

2. Attachment B – Victorian State Planning Context

The *Planning and Environment Act 1987* provides for planning schemes to be established and administered by local government to control the use and development of land. The Cardinia Planning Scheme sets out policies and provisions for use, development and protection of land.

2.1 State Planning Policy Framework

All planning schemes in Victoria contain the State Planning policy Framework (SPPF). The SPPF comprises general principles for land use and development with specific policies dealing with settlement, environment, housing, economic development, infrastructure, and particular uses and development.

Planning authorities (when considering planning scheme amendments) and responsible authorities (when deciding on planning permit applications) must take account of and give effect to the SPPF's general principles and specific policies.

Table 2.1.1 below outlines and discusses clauses of the SPPF which are relevant to the subject land and quarry proposal.

Table 2.1.1 Relevant clauses of the SPPF.

| SPPF Clause | Planning objectives |
|----------------------|--|
| 12.01 - Biodiversity | <p>Objective</p> <p>To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.</p> <p>Strategies</p> <p>Use state-wide biodiversity information to identify high value biodiversity and consider the impact of land use and development on these values.</p> <p>Ensure strategic planning:</p> <ul style="list-style-type: none"> • Avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity. • Considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA). • Assists in the protection and management of sites containing high value biodiversity. • Assists in the re-establishment of links between isolated habitat remnants that contain high value biodiversity. <p>Ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity.</p> |

| SPPF Clause | Planning objectives |
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| 12.01-2 Native Vegetation management | <p>Objective</p> <p>To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.</p> <p>Strategies</p> <p>Apply the risk-based approach to managing native vegetation as set out in Permitted clearing of native vegetation Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). These are:</p> <ul style="list-style-type: none"> • Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity. • Minimise impacts on Victoria's biodiversity. • Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed. |
| 12.04 - Significant environments and landscapes | <p>Environmentally sensitive areas</p> <p>Objective</p> <p>To protect and conserve environmentally sensitive areas.</p> <p>Strategies</p> <p>Protect environmentally sensitive areas with significant recreational value such as the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bays and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores and the Alpine areas as well as nominated urban conservation areas, historic buildings and precincts from development which would diminish their environmental conservation or recreation values.</p> <p>Landscapes</p> <p>Objective</p> <p>To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.</p> <p>Strategies</p> <p>Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.</p> <p>Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.</p> <p>Recognise the natural landscape for its aesthetic value and as a fully functioning system.</p> <p>Ensure natural key features are protected and enhanced.</p> |

| SPPF Clause | Planning objectives |
|--------------------------------|--|
| 13.03-2 - Erosion and landslip | <p>Objective</p> <p>To protect areas prone to erosion, landslip or other land degradation processes.</p> <p>Strategies</p> <p>Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.</p> <p>Prevent inappropriate development in unstable areas or areas prone to erosion.</p> <p>Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.</p> |
| 13.04-1 Noise abatement | <p>Objective</p> <p>To assist the control of noise effects on sensitive land uses.</p> <p>Strategy</p> <p>Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.</p> |
| 13.04-2 Air quality | <p>Objective</p> <p>To assist the protection and improvement of air quality.</p> <p>Strategies</p> <p>Ensure that land-use planning and transport infrastructure provision contribute to improved air quality by:</p> <ul style="list-style-type: none"> • Integrating transport and land-use planning to improve transport accessibility and connections. • Locating key developments that generate high volumes of trips in the Central Activity District, Principal and Major Activity Centres. • Providing infrastructure for public transport, walking and cycling. <p>Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.</p> |

| SPPF Clause | Planning objectives |
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| 13.05 - Bushfire | <p>Objective</p> <p>To assist to strengthen community resilience to bushfire.</p> <p>Overarching strategies</p> <p>Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.</p> <p>Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.</p> <p>Bushfire hazard identification and risk assessment strategies</p> <p>Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.</p> <p>Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale.</p> |

| SPPF Clause | Planning objectives |
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| 14.02 - Water | <p>Catchment planning and management</p> <p>Objective</p> <p>To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.</p> <p>Strategies</p> <p>Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water.</p> <p>Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.</p> <p>Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.</p> <p>Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.</p> <p>Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.</p> <p>Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.</p> <p>Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.</p> <p>Require the use of appropriate measures to restrict sediment discharges from construction sites.</p> <p>Ensure planning is coordinated with the activities of catchment management authorities.</p> <p>Water quality</p> <p>Objective</p> <p>To protect water quality.</p> <p>Strategies</p> <p>Protect reservoirs, water mains and local storage facilities from potential contamination</p> <p>Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.</p> <p>Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.</p> <p>Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.</p> <p>Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.</p> |

