

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Rick Morrow, Acting General Manager Corporate & Community Services
Neil Allen, General Manager Infrastructure & Services
Doug McNeill, Manager Planning and Building
Bronwyn Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

5. DECLARATION OF INTEREST

Cr Lyn Russell:	Use and Development of The Land For Extractive Industry (Extraction of Basalt) at 320 Mooleric Road, Birregurra (PP80/2010-1)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	Section 78
Nature of Interest:	Brother in law owns and operates quarry within Colac Otway Shire in competition to this proposal

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC110903-4 Father John Grace on behalf of applicant - John Riches

PC110903-5 Simon Ramsey
Mary Jane Crabtree
Douglas Jones
Tanya Burnett
Russell Beach
Lachlan Gordon
Greg Tobin on behalf of applicant/owner Scott Stewart

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 09/02/11.

Resolution

MOVED Cr Lyn Russell seconded Cr Stephen Hart that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC110903-1 PLANNING & BUILDING STATISTICAL REPORT
- PC110903-2 USE OF THE LAND AS A WINE BAR AND RESTAURANT, INCLUDING VARIATION TO LIQUOR LICENCE, REDUCTION OF CAR PARKING REQUIREMENT, ADDITIONS TO EXISTING BUILDING, ERECT NEW IRON GATES AND BUSINESS IDENTIFICATION SIGNAGE AT 49 & 53-57 MAIN STREET, BIRREGURRA
- PC110903-3 AMENDMENT TO EXISTING PLANNING PERMIT SEEKING RETROSPECTIVE APPROVAL FOR SIX PELLET SILOS AT 152 POUND ROAD, ELLIMINYT (PP269/2004-2)
- PC110903-4 CONSTRUCTION OF A SHED (STORAGE), RELOCATION OF EXISTING TOILETS AND WAIVER OF NINE (9) CAR SPACES. AT 21-23 NELSON STREET, APOLLO BAY (PP298/2010)
- PC110903-5 USE AND DEVELOPMENT OF THE LAND FOR EXTRACTIVE INDUSTRY (EXTRACTION OF BASALT) AT 320 MOOLERIC ROAD, BIRREGURRA (PP80/2010-1)

Rob Small
Chief Executive Officer

PC110903-1 *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Recommendation(s)

That Council’s Planning Committee note the statistical report.

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**Resolution**

***MOVED Cr Frank Buchanan seconded Cr Geoff Higgins  
That Council’s Planning Committee note the statistical report.***

***CARRIED 7 : 0***

**PC110903-2** *USE OF THE LAND AS A WINE BAR AND RESTAURANT, INCLUDING VARIATION TO LIQUOR LICENCE, REDUCTION OF CAR PARKING REQUIREMENT, ADDITIONS TO EXISTING BUILDING, ERECT NEW IRON GATES AND BUSINESS IDENTIFICATION SIGNAGE AT 49 & 53-57 MAIN STREET, BIRREGURRA*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP335/2010 |

### **Recommendation(s)**

***That Council's Planning Committee resolve to issue a planning permit for the use of the land as a wine bar and restaurant, associated works including signage and iron gates, alteration to the existing general liquor licence area, and a reduction in the number of car spaces to be provided onsite at 49 and 53-57 Main Street, Birregurra subject to the following conditions:***

1. ***Prior to the commencement of the use of the wine bar, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a) ***A fully detailed floor plan with dimensions and drawn to scale clearly indicating a maximum of 50 patrons in the restaurant and rear courtyard area and a maximum of 21 patrons in the wine bar and front courtyard area.***
  - b) ***A detailed plan showing design, size, dimensions and siting of signage directing traffic to the rear car park.***
  - c) ***An elevation plan showing the proposed signage to be hung from the verandah. The plan must show the siting, design, size and dimensions of the sign including the clearance under the sign.***
  - d) ***A plan clearly delineating the proposed licensed area to be marked in red with dimensions including an extension (of approximately 11 metres to the south) to the wine bar courtyard to allow for patron access through to the rear courtyard.***
  
2. ***Prior to the commencement of the use of the restaurant or the development of the kitchen area for the restaurant, the applicant must liaise with Council's Health Department to ensure that the design and layout of kitchen area is appropriate and satisfies Building and Health Regulations to the satisfaction of the Responsible Authority.***

3. ***Prior to the commencement of the use of the land for a restaurant, the fence on the western boundary must be altered to the satisfaction of the Responsible Authority. All costs associated with the fence will be at the applicant's expense. The fence must be of solid iron to a height of 2.5 metres and a length of 25 metres along the western boundary of 53-57 Main Street, Birregurra. The 2.5m high fence will start at the verandah wall of the existing building and continue south for a length of 25 metres along the western boundary.***
4. ***Within four months of the date of this permit, the applicant must plant black bamboo plants (or an appropriate alternative planting approved by the responsible authority) along the western boundary of 53-57 Main Street commencing at the verandah wall of the existing building for a length of 25 metres to the south. The vegetation is to be planted at a maximum width of 1 metre apart and at a density that will provide an effective visual screen to the neighbouring western property. The plants are to be planted and maintained to the satisfaction of the Responsible Authority.***
5. ***Within two months of the date of this permit or prior to the commencement of the wine bar use, whichever is the earliest, the land described as Crown Allotment 7 and 8 Section I, Parish of Birregurra, must be consolidated under the provisions of the Subdivision Act, 1988. A copy of the Certificate of Title must be submitted to the Responsible Authority.***
6. ***The restaurant use must not commence prior to reticulated sewerage being available and connected to the site and before the car park is fully constructed to the satisfaction of the Responsible Authority.***
7. ***The layout of the site and the size of the proposed works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
8. ***The use as shown on the endorsed plans must not be altered with the written consent of the Responsible Authority.***
9. ***If it is shown that the extra waste waters from the wine bar cannot be catered by the existing septic system to the satisfaction of the Responsible Authority, the wine bar must modify its hours of operation until such time as the site is connected to the reticulated sewer.***
10. ***The grassed courtyard area to the south of the proposed restaurant is to be a designated non-smoking area.***
11. ***The use must be managed so that the amenity of the area is not detrimentally affected through the emission of noise and amplification of music to the satisfaction of the Responsible Authority.***
12. ***Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 .***

13. ***External lighting must be designated, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
14. ***The provision and/or consumption of liquor hereby permitted must be subject to the issue of a Liquor Licence, pursuant to the provisions of the Liquor Control Reform Act 1988, as amended.***
15. ***This permit provides that the additional area to be covered by the liquor licence is to be limited to the following hours for the serving of alcohol:***

|                                              |                                                             |
|----------------------------------------------|-------------------------------------------------------------|
| <b><i>Good Friday</i></b>                    | <b><i>between 12 noon and 11pm</i></b>                      |
| <b><i>Anzac Day (not being a Sunday)</i></b> | <b><i>between 12 noon and 1am the following morning</i></b> |
| <b><i>On any other day</i></b>               | <b><i>between 11am and 11pm</i></b>                         |

***and must not be altered without the written consent of the Responsible Authority.***
16. ***All loading and unloading of goods associated with the wine bar and restaurant must be carried out onsite at the rear of the existing buildings to the satisfaction of the Responsible Authority.***
17. ***The nine car spaces to be provided in conjunction with the wine bar operation and the associated driveway access must not interfere with the existing septic system to the satisfaction of the Responsible Authority.***
18. ***The nine car spaces to be provided in conjunction with the wine bar operation must be constructed and drained to the satisfaction of the Responsible Authority.***
19. ***Prior to the construction of the sealed car park, a stormwater management plan designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed 64 litres per second per hectare. When approved, such design must be endorsed and must form part of the permit. The stormwater management plan must include detailed drainage calculations for the permanent car park construction arrangements.***
20. ***In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.***
21. ***Vehicles under the control of the operator of the use or the operator's staff must not be parked on Main Street or Jenner Street.***
22. ***Prior to the commencement of the restaurant use, the pedestrian walkway as shown on the endorsed plans must be constructed in an all weather surface to the satisfaction of the Responsible Authority.***
23. ***Prior to the commencement of the use of the restaurant, no fewer than 33 car parking spaces must be provided on the land for the development including one space clearly marked for the disabled.***

- 24. The advertising sign shall not be illuminated unless with the written consent of the responsible authority.**

**Conditions for temporary car park (Stage 1 – Wine bar Car park)**

- 25. Prior to the commencement of use of the wine bar, the car park area must be constructed to a minimum of gravel pavement and surface to the satisfaction of the Responsible Authority.**
- 26. Prior to commencement of the use, the temporary car park area set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-**
- a) Constructed to the satisfaction of the Responsible Authority.**
  - b) Properly formed to such levels that they can be used in accordance with the plans.**
  - c) Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.**
  - d) Drained and maintained to the satisfaction of the Responsible Authority.**
  - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority (only where temporary sealcoat is used).**
  - f) Clearly marked to show the direction of traffic along access lanes and driveways (only where temporary sealcoat is used).**

