

**Whittlesea Planning Scheme Amendment C251wsea
307 Bridge Inn Road and 390 Masons Road, Mernda**

Panel Report

Planning and Environment Act 1987

6 January 2025

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Whittlesea Planning Scheme Amendment C251wsea

307 Bridge Inn Road and 390 Masons Road, Mernda

6 January 2025



David Merrett, Chair



Mandy Elliott, Member

Contents

	Page
Executive summary	7
1 Introduction	8
1.1 The Amendment.....	8
1.2 The subject land.....	9
1.3 Background	11
1.4 Relevant Amendment.....	12
1.5 The Panel’s approach	12
1.6 Limitations	13
2 Strategic issues	14
2.1 Planning context	14
2.2 Strategic justification.....	15
3 Wollert Landfill buffers	17
3.1 The issue	17
3.2 Background	17
3.3 Submissions.....	21
3.4 Discussion	22
3.5 Conclusion	23
4 Loss of open space, habitat, views, solar access and community identity	24
4.1 The issue	24
4.2 Submissions.....	24
4.3 Discussion and finding.....	24
5 Traffic and congestion post-development	26
5.1 The issue	26
5.2 Submissions.....	26
5.3 Discussion and finding.....	26
6 Construction noise and disruption	27
6.1 The issue	27
6.2 Submissions.....	27
Appendix A Document list	28
Appendix B Planning context	31
B:1 Planning policy framework.....	31
B:2 Other relevant planning strategies and policies	31
B:3 Planning scheme provisions	33
B:4 Ministerial Directions, Planning Practice Notes and guides	34

List of Tables

	Page
Table 1	Planning context 14
Table 2	Relevant parts of Plan Melbourne..... 32

List of Figures

	Page
Figure 1	390 Masons Road, Mernda 8
Figure 2	307 Bridge Inn Road, Mernda 9
Figure 3	Aerial photo of the subject land and its context 10
Figure 4	390 Masons Road from Lockhart Street 10
Figure 5	307 Bridge Inn Road from Langdon Drive..... 11
Figure 6	North Growth Corridor Plan as it affects the subject land (red) 12
Figure 7	Proximity of the Wollert Landfill to the subject land (blue)..... 19
Figure 8	Location of Cell 21 20
Figure 9	Directional buffer from Cell 21..... 21
Figure 10	North Growth Corridor Plan..... 32

Glossary and abbreviations

Council	Whittlesea City Council
DPO27	Development Plan Overlay Schedule 27
EPA	Environment Protection Authority
EP Act	Environment Protection Act 2017
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
Hanson	Hanson Construction Materials Pty Ltd and Hanson Landfill Services Pty Ltd
Landfill BPEM	EPA Publication 788 <i>Best Practice Environmental Management Publication Siting, design, operation and rehabilitation of landfills</i>
MWRRIP	Metropolitan Waste and Resource Recovery Implementation Plan
PE Act	<i>Planning and Environment Act 1987</i>
PEC	Pollock Environment Consultant
Planning Scheme	Whittlesea Planning Scheme
Proponent	Pitamara Pty Ltd

subject land	307 Bridge Inn Road and 390 Masons Road, Mernda
SWRRIP	Statewide Waste and Resource Recovery Infrastructure Plan
UGB	Melbourne Urban Growth Boundary

Overview

Amendment summary

The Amendment	Whittlesea Planning Scheme Amendment C251wsea
Brief description	Rezones part of the land to the General Residential Zone and facilitates the creation of a balance lot for the Quarry Hills Regional Parkland
Subject land	307 Bridge Inn Road and 390 Masons Road, Mernda
The Proponent	Pitamara Pty Ltd
Planning Authority	Whittlesea City Council
Authorisation	24 July 2023, with a condition
Exhibition	29 August to 1 October 2023
Submissions	<p>Number of Submissions: 9 Opposed: 4</p> <ul style="list-style-type: none"> • Hanson Construction Materials Pty Ltd and Hanson Landfill Services Pty Ltd (Hanson) • Petition with 175 signatures • Paul Dwyer • AJ (complete name not provided) • D Potts and N Pearse • Townshend Mernda Pty Ltd • Summerset Group Holdings Ltd • Jon Michael • Environment Protection Authority (EPA)

Panel process

The Panel	David Merrett (Chair) and Mandy Elliott
Directions Hearing	By video, 30 October 2024
Panel Hearing	Mernda Social Support Centre and by video, 26 and 27 November 2024
Site inspections	Unaccompanied, 26 and 27 November 2024
Parties to the Hearing	<p>Whittlesea City Council represented by Brianna Eastaugh of Maddocks solicitors</p> <p>Proponent and Summerset Group Holdings represented by Emma Pepler of Counsel</p> <p>Townshend Mernda Pty Ltd represented by Gary Steigenberger of Chris Smith & Associates Pty Ltd</p> <p>Hanson represented by Jordan Wright of Counsel</p>
Citation	Whittlesea Planning Scheme PSA C251wsea [2025] PPV
Date of this report	6 January 2025

Executive summary

Whittlesea Planning Scheme Amendment C251wsea (the Amendment) seeks to:

- facilitate residential development of part of the 307 Bridge Inn Road and 12 hectares of 390 Masons Road (subject land) that is inside the Melbourne Urban Growth Boundary (UGB)
- create a lot to be transferred to the City of Whittlesea for the purposes of the Quarry Hills Regional Parkland.

Specifically, the Amendment proposes to:

- rezone 9 hectares of the subject land from Farming Zone to General Residential Zone 1 (GRZ1)
- apply a Development Plan Overlay (DPO27) to the GRZ1 land
- apply a Vegetation Protection Overlay Schedule 1 to the GRZ1 land
- delete the Environmental Significance Overlay (ESO) Schedules 1 and 5 from the GRZ1 land.

The Amendment was exhibited from 29 August to 1 October 2023. Nine submissions were received; four of which opposed the Amendment.

Key issues raised in submissions included:

- the adequacy of the buffer to the Wollert landfill
- construction noise and disruption
- traffic and congestion post-development
- loss of open space, habitat, views and community identity.

The Panel finds there is strong strategic support for:

- the rezoning of part of the subject land for residential development
- the contribution of 35 hectares of the land balance to the Quarry Hills Regional Parkland.

