

24th July 2020

Department of Environment, Land, Water and  
Planning

Via email: [planning.implementation@delwp.vic.gov.au](mailto:planning.implementation@delwp.vic.gov.au)

Dear Sir / Madam,

## **SERA SUBMISSION** [REDACTED]

### **INTRODUCTION**

Citius has a commercial interest in 48 Manor Road, Little River (herein referred to as the subject site).

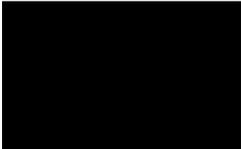
We are a property development and project management company that undertakes the development and construction of industrial, commercial and retail facilities across Australia. Our interest in the subject site relates to its potential to accommodate a future logistical and / or industrial estate.

We understand that Department of Environment, Land, Water, and Planning (DELWP) has launched the Strategic Extractive Resource Areas (SERA) pilot project. We write in relation to the draft SERA Pilot Project, currently on consultation until the 24 July 2020.

It is our understanding several changes to the Wyndham Planning Scheme are proposed. The most relevant to us is DELWPs proposed update to Clause 44.07 – State Resource Overlay (SRO) and the introduction of the SRO and a corresponding Schedule (i.e. Schedule 1) into the Scheme and onto the subject site.

We have several concerns regarding the Pilot Project which are further detailed in this letter. In addition, we make the following submission:





## ZONES AND OVERLAYS

The subject site is affected by two zones and several overlays:

- **Farming Zone, Schedule 1 (FZ).**

The FZ applies to the majority of the land.

- **Green Wedge Zone (GWZ).**

The GWZ applies to the western portion of the land, approximately 43 hectares of the 190 hectare site. The boundary of the GWZ also represents the border of the Urban Growth Boundary; areas to the east of the GWZ (i.e. zoned FZ) are within Melbourne's Urban Growth Boundary whilst areas to the west (i.e. within the GWZ) are outside that boundary.

- **Public Acquisition Overlay, Schedule 5 and Schedule 8 (PAO5, PAO8)**

Both Schedules to the PAO apply to the western portion of the subject site. Schedule 5 of the PAO allows the site to be compulsorily acquired in future for the Outer Metropolitan Ring / E6 Transport Corridor. Schedule 8 of the PAO allows the site to be compulsorily acquired for Rail Connections related to the Outer Metropolitan Ring / E6 Transport Corridor.

- **Design and Development Overlay, Schedule 10 (DDO10)**

DDO10 affects the eastern portion of the land, please refer to figure 5 for the location of DDO10. DDO10 relates to the Regional Rail Link Section 2 Rail Noise Attenuation.

## EXPECTED FUTURE LAND USE

Urban development within this corridor is guided by the West Growth Area Corridor Plan.

The Plan identifies the subject site and its surrounds (within the Urban Growth Boundary) as future industrial. No further specification of industrial development is provided, however, we understand that this is a broad category that would include items such as quarries through to industrial estates.

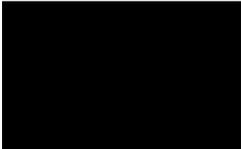
More specific land uses will be planned during the Precinct Structure Plan phase.

The subject site (up to the GWZ land) are within the future Mambourin East Precinct Structure Plan (PSP).

The Mambourin East PSP has yet to be commenced. However, we understand that once a PSP is approved the land will be rezoned to Urban Growth Zone (UGZ) which will legally apply the Mambourin East PSP.

The PSP will call up various 'applied zones' such as the Industrial Zone, Commercial Zone or other zones to be applied in areas identified in the PSP.





These lots are smaller than the minimum subdivision size allowable under the current zone. The current or future landowner could separate the three lots without a planning permit to enable each lot to be referenced on their own Certificate of Title. Doing so would allow the individual sale of all three lots. It can be done pursuant to the Sale of Land Act 1962 Clause 8A, 1a (i)

If the lots are referenced in its own Certificate of Title and sold, lots 1 and 2 would be unviable as a quarry site due to its relatively small size, reducing the efficacy of the SRO.

The balance (i.e. lot 3) has a land area of 141.9 hectares. Although it appears large at face value, the balance lot is encumbered by:

- A covenant – AF498532T. The covenant outlines the rights to operate, construct, remove, repair one or more pipelines or undertake any incidental works as a result on the land marked E-1 on the title plans. The covenant also restricts the owner of the land to cultivate dig or excavate any part of the burdened land to a depth greater than 0.30 metres. It also restricts the planting of vegetation or erecting of any structures on E-1. A copy of the title is attached at **Appendix A**.
- A Public Acquisition Overlay. The Overlay allows the site to be compulsorily acquired in future for the Outer Metropolitan Ring / E6 Transport Corridor (OMR / E6). It is uncertain how future quarry operations would manage impacts (e.g.: vibration, sand blasting etc) abutting the transport corridor and it is uncertain whether quarrying operations would have to be significantly set back from the OMR / E6.

