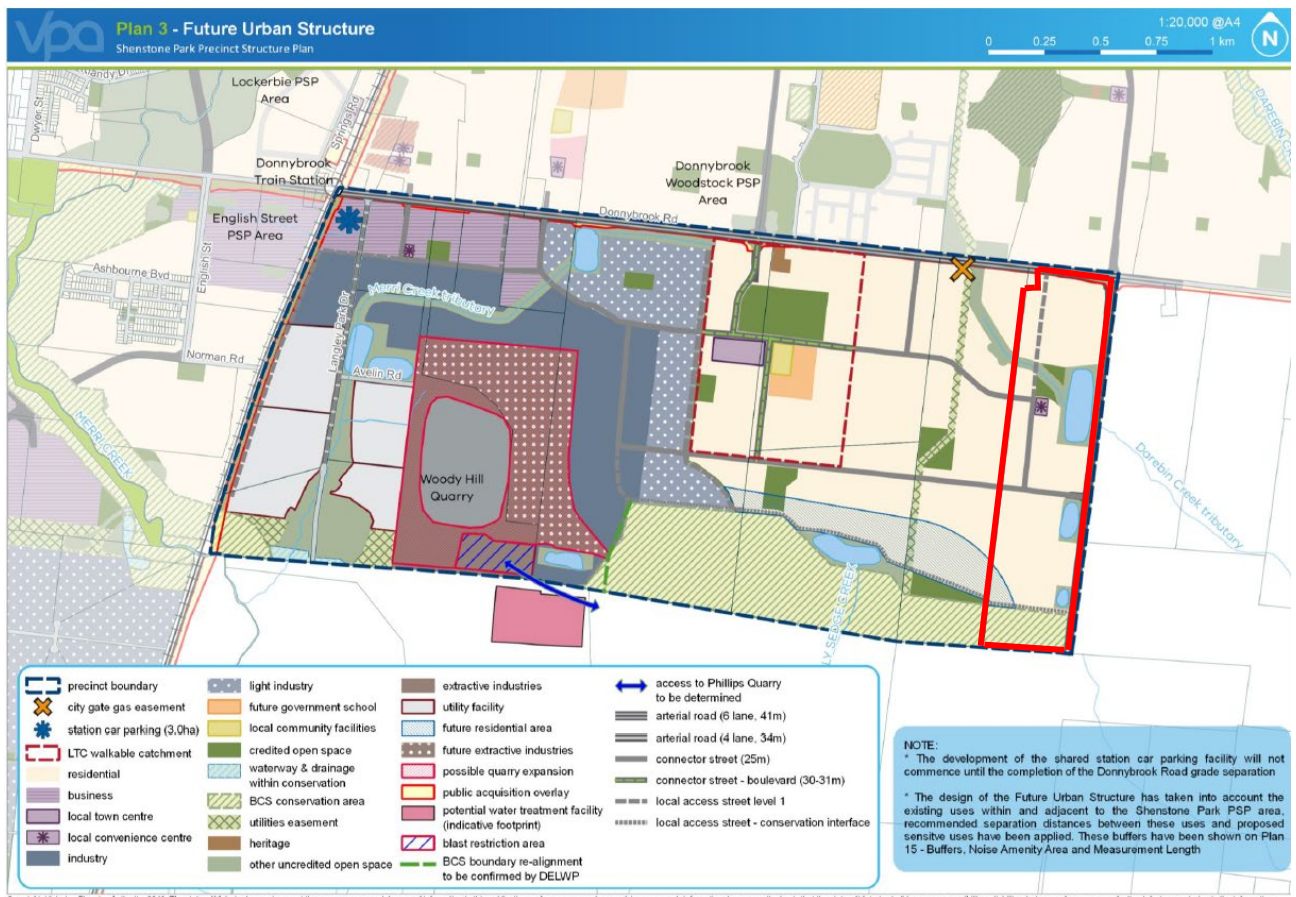


23. The subject land is currently within two zones, being the Urban Growth Zone (UGZ) and the Rural Conservation Zone (RCZ). *Refer to Zoning Plan at Appendix B.*
24. The land within the Rural Conservation Zone is covered by an Environmental Significance Overlay, and a Public Acquisition Overlay applies to the frontage of the site along Donnybrook Road. *Refer to Overlay Plans at Appendix B.*