| SPPF Clause | Planning objectives |
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| <p>14.03 - Resource exploration and extraction</p> | <p>Objective</p> <p>To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.</p> <p>Strategies</p> <p>Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.</p> <p>Provide for the long term protection of natural resources in Victoria.</p> <p>Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.</p> <p>Planning schemes must not impose conditions on the use or development of land that is inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Sequestration Act (2008), the Geothermal Energy Resources Act (2005), or the Petroleum Act (1998).</p> <p>Planning permit applications should clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.</p> <p>Buffer areas between extractive activities and sensitive land uses should be determined on the following considerations:</p> <ul style="list-style-type: none"> • Appropriate limits on effects can be met at the sensitive locations using practical and readily available technology. • Whether a change of land use in the vicinity of the extractive industry is proposed. • Use of land within the buffer areas is not limited by adverse effects created by the extractive activities. • Performance standards identified under the relevant legislation. • Types of activities within land zoned for public use. |
| <p>15.03-2 - Aboriginal cultural heritage</p> | <p>Objective</p> <p>To ensure the protection and conservation of places of Aboriginal cultural heritage significance.</p> <p>Strategies</p> <p>Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.</p> <p>Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.</p> <p>Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006</p> |

2.2 Local Planning Policy Framework

The Local Planning Policy Framework outlines the local and regional policy context for municipalities. The LPPF is comprised of both the Municipal Strategic Statement (MSS) and specific local planning policies (LPP).

The LPPF should be consistent with the SPPF and should demonstrate how broader state planning policies will be achieved or implemented in a local context. The LPPF must be taken into account when preparing planning scheme amendments and when deciding on planning permit applications.

Table 2.2.1 below outlines and discusses clauses of the LPPF which are relevant to the subject land and quarry proposal.

Table 2.2.1 Relevant clauses of the LPPF.

| LPPF Clause | Planning objectives |
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| <p>21.02-1 Catchment and Coastal Management</p> | <p>Objective 1</p> <p>To protect and improve the environmental health and social and economic values of water resources and ensure their efficient management.</p> <p>Strategies</p> <ul style="list-style-type: none"> • Encourage the retention and, where appropriate, the re-establishment of native vegetation to minimise erosion and sediment entering waterways, reduce salinity and protect areas of landscape and biodiversity value. • Encourage the protection of waterway environs including the fencing off of waterways and the re-establishment of riparian vegetation, especially in rural areas degraded by the impact of stock. • Encourage the maintenance and upgrade of levee banks in the Koo Wee Rup Flood Protection District, particularly along the Bunyip Main Drain. • Protect groundwater resources in the Western Port Basin. • Protect Western Port and the associated significant estuarine, intertidal and immediate marine habitat of Western Port and promote sustainable outcomes. • Minimise erosion and the entry of sediment into waterways associated with earthworks. <p>Objective 2</p> <p>To effectively manage development to mitigate impacts on the operation and health of waterway systems.</p> <p>Strategies</p> <ul style="list-style-type: none"> • Encourage the use of measures to manage and treat stormwater quality in both urban and rural areas including wetlands, litter and pollution traps, retarding basins and revegetation along waterways. • Provide for the retention and treatment of domestic wastewater on-site in accordance with the State Environment Protection Policy (Waters of Victoria) where reticulated sewerage is not available. • Maximise the potential to utilise recycled wastewater for agricultural, urban and other purposes. • Require best practice water sensitive urban design and improvements in drainage in all new developments. <p>Objective 3</p> <p>To minimise the impact of shallow groundwater conditions and salinity on the built and natural environment, including both native vegetation and agricultural land, and to ensure that development does not contribute to increasing the risk or extent of salinity.</p> <p>Strategies</p> |

