



Proposed Chiltern Quarry

VCAT Reference No. P134/2011

**Final Submission on behalf of Friends of
Skeleton Hill Inc.**

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Final Submission

1. This final submission is made on behalf of the Friends of Skeleton Hill Inc. The group was formed in April 2009 by a number of concerned locals in response to the proposed quarry. It has approximately 220 members.
2. There is agreement amongst parties that Aboriginal cultural heritage is a relevant consideration. The Tribunal was asked by the applicant to rely on the approved Cultural Heritage Management Plan (ERM). We submit that the Tribunal should give considerable weight to the audit of the CHMP when considering matters of cultural heritage significance under clause 52.09, because the Minister said that it is likely that the impacts are greater than described in the CHMP.
3. We submit that the Tribunal is entitled to have little confidence that the CHMP accurately assesses cultural heritage impacts.
4. We submit that the Tribunal has sufficient information to satisfy itself that the audit has been ordered, and need not wait for the formal papers to be served on Holcim or a stop work order issued.
5. We submit that because Ms Nicholson's investigations did not reveal any evidence of an ancient burial ground on Skeleton Hill, this does not mean that it was not used for this purpose centuries ago. Human remains disintegrate over time, dead trees rot or are cleared, and artefacts are buried or removed.
6. We submit the issue of whether the artefacts contained in the Chiltern Athenaeum originated from Skeleton Hill or Skeleton Range is a moot point. The only private land on the Skeleton Ridge is the subject site (ie part of Skeleton Hill). As there has been no suggestion that Mr Fred Oates found them in the National Park, we submit that if it was Skeleton Hill or Range, it was the same location.
7. The applicant highlighted that SLO's exist in Indigo, but did not cover the subject site. We submit that the Tribunal should not draw that inference that Skeleton Hill was judged unworthy of protection. SLO's in Indigo are related to historical factors, namely the amalgamation of numerous smaller Shires into the Shire of Indigo in the mid 1990's. The SLO that applies to Lake Hume was a result of a similar landscape control that appeared in the Shire of Yackandandah Planning Scheme, and was translated into the SLO after amalgamation. The SLO that covers land near Beechworth was a locally specific control to address a specific concern relating to a development proposal near the famous Beechworth Gorge. Since Indigo was formed in the mid 1990's there has not been a landscape study for the Shire.
8. The applicant claimed that the alterations to landform would not be a remarkable element in the landscape. It was also said that the quarries rock face was acceptable

because rock faces were common in the area. Rock faces are only common in the area because of the major bushfires of 2003/2004, which revealed rock faces that were previously covered in vegetation. As a result, we submit that rock faces are not a common feature of the area.

9. However, the major difference between the quarries final landform, and existing landforms, is that one is man-made and one is natural. Locals will not value an artificial rock face moulded by the hand of Holcim as they do rock faces moulded by mother nature. Saying otherwise is like saying fake grass has the same character as real grass, however indistinguishable it may be.
10. The applicant referred to a '10 year visual impact' as one of the costs. Presumably this period was chosen as the time it will take for revegetation to establish. This overlooks that the landform and ridgeline will be permanently altered, so we submit the cost is an indefinite visual impact.
11. The applicant highlighted the history of gold mining, as evidence that extractive industry is not a new use in the region. We disagree because of scale. The gold mining that once littered the region was very small scale, usually individuals or family run business, working an area of a couple of acres at a time. Nothing of the scale of the proposed quarry has ever been conducted in the region.
12. The applicant argued that only 1/3rd to 1/4 of the hill would be altered, not all of Skeleton Hill. We submit that the value of a hill is in its entirety. If a hill loses 1/3rd of its most prominent ridgeline, it ceases to be a natural looking hill. Just as the Tribunal would not accept the loss of 1/3rd of a significant heritage building, we submit that losing 1/3rd of a hill permanently alters its value and character.
13. The applicant stated that the landowner could 'plunder' the site to clear vegetation under the current agricultural landuse. To be fair, it was then acknowledged that there could be some debate over this. Clause 52.17 prohibits the clearance of the subject site because it is larger than 0.4ha, the vegetation is more than 10 years old and the grazing exemptions do not apply.
14. The applicant raised issue with our use of Biosis's Flora and Fauna Assessment Figure 5 (EVC's) saying it was fairer to use Figure 3 (Trees). We submit that the fairest map to gauge vegetation quality is the EVC plan, as it considers trees, shrubs and grasses (the full vegetation structure). A plan that shows only trees is only telling 1/3rd of the story.
15. The applicant highlights that the National Park was part cleared in the 1850's, when it was a state forest. We submit that the Tribunal should not regard this as evidence that the park lacks major environmental or heritage values. We submit that it should have regard to the fact that in the 1990's, the State Government made a deliberate decision,

after considerable investigation, to upgrade its status from State Forest to National Park. As this means the park is Nationally significant, we submit that possible impacts need to be considered very carefully.

16. The applicant raised the quality of the stone resource. We submit that their information showed that other sites are available in the region, but without the same visual impact. We submit that the applicants consideration of alternatives has been cursory at best.
17. We note that the applicant has conceded that the National Park has value for historical and landscape reasons. We submit that visually the sites altered ridgeline will impact on the National Park by significantly affecting the part of Skeleton Hill within the National Park that is subject to the highest level of protection under the Heritage Overlay and National Trust Study. If it true that only ½ of Skeleton Hill has protection, quarrying ½ of this landscape unit must impact on the other protected ½.
18. The Tribunal should have regard to flora and fauna issues because of clause 52.09, despite a permit not being required under clause 52.17. The applicant highlights that DSE has approved the removal of native vegetation.
19. The applicant also highlighted the other Government authorities that have either supported, or at least not opposed, the application. We submit that each of these agencies, including DSE, considered only their specific field of interest (such as flora and fauna etc). Broken down into separate issues or 'silos' the impacts may seem acceptable. It is only the Tribunal that can consider the cumulative impacts of each specific issue in totality. It is only the Tribunal that can come to a decision over net community benefit, having regard to all the issues and not just each individually. We submit that the cumulative effects of this proposal to Chiltern are significant, and unacceptable. .

Adam Terrill 11/05/11