

Client
Heidelberg Materials

Date
17 June 2025

Planning

Transport

Urban Design

Waste Management

Landscape Architecture

Circular Economy

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Town Planning Report

Expansion of Langwarrin Quarry

60 Valley Road, Langwarrin

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ratio:

Project
Expansion of Langwarrin Quarry

Prepared for
Heidelberg Materials

Our reference
22384R001

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Acknowledgement of Country

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Introduction

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1.1. Instruction

Ratio Consultants has been engaged by Heidelberg Materials, the permit applicant, to prepare a town planning report with respect to an application to extend the Langwarrin Quarry into land at No. 60 Valley Road, Langwarrin.

1.2. Investigations and research

While preparing this report, we have:

- Reviewed the relevant provisions of the Frankston Planning Scheme, including relevant related documents.
- Inspected the site and surrounds.
- Reviewed the Work Plan Variation including the proposed extraction area.
- Reviewed the following accompanying reports:
 - Biodiversity Assessment Report prepared by Ecology & Heritage Partners dated April 2025.
 - Acoustic Report prepared by Enfield Acoustics dated 21 March 2025.
 - Air Quality Assessment prepared by Zephyr Environmental dated 9 April 2025.
 - Human Health Impact Assessment prepared by Sage Environmental Services dated 24 April 2025.
 - Preliminary Landscape and Visual Impact Assessment prepared by Landform Architects dated March 2025.
 - Traffic Report prepared by Traffix Group dated April 2025.

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2. Existing Conditions

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2.1. Subject site

The subject site is located on the southern side of Valley Road approximately 800 metres east of McClelland Drive in Langwarrin.

It is irregular in its configuration with a battleaxe shape. The site has a road frontage to Valley Road of approximately 54.9 metres and a maximum depth of approximately 533.2 metres. It yields an overall site area of 7.87 ha.

Figure 2.1: Locality map



Source: Landchecker, prepared by Ratio Consultants

The site is largely undeveloped, save for a single dwelling located at the front of the site. There are some small outbuildings located within the rear portion of the site, including a tennis court.

Vehicle access is provided via two single width crossovers to Valley Road located at each side of the Valley Road frontage. The western most crossover leads to an access way which is located along the site's western boundary and leads to the rear of the site. The southern portion of the site is well vegetated with more scattered vegetation located within the axe-handle.

There is an approximate 2.0 metre slope from north to south on the site with the existing dwelling sitting higher than the 'axe-head' portion at the rear of the site.

The fence along the Valley Road frontage includes an approximately 1.5-metre-high brick fence with wrought iron gate. The eastern, western and northern boundaries comprise a colourbond fence.

Photo 1: Western site access from Valley Road



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Photo 2: Eastern site access leading to dwelling



Whilst not part of the current application, it is important to recognise that the subject site is not being developed in isolation, but will extend the operations of the existing quarry which operates from land at 150 Quarry Road, Langwarrin. We note:

- The land at 150 Quarry Road has operated as a quarry since 1975.
- This parcel of land is located on the northern side of Quarry Road approximately 1.2 kilometres northwest of Cranbourne-Frankston Road in Langwarrin.
- It has an irregular shape with a road frontage to Quarry Road of approximately 834.5 metres and a maximum depth of approximately 727.3 metres. It yields an overall site area of 45.96 ha.
- This site sits immediately south of the subject site (60 Valley Road) and shares a common boundary along the southwestern portion of the ‘axe-head’.
- This site contains the existing sand extraction quarry and associated processing operations, noting that the existing sand reserves are exhausted and extraction ceased in December 2018.
- The site is undergoing rehabilitation with quarry pits filled with EPA approved materials / clean fill.

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- Boggy Creek runs through the middle of the site and there are water collection areas / dams located throughout the site.
- Processing plants and other operational facilities are located along the Quarry Road frontage in the southeast corner of the site.
- There are a series of internal roadways that allow vehicle access through the site, and these will provide access into the site at 60 Valley Road. The internal link roadway is located in the northern corner of the site.

2.2. Adjoining land

NORTH

Valley Road adjoins the site to the north. It is a local road that runs in an east – west direction between McClelland Road and its terminus approximately 530 metres east of Potts Road.

It has one traffic lane in each direction and a gravel shoulder. It has traffic calming pinch points between McClelland Road and Potts Road. There are overhead power lines along the southern side of the road.

On the opposite side of Valley Road are two properties:

- 55 Valley Road is constructed with a single storey dwelling which is set back approximately 24.6 metres from Valley Road. It has a double storey garage located at the front of the site and there is a large tree located to the rear of the dwelling. Vehicle access is provided directly from Valley Road. There are several street trees along the site's frontage.
- 31 Rhone Grove sits behind a tree reserve and faces Rhone Grove with the sideage of the dwelling facing Valley Road. Vehicle access is provided directly from Rhone Grove which has no direct vehicle access to Valley Road.

Both of these properties sit within the General Residential Zone and form part of a broader suburban residential subdivision that terminates at the northern side of Valley Road.

EAST

No. 70 Valley Road adjoins the subject site to the immediate east. It is a long narrow allotment with a street frontage of approximately 84.8 metres and a depth of approximately 533.2 metres which yields an overall site area of approximately 4.27 ha. We also note:

- It comprises a single storey dwelling with two additional large sheds located to the rear of the dwelling. Other infrastructure is located to the rear of the dwelling.
- There is scattered mature vegetation located throughout the site as well as large areas of cleared land.
- Vehicle access is provided via two single crossovers to Valley Road located at each side of the property's frontage.
- This property sits within the Rural Conservation Zone – Schedule 2.

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SOUTH

As previously described the subject site adjoins No. 150 Quarry Road to the immediate south.

WEST

There are six properties which adjoin the subject site to the west:

- No. 230 Quarry Road is located along the western boundary of the ‘axe-head’ section of the subject site. It is occupied by an existing quarry. This property sits within the Special Use Zone – Schedule 2.
- Five properties adjoin the northern boundary of the ‘axe-head’ section of the subject site. They include Nos. 34, 40, 44, 50 and 54 Valley Road. These properties sit within the Rural Conservation Zone – Schedule 2. We note:
 - Each of these properties is occupied by a single dwelling generally located at the front of the site.
 - The dwelling at No. 50 Valley Road is located in closest proximity to the common boundary with a minimum setback of approximately 147 metres.
 - There is scattered vegetation throughout each of the properties with some having more vegetation coverage than others. This vegetation is in varied condition with a number of trees appearing to be in poor condition.
 - The fence along this boundary is a mix of low height barbed wire fencing and colorbond fencing.

2.3. Broader context

The subject site sits to the north of an area that has historically and is currently still being used for extractive industry. A number of quarries operate from this land, including the existing quarry at 150 Quarry Road operated by the applicant. Some of these quarries, including 150 Quarry Road, are at the end of their useful life and are in a state of remediation, taking clean fill from other development sites as part of their rehabilitation.

The Rural Conservation Zone generally extends westward from the Western Port Highway and encompasses the area south of Ballarto Road and north of Cranbourne-Frankston Road. As well as a portion of land that runs parallel with the Western Port Highway south of the Cranbourne – Frankston Road. This tract of land as well as the land that is being quarried sits outside the Urban Growth Zone.

Residential land is located within the UGZ to the north, southeast and south of the subject site. The Peninsula Link freeway is located approximately 1.8 kilometres west of the site providing direct access to Eastlink and the Mornington Peninsula Freeway.

The Pines Flora and Fauna Reserve, Centenary Public Golf Course, McClelland Reserve and Centenary Park form a green link of public open space along the western side of McClelland Drive.

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Figure 2.2: Aerial photograph of site and surrounds



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3. Background

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3.1. Planning permit history for existing quarry

The land at 150 Quarry Road has operated as a quarry since 1975, with the applicant operating the quarry since 2016.

Our research indicates that the first planning permission for the use of the southern section of the site as a quarry occurred in 2000.

Planning Permit No. 0005 was issued to the land known as 150-190 Quarry Road, Langwarrin by Frankston City Council on 8 May 2000 and allows *'the land to be used and developed for extractive industry generally in accordance with Work Authority number 13'*

Condition 1 of the permit specifies that:

The natural conditions and topography of the land within 20 metres of the boundary of the land must not be altered except for driveways, drains, bund walls and landscaping. This does not apply where adjoining land is used for extractive industry and the works authority allows extraction to the common boundary'.

It also notes that if there is any inconsistency between the requirements of the condition and the Work Authority, this permit condition prevails.

3.2. Work Authority 13 Variation

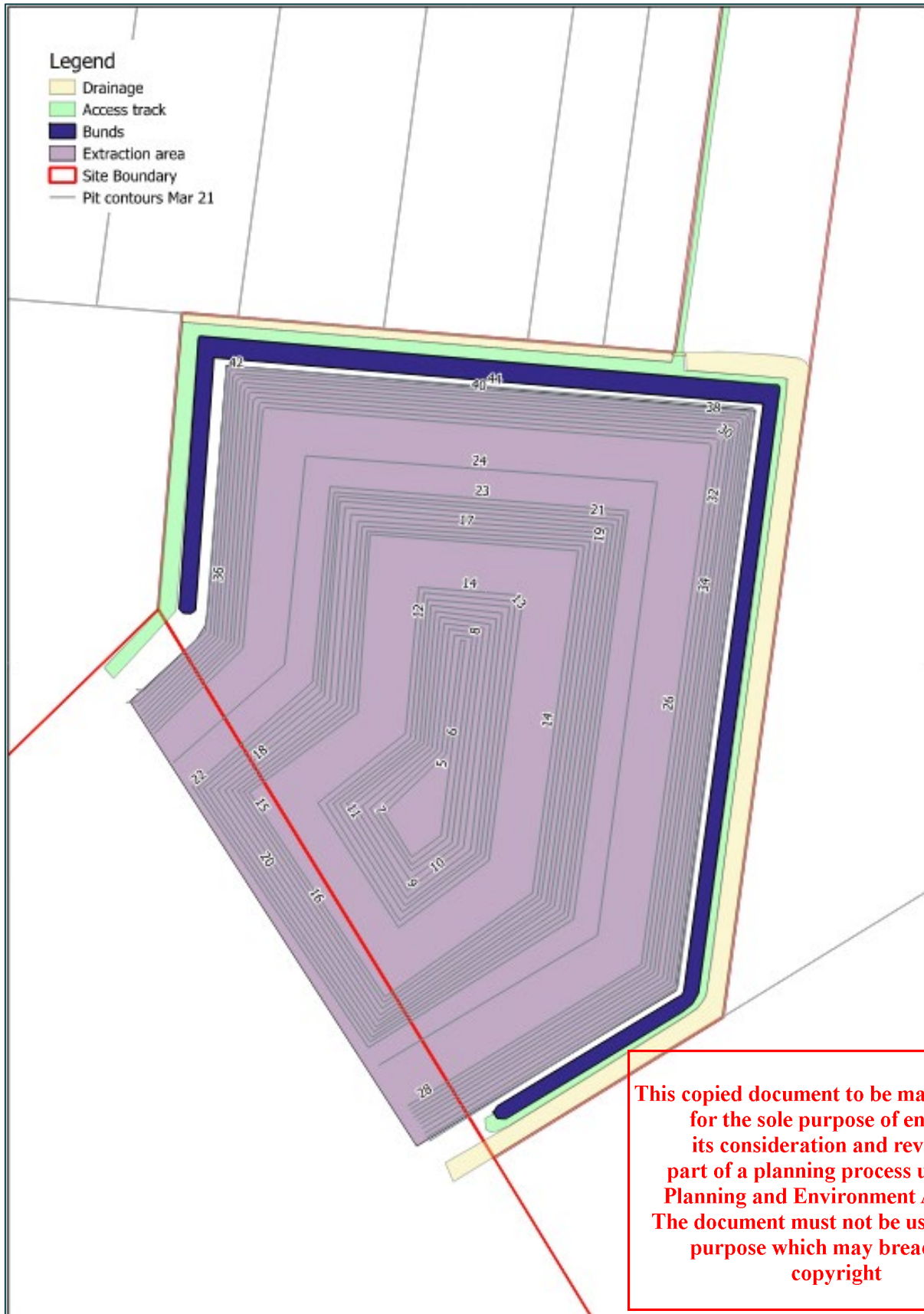
The sand reserves at the existing quarry have been exhausted and as such, the applicant is proposing to extend its operations at the adjacent site at 60 Valley Road, Langwarrin (subject site) which is located to the north of the existing quarry.

On 10 November 2021, the applicant submitted an application to vary its approved work plan for WA13 to Earth Resources Regulation (ERR). The variation sought to expand operations into the adjoining site (60 Valley Road) to prolong operations at the quarry.

The Work Plan variation was statutorily endorsed by ERR on 10 March 2022 and is shown below in Figure 3.1 over page.

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Figure 3.1: Approved Work Plan Variation Extraction Area



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4. The Proposal

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It is proposed to use and develop the subject site for extractive industry (sand extraction), effectively extending the existing quarry operations of the land at 150 Quarry Road into 60 Valley Road.

