

9 April 2026

RESPONSE TO PROPOSED MERRIMU PRECINCT STRUCTURE PLAN - HEIDELBERG MATERIALS AUSTRALIA PTY LTD SUBMISSION

Dear Victorian Planning Authority representatives,

make this submission during the public consultation phase in response to the proposed Merrimu Precinct Structure Plan exhibited on the Victorian Planning Authority (VPA) website between 6 March 2026 and 9 April 2026.

own and operate a sand and gravel quarry, referred to as Quarry, located opposite the proposed Merrimu PSP on Bonnie Vale Road, Darley. The quarry is currently operational and has commenced progressive rehabilitation in line with its requirements under Work Authority (WA) 377, issued under the Mineral Resources (Sustainable Development) Act (MRSDA) 1990.

The life expectancy of the quarry's current operations as well as rehabilitation obligations is several decades. It is also worth noting that in Plan 2, advertised on VPA, the location of the Boral and HMA quarries are displayed incorrectly and are the other way around.

recognises the importance of sustainable and affordable housing and readily supply a range of construction materials to support this important sector.

Bacchus Marsh Quarry is a state significant operation, supplying both metropolitan Melbourne and regional Victorian markets with high quality aggregates critical to the manufacture and production of construction materials such as concrete.

The site employs 25 full time employees and contractors directly in addition to indirect jobs for transport fleet, also acting as a key enabler for indirect employment in the construction industry as part of its supply chain.

The Economic Growth Statement, released by the Victorian Government in December 2024, indicates priority sectors which network of quarries and concrete plants form important components of the respective supply chains in addition to the construction market, namely advanced manufacturing and defence, and circular economy. continually embed product innovation into our operations to meet the changing needs of the construction market, including sustainability and circular economy initiatives.

The current drafting of the Merrimu PSP as it stands is of concern to and its operations at Quarry for the following reasons:

Protection of state significant assets from urban encroachment

- The 500m buffer area of the PSP required to HMA BMQ, in line with EPA Victoria '*Separation Distance Guideline*', 1949 (August 2024), is included in the entirety of the PSP area proposed to rezone to Urban Growth Zone (**UGZ**), subject to Schedule 1 (**UGZ1**)
- The closer a quarry is to the market, the cheaper the construction costs for housing and infrastructure
- It is HMA's position that the inclusion of the buffer area in the PSP would form an incompatible land use as the is currently operational and has several decades of operational life and

rehabilitation to complete. [REDACTED] propose that this 500m buffer area be excluded from the Merrimu PSP in the interests of protecting a state significant asset.

Proposed Planning Controls and Permit Triggers in the current drafting of UGZ1

Summary: The exhibited UGZ1 contemplates a number of risk assessments after the PSP is approved. Both the referral authorities and requirement for when these are needed are not clear and could be made clearer. The proposed contemplation of the risk assessments as planning controls to be enacted in the event the PSP is successful as it is currently drafted, rather than prior to its final assessment, is of particular concern not only for adequate assessment of risk and review by appropriate regulatory authorities, but also in relation to the current drafting of Clause 37.07-13 in the exhibited UGZ1:

***Clause 37.07-13:** An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless the schedule to this zone specifies otherwise.*

This means that even if a permit trigger exists, and the responsible authority forms the view that it is generally in accordance with the PSP (such as residential use in the area marked residential), then:

- adjoining landowners and persons who may suffer material detriment will not be given notice [s 52(1)(a), (b) and (d)];
- no notice of decision will be provided to any objectors [s 64(1),(2) and (3)]; and
- objectors will not be able to apply to VCAT for a review of any permit [s 82(1)].

If the risk assessments are not contemplated prior to the outcomes of the PSP, it is our view that it would not be feasible for EPA or Resources Victoria to review several sub-division/building permit applications with these individual assessments and would place undue burden on these government departments. This approach could also be considered disproportionate to the requirements of the EPA Separation Distance Guideline if these risks are assessed after the fact, in the event the PSP is approved as it currently is drafted. HMA note that the onus of burden will be on the regulatory bodies in the event encroachment into the 500m buffer zone is given approval with or without appropriate risk assessments/reports being undertaken.

It is [REDACTED] firm position that encroachment into the 500m quarry buffer whilst the quarries are operational would form an incompatible land use as the UGZ1 proposed would have a sensitive use; for the purposes of clarification, this definition of **operational** includes both active extraction, materials processing, transport of materials offsite and rehabilitation, including importation of materials and landscaping requirements in accordance with regulatory requirements. Notwithstanding, it could be considered more appropriate to entertain development within the 500m buffer upon cessation of operations and complete rehabilitation of the [REDACTED], including the revocation of the Work Authority by Resources Victoria or an equivalent future authority.

Air Pollution and Nuisance Dust Risk Assessment

The Exhibited UGZ1 includes an individual trigger for a 'Air Pollution and Nuisance Dust Risk Assessment' for an application within the Quarry Buffer to:

- Use land for a sensitive use;
- Subdivide land for a sensitive use; or

- Construct or carry out works on land for a sensitive use.

This 'Air Pollution and Nuisance Dust Risk Assessment' for assessment must be in accordance with relevant EPA publications, but it is to the satisfaction of the responsible authority (not the EPA). The UGZ1 does not contemplate referring the assessment to the EPA **prior to** confirming the outcomes of the PSP.

position: The 'Air Pollution and Nuisance Dust Risk Assessment' should be referred to EPA **prior to** confirming the outcomes of the PSP. This should also be referred to Resources Victoria as this would be expected if a quarry operator were to want to expand operations into a 500m buffer zone (or other as applicable). A Human Health Impact Assessment (HHIA) as required by EPA Victoria as part of the 'Guideline for assessing and minimising air pollution in Victoria', EPA Publication 1961.2 (February 2025) and the EPA Victoria 'Environment Reference Standard' (ERS), (May 2021), would also be required to be undertaken by quarry operators if they are proposing encroachment into a defined buffer. Therefore, HMA request that consideration of this requirement with the appropriate level of assessment as defined in EPA Publication 1961.2 relative to the distance and setting of the PSP is taken onboard by VPA in assessing the current appropriateness of the drafting as it reads.

Acoustic assessment report

The Exhibited UGZ1 also includes an individual trigger for an 'acoustic assessment report' for an application within the Quarry Buffer to:

- Use land for a sensitive use; or
- Develop land for a sensitive use.

We note that this report must consider vibration despite being called an 'acoustic' report.

We also note the report is not expressly triggered on an application for subdivision. However, a permit to subdivide land 'where an acoustic assessment report has identified that mitigation from noise sources is required, must implement any recommendations of the acoustic assessment report submitted with the application...' (see UGZ1 cl 4.0 'Requirement - Acoustic Report).

This drafting is unusual and could be made clearer as it could be interpreted as being ambiguous in its current format. This report should encompass both an acoustic and a vibration assessment and be referred to EPA and Resources Victoria **prior to** confirming the outcomes of the PSP.

We request that our feedback is taken onboard in making a determination on the appropriateness of the proposed Merrimu PSP.

Regards,

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