



**Colac Otway
SHIRE**

AGENDA

**SPECIAL PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL**

17 DECEMBER 2014

at 10:30 AM

COPACC

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission. Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

COLAC-OTWAY SHIRE SPECIAL PLANNING COMMITTEE MEETING

17 DECEMBER 2014

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NOTICE is hereby given that the next ***PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** will be held in COPACC on 17 December 2014 at 10.30am.

AGENDA

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

3. APOLOGIES

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 community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 10/09/14.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC141712-1	PLANNING MEETINGS SCHEDULED FOR 2015
PC141712-2	PLANNING & BUILDING STATISTICAL REPORT
PC141712-3	USE AND DEVELOPMENT OF THE LAND FOR STONE EXTRACTION AT 320 MOOLERIC ROAD, OMBERSLEY (PP169/2014-1)

Sue Wilkinson
Chief Executive Officer

PC141712-1**PLANNING MEETINGS SCHEDULED FOR 2015**

AUTHOR:	Jane Preston-Smith	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2702

Purpose

To confirm the schedule of Planning Committee meetings to be held in 2015.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Under the Council's Local Law 4, Part 4 - Council Meeting, Clause 20 - Dates & Times of Meetings, Council is required to confirm its meeting dates on at least an annual basis.

At the Ordinary Council Meeting held on 26 November 2014, Councillors were given the opportunity to consider a schedule of dates for 2015 for both Ordinary Council and Planning Committee meetings, noting that the dates for the Planning Committee will need to be confirmed at the next Planning Committee meeting.

Council resolved that meetings of the Planning Committee would be held at 10.30am on the following days:

21 January 2015	COPACC (third Wednesday)
11 February 2015	COPACC
11 March 2015	COPACC
8 April 2015	COPACC
13 May 2015	COPACC
10 June 2015	COPACC
8 July 2015	COPACC
12 August 2015	COPACC
9 September 2015	COPACC
14 October 2015	COPACC
18 November 2015	COPACC (third Wednesday)
9 December 2015	COPACC

Meetings will continue to be held on the second Wednesday of the month, except for the January meeting which will be on the third Wednesday due to the closure of the office over the Christmas/New Year period, and the November meeting which will be held on the third Wednesday of the month to avoid any conflict with activities occurring on Remembrance Day (11 November 2015).

Council Plan / Other Strategies / Policy**Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

Issues / Options

In the event that there are no planning reports ready for consideration that require a resolution by Council at the time for agenda preparation, the Planning Committee meeting for that month will not be required and notification of this will be placed in the Colac Herald. Councillors will be advised through a memo and the internal diary process.

This process reflects the manner in which this matter has been addressed in 2014 and previous years. The key difference for next year will be the movement of the November meeting to 18 November 2015 (the third week of the month) to avoid conflict with activities on Remembrance Day (11 November 2015).

Proposal

It is proposed that the first Planning Committee Meeting for 2015 be held on Wednesday 21 January 2015, 10.30am at Colac Otway Performing Arts and Culture Centre, Colac with future meetings in 2015 to be held on the second Wednesday of each month at the same venue, with the exception of the November meeting which is to be held on 18 November 2015.

Financial and Other Resource Implications

Not applicable.

Risk Management & Compliance Issues

Not applicable.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy follows the recommendation of the Colac Otway Shire Council Community Engagement policy of January 2010 which details five levels of engagement - inform, consult, involve, collaborate and empower. The method selected is inform and is achieved by the resolution of the meeting dates, times and venue through the adoption of the recommendation in this report.

Implementation

The 2015 schedule of Planning Committee meetings would commence in January 2015. Meetings are advertised in the local paper prior to the meeting being held.

Conclusion

The Council's Planning Committee needs to confirm the meeting dates, time and venue for the 2015 Planning Committee meetings following Council consideration at its November 2014 Ordinary meeting.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee confirm the meeting dates, times and venues of 2015 Planning Committee meetings, if required, as:

- ***21 January 2015 at 10.30am at COPACC, Colac (third Wednesday)***
- ***11 February 2015 at 10.30am at COPACC, Colac***
- ***11 March 2015 at 10.30am at COPACC, Colac***
- ***8 April 2015 at 10.30am at COPACC, Colac***
- ***13 May 2015 at 10.30am at COPACC, Colac***
- ***10 June 2015 at 10.30am at COPACC, Colac***
- ***8 July 2015 at 10.30am at COPACC, Colac***
- ***12 August 2015 at 10.30am at COPACC, Colac***
- ***9 September 2015 at 10.30am at COPACC, Colac***
- ***14 October 2015 at 10.30am at COPACC, Colac***
- ***18 November 2015 at 10.30am at COPACC, Colac (third Wednesday)***
- ***9 December 2015 at 10.30am at COPACC, Colac***

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**PC141712-2****PLANNING & BUILDING STATISTICAL REPORT**

|             |                                    |           |              |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR:     | Melanie Duve                       | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/2683     |

**Summary**

The report provides statistics relating to the months of September, October and November 2014.

**Planning Statistics**September 2014

28 Planning Permit Applications were received for the period 1 September 2014 – 30 September 2014

19 Planning Permit Applications were considered for the period 1 September 2014 – 30 September 2014

October 2014

20 Planning Permit Applications were received for the period 1 October 2014 – 31 October 2014

28 Planning Permit Applications were considered for the period 1 October 2014 – 31 October 2014

November 2014

39 Planning Permit Applications were received for the period 1 November 2014 – 30 November 2014

30 Planning Permit Applications were considered for the period 1 November 2014 – 30 November 2014

**Building Statistics**

The Building statistics are updated to November 2014.

**Attachments**

1. Planning & Building Statistical Report - September 2014 0 Pages
2. Planning & Building Statistical Report - October 2014 0 Pages
3. Planning & Building Statistical Report - November 2014 0 Pages

**Recommendation(s)**

***That Council's Planning Committee take note of the statistical report for September, October and November 2014.***

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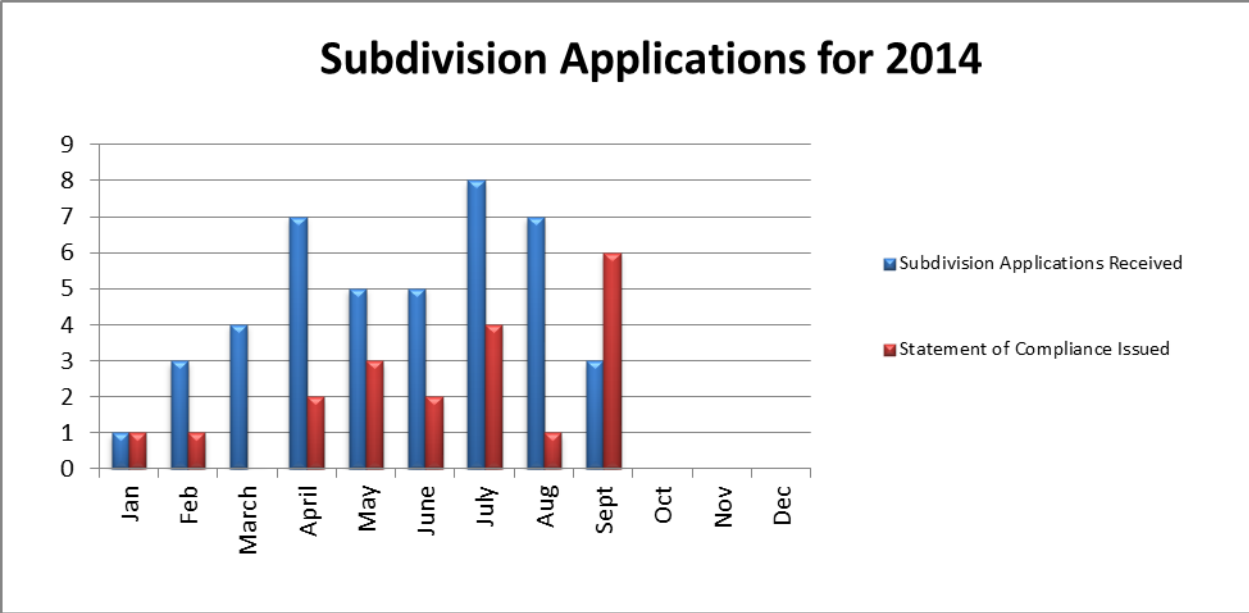
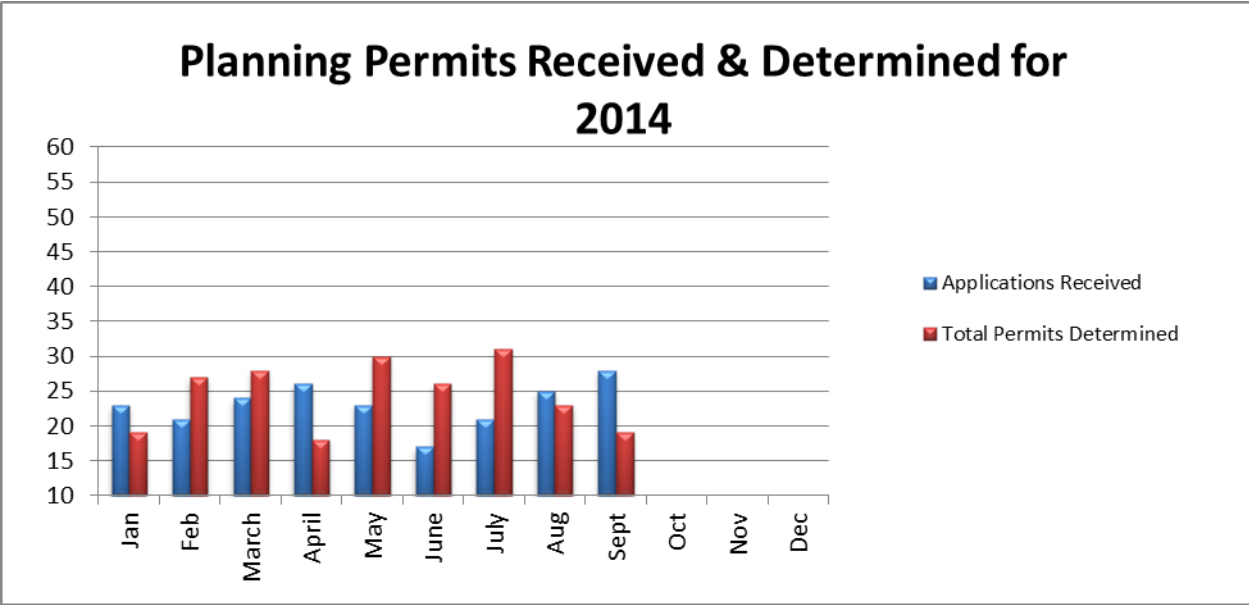
PLANNING STATISTICAL REPORT – SEPTEMBER 2014 – (DETERMINATIONS)

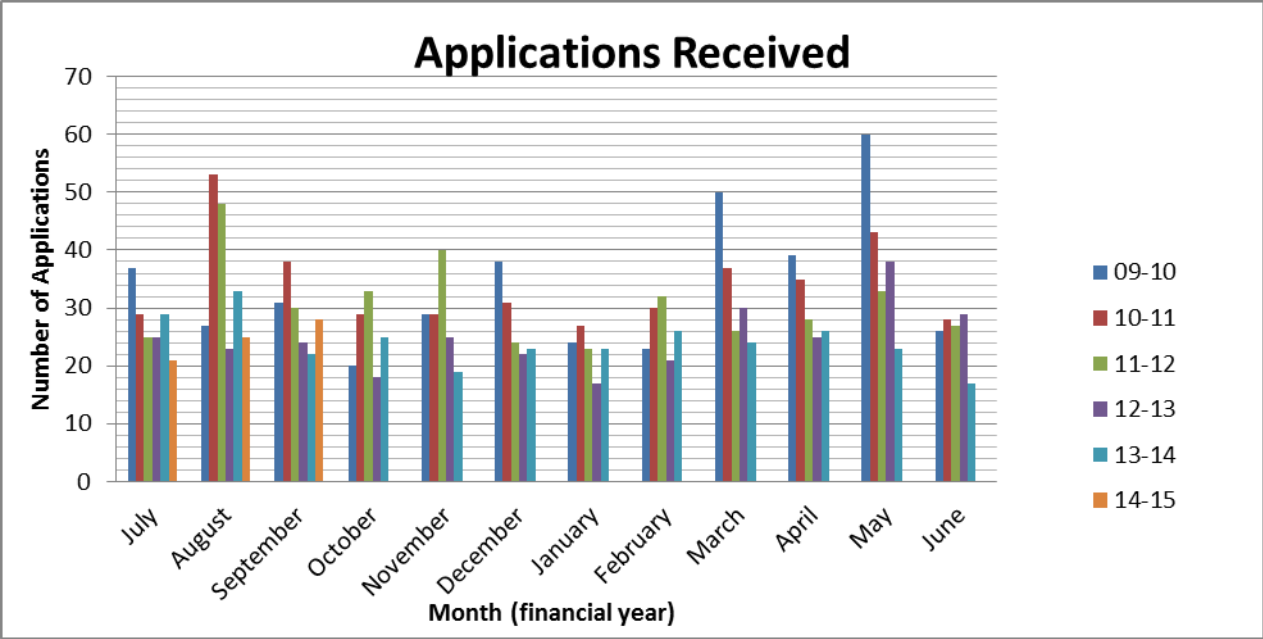
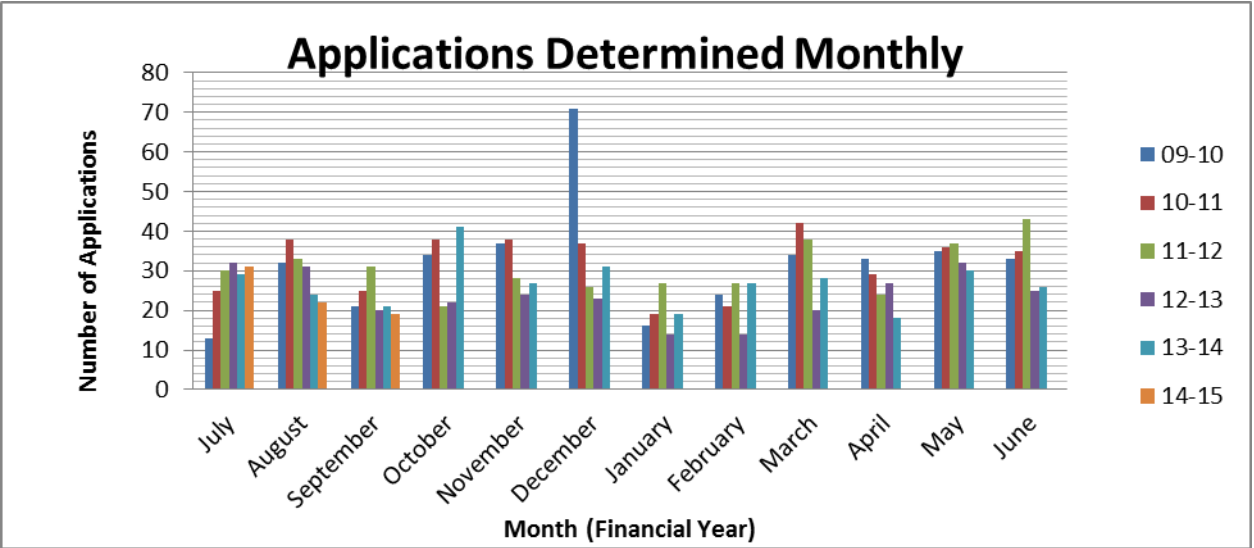
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--|--|----------------|-----------------|----------------------------------|
| 258/2013-2 | 8 SEPT 14 | 122 MAIN STREET ELLIMINYT | TWENTY FIVE (25) LOT STAGED SUBDIVISION | 18 | 26 SEPT 14 | AMENDED PERMIT ISSUED DELEGATION |
| 262/2013-2 | 28 AUG 14 | 470 BIRREGURRA ROAD BIRREGURRA | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 - AMENDMENT | 1 | 23 SEPT 14 | AMENDED PERMIT ISSUED DELEGATION |
| 31/2014-1 | 12 FEB 14 | 3812 COLAC LAVERS HILL ROAD FERGUSON | CONSTRUCTION OF A DECK FOR USE IN ASSOCIATION WITH EXISTING RESTAURANT AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 44 | 3 SEPT 14 | PERMIT ISSUED DELEGATION |
| 48/2014-1 | 4 MAR 14 | 8 MULLER ROAD SKENES CREEK | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DOUBLE-STOREY DWELLING | 5 | 23 SEPT 14 | PERMIT ISSUED DELEGATION |
| 71/2014-1 | 3 APR 14 | 895 AND 928 LARPENT ROAD and 785 AND 835 PRINCES HIGHWAY LARPENT | RE-SUBDIVISION OF THE LAND INTO FOUR(4) LOTS | 63 | 12 SEPT 14 | PERMIT ISSUED DELEGATION |
| 85/2014-1 | 17 APR 14 | 13 SCOTT STREET COLAC | CHANGE OF USE TO MEDICAL CENTRE, EXTENSIONS AND ALTERATIONS TO EXISTING BUILDING AND ASSOCIATED WORKS | 21 | 17 SEPT 14 | PERMIT ISSUED DELEGATION |
| 92/2014-1 | 2 MAY 14 | 58 MAIN STREET GELLIBRAND | CONSTRUCTION OF OFFICE AND ASSOCIATED DEPOT BUILDINGS, REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESSES TO A ROAD IN A ROAD ZONE CATEGORY 1 | 57 | 24 SEPT 14 | PERMIT ISSUED DELEGATION |
| 117/2014-1 | 2 JUN 14 | 505 PRINCES HIGHWAY LARPENT | USE OF EXISTING BUILDING FOR INDUSTRY (MANUFACTURE AND REPAIR OF AGRICULTURAL STEEL EQUIPMENT) WITH ASSOCIATED CAR PARKING AND DISPLAY OF BUSINESS IDENTIFICATION SIGN | 90 | 26 SEPT 14 | PERMIT ISSUED DELEGATION |
| 121/2014-1 | 19 JUN 14 | 6 MURRAY STREET COLAC | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 13 | 2 SEPT 14 | PERMIT ISSUED DELEGATION |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|---------------------------------------|--|----------------|-----------------|----------------------------------|
| 141/2014-1 | 18 JUL 14 | 20 ROSSMOYNE ROAD COLAC WEST | CONSTRUCTION OF AN INDUSTRIAL BUILDING AND ASSOCIATED WORKS, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND REDUCTION IN CAR PARKING REQUIREMENTS | 30 | 10 SEPT 14 | PERMIT ISSUED COUNCIL |
| 149/2014-1 | 7 AUG 14 | 20 MAHERS ROAD BARWON DOWNS | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED | 34 | 10 SEPT 14 | PERMIT ISSUED DELEGATION |
| 161/2014-1 | 20 AUG 14 | 90 POLLEYS ROAD BARONGAROOK WEST | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF FIVE (5) ANIMAL SHELTERS | 34 | 23 SEPT 14 | PERMIT ISSUED DELEGATION |
| 178/2014-1 | 9 SEPT 14 | 90 POLLEYS ROAD BARONGAROOK WEST | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF ROOFING OVER AN OPEN UTILITIES AREA | 14 | 23 SEPT 14 | PERMIT ISSUED DELEGATION |
| 128/2014-1 | 2 JUL 14 | 6 BASS AVENUE SEPERATION CREEK | NATIVE VEGETATION REMOVAL (ONE TREE) | 69 | 9 SEP 14 | PERMIT REFUSED |
| 125/2009-4 | 22 SEP 14 | 4A HARDY STREET APOLLO BAY | BUILDING AND WORKS, ADVERTISING SIGNAGE A GENERAL LIQUOR LICENCE AND WAIVING OF CAR PARKING IN ASSOCIATION WITH THE USE OF THE LAND FOR A RESTAURANT | 2 | 24 SEPT 14 | AMENDED PERMIT ISSUED DELEGATION |
| 43/2014-1 | 22 Feb 14 | 5800 GREAT OCEAN ROAD PETTICOAT CREEK | CONSTRUCTION OF DWELLING, CHANGE OF USE OF EXISTING DWELLING TO ANCILLARY HABITABLE OUTBUILDING AND REMOVAL OF NATIVE VEGETATION | 90 | 29 SEP 14 | PERMIT ISSUED DELEGATION |
| 104/2014-1 | 23 MAY 14 | 17 SCOTT STREET COLAC | TWO (2) LOT SUBDIVISION | 57 | 24 SEP 14 | PERMIT ISSUED DELEGATION |
| 131/2014-1 | 8 JUL 14 | 51-53 KARINGAL DRIVE WYE RIVER | ALTERATIONS TO EXISTING ANCILLARY HABITABLE OUTBUILDING | 7 | 16 SEP 14 | PERMIT ISSUED DELEGATION |
| 76/2014-1 | 4 APR 14 | 11 MONTROSE AVENUE APOLLO BAY | SUBDIVISION OF THE LAND INTO TWO (2) LOTS | 4 | 8 SEP 14 | NOTICE OF DECISION |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS | | | | 34 | | |

PLANNING STATISTICAL REPORT – SEPTEMBER 2014 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