This strategic basis is derived from the *North Growth Corridor Plan*, Growth Areas Authority (2012) that shows the delineation of the residential and open space parts of the subject land. All subsequent strategic work supports this outcome.

The Panel finds there is a strong net community benefit with the contribution of 35 hectares of land to the Quarry Hills Regional Parkland. This contribution will assist in protecting open space, habitat and landscape values for current and future generations.

The Panel finds construction noise and disruption can be addressed with a construction management plan that would be a permit condition for any land subdivision. Similarly, traffic generation and congestion will be addressed at the development plan stage with the preparation of the traffic assessment.

Recommendation

Based on the reasons set out in this Report, the Panel recommends that Whittlesea Planning Scheme Amendment C251wsea be adopted as exhibited.

1 Introduction

1.1 The Amendment

The purpose of the Amendment is to:

- facilitate residential development of part of the subject land that is inside the UGB
- create a lot to be transferred to the City of Whittlesea for the purposes of the Quarry Hills Regional Parkland.

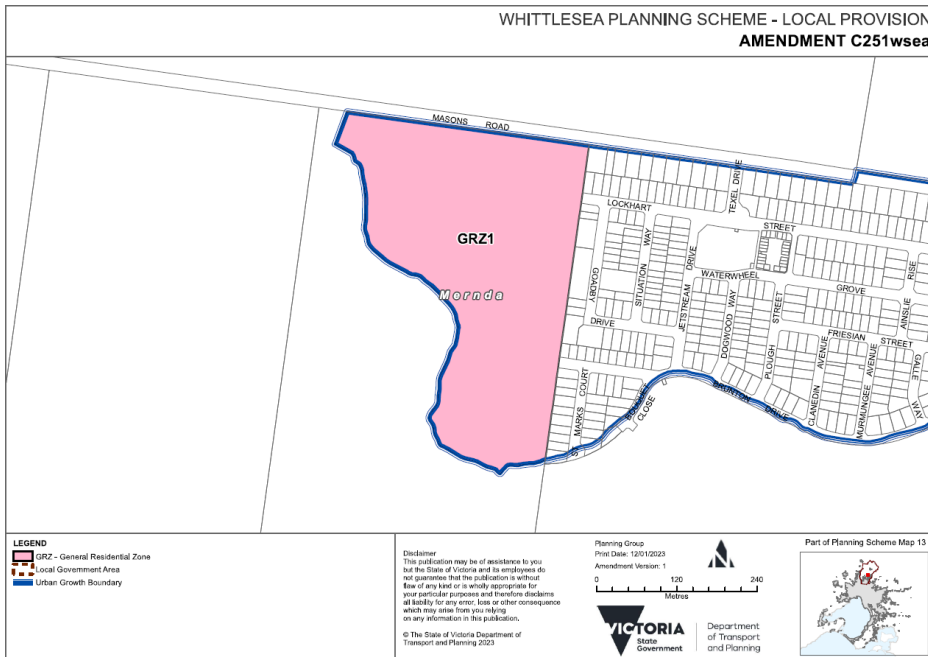
Specifically, the Amendment proposes to:

- rezone 9 hectares of 307 Bridge Inn Road and 12 hectares of 390 Masons Road (subject land), Mernda from Farming Zone to GRZ1
- apply DPO27 to the GRZ1 land
- apply a Vegetation Protection Overlay Schedule 1 to the GRZ1 land
- delete the ESO Schedules 1 and 5 from the GRZ1 land.

Figures 1 and 2 contain the zone maps. Figure 1 shows the proposed rezoning for 390 Mason Road, Mernda. Figure 2 shows the proposed rezoning for 307 Bridge Inn Road, Mernda. The blue line delineates the Urban Growth Boundary (UGB). Overall, the subject land has an area of 56 hectares. The balance of the subject land (35 hectares) and that part that remains in the Green Wedge Zone will become part of the Quarry Hills Regional Parkland.

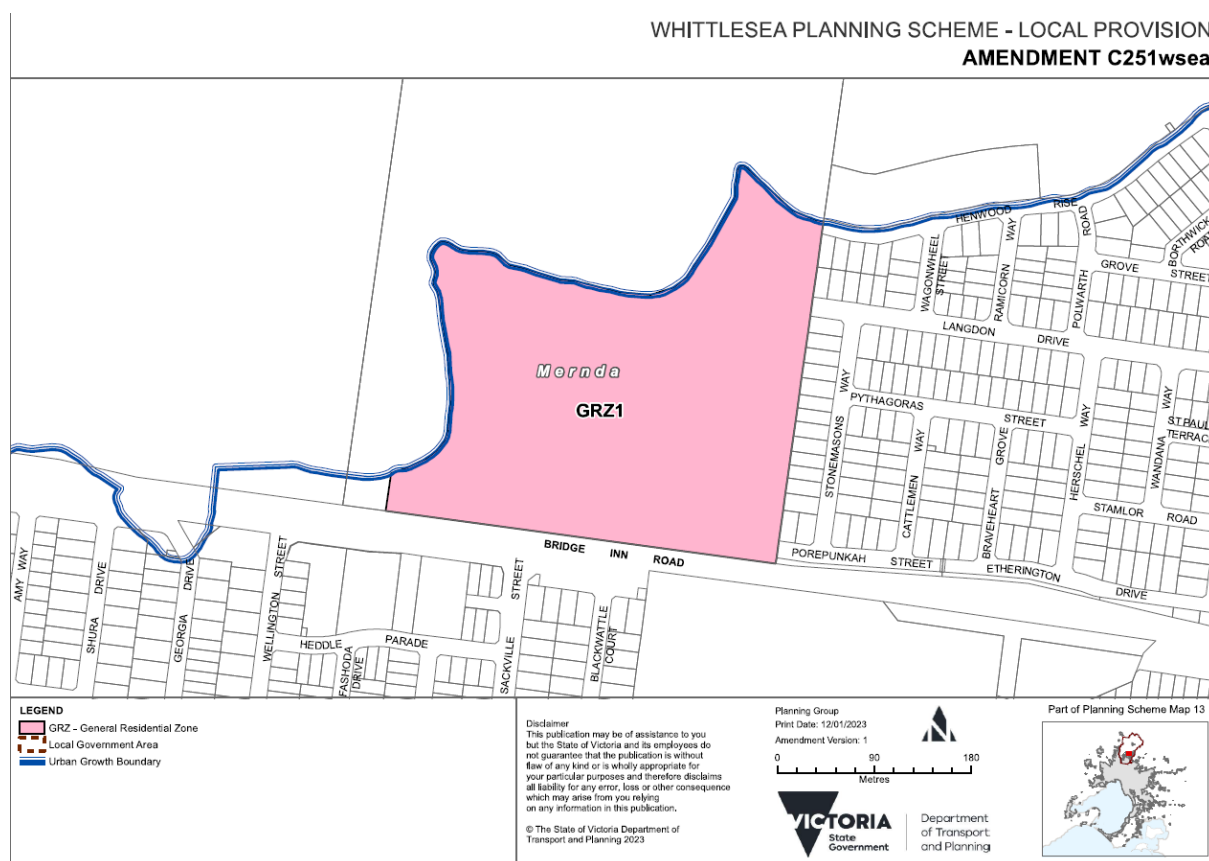
The Proponent entered into a Section 173 Agreement with Council on 25 August 2022 to transfer 35 hectares of the subject land through either the transfer for one dollar or vesting as a reserve to Council for the purposes of the Quarry Hills Regional Parkland assembly.

