

Extractive Industry & Buffer Area BEVERIDGE NORTH WEST

NORTHERN HIGHWAY BEVERIDGE 3753

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 the implementation of the Beveridge North West Precinct Structure Plan 2021 (**Beveridge North West 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 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 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.
- 2.6 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.
- 2.7 In the event of any inconsistency 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 shown 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. 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.
 - iii. A plan showing all structures and access roads.
- b) An application must be accompanied by a sodic and dispersive soils management plan, prepared by a suitably qualified professional, that includes:
 - 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 supervision 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 be 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.
- c) An application for Extractive Industry must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:
- i) Strategies to avoid land locking kangaroos;
 - ii) Strategies to minimise animal and human welfare risks;
 - iii) Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and
 - iv) 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.

4.7 Conditions for permits

4.8 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 of land must occur in accordance with the endorsed Rehabilitation Plan, to the satisfaction of the responsible authority.

- c) The land must be rehabilitated by 31 December 2052.

Cessation of blasting for production

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

Expiry:

- e) 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.

Kangaroo management plan

- f) A permit to undertake works associated with Extractive Industry must include the following conditions:
 - 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;
 - ii) The submitted Kangaroo Management Plan must include:
 - a. Strategies to avoid land locking kangaroos, including staging;
 - b. Strategies to minimise animal and human welfare risks;
 - c. Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location;
 - d. Actions to address the containment of kangaroos and to ensure adequate animal welfare.
 - iii) The approved Kangaroo Management Plan must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Salvage and translocation

- g) 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) 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 Prohibition of uses
- a) 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.
- 6.2 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.

Subdivision

- b) A permit is required to subdivide land.

Buildings and works

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

- 6.3 Notice and referral

- a) The requirements of Clause 52 of the Act apply to an application under Clause 5.8.
- b) An application under Clause 5.8 must be referred to the *Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990* as a determining referral authority.

6.4 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 acoustic assessment prepared by an acoustic engineer or other suitably qualified person. The acoustic assessment must:
 - a. Provide an assessment of noise levels on the land that considers the existing and likely future noise levels associated with Extractive Industry.
 - b. Include recommendations for noise attenuation measures designed to ensure that internal noise levels in bedrooms are not greater than 35 dB Leq8h.
 - ii) An amenity impact statement outlining the potential impact of odour, dust and grit that Extractive Industry may have on the land.

6.5 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.

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)