We have been advised that the existing sand reserves within the existing quarry (150 Quarry Road) have been exhausted, and it is now accepting clean fill.

We also note:

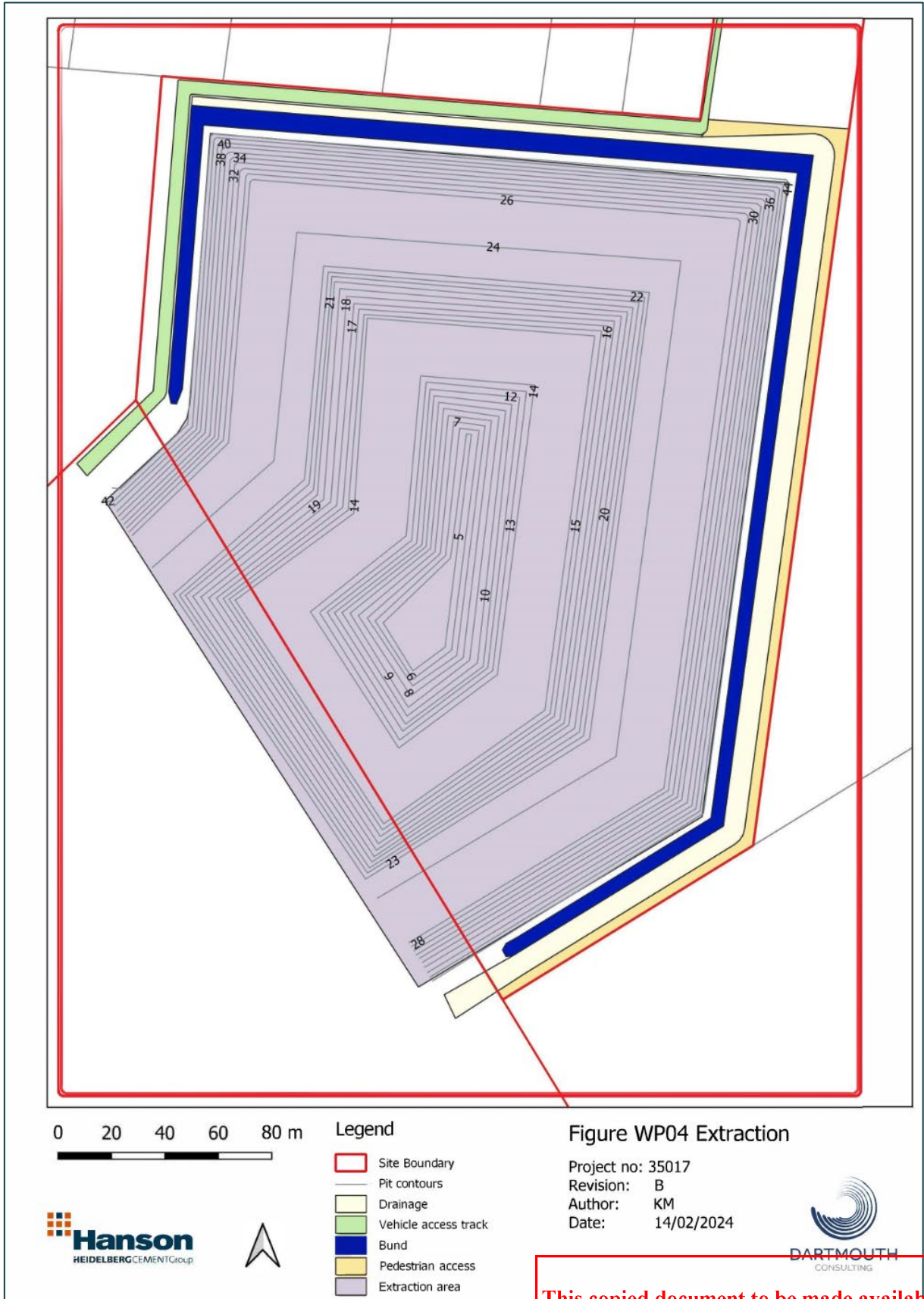
- The proposed extraction area is limited to the ‘axe-head’ portion of the land with the ‘axe handle’ portion of the land remaining largely unchanged.
- The proposed extraction area has been statutorily endorsed by the Earth Resources Regulation (ERR) through a Work Plan Variation to Work Authority 13 (WA13).
- Since the Work Plan Variation was statutorily endorsed by ERR, minor amendments to the extraction area have been made as shown in the amended extraction plan below.

The minor amendments can be summarised as follows:

- The drainage line on the northern and eastern sides of the pit have been moved to be adjacent to the bund.
- The eastern pedestrian access track has been shifted to the eastern boundary to allow the eastern drainage line to be adjacent to the eastern bund. The eastern access track is now marked as pedestrian access.
- The northern vehicle access track has been shifted to the northern boundary to allow the northern drainage line to be adjacent to the northern bund.
- The vehicle access track on the western side has been moved closer to the western bund and the bund has been moved closer to the western edge of the pit.

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Figure 4.1: Amended Extraction Plan for Work Plan Variation



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The existing dwelling on the site will be retained. It is currently owned by Heidelberg Materials and is under a lease agreement. This arrangement is expected to continue through the operational phase and post-rehabilitation period.

It is also proposed to remove all vegetation from within the 'axe-head' portion of the site as this is the land required for extraction.

The proposed quarry pit will have an estimated maximum depth of 35 metres, and it is estimated that there are 2.1-2.4 million tonnes of sand reserve to be extracted. The applicant estimates that the sand reserves within the subject site will be exhausted within 5 – 6 years assuming normal conditions.

A 20-metre buffer between the pit and the site boundary is provided along the northern, eastern and western boundaries. These areas will contain drainage, vehicle access tracks, pedestrian access tracks and an earth bund, which will act as an acoustic and visual buffer.

The current buffer between the existing quarry and the northern section of the site will form part of the extraction area.

The proposed hours of operation for extraction works are as follows:

- Monday to Saturday 7am – 6pm
- Sunday and Public Holidays Closed

Heavy vehicle access to the site will be via the existing quarry and the road network accessed via Quarry Road. It is anticipated that an average of 26-27 trucks per hour will access the site during a typical weekday with lower volumes (approximately 50% of average weekday volumes) on a Saturday. The quarry will not be operational on Sundays or public holidays.

We also note:

- A new vehicle access point will be created within the existing quarry to allow vehicular access to the new extraction area located within the site at 60 Valley Road.
- The existing vehicle access from Valley Road will be retained, however, this will be used by light vehicles and for emergency access. The accompanying traffic report indicates that vehicle movements from this access would be similar to those that occurred during extraction activities at the existing quarry up until the end of 2018.
- The site will rely on the existing infrastructure and operations of the existing quarry.

A landscape concept plan has been prepared for both the extraction phase and the post-extraction phase. The post-extraction phase includes revegetation of the 'axe-head' to a density of 4 tubes / m² in accordance with EVC 48 Healthy Woodland including weed management and replacement of dead plants as required.

REHABILITATION PLAN

We understand that the original Work Authority included the area where Boggy Creek runs through the centre of the existing quarry. Whilst this has not been quarried as it sits outside the title boundary of the site, there was no requirement to rehabilitate Boggy Creek as part of the original Work Authority.

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Following completion of quarrying on the site, the land will be rehabilitated through the filling of the pits with EPA approved materials / clean fill.

A rehabilitation plan has also been prepared which details how the entire site will be rehabilitated. This includes filling of the site and revegetation as well as rehabilitating Boggy Creek which currently flows through the middle of the existing quarry operations. It is anticipated that the existing quarry will be rehabilitated by backfilling with clean fill and redevelopment for light industrial/commercial uses, whilst the subject site (quarry extension) rehabilitation will include filling of the excavated areas with clean fill material and rehabilitation as bushland.

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5. Planning Context

5.1. Zone Control

The review site is located within the Rural Conservation Zone – Schedule 2 of the Frankston Planning Scheme.

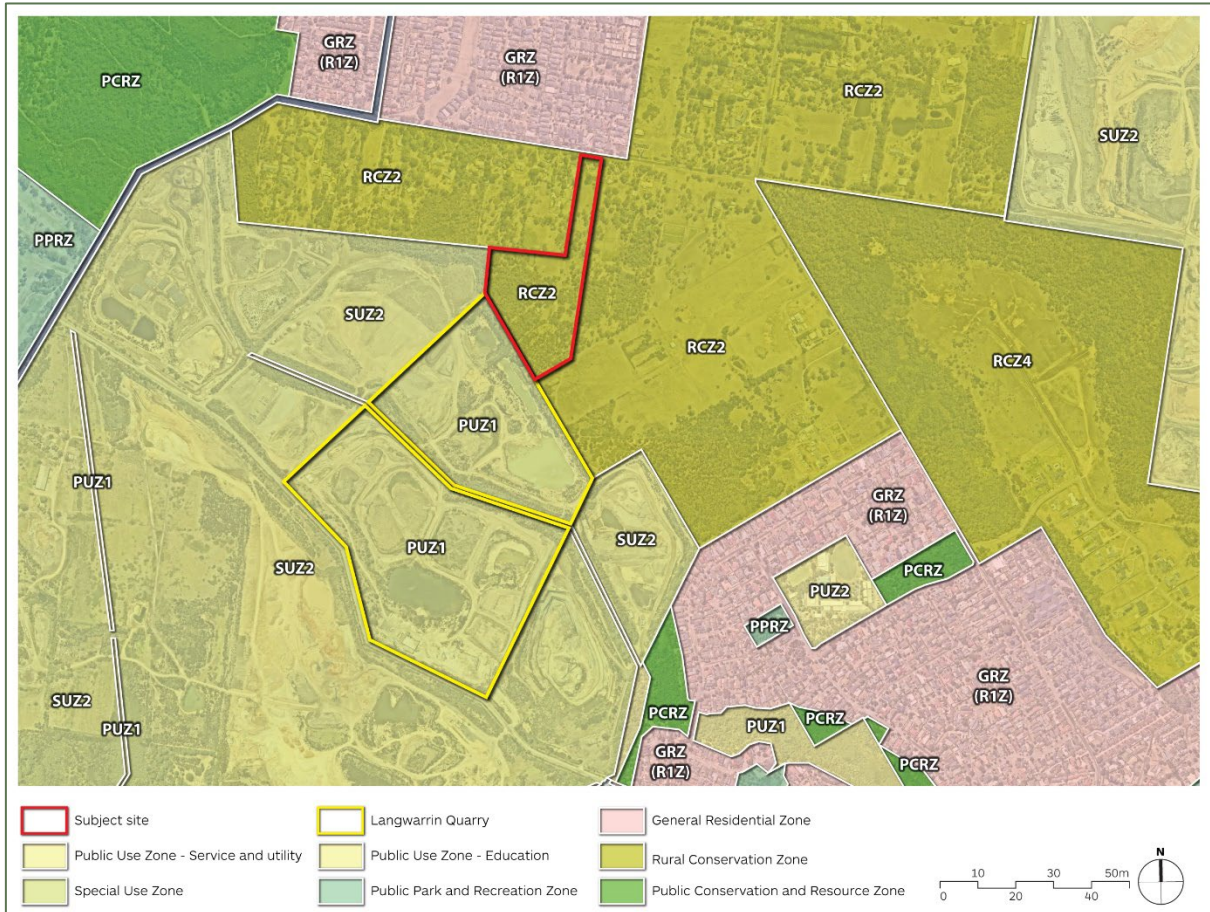
The purpose of the zone is:

- *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.*

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Figure 5.1: Zoning map



Pursuant to Clause 35.06-1, extractive industry is a Section 2 use and as such a permit is required for the use of the land for a sand quarry.

Extractive industry is defined as:

'Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works. It includes: the rehabilitation of the land; and the treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery or cement or asphalt products, on or adjacent to, the land from which the stone is extracted or removed.'

It is nested under 'earth and energy resources industry' which is defined as:

'Land used form the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.'

A permit is also required for buildings and works associated with a Section 2 use pursuant to Clause 35.06-5. Under Clause 1.0 of Schedule 2, a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary or which increase the discharge of saline groundwater.

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Relevant decision guidelines are set out at Clause 35.06-6 and include general issues, rural issues and environmental issues.

Schedule 2 relates to Conservation Values with the objective *'to maintain and enhance the mosaic of low key rural uses and remnant vegetation on small to medium size rural holding in the Skye and Langwarrin areas'*. There are no decision guidelines under the schedule to the zone.

There is no permit trigger under the zoning of the site for any vegetation removal including native vegetation. Accordingly, the relevant consideration under the zone relates to the proposed use of the land for extractive industry and the works associated with the excavation area which will change the topography of the land.

