



EXTRACTIVE INDUSTRIES DEVELOPMENT ACT 1995

WORK AUTHORITY No. 389

36

PLAN OF AREA

ISSUED TO: Pioneer Construction Materials Pty Ltd

MUNICIPALITY OF Monash City

PARISH OF Mordialloc

TOTAL AREA ± 18.66 Hectares

NET AREA ± 6.58 Hectares

Natural Resources and Environment
AGRICULTURE
RESOURCES
CONSERVATION
LAND MANAGEMENT



SCALE 1: 6,500
NORTH

10
SECTION 1

- Excised Land
- Private Land - Sold No Depth Restriction

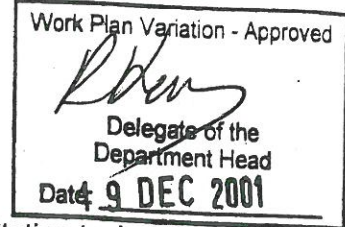
ALL MEASUREMENTS ARE IN METRES

Checked Julie Prenc

Date 23/11/2001

Record plan Ringwood

WORK PLAN CONDITIONS - WORK AUTHORITY 389



These conditions consist of:-

Part A - a general set of conditions; and

Part B - conditions relating to specific extractive and rehabilitation techniques.

This approved work plan is not an approval pursuant to the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

A. GENERAL CONDITIONS

1 WORK PLANS

- 1.1 Work must be carried out in accordance with the approved Work Plan and any subsequent approved variations, incorporating a rehabilitation plan. Where any inconsistency occurs between the Work Plan and other Work Authority conditions or regulations, the Work Authority conditions and regulations have precedence.
- 1.2 The Work Authority holder must, within 60 days of being requested by the Inspector submit an updated work plan based on the situation prevailing in the quarry at the time.

2 WORK AUTHORITY BOUNDARIES

- 2.1 The Work Authority holder shall erect and keep erected posts not less than one metre high above the ground and painted white with the number of the Work Authority painted legibly on them so as to define the boundary lines of the land and so that each post is visible from those nearest to it on either side.
- 2.2 The Work Authority holder must erect and maintain a legible sign at the entrance to the Work Authority, containing:
 1. the name of the Work Authority holder; and
 2. the Manager of the Work Authority and the Work Authority number.

3 FENCING AND SECURITY

- 3.1 Where public access is a safety hazard within the quarry, the Work Authority holder must fence and signpost the area to ensure public safety is maintained.
- 3.2 When directed by an Inspector of Quarries (hereinafter referred to as an Inspector), a fence or fences must be erected around specified work site areas to a written specification which may include time limits. Gates of a similar standard must be provided when directed. Gates and fences must be maintained to the satisfaction of an Inspector.
- 3.3 The works area shall be enclosed with a 1.8 metre high chain mesh fence. Gates of a similar standard to the fence shall be constructed and kept locked when the plant is not in operation.

- 3.4 Common boundaries between adjacent land held under Work Authorities need not be fenced.
- 3.5 When the site is not attended all gates shall be securely locked and subject to regular surveillance.

4 ROADS

- 4.1 Internal roads must be sited as approved or directed by an Inspector after consultation with the relevant section of the Department of Natural Resources and Environment in the case of Crown land, and/or the Responsible Authority in the case of private land. If in the opinion of an Inspector, dust arising from the roads cannot be adequately controlled by the use of water sprays/tankers, the Inspector may direct that the roads be surface treated with gravel or other approved material. This work shall be undertaken in accordance with any instruction including time limits as may be issued by an Inspector.
- 4.2 Any such road may be used:
- (a) by officers of, or persons authorised by any of the relevant sections of the Department of Natural Resources and Environment or employees or persons engaged in fire control;
 - (b) by the landowners or their agents where the Work Authority covers private land.
- 4.3 The Work Authority holder must ensure that all internal roads are properly formed, drained, surface treated and maintained to the satisfaction of an Inspector.
- 4.4 The access road from Centre Road to the sand drying plant shall be constructed and sealed to the satisfaction of an Inspector in consultation with the City Engineer, City of Monash (hereinafter referred to as the City Engineer).
- 4.5 Adequate measures must be taken to ensure that mud and clay are not deposited on public roads from the wheels and undercarriage of vehicles leaving the works area. If so directed by an Inspector, a wheel cleaning device shall be constructed and maintained in an operable condition to the satisfaction of the Inspector in consultation with the City Engineer.
- 4.6 Redundant internal roads are to be reclaimed in accordance with the reclamation conditions of this schedule.

5 SURFACE DISTURBANCE

- 5.1 The area of surface disturbance must be kept to a minimum.
- 5.2 Prior to commencement of excavation, adequate provision must be made for the separate stockpiling of organic matter (grasses and leaf litter) and any soils present to a depth of 150 mm below natural surface. These materials are to be stored in neat and tidy dumps not exceeding 2 metres in height and such dumps are to be protected from erosion and compaction.

- 5.3 No area may be opened up for quarrying and ancillary operations, except where approved as part of the approved Work Plan.
- 5.4 Where the Work Authority covers Crown land, all surface activity may be subject to compliance with other relevant Acts.
- 5.5 Where the Work Authority covers private land, such fire fighting equipment and appliances must be kept on site in working order as may be required by the Country Fire Authority. With respect to Crown land, the Fire Protection Regulations 1992 must be observed.
- 5.6 The removal or destruction of any timber where it is not consistent with the approved work plan must only be done in accordance with any requirements of the Local Municipality, the relevant section of the Department of Natural Resources and Environment, and the Country Fire Authority.
- 5.7 Any soil not immediately used for reclamation of the works areas is to be stored in neat and tidy dumps not exceeding 2 metres in height and protected from erosion by planting with grasses and provision of drainage to the satisfaction of an Inspector in consultation with the City Engineer.

6 DRAINAGE AND DISCHARGE CONTROL

- 6.1 There must be no discharge of process solutions or quarry waste from the Work Authority area. Any discharges from the Work Authority area must be minimised and any water discharged must be as free as possible of pollutants (including silt and clay), and licensed under the *Environment Protection Act 1970*.
- 6.2 Sediment retention structures, including dams, must be constructed in accordance with the approved work plan. An Inspector may also direct such works to be undertaken, where necessary, to control drainage from any disturbed area.
- 6.3 Rainfall and other natural waters must be diverted away from disturbed areas within the Work Authority area so as to control erosion, pursuant to Condition 7. However, such works must, as far as practicable, not cause undue alteration to the general drainage pattern beyond the Work Authority area.

