

Planning Report

Tract



Planning Permit Application

5575 South Gippsland Highway, Lang Lang

Prepared for Lang Lang Sand Resources Pty Ltd

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Overview

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Background

Applicant / Owner	Lang Lang Sand Resources Pty Ltd
Address	5575 South Gippsland Highway, Lang Lang
Lot Description	Lot 1 on TP23467 Lot 1 on PS312674 Lot 2 on PS312674 Lot 1 on LP91815

Relevant Planning Provisions

Planning Policy Framework	Clause 11.01-1S – Settlement Clause 11.01-1R – Green Wedges (Metropolitan Melbourne) Clause 13.02-1S – Bushfire Planning Clause 13.07 – Amenity, Human Health and Safety Clause 14.03-1S – Resource Exploration and Extraction Clause 17.03-2S – Sustainable Industry Clause 18.02-4S – Roads Clause 19.03-3S – Integrated Water Management
Local Planning Policy Framework	Clause 21.01-3 – Key Issues Clause 21.01-4 – Strategic Vision Clause 21.01-5 – Strategic Framework Plan Clause 21.02-1 – Catchment and Coastal Management Clause 21.02-4 – Bushfire Management Clause 21.02-7 – Aboriginal Cultural Heritage Clause 21.04-6 – Extractive Industry Clause 21.05-2 – Freeways, Declared Arterial Roads Clause 21.05-3 – Local Roads Clause 21.08-1 – Lang Lang Clause 22.02 – Sand Extraction (Lang Lang to Grantville Region) Clause 22.05 – Western Port Green Wedge Policy
Zone	Schedule 1 to Clause 35.04 Green Wedge Zone (GWZ1)
Overlays	Clause 44.04 – Land Subject to Inundation Overlay (LSIO)
Particular Provisions	Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions Clause 52.08 – Earth and Energy Resources Industry Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas Clause 52.29 – Land Adjacent to the Principal Road Network Clause 53.22 – Significant Economic Development

Other Planning Considerations	<p>Clause 65.01 – Decision Guidelines</p> <p>Clause 66.02 – Use and Development Referrals</p> <p>Clause 66.03 – Referral of Permit Applications Under Other State Standard Provisions</p> <p>Bushfire Prone Area</p> <p>Area of Cultural Heritage Sensitivity</p>
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Strategic Planning Documents	<p><i>Regional Sand Extraction Strategy, Lang Lang to Grantville, 1996</i></p> <p><i>Sustainable Environment Policy 2018-2028, June 2018</i></p> <p><i>Lang Lang Township Strategy, July 2009</i></p> <p><i>Cardinia Western Port Green Wedge Management Plan (May 2017)</i></p> <p><i>Port Phillip & Western Port Regional Catchment Strategy</i></p>
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Permit Application Details

Description of Proposal	The proposal seeks to use and develop the land for Extractive Industry (sand extraction and processing operation), associated earthworks, to alter access to a road in a Transport Zone 2 (TRZ2) and to remove and create an easement.
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Permit Requirement	<ul style="list-style-type: none"> • Clause 35.04-1 of the Green Wedge Zone (GWZ) – a planning permit is required for the use and development for the land for Extractive Industry. • Clause 35.04-5 of the GWZ – a planning permit is required for buildings and works associated with a Section 2 use. • Clause 1.0 of Schedule 1 to the GWZ – a planning permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary and increase the discharge of saline groundwater. • Clause 44.04-2 of the LSIO – a planning permit is required for earthworks to construct a building or to construct or carry out works. • Clause 52.02 of Easements, Restrictions and Reserves – a planning permit is required to create, vary or remove an easement. • Clause 52.29-2 of Land Adjacent to the Principal Road Network – a planning permit is required to create or alter access to a road in a TRZ2. • Clause 52.08-1 of Earth and Energy Resources Industry – a planning permit is required to use and develop land for earth and energy resources industry.
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Conclusion	As outlined in the below assessment, the proposal is compliant with the purpose and intent of the relevant planning controls and policies of the <i>Cardinia Planning Scheme</i> . It is therefore recommended that the application be approved, and a planning permit issued subject to appropriate conditions.
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Planning Report

Planning Permit Application
5575 South Gippsland Highway, Lang Lang

Project Number
323-0077-00-P-01-RP04

Revisions

Issue	Date	Description	Prepared By	Reviewed By	Project Principal
01	22/11/2023	Final Planning Report	Jeremy Gammon & Greta Wyllie	Justin Slater	Justin Slater

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Contents

ADVERTISED PLAN

1	Introduction	7
1.1	Purpose	7
1.2	Background	7
1.3	Planning Permit Triggers	8
1.4	Limitations	9
2	Site & Surrounds	10
2.1	Title Particulars	10
2.2	Site Overview	10
2.3	Site Context	11
2.4	Surrounding Extractive Industry Work Authorities	12
2.5	Site Analysis	13
3	Proposal	14
3.1	Overview	14
3.2	Key Elements	14
3.3	Proposed Use and Operations	15
3.4	Staging	16
3.5	Site Layout	18
3.6	Traffic and Access	19
3.7	Easement Alteration	19
3.8	Consultation Process	20
3.9	Risk Management	20
4	Planning Provisions	21
4.1	Planning Policy Framework	21
4.2	Local Planning Policy Framework	22
4.3	Zoning	26

4.4	Overlays	28
4.5	Particular Provisions	29
4.6	Clause 53.22 – Significant Economic Development	31
4.7	Other Planning Considerations	34
5	Planning Assessment	37
5.1	Assessment of Proposed Operations	37
5.2	Prevalence of Nearby Extractive Industries	38
5.3	Amenity Impacts of Operations	38
5.4	Traffic and Road Connections	39
5.5	Water Management	40
5.6	Vegetation	41
5.7	Proposed Easement Realignment	42
6	Conclusion	44

Figures

ADVERTISED PLAN

Figure 1	Locality Plan	10
Figure 2	Context Plan	11
Figure 3	Extractive Industry Work Authorities	12
Figure 4	Site Aerial Plan	13
Figure 5	Site Layout Plan (Source: BCA Consulting, 2023)	17
Figure 6	Staging of Site Layout (Source: BCA Consulting, 2023)	18
Figure 7	Cardinia Shire Strategic Framework Plan	24
Figure 8	Western Port Green Wedge Policy	25
Figure 9	Zone Plan	26
Figure 10	Land Management Overlays Plan	28
Figure 11	Area of Aboriginal Cultural Heritage Sensitivity	36
Figure 12	Site Layout Plan (Source: BCA Consulting, 2023)	37
Figure 13	Extractive Industry Work Authorities	38
Figure 14	One remaining large native tree on Site (Source: Norris and Schoeffe, 2023)	41
Figure 15	Screening Bund Profile (inset within Figure 3 of the Work Plan)	42
Figure 16	Proposed Easement Relocation (Work Plan Version)	43
Figure 17	Proposed Easement Relocation (Current Version)	43

1 Introduction

1.1 Purpose

This report has been prepared by Tract Consultants Pty Ltd on the instructions of Lang Lang Sand Resources Pty Ltd (the 'Applicant'). The purpose of the report is to support a planning permit application for the use and development of site for 'Extractive Industry' involving the extraction and processing of construction and speciality sands (both washed and unwashed) on the land at 5575 South Gippsland Highway, Lang Lang (the 'Site').

The proposal also seeks planning permission for associated earthworks and to alter access to South Gippsland Highway, which is identified within the TRZ2 and to remove and create easements for electricity supply.

1.2 Background

The Applicant is a subsidiary of Aurora Construction Materials (ACM) who operate multiple sites in the Melbourne Region producing aggregates, crushed rocks and concrete for use in construction. The proposed sand quarry at the Site will provide an additional source to ACM's established sand and recycled product supplies, employing 'soft' extraction (i.e., no blasting) and best practice processing techniques.

1.2.1 Work Plan Process

Statutory endorsement of the Extractive Industry Work Authority (Ref: WA007541) for the Site, was issued by the delegate Department Head acting under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990 (Act)* on 26 May 2023. Pursuant to section 77G of the *Mineral Resources (Sustainable Development) Act 1990*, the Statutorily Endorsed Work Plan includes:

- Description of Proposed Work;
- Identification of Hazards and Risks;
- Risk Management Plan;
- Rehabilitation Plan; and,
- Community Engagement Plan.

The plans and reports endorsed as part of the Work Plan process have been enclosed with this application. Further, the full suite of supporting material, originally submitted as part of the Work Plan application, have been enclosed.

A Statutorily Endorsed Work Plan includes information that addresses conditions and comments made by the relevant referral authorities. The Department of Energy, Environment and Climate Action (DEECA) stated that there is no objection from the authority to the granting of a planning permit, subject to the following condition:

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

Refer to the Statutory Endorsement Information for Council letter for further information.

1.2.2 Development Facilitation Program

The planning permit application was lodged with Cardinia Shire Council on 20 June 2023. Council provided preliminary comments in a Request for Further Information (RFI) letter dated 18 July 2023. A response to these comments was provided to Council on 28 August 2023. Council had not expressed a position on the application but had not raised any significant concerns at that stage.

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Further referral comments from DTP were received, which are yet to be formally responded to.

The Applicant was approached by Department Transport and Planning (DTP) to discuss the potential Development Facilitation Program (DFP) assessment pathway under the recently gazetted Clause 53.22 – Significant Economic Development. DTP acknowledged the significant process undertaken by the applicant to date and confirmed a willingness to review a threshold assessment of economic benefits of the proposal and an acceptance of application should it meet the requirements of Clause 53.22 for generating significant extractive industry resources for Victoria.

A subsequent meeting was held with Cardinia Shire Council to discuss the alternative application pathway. Council was generally understanding of the new application pathway. We note that Council is likely to be consulted as part of the DFP pathway.

A summary of the application process to date is provided in **Table 1** below.

Table 1 Application Process Summary

Application Stage	Date
Work plan endorsed	26 May 2023
Planning permit application lodged to Council	20 June 2023
Council RFI received	18 July 2023
RFI Response (partial) issued	28 August 2023
DTP referral response received	19 September 2023
DTP communication re. DFP pathway	October 2023
Meeting with Council re. DFP pathway	2 November 2023

1.3 Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the *Cardinia Planning Scheme* ('Planning Scheme'):

- **Clause 35.04-1 of the Green Wedge Zone (GWZ)** – a planning permit is required for the use and development for the land for Extractive Industry (sand extraction and processing operation).
- **Clause 35.04-5 of the GWZ** – a planning permit is required for buildings and works associated with a Section 2 use.
- **Clause 1.0 of Schedule 1 to the GWZ** – a planning permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary and increase the discharge of saline groundwater.
- **Clause 44.04-2 of the LSIO** – a planning permit is required for earthworks to construct a building or to construct or carry out works.
- **Clause 52.02 of Easements, Restrictions and Reserves** – a planning permit is required to create, vary or remove an easement.
- **Clause 52.29-2 of Land Adjacent to the Principal Road Network** – a planning permit is required to create or alter access to a road in a TRZ2.

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- **Clause 52.08-1 of Earth and Energy Resources Industry** – a planning permit is required to use and develop land for earth and energy resources industry.

1.4 Limitations

This report has considered the following documents:

- *Cardinia Planning Scheme*;
- Certificate of Title;
- Statutorily Endorsed Work Plan WA007541, including:
 - Work Plan Specific Conditions, issued by DEECA;
 - Work Plan Description, prepared by BCA Consulting;
 - Risk Management Plan, prepared by BCA Consulting;
 - Community Engagement Plan, prepared by ACM Resources;
 - Rehabilitation Plan, prepared by BCA Consulting;
 - Surface Water Management Plan, prepared by Lang Lang Sand Resources;
 - Stormwater Management Plan, prepared by Spiire;
 - Hydrogeological Assessment (including initial Groundwater Management Plan), prepared by Nolan Consulting;
 - Geotechnical Assessment, prepared by GHD;
 - Ground Control Management Plan, prepared by GHD;
 - Ecological Report, prepared by Norris and Schoeffel;
 - Air Quality Impact Assessment, prepared by WSP;
 - Acoustic Report, prepared by Enfield Acoustics; and
 - Imported Material Management Plan, prepared by prepared by ACM Resources.
- Declaration of Cultural Heritage Management Plan Requirement, issued by the Department of Jobs, Precincts and Regions (16 March 2023).
- Traffic Impact Assessment, prepared by Traffix Group (9 June 2023);
- Notice of Statutory Endorsement, issued by DEECA (26 May 2023);
- Statutory Endorsement Information for Council, issued by DEECA;
- Referral Consultation Checklist, issued by the Department of Jobs, Precincts and Regions;
- Referral Agency Response, issued by DEECA (17 May 2023);
- Referral Agency Response, issued by the Environmental Protection Authority (18 May 2023); and
- Referral Agency Response, issued by the Southern Rural Water (3 May 2023).