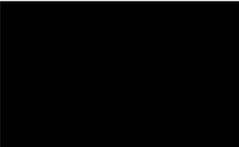
The issues caused by the ability to subdivide the land (i.e. lots 1 and 2) well below 40 hectares without a planning permit, the restrictive covenant and the OMR / E6 corridor reduces the certainty that the subject site can be developed in future for extractive industries. The SRO is better placed elsewhere in an area that is less encumbered by existing constraints.

## The subject site and the OMR / E6 corridor acts as a gateway to the west

The subject site abuts the Outer Metropolitan Ring / E6 Transport Corridor (OMR / E6). The OMR / E6 Corridor will act as a gateway to Melbourne's west. There is an expectation that development abutting the corridor will ensure a unified landscape and built form that responds to vision, place, community, character and function.

A quarry site abutting the OMR / E6 Corridor is unlikely to add to a positive visual landscape. It is more likely that industrial uses such as industrial estates can be managed and constructed to improve the surrounding visual amenity. The subject site is already designated as future industrial in the West Growth Area Corridor Plans, and existing mechanisms are available to control visual impacts surrounding the OMR / E6 Corridor through the future Mambourin East PSP.

The potential visual impact of a quarry abutting the OMR / E6 Corridor can therefore be mitigated by moving the SRO away from the subject site, thereby fully allowing the future PSP to facilitate a better built form outcome abutting the transport corridor.



Furthermore, being in proximity to the OMR / E6 Corridor means that the subject site is strategically placed for industrial development that would better leverage off that locational attribute. One of the many aims of the OMR / E6 project is to, “*serve as an important travel and freight route to interstate and regional destinations*”. In this instance, industrial uses such as logistics centre would be better placed to co-locate with the OMR / E6 Corridor. Allowing the SRO to be placed in this location could potentially prejudice industrial uses that would be better located in this area.

## PROVIDE CLARITY AND GUIDANCE REGARDING THE OTHER INDUSTRIAL USES WITHIN THE SRO

We understand that the amended SRO is intended to “*identify and protect areas of mineral, stone and other resources, which have been identified as being of State significance, from use and development that would prejudice the current or future productive use of the resource*”.

The Schedule further strengthens the need to protect areas for extractive industry operations. It includes the following relevant objectives:

- *To ensure that identified and future extractive industry can establish and operate by protecting resources from incompatible land uses and developments and maintaining sufficient buffer areas.*
- *To ensure existing extractive industry operations are not inhibited by incompatible uses and developments, and to ensure uses and development on future extractive industry areas are compatible with the potential future extraction of the resources.*

Whilst protecting extractive industries is important, there is no clarity on how decision makers should approach or weight proposals for other industrial developments within the SRO.

The Draft SERA report states that “*SERAs are a strategic marker of potential extractive resources, but ultimately need to be commercially proven by industry. Any proposal to use and develop the land, for quarries or other purposes, within or outside of a SERA will still need to be assessed on its merits in accordance with the provisions of the relevant planning scheme and other legislation as applicable*”.

If there is no mechanism for decision makers to weight other industrial developments via the Decision Guidelines in the SRO, it could lead decision makers to refuse all non-extractive industry proposals in perpetuity if the underlying zone is not industrial in nature. Whilst this may appear useful to protect areas of potential extractive industry, it can also lead to an unintended consequence; the SRO may stagnate development in areas identified for future industrial (as per the Growth Area Corridor Plan).

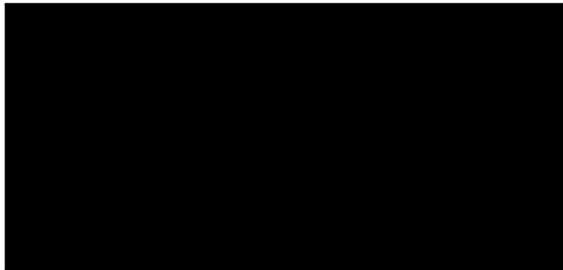
We therefore request that the Decision Guidelines in the SRO and its Schedule include clarity and guidance for other non-extractive industrial uses.

## CONCLUSION

In summary, Citius requests that the SRO be moved away from the subject site and / or further clarity and guidance is provided in the text of the SRO to assist decision makers weight future industrial development proposals that are not directly related to extractive industries.

We request a meeting with DELWP to discuss our submission in further detail which support our key strategic submission items. We also request to be notified and involved in any discussions that may impact upon our subject site following the submission.

Yours Sincerely,

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