

# Extractive Industry & Buffer Area BEVERIDGE NORTH WEST [AND](#) [WALLAN SOUTH](#)

NORTHERN HIGHWAY BEVERIDGE 3753

**Commented [VPA1]:** Updated reference to Wallan South

Incorporated Document  
November 2021

## 1. INTRODUCTION

- 1.1 This document is an incorporated document in the schedule to Clause 45.12 and Clause 72.04 of the Mitchell Planning Scheme (the **Planning Scheme**) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

## 2. PURPOSE & INTERPRETATION

- 2.1 To allow the grant of a planning permit for Extractive Industry for a fixed duration in accordance with Clause 4.8(d) and 6.0 of this document.
- 2.2 To coordinate [any extractive industry with](#) the implementation of the Beveridge North West Precinct Structure Plan 2021 (**Beveridge North West PSP**) [and the Wallan South Precinct Structure Plan \(Wallan South PSP\)](#) in a manner that will not prejudice the operation of the Extractive Industry for the designated extent and duration of the permitted activity, including through ensuring appropriate notice and referral of permit applications for land within the Extractive Industry Blast Buffer Area and Extractive Industry Sensitive Use Buffer Area on Map 1.
- 2.3 To identify and protect [as necessary](#) the buffer areas of any approved Extractive Industry for the duration of the approved Extractive Industry use.
- 2.4 To secure the rehabilitation of land to enable the land to be developed in accordance with the [Beveridge North West PSP](#) once any Extractive Industry use ceases.
- [2.5 To facilitate the use of land and associated works for Agriculture and Renewal energy facility within the buffer areas for the duration of the quarry operation.](#)
- [2.6 To minimise the impact of the Extractive Industry on the land within the buffer areas identified in the Beveridge North West PSP and Wallan South PSP areas.](#)

**Commented [VPA2]:** Wallan South is currently a future PSP but is expected to be incorporated in 2023

**Commented [VPA3]:** VPA do not consider it is necessary to reference Wallan South here, as the quarry and its rehabilitation is limited to the BNW PSP.

**Commented [VPA4]:** VPA to consider additional land uses when provided from adjoining land owners (Balance Property Partners - 1022)

**Commented [VPA5]:** Inserted additional reference to Wallan South in response to evidence.

[2.52.7](#) Despite any provision to the contrary in the planning scheme:

- a) The Extractive Industry Site may be used and developed in accordance with the specific controls at Clause 4.0 of this document.
- b) The Extractive Industry Blast Buffer Area and Extractive Industry Sensitive Use Buffer Area must be used and developed in accordance with the specific controls at Clauses 5.0 and 6.0 of this document.

[2.62.8](#) All provisions of the Mitchell Planning Scheme apply to the land specified in Clause 3 except as specified at Clause 4.2 of this document.

[2.72.9](#) In the event of any inconstancy between this document and another provision of the Planning Scheme, the provisions of this document will prevail to the extent of the inconsistency.

## 3. THE LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 This incorporated document applies to part of the land shown as SCO1 in the Planning Scheme maps and as described below:
- a) That part of Lot 2 on Lodged Plan 6746 shown as 'extractive industry site' on Map 1 of this incorporated document (the **Extractive Industry Site**).
  - b) That part of Lot 9 Lodged Plan 6746, Lot 2 Title Plan 841310, Allot. 33A, 34 of Wallan Wallan show as 'extractive industry buffer area' on Map 1 of this incorporated document (the **Extractive Industry Blast Buffer Area**).

- c) That part of Lot 9 Lodged Plan 6746, Lot 2 Title Plan 841310, Allot. 31, 32, 33A, 34 of Wallan Wallan shown as 'extractive industry sensitive use buffer area' on Map 1 of this incorporated document (the **Extractive Industry Sensitive Use Buffer Area**).

#### 4. SPECIFIC CONTROLS – EXTRACTIVE INDUSTRY SITE

4.1 The following controls apply to the Extractive Industry Site.

##### 4.2 Exemptions from Planning Scheme Permit Requirements

- a) Any provision in the Mitchell Planning Scheme that would prohibit the issue of a planning permit for use and development for Extractive Industry does not apply to the Extractive Industry Site.
- b) A permit is not required to undertake bulk earthworks in accordance with Clause 2.5 of Schedule 3 to Clause 37.07 Urban Growth Zone.

##### 4.3 Permit Requirements

- a) A permit is required to use the Extractive Industry Site show on Map 1 for Extractive Industry.
- b) A permit is required to construct a building or to construct or carry out works for Extractive Industry on the Extractive Industry Site.

