

Delegate's Report

Application No: 2019/53

Application Type: Use & Development

Received: 26 February 2019

Statutory Days: 78 (as at 26 June 2019)

The Applicant:

Name: Burdett Sands Pty Ltd
 Address: C/- C K Prowse and Associates Pty Ltd
 PO BOX 4135
 Richmond East VIC 3121

The Proposal:

Proposal: Expansion of the existing use and development of the land for sand extraction in accordance with Work Authority 284

The Land:

Land Address: 205 Dawsons Road Wooreen VIC 3953
 Land Description: L2 LP118625 Parish of Allambee
 Zone/s and Overlay/s: Special Use Zone – Schedule 1
 Bushfire Management Overlay
 Environmental Significance Overlay - Schedule 2
 Environmental Significance Overlay - Schedule 5

Description of Proposal:

Planning Scheme and/or Planning and Environment Act Definition

Land Use

Stone Extraction – Nested under earth and energy resources industry

Development

Construct a building or construct or carry out works

Proposal summary

The application seeks approval for the use and expansion of an existing quarrying operation at 205 Dawsons Road, Wooreen. The subject site is generally trapezoid in shape, with a total area of 34.45ha. The site is generally unimproved, save for the existing quarrying operations on the land to date. Beyond the immediate area of the extraction pit, the site is largely covered by native vegetation, with a small area of grazing land in the south-western corner.

The proposed expansion will see the existing extraction area extend in a south-westerly direction, as depicted in the site plan below.



Image 1: Site Plan showing the proposed extraction limit (blue). Source: Application Documents.

The accompanying documentation indicates that production from the expanded quarry would be in the range of 50,000-100,000 tonnes per annum, with an estimated lifespan of approximately 30 years. Based on an estimated truck carrying capacity of 44 tonnes, the proposal would lead to a maximum average of approximately 16 truck movements per day, 6 days per week (in practice, such movements would fluctuate based on demand). Traffic counts of Dawsons Road undertaken by South Gippsland Shire in 2010 indicated maximum per day vehicle movements of 53 vehicles, of which 27 (51%) were commercial vehicles. The proposed expansion, if operating at up to 150,000 tonnes per annum would lead to an approximate 400-500% increase in commercial vehicle movements on Dawsons Road.

Quarrying activity is proposed to occur utilising existing earthmoving equipment located on the site (although equipment may change as required). This is predominately through operation of a front end loader, a mobile power screening plan, a 30 tonne excavator and dump trucks. No blasting activity is proposed within the site.

The application has been accompanied by an endorsed variation to a work plan pursuant to Section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*. As part of the work plan process, the Department of Jobs, Precincts and Regions (DJPR) and the Department of Environment, Land, Water and Planning (DELWP) have assessed the extent of vegetation removal to occur as part of the expansion activity. Conditions included on the endorsed work plan indicate that 7.259ha of native vegetation removal (including 32 large trees) will be removed to facilitate the expansion. As permission has been granted under the MRSD Act, no planning permission is required to remove native vegetation.

The State Government has recently (August 2018) prepared a 'priority list' of quarries to be given 'priority planning', with a goal of halving approval times from an average of 18 months to an average of 9 months. The subject land is one of 11 quarries (and one of 2 in South Gippsland) identified on this list. At the time of Council's June meeting, the planning application will have been with Council for 4 months (including periods of advertising, referral and further information requests).

Site and surrounding area

The subject site (Lot 2 LP118625, Parish of Allambee, County of Buln Buln), known commonly as 205 Dawsons Road, Wooreen is a 34.45ha lot located approximately 11 kilometres (as the crow flies) north of the Leongatha township and 12km west of the Mirboo North township. The subject land has been operating as a quarry since 1971, and currently relies on existing use rights to operate. An existing Work Authority (WA284) provides regulation to the activities on the land.

The surrounding area comprises a combination of rural-residential and agricultural properties. The area immediately surrounding the subject land is characterised predominantly by grazing and dairying activities. Further afield (i.e along Dawsons Road and Denhams Road) more rural-residential properties are identified.

