

# Draft Land Use Planning Existing Conditions

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## Draft Land Use Planning Existing Conditions

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**Abbreviations**

AECOM	AECOM Australia Pty Ltd
BMO	Bushfire Management Overlay
CHMP	Cultural Heritage Management Plan
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
EES	Environment Effects Statement
EIIA	Extractive Industry Interest Area
EPBC Act	Environment Protection and Biodiversity Conservation Act 1977 (EPBC Act)
ERR	Earth Resources Regulation
ESO	Environmental Significance Overlay
EVC	Ecological Vegetation Classes
GWZ	Green Wedge Zone
Hanson	Hanson Construction Materials Pty Ltd
LPPF	Local Planning Policy Framework
MRSD Act	Mineral Resources (Sustainable Development) Act 1990

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MSS	Municipal Strategic Statement
Planning Act	Planning and Environment Act 1987
PPF	Planning Policy Framework
The Project	Bunyip North Quarry Project
WA	Work Authority

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## 1.0 Introduction

### 1.1 Background

AECOM Australia Pty Ltd (AECOM) has been engaged by Hanson Construction Materials Pty Ltd (Hanson) to undertake a Land Use Planning assessment of the proposed Bunyip North Quarry Project (the Project). This Land Use Planning Assessment will form part of the Environment Effects Statement (EES) for the Project.

This report contains a review of the existing conditions and land uses of the Project Site and surrounding area. It also contains a summary of the existing federal, state and local planning policy applicable to the Project, as well as the approval pathway for the Project.

### 1.2 Project Overview

The Project is in Bunyip North, Victoria on land which is currently utilised for grazing purposes. The site has been identified by Hanson as containing a granite rock resource of a quality and volume to meet future market needs given that Hanson's current accessible resources are steadily heading towards depletion.

Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has identified the site as being located within an Extractive Industry Interest Area (EIIA) within the Cardinia Shire. The EIIA designation is applied to land that has been identified as being likely to contain stone resources of sufficient quantity and quality to support a commercial extractive industry operation.

The purpose of the EIIA, as stated on the Energy and Earth Resources webpage, is to:

- *'provide a basis for the long-term protection of stone resources from sterilisation by other land uses,*
- *provide a basis for ensuring the long-term availability of stone resources for use by the community and at minimal detriment to the environment,*
- *assist in considering extractive industry values in long term strategic planning,*
- *ensure that planning or responsible authorities consult with all relevant agencies about land use proposals which may impact on the reduction of stone resources within these areas, and*
- *create an awareness that extractive industry is a possible land use in these areas.'*

Hanson consider the Project has the potential to provide a valuable resource to Victoria through its quality and quantity of stone, proximity to the Melbourne market and excellent access to the major road network which is supported by its location in the EIIA.



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## 2.0 Methodology

### 2.1 Existing Conditions Review

The purpose of the existing conditions review is to identify and describe relevant planning policy, strategy and planning controls and current land uses on affected parcels of land. This provides the basis for the assessment of any potential impacts of the Project to existing and reasonably foreseeable future land use policies and conditions. This initial review was also used to inform the study area of the impact assessment.

#### Desktop assessment and baseline data review

A desktop assessment was undertaken drawing from information provided by Hanson and publicly available state and local government reports, literature and land use planning databases to understand the existing conditions of properties affected by the Project. The following baseline data was reviewed as part of the desktop assessment:

- The planning framework which applies to the Project, including:
  - Relevant planning policy, including the state-wide Planning Policy Framework (PPF) and the Local Planning Policy Framework (LPPF) contained in the Cardinia Planning Scheme
  - Other notable state and local government strategic planning policy
  - Other strategic plans and land use plans
  - Zones, overlays and particular provisions contained in the Cardinia Planning Scheme
- Current strategic planning work and future planning scheme amendments being considered by the State and the affected councils
- Aerial imagery
- Information including:
  - Landholder details and existing land use assessments
  - Affected land parcel identification and information.

#### Site visit and stakeholder consultation

The following activities were also undertaken:

- Site visits were conducted throughout 2018, 2019 and 2020 to confirm, at a high-level, existing land uses and development within the vicinity of the Project. The site visits were conducted on foot and by car.

Consultation with Cardinia Shire Council was also undertaken. Further information on the consultation is provided in Section 4.0.





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## 3.2 Quarry Description

Hanson proposes to establish a granite quarry on land currently used for pastureland in Bunyip North (Figure 1). The stone reserves of the Project Site have been estimated by Hanson to comprise approximately 130 million tonnes of granite, which would resource production of crushed rock products over a period of approximately 73 years, depending on demand. The Project Site covers approximately 165 hectares and has frontages to Bunyip-Tonimbuk Road and Sanders Road. The indicative pit design has a footprint of about 134 hectares, and a maximum depth of about 140 metres below natural surface, which is undulating.

Development, operation and closure of the Project would involve:

- Removal of vegetation, topsoil and overburden to enable stone extraction
- Construction of plant equipment and haul roads
- Removal of granite through controlled blasting and mechanical extraction
- Onsite processing of stone
- Mixing of aggregates
- Progressive rehabilitation of extracted areas
- Transportation of stone and aggregates from site via an internal haul road to public roads
- Final rehabilitation (post resource exhaustion).

## 3.3 Project Purpose

The quality and extent of raw material found at other Hanson project sites is becoming scarce either through depletion as Melbourne grows or through sterilisation caused by encroachment of incompatible development. Hanson's Lysterfield hard rock reserves are nearing depletion and the remaining resources are of a quality which is not suitable for all products. As a result of the above factors, Hanson identified and purchased the Project Site within the EIIA with a view to developing a new quarry to utilise the granite reserve to provide long term supply for hard rock aggregate to the Melbourne market.

The Project Site has an estimated reserve in the order of 130 million tonnes and is considered by Hanson a critical, long term resource when considered in the wider context of scarcity of similar reserves.

The primary rationale for the Project is to fully utilise the granite resource available within the EIIA location.

Through undertaking the Project, Hanson aims to achieve complementary objectives of:

- Providing long term certainty and commercial stability for ongoing Hanson operations
- Providing employment to the construction industry during construction of the quarry
- Providing ongoing employment in quarry operations, truck drivers and ancillary services to the quarry
- Contributing to the local, regional and State economies through capital expenditure, multiplier benefits to local businesses, and employment
- Continuing to conduct operations in an environmentally responsible manner by understanding and managing environmental impacts.

## 3.4 Project Alternatives

### 3.4.1 'No Project Alternative'

The 'No Project' option will be the outcome if the Project does not receive the required approvals to commence. Provided that the Project can be developed in a socially and environmentally acceptable

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manner, the 'No Project' option is not considered to be a sound outcome as it would sterilise 130 million tonnes of a quality natural resource in close proximity to Melbourne in an area designated for extractive industry under the 'Extraction and Extractive Industry Area' classification.

## 3.4.2 Project Design Alternatives

Design alternatives for the Project were considered progressively as the quarry design was being developed. Design iterations will closely align with the various impact assessment studies being undertaken with a view to finding an appropriate balance between technical and commercial optimisation and acceptable environmental impacts. These alternative designs and how the design process responded to inputs from specialist technical studies to achieve the preferred Project will be outlined in the EES Report.

## 3.5 Summary of Proposed Works and Activities

### 3.5.1 Development

On the basis that the Project receives approval, several site preparation activities are required and must be completed before quarry activities can commence. These include the following:

- Erection of perimeter security fencing
- Upgrade road works on Tonimbuk Road and Princess Highway
- Construction of the access road (sealed) to the processing facility via Tonimbuk Road
- Vegetation clearance of Project Site, including pit, overburden and processing plant footprints
- Construction weighbridge
- Preparation of stockpile areas
- Construction and implementation of drainage channels, sediment and collection dams
- Power connection to grid
- Decommissioning of the current dwelling and water tanks
- Building and commissioning of workshop and site administrative offices
- Widening of Tonimbuk Road to a Local Arterial 4A road
- New intersection access to Tonimbuk Road off the Princes Freeway.

### 3.5.2 Operation

The quarry phase is expected to last approximately 73 years depending on the future level of resource demand. The following key activities will occur progressively:

#### Topsoil and Overburden Removal and Storage

Topsoil is progressively removed on an "as needed" basis and stockpiled in stockpiles less than 2 metres in height for rehabilitation works. Overburden is then progressively removed and either used directly for rehabilitation purposes or stockpiled for future rehabilitation use and/or sold as a general fill or utilised in the production of lower quality processed road base materials.

#### Quarry Bench Development

Quarry benches will be developed using conventional ripping and excavation and drill and blast techniques. Bench heights and widths and vertical separation between benches are in accordance with accepted quarry practice and conform to statutory requirements. Bench access haul roads will be of appropriate width and grade for safe passage of dump trucks and are to be well maintained.

#### Raw Materials Handling

Quarry rock is loaded from quarry benches using a hydraulic excavator or rubber tyred front end loader onto off road quarry haul trucks for haulage to the processing plant.

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## Processing Plant and Storage of Product

The processing plant is proposed to be located south-east of the pit area. The plant will accept raw product from the quarry and allow for the mixing of aggregate to make road base and wet-mix products. The processing plant is proposed to contain primary, secondary and tertiary processing legs, with stockpiling of material between stages.

### *Crushing and Screening Plants*

Rock is generally processed through a fixed processing plant comprising a receiving bin, a primary crusher, secondary crushers, tertiary crushers and quaternary, vibrating screens and linking rubber conveyors.

Lower quality material is initially screened and a transportable screening plant with oversize materials and undersized materials (scalps) will be used to enable these materials to be stockpiled for sale as a select fill or low-grade road material.

