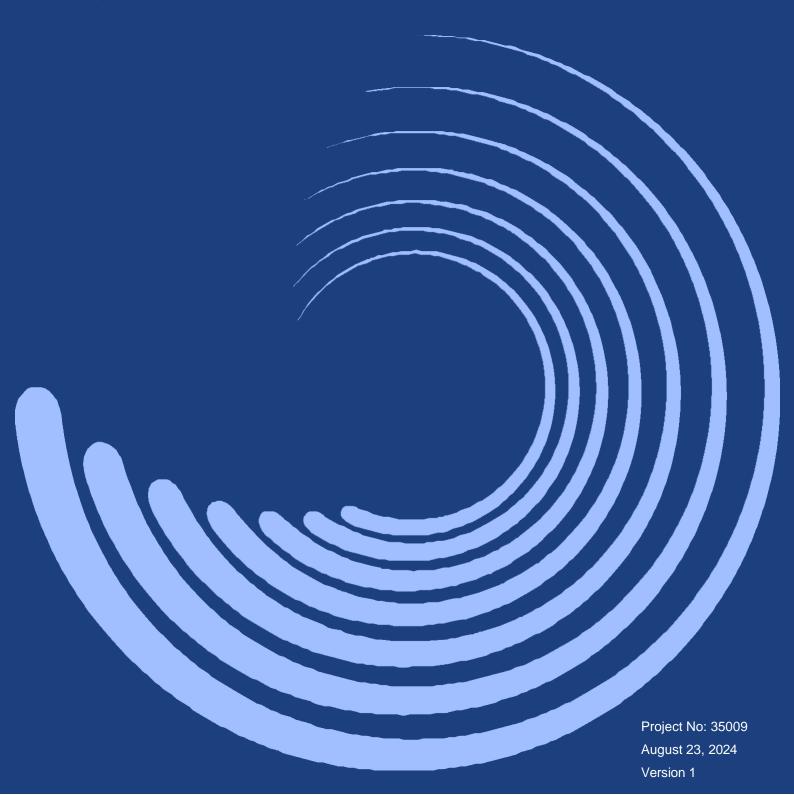


# Traffic Management Plan for Yannathan Sand Quarry

Prepared for Hanson Construction Materials





**Customer: Hanson Construction Materials** 

Contact:

Kathy MacInnes

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Author: Jay Coy

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	Issue History					
Issue No	Date Issued	Document Status	Approved By			
0.1	13/08/2024	Draft	Kathy Mac Innes			
1	23/08/2024	Final	Kathy Mac Innes			
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Appendix C	Yannathan Quarry Pedestrian Map
Appendix D	Section 173 Agreement

# Glossary

Term / Acronym	Explanation
AS	Australian Standard
GCM	Gross Combined Mass
GVM	Gross Vehicle Mass
IRS	Incident Response Unit
NHVR	National Heavy Vehicle Regulator
UHF	Ultra-high frequency

# 1. INTRODUCTION

# 1.1 PURPOSE AND SCOPE

This Traffic Management Plan has been developed to focus on the management of traffic inclusive of light and heavy vehicles, mobile equipment and pedestrians at Hansons's operational site. This Traffic Management Plan primarily focuses on traffic management within the site, with some consideration of traffic on public roads.

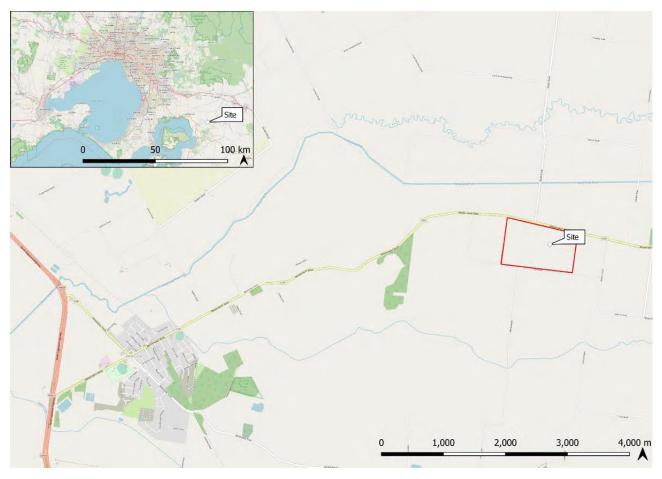
The Traffic Management Plan was requested by the Department of Transport and Planning to accompany a planning permit application for Yannathan Sand Quarry.

# 1.2 BACKGROUND

Hanson Construction Materials (Hanson) owns and operates an existing sand quarry located at 870 and 910 Westernport Road, Yannathan, VIC 3981. The site is operated under the existing Work Authority (WA127) and Cardinia City Council issued planning permit T140140-1 (the permit), and extraction of material at the site commenced in July 2004.

