

**Colac Otway
SHIRE**

AGENDA

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

11 MARCH 2008

at 10.30am

**COPACC Meeting Room
Rae Street, Colac**

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

COLAC-OTWAY SHIRE COUNCIL MEETING

11 MARCH 2008

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NOTICE is hereby given that the next **PLANNING COMMITTEE OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 11 March 2008 at 10.30am.

AGENDA

1. PRAYER

2. PRESENT

3. APOLOGIES

4. DECLARATION OF INTEREST

5. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor 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.

6. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 12/02/08.

Recommendation

That the Planning Committee confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC081103-1 PLANNING PERMITS FOR THE MONTH OF FEBRUARY 2008
PC081103-2 PP230/07 EXTENSION TO EXTRACTION AREA OF QUARRY, 75
POTTERS ROAD, ONDIT

Tracey Slatter
Chief Executive Officer

PC081103-1 PLANNING PERMITS FOR THE MONTH OF FEBRUARY 2008

AUTHOR: Stefanie Riches ENDORSED: Jack Green
DEPARTMENT: Sustainable Planning and FILE REF: GEN00450
Development

41 Planning permit applications received for the period of 1st February 2008 to 29th February 2008

42 Planning permit applications were considered for the period of 1st February 2008 to 29th February 2008

APPLIC NO	DATE RECEIVED	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
PP117/03C	14-Feb-08	AMENDMENT TO PERMIT	21-Feb-08	5	UNDER DELEGATION	GRANTED
PP142/03A	30-May-07	AMENDMENT TO PERMIT - SITING OF DWELLING & SHED, EXTENSION OF TIME	19-Feb-08	14	UNDER DELEGATION	LAPSED
PP16/07	23-Jan-07	TWO LOT SUBDIVISION	25-Feb-08	94	UNDER DELEGATION	GRANTED
PP17/08	10-Jan-08	CONSTRUCTION OF A SHED	19-Feb-08	29	UNDER DELEGATION	GRANTED
PP188/07	31-Jul-07	USE AND DEVELOPMENT OF A DWELLING AND REMOVAL OF FOUR (4) TREES	18-Feb-08	101	UNDER DELEGATION	GRANTED
PP21/08	11-Jan-08	CONSTRUCTION OF SHED	27-Feb-08	34	UNDER DELEGATION	GRANTED
PP213/07	23-Aug-07	CONSTRUCTION OF DWELLING (DECOMMISSION EXISTING DWELLING)	04-Feb-08	79	UNDER DELEGATION	GRANTED
PP217/07	23-Aug-07	TWO (2) LOT SUBDIVISION PS608818H	28-Feb-08	68	UNDER DELEGATION	GRANTED
PP224/07	28-Aug-07	TWO (2) LOT SUBDIVISION TO RE-ALIGN BOUNDARIES	27-Feb-08	112	UNDER DELEGATION	GRANTED
PP247/07	17-Sep-07	TWO (2) LOT SUBDIVISION PS612865Y	04-Feb-08	64	UNDER DELEGATION	GRANTED
PP249/07	17-Sep-07	LIQUOR LICENCE	08-Feb-08	44	UNDER DELEGATION	GRANTED
PP26/08	18-Jan-08	EXTENSION TO EXISTING DWELLING	27-Feb-08	29	UNDER DELEGATION	GRANTED

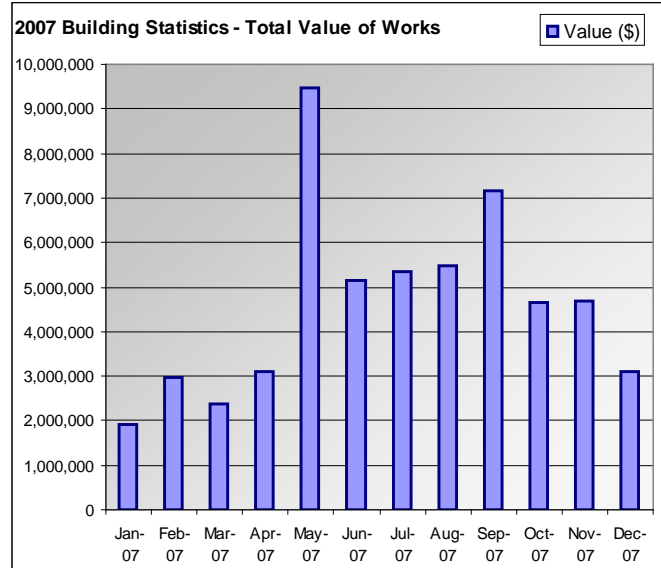
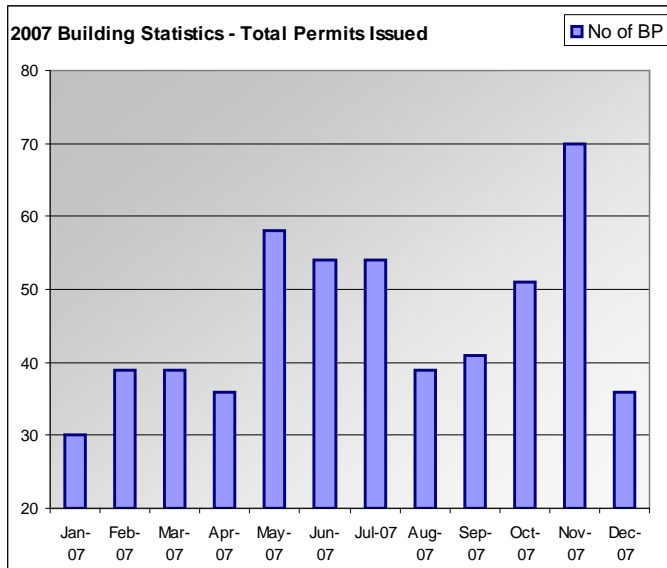
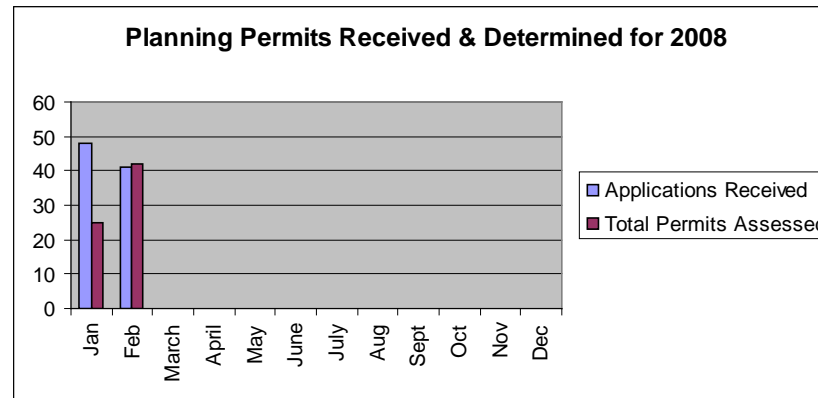
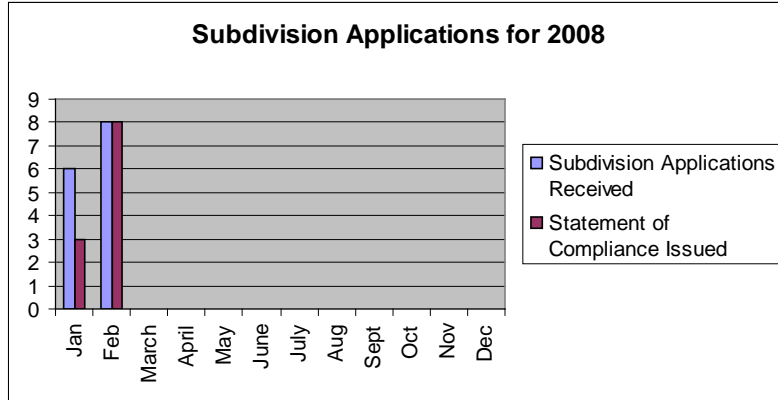
PP272/07	08-Oct-07	CONSTRUCTION OF DWELLING & SHED	13-Feb-08	91	UNDER DELEGATION	GRANTED
PP283/07	22-Oct-07	CONSTRUCTION OF A SHED	13-Feb-08	81	UNDER DELEGATION	REFUSED
PP29/08	29-Jan-08	TWO (2) LOT RE-SUBDIVISION	27-Feb-08	21	UNDER DELEGATION	GRANTED
PP291/07	31-Oct-07	CONSTRUCTION OF DWELLING	08-Feb-08	71	UNDER DELEGATION	GRANTED
PP292/07	01-Nov-07	TWO (2) LOT SUBDIVISION	18-Feb-08	59	UNDER DELEGATION	GRANTED
PP295/07	06-Nov-07	CONSTRUCTION OF DWELLING & SHED	13-Feb-08	71	UNDER DELEGATION	GRANTED
PP296/07	06-Nov-07	CONSTRUCTION OF DWELLING	25-Feb-08	79	UNDER DELEGATION	GRANTED
PP302/07	14-Nov-07	USE & DEVELOPMENT OF DWELLING	15-Feb-08	66	UNDER DELEGATION	GRANTED
PP312/07	19-Nov-07	USE & DEVELOPMENT OF AN INDOOR RECREATION FACILITY (CHILDREN'S PLAY CENTRE)	04-Feb-08	98	UNDER DELEGATION	GRANTED
PP317/07	23-Nov-07	EXTENSION TO DWELLING INCLUDING OUTDOOR ENTERTAINMENT AREA, CARPORT AND EXTENSION TO LAUNDRY	13-Feb-08	59	UNDER DELEGATION	GRANTED
PP318/07	23-Nov-07	ALTERATION AND ADDITIONS TO EXISTING DWELLING	25-Feb-08	64	UNDER DELEGATION	GRANTED
PP320/07	23-Nov-07	CONSTRUCTION OF A SHED	04-Feb-08	52	UNDER DELEGATION	GRANTED
PP324/07	30-Nov-07	ON PREMISES LIQUOR LICENCE	19-Feb-08	58	UNDER DELEGATION	GRANTED
PP328/07	30-Nov-07	CONSTRUCTION OF TWO DWELLINGS	04-Feb-08	47	UNDER DELEGATION	GRANTED
PP329/07	30-Nov-07	CONSTRUCTION OF THREE DWELLINGS	04-Feb-08	47	UNDER DELEGATION	GRANTED
PP33/08	30-Jan-08	DEVELOPMENT OF A DWELLING	01-Feb-08	1	UNDER DELEGATION	GRANTED
PP333/07	05-Dec-07	CONSTRUCTION OF DWELLING & SHED	04-Feb-08	44	UNDER DELEGATION	GRANTED