### *Quarry Operational Throughput*

The throughput of the Project is proposed to be 0.5 million tonnes per year for the first 10 years, which will increase to 2 million tonnes per year after five years to achieve optimum production.

## Transport

Transportation of raw material and final product will occur throughout the operation of the quarry. The proposal would initially involve the cartage (sales) of approximately 2,000 tonnes per day for the first ten years, which equates to approximately 116 truck movements per day.

At peak production approximately 7,000 tonnes per day would be carted, which would generate 462 truck movements per day at its peak. This presents an upper limiting number or a 'worst case-scenario' as it is based on every truck being a tandem, which is unlikely. The average load size is likely to be higher, reducing the expected number of vehicle movements.

### 3.5.3 Closure

The Project Site will be progressively rehabilitated throughout the Project's life as material is extracted. Following extraction of the granite resource, the land will be made safe and stable and rehabilitated in accordance with the rehabilitation plan that will be approved as part of the Work Plan.

The Rehabilitation Plan will be developed to address Section 79 of the *Mineral Resources (Sustainable Development) Act 1990* so that it is designed to:

- Respond to any special characteristics of the land and the surrounding environment
- Stabilise the land
- Address the potential for the long-term degradation.

The *MRSD Act 1990* requires a bond to be provided to ensure that funds are available to appropriately rehabilitate the land.

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## 4.0 Stakeholder Engagement

This section of the report identifies the stakeholder engagement undertaken to inform this Land Use Planning study.

### 4.1 Cardinia Shire Council

AECOM's Planning Consultant and Hanson representatives met with Cardinia Shire Council's Manager Strategic & Economic Development, on 24<sup>th</sup> of November 2017 to provide an update on the Project and community consultation. During this meeting, Local Policies relevant to the Project were confirmed to be Cardinia Council's Green Wedge Management Plan and the Cardinia Shire Municipal Strategic Statement.

### 4.2 DEDJTR – ERR Branch

AECOM's consultants contacted the Earth Resources Regulation (ERR) Branch of DEDJTR on the 15<sup>th</sup> of January 2018 to discuss the process and history to the allocation of the Work Authority (WA) number for the Project Site. ERR provided advice that the issuing of the WA number is a project number for internal ERR reference purposes and has no status in terms of application or approval of the WA for the Project.

### 4.3 Technical Reference Group

The Existing Conditions component section of the land use report was presented to TRG in February, 2018.

### 4.4 Community Engagement

On the 3<sup>rd</sup> of March, 2018 AECOM was present at a BNQ Community Open Day arranged by Hanson to provide information to the community regarding the Land Use Planning Assessment, and seek input and community comments.

The key issues raised by the community in response to the exhibition of the Existing Conditions assessment of the Land Use Report were:

- Correction of location of dwellings, sheds and businesses surrounding the site
- Information was provided on the way people use their property surrounding the site and concerns regarding land use conflicts
- Loss of farming land and wildlife habitat
- Trust for Nature property requested to be included in list of land uses.

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## 5.0 Existing Conditions

### 5.1 Existing Land Uses within the Project Site

The Bunyip North Quarry is proposed to be developed on private land owned by Hanson currently utilised for the following land uses.

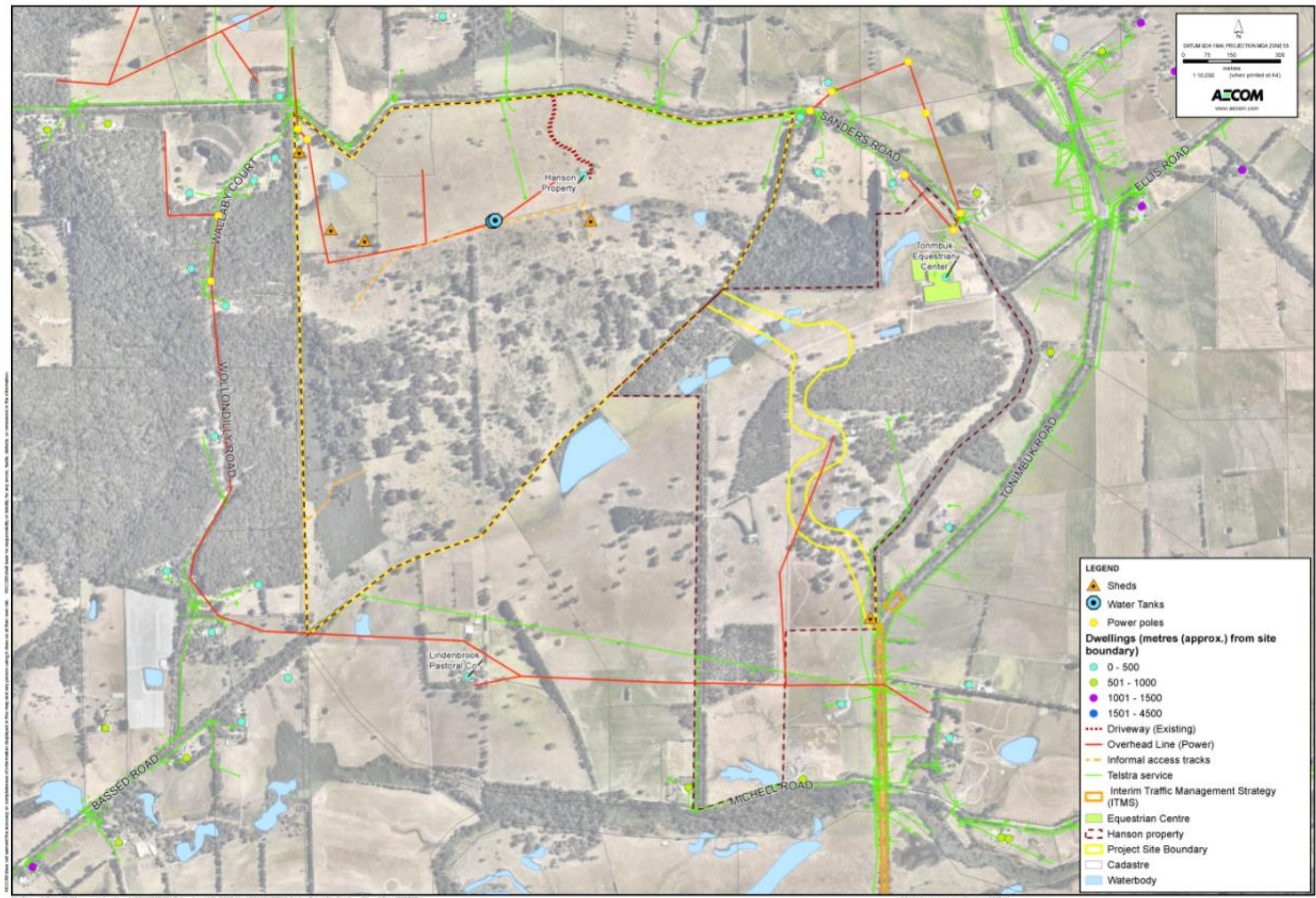
- Grazing Pasture Land
- Residential Land Use
- Farm Storage (sheds)
- Water capture and storage for farming purposes

Figure 2 further illustrates the location of features and land uses within the Project Site. These are described in more detail below. It is acknowledged that a significant bushfire impacted on the land in and around the site during a bushfire event in March 2018. This existing conditions report has been drafted to consider the pre-fire existing conditions of the land and its values, so not to capitalise on the loss of infrastructure or properties.



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Figure 2 Existing Project Site Conditions





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## Pasture Land

The majority of the Project Site is cleared farmland which has been highly modified by grazing activity which has also resulted in modification to the naturally occurring vegetation.



Figure 3 Grazing Pasture Land

## Biodiversity Values

A biodiversity assessment of the Project Site was undertaken by Ecology and Heritage Partners which identified three ecological vegetation classes (EVC's) occurring: Herb-rich Foothill Forest; Lowland Forest, and Riparian Scrub. The assessment identified several scattered trees, predominately in the northern half of the Project Site, with dense stands of remnant native vegetation located in the southwest corner of the Project Site and a series of dams/ artificial wetlands scattered throughout the Project Site as shown in Figure 4. The biodiversity assessment also identified vegetation clearance which has been undertaken in the southern corner of the Project Site.



Figure 4 South View of the Project Site

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## Residential Land Use

A residential dwelling is located approximately 250 metres south of the northern Sanders Road boundary which is accessed via a private driveway as shown in Figure 2. The dwelling owned by Hanson, is currently leased to tenants. A dam and an unused shed are located within proximity to the dwelling directly to the southeast as shown in Figure 5 and Figure 6.



Figure 5 Hanson Dwelling



Figure 6 Dam and Unused Shed



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## Sheds

Several sheds are located within the Project Site boundary and utilised for hay and farm storage as shown in Figure 2. Specifically, three sheds are in the northeast corner of the Project Site, one to the south of the dwelling and another to the west of Tonimbuk Road within the access road footprint.



Figure 7 Shed located to the northeast corner of the Project Site adjacent to the access road



Figure 8 Hay shed located to the northwest corner of the Project Site

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## Water Tanks

As shown in Figure 2 and Figure 9, two water tanks are located centrally on the Project Site and within proximity to the residential dwelling at the highest point.



Figure 9 Water tanks

## Perimeter Fencing

Wire fencing has been established around a large portion of the Project Site boundary as shown in Figure 10.



Figure 10 Wire Fencing around the Project Site boundary

## 5.2 Existing Services & Infrastructure within the Project Site

### Power Connection

Power is connected to the existing residential dwelling and the hay shed located in the northwest corner of the Project Site. Overhead powerlines cross the northern half of the Project Site as shown in Figure 2. The powerlines enter off Sanders Road and service the existing dwelling.

