

## PLANNING REPORT

PROPOSED QUARRY  
181 SWITZERLAND ROAD, GHIN GHIN

November 2021  
Prepared for **Rayner Group Pty Ltd**

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## 1 INTRODUCTION AND SUMMARY

- 1.1 Rayner Group Pty Ltd (**the Permit Applicant**) proposes to establish a traditional soft rock quarry (**the Proposed Quarry**) at 181 Switzerland Road, Ghin Ghin (**the Subject Land**) under proposed Work Authority WA007536 (**WA007536**).
- 1.2 The Subject Land contains an existing mudstone quarry near the eastern boundary, operating under Work Authority 200 (**WA200**), which has been in operation for approximately 30 years. The Permit Applicant purchased WA200 and the Subject Land in 2019.
- 1.3 The purpose of this application is to obtain planning permission to use and develop the Subject Land for extractive industry (**the Permit Application**).
- 1.4 The Earth Resources Regulation (**ERR**) branch of the Department of Jobs, Precincts and Regions (**DJPR**) statutorily endorsed Work Plan PLN-001531 for WA007536 for the Proposed Quarry on 1 October 2021 (**the Endorsed Work Plan**), pursuant to section 77TD of the *Mineral Resources (Sustainable Development) Act 1990* (**the MRSDA**).
- 1.5 The Endorsed Work Plan is enclosed with this permit application (**Appendix 3**) in accordance with the requirements of Clause 52.09-2 of the Murrindindi Planning Scheme (**the Planning Scheme**).
- 1.6 It is submitted that the Proposed Quarry is appropriate for the Subject Land and represents an acceptable planning outcome for the following reasons:
  - 1.6.1 The Subject Land is a large farming allotment, currently used for extractive industries, situated within an area used for a range of agricultural activities.
  - 1.6.2 The Proposed Quarry will supply a wide range of landscaping rock and low grade crushed rock products suitable for low traffic areas, garden paths, landscaping, and decorative uses.
  - 1.6.3 The siting and design of the Proposed Quarry incorporates significant buffers and will ensure it will not cause any unreasonable amenity impacts to adjoining and nearby land. There are two dwellings within 600 metres from the Work Authority area and approximately 570 metres from the processing plant.
  - 1.6.4 The Endorsed Work Plan contains a range of safety and environmental requirements to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff. All staff will be required to be aware of and comply with these requirements, which will be enforced through the Work Authority.
  - 1.6.5 The extraction activity and associated infrastructure will require the loss of some assessable native vegetation that has been assessed and approved by the Department of Environment, Land, Water and Planning (**DELWP**) (see Appendix 5). A Native Vegetation Removal Report and Offset Management Plan (**the Native Vegetation Report**) has been prepared by Paul Kelly & Associates, Ecological Services and is enclosed with this application (see Appendix 4). This report identifies that offsets are required for 29 large trees and 1.808 general habitat units and that these offsets are available on the Subject Land and can be secured with a

Section 173 agreement. The assessable vegetation for removal and the area required to secure the offsets is shown of Figure 3 - Site Layout Plan.

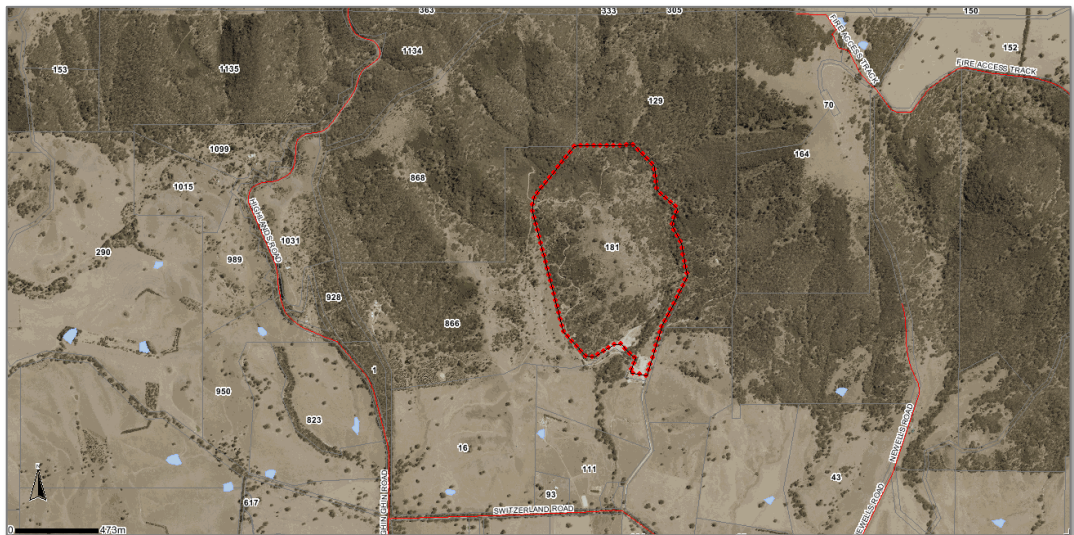
- 1.6.6 There is a Goulburn Broken Catchment Management Authority (**GBCMA**) designated waterway to the west of the Proposed Quarry. The extraction area is at least 100m from this waterway in accordance with GBCMA guidelines. Three unnamed drain lines that will be impacted, but this will not occur until Stage 4 (several decades into the future). Water management will be successfully achieved across the Proposed Quarry through the strategies and controls outlined in the Water Management Plan, particularly by the use of the existing farm dam as a sediment dam and for plant water.
  - 1.6.7 The Subject Land is subject to an Erosion Management Overlay. Erosion will be managed through cut off drains, vegetation establishment, strategic location of batter swale drains, and any other surface water management strategies as required. Erosion management will be successfully achieved across the Proposed Quarry through the strategies and controls contained in the Risk Management Plan.
  - 1.6.8 The Proposed Quarry will not result in unreasonable landscape or visual impacts to surrounding properties or the wider area. The remoteness of the Proposed Quarry, surrounding topography and existing vegetation will ensure that the visibility of any disturbed areas within the Subject Land will be minimised and the area’s rural character maintained.
  - 1.6.9 The Proposed Quarry provides for appropriate vehicular access and there will be no unreasonable impacts to local traffic conditions or traffic impacts. The traffic operations of the Proposed Quarry will be consistent with the Subject Land’s rural farming context.
  - 1.6.10 The work authority area of the Proposed Quarry will be progressively rehabilitated and returned to agricultural production or other purposes consistent with the Farming Zoning of the land as each stage of the extraction is exhausted of resource.
  - 1.6.11 The work authority area of the Proposed Quarry will not impact any registered areas of Aboriginal cultural heritage sensitivity (**ACHS**). The proposed WA boundary has been aligned to be at least 200 metres from the top of the bank of Stoney Creek to avoid ACHS areas.
  - 1.6.12 The Proposed Quarry use is consistent with the purposes of the Farming Zone and the objectives and strategies of all relevant State and local planning policies related to rural areas and extractive industry, as well as the decision guidelines of Clause 52.09 and Clause 65.
- 1.7 The Permit Application comprises this Planning Report and the following documents which are contained in the appendices:
- 1.7.1 Appendix 1 - Permit Application Form
  - 1.7.2 Appendix 2 - Certificate of Titles and Plans
  - 1.7.3 Appendix 3 - Endorsed work plan WA001531
  - 1.7.4 Appendix 4 - Referral Consultation Checklist