PP335/07	06-Dec-07	CONSTRUCTION OF DWELLING	27-Feb-08	59	UNDER DELEGATION	GRANTED
PP345/07	17-Dec-07	CONSTRUCTION OF A DWELLING (REPLACE EXISTING DWELLING)	13-Feb-08	41	UNDER DELEGATION	GRANTED
PP346/07	17-Dec-07	CREATION OF A DRAINAGE AND SEWERAGE EASEMENT	04-Feb-08	35	UNDER DELEGATION	GRANTED
PP347/07	17-Dec-07	TWO LOT SUBDIVISION (PS547463G)	07-Feb-08	37	UNDER DELEGATION	GRANTED
PP352/07	19-Dec-07	CONSTRUCTION OF GARAGE	04-Feb-08	34	UNDER DELEGATION	GRANTED
PP36/08	30-Jan-08	DEVELOPMENT OF A DAIRY & ASSOCIATED WORKS	15-Feb-08	11	UNDER DELEGATION	GRANTED
PP39/07A	30-Jan-08	CONSTRUCTION OF A DWELLING (AMENDED)	05-Feb-08	4	UNDER DELEGATION	GRANTED
PP4/08	02-Jan-08	BOUNDARY REALIGNMENT	18-Feb-08	34	UNDER DELEGATION	GRANTED
PP43/08	30-Jan-08	DEVELOPMENT OF A SWIMMING POOL	25-Feb-08	19	UNDER DELEGATION	GRANTED
PP56/08	14-Feb-08	CONSTRUCTION OF A GARAGE	27-Feb-08	9	UNDER DELEGATION	GRANTED
PP64/03C	21-Jan-08	AMENDMENT - EXTENSIONS TO EXISTING DWELLING	21-Feb-08	22	UNDER DELEGATION	GRANTED
PP68/08	26-Feb-08	CONSTRUCTION OF A MACHINERY SHED	27-Feb-08	1	UNDER DELEGATION	GRANTED
PP9/08	03-Jan-08	TWO LOT SUBDIVISION	05-Feb-08	24	UNDER DELEGATION	WITHDRAWN

Average Days to Process Planning Applications

48

Days



	Domestic		Residential*		Commercial		Retail		Industrial		Hospital/HealthCare		Public Buildings		Municipal Totals	
	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)
Jan-07	24	1,292,383	2	260,000	3	265,000	1	92,000	0	0	0	0	0	0	30	1,909,383
Feb-07	32	1,963,202	1	400,000	2	320,000	0	0	1	220,000	0	0	3	51,000	39	2,954,202
Mar-07	32	1,984,828	1	238,000	2	43,300	2	20,000	2	105,000	0	0	0	0	39	2,391,128
Apr-07	27	2,631,468	2	70,000	3	66,915	0	0	1	122,000	0	0	3	217,353	36	3,107,736
May-07	45	4,613,016	0	0	4	761,895	5	2,930,490	1	260	0	0	3	1,178,995	58	9,484,656
Jun-07	41	4,379,658	0	0	10	679,270	2	50,260	1	42,970	0	0	0	0	54	5,152,158
Jul-07	47	4,844,335	2	69,000	3	374,000	1	50,000	0	0	0	0	1	0	54	5,337,335
Aug-07	32	3,575,038	0	0	2	34,016	0	0	3	615,100	0	0	2	1,262,380	39	5,486,534
Sep-07	32	4,519,075	0	0	4	121,476	2	2,433,950	0	0	0	0	3	86,940	41	7,161,441
Oct-07	41	3,566,160	2	410,000	3	123,800	2	21,474	0	0	0	0	3	519,520	51	4,640,954
Nov-07	53	3,718,981	1	30,000	11	277,300	3	638,000	0	0	1	11000	1	25,000	70	4,700,281
Dec-07	32	2,709,937	0	0	3	187,350	0	0	1	220,000	0	0	0	0	36	3,117,287
Totals	438	39,798,081	11	1,477,000	50	3,254,322	18	6,236,174	10	1,325,330	1	11,000	19	3,341,188	547	55,443,095

*Multi-Development

Building Stats

***Please note that the Building Commission website has only been updated to December 2007.

Recommendation(s)

That Council's Planning Committee note the February 2008 statistical report.

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**PC081103-2 PP230/07 EXTENSION TO EXTRACTION AREA OF QUARRY, 75 POTTERS ROAD, ONDIT**

AUTHOR: Doug McNeill  
 DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
 FILE REF: PP230/07