Figure 1 390 Masons Road, Mernda



Source: Amendment documentation

Figure 2 307 Bridge Inn Road, Mernda



Source: Amendment documentation

The DPO27 is an existing provision in the Whittlesea Planning Scheme (Planning Scheme) and applies to land developed for residential purposes to the east of the subject land. The DPO27 applies to that part of the land to be rezoned GRZ1.

As land is rezoned within the UGB, Council's approach is to replace the ESO1 and ESO5 that relate to River Redgum Grassy Woodland ecological community with the Vegetation Protection Overlay Schedule 1.

1.2 The subject land

The Amendment applies to land outlined in red shown in Figure 3. The UGB in this area is defined by the 185 metre contour. Generally, land that is located above this contour remains in the Green Wedge Zone and strategically has been identified to contribute to the assembly of the Quarry Hills Regional Parkland.

A significant feature to the west of the subject land is the Wollert Landfill and Wollert Quarry, operated by Hanson. The eastern edge of this landfill and quarry is located approximately 1200 metres from the western edge of the proposed rezoning.

There is no direct vehicle access to the subject land from either Masons Road or Bridge Inn Road. Figure 4 contains a photo of 390 Masons Road from the western end of Lockhart Street. Figure 5 contains a photo of 307 Bridge Inn Road taken from the western of Langdon Drive.

The subject land comprises two separate titles with no common boundary. The subject land is undulating. 390 Masons Road contains some native vegetation; however, 307 Bridge Inn Road is cleared of native vegetation and contains two dams.

Figure 3 Aerial photo of the subject land and its context



Source: D7, paragraph 15

Figure 4 390 Masons Road from Lockhart Street



Source: Panel photo

Figure 5 307 Bridge Inn Road from Langdon Drive



Source: Panel photo

1.3 Background

Key parts of this Amendment are:

- residential development within the UGB
- the assembly of the Quarry Hills Regional Parkland.

The Quarry Hills Regional Parkland was first identified in the South Morang Local Structure Plan in 1997 with an area of approximately 1,100 hectares. To date there is 325 hectares that Council owns and manages, 104 hectares leased by Council, 289 hectares where there are agreements in place for the transfer of the land (including the subject land). The balance of 342 hectares remains in private ownership.

Council provided a helpful summary of the strategic background in its Part A submission. In summary:

- The *Mernda Strategy Plan* (approved October 2004 and amended December 2016) does not apply to the subject land but the application of the DPO27 and Vegetation Protection Overlay Schedule 1 in this Amendment were first used on land further east.
- The *Quarry Hills Bushland Park Masterplan* (2009) is the first master plan of the park, and an update was recently the subject of community consultation.
- The *North Growth Corridor Plan*, Growth Areas Authority (2012) contains Figure 6 that shows the first delineation of the residential parts and public open space parts of the subject land.

Figure 6 North Growth Corridor Plan as it affects the subject land (red)



Source: D7, paragraph 34

- The *Open Space Strategy* (2016) supports the assembly of the Quarry Hills Regional Parkland as:
 - having “the potential to become a major regional reserve and create a significant non-urban break between South Morang and Mernda”
 - being a “significant geological feature” which “affords spectacular views across the municipality and to the City of Melbourne skyline and beyond”.
- The *Quarry Hills Regional Parkland Landscape Masterplan*, Whittlesea City Council (February 2019) identifies the subject land as “properties subject to further investigation” for the transfer of land to the park.
- The *Quarry Hills Regional Parklands Future Directions Plan* prepared by Council and the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation (2023) identifies the subject land as forming part of the parkland.
- The *Green Wedge Management Plan* (2023) supports the assembly of the parkland and its regional role.

1.4 Relevant Amendment

Amendment C272wsea proposes to extend the use of the Wollert Landfill by introducing a Waste and Resource Recovery Centre at the landfill and rezoning the whole site to Special Use Zone Schedule 12 from the Green Wedge Zone. Council resolved to request Ministerial Authorisation on 19 March 2024 and is now finalising the documents for submission to the Minister for Planning. Amendment C272wsea does not extend operations closer to the subject land.

1.5 The Panel’s approach

Key issues raised in submissions were:

- the adequacy of the buffer to the Wollert landfill

- construction noise and disruption
- traffic and congestion post-development
- loss of open space, habitat, views and community identity.

The Panel notes that since Council considered submissions on 20 August 2024 the impact of landfill buffers on the subject land has been resolved. This is considered in Chapter 3.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Wollert Landfill buffers
- Loss of open space, habitat, views, solar access and community identity
- Traffic and congestion post-development
- Construction noise and disruption.