**Parking areas and access lanes must be kept available for these purposes at all times.**

- 27. The surface of the car park area must be treated to the satisfaction of the Responsible Authority to minimise dust causing loss of amenity to the neighbourhood.**

**Conditions for permanent car park (Stage 2 – Wine bar and restaurant car park)**

- 28. Prior to the commencement of the use of the restaurant, the car park and vehicular access to the car park area as shown on the endorsed plans must be sealed with asphalt or concrete (or an equivalent to the satisfaction of the Responsible Authority) to the satisfaction of the Responsible Authority.**
- 29. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.**
- 30. Prior to commencement of the construction of the sealed car park, detailed design plans must be submitted to the Responsible Authority for approval. When approved, these plans will be endorsed and form part of the permit. The plans must include (but not limited to)**
- a) Detailed layout plan**
  - b) Cross section plan**
  - c) Lighting detail**
  - d) Drainage layout including long sections**

- e) *Line marking and signage detail*
31. *Areas set aside for parked vehicles and access lanes, as shown on the endorsed plans and detailed design plans, must be*
- a) *Constructed to the satisfaction of the Responsible Authority.*
  - b) *Properly formed to such levels that they can be used in accordance with the plans.*
  - c) *Surfaced with asphalt, concrete or approved equivalent to the satisfaction of the Responsible Authority.*
  - d) *Drained and maintained to the satisfaction of the Responsible Authority.*
  - e) *Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
  - f) *clearly marked to show the direction of traffic along access lanes and driveways*
32. *Prior to the commencement of the use of the restaurant, Jenner street (between the edge of the pavement of Strachan Street and 5 metres west of the proposed driveway to the subject site) must be constructed and sealed in accordance with an "Access Street" as detailed within the Infrastructure Design Manual, Section 12, Table 2 to the satisfaction of the Responsible Authority. All works associated with the use will be at the applicant's expense.*
33. *Prior to commencement of the construction of Jenner Street, detailed design plans must be submitted to the Responsible Authority for approval. When approved, these plans will be endorsed and form part of the permit. The plans must include (but not limited to)*
- a) *Detailed layout plan*
  - b) *Cross section plan*
  - c) *Lighting detail*
  - d) *Drainage layout including long sections*
  - e) *Line marking and signage detail*

#### **Expiry**

34. *This permit will expire if one of the following circumstances applies:*
- a) *The use of the wine bar is not commenced within two years of the date of this permit*
  - b) *The use of the restaurant is not commenced within four years of the date of this permit*
  - c) *The development (works associated with the restaurant use) is not completed within four years of the date of this permit.*
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.*
35. *The permit as it relates to the advertising sign will expire fifteen years from the date of the permit.*

**Notes -**

1. ***The Health Department does not recognise any agreement between the shop proprietors and the hotel proprietors for them to use the hotel toilet facilities. Such agreement is purely between the proprietors and if the joint use of such toilets were to impact adversely upon the hotel facilities then other toilet facilities would have to be provided. Likewise if the shop was sold, sublet further, or somehow otherwise developed, then the health department would not recognise any pre-existing agreement between the proprietors or right of use of the hotel toilets by the shop proprietors / patrons.***
2. ***A building permit may be required for a change of use to wine bar and restaurant.***
3. ***The number of toilets provided for staff and patrons may not be sufficient for the purpose and should be clarified with the relevant Building Surveyor.***

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Resolution

MOVED Cr Stephen Hart seconded Cr Frank Buchanan

That Council's Planning Committee resolve to issue a planning permit for the use of the land as a wine bar and restaurant, associated works including signage and iron gates, alteration to the existing general liquor licence area, and a reduction in the number of car spaces to be provided onsite at 49 and 53-57 Main Street, Birregurra subject to the following conditions:

1. ***Prior to the commencement of the use of the wine bar, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
 - a) ***A fully detailed floor plan with dimensions and drawn to scale clearly indicating a maximum of 50 patrons in the restaurant and rear courtyard area and a maximum of 21 patrons in the wine bar and front courtyard area.***
 - b) ***A detailed plan showing design, size, dimensions and siting of signage directing traffic to the rear car park.***
 - c) ***An elevation plan showing the proposed signage to be hung from the verandah. The plan must show the siting, design, size and dimensions of the sign including the clearance under the sign.***
 - d) ***A plan clearly delineating the proposed licensed area to be marked in red with dimensions including an extension (of approximately 11 metres to the south) to the wine bar courtyard to allow for patron access through to the rear courtyard.***

2. ***Prior to the commencement of the use of the restaurant or the development of the kitchen area for the restaurant, the applicant must liaise with Council's Health Department to ensure that the design and layout of kitchen area is appropriate and satisfies Building and Health Regulations to the satisfaction of the Responsible Authority.***
3. ***Prior to the commencement of the use of the land for a restaurant, the fence on the western boundary must be altered to the satisfaction of the Responsible Authority. All costs associated with the fence will be at the applicant's expense. The fence must be of solid iron to a height of 2.5 metres and a length of 25 metres along the western boundary of 53-57 Main Street, Birregurra. The 2.5m high fence will start at the verandah wall of the existing building and continue south for a length of 25 metres along the western boundary.***
4. ***Within four months of the date of this permit, the applicant must plant black bamboo plants (or an appropriate alternative planting approved by the responsible authority) along the western boundary of 53-57 Main Street commencing at the verandah wall of the existing building for a length of 25 metres to the south. The vegetation is to be planted at a maximum width of 1 metre apart and at a density that will provide an effective visual screen to the neighbouring western property. The plants are to be planted and maintained to the satisfaction of the Responsible Authority.***
5. ***Within two months of the date of this permit or prior to the commencement of the wine bar use, whichever is the earliest, the land described as Crown Allotment 7 and 8 Section I, Parish of Birregurra, must be consolidated under the provisions of the Subdivision Act, 1988. A copy of the Certificate of Title must be submitted to the Responsible Authority.***
6. ***The restaurant use must not commence prior to reticulated sewerage being available and connected to the site and before the car park is fully constructed to the satisfaction of the Responsible Authority.***
7. ***The layout of the site and the size of the proposed works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
8. ***The use as shown on the endorsed plans must not be altered with the written consent of the Responsible Authority.***
9. ***If it is shown that the extra waste waters from the wine bar cannot be catered by the existing septic system to the satisfaction of the Responsible Authority, the wine bar must modify its hours of operation until such time as the site is connected to the reticulated sewer.***
10. ***The grassed courtyard area to the south of the proposed restaurant is to be a designated non-smoking area.***

11. ***The use must be managed so that the amenity of the area is not detrimentally affected through the emission of noise and amplification of music to the satisfaction of the Responsible Authority.***
12. ***Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 .***
13. ***External lighting must be designated, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
14. ***The provision and/or consumption of liquor hereby permitted must be subject to the issue of a Liquor Licence, pursuant to the provisions of the Liquor Control Reform Act 1988, as amended.***
15. ***This permit provides that the additional area to be covered by the liquor licence is to be limited to the following hours for the serving of alcohol:***

| | |
|--|---|
| <i>Good Friday</i> | <i>between 12 noon and 11pm</i> |
| <i>Anzac Day (not being a Sunday)</i> | <i>between 12 noon and 1am the following morning</i> |
| <i>On any other day</i> | <i>between 11am and 11pm</i> |

and must not be altered without the written consent of the Responsible Authority.
16. ***All loading and unloading of goods associated with the wine bar and restaurant must be carried out onsite at the rear of the existing buildings to the satisfaction of the Responsible Authority.***
17. ***The nine car spaces to be provided in conjunction with the wine bar operation and the associated driveway access must not interfere with the existing septic system to the satisfaction of the Responsible Authority.***
18. ***The nine car spaces to be provided in conjunction with the wine bar operation must be constructed and drained to the satisfaction of the Responsible Authority.***
19. ***Prior to the construction of the sealed car park, a stormwater management plan designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed 64 litres per second per hectare. When approved, such design must be endorsed and must form part of the permit. The stormwater management plan must include detailed drainage calculations for the permanent car park construction arrangements.***
20. ***In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.***
21. ***Vehicles under the control of the operator of the use or the operator's staff must not be parked on Main Street or Jenner Street.***

22. ***Prior to the commencement of the restaurant use, the pedestrian walkway as shown on the endorsed plans must be constructed in an all weather surface to the satisfaction of the Responsible Authority.***
23. ***Prior to the commencement of the use of the restaurant, no fewer than 33 car parking spaces must be provided on the land for the development including one space clearly marked for the disabled.***
24. ***The advertising sign shall not be illuminated unless with the written consent of the responsible authority.***

Conditions for temporary car park (Stage 1 – Wine bar Car park)

25. ***Prior to the commencement of use of the wine bar, the car park area must be constructed to a minimum of gravel pavement and surface to the satisfaction of the Responsible Authority.***
26. ***Prior to commencement of the use, the temporary car park area set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-***
 - a) ***Constructed to the satisfaction of the Responsible Authority.***
 - b) ***Properly formed to such levels that they can be used in accordance with the plans.***
 - c) ***Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.***
 - d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
 - e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority (only where temporary sealcoat is used).***
 - f) ***Clearly marked to show the direction of traffic along access lanes and driveways (only where temporary sealcoat is used).***

Parking areas and access lanes must be kept available for these purposes at all times.

