

Terms of Reference

Bunyip North Quarry Environment Effects Statement
Inquiry and Advisory Committee



Department
of Transport
and Planning

Version: 1 September 2026

The Minister, with the approval of the Governor in Council in relation to the Inquiry, has established the Bunyip North Quarry Inquiry and Advisory Committee (IAC) to inquire into, and report on, the environmental effects of the proposed works comprising the Bunyip North Quarry project (the project), proposed by Heidelberg Materials Australia Pty Ltd (the proponent), assessed in the environment effects statement (EES), in accordance with these terms of reference. The project outline is provided in **Appendix 1** and the procedures and requirements that were issued by the Minister for Planning for this EES are provided in **Appendix 2** for context.

The IAC is appointed pursuant to section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry. The IAC is also established under part 7, section 151(1), of the *Planning and Environment Act 1987* (PE Act) as an advisory committee, to consider the draft planning scheme amendment (PSA) C261card.

The IAC will also provide recommendations that can be used to inform the Environment Protection Authority's (EPA) consideration of the EPA development licence application under the *Environment Protection Act 2017* (EP Act) prepared by the proponent for the project.

Name

1. The IAC is to be known as the 'Bunyip North Quarry IAC'.

Composition and expertise

2. The IAC is to consist of members with expertise in:
 - a) Biodiversity / ecology (terrestrial / freshwater);
 - b) Surface water and groundwater;
 - c) Earth sciences, including quarrying technology and practice; and
 - d) Land use and planning.

Purpose of the IAC

3. The IAC is appointed by the Minister for Planning (the Minister) under section 9(1) of the Environment Effects Act 1978 (EE Act) to inquire into and report to the Minister on the environmental effects of the project.
4. The IAC must inquire into and report to the Minister on the environmental effects of the project, having regard to:
 - a) the significance of residual environmental effects; and
 - b) the issues raised in submissions and the proponent's response to submissions.
5. The IAC is appointed as an advisory committee under Part 7, section 151(1) of the PE Act to:
 - a) review draft Amendment C261card to the Cardinia Planning Scheme (draft PSA);
 - b) consider any relevant issues raised in public submissions received in relation to the draft PSA;



- c) consider whether the draft PSA is of a form and contains provisions and controls that are appropriate for the project and recommend any changes to the draft PSA that it considers necessary; and
 - d) consider the proposed land use zone changes and the Traffic Management Plan, specific to the interim traffic management plan and approach at the Tonimbuk Road/ Princes Highway/ Hope Street intersection.
6. The IAC must produce a report of its findings and recommendations to the Minister. This report will inform the Minister's assessment under the EE Act of the environmental effects of the project. The report also needs to provide consideration of the draft PSA and EPA development licence application.
7. It is not the role of the IAC to examine and report on the EES process itself undertaken to date, or consultation undertaken by the proponent for the EES.
8. The IAC proceedings will replace a conference of interested persons otherwise required under section 236 of the Environment Protection Act. Therefore, the IAC will provide recommendations to inform the EPA's consideration of the development licence application, and the IAC may request any further information from the proponent it considers necessary to assist in providing its recommendations to the EPA.

Scope and focus of the IAC

9. The IAC is to focus its proceedings on examining the environmental effects based on the EES documents, as well as other tabled material and submissions relevant to the likely effects of the project (including cumulative effects arising from the project with other projects anticipated in this area).
10. The depth and focus of the IAC's inquiry into and review of each matter should be proportionate to the likely significance of the environmental effects.
11. The IAC must review and consider the following:
- a) the exhibited EES, EPA development licence application and draft PSA;
 - b) submissions and information provided to the IAC by the proponent, state agencies, local councils and submitters; and
 - c) the views (if known) of Traditional Owners and Registered Aboriginal Parties.

Process

Stage 1 - Submissions

12. Submissions on the EES, draft PSA and EPA development licence application are to be provided in writing on or before the close of submissions date.
13. Submissions on the EES, including the draft PSA and EPA development licence application, will be collected by the office of Planning Panels Victoria (PPV) through the Engage Victoria platform. All submissions should state the name and address of the person making the submission. Submissions should be collected and managed in accordance with the privacy guidance on the PPV website.
14. Petition responses should be treated as a single submission and only the first names from a petition submission will be registered and contacted.