- 1.7.5 Appendix 5 - Referral Authority responses
- 1.7.6 Appendix 6 - Written notice of statutory endorsement and checklist
- 1.7.7 Appendix 7 - Statutory endorsement conditions
- 1.7.8 Appendix 8 – Native Vegetation Removal Report and Offset Management Plan

## 2 SITE ANALYSIS

### THE SUBJECT LAND

- 2.1 The Subject Land is situated at 181 Switzerland Road, Ghin Ghin, approximately 10km north of Yea.
- 2.2 The Proposed Quarry will occupy approximately 29.6 hectares of the western portion of Lot 2 on Plan of Subdivision 704695L, which has a total area of approximately 78.66ha and is contained within Certificate of Title Volume 09955 Folio 980. A copy of the Certificate of Title and plan is contained in Appendix 2.
- 2.3 Access to the land from Switzerland Road will be gained from across part 866 Ghin Ghin Road, Ghin Ghin (Lot 1 on Plan of Subdivision 704695L). The Subject Land is not encumbered by any restrictive covenants or easements.



**Figure 1:** Zone map showing the Subject Land (source: VicPlan)

- 2.4 The Subject Land is currently used for agriculture (stock grazing) and exhibits a hilly topography. The Subject Land rises from the southern boundary at Government Road (RL 230R) and to approximately RL 390 at the hill top in centre of Subject Land.

### SURROUNDING LAND

- 2.5 Surrounding land comprises a mixture of bushland to the north, west and east, and cleared pasture, orchards and rural farming activities to the south.
- 2.6 There are no dwellings within 500m of the Proposed Quarry. Two dwellings will be within 1km of the Work Authority, at approximately 510m to the east (570m from the extraction area) and 520 metres to the south (680m from the plant and stockpile area and 800 metres from

the extraction area). There are an additional 16 dwellings within 2km of the Proposed Quarry. Refer to Figure 3 below.

- 2.7 There is a GBCMA designated waterway to the west of the Proposed Quarry, from which the extraction area will be setback at least 100 metres, in accordance with GBCMA guidelines.
- 2.8 Three unnamed drain lines will ultimately be impacted by the excavation throughout the life of the Proposed Quarry. Direct impact to these drain lines will not occur until stage 4, several decades into the future (see Figure 3 Site Layout Plan of the Endorsed Work Plan). The combined catchment of all three drain lines is approximately 11.5ha.
- 2.9 Stony Creek lies approximately 210 metres east and south of Proposed Quarry and runs through the southern part of the Subject Land before joining with the Goulburn River, approximately 6km to the south.
- 2.10 The Permit Applicant also owns and operates another extractive industry (WA200) within the Subject Land adjoining the Proposed Quarry to the south-east. The resource within WA200 is nearing the end of its approved reserve and it is planned to be rehabilitated within the first year of operation of the Proposed Quarry, if approved.
- 2.11 There are no other current or proposed extractive industries nearby the Subject Land. The nearest Work Authority to the Proposed Quarry is WA516, 2.5km to the south at 324 Switzerland Road, Highland.

## RELEVANT PLANNING HISTORY

### Planning Permit No. 2776

- 2.12 On 9 April 1992, Council issued Planning Permit No. 2776 (**the Existing Permit**). The Permit allows for Extractive Industry (removal of slate) on the Subject Land, and relates to the existing quarry operated under WA200.
- 2.13 The Permit Applicant purchased the Subject Land in 2019 which included the extractive industry at WA200, which has been in operation for almost 30 years. Areas of the Subject Land not used for extractive industry have been used for agricultural purposes.
- 2.14 The resource within WA200 is nearing the end of its approved reserve and since changes to the Aboriginal Heritage Regulations in 2019, it has been impacted by an ACHS trigger area due to its proximity to Stony Creek.



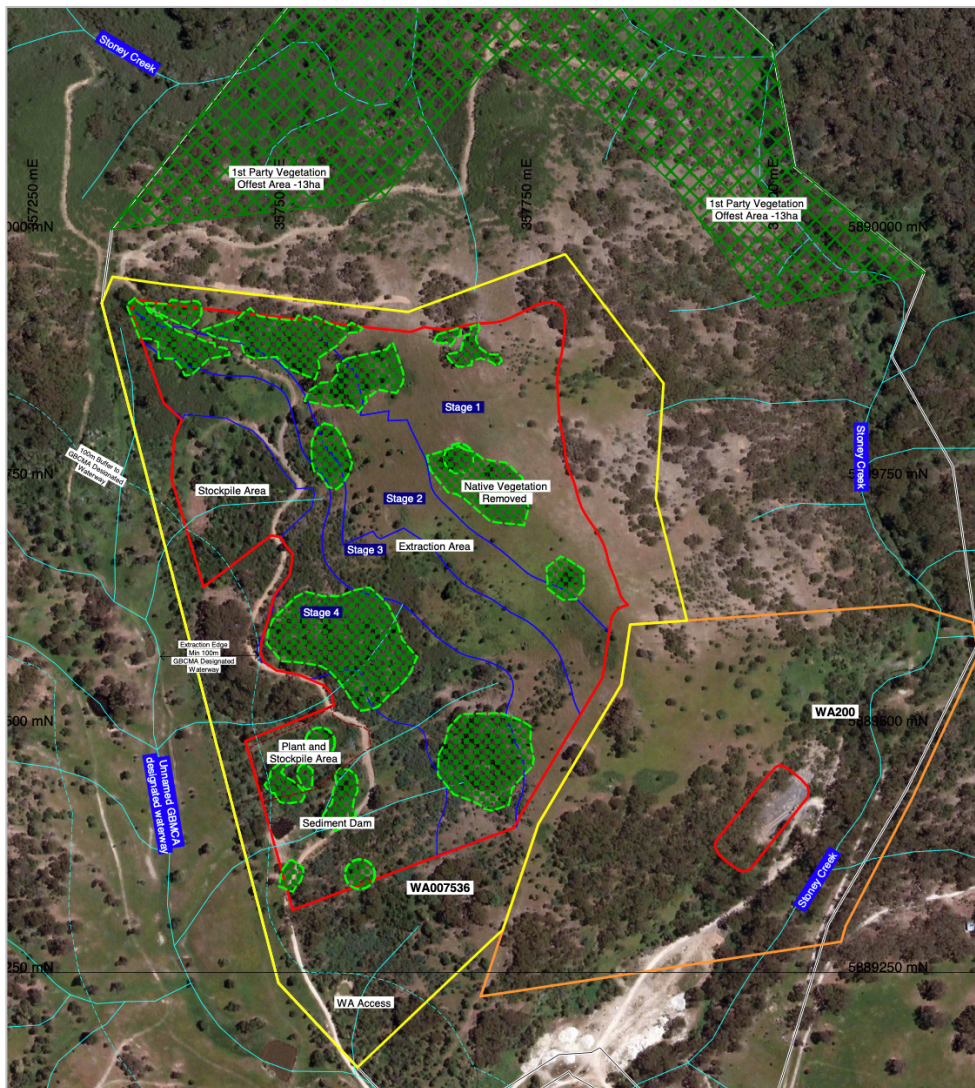


### 3 THE PROPOSAL

3.1 The Permit Application seeks planning approval to use and develop the Subject Land for Extractive Industry in accordance with the Endorsed Work Plan.

