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11 February 2026

Dear Ms McGovan,

RE: Response to Request for Further Information – Planning Permit PA2503956 (Langwarrin Quarry Expansion)

Heidelberg Materials Australia Pty Ltd (HMA) writes in response to the Request for Further Information (RFI) issued on 23 October 2025 under Section 54 of the *Planning and Environment Act 1987* (Act) for the proposed Langwarrin Quarry Expansion. A response to each of the requested items is included in the attached table to this letter

Preliminary Assessment Response

In response to DTP's preliminary assessment of the application, we offer the following responses:

1. Inclusion of adjoining 150 Quarry Road parcel

We agree that the proposal is not confined to within the boundaries of the site at 60 Valley Road, Langwarrin. An amended Planning Permit Application is attached to include the adjoining site at 150 Quarry Road, Langwarrin.

2. Omnibus Permit

It is HMA's preference to retain Planning Permit 0005 for the following reasons:

- We don't agree with DTP's suggestion that *'the continued operation of planning permit 0005 will create difficulties in determining which entity is the responsible authority for different components of the quarry, in particular given the operation of the expanded area is reliant on facilities within the adjoining site.'* Frankston City Council will continue to be the responsible authority (RA) for enforcement purposes as clause 72.01-1 of the Frankston Planning Scheme (Scheme) makes it clear that the Minister for Planning is only the RA for certain matters, and enforcement is not one of the listed matters.
- If DTP is concerned that there will be difficulties in determining which entity is responsible for complying with planning permit 0005 and a new planning permit for the expanded area, we also disagree with this suggestion. Planning permits attach to land not entities. The owner, occupier and user/developer of 150 Valley Road, Langwarrin is required under the Act to ensure that the use and development of that land complies with the Scheme and the permits applying to the land. HMA is the landowner, occupier and user/developer of both parcels, and as such it will be responsible for compliance with both permits.

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- Planning permit 0005 was issued on 8 May 2000. At this time, the *Environment Protection and Biodiversity Conservation Act 1999* (which commenced on 16 July 2000) and the *Aboriginal Heritage Act 2006* were not in operation. Cancelling the existing planning permit 0005 may have unintended implications on HMA’s ability to rely on existing statutory authorisation exemptions under these acts.
- In circumstances where planning permit 0005 generally defers to the use being in accordance with the work authority approval and the work authority will encompass the existing and expanded operations, we consider that there would be little merit in seeking an omnibus permit.

3. Policy Alignment, Land Use conflicts and Amenity Impacts

We acknowledge DTP’s concerns regarding consistency with the intent and policy objectives of the Scheme. However, for the reasons outlined below, we strongly contend that the proposal is consistent with State and Local planning policy, and is appropriately supported on planning and merits grounds.

- **Strategic need and State policy support**
The extraction of sand resources in close proximity to their point of use is expressly supported by State planning policy. Locating extractive resources near end users reduces transport distances, lowers construction costs, and improves supply chain efficiency. These outcomes are directly relevant given Victoria’s housing supply constraints and the broader cost-of-living pressures currently faced by the community.
- **Zoning intent and statutory framework**
The land’s zoning expressly contemplates extractive industry uses. If such activities were inconsistent with the planning framework, they would be prohibited rather than conditionally permissible. This intent is reinforced by the statutory exemptions that apply to native vegetation removal where an approved Work Plan is in place, which is the case here. These exemptions carry substantial weight and explicitly recognise the strategic importance of the sand resource and its essential role in supporting the construction industry.
- **Earth Resources Regulation assessment**
The proposed quarry extension has been comprehensively assessed through the Earth Resources Regulation (ERR) approval process, which specifically considers the environmental, amenity, and rehabilitation impacts of extractive industry. Importantly, there are no objections from the relevant referral authorities, subject to conditions addressing amenity impacts, vegetation removal, and the rehabilitation of Boggy Creek. This demonstrates that the proposal is acceptable within the established regulatory framework.
- **Amenity impacts and EPA compliance**
The planning application, supported by detailed specialist technical assessments, demonstrates that amenity impacts on nearby dwellings can be effectively mitigated through enforceable operational controls, the construction of an earth bund and acoustic wall, and ongoing monitoring and reporting requirements. It is noted that EPA separation distances are guidelines and recommended benchmarks, not mandatory standards. The technical evidence

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clearly demonstrates that the proposed mitigation measures achieve compliance with EPA requirements and adequately protect surrounding sensitive uses. It is also noted that EPA did not object to the statutory endorsement of the Work Plan Variation which is evident in their referral response which is included in Appendix A to our Planning Application Submission.