**Location:**

**Applicant:**

**Zoning:** Farming Zone

**Overlay controls:** N/A

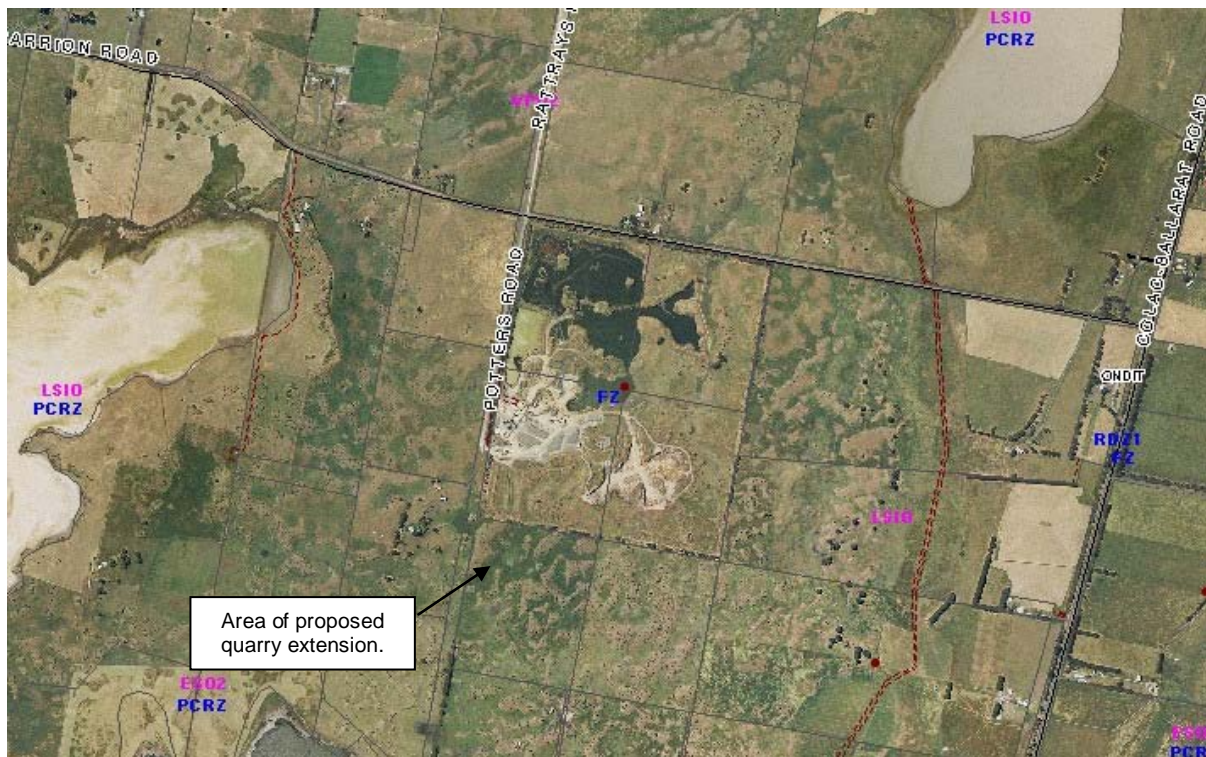
**Amendment:** Nil

**Abuts:** Farming Zone

**Restrictive Covenants:** Nil

**Reasons for Planning Committee consideration:**

Council’s Planning Committee’s consideration of this application is required as there are more than four outstanding objections.



**Background**

The existing quarry, located on the corner of Potters Road and Oudit Warrion Road, has been operated as a quarry for approximately 35 years extracting basalt which is used both within local and regional markets. The current resource within the approved extraction area is nearing depletion, with approximately one years supply available.

The current extraction area was approved by a decision of the Victorian Civil and Administrative Tribunal (VCAT) in 1995 (Permit 283/95). The permit contained a number of new conditions to address neighbours concerns including but not limited to blasting. Conditions of the permits required a Consultative Committee to be established which comprised representatives of the quarry, the community, Council and Department of Primary Industries (DPI). The Committee is required to meet every six months, with details of six monthly water, dust and blast monitoring forwarded to Committee members for discussion. It is understood that since the 1995 permit was issued and the Consultative Committee created, the extent of community concern relating to the operations of the quarry has diminished (although objections to this application are evident of some on-going concern by a few land owners). The Committee did not meet when scheduled in November 2007, resulting in deferral of this item from the February 2008 Planning Committee meeting. The meeting was held on Friday 29 February, and conditions proposed by officers for the new application were discussed, resulting in some changes that are reflected in this report.

The quarry utilises a crushing and processing plant located on the Potters Road boundary adjacent to the office, amenities, workshop and quarry entrance. These facilities will remain for the extraction of the southern development area.

A portion of the northern pits have now been rehabilitated, with the exception of the area along Warrion Oudit East Road which has not yet been mined due to restrictions resulting from the location of the residence to the immediate north of the site, known as the Riches residence on the site photo plan.

Water storage areas are located north of the crushing and processing plant, with the water used for wetting down the quarry roads to minimise dust nuisance to neighbours.

Due to the limited amount of the resource which remains available within the approved extraction area, the applicant now seeks permission to expand the quarry to the immediate south. The southern development area comprises approximately 3 million tonne of basalt, this being approximately an 8-10 year supply.

The Department of Primary Industries (DPI) has approved a variation to Work Authority and Work Plan for an extension to Extractive Industry Work Authority No 158, and a copy of the document accompanied the application. A letter dated 3<sup>rd</sup> October, in response to a Section 55 referral to DPI, was received which stated that DPI did not object to the grant of a planning permit subject to a number of permit conditions being imposed. The Department also provided a copy of the Work Plan conditions which include both general and site specific conditions.

### **Summary**

- An application was received to extend the quarry at 75 Potters Road to the south of the existing work area. The existing quarry has approximately one years supply of basalt remaining.
- The application was referred, due to the statutory provisions of Clause 66.02-9 of the Planning Scheme, to the Minister for Planning, Department of Primary Industries, Department of Sustainability and Environment (DSE), Southern Rural Water and the Environment Protection Authority. None of these authorities objected to the grant of a planning permit, with DPI, Southern Rural Water and DSE recommending planning permit conditions to be imposed if a permit were granted.

- The application was also advertised pursuant to Section 52 of the Planning and Environment Act, and as a result 6 objections were received, one of which has subsequently been withdrawn. The main concerns can be generally summarised as being impacts on ground water, blasting impacts, noise, dust, traffic and roads, screening and rehabilitation.
- The applicant engaged a number of specialists to review the operations of the quarry and all impacts associated with it, and these reports form part of the planning permit application. The issues raised are addressed later in this report.
- Whilst objectors have raised legitimate concerns, it has been demonstrated that the concerns are either unwarranted or able to be addressed via ongoing management regimes. DPI at the time of approval of the Work Plan, considered the above issues, and have endorsed the specialist reports which provide for environmental management and monitoring including native vegetation net gain, mitigation measures, monitoring measures, management and creation of habitat for the Corangamite Water Skink, noise attenuation via a bund wall and compliance with legislative limits, air quality compliance with legislative limits and mitigation measures throughout the site, air blast and ground vibration to be within current Work Authority levels and surface and ground water management and monitoring.

The implementation of all of the above monitoring and management regimes is considered to have addressed the concerns of the residents such that the expansion of the quarry will not result in detriment due to off site impacts.

- The proposal is consistent with the state and local planning policy framework, having addressed all of the issues within these policies via the specialist reports which demonstrate compliance with the relevant legislation, and therefore compliance with the policy framework of the planning scheme.
- The proposal also addresses the zone provisions in so far as an extractive industry can do within a rural area, having regard to the fact that the state section of the planning scheme provides that councils cannot prohibit extractive industry in any non urban zone, providing for the ability to extract the resource where it is found. Clause 52.09, Extractive Industry and Search for Stone, provides for particular requirements for quarrying applications to protect the amenity of the surrounding area, provide for rehabilitation and to protect the resource which may be required, from inappropriate development. The application complies with the provisions of this clause.
- On the basis of all of the above, it is recommended that the application be supported through the issue of a Notice of Decision to Grant a Permit.
- The application was listed for a decision at the February 2008 Planning Committee, however there was concern that the Ondit Quarry Consultative Committee did not meet when due late last year, and the application was deferred. This Committee has now met, resulting in some changes to permit conditions proposed by the officer.

### **Proposal**

The application proposes an extension to the quarry to the south of the existing operations, into an area of 40.92 hectares of land which is known as the Southern Development Area (SDA).

The proposal involves the extraction of basalt from the stony rises via a four stage development.

The plans provide that the existing site access, offices, amenities, crushing plant, processing and water storage will remain in the current locations. The application proposed a 1.2 metre high stock proof fence around the extended quarry area, however as a result of objections, the applicant has now agreed to erect a 2 metre high chain mesh fence along the southern boundary of the Southern farming Area (to the south of the extraction area) and for 150 metres along the western and eastern boundaries of the Southern farming Area and the Southern Development Area.

The application relies on blasting occurring in a similar manner as currently exists, with 3-4 blasts per month, with these occurring generally at 1pm, however the application seeks a variation in the blasting hours to that of 11.00am to 5.00pm Monday to Friday which provides a contingency if for any reason the blast is delayed. It is still intended to blast as close to 1pm as possible however.

The operation hours of the quarry are proposed to remain as 6.00am to 6.00pm Monday to Saturday.

Truck movements to and from the site will not be increased via the proposed extension of the quarry area, as the quarry is proposed to be worked in the same manner as the existing quarry.

The site will be progressively rehabilitated, with the objectives of the rehabilitation at the site being as described on page 11 of the application submission:

- To create a safe and stable landform that complies with the agreed rehabilitation commitments;
- To control and manage the adverse environmental or amenity impacts of the site;
- To re-create and enhance habitats for the Corangamite Water Skink;
- To maintain long term salinity levels in the SDA pits at a level that does not compromise the beneficial uses of the groundwater in the vicinity of the quarry, and
- To develop a landform that is acceptable to the landowner.

Groundwater and surface runoff water will be collected in the excavation and plant areas and directed towards the sumps, and will drain or be pumped to the Plant Water Storage along the western boundary, with water from this storage area used for washing of aggregates and dust suppression.

Refer to the application documentation included in the attachments to this report which show the dimensions and layout of the proposal.

### **Subject Site and Locality**

The subject land is located approximately 10 kilometres north of Colac. (Refer to the Locality Plan in Appendix 1 and the Southern Development Area Plan in Appendix 2). It is situated to the south of the Warrion - Ondit Road and is accessed from Potters Road.