7 SLIMES AND WATER DAMS

- 7.1 Slimes or water dams more than 5 megalitres in capacity and/or having walls more than 5 metres above the natural surface must be designed by an engineer possessing recognised qualifications and experience in dam design, and will be subject to the acceptance of the Chief Inspector.
- 7.2 Slimes or water dams of less than 5 megalitres and walls less than 5 metres high must be constructed in accordance with the Departmental guidelines.
- 7.3 Slimes stored on site must be kept to a minimum by the use of appropriate slimes drying out and disposal methods, as approved by an Inspector.

8 EROSION CONTROL

- 8.1 The Work Authority holder must undertake all necessary works to ensure that the potential for erosion of land, whether inside or outside the Work Authority area, that results from the operation, is minimised.
- 8.2 Should erosion occur, the Work Authority holder must take all necessary steps to rectify the erosion to the satisfaction of an Inspector.

9 NOXIOUS WEEDS AND PESTS

- 9.1 The Work Authority holder must establish and implement a programme to control or eradicate noxious weeds and pest animals in accordance with the *Catchment and Land Protection Act 1994*.
- 9.2 The Work Authority holder must make every effort not to bring plant diseases (such as *Phytophthora cinnamomi*) or weeds onto the site.
- 9.3 All machinery, implements or any other equipment must be thoroughly cleaned (ie. removing soil, organic matter and/or weed seeds or growing parts) prior to coming onto the site and must be similarly cleaned before moving to new locations.
- 9.4 Soil must not be imported onto the site for any reason whatsoever unless approved by an Inspector in consultation with the landowner or responsible land manager.

10 HYDROCARBONS STORAGE

- 10.1 Impervious bunding or other methods that comply with the requirements of AS1940, capable of containing 125% of the storage capacity, must be constructed around all fuel and lubricant storage facilities.
- 10.2 Any drainage from an area that may be subject to hydrocarbon spillage, such as a machinery maintenance area, must be free from hydrocarbon contamination and directed to a sump or interceptor trap.
- 10.3 Waste contaminated by hydrocarbons (such as rags, grease cartridges, soil, etc.) must be disposed of in accordance with any requirements of the Environment Protection Authority.

11 DUST EMISSIONS

- 11.1 Dust control measures must be in place to minimise dust generation so that detriment is not caused to surrounding areas, residents and persons in and around the quarry.
- 11.2 Dust resulting from all operations including extraction, loading, transport and stockpiling must be controlled by the use of appropriate water sprays, dust extraction or dust proof enclosures to the satisfaction of an Inspector.

12 NOISE EMISSIONS

- 12.1 Precautions must be taken to ensure that noise emissions comply with the provisions of any regulations under the *Extractive Industries Development Act 1995* as they relate to noise exposure to workers. Noise emissions measured at any residence within the vicinity of the Work Authority area must comply with limits set by the Environment Protection Authority.
- 12.2 Working hours must be in accordance with any requirements imposed by the Planning Scheme or caused by application of noise emission limits set by the Environment Protection Authority. However, an Inspector may authorise temporary work to occur outside of such working hours with the agreement of the relevant Responsible Authority and the landowner.

13 DERELICT AND REDUNDANT PLANT

- 13.1 All derelict and redundant plant, vehicles, machinery and equipment must be removed from the work authority site and deposited at an appropriate waste disposal site unless otherwise agreed in writing by the landowner.
- 13.2 The site shall be maintained in a clean and tidy condition to the satisfaction of an Inspector and the City Engineer.
- 13.3 At the cessation of operations all plant and buildings shall be removed from the site.

14 BUFFER ZONES AND EXTRACTION LIMITS

- 14.1 Excavation shall not take place within the buffer zones as shown on the approved work plans, except that this requirement will not apply with respect to any common boundary to an adjoining Work Authority area.
- 14.2 The Work Authority holder must erect and keep erected squared wooden posts not less than 80mm x 80mm and painted yellow to stand not less than 0.75 metres in height at intervals of not more than 50 metres on the final approved limits of extraction.

15 INTERNAL VISUAL SCREENING

- 15.1 Existing vegetation within the Work Authority area, and not within the area subject to surface disturbance as shown on the approved Work Plan, must be preserved and maintained.
- 15.2 The Work Authority holder must supplement existing vegetation with additional planting to provide an effective visual screen for all operations within the Work Authority area.
- 15.3 The Work Authority holder must take precautions to ensure that no vegetation species inconsistent with the surrounding vegetation are introduced to the area, except as permitted by the Responsible Authority.

16 PROGRESSIVE REHABILITATION

- 16.1 Progressive reclamation must be undertaken in accordance with the approved rehabilitation plan. In addition, any further rehabilitation work must be carried out at the direction of an Inspector.
- 16.2 As and when directed by an Inspector despite any compensation agreements between the Work Authority holder and the landowner, the Work Authority holder must undertake progressive rehabilitation of land on the area subject to surface disturbance.

17 FINAL REHABILITATION

- 17.1 Final rehabilitation must be in accordance with the approved rehabilitation plan and any additional requirements as and when directed by an Inspector after consultation with the landowner.
- 17.2 Failure to complete works in accordance with the approved rehabilitation plan or in accordance with the directions of an Inspector will constitute grounds upon which the rehabilitation bond may be called in either in whole or in part in accordance with the *Extractive Industries Development Act 1995*.