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2 Site & Surrounds

2.1 Title Particulars

The Site is formally described as Lot 1 on TP23467, Lot 1 and 2 on PS312674, and Lot 1 on LP91815.

A 7m wide electrical easement (E1) traverses the centre of the Site. This easement is to be impacted by the proposed works on the Site (refer to Section 3.7 of this Report for further information).

A caveat (Ref: AQ672485K) dated 29 January 2018 applies to the Site. The caveator is Lang Lang Sand Resources Pty Ltd, with the grounds of claim being the purchasers' contract with the registered proprietor.

Refer to the Certificate of Title enclosed with this application for further information.

2.2 Site Overview

Shown in **Figure 1**, the Site is bound by the South Gippsland Highway to the west. The intersection of the Bass Highway and South Gippsland Highway is situated approximately 4.5km to the north-west of the Site. With respect to nearby towns, the Gurdies is established approximately 5km to the south-west, Lang Lang approximately 5.5km to the north-west and Nyora approximately 6km directly east of the Site.

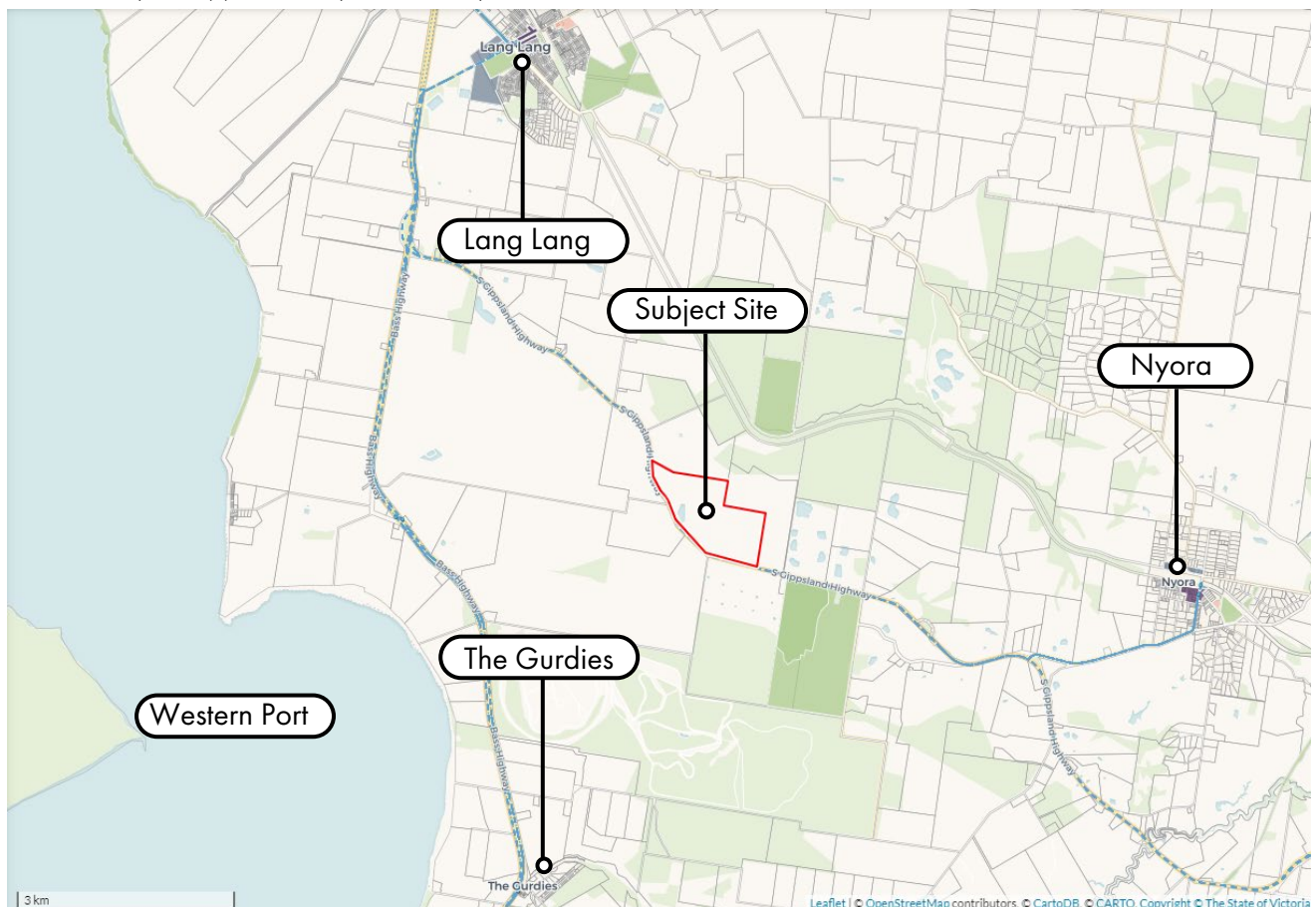


Figure 1 Locality Plan

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2.3 Site Context

The Site has the following interfaces:

- **North** – Land at 5485 South Gippsland Highway, zoned as Rural Conservation Zone (Schedule 1).
- **East** – Land at 5755A South Gippsland Highway, zoned as GWZ1, currently utilised as an Air Liquide CO2 Plant.
- **South** – South Gippsland Highway, forming the municipality boundary. Across South Gippsland Highway is land within the Farming Zone.
- **West** – South Gippsland Highway, forming the municipality boundary. Across South Gippsland Highway is land within the Farming Zone.

Figure 2 further illustrates the surrounding context of Site, including the South Gippsland Highway, Bass Highway and relevant land uses in proximity to the Site.

Bounding the east of the Site is 5755A South Gippsland Highway which contains an Air Liquide CO2 Plant. This involves the recovery of carbon dioxide output emitted from the adjoining BassGas natural gas processing plant at 5785 South Gippsland Highway. The Air Liquide CO2 Plant operates day and night, seven days a week, purifying and liquifying the carbon dioxide for commercial re-use.

There are two quarries located 370m east and 2.5km north-east of the Site, owned by the Metro Quarry Group (MQG) and Sibelco respectively. The Adams Creek Nature Conservation Reserve is situated to the north-east of the Site, predominantly zoned as Farming land. Approximately 440m to the south-east of the Site is the Lang Lang Golf Club.

As detailed in Section 2.4 below, there are two quarry sites in close proximity to the east of the Site, namely Vella Sands (WA 1004 and WA1102) at a distance of 380m, and MQG (WA157) at a distance of 850m from the Site.



Figure 2 Context Plan

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Of further note, the Site is identified within the Southern Rural Water catchment area, of which Melbourne Water is the Catchment Management Authority and South East Water is the Metropolitan Water Retailer.

2.4 Surrounding Extractive Industry Work Authorities

Figure 3 illustrates the Extractive Industry Work Authorities (WA) in proximity to the Site.

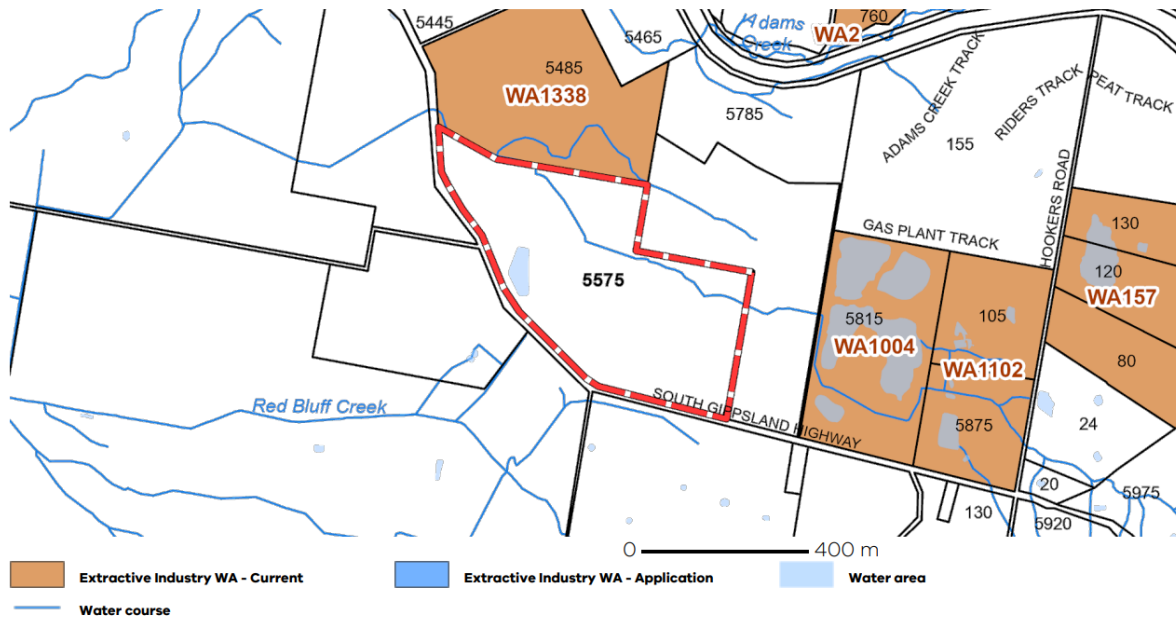


Figure 3 Extractive Industry Work Authorities

Table 1 summarises the WA's in proximity to the Site.

Table 2 Summary of Work Authorities in Proximity to the Site

Reference	Commodities	Owner	Status	Grant Date
WA1338	Sand and gravel.	Len Huxtable, 210 Station Street, Koo Wee Rup, 3981	Current	04/10/2011
WA1004	Sand and gravel.	Railway Sand Supplies Pty Ltd, PO Box 663, Carlton South, 3053	Current	02/03/2004
WA1102	Soil.	B&A Sands Pty Ltd, 221 Northbourne Road, Campbellfield, 3061	Current	24/10/2000
WA157	Sand and gravel.	B&A Sands Pty Ltd, 221 Northbourne Road, Campbellfield, 3061	Current	01/06/1996
WA2	Sand and gravel.	Holcim (Australia) Pty Ltd, PO Box 5697, West Chatswood, 1515	Current	01/06/1996
WA40	Sand, gravel and soil.	Barro Group Pty Ltd, PO Box 663, Carlton South, 3053	Current	01/06/1996

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2.5 Site Analysis

The key characteristics of the Site are summarised as follows:

- The Site has a total area of 1 17.3Ha.
- The Site bounds South Gippsland Highway for a length of approximately 2.3km.
- Access to the Site is gained via the unmade crossover to South Gippsland Highway, secured by a farm gate.
- A designated creek traverses the northern portion of the Site in an east-west direction.
- Topographically, the Site is characteristic by a gradual fall from the south-east to the north-west and has an average slope of 1.04%.
- An existing dam (mapped wetland 71976, excluded 22 April 2021) is situated in the eastern portion of the Site, with a total area of approximately 2.1Ha.
- Located directly north of the dam is an existing dwelling, outbuildings, and associated farming machinery.



Figure 4 Site Aerial Plan

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3 Proposal

3.1 Overview

The proposed land use is defined as 'Extractive Industry' under 'Earth and Energy Resources Industry' which is outlined in Clause 73.03 (Land Use Terms) as follows:

Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.

Specifically, the proposed Extractive Industry involves a sand extraction and processing operation.

The proposal involves 'soft' extraction (i.e., no blasting) and best practice processing techniques, to mitigate amenity impacts to the surrounding area. Of note, the maximum disturbed area at any time is estimated to be 58 hectares.

As stated in the Statutorily Endorsed Work Plan, the output of the Extractive Industry use is 'expected to range from 250,000 to 350,000 tonnes per year of predominantly fine to medium washed sand products for use in concrete and construction'. Based on this anticipated output, the use 'could be in operation for 45 years, however it is noted that production may increase as demand requires'.

The approved hours of operation are 6am to 6pm, Monday to Saturday, as detailed in Section 3.3.1 below.

3.2 Key Elements

Key elements of the proposal include:

- Soft extraction operations (4m dry extraction and maximum 30m depth extraction below groundwater).
- Total extraction area of 65Ha, with the maximum disturbance area at any time estimated to be 58Ha.
- Extracted materials will be referred throughout the Site by trucks, scrapers, conveyors and slurry pipelines.
- Establishment of a site office, amenities, weighbridge, workshop, storage sheds, fuel and hydrocarbon stores, employee and visiting parking, hardstand and vehicle wash-down within a designated portion of the Site.
- Terminal batters developed above (approx. 18 degrees) and below (approx. 26 degrees) ground water level.
- Upper batters rehabilitated with a beaching bench, established at the standing groundwater level.
- Screening bund (approx. 5m high) constructed utilising overburden material in the following locations:
 - The Site's southern frontage to South Gippsland Highway;
 - A portion of the Site's eastern frontage; and
 - The base of the processing and stockpiling area.
- Construction of a shallow waterway diversion to shift the existing drainage line (running centrally through the Site) to a constructed waterway along the northern boundary.
- Progressive rehabilitation of the Site, integrated into daily operations wherever possible. Ultimately, the rehabilitated landform will be a central water body with peripheral land suitable for agricultural activities.
- Relocation of an existing minor electrical easement from the centre of the site to adjacent to the South Gippsland Highway alongside the proposed bund.
- Anticipated generation of approximately 60 large vehicle movements (incoming and outgoing) per day.
- Upgrade to the existing crossover to facilitate the movement of larger vehicles.

