

# STRATEGIC EXTRACTIVE RESOURCE AREAS PILOT PROJECT

## SERA PLANNING PROVISIONS: Q&AS

**It's vital to secure the extractive resources that Victoria needs in coming decades as population grows and the demand for housing and infrastructure increases. The SERA pilot project is trialling the practical use of planning controls to achieve this safeguard and provide certainty to the Victorian community.**

### What are Strategic Extractive Resource Areas (SERAs)?

SERAs are strategically important areas recognised for their actual and/or potential extractive resources that are proximal to markets, and have taken into account the surrounding natural, cultural, and existing land uses, and supporting transport networks.

Importantly, SERAs serve as strategic land markers in the planning system, indicating locations where extractive resources may exist and where they need to be considered in land use decision making.

### Why are SERAs needed?

Currently, there is considerable variation in planning approaches across the state for extractive resources and extractive industries. Planning policy for extractive resources and industries is described in various sections of the planning system. Several high-level provisions articulate the importance of planning and protecting sources of raw materials.

SERAs are intended to provide for strengthened and consistent planning policy where strategic extractive resources are located.

SERAs are a key action of the *Helping Victoria Grow Extractive Resources Strategy*.

### How does the SERA pilot project relate to *Plan Melbourne 2017-2050*?

The SERA pilot project also supports Policy 1.4.2 in *Plan Melbourne 2017-2050* to 'Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs':

*'Extractive industry resources in green wedges and peri-urban areas need to be protected and carefully planned to provide for Melbourne's needs without impacting on local amenity. Effective strategic planning for these resources will increase industry certainty and improve community confidence.'*

### What process has the SERA pilot project gone through so far?

The SERA pilot project has undertaken the following steps so far:

1. Selection of pilot sites following an 'Expression of Interest' process where councils nominated to be involved in the project. Selected sites were strategically supported by demand and supply analysis of extractive resources across Victoria.
2. Investigation of characteristics across the SERA investigation area, including geoscience (existing reports), land uses, environment and transport.
3. Review of current strategies and policy settings relevant to the extractive resources.
4. Design of new planning policies and configuration of SERA boundaries taking into account any key issues and opportunities identified in (2) and (3) above.

### What are Extractive Industry Interest Areas (EIAs)?

EIAs were established by the Geological Survey of Victoria in the 1990s and were reviewed and updated in 2003. The concept of EIAs was to identify land close to major population centres that are likely to contain commercially viable stone resources and where extractive industry is

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likely to be established. Both pilot sites have extensive existing EIA designations within them

The SERA pilot project proposes to build upon the EIAs and bring a greater level of control through the planning scheme to guide decision-makers. This will ensure current and future extractive resources are not jeopardised by incompatible development.

The SERAs will become a clear identifier in the planning scheme of strategically important quarries and areas of actual and/or potential future resources.

## How does a SERA compare to an EIA?

SERAs have generally only been proposed in areas where there is an existing EIA. While EIAs act as a flag in the planning system for potential extractive resource locations, they do not have clear and transparent planning policy protections. The SERA pilot project contains specially designed and enforceable planning provisions to secure these resource locations.

They propose to add improved resource protection to EIA land.

## How is planning for extractive industries changing as a result of the SERA pilot project?

The pilot will introduce SERAs into the planning system for the first time. They will provide clearer and more effective guidelines to ensure strategic extractive resource locations are considered in the assessments of proposed land uses and development applications.

## How will the SERAs be implemented in the planning system?

Draft planning provisions seek to safeguard three distinct aspects:

- **Quarry operations:** protect existing quarry operations.
- **Buffer areas around existing quarry operations:** buffer distances around existing quarry operations to ensure that

inappropriate uses and development do not encroach on or impede an operating quarry's ability to function.

- **Future extractive resource areas:** identifying land appropriate for the location of future extractive industry. Any development on these areas must not forego the opportunity for extractive industry to occur on the site.

Specifically, a Special Use Zone (over existing quarry operations) and State Resource Overlay (buffers around existing quarries and in potential future quarry areas) will be utilised.

## What does it mean to have the State Resource Overlay applied to land?

The proposed State Resource Overlay (SRO) will be used to identify the extent of the SERA. It represents a policy marker of strategically important actual and/or potential extractive resources. It specifies uses, development and subdivision that will require a planning permit, along with decision guidelines.

The SRO schedule:

- Clearly defines buffer and future resource areas spatially in the planning system.
- Elevates the importance of SERA sites with their designation under the SRO.
- Defines use and development requirements that will maintain accessibility, without encroaching on future extractive resources or existing operations.
- Secures areas identified as having mineral, stone and other resources of strategic value to the state.
- Enables compatible uses to function in proximity to extractive industries.

## What does it mean to have a Special Use Zone applied to land?

The proposed SUZ applies mainly to existing quarry operations within the pilot areas. The SUZ recognises and provides for the use and

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development of land for extractive industry, encourages land rehabilitation practices, and discourages incompatible uses.

The SUZ schedule provides clear policy direction about the future use of the land. It provides a clear purpose and requirements relating to extractive industries.

## Why is it proposed to have an SUZ applied to some sites within the SERA in the Wyndham area?

Wyndham City Council previously identified these sites for extractive industries use. The SERA pilot project does not propose a change to this.

In the South Gippsland SERA, however, there are no existing SUZ. All current quarry sites will be converted to SUZ as part of the SERA pilot project.

**SERAs will serve as clear identifiers in the planning scheme of locations where extractive resources may exist and which need to be considered in land use decision making.**

## What new uses will require a permit under the proposed SERA controls?

This depends on the existing zoning that applies to the land. Generally, not many additional permits will be required under the SRO that weren't already required under existing zoning.