18 HERITAGE SITES

- 18.1 Any archaeological/historic and/or relics that are included in the Victorian Heritage Register, or any other significant archaeological/historic sites and/or relics in or adjacent to work areas shall be protected from damage by flagging or fencing to the satisfaction of an Inspector.
- 18.2 Tenure of this Work Authority does not exempt the holder from the following provisions of the *Heritage Act 1995*:
 - Section 127(1) – “A person must not knowingly or negligently deface or damage or otherwise interfere with an archaeological relic or carry out an act likely to endanger an archaeological relic”; and
 - Section 132(1) – “A person who discovers an archaeological relic must as soon as practicable report the discovery to the Executive Director or an Inspector unless he or she has reasonable cause to believe that the relic is recorded in the Heritage Register.”
- 18.3 Where required by an Inspector, in consultation with the responsible land manager, the Work Authority holder shall provide an inventory of historic sites and/or relics that may be affected by extractive or allied operations.
- 18.4 Tenure of this Work Authority does not exempt the holder from the following provisions of the *Archaeological and Aboriginal Relics Preservation Act 1972*:

Section 21(1) – “A person who willfully or negligently defaces or damages or otherwise interferes with a relic or carries out an act likely to endanger a relic shall be guilty of an offence against this Act”; and

Section 23(1) – “A person who discovers a relic shall forthwith report the discovery unless he or she has reasonable grounds to believe that the relic is recorded in the Register.”

Reports in compliance with S23(1) should be submitted to:-

The Director
Aboriginal Affairs Victoria
Department of Health and Community Services
Level 7
589 Collins St
MELBOURNE VIC 3000
☎ 03 9616 7777

19 PUBLIC LIABILITY INSURANCE

- 19.1 Prior to commencing any work authorised under this authority, the holder must be insured under a policy of public liability insurance. This public liability insurance must be maintained at all times while work occurs on the authority and must cover the specific activities authorised under this authority.

B. SITE SPECIFIC CONDITIONS

20 PARKING AREAS

- 20.1 Parking areas are to be provided within the works area for all vehicles used in connection with the operation, including private vehicles used by employees and visitors. The parking areas are to be properly formed, drained, sealed, surface treated with crushed rock or other approved material and maintained to the satisfaction of an Inspector.

21 PLANT AREAS

- 21.1 Areas under and around the plant, storage and stockpile areas which are traversed by road haulage vehicles are to be properly formed, drained, sealed, surface treated with crushed rock or other approved material and maintained to the satisfaction of an inspector.

22 SPILLAGE

- 22.1 Good truck loading techniques are to be employed so as to ensure material transported from the site is not spilled onto public roads. The clean up of any material spilled on public roads within 200metres of the vehicle entrance to the works area shall be the responsibility of the Work Authority holder.

23 BUILDINGS AND LIGHTING

- 23.1 No fixed plant or buildings other than those shown on the approved work Plan are to be constructed on the site without the prior written approval of the chief Inspector of quarries in consultation with the City Engineer.
- 23.1 Any security lights shall be sited and or baffled so that light does not spill beyond the boundaries of the site and cause a nuisance.

24 OVERBURDEN DUMPS

- 24.1 All sterile overburden and waste material retained on site and not immediately used for reclamation shall be placed in distinct and tidy dumps not exceeding 3 metres in height and kept separate from topsoil.
- 24.2 Overburden dumps shall be graded, drained and vegetated to prevent erosion.

25 LANDSCAPING AND RECLAMATION WORKS

- 25.1 Landscaping and reclamation works as outlined on drawings 1533/3 and described in the Reclamation Management Plan shall be undertaken.
- 25.2 Existing vegetation in the buffer zones shall be preserved and maintained. Where directed in writing by an Inspector existing vegetation shall be supplemented by additional planting to provide a screen for operations on the site.
- 25.3 In issuing directives under this condition the Inspector shall consult with the City Engineer. Any planting required shall conform with the species list contained in the Reclamation Management Plan
- 25.4 Buffer zones shall be maintained in a neat and tidy condition to the satisfaction of an Inspector.

26 HOURS OF OPERATION

- 26.1 Site operations shall be limited to the hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays. No operations are permitted on Sundays or public holidays.

OAKLEIGH PLANNING SCHEME

PLANNING PERMIT

Application No. 4731
City of Oakleigh
(Responsible Authority)

ADDRESS OF THE LAND.

Talbot Avenue, South Oakleigh

Sheet 1 of 2 Sheets

THE PERMIT ALLOWS

to use the land as described in Certificate of Title Volume 9402 Folio 344, formerly known as Talbot Avenue, and portions of the land abutting such land for the purpose of extraction and treatment of sand in accordance with the endorsed plan.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

This Permit shall have no force or effect until a site layout plan has been submitted to and approved by the Responsible Authority.

Such Plan shall be drawn to scale and show:-

- 1.1. Proposed landscape around the site.
- 1.2. Details of location and treatment of the proposed access lane.
- 1.3. A buffer zone in accordance with the requirements of the Planning Scheme Ordinance.

All to the satisfaction of the Responsible Authority.

The layout of the site and the size of the buildings and works hereby authorised shall be completed substantially in accordance with the conditions of this Permit and with the endorsed plan, all to the satisfaction of the Responsible Authority.

The terms and conditions of Extractive Industry Licences No. 44-2 and 1322 shall be complied with as if the use hereby permitted were an extension of such Licences.


The use shall only operate between the hours of:-

6:00 a.m. to 7:00 p.m. - Monday to Friday
6:00 a.m. to 6:00 p.m. - Saturday

and shall not operate on Sundays or Public Holidays.

The conditions of Extractive Industry under the Planning Scheme Ordinance shall be complied with at all times.

Date Issued 1st May, 1989


B.A. O'Donnell, Director of Technical
Services and Environment/City Engineer/
Town Planner - for and on behalf of the
Responsible Authority

CONDITIONS CONTINUED

In accordance with the provisions of Section 67 and 68 of the Planning and Environment Act 1987, unless the use or development hereby permitted is commenced within two years from the date hereon and is completed within two years of the date of commencement, or any extension of these periods which the Responsible Authority may on application make before or within three months after the expiry of the Permit by writing allow, this Permit shall lapse.

ued 1st May, 1989



E.A. O'Donnell, Director of Technical Services and Environment/City Engineer/Town Planner - for and on behalf of the Responsible Authority

TOWN AND COUNTRY PLANNING ACTS

Interim Development Order made by the Melbourne and Metropolitan Board of Works

Permit to Use Land


Serial No. 33835

Reference Application made on the 29/11/63

Subject to the conditions (if any) set out hereunder permission is hereby granted for the land situate at and described as part of lot 9, Lodged Plan No.4961 and Crown Allotment 6A, Parish of Mordialloo, Talbot Ave., City of Oakleigh, and being that part having dimensions 100 feet by 100 feet abutting the western boundary of the land and distant 1150 feet north of Centre Road, to be used for the purpose of the Pre-mixing of Concrete.