## 4. PROPOSED AMENDMENT

25. At a broad level, Amendment C241 seeks to incorporate the Shenstone Park Precinct Structure Plan.
26. More specifically, Amendment C241 proposes the following changes to the Whittlesea Planning Scheme (as relevant to the land at 1150 Donnybrook Road):
- Inserts Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7) and rezones the majority of the precinct to UGZ7. This schedule includes controls to facilitate land use and development controls for the precinct and requires land use and development to be generally in accordance with the incorporated *Shenstone Park Precinct Structure Plan*.
  - Rezones land from Rural Conservation Zone (RCZ1) to UGZ7 to reflect changes to the boundary of *Biodiversity Conservation Strategy* (BCS) Conservation area 28 which was approved by the Minister for the Department of Environment and Energy on 12 July 2017.
  - Deletes Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) from land within the precinct.
  - Applies Schedule 6 to Clause 42.01 Environmental Significance Overlay (ESO6) to land within the *Biodiversity Conservation Strategy*.
  - Inserts Schedule 8 to Clause 43.03 Incorporated Plan Overlay (IPO8) into the Whittlesea Planning Scheme and applies IPO8 to land within the *Biodiversity Conservation Strategy* and zoned RCZ within the amendment area.
  - Amends the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal.
  - Amends the Schedule to Clause 52.33 Post Boxes and Dry Stone to identify dry stone walls exempt from requiring a planning permit for demolition, removal or alteration within the PSP area.
  - Amends the Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions to require:
    - Referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* for an application for subdivision, the use of land, or the construction of a building or carrying out of works for Accommodation, Convenience shop, Education centre, Food and drink premises, Display home centre, Hospital, Market, Medical centre, Plant nursery and Veterinary centre on land identified as 'future residential area' on Plan 3 and within the 'Phillips Quarry sensitive use buffer' on Plan 15 of the PSP.
  - Amends the Schedule to Clause 66.06 Notice of Permit Applications Under Local Provisions to require:
    - Notice to the gas pipeline licensee under the *Pipelines Act 2005* for a permit application for Accommodation (other than Dwelling), Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of Assembly, Residential aged care facility, retail and service station within the '590m measurement length' shown on Plan 15 of the PSP.
  - Amends the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Shenstone Park Precinct Structure Plan, September 2019 and 1030 Donnybrook Road Statement of Significance, September 2019.
27. The exhibited Future Urban Structure is shown below.



## 4.1. BACKGROUND

28. Amendment C241 was commenced in April 2016, with a draft PSP prepared by the City of Whittlesea in December 2017. The Amendment was exhibited by the Victorian Planning Authority in October 2019.
29. A Directions Hearing was held in August 2020.
30. A revised PSP and planning scheme ordinance was circulated by the VPA on 12 October 2020. It is this revised PSP and Ordinance that I have relied upon in my assessment of the Amendment.
31. In relation to the proposed Future Urban Structure, the revised PSP:
  - Moves the proposed local convenience centre further south to the east-west connector road.
  - Shows an additional east-west connection through the site, to connect to Koukoura Drive to the east.
  - Provides for a local access street level 2 to adjoin the retarding basin
  - Alters the configuration of open space, both creditable and uncreditable.

Figure 3 - Comparison Between Exhibited and Revised Future Urban Structure



## 4.2. SHENSTONE PARK PRECINCT STRUCTURE PLAN

32. The Shenstone PSP seeks to deliver the following primary outcomes:

- Integrate cohesively with the Donnybrook – Woodstock and English Street PSP areas.
- Offer diverse housing choices.
- Provide a permeable network of pedestrian friendly streets that emanate from the Local Town Centre and connect residents to areas of open space.
- Respond to the nationally significant conservation areas.
- Protect and separate existing economic and employment generators, including the Woody Hill Quarry, Phillips Quarry and Wollert Wastewater Recycling Treatment Plant, located to the south of the precinct.

33. Generally, the PSP shows residential development in the eastern portion of the area, with non-residential (extractive industry, commercial retail) to the west.

34. The property-specific land budget for Property 17 (the subject land) is as follows (as provided within the revised PSP):

Table 1 Property 17 Land Budget

Component	Area
Total Area	67.38
Arterial Road - PAO	0.28

Component	Area
Arterial Road / Widening / Intersection Flaring – ICP Land	6.66
Conservation Reserve	6.57
Waterway & Drainage Reserve	9.02
Local Network Park – ICP Land	1.08
Total Developable Area	43.78
Net Developable Area (%)	64.98%

Source: Parcel Specific Land Budget (post-exhibition PSP)

35. Plan 15 within the PSP shows part of the south-west corner of the subject land affected by a sensitive use buffer of 550m associated with the Phillips Quarry.
36. Requirement 19 of the PSP stipulates that residential development is not permitted in the area marked as 'future residential' on Plan 3 until DJPR determined that earth resources in the Phillips Quarry have been extinguished, or the sensitive use buffer is no longer required.
37. Dwelling density outside the walkable catchment is to be provided at 17 dwellings per net developable hectare.
38. As outlined in Table 4 – Local Town Centre Composition and Delivery Guide, the Local Convenience Centre – East has a land area of 0.4 hectares, retail floor space of 1,000m<sup>2</sup> and commercial floor space of 200m<sup>2</sup>. The role and function of the LCC is *"to locate adjacent to public open space in the north-east of the precinct to service the convenience needs of the land residents and people visiting the open space. Cafes and small offices encouraged"*.

### 4.3. SCHEDULE 7 TO THE URBAN GROWTH ZONE

39. Schedule 7 to the Urban Growth Zone gives effect to the Precinct Structure Plan, and outlines the applied zones, specific provisions, application requirements and decision guidelines.
40. The subject land generally has an applied zone of General Residential, with the local convenience centre having an applied zone of Commercial 1.
41. As per Part 2.3 of Proposed Schedule 7 to the Urban Growth Zone, the use of land for accommodation is a Section 2 use where the land is situated within the buffer area for the Phillips Quarry.
42. Of note in relation to Application Requirements is a new requirement for the provision of an Affordable Housing Assessment, which among other things requires a permit applicant to confirm how a development proposal includes housing for the income ranges specified at 3AA(4) of the Act.

## 5. ASSESSMENT

43. My instructions were to examine strategic planning matters related to the Amendment. Arising from my review, there are four principal issues that I consider warrant further consideration, being:
- (a) The proposed buffers associated with the future Phillips Quarry
  - (b) The location of the eastern Local Convenience Centre (LCC)
  - (c) Dwelling Densities
  - (d) Various minor matters raised in the submission made by 1150 Donnybrook Road Pty Ltd
44. I will address each of these matters in the following sections of my report.