4. Upcoming Planning Scheme Amendment & Site Rehabilitation

While the proposal requires the removal of native vegetation within the 'axe-head' portion of the site, expert ecological assessment confirms that this vegetation does not constitute locally or State-significant habitat for flora or fauna. Importantly, the loss of this vegetation can be fully addressed through the establishment of an alternative biolink corridor during the extraction phase, comprising vegetation of equivalent quality and ecological function to that currently present on the site.

In direct response to the biodiversity concerns raised by DTP, HMA will implement a comprehensive and enforceable rehabilitation and habitat enhancement strategy. A copy of this plan is included as included Attachment 1 which has further developed the endorsed Rehabilitation Plan to demonstrate the commitment to biodiversity preservation. This includes the establishment of a dedicated conservation area across the 'axe-handle' portion of the site, complemented by targeted supplementary planting to strengthen habitat connectivity and materially enhance the ecological performance of the broader landscape.

The rehabilitation strategy will be delivered through a detailed and measurable implementation framework, including:

- a staged planting schedule using indigenous species;
• reinstatement of key native habitat features such as tree hollows and large woody debris;
• installation of bird boxes and other fauna habitat structures; and
• creation of new and improved biolink connections between 60 Valley Road and the Boggy Creek Reserve corridor.

These measures will result in a net ecological benefit and directly advance the objectives of the Environmental Significance Overlay by protecting and restoring natural ecosystems, minimising environmental impacts, and ensuring long-term, sustainable land management outcomes.

We trust the information supplied will enable continued assessment of the application. Should further detail be required, please do not hesitate to contact me via rachael.quinlan@heidelbergmaterials.com or +61 439 607 860.

Yours sincerely,

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Rachael Quinlan
Development Project Manager
Heidelberg Materials Australia

RFI Item No.	Response / Action Completed	Supporting Document Provided
1.	<p>HMA has updated the development plans to include the following:</p> <ul style="list-style-type: none"> a. Site context plan, identifying surrounding land uses and minimum separation distances from sensitive receptors. b. Site plan, demonstrating: <ul style="list-style-type: none"> i. Entire development area, including existing quarry at 150 Valley Road. ii. Existing vehicle access points from Quarry Road. iii. Existing internal accessways. iv. Proposed internal access connections to expanded quarry area. v. Existing staff carparking areas, demonstrating capacity to accommodate additional 4 staff. vi. Existing staff amenities. vii. Existing processing plant area. viii. Boggy Creek corridor. ix. Proposed biodiversity linkages (C1 and C2, identified in Frankston City Council Biodiversity Action Plan 2021-2026). c. Proposed crossover to Valley Road dimensioned. d. Setbacks to internal access to Valley Road dimensioned. e. Section plans A and B, as identified on the submitted Quarry Location Plan, with various ground levels notated. f. Section plans to show details of proposed noise bunds and acoustic wall, consistent with submitted Landscape Concept Plan and Landscape Visual Assessment. g. Location of landscaping buffers, consistent with the submitted Landscape Visual Assessment. 	Updated Development Plans provided in Attachment RF11
2.	<ul style="list-style-type: none"> a. Application form has been amended through the DTP portal revised to include the adjoining land parcel at 150 Valley Road, Langwarrin b. Estimated cost of works, including all works to enable quarry expansion (acoustic treatments, drainage works, internal accessways etc). 	The cost of works in to enable quarry expansion are itemized in Attachment RF12.
3.	The quarry expansion development costs are significantly below the Metropolitan Planning Levy (MPL) threshold (> \$1,311,000), and therefore an MPL Certificate is not applicable. - Metropolitan planning levy certificates State Revenue Office	Attachment RF12 provides evidence that development costs are below the threshold.
4.	<p>Omnibus Permit</p> <p>The Planning Report has not been amended as it is HMA preference to retain planning Permit 0005 as well as the new permit for the proposed quarry expansion. Our reasons are set out in our covering letter.</p>	
5.	Planning Permit 0005 issued by Frankston City Council on 6 May 2000 does not contain any conditions requiring plans to be prepared, submitted, or endorsed by the Responsible Authority.	



6.	HMA have confirmed with Resources Victoria that the interested parties would not have received a Statutory Referral under the MRSD Act, therefore no response was received.	Attachment RF16
7.	a. Arboricultural Assessment by Tree Logic (2023) refers to the detail of tree data for all impacted trees, including cause and percentage of encroachment. b. Development plans display tree protection zones and structural root zones, plotted over the proposed quarry works plan.	Arborist report included in Attachment RF17 Attachment RF11 – Figure 5 includes plans showing TPZ and SRZ plotted on development plans.
8.	HMA requests that the revised Landscape Concept Plan be addressed as a condition of approval. This is consistent with standard practice for extractive industry approvals where rehabilitation and landscaping plans evolve in conjunction with final engineering plans.	

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