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3.3 Proposed Use and Operations

The Work Plan Description ('WPD'), prepared by BCA Consulting, provides the following description of the proposed use of the Site for Extractive Industry:

*The quarrying will involve, through a series of stages, dry extraction down to approximately 4m depth and then extraction below groundwater down to a **maximum depth of 30m**.... Extraction below the groundwater level will be undertaken by dredge, grab crane or dragline.*

***Terminal batters** will be developed to profiles of 1V:3H (approx. 18 deg) above groundwater level and 1V:2H (approx. 26 deg) below groundwater level. The upper batters will be rehabilitated with a beaching bench established at the standing groundwater level. Ultimately, the rehabilitated landform will be a **central water body** with peripheral land suitable for **agricultural activities** (e.g. grazing).*

*A **shallow waterway diversion** will be required to move the existing minor drainage line running centrally through the site to a constructed waterway along the northern boundary. This will be constructed and rehabilitated early in the quarry development and will remain in that location.*

As stated in the WPD, the key operation of the proposed use is as follows:

*Sand will be either trucked or pumped to a sand **washing and processing plant** which will be established at the western end of the quarry. The slimes produced will be dewatered and consolidated and then blended with overburden, interburden and plant oversize / waste materials for onsite use or in pit disposal.*

*Return water from the processing plant, along with runoff from processing and stockpiling areas via a sediment / interceptor trap, will be managed with an **in pit water storage** walled off from the remainder of the extraction area.*

Of note, the stockpiles will reach a maximum height of 2m.

As situated in the WPD, the ultimate output of the proposed Extractive Industry is anticipated to consist of '*predominantly **fine to medium washed sand products** for use in concrete and construction*'. The proposed total extraction area is 65Ha (approx. 55.4% of the total Site area), with no blasting proposed on-site.

Derived from the expected production output, the proposed use may operate for 45 years. Notwithstanding, the WPD notes that '*production may increase as demand requires*'.

3.3.1 Hours of operation

The following hours of operation are endorsed via the Statutorily Endorsed Work Plan:

- *Extraction (all earth works, stockpiling and onsite cartage):*
 - *6am to 6pm Monday to Saturday, No work Sundays or public holidays.*
- *Sales (movement of transport vehicles into and from the site):*
 - *6am to 6pm Monday to Saturday, No work Sundays or public holidays.*
- *Processing (screening, washing, etc., incl. cartage from stockpiles):*
 - *6am to 6pm Monday to Saturday, No work Sundays or public holidays.*
- *Works outside of these hours is only for essential maintenance unless otherwise authorised.*

3.3.2 Staff

Proposed staffing levels will involve up to 10 staff if extraction production, progressive rehabilitation, site maintenance and machine maintenance occur concurrently.

The staffing mix will include a combination of permanent and part time employees and contractors.

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3.4 Staging

The approved work authority allows a staged development of the extraction area, split into four overarching stages (refer to **Figure 5**). The stages will involve the following high-level activities:

- Stage 1:
 - Excavation in the initial extraction area.
 - Overburden material used to construct screening bund along the South Gippsland Highway frontage.
- Stage 2:
 - Excavation area expanded and temporary materials storage and handling area shifted.
 - Construction of the waterway diversion to shift the existing drainage line (running centrally through the Site) to a constructed waterway along the northern boundary.
 - Above-ground dam removed and replaced with pit water storage.
- Stage 3:
 - Excavation area expanded and temporary materials storage and handling area shifted.
- Stage 4A:
 - Excavation area expanded and temporary materials storage and handling area shifted.
- Stage 4B:
 - Excavation area expanded and temporary materials storage and handling area shifted.
 - Processing and stockpiling area relocated to the north-west side of the pit.
 - Mobile wash and slimes treatment plant utilised.
- Post-extraction:
 - Walls of original material retained, around the initial extraction area, will be largely removed for processing.
 - Process water will be sourced from elsewhere in the pit.

The above outlined stages have been designed to progressively rehabilitate the northern and eastern terminal batters, minimising the visual impact of the operations from the south and west. The balance of the land not used for (or ancillary to) the Extractive Industry, will continue to be managed for agricultural purposes. Of note, the portion of land identified as 'Future Stage 5' will be subject to future approvals and dependant on the monitoring of groundwater levels through Stage 4 (refer **Figure 5**).

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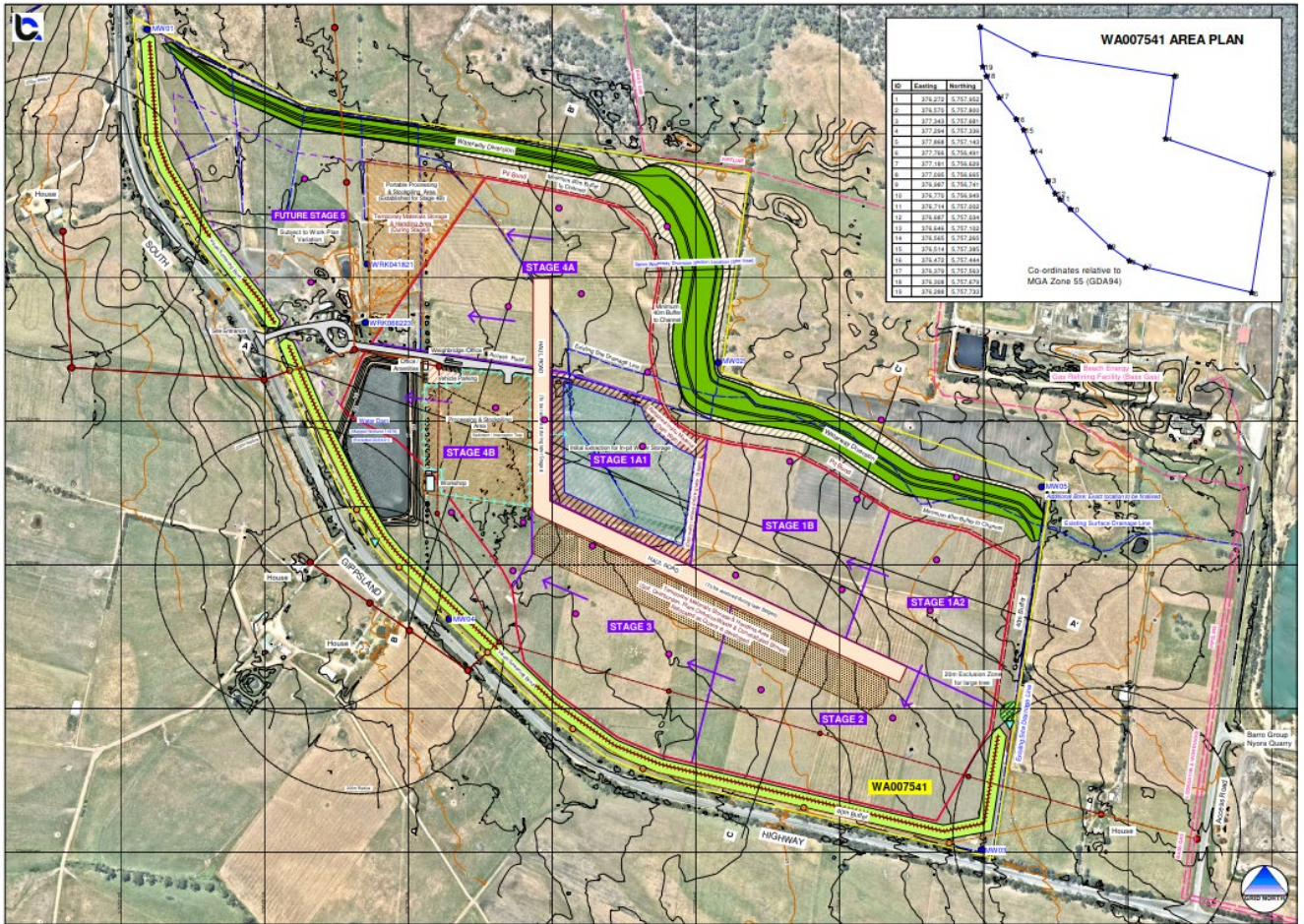


Figure 5 Site Layout Plan (Source: BCA Consulting, 2023)

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3.5 Site Layout

Whilst the specifications of the site layout will evolve over the four stages of the project, the general layout is outlined below.

3.5.1 Extraction area

The extraction area will progress from the central portion (initial extraction for in-pit water storage), then towards the south-east, and finally the northern portion of the Site (refer **Figure 6**). The north-west portion and northern periphery of the Site will be conserved for agricultural purposes and the construction of a waterway diversion.

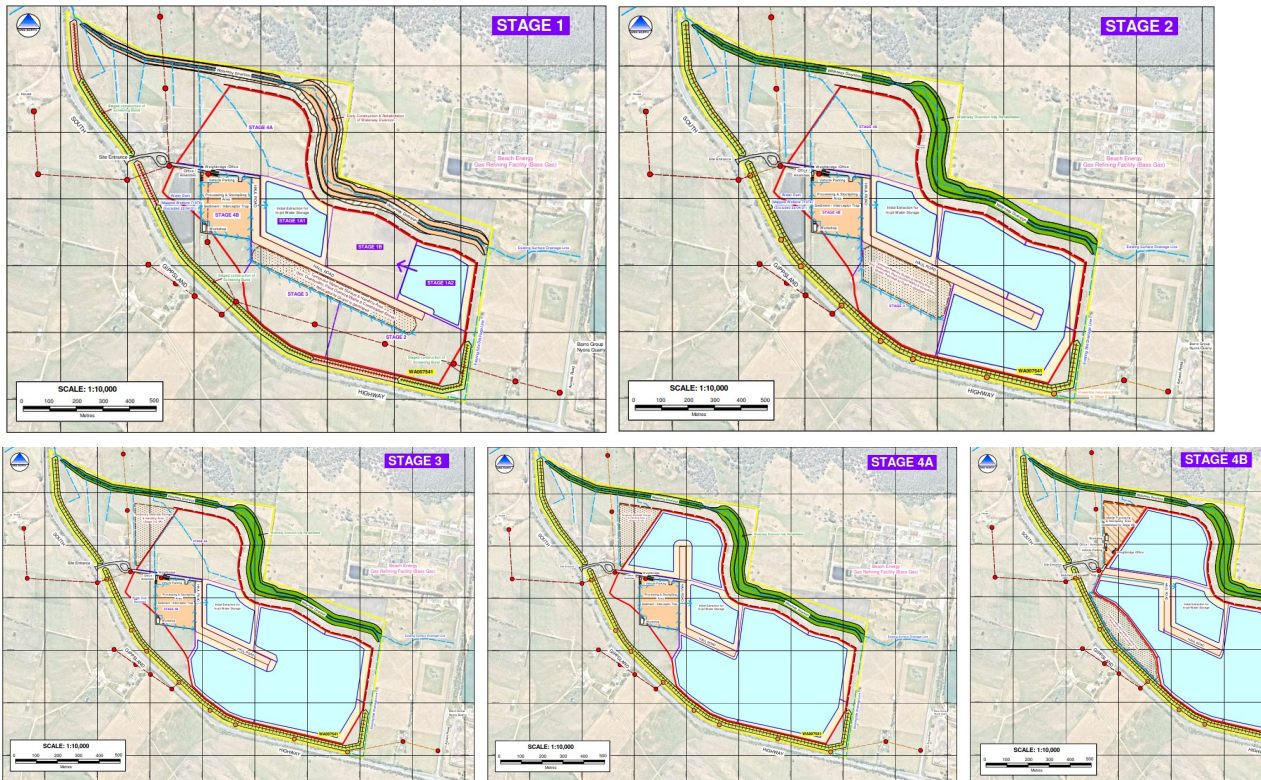


Figure 6 Staging of Site Layout (Source: BCA Consulting, 2023)

3.5.2 Ancillary buildings

A management office and amenities, ancillary to the use, are to be located alongside large vehicle parking for operational and construction trucks, and light vehicle parking for employees and visitors. The office area will be offset from the access road alongside the stockpiling area and workshop adjacent the dam. Fuel and hydrocarbon storage will also be located within this area of the Site.