15. Pro-forma submitters should be registered and contacted individually if they provide their contact details. However, the IAC is to encourage pro-forma submitters who want to be heard to present as a group at the hearing, given their submissions raise the same issues.
16. The IAC should not consider submissions (in relation to the EES, draft PSA and EPA development licence application) that are outside its scope.
17. The IAC must make submissions and material presented to it available for public inspection by publishing the submissions and material on the Engage Victoria website, unless the IAC directs otherwise in accordance with Clause 18.
18. Requests for submissions or other material to be kept confidential should be clearly stated in writing with reasons to the IAC through PPV, consistent with the process outlined in the IAC's Privacy Collection Statement. The IAC should review these and base its decision to maintain confidentiality on whether it would be fair to the proponent and other parties to the hearing. The IAC may direct that submissions or other material presented to it be kept confidential in appropriate circumstances.
19. The IAC must provide (unredacted) electronic copies of all submissions on the EES and draft PSA (including any confidential submissions) to:
 - a) the proponent;
 - b) Department of Transport and Planning (DTP) (Impact Assessment Unit, Infrastructure and Energy Assessment and Metropolitan Planning Services);
 - c) Cardinia Shire Council;
 - d) Bunurong Land Council Aboriginal Corporation; and
 - e) First Peoples-State Relations (DPC).
20. As each submission on the EES may also be relevant to the EPA development licence application, electronic copies of each submission (unredacted and any confidential submissions), including the contact details of submitters are to be provided to the EPA. The EPA may contact submitters regarding matters related to the EPA development licence application.
21. PPV should retain any written submissions and other documentation provided to the IAC in line with the department Records Management Policy.

Stage 2 – Directions hearing

22. The IAC should hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of its proceedings, including the public hearing.

Stage 3 - Inquiry by public hearing

23. The IAC is to hold a public hearing. At the hearing the IAC should only hear submitters and examine matters that are within its scope.
24. The IAC public hearing should have a quorum of at least two of its members present or participating through electronic means, one of whom should be the IAC Chair or Deputy Chair.
25. When it conducts a public hearing, the IAC has all the powers, duties and functions of an Advisory Committee that are specified in section 152 of the PE Act.
26. The IAC should ensure the hearing is:



- a) conducted in an open, orderly, equitable and respectful manner -adversarial behaviour should not be permitted at the public hearing and questioning of experts and submitters needs to be regulated by the IAC in the context of understanding and resolving matters;
 - b) conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants; and
 - c) exploratory and constructive, focusing on understanding and resolving matters.
27. The IAC may inform itself in any way it sees fit and should review and consider:
- a) the exhibited EES, draft PSA and EPA development licence application;
 - b) all submissions and information provided to the IAC by the proponent, state agencies, local councils and submitters, in so far as they relate to matters examined in the EES, EPA development licence application, and draft PSA;
 - c) the views (if known) of Traditional Owners and Registered Aboriginal Parties;
 - d) any information provided by the proponent and parties that respond to submissions or directions of the IAC; and
 - e) any other relevant information that is provided to, or obtained by the IAC, in relation to matters examined in the EES, EPA development licence application and draft PSA.
28. The IAC may:
- a) limit the time of parties submitting at the hearing;
 - b) prioritise hearing from submitters who are directly affected by the project; conduct concurrent hearing sessions to hear from submitters;
 - c) limit the time available for proponent and parties to question experts;
 - d) regulate the questioning of experts to ensure questions and answers are focused on assisting the IAC to understand the project's potentially significant residual effects; and
 - e) direct the proponent to produce an audio recording of the hearing in a format that can be published on the Engage Victoria website - any other recording by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC.
29. The public hearing should commence with the proponent making a short presentation, providing overview of the project.
30. The IAC may direct that a submission or evidence is confidential in nature and the hearing be closed to the public and not be recorded for the purposes of receiving that submission or evidence.

Stage 4 - Report

31. The IAC must produce a written report for the Minister containing its:
- a) analysis on the environmental effects of the project, having particular regard to potentially significant residual effects;
 - b) findings and conclusions on the significant residual effects and whether acceptable environmental outcomes can be achieved, having regard to legislation, policy and best practice;