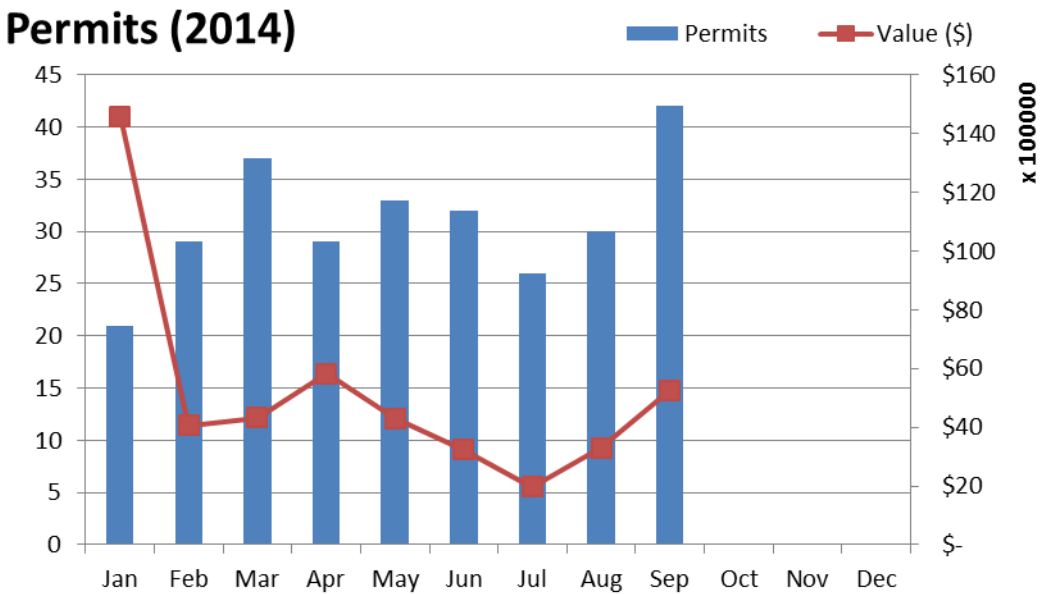
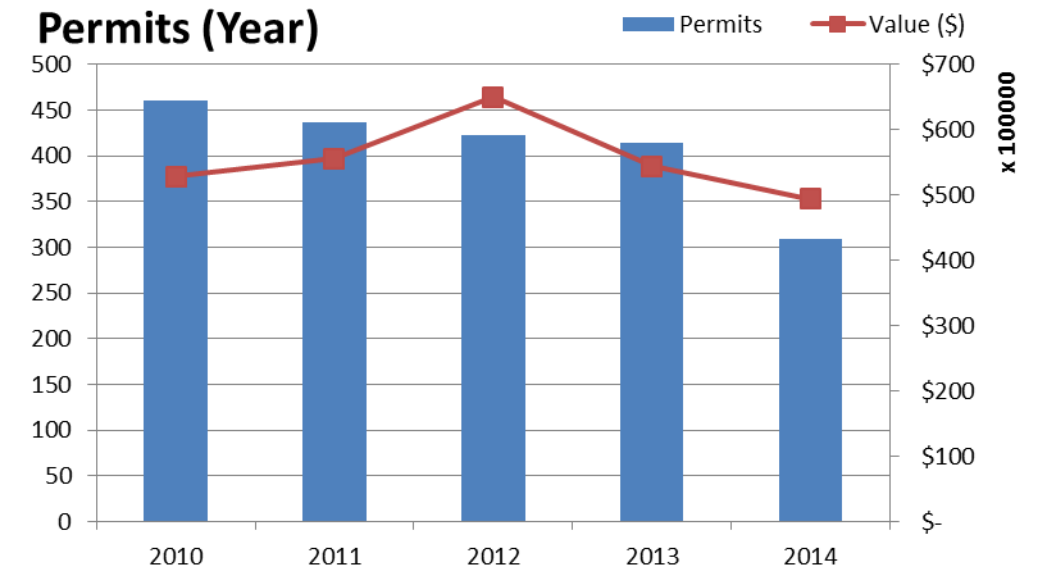
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|-----------------------------|--------------------------------|----------------|-----------------|-----------------------------|
| 177/2014-1 | 8 SEP 14 | GREAT OCEAN ROAD APOLLO BAY | DISPLAY OF WAY FINDING SIGNAGE | 10 | 19 SEP 14 | NOT REQUIRED |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) | | | | 33 | | |





| TOTAL PERMITS 2014 - YEAR TO DATE | | | | | | | | | | | | | | |
|-----------------------------------|--------------|--------------|------------------|-------------|----------------|-------------|--------------------|------------|-------------------|------------|-----------------------|--------------|------------------|--------------|
| | New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | |
| | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) |
| Jan | 8 | \$3,010,011 | 11 | \$ 382,778 | 0 | \$ - | 0 | \$ - | 1 | \$ 90,000 | 1 | \$11,108,934 | 21 | \$14,591,723 |
| Feb | 11 | \$3,113,201 | 17 | \$ 771,757 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 1 | \$ 168,273 | 29 | \$ 4,053,231 |
| Mar | 11 | \$3,282,455 | 21 | \$ 777,205 | 1 | \$ 178,860 | 1 | \$ 21,450 | 2 | \$ 36,000 | 1 | \$ 25,000 | 37 | \$ 4,320,970 |
| Apr | 7 | \$3,544,618 | 18 | \$ 549,505 | 1 | \$1,369,719 | 0 | \$ - | 1 | \$178,400 | 2 | \$ 175,000 | 29 | \$ 5,817,242 |
| May | 12 | \$3,277,138 | 21 | \$1,028,363 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 0 | \$ - | 33 | \$ 4,305,501 |
| Jun | 4 | \$1,387,410 | 23 | \$1,186,674 | 0 | \$ - | 3 | \$ 36,766 | 1 | \$ 80,000 | 1 | \$ 550,316 | 32 | \$ 3,241,166 |
| Jul | 6 | \$1,185,065 | 17 | \$ 613,488 | 1 | \$ 51,140 | 2 | \$125,000 | 0 | \$ - | 0 | \$ - | 26 | \$ 1,974,693 |
| Aug | 8 | \$2,175,059 | 17 | \$ 594,720 | 0 | \$ - | 4 | \$507,349 | 1 | \$ 29,531 | 0 | \$ - | 30 | \$ 3,306,659 |
| Sep | 9 | \$3,026,338 | 28 | \$1,494,152 | 1 | \$ 96,000 | 1 | \$ 65,000 | 1 | \$227,937 | 2 | \$ 342,390 | 42 | \$ 5,251,817 |
| Totals | 76 | \$24,001,295 | 173 | \$7,398,642 | 4 | \$1,695,719 | 11 | \$ 755,565 | 7 | \$641,868 | 8 | \$12,369,913 | 279 | \$46,863,002 |

| BUILDING ACTIVITY - COLAC OTWAY SHIRE | | | | | | | | | | | | | | |
|---------------------------------------|--------------|--------------|------------------|--------------|----------------|-------------|--------------------|-------------|-------------------|-------------|-----------------------|--------------|------------------|--------------|
| | New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | |
| | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) |
| 2010 | 118 | \$31,103,552 | 284 | \$ 8,782,882 | 14 | \$1,119,276 | 18 | \$3,734,679 | 0 | \$ - | 27 | \$ 8,107,424 | 461 | \$52,847,813 |
| 2011 | 130 | \$34,883,520 | 259 | \$11,427,948 | 11 | \$4,897,695 | 21 | \$1,768,619 | 1 | \$ 550,000 | 15 | \$ 2,041,271 | 437 | \$55,569,053 |
| 2012 | 112 | \$37,509,600 | 259 | \$ 9,248,333 | 12 | \$9,024,422 | 22 | \$2,272,199 | 2 | \$2,913,411 | 15 | \$ 4,057,333 | 422 | \$65,025,298 |
| 2013 | 113 | \$30,065,304 | 252 | \$11,629,479 | 8 | \$ 620,000 | 24 | \$1,526,120 | 7 | \$3,849,610 | 10 | \$ 6,707,886 | 414 | \$54,398,399 |
| 2014 | 76 | \$24,001,295 | 173 | \$ 7,398,642 | 4 | \$1,695,719 | 11 | \$ 755,565 | 7 | \$ 641,868 | 8 | \$12,369,913 | 279 | \$46,863,002 |



PLANNING STATISTICAL REPORT – OCTOBER 2014 – (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--|---|----------------|-----------------|--------------------------------|
| 429/2008-3 | 22-SEP-14 | 750 CORANGAMITE LAKE ROAD
CORAGULAC | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING | 29 | 21-OCT-14 | AMENDED PERMIT ISSUED DELEGATE |
| 79/2013-1 | 19-APR-13 | 40 DOLLAR DRIVE
SEPARATION CREEK | TWO LOT RE-SUBDIVISION (REALIGNMENT OF BOUNDARIES BETWEEN LOTS 1 AND 2 AND COMMON PROPERTY NO 4 ON PS: 611451), ASSOCIATED BUILDINGS AND WORKS IN COMMON PROPERTY AND REMOVAL OF NATIVE VEGETATION. | 217 | 9-OCT-14 | PERMIT ISSUED DELEGATE |
| 80/2013-1 | 19-APR-13 | 40 DOLLAR DRIVE
SEPARATION CREEK | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED WORKS, AND REMOVAL OF NATIVE VEGETATION | 62 | 31-OCT-14 | PERMIT ISSUED DELEGATE |
| 81/2013-1 | 19-APR-13 | 55 DOLLAR DRIVE
SEPARATION CREEK | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED WORKS, AND REMOVAL OF NATIVE VEGETATION | 62 | 31-OCT-14 | PERMIT ISSUED DELEGATE |
| 7/2014-1 | 15-JAN-14 | 43 MAIN STREET
BIRREGURRA | VARIATION OF LIQUOR LICENCE | 101 | 28-OCT-14 | PERMIT ISSUED DELEGATE |
| 70/2014-1 | 3-APR-14 | 161 HART STREET
ELLIMINYT | THIRTEEN (13) LOT SUBDIVISION | 130 | 14-OCT-14 | PERMIT ISSUED DELEGATE |
| 116/2014-1 | 21-JUL-14 | 40 NOEL STREET
APOLLO BAY | TWO (2) LOT SUBDIVISION | 31 | 28-OCT-14 | PERMIT ISSUED DELEGATE |
| 123/2014-1 | 20-JUN-14 | 105 ILETTS ROAD
WARRION | BUILDINGS AND WORKS | 56 | 28-OCT-14 | PERMIT ISSUED DELEGATE |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--|--|----------------|-----------------|-----------------------------|
| | | | COMPRISING CONSTRUCTION OF AGRICULTURAL SHED | | | |
| 124/2014-1 | 20-JUN-14 | 105 EVERETT CRESCENT
BARONGAROOK WEST | USE AND DEVELOPMENT OF THE LAND FOR A SINGLE-STOREY DWELLING | 62 | 1-OCT-14 | PERMIT ISSUED DELEGATE |
| 125/2014-1 | 25-JUN-14 | 1020 GREAT OCEAN ROAD APOLLO BAY | CONSTRUCTION OF AGRICULTURAL BUILDING FOR USE AS AN ANIMAL SHELTER AND GREENHOUSE | 42 | 28-OCT-14 | PERMIT ISSUED DELEGATE |
| 129/2014-1 | 8-JUL-14 | 25-29 HESSE STREET COLAC | BUILDINGS AND WORKS COMPRISING ALTERATIONS AND EXTENSIONS TO BUILDINGS, EXTERNAL PAINTING AND CONSTRUCTION OF A FENCE | 66 | 31-OCT-14 | PERMIT ISSUED DELEGATE |
| 133/2014-1 | 11-JUL-14 | 20 WARROWIE ROAD IRREWARRA | BUILDINGS AND WORKS COMPRISING EXTENSION TO STACKER BUILDING AT AKD TIMBER MILL | 76 | 21-OCT-14 | PERMIT ISSUED DELEGATE |
| 135/2014-1 | 11-JUL-14 | 49 DENNIS STREET COLAC | CONSTRUCTION OF BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING DWELLING | 35 | 28-OCT-14 | PERMIT ISSUED DELEGATE |
| 137/2014-1 | 15-JUL-14 | 71-75 MAIN STREET BIRREGURRA | TWO (2) LOT SUBDIVISION | 43 | 31-OCT-14 | PERMIT ISSUED DELEGATE |
| 140/2014-1 | 16-JUL-14 | 144A MURRAY STREET COLAC | USE OF LAND TO SELL OR CONSUME LIQUOR (RESTAURANT AND CAFÉ LICENCE), DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND CONSTRUCTION | 43 | 1-OCT-14 | PERMIT ISSUED DELEGATE |

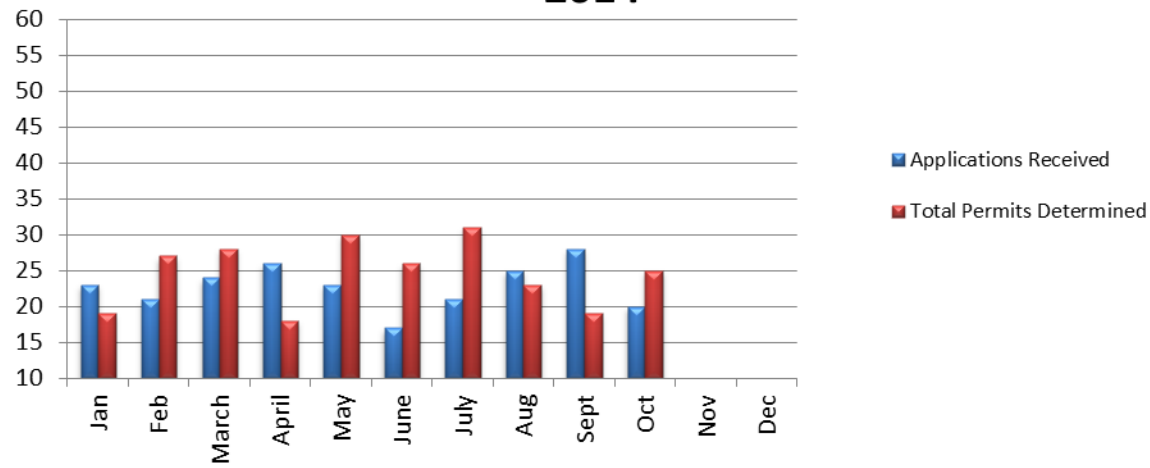
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--------------------------------|--|----------------|-----------------|---|
| | | | OF A FLUE | | | |
| 142/2014-1 | 18-JUL-14 | 2 KAWARREN EAST ROAD KAWARREN | CHANGE OF USE TO PLACE OF ASSEMBLY (COMMUNITY HALL) | 34 | 20-OCT-14 | PERMIT ISSUED DELEGATE |
| 153/2014-1 | 12-AUG-14 | 7/131-141 WILSON STREET COLAC | DEVELOPMENT OF PART OF THE LAND FOR PLANT NURSERY, DISPLAY OF ONE BUSINESS IDENTIFICATION AND WAIVER OF BICYCLE FACILITIES | 24 | 17-OCT-14 | PERMIT ISSUED DELEGATE |
| 157/2014-1 | 25-AUG-14 | 51 BARRY STREET BIRREGURRA | TWO (2) LOT SUBDIVISION | 61 | 28-OCT-14 | PERMIT ISSUED DELEGATE |
| 167/2014-1 | 29-AUG-14 | 314-316 MURRAY STREET COLAC | CONSTRUCTION OF ROOF STRUCTURE AT REAR OF SHOP | 34 | 2-OCT-14 | PERMIT ISSUED DELEGATE |
| 172/2014-1 | 4-SEP-14 | 7-15 FOREST STREET COLAC | CONSTRUCTION OF TWO CONTINUOUS DRYING KILNS AND CONTROL ROOM AND EXTENSION TO EXISTING STORAGE SHED | 14 | 24-OCT-14 | PERMIT ISSUED COUNCIL |
| 176/2014-1 | 5-SEP-14 | 5533 PRINCES HIGHWAY WARNCOORT | CONSTRUCTION OF OUTBUILDING | 4 | 8-OCT-14 | PERMIT ISSUED DELEGATE |
| 183/2014-1 | 17-SEP-14 | 32 GRANT STREET COLAC | CONSTRUCTION OF GAZEBO | 20 | 7-OCT-14 | PERMIT ISSUED DELEGATE |
| 56/2014-1 | 12-MAR-14 | 86 MANNA GUM DRIVE CAPE OTWAY | USE AND DEVELOPMENT OF THE LAND FOR A SINGLE STOREY DWELLING AND REMOVAL OF NATIVE VEGETATION | 150 | 22-OCT-14 | NOTICE OF DECISION TO GRANT A PERMIT ISSUED BY DELEGATE |
| 61/2014-1 | 19-MAR-14 | 150 WILSON STREET COLAC | TWO (2) LOT SUBDIVISION | 132 | 23-OCT-14 | NOTICE OF DECISION TO GRANT A PERMIT ISSUED BY |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|--------------------------|---|----------------|-----------------|---|
| | | | | | | DELEGATE |
| 275/2013-1 | 16-DEC-14 | 41 CAMPBELL STREET COLAC | CONSTRUCTION OF FIVE (5) DWELLINGS AND FIVE (5) LOT SUBDIVISION | 152 | 9-OCT-14 | NOTICE OF DECISION TO GRANT A PERMIT ISSUED BY DELEGATE |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS | | | | 67 | | |

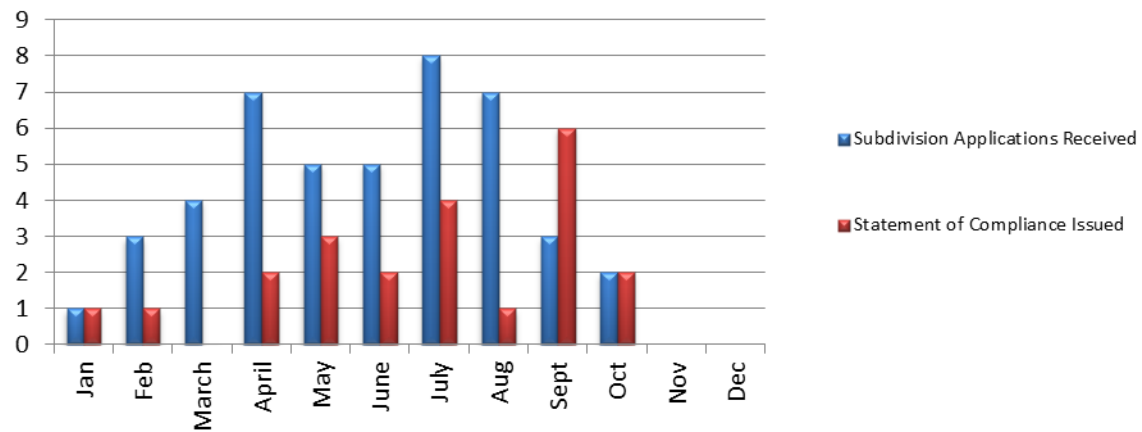
PLANNING STATISTICAL REPORT – OCTOBER 2014 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

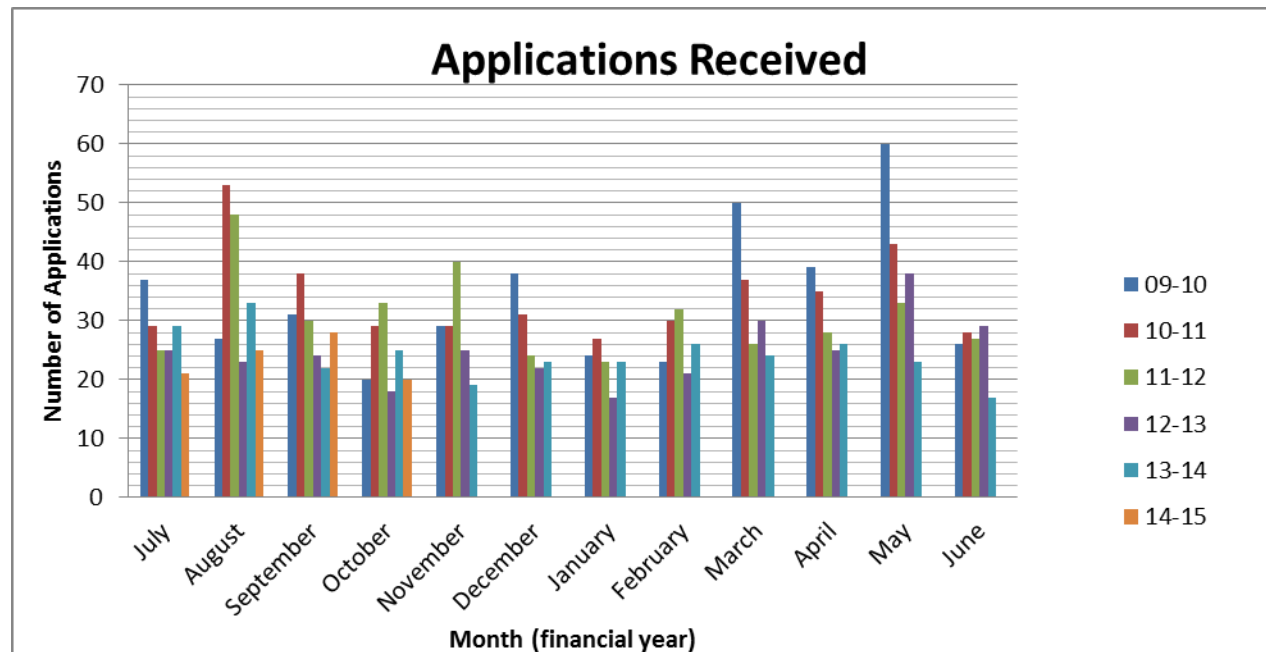
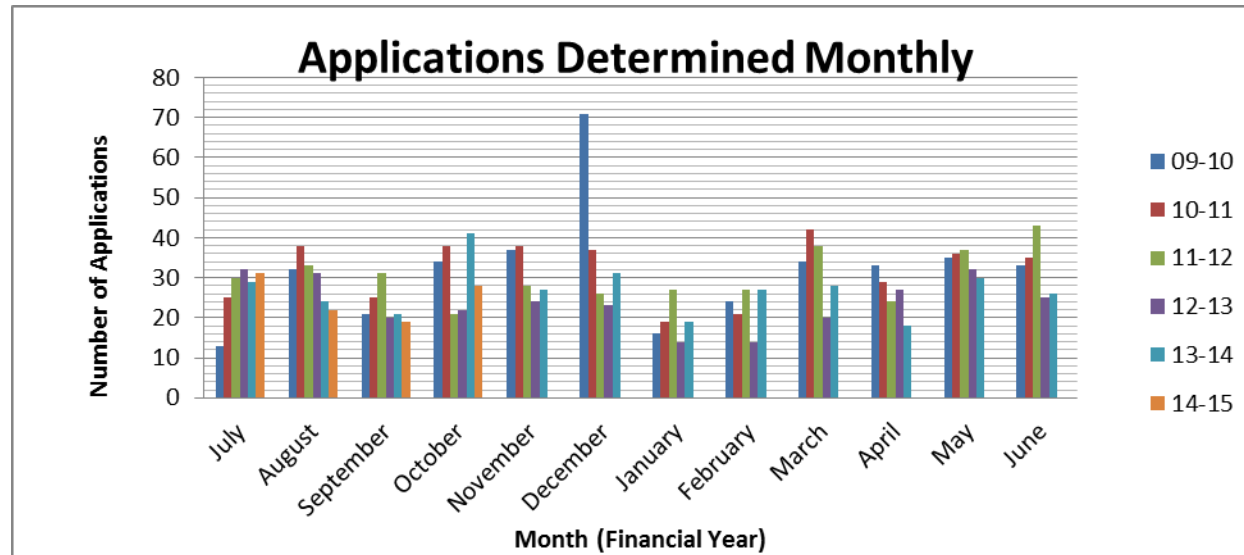
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|---------------------------------------|---|----------------|-----------------|-----------------------------|
| 185/2014-1 | 19-SEP-14 | 121 HARRIS ROAD ELLIMINYT | CONSTRUCTION OF A SHED | 38 | 27-OCT-14 | PERMIT NOT REQUIRED |
| 170/2014-1 | 01-SEP-14 | 4640 COLAC LAVERS HILL ROAD WYELANGTA | INSTALLATION OF IRON GATE, ERECTION OF MONUMENT AND SIGNAGE | 34 | 01-OCT-14 | PERMIT NOT REQUIRED |
| 77/2014-1 | 04-AUG-14 | 39 MURRAY STREET COLAC | SIGNAGE | 3 | 22-OCT-14 | LAPSED |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) | | | | 63 | | |