3.5.3 Security

A combination of security and farm fencing is proposed along the perimeter of the Site, incorporating appropriate signage at intervals. Additionally, the screening bund is proposed to be established at an early stage along the Site's frontage to South Gippsland Highway, which will restrict access to the managed Site entrance.

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3.6 Traffic and Access

A Traffic Impact Assessment has been prepared by Traffix Group (9 June 2023) to demonstrate compliance with the relevant design standards and outline the rationale for the proposed access arrangements. For the purposes of analysis, Traffix Group have utilised a conservative estimate of a maximum of 15 staff. Notwithstanding, the endorsed Work Plan references a maximum of 10 staff on-site at once.

3.6.1 Access Arrangement

The existing crossover and access road will be upgraded to accommodate access for a 19m semi-trailer vehicle and B-25m B-double check vehicle. The sight distances along South Gippsland Highway from the crossover meets the recommended requirements. Further, the crossover is relatively flat and free from obstructions, and the proposed access road follows a generally straight alignment.

The proposed access road will provide access to the weighbridge, office, processing plant and stockpile area. The proposed access road is to be sealed to the weighbridge and dispatch office, with wheel wash mandatory for trucks exiting the Site.

3.6.2 Road Works

Noting the location of the access road along the high-speed South Gippsland Highway, it is proposed to provide an auxiliary left turn lane (AUL) and a channelised right turn lane (CHR) to maximise safety and efficiency of access. Additionally, it is proposed to widen the eastern lane of South Gippsland Highway, to minimise impacts on existing barriers, vegetation and drainage infrastructure.

Further details are provided in the Traffic Impact Assessment, prepared by Traffix Group (9 June 2023).

3.6.3 Traffic Generation

As per the Traffic Impact Assessment, prepared by Traffix Group (9 June 2023), the proposal is anticipated to generate approximately 60 large vehicle movements (incoming and outgoing) per day. This figure is derived from the assumption of approximately 30 delivery loads per day.

Assuming truck movements are distributed over a 10 hour day, a peak hour traffic generation of approximately 6 vehicles per hour is anticipated. Further, it is expected that a 50/50 split of truck entry and exit movements will occur on-site within the hour.

In summary, a total generation of approximately 21 vehicles per peak hour is anticipated from the proposal. This corresponds to approximately 1 vehicle movement every 3 minutes.

3.6.4 Car Parking Arrangements

Pursuant to Clause 52.09-6 (Requirements for Extractive Industry), the proposal provides a car parking area (total of 15 parking spaces) for staff, visitors and trucks, located adjacent the proposed office.

3.7 Easement Alteration

A 7m wide electrical easement (E1) traverses the centre of the Site. This easement is to be impacted by the proposed works on the Site.

The easement is to be relocated into the southern side of the bund adjacent to South Gippsland Highway as part of the development of the quarry. This will occur prior to the extraction in the southern portion of the Site (Stages 2), which will be multiple years into the quarry operation. Ausnet has noted their in-principle support for the relocation of the easement, provided that their recommendations are addressed by the future formal application.

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3.8 Consultation Process

ACM is required to engage with the community and relevant authorities to gain a broad understanding of the potential impacts of that proposed quarry's operation. A Community Engagement Plan ('CEP') has been prepared by ACM (1 September 2022).

A Virtual Site Consultative Meeting was conducted on 20 October 2020 attended by representatives from Earth Resources Regulation (ERR), Cardinia Shire Council, the (former) Department of Environment, Land, Water and Planning, Environmental Protection Authority, VicRoads, Melbourne Water, Southern Rural Water and AusNet Services.

As stipulated in the WPD, *'the purpose of the consultative meeting was to outline the development proposal and introduce the proponent to the referral agencies'*. The issues and comments raised at the meeting have been addressed and incorporated within the WPD.

Table 1 within the CEP provides a summary of the engagement activities undertaken prior to the preparation of the CEP.

3.9 Risk Management

A Risk Management Plan ('RMP') has been prepared by BCA Consulting, and statutorily endorsed by the ERR department within DEECA as meeting the requirement to eliminate or minimise the risks as far as reasonably practicable.

The RMP outlines the potential risks at the following phases of the proposal:

- Production and construction;
- Rehabilitation activities; and
- Post closure of the operations.

The post closure risks disclosed in the RMP include:

- Surface water flows;
- Ground instability;
- Erosion and sedimentation;
- Process water and storages;
- Slimes storage; and
- Imported materials.

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A Risk Register has also been prepared by BCA Consulting, enclosed with this application. This has identified the following risks classified as 'High/Very High':

- Noise;
- Surface water flows;
- Ground disturbance;
- Ground instability;
- Erosion and sedimentation;
- Unauthorised site access; and
- Fire.

Of note, there are no acid sulfate soils present on the Site, the flocculants used are industry standard and proven to be environmentally safe, and there are ample controls (to ERR's satisfaction) to protect water quality.

4 Planning Provisions

4.1 Planning Policy Framework

The following state and regional planning policy provisions of the *Cardinia Planning Scheme* are relevant to this proposal.

- **Clause 11 (Settlement)** states that *'planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'*.
 - **Clause 11.01-1S (Settlement)** seeks to *'facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements'*.
 - **Clause 11.01-1R (Green Wedges – Metropolitan Melbourne)** seeks to *'protect the green wedges of Metropolitan Melbourne from inappropriate development'*.
- **Clause 13 (Environmental Risks and Amenity)** states that *'planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach'*.
 - **Clause 13.02-1S (Bushfire Planning)** seeks to *'strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*.
 - **Clause 13.07 (Amenity, Human Health and Safety)** seeks to *'protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts'*.
- **Clause 14 (Natural Resource Management)** states that *'planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development'*.
 - **Clause 14.03-1S (Resource Exploration and Extraction)** seeks to *'encourage exploration and extraction of natural resources in accordance with acceptable environmental standards'*.
- **Clause 17 (Economic Development)** states that *'planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity'*.
 - **Clause 17.03-2S (Sustainable Industry)** seeks to *'facilitate the sustainable operation of industry'*.
- **Clause 18 (Transport)** states that *'planning should ensure a safe, integrated and sustainable transport system'*.
 - **Clause 18.02-4S (Roads)** seek to *'facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure'*.
- **Clause 19 (Infrastructure)** states that *'planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely'*.
 - **Clause 19.03-3S (Integrated Water Management)** seeks to *'sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach'*.

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4.2 Local Planning Policy Framework

The following local planning policy provisions of the Planning Scheme are relevant to this proposal.

- **Clause 21.01-3 (Key Issues)** outlines the key issues facing Cardinia around five strategic themes. Of relevance to the proposal, the clause promotes the development of a balanced local economy and local employment opportunities for residents, as well as the protection of land within the Western Port Green Wedge.
- **Clause 21.01-4 (Strategic Vision)** establishes a strategic vision for the municipality, including the development a strong economic base.
- **Clause 21.01-5 (Strategic Framework Plan)** sets out the pattern for land use and development, in response to the key issues and strategic vision for the municipality (refer **Figure 5** below). The Site is within a primarily agricultural area in the far southern extent of the municipality, located within proximity to the established urban area of Lang Lang.
- **Clause 21.02-1 (Catchment and Coastal Management)** refers to the *Port Phillip & Western Port Regional Catchment Strategy*, which guides the management of the Western Port catchment, as the major water catchment of the Cardinia Shire.
- **Clause 21.02-4 (Bushfire Management)** establishes strategies to minimise the potential risks of bushfire, including ensuring that development has adequate access to water and appropriately design accessways for evacuation and emergency vehicles.
- **Clause 21.02-7 (Aboriginal Cultural Heritage)** seeks to identify and protect sites of significant Aboriginal heritage.
- **Clause 21.04-6 (Extractive Industry)** identifies the areas of significant stone resources within the municipality, including sand resources in the Lang Lang area. The key issues and strategies relevant to the proposal are outlined below.
 - *'Acknowledging the potential amenity impacts of extractive industry operations including noise, dust, transport and blast vibration.'*
 - *'Recognising that Lang Lang – Grantville area is expected to become the major source of concrete sand for the Melbourne supply area over the next 10 to 20 years...'*
 - *'Providing for the extraction of resources and rehabilitation of sites in a manner which minimises the impact on the environmental, economic and social values of the area.'*
 - *'Appreciating the transport requirements of extractive industry operations.'*
 - *'Ensure that developments mitigate potential impacts of extractive industry on surface water, ground water, biodiversity (Flora and Fauna), visual landscape, transport infrastructure, residents amenity (i.e. noise dust, transport blast vibration) and cultural heritage (notably Aboriginal Heritage).'*
 - *'Ensure the provision of appropriate buffer distances from surrounding sensitive uses to ensure minimal conflict of uses and amenity impacts.'*
 - *'Ensure that developments mitigate potential impacts of extractive industry on surface water, ground water, biodiversity (Flora and Fauna), visual landscape, transport infrastructure, residents amenity (i.e. noise dust, transport blast vibration) and cultural heritage (notably Aboriginal Heritage).'*
 - *'Ensure the provision of appropriate buffer distances from surrounding sensitive uses to ensure minimal conflict of uses and amenity impacts.'*
 - Require contributions towards the upgrading and maintenance of transport routes from extractive industry sites.
 - Further strategic work includes the planning and design of the Lang Lang bypass for sand truck traffic.
- **Clause 21.05-2 (Freeways, Declared Arterial Roads)** establishes key issues and objectives related to the freeways and Declared Arterial Roads managed by VicRoads. One key objective is to facilitate the development of the Lang Lang bypass.

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- **Clause 21.05-3 (Local Roads)** outlines key issues and objectives with respect to the local road network within the municipality. One key objective is to facilitate the development of *'the Lang Lang bypass to keep the heavy vehicles associated with the sand extraction industry out of the Town Centre'*.
- **Clause 21.08-1 (Lang Lang)** seeks to ensure that development within and around the Lang Lang township is generally consistent with the *Lang Lang Township Strategy, July 2009*. Of note, the clause seeks to limit direct vehicle access from private land holdings to the proposed Lang Lang sand truck bypass.
- **Clause 22.02 (Sand Extraction – Lang Lang to Grantville Region)** seeks to protect the sand resources in the Lang Lang to Grantville area to provide for extraction and rehabilitation of sites in a manner which *'protects the significant environmental, social and economic values of the area'*. Specifically, the clause aims to minimise impacts on existing service levels, and protect the quality of the region's waterways, groundwater resources, biodiversity. This can be achieved via effective environmental management programs and management in accordance with the *Regional Sand Extraction Strategy – Lang Lang to Grantville 1996*.
- **Clause 22.05 (Western Port Green Wedge Policy)** provides guidance regarding the preferred land uses and management of land within the Cardinia Western Port Green Wedge. The Site is situated within the *'agriculture architecture and soil based food production'* precinct (refer **Figure 7** below). A key direction of this precinct is to ensure that the extraction of natural resources is compatible with *'local amenity, landscape, flora and fauna'*. An application within the Western Port Green Wedge must consider the *Cardinia Western Port Green Wedge Management Plan (May 2017)* as appropriate.