- c) recommendations on the appropriateness and effectiveness of the proposed environmental management measures for the project and/or additional specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse significant residual environmental effects;
 - d) recommendations relating to any feasible modifications to the design or management of the project necessary and appropriate to reduce or mitigate significant residual environmental effects;
 - e) recommendations for any appropriate conditions/ requirements that may be lawfully imposed on any approval for the project, including with respect to the draft PSA and EPA development licence application, necessary and appropriate to reduce or mitigate significant residual environmental effects;
 - f) recommendations to inform the EPA's consideration of the development licence application;
 - g) recommendations as to the structure and content of the proposed environmental management framework, including monitoring of environmental effects, reporting on the effectiveness of mitigation measures, contingency plans and site rehabilitation; and
 - h) specific findings and recommendations about the likely impacts on relevant matters of national environmental significance under the EPBC act and their acceptability, including appropriate controls and environmental management.
32. The IAC in its capacity as an advisory committee must include in its written report for the Minister advice on whether the draft PSA is an appropriate means by which to facilitate and implement the elements of the project regulated under the PE Act, and any recommended modifications to the draft PSA.
33. The report is to include sufficient information and analysis to support findings and recommendations. Without limiting this requirement, the report is to:
- a) focus on the potentially significant residual environmental effects;
 - b) include information and depth of analysis proportionate to the significance of the environmental effects; and
 - c) simply record matters for which there is minor or negligible impacts and can be readily addressed through standard and proven environmental management techniques.
34. The report needs to include:
- a) a list of all recommendations, including cross-references to relevant discussions in the report;
 - b) a description of the public hearing conducted by the IAC, and a list of parties heard or consulted;
 - c) a list of the documents tabled during the proceedings; and
 - d) a list of all submissions collected by PPV on the exhibited EES, including the draft PSA and EPA development licence application, through the Engage Victoria portal.

Timing

35. The IAC will hold a directions hearing no later than 15 business days from the final date of the exhibition period.

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36. The IAC will commence the public hearing no later than 30 business days from the final date of exhibition period, unless this falls over the Christmas-New Year period, in which case 60 business days will apply.
 37. The IAC must submit its report in writing to the Minister for Planning and the EPA within 30 business days from the last day of its proceedings, unless the report writing period falls over the Christmas-New Year period, in which case 40 business days will apply.

Administration

Fee

38. IAC member fees will be set at the current rate for a panel appointed under Part 8 of the PE Act.
39. All IAC costs must be met by the proponent.

Miscellaneous

40. The IAC may apply to the Minister (or their delegate) to request variation to these terms of reference in writing. Reasons for the request must be included in the request.
41. The IAC may retain specialist expert advice, additional technical support, or legal counsel to assist if considered necessary.
42. Administrative support to the IAC will be provided by Planning Panels Victoria. The proponent is to provide any necessary administrative or technical support to the IAC in relation to the conduct of the inquiry.
43. PPV will notify submitters of the release of the Minister's assessment and the IAC report.



Alison McFarlane

Acting Executive Director State Planning Major Projects

Date: 1/09/2026



The following information does not form part the Terms of Reference.

Project Management

For matters regarding the IAC process, please contact Planning Panels Victoria, by email on office@planningpanels.vic.gov.au.

For matters regarding the EES process, please contact the Impact Assessment Unit in DTP by phone (03) 8572 7980 or email environment.assessment@transport.vic.gov.au.



Appendix 1 - Background

Project

44. The project proponent is Heidelberg Materials Australia Pty Ltd (the proponent), which is responsible for preparing technical studies, consulting with the public and stakeholders and completing preparation of its EES.
45. The proposed project entails establishing a granite quarry in Bunyip North located approximately 82 km southeast of Melbourne. The site holds reserves in the order of 120 million tonnes (Mt) of granite aggregate products which will be extracted over a period of 75 years, depending on demand.
46. The development and operation of the project specifically comprises of:
 - a) Site facilities (including workshop and maintenance buildings; fuel, oil, and chemical storage facilities; equipment and stores laydown area; and car park), site offices, amenities, and provision of mobile power generation.
 - b) Road upgrades on Tonimbuk Road, that include widening and construction of a site entrance at Tonimbuk Road.
 - c) Construction of an internal access road from Tonimbuk Road to the quarry pit and site facilities along with internal quarry pit haul roads.
 - d) Water for potable use and ablutions supplied by water trucks and stored in onsite tanks. Water for processing and dust suppression will be extracted from the pit.
 - e) Settlement basin.
 - f) Removal of granite through controlled blasting and mechanical extraction.
 - g) Onsite processing of stone and stockpiling.
 - h) Mixing of aggregates onsite.
 - i) Progressive rehabilitation of overburden stockpile(s) and extracted areas.
 - j) Transportation of stone and aggregates from site.
 - k) Final rehabilitation (post resource exhaustion) to pit lake and native vegetation.

EES assessment process

47. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 22 November 2015 that an EES was required for the project. A decision with procedures and requirements for the proponent's preparation of the EES was issued as specified in Appendix 2.
48. The EES was prepared by the proponent in response to the EES scoping requirements issued by the Minister for Planning in September 2017.
49. The EES will be placed on public exhibition for 30 business days. This public comment process is in accordance with the procedures and requirements issued for this EES by the Minister.