##### 4.4 Application Requirements

- a) An application for a planning permit to use land or construct a building or to construct or carry out works associated with an Extractive Industry must include the following information, to the satisfaction of the responsible authority:

i. A written process statement including:

- a. Staging;  
b. Processing;  
c. Blasting; and  
d. Location of plant and equipment.

ii. [A phasing plan that demonstrates all blasting activities will have ceased within 200 metres of the Eastern Arterial \(RD-04\) in the Beveridge North West Precinct Structure Plan by 31/12/2032 unless otherwise agreed to by the Head, Transport for Victoria](#)

iii. Staged rehabilitation plan that includes (but is not limited to):

- a. Stages of rehabilitation;  
b. Rehabilitation of land to the end use identified in the Beveridge North West PSP;  
c. Proposed end contours of the rehabilitated site; and  
d. Any reductions in the buffers over the duration of the use.

iv. A plan showing all structures and access roads.

b) [An application for Extractive Industry must be accompanied by a Traffic Impact Assessment which assesses the impacts of quarry traffic on the Northern Highway and the surrounding road network, and outlines the mitigation measures \(operations hours, management of debris\) proposed.](#)

- b)c) An application must be accompanied by a sodic and dispersive soils management plan, prepared by a suitably qualified professional, that includes:

**Commented [VPA6]:** Updated application requirement in accordance with DoT phasing plan conditions

**Commented [VPA7]:** Hazelwynde submission 959

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

e)d) An application for Extractive Industry must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- i) Strategies that will be implemented to avoid land locking kangaroos, including staging of subdivision;
- ii) Strategies, management actions and contingency planning that will be implemented to minimise animal welfare and human safety risks;
- iii) How implementation of the Kangaroo Management Plan will be monitored.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- i) a copy of the approved Kangaroo Management Plan;
- ii) a 'design and management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

Strategies to avoid land locking kangaroos;

Strategies to minimise animal and human welfare risks;

Commented [VPA8]: DELWP MSA submission 947 page 3

~~Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and~~

~~Actions to address the containment of kangaroos and to ensure adequate animal welfare.~~

#### 4.5 Decision Guidelines

- 4.6 Before deciding on an application under this incorporated document, in addition to the decision guidelines of Clause 65 and any other relevant provisions of the planning scheme, the responsible authority must consider, as appropriate:

- a) The timeframe and staging for Extractive Industry including, the time allowed for any blasting, processing and rehabilitation.
- b) Whether the extractive industry is staged to progressively allow development on surrounding land.
- c) Whether the rehabilitation proposes ground level contours that facilitate residential subdivision that can reasonably transition into the surrounding area.
- d) Whether the phasing plan demonstrates blasting will not occur within 200 metres of the Eastern Arterial (RD-04) in the Beveridge North West Precinct Structure Plan after 31/12/2032 ~~xx (Date TBC).~~
- e) Whether the phasing plan will allow for the construction of the Eastern Arterial (RD-04) in the Beveridge North West Precinct Structure Plan to commence by 31/12/2032 ~~xx (Date TBC).~~
- a)f)

#### 4.7 Conditions for permits

- 4.8 A permit issued under this incorporated document must implement the following requirements. Where the plans for the extractive industry do not satisfy the requirements of this document, a permit condition may be imposed. Any permit issued in accordance with this incorporated document must implement the following outcomes via conditions:

#### **Rehabilitation**

- a) A rehabilitation plan must be prepared to the satisfaction of the responsible authority and endorsed to form part of this planning permit. The rehabilitation must specify:
  - i) A timeline for rehabilitation which enables the land to be completely rehabilitated by 31 December 2052.
  - ii) That the rehabilitation will be to a standard that facilitates the end use identified in the Beveridge North West PSP.
  - iii) The staging of any rehabilitation.

#### b) The rehabilitation plan must:

- i) Include final grades and finishes.
- ii) Specifying compaction of fill materials to a suitable standard.
- Demonstrate how the rehabilitated site could connect to and integrate with surrounding development

**Commented [VPA9]:** Balance Property Partners (1022)

**Commented [VPA10]:** Mitchell Shire Council (964)  
Merri Creek Management Committee (962)  
CMPA (1021)  
Conundrum

**Commented [VPA11]:** Updated application requirement in accordance with DoT phasing plan conditions

**Commented [VPA12]:** Date to be confirmed with DoT ASAP (post Part A)

**Commented [VPA13]:** Updated application requirement in accordance with DoT phasing plan conditions

**Commented [VPA14]:** Date to be confirmed with DoT ASAP (post Part A)

**Commented [VPA15]:** Mitchell Shire Council (964)

iii) \_\_\_\_\_

~~b)c)~~ The rehabilitation of land must occur in accordance with the endorsed Rehabilitation Plan, to the satisfaction of the responsible authority.

~~e)d)~~ The land must be rehabilitated by 31 December 2052.