Planning Permits Received & Determined for 2014



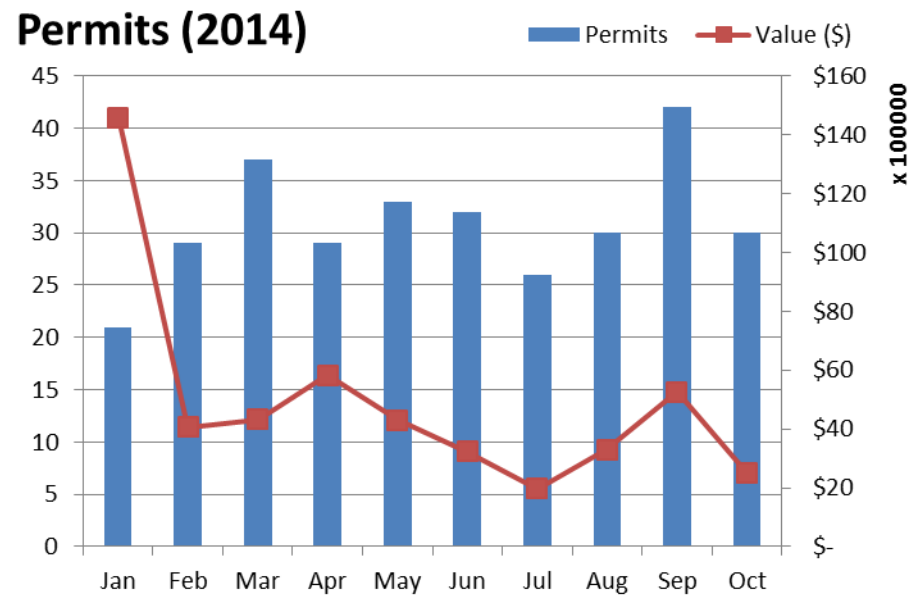
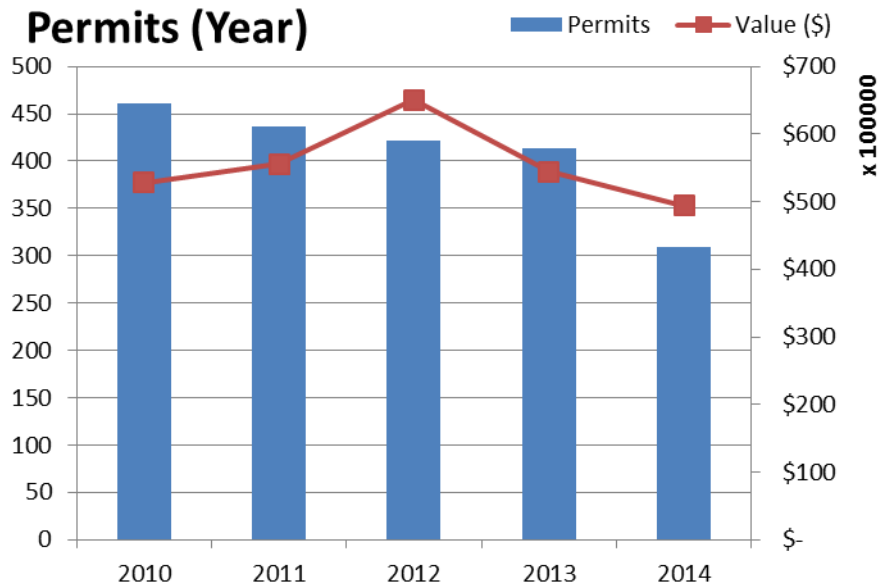
Subdivision Applications for 2014





| TOTAL PERMITS 2014 - YEAR TO DATE | | | | | | | | | | | | | | |
|-----------------------------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|--------------|
| New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | | |
| Per mits | Value (\$) | Per mits | Value (\$) | Permi ts | Value (\$) | Permit s | Value (\$) | Permi ts | Value (\$) | Per mits | Value (\$) | Per mits | Value (\$) | |
| Jan | 8 | \$3,010,011 | 11 | \$ 382,778 | 0 | \$ - | 0 | \$ - | 1 | \$ 90,000 | 1 | \$11,108,934 | 21 | \$14,591,723 |
| Feb | 11 | \$3,113,201 | 17 | \$ 771,757 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 1 | \$ 168,273 | 29 | \$ 4,053,231 |
| Mar | 11 | \$3,282,455 | 21 | \$ 777,205 | 1 | \$ 178,860 | 1 | \$ 21,450 | 2 | \$ 36,000 | 1 | \$ 25,000 | 37 | \$ 4,320,970 |
| Apr | 7 | \$3,544,618 | 18 | \$ 549,505 | 1 | \$1,369,719 | 0 | \$ - | 1 | \$ 178,400 | 2 | \$ 175,000 | 29 | \$ 5,817,242 |
| May | 12 | \$3,277,138 | 21 | \$1,028,363 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 0 | \$ - | 33 | \$ 4,305,501 |
| Jun | 4 | \$1,387,410 | 23 | \$1,186,674 | 0 | \$ - | 3 | \$ 36,766 | 1 | \$ 80,000 | 1 | \$ 550,316 | 32 | \$ 3,241,166 |
| Jul | 6 | \$1,185,065 | 17 | \$ 613,488 | 1 | \$ 51,140 | 2 | \$ 25,000 | 0 | \$ - | 0 | \$ - | 26 | \$ 1,974,693 |
| Aug | 8 | \$2,175,059 | 17 | \$ 594,720 | 0 | \$ - | 4 | \$507,349 | 1 | \$ 29,531 | 0 | \$ - | 30 | \$ 3,306,659 |
| Sep | 9 | \$3,026,338 | 28 | \$1,494,152 | 1 | \$ 96,000 | 1 | \$ 65,000 | 1 | \$ 227,937 | 2 | \$ 342,390 | 42 | \$ 5,251,817 |
| Oct | 5 | \$1,664,412 | 23 | \$ 506,872 | 0 | \$ - | 1 | \$120,000 | 0 | \$ - | 1 | \$ 211,640 | 30 | \$ 2,502,924 |
| Totals | 81 | \$25,665,707 | 196 | \$7,905,514 | 4 | \$1,695,719 | 12 | \$ 875,565 | 7 | \$ 641,868 | 9 | \$12,581,553 | 309 | \$49,365,926 |

| BUILDING ACTIVITY - COLAC OTWAY SHIRE | | | | | | | | | | | | | | |
|---------------------------------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|--------------|
| New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | | |
| Per mits | Value (\$) | Per mits | Value (\$) | Permi ts | Value (\$) | Permit s | Value (\$) | Permi ts | Value (\$) | Per mits | Value (\$) | Per mits | Value (\$) | |
| 2010 | 118 | \$31,103,552 | 284 | \$ 8,782,882 | 14 | \$1,119,276 | 18 | \$3,734,679 | 0 | \$ - | 27 | \$ 8,107,424 | 461 | \$52,847,813 |
| 2011 | 130 | \$34,883,520 | 259 | \$11,427,948 | 11 | \$4,897,695 | 21 | \$1,768,619 | 1 | \$ 550,000 | 15 | \$ 2,041,271 | 437 | \$55,569,053 |
| 2012 | 112 | \$37,509,600 | 259 | \$ 9,248,333 | 12 | \$9,024,422 | 22 | \$2,272,199 | 2 | \$2,913,411 | 15 | \$ 4,057,333 | 422 | \$65,025,298 |
| 2013 | 113 | \$30,065,304 | 252 | \$11,629,479 | 8 | \$ 620,000 | 24 | \$1,526,120 | 7 | \$3,849,610 | 10 | \$ 6,707,886 | 414 | \$54,398,399 |
| 2014 | 81 | \$25,665,707 | 196 | \$ 7,905,514 | 4 | \$1,695,719 | 12 | \$ 875,565 | 7 | \$ 641,868 | 9 | \$12,581,553 | 309 | \$49,365,926 |



PLANNING STATISTICAL REPORT – NOVEMBER 2014 – (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|---|--|----------------|-----------------|-----------------------------------|
| 77/2008-2 | 4-SEP-14 | 600 MURROON ROAD
MURROON | BUILDINGS AND WORKS
COMPRISING OF EXTENSION
OF FARM BUILDING | 69 | 12-NOV-14 | AMENDED PERMIT
ISSUED DELEGATE |
| 258/2010-2 | 3-SEP-14 | 58 MURRAY STREET
COLAC | ALTERATIONS AND ADDITIONS
TO THE EXISTING BUILDING,
INSTALLATION OF BUSINESS
IDENTIFICATION SIGNAGE,
LIQUOR LICENCE AND A
WAIVER OF 13 CAR SPACES | 48 | 24-NOV-14 | AMENDED PERMIT
ISSUED DELEGATE |
| 92/2012-2 | 18-NOV-14 | 37 HUGH MURRAY
DRIVE COLAC EAST | BUILDINGS AND WORKS
COMPRISING THE
CONSTRUCTION OF A
STORAGE SHED | 1 | 26-NOV-14 | AMENDED PERMIT
ISSUED DELEGATE |
| 66/2014-2 | 21-OCT-14 | 41-45 GREAT OCEAN
ROAD APOLLO BAY | BUILDINGS AND WORKS
COMPRISING CONSTRUCTION
OF REPLACEMENT VERANDAH | 15 | 5-NOV-14 | AMENDED PERMIT
ISSUED DELEGATE |
| 159/2013-1 | 16-JUL-13 | 214 BEECH FOREST-
LAVERS HILL ROAD
BEECH FOREST | DEVELOPMENT OF DWELLING | 20 | 18-NOV-14 | PERMIT ISSUED
DELEGATE |
| 69/2014-1 | 2-APR-14 | 30 HOVEYS ROAD
BARONGAROOK WEST | USE AND DEVELOPMENT OF
DWELLING | 56 | 27-NOV-14 | PERMIT ISSUED
DELEGATE |
| 101/2014-1 | 16-MAY-14 | 17 WALLACE STREET
WYE RIVER | BUILDINGS AND WORKS
COMPRISING EXTENSION TO
DWELLING AND REMOVAL OF
ONE (1) TREE | 102 | 12-NOV-14 | PERMIT ISSUED
DELEGATE |
| 111/2014-1 | 30-MAY-14 | 45 MORLEY AVENUE
WYE RIVER | CONSTRUCTION OF
BUILDINGS AND WORKS FOR
AN EXTENSION TO THE
EXISTING DWELLING | 88 | 10-NOV-14 | PERMIT ISSUED
DELEGATE |

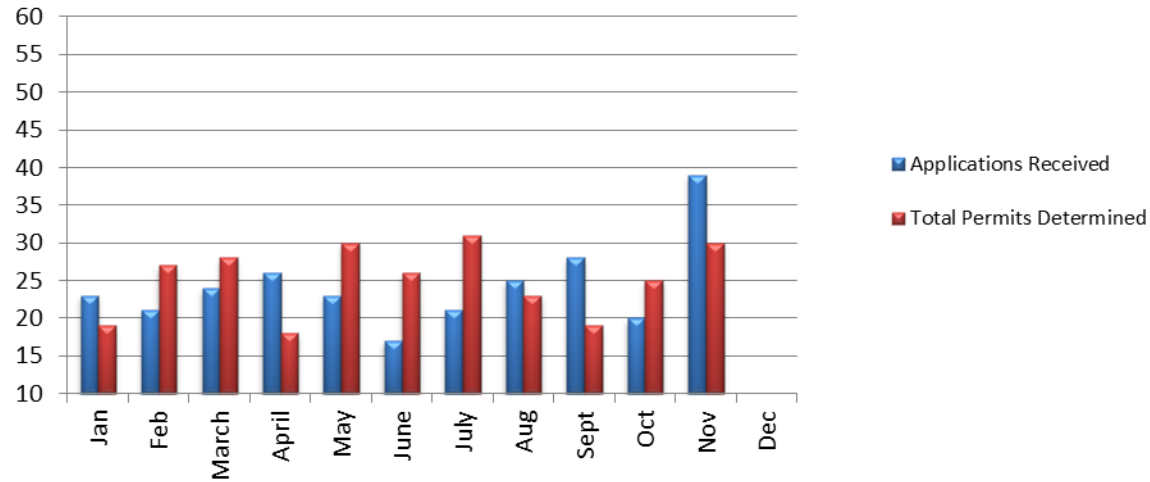
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--------------------------------------|--|----------------|-----------------|-----------------------------|
| 134/2014-1 | 1-AUG-14 | 1265 COLAC BALLARAT ROAD BEEAC | DEMOLITION OF CARPORT AND BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF GARAGE | 37 | 27-NOV-14 | PERMIT ISSUED DELEGATE |
| 144/2014-1 | 28-JUL-14 | 170 BUSTY ROAD APOLLO BAY | USE OF AN EXISTING BARN FOR GROUP ACCOMMODATION AND ASSOCIATED BUILDINGS AND WORKS | 104 | 10-NOV-14 | PERMIT ISSUED DELEGATE |
| 147/2014-1 | 1-AUG-14 | 29 BOWDEN STREET BIRREGURRA | SUBDIVISION OF THE LAND INTO THREE (3) LOTS | 58 | 21-NOV-14 | PERMIT ISSUED DELEGATE |
| 148/2014-1 | 5-AUG-14 | 43 OLD COACH ROAD SKENES CREEK | DEVELOPMENT OF A DWELLING, REMOVAL OF TREES, CONSTRUCTION OF SHED AND ASSOCIATED WORKS | 42 | 12-NOV-14 | PERMIT ISSUED DELEGATE |
| 151/2014-1 | 7-AUG-14 | 1-3 NELSON STREET APOLLO BAY | BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AND PARTIAL DEMOLITION | 66 | 27-NOV-14 | PERMIT ISSUED DELEGATE |
| 154/2014-1 | 13-AUG-14 | 39 & 41 GELLIBRAND STREET COLAC | TWO (2) LOT SUBDIVISION (BOUNDARY REALIGNMENT) | 79 | 24-NOV-14 | PERMIT ISSUED DELEGATE |
| 155/2014-1 | 14-AUG-14 | 105 IRREWARRA STATION ROAD IRREWARRA | TWO (2) LOT RE-SUBDIVISION | 96 | 18-NOV-14 | PERMIT ISSUED DELEGATE |
| 159/2014-1 | 15-AUG-14 | 215 BULLOCK SWAMP ROAD CORAGULAC | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING | 59 | 12-NOV-14 | PERMIT ISSUED DELEGATE |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|--|---|----------------|-----------------|------------------------------------|
| 168/2014-1 | 26-AUG-14 | 18 AND 20 KARINGAL DRIVE WYE RIVER | VARIATION OF CARRIAGEWAY EASEMENT | 33 | 13-NOV-14 | PERMIT ISSUED DELEGATE |
| 171/2014-1 | 2-SEP-14 | 21 MITCHELL GROVE SEPARATION CREEK | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF TWO REPLACEMENT RETAINING WALLS | 15 | 13-NOV-14 | PERMIT ISSUED DELEGATE |
| 189/2014-1 | 26-SEP-14 | 325 COLAC BALLARAT ROAD IRREWARRA | CONSTRUCTION OF FARM SHED | 49 | 25-NOV-14 | PERMIT ISSUED DELEGATE |
| 196/2014-1 | 6-OCT-14 | 124 CORANGAMITE LAKE ROAD COLAC WEST | EXTENSIONS TO EXISTING DWELLING | 1 | 5-NOV-14 | PERMIT ISSUED DELEGATE |
| 220/2014-1 | 7-NOV-14 | 2 SLADEN STREET BIRREGURRA | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF TWO (2) OUTBUILDINGS | 6 | 26-NOV-14 | PERMIT ISSUED DELEGATE |
| 163/2014-1 | 22-AUG-14 | 1-3 DIANA STREET AND 5 DIANA STREET APOLLO BAY | SUBDIVISION – REALIGNMENT OF BOUNDARY | 96 | 26-NOV-14 | PERMIT ISSUED DELEGATE |
| 20/2013-1 | 6-FEB-13 | 49 STATION STREET FORREST | TWO (2) LOT SUBDIVISION | 88 | 18-NOV-13 | NOTICE OF DECISION ISSUED DELEGATE |
| 108/2014-1 | 29-MAY-14 | 214 BEECH FOREST LAVERS HILL ROAD BEECH FOREST | USE OF LAND FOR OUTDOOR RECREATION FACILITY (QUAD BIKES) AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 64 | 11-NOV-14 | NOTICE OF DECISION ISSUED DELEGATE |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS | | | | 54 | | |

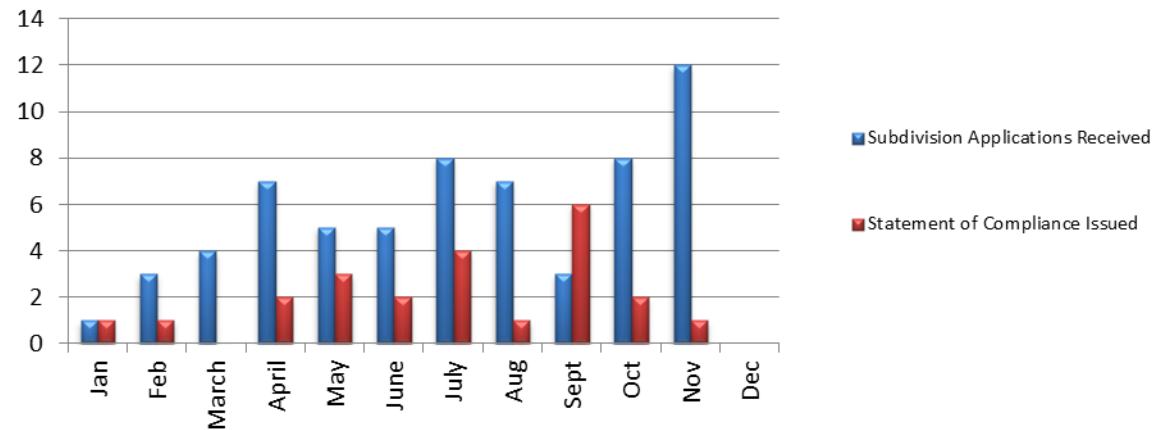
PLANNING STATISTICAL REPORT – NOVEMBER 2014 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

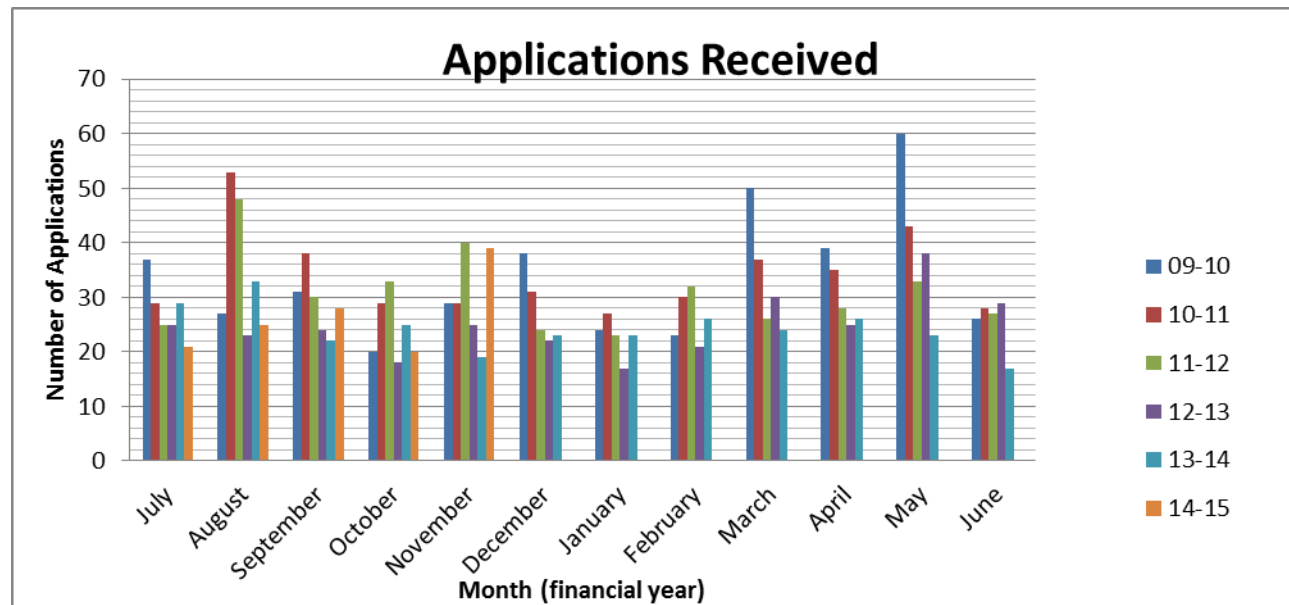
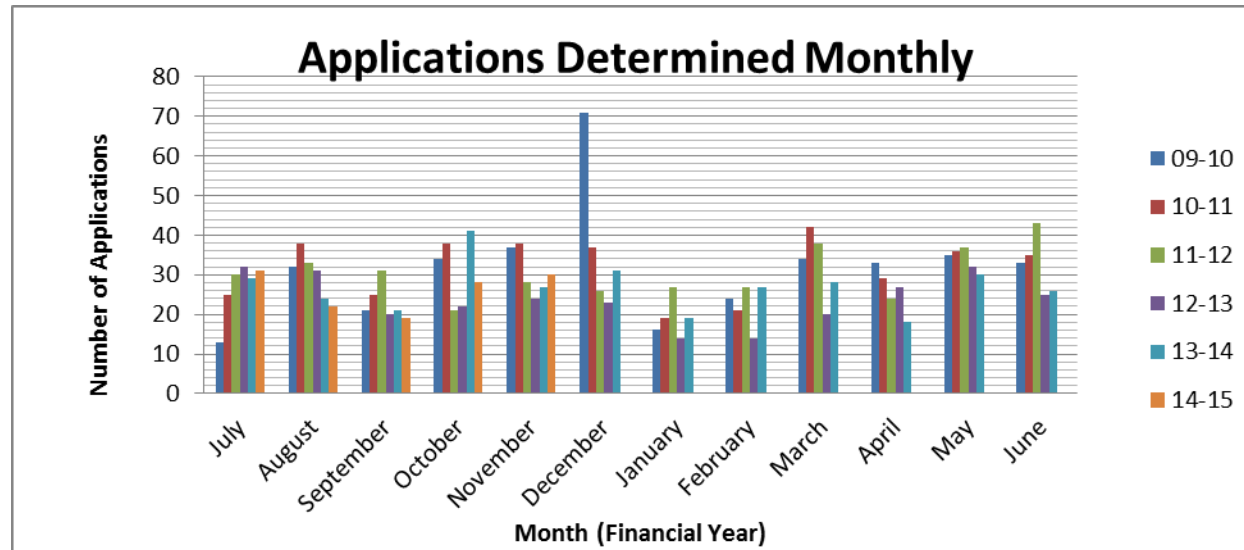
| APPLICATION NUMBER | DATE RECEIVED | LOCATION | PROPOSAL | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|---|---------------|----------------------------------|---|----------------|-----------------|-----------------------------|
| 109/2014-1 | 30-MAY-14 | 220 BINGAMI ROAD YEODENE | CONSTRUCTION OF A DWELLING AND TWO SHEDS AND A SHELTER/ROOF OVER STOCK YARDS | 7 | 28-NOV-14 | PLANNING APPLICATION LAPSED |
| 160/2014-1 | 18-AUG-14 | 115 OLD FRIENDS ROAD YEO | CONSTRUCTION OF DAIRY AND CREATION OF ACCESS | 3 | 12-NOV-14 | PLANNING APPLICATION LAPSED |
| 198/2014-1 | 6-OCT-14 | 5975 PRINCES HIGHWAY IRREWARRA | CONSTRUCTION OF AGRICULTURAL SHED | 35 | 10-NOV-14 | PERMIT NOT REQUIRED |
| 211/2014-1 | 4-NOV-14 | 1140 CORANGAMITE LAKE ROAD ALVIE | CONSTRUCTION OF CRICKET NETS | 14 | 18-NOV-14 | PERMIT NOT REQUIRED |
| 200/2014-1 | 13-OCT-14 | 11 GREAT OCEAN ROAD APOLLO BAY | CONSTRUCTION OF DECK AND VIEWING PLATFORM AS INDICATED WITH THE EXISTING DWELLING | 7 | 13-NOV-14 | WITHDRAWN |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) | | | | 45 | | |

