



**CONUNDRUM
HOLDINGS**

Media Statement - 18 August 2023

In response to comments by the Mitchell Shire Council quoted within the article in the North Central Review “\$1.3 million + on quarry dust-up”.

1. “The bulk of the expenditure relates to unfortunate situation Council found itself in having to engage lawyers and experts to defend a scenario we should never have been put in”

Council CEO Brett Luxford North Central News 15/08/2023

Multiple processes including:

- a. PSP panel hearing (C106)
- b. Subsequent Ministerial Advisory Committee assessing revised PSP and Permit,
- c. Amendment C157 which incorporated policy changes discouraging the extractive industries, and council has repeatedly been told this.

It has been council’s choice to contest the umpire’s decision.

At the Ordinary Council Meeting on 20/03/2023 the MSC choose to reject C157 Panel’s findings to identify a quarry at 175 Northern Highway, Wallan due to “reputational risk” (p114 of [Ordinary Council Meeting Agenda](#) and p17 of the [Minutes](#)).

2. “When the Victorian Government exhibited the Beveridge North West Precinct Structure plan in 2019 – the quarry was not identified as part of the Future Urban Structure.”

Council CEO Brett Luxford North Central News 15/08/2023

Extractive resources have always been known of and protected at this location by the State. The earliest available geological surveying of the area showed basalt (1857), cumulating in the introduction of the planning tool “Extractive Industry Interest Areas” (EIIA) saw this land incorporated under one such EIIA in 1993 which was ratified in 1996 and expanded in 2003. This was again recognised in the preliminary works for the UGB in 2009, the proposed quarry was mapped on the draft PSP for 4.5 years between 2014 and 2020 and considered in every government report since.

Even when exhibited, the proposed quarry was clearly shown on the Precinct Features plan. It was further in 2019 was addressed when the Victorian Government was directed by the Planning Minister to amend the Precinct Structure Plan, specifically to include the quarry and to re-exhibit it to the public.





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3. “We have a community of residents who bought properties not knowing there would be a quarry in the middle of their neighborhood.”

Council CEO Brett Luxford North Central News 15/08/2023

The quarry is not located within a residential neighborhood where residents will be subject to adverse amenity. This was evident in the VCAT Panel Member ruling that notice was only required for land within the draft Beveridge North West and Wallan South Precinct Structure Plans being 33 properties as opposed to the 2,195 properties proposed by Council. It was noted,

“I do not consider that the proposal may result in material detriment to them [properties outside of 1km] because of any direct amenity impact or potential visual impacts”

and went further stating:

“I am also not persuaded by the [council] that the properties [further away] should be provided with notice, because the quarry may impact on the extent of services and infrastructure that will generally be available within the growth corridor. This claim is too speculative and unspecific to persuade me that there is potential for real detriment to be caused” (28 & 29; VCAT Reference No. [P417/2020](#))

4. Community had made it clear they did not want the quarry and council supported the “community-led campaign”, which had raised concerns about a quarry creating congestion on roads and excessive noise.

Council CEO Brett Luxford North Central News 15/08/2023

The FOI documentation clearly proves this is a Council led and funded campaign, for example with two of the objectives of an initial meeting - “communicate Mitchell Shire Council decision making process – against the quarry” and “seek community interest in being part of a community call to action advocacy working group” (Community Information Online Session, 9/9/2021). Elsewhere it is nominated that 271 email addresses were on the councils “Stop the Quarry” campaign. By any interpretation there is no clear community mandate for council to inflame the situation, as the anti-quarry group members (or petitions signature/emails sent to parliament) are such a fractionally small percentage of the Shire’s population.

The latest round of newly replaced signs is again council led, not community led, and is again ratepayer expenditure.





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5. “Council believed the proposed quarry would stifle the delivery of essential infrastructure for the next 30 years in parts of Victoria fastest growing municipality.”

Council CEO Brett Luxford North Central News 15/08/2023

Experts to the Infrastructure Contributions Plan hearing clearly understood and accepted that no infrastructure was delayed to the new community due to this quarry’s inclusion. If the community does not proceed – then there is no demand for services, if it does then the quarry is perfectly situated to minimize the carbon footprints.

6. “We just cannot accept a quarry in the middle of a master planned community of more than 100,000 residents.”

Council CEO Brett Luxford North Central News 15/08/2023

The C106 Panel – and all economic experts including those called by the Council agreed that there is sufficient supply of housing land for the 30 years of quarry life before needing the land itself for such purpose.

The C106 Planning Panel recommended that resource extraction is explicitly included, commenting “urban development of most of the PSP area should be possible during resource extraction, with the balance developed post-quarrying ... it should be possible to deliver a very significant urban development outcome and resource extraction in the long term.” (page iii of v of the [C106mith](#) Panel Report) “Have your cake and eat it too” was seen as achievable.

7. “Council has complied with all Freedom of Information requirements.”

Council CEO Brett Luxford North Central News 15/08/2023

This is just plain false – It took nearly 18 months to receive the information, with Conundrum seeking an OVIC ruling because of the MSC initial refusal to enact FOI. OVIC directed the release of information, however the MSC took their case to VCAT before agreeing to comply. Again – costing the ratepayer’s needless expense.

The Council has and continues to run a campaign littered with falsehoods (Councilors at one point describing a quarry as a fracking operation) and misinformation (creating misleading videos and paraphernalia not representative of the application) to advocate for an outcome it lost the policy debate on over 3 years ago without wasting more rate payer money.





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Quotes attributable to Ron Kerr for publication –

I am disappointed with the way in which the Council continues to misrepresent this story to the community.

Council could have acted as a responsible authority and assisted the community's understanding that the traffic, dust and noise matters are within acceptable limits as identified by the MSC own experts, in conclave with independent experts – rather than propagating unwarranted fear throughout our community.

The reality is that MSC will not accept the independent umpire's decision. To date, the Council have not accepted the recommendations of:

- *C106 Planning Panel that the PSP is to "explicitly include resource extraction from Work Authority 1473".*
- *C157 Planning Panel that the PSP is to "identify a quarry at 175 Northern Highway, Wallan".*
- *OVIC ruling to provide the requested Freedom of Information regards costs, but instead they choose to fight even that at VCAT. (Conundrum had sought OVIC ruling because of the MSC initial refusal to enact FOI)*

We all need to minimise our carbon footprint and therefore a quarry must be as close as practical to its end use – particularly within Victoria fastest growing municipality.

****ENDS****

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