

OFFICER ASSESSMENT REPORT FOR PLANNING PERMIT APPLICATION PA1863-2024

Section 69 of the *Planning and Environment Act 1987*

OFFICER NAME:

Cherylee Shandley



Application Details

Application Number:	PA1863-2024
Subject Land Address:	Dimboola-Rainbow Road Jeparit VIC 3423 (Crown Allotment 39A, Parish of Jeparit)
Assessment Number:	74200
Proposal:	Use of land for Extractive Industry, buildings and works for Extractive Industry and change access to a road in Transport Zone 2.
Planning Permit Requirements:	<ul style="list-style-type: none"> • 35.07-1 - Use of land for Extractive Industry • 35.07-4 - Construct a building or construct or carry out works for a Section 2 Use (Extractive Industry) • 42.01-2 – Earthworks • 52.08-1 - Use and develop land for Earth and Energy Resources Industry • 52.29-2 Create access to a road in the TRZ2
Officer Recommendation:	Issue Notice of Decision, subject to conditions
Attachment/s	<ul style="list-style-type: none"> • Site Plans (Pages 1 to 4) • Endorsed Work Plan PLN 006179 for WA08241 (Pages 1 to 178) • Objection and applicant response to objection • Council Report

Date Lodged:	16/07/2024, Fees paid 15/08/2024 & 4/12/2024 Amended 21/08/2024. Amended 19/09/2024.
Zones:	Farming Zone (FZ)
Overlays on the lot:	Environmental Significance Overlay Schedule 6 (ESO6) Bushfire Management Overlay (BMO) Land Subject to Inundation Overlay (LSIO) – Does not intersect the proposal Transport Zone 2 (TZ2) adjacent to the land to the east
Statutory Days:	64 – Overdue (limit is 60)

Restrictive Covenant on lot:	NIL
Cultural Heritage:	Cultural Heritage Management Plan 19243 approved by Barenji Gadjin Land Council on 13 December 2023

Proposal Details

The application proposes to use the land for Extractive Industry, carry out works for Extractive Industry and create access to a road in a Transport Zone 2 (Dimboola-Rainbow Road). The application form was amended on 21 August 2024 to include the second owner pursuant to Section 50 of the *Planning and Environment Act 1987*. The application was further amended on 19 September to include the permit trigger to create access to a road in a Transport Zone 2 pursuant to Section 57A of the *Planning and Environment Act 1987*.

Details of the proposal are summarised below, with further detail described on page 4 of the endorsed Work Plan PLN006179 for WA008241 (see attachments).

The proposed sand quarry is designed to supply the building industry, particularly in Horsham and Warracknabeal, with sand suitable for bricklaying and concrete production. The total design footprint of the quarry is 9.66 hectares, with a maximum disturbance footprint of 4 hectares at any given time. The work authority area encompasses 45.99ha of land. The quarry will focus on providing sand for regional construction needs.

Topsoil will be carefully stripped from the site using an excavator, loader, and trucks, then stored in designated stockpiles for future reclamation. The total area designated for topsoil stockpiles covers 1.3 hectares, with an estimated 0.6 hectares of stockpiles on-site at any given time. These stockpiles will be used in the rehabilitation process once sand extraction is completed.

Sand extraction will take place using either an excavator on the quarry batter or a dozer pushing sand down the slope. The working face will maintain a grade no steeper than 1V:3H, with terminal batters at 1V:4H. A dozer will develop the slopes, or an excavator will extract sand and load it onto a dump truck. The sand will be screened using a mobile screen located on the quarry floor. No storage or slimes dams will be used, and there will be no stormwater ponding on the site.

The quarry will operate without the use of water for extraction or dust suppression, and no water will be stored on-site. Additionally, no imported materials will be used for fill. A 20-metre wide buffer zone will be maintained around the perimeter of the Work

Authority boundary, ensuring that there is no extraction, stockpiling, or reshaping within this area.

The site access is provided on Dimboola-Rainbow Road, located near the railway crossing, with a designated car parking area for staff and visitors. A mobile site hut and storage container will be situated on the quarry floor, alongside a mobile toilet with an effluent tank. Effluent will be removed from the site by a contractor. The mobile plant on-site will consist of an excavator, dozer, loader, trucks, and a screen, with no fixed processing plant in place.