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| | <ul style="list-style-type: none"> • Ensure any development in an identified shallow ground water or potential salinity risk area is subject to a risk assessment which identifies appropriate mitigation measures. • Discourage development that will be at risk from salinity or that will potentially increase the risk or extent of impacts from salinity. <p>Objective 4</p> <p>To recognise areas within the municipality that are liable to flooding and inundation and to minimise potential risk to life, property and the environment.</p> <p>Strategies</p> <ul style="list-style-type: none"> • Minimise development on land liable to flooding and inundation, and where development is permitted, ensure that the siting of buildings and works takes into account the potential depth of flooding, the route of major floodways, and the impact on the operation of the waterway system. |
| 21.02-2 Landscape | <p>Objective</p> <p>To recognise and protect the diverse landscape and areas of significant landscape value.</p> <p>Strategies</p> <p>Landscape values</p> <ul style="list-style-type: none"> • Protect significant landscapes recognised by the National Trust including the Western Port Coast, Heath Hill, Cockatoo Creek and Menzies Creek Valley from development that is inconsistent with the landscape values and built form of the surrounds. • Protect the scenic corridor of the Puffing Billy Tourist Railway from extensive native vegetation removal and development that is inconsistent with the landscape values of the existing corridor. • Recognise the value of the landscape to the community and as a competitive strength for the sustained development of tourism in the municipality. • Ensure that development in the urban growth area does not intrude or adversely impact on the landscape values of the area north of the Princes Highway and maintains significant vistas. • Recognise the landscape values associated with rural land including areas south of the Princes Highway. • Recognise the contribution of drains and bridges to the character of the rural landscape. • Protect exotic vegetation if it is of heritage, cultural or economic value, or contributes to the character of an area. • Minimise the fragmentation of land and removal of vegetation in areas of high landscape value. <p>Design and built form</p> <ul style="list-style-type: none"> • Require the use of building materials and colours which are in context with the surrounding environment in areas of landscape significance and in rural residential and rural living areas. <p>Ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation.</p> |
| 21.02-3 Biodiversity | <p>Objective 1</p> <p>To achieve a net gain in the quantity and quality of native vegetation in the municipality.</p> |

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| | <p>Strategies</p> <ul style="list-style-type: none"> • Encourage the retention and re-establishment of native vegetation to protect areas of habitat and landscape value, minimise erosion, reduce sediment entering waterways and Western Port, reduce the potential for flooding on the Koo Wee Rup Swamp, and to reduce the potential for salinity. • Protect areas of significant remnant vegetation (particularly endangered and vulnerable Ecological Vegetation Classes) as shown on the mapped Ecological Vegetation Classes provided by the Department of Sustainability and Environment. • Ensure that the siting of buildings and works avoids and minimises the removal or fragmentation of native vegetation, especially in areas of biodiversity significance, and where appropriate, building envelopes should be approved as part of subdivision plans to minimise the removal of vegetation. • Require the replanting of indigenous vegetation where earthworks have been undertaken, particularly on steeply sloping land, on land subject to erosion, or in close proximity to a watercourse to manage and reduce sediment generation. <p>Objective 2</p> <p>To maintain and enhance the diversity of indigenous habitats and species.</p> <p>Strategies</p> <p>Areas of biodiversity significance</p> <ul style="list-style-type: none"> • Avoid the fragmentation of land in areas of biodiversity significance and create new habitat corridors/biolinks. • Encourage or, if appropriate, require landowners to undertake steps to conserve and enhance sites of biodiversity significance through a Conservation Covenant, or agreements under Section 173 of the Planning and Environment Act 1987. • Protect and enhance biodiversity within natural waterways and man-made drains and dams through subdivision design, development design and appropriate management. • Protect and enhance the environmental and landscape values of the land including habitat of botanical and zoological significance. • Ensure the identification, protection and linking of important biodiversity areas within the growth area through Precinct Structure Plans including the provision of Native Vegetation Precinct Plans and Biodiversity Management Plans where required. <p>Threatened species</p> <ul style="list-style-type: none"> • Protect and enhance the habitat of threatened flora and fauna species, including the growling grass frog and southern brown bandicoot. <p>Objective 3</p> <p>To reduce the spread and extent of pest plants and animals.</p> <p>Strategies</p> <p>Encourage land management practices which control and remove noxious and environmental weeds.</p> |
| 21.02-4 Wildfire management | <p>Objective</p> <p>To recognise that areas in the municipality are prone to wildfire and to minimise the potential risk to life, property and the environment.</p> |

