Planning and Environment Regulations 2015
Form 11

Section 97F

PLANNING PERMIT GRANTED BY THE MINISTER UNDER SECTION 97F OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PA2016/5118
Planning Scheme: Melton Planning Scheme

ADDRESS OF THE LAND: 408-546 Hopkins Road, Truganina and 1154-1198 Christies Road, Ravenhall.

THE PERMIT ALLOWS: Use of the land for refuse disposal, construct or carry out works and remove vegetation, including native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

   a) Revised landfill area consistent with planning permit expiry date of 31/12/2046 including
      i. consequential changes to confine landfill to the area south of Riding Boundary Road, consistent with the Environmental Protection Authority Works Approval; and
      ii. any landfill in the southern portion set back a minimum of 100 metres from the southern and western site boundaries; and
      iii. increased setbacks of the landfill extent to ensure a 100 metre buffer to Skeleton Creek.

   b) Any modifications required to accord with an approved native vegetation management and removal plan approved in accordance with condition 17.

   c) Truck access to and egress from the site via Christies Road only in accordance with condition 13.

   d) Any other consequential changes required as a result of conditions of this permit.

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Before the use of development starts, a Works Approval must be issued by the Environment Protection Authority under the Environment Protection Act 1970.
4. Within 30 days of the Environment Protection Authority amending any works approval for the land, any consequential changes to the endorsed plans to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority for endorsement.

5. Before the use or development starts, a staging plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. The staging plan must identify each cell to be filled. When approved, the staging plan will be endorsed and will then form part of the permit.

6. Before work commences to fill each cell identified on the staging plan, written confirmation must be provided to the Minister for Planning to demonstrate that a Works Approval and an Environment Protection Authority Licence has issued by the Environment Protection Authority under the Environment Protection Act 1970 accords with best practice at the time of issue.

**Landscaping**

7. Before the use or development starts a detailed Landscape Plan or Plans must be prepared to the satisfaction of the Responsible Authority. The plan(s) must be implemented to the satisfaction of the Responsible Authority and be generally in accordance with the plans submitted with the application and show:
   a) the location of all areas proposed to be set aside for buffer landscaping to screen the landfill
   b) the location and typical planting layouts to be provided for screening
   c) a schedule of plant species in accordance with any Melton City Council landscaping guidelines
   d) existing perimeter planting to the western and southern boundaries to be retained
   e) planting without any gaps in vegetation to existing perimeter planting to the western and southern boundaries
   f) a schedule showing:
      i. the establishment of perimeter screen planting required to effectively screen each cell at least 5 years in advance of the proposed commencement of construction of the relevant cell, to allow for the planting to be sufficiently mature to provide effective screening when construction of the relevant cell commences
      ii. how all landscaping (including buffer screen planting) will be maintained
   g) the progressive landscaping of each final capped cell.

8. Landscape Plan(s) may be prepared in stages provided that a Landscape Plan for any particular stage of the landfill is prepared and approved by the Responsible Authority prior to the commencement of any building and works required for the landfill operations in that particular stage.

9. The landscaping must be carried out and then maintained in accordance with the endorsed Landscape Plan(s) (and any schedules to that plan(s)) to the satisfaction of the Responsible Authority.

10. A landscape bond in a sum and form approved by the Responsible Authority must be provided to the Responsible Authority prior to the commencement of buildings and works for landfill operations in each stage. The bond is to ensure that the perimeter screen planting for each stage is carried out in accordance with the endorsed Landscape Plan(s) for that stage. The bond will be returned as soon
as practicable following completion of the relevant stage of perimeter landscape screening.

Traffic

11. Before the use or development starts, a Traffic Impact Assessment must be submitted to and be to the satisfaction of the Responsible Authority. The Traffic Impact Assessment must assess:

a) the volume and type of vehicles accessing the land
b) the traffic implications of the vehicle volumes and types
b) any road engineering implications of the vehicle volumes and types
d) recommendations on any measures necessary to address the traffic and road engineering impacts of the use of the land under this permit, either onsite or on the public road system.