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## **Fibre Optic**

As shown in Figure 2, fibre optic cable is in the road reserve along Sanders Road for approximately 500 metres from the north-west corner of the Project Site boundary before switching inside the Hanson property boundary and running along the fence line to the end of the property boundary in the north-east corner of Sanders Road.

## **Site Access**

Site access for vehicles is currently provided through a sealed driveway extending from Sanders Road to service the residential dwelling.

## **Other Services**

The site is not serviced with reticulated water, sewerage or gas.

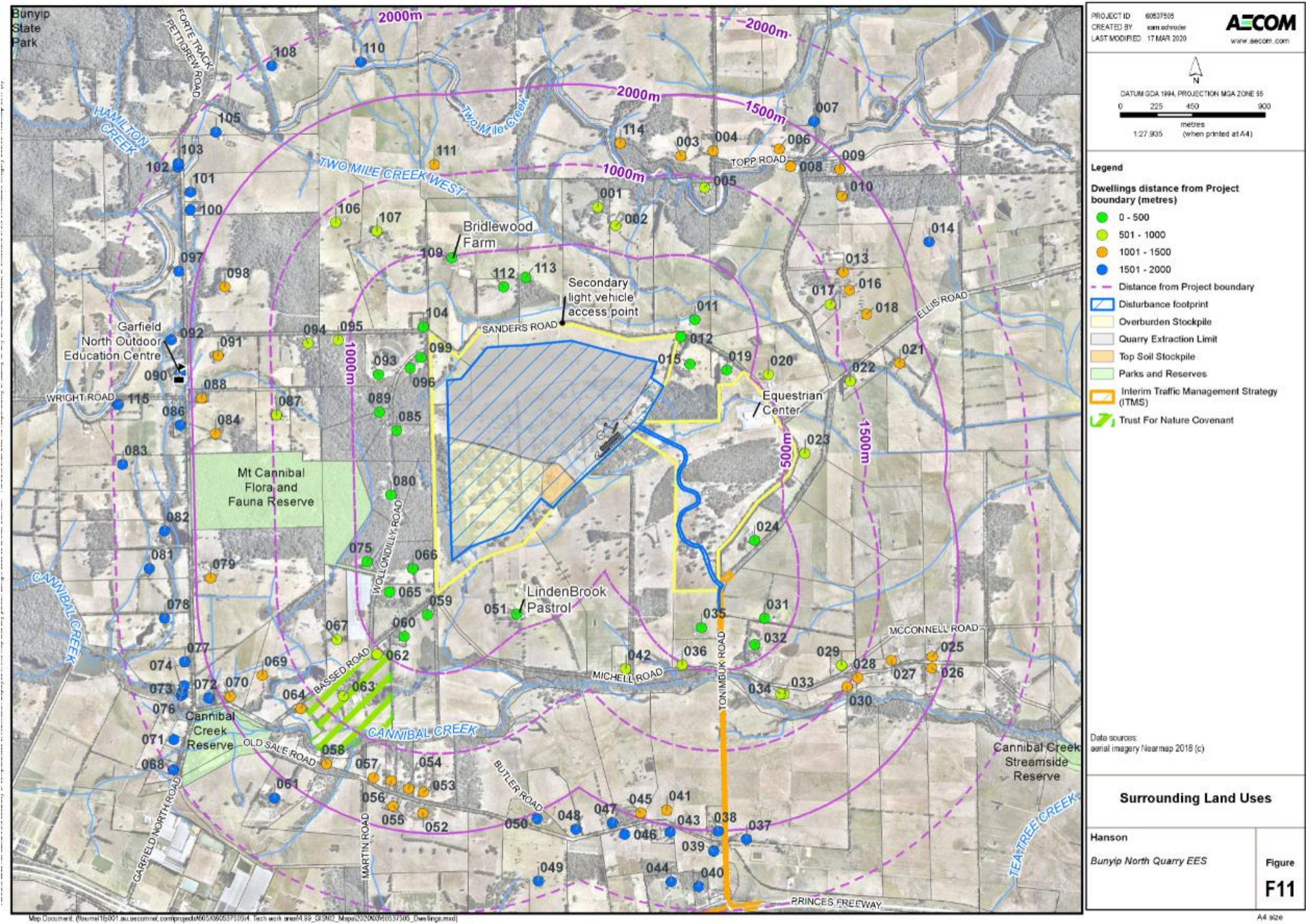
## **5.3 Land Uses and Development Surrounding the Project Site**

Figure 11 illustrates land uses and key features within the immediate locality of the Project Site.



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Figure 11 Surrounding Land Uses





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## Commercial Land Use

### Tonimbuk Equestrian Centre

The Tonimbuk Equestrian Centre is located on land owned by Hanson to the east of the Project Site at 195 Tonimbuk Road (refer Figure 12). The centre includes a large shed, outdoor horse jumps course and fencing, and has been identified as a key community asset which draws visitors to the area.



Figure 12 Tonimbuk Equestrian Centre

### Garfield North Education Centre

Garfield North Outdoor Education Centre is located at 335 Garfield North Road. The facility is a school camp for the student's which services fourteen Victorian Government specialist schools for students with special needs. Annually, over 400 students with a disability, as well as their teachers and other carers, attend Garfield North Outdoor Education Centre.

### Linden Brook Pastoral

Linden Brook Pastoral is located at 90 Michell Road, Bunyip North. The farm breeds Bazadaise and Red Angus Cattle.

### Bridlewood Farm

Bridlewood Farm is located at 165 Sanders Road, Garfield North. The farm is approximately 100 acres in size and its business is horse agistment and horse stud.

## Agriculture & Broad Acre Residential Land Use

The land surrounding the Project Site is predominately used for agricultural broad acre farming and residential land uses. Figure 11 illustrates the location of dwellings surrounding the Project Site. 22 dwellings are located within 500 metres of the disturbance footprint boundary, 18 dwellings between 500 metres and 1000 metres from the Project Site boundary and 33 dwellings located between 1000 and 1500 metres from the Project Site boundary.

Publicly recorded pastoral properties within the area include Linden Brook Pastoral located to the south of the Project Site and Bridlewood Farm, located to the north of the Project Site as shown in Figure 11 as described above.

## Water Courses

As shown in Figure 11, Two Mile Creek West and its tributaries are located to the north of the Project Site, Cannibal Creek to the south and Hamilton Creek to the west. An unnamed Creek is located immediately to the south of the Project Site, the catchment of which partially originates from the Project Site.



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### Trust for Nature Property

As shown in Figure 11 the private land parcel located at 90 Bassed Road is identified as containing a 'Trust for Nature' conservation covenant. The covenant is a permanent, legally-binding agreement placed on the property's title to ensure native vegetation protection. This agreement is voluntary and negotiated between Trust for Nature and each individual landowner.

### Public Open Space Reserves

#### Mt Cannibal Flora and Fauna Reserve

Mount Cannibal Flora and Fauna Reserve is located off Garfield North Road, Bunyip North. The reserve is Council owned and managed and is identified by Cardinia Shire Council as *'the most identifiable peak in the eastern reaches of Cardinia Shire'*.

The Reserve provides a self-guided 2.2-kilometre loop track walk which provides information on the plant, animal and historic values of the reserve. The reserve provides toilets, a playground, carpark, picnic area, barbeque facilities and a scenic lookout for visitors.

#### Cannibal Creek Reserve

Cannibal Creek is a Public Reserve located on Cannibal Creek. The Cardinia Shire Council is the Committee of Management for the Reserve, however, the Reserve is maintained by private user groups. The reserve is primarily utilised by equestrian groups as it contains sand horse arenas suitable for events and training purposes. The reserve contains toilets; however, these are accessible only by user groups. It is also used by the public for walking and dogs are permitted within the reserve on lead.

### Surrounding Roads

The road network immediately surrounding the Project Site is shown in Figure 11. Surrounding roads are predominantly sealed without constructed curb and channel. Road reserves generally contain well established vegetation.



Figure 13 Sanders Road (view to the west)

## 5.4 Tenure and Management

### 5.4.1 Land ownership of the Project Site

The Project Site is privately owned by Hanson within Crown allotments 163, 164, 170 and 171.

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### 5.4.2 Work Authority Reference Number

The Project Site is in Bunyip North and identified as being located within WA 1438.

WA 1438 is reference number linked to the Project Site, which was generated by ERR during preliminary meetings regarding the quarry proposal in 2013. The WA number is essentially a project number for DEDJTR and is not intended to be interpreted as a reference number to a WA that has been granted for the site.

