

7th May 2010

Ms Anouk Fawns
Senior Inspector of Mines
Earth Resources Regulation Branch
Department of Primary Industries
via email to anouk.fawns@dpi.vic.gov.au.

Dear Ms Fawns

DRAFT EXTRACTIVE INDUSTRY WORK PLAN GUIDELINES

Members of the Construction Material Processors Association (CMPA) appreciate the opportunity to provide comment on the draft Extractive Industry Work Plan Guideline.

The Guideline provides a broad overview of the issues to be addressed in a work plan but would benefit from a statement that the amount of detail required under each section should be relevant to the scope and impact of the proposed operation. In general, the detail in the document does not help to reduce costs or simplify the process for proponents.

The guideline could be further improved with the following suggestions:

Improved presentation of the complete work authority approvals process

1. Part 1 of the Guide provides a DPI centric view of the Work Authority approval process and does not adequately describe the complete planning approval requirements for a Work Authority to be granted. The work plan is only one aspect of the approval process with planning consent equally vital. There could be reference to the VPP Planning Practice Note on extractive industry, noting where this may need updating, as well as Chapter 3 and Appendix 4 of the 2009 CMPA report, *An Unsustainable Future. The Prohibitive Costs of Securing Access to Construction Material Resources in Victoria* for a more complete explanation of the Work Authority approval process. A copy of the CMPA report is attached for your consideration.
2. I would suggest that in Part 1 there be some reference to the various paths available for the approval process, i.e. Environment Effects Statement or a Planning Permit with work plan or Planning Permit with Code of Practice, and the implications on the Work Plan requirements. What about the new Projects of State Significance that is being proposed in the new, updated *Planning & Environment Act*? This may be best presented as a flow chart with reference to more detailed material where relevant.
3. The expected time and costs of obtaining an endorsed Work Plan and a new Work Authority could also be provided. This information is provided in the *An Unsustainable Future* report.
4. Appendix 1 really only identifies the DPI processes involved in a Work Authority application (see point 1 above). It should be labeled as such or include planning aspects in more detail to give the proponent a full understanding of all the issues involved.

- Points 1 - 4 involve a reasonable amount of work and text to adequately address. An alternative would be not to include information on the approval process and limit this document to work plan content, with reference to another document that fully describes the approval process.

Glossary

- Clear definitions of key words such as “must”, “should”, “negative impact”, “major”, “material impact” etc should be included in the glossary so that it will help to clarify whether the guidance offered is policy or required under the legislation and help reduce varied interpretation by different people in the future.

Code of Practice

- I would suggest that Part 2 would benefit with a comment on the approval process for sites where the *Code of Practice* is applicable. At the moment, it is a bit uncertain what the next steps might be.

Content of the work plan

- Part 3 would benefit from an introductory statement along the lines that the amount of detail required under each section should be relevant to the scope and impact of the proposed operation.
- In Part 3.1, the requirement to quote the expected number of years of operation is not needed as this is highly dependent on market forces during the life of the operation and can be highly speculative at this early stage of the quarry's life.
- Part 3.1 would also benefit from a statement on the estimated resources of the various quality/uses of the stone/sand material within the Work Authority boundary.
- Part 3.2 states that the general location plan should include a north point and legend yet the example in Appendix 3.2 does not include these aspects.
- Part 3.3 states that the regional plan should include a legend, privately owned land, occupied houses (is this aspect really required? Occupied for how long of the year?), Crown land, parks and reserves within 2 km of the site and proposed access roads, yet the example in Appendix 3.3 does not include these aspects.
- Part 3.4 lists numerous features that should be included in a site plan. Not all of these are included in the example in Appendix 3.4. The cross sections could also include examples of where the benches are just infilled and replanted as well as the more complete landform remodeling depicted in cross section CC'.
- Part 3.7 makes reference to the draft EPA *Noise from Industry in Country Victoria* guideline. I would suggest this should be given greater emphasis than the N3 guideline given the new guidelines imminent release.
- Part 3.8 could benefit from a discussion on options for planning the operation so that prominent terminal faces are rehabilitated earlier rather than later.
- Part 3.9 could benefit from a clearer definition of what is meant by negative effects? Is this meant just to identify facilities along the proposed transport route to the nearest state funded road and those within a 1 km radius from the operation? Also a clear definition of what are significant community facilities is required. For example, are all places of local cultural or historical significance significant? Who/how are these places defined? Note the “dist” typo in the second dot point under “Effects...”.
- Appendix 6 may well be improved if it was described how this could be used and how it is different to Appendix 5. It would be of benefit if aspects that are specifically required by legislation/regulations are clearly identified.

Work plan variation

18. There would appear to be quite a bit of discretionary interpretation by DPI on whether a work plan variation is required. How does this relate to the stated intention of DPI to implement less prescriptive work plans in Stage 2 of the MRSDA Review? Is it possible to describe an example of what would require a work plan variation and what would not to clarify the issue?

Environmental monitoring schedule

19. Appendix 3.5 could also include a blast management plan where applicable. Table 1 could be perceived as a comprehensive water monitoring schedule that may not be required for all sites. Listing all these monitoring points may imply that they are required in all situations. A note stating that there is only the need to include relevant monitoring points for an operation and not necessarily all those listed may help to clarify this point.
20. Another column to the tables in the environmental monitoring schedule should be added that lists the relevant regulator for each issue.

21. Appendix 3.5 could also include a comprehensive list of all the regulations/compliance requirements that an operator has to meet and the implications of non compliance. This will provide the operator with a better understanding of all his obligations as well as provide other referral agencies an understanding of how the site will be regulated and monitored.

This aspect is especially important as it will enhance the significance of the role of the DPI and provide greater confidence to local councils and the community.

Further information

22. Appendix 7 could benefit by providing the DPI web address where these guidelines are available (<http://new.dpi.vic.gov.au/earth-resources/earth-resources-industries/minerals/guidelines>) as well as providing links to other DPI material such as:
 - a. Code of Practice for Small Quarries, and
 - b. Bond calculator.

And non DPI resource material such as:

- c. VPP Practice Note,
- d. EES Guidelines,
- e. DSE groundwater fact sheet,
- f. EPA noise, dust and water publications & SEPPs, and
- g. MCMPPR/MCA Strategic Framework for Tailings Management.

Typographical corrections

23. Footnote 1 , Part 1, could be fully expanded on as an appendix as the reference quoted may be difficult to locate for many readers.
24. Page numbers are more easily readable in Arabic (1,2,3, etc) rather than in Roman numerals (I,ii,iii, etc).
25. Note that all references to legislation should be appropriately italicized.

Overall, the guideline presents an amalgamation of many of the issues that a proponent maybe required to address during a work authority application, which include DPI and non-DPI regulated issues. As noted in Point 20 above, the regulator is often not DPI, so it is difficult to understand why these aspects are incorporated into this DPI

guideline and into the work plan. Incorporating these requirements that are the responsibilities of other agencies into the work plan creates duplication of process and increases costs for the proponent.

If you have any further queries, please do not hesitate to contact Ron Kerr, Honorary CEO on Ph. 5781 0655.

Yours sincerely

A handwritten signature in black ink that reads "Roger Buckley". The signature is written in a cursive style with a long, sweeping underline.

—
Roger Buckley
Executive Director
Construction Material Processors Association