The proposed operating hours for the quarry are from 7:00 am to 6:00 pm Monday to Friday, and 8:00 am to 3:00 pm on Saturdays, with no operations on Sundays or public holidays.

The existing entrance to the site is adjacent to the existing railway crossing on Dimboola-Rainbow Road. As directed by the Head for Transport Victoria, a new vehicle entrance is proposed further to the north of the railway crossing and the existing entrance is to be closed off.

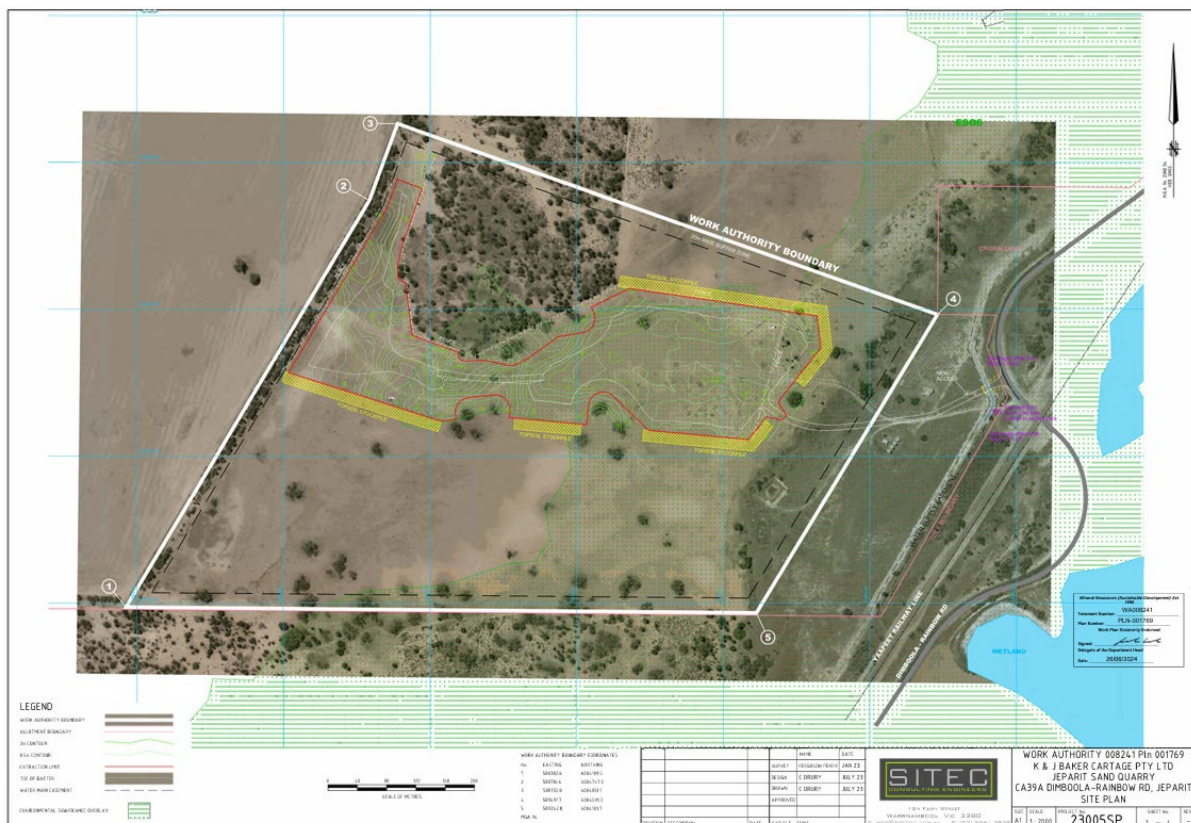


Figure 1: Endorsed Site Plan in WA008241 Work Plan showing extraction area details

Subject Site and Locality

The subject site comprises of a single lot of 486ha, located on the western side of Dimboola-Rainbow Road, 4km north of the township of Jeparit. Lake Hindmarsh is closely located to the west. There is an unnamed wetland 250m to the east. The northeast corner of the Work Authority boundary adjoins a parcel of Crown Land. The site is surrounded by agricultural land. The site and surrounding land consists of sand dunes with scattered remnant vegetation and cropping paddocks.