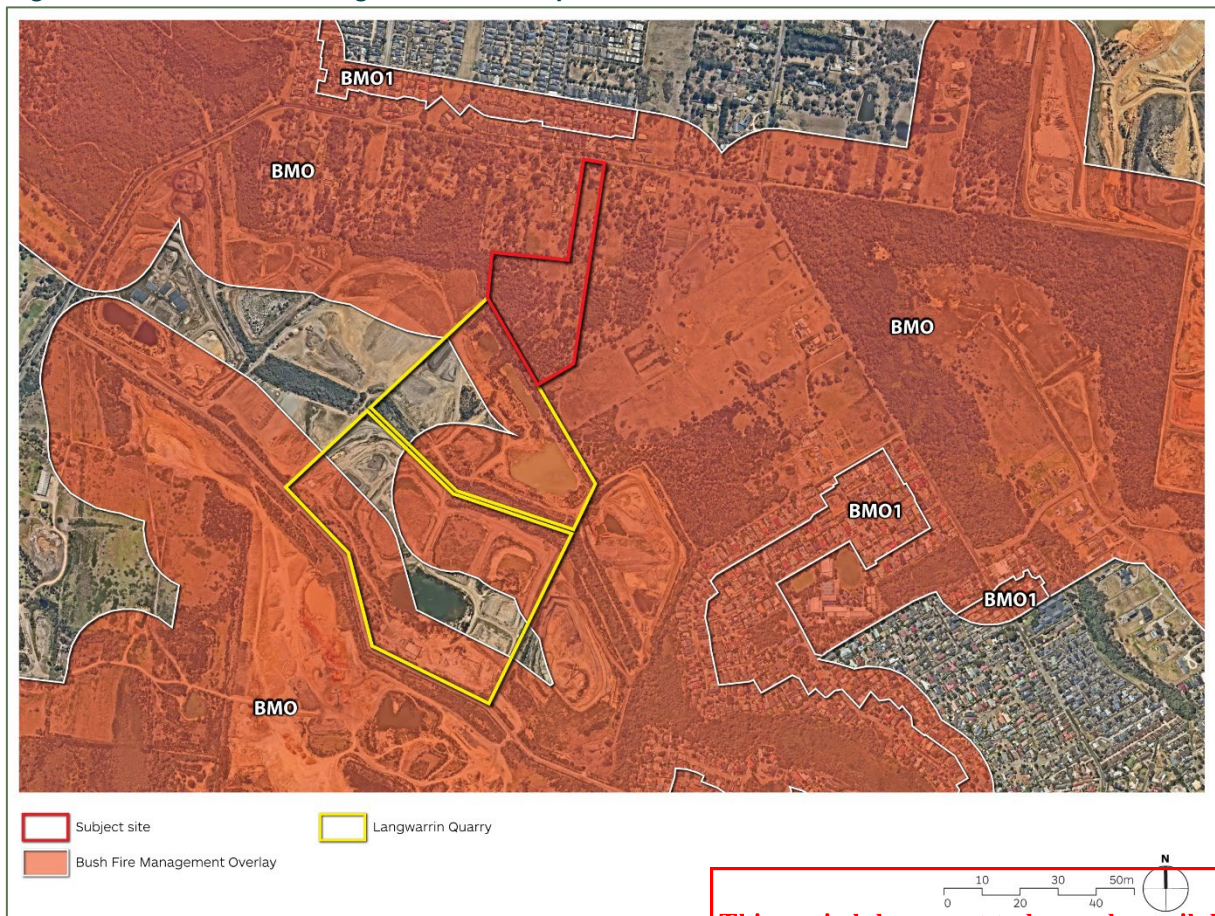
5.2. Overlays

The subject site is affected by two overlays as follows:

BUSHFIRE MANAGEMENT OVERLAY (BMO)

The Bushfire Management Overlay affects the entire site. Clause 44.06-2 sets out that a permit is required to construct a building or construct or carry out works associated with a series of nominated uses; however, extractive industry is not a nominated use and therefore a permit is not required under this overlay.

Figure 5.2: Bushfire Management Overlay



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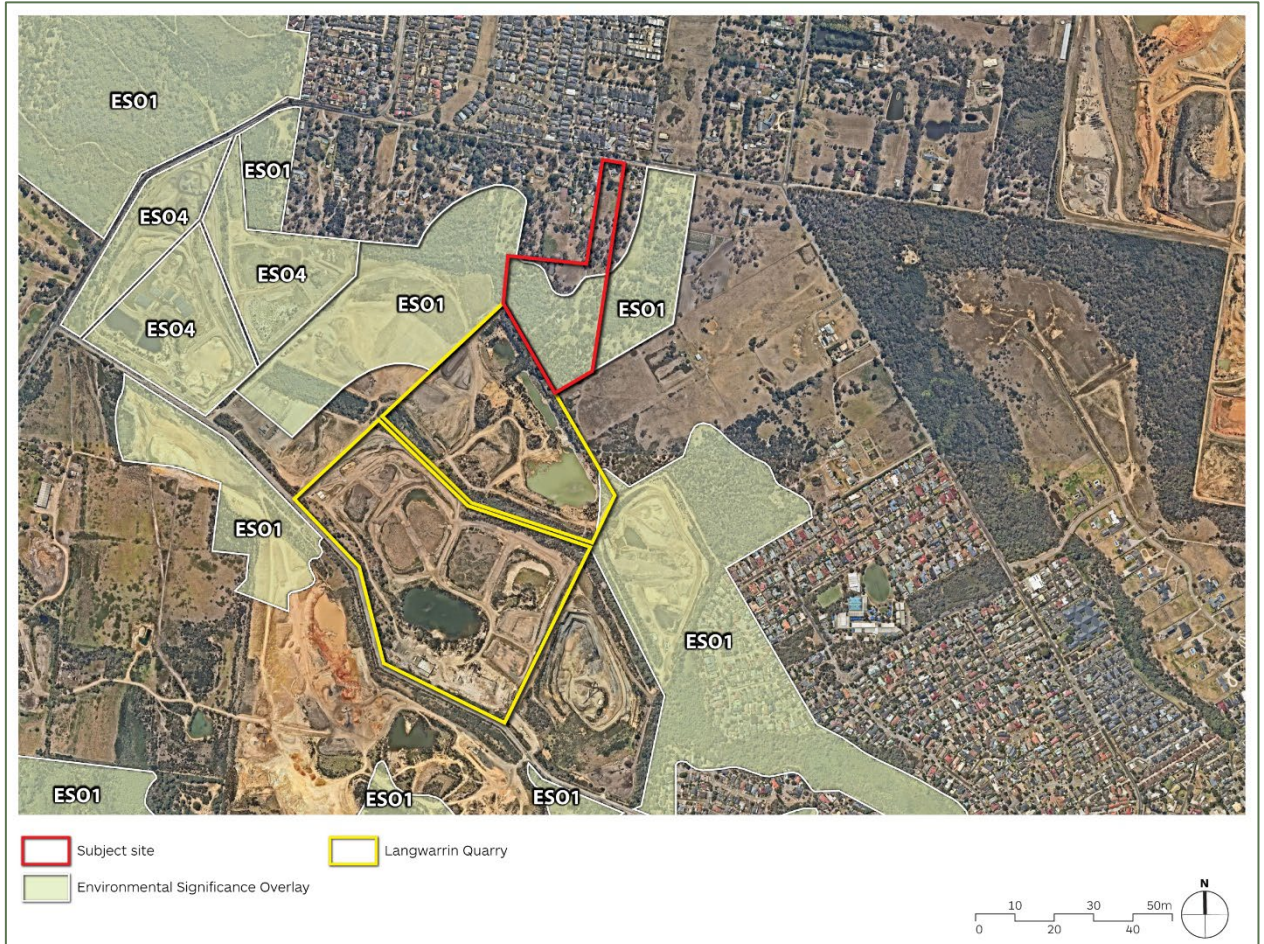
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ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO1)

Environmental Significance Overlay – Schedule 1 partially affects the site within the battle axe head portion. Schedule 1 relates to ‘Native vegetation and fauna habitat’.

Figure 5.3: Environmental Significance Overlay



Pursuant to Clause 42.01-2 a permit is required to construct a building or construct or carry out works, including a fence. A permit is also required to remove, destroy or lop any vegetation, including dead vegetation; however, this does not apply if the table to Clause 42.01-3 specifically states that a permit is not required.

A table of exemptions is set out in Clause 42.01-3 which states that ‘the requirement to obtain a permit does not apply to:

Extractive industry: 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 (Sustainable Development) Act 1990 and authorised by a work authority grant under that Act’.

As the site is subject to an approved work plan (WA13), there is no permit required for the removal of vegetation on the site under the provisions of this clause.

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5.3. Municipal Planning Strategy

The Municipal Planning Strategy (MPS) at Clause 2 of the Frankston Planning Scheme establishes that the municipality is largely residential but that there are large tracts of industrial land located in Seaford South and west of Carrum Downs.

Land in the north, east and south of the municipality sits outside the Urban Growth Boundary with much of this land located within Frankston's Green Wedge. This area comprises approximately 4,500 hectares and supports a mix of agricultural activities, environmental and open space areas.

It recognises that along with the bayside location, areas of remnant bushland and wetlands provides a recreation resource for the municipality and the region. It also notes that the coast and foreshore reserve, wetlands and bushland reserves and corridors are of regional significance to the conservation of biological diversity.

Council's vision is set out at Clause 02.02 and specifies that the Green Wedge will be a focus of sustainable uses, agriculture, biodiversity links, active and passive recreation facilities and open space.

More specifically, it states that the Council Plan contains several strategies and actions of relevance to the Frankston Planning Scheme, including strategies to:

- *Protect and enhance heritage, unique characteristics and the environment of the municipality.*
- *Deliver environmentally sustainable design innovation and architectural excellence.*
- *Provide a healthy and safe environment for residents, workers and visitors.*
- *Integrate transport planning by providing safe and functional pedestrian, bicycle and vehicle networks.*
- *Minimise the impact of climate change, reduce pollution and encourage the sustainable use of natural resources.*
- *Protect and preserve biodiversity and enhance the natural environment.*

Strategic directions are set out in Clause 02.03 under the following categories: settlement, environmental and landscape values, environmental risks and amenity, natural resource management, built environment and heritage, housing, economic development, transport, infrastructure and gaming.

Clause 02.03-1 recognises that the Frankston Green Wedge accommodates several different environmental, economic and social values including wetlands, Eastern Treatment Plant, sand resources and land fill sites.

The key strategic direction in relation to Frankston's Green Wedge is to '*manage the pressure for urban uses in the green wedge areas*'.

Clause 02.03-2 identifies that a number of areas of remnant indigenous vegetation which are located on both private and public land, have been identified as having significance for flora and fauna conservation. It recognises that bushland provides refuge for several plant and animal species at risk of extinction.

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Key strategic directions include:

- *Manage the loss and fragmentation of indigenous vegetation and Australian native vegetation to avoid loss of biodiversity.*
- *Secure and enhance habitat corridors to sustain the health of indigenous flora and fauna communities.*

Clause 02.03-4 relates to natural resource management and specifically discusses rural land and land fill sites. In relation to land fill sites, it states that Council seeks to protect extractive industry sites from incompatible adjacent development. The existing quarry at 150-190 Quarry Road is nominated as a potential landfill site.

It also recognises that these sites provide an important resource for the disposal of non-recyclable solid waste for the municipality.

