Planning Assessment Officer Report

PA2503956
60 Valley Road & 150 Quarry Road, Langwarrin



Planning Assessment Officer Report
Development Assessment

VICTORIA State Government | Department of Transport and Planning

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Executive Summary

Key Information	Details			
Application No:	PA2503956			
Received:	25 September 2025			
Applicant:	Heidelberg Materials Australia Pty Ltd c/- Esa2 Pty Ltd			
Planning Scheme:	Frankston			
Land Address:	60 Valley Road and 150 Quarry Road, Langwarrin			
Proposal:	Use, development and earthworks for the purpose of an extractive industry (sand extraction). Seeking to expand the operation of the existing quarry at 150 Quarry Road, into the adjoining site at 60 Valley Road.			
Development Value:	$372,000 - works to enable expansion. $43.2m – expected operational extraction value.			
Why is the Minister responsible?	The Minister for Planning is the responsible authority for this application because it is a matter under Division 1 of Part 4 of the Act and Clause 53.22 (Significant Economic Development) applies.			
Why is a permit required?	**Clause**	**Control**	**Trigger**	
Zone:	Clause 35.06	Rural Conservation Zone Schedule 2 (RCZ2)	Use the land for an extractive industry (sand quarry). Construct a building or construct or carry out works for a Section 2 use. Earthworks which change the rate of flow or discharge point of water across the property boundary.	
Overlays:	Clause 42.01	Environmental Significance Overlay Schedule 1 (ESO1)	N/A No permit required for buildings and works associated with an extractive industry that has a current Work Authority. No permit required for vegetation removal associated with extractive industry, in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990*.	
	Clause 44.06	Bushfire Management Overlay (BMO)	N/A Extractive industry is not identified as sensitive land use for the purpose of bushfire hazard.	
Particular Provisions:	Clause 52.08-1	Earth and Energy Resource Industry	Use and develop land for earth and energy resource industry.	
	Clause 52.09-1	Extractive Industry and Extractive Industry Interest Areas	Use and develop land for extractive industry (sand quarry).	
Cultural Heritage:	The land is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan has been approved for the proposal, approved by the Bunurong Land Council Aboriginal Corporation on 18 December 2019.			
Total Site Area:	54.5 hectares (combined) 7.9 hectares (proposed expansion site only)			
Land Uses:	**Dwellings**	**Office**	**Retail**	**Other**
	N/A	N/A	N/A	Extractive Industry – Sand Quarry
Parking:	**Cars**	**Motorcycles**	**Bicycles**	

	15	0	0
Referral Authorities:	Frankston City Council (S52 – Notice) EPA (S55 – Determining) DEECA Earth Resources (S55 – Determining) DEECA Environment (S55 - Recommending) Heritage Victoria (S55 – Determining) Melbourne Water (S52 – Notice) Southern Rural Water (S52 – Notice)		
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning. **203** objections have been received.		

Proposal

Site History

1. Heidelberg Materials (formerly Hanson Construction Materials) operate the existing quarry at 150 Quarry Road Langwarrin, which is now proposed to be expanded. Quarrying commenced on the land in 1975 and has been operated by various companies since this time.

2. The quarrying operations are administered through Work Authority WA13, issued by the relevant state government department administering the Mineral Resources (Sustainable Development) Act 1990 at the time quarrying operations commenced on the lane.

3. Frankston City Council issued Planning Permit 0005 on 8 May 2000 allowing *'the land to be used and developed for extractive industry generally in accordance with Work Authority 13'*.

4. The sand reserves within the approved quarry site have now been exhausted and rehabilitation of the site is currently underway.

5. The variation of Work Plan WA13 to facilitate the proposed expansion of the quarry operations into the adjoining land at 60 Valley Road was sought from Earth Resources Regulation, within Department of Jobs, Precincts and Regions (DJPR), now Department of Energy, Environment and Climate Action (DEECA), on 10 November 2021.

6. Consultation with relevant referrals were undertaken under Section 77TE of the Mineral Resources Act 1990 and notice of statutory endorsement of the work plan variation was issued on 10 March 2022. Formal approval of the varied work plan is to be sought following the issue of a planning permit only.

7. The proponent applied to Frankston City Council for the use and develop the land at 60 Valley Road for extractive industry (sand extraction). Following public notice (146 objections were received) and assessment process, the Council determined to issue a notice of decision to refuse to grant a permit on 3 October 2023, listing the following ground for refusal:

    - *The proposal is inconsistent with and contrary to the objectives of, and outcomes sought by the Frankston Planning Scheme, including:*
        - *a) The strategic directions of:*
            - *i. Clause 02.03-2 Environmental and landscape values*
            - *ii. Clause 02.03-4 Natural resource management*
        - *b) The vision, strategies, and objectives for Precinct 3 in the Green Wedge Management Plan.*
        - *c) The objectives and strategies of:*
            - *i. Clause 11 Settlement*
            - *ii. Clause 12 Environmental and Landscape Values*
            - *iii. Clause 13 Environmental Risks and Amenity*
            - *iv. Clause 14.03 Earth and Energy Resources*
        - *d) the purpose and decision guidelines of the Rural Conservation Zone Schedule 2.*
        - *e) the purpose and decision guidelines of Clause 52.09 Extractive Industry and Extractive Industry Interest Areas.*

    - *The proposal will create new land use conflicts, inconsistent with orderly planning.*

    - *The proposed vegetation removal and impacts on neighbouring trees will unacceptably impact the natural environment, resources, and the biodiversity of the area, contrary to planning policy.*

8. The proponent lodged a review of the decision through the Victorian Civil and Administrative Tribunal (VCAT) on 5 October 2023. A preliminary hearing was held on 8 and 9 April 2024. This application was later withdrawn following the lodgement of pre-application request through the Development Facilitation Program.

9. A request was made to the Minister for Planning for ministerial intervention into the matter of Hanson Construction Materials Pty Ltd v Frankston City Council, VCAT reference: P1252/2023. Under delegation from the Minister for Planning, DTP advised on 10 April 2024 that it would not intervene in this matter. The advice noted the application may be eligible for assessment through the Clause 53.22 pathway; however, the proposal would be subject to the same policies and controls which VCAT would rely upon in the review of the application.

Application Process

10. The subject site is located within an area of aboriginal cultural heritage sensitivity. A Cultural Heritage Management Plan has been prepared (Management Plan 16166) and was approved by the Bunurong Land Council Aboriginal Corporation on 18 December 2029.

11. The key milestones in the application process were as follows:

Milestone	Date
Pre-application request lodged (PPA-243)	12 March 2024
DFP Eligibility Letter issued	22 September 2025
Application lodgement	25 September 2025
Further information requested	23 October 2025
Further information received	10 February 2026
Decision Plans	Plans prepared by **Senversa**, titled '**Langwarrin Development Plan'** and dated **30 January 2026**.
Other Assessment Documents	• **Planning Report** prepared by ESA2 Environment & Planning dated July 2025. • **Arboricultural Assessment Report**, prepared by Tree Logic (Revision V1) and dated 8 March 2023. • **Rehabilitation Plan**, prepared by Ecology & Heritage Partners and dated 10 February 2026. • **Air Quality Assessment**, prepared by Zephyr Environmental and dated 20 June 2025. • **Biodiversity Assessment** prepared by Ecology & Heritage Partners and dated 20 June 2025. • **Bushfire Planning Assessment** prepared by Bushfire Planning (Revision 2.0) and dated 20 February 2019. • **Economic Context Report**, prepared by Urbis and dated June 2025. • **Human Health Impact Assessment**, prepared by Sage Environmental Services (Revision 2.0) and dated 5 June 2025. • **Hydrogeological Review**, prepared by Ricardo (Revision 4) and dated 13 May 2021. • **Landscape and Visual Assessment**, prepared by Landform Architects and dated June 2025. • **Acoustic Report** prepared by Enfield Acoustic Noise & Vibration and dated 19 June 2025. • **Surface Water Management Report**, prepared by Engeny (Revision 9) and dated 24 June 2025. • **Traffic Engineering Assessment**, prepared by Traffix Group (Revision B) and dated 23 June 2025. • **Development Cost Summary** prepared by ESA2 Environment & Planning (undated, submitted 10 February 2026). • **Cultural Heritage Management Plan**, prepared by Heritage Insight Pty Ltd and approval letter prepared by Bunurong Land Council Aboriginal Corporation dated 18 December 2019.

12. The subject of this report is the decision plans (as described above).

Proposal Summary

13. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Use, development and earthworks for the purpose of an extractive industry (sand extraction. The proposal seeks to expand the operation of the existing quarry at 150 Quarry Road (Work Authority WA13), into the adjoining land at 60 Valley Road, Langwarrin.
Total Site Area:	• 46.6 hectares (existing quarry) • 7.9 hectares (expansion site) Total site area – 54.5 hectares
Setbacks: (minimum)	Proposed expansion quarry pit setbacks: North – 285 metres (Valley Road frontage) South – Nil (adjoining existing quarry site) East – 20 metres West – 20 metres
Land Uses:	Extractive Industry – sand extraction
Car Parking:	15 spaces (existing carparking provision on 150 Quarry Road site)
Bicycle Parking:	Nil
Motorcycle Parking:	Nil
Total Parking:	15 spaces
Loading and Waste arrangements:	No change to existing conditions.

14. The application seeks to expand operation of the existing sand extraction quarry at 150 Quarry Road into the adjoining site at 60 Valley Road, Langwarrin. Specifically, a consent is sought for the use, development and earthworks, for the purpose of an extractive industry sand quarry.

15. The existing dwelling on the site is proposed to be retained, owned by Heidelberg Materials and is currently rented privately. This arrangement is intended to continue through the quarrying operations and the rehabilitation of the site.

16. The proposed quarry expansion pit will be extracted as an open pit, have a maximum width of approximately 216 metres, maximum length of 313 metres and approximate area of 56,104 sqm. The pit is proposed to have a maximum depth of 35 metres. A dredge will be installed at the base of the pit.

17. The extraction area is anticipated to have capacity for 2.1 – 2.4 million tonnes of sand reserve to be extracted, with an overall resource value of approximately $43.2 million. The expanded pit is which is expected to be exhausted in 5 - 6 years, assuming normal extraction conditions.

18. The extraction operations are proposed to be take place from Monday – Saturday, between 7am – 6pm each day. The quarry will be closed Sundays and public holidays.

19. Heavy vehicles will access the site via the existing crossover from Quarry Road and through the established internal accessways across the existing quarry site. On average, 228 trucks are expected to access the site on weekdays approximately 58 trucks on Saturdays.

20. A new 4-metre-wide vehicle accessway is proposed through the expansion site, including a crossover onto Valley Road. This crossover will be used for light vehicles and emergency vehicle access only. All heavy vehicles will be directed to access the site via the Quarry Road frontage which services the existing quarry site.

21. The following ancillary works are also proposed on the site to support quarrying operations. These are to be sited on within the 20-metre buffer between the extraction pit and site boundaries. The current buffers area between the exhausted quarry pit and the shared boundary with 60 Valley Road is to form part of the expanded extraction area.

    - Drainage channel along the northern, eastern and southeastern perimeter of the expansion site boundary, connecting to gabion rock chute outlet.
    - 2-metre-high noise bund along the western and eastern perimeter of the extraction pit, offset 17 metres from the site boundary.
    - 3-metre-high earth bund along the northern perimeter of the extraction pit (offset 17 metres from the site boundary) with 3-metre-high acoustic screen installed on top.
    - Perimeter access road between established quarry site at expansion site, positioned along the western and northern boundary and connecting to the Valley Road frontage.

22. The vegetation within the pit area is sought to be cleared prior to commencement of quarrying works, requiring a total of 4.569 ha of native vegetation removal, including 79 large trees. The vegetation is primarily Healthy Woodland EVC 48.

23. The proposal seeks to change the point of discharge of water across a property boundary. All internal flows from the expansion site are currently directed to a small dam at the south of the land, which has an outlet flow discharging into the existing quarry excavation pit and is used for quarry operations. The proposed expansion would require stormwater flows to be redirected around the extraction pit through lined drainage channel and outflow through gabion rock chute across the boundary into the site at 150 Quarry Road, at new location.

24. Following the completion of the quarrying operations, the land will be rehabilitated to bushland, through the filling of the pits with clean fill as approved by the EPA. The rehabilitation and revegetation of the Boggy Creek tributary is also proposed to ultimately restore natural catchment flows.

