



# Council Meeting Minutes

**Bannockburn Cultural Centre**

**Tuesday 26 September 2017  
4.00pm – 5.53pm**

## **Our Vision**

*Golden Plains Shire offers a lifestyle and opportunities that foster social, economic and environmental wellbeing.*

*In partnership with the community we will provide strong leadership, encourage sustainable development and ensure quality services, to continue to improve the quality of life of residents.*

## **Opening Prayer**

*Almighty God,*

*Help us to undertake our duties impartially and honestly, in the best interests of the people of the Golden Plains Shire.*

*We make this prayer through Jesus Christ Our Lord.*

*Amen.*

## **Acknowledgement of Traditional Custodians**

*Council acknowledges the traditional Wadawurrung owners of this land. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.*

## Code of Conduct Principles

### WORKING TOGETHER

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

### BEHAVING WITH INTEGRITY

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

### MAKING COMPETENT DECISIONS

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

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## 1. PRESENT

Cr Des Phelan, Mayor  
Cr David Evans  
Cr Joanne Gilbert  
Cr Nathan Hansford  
Cr Helena Kirby  
Cr Les Rowe  
Cr Owen Sharkey

Rod Nicholls	Chief Executive Officer
Greg Anders	Director Assets & Amenity
Jillian Evans	Director Community Services
Jason Clissold	Acting Director Corporate Services
Mike Barrow	Manager Executive Unit
Tim Waller	Development Manager
Leigh Page	Town Planner
David Greaves	Works Manager
Asanka Jayakody	Acting Finance Manager
Sarah Fisher	Acting Planning Team Leader
Richard Troeth	Senior Communications & Marketing Officer
Felicity Bolitho	Executive Unit Team Leader
Petra Neilson (Minutes)	Council Support Officer

### Gallery

22 members of the gallery

## 2. APOLOGIES

Nil

### **3. DECLARATIONS, MINUTES & ASSEMBLIES**

#### **3.1. DECLARATIONS OF INTEREST**

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

Cr Owen Sharkey declared for report 4.5.1 – Planning application P15-191 for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1 at 1560 Hamilton Highway, Stonehaven that despite any comments I have previously made about the matter, I am mindful of my obligations as a Councillor and have kept an open mind regarding the application.

#### **3.2. CONFIRMATION OF MINUTES**

*Moved Crs Hansford/Gilbert*

- 1. That the Minutes of the Ordinary meeting of Council held 22 August 2017, as circulated, be confirmed with the following amendments:**
  - a. The resolution on page 42 to move into open meeting be amended to reflect moved by Cr Evans and seconded by Cr Rowe.**
  - b. the commentary on page 50 to read “Cr Evans asked the Chief Executive Officer if the response in a recent letter in the Geelong Advertiser suggested that more funds other than the approved consultation amount is being at present spent. The Chief Executive Officer confirmed that only the approved amount has been spent.”**
- 2. That the Minutes of the ‘In Camera’ meeting of Council held 22 August 2017, as circulated, be confirmed.**

*Carried*

### 3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

#### 3.3.1 Council Briefing: Agribusiness (22 August 2017)

Meeting type and name	Council Briefing: Agribusiness
Meeting date and time	12.51pm Tuesday 22 August 2017
Matters discussed	Regional Saleyards
Councillor information	1. G21 Regional Sustainable Agribusiness Strategy 2. Local Livestock Market Analysis
Councillors	Cr Des Phelan, Mayor Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Lew Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

#### 3.3.2 Council Briefing: Grampians Central West Waste & Resource Recovery Group (22 August 2017)

Meeting type and name	Council Briefing: Grampians Central West Waste & Resource Recovery Group
Meeting date and time	1.20pm Tuesday 22 August 2017
Matters discussed	Regional Implementation Plan
Councillor information	1. Grampians Central West Waste and Resource Recovery Group Implementation Plan GPS information sheet
Councillors	Cr Des Phelan, Mayor Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Lew Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit David Greaves, Works Manager Petra Neilson, Council Support Officer
Guests	La Vergne Lehmann, Acting Executive Officer Keith Jackson Manager, Infrastructure Planning & Industrial Engagement
Declarations of Interest	Nil



### 3.3.3 Council Briefing: Ballarat Community Health (22 August 2017)

Meeting type and name	Council Briefing: Ballarat Community Health
Meeting date and time	2.08pm Tuesday 22 August 2017
Matters discussed	Ballarat Community Health
Councillor information	Nil
Councillors	Cr Des Phelan, Mayor Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Lew Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Petra Neilson, Council Support Officer
Guests	Robyn Reeves, CEO, Ballarat Community Health
Declarations of Interest	Nil

### 3.3.4 Confidential Council Briefing: Stonehaven Regional Landfill (22 August 2017)

Meeting type and name	Confidential Council Briefing: Stonehaven Regional Landfill
Meeting date and time	2.50pm Tuesday 22 August 2017
Matters discussed	PA P15-191 transfer station
Councillor information	1. P15-191 locality map 2. P15-191 proposed layout plans 3. P15-191 photomontage 4. P15-191 Hydrogeological Assessment peer review 5. P15-191 Odour Impact Assessment peer review 6. P15-191 Relevant Planning Scheme Policies 7. P15-191 Melbourne Regional landfill Expansion, Ravenhall panel report
Councillors	Cr Des Phelan, Mayor Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Lew Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Sarah Fisher, Planning Team Leader Leigh Page, Town Planner Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

***Moved Crs Evans/Hansford***

***That Council notes the record of assemblies of Councillors:***

- 1. Council Briefing: Agribusiness (22 August 2017)***
- 2. Council Briefing: Grampians Central West Waste & Resource Recovery Group (22 August 2017)***
- 3. Council Briefing: Ballarat Community Health (22 August 2017)***
- 4. Confidential Council Briefing: Stonehaven Regional Landfill (22 August 2017)***

***Carried***

### 3.4. ADVISORY COMMITTEES OF COUNCIL

#### 3.4.1 Audit & Risk Committee (12 September 2017)

Jason Clissold, Acting Director Corporate Services

File: 02-01-001

Meeting type and name	Audit & Risk Committee Meeting
Meeting date and time	10.00am Tuesday 12 September 2017
Matters discussed	<ol style="list-style-type: none"> <li>1. Self- Assessment – Audit and Risk Committee</li> <li>2. Quarterly Risk Management Report</li> <li>3. Biannual Risk Profile Monitoring Report</li> <li>4. Occupational Health and Safety and Risk management Annual Performance Report</li> <li>5. Completion of Charter, Audit and Risk Committee</li> <li>6. Internal Audit – IT Controls</li> <li>7. Finance Report</li> <li>8. Strategic Internal Audit Plan – Outstanding Recommendations</li> <li>9. Essential Safety Measures</li> <li>10. In Principle Performance Statement and In Principle Financial Statements for the year ended 30/6/17</li> </ol>
Councillor information	<ol style="list-style-type: none"> <li>1. Self- Assessment Results 2016-17</li> <li>2. Quarterly Risk Management Report</li> <li>3. Charter Completion Report</li> <li>4. Information Technology Controls</li> <li>5. Recent Reports and Publications of Interest</li> <li>6. Valuer-General Victoria – annual Centralised Valuations</li> <li>7. Vision Super VBI Update June 2017</li> <li>8. Summary of outstanding recommendations</li> <li>9. Sample ESM inspection report</li> <li>10. 'In Principle' Performance Statement for year ending 30/6/17</li> <li>11. 'In Principle' Financial Statements for the year ending 30/6/17</li> <li>12. Victorian Auditor-General's Office – Closing Report for the Year ending 30/6/17</li> <li>13. Victorian Auditor-General's Office – Final Management Letter Year ending 30/6/17</li> </ol>
Councillors	Peter Bollen, Independent Chairman Cr Nathan Hansford Cr Helena Kirby Cr Des Phelan, Mayor
Apology	John McDonald, Independent member
Staff	Rod Nicholls, Chief Executive Officer Jason Clissold, Acting Director Corporate Services Jill Evans, Director Community Services Greg Anders, Director Assets & Amenity Mike Barrow, Manager Executive Unit Asanka Jayakody, Acting Finance Manager Clare Tehan, People & Culture Manager Carolynne Roberts, IS Administrator Petra Neilson, Council Support Officer
Guests	John Gavens, Crowe Horwath David Pell, Accounting & Audit Solutions, Bendigo
Declarations of Interest	Cr Helena Kirby

*Moved Crs Hansford/Kirby*

*That Council notes the Audit and Risk Committee meeting minutes 12 September 2017.*

*Carried*

**3.4.2 Confidential: Chief Executive Officer (CEO) Review Committee**

Cr Des Phelan, Chairperson  
File: 02-01-002

No meeting held.

## **4. REPORTS**

### **4.1. KEY RESULT AREA – CITIZEN & CUSTOMER SERVICE**

No report.

## 4.2. **KEY RESULT AREA – CIVIC LEADERSHIP**

### 4.2.1 **Review of Council Policy 5.2: Community Grants – Insurance Subsidy**

Directorate	Corporate Services
Unit	Corporate Services
Senior Manager	Jason Clissold, Acting, Director Corporate Services
Responsible Manager	Jason Clissold, Acting, Director Corporate Services
Author	Jason Clissold, Acting, Director Corporate Services
File References	EDMS file: 34-03-001 and 02-03-005
Council Plan Link	Nil
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Council Policy Manual
Attachments	1. Amended Council Policy 5.2

#### ***Declarations of Interest: Councillors & Officers***

Jason Clissold: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to review and adopt Council Policy 5.2: Community Grants – Insurance Subsidy.

#### ***Background***

Policy 5.2 was first adopted in 1999 and last reviewed in 2013.

#### ***Discussion***

The intent of the policy to identify situations where Council will insure community buildings at its cost and where Council will offer contents insurance on a user pay basis.

The cost to Council is recognised as a type of community grant or subsidy and is provided in the budget as a separate line item.

It is proposed that the policy be amended as follows:

- Change of name from “Community Grants: Insurance Subsidy” to Community Facilities: Insurance Subsidy” to more clearly describe that it is a subsidy for facility insurance.
- Change of Government Agency from DTPLI to DELWP
- Include “Management Entity” in the possible committee structures to recognise the move away from S86 Committees.

In all other respects, the Policy has served the Council well and no other changes are proposed.

#### ***Community Engagement***

A formal consultation process is not required.

#### ***Financial & Risk Management Implications***

It is considered that there are no financial or risk management implications.

***Economic, Social & Environmental Implications***

It is considered there are no economic, social or environmental implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

The proposed changes have been developed by Officers to reflect the current operation of the insurance subsidy scheme.

A marked-up version of the amendments is shown in the attachment.

***Moved Crs Hansford/Sharkey***

***That Council adopt amended Policy 5.2: Community Facilities: Insurance Subsidy as presented in the attachment.***

***Carried***

#### 4.2.2 Review of Delegation – Council to Council Staff – Section 98 Local Government Act 1989 (as amended)

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Jason Clissold, Acting Director Corporate Services
Responsible Manager	Jason Clissold, Acting Director Corporate Services
Author	Jason Clissold, Acting Director Corporate Services
File References	EDMS file: 02-04-001
Council Plan Link	
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	2. Instrument of Delegation – Council to Council Staff with changes marked

#### ***Declarations of Interest: Councillors & Officers***

Jason Clissold: In providing this advice as the senior manager, responsible manager and author I have no disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to update the Delegation from Council to Council Staff.

#### ***Background***

Under the *Local Government Act 1989*, a Council must review its delegations regularly to ensure they are current.

The delegation from Council to Council Staff relates to various Acts and Regulations (or specific parts of those Acts or Regulations) which contain a specific power of delegation.

Following recent updates received from Maddocks Lawyers, this delegation needs to be reviewed and amended.

#### ***Discussion***

As shown in attachment 1, Maddocks Lawyers have provided the most recent updates for the Authorisations and Delegations which make the necessary revisions of the previous delegations.

As there are no cemeteries which Golden Plains Shire Council is responsible for, this section is irrelevant and therefore not delegated.

The amendments to the attached delegation are:

1. All references to 'Growth Areas Authority' have been replaced with 'Victorian Planning Authority', following the commencement of the *Victorian Planning Authority Act 2017 (Vic)*
2. s.19(3) of the *Food Act 1984* has been inserted to enable officers, where a temporary or mobile food premises poses a significant food safety risk to the public, the power to:
  - Close the food premises; or
  - Direct that the food premises not use certain equipment; (eg. a faulty refrigerator); or
  - Direct that the food premises not be used for a specified purpose or process; (eg. food premises must cease selling foods that require refrigeration but may continue to sell dry pre-packaged foods).



### *Community Engagement*

A formal consultation process is not required.

### *Financial & Risk Management Implications*

It is considered that there are no financial or risk management implications.

### *Economic, Social and Environmental Implications*

It is considered that there are no environmental, social or environmental implications.

### *Communications*

It is considered that a communication plan is not required.

### *Conclusion*

To ensure Council's delegations remain current, the recent update from Maddocks Lawyers should be incorporated into the document, as per the attachment.

### *Moved Crs Evans/Kirby*

***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to Council staff and schedule, Golden Plains Shire Council (Council) RESOLVE THAT –***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council resolves to vary or revoke it.***
- 3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

*Carried*

#### 4.3. **KEY RESULT AREA – ECONOMIC DEVELOPMENT**

No report.

## 4.4. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING

### 4.4.1 Review of Council Policy 6.6 – Unused Road Licences

Directorate	Assets and Amenity
Unit	Works
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	David Greaves, Works Manager
Responsible Team Leader	Tony Talevski, Team Leader Roads & Waste
Author	Greg Anders, Director Assets and Amenity
File References	EDMS files: 42-12-002 and 62-01-005
Council Plan Link	
Relevant Council Strategies	<ul style="list-style-type: none"><li>Revised Council Policy 6.6 – Unused Road Licences</li><li>Standard Operating Procedure 4009 – Procedure for Unused Road Licences and Permanent and Temporary Road Closures</li></ul>
Relevant Legislation	<i>Land Act 1958</i>
Attachments	3. Revised Council Policy 6.6 Unused Road Licences

#### ***Declarations of Interest: Councillors & Officers***

Greg Anders: In providing this advice as the senior manager and author, I have no disclosable interests in this report.

David Greaves: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Tony Talevski: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

#### ***Purpose***

This report presents to Council for approval, and adoption the proposed amended version of Council Policy 6.6 – Unused Road Licences.

#### ***Background***

Council Policy 6.6 was introduced in June 1994 to streamline the process of having unused road (grazing) licences issued to abutting landowners pursuant to section 400 of the *Land Act 1958*.

Policy 6.6 is supported by Standard Operating Procedure 4009 – Procedure for Unused Road Licences and Permanent and Temporary Road Closures.

#### ***Discussion***

The review of Council Policy 6.6 found that the only amendment required is that of changing reference to the Department of Environment and Primary Industries (DEPI) to the new authority, being the Department of Environment, Land, Water and Planning (DELWP).

#### ***Community Engagement***

A formal community engagement process is not required.

#### ***Financial & Risk Management Implications***

It is considered that there are no financial or risk management implications.

***Economic, Social & Environmental Implications***

It is considered that there are no economic, social or environmental implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

The review of Council Policy 6.6 – Unused Road Licences identified the need for a very minor amendment to be made to the existing policy.

***Moved Crs Hansford/Gilbert***

***That Council adopt the revised Council Policy 6.6 – Unused Road Licences, as presented.***

***Carried***

#### 4.5. **KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING**

##### 4.5.1 **Planning Application P15-191 for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1 at 1560 Hamilton Highway, Stonehaven**

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Leigh Page, Town Planner
File References	P15-191
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> <li>▪ Golden Plains Planning Scheme</li> <li>▪ Planning and Environment Act 1987</li> </ul>
Proposal Summary	Use and development of land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1
Land Address	Lots 29 & 30 LP6088, Lots 2-5 on PS857241, CA's 1 & 2, Section 6, Lot 1 TP334724, Lot 1 TP709626, Lot 1 TP709614 and Lot 1 TP745994, Parish of Gheringhap 1560 Hamilton Highway, Stonehaven
Applicant	Geelong Resource Recovery Facility Pty Ltd
Zone & Overlay Summary	<ul style="list-style-type: none"> <li>▪ Farming Zone</li> <li>▪ Land Subject to Inundation Overlay (Part)</li> <li>▪ Part Salinity Management Overlay (Part)</li> <li>▪ Abuts Road Zone Category 1</li> </ul>

Planning Controls	<p><b>State Planning Policy Framework</b></p> <ul style="list-style-type: none"> <li>▪ Clause 11.07-1 Regional planning</li> <li>▪ Clause 11.08-5 A Sustainable region</li> <li>▪ Clause 11.08-7 Environmental assets</li> <li>▪ Clause 11.09-1 Planning for growth</li> <li>▪ Clause 13.03-3 Salinity</li> <li>▪ Clause 13.04-1 Noise abatement</li> <li>▪ Clause 13.04-2 Air quality</li> <li>▪ Clause 14.01-1 Protection of agricultural land</li> <li>▪ Clause 14.01-2 Sustainable agricultural land</li> <li>▪ Clause 14.02-1 Catchment planning and management</li> <li>▪ Clause 14.02-2 Water quality</li> <li>▪ Clause 14.03 Resource exploration and extraction</li> <li>▪ Clause 17.02-1 Industrial land development</li> <li>▪ Clause 17.02-2 Design of industrial development</li> <li>▪ Clause 18.02-4 Management of the road system</li> <li>▪ Clause 18.02-5 Car parking</li> <li>▪ Clause 19.03-3 Stormwater</li> <li>▪ Clause 19.03-5 Waste and resource recovery</li> </ul> <p><b>Municipal Strategic Statement</b></p> <ul style="list-style-type: none"> <li>▪ Clause 21.04-3 Salinity</li> <li>▪ Clause 21.04-5 Protection of stone resources</li> <li>▪ Clause 21.05-3 Industry</li> <li>▪ Clause 21.06-3 Transport</li> <li>▪ Clause 21.07-3 South East Area</li> </ul> <p><b>Local Planning Policies</b></p> <ul style="list-style-type: none"> <li>▪ Clause 22.10 Salinity</li> </ul> <p><b>Other Provisions</b></p> <ul style="list-style-type: none"> <li>▪ Clause 35.07 Farming Zone</li> <li>▪ Clause 52.06 Car parking</li> <li>▪ Clause 52.10 Uses with adverse amenity potential</li> <li>▪ Clause 52.29 Land adjacent to a Road Zone Category 1</li> <li>▪ Clause 52.45 Resource recovery</li> <li>▪ Clause 65 Decision guidelines</li> </ul>
Related Policies	<ul style="list-style-type: none"> <li>▪ Golden Plains Shire Council Plan 2017 – 2021</li> <li>▪ Waste Management Strategy <ul style="list-style-type: none"> <li>- Investigate opportunities for transfer stations within the Shire</li> </ul> </li> <li>▪ Statewide Waste and Resource Recovery Infrastructure Plan (2015)</li> <li>▪ Grampians Central West Waste and Resource Recovery Implementation Plan 2017</li> </ul>
Key Considerations	<ul style="list-style-type: none"> <li>▪ Whether the proposal is strategically appropriate in this area/region</li> <li>▪ Whether the proposal will result in a detrimental impact on the amenity of the area</li> <li>▪ Whether the proposal will have an adverse impact on traffic safety</li> <li>▪ Whether the proposal will have adverse visual impacts on the surrounding area</li> </ul>

Attachments	4. P15 -191Application report and plans 5. P15-191 Locality plan 6. P15-191 Objections 7. P15-191 Objector Map 8. P15-191 Photo Montage 9. P15-191 Hydrogeological peer review 10. P15-191 Odour Impact Assessment peer review
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***Declarations of Interest: Councillors & Officers***

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the author, I have no disclosable interests in this report.