Commonwealth assessment process

50. Because of its likely significant impacts on matters of national environmental significance, the project was determined to be a controlled action requiring assessment and approval under the



EPBC Act on 23 November 2015. The relevant controlling provisions under the EPBC Act are Ramsar wetlands (sections 16 and 17B), listed threatened species and communities (sections 18 & 18A), listed migratory species (sections 20 & 20A).

51. The EES process is being undertaken as an accredited state assessment process under the EPBC Act Bilateral (Assessment) Agreement with Victoria, to assess impacts on MNES, removing duplication and enabling a single process to examine the project's likely impacts.
52. The Commonwealth Minister or delegate will decide whether the project is approved, approved with conditions or refused under the EPBC Act, after having considered the Minister for Planning's assessment under the EE Act.

Planning approval process

53. Elements of the works require approval under the PE Act. The proponent has prepared draft amendment C261card to the Cardinia Planning Scheme to provide for this, which will be exhibited as part of the EES package.

EPA development licence process

54. An EPA development licence application for the project has been prepared in accordance with the provisions of the EP Act. The EPA development licence application will be jointly advertised with the EES, in accordance with the EP Act.
55. Section 52(2)(e) of the EP Act provides that: if the notice for the proposed EPA development licence application is intended to be combined under section 70(a) with a notice for works given under the EE Act, any submissions must be made together with any submissions made for the EES relating to the works; and must be made within the time limits within which the submissions must be made for that EES.
56. The IAC provides recommendations that can be used to inform the EPA's consideration of the proponent's EPA development licence application.

Other approvals

57. The project also requires the following key statutory approvals and/or consents, as outlined in the EES:
 - a) An approved work plan under the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act);
 - b) Approval of the proposed actions under the Commonwealth EPBC Act;
 - c) Approved cultural heritage management plans under the *Aboriginal Heritage Act 2006*;
 - d) Permit to take threatened and protected flora on Crown land under the *Flora and Fauna Guarantee Act 1988*; and
 - e) Approval of a Take and Use Licence under the *Water Act 1989*.



Appendix 2

Procedures and requirements issued under section 8B(5) of the *Environment Effects Act 1978*

Procedures and requirements applying to this EES process, in accordance with both section 8B(5) of the Act and the Ministerial guidelines for assessment of environmental effects under the *Environment Effects Act 1978* (Ministerial Guidelines) were issued when the Minister decided an EES was required. This included the following:

- i. *The EES is to document investigations of potential environmental effects of the proposed project, including the feasibility of associated environmental mitigation and management measures, in particular for:*
 - f) *Potential effects on native vegetation and associated biodiversity values, in particular listed threatened species and communities, such as through the loss, degradation or fragmentation of habitat or through other indirect causes, as well as related ecological effects;*
 - g) *Potential effects on surface and groundwater environments and related beneficial uses, including as a result of changes to groundwater levels, movement, affected stream flows and discharges;*
 - h) *Effects on Indigenous cultural heritage values;*
 - i) *Effects arising from the transport from the site onto the public road system;*
 - j) *Other effects on amenity, landscape values, land uses and the community.*
- ii. *The matters to be investigated and documented in the EES will be set out more fully in scoping requirements. Draft scoping requirements will be exhibited for 15 business days for public comment, before final scoping requirements are issued by the Minister for Planning.*
- iii. *The proponent is to prepare and submit to the Department of Environment, Land, Water and (DELWP) a draft EES study program to inform the preparation of draft scoping requirements.*
- iv. *The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform an assessment of the significance and acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.*
- v. *DELWP will convene an inter-agency Technical Reference Group (TRG) to advise the Department and the proponent, as appropriate, during the preparation of the EES on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.*
- vi. *The proponent is to prepare and implement an EES Consultation Plan for informing the public and consulting with stakeholders during the preparation of the EES, having regard to advice from DELWP and the TRG.*
- vii. *The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the scoping requirements. This schedule is intended to facilitate the alignment of the proponent's and DELWP's timeframes, including for timely TRG review of technical studies for the EES and the main EES documentation.*
- viii. *The proponent is to apply appropriate peer review and quality assurance procedures to enable the completion of EES studies to a satisfactory standard.*

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- ix. *The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas-New Year period, in which case 40 business days will apply.*
 - x. *An inquiry will be appointed under the Environment Effects Act 1978 to consider environmental effects of the proposal.*