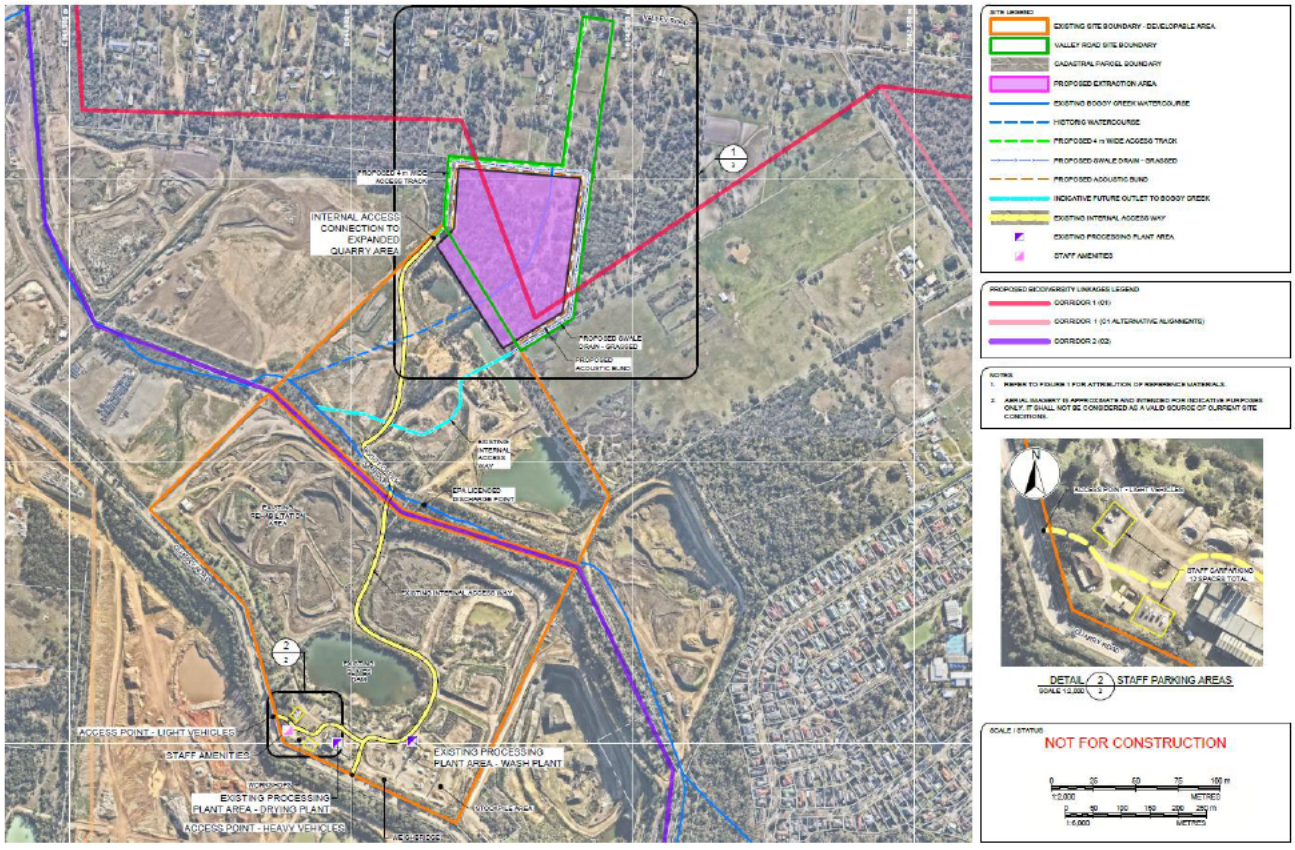

Figure 1 Proposed site plan, existing and proposed expanded quarry area

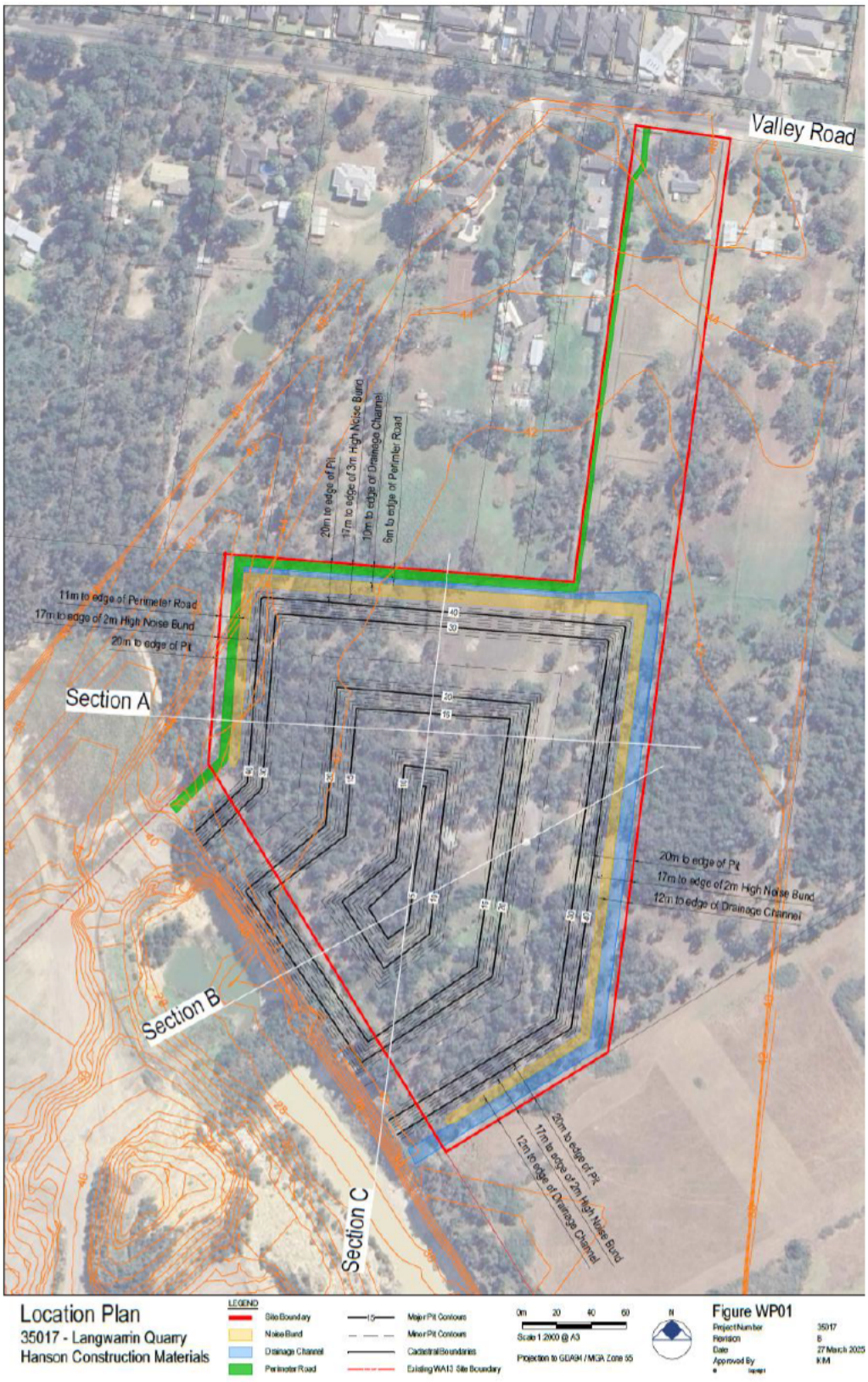

Figure 2 Proposed expansion site plan

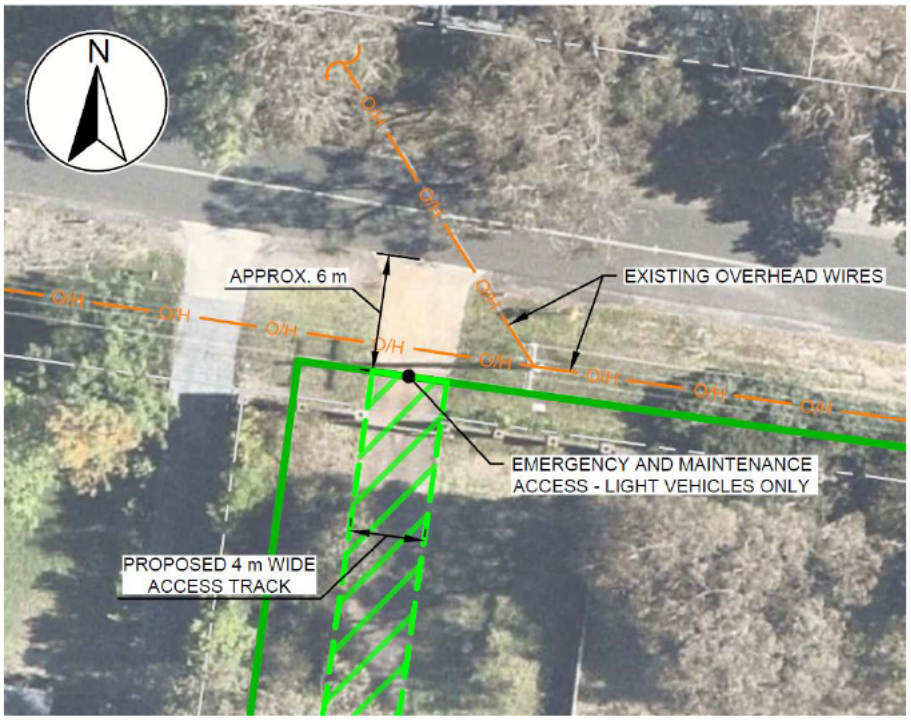

Figure 3 Proposed vehicle crossover to Valley Road

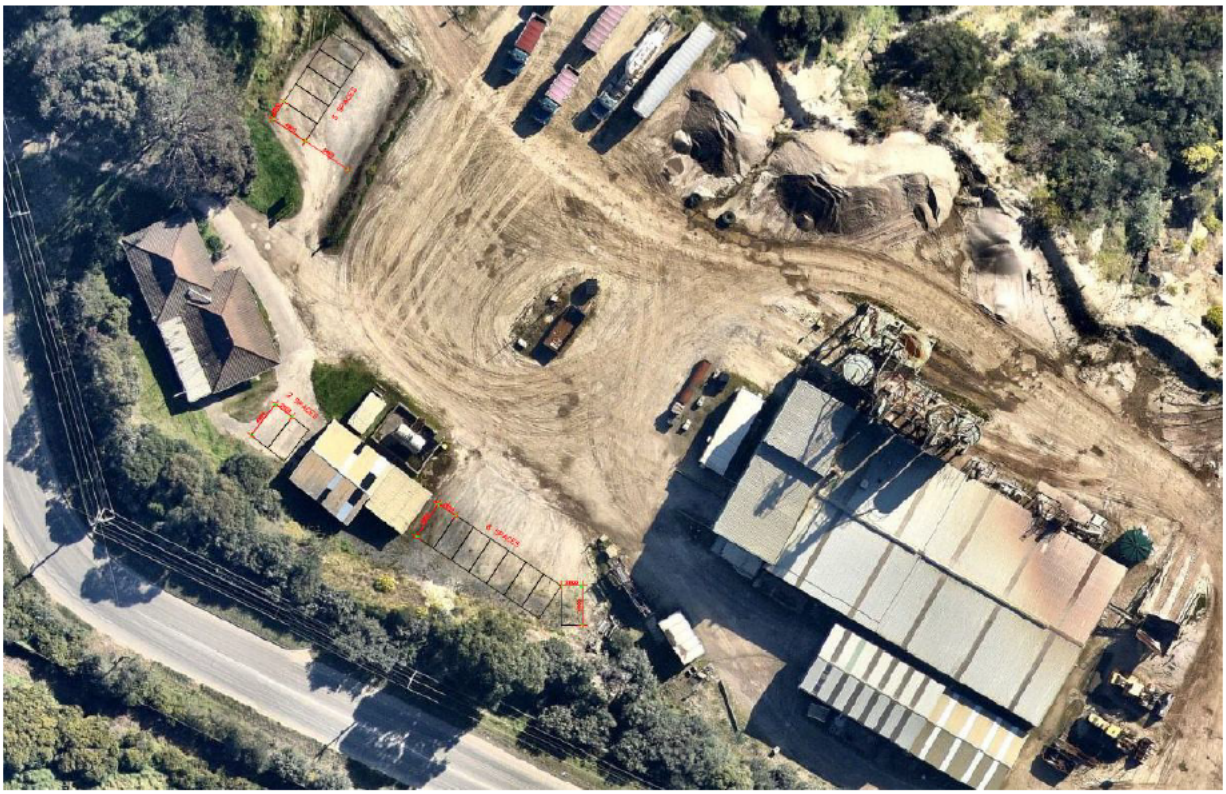

Figure 4 Existing amenities and carparking layout – 150 Valley Road

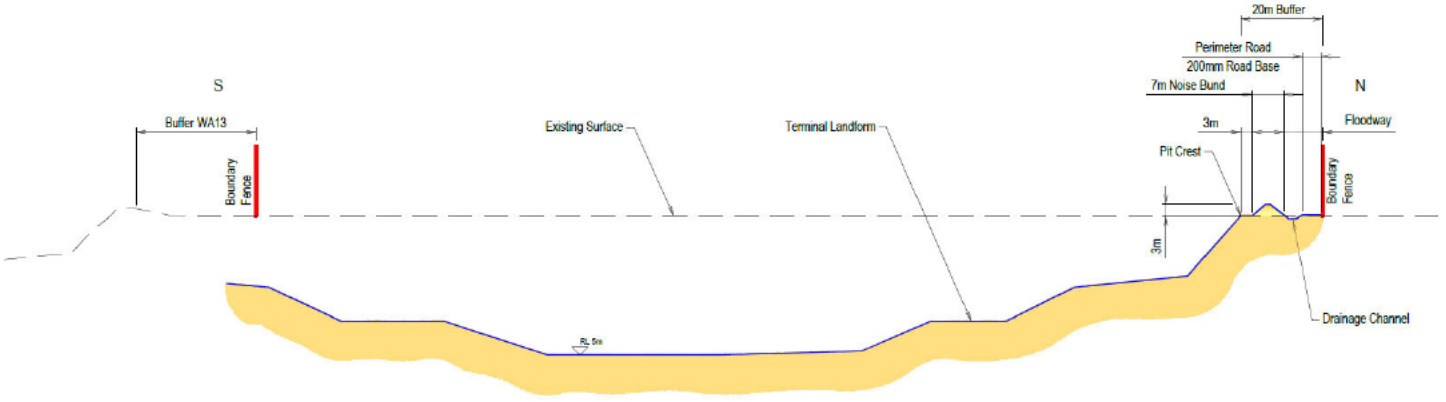

Figure 5 Pit expansion – north/south section diagram

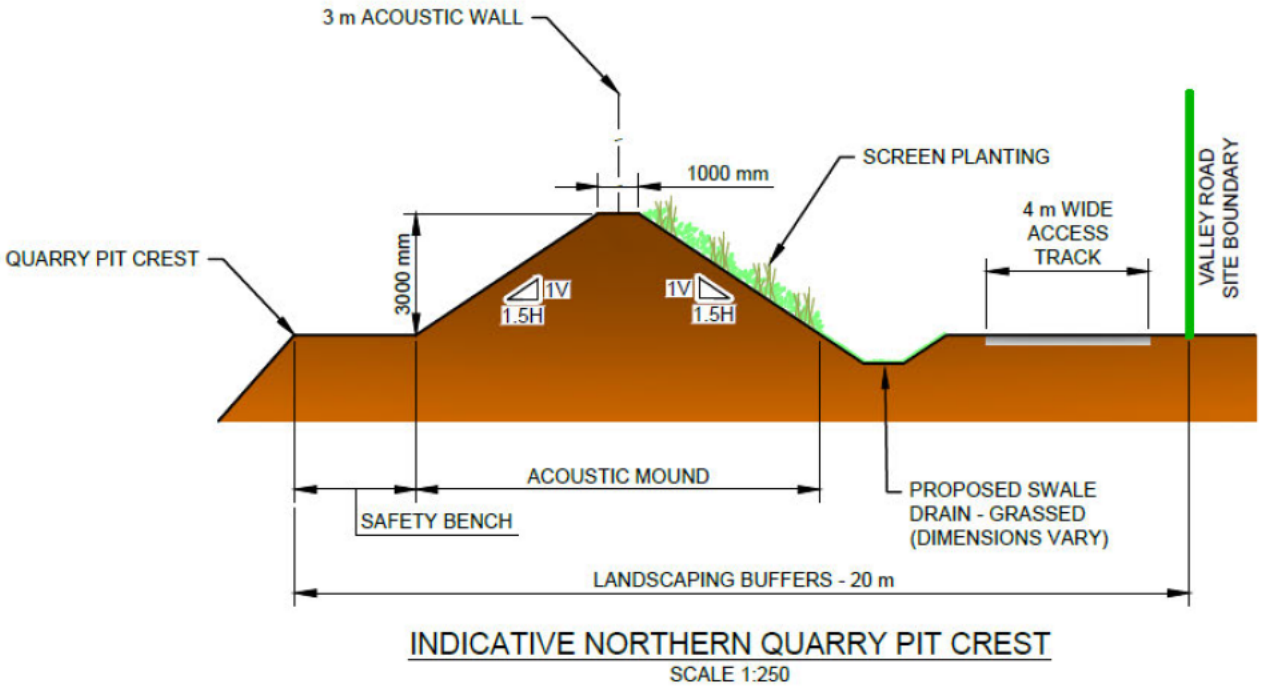

Figure 6 Proposed northern expansion boundary interface and noise bund section diagram

Subject Site and Surrounds

Site Description

25. The subject land consists of two sites, 150 Quarry Road and 60 Valley Road, Langwarrin.

150 Quarry Road (existing sand quarry)

26. The land at 150 Quarry Road is located on the northern side of Quarry Road, approximately 740 metres southeast of the intersection with McClelland Drive. The site has a combined land area of approximately 46.6ha and frontage of 837 metres to Quarry Road.

27. The site is included in the Special Use Zone (Schedule 2 – Earth and Energy Resource Industry) and is affected by the Bushfire Management Overlay and Environmental Significance Overlay (Schedule 1). The land is traversed by Boggy Creek, which runs northwest – southeast across the centre of the site. The creek corridor is included in the Public Use Zone.

28. The site is currently operated by Heidelberg Materials as a sand quarry. The land consists of quarry pits, slimes dams, processing plant areas, operational and staff amenities buildings, carparking areas and internal accessways. The sand reserves on this site have been exhausted and the extraction of sand ceased in December 2018. Since this time, the land has been undergoing rehabilitation, and quarry pits are being filled with clean fill.

29. The site consists of four irregular shaped parcels, formally described as Crown Allotments 17 (Section A and B), 18 (Section B) and 18A (Section B), Parish of Langwarrin. The parcels are affected by the following encumbrances and agreements:

    - **Conditions of Crown Grant Reservation**.

      Entitles the landowner (grantee) to sink wells for water, sink shafts and erect machinery for the purposes of mining the land for gold, silver, copper, tin, coal, metal, minerals and mineral ores, provided the land continues to be subject to relevant mining licence under Section 168 of the Land Act 1915.

      The land has operated as a sand quarry since 1975, in accordance with the conditions of the reservation.

    - **Section 173 Agreement V611474C**, dated 17 July 1998.

      The agreement is made between Frankston City Council and Amatek Ltd (landowner), requiring the landowner to pay works contribution to the facilitate improvement works to Quarry Road, between McClelland Drive and Boggy Creek, to be undertaken by Council. The works substantially benefit the owner, allowing improved movement of extracted materials, vehicles and waste.

      This obligations of this agreement are considered to have been met, and this application does not contravene any requirements of this agreement.

60 Valley Road (proposed quarry expansion)

30. The land at 60 Valley is located on the southern side of Valley Road, approximately 550 metres east of the intersection with McClelland Drive. The site has a land area of approximately 7.9ha and frontage of 55.2 metres to Valley Road.

31. The site is an irregular, battle-axe shaped lot with a large parcel at the rear and long, narrow corridor connecting to Valley Road.

32. The site is largely undeveloped and vegetated, aside from a single-story dwelling adjoining the site frontage, various outbuildings and a tennis court at the rear. The site frontage is treated with a 2-metre-high brick front fence. The southwestern boundary of the lot interfaces directly with the existing quarry site at 150 Quarry Road.

33. The site is included in the Rural Conservation Zone (Schedule 2 – Conservation Values) and is affected by the Bushfire Management Overlay and Environmental Significance Overlay (Schedule 1).

34. It is noted the expansion site is not identified as an Extractive Industry Interest Area.

35. The site is formally described as Lot 1 on Title Plan 759169L and is not affected by any encumbrances or restrictions.



Figure 7 Aerial image - Existing quarry site (yellow) and proposed extension (red)

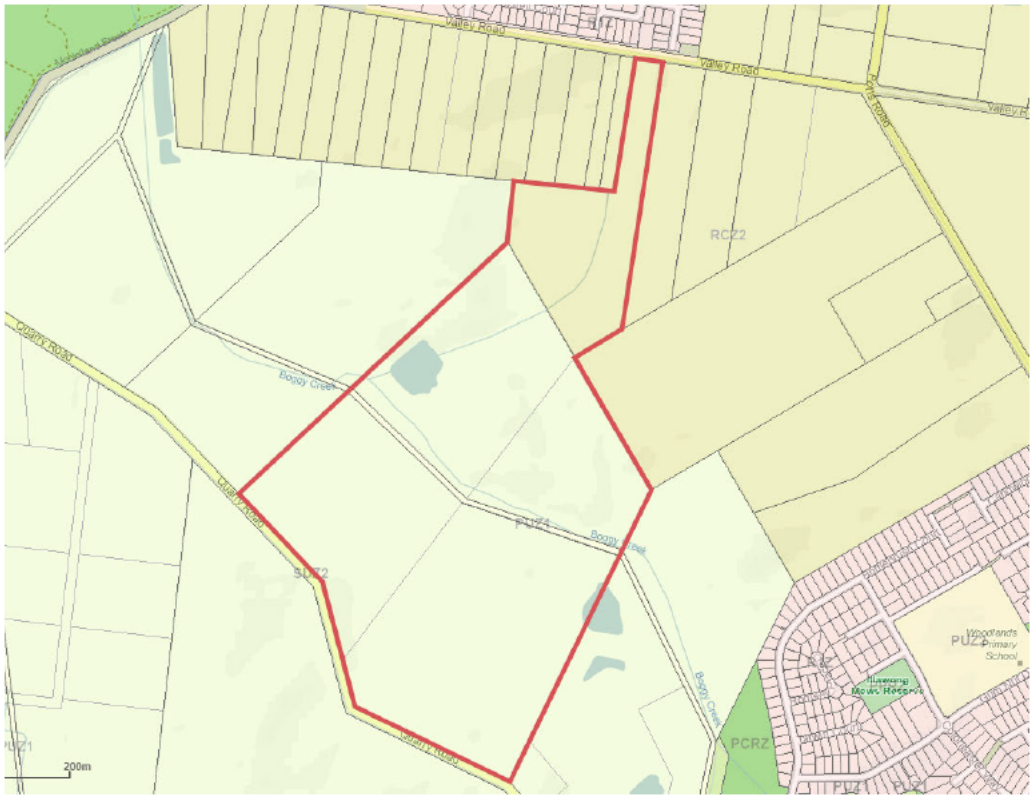

Figure 8 Zones affecting subject sites and surrounds

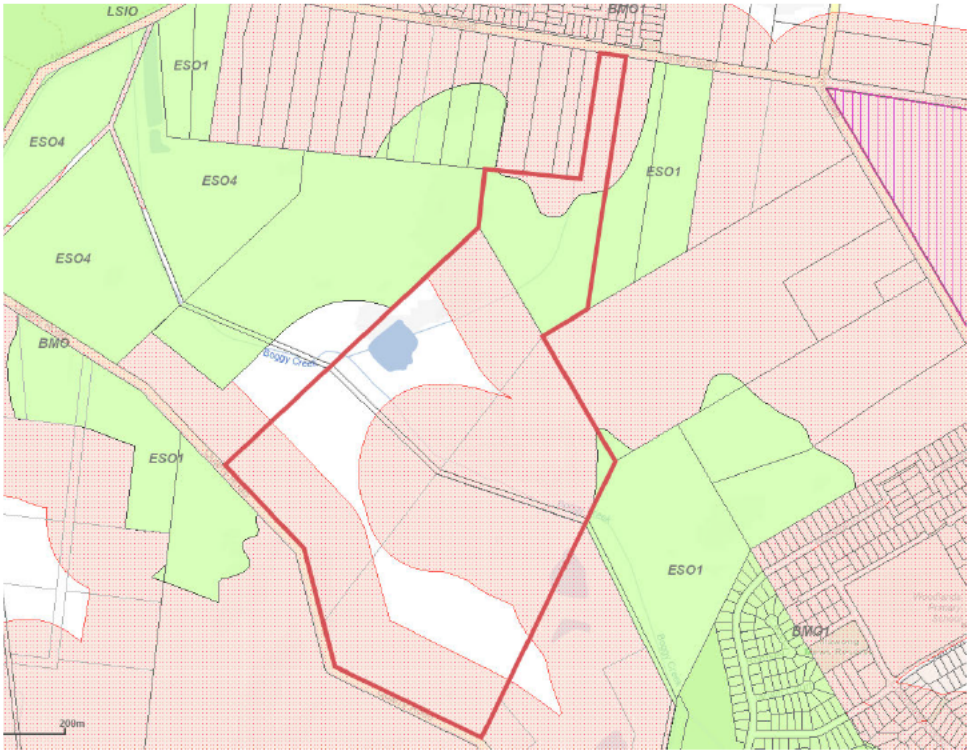

Figure 9 Overlays affecting subject sites and surrounds



Figure 10 Existing site frontage to Valley Road

Site Surrounds

36. The surrounding development consists of a variety of residential, recreational, conservation and industrial purposes. There are several extractive industry quarries in the surrounding area, represented through current work authorities shown in Figure 13.

37. Both subject parcels and the surrounding areas are located outside the Urban Growth Boundary, as shown in Figure 14, forming part of the Metropolitan Green Wedge Land.

38. Development surrounding the site can be described as follows:

North of the site

- Valley Road reservation and residential development beyond, typically single storey detached dwellings on regular lots, included in the General Residential Zone, Schedule 1.
- Large, vegetated lots with some single dwellings, to the northeast, included in the Rural Conservation Zone, Schedule 2.

South of the site

- The Langwarrin sand quarry is located directly opposite the subject site, on the southern side of Quarry Road. This quarry has an approximate area of 52.7ha and supplies sand, soil and rock products for construction and landscaping purposes. This area is included in the Special Use Zone, Schedule 2.
- An area of residential development in located further south, beyond the quarry development. This area consists of typical residential lots developed with single detached dwellings, included in the General Residential Zone, Schedule 1.

East of the site

- Large, vegetated parcels, included in the Rural Conservation Zone, Schedule 2 and Rural Conservation Zone, Schedule 4 beyond Potts Road.
- An established sand quarry, Skye Sands is located further east at 500 Ballarto Road. This site is included in the Special Use Zone, Schedule 2.
- An area of residential development is located at the southeast of the site, approximately 350 metres east of the existing quarry land. This precinct is developed with typical detached dwellings, included in the General Residential Zone, Schedule 1.
- The Cranbourne Royal Botanic Gardens are located approximately 5.4 kilometres east of the subject site.

West of the site

- Large, vegetated parcels, several of which developed with single dwellings along the southern side of Valley Road, included in the Rural Conservation Zone, Schedule 2.
- Burdett Sands Quarry located at 260-280 Quarry Road and included in the Special Use Zone, Schedule 2.
- The Pines Flora and Fauna Reserve and Centenary Park Public Golf Course are located beyond the existing quarry, along McClelland Drive. These areas area included in the Public Conservation and Reserve Zone and Public Park and Recreation Zone respectively.

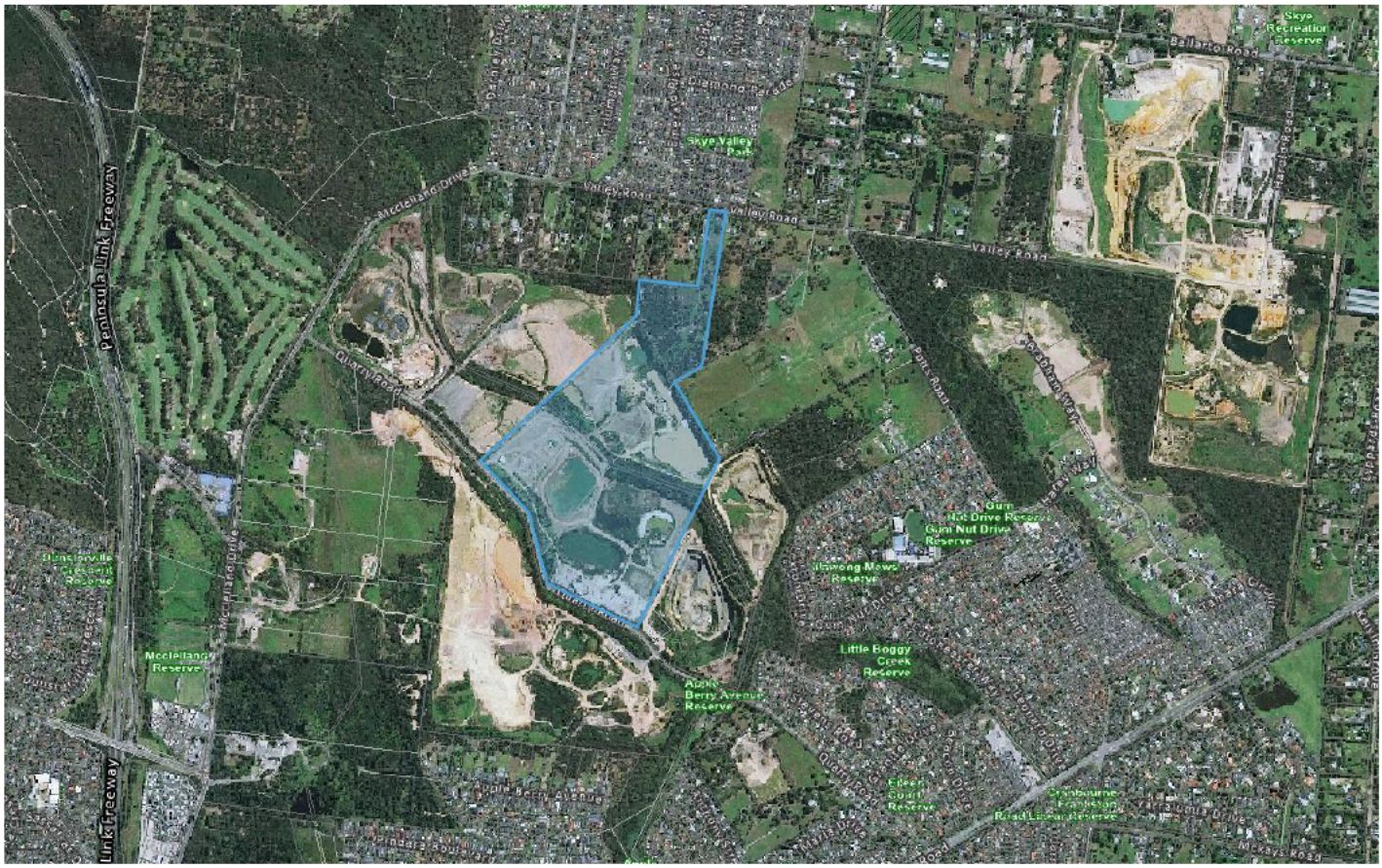

Figure 11 Aerial image of subject site and broader surrounds

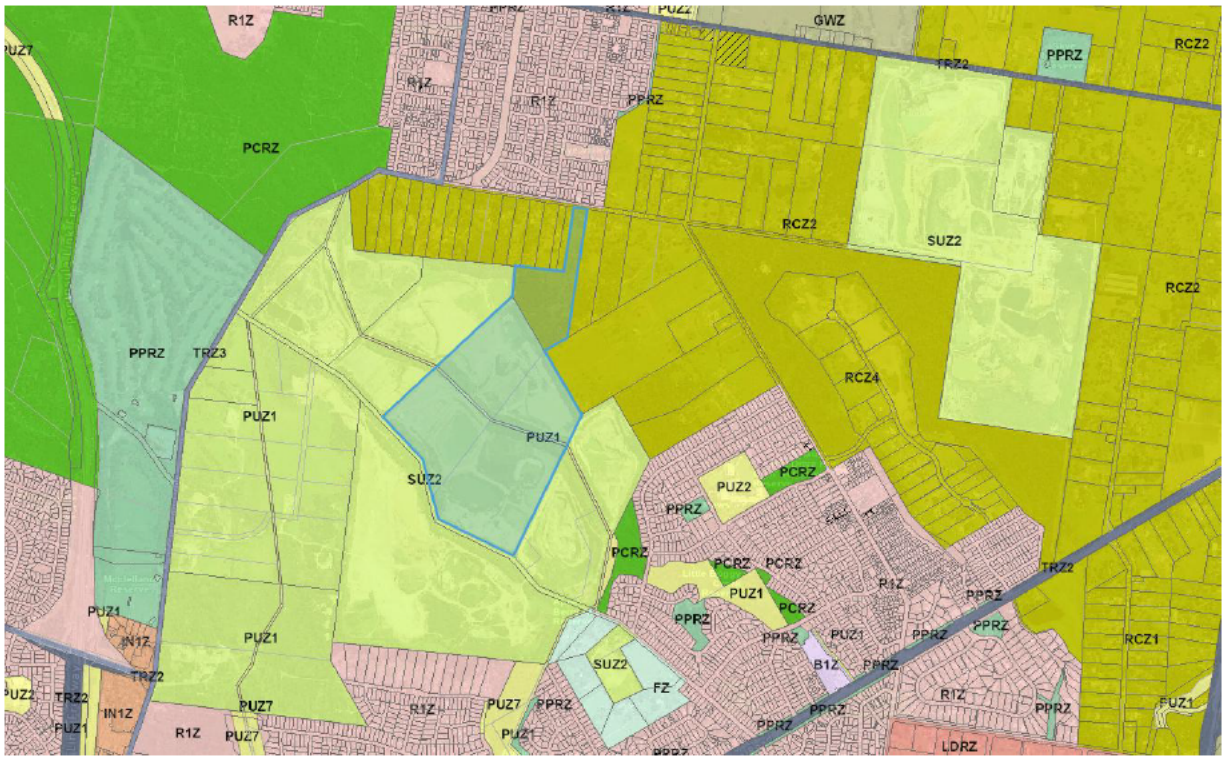

Figure 12 Applicable zones, subject site and broader surrounds

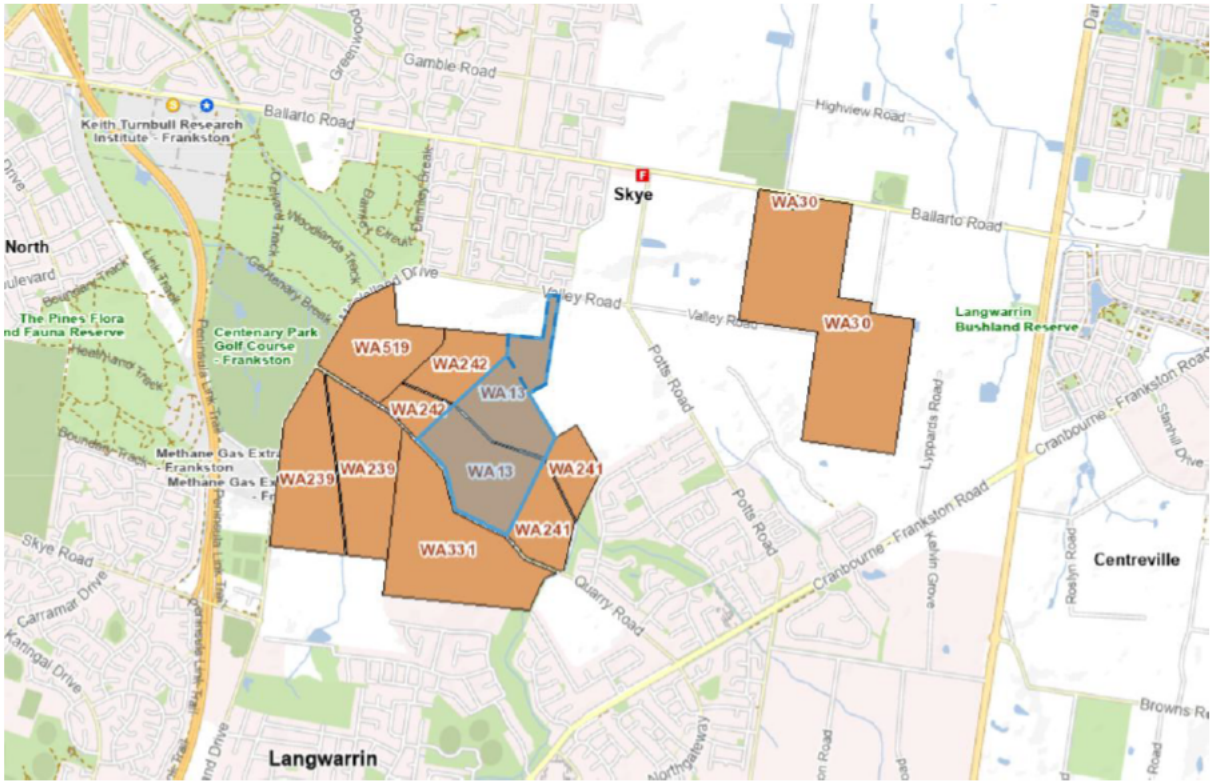

Figure 13 Current Extractive Industry Work Authorities

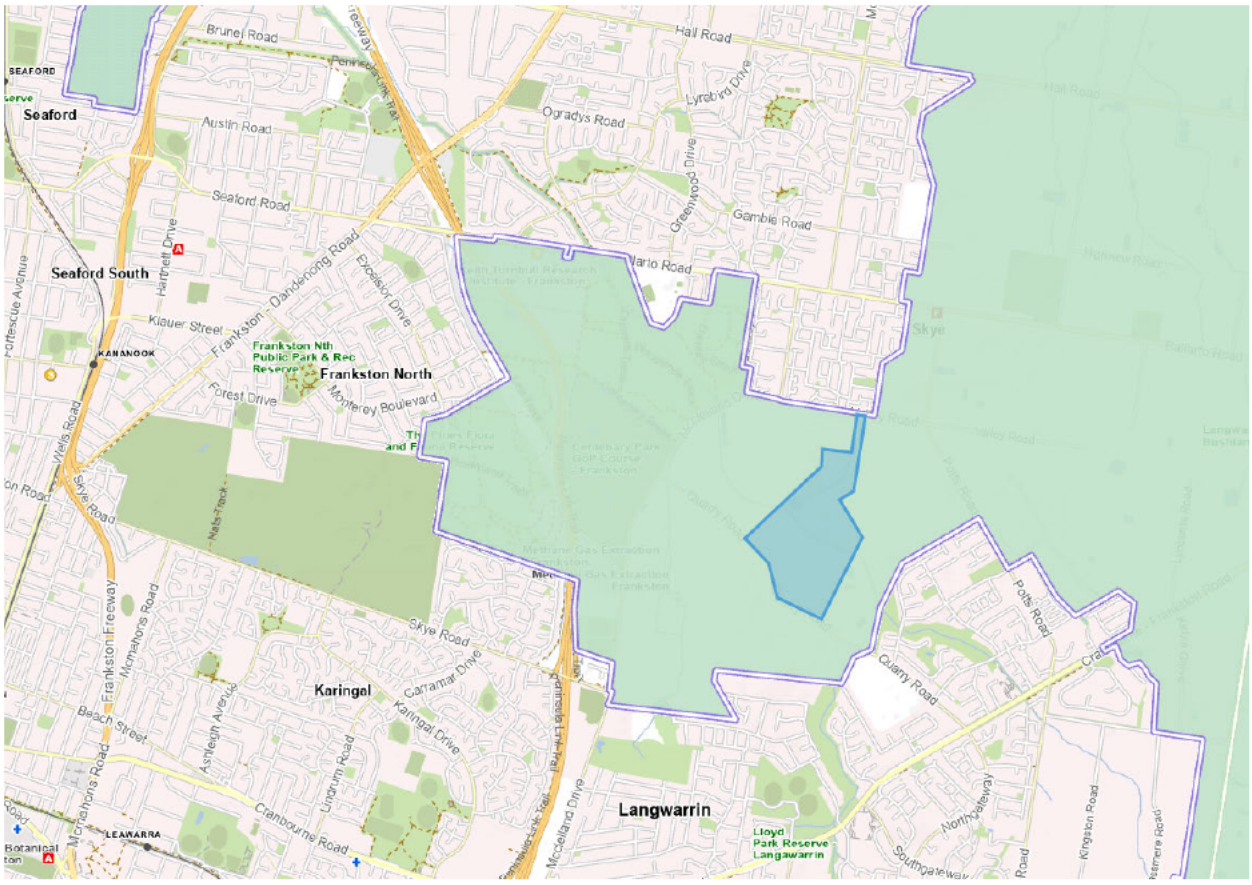

Figure 14 Urban growth boundary and location of subject land within the Green Wedge area