Planning Permits Received & Determined for 2014



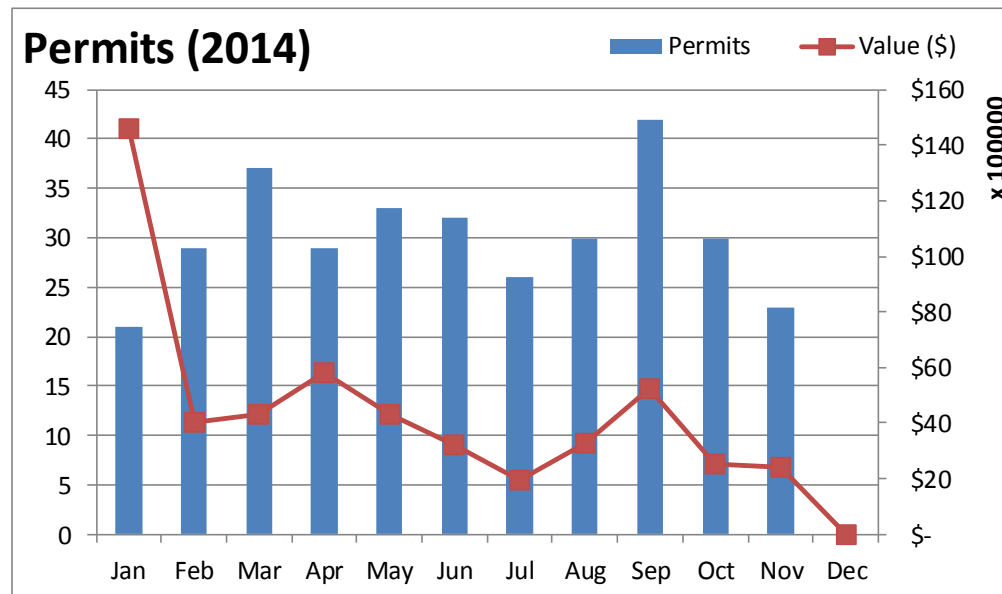
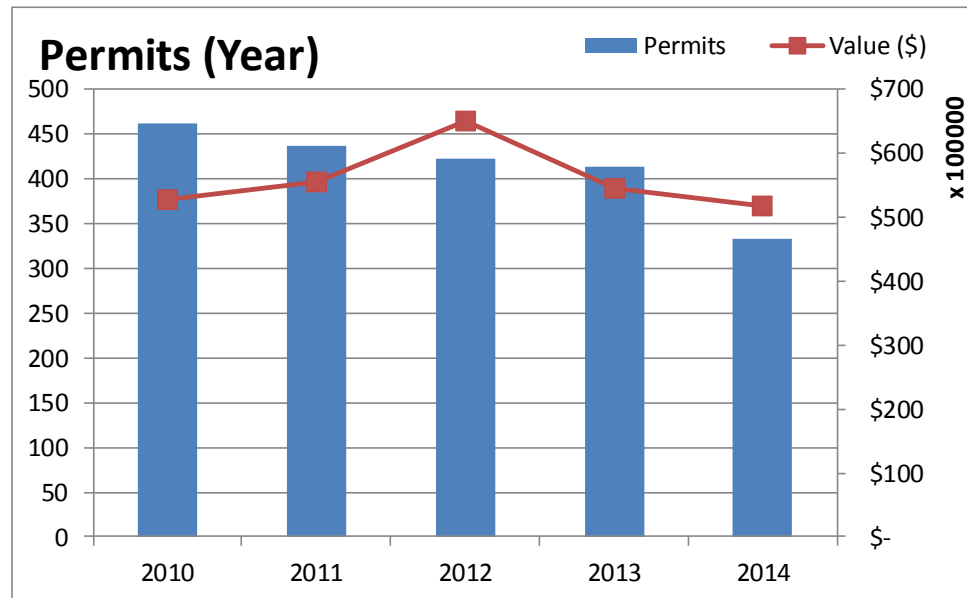
Subdivision Applications for 2014





| TOTAL PERMITS 2014 - YEAR TO DATE | | | | | | | | | | | | | | |
|-----------------------------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|--------------|
| New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | | |
| Per mits | Value (\$) | Per mits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | |
| Jan | 8 | \$3,010,011 | 11 | \$ 382,778 | 0 | \$ - | 0 | \$ - | 1 | \$ 90,000 | 1 | \$11,108,934 | 21 | \$14,591,723 |
| Feb | 11 | \$3,113,201 | 17 | \$ 771,757 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 1 | \$ 168,273 | 29 | \$ 4,053,231 |
| Mar | 11 | \$3,282,455 | 21 | \$ 777,205 | 1 | \$ 178,860 | 1 | \$ 21,450 | 2 | \$ 36,000 | 1 | \$ 25,000 | 37 | \$ 4,320,970 |
| Apr | 7 | \$3,544,618 | 18 | \$ 549,505 | 1 | \$1,369,719 | 0 | \$ - | 1 | \$ 178,400 | 2 | \$ 175,000 | 29 | \$ 5,817,242 |
| May | 12 | \$3,277,138 | 21 | \$1,028,363 | 0 | \$ - | 0 | \$ - | 0 | \$ - | 0 | \$ - | 33 | \$ 4,305,501 |
| Jun | 4 | \$1,387,410 | 23 | \$1,186,674 | 0 | \$ - | 3 | \$ 36,766 | 1 | \$ 80,000 | 1 | \$ 550,316 | 32 | \$ 3,241,166 |
| Jul | 6 | \$1,185,065 | 17 | \$ 613,488 | 1 | \$ 51,140 | 2 | \$ 25,000 | 0 | \$ - | 0 | \$ - | 26 | \$ 1,974,693 |
| Aug | 8 | \$2,175,059 | 17 | \$ 594,720 | 0 | \$ - | 4 | \$507,349 | 1 | \$ 29,531 | 0 | \$ - | 30 | \$ 3,306,659 |
| Sep | 9 | \$3,026,338 | 28 | \$1,494,152 | 1 | \$ 96,000 | 1 | \$ 65,000 | 1 | \$ 227,937 | 2 | \$ 342,390 | 42 | \$ 5,251,817 |
| Oct | 5 | \$1,664,412 | 23 | \$ 506,872 | 0 | \$ - | 1 | \$120,000 | 0 | \$ - | 1 | \$ 211,640 | 30 | \$ 2,502,924 |
| Nov | 9 | \$ 1,689,169 | 10 | \$ 336,839 | 0 | \$ - | 2 | \$ 126,500 | 0 | \$ - | 2 | \$ 257,000 | 23 | \$ 2,409,508 |
| Totals | 81 | \$25,665,707 | 196 | \$7,905,514 | 4 | \$1,695,719 | 12 | \$ 875,565 | 7 | \$ 641,868 | 9 | \$12,581,553 | 309 | \$49,365,926 |

| BUILDING ACTIVITY - COLAC OTWAY SHIRE | | | | | | | | | | | | | | |
|---------------------------------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|--------------|
| New Dwelling | | Domestic (Other) | | New Commercial | | Commercial (Other) | | New Public/Health | | Public/Health (Other) | | Municipal Totals | | |
| Per mits | Value (\$) | Per mits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | Permits | Value (\$) | |
| 2010 | 118 | \$31,103,552 | 284 | \$ 8,782,882 | 14 | \$1,119,276 | 18 | \$3,734,679 | 0 | \$ - | 27 | \$ 8,107,424 | 461 | \$52,847,813 |
| 2011 | 130 | \$34,883,520 | 259 | \$11,427,948 | 11 | \$4,897,695 | 21 | \$1,768,619 | 1 | \$ 550,000 | 15 | \$ 2,041,271 | 437 | \$55,569,053 |
| 2012 | 112 | \$37,509,600 | 259 | \$ 9,248,333 | 12 | \$9,024,422 | 22 | \$2,272,199 | 2 | \$2,913,411 | 15 | \$ 4,057,333 | 422 | \$65,025,298 |
| 2013 | 113 | \$30,065,304 | 252 | \$11,629,479 | 8 | \$ 620,000 | 24 | \$1,526,120 | 7 | \$3,849,610 | 10 | \$ 6,707,886 | 414 | \$54,398,399 |
| 2014 | 90 | \$27,354,876 | 206 | \$ 8,242,353 | 4 | \$1,695,719 | 14 | \$1,002,065 | 7 | \$ 641,868 | 11 | \$12,838,553 | 332 | \$51,775,434 |



PC141712-3**USE AND DEVELOPMENT OF THE LAND FOR STONE
EXTRACTION AT 320 MOOLERIC ROAD, OMBERSLEY
(PP169/2014-1)**

| | | | |
|-------------|---------------------------------------|-----------|--------------|
| AUTHOR: | Blaithin Butler | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | F14/8449 |

Location: 320 Mooleric Road, Ombersley**Zoning:** Farming Zone**Overlay controls:** N/A**Proposed Amendments:** N/A**Purpose:**

This application seeks planning permission to use and develop the land for stone extraction. Planning Committee consideration is required due to the number of objections (32 objectors, and one submission raising no objection, subject to conditions) and because the application may have an effect on the broader community.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Summary

- A planning permit is sought to use and develop part of the land at 320 Mooleric Road, Ombersley, for stone (basalt) extraction.
- The subject site is located in a Farming Zone and is currently used for agricultural purposes. No overlays affect the site and no part of the proposed quarry would be within an area of cultural heritage sensitivity.
- A Work Plan has been endorsed by the former Department of State Development, Business and Innovation through Work Authority WA1546. The Work Plan required significant consultation with external bodies such as the Department of Environment and Primary Industries (DEPI), Southern Rural Water (SRW) and the Corangamite Catchment Authority (CCMA).
- The consultation carried out on the endorsed Work Plan means that there is no requirement under the provisions of the Planning Scheme to carry out statutory referrals to any external body other than VicRoads, in this case. The application was referred to VicRoads, which raised no objection subject to conditions being imposed on any permit issued.
- Notwithstanding that there was no statutory requirement for referral to other external bodies, a number of other authorities were notified of the application. These included DEPI, SRW, CCMA, Barwon Water, the EPA, Powercor and the Office of Aboriginal Affairs Victoria. Whilst some of these authorities recommended that conditions be imposed in the event a permit is issued, none raised any objection to the proposal.
- The application was also referred to Council's Infrastructure, Environmental Health and Environment departments, none of which objected to the proposal.

- Given the technical nature of the groundwater and surface water considerations in this case, and having regard to the history of the site, independent consultants were engaged by Council to peer review the submitted Groundwater and Stormwater Management Reports. Whilst some changes were recommended to the 'Stormwater Management Plan', and permit conditions were recommended by both consultants, no objections were raised to the proposal as a result of the peer reviews of the submitted reports.
- Objections to the application have been received from 32 objectors, some of whom submitted several letters of objection. The main reasons for objecting to the proposal related to groundwater, traffic, noise and blasting concerns, and to the potential impact on fauna. The concerns of local residents are considered to have significant weight and, in the event a Notice of Decision to Grant a Permit is issued, it is considered imperative that any recommended permit conditions address the key concerns raised. A letter was also received from Acciona (the operators of a proposed wind farm to the north of the site), which raised no objection subject to conditions being imposed on any permit issued.
- In assessing the current proposal, regard was had to a VCAT decision relating to a previous proposal for a quarry at 320 Mooleric Road. Whilst that application differed from the proposal currently under consideration in some aspects, the VCAT decision is considered a material consideration when assessing the current proposal. The Tribunal Members concluded in that case that the principle of a quarry was acceptable at the site, but considered the information submitted with the original application to be deficient.
- When assessing the current proposal, the economic benefits have been weighed against the concerns raised by local residents, having regard to potential mitigation measures that could be required through planning conditions. On balance, given the economic benefits and the lack of objection from any referral authority or the consultants engaged by Council, it is considered that it would be difficult to substantiate a reason for refusal notwithstanding the valid concerns of local residents. As such, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case, subject to conditions that adequately protect the amenity and resources of the surrounding community.

Background

A previous application for the use and development of land at the subject site for extractive industry (basalt quarry) was made in 2010 (ref. PP80/2010-1). This application differed from the current application in some respects, as discussed later in this report. The proposed quarry had a draft Work Authority Approval (Work Authority 1408).

Council considered the application at the Planning Committee meeting held on 9 March 2011 and determined to issue a Notice of Decision to Grant a Permit for the proposed quarry.

Two applications for appeal were lodged with the Victorian Civil and Administrative Tribunal (VCAT) following the decision. The first application for review lodged was made pursuant to Section 82 of the *Planning and Environment Act 1987* (the Act), and sought a review of the Council's decision to issue a Notice of Decision to Grant a Planning Permit. This application for review was made by some of the objectors to the application.

The second application for review, which was lodged pursuant to Section 80 of the Act, sought a review of a number of the permit conditions. This application for review was made by the permit applicant.

VCAT determined to set aside Council's decision and directed that a permit was not to be issued.

In the VCAT decision (*Beach & Ors v Colac Otway SC [2011] VCAT 2086 (3 November 2011)*), at paragraph 3, Members Baird and Potts stated:

“Having considered the above questions in the context of the applicable provisions and policies in the Colac Otway Planning Scheme, we have decided to set aside the Council’s decision. The use of the review site for a basalt quarry is acceptable in principle. However, we are not satisfied that the design of the quarry has satisfactorily addressed or responded to the land’s circumstances. That is particularly in terms of drainage and surface water flows, and potential risks to native fauna (brolga, growling grass frog and possibly other threatened species). Truck noise with respect to No. 30 Mooleric Road is also a matter that we have concerns about. Other issues referred to by the parties, such as the timing and nature of works to Mooleric Road, could be addressed through permit conditions.”

In coming to their determination, the VCAT members considered the following key questions (at para. 2):

- *Is the use of the land for extractive industry acceptable in principle?*
- *Would the proposal adversely affect surface water, groundwater and bores?*
- *Has the potential for adverse effects on native fauna and flora been properly considered?*
- *Should Mooleric Road be upgraded and, if so, to what standard and when?*
- *Would noise, dust and vibration associated with blasting and truck traffic be unreasonable?*
- *Have aboriginal cultural heritage considerations been sufficiently addressed?*
- *Would the proposal have an unacceptable visual impact?*
- *Would any other matters warrant refusal of the proposal?*

These key questions have been specifically considered as part of the assessment of the current application in later sections of this report.

As mentioned above, it should also be noted that there are some key differences between the previous application and the current application. These differences are as follows:

- The current application seeks a deeper level of extraction, with some stages extracting from below the groundwater table.
- The current proposal seeks to extract a greater amount of basalt (200,000 tonnes per year), than the previous application (80,000 tonnes per year).
- An increased number of blasts per year (12) are proposed than in the previous application (6).
- Management of groundwater and surface water impacts would be different to the original application.

Issues / Options

Council has the options of:

- a) Supporting the application subject to conditions;
- b) Supporting the application subject to conditions with changes;
- c) Refusing to grant a permit.

The key issues relating to the application are;

- Is the proposed use acceptable in principle?
- Would the proposed use and development cause an unreasonable level of impact to the surrounding area in terms of impacts to amenity and the environment, including surface water, groundwater and impacts to the local flora and fauna?

- Have all other off-site amenity impacts been appropriately addressed, e.g. noise, movement, and management of the proposed use?

It is recommended that Option a) is supported for the reasons outlined in this report.

Proposal

The proposal, as submitted, is described below:

Use

The proposed use of the land for stone extraction would involve the quarrying of basalt within a 64 hectare section of the subject site. The area in which the extraction would occur is identified within the Works Authority Plan under the Mineral Resources Sustainable Development Act 1990 and is referred to as the Works Authority Area (WAA). The ultimate production rate is planned to be 200,000 tonnes per year.

The operation of the quarry would involve initial site preparation works followed by four extraction phases and would conclude with site rehabilitation, as detailed below:

- Initial site preparations – would include the removal of overburden (topsoil), and the construction of required buildings, roads and the works to achieve the stormwater management system.
- Stage 1 – would involve extraction and works within the north-western corner and a small central section of the WAA.
- Stage 2 – would involve extraction to the remaining northern half of the WAA and water management storage to the south.
- Stage 3 – would involve extraction within the south-east corner, with a sump to the far south - east corner.
- Stage 4 - would involve extraction within the remaining southern area.
- Rehabilitation - would see the quarrying activity cease and involve rehabilitation of the site, to a safe and stable form.

Hours

The proposed hours of operation are:

- 7am – 6pm Monday to Friday
- 7am – 1pm Saturday
- Closed on Sunday

Development

The existing dwelling would be used as the site office and laboratory. A temporary building with a maximum height of 2.4m above natural ground level would be placed near the office and weighbridge. Access routes and car parking areas would be provided within the site.

Blasting

Extraction would require blasting, with the explosives to be brought in by blasting specialists. As such, no explosives would be stored on site. It is proposed that there would be a maximum of 12 blasts per year.

When blasting would take place closer than 100m to Mooleric Road, it may be required to temporarily stop traffic as the road would be within the exclusion zone.

Stormwater

As part of the establishment of the quarry, diversion swales have been designed to allow for the stormwater to flow through and around the Works Authority area. A 200m² sediment basin with an average depth of 0.75m is proposed to treat the runoff from the Plant and Stockpile Area, which would be the major source of surface water contaminants within the Works Authority Area, as the remaining runoff from the Works Authority Area would be diverted around direct quarrying areas. A 'Stormwater Management Plan' was submitted as part of the application.

Groundwater

The proposal seeks to extract basalt below the water table. A 'Groundwater Management Strategy' submitted with the application details the way in which it is proposed to manage the potential impacts the quarry could have on groundwater. It is proposed to create a sump pit at the lowest point within the operating pit and pump into on-site storage. A Monitoring Program is proposed, to monitor the impacts the quarrying activity might have on a neighbouring bore. The Monitoring Program identifies trigger points and mitigation actions which would be taken as required.

Traffic

The proposal would increase the daily traffic movements and loaded trips experienced on Mooleric Road. The Traffic Report considers five scenarios for Mooleric Road and advises that, under the highest scenario, the proposal could generate up to 100 daily truck movements.

The scenarios are as follows:

- Scenario 1: Existing situation.
- Scenario 2: During windfarm construction.
- Scenario 3: During windfarm construction, with the quarry providing the windfarm with basalt.
- Scenario 4: During the Princes Highway duplication, with the quarry providing the duplication with basalt.
- Scenario 5: Concurrent Princes Highway duplication and windfarm construction, with the quarry providing basalt.

There would be a need to upgrade Mooleric Road to be able to accommodate the increased traffic; however the extent to which the road would be upgraded is not detailed as part of the application.

Site & Surrounds

No. 320 Mooleric Road, Ombersley comprises 12 titles (Lot 1-5 TP327519Q and Lot 1-7 on TP247757X). The site is generally rectangular in shape, with a frontage of 787.57m to Mooleric Road to the west and a frontage of 788.18m to Prices Lane to the east, and a maximum depth of 3.21 kilometres. The site is located approximately 3km north of the intersection of Princes Highway and Mooleric Road.

The area which forms the subject of this application (referred to in this report as the 'Works Authority area', or 'WAA'), comprises Lots 1 and 2 on TP372519Q and equates to a total area of 64 hectares. The western boundary of the Works Authority area abuts Mooleric Road.

No. 320 Mooleric Road is used for agricultural purposes, with associated buildings and a dwelling existing on the land. The Works Authority area contains minimal native vegetation.

Of note within the Works Authority area are three Stony Rises, which are considered to be areas of potential cultural heritage sensitivity. Stony Rise 1 is located in the south-western section of the area, Stony Rise 2 is located towards the existing dwelling and Stony Rise 3 is located towards the north of the area.

The whole of the subject site generally slopes down from the north-western corner towards the south-west corner. There are four (4) external overland flow catchment areas that run through the subject site.

There are seven (7) existing groundwater bores within the WAA, one (1) of which is a groundwater supply bore, two (2) of which are stock and domestic bores, and the remaining four (4) of which are groundwater monitoring bores.