Agricultural activities in the surrounding area are generally grazing animal activities, with dairying and beef production being a common use of larger lots. A number of smaller quarrying activities can be found in the surrounding area. The subject land is located at a high point of the area (although the quarrying activity is not visible from most vantage points due to the vegetation cover). Most dwellings located along Dawsons Road are located in close proximity to the road. The closest dwelling to the new extraction limit would be located approximately 170 metres to the west.

In the immediate vicinity of the subject land is:

- | | |
|--------------|---|
| North | <u>80 Weymes Road, Mount Eccles</u> – An irregular shaped tenement of 97.26ha, improved by a dwelling and a number of outbuildings. The site appears to be used for grazing animal production, with frontage to both Weymes Road and Denhams Road. The dwelling on site is located approximately 360 metres from the closest abuttal with the subject land. |
| East | <u>115 Denhams Road, Hallston</u> – An irregular shaped lot of 12.88ha, containing a dwelling and outbuildings fronting Denhams Road. The site has vegetation cover along the riparian banks of Brookes Creek, as well as other parts of the site adjoining the subject land. This vegetation covers approximately 50% of the total site area. The dwelling on site is located approximately 270 metres from the closest abuttal with the subject land. |
| South | <p><u>178 Dawsons Road, Hallston</u> – An irregular shaped lot of 67.01ha which is currently unimproved, save for agricultural outbuildings accessed from Dawsons Road. The site appears to be used for grazing animal production, with Brookes Creek following through the land in a north-south direction.</p> <p><u>65 Dawsons Road, Wooreen</u> – An irregular shaped tenement of 208.07ha, occupying most of the western part of Dawsons Road. The subject site is currently used for dairying, with dairy sheds located approximately 650 metres from the top of Dawsons Road. The dwelling</p> |

on the site is located approximately 1200 metres from the closest boundary of the subject site.

West

185 Dawsons Road, Hallston – A trapezoid shaped property of 16.19ha, improved by a dwelling and a number of outbuildings. The property fronts Dawsons Road at a 90 degree bend leading into the quarry site. The dwelling on the land is located approximately 82 metres from the closest abuttal with the subject land.



Image 2: Aerial image of subject site and surrounds. Source: GIS 2018 Aerial Photos.