#### THE PROPOSED QUARRY

3.2 It is proposed to establish the Proposed Quarry to extract landscaping rock from the Subject Land in the area shown on the Site Layout Plan.



**Figure 2:** Excerpt of Site Layout Plan (source: Figure 3 of the Endorsed Work Plan)

3.3 The Site Layout Plan for the Proposed Quarry provides for the following:

- 3.3.1 A total Work Authority area of 29.6 hectares.
- 3.3.2 The maximum extraction area within the Work Authority to be worked at any one time is approximately 9 hectares to allow extraction activity and associated infrastructure to be limited to the area currently used for agricultural activities.

- 3.3.3 The proposed extraction area is at least 500 metres from the nearest dwelling.
  - 3.3.4 The estimated maximum terminal depth for the extraction area is 40 metres measured perpendicular to the natural surface. The bulk of the resource will be extracted from the western aspect of the ridge after removing the apex of the ridge.
  - 3.3.5 The ridge line will be extracted to RL 360, and the terminal batter will roughly parallel the natural surface topography by working to a terminal cut batter of 1V:3H, which is similar to (and in some parts flatter) than the existing topography, ultimately leaving no vertical faces and a landform that will mirror the pre-extraction topography.
  - 3.3.6 The total disturbed area of approximately 18.3 hectares, including the extraction area, site access road and processing and stockpile areas.
  - 3.3.7 Soil stockpile heights will be limited to not greater than maximum 2 metres in height. Overburden stockpiles will be limited in height to a maximum 10 metres when located within the excavation, or 6 metres if placed on the natural surface.
  - 3.3.8 Product stockpiles will generally be located close to the mobile processing plant, with a maximum height of 12 metres.
- 3.4 The Proposed Quarry extraction area provides access to the following estimated resource volumes:
- 3.4.1 Soil – 21,000 cubic metres
  - 3.4.2 Overburden – 140,000 cubic metres
  - 3.4.3 Landscaping rock – 2.41 million cubic meters
- 3.5 Extraction of the Proposed Quarry will take place in four stages, commencing initially in the northeast area of the Work Authority (as shown on Figure 3 Site Layout Plan as ‘Stage 1’).
- 3.6 Excavation will continue west of the initial area in subsequent stages, also expanding north and south as material quality allows. Working faces will be transitioned to the terminal batter design and cut into natural material at a batter of 1v:3h and will be rehabilitated by covering with overburden and soil and revegetated to pasture as soon as practicable.
- 3.7 To establish the extraction area, native vegetation is required to be removed from an area of approximately 4.45 hectares. The Native Vegetation Report (Appendix 8) identifies that offsets are required for 29 large trees and 1.808 general habitat units. The northern area of the Subject Land will be set aside for first party vegetation offsets and will be managed according to the Offset Management Plan (Appendix 6 to the Native Vegetation Report).
- 3.8 There will be no fixed infrastructure, with only temporary relocatable site office hut, store room and workshop being established adjacent to the plant and stockpile area.



## PROCESSING OF MATERIAL

- 3.14 Not all the resource will be crushed and screened. Landscaping products will range in size according to market requirements, such as colour, texture and size and are sorted with an excavator and/or bob cat within the processing and stockpile area.
- 3.15 Processing operations will occur in the area identifies as the plant and stockpile area on the Site Layout Plan.
- 3.16 The crushing and screening plant and associated stacking conveyors and ancillary equipment will be self- powered mobile items. Material will be processed through the mobile crushing and screening plant and associated stacking conveyors, where it will be graded into aggregates and / or crushed rocks of various sizes.
- 3.17 The processing plant will involve a loader or excavator feeding the primary crushing unit, which then feeds into the remaining crushing / screening train, comprising screen(s), crusher(s), sizing unit(s), stacking conveyors and blending units as required to produce and stockpile the required end product(s).
- 3.18 In addition to the crushing and screening units there will be associated stacker and transfer conveyors, blending plants (pugmill) and associated infrastructure.
- 3.19 It is planned to retain the processing plant and stockpile areas in the same location throughout the life of the quarry.
- 3.20 The processing plant will be at least 570m from the closest dwellings, with the natural undulating topography (and existing intervening vegetation) assisting in creating acoustic shielding. The processing plant and stockpile area will be located at ground level, with stockpiled material located strategically to act as a partial barrier to reduce the level of any noise emissions.
- 3.21 The rate of extraction at the site will be determined by market forces and is expected to be approximately 50,000 tonnes per annum, with the life of the Proposed Quarry to be more than 50 years.

## PROPOSED OPERATING HOURS

- 3.22 All excavation, sales and processing activities associated with the Proposed Quarry will occur as follows:
- 3.22.1 Monday to Friday: 7:00am to 6:00pm
  - 3.22.2 Saturday: 7:00am to 1:00pm
  - 3.22.3 Sunday & Public Holidays: No Work
- 3.23 Works outside of these hours will be for only essential maintenance, unless otherwise authorised.

### STAFF AND CAR PARKING

- 3.24 The Proposed Quarry will employ between two to three staff on a permanent basis, with casuals or contractors engaged for specific activities such as, but not limited to, stripping, maintenance, and progressive rehabilitation.
- 3.25 At least six light vehicle parking spaces will be provided for employees and visitors, located in the southwest of the Subject Land and close to the site entrance. Given the size of the land, car parking provision can be greatly increased if required. Traffic management signs will direct heavy vehicle traffic to designated products and/or suitable parking areas.

### TRAFFIC AND ACCESS

- 3.26 The closest public road is the government road to the south, which is gated at the property entrance and additionally at the Work Authority entrance.
- 3.27 The Work Authority access will be via the government road to Switzerland Road, which then accesses Ghin Ghin Road, with most of the traffic then travelling south to the Goulburn Valley Highway towards Yea.
- 3.28 The government road is an unsealed rural road, utilized only by local traffic. This road is located at the south-east corner of the Subject Land and heads west following the boundary of the Subject Land around to the proposed Work Authority area. It utilises part of a shared easement that contains an established culvert for crossing Stony creek.
- 3.29 Access to the Subject Land has traditionally been from this government road over the land to the west of the Subject Land (refer to Figure 5 of the Endorsed Work Plan). The owner of this adjacent land is aware of the application for the Proposed Quarry and consents to the continued use of this easement. See Appendix 2 for the title of the adjoining land showing details and location of the easement.
- 3.30 Traffic management signs will direct heavy vehicle traffic to designated products and/or suitable parking areas within the Subject Land. Traffic management will also be implemented within the site around product stockpiles, travel routes designed to minimise reversing and limit vehicle speeds.
- 3.31 The Proposed Quarry will make use of the existing access tracks, with the main track from the stockpile area to the extraction area upgraded to accommodate quarry traffic. The site access track is of sufficient width and will be upgraded but not require the removal of any native vegetation.