### 5.4.3 Land ownership surrounding the Project Site

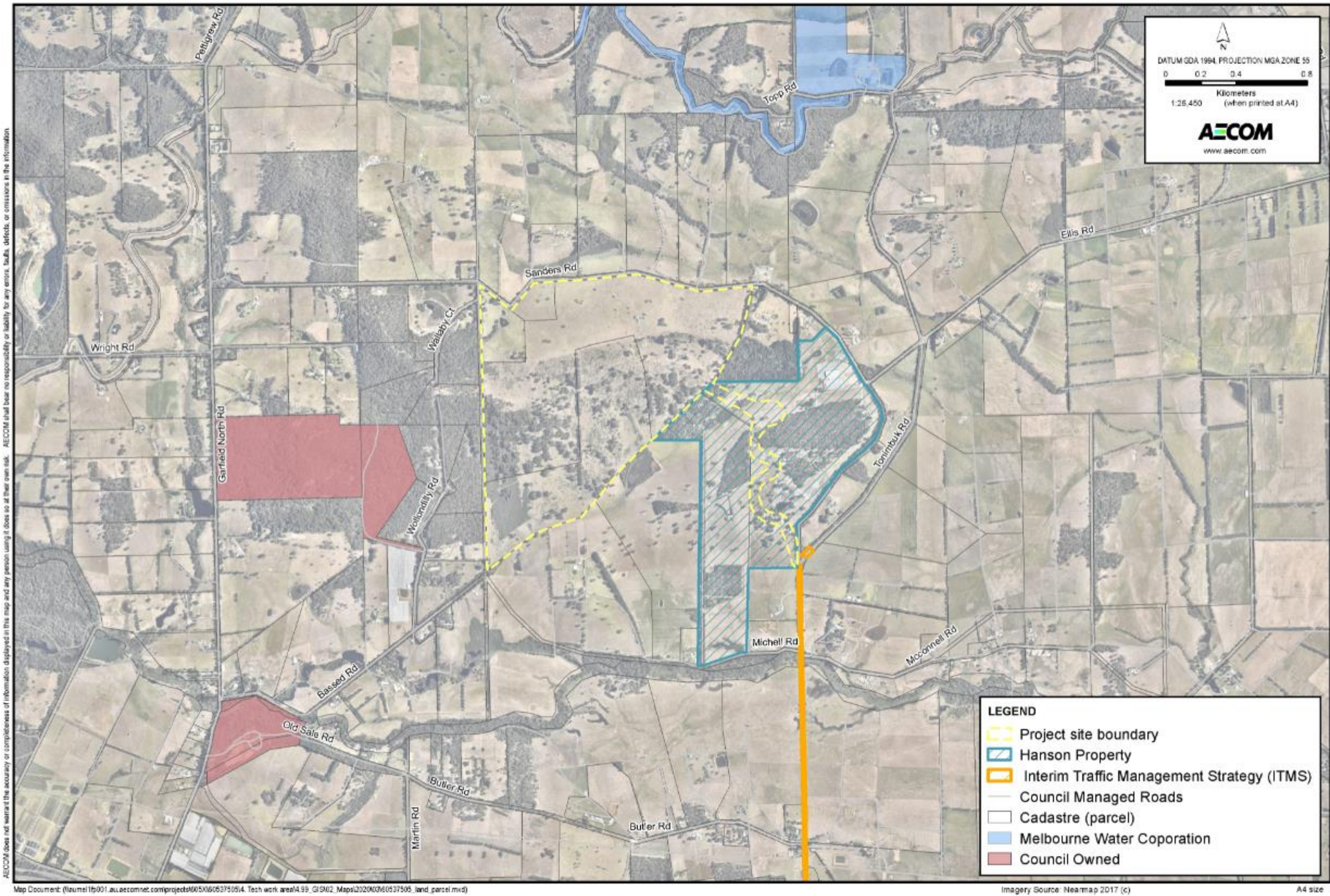
A title search of the surrounding locality has concluded that land tenure surrounding the Project Site is predominantly freehold land. Melbourne Water owns land to the north of the Project Site along Two Mile Creek, and Council owns the Mount Cannibal Flora and Fauna Reserve and Cannibal Creek Reserve as shown in Figure 14.

All roads within the locality are Council owned and managed.



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Figure 14 Land Tenure and Management Surrounding the Project Site





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## 6.0 Legislation, Policy and Guidelines

This section of the report summarises the relevant legislation that applies to the Project in the context of this land use impact assessment, as well as the implications and required approvals. This section of the report identifies the relevant planning provisions of the Cardinia Planning Scheme (Planning Scheme) and identifies policies that are applicable to the proposal.

### 6.1 State and Commonwealth Approvals required for the project

The Project will require a variety of regulatory assessments and approvals. The key approvals required under Victorian legislation include:

- An Environment Effects Statement under the *Environment Effects Act 1978*
- An approved Work Plan under the *Mineral Resources (Sustainable Development) Act 1990*
- Works Approval and licence to discharge waste under the *Environment Protection Act 1970*
- Approvals for works on waterways and to extract groundwater under the *Water Act 1989*
- Approvals to take protected flora under the *Flora and Fauna Guarantee Act 1988*
- Approvals to remove roadside vegetation within the road reserve under the *Planning and Environment Act 1987*
- An approved Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*
- Approvals for works on declared roads under the *Road Management Act 2004*.

The Project was also referred to the Australian Government under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Commonwealth Minister determined on 23 November 2015 that the Project is a 'controlled action' as it is likely to have a significant impact on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act:

- Threatened species and ecological communities (s18 and s18A)
- Listed migratory species (section 20 and 20A).

The EES is an accredited assessment process under the EPBC Act through a bilateral agreement that exists between the Commonwealth and the State of Victoria. The Commonwealth Minister will decide whether the Project is approved, refused or approved with conditions under the EPBC Act, after having considered the Minister for Planning's assessment under the EE Act.

### 6.2 Planning Permit Requirements

The assessment process commences with development of the EES which has been required by the Minister for Planning. Following preparation of the EES, it is reviewed by an independent Panel which receives public submissions and makes recommendations to the Minister as to whether the Project should be supported. The Minister for Planning and the Minister for Resources consider the Panel assessment and the Minister for Resources determines whether to grant a WA for the Project under the MRSD Act. The interaction of the Planning Scheme and MRSD Act in relation to the Project is discussed below.

#### 6.2.1 Background to Planning Controls

The Planning Scheme applies several planning controls to the Project area which include provisions of the Green Wedge Zone, Environmental Significance Overlay, Bushfire Management Overlay, Stone Extraction and Extractive Industry Interest Areas and a range of particular provisions including in respect of native vegetation removal.

Ordinarily, planning permits would be required under the *Planning and Environment Act 1987* (Planning Act) and the Planning Scheme for the use and development of land within the Project area for stone extraction and other building and works, and for the removal of native vegetation.

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## 6.2.2 Exemption from Planning Permit requirements under MRSD Act

Section 77T of the MRSD Act states that if a planning permit is required to carry out extractive industry on land covered by an extractive industry WA, the holder of the WA is not required to obtain a planning permit if an EES has been prepared for the proposed works, and a WA was granted following the Minister's consideration of the EES.

Given that the Project is subject to an EES, in the event a WA is granted at the conclusion of the assessment process, no planning permit will be required to undertake the proposal.

## 6.2.3 Exemption from planning permit requirements under the Planning Scheme

Although the Planning Scheme uses different terminology to the MRSD Act, the Planning Scheme reiterates the exemption from planning permit requirements where the conditions of section 77T of the MRSD Act are satisfied. All Project use, buildings and works, including preliminarily works and ancillary works will be exempt from the need for a planning permit.

## 6.2.4 Conditions of Section 77(T) MRSD Act

The planning permit exemption for extractive industry use and development under Section 77T of the MRSD Act requires satisfaction of three conditions. Each of these conditions will be satisfied in relation to the Project following completion of the EES and assuming subsequent approvals are granted.

	MRSD Act Conditions	How the Project satisfies each condition
1	An Environment Effects Statement has been prepared under the Environment Effects Act 1978 on the proposed work to be done under the extractive industry licence.	Will be completed on publication of the Environment Effects Statement currently being prepared.
2	An assessment of that Statement by the Minister administering the Environment Effects Act 1978 has been submitted to the Minister for Energy and Resources.	Will be completed following the Minister for Planning's assessment of this Environment Effects Statement.
3	A Work Authority has been granted following consideration of the Environment Effects Statement.	Will be completed assuming the Work Plan is approved by the Minister.

## 6.3 Planning Policy Framework

The purpose of the State Policy in Planning Schemes is to inform planning authorities and responsible authorities (authorities which administer planning schemes) of those aspects of State level planning policy which they are to consider and give effect to in planning and administering their respective areas. Planning and responsible authorities must integrate the range of policies and balance conflicting objectives in favour of net community benefit and sustainable development.

Planning policies are directed to land use and development, as defined by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of the land.

The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following Clauses of the PPF are relevant planning consideration for the Project. Appendix A provides a summary of the relevant content of each clause.

Clause 12 (Environmental and Landscape Values)

Clause 12.01-1 (Protection of Biodiversity)

Clause 12.01-2 (Native Vegetation Management)

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Clause 12.04-2 (Landscapes)  
Clause 13 (Environmental Risks)  
Clause 13.03-2 (Erosion and Landslip)  
Clause 13.04-1 (Noise Abatement)  
Clause 13.04-2 (Air Quality)  
Clause 13.05-1 (Bushfire Planning Strategies and Principles)  
Clause 14 (Natural Resource Management)  
Clause 14.01 (Agriculture)  
Clause 14.02-1 (Catchment Planning and Management)  
Clause 14.02-2 (Water Quality)  
Clause 14.03 (Resource Exploration and Extraction)  
Clause 15 (Built Environment and Heritage)  
Clause 15.03-2 (Aboriginal Cultural Heritage)  
Clause 17 (Economic Development)  
Clause 17.02-1 (Industrial Land Development)  
Clause 17.02-2 (Design of Industrial Development)

## 6.4 Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) within the Cardinia Planning Scheme identifies long-term directions for land use and development within the municipality and provides rational for the zone and overlay requirements, and Particular Provisions of the Scheme. The Municipal Strategic Statement (MSS) is a strategic statement forming a key part of the LPPF. The MSS outlines the key strategic planning, land use and development objectives specific to Cardinia Shire, and provides strategies and actions for achieving these objectives.

The following Clauses of the LPPF are relevant planning consideration for the Project. Appendix B provides a summary of the relevant content of each clause.