The quarry site is not within an area of Farmland of Strategic Significance, which applies to the north-western portion of the Shire. The site is within an area of 'medium' significance, as described in the Shire's 'Rural Land Strategy' 2007.

Neighbouring properties

The land to the west of the WAA is used for agricultural purposes. This land does not contain any dwelling in close proximity to the WAA. The closest neighbouring bore to the WAA is located within this site to the west, with the bore located approximately 315m from the boundary.

The land to the north of the subject site is also used for agricultural purposes, with no dwelling in close proximity to the WAA.

The land to the east of the WAA forms part of the subject site and is within the same ownership.

Land south of the subject site, known as 30 Mooleric Road, Birregurra, is also used for agricultural uses. This land contains a dwelling located approximately 2.2km from the WAA, and approximately 10m from the centreline of Mooleric Road.

It should be noted that a planning application was submitted in November 2014 for a caretaker's dwelling at 170 Mooleric Road (ref. PP239/2014), which is located a little over 800m to the direct south of the quarry site, between the quarry site and 30 Mooleric Road. This application did not include any plans showing the location, size or design of the proposed building, or any written justification for a dwelling in the Farming Zone. Given the lack of information, and the fact a decision has not been made on the application, consideration cannot be given to the impacts of the quarry on the dwelling proposed. A further information request was sent to the applicant on 4 December 2014. The applicant is aware of the current application for the quarry.

Surrounding area

The broader area is rural in nature, with agricultural uses being the predominant land use. The closest township is Birregurra, located approximately 7km south of the subject site. Colac is approximately 22km to the west of the subject site.

Mooleric Road is a local road. The first 500m of Mooleric Road consists of sealed pavement, with a width between 5 and 5.5 metres. Further north, Mooleric Road is an unsealed gravel road with a width of approximately 5-6m.

The Princes Highway provides access to Mooleric Road, on which the subject site is located. Princes Highway is a designated Road Zone Category 1 and is a key arterial road servicing the broader south-west region.

A transmission line runs in a south-west/north-east direction to the south of the application site; however this is located more than 60m from the WAA.

Due to the subject land and surrounding area's association with farming, the land has been highly modified.

Public Notice

Public notice was given in accordance with Section 52 of the Planning and Environment Act 1987.

All surrounding owners and occupiers within a 2km radius of the subject site, and objectors to the previous planning application, received direct notification. A sign was placed on the site and a notice appeared in the Colac Herald on 8, 10 and 15 October 2014.

Given the volume of information submitted with the application, Council provided CDs of the application for interested parties.

During the course of notification it was realised that an administrative error resulted in some elements of the application (i.e. the Work Plan) not initially being available for public viewing, or accessible on the CDs provided. As a result, the advertising period of the application was extended until 20 November 2014.

Objections

Letters of objection to the application were received from 32 objectors, some of whom submitted several letters. In addition, a letter was received from Acciona (operators of the proposed wind farm), which expressed concerns but raised no objection subject to conditions being imposed on any permit issued.

The key issues identified in the objection are outlined below (a detailed response to the issues raised is set out later in the report, in the section entitled 'Consideration of Proposal'):

Groundwater

Many of the objectors raised the issue of their reliance on groundwater and advised that any impact on the amount or quality of the groundwater available would have a significant impact on their ability to farm the land. Some objections criticised the amount of information or the accuracy of the 'Groundwater Management Strategy' (by John Nolan) submitted with the application.

It was suggested that additional monitoring of bores should be conducted, similar to the proposed monitoring of the bore at the 'Beach' property mentioned in the submitted 'Groundwater Management Strategy'

The potential impacts of the proposal on groundwater are considered later in this report. The concerns raised by objectors were referred to a consultant engaged by Council to review the submitted groundwater report, who suggested permit conditions in the event a Notice of Decision to Grant a Permit is issued. These conditions have been included in the recommendation at the end of this report.

Noise

Noise, and particularly traffic noise, was identified as a key concern.

Many objectors expressed dissatisfaction with the proposed plastic acoustic fence at No. 30 Mooleric Road, and the burden of ongoing maintenance of such a fence. The owners/occupiers of No. 4745 Princes Highway also requested that further investigation into the potential noise impacts on their property be undertaken, given their location adjacent to the turn off into Mooleric Road.

Consideration has been given to the potential impacts of the acoustic fence, and it is recommended that, in the event a Notice of Decision to Grant a Permit is issued, conditions require further consideration of potential noise mitigation measures for No. 30 Mooleric Road. This could be done by updating the submitted Acoustic Report. The recommended condition would require any appropriate noise mitigation measures to be implemented, with the consent of the owners of No. 30 Mooleric Road.

Furthermore, it is recommended that further consideration be given to the potential for noise impacts to No. 4745 Princes Highway and, if required, to the implementation of acoustic treatment with the consent of the owners of the land.

Traffic

It was generally suggested that the current condition of Mooleric Road was not up to standard to handle the increased traffic. Concerns were raised about how and when the road would be upgraded.

Safety concerns associated with an increase in traffic were also identified.

The application was referred to Council's Infrastructure Department, which advised that the Traffic and Transport Assessment submitted with the application does not adequately identify the existing conditions of the road and access, and does not provide an acceptable upgrade outcome. As such, it is recommended that conditions on any permit issued require upgrades to Mooleric Road to the satisfaction of the Responsible Authority. The Infrastructure Department has confirmed that the road would need to be widened and sealed.

The intersection of Mooleric Road and Princes Highway has been considered by VicRoads. VicRoads has advised that it does not object to the application subject to conditions being imposed on any permit issued. These have been included in the recommendation at the end of this report.

Flora and Fauna

Concerns were raised that flora and fauna issues have not been adequately considered, and that there is significant fauna within the area that may be affected by the quarry.

The application was accompanied by a Flora and Fauna Assessment which outlined the likelihood of significant flora and fauna being within the area, based on the habitat condition and nature of use. The reports, which have been accepted by DEPI and Council's Environment Department, found that the land has been highly modified and is of low ecological value.

A number of objectors raised concerns about the potential impact on broilgas. The application was referred to DEPI, which provided conditions for inclusion on any permit issued. The conditions outline a monitoring program for nesting broilgas, to study the impacts (if any) blasting has on them while nesting. These conditions have been included in the recommendation at the end of this report.

Inconsistent with Character and Zoning of Area

Many objectors consider that the use of the quarry would be inconsistent with the purpose of the Farming Zone, which applies to the subject land. These concerns relate primarily to the impacts of the proposed use and development on the rural character of the area.

Whilst not an agricultural activity, quarrying operations (which are dependent on the location of materials) can be permitted in the Farming Zone. The acceptability of the proposed use in the Farming Zone is considered later in this report.

Blasting

Concerns were raised about the proposed blasting, and particularly the impacts of closing the road, the potential for impacts on a nearby gas pipeline, the structural integrity of buildings, and potential impacts to nearby livestock and a cattery.

The 'Effects of Blasting' report submitted with the application submits that the proposed blasting would meet the required vibration levels and, measured at any house, would be below the threshold of human perception. There are no standards or measures which assist in measuring the potential for impacts to livestock, native species and animals.

It is noted that quarries, extraction and activities which involve blasting are not uncommon within Farming Zones and areas which include livestock. In the matter of *Whitsunday Crushers Pty Ltd v Hume CC [1998] VCAT 618* (15 January 1999) the Tribunal Member considered impacts of blasting on platypus and native animal habitats, stating:

*"It was asserted by some objectors that the blasting effects would put the platypus populations in Emu Creek at risk and that other animal habitats on the site would be disturbed. We firstly do not believe that there would be any habitat of significance on that part of the subject land which is to be utilised as the quarry, as the property has been grazed for some time and there is no significant native vegetation. We also believe that in as much as the tree species selected for the screen planting will be required to meet with Department of Natural Resources and Environment approval the opportunity for habitat enhancement exists. As for the blasting effects upon the platypus communities, this was no more than asserted by Mr Risstrom. In reply, it was commented that kangaroos and birds of prey are frequently found in quarries. Further, in the determination of Appeal 1996/34076 *Felmar Garden Supplies v Shire of Mt Alexander and Ors.* (unreported), the Tribunal accepted the advice provided by representatives of the Department of Natural Resources and Environment who attended the hearing, that in-ground vibrations from quarry blasting would not disturb native animals in the nearby Barfold Gorge."*

Whilst not included in the 'Effects of Blasting' report, the applicants have subsequently advised as part of their response to objections that the blasting would exceed the minimum buffer required from the pipeline. It is recommended that a condition on any Notice of Decision to Grant a Permit issued requires the 'Effects of Blasting' report be updated to include consideration of the gas pipeline.

Conditions requiring notification to neighbours of proposed blasting are recommended, in the event a Notice of Decision to Grant a Permit is issued, as is the ongoing monitoring of blasting to ensure the blasting does not exceed the allowable vibration and noise levels.

Dust

The Dust Suppression Program is considered to provide an adequate response to dust management. In the event a Notice of Decision to Grant a Permit is issued, it is recommended a condition relating to dust suppression be included.

Information

Some parties advised of difficulties in accessing information during the notification period for the application. Council has endeavoured to ensure appropriate access was provided, in recognition of the amount and detailed nature of the information submitted with the application. CDs of the application were provided to objectors; the application documents, peer reviews and the applicant's response to objections were made available on Council's website; and letters were sent about any additional information available (and phone calls were made to advise key objectors). The advertising period was also extended to enable all parties with an interest in the application to view and comment on information submitted by the applicant. In addition, three public meetings attended by Council officers, Councillors, the applicant and objectors, were held during and after the public notification period.

Some objectors also considered that the full transcript of the previous VCAT hearing should have been obtained and taken into account when assessing the merits of the current proposal. Due regard has been had, when drafting this report, to the VCAT decision on that application. That decision reflects the views of the Tribunal Members on all matters presented at the previous VCAT hearing and is a material consideration which should be taken into account when considering the current application. It is not a requirement to have regard to the transcripts of the entire hearing that led to that decision.

Competition, Economic Benefit, and Land Values

A concern was raised that the proposal would detrimentally impact on the sales of RAK David & Sons (a quarry located south-east of the subject land) and that there is no need for another quarry in the area. Some objections were concerned that the proposal would result in a negative impact to land values.

The application has identified, in broad terms, the need and economic benefit of the proposed use and development. It is a well-established principle that neither competition nor land values are material planning considerations. These are not grounds on which Council could seek to refuse or restrict the application.

Issues Raised on Behalf of Windfarm

Notice was provided to Acciona as owners of the approved Mt Gellibrand Wind Farm. The wind farm, apart from compound works, is yet to be constructed. The proposed quarry operations would be approximately 540 metres away from the location of the nearest proposed wind turbine.

The key concerns identified by Acciona relate to:

- *The impact of ground vibrations from quarry blasting operations (both magnitude and frequency) on the structural integrity of nearby wind turbines and maintenance facilities, including:*
 - *During the curing of turbine foundations through construction; and*
 - *During the long term operation of the wind farm site.*
- *The risk of damage to nearby wind turbines, operations buildings and wind farm staff by airborne rock during blasting operations.*
- *That traffic management and road upgrade obligations adequately reflect the substantial additional demands imposed on Mooleric Road by the regular, long term heavy vehicle use associated with the quarry proposal.*

Conditions that respond to the concerns identified by Acciona have been included in the recommendation at the end of this report; these would be included on any Notice of Decision issued. Acciona has advised that it does not object to the application if its concerns are addressed.

Notes:

- The ownership of 4570 Princes Highway, which contains a cattery, changed during the processing of this application. The new owner is aware of the application and has lodged an objection.
- One objector contacted Council on 9 December 2014 to advise that he had sold his property and wishes to be taken off the mailing list for matters relating to the quarry. His objection was not formally withdrawn.

Referrals

The application was referred to a number of external bodies, pursuant to Sections 52 and 55 (as relevant) of the Planning and Environment Act 1987 (the Act), and also to internal Council departments.

It should be noted that the referral requirements of clause 52.09-4 of the Planning Scheme, which relates to the referral of applications to use and develop land for stone extraction, do not apply to an application to use and develop land for stone extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under Section 77TE of the Mineral Resources (Sustainable Development) Act 1990. In the case of the current application, VicRoads was the only authority to which a statutory referral under section 55 of the Act had to be undertaken. However, other authorities (as listed below) were notified of the application and asked for comment/conditions.

The following summarises the responses received. Copies of all referral responses have been provided to the applicant and Councillors.

Internal referrals were also undertaken, as detailed later in the report.

External Referrals

VicRoads

There was a statutory requirement for a referral to VicRoads, under section 55 of the Act. VicRoads advised as follows:

“VicRoads has considered the application and in principle has no objection to the proposal.

Council would be aware of the proposed duplication of the Princes Highway between Winchelsea and Colac.

Considering the project is not due for completion for some time, to maintain the existing levels of safety and service of the Princes Highway, right and left turn lanes will need to be installed at the Princes Highway/Mooleric Rd intersection.”

VicRoads requires conditions relating to road works at the Princes Highway/Mooleric Rd intersection, and to a requirement for the applicant to enter into a works agreement with VicRoads, to be imposed on any permit issued.

These have been included in the recommendation at the end of this report.

Environmental Protection Authority (EPA)

The EPA advised that it is not a statutory referral authority under s55 of the Act and stated that it *“has no concern with Council issuing this planning permit according to the information that has been provided”*. The EPA provided two conditions, which it recommended are considered for inclusion on any permit issued. These have been included in the recommendation at the end of this report.

The EPA also drew attention to one of its publications, ‘A Protocol for Environmental Management (PEM) for the Mining and Extractive Industry’ (EPA Publication 1191), stating that:

“This PEM is an incorporated document of the ‘State Environment Protection Policy (Air Quality Management) 2001 (SEPP AQM)’. It sets out the statutory requirements for the assessment and management of the emissions to the air environment arising from activities undertaken in the operation of mining and extractive industries. All mining and extractive industries have a requirement to comply with SEPP (AQM).

EPA notes that the work plan includes measures to control noise, dust and prevent water from discharging from the premises and entering waterways. EPA recommends Council consider requiring a waste management plan if the quarry is intending to receive any kind of waste for reprocessing and/or crushing. EPA also recommends Council consider including a condition to the effect that at the completion of the extractive activities, the premises must not be used as a landfill.”

It is not proposed to receive any kind of waste for reprocessing and/or crushing at the quarry that forms the subject of this application.

Department of Environment and Primary Industries (DEPI)

DEPI was notified of the application under s52 of the Act. DEPI raised no objection to the proposal, stating:

“Earlier in 2014, the Department of State Development and Business Innovation (DSDBI) forwarded a draft work plan for review by the Department of Environment and Primary Industries (DEPI), consistent with the Statutory Endorsement process at section 77TE of the Mineral Resources (Sustainable Development) Act 1990. DEPI confirmed to DSDBI (copy attached) it did not object to the work plan being endorsed.

The department has reviewed the Flora and Fauna Report and the Brolga Desktop report prepared by Biosis which accompany the application, and is satisfied that these present an adequate assessment of the matters covered, and that they provide a sound basis to inform Council’s decision.

The department holds records of a Brolga nest site located some 800m north-east of the quarry site. The department concurs with the indication in the Brolga report that published data on the effects of blasting on breeding birds is lacking. In the circumstances approval of this quarry would create an opportunity to monitor any such effect. A suitable monitoring program is described in suggested permit conditions below. The department understands that as these conditions address off-site activity, they are beyond the scope of a Work Plan, but could be addressed via a planning permit.

I wish to advise that the department does not object to the granting of the planning permit.”

Conditions relating to a broilga monitoring program were recommended. These have been included in the recommendation at the end of this report.

Corangamite Catchment Management Authority (CCMA)

The CCMA was also notified of the application under s52 of the Act. The CCMA advised as follows:

“The Corangamite CMA does not have any official record of flooding for the property described above on which to base its assessment. This does not mean the property will never flood. Mapping available to the Authority indicates that a small drainage line/waterway passes through the south eastern corner of the property, around the area of the existing dam (identified on the plans supplied).

Please note that this waterway has been designated under the Water Act (1989). This waterway is known to the Authority as Designated Waterway No. 33-1-74-3. Prior to any works in, on, or over these waterways, a works on waterways application must be submitted to Corangamite CMA for assessment.

A Works on Waterway Permit from the Corangamite CMA is required for any access crossings (temporary or permanent), stormwater outlets or other works carried out on designated waterways. This permit process is required under the Water Act 1989 and is independent of the planning permit process (under the Planning and Environment Act 1987) and it is the responsibility of the person or persons proposing to undertake the works to obtain a works on waterway permit. Please note that applications for Works on Waterway Permits do not currently incur a fee.

A Stormwater Management Plan has been completed for the quarry by Cardno (3rd June 2014). This report confirms that the Q100 ARI surface water will be conveyed through and around the site in diversion swales without disturbing the hydrology for landholders downstream of the property. The swales will convey surface water through the quarry site without interaction with groundwater and return to the natural surface drainage flow paths at the western end of the subject property. Stormwater generated within the site will be managed via internal swale drainage and conveyed to a sediment basin to control particulate pollution to meet best practice standards.

In the light of the above information, the Authority raises no objection to the proposal.”

Southern Rural Water

A s.52 notification was sent to Southern Rural Water, which did not object to the proposal subject to conditions being imposed on any permit issued. Conditions based on those provided have been included in the recommendation at the end of this report.

Southern Rural Water commented as follows on the submitted Groundwater and Surface Water reports:

“The hydrogeological and surface water reports are very comprehensive and basically address issues that Southern Rural Water (SRW) would consider in assessing such a proposal.

Groundwater Assessment

An assessment of the proposal including a site inspection revealed that the proposal is not located within a Groundwater Management Unit.

It is noted that onsite water demands include water for dust suppression and the washing of aggregate. I understand that water for this purpose will come from a groundwater bore located on the property. The bore in question is licensed to extract an annual volume of up to 20.0 megalitres.

Furthermore, information within the Nolan reports indicates that significant groundwater dewatering operations will be required during all stages of quarry operations. Whilst at present there are no restrictions in place for this aquifer and area in issuing new groundwater licensed volumes, it is strongly recommended that the proponent resolves water licensing requirements with SRW as a matter of priority.

Surface Water Management

The Cardno stormwater management report clearly identifies the construction of swale drains to eliminate catchment water entering the quarry pit and work site. It is of utmost importance that catchment water be returned to its natural receiving waterway.

Rainwater that falls within the pit itself is not a licensable use of water however any discharges from the site must be in accordance with EPA requirements.

SRW is of the opinion that the works approval will cover issues such as fuel storage and filling operations and safety precautions for accidental spillage. It is important that the fuel and fuelling operations be kept well clear of the pit itself. Drainage and sediment control works is another important aspect of operations.

Taking all matters into consideration, SRW does not object to the proposal subject to the following conditions..."

As noted above, conditions based on those provided have been included in the recommendation at the end of this report.

Barwon Water

Barwon Water was also notified of the application. Barwon Water raised no objection to the application and did not require any conditions to be imposed, in the event a permit is issued.

Powercor

Powercor was notified of the application under s52 of the Act, due to proximity to the transmission lines. Powercor advised as follows, in relation to electricity distribution assets:

- "- Planning permit applicants must make application to Powercor for any new or upgraded electricity supply. Large supplies may require the establishment of onsite substations which can affect setbacks, parking and useable area.*
- Planning permit applicants must ensure the works proposed in the application (e.g. buildings and tree planting) maintain statutory clearances from electrical assets and comply with both the Service and Installation Rules and the Electricity Distribution Code.*
- Where the proposed works are likely to breach statutory clearances or contravene the Service and Installation Rules or the Electricity Distribution Code, applicants must negotiate an agreement with Powercor to relocate the affected electrical assets."*

A copy of this referral response has been provided to the applicant.

Aboriginal Affairs Victoria (AAV)

The Office of Aboriginal Affairs Victoria was also notified of the application, and advised as follows:

"In accordance with the Aboriginal Heritage Act 2006 (the Act) and regulations 2007 (r.6, r.4) a Cultural Heritage Management Plan is required for an activity of:

- a) All or part of the activity area for this activity is an area of cultural sensitivity; and*
- b) All or part of the activity is a high impact activity.*

Based on the information you have provided, the planning permit for the purpose of stone extraction falls outside an area of cultural sensitivity as defined by Division 3 Aboriginal Heritage Regulations 2007, therefore, a Cultural Heritage Management Plan is not required in this instance.

You should be aware that the Act provides legislative protection for Aboriginal cultural heritage. It is an offence to do an act that will harm, or is likely to harm Aboriginal cultural heritage, except in accordance with a Cultural Heritage Permit or an approved Cultural Heritage Management Plan. All Aboriginal cultural heritage is protected under (the Act) regardless of whether it is registered or not."

Department of State Development, Business and Innovation

DSDBI was also notified of the application and stated:

"Earth Resources Regulation of the Department of State Development, Business and Innovation (DSDBI) does not object to a permit being granted.

The draft work plan included with the planning permit application has been statutorily endorsed by DSDBI. This means that a copy of the work plan was given to referral authorities for assessment and comment in accordance with section 77TE of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA). The referral authorities listed on the checklist submitted with the application have agreed to statutory endorsement and their conditions are incorporated within the work plan conditions.

In accordance with Clause 52.09 of the Victoria Planning Provisions (VPP) referral requirements do not apply if a copy of the work plan was previously referred to the referral authority listed in Clause 66 of the VPP as part of the statutory endorsement process."

Internal ReferralsInfrastructure Department

Council's Infrastructure Department advised that the Traffic and Transport Assessment, combined with the relevant section of the response to Council's request for further information, does not form an agreed basis for future reports.

Of particular concern was the conclusion that *"the road upgrade between the Princes Highway and the wind farm becomes the sole responsibility of the wind farm should the wind farm start construction prior to commencement of the establishment of the quarry"*.

This stance has not been accepted by Council at any time during discussions with the applicant. The applications for the quarry and the wind farm are separate applications for very distinct uses of land, with different proposed time frames, unknown commencement dates and very different implications for the effect on Council infrastructure. As such, they need to be treated in isolation of one another, albeit the opportunity is available for the parties to discuss the potential to work together and share costs.

The Infrastructure Department also advised that it does not accept the findings of the provided pavement analysis report.

Conditions relating to pavement analysis, road upgrades and access routes were recommended. These have been included in the recommendation at the end of this report.

Environment Unit

The application was also referred to Council's Environment Unit, which advised as follows:

"Clause 52.17 does not apply as the applicant is not seeking to remove native vegetation.

Therefore, the only consideration from an environmental and biodiversity perspective comes from other state and local frameworks.

