

24 July 2020

Department of Environment, Land, Water and Planning

By email: planning.implementation@delwp.vic.gov.au

To whom it may concern,

Strategic Extractive Resource Areas (SERA) Pilot Project

The Urban Development Industry of Australia, Victoria Division (UDIA Victoria) is a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria's public service. We are committed to working with both industry and Government to deliver housing, infrastructure and liveable communities for all Victorians.

Background

The Strategic Extractive Resource Areas (SERA) pilot project is an initiative by the Victorian State Government to ensure quarries can supply raw materials well into the future while avoiding land use conflicts. The pilot project has identified land parcels suited to quarrying activities and plans to protect these areas from conflicting development outcomes.

UDIA Victoria understand that as part of this identification process, other existing and planned land uses, environmental assets and community interests were considered. The pilot project seeks to incorporate these areas into the planning system with planning controls to secure the extractive resources. It is unclear whether these controls will support the potential for complementary land uses.

The Victorian Government is inviting feedback on the methodology used to inform the SERA pilot project, the SERA boundaries in the two pilot locations (Wyndham and Gippsland), and the planning controls drafted to implement them.

UDIA Victoria Submission

UDIA Victoria acknowledge the purpose and objectives of the SERA pilot project, to both safeguard and provide more planning certainty for and around existing and future areas of strategic value for extractive resources.

The ongoing conflict between extractive industry and urban growth activities, notably at the urban front interfaces are well documented, and the need for more clarity within the Victorian Planning Provisions around extractive industry sites, their management, and the management of adjacent land is recognised.

Whilst the SERA pilot project pertains to two locations – Wyndham and South Gippsland, UDIA Victoria's submission focuses on the Wyndham location, where the impacts of its implementation will be most acutely felt by our member organisations, given the scale of the interface between the SERA study area and metropolitan Melbourne's Urban Growth Boundary (UGB).

We note that there appears to be a policy conflict between the proposed preservation of land for both extractive resources, through the SERA project, and land identified for environmental significance (the Western Grasslands Reserve). The SERA Pilot Project Draft Report recognises this.

We would urge the Victorian Government to ensure there is absolutely clarity for landowners in this area

around these policy ambitions and how they are translated into the Victorian Planning Provisions, and that this be based on high quality data on both the quality of the extractive material and on the quality of the grasslands.

Notwithstanding, our submission is most concerned with the potential impact of the proposed new planning controls (Schedule 6 of the Special Use Zone and Schedule 1 of the State Resource Overlay) on landholdings that have already been designated for a range of uses within the UGB, which are now challenged by the proposed suite of SERA controls.

The SERA analysis' sources of information include land use data collection, infrastructure extractive resource information, environmental and social/cultural data collection and policy analysis. Noting this, and through a comparison of the SERA study area buffers (in particular the proposed roll out of the SRO1) with the West Growth Corridor Plan (refer below extracts) we make the following observations:

- Although an analysis of policy was part of the SERA Configuration Assessment Framework, there does not appear to have been any consideration or emphasis on growth corridor planning (in the form of the West Growth Corridor Plan), precinct structure planning initiatives or zoned land use, noting some of the identified land parcels are within the UGB, and zoned Urban Growth Zone already, with a clear employment or industrial land use future;
- The land ownership structure of the land affected by the project, or intentions to quarry, have not been duly considered. The UDIA understand there has been little or no consultation with landowners to date and this should be a primary consideration; and
- The SERA mapping and proposed controls appear to propose conflicting land uses that would otherwise prohibit extraction. Specifically, blasting and quarrying is prohibited within close proximity to rail or major arterial roads. The identified areas with the UGB run adjacent the Princes Freeway, Regional Rail Link and Melbourne to Geelong Rail corridor. These land parcels seem more suited to employment and industrial land uses as designated by the VPA under the West Growth Corridor Plan, to be translated into the planning provisions through the Werribee Junction, Mambourin East and Bayview PSPs.

More specifically, the proposed objectives of SRO1 appear to explicitly establish a presumption favouring safeguarding the expansion of existing quarry operations over adjoining land and ensuring that future extractive industry areas are compatible with the potential extraction of resources. These objectives must be clarified, against longstanding strategic guidance that has established other important uses for land within the growth areas.

This process would likely prohibit development from occurring within the urban growth boundary contrary to existing planning use controls. Even if Precinct Structure Planning could be furthered should more detailed land use planning demonstrate that extractions is unviable or unlikely to occur, such an investigation would be long and expensive. As such, the Victorian Planning Authority are unlikely to invest time or resources with such uncertainty over the ultimate development potential. It seems prudent to better ascertain the likely quarrying potential of the land by taking on board landowners intentions and land use studies, before quarantining the land from future development.