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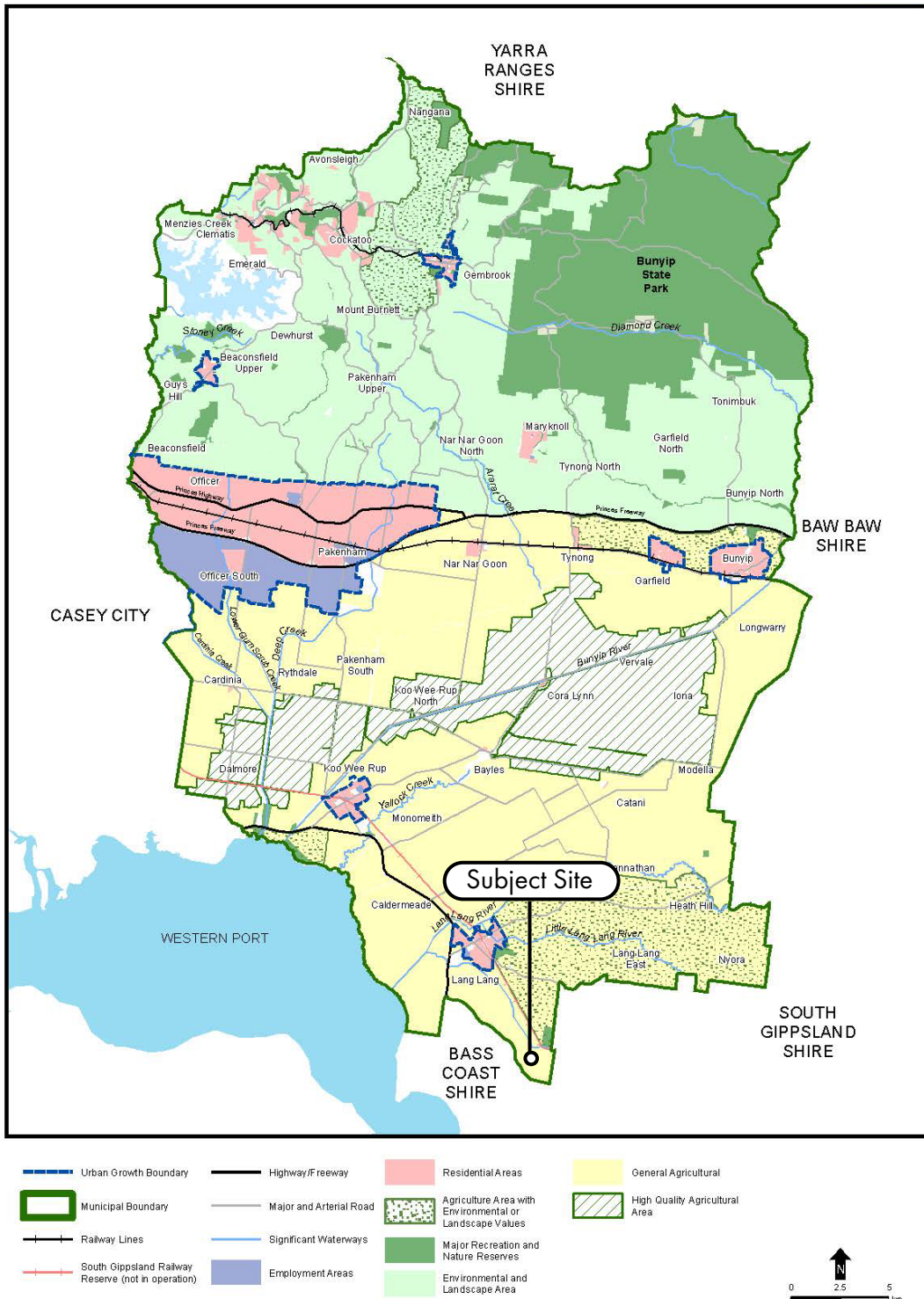


Figure 7 Cardinia Shire Strategic Framework Plan

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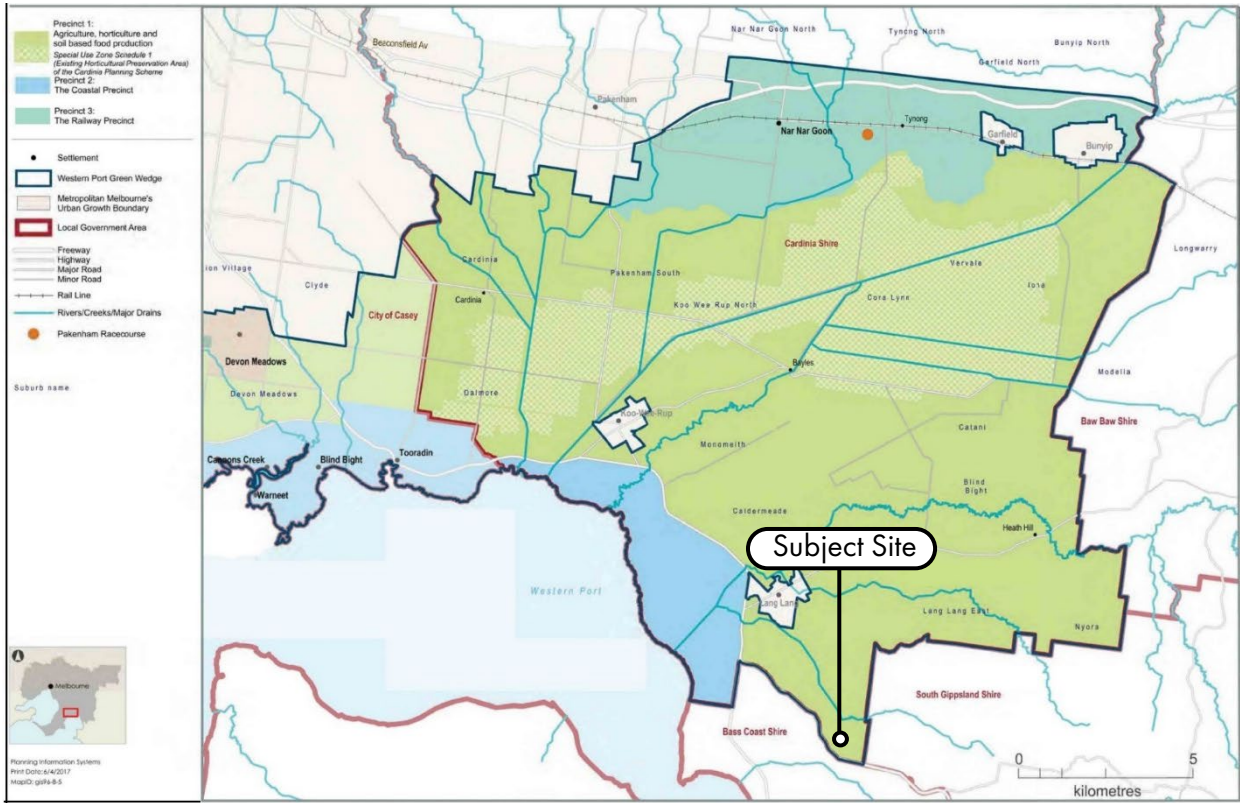


Figure 8 Western Port Green Wedge Policy

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4.3 Zoning

Shown in **Figure 9**, the Site is situated within the Green Wedge Zone – Schedule 1 (GWZ1).

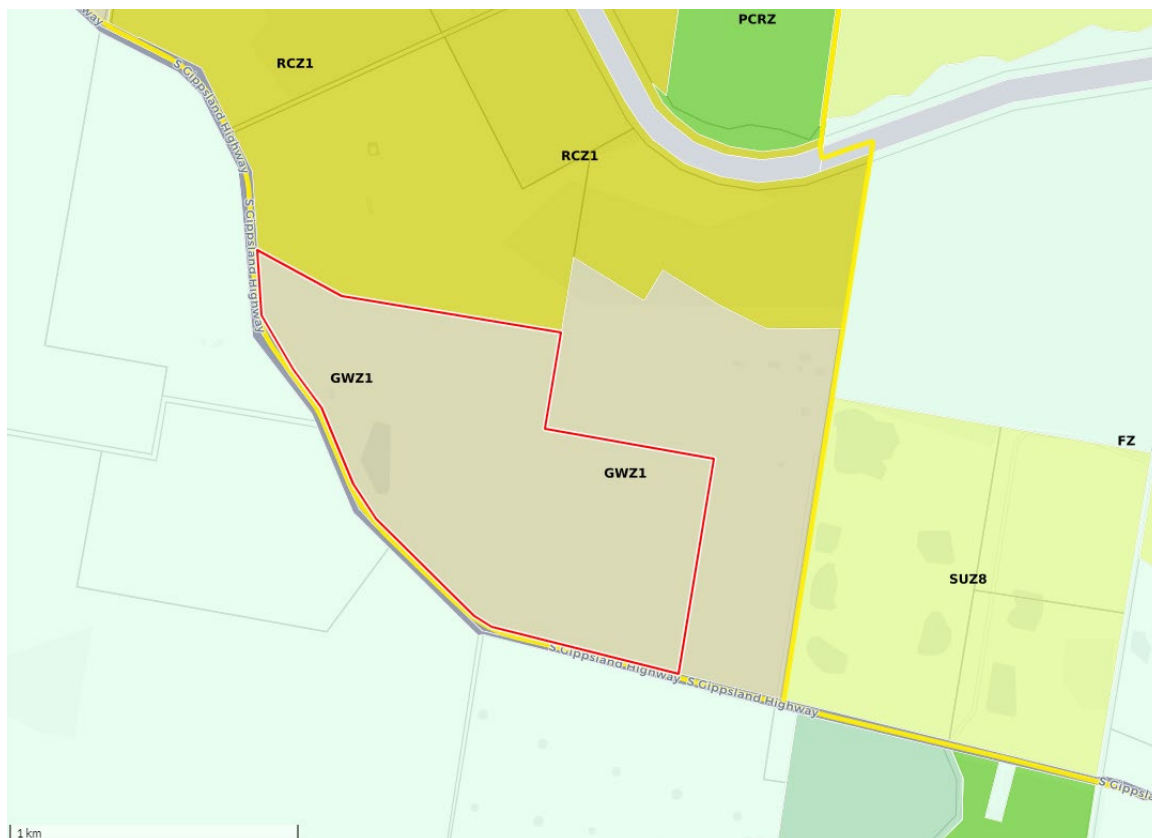


Figure 9 Zone Plan

The purpose of the Green Wedge Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and **mineral and stone resources**.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

Pursuant to Section 2 (Permit Required) of Clause 35.04-1, a planning permit is required to use the land for 'Earth and energy resources' including 'Extractive industry'.

A planning permit is also required to construct or carry out buildings and works, or earthworks.

The responsible authority will consider determine a planning permit application using the following decision guidelines, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*

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- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*
- *The maintenance of agricultural production and the impact on the rural economy.*
- *The impact on the existing and proposed rural infrastructure.*
- *The protection and retention of land for future sustainable agricultural activities.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.*
- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads, and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

The GWZ1 outlines the permit requirements for earthworks, as follows:

- *Earthworks which change the rate of flow or the discharge point of water across a property boundary*
- *Earthworks which increase the discharge of saline groundwater*

Accordingly, the proposed sand quarry requires a permit under the GWZ1 for earthworks and the use of the land for Extractive Industry.

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4.4 Overlays

4.4.1 Clause 44.04 – Land Subject to Inundation Overlay

A small area in the north of the Site, measuring approximately 360sqm, is situated within the Land Subject to Inundation Overlay (LSIO) (refer **Figure 8**). The purpose of Clause 44.04 is to:

- *'Identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.'*
- *Ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *Minimise the potential flood risk to life, health and safety associated with development.*
- *Reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *Protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *Ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.'*

In accordance with Clause 44.04-2, the LSIO triggers a planning permit requirements to *'construct a building or to construct or carry out works'*. As stipulated in the WPD, the proposal involves the disturbance of 13.5Ha of the Site to establish a shallow waterway diversion (maximum depth of 1m to 3.5m) to *'move the existing drainage line running centrally through the site to a constructed waterway along its northern boundary'*. This will be *'immediately rehabilitated to Melbourne Water requirements and then remain as a permanent waterway in the rehabilitated landform'*.

The diversion design, prepared by Spiire Australia Pty Ltd, has received in-principle support from Melbourne Water and will ultimately require separate approval from Melbourne Water.

As stipulated at Clause 4.0 of the Schedule to Clause 44.04, an application for a permit under this clause must be accompanied by four sets of plans drawn to scale which show:

- *'The boundaries and dimensions of the site.*
- *Relevant ground levels, to Australian Height Datum, taken by a licensed surveyor.*
- *The layout of existing and proposed buildings and works.*
- *Floor levels of any existing and proposed buildings, to Australian Height Datum, taken by a licensed surveyor.'*

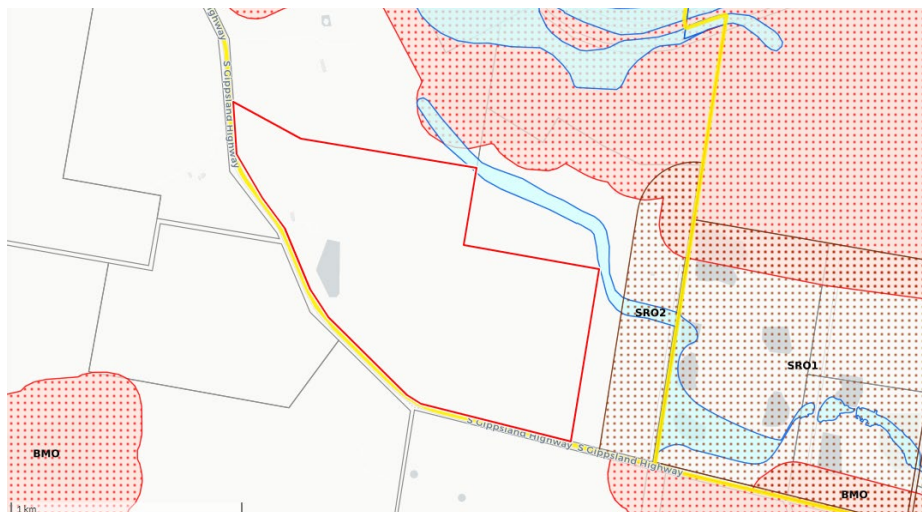


Figure 10 Land Management Overlays Plan

4.5 Particular Provisions

4.5.1 Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

Clause 51.02 seeks to:

- *‘Protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *Protect productive agricultural land from incompatible uses and development.*
- *Ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *Encourage the location of urban activities in urban areas.’*

Clause 51.02-6 outlines the deeming provisions for land outside an urban growth boundary, which establish that references in the Planning Scheme to Rural Zone, Rural Living Zone, or Environmental Rural Zone outside of an Urban Growth Boundary is deemed to reference a GWZ.