27. ***The surface of the car park area must be treated to the satisfaction of the Responsible Authority to minimise dust causing loss of amenity to the neighbourhood.***

Conditions for permanent car park (Stage 2 – Wine bar and restaurant car park)

28. ***Prior to the commencement of the use of the restaurant, the car park and vehicular access to the car park area as shown on the endorsed plans must be sealed with asphalt or concrete (or an equivalent to the satisfaction of the Responsible Authority) to the satisfaction of the Responsible Authority.***
29. ***Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.***

30. *Prior to commencement of the construction of the sealed car park, detailed design plans must be submitted to the Responsible Authority for approval. When approved, these plans will be endorsed and form part of the permit. The plans must include (but not limited to)*
- a) *Detailed layout plan*
 - b) *Cross section plan*
 - c) *Lighting detail*
 - d) *Drainage layout including long sections*
 - e) *Line marking and signage detail*
31. *Areas set aside for parked vehicles and access lanes, as shown on the endorsed plans and detailed design plans, must be*
- a) *Constructed to the satisfaction of the Responsible Authority.*
 - b) *Properly formed to such levels that they can be used in accordance with the plans.*
 - c) *Surfaced with asphalt, concrete or approved equivalent to the satisfaction of the Responsible Authority.*
 - d) *Drained and maintained to the satisfaction of the Responsible Authority.*
 - e) *Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
 - f) *clearly marked to show the direction of traffic along access lanes and driveways*
32. *Prior to the commencement of the use of the restaurant, Jenner street (between the edge of the pavement of Strachan Street and 5 metres west of the proposed driveway to the subject site) must be constructed and sealed in accordance with an "Access Street" as detailed within the Infrastructure Design Manual, Section 12, Table 2 to the satisfaction of the Responsible Authority. All works associated with the use will be at the applicant's expense.*
33. *Prior to commencement of the construction of Jenner Street, detailed design plans must be submitted to the Responsible Authority for approval. When approved, these plans will be endorsed and form part of the permit. The plans must include (but not limited to)*
- a) *Detailed layout plan*
 - b) *Cross section plan*
 - c) *Lighting detail*
 - d) *Drainage layout including long sections*
 - e) *Line marking and signage detail*

Expiry

34. *This permit will expire if one of the following circumstances applies:*
- a) *The use of the wine bar is not commenced within two years of the date of this permit*
 - b) *The use of the restaurant is not commenced within four years of the date of this permit*

c) The development (works associated with the restaurant use) is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

35. The permit as it relates to the advertising sign will expire fifteen years from the date of the permit.

Notes -

- 1. The Health Department does not recognise any agreement between the shop proprietors and the hotel proprietors for them to use the hotel toilet facilities. Such agreement is purely between the proprietors and if the joint use of such toilets were to impact adversely upon the hotel facilities then other toilet facilities would have to be provided. Likewise if the shop was sold, sublet further, or somehow otherwise developed, then the health department would not recognise any pre-existing agreement between the proprietors or right of use of the hotel toilets by the shop proprietors / patrons.***
- 2. A building permit may be required for a change of use to wine bar and restaurant.***
- 3. The number of toilets provided for staff and patrons may not be sufficient for the purpose and should be clarified with the relevant Building Surveyor.***

CARRIED 7 : 0

PC110903-3 *AMENDMENT TO EXISTING PLANNING PERMIT SEEKING RETROSPECTIVE APPROVAL FOR SIX PELLET SILOS AT 152 POUND ROAD, ELLIMINYT (PP269/2004-2)*

| | | | |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP269/2004-2 |

Recommendation(s)

That Council’s Planning Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the Use and Development of a Pellet Silo at 152 Pound Road, Elliminyt subject to the following conditions:

1. Within three (3) months of the issue of the permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All six silos relocated to a more central position within the site, with a minimum setback of 10m from the west property boundary and in a position where they would result in minimal visual intrusion to adjoining residential properties.
 - b) The accurate height of each of the silos.
 - c) Details of a 3m wide landscape strip along the western property boundary to visually screen the structures from view of the adjoining residential properties. The species shall be a mix of trees and shrubs that achieve an effective visual screen, but of a height that would not cause unreasonable overshadowing of the adjoining properties. The plans must show the species type and height at time of planting and maturity.
2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans shall not be altered or modified without the prior written consent of the Responsible Authority.
3. The silos must be relocated, and landscaping shown on the approved plans must be established within three (3) months of the date of this amended permit.
4. Landscaping established along the western property boundary must be maintained, and any dead plants replaced, to the satisfaction of the responsible authority.
5. The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- transport of materials, goods or commodities to or from the land
 - appearance of any building, works or materials
 - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil presence of vermin
6. All run off from storm water, including overflow from water storage, shall be taken to a legal point of discharge to the satisfaction of the Responsible Authority.
 7. The three northernmost silos must not be located closer than 3.6 metres to the western property boundary.
 8. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

| Date of amendment | Brief description of amendment |
|-------------------|---|
| 9 February 2011 | <ul style="list-style-type: none"> • Approval of additional six (6) silos. • Condition 1 amended to require amended plans to be submitted. • Conditions 3 and 4 added, and the balance of conditions renumbered. • Condition 7 added to clarify that it relates to the three silos at the northern end closest to the building□ |

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Stuart Hart***

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the Use and Development of a Pellet Silo at 152 Pound Road, Elliminyt subject to the following conditions:***

1. Within three (3) months of the issue of the permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The accurate height of each of the silos.
  - b) Details of a 3m wide landscape strip along the western property boundary to visually screen the structures from view of the adjoining residential properties. The species shall be a mix of trees and shrubs that achieve an effective visual screen, but of a height that would not cause unreasonable overshadowing of the adjoining properties. The plans must show the species type and height at time of planting and maturity.
2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans shall not be altered or modified without the prior written consent of the Responsible Authority.
3. The three silos proposed to be located centrally within the site must be moved from the western boundary to the location shown on the approved plans within three 3 months of the issue of the permit and the landscaping as shown on the approved plans must be established within three (3) months of the date of this amended permit.
4. Landscaping established along the western property boundary must be maintained, and any dead plants replaced, to the satisfaction of the responsible authority.
5. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - transport of materials, goods or commodities to or from the land
  - appearance of any building, works or materials
  - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or presence of vermin
6. All run off from storm water, including overflow from water storage, shall be taken to a legal point of discharge to the satisfaction of the Responsible Authority.

- 7. **The six silos on the Western Boundary must not be located closer than 3.6 metres to the western property boundary.**
- 8. **This permit will expire if one of the following circumstances applies:**
  - a) **The development is not started within two (2) years of the date of this permit.**
  - b) **The development is not completed within four years of the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

| Date of amendment | Brief description of amendment                                                                                                                                                                                                                                                                                                                                            |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 March 2011      | <ul style="list-style-type: none"> <li>• Approval of additional six (6) silos.</li> <li>• Condition 1 amended to require amended plans to be submitted.</li> <li>• Conditions 3 and 4 added, and the balance of conditions renumbered.</li> <li>• Condition 7 added to clarify that it relates to the three silos at the northern end closest to the building.</li> </ul> |

**CARRIED 7 : 0**

**PC110903-4**     *CONSTRUCTION OF A SHED (STORAGE), RELOCATION OF EXISTING TOILETS AND WAIVER OF NINE (9) CAR SPACES. AT 21-23 NELSON STREET, APOLLO BAY (PP298/2010)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP298/2010 |

**Recommendation(s)**

***That Council’s Planning Committee resolves to issue a Planning Permit for buildings and works associated with construction of a storage shed for the church and hall, demolition of the existing toilet block, and a waiver of car parking at 21-23 Nelson Street, Apollo Bay subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 3. This permit will expire if one of the following circumstances applies:***
  - a) The development is not started within two (2) years of the date of this permit.***
  - b) The development is not completed within four (4) years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

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Resolution

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council’s Planning Committee resolves to issue a Planning Permit for buildings and works associated with construction of a storage shed for the church and hall, demolition of the existing toilet block, and a waiver of car parking at 21-23 Nelson Street, Apollo Bay subject to the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

2. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
3. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two (2) years of the date of this permit.***
 - b) ***The development is not completed within four (4) years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED 7 : 0

PC110903-5 *USE AND DEVELOPMENT OF THE LAND FOR EXTRACTIVE INDUSTRY (EXTRACTION OF BASALT) AT 320 MOOLERIC ROAD, BIRREGURRA (PP80/2010-1)*

| | | | |
|-------------|------------------------------------|-----------|-------------|
| AUTHOR: | Anne Sorensen | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP80/2010-1 |

Recommendation(s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for extractive industry (basalt rock) at 320 Mooleric Road, Birregurra subject to the following conditions:

- 1. Before the use/development starts, the approved work plan and work plan conditions approved by the Responsible Authority which will form part of this permit must include the following amendments to the endorsed work plan and/or the draft work plan conditions submitted with the application:***
 - a) the location and scale of fixed buildings and fixed plant and equipment, elevations of all buildings and a schedule of construction materials, external finishes and colours and signage;***
 - b) location of a sediment settling area;***
 - c) location of surface water diversion drains.***
- 2. The endorsed plan/s shall not be altered or modified (whether or not to comply with any statute, rule or local law or for any other reason) without the consent of the Responsible Authority.***
- 3. Prior to the commencement of works the land comprising CA43A, Lot 1, TP372519Q (Vol. 10991 Fol.356) and CA44A, Lot 2, TP372519Q (Vol. 10991 Fol.355) must either be consolidated into one parcel or the owner of the land must enter into an Agreement with the responsible authority pursuant to [Section 173](#) of the [Planning and Environment Act 1987](#) that neither lot can be disposed of separately during the life of the quarry operations and/or permit.***

The reasonable cost of enforcement, removal or other dealing associated with the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the Agreement must be provided to the Responsible Authority prior to the commencement of any use, buildings or works authorised by this permit.