Planning Provisions

Municipal Planning Strategy

39. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-4	Natural resource management
02.04-4	Environmental & landscape values
02.04-6	Resource management map

Planning Policy Framework

40. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 12	Environmental and landscape values
12.01-1S	Protection of biodiversity
12.01-1L	Protection of biodiversity
12.01-2S	Native vegetation management
12.05-1S	Environmentally sensitive areas
12.05-2S	Landscapes
12.05-2L	Frankston Landscapes
Clause 13	**Environmental Risks and Amenity**
13.02-1S	Bushfire Planning
13.05-1S	Noise management
13.06-1S	Air quality management
13.07-1S	Land use compatibility
Clause 14	**Earth and Energy Resources**
14.03-1S	Resource exploration and extraction
14.03-1L	Resource exploration and extraction
Clause 17	**Economic Development**
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1R	Diversified economy – Metropolitan Melbourne – Southern metro region

41. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Clause 35.06 - Rural Conservation Zone – Schedule 2

42. The land at 60 Valley Road, Langwarrin (quarry expansion site) is included in the Rural Conservation Zone, Schedule 2.

43. The purpose of the Rural Conservation Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*

44. Schedule 2 to the Rural Conservation Zone refers to Conservation Values and seeks *'to maintain and enhance the mosaic of low-key rural uses and remnant vegetation on small to medium size rural holdings in the Skye and Langwarrin areas.'*

45. Pursuant to Clause 35.06-1, a planning permit is required to use the land for an extractive industry.

46. Pursuant to Clause 35.06-5, a planning permit is required to construct or carry out works associated with a Section 2 land use and to undertake earthworks which change the rate of flow or the discharge point of water across property boundary.

47. The following sections include a discussion of how the proposal responds to these requirements.

Clause 37.01 – Special Use Zone – Schedule 2

48. The land at 150 Quarry Road, Langwarrin (existing quarry site) is included in the Special Use Zone, Schedule 2.

49. The purpose of Schedule 2 to the Special Use Zone is:

- *To recognise or provide for the use and development of land for earth and energy resources industry.*
- *To encourage interim use of the land compatible with the use and development of nearby land.*
- *To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.*

50. Pursuant to Clause 1.0, Schedule 2 to the SUZ, a permit is required to use land for the purposes of an extractive industry.

51. Pursuant to Clause 4.0, Schedule 2 to the SUZ, a permit is required to construct a building or construct or carry out works, unless where necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

52. The use and development of the land at 150 Quarry Road for an extractive industry in accordance with Work Authority WA13 is permitted by planning permit 5/2000/P, previously approved by Frankston City Council. On this basis, no permit is sought for use and development under the SUZ2 as part of this application.

Clause 42.01 - Environmental Significance Overlay – Schedule 1

53. The Environmental Significance Overlay, Schedule 1 affects the southern portion of the site at 60 Valley Road and a small eastern portion of the site at 150 Quarry Road.

54. The purpose of the Environmental Significance Overlay is specific to includes:

    - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    - *To identify areas where the development of land may be affected by environmental constraints.*
    - *To ensure that development is compatible with identified environmental values.*

55. Schedule 1 to the Environmental Significance Overlay is specific to the protection native vegetation and fauna and sets out the following environmental objectives to be achieved:

    - *Protect national, state, regional and locally significant vegetation and biodiversity within Frankston City Council.*
    - *Protect populations or communities of indigenous flora and fauna.*
    - *To protect and enhance bio links across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*
    - *Ensure that the development and management of land within areas of native vegetation and fauna habitat as specified in Table 1 and shown on Map 1 to this schedule is compatible with the long-term protection and enhancement of their botanical and zoological values.*
    - *Avoid and minimise the impacts of buildings and works and subdivision, on areas of native vegetation and fauna habitat specified in Table 1 and shown on Map 1 to this schedule.*
    - *To ensure that development and management of land demonstrate the 'avoidance hierarchy':*
        - *To avoid adverse impacts, particularly through vegetation clearance.*
        - *If impacts cannot be avoided, to minimise impacts through appropriate consideration and expert input to project design or management.*
        - *Identify appropriate mitigation options. Only after avoidance and minimisation actions are thoroughly investigated should mitigation be considered.*

56. Pursuant to Clause 3.0, Schedule 1 to the ESO, a planning permit is not required construct buildings or carry out works associated with an extractive industry that has a current Work Authority.

57. Pursuant to Clause 3.0, Schedule 1 to the ESO, a planning permit is not required to remove, destroy or lop vegetation where the land is zoned Special Use Zone – Extractive Industry and is in accordance with the provisions of a Work Authority.

58. A table of exemptions is provided within the parent at clause 42.01-3, stating *vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources Act 1990 and authorised by a work authority granted under that Act.*

59. The proponent has received statutory endorsement of the variation to Work Authority WA13, under which the existing quarry operates. While the variation to Work Plan has not yet been formally endorsed, the extent of vegetation removal has been assessed through the statutory endorsement application, and the above exemptions are deemed to apply. Legal advice was provided when the application was previously assessed by Frankston City Council, confirming the proposal benefits from these exemptions.

60. On this basis, no permit is required to construct or carry out works or remove, destroy or lop vegetation within the Environmental Significance Overlay, Schedule 1.

Clause 44.06 - Bushfire Management Overlay

61. The Bushfire Management Overlay affects the entirety of the land at 60 Valley Road and majority of the land at 150 Quarry Road, excluding portion of the site at the northwest and southeast.

62. The purpose of the Bushfire Management Overlay includes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

63. A planning permit is required to construct a building or construct or carry out works associated with specified uses listed at Clause 44.06-2.

64. Extractive industry is not listed as sensitive land use and no planning permit is required to construct or carry out works for an extractive industry within the Bushfire Management Overlay.

Particular and General Provisions

Clause 51.02 - Metropolitan Green Wedge: Core Planning Provision

65. Both subject sites are located outside the Urban Growth Boundary and within the Green Wedge area.

66. The purpose of the Metropolitan Green Wedge Land provision is:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for metropolitan green wedge land.*

67. Pursuant to Clause 51.02-2 use of the land for purpose listed in the table is prohibited within the Green Wedge.

68. Extractive Industry is not listed as a prohibited use and is allowable within this area.

Clause 52.06 – Carparking

69. Clause 52.06 sets out the requirement for provision and design standards of carparking associated with relevant land uses.

70. The subject land is classified as within Category 1, with minimum requirement for carparking provision. Extractive industry is not a specified land use in Table 1 at Clause 52.06-5, and the provision of parking is to the satisfaction of the responsible authority.

71. The proposed quarry expansion seeks to utilise the existing carparking spaces at the south of the main quarry site at 150 Quarry Road. The existing parking area provides 15 unsealed gravel spaces, adjoining the light vehicle entrance point from Quarry Road and staff amenities building. There is opportunity for additional informal parking nearby, should overflow vehicles be required.

72. This carparking provision and layout is existing, servicing the operation of the existing quarry. On the basis the existing sand reserves have been exhausted and the proposed quarry expansion is considerably smaller than the existing quarry, the provision of 15 spaces is appropriate and satisfactory.

Clause 52.08 – Earth and Energy Resources Industry

73. The provision sets out the following purpose:

    - To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
    - To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.
    - To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

74. Pursuant to Clause 52.08-1, a permit is not required to use and develop land for the purpose of an extractive industry where the proposal complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.

75. Section 77T of the *Mineral Resources (Sustainable Development) Act 1990* specifies:

    If under a planning scheme a permit is required to be obtained for carrying out an extractive industry on the land covered by an extractive industry work authority in accordance with that work authority, the holder of the work authority is not required to obtain a permit if—

    (a) an Environment Effects Statement has been prepared under the Environment Effects Act 1978 on the work proposed to be done under the work authority; and

    (b) an assessment of that Statement by the Minister administering the Environment Effects Act 1978 has been submitted to the Minister; and

    (c) the work authority was granted by the Minister following the Minister's consideration of that assessment.

76. On the basis an Environmental Effects Statement has not been prepared for the carrying out the extractive industry on the subject site, this exemption does not apply, and a planning permit is required under this provision.

Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas

77. The provision sets out the follow purpose:

    - *To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.*
    - *To ensure that excavated areas can be appropriately rehabilitated.*
    - *To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.*

78. Pursuant to Clause 52.09-1, the provision applies to and a permit is required for an application to use or development for an extractive industry.

79. It is noted pursuant to Clause 52.09-3, referral requirements in Clause 66 do not apply if a copy of a work plan or variation to an approved work plan accompanies the application, where notice was given to the referral authorities under Section 77TE of the Mineral Resource Act 1990. In this instance, the work plan variation was referred to the EPA, DELWP (now DEECA Environment), Heritage Victoria, Frankston City Council, DEDJTR (now DEECA Earth Resources & Regulation), Southern Rural Water, Melbourne Water and Aboriginal Victoria.

Clause 52.17 – Native Vegetation

80. Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead vegetation.

81. The removal of 4.569ha of native vegetation, including 79 large trees is required to facilitate the quarry expansion, triggering a detailed assessment pathway.

82. The application benefits from exemption provided at Clause 52.17-7, which specifies a permit is not required to remove, destroy or lop the minimum extent reasonable to the enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990.

83. On this basis, a permit is not sought for removal of native vegetation, however the extent of vegetation has been considered by DEECA environment through referrals undertaken through Section 77TE of the Mineral Resource Act 1990 and vegetation offsets are to be secured through conditions on the varied work plan, should the permit application be supported.

General Requirements and Performance Standards

Clause 53.22 – Significant Economic Development

84. The application is made under Category 1, Clause 53.22-1. The proposal is eligible for consideration via this assessment pathway on the basis:
    - The proposed land use (extractive industry) is listed in Table 2, Clause 53.22-1.
    - The estimated value of the resource to be extracted is $43.2 million, exceeding the minimum $30 million threshold.
    - Information demonstrating the likely feasibility of the proposal has been provided to the satisfaction of the Minister for Planning, including written advice from the Chief Executive Officer (or delegate) of Invest Victoria.
85. Pursuant to Clause 53.22-4, the application is exempt from the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

Relevant Amendments / Background Documents

Planning Scheme Amendment – C156fran

86. Amendment C156fran was gazetted on 12 December 2025, prior to the lodgement of this application. The amendment implements the Biodiversity Action Plan 2021-2036, Urban Forest Action Plan 2020-2040, Integrated Water Action Plan 2016-2026 and Climate Change Strategy 2023-2030 by updating the Municipal Planning Strategy, Planning Policy Framework and Schedule to 72.08 (Background Documents).

87. The objectives of the amendment include supporting the protection and retention of biodiversity within the municipality, increase canopy tree coverage and encourage appropriate water management while also acknowledging the impacts of climate change. It is expected that the inclusion of these policy directions within the planning scheme will have a net community benefit and support improved decision making under the Frankston Planning Scheme.

88. The expansion of the quarry and the substantial removal of native vegetation and habitat associated does not align with the objectives of this amendment. Noting the recency of the amendment, concerns are held with supporting a proposal which contradicts these strategic objectives.

89. The relevant background documents implemented through the amendment are described below, including areas where the proposal contravenes key actions.

90. This permit application was lodged prior to the gazettal of this scheme amendment and the revisions to the relevant MPS and PPF policies are assessed in detail in the subsequent assessment section of this report.

Biodiversity Action Plan (2021-2036)

91. The Frankston City Council Biodiversity Action Plan (2021-2036) was developed to address identified biodiversity issues within the municipality, including conflicts between biodiversity protection and planning decisions to meet

development needs, habitat fragmentation, limited resources to improve and enhance reserves and biodiversity assets, changing climate and hydrology.

92. Based on the plan, approximately 15% of the municipality's original vegetation remains intact, while the vast majority has been heavily modified or entirely cleared. The plan seeks to avoid further biodiversity loss and habitat fragmentation, particularly that which is protected by the Environmental Significance Overlay, Schedule 1.

93. The plan also recognised habitat areas within the municipality which support large populations of various endangered or threatened native wildlife species, demonstrating the need for ongoing protection of conservation areas.

94. The plan is informed by the *Frankston Fauna Linkages and Crossing Structure Design 2012*, prepared by Practical Ecology, which assessed the connectedness of fauna habitat throughout Frankston City and the adjoining landscape and made various recommendations. This study found fauna linkages were highly fragmented and large areas of habitat were isolated by urban development. The study recommended two high priority biodiversity corridors be implemented and protected as bio-links, described below and shown in Figure 15.

95. Priority corridor C1 traverses the directly across the proposed quarry expansion site, while C2 traverses across the existing quarry parcel along the Boggy Creek.

- **Corridor 1 (C1)** – between the Pines Flora and Fauna Reserve to Royal Botanic Gardens Cranbourne (through the former Burdett's Quarry on Potts Road Langwarrin)
- **Corridor 2 (C2)** – between The Pines Flora and Fauna Reserve to Langwarrin Flora and Fauna Reserve.
- **Subsidiary Corridor 1 (S1):** The Pines Flora and Fauna Reserve to Corridor 1 via Studio Park
- **Subsidiary Corridor 2 (S2):** Corridor C1 to the Langwarrin Woodlands

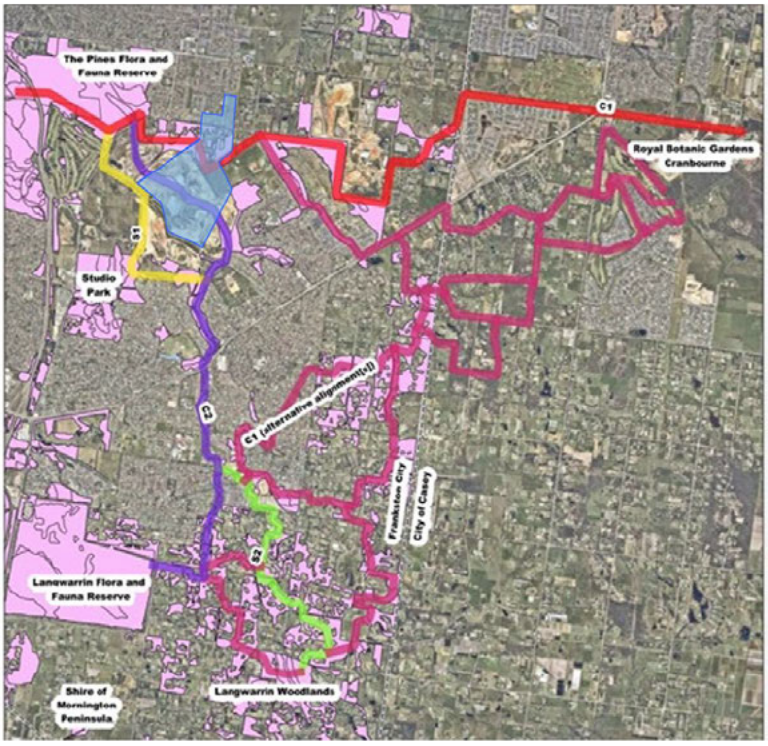

Figure 15 Priority Biodiversity Linkages (Biodiversity Action Plan 2021-2036) - C1 and C2 traverse quarry site

96. Ensuring the remaining fragments are well connection to allow unimpeded, safe movement of fauna, especially through the two priority corridors is identified as a key outcome of the action plan, to be monitored as part of the plan implementation, to track the protection of biodiversity in the municipality.

97. The proposed quarry expansion contradicts this objective, seeking to expand works and significantly impact the habitat linkage through the removal of approximately of 4.569ha of native vegetation on the expansion site. Significant concerns are held with the severing of this corridor and strategic justification for removing large extent of vegetation within this identified priority area.

98. The biodiversity assessment submitted to support the proposal recommends an alternative alignment of corridor C1 across the northern portion of the site as shown in Figure 16, for the duration of quarry operations and subsequent rehabilitation. The alternative alignment intersects the narrow 'axe-handle' portion of the site, and the northern portion of several adjoining Rural Conservation zoned lots. The proponent submits the quality of vegetation along this alternative corridor is similar to the alignment shown in the Action Plan.

99. The functional, safe movement of fauna through this alternative corridor would be difficult to secure, noting revised corridor traverses approximately 10 additional private properties. The ongoing management of vegetation and future development of these lots is difficult to control compared with the large patch of native vegetation part of the subject site held by one landowner.

100. Frankston City Council also raised concerns with the proposed alternative alignment, describing the interim linkage as *functionally inadequate to meaningfully support ecological process and the narrow width of 2.5 metres fails to reflect best practice principles for habitat linkage.*

101. On this basis, the proposed quarry expansion is anticipated to result in further fragmentation of the existing habitat, even where the proposed alternative linkage is provided during the quarry operation and rehabilitation. As such the proposal is considered to undermines the strategic objectives of the Biodiversity Action Plan.

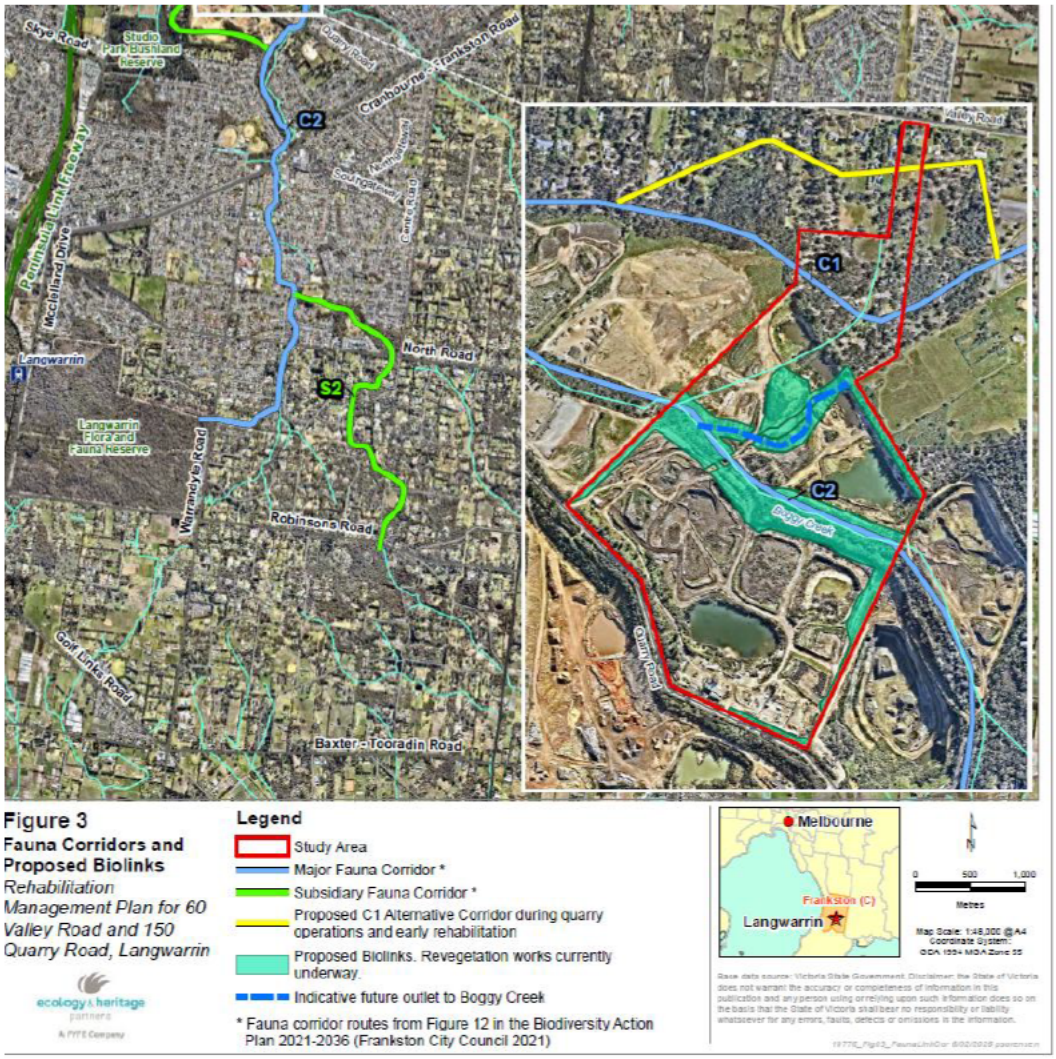

Figure 16 Priority biodiversity linkages and proposed alternative alignment for quarry expansion

Urban Forest Action Plan 2020-2040

102. The Frankston City Council Urban Forest Action Plan (2020-2024) was developed to guide protection and enhancement of green space and tree canopy across the municipality, to avoid any net loss of vegetation cover. A key driver of canopy loss is identified as insufficient enforcement of Council's planning laws protection vegetation on private land and the need to avoid unnecessary removal of remnant trees species. The plan identifies key opportunities for improvements through planting focused in areas particularly vulnerable in heat events, providing diversity of vegetation and indigenous species that connect biodiversity value. The Langwarrin area is one of the more vegetated areas of the local government area and the landscaped characteristics of the areas should be retained where possible. The extent of vegetation loss sought to facilitate this proposal is considered to be at odds with this plan overall and would result in a substantial degradation of canopy cover in the immediate locality.

Frankston Green Wedge Management Plan (2021)

103. The subject site is located within the Skye South/ Langwarrin Precinct (precinct 3) of Frankston's Green Wedge Areas. This precinct accommodates approximately 680.1 hectares of remnant native vegetation and several wildlife corridors, with the potential to accommodate more habitat once extractive industries have ceased.

104. The Plan identifies this precinct includes a number of extractive industries and recognises the need to protect extractive resources within Metropolitan Melbourne.

105. Concurrently, the plan provides objectives relating to the protection of natural environment and heritage, in particular:

- *Ensure the environmental values of the Pines Flora and Fauna Reserve and local waterways are protected from encroachment and off-site impacts of extractive industry and urban activities.*
- *Ensure that the rehabilitation of extractive industries sites does not adversely affect the surrounding flora and fauna reserves, and waterways (e.g. Boggy Creek).*
- *Preserve the existing habitat linkages present throughout the precinct, enhance these linkages where possible and create new linkages where possible through the rehabilitation of extractive industries sites*
- *Implement the proposed conservation corridors from the Frankston Biodiversity Policy (2018)*
- *Investigate the feasibility of creating a riparian or terrestrial habitat linkage between The Pines Flora and Fauna Reserve and remnant vegetation along Valley Road and Potts Road to Langwarrin Bush Reserve.*
- *Investigate the need and feasibility of introducing threatened flora or fauna species into nature and conservation reserves such as The Pines Flora and Fauna Reserve.*

106. While the plan recognises the function of extractive industries within this precinct, the broader objectives seek to plan of rehabilitation and improvement of ecological values within the precinct once the established extractive activities have ceased, rather than expanding quarrying activities further.