### 5.1. PHILLIPS QUARRY BUFFER

45. The protection and management of Victoria's extractive resources has been the subject of considerable focus by Government in recent years, with Victoria's high demand for extractive resources and emerging supply shortfalls creating impetus for a range of land use planning and regulatory reforms to better protect the state's quarry resources.
46. A series of Government policy initiatives, strategies and pilot programs have been implemented to afford stronger protection to strategically important resource areas, establish greater land use certainty for the quarry industry, and define more transparent planning scheme mechanisms to protect ongoing quarry operations from incompatible land use encroachment.
47. Key publications include the Victorian Government's *Extractive Resources Strategy, Helping Victoria Grow*, the *Joint Ministerial Statement on Extractive Resources (August 2018)*, DELWP's Planning Practice Note 89 on *Extractive Industry and Resources (February 2020)*, the *State Extractive Resource Areas (SERA) pilot program*, and the report of the Commissioner for Better Regulation, *Getting the Groundwork Right: Better regulation of mines and quarries*. All of these documents point to a clear economic imperative that supports improved protection and regulation of Victoria's quarry resources and the planning of land use/development around them.
48. The existence of the Woody Hill Quarry and the potential for a future quarry to be established to the south of the PSP (future Phillips Quarry) has seen considerable focus in the PSP around the nature of buffers required to be put in place to safeguard their ongoing/future operation.
49. The GHD Quarry Impact Assessment report (2017) makes clear recommendations concerning the need to enshrine a series of buffers around each quarry relating to operational noise, vibration, dust and blast vibration. GHD's recommended buffers are shown in Figure 4 below.
50. The future Phillips Quarry, located at 430 Summerhill Road, Donnybrook, is situated generally to the south-west of the subject land. A planning permit (TPP 704901) for stone extraction was granted by the City of Whittlesea in 1999, and a Work Plan was subsequently approved but later surrendered. The permit allowed for the extraction of the basalt rock stone resource from a large extraction area subject to Work Authority 160. The approved extraction boundary is shown in Figure 4 below (shown as an orange solid line).
51. I understand the planning permit has been repeatedly extended by the landowner, with development now required to commence by July 8 2024.
52. Notwithstanding that there are no approved plans, Work Plan or Work Authority in place, the GHD report identifies the relevant separation distances that would need to be safeguarded in the event that such approvals are sought and granted for the quarry at some point in the future.
53. On the strength of the policy directions found at Clause 14.03 of the planning scheme which emphasise the importance of protecting the state's extractive resources, I agree it is prudent that the PSP gives careful consideration to the potential for quarrying activity to commence at a future point.



