

**IN PLANNING PANELS VICTORIA  
AT MELBOURNE**

Application to Amend Planning Permit No. 120388

B E T W E E N:

**Dandy Premix Quarries Pty Ltd**

Permit Applicant

-and-

**Bass Coast Shire Council**

Responsible Authority

-and-

**Others**

Objectors

**PART B SUBMISSION ON BEHALF OF THE PERMIT APPLICANT**

**A. Introduction**

1. This Part B submission is made on behalf of Dandy Premix Quarries Pty Ltd (**Dandy Premix or Applicant**).
2. This Part B submission addresses the issues set out in directions 17 and 18 of the Panel Directions dated 2 March 2021. The Applicant will provide further information to address the issues in direction 19 through evidence.
3. Terms defined in the Applicant's Part A submission have the same meaning in this Part B submission.

## **B. Full description of the proposal**

4. As the sand resource available under the Existing Approvals will be exhausted by 2023, Dandy Premix proposes to expand the sand quarry at the Subject Site by:
  - 4.1. expanding the fine – medium sand extraction pit (the **FMSEP**) and extracting medium – fine sand from below the water table to a depth of 13.0m AHD;
  - 4.2. extracting coarse sand from a new pit located towards the eastern end of the WA1488 (the **CSEP**) using dry extraction methods to replace course washed sand currently purchased and imported from external sources;
  - 4.3. installing a sand washing plant and a slimes dewatering plant to undertake a broader range of sands processing on site;
  - 4.4. installing a signalised intersection at the quarry entrance to enable truck right turns onto the Bass Highway towards Melbourne and eliminate approximately 120 current trucks movements/day and an estimated future maximum of 240 truck movements/day through the Grantville township;
  - 4.5. increasing the permissible truck movements in and out of the WA1488 site from 120 to 240 per day; and
  - 4.6. extending the operating hours with respect to the sales, loading and despatch operations and the slimes dewatering process plant operations  
(the **Proposal**).
  
5. The Proposal, including the rehabilitation plan, is further detailed in:
  - 5.1. the Statutorily Endorsed Work Plan Variation for WA1488 which has been prepared under the *MRSDA* and contains the information required by the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010* ([Tab 140](#) of the Hearing Book); and

- 5.2. the Course Sand Extraction Pit Staged Plan ([Tab 179](#) of the Hearing Book).
6. If a permit amendment is granted, the sand quarry at the Subject Site (including the proposed expansion) will be regulated under a final work plan variation which will be approved pursuant to the *MRSDA*.
7. Section 78A of the *MRSDA* requires the Applicant, as the holder of an extractive industry work authority, to rehabilitate the Subject Site in accordance with the approved rehabilitation plan and the conditions of the work authority. Issues relating to the rehabilitation of the Subject Site are accordingly regulated under the express provisions of the *MRSDA*.

**C. Outcome of discussions with referral authorities**

8. There have been no discussions with referral authorities as none have objected to the Proposal subject to the imposition of certain conditions ([Tab 15](#) of the Hearing Book; see also [Tab 35](#) pp000944-5):

**D. Response to the issues raised in objections and outcome of any discussions with Council or objectors**

9. The expert reports prepared by the experts retained by the Applicant respond to and address issues raised in objections. The Applicant will rely on that expert evidence at the hearing.
10. Discussions with Council have not resulted in any resolution.
11. There have been no discussions with other persons who have raised objections.

**E. Response to expert evidence**

12. No expert evidence has been served by any party other than the Applicant.

## **F. Response to Council's without prejudice conditions**

13. Council's without prejudice conditions are wholly inadequate for the following reasons:
  - 13.1. The without prejudice conditions seek to regulate issues which must and will be regulated by the Work Plan Variation and the *MRSDA*. This will result in "double", and potentially inconsistent, regulation of the Subject Land.
  - 13.2. The without prejudice conditions fail to recognise that the Subject Site has already been extensively developed under the extant permit.
  - 13.3. The without prejudice conditions fail to recognise that the application which has been called in by the Minister is a permit amendment application.
  - 13.4. The without prejudice conditions fail to recognise that the Proposal will be undertaken progressively over a number of years.
  - 13.5. The without prejudice conditions refer to EPA policies made pursuant to the *Environment Protection Act 1970* that are unlikely to be in the same terms when the legislative scheme established by the *Environment Protection Act 1970* is superseded.
  - 13.6. The without prejudice conditions require both a s173 agreement and an agreement under s69 of the *Conservation Forests and Lands Act* when only s69 agreement is appropriate.
14. The Applicant will make further submissions on the Council's without prejudice conditions in its closing submissions.

## **F. Applicant's final position on the proposal**

15. The construction sands at the Subject Site are of strategic value, as identified by the quarry's inclusion on the Extractive Industry Priority Project List.

16. There are significant community benefits that are associated with the Proposal.
17. The Panel should recommend to the Minister that a permit amendment be granted for the Proposal which:
  - 17.1. is strongly supported by State and Local Policy;
  - 17.2. represents a more than an 'acceptable' planning outcome; and
  - 17.3. will result in a net community benefit.

David Deller

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Counsel for the Applicant

19 March 2021