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| | <p>Strategies</p> <p>Subdivision</p> <ul style="list-style-type: none"> • Ensure that the siting and design of subdivisions has fully considered the impact of existing slope, aspect and vegetation in terms of risks of wildfire, particularly with regard to the location of building envelopes. <p>Siting and design</p> <ul style="list-style-type: none"> • Ensure that the siting and design of houses and other accommodation in high risk wildfire areas minimises the potential risk of loss of life or property from wildfire, particularly in terms of the existing slope, aspect and vegetation. • Ensure all development has appropriately designed access for emergency vehicles. • Ensure development provides adequate access to water. • Encourage the use of roads as a buffer between housing and bushland. • <p>Fuel reduction</p> <ul style="list-style-type: none"> • Encourage the use of controlled burning to reduce ground fuel levels and to help maintain healthy and diverse forests and woodlands consistent with the Ecological Vegetation Class (EVC). <p>Support the implementation of the Municipal Fire Prevention Plan 2007 and Municipal Wildfire Preparedness Plan 2006.</p> |
| <p>21.02-7 Aboriginal cultural heritage</p> | <p>Objective</p> <p>To provide for the protection and management of significant Aboriginal heritage sites, material culture, and places of historical and spiritual significance to relevant contemporary Aboriginal people.</p> <p>Strategies</p> <p>Use and development</p> <ul style="list-style-type: none"> • Ensure Cultural Heritage Management Plans are prepared where required under State legislation. <p>Consultation</p> <ul style="list-style-type: none"> • Work in partnership with Registered Aboriginal Party/s and any other relevant stakeholders to manage and protect indigenous cultural heritage values. • Develop a process of consultation with Registered Aboriginal Party/s which will allow them to have input into development decisions at a strategic planning level. <p>Conservation sites</p> <p>Use public open space or linked corridors of public open space, within and between development areas, where possible, to conserve Aboriginal heritage sites, taking into account and balancing other community and environmental needs.</p> |
| <p>21.04-1 Employment</p> | <p>Objective</p> <p>To develop diverse local employment opportunities to meet the needs of a growing residential population.</p> <p>Strategies</p> <p>Employment opportunities</p> <ul style="list-style-type: none"> • Assist in meeting local and regional employment needs in terms of the supply, type, quality |

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| | <p>and availability of employment land by facilitating appropriate development.</p> <ul style="list-style-type: none"> • Encourage development that provides a diverse mix of employment opportunities including for 'new economy' workers and people with business, professional and management skills. • Encourage development that provides sufficient local jobs to meet the needs of the existing and future community. • Retain and develop businesses in rural townships to ensure access to a range of commercial services is available to local residents and to provide for local employment. • Provide the opportunity for people to work from home where the activity undertaken does not adversely impact on the amenity of the local area. <p>Infrastructure</p> <ul style="list-style-type: none"> • Provide appropriate and timely infrastructure including water, sewerage, drainage, and roads to support the development of employment land. • Ensure a timely and adequate supply of serviceable land for business and industrial activities both within urban growth area and rural townships. • Recognise the significant industrial and employment activity areas in Dandenong, Monash and Kingston as opportunities for employment and work with government agencies to improve transport access and connections to these major employment areas. • Improve the telecommunication capacity within the municipality through broadband and fibre optic infrastructure. <p>Skills and education</p> <ul style="list-style-type: none"> • Advocate for access to education and training, especially for young people. <p>Support the establishment of tertiary and vocational facilities with links to the local economy.</p> |
| <p>21.04-6 Extractive industry</p> | <p>Objective</p> <p>To recognise and protect significant sand and stone resources in the municipality and allow the extraction of these resources if it can be demonstrated that the extraction operation will not adversely impact on the environment or community.</p> <p>Strategies</p> <p>Protection of resources</p> <ul style="list-style-type: none"> • Protect sand and stone resources and existing extractive industry operations from inappropriate development which may impact on their viability. <p>Amenity impacts</p> <ul style="list-style-type: none"> • Ensure that developments mitigate potential impacts of extractive industry on surface water, ground water, biodiversity (Flora and Fauna), visual landscape, transport infrastructure, residents amenity (i.e. noise dust, transport blast vibration) and cultural heritage (notably Aboriginal Heritage). • Ensure the provision of appropriate buffer distances from surrounding sensitive uses to ensure minimal conflict of uses and amenity impacts. <p>Rehabilitation</p> <ul style="list-style-type: none"> • Ensure that rehabilitation details (including progressive requirements) are included as an integral part of the extractive industry approval. • Ensure that the proposed end use is compatible with adjacent land-use and development. <p>Transport</p> <p>Designate transport routes between extractive industry sites and the arterial road network, and require contributions towards the upgrading and maintenance of transport routes from extractive industry sites.</p> |