The existing quarry and the SDA are located in a gently undulating rural area. The quarry is well buffered from any of the surrounding dwellings and to areas in which the public has access. The existing vegetation restricts the views into the existing quarry area from the Warrion - Ondit Road and Potters Road.

The land upon which the existing quarry is located is owned by the applicant and is 79.93 hectares in size. The SDA is 40.92 hectares in size and owned by the applicant. It is described as Lots 3 and 5, TP839308E and contained within Certificate of Title Vol 04835, Fol 893. A copy of the Certificate of Title is provided in Appendix 4. This land has mostly been cleared of native vegetation and is used for agricultural activities. The remnant native vegetation is mainly confined to the stony rises.

The applicant also owns the land directly to the south of the SDA. This is referred to as the Southern Farm Area (SFA). All the land immediately surrounding the existing quarry and SDA is used for agricultural purposes.

The Warrion - Ondit Road is a sealed rural road serving a regional function. Potters Road is sealed and services the quarry and an adjoining farming property. It carries little traffic other than the quarry traffic.

Meredith Park, a recreation/camping reserve adjacent to Lake Colac, is located south of the quarry site.

### **Referrals**

The application was referred to the Minister for Planning to formally ask whether an Environment Effects Statement (EES) needed to be commissioned for the proposal. The Minister advised that an EES was not required subject to the following condition:

“That the proposed mitigation and monitoring measures identified in the *‘Management Plan for the Corangamite Skink and Native Vegetation Offsets; Readymix Quarry and Proposed Southern Development Area, Colac, Victoria June 2007’* (Biosis Research Pty Ltd) be implemented as proposed to the satisfaction of Department of Sustainability and Environment (South West Region).”

The application was also referred to the Department of Primary Industries, Department of Sustainability & Environment, Southern Rural Water and the EPA pursuant to Clause 66.02-9 of the Colac Otway Planning Scheme.

DSE had no objection to the grant of a planning permit and provided no conditions to be imposed on a permit.

DPI had no objection to the grant of a planning permit providing a number of permit conditions were imposed on any permit issued. The conditions provided for commencement, expiry and offset plans to be implemented via a Section 173 Agreement.

The EPA did not object to the grant of a planning permit, nor did they seek to impose permit conditions, however they recommended that the Council incorporates recommendations made by the applicant’s consultants in any planning permit that may be issued.

Southern Rural Water. had no objection to the grant of a planning permit providing a number of permit conditions were imposed on any permit issued. These conditions were received immediately prior to the February Planning Committee meeting, and had not previously been included in the officer report. They now form part of the recommendation.

**Notice of Application**

The application was advertised pursuant to Section 52 of the *Planning & Environment Act 1987* in the following manner:

- An A3 Sign on-site
- Letters to surrounding property owners & occupiers
- A notice in the Colac Herald

Council received a total of six objections against the application on the following grounds, with one subsequently withdrawn:

- Readymix has no license for on-site and off-site irrigation.
- Readymix has no license for off-site discharge of water.
- Concerns regarding the interaction of groundwater and surface water between the quarry, stock and domestic water, irrigation water and surrounding lakes and swamps.
- Extension of blasting hours, and concern about the quarry not always carrying out blasting within the prescribed guidelines, and impact on surrounding structures.
- Impact on Meredith Park via blasting, noise, vibration, noise, dust and safety.
- A comprehensive fire and safety plan would need to be implemented.
- Poor rehabilitation of the site.
- Height of the stockpiles is too high and visually ugly.
- Fencing will need to be upgraded.
- The existing screening trees are not appropriately maintained.
- The Ondit-Warrion Road and Potters Road suffers damage from the quarry trucks.
- Traffic accidents at the intersection of Potters Road and Ondit-Warrion Road due to increased traffic and poor tree planting within the quarry boundaries.
- Scrap metal is an eyesore and has been for many years.
- The stony rises offer excellent productive agricultural capacity, and the extension of the quarry will result in a loss of productive agricultural land.
- Adjacent owners and occupiers were not all notified.
- Noise from blasting and vibrations will startle stock on roads being herded into the yards and will upset cows during milking.
- Corangamite Skink and Barrier bush preserved areas will become a fire risk. Grass and weeds will grow in an uncontrolled manner.

**Comment:** The applicant has submitted a number of specialist reports to accompany the planning permit application, including the approved variation to the work authority and work plan by DPI pursuant to the Extractive Industries Development Act 1995. A detailed response to the objections was also provided, this providing a summary of a number of the specialist reports.

A response to the objections raised above is provided under each of the main headings:

**BLASTING IMPACTS**

Terrock Consulting Engineers (independent of the proponent) has carried out an assessment of the effects of blasting within the Southern Development Area, and in their assessment have concluded that blasting can be conducted in accordance with appropriate regulations and comply with current Work Authority ground and air vibration levels.

Further to this, they have also concluded that proper blast management will ensure the public is protected from flyrock, and hence there is not a safety risk to persons off-site.

The requirements of DPI provide that air blast is limited to 115 dBL for 95% of the blasts, with an absolute limit of 120dBL as measured in the vicinity of any sensitive location. Terrock advises that damage to buildings does not occur below air vibration levels of 133 dBL. Cemex is required to keep a log of all blasting activities, and monitors the air and ground vibrations at sensitive locations, including a number of the objector's properties. Retention of this information provides a means by which Council and DPI can regularly monitor the blasting operations at the quarry, and ensure that these limits are not being exceeded. DPI has advised that should a complaint be received concerning damage to a building resulting from blasting at any time, the process is to require an independent assessment of the building, commissioned by the proponent. Further to this, as noted above the quarry was required, as part of the previous planning permit, to set up a Community Consultative Committee at which issues of compliance can be openly discussed with the community, Council, DPI and the quarry managers.

It should be noted that Readymix have not exceeded the limitations in either ground vibration or air blasts.

Readymix also films each blast, and keeps video details of the blasts on site within the quarry office. These films allow the quarry managers to monitor flyrock, and it is noted that there has not been any fly rock incidents.

With regards to the number of times blasting will occur, Readymix estimates that it will continue to blast similarly to current operations, with this being 3-4 times per month. Readymix plans to blast at approximately 1pm under normal circumstances, however the hours of blasting are more flexible, providing from 11am to 3pm under current permit conditions. The application seeks further flexibility, allowing blasting to occur up to 5pm to allow for unplanned delays which can occur. The applicant intends that blasting will continue to occur prior to 3pm as currently occurs, however there will be no blasting after 5pm under any circumstances. Given the current 3pm restriction was imposed by VCAT as a means of limiting amenity impacts for neighbouring properties, it is considered appropriate that this be continued for the new extraction area. It ensures that blasting would not occur during normal milking hours for dairy farms.

As detailed earlier, the applicant has agreed to the provision of a 2m high chain mesh fence along the southern boundary and 150m along the eastern and western boundaries of the SFA and SDA to provide greater security and increase safety, particularly for visitors to Meredith Park who may try to gain unauthorised access to the site. This is considered appropriate to resolve the safety concerns of the park.

Due to the distance of Meredith Park from the site, being in the vicinity of 500m from the southern boundary of the SDA and 550m from the southern most extraction location, ground vibration and air blast limits can be complied with at Meredith Park.

## NOISE

Noise from the quarry has also been raised as a concern, particularly to the closest dwellings and Meredith Park. Watson Moss Growcott have provided an acoustic report, assessing the noise impacts of the proposed expansion.