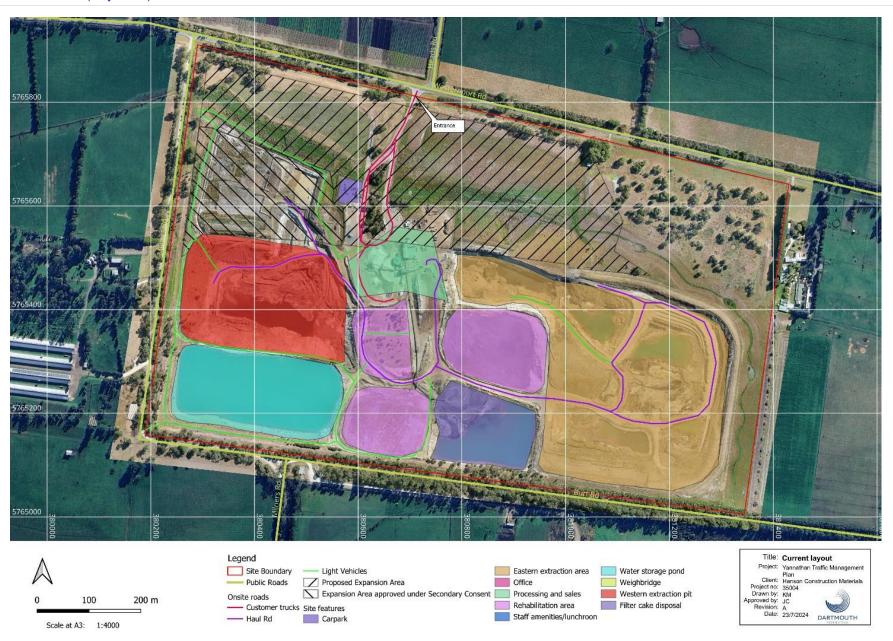
The site is located in a rural area, approximately 6km west of the township of Lang Lang and approximately 2.5 km south of Yannathan (**Figure 1-1**).

Figure 1-1 Site Location



The site is active with staged extraction areas, a single entrance off Westernport Road, an office and carpark, and other infrastructure. Refer to **Figure 1-2** for the site plan as of July 2024.

Figure 1-2 Site Plan (July 2024)



# 1.3 TRAFFIC

Current operations include the extraction, processing and sale of approximately 400,000 tonnes per annum of sand. As per Condition 11 of the permit, vehicle ingress and egress is via Westernport Road to the South Gippsland Highway. There is a 25 space carpark located just west of the office and is accessed from the main entrance on Westernport Road.

Refer to Appendix A for a copy of the current Yannathan Quarry Traffic Map for entry into and out of the site.

Vehicles entering and exiting the site consist of truck and trailers in varying combinations (i.e.: 3 and 4 axle trucks with 3 to 6 axle trailers). These trucks arrive on site and access the loading area and weighbridge prior to exiting. There are approximately 50-60 truck vehicle movements per day between the hours of 6am to 6pm.

Onsite vehicles operated by Hanson include:

- Front end loaders for sales loading and feeding the plant with sand for processing;
- Dump trucks for transporting sand and overburden around site;
- Excavators for stripping of overburden and loading sand; and
- Dozers for operations during overburden stripping and sand extraction.

Vehicles entering the site that wish to have access past the weighbridge and office, which are not plant or customer vehicles (trucks and trailers), therefore light vehicles, shall be at a minimum mine specification vehicles with a flashing lights, UHF radio, and mine flag.

All vehicles must hold and maintain maintenance and repair documentation.

## 1.4 OBJECTIVES

This Traffic Management Plan has been developed to:

- Ensure the delineation of mobile equipment, road trucks, light vehicles and pedestrians as far as is reasonably practicable so that any interaction between these parties is controlled and does not result in an incident causing personal injury, property or environmental damage;
- Create a safe, effective and smooth traffic flow into and throughout the site in the most efficient and economical manner possible; and
- Provide information to workers, contractors and visitors.

# 2. ROLES AND RESPONSIBILITIES

Relevant roles and responsibilities associated with this Traffic Management Plan are presented in **Table 2-1** below.

Table 2-1 Roles and Responsibilities

Role	Responsibility			
	Ensure Hanson staff and contractors are signed onto the Yannathan Quarry Traffic Risk Assessment;			
	Provide sufficient resources for the implementation of this plan;			
	<ul> <li>Coordinate the traffic monitoring requirements of this Plan, and evaluate and report monitoring results as required;</li> </ul>			
Quarry Manager	<ul> <li>Coordinate the implementation of traffic management controls and strategies in accordance with this Plan;</li> </ul>			
	<ul> <li>Coordinate the review of this plan in accordance with the requirements of the Development Consent;</li> </ul>			
	<ul> <li>Coordinate traffic related incident investigations and reporting as required by legislation and internal standards and guidelines;</li> </ul>			
	Review effectiveness of control measures; and			
	Implement additional remedial measures, where required.			
Environmental Manager	Assist with the review of this Plan.			
	Comply with all requirements of this Plan;			
All employees and contractors	<ul> <li>Report all potential incidents to the Quarry Manager immediately; and</li> </ul>			
7 iii Siripioyooo aha oonaaddoo	<ul> <li>Seek approval from the Quarry Manager prior to making changes to infrastructure/processes which may result in increased traffic emissions.</li> </ul>			

Refer to **Appendix B** for a copy of the Yannathan Quarry Traffic Risk Assessment.

# 3. TRANSPORT MANAGEMENT CONTROLS

# 3.1 HOURS OF OPERATION

The site is operational between the hours of 6am to 10pm, Monday to Saturday. Vehicle movements offsite are limited to the hours of 6am to 6pm.

#### 3.2 SIGNS

The signs used to direct and advise traffic on-site shall comply with the Australian Standard manual of traffic control devices – Traffic control devices for general use AS 1742-2-2022 with regard to colour, graphics, lettering, size and reflectivity.