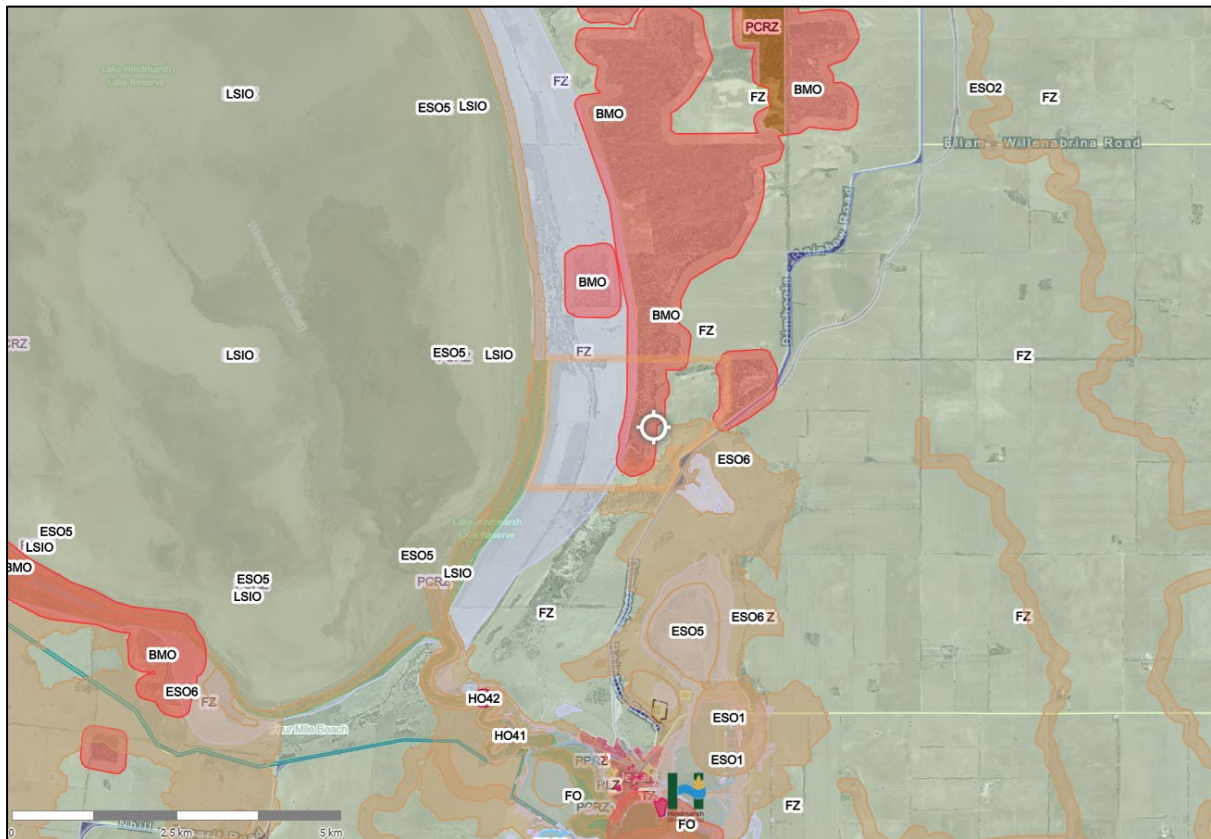


Figure 2: Map of the Site showing proximity to Jeparit, Lake Hindmarsh and showing the FZ, BMO, ESO6 and LSIO

Background and Site Planning History

There is no relevant planning history for the site.

Public Notification

The application was required to be advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. Once amended, the planning permit was re-advertised by way of letters and a copy of the Form 2 on the site and on the website.

Initially, one submission (objection) was received raising concerns about the application. The objection was reaffirmed after the re-advertising of the amended application.

Submission

The submission (objection) raises concerns about the proposed access entrance for the use from Dimboola-Rainbow Road, potential safety impacts and the potential impact of increased salinity and rehabilitation (see attachments).