Table 2, provided within the Watson Moss Growcott report, specifies the predicted noise levels at each of the dwellings exposed to the development, on the basis of 100% addition of noise sources, with the extraction occurring at the nearest point to each house and with the proposed noise control bunds in place, are set out in the table below:

PREDICTED QUARRY NOISE LEVEL, Leq dB(A)

| RESIDENTIAL LOCATION | DAY PERIOD NOISE LIMIT, dB(A) | CONTRIBUTION DUE TO SOUTHERN DEVELOPMENT AREA OPERATIONS | CONTRIBUTION DUE TO EXISTING PLANT | TOTAL COMBINED LEVEL OF EXISTING PLANT AND SDA OPERATIONS |
|----------------------|-------------------------------|----------------------------------------------------------|------------------------------------|-----------------------------------------------------------|
| Armstrong            | 45                            | 34                                                       | 37                                 | 39                                                        |
| Prime                | 47                            | 40                                                       | 46                                 | 47                                                        |
| L Richie             | 49                            | 33                                                       | 44                                 | 44                                                        |
| P Richie             | 45                            | 29                                                       | 42                                 | 42                                                        |
| Angus                | 45                            | 29                                                       | 40                                 | 40                                                        |

The report concludes as follows:

*“The houses at which an existing noise limit applies under the present Planning Permit are the nearest houses to the existing fixed processing plant, which is not going to change under the proposal. It has been concluded that with the bunding and other landscaping works shown in the Development Plan in place, compliance with the existing noise limits will continue to be achieved following development of the Southern Development Area.*

*Houses further afield to the north, west and south have been considered in relation to the extended extraction areas.*

*It has been concluded that with the incorporation of the 2m high bunds proposed in the Development Plan, predicted noise levels are within the noise limits at all locations.*

*Low-noise reversing beepers have also been recommended in order to minimise potential audibility and annoyance, which is not necessarily reflected in the overall noise levels.”*

## WATER IMPACTS

An assessment of the water management issues at the proposed Southern Development Area has been undertaken by Golder Associates for the permit applicant.

Groundwater monitoring was undertaken of a number of bores in the locality, including the bore on the Prime property, with the monitoring having been undertaken since September 1997.



This monitoring has shown that there is a decreasing salinity trend in the Prime bore for the period September 1997 to September 2005, with the highest level being 621m g/L (TDS) in June 1999 and the lowest being 220 mg/L (TDS) in March 2005.

This demonstrates that salinity is in fact not increasing as a result of the quarry operations. There was some debate at the recent Consultative Committee about this issue, with residents claiming other bores would be more appropriate for monitoring and conflicting views about whether salinity levels are a result of the quarry or from the drought conditions that have existed for over a decade.

With regards to the impact of hazardous material on the groundwater, this issue was also addressed by the Golder report, which states that the quarry operations do not present a high risk of hazardous materials being introduced to the environment, including groundwater. As a result, the likelihood of pit water becoming contaminated is almost non-existent.

There is to be no discharge of pit water, no irrigation of pit water and no discharge of water off the site without the requisite approvals being obtained from Southern Rural Water.

The Golder assessment further stated that surface flows to Lake Ondit, Lake Colac or the low lying areas to the east of the quarry are unlikely to be affected by this proposal. The report concludes that:

*“provided the Southern Development Area pits are rehabilitated in the manner described in the endorsed Work Plan and depicted in Figure 6 - Typical Cross Section, Figure 7 – Rehabilitation Plan and as described in Section 3.12 of the planning submission there would be only minor influences on local groundwater levels and bore yields.”*

The assessment indicates that there would be no detrimental impacts on known groundwater users in the area.

## DUST

The other final issue of amenity is that of dust, with the concerns being reduced amenity on dwellings and Meredith Park, and this issue has been assessed by consultant firm GHD which has also prepared a dust management and monitoring plan for the quarry. The results provided as follows:

- *Compliance everywhere off-site (and on-site) to the RCS criterion is emphatic, with factors of safety of ~60:1 at all residences;*
- *Compliance to the PM2.5 Intervention Level is obtained at all residences;*
- *Compliance to the PM10 Intervention Level is found at all residences, except for a marginal non-compliance at #4 (61.7µg/m<sup>3</sup>). However this residence is owned by Cemex and is not occupied; and*

- *The compliance to the PM10 Intervention Level at the Prime residence under the proposed operations is a decrease from the predicted numbers of non-compliance of 2 per year under current operations. This result is due to the selective application of additives to some haul routes. Clearly for much of the operations in the SDA (i.e. at Stages 1 & 4), the exposure at the Prime residence will be even lower, than that currently experienced from existing operations.*

GHD have stated that providing the mitigation measures specified in the Dust Management and Monitoring Plan were implemented, then compliance with the EPA's Protocol for Environmental Management – Mining and Extractive Industry would be achieved at the closest residences. Given that compliance would be achieved for the nearest residence which is approximately 325 metres from the closest extraction point, compliance at Meredith Park and dwellings further afield can therefore be readily achieved.

The quarry currently undertakes dust mitigation measures on site including the use of a water spray system on the processing plant, and application of water via water carts around the processing site and on trafficable surfaces. A real-time aerosol monitor with PM10 size selective inlet has been recommended for the eastern boundary of the quarry, and this is reflected in the Dust Management and Monitoring Plan.

All of the above is considered to appropriately ensure that there will be no loss of amenity resulting from dust impacts emanating from the proposed extension to the quarry.

#### **TRAFFIC & ROAD IMPACTS**

Traffic and road impacts are also raised in the above objections, and it is firstly relevant to note that the proposed extension of the quarry area will not result in an increase in the number of vehicles accessing the surrounding road network, as the proposal involves the quarry extending into this southern development area as a substitute for the existing area when the resource has been depleted in that area.

Greg Tucker & Associates undertook traffic and parking impact assessment and concluded that the proposal was not expected to alter the traffic generating characteristics of the site and is not expected to adversely impact on the operation of the surrounding road network.

The traffic generated from the quarry is expected to remain at 80 traffic movements per day, this being made up of 60 traffic movements by trucks, and 20 movements by staff and visitors. As this is not an increase in the number of vehicle movements currently resulting from the operation of the existing quarry, the vehicle movements associated with the expanded area is not considered to result in a loss of amenity to neighbouring property owners.

The quarry is currently required to maintain Potters Road to the satisfaction of the Responsible Authority as required by planning permit 283/95, and it is considered reasonable to impose such a condition again given the quarry operations are directly responsible for the condition of the road. As stated in the GTA report, it is considered that given that traffic volumes to the site are not expected to be increased by the proposed expansion, any further impacts to the wider road network are not expected above and beyond that which exists and as such permit conditions requiring road maintenance beyond Potters Road is considered to be unreasonable and unjustified.

#### **FIRE RISK**

The issues raised in relation to fire were that of the need for a fire and safety plan, and maintenance of the Corangamite Water Skink habitat areas which may create a fire hazard. It is noted that the quarry has a fire and safety plan which addresses both the management of potential fire hazards and actions to be undertaken in the event of a fire. The applicant advises that this is currently being reviewed in consultation with the local CFA brigade.

A further assessment of the CWS and native vegetation offsets provides specific management actions which need to be undertaken, and this specifies that the area will be actively managed including the spraying and control of herbaceous and shrub weeds and eradication of foxes and rabbits. This is further reiterated in the Environmental Management Program & Monitoring Plan which is approved by DPI pursuant to the Extractive Industries Development Act.

#### **IRRIGATION**

The application does not propose irrigation on site or off site using water from the quarry, and as such this concern is unwarranted.

#### **REHABILITATION**

Concern has been raised regarding the rehabilitation of the site with 100mm of topsoil, and the ability to then effectively vegetate the old extraction areas. The rehabilitation plan does not propose 100mm topsoil directly over the basalt rock, as the rehabilitation will involve the battering and backfilling of the terminal faces with overburden and quarry waste, then topsoiling. This will ensure that the rehabilitated areas can support appropriate vegetation. Whilst some concern was raised at the Consultative Committee meeting that past rehabilitation had not occurred in a timely manner, this was disputed by the proponent and DPI.

#### **STOCKPILES**

The existing stockpiles do not form part of the current planning permit application, and they are managed by the existing planning permit. The storage of soil and overburden at the proposed extraction area has been estimated at 180,000 cubic metres, with this being used to progressively rehabilitate the site or for the creation of CWS habitat.

The application provides that overburden will be temporarily stored in mounds no higher than 2 metres for later use in rehabilitation, and the mounds will be vegetated to minimise erosion. This will be imposed as a condition of the permit to ensure that this occurs and can be managed ongoing.

#### **SCRAP METAL**

The scrap metal heap at the existing quarry does not form part of the planning permit application, and the visual impact of the scrap metal is more appropriately addressed via condition 26 of the existing planning permit 283/95 which states as follows:

*“The quarry pit and associated storage areas and their immediate surrounds shall be kept in a tidy state to the satisfaction of the Responsible Authority.”*

This will be followed up independently of this application to ensure that current conditions are being met.

#### **VERMIN & PESTS**

Objectors claim that the native vegetation offset areas and CWS habitat areas will not be properly managed and may create a breeding ground for vermin. The Management Plan for the Corangamite Water Skink and Native Vegetation Offsets provides requirements on Readymix to manage these areas, and this plan forms a requirement of the approved variation to the Work Authority endorsed by DPI, with conditions of that approval requiring a report detailing the implementation status and monitoring results of the plan to be provided to the DSE and consultative committee.