107. The proposal would directly undermine the objectives for this precinct, through adversely impacting the flora and fauna on the site and severing the habitat linkage through precinct, sought to be protected and enhanced by the plan. On this basis, the proposal is not considered to respond appropriately to the management plan and vision for Frankston's Green Wedge land generally.

Relevant Policy Documents and Guidelines

Planning Practice Note 89: Extractive Industry and Resources (2023)

108. Planning Practice Note 89 provides guidance for planning practitioners on the approval process for extractive industry and neighbouring land use and development and describes the interaction of the clauses of the Victorian Planning Provisions most relevant to extractive industry and the MRSD Act.

109. The practice note also describes Extractive Industry Interest Areas (EIIA) as an area identified as containing or potentially containing stone, sand and clay resources of sufficient quantity and quality to support commercial extractive industry operations, in area locations with good transport links and relatively few environmental constraints. EIIAs serve as a geographic indicator in the planning scheme, however, do not imply that an extractive industry can be established 'as-of-right'.

110. It is noted the subject land is not formally identified as an EIIA.

Strategic Extractive Resources Area (SERA)

111. SERAs are the Victorian Government's planning tool to secure state-significant extractive resources over the long-term by protecting these areas from land uses that can otherwise inhibit quarrying.

112. SERAs are applied to potentially valuable quarry materials such as sand, stone and gravel may be at risk because of new sensitive or incompatible land uses. SERAs are identified as having manageable environmental and planning constraints and is accessible to markets.

113. The project is not in an identified SERA.

EPA Victoria Separate Distance Guideline (2024)

114. The EPA's *Separation Distance Guidelines* (publication 1949, August 2024) specifies a recommended buffer of 500 metres to sensitive receptors (dwellings, schools and hospitals) for quarries that involve respirable crystalline silica, which is intended to mitigate potential impacts associated with air emissions and dust.

115. The proposed expansion pit would be separated approximately of 165 metres from the nearest dwelling.

Helping Victoria Grow: Extractive Resources Strategy (2018)

116. This strategy prepared by the Department of Economic Development, Jobs, Transport and Resources in 2018 and seeks to strategically plan to secure affordable resources of quarried buildings materials to facilitate the construction of essential infrastructure. This strategy generally seeks to inform future strategic planning and approval processes for extractive resources.

117. Frankston City Council is not identified as a "Critical Supply Local Government Area" one of the top 20 Local Government Areas identified as a strategic resource area.

118. Resources Victoria has since advised these criteria are no longer the preferred method to inform the work program for state-significant quarries, superseded by the Extractive Resources Joint Ministerial Statement.

Extractive Resources Joint Ministerial Statement (2025)

119. Identifies set criteria to inform work program for case-management of state significant quarry projects through the work plan and planning approvals processes. Key considerations include resource type, quantity, proximity to market, time to market, proposal complexity, proponent readiness and reputation.

120. This proposal is considered significant based on this criteria methodology, noting the resource includes hard rock suitable for aggregates and road bases, and sand suitable for concrete production, within an economic transport distance to the metro supply area.

121. The statement refers to use of Development Facilitation Program (DFP) as a pathway for state significant planning permit applications but outlines the need to maintain rigorous assessment standards for social license so that potential environmental and community impacts of a proposed development are managed appropriately.

Referrals

122. The referral requirements in Clause 66 do not apply where a copy of a work plan or variation to an approved work plan accompanies an application made under Clause 52.09, where notice was given to the referral authorities under Section 77TE of the Mineral Resource Act 1990.

123. In this instance, the work plan variation was referred to the EPA, DELWP (now DEECA Environment), Heritage Victoria, Frankston City Council, DEDJTR (now DEECA Earth Resources & Regulation), Southern Rural Water, Melbourne Water and Aboriginal Victoria. The various referrals and associated responses provided under the work plan variation approval process is summarised below.

Provision / Clause	Organisation	Response and date received
Clause 66.02-1 *For a use or development requiring:* • *A Development Licence or Operating Licence in accordance with Part 4.4 of the Environmental Protection Act 2017, or* • *Amendment of licence in accordance with Part 4.3 of the Environmental Protection Act 2017.*	**Environmental Protection Authority** (S55 – Determining)	The Work Plan Variation was referred to EPA under Section 77TE of the MRSD Act. EPA provided a detailed response on **8 February 2022**, advising they did not object to the proposal but recommended conditions requiring: • Updates to Part 3 Risk Assessment to reflect current regulatory framework. • Updates to the Dust Study to: o Switch on terrain features for a more accurate prediction of concentration at receptor sites. Terrain features should always be switched on as a default. o Identify, verify and apply alternative sources of background data where available. o Move the dust sources toward the northern edge within the five-year extension to account for the impact at receptor sites located to the north of the site. • Respirable crystalline silica data to be collected over 12 months to demonstrate assumed low risk is correct. • Noted insufficient information is provided in the dust study to demonstrate why the reduced separation distance between quarrying activities and residential buildings is appropriate. • Noise assessment required to be recalculated to be consistent with the Technical Guide (Publication 1997) to comply with noise limits relevant to residences in the Rural Conservation Zone (lower than those adopted in the study). • Additional noise control measures such as alternative equipment or increased noise bund height. • Before commencing discharge of treated wastewater, seek and be granted an amendment to EPA Operating Licence to update the discharge point and the activity plan. The statutorily endorsed Work Plan Variation and conditions have included these recommended conditions, and referral is not required pursuant to Clause 52.09-3. Given the time elapsed since this response was prepared, DTP informally referred to the application documents to the EPA. They advised on 15 October 2025 the advice provided remains unchanged.
Clause 66.02-2 *To remove, destroy or lop native vegetation in the Detailed Assessment*	DEECA (Environment) (S55 - Recommending)	The Work Plan Variation was referred to DEECA Environment (previously DELWP) under Section 77TE of the MRSD Act. DEECA provided a detailed response on **10 February 2022**, advising they did not object to the proposal but recommended

Pathway.		various conditions relating to securing native vegetation offsets, tree protection zones, preparation of a risk management plan and rehabilitation plan. The statutorily endorsed Work Plan Variation and conditions have included these recommended conditions, and referral is not required pursuant to Clause 52.09-3. As above, given the prolonged time since this response was prepared, DTP informally referred to the application documents to the DEECA. They advised on 9 October 2025 the advice provided remains unchanged.
Clause 66.02-8 *To use and develop land for extractive industry.*	Heritage Victoria (S55 – Determining)	The Work Plan Variation was referred to Heritage Victoria (HV) under Section 77TE of the MRSD Act. HV provided a response advising there are no places currently included in the Victorian Heritage Register (VHR) or Heritage Inventory (VHI) within the subject area. The raised no objection to the statutory endorsement of the variation to the approved work plan. It was noted HV must be notified immediately if archaeological deposits are identified at any stage during works. No conditions were required to be included on the statutorily endorsed Work Plan Variation. On this basis, the requirement of Clause 52.09-3 has been satisfied and no formal referral to HV is required.
Clause 66.02-8 *To use and develop land for extractive industry.*	DEECA (Earth Resources and Regulation) (S55 – Determining)	DEECA (ERR) provided statutory endorsement of the variation to the Work Plan WA13 on 10 March 2022, under the Mineral Resources Sustainable Development Act 1990. A letter of support dated **25 July 2025** was provided with the pre-application application documents lodged to DTP. Resources Victoria refer to the Work Authority WA13 resource to be of state significance and requests resolution to support infrastructure and construction sectors through availability of construction materials. During further discussions, Earth Resources have maintained the WA13 resource is of state significance, however noted the current proposal is short-term in nature and would allow Heidelberg Materials to extract the remaining resource from a quarry nearing the end of its operational life. While, the proposal would provide some benefit by maintaining a near-market supply of sand, the strategic benefit does necessarily outweigh the significant planning challenges identified by DTP.
Affected party *Surface water/ catchment management – A minor, unnamed tributary of Boggy Creek flows through the new Lot into the quarry and is to be diverted and water collected in onsite dams.* *The site is currently operating under EPA Licence 3307, which* *allows discharge of water to Boggy Creek.*	Melbourne Water (S52 – Notice)	Melbourne Water (MW) was referred the Work Plan Variation was referred under Section 77TE of the MRSD Act. MW provided a detailed response on **8 February 2022**, advising they did not object to the proposal but recommended various conditions, included in statutorily endorsed Work Plan Variation. The application was referred via S52 (Notice) process through this application. Conditions relating to preparation of concept plans of proposed internal channel and rehabilitated connection to Boggy Creek, detailed engineering plans and maintenance agreement were provided in referral response dated 12 November 2025. These conditions are to be included on any permit should the proposed by supported.
Affected party *Groundwater management - The site is within the Frankston Groundwater Management Area. Groundwater is potentially*	Southern Rural Water (S52 – Notice)	Southern Rural Water (SRW) was referred the Work Plan Variation was referred under Section 77TE of the MRSD Act. No referral response was provided. SWR was referral the application at planning pre-application stage on 30 July 2025 and again on 29 September 2025, following

being intercepted the quarry operations.	formal lodgement. No response was provided.

Municipal Council Comments

124. An application for a largely identical proposal was previously made to Frankston City Council. As discussed, the Council determined to refuse the proposal on 3 October 2023.

125. The council considered the application subsequentially made to DTP and provided a formal objection on 22 April 2026. The objection reiterated many concerns which were stated as grounds of refusal, as well as identifying new policy considerations since August 2025, specifically:

- **Gazettal of Amendment C156fran**, which implements *Biodiversity Action Plan 2021–2036*, *Urban Forest Action Plan 2020–2040*, *Integrated Water Action Plan 2016–2026*, and *Climate Change Strategy 2023–2030* into the Planning Scheme as MPS, PPF and background documents.
- **Biodiversity Action Plan** which maps priority corridors to be protected, and remaining habitat fragments connected to allow safe, unimpeded movement of fauna.
- **Clause 12.01-1L** (Protection of biodiversity), which identifies the subject land as part of an existing and potential biodiversity corridor, encouraging retention of remnant indigenous vegetation and reinstating habitat links through re-vegetation and rehabilitation.
- **Urban Forest Action Plan** which seeks to ensure no net loss in canopy coverage throughout the municipality and targets planting and vegetation retention in identified habitat corridors and heat-vulnerable areas.
- **Clause 12.05-2L-02** (Urban Forest) reinforces the protection of environmental and landscape values, including existing and potential wildlife corridors. Council note the removal of native vegetation, and the extension of quarry operations would compromise the function and continuity of identified corridors and undermine broader ecological connections.

126. Key referral comments received from the council are summarised in the table below.

Key issue	Council comments	DTP response
Biodiversity comments		
Environment & Sustainability	• Environment and Sustainability do not support the use and development for extractive industry recommends the application be refused. • Site supports some of the most significant remnant vegetation within the municipality, as supported by independent ecological assessment of the site undertaken for Council by Ecological Consultant Abzeco in 2023. • Proposal would remove all indigenous vegetation within the proposed impact area, without any possibility of retaining significant habitat which is wholly inconsistent with the objectives of the Rural Conservation Zone. • Proposal conflicts with strengthened local biodiversity/urban forest policy now in the Frankston Planning Scheme via Amendment C156fran (gazetted) that elevates habitat connectivity, corridor protection and canopy retention as local policy imperatives. • Submitted Ecology & Heritage Partners (EHP) report includes amended survey for Southern Toadlet, as recommended. Survey did not identify Southern Toadlet on the site, and no other recommended targeted surveys were undertaken, however daytime searches for evidence of Powerful Owl was undertaken.	DTP supports Council's conclusion the environmental impact of the proposed expansion is unacceptable, and the proposal should not be supported. A detailed assessment of the proposed native vegetation removal and disruption to the biodiversity corridor is provided within the Environmental Risks section of the report. To summarise, DTP agrees the substantial loss of this extent of native vegetation, undermines the policy intent of the relevant MPS, PPF, RCZ2 and ESO1, all of which seek to promote retention of remnant vegetation. The nature of quarrying operations are very distributive and necessitate clearing vast tracks of land which is entirely inappropriate on land which has been identified as part of a priority biodiversity link and would directly contravene Council's recent

	• EHP reporting concluded the removal of the native vegetation would not adversely impact high priority corridors or Powerful owl habitat, which is not consistent with Council's position.	biodiversity and urban forest strategic policies.
Impact on Corridor 1 (C1) bio link	• Council maintain biodiversity impact of vegetation removal and this amount of habitat within one of the highest priority wildlife corridors in Frankston will significantly impact biodiversity within the broader landscape. • Abzeco biodiversity report commissioned by Council included following statements: - *The corridor function, vegetation on the subject land, and species likely to use the corridor is not fully understood.* - *The notion that the subject land will be "rehabilitated and revegetated within 10 years of extraction" and the that "long-term integrity of the biolink would be maintained" has not been tested or analysed.* - *What are the precedents for revegetation? What are the anticipated standards and criteria? What are the numerous technical limitations? Will the quality of this reinstated vegetation match the original?* - *Will eucalypts ever grow large enough to develop hollows sufficient to support fauna likely to be currently nesting and/or roosting on-site? If so, how long could this take (e.g. 100 or 150 years)?* - *What fauna may be expected to utilise revegetation and in what capacity after the proposed works are completed?* • The alternative corridor may reflect the quality and extent of vegetation that occurs within the C1 corridor running through low density residential areas, the proposed alternative corridor does not represent what is being lost from the existing corridor, as the vegetation at 60 Valley Road is not subject to many of the pressures coming from residential blocks and associated infrastructure. • The property at 60 Valley Road is currently unoccupied and is not fragmented with residential fencing and associated infrastructure that could impede the movement of ground dwelling fauna. • The proposed interim 2.5m wide biolink is functionally inadequate to meaningfully support ecological processes and the narrow width fails to reflect best-practice principles for habitat linkage. The result is further fragmentation of existing habitat.	As above, DTP agrees with Council's position that the removal of remnant vegetation within the biodiversity corridor would have irreversible ecological impacts and should not be supported. The alternative biodiversity corridor alignment intersects the narrow 'axe-handle' portion of the site, and extends west, traversing approximately 10 additional private properties. The ongoing management of vegetation and future development of these lots is difficult to control compared with the large patch of native vegetation part of the subject site held by one landowner. The protection of this vegetation is not guaranteed where the corridor falls within the defendable space area surrounding adjoining dwellings. The length of time required to fully revegetate and restore the corridor following the extraction of the land is not deemed to be an acceptable outcome.
Impact on habitat and ecological communities	• Future revegetation or remediation of the site may not account for the loss of hollows, large logs, and ephemeral water bodies that are currently providing habitat for a range of common native fauna species and potentially some threatened species. • Little assurance exists that the alternative corridor will be maintained or managed in a way that supports and secures vegetation, wildlife movement or threatened species until site is revegetated and remediated.	Comments noted. DTP acknowledges the significance of the vegetation patches on the land and agree the rehabilitation plan and biodiversity report provided does not provide sufficient assurance the interim biodiversity link and future revegetation would deliver ecological outcomes which are comparable to the current

	• The impacts of reduced connectivity for several fauna species are typically cumulative and given the already compromised connectivity in the broader area, it is likely that fauna, threatened or not, will be impacted in some way. • Heathy Woodland vegetation found on the study site has higher regional significance given there is very little Heathy Woodland remaining in the Bioregion which is not highly degraded by weed invasion and other factors (such as inappropriate fire regimes, feral/native grazers and browsers, and climate change). • The study area is known to support at least one FFG Act-listed flora species, and two other likely undescribed and threatened flora species.	conditions. The cumulative impact of severing the biodiversity corridor to fauna movement and breed habitat across the municipality remains a key concern.
Powerful Owl Habitat	• Subject land lies within the home range of a Powerful Owl pair that has successfully bred in recent years. • Land has been modelled as supporting High Suitability habitat that represents areas likely consistently used by Powerful Owls and contain core-range resources essential for their survival. This modelling by Deakin University Powerful Owl Research Team (DUPORT). • Suitable habitat for Powerful Owls in the peri-urban environment should not be compromised, noting even one record of Powerful Owls should be considered as significant for some kind of habitat use of a territorial pair. • Peri –urban owls have utilised and formed territories around habitat patches that don't fit the traditional 'large untouched old growth forest' description and are able to use fragmented landscapes. • Powerful Owls have large spatial and habitat requirements, impacts should be considered on a cumulative perspective rather than an isolated event. An owl occurring in urban and agriculture settings may be relying on the only habitat remaining in that local landscape and even small-scale habitat loss in these settings may have a greater impact. • The site is part of an area of critical hunting/ foraging habitat for this local Powerful Owl pair and potentially suitable for the establishment of new territories by juvenile owls.	Comments noted. The importance of the land as territory for the Powerful Owl in the locality is recognised and the loss of mature trees which provide breeding hallows for these species is a concern, particularly given the extensive length of time required to restore this quality habitat.
Rehabilitation plan	• The submitted rehabilitation plan provides range of standard practice guidelines for revegetation projects typical such plans. The plan adequately covers general revegetation principles, provision of habitat (nest boxes, hollows, and log placement), soil contouring (briefly) and weed control, it is generic in nature and missing several important elements necessary for rehabilitating such a large and significant old growth site. The plan is more correctly described as a revegetation plan rather than rehabilitation plan. • The importance of this site as a significant remnant of old growth Heathy Woodland within the Frankston LGA requires a specialist approach to its restoration. Council is not satisfied that EHP report is prepared by	Consideration of the proposed rehabilitation plan is provided within the assessment section of the report. DTP agrees the rehabilitation plan does not provide sufficient comfort the land can be restored to comparable ecological value within a reasonable timeframe. The loss of hundreds of habitat opportunities within a specifically identified biodiversity corridor critical to the movement of fauna across the municipality, cannot be effectively justified. Even where the revegetation recommendations are

	rehabilitation specialists with sufficient expertise in this field to provide a plan to remediate the complete loss of all biodiversity at this site. • The plan does not adequately consider: - Storage of topsoil for eventual restoration to ensure seedbank and mycorrhizal fungi (essential for successful establishment of many species) are returned to the site (topsoil stockpiling is only mentioned briefly without any detail) - Requirement for detailed flora and fauna survey over all seasons prior to removal to document all species present and provide a basis for plan salvage and seed collection - Seed collection and propagation –particularly important for preservation of the threatened and significant species identified at the site (refer to Abzeco report) - Flora salvage –a flora salvage plan must be incorporated into the rehabilitation plan -the plan must incorporate data from the pre-clearance flora survey and include provision for salvage and storage of seed, cuttings, plants, and topsoil (to preserve soil seed bank and fungi). • Rehabilitation plan should reference technical limitations, Sensitive removal of trees and vegetation, Fauna salvage, key habitat trees identified for salvage as logs and hollows, areas of high-quality understorey where plant salvage and topsoil salvage are required, individual and groups of plants identified for salvage, detailed design for surface contouring. • Revegetation of the site once extraction is completed will result in a much lower quality habitat than would retaining the existing mature canopy and diversity of the ground layer and soil seed bank. • Revegetating this site will be very expensive and may not necessarily be successful, depending on climatic variation of the coming years. It is possible that the replanting of tube stock may fail one or more times before a revegetated woodland is established. The species list provided is indicative only and based on the EVC benchmark for Heathy Woodland. There is no discussion or evidence provided that the proposed species mix will establish successfully at this site.	implemented in full and the land successfully rehabilitated, the loss of habitat which has been created over decades of land conservation cannot be offset to a sufficient level to justify the proposal.
Landscape/ Open space comments		
Landscape	• The proposal would have unacceptable impacts on the landscape and biodiversity values protected under ESO1 and is inconsistent with the objectives of the overlay particularly: o seeking to protect significant landscape features o prevent the incremental loss of native vegetation o maintain ecological values within the overlay area.	DTP agrees with Council's conclusion the expansion would have a severe modification of the landscape value of the locality. Various local policies support low intensity uses which maintain rural landscapes within green wedge areas. The expansion of quarrying operations will be enormously disruptive to the broader landscape and while capable of being partially screened through planting,

	• The extent and intensity of the proposed extraction will result in substantial modification of the natural landform and vegetation removal that cannot be adequately replaced through the proposed rehabilitation strategy. • The subject site is approximately 7.8ha, with a proposed extraction footprint of 5.3ha, equating to the loss of more than 68% of the site's biodiversity values. This figure does not include additional vegetation removal associated with the proposed access corridor, driveways, and ancillary infrastructure. The scale of vegetation clearance represents substantial loss of existing native vegetation within an area explicitly identified for environmental protection under ESO1. • The proposed landscape treatments, including boundary plantings and bunds, are narrow (generally less than 7 metres in width) and are unlikely to provide effective landscape screening or visual buffering for adjoining residential dwellings for a considerable period. Given the magnitude of excavation proposed, there is limited capacity for meaningful landscape recovery within an acceptable timeframe. • The configuration of the proposed access driveway, located between narrow planting areas, is also of concern. This arrangement is likely to compromise the establishment, long-term viability, and mature growth of proposed vegetation due to edge effects, vehicle impacts, and constrained soil volumes.	does not align with the intended landscape quality of the RCZ buffer area. It is recognised that while the proposal is exempt under the ESO1, the application of this overlay on the land acts as an indicator of the high-value remnant native vegetation and fauna habitat which exists on the site, sought to be largely cleared to allow the expansion.
Arborist	• The submitted arborist report contains basic information presented in a format that is inconsistent with the FCC reporting guidelines. • The report provides a reasonable discussion of the neighbouring property trees. The previous report by Treelogic was prepared to higher standard. The arborist report is not supported as currently presented.	Comments noted. The arboricultural assessment submitted with the application is also supplemented with data collected through previous assessment, which was prepared in March 2023. The revised arborist report and the tree data for adjoining properties is considered out of date for a detailed assessment, however given the site layout and separation provided by boundary accessway and noise bunds, the recommended setbacks are achieved the report concludes no adverse impact on neighbouring trees would result from the extraction process. Where the proposal could be supported, DTP would recommend seeking updates and preparation of a tree protection management plan lodged for approval.
Planning comments		
Strategic Planning	• The application conflicts with the purpose of the Rural Conservation Zone –Schedule2 (RCZ2) and with strengthened local biodiversity/urban forest policy now in	DTP agrees there is insufficient strategic justification to support the proposal. The application directly

	the Frankston Planning Scheme via Amendment C156fran (gazetted) that elevates habitat connectivity and corridor protection. • Amendment C156fran was gazetted into the Frankston Planning Scheme. The Amendment implements the *Biodiversity Action Plan 2021-2036, Urban Forest Action Plan 2020-2040, Integrated Water Action Plan 2016-2026 and Climate Change Strategy 2023-2030*by updating the Municipal Planning Strategy, Planning Policy Framework and Schedule to Clause 72.08 (Background documents). • The *Biodiversity Action Plan 2021–2036* and *Urban Forest Action Plan 2020–2040*which direct no net canopy loss and prioritise biodiversity corridors (including those linking Pines FFR ↔ Royal Botanic Gardens Cranbourne ↔ Langwarrin FFR). • This increases the weight against further vegetation removal/fragmentation on this site. • The RCZ's purposes and the RCZ2 conservation value statement continue to weigh against extractive industry in this location, which typically belongs in Green Wedge Zone (GWZ) /Special Use Zone – Schedule 2 (SUZ2) contexts with appropriate access and buffers. • Extractive industry on RCZ2 is not a preferred or typical land use and undermines the zones conservation intent. • The RCZ2 precinct functions as a buffer between heavier industry/quarries to the south and established housing to the north along Valley Road; expansion of quarrying erodes that role. (Role inferred from the zone purposes above). • There is insufficient strategic support to extend quarrying into RCZ2 at 60 Valley Road.	contravenes the objectives of the RCZ and various MPS and PPF provisions, as discussed in the below assessment section. The policy justification to refuse the application has been strengthened by the gazettal of Scheme Amendment C156fran in December 2025. The removal of vegetation and impacts to the C1 biodiversity link would be a significant deviation from the documents implemented through this amendment and would undermine Council's extensive strategic work.
Engineering comments		
Drainage	• *Surface Water Management Report, Appendix F* refers to a 3-metre noise wall on the northern 3m bund, however, the cross-section shows only a 2m bund. Please clarify which 3m wall and 3m bund this refers to. • The figure numbers and dates listed in the amendments do not match the actual figure numbers and dates shown on the drawings. • Please ensure that all cross-section details are consistent with the design intent outlined in the amended proposal. • Clarify if rehabilitation of the existing quarry will occur after completion of the new quarrying works, or will it occur progressively during the quarrying of the proposed extension and provide/amend the details in the report accordingly.	Comments noted. DTP considers the surface management plan provides sufficient detail for the purpose of the assessment and revisions could be sought through permit condition in the circumstance the proposal was supported. The rehabilitation of the existing quarry is proposed to occur concurrently with extraction of the expansion site.
Traffic	• No objections to the use of existing vehicle crossovers to the site via Quarry Road, noting that vehicle access to the site via the existing crossovers on Valley Rd will be restricted to light vehicles and emergency use only. • TEA informs that the proposal will result in 4 additional	Noted. The proposal is not anticipated to generate unreasonable traffic impacts on the surrounding road network.

	operational staff on site. • The on-site parking provision is shown to accommodate the additional staff parking as well as up to two visitors at any one time. • Submitted concept plan showing up to 16 appropriately sized on-site car parking is satisfactory and associated signage should be installed to inform of these parking spaces. • The traffic impacts from the proposed expanded sand extraction activity are shown to be accommodated by the nearby road network with no significant impacts on existing traffic conditions. This is acceptable.	