### REHABILITATION AND SITE END USE

- 3.32 Rehabilitation and site closure measures are provided for in the Rehabilitation Plan, which forms part of the Endorsed Work Plan.

- 3.33 The primary objective of the Rehabilitation and Site Closure Plan for the Proposed Quarry is to leave it in a safe, stable and sustainable manner, in a form which will blend with the surrounding land uses and not be hazardous to users at the completion of quarrying activities.
- 3.34 Over its life, the Proposed Quarry will be progressively rehabilitated in a staged manner, following which the Subject Land will be suitable for general farming activities including cropping and pasture for livestock grazing. This end use is consistent with the current surrounding land use and the activities conducted prior to extractive industry use and does not require any change in the planning permission. This rehabilitation concept is illustrated on Figure 4 Rehabilitation Plan, included in the WA007536 Rehabilitation and Site Closure Plan.
- 3.35 The Subject Land’s progressive rehabilitation will be integrated into the daily operations of the Proposed Quarry’s operation. It is anticipated that all earthworks involved in the Rehabilitation Plan will be achieved within 12 months of the completed extraction of that stage.
- 3.36 Progressive rehabilitation will include the covering of quarry benches and vegetating against any terminal faces and topdressing worked out areas. Initially the rehabilitation will aim to revegetate the final surfaces with pasture grass species to stabilise the surfaces and manage erosion, actively encourage regeneration of terminal rehabilitated benches, identify and plant out suitable areas with shelter trees and pasture grasses, and continually monitor and evaluate the effectiveness of rehabilitation and revegetation and modify as necessary.
- 3.37 All proclaimed noxious weeds on the site will be controlled in accordance with the *Catchment and Land Protection Act 1994* and the recommended herbicide application. The primary objective is to ensure that noxious weeds do not contaminate adjoining land. Noxious weed control will be carried out in accordance with the herbicide manufacturer’s recommendations including the most appropriate time to ensure an effective kill. Care will be exercised during weed control works to ensure that any natural regeneration of shrubs and trees and plantation timbers will not be sprayed with herbicide.
- 3.38 A small area of approximately 1.9 hectares of the Subject Land will be retained as access tracks (0.9ha) and a small hardstand area (1ha) for general farming equipment. The terminal quarry faces, and benches will be backfilled to a batter not steeper than 1v:3h, essentially mirroring the pre quarry surface, and the quarry floor spread with minimum 500mm of overburden and soil to develop suitable pasture grasses.
- 3.39 The fixed quarry assets including the access road, site access tracks and some of the hardstand and stockpile areas will be retained post closure to support the general engineering and farming activity of the Permit Applicant.
- 3.40 Water collecting in the rehabilitated landform will be directed to dams located at low points on the Subject Land for irrigation.

## 4 PLANNING CONTROLS

- 4.1 The Subject Land is located within the Farming Zone (**FZ**) and is affected by a Bushfire Management Overlay (**BMO**) and an Erosion Management Overlay (**EMO**). The BMO covers the entire Subject Land while the EMO covers only a small area near the northern boundary.

### WHY IS A PERMIT REQUIRED?

#### 4.1.1 Farming Zone

Clause 35.07-1 and 35.07-4 – a permit is required to use and develop the land for extractive industry.

#### 4.1.2 Erosion Management Overlay

Clause 44.01-2 – a permit is required to carry out works. A permit is not required to remove vegetation.

#### 4.1.3 Earth and Energy Resources Industry

Clause 52.08-1 – a permit is required to use land for earth and energy resources industry (extractive industry).

Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas applies to all applications to use or develop land for extractive industry, for land within an extractive industry interest area, or land within 500 metres of an existing or proposed extractive industry operation.

### PLANNING POLICY FRAMEWORK

- 4.2 The Proposed Quarry area must be considered in the context of the relevant planning objectives and policies of the Planning Policy Framework (**PPF**) and, in particular, those policies for rural areas and extractive industry.
- 4.3 The following local clauses of the PPF are relevant to the assessment of the application and are considered in the assessment further below:
- 4.3.1 Clause 02.02 – Vision
  - 4.3.2 Clause 02.03 – Natural resource management
  - 4.3.3 Clause 02.03 – Economic Development
  - 4.3.4 Clause 12.01-2S – Native vegetation management
  - 4.3.5 Clause 13.04-2S – Erosion and landslip
  - 4.3.6 Clause 14.01-1S – Protection of agricultural land
  - 4.3.7 Clause 14.01-2S – Sustainable agricultural land use
  - 4.3.8 Clause 14.03-1S – Resource exploration and extraction
  - 4.3.9 Clause 14.03-1R – Resource exploration and extraction – Hume



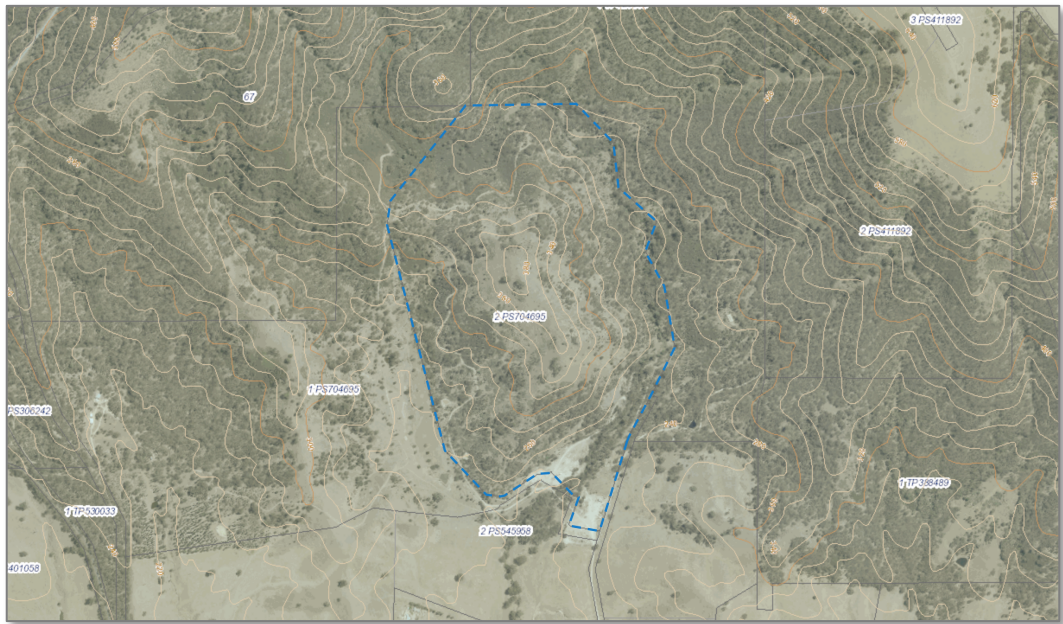
4.3.10 Clause 17.01-1R – Diversified economy