The applicant has provided a response to the objection (see attachments) and has noted that the Head of Transport for Victoria (Department of Transport and Planning) is supportive of the proposed access entrance subject to conditions. The groundwater report and the rehabilitation plan discuss the water table and saline nature of the site and surrounds and the documents note that there will be no change to salinity levels because of the activities on the land.

Referrals

The responses from the relevant external referral authorities in Clause 66.02 of the Planning Scheme were included as part of the Work Authority, except for the Section 55 referral to the Department of Transport and Planning on behalf of the Head of Transport for Victoria, which was overlooked in the work plan and referred under the planning permit application instead. The referrals completed as part of the work authority were to the Earth Resources Regulator, Resource Victoria in the Department of Energy, Environment and Climate Action and the Wimmera Catchment Management Authority.

In addition to the DTP referral, internal referrals were also required under the planning permit application to the engineering department and environmental health department. A summary of their responses is provided below.

It is noted that the conditions imposed by the planning permit cannot contravene or duplicate conditions required by the Work Plan.

Referral Authority	Summary of Response
Section 55: Head, Transport for Victoria (DTP)	Head of Transport for Victoria provided two conditions about providing a new access point and decommissioning the old access point. One note was provided about applying for consent for works. These conditions and note have been included in the planning permit conditions outlined at the bottom of the report
Internal: Engineering	The engineering department proposed the following signage condition: “New Trucks Turning Ahead signs to be installed on both sides of the proposed entrance at the applicant’s cost.”

	<p>However, as signage on a DTP road is not the council's responsibility, it must be required by DTP, the authority for Dimboola-Rainbow Road. Since signage wasn't addressed in their referral response, this condition cannot be included in the planning permit.</p> <p>The engineering department also proposed a condition regarding no effluent or polluted water entering Lake Hindmarsh or Council's stormwater. This condition appears to duplicate existing conditions on the work plan and should be included as a note on the decision rather than a condition.</p> <p>Finally, the engineering department included a condition about stormwater being contained on the site. This appears to a standard condition and does not appear to duplicate or conflict with the conditions in the endorsed Work Plan, so it will be included as a condition on the decision.</p>
Internal: Environmental Health	The environmental health department provided two conditions about a septic tank. No septic tank is proposed on the site (effluent will be pumped out and carted away) therefore these conditions are not required.

Planning Scheme Assessment

The relevant clauses of the planning scheme have been summarised in the tables below, and a detailed assessment against these clauses has been provided in the 'Discussion' section.

Municipal Planning Strategy

Summary of Applicable Clauses		Response
Vision 02.03	A healthy natural environment, strong rural economy and thriving towns	<i>Complies.</i>
Environmental values and amenity risk management 02.03-2 02.03-3 02.03-4	Minimise land clearing, especially of native grasslands and habitat, and protect rare flora and fauna sites. Key environmental concerns include soil erosion, salinity, water pollution, and drainage changes. Safeguard soil resources for long-term use and manage land forming to prevent impacts on adjacent properties or environmental features. Ensure adequate buffers to avoid incompatible land uses.	<i>Conditions on the work plan ensure compliance.</i>
Economic Development 02.03-6	Retain and develop agricultural activities, while fostering new economically and environmentally sustainable ventures. Facilitate increased employment near towns and support manufacturing and processing industries in rural areas where they cannot be accommodated in urban areas.	<i>Complies.</i>

Planning Policy Framework

Summary of Applicable Clauses		Response
Settlement 11	Planning should support economic viability, environmental sustainability, pollution prevention, waste minimisation, and resource recovery. It should integrate relevant considerations to guide planning for sites, places, neighbourhoods, and towns, while accounting for the unique characteristics and needs of regional and local areas.	<i>Complies.</i>
Environment and Landscape 12	Protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value	<i>Conditions on the work plan ensure compliance.</i>
Risk and Amenity (Environment) 13	Minimise the risk of harm to the environment and amenity, protect areas prone to erosion, and safeguard community amenity. Avoid or minimise adverse off-site impacts, ensure land compatibility with adjoining uses, and manage noise effects on sensitive land uses.	<i>Complies.</i>
Natural Resource Management 14	Assist in the wise use of natural resources to support environmental quality and sustainable development, encourage resource extraction in line with acceptable environmental standards, and maintain buffers around mining and extractive industry activities. Consider the Mineral Resources Act 1990 where appropriate.	<i>Conditions on the work plan ensure compliance.</i>
Economic Development 17	Ensure the availability of land for industry, strengthen and diversify the economy, and provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to protect residents from adverse environmental effects, nuisance, or exposure to hazards.	<i>Complies.</i>