Notice

127. The application is <u>not exempt</u> from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act) pursuant to the following provisions:

- Clause 35.06-1 – Use of land for extractive industry (Rural Conservation Zone, Schedule 2)
- Clause 35.06-5 – Buildings and works associated with Section 2 land use (extractive industry) (Rural Conservation Zone, Schedule 2)
- Clause 35.06-5 – Earthworks which change the rate of flow or discharge point across a property boundary ((Rural Conservation Zone, Schedule 2)
- Clause 52.08-1 – Use and develop land for earth and energy resource industry (Earth and Energy Resources Industry)
- Clause 52.09-1 – Use and develop land for an extractive industry, sand quarry (Extractive Industry and Extractive Industry Interest Areas)

128. There are no provisions applicable to this application which <u>exempt</u> from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

129. The applicant was directed to give notice by way of erecting signs on the Valley Road and Quarry Road frontages of the site and notifying adjoining owners and occupiers within a 1-kilometre radius of the proposed expansion site, as shown in Figure 17 below. This notice extent was consistent with the extent of notice previously undertaken by Frankston City Council when they considered the proposal and is considered appropriate based on the scale of the proposal and potential offsite amenity impacts.

130. At the time of writing, **203** objections have been received. The concerns raised include:

- Dust, air quality and health impacts
- Noise and vibration impacts
- Traffic and impact of heavy vehicles
- Procedural/ governance issues
- Distrust with the operator and track record of poor compliance in the past
- Property values impacts
- Water, hydrology and sedimentation impacts
- Accuracy of technical reports
- Cumulative impact of existing quarries
- Rehabilitation concerns
- Biodiversity, habitat loss and wildlife impacts

- Environmental impacts
- Residential amenity impacts and liveability
- Acid sulphate soils and risk of contamination
- Buffer distances and proximity to residences
- Conflict with Rural Conservation Zone and Planning Policy

131. A detailed summary of submissions and DTP responses are provided in Table includes in **Appendix 1** of this assessment.

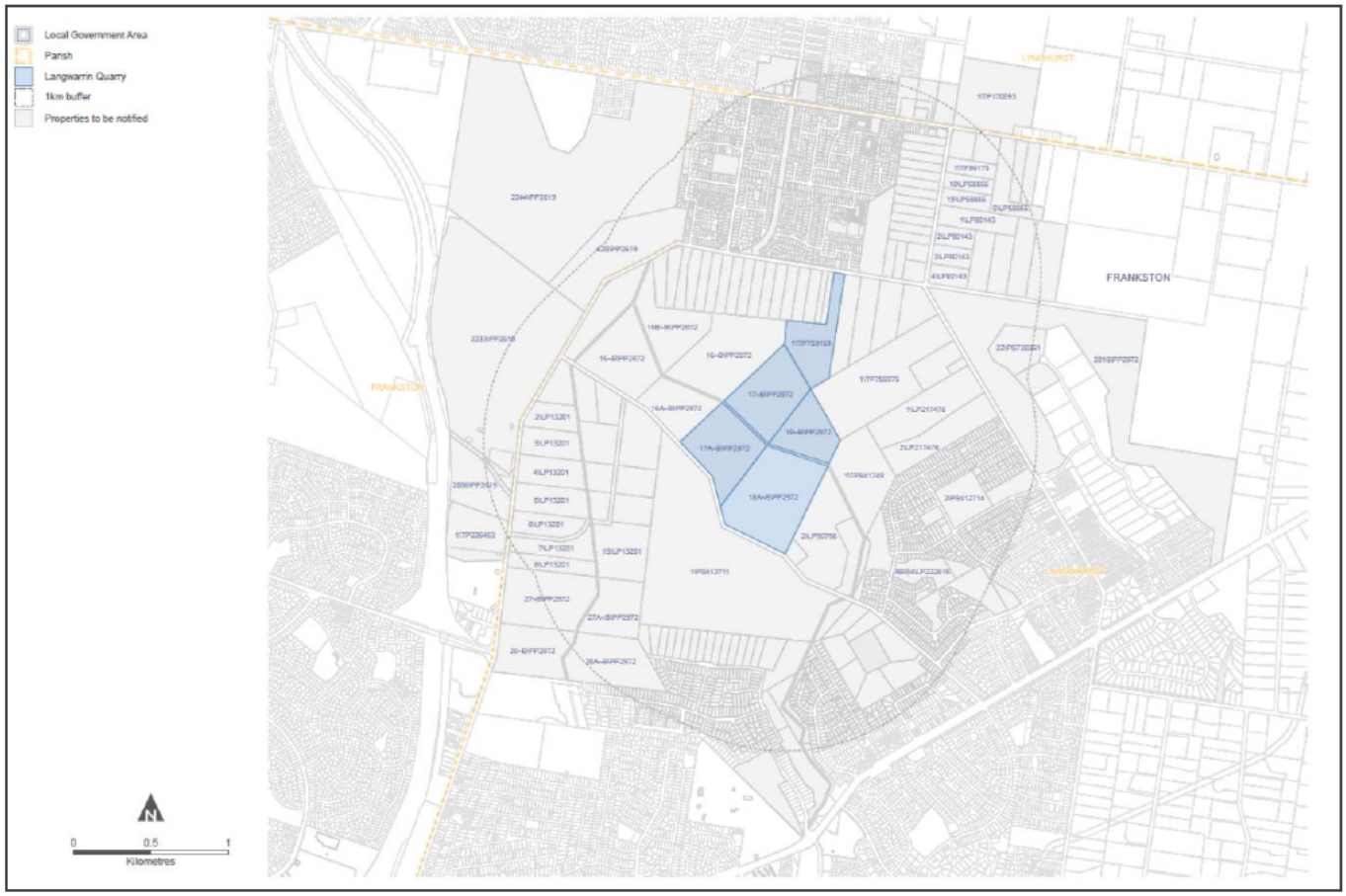

Figure 17 Public notice extent, all properties within 1-kilometre radius of subject parcels

Strategic Direction

132. The *Municipal Planning Strategy* sets out the spatial context of the local government area, vision, strategic directions and framework plans to guide the growth and development of the municipality.

133. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

Municipal Planning Strategy (MPS)

134. The proposed land use and development are not deemed properly consistent with the strategic directions set out in the MPS. Detailed analysis of the relevant MPS provisions and where the proposal lacks alignment is provided below.

135. The context set out at Clause 02.01 (Context) details the land outside of the urban growth area, located within Frankston's Green Wedge which supports a mix of agricultural activities, environmental and open spaces areas.

136. The municipality's remaining areas of remnant bushland provides recreation and environmental resource for the region, and the importance of conserving bushland and biodiversity corridors is listed as a key goal at Clause 02.01 (Context). The proposed expansion necessitates the removal of substantial extent of native vegetation and will be detrimental to the movement of wildlife across the region, which does not support this objective.

137. The vision set out at Clause 02.02, specifies the following vision strategies relevant to this proposal:

- *Protect and enhance heritage, unique characteristics and the environment of the municipality.*
- *Protect the environmental values of Frankston's Green Wedge.*
- *Provide a healthy and safe environment for residents, workers and visitors.*
- *Facilitate the development of Frankston's economy particularly through employment and industrial uses.*
- *Protect and preserve biodiversity and enhance the natural environment.*

138. It is recognised the proposal would facilitate economic development within the municipality, with a projected extraction value of approximately $43.2 million and annual economic output of $8.7 million annually during operation. Section 60(1)(f) of the Act requires the responsible authority to consider any significant social and economic effects the use or development may have. The economic context assessment submitted to support the proposal identifies the expansion will provide for 4 direct additional jobs and assist in servicing the growing demand for sand and gravel, which is driven by delivery of infrastructure, residential construction, subdivision and broader population growth. The project would also supplement supply within metropolitan Melbourne, improving efficiency and reducing transport costs to deliver materials to where they are required by the market. DTP recognises the alignment between this project and the economic development objectives for the municipality.

139. Simultaneously, there are major misalignments between the proposal and other relevant vision strategies within the MPS, specifically relating to the protection of environmental characteristic, including environmental values of the Green Wedge. While there are existing quarrying operations within the Langwarrin area, immediately outside the urban growth boundary, the proposed expansion site has significant environmental and landscape values which should be protected where possible. The expansion site contains three large patches of native vegetation, classified as Healthy Woodland EVC and all of which were identified as high quality habitat zones. There is no native vegetation being retained on the land and the application is considered to directly contradict the environment related vision strategies, which encourage the protection and preservation of biodiversity.

140. The vision also references providing a health and safe environment for residents, workers and visitors. The proposal has capacity to result in adverse amenity impacts to surrounding residential properties, associated with noise, vibration, traffic movements, dust and air pollution. Based on the advice of the EPA, further modelling and assessments are required to confirm the scope of impacts, specifically relating to cumulate noise and dust extent. The impacts are assessed in detail in the below amenity section of this assessment; however, concerns are held

with the capacity of the project to deliver this aspect of the municipal vision given the limited separation between the expansion site and existing dwellings.

141. Sections 60(1)(e) of the Act requires the responsible authority to consider any significant effects the use or development may have on the environment. The economic benefits are not considered to outweigh the potential environmental, health and amenity impact potentially associated with expansion and the application is not considered to appropriately respond to the strategic vision overall.

142. Clause 02.03-1 (Settlement, Frankston's Green Wedge) refers to the important role played by the green wedge area in protecting and preserving land for agricultural activities as well as the protection and conservation of flora and fauna within the area. The development seeks to clear all vegetation from the southern portion of the expansion site, which is not consistent with these protection and conservation objectives.

143. Clause 02.03-2 (Environmental and landscape values) also identifies strategic directions such as '*minimise and manage the loss and fragmentation of locally indigenous and native vegetation to avoid loss of biodiversity' and 'secure and enhance habitat corridors to sustain the health of indigenous flora and fauna communities by allowing the safe and unimpeded passage of fauna'*. These objectives would be undermined by the extent of native vegetation and habitat removal required to facilitate the expansion.

144. Additionally, the proposed pit would entirely sever the high priority biodiversity/ conservation corridors which have been identified between the Pines Flora and Fauna Reserve and Royal Botanic Garden Cranbourne and run across the expansion parcel at 60 Valley Road. Severing this corridor would create unacceptable fragmentation of habitat and directly undermines the objectives of these MPS provisions and the guiding policy documents, which seeks to secure and enhance habitat corridors to sustain unimpeded passage of fauna.

145. Clause 02.03-3 (Environmental risks and amenity) contains strategic directions to protect residential amenity, seeking to ensure non-residential use are responsive to their surrounds and minimise land use conflicts. The proposed expansion seeks to erode the spatial buffer area between established quarry operations and residential areas and will create new land use conflicts.

146. Clause 02.03-4 (Natural Resource Management) contains specific policy guidance on extractive industry sites, including the existing quarry site at 150 Quarry Road, will capacity to be utilised as landfill sites in future. The directions include maintaining a non-urban zoning for land adjacent to extractive industry and plan for open spaces and high priority conservation corridors to replace redundant extractive activities. Where this quarry expansion to proceed, the site would immediately adjoining residential zoned land to the north which contradicts this direction. As discussed, the expansion would also sever the conservation corridor identified to cross this parcel.

147. The quarry expansion land is identified as within the green wedge and environmentally sensitive area in the municipal strategic frameworks plan (Clause 02.04-1), subject to fire risk in the environmental risk map (Clause 02.04-3) and forms part of existing and potential habitat corridors shown on the environmental & landscape values plans (Clause 02.04-4).

148. The resource management plan (shown as Figure 18), provided at Clause 02.04-6 clearly identifies containment of the extractive industry area within the boundary of 150 Quarry Road and the expansion site at 60 Valley Road within the defined southeast green wedge area. This plan is considered to clearly demonstrate the strategic buffer which is provided by the green wedge areas between the quarry operations and northern residential development. The application presents a major deviation from this strategic plan and would compromise the function of the green wedge area.

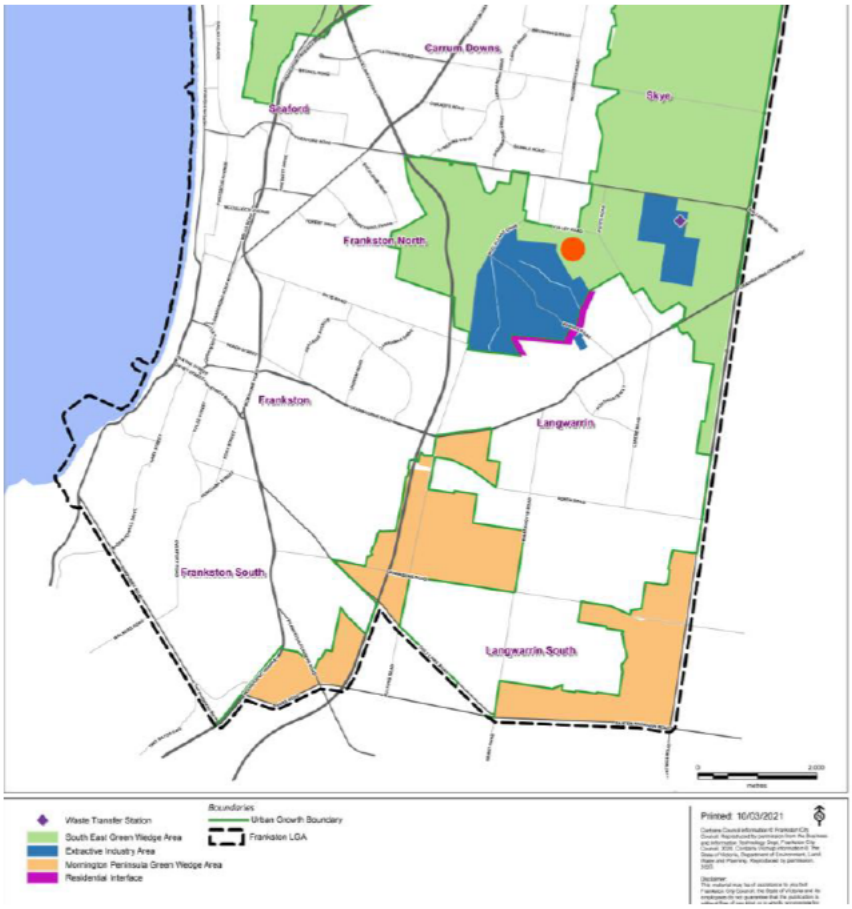

Figure 18 Resource management map - strategic framework plan (expansion site in red)

Planning Policy Framework (PPF)

149. The application has been considered against the state and local planning policy framework and is not considered to effectively align with relevant provisions. The objectives of the relevant provisions and areas where the proposed is inconsistent are described below.

150. Clause 12.01-1S and 12.01-1L (Protection of biodiversity) seek to protect and enhance biodiversity and requires decision making to take into account the cumulative impacts of development and habitat fragmentation. As discussed, the expansion site has been explicitly identified as a high priority biodiversity corridor. The site is abutted by residential development to the north and established extractive industry operations to the south. On this basis, the capacity for an alternative alignment is limited, constrained to areas with similar vegetation and habitat areas. The alternative biodiversity linkage alignment proposed seeks to traverse centrally across the 'axe-handle' portion of the expansion site and central areas of the adjoining RCZ2 parcels to the west, rather than along the southern boundary of these parcels. There is no mechanism to secure the ongoing maintenance of the vegetation on these adjoining private lots, particularly given the alignment is closer to existing dwellings on these site and removal of vegetation is these sites is likely exempt through under bushfire defendable space. On this basis, the alternative corridor is not considered a functional solution to mitigate the vegetation loss. The cumulative impacts of additional encroachments and severing of the corridor is entirely misaligned with these provisions.

151. In the long term, within 10 years of extraction, the proponent intends to rehabilitate the site to re-establish the corridor in the original location. While the intent to re-establish the corridor is recognised, the integrity of the revegetated corridor would be significantly compromised, likely for decades, with no guarantee the high functioning biodiversity asset can be fully redeveloped.

152. The Biodiversity Assessment prepared by Ecology & Heritage Partners, submitted to support the application refers to identifies three habitat zones within the subject site, all of which are high-quality, with low weed cover and large

trees. These areas provide suitable habitat for several native species, including parrots, possums, microbats, gliders and owls. The assessment identifies a total of 4.569ha of native vegetation to be removed. While offset requirements, including 3.754 general habitat units and 79 large trees are detailed in the submitted Native Vegetation Report and have been supported by DEECA (Environment) through conditions in the work authority variation, the loss of this extent of native vegetation directly undermines the policy intent of Clause 12.01-1S and 12.01-1L which explicitly encourage protection of indigenous flora and fauna and enhancement of habitat corridors.

153. Clause 12.01-2S (Native Vegetation Management) seeking to ensure there is no net loss to biodiversity and to ensure decisions apply the three-step approach of avoid, minimise and offset native vegetation which is required to be removal to facilitate development. Due to the nature of the proposal, no native vegetation is to be retained within the southern portion of the land where extraction would take place. While the northern portion of the land is sought to be retained as 'conservation area' this land is narrow and more sparsely vegetated in comparison. While it is recognised the application does not require consent under Clause 52.17 for the removal of native vegetation and offsets are to be secured and enforced through the variation to the work plan, the substantial loss of native vegetation without any functional avoidance and minimisation strategies is at odd within the policy, particularly within the broader policy context of the Rural Conservation Zone.

154. Clause 12.05-1S (Environmentally Sensitive Areas) seeks to protect areas with significant environmental conservation or recreational values while Clause 12.05-2S (Landscapes) seek to protect and enhance significant landscapes that contribute to character, identity and sustainable environments. The RCZ buffer area between the existing extractive industry uses and Skye residential development to the north is considered to be an identifiable character area within the municipality which performs aesthetic, environmental and conservation functions. The expansion of the quarry operations into this buffer area will fundamentally alter the landscape.

155. The application is supported by a Landscape & Visual Assessment, which argues while quarrying is an inherently disruptive activity, the visual impact of the proposal is limited to the removal of vegetation and construction of noise bunds and acoustic walls. The topography of the land is generally low-lying which limits long range views to the site, and the report concludes there are no significant or sensitive viewing locations within the public realm where the site would feature in views. It is recognised the views from private dwellings will be altered, however screening through topography and/or vegetation will minimise the change compared with current conditions. While the limited view impacts are recognised, it is argued the character and environmental function of the land would still be degraded through the huge loss in native vegetation which is expected to be preserved in conservation areas.

156. Similarly, 12.05-2L (Frankston Landscapes) encourages low intensity uses which are consistent with the objective of maintaining rural landscapes, protect remnant bushland and landscapes within green wedge areas. As discussed, above, the expansion of quarrying operations will be enormously disruptive to the broader landscape and while capable of being partially screened, does not align with the intended landscape quality of this buffer area.

157. Clause 13.02-1S (Bushfire Planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Extractive industry is not a listed sensitive land use in the Bushfire Management Overlay, and the proposal is not anticipated to result in any unacceptable bushfire risk where the recommended vegetation management and site operational arrangements identified in the submitted Bushfire Planning Assessment are effectively implemented.

158. The Clause 13.05-1S (Noise management) seeks to ensure community amenity and human health is not adversely affected by noise exposure, to be managed through urban design and land use separation techniques as appropriate to the land use function and character of the area. The provision requires consideration of the EPA Noise Protocol, which the submitted acoustic assessment demonstrates can be met through the mitigation measures of earth bunds and acoustic screens. Further risk minimisation is proposed through installing broadband squawkers alarms to all mobile plant to eliminate risk of tonality impacts, turning off engines and equipment when not in use and selecting 'low noise' options for equipment where available. Overall, the acoustic assessment demonstrates the noise impact could be reasonably managed through recommended physical noise bunds and barriers, however revisions are required to correct the noise limit to align with EPA advice, which could be managed through permit condition should the application be supported.

159. Clause 13.06-1S (Air quality management) seeks to assist in the protection and improvement of air quality through ensuring that suitable separation is provided around land uses that pose a risk to human health. The air quality assessment provided, concludes the proposal will result in an improvement to overall environmental air quality, compared with current operations. The conclusion is drawn based on adoption of additional dust control measures, which reduce emissions and therefore allow for the extraction within the extended area and will result in improved air quality for several local receptors. It is noted the modelling informing this result does not consider the impact of cumulative dust emission added to the surrounding quarry operations and as such further data is required to demonstrate this outcome would materialise, justifying the limited separation between the development and residential dwellings.

160. The objective of Clause 13.07-1S (Land use compatibility) is to protect community amenity, human health and safety, while facilitating appropriate uses which have potential adverse off-site impacts. The expansion of the quarry is anticipated to have unacceptable amenity impacts on surrounding residential properties, particularly given the cumulative impacts of the several established quarries in the area. The expansion would allow extraction pit within 325 metres of dwellings within the adjoining General Residential Zoned land to the north of Valley Road and approximately 165 metres from the nearest dwelling at 50 Valley Road, within in the Rural Conservation Zone. It is acknowledged operational management strategies are provided to minimise amenity impacts of noise, dust and silica emissions, heavy vehicles movements and soil contamination are detailed in the proposal. However, concerns are held with the strategic appropriateness and land use compatibility of these operations immediately abutting residential uses.

161. Clause 13.07-1S requires consideration of the Separation Distance Guideline (August 2024), prepared by the EPA. The guidelines provide recommended separation distance of 500 metres for quarrying with respirable crystalline silica. The proposed expansion significantly encroaches on this recommended separation, and risk of expanded quarrying operations and associated silica dust is not deemed compatible with the established sensitive land uses surrounding. It should also be referenced this separation distance has been increased from 250 metre separation, the variation of which was previously deemed inappropriate by Council.

162. The EPA have provided recommended conditions to be applied to the varied work authority through the Section 77T referral process, including requirements for ongoing monitoring respirable crystalline silica, remodelling of the dust assessment to demonstrate treatment plan for air quality meets relevant standards and assess compliance with relevant noise limits and standards. While management through application of the work variation conditions may be sufficient, the EPA explicitly state the dust study does not include sufficient information to demonstrate the variation to separation distances is appropriate. From a strategic perspective, DTP are not satisfied the application shows the expanded quarry operation can avoid adverse off-site impacts to surrounding residences. The amenity impacts section below assess these considerations in further detail.

163. With regard to the respirable silica, the monitoring undertaken finds the respirable silica particle size exceeds the maximum hazardous size, however the EPA have recommended ongoing monitoring to confirm risk is low.

164. Objectives and strategies to manage quarry operations are set out at Clause 14.03-1S and 14.03-1L (Resource exploration and extraction). These seek to encourage the exploration and extraction of natural resources in accordance with acceptable environment standards and avoiding conflicts with surrounding uses. While the importance of extractive industry development is recognised, this expansion is not considered to be within the parameters set out in these provisions, noting the permanent impact on biodiversity, landscape character and encroachment within recommended buffers areas around established residential areas.

165. Similarly, the scale of investment and economic benefits associated with the expansion is recognised. The Economic Context Report submitted identifies the short-term drivers for the project, including government infrastructure spending, pipeline of residential construction, road, highway and subdivision construction work. The economic output is anticipated as $8.7 million per year, supporting 11 total full times jobs. While these outcomes are largely aligned with the objectives of Clause 17.01-1S (Diversified economy), 17.01-1R (Diversified economy – Metropolitan Melbourne), 17.01-1L (Diversified economy – Metropolitan Melbourne, Southern Metro Region), on balance, these benefits are not deemed sufficient to offset to adverse impacts discussed above.

Land Use

166. As discussed, the use of the land at 150 Quarry Road for extractive industry is established and has operated -since 1975. This land is located within the Special Use Zone, Schedule 2, which is explicitly for the purpose of extractive industry uses. There is no consent for use of this land sought as part of this application, given consent has already been granted

167. The expansion of the extractive industry operation into the adjoining parcel at 60 Valley Road requires land use consent under the Rural Conservation Zone, Schedule 2.

168. While the use of the land for an extractive industry (sand quarry) is not prohibited under the schedule to the zone, the land use is considered incongruous with the purpose and decision guidelines of the RCZ based on the landscape and conservation values and remanent vegetation present on the land.

169. The proponent has submitted the absence of extractive industry land use being listed in Section 3 implies the use is reasonable to be considered within the zone. Clause 71.03-2 (Operation of Zones) refers to the inclusion of a land use within 'Section 2' does not imply a permit should or will be granted. The consideration of the purpose, decision guidelines, as well as relevant MPS, PPF and relevant particular provisions is required to determine the application.

170. It is recognised the use of the land in isolation is not prohibited and perhaps could be considered within the zone where the land was demonstrated to be significantly degraded and hold no conservation value. However, this is not the case in this instance, based on the high- value biodiversity and the immense clearing of native vegetation, fauna habitat and rural landscape required to facilitate the extraction. On this basis, the use is deemed entirely inappropriate within the context of the zone.