If requested by the Responsible Authority and subject to the consent of the road manager, the recommendations of the Traffic Impact Assessment (including updates in accordance with condition 12) must be implemented within six months of the Responsible Authority's approval.

12. At intervals of 5 years after the use or development starts, an updated Traffic Impact Assessment must be submitted to and be to the satisfaction of the Responsible Authority in accordance with the assessment and response requirements of condition 11.

13. Truck access to and egress from the site must only be via Christies Road (via Riding Boundary Road).

Community Consultation and Complaints Management

14. Before the use or development starts, a Community Consultation and Complaints Management Strategy must be submitted to and be to the satisfaction of the Responsible Authority. The approved strategy, as amended from time to time to the satisfaction of the Responsible Authority, must be implemented to the satisfaction of the Responsible Authority. The strategy must include:

a) The establishment of a complaints handling procedure which will include:
   i. The establishment and maintenance of a 24 hour complaints telephone hotline
   ii. Details of the types of action to be taken depending on the nature of the complaint
   iii. For odour complaints, independent investigation of the source of the complaint to verify the source of the odour (if possible).

b) The maintenance of a complaints register recording the time, date, and nature of any reasonable public complaints, the name and address of the complainant where provided, and action taken in response to the complaint. The complaints register must be made available for inspection by the Responsible Authority on request at reasonable times.

c) The establishment and continuation of a community consultation committee comprising representatives from at least:
   i. Local residents
   ii. The permit holder
   iii. The Responsible Authority
   iv. The Environment Protection Authority
   v. Corrections Victoria.

d) The convening of regular meetings of the community consultation committee, with all
reasonable costs including those associated with provision of a facilitator, note taker, secretarial duties and venue hire borne by the permit holder.

e) Details of how the community consultation committee will be consulted on the scope of any environmental audits prior to their commencement and briefed on the audit findings after they are made public.

f) The provision of a website maintained by the permit holder including:
   i. Clear information on how to make a complaint about the landfill
   ii. Relevant contact details
   iii. A copy of this permit and any relevant approvals from the Environment Protection Authority
   iv. Data from the complaints register excluding the personal information of complainants
   v. Information regarding the community consultation committee and minutes from committee meetings.

g) A mechanism to ensure the strategy is regularly reviewed.

Environmental Management Plan

15. Before the use or development starts, an Environmental Management Plan prepared by suitably qualified person (or persons) must be submitted to an approved by the responsible authority. The plan must include, but is not limited to:

a) Odour management controls and monitoring regime which must be undertaken during the life of the landfill, including, but not limited to:
   i. Identification of potential odour sources and receptors
   ii. Specifying the odour mitigation measures and procedures to manage the odour impact off-site of the various potential odour sources and to mitigate the off-site odour impacts
   iii. Comprehensive monitoring practices, including surveillance by independent and appropriately trained personnel or the use of portable odour detecting and measuring devices
   iv. Procedures for addressing the odour source if a complaint is verified, including consideration of any mitigation measures or operational changes that might be required
   v. Provision of surveillance or monitoring records to the Community Consultation Committee, the Responsible Authority and the Environment Protection Authority
   vi. Incorporation of a requirement to assess new odour management technologies or tools on a regular basis.

b) Litter management controls and monitoring regime which must be undertaken during the life of the landfill including but not limited to:
   i. Mobile nets near the tip face
   ii. Perimeter fencing at appropriate heights based on prevailing winds placed between the landfill and perimeter screen planting
iii. Litter traps on stormwater drains

iv. Requiring all trucks entering the site to be covered and all trucks leaving the site to be either empty of waste or covered, to prevent spillage of windblown materials outside the site

v. A daily program for litter inspection and collection from litter traps, nets and fences including logging of collection activities, findings and system defects and actions taken to correct defects

vi. A high wind alarm trigger with criteria for reducing and ceasing landfilling under specified wind conditions

vii. Provision of monitoring and response records to the Community Consultation Committee the Responsible Authority and the Environment Protection Authority.

