

PO Box 396, Kilmore
Victoria, Australia 3764

Inc. No. A0039304E

ABN 85 154 053 129

☎ (03) 5781 0655

☎ (03) 5782 2021

enquiries@cmpavic.asn.au

26 October 2020

Laura Helm
Director, Statutory Authorisations
Earth Resources Regulation
Department of Jobs, Precincts and Regions
Level 19, 1 Spring Street,
Melbourne,
Victoria 3000

Via email: laura.helm@ecodev.vic.gov.au

Dear Laura

PROCESS FOR CHANGING OPERATING HOURS, EXTRACTIVES OPERATIONS CONSULTATION DRAFT

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, and soil. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government, and utilities. Many are regionally based employers and service local construction, infrastructure, and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2018/19, the sector supplied 63 million tonnes of construction materials to the market, at a value of approximately \$1 billion. Small to medium quarries account for approximately half of this production.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria.

Thank you for the opportunity to comment on the Process for changing operating hours, extractives operations – consultation draft.

Please see the following specific comments

Slide number	DJPR presentation	CMPA Comments
3	• <i>if change is low or medium risk, and no planning permit change required</i>	It is assumed that the low to medium risk relates to the risk matrix in the Work plan guidelines
4	<i>... evidences that the community has been appropriately consulted on proposed changes</i>	What does appropriately consulted mean: a letter drop?
4	<i>Must provide written evidence from council on whether a planning permit amendment is required</i>	Is it better to have Councils agree to the approach that a planning permit is not required?
4	<i>Evidence of consultation with EPA</i>	If EPA support the approach being proposed here, then only one level of approval is required i.e. ERR. EPA need not be involved as long as it is demonstrated that EPA standards are met.
6	<i>WA holder must provide acoustic modelling and evidence of consultation with community, the EPA and Council</i>	EPA and Councils should approve the process and ERR should be the regulating authority
6	<i>Step 2 Work plan variation permanent change</i>	Will there be a standard set of conditions for new plans which allow for flexibility in operating hours?
6	<i>Note: If a planning permit is required, the two step process cannot be used as a work plan variation must be submitted for any proposed change.</i>	This does not support the objective of the change as planning permit changes can take long periods of time to complete and process. At the very least councils should agree with being able to conduct a trial without a planning permit change as long as low and medium risk and EPA standards are met.

Currently, the greatest hurdle to overcome is the change to the planning permit which appears not to be addressed here.

Apart from the 3 month trial period by administrative change, it is a struggle to identify any change from the current process. In the majority of Work Authority cases the planning permit will stipulate hours and therefore this whole process becomes completely irrelevant. The fact that RRAMS erroneously mandates operating hours also has led to a confused process. Additionally, noted is that where the risk is determined significant to sensitive receptors (urban / metro) then continuous monitoring may be required. In Members' very recent experience it is extremely difficult to demonstrate compliance with unattended continuous noise monitoring and therefore a very expensive exercise.

If EPA and council accept that the change in operating hours process is followed, then there should be no need to consult with them for low and medium risk changes. If ERR are nominated to regulate the process, then there should be no need to update the planning permit either.

In summary, the proposed change in operating hours process does not demonstrate any reduction in red tape.

I would be happy to discuss our submission further at your invitation.

Yours sincerely

A handwritten signature in black ink that reads "EM Gibson". The letters are cursive and slightly slanted.

Dr Elizabeth Gibson
General Manager
Email: elizabeth.gibson@cmpavic.asn.au
Mob: 0434 692 618