#### **Cessation of blasting for production**

~~d)e)~~ Blasting, other than blasting directly associated with rehabilitation, must cease not more than 20 years from the commencement of the use.

#### Amenity

f) Hours of operation

g) The number of staff on site

h) Traffic management including access to and from the site, as well as any conditions limiting truck movements

i) The mitigation of noise, dust, vibration and other offsite amenity impacts

Commented [VPA16]: Delete

Commented [VPA17]: Hazelwynde submission 959

#### Phasing Plan

j) Blasting must not occur within 200 metres of the road reserve to be provided for the Eastern Arterial (RD-04) as identified within the Beveridge North West Infrastructure Contribution Plan after 31 / 12 / 2032 unless otherwise agreed to by the Head, Transport for Victoria.

k) Prior to the commencement of works, a phasing plan that demonstrates that all blasting activities will have ceased within 200 metres of the Eastern Arterial (RD-04) in the Beveridge North West Precinct Structure Plan by 31/12/2032 must be prepared and submitted to in writing and approved to the satisfaction the Head, Transport for Victoria.

Commented [VPA18]: Updated application requirement in accordance with DoT phasing plan conditions

#### **Expiry:**

~~e)l)~~ The permit will expire:

i) On 31 December 2052; or

ii) If:

1. the use and/or development is not commenced within five (5) years of the date of this permit; or
2. the Work Authority for the use issued under the provisions of the *Mineral Resources (Sustainable Development) Act 1990* is cancelled in accordance with section 77O of that Act.

whichever occurs first.

#### Traffic Management

m) Any public road closures must be undertaken by, or on behalf of, the permit holder and costs associated with the closure of the road must be borne by the permit holder.

The road closure must be approved by the relevant road authorities.

### Kangaroo management plan

~~f)n)~~ A permit to undertake works associated with Extractive Industry must include the following conditions:

- i) ~~Before the certification of the first plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning (DELWP).~~

~~The approved plan will form part of the permit. The approved Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.~~

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

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

- ~~— Strategies to avoid land locking kangaroos, including staging;~~
- ~~— Strategies to minimise animal and human welfare risks;~~
- ~~— Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location;~~
- ~~— Actions to address the containment of kangaroos and to ensure adequate animal welfare;~~

- ii) ~~The approved Kangaroo Management Plan must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning;~~

**Commented [VPA19]:** DELWP MSA submission 947 page 3

### Salvage and translocation

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

### Sodic Soils

~~h)p)~~ A permit for Extractive Industry must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

## 5. SPECIFIC CONTROLS – WITHIN EXTRACTIVE INDUSTRY BLAST BUFFER AREA

5.1 The following controls apply to land within the Extractive Industry Blast Buffer Area.

### 5.2 Permit Requirements

- a) A permit is required to construct a publicly accessible road.
- b) A permit is required to construct a building, including a building associated with Agriculture, a building associated with a minor utility installation, a building associated with an extractive industry, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building.

5.3 Prohibition of buildings and works

- 5.4 The construction of a building (not including a building associated with Agriculture, a building associated with a minor utility installation, a building associated with an extractive industry, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) is prohibited.

## 6. SPECIFIC CONTROLS – WITHIN EXTRACTIVE INDUSTRY SENSITIVE USE BUFFER AREA

The following controls apply to land within the Extractive Industry Sensitive Use Buffer Area and land within the Extractive Industry Blast Buffer Area.

### 6.1 Permit exemptions

- a) The following uses are exempt from a planning permit prior to 31 December 2027, provided they are not a Use listed at Clause 53.10:
- i) Agriculture

### 6.16.2 Prohibition of uses

- a) b) The following uses are prohibited prior to 31 December 2027:

- i) Accommodation.
- ii) Education centre.
- iii) Hospital.
- iv) Office.
- v) Place of assembly.
- vi) Retail premises.

### 6.26.3 Permit Requirements

#### Use of land

- a) From 1 January 2028, a permit is required to use land for:

- i) Accommodation.
- ii) Education centre.
- iii) Hospital.
- iv) Office.
- v) Place of assembly.
- vi) Retail premises.
- vii) Agriculture
- viii) Renewable energy facility

#### Subdivision

- b) A permit is required to subdivide land.

#### Buildings and works

A permit is required to construct a building or to construct or carry out works.

### 6.36.4 Notice and referral

- a) The requirements of Clause Section 52 of the Act apply to an application under Clause 5.84.3 and a Renewable energy facility at Clause 6.3.
- b) An application under Clause 5.84.3 must be referred to the *Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990* as a determining referral authority.

**Commented [VPA20]:** EPA identified error: "We also wish to highlight that under Clause 6 which refers to the sensitive use buffer, reference is made to the blast buffer, which may also be in error."  
VPA advise this is correct. The intent is to ensure the controls apply to both areas.