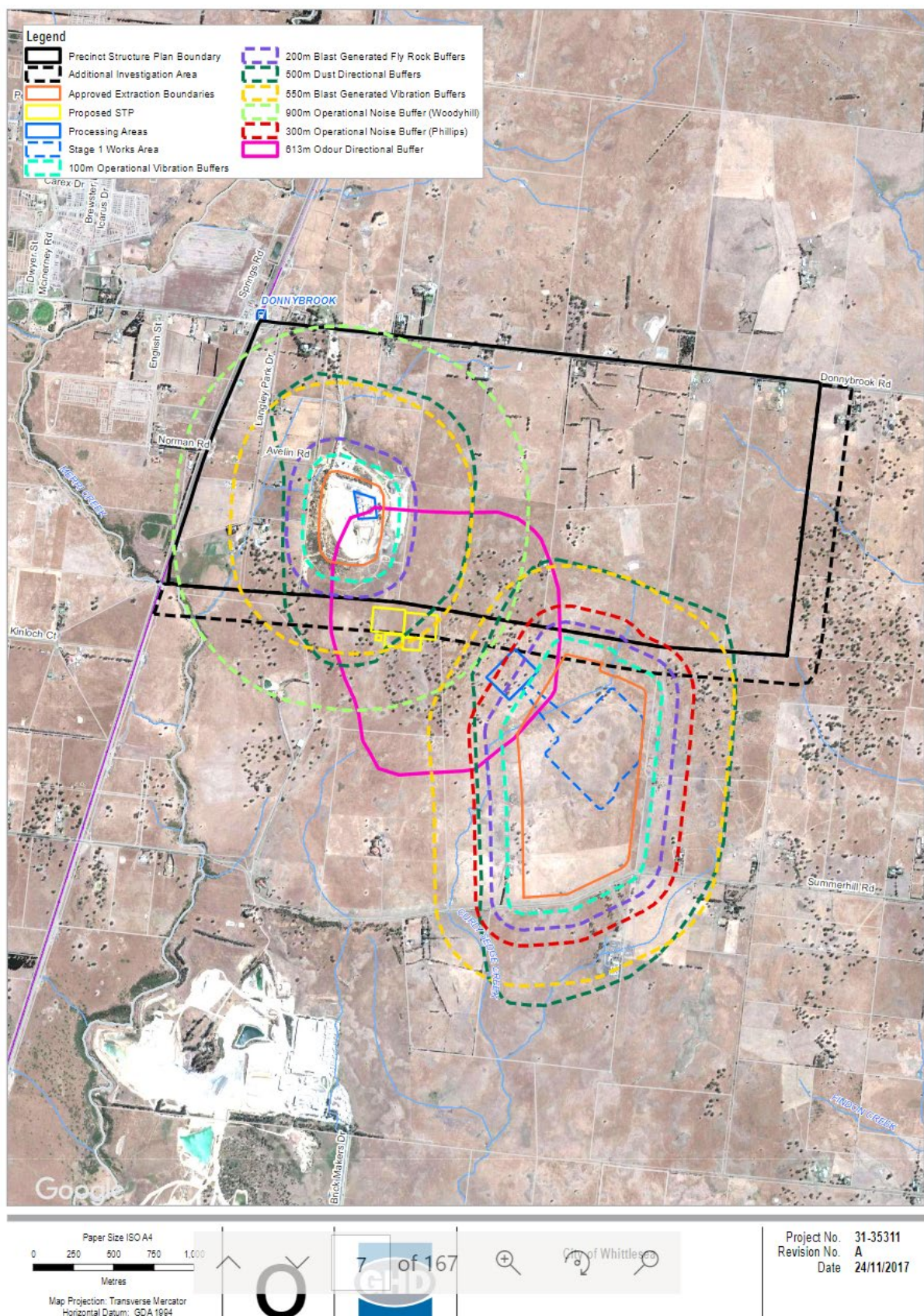


Figure 4 - Recommended Buffers - GHD Buffer Impact Assessment



54. The largest buffer impacting the subject land is associated with the vibrational impact from blasting, for which the GHD report recommends:

*"It is expected that any vibrational impact from blasting at either the Woody Hill Quarry or Phillips Quarry would require a distance of approximately 550 m from the extraction boundary to provide sufficient attenuation for a blast with an MIC of approximately 100 kg."*

*(underlining added) (Buffer Impact Assessment Report; GHD, p.107)*

55. The GHD report specifically recommends that measurement of the buffer's point of origin be taken from the extraction boundary. This approach is consistent with the EPA's "Recommended separation Guideline distances for industrial residual air emissions," which describes the methodology for measurement of separation distances as being from the activity boundary, not the property boundary.
56. In mapping the recommended buffers around the Phillips Quarry, the GHD report adopts the extraction area boundary that was approved in association with the Stage 1 quarry works under Planning Permit TPP 704901 (orange solid line in Figure 4). The extraction boundary is positioned close to the east and north-east boundaries of the quarry site, with setbacks preserved between the quarry pit and property boundary, which I assume would provide for slope battering beyond the extractive area and establishment of screen planting.
57. Concerningly, the buffer plan included at Plan 15 in the PSP does not reflect the recommended buffers shown at Figure 32 of the GHD report. Instead, the PSP adopts an alternative measurement approach using the quarry site boundary as the point of origin for calculation of the separation distance, rather than the extraction boundary. There is no explanation in the PSP as to why the measurement approach relied upon in the Buffer Impact Assessment was rejected in favour of the PSP's more conservative methodology.
58. The implications for the subject land that arise from the VPA's alternative measurement approach are profound. As shown in Figure 4, when the 550m buffer threshold is measured from the approved extraction boundary as recommended in the GHD report, there is no material encroachment of buffers onto the subject land. However, in the alternative scenario where it is measured from the property boundary of the potential future quarry land, around 1ha of the subject land in the south-west corner of the site becomes sterilised by the 550m sensitive use buffer.
59. Requirement 19 of the PSP provides that within the area marked on the Future Urban Structure Plan as 'Future Residential Area,' development is not permitted 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.
60. In practice, this means that the neighbourhood layout in the south-west portion of the site will remain incomplete for some decades. While it would be possible to proceed with subdivision and development in the area surrounding the buffer affected land, I expect that the local neighbourhood may be impacted by the long term presence of incomplete local road connections, unfinished local streetscapes and potential blight impacts from the undeveloped buffer land. I acknowledge that such impacts are not uncommon over a short term horizon in urban growth areas where development stages in an estate can unfold over several years, but it is much less common to see areas that remain unfinished for decades.
61. I consider that the effect of the buffer may also impact on the efficient servicing and development of land within the buffer and immediately surrounding it.
62. That is not to say that I do not support the application of appropriate buffers to protect the possible future quarry operations. However, I am not convinced that the buffer mapping approach that has been adopted in the PSP is consistent with EPA guidance, or with the recommendations set out in the Buffer Impact Assessment.
63. The critical question here is whether the point of origin for the buffer should be measured from the extraction boundary or the property boundary. In this case, the question is made more complex by virtue of the fact that there is no valid work authority or work plan for the site.
64. From my investigations into this issue I have found evidence to support both approaches:-
- (a) The State Extractive Resource Areas (SERA) pilot program is an initiative of the Extractive Resources Strategy, which helps secure strategic extractive resources in defined locations. The pilot program has been developed to ensure that planning schemes are effective in securing extractive

resources and in protecting operating quarries from incompatible land uses. The pilot program seeks to introduce an overlay to land surrounding quarries (State Resource Overlay) to ensure that consideration is given to uses that could detrimentally affect the operation of a state significant extractive area. It provides relevant commentary at p.95 in relation to the establishment of buffers and the commencement point for the measurement of buffer areas:

**Buffer areas**

*In lieu of detailed buffer area mapping for each of the existing quarries within the SERA investigation area, the threshold distances of 250 metres (without blasting) and 500 metres (with blasting) have been applied to the SERA pilot project sites. These threshold distances are taken from the 'Recommended separation distances for industrial residual air emissions' (EPA Guideline 1518). Given sand resources don't require blasting to extract, the 250 metre buffer has been applied in the South Gippsland SERA site. The 500 metre buffer has been applied to the Wyndham SERA site as hard rock resource extraction requires blasting. Buffer areas have previously only applied to existing approved extractive industry operations.*

**Commencement point for the measurement of buffer areas**

*For existing quarry operations within the SERA pilot project sites, the buffer areas are measured from approved Work Authority boundaries. This is because Work Plan variations can occur that change the point of extraction. If buffer areas were measured from the point of extraction, any variation in the point of extraction would cause the buffer mapping in the planning system to be outdated. If planning scheme buffer mapping was to be updated it would need to occur via a planning scheme amendment, which would create considerable lag times.*

(State Extractive Resource Areas (SERA) pilot program, DELWP; p.95)

In practice, the adoption of the Work Authority boundary as the point of origin for the buffer means that where there are future variations to the approved Work Plan and extraction boundary, there does not need to be a corresponding adjustment to the land use buffer. This approach is sensible where the area of extraction sits within a much larger landholding and there is clear potential for the extraction boundary to be expanded closer to nearby sensitive uses over time. In that scenario, any changes to the extraction boundary would not necessitate ongoing change to the land use buffer (which is important where the land use buffer can only be changed by way of a planning scheme amendment).

- (b) In contrast, the EPA's *Recommended separation Guideline distances for industrial residual air emissions* are predicated upon a measurement approach that uses the activity point as the source. The benefit of this approach is that it can allow all or part of the required buffer to be provided within the site, as opposed to the buffer being entirely imposed on land outside the property boundary (which is the case with the approach advocated in the SERA pilot).

Given that extraction and blasting cannot occur up to the site's boundary (as a result of the need for slope battering and screen planting beyond the extractive area), I consider that the EPA's approach provides for a more accurate means of implementing the separation distance.

- (c) The provisions of Clause 52.09 (Extractive Resources) of the planning scheme provide further weight for the EPA measurement approach, with the requirement that:-

*"The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:*

*Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping. Shrubs and trees must be planted and maintained to screen activity on the land. Parking areas must be provided for employees' cars and all vehicles used on the land."*

In practice, this requirement means that the extractive boundary will generally be setback from the property boundary, enabling some portion of the required separation distance to be accommodated within the site.

- (d) Practice Note 89 (Extractive Industry and Resources) provides further direction for planning permit applications for extractive industries, setting out various matters that are required to be shown on an application plan, including (among other things):-

- clearly defined buffer areas that are owned or controlled by the proponent (and determined in accordance with the considerations set out in Clause 14.03 of planning schemes)
- boundary setbacks
- landscaping and screen planting.

This implies that there is some onus on the quarry operator to incorporate appropriate setbacks and visual screening within the property boundary, that can fulfil a legitimate component of the required separation distance. I question whether the alternative approach, which transfers the whole of the buffer obligation to land outside the property boundary, is consistent with the fair and orderly planning of the area.

- (e) Finally, I note that the APA gas pipeline interfaces with the north-east corner of the quarry site, and then continues southward along the eastern boundary of the site before deviating to the east. In light of the operating restrictions imposed on the use and development of land in the vicinity of the pipeline (within a 495m measurement length), it is difficult to see how an approval for resource extraction could be granted within close proximity of the pipeline (particularly where blasting is involved). I consider that it would be reasonable to assume that having regard to the location of the pipeline, some form of setback would be required to be preserved at the north-east corner of the site between the gas pipeline and any extraction/blast area on the quarry site.

65. For all of these reasons, I consider that the PSP's approach to measure the 550m buffer from the north-east property boundary of the quarry site places an unreasonable burden on surrounding land that has otherwise been identified in the Northern Growth Plan for urban growth. Taking into account the specific circumstances of the quarry site, with:-

- a) no Work Plan or Work Authority approvals for quarrying activities in place or in train;
- b) the APA gas pipeline having a direct interface to the northern and eastern boundaries of the site,

I do not believe it is reasonable to assume that there will be no opportunity for any portion of the 550m buffer to be established inside the quarry site boundary.

66. I consider that the approach relied upon in the GHD report, which assumes a potential extraction boundary based on the approved permit, presents a more sensible alternative to the PSP approach.

67. Accordingly, I recommend that Plan 15 of the PSP be modified to bring it into alignment with the recommended buffer thresholds shown at Figure 32 of the GHD report.

## 5.2. LOCATION OF LOCAL CONVENIENCE CENTRE

68. As part of my assessment I have considered the location of the eastern Local Convenience Centre (LCC) which is proposed to be sited on the subject land. The exhibited PSP located the LCC at the termination of the east-west connector road, which links residential neighbourhoods in the east of the PSP to the LTC further west. The proposed LCC was shown co-located with an area of local open space.

69. The VPA's revised FUSP shows the eastern LCC relocated to the south and east, positioned on an east-west connector road but remote from any other activity generating uses (open space, schools, etc).

70. Table 4 of the revised PSP describes the role and function of the LCC as follows:-

*"to locate adjacent to public open space in the north-east of the precinct to service the convenience needs of the land residents and people visiting the open space. Cafes and small offices encouraged".*

71. I note that in the revised PSP, the description of the LCC's role continues to refer to its co-location with public open space, which is no longer the case with its revised location.