Custom traffic signs shall only be used when a standard sign cannot convey the desired message. Creation of any new traffic sign shall require approval from the Quarry Manager and be supported by a risk assessment.

## 3.3 DELINIATION

Delineation of roads and restricted areas shall be in accordance with the Australian Standard manual of traffic control devices – Traffic control devices for general use AS 1742-2-2022 for distance and specifications.

#### 3.4 PEDESTRIAN MANAGEMENT

It is important to manage staff and visitor pedestrian movements to ensure their safety while on site.

Management and controls shall be put in place to ensure the safety of all pedestrians when moving around the site. Pedestrian movements shall be kept to a minimum and shall be delineated on site in accordance with the Yannathan Quarry Pedestrian Map.

Pedestrians who do not adhere to the nominated pedestrian access areas shall be directly reported to the Quarry Manager.

Refer to **Appendix C** for a copy of the current Yannathan Quarry Pedestrian Map.

#### 3.5 LIGHTING

Adequate lighting resources shall be provided on site to service all mandatory areas including:

- Pedestrian crossings;
- Permanent walkways;
- Go-lines;
- Permanent parking and workshop areas;
- Active quarry areas; and
- Any other areas as indicated by risk assessment.

Both fixed and portable lighting shall be considered. Use of light vehicle or mobile equipment headlamps shall not be considered an appropriate form of lighting for areas where mandatory lighting applies.

Mobile lighting towers shall be used where approved by the Quarry Manager and in accordance with the sites operating procedures. The location of portable lighting plant requires that methods shall be used to isolate and demarcate the lighting plant from equipment activity. Lighting plants shall have acceptable access for maintenance and refuelling operations.

## 3.6 MANAGING NON-COMPLIANT VEHICLES

Procedures shall be in place so that road going vehicles shall be tagged out if they are found by any person to be non-compliant with established site safety standards or roadworthy standards.

Road going vehicles with expired permit compliance stickers shall be considered noncompliant. Non-compliant vehicles that require restricted access to site shall be managed.

# 3.7 WIDE AND ABNORMAL LOADS

A site-specific procedure for wide and abnormal loads shall be in place to enable the safe transport of oversized loads. This procedure shall include:

- Provision for a documented risk assessment to be conducted;
- · Weight and width limits;
- Road capacity limits;
- Checks for and consideration of crossings, overhead powerlines, and construction points along the route;
   and
- Use of a dual escort (front and rear).

# 4. ROAD MAINTENANCE

#### 4.1 INTERNAL

The Quarry Manager, or appointed representative, will conduct drive-through inspections, on a weekly basis, of all internal roads to identify any damage or potential areas of concern. These include, but are not limited to:

- Rutting;
- · Soft spots,
- Pooling of stormwater;
- Buildup of mud/silt;
- Blocked or dirty signage;
- Cracking or breakaway of pavement; and/or
- Debris over roads.

If issues are identified on the internal roads, the Hanson must rectify them immediately or as soon as practicable.

# 4.2 EXTERNAL

Westernport Road is a VicRoads owned asset and is located to the north of the site. As part of the Internal road weekly inspections, the Quarry Manager, or appointed representative, shall also inspect the section of Westernport Road adjacent to the northern boundary of the site to identify any damage or potential areas of concern, in particular debris, mud and silt on roads.

If issues are identified on Westernport Road, Hanson must notify VicRoads as soon as practicable. VicRoads shall maintain Westernport Road as outlined in the site's Section 173 agreement.

Refer to **Appendix D** of this report for a copy of the Section 173 Agreement.

# 5. DRIVER CODE OF CONDUCT

# 5.1 GENERAL REQUIREMENTS

Heavy vehicle drivers hauling from the Quarry must:

- Have undertaken a site induction carried out by Lysterfield Transport Depot under the direction of the quarry management;
- Hold a valid driver's licence for the class of vehicle that they operate;
- Operate the vehicle in a safe manner within and external to the quarry site;
- Communicate with other vehicles and Hanson management on UHF13 and UHF company channel; and
- Comply with the direction of authorised site personnel when within the site.

#### 5.2 HEAVY VEHICLE SPEED

Increased speed means not only an increased risk of crashing but also increased severity if an accident occurs. There are two types of speeding:

- Where a heavy vehicle travels faster than the posted speed limit; and
- Where a driver travels within the speed limit but because of road conditions (e.g. fog or rain) this speed is inappropriate.

All vehicle drivers shall comply with the posted speed limits both on-site and off-site. Vehicle speed on public roads are enforced by Victoria Police, and vehicle drivers shall adhere to the posted speed limits. Vehicle drivers who do not adhere to the posted speed limits on-site shall be reported to the Quarry Manager.

Vehicle drivers shall adhere to the 15km/hr speed limit on-site for all entry roads, perimeter access roads, and internal haul roads.

#### 5.3 HEAVY VEHICLE DRIVER FATIGUE

Driver fatigue, defined as driving while feeling sleepy, physically or mentally tired, or lacking energy, is a major heavy vehicle safety hazard. Not getting enough sleep, driving at night, and being awake for a long time are the main causes of fatigue.

Fatigue is one of the biggest causes of accidents for heavy vehicle drivers. The National Heavy Vehicle Regulator (NHVR) has assumed control of the majority of regulatory responsibilities in Victoria and territories where this Law has commenced.

