

**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 A SUBMISSION ON BEHALF OF THE PERMIT APPLICANT**

**A. Introduction**

1. This Part A submission is made on behalf of Dandy Premix Quarries Pty Ltd (**Dandy Premix**).
2. Dandy Premix is the occupier of the subject site at 1381 - 1395 Bass Highway Grantville (**Subject Site** or **the WA1488 Area**) and the party who has applied to amend Planning Permit No. 120388 (**Permit 120388**) ([Tab 113](#) of the Hearing Book) (**Amendment Application**).
3. This Part A submission addresses the issues set out in direction 6 of the Panel Directions dated 23 December 2020.

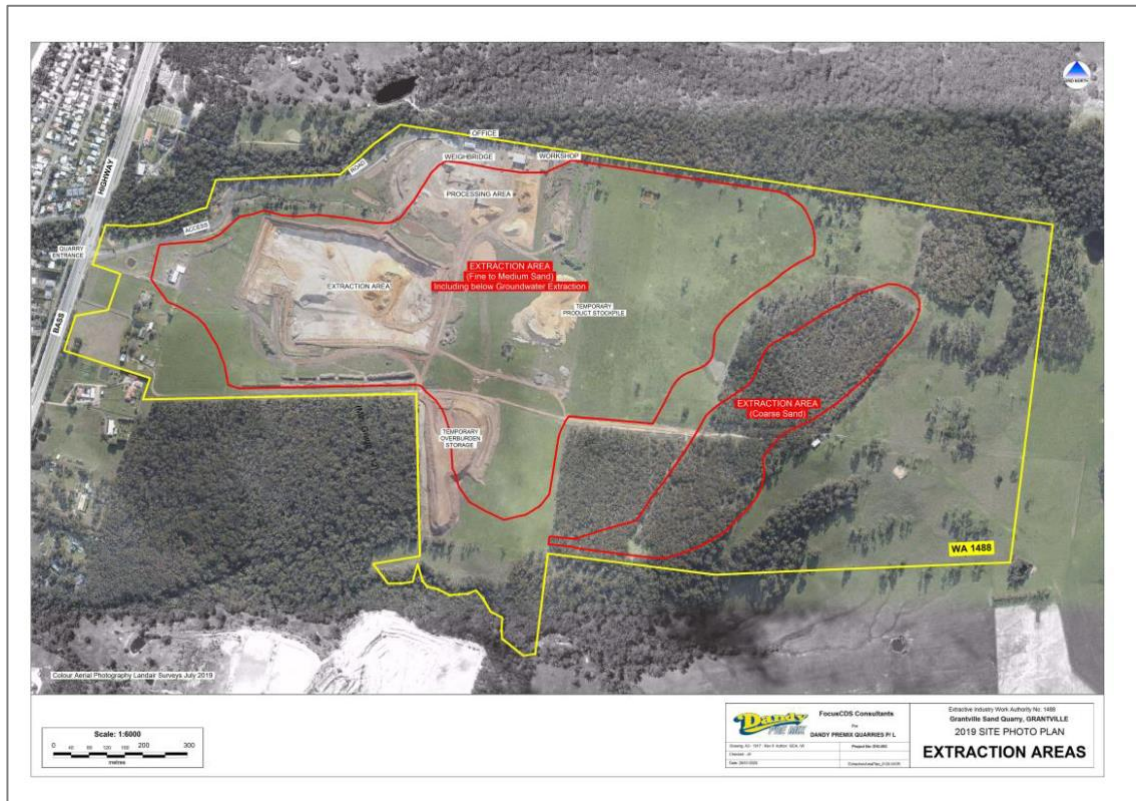
## **B. Permit application proposal background and process**

### **Background to the permit application and chronology of events**

4. Dandy Premix is part of the family owned and operated 'Dandy Premix' group which operates five concrete batching plants in south east Melbourne and the Yarra Valley Quarries (YVQ) hard rock quarry at Launching Place.
5. Dandy Premix has operated a sand quarry at the Subject Site since 2015 pursuant to Work Authority No. 1488 (**WA1488**) (Tab 127 of the Hearing Book) and Permit 120388 (together the **Existing Approvals**).
6. On 29 May 2020 Dandy Premix obtained a Statutorily Endorsed Work Plan Variation for WA1488 from the Earth Resources Regulation (**ERR**) branch of the Department of Jobs, Precincts and Regions under the *Mineral Resources (Sustainable Development) Act 1990 (MRSDA)* ([Tab 140](#) of the Hearing Book) (**Work Plan Variation**).
7. On 7 July 2020, Dandy Premix lodged the Amendment Application, seeking approval for the Proposal as set out in the Work Plan Variation with Bass Coast Shire Council as the Responsible Authority.
8. The Subject Site is located in a defined Melbourne Supply Area (**MSA**) Extractive Industry Interest Area 883998. In recognition of its strategic importance to the Victorian economy, the quarry has been included on the Extractive Industry Priority Project List ([Tab 168](#) of the Hearing Book).
9. The Minister's call in letter ([Tab 36](#) of the Hearing Book) recognises that the construction sands at the Subject Site are of strategic value.
10. The sand quarry at the Subject Site is an important supplier of sand products to the local and regional economy. It supplies:
  - 10.1. Concrete sand to the Dandy Premix group;

- 10.2. quality blended and speciality sand products to local, regional and Melbourne metropolitan markets.
11. The Existing Approvals allow extraction of fine – medium sand from above the groundwater table to a depth of 10.0m AHD in the western part of the Subject Site.
12. 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:
  - 12.1. 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;
  - 12.2. extracting coarse sand from a new pit located towards the eastern end of the WA1488 (the **CSEP**) using dry extraction methods to replace coarse washed sand currently purchased and imported from external sources;
  - 12.3. installing a sand washing plant and a slimes dewatering plant to undertake a broader range of sands processing on site;
  - 12.4. 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;
  - 12.5. increasing the permissible truck movements in and out of the WA1488 site from 120 to 240 per day; and
  - 12.6. extending the operating hours with respect to the sales loading and despatch operations and the slimes dewatering process plant operations(the **Proposal**).