1.6 Limitations

Some submitters raised issues that were outside the scope of the Amendment. These include:

- the Amendment is a surprise because Stockland advised residents to the east of the subject land that it could not be developed
- birds drop scavenged items from the Wollert Landfill onto surrounding properties
- the Wollert Landfill causes increased truck traffic that is disruptive
- the Wollert Landfill should be moved further from established dwellings and use of the incinerator stopped
- concerns about loss of views from private properties
- concerns that construction may cause disruption and associated negative impacts including crime.

These matters are not addressed further in this Report.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix B highlights key imperatives of relevant provisions and policies.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.03-1 (Settlement – urban growth) - Clause 02.03-2 Environmental and landscape values) - Clause 02.03-6 (Housing) - Clause 02.03-9 (Infrastructure – open space)
Planning Policy Framework	- Clause 11.01-1L (Green wedge areas) - Clause 11.02-1S (Supply of urban land) - Clause 11.02-3S (Sequencing of development) - Clause 11.03-2S (Growth areas) - Clause 12.05 (Significant environments and landscapes) - Clause 13.05-1S (Noise management) - Clause 13.07-1S (Land use compatibility) - Clause 16.01-1S (Housing)
Other planning strategies and policies	- Plan Melbourne Direction 4, Policies 4.1, 4.2
Planning scheme provisions	- Green Wedge Zone - Farming Zone - Environmental Significance Overlay
Planning scheme amendments	- Whittlesea Planning Scheme Amendment C272wsea
Ministerial directions	- Ministerial Direction 1 (Potentially Contaminated Land) - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 19 (Amendments that may significantly impact on the environment, amenity and human health)
Planning practice notes	- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays September 2022 - Planning Practice Note 30: Potentially Contaminated Land July 2021 - Planning Practice Note 46: Strategic Assessment Guidelines September 2022 - Planning Practice Note 90: Planning for Housing July 2023 - Planning Practice Note 91 Using the Residential Zones July 2023

- Planning Practice Note 92: Managing Buffers for Land Use
Compatibility March 2021

2.2 Strategic justification

(i) Submissions

Council submitted the Amendment was strategically justified because the:

- residential development of the land will meet demand for additional housing in a location that has been identified for residential development since 2012
- subject land is within the UGB
- Amendment protects the non-urban breaks between growth areas and delivers 35 hectares to the Quarry Hills Regional Parkland
- Amendment protects native vegetation (River Redgum) and biodiversity assets by retaining them in the Quarry Hills Regional Parkland
- Amendment protects the buffers of the Wollert landfill.

Submitters were concerned with specific issues such as the proximity of the Wollert Landfill and generally did not support the rezoning. These submitters did not submit the Amendment was not strategically justified.

The Proponent considered the Amendment had strong strategic justification. It stated¹:

- As part of Amendment VC68 - Delivering Melbourne's Newest Sustainable Communities, in 2010 the UGB was shifted to its present location, notably including the areas proposed to be re-zoned to GRZ1 as being within the UGB. At this time the subject sites were effectively identified as appropriate for urban purposes, albeit with the precise form of development subject to further detailed strategic assessment and site-specific investigation.
- The *North Growth Corridor Plan 2012* clearly marks the areas proposed to be re-zoned to GRZ1 as 'residential'.
- The Municipal Framework Plan in Clause 02.04-1 identifies the areas proposed to be re-zoned to GRZ1 as being 'urban land'.

Hanson, the operator of the Wollert Landfill and Wollert Quarry, initially objected to the Amendment as the buffer distance was not met. It has since amended its position after the:

- Landfill Buffer Guideline was finalised in August 2024
- Proponent prepared an Odour Risk Assessment and the addendum that found a buffer less than 1,500 metres and above 1,000 metres was appropriate.

Hanson now support the Amendment which is discussed in detail in Chapter 3.

Townshend Mernda, as the prospective purchaser of the residential land at 390 Mason Road, Mernda, reiterated the support of Council and the Proponent. It submitted²:

Detailed assessment of the amendment against the Whittlesea Planning Scheme and enabling strategic documents has been set out in the exhibited amendment documentation as well as the Part A submissions by the responsible authority and proponent. These assessments demonstrate that the proposed amendment is based on well-established strategic directions, since 2010 when the Urban Growth Boundary was amended to include the land, the amendment now proposes for residential growth. The expectation for them to be developed, to effectively complete the Mernda Strategy Plan, is well documented.

¹ D27, paragraph 11

² D28, paragraphs 22 and 23

This amendment will contribute to the orderly development of the Mernda area and contribute to much needed housing supply as well as continuation of regional parkland for the benefit of Mernda and Victoria.

(ii) Discussion

The Panel considers the Amendment has strategic merit and has a strong net community benefit.

Parts of the subject land have been identified since 2012 for residential development and are, importantly, within the UGB. This designation has been supported by a range of other strategic documents prepared by Council and the state government since 2012. Importantly, the role of the balance of the subject land is also clear. This part of the subject land will provide an important contribution to one of Melbourne's most significant open space land assemblage exercises. While only 3 per cent of the Quarry Hills Regional Parkland, the Panel considers this is a major contribution to the protection of the River Redgum Grassy Woodland ecological vegetation community, landscape and the Amendment's net community benefit.

The submitters generally raised specific issues that are addressed in the following chapters. Residential development east of the subject land generally occurred between 2013 and 2017, after the part of the subject lands' designation within the UGB.

Clause 71.02-3 requires Council to balance conflicting objectives in favour of net community benefit and sustainable development. The residential role of part of the subject land was set in 2012 when it was included in the UGB. The open space role of the balance of the subject land was determined in 1997 by the South Morang Local Structure Plan and these roles have been reinforced over the years.

(iii) Conclusions

For the reasons set out in this Report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Wollert Landfill buffers

3.1 The issue

Hanson operate:

- the Wollert Quarry, which extracts, processes and treats between 1.5 and 2.5 million tonnes of basalt per annum
- the Wollert Landfill, which accepts a range of wastes and also incorporates a transfer station, an energy generation facility from the combustion of landfill gas and a solar energy facility.

The issue is whether the proposed buffers from the landfill site are adequate to meet odour requirements on proposed future sensitive uses.