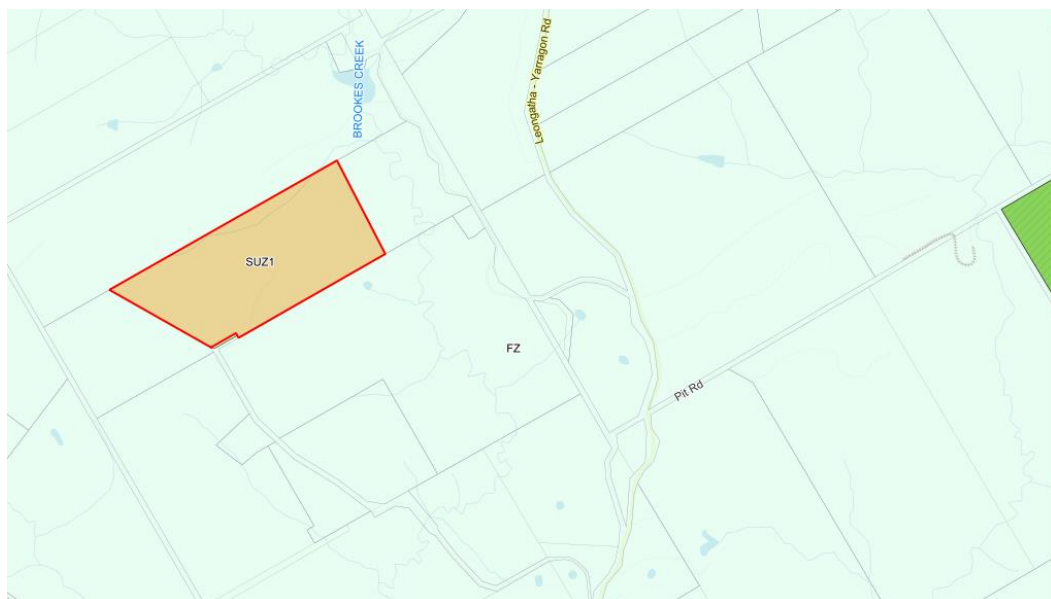


Image 3: Allotment view of subject site and surrounds overlaid with planning zones. Source: GIS 2018.

Why is a Permit Required?ZoneUse

Clause 37.07-1 – A permit is required for the use of the land for stone extraction. While the land has been recognised as having existing use rights by issue of a Certificate of Compliance, the applicant has stated that they wish to obtain a Planning Permit for the use pursuant to the requirements of the Special Use Zone.

Development

Clause 37.01-4 – A permit is required to construct a building or construct or carry out works.

Overlays

Clause 42.01-2 – A permit is required to construct a building or construct or carry out works and to remove, destroy or lop any vegetation, including dead vegetation. This does not apply if a schedule to this overlay specifically states that a permit is not required. The Schedule to this overlay does not contain a relevant exemption for earthworks to undertake an extractive industry activity.

The header clause of the Environmental Significance Overlay (Clause 42.01-3) exempts a permit for vegetation removal for *‘Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act’*. Permission for vegetation removal has been granted pursuant to the MRSD Act and is shown on the statutorily endorsed work plan. As such, no planning permit is required for the vegetation removal shown on the submitted plans.

Particular provisions

Clause 52.08-1 – A permit is required to use and develop land for earth and energy resources industry. This does not apply if the proposal complies with Section 77T of the *Mineral Resources (Sustainable Development) Act 1990*. This section requires the preparation of an Environmental Effects Statement (EES) pursuant to the *Environmental Effects Act 1978*. No such statement has been prepared; consequently a permit is required pursuant to this clause.

Clause 52.09 – A permit is required to use and develop land for stone extraction. An application must be accompanied by a work plan that has received statutory endorsed under Section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*. The endorsed work plan has been provided with the application.

General Provisions

Clause 63.05 – A permit is required to carry out buildings and works associated with an existing use within Section 2 or Section 3 of a zone. The application must comply with all other buildings and works requirements of the Scheme.

Particular provisions that are relevant but do not trigger a permit

Clause 52.17 – Native vegetation

Is there a registered restrictive covenant or a Section 173 Agreement on the title? If so, does the proposal comply with the restriction or Section 173 Agreement?

No.

Is the land within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994?

Yes. The land is within the Tarwin River (Meeniyan) Water Supply Catchment (ID no: 118) as proclaimed by the Victoria Government Gazette (No. G17 2 May 1990).

Is an Aboriginal Cultural Heritage Management Plan required?

No, a CHMP is not required because the proposed development is not in an area of cultural heritage sensitivity.

Was Further Information Requested under Section 54?

The following further information was requested on 26 February 2019:

- 1) An amended application form which details the estimated cost of works of the proposed expansion.

The submitted application form states the estimated cost of works to be \$2153.05, which is the relevant application fee. The form must provide an estimate as to the cost of the development to expand the quarry.

- 2) Details as to the number of existing and proposed truck movements from the quarry as a result of the expansion.
- 3) Clarify whether the truck movements referred to above are consistent across the year, or if these numbers fluctuate from month to month.

The requested information was provided to Council on 9 April 2019.

Was notice of the application given under Section 52(1), 52(1AA), 52(3) or 57B?

The application was notified to all owners and occupiers within 500m of the site and all owners and occupiers of Dawsons Road, Wooreen. The application was also notified by publishing a notice in the South Gippsland Sentinel-Times and Great Southern Star newspapers

Notice of the application was also required pursuant to Clause 52(1)(c) of the Act to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*. The application was accompanied by a letter from the Secretary's delegate consenting to the grant of a permit.