Key strategic directions include:

- *Protect existing quarry sites from the encroachment of sensitive uses.*
- *Plan for open spaces and high priority conservation corridors to replace redundant extractive and landfill activities.*
- *Maintain a non-urban zoning for land adjacent to existing extractive industry sites that have been identified for potential landfill sites.*
- *Ensure that land uses that are potentially sensitive to solid waste landfill activities are located outside recommended buffer distances to maintain separation between uses.*

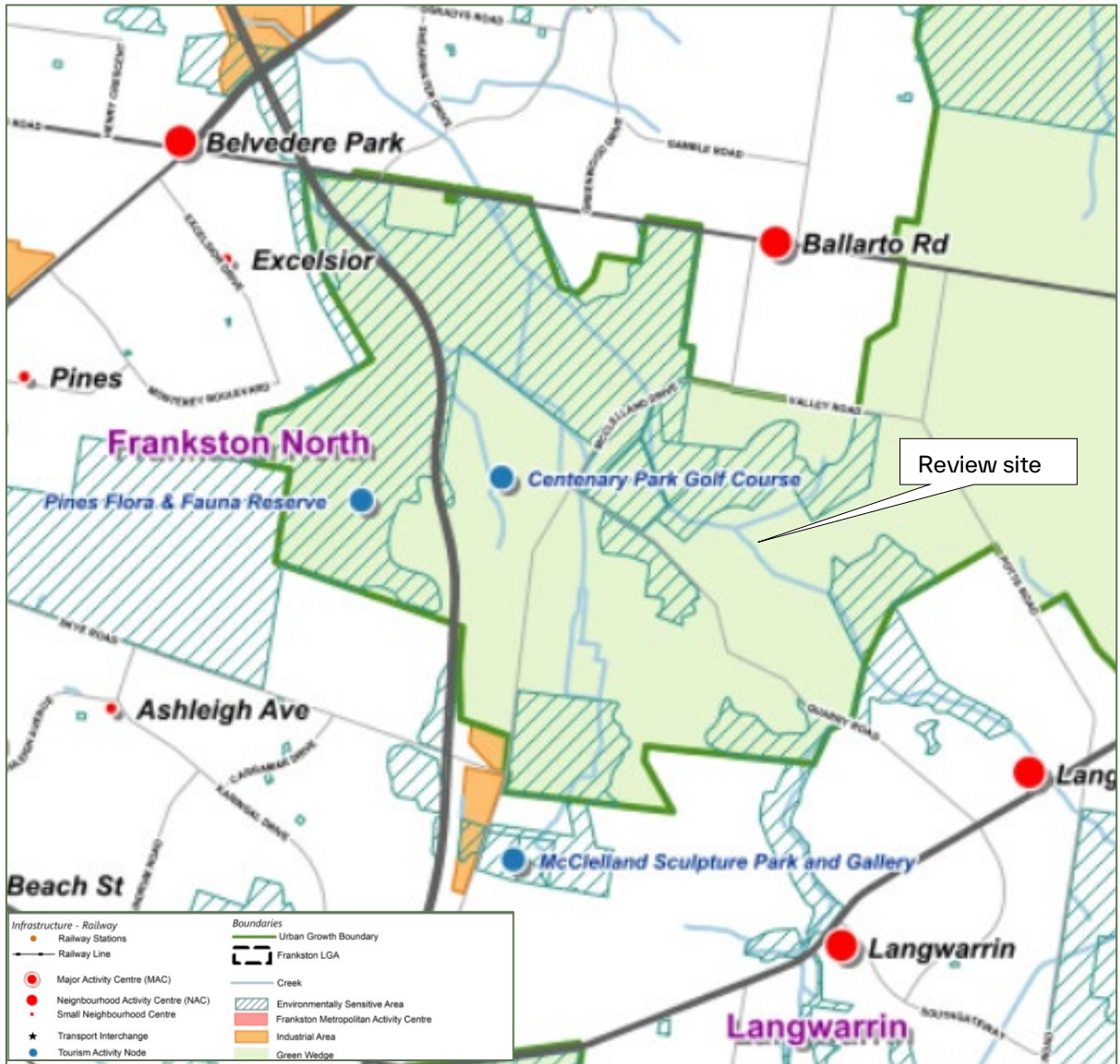
Strategic Framework Plans are set out at Clause 02.04. The following nominations are relevant to the review site:

- Under the Municipal Strategic Framework Plan at Clause 02.04-1, the review site is nominated as being within the Green Wedge area with the part of the Valley Road site nominated as an 'environmentally sensitive area'.

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Figure 5.4: Extract of Municipal Strategic Framework Plan



- The Environmental Risk Map at Clause 02.04-3 nominates the review site as being in a fire risk area.
- The review site is nominated as being located within an existing habitat corridor and a potential habitat corridor in the Environmental and Landscape Values map at Clause 02.04-4.

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Figure 5.5: Extract of Environmental and Landscape Values

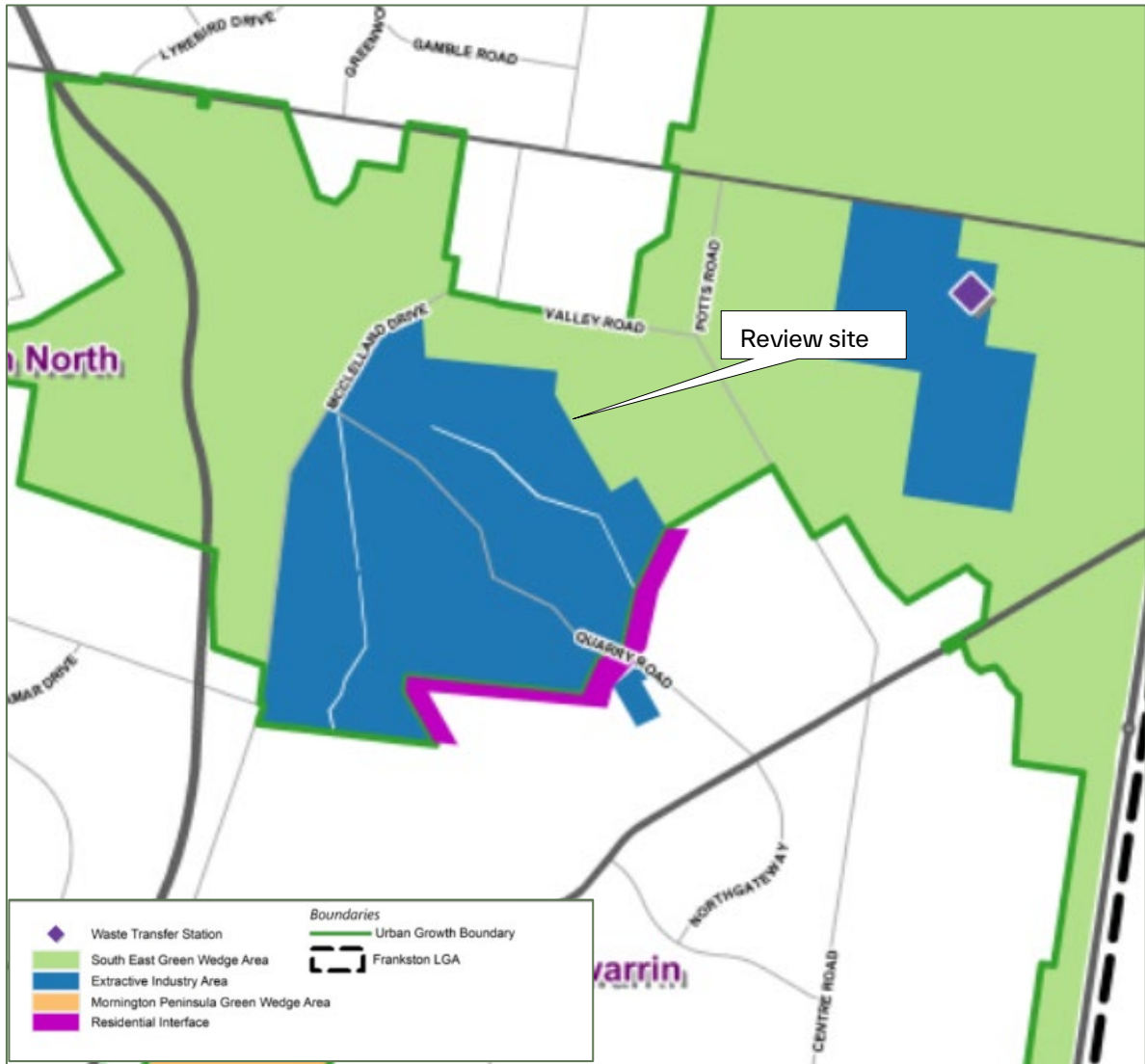


– The Resource Management Map at Clause 02.04-6 nominates the review site as being within the South East Green Wedge Area with the existing quarry and surrounding land to the south within an Extractive Industry Area.

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Figure 5.6: Extract of Resource Management Map



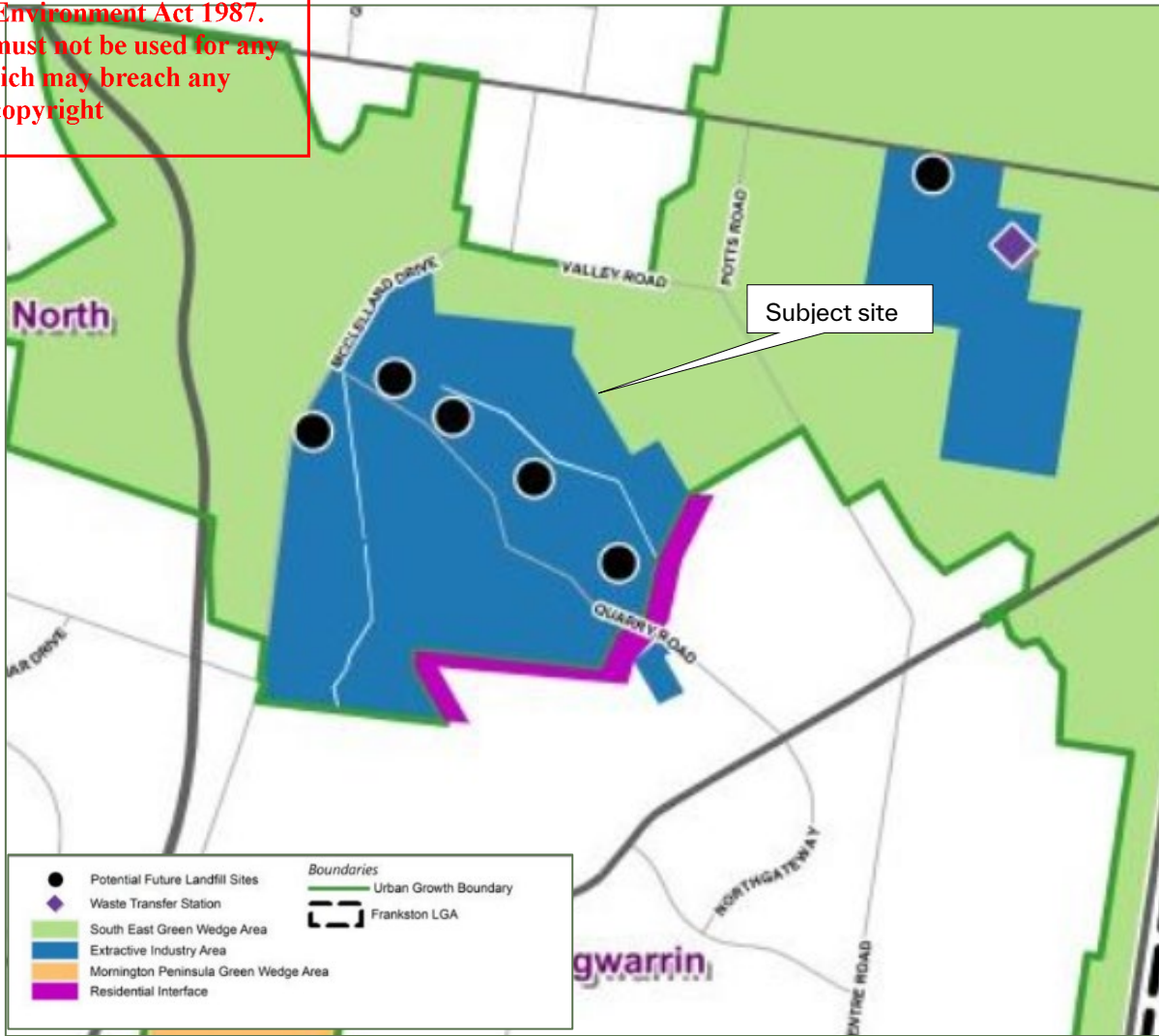
– Potential Landfill Sites are shown on the map at Clause 02.04-8 and it nominates a number of sites within the extractive industry area previously shown at Clause 02.04-6, including the existing quarry operations at 150 Quarry Road.

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Figure 6.7: Extract of Potential Landfill Sites Plan



5.4. Planning Policy Framework

The following PPF provisions (some identified as ‘S’ State, ‘R’ Regional and ‘L’ Local) are relevant to this proposal:

Table 5.1: Planning Policy Framework

CLAUSE	STRATEGIES
Clause 11 – Settlement	Establishes that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, open space, commercial and community facilities. Planning should recognise and contribute towards health and safety, a high standard of urban design and amenity, and prevention of land, water, air and noise pollution amongst other values.

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Clause 11.01-1S – Settlement

Seeks to facilitate the sustainable growth and development of Victoria by directing growth into existing settlements and capitalising on opportunities for urban renewal and infill redevelopment.

Clause 11.01-1R – Green wedges
– Metropolitan Melbourne

Seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development. It also seeks to protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas as well as protecting significant resources of stone, sand and other mineral resources for extraction purposes.

Clause 11.02-1S – Supply of
urban land

Identifies the need to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses whilst also maintaining access to productive natural resources.

Clause 12 – Environmental and
landscape values

Establishes that planning should help to protect the health of ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values.

Clause 12.01-1S – Protection of
biodiversity

Seeks to protect and enhance Victoria's biodiversity and ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of cumulative impacts; fragmentation of habitat; and the spread of pest plants, animals and pathogens into natural ecosystems. It also seeks to avoid impacts of land use and development on important areas of biodiversity.

Clause 12.01-1L – Protection of
biodiversity

Seeks to protect indigenous flora and fauna, ensure the revegetation of land to re-create faunal habitat corridors and encourages the retention of remnant indigenous vegetation on extractive sites.

Clause 12.01-2S – Native
vegetation management

Seeks to ensure that there is no net loss of biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 12.05-1S –
Environmentally sensitive areas

Seeks to protect and conserve environmentally sensitive areas.

