



10 December 2019

Our Ref: 452/010/002
Your Ref: 1996/8311417/A

Robyn Begg
Planning Department
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

Dear Robyn,

Re: CONSENT TO GRANTING A PLANNING PERMIT
Planning Permit Application No. 1996/8311417/A
Property: 150 Fish Creek Quarry Road Fish Creek
Proposal: Quarry & extractive industries - amend what the permit allows,
conditions and endorsed plans

In accordance with Section 56 of the Planning and Environment Act, the Corporation does not object to the granting of a permit, if the permit is subject to the following conditions:

1. The proposed development shall be in accordance with the work plan Dated March 2019 Prepared by Beveridge Williams or any Work Authority endorsed under the Extractive Industries Development Act 1995.

In accordance with Section 66 of the Planning and Environment Act 1987, please supply a copy of any permit or notice which is granted by Council.

Should you require further information regarding this matter, please contact me on 5682 0482.

Yours sincerely

Lynn Missen
Development Planning Co-ordinator

14-18 Pioneer Street, PO Box 102, FOSTER Vic 3960
Telephone: (03) 5682 0444 Facsimile: (03) 5682 1199
Email: sgwater@sgwater.com.au

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Patron: Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Safety
Fire & Emergency Management
Email: firesafetyreferrals@cfa.vic.gov.au
Telephone: 03 9262 8578



CFA Ref: 9000-68197-95778

5 December 2019

Robyn Begg
South Gippsland Shire Council
9 Smith Street
LEONGATHA VIC 3953

Dear Robyn,

LETTER OF ADVICE
Fish Creek Quarry, 150 Fish Creek Quarry Road FISH CREEK 3959

Planning Permit: 1996/8311417
Proposal: Use and development of land for extractive industry.

I refer to correspondence dated 25th November 2019 seeking comments on the above planning permit amendment application.

CFA acting as a Referral Authority under the *Planning and Environment Act, 1987 (Act)* has considered and does not object to the grant of a permit for the above proposal subject to –

- Any mandatory conditions specified within the planning scheme; and
- The following conditions being included on any planning permit that may be issued.

– Start of Conditions –

The development of a (documented) risk management process, prepared to the satisfaction of CFA, that identifies risks and their effective management, including specific consideration of fire risk. Risk mitigation is to include:

- The provision of fire breaks around the entire site perimeter and procedures for their ongoing maintenance;
- The provision of at least two emergency vehicle access points into the facility, and emergency vehicle access within the site, including to fire water sources;
- The provision of an adequate supply of fire water based on credible worst-case emergency scenarios;

Protecting lives and property

cfa.vic.gov.au

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- The provision of fit-for-purpose fire protection systems and equipment, and procedures for their maintenance/servicing;
- Regular vegetation management throughout the site;
- Vehicle and equipment maintenance procedures that ensure any identified faults or non-compliances are recorded and addressed;
- Compliant, safe storage and handling of dangerous goods (including diesel fuel, oil and lubricants); and
- Procedures for limiting activities on Total Fire Ban days (e.g., hot works).

The development of an Emergency Management Plan (or updating of existing plan), to the satisfaction of CFA, that identifies and details emergency management structures, responsibilities, procedures and training, informed by the risk management process.

The Emergency Management Plan is to include:

- Procedures for responding to fire emergencies, including bushfire;
- Procedures for the containment/management of spills and leaks of dangerous goods and hazardous chemicals;
- Details of emergency resources on-site (fire water tanks, water carts, hydrants, PPE, emergency warning systems, first aid facilities, etc.);
- Provision for containment/management of fire water runoff; and
- Training requirements for site personnel in emergency procedures, and the use of fire protection systems and equipment.

The development of a Fire Readiness and Response Plan, prepared to the satisfaction of CFA.