National heavy vehicle driver fatigue laws apply to fatigue-regulated heavy vehicles, which are:

- A vehicle with a Gross Vehicle Mass (GVM) of over 12t;
- A combination when the total of the GVM or Gross Combined Mass (GCM) is over 12t;
- Buses with a GVM over 4.5t fitted to carry more than 12 adults (including the driver); and
- A truck, or a combination including a truck, with a GVM of over 12t with a machine or implement attached.

All drivers have a duty to not drive a regulated heavy vehicle on a road while impaired by fatigue. All drivers shall comply with the requirements outlined by the NHVR and those vehicle drivers who do not adhere shall be reported to the Quarry Manager.

#### 5.4 HEAVY VEHICLE COMPRESSION BRAKING

Compression braking by heavy vehicles is a source of irritation to the community generating many complaints, especially in the early morning when residents are especially sensitive to noise.

In some instances, compression braking is required for safety reasons however when passing through or adjacent to residents in Lang Lang, or isolated farmsteads, a reduction in the speed of the vehicle is recommended to reduce the instances and severity of compression braking.

Drivers are requested to limit the noise created in and around the site, as much as possible, with compression braking only used for safety reasons. Vehicle drivers who do not adhere shall be reported to the Quarry Manager.

## 5.5 HEAVY VEHICLE NOISE

If drivers are required to wait for their next load, they shall wait in the designated on-site truck parking area, with engines turned off, within the Quarry site. No trucks shall stop and park on Westernport Road. Vehicle drivers who do not adhere shall be reported to the Quarry Manager.

### 5.6 LOAD COVERING

Loose material on the road surface has the potential to cause road crashes and vehicle damage. Uncovered loads represent the greatest risk to loose material on the road and increase dust impacts on neighbouring residents. To prevent these issues, all heavy vehicles must be covered, whether loaded with material or not. All vehicles shall tarp and detarp in the designated area as directed by the Quarry Manager or their representative. Vehicle drivers who do not adhere shall be reported to the Quarry Manager.

All laden vehicles leaving the site shall be cleaned of sand and other material that may fall on the road, before leaving the site, and shall exit the site via the wheel wash and weighbridge. Vehicle drivers who do not adhere shall be reported to the Quarry Manager.

#### 5.7 VEHICLE DEPARTURE AND ARRIVAL

Heavy vehicles travelling in close proximity on single lane public roads can be of concern to others including cars, bikes, pedestrians, and cyclists, as well as increasing noise through or adjacent to residential areas. To alleviate public concern and increase road safety, heavy vehicles leaving the Quarry will be separated by a minimum two minute interval.

It is difficult to schedule arrivals to the Quarry due to the varying job completion timeframes. When a driver becomes aware that they may depart at the same time as another driver, then the trailing driver shall ensure that there is a gap between vehicles. Please note that no trucks are allowed to stop along Westernport Road as discussed in **Section 5.5**.

All vehicles must enter and exit the site in a forward direction. Any vehicles that are seen attempting to enter or exit the site in any direction other than a forward direction, will be stopped and given the correct instruction. Vehicle drivers who do not adhere shall be reported to the Quarry Manager.

#### 5.8 BREAKDOWN AND INCIDENTS

In the case of a breakdown off-site, the vehicle must be towed to the nearest safe location as soon as possible and be reported to the VicRoads Incident Response Unit on 13 11 70, or local authority. The vehicle shall be protected in accordance with the Victorian Bus & Truck Drivers' handbook.

To ensure that traffic impacts are minimised in the event of an incident, rapid response from the haulage company is required. In order to ensure rapid response to incidents, drivers must contact the VicRoads Incident Response Unit on 13 11 70, the local authority, the driver's shift manager, and/or the Yannathan Quarry Manager as soon as the stranded vehicle and load is safely secured.

If there is a product spill while loading/unloading or on-route the driver must:

- Immediately warn persons in the area who may be at risk;
- Inform their shift supervisor/owner, and/or VicRoads or the local authority;
- Initiate a cleanup and dispose of the material in an acceptable and environmental manner;
- Put out warning triangles where it is safe to do so; and
- Contact the VIC Police Service, if needed.

# 5.9 CONTACT NUMBERS

# Table 5-1 Contact Details

Contact Name	Contact Number
VicRoads IRS (Incident Response Unit)	13 11 70
Cardinia Shire Council	1300 787 624
Quarry Management	13 36 66
Victoria Police (Lang Lang)	(03) 5997 5444
Other	

# 6. REVIEW

# 6.1 TRAFFIC MANAGEMENT PLAN REVIEW

Ongoing monitoring and review on the performance and implementation of this Traffic Management Plan will be undertaken in accordance with the sites operating procedures.

Hanson shall review, and if necessary, revise, the strategies, plans, and programs, within 3 months of the submission of an:

- Annual review;
- Incident report;
- Audit report; and/or
- Any modifications to the consent.

# 6.2 COMMUNITY COMPLAINTS

Should complaints from the community arise regarding the operation of the quarry, in particular the haulage vehicles entering and exiting the site, and their commute to and from the site, a community consultative committee may be established by Hanson

Any community consultative committee must be operated in general accordance with the site's Community Engagement Plan.

#### 6.3 REVISION REGISTER

Table 6-1 below summarises the changes/revisions/amendments to this document.

