

11 November 2005

Planning Panel Victoria
Mr Michael Crossman
Level 11
80 Collins St
MELBOURNE VIC 3000

RE: REVIEW OF NATIVE VEGETATION EXEMPTIONS IN PLANNING SCHEMES

Dear Mr Crossman

I would like to thank you for providing the wider community the opportunity to provide comment upon the Issues and Options Paper concerning native vegetation exemptions.

Construction Material Processors Association (CMPA) represents a broad spectrum of those involved in construction material processing businesses engaged in extraction processing or otherwise working in hard rock, gravel, sand, masonry, clay, lime, soil, gypsum or recycling, industry consultants, industry suppliers and any industry worker.

While Victoria has an abundance of good quality extractive resources, unlike metallic minerals and ores, stone resources are low in value and therefore to be viable extraction needs to occur close to market sources. During the 2003-2004 financial year, the Victorian industry produced around 24 million tonnes of hard rock and stone products, 13.5 million tonnes of sand and gravel product, and 1.5 million tonnes of clay products. It had an annual turnover valued at \$446 million from 848 work authorities or quarry establishments.¹

The industry is characterised by relatively few large operators (3) and many medium and small operations. Adopting the Australian Bureau of Statistics definition of a small business as one that employs fewer than 25 people, it is likely that small businesses in the quarry industry in Victoria represent in excess of 85% of all quarry businesses. Many small-scale quarry operations have developed in rural and regional areas to satisfy local demand.

The following submission will discuss the present Work Authority approval process required of the extractive industries through the Department of Primary Industries (DPI) and the consideration already given to native vegetation, and secondly will provide comments towards the presented Issues and Options Paper.