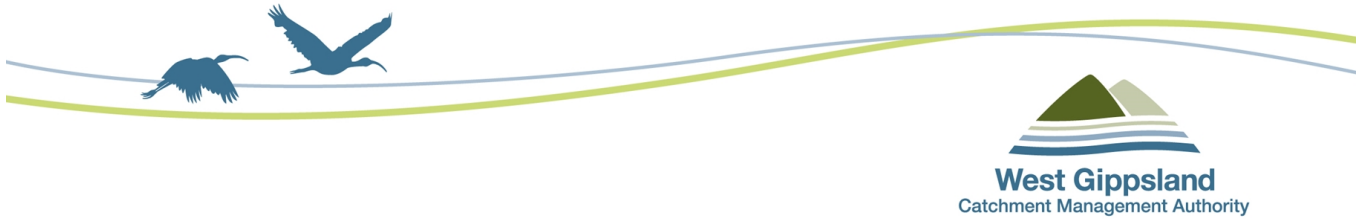
CFA's expectation is that the required documents are prepared and submitted to CFA's State Infrastructure and Dangerous Goods Unit within 60 days of the permit amendment being granted.

If you require further assistance on this matter, please contact me on 9262 8865.

Yours sincerely



Jennifer Blyth
Senior Dangerous Goods Officer
Fire Prevention and Preparedness
CFA Headquarters



WGCMA Ref: WGCMA-F-2018-00297
Document No: 3
Date: 27 November 2019

Robyn Begg
 Statutory Planning Officer
 South Gippsland Shire Council

Dear Robyn,

Planning Permit Application No.: 1996/8311417/A

Property **Street:** 150 Fish Creek Quarry Road Fish Creek Vic 3959
 Cadastral: CP165852, Parish Of Doomburrim

Applicant(s): Bernard Stewart, Beveridge Williams & Co Pty Ltd

I refer to your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 22 November 2019 in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*. The Authority notes that the application is to amend planning permit 1996/8311417 in light of the replacement of work plan WA517.

The Authority does not have any official record of flooding for the property. Figure 1 overleaf shows that a tributary of Battery Creek is located approximately 200 metres to the east of the Work Authority Boundary.

The work plan states that no discharge of water from disturbed areas off the site. Water control measures shown on the plans indicate that runoff is proposed to be retained on site with drainage to a corner of the quarry floor where sumps will be formed. The plans show that runoff from the access road will be directed to table drain then to existing sediment pond located to the west of the site, outside the Work Authority boundary. The plans do not show any direct connection to the waterway. The proposed rehabilitation plan includes the installation of a silt fence at the eastern site boundary, to be retained until vegetation is well established and potential for sediment mobilisation is minimised.

The Authority **does not object** to the issue of an amended Planning Permit, subsequent to the endorsement of the work plan variation under Section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*.

Please ensure that you provide the Authority a copy of your decision in a timely manner to allow for an application for review to VCAT if required.

The attached **explanatory report** provides further detail regarding the Authority's assessment.

Should you have any queries, please do not hesitate to contact Catherine Couling on 1300 094 262. To assist the Authority in handling any enquiries please quote **WGCMA-F-2018-00297** in your correspondence with us.

Yours sincerely,



Adam Dunn
Statutory Planning Manager

Cc: Bernard Stewart, Beveridge Williams & Co Pty Ltd (stewartb@bevwill.com.au)

The information contained in this correspondence is subject to the disclaimers and definitions attached.

Figure 1 – Subject site and designated waterways



EXPLANATORY REPORT

Decision Guidelines

The West Gippsland Catchment Management Authority assesses all applications against the following National, State and Local Policies, Guidelines and Practice Notes:

1. [Technical Flood Risk Management Guideline: Flood Hazard](#) (Australian Emergency Management Institute, 2014)
2. [Victorian Floodplain Management Strategy](#) (Victoria State Government, 2016)
3. Council Planning Schemes ([Planning Schemes Online](#)), including the:
 - i. Planning Policy Framework
 - ii. Local Planning Policy Framework
 - iii. Relevant Zones and Overlays
4. [Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise](#) (DSE, 2012)
5. [Applying for a Planning Permit under the Flood Provisions – A Guide for Councils, Referral Authorities and Applicants](#) (DELWP, 2015)
6. [Flood Guidelines - Guidelines for development in flood prone areas](#) (West Gippsland Catchment Management Authority, 2013)
7. [West Gippsland Waterway Strategy](#) (2014-2022)
8. [West Gippsland Regional Catchment Strategy](#) (2013-2019)
9. [West Gippsland Floodplain Management Strategy](#) (2018-2027)

1% AEP³ Flood Level Determination

Floods are classified by the frequency at which they are likely to occur. In Victoria, all proposals for development on floodplains are assessed against a flood that, on average, will occur once every 100 years. A flood of this size has a 1% chance of occurring in any given year, and is known as either the 100 year Average Recurrence Interval (ARI⁵) flood or the 1% Annual Exceedance Probability (AEP) flood.

