

22 July 2020

Planning Implementation
Department of Environment, Land, Water and Planning
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To whom it may concern,

SUBMISSION - STRATEGIC EXTRACTIVE RESOURCE AREAS PILOT PROJECT

Thank you for the opportunity to comment on the proposed Strategic Extractive Resource Areas (SERA) pilot project by the Department of Environment, Land, Water and Planning (DELWP). This submission represents comments from officers on a without prejudice basis.

It is noted that the main objective of the SERA project is to identify strategically important areas for their actual and/or potential extractive resources, and to protect them from encroachment by incompatible uses. It is noted that implementing the SERAs involves – amongst other matters – the application of a Special Use Zone (SUZ) over existing quarry operations and a State Resource Overlay (SRO) as a buffer around existing quarries and in potential future quarry areas.

Applying SERAs to Knox

Confirmation is sought that the SERA concept is not intended to be applied within the City of Knox in the future. It is considered that, while the proposed approach might be beneficial within the outer Green Wedge or peri-urban areas, it may not be practical in its current proposed form in Knox given the local context and needs.

The advertised documents state that the proposed SERA concept and pilot projects are initiatives of the Extractive Resources Strategy (ERS) and are generally intended for the identified Extractive Industry Interest Areas (EIAs). While no EIAs are currently located within the Knox Local Government Area (LGA), it is noted that the ERS includes actions to refresh the EIAs and also identifies Knox as being one of the top 20 strategic resource local government areas (Figure 11 of the ERS). There will be significant concerns if DELWP's intention is to add the quarries in the Knox LGA to the EIAs and apply a similar SERA approach to them. If this is intended, further detailed consideration and consultation with Knox City Council will be required.

The Knox LGA contains three quarries, two of which are likely to continue operation over the coming decades. These two hard rock quarries are located in Rowville and Lysterfield, on the outer edge of the Urban Growth Boundary (UGB) and in close proximity to existing suburban development.

It is considered that elements of the pilot proposal, in particular the introduction of an SRO as a standard buffer around the SUZ areas is not always practical. If applied to Knox it needs to be customised to consider and respond to the local context. In this regard, we would like to draw your attention to the following matters:

- The two quarries in Knox are already zoned SUZ which covers an area greater than the quarries' work authorities (incl. potential future expansion).



- To the north and west, the current SUZ is bound by existing residential and other urban zones where subdivision and development has already occurred close to the quarries. Introducing an SRO buffer or additional controls, in the form proposed for the pilot projects, would have limited practical impact in these areas as sensitive uses already exist. This area is perhaps a case study of what happens when buffers do not exist to protect the quarries from sensitive uses. Further site-specific investigation will be required to identify if the controls could be tailor-made with the aim of preventing large scale or more intense sensitive uses.
- To the east and south, the SUZ abuts conservation zoned national parks. Introducing an overlay upon these areas to facilitate mining operations may be inconsistent with the significant biodiversity and recreational values of these areas.
- Possibly the only areas where the proposed overlay could be practical are the two pockets of Green Wedge Zone in the vicinity of the quarries. However, detailed consideration will be required before introducing any changes in these areas.
- With the proposed expansion of the Hanson Quarry, there is already a high level of community concern and media attention. Introducing additional restrictions on the surrounding properties (or the perception of such restrictions) could potentially be very contentious.
- The community concerns from the Lysterfield quarries are an issue not only within the immediate surrounding, but even further away (certainly further than the EPA recommended buffer of 500m). Common community concerns relate to blasting, vibrations, dust, noise and truck movements. Protecting close buffer distances is important, however, long term protection may need more alternative solutions.

Transitioning SERAs

The implementation framework lacks clarity, and guidelines are sought on how quarry areas can be effectively transitioned into future redevelopment including urban uses at the end of their life. Often councils are faced with having to balance the competing objectives of facilitating redevelopment for a future urban use whilst a quarry is pending or undergoing the process of rehabilitation, with the responsibilities being part of the Planning and Environment Act 1987 and the Mineral Resources (Sustainable Development) Act 1990. Greater clarification and guidance on the responsibilities and process would assist in facilitating the repurposing of quarry land in a safe and effective manner.

Applying the SRO

The SRO includes an exemption from notice and review rights. An application to use or develop land for stone, sand and rock extraction is exempt from having to notify the public. It must be clear that the exemptions do not extend to works for the purposes of redevelopment. For example, works associated with filling a quarry pit for the purposes of rehabilitation versus redevelopment for future urban uses have different performance objectives and should be considered accordingly and not inadvertently exempted.

The application of the buffer area, whether 250m or 500m, should also be subject to and determined on a case by case assessment under advice from the EPA, having regard to the strategic context, the likely works and the associated amenity/ safety impacts.

Section 20(4) process

The SERA Planning Provision summary note mentions the possibility for the Minister for Planning 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. Officers seek confirmation that the section 20(4) is contemplated only for the two pilot sites in Wyndham and South Gippsland. A section 20(4) is not supported beyond these two pilot sites

without further consultation and investigation of site specific characteristics, land uses, environment and transport of each area.

We look forward to receiving clarification with regard to the issues raised in this letter. To discuss this matter in further detail, please contact Nasrin Dehghani, Senior Strategic Planner, on 9298 8209 or email nasrin.dehghani@knox.vic.gov.au.

Yours sincerely

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