Clause 12.05-2S – Landscapes

Seeks to protect and enhance significant landscapes and open spaces that contribute to character by improving landscape qualities, open space linkages and

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	environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
Clause 12.05-2L – Frankston landscapes	Seeks to protect remnant bushland areas and canopy trees.
Clause 13.02-1S – Bushfire planning	Applies to the review site as it is subject to a Bushfire Management Overlay. Seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Includes policy guidance for areas of biodiversity conservation value including ensuring settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.
Clause 13.05-1S – Noise management	Seeks to manage noise effects on sensitive land uses (residential use, childcare centre, school, education centre, residential aged care centre or hospital).
Clause 13.06-1S – Air quality management	Seeks to assist the protection and improvement of air quality by ensuring there is suitable land separation between sensitive land uses and land uses that pose a human health risk.
Clause 13.07-1S – Land use compatibility	Seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential off-site amenity impacts. Strategies include to avoid or otherwise minimise adverse off-site amenity impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
Clause 14.03-1S – Resource exploration and extraction	Seeks to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards. Relevant strategies include: <ul style="list-style-type: none">- Provide for the long-term protection of natural resources in Victoria.- Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.- Develop and maintain buffers around mining and extractive industry activities.

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- Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.
- Determine buffer areas between extractive activities and sensitive land uses.
- Identify and protect extractive industry resources within Strategic Extractive Resource Areas, based on their current or potential contribution to state supply, access to supporting transport networks and proximity to demand markets.
- Facilitate the use and development of Strategic Extractive Resource Areas for extractive industries and other compatible land uses.

Clause 14.03-1L – Resource exploration and extraction	<p>Seeks to protect opportunities to utilise extractive resources and encourage the rehabilitation of sites once extraction is completed. Strategies include:</p> <ul style="list-style-type: none"> - Manage the operation of quarry and subsequent landfill activities to avoid conflict with surrounding uses. - Maintain rural and semi-rural uses on sites adjoining an extractive industry site until the extraction is completed and the site is rehabilitated. - Plan for alternative uses to replace redundant extractive resource sites, ensuring the uses are properly integrated with surrounding uses.
Clause 15.01-6S – Design for rural areas	Seeks to ensure development respects valued areas of rural character.
Clause 15.03-2S – Aboriginal cultural heritage	Protects and conserves places of Aboriginal cultural heritage significance.
Clause 17.01-1S – Diversified economy	Aims to improve access to jobs closer to where people live to help strengthen and diversify the economy.
Clause 17.02-1S – Business	Encourages development that meets the community’s needs for retail, entertainment, office and other commercial services.

5.5. General and Particular Provisions

CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND

This clause applies to land in Metropolitan Melbourne that is outside the Urban Growth Boundary.

The purpose of this provision includes:

- 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.

The table to Clause 51.02-2 sets out land uses that are prohibited within this land, noting extractive industry is not a listed use.

CLAUSE 52.06 CAR PARKING

The car parking table under Clause 52.06-5 prescribes the number of car parking spaces required having regard to the use of the land.

There is no specified rate for extractive industry, with car parking to be provided to the satisfaction of the responsible authority.

We defer to the Traffic Engineering Assessment prepared by Traffix Group which determined there would be an anticipated car parking demand of 12 car spaces. The assessment found that these spaces can be accommodated on site within car parking areas available near the site offices located at 150 Quarry Road.

CLAUSE 52.08 EARTH AND ENERGY RESOURCES INDUSTRY

This clause sets out that a permit is required to use and develop land for earth and energy resources industry unless the table to the clause specifically states that a permit is not required.

For extractive industry to be exempt, it must comply with Section 77T of the *Mineral Resources (Sustainable Development) Act 1990*. Section 77T states that 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.

An Environment Effects Statement has not been prepared and therefore a permit is required under this clause.

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CLAUSE 52.09 EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

This clause applies to an application to use or develop land for extractive industry.

The purposes of this clause are:

- *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.*

There is no requirement for a permit under this clause. It sets out application requirements, referral and notice requirements, permit conditions for extractive industry and requirements for extractive industry.

Decision guidelines are set out at Clause 52.09-4 and include:

- *The effect of the proposed extractive industry on any native flora and fauna on and near the land.*
- *The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.*
- *The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.*
- *The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.*
- *The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.*
- *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
- *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*
- *The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.*
- *The impact of the proposed extractive industry on surface drainage and surface water quality.*
- *Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.*

Clause 52.09-5 sets out permit conditions for extractive industry and specifies that a permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date. A permit must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under Section 68 of the Act.

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- Conditions that are consistent with the requirements specified in Clause 52.09-6.

The requirements that extractive industry must comply with, to the satisfaction of the responsible authority are:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees' cars and all vehicles used on the land.

CLAUSE 52.17 NATIVE VEGETATION

The purpose of this clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A permit is required to remove, destroy or lop vegetation, including dead native vegetation. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required.

The table of exemptions is set out at Clause 52.17-7 and includes the following specific exemption in relation to extractive industry:

Native 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 (Sustainable Development) Act 1990 and authorised by a work authority under that Act.

As there is an approved work plan for the review site, no permit is required for the removal of native vegetation under this clause.

CLAUSE 62 GENERAL EXEMPTIONS

Clause 62.02-1 sets out exemptions from permit requirements for buildings and works and states that any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to (amongst other things), 'any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met'.

As set out above, we understand that the conditions of Clause 52.08 have not been met and therefore this exemption does not apply.

Exemptions for vegetation removal are set out at Clause 62.02-3. It states that 'any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation'. This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.

Based on this, if the removal of vegetation was not already exempt under the zoning, overlay and Clause 52.17, it would be exempt under Clause 62.02-3.

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CLAUSE 65.01 APPROVAL OF AN APPLICATION OR PLAN

This clause states that before deciding on an application or approval of a plan, considerations should be given to a series of matters including the purpose of the zone, overlay or other provision, the orderly planning of the area, and the effect on the amenity of the area.

CLAUSE 66 REFERRAL AND NOTICE PROVISIONS

This clause sets out the kinds of application which must be referred under Section 55 of the Planning and Environment Act or for which notice must be given under Section 52(1)(c) of the Act.

However, it states that any requirement for referral under this or another clause does not apply if:

The application is for the use or development of land for extractive industry or mining and a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority (other than the Head, Transport for Victoria) under Section 77TE of the Mineral Resources (Sustainable Development) Act 1990’.

Accordingly, there is no requirement to refer the application to the Department of Energy, Environment and Climate Action (DEECA) who work to preserve Victoria’s native landscape through a range of biodiversity, wildlife, sustainability, climate change and community programs. DELWP is the arm of DEECA who manage a range of biodiversity reference tools including the native vegetation information system.

We note that DELWP did not object to the granting of the work plan variation subject to conditions which have been included in the work plan variation approval.

CLAUSE 71.02-3 INTEGRATED DECISION MAKING

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

5.6. Mineral Resources (Sustainable Development) Act 1990

The Mineral Resources (Sustainable Development) Act 1990 (MRSD) provides the main legislative framework for the extractive industry in Victoria.

The MRSD is administered through the Earth Resources Regulator (ERR) who regulate exploration, mining, quarrying, petroleum, recreational prospecting and other earth resource activities.

The ERR reviews submitted work plans and coordinates referral of the work plan to relevant referral authorities. Once satisfied, the ERR will statutorily endorse a work plan. The applicant must then seek a planning permit if relevant and include a copy of the statutorily endorsed work plan.

This process applies to work plan variations also and whilst an approved work plan does not circumvent the need for a planning permit, it does consider the relevant impacts associated

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with such an approval. This streamlines the process by avoiding duplications through the two legislative frameworks and provides more certainty to both the applicant and the relevant authority.

Once a planning permit has been issued, a final work plan is approved and work authority granted under the MRSD Act.

5.7. Other Strategic Documents

PLAN MELBOURNE 2017-2050 (2017)

Plan Melbourne 2017-2050, as the current metropolitan strategic document, seeks to integrate long-term land use, infrastructure and transport planning to drive outcomes for the city related to the environment, population, housing and employment.

The measures of the plan were matched with a five-year implementation plan designed to deliver the policy objectives.

Direction 1.4 seeks to support the productive use of land and resources in Melbourne's non-urban areas. More specifically, Policy 1.4.2 is to '*identify and protect extractive resources (such as stone and sand) important to Melbourne's future needs*'.

It estimates that demand for extractive resources in Melbourne will double by 2051 which will be largely driven by the residential sector – including in the growth corridors – and strategic projects such as Fishermans Bend, the Metro Tunnel and major road upgrades.

Extractive industry resources need to be protected to secure a long-term supply of extractive resource materials and competitive prices, otherwise risk endangering Melbourne's medium- to long-term growth prospects.

The five-year implementation plan sets out 112 new actions to implement Plan Melbourne and provides indicative time frames:

- Short term: by the end of 2018 (0-2 years)
- Medium term: by the end of 2021 (2 – 5 years)
- Long term: beyond 2021 (more than 5 years)

Action 18 relates to '*Management of extractive industry*' and seeks to protect the extractive industry and future extractive-resource assets from incompatible land uses by adopting planning options consistent with the findings of the *Extractive Resources in Victoria, Demand and Supply Study, 2015-2050* within a short timeframe.

Plan Melbourne is a Policy Document to Clause 11.01-1S and a Background Document listed at Clause 72.08.

HELPING VICTORIA GROW - EXTRACTIVE RESOURCES STRATEGY (2018)

The strategy was launched in June 2018 by the Department of Economic Development, Jobs, Transport and Resources. It recognises that Victoria's population is forecast to exceed 10 million by 2050 and with this growth comes increased demand for services and infrastructure.

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Construction materials used in this infrastructure such as concrete, bricks, asphalt, paving, road base and aggregates are made from stone, sand, clay and other resources extracted from quarries across Victoria.

Demand for total extractives production is expected to increase to more than 100 million tonnes per annum by 2050 which is more than double the annual production of 2016 levels.

The strategy recognises the need to ensure that a sufficient supply of extractive resources is available within close proximity to growth areas and infrastructure projects to assist in keeping construction costs down. As extractive resources are high volume, heavy, low value materials, they are ideally located close to where they are needed to minimise transport costs which are expensive and add to the overall cost of construction.

The key construction activities that drive consumption of extractive resources are:

- Residential development (accounting for 50% in 2026)
- Non-residential development (25%)
- Transport and infrastructure construction (13%)
- Energy and utilities infrastructure (12%)

Government policy direction strongly influences construction activity which is clearly evidenced through the State Government's recent commitment to build 80,000 new homes each year for the next 10 years as set out in *Victoria's Housing Statement: The decade ahead 2024-2034*.

The strategy recognises that in order to meet future demand, existing quarries must continue to operate, and a substantial number of new quarries will need to become operational.

Detailed strategy actions are set out under the following categories:

- Resource and land use planning
- Transport and local infrastructure planning
- Efficient regulation
- Confident communities
- Environmental sustainability
- Innovative sector

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JOINT MINISTERIAL STATEMENT EXTRACTIVE RESOURCES (2018)

The Minister for Resources and the Minister for Planning released a joint ministerial statement on extractive resources in 2018 which was part of the Victorian Government's proactive plan to drive the affordability of quarry materials.

Both Ministers recognised the increased demand for extractive resources and the need to provide more certainty around the supply of these resources to ensure Victoria could continue to provide new infrastructure to cater for increased population growth.

The six key actions under the statement are:

- *Streamline approval processes to expand production.*

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- *Protect the continuity of supply from existing quarries.*
- *Apply the ‘agent of change’ principle to quarries.*
- *Provide better guidance to industry and local government.*
- *Identify and protect extractive resources of strategic importance.*
- *Reduce the environmental impact of quarrying and deliver landscapes for the community.*

EXTRACTIVE RESOURCES SUPPLY AND DEMAND STUDY 2022-30 (2023)

This report recognises that Victoria’s extractive resources industry is a vital part of the State’s economy being essential to the construction industry which is valued at \$21.6 billion and employs around 240,000 people.

Demand for extractive resources is being driven by population growth and projects in Victoria’s Big Build which is delivering \$90 billion of transport projects and increasing construction in the residential, commercial and renewable energy infrastructure by the private sector.

With fewer new quarries being developed, more pressure is placed on existing quarries for increased supply. If this does not occur, the alternative is transporting more extractive resources from further away which increases transport costs¹ and produces additional emissions.

Outer urban growth areas such as Geelong, Wyndham, Hume, Whittlesea and Casey (the latter adjoining the Frankston LGA), are expected to be the largest consumers of extractive materials due to increased construction driven by population growth.

Whilst hard rock is widespread throughout Melbourne, sand is more localised in certain areas of the state which means there is a higher risk exposure to sand supply shortfalls if a major quarry in a sand-producing region were to withdraw from the market without replenishment.

The study recognises that current sand reserves are increasingly depleting and key sand-producing quarries are facing major competing land use challenges.