Please note that the 1% AEP flood is the minimum standard for planning in Victoria, and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% AEP flood may occur in the future.

The Authority does not have any official record of flooding for the property on which to base its assessment. Information available to the Authority indicates that a tributary of Battery Creek is located approximately 200 metres to the east of the Work Authority Boundary as shown in Figure 1.

The plans supplied with the application do not show any direct connection to the waterway. Any proposed discharge of stormwater requiring a direct connection to a designated waterway (as defined by the *Water Act 1989*) will require a Works on Waterways permit issued by the West Gippsland Catchment Management Authority under the *Water Act 1989*.

The Authority holds no information in relation to the arrangement and capacity of stormwater drainage infrastructure in the area and recommends that you contact Council for more information.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

Engineering Referral for Amendment to Planning Permit 1996/8311417/A

Location: 150 Fish Creek Quarry Rd, Fish Creek VIC, 3959

Expansion of the existing use and development of the land for Gravel Quarry

19 Dec 2019

Giday Robyn

After assessing the submitted plans, associated documentation, and researching old files the following comments are made:

- As detailed in the proposed Work Plan the quarry has a long history going back to the 1920s.
- Access appears to have always been via Beards Road as the intersection with Foster Rd offers the best sight distance and safest turning location for all traffic.
- Traffic counts along Beards Rd in 2014 indicate daily volumes of only 33-40 vpd, however of these up to 50-60% are heavy vehicles.
- This is consistent with traffic that may be accessing other abutting properties, which are very limited in number, maybe 2 or 3.
- Beards Rd is a sealed public road for its entire length to the quarry entry. The road is on Council's Register of Public Roads and accordingly is maintained and managed by Council.
- There are no records as to when the road was sealed. The seal and road pavement is in very good condition.
- It is noted that condition 3.3 on planning permit 1996/8311417 states:
"The applicant shall be responsible for the maintenance of Beards Road and Quarry Road to the point of entry to the subject land. The maintenance works are to be to the satisfaction of the RA. Any request by the RA to carry out maintenance works are to be attended to within 24 hours"

It is considered that this condition is appropriate and should remain, especially as heavy vehicle traffic volumes are expected to increase as quarry operations increase.

- A further condition requiring the applicant to undertake a maintenance reseal on approval of the amended permit and thereafter at regular 5 yearly intervals, to the satisfaction of the RA, is also recommended to ensure the pavement and seal remain in good condition.
- The current extraction rate has been estimated at approx between 60,000 tonnes per annum. Assuming a truck and dog trailer can carry approx 45 tonnes, this equates to approx 1300 trucks per year or 30 per week.

Council's traffic counts confirm these figures. There is no indication within the submission that this would increase.

- All other existing conditions relating to mud removal, amenity, etc. are considered appropriate.

Accordingly, the following conditions and notes are recommended for inclusion in the approved amended planning permit.

Unless stated otherwise, the following works must be undertaken by the applicant, for Beards Rd and Quarry Rd, from Foster Rd to the Quarry entrance, to the satisfaction of the Responsible Authority.


1. Within 12 months of commencing quarry operations as authorized by this amended permit the applicant shall undertake a maintenance reseal of the existing sealed road. Any identified pavement soft spots shall be rectified prior to the re-seal.
2. Every 5 years during the operation of the quarry, or as agreed in writing by the Responsible Authority, the applicant shall carry out a maintenance reseal including any repairs deemed necessary.
3. The applicant shall undertake regular maintenance and cleaning of the table drain and shoulders.
4. Prior to undertaking any of the above works the applicant shall seek the advice and written approval of the appropriate Council Engineer.
5. All work must be carried out to the satisfaction of the South Gippsland Shire Council.

Notes for Permit

1. The appropriate "Consent to work within the Road Reserve" permit must be obtained from Council for all works in Beards Road and Quarry Road.

Please call me on ext 825 if you have any questions.

Cheers



Geoff Davis
Asset Planning Engineer