CONDITIONS

1. This permit shall have no force or effect until agreement has been reached with the Council in respect of the use of adjoining land in the same ownership situate and described as Lots 1 - 16, Lodged Plan No.11521, Centre Road, City of Oakleigh.
2. For the purposes of this permit the movement of vehicles between the land and Centre Road shall be only by way of Huntingdale Road.
3. The emission of dust shall be suppressed by effective means so as to minimise injury to the amenity of the locality.


For and on behalf of the Melbourne
and Metropolitan Board of Works.

20 FEB 1964

TOWN AND COUNTRY PLANNING ACTS

MELBOURNE AND METROPOLITAN

BOARD OF WORKS

NOTES

1. This permit is given only in so far as is required under the provisions of the Interim Development Order and does not constitute authority to erect or construct buildings or works over or upon any drain or sewer vested in the Board or upon any drainage or other easement whether registered or statutory, and does not imply that the Board will extend any service to the land.
2. The granting of this permit does not absolve the person to whom it is granted or any other person whatsoever from complying with any Statute or Regulation made thereunder and particularly with the Uniform Building Regulations, Victoria, any applicable Municipal By-Law or the provisions of any Planning Scheme or other Interim Development Order affecting the land.
3. Attention is directed to the Interim Development Order which, in Clause 4(2) provides that under certain circumstances the permit may cease to be of force or effect at the end of twelve months from the date of issue.

Section 19:

"Any person—

(a) who feels aggrieved—

- (i) by a determination of the responsible authority refusing to grant to him a permit for any use or development of any land or for the erection construction or carrying out of any buildings or works on any land; or
- (ii) by the failure of a responsible authority to grant to him such a permit within a period of two months or, where notice of the application was given or published as aforesaid, three months after receipt by the authority of the application for the permit;

(b) who feels aggrieved by any of the conditions specified in any permit granted or determined to be granted to him by the authority pursuant to this section;

(c) who feels aggrieved by any restriction on the use or development of any land or on the erection construction or carrying out of any building or works on any land (which use development erection construction or carrying out is permitted or not prohibited by the interim development order or is expressly authorised by a permit determined to be granted to him by the authority under this section) where the restriction results from or arises under any by-law made by a council pursuant to sub-paragraph (a) of paragraph (xxxviii) of sub-section (1) of section one hundred and ninety-seven of the Local Government Act 1958; or

(d) who, being an objector, feels aggrieved by a determination of the authority to grant any such permit—

may by notice of appeal served within the prescribed time and in the prescribed manner appeal to the Minister against the determination failure condition or restriction (as the case may be) and different prescriptions as to time and manner of appeal may be made in respect of different kinds of appellants."

TOWN AND COUNTRY PLANNING ACTS

NOTES

MELBOURNE AND METROPOLITAN BOARD OF WORKS

Interim Development Order - 1961

Application Serial No. 28745

Permit

The granting of this permit is not to be taken as an indication that the Board is satisfied that the proposed development is in accordance with the provisions of any... (text is mirrored)

Subject to the conditions (if any) set out hereunder permission is hereby granted for the land situate at and

described as Lots 1, 3, 4, 5 & 6, North-west corner of Centre Road and Talbot Avenue and Lots 1 - 17, Lodged Plan No. 11521, north-east corner of Centre Road and Talbot Avenue, City of Oakleigh, to be used for the purpose of extraction and treatment of sand.

CONDITION.


- (i) As set out on the attached sheet (1) signed for and on behalf of the Melbourne and Metropolitan Board of Works.
(ii) by the failure of a responsible authority to grant to him such a permit within a period of two months or where notice of the application was given or published as aforesaid, three months after receipt by the authority of the application for the permit.
(b) who feels aggrieved by any of the conditions specified in any permit granted or determined to be granted to him by the authority pursuant to this section.
(c) who feels aggrieved by any restriction on the use or development of any land or on the erection, construction or carrying out of any building or works on any land (which use development erection construction or carrying out is prohibited or not prohibited by the interim development order or is expressly authorized by a permit determined to be granted to him by the authority under this section) where the restriction results from or arises under any by-law made by a council pursuant to sub-section (a) of paragraph (a) of section (1) of section one hundred and ninety-seven of the Local Government Act 1958; or
(d) who being an objector, feels aggrieved by a determination of the authority to grant any such permit.

NOTE: See back.

For and on behalf of the Melbourne and Metropolitan Board of Works.

CONDITIONS.

1. The terms of the agreement between the Mayor, Councillors and Citizens of the City of Oakleigh and Consolidated Quarries Ltd. dated the 4th November 1959 shall be complied with.
2. Extraction shall not be carried out so close to the boundaries of the land as to cause injury to or damage any adjoining land or works or buildings thereon provided however that no excavation shall be carried out closer than 100 feet to Centre Road and 50 feet to any other boundary of the land the subject of this permit except where the adjoining land is permitted by or pursuant to the Order to be used for extractive industry.
3. The land within 100 feet of Centre Road shall not be used for the purpose of access to the land and shall be graded to an even surface and any substantial trees thereon shall be retained.
4. A protective screen shall be provided by the planting of trees and shrubs along the margin of the land and on all the land within 50 feet of Centre Road to the satisfaction of the Council.
5. When ordered by the responsible authority any land which has been excavated shall be made available for the reception of filling and shall be sloped, respiced and/or planted with protective vegetation to the approval of the authority provided that current or proposed extractive operations are not detrimentally affected thereby. The material for filling may include refuse, garbage or rubbish delivered or tipped in accordance with the provisions of the Health Act.
6. Excavation shall be carried out in stages, as shown on the endorsed plan accompanying Notice of Determination to Grant dated 22/2/67 commencing with Stage 1.
7. This permit shall have no force or effect with respect to the land other than Stage 1 until 75% of the area of the land shown as the immediately preceding stage and the whole of the area of the land within the stage prior to the immediately preceding stage is available for reclamation in accordance with condition (5) hereof.
8. All top soil excavated from the land shall be carefully stacked on the land and shall not be removed therefrom but shall be preserved for the purpose of future respicing. X
9. For the purposes of this permit vehicular access to the land shall be by way of Huntingdale Road or southerly in Talbot Avenue to Centre Road.
10. No vehicle shall carry extracted material to or from the site except during the hours of 6 a.m. to 6 p.m.
11. Dust and fumes shall be suppressed by water, dust extractor or other effective means so as to minimize injury to the amenity of the locality.
12. The disposal of sand, silt, sludge, clay, overburden or any other material resulting from operations on the land, shall be so controlled that the same shall not become an inconvenience, nuisance or obstruction to any roads, sewers, creeks, waterways, drains or drainage easements on private or Crown lands or in any manner cause any public or private damage or inconvenience.