***Purpose***

This report relates to a planning permit application for the use and development of land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1 at 1560 Hamilton Highway, Stonehaven.

It is considered that:

- The proposed use and development is inconsistent with the State Planning Policy Framework of the Golden Plains Planning Scheme, and in particular, Air Quality (Clause 13.04-2) and Water Quality (Clause 14.02-2).
- The proposed use and development will potentially have a detrimental impact on the amenity of the area through odour impacts
- The proposed use and development will potentially have a detrimental impact on ground water resources.

The application has been referred to Council for determination because: there are outstanding objections to the application; and - Council officers' consider that this application should be refused because there are unresolved issues relating to the potential impacts created by the proposal.

A Glossary and Abbreviations List has been included at the end of the report

***Application Process***

Prior to lodgement, the applicant and their consultant team organised pre-application discussions with Council.

**Application Lodged**

The application was received by Council in August 2015, and an initial assessment of the application was undertaken.

**Further Information**

Council engaged Harwood Andrews Lawyers to review the application and provide guidance in relation to the best practice process for the consideration of a landfill application on an operating quarry site. Advice was also sought regarding the type of further information that may be required to assess the application and make a decision for an application of this type. Further information was requested from the applicant in September 2015.

Further information was provided to Council in October 2015.

Given the timing between the Christmas and New Year period, it was determined not to undertake the formal notification process until after the New Year.

### **Public Notification**

Public notification material was prepared in January 2016.

The application was advertised as follows:

- to land owners/occupiers located within a 2km radius of the subject site (a total of 25 notices were issued).
- an A3 sized notice was placed at the front of the site
- notice of the application was placed in the Geelong Advertiser.

A copy of the application and all supporting documents were uploaded to Council's website for viewing by the public. The application documentation has remained for the duration of the application.

Planning applications are generally advertised for a period of 14 days as per Clause 59(2)(b) the *Planning and Environment Act 1987*. However, given the scope, complexity and potential for amenity impacts, it was determined to extend the notification period to allow 30 days for submissions.

As a result of advertising, a total of 87 objections were received, two of which were petitions objecting to the proposal.

### **Referrals**

The application was referred to relevant authorities for their consideration and information. A list of these authorities is provided later in this report.

### **Facilitated Workshop**

Given the number and complexity of objections received, Council officers decided to conduct a facilitated information session, instead of an officer chaired consultation meeting. The session was chaired by an independent facilitator who was a former Victorian and Civil Administrative Tribunal (VCAT) member, experienced in the consideration of complex planning matters. The meeting was held in May 2016 and was attended by approximately 43 people.

The primary purpose of the meeting was to explain the permit application process. A secondary objective was to explore, capture and discuss the issues raised by objectors.

As a result of the information session, Council sent a letter to the applicant in July 2016, seeking additional information and clarification in relation to issues raised at the information session. Additional information as requested by VicRoads was also sought at this time.

This additional information was received in November 2016 and a subsequent review of the documents was conducted by Council officers. Included in the additional information were technical aspects relating to odour and hydrogeology. It was determined by Council officers that the organisation did not have the internal expertise to assess these matters, accordingly an independent peer reviews of the Hydrogeological Assessment and the Odour Impact Assessment was sought.

### **Re-Referrals**

Given the additional information submitted to Council, the application was re-referred to VicRoads in December 2016 for their further consideration.

Council also sought additional advice from the EPA in relation to separation distances.

### **Peer Reviews**

Peer reviews were undertaken for the submitted hydrogeological assessment and the odour impact assessment. The findings of these peer reviews were received in May 2017. Subsequent information and clarification was sought from the applicant which was supplied in July 2017.



**Visual Impact Assessment**

Following the initial consideration of the objections it became apparent that there were concerns regarding the accuracy of the visual analysis of the finished landfill profile. Objectors produced independently developed images which varied greatly to those provided by the applicant. In response, Council determined to address this matter by commissioning the production of a third version of the finished profiles.

Council's visual impact assessment was conducted by undertaking a photomontage from four key locations around the proposed landfill site. The final images of the photo montage were provided to Council in March 2017 (refer Attachment 8).

Application received	August 2015
↓	
Further Information requested	September 2015
↓	
Further Information received	October 2015
↓	
Public Notification (for a period of 30 days)	January 2016
↓	
Referred to relevant authorities	January 2016
↓	
Facilitated Workshop	May 2016
↓	
Additional information requested	July 2016
↓	
Additional information received	November 2016
↓	
Re-referred to VicRoads & EPA	December 2016
↓	
Visual Impact Assessment conducted	March 2017
↓	
Peer reviews conducted	May 2017
↓	
Additional information and clarification received	July 2017

Figure 1.1 Application Process Flowchart

***Approvals Process*****Planning Permit**

A planning permit is required for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category under the Golden Plains Planning Scheme.

**Strategic Endorsement from the relevant Regional Waste and Resource Recovery Group**

Subject to limited exceptions, before the EPA can consider an application for works approval, the proposed landfill must be included in the schedule of the relevant Waste and Resource Recovery Group plan.

EPA Victoria must refuse to consider an application for works approval in relation to any new landfill not included in this schedule under Section 50C of the *Environment Protection Act 1970*.

The Grampians West Waste and Resource Recovery Group is responsible for preparing and administering the regional plan for Golden Plains Shire. Currently the Grampians Central West Waste and Resource Recovery Group does not consider that there is a demonstrated need for additional landfills and does not intend to schedule any new or expanded landfills at this time.

### **EPA Works Approval**

Approvals are also required from the EPA, because landfills are scheduled premises under the Environment Protection Act (EP Act).

EPA approvals are required:

- to construct the landfill (this requires a works approval issued under s19A of the EP Act)
- to deposit waste in the landfill (this requires an EPA licence issued under s20 of the EP Act).

Further EPA approvals are required for each landfill cell, to:

- initiate the new cell design and have it approved;
- commence constructing a new cell;
- commence filling a cell (this is generally approved by an amendment to the EPA licence for the landfill).

### **The relationship between a planning permit and EPA approvals**

Planning permits and EPA approvals are issued under separate regulatory regimes.

A planning permit is issued by the responsible authority under the planning scheme and Planning and Environment Act 1987, whereas a works approval and an EPA licence are issued by the EPA under the Environment Protection Act 1970.

The relationship between a planning permit and an EPA licence was considered by Victorian Civil and Administrative Tribunal (VCAT) in *SITA Australia Pty Ltd and PWM (Lyndhurst) Pty Ltd v Greater Dandenong CC* VCAT stated that it would be "...*wrong in law to say that an EPA licence takes precedence over a planning permit in the event of discrepancy between them. Each must be complied with*". It is therefore important to ensure that the permit and the EPA approvals work effectively together, and that there are no inconsistencies in the conditions of the permit and the EPA approvals.

In the SITA decision, VCAT found that the EPA licence is the more appropriate approval for controlling the detailed technical aspects of a landfill. EPA licences are continually upgraded to reflect best practice improvements and changes in government policy. Planning permit conditions should avoid referring to technical operating requirements for a landfill, or specific details or plans that may change over time.

The permit application and the works approval application must each be considered in accordance with the relevant statutory requirements.

Both the planning permit and the works approval/licensing frameworks can:

- require the development of detailed implementation and monitoring plans for planning and environmental issues respectively; and
- provide the platform and criteria for enforcement action if conditions are breached.

These combined processes can take years of consideration for approvals to be obtained.

## ***Proposal***

Taking these matters into account, the components of the proposal, as previously set out, are described as follows:

### **Land Use**

The subject site is proposed to be used for:

- a transfer station (resource recovery and transfer station)
- materials recycling (green waste processing and composting operation)
- refuse disposal (landfill).

(refer to Attachment 4 for all application plans and reports)

### **Transfer Station (Resource Recovery and Transfer Station)**

A resource recovery and transfer station is proposed, allowing public and commercial drop-off of waste and recyclables. The materials recycling component comprises a green waste processing and composting operation. All materials defined as refuse would be disposed of within the existing extractive industry land use.

The resource recovery and transfer station is proposed to be an elevated pit style drop-off with a collection system at one end.

Each drop-off bay is proposed to be able to accommodate a vehicle and typical extended trailer. The facility is designed to facilitate up to 8 vehicles at a time.

The resource recovery and transfer station proposes an area for commercial clients, and a separate residential section.

Waste materials proposed to be received include:

- Tyres
- Mattresses
- Oil recycling
- Ferrous and non-ferrous metals
- Aluminium cans
- Glass
- Paper and cardboard
- Batteries
- Polystyrene
- Televisions, computers and e-waste
- Green wastes
- Concrete and bricks
- Car bodies
- Chemical drums

Proposed hours of operation are:

Monday to Friday (7:30am – 5:30pm)

Saturday and Sunday (8:00am – 4:30pm) - Private waste disposal only, no commercial waste or compactor operations

Closed public holidays

### **Refuse Disposal (Landfill)**

The proposed landfill is expected to receive approximately 100,000 tonnes per annum of putrescible waste from kerbside municipal solid waste collections.

The landfill is proposed to be constructed, filled and rehabilitated in sequence of cells that would follow the quarry staging plan within the approved quarry extraction area. The application proposes a mounded landfill which is defined as a landfill where most of the waste is located above the natural ground level.

The existing extraction area is made up of 8 stages (expected to accommodate 75 cells). At any one time it is proposed that there will be one cell being constructed, one cell being filled and one cell being rehabilitated which is standard practice for this type of landfill. Each new cell will be approximately 200 metres long by 100 metres wide (Figures 1.2 and 1.4).

The cells are proposed to contain a Best Practice Environmental Management compliant liner which includes a leachate collection layer to divert leachate to a sump where it is proposed to be pumped to a localised leachate dam.

If approved, the landfill would need to be designed in accordance with EPA requirements, and with best practice and best available technology.

The hours of operation are proposed are:  
Monday to Friday (7:00am – 5:00pm)  
Closed weekends and public holidays

### **Materials Recycling (Greenwaste Processing and Composting Operation)**

The green waste processing and composting operation (Figures 1.5 and 1.6) is proposed to be accessed via the main access road, but will not be open to the general public.

This aspect of the proposal is designed to process up to 36,000 tonnes per annum of green waste using open turned windrows.

The composting area is proposed to consist of a 350 metre x 213 metre compacted clay pad, which would contain a row of 70 metre long windrows, each 3 metre wide and 1.5 metre high.

The proposed windrows would be regularly turned using a mechanical windrow turner to maintain optimum temperatures and aerobic conditions.

Ancillary infrastructure includes a 10 metre x 20 metre process water pond located near the pad.

The composting product is proposed to be used in landfill rehabilitation works as well as being available to a range of customers for use in landscaping or in the developing of commercial composts.

Proposed hours of operation are:  
Monday to Friday (7:00am – 5:00pm)  
Closed weekends and public holidays

### **Buildings and Works**

The proposed building works include:

- the development of a community information centre and ancillary offices for community education among other things;
- smaller buildings and structures associated with the proposal;
- maintenance areas;
- resource recovery and transfer station.

### **Earthworks**

Earthworks, other than those associated with the landfill and quarrying operations, would be minimal and limited to road construction, construction of drains (stormwater, leachate and green waste processing and composting operation processing water), and construction of composting pad.

### **Access to a Road Zone Category 1**

Works are proposed to be undertaken on the Hamilton Highway to provide for channelised right turn treatment on both the east and west approaches of the Hamilton Highway.

### **Car parking**

20 car parking spaces are proposed onsite for staff and 6 parks for visitors (including 1 disabled compliant park), and 1 bus park (Figure 1.5).

### Community Information Centre and Ancillary Offices

The Community Information Centre is proposed to be used to cater for the needs of visitor groups to the site, including community groups and primary, secondary, and tertiary education groups to be offered free of charge.

The community information centre proposes a large classroom style room for presentations and displays as well as providing the necessary amenities for a public building, including disability compliant access.

The proposed office facility would provide both the quarry and waste facility staff with lunchroom, shower and toilet facilities.

Proposed hours of operation are:  
Monday to Friday (7:00am – 6:00pm)  
Closed weekends and public holidays

### Proposed Traffic Generation

Quarry Use (existing) .... 40 movements per day (20 in, 20 out)  
Landfill use ..... 100 movements per day (50 in, 50 out)  
Composting facility ..... 38 movements per day (19 in, 19 out)  
Transfer station use.....240 movements per day (120 in, 120 out - based on 60 tonnes per day)  
Staff ..... 40 movements per day (20 in, 20 out)

Total.....458 movements per day (229 in, 229 out)

### Existing Quarry

As per the approved planning permit, the existing quarry will continue to operate as per the quarry permit conditions.

Its current operating hours:  
Monday to Friday (7:00am – 6:00pm)  
Closed weekends and public holidays

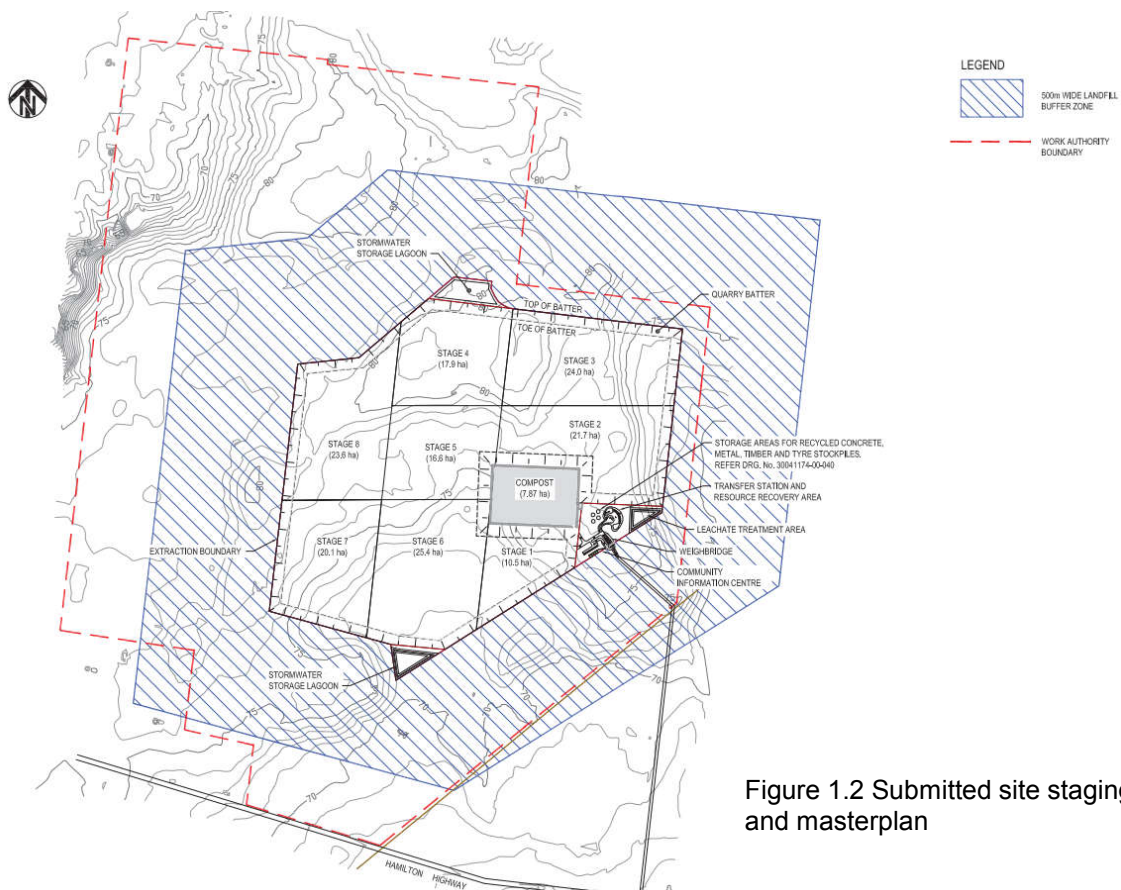


Figure 1.2 Submitted site staging and masterplan



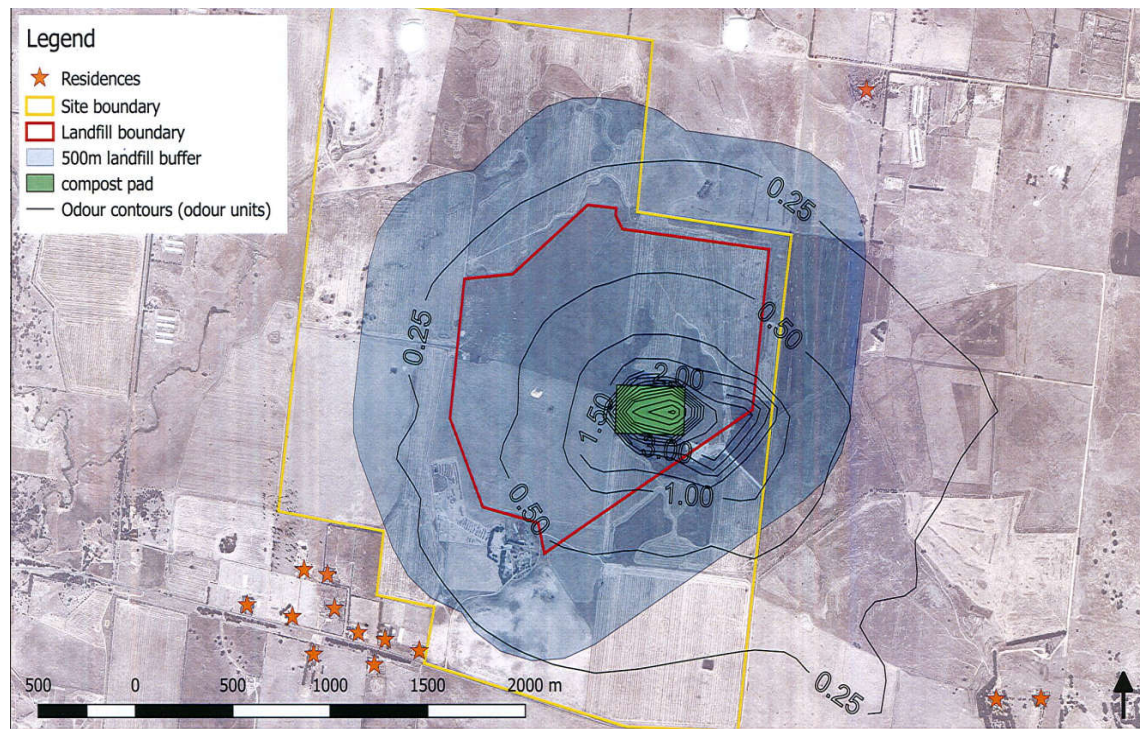


Figure 1.3 Amended Landfill work authority plan (including reduced buffers)