#### **LOSS OF PRODUCTIVE AGRICULTURAL LAND**

The objectors have raised concern regarding the loss of productive agricultural land and the permit applicant has engaged Phillips Agribusiness to assess the agricultural impacts. The report assesses the capability of the land, district and regional impacts and likely outcome of the rehabilitation plan. The report concludes as follows:

*“The property in its current condition is considered to be of poor agricultural quality. This is due to its stony rise landform accompanied by low lying clay soils that are prone to water logging.*

*Throughout the process of mining, areas will be progressively rehabilitated. The intended outcome of the rehabilitation program is to form water storages, provide grazing for livestock, establish native vegetation offset areas and create an enhanced fauna habitat.*

*Providing the objectives contained within the rehabilitation plan are realised, a significant part of the property will be returned to grazing use and at similar levels of productivity to what currently is being achieved.”*

It is further noted that Clause 17.09 provides that it is policy to identify and protect stone resources accessible to major markets and to provide a consistent planning approval process for extraction in accordance with acceptable environmental outcomes.

**As the stone resource exists in this location, it is considered inappropriate and at odds with state policy, to restrict the extraction of stone due to the impact it may have on the agricultural use of the land in the shorter term providing the environmental and amenity impacts can be appropriately managed.**

#### **OCCUPIER NOT NOTIFIED**

**Although one of the objectors has stated that they were not notified, as occupiers of an adjacent parcel of land, of the application, it is clear that they are now well aware of the proposal as they have now lodged an objection. The person in question was notified as the owner of another parcel of land nearby and as such the requirements of the public notification process have been met.**

#### **PROPERTY DEVALUATION**

**Property devaluation is a concern which is regularly raised by objectors; however the Victorian Civil and Administrative Tribunal have regularly stated that this is in fact not a planning issue. Those issues which may result in property devaluation are generally amenity issues, all of which have been addressed in detailed above.**

### **Consideration of the Proposal**

The application has been considered as follows:

#### **a) State Planning Policy Framework (SPPF)**

The state policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

##### Clause 11.03 – Principles of Land Use and Development Planning

This policy notes that society has various needs and expectations and planning seeks to meet these by addressing aspects of economic, environmental and social well being affected by land use and development.

##### Clause 15.01 – Protection of catchments, waterways and groundwater

The objective of this clause is:

- To assist in the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

##### *Catchment planning and management*

Planning authorities must have regard to relevant aspects of:

- Any regional catchment strategies approved under the Catchment and Land Protection Act 1994 and any associated implementation plan or strategy, including regional vegetation plans, regional drainage plans, regional development plans, catchment action plans, landcare plans, and management plans for roadsides, soil, salinity, water quality and nutrients, floodplains, heritage rivers, river frontages and waterways.
- Any Action Statements and management plans prepared under the Flora and Fauna Guarantee Act 1988.
- Any special area plans approved under the Catchment and Land Protection Act 1994.

Responsible authorities should ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their in-stream uses and are consistent with Guidelines for Stabilising Waterways (Rural Water Commission 1991) and Environmental Guidelines for River Management Works (Department of Conservation and Environment 1990), and should have regard to any relevant river restoration plans or waterway management works programs approved by a catchment management authority.

#### *Water quality protection*

Planning and responsible authorities should ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and ground water resources, rivers, streams, wetlands, estuaries and marine environments.

Incompatible land use activities should be discouraged in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Planning and responsible authorities should ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms, consistent with the Preliminary Nutrient Guidelines for Victorian Inland Streams (EPA 1995), the Victorian Nutrient Management Strategy (Government of Victoria 1995) and the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999).

#### Clause 15.03 Salinity

The objective of this clause is:

- To minimise the impact of salinity and rising water-tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

Planning and responsible authorities should use zoning, overlay controls and permit conditions to:

- Prevent inappropriate development in areas affected by groundwater salinity.

#### Clause 15.04 Air quality

The objective of this clause is:

- To assist the protection and improvement of air quality.

Decision-making by planning and responsible authorities must be consistent with any relevant requirements of the State Environment Protection Policy (The Air Environment) as varied from time to time.

Responsible authorities should have regard to the potential for conflict between land uses or development within a zone due to air emission impacts.

#### Clause 15.05 Noise Abatement

The objective of this clause is:

- To assist the control of noise effects on sensitive land uses.

Decision-making by planning and responsible authorities must be consistent with any relevant aspects of the following documents:

- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (in metropolitan Melbourne).
- Interim Guidelines for Control of Noise from Industry in Country Victoria (EPA1989).
- State Environment Protection Policy (Control of Music Noise from Public Premises).

#### Clause 15.09 Conservation of native flora and fauna

The objective of this clause is:

- To assist the protection and conservation of biodiversity, including native vegetation, retention and provision of habitats for native plants and animals and control of pest plants and animals.

Planning authorities should have regard to The National Strategy for the Conservation of Australia's Biological Diversity (Department of Environment, Sport and Territories 1996), any Strategy, relevant Governor-in-Council orders and Action Statements prepared under the Flora and Fauna Guarantee Act 1988, and any relevant regional catchment strategy and associated implementation plans and strategies, particularly regional vegetation plans and roadside management strategies, as well as special area plans approved under the Catchment and Land Protection Act 1994, when preparing planning scheme amendments or municipal strategic statements affecting native vegetation, flora, fauna, waterways or wetlands.

Decision-making by planning and responsible authorities should:

- Assist the conservation of the habitats of threatened and endangered species and communities as identified under the Flora and Fauna Guarantee Act 1988, including communities under-represented in conservation reserves such as native grasslands, grassy woodlands and wetlands.
- Address potentially threatening processes identified under the Flora and Fauna Guarantee Act 1988.
- Assist re-establishment of links between isolated habitat remnants.

Planning and responsible authorities must have regard to Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

Planning and responsible authorities should consider the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into natural ecosystems.

#### Clause 17.05 Agriculture

The objective of this clause is:

- To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

Planning and responsible authorities should encourage sustainable land use.

In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.

Clause 17.09 Extractive industry

Clause 17.09 Extractive Industry applies to this application. The requirements of the DPI ensure that the endorsed Work Plan addresses all of the requirements of this clause of the Planning Scheme.

The objective of this clause is:

- To identify and protect stone resources accessible to major markets and to provide a consistent planning approval process for extraction in accordance with acceptable environmental standards.

Planning schemes must not prohibit extractive industry in non-urban zones, except if it is prohibited by an Act of Parliament.

The provisions of the Planning and Environment Act 1987 and the Extractive Industries Development Act 1995, the Environment Protection Act 1970, relevant State environment protection policies and the Flora and Fauna Guarantee Act 1988 should be applied to extractive industry activities in a timely and coordinated manner.

Provision for buffer areas between new extractive industries and sensitive land uses should be determined on the following principles:

- Clearly defined buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry, are specified in an application for permit.
- Performance standards for the buffer area are set in accordance with requirements of the Extractive Industries Development Regulations 1996 or a work authority or a permit and have regard to the zoning of the land surrounding the extractive industry.
- Activities within land zoned for public use may be taken into consideration in determining the buffer areas.

Provision for buffer areas between existing extractive industries and sensitive land uses should be determined on the following principles:

- The buffer areas are determined so that appropriate limits on effects can be met at the sensitive locations using practical and readily available technology.
- The required buffers are taken into consideration if a change of land use in the vicinity of the extractive industry is proposed.
- Land within the buffer areas may be used for purposes that are not adversely affected by the extractive industry.'

**Comment:** The quarry has been in operation on the current site for more than 30 years and has recently had a revised Work Plan endorsed by DPI, the governing authority for extractive industries.

**Given the rigors of this process, it is considered that the policies for the Protection of Waterways, Catchments and Groundwater as well as Salinity, Air Quality, Noise Abatement, Conservation of Native Flora and Fauna and Heritage have been comprehensively addressed in the Work Plan.**



The Work Plan provides for the protection of the Corangamite Water Skink and the creation of new habitats through the rehabilitation process, to ensure the quarrying operations do not have a long term impact on the CWS. It was noted that the CWS is found in much larger numbers in the existing rehabilitated areas than in the southern development area where the quarry now seeks to expand.

The waterways are protected from adverse impact as there are no natural drainage lines from the southern development area to Lake Colac, and the quarry operations do not seek to discharge water off site, as such waterways will remain protected by the proposed extraction. The impact on groundwater is restricted to a 400m radius where it is found that there is a slight decrease in the water table levels, however beyond the 400m radius, the quarry operations should have no impact on the water table levels. A comprehensive water management plan has been developed by Golder Associates and this provides for ongoing monitoring and operational guidelines. There has been no expert evidence provided by any other party to dispute the findings of this report.