 For and on behalf of
 the Melbourne and
 Metropolitan Board

OAKLEIGH PLANNING SCHEME

NOTICE OF DECISION TO GRANT A PERMIT

Application No. 4731
City of Oakleigh
(Responsible Authority)

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND.

Talbot Avenue, South Oakleigh

Sheet 1 of 2 Sheets

WHAT WILL THE PERMIT ALLOW?

to use the land as described in Certificate of Title Volume 9402 Folio 344, formerly known as Talbot Avenue, and portions of the land abutting such land for the purpose of extraction and treatment of sand in accordance with the endorsed plan.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. This Permit shall have no force or effect until a site layout plan has been submitted to and approved by the Responsible Authority.

Such Plan shall be drawn to scale and show:-

- 1.1. Proposed landscape around the site.
- 1.2. Details of location and treatment of the proposed access lane.
- 1.3. A buffer zone in accordance with the requirements of the Planning Scheme Ordinance.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size of the buildings and works hereby authorised shall be completed substantially in accordance with the conditions of this Permit and with the endorsed plan, all to the satisfaction of the Responsible Authority.
3. The terms and conditions of Extractive Industry Licences No. 44-2 and 1322 shall be complied with as if the use hereby permitted were an extension of such Licences.


4. The use shall only operate between the hours of:-

6:00 a.m. to 7:00 p.m. - Monday to Saturday
6:00 a.m. to 6:00 p.m. - Saturday

and shall not operate on Sundays or Public Holidays.

5. The conditions of Extractive Industry under the Planning Scheme Ordinance shall be complied with at all times.

Date Issued 22nd March, 1989



B.A. O'Donnell, Director of Technical
Services and Environment/City Engineer/
Town Planner - for and on behalf of the
Responsible Authority

CONDITIONS CONTINUED

Sheet 2 of 2 Sheets

6. In accordance with the provisions of Section 67 and 68 of the Planning and Environment Act 1987, unless the use or development hereby permitted is commenced within two years from the date hereon and is completed within two years of the date of commencement, or any extension of these periods which the Responsible Authority may on application make before or within three months after the expiry of the Permit by writing allow, this Permit shall lapse.

Date Issued 22nd March, 1989


B.A. O'Donnell, Director of Technical Services and Environment/City Engineer/Town Planner - for and on behalf of the Responsible Authority

WORKING PROPOSAL

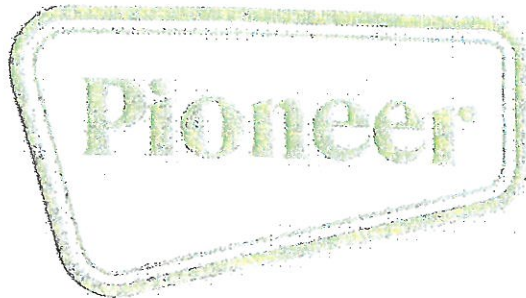
EXTRACTIVE INDUSTRY LICENCE 44/3 AND 1322/1

OAKLEIGH

Work Plan Approved
f. King
28 SEP 1998
Signed pursuant to
Instrument of
Delegation dated
1-7-1996

Prepared By:
Pioneer Concrete (Vic) Pty Ltd
(A.C.N. 004 375 302)
Level 1; 1183 Toorak Road
Hartwell, 3125

Date: August 1994



PREAMBLE

In 1993 Pioneer entered into an agreement under section 173 of the Planning and Environment Act 1987 with the City of Oakleigh. The terms of that agreement provide that Pioneer may continue to use the site for the purposes of processing foundry sand and site rehabilitation until 31 December 2014. Some limited extraction of sand in the southern part of the site was permitted under the terms of this Agreement. This extraction has now been completed and no further extraction of sand will take place. Under the terms of this agreement Pioneer is to rehabilitate the site, following which parts may be transferred to the Council at a fair market price. The end use of the site is to be as determined by Council. A copy of this agreement is attached.

This site is declared to be an "extractive industry" under the provisions of section 2 of the *Extractive Industries Act 1966*.

BACKGROUND

NATURE OF AREA

The site is located approximately 16 km south east of the Central Activities District and is located on the north side of Centre Road approximately 0.4 km east of Huntingdale Road (Melway reference 78 J2). The licences cover an area of 20.44 ha.

The site is located in the City of Oakleigh. The surrounding land uses are housing, parkland, golf courses and retirement homes.

The site is situated on alluvial and dune sands that are gently undulating.

ZONING

The site is zoned Industrial Extractive and Residential C under the City of Oakleigh Planning scheme. This zone allows for extractive industry with no extraction works within 20m of the boundary save for road crossings, drainage, landscaping and tree planting. Extraction and rehabilitation are allowed under a Section 173 agreement dated March 1993.

HISTORY OF THE SITE

The quarry was established on or about 1950 by Fregan Sand Pty Ltd. This area was covered by Licence 44 which was issued for a period of 5 years from 16 November 1979. A foundry sand plant was established in the 1950's. Since that time the site has been modified and used for the production of various grades of dried foundry sand

GEOLOGICAL INFORMATION

RESERVES

As the site has been worked out, the Section 173 agreement of March 1993 with the City of Oakleigh provides that once extraction of sand in the southern area is completed no further extraction will occur on the site.

MARKETS

MARKETS AVAILABLE

Over the years this quarry has supplied the ready mixed concrete market and foundry sand industry. These markets were generally internal for concrete aggregates and external for foundry sands. These markets are predominantly in the Melbourne metropolitan area and the site is now supplying only foundry sand.