72. According to the VPA's response to submissions document, the primary driver for the LCC's relocation is to shift it outside the 495m measurement length associated with the gas pipeline, in response to the recommendations of APA's Safety Management Assessment. That being the case, it would appear that the only possible locations for the LCC are within the narrow section of land between the eastern measurement length boundary and Koukoura Drive.

73. The LCC is expected to contain 1,000m<sup>2</sup> of retail floor space and 200m<sup>2</sup> of commercial floorspace. The background report to the PSP suggests that the impetus for the eastern LCC arises from the need to provide accessibility for residents in the eastern portion of the PSP to day to day convenience facilities.
74. I understand that Matthew Lee of Deep End Services has prepared retail economic evidence that considers the level of retail floor space demand that is likely to be required to meet the needs of the future community, and in particular the need for the LCC having regard to the specific circumstances of the PSP and the location of other nearby planned activity centres.
75. Mr Lee's conclusions are that the eastern LCC is unlikely to be viable, and should be removed altogether from the subject land. This is on the basis that the LTC may struggle to establish a full line supermarket, in part due to the specific constraints that operate over the PSP (ie: it's position at the edge of the UGB, interface to non residential land to the south and east, proximity to various retail centres to the immediate north, etc). In this context, Mr Lee concludes that the retail opportunity at the LTC would be better supported if the additional 1,000m<sup>2</sup> retail floorspace opportunity planned for the eastern LCC were redirected to the LTC.
76. The economic potential and viability of the LCC is outside my area of expertise, but I do share some concerns about the proposed positioning of the LCC with respect to good planning principles.
77. I understand that the town centre hierarchy in the PSP is based on the '*Retail and Employment Needs - Economic Assessment*' prepared by Ethos Urban in September 2019. The report provides very little commentary around the LCC's role or strategic basis, rather it appears to endorse the establishment of an LCC in the east of the PSP in order to fill a gap in the spatial network of activity centres across the PSP area:
- "As described earlier, LCCs provide day-to-day convenience retailing and are often planned in locations where accessibility to LTCs is limited. The FUS identifies a potential LCCs in the eastern part of the PSP area, which is considered appropriate as this area does not benefit from the same level of accessibility to LTCs as other parts of the PSP. A LCC containing in the order 1,200m<sup>2</sup> of retail/commercial floorspace may be supported in this location."* (Economic Assessment, Ethos Urban; p.34)
78. The role of the LCC in promoting localised access to services is also reinforced in the LCC Guidelines at Appendix 4.3 of the PSP.
- "The Local Convenience Centre should promote the localisation of services which will contribute to a reduction of travel distance to access local services and less dependence on the car. Where appropriate, locate Local Convenience Centres in attractive settings and incorporate natural or cultural landscape features such as creeks and waterways, linear open space, pedestrian and cycle links and areas of high aesthetic value."*
79. The revised FUSP shifts the LCC southward such that it is no longer co-located with open space or other natural features that might help establish an attractive setting for the centre. It is also pushed eastward to avoid the gas pipeline, which serves to reduce it's accessibility and convenience for the eastern neighbourhoods of the PSP. In my opinion, the revised location is somewhat compromised having regard to the town centre principles found in the PSP for the location and setting of LCCs.
80. In my experience, for local centres to function as a successful focal point for residents, they need to be well-located, accessible and responsive to local conditions. The following attributes are particularly useful:-
- Visibility of the centre from major roads.
  - Residential catchment from all directions.
  - Anchor tenant to create a destination centre or co-location with other activity generators (open space, schools, community facilities, etc).
81. The proposed LCC has none of these attributes. While it is positioned on a connector road, it's inboard location means it will not have visibility to passing traffic on Koukoura Drive (which I note is intended to form part of the PPTN network, ultimately connecting to the future Lockerbie train station).
82. It's location close to the eastern edge of the PSP means that it will have an incomplete catchment to the east and south, with land outside the UGB within a few hundred metres east of the centre, and conservation land and buffer areas for the future quarry to the south. The catchment to the west is also

likely to be constrained as a result of the existence of the gas pipeline and the associated limitations on urban density within the 495-metre measurement length.

83. Finally, there are no other significant activity generators in proximity to the LCC, nor any significant destinations to the east or south of the proposed centre, save for the connection to Koukoura Drive.
84. In this context, I consider that the current proposed location for the LCC does not enjoy a number of the core physical and locational attributes required for a successful local centre to establish.
85. Assuming the LCC cannot be located further west of the gas pipeline, the only other potentially suitable locations would be at the corner of Donnybrook Road and Koukoura Drive, or at the intersection of the east-west connector and Koukoura Drive.
86. The first option would face challenges in achieving appropriate access arrangements into the site given its position at the intersection of two major arterial roads. While the location is more visible to passing traffic, I believe it would not be as accessible to the local community and would not support the PSP's aims to reduce dependence on the car.
87. The second option I consider to be more appropriate, in that it would benefit from improved visibility with an address to Koukoura Drive, which is an important sub-regional connection. It would also be served by public transport with a future bus route planned on the east-west connector.
88. I consider this to be a superior location than the current proposed LCC location in the revised FUSP, and recommend that the PSP be modified to shift the LCC further east to either the north-west or south-west corner of the intersection of Koukoura Drive and the east-west connector.
89. Having said that, if the evidence of Mr Lee is accepted and the LCC is removed altogether, I do not consider this would be a poor planning outcome, given the constraints imposed on the LCC by virtue of its incomplete catchment and the existence of the gas pipeline. At the very least I consider there should be a mechanism to enable the LCC land to revert to residential use in the event that its establishment proves unviable.