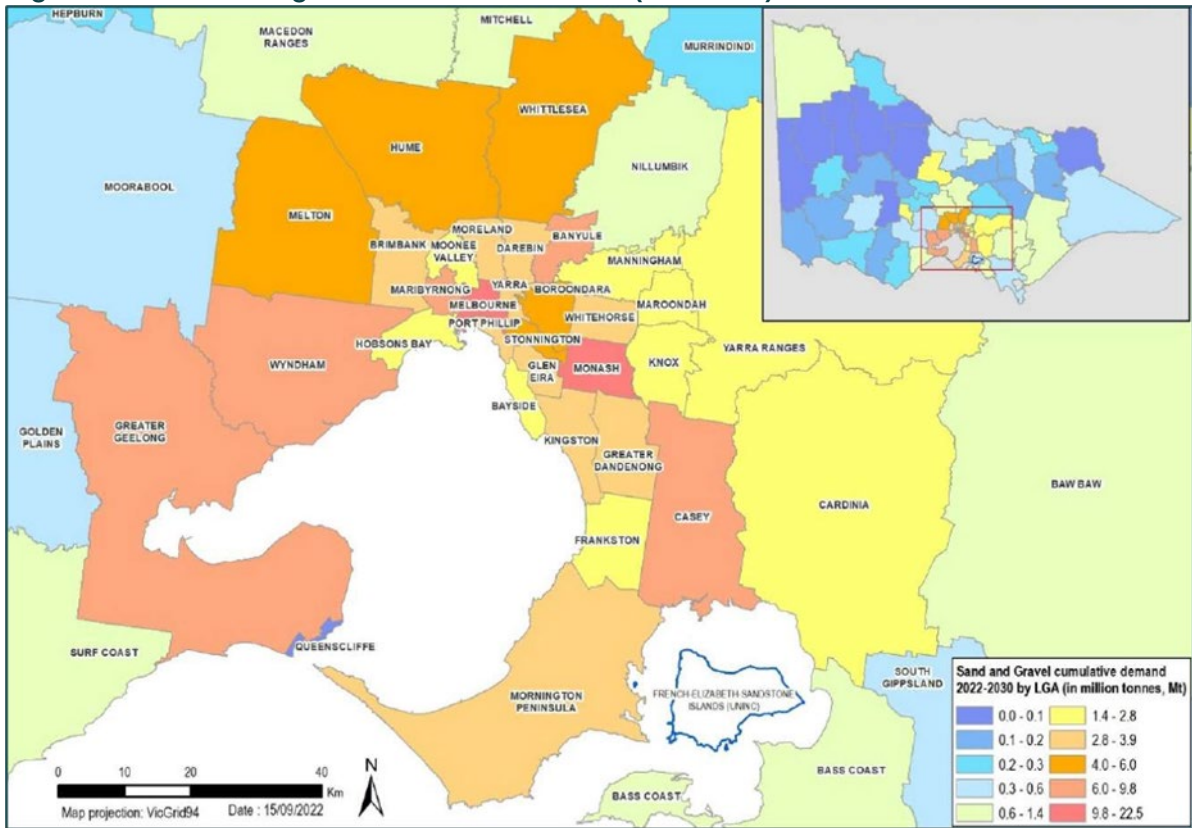
Demand for resources by local government area is set out in Section 2.4 of the study and shows that the LGAs bordering Frankston are expected to have some of the highest demand in the eastern region for sand and gravel between 2022 and 2030 as shown in Figure 5.8 below.

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¹ Transport costs are estimated to be 25-30 percent of the total extraction cost for quarries close to project sites, trucking costs are estimated to be about 20 cents per tonne per kilometre.

Figure 5.8: Sand and gravel demand forecasts (2022-30)



5.8. Planning Practice Notes

Planning practice notes (PPN) provide ongoing advice about the operation of the Victorian Planning Provisions (VPP) and planning schemes as well as a range of planning processes and topics.

PPN89 is relevant to the review site and surrounding area as it relates to Extractive Industry and Resources.

More specifically, PPN89 provides guidance on how existing and future extractive industry operations and resources are being protected and the approval process for extractive industry and other uses both in and outside protected resource areas and near existing and proposed extractive industry operations.

Importantly, the PPN recognises that more extractive resources are required for the building, construction and infrastructure sectors and the long-term supply of strategic extractive resources needs to be secured in areas close to where they will be used, to minimise transportation and construction costs.

The PPN acknowledges that given the life expectancy of quarries typically spans decades, the surrounding land can change in character and become more urbanised which can lead to incompatible land uses which can compromise or prevent the use of the resource. Accordingly, to prevent this outcome planning scheme provisions are in place to protect extractive resources and manage their use and development and that of the land around them.

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The PPN confirms that a planning permit is not required to remove, destroy, or lop vegetation to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the MRSD Act and authorised by a work authority.

Other requirements for applications for extractive industry are set out in the PPN including notice and referral requirements, information to accompany an application and suitable permit conditions.

5.9. Amendment C156fran

Frankston City Council is currently pursuing a Planning Scheme Amendment to implement the key directions of several Council adopted documents including the Biodiversity Action Plan and the Urban Forest Action Plan.

The Biodiversity Action Plan was adopted by Council in November 2021. It recognises that Frankston currently has 1,900ha of remnant native vegetation which supports an array of biodiversity. One of the key issues facing biodiversity in Frankston is the conflict between biodiversity protection and planning to meet development needs, infrastructure upgrades and bushfire protection.

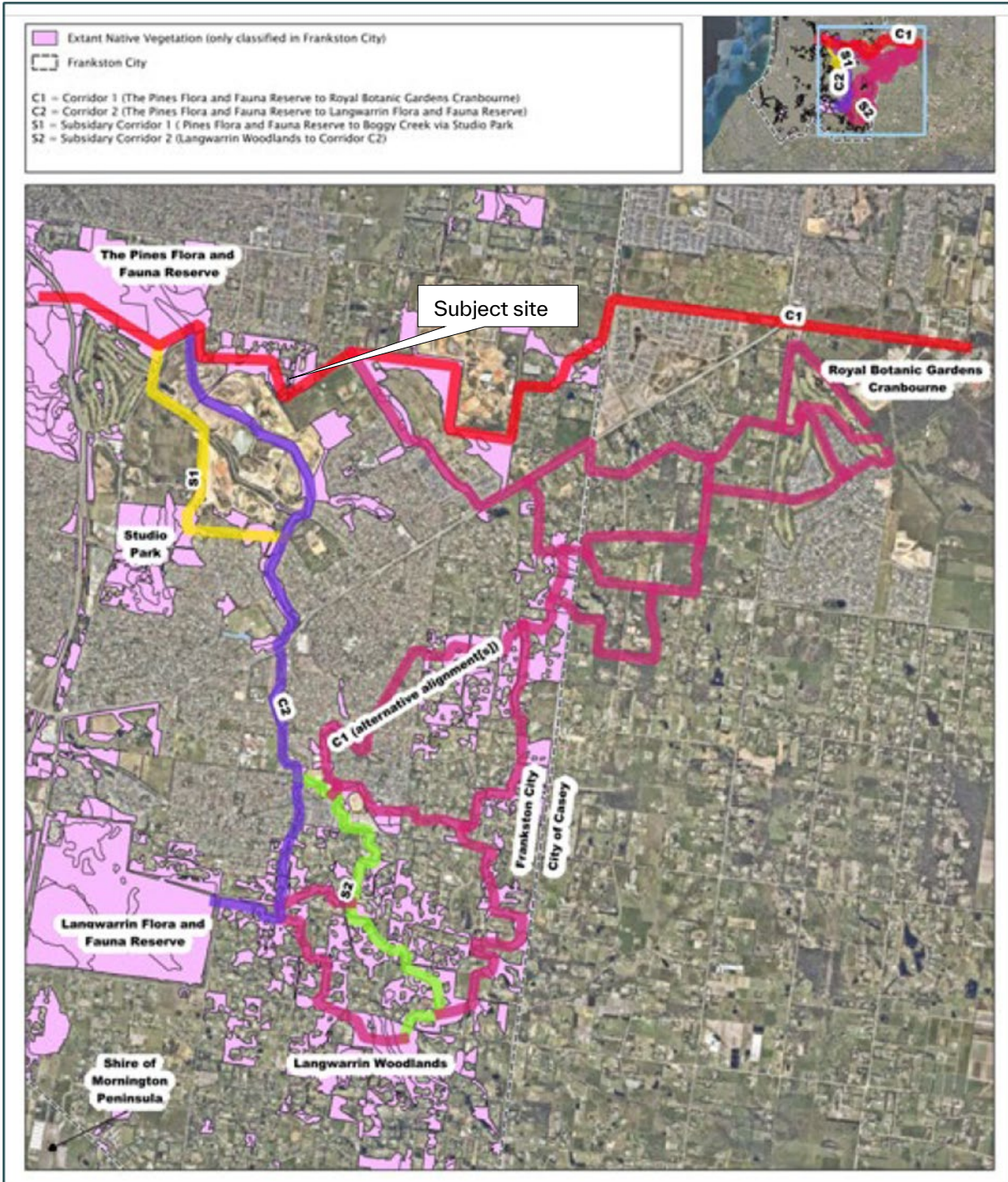
The Action Plan presents targeted, achievable actions to enhance biodiversity across all land in Frankston with actions prioritised into short (up to 4 years), medium (4 – 8 years) and ongoing timeframes.

An identified habitat corridor (C1 – Corridor 1: The Pines Flora and Fauna Reserve to Royal Botanic Gardens Cranbourne) traverses the southern boundary of the subject site (refer to Figure 5.9 over page).

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Figure 5.9: Priority fauna linkages/habitat corridors



The action plan sets out 89 specific actions to be completed over a 15-year period. These actions recognise the role of extractive industry and the potential to use these sites to provide additional open space and recreation opportunities following the end of their usable life. It also seeks to ensure that the rehabilitation of sites is a collaborative process.

Council adopted the Urban Forest Action Plan in 2020. It is a 20-year plan to transform the City's urban forest into a highly valued, well-resourced and thriving asset.

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Frankston's urban forest is identified as being the sum of all urban trees across the municipality and which is a critically valuable community asset providing shade, intercepting stormwater, providing habitat and food for wildlife, storing carbon and enhancing the character of streets and parks.

The plan sets out the environmental, economic, social and health benefits associated with the urban forest and provides an overview of the current state of the municipality's urban forest including the level of tree canopy coverage, thermal heat mapping and species and age diversity.

The key threats to the urban forest include tree and canopy cover loss, climate change, resources and funding and urban development. A series of actions are set out under the following planning outcomes:

- Sustainable environment
- Active community
- Open space and biodiversity
- Clean air and water
- Safe design (public realm)
- Social inclusion and engagement
- Best practice

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One of the stated ongoing actions is to consult with large private land owners such as industry e.g. quarry operators, golf courses etc to encourage tree planting and pursue opportunities to grow the urban forest and achieve better urban forest outcomes.

This amendment has not been through the rigours of an independent Planning Panel as of finalising this report.

5.10. Plan for Victoria (2025)

The Victorian State Government released 'Plan for Victoria' on 28 February 2025. This plan serves as a big-picture vision for the state's future and replaces existing strategies such as 'Plan Melbourne 2017-2050' and other regional growth plans.

The Plan sets out five key pillars for action as follows:

- **PILLAR 1: Housing for all Victorians** – *providing all Victorians with a choice of well-designed homes at an affordable price and close to daily needs.*
- **PILLAR 2: Accessible jobs and services** – *enabling you to connect to jobs, education, healthcare, shops and the services you need to live a productive and prosperous life.*
- **PILLAR 3: Great places, suburbs and towns** – *ensuring Victoria's suburbs, towns and neighbourhoods are vibrant, resilient and inclusive to support strong communities.*
- **PILLAR 4: Sustainable environments** – *protecting our environment, agricultural land and natural resources for a sustainable and healthy future.*
- **PILLAR 5: Self-determination and caring for Country** – *all our actions have implications for self-determination and caring for Country.*

One of the key objectives under Pillar 1 is the construction of 2.24 million homes over the next 30 years, whilst Pillar 2 seeks to 'safeguard the supply of Victoria's critical mineral resources which is essential for building our state, providing materials for clean energy technology and recycling opportunities for local and export markets'.

There is support within Plan for Victoria for the safeguarding of mineral resources whilst also conserving the natural values of the land. The nominated Strategic Extractive Resource Areas (SERA) include Lang Lang, Oaklands Junction and Trafalgar.

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6. Planning Considerations

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6.1. Introduction

This application represents an example of the challenges involved in balancing competing planning policies in favour of net community benefit as sought by Clause 71.02-3 of the Frankston Planning Scheme.

On one hand, there is a zone and a planning policy framework that acknowledges the environmental and ecological contribution of the land which is most obviously typified by the Environmental Significance Overlay and the Rural Conservation Zone applying to the land.

However, on the other side of the balance sheet, there is strategic policy at a State-wide level including *Plan Melbourne 2017-2050* and the *Extractive Resources Strategy* which explicitly acknowledges the strategic importance of the sand resource and its role in the construction industry.