Figure 1.4 Quarry/landfill cell masterplan



Figure 1.5 Site entrance, transfer station and resource recovery area plan

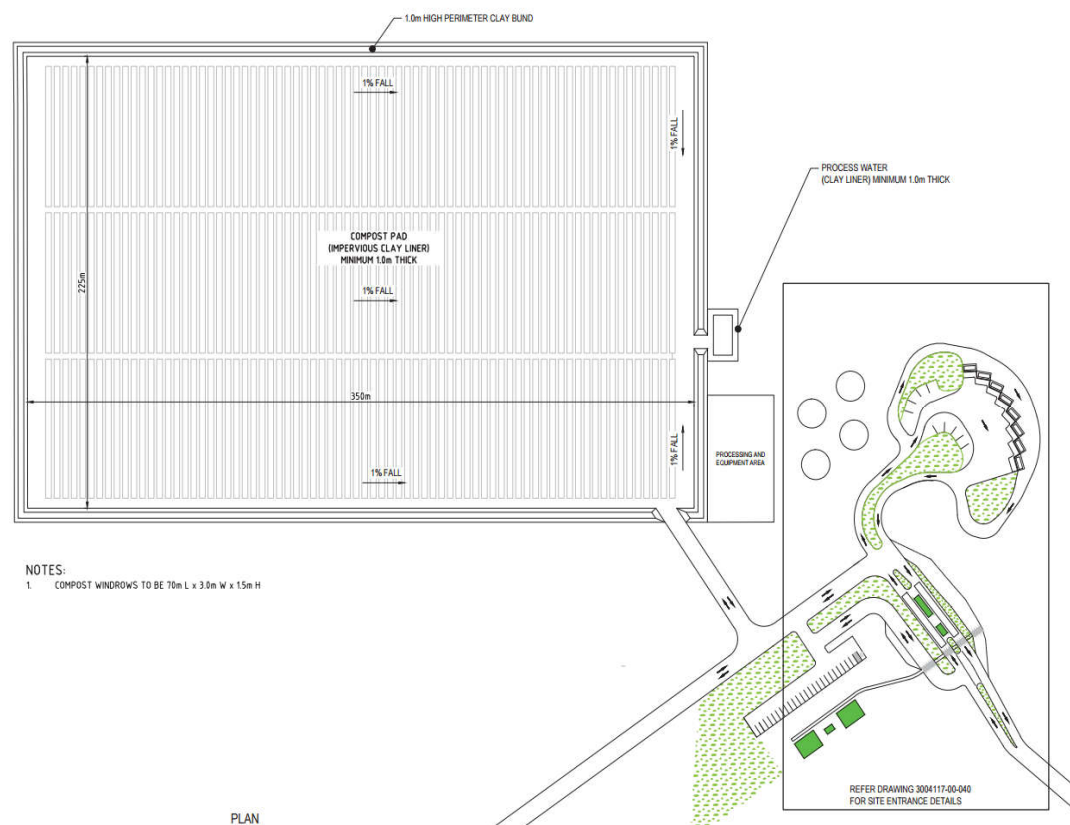


Figure 1.6 Compost pad detail plan

### ***Site Description***

The subject site is located on the northern side of the Hamilton Highway at Stonehaven, is a farming area located approximately 14 kilometres west of Geelong and 5 kilometres to the south east of Bannockburn.

The subject site is an irregular shaped property which is made up of several parcels of land, with a combined total area of 568 hectares. The land, has been traditionally been utilised for cropping and grazing activities.

The subject site, known as Liberton, is located within the Farming Zone and is partially affected by a Salinity Management Overlay (SMO) and a Land Subject to Inundation Overlay (LSIO). The two overlays apply to a small section of land in the north west corner of the site which falls gradually to the west. It should be noted that the proposed use and development is proposed to be outside of both of these overlays (Refer to Attachment 5).

The site has existing access from the Hamilton Highway, which is classified as a Road Zone Category 1 (VicRoads). A planning permit is required under the Farming Zone for both the use and development of the land for the Refuse Disposal, Materials Recycling and Transfer Station. All of the immediate surrounding properties are located in the Farming Zone.

A 50 metre wide electricity easement diagonally dissects the southern section of the site. There is a watercourse and dam located on the lower lying north west corner of the property.

The land adjoining the site to the east is used for organic farming (broad acre cropping) purposes, with the land to the south west containing several small farming (zoned) allotments which are considered to be rural lifestyle lots on account of their size.

To the west of the site is the rear boundary of an existing chicken broiler farm which has access from Burnside Road. There is also a broiler farm located to the north east of the subject site with access from Booley Road

To the north of the site are properties used for broadacre farming (cropping and grazing) purposes.

The closest dwellings to the landfill boundary are located approximately 650 metres directly to the south west. The area to the south west contains a number of dwellings on rural living/lifestyle sized allotments.

The closest dwelling to the north east is setback a distance of approximately 730 metres from the edge of the proposed landfill.

The lot contains the previously approved extractive industry (quarry) (P10-076 issued 7 July 2011). This is centrally located on the site, with the surrounding areas that are not currently being quarried being used for agriculture (cropping and livestock). The site also contains a dwelling and associated shedding located south of the existing quarry. The dwelling is used for an office in association with the quarry.

### ***History***

#### **Existing Quarry**

A planning permit (P10-076) was issued for the extractive industry (quarry), which is operating on site, in July 2011 by VCAT.

The quarry yields a low grade basalt material for the production of crushed rock, aggregate, and fill materials. The quarry produces 45,000 tonnes of crushed rock and aggregate products per annum. The extraction area boundary contains a total of 190 hectares, with the quarry to have a maximum depth of approximately 23 metres.

At its closet point the extraction boundary will be located approximately 600 metres north of the Hamilton Highway.



It is noted that Council has received complaints in relation to non-compliance with planning permit conditions relating to landscape screening and the bunding around the approved quarry. Council officers, along with representatives from the Department of Economic Development, Jobs, Transport, and Resources (DEDJTR), have undertaken numerous site inspections relating to these non-compliance issues.

Council Officers have been working with representatives from Geelong Quarries Pty Ltd and DEDJTR to ensure that these works are brought into compliance and maintained.

### **Landscaping**

Council Officers along with DEDJTR have met representatives from Geelong Quarries onsite on numerous occasions to discuss the non-compliance issues and have reviewed the works that were undertaken by Geelong Quarries.

It should be noted that the applicant had, in stages, attempted to undertake landscape works as required by conditions on the planning permit. Due to a range of factors, much of the landscaping was not carried in accordance with permit conditions.

In early June 2017, the applicant completed planting another round of landscaping along the northern boundary, eastern boundary, and along the Hamilton Highway frontage.

### **Bunding**

Concerns were raised regarding the profile and dimensions of the constructed bunding around the perimeter of the site. DEDJTR's field entry report dated 15 September 2016, provides commentary on the design of the bunding.

The endorsed plans require the internal bunding to be 1 in 2 and the external bunding be 1 in 3.

The bunding constructed onsite was finished with a profile of 1 in 2 for both internal and external walls with a 4-5 metre wide flat section across the top of the bund. DEDJTR have commented that the current bunding constructed is more acceptable and therefore consistent with the intent of the condition as it allows access for slashing and have consented to the bunding to remain as is.

The endorsed plans required a minimum of 100mm of topsoil be placed over the bunding and that these bunds be seeded. Geelong Quarries advised that they did not have enough topsoil onsite to cover the bunding as required. DEDJTR responded that the bunding should be seeded without delay.

The design and covering of the bunding is an approved plan within the approved Work Authority issued by DEDJTR. Council have stated that the bunding is to be formed and finished in accordance with the approved works authority.

There are no requirements for bunding in the planning permit conditions, Council have no authority to override DEDJTR's consent.

### **Dust issues**

The planning permit (P10-076) for the quarry contains a condition requiring a dust management plan be submitted to and approved by the responsible authority. This has occurred.

This management plan requires dust management and suppression measures to be undertaken onsite.

The management plan also provides for issues and complaints to be received and logged within a complaints register.

The surrounding owners/occupiers are encouraged to contact the quarry's complaints number to register any issues, concerns, or complaints they have relating to dust being emitted from the site. The quarry has plans in place if an issue is logged.

At the time of writing this report, Council is not aware of any complaints logged via this process.

### ***Referrals***

The following referrals have been carried out as part of the assessment of this application.

Table 1.1

<b>Referral</b>	<b>Comments</b>	<b>Response date</b>
Barwon Water	No Response received	
Powercor	No Response received	
VicRoads	No objection to the proposal subject to conditions relating to road requirements	27/01/2017
Country Fire Authority (CFA)	No objection to the proposal subject to conditions requiring a risk assessment and emergency management plan to be prepared before the use and development commences.	30/08/2016
Department of Environment, Land, Water, and Planning (DELWP)	No objection to the proposal	6/04/2016
Corangamite Catchment Management Authority (CCMA)	No objection to the proposal	12/2/2016
Environmental Protection Authority (EPA)	No objection to the proposal subject to conditions relating to an EPA Work Approval being issued	22/2/2016
Department of Economic Development, Jobs, Transport, and Resources (DEDJTR)	No objection to the proposal subject to conditions requiring a variation to the approved Work Plan	5/4/2016
Southern Rural Water (SRW)	No objection to the proposal subject to conditions subject to conditions relating to works approval being issue for the site.	2/03/2016
Wathaurong Corporation	No response received	
APA Group (Gas)	No objection to the proposal subject to conditions being included in a planning permit.	15/08/2016

It is noted that specific concerns were raised by a number of objectors relating to the requirements of the EPA and the proposed buffer areas encroaching onto adjoining land. Specific advice was sought from the EPA in relation to these matters to ensure it was considered during their referral assessment.

The EPA has provided the following comments:

### **Landfill**

*The proposed landfill is scheduled under the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 as A05 (Landfill). The proposal therefore requires an EPA works approval and this makes EPA a statutory referral authority under Section 55 of the Planning and Environment Act 1987. EPA has not received a works approval application at this stage.*

*The Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) provides Victoria with the long term vision and roadmap to guide future planning for waste and resource recovery infrastructure. Sustainability Victoria lead this work.*

*The seven waste and resource recovery groups (WRRGs) across the state, in consultation with their communities, local governments and industry, are each developing a Regional Waste and Resource Recovery Implementation Plan (RWRRIP) that sets out how the relevant infrastructure needs for their region will be met over the next 10 years. These plans are guided by the SWRRIP strategic directions and the needs and priorities of their local communities.*

*EPA notes that the proposal is situated within the area covered by the Grampians Central West Waste and Resource Recovery Group. Whilst this group is yet to finalise a RWRIP\*, advice to date is that following an analysis of infrastructure needs and gaps across the region there is no demonstrated need for further landfill air space within the Grampians Central West Region at this time and into the future, and therefore no new landfills will be scheduled. This position will be reviewed in approximately 3-5 years' time.*

*EPA does not object to the issue of a planning permit for the landfill part of the proposal, however would require the following condition to be included in any permit issued for this use:*

- *The proponent must apply for and be issued with a Works Approval from the Environment Protection Authority with respect to A05 (Landfills) prior to any works beginning*

*Additional conditions would be included in any EPA works approval and licence issued for the use.*

*Because a works approval application has not been lodged or assessed, EPA is unable to comment in detail on whether the proposal would meet current or future EPA approval requirements. EPA would consider a works approval application in the context of statutory requirements at the time the application is decided, including requirements of the SWRRIP and relevant RWRIPs.*

*With regard to siting of the landfill, EPA offers the following comments: EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013) refers to EPA Publication 788.3 Best Practice Environmental Management (Siting, design, operation and rehabilitation of landfills) (August 2015) (BPEM) for the application of the appropriate separation distance for landfills.*

*Appropriate buffer distances must be maintained between a landfill and sensitive land uses (receptors) to protect those receptors from any impacts resulting from a failure of landfill design or management or abnormal weather conditions. These failures might constitute discharge from the site of potentially explosive landfill gas, offensive odours, noise, litter and dust.*

*Buffer areas are not an alternative to providing appropriate management practices, but provide for contingencies that may arise with typical management practices.*

*In accordance with the BPEM, the proposed landfill is classified as a type 2 landfill as it is proposed to accept putrescible waste. For type 2 landfills, the BPEM requires a buffer of 500m to buildings and structures in order to protect the surrounding area from landfill gas migration, safety and amenity impacts.*

*In this instance the closest sensitive receptor (dwelling in the Farming zone) is situated 775m south west of the edge of the proposed landfill. Therefore EPA notes that the 500m separation distance set out in the BPEM is met in this instance.*

### **Green Waste Composting**

*The proposed green waste composting facility is designed to process up to 36,000 tonnes per annum of green waste in open turned windrows. The proposed composting operation is scheduled under the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 as A07(Composting). The proposal therefore requires an EPA works approval and that makes EPA a statutory referral authority under Section 55 of the Planning and Environment Act 1987. EPA has not received a works approval application at this stage.*

*Because a works approval application has not been lodged or assessed, EPA is unable to comment in detail on whether the proposal would meet current or future EPA approval requirements.*

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\* The Grampians Central West Waste Resource Recovery Infrastructure Plan was not finalised at the time the EPA provided their referral response. This plan has since been gazetted in July 2017.

*EPA Publication 1588 Designing, constructing and operating composting facilities (12 March 2015) recommends a separation distance of >2000m for such facilities. In this instance it is noted that the closest sensitive receptor is situated approximately 1.47km south west of the site, and therefore the recommended separation distance is not met.*

*However EPA notes that the Odour Impact Assessment provided in support of the application (Edge Group Pty Ltd Ref:150329-R-06, August 2015) concludes, based on AERMOD dispersion modelling, that odour units predicted at surrounding sensitive receptors are predicted to be less than 1 odour unit. This would be consistent with the requirements of State Environment Protection Policy – Air Quality Management (SEPP AQM) and may result in a reduced separation distance being accepted through the works approval process. Note that EPA will conduct a full technical review of this Odour Impact Assessment as part of the works approval assessment.*

*EPA does not object to the issue of a planning permit for the composting part of the proposal, however would require the following condition to be included in any permit issued for this use:*

- *The proponent must apply for and be issued with a Works Approval from the Environment Protection Authority with respect to A07 (Composting) prior to any works beginning. Additional conditions would be included in any EPA works approval and licence issued for the use.*

### **Transfer Station and Materials Recycling Facility**

*The proposal also includes the use and development of the land for a Transfer Station and Materials Recycling Facility. These activities are not scheduled and do not require separate EPA approval.*

*These industries are listed in the table to Clause 52.10 (Construction and demolition materials recycling, Transfer Station accepting organic wastes) shown with a Note 1. Therefore EPA is a statutory referral authority under Section 55 of the Planning and Environment Act 1987.*

*The application states that the Transfer Station and Materials Recycling Facility have been designed to process 20,000 tonnes of waste per annum, including eight skip bins below an elevated drop off area, and four resource recovery stockpiles situated on hardstand for collection of metal, timber, recycled concrete and tyres*

*EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013) does not list a set separation distance for materials recycling facilities, rather they are assessed on a case by case basis. For transfer stations a separation distance of 250m is recommended. The proposed facilities are situated towards the eastern side of the site, with large separation distances to existing sensitive receptors (>1km).*

*EPA notes that the Environmental Management Plan provided in support of the proposal (SMEC – Ref: 30041174 Version 2, August 2015) includes a detailed dust management strategy which includes the use of hardstand for operational areas, a requirement for all commercial loads entering and leaving the site to be covered, as well as the use of water as a dust suppression measure on access roads and operational areas.*

*Given these factors, EPA considers that the available separation distance would be adequate to protect sensitive receptors from dust and odour amenity impacts from the transfer station and materials recycling operation, provided the identified controls are implemented through any permit issued.*

*EPA does not object to the issue of a planning permit for the transfer station and materials recycling part of the proposal, however would recommend the following conditions (or similar) be included in any permit issued for this use*

### **Dust**

- *Nuisance dust must not be discharged beyond the boundary of the premises.*
- *Water spray systems must be used on the stockpiles of material, the access roads, loading and unloading area and any screening plant.*
- *Access roads subject to regular traffic must be provided with appropriate surface treatment to minimise the generation of dust.*

## **Noise**

- *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended from time to time.*
- *Noisy equipment must be fitted with appropriate noise silencers/enclosures.*

## **Surface and Groundwater**

- *Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes to the stormwater system.*
- *Stormwater contaminated with waste such as oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and must be collected and disposed of off-site by an EPA approved contractor.*
- *The applicant must ensure that vehicles leaving the site have clay and soil removed from their wheels before entering public roads.*
- *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended from time to time.*
- *All vehicles removing waste from the premises must have fully secured and contained loads so that no wastes are spilled.*

## **Waste Management**

- *Prescribed industrial wastes as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.*

*EPA also recommends that any permit issued contain conditions to reduce the risk of stockpiling of material generated by materials recycling at the site. This could be explicit conditions about the allowable storage height and volume of each type of material on site at any time, as well as maximum storage times and requirements for demonstrating compliance with those requirements such as annual site surveys and submission of site records.*

*Council should also ensure that the permit contains a condition requiring the implementation of the Environmental Management Plan for the site.*

This response from the EPA provides a clear outline of the EPA's considerations relating to this application as well as a framework for what they would consider if an application for works approval/licence was lodged by the applicant.