Zoning Provisions – Farming Zone (FZ)

Summary of Applicable Clauses		Response
Purpose 35.07	Provide land for agriculture, encourage the retention of productive agricultural land, and ensure non-agricultural uses, including dwellings, do not negatively impact agricultural activities. Support rural communities by retaining employment and population, promote sustainable land management practices and infrastructure, and allow land use and development for specific purposes identified in a zone schedule (NA – none specified).	<i>Complies.</i>
Decision Guidelines:	Consider any applicable Regional Catchment Strategy and associated plan, the land's capacity to accommodate the	<i>Complies.</i>

General Issues 35.07-6	proposed use or development, its alignment with sustainable land management, the suitability of the site and compatibility with surrounding land uses, and how the proposal utilizes existing infrastructure and services.	
Decision Guidelines: Agriculture 35.07-6	Consider whether the use or development will support agricultural production, impact soil quality or permanently remove land from agriculture, limit adjoining agricultural uses, or affect the site's capacity to sustain agricultural use. Assess the land's agricultural qualities, such as soil quality, water access, and rural infrastructure, and any integrated land management plan for the site.	<i>Complies.</i>
Decision Guidelines: Environment 35.07-6	Consider the proposal's impact on the area's natural features, particularly soil and water quality, as well as on-site and surrounding flora and fauna. Emphasize the need to protect and enhance biodiversity, including retaining vegetation, preserving fauna habitats, and revegetating areas like riparian buffers, gullies, ridgelines, and saline zones. Also, assess the location of effluent disposal areas to minimize nutrient impact on waterways and native vegetation.	<i>Conditions on the work plan ensure compliance.</i>
Decision Guidelines: Design and siting 35.07-6	Consider the need to locate buildings in one area to minimize impacts on surrounding agriculture and reduce the loss of productive land. Evaluate the impact of siting, design, height, bulk, colours, and materials on the natural environment, major roads, vistas, and water features, and the measures to mitigate any adverse effects. Assess the impact on the area's character, including architectural, historical, scientific, or scenic features, and determine if traffic management measures are required.	<i>Complies.</i>

Overlay Provisions – Environmental Significance Overlay – Schedule 6 and Bushfire Management Overlay

Summary of Applicable Clauses		Response
ESO Environmental Objectives Schedule 6 to 42.01 – 2	Ensure land use and development in primary catchment areas (ESO6) do not harm the ecological condition of conservation wetlands (ESO5), and prevent pollutants, turbidity, erosion, and siltation from surface runoff. Protect wetlands' capacity to carry natural water flows and conserve wetland flora and fauna habitats for long-term health. Support the management of Ramsar-listed wetlands and significant wetlands in national directories, and protect wetlands identified as depleted in Wimmera Catchment Management Authority mapping, in line with the Flora and Fauna Guarantee Act (1988).	<i>Complies. WCMA have no objection.</i>
ESO Decision Guidelines Schedule 6 to 42.01 – 5	The Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines.	<i>Complies. WCMA have no objection.</i>

Particular Provisions – Car Parking, Earth and Energy Resources Industry, Extractive Industry and Native Vegetation Removal