#### Table 6-1 Revision Register

Revision	Date	Revision Description
01	July 2024	Original Document

Any revisions made to this document shall be reflected in the site's operating procedures, and vice versa.

# Appendix A - Yannathan Quarry Traffic Map



# Appendix B - Yannathan Quarry Traffic Risk Assessment

# Yannathan QuarryTraffic Risk Assessment



Key Interaction Areas	Assessment Date	4/05/2023
Vehicles and	Site	Yannathan Quarry
Pedestrians	Review Dates	4/05/2026
	Site Summary / Outline:	

Road vehicles and Pedestrians

Earth moving equipment, heavy rehicles, light vehicles and Pedestrians

The Yannathan Qaurry is a small - medium sized sand operation that produces Concrete Sand for Hanson. 100% of supply is for internal concrete plants in metro Melbourne. The site is located on the corner of Westernport Rd and Milners Rd Lang Lang (opposite Heads Rd). Empty truck and trailers & B Doubles come to the site to pick up Concrete Sand. A small quantity of other items are delivered / transported to site in light and heavy vehicles. There is allocated site parking for employee's & visitors.

#### RISK ASSESSMENT MATRIX

		CONSEQUENCE				
						Major
		11	16	20	23	25
9		7	12	17	21	24
LIKELIHOOD		4	8	13	18	22
Ξ		2	5	9	14	19
	Rare	1	3	6	10	15

IKELIHOOD	DESCRIPTION	EXAMPLE
	Is expected to occur in most circumstances / common or repeating occurrence	Multiple occurrences within a month
	Will occur in most circumstances	Multiple occurrences within a year
	Could occur infrequently	1 to 10 year event
	May occur / improbable	10 to 100 year event
	Only in exceptional circumstances, practically impossible	100+ year event

Consequence Rating	Insignificant				
	Report only. No injury	FAI	Recordable injury (MTI, RWI, Minor LTI)	Severe lost time injury	Fatality / Multiple Fatalities
	Degradation confined within the work area with impacts readily addressed & reversible detrimental effects	Degradation confined within the work area with impacts readily addressed & reversible detrimental effects and breach of project of site EMP	On-site / Off-Site degradation which has persistent [43] weeks] but reversible impact. Non-compliance with legal & contractual requirements requiring reporting to authorities	An incident resulting in prosecution under environmental laws	On-Site / Off-site degradation which may have irreversible effects and an accident resulting in prosecution unde environmental laws.
	<\$5K	<\$5K - \$20K	<\$20K - \$100K	<\$100K - \$500K	<\$500K
	One off compliant / no media attention	Small number of complaints / low cost / local community media attention	Repeated complaints from same area, state / media attention	Community discontent and impact on viability of business / National media attention	Complete loss of trust / social unrest / dissensio and likely closure of business / National media attention
	Minor breach not attracting regulatory body	Issue resulting in notice / fine	Prosecution & penalty or fine	Prosecution suspension of operating licence / criminal conviction	Prosecution / loss of operating licence or closure of operations / imprisonment
	Rework costs less than \$5K	Rework costs between \$5K and \$10K	Rework costs between \$10K and \$50K	Rework costs between \$50K and \$100K	Rework costs greater than \$100K

RISK SCORE	RISK LEVEL	REQUIRED LEVEL OF ACTION AND TIME FRAME FOR ACTIONS
		Check current controls for adequacy and communicate hazards identified and their controls to the work group. No further actions / controls necessary (possibly consider new controls).
		Some action required. Action may be administrative and / or PPE if higher levels of controls are not practicable
		Immediate action required above Admin and PPE to control the hazard where possible.  Look for longer term solutions to reduce risk on an ongoing basis
	Extreme Risk	Activity must not commence / activity must stop immediately until actions have been implemented so far as to control the hazards to an acceptable level (below 20).

- 1	/lap ID	Location	Access by who	Number of times accessed per day	Interactions	History of incidents	Risk rating	Current controls	Proposed new controls	Reviewed risk rating	Risk database Number
	1	Westernport Rd	Truck and Dog Trailers, B doubles, Light Vehicles & Deliveries.	100	Vehicles entering and exiting the site. Staff accessing vehicles, site visitors accessing the office, pedestrians may cross the driveway via signed crossing.		3	Reversing beepers and park brake alarms fitted to Hanson equipment. Licensed drivers and operators. Hanson site signage	Signage, adequate: Two way traffic Visitors must report to the office 15 kph Fasten seat belts	3	
	2	Office, employee / visitor parking & Workshop area.	Truck and Dog Trailers, B doubles, Eathmoving Equipment, Light Vehicles, Deliveries and Pedestrians	100	Truck and dog trailers, Some earthmoving equipment, vehicles entering and exiting the office area. Employees & Visitor parking, deliveries drivers walking to office area.	No history of incident	3	Two way Comunication, Reversing beepers and park brake alarms fitted to Hanson equipment. Licensed drivers and operators. Handrail outside of the Weighbridge. Pedestrians wearing high visibility clothing. Parking area away from traffic movements	Define parking areas, pedestrian crossing and walkways and unloading area.	3	
	.3 I	Raw materials extraction area	Eathmoving Equipment Light Vehicles and minor Pedestrian traffic.	120	ADT's entering and exiting the area to load & tip raw materials for processing. Earthmoving equipment operating in area. Staff inspecting site or refueling.	No history of incident		Two Way Comunication, Reversing beepers, flashing lights and park brake alarms	1	3	
-											$\vdash$