Buildings & Works

171. Various buildings and works are also sought facilitate the sand extraction use in the southern portion of the site, these include; construction of noise bunds and acoustic barrier, fencing and access roads around the perimeter and drainage works including the construction of swales, lined channel and gabion rock chute.

172. These buildings and works are generally minor in the scale of the wider proposal, however, are still considered inconsistent with the intention of the zone. The development aspects proposed do not function to protect or enhance the environmental or landscape qualities of the land. The noise bunds and associated acoustic screens will have maximum height of 6 metres and will create substantial visual impact on the relatively flat landscape.

Earthworks

173. Consent is also required under the zone for earthworks which change the discharge point of water across property boundary.

174. The expansion site is currently mostly undeveloped, and surface runoff is directed to a small dam at the south of the parcel, which has an outlet flow discharging into the existing quarry excavation, below the waterline. This water is used for quarry operations, with Heidelberg Minerals securing a licence from Southern Rural Water to use this water.

175. The proposal seeks to alter stormwater flows from the catchment to the north, to be captured in swales, drain into lined channel along the northern and western boundary of the excavation area and outflowed to the existing quarry land. The water will continue to be used be used for quarry works as required, however will be discharged across the boundary in a new location, via new gabion rock chute at the to the southeast.

176. Melbourne Water have sought for the natural flow paths of the catchment to be reconnected to Boggy creek during the future rehabilitation of the land post-extraction, however the environmental issues associated with the disconnection of the catchment from the creek will continue in the short term based on the interim drainage design.

177. A detailed assessment of the land use and buildings and works, against the purpose and decision guidelines of the RCZ2 are provided in the table below.

Rural Conservation Zone Purpose	
To implement the Municipal Planning Strategy and the Planning Policy Framework.	A thorough assessment of the proposal against relevant MPS and PPF policies is provided in the section above. The proposal is considered to conflict with several policies particularly relating to protection of environmental values and green wedge land, environmental risks and amenity, protection of biodiversity & native vegetation, landscape/ visual amenity and land use compatibility.
To conserve the values specified *in a schedule to this zone.*	Schedule 2 to the zone sets out the following conservation value statement: *To maintain and enhance the mosaic of low-key rural uses and remnant vegetation on small to medium size rural holdings in the Skye and Langwarrin areas.* The proposal would effectively destroy the rural character and remnant vegetation sought to be conserved and enhanced on the land. While there is capacity to revegetate the land following the extraction phase, there is insufficient strategic justification to support the extensive vegetation removal and interruption of rural mosaic of the landscape which is specifically identified for protection.
To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.	The detrimental impact to the ecological value of the landscape is anticipated to be significant. The proposal would sever the high priority biodiversity link implemented through the municipal biodiversity action plan, which currently facilitates breeding habitat and facilitates movement of fauna between key biodiversity reserves.
To protect and enhance natural resources and the biodiversity of the area.	As above, the biodiversity of the area is considered to be severely impacted particularly during the extraction period. The habitat and ecological values of area have been developed over decades and would take a minimum of 70 years to be effectively reinstated, if ever fully restored.
To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.	Use of land for extractive industry was never the intended outcome for this zone, which acts as an effective buffer area between the established extraction area and the residential land uses to the north. The land use is not consistent with suitable land management, rather entirely degrading the landscape in the short term. The proposal has little regard for the environmental sensitivity of the locality and is inappropriate on this basis.
To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.	N/A No agricultural use of the land is proposed.
To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.	The proposal is supported by an approved cultural heritage management plan which prescribes actions to conserve cultural heritage on the land. The application makes no contribution to the open rural character of the land.
Rural Conservation Zone - relevant decision guidelines	
General issues	
The Municipal Planning Strategy and the Planning Policy Framework.	As above.
Any Regional Catchment Strategy and associated plan applying to the land.	The existing extractive industry on the site at 150 Quarry Road disconnects the wider catchment from naturally draining to Boggy Creek. This proposal would further alter the movement of flows within the catchment, will runoff continued to be used for quarry operations in the short term and eventually reconnected following rehabilitation works. This aligns with current Southern Rural Water agreement.
The capability of the land to accommodate the proposed use or development.	As above, the no change is proposed to the treatment of volume of wastewater discharge on the land. Should the proposal be supported, a land capacity assessment would be required to validate wastewater can be accommodated as expected.
How the use or development conserves the values identified	The proposal does not conserve the rural uses of remnant vegetation

for the land in a schedule.	identified. The values will be degraded and largely destroyed.
Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.	The character and environmental function of the land would be degraded through the huge loss in native vegetation which is expected to be preserved in conservation areas.
Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.	The proposal is largely incompatible with adjoining land uses and is anticipated to have unacceptable amenity impacts on surrounding residential properties, particularly relating to noise, dust emissions, heavy vehicles movements and soil contamination.
Rural issues	
The environmental capacity of the site to sustain the rural enterprise.	N/A No rural enterprise is proposed.
The need to prepare an integrated land management plan.	N/A A land management plan has not been prepared, on the basis no agricultural operations are to be undertaken.
The impact on the existing and proposed infrastructure.	The proposal is not anticipated to have any unreasonable impact on surrounding infrastructure, on the basis extractive industries exist in the locality.
Whether the use or development will have an adverse impact on surrounding land uses.	The proposal is expected to adversely impact on the amenity of the surrounding land uses, in particular the low-density residential uses within the RCZ on adjoining parcels and the typical residential uses to the north. The proposal is incompatible with these uses and expected to generate significant amenity impacts, particularly given the cumulative impacts of the several established quarries in the area.
Environmental issues	
An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.	The application is expected to have unacceptable ecological impact, destroying remnant vegetation and habitat for several native species. The loss of native vegetation without any functional avoidance and minimisation strategies is at odds with this objective.
The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.	The site is particularly strategically important given the presence of the C1 high priority biodiversity corridor, which has been mapped based on the high-quality habitat features and location between key fauna reserves. The purpose of the corridor is to allow unimpeded, safe movement of fauna. The proposal does not enhance this corridor, instead will clear and disconnect it entirely.
How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.	The application includes the removal of approx. 4.5ha of high-quality native vegetation and due to the nature of the proposal, no native vegetation is to be retained within the southern portion of the land where extraction would take place. While the northern portion of the land is sought to be retained as 'conservation area' this land is narrow and more sparsely vegetated in comparison. The rehabilitation refers to weed control and some ecological supportive activities to be undertaken in the conservation area during extraction, however the net loss of vegetation is substantial and unacceptable in this context.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	There are no changes proposed to the wastewater treatment systems associated with the existing dwelling at the north of the expansion parcel or the staff amenities building on the existing parcel. Council's Environmental Health department previously advised upgrades to the dwelling system is required, however the impact of the system is not anticipated to have any additional impact on waterways or vegetation in the instance the proposal were to be supported.
Design and siting issues	
The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.	The acoustic bunds and barrier proposed around the perimeter of the extraction zones has a maximum height of 6 metres and is anticipated to have visual impact on the landscape. Combined will be substantial clearing of vegetation, the features of the locality are anticipated to be adversely impacted by the proposal.
The location and design of existing and proposed infrastructure services which minimises the visual impact on	The infrastructure services required to support the proposal are limited to construction of perimeter roads and drainage channels. The visual

the landscape.	impact of these services is generally minor and are not expected to be dominant in the landscape alone, rather the extensive vegetation clearing and excavation works to generate the unacceptable visual impact.
The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.	Again, the vast clearing of vegetation to facilitate extraction will have the largest impact on the natural scenic value of the landscape. Remnant native vegetation is identified in the schedule to the zone as a key conservation value of the land. A total of 4.5ha of native vegetation is sought to be removed, which will irreversibly degrade the appearance and biodiversity of the area.
The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.	As above, the internal roads sought to be constructed to facilitate the movement of vehicles and excavators across the land are located around the perimeter of the excavation area and are not considered to generate unreasonable visual impact, in the scope of the broader vegetation clearing and extractive land use.
The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	N/A - the land is sought to be used of extractive industries, consistent with statutory approved work authority.
Schedule 2 to RCZ – Conservation Values	
To maintain and enhance the mosaic of low-key rural uses and remnant vegetation on small to medium size rural holdings in the Skye and Langwarrin areas.	As above. The proposed use and development fundamentally contradict this objective and does not make any contribution to the maintenance or enhancement of rural character or vegetation. On the contrary, the proposal would profoundly damage the pattern of vegetated, low-key rural uses typical along this corridor of RCZ land, removing large tracts of native vegetation and impacting the landscape importance of the area more broadly.

Environmental Significance Overlay – Schedule 1

178. The proposal does not trigger consent under the Environmental Significance Overlay, as exemptions are provided for buildings and works and removal of vegetation, where associated with an extractive industry and undertake in accordance with a current Work Authority.

179. While a detailed assessment of the proposal against the purpose of the overlay and environmental objectives has not been undertaken on this basis, it is noted the presence of this overlay on the land further highlights the incongruous nature of the proposal within the spatial context.

180. Schedule 1 to the ESO is applied to land specifically identified with high-value remnant native vegetation and fauna habitat which contributes to the landscape character of the municipality. The proposed extraction seeks to entirely clear the native vegetation within the extraction area, which would entirely undermine the purpose of the overlay and resign the application of the overlay to this land irrelevant through eradicating the values sought to be protected.



Figure 19 Extent of ESO1 across subject site

181. In particular, the ESO1 seeks to *protect populations or communities of indigenous flora and fauna, protect and enhance bio links and ensure development is compatible with the long-term protection and enhancement of their botanical and zoological values*.

182. Despite the capacity of future rehabilitation of the land following the extraction process, the action of clearing the site and undertaking extraction is in opposition of these objectives in the short-medium term. There is also uncertainty regarding the capacity for future rehabilitated land to ever achieve the level of environmental values currently observed on the site.

183. Regardless of the permit exemption provided for extractive industries, the proposal is considered inappropriate based on the explicit protections sought to be applied through this overlay. Furthermore, the application of the overlay on the land would be functional useless should the proposed be supported, given the protected flora and fauna communities will have been removed entirely.

Bushfire Management Overlay

184. The Bushfire Management Overlay affects the entirety of the land at 60 Valley Road and majority of the land at 150 Quarry Road, excluding portion of the site at the northwest and southeast.

185. Extractive industry is not listed as sensitive land use at Clause 44.06-2. and no planning permit is required to construct or carry out works for an extractive industry within the Bushfire Management Overlay. On this basis, a detailed assessment against the requirements of the overlay has not been prepared.

186. Notwithstanding, the proposal is supported by a Bushfire Planning Assessment, which recommended the 'axe-handle' strip of land to the north of the proposed extraction area to be maintained in a low-fuel condition and site management arrangements be established to ensure safe movement of people on site in a bushfire event.

187. These recommendations would be considered sufficient to respond to potential bushfire risk, were the proposal to be supported.

Earth and Energy Resources Industry

188. Clause 52.08 (*Earth and Energy Resources Industry)* seeks to encourage land to be used and developed for extraction of earth resources in accordance with acceptable environmental standards and ensure planning controls are consistent with the other legislation governing land uses.

189. The application is accompanied by a copy of a work plan WA13 variation with statutory endorsement received under section 77TD of the Mineral Resources (Sustainable Development) Act 1990 as required by Clause 52.08-2. The conditions of the work plan variation manage impacts relating to air quality, noise and stormwater connections. As detailed in the subsequent sections of this report, amenity impacts associated with these aspects of the proposal are considered to have been reviewed by the relevant authority experts and can be effectively managed through mitigation measures recommended through technical documents to meet acceptable environmental safety standards.

190. The planning controls which apply to the land, in particular the Rural Conservation Zone, seeks to conserve environmental and landscape values and are not consistent with the extraction of the earth resources despite capacity for appropriate environmental standards to be met through other legislation. The requirement for a planning approval separate to approvals under the Mineral Resources Act 1990 demonstrates the need for extractive industries to be sited in locations zoned to support such disruptive land uses, and this application is not considered to respond effectively to the planning considerations.

Extractive Industry and Extractive Industry Interest Areas

191. The application has been considered against the purpose and decision guidelines of Clause 52.09 (*Extractive Industry and Extractive Industry Interest Areas*) and is not considered to appropriately align.

192. A purpose of the provisions is to ensure the use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction. The decision guidelines also require consideration of the effect of the extraction on the native flora and fauna on and near the land, natural landscape of the locality and the ability to rehabilitate the land.

193. The proposal is anticipated to have significant adverse impact on the environmental significance of the area, particularly given the extent of native vegetation removal and associated loss of fauna habitat within a dedicated biodiversity corridor. The rehabilitation plan provided recommendations for the reinstatement of the biodiversity values of the land, which would take several decades to achieve. These impacts are considered in detail in the subsequent sections of this report, however overall, the ecological impact of the proposal is deemed to be unacceptable and at odds with the purpose of this provision.

Amenity

Air Quality and Separation Distances

194. A detailed air quality assessment has been prepared to support the proposal, which considers anticipated air quality impacts at various stages of the expansion operation and recommended management strategies.

195. The assessment finds potentially high-risk impacts associated with the initial site clearing, removal of topsoil and overburden and construction of noise bund (Stage 1). This process would take 2-3 months to complete and is recommended to be undertaken in winter months when seasonable winds are less likely to impact sensitive receptors to the north. Continuous real-time monitoring would be required to record local air quality, in accordance with air quality management plan to be prepared prior to works commencing.

196. The following phase of the proposal (Stage 2) will include the commencement of sand extraction, associated processing and truck movements from the expansion parcel, as well as the rehabilitation of the existing quarry parcel. The assessment models the worst-case scenario for this operation, including the extraction of sand from the most northern section, closest to sensitive receptors.

197. As discussed, EPA Separation Distance Guideline (August 2024), provide recommended separation distance of 500 metres for quarrying with respirable crystalline silica. Figure 20 below demonstrates the additional dwellings

which fall within the separation distance based on the increased extraction zone. The proposed expansion significantly encroaches on this recommended separation, proposing minimum setback of 165 metres from the nearest dwelling in the RCZ and 325 metres from the nearby GRZ.

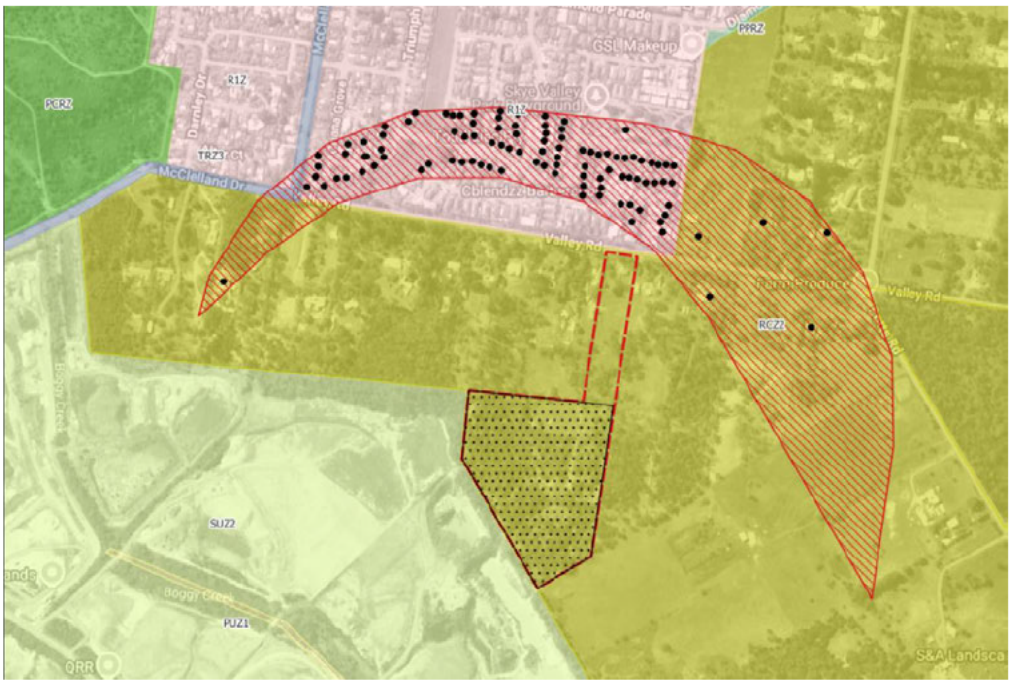

Figure 20 Additional dwellings located with 500m buffer distance of expansion quarry

198. Prior to being updated in 2024, the guidelines recommended a separation distance of 225 metres. The EPA was not satisfied with the level of justification provided to vary this distance, when the work authority was originally sought to be varied in 2022. The response stating; '*insufficient information to demonstrate why a 250 m separation distance has not been considered, and why a variation of the separation distance to 125 m is appropriate'.*

199. The EPA ultimately provided recommended conditions to be applied to the varied work authority through the Section 77T referral process, on the basis the monitored particle size of >53 microns, which is much larger than the 4 microns size reported to cause respiratory impacts and Silicosis disease. However, ongoing monitoring respirable crystalline silica is required by EPA conditions to validate this assumption. The EPA has not provided any updated response based on the increased separation distance requirements and concerns are held if this extent of variation is appropriate.

200. The submitted assessment recommends various management measures to mitigate air quality impacts, including:

- MCERTS instruments installed for continuous ambient air quality monitoring, set to send SMS alters and emails to site manager responsible for environmental management, who can trigger action response were exceedance occurs.
- Watering of roads to minimise dust emission as sand is hauled on internal roads, noting this is not feasible where water sprays would make sand unstable or impact stability of sloping roads.
- Avoid use of haul roads on hot/ dry days where possible.
- Use of venturi scrubber for drying and cooling activities which limits atmospheric emissions (not utilised on current quarry site).
- Use of low-dust quarrying method, including dredging and piping of slurry.

201. The modelling finds a measurable reduction in project contribution to overall environmental air quality is anticipated, compared with current operations. This conclusion is drawn based on adoption of additional dust control measures, which reduce emissions and therefore allow for the extraction within the extended area but also will result in improved air quality for several local receptors.

202. In addition, a significant contribution to air quality impacts is found to be associated with the rehabilitation of the exhausted quarry land, which is permitted and will proceed regardless of the outcome of this application.

203. The report concludes the air quality impacts will be *very low to negligible*, and the variation to the recommended separation distance is appropriate on this basis.

204. While the findings provide comfort the air quality implications of the operation of this quarry will likely not be exacerbated by the expansion, the report is limited given no attempt has been made to account for the cumulative impacts of other emissions, including other operational quarries in the immediate locality. Figure 21 below identifies several other approved work authorities for extractive industries nearby, demonstrating the large extent of extraction already underway. Concerns are held the effects of the expansion are not captured in full as the operations of other sites have not been considered, and further modelling should be undertaken to establish the findings remain consistent.

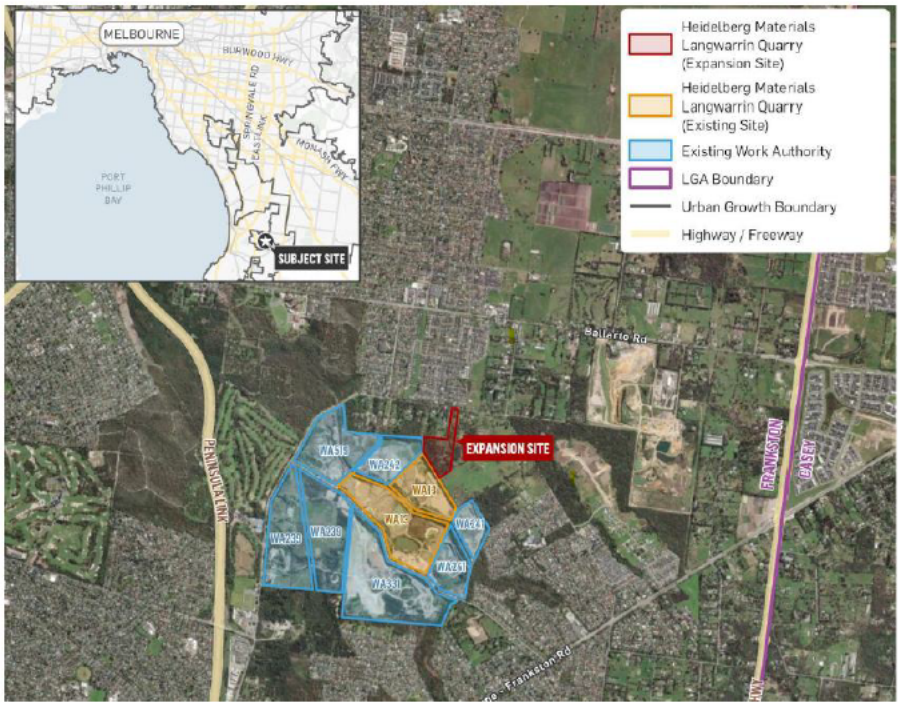

Figure 21 Proposed and existing work authorities in the locality

205. Overall, owning to the mitigation measures recommended to be implemented, it is considered likely air quality impacts can be effectively managed to ensure adverse impacts sensitive receptors are not adversely impacted.

Soil contamination

206. The human health assessment identifies air and particulate emission from quarry operations and decommissioning as the primary exposure pathways for potential health impacts. However, a secondary exposure pathway may occur through particulate deposition into the soil and contact through incidental ingestion of soil, dermal contact with soil, inhalation of soil-derived dust or consumption of fruit, vegetables or eggs produced on surrounding residential properties.

207. Potential particle contaminants considered include cadmium, chromium III and VI, cobalt, lead and mercury. Modelling of potential risk finds baseline (current conditions) and proposal would both result in contaminants well below the allowable risk level, with the risk considered low.

208. The assessment assumes a conservative on a scenario, where consumption residents' total fruit and vegetable intake or eggs consumption are from backyard produce, which is generally unlikely.

209. Overall, any risk to human health associated with soil contamination from the proposed quarry operations are considered minor and acceptable.

Noise & Vibration

210. An Acoustic Assessment has been submitted to support the proposal, which identifies the key noise emitting activities associated with extraction include:

- Operation of dredge, located at the base of the pit, transferring materials to stockpiles/ processing areas.
- Operation of bulldozer and excavator on pit face, pushing sand into pit base to feed the dredge.
- Operation of dump trucks moving sand from bench to pit, as required.

211. The extraction is proposed to be undertaken between the hours of 7am – 6pm, Monday- Saturday, ensuring noise impacts are limited to daytime hours only.

212. The dwellings located on adjoining parcels to the east and west, within the RCZ are located closest to the extraction site and the assumption has been made achieving compliance for these sensitive receptors would consequently achieve compliance with sensitive dwellings within the broader area.

213. The assessment establishes noise limit of 45dB(A) for these most sensitive receivers, based on the methodology set by the *EPA Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol).*

214. Benchmark noise measurements were undertaken at established sand extraction quarry operation by Heidelberg Mineral at Lang Lang Quarry, approximately 50 km east of the subject site. Observations were made of the dredge in wet pit conditions, with sound power levels recorded for each key noise emitting activity. These inputs were used to inform noise modelling, which assumes conservative scenario, with all activities within the extraction site operating continuously and worst-case meteorological conditions.

215. In order to achieve the noise limit, the assessment recommends the following acoustic mitigation measures:

- 2-metre-high earth bunds along the western and eastern perimeter of the extraction pit.
- 3-metre-high earth bund along the northern perimeter of the extraction pit
- 3-metre-high acoustic screen installed on top of northern noise bund, with minimum 15kg/m^2 surface density.

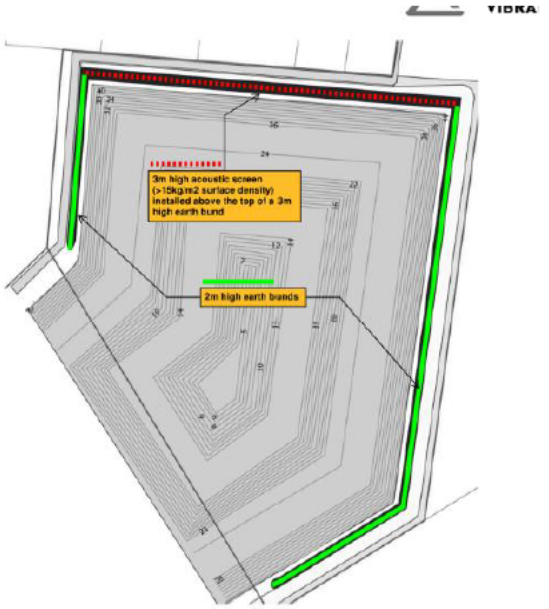

Figure 22 Recommended noise bund locations

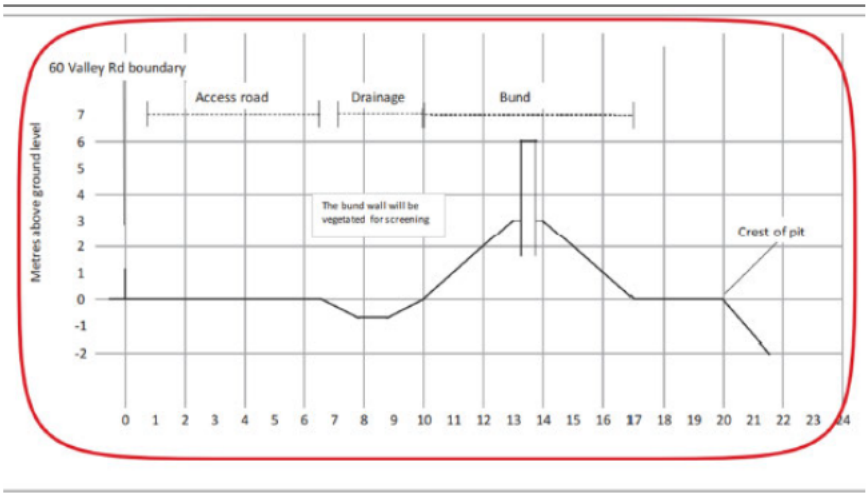

Figure 23 Indicative northern bund & acoustic wall section plan

216. Based on the implementation of these acoustic treatments, the report concludes effective noise level at closest receptors will be limited to 40dB(A) at Receiver R1 and 31dB(A) at Receiver R2, both within the noise limit of 45dB(A). The margin below the noise limit is considered to assist in mitigating the cumulative noise impact from existing extractive industry in the area.