ESTIMATED ANNUAL OUTPUT

Sales have been in excess of 40,000 tonnes per annum. Average production over the last eight years is in the order of 40,000 tonnes due to market forces. This is not expected to change.

LIFE OF QUARRY

This site is to be used for sand processing and is to be reclaimed until the 31st December, 2014.

APPLICATION AREA

TITLE DETAILS

The site is owned by Consolidated Quarries Ltd., a wholly owned subsidiary of Pioneer Concrete (Vic.) Pty. Ltd.

The licence covers certificates of title Vol. 8343 Fol. 532, Vol. 8186, Fol. 871, Vol. 8550, Fol. 541, Vol. 3645, Fol. 846, Vol. 6313, Fol. 437 and Vol. 9402, Fol. 344.

FENCING DETAILS

The current licensed area has a chain mesh fence on its boundary. There are gates provided on the southern side of the site as indicated on the working plan.

ACCESS ROADS

EXTERNAL

The external access road comes off Centre Road. It is sealed to the weighbridge and to the stockpile area.

INTERNAL

Internal roads are shown on plan Q-606-OK. They comprise haul roads from the stockpile area to the plant, roads to take material from the ground stockpile to the processing plant.

BUFFER ZONES

TOPSOIL AND OVERBURDEN STORAGE

The topsoil and overburden storage mounds are indicated on working plan Q-606-OK. There are additional areas indicated on the plan for the storage of material. This is to be used in the final reclamation of the site. Other overburden will be relocated to achieve the final reclamation of the site.

OTHER ASPECTS

NOISE

The site is to be operated within the EPA noise guidelines N-1.

DUST

Dust is controlled at its source by using water trucks of sufficient capacity on the haul roads and stockpile areas.

Windblown sand from the stockpiles is controlled by water sprays that are activated at certain temperatures and wind velocities. This method has proved effective in controlling this dust.

TRAFFIC

Given the estimated annual output of 40,000 tonnes and the current distribution of trucks, tandems and trailers, the average daily truck movements is approximately 100.

The traffic travels along the access road to Centre Road.

All trucks leaving the quarry follow the Transport Code Of Practice as set out by the Crushed Stone Association.

VISUAL

A number of mounds or bunds have been developed to shield the site from surrounding vantage points. These mounds were developed in consultation with Carol Frank Mas & Associates with the design enabling the site to be well shielded from the surrounding use. These mounds are shown on plan Q-606-OK.

PLANT AND EQUIPMENT

DETAILS OF FIXED AND MOBILE PLANT

FIXED PLANT

The processing operation comprises washing the material prior to entering the processing plant. The material is screened and sent down to a sump and further processed by screening and removal of the sand from further tanks, through a number of 12" cyclones to a drying slab.

The fixed processing plant comprises covered loading bins that feed in to a number of hoppers. This is one entry point for the processing plant. There is also a slab where unprocessed sand is washed and entered into the processing operation.

The drying operation after the covered loading bins comprises a furnace and dryer with a 100hp input fan. The hot sand is then sent to a cooler with another 100hp fan supplying air into the system. The cool sand is then conveyed to a screen where the various sizes are separated and loaded into bins some for collection by tip trucks and some for collection by tankers.

Part of the fixed plant comprises a dust extraction plant. Dust is extracted from the processing/drying operation via an extractor. This extractor separates the coarse and fine dust, the coarser material re-entering the processing operation. The finer material is then further extracted using cyclones where the slurry is returned to a settling dam. The same extraction process occurs in the cooling side of the plant save for a scrubber that further refines the dust and excess water is removed via an exhaust fan.

Ancillary fixed plant comprises a substation that supplies power to the plant, and a switch room. East of the plant area there is a workshop. The lunchroom/office and weighbridge are located south of the plant and their locations are shown on the working plan Q-606-OK.

MOBILE PLANT

Mobile plant at present comprises a Volvo 4600B loader to load the sand into the plant.

DERELICT AND REDUNDANT PLANT

Derelict and redundant plant will be stored on site in a salvage yard to be adequately screened from the outside licence area. This area is to be sited with the approval of the manager and the Inspector of Mines and Quarries.

Alternatively the redundant plant will be removed off site.

At the end of the operation, as part of the reclamation of the site, the plant and buildings will be removed off site. This will be dealt with in detail near cessation of activity on the site.

POWER SUPPLY FUEL STORAGE

POWER

Three phase power is transmitted to the plant along a line running along the access road entering south of the main entrance and travelling north to the substation as indicated on the working plan. From there it is distributed around the plant and to the switchroom, laboratory, workshop, office, lunchroom and weighbridge.

FUEL

Diesel and petrol are stored on site in tanks as indicated on the working plan. Only diesel is used as fuel in mobile equipment.

PROPOSED HOURS OF OPERATION

Operations including loading, crushing and cartage of sand occur between the hours of 7.00 am to 6.00 pm Monday to Friday inclusive and 7.00 am to 1.00 pm on Saturdays, except for the public holidays Christmas day, Boxing day and Good Friday. Under the terms of the Section 173 Agreement operations may continue between 6.00 pm and 8.00 pm Monday to Friday except that there is to be no movement of vehicles or loaders save as required for essential plant maintenance.

PROPOSED FACE SLOPES

Face slopes have an angle of 70 degrees to the horizontal. These will be filled out as the site is reclaimed.

EXPLOSIVES

No explosives are used on this site.

DRAINAGE AND EFFLUENT CONTROL

WATER

There are two possible sources of water on site, drains through the site and ground water.

Water runoff from the site area is collected through a number of surface drains throughout the site and these are indicated on the working plan.

EASEMENT PROTECTION

There is an S.E.C. registered easement on licence area 1322. No protection measures are necessary as the extraction on the site has ceased and the location of the road will not be changed.

RECLAMATION

GENERAL CONSIDERATIONS

The site is to be reclaimed by filling progressively as described in the the Reclamation Management Plan submitted under separate cover. This plan covers the processes and philosophy to be adopted in reclaiming this site.

This reclamation plan is also in accordance with the Section 173 Agreement signed with the City of Oakleigh. This is for a staged reclamation of the site starting with draining the eastern dam and filling the dam from the north west corner -

The western side of the site is to be filled with solid inert fill and levelled off and planted as outlined in the Reclamation Management Plan.

