

28 November 2017  
Engage Victoria  
Victoria Planning Provisions

Dear Sir/Madam

**SUBMISSION TO “REFORMING THE VICTORIA PLANNING PROVISIONS – DISCUSSION PAPER”**

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, soil, and gypsum. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government and utilities. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2015/16, the sector supplied 47 million tonnes of construction materials to the market, at a value of approximately \$786 million. CMPA members accounted for approximately half of this production.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria.

We thank you for the opportunity to comment on the above discussion paper. CMPA supports the purpose: ***“They (proposals) seek to both simplify and improve the operation of the VPP, and to lay foundations for further future transformative initiatives”***. Please see the more detailed submission below.

I would be happy to discuss our submission further at your invitation.

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[Redacted]

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Government Proposal	CMPA comments
<p>Proposal 1: A simpler VPP structure with VicSmart assessment built in</p> <ul style="list-style-type: none"> <li>• Restructure and reform the particular provisions</li> <li>• Integrate VicSmart into appropriate particular provisions and overlay schedules</li> <li>• Consolidate all administrative provisions</li> </ul>	Support
<p>Proposal 2: An integrated planning policy framework</p> <ul style="list-style-type: none"> <li>• Integrate state, regional and local planning policy</li> <li>• Simplify the Municipal Strategic Statement</li> <li>• Expand policy themes</li> <li>• Create a clearer and simpler structure for policy making</li> <li>• Set new rules and guidelines for writing policy</li> </ul>	Support
<p>Proposal 3: Assessment pathways for simple proposals</p> <ul style="list-style-type: none"> <li>• Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules</li> <li>• Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners</li> </ul>	Support
<p>Proposal 4: Smarter planning scheme drafting</p> <ul style="list-style-type: none"> <li>• Create a new VPP user manual</li> <li>• Establish a business unit dedicated to VPP and planning scheme amendment drafting</li> <li>• Create an online Victorian planning library</li> </ul>	Support
<p>Proposal 5: Improve specific provisions</p> <ul style="list-style-type: none"> <li>• Improvements to specific provisions</li> <li>• Update the Definitions section of the VPP</li> <li>• Regularly review and monitor the VPP</li> </ul> <p><b>Clause: 37.07 Urban Growth Zone</b> Review the Urban Growth Zone having regard to the following:</p> <ol style="list-style-type: none"> <li>a) Upon gazettal of a precinct structure plan, land is rezoned to the applied zones specified within the zone, with the PSP implemented using existing VPP tools, and therefore eliminating the concept of applied zones and removing the need for a later planning scheme amendment</li> <li>b) Reduce the complexity of future UGZ</li> </ol>	<p>Stone extraction and extractive industry interest areas (EIIA) should not be excluded from the UGZ given the ability of such sites to precede urban growth, and in the process creating new and innovative land forms.</p> <p>Prior to application of a PSP, any existing or proposed Work Authorities or EIAs must be</p>

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<p>schedules through a more limited and rigid structure.</p> <p><b>Clause: 52.08 Earth and Energy Resources Industry</b> Review Earth and Energy Resources Industry having regard to the following:</p> <p>a) Review the role and function of the planning system in earth and energy resources and explore opportunities to minimise conflict and overlap with the Work Authority process under the Mineral Resources (Sustainable Development) Act 1990 (MRSDA)</p> <p>b) Add a new sub-clause to Clause 52.08 to specify that permits cannot be issued with conditions that duplicate or conflict with an approved work plan</p> <p>c) Combine the provision with Clause 52.09 Stone Extraction and Extractive Industry Interest Areas</p>	<p>properly considered.</p> <p>CMPA supports the removal of conflict and overlap between the VPP and the MRSDA such as unnecessary duplication of referral to referral authorities.</p> <p>Consideration should be given to:</p> <ul style="list-style-type: none"> <li>• Concurrent lodging of a planning permit application to the responsible authority and the Work Plan with Earth Resources Regulation (ERR).</li> <li>• The definition of “Use and Development” should be expanded to include “Care and Maintenance”, for quarry sites used on an intermittent basis, particularly in regional areas and for dimension stone quarries which generally have a low and intermittent output.</li> </ul> <p>Strongly support</p> <p>CMPA does not support the combining of 52.08 with 52.09. Stone extraction and Extractive Industry Interest Areas need to be kept separate from the much higher and very different risk profiles of large scale coal mining, underground mining, mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction.</p> <p>Clause 52.09 should be rewritten to include the concept of Strategic Extractive Resource Areas (SERA) as included in Action 18 of the <i>Plan Melbourne 2017 Implementation Plan</i>.</p> <p>Clause 52.09 should be expanded to include ancillary activities such as concrete batch plants, asphalt plants and construction materials recycle and reuse plants in the definition of the extractive industry. Previously these works were included in the definition under the MRSDA of extractive industry which streamlined the approval process. However, this is no longer the case. Such a change would allow Work Authorities to centralise activities</p>

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<p>d) Rationalise the permit triggers and permit exemptions.</p> <p><b>Clause: 52.10 Uses with Adverse Amenity Potential</b> Review Uses with Adverse Amenity Potential having regard to the following:</p> <ul style="list-style-type: none"> <li>a) Review buffer distances taking into account the Environmental Protection Authority’s Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013)</li> <li>b) Review and clarify the clause’s application in ‘reverse amenity’ matters.</li> </ul> <p><b>Clause: 66 Referral and Notice Provisions</b> Review Referral and Notice Provisions having regard to the following:</p> <ul style="list-style-type: none"> <li>a) Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead</li> <li>b) Review the classification of referral agencies as ‘recommending’ authorities or ‘determining’ authorities</li> </ul>	<p>and minimize the need to transport heavy raw materials.</p> <p>The Minister for Planning should be responsible for planning approvals for quarries within SERAs. The Extractive Industry Taskforce through Earth Resources Policy and Programs DEDJTR are undertaking a pilot scheme with 2 local councils to introduce SERAs into the planning scheme. The SERAs would only be nominated where they were found to be of strategic importance, i.e. State significance.</p> <p>The Minister for Resources should be the determining referral authority where there is a trigger for buffer zones that are being encroached.</p> <p>Support unless there is a detailed site specific assessment that then allows the separation distances to be reduced.</p> <p>Support and expand: where a sensitive use is proposed near an existing use such as stone extraction with the potential for amenity impacts, the onus of proof that the EPA requirements will be met at the sensitive use should rest with the sensitive use proponent.</p> <p>Currently, all referral authorities under the MRSDA in the Work Plan approval process are determining authorities which leads to difficulty in ERR making consistent decisions on stone extraction applications, leading to unnecessary delays with conditions that may conflict with industry best practice. The referral authorities should be made</p>

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<p>c) Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters</p> <p>d) Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.</p>	<p>'recommending authorities' to resolve the issue.</p> <p>Support and expand: DEDJTR should be made a determining referral authority for land within 500m of all approved or proposed Work Authorities (i.e. to consider potential impacts on buffer zones)</p>