The objective of clause 12.01.1 (Biodiversity) is to 'assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

The applicant has engaged the services of an independent, qualified consultant to develop a flora and fauna report to assess impacts to biodiversity and the environment.

This report states that 'the study area has a long history of disturbance from farming and supports very little habitat for even common flora and fauna species'.

The report identifies two significant species that may be present onsite: Growling Grass Frog and Brolga. Other species, such as the Fat Tailed Dunnart [are not expected] onsite due to the poor quality of the vegetation.

Specific assessments of the impacts of the proposed quarry have been completed for these species. Through the assessment it has been concluded that there will be no impacts to the long term viability of these populations.

Accordingly, I offer no objection to the granting of a permit with no conditions."

Environmental Health

Council's Environmental Health Department advised that it considers the noise assessment to be satisfactory.

It was noted, in relation to the Community Engagement Plan, that whilst complaints would be considered and assessed, there is no detail of the framework that would be used for assessing complaints.

It was recommended that detail be included on how the complaints will be assessed, e.g. with regard to the impact/severity of the alleged incident, frequency and duration.

Peer Reviews

Groundwater

Council engaged an independent external Groundwater consultant to review the 'Groundwater Management Strategy' submitted as part of the application.

In summary, the peer review concluded:

"I have checked the modelling in the report using an alternative, simplified approach, and the figures I have derived are broadly similar to those in the report.

During operation of the quarry, groundwater pumping at the quarry is likely to have minimal impact on groundwater levels in neighbouring groundwater bores and on base flow in Birregurra Creek. Nevertheless, monitoring of all bores within 2 km of the quarry should be carried out monthly to confirm this. If the levels in any of these bores fall below that specified as a trigger for action in the Beach bore (Nolan Report, para. 6.2.1), then the same action specified for the Beach bore should be enacted (provide a replacement groundwater supply or deepen the bore; Nolan Report para. 6.2.3).

One of the key considerations in the Ombersley Basalt Quarry Planning Report is that the Groundwater Management Strategy will "ensure groundwater is returned to the aquifer". This is not clearly specified in the Groundwater Management Strategy, but according to a subsequent email from John Nolan (3/12/2014 2:13 PM to Simon Loader), "the primary recycling pathway is via lateral and vertical seepage through the unlined water storages. ...The water storages will be excavated to below the overburden and well into the permeable fractured/jointed zones. The water level in the storages will be held above the regional watertable to allow the hydraulic gradient to drive recycling back into the aquifer." This is an appropriate groundwater management strategy that will reduce the impact of the quarry on groundwater quality and levels down flow of the quarry.

During operation of the quarry, it is possible that the salinity of the water in the dams could rise due to evaporation, although the fact that the dams will actively leak makes this unlikely. Nevertheless, to avoid negative impacts on the groundwater salinity downflow of the quarry due to leakage of higher salinity water from the dams, the salinity of the water in the dams should be monitored monthly, and if it rises above a specified threshold, then mitigation measures will need to be enacted.

To check the possibility that nitrate levels in the groundwater are raised by the explosives used in blasting, there should be yearly nitrate analyses of groundwater stored on site. If the nitrate levels rise above a specified threshold, then mitigation measures will need to be enacted.

After the quarry has closed, it is intended that there will be permanent water bodies in the main extraction areas. It should be ensured that the water bodies are groundwater throughflow lakes; this will allow the water table to recover to close to its original level and prevent the lakes becoming progressively more saline over time due to evaporation.

If the design of the dams (unlined to allow continual leakage into the basalt aquifer) needs to be modified (e.g. lining them with impermeable membranes to reduce leakage), this will require a reassessment of the overall groundwater management strategy at the quarry."

Copies of the peer review report have been provided to the applicant and Councillors, and have also been made available to objectors.

Conditions based on the recommendations in the peer review report have been included in the recommendation at the end of this report. It is considered that such conditions are essential to protect the groundwater supply for residents in the area.

Surface Water

Council also engaged an independent external consultant to review the 'Stormwater Management Report' submitted as part of the application.

In summary, the peer review concluded:

"The general strategy approach taken by Cardno is considered to be appropriate and is supported by this review.

Provided that detail design and construction of the staged quarry development are carried out in accord [sic] with appropriate permit conditions, the project can certainly meet all contemporary best practice expectations in regard to stormwater quality and quantity management for a quarry resource development in a setting such as this.

Cardno have used contemporary best practice hydrologic, hydraulic and water quality modelling approaches in the SWMP.

In regard to stormwater quality aspects, model selection is industry-standard as are input parameters defining runoff generation and the enhanced particulate pollutant load generation from disturbed surfaces in a quarry operation. The use of rainfall and runoff parameters for the Geelong area is satisfactory, and accords with the Infrastructure Design Manual (IDM) as used by Council.

The proposed sediment basin sizing is generally agreed with but will likely increase in area when adequate batter slopes and maintenance access are considered as part of detail design. The basin outlet should be directed under the "cleanwater" drain and thence to the water dam inside the WA area in the SE corner.

In regard to stormwater quantity aspects, it is considered that there are some shortcomings in regard to definition of catchment areas and the estimation of peak stormwater discharge rates for the various catchments in the SWMP and hence the internal drainage setup:

- 1. the natural drainage outlet for the WA has been wrongly identified (according to the 0.5 m contours it is in the southeast corner not over the east boundary as indicated on Figure 2 of the SWMP);*
- 2. extra catchments affecting the WA in the east and south appear to have been overlooked, at least in regard to early stage development of the water dam;*
- 3. the proposed water dam shown in the southeast corner of the WA area may intercept external catchment drainage and thereby reduce volumetric flow of water out of the site;*
- 4. the peak stormwater flows for the catchments identified in the SWMP report appear to be under-estimated according to current ARR recommendations for use of the Rational Method.*

None of these shortcomings invalidate the Cardno SWMP strategy. If a permit were to issue for WA 1546 the inclusion of suitable conditions to be met with detail drainage design in the SWMP would cover off on all current concerns."

Copies of the peer review report have been provided to the applicant and Councillors, and have also been made available to objectors.

Conditions based on the recommendations in the peer review report have been included in the recommendation at the end of this report. It is considered that such conditions are necessary to address the issues raised by Council's consultant in the peer review.

Planning Controls

State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of Planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are summarised below:

Clause 11 Settlement

- Clause 11.07 Geelong (G21) Regional Growth
- Clause 11.07-4 Environmental Assets
- Clause 11.07-7 A Diversified Economy

Clause 12 Environmental and Landscape Values

- Clause 12.01 Biodiversity
- Clause 12.01-1 Protection of Biodiversity
- Clause 12.01-2 Native Vegetation Management

Clause 13 Environmental Risks

- Clause 13.04-1 Noise Abatement
- Clause 13.04-2 Air Quality

Clause 14 Natural Resource Management

- Clause 14.01-1 Protection of Agricultural Land
- Clause 14.02-1 Catchment Planning and Management
- Clause 14.02-2 Water Quality
- Clause 14.03 Resource Exploration and Extraction

Clause 15 Built Environment and Heritage

- Clause 15.03-2 Aboriginal Cultural Heritage

Clause 17 Economic Development

- Clause 17.02 Industry

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) sets a local and regional strategic policy context for the Shire. The policies considered relevant to the application are summarised below:

- Clause 21.02-2 Land Use Vision
- Clause 21.05 Economic Development
- Clause 21.05-1 Agriculture

Zones and Overlays

The subject site is controlled by a Farming Zone (FZ) and is not affected by any overlays.

The following table discusses planning permit triggers, and also clarifies why permits requirements are not triggered by some clauses:

| | |
|--|---|
| Clause 35.07
Farming Zone
Schedule to the Farming | Pursuant to Clause 35.07-1 the use of the land for stone extraction is a Section 2 use and, as such, the proposed use of the site for stone extraction requires a planning permit. |
|--|---|

| | |
|---|---|
| Zone | <p>Pursuant to Clause 35.07-4 a permit is required to construct or carry out buildings and/or works associated with a Section 2 use.</p> <p>Pursuant to Clause 35.07-4 a permit is also required to carry out earthworks if specified in a schedule to this zone. The Schedule to the Farming Zone identifies all land within the Zone as requiring a planning permit for the carrying out of earthworks which change the rate of flow or the discharge point of water across a property boundary. The proposal seeks to carry out earthworks which would change the discharge point of water within the property boundary. The applicant has confirmed that there would be no change to the rate of flow or the discharge point of water across a property boundary. As such, no planning permit is required pursuant to this requirement.</p> |
| Clause 52.08 Earth and Energy Resources Industry | <p>Pursuant to Clause 52.08-1, a planning permit is required for stone extraction unless it complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990 (which requires an Environmental Effects Statement). The application does not comply with the exemption as no EES has been conducted.</p> <p>Pursuant to Clause 52.08-2, an application to use and develop land for mineral extraction must be accompanied by:</p> <ul style="list-style-type: none"> • A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990. • The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990. • Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990. <p>The required information was submitted with the application.</p> |
| Clause 52.09 Stone Extraction and Extractive Industry Interest Areas | <p>Pursuant to Clause 52.09-1 the provisions of Clause 52.09 apply for a planning permit application for:</p> <ul style="list-style-type: none"> • The use and development of land for stone extraction. • The use and development of land within an extractive industry interest area. • The use and development of land within 500 metres of stone extraction. |
| Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road | <p>Princes Highway is a category 1 Road Zone, and it is proposed to upgrade the intersection of Mooleric Road and Princes Highway.</p> <p>Pursuant to Clause 52.29, a planning permit is required to create or alter access to a road in a Road Zone Category 1.</p> <p>There is no planning permit requirement to change the access from Mooleric Road.</p> <p>Note: Recommended conditions on any Notice of Decision issued would include a requirement to upgrade the intersection of Mooleric Road and Princes Highway.</p> |

Aboriginal Heritage Act 2006

The applicant has advised that a Mandatory Cultural Heritage Management Plan is not required, which has been confirmed by the Office of Aboriginal Affairs Victoria.

Consideration of the Proposal

Policy Consideration

There are a range of policies at both a State and local level which are relevant to this application. These include a clause that guides decision making, and clauses relating to stone extraction and to environmental and biodiversity issues.

Clause 10.04 (Integrated Decision Making) of the Planning Scheme states (in part):

“Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.”

As such, the balance of competing and often conflicting policies is to be made, with an emphasis on achieving an outcome in favour of “net community benefit” and sustainable development.

The thrust of the State and local policies within the Colac Otway Planning Scheme is that proposals of economic (cl. 11.-7-7, cl. 17 and cl. 21.05) or social benefit (or ‘net community benefit’) should be supported where they do not pose an unreasonable level of detriment to the environment (cl. 11.04-7, cl. 12, cl.13 & cl. 21.04), amenity (cl. 15), culture (cl.15.03-2) or character of an area (cl. 15). These matters are considered later in this report.

Clause 14.03 (Resource Exploration and Extraction), which is directly relevant to the proposal, has the objective to “*encourage exploration and extraction of natural resources in accordance with acceptable environmental standards*”.

In the previous VCAT decision, the Tribunal Members concluded that “*the proposed use of the land is acceptable in principle. However, we are not satisfied that the design of the quarry has satisfactorily addressed or responded to the land’s circumstances.*”

This VCAT decision is a material consideration that must be taken into account when assessing the current proposal. Given the findings of the Tribunal Members, it is considered that the current proposal is acceptable in principle and not inconsistent with the overarching policy directions contained within the Colac Otway Planning Scheme, provided the amenity and environmental impacts of the proposal can be appropriately managed and the site is rehabilitated in an appropriate manner.

It is considered of particular importance, in the event a Notice of Decision to Grant a Permit is issued, that appropriate conditions are included to protect the local environment, and the amenity and resources of local residents.

A detailed assessment of the potential environmental and amenity impacts is set out below.

Zone

The subject site is within the Farming Zone, with agriculture being the predominant land use within the surrounding area. As noted earlier in this report, the site is not within ‘Farmland of Strategic Significance’, but is classed as being of medium significance from a land capability perspective.

The provision of agricultural land, and the protection of productive agricultural land, forms a key part of the purpose of the zone. Despite this, numerous non-agricultural uses are allowed as of right, or are permissible under the zone subject to a planning permit. As such, it cannot be argued that only agricultural uses are acceptable in this zone, but rather that productive agricultural uses should be protected.

The previous VCAT decision, which is a material consideration when assessing the current application, considered the proposed use of this land in the Farming Zone to be acceptable in principle, noting:

- “10.....• *Extractive industries are a discretionary use in the Farming Zone and typically located in rural-based zones where off-site impacts can be minimised and buffers achieved.*
- *Statewide policies and Scheme provisions provide parameters and guidelines for the consideration and assessment of a new extractive industry. The Scheme’s provisions seek to ensure that appropriate buffers are established/available between extractive industries and sensitive uses to minimise impacts.*

- *They seek to ensure environmental issues are addressed including the protection of waterways, native flora and fauna.*
 - *Neither State nor local policy identify the review site or locality as an investigation area for extractive industry.*
 - *Decisions about permit applications for extractive industries usually require potentially competing objectives to be balanced. There can be tensions when seeking to extract primary resources in a rural setting that has been enjoyed by farming families for many years and/or taken up for lifestyle farming or rural living purposes. Residents are entitled to a reasonable level of amenity but expectations as to what is “reasonable” must be cognisant of the primary purpose of land in the Farming Zone for agriculture and other productive purposes.*
11. *Two main issues require consideration with respect to the proposed land use on the review site – the loss of productive agricultural land and contentions by the Objectors that the benefits of the proposal have not been established.*
12. *With respect to the first issue, we were advised that the review site has been used for grazing and cropping for many years. Part was under crop at the time of our inspection and part was given over to grazing.*
13. *The proposal would remove some of the larger farm holding associated with The Elms from productive agriculture but, in the long term, the work area may be returned to this purpose. The balance of the land will still be able to be farmed. We do not consider this to be a critical issue and it was not argued as such by those opposing the permit application.*
14. *With respect to the second issue, Mr Finanzio submitted the proposal would provide a benefit in terms of construction material for road duplication associated with the Princes Highway, potentially the proposed wind farm, and also supply the wider region. As referred to in Mr Crowder’s evidence, this would create jobs, add value to the primary source at site, generate economic development and encourage industrial diversity. While recognising there would be benefits, Mr Tweedie criticised a lack of information confirming the quality of the stone resource. He submitted there is insufficient justification provided by the permit applicant with respect to the need for the proposed quarry.*
15. *The application is based on a resource of around 5 million cubic tonnes although Mr Finanzio observed that the most recent information about the location of groundwater would reduce the accessible resource to ensure the water table is not intercepted. He indicated that the benefits would still remain. We acknowledge that position notwithstanding that there are uncertainties as to the quality of the basalt across the proposed excavation area and the fact that the groundwater level is not yet fixed and can be expected to vary over time. The need for a redesign of surface drainage diversions may also affect the winnable stone resource. Even with these limitations, we agree that positive contributions to the local and wider economy are expected. As transport of stone is costly, the accessibility of this resource to likely markets (particularly Princes Highway road works) has been another relevant matter in the overall balancing exercise that we have undertaken in reaching our determination.”*

Also considered of relevance to the current proposal is the fact that only a relatively small portion of the landholding (64ha of 280ha) is proposed to be used for stone extraction. The balance of the subject land would continue to be used for agricultural purposes.

Setting aside the issues of groundwater and surface water raised in the quote above (which are considered later in this report), it is considered that the findings of the Tribunal Members remain applicable to the current application and that the proposed use is therefore acceptable in principle. However, it remains necessary to consider the potential impacts of the proposal and the objections raised by the community.

Particular Provisions: Clause 52.09 Stone Extraction and Extractive Industry Interest Areas

Clause 52.09 applies to a planning permit application for:

- The use and development of land for stone extraction.
- The use and development of land within an extractive industry interest area.
- The use and development of land within 500 metres of stone extraction.

As such, these provisions apply to the subject application. An assessment against the decision guidelines of clause 52.09 has been undertaken below (with the decision guideline in *italics* and the response in plain text):

- *The effect of the proposed stone extraction on any native flora and fauna on and near the land.*

A Flora and Fauna Assessment was submitted with the application. In addition, a 'Brolga Desktop Assessment' was submitted. The Flora and Fauna report concluded that, due to the highly disturbed and poor quality habitat on the site, it is of very low ecological value. The Brolga report concluded that the study area does not contain any previous database records of Brolga breeding or flocking; there are no incidental records of Brolga within the study area; the study area does not provide potential breeding habitat for Brolga; Brolga may forage on or in the vicinity of the study area if weather conditions and/or resources are suitable during different periods throughout the year; there are breeding records and a number of incidental records of Brolga within 10 km of the study area; and the proposed quarry development presents a low risk to Brolga. It also stated that: *"no conclusion can be drawn on aspects of the proposed development such as the potential for blasting to disturb breeding activity of nearby Brolga. There is very little published data on the effects of blasting on breeding birds within the Grus genera from Australia or overseas. From personal observations however, there are instances in Victoria where Brolga have breed [sic] successfully very close to development sites."*

The application was referred to DEPI for consideration, which advised that it does not object to the proposal subject to conditions relating to brolgas being included in any Notice of Decision issued. These conditions are included in the recommendation at the end of this report. The application was also referred to Council's Environment Unit, which raised no objection to the proposal.

Given the referral responses from DEPI and Council's Environment Department, and the fact that the subject site has been deemed to be of low ecological value (with the Tribunal Members in the VCAT decision also noting that *"we accept that the review site is degraded in its habitat values"*), it is not considered that the disturbance of the site by stone extraction would pose an unreasonable impact to native flora and fauna, provided offsite impacts can be managed. Recommended conditions on any Notice of Decision issued would require various ongoing site management conditions which relate to the health of the land and habitat, including groundwater and surface water management. In addition, it is recommended that the conditions provided by DEPI, which relate to the monitoring of brolgas, be included in the event a Notice of Decision to Grant a Permit is issued.

Finally, it is considered appropriate that the rehabilitation of the site includes provisions to improve its contribution to native flora and fauna habitat.

- *The impact of the stone extraction operations on sites of cultural and historic significance, including any effects on Aboriginal places.*

A Cultural Heritage Assessment was submitted with the application. No National or State Significant Aboriginal cultural heritage sites have been previously identified within the study area. A mandatory Cultural Heritage Management Plan (CHMP) is not required under the provisions of the Aboriginal Heritage Act 2006.

The application was referred to the Office of Aboriginal Affairs Victoria, which confirmed that a Cultural Heritage Management Plan is not required in this instance.

The submitted Cultural Heritage Assessment notes that the Works Authority area includes three archaeologically sensitive landforms, which are identified as follows:

1. Stony Rise 1 - located along the south-west boundary, extending south into the neighbouring property.
2. Stony Rise 2 and the spur crest- located near the south-west boundary.
3. Stony Rise 3 – located centrally within the northern paddock. This is the largest of the stony rises.

In relation to the three identified sites, the assessment notes that *“the likelihood of Aboriginal cultural heritage material being discovered at these locations is not considered to be high”*.

The Assessment recommends that a voluntary Cultural Heritage Management Plan be prepared to *“further assess whether an Aboriginal cultural heritage is present and, if so, to provide management recommendations for those sites... If a voluntary CHMP is not prepared for the activity then ... contingency conditions should be implemented.”*

The applicant has not undertaken a voluntary Cultural Heritage Management Plan, and one is not mandatory under the Aboriginal Heritage Act 2006. However, the applicant has expressed agreement to having the contingency conditions included as permit conditions, in the event a Notice of Decision to Grant a Permit is issued. It is also noted that the Tribunal Members stated, in the VCAT decision on the previous application, that:

“if we had determined to grant a planning permit for the proposed quarry, we may have included conditions with respect to the discovery of materials or sites notwithstanding this is regulated under the Aboriginal Heritage Act 2006”.

While the contingency conditions are generally appropriate, it is considered reasonable that the conditions be expanded to include a requirement that an appropriately qualified expert be present when the three stony rises, as identified in Map 3a of the ‘Cultural Heritage Due Diligence Assessment Report’ by Ecology and Heritage Partners, are removed. This would ensure that if any Aboriginal cultural material is found, it can be identified and the relevant processes can be followed.

- *The effect of the stone extraction operation on the natural and cultural landscape of the surrounding land and the locality generally.*

The landscape character is generally pleasant, consistent with the rural, farming nature of the area. There are no identified views or natural aspects to which the development should respond.

The Tribunal Members, when considering the previous application, stated:

- “70. As observed already, the proposed quarry is some distance from existing dwellings. Those dwellings are often fully or partly surrounded by vegetation, farm outbuildings and structures and thus potential views to the quarry would be limited in many cases even though some long distances views may be possible.*
- 71. The more significant matter in the context of visual impact is with respect to the public realm. Planning evidence for the permit applicant referred to a screen as being an intended and appropriate outcome. Clause 52.09 also addresses this matter.*
- 72. The proposed quarry would abut Mooleric Road. There is existing boundary planting that would provide some visual screening for part of the length of the review site as it faces Mooleric Road. That screening could be extended as proposed in the application plans although the quarry would be seen through the opening provided by the access road.*
- 73. As we have noted, we are concerned about the integrity of the landscape buffers proposed in the permit application as a consequence of revisions needed to address drainage and surface water management.*
- 74. The application plans do not identify landscaped buffers around the whole of the site. Rather the plans refer only to buffers on the western and northern edges with the other boundaries provided with 10 or 20 metre buffers without mention of landscaping. We have assumed the other boundaries can be planted to screen activity on the site from properties in other ownerships to the south and north-east but that requires further detail about drainage and water management.*
- 75. There was some discussion about the need for boundary security fencing, a matter arising from the conditions appeal. If security fencing is not desired by the operator then a standard post and wire fence may be an acceptable outcome also being mindful of the desire to facilitate any fauna movement into the landscaped buffers and drainage paths. However, items on-site may need to be secured so some internal security fencing may need to be associated with the use. This should be considered in any fresh proposal for the land.”*

The plans submitted with the current planning application show a 30m buffer around the perimeter of the Work Authority area. Views to the Works Authority area would be obscured by a boundary fence, rock and shrub barrier, screening mound covered with vegetation and shrubs and grasses on the back batter. As such, it is considered that the landscape values of the area have been considered as part of the preparation of the application.

It is recommended that conditions on any Notice of Decision issued should require further information about the form, colours, materials and finishes of the proposed perimeter fence, and details of the planted grasses and shrubs proposed within the buffer area. Another condition should require the submission of an Environmental Management Plan; this is discussed in further detail below.