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision)  
Clause 21.01-1 (Snapshot of Cardinia Shire)  
Clause 21.02 (Environment)  
Clause 21.02-1 (Catchment and Coastal Management)  
Clause 21.02-2 (Landscape)  
Clause 21.02-3 (Biodiversity)  
Clause 21.02-4 (Wildfire Management)  
Clause 21.02-7 (Aboriginal Cultural Heritage)  
Clause 21.04 (Economic Development)  
Clause 21.04-2 (Agriculture)  
Clause 21.04-6 (Extractive Industry)

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## 6.5 Zones and Overlays

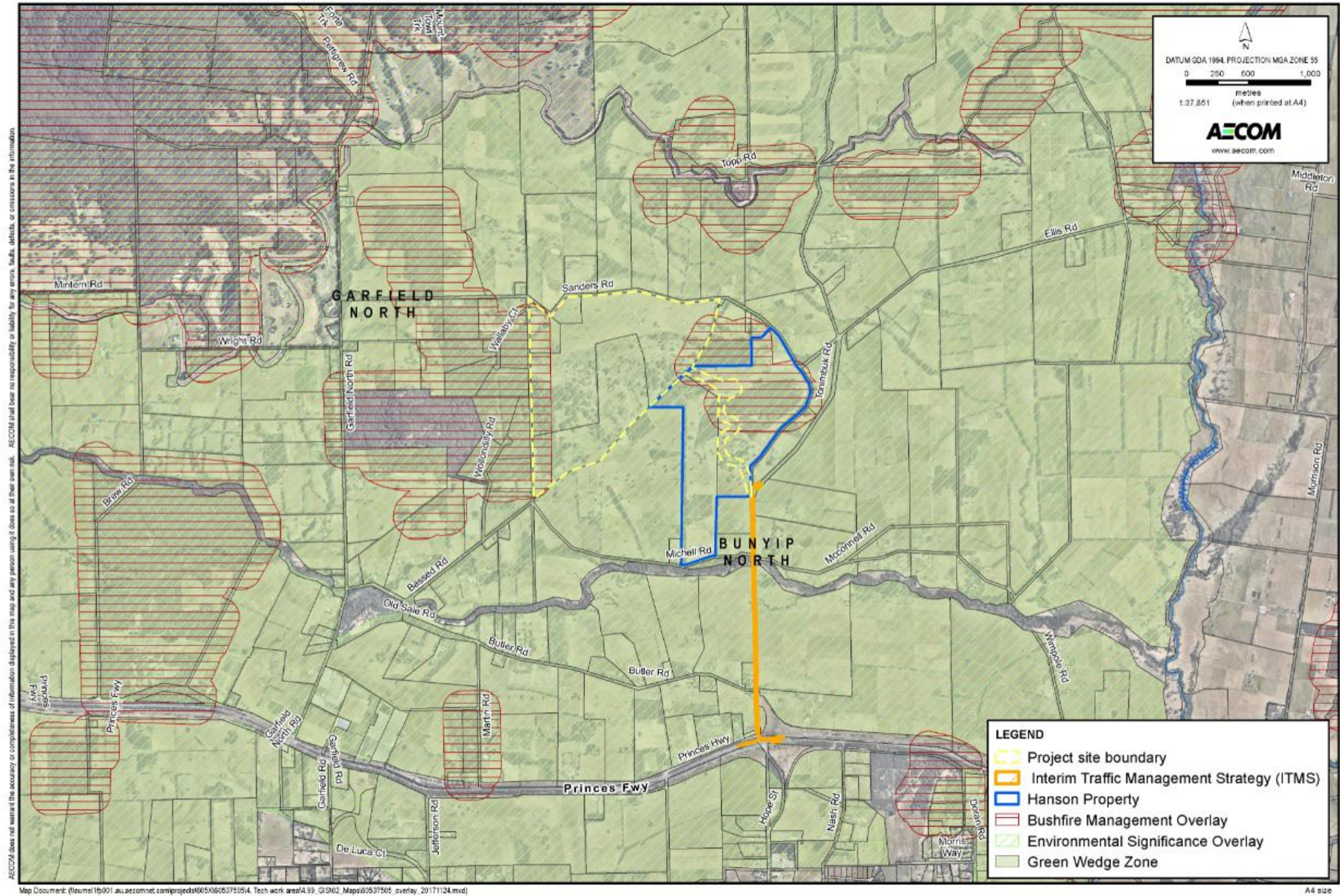
Figure 15 illustrates the zone and overlay provisions which apply to the Project Site:

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Figure 15 Planning zone and overlays applicable to the Project Site





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## 6.5.1 Green Wedge Zone – Schedule 1

The Project Site is in the Green Wedge Zone (GWZ) and subject to Schedule 1 of this zone (as shown in Figure 15).

The purpose of GWZ is:

- *'To implement the PPF and the LPPF, including the MSS and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.'*

## 6.5.2 Environmental Significance Overlay – Schedule 1

The Project Site is affected by Schedule 1 to the Environmental Significance Overlay (ESO1) as shown in Figure 15.

ESO1 relates to Northern Hills. The Northern Hills is an area with significant landscape and environmental values. The area is characterised by geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance.

In addition, have a significant factor in terms of environmental hazards including erosion and fire risk.

The ESO1 seeks to achieve the following environmental objectives.

- *'To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation;*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity;*
- *To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape; and*
- *To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

## 6.5.3 Bushfire Management Overlay

The Project Site is affected by the Bushfire Management Overlay (BMO) as shown in Figure 15.

The BMO seeks to achieve the following environmental objectives.

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*

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- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

### 6.6 Particular Provisions

The particular provisions of the Cardinia Planning Scheme set out the requirements for a range of specific uses and developments. Particular provisions relevant to the proposed Project are set up in Clause 52.08 (Earth and Energy Resource Industry), 52.09 (Stone Extraction and Extractive Industry Interest Area), 52.17 (Native Vegetation) and 52.47 (Bushfire Protection).

#### 6.6.1 Clause 52.08 (Earth and Energy Resources Industry)

In accordance with Clause 74, a Quarry is defined as being included in the *Stone Extraction* sub-category of *Earth and Energy Resources Industry* and thus, Clause 52.08 is applicable to the Project. The purpose of Clause 52.08 (Earth and Energy Resources Industry) of the Scheme is:

- *'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 mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction 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.'*

Clause 52.08-1 provides that a planning permit is required to use and develop land for Earth and Energy Resources Industry unless the table to the Clause specifically states that a permit is not required. Importantly, the table of exemptions provides that no permit is required to use or develop land for Earth and Energy Resources Industry if the Stone Extraction complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.

The Project will satisfy the condition relating to compliance with Section 77T of the Mineral Resources (Sustainable Development Act) 1990, as discussed further in Section 6.2.

#### 6.6.2 Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas)

The purpose of Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas) clause is to:

- *'To ensure that use and development of land for stone extraction 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 sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.'*

The provisions in this clause apply to planning permit applications for the use and development of land for stone extraction. As discussed in Section 6.2 of this report, a planning permit is not required for this proposal and therefore Clause 52.09 does not apply.

#### 6.6.3 Clause 52.17 (Native Vegetation)

The purpose of Clause 52.17 (Native Vegetation) is to:

*"To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity"* and adopts the following approach to achieve this purpose:

- *'Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.'*

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Furthermore, it aims *'to manage native vegetation to minimise land and water degradation'* and *'to manage native vegetation near buildings to reduce the threat to life and property from bushfire'*.

A planning permit is triggered under this clause to remove, destroy, or lop native vegetation unless certain exemptions apply. The table of exemptions at Clause 52.17-7 provides an exemption for Stone Extraction:

*'To enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.'*

### 6.6.4 Clause 52.47 (Planning for Bushfire)

The purpose of Clause 52.47 (Planning for Bushfire) is:

- *'To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.'*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.'*

This clause applies to an application required under Clause 44.06 - Bushfire Management Overlay.

## 6.7 General Provisions

### 6.7.1 Clause 62 (Uses, Buildings, Works, Subdivisions and Demolition not requiring a Permit)

Clause 62 (Uses, Buildings, Works, Subdivisions and Demolition not requiring a Permit) sets out exemptions from any permit requirement in the Planning Scheme.

Specifically, Clause 62.01 (Uses not requiring a Permit) states any requirement in the Planning Scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to the use of land for Earth and Energy Resources Industry if the conditions of Clause 52.08 are met.

Furthermore, Clause 62.02-1 (Buildings and Works not requiring a Permit) states any requirement in the Planning Scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to any works associated with the use of land for Earth and Energy Resources Industry if the conditions of Clause 52.08 are met.

## 6.8 Definitions

### 6.8.1 Land Use Terms

Clause 74 of the Cardinia Planning Scheme provides land use planning definitions which assist in defining a proposed land use.

The proposed Bunyip North Quarry can be defined as falling under the definition of *'Earth and Energy Resource Industry'* and *'Stone Extraction'* as follows:

#### Earth and Energy Resource Industry

In accordance with Clause 74, the *Earth and Energy Resources Industry* group is defined as *'land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation'*.

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## Stone Extraction

'Stone Extraction' is included in the definition of Earth and Energy Resource Industry and is defined under Clause 74 as *'land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990'*.

## Stone

In accordance with Clause 72 General Terms, Stone is defined as *'basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material'*.

## 6.9 Other Strategic Policies and Strategies

### 6.9.1 Plan Melbourne (2017-2050)

Plan Melbourne (2017-2050) provides the overarching strategic vision for growth in Metropolitan Melbourne. At a high level, Plan Melbourne seeks to consolidate future development around established urban centres which are serviced by existing or planned public transport infrastructure, community services and commercial facilities. The plan seeks to foster the growth of mixed uses in these urbanised areas to create diverse and liveable environments.

This impetus for intensified urban development is balanced with intent to preserving Metropolitan Melbourne's natural assets and existing agricultural stock to protect the viability of farming industries and the protection of vital ecological environments.

In addition to guiding future development, Plan Melbourne highlights the need to facilitate infrastructure investment that supports balanced city growth. This core principle underpins the overarching vision for growth and is specifically oriented towards implementing projects that contribute to Melbourne's sustainability, accessibility and prosperity.