13. The public does not, and will not, have access to the quarry. Product will not be sold directly to the public.
14. The following figure sets out the boundaries of the Subject Site (delineated in yellow as the WA1488 area), the proposed expanded FMSEP and the new CSEP:



15. The Subject Site is well located in an area that is not accessible by members of the public. Much of it is surrounded by mature native vegetation. Sand extraction is, and will continue to be, conducted within the Subject Site with minimal visual and other off-site impacts. Extractive operations are, and will continue to be, appropriately buffered and setback from residential land uses and the Bass Highway. The existing topography and vegetation will screen the majority of the extraction pits and operations areas from external public views.
16. In order to undertake the Proposal, Dandy Premix has:
  - 16.1. obtained the Work Plan Variation; and
  - 16.2. submitted the Amendment Application.

### Overview of the permit application notice and consultation processes

17. The Work Plan Variation was referred to the following referral authorities under the *MRSDA*, who did not object subject to the imposition of conditions ([Tab 15](#) of the Hearing Book; see also [Tab 35](#) pp000944-5):
  - 17.1. Southern Rural Water;
  - 17.2. Melbourne Water;
  - 17.3. Country Fire Authority; and
  - 17.4. Department of Environment, Land, Water and Planning.
18. In accordance with the *MRSDA*, these referral responses are also deemed to be referral responses for the purposes of the Amendment Application (see Planning Practice Note 89 at [Tab 169](#) of the Hearing Book).
19. Public notice of the Amendment Application was given in accordance with section 52 of the *Planning & Environment Act*. 73 objections were received opposing the Amendment Application on a range of grounds relating primarily to amenity, traffic, environmental and water issues.
20. On 22 November 2020, the Minister called in the Amendment Application and referred all submissions to an independent panel ([Tab 36](#) of the Hearing Book).

**Summary of issues raised in objections.**

21. A Summary of Objections prepared on behalf of Dandy Premix is included in [Tab 37](#) of the Hearing Book.
22. A summary of submitter concerns and comments including a Bass Coast Council Officer response is included in [Tab 35](#) of the Hearing Book (pp000954-6).
23. At a meeting on 17 Feb 2021 Bass Coast Council determined that certain amendments to the Amendment Application would be required or conditions imposed, as set out at [Tab 35](#) of the Hearing Book (pp000967-78).

24. The expert witness reports circulated by the experts retained on behalf of Dandy Premix ([Tabs 149 to 158B](#) of the Hearing Book) address relevant objections.

### **C. Summary and response to strategic context and assessment**

#### **Legislative and regulatory framework**

25. The Proposal must be approved under both the *MRSDA* and the *P&E Act*. Approval has already been granted under the *MRSDA* by way of an endorsed Work Plan Variation ([Tab 140](#) of the Hearing Book).

#### **Planning Policy Framework**

26. The relevant Planning Policy Framework clauses and an assessment of the Proposal are set out in:
- 26.1. the Council's minutes ([Tab 35](#) of the Hearing Book) (pp000945-954); and
  - 26.2. the expert witness report of Chris De Silva (copy at [Tab 158](#) of the Hearing Book).

#### **Consideration of Bass Coast Planning Scheme Amendment C140 Panel report**

27. The Amendment C140 Panel report is not relevant to the Amendment Application.

#### **Copy of any referrals made under the Environmental Effects Act 1978 (Vic) or Environment Protection and Biodiversity Conservation Act 1999 (Cth).**

28. There are none.

**D. Further information:**

**Copy of the Quarry's community engagement plan**

29. A copy of the community engagement plan is at [Tab 139](#) of the Hearing Book.

**Copies of any other material the Applicant intends to rely on**

30. Dandy Premix intends to rely on relevant documents referred to in this Part A Submission and included in the Hearing Book, including the written expert witness reports prepared, and the oral evidence given at the hearing, by each the following expert witnesses retained by Dandy Premix:

- 30.1. Basil Natoli (Quarries operations and geology) ([Tab 157](#) of the Hearing Book);
- 30.2. Mark Reilly (Landscape visual impact assessment) ([Tab 154](#) of the Hearing Book);
- 30.3. Tim Pollock (Dust) ([Tab 151](#) of the Hearing Book);
- 30.4. Chris De Silva (Planning) ([Tab 158](#) of the Hearing Book);
- 30.5. Neil Craigie (Surface water and drainage) ([Tab 152](#) of the Hearing Book);
- 30.6. Aaron Organ (Ecology) ([Tab 158B](#) of the Hearing Book);
- 30.7. Henry Turnbull (Traffic engineering) ([Tab 149](#) of the Hearing Book);
- 30.8. Neville Goddard (Acoustic engineering/noise) ([Tab 150](#) of the Hearing Book);
- 30.9. John Leonard (Hydrogeology/Groundwater) ([Tab 153](#) of the Hearing Book);
- 30.10. Dr Ian Manning (Economic and social impacts) ([Tab 158A](#) of the Hearing Book);
- 30.11. Nicholas Clark (Cultural heritage) ([Tab 156](#) of the Hearing Book).