3.2 Background

The Wollert Quarry (Work Authority 393) was first established in 1972, and it extracts, processes and treats between 1.5 and 2.5 million tonnes of basalt per year to supply materials for major commercial and infrastructure projects. The Wollert Quarry is subject to two planning permits which allow extractive industry uses and development in accordance with the approved Work Authority. Parts of the Wollert Quarry have been exhausted and are rehabilitated through the construction of landfill cells which are lined, filled with waste, capped and revegetated.

The Wollert Landfill has operated since 2000. It is licensed under the *Environment Protection Act 2017* (EP Act) to accept a range of wastes including putrescible, solid inert, shredded tyres, asbestos, and Category C contaminated soil. It incorporates a transfer station, an energy generation facility from the combustion of landfill gas and a solar energy facility. The Wollert Landfill is also subject to Planning Permit 701889 from May 1994 which allows its use and development as an engineered landfill that progressively rehabilitated quarried land and a waste transfer station in accordance with endorsed plans. The plans indicate future waste cells.

The Wollert Landfill is a key component of the waste management framework in metropolitan Melbourne, serving seven local councils, including the City of Whittlesea. It is identified as one of the 'Hubs of State Importance' in both the Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) and the Metropolitan Waste and Resource Recovery Implementation Plan (MWRRIP). The SWRRIP notes the importance of the Wollert Landfill and states³:

It is important that urban planning allows adequate buffers and planning controls to protect the amenity of surrounding communities and prevent establishing incompatible uses that could impact on the functionality of the site over the long term.

Collectively, the SWRRIP and the MWRRIP highlight the significance of the Wollert Landfill in terms of meeting Melbourne's current and future requirements for landfill space and the importance of urban planning to provide the Wollert Landfill with adequate buffers and prevent incompatible land uses.

The Environment Protection Authority (EPA) Publication 788 *Best Practice Environmental Management Publication Siting, design, operation and rehabilitation of landfills* (Landfill BPEM) is the source document for best practice environmental management measures for landfills.

³ D31, paragraph 22

The EPA recently released the Landfill Buffer Guideline in August 2024. The Landfill Buffer Guideline provides advice on:

- human health and amenity risks posed by landfills
- separation distances for landfills
- appropriate land uses within landfill buffers.

The new Landfill Buffer Guideline supports the Landfill BEPM.

The Landfill Buffer Guideline sets out buffer requirements for landfills and states:

The information in this guideline replaces sections 5.1.5, 8.2.1 and 8.2.2 of the Landfill BEPM Siting, design, operation and rehabilitation of landfills (Landfill BEPM) (EPA publication 788).

For the Wollert Landfill, which accepts municipal (putrescible) waste (Type 2) with a tipping face equal or greater to 900 square metres, a buffer of 1,500 metres is required from sensitive uses, but this may be varied to a minimum of 1,000 metres with an appropriate odour risk assessment that demonstrates an alternative buffer is acceptable.

Hanson's submission to the exhibition of the Amendment requested it be abandoned as the buffers could not be met (that is, 1,500 metres from the landfill extent) and would allow incompatible land uses.

In its submission to the exhibited Amendment, the EPA outlined that the current Works Approval 22388 (issued in 1995):

allows the operator to develop the eastern portion of the site into landfill cells in the future, subject to obtaining an operating licence. What this means is that the distance between the landfill (measured from the leachate ponds and landfill cells (active, closed and future)) and the Site has been greatly reduced, and would no longer provide the 1500m buffer between the future landfill and future sensitive land uses that would establish once the Site is rezoned.

The EPA submission to the exhibited Amendment also noted⁴:

Given the information now at hand, it is now EPA's submission that:

- The landfill operator has a works approval to develop the eastern portion of the site into landfill cells, subject to obtaining an operating licence.
- It appears that the recommended buffer of 1500m for amenity impacts would no longer be met.
- The agent of change principle requires the person or entity proposing a land use or development (new or expanding, modified or varied) that may give rise to conflicting land uses, to provide evidence to the decision maker that any variation from a specified separation distance is appropriate.
- The proponent of the Amendment as the 'agent of change' will therefore need to prepare a risk assessment to demonstrate that a variation to the recommended buffer distance is appropriate, in that a reduced buffer would still:
 - protect human health and amenity from the effects of pollution and waste associated with an operating landfill; and
 - protect landfill operations from inappropriate land use and development nearby that may constrain its operations.

The Amendment shouldn't progress until this work is undertaken.

⁴ Page 3

As the subject land is between 1,000 and 1,500 metres from the Wollert Landfill (Figure 7), the Proponent commissioned Pollock Environment Consultant (PEC) to prepare an Odour Risk Assessment to determine the appropriate buffer distance to the proposed residential land uses.

Figure 7 Proximity of the Wollert Landfill to the subject land (blue)



Source: D14 page 16

The Odour Risk Assessment (March 2024) analysed previous EPA field odour surveys and applied directional (for example, wind direction) buffers to the Wollert Landfill. The assessment found that⁵:

- analysis of the EPA field odour surveys demonstrates that the default 1,500 metre separation distance to the east of the landfill can be reduced by at least 500 metres to account for the directional variation
- the subject land is not constrained from sensitive land use when the directional variation in atmospheric dispersive capacity at Wollert Landfill is taken into account
- the degree of clearance of the Subject Land from the directional buffer is sufficient to allow for different degrees of exceedance to be adopted when modelling the directional buffer.

The findings of the Odour Risk Assessment indicate that the risk of odour impact on the subject land from landfilling operations at future cells in the eastern most portion of the Wollert Landfill is low because the required separation distances are achieved.

The EPA reviewed the Odour Risk Assessment, and it agreed⁶ with its findings that the risk of odour emissions to the proposed residential land is low and that there would be sufficient separation between future sensitive land uses and any future landfill cells constructed in the eastern portion of the Wollert Landfill. However, the EPA recommended that the Odour Risk Assessment be amended to include an assessment of potential odour emissions from Cell 21 as

⁵ D17, paragraphs 62.4

⁶ D21

the closest future cell to the subject land (Figure 8 - Cell 21). PEC prepared an addendum in June 2024.