The SPPF seeks to minimise the impact of salinity and rising water tables on land uses, and the proposed quarry operation has demonstrated that salinity will not change from the 600 parts per million which is below the allowable 1000 parts per million.

Air quality and noise abatement have been discussed in detail in the response to the objections and will not be repeated in this section.

Clause 15.09 seeks to conserve and protect native flora and fauna. The extractive industry use is exempt from the provisions of Clause 52.17, Native Vegetation, however the issue is required to be addressed via the Work Plan approval with DPI. Biosis Research undertook a flora and fauna assessment and identified areas of remnant Stony Knoll Shrubland which has a conservation status of endangered within the Victorian Volcanic Plain bioregion. The impact on the Stony Knoll Shrubland is proposed to be mitigated via the location and management of vegetation off-set sites outside the areas to be quarried. DPI have required that planning permit conditions be imposed to provide for the net gain via a Section 173 Agreement, and this is proposed to be contained within the planning permit conditions.

Appropriate buffer distances have been provided around the quarry, and this is demonstrated via the operations being able to meet the requirements of all of the relevant legislation and regulations, as such minimising off site impacts.

#### **b) Local Planning Policy Framework**

The local planning policy framework reflects the direction adopted by the Shire in relation to a number of issues. The local planning policy framework is designed to reflect and expand upon the State Planning Policy Framework. The following clause is relevant to the consideration of this application:

### Clause 21.01 - Municipal Profile

The Municipal Profile at Clause 21.01-03 discusses the nature of the land within the municipality. It discusses a number of themes of which the following two are relevant to the subject application.

### Natural Resources and Cultural Heritage Management

The key objective for this theme is stated as follows:

'The key objective is to manage the natural and cultural resources of the Shire in a sustainable manner to balance the needs of the future with protection for the key elements of the natural and cultural environment which are fundamental to the prosperity of the Shire.'

### The northern plains and lakes

The key objective for this theme is stated as follows:

'The key objective is to maintain the viability of large scale agriculture and the retention of high quality land, recognising the environmental significance of key site while allowing limited diversification into new uses and providing for the accommodation of tourist related development.'

### Clause 21.03 - Vision – Strategic Framework

The municipality's Strategic Framework Plan is presented at Clause 21.03-05. This plan identifies the subject land as being within the Lakes area.

Clause 21.03-03 identifies that the Corangamite Regional Catchment Strategy affects the Shire. Under the Catchment and Land Protection Act 1994, the Council is encouraged to implement the approved Regional Catchment Strategy.

### Clause 21.04 - Objectives – Strategies - Implementation

This clause specifies strategies and implementation measures to achieve the objectives for the themes presented in Clause 21.01-03.

To achieve the key objective for Natural Resources and Cultural Heritage Management, the strategies are to promote a co-operative regional approach to natural resource management, to manage the key elements of the natural environment in a sustainable manner and to minimise environmental hazards. The implementation measures include:

- Encouraging land management practices and land use activities that have the capacity to be sustained and protect the environment.
- Ensuring water quality standards are observed in the assessment of development proposals.
- Maintaining bio-diversity through the protection of significant habitats including remnant vegetation.
- Protecting native vegetation and other significant stands of vegetation in order to prevent land degradation, maintain water quality and protect the bio-diversity of flora and fauna species.

To achieve the key objective for The Northern Plains and Lakes, the strategy is to support the retention of high quality land, lakes and other environmental assets. The implementation measures include:

- Working closely with the Department of Natural Resources and Environment to identify and manage key areas of important ecological and cultural significance.
- Encouraging land management practices that are sustainable and protect the environment.

- Ensuring development is consistent with the Corangamite Regional Catchment Strategy.

**Comment:** The proposed quarrying operations are considered to be consistent with the policy framework of the Municipal Strategic Statement (MSS). The Environmental Management Plan provides for the protection and enhancement of the environment via the provision of habitat for the CWS and the net gain achieved for the Stony Knoll Shrubland. The proposal is considered to be consistent with the objectives of the MSS.

### c) Zoning

The site is located in the Farming Zone. The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

A permit is required for extractive industry within the Farming Zone.

The applicable decision guidelines are discussed below:

**Comment:** The proposed use requires a planning permit pursuant to the provisions of the Farming Zone, however the decision guidelines are in the most part irrelevant for the consideration of a proposal such as this. The decision guidelines are broken down into general issues, agricultural issues, dwelling issues, design and siting issues and environmental issues.

Those issues relating to dwelling and design and siting are clearly not relevant to the assessment of this proposal. The general issues require assessment against the policy framework of the planning scheme, with this assessment being provided earlier in the report.

The use is considered to accord with the decision guideline of sustainable land management via the protection and extraction of a resource which is important to the community and the implementation of the environmental management plan which addresses in detail, the environmental issues applicable to a quarrying operation. These have been discussed in some detail throughout the report.

The proposal has demonstrated its compatibility with adjoining and nearby land uses via the specialist reports which demonstrate compliance with all relevant legislation regarding noise, dust, round vibration and water impacts.

The agricultural issues have been discussed earlier in the report in response to the objections, and it was noted that an agricultural expert was engaged to assess the loss of productive agricultural land, and this report concluded that the land is of poor agricultural quality, however at the completion of the rehabilitation process, a significant part of the property will be returned to grazing use and at similar levels of productivity to what is currently being achieved.

The environmental issues have been addressed in detail earlier in the report however in summary the proposal provides for a native vegetation net gain and enhanced CWS habitat created.

#### **d) Particular Provisions**

Clause 52.09 - Extractive Industry and Search for Stone

##### **Purpose**

- *To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.*
- *To ensure that excavated areas can be appropriately rehabilitated.*
- *To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.*

##### **Requirements**

###### *Cessation of Use*

*Permits for extractive industry must not include conditions which require the use to cease by a specified date unless either:*

- *The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes;*
- *Such a condition is suggested by the applicant.*

###### *Boundary setback*

*Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.*

###### *Screen planting*

*Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.*

###### *Parking areas*

*Parking areas must be provided for employees' cars and all vehicles used on the site to the satisfaction of the responsible authority.*

#### **Decision guidelines**

*Before deciding and application the following must be considered:*

- *The effect of the proposed extractive industry on any native flora and fauna on and near the land.*
- *The impact of the extractive industry operations on sites of cultural and historic significance, including any effects on Aboriginal places, sites or objects.*
- *The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.*

- *The ability of the extractive industry operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Extractive Industries Development Act 1995 and other relevant regulations.*
- *The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.*
- *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.*
- *The effect of the proposed extractive industry on groundwater and quality and the impact on any affected water uses.*
- *The impact of the proposed extractive industry on surface drainage and surface water quality.*
- *Any proposed provisions, conditions or requirements in a 'Work Authority' to be issued under the Extractive Industries Development Act 1995.*

**Comment:** The proposed quarry activity is considered to be consistent with the requirements of the above clause, with the requirements all being met as follows:

- A cessation date has not been sought by the permit applicant as the land does not abut land being developed for urban purposes.
- A boundary setback of 20 metres is maintained, with this area being planted to provide visual protection for outside the extraction area. Whilst the current permit restricts extraction of stone within 100m of the western boundary, this condition is not considered necessary for the new permit given that extraction is not proposed within that distance, and Council approval would be required to alter this. Residents at the recent Consultative Committee expressed concern over the potential damage to plantations from stock grazing, and it is proposed to address this by requiring suitable fencing.
- Parking areas are not proposed within the expanded work area as these will remain within the existing approved area.

The decision guidelines have been addressed in detail throughout the report, with the guidelines requiring assessment of native flora and fauna, cultural heritage sites, landscape values, containment of industrial emissions within the boundaries of the site, the effect of vehicular traffic, noise, blasting, dust and vibration, rehabilitation, groundwater quality, surface drainage and water quality and requirements in a Work Authority.

These issues do not need to be repeated here.

#### **d) Overlays**

There are no overlays affecting the subject site.

#### **Conclusion**

Given all of the above, it is considered that the proposed use is an appropriate outcome of which the off site impacts can be appropriately managed, and as such it is recommended that a planning permit be issued subject to conditions.

