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14 July 2020

Engage Victoria
Department of Environment, Land,
Water & Planning (DELWP)
PO Box 500
EAST MELBOURNE, VICTORIA, 3002

To Whom It May Concern,

Response to the Strategic Extractive Resource Areas Pilot Project

Spiire Australia Pty Ltd (Spiire) acts on behalf of Goodman Property Services Australia Pty Ltd (Goodman) in relation to the Strategic Extractive Resource Areas (SERA) Pilot Project. The purpose of this letter is to provide feedback in relation to how the Pilot Project may affect the delivery of key industrial infrastructure in SERAs in the future.

We appreciate that the intent of the project is to protect the future operation of quarries in order to meet the increasing demand for extractive resources and support growth and development in Victoria (as detailed in the Victorian Government's *Helping Victoria Grow: Extractive Resources Strategy*). However, the planning controls proposed under the Pilot Project will also have the effect of limiting the development potential of the land within these SERAs, including land which has exhausted its quarrying potential and could be developed for alternative compatible land uses.

The Pilot Project proposes changes to two identified SERAs in South Gippsland Shire Council and Wyndham City Council. Following the completion of the project, it is intended that SERAs will be progressively implemented in other suitable areas.

Specifically, this submission relates to land in the Special Use Zone – Schedule 4 (SUZ4) of the Whittlesea Planning Scheme. Although this land is not identified as a SERA in the Pilot Project, it is included within an Extractive Industry Interest Area (EIIA) and has the potential to be nominated as a SERA in the future. The land included in the SUZ4 contains areas with exhausted extractive resource potential, and areas which are currently being investigated for alternative land uses. The planning provisions proposed under the Pilot Project would further limit what uses can currently be established in this area, and nomination of this land as a SERA would hinder any future rezoning process.

The purpose of this response is to identify our key concerns in relation to the planning controls proposed under the Pilot Project, and to provide a recommendation on how these controls could be revised to provide an improved outcome for both quarry operators and industrial developers.

1.1 Issue

We believe that the planning controls proposed under the Pilot Project unnecessarily limit the type of industry that can be used and developed within SERAs.

The new planning provisions proposed for SERAs seek to safeguard potential extractive resources and protect the operations of existing quarries. The following strategy is proposed to be included under Clause 14.03-1S 'Resource Exploration and Extraction':

- ▶ *Facilitate the use and development of Strategic Extractive Resource Areas for extractive industry and other compatible land uses.*

Despite this strategy identifying the potential for 'other compatible land uses' to be established within SERAs, the proposed zoning controls do not support this outcome.

The zone controls proposed under the Pilot Project include changes to the Special Use Zone – Schedule 8 (SUZ8) of the South Gippsland Planning Scheme and the Special Use Zone – Schedule 6 (SUZ6) of the Wyndham Planning Scheme. The proposed zone provisions seek to prohibit the use of land as an 'Industry' unless it is undertaken 'in conjunction with an extractive industry'. Under these proposed controls other compatible industries which are not directly used in conjunction with the extractive industry cannot be established. This is not a preferred outcome and limits the type of industry that can be used and developed in these areas.

The current provisions of the SUZ for 'Earth and Energy Resource Industry' (prior to the Pilot Project) provide for the use and development of land for earth and energy resources while allowing for low impact, compatible industries to establish in the interim. An 'Industry (other than Materials recycling, Refuse disposal and Transfer Station)' is a Section 2 use under the condition that it must not be for a purpose listed in the table to Clause 53.10. Therefore, an 'Industry' use is permissible provided that it is undertaken in accordance with a planning permit.

It is unclear why the existing SUZ provisions have been amended to further limit the use of land as an 'Industry' within SERAs. Industrial land uses are typically considered to be compatible with the operation of quarries and are often established in the surrounding areas, or on land which has reached its extractive capacity.

It is acknowledged that land within the SUZ would typically be rezoned to accommodate industrial development, however there are a number of circumstances where significant industrial development or smaller standalone industrial uses could be established prior to rezoning. This is the case in the SUZ4 in Whittlesea City Council, where the development of the land for alternative purposes is currently being explored. If applied to the Whittlesea EIA, the planning controls proposed as part of the Pilot Project could prevent significant industrial investment in a site which is not currently utilised or required as part of the ongoing quarry operations. This is a specific example of the broader implications of the proposed zone controls.

1.2 Recommendation

Should the proposed zone controls be adopted, we recommend changes to the Section 2 condition requirement for an 'Industry (other than Materials Recycling, Refuse Disposal and Transfer Station)' to better accommodate compatible land uses.

Current requirement (under the draft Pilot Project provisions):

- ▶ *Must be used in conjunction with extractive industry.*

Proposed alternative:

- ▶ *Must be undertaken with the written agreement of the extractive industry operator.*

This alternative wording ensures that compatible industrial land uses are only established in consultation with the extractive industry operator, however they do not need to operate in conjunction

with the extractive industry itself. This will protect the future operation of quarries while also ensuring that the land can be efficiently used and developed for other compatible purposes where appropriate.

1.3 Summary

We thank the Department of Environment, Land, Water and Planning (DELWP) for the opportunity to provide feedback on the Strategic Extractive Resource Areas (SERA) Pilot Project and hope these comments will be taken into consideration.

We welcome the opportunity to discuss our submission with you. Please do not hesitate to contact me on [REDACTED] or alternatively [REDACTED] should you wish to discuss further.

Yours sincerely

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[REDACTED]
[REDACTED]