Map ID	Location	Access by who	Number of times accessed per day		Interactions	History of incidents	Risk rating	Current controls	Proposed new controls	Reviewed risk rating	Risk database Number
	Name		Position		Signature		Date	Comments	Comments		
BENEDEK		GUNTHER	QUARRY MANAGER		G. Benedek		4/05/2023				
FIDDES		JEFF	QUARRY SUPERVISOR		I, Fiddes		4/05/2023				
PATTON		JAMES	OPERATOR		j. Patton		4/05/2023				
KIHUT		FRANK	OPERATOR		F.Kihat		4/05/2023				
MILLER		TONY	OPERATOR		T.Miller		4/05/2023				
FISHER		DARREN	OPERATOR		D. Fisher		4/05/2023				
ANABLE		ROBERT	OPERATOR		R. Anable			4/05/2023			
DALLAS		NICK	OPERATOR		N. Dallas		4/05/2023				
ROBIN		MARK	FITTER / OPERATOR		M. Robin		4/05/2023				
HENRY		NICK	FITTER / OPERATOR		N.Henry	N.Henry		4/05/2023			
HURLIMAN		BRIAN	OPERATOR		B. Hurliman		4/05/2023				

# Checklist for writing a TMP - Hanson

	Items reviewed	Comments	Actions	By Who	By When	Completed Y/N
1	In consultation with site personnel including HSR/s where available, Undertake a study of people and mobile equipment movement / interactions	Yes		G.Benedek J.Fiddes		
2	Identify all areas where mobile equipment and pedestrians could come in conflict	Yes		G.Benedek J.Fiddes		
3	Identify areas where vehicles interact with other vehicles	Yes		G.Benedek J.Fiddes		
4	Consider the possibility of eliminating the use of interactions altogether	Yes	Not Practicale to eliminate every intersection	G.Benedek J.Fiddes		
5	Consider smart technology such as proximity devices to trigger signals, boom gates and warning alarms	Yes		G.Benedek J.Fiddes		
6	Erect physical barriers where possible to protect all pedestrian walkways and/or enclose designated mobile equipment operating areas to prevent pedestrian access	Done		G.Benedek J.Fiddes		
7	Provide guidelines for implementing clearly marked exclusion zones / safe zones for both pedestrians and vehicles	Zone Map Prepared	Cruched Rock or Dirt Surfaces, Unable to mark out lines	G.Benedek J.Fiddes		
8	Develop a standard approach for colour coded lines to direct people and mobile equipment around the site	Limited lines in place.	Cruched Rock or Dirt Surfaces, Unable to mark out lines	G.Benedek J.Fiddes		
9	Ensure warning sirens and flashing lights are functional on all mobile equipment	Yes	Pre Start Check & Machine Checklist	G.Benedek J.Fiddes		
10	Ensure all pedestrians wear high visibility clothing, all mobile equipment's is easily visible with lights and hi visibility marking if required and the work area is well illuminated	All visitors, employees and contractors inducted		G.Benedek J.Fiddes		
11	Clearly mark designated necessary pedestrian crossings, ideally with boom gates and introduce and enforce a "right of way" procedure clearly indicating where and when pedestrians and mobile equipment must give way to each other	Yes	Refer to risk assessment proposed controls.	G.Benedek J.Fiddes		
12	Display clear warning signs and traffic management signage	Yes	Refer to risk assessment proposed controls.	G.Benedek J.Fiddes		
13	Train all who come onto site in the traffic controls for the site and pedestrian behavioural expectations	People trained on current site requirements.		G.Benedek J.Fiddes		
14	Traffic management plan is in place, update and current?	Yes	Site plan created	G.Benedek J.Fiddes		





# Appendix C - Yannathan Quarry Pedestrian Map



# Appendix D - Section 173 Agreement

# **Imaged Document Cover Sheet**

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Form 13



# APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

# Planning and Environment Act 1987

Lodged at the Land Titles Office by:							
Name: Phone: Address: Ref:	Maddocks 9288 0555 140 William Street, Melbourne 3000 or DX 259 Melbourne TGM:JYM:LGC:5092776  Customer Code: 1167E						
The Authority having made an agreement referred to in section 181(1) of the <i>Planning and Environment Act</i> 1987 requires a recording to be made in the Register for the land.							
Land: Volume 5	859 Folio 720						
Authority: Cardin	ia Shire Council of Henty Way, Pakenham						
Section and Act u Act 1987.	nder which agreement made: Section 173 of the Planning and Environment						
A copy of the agre	rement is attached to this application						
Signature for the	Authority: Tracey Parker						
Name of officer:	TRACEY PARKER						
Office held:	MANAGER DEVELOPMENT SERVICES.						
Date:	25/1/05						
[5092776/JYM/M0347384	1] .						

Pulmon

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# PRICE BRENT SOLICITORS MELBOURNE

# AGREEMENT PURSUANT TO SECTION 173 PLANNING AND ENVIRONMENT ACT 1987

THIS AGREEMENT made the TENTH day of Pugust 1995; pursuant to Division 2 of Part 9 of the Planning and Environment Act 1987 ("the Act")

BETWEEN the Responsible Authority and the Owner WITNESSES THAT:-

- A. The Owner is registered or entitled to be registered as the proprietor of the Site.
- B. The Site is within the area to which the Scheme applies and within the proposed Sand Extraction Transport Management Plan area for Lang Lang.
- C. The Responsible Authority is the relevant responsible authority under the Scheme and enters into this Agreement pursuant to Section 173 of the Act.