c) Dust management controls and monitoring regime which must be undertaken during the life of the landfill including, but not limited to:

i. A requirement for best practice airborne particulate control measures

ii. Details of best practice control measures

iii. Operational requirements for weather conditions that may exacerbate the creation of dust

iv. An air quality monitoring plan of at least twelve months duration from commencement of works under the planning permit for PM10, PM2.5 and Total Suspended Particulates

v. A review of the effectiveness of the airborne particulate control measures in light of the monitoring data produced in accordance with condition 15(c)(iv) and the relevant standards for the control of airborne particulates.

d) Measures to reduce disease vectors at the landfill and the spread of vermin from the landfill to the surrounding area.

e) Measures to address bird infestation.

f) Measures to avoid illegal dumping including the erection of signs around the site advising of the penalties for illegal dumping.

g) Weed management.

h) Staff training and supervision, to ensure that the persons responsible for the operation of the site are familiar with the conditions of this permit and the plans approved under this permit.

i) The nature and operation of any mobile lighting.

The approved Environmental Management Plan must be implemented to the satisfaction of the Responsible Authority and must be reviewed, and if necessary, updated every 5 years to the satisfaction of the Responsible Authority.

16. Litter arising from the operation of the landfill must be confined within the boundaries of the land.

Native vegetation
17. Before the use or development starts, a native vegetation management and removal plan must be submitted to and approved by the responsible authority in accordance with the *Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines, September 2013*.

18. Any native vegetation offset required as a result of the native vegetation plan approved in condition 17 must be compliant with *Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines September 2013* and must be secured if needed to the satisfaction of the Secretary to the department administering the *Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines September 2013* before any native vegetation is removed. This could be either:

a) A security agreement for the offset site that includes an onsite management plan; or

b) Evidence of a secured third party offset, such as an allocated credit register extract from the native vegetation credit register.

**Noise**

19. Before the use and development of each cell approved in the staging plan in condition 5, a Noise Management Plan must be prepared for that cell by a suitably qualified acoustic engineer. The plan must be submitted to the Responsible Authority for approval. The plan must detail:

a) All potential noise sources from the land (including a list of all landfill machinery for construction and operation of the cell and all quarry machinery that will be operating at the same time, all machinery and equipment associated with ongoing quarrying and landfill activities, the biogas engines, truck traffic, unloading of waste, and occasions where additional machinery is required on-site) for each stage

b) The proposed scheduling of works and activities (including measures to avoid or minimise overlap between different noise generating activities carried out on the land, including but not limited to vehicle movements, cell construction, lining, capping, earthmoving, rehabilitation, shaping, filling, drilling, resource recovery, as well as any quarrying activities)

c) Measures and operational procedures for limiting noise emissions from the land including noise from vehicles and equipment operating on the land

d) A description of how noise levels will be managed to achieve compliance with condition 21 of this permit

e) The dimensions and a description including a visual depiction of all noise mitigation measures.

20. Before any use or development starts, a Noise Modelling and Monitoring Plan must be prepared by a suitably qualified acoustic engineer. The plan must be submitted to the Responsible Authority for approval. The plan must detail the noise modelling based on the proposed site operations and the monitoring to be undertaken at critical times in the life of the landfill and measures taken to address any potential non-compliance issues including but not limited to:

a) Documenting the existing ambient noise levels in the area during normal operating times, measured at sensitive receptors or a suitable derived point

b) Identifying the times in which the noise levels may approach the noise limits defined in condition 21 of this permit (the critical times) and the sensitive receptors most likely to be affected by that noise
c) Requiring that monitoring of noise received at the sensitive receptor or a suitable derived point be undertaken to determine compliance with condition 21 of this permit during the critical times.