Figure 8 Location of Cell 21



Source: D15, page 5

Figure 9 was included in the addendum report and found that⁷:

Northern Land Parcel

- The application of the directional buffer to possible Cell #21 shows that compliance is obtained at the northern land parcel. The clearance of the western face of the land parcel ranges from 220 metres at the southern corner, down to 60 metres at the northern corner.
- The radial 1000 metres buffer shows a similar clearance, ranging from 300 metres at the southern corner, down to 120 metres at the northern corner.

Southern Land Parcel

- The application of the directional buffer to possible Cell #21 shows compliance is emphatic at the southern land parcel, with the nearest north west tip of the parcel having a clearance of 540 metres.

Hanson subsequently advised the Panel prior to the Hearing⁸ that:

- the commissioning of a risk assessment for planning scheme amendments that would allow sensitive uses within 1,500 metres of an active landfill was a requirement of the Draft Guidelines and has been retained in the Final Guidelines
- since then, the Proponent has engaged PEC and produced a risk assessment which will be considered by the Panel. The risk assessment concludes that the subject land is not constrained from sensitive use
- given the above factors, Hanson's current position in relation to the Amendment is that it no longer objects to the rezoning as proposed in the Amendment.

⁷ D15, pages 8-9

⁸ D3

Figure 9 Directional buffer from Cell 21



Source: D15

3.3 Submissions

Council submitted that the Amendment is consistent with, and appropriately supports, Clause 13.07-1S (Land use compatibility) of the planning scheme which seeks “to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.” Council submitted the Amendment supported the objective and strategies of Clause 13.07-1S because⁹:

In relation to the Wollert Landfill, the *Separation Distance from Wollert Quarry/Landfill Report* prepared by PEC in March 2024 (**Odour Risk Assessment**) and the *Separation Distance from Wollert Quarry/Landfill: Addendum Report* prepared by PEC in June 2024 (**Addendum Report**) demonstrate that 1,000 metres is a sufficient separation distance between future sensitive uses on the Subject Land and any future landfill cells constructed in the eastern portion of Wollert Landfill in respect of odour issues. This has been confirmed by the EPA; and

In relation to Wollert Quarry, the following guidelines recommend a separation distance of 500 metres between a quarry and sensitive use and therefore compliance is emphatic with:

- Recommended Separation Distances for Industrial Residual Air Emissions (Publication 1518, EPA March 2013); and
- Separation Distance Guideline (EPA, August 2024).

Council supported the Amendment and concluded¹⁰:

In this respect, Council relies on the Odour Impact Assessment, Addendum Report and advice received from the EPA in response to these submissions.

⁹ D17, paragraphs 40.2– 40.3.2

¹⁰ D17, paragraph 77

The Proponent submitted that¹¹:

On the basis of the above it can be concluded that the presence of the Hanson landfill – both existing and future – has now been the subject of detailed, expert, site specific consideration throughout the processing of the Amendment, and having regard to the contemporary guidance.

That consideration has concluded that the Amendment is not precluded from proceeding by reason of the Hanson landfill.

Importantly, that consideration has included review by the EPA and its relevant expert. It is significant that the EPA supports the Amendment.

Hanson too, has now considered the above material, and no longer objects to the Amendment.

In these circumstances, the Panel has a solid foundation upon which to conclude – and it should conclude, on the basis of all available material - that the presence of the Hanson land to the west should not prevent the approval of the Amendment.

Hanson's submissions to the Panel were limited to those concerns regarding the separation distances between the Wollert Landfill and the subject land. Hanson emphasised the importance of the Wollert Landfill as a State Significant Waste and Resource Recovery hub, and that the continued availability and operation of the landfill is critical to the long term interest of Victoria as outlined in various strategic documents and the Whittlesea Planning Scheme. It detailed the existing approvals under the EP Act and PE Act that allow for the landfill's use and development, including its operational licence. These approvals have been in place for some time.

Hanson concluded¹²:

These documents and ordinance make very clear the critical importance to the long-term interests of the State of not undermining or reducing the ability of the existing approved landfill sites, and in particular the large landfills including the Wollert Landfill, from continuing to operate, and meeting the State's needs for waste disposal. A key factor in that continuation is protecting the landfills from encroachment by incompatible land use and development. In Hanson's submission this is a critical point for the Panel's assessment of the Proposed Amendment.

Townshend Mernda supported the assessments by PEC and its consideration by the EPA.

Some submitters considered the proposed residential land was too close to the Wollert Landfill.

3.4 Discussion

The Panel accepts that submissions on landfill buffers have been resolved between Council, the EPA, the Proponent and Townshend Mernda. This is a critical consideration given the importance of the Wollert Landfill to waste disposal and recovery for metropolitan Melbourne. The Panel acknowledges the extensive engagement between Council, the Proponent and the EPA to resolve and understand the landfill buffer issues, particularly for odour risks and the efforts to ensure the interests of the Wollert Landfill are protected from urban encroachment and that the future residents are also protected from amenity impacts such as odour.

The Panel accepts the buffer between the existing and future approved cells of the Wollert Landfill is appropriate for this site as presented in the Odour Risk Assessment and addendum report and that the subject land meets policy guidelines and will be protected from potential odour impacts.

¹¹ D27, paragraphs 33-37

¹² D31, paragraph 38

3.5 Conclusion

The Panel concludes the buffers of the Wollert Landfill and quarry to the residential development of the subject land are met and that the health, safety and amenity of future residents will be protected.

4 Loss of open space, habitat, views, solar access and community identity

4.1 The issue

The issue is whether the Amendment will result in unacceptable loss of:

- open space
- views of open space
- habitat for flora and fauna
- solar access to existing roof top solar energy systems.

4.2 Submissions

Several submitters raised concerns about the loss of open space and habitat for flora and fauna because of the residential development facilitated by this Amendment. One submitter was concerned future residential development on adjacent land would restrict solar access to roof top solar.

Council submitted *“that the Amendment will significantly benefit the provision and protection of open space by facilitating the inclusion of an additional 35 hectares of land in the Quarry Hills Regional Parkland.”* Council submitted the Quarry Hills Regional Parkland enjoys strong strategic support and will¹³:

- provide residents with an increased range of passive and active recreation opportunities
- provide an enduring and permanent development boundary which will prevent further urban expansion
- protect and conserve land of conservation and landscape values.

Council noted there are provisions in the planning system that protect existing roof top solar energy systems access to sunlight.