4.5.2 Clause 52.02 – Easements, Restrictions and Reserves

Clause 52.02 seeks to *‘enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered’.*

A permit is required before a person proceeds *‘under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement’.* Accordingly, a permit is sought to vary the 7.7m wide electrical easement (E1) that traverses the centre of the Site.

A ‘Partial Title Re-establishment and Feature Survey’ and ‘Easement Removal Creation Plans’ have been prepared by Lyssna Group Pty Ltd to specify the width and location of the proposed powerline easement realignment. The easement re-alignment has been situated to the south of the proposed screening bund, adjoining the Site’s frontage to the South Gippsland Highway.

4.5.3 Clause 52.08 – Earth and Energy Resources Industry

Clause 52.08 seeks to:

- *‘Encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.*
- *Ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.*
- *Ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.’*

Pursuant to Clause 52.08-1, a permit is required for the use or development of land for earth and energy resources industry, as the proposal does not require an Environmental Effects Statement pursuant to Clause 77T of the *Mineral Resources (Sustainable Development) Act 1990*. The application therefore must meet the application requirements set out in this provision as discussed further below.

4.5.4 Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas

Clause 52.09 seeks to:

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

Pursuant to Clause 52.09-2, an application for the use or develop land for extractive industry must be accompanied by:

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- *'A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.*
- *The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.*
- *Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.'*

Accordingly, the following documents have been submitted as part of this application:

- Notice of Statutory Endorsement, issued by DEECA (dated 26 May 2023).
- Work Plan Specific Conditions, issued by DEECA (dated 26 May 2023).
- Statutory Endorsement Information for Council, issued by DEECA.
- Copy of the Statutorily Endorsed Work Plan.
- Referral agency responses as summarised in **Table 5** of this Report.

Clause 52.09-4 states that:

'Unless the referral authority is the Head, Transport for Victoria, 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.'

Accordingly, the proposal only triggers referral to the Head, Transport for Victoria, to create or alter access to a road zoned as TRZ2.

4.5.5 Clause 52.29 – Land Adjacent to the Principal Road Network

The South Gippsland Highway, zoned as TRZ2 (Principal Road Network), bounds the south-west of the Site. Pursuant to Clause 52.29-2 permit is required to create or alter access to:

- *'A road in a Transport Zone 2.*
- *Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.'*

An application must be referred under Section 55 of the *Planning and Environment Act 1987* to the person or body specified as the referral authority in Clause 66.03.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *'The Municipal Planning Strategy and the Planning Policy Framework.*
- *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 Road Management Act 2004 regarding access between a controlled access road and adjacent land.'*

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4.6 Clause 53.22 – Significant Economic Development

The purpose of Clause 53.22 is to:

- *Prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria’s economy and provide substantial public benefit, including jobs for Victorians.*
- *Provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*

The proposal is for a sand quarry, with an estimated \$216M worth of sand to be extracted on Site, comfortably exceeding the estimated cost of development for a ‘Extractive Industry’ in Table 2 to 53.22-1.

Clause 53.22-2 allows the responsible authority to waive or vary any relevant built form provisions or application requirements. Notwithstanding, the proposal is consistent with all relevant provisions of the *Cardinia Planning Scheme*.

Clause 53.22-3 requires that the application should be accompanied by a quantity surveyor report and written advice from Invest Victoria. Notwithstanding, a JORC cover letter prepared by ACM and addressed to Resources Victoria (dated 25 October 2023) has been enclosed with this application. The JORC cover letter details how the resource value has been calculated and refers to associated supporting documentation. Further, it is understood that the written advice from Invest Victoria will be requested by DTP following the lodgement of this planning permit application.

Written advice was received from Dan Lawlor (Senior Planner at DTP), outlining preliminary comments and relevant application requirements for the DFP application. A tabulated response to these comments and requirements has been summarised in **Tables 3 – 5** below.

Table 3 Required Supporting Reports

DTP Comment / Requirement	Response
<p><u>Planning pathway:</u> DTP requires a fresh planning permit application be submitted for consideration under Clause 53.22.</p> <p>Should you choose to pursue a Clause 53.22 assessment pathway, you will need to withdraw the current permit application under consideration by Cardinia Shire Council (the council) and lodge a new application to DTP. We suggest refraining from withdrawing the current application with the council until you have received formal confirmation advising the project is eligible to be assessed under Clause 53.22.</p>	<p>As noted above, Council is understanding of the new application pathway and has agreed to keep the current planning permit application live via an extension to the RFI response due date (until there is further certainty that the Minister will accept the new application).</p>
<p><u>Referrals:</u> DTP considers re-referral to the relevant referral authorities under Clause 66 will be required if the existing referral responses are older than 3-months. This is in accordance with section 55(1)(a) of the Planning and Environment Act 1987 (the Act). Should you choose to pursue a Clause 53.22 assessment pathway, please confirm when the referral responses were obtained from the relevant authorities. Please also provide a copy of all referral authority comments and correspondence in your submission.</p>	<p>It is submitted that the application does not require re-referral to the relevant authorities. Whilst all referral responses (except the recent response from DTP) were received over 3 months ago, it is submitted that re-referral is not necessary given the extensive Work Plan process and sufficient statutory periods given to the authorities for comment as well as the Planning Practice not eand provisions of Clause 52.09.</p> <p>We accordingly request that no re-referral is necessary as the Work Plan process and planning permit application through Cardinia have provided opportunity for authority comment.</p>

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Refer to Section 4.7.1 of this Planning Report for a summary of the referrals completed to date.

Circulate a list of all planning documentation prepared and submitted to the council to date. We will use this list to advise what additional material might be required for a Clause 53.22 assessment pathway. In the interim we have also provided an initial summary below.

Refer to the Cover Letter, prepared by Tract, enclosed with this application.

A revised JORC cover letter detailing how the resource value has been calculated and referring to associated supporting documentation.

Completed – enclosed with this application.

Investigate the ability to transfer MPL paid through council planning permit process across to potential Clause 53.22 application.

ACM has sought legal advice, which has confirmed that the MPL is not able to be transferred to the Clause 53.22 application. It is noted that a new MPL will be purchased, following the in-principle support for the Clause 53.22 application from Invest Victoria and DTP.

Table 4 Required Supporting Reports

Supporting Reports	Response
Traffic Management Plan	Prepared as part of Work Plan – enclosed with this application.
Visual Impact Assessment	<p>Not relevant due to extensive vegetation screening and Site context. As stated in the Work Plan Description, prepared by BCA Consulting, the <i>'staging has been designed to allow early progressive rehabilitation of the northern and eastern terminal batters to minimise the visual impact of the operations from the south and west.'</i></p> <p>We note that the area contains several quarries, a gas field and other industrial type uses, with very few dwellings in the immediate area, reducing the quantitative visual impact of the quarry.</p> <p>Additionally, the proposed bunding is to be constructed early on within the development of the quarry resource which will be planted to provide screening to the use.</p>
Agricultural Land Assessment	Not considered necessary, as this has not been requested during the Work Plan nor Council planning permit application stages.
Flora and Fauna Assessment/ Ecological Assessment	Prepared as part of Work Plan – enclosed with this application.
Air Quality Impact Assessment	Prepared as part of Work Plan – enclosed with this application.
Noise Impact Assessment	Prepared as part of Work Plan – enclosed with this application.

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Risk Management Plan	Prepared as part of Work Plan – enclosed with this application.
Geotechnical Assessment	Prepared as part of Work Plan – enclosed with this application.
Stormwater Management Plan	Prepared as part of Work Plan – enclosed with this application.
Flood Assessment	Prepared as part of Work Plan – enclosed with this application.
Surface Water Management Plan	Prepared as part of Work Plan – enclosed with this application.
Ground Control Management Plan	Prepared as part of Work Plan – enclosed with this application.
Community Engagement Plan	Prepared as part of Work Plan – enclosed with this application. As part of the planning permit application process, ACM has been liaising with various stakeholders prior to the formal public notification period. A copy of relevant correspondence has been enclosed with this application.
Imported Materials Management Plan	Prepared as part of Work Plan – enclosed with this application.
Clarify whether any signage is proposed, and if It is proposed that signage will be dealt with at a later stage. so, whether a permit would be required.	

Table 5 Required Development Plan Details

Development Plan Details	Response
Site layout plan and staging plan.	Prepared as part of Work Plan – enclosed with this application.
Fully dimensioned plans including, setbacks from site boundaries and to any critical aspects of the site (i.e. Dam, other existing infrastructure), on-site infrastructure (buildings, road network, crossover)	Prepared as part of Work Plan – enclosed with this application.
Areas of vegetation to be removed, including any trees.	Prepared as part of Work Plan – enclosed with this application.
Elevations drawings showing proposed depths of excavation, on-site facilities and the proposed bund.	Prepared as part of Work Plan – enclosed with this application.
Waterway Diversion Design plan.	Prepared as part of Work Plan – enclosed with this application.
Identification of surrounding land uses and applicable distances from proposal.	Prepared as part of Work Plan – enclosed with this application.

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4.7 Other Planning Considerations

4.7.1 Referral Authorities

Referral Exemptions

In accordance with Planning Practice Note 89 and pursuant to Clause 52.09-3, the Planning Permit Application does not need to be referred to agencies consulted through the Work Plan. Having regard to the Work Plan process, this means that the following agencies do not require referral:

- DEECA (formally DELWP).
- Heritage Victoria.
- Melbourne Water.
- AusNet.

In addition, the following authorities were provided the Work Plan for comment. Under the above-mentioned provision, these authorities do not require further comment.

- Southern Rural Water
- Environmental Protection Authority.

Table 6 provides a summary of the relevant authority responses, undertaken as part of the Work Plan process.

Table 6 Work Plan Referral Authorities Summary

Referral authority	Response received
DEECA (formally DELWP)	<p>Response issued from DEECA (formally DELWP) on 17 May 2023.</p> <p>It was confirmed that no native vegetation is required to be removed. DEECA is satisfied that the applicant will avoid and minimise impacts of the development on native vegetation.</p> <p>DEECA advised that the mapped wetland (71976) on the Site has been excluded with written agreement.</p> <p>Finally, DEECA was satisfied that the Rehabilitation Plan has appropriate regard to revegetation. As a standard condition (Condition 23.2) applied to Work Authorities, it was recommended that indigenous vegetation should be selected as part of the plan.</p>
Heritage Victoria	<p>No response. There was deemed to be no Cultural Heritage issues, nor inventory or registered sites within the Site.</p>
Melbourne Water	<p>No response.</p>
AusNet	<p>No response.</p> <p>Ausnet provided detailed advice and in-principle support for the relocation of the powerline easement as addressed in the Statutorily Endorsed Work Plan.</p>

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Other authorities	Response received
Southern Rural Water	Response issued on 3 May 2023 and addresses licensing requirements, water metering accounting and groundwater resource management. Overall, South Rural Water were 'generally satisfied' with the proposal and requested copies of any annual reporting in relation to groundwater and surface water management.
Environmental Protection Authority	Response issued on 18 May 2023, addressing water quality, salinity levels, greenhouse gas emissions, acid sulfate soils, and use of flocculants. The ERR did not support the EPA recommended conditions as the relevant risks were all satisfactorily addressed in the Work Plan.

In addition to the above, the following referral to the Head, Transport for Victoria is not triggered, given the proposal will generate less than one hundred commercial trips per day, the roadworks will be built in accordance with the relevant requirements and the declared road is a highway (not a freeway).

- **Clause 66.02-8** – for an application to use of develop land for Extractive Industry *'On land which abuts a road declared as a freeway or an arterial road under the Road Management Act 2004. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Head, Transport for Victoria and the declared road is not a freeway'*.

Required Referrals

The Council planning permit application triggered the following referral under the provisions of Clause 66:

- **Clause 66.03** – for an application to create or alter access to *'a road declared as a freeway or an arterial road under the Road Management Act 2004' or 'land owned by the Head, Transport for Victoria for the purpose of a road'*.
 - Triggers referral to the Head, Transport for Victoria, as a determining referral authority.

We note the Work Plan was referred in accordance with Section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*, and therefore pursuant to Clause 52.09-3 no further referrals are required.