## **Communications**

The application was advertised:

- to land owners/occupiers located within a 2 km radius of the subject site (a total of 25 notices were sent out).
- an A3 sized notice was placed at the front of the site
- notification was placed in a Saturday edition of the Geelong Advertiser.

The application was advertised for an extended period of 30 days from 9 January 2016, as per Section 52(3) of the *Planning and Environment Act 1987*, rather than the accepted practice of 14 days, given the proximity to the Christmas/New Year holiday period.

As a result of advertising, 87 objections were received, two of which were petitions against the proposal.

Given the number of objections received and for clarity in reporting, the issues raised have been grouped under specific headings as set out in table 1.2. The number of comments relating to each issue have been collated to indicate the number of times the same issue was raised. Sixteen (16) of the 87 objections also included addendums.

An informal information session was undertaken for the proposal, inviting all objectors and the applicant to attend and discuss the proposal. The session was chaired by an independent facilitator who was a former Victorian and Civil Administrative Tribunal (VCAT) member experienced in the facilitation of complex planning matters.

This information session allowed all objectors in attendance the opportunity to voice their concerns or issues relating to the proposal.

### *Summary of Objections*

(The number of comments in the table only relates to written submissions and not verbal submissions or discussions at the community information session)

Table 1.2

Summary of Objection	Number of comments
<b>Noise</b>	
Noise emanating from the site (trucks etc.)	27
<b>Traffic</b>	
Congestion created by increased traffic, slow moving trucks, and turning vehicles Impact on Hamilton Highway and Booley Road,	54
Impact on road safety	34
Traffic impact assessment does not adequately address issues	5
Damage to roads due to excessive vehicle movements	17
<b>Flora and Fauna</b>	
Impacts on native flora and fauna	22
Increase in pest animals and vermin including: rats, flies, birds, mice, snakes, and foxes	15
Introduction of noxious weeds	14
Toxic weed spreading	3
Loss of habitat for native animals	7
<b>Pollution</b>	
Emissions emanating from the site including hazardous air pollution, carbon dioxide, methane	46
Impact on air quality/smell	32
Impacts on soil quality/ Soil contamination	6
Potential to pollute surrounding watercourses, dams, and rainwater tanks	51
Debris blown across the land and surrounding areas from both the tip and vehicles accessing the site.	24
Methane gas created onsite; and its potential for being flammable and causing fires/explosions	4
Airborne toxic chemicals released from site	5
Underground water pollution	24
Potential for toxic waste to be put in the landfill	1
Cell liner deteriorating over time or being compromised by blasting on adjoining cell	5
Impacts created by 1 in 100 years flood event	6
Farm land being contaminated	4
General impacts to health	3
An increase in the amount of dumped rubbish on roadsides	4



<b>Buffers</b>	
Does not meet the 500 metre buffer from the edge of the landfill cells to adjoining properties	12
Does not meet the 2000 metre buffer from the compost area to adjoining properties	7
Inappropriate distances from townships	14
Farmers unable to erect shedding for farming activities within the buffer area	3
Impacts on the adjoining use of the land under the 500m buffer	11
Impacts on the ability for future development, subdivision, dwellings within the buffer areas.	
Succession planning	2
Combined impact created from landfill waste and composting	4
<b>Future Planning</b>	
Inconsistent with farming areas and the zoning of the land (FZ)	12
Not in the 10 year plan for the regional waste strategy	3
Contradiction to the Council Strategic Plan – avoiding public access directly from Highways.	7
No need for this facility as there are others within Golden Plains Shire, the Region, or Victoria	7
<b>Visual Amenity</b>	
Height of the waste pile (24 metres)	8
Visual pollution/impact	15
The visual impact from higher bunding walls	3
<b>Land values</b>	
Financial losses - loss of values of agricultural product	3
Land devaluation	7
<b>Amenity</b>	
General impacts on residential areas	14
Dust impacts	23
Hours of operation, increased hours (from those associated in the quarry), 7 days a week	4
<b>Other</b>	
Earthquake onsite/Fault lines	2
Potential landfill fires	11
Non-Compliance with Quarry permit	9

As the objections have been received from a wide geographical area, the origin of objections has been broken down based on town and locality. The information represented below at figure 1.10 also shows the number of objections from within a 3km radius of the subject site (note that this map does not show objections received from outside of the Golden Plains Shire).

## Objector location map

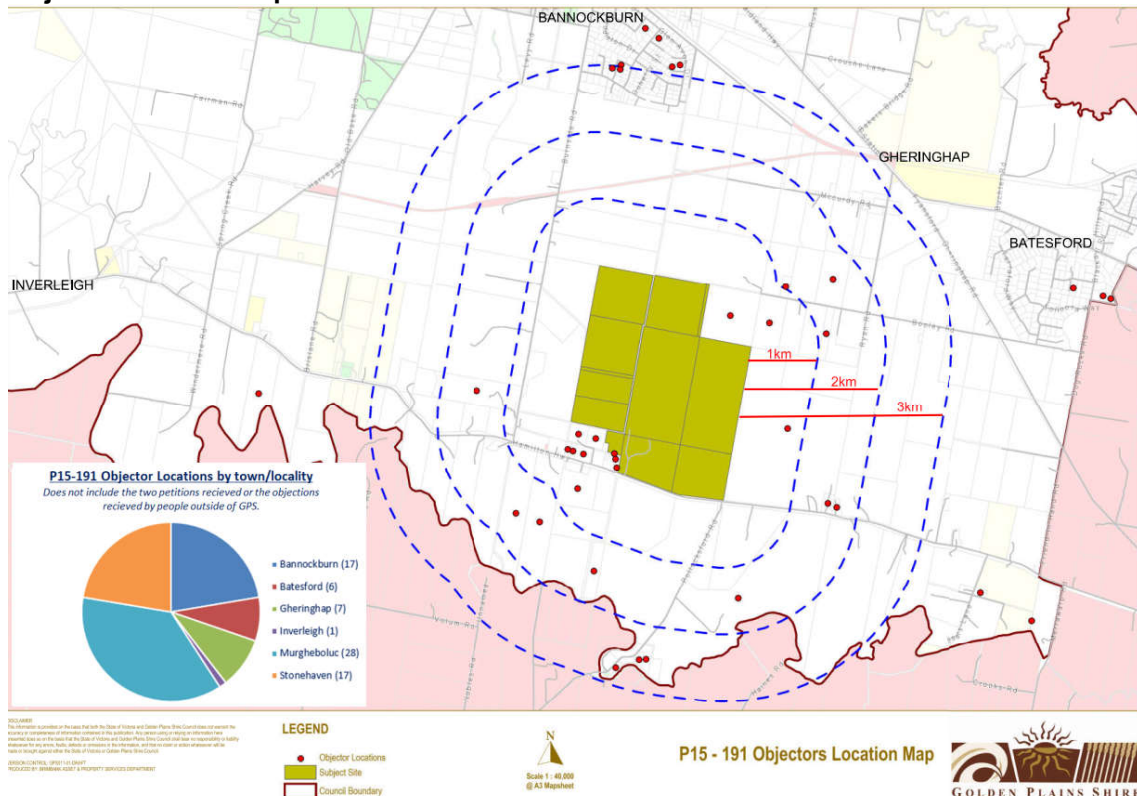


Figure 1.10  
(Refer attachment 7 for A3 copy of map)

## Discussion

The following response examines the issues raised in the objections.

## Noise Impacts

Clause 13.04-1 of the State Planning Policy Framework provides policy that relates to Noise Abatement. The objective of this policy is to assist in the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of techniques appropriate to the land use functions and character of the area.

The interim guidelines for control of noise from industry in country Victoria provides noise guidelines for industrial noise at sensitive receptors (dwellings).

The noise limits contained within the guideline are:

- Day: 7.00am to 6.00pm ..... 45 dB(A)
- Evening: 6.00pm to 10.00pm ..... 37 dB(A)
- Night: 10.00pm to 7.00am ..... 32 dB(A)

Given the proposed hours of operation of the facility between 7am and 6pm, all operations and aspects of this application must be classified within the day (45dB(A)) noise limits.

This facility proposes a number of components, with associated machinery as follows:

### Landfill Operations:

- 1 x waste compactor
- 100 x waste service truck movements (50 in, 50 out) per day delivering waste to landfill



Landfill Cell Construction:

- 1 x dozer
- 1 x excavator
- 1 x pad roller
- 3 x dump trucks
- 1 x water cart

Composting:

- 1 x front end loader
- 1 x windrow turner pulled by a tractor
- Expected 38 truck movements per day (19 in, 19 out)

Transfer station operation:

- Expected 240 car/trailer and ute movements per day (120 in, 120 out) depositing waste at the transfer station.
- Drop off of waste via approximately 4 hook-lift bin truck trips per day collecting recyclables from the transfer station and transferring to the landfill
- Other light vehicles such as utes with trailers, etc.

The results of the noise modelling, as contained within the submitted noise emissions report, has indicated that noise levels could be higher than 45dB(A) at nearby dwellings, at later stages when the operation extends towards the south west corner.

Noise reduction can be conducted in a number of different ways:

- Reduction at the source: typically through the upgrading of equipment or use of mufflers, enclosures and the like.
- Reduction by management controls; this would require machinery management for machinery operating at different times.
- Reduction along noise path lines; such as barriers or bunding.

It is considered that this issue could be controlled by noise requirements onsite. This would most likely be in the form of a noise management plan that outlines how the relevant stages would be managed to ensure compliance with the 'Interim Guidelines for Control of Noise from Industry in Country Victoria'.

## Buffers

A large number of objections received were related to the proposed buffers around the site.

The two aspects that must be considered when assessing buffers for an application of this kind are putrescible waste and green waste.

Considerations relating to buffers is a complex issue and requires a careful assessment of the various factors are involved. There are two separate buffers that require consideration, under two separate guidelines.

The two guidelines that must be considered for this proposal are:

- Putrescible waste (500 metre buffer requirements). EPA Publication *Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills*. This guideline is the key document that recommends best practice environmental management measures for landfills.
- Green waste (2 kilometre buffer recommended). EPA Publication *for Designing, constructing, and operating composting facilities*. This is recommended to be 2km, but can be varied based on submitted modelling and reports. This guideline also provides requirements relating to the design, construction and management of composting facilities to protect human health and the environment.

When undertaking an assessment of the buffers within these guidelines, the two areas (putrescible waste and green waste) are broken into a number of individual considerations that are required to be individually addressed. These areas of consideration for buffers under each guideline are:

Putrescible waste	Green waste composting
Odour	Odour
Landfill gas migration	
Litter	
Airborne Pollutants	
Dust	

The following points are a summary of the matters that have emerged in relation to buffer requirements associated with this proposal:

- Consideration should be given to require that the 500 metre buffer be wholly contained within the land owned/managed by the landfill operator. This would require that the footprint of the landfill work authority area be reduced.
- Issues have been identified through the peer review of the Odour Impact Assessment. The peer review identified that given the current modelling used, there are potential odour impacts on sensitive receptors.
- Council should not support the application until it is satisfied that all amenity issues can be managed to ensure there are no detrimental amenity impacts on the adjoining and surrounding communities.

The following is an in-depth review of both the putrescible waste buffer (500m) and the green waste buffer (2km recommended), including the individual areas of consideration as set out in the table above:

### Putrescible waste buffer

EPA's Best Practice Environmental Management guideline *Siting, design, operation and rehabilitation of landfills* provides direction on the best practice siting, design, operation, performance and rehabilitation standards for landfills in Victoria. It takes into account the risk they pose to the environment, and it provides a guide for the measures required to meet legislative objectives.

Under the classifications detailed within the EPA's Best Practice Environmental Management guideline, a landfill such as the one applied for in this application, is defined as putrescible (municipal) waste and is classified as a type 2 landfill (this category is based on the types of waste the landfill accepts). The guideline considers appropriate siting of a landfill as being the primary environmental control. It provides appropriate siting and buffer distances between landfills and sensitive land uses (receptors) to protect those receptors from any impacts resulting from a failure of landfill design or management or abnormal weather conditions. These impacts range from potentially explosive landfill gas, offensive odours, noise, litter and dust.

Features that could be adversely affected by landfilling operations include surface water, buildings and structures. Buffer areas are not an alternative to providing appropriate management practices, however they provide for contingencies that may arise with typical management practices. Under these classifications, a type 2 landfill is required to provide a buffer distance of 500 metres from any building or structure.

The buffer distance as outlined in the EPA's publication is measured from the edge of the open and/or closed cells for a distance of 500 metres.

This buffer is set to reflect the potential impacts from landfilling activities. Generally, the buffers are set to manage: odour and landfill gas impacts, including the risk of explosion and/or asphyxiation.

The potential risk from landfill gas remains post closure and for at least 30 years post closure. While other potential impacts such as fire, litter, noise and safety risks exist, the buffers required for protection from those impacts fall within the buffer required for odour and landfill gas.

The 500 metre buffer proposed in this application, extends beyond the site boundary owned and managed by the quarry operator. Currently there are no sensitive receptors located within this 500 metre buffer area

The Best Practice Environmental Management guideline does not require that the 500 metre buffer be wholly contained within land owned or managed by the landfill operator, it does state that *'it is better that this land is owned or at least under the control over the maintenance of an appropriate buffer'*. The guideline goes on to state that the landfill operator should develop contingency plans to show how the landfill could be developed and operated to ensure that the safety and amenity of the affected land would still be preserved, should the buffer be encroached.

Within the putrescible waste buffer, consideration should be given to:

- Putrescible waste odour
- Landfill Gas Migration
- Litter
- Airborne Pollutants
- Dust

Each one of these issues are discussed individually as follows;

#### **Putrescible Waste Odour Impacts**

Odour is one of the issues of most concern to the local community as many submitters have outlined their strong objection to the proposal.

The State Planning Policy Framework does not specifically address odour, however, Clause 13.04-2 (Air Quality) includes the objectives *'to assist in the protection and improvement of air quality'* and *'to ensure that land-use planning and transport infrastructure provision contribute to improved air quality'*. Clause 13.04-2 requires the State Environment Protection Policy (Air Quality Management) (SEPP (AQM)) is to be considered.

The SEPP (AQM) is a subsidiary instrument of the Environmental Protection Act (EP Act) and includes human health and local amenity among the beneficial uses that the policy aims to protect. The SEPP (AQM) requires generators of air emissions to manage their emissions in accordance with the policy through the application of Best Practice Management.

For odorous emissions of mixed composition that have the potential for adverse amenity impacts, as is the case with putrescible waste, the SEPP (AQM) design criteria of 1 odour unit (OU) per three minute average at the site boundary. The SEPP (AQM) also specifies that a generator of odorous emissions may need to demonstrate that local amenity will not be adversely affected by offensive odours.

The relevant policies related to odour include the 2004 Waste Management Policy and the Best Practice Environment Management (BPEM). The BPEM is the key guidance document and has as one of its key objectives *'to ensure that air quality objectives are met, and that there is no loss of amenity from odour or dust.'*

It is considered that as there are currently no sensitive receptors within the proposed 500 metre buffer, therefore there would be no detrimental impacts on adjoining land owners.

#### **Landfill Gas Migration**

Putrescible waste in landfills decomposes to produce Landfill Gas (LFG). LFG contains a proportion of methane which is both a significant greenhouse gas and a direct risk to human safety due to its explosive nature at the right concentration and potential for asphyxiation.

Offsite LFG migration through the soil profile, from open and closed landfills, has been a known risk for years.

The issue around LFG migration essentially comes down to what buffer distance should be provided between the edge of the landfill (nearest cell) and off-site uses. This application proposes that the 500 metre buffer is contained within the subject site at the south, west, and part of the north work authority area. Council must consider the impacts on properties to the north and east which are not proposed to be contained within the subject site.

Objections were received which raise concerns in relation to gas migration impacting on buildings constructed on adjoining land within the 500 metre buffer and farmland within the same area..

There are no statutory mechanisms for enforcing an off-site buffer through conditions on a planning permit should one issue. It is recommended that consideration should be given to reduce the footprint of the landfill to contain the recommended 500 metre buffer wholly within land owned and managed by the permit applicant.

### **Litter**

Objections have raised concerns relating to windblown debris from the landfill across the site and onto adjoining land as well as from vehicles entering the premises. Concerns were also raised that this proposal would potentially increase the amount of dumped rubbish on roadsides within the surrounding area.

Under the Environment and Protection Act it is illegal to litter. This includes windblown litter from a premises or litter thrown from a vehicle, however the applicant cannot be held responsible for illegal actions by the general public. All waste loads from the general public should be covered or restrained in such a manner that no waste can be blown from the vehicle or trailer.

In regards to debris being blown across the site and offsite, the best practice environment management guideline objective in relation to litter is:

*To keep the landfill and surrounding environment in a litter-free condition.*

The required outcome is:

*That no litter from the landfill operations reaches beyond the boundary of the premises.*

The Best Practice Environment Management guidelines provides the following suggested measures to control litter:

- Minimise the size of the tipping area.
- Use litter screens at least four metres high to control litter at the active tipping area.
- Establish a program of at least daily cleaning of litter from fences and the surrounding area.
- Deposit waste in areas of the landfill that are sheltered from the wind.
- Establish contingency plans to deal with extreme events that cause gross litter problems.
- Use of appropriate daily cover to reduce litter.

The Environmental Management Plan that was submitted with the application proposes the following litter management strategy:

- Waste loads entering the site are to be kept covered until the vehicle reaches the waste disposal location;
- Transfer station customers to be encouraged to cover waste loads where possible;
- Exposed estate surface will be kept to a minimum (30 metres x 30 metres in accordance with the landfill Best Practice Environment Management guideline);
- Waste compaction at the land tipping face to be undertaken promptly after tipping;
- Daily cover material to be placed over waste at the end of each days operation;
- On-site litter patrols and collection of litter that escapes from the active waste tipping area;
- Maintenance of damaged or missing lids to waste receptacles at the transfer station;
- Monitoring of weather conditions for extreme weather events;
- Review of fencing locations as landfill site is developed; and
- A combination of fixed and portable litter fences used to contain windborne litter within the landfill site and at strategic locations around the site.