Recommendations

1. UDIA Victoria recommends direct contact be made with impacted landowners, if this has not occurred already, to ensure that all landowners – many of whom may be farmers or not otherwise closely engaged with government consultation initiatives, to ensure that any future planning controls are devised with full knowledge of the capability and future potential (and intended uses) of the

landholdings that will be affected. This is particularly important noting the time currency of the information being used to inform this pilot project. Landowners are likely well placed to understand the commercial viability of quarrying within these areas and the local constraints that may impact operations. This should be considered before zoning controls restrict development;

2. Pre-identified uses under the existing and emerging planning framework must be taken into account. In particular, it is logical and in the interests of fair and orderly planning that land within the UGB and with an established land use future through broader metropolitan strategic planning activities be recognised and protected for its intended use and development, notably employment and/or industrial uses able to best leverage the significant road and rail infrastructure in this location;
3. Restrictions on quarrying adjacent to key road and rail infrastructure and the acknowledgement of appropriate buffers around these corridors, needs to be taken into consideration and this land should not be constrained from advancing in other development forms; and
4. Further to adding to the list of uses that would be deemed 'sensitive uses' within the proposed SRO areas, the new planning controls should provide more clarity on the range of uses – industrial, employment or other - that are considered as suitable within the proposed SRO 'buffer' locations to existing quarries.

Next Steps

UDIA Victoria acknowledges the purpose and objectives of the SERA pilot project and commend the Victorian State Government for taking measures to both safeguard and provide more planning certainty for and around existing and future areas of strategic value for extractive resources. Notwithstanding this, UDIA Victoria believe there are some unintended consequences that impact our industry, our members and future employment and industrial land supply identified to support the long-term growth of our State.

We would appreciate further discussions with the Department of Environment, Land, Water and Planning to convey our concerns and solutions. Noting the impact this pilot would have on the Victorian Planning Authorities land use planning within the Wyndham corridor, we would also welcome the Victorian Planning Authority take part in these discussions.

Please contact me directly at danni@udiavic.com.au to arrange a suitable time to do so.

Yours sincerely

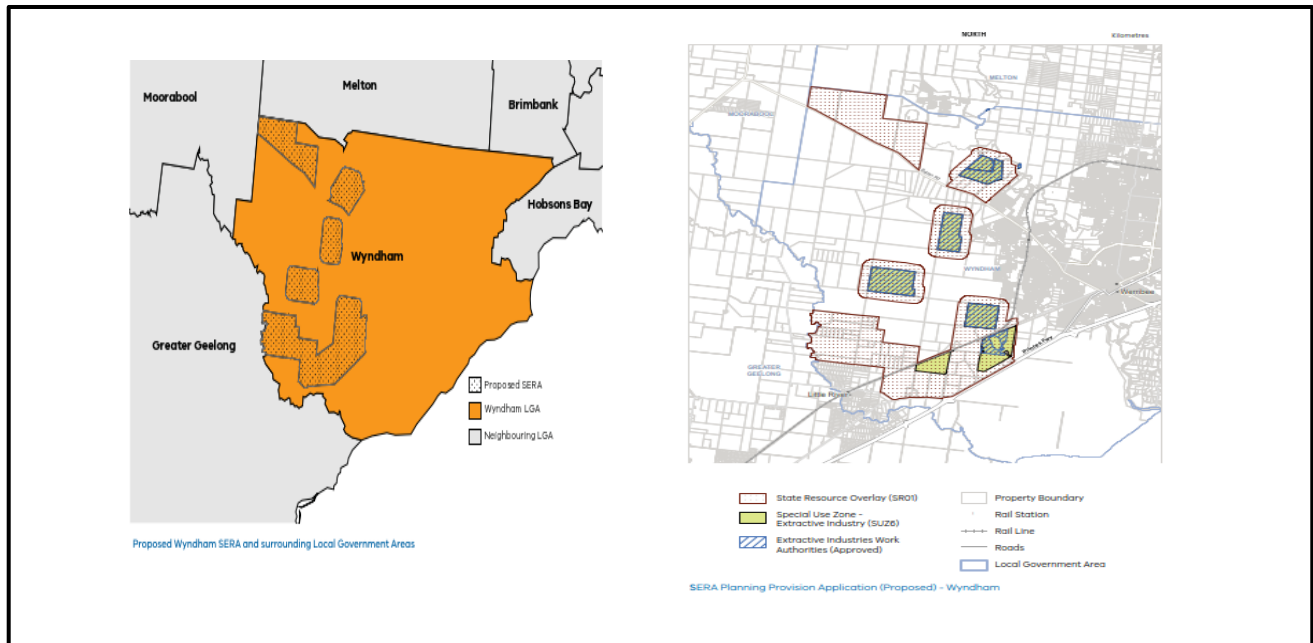
A handwritten signature in black ink that reads 'Danni Hunter'. The signature is stylized with a large, sweeping underline.

Danni Hunter
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Appendices

Extracts from the SERA pilot project report showing SRO1 areas within Wyndham



Extracts from Growth Corridor Plans and Precinct Structure Plan boundaries