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application PP230/07 for the extension to the extraction area of the quarry at 75 Potters Road, Ondit, subject to the following conditions:***

**COLAC OTWAY SHIRE CONDITIONS:**

- 1. The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan and Environmental Program & Monitoring Plan, issued pursuant to the ['Extractive Industries Development Act 1995'](#).***
- 2. The layout of the site and works permitted must be carried out in accordance with the endorsed plans and must not be altered or modified without the further written consent of the Responsible Authority.***

**PRIOR TO WORK COMMENCING**

- 3. Prior to the use commencing, the 2m high bund wall shall be constructed in accordance with the recommendations of the Watson Moss Growcott report dated 29 May 2007, to the satisfaction of the Responsible Authority.***
- 4. Prior to the commencement of the use a landscape plan prepared by a suitably qualified and experienced person or firm must be submitted to and approved by the Responsible Authority. Unless such later date is agreed to by the Responsible Authority, the landscaping in accordance with the endorsed plan must be commenced prior to the commencement of any works and completed within one year of commencement. The landscape plan must:***
  - a. Provide detail of planting along property boundaries to act as a visual screen.***
  - b. Show trees for retention***
  - c. Include a detailed planting schedule with an emphasis on indigenous species and show the location and size at planting of plants listed within the schedule***
  - d. Staging of planting***
- 5. All landscaping shall be monitored, maintained and where necessary, renewed by the permit holder to the satisfaction of the Responsible Authority. Landscape areas shall be appropriately fenced to ensure that damage from stock grazing within the site is avoided.***
- 6. Prior to any use or development commencing, an Emergency Management Plan and Fire Prevention Plan must be developed for the site to the satisfaction of the Responsible Authority and the Country Fire Authority.***

**ABORIGINAL HERITAGE**

- 7. Aboriginal Heritage***
  - a) Development must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria and the Framlingham Aboriginal Trust must be immediately notified of any such discovery.***

- b) Development of the subject land must cease immediately upon discovery of any suspected human remains. The Police or State Coroner's Office must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria and the Framlingham Aboriginal Trust.*
- c) Officers of Aboriginal Affairs Victoria and the Framlingham Aboriginal Trust must be permitted access to the site at any reasonable time, for the purpose of monitoring adherence to the above conditions.*

#### **HOURS OF OPERATION**

- 8. The hours of operation shall be between 6.00am and 6.00pm Monday to Saturday, inclusive, but not including public holidays, and these hours shall not be altered without the written approval of the Responsible Authority.*
- 9. Blasting shall only occur between the hours of 11.00am to 3.00pm Monday to Friday without further written approval of the Responsible Authority.*

#### **TRAFFIC/ACCESS/PARKING**

- 10. Potters Road, from the Ondit Warrion Road to the vehicle entry point on the western boundary of the site, shall be maintained to the satisfaction of the Responsible Authority.*
- 11. The wheels of all trucks leaving the site shall be clean to the satisfaction of the Responsible Authority so that the deposition of waste material on public roads is prevented. All trucks leaving the site shall be loaded securely so that materials do not spill onto public roads. On dry windy days, loads shall be thoroughly wetted or adequately covered to prevent dust emissions. The permit holder shall promptly remove quarry material deposited on public roads from wheels or loads, to the satisfaction of the Responsible Authority.*

#### **AMENITY/LIGHTING**

- 12. Blasting monitoring will be conducted in the vicinity of the houses of L Riches (170 Ondit Warrion Road, Ondit) and K Prime (90 Potters Road, Ondit), to the satisfaction of the Responsible Authority. All blasting shall be recorded and records of all readings shall be kept to the satisfaction of the Responsible Authority, and made available to it on request.*
- 13. No crushing of stockpiled material may be undertaken within 200 metres of any dwelling on an adjacent property to the satisfaction of the Responsible Authority.*
- 14. The use and development 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, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
  - d) presence of vermin*
- 15. Any outdoor lighting must be designed and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land owners.*

16. *The site, including all buildings, works and landscaping, shall be maintained in a neat, tidy and safe condition in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

#### **REHABILITATION**

17. *Disused quarry areas shall be rehabilitated at the earliest opportunity following removal of the material extracted and to the satisfaction of the Responsible Authority, in accordance with the rehabilitation plan which shall not be altered without the approval of the Responsible Authority.*

#### **CONSULTATION**

18. *There shall be available at all times for the use of residents of neighbouring properties a telephone number or numbers ("the Hotline") so that they can call to register any complaint or comment about the operation of the site. A permanent register of all calls to this Hotline shall be maintained by the permit holder which register shall be available at all times for inspection by the Responsible Authority.*
19. *The Responsible Authority shall provide for secretarial support for a Quarry Consultative Committee, comprising;*
- a. *A Convenor and one person (who may be the Secretary) nominated by and representing the Responsible Authority.*
  - b. *One or two representatives of the permit holder.*
  - c. *A representative of the Department of Natural Resources and Environment (with quarry responsibility).*
  - d. *Two representatives of local residents.*
19. *Meetings of the Quarry Consultative Committee shall be convened on a regular basis and at least twice per year by the Responsible Authority, and shall be attended by at least one representative of the Responsible Authority and at least one representative of the permit holder to the satisfaction of the Responsible Authority.*
20. *The Consultative Committee shall record and consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations and the permit holder shall have regard to the recommendations of the Consultative Committee, to the satisfaction of the Responsible Authority.*
21. *The reasonable costs of the Consultative Committee shall be borne by the permit holder to the satisfaction of the Responsible Authority.*

#### **DEPARTMENT OF PRIMARY INDUSTRIES CONDITIONS:**

22. *The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the Extractive Industries Development Act 1995.*
23. *This permit will expire if the Work Authority for the use issued under the provisions of the Extractive Industries Development Act 1995 is cancelled in accordance with Section 24 of this Act.*



**DEPARTMENT OF SUSTAINABILITY & ENVIRONMENT CONDITIONS:**

24. *Within 12 months of the date of the permit, a plan of offset sites must be submitted to and approved by the Department of Sustainability and Environment, for the purpose of referencing in an agreement under section 173 of the Planning and Environment Act 1987. Once approved, the plan will be endorsed and will then form part of the permit.*

*The plan of offset sites must clearly define the "offset sites" and must show the Boundaries of the "offset sites". The "offset sites" must include all areas within the yellow polygons, purple polygons and orange cross-hatched polygons, as shown in figure 3 of the approved Management Plan for the Corangamite Skink and Native*

*Vegetation Offsets: Readymix Quarry and Proposed Southern Development Area, Colac, Victoria (Biosis Research June 2007; Project no. 6475).*

25. *Within 12 months of the date of the permit, the offset sites must be legally secured, by means of the registration on title of an agreement under Section 173 of the Planning and Environment Act 1987. The agreement must define the "offset sites" as the areas shown as such on the plan of offset sites endorsed as part of this permit. The agreement must covenant that:*
- a) *The owner will manage the offset sites for biodiversity, conservation and net gain purpose, in accordance with the approved Management Plan for the Corangamite Skink and Native Vegetation Offsets: Readymix Quarry and Proposed Southern Development Area, Colac Victoria (Biosis Research: June 2007; Project no. 6475 [referred to hereafter as "the Management Plan]).*
  - b) *Following the completion of all management actions specified in the Management Plan, the owner will use all reasonable endeavours to maintain the quality and quantity of native vegetation and to maintain habitat for the Corangamite Water Skink within the offset sites in perpetuity, to the satisfaction of the responsible Authority and the Department of Sustainability and Environment.*
  - c) *No indigenous native vegetation will be removed, destroyed or lopped within the offset sites, without the prior written permission of the responsible authority.*
  - d) *No non-indigenous vegetation will be planted within the offset sites.*
  - e) *No buildings or other infrastructure (other than bored or overhead) will be constructed or installed within the offset sites.*

**SOUTHERN RURAL WATER CONDITIONS:**

26. *The proponent must meet obligations as outlined in Report 1 "Assessment of Water Management and Associated Potential Environmental Impacts in Support of the Proposed Development of the Readymix Quarry, Colac, Victoria" by Golder Associates Pty Ltd, March 2007" to the satisfaction of the relevant Authority (Southern Rural Water).*
27. *Groundwater monitoring and quality sampling as outlined in Report 1 and within the Work Plan must be reported to Southern Rural Water half-yearly.*
28. *Southern Rural Water must be notified if groundwater monitoring or sampling reports anomalous results.*

- 29. ***The quarry must provide an estimate of groundwater dewatering and industrial use around the site to Southern Rural Water on at least an annual basis (July to June).***
  
- 30. ***If adverse impacts are encountered by neighbouring groundwater users, the quarry is responsible for reinstating supply, or ensuring an alternate source of supply.***

**DSE NOTE**

- a) ***The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan, issued pursuant to the Extractive Industries Development Act 1995.***

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