AFTER USE

The site will be restored to a landform compatible with the surrounding land. The Section 173 Agreement requires that parts of the land are to be transferred to Council at a fair market value and as such the after use will fit in with the themes developed by Council. At present these themes are for a park on the eastern side of the site and a retirement village on land west of Talbot Avenue which has been transferred to Council.

ATTACHMENT 1

SECTION 173 AGREEMENT

MADDOCK LONIE & CHISHOLM
SOLICITORS & NOTARY

DATED

15th

day of

March

1993

CITY OF OAKLEIGH

the Council

- and -

CONSOLIDATED QUARRIES LTD.
(A.C.N. 004 281 323)

the Owner

Agreement Under Section 173 of the Planning and
Environment Act 1987

: Subject Land: Centre Road South Oakleigh

440 Collins Street
MELBOURNE VIC 3000
Telephone: 288 0555
Our Ref: GHP/RDG/1556678
DX 259

THIS AGREEMENT is made the 15th day of *March* 1992/3

BETWEEN:

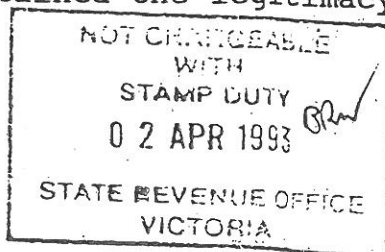
OAKLEIGH CITY COUNCIL of Municipal Offices,
Atherton Road, Oakleigh of Victoria
("the Council")

- and -

CONSOLIDATED QUARRIES LIMITED (A.C.N. 004 281 323)
of 1183 Toorak Road, Hartwell of Victoria
("the Owner")

INTRODUCTION:

- A. The Owner is the registered proprietor of the whole of the land described in Certificates of Title Volume 8343 Folio 532, Volume 8186 Folio 871, Volume 8550 Folio 541, Volume 3645 Folio 846, Volume 6313 Folio 437 and Volume 9402 Folio 344 being situated on the north side of Centre Road, South Oakleigh and used for the purpose of extraction, re-washing, drying, blending, storage and sale of sands (collectively "the subject land").
- B. The Council is the Responsible Authority pursuant to the *Planning and Environment Act 1987* ("the Act") for the Oakleigh Planning Scheme ("the Scheme").
- C. In Planning Appeals Nos. 1990/35916, 1990/35924 and 1990/35932 to the Administrative Appeals Tribunal the Council has alleged (inter alia) that the use of the subject land is not in accordance with the Oakleigh Planning Scheme.
- D. In the said appeals the Owner has denied the allegations made by the Council and maintained the legitimacy of the use of the subject land.



- E. In order to avoid the expense of further proceedings the Council and the Owner wish to enter into an Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* whereby the Owner binds itself to observe certain conditions on continued use of the subject land.
- F. The Council and the Owner have agreed that without limiting or restricting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.
- G. The parties to this Agreement acknowledge that the Agreement provides for one or more of the following matters:
1. the prohibition, restriction or regulation of the use or development of land;
 2. the conditions subject to which land may be used or developed for specified purposes;
 3. a matter intended to achieve or advance the objectives of planning in Victoria.

IT IS AGREED:

1. DEFINITIONS

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1. "Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the subject land.

2. INTERPRETATION

- 2.1. The singular includes the plural and the plural includes the singular.

- 2.2. A reference to a gender includes a reference to each other gender.
- 2.3. A reference to a person includes a reference to a firm, corporation or other corporate body.
- 2.4. If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5. A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 2.6. All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

3. **SUCCESSORS IN TITLE**

Without limiting the operation or effect which this Agreement has, the Owner shall until such time as a memorandum of this Agreement is registered on the title to the subject land ensure that its successors in title:

- 3.1. give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 3.2. execute under seal a deed agreeing to be bound by the terms of this Agreement and upon such execution this Agreement shall continue as if executed by such successors as well as by the parties to this Agreement as if the successor's name appeared in each clause in which the name of the Owner appears and in addition to the name of the Owner.

4. COVENANTS OF OWNER

- 4.1. The Owner shall forthwith pay on demand to the Council the Council's costs and expenses (including legal expenses) of and incidental to:
- 4.1.1. this Agreement and any amendment of this Agreement and anything done in connection with this Agreement
 - 4.1.2. the preparation of an application pursuant to Section 181 of the Act enabling the registration of this Agreement at the Land Titles Office and any duties or fees payable in connection with either this Agreement, the registration of this Agreement at the Land Titles Office or in connection with any default of the Owner.
- 4.2. The Owner covenants and agrees that it will:
- (Use and Operating conditions)
- 4.2.1. undertake early and rapid extraction of the sand remaining at the southern end of the site, generally in the area coloured yellow on the annexed site plan marked "A";
 - 4.2.2. extracted sand shall be stockpiled in the area west of Talbot Avenue and north of the western sandpit generally in the area coloured red on the site plan;
 - 4.2.3. hours of operation will be limited to 7 a.m. to 6 p.m., Monday to Friday inclusive and 7 a.m. to 1 p.m. on Saturdays provided

that operations may continue until 8 p.m. on Monday to Friday inclusive on condition that between 6 p.m. and 8 p.m. there will be no movement of vehicles or loaders on site associated with the drying plant operation save as required for essential plant maintenance. No operations are permitted on a Sunday or Public Holiday;

- 4.2.4. at all times the noise levels emanating from the plant shall not exceed those specified at the date of this Agreement for the time period 6 p.m. to 10 p.m. under the State Environment Protection Policy N-1;
- 4.2.5. as soon as is practicable seal the access road from Centre Road to the sand drying plant to the satisfaction of an Inspector of Mines and Quarries in consultation with the City Engineer, City of Oakleigh;
- 4.2.6. ensure that any front end loader operated on site shall be a unit able to operate within the permissible noise level;
- 4.2.7. within 14 days of the execution of this Agreement apply for all necessary building approvals to construct additional hopper capacity, so as to ensure that raw material stockpiles will not be required. The Owner will complete the construction of the additional hopper capacity within three months of the grant of such approvals. During the period while such hopper capacity is being provided, the Owner will use its best endeavours to reduce the size of stockpiles of raw material;

- 4.2.8. After completion of the said additional hopper capacity, if reasonably requested to do so by any affected resident having a line of sight from his or her property to the stockpiles on site, screen such stockpiles from view by shade cloth or similar means.