The role of the extractive resources industry is also bolstered by a planning scheme that exempts the removal of vegetation from the site where there is an approved Work Authority. There is no permit trigger for vegetation removal under the zone, under the ESO or under Clause 52.17, and we consider these exemptions hold significant weight.

Whilst Clause 52.17 is a statewide planning control, the ESO1 has been placed over the site and the local area (including nearby adjoining quarries), specifically seeking to protect national, state, regional and locally significant vegetation and biodiversity as well as protecting and enhancing bio links across the landscape.

With the planning controls specific to the site, the planning scheme clearly anticipates (through the zone, ESO and Clause 52.17) a scenario where the extraction of a natural resource from the site is permissible, and that the removal of vegetation will be exempt.

This is largely due to the legislative framework set out in the MRSD Act which ultimately seeks to reduce duplications in the approvals process as set out earlier in this report.

The MRSD Act requires applicants to seek a statutory endorsement of a work plan prior to seeking a planning permit. This process entails several considerations under the Act and requires the same referrals to authorities as in a planning permit application. Clause 66 provides that referrals for a proposal are not required if they have already been done under the work plan approval process.

Importantly, the approval of the work plan under the MRSD Act does not supersede or shortcut the planning approvals process, but it is designed to streamline the process.

Based on the above, we consider the key considerations in the assessment of this application are:

- Is there contextual and strategic support for the proposal?
- Will the proposal result in acceptable environmental outcomes?
- Will the proposal have acceptable amenity outcomes?

6.2. Is there contextual and strategic support for the proposal?

Our population requires raw materials in order to build our townships and communities. This includes sand resources for (inter alia) the construction of our roads, buildings and other infrastructure.

Sand resources are found in the ground, and therefore its extraction and transportation involve an element of disruption. Importantly, this is not an application for a new quarry but rather the expansion of an existing quarry which will benefit from existing infrastructure and in a location where there are other quarries operating nearby.

Insofar as the proposal seeks to expand an existing quarry, broadly speaking, we submit that there is strategic support for the proposal.

The MPS sets out Council's approach to land use development and in particular recognises the unique landscape that sits outside the Urban Growth Boundary and the challenges that face the development of this land.

It is clear that there are competing objectives set out in the MPS which seek to protect and preserve biodiversity and enhance the natural environment noting that there are areas of remnant bushland reserve and habitat corridors that are of regional significance. Competing with this objective is Councils desire to also protect extractive industry sites from incompatible adjacent development.

There is strong policy support within the PPF for both the protection of biodiversity as well as the protection of extractive industry resources as evidenced by:

- Clause 11.01-1R which seeks to protect green wedge areas from inappropriate development whilst protecting area of environmental, landscape and scenic value and protecting significant resources of stone, sand and other mineral resources for extraction purposes.
- Clause 11.02-1S which identifies the need to maintain access to productive natural resources.
- Clause 12 which establishes that planning should conserve areas with identified environmental and landscape values.
- The protection of biodiversity is explicitly provided for within Clause 12.01-1S & L with reference to habitat fragmentation, the revegetation of land to re-create faunal habitat corridors and the retention of remnant indigenous vegetation on extractive sites.
- The use of land for resource exploration and extraction is explored at Clause 14.03-1 and seeks the long-term protection of natural resources in Victoria. The rehabilitation of land is encouraged, and the planning of alternative uses to replace redundant extractive resources should consider how these are properly integrated with surrounding uses.

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There is no clear guidance within the PPF as to how to prioritise competing objectives and we consider that a broader strategic framework plays an important role in balancing these objectives to determine the overall impact of the proposal.

This includes the relevant zoning of the site.

The RCZ contemplates that the land is able to be used for extractive industry, otherwise the use would be prohibited. The fact that the land use is a Section 2 – permit required – use is an acknowledgment that the land could contain valuable natural resources.

We consider that the proposed extractive industry use is appropriate in the context of the site for the following reasons having regard to the zoning of the land and the decision guidelines:

- The land has been identified as a sand resource and will extend an existing quarry without creating an entirely new quarry location.
- The land is capable of accommodating the proposal and will rely on infrastructure associated with the existing quarry.
- Whilst the proposal seeks the removal of vegetation from the southern portion of the site, and this will create an initial loss of biodiversity/landscape values, this is a short to medium term loss. It is proposed to fully rehabilitate the site, which will likely improve the biodiversity of the site by providing more healthy specimens that will not be further impacted by future quarrying on the land.
- The land immediately abuts the existing quarry operations at 150 Quarry Road and is in close proximity to other quarries located to the east and west.
- There are existing dwellings that are located proximate to existing quarry operations and, whilst the proposal will bring the extraction area in closer proximity to the dwellings at Nos. 34, 40, 44, 50 and 54 Valley Road, this is no closer than the quarries at Nos. 230 and 260-280 Quarry Road to other dwellings along the western end of Valley Road. We submit that this is a compatible land use in this location subject to appropriate amenity considerations outlined further in this report.
- The proposal will take advantage of the infrastructure associated with the existing quarry. This includes vehicle access which will occur from Quarry Road with access into the new extraction area provided through the existing quarry site. There is not expected to be any detrimental impacts to the road network along Valley Road as a result of this application as there is not expected to be additional truck and vehicle movements as a result of this proposal.
- An assessment of the likely environmental impact on the biodiversity of the area has already been undertaken as part of the approval of the work plan variation by DELWP. Additionally, the biodiversity impact assessment prepared by Ecology & Heritage Partners indicates that whilst the land at 60 Valley Road sits within the identified biolink corridor between the Pines Flora and Fauna Reserve and the Cranbourne Botanic Gardens, the integrity of this link would not be compromised through the use of the site for extractive industry.
- An alternative corridor alignment is possible through adjoining properties and the review site further to the north, closer to Valley Road. The alternative corridor alignment supports vegetation of similar quality and extent to that within other areas of CI. Further, the

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rehabilitation of the site and ultimate revegetation would occur within 10 years of extraction which would re-establish the C1 biolink and broaden its reach.

- Appendix 2 of the biodiversity assessment sets out the likely occurrence of nationally or state significant fauna species within the subject site. This review indicates that there are no fauna species that have a 'high likelihood' or 'known occurrence' within the subject site. There are two species (Powerful Owl and Southern Toadlet) that have a 'moderate likelihood' of occurring on the site. The assessment concludes that the Powerful Owl may occasionally use the site for foraging and dispersal but is unlikely to roost or nest within the subject site whilst a targeted survey is recommended for the Southern Toadlet as the subject site presents as a potential habitat (albeit a very low quality one).

We understand that a targeted survey for the Southern Toadlet was recently completed and no Southern Toadlets were found to be present on site.

- The protection and enhancement of the natural environment is a relevant decision guideline under 'environmental issues'. The key objective of this is to retain vegetation and faunal habitats. The proposal will remove all vegetation in the southern portion of the subject site, however, the impact of this loss will be short- to medium-term. The site, including the land within the existing quarry will be fully rehabilitated and revegetated in accordance with the rehabilitation plan endorsed by ERR under the work plan variation.
- The rehabilitation plan shows that the existing quarry will be filled and re-utilised for a future commercial industrial use which will form part of a future employment precinct with other closed quarries. The subject land will be filled with clean fill material and rehabilitated as bushland.
- Through the approval process via ERR, Melbourne Water expressed a desire to connect the catchment upstream of the site into Boggy Creek. The applicant is committed to the reconnection of Boggy Creek and the restoration of a biolink between Boggy Creek and Quarry Road.
- The proposal includes sustainable land management practices through the rehabilitation of the site following the completion of extractive activities. This includes the filling of the site with clean fill and the re-use of the land for commercial activities as well as replanting with indigenous species and the reconnection of Boggy Creek to the drainage line.
- Design and siting issues are included in the decision guidelines under the zone. The extraction area is set back from shared boundaries by a minimum of 20 metres. A 3-metre noise wall will be constructed on top of the 3-metre earth bund which will assist in reducing noise emissions to neighbouring properties to the north, including the dwelling within the northern portion of the subject site.
- The extraction area is well removed from any major roads or vistas and will not create any adverse impacts to these areas.
- The proposal does not include the construction of any new infrastructure on the southern portion of the subject site. Existing infrastructure located within the boundaries of the property at 150 Quarry Road will continue to be used, noting that these are located proximate to the Quarry Road frontage and there is no change proposed to these as a result of this application.

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- As an extractive industry, there will be significant impacts to the local landscape; however, this is not an area of archaeological, historic or scientific significance or natural scenic beauty.
- A new internal roadway will be constructed through the extraction area which will provide access to the quarry. This will be linked to the existing quarry through existing roadways. There will be no visual impact associated with the new accessway into the new extraction area as it will sit behind the 3-metre earth bund and 3 metre acoustic wall.

It is also important to acknowledge the State Government policy that seeks to protect extractive industry, and which identifies that there is a growing demand for sand resources (amongst other natural resources) which are critical to the construction industry including residential, non-residential and transport infrastructure. It is important to be able to supply these resources close to where they are being used to ensure that costs are not increased through the transporting of these materials.

Based on the above, we are satisfied that there is strategic support for the proposal. Whilst we acknowledge that the proposal includes the removal of all the vegetation on the southern portion of the site, this is a short- to medium-term impact on conservation values and biodiversity that will be rectified through the rehabilitation of the site at the completion of extractive activities.

6.3. Will the proposal result in acceptable environmental outcomes?

The site is somewhat constrained by vegetation, as specifically identified by the ESO1 which applies to the 'axe-head' portion of the site and relates to 'Native vegetation and fauna habitat'. The primary purpose of the ESO is to '*identify areas where the development of land may be affected by environmental constraints*' and '*to ensure that development is compatible with identified environmental outcomes*'.

In this instance it is important to note that there is a listed exemption for extractive industry to obtain a permit for vegetation removal under this overlay. So, whilst we cannot consider the impact of the vegetation removal per se, it is still relevant to consider issues of biodiversity and sustainable land management in considering the environmental impact the proposal has on the land and adjoining properties.

We recognise that the loss of vegetation will have an impact on the biodiversity of the local area and defer to the biodiversity assessment prepared by Ecology & Heritage Partners. However, the significance of this loss is limited given that the detailed assessment pathway identifies the EVC Conservation Status of vegetation to be removed as 'least concern'.

There is no nationally significant fauna, or flora listed as threatened under the FFG Act within the subject site. Similarly, no national or state significant fauna were recorded within the subject site.

The loss of vegetation will require an offset obligation which can be readily secured via the purchase of existing native vegetation credits from a third party through the Native Vegetation Credit Register. The offset requirement for the proposed vegetation removal is 3.754 General Habitat Units and 79 Large Trees.

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6.4. Will the proposal have acceptable amenity outcomes?

INTRODUCTION

Clause 52.09 provides guidance on the relevant considerations of off-site amenity impacts associated with the use and development of land for extractive industry. In particular, the decision guidelines set out at Clause 52.09-4 indicate the relevant amenity considerations as being related to vehicular traffic, noise, blasting, dust and vibration.

VEHICULAR TRAFFIC

Having reviewed the application materials, including the Traffic Engineering Assessment prepared by Traffix Group, we are satisfied that the proposal will not create any adverse amenity impacts related to vehicular traffic.

All truck access is proposed via the existing quarry site at 150 Quarry Road with an internal road network providing access to the new extraction area. The existing vehicle access from Valley Road will be maintained for emergency vehicles and light vehicle access only.

It was estimated that the average² volume of trucks accessing the existing site was approximately 48 trucks per day on a typical weekday with peak movements typically occurring between 6am and 10am. Additionally, trucks access the site for rehabilitation / remediation activities and estimates put this figure at an average of 180 trucks per day with peak movements typically occurring between 8am and 3pm on a typical weekday.

All truck access will be through the existing site access point along Quarry Road which is typically traversed by trucks accessing other quarry sites.

It is expected that the traffic impacts from the proposed expanded sand extraction activity can be accommodated within the surrounding road network with acceptable impacts on the existing traffic impacts.

NOISE

Given the location of the subject site proximate to residential dwellings, noise impacts from the quarrying of the new extraction area is one of the key amenity considerations.

We have reviewed the acoustic report prepared by Enfield Acoustics which supersedes the report prepared by Watson Moss Growcott, in particular, through the changes to the environment protection framework under the Environment Protection Act 2017.

The following key mitigation measures are already included in the proposal for noise attenuation purposes:

- Extraction hours limited to the day period being 7am – 6pm Monday to Saturday. No extraction to occur on Sundays or public holidays.
- Blasting is not required in the extraction area.
- 2m high earth bunds along eastern and western boundaries of extraction area.
- 3m high earth bund with a 3m high acoustic screen provided along the northern boundary of the extraction area.

² Based on 2018 data that is most representative of the impacts associated with the proposed sand extraction expansion.

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The acoustic report also provides the following recommendations to demonstrate compliance with the General Environmental Duty:

- Installation of broadband squawker alarms to all mobile plant to eliminate the risk of tonality impacts.
- Turning off engines and / or equipment when not in use.
- Selecting 'low noise' options for equipment where available.