The overarching framework creates opportunities to develop new infrastructure in areas where short-term construction timeframes will not inhibit Melbourne's imperative for growth.

Plan Melbourne also recognises the need for reliable supply of extractive resources within transport proximity of areas of high demand. Plan Melbourne recognises the need to identify and safeguard strategic extractive resources through the planning system from incompatible land use and development.

Action 18 of Plan Melbourne's Implementation Plan is *'Management of Extractive Industry'*.

The action states:

*'Protect the extractive industry and future extractive-resource assets from incompatible land uses by adopting planning options consistent with the findings of the Extractive Resources in Victoria, Demand and Supply Study, 2015–2050.'*

### 6.9.2 Helping Victoria Grow: Extractive Resources Strategy, 2018 (the Strategy)

This Strategy highlights that demand for extractive resources in Victoria is at an all-time high, which 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.

Extractive resources are ideally extracted close to where they are needed to minimise costs. Failure to ensure that enough 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.

The Strategy commits the Government to several 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) are protected from encroachment is one such initiative.

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### 6.9.3 GSV TR1996/1 – Melbourne Supply Area: Extractive Industry Interest Area (EIIA)

In 1993 the Department of Energy and Minerals released the first report designating the Extractive Industry Interest Areas (EIIAs) in the Melbourne Supply Area.

EIIA designation was applied to land that has been identified as being likely to contain stone or sand resources of enough quantity and quality to support commercial extractive industry operations. This does not mean that a quarry can be established as-of-right in these areas.

The purpose of EIIAs is to:

- *'provide a basis for the long-term protection of sand and stone resources from sterilisation by inappropriate land uses,*
- *provide a basis for ensuring the long-term availability of sand and stone resources for use by the community and at minimal detriment to the environment,*
- *assist in considering extractive industry values in long term strategic planning and local strategic plans (such as Municipal Strategic Statements),*
- *ensure that planning or responsible authorities consult with all relevant agencies about land use proposals which may impact on the reduction of sand and stone resources within these areas, and*
- *create an awareness that extractive industry is a possible land use in these areas.'*

EIIAs do not:

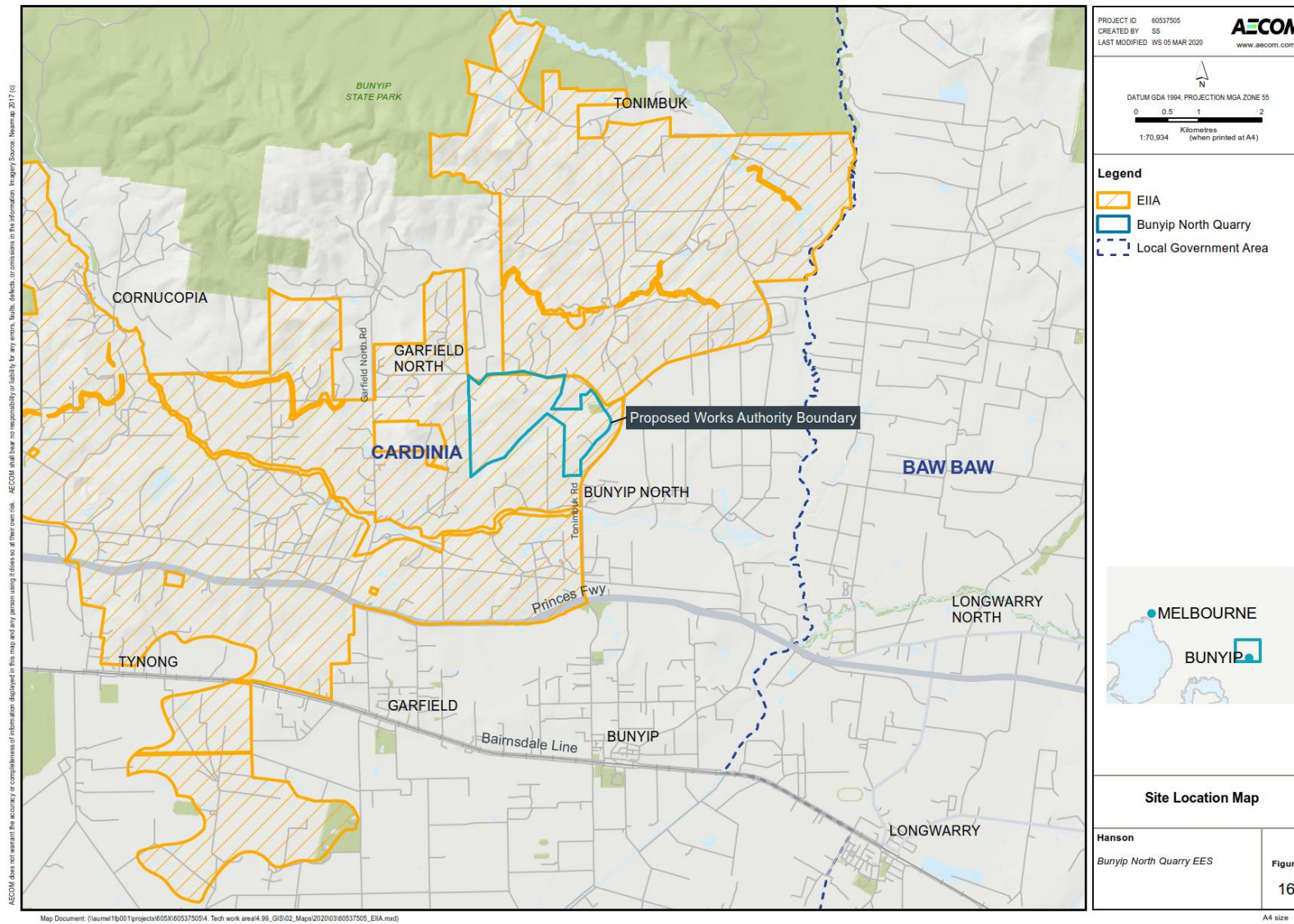
- Provide statutory protection for sand and stone resources
- Allow extractive industry as-of-right unless specified by planning schemes
- Imply that future extractive industry will be confined to these areas
- Preclude the use and development of land for other purposes.

Reference to this report is made in the Planning Policy Framework (PPF). To meet the objectives of the PPF, planning authorities, when preparing planning scheme amendments within the designated EIIAs should consider the impacts that any land use proposal or zoning changes may have on the continuing availability of stone resources and consult with the Department administering the MRSD Act on these matters. The PPF also requires the long-term protection of stone resources in Victoria is to be generally in accordance with:

- Provisions and recommendations expressed in Melbourne Supply Area - Extractive Industry Interest Areas, 2003 (the current report), for stone resources in the Melbourne Supply Area
- The concept of the Extractive Industry Interest Areas expressed in Melbourne Supply Area - Extractive Industry Interest Areas, for the remainder of Victoria.

The EIIAs are presented as a series of maps, together with written descriptions of the local resource. The maps indicate areas where extractive industries are unlikely to be permitted under current planning provisions and areas of environmental and landscape significance, where additional assessment criteria may apply.

The assessment has identified the Project Site as being located within an EIIA within Cardinia Shire as shown in Figure 16.