- 4. The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990. The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan, issued pursuant to Mineral Resources (Sustainable Development) Act 1990.***

5. **Construction works on the site must only occur between 7.00am and 6.00pm Monday-Friday and 7.00am to 1.00pm Saturday (not including public holidays).**

6. **The use hereby permitted must only operate between the following times:**

7.00am – 6.00pm Monday to Friday

7.00am – 1.00pm Saturday

No operation on Sunday or Public Holidays

The Responsible Authority may give its written consent, upon request from the quarry operator, for the quarry to operate at other times for the purpose of managing equipment breakdowns or other unforeseen circumstances.

7. **Blasting is permitted on six occasions per annum and must only be undertaken between 10.00am – 3.00pm Monday to Friday (not including public holidays) unless with the further written consent of the Responsible Authority.**

8. **Rock drills and rock hammers/rock breakers must only be used between the hours of 8.00am – 5.00 pm Monday to Friday (not including public holidays).**

9. **The quarry operator must give written notification of any proposed explosives blast to:**

a) **all landowners and occupiers of adjoining land and land opposite the site and to any other nearby occupiers who have requested notification. This notification must be given at least three business days before each scheduled blast.**

b) **The owner/operator of the Mt Gellibrand Wind Farm, pursuant to Planning Permit PL-SP/05/0257, at least seven (7) days before each scheduled blast until the completion of construction of all wind turbines within 2km from the Work Plan area, and one clear business day before each scheduled blast thereafter.**

c) **During the first 18 months of construction of the Mt Gellibrand Wind Farm pursuant to Planning Permit PL-SP/05/0257, the owner/operator of the wind farm shall have the opportunity to apply for up to ten five day blast exclusion periods provided that 14 days written notice of any exclusion period has been provided by the operator of the wind farm to the Responsible Authority and the permit holder of the quarry.**

10. **All blasting must comply with the following standards:**

| | |
|---|---|
| Ground Vibration at the base of any dwelling or turbine: | <5mm/s for 95% of blasts within a 12 month period |
| | <10 mm/s for all blasts |
| Air Vibration close to any dwelling | <115 dbL for 95% of blasts in a 12 month period |
| | <120 dbL for all blasts |

11. ***Air and ground vibration monitoring to ensure compliance with Condition 10 must be undertaken for each blast close to the nearest dwelling and nearest turbine at the quarry boundary. The measured vibration level at the nearest dwelling and the nearest turbine from the Work Plan area must be reported to the Responsible Authority every six months.***
12. ***As blast faces reach within 200 metres of roads accessible to the public, traffic must be stopped during the period of pit clearance until after the 'All Clear' is sounded.***
13. ***No blasting is to occur within 50 metres of the west boundary of the subject land.***
14. ***Other than during construction activities, all machinery and equipment must be operated so as to comply with a noise limit of 45db(A) in accordance with the 'Interim Guidelines for Control of Noise in Country Victoria N3/89' when measured in Mooleric Road 1.2 km north and south of the Work Plan area or any more stringent standard that may be required by legislation. All noise must comply with the requirements of the Work Authority granted pursuant to the [Mineral Resources \(Sustainable Development\) Act 1990](#) and must be operated in accordance with the approved work plan. Towards achieving the above noise limit, the following (not exclusive) techniques should be employed:***
 - a) ***fitting all mobile equipment with broadband smart beepers that adjust beeper levels in accordance with the ambient noise environment;***
 - b) ***all haul trucks operating on the site to include modification of the trays to reduce the noise contribution of rock impacting on the tray body;***
 - c) ***all hydraulic rock drilling must utilise a silenced drill rig and where necessary, localised acoustic shielding;***
 - d) ***any rock breaker/rock hammer used on the land must utilise best available noise reducing technology to the satisfaction of the Responsible Authority.***
15. ***During construction activities the noise limit for the purpose of Condition 14 is 55db(A) when measured in Mooleric Road at a point 1.2 km north and south of the Work Plan area. For the purpose of this condition 'construction activities' are any activities relating to the construction of access ways, preparatory works on the site that are not part of the primary process of extracting, drilling, moving, processing (including but not limited to rock crushing and breaking) and transporting rock.***
16. ***No broadcast or loudspeaker system, telephone ringer or other external alarm may operate on the site except for a warning alarm for blasting or as mandated by WorkSafe.***
17. ***Within twelve (12) months of the commencement of operation under Stage 1 under this permit, noise tests are to be carried out when measured in Mooleric Road at a point 1.2 km north and south of the Work Plan area and a report on noise registered is to be provided to the responsible authority, the Department of Primary Industries and the Environment Protection Authority. Any reasonable recommended modifications to operations necessary to achieve compliance with the specified noise limit must be carried out to the satisfaction of the Responsible Authority.***

18. ***Prior to the commencement of the use a dust management plan to the satisfaction of the Responsible Authority must be endorsed under this permit. The dust management plan must include:***
- a) ***dust deposition gauges which should be at locations to be determined in consultation with the Department of Primary Industries;***
 - b) ***contingency measures to deal with any elevated dust conditions.***
19. ***Dust generated by the use must be monitored in accordance with the endorsed plan. Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must be notified to the Environment Protection Authority and works/actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the Responsible Authority.***
20. ***The use and development must be managed so that the amenity of the area is not unreasonably detrimentally affected, through the:***
- a) ***Transport of materials, goods or commodities to or from the land;***
 - b) ***Appearance of any building, works or materials;***
 - c) ***Emission of noise, artificial light, waste products, grit or oil.***
21. ***Any outdoor lighting must be designed and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land owners.***
22. ***Before the development starts, a landscape plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscaping shown on draft work plan submitted, except that the plan must show:***
- a) ***An indicative survey (including botanical names) of all existing vegetation to be retained and/or removed;***
 - b) ***A planting schedule for the buffer areas shown on the Work Authority of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;***
 - c) ***Vegetation is to comprise of a mixture of canopy trees (mixture of one metre tall plants and tub stock maybe used when planted) and shrubs along the external boundaries of each proposed stage;***
 - d) ***Planting within all buffer areas ensuring the extractive industry will be adequately screened from outside the site;***
 - e) ***Final site rehabilitation of the quarry floor and slopes using a mixture of indigenous native grassland species in accordance with the EVC 132_61:Heavier-soils Plains Grassland and Pasture species.***
- All species selected must be to the satisfaction of the Responsible Authority.***

23. *Before the use commences the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping may be undertaken in stages subject to the written consent of the Responsible Authority.*
24. *Landscaping must be undertaken to achieve an effective visual screen as early as possible in the operational life of the quarry and must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
25. *Should approval be given for the landscaping to be undertaken in stages, for any stage not landscaped prior to the commencement of the use, a landscaping bond to the value of 1.5 times of the value of the landscaping works must be lodged with the Responsible Authority for the completion and maintenance of the landscaping works in accordance with the endorsed plan. Three quotes must be obtained to estimate the value of the landscaping works to the satisfaction of the Responsible Authority.*
26. *Upon completion of all the landscaping works for each stage to the satisfaction of the Responsible Authority, the Responsible Authority will refund the value of the works completed from the landscaping bond after receiving a written request from the applicant.*
27. *Prior to commencement of the use the landscape buffer of 20 metres along the frontage of Mooleric Road for Stage 1 and Stage 2 must be established in accordance with the endorsed landscape plan.*
28. *All environmental weeds as outlined in "Environmental Weeds of the Colac Otway shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.*
29. *No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.*
30. *At the commencement of excavation, the permit holder must ensure that topsoil to a depth of 150mm below the natural surface is removed and placed in stockpiles not exceeding three metres in height. The permit holder must ensure that topsoil stockpiles are protected from erosion and compaction to the satisfaction of the Responsible Authority.*
31. *All disturbed surfaces on the land resulting from the activities authorised by this permit shall be revegetated and stabilised to the satisfaction of the responsible authority so as to prevent any erosion or siltation on or adjacent to the land.*
32. *Use and development must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control (EPA 1991)' and must be to the satisfaction of the Responsible Authority. Specifically, the applicant must ensure:*
 - a) *grading, excavation and construction must not proceed during periods of heavy rainfall;*
 - b) *sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;*