**Commented [VPA21]:** VPA to contemplate that some uses may need to be permitted during the lifetime of the quarry.  
Additional land uses to be considered when provided from adjoining land owners (Hazelwynde submission 959)

**Commented [VPA22]:** VPA propose to delete the trigger for permit for works in response to evidence. The permit triggers of the UGZ will continue to apply where relevant.

**Commented [VPA23]:** VPA identified error

**Commented [VPA24]:** VPA to contemplate that some uses may need to be permitted during the lifetime of the quarry.  
Additional land uses to be considered when provided from adjoining land owners (Hazelwynde submission 959)

**Commented [VPA25]:** VPA identified error



6.46.5 Application Requirements

- a) A permit application under Clause 6.2 of this incorporated document must be accompanied by the following information, to the satisfaction of the responsible authority:
- i) An assessment of potential odour, dust and grit amenity impacts from the extractive industry site referred to at Clause 3 of this document, prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the future use will experience an appropriate level of amenity and consider (but not limited to):
    - a. The staging of the proposed development;
    - b. The sensitivity of the use proposed;
    - c. The local meteorological conditions; and
    - d. The structure or built form.

All to the satisfaction of the responsible authority
  - ii) An acoustic assessment prepared by an acoustic engineer or other suitably qualified person. The acoustic assessment must:
    - Provide an assessment of noise levels on the land that considers the existing and likely future noise levels associated with Extractive Industry;
    - Include recommendations for noise attenuation measures designed to ensure that internal noise levels in bedrooms are not greater than 35 dB Leq8h.
  - vi) An amenity impact statement outlining the potential impact of odour, dust and grit that Extractive Industry may have on the land.
  - ii) An acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:
    - a. Applies the following noise objectives:
      - 1. 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am;
      - 2. 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm;
    - b. For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors);
    - c. Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives;
    - d. Includes additional considerations, where relevant, to address:
      - 1. potential noise character (tonality, impulsiveness or intermittency);
      - 2. noise with high energy in the low frequency range; and
      - 3. transient or variable noise.

Commented [VPA26]: EPA submission 919 page 4

6.56.6 Decision Guidelines

- a) Before deciding on an application under this incorporated document, in addition to the decision guidelines of Clause 65 and any other relevant provisions of the planning scheme, the responsible authority must consider, as appropriate:
- i) The proximity to land to the Extractive Industry Site.
  - ii) The compatibility of the proposed use or development with any Extractive Industry.
  - iii) The effect that emissions of noise, vibration, odour, dust and grit from any Extractive Industry may have on the proposed use or development.

- iv) The potential for the proposed use or development within the 'Extractive Industry Sensitive Use Buffer Area' to impact on the ability of any Extractive Industry operator to obtain approvals for extraction (if approvals have not yet been obtained) at the Extractive Industry Site.
- v) Whether the proposed use or development will adversely impact the current or future operations of any Extractive Industry, having regard to any requirements of any approvals for the quarry, including any approved extraction boundary, at the Extractive Industry Site.
- vi) The staging of extraction and whether stone resources close to residential areas have been extracted and works are no longer proposed in proximity to residential areas.
- vii) The views of the Secretary to the Department administering *the Mineral Resources (Sustainable Development) Act 1990*.
- viii) Whether the subdivision increases the number of lots within the Extractive Industry Blast Buffer Area and/or Extractive Industry Sensitive Use Buffer Area.
- ix) Whether the proposed use may be affected by potential odour, dust, and grit impacts from the extractive industry site referred to at Clause 3 of this document.
- x) Whether the proposal provides suitable design responses to ensure the future use within the proposed building will experience an appropriate level of amenity.
- xi) Whether the impact of the potential noise sources have been mitigated through design, layout, and location; and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant.

#### 6.7 Permit requirements

#### 6.8 Any permit issued in accordance with this incorporated document must implement the following outcomes via conditions:

- a) Prior to the occupancy of buildings for Accommodation, Education Centre, Place of Assembly or Hospital, verification that the building has been constructed in accordance with the recommendations of any acoustic assessment.

Commented [VPA27]: EPA submission 919 page 4

## **7. EXPIRY OF THIS DOCUMENT**

### **7.1. This incorporated document will expire:**

- a) If:
    - i) No permit is issued for the Extractive Industry Site by 31 December 2027; or
    - ii) The permit issued for the Extractive Industry Site in accordance with Clause 4.0 of this control expires,
  - b) On 31 December 2052,
- whichever occurs first.

**MAP 1**

(new map to outline the Extractive Industry Site, the Blast Buffer Area and the Sensitive Use Buffer Area)