(Filling and End Use)

- 4.2.9. when extraction at the southern end of the site is completed as required in Clause 4.2.1, forthwith drain the eastern dam (being the area generally coloured blue and marked "eastern dam" on the site plan) and permit filling of the eastern dam commencing from its north-west corner;
- 4.2.10. make the site of the eastern dam available to Council or to third parties at Council's direction to accept clean fill on a no charge basis to enable the dam to be filled as quickly as possible, subject to reasonable notice being give of large volumes of fill;
- 4.2.11. with respect to all other airspace within the subject land, make such airspace available to the Council for the purpose of tipping using clean fill by the Council or third parties at Council's direction on the following terms:
- (i) no rates are charged to the Owner during the period that any area of land is in the control of the

Council for the purpose of tipping and/or reclamation with respect to such area;

- (ii) that all tipping is carried out in accordance with all applicable statutory requirements and in compliance with all applicable requirements for reclamation and rehabilitation of the site;
- (iii) that tipping only takes place in such area as the Owner from time to time indicates is no longer required for the purpose of excavation or of the Owner's operations on the remainder of the land;
- (iv) that any tipping and/or reclamation operations do not directly or indirectly interfere with the Owner's operations on the remainder of the land;
- (v) that the Council keep the area in which tipping operations are in progress securely fenced and be responsible to ensure that all land within the control of the Council for tipping or reclamation purposes is kept free of accumulations of water;
- (vi) that upon reclamation, the land be appropriately consolidated, resoiled and levelled.

- 4.2.12. ensure that no clay-slimes shall be deposited or permitted in the western sandpit;
- 4.2.13. if required by Council, transfer filled or unfilled land progressively to the Council at a negotiated fair market price;
- 4.2.14. use its best endeavours to make an area immediately behind the Clarinda Centre (coloured green on the site plan) available for transfer to the Council at a negotiated fair market price and will engage in negotiations with Council regarding the transfer of such area as soon as possible after October 1993;
- 4.2.15. ensure that use of the subject land for the purpose of extraction, re-washing, drying, blending, storage or sale of sands shall finish on the 31 December 2014;
- 4.2.16. carry out and comply with the requirements of all statutory authorities in relation to the development of the subject land and comply with all statutes, regulations, by-laws, local laws and planning controls in relation to the subject land;
- 4.2.17. do all things necessary including the signing of any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that it carries out its covenants, agreements and obligations under this Agreement and to

enable the Council to enforce the performance by the Owner of such covenants and undertakings;

- 4.2.18. consent to the Council entering a memorandum of this Agreement on the certificate of title to the subject land in accordance with Section 181 of the Act and do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document to enable the memorandum to be registered under that Section.

5. **CONSULTATIVE COMMITTEE**

The Owner and the Council will establish a Consultative Committee for the purposes of monitoring compliance with this Agreement and any relevant licences and permits. The Consultative Committee shall comprise two representatives of the Owner, one representative of the Department of Manufacturing and Industry Development, three representatives from the Council and three local residents. The Owner's representatives shall represent the occupiers of the land and shall be familiar with all operations on the land. Meetings shall be held three monthly or as determined by the Committee. A quorum for any meeting shall consist of at least four persons comprising one Owner representative, one Council representative and two local residents.

6. **DEFAULT OF OWNER**

In the event of the Owner defaulting or failing to perform any of its obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner

and any such costs shall until paid be and remain a charge on the said land and shall be capable of being recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

7. **INDEMNITY**

The Owner covenants and agrees that it will indemnify and keep indemnified the Council, its officers, servants, agents, workmen and contractors from and against all costs expenses, losses or damages whatsoever which the Council its officers, servants, agents, workmen and contractors may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgment or claim brought by any person whatsoever arising from or referable to the carrying out of works referred to in Clause 6 of this Agreement.

8. **ACKNOWLEDGEMENT AND UNDERTAKING**

- 8.1. The parties acknowledge that the Administrative Appeals Tribunal proceedings have been struck out in consideration of the terms and conditions of this Agreement.
- 8.2. The Council undertakes not to bring any further proceedings in respect of alleged past breaches of the permit conditions.
- 8.3. The Council undertakes that provided the Owner is in compliance with the terms and conditions of this Agreement, the Council will not bring any further proceedings or provide direct or indirect assistance save in the normal course of its responsibilities to any other parties to bring proceedings asserting that the uses referred to in the Agreement are prohibited prior to 31 December 2014.

9. GENERAL

9.1. Notices

9.1.1. A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- (i) by delivering it personally to that party; or
- (ii) by sending it by post, postage pre-paid addressed to that party at his address set out in this Agreement or subsequently notified to each party from time to time.

9.1.2. A notice or other communication is deemed served, if delivered, upon delivery and, if posted, on the expiration of two business days after the date of posting.

9.2. Further Assurance

Each of the parties to this Agreement shall respectively sign and execute all further documents and deeds and do all acts and things as the other parties shall reasonably require for completely effecting this Agreement.

9.3. No Waiver

Any time or other indulgence granted by the Council to the Owner or any judgment or order obtained by the Council against the Owner will not

in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

9.4. Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative.

9.5. No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the subject land.

EXECUTED by the parties on the date set out at the commencement of this Agreement.

THE CORPORATE SEAL of THE)
MAYOR COUNCILLORS AND CITIZENS)
OF THE CITY OF OAKLEIGH was)
hereunto affixed in the)
presence of)

..... *John D. ...* Mayor

..... *D. J. McGill* Councillor

..... *[Signature]* Town Clerk/Chief Executive

THE COMMON SEAL of THE
CONSOLIDATED QUARRIES LTD
was hereunto affixed in
accordance with its Articles
of Association in the presence
of:



J. Newlands

..... Director

Alams

..... Director/Secretary

month/HPT/D/3320003 KR

T BY: CITY OF OAKLEIGH

31-8-92 2:30PM
6135681690
PIONEER CONCRETE (VIC) P/L
SAND EXTRACTION SITE

61 3 6700062;# 2