Summary of Applicable Clauses		Response
Car Parking 52.06-6	Before a new use commences or the floor areas or site area of an existing use is increase, car parking spaces must be provided to the satisfaction of the responsible authority.	<i>Complies.</i>
Earth Industry Purpose 52.08	To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.	<i>Complies.</i>
Application Requirements 52.08-2 52.08-2	<ul style="list-style-type: none"> • A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. • The written notice of statutory endorsement under section 77TD (1) of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. • Any conditions specified under section 77TD (3) of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. 	<i>Complies.</i>
Extractive Industry Purpose 52.09	Ensure land used for extractive industries does not harm the environment or local amenities during or after extraction, that excavated areas are properly rehabilitated, and that stone resources are protected for future community use.	<i>Complies.</i>
Decision Guidelines 52.09-4	Consider the impact on native flora and fauna, cultural and historic sites, and the surrounding natural and cultural landscape. Assess the ability to contain emissions within the land boundaries and the effects of traffic, noise, blasting, dust, and vibration on local amenity. Evaluate the potential for rehabilitation that aligns with natural systems or visual appearance, and ensures the land can be used for community-beneficial purposes. Review the impact on groundwater quality, surface drainage, and water quality, as well as any provisions, conditions, or requirements in the work plan.	<i>Complies.</i>
Requirements for Extractive Industry 52.09-6	<ul style="list-style-type: none"> • Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping. • Shrubs and trees must be planted and maintained to screen activity on the land. • Parking areas must be provided for employees' cars and all vehicles used on the land. 	<i>Complies, subject to these three mandatory conditions being included on the decision</i>

<p>Native Vegetation 52.17-1</p>	<p>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation, unless the table to Clause 52.17-7 provides an exemption. The table provides an exemption for 'vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority under that Act.'</p>	<p><i>Exemption applies – no planning permit requirement as there is an approved work plan. Native vegetation offsets are required on the work plan conditions.</i></p>
<p>Land Adjacent to the TRZ2 Purpose 52.29</p>	<p>Ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.</p>	<p><i>Complies.</i></p>
<p>Decision Guidelines 52.29-6</p>	<p>The views of the relevant road authority. The effect of the proposal on the operation of the road and on public safety. Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the <i>Road Management Act 2004</i> regarding access between a controlled access road and adjacent land.</p>	<p><i>Head of transport for Victoria have no objections to the proposal subject to two conditions requiring the construction of the new access crossover from Dimboola-Rainbow Road. The new access crossover is unlikely to impact public safety.</i></p>

General Provisions

<p>Clause 65.01 Approval of an Application or Plan</p>	<p>Response</p>
<p>The matters set out in section 60 of the Act.</p>	<p><i>Complies.</i></p>
<p>Any significant effects the environment, including the contamination of land, may have on the use or development.</p>	<p><i>Conditions on the work plan ensure compliance.</i></p>
<p>The orderly planning of the area.</p>	<p><i>Complies.</i></p>

The effect on the environment, human health and amenity of the area.	<i>Complies.</i>
The proximity of the land to any public land.	<i>Complies.</i>
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<i>Conditions on the work plan ensure compliance.</i>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	<i>Complies subject to conditions.</i>
The extent and character of native vegetation and the likelihood of its destruction.	<i>Conditions on the work plan ensure compliance.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Conditions on the work plan ensure compliance.</i>
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	<i>Conditions on the work plan ensure compliance.</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>Complies, subject to conditions.</i>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>Complies, subject to conditions.</i>

Discussion

Environmental Response

The extraction process will adhere to the Earth Resources Regulator's requirements relating to environmental management. Environmental issues are largely controlled for through the conditions in the work plan. Based on these conditions, the quarry will be managed to avoid adverse effects on the environment. The site will follow sustainable extraction practices, managing potential erosion, salinity and pollution impacts. The proposal ensures no increase in surface runoff or disruption to ecological integrity. Water management on-site will protect groundwater and waterways. The proposal will not alter natural waterway alignments.

The proposal will not adversely impact the ecological condition the primary catchment areas, increase surface runoff, cause changes to the quality and quantity of water from the primary catchment area, compromise the long-term future of fauna and flora habitats in wetlands of conservation value or alter the natural alignment of the waterway. The proposal provides an acceptable outcome with regards to the Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of

Conservation Value (WCMA 2007) Decision Guidelines, and unconditional consent has been provided by the Wimmera CMA.

A small amount of vegetation removal is proposed for the quarry, which has been assessed under the work plan. DEECA has recommended work plan conditions to ensure appropriate offsets are obtained. These conditions align with the Guidelines for the Removal, Destruction, or Lopping of Native Vegetation (2017) and will ensure no net loss of biodiversity. Additional planting within buffer areas will be conditioned to enhance vegetation on-site.

The site will be managed and rehabilitated in accordance with the requirements of the Earth Resources Regulator. A rehabilitation plan has been provided. Resources Victoria hold a monetary bond to ensure that site rehabilitation is carried out to the specified standard.