**DRAFT****Figure 16 Extractive Area Interest Area - Nar Nar Goon North - Tonimbuk**

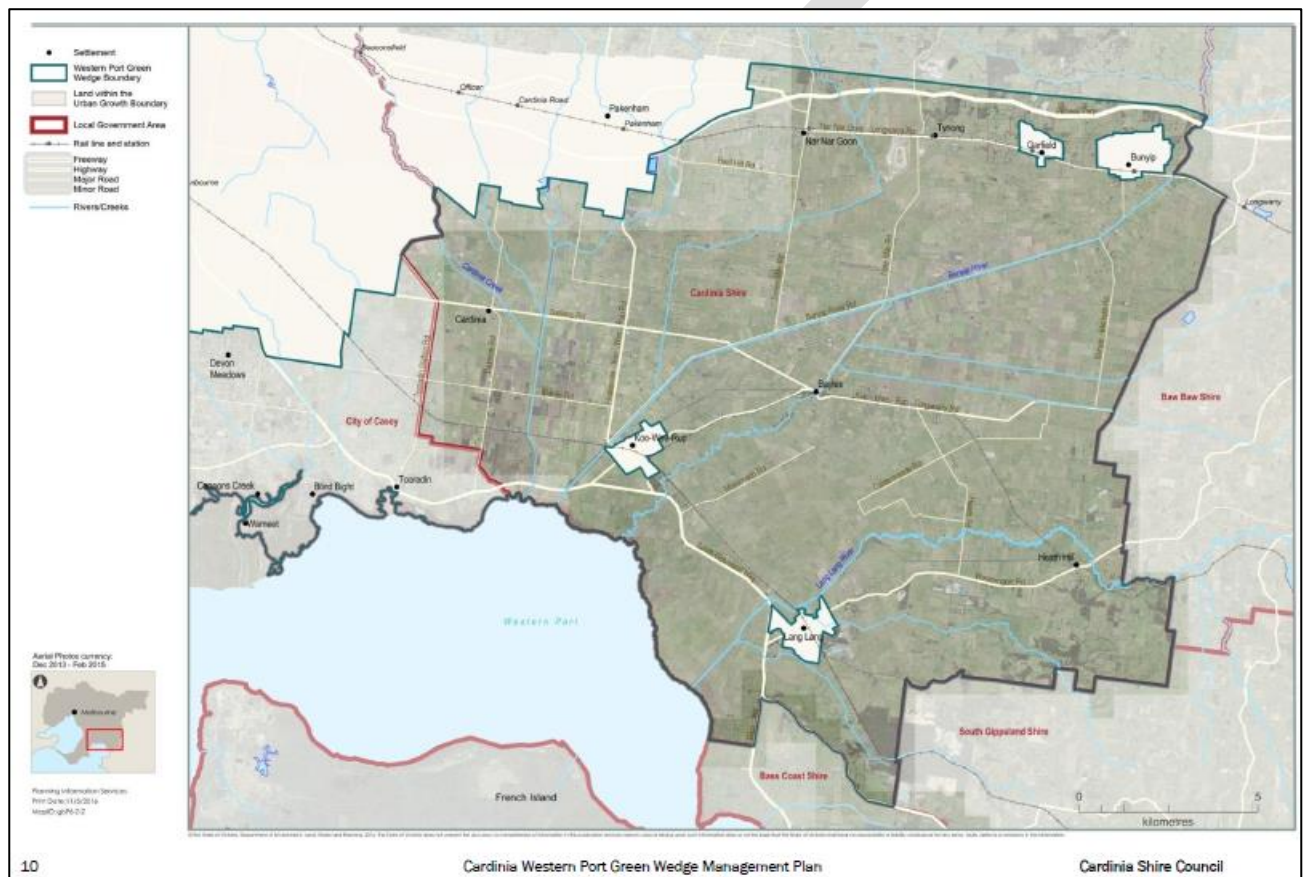


*'This EIIA was chosen due to favourable geology and limited planning restrictions. The granite and Older Volcanics basalt produce valued crushed rock products whilst the sand in the area has the potential for use in concrete manufacture. The EIIA is largely agricultural, unlike the valued landscape and conservation areas to the West. Limiting further quarries to this area would have the desirable effect of concentrating hard rock quarries in the one general area.'*

#### 6.9.4 Cardinia Western Port Green Wedge Management Plan

Although the site is in an area that is zoned 'Green Wedge', it is located outside of the study area of the *Cardinia Western Port Green Wedge Management Plan* boundary as shown in Figure 17 below. The Project Site is located to the north of the management plan study area.

**Figure 17 Cardinia Green Wedge Management Plan Boundary**



Source: Cardinia Shire Council website

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## 7.0 Conclusions

The review of existing conditions on and surrounding the Project Site comprised the following:

- The full planning framework applicable to the Project
- Current strategic planning work
- Aerial imagery
- Site visits
- Information including:
  - Landholder details and existing land use assessment
  - Affected land parcel identification and information
  - Specialist study technical reports.

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# Appendix A

## Planning Policy Framework

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## Appendix A Planning Policy Framework

### Clause 12 (Environmental and Landscape Values)

Clause 12 (Environmental and Landscape Values) seeks to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values. Specifically, the following sections are the relevant to the Bunyip North Quarry project.

#### Clause 12.01-1 (Protection of Biodiversity)

Clause 12.01-1 (Protection of Biodiversity) seeks *'to assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.'*

Strategies relevant to the Project seek to ensure strategic planning include:

- *'avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity;*
- *considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA); and*
- *assists in the protection and management of sites containing high value biodiversity.*
- *Ensure that decision making considers the impacts of land use and development on Victoria's high value biodiversity.'*

#### Clause 12.01-2 (Native Vegetation Management)

Clause 12.01-2 (Native Vegetation Management) seeks *'to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity'.*

The strategies of Clause 12.01-2 apply the risk-based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity Assessment Guidelines* (Department of Environment and Primary Industries, September 2013). The strategies include:

- *'Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that contributes to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.'*

#### Clause 12.04-2 (Landscapes)

The objective of Clause 12.04-2 (Landscapes) is *'to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.* Strategies of Clause 12.04-2 specifically relevant to the Project include:

- *'Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure natural key features are protected and enhanced'.*

### Clause 13 (Environmental Risks)

Clause 13 (Environmental Risks) states *'planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental*



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*degradation and hazards. The clause sites that 'planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.'*

Specifically, the following sections of Clause 13 are relevant to the Project.

### **Clause 13.03-2 (Erosion and Landslip)**

The objective of Clause 13.03-2 (Erosion and Landslip) is *'to protect areas prone to erosion, landslip or other hand degradation processes. Strategies of relevance to the Project include:*

- *'Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.*
- *Prevent inappropriate development in unstable areas or areas prone to erosion.*
- *Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.'*

### **Clause 13.04-1 (Noise Abatement)**

The objective of Clause 13.04-1 (Noise Abatement) is *'to assist the control of noise effects on sensitive land uses.*

The strategy of Clause 12.04-1 is to *'ensures that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.'*

The policy guidelines for this Clause states that Planning must consider as relevant *'Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989).*

### **Clause 13.04-2 (Air Quality)**

The objective of Clause 13.04-2 (Air Quality) is *'to assist the protection and improvement of air quality'.*

Strategies of Clause 13.04-2 ensure that land use planning and transport infrastructure provision contribute to improved air quality, and ensure (wherever possible) that there is suitable separation between land uses that reduce amenity and sensitive land uses.

The policy guidelines for this Clause states that Planning must consider as relevant:

- *State Environment Protection Policy (Air Quality Management)*
- *Recommended Buffer Distances for Industrial Residual Air Emissions (Environment Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses.*

### **Clause 13.05-1 (Bushfire Planning Strategies and Principles)**

The objective of Clause 13.05-1 (Bushfire Planning Strategies and Principles) is *'to assist to strengthen community resilience to bushfire'.*

The strategies of relevance to the Project include the following.

#### ***Bushfire hazard identification and risk assessment strategies***

*'Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*

*Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale.*

- *Identify in planning schemes areas where the bushfire hazard requires that:*
  - *Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.*
  - *Development should not proceed unless the risk to life and property bushfire can be reduced to an acceptable level.*

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### *Strategic and settlement planning strategies*

- *Ensure that strategic and settlement planning assists with strengthening community resilience to bushfire.*
- *Ensure that planning to create or expand a settlement in an area at risk from bushfire:*
  - *Addresses the risk at both the local and broader context.*
  - *Reduces the risk to future residents, property and community infrastructure from bushfire to an acceptable level.*
  - *Ensures the risk to existing residents, property and community infrastructure from bushfire will not increase as a result of future land use and development.*

### **Development Control Strategies**

*'In areas identified in the planning scheme as being affected by the bushfire hazard, require a site-based assessment to be undertaken to identify appropriate bushfire protection measures for development that has the potential to put people, property or community infrastructure at risk from bushfire.*

*Only permit new development where:*

- *The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.*
- *The risk to existing residents, property and community infrastructure from bushfire is not increased.'*

### **Clause 14 (Natural Resource Management)**

The preamble of Clause 14 (Natural Resource Management) states *'planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development'*.

Sections of Clause 14 of relevance to the Project include the following.

#### **Clause 14.01 (Agriculture)**

The objective of clause 14.01 is to *'protect productive farmland which is of strategic significance in the local or regional context.'*

Relevant strategies to achieve this objective include:

- *'Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Prevent inappropriately dispersed urban activities in rural areas'*
- *Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.'*

*In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*

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- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*

### **Clause 14.02-1 (Catchment Planning and Management)**

The objective of Clause 14.02-1 (Catchment Planning and Management) is *'to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment'*.

The relevant strategies of Clause 14.02-1 include:

- *'Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water.*
- *Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.*
- *Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
- *Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.*
- *Require the use of appropriate measures to restrict sediment discharges from construction sites.*
- *Ensure planning is coordinated with the activities of catchment management authorities.'*

### **Clause 14.02-2 (Water Quality)**

The objective of Clause 14.02-2 (Water Quality) is *'to protect water quality'*.

Strategies of relevance to the Project include:

- *'Protect reservoirs, water mains and local storage facilities from potential contamination.*
- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*
- *Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.'*

### **Clause 14.03 (Resource Exploration and Extraction)**

The objective of Clause 14.03 (Resource Exploration and Extraction) is *'to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation'*.

The strategies of relevance to the Project include:

- *'Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.*
- *Provide for the long term protection of natural resources in Victoria.*
- *Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.*
- *Planning permit applications should 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.*

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- *Buffer areas between extractive activities and sensitive land uses should be determined on the following considerations:*
  - *Appropriate limits on effects can be met at the sensitive locations using practical and readily 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.'*

### **Clause 15 (Built Environment and Heritage)**

The preamble to Clause 15 (Built Environment and Heritage) states *'planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value'.*

#### **Clause 15.03-2 (Aboriginal Cultural Heritage)**

The objective of Clause 15.03-2 (Aboriginal Cultural Heritage) is *'to ensure the protection and conservation of places of Aboriginal cultural heritage significance'.*

The strategies of Clause 15.03-2, of relevance to the Project include:

- *'Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*
- *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.'*

### **Clause 17 (Economic Development)**

Clause 17 (Economic Development) states *'planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity'.*

#### **Clause 17.02-1 (Industrial Land Development)**

The objective of Clause 17.02-1 (Industrial Land Development) is *'to ensure availability of land for industry'.*

The strategies of relevance to the Project include:

- *'Identify land for industrial development in urban growth areas where:*
  - *Good access for employees, freight and road transport is available.*
  - *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.'*

#### **Clause 17.02-2 (Design of Industrial Development)**

The objective of Clause 17.02-2 (Design of Industrial Development) is *'to facilitate the sustainable development and operation of industry and research and development activity'.*

The relevant strategy is to *'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'.*



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# Appendix B

## Local Planning Policy Framework

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## Appendix B Local Planning Policy Framework

### Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision)

#### Clause 21.01-1 (Snapshot of Cardinia Shire)

Clause 21.01-1 (Snapshot of Cardinia Shire) states Cardinia Shire forms one of the eight 'interface Councils' which form the perimeter of metropolitan Melbourne and thus, provide a transition between urban and rural areas. The population within the Cardinia growth area is expected to grow from the current population of around 77,000 people in 2011 to approximately 155,000 people in 2031.