Were there any objections received?

Five (5) objections to the application have been received at the time of writing. TRIM was checked on 20 May 2019.

Areas of concern highlighted by the objectors include:

- The suitability of Dawsons Road to carry large truck traffic;
- Flow on effects to the Leongatha-Yarragon Road from large truck traffic;
- Noise and dust from quarry trucks and equipment;
- Potential effects on the water table from quarrying activity;
- Extent of vegetation removal and historical vegetation clearing;

Was the application referred under Section 55 or 57C?

Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the South Gippsland Planning Scheme specify referral requirements for use and development applications within South Gippsland Shire. Pursuant to Clauses 52.08-3 and 52.09-4 of the Scheme, these requirements do not apply to an application for stone extraction where the proposal (as depicted in the work plan variation) has been referred pursuant to Section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

As a result of the MRSD Act referral process, the following Section 55 referrals were required:

Authority	Which Clause? Determining or Recommending?	Date received and response
Department of Jobs, Precincts and Regions (Earth Resources Regulation)	66.02-8 Stone extraction – Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990 - Determining</i>	Conditional consent. Response dated 12 February 2019 (submitted with the application).
South Gippsland Water	66.02-5 Special water supply catchment - Determining	Conditional consent. Response dated 20 March 2019 .

Were there any non-statutory or internal referrals?

The following non-statutory and internal referrals were undertaken:

Authority	Which Clause / Overlay / Why?	Date received and response
Environment Protection Authority	Separation distances between sensitive land uses/compliance with SEPP-AQM	Consent, no conditions. Response dated 28 March 2019 .
SGSC Engineering	To determine if provision of access / parking / stormwater facilities is acceptable and complies with the Planning Scheme / IDM / Australian Standards.	Conditional consent. Response dated 22 March 2019 .

Planning Scheme Requirements and policies:Planning Policy Framework (Formerly State Planning Policy Framework)

The following PPF clauses are considered relevant to the assessment of this application:

12 ENVIRONMENTAL AND LANDSCAPE VALUES

- 12.01 Biodiversity
 - 12.01-1S Protection of biodiversity
 - 12.01-2S Native vegetation management

13 ENVIRONMENTAL RISKS

- 13.02 Bushfire
 - 13.02-1S Bushfire planning
- 13.04 Soil Degradation
 - 13.04-2S Erosion and landslip

- 13.05 Noise
 - 13.05-1S Noise abatement
- 13.06 Air Quality
 - 13.06-1S Air quality management
- 13.07 Amenity and Safety
 - 13.07-1S Land use compatibility

14 NATURAL RESOURCE MANAGEMENT

- 14.01 Agriculture
 - 14.01-1S Protection of agricultural land
- 14.02 Water
 - 14.02-1S Catchment planning and management
 - 14.02-2S Water quality
- 14.03 Earth and Energy Resources
 - 14.03-1S Resource exploration and extraction

17 ECONOMIC DEVELOPMENT

- 17.01 Employment
 - 17.01-1S Diversified economy

18 TRANSPORT

- 18.02 Movement networks
 - 18.02-3S Road system
 - 18.02-4S Car parking

Municipal Planning Strategy (Formerly Local Planning Policy Framework)

The following MPS clauses are considered relevant to the assessment of this application:

21.03 KEY ISSUES

- 21.03-2 Environmental and landscape values
- 21.03-3 Environmental risks
- 21.03-4 Natural resource management
- 21.03-6 Housing
- 21.03-7 Economic development
- 21.03-8 Transport

21.04 VISION

- 21.04-2 Vision

21.06 ENVIRONMENTAL AND LANDSCAPE VALUES

- 21.06-1 Biodiversity
- 21.06-2 Coastal and hinterland landscapes

21.07 ENVIRONMENTAL RISKS

- 21.07-2 Land and catchment management

21.08 NATURAL RESOURCE MANAGEMENT

- 21.08-1 Agriculture
- 21.08-2 Extractive industry

21.10 HOUSING

- 21.10-3 Rural residential development

21.11 ECONOMIC DEVELOPMENT

- 21.11-1 Processing and manufacturing

21.12 TRANSPORT

- 21.12-1 Transport

General Assessment:

Council must make a determination with regards to the key issues of this application, and whether on balance the proposal represents sustainable development and achieves a net community benefit. Clause 71.02-3 on integrated decision making relevantly states:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

In assessing this application, officers consider that the key issues relating to the proposed use and development are:

- What is the zoning and planning context of the site and surrounding area?
- Would the proposed use and development lead to unacceptable amenity impacts on nearby properties?
- Is Dawsons Road capable of sustaining traffic associated with an expanded quarry?

These issues are discussed in turn below.

Zoning and planning context

As noted earlier in this assessment, the site is located within the Special Use Zone – Schedule 1 (Earth and Energy Resources Industry). The purpose of the zone is:

- To recognise or provide for the use and development of land for earth and energy resources industry.
- To encourage interim use of the land compatible with the use and development of nearby land.
- To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

Various sections of State and Local Planning Policy acknowledge the need for extractive industries and provide policy support to their operation and expansion in appropriate areas¹. The zoning of the subject

¹ Eg. Clause 14.03-1S, Clause 21.08-2

land demonstrates that the site is eminently suitable for sand extraction. Such suitability of the land does not appear to have been challenged by any parties. However, Council must be satisfied that the extent of sand extraction proposed is appropriate having regard to the characteristics of the subject land and surrounding land.

Beyond the subject land, all land in the immediate area is contained within the Farming Zone. Various clauses of the Planning Policy Framework relate to the use and development of agricultural land². At their highest level, these policies have objectives of protecting agricultural land and encouraging sustainable agricultural land use. Similar policies are encapsulated in Council's Municipal Strategic Statement (MSS)³.

Agricultural activities in the surrounding area generally comprised of grazing animal production and dairying activity. These activities are often operated across a multitude of lots (tenements) including both freehold and leasehold land. Relevant to note is that none of the objections received object to the application on the basis that the expanded operations may unreasonably affect agricultural activities in the area. Officers consider that the absence of such objections indicates that the land use separation of the quarry from these activities is acceptable, is unlikely to remove land from agricultural production and is largely screened from view by the vegetative buffer on the subject land.

Would the proposed use and development lead to unacceptable amenity impacts on nearby properties?

Within the area surrounding the subject land, a combination of agricultural holdings and a number of rural-residential type properties are identified. Objections to this proposal have been received from both types of properties, however concerns have primarily originated from the smaller residential properties located along Dawsons Road. The primary areas of concern raised relate to the effect of the operation on residential amenity through impacts such as vehicular and machinery noise, truck movements and dust emissions.

To determine whether such amenity impacts would be acceptable or not, one must consider the context of the existing and expected environment. The subject land is zoned specifically for the purpose for extractive industry. Beyond the site, all land in Dawsons Road and the surrounding area are contained within an active, working Farming Zone.

As a general rule, activities that ordinarily occur in the Farming Zone and around extractive industries can be abrasive to the amenity of residential properties (activities such as noise emanating from aerial spraying, dust emissions from extraction activity, grazing large numbers of animals, operation of rural machinery etc). Consequently, it is well held that the reasonable amenity expectations of residences in the Farming Zone are lower than those in defined residential zones. While these properties have certain expectations of residential amenity, the Farming Zone does not afford the same level of protection as it would in a defined residential area.

Importantly, planning does not seek to ensure that there are no impacts at all – a proposal of this nature would inevitably lead to some impact being felt (whether it be noise, visual, traffic or some combination). Rather, land use planning must consider whether these potential impacts are acceptable.