The Council planning permit application was only referred to DTP (as listed above). Pursuant to the referral response (dated 24 August 2023), DTP did not have any objections to the proposal, subject to the standard conditions and minor amendments to the supporting documentation. A copy of DTP's referral response has been enclosed with this planning application.

4.7.2 Bushfire Prone Area

The Site is situated within a Bushfire Prone Area. Acknowledging that the Site is not subject to a Bushfire Management Overlay, a Bushfire Management Plan has not been prepared as it is not required under Clause 53.02.

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4.7.3 Cultural Heritage Sensitivity

Approximately 3,050sqm of the Site is identified within an Area of Aboriginal Cultural Heritage sensitivity (refer **Figure 11**). Notwithstanding, the proposed permit activity does not affect the entirety of the Site and has been specifically sited to exclude the Area of Aboriginal Cultural Heritage sensitivity. Accordingly, the Applicant issued a Declaration of Cultural Heritage Management Plan (CHMP) Requirement to the Department of Jobs, Precincts and Regions to confirm that the proposed permit activity excludes the area of potential sensitivity. The declaration was accepted by the Department of Jobs, Precincts and Regions on 16 March 2022.



Figure 11 Area of Aboriginal Cultural Heritage Sensitivity

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5 Planning Assessment

When assessing the proposal against the Planning Scheme, the following matters were addressed.

- Assessment of proposed operations;
- Prevalence of nearby Extractive Industries;
- Amenity impacts of operations;
- Traffic and road connections;
- Water management and vegetation; and
- Proposed easement realignment.

Each of these matters is discussed further below.

5.1 Assessment of Proposed Operations

The proposed quarry operations are consistent with the surrounding extractive industries of the area and are considered to be an appropriate outcome for the site. The Site is currently utilised for low scale agricultural purposes and yields high quality materials able to be extracted close to the surface, providing an excellent opportunity for extraction.

The Site is located far from any existing settlement or sensitive uses and is within a cluster of other extractive industry operations. The Site is not proposed to be rezoned for any future urban development nor does it contain large areas of vegetation which would be impacted by any quarrying operation.

Given the access availability off South Gippsland Highway, the Site offers the opportunity to undertake extraction as it is largely unconstrained both within the site itself and within the immediate context.

The opportunity for extraction from the site is supported within Clause 21.04-6 (Extractive Industry) of the Cardinia Planning Scheme which recognises that Lang Lang will be a key extractive industry for Melbourne's sand industry over the next 10-20 years. This policy justification, alongside the relative unconstrained nature of the site and minimal amenity impacts to the surrounding area, provides an exemplary policy and site specific basis for the support of the proposed quarry.

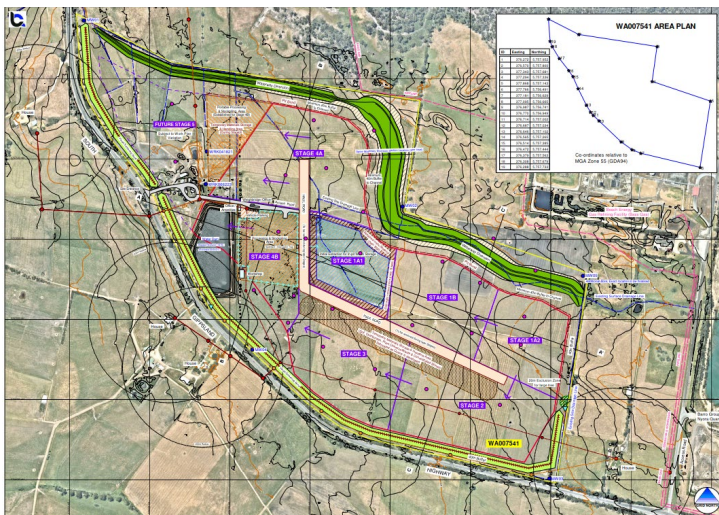


Figure 12 Site Layout Plan (Source: BCA Consulting, 2023)

5.2 Prevalence of Nearby Extractive Industries

The proposed quarry operation is located within an area where quarrying operations are largely prevalent. As detailed in Section 2.4 of this report, there are approximately 10 existing and operating quarries and work authorities surrounding the site, most of which are extracting sand or gravel or other light materials (refer **Figure 13**). The proposed quarrying of the will include the same or similar quarrying operations to the surrounding quarry sites, proposing to extract sand without any blasting.

Given the proximity to nearby quarrying activities, the proposal is in accordance with the prevailing land uses of the area and seeks to support the road infrastructure surrounding the site, as well as the various other quarrying infrastructure nearby.

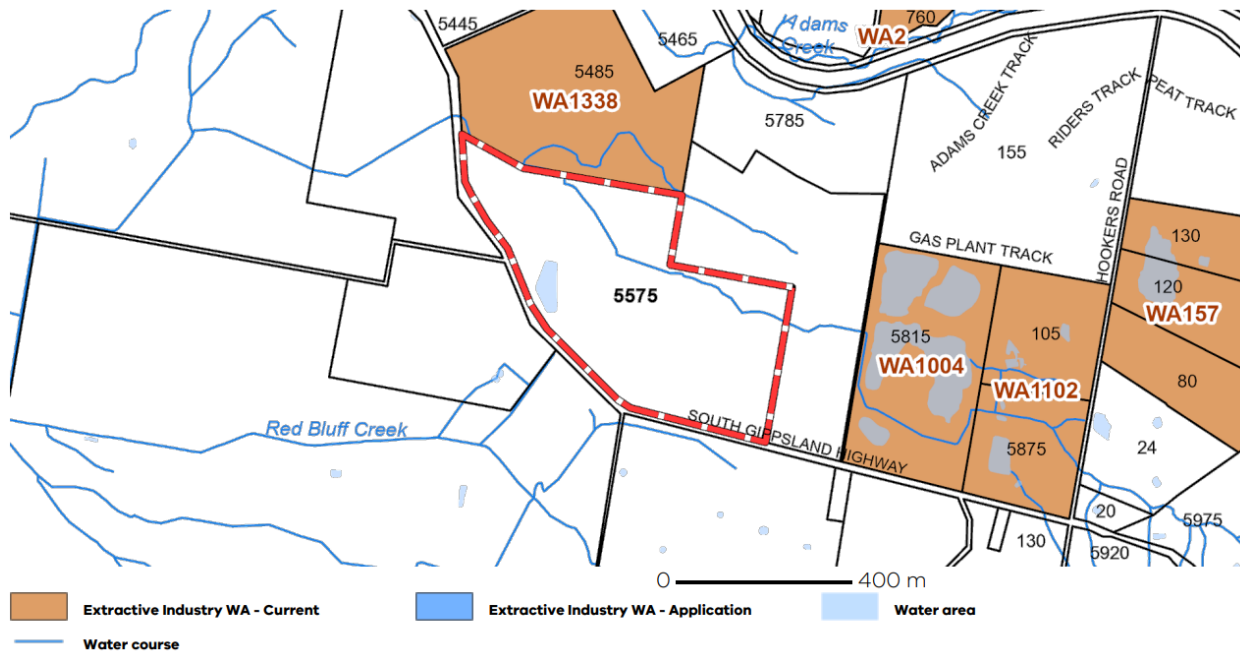


Figure 13 Extractive Industry Work Authorities

5.3 Amenity Impacts of Operations

As detailed within the approved workplan, there will be minimal amenity impacts to nearby sensitive receivers.

The screening bund (approx. 5m high) will provide a key buffer along the Site's southern and eastern interfaces, protecting the visual and noise amenity of adjoining properties and sight lines from South Gippsland Highway.

As part of obtaining work plan approval, an Acoustic Report was prepared by Enfield Acoustics. The assessment determined that the three nearby sensitive receivers, being the dwellings closest to the site, will not be adversely affected by the operation of the quarry. As stated in the WPD:

The assessment has concluded that, subject to the construction of the screening bund as designed and operations within the proposed operating hours, compliance with EPA noise limits can be expected and the site activities will not result in adverse noise impacts.

Further, the 'worst case' noise modelling is summarised in **Table 7**.

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Table 7 'Worst case' noise modelling (Source: Enfield Acoustics, 2023)

Location [^]	Stage	Modelled Noise Level, L _{Aeq}	'Night' Compliance (6am-7am)	'Day' Compliance (7am-6pm)
5755 South Gippsland Highway	Stage 1A1 & 1A2	51 dB(A)	YES	YES
5620 South Gippsland Highway	Stage 3 & 4B	51 dB(A)	YES	YES
5520 South Gippsland Highway	Stage 5	48 dB(A)	YES	YES
Notes:	[^] Measurement location taken at 10m from the boundary of the dwelling in accordance with the Noise Protocol. Non-habitable spaces (e.g. sheds or garages) are not considered.			

The Air Quality Impact Assessment, prepared by WSP, concludes that there are no adverse air quality impacts to surrounding properties. An air quality monitoring program will be implemented to measure 'nuisance dust, PM10 and PM2.5, along with wind speed and wind direction'. As summarised in the WPD:

The Air Quality Impact Assessment demonstrates that the proposed activity can comply with EPA air pollution limits, and with the proposed control measures and monitoring, as documented below, the risks associated with dust generated on site will be minimised as far as reasonably practicable. Therefore, compliance with the EPA General Environmental Duty can be expected.

Additionally, the modelling in the attached Air Quality Impact Assessment demonstrates that it is virtually impossible for respirable crystalline silica dust from this operation to impact on nearby sensitive receptors.

Accordingly, the proposal is submitted to be appropriate given the context and will not cause any adverse amenity impacts to the surrounding area.

5.4 Traffic and Road Connections

The proposed quarry provides access to South Gippsland Highway via the existing property access point. As detailed in the attached Traffic Impact Assessment and corresponding Functional Layout Plans prepared by Traffix Group, access to the Site is considered safe and meets the relevant standards for ensuring the safe and efficient movement of trucks in and out of the site.

The conclusions of the Traffic Impact Assessment are summarised below:

- The proposed upgrades to the existing crossover and access road on the Site meet the recommended sight distance requirements specified in the Austroads Guide to Road Design Part 4A.
- The conservatively estimated traffic generation of approximately 21 vehicles per peak hour, equating to approximately 1 vehicle movement every 3 minutes, will be safely accommodated by the surrounding road network.
- The proposal is expected to meet the warrants for an auxiliary left turn (AUL), Channelised Right turn (CHR) intersection treatment, and widening of the eastern lane of South Gippsland Highway. Accordingly, Functional Layout Plans have been prepared by Traffix Group and appended to the Traffic Impact Assessment.

Further details regarding the traffic and access arrangements for the site can be found within the appended Traffic Impact Assessment.

The Council planning permit application was referred to DTP. A copy of DTP's referral response has been enclosed with this planning application.

DTP did not have any objections to the proposal, subject to standard conditions and minor amendments to the Site Layout Plan, Functional Layout Plan and Road Safety Audit. A response to DTP's referral comments is summarised in **Table 8** below.

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DTP Referral Comment	Response
<p>The Department has considered this application and notes the following:</p> <ul style="list-style-type: none"> In order to facilitate safe and efficient access for vehicles associated with the proposed use (including heavy vehicles), the proposal includes the provision of left and right turning deceleration lanes on South Gippsland Highway. While the Department considers this package of mitigating roadworks to be adequate, the installation of turn lanes along this section of the highway will result in the relocation of existing guard rail fencing and narrowing of the road reserve along the north side of the highway. Based on the submitted concept functional layout plan, the relocated guard rail is likely to encroach into the property boundary. Noting that the concept functional layout plan does not appear to be providing adequate clearance between the relocated guard rail and traffic lanes on South Gippsland Highway, the Department considers it crucial for land to be set aside from the property boundary to allow for a widening of the northern section of the highway so that all road infrastructure can be comfortably accommodated within the road reserve. 	<p>It is accepted that a small portion of the Site may need to be set aside from the property boundary to accommodate all road infrastructure within the road reserve. However, it is not agreed to deliver a full sealed shoulder between the left turn deceleration lane and the barrier (as per the draft Condition 2[a] of DTP's referral response).</p> <p>The Austroads Guide to Road Design recommends a desirable offset of 4.0m from the traffic lane and a minimum of 3m for rural highspeed roads. The proposal includes a 4.5m offset from the southbound through traffic lane. It is the opinion of the registered Traffic Engineer (Traffix Group) that the left turn deceleration lane would effectively function as a sealed shoulder for traffic traveling along South Gippsland Highway and that it would be excessive to provide this offset relative to a turn lane for a private property access. It is further noted that a 1m offset, as is currently proposed from the turn lane, is within the Extended Design Domain provided in Table V6.8.1 a of the VicRoads supplement to the Austroads Guide to Road Design Part 6.</p> <p>Finally, the provision of a sealed shoulder adjacent to the turn lane is likely to also increase the amount of vegetation required to be removed.</p>

5.5 Water Management

The proposal includes the realignment of a marked waterway around the northern portion of the site. The waterway realignment has been subject to Melbourne Water approval and will not adversely affect the surrounding natural environment.