- The ability of the stone extraction operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Mineral Resources (Sustainable Development) Act 1990 and other relevant regulations.*

There are a myriad of regulations that are relevant to the subject site, with which the proposed use would need to comply. Of particular relevance when considering the ability to contain emissions within the boundaries of the subject land is the EPA's *Recommended Separation Distances for Industrial Residual Air Emissions* (2013), which has replaced the 1990 version referred to in the Planning Scheme.

The EPA's guideline requires a separation distance of 500m between sensitive uses (such as a dwelling) and a quarry with blasting. The proposal would exceed this minimum separation distance and it is considered that the Works Authority area would generally be reasonably isolated from sensitive receptors.

Furthermore, the proposal would achieve the 100m separation as required within Section 45 of the *Mineral Resources (Sustainable Development) Act 1990*.

It is recommended that conditions require the submission of a Dust Management Plan and an Environment Management Plan, which would control the management of dust and other industrial emissions.

The application was referred to the EPA, which advised that it is not a statutory referral authority under section 55 of the Act and that it *"has no concern with Council issuing this planning permit according to the information that had been provided"*. The EPA also recommended that conditions relating to fill material and noise emissions be included on any permit issued. Conditions relating to noise have been included in the recommendation at the end of this report.

- *The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.*

Vehicle traffic:

Setting aside the issue of traffic noise and the required upgrade of Mooleric Road, which are discussed below, it is considered amenity concerns relating to traffic could be dealt with by way of permit conditions. These conditions would restrict the hours of operation and the route trucks may take to the site.

It is broadly accepted that, in its current condition, Mooleric Road would not be sufficient to handle the increased traffic, and in particular the heavy vehicles which would access the subject site via Mooleric Road.

The application was referred to VicRoads, which did not object to the application subject to conditions that require the intersection of Princes Highway and Mooleric Road to be upgraded.

The application was also referred to Council's Infrastructure Department, which requires an upgrade of the road commensurate with the potential impacts of the proposed operation, together with an outline of the steps and tasks which would be required to ensure the vehicle access was appropriate. Conditions provided by the Infrastructure Department have been included in the recommendation at the end of this report.

Noise:

An 'Noise Impact Assessment' was submitted with the application. The relevant guideline for operation noise from industrial operations in regional Victoria is EPA Publication 1411 *Noise from Industry in Regional Victoria* (NIRV). The requirements in this document are not mandatory unless otherwise required, such as in a planning permit. The predicted noise levels caused by on site activities would be less than those allowed under the NIRV. It is recommended that a condition requiring compliance with the NIRV is included on any Notice of Decision to Grant a Permit issued, to ensure these noise guidelines are met and that onsite activities do not cause an unreasonable level of amenity impacts.

No. 30 Mooleric Road is located extremely close (1.8m) to Mooleric Road and is likely to be sensitive to any increase in traffic, particularly heavily vehicle traffic.

Noise caused by the increase in traffic, specifically trucks, is not guided by any Victorian guidelines. The report submitted with the application suggests the use of the *NSW Traffic Noise Policy*, which is interpreted in the *Environmental Noise Management Manual* (ENMM), prepared by the NSW Roads and Maritime Services agency. The noise level under these guidelines should not exceed 55dB Laeq,1h.

The report details numerous scenarios of noise calculations which should be considered for No. 30 Mooleric Road. These noise scenarios are as follows:

| Scenario | Noise level, dB Laeq, 1hr |
|------------------------------|---------------------------|
| Existing | 45 |
| Windfarm | 56 |
| Quarry | 65 |
| Existing + Windfarm | 60 |
| Existing + Quarry | 66 |
| Existing + Quarry + Windfarm | 66 |

It is considered appropriate that the 'worst case' scenario should form the basis of the assessment. Considered against the worst case scenario, the noise levels for the dwelling at No. 30 Mooleric Road would be in excess of the acceptable noise range.

The report details a range of noise mitigation measures that could be implemented to mitigate the noise impacts.

The two key options put forward in the report are:

- A clear plastic noise wall between the house and road.
- Acoustic treatment of the dwelling.

The owners/occupiers of No. 30 Mooleric Road have objected to the application, partly on the basis of increased traffic noise. They have also objected to the option of installing a noise wall as recommended in the acoustic report submitted with the application.

Noise impacts are likely to occur in future due to the approved, nearby wind farm. Further noise mitigation measures should be contemplated if the quarry goes ahead, to address noise impacts on the owners/occupiers of No. 30 Mooleric Road resulting from the proposed quarry.

It is recommended that, in the event a Notice of Decision to Grant a Permit is issued, a condition require the submission of further plans and elevations (as appropriate) and an associated acoustic report which details the selected noise attenuation measures to be undertaken to ensure an appropriate level of compliance with the relevant noise guidelines, to the satisfaction of the Responsible Authority. The design of any proposed acoustic treatment would need to have consideration to any visual or shadowing impacts on the objectors' property.

It is also noted that an objection from No. 4745 Princes Highway raised concerns that the 'Noise Impact Assessment' did not address the potential for impacts on that property, due to an increase in traffic noise caused by an increase in trucks and additional vehicles turning into Mooleric Road. Given the location of the dwelling at this site opposite the intersection of Princes Highway and Mooleric Road, it is considered reasonable that the 'Noise Impact Assessment' be updated to give consideration to potential impacts on this property, including potential mitigation if required. It is noted that the applicant, following the public meeting on 9 December 2014, advised the owners/occupiers of that property that:

“we have contacted our acoustic sub-consultant in relation to your particular issues and they have reiterated their original position which is that there will be no additional noise impacts to your dwelling as a result of the proposal. The reason for this is that although the number of vehicles utilising the intersection of Mooleric Road and Princes Highway will increase, and therefore the frequency of noise will increase, this will not result in the overall noise level increasing.

At the community consultation I did mention that if we found there would be unreasonable impacts on your dwelling as a result of the proposal we would be prepared to consider undertaking noise attenuation measures. However given this has not been our finding we are not in a position to offer such measures.”

However, it is considered reasonable to require further work to be undertaken to establish the potential impacts on that property and any mitigation measures that may be required.

Blasting:

The application proposes to conduct blasting up to 12 times a year. An ‘Effects of Blasting’ report (by Terrock Consulting Engineers) provides details of the blasting proposed. With the exception of the impacts on the abutting property to the north, the ‘Effects of Blasting’ report demonstrates that the blasting should not cause an unreasonable impact to the amenity of surrounding properties.

The management plan details how the blasting would, at times, include an exclusion zone into Mooleric Road. During these times Mooleric Road may be required to be closed temporarily to through traffic. The blasting is required to be managed by the Shot Firer and Quarry Manager, and the Work Plan states that a Blast Management Plan would be prepared by the Shot Firer for each blast, in accordance with the Terrock recommendations and WorkSafe requirements. This is considered satisfactory.

Conditions to ensure that the blasting is undertaken safely and in accordance with the relevant regulations have been included in the recommendation at the end of this report. In addition, it is recommended a condition requiring the repair or maintenance of any bores damaged by blasting be included, in the event a Notice of Decision to Grant a Permit is issued.

It is noted that information from the applicant has been inconsistent about the potential requirement for an exclusion zone to include 390 Mooleric Road. The latest advice from the applicant is that the blasting would not need to take in an exclusion zone on private land outside of the subject site if the blasting is designed responsively. As such, it is recommended that conditions on any Notice of Decision issued require an updated ‘Effects of Blasting’ report which specifies that the exclusion zone for the blasting does not take in any private land outside the subject site (i.e. No. 320 Mooleric Road).

A number of objectors have also expressed concerns about damage to bores and bore casings. It is considered appropriate that, if damage is caused by blasting, this should be rectified by the permit holder. As such, a condition relating to the monitoring and repair of bore casings has been included in the recommendation at the end of this report. In addition, conditions addressing Acciona’s concerns about potential impacts on wind turbines have been included in the recommendation.

Dust:

The proposal seeks to use water for dust suppression on the access tracks, Mooleric Road, and during crushing and screening processing. Noting the distances between the Works Authority area and sensitive uses, and the upgrades to Mooleric Road which would be required, it is not considered that the proposal would cause an unreasonable level of dust.

It is recommended that a condition require that a Dust Management Plan be submitted, to ensure dust is appropriately managed in the event a permit is issued. Subject to an appropriate management system being in place, it is considered that dust would not cause material detriment to any surrounding properties, including the cattery to the south of the site.

Vibration:

The 'Effects of Blasting' report submitted with the application demonstrates that the level of vibration caused by the blasting would be within relevant guidelines for vibration limits. As such, it is not considered that vibration would cause an unreasonable impact to amenity within the area, noting the majority of the blasts are unlikely to cause vibration levels perceptible by humans and that all blasts would be well below the 5mm/s limit. It is recommended that conditions on any Notice of Decision issued should require that the minimum standards for ground vibration and air blasts are met.

- *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
- *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*

There was no Rehabilitation Plan submitted with the planning application. However, a Rehabilitation Plan was included in the endorsed Work Plan, and this has been used to form the assessment. It is understood that the site would be progressively rehabilitated throughout the various stages of the operation of the quarry.

The objectives of the Rehabilitation Plan included as part of the Work Plan are:

"... to leave the quarry in a safe and stable form which will be both compatible with the surrounding landscape and not be hazardous to users at the completion of quarrying activities.

At the completion of extractive operations the undisturbed areas will be returned to agricultural use and the rehabilitated extraction areas will form water bodies suitable for passive recreation use by the owners and potentially provide wetland habitat for native fauna."

This objective would be consistent with the desire to rehabilitate the land so that it is compatible with natural systems and, should it provide a wetland habitat for native fauna, this would be considered to be of benefit to the community.

It is recommended that a condition require the submission of a Rehabilitation Plan and accompanying Rehabilitation Report, generally in accordance with the one submitted as a copy to the endorsed work plan.

- *The effect of the proposed stone extraction on groundwater and quality and the impact on any affected water uses.*

A 'Groundwater Management Strategy' was submitted as part of the application. A review of the 'Groundwater Management Strategy' was undertaken by Assoc. Prof. John Webb on behalf of Council. This peer review has been made available to Councillors, the applicant and objectors.

Groundwater and accessibility to bore water is of significant importance to the local community, particularly given that agricultural uses in the area rely on bore water.

Any potential impacts to the quality of, and accessibility to, groundwater need to be carefully considered. Whilst the submitted 'Groundwater Management Strategy' only has regard to registered bores, it is important to consider both registered and unregistered bores in the area.

The peer review report identifies that there may be some reduced flow in Birregurra Creek due to the interception of some groundwater flow through the basalt by the quarry, but concludes that this is likely to be small.

The 'Groundwater Management Strategy' identifies the potential for dewatering effects to surrounding bores and, in particular, to a neighbouring bore located approximately 315m opposite the subject site. A monitoring program has been outlined, which would trigger a requirement for specified action should certain trigger points be met. The trigger points for action set out in the report are:

- Any water storage level reaches the freeboard level;
- The level of the monitoring bores along the southern boundary has continuously exceeded the background level by 2m or more over the preceding six months; and
- The yield in the Beach bore to the west falls by more than 15% as measured over an eight hour period (after a 7 day period without extraction).

The report specifies the following actions:

"If any of the water storage freeboard level triggers are met, pumping to that storage must cease until additional capacity becomes available. This can be achieved by reducing the depth of extraction (and hence discharge rate) and/or by providing additional storage.

Additional storage can be provided by partitioning stages and using the partitioned exhausted area for water storages.

If the second trigger is met an investigation will be undertaken to determine if this has, or is likely, to result in an adverse impact on the marshes and Birregurra Creek. If such an impact is indicated the level of the storages will be reduced to ensure the action level is not exceeded. If the Beach bore action level is met, MCG Quarries will provide a groundwater supply from the site or deepen the existing bore to a level which allows the benchmark yield to be achieved."

The peer review of the 'Groundwater Management Strategy' undertaken by Assoc. Prof. Webb notes that the groundwater level in a bore could fall for a variety of reasons, particularly low rainfall. As such, any monitoring program would need to compare water level changes in nearby State Observation Bore Network (SOBN) bores to confirm that the decreases are due to the pumping at the quarry and do not have a more general cause.

The peer review of the Groundwater Management Strategy suggests that the likely impacts would be minimal given the unrefined nature of the basalt aquifer. Nevertheless, it has been suggested that the bore monitoring should be extended to include all bores within 2km (whether registered or unregistered), to ensure no negative impacts to accessibility of groundwater occurs from the proposed quarry.

Given the sensitivity and reliance of accessibility to groundwater, it is recommended that a condition on any Notice of Decision issued requires the monitoring of bores within 2km of the Works Authority area. Consideration could also be given to providing monitoring bores outside private property, within the road reserve, particularly if access was not easily available to private bores.

In terms of the potential for contamination of the groundwater, it is considered that salinity has the highest potential for impact. The peer review suggests a monthly monitoring of the salinity levels in the stored groundwater. It is recommended that a condition on any Notice of Decision issued require this monitoring. Other contamination issues relate to the potential for a hydrocarbon spill; however the standard precautions and responses as detailed in the 'Groundwater Management Strategy' are considered an appropriate response.

Finally, the blasting would release a small amount of nitrate into the groundwater. This could be responded to by yearly nitrate testing, which it is recommended be included as a condition in the event a Notice of Decision to Grant a Permit is issued.

- *The impact of the proposed stone extraction on surface drainage and surface water quality. Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement issued under the Mineral Resources (Sustainable Development) Act 1990.*

A detailed assessment of the surface drainage and surface water has been undertaken by a consultant engaged by Council.

It is proposed that the surface water would be managed by the construction of diversion swales to allow for flow through and around the WAA. A sediment basin would also be constructed to treat runoff which falls within the Plant and Stockpile area. The surface water which is within the quarrying area would be managed in the same way as the groundwater, as outlined above.

As noted earlier in this report, Council's consultant identified some amendments required to the methodology in the submitted report.

A number of conditions have been recommended to update the 'Stormwater Management Report' to ensure it achieves best practice for quality and quantity of surface water.

Previous VCAT decision key considerations

Finally, given the history of the site, it is appropriate to consider the application against the key questions which framed the assessment of the previous application. It is imperative to note that there are key differences between two applications; nonetheless, many factors continue to be relevant to the current application.

- *Is the use of the land for extractive industry acceptable in principle?*

The previous VCAT decision ultimately determined that the proposed use was acceptable in principle, but that there was insufficient information to support that application.

Having regard to that earlier decision it is considered that the use would not be inconsistent with the purpose of the zone, given the area which would be used for the extraction, the management practices that would be put in place to ensure the surrounding agricultural land could continue to be used for that purpose and the fact that the subject site is not in an area of farmland of strategic significance.

- *Would the proposal adversely affect surface water, groundwater and bores?*

The proposal does present the risk of an adverse impact to surface water, groundwater and bores, and this is the biggest concern about the proposal.

These potential impacts have been the subject of reports submitted as part of the application, which have been peer reviewed on Council's behalf by independent experts. Given the findings of the submitted reports and the subsequent peer review reports, it is considered that it would be difficult to substantiate a reason for refusal on such grounds.

- *Has the potential for adverse effects on native fauna and flora been properly considered?*

A Flora and Fauna report was submitted as part of the application, and it is considered that this report provides an adequate level of information.

The report notes a lack of suitable habitat for the significant species found in the broader area and, as such, the proposed use for stone extraction would not remove habitat for these species. Furthermore, management plans to prevent detrimental impacts to both surface and ground water have been considered, and the mitigation measures are considered suitable to protect native flora and fauna within the broader area.

DEPI has also recommended conditions relating to a broilga monitoring program, which would be undertaken during blasting if there are any broilgas nesting in the area. It is recommended the conditions provided by DEPI are included on any Notice of Decision issued.

- *Should Mooleric Road be upgraded and, if so, to what standard and when?*

In its current condition, Mooleric Road is not adequate to handle the increased traffic the proposal would generate. It is recommended that conditions on any Notice of Decision issued require the road to be upgraded, in line with the recommendations in the referral response from Council's Infrastructure Department.

- *Would noise, dust and vibration associated with blasting and truck traffic be unreasonable?*

Noise, dust, vibration and truck traffic have been considered in detail above. Conditions have been recommended to address any potential impacts.

- *Have aboriginal cultural heritage considerations been sufficiently addressed?*

A mandatory CHMP is not required. It is recommended that conditions be imposed on any Notice of Decision issued to ensure that the three identified Stony Rises sites within the Works Authority area are appropriately managed and that any Aboriginal Cultural Heritage identified is appropriately protected and addressed.

- *Would the proposal have an unacceptable visual impact?*

It is considered the proposed landscaped buffer would provide adequate protection to the views and vistas within the area. Conditions on any Notice of Decision issued would ensure that the landscape buffer would be planted and maintained to the satisfaction of the responsible authority.

- *Would any other matters warrant refusal of the proposal?*

It is not considered that there are any other matters that would warrant a refusal of the application.

However, given the nature of the proposed use, and the concerns raised by local residents and landowners, it is considered appropriate to require that a Consultative Committee be set up to consider and discuss the ongoing operations at the quarry, including reviewing the monitoring reports submitted. It is recommended that the Consultative Committee consist of representatives from the Responsible Authority, other interested authorities/agencies, the permit holder/quarry operator and representatives from the local community. It is recommended that a permit condition require such a Committee to be set up (refer to condition 54 below). In the event a permit is issued, Council officers would instigate a process for establishing the Committee. This would include contacting relevant authorities and agencies, liaising with the permit holder and taking responsibility for arranging the election of local residents to the Committee (with elections held at specified intervals, e.g. every three years). Terms of reference would be drawn up in the event a permit is issued, which would establish rules for the Committee, determine frequency of meetings, clarify how meetings would be arranged and publicised, and deal with other such procedural matters.

Council Plan / Other Strategies / Policy

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

Financial & Other Resource Implications

There are no financial implications arising from this report. The cost associated with upgrading Mooleric Road to a suitable standard would be borne by the applicant.

Risk Management & Compliance Issues

There are no risk management or compliance implications arising from this report. Council would be responsible for enforcement of planning permit conditions in the event a permit is issued.

Environmental Consideration / Climate Change

A range of environmental issues relating to the proposal have been assessed in this report.

Communication Strategy / Consultation Period

Community consultation in the form of public notification, and three public meetings, has been undertaken as part of this assessment process.

Conclusion

This application seeks a permit to use and develop the land within the Farming Zone as a quarry for stone (basalt) extraction. Land in the vicinity of the site is predominantly in agricultural use. A wind farm has been permitted to the north of the site, but only a compound has been constructed at that site to date.

The key considerations in this case relate to the potential impacts the use could have on the area, weighed against the economic justification for the proposed quarry. Of particular concern are the potential impacts on groundwater, surface water and fauna, together with potential detriment caused by noise and blasting. Objections to the proposal have been received from 32 interested parties, with a letter also received from Acciona (the operators of the proposed wind farm) which raised no objection to the proposal subject to conditions.

Whilst the concerns raised are significant, on balance it is considered that it would be difficult to substantiate a reason for refusal. This is due to the lack of objection from any referral authorities, and the lack of any evidence of likely negative impacts on groundwater or surface water following peer reviews being undertaken by consultants engaged by Council to consider the submitted groundwater and stormwater reports. It is also considered that a previous VCAT decision relating to a different proposal for a basalt quarry at the site, in which Tribunal Members found the use to be acceptable in principle, is a material consideration that must be taken into account.

Notwithstanding this, it is considered imperative to protect the amenity, and in particular the water supply, of residents in the area.

On balance, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case, subject to conditions that adequately protect the amenity and resources of the surrounding community.

Attachments

| | |
|--------------------------------------|---------|
| 1. VCAT 2011 Decision | 0 Pages |
| 2. Application | 0 Pages |
| 3. Technical Reports | 0 Pages |
| 4. Work Plan | 0 Pages |
| 5. Application - Further Information | 0 Pages |
| 6. Referral Responses | 0 Pages |
| 7. Peer Reviews | 0 Pages |

Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of Land for Stone Extraction at 320 Mooleric Road, Ombersley subject to the following conditions:

Amended Plans

- 1. Prior to commencement of the use and/or development hereby permitted, amended plans and reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans and reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies of all documents must be provided. The plans and reports must be generally in accordance with the plans submitted with the application, but modified to show/include:***
 - a) Locations, elevations and a colours/materials/finishes schedule of all proposed buildings, fences, and fixed plant and equipment.***
 - b) Details of any signage proposed.***
 - c) A revised 'Groundwater Management Strategy', in accordance with the details required by condition 9 of this permit.***
 - d) A revised 'Stormwater Management Plan', in accordance with the details required by condition 10 of this permit***
 - e) A revised 'Effects of Blasting' report, in accordance with the details required by condition 28 of this permit.***

- f) A Dust Management Plan, in accordance with the details required by condition 40 of this permit.*
- g) A Rehabilitation Plan, in accordance with the details required by condition 47 of this permit.*

Endorsed Plans

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. The use and development must at all times be in accordance with the Work Authority, including the endorsed Work Plan, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990.*

Staging

- 4. The use must proceed in the order of the stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.*

Title Consolidation

- 5. Prior to the commencement of the use and/or development hereby permitted, Lot 1 on TP372519Q (Vol. 10991 Fol. 356) and Lot 2 on 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 to ensure that either lot cannot be disposed of separately during the life of the quarry operations and/or permit.*

Any Section 173 agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the relevant titles of the property so as to run with the land. The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Hours of operation

- 6. The use hereby permitted must operate only between the hours of:*
 - a) 7am to 6pm, from Monday to Friday*
 - b) 7am to 1pm on Saturdays*

No operation is permitted on Sundays or Public Holidays.

Construction Hours

- 7. Unless with the prior written consent of the Responsible Authority, construction works (including the construction of access ways and other preparatory works that do not form part of the extractive process) on the site must only occur between the following times:*
 - a) 7am to 6pm, from Monday to Friday*
 - b) 7am to 1pm on Saturdays*

No construction is permitted on Sundays or Public Holidays.