Acceptability must be considered relative to the reasonable expectations of residents. It is important to remember that the subject land has been operating as a quarry since 1971, with many of the residences in

² Eg. Clause 14.01-1S, Clause 14.01-1R and Clause 14.01-2S

³ Eg. Clause 21.08-1, Clause 21.10-3

the area being developed after the commencement of operations from the subject land. Highly relevant to this application is that the proposed expansion will not result in the sand resource being extracted faster from the site; rather the proposal will extend the operational life of the site.

As is noted earlier in this report, the subject land currently relies on existing use rights to operate. This is a consequence of the previous controls contained within the Woorayl Planning Scheme at the time of commencement; which did not require a Planning Permit to be issued at the time the quarry commenced operations. Consequently, there are no current planning controls regulating vehicle movements, road maintenance, extraction limits and the like – these are currently regulated only by the Work Authority issued by Earth Resources Regulation. This proposal therefore provides Council with an opportunity to formalise the use through operation of a permit and apply conditions to future activities.

In the context of the above comments, officers acknowledge the legitimate concerns of the residents of Dawsons Road in relation to the impacts of noise and dust on their properties. Should Council approve the proposal, these impacts are likely to be experienced for the next 30 years on these properties.

The amenity concerns raised by the objectors are discussed below:

Noise – Consideration of noise impacts is guided through the Scheme by operation of Clause 13.05-1S – Noise abatement. This clause seeks to control the noise effects of land uses and development on sensitive land uses (such as dwellings).

In terms of extractive industry, the applicable noise standards to be applied is the EPA standard ‘Noise from Industry in Regional Victoria’ (NIRV). While an operation of this nature can be expected to emit noise through the operation of machinery (such as front end loaders and excavators), it is noted that no blasting activity would occur on the site.

Within a rural setting, noise impacts can be more heavily felt than in a town or metropolitan area (this is generally a result of rural landscape having a lower ambient background noise). This must be balanced against the reasonable expectation that surrounding landowners would ordinarily be affected by noise generated by agricultural activities within the surrounding Farming Zone. At its closest extremity, the works area would be located approximately 170 metres from the closest sensitive receiver. As a result, the application was referred to the EPA, who raised no objections to the proposal.

To protect the amenity of nearby residents, it is recommended that a permit condition be placed to ensure that noise emanating from the site does not exceed the standards set out in the NIRV.

Dust – In the same manner as noise impacts, consideration of air quality is guided through the Scheme by operation of Clause 13.06-1S – Air quality management. This clause seeks to control and manage emissions from land uses that may reduce air quality and seek appropriate separation from sensitive land uses.

Due to the proximity of a sensitive receiver (dwelling) to the expanded WA boundary, the application was referred to the Environment Protection Authority (EPA) under Section 52 of the *Planning and Environment Act 1987*. The EPA raised no objections to the grant of a permit.

As is discussed further in this assessment, dust from Dawsons Road has historically been of concern to a number of residences located in close proximity to the road. The proposed conditions will require the

unsealed parts of Dawsons Road to be sealed prior to the expansion of the quarry. Consequently, these concerns will be remedied prior to the extraction of materials from the expanded quarry.

Officers have also recommended a permit condition to ensure compliance with the State Environment Protection Policy – Air Quality Management (SEPP-AQM). This will provide an extra layer of protection for sensitive land uses into the future.

Vegetation removal – To facilitate the proposed expansion, the applicant will remove a large swathe of native vegetation from the site (as seen in the aerial photos). Such vegetation removal has been assessed pursuant to the *Mineral Resources (Sustainable Development) Act 1990*, with conditions from DELWP placed on the statutorily endorsed Work Plan Variation. As is noted earlier in this assessment, no planning permission is required for this removal.

Officers consider that the expert assessment of DELWP should be accepted as indicating that the vegetation to be removed is acceptable, unless compelling alternative evidence was provided. No such evidence has been provided, and Council is satisfied that DELWP's assessment is correct.

It is noted that the application for a permit and WA variation was accompanied by a flora, fauna and habitat assessment and rehabilitation plan, which have been subsequently endorsed as part of the work plan. In the absence of DELWP conditions, these documents are extensive and are considered to appropriately justify the extent of vegetation removal.