# NOW THEREFORE IT IS EXPRESSLY AGREED as follows:-

- 1. This Agreement is made pursuant to Division 2 of Part 9 of the Act. X
- 2. This Agreement is entered into as required by and pursuant to Condition 2 of Planning Permit No. CW 2959.
- 3. In this Agreement words importing the singular or plural number shall include the plural or singular number respectively and words importing the masculine gender shall include the feminie and neuter genders.
- In this Agreement a reference to an Act of Parliament or Section thereof or any Regulation shall be deemed to include any statutory modification or re-enactment thereof.
- 5. In this Agreement where the Owner constitutes more than one person, the obligations on the part of the Owner shall be deemed to be joint and several/
- 6. The Owner's obligations hereunder are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Site and bind the Owner thereof and any part thereof and the successors, assignces, transferees and registered proprietor or proprietors for the time being of the site and every part thereof.

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- 7. The Owner shall do all things necessary and expedient to enable the Responsible Authority to register this Agreement with the Registrar of Titles against the title to the Site pursuant to Section 181 of the Act. The Responsible Authority shall request the Registrar of Titles to withdraw registration of this Agreement from such title upon the termination of the Agreement or the Owner's obligations hereunder being satisfied and fulfilled.
- 1 8. This Agreement commences upon the Commencement Date.
  - The Owner warrants and covenants that:-
  - 9.1 the Owner is the registered proprietor or entitled to become the registered proprietor of the Site and the beneficial owner thereof;
  - 9.2 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Site not disclosed by the usual searches or notified to the Responsible Authority.
- 9.3 no part of the Site is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in Section 42 of the Transfer of Land Act;
- 9.4 the Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with the possession of the Site or any part thereof without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

# 10. Notices

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Any notice, consent, offer, demand, request or other instrument required or authorised to be given or served upon either party to this Agreement shall be in the English language and in writing and may be given by telex, telegram, facsimile transmission, cable, post or hand to that party delivered to the last or most usual address of that party known to the party giving such notice. Any instrument given or served by telex, telegram, facsimile transmission or cable shall be deemed to have been received on the date following the day of its dispatch. Any instrument having been given or served by post to an address in the same state in which it is posted shall be deemed to have been received on the third day

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following the day of posting. Any instrument given or served by hand shall be served at the time of delivery.

- 11. The Owner shall pay all stamp duty applicable to this Agreement and the reasonable legal costs of the Responsible Authority of and incidental to this Agreement including costs and fees for registration of a copy of this Agreement against the title's to the Site pursuant to Section 181 of the Act.
- 12. Any monies owing pursuant to this Agreement shall, if not paid within 14 days of demand, bear interest at the rate prescribed under the Penalty Interest Rates Act payable on such monies from the time those monies fell due until paid.
- 13. Upon the Commencement Date Condition 2 of the Planning Permit shall be deemed to have been satisfied.
- 14. Owner's Specific Obligations
- 14.1 The Owner shall notify all persons carting or transporting or removing sand, soil or other extracted material from the Site ("extracted material") that no such material shall be carried from the Site on any road other than Westernport Road, between the Site and McDonalds Track and on McDonalds Track from Westernport Road to the South Gippsland Highway at Lang Lang ("the Authorised Route") and shall undertake all reasonable means to ensure that no extracted material is carted from the Site to South Gippsland Highway by any other road under the management or control of the Responsible Authority without the consent "of the Responsible Authority.
- 14.2 Until any event as described in Clause 14.5 occurs, the Owner shall pay to the Responsible Authority on or within 7 days from 1 October in each year, commencing on 1 October 1994, a levy calculated as follows:-

for each truck load of extracted material carried from the Site over the Authorised Route, the sum of \$1.00 until 1 October 1995, and thereafter an amount per truck load equivalent to the amount charged in the immediately preceding year ("the base sum") adjusted by multiplying the base sum by a fraction whereof the divider represents the base sum and the multiplier represents the CPI all groups Melbourne last published immediately before

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the adjustment date (being the commencement of each new year of the term of this Agreement).

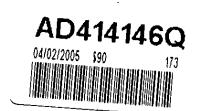
- 14.3 The levy of \$1.00 per truck load has been assessed having regard to recent experience in maintenance costs of the Authorised Route being \$3,000.00 per kilometre per year for the maintenance and \$12,000.00 per kilometre for every 10 years for resealing. The \$1.00 represents 30% of the estimated maintenance and rescaling costs, the other 70% being provided by the Responsible Authority and Vic Roads. The Responsible Authority will where agreement is reached charge all truck loads of extracted material using the Authorised Route the same amount.
- 14.4 For the purposes of this Agreement "truck load" means a part or full load of extracted material carried in a motor vehicle or heavy trailer combination as defined in the Road Safety Act 1986 or in a truck and trailer being towed by a prime mover whether or not the extracted material is in one and not the other of such containers.