217. The EPA referral response notes the noise limit has been miscalculated and the targeted noise limit using the rural area earth resources method is 42dB(A) not 45dB(A). The referral comments were in reference to a previous acoustic assessment; however, this has not been corrected in the update report submitted.

218. The modelling demonstrates noise levels below the 42dB, limit however this update narrows the marginal contingency to accommodate for cumulative impact of noise for existing industries and quarrying operations in the area.

219. The assessment also references mitigation strategies which may be minimise environmental impacts consistent with the General Environmental Duty (GED). Strategies recommended for consideration include installing broadband squawkers alarms to all mobile plant to eliminate risk of tonality impacts, turning off engines and equipment when not in use and selecting 'low noise' options for equipment where available. These mitigation measures are recommended to further minimise risk, however, are to be balanced with practical operational constraints. It is noted the previous EPA referral response measures to avoid or minimise risk in accordance with the GED including excavator and dozer to be fitted with broadband reversing alarms.

220. Overall, the acoustic assessment demonstrates the noise impact could be reasonably managed through recommended physical noise bunds and barriers, however revisions are required to correct the noise limit to align with EPA advice, which could be managed through permit condition should the application be supported.

221. The acoustic report does not reference the impacts of vibration on the surrounding residents. It is noted the quarrying operation does not require blasting and the dredge and bulldozer operation is not anticipated to generate significant vibration impacts.

Public Realm

Visual Impact

222. The proposed expansion and associated vegetation removal will interrupt landscape views and characteristics of the surrounding.

223. The topography of the land is generally flat, sloping gently to the southwest. The landscape is substantially varied, with the mosaic parcels of native vegetation and rural living style dwellings within the RCZ, wedged between established extractive industries and typical residential lots.

224. The application is supported by a Landscape & Visual Assessment, which outlines the design measures proposed to mitigate the visual impact of the proposal and screen the extraction operations from the public realm. The following key measures are proposed:

- Retained vegetation within axe-handle portion of the expansion site, including vegetation screening along the western boundary which will be pruned to promote dense growth.
- Acoustic bunds and walls along the western, northern and eastern boundary of the extraction zone, which will act to screen extraction pit and be planted to soften visual impact.
- Chain link fencing boundary treatment.
- Densley planting bio-link corridor along the eastern boundary.
- Maintain mature trees and control weed growth.

225. The assessment also refers to the visual impact being by low-lying typography which reduces long-range views to the site. While it is recognised there are not particularly significant or sensitive viewing locations within the public realm where the site would feature in views, the character of the region and views from private dwellings will be substantially altered, particularly those lots adjoining the land within the RCZ.

226. Concerns are also held with the extent of vegetation sought to be removed and the associated interruption to the semi-rural uses and remnant vegetation character sought to be preserved within the zone. The definitive clearing the of the existing landscape features may also set precedent for future extractive encroachment into the RCZ buffer area, which would intensify the visual degradation of the broader landscape.

Landscaping

227. Based on the nature of the proposed use, the extent of new planting during the extraction phase is limited to the narrow northern portion of the expansion site. The Landscape Concept Plan shows new planting along the eastern boundary of this area, with an emphasis on graminoid and understorey species, planting densely to establish a bio-link connection between Valley Road and the adjoining lot to the east. Open grazing land and screen planting are also to be maintained and weeds controlled within the northern part of the parcel.

228. The required acoustic bunds surrounding the extraction pit are proposed to be planted along external faces, consistent with the concept section provided in Figure 24. Planting is to include fast-growing native shrubs and ground covers species, consistent with Ecological Vegetation Classe (EVC) 48: Healthy Woodland growth. The indicative plant schedule provided includes; Black Wattle, Blackwood, Black She-Oak, Silver Banksia, Heath Tea-Tree, Rough-barked Manna Gum.

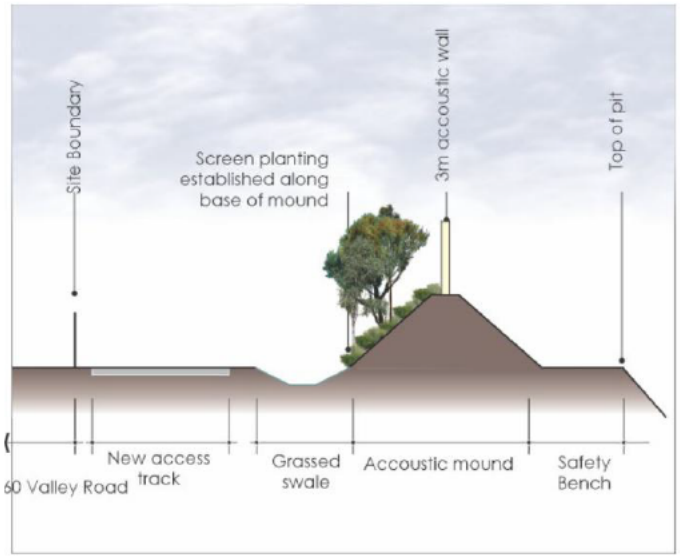

Figure 24 Proposed noise bund and planting section diagram

229. The extent of landscaping proposed through the extractive phase is considered acceptable based on the limited opportunity for planting. Detailed landscape plans have not been provided as part of the application, sought to be prepared post-permit should application be supported.

230. During the rehabilitation phase, following the fill of extraction pits, the land is proposed to be treated with topsoil and hydro-seeded with a range of species selected from the relevant EVC48. A more detailed assessment of the proposed rehabilitation and revegetation of the site in provided in the rehabilitation section below.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

231. Extractive industry land uses are not prescribed a required carparking rate at Clause 52.06-5 and the provision of carparking is therefore required to the satisfaction of the responsibility authority only.

232. The proposed expansion seeks to increase the number of operational staff on site by four, to a total of 10 staff during peak operation. There will be no more than 1-2 visitors on site at any time.

233. All staff and visitors are to utilise existing light vehicle accessway crossover to Quarry Road, which is located centrally, adjoining the existing staff carparking and amenities area at the south of the existing quarry parcel. This crossover meets the minimum dimensions and design standards set out at Clause 52.06-9.

234. There are no works or changes proposed to the carparking and access to the site, which would continue to provide capacity for 15 carparking spaces, servicing staff during the quarry expansion. On this basis, the provision of carparking and response to design standards are considered appropriate.

235. It is noted there is an existing crossover to Valley Road provided at the frontage of the expansion parcel, however this is not sought to be used for quarry operations. Vehicles may exit through this crossover in emergencies only.

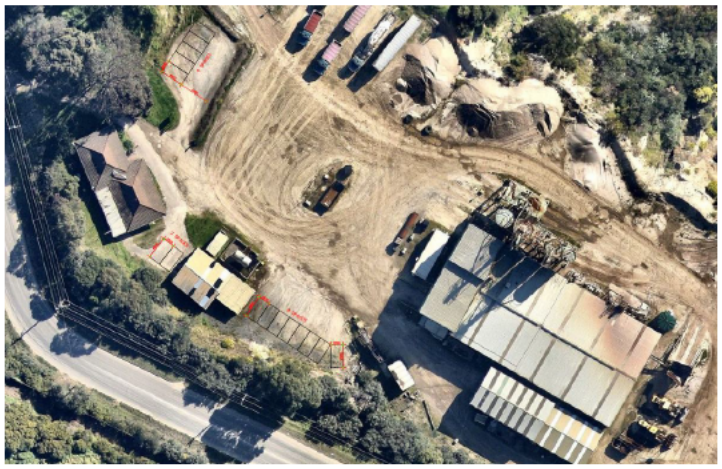

Figure 25 Existing staff amenities and servicing area, including carparking spaces



Figure 26 Existing light vehicle crossover to Quarry Road

Bicycle Facilities

236. There is no requirement for the provision of bicycle facilities associated with use of the land for extractive industry.

Material Loading & Heavy Vehicle Movements

237. Access to the site for heavy vehicles associated with quarry operations and land remediation is to be provided via existing crossovers 1 and 3 to Quarry Road, with 9 and 7-metre-wide accessways respectively.



Figure 27 Existing crossover locations to Quarry Road

238. Loading and vehicle circulation for the transfer for quarried materials will be entirely accommodated internal to the land, with access provided from the Valley Road expansion site through the existing site and to Quarry Road network of internal roads.

239. Heavy vehicle traffic would be generated by three operations: sand drying, sand extraction and import of clean fill to remediate the existing quarry parcel. Based on submitted traffic impact assessment, the concurrent quarrying and remediation operations are expected to generate the following heavy vehicle movements:

Operation	Trucks Daily (Weekday)	Trucks Daily (Saturday)

Quarrying operations	Average	48	12
	85th percentile modelling	72	18
	Maximum	142	31
Land remediation operations	Average	180	46
	85th percentile modelling	270	93
	Maximum	391	205
Total Trucks	Average	228	58
	85th percentile modelling	342	111
	Maximum	533	236
Total Movements *(to and from the site)*	Average	456	116
	85th percentile modelling	684	222
	Maximum	1,066	472
GRAND TOTAL ***(worst case scenario)***		**1,066 trucks movements (weekdays)** **472 truck movement (Saturday)**	

240. The traffic impact assessment estimates 75% of trucks will enter and exit the site via the western crossover to McClelland Drive, while 25% of trucks while enter and exit via the eastern crossover and via Cranborne Road. The assessment concludes the surrounding road network already carry high levels of truck traffic based on the surrounding land uses and the proposal will not result in any significant increase to truck volumes. The anticipated volumes are able to be accommodated by the road network based on the findings of the assessment.

241. Based on the above, there is anticipated to be an increased in the volume of truck movements to service the concurrent land remediation and quarrying operations were the application be supported; however, the impacts can be effectively managed and are contained within the site as much as possible.

Waste

242. A formal waste management plan has not been provided to support the proposal. The proposed expansion is not anticipated to generate any material change to waste generation, noting staff amenities will continue to operate in existing building at the south of the existing quarry site, adjoining access to Quarry Road.

Environmental Risks

Land Capability and Wastewater Disposal

243. Both subject parcels are not connected to reticulated sewerage.

244. A Land Capability Assessment has not been provided to demonstrate wastewater management based on the expanded operation, noting an increase of four staff is proposal compared with current operation. The existing staff amenities building is proposed to continue to operate consistent with existing conditions and the capacity to manage additional wastewater associated with increase in staff would be required to be demonstrated prior to works commencing, were the proposal be supported.

245. The dwelling located at the north of the expansion parcel is proposed to remain privately tenanted and occupied throughout the extraction period. This dwelling is provided with an existing wastewater treatment system; however, Council's Environmental Health officers has previously advised the system requires upgrade. Similar to the above, detailed Information regarding the management and treatment of wastewater had not been sought on the basis the proposal is not recommended to be supported, however is considered to be feasible where the operation was to proceed.

Groundwater

246. The application is supported by Hydrological Assessment, which identifies the ground water dependant ecosystems within the area, including all remnant vegetation and Boggy Creek aquatic ecosystem. The report is informed by samples from all available monitoring bores in February 2021, including three bores within the proposed expansion lot.

247. The report identifies current and historic quarrying operations in the area surrounds have created localised depression in the water table, drawing water from neighbouring sites. The current water table level is estimated as 24m AHD.

248. The existing quarry site is currently being rehabilitated, and fill provided to return the ground surface to original levels. Through this rehabilitation process, the water table is expected to recover. Rate of recovery will be dependent on the rate of filling, activities on neighbouring properties and the aquifer properties of local geology.

249. To facilitate the proposed expansion, the ground water licence issued by Southern Rural Water (SRR) will be required to be amended. A ground water impact assessment will be prepared through this licence process to consider the impacts on neighbouring groundwater and surface water.

250. The submitted hydrological assessment concludes there is a high degree of uncertainty given the transient nature of the ongoing rehabilitation and further monitoring will be required. While additional ground water assessment would be required through the SRR approval process were the application supported, the hydrological report identifies the impact of historic quarrying activities on the land, and the proposal is considered likely to exacerbate the impact in the short-medium terms until the land is rehabilitated. Concerns are held for the potential adverse impacts to the ground water dependent ecosystems identified during this period should the expansion proceed.

Bushfire Risk

251. As discussed, the expansion parcel and the existing quarry land are affected by the Bushfire Management Overlay, however buildings and works associated with extractive industries do not trigger consent under the BMO.

252. The application is supported by a Bushfire Planning Assessment, which identifies potential bushfire risk from vegetation areas in the Pines Flora and Fauna Reserve and surrounding Rural Conservation Zoned land, however the potential to generated extreme fire behaviour is low based on the lack of vegetation associated with sand extraction operation.

253. Despite the generally low risk, the assessment recommends the narrow strip of land to retain vegetated north of the expanded extraction area be maintained in a low-fuel conditioned and site management arrangements be established to ensure safe movement of people on site in a bushfire event. These recommendations would be considered sufficient to respond to bushfire hazard, were the proposal recommended to be supported.

Fauna Habitat and Biodiversity Corridor

254. The Biodiveristy Assessment submitted confirms the expansion land contains a range of habitat qualities suitable for various fauna species, including open grassy areas, forest, dams and tree hollows. These qualities have been recognised and sought to be protected through the established high-priority biodiversity corridor C1, which connects the Pines Flora and Fauna Reserve in the west, and the Cranbourne Botanic Gardens to the east.

255. The biodiversity corridor predominantly comprises of vegetated low-density residential lots, within the RCZ such as the subject site, as well as larger vegetated areas on privately owned land or road reserves.

256. Species supported by the ecological values on the site include:

- Bird species such as the Australian Magpie, Magpie-Lark, Willie Wagtail, Australian Raven, Powerful Owl
- Bat species such as Grey-headed Flying Fox, Lesser Long-eared Bat, White-striped Freetail Bat
- Frogs, reptiles and small mammals including Echidna, Wombat, Blue-tongued lizard, Eastern Banjo Frog, Brown-Tree Frog, Spotted Marsh Frog, Swamp Skink (endangered under the EPBC Act and FFG Act), Glossy Grass Skink (endangered FFG Act), Growling Grass Frog (vulnerable under the EPBC Act and endangered under FFG Act), Southern Toadlet (endangered FFG Act).
- Marsupials including the Southern Brown Bandicoot (endangered under the EPBC Act and FFG Act), Common Ring-tailed possum

257. Based on the extensive list of endangered species which suitable habitat is provided for on the subject land, targeted surveys were undertaken for the Southern Toadlet (none observed) and Growling Grass Frog (previous study, none detected). Data is also referenced with knowledge of Powerful Owl in the locality and likely foraging purposes as part of active territory.

258. Section 6 of the assessment includes recommended measures to mitigate the impact on terrestrial and aquatic values. These include best practice sediment sedimentation and pollution control measures, removal of habitat trees undertaken outside typical breeding seasons and under supervision and mapping and protection measures made available to contractors on site. These measures are not deemed to be sufficient to manage the risk associated with clearing habitat which supports so many species, particularly those listed as endangered under the EPBC of FFG Acts.

259. The northern portion of the expansion site is also to be preserved as vegetated conservation area, with some logs and vegetation place on this land to establish viable alternative corridor during the extraction phase. DTP consider this area will support some fauna habitat during the operation of the quarry, however the viability of this land to accommodate movement of wildlife as suggested in uncertain.

260. The alternative alignment intersects the narrow 'axe-handle' portion of the site, and the northern portion of several adjoining Rural Conservation zoned lots, traversing approximately 10 additional private properties. The ongoing management of vegetation and future development of these lots is difficult to control compared with the large patch of native vegetation part of the subject site held by one landowner. Frankston City Council also raised concerns with the proposed alternative biodiversity corridor, describing the interim linkage as *functionally inadequate to meaningfully support ecological process and the narrow width of 2.5 metres fails to reflect best practice principles for habitat linkage.*

261. The rehabilitation of the land to establish the biodiversity corridor are currently mapped is also a long process and restoring the site to accommodate habitat consistent with current conditions is expected to take decades. The entire severing of this corridor through the clearing and extraction of the land is unreasonable and undermines the significant strategic work undertaken by Frankston City Council to implement the Biodiveristy Action Plan and amendment C156fran more generally. The priority corridor presents a strategic opportunity to protect habitat areas for a diverse range species, which is not typical within Metropolitan Melbourne, and should not be compromised to a accommodate a relatively short-term extractive opportunity.

Native Vegetation

262. Due to the nature of the proposal, no native vegetation is proposed to be retained within the extraction portion of the study area, however the northern area of expansion site is sought to be retained as a conservation area during the extraction process.

263. While there is an exemption available under Clause 52.17 for extractive industries, the proposal is not considered to align with the avoid, minimise and offset principles set out in the guidelines referenced in the provision, given opportunities to revise the extraction pit extent to minimise vegetation removal have not been sought.

264. The proposal seeks to remove a total of 4.569ha of native vegetation, including 79 large trees. The vegetation is primarily Healthy Woodland EVC 48.

265. No loss of native vegetation is anticipated to occur on surrounding properties, based on the arboricultural assessment submitted with the application, which is also supplemented with data collected through previous assessment, which was prepared in March 2023. The revised arborist report and the tree data for adjoining properties is considered out of date for a detailed assessment. The report references the majority of tree close to the property boundaries are self-sown and species which occur naturally in the area including Manna Gums, Mealy Stringybark and Black Wattle, with a typical height of 12 metres. 110 trees and six vegetation groups adjoining the property boundaries where assessed, with 11 identified with more than 10% of the TPZ encroaching into the quarry expansion land. Maximum setbacks of 3.7 metres are specified to ensure longevity of these trees can be secured. Given the site layout and separation provided by boundary accessway and noise bunds, the recommended setbacks are achieved the report concludes no adverse impact on neighbouring trees would result from the extraction process.



Figure 28 Extent of EVC48 vegetation (green) and large trees to be removed

266. As discussed, the offset requirements, including 3.754 general habitat units have been supported by DEECA (Environment) through conditions in the work authority variation. The biodiversity assessment also provides recommendations to mitigate the removal and avoid any additional loss, including:

- Lop or trim vegetation where necessary to avoid losing entire tree
- Implementation of Tree Protections Zones to prevent indirect losses
- Undertaking contractor induction to understand areas of ecological sensitivity to be protected and avoid inadvertent disturbance.
- Locate construction stockpiles, machinery etc away from areas supporting native vegetation.

- Undertaking removal of habitat trees between February and September to avoid fauna breeding season.

267. These mitigation strategies do not address the substantial loss of this extent of native vegetation, which undermines the policy intent of the relevant MPS, PPF, RCZ2 and ESO1, all of which seek to promote retention of remnant vegetation. The nature of quarry operations is distributive and necessitate clearing vast tracks of land and are effectively contradictory to the avoid and minimise principles sought to the applied where remnant vegetation exists.

268. In addition, the degree of vegetation removal is considered to directly contravene the objectives of the Biodiversity Action Plan and Urban Forestry Plan, which formalise the critical function of priority biodiversity link C1 and ensure no net loss of canopy coverage.

Site Rehabilitation

269. A rehabilitation management plan has been prepared to consider the restoration works required to restore the natural characteristics and habitat opportunities following the extraction works. The plan extends for 10-year period commencing from the point quarrying operations cease on the land and the pit is filled to previous ground level.

270. The assessment notes rehabilitation works are currently being undertaken at 150 Quarry Road, on the basis the sand resources at this site have been exhausted. A secondary riparian biolink (C2) traverses this site, following the Boggy Creek corridor (shown in Figure 29). The ongoing revegetation of the creek area will increase the extent of native vegetation within this biolink from approximately 0.73ha to 9.2ha, improving the function of the secondary biodiversity linkages on the adjoining land.

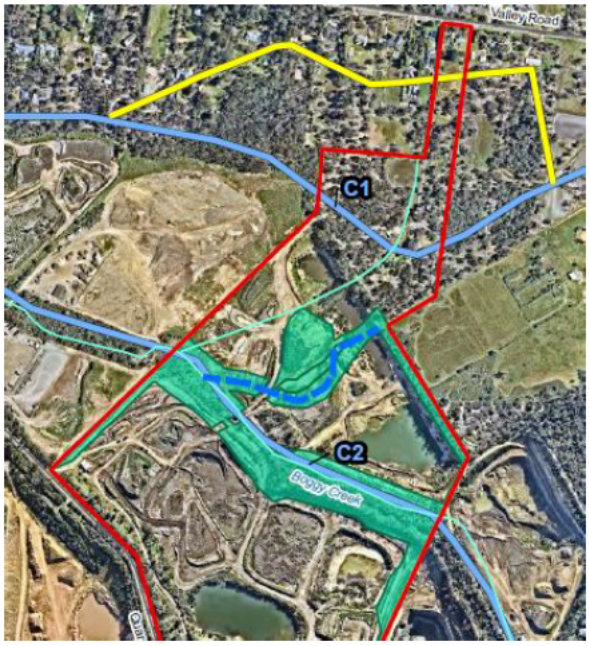

Figure 29 Location of priority C1 corridor and secondary C2 corridor along Boggy Creek

271. Additional to the improvement to the C1 corridor, the submitted rehabilitation plan advises the integrity of the C1 priority corridor is not expected to be compromised if the study area is used for extractive industry purposes, given the biolink will be maintained via the northern portion of the land through the alternative alignment (shown in yellow in Figure 29). The report does however recognise the availability of habitat will be reduced during the extraction period.

272. The following management activities are recommended to be undertaken prior to extraction commencing:

- Installation of nest boxes on one third of the retained eucalyptus trees within the conservation area (northern portion of the expansion site), to provide shelter and habitat for breeding.

- Nest box design to include anti-myna baffle devices to avoid introduced species and pests using boxes.
- Carving physical hallows from living trees and securing to retained tree in conservation area.
- Monitoring and maintaining nest boxes.
- Repurpose mature eucalypt logs and branches removed from extraction area in conservation area for additional ground-level habitat.
- Stockpile excess logs in suitable location for future revegetation of extraction area.

273. Following the sand extraction, the land is planned to be rehabilitated and revegetated within 10 years of operations ceasing and the C1 Biodiveristy linkage re-established. A total replanting area of 6.06ha within the quarry extraction area and 1.0ha in the conservation area is estimated.

274. The rehabilitation activities recommended to be undertaken as post-quarry works are noted below:

- Soil contouring when infilling the quarry to pit to provide depressions to seasonally hold water and provide fauna habitat and water source. Minimum of two ponds with 10 metres diameter is recommended.
- Distribution of stockpiled habitat creation logs prior to revegetation works commence.
- Revegetation through tube-stock or direct seed planting. Revegetation to include trees, shrubs, herbs and native grass species and be undertaken in autumn and early winter for higher success probability. Health of tube-stock planting to be monitored every three months and dead plants replaced promptly when required.
- Planting density in accordance with Victorian revegetation planting standards: 50 trees, 1,200 medium shrubs, 2,000 small shrubs and 500 large, tufted graminoids per hectare.
- Planting species selection consistent with Healthy Woodland EVC species including various wattle, banksia, manna gum, fireweed, heath species.
- All plants to be mulched, provided tree-guards and stakes and supplementary water as required.
- Weed control to be under undertaken quarterly and undertaken to minimise soil disturbance.
- Vermin and pest control measures, including fumigation and collapse or fox dens.
- Regular monitoring and annual reporting on progress of rehabilitation works.

275. Overall, the rehabilitation recommendations suggested are considered appropriate and would allow the land to be revegetated in the long term. On balance, however the significant loss of native vegetation (4.569 ha in total) to facilitate the short-term sand extraction would result in permanent and potential irreversible loss of ecological function.

276. In particular, the clearing of the extraction area will result in loss of 79 large trees, including mature eucalypt trees, with hallows, bark fissures and crevices which provide nesting and sheltering opportunities. The rehabilitation report concedes small hollows in these trees take around 70 years to form, with larger hallows taking several decades longer.

277. On this basis, the loss of hundreds of habitat openings, within a specifically identified biodiversity corridor critical to the movement of fauna across the municipality, cannot be effectively justified. Even where the revegetation recommendations are implemented in full and the land successfully rehabilitated, the value of habitat which has been created over decades of land conservation should be underestimated and accepting an outcome where current ecological value is not reinstated or improved for 70+ years is not appropriate.

Sustainability

Stormwater Management

278. The Surface Water Management Plan submitted to support the proposal finds all internal flows within the site at 60 Valley Road are directed to a small dam at the south of the parcel, which has an outlet flow discharging into the

existing quarry excavation, below the waterline. This water is used for quarry operations, with Heidelberg Minerals securing a licence from Southern Rural Water to use this water.