Groundwater impacts – The proposed expansion intends to operate above the existing water table level by a minimum of 2 metres at all points. Various geological information and quarry cross sections have been provided as part of the statutorily endorsed work plan to demonstrate the activity above the water table. In assessing the work plan variation, Earth Resources Regulation have referred the application to Southern Rural Water (SRW), who are the relevant water manager for groundwater. SRW have provided conditions for the work authority, which are considered to be appropriate to the risk. As is the case with vegetation, officers accept the views of the relevant authority in relation to this issue.

Is Dawsons Road capable of sustaining traffic associated with an expanded quarry?

The core issue raised by the majority of objectors is the suitability of Dawsons Road for increased quarrying activity, including vehicular movements from truck and dog transporters.

Information provided by the permit applicant has shown that extraction from the subject land has generally 'ebbed and flowed' across a number of years – in some years the material output from the site has averaged only a few vehicle movements a day; in other years activity from the site has approached 15-20 vehicle movements a day. Information contained within the statutorily endorsed work plan states that extraction from the site would be between 50,000 – 100,000 tonnes of material per annum (or 8-16 truck and dog movements per day). While such extraction may continue with some ebbs and flows as it previously has, it would be reasonable to assume that annual extraction would fall within this band.

Council's Engineering Department has provided traffic counts from 2010 for Dawsons Road. These counts indicate that a majority of all vehicular traffic along the road is 'commercial traffic', such as is generally associated with the quarry (it is noted that a dairy farm is located approximately 650m from the top of the road, so a portion of commercial vehicle traffic would be associated with this operation). Dawsons Road is an unsealed, Council managed road with approximately 500 metres of seal (roughly 25% of the road length). Dawsons Road is accessed from the Leongatha-Yarragon Road (a sealed Council road). The road

reserve of Dawsons Road is a 20 metre wide strip, with a number of trees on embankments along the 2km stretch of road. The road contains a number of poor-visibility corners, table drains and narrow sections where two way traffic flow is possible, but difficult.

In considering the impacts of the proposal on nearby properties, the key point to note is that the site can currently operate under existing use rights; however the remaining resource will be exhausted in the short-medium term. This must be balanced by acknowledging that the proposal before Council would not increase the possible rate of extraction, but would significantly increase the life of the operation (and therefore the associated impacts).

Based on this consideration, officers consider that there is a reasonable 'nexus' between the proposed expansion and the future impacts to Dawsons Road and the residences along it. This is in light of the amount of Dawsons Road traffic emanating from the quarry, the size and volume of such traffic and the length of time such traffic would occur into the future. Consequently, Council's Engineering Department have requested conditions that the balance of Dawsons Road (approximately 1.5km) be sealed prior to quarrying of the expanded area. These conditions are reflected in the recommendation.

In terms of comments regarding the Leongatha-Yarragon Road, officers note that this road is a well maintained, sealed Council road that carries various car and truck traffic. The amount of additional traffic that would flow onto this road is not excessive in light of its total vehicle movements. Further, officers do not see a 'nexus' between the quarry site and potential impacts on this road as to warrant works or other conditions regarding its operation.

Conclusion and Recommendation:

Council officers have considered the matters under Section 60 of the *Planning & Environment Act 1987*, and consider that the proposed use and development is appropriate having regard to the relevant matters and can be managed through appropriate conditions.

It is therefore recommended that a notice of decision to grant a permit be issued for the Expansion of the existing use and development of the land for sand extraction in accordance with Work Authority 284, in accordance with the endorsed plans and subject to the following conditions:

Endorsed Plans

1. The building, works and layout as shown on the endorsed plans must not be altered or modified except with the written consent of the Responsible Authority.

Compliance with Work Authority

2. All stone extraction on the subject land must be undertaken in accordance with the requirements and conditions of Work Authority 284 (WA284) or its successor under the *Mineral Resources (Sustainable Development) Act 1990*.