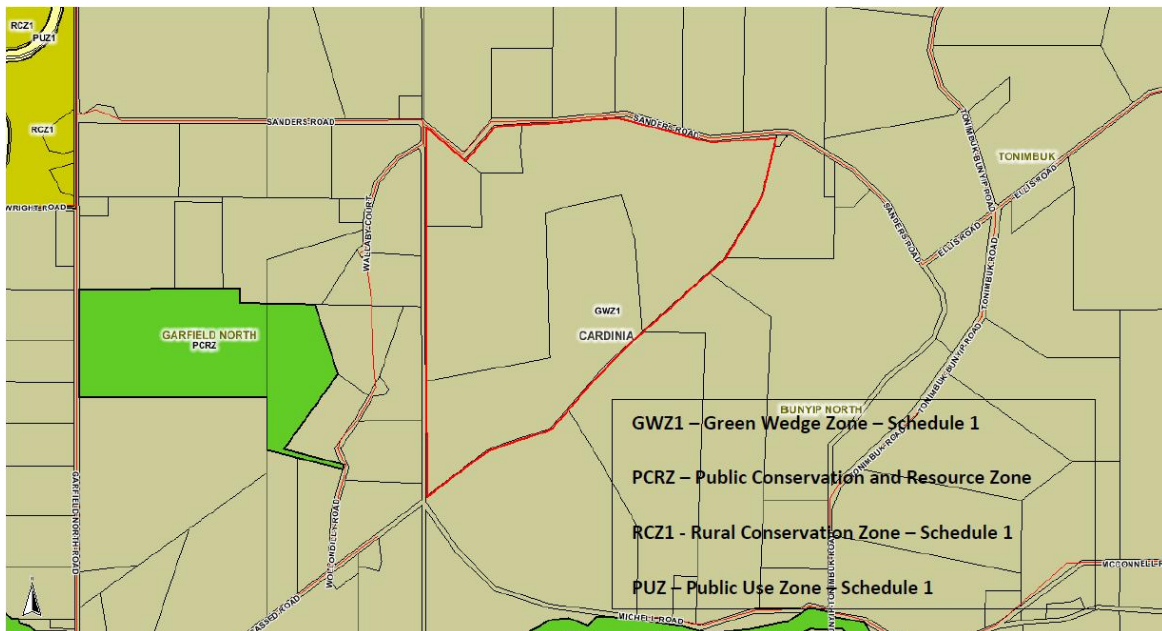
2.3 Zones and overlays

The subject site and surrounding properties fall within the Green Wedge Zone – Schedule 1 (GWZ1).

The purpose of the GWZ1 is to:

- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

Figure 2.3.1 Green Wedge Zone (Cardinia Planning Scheme)