279. During the operation of the proposed expansion, stormwater flows are proposed to be intercepted by swales at the perimeter of the pit and drain into open, lined channel which is to be constructed along the norther and western boundary of the excavation area. The channel is to outflow into gabion rock chute at the to the south, within the adjoining parcel at 150 Quarry Road, draining into existing quarry excavation and away from active quarry operations, however, will be used for works as required. Figure 30 below demonstrates the concept layout for stormwater infrastructure within the expansion site, during extraction phase.

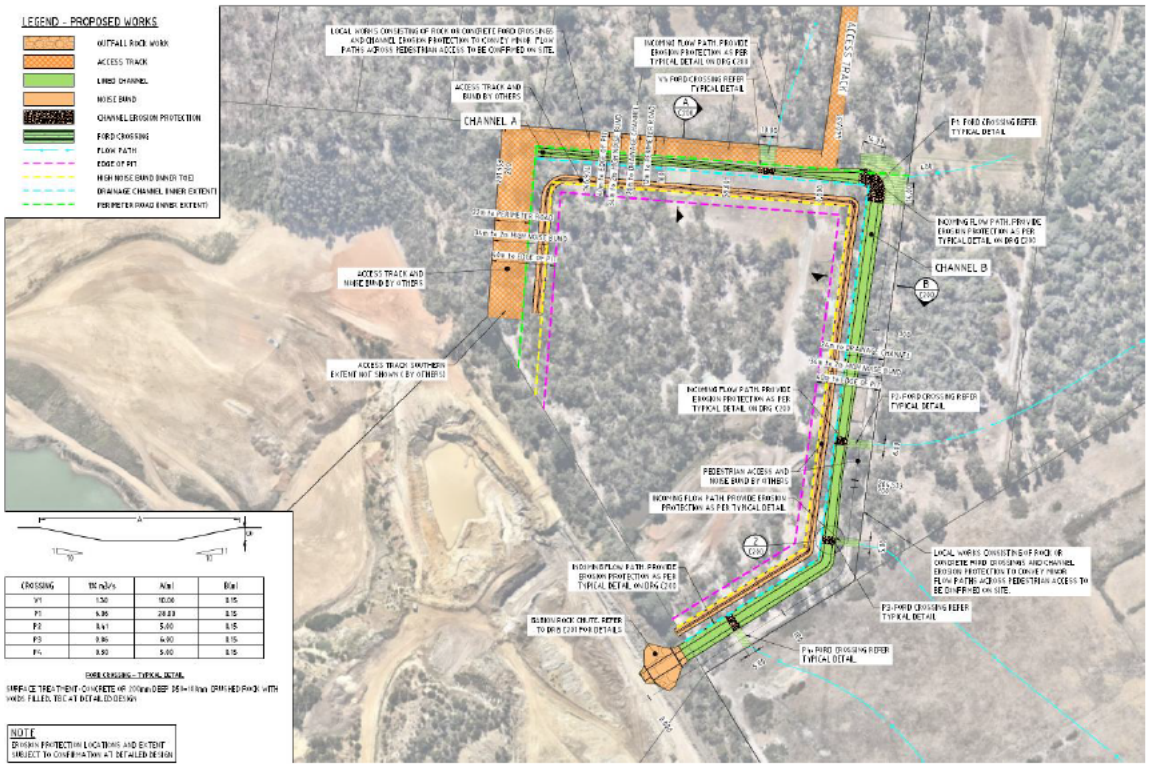

Figure 30 Stormwater management concept - expanded site

280. Prior to the commencement of the existing quarry operations, Boggy Creek was realigned to run centrally across the quarry land. These realignment works cut off the broader catchment to this creek.

281. Melbourne Water have sought for the natural flow paths of the catchment to be reconnected to the creek via open channel, with these works proposed to be undertaken through rehabilitation works following the extractions of the expansion site. Connection to the upstream catchment is not feasible prior to rehabilitation, given the extension earthworks and excavation which would be required and likely impact on quarry operations.

282. To facilitate the reconnection, the rock gabion chute is to be backfilled, and a constructed waterway formalised between the northern extent of the quarry works and Boggy Creek as shown in concept plan included as Figure 31 below.

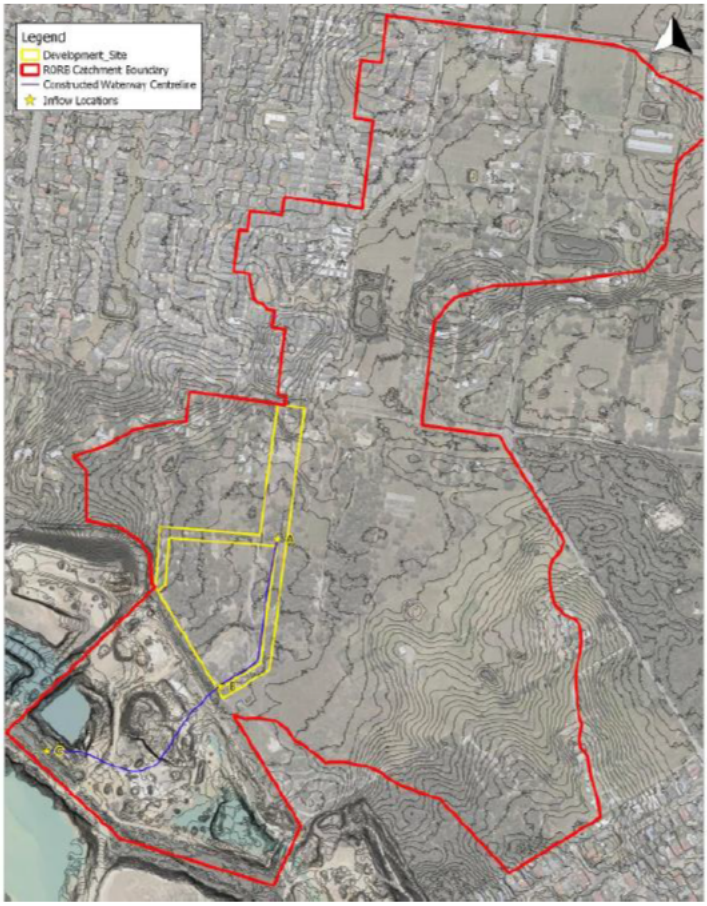

Figure 31 Stormwater concept plan - reconnection to Boggy Creek during rehabilitation

283. Melbourne Water has recommended conditions be placed on any permit issued requiring the proponent demonstrate proposed reconnection through concept and engineering plans, rehabilitation plan and entering various agreements with Melbourne Water. Where the proposal could be supported, the proposed interim concept and recommended conditions are considered sufficient to ensure the appropriate management of stormwater during extraction and rehabilitation.

Other Matters

Cultural Heritage

284. The expansion site is located entirely within an area of aboriginal cultural heritage.

285. A Cultural Heritage Management Plan (CHMP) has been prepared by Heritage Insight Pty Ltd and was approved by the Bunurong Land Council Aboriginal Corporation on 18 December 2019. The approved CHMP includes various management conditions to ensure ongoing management and protection of aboriginal cultural heritage throughout the initial works and ongoing operation of the quarry, these include:

- Induction of all site workers/ contractors prior to ground disturbance works commencing
- Copy of approved CHMP to be kept on-site
- Establish system for reporting any possible cultural heritage which may be discovered
- Compliance inspections by the Registered Aboriginal Party at various stages to ensure works are consistent with CHMP.
- Salvage works undertaken within specified area of the site through mechanical excavation and preparation of salvage report.

- Specific protection through construction of noise bunds and reburial of materials where appropriate.
- Retention and custody arrangements for artefacts.

Consideration of Clause 65.01

286. Clause 65.01 sets out matters required to be considered by responsible authority before deciding on an application, including the MPS and PPF, the purpose of the zone, the effect on the environment, human health and amenity of the area, extent which native vegetation can be protected, planted or allowed to regenerate and the orderly planning of the area generally.

287. The above assessment identifies several areas where the proposal conflicts with key MPS and PPF provisions, particularly relating to the protection of biodiversity, significant landscapes, mitigation of environmental and amenity risks and ensuring land use compatibility.

288. Similarly, the proposal in deemed to inconsistent with the purpose of the Rural Conservation Zone, which explicitly seeks to enhance and protect landscape and fauna habitat value and biodiversity. Based on the recognised value of the remnant vegetation and habitat on the land, extensive clearing to facilitate use for extractive industries is entirely at odds with the objective of the zone.

289. The impact on the environment, human health and amenity has also been assessed in detail. The loss of environmental value is considered most critical, given the loss of high-quality native vegetation and severing of high priority biodiversity corridor. The capacity of operational measures to mitigate human health and amenity impacts are recognised, however concerns material impacts are anticipated to be significant based on the encroachment toward residential development and cumulative effect with established extractive operations in the area.

290. As discussed, the proposal does not provide capacity for the native vegetation on the site to be protected, however provide rehabilitation plan detailing how land could be revegetated once the extractive value has been exhausted. Overall, given the time required to reestablish ecological value comparable to existing conditions, along with the uncertainty this objective will be realised in full, the loss of vegetation is not considered reasonable or appropriate.

291. Finally, the expansion of extractive industries toward the residential development to the north would erode the spatial barrier currently provided by the Rural Conservation Zone, creating new land use compatibility issues and obstruct the movement of biodiversity through this buffer zone. The proposal does not represent orderly planning of the area and is not supported on this basis.

Recommendation

292. The proposal has generally been provided with conditional support by the various agencies referred the through the statutory endorsement of the work plan variation process under Section 77TE of the Mineral Resource Act 1990, however Frankston City Council have objected to the proposal.

293. It is recommended that a Refusal Notice for Permit No. **PA2503956** for the ***use, development and earthworks for extractive industry (sand quarry)*** at 60 Valley Road and 150 Quarry Road, Langwarrin based on the following grounds:

- The proposal conflicts with the purpose and objectives of the Rural Conservation Zone (Schedule 2), which seeks to protect the biodiversity of the area, maintain and enhance rural uses and remnant vegetation.
- The proposal is inconsistent with the vision, objectives and strategies of several relevant Municipal Planning Strategy and Planning Policy Framework provisions, relating to the protection of biodiversity, environmental values and community amenity, minimising loss and fragmentation of native vegetation and maintaining rural landscapes.
- The proposal undermines amendment C156fran, which implements of the Biodiversity Action Plan and Urban Forest Action Plan and seeks to avoid further biodiversity loss and habitat fragmentation. The proposed expansion would sever the C1 high-priority biodiversity corridor, which facilitates fauna connectivity between the Pines Flora and Fauna Reserve to Royal Botanic Gardens Cranbourne.
- The application is inconsistent with the objectives of the Frankston Green Wedge Management Plan and various Planning Policy Framework provisions which seek to improve landscape qualities and environmental values of green wedge areas.
- The subject land includes areas of high-value remnant native vegetation, and the extent of the native vegetation removal proposed conflicts with the Urban Forest Action Plan, and protections sought to be applied to the land through the Environmental Significance Overlay (Schedule 1) and Clause 52.17.
- The proposal would create new land use conflicts and unreasonable amenity impacts through encroachment into the buffer between existing extractive industries and residential development currently provided by Rural Conservation Zone land.
- The application does not meet the objectives of Clause 52.08 and 52.09, which seeks to ensure extractive industry meets environmental standards and does not adversely affect environment or amenity of the area, during or after extraction.
- The application does not represent orderly planning for the area, based on considerations required by Clause 65.01.

294. It is recommended that the applicant and the council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

[redacted]

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

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[redacted]

Appendix 1: Objections summary

Key issue	Consistent concerns	DTP response
Dust, air quality and health impacts	• *Impacts of respirable crystalline silica dust and the potential long-term health risks (e.g. silicosis, asthma, lung disease, respiratory irritation), particularly for vulnerable populations, such as young children and the elderly.* • *Concerns there is no safe exposure level.* • *Frequent criticism that the air quality assessments relied on modelling rather than local monitoring data and may be unreliable.* • *The significant impacts of dust emissions already experienced from existing quarries (dust settling on homes, vehicles, vegetation and outdoor areas).*	The concerns regarding air quality and impacts of dust are recognised. The modelling provided to support the proposal concluded the air quality impacts would be very low to negligible and provided justification to vary the EPA recommended separation distances on this basis. Various measures to mitigate air quality impacts are recommended including watering of roads, low-dust quarrying measures and continuous monitoring. DTP has noted the modelling does not account for the cumulative impacts of other emissions, including other operational quarries in the immediate locality which remains a concern. Detailed assessment of air quality impacts is provided in the air quality and separation distance section of the assessment.
Noise and vibration impacts	• *The proposal would exacerbate existing noise issues associated with machinery, reversing alarms and crushing.* • *The early morning operations of existing quarries already disturbing sleep (often cited commencing between 4:30–6am starts).* • *Concerns about low-frequency noise, continuous disturbance and vibration impacts* • *Expectation that expansion will intensify and prolong impacts and reduce enjoyment of homes and outdoor areas.* • *The noise modelling showed only a small compliance margin and noise mitigation measures might not perform as predicted.* • *Actual experience with the existing quarry differs from modelled outcomes. Several residents also raised vibration concerns and alleged existing impacts on buildings and household items*	The noise emitted from the expanded quarrying operations are considered to be significant and the concerns relating to the noise modelling provided are recognised. As discussed, the EPA review comments the noise limit has been miscalculated as 45dB(A) rather than the correct 42dB(A) however the margin for contingency demonstrates the noise emitted would still comply with the lower noise target. DTP considers the noise impacts could be reasonably managed through recommended physical noise bunds and barriers; however, revisions are required to correct the modelling. The operation is proposed to occur between 7am-6pm, limiting noise to daytime hours only. It is recognised the acoustic assessment does not consider the impacts of vibration on surrounding properties. Noise impacts are considered in detail in the assessment section of the report above.
Traffic and impact of heavy vehicles	• *Concerns with the increase in heavy truck movements on local roads.* • *Safety concerns with more large vehicles*	The impact of traffic and heavy vehicle movements are considered in the assessment section of the report. Given the proposal seeks to undertake remediation of the existing quarry land and extraction of the

	on local roads, including Valley, Quarry, Potts Road and McClelland Drive. • *Road degradation and infrastructure damage associated with more heavy vehicles, as the roads were not designed for industrial freight use* • *The expansion would worsen existing issues associated with congestion, speeding trucks, noise from braking and engines, dust from vehicles* • *Concerns over use of Valley Road access points and reduced separation from residences.*	expanded site concurrently, there will be a significant quantity of truck vehicle movements, which is recognised to have an impact on the wider road network. The traffic impact assessment estimates 75% of trucks will enter and exit the site via the western crossover to McClelland Drive with more limited residential interfaces, while 25% of trucks while enter and exit via the eastern crossover and via Cranborne Road. DTP note the surrounding road network already carry high levels of truck traffic based on the surrounding land uses and consider traffic impacts can be effectively managed and are designed contained within the site as much as possible.
Residential amenity impacts and liveability	• *General degradation in residential amenity and quality of life.* • *Impacts on amenity in backyards, outdoor use and enjoyment of property particularly relating to dust.* • *Disrupted sleep from sleep.* • *Visual impacts to the landscape, particularly given the extent of vegetation lost.* • *Perceived industrialisation of a residential/ semi-rural area, with residential emphasizing they chose to live in a rural area, and these characteristics are being undermined.* • *Cumulative burden from existing quarry already considered excessive.*	Please refer to the amenity section of the assessment. Overall, DTP considers air quality, noise and soil contamination can be appropriately managed through technical measures to the satisfaction of the EPA and meet relevant health standards, which are generally beyond the scope of planning permit controls. However, the general impact to residential amenity and land use compatibility has been considered in detail through the assessment. The expansion of the quarry into the established buffer area between established extractive industries and residential areas is considered inappropriate and inconsistent with the objectives of local planning policy. DTP recognises the cumulative impacts of the amenity effects has not been fully captured and addressed through the application. The expansion into the RCZ undermines the purpose of this zone, which is recognised and providing important rural landscape characteristics.
Risks to human health	• *The application documents lack independent validation and underestimate the potential risks to human health.* • *The application fails to address long-term exposure, particularly to Respirable Crystalline Silica dust.* • *The precautionary principle should be applied.*	As above, mandatory safety measures have been demonstrated to the satisfaction of the EPA, who have provided conditional support for the proposal through the statutory endorsed work plan variation. DTP recognises the conditions require ongoing monitoring of respirable crystalline silica, revised air quality modelling and risk treatment plan however consider human health could be effectively managed through the regulations of enforced by the EPA.
Environmental impacts	• *Significant concerns regarding the extent of vegetation clearing, and associated land degradation and soil erosion* • *The broader environmental harm from expanded extraction activity, including*	The environmental risk section of the assessment details the extent of impacts related to land capability, groundwater, bushfire risk, habitat and native vegetation. DTP is not satisfied the environmental impacts can be effectively offset or mitigated, in particular for ground water dependent ecosystems and fauna species which

	impacts to biodiversity corridor and habitat fragmentation. • *Loss of riparian habitat, waterway and groundwater quality*	rely on habitat corridor and mature native vegetation.
Biodiversity, habitat loss and wildlife impacts	• *Loss of more than 4 hectares of native vegetation including large mature trees.* • *Impacts on threatened and endangered specific species* • *Fragmentation and disruption of the C1 habitat corridor connecting the Pines Flora and Fauna Reserve and Royal Botanic Gardens Cranbourne and loss of wildlife movement opportunities.* • *Concerns the ecological surveys were incomplete or insufficient and relied too heavily on desktop assessments.* • *Long-term impacts not offset by short-term rehabilitation recommendations.*	DTP holds significant concerns with the impact on wildlife and ecological systems in the broader area, especially given the severing of the high priority biodiversity corridor. While an alternative corridor has been suggested for the extraction phase, this alignment crosses approximately 10 additional private properties, and the ongoing management of vegetation and future development of these lots is difficult to control compared with the large patch of native vegetation part of the subject site held by one landowner. The interim linkage is not functionally adequate to support ecological process. The proposal requires the removal of 79 large mature trees, and which are expected to take 70+ years to regenerate with hollows to accommodate habitat currently provided on the land. The rehabilitation plan provided includes several mitigation measures to be implemented prior to and after the extraction occurs. It is considered these measures would likely allow the land to be revegetated in the long term. However, on balance, the significant loss of native vegetation to facilitate the short-term sand extraction would result in permanent and potential irreversible loss of ecological function and is not supported.
Rehabilitation concerns	• *The proposed revegetation cannot replace the mature habitat which would be destroyed on the land.* • *The biodiversity offsets do not recreate existing ecological values.* • *Habitat losses occur immediately whereas recovery may take generations.* • *Proposed nest-box strategies are uncertain and, in some cases, experimental.*	As discussed, there are several rehabilitation measures proposed to support the revegetation and reestablishment of fauna following extraction. These measures are considered in detail in the site rehabilitation section of the report. While DTP considers the recommended measures are appropriate and will allow the site to be restored in the long term, however the ecological costs of the significant vegetation losses and severing of biodiversity link are deemed to substantial to support. DTP agree with submissions which highlight how long the revegetation process will take before the ecological values can be effectively restored and level of uncertainty this outcome can be achieved in full.
Cumulative impact of existing quarries	• *Intensification of existing burden of operating quarrying.* • *The amenity impacts are largely already occurring and will be made significant worse through the reduced separation distances.* • *The proposal should be assessed on the*	The cumulative impacts of the quarry expansion are recognised in the context of several other quarries operating in the immediate area. DTP considers the technical assessments provided would benefit from more detailed consideration of the cumulative impacts, rather than the isolated effects of the extraction now proposed. In particular, the proposal would likely exacerbate the amenity issues

	combined effect, not just in isolation of the development site. • *The combined effects of dust, noise, environmental degradation are not acceptable.*	already experienced by nearby residents noting the reduced separation distances sought.
Accuracy of technical reports	• *Concerns the technical reports has an over-reliance on modelling rather than real-world evidence* • *The reports appear to underestimate impacts (dust, noise, traffic, groundwater)* • *The reports lack of clear consideration of cumulative impact and modelling assumption are optimistic.* • *Biodiversity report includes incomplete ecological surveys.* • *Mitigation measures are not guaranteed, and the rehabilitation timeframes are unrealistic.* • *Lack of transparency of enforcement practices inadequate.*	As discussed, DTP generally considers the technical assessments are sufficient to satisfy minimum safety standards and compliance requirements, demonstrated by the conditional support provided with the EPA, Department of Energy, Environment and Climate Action, Melbourne Water through the statutory endorsed work plan variation. DTP recognises there are revisions and gaps in the technical information, relating to consideration of cumulative impacts, correction of noise limit and ongoing monitoring of respirable crystalline silica. Where the proposal was recommended to be supported, it is likely detailed conditions would be applied to require improvements to technical documents, however the application has been processed based on the recommendation to refuse the process.
Water, hydrology and sedimentation impacts	• *Concerns regarding the impacts to Boggy Creek and the catchment downstream, which impact environmental assets including the Pines Reserve.* • *Reduced surface water quality and sedimentation* • *Groundwater drawdown and drainage changes* • *Concerns about erosion and altered water flows.*	The stormwater management section of the report includes detailed consideration of the anticipated impacts to surface water quality and management associated with the expansion. Overall, DTP considers water management matters can be effectively regulated through Melbourne Water conditions to be placed on the planning permit in the instance the proposal was supported, against the current recommendation.
Property values impacts	• *Concern that proximity to quarry will reduce property values, particularly give the substantial amenity loss and wider environmental and rural character degradation.*	DTP recognises the amenity impacts associated with the proposed expansion, however, note property values are not a planning consideration and does not inform this assessment.
Distrust with the operator and track record of poor compliance in the past	• *Community have a lack of confidence in the applicant/ operator due existing non-compliance issues (speeding trucks, operating hours, dust)*	DTP recognises the concerns with the compliance and level of trust in the operator Heidelberg Materials, given existing quarry operation impacts and disruption. In the instance the proposal could be supported, detailed permit conditions would be recommended and enforced by Frankston City Council to ensure

	• *Concerns the future permit conditions won't be enforced effectively if the proposal was supported.*	compliance and minimise offsite impacts. These conditions have not been prepared given the application is recommended to be refused.
Procedural/ governance issues	• *Concerns with the insufficient time for consultation provided for residents and affected parties and late arrival of letters.* • *The extent of notification not considered broad enough.* • *Affected parties has limited time to review technical documents and advertising period should have been extended given the complexity of the application* • *The applicant is looking to bypass Frankston City Council, which have already refused the proposal and were participating in subsequent VCAT appeal.* • *The application should not benefits from this alternative Development Facilitation pathway and should be assessed in the same way, with the same level of scrutiny.* • *The DFP program is not sufficiently transparent and concerns with procedural fairness.*	Public notice of the application was undertaken through the display of signs on the Quarry Road and Valley Road frontages and mail notification provided to owners and occupiers of land within 1-kilometre radius, which is consistent with the extent of notice previously undertaken by Frankston City Council when the assessed the proposal. This extent is beyond the standard approach and was adopted based on the scope of offsite impacts anticipated. The applicant is responsible for the mail of notices and is required to do so at the commencement of the 2-week notice period. It is noted the formal notice period concluded on 22 April 2026, several months prior to the decision being finalised. DTP continues to accept and consider all submission received until the determination is made and confirm all submissions have been reviewed in detail. While the application has been made through the 53.22 DFP pathway, the proposal does not benefit from any procedural changes and has been assessed against the same policy framework, with the same level of scrutiny as any application made directly to Council.
Buffer distances and proximity to residences	• *The expansion would bring quarry activities too close to homes and would worsen the existing quarry operations in the area.* • *Concerns about reduced buffers which contravene the EPA guidance and how well amenity impacts can be managed with this reduced separation distances.*	DTP holds concerns with the proposed encroachment into the RCZ and reduction to the recommended EPA separation guidelines for quarry operations with respirable crystalline silica. The air quality and separation distance of the assessment discusses the proximity to residences, noting the modelling justifies the reduced separation distances through the very low anticipated impacts, however DTP remains concerned the cumulative impacts have not been considered in full.
Acid sulphate soils and risk of contamination	• *Concerns will be potential risk to groundwater and broader riparian ecosystems.* • *Human health risk associated with soil contamination.*	The human health impacts of soil contamination are anticipated to be minor and limited to the fruit and vegetable intake or eggs consumption are from backyard produce. DTP notes the impact of acid sulphate soils are not considered as part of the human health assessment or air quality assessment.
Conflict with Rural Conservation	• *The proposal does not align with the objectives of the Rural Conservation*	DTP considers the land use is incongruous with the purpose and decision guidelines of the RCZ based on the landscape and conservation values and remanent

Zone and Planning Policy	*Zone or the Environmental Significance Overlay.* • *The policy seeks to conserve and protect the landscape, and the expansion represents industrial encroachment into conservation land.* • *Removal of vegetation undermines planning scheme objectives.* • *Existing buffer distances have been reduced.* • *The previous refusal of the proposal by Frankston City Council reinforces the contradiction with the policy, which has not changed.*	vegetation present on the land. Based on the high-value biodiversity and the immense clearing of native vegetation, fauna habitat and rural landscape required to facilitate the extraction. On this basis, the use is deemed entirely inappropriate within the context of the zone.