- c) the extent of earthworks during construction shall be minimised and disturbed areas stabilised and revegetated following the completion of works.*
- 33. A rehabilitation plan must be submitted to the satisfaction of the Responsible Authority and Department of Primary Industries prior to the commencement of any rehabilitation works. The rehabilitation of each stage must commence as soon as practical either progressively or on completion of each stage. When the quarry is rehabilitated the bed of the internal edges of the water body must be graded in accordance with the DPI Guidelines on Rehabilitation and in accordance with the work plan to the satisfaction of the responsible authority. The final rehabilitation of the quarry floor and slopes using a mixture of indigenous native grassland species in accordance with the Ecological Vegetation Class (EVC) 132_61:Heavier-soils Plains Grassland and Pasture species.**
- 34. External cladding materials of the building(s) must be of finishes with low relative reflectivity levels and in colours selected to blend into the surrounding landscape rather than provide a contrast that highlights the building in the landscape. The selection of materials and colours must be to the satisfaction of the Responsible Authority.**
- 35. A transparent security fence to the height of 2.5 metres shall be constructed along the Mooleric Road frontage and the northern boundary of the work plan area to the satisfaction of the Responsible Authority.**
- 36. Prior to the commencement of the works the applicant must resheet Mooleric Road from the end of the existing sealed pavement to a point at least 5 metres past the proposed entrance to the quarry in accordance with plans and specifications approved by the Responsible Authority. The resheet material is to be at least Class 3 fine crushed rock material, and be a minimum of 100mm in depth across the full pavement width of 7.8 metre (6m pavement and 0.9m shoulders) and include works associated with roadside table drains and cross road culverts as appropriate. The construction of the road will be inclusive of all signage, guide posts and approved drainage requirements.**
- 37. Prior to the commencement of the works the horizontal and vertical road alignment must comply with the Responsible Authority's Engineering Standards to provide a 100km stopping sight distance. The height and level of the road surface is to be constructed to a standard which will provide for access based on 1:20 year flood recurrence interval. Engineering Plans are to be provided that will demonstrate the appropriate levels and drainage requirements, to the satisfaction of the Responsible Authority.**
- 38. Within three (3) years following the commencement of the use the permit holder must construct Mooleric Road from the Princes Highway to a point at least 5 metres past the entrance to the quarry in accordance with plans and specifications approved by the Responsible Authority. The works will involve the construction of a 6 metre wide sealed road pavement with 0.9 metre shoulders, roadside table drains and crossroad culverts as appropriate.**

39. *As part of the plans and specification documents to be submitted for approval, a detailed road pavement design is to be carried out and submitted for approval. A certified engineering design plan of the road pavement calculated using equivalent standard axle (ESA) design will be provided to the satisfaction of the Responsible Authority based on a 20 year pavement life. The road pavement design is to consider expected traffic loading during peak production, as detailed within the Works Authority and ensure pavement calculations include provision for heavy vehicle classified vehicles (including 25 tonne B-Doubles) when calculating the axle loadings.*
40. *As part of the road improvement works, advance warning signage is to be installed at locations shown on construction plans, and subsequently approved by the Responsible Authority. Advanced warning signage is to include 'T-Intersection' advance warning signage, and road alignment warning signage as deemed necessary.*
41. *Prior to the commencement of the use the applicant must install new "Truck Entering" signs on Mooleric Road on both approaches to the quarry entrance, and is to be completed as part of the road construction works.*
42. *Property access is to be constructed in accordance with VicRoad's requirements for heavy vehicle access.*
43. *Prior to the commencement of works detailed topography plans and drainage designs are to be submitted for approval by the Responsible Authority. The topography plan is to extend from the north and east of the quarry site to a distance that clearly defines surface water flow directions. The drainage design needs to ensure surface water entering the site from the north and east, and via natural or existing drainage lines from the existing road drainage is diverted around the site. The drainage design is to clearly show drainage lines located within the development site (layout plans), cross sections of drainage (if open drains) and drainage long sections showing invert levels and embankment levels.*

All culverts are to be provided with approved culvert end walls. Notwithstanding the outcome of any drainage design, the actual pipe sizes used shall be no less than 375mm in diameter.
44. *The permit holder must maintain Mooleric Road to the standards for the road classification as specified in the Responsible Authority's Road Management Plan from the time quarrying operations commence and until the cessation of the quarry operations, with the Responsible Authority to be notified in writing of the date thereof. The cost of the maintenance works shall be fully funded by the permit holder.*
45. *All cartage trucks travelling to/from the quarry must use the southern end of Mooleric Road to access and exit the site. At no time are vehicles involved in the quarry operations to access the Hamilton Highway or the Princes Highway using the northern section of Mooleric Road beyond the quarry entrance. Truck drivers not directly under the quarry's control must be informed of the required routes and directed to comply to the satisfaction of the Responsible Authority.*

46. *The operators must adopt and operate a code of conduct for drivers of vehicles involved in the use to the satisfaction of the Responsible Authority, and shall also make drivers of vehicles not under the operator's control aware of this code and encourage their compliance. The code shall address the need for safety and adherence to speed restrictions and safe operating speeds along rural roads traversed in accessing the quarry noting the presence of other road users such as farm vehicles, horse riders, school buses, the potential for stock on the roads at stock crossings or stray animals and wildlife and potential poor driving conditions due to weather.*
47. *Trucks carrying product from the quarry leaving the site must be covered at all times to limit dust or stone coming off the load to the satisfaction of the Responsible Authority.*
48. *No access by vehicles associated with the quarry to any stage of the quarry operations will be available from Prices Lane.*

VicRoads Conditions

49. *Prior to the commencement of the use a right turn treatment (Type BAR) must be provided on the Princes Highway and Mooleric Road intersection in accordance with figure 6.37 of AustRoads publication "Guide to Traffic Engineering Practice – Part 5, Intersections at Grade (2005)".*
50. *Prior to the commencement of the use, Mooleric Road must be widened where it intersects Princes Highway generally in accordance with the Guidelines for Truck Access to Rural Properties (as per standard drawing 658187 attached) to cater for the turning path of trucks.*
51. *Detailed design for the roadworks must not proceed until a functional layout of the Princes Highway/Mooleric Road intersection treatment is approved in writing by VicRoads. Intersection design shall be prepared by a designer acceptable to VicRoads and shall be in accordance with AustRoads and VicRoads standards. The design shall provide for the turning paths of trucks.*
52. *A road safety audit must be carried out for the intersection treatment at the detailed design stage by a suitably qualified auditor in accordance with Austroads "Road Safety Audit" (2002). The findings of the audit must be resolved in writing by the applicant to the satisfaction of VicRoads.*
53. *Access works in accordance with the approved functional layout must be carried out to VicRoads' satisfaction and at no cost to VicRoads.*
54. *The applicant must contact VicRoads Manager Program Delivery (telephone number 5225 2525) at least 14 days prior to the commencement of works within the Princes Highway reserve.*
55. *The applicant must not commence any works in, on, under or over the Princes Highway reserve without having first applied for and received written consent from VicRoads for those works in accordance with section 63 of the Road Management Act 2004. (Note: When issuing its consent, VicRoads will include requirements that certification auditing of the works is to be undertaken and that a security deposit is to be lodged for the works.)*

56. Prior to commencing work within the Princes Highway reserve, the permit holder must:

- a) **Ensure that detailed design plans for all mitigating works are forwarded to VicRoads' South Western Region Office for approval.**
- b) **Obtain VicRoads' approval to the proposed pavement design.**
- c) **Prepare a specification for the works in accordance with relevant sections of the VicRoads Standard Specification for Roadworks.**
- d) **Ensure that any consultants and or contractors engaged in the design or construction process are prequalified by VicRoads at Level R1.**
- e) **Provide evidence that the applicant/applicant's contractor has public liability insurance acceptable to VicRoads for the duration of the proposed works.**
- f) **Demonstrate that all works will be administered in accordance with quality assurance principles, including but not limited to Safety, Environmental and Quality.**
- g) **Ensure that work site practices are in accordance with the Road Management Act 2004, Worksite Safety – Traffic Management, Code of Practice.**

Environment

57. **Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the [Environment Protection Act 1970](#), the current Septic Tank Code of Practice 2003 and the Colac Otway Shire Council or otherwise managed to the satisfaction of the Responsible Authority.**
58. **All wastewater generated on the site must be retained and treated on the site.**
59. **No chemical dust suppressant shall be used on the subject land without the prior written permission of the Responsible Authority.**
60. **Measures to prevent contaminated water or sediment leaving the site or entering drainage lines must be implemented before earthworks begin on site.**
61. **Prior to the commencement of works the permit holder shall develop and have approved in writing by the Responsible Authority a contingency plan for the storage or removal of contaminated water in the event that proposed storage capacity/retention ponds become full during any period of abnormally high rainfall events.**
62. **The operator must ensure that any excess flows of water diverted from the site to any existing drainage line do not detrimentally impact upon the drainage line by causing erosion or any other damage.**