While the standing objection provides concerns about the potential impact of increased salinity and rehabilitation, these concerns have been adequately addressed in the work plan and through referral responses. The rehabilitation plan (approved in the Work Plan) discusses the environmental conditions of the land including details of the water table. The plan discusses the fact that *'The water table sits approximately 1m below the design floor level of the pit. The salinity of the water is 13,000 – 35,000mg/l which is "Very High" for ground water and not suitable for irrigation or watering stock.'*

The Wimmera Catchment Management Authority were referred the proposal as part of the Work Plan referral process *under section 77TE of the Mineral Resources (Sustainable Development) Act 1990 (Act)* and have advised that they do not object to the granting of a permit to the proposal as submitted. The WCMA have not raised any concerns about salinity impacts as a result of the proposal. Given the floor level of the pit sits 1m above the water table, the proposal is unlikely to have adverse salinity impacts.

The rehabilitation plan states that *'The rehabilitated slopes of 1V:4H are flat enough to return the land to pasture grass for grazing.'* The rehabilitated slopes pasture grass for grazing is an acceptable outcome on the site. Lake Hindmarsh is located in proximity to the west of the site, however, the extraction will not adversely impact the lake bed or the surrounding land.

Economic Considerations

The proposal is expected to support a strong and diversified rural economy by providing essential materials for the building industry, particularly in Horsham and Warracknabeal. The quarry will supply sand suitable for bricklaying and concrete, benefiting local construction businesses, and supporting manufacturing and processing industries in the region. The operation is expected to be both economically viable and sustainable, contributing to the long-term economic growth of the area. The quarry will also support the local economy by creating an employment opportunity just 4km from Jeparit.

Situated in a rural area, the quarry is expected to cause minimal conflict with other land uses, supporting rural employment while not permanently removing agricultural land. It will help diversify the local economy and strengthen economic activities in the region.

Agricultural Considerations

The proposed quarry will remove a small portion of land from agricultural production, but the site is expected to be rehabilitated following extraction. Upon completion, the land will be restored for grazing, ensuring its return to agricultural use. The extraction footprint is compatible with surrounding land uses, and the rehabilitation process will restore the land to a productive agricultural state. The site can accommodate the quarry, and the operation can occur concurrently with surrounding agricultural activities. While the quarry itself is not agricultural in nature, it is compatible with agricultural uses and will not permanently remove land from production or hinder nearby farming operations. The rural location of the site is considered appropriate for this use, and the proposal is not expected to adversely impact the rural character of the area. Ultimately, the land will be returned to grazing, minimising any long-term agricultural impacts.

Visual Implications, Amenity and Land Use Conflict

The proposal is unlikely to result in significant visual or amenity impacts. The quarry site is located 1770 meters from the nearest sensitive receptor which is a dwelling, which is a substantial distance and will minimise potential impacts on local residents.

A 20-metre wide buffer zone will be maintained around the perimeter of the work authority boundary, preventing stockpiling or extraction within this area, further reducing amenity effects. The extraction area will be graded and rehabilitated to pasture once extraction activities are complete, managing the site's visual impact and preserving the rural character. The quarry will have an acceptable level of visual impact on the appearance of the area. The visual impact will be minimised by the 20m buffer area around the site and a general requirement for plant screening as part of the permit conditions specified in Clause 52.09-5.

The locations of plant, equipment, and buildings are positioned to avoid adverse effects on surrounding agricultural uses. The land is suitable for the proposed use, and the quarry will not adversely affect places of local significance. Overall, the proposal is not expected to cause significant land use conflict or disrupt the amenity of the surrounding area.

Access Considerations

The relevant road authority, Head for Transport Victoria (HTV) in the Department of Transport and Planning, has advised Council they have no objections to the proposal subject to two conditions requiring the access crossover to be constructed to the required standard and to existing access to be ceased to be used and blocked off to prevent future use. The location of the proposed access has been approved by HTV

and is unlikely to have an adverse effect on the operation on the road and on public safety. HTV have required conditions and a note that the access to Dimboola Rainbow must comply with the *Road Management Act 2004*. The requirements of HTV are regarded as adequate to ensure the truck access to and from the site is appropriate and minimises potential risks to other road users.