However, planning applications will also have to consider the management objectives and decision guidelines in the SRO.

## What are the sensitive uses that have been defined?

The following uses have been deemed to be sensitive uses, requiring a permit under the proposed SRO:

- Accommodation
- Crematorium
- Education centre
- Funeral parlour
- Hospital
- Leisure and recreation
- Place of assembly
- Retail premises
- Winery
- Veterinary clinic

## What requirements does the SRO introduce for buildings, works and subdivisions?

A planning permit will be required to construct a building, or to construct or carry out work. Some exemptions do apply (see below).

A permit will be required to subdivide land, unless each lot created by the subdivision is at least 40 hectares.

## Will all building and works under the SRO require a permit?

Exemptions have been specified to ensure that minor buildings and works are not burdened by the requirement of a planning permit.

For example, exemptions include an alteration or extension to an existing building (provided the gross floor area of the alteration or extension is not more than 200 square metres), and to a non-habitable building (with a gross floor area not exceeding 200 square metres), among others.

## If an application requires a planning permit, how will its appropriateness be assessed?

The following decision guidelines will be used to assess applications that need a permit in the SRO:

- Whether the proposed use or development is compatible with existing or future extractive industry use.
- The potential for the use or development within designated buffer areas to limit the operation and expansion of an adjoining and nearby extractive industry use.

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- Whether the proposed use or development will adversely impact future development of the resource.
- If existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed use or development is a major capital development which may adversely impact on the future productive extraction of the resource.
- Whether the proposed development is designed and located in an area that minimises amenity impact of resource extraction operations and mineral transportation.

## **The SRO contains exemptions from notice and review rights for extractive resource applications. How does this work?**

An application to use or develop land for stone, sand and rock extraction is exempt from having to notify the public, if it meets the following conditions:

- The land is at least 250 or 500 metres from land used for any of the uses that require a permit in the SRO e.g. Accommodation (depending if the resource is sand like in South Gippsland or hard rock like in the Wyndham area).
- The land has access to a road located within a Road Zone, Category 1.

If these criteria are met, members of the public cannot submit a formal objection to an application, nor will they have appeal rights in relation to the application. A quarry application would, however, still need to proceed through the standard work authority approval process.

The criteria have been designed so that if an application meets the criteria, then the quarry is expected to have a limited amenity impact on surrounding sensitive uses.

## **How will a SERA affect the approval process for new quarry proposals or extensions to existing quarries?**

Like EIAs, SERAs do not imply that a quarry can be established 'as-of-right' (e.g. not requiring a permit), nor do they preclude extractive industries from being established outside the SERA boundaries.

Standard quarry approval processes, including attaining a planning permit (through the *Planning and Environment Act 1987*) and a work authority (through the *Mineral Resources (Sustainable Development) Act 1990*) will continue to apply.

SERAs will provide improved policy direction by declaring areas that have been identified as having strategic significance resources.

For more information on the extractive industry approval process, refer to [Planning Practice Note 89: Extractive industry and resource](#).

## **What does it mean that the Department of Jobs, Precincts and Regions (DJPR) is now a 'determining referral authority' for planning applications that trigger a permit within an SRO?**

DJPR is proposed to be a determining referral authority for all applications that require a permit. This means that if DJPR objects, the responsible authority who assesses the permit (usually Council) must refuse to grant a permit, and if DJPR specifies conditions, those conditions must be included in any permit granted.

## **If implemented, would the SERA boundary be permanent?**

Securing extractive resource supplies is a long-term measure to assist in meeting Victoria's growing demand. It is imperative that the SERA boundaries remain firmly in place, but recognising that boundaries may need to be reviewed and updated to reflect:

- New quarry approvals and any associated buffers, including extensions to existing operations.

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- Quarries coming to the end of their life and fulfilling rehabilitation responsibilities.
- Strategic priorities of the state Government.

Amendments to SERA boundaries will be made through a planning scheme amendment process.

## **Why is this process different to the standard planning scheme amendment process?**

Securing extractive resources required for Victoria's continued growth and addressing the supply issue is of state importance, as detailed in the *Helping Victoria Grow: Extractive Resources Strategy*.

Considering the strategic imperative and the nature of the project as a 'pilot', the Minister for Planning may decide to exercise his power under s.20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment to implement the SERA planning provisions without further opportunity for public submissions.

It is important that feedback and submissions are received on the proposed approach and planning provisions during this consultation phase.

## **What research was conducted to inform the planning response, as part of the SERA pilot project?**

Analysis of the effectiveness of current planning provisions for extractive industries was conducted. The lessons learnt through this process informed the development of the proposed SERA planning provisions.

Expert advice was also sought for the development of the controls.

The analysis of planning control options is detailed in Chapter 5 of the *Strategic Extractive Resource Areas Report*.

## **How are new SERA controls different to what was previously in place?**

With the exception of some buffer distances, the SRO is only being proposed in areas that were already designated as an EIA.

The new controls highlight the significance of the resource areas more transparently and effectively in the planning system. They will ensure that actual and/or potential extractive resource areas are considered when assessing land permit applications.

## **After the SERA pilot project, will there be more SERA sites identified?**

The SERA pilot project will test the planning approach that has been developed. The planning approach has been developed and designed to be tailored to any potential future SERA.

If successfully incorporated into the planning scheme, the Victorian Government will extend the pilot project in other areas identified as being of strategic significance in terms of the extractive resources. Any further SERA pilot areas will be appropriately assessed and determined on a case-by-case basis.