

MINUTES of the SPECIAL PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL held at COPACC Meeting Rooms on 17 December 2014 at 10.30am.

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Frank Buchanan (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft
Sue Wilkinson, Chief Executive Officer
Doug McNeill, A/General Manager Sustainable Planning and Development
Phil Corluka, General Manager Infrastructure & Service
Blaithin Butler, A/Manager Planning & Building
Paula Gardiner, Manager Capital Works
Rhonda Deigan, Executive Officer, CEO, Mayor & Councillors
Jane Preston-Smith, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Colin Hayman, General Manager Corporate & Community Services

4. MAYORAL STATEMENT

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

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

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

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

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.

5. DECLARATION OF INTEREST

Cr Lyn Russell:	PC141712-3 Use and Development of the Land for Stone Extraction at 320 Mooleric Road, Ombersley (PP169/2014-1)
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Brother-in-law owns Quarry in Colac Otway Shire.
Cr Michael Delahunty:	PC141712-3 Use and Development of the Land for Stone Extraction at 320 Mooleric Road, Ombersley
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	77A
Nature of Interest:	Provided engineering opinion regarding condition of Mooleric Road.

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC141712-3	Tim Holt	Objector
PC141712-3	Malcom Gardiner	Objector
PC141712-3	Terrance Kerr	Objector
PC141712-3	Daryl Collins	Objector
PC141712-3	Brett Pownceby	Objector
PC141712-3	Alex McKenzie	Objector
PC141712-3	Jorda Burnett	Objector
PC141712-3	Neil Longmore (on behalf of Barbara & Russell Beach)	Objector
PC141712-3	Rodney Beach	Objector
PC141712-3	Russell Young	Objector
PC141712-3	Mary Jane Crabtree	Objector
PC141712-3	Peter Russell	Objector
PC141712-3	Geoffrey Beach	Objector
PC141712-3	Simon Loader – Tract	Applicant
PC141712-3	Bill Macdonald – MCG Group	Applicant

7. **CONFIRMATION OF MINUTES**

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

Resolution

MOVED: Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes with amendment on page 9 to read moved: Cr Buchanan Seconded Cr Hart officer recommendation be adopted with item 18 deleted.

CARRIED 7 : 0

OFFICERS REPORTS

Sustainable Planning and Development

PC141712-1 PLANNING MEETINGS SCHEDULED FOR 2015
PC141712-2 PLANNING AND 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 MEETING SCHEDULED FOR 2015

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

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

Resolution

MOVED Cr Lyn Russell seconded Cr Brian Crook

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**

CARRIED 7 : 0

AUTHOR:	<i>Melanie Duve</i>	ENDORSED:	<i>Doug McNeill</i>
DEPARTMENT:	<i>Sustainable Planning & Development</i>	FILE REF:	<i>F11/2683</i>

Recommendation(s)

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

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**Resolution**

***MOVED: Cr Terry Woodcroft seconded Cr Brian Crook***

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

***CARRIED 7 : 0***

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

|                    |                                               |                  |                     |
|--------------------|-----------------------------------------------|------------------|---------------------|
| <b>AUTHOR:</b>     | <b>Blaithin Butler</b>                        | <b>ENDORSED:</b> | <b>Doug McNeill</b> |
| <b>DEPARTMENT:</b> | <b>Sustainable Planning &amp; Development</b> | <b>FILE REF:</b> | <b>F14/8449</b>     |

*Having declared a conflict of interest Cr Lyn Russell left the Council Chambers at 10.35am.*

|                                   |                                                                                                                       |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <i>Cr Lyn Russell:</i>            | <i>PC141712-3 Use and Development of the Land for Stone Extraction at 320 Mooleric Road, Ombersley (PP169/2014-1)</i> |
| <i>Nature of Disclosure:</i>      | <i>Direct Interest</i>                                                                                                |
| <i>Type of Indirect Interest:</i> | <i>77B</i>                                                                                                            |
| <i>Nature of Interest:</i>        | <i>Brother-in-law owns Quarry in Colac Otway Shire.</i>                                                               |

*Having declared a conflict of interest Cr Michael Delahunty left the Council Chambers at 10.36am.*

|                                   |                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------|
| <i>Cr Michael Delahunty:</i>      | <i>PC141712-3 Use and Development of the Land for Stone Extraction at 320 Mooleric Road, Ombersley</i> |
| <i>Nature of Disclosure:</i>      | <i>Indirect Interest</i>                                                                               |
| <i>Type of Indirect Interest:</i> | <i>77A</i>                                                                                             |
| <i>Nature of Interest:</i>        | <i>Provided engineering opinion regarding condition of Mooleric Road.</i>                              |

**Original 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 inverts 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 WA1546 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**
  - iv. Land and Groundwater Contamination Management**
  - v. 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 sites 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.***

**MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:**

***Alternative Resolution***

**That the Planning Committee refuse to grant a planning permit for the use and development of land for Stone Extraction at 320 Mooleric Road, Ombersley on the following grounds:**

1. ***The proposed use and development would detrimentally impact on the character and identity of the landscape, contrary to the objectives of clauses 12.04-2 (Landscape) and 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) of the Colac Otway Planning Scheme.***
2. ***The proposal would pose an unacceptable risk to the accessibility and quality of local groundwater, contrary to the purpose of the Farming Zone, the decision guidelines of clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) and to clause 13.03-3 (Salinity) of the Planning Scheme.***
3. ***The application provides inadequate information about the potential for unreasonable impacts to surface water flows and quality, contrary to the decision guidelines of clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) and to clause 13.03-3 (Salinity) of the Planning Scheme.***
4. ***The application provides inadequate information about the potential for detrimental impacts on cultural heritage within the subject site and Mooleric Road, failing to comply with clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) of the Planning Scheme.***
5. ***The proposal would result in unreasonable traffic noise impacts to No. 30 Mooleric Road. The proposed noise mitigation measures and acoustic wall would be inconsistent with the character of the area and would cause unreasonable amenity impacts to the occupants of the dwelling, contrary to the decision guidelines of clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) and to clause 13.04-1 (Noise Abatement) of the Planning Scheme.***
6. ***The proposal would result in an increase of traffic, noise, dust and vibration impacts which may unreasonably impact on the surrounding agricultural and farming land, as well as the ability to drive along Mooleric Road, contrary to the purpose of the Farming Zone.***

- 7. The proposal would result in an increase of traffic, noise, dust and vibration impacts, which may unreasonably impact on the amenity of the surrounding dwellings, contrary to the decision guidelines of Clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) of the Planning Scheme.**
- 8. The proposed use and development would detrimentally impact on significant flora and fauna species within the subject site and the surrounding area, failing to comply with clause 12.01-1 (Protection of Biodiversity) and the decision guidelines of clause 52.09-5 (Stone Extraction and Extractive Industry Interest Areas) of the Planning Scheme.**
- 9. The proposal is contrary to proper and orderly planning as outlined within clause 65.01 of the Colac Otway Planning Scheme.**

**CARRIED 3 : 2**

***DIVISION Called by Cr Chris Smith***

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Terry Woodcroft***

***Against the Motion: Cr Brian Crook, Cr Frank Buchanan***