63. *Prior to the commencement of the use groundwater monitoring bores must be drilled on the site to the satisfaction of Southern Rural Water. The bores must be tested quarterly and the results from the groundwater monitoring bores must be reported to the Responsible Authority and to Southern Rural Water every 12 months. Where evidence is provided that the quarry has impacted upon existing bores on neighbouring land, the permit holder will make good any damage caused as a result of the operations of the quarry, to the satisfaction of Southern Rural Water and the Responsible Authority.*
64. *A contaminants spill containment kit must be available at all times that machinery is being used in the quarry pit.*
65. *The quality of any water discharged from the work plan area must be tested and maintained to the satisfaction of the responsible authority, Southern Rural Water and Corangamite Catchment Management Authority. The testing must include the following:*
- a) *routine groundwater and surface water sampling of the sump, two dams, and drainage line, should be undertaken to assess water quality during quarry operation and two years after rehabilitation. The samples should be analysed for major ions, pH, EC, turbidity and hydrocarbons by an accredited NATA laboratory;*
 - b) *confirm the groundwater beneficial use based upon the analytical results;*
 - c) *undertake further modelling to optimise the settling dam and farm dam (top dam) capabilities. This may require a deepening of the settling dam to provide for a suitable freeboard;*
 - d) *prepare a contour drain section and level design based upon peak flow estimates at various locations along the drain;*

Consultation

66. *A Consultative Committee shall be established prior to the commencement of the operation of the quarry and shall establish a "Terms of Reference", record and consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations and the permit holder shall have regard to the recommendations of the Consultative Committee, to the satisfaction of the Responsible Authority. The Responsible Authority shall provide for secretarial support for a Quarry Consultative Committee, which shall comprise:*
- a) *A Convenor and one person (who may be the Secretary) nominated by and representing the Responsible Authority;*
 - b) *One or two representatives of the permit holder;*
 - c) *A representative of the Department of Primary Industries;*
 - d) *Two representatives of local residents/landowners;*
 - e) *Representatives of other agencies if deemed appropriate.*

- 67. **Meetings of the Quarry Consultative Committee shall be convened on a regular basis and at least twice per year by the Responsible Authority, and shall be attended by at least one representative of the Responsible Authority and at least one representative of the permit holder to the satisfaction of the Responsible Authority.**
- 68. **The local resident/land owner representatives of the Consultative Committee shall be elected at a public meeting held every three years arranged by the Responsible Authority. Invitations to the meetings shall be via a Public Notice posted in the relevant local newspaper at least two weeks prior to the meeting date.**
- 69. **The reasonable costs of the Consultative Committee shall be borne by the permit holder to the satisfaction of the Responsible Authority.**
- 70. **There shall be available at all times for the use of residents of neighbouring properties a telephone number or numbers (“the Hotline”) so that they can call to register any complaint or comment about the operation of the site. A permanent register of all calls to this Hotline shall be maintained by the permit holder which register shall be available at all times for inspection by the Responsible Authority.**

Expiry

- 71. **This permit will expire if:**
 - a) **The Work Authority for the use issued under the provisions of the [Mineral Resources \(Sustainable Development\) Act 1990](#) is cancelled in accordance with Section 770 of that Act; or**
 - b) **The use and development has not commenced within a period of two years from the date of this permit.**

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**Having declared a conflict of interest Cr Lyn Russell left Council Chambers at 10.50 am**

|                            |                                                                                                                               |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Cr Lyn Russell:            | Use and Development of The Land For Extractive Industry (Extraction of Basalt) at 320 Mooleric Road, Birregurra (PP80/2010-1) |
| Nature of Disclosure:      | Indirect                                                                                                                      |
| Type of Indirect Interest: | Section 78                                                                                                                    |
| Nature of Interest:        | Brother in law owns and operates quarry within Colac Otway Shire in competition to this proposal                              |

**MOVED Cr Stephen Hart seconded Cr Stuart Hart that an amendment be made to proposed Condition 38 in the report recommendation to read within 1 year instead of within 3 years.**

**CARRIED 5 : 1**

**DIVISION called by Cr Geoff Higgins**

**For the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Stuart Hart, Cr Stephen Hart**

**Against the Motion: Cr Geoff Higgins**

**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Geoff Higgins**

**That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for extractive industry (basalt rock) at 320 Mooleric Road, Birregurra subject to the following conditions:**

- 1. Before the use/development starts, the approved work plan and work plan conditions approved by the Responsible Authority which will form part of this permit must include the following amendments to the endorsed work plan and/or the draft work plan conditions submitted with the application:
  - a) the location and scale of fixed buildings and fixed plant and equipment, elevations of all buildings and a schedule of construction materials, external finishes and colours and signage;**
  - b) location of a sediment settling area;**
  - c) location of surface water diversion drains.****
- 2. The endorsed plan/s shall not be altered or modified (whether or not to comply with any statute, rule or local law or for any other reason) without the consent of the Responsible Authority.**
- 3. Prior to the commencement of works the land comprising CA43A, Lot 1, TP372519Q (Vol. 10991 Fol.356 ) and CA44A, Lot 2, TP372519Q (Vol. 10991 Fol.355) must either be consolidated into one parcel or the owner of the land must enter into an Agreement with the responsible authority pursuant to [Section 173](#) of the [Planning and Environment Act 1987](#) that neither lot can be disposed of separately during the life of the quarry operations and/or permit.**

**The reasonable cost of enforcement, removal or other dealing associated with the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the Agreement must be provided to the Responsible Authority prior to the commencement of any use, buildings or works authorised by this permit.**

4. **The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990. The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan, issued pursuant to Mineral Resources (Sustainable Development) Act 1990.**
5. **Construction works on the site must only occur between 7.00am and 6.00pm Monday-Friday and 7.00am to 1.00pm Saturday (not including public holidays).**
6. **The use hereby permitted must only operate between the following times:**
  - 7.00am – 6.00pm Monday to Friday
  - 7.00am – 1.00pm Saturday
  - No operation on Sunday or Public Holidays**

*The Responsible Authority may give its written consent, upon request from the quarry operator, for the quarry to operate at other times for the purpose of managing equipment breakdowns or other unforeseen circumstances.*
7. **Blasting is permitted on six occasions per annum and must only be undertaken between 10.00am – 3.00pm Monday to Friday (not including public holidays) unless with the further written consent of the Responsible Authority.**
8. **Rock drills and rock hammers/rock breakers must only be used between the hours of 8.00am – 5.00 pm Monday to Friday (not including public holidays).**
9. **The quarry operator must give written notification of any proposed explosives blast to:**
  - a) **all landowners and occupiers of adjoining land and land opposite the site and to any other nearby occupiers who have requested notification. This notification must be given at least three business days before each scheduled blast.**
  - b) **The owner/operator of the Mt Gellibrand Wind Farm, pursuant to Planning Permit PL-SP/05/0257, at least seven (7) days before each scheduled blast until the completion of construction of all wind turbines within 2km from the Work Plan area, and one clear business day before each scheduled blast thereafter.**
  - c) **During the first 18 months of construction of the Mt Gellibrand Wind Farm pursuant to Planning Permit PL-SP/05/0257, the owner/operator of the wind farm shall have the opportunity to apply for up to ten five day blast exclusion periods provided that 14 days written notice of any exclusion period has been provided by the operator of the wind farm to the Responsible Authority and the permit holder of the quarry.**
10. **All blasting must comply with the following standards:**

|                                                                 |                                                             |
|-----------------------------------------------------------------|-------------------------------------------------------------|
| <b>Ground Vibration at the base of any dwelling or turbine:</b> | <b>&lt;5mm/s for 95% of blasts within a 12 month period</b> |
|                                                                 | <b>&lt;10 mm/s for all blasts</b>                           |
| <b>Air Vibration close to any dwelling</b>                      | <b>&lt;115 dbL for 95% of blasts in a 12 month period</b>   |
|                                                                 | <b>&lt;120 dbL for all blasts</b>                           |

11. ***Air and ground vibration monitoring to ensure compliance with Condition 10 must be undertaken for each blast close to the nearest dwelling and nearest turbine at the quarry boundary. The measured vibration level at the nearest dwelling and the nearest turbine from the Work Plan area must be reported to the Responsible Authority every six months.***
12. ***As blast faces reach within 200 metres of roads accessible to the public, traffic must be stopped during the period of pit clearance until after the 'All Clear' is sounded.***
13. ***No blasting is to occur within 50 metres of the west boundary of the subject land.***
14. ***Other than during construction activities, all machinery and equipment must be operated so as to comply with a noise limit of 45db(A) in accordance with the 'Interim Guidelines for Control of Noise in Country Victoria N3/89' when measured in Mooleric Road 1.2 km north and south of the Work Plan area or any more stringent standard that may be required by legislation.***