The application also proposes regular patrols of the site perimeter to be undertaken by landfill staff to remove any litter that has escaped beyond the boundary.

The Environment Management Plan also includes a litter management plan during extreme weather conditions. These additional procedures will be used in support of the above litter management strategies. The additional procedures include:

- Place cover material over exposed waste prior to weather event to minimise windblown litter;
- Undertake litter collection immediately after the event; and
- Deploy additional resources if required to assist with litter collection following the event

Prioritisation of collection of litter that has escaped from the site will be given before collection of onsite litter collection is undertaken.

If litter does escape and it can be attributed to the proposed landfill, there are actions that can be taken by the EPA, the responsible authority, Victoria Police, as well as the public to penalise the applicant for breaching its licence or fine the owners of vehicles that do not secure their load resulting in litter escaping or for dumping litter on the side of the road.

If people are observed dumping it should be reported to the EPA (with as many details as possible to aid in the identification of the person dumping).

It is considered that given the above management plan that windblown litter from the proposed landfill can be contained, or at the very least, minimised. The requirement for a litter management plan containing measures as outlined above should be given consideration when determining the application.

## **Dust**

Consideration is required to be given to dust that is generated from the site. Any large area where the land has been disturbed and is subject to vehicle traffic has the capacity to generate dust. Other potential sources are stockpiles of earth, greenwaste and compost, waste concrete and bricks, and the delivery of dusty loads of waste.

A dust management plan was required to be submitted and endorsed by the responsible authority for the previously approved extractive industry planning permit. This plan was developed to ensure that the visible dust emissions do not impact on sensitive receptors beyond the site boundary.

The requirements of the previously issued planning permit and the endorsed dust management plan need to be adhered to in addition to any further dust management controls that are deemed necessary.

Progressive rehabilitation, use of hard standing surfaces, speed restrictions, and water carts would be required to be considered to reduce/limit dust emissions from emanating from the site.

The 500 metre buffer requirement would limit the impacts that dust could potentially have on adjoining properties. As has been discussed previously, if the footprint of the landfill were to be reduced to contain the 500 metre buffer wholly within land owned/managed by the landfill operator, this could significantly reduce any dust impacts on adjoining sensitive receptors.

The requirement for a dust management plan to the satisfaction of the responsible authority for this application should also be considered.

## **Airborne Pollutants**

The State Planning Policy Framework Clause 13.04-2 relates to Air Quality and requires that the State Environment Planning Policies (Air Quality Management) (SEPP(AQM)) must be considered.

Submissions have been received that relate to concerns surrounding airborne pollutants and particles moving beyond the boundary of the premises and across farming land with the potential to contaminate produce (as well as certified organic produce) and water tanks.

The existing quarry operating onsite must comply with the statutory requirements for the management of the emissions of airborne particles from an extractive industry site are set out in the *Protocol for Environmental Management: Mining and Extractive Industries (PEM (M&E))*.

The applicant has prepared an Airborne Pollutants Impact Assessment. The purpose of this assessment is to provide an indication regarding the potential impacts from airborne pollutants generated from the proposed use on the nearby certified organic farm as well as on residential and livestock water supplies.

The risk assessment contained within this report has deemed that the likelihood of airborne contaminants impacting the organic farm, is low.

The report states that:

*The National Association for Sustainable Agriculture, Australia (NASAA) Organic Standard states that contamination that results from circumstances beyond the control of the operation does not necessarily alter the organic status of the operation. While risk of contamination that may threaten the organic status of the farm is low, if contamination is to occur the following mitigation measures may be implemented:*

- *The use of windbreaks/buffer zones as specified in the NASAA Organic Standard such as multiple rows of trees and hedges;*
- *Maintaining acceptable distances between potential contamination and the certified organic farm; and*
- *Physical barriers.*

As previously discussed in this report consideration should be given to the footprint of the landfill being reduced so that the 500 metre buffer is wholly contained within the land managed by the landfill operator. This would assist in maintaining an acceptable distance between the potential contaminant and the certified organic farm and any water supplies.

### **Green Waste Buffer (2km recommended)**

The other key consideration when considering buffers is the proposed green waste composting.

The State Planning Policy for Air Quality (Clause 13.04-2) and the requirements as contained within the State Environment Protection Policy (Air Quality Management) are the same as previously discussed for putrescible waste odour impacts.

The policy related to this issue is EPA's *Designing, constructing and operating composting facilities* which provides advice on design, construction, and management of composting facilities.

Green waste composting impacts are assessed under EPA's Guideline for *Designing, constructing and operating composting facilities*. This guideline provides information on thermophilic, aerobic composting operators obligations under laws administered by the EPA Victoria and provides suggestions on how to comply.

Composting facilities have the potential to impact human health, amenity and environment, location and siting are important factors that should be considered by planning when assessing these types of applications.

There are two acceptable methods for calculating separation distances. The first is the separation distance is measured from the boundary of the premises to the boundary of the sensitive land use. The second, used in sparsely populated areas, measures the separation distance can be measured from the activity boundary of the emissions source to the sensitive receptors. In this instance, the applicant has used the second method.



The separation distance is based on two factors, these being the type of technology used and the size of the plant. This application proposes an open turned windrow that has a maximum 36,000 tonnes per annum. This operation requires a separation distance of 2000 metres if the size of the plant is 36000 tonnes per annum.

Subject to an evaluation demonstrating that the environment will be protected and the amenity of the sensitive areas will not be adversely affected, lesser buffer distances may be applied. The applicant has submitted an odour impact assessment as part of their application documents. The assessment and modelling contained within the assessment concluded that odour from the site would be contained within a 500 metre buffer from the landfill.

Given the technical nature of the submitted odour modelling assessment, Council had the document peer reviewed (refer attachment 10) by an independent consultant to assess the modelling assessment and conclusions reached at the end of the report. The peer review identified issues relating to the submitted report and suggested that the assessment submitted was not compliant with the requirements of the SEPP(AQM) or the requirements of the available Guidance (EPA Publication 1550 and 1551).

The peer review advised that the proposal should meet the separation distance guidelines for open air green waste composting by relocating the site, or demonstrate why a deviation from the separation distance guidelines is appropriate.

Based on the findings and conclusions detailed within the peer review undertaken on this assessment, it is identified that the current proposal would not meet the requirements for odour impacts on sensitive receptors. Therefore, it is recommended that this matter be resolved before a planning permit is issued for this proposal.

### **Overall consideration of buffers**

Council have received objections from adjoining land owners in the areas where the 500 metre buffer is proposed to encroach upon their land. The concerns outlined in these objections predominantly relate to building farm sheds within this area or the potential impacts that the landfill would have on farming operations.

The Best Practice Environment Management guideline outlines that any buildings that are built on adjoining properties within the buffer area will be required to be monitored in accordance with EPA landfill gas risk assessment requirements.

However, as discussed under the green waste buffer assessment, the peer review undertaken to assess the green waste odour impacts identifies that there is potential for odour impacts on the surrounding sensitive receptors.

Given the risks associated with the management of land within the 500 metre buffer zone being located outside land owned by the landfill operator, Consideration should be given for the landfill footprint to be reduced so that the 500 metre buffer is wholly contained within the land that is managed by the landfill operator.

Given this potential impact has been identified, Council should not support this application until this matter is satisfactorily addressed.

### **Traffic Impacts**

A number of issues were raised by the objectors in relation to traffic impacts. Of particular concern were:

- Congestion created by increased traffic, slow moving truck, etc.
- Impact on road safety
- Traffic impact assessment does not adequately address issues
- Damage to roads due to excessive vehicle movements

A traffic management plan was submitted with the application. This plan outlined vehicle routes, turning movements and proposed numbers of vehicles moving to and from the site.

The management plan was referred to VicRoads and internally to Council's Works Department for review and comment. The initial response from VicRoads required further detail in relation to traffic volumes, access and turning points.

Revised information was received by Council and re-referred to VicRoads for further comment and assessment. VicRoads have responded and require conditions on a planning permit, if issued. These requirements relate to roadworks on the Hamilton Highway when the landfill resources and transfer station increase its operations to 15,000 tonnes per year or by the year 2025 (whichever occurs first). These works relate to constructing turning lanes on Hamilton Highway and Pollocksford Road, as well as signage, line marking, and intersection street lighting.

In summary, Council and VicRoads engineers are satisfied that the site and road networks can accommodate the proposal, subject to specified conditions and implementation.

### **Visual Impact**

After filling the quarry void the landfill proposes creation of a mound of approximately 25 metres above the natural ground level at the highest point. Submissions have been received relating to the visual impact of the finished profile on the surrounding area.

Consideration of the impact of the proposal on significant views, including visual corridors and sightlines, must have regard to:

- the existing landscape values and features, including the extent to which the landscape is altered and influenced by human interventions;
- over-arching goals in the Planning Scheme to ensure appropriate landscape/visual amenity outcomes, including protection of rural landscape character and visual amenity, and in particular, protection of features of natural scenic beauty and significant views;
- the level of protection and values identified by the Scheme provisions, which is informed by the Significant Landscape Overlays (or lack thereof);
- the extent or proportion of view that would be affected and the importance and value of that view in the context of other aspects of amenity;

The perception of landscape quality and visual impact can be highly subjective, be it from the public or private realms.

This landscape area is not protected by specific policy controls (such as a Significant Landscape Overlay) in the Golden Plains Planning Scheme for its significance.

However, as part of the application documents, as required under Clause 52.45 of the Golden Plains Planning Scheme (Resource Recovery), the applicant has provided a total of four images that shows the existing landscape profile and the proposed altered landscape with the final profile of the landfill with the capping completed. The images were taken from:

- Burnside Road (towards the north boundary of the site);
- Hamilton Highway (towards the intersection of Burnside Road);
- 1410 Hamilton Highway (at the driveway to the existing dwelling ); and
- Booley Road (towards the driveway at 360 Booley Road).

As part of the objections submitted, independently developed images from the rear of a dwelling was received. The submitted images varied greatly to those provided by the applicant.

In response, Council determined to address this matter by commissioning the production of a third version of the finished profile. Council's visual impact assessment was conducted by undertaking a photomontage from four key locations around the proposed landfill site.



The points of each photo conducted by the Council photomontage were selected to be in keeping with the images submitted by the applicant and the objector who submitted their own images. The images were taken from:

- Burnside Road (towards the north boundary of the site);
- Hamilton Highway (towards the intersection of Burnside Road);
- The rear of the dwelling at 1616 Hamilton Highway; and
- Booley Road (Beside the existing dwelling at 325 Booley Road)

The final images (please see Attachment 8), show the existing view from each location, images of the proposed finished profile of the landfill from each location, and images of the finished profile of the landfill with the proposed and existing landscape buffer plantings as mature.

As can be seen from the images provided from the consultants engaged by Council, the visual impact of the finished profile of the landfill will be minimal. The mature landscape screening images clearly show an effective a visual screen.

Given the results of the photomontage undertaken by the independent consultant engaged by Council, it is determined that the proposal would not result in an unacceptable visual impact from the existing dwellings or public roads, although further screening is an option.

Initial landscaping requirements, and then over times, progressive rehabilitation of the landfill, would be critical in minimising the visual impact on the surrounding landowners.

### **Flora and Fauna**

Objections were received in relation to flora and fauna onsite and within the surrounding area. The main issues were:

- Impacts on native flora and fauna
- Increase in pest animals and vermin (eg. rats, flies, birds, mice, and foxes).
- Introduction of noxious weeds
- Toxic weed management regimes
- Loss of habitat for native animals.

The existing quarry approvals cover the majority of the site and thus the issue of flora and fauna, and particularly native vegetation, have been dealt with in previous planning and EPA approvals, however these matters were again assessed as part of this proposal. The submitted flora, fauna, and native vegetation report concluded that the defined disturbance area contains no native vegetation. The one area of assessable native vegetation was not within the area of disturbance.

It is concluded that there will be no native vegetation removed as a result of this application and no significant fauna will be impacted upon.

A number of submissions raised the issue of vermin, particularly birds. The Landfill Best Practice Environment Management guideline requires consideration of vermin control to reduce the risk of disease travelling between the landfill and other areas. The BPEM includes management measures that may be appropriate such as; effective daily cover, pest control, and limiting nearby water bodies. Consideration would need to be given to ensure that the required management plans are in place to manage vermin at acceptable numbers to avoid risk to off-site areas/communities.

The issues surrounding noxious weeds being brought onsite with the potential to spread across the subject site and onto adjoining farm lands has also been raised in a number of submissions. Noxious weed management is managed through State legislation under the Catchment and Land Protection Act (CALP) 1994. The applicant is required to manage and eradicate declared noxious weeds onsite, as per the CALP Act.

## Pollution

Concerns have been raised relating to the impacts on soil quality and soil contamination as well as the potential to pollute surrounding watercourses, dams and underground water.

The relevant standards and requirements for the protection of the contamination of soils and underground water are outlined in EPA's Best Practice Environmental Management for siting, design, operation and rehabilitation of landfills.

These issues of concern relate to:

- Groundwater Contamination;
- Cell liners;
- Landfill Gas Migration;
- Litter; and
- Flooding.

## Groundwater Contamination

Groundwater contamination is one of the issues that has been regularly raised in the submissions received for this proposal. The issues focus on:

- the contamination of the groundwater table;
- whether leachate would escape from the site; and
- contamination of above ground water bodies.

The application proposes that leachate would be pumped directly to an evaporative leachate storage pond locate onsite, which would be separate to the stormwater system proposed within the application.

A hydrogeological assessment was submitted with the application to develop a Site Conceptual Model of geological and hydrogeological framework so that an assessment of the site's suitability for the proposed development could be undertaken.

Under the *Environment Protection Act (1970)*, groundwater is required to be assessed in accordance with the State Environment Protection Policy (*Groundwaters of Victoria*).



Under the State Environment Protection Policy, the Waste Management Policy (Siting, Design, and Management of Landfills) is the endorsed policy that provides for best practice and continuous improvement for landfills.



The Waste Management Policy identifies the Best Practice Environmental Management (*Siting, Design, Operation and Rehabilitation of Landfills*), as the primary guidance document for landfills

Given the technical nature of the hydrogeological assessment submitted with the application, Council engaged an independent consultant to undertake a peer review of the submitted report.

The results of the peer review identified a number of issues relating to the submitted report, including a number of components said to be missing from the report.

It was recommended by the consultant engaged to peer review the document that Council needs to be supplied with sufficient information to be satisfied that the design will not create adverse impacts on groundwater in the vicinity of the site.

The applicant submitted additional supporting information in response to these (peer reviews) comments. This information was supplied to the peer review consultant for their final review. It was again advised that the additional information does not fully address the issues raised previously, and that further data is still required.

As Council does not have the technical expertise in house to assess hydrogeological matters, officers are reliant on the advice provided by the consultant engaged to review the assessment. This peer review has advised Council that the document supplied is lacking in detail and further information is required to be submitted to ensure that the proposal does not negatively impact on groundwater.

It is considered that until these issues are resolved, Council Officers could not support this application.

### **Cell Liners**

Submissions were received expressing concern relating to cell liners failing over time and impacts of quarry blasting on the cell liners once established.

The principle functions of a landfill liner system are to limit contaminant migration to groundwater and to control landfill gas migration.

This is achieved by the landfill liner slowing the vertical and lateral seepage of leachate by allowing its collection and removal by the leachate collection system, and to contain landfill gas within the landfill for appropriate collection.

The liner may also attenuate contaminants in leachate seeping through the liner. A further function of the liner is to control infiltration of groundwater.

The design objective of the liner and leachate collection system is to protect the beneficial uses of all groundwater, including that directly beneath the landfill.

EPA's Best Practice Environmental Management for *Siting, Design, Operation and Rehabilitation of Landfills* provides a best practice approach for the design of the landfill liner.

A landfill liner comprises of up to five components:

- Sub-base
- Clay or geosynthetic clay layer
- Geomembrane and protection layer
- Drainage layer/leachate collection system
- Geotextile

The landfill base liner proposed in this instance would be a type 2 liner and would typically consist of the following elements:

- 1000mm thick compacted clay liner
- 2mm thick High Density Polyethylene membrane
- Geotextile Cushion
- 300mm thick Drainage Blanket with perforated drainage pipe; and
- Geotextile Filter

In accordance with the EPA's best practice guidelines, the cell liners are designed and are required to be constructed to standards that will last the life of the landfill. The requirement for landfills necessitates that continual monitoring of the liner and underground water to ensure that any leaks are identified before damage occurs.

As part of the submitted Environmental Management Plan, the applicant has submitted a monitoring program. This monitoring program is required to be considered as part of the EPA's Works Approval for the proposal. This program is required to be continually reviewed and updated to include new processes and technologies when made available.

Submissions also raised concerns relating to the impacts that the quarry blasting would have on the base liner of the proposed landfill. There are no Australian Standards or best practice guidelines that currently exist that specifically relate to blasting and the potential impact on landfill liner systems of these types of facilities.

An assessment has been undertaken by the applicant that reviews the vibration data from the blasting that is conducted onsite to determine whether it will have any potential effects on the liner that would be required to be installed.

The results of the analysis indicate the blasting would be unlikely to impact the integrity and effectiveness of the capping systems. Considerations should be required to be given the continual monitoring of the liner and capping to ensure that the quarry blasting does not negatively impact on the landfill liner.

### **Flooding**

Objections raised concerns relating to the potential impact in the event of a 1 in 100 year flood event.

The stormwater management and leachate management are required to be designed within the guidelines of EPA's Best Practice Environment Management Siting design, operation and rehabilitation of landfills.

Stormwater events up to 1 in 100 years should be considered to ensure that they do not result in any catastrophic failures such as flooding of the landfill or failure of dams or leachate storage ponds.

A permitter drain is proposed, which would consist of a shallow grassed channel located along the north, west, and south boundaries of the landfill and will be sized for both low flow and high flow events.

Landfill cap drainage would be constructed in stages as landfill cells are progressively filled, capped and rehabilitated. The cap drainage would consist of a shallow, grassed channel following the contour of the cap and will divert stormwater to the on-site storage lagoon.