The realignment will ensure that the Site is not interrupted by the waterway and ensures that the waterway is protected and separated from quarrying activities. Appropriate treatments will be in place to ensure that the creek is not adversely affected by quarrying operations or is subject to interference by the quarry. The WPD states that:

The site water management strategy includes diversion of surface water flows away from disturbed areas, collecting and distributing it around the works, and to direct and collect incident rainfall and surface water flows on disturbed ground into sediment traps and the excavation.

The diversion is designed with broad areas for floodwater storage, ensuring that the diverted flows do not increase flooding impacts downstream. The flood modelling conducted by Spiire also shows that the excavation will not be impacted by a 1%AEP event and floodwaters will not flow into the excavation, and therefore not create other consequent hazards.

These details are outlined within the attached Groundwater Management Plan (GMP) and Surface Water Management Plan (SWMP). Key management strategies are summarised below.

- Ground water monitoring bores and dewatering activities in accordance with the GMP and the Southern Regional Water extraction licences.

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- Maintain compliance to any conditions of Rural Water Authority and/or EPA regarding management of groundwater impacts.
- Annual engagement in accordance with the GMP.
- *'Engagement with owners of the nearest supply bores to confirm that their bore levels have not been adversely impacted.'*
- *'Monthly inspections of all control structures in accordance with the SWMP will be conducted, as well as following significant rainfall events (in accordance with Trigger Action Response Plan), remedial works as required.'*
- *'Routine weekly monitoring of acidity in return water from processing plant, water collected in interceptor traps and water supply from bores and in pit water storage.'*
- *'Surface water diversion structures installed as per Surface Water Management Plan and effectively intercepting surface water before it reaches operating areas.'*
- *'Diversion drains capable of handling major (5% AEP) storm event.'*

5.6 Vegetation

The Site is predominately cleared and has been heavily farmed as part of the current and previous use of the Site. No large extents of vegetation are present on Site and the development will not cause adverse impacts to the local ecological species.

We note that one large native tree is present within the eastern portion of the Site (refer **Figure 14**). This tree is to remain and will be protected from the operations of the quarry in future, as detailed within the attached Ecological Report, prepared by Norris and Schoeffe.



Figure 14 One remaining large native tree on Site (Source: Norris and Schoeffe, 2023)

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5.7 Proposed Easement Realignment

A 'Partial Title Re-establishment and Feature Survey' and 'Easement Removal Creation Plans' have been prepared by Lyssna Group Pty Ltd to specify the width and location of the proposed powerline easement realignment.

The easement re-alignment has been situated to the south of the proposed screening bund, adjoining the Site's frontage to the South Gippsland Highway.

A 'Tree Protection Zone Overlay and Feature Survey' has been prepared by Lyssna Group Pty Ltd to detail existing vegetation within and along the peripheries of the Site's boundaries. The Feature Survey includes details of the Tree Protection Zones ('TPZ'), tree canopy and driplines of all relevant vegetation.

The survey illustrates that there will be very minor encroachment of the TPZs and canopies of the trees along the South Gippsland Highway into the proposed powerline easement realignment.

Whilst some vegetation experiences minor encroachment into the easement, the TPZs and canopies will not reach the centreline of the 12m wide easement. We note that as per Figure 3 (Site Layout Plan) of the Work Plan, the proposed layout was designed to accommodate the 12m wide powerline easement, on the basis that the relocated power poles would be located at the toe of the outer edge of the screening bund (refer Figure 15).

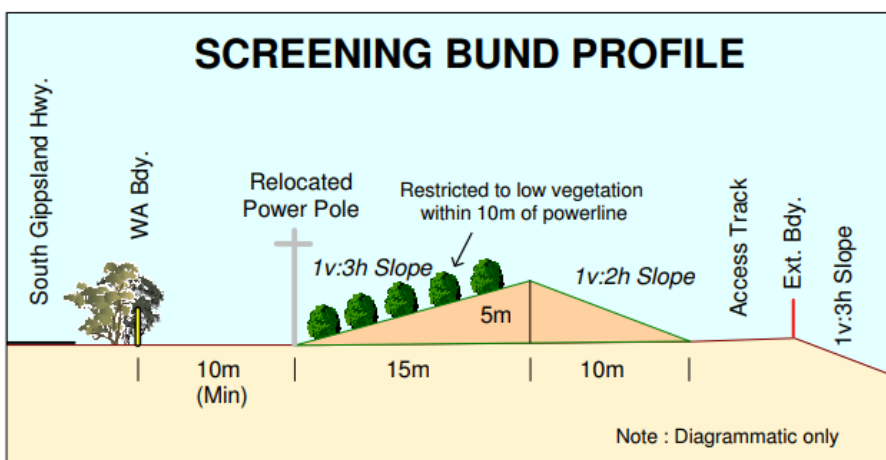


Figure 15 Screening Bund Profile (inset within Figure 3 of the Work Plan)

We note that no vegetation removal is proposed or is required to be removed per the above diagram.

Further, the easement arrangement responds to the advice received by AusNet Services on 19 July 2022 (enclosed with this application). Specifically, AusNet advised that vegetation could be planted on the screening bund, provided that the vegetation was of a low height. As a rule of thumb, 'AusNet likes to maintain a clearance of 5m from the tops of vegetation to the powerline'. A 1V:3H outer slope on screening bund has also been included to ensure the ground and vegetation are at a suitable distance from the powerlines.

The proposed alignment does not require modification to the easement within the immediate eastern neighbour, thereby avoiding impacts to properties outside of the Site's title boundaries. Consequently, this contains the 'planning unit' of the planning permit application to the Site itself, rather than adjoining land.

Whilst the proposed easement realignment differs from the endorsed Work Plan (Ref: WA007541), it is submitted that the final Work Plan will be amended to accord with a future planning permit, pursuant to s77TD of the *Mineral Resources (Sustainable Development) Act 1990*.

Refer to Figure 16 – Proposed Easement Relocation (Work Plan Version) and Figure 17 – Proposed Easement Relocation (Current Version).

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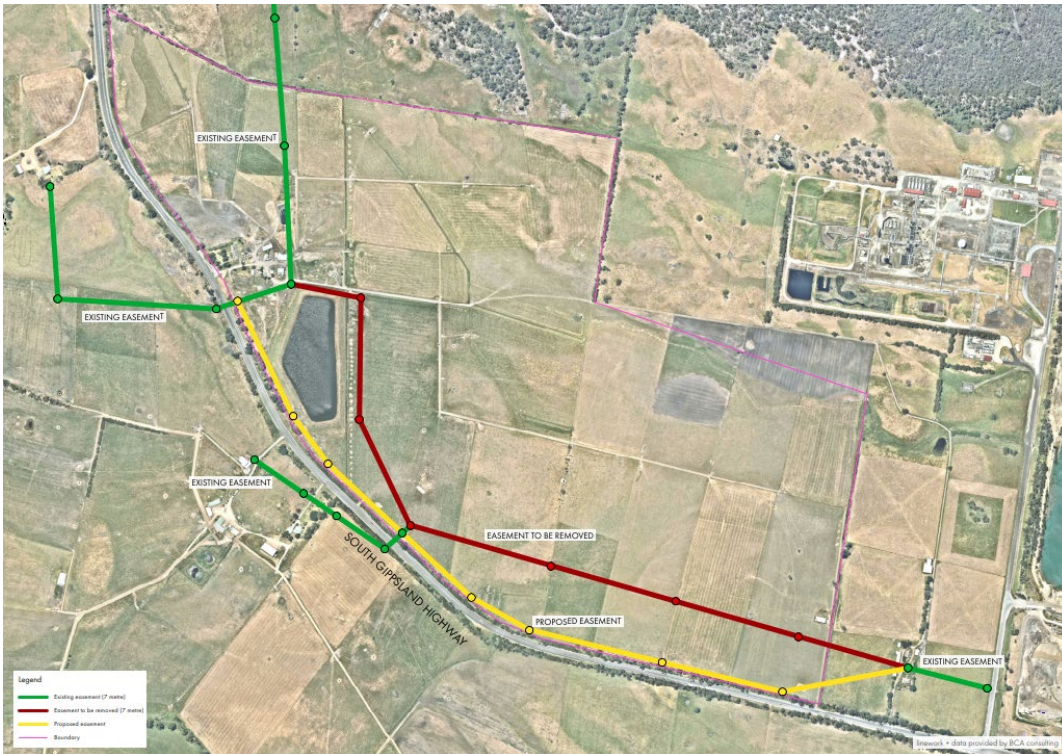


Figure 16 Proposed Easement Relocation (Work Plan Version)

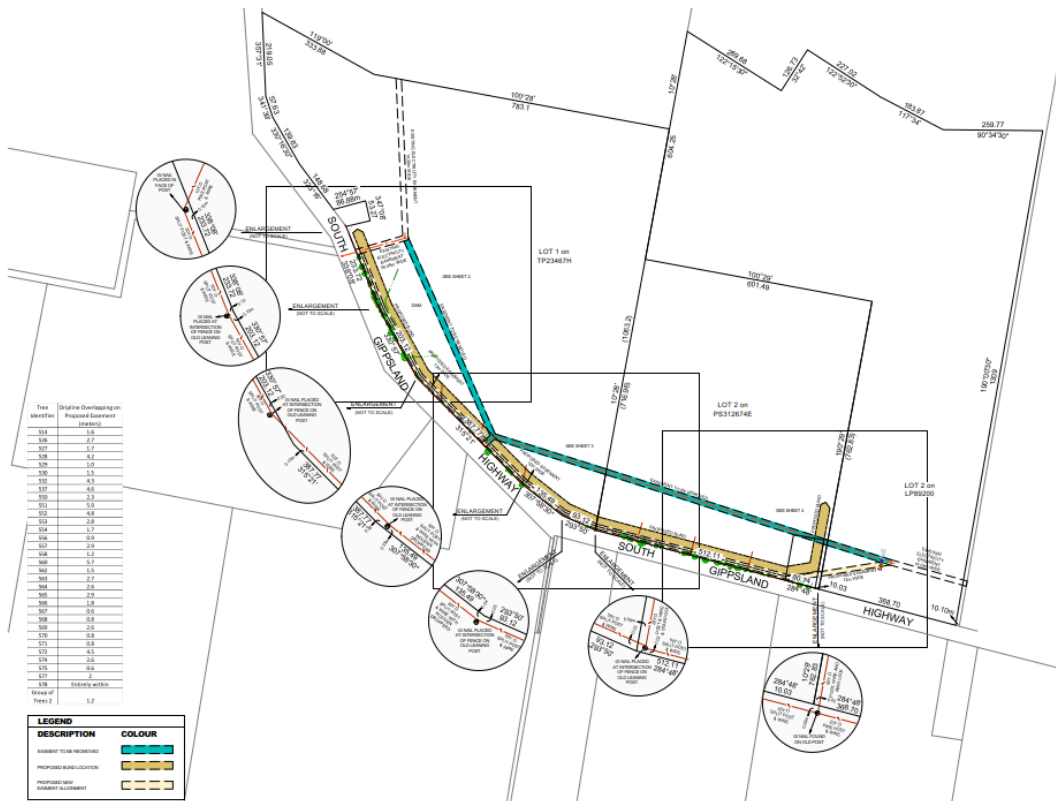


Figure 17 Proposed Easement Relocation (Current Version)

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6 Conclusion

It is submitted that the proposed quarry is an appropriate land use for the site and a permit should be supported. In particular:

- The site yields good quality sand material close to the surface with direct access to the main road network.
- The extractive industry is unlikely to cause detrimental amenity impacts to any nearby sensitive receivers and reflects prevailing land uses of the area which largely consist of similar quarrying operations.
- The proposal has achieved a statutory endorsement and its use and development will be controlled by the Earth Resources branch of the Department of Energy, Environment and Climate Action in accordance with associated conditions under the Work Plan.

DTP is respectfully requested to issue a planning permit allowing the use and development of the Site for Extractive Industry (sand extraction and processing operation), associated earthworks, and to alter access to a road in a TRZ2 and to remove and create an easement.

In its issue of permit, DTP is requested to defer the ongoing management of the land, its rehabilitation and other matters controlled by the Statutorily Endorsed Work Plan, to the Department of Energy, Environment and Climate Action as noted in the Statutory Endorsement Information for Council, issued by the Department:

In accordance with the requirements of Clause 66 of the Victorian Planning Provisions, the responsible authority is advised that the Department (in its capacity as a Determining Authority under Section 55 of the Planning & Environment Act 1987) has considered the proposal within the last three months prior to the date of this letter and does not object to the grant of a planning permit subject to the following condition:

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

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