It is also recommended that the earth bunds and associated acoustic wall be constructed as a priority and prior to excavations and dredging works to ensure noise emissions are kept to a minimum from the initial phases of the project.

Additionally, the approved Work Plan Variation includes specific conditions relating to noise as issued by the EPA which requires that prior to the commencement of works, the authority holder must assess compliance with the relevant noise limits in accordance with the Environment Protection Regulations 2021 and Noise Protocol.

We are satisfied that noise impacts can be appropriately ameliorated through the construction of the bund, acoustic wall and operational requirements.

BLASTING

We have been advised that extraction from the site will be via either 'dry' mechanical or 'wet' cutter suction methods. No blasting is planned and therefore there are no expected vibrational impacts associated with the extension to the quarry.

DUST

An Air Quality Assessment has been prepared by Zephyr Environmental which provides a detailed assessment of the likely impact to surrounding land uses from residual emissions to the surrounding environment.

The assessment outlines the risk associated with the development of the subject site in two stages. The first stage being the removal of topsoil and overburden and the second stage being extraction of the sand resource.

The AQA found that there was a high risk of dust impacts during Stage 1 which was an expected outcome given the proximity of the removal of the top soil and overburden to sensitive sources. However, the methodology assumes that the removal of the top soil and overburden will occur every year for the foreseeable future. Where realistically, this will be completed within a 2 – 3 month timeframe.

It recommends that continuous real-time monitoring of particulate matter (PM) be employed to monitor local air quality.

EPA Publication 1961.2: Guideline for Assessing and Minimising Air Pollution in Victoria details the level of assessment required dependant on the level of risk. Stage 2 of the development (i.e. extraction of the sand and rehabilitation of the site) requires a Level 3 assessment due to the level of extraction expected to be 400,000 tonnes a year and the location of residences within 500m of the extraction area.

This detailed assessment addresses:

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- The required separation distance.
- Controlling the risk for compliance with the GED.
- Atmospheric dispersion modelling.
- Human Health Risk Assessment based on the atmospheric dispersion model results.

We defer to the AQA for full details in relation to the findings of this more detailed assessment.

Emissions estimates have been prepared for two scenarios:

- Scenario 1: current operations
- Scenario 2: workplan variation (expansion of the existing extraction area into the subject site).

It is the findings under Scenario 2 which are of greatest relevance to this application.

Emissions mitigation measures to be employed on the site include:

- Level 2 watering of haul roads within the site to reduce dust emissions from truck movements (Level 1 watering currently employed).
- Use of a venturi scrubber during both the sorting process (which currently vents directly to the atmosphere). A venturi scrubber currently associated with the drying process.
- Use of water sprays for material handling.
- Emissions reduction for pit retention.

Key findings of the emissions modelling under Scenario 2 are set out at Section 8.2 of the AQA, and are summarised below:

- Whilst the proposed extraction area is closer to sensitive receptors, potential exposure to inhalation risks from PM₁₀ and RCS decrease (median improvement in receptors exposure under S2 compared to S1 is >75%).
- There are no predicted exceedances of the 24-hr APAC³ for PM₁₀ or PM_{2.5}.
- There is lower exposure to PM and RCS at sensitive receptors due to the following commitments from the applicant:
 - Use of a low dust quarrying method (dredging and piping of a slurry)
 - Installation of a venturi scrubber on the drying equipment
 - Level 2 watering where rainfall is < 2mm or soil evaporation is greater than 2 mm and continuous road watering during hot, dry and / or windy conditions.

The AQA also recommends the following:

- Air quality monitoring for PM₁₀ and RCS should be undertaken along with on-site meteorology measurements.
- Heidelberg Materials to develop and implement a robust trigger-action-response plan for air quality.

Additionally, the approved Work Plan Variation includes specific conditions relating to air quality including the collection of 12 months monitoring data for respirable crystalline silica.

³ Air Pollution Assessment Criteria in accordance with EPA Publication 1961.2

We are satisfied that the proposal has appropriately considered any amenity impacts associated with dust and that these can be satisfactorily mitigated.

VIBRATION

As set out above, no blasting is proposed as part of the quarry operations and as such we do not consider that there will be any vibrational impacts.

6.5. Is the variation to the separation distance specified by the EPA appropriate?

EPA Publication 1949 'Separation Distance Guideline', provides advice on recommended separation distances between industrial land uses that emit odour and/or dust, and sensitive land uses.

The guidelines are a policy document at Clauses 13.06-1S (Air quality management) and 13.07-1S (Land use compatibility) of the Frankston Planning Scheme. The separation distances in the guideline apply to nuisance dust rather than particulate matter (which has been assessed in accordance with EPA Publication 1961 by Zephyr in the AQA).

The guideline sets out the following recommended separation distances for mining and extractive industry:

Industry/activity type	Activity/definition	Scale and description	Recommended separation distance (m)
Coal handling and storage without mining	Crushing, milling, stockpiling and transferring extracted coal	<1 t/day or a storage capacity up to 50 t	500
		>1 t/day or a storage capacity > 50 t	1,000
Mine for other minerals	Crushing, screening, stockpiling and conveying of other minerals		250
Open-cut coal mine	Harvesting, crushing, screening, stockpiling and conveying of coal		2,000
Quarry	Quarrying, crushing, screening, stockpiling and conveying of rock	Without blasting	500
		With blasting	500
		With respirable crystalline silica	500

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The proposed quarry is extracting a sand resource and as such a 250-metre separation distance is recommended. However, as identified in the AQA the sand being quarried is known to contain RCS and therefore a 500-metre separation distance may be most appropriate.

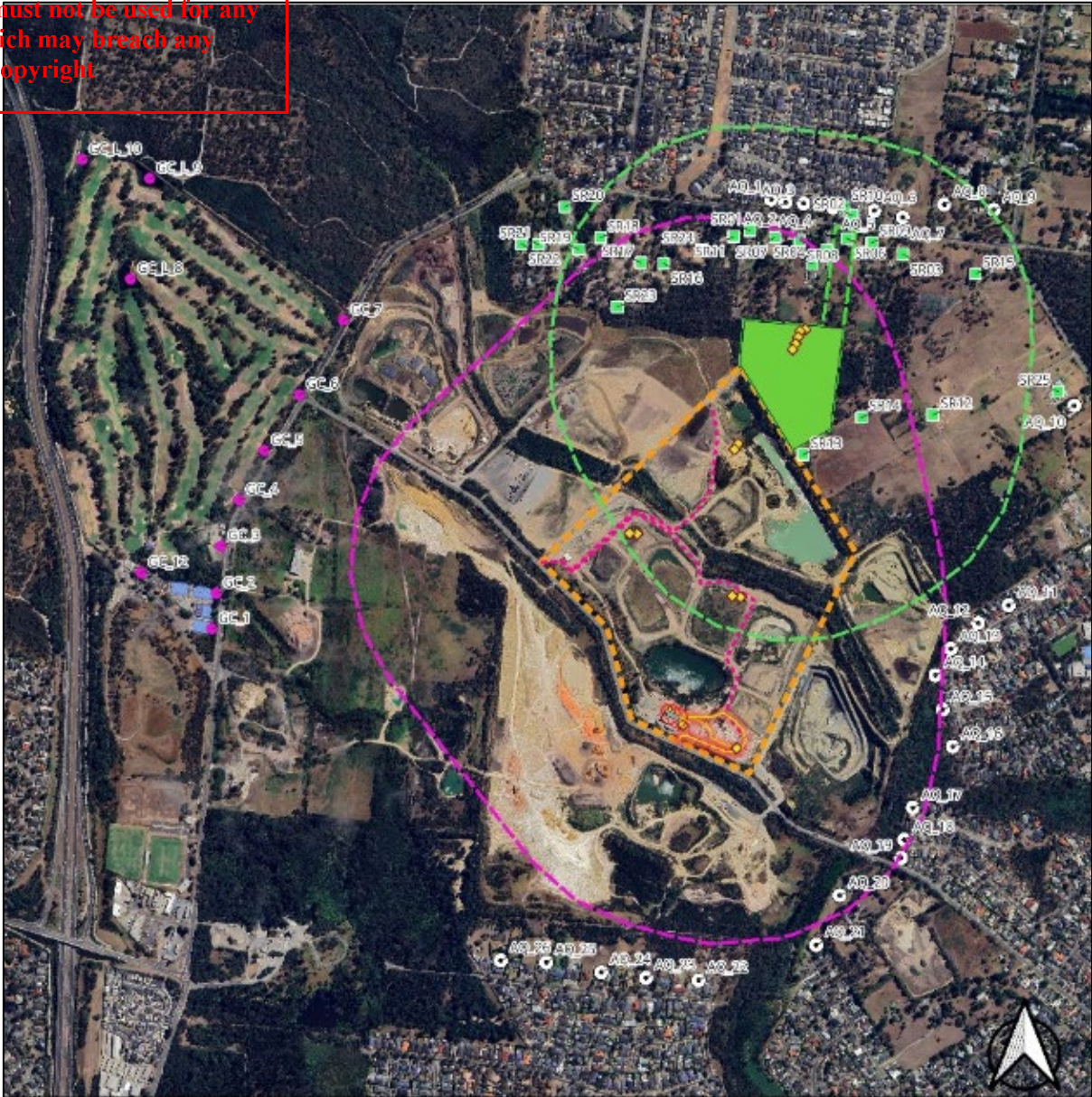
The plan below shows that there are several sensitive receptors located within a 500m separation distance from the work plan variation area.

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Figure 6c: 500m separation distance from work plan variation area and sensitive receptors



Legend

<ul style="list-style-type: none"> Emission sources ○ Point Sources ◇ Volume sources Haul Roads --- Rehabilitation roads — Processing plant roads ■ Workplan variation work area □ Extraction Area Buffer 500 m □ Processing area and haul road buffer 500 m 	<ul style="list-style-type: none"> Receptors ○ Air Quality Receptors ◇ Golf Course receptors ■ HHRA receptors □ Modelling Domain □ Workplan variation boundary □ Existing workplan boundary GoogleSatellite
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0 200 400 600 800 1,000 m

GDA2020 / MGA zone 55

Zephyr Environmental

We have reviewed the Human Health Impact Assessment prepared by Sage Environmental Services which found that the modelled PM concentrations for Scenario 2 are considerably

lower than for Scenario 1, and the modelled health effects are considerably lower than the modelled background health effects. It also states that conditions under the proposed work plan variation will be improved compared to current conditions.

Having regard to RCS, the HHIA found that risks associated with Scenario 2 air quality outcomes are low for residential and recreational receptors.

Overall, the assessment found that the potential risks to human health from the proposed project (taking into consideration all health impacts from the expansion of the quarry) are low and acceptable.

Modelled receptor type and concentration	Modelled exposure scenario	Potentially unacceptable risk?	Risk driver
Residential maximum (all locations including boundary)	Scenario 1 (Baseline)	No	N/A
	Scenario 2 (the Project)	No	N/A
Residential (buildings only) maximum	Scenario 1 (Baseline)	No	N/A
	Scenario 2 (the Project)	No	N/A
Commercial maximum	Scenario 1 (Baseline)	No	N/A
	Scenario 2 (the Project)	No	N/A
Recreational maximum	Scenario 1 (Baseline)	No	N/A
	Scenario 2 (the Project)	No	N/A

Notes: ¹ From deposition of particulates onto back yard soil where home grown produce is grown and consumed (10% of fruit and vegetable diet).

Based on these findings, we are satisfied that the variation to the recommended separation distance is appropriate.

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7. Conclusion

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This application is one in which the competing objectives of planning policy must be finely balanced to achieve a net community benefit.

It is clear from our review of the relevant policies that there is a desire to protect and enhance the natural environment and the conservation value/biodiversity of the land as well as the need to protect extractive industry to ensure ready access to valuable resources.

Whilst the proposal seeks to remove all the vegetation in the 'axe-head' portion of the subject site, we are satisfied that this vegetation does not represent a local or state significant habitat for flora and fauna and that an alternative biolink corridor can be established during the extraction phase of the project which contains similar quality vegetation to that on the subject site.

The location of sand resources proximate to where they will be used (i.e. within the South-East Growth Corridor) is supported by State policy and will assist in keeping construction costs down. This is an important consideration given the housing crisis and increased cost of living facing Victorians.

We consider that the provision of an extended quarry in this location is supported by the zoning of the land which clearly contemplates extractive industry, otherwise it would be prohibited. This is further buoyed by the exemptions for vegetation removal if there is an approved work plan in place, which is the case in this instance.

The approval process through the ERR has had consideration of the impacts associated with the proposed quarry and there are no objections from the relevant referral authorities subject to conditions relating to amenity impacts, vegetation removal and Boggy Creek rehabilitation.

We are also satisfied that any external amenity impacts associated with vehicle traffic, noise and air quality can be appropriately mitigated through operational requirements (truck traffic to access the site via Quarry Road only), the earth bund and acoustic wall and monitoring / reporting requirements.

Accordingly, we submit that the proposal be supported.

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