The two stormwater storage lagoons are proposed to have a combined storage capacity of 35,000 cubic metres. This water could be used for number of reuses onsite including, dust suppression, irrigation purposes, and conditioning of material during construction.

Consideration should be given to ensuring stormwater quality, this could be undertaken through an ongoing environmental management program that requires continual monitoring of the water quality.

### **Toxic Waste**

Submission have been received that relate to toxic waste being dumped into the landfill and toxic chemicals becoming airborne and emanating from the site.

This landfill application only proposes to receive putrescible (municipal) waste, and not hazardous/toxic waste.

Toxic/hazardous waste can only be accepted at certain specifically EPA licensed landfills that are approved to accept types of Prescribed Industrial Waste.

The receipt of hazardous waste (prescribed industrial waste) requires a specially designed facility that is licensed by the EPA to accept this type of waste. Currently in Victoria there is only one such approved facility that can accept hazardous waste, this by the SUEZ Dandenong South Landfill in Taylors Road.

The illegal dumping of hazardous waste within a landfill not licensed to accept this type of waste is an enforceable offence.

### **Future Planning**

Submissions were received regarding the succession planning of the area, specifically relating to future subdivision and dwelling development within the buffer areas.

Land surrounding the site is zoned Farming which has a minimum lot size of 100 hectares meaning there is limited potential for future subdivision.

Furthermore, as all lots within this area are less than 100 hectares in size, a planning permit would be required for any new dwellings. Any proposed new dwellings will have to meet the requirements of the Farming Zone and Council would be unlikely to support any new dwellings within this area based on the provisions of the State and Local Planning Policies and the decision guidelines of the Farming Zone.

Residential development should be directed to the townships mentioned below, and the Farming Zone area remain available for agricultural purposes.

There are also no plans for this area to be rezoned and developed into a residential or rural residential area. The townships that are within proximity to the proposed development include Bannockburn, Inverleigh, and Batesford. The closest of which is Batesford located approximately 4km directly from the site boundary. Batesford is outside the distance that would potentially be impacted by this landfill, if it were to be approved.

In relation to submissions suggesting that there is no need for this type of facility, it is not the role of this planning permit application to determine the need for this type of proposal. Council must assess each application on its own merit against the provisions of the Golden Plains Planning Scheme.

Following on from the previous discussion related to the Grampians Central West Waste and Resource Recovery (GCWRR) plan, submissions were received objecting to the potential approval of the application given the proposed landfill is not currently on the Grampians Central West Waste and Resource Recovery Groups strategic plan.

Regardless of this, Council must make a determination on this application.

### **Land Values**

Submissions have been received objecting to the proposals citing the devaluation of their properties. Property devaluation is not a planning consideration and cannot be considered in the assessment of this application. This has been well established and accepted via VCAT hearings.

Submissions were also received on the basis that, if approved, the landfill would create financial losses due to a decrease in worth of agricultural produce. There has been no supporting evidence provided to substantiate this claim.

### **Earthquakes onsite**

Two submissions raised concern in relation to possible impact in the event of an earthquake.

The Australian Governments Geoscience Australian database indicates that over the past 17 years, only one earthquake has been recorded within a 5km radius of the subject site. This single earthquake was a 2.1 magnitude earthquake, approximately 1km south of subject site. This earthquake occurred 3 March 2016.

EPA's Best Practice Environment Management guideline for Siting, design, operation and rehabilitation of landfills outlines that given the decomposition and stabilisation of waste may take many decades, landfills should be constructed in areas where the landform is stable, thereby enabling the long term integrity of the landfill cap and liner.

Earthquakes are one potential impact that could affect the stability of the landfill. While Australia is considered a seismically stable continent, earthquakes do occur, albeit infrequently.

A reasonable assurance of the long-term protection of a landfill from an earthquake is to avoid sites within 100 metres of a fault line displaced in the Holocene period (about 10,000 to 12,000 years ago – to present).

This site has been found to be adequately located away from any known fault lines.

It has been determined that the likelihood of a major earthquake occurring onsite or within 100 metres of the landfill is unlikely.

### **Potential for landfill fires**

Numerous submissions have raised concern relating to the potential for landfill fires. Given the recent events at the SKM Recycling Facility in Coolaroo, this issue is relevant when considering a proposal of this nature.

As has been noted previously, the application has been referred to the CFA who have advised that they have no objections to the proposal subject to two conditions being included, should a permit be issued.

These conditions would require:

- The preparation of a Risk Assessment to ISO 31000 standard to the satisfaction of the CFA and be endorsed by the Municipality (Responsible Authority).
- The preparation of an Emergency Management Plan to the satisfaction of the CFA addressing the risks identified in the above Risk Assessment and to be endorsed by the Municipality (Responsible Authority).

If a permit was issued, these requirements would need to be addressed, given the CFA have reviewed the proposal and will require a risk assessment and emergency management plan for the proposal. This should limit the risk of a fire and also assist in the emergency management if this were to occur. An approved assessment and plan are aimed at limiting the risk of fire, and in the event of an incident, assisting with emergency management.

### **General Impacts to health**

Submissions were received that related to general health concerns potentially caused by the proposed landfill. If a planning permit were to be issued, a works approval from the EPA is also required that needs to address any health concerns related to the proposal and via this mechanism, it would be the EPA's responsibility to ensure that the landfill does not detrimentally impact the health of the surrounding community.

To reiterate, for this proposal to go ahead, in addition to a planning permit, a works approval from the EPA would also be required. This is a comprehensive and all-encompassing requirement which is the responsibility of the EPA. The Planning Scheme and the *Planning and Environment Act* is not the mechanism to require this level of control and regulation.

### **General Community Impact**

A number of submissions related to the general community impact or the social impacts on the community. These issues included:

- The proposed landfill impacting on the use and enjoyment of private properties; and the
- Emotional feelings relating to the proposal, such as stress, anxiety, and embarrassment with living near a landfill;

It is acknowledged that members of the local community already feel disgruntled and have a lack of trust towards the existing quarry operating on site. A degree of non-compliance with the existing permit conditions and subsequent Council and DEDJTR involvement has been discussed previously.

This lack of trust and added anxiety about what a landfill may mean for the area is reflected in the meaning of the phrase 'social licence'.

Social licence is a level of acceptance or ongoing approval within a local community and other stakeholders in relation to the operation and management of something, such as a landfill. It is akin to 'being a good and responsible neighbour' and dealing with matters/problems that are raised, in a timely and satisfactory matter.



If the proposal was to be approved and eventually commence, a continued and sustained effort from the operator to meet specified requirements and have an open and honest line of communication with stakeholders, including the community, to address and matters of concern, would be required to gain, and maintain, a 'social licence'.

A critical component in managing the social impacts of the proposal would be maintaining an open and transparent dialogue between the quarry operator, the potential landfill operator, the relevant responsible authorities, and the community. A community liaison group could be established to open the communication lines if the landfill were to be approved.

It is considered that the crucial areas to managing the social impacts around a landfill are:

- Careful and compliant management of the landfill, particularly odour;
- An open and effective dialogue between the landfill operator, the regulators and the community; and
- The establishment by the applicant/operator of an effective complaints handling procedure.

Any approval of the application needs to consider conditions that relate to ensuring that community consultation is considered and a complaints management strategy is implemented.

### ***Victorian Waste and Resource Recovery Infrastructure Planning Framework***

The purpose of the Regional Waste and Resource Recovery Implementation Plans are to identify waste and resource recovery infrastructure, service needs, and how these can be met over at least the next 10 years for each waste and resource recovery region in Victoria.

The Regional Implementation Plans work collectively with the State Waste and Resource Recovery Implementation Plans to establish an integrated waste and resource recovery management system for Victoria. They provide an understanding of their region's current waste and resource recovery infrastructure, projected waste volumes, population growth and industry demands.

Importantly, they include a schedule of existing and future waste and resource recovery infrastructure, including the sequencing of landfill airspace over the next ten years.

### **State waste policy**

The State waste policy is based on a waste management hierarchy, under which disposal to landfill is the 'last resort'. The waste hierarchy is one of the eleven environment protection principles contained in the Environmental Protection Act and under the hierarchy disposal to landfill should only be considered when there are no financially and technically practicable higher level waste management options. The waste hierarchy is recognised and embodied in the state government's high level waste policy Getting Full Value: the Victorian Waste and Resource Recovery Policy (2013)

The State waste policy recognises that while disposal to landfill is a last resort, some waste cannot be practicably removed from the waste stream, and that landfills are an important part of Victoria's waste management infrastructure.

The Environmental Protection Act establishes the Victorian Waste and Resource Recovery Infrastructure Planning Framework (the State Waste Framework). The objectives of the State Waste Framework include:

- ensuring long term strategic planning for waste and resource recovery infrastructure at state and regional levels
- enabling waste and resource recovery infrastructure planning to be effectively integrated with land use and development planning and policy.

The State Waste Framework is made up of:

- the Statewide Waste and Resource Recovery Infrastructure Plan 2015 (SWRRIP)
- seven Waste and Resource Recovery Implementation Plans
- any guidelines or processes made under the EP Act for facilitating and implementing the SWRRIP and the regional plans.

Under section 50C of the EP Act, the EPA:

- can refuse to consider a works approval application (or a licence application) for a landfill or a cell if the operation of the facility could be inconsistent with the State Waste Framework
- cannot consider a works approval application for a new landfill unless the landfill is scheduled in the relevant regional implementation plan.

### **Statewide Waste and Resource Recovery Infrastructure Plan (2015)**

The Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) was prepared by Sustainability Victoria and approved by the Minister for Environment, Climate Change and Water in June 2015. The SWRRIP sets out Victoria's long term strategy for planning waste and resource recovery infrastructure that:

- effectively manages the expected mix and volumes of waste
- reflects the principles of environmental justice to ensure that impacts on the community, environment and public health are not disproportionately felt across communities
- supports a viable resource recovery industry
- reduces the amount of valuable materials going to landfill.

The SWRRIP sets out four goals, of which Goals 1 and 3 are the most relevant:

- Goal 1: Landfills will only be for receiving and treating waste streams from which all materials that can be viably recovered have been extracted.
- Goal 3: Waste and resource recovery facilities including landfills are established and managed over their lifetime to provide best economic, community, environment and public health outcomes for local communities and the state and ensure their impacts are not disproportionately felt across communities.

In order to achieve desired outcomes for Victoria's waste and resource recovery system it is important to understand the types and tonnages of materials that need managing. The Statewide Waste and Resource Recovery Infrastructure Plan uses available data to map out the current system at the state level and project how this is likely to change. A further more targeted assessment is required to be undertaken at local and regional level through the development of Regional Waste and Resource Recovery Implementation Plans.

The seven Regional Waste and Resource Recovery Implementing Plans describe how the long term strategic directions on the SWRRIP will be implemented at the local and regional level, to ensure that the waste and resource recovery infrastructure needs of each region will be met over the next 10 to 30 years.

### **Grampians Central West Waste and Resource Recovery Implementation Plan 2017**

The Grampians West Waste and Resource Recovery Group is responsible for preparing and administering the regional plan for the Golden Plains Shire.

The findings contained within this report outline that the estimated lifespan of all landfills in the region have the capacity to operate well beyond 2030, there is adequate airspace to cater for the region's needs and there is no need for additional landfill airspace for at least 10 years (the period of the Grampians Central West Implementation Plan).



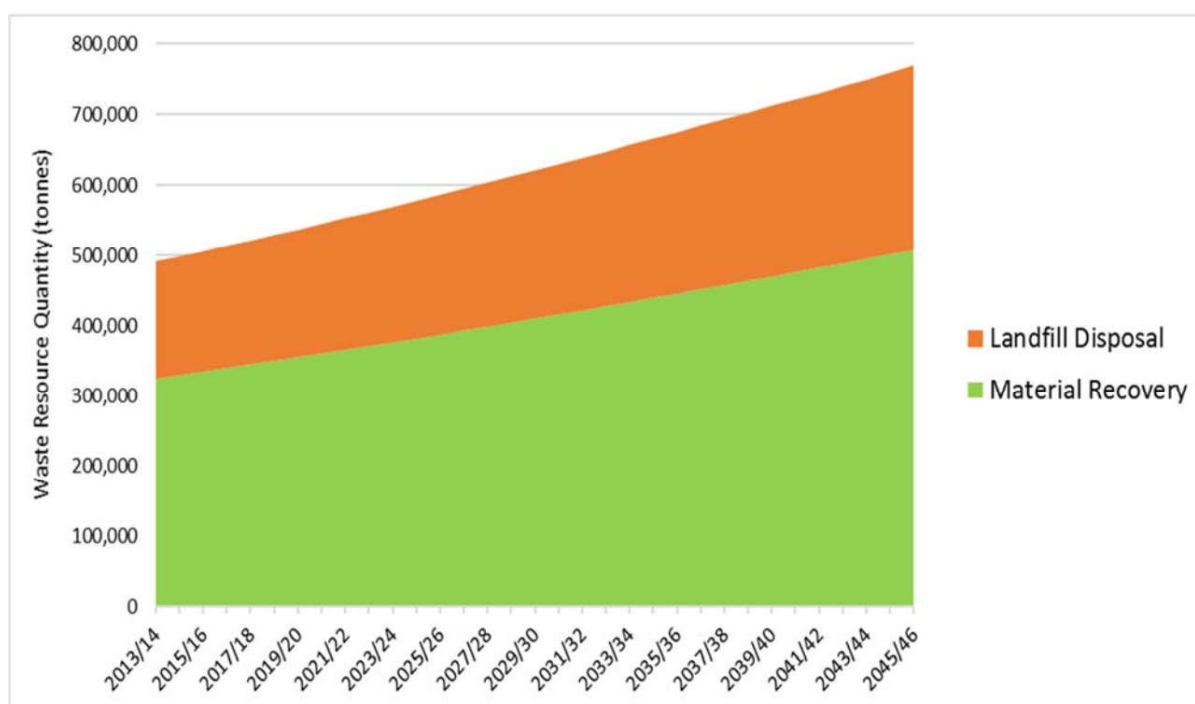
The Grampians Central West Waste and Resource Recovery Group will review the landfill needs assessment in three to five years to ensure that any gap in the availability of landfill airspace to meet the needs of the region will be identified and addressed. This process will allow adequate time to determine the most appropriate solutions and schedule new infrastructure in accordance with the Statewide process and allow sufficient time for planning and construction.

Subject to limited exceptions, EPA Victoria must refuse to consider an application for works approval in relation to any new landfill not included in the Grampians Central West Waste and Resource Recovery Group plan schedule, under Section 50C of the Environment Protection Act.

The Grampians Central West Waste and Resource Recovery Group have stated that they do not consider that there is a demonstrated need for additional landfill airspace and do not intend to schedule any new or expanded landfills at this time. As stated previously, this group will review the matter within three to five years. No other Waste and Resource Recovery Groups have advised the Grampians West Waste and Resource Recovery Group of the need for additional landfills in the Grampians Central West region.

### Overview of waste management in Grampians Central West Region:

The region currently generates approximately 492,000 tonnes of waste per year, of which approximately 325,000 tonnes is recovered. The remaining 167,000 is sent to landfill. Annual waste generation rates are projected to grow with population growth. Based on the assumption of current resource recovery rates continuing, and based on further economic development and expected population increases, by 2026, waste generated (Figure 1.11) is projected to increase to almost 666,000 tonnes. By 2046, it is expected to have increased by more than 36 per cent to approximately 768,000 tonnes.



Source: Blue Environment 2016, *Grampians Central West Infrastructure Capacity and Needs Assessment* based on RWRRD data Sustainable Resource Use for Sustainability Victoria, 2015

Figure 1.11 Waste generation model

### Golden Plains Waste Strategy

The purpose Golden Plains Waste Strategy is to set a framework for the coordinated management of all waste services issues within the municipality to meet present and future needs identified by State Government Policy, Regional Waste Management Groups and the Community.

The current strategy is dated 2009-2015, hence is due for review. The information and data contained within this report does not provide any direction or information that is applicable to the assessment of this proposal.

### *Golden Plains Planning Scheme*

#### **Planning Controls – Golden Plains Planning Scheme**

The following clauses are most relevant in the consideration of this proposal

##### *State Planning Policy Framework*

#### **Clause 10.04 – Integrated decision making**

This policy calls for an integrated and balanced approach to planning decision making which focuses on net community benefit. It states:

*Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure...*

*Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations...*

#### **Response**

Consideration of planning matters can at times be an all-encompassing and complex balancing act. This proposal is a good example of such a situation. In the broader context, there is an undeniable need for a landfill to cater for society, which at this point in time, is heavily reliant on this manner of waste disposal. However, in examining this application in detail, it has become apparent that at this point in time, there is no regional requirement for this facility. In addition to this, some unresolved matters in terms of potential groundwater impact and odour modelling, remain unresolved.

So although there may be a broader social need for this facility, there is currently no strategic justification and there are some of the unresolved factors leave a question mark over proper protection of the environment and as such the balance is not considered to be one of net community benefit at this point in time.

#### **Clause 13 - Environmental Risks**

This policy states that planning should adopt a best practice approach to environmental and risk management, and aim to minimise environmental degradation and hazards.

Of particular relevance are:

##### **Clause 13.04-1 (Noise Abatement)**

The objective of Clause 13.04-1 for Noise Abatement is to assist in the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of techniques appropriate to the land use functions and character of the area.

#### **Response**

Consideration of noise impacts has previously been discussed in this report. It was assessed that noise issues could be managed by the requirement of a noise management plan.

##### **Clause 13.04-2 (Air quality)**

The objective of Clause 13.04-2 for air quality is to assist in the protection and improvement of air quality and ensure that land-use planning and transport infrastructure provision contribute to improved air quality. The clause requires that the State Environment Protection Policy (Air Quality Management) (SEPP (AQM)) must be considered.

### **Response**

Consideration of air quality has been previously discussed in this report. It was assessed that green waste composting may create adverse odour impacts. This is considered to be an outstanding issue and requires further evidence and consideration before approval can be given.

### **Clause 14 Natural Resource Management**

This policy states that planning should assist in the conservation and wise use of natural resources, to support both environmental quality and sustainable development. Of particular relevance is Clause 14.02-2 Water Quality, which includes a strategy to “Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.”

The objective of Clause 14.02-2 for water quality is to assist in the in the conservation and use of natural resource and in particular to protect water quality. Council must ensure that land use activities with potential to impact waterways are sited and management to protect the quality of surface water and ground water resources.