d) Requiring the monitoring be undertaken at the start of construction of each cell and that a report be prepared that compares the actual noise levels with the predicted noise levels and either verifies that the measures specified in the Noise Management Plan remain appropriate, or specifies additional measures that must be taken to meet the noise limits defined in condition 21 of this permit.

e) If the monitoring evidences any non-compliance with condition 21 of this permit, immediately investigating the cause of any non-compliance with regard to lack of adherence to any scheduling requirement, measure, procedure or control or other matter required by the Noise Management Plan and remediating any such lack of adherence.

f) Identifying and initiating remedial measures required to ensure compliance with condition 21.

g) Establishing a process for monitoring the success of any remedial measures taken and for amending the Noise Management Plan as required.

h) Establishing a process for reporting to the Responsible Authority in relation to the matters referred to in conditions 19, 20 and 21 of this permit.

21. Noise emanating from the use of the land must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) as measured at any nearby sensitive receptor or a suitable derived point in accordance with the method of assessment in SEPP N-1 as amended from time to time, or any alternative method forming part of the approved Noise Management Plan or Noise Modelling and Monitoring Plan endorsed from time to time.

General

22. The use must not adversely affect the amenity of the area by reason of the transportation of materials, noise, vibration, odour, dust, litter, the presence of vermin or birds or otherwise.

23. The active tipping face of the landfill must not exceed 1,800 square metres at any time.

24. The land must be adequately drained of stormwater such that discharge offsite does not exceed that of pre-development levels to the satisfaction of the Responsible Authority on the advice of Melbourne Water.

25. A wheel wash must be available for use by vehicles prior to leaving the land to ensure that materials such as refuse, clay, mud or the like are not deposited outside the land to the satisfaction of the Responsible Authority.

26. If landfilling operations require the use of a liner that is visible from land beyond the boundaries of the land, the liner must be sepia or light brown, or other non-reflective colour approved in writing by the Responsible Authority.

27. External lighting must be located and baffled to avoid any direct overspill of light beyond the site to the satisfaction of the Responsible Authority.

28. On or prior to the completion of landfilling operations, all redundant buildings and structures erected in connection with the landfilling operations must be removed unless they are required for...
an end use as agreed by the Responsible Authority in writing.

**Fire suppression**

29. A static water supply of not less than 50,000 litres together with a pump, hoses and fittings to comply with Country Fire Authority requirements must be provided so that water may be discharged in adequate volume to extinguish a fire on any part of the land.

30. Waste must not be burnt and fires must not be lit in the open air on any part of the land.

31. In the event of a fire at the landfill, the operator must:
   a) Take prompt action to extinguish the fire
   b) Immediately notify the Environment Protection Authority
   c) Within 14 days of the fire, submit a report detailing the date, time, location and suspected cause of the fire and the time when it was extinguished to the Environment Protection Authority.

**Expiry**

32. This permit will expire if one of the following circumstances applies:
   a) The plans are not endorsed in accordance with condition 1 of this permit within 8 years of the date of this permit.
   b) The use and development in accordance with this permit is not commenced within 10 years of the date of this permit.

33. Except with the written consent of the responsible authority, the use of the land for the purpose of refuse disposal must cease on 31 December 2046.

34. This permit authorises ongoing development while the land is used in accordance with the permit.

Date issued: 31/5/17

Signature for the Minister.
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?
The Minister has granted and issued a permit under Division 6 of Part 4 of the Planning and Environment Act 1987.

WHEN DOES A PERMIT BEGIN?
A permit operates—
- from the date specified in the permit; or
- if no date is specified, from the date on which it was issued.

WHEN DOES A PERMIT EXPIRE?
1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

6. In accordance with section 97H of the Planning and Environment Act 1987, the responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the Planning and Environment Act 1987 and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of—
   - any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
   - any extension of time under section 69 in relation to the permit; and
   - the correction of the permit under section 71(1); and
   - the amendment of the permit under section 97J.

WHAT ABOUT REVIEWS?
In accordance with section 97M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.