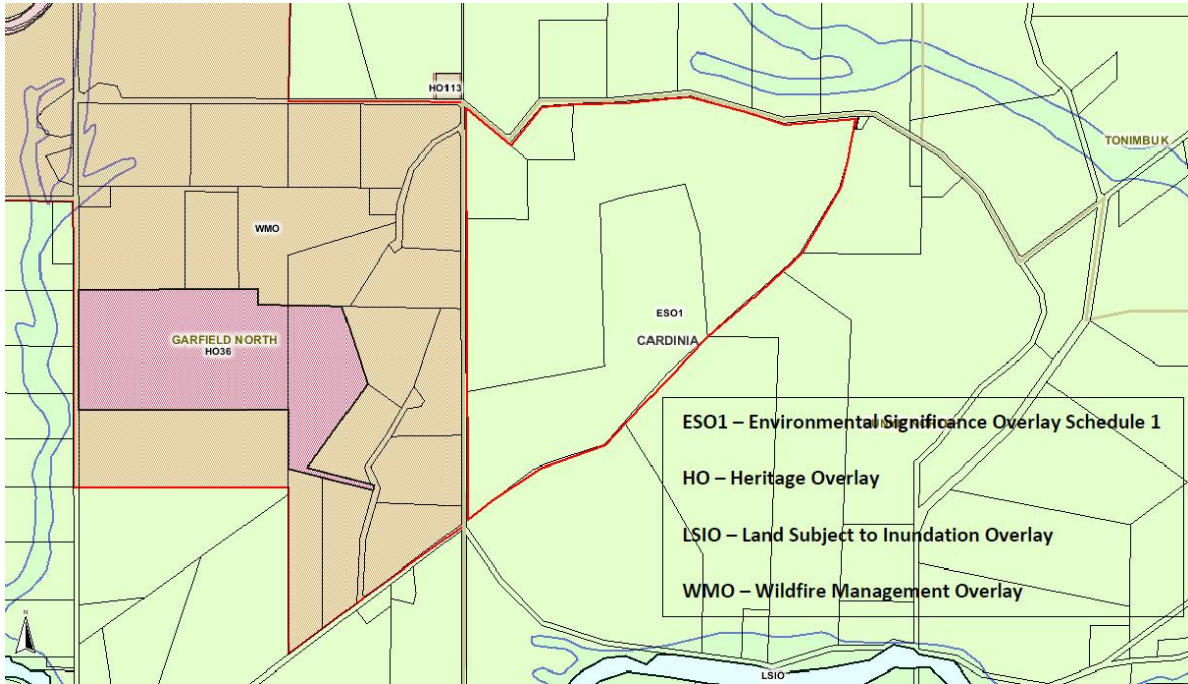


The subject site is also covered by the Environmental Significance Overlay – Schedule 1 (ESO 1). ESO1 recognises the environmental values including landscape quality, water quality, and habitat of botanical and zoological significance of the northern hills in Cardinia Shire.

Specifically, the ESO1 seeks to achieve the following outcomes:

- *To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*
- *To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.*
- *To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

Figure 2.3.2 Environmental Significance Overlay (Cardinia Planning Scheme)



2.4 Particular Provisions

Particular provisions are specific prerequisites or planning provisions for a range of specific uses and developments. These planning controls apply in addition to the requirements of a zone or overlays.

Three particular provisions are relevant to the proposed quarry. These are discussed in Table 2.4.1 below.

Table 2.4.1 Relevant Particular Provisions

| Clause | Purpose / discussion |
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| 52.08 Earth and Energy Resource Industry | <p>Purpose</p> <p>To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.</p> <p>To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.</p> <p>To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.</p> <p>Broader Requirements</p> <p>This clause provides an exemption for the need for a planning permit where an EES is required “Complies with Section 77T of the <i>Mineral Resources (Sustainable Development) Act 1990</i>.”</p> <p>An application to use and develop land for mineral extraction must be accompanied by:</p> <ul style="list-style-type: none"> • A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. • The written notice of statutory endorsement under section 77TD(1) of the <i>Mineral Resources (Sustainable Development) Act 1990</i> • Any conditions specified under section 77TD (3) of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. |

| Clause | Purpose / discussion |
|--|---|
| <p>52.09 Stone Extraction and extractive Industry Interest Areas</p> | <p>Purpose</p> <p>To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.</p> <p>To ensure that excavated areas can be appropriately rehabilitated.</p> <p>To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.</p> <p>Broader Requirements</p> <p>This clause also provides a range of decision guidelines and requirements for extractive industry. The clause seeks to protect operating quarries and proposed quarries from the encroachment of incompatible uses.</p> <p>An application to use and develop land for stone extraction must be accompanied by:</p> <ul style="list-style-type: none"> • A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990. • The written notice of statutory endorsement under section 77TD (1) of the Mineral Resources (Sustainable Development) Act 1990. • Any conditions specified under section 77TD (3) of the Mineral Resources (Sustainable Development) Act 1990. <p>These requirements do not apply to an application to use and develop land for stone extraction which is exempt from:</p> <ul style="list-style-type: none"> • The requirement to obtain a work plan under Section 77G of the Mineral Resources (Sustainable Development) Act 1990, or • The provisions of the Mineral Resources (Sustainable Development) Act 1990 under Section 5AA of that Act. |