# 14.5 Contingent event:-

In the event of the Responsible Authority receiving funds for the maintenance of the Authorised Route from the State or Federal Government or from any other source (other than the Owners of the Site and the Owners of the Site known as McLeod's Crown Allotments 78A and 78B Parish of Lang Lang McDonalds Track, Lang Lang as described in Planning Permit 890967) the levy shall either be reduced or cease absolutely at the reasonable discretion of the Responsible Authority but having regard to:-

- the extent of recovery by the Responsible Authority of monies due by Owners who have executed Agreements pursuant to Section 173 for contribution of funds towards the maintenance of the Authorised Route;
- the amount of additional or alternate funding or income including any other levies, received by the Responsible Authority in respect of any additional extracted materials carried or transported on the Authorised Route.

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# 14.6 Keeping of Records

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The Owner shall ensure that proper and complete records of the number of loads of extracted material carried or transported from the Site are kept up to date and made available for inspection of the Responsible Authority upon demand.

Payments of the levy shall be made to the satisfaction of the Responsible Authority

Payments of the levy shall be made to the satisfaction of the Responsible Authority and shall be in accordance with such records unless there is patent error, or unless the Responsible Authority has itself kept an alternative record in which case the latter shall prevail.

- 15. Responsible Authority's Specific Responsibility
- 15.1 The Responsible Authority shall not use or apply any of the levies paid pursuant to this Agreement for any purpose other than maintenance of the Authorised Route or any part or parts of it. "Maintenance" includes:
  - repairs, upgrading, and realignment of the foundations and surfaces of the roads constituting the Authorised Route, and the resealing of surfaces at least once every 10 years;
  - 15.1.1 structures, including culverts and bridges; signage and safety devices and any other traffic management requirements to prevent or reduce adverse effects on roads and adjacent environmental amenity and beneficial uses to the satisfaction of the Responsible Authority.
- 15.2 The Responsible Authority shall use its best endeavours to ensure that all other —owners of sites from which extracted material is carted or transported on the Authorised Route, or the operators of any such motor vehicles, or the extractors of any such material are charged appropriate amounts for the maintenance of the Authorised Route.
- 15.3 The Responsible Authority shall use its best endeavours to have established a regional scheme or enacted government legislation to ensure all sand or crushed rock cartage operators contribute to the maintenance costs of the Authorised Noute, and other roads being used for the cartage of extracted material, within the proposed Sand Extraction Transport Management Plan Area for Lang Lang.
- 15.4 The Responsible Authority acknowledges and agrees that Council, VicRoads and State Government funds shall meet all reconstruction costs of McDonalds Track

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and Westernport Road as soon as those funds become available, and further that the Owner shall not be obliged to contribute to such reconstruction costs.

15.5 The Responsible Authority covenants and agrees that in the absence of a regional scheme or enacted government legislation being established within five years in accordance with Clause 15.3 of this Agreement, that a review of the maintenance levy shall be carried out in accordance with Clause 14.5 of this Agreement.

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# 16. Additional Clauses

The Responsible Authority shall have no obligation to undertake maintenance of the Authorised Route or any part of it in the event of default in payment of any of the levies. The obligation on the Responsible Authority to apply levies towards the maintenance of the Authorised Route shall apply notwithstanding the provisions of the Local Government Act 1989 as amended.

- 17. The Owner shall pay all costs and expenses reasonably incurred by the Responsible Authority as a result of any default in the performance of any of the Owner's obligations hereunder. Should there by any dispute as to the amount of any professional legal costs payable under this Agreement, the same may be assessed by the Law Institute of Victoria Costs Service and, in this event, the Owner and the Responsible Authority shall be bound by any such assessment. Any fee payable for such assessment shall be paid equally by the Owner and the Responsible Authority.
- 18. Without limiting the operation or effect of this Agreement:
- 18.1 the Owner shall use its best endeavours to have any successor in title to the Site and any occupier of the Site give effect to and comply with the Owner's obligations under this Agreement and execute under seal a deed agreeing to be bound by the terms of this Agreement;
- 18.2 this obligation shall not apply whilst a memorandum of this Agreement is entered in the Register Book against the title to the Site.
- 9. The Owner and the Responsible Authority shall respectively execute any further documents and deeds and do all other acts or things reasonably required to implement this Agreement.



**SCHEDULE** 

1. The Owner:

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HANS ALFRED BULACH and KATHLEEN IRIS BULACH of "Riverlea", Patullos Road, Yannathan, 3984. EOENDARY " PRIN HIGHWAY

. 2. The Responsible Authority:

The Council of the City of Cranbourne of Sladen Street, Cranbourne

3. The Site:

Crown Allotment 100B Parish of Lang Lang East Westernport Road, Yannathan being the land comprised in Certificate/s of Title Volume 5859 Folio 720.

The Scheme: 4.

The Cranbourne Planning Scheme.

5. Commencement Date: The date of this Agreement.





IN WITNESS WHEREOF the parties hereto have duly executed this Agreement on the date of it.

THE COMMON SEAL OF THE CITY
OF CRANBOURNE was hereunto
affixed in the presence of:

Mayor/Councillor

. Councillor

Chief Executive Officer

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SIGNED by the said HANS ALFRED

BULACH in the presence of:

DOHN DOOSON

SIGNED by the said KATHLEEN IRIS BULACH in the presence of:

John Dopson

K. Bulach.

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Dartmouth Consulting Pty Ltd admin@dartmouthconsulting.com.au www.dartmouthconsulting.com.au