#### Clause 21.02 (Environment)

##### Clause 21.02-1 (Catchment and Coastal Management)

Key issues of Clause 21.02-1 include the recognition *'that a catchment is an integrated environmental system, and that development and actions undertaken in one part of the catchment have an effect on other parts of the catchment.'*

Objective 1 seeks *'to protect and improve the environmental health and social and economic values of water resources and ensure their efficient management.'*

The relevant strategies of Objective 1 include:

- *'Encourage the retention and, where appropriate, the re-establishment of native vegetation to minimise erosion and sediment entering waterways, reduce salinity and protect areas of landscape and biodiversity value.'*
- *Minimise erosion and the entry of sediment into waterways associated with earthworks.'*

Objective 2 aims *'to effectively manage development to mitigate impacts on the operation and health of waterway systems.'* Relevant strategies of Objective 2 include:

- *'Encourage the use of measures to manage and treat stormwater quality in both urban and rural areas including wetlands, litter and pollution traps, retarding basins and revegetation along waterways.'*
- *Provide for the retention and treatment of domestic wastewater on-site in accordance with the State Environment Protection Policy (Waters of Victoria) where reticulated sewerage is not available.'*
- *Maximise the potential to utilise recycled waste water for agricultural, urban and other purposes.'*
- *Require best practice water sensitive urban design and improvements in drainage in all new developments.'*

Objective 3 is *'to minimise the impact of shallow groundwater conditions and salinity on the built and natural environment, including both native vegetation and agricultural land, and to ensure that development does not contribute to increasing the risk or extent of salinity.'*

Relevant strategies include:

- *'Ensure any development in an identified shallow ground water or potential salinity risk area is subject to a risk assessment which identified appropriate mitigation measures.'*
- *Discourage development that will be at risk from salinity or that will potentially increase the risk or extent of impacts from salinity.'*

##### Clause 21.02-2 (Landscape)

Key issues of Clause 21.02-2 include the protection of significant landscapes, including the protection of the specific features of each landscape and the recognition of the pressures to develop land in locations of high scenic value.

The objective of Clause 21.02-2 is *'to recognise and protect the diverse landscape and areas of significant landscape value.'*

Strategies of Clause 21.02-2 include the following.

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### *Landscape Values*

- *Recognise the value of the landscape to the community and as a competitive strength for the sustained development of tourism in the municipality.*
- *Ensure that development in the urban growth area does not intrude or adversely impact on the landscape values of the area north of the Princes Highway and maintains significant vistas.*
- *Recognise the contribution of drains and bridges to the character of the rural landscape.*

### *Design and Built Form*

- *Require the use of building materials and colour which are in context with the surrounding environment in areas of landscape significance and in rural residential and rural living areas.*
- *Ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation.*
- *Minimise the fragmentation of land and removal of vegetation in areas of high landscape value.*

### **Clause 21.02-3 (Biodiversity)**

The key issues of Clause 21.02-3 (Biodiversity) include the recognition that native vegetation provides habitat for key fauna species and provides for diverse flora species throughout the municipality, and the maintenance of biodiversity especially in areas of significance.

Strategies of Clause 21.02-3, of relevance to the Project include the following.

Objective 1 is 'to achieve a net gain in the quantity and quality of native vegetation in the municipality'.

Strategies to achieve this objective include:

- *Encourage the retention and re-establishment of native vegetation to protect areas of habitat and landscape value, minimise erosion, reduce sediment entering waterways and Western Port, reduce the potential for flooding on the Koo Wee Rup Swamp, and to reduce the potential for salinity.*
- *Protect areas of significant remnant vegetation (particularly endangered and vulnerable Ecological Vegetation Classes) as shown on the mapped Ecological Vegetation Classes provided by the Department of Sustainability and Environment.*
- *Ensure that the siting of buildings and works avoids and minimises the removal or fragmentation of native vegetation, especially in areas of biodiversity significance, and where appropriate, building envelopes should be approved as part of subdivision plans to minimise the removal of vegetation.*
- *Require the replanting of indigenous vegetation where earthworks have been undertaken, particularly on steeply sloping land, on land subject to erosion, or in close proximity to a watercourse to manage and reduce sediment generation.*

Objective 2 is 'to maintain and enhance the diversity of indigenous habitats and species'.

Strategies of objective two include:

### *Areas of Biodiversity Significance*

- *Avoid the fragmentation of land in areas of biodiversity significance and create new habitat corridors/biolinks.*
- *Encourage or, if appropriate, require landowners to undertake steps to conserve and enhance sites of biodiversity significance through a Conservation Covenant, or agreements under Section 173 of the Planning and Environment Act 1987.*
- *Protect and enhance biodiversity within natural waterways and man-made drains and dams through subdivision design, development design and appropriate management.*
- *Protect and enhance the environmental and landscape values of the land including habitat of botanical and zoological significance.*



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- *Ensure the identification, protection and linking of important biodiversity areas within the growth area through Precinct Structure Plans including the provision of Native Vegetation Precinct Plans and Biodiversity Management Plans where required.*

### *Threatened Species*

- *Protect and enhance the habitat of threatened flora and fauna species, including the growling grass frog and southern brown bandicoot.*

Objective 3 seeks 'to reduce the spread and extent of pest plants and animals'. The Strategy of this objective includes the encouragement of land management practices which control and remove noxious and environmental weeds.

### **Clause 21.02-4 (Wildfire Management)**

Key issues of Clause 21.02-4 include balancing the protection of native vegetation with wildfire risk management.

The objective of Clause 21.02-4 is 'to recognise that areas in the municipality are prone to wildfire and to minimise the potential risk to life, property and the environment'.

The relevant strategies include:

#### *Siting and Design*

- *Ensure all development has appropriately designed access for emergency vehicles.*
- *Ensure development provides adequate access to water.*

#### *Fuel Reduction*

- *Support the implementation of the Municipal Fire Prevention Plan 2007 and Municipal Wildfire Preparedness Plan 2006.*

### **Clause 21.02-7 (Aboriginal Cultural Heritage)**

The key issue of Clause 21.02-7 is the identification and protection of significant Aboriginal heritage sites.

The objective of Clause 21.02-7 is 'to provide for the protection and management of significant Aboriginal heritage sites, material culture, and places of historical and spiritual significance to relevant contemporary Aboriginal people'.

The relevant strategies of Clause 21.02-7 include:

#### *Use and Development*

- *Ensure Cultural Heritage Management Plans are prepared where required under State legislation.*

#### *Consultation*

- *Work in partnership with Registered Aboriginal Party/s and any other relevant stakeholders to manage and protect indigenous cultural heritage values.*
- *Develop a process of consultation with Registered Aboriginal Party's which will allow them to have input into development decisions at a strategic planning level.*

### **Clause 21.04-2 (Agriculture)**

Key issues for the municipality identified in Clause 21.04-2 include:

- *Maintaining and protecting high value of agricultural land within the municipality.*
- *Protecting productive agricultural land from incompatible uses and inappropriate development and subdivision, including non-soil based farming on lands with high soil quality.*

The proposed site is identified the map to Clause 21.04-2 as being located in an area of 'fair' agricultural significance as shown in Figure B1.

**DRAFT****Figure B1 Cardinia Shire Land Capability for Agriculture**

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## Clause 21.04 (Economic Development)

### Clause 21.04-6 (Extractive Industry)

The overview of this Clause acknowledges there are areas identified as extractive industry interest areas within Cardinia Shire that overlay with areas of high environmental and landscape value. These areas are identified as extractive industry interest areas within Cardinia Shire (Figure 16).

Key issues identified in Clause 21.04-6 that are relevant to this project include:

- *Protecting resources from development that may impact on the extraction of these resources.*
- *Acknowledging the potential amenity impacts of extractive industry operations including noise, dust, transport and blast vibration.*
- *Providing for the extraction of resources and rehabilitation of sites in a manner which minimises the impact on the environmental, economic and social values of the area.*
- *Providing for the rehabilitation of sites consistent with the expected end use/s of the site including detail of the proposed rehabilitation works.*
- *Appreciating the transport requirements of extractive industry operations.*

The objective of Clause 21.04-6 seeks 'to recognise and protect significant sand and stone resources in the municipality and allow the extraction of these resources if it can be demonstrated that the extraction operation will not adversely impact on the environment or community'.

The strategies of Clause 21.04-6 are detailed below.

#### Protection of Resources

- *Protect sand and stone resources and existing extractive industry operations from inappropriate development which may impact on their viability.*

#### Amenity Impacts

- *Ensure that developments mitigate potential impacts of extractive industry on surface water, ground water, biodiversity (Flora and Fauna), visual landscape, transport infrastructure, residents amenity and cultural heritage.*
- *Ensure the provision of appropriate buffer distances from surrounding sensitive uses to ensure minimal conflict of uses and amenity impacts.*

#### Rehabilitation

- *Ensure that rehabilitation details (including progressive requirements) are included as an integral part of the extractive industry approval.*
- *Ensure that the proposed end use is compatible with adjacent land-use and development.*

#### Transport

- *Designate transport routes between extractive industry sites and the arterial road network, and require contributions towards the upgrading and maintenance of transport routes from extractive industry sites.*

Clause 21.04-6 (Extractive Industry) shows the Project Site located in both the Extractive Industry Interest Area (EIIA) and the areas of environmental and landscape significant where proposed extractive industry operations would be subject to additional assessment criteria. The Project Site is located within both of these areas as shown in Figure B2.



**DRAFT****Figure B2 Extractive Industry Interest Areas**