Hours of Operation

3. The extraction, processing and sale of materials must only occur between the following times:

06:30 – 18:00 Monday to Friday

06:30 – 18:00 Saturday

No activity is permitted on Sundays or Public Holidays.

Annual Extraction Limit

4. Except with the written consent of the Responsible Authority, the total output from the site must not exceed 150,000 tonnes of material per year.

No Blasting to Occur

5. Except with the written consent of the Responsible Authority, no blasting may occur on the land.

Compliance with NIRV

6. Effective noise levels from the use of 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.

Compliance with SEPP-AQM

7. Any use of the premises involving the emission of dust and other air quality indicators must comply with the *State Environment Protection Policy (Air Quality Management)* or as amended.

Amenity Conditions

8. 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; or
 - d) presence of vermin.
9. All loads leaving the site must be covered and secured to the satisfaction of the Responsible Authority.

South Gippsland Shire Engineering Conditions

10. Before the commencement of works authorised by this permit, the permit holder must undertake the following works to the satisfaction of the Responsible Authority:

- a) Sealing and construction of the existing unsealed section of Dawsons Road to a similar, or as agreed standard to those sections already sealed.
 - b) Cleaning out and/or replacing existing road culverts.
 - c) Installation of new road culverts at agreed locations.
11. Prior to the commencement of works along Dawsons Road, engineering plans to the satisfaction of the Responsible Authority are to be submitted to and approved by the Responsible Authority. These plans must include (at a minimum):
- a) Type sections at appropriate locations along the road.
 - b) An agreed and approved pavement markup.
 - c) Appropriately located cut-off drains to ensure the integrity of table drains can be maintained.
12. Upon approval of construction plans by Council, pay to Council an amount equivalent to 2.5% of the estimated cost of construction for supervision of the works. A certified cost estimate is to be provided by the applicant.
13. A Site Management Plan showing the proposed dust, erosion and sediment control measures is to be submitted to and approved by the Responsible Authority prior to construction works commencing on site.
14. The number and timing of inspections of construction work are to be agreed with Council's Engineering Department in relation to the Dawsons Road works. A minimum of twenty-four (24) hours notice is required for inspections.
15. A twelve (12) months Defects Liability Period shall apply to all civil engineering and landscaping works which will become the responsibility of South Gippsland Shire Council.
16. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5% of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works during Defects Liability Period. The amount is to be refunded upon release from Defects Liability Period by Council.

South Gippsland Region Water Corporation Conditions

17. The applicant must comply with all items identified in the risk management plan attached to PLN-000753 Work Plan (WA).

In particular compliance of the following items:

- a. Hazardous Waste – Protection of water ways and drainage lines from contamination by fuel, chemicals or associated materials/waste and plant equipment.
- b. Erosion and Sedimentation – Protection against impact on surface water, waterway areas, riparian zones and drainage lines.
- c. Maintenance of buffers along riparian zones – as detailed in the surface water

management plan, a 30 metre buffer must be maintained either side of the waterway.

As per the Community Engagement Plan, there must be timely correspondence with SGW regarding any incidents where waterways or drainage lines may have become contaminated by fuel, chemicals, sedimentation or if on-site surface water retention structures fail resulting in impact to waterways or drainage lines.

Department of Jobs, Precincts and Regions Conditions

18. Any planning permit conditions imposed do not duplicate or copy the requirements contained within the attached Statutorily Endorsed Work Plan and accompanying conditions.

Expiry Condition

19. This permit will expire if any of the following circumstances applies:
- a) The use and development does not commence within three (3) years of the date of this permit.
 - b) The use is discontinued for a period of two (2) or more years.
 - c) The Work Authority for the use issued under the provisions of the *Mineral Resources (Sustainable Development) Act 1990* is:
 - i. Cancelled in accordance with Section 77O of that Act; or
 - ii. Surrendered in accordance with Section 77OA of that Act.

The Responsible Authority may extend the periods referred to in points a) and b) if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.