4.3 Discussion and finding

As discussed in Chapter 2, the Panel accepts the strategic role of the subject land was determined in 2010-2012 as either residential or as open space associated with the Quarry Hills Regional Parkland. The benefits residents currently have with the undeveloped subject land as part of an open landscape can only be described as temporary. The Panel does not support the view of the residents that there is some degree of permanence to this.

Subdivision to the east of the subject land contains roads that are intended to service the subject land (for example, Lockhart Street and Langdon Drive).

The Panel agrees with Council that the most significant benefit is the contribution of 35 hectares of the subject land to the Quarry Hills Regional Parkland and its ability to protect flora and fauna and landscape values.

The residential development of the land is not likely to impact sunlight to existing neighbouring roof top solar energy systems. One and two storey dwellings are likely to be constructed, and the

¹³ D17, paragraph 99

Panel does not accept this would result in unacceptable impacts on existing roof top solar energy systems. Planning Practice Note No 88: *Planning for domestic roof top solar energy systems* (May 2022) provides guidance on how existing roof top solar energy systems should be addressed if a planning permit is required for building and works. Council must consider:

- the extent to which it is already overshadowed
- whether it is appropriately located
- the effect of overshadowing from the proposed development.

The Panel is satisfied there is a regulatory framework in place for development that triggers the need for a planning permit to protect sunlight access to existing roof top solar energy systems.

5 Traffic and congestion post-development

5.1 The issue

The issue is whether the Amendment will result in an unacceptable increase in traffic and congestion in the local road network.

5.2 Submissions

Several submitters were concerned the residential development of the subject land would result in unacceptable traffic impacts and increased congestion.

Council submitted the increased traffic generated by the residential development could be accommodated within the local street network. It noted street connections could be made to:

- Masons Road, Lockhart Street and Brunton Drive in relation to the northern parcel
- Henwood Rise, Langdon Drive and Porepunkah Street in relation to the southern parcel.

Council referred to the application of the DPO27 to the residential part of the subject land and in particular the need for a development plan that requires:

A transport strategy which provides for a road network with a high degree of internal and external connectivity and permeability, and public transport opportunities as appropriate.

This plan strategy should include:

- A road hierarchy.
- Indicative road cross sections.

Council concluded *“a robust transport network is already in place for the area, delivered by an earlier development plan and planning permit approvals and will comfortably accommodate the development of the subject land.”*

Council submitted that a period of informal consultation with adjoining landowners would take place in the preparation of the Development Plan.

The Proponent submitted that *“traffic and access issues will be appropriately resolved through future Development Plan and permit stages, as will issues relating to noise from traffic.”*

5.3 Discussion and finding

The Panel accepts that any new residential development will generate additional traffic but agrees with Council and the Proponent that the application of DPO27 will ensure these matters are addressed in the preparation of the Development Plan for the subject land.

The residents will have the opportunity to informally comment on the Development Plan.

6 Construction noise and disruption

6.1 The issue

The issue is whether the residential development of the subject land will result in unacceptable construction noise and disruption.

6.2 Submissions

Several submitters were concerned the construction of the residential subdivision will result in noise, dust and disruption.

Council submitted it *“accepts that construction noise and disruption is a significant concern for residents and believes that avoiding and minimising it is important.”* Council referred to its usual practice of requiring a site management plan or construction environmental management plan to manage the construction process. It provided an example of the site management plan permit condition for the residential subdivision to the east of the subject land. This specifically required the proposed route for construction vehicles and measures to reduce the impact of noise, dust and other emissions.

The Proponent submitted construction impacts will also be appropriately controlled through future Development Plan and permit stages.

(i) Discussion and finding

The Panel is satisfied that construction noise, construction vehicle routes and dust impacts will be appropriately addressed as a permit condition for the proposed subdivision. While a matter entirely for Council, it seems that construction vehicles would be able to avoid the residential streets in the northern property by using Masons Road. This may be more difficult in the southern property where direct vehicle access to Bridge Inn Road may not be possible.

The Panels accepts that these matters will be the subject of a site management or construction environmental management plan.

Appendix A Document list

No	Date	Description	Presented by
1	1 Nov 24	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	1 Nov 24	Email request for more time to lodge request to be heard form	Paul Dwyer
3	7 Nov 24	Response to EPA Guidelines and no objection	Hanson Constructions Materials Pty Ltd and Hanson Landfill Services Pty Ltd (Hanson)
4	8 Nov 24	Inspection map	Townshend Mernda Pty Ltd (Townshend Mernda)
5	8 Nov 24	Letter on Hanson revised position	Pitamara Pty Ltd and Summerset Group Holdings Pty Ltd and (Pitamara and Summerset)
6	13 Nov 24	Email Hearing Timetable version 2 and reconstituted Panel	Whittlesea City Council (Council)
7	14 Nov 24	Part A submission	Council
8	14 Nov 24	Document 7 Attachment A: Chronology of events	Council
9	14 Nov 24	Document 7 Attachment B: Details of Council engagement with EPA	Council
10	14 Nov 24	Document 7 Attachment C: Relevant permits and permit applications	Council
11	14 Nov 24	Document 7 Attachment D: Flora and Fauna and Contamination Risk Assessment by Cadeema	Council
12	14 Nov 24	Document 7 Attachment E: Planning Pathway Report	Council
13	14 Nov 24	Document 7 Attachment F: Current Section 173 Agreement	Council
14	14 Nov 24	Document 7 Attachment G: Odour Risk Assessment	Council
15	14 Nov 24	Document 7 Attachment H: Odour Risk Assessment Addendum	Council
16	18 Nov 24	Background and context submission	Pitamara and Summerset
17	22 Nov 24	Part B submission	Council