### **5.3. DWELLING DENSITY**

90. A new set of draft Guidelines for Precinct Structure Planning (September 2020) have been produced by the VPA, to contemporise the requirements for greenfield planning in a way that better supports the Government's aims of living locally, living sustainability and social connectedness. Noting that the Guidelines have not yet been approved, they nevertheless offer a good starting point for outcomes to be achieved within newly prepared PSPs.
91. In response to the need for more affordable and accessible housing choices, the new Guidelines set a minimum target of 20 dwellings per net (NDHa) developable hectare across the entire precinct, with increased densities of a minimum of 30 dwellings per hectare within an 800 metre walkable catchment of an activity centre or principal public transport network (PPTN).
92. In my opinion, it would be appropriate to apply the new contemporary density targets to the Shenstone Park PSP area (ie increasing the dwelling density from 17 dwellings per net developable hectare outside of the walkable catchment to 20 dwellings per hectare, and from 25 dwellings/NDHa to 30 dwellings per/ha within the walkable catchment). I say this for the following reasons:-
  - (a) If, as Mr Lee's evidence suggests, the establishment of a full line supermarket within the LTC is a marginal proposition, an increase in the permitted densities across the PSP area would further support the viability of the LTC and LCCs within the PSP;
  - (b) The requirement at Clause 3.0 of Schedule 7 to the UGZ which calls for the provision of an affordable housing assessment will necessitate the provision of increased dwelling diversity across the PSP, including housing for the income ranges specified at 3AA(4) of the Act. Guideline 14 of the PSP also specifically requires that the subdivision of land provides up to 10% of the NDA as affordable housing. I would expect that as a result of these requirements, a greater proportion of small lot housing may be required across the PSP than might otherwise be the case;
  - (c) There are particular areas within the subject land where increased densities are warranted due to high levels of amenity, including adjacent to open space and within the walkable catchment of potential bus routes (Donnybrook Road and Koukoura Drive). The overall site benefits from proximity

to key amenities particularly open space in the form of conservation areas, passive open space and retarding basins, which will offer a range of passive recreation opportunities;

- (d) Bringing the PSP into alignment with the soon to be finalised Guidelines will provide greater certainty to Councils, developers and the community in it's future implementation.

## 5.4 OTHER MATTERS RAISED IN PARCEL 17 SUBMISSION

93. I note that there various other minor matters raised in the submission made by 1150 Donnybrook Road Pty Ltd, several of which have been resolved by further changes made by VPA post exhibition, but a number of which remain outstanding. I make the following comments in relation to these issues:-

### a) Drystone wall on Donnybrook Road

The submission notes that the drystone wall abutting Donnybrook Road, which has been identified on Plan 5 of the PSP as being of moderate – high significance, will be required to be removed to facilitate works to Donnybrook Road.

The proposed schedule to Clause 52.33 (Post Boxes and Dry Stone Walls) provides a permit exemption for walls of low retention value only. The submitter requested a change to the clause to extend the exemption to walls of moderate significance, so as to avoid the administrative burden of having to seek a permit where the PSP specifically contemplates removal of the wall.

In my view there is merit in amending the schedule to Clause 52.33 to avoid the need for a permit process that is simply a formalisation of the wall's removal. However, I consider that rather than referring to walls of moderate retention value (which may capture other walls in the PSP that are not required to be removed), the clause could be modified as follows:-

*“All land except land shown as drystone wall with a ‘low’ retention value or land shown as drystone wall that is contained in a Public Acquisition Overlay for road widening purposes in the incorporated Shenstone Park Precinct Structure Plan”*

### b) Tree removal

The submission identifies two trees (Nos. 17 and 25) that are shown as significant trees for retention on Plan 5 that I am instructed have been independently assessed by an expert arborist as being of only moderate value or in failing health. I understand that separate evidence will be called from an appropriate expert on the health of the identified trees. I note that from a planning perspective, it is not unusual for PSP plans to show native vegetation that is able to be removed (as shown in Plan 8 of this PSP), subject to arborist advice. In the event that these trees are deemed to be suitable for removal, I consider they should be identified on Plan 8 of the PSP as trees that are able to be removed.

### c) Public Park LP04

The submission requests consideration to split the proposed LP04 into two reserves, with no reduction in the total open space provision, which I understand from the VPA's table of responses has been supported.

In addition to this change, I consider that the corresponding description for LP04 set out in Tables 7 and 9 of the PSP also needs to be updated. The description currently reads:

*“Central to surrounding community, protects tree group and stony knoll.”*

Given that the approved CHMP for the land allows the removal of the stony knoll, and the ‘tree group’ is in fact just one tree that has been identified by an expert arborist as being in failing health, I consider that Tables 7 and 9 of the PSP should be modified to remove reference to *“protects tree group and stony knoll.”*



