

Our ref: SBI –C225  
Your ref:

**merrylees**  
**LEGAL**

Merrylees Legal Pty Ltd  
PO Box 513  
Elwood VIC 3184

PM: +61 417 012 976

JM: +61 412 346 880

ABN: 46 102 876 004

[info@merryleeslegal.com.au](mailto:info@merryleeslegal.com.au)

Tuesday, September 19, 2017

Mr David Maltby  
Principal  
Zone Environmental Pty Ltd  
18 Central Avenue  
Blairgowrie Vic. 3942

Dear Mr Maltby

**Provision of Expert Evidence to Planning Panels Victoria  
Casey Planning Scheme Amendment C225  
950 BALLARTO ROAD, BOTANIC RIDGE**

We act for Stevenson Brothers Industries Pty Ltd.

The forthcoming 2-day Planning Panel Hearing is scheduled to commence on Thursday, 12 October 2017 (Day One). Our case will run on Friday, 13 October 2017 (Day Two).

We request that you make yourself available and be in attendance at the Panel Hearing for both hearing days. We will forward to you Planning Panels Victoria's timetable and orders arising from the Directions Hearing held on Tuesday, 12 September 2017 as soon as that document is to hand.

Background

Our client is generally supportive of the proposed Planning Scheme Amendment. Your role in giving expert evidence at the Panel Hearing is to assist the Panel in understanding the potential amenity and/or other environmental impacts that the operations on our client's land (quarry and landfill) may or will have (if any) on the land located at 860 Ballarto Road in light of the proposed residential development of that land. Buffers issues will be central to that discussion.

To summarise (as is relevant to our client's participation in this Panel), amendment C225 proposes to:

1. Rezone land immediately adjacent to our client's land (namely 860 Ballarto Road) from Farming Zone – Schedule 2 (FZ2) to a General

Residential Zone – Schedule 1 (GRZ1) to facilitate residential development on that land; and

2. Applies a Development Plan Overlay (schedule 23) to **both** our client's land and the land located at 860 Ballarto Road.

We **enclose** the following documents for your perusal:

1. Officers Report dated 20 June 2017 (including Draft DPO Schedule 23);
2. Council's proposed revised "Map 3 – Separation Distances";
3. Exhibited Planning Scheme Amendment Documents C225;
4. First round of submissions to Council (dated December 2016);
5. Second round of submissions to Council (dated April/May 2017);
6. EPA Publication 788.3 of the BPEM Siting, Design, Operation and Rehabilitation of Landfills – August 2015;
7. EPA Publication 1323.2 Landfill Licencing Guidelines - September 2016;
8. EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions – March 2013;
9. Planning Permit PInA00857/07;
10. Set of Endorsed plans forming part of Planning Permit PInA00857/07;
11. Amended EPA Works Approval Number 111031;
12. Sustainability Victoria Publication – Guide to Best Practice at Resource Recovery Centres – 2009;
13. Extractive Industries Work Authority and Work Plan and Variation;
14. Please also have regard to other publications or materials that you consider relevant and appropriate.

### **Instructions**

We refer to your brief of materials.

You are instructed to:

- review the material supplied to you in relation to the proposed Planning Scheme Amendment before the Panel;
- consider and formulate your own opinions with respect to the following matters, within the limits of your expertise:
  - Whether the buffers necessary to protect neighbouring sensitive receptors from our clients current and proposed future activities (see below) can effectively be internalised on our clients land at 950 Ballarto Rd:
    - Quarry (current)
    - Landfill (future)

- Materials Recycling including (concrete crushing) (future)
- Any other matter you consider relevant.
- If you are able to support the proposed planning scheme amendment having regard to the potential amenity and/or environmental impacts (if any) on the land at 860 Ballarto Road:
  - prepare a report which sets out the conclusions which you have reached, and states the basis upon which you have arrived at your conclusions, including any facts you have relied upon or assumption which you have made which form part of the reasoning by which you reach your conclusions; and
  - Appear at the Panel to give evidence in support of the proposed amendment.

The content, format and layout of your report, the manner of expression and the way in which you seek to address yourself to the tasks you have been engaged to undertake are all a matter for you.

It will be apparent to you that not all of the materials which have been forwarded to you will be necessarily relevant to the task which you have been asked to undertake. You are instructed to examine the material and to determine for yourself what is relevant to the formulation of your conclusions.

If you require any further information to complete the tasks you have been instructed to undertake, or if you require any assistance in understanding the nature of the tasks you have been asked to undertake, please contact us.

We enclose the document *Planning Panels Victoria – Guide to Expert Evidence*. Your report should be prepared in compliance with this document and the duties outlined therein.

Note that we need to file and serve the evidence to be relied upon in this Panel Hearing on 5 October 2017. However, we would like to see your draft statement by close of business on or before Monday, 2 October 2017 or earlier if possible.

Yours sincerely



Merrylees Legal Pty Ltd

*Liability limited by a scheme approved under Professional Standards Legislation*