### **Response**

Consideration of water quality has previously been discussed in this report. It was assessed that there are unresolved issues surrounding the potential impact the landfill could impact on groundwater. This matter needs to be addressed before approval can be given.

### **Clause 17 Economic Development**

This policy states that planning should provide for a strong and innovative economy by supporting and fostering economic growth, and building on a region’s strengths to achieve its economic potential. Of particular relevance:

Clause 17.02-2 Design of industrial development, which seeks to provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

### **Response**

The objective of Clause 17.02-2 is to ensure that new industrial development is designed to provide adequate separation and buffer areas between sensitive uses and offensive and dangerous industries to ensure that residents are not affected by adverse environmental effects, nuisance, and exposure to hazards.

Consideration of buffers and separation distances to sensitive land uses has been considered previously in this report. It was assessed that consideration needs to be given to containing the 500 metre buffer within land owned/managed by the landfill operator.

### **Clause 19 - Infrastructure**

This policy states that planning for development of infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely, and that strategic planning should facilitate efficient use of existing infrastructure. Of particular relevance is:

Clause 19.03-5 Waste and resource recovery, which includes strategies to maximise resource recovery, ensure buffers for waste and resource recovery facilities are defined, protected and maintained, and to site and manage waste disposal and resource recovery facilities in accordance with the EPA’s Waste Management Policy (Siting, Design and Management of Landfills) (2004).

### **Response:**

The objective of Clause 19.03-5 is to reduce waste and maximise resource recovery so as to minimise environmental community amenity and public health impacts and reduce reliance on landfills.

This policy provides for a number of strategies that should be considered when assessing the application against this objective. The main strategies include:

- Ensure future waste and resource recovery infrastructure needs are identified and planned for;
- Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment;
- Site, design, manage and rehabilitate waste disposal facilities in accordance with the *Waste Policy (Siting, Design and Management of Landfills)*.

Consideration of the need for a new facility has been undertaken previously in this report and it is reiterated that the current Grampians Central West Waste and Resource Recovery Plan does not identify the need for any new landfill airspace.

As previously discusses, the two main guidelines for consideration when assessing this application are:

- EPA's Best Practice Environmental Management Siting, design, operation and rehabilitation of landfills; and
- EPA's Designing, constructing and operating composting facilities.

EPA's Best Practice Environment Management siting, design, operation and rehabilitation of landfills guideline aims to provide existing and future operators of landfills, planning authorities and regulating bodies with:

- Information on potential impacts of landfills on the environment and how these are to be mitigated.
- A clear statement of environmental performance objectives for each segment of the environment.
- Information on how to avoid or minimise environmental impacts, including suggested measures to meet the objectives.

This guideline is intended to be used as a default position for landfill siting, design, operation and rehabilitation. The objectives and required outcomes that are identified in the guideline are required to be met unless an alternative means can achieve the objectives and required outcomes. A risk based assessment is required to support alternative measures.

Under the BPEM guideline for landfills, consideration must be given to:

- Liner and leachate collection system
- Water management
- Groundwater
- Air quality
- Noise
- Traffic considerations
- Site security and fencing

These matters have previously been discussed and addressed. Refer to 'Buffers' section of this report, also at the 'Buffers' section of this report.

In regards to the EPA publication for Designing, constructing and operating composting facilities. This guideline provides information on thermophilic and aerobic composting, specifically it:

- Provides advice on how to design, construct, and manage composting facilities in a manner that protects human health and the environment in Victoria;
- Will be used to inform EPA decision making for facilities that require research, design and demonstration approvals, works approvals and licenses; and
- Will be used by EPA as a guide for how premises could resolve issues of non-compliance.

This guideline outlines EPA's recommendations on how to meet the legislative requirements.

Under this guideline consideration is given to:

- Groundwater contamination
- Odour
- Dust and bioaerosols
- Noise
- Litter
- Greenhouse gas emissions
- Fire

It is considered that groundwater, odour, dust, noise, litter, and fire have all been addressed previously in this report, also at the 'Buffers' section of this report.

In regards to greenhouse gas emissions, it is a requirement of the Victorian Climate Change Act 2010, that when the EPA assesses a works approval, it considers greenhouse gas emissions from the premise.

Generators of greenhouse gas emissions such as landfills are required to report annually to the EPA on their current and expected energy consumption and their energy and non-energy related greenhouse gas emissions.

This matter is required to be assessed by the EPA and should be managed by the EPA through a works approval/licence. This is a regulatory requirement managed by the EPA to ensure best practice can be achieved.

It should be noted that the EPA is required to give consideration to all of these matters upon the applicant applying for a works approval and licence.

### **Local Planning Policy Framework**

#### **Clause 21.07-3 - South East Area**

This policy seeks to ensure that new development ensures that the siting, design, and operation of business uses with potential for adverse amenity impacts incorporate relevant measures that minimise amenity impacts on existing rural residential areas.

#### **Response:**

One of the objectives of this policy is to protect the amenity of existing and planned residential areas of Bannockburn and Batesford, and houses outside those settlements. The policy seeks to ensure that new uses with potential for adverse amenity impacts are sited and designed to minimise amenity impacts on existing rural residential areas.

Consideration on the amenity impacts of this area has previously been discussed in this report. It has been identified that there is potential for odour impacts from the green waste composting onsite to impact nearby sensitive uses. Council should not support this proposal until this issue is resolved.

### **Zones**

#### **Farming Zone**

The site and surrounds are zoned Farming Zone.

The purpose of the Farming Zone is:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

**Response:**

The use of the land for refuse disposal and materials recycling are nested under industry at Clause 75 of the Golden Plains Planning Scheme. Industry is a Section 2 uses within the Farming Zone and requires a planning permit to allow the use. A permit has been triggered under Clause 35.07-1 and 35.07-4 of the Farming Zone for the proposed use and development.

A fundamental consideration in the assessment of this application is whether or not the Farming Zone and the subject site itself are appropriate for the use proposed. There are three important aspects consider:

- Whether the proposal is appropriate in this area
- Whether the proposal uses are appropriate within the Farming Zone
- Whether the proposal would affect the viability of the surrounding Farming Zone land

*Whether the proposal is appropriate in this area*

The use of the land for industry is not listed as a key purpose of the Farming Zone; however, industry is identified as a 'permit required' use and is therefore not specifically discouraged.

The Farming, Commercial and Industrial are the only zonings within the Golden Plains Shire that would allow for the use of the land for refuse disposal and materials recycling. Given the limited amount of Commercial and Industrial Zoned land, and their proximity to residential areas, the only zoning with available acreage and allowable setbacks required, would be within the Farming Zone.

Given the current use of the land is for an extractive industry, the proposed refuse disposal, materials recycling, and green waste would be considered to be in keeping with this extractive industrial use operating onsite.

The area on this site outside of the work authority boundary, as well as the land not currently being quarried are currently being used for cropping and sheep grazing.

The proposal provides for the re-use and rehabilitation of the quarry in a manner that will maximise the capacity of the site as a waste, resource recovery, and green waste facility. The landfill can provide a compatible end use and long term rehabilitation of the excavated quarry.

The requirements of the siting and design guidelines for refuse disposal, materials recycling, and green waste composting appear to only lend themselves to being met within the Farming Zone or large allotted industrial areas.

**Whether the proposal would affect the viability of the surrounding Farming Zone land**

Whilst it is acknowledged that the existing extractive industry and the proposed landfill do have lengthy lifespans, the land is not being wholly and permanently removed from agricultural use. The land not currently being quarried is still currently being used for cropping, whilst the rehabilitation plan shows that the final capping would be covered in grasslands and could potentially be re-introduced for agriculture after the relevant timeframes have been met with the consent of the EPA.

The proposed uses would not prohibit adjoining lands from continuing their current operations or for expansion of agricultural operations within this area.

**Whether the proposal will result in a detrimental impact on the amenity of the area**

As part of the consideration of the application, Council must consider the State Planning Policy Framework. Clause 13 (Environmental Risks) of the SPPF which states that planning should adopt a best practice approach to environmental and risk management, and aim to minimise environmental degradation and hazards. Of particular relevance are Clause 13.04-1 (noise abatement) and Clause 13.04-2 (air quality), both of these have previously been discussed in this report.



## Particular Provisions

### Clause 52.10 – Use with Adverse Amenity Potential

Landfill is a listed use under Clause 52.10 (uses with adverse amenity potential) of the Golden Plains Planning Scheme, which defines types of industries and warehouses which may cause offence or unacceptable risk to the neighbourhood if not appropriately designed and located.

There is no threshold distance prescribed under Clause 52.10 for a landfill, however

Note 1 of Clause 52.10 applies, which requires the threshold distance to be assessed '*...dependant on the process to be used and the materials to be process or stored*'.

EPA's Best Practice Environment Management publication for *Siting, design, operation, and rehabilitation of landfills*, provides guidance on the buffer requirements for these types of landfills from buildings or structures.

### Clause 52.06 – Car parking

This clause outlines the requirements for car parking to ensure that an appropriate number of car parking spaces is provided to meet the likely demand generated by the proposal. The table at 52.06 sets out the car parking requirements applicable to the uses as specified in the table. Where a land use is not specified in this table, car parking spaces must be determined and provided to the satisfaction of the responsible authority.

#### Response:

The purpose of this clause is to ensure that provision of an appropriate number of car parking spaces, having regard to the likely demand, is provided onsite. The table for car parking at Clause 52.06 of the Golden Plains Planning Scheme does not list resource recovery and materials recycling facilities as having a specified car parking rate, therefore the amount of car parking provided on site for each use is to the satisfaction of the responsible authority.

The application proposes to provide 26 car parks plus 1 bus park. The car spaces would accommodate the 20 staff members onsite, with 6 car spaces (including 1 disability compliant space) being available for visitors.

Council is required to determine if the proposed number of parking spaces provided would be suitable for the proposed use. Given the particular use of the site, it is considered that there would be minimal visitors that would need to park their car onsite. As the car park provides for enough spaces to meet staff parking needs and allows for additional visitor parking, it is determined that the parking numbers onsite is sufficient for the proposed use.

The single bus space is provided for visitor groups to use the community information centre. Visits to the community information centre would be undertaken on a pre-booking basis.

### Clause 52.29 – Land Adjacent to a Road Zone Category 1

This Clause provides for appropriate access to identified major roads. This is required through a planning permit that alters access to a Road Zone Category 1. Applications to alter access must be referred to the designated Roads Corporation under the Act, in this instance VicRoads.

#### Response:

Access requirements and alterations to the existing access point have previously been discussed in this report. The application has been referred to VicRoads for their consideration as the Hamilton Highway is a VicRoads managed road.

VicRoads have required upgrade works to the Hamilton Highway to meet the increased traffic demands along the Hamilton Highway.

### Clause 52.45 – Resource Recovery

Consideration has also been given to Clause 52.45 of the Golden Plains Planning Scheme which relates to Resource Recovery. The purpose of this provision is to facilitate the establishment of a Transfer station and a Materials Recycling Facility in appropriate locations within minimal impact on the environment and amenity of the area. Decision guidelines include the contribution of the proposal to achieving resource recovery targets established by the Victorian Government and the impact of the proposal on the amenity of the surrounding area.



**Response:**

The purpose of this clause is to facilitate the establishment and expansion of a transfer station and a materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

Consideration under this provision must be given to:

- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- The Grampians Central West Resource Recovery Implementation Plan.
- Designing, Constructing and Operating Composting Facilities (Environmental Protection Authority, 2015).

Consideration relating to the impacts on the amenity of the surrounding area, the design guidelines, and the State and Grampians Central West Waste and Resource Recovery Plans have been considered previously in this report.

**Clause 65 – Decision Guidelines**

The decision guidelines contained in Clause 65 of the Planning Scheme require Council to consider the following matters, as applicable, before deciding on an application:

- The matters set out in Section 60 of the Act
- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies;
- The purpose of the zone, overlay or other provision;
- Any matter required to be considered in the zone, overlay or other provision;
- The orderly planning of the area;
- The effect on the amenity of the area;
- The proximity of the land to any public land;
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality;
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site;
- The extent and character of native vegetation and the likelihood of its destruction;
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate; and
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

**Response:**

Clause 65 requires Council to consider the decision guidelines as set out above for all use and development applications. As previously outlined, it is considered that there are a number of outstanding issues relating to the State Planning Policy Framework.

Orderly planning is a broad decision guideline. In this instance, consideration has been given to the re-use of an existing quarry for the purposes of landfill. The site is easily accessible by a Highway and the 500 metre buffer can be contained onsite. However, the outstanding concerns in relation to odour and groundwater remain, casts doubt over the potential impacts beyond the site boundary.

It is noted that there are no strategic directions in place for the rezoning of any land immediately surrounding the subject site.

Stormwater will continue to be collected from the existing buildings and stored on the subject site. Continued appropriate steps are required to ensure that dust and pollutants are adequately managed on site. These procedures would ensure that the quality of stormwater is not impacted as a result of dust and other emissions.

No native vegetation is proposed to be removed as part of this application.

It is considered that the threat of flood, erosion or fire hazard associated with the location and proposed use is minimal. Emergency and Fire Management would be required to be considered in any Management Plan prepared in accordance with CFA requirements. The application was referred to the CCMA for their comments. The CCMA have noted that there are no records of flooding onsite.

In consideration of the above, the proposal is considered to be inconsistent with the provisions of the State Planning Policy Framework and therefore not consistent with the decision guidelines of Clause 65. Although the proposal may satisfy a number of decision guidelines, there are some unresolved matters relating to possible impacts on groundwater, amenity, orderly planning and specific policies 13.04-2 and 14.02-2.

### ***Cultural Heritage Implications***

The planning permit issued for the extraction industry (quarry) included an approved Cultural Heritage Management Plan (CHMP). This use proposes to use the same footprint associated with the existing CHMP approval, therefore an additional CHMP is not required.

### ***Financial & Risk Management Implications***

It is considered there are no foreseeable financial or risk management implications.

### ***Economic, Social & Environmental Implications***

It is considered that there are potential economic benefits if a landfill were to proceed for this site. Approximately 60% of Council's current kerbside waste is transported to the Wyndham Landfill in Werribee. If this landfill were to become operational, there is the possibility that it could be directed to this site which would be anticipated to reduce associated costs.

It is considered that if all requisite approvals were granted there is still be possibility that the site may not be managed in accordance with requirements or an unforeseen event occurs. This is beyond the control of Council.

As has previously been discussed in this report, there are potential social implications if this proposal were to be approved, and not managed accordingly.

### ***Conclusion***

This application has been rigorously assessed. A planning permit application for the use of a landfill of the proposed scale is not a common type of proposal and therefore requires a significant level of resources to ensure the appropriate consideration of all relevant matters. Peer review of some elements of the application was required as the level of technical expertise in relation to hydrogeology and odour modelling was not available within Council. The practice of getting information peer reviewed where required, is an established practice in local government.

Peer reports coupled with the planning officer's assessment of the proposal have revealed matters which remain unresolved and as such Council officers are not satisfied that there will be no detrimental impacts as a result of the proposal.

It is considered that the proposal fails to satisfy the following provisions of the planning scheme:

- State Planning Policy Clause 13.04-2 for Air Quality given the potential for odour impacts emanating from the site. The peer review undertaken for the Odour Impact Assessment identifies that there is potential for odour issues at nearby sensitive receptors
- State Planning Policy Clause 14.02-2 for Water Quality given the potential for groundwater impacts into the future. The peer review assessment undertaken for the Hydrogeological Assessment identifies that there are deficiencies in the applicant's assessment
- Decision guidelines of the particular provision for Resource Recovery (Clause 52.45) as:
  - the Grampians Central West Waste and Resource Recovery Implementation Plan identifies that there is a lack of need for new facilities; and the peer review undertaken for odour modelling of the green waste composting facility does not meet the requirements of the EPA's *Designing, Constructing and Operating Composting Facilities* as it has been identified that there are potential amenity impacts.

On balance, the unresolved matters, policy shortfalls (including lack of strategic justification) has led Council officers to recommend refusal of the application for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1.

## *Glossary*

Agriculture*:	Land used to: <ul style="list-style-type: none"><li>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</li><li>b) keep, breed, board, or train animals, including livestock, and birds; or</li><li>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</li></ul>
Resource recovery*:	The selective extraction of disposed materials for a specific next use, such as recycling, composting or energy generation in order to extract the maximum benefits from products, delay the consumption of virgin resources, and reduce the amount of waste generated.
Groundwater Table:	The level below which the ground is completely saturated with water
Leachate:	<b>A liquid that drains or ‘leaches’ from a landfill. It varies widely in composition regarding the age of the landfill and the type of waste that it contains. It usually contains both dissolved and suspended materials.</b>
Materials recycling*:	<b>Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials</b>
Putrescible waste:	The component of the waste stream liable to become putrid. For example: organic matter that has the potential to decompose with the formation of putrid substances, usually refers to vegetative, food and animal products.
Refuse disposal*:	Land used to dispose of refuse, by landfill, incineration, or other means
Sensitive receptors:	There is no definition of sensitive receptors in the planning scheme, however, the following uses are widely accepted as being sensitive: <ul style="list-style-type: none"><li>▪ Dwellings</li><li>▪ Sheds</li><li>▪ Hospitals</li><li>▪ Schools</li><li>▪ Day care facilities</li><li>▪ Elderly housing</li></ul>
Separation distance:	The distance between the premises and a sensitive land use, for example, land used for a residential dwelling, hospital, schools, caravan parks, or other similar use involving the presence of individual people for extended periods.
Social licence:	A project that has the ongoing approval within the local community and/or other stakeholders.
Transfer Station*:	Land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere.

\*As defined by Clause 74 of the Golden Plains Planning Scheme

***List of Abbreviations***

BPEM	<i>Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills</i> (EPA Publication 788.3, August 2015)
CALP Act	Catchment and Land Protection Act 1994
CHMP	Cultural Heritage Management Plan
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
EP Act	<i>Environment Protection Act 1970</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
GCWWRRG	<i>Grampians Central West Waste and Resource Recovery Group</i>
LFG	Landfill gas
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
OU	Odour Unit
PE Act	<i>Planning and Environment Act 1987</i>
SEPP (AQM)	State Environment Protection Policy (Air Quality Management)
SEPP N-1	State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No.1 N-1
SPPF	State Planning Policy Framework
SWRRIP	Statewide Waste and Resource Recovery Infrastructure Plan
VCAT	Victorian Civil and Administrative Tribunal
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

***Recommendation***

***That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1 at 1560 Hamilton Highway, Stonehaven for the following reasons:***

- 1. The proposal is inconsistent with the State Planning Policy Framework (Clauses 13.04-2 & 14.02-2) which aims to protect the air quality of nearby sensitive receptors from negative amenity impacts (Clause 13.04-2) and to protect groundwater from pollutants and leachate from the landfill (Clause 14.02-2).***
- 2. The proposal does not satisfy the provisions of Clause 52.45 (Resource Recovery) as it is not considered to meet the relevant decision guidelines.***

***Moved Crs Gilbert/Kirby***

***That Council suspend standing orders to hear submissions from Geoff Menzel, Paul Guinane, Des Guinane, Michael Kinnane, Andy Connelly, Ivan Luketic and Lukas McVey.***

***Carried***

It is recorded that Council suspended Standing Orders at 4.38pm.