| Clause | Purpose / discussion |
|-------------------------|---|
| 52.17 Native vegetation | <p>Purpose</p> <p>To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:</p> <ul style="list-style-type: none"> • Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity. • Minimise impacts on Victoria's biodiversity from the removal of native vegetation. • Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed. <p>Broader Requirements</p> <p>This clause exempts stone extraction from requiring a planning permit for the removal of native vegetation if the stone extraction is being carried out in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.</p> <p>The impacts of native vegetation removal are still required to be considered when a work plan is being prepared.</p> <p>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:</p> <ul style="list-style-type: none"> • If the table to Clause 52.17-7 specifically states that a permit is not required. • To the removal, destruction or lopping of native vegetation specified in the schedule to this clause. • To an area specified in the schedule to this clause. |

2.5 Definitions

Clauses 72 and 74 of the Cardinia Planning Scheme planning scheme defines land use planning terms. Definitions which are relevant to the subject site and proposed quarry are included in table 2.5.1 below.

Table 2.5.1 Relevant Definitions

| Term | Definition |
|-------------------------------------|--|
| Stone extraction | Land used for the extraction or removal of stone in accordance with <i>the Mineral Resources (Sustainable Development) Act 1990</i> . |
| Stone | Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material. |
| Earth and energy resources industry | Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation |
| Native vegetation | Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses. |

2.6 Extractive Industry Interest Areas

The subject land is located within an Extractive Industry Interest Area (EIIA). The purpose of an EIIA is to identify land that is likely to contain stone resources of sufficient quantity to support commercial extractive industry. EIAs are areas where extractive industries are likely to establish due to reasons of resource affordability and lack of planning constraints.

With regard to land use planning, EIAs:

- provide a basis for the long term protection of sand and stone resource from sterilisation by inappropriate land uses;
- provide a basis for ensuring the long term availability of sand and stone resources for use by the community at minimal detriment to the environment;
- assist in long term strategic planning that is being carried out by planning authorities
- ensure that planning and responsible authorities consult will all other agencies with regard to land use proposals within EIAs that may result in the reduction in sand and stone resources; and
- create an awareness that extractive industry is a possible land use.

EIAs do not remove the need for planning approval for extractive industry or prevent land being used for other purposes.

EIAs have a degree of policy weight within the Cardinia Planning Scheme. For instance:

- Clause 14.03 requires planning to consider as relevant:
 - *Melbourne Supply Area - Extractive Industry Interest Areas Review -Geological Survey of Victoria Technical Record 2003/2.*
- Clause 21.04-6 requires the recognition and protection of 'significant sand and stone resources in the municipality and allow the extraction of these resources if it can be demonstrated that the extraction operation will not adversely impact on the environment or community.' Specific objectives are to:
 - *Protect sand and stone resources and existing extractive industry operations from inappropriate development which may impact on their viability.*
 - *Ensure that developments mitigate potential impacts of extractive industry on surface water, ground water, biodiversity (Flora and Fauna), visual landscape, transport infrastructure, residents amenity (i.e. noise dust, transport blast vibration) and cultural heritage (notably Aboriginal Heritage).*
 - *Ensure the provision of appropriate buffer distances from surrounding sensitive uses to ensure minimal conflict of uses and amenity impacts.*
 - *Ensure that rehabilitation details (including progressive requirements) are included as an integral part of the extractive industry approval.*
 - *Ensure that the proposed end use is compatible with adjacent land-use and development.*
 - *Designate transport routes between extractive industry sites and the arterial road network, and require contributions towards the upgrading and maintenance of transport routes from extractive industry sites.*
 - *When deciding on applications for extractive industry or for any use or development which may impact on the future extraction of resources, considering, as appropriate:*
 - *The need to prepare an Environmental Effects Statement for extractive industry operations in areas of environmental significance to comprehensively assess the value of the resources, the environmental impact and the impact on the community.*
- Clause 35.04 Green Wedge Zone
 - *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- Clause 52.09 The purpose of this provision is to:
 - *To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.*
 - *To ensure that excavated areas can be appropriately rehabilitated.*
 - *To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.*
- To prevent incompatible uses establishing near operating and proposed quarries, Clause 52.09 requires:

- An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital:
- Within an Extractive Industry Interest Area.
- On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Figure 2.6.1. Extractive Industry Interest Areas for Garfield North.