Adequate on site car parking for staff is proposed to comply with Clause 52.06-6 and to avoid the need for any off site parking.

Other Considerations

The proposal is in an area of Aboriginal Cultural Sensitivity and the use for Extractive Industry is a high impact activity. A CHMP 19243 has been approved by Barengi Gadjin Land Council on 13 December 2023. The proposal will have some impacts on sites of cultural and historic significance that requires further inspections and an artefact collection program of any artefacts discovered during the operation of the activities on the subject land.

The proposal is unlikely to impact any public land.

Summary

In summary, the proposal is consistent with the relevant provisions of the Municipal Planning Strategy, the Planning Policy Framework, the Farming Zone, ESO6 and Clause 52.09 and the general provisions in Clause 65. The proposal is consistent with the requirements of the endorsed Work Plan submitted with the application, ensuring that environmental standards will be met. The conditions on the work plan will ensure that the impacts on the environment, local amenity, and agriculture are acceptable, and the proposal is expected to have a positive effect on the local economy. The development is compatible with the orderly planning of the area and will be carried out in accordance with work plan conditions. The proposal will have minimal impact on native flora, fauna, and cultural heritage, with the landscape being slightly altered by the quarry, but rehabilitated to blend with the surroundings once extraction is complete. Emissions, traffic, noise, dust, and vibration will be managed through the work plan conditions and the standard conditions as part of this decision. Section 60 of the Act has been considered, including the objectives of planning in Victoria and the social, environmental, and economic effects. Overall, it is unlikely that the proposal will have any significant adverse effects on the environment, human health, or amenity. Therefore, the proposal is deemed an acceptable planning outcome.

Recommendation

That Council issues a notice of decision to planning permit PA1863-2024, subject to the following conditions:

Notice of Decision to Grant a Permit Details and Conditions

THIS NOTICE OF DECISION TO GRANT A PERMIT ALLOWS

Planning Scheme Clause No.	Description of what is allowed
35.07-1 (FZ)	Use of land for Extractive Industry
35.07-4 (FZ)	Construct or carry out works for a Section 2 use (Extractive Industry)
42.01-2 (ESO6)	Earthworks
52.08-1	Use and develop land for earth and energy resources industry
52.29-2	Create access to a road in a Transport Zone 2

CONDITIONS

Use and Development

1. The use and development must not commence until a work authority is granted under the *Mineral Resources (Sustainable Development) Act 1990*.
2. This permit will expire if the work authority is cancelled under Section 770 of the *Mineral Resources (Sustainable Development) Act 1990*.
3. The use and development must at all times be in accordance with any work plan approved under the *Mineral Resources (Sustainable Development) Act 1990*.

Earth Resources Regulator

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

Head, for Transport Victoria, Department of Transport and Planning

5. Prior to the commencement of the use hereby approved, the access crossover shall be constructed generally in accordance with the design GD4010 and Sitec plans submitted with the application. Works shall be completed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Department of Transport and will include any line marking as required.
6. On completion of the new access crossover, the existing access shall cease to be used and shall be blocked off to prevent further use.

Mandatory Conditions under Clause 52.09-6

7. Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
8. Shrubs and trees must be planted and maintained to screen activity on the land.
9. Parking areas must be provided for employees' cars and all vehicles used on the land.

Infrastructure

Drainage

10. Stormwater must be contained on site to the satisfaction of the Responsible Authority.

Permit Expiry

11. In accordance with Section 68A of the *Planning and Environment Act 1987*, this permit for the use of land for extractive industry expires if the use authorised by the permit is discontinued for a period of 10 years.

END OF CONDITIONS

Notes:

Department of Transport and Planning (Head, for Transport Victoria)

Separate consent for works within the road reserve is required under the *Road Management Act 2004*.

Infrastructure

Access/Vehicle crossover:

The existing access for the premise on the Western Highway is under the control of the DTP.

The DTP have nominated a new location for entrance to the Proposed site.

Drainage

The landowner is responsible for ensuring water does not flow onto neighbouring properties.

No effluent or polluted water of any type may be allowed to enter Lake Hindmarsh or Council's Storm water drainage system.