Geoff Menzel addressed the Council between 4.39pm and 4.44pm

Paul Guinane addressed the Council between 4.44pm and 4.53pm

Des Guinane addressed the Council between 4.54pm and 5.05pm

Michael Kinnane addressed the Council between 5.05pm and 5.06pm

Andy Connelly addressed the Council between 5.07pm and 5.12pm

Ivan Luketic addressed the Council between 5.12pm and 5.19

Lukas McVey addressed the Council between 5.20pm and 5.34

***Moved Crs Hansford/Evans***

***That Council resume Standing Orders.***

***Carried***

It is recorded that Council resumed Standing Orders at 5.34 pm.

***Moved Crs Hansford/Gilbert***

***That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a transfer station, refuse disposal, and materials recycling, to construct buildings and works (including earthworks) and alter access to a road in a road zone category 1 at 1560 Hamilton Highway, Stonehaven for the following reasons:***

- 1. The proposal is inconsistent with the State Planning Policy Framework (Clauses 13.04-2 & 14.02-2) which aims to protect the air quality of nearby sensitive receptors from negative amenity impacts (Clause 13.04-2) and to protect groundwater from pollutants and leachate from the landfill (Clause 14.02-2).***
- 2. The proposal does not satisfy the provisions of Clause 52.45 (Resource Recovery) as it is not considered to meet the relevant decision guidelines.***

***Carried***

## 4.6. KEY RESULT AREA – FINANCIAL MANAGEMENT

### 4.6.1 Feature Naming: Naming of Bridge in Bamganie

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Jason Clissold, Acting Director Corporate Services
Responsible Manager	Jason Clissold, Acting Director Corporate Services
Author	Jason Clissold, Acting Director Corporate Services
File References	EDMS file: 35-01-001
Council Plan Link	Managing the Natural and Built Environment
Relevant Council Strategies	Road Management
Relevant Policies & Legislative Frameworks	Naming rules for places in Victoria
Attachments	11. Extracts from Barwon Blog 12. Extract provided by Marg Cooper 13. Photo current bridge

#### *Declarations of Interest: Councillors & Officers*

Jason Clissold: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

#### *Purpose*

The purpose of this report is to seek Council approval to advertise the proposed name of the bridge which crosses the Woodburn Creek on Hendersons Road, Bamganie as 'Taylor Bridge'.

#### *Background*

A member of the Meredith History Interest Group contacted Council requesting to name the bridge on Hendersons Road, Bamganie, Taylors Bridge.

#### *Discussion*

At the border of the old Leigh and Meredith Shires, a small bridge was constructed and locally became known as Taylor's Bridge at Bamganie. It was referred to as Taylors Bridge because it abutted the 1880 land selection of Mr Edwin Taylor who owned land on the west of the creek running up to Bamganie Road. W Taylor had land east of Coopers Road and J & W and J Taylor had land west of Bamganie Road. The bridge on Hendersons Road crosses Wilsons Creek just south of its convergence with Woodbourne Creek.

Checks have been undertaken to confirm that this bridge has not been officially named and listed on VicNames.

Under Naming Rules for places in Victoria, General Principles Section 2, the name to be considered should be the exact surname with no possessive 's to be included, therefore the name of the Bridge should be Taylor, not Taylor's.

#### *Community Engagement*

Council will advertise its intention to name the feature and invite submissions on the matter. Contact will be made with all ratepayers on Hendersons Road, Bamganie.

#### *Financial and Risk Management Implications*

The financial implications will be minimal and can be accommodated within existing budgets. It is considered that there are no risk management implications.

***Economic, Social and Environmental Implications***

It is considered that there are no economic, social or environmental implications.

***Communications***

If this recommendation is adopted by Council, a public notice will be placed in The Ballarat Courier detailing Council's intention to name this bridge and inviting submissions, along with letters to ratepayers in Hendersons Road.

***Conclusion***

As evidence shows that this feature has been locally known as Taylors Bridge for many years, it seems appropriate to have it officially recognised and named.

***Moved Crs Hansford/Kirby***

***That Council:***

- 1. Advertise its intention to name the bridge on Hendersons Road, Bamganie, 'Taylor Bridge'.***
- 2. Consider any submissions received following the advertised period and if no objections received, proceed with the gazettal process.***

***Carried***



#### 4.6.2 Audit & Risk Committee – Independent Member

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Jason Clissold, Acting Director Corporate Services
Responsible Manager	Jason Clissold, Acting Director Corporate Services
Author	Jason Clissold, Acting Director Corporate Services
File References	EDMS files: 02-01-001 and 44-08-066
Council Plan Link	Delivering Good Governance & Leadership
Relevant Council Strategies	n/a
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	14. Confidential CV Andrew Pearce

#### ***Declarations of Interest: Councillors & Officers***

Jason Clissold: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to recommend the appointment of Mr Andrew Pearce as an independent member of Council's Audit and Risk Committee, to replace the retiring Mr John McDonald.

#### ***Background***

The adopted charter of the Audit and Risk Committee states that its composition must include two independent members. Mr John McDonald completed his second and final term as an independent member at the September 2017 committee meeting.

#### ***Discussion***

Council advertised the role in July and received a very strong response by way of quantity and quality. From a very strong field of applicants, four were selected to be interviewed.

The interview panel comprised of Cr Kirby, Cr Hansford and Finance Manager Jason Clissold.

At the conclusion of the interview process it was unanimously decided that Mr Andrew Pearce was the preferred candidate due to his breadth of knowledge and experience. A subsequent referee check reflected this outcome.

Andrew will bring a wide range of skills to the committee, which he has gained from over 25 years' experience working with management, Boards and Committees in the fields of audit, risk and technology. Andrew holds a degree in both Business and Applied Science (Computing) and holds many other accreditations relating to audit, risk and technology.

Andrew has a very strong technical background, and also a strong understanding of service delivery organisations, with considerable experience working with not-for-profit organisations in the aged care, disability and health services sector.

Andrew has confirmed his willingness to accept the role, subject to Council adopting this recommendation.

### *Community Engagement*

A formal consultation process is not required

### *Financial and Risk Management Implications*

It is considered that there are no financial implications. The sitting fee is provided for in Council's annual budget.

It is considered that there are no risk management implications.

### *Economic, Social and Environmental Implications*

It is considered that there are no economic, social or environmental implications.

### *Communications*

It is considered that a communication plan is not required.

### *Conclusion*

After a thorough recruitment process Mr Andrew Pearce is the preferred candidate to fill the vacant independent member role on Council's Audit and Risk Committee.

The panel is confident Andrew will bring a community focused and pragmatic approach to compliment his strong technical background, allowing him to provide advice and direction on the issues raised in the Audit and Risk Committee.

### *Moved Crs Evans/Hansford*

***That Council resolves to appoint Mr Andrew Pearce as an independent member of Council's Audit and Risk Committee for an initial four year term expiring on 1 October 2021, as provided for in the committee charter.***

### *Carried*

**4.7. KEY RESULT AREA – HUMAN SUPPORT SERVICES**

No report.

**4.8. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT**

No report.

## 4.9. KEY RESULT AREA – ROADS & STREETS INFRASTRUCTURE

### 4.9.1 Contract GPS-T11/2017: McPhillips Road and Victor Street Bannockburn Roadworks – Stage 1B

Directorate	Assets and Amenity
Unit	Works
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	David Greaves, Works Manager
Author	Tony Talevski, Team Leader Roads & Waste
File References	Contract Number: GPS-T11/2017
Council Plan Link	Road Strategy
Relevant Council Strategies	Insert relevant Council strategies (one, maybe two)
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> <li>▪ Local Government Act 1989</li> <li>▪ GPSC Procurement Policy</li> </ul>
Attachments	15. GPS-T11/2017 Tender Evaluation Summary (confidential)

#### *Declarations of Interest: Councillors & Officers*

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

David Greaves: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Tony Talevski: In providing this advice as the author, I have no disclosable interests in this report.

#### *Purpose*

This report seeks Council approval to the awarding of a tender for the supply and delivery of Stage 1B of roadworks to be completed at McPhillips Road, Bannockburn as it is in excess of the CEO's delegation of \$200k for construction.

#### *Background*

Section 186 of the Local Government Act requires Council to undertake a public tender process when expenditure is in excess of \$200k for construction works.

The costs of this reconstruction program are included in the 2017-18 budget adopted by Council for an amount of \$650,000 for Stage 1B of road improvements to McPhillips Rd, Bannockburn. This is to be 100% funded via the Roads to Recovery program. Previous Stage 1 works were completed in June 2017.

This project has attracted high priority status because of a significant increase in traffic volumes associated with the High Street intersection works, the Estia residential health facility and further increases which will occur following commencement and completion of the new shopping complex.

Construction works include, but not limited to the following:

- Kerb and channel
- Underground drainage
- New pavement and shoulder widening
- Footpath along McPhillips Road

The specification called for all civil works required to complete the scope of works as defined in the construction drawings and the schedules of quantities. The proposed works are highlighted red in the following locality plan.



### ***Tender Description***

This tender process was conducted by public tender due to the expected costs. As this was a specific project with multiple construction interfaces there was no opportunity to use joint procurement or a procurement aggregator, such as MAV Procurement or Procurement Australia. Public tender was determined to provide best value for money based on a competitive market tender.

### ***Discussion***

Acceptance of this tender will not have any impact on the road and drainage construction and maintenance programs. This work is in addition to current workloads.

## Tenders Received

As summarised in the following table, there were a total of seven tenders received.

No.	Tenderers
1	Draper's Civil Contracting
2	Bitu-Mill (Civil) Pty. Ltd.
3	Pat Ash & Civil
4	Begbie's Contracting Pty. Ltd.
5	Keystone Civil
6	Wayne Horne Earthmoving
7	Woodward Contracting

Further detail on non-compliance and pricing is included in the confidential tender evaluation summary attached.

## Tender Evaluation:

The Tender Evaluation Panel (TEP) was formed by the following personnel:

1. David Greaves, Works Manager
2. Paul McVeigh, Risk Management Officer
3. Tony Talevski, Team Leader Roads and Waste

Chairperson: Julie Brown, Contract & Procurement Officer

In determining best value for money, tenders were rated using the following criteria and weightings:

A	Compulsory Criteria	Weighting
	OH & S	Pass/Fail
	Insurance	Pass/Fail
	Environmental Policy	Pass/Fail
	Pre-Qualified VicRoads Contractor	Pass/Fail
B	Qualitative Assessment	
	Capability – Scope of Works	30%
	Capability - Experience	30%
C	Quantitative Assessment	
	Pricing	40%

The four items under Compulsory criteria must all be met for tenders to be considered conforming. This is a pass/fail process. Any tenders that fail one or more of these items is considered non-conforming and no further assessment is completed.

The inclusion of VicRoads pre-qualification provides Council with an extra level of assurance regarding the successful contractor being able to deliver the project on time and on budget. VicRoads are the Participating Authority in the National Prequalification System (NPS) established by Austroads. This harmonised framework for road and bridge construction contracts ensures the promotion of best practice in the road and bridge construction industry. The benefits to Council of using VicRoads prequalified contractors for road and bridge construction include:

- Assurance as to contracting party, their legal name and status
- Assessment of financial and technical capabilities
- Certification to Australian and International standards in management systems for quality, occupational health and safety and environment

Weighting of assessment criteria is a critical aspect of the tender evaluation process. It must balance the quality of service being delivered to ratepayers with the cost, to ensure value for money.

### **Qualitative Assessment**

To ensure best value for Council, a total of 60% weighing was attributed to the Qualitative Assessment. This weighting is critical in reducing the risks of engaging a contractor who is not capable of completing the project to a satisfactory standard or within the desired timeframe. The capability criteria was split between Scope of Works (30%) and Experience (30%)

### **Capability – Scope of Works**

Given the timeframes, location and visibility of this project it was critical that contractors were able to demonstrate their capability to deliver all facets of the project to a high standard, on time and with minimal disruption to the public. As mentioned above this project required delivery of kerb and channel, underground drainage, new pavement and shoulder widening and footpath construction among other items.

### **Capability – Experience**

In addition to documenting their capability of delivering the scope of works, contractors were required to support this through providing evidence of where they have achieved this with past construction projects of similar size and nature. Previous work completed for GPSC was also considered.

### **Quantitative Assessment**

Of the three assessment criteria, pricing was given the highest weighting of 40% to ensure that, above all else, the project could be delivered at a competitive price.

### **Scoring**

The tender evaluation panel conducted a thorough evaluation of all tenders. The evaluation panel determined a consensus for each weighted criteria to allow an evaluation score for each tender, out of 10.

Further detail is included in the confidential tender evaluation summary attached.

Should Council require additional information or discussion on the financial details of this tender contained in the confidential attachment then this is to be discussed in camera as per below:

“Council, in accordance with Section 89 of the Local Government Act 1989, close the meeting to members of the public to discuss contractual matters”

### ***Community Engagement***

Residents impacted by the constructions works will be given formal notification prior to work commencing.

### ***Financial & Risk Implications***

Please note, the following figures relating to the budget are GST **exclusive**.

<b>Available funding</b>	
9007 – Local Roads Improvements (Roads to Recovery)	\$650,000
<b>Total Ex GST</b>	<b>\$650,000</b>
<b>Anticipated Expenditure</b>	
GPS-T11/2017: McPhillips Road and Victor Street Bannockburn Roadworks – Stage 1B	\$517,910.35
GST (10%)	\$51,791.04
<b>Total Inc GST</b>	<b>\$569,701.39</b>



The tendered price from Bitu-Mill (Civil) Pty Ltd of \$569,701.39 (Inc GST) is within the available budget for this project.

***Risk Management Implications***

The risks associated with a construction project of this nature are largely mitigated by the process in establishing and applying the evaluation criteria to ensure only suitably qualified, experienced and accredited contractors are considered. Hence, reducing such risks as public injury, poor workmanship, Council reputation and cost and time overrun.

***Economic, Social & Environmental Implications***

It is considered that there are no economic implications, social implications or environmental implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

Based on the tender information received and the detailed assessment by the tender evaluation panel Bitu-Mill (Civil) Pty Ltd was deemed to provide Best Value to Council with a weighted score of 8.8/10.

***Moved Crs Evans/Kirby***

***That Council resolves to award Contract GPS-T11/2017, for McPhillips Road and Victor Street Bannockburn Stage 1B to Bitu-Mill (Civil) Pty Ltd for the tendered amount of \$569,701.39 (including GST).***

***Carried***

**4.10. KEY RESULT AREA – WASTE MANAGEMENT**

No report.

## **5. NOTICES OF MOTION**

Nil

## **6. PETITIONS**

Nil

## **7. OTHER BUSINESS**

### **7.1. MAYOR'S REPORT**

Cr Des Phelan, Mayor  
File: 02-03-003

The Mayor reported on a range of meetings and activities that he was engaged in over the past month.

Date	Details
25/8/17	G21 Board Meeting
29/8/17	Reception at Government House with The Hon Linda Dessau AC and Anthony Howard QC
31/8/17	MAV Environment Committee
1/9/17	G21 Stakeholder forum
2/9/17	Bannockburn Soccer Pavilion Official Opening by Sarah Henderson MP
7/9/17	Committee for Ballarat breakfast
7/9/17	MAV Emergency Management Committee
8/9/17	Towards Zero – The Game Plan Lunch
12/9/17	Audit and Risk Committee meeting
15/9/17	Presentation of Civic Participation Certificates to Bannockburn Primary School students who attended the tour to Hadfield Park
18/9/17	MAV Rural South Central region meeting
22/9/17	G21 Board meeting
22/9/17	Meeting with Catherine King MP
25/9/17	Site visit to Stonehaven landfill

### **7.2. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT**

Cr Nathan Hansford, MAV Delegate  
File: 03-05-001

Council's MAV delegate, Cr Nathan Hansford, reported that Council hosted the MAV Rural South Central Regional meeting on Monday 18 September.

### **7.3. COUNCILLOR REPORTS**

Nil

### **7.4. IN CAMERA MEETING**

Nil

## 8. ATTACHMENTS

Attachment 1	Item 4.2.1	Amended Council Policy 5.2
Attachment 2	Item 4.2.2	Instrument of Delegation – Council to Council Staff with changes marked
Attachment 3	Item 4.4.1	Revised Council Policy 6.6 Unused Road Licences
Attachment 4	Item 4.5.1	P15 -191 Application report and plans
Attachment 5	Item 4.5.1	P15-191 Locality plan
Attachment 6	Item 4.5.1	P15-191 Objections
Attachment 7	Item 4.5.1	P15-191 Objector Map
Attachment 8	Item 4.5.1	P15-191 Photo Montage
Attachment 9	Item 4.5.1	P15-191 Hydrogeological peer review
Attachment 10	Item 4.5.1	P15-191 Odour Impact Assessment peer review
Attachment 11	Item 4.6.1	Extracts from Barwon Blog
Attachment 12	Item 4.6.1	Extract provided by Marg Cooper
Attachment 13	Item 4.6.1	Photo current bridge
Attachment 14	item 4.6.2	Confidential CV Andrew Pearce
Attachment 15	Item 4.9.1	GPS-T11/2017 Tender Evaluation Summary (confidential)

Attachments are available upon request.

## 9. CLOSE OF MEETING

### *Next Ordinary Meeting*

The next Ordinary meeting of Council will be held on Tuesday 24 October 2017 at the Linton Customer Service Centre. The meeting is open to the public.

### *Close of Meeting*

It is recorded that the meeting closed at 5.53pm.

## 10. CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Council meeting have been confirmed as a true and correct record.

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**Confirmed, Mayor, Cr Des Phelan**

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**Date**