ZONING & OVERLAYS

4.4 The following zone and overlay apply to the Subject Land.

Farming Zone

4.5 The Subject Land is zoned Farming (FZ).



**Figure 4:** Zone plan (source: Planning Scheme Maps Online)

4.6 The purpose of the FZ seeks to provide for extractive industry and compatible uses, including rehabilitation:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To provide for the use of land for agriculture.*

*To encourage the retention of productive agricultural land.*

*To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

*To encourage the retention of employment and population to support rural communities.*

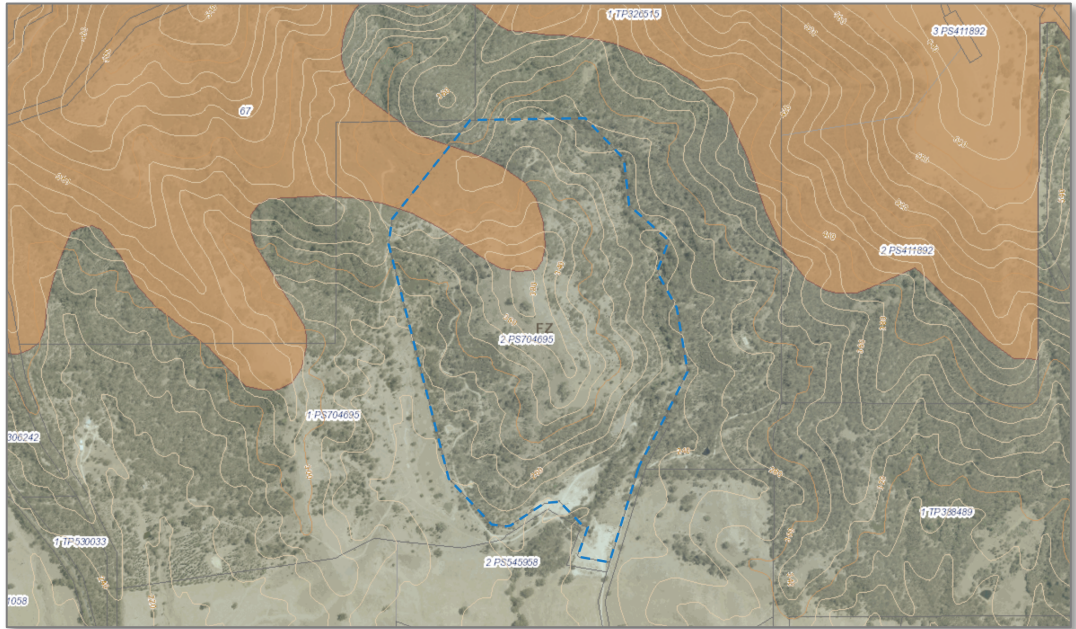
*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

*To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

4.7 As noted above, a permit is required to use and develop the land for the purposes of a quarry (extractive industry) pursuant to Clauses 35.07-1 and 35.07-4.

### Erosion Management Overlay

4.8 The northern of the Subject Land is affected by the EMO.



**Figure 5:** EMO plan (source: Planning Scheme Maps Online)

4.9 The purpose of the EMO is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*

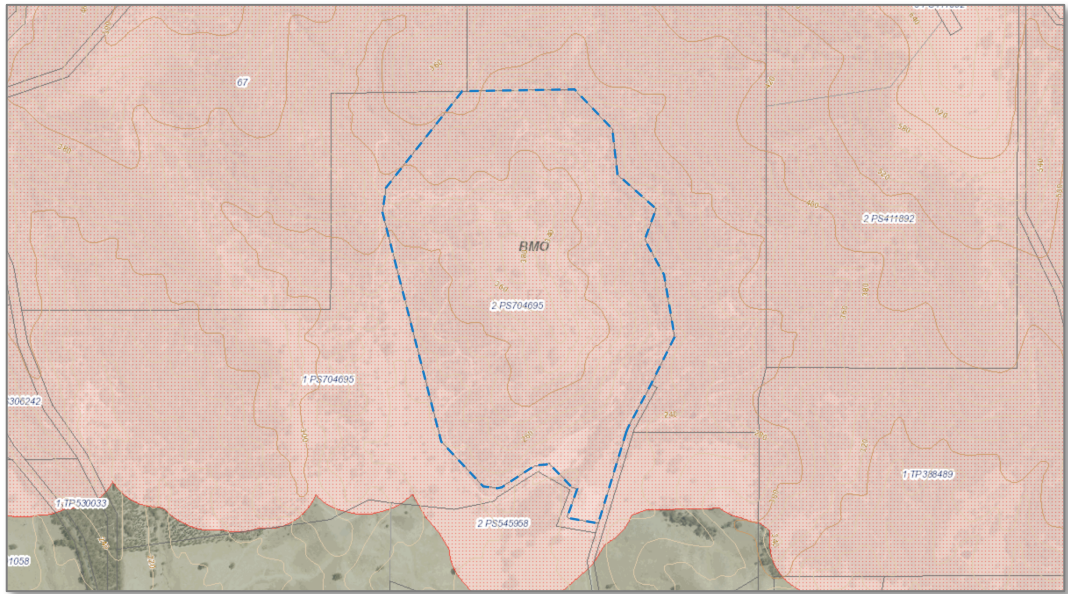
4.10 Pursuant to Clause 44.01-2 – a permit is required to carry out works.

4.11 Whilst a permit is normally required to remove vegetation, the following vegetation removal is exempt:

*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 Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.*

### Bushfire Management Overlay

4.12 The whole of the Subject Land is affected by the BMO.



**Figure 6:** BMO plan (source: Planning Scheme Maps Online)

- 4.13 A permit is not required for buildings or works for the purpose of extractive industry.