Output

8. *The total output from the quarry must not exceed 200,000 tonnes per annum without the written consent of the Responsible Authority.*

Groundwater Management Strategy

9. *Prior to commencement of the use and/or development hereby permitted, a revised Groundwater Management Strategy must be submitted to and approved to the satisfaction of the Responsible Authority. When approved, the Groundwater Management Strategy will be endorsed and will form part of the permit. The Groundwater Management Strategy must be generally in accordance with the 'Groundwater Management Strategy' submitted as part of the application (completed by Nolan Consulting and dated May 2014), but modified to include:*

- a) Monthly monitoring, as detailed in Section 6 (Groundwater Monitoring Program) of the report, extended to include all bores within 2km of the Works Authority Area where a written request from the relevant property owner(s) is submitted to the permit holder and the Responsible Authority prior to the commencement of the use and/or development.*
- b) Confirmation that, if levels in any of the monitored bores fall below that specified as a trigger for action in the 'Beach bore' (para. 6.2.1, 'Groundwater Management Strategy'), the same action specified for the 'Beach bore' will be enacted for the bore in question (i.e. provide a replacement groundwater supply or deepen the bore).*
- c) The potential provision of two monitoring bores within the road reserve, if adequate monitoring of private bores cannot be undertaken to the satisfaction of the Responsible Authority and if required by Southern Rural Water and the Responsible Authority.*
- d) Monthly monitoring of the salinity levels in the stored groundwater dams, with details of the threshold levels and mitigation measures if the salinity rises above the identified threshold.*
- e) Yearly monitoring of the nitrate levels in the stored groundwater dams, with details of the threshold levels and mitigation measures if the nitrate level rises above the identified threshold.*
- f) Confirmation that, after the quarry has closed, the permanent water bodies in the main extraction areas will be groundwater throughflow lakes.*
- g) All monitoring and reporting must be reviewed by a suitably qualified person, and the monitoring, reporting and review must be provided by the permit holder to the Responsible Authority prior to Quarry Consultative Committee meetings or otherwise upon request.*

All mitigation measures must be undertaken in accordance with the details in the endorsed 'Groundwater Management Strategy'.

Stormwater Management Report

10. *Prior to commencement of the use and/or development hereby permitted, a revised 'Stormwater Management Plan' must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit.*

The Stormwater Management Report must be generally in accordance with the 'Stormwater Management Plan' submitted as part of the application (by Cardno and dated 3 June 2014), but modified/updated to include:

- a) Catchment areas and drainage outfall location revised to better match existing conditions. (In particular the drainage outfall is to the southeast corner of WA 1546).***
- b) Channel sizes/depths and levee heights must respond to controls imposed by existing inlet and outlet drainage invert levels and flood levels, or as otherwise agreed with the affected landowners/managers and with the written consent of the Responsible authority.***
- c) The recommendations by Australian Runoff and Rainfall (ARR) current at the time of implementation of the permit must be used for estimation of peak drainage flows in final channel and levee design.***
- d) Staging of development drainage works within WA 1546 must ensure that separation is always maintained between external catchment runoff flows and waters sourced from runoff or process use within WA 1546.***
- e) The proposed water dam shown within WA 1546 in the southeast corner must be adequately quarantined against interception of external catchment runoff at all times. (This may entail bringing forward channel and levee works along the southern and eastern boundaries to ensure external flows are bypassed to the existing outfall; however alternative works within WA 1546 to similar effect may suffice to meet this objective).***
- f) The design of the sediment pond and its outlet works must ensure that all discharge water from this treatment facility is passed to the proposed water dam within WA 1546 and not to the external catchment drainage channels or the existing outfall downstream of the southeast corner of WA 1546.***

Environmental Management Plan

11. Prior to the commencement of each stage of the extraction, an Environmental Management Plan for each stage (i.e. 5 in total) must be submitted to and approved by the Responsible Authority. When approved, the Environmental Management Plan(s) will be endorsed and will then form part of the permit. The Environmental Management Plan(s) must include:

- a) overall environmental objectives for the operation of the use and techniques for their achievement.***
- b) procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use.***
- c) identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:***
 - i. Erosion Control***
 - ii. Flora and Fauna Protection, including management of weeds***
 - iii. Air Quality***

- iv. Noise and Vibration*
 - v. Land and Groundwater Contamination Management*
 - vi. Waste Management and Minimisation*
 - vii. Storage and Handling of Fuels and Chemicals*
 - viii. Neighbourhood Management and Communication, including detail of how any complaints will be assessed and addressed, having regard to issues such as the impact/severity, frequency and duration of any alleged incident*
- d) day to day management requirements for the use.*
- e) an annual review or audit to the satisfaction of the Responsible Authority, with any consequential changes to the Environmental Management Plan submitted to the Responsible Authority for endorsement.*

Traffic

12. Prior to commencement of the use and/or development hereby permitted, a Traffic Assessment and Pavement Report and Road Improvement Design must be submitted to and approved by the Responsible Authority. When approved, the Road Improvement Design will be endorsed and will then form part of the permit. The Traffic Reports and Plans must include:

- a) An analysis of the existing road conditions and pavement analysis.*
- b) Quantified detail of the site establishment and ongoing operational traffic requirements.*

The Road Improvement Design must refer to the findings of the Traffic Assessment and Pavement Report, and must include the following specifications:

- c) The road from the intersection with the Princes Highway to a point 5m beyond the northern most site access must be designed to a 100km/hr standard and a 6.5-7.0m sealed width plus 0.9m shoulders.*
 - d) The design must include any necessary drainage improvements.*
- 13. The pavement investigation carried out to inform the pavement analysis must be carried out in the presence of a suitably qualified Council officer, to the satisfaction of the Responsible Authority.**
- 14. Prior to the commencement of construction works, the upgrades to Mooleric Road (as specified within the endorsed Road Improvement Design) must be constructed and completed to the satisfaction of the Responsible Authority.**
- 15. Prior to the commencement of construction works, the areas set aside for the parking of vehicles within the subject site as shown on the endorsed plans must be:**
- a) Constructed;*
 - b) Properly formed to such levels that they can be used in accordance with the plans;*
 - c) Surfaced with an all-weather surface; and*

d) Drained to the satisfaction of the Responsible Authority.

- 16. All heavy vehicles associated with construction and extraction works must access the quarry site via that section of Mooleric Road between the site access and Princes Highway, and such traffic must not access the site from the north unless otherwise approved in writing by the Responsible Authority.***
- 17. No trucks travelling to the premises may enter Mooleric Road before 7am on any day.***
- 18. The loading and unloading of vehicles and delivery of goods to and from the site associated with the permitted use and development must at all times occur within the curtilage of the site.***
- 19. Trucks exiting the site must have the load covered to limit dust or stone coming off the load whilst travelling on public roads, to the satisfaction of the Responsible Authority.***

Noise

- 20. Prior to the commencement of the use and/or development hereby permitted, an Acoustic Report/ Noise Impact Assessment must be submitted to and approved by the Responsible Authority. When approved the Acoustic Report/Noise Assessment Report will form part of the permit. The Acoustic Report/Noise Impact Assessment must be generally in accordance with the 'Noise Impact Assessment' submitted as part of the application (completed by Marshall Day and dated 30 May 2014), but modified/updated to include:***
 - a) An assessment of the potential impact of truck and vehicle noise associated with the quarry use on the dwelling at No. 4745 Princes Highway, Birregurra. The relevant noise levels must be assessed against the New South Wales Traffic Noise Policy, prepared by NSW Roads and Maritime Services Agency. Should it be found that noise levels in association with the permitted use would exceed these guidelines, the report must identify sound attenuation works which could be undertaken to achieve compliance with the relevant policy.***
 - b) Details of noise attenuation measures for No. 30 Mooleric Road, Birregurra, to achieve compliance with the relevant noise levels within the New South Wales Traffic Noise Policy, prepared by NSW Roads and Maritime Services Agency. The attenuation measures must have regard to the visual and shadowing impacts on the dwelling.***
- 21. The noise attenuation measures set out in the approved Noise Impact Assessment must be implemented/constructed prior to the commencement of the use hereby permitted, at no cost to the affected landowners or the Responsible Authority, unless the consent of the owners to such works is withheld, or if an alternative measure is agreed in writing with the owners and Responsible Authority.***
- 22. All vehicles and mobile equipment operation on-site must be fitted with broadband smart beepers that adjust beeper levels in accordance with the ambient noise environment, to the satisfaction of the Responsible Authority.***

- 23. All haul trucks operating on the site must include modification of the trays to reduce the noise contribution of rock impacting on the tray body, to the satisfaction of the Responsible Authority.**
- 24. All hydraulic rock drilling must utilise a silenced drill rig and, where necessary, localised acoustic shielding, to the satisfaction of the Responsible Authority.**
- 25. Any rock breaker/rock hammer used on the land must utilise best available noise reducing technology, to the satisfaction of the Responsible Authority.**
- 26. 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 or any other regulation, to the satisfaction of the Responsible Authority.**
- 27. Construction noise must comply with EPA Publication 1254, and noise emitted from the operation of the site must not exceed the level specified in condition 55 of this permit.**

Blasting

- 28. Prior to the commencement of the use and/or development hereby permitted, a revised 'Effects of Blasting' report must be submitted to and approved by the Responsible Authority. When approved the 'Effects of Blasting' report will be endorsed and will form part of the permit. The 'Effects of Blasting' report must be generally in accordance with the 'Effects of Blasting' report submitted as part of the application (by Terrock and dated 3 June 2014), but modified/updated to include:**
 - a) A clear and consistent outline of how the blasting will be designed to ensure the exclusion zone does not include land within No. 390 Mooleric Road.**
 - b) An outline of how the blasting will be managed to avoid any impact on the nearby gas pipeline.**
 - c) An outline of the measures taken to protect nearby wind turbines, and other buildings and structures on adjacent land, from potential fly-rock damage.**
- 29. Blasting must occur no more than twelve (12) times per annum and must only be undertaken between the following times:**
 - a) 10.00am – 3.00pm Monday to Friday (not including public holidays)**

An exception will be allowed when, for unforeseen circumstances, explosives must be detonated prior to blasting finishing on the nominated day.
- 30. Blasting must not occur at the quarry for a period of 48 hours after foundations have been poured for the construction/erection of wind turbines at the Mt Gellibrand Wind Farm, subject to written notice of the pouring of the foundations being provided by the wind farm operators.**
- 31. Rock drills and rock hammers/rock breakers must only be used between the hours of 8am and 5pm Monday to Friday, with the exception of Public Holidays when no blasting is permitted.**

32. **Blasting must only occur within the boundaries of the proposed extraction area. No exclusion zones are permitted to overlap onto adjoining private land.**
33. **Blasts within 160m of Mooleric Road must face towards the east (away from the road).**
34. **If a blast is within 100m of Mooleric Road, traffic along Mooleric Road must be stopped during the period of pit clearance until the 'all clear' is given.**
35. **The minimum stemming height must be increased to a maximum of 5m where blasting is within 30m of Mooleric Road.**
36. **As measured at the closest adjoining dwelling, and wind turbines within 1km of the boundary of the Works Authority area, all blasting impacts must comply with the following standards:**
- a) **Ground Vibration:**
 - <5mm/s for 95% of blasts in a 12 month period**
 - <10 mm/s for all blasts**
 - b) **Air Vibration:**
 - <115dBL for 95% of blasts in a 12 month period**
 - <120 dBL for all blasts**
37. **Air and ground vibration monitoring to ensure compliance with condition 36 of this permit must be undertaken for each blast, close to the nearest dwelling and all wind turbines within 1km at the boundary of the Works Authority Area. The measured vibration levels must be reported to the Responsible Authority every six (6) months and must be available for viewing by the Responsible Authority when requested.**

Should it be found that the air and/or ground vibration levels exceed the standards allowed under condition 36 of this permit, the Responsible Authority must be notified as soon as possible and all blasting must cease until a further 'Effects of Blasting' report, which identifies why the standards were breached and how future blasting will prevent further breaches, is submitted to and approved by the Responsible Authority. Any subsequent blasting must accord with the amended report.

Notice of Blasting

38. **The quarry operator must give written notification of any proposed explosives blast to:**
- a) **all landowners and occupiers of directly adjoining land, and any other occupiers within 2km, at least three business days before each scheduled blast to the satisfaction of the Responsible Authority.**
 - b) **the owner/operator of the Mt Gellibrand wind farm (allowed by planning permit PL-SP/05/0257) at least seven days before each scheduled blast until the construction of all wind turbines within 2km of the Work Plan Area has been completed, and thereafter at least three business days before each scheduled blast, to the satisfaction of the Responsible Authority**

The written notice must contain direct contact details for the responsible site manager. An exception will be made when, for unforeseen circumstances, explosives must be detonated prior to blasting finishing on the nominated day.

39. *Prior to the first explosives blast taking place each year, the bores within 2km of the Works Authority Area must be inspected and the condition recorded, if a written request from the relevant property owner(s) is submitted to the permit holder at least 24 hours before the blast event. The recorded bores must be re-inspected within a week of the blast taking place and, in the event the bore has been damaged by the blast, the bore must be repaired or replaced to the satisfaction of the Responsible Authority. An inspection is not required if access to a property is not allowed by the landowner.*

Dust Management Plan

40. *Prior to the commencement of the use hereby permitted, a Dust Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:*
- a) Details as to how dust will be managed on site.*
 - b) Details about when quarrying activities will cease on site due to weather conditions that could result in visible dust being discharged beyond the boundaries of the site.*
 - c) Details about how dust will be monitored, including compliance with the State Environmental Protection Policy (Air Quality Management) 2001.*
 - d) Contingency measures to deal with any elevated dust conditions.*
41. *Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must immediately be brought to the attention of the Environment Protection Authority and actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the Responsible Authority.*
42. *No chemical dust suppressant may be used on the sits without the prior written permission of the Responsible Authority.*

Landscape Plan

43. *Prior to commencement of the use hereby permitted, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to an appropriate scale with dimensions and three copies must be provided. The plan must show:*
- a) Landscaping to the full extent of the boundary of the Work Authority Area buffer (with the exception of gaps for vehicle access, drainage, etc.).*
 - b) A section drawing of the indicative buffer treatment, similar to that provided in the plans submitted with the application but modified as appropriate to indicate how the plantings will obscure views into the Works Authority Area from outside the site.*
 - c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. Plant species should be native, as appropriate.*

- d) A management plan or working plan for the ongoing viability of the vegetation planted as part of this landscape plan.*
- 44. Prior to commencement of the use, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.*

The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced, until such time that the subject site operates under the Rehabilitation Plan.

Cultural Heritage Management

- 45. A suitably qualified and experienced Cultural Heritage Advisor must be present during the removal of the three (3) Stony Rises, as identified on Map 3A Inspection Results - Landforms and Sensitivity within the submitted 'Cultural Heritage Due Diligence Assessment Report' by Ecology and Heritage Partners, (dated 27 May 2014). The expert is to ensure that any Aboriginal cultural heritage material within these three areas can be identified and, should any Aboriginal cultural heritage material be found, the actions as identified under condition 46 of this permit must be followed.*
- 46. Should any Aboriginal cultural heritage be discovered during any works undertaken as part of the planning permit, the following must occur:*
 - a) The person in charge or the site manager of the activity within the Works Authority area must be notified immediately;*
 - b) The person in charge or the site manager of the activity must suspend all activity and works at the location of the discovery and within 20m of the extent of the Aboriginal cultural heritage;*
 - c) Within a period of two business days, the person in charge or site manager must engage an appropriately qualified and experienced Cultural Heritage Advisor and inform them of the discovery;*
 - d) The Cultural Heritage Advisor must be engaged to assess the discovered Aboriginal cultural heritage, record, catalogue and analyse the cultural heritage material and complete new site cards for the discovered Aboriginal cultural heritage;*
 - e) The Cultural Heritage Advisor must notify the Office of Aboriginal Affairs Victoria (OAAV) of the discovery by lodging either a new or updated Victorian Aboriginal Heritage Register (VAHR) site record card within a timely manner;*
 - f) If ongoing impacts to the Aboriginal cultural heritage site cannot be avoided, the proponent must apply for a Cultural Heritage Permit (CHP) under the Aboriginal Heritage Act 2006.*
 - g) Work in the excluded areas must not recommence until any conditions stipulated in the CHP have been complied with and any ongoing works must comply with the CHP.*

Notwithstanding the above, every effort must be made to avoid or minimise harm to Aboriginal cultural heritage.

Services

- 47. Any buildings that are constructed on the site and have toilet facilities must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.***

Rehabilitation Plan

- 48. Prior to commencement of the use and/or development hereby permitted, a Rehabilitation Plan (including section detail and staging) and accompanying Rehabilitation Report for the entire quarry site, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Rehabilitation Plan and Report will be endorsed and will form part of the permit. The Rehabilitation Plan and accompanying Rehabilitation Report must be generally in accordance with the Rehabilitation Plan submitted as part of the endorsed Work Plan (Tenement No. WA1546), to the satisfaction of the Responsible Authority, but modified to detail:***

- a) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. Plant species must be native to the local area.***
- b) Information about how the Rehabilitation Plan has been designed to encourage the formation of wetland habitat for native fauna.***

- 49. Prior to the commencement of each stage of the rehabilitation of the site, a detailed Rehabilitation Plan for that stage, in general accordance with the overall Rehabilitation Plan endorsed under condition 48 of this permit but having regard to operational experience and any changes in standards and techniques that may have occurred, must be submitted to and approved by the Responsible Authority. The rehabilitation works and plantings must be implemented in accordance with the approved rehabilitation plan for that stage of rehabilitation.***

General

- 50. All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the Responsible Authority.***
- 51. Areas of the site occupied by the use and development hereby permitted must be maintained in a clean and tidy manner to the satisfaction of the Responsible Authority.***
- 52. The use and development hereby permitted must be managed so that the amenity of the area is not 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, vibration, smell, fumes, smoke,***
 - d) Vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or***

- e) *Presence of vermin and use of chemicals to eradicate pest animals and plants.*

53. No materials, other than materials required to facilitate the quarrying activities approved by this permit or agricultural activities, are to be brought to or stored at that part of the site used or developed for extractive industry without the prior written consent of the Responsible Authority.

Consultative Committee

54. Prior to commencement of the use and/or development hereby permitted, a Quarry Consultative Committee must be established to consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations. The Quarry Consultative Committee shall comprise:

- a) *A convenor and one other person nominated by and representing the Responsible Authority.*
- b) *Two representatives of the permit holder.*
- c) *A representative of the Department of the Environment and Primary Industries.*
- d) *A representative of Southern Rural Water.*
- e) *A representative of the State Government Department for Minerals and Resources.*
- f) *Two representatives of local residents/landowners*
- g) *Representatives of other agencies if deemed appropriate.*

Meetings of the Consultative Committee will be convened at least twice a year by the Responsible Authority. The permit holder must have regard to the recommendations of the Consultative Committee, to the satisfaction of the Responsible Authority.

The reasonable costs of the Consultative Committee must be borne by the permit holder, to the satisfaction of the Responsible Authority.

EPA conditions

55. Any fill material brought onto the proposed stone extraction site must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.

56. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

57. No part of the quarry site may be used for landfill.

Southern Rural Water conditions

58. Quarry operations must be carried out:

- a) *in accordance with the Groundwater Management Strategy prepared by Nolan Consulting (reference A196-01 May 2014), or in accordance with any Groundwater Management Strategy that amends or supersedes that report which is endorsed by the Responsible Authority; and*

b) in accordance with any additional requirements relating to groundwater matters imposed by conditions on this permit.

- 59. Groundwater monitoring, reporting and review must be forwarded to Southern Rural Water within 14 days of the monitoring being completed.*
- 60. Prior to commencement of the use and/or development hereby permitted baseline groundwater data, produced in accordance with details to be submitted to and approved by the Responsible Authority and Southern Rural Water, must be undertaken and submitted to the Responsible Authority and Southern Rural Water.*
- 61. Surface water management must be in accordance with the endorsed Stormwater Management Plan prepared by Cardno, or in accordance with any management plan that amends or supersedes that report which is endorsed by the Responsible Authority. No natural catchment water must enter the quarry site.*
- 62. The use or extraction of groundwater or surface water for quarry operation including groundwater dewatering or irrigation must be licensed in accordance with Section 51 of the Water Act 1989.*
- 63. Controls must be implemented to ensure that there is no polluted seepage from the work site into the groundwater or surface resource. Controls must include a water quality monitoring program, in accordance with details to be submitted to and approved by Southern Rural Water prior to the commencement of the use and/or development hereby permitted.*
- 64. The works must not interfere or impact on any waterway without the approval of the responsible authority.*
- 65. Sediment runoff from the site must be retained on site during and after operations. Controls, particularly on steep slopes, must be in accordance with the Environment Protection Authority (EPA) recommendations detailed in the 'Construction Techniques for Sediment Pollution Control' No. 275, May 1991. Sediment control structures such as sediment basin, sediment fences and sediments traps must be installed prior to the commencement of operations and maintained post development to the satisfaction of the responsible authority.*

DEPI

- 66. The quarry operator must undertake a Brolga monitoring program on all quarry blasting days in two Brolga nesting seasons (July-October) when the identified Brolga breeding site located approximately 800m north-east of the quarry site boundary is in use by Brolgas, to the satisfaction of the Responsible Authority on the advice of the Department of Environment and Primary Industries.*
- 67. A report of this monitoring program must be provided to the Responsible Authority within 3 months of the end of each breeding season.*

- 68. In the event the report documents that nesting appears to be significantly disturbed, or the nesting fails as a result of quarry blasting activity, the quarry operator must undertake a program of habitat restoration work, in an agreed timeframe, at a Brolga breeding site to be determined to the satisfaction of the Responsible Authority on the advice of the Department of Environment and Primary Industries.**

VicRoads

- 69. Before the use approved by this permit commences, the following road works at the Princes Highway/Mooleric Rd intersection must be completed, to the satisfaction of, and at no cost to VicRoads:**

- a) Right Turn Lane**
- b) Left Turn Lane/Deceleration Lane**

- 70. Prior to the development coming into use, the applicant must enter into a works agreement with VicRoads confirming the following processes:**

- a) Construction design plans approval processes;**
- b) Construction works specification and tender approval processes;**
- c) Fees and associated services obligations;**
- d) Field surveillance methods and cost recovery processes**

Expiry

- 71. This permit will expire if one of the following circumstances applies:**

- a) The development and/or use has not commenced within two years of the date of this permit, or**
- b) The use is discontinued for a period of two years, or**
- c) 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.**

The Responsible Authority may extend the periods referred to in a) and b) if a request is made in writing before the permit expires or within six (6) months afterwards.

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for proposed works.**
- 2. In the event that any changes to the design of the dams or the onsite groundwater management are required, a reassessment of the overall groundwater management strategy at the quarry and the submission of a revised Groundwater Management Strategy to the Responsible Authority will be required.**

3. ***Any approval given by Southern Rural Water does not preclude the need to obtain other relevant Authority approval.***
4. ***All waste water must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.***
5. ***No advertising signs may be erected, painted, or displayed on the subject land without a permit first being obtained from the Responsible Authority, unless the signage is exempt from the requirement for a permit under the provisions of the Colac Otway Planning Scheme.***
6. ***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.***

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