No	Date	Description	Presented by
18	22 Nov 24	Document 17 Attachment A: EPA and Council emails 31/1/23 to 2/2/23	Council
19	22 Nov 24	Document 17 Attachment B: EPA and Council emails 9/2/23	Council
20	22 Nov 24	Document 17 Attachment C: EPA letter 23/2/23	Council
21	22 Nov 24	Document 17 Attachment D: EPA letter 13/6/24 response to Odour Risk Assessment	Council
22	22 Nov 24	Document 17 Attachment E: EPA letter 6/9/24 response to addendum report	Council
23	22 Nov 24	Document 17 Attachment F: Existing planning controls	Council
24	22 Nov 24	Document 17 Attachment G: EPA Landfill Buffer Guideline August 2024	Council
25	22 Nov 24	Document 17 Attachment H: Extract from Logical Inclusions Advisory Committee Report No 3	Council
26	22 Nov 24	Document 17 Attachment I: Extract from Council meeting agenda 29 March 2024	Council
27	25 Nov 24	Submission	Pitamara and Summerset
28	25 Nov 24	Submission	Townshend Mernda
29	25 Nov 24	Document 28 Attachment A Melbourne Water Mernda map north	Townshend Mernda
30	25 Nov 24	Document 28 Attachment B Melbourne Water Mernda map south	Townshend Mernda
31	26 Nov 24	Submission	Hanson
32	26 Nov 24	Document 31 Attachment A: Wollert Landfill Planning Permit	Hanson
33	26 Nov 24	Document 31 Attachment B: Wollert Landfill Staging Plans	Hanson
34	26 Nov 24	Document 31 Attachment C: Clear vision of endorsed staging plan	Hanson
35	26 Nov 24	Document 31 Attachment D: Wollert Landfill Works Approval	Hanson
36	26 Nov 24	Document 31 Attachment E: Wollert Landfill Operating Licence	Hanson
37	26 Nov 24	Document 31 Attachment F: Statewide Waste and Resource Recovery Infrastructure Plan	Hanson
38	26 Nov 24	Document 31 Attachment G: Metropolitan Waste and Resource Recovery Plan 2016	Hanson
39	26 Nov 24	Document 31 Attachment H: Victorian Recycling Infrastructure Plan 2024	Hanson
40	26 Nov 24	Document 31 Attachment I: Wollert Landfill title plans	Hanson

No	Date	Description	Presented by
41	26 Nov 24	Plan 2 from Wollert PSP	Council
42	26 Nov 24	Photos of subject land and surrounds	Townshend Mernda

Appendix B Planning context

B:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by facilitating the orderly development of the residential land where it is anticipated and protecting landscape and biodiversity values with the inclusion of 35 hectares in the Quarry Hills Regional Parkland.

Clause 2 (Municipal Planning Strategy)

The Amendment supports the MPS by:

- creating a clear and enduring boundary between land within and outside of the UGB
- transferring 35 hectares of land in the GWZ to Council for the purpose of the Quarry Hills Regional Parkland and protecting biodiversity and landscape values.

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- facilitating residential development within the UGB
- contributing to the assembly of the Quarry Hills Regional Parkland.

Clause 12 (Environmental and landscape values)

The Amendment supports Clause 12 by protecting the significant Quarry Hills land of the subject land for transfer to Council as parkland.

Clause 13 (Environmental risks and amenity)

The Amendment supports Clause 13 by:

- ensuring noise impacts and construction traffic will be considered as part of the planning application to subdivide the land
- ensuring there is sufficient separation between the residential land and the operations of the Wollert Landfill which has been confirmed by the EPA.

Clause 16 (Housing)

The Amendment supports Clause 16 by providing additional housing opportunities that is anticipated by planning policy and strategy.

B:2 Other relevant planning strategies and policies

i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

Table 2 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
2 Housing choice	Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	Maintain a permanent Urban Growth Boundary around Melbourne to create a more consolidated, sustainable city
6 Sustainable and resilient city	Protect and restore natural habitats	Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature

ii) North Growth Corridor Plan 2012

The North Growth Corridor Plan is a high-level integrated land use and transport plan that provides a strategy for the development of the north growth corridor over the coming decades. It guides the delivery of housing, jobs, transport, town centres, open space and key infrastructure in the growth corridor.

Figure 10 North Growth Corridor Plan



Source: D7, paragraph 34

Figure 10 contains the framework plan for the North Corridor Growth Plan and the subject land is identified by the red rectangles.

Council submitted that the Amendment supports the North Growth Corridor Plan because it identifies that part of the subject land which is to be:

- rezoned GRZ1 as “residential”

- transferred to Council for the Quarry Hills Regional Parkland as “*proposed regional pen space.*”

iii) Quarry Hills Regional Parkland Masterplan 2019

The Quarry Hills Regional Parkland Masterplan 2019 identifies the subject land as “*subject to further investigation.*”

iv) Quarry Hills Regional Parkland Future Directions Plan 2023

The Quarry Hills Regional Parklands Future Directions Plan 2023 identifies the GWZ parts of the subject land as forming part of the proposed parkland.

Council submitted that the Amendment supports the Quarry Hills plans because it delivers land that was identified as forming a future part of the Quarry Hills Regional Parkland.

B:3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

The land is in the Farming Zone and Green Wedge Zone. The purposes of the Farming Zone are:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The purposes of the Green Wedge Zone are:

- 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.

ii) Overlays

The land is subject to the ESO. The purposes of the Overlay are:

- To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.

B:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

The Amendment is consistent with:

Direction No 1 – Potentially Contaminated Land

Thorough investigations were carried out to determine that the land is not potentially contaminated and is therefore suitable for a sensitive (residential) use, which will be facilitated by the proposed rezoning.

Direction No 9 – Metropolitan Planning Strategy

The Amendment complies with Direction No. 9 as it is consistent with *Plan Melbourne 2017- 2050* (DELWP, 2017), particularly outcome 2 – *Melbourne provides housing choice in locations close to jobs and services*. The Amendment provides for further housing opportunities in Mernda in accordance with the North Growth Corridor Plan and the Mernda Strategy Plan, which aim to create a series of interconnected neighbourhoods around the sub-regional activity centre of Mernda.

Planning Practice Notes

The Amendment is consistent with:

- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays September 2022 as it applies appropriately the DPO27 to the residential parts of the subject land
- Planning Practice Note 90: Planning for Housing July 2023 and Planning Practice Note 91 Using the Residential Zones July 2023 as it appropriately uses the GRZ for the residential parts of the subject land
- Planning Practice Note 92: Managing Buffers for Land Use Compatibility March 2021 as it applies buffers that are consistent with EPA guidelines.

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.