#### EXTERNAL REFERRALS

- 4.14 DJPR referred the Endorsed Work Plan to four referral authorities:
- 4.14.1 Goulburn Broken Catchment Management Authority (GBCMA) (Clause 66.02-5)
  - 4.14.2 Goulburn Murray Water (GMW) (Clause 66.02-5)
  - 4.14.3 Department of Environment, Land, Water and Planning (DELWP) (Clauses 66.02-8 and 66.02-2).
  - 4.14.4 Heritage Victoria (Clause 66.06-2).
- 4.15 All agencies provided responses to DJPR.
- 4.16 Heritage Victoria did not object to the endorsement of the work plan as there were no places currently included in the Victorian Heritage Register (VHR) or Heritage Inventory (VHI) within the Subject Land.
- 4.17 DELWP, GBCMA and GMW all had no objection to the endorsement of the work plan subject to conditions outlined in their response. These proposed conditions are outlined within the referral responses contained in Appendix 5.
- 4.18 The conditions provided by DELWP have been included as Special Conditions in the Endorsed Work Plan (see Appendix 7).
- 4.19 It is noted that Clause 52.09 was amended by VC160 and now confirms that external referrals undertaken as part of the statutory endorsement of the Work Plan must not be re-referred for

the purposes of Clause 66 of the Murrindindi Planning Scheme. Specifically, Clause 52.09-3 provides:

***Referral of applications***

*An application to use or develop land for extractive industry must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.*

*Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.*

## 5 PLANNING ASSESSMENT

### STRATEGIC AND LAND USE CONSIDERATIONS

- 5.1 The objectives of the Farming Zone and planning policy relevant to the Proposed Quarry generally seek to protect the use of land for agricultural purposes and promote economic development that is compatible with agricultural uses.
- 5.2 The Proposed Quarry will secure a valuable resource for the supply of materials needed for the development of garden paths, landscaping, decorative and low traffic areas which is favoured for its texture and cosmetic properties. The Proposed Quarry will do so without compromising the continued use of surrounding land for agriculture.
- 5.3 It will also not impact the environmental values of the surrounding area. To offset the removal of native vegetation, a large part of the northern portion of the Subject Land will be protected and managed as a native vegetation offset in perpetuity.
- 5.4 It is submitted that the Proposed Quarry will not compromise farming activity in the area and is consistent with the Farming Zone and planning policy for rural areas and Murrindindi Shire. In particular:
- 5.4.1 The Proposed Quarry will retain the Subject Land as a large rural allotment, which will be rehabilitated and returned to agricultural use following the completion of the quarry use.
- 5.4.2 The Subject Land is already used for extractive industry, and has been so for 30 years.
- 5.4.3 The Proposed Quarry is consistent with Council’s vision at Clause 02.02 to grow the rate base through sound planning, support for continued economic development and protection of the natural and built environment.
- 5.4.4 The Proposed Quarry will satisfy a strategic direction in Clause 02.03 Natural Resource Management that seeks to facilitate more intensive and diversified use of rural land for niche products in areas designated for agricultural land uses without detrimentally affecting the environmental qualities of the Subject Land.
- 5.4.5 The Proposed Quarry satisfies one of the key strategies of Clause 02.03 Economic Development which seeks to support value adding industries and service industries, particularly those that relate to agriculture, farming and those that service locally grown products.
- 5.4.6 The Proposed Quarry appropriately responds Clause 14.01-1S Protection of agricultural land as the proposed use and development is temporary in nature. It will occupy only part of the Subject Land, leaving the balance available for use in the Permit Applicant’s agricultural business. Once the extraction area is rehabilitated, the entire site will be returned to agricultural use.
- 5.4.7 As Extractive industries are recognised as suitable land uses in agricultural areas and the Proposed Quarry will have no impact on surrounding farms and as such the

Proposed Quarry appropriately responds to Clause 14.01-2S Sustainable agricultural land use.

- 5.4.8 The Proposed Quarry will supply construction materials that will be made available locally and support the local demand for landscaping rock. In this way the Proposed Quarry clearly supports the achievement of Clause 14.03-1R Resource exploration and extraction – Hume.
  - 5.4.9 The Proposed Quarry will supply needed materials to the state’s demand for landscaping rock. In this way the Proposed Quarry clearly supports the achievement of Clause 17.01-1R Diversified economy.
  - 5.4.10 The Farming Zone seeks to promote the use of land for agricultural activities as well as uses which are compatible with agricultural and other rural activities. The use of land for a quarry is consistent with these purposes and the proposed use of the Subject Land for extractive industry will not adversely affect the ability of surrounding land to satisfy these ambitions.<sup>1</sup>
  - 5.4.11 The Proposed Quarry will provide access to a valuable mudstone/sandstone resource and will extract this resource in a manner that is entirely consistent with State planning policies for earth and energy resources.
  - 5.4.12 The Proposed Quarry has been designed so that it can provide and maintain sufficient land for buffer purposes, with only two dwellings within 600 metres from the Work Authority area and at least 570 metres from the processing plant.
  - 5.4.13 In accordance with Clause 14.03-1S, the Proposed Quarry will establish extensive and clearly defined buffers to sensitive uses which will be controlled by the Permit Applicant over the life of the quarry.
  - 5.4.14 There will be no blasting or slimes dams.
- 5.5 Given the above, it is submitted that the Proposed Quarry is consistent with the objectives of the Farming Zone and relevant state and local planning policy, and in particular Clause 14.03-1S Resource exploration and extraction.

## AMENITY

- 5.6 As a large rural allotment currently used for extractive industry and surrounded by agricultural uses, the Subject Land is highly suited for additional extractive industry.
- 5.7 The Proposed Quarry will not cause any unreasonable amenity impacts to surrounding and nearby properties, in particular for the following reasons:
  - 5.7.1 The closest non-agricultural zoned land is located within the township of Yea, 10km south of the Subject Land.
  - 5.7.2 The Proposed Quarry will not result in adverse visual amenity impacts as it is surrounded by rural agricultural and farming land with only two dwellings within 600m of the activity area. The main processing and stockpiling areas are set

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<sup>1</sup> See *Gibson v Moyne* SC [2014] VCAT 916 at [121]

between two ridgelines and are not visible from neighbouring residences or public access points (see Figure 5 Sight Line Plan).

- 5.7.3 The extraction area is similarly obscured, and not unreasonably visible from outside vantage points. The quarry facilities will be located to the south west of the Proposed Quarry, near the site access point. Further, these facilities comprise either single story temporary buildings or facilities at ground level and will not be visible to outside receptors (refer to Risk Management Plan page 6)
- 5.7.4 The Proposed Quarry will continue operating with the same dry processing methodology as the existing quarry on the Subject Land, and there will be no blasting activities. The quarry is in a rural environment with the applicable guidelines set by the Noise from Industry in Rural Victoria (NIRV – EPA guideline 1411).
- 5.7.5 Furthermore, the processing plant will be at least 570m from the closest sensitive receptors to the east and south, with the natural undulating topography and existing intervening vegetation assisting in creating acoustic shielding. The processing plant and stockpile area will be located at ground level, with stockpiled material located strategically to act as a partial barrier to any noise mitigation.
- 5.7.6 Given the large separation distances of at least 570m, the potential for dust from the Proposed Quarry to detrimentally affect nearby dwellings is minimal. Standard quarrying dust controls, detailed in the relevant Risk Treatment Plan, will be satisfactory to manage any fugitive dust from leaving the Work Authority.
- 5.7.7 Site water management is designed to ensure no water containing suspended solids will leave the Subject Land. A GBCMA designated waterway (the unnamed drain line to the west) and Stony Creek to the east and south of the Work Authority are closest drainage lines. There is no activity that will directly impact any drain lines leading to Stony Creek. There are no downstream dams on the waterways that will be impacted by the Proposed Quarry. Incidental water falling on the disturbed areas and within extraction area will be collected in sediment traps, the main sediment dams, and quarry sumps.
- 5.7.8 The Endorsed Work Plan contains a range of safety and environmental controls to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff. All staff will be required to be aware of and comply with these requirements, which will be enforced through the Work Authority.