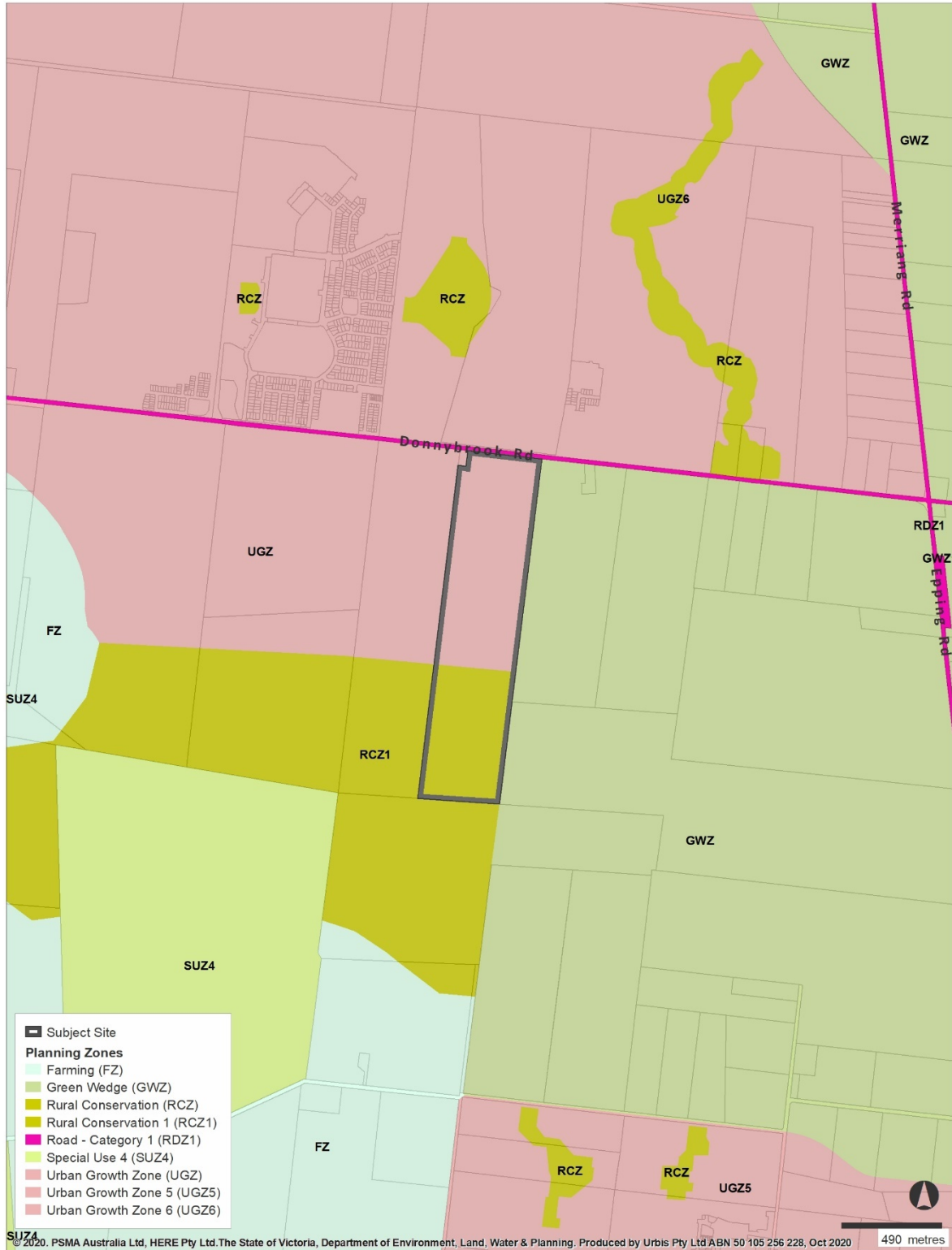
## 6. CONCLUSION

93. On the basis of the analysis presented in my statement, I believe the following modifications to the PSP are warranted:-

- (a) Modifications to Plan 15 in the PSP to show the recommended buffers on Figure 32 of the GHD Buffer Impact Assessment;
- (b) Corresponding changes to the FUSP to reflect the contracted buffer area in the south-west portion of the subject land;
- (c) Relocation of the eastern LCC to either the north-west or south-west corner of the intersection of Koukoura Drive and the east-west connector, or it's removal altogether from the subject land;
- (d) Modifications to the density targets set out in the PSP, to bring them into alignment with the target densities set out in the draft PSP Guidelines (September 2020), (ie. 20 dwellings per net developable hectare outside walkable catchments and 30 dwellings per net developable hectare within an 800m walkable catchment).
- (e) The schedule to Clause 52.33 be modified as follows:-  
*"All land except land shown as drystone wall with a 'low' retention value or land shown as drystone wall that is contained in a Public Acquisition Overlay for road widening purposes in the incorporated Shenstone Park Precinct Structure Plan"*
- (f) In the event that trees 17 and 25 on the subject land are deemed to be in poor health or otherwise suitable for removal, they should be identified as trees that are able to be removed on Plan 8 of the PSP.
- (g) Modification to the description of LP04 IN Tables 7 and 9 of the PSP to remove reference to *"protects tree group and stony knoll."*

## **APPENDIX A**

## **EXISTING ZONING AND OVERLAY PLANS**



## 1150 DONNYBROOK ROAD, DONNYBROOK

### PLANNING ZONES



## 1150 DONNYBROOK ROAD, DONNYBROOK

### ENVIRONMENTAL SIGNIFICANCE PLAN OVERLAY (ESO4)



## 1150 DONNYBROOK ROAD, DONNYBROOK

### PUBLIC ACQUISITION OVERLAY (PAO2)