***All noise must comply with the requirements of the Work Authority granted pursuant to the [Mineral Resources \(Sustainable Development\) Act 1990](#) and must be operated in accordance with the approved work plan. Towards achieving the above noise limit, the following (not exclusive) techniques should be employed:***

- a) ***fitting all mobile equipment with broadband smart beepers that adjust beeper levels in accordance with the ambient noise environment;***
  - b) ***all haul trucks operating on the site to include modification of the trays to reduce the noise contribution of rock impacting on the tray body;***
  - c) ***all hydraulic rock drilling must utilise a silenced drill rig and where necessary, localised acoustic shielding;***
  - d) ***any rock breaker/rock hammer used on the land must utilise best available noise reducing technology to the satisfaction of the Responsible Authority.***
15. ***During construction activities the noise limit for the purpose of Condition 14 is 55db(A) when measured in Mooleric Road at a point 1.2 km north and south of the Work Plan area. For the purpose of this condition 'construction activities' are any activities relating to the construction of access ways, preparatory works on the site that are not part of the primary process of extracting, drilling, moving, processing (including but not limited to rock crushing and breaking) and transporting rock.***
  16. ***No broadcast or loudspeaker system, telephone ringer or other external alarm may operate on the site except for a warning alarm for blasting or as mandated by WorkSafe.***
  17. ***Within twelve (12) months of the commencement of operation under Stage 1 under this permit, noise tests are to be carried out when measured in Mooleric Road at a point 1.2 km north and south of the Work Plan area and a report on noise registered is to be provided to the responsible authority, the Department of Primary Industries and the Environment Protection Authority.***

***Any reasonable recommended modifications to operations necessary to achieve compliance with the specified noise limit must be carried out to the satisfaction of the Responsible Authority.***

- 18. Prior to the commencement of the use a dust management plan to the satisfaction of the Responsible Authority must be endorsed under this permit. The dust management plan must include:***
  - a) dust deposition gauges which should be at locations to be determined in consultation with the Department of Primary Industries;***
  - b) contingency measures to deal with any elevated dust conditions.***
- 19. Dust generated by the use must be monitored in accordance with the endorsed plan. Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must be notified to the Environment Protection Authority and works/actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the Responsible Authority.***
- 20. The use and development must be managed so that the amenity of the area is not unreasonably detrimentally affected, through the:***
  - a) Transport of materials, goods or commodities to or from the land;***
  - b) Appearance of any building, works or materials;***
  - c) Emission of noise, artificial light, waste products, grit or oil.***
- 21. Any outdoor lighting must be designed and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land owners.***
- 22. Before the development starts, a landscape plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscaping shown on draft work plan submitted, except that the plan must show:***
  - a) An indicative survey (including botanical names) of all existing vegetation to be retained and/or removed;***
  - b) A planting schedule for the buffer areas shown on the Work Authority of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;***
  - c) Vegetation is to comprise of a mixture of canopy trees (mixture of one metre tall plants and tub stock maybe used when planted) and shrubs along the external boundaries of each proposed stage;***
  - d) Planting within all buffer areas ensuring the extractive industry will be adequately screened from outside the site;***
  - e) Final site rehabilitation of the quarry floor and slopes using a mixture of indigenous native grassland species in accordance with the EVC 132\_61:Heavier-soils Plains Grassland and Pasture species.***

***All species selected must be to the satisfaction of the Responsible Authority.***

23. ***Before the use commences the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping may be undertaken in stages subject to the written consent of the Responsible Authority.***
24. ***Landscaping must be undertaken to achieve an effective visual screen as early as possible in the operational life of the quarry and must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
25. ***Should approval be given for the landscaping to be undertaken in stages, for any stage not landscaped prior to the commencement of the use, a landscaping bond to the value of 1.5 times of the value of the landscaping works must be lodged with the Responsible Authority for the completion and maintenance of the landscaping works in accordance with the endorsed plan. Three quotes must be obtained to estimate the value of the landscaping works to the satisfaction of the Responsible Authority.***
26. ***Upon completion of all the landscaping works for each stage to the satisfaction of the Responsible Authority, the Responsible Authority will refund the value of the works completed from the landscaping bond after receiving a written request from the applicant.***
27. ***Prior to commencement of the use the landscape buffer of 20 metres along the frontage of Mooleric Road for Stage 1 and Stage 2 must be established in accordance with the endorsed landscape plan.***
28. ***All environmental weeds as outlined in "Environmental Weeds of the Colac Otway shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.***
29. ***No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.***
30. ***At the commencement of excavation, the permit holder must ensure that topsoil to a depth of 150mm below the natural surface is removed and placed in stockpiles not exceeding three metres in height. The permit holder must ensure that topsoil stockpiles are protected from erosion and compaction to the satisfaction of the Responsible Authority.***
31. ***All disturbed surfaces on the land resulting from the activities authorised by this permit shall be revegetated and stabilised to the satisfaction of the responsible authority so as to prevent any erosion or siltation on or adjacent to the land.***
32. ***Use and development must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control (EPA 1991)' and must be to the satisfaction of the Responsible Authority. Specifically, the applicant must ensure:***
  - a) ***grading, excavation and construction must not proceed during periods of heavy rainfall;***
  - b) ***sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;***

*c) the extent of earthworks during construction shall be minimised and disturbed areas stabilised and revegetated following the completion of works.*

- 33. A rehabilitation plan must be submitted to the satisfaction of the Responsible Authority and Department of Primary Industries prior to the commencement of any rehabilitation works. The rehabilitation of each stage must commence as soon as practical either progressively or on completion of each stage. When the quarry is rehabilitated the bed of the internal edges of the water body must be graded in accordance with the DPI Guidelines on Rehabilitation and in accordance with the work plan to the satisfaction of the responsible authority.**

*The final rehabilitation of the quarry floor and slopes using a mixture of indigenous native grassland species in accordance with the Ecological Vegetation Class (EVC) 132\_61:Heavier-soils Plains Grassland and Pasture species.*

- 34. External cladding materials of the building(s) must be of finishes with low relative reflectivity levels and in colours selected to blend into the surrounding landscape rather than provide a contrast that highlights the building in the landscape. The selection of materials and colours must be to the satisfaction of the Responsible Authority.**
- 35. A transparent security fence to the height of 2.5 metres shall be constructed along the Mooleric Road frontage and the northern boundary of the work plan area to the satisfaction of the Responsible Authority.**
- 36. Prior to the commencement of the works the applicant must resheet Mooleric Road from the end of the existing sealed pavement to a point at least 5 metres past the proposed entrance to the quarry in accordance with plans and specifications approved by the Responsible Authority. The resheet material is to be at least Class 3 fine crushed rock material, and be a minimum of 100mm in depth across the full pavement width of 7.8 metre (6m pavement and 0.9m shoulders) and include works associated with roadside table drains and cross road culverts as appropriate. The construction of the road will be inclusive of all signage, guide posts and approved drainage requirements.**
- 37. Prior to the commencement of the works the horizontal and vertical road alignment must comply with the Responsible Authority's Engineering Standards to provide a 100km stopping sight distance. The height and level of the road surface is to be constructed to a standard which will provide for access based on 1:20 year flood recurrence interval. Engineering Plans are to be provided that will demonstrate the appropriate levels and drainage requirements, to the satisfaction of the Responsible Authority.**
- 38. Within one (1) year following the commencement of the use the permit holder must construct Mooleric Road from the Princes Highway to a point at least 5 metres past the entrance to the quarry in accordance with plans and specifications approved by the Responsible Authority. The works will involve the construction of a 6 metre wide sealed road pavement with 0.9 metre shoulders, roadside table drains and crossroad culverts as appropriate.**
- 39. As part of the plans and specification documents to be submitted for approval, a detailed road pavement design is to be carried out and submitted for approval.**

***A certified engineering design plan of the road pavement calculated using equivalent standard axel (ESA) design will be provided to the satisfaction of the Responsible Authority based on a 20 year pavement life. The road pavement design is to consider expected traffic loading during peak production, as detailed within the Works Authority and ensure pavement calculations include provision for heavy vehicle classified vehicles (including 25 tonne B-Doubles) when calculating the axle loadings.***

- 40. As part of the road improvement works, advance warning signage is to be installed at locations shown on construction plans, and subsequently approved by the Responsible Authority. Advanced warning signage is to include 'T-Intersection' advance warning signage, and road alignment warning signage as deemed necessary.***
- 41. Prior to the commencement of the use the applicant must install new "Truck Entering" signs on Mooleric Road on both approaches to the quarry entrance, and is to be completed as part of the road construction works.***
- 42. Property access is to be constructed in accordance with VicRoad's requirements for heavy vehicle access.***
- 43. Prior to the commencement of works detailed topography plans and drainage designs are to be submitted for approval by the Responsible Authority. The topography plan is to extend from the north and east of the quarry site to a distance that clearly defines surface water flow directions. The drainage design needs to ensure surface water entering the site from the north and east, and via natural or existing drainage lines from the existing road drainage is diverted around the site.***

***The drainage design is to clearly show drainage lines located within the development site (layout plans), cross sections of drainage (if open drains) and drainage long sections showing invert levels and embankment levels.***

***All culverts are to be provided with approved culvert end walls. Notwithstanding the outcome of any drainage design, the actual pipe sizes used shall be no less than 375mm in diameter.***
- 44. The permit holder must maintain Mooleric Road to the standards for the road classification as specified in the Responsible Authority's Road Management Plan from the time quarrying operations commence and until the cessation of the quarry operations, with the Responsible Authority to be notified in writing of the date thereof. The cost of the maintenance works shall be fully funded by the permit holder.***
- 45. All cartage trucks travelling to/from the quarry must use the southern end of Mooleric Road to access and exit the site. At no time are vehicles involved in the quarry operations to access the Hamilton Highway or the Princes Highway using the northern section of Mooleric Road beyond the quarry entrance. Truck drivers not directly under the quarry's control must be informed of the required routes and directed to comply to the satisfaction of the Responsible Authority.***
- 46. The operators must adopt and operate a code of conduct for drivers of vehicles involved in the use to the satisfaction of the Responsible Authority, and shall also make drivers of vehicles not under the operator's control aware of this code and encourage their compliance.***

*The code shall address the need for safety and adherence to speed restrictions and safe operating speeds along rural roads traversed in accessing the quarry noting the presence of other road users such as farm vehicles, horse riders, school buses, the potential for stock on the roads at stock crossings or stray animals and wildlife and potential poor driving conditions due to weather.*

- 47. Trucks carrying product from the quarry leaving the site must be covered at all times to limit dust or stone coming off the load to the satisfaction of the Responsible Authority.*
- 48. No access by vehicles associated with the quarry to any stage of the quarry operations will be available from Prices Lane.*

#### **VicRoads Conditions**

- 49. Prior to the commencement of the use a right turn treatment (Type BAR) must be provided on the Princes Highway and Mooleric Road intersection in accordance with figure 6.37 of AustRoads publication "Guide to Traffic Engineering Practice – Part 5, Intersections at Grade (2005)".*
- 50. Prior to the commencement of the use, Mooleric Road must be widened where it intersects Princes Highway generally in accordance with the Guidelines for Truck Access to Rural Properties (as per standard drawing 658187 attached) to cater for the turning path of trucks.*
- 51. Detailed design for the roadworks must not proceed until a functional layout of the Princes Highway/Mooleric Road intersection treatment is approved in writing by VicRoads. Intersection design shall be prepared by a designer acceptable to VicRoads and shall be in accordance with AustRoads and VicRoads standards. The design shall provide for the turning paths of trucks.*
- 52. A road safety audit must be carried out for the intersection treatment at the detailed design stage by a suitably qualified auditor in accordance with Austroads "Road Safety Audit" (2002). The findings of the audit must be resolved in writing by the applicant to the satisfaction of VicRoads.*
- 53. Access works in accordance with the approved functional layout must be carried out to VicRoads' satisfaction and at no cost to VicRoads.*
- 54. The applicant must contact VicRoads Manager Program Delivery (telephone number 5225 2525) at least 14 days prior to the commencement of works within the Princes Highway reserve.*
- 55. The applicant must not commence any works in, on, under or over the Princes Highway reserve without having first applied for and received written consent from VicRoads for those works in accordance with section 63 of the Road Management Act 2004. (Note: When issuing its consent, VicRoads will include requirements that certification auditing of the works is to be undertaken and that a security deposit is to be lodged for the works.)*
- 56. Prior to commencing work within the Princes Highway reserve, the permit holder must:*
  - a) Ensure that detailed design plans for all mitigating works are forwarded to VicRoads' South Western Region Office for approval.*
  - b) Obtain VicRoads' approval to the proposed pavement design.*

- c) *Prepare a specification for the works in accordance with relevant sections of the VicRoads Standard Specification for Roadworks.*
- d) *Ensure that any consultants and or contractors engaged in the design or construction process are prequalified by VicRoads at Level R1.*
- e) *Provide evidence that the applicant/applicant's contractor has public liability insurance acceptable to VicRoads for the duration of the proposed works.*
- f) *Demonstrate that all works will be administered in accordance with quality assurance principles, including but not limited to Safety, Environmental and Quality.*
- g) *Ensure that work site practices are in accordance with the Road Management Act 2004, Worksite Safety – Traffic Management, Code of Practice.*

### **Environment**

- 57. *Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the [Environment Protection Act 1970](#), the current Septic Tank Code of Practice 2003 and the Colac Otway Shire Council or otherwise managed to the satisfaction of the Responsible Authority.*
- 58. *All wastewater generated on the site must be retained and treated on the site.*
- 59. *No chemical dust suppressant shall be used on the subject land without the prior written permission of the Responsible Authority.*
- 60. *Measures to prevent contaminated water or sediment leaving the site or entering drainage lines must be implemented before earthworks begin on site.*
- 61. *Prior to the commencement of works the permit holder shall develop and have approved in writing by the Responsible Authority a contingency plan for the storage or removal of contaminated water in the event that proposed storage capacity/retention ponds become full during any period of abnormally high rainfall events.*
- 62. *The operator must ensure that any excess flows of water diverted from the site to any existing drainage line do not detrimentally impact upon the drainage line by causing erosion or any other damage.*
- 63. *Prior to the commencement of the use groundwater monitoring bores must be drilled on the site to the satisfaction of Southern Rural Water. The bores must be tested quarterly and the results from the groundwater monitoring bores must be reported to the Responsible Authority and to Southern Rural Water every 12 months. Where evidence is provided that the quarry has impacted upon existing bores on neighbouring land, the permit holder will make good any damage caused as a result of the operations of the quarry, to the satisfaction of Southern Rural Water and the Responsible Authority.*
- 64. *A contaminants spill containment kit must be available at all times that machinery is being used in the quarry pit.*
- 65. *The quality of any water discharged from the work plan area must be tested and maintained to the satisfaction of the responsible authority, Southern Rural Water and Corangamite Catchment Management Authority. The testing must include the following:*

- a) *routine groundwater and surface water sampling of the sump, two dams, and drainage line, should be undertaken to assess water quality during quarry operation and two years after rehabilitation. The samples should be analysed for major ions, pH, EC, turbidity and hydrocarbons by an accredited NATA laboratory;*
- b) *confirm the groundwater beneficial use based upon the analytical results;*
- c) *undertake further modelling to optimise the settling dam and farm dam (top dam) capabilities. This may require a deepening of the settling dam to provide for a suitable freeboard;*
- d) *prepare a contour drain section and level design based upon peak flow estimates at various locations along the drain;*

### **Consultation**

66. *A Consultative Committee shall be established prior to the commencement of the operation of the quarry and shall establish a "Terms of Reference", record and consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations and the permit holder shall have regard to the recommendations of the Consultative Committee, to the satisfaction of the Responsible Authority. The Responsible Authority shall provide for secretarial support for a Quarry Consultative Committee, which shall comprise:
  - a) *A Convenor and one person (who may be the Secretary) nominated by and representing the Responsible Authority;*
  - b) *One or two representatives of the permit holder;*
  - c) *A representative of the Department of Primary Industries;*
  - d) *Two representatives of local residents/landowners;*
  - e) *Representatives of other agencies if deemed appropriate.**
67. *Meetings of the Quarry Consultative Committee shall be convened on a regular basis and at least twice per year by the Responsible Authority, and shall be attended by at least one representative of the Responsible Authority and at least one representative of the permit holder to the satisfaction of the Responsible Authority.*
68. *The local resident/land owner representatives of the Consultative Committee shall be elected at a public meeting held every three years arranged by the Responsible Authority. Invitations to the meetings shall be via a Public Notice posted in the relevant local newspaper at least two weeks prior to the meeting date.*
69. *The reasonable costs of the Consultative Committee shall be borne by the permit holder to the satisfaction of the Responsible Authority.*
70. *There shall be available at all times for the use of residents of neighbouring properties a telephone number or numbers ("the Hotline") so that they can call to register any complaint or comment about the operation of the site. A permanent register of all calls to this Hotline shall be maintained by the permit holder which register shall be available at all times for inspection by the Responsible Authority.*

**Expiry**

**71. This permit will expire if:**

- a) **The Work Authority for the use issued under the provisions of the [Mineral Resources \(Sustainable Development\) Act 1990](#) is cancelled in accordance with Section 770 of that Act; or**
- b) **The use and development has not commenced within a period of two years from the date of this permit.**

**CARRIED 3 : 3**

**The MOTION upon being PUT to the meeting was declared CARRIED on the casting vote of the Mayor.**

**DIVISION called by Cr Stephen Hart**

**For the Motion: Cr Brian Crook, Cr Frank Buchanan, Cr Geoff Higgins**

**Against the Motion: Cr Stephen Hart, Cr Chris Smith Cr Stuart Hart**

**Cr Lyn Russell did not return to Council Chambers prior to the close of meeting.**