#### FLORA AND FAUNA

- 5.8 The site has been largely cleared of native vegetation in the past and has been extensively farmed and grazed.
- 5.9 An ecological assessment of the disturbance area has identified some assessable native vegetation and no threatened or listed fauna, (refer to Native Vegetation Removal Offset Report).

- 5.10 The extraction activity and associated infrastructure will require the loss of some assessable native vegetation. A permit is not required because exemption in 52.17 provides that the requirement to obtain a permit does not apply to native 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 *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act.
- 5.11 As part of the ERR endorsement process, an ecological assessment has been undertaken by Paul Kelly & Associates, Ecological Services, a copy is attached at Appendix 4. This report identifies offsets are required for 29 large trees and 1.808 general habitat units and that these offsets are available on the title and will be secured with a Section 173 agreement. The assessable vegetation for removal and the area required to secure the offsets is shown on Figure 3 Site Layout Plan of the Endorsed Work Plan.
- 5.12 DELWP made specific native vegetation requirements that have been included as special conditions on the Endorsed Work Plan. These conditions are outlined in Appendix 3.
- 5.13 The recommendations of the Ecology Report form part of the Endorsed Work Plan and will be implemented and enforced through the MRSDA.
- 5.14 For the reasons set out above, the Proposed Quarry will cause any unreasonable impacts to native vegetation or fauna on the Subject Land and surrounding area, and satisfies the objectives of Clause 12.01-2S Native vegetation management.

## EROSION

- 5.15 A small strip of land adjacent to the northwest boundary of the site is affected by the EMO, see Figure 4 above.
- 5.16 Erosion will be managed through cut off drains, vegetation establishment, strategic location of batter swale drains, and any other surface water management strategies as required.
- 5.17 Erosion will be monitored and in the event of any excessive erosion, it is proposed to repair the area, review pasture development, review surface water management activities, consider more appropriate location of drains and/or culverts and if required investigate alternative erosion control devices including rock armour, hay bales and vegetation.
- 5.18 On this basis, it is submitted that the Proposed Quarry will satisfy the objectives of both the EMO and Clause 13.04-2S Erosion and landslip.

## LANDSCAPE

- 5.19 The design of the Proposed Quarry, surrounding topography and significant buffers to sensitive receptors, will ensure that it does not cause any unreasonable landscape or visual impacts to the surrounding area.



- 5.20 The Proposed Quarry is surrounded by rural agriculture and farming land with only two dwellings within 600m of the activity area. The main processing and stockpiling areas are set between two ridgelines and are not visible from neighbouring residences or public access points (see Figure 5 Sight Line Plan).
- 5.21 The proposed location of the extraction area is similarly obscured, and not unreasonably visible from outside vantage points. Quarry facilities and plant will be located to the southwest of the Proposed Quarry, near the site access point. These facilities will all comprise either single story temporary buildings or facilities at ground level and will not be visible to outside receptors (refer to Risk Management Plan page 6).
- 5.22 As shown on Figure 5 Sight Line Plan, the dwelling to the east, whilst not having direct views into the operation, may see disturbance around crest line and any machinery working the crest line. To soften this aspect and to protect the visual amenity of the surrounding area for nearby dwellings in this direction, it is proposed to establish a blue gums / sugar gums vegetation screen.
- 5.23 As shown on Figure 5 Sightline S1 & S2, the upper batter of the extraction area may be visible from the dwelling to the south (approximately 680m from the site) over a narrow viewing window between the ridgelines. These impacts are considered to be minimal, and will be further reduced by existing and proposed vegetation, which will obscure views into the extraction area from this direction.
- 5.24 The dwelling within the land to the west is behind the ridgeline and will not have direct sightlines in to the extraction area.
- 5.25 The staged extraction and rehabilitation for the Proposed Quarry will also minimise the extent of disturbed areas during the life of the quarry and the potential for visual impacts, with only a small component of the Subject Land being worked at any given time.

## WATER MANAGEMENT

- 5.26 The Proposed Quarry is unlikely to be affected by flooding or have any noticeable effects on the flow of surface water (refer to Risk Management Plan page 16).
- 5.27 The extraction area will be constructed to direct surface water to a low point on the quarry floor where a sump (at least 4 metres deep) will be established to collect storm water flows. Water from the quarry sump will be used by the Proposed Quarry for dust suppression.
- 5.28 A perimeter bund will be established around the extraction area to ensure turbid water does not leave the extraction area, and will also act as a contingency if a storm event exceeds the capacity of the quarry sump. While quarry sump will move around the site as extraction progresses, it will always be capable of holding significant storm events.
- 5.29 Groundwater is estimated to be approximately 50 metres below the floor of the proposed excavation and is not expected to be encountered during excavation.

- 5.30 The Subject Land is in an unincorporated ground water system, and advice from Southern Rural Water is that obtaining a ground water license, if one is required, will not be problematic (refer to Risk Management Plan page 19).
- 5.31 The base of the quarry is proposed at RL 280, with the Visualising Victoria’s Groundwater (VVG) website indicating groundwater to 10-20m below Stony Creek, suggesting a groundwater level of RL 220-230, providing a separation distance between the quarry floor and ground water of approximately 50 metres.
- 5.32 There are no public or private assets or any infrastructure within the vicinity of the Work Authority area.
- 5.33 The Proposed Quarry will include two above ground sediment traps, one of 0.2ML in the stockpile areas on the western boundary, and a second an existing farm dam / sediment dam (approximately 1ML).
- 5.34 The existing farm dam has been on site for several years and will continue to be used for general farming activities as well as water for dust suppression.
- 5.35 The site will maintain a Water Management Plan that will be regularly reviewed and updated. This review will consist of an initial review of the Water Management Plan within six months of the commencement of the Proposed Quarry, then annually or as required to ensure it remains current and effective. (refer to Water Management Plan).

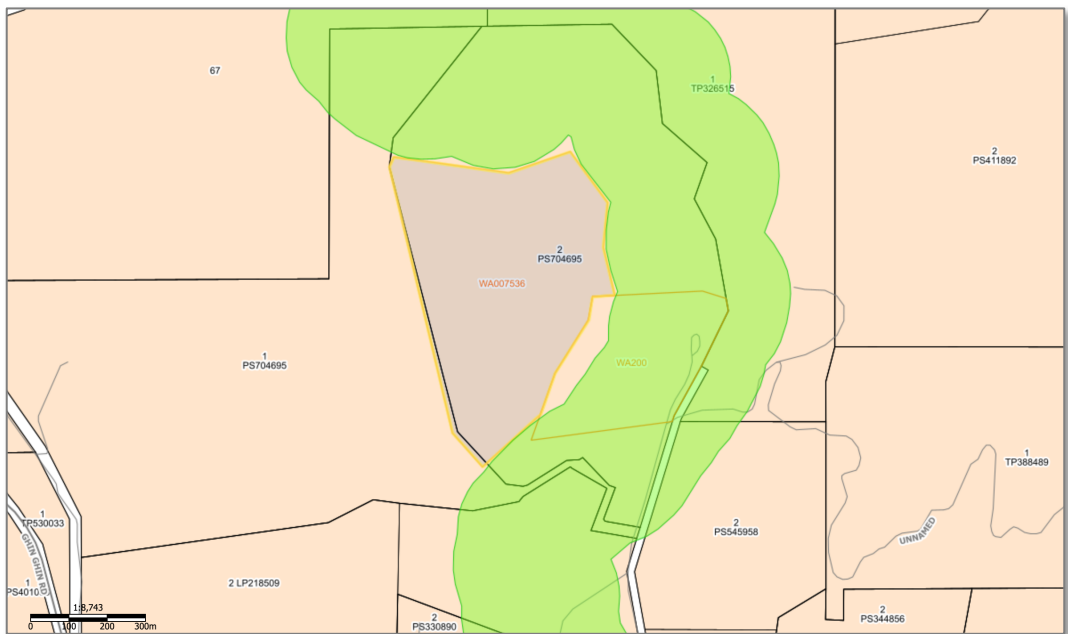
**TRAFFIC**

- 5.36 It is submitted that the traffic operations of the Proposed Quarry will be consistent with the Subject Land’s rural farming area.
- 5.37 In the initial stages of the development there will be approximately two to three trucks per day through the Proposed Quarry based on the estimated output of 10,000 tonnes per year. Over the life of the development, it is anticipated that the number of trucks and trailers will increase to approximately five to six per day based on a maximum output of 50,000 tonnes per year.
- 5.38 The closest public road is the government road to the south, which is gated at the property entrance and additionally at the Proposed Quarry entrance. The Subject Land access road is an unsealed rural road utilized only by local traffic. The Proposed Quarry access will be via the government road from Switzerland Road, which has access to Ghin Ghin Road, with the vast majority of traffic then travelling south along the Goulburn Valley Highway.
- 5.39 There will be warning signs / authorized access only signs at Subject Land entrance, directing visitors to the Proposed Quarry. Signage within the Proposed Quarry area will direct visitors to the site office and stockpile areas. Additional signage at critical locations around the property and work authority warning of private property and deep excavations.

- 5.40 Traffic management signs will direct heavy vehicle traffic to designated parking and loading areas. Traffic management will also be implemented within the site around product stockpiles, travel routes designed to minimise reversing and limit vehicle speeds.

**ABORIGINAL CULTURAL HERITAGE**

- 5.41 Parts of the Subject Land contain areas that have been recorded as Aboriginal places on the Aboriginal heritage register and consequently these now comprise areas of Aboriginal cultural heritage sensitivity.
- 5.42 The Proposed Quarry area is not subject to any AV trigger areas as it has been aligned to be at least 200 metres from the top of the bank of Stony Creek. Access to the Proposed Quarry will be via an existing internal road and disturbance will not be required in this regard.



**Figure 7:** WA boundary and ACHS areas plan (source: GeoVic)

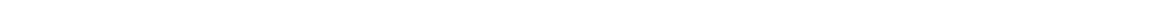
- 5.43 Since the ACHS areas are not being disturbed, a cultural heritage management plan is not required for the Proposed Quarry under the AH Act or the AH Regulations.

## CONCLUSIONS

- 5.44 The Subject Land is a large farming allotment situated within an area used for a range of agricultural activities. It is currently used for extractive industry and farming.
- 5.45 The Proposed Quarry will supply a wide range of landscaping rock and crushed rock products used for lining low traffic areas, garden paths, landscaping and decorative uses.
- 5.46 The siting and design of the Proposed Quarry incorporates significant buffers from sensitive receptors that will ensure it will not cause any unreasonable amenity impacts to adjoining and nearby land.
- 5.47 The Endorsed Work Plan (which includes a technical ecology report in Appendix 7) contains a range of safety and environmental controls to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff.
- 5.48 The extraction activity and associated infrastructure will require the loss of some assessable native vegetation but appropriate native vegetation offsets are available within the Subject Land and will be secured with a Section 173 agreement.
- 5.49 There is a GBCMA designated waterway to the west of the Proposed Quarry. The extraction area is at least 100 metres from this waterway, as per the GBCMA guidelines. Water management will be successfully achieved across the Proposed Quarry through the strategies and controls contained in Water Management Plan.
- 5.50 The Subject Land is subject to an Erosion Management Overlay. Any erosion impacts will be managed through cut off drains, vegetation establishment, strategic location of batter swale drains, and any other surface water management strategies as required. Erosion management will be successfully achieved across the Proposed Quarry through the strategies and controls contained in Risk Management Plan.
- 5.51 The Proposed Quarry will not result in unreasonable landscape or visual impacts to surrounding properties or the area. The remoteness of the Proposed Quarry, surrounding topography and existing vegetation will ensure that the visibility of any disturbed areas within the quarry will be minimised and the area's rural character maintained.
- 5.52 The Proposed Quarry will provide for appropriate vehicular access and there will be no unreasonable impacts to local traffic conditions or traffic impacts. The traffic operations of the Proposed Quarry will be consistent with the Subject Land's rural farming context.
- 5.53 The Proposed Quarry will be progressively rehabilitated and returned to agricultural production or other purposes consistent with the Farming Zoning of the land.
- 5.54 The Proposed Quarry area is not impacted by any Aboriginal cultural heritage sensitivity areas and has been aligned to be at least 200 metres from the top of the bank of Stony Creek. Further, it will utilise an existing access track and consequently does not require a CHMP. Heritage Victoria has reviewed and advised that there are no archaeological sites or historic places currently included in the Victorian Heritage Inventory within the Proposed Area.

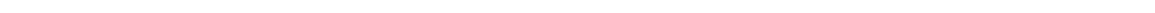
- 5.55 The Proposed Quarry is consistent with the objectives of the Farming Zone and all relevant State and local planning policies related to rural areas and extractive industry, including Clause 14.03-1S Resource exploration and extraction, and the decision guidelines of Clause 52.09.

## Appendix 1\_Permit Application Form





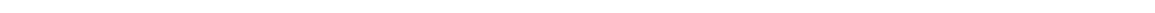
## Appendix 2\_Certificate of Title and Plan







## Appendix 3\_Endorsed Work Plan PLN-001531





## Appendix 4\_ Statutory Endorsement Referral Authority Checklist



## Appendix 5\_ Referral Authority responses



## Appendix 6\_ Written notice of statutory endorsement and checklist





## Appendix 7\_ Statutory endorsement conditions



## Appendix 8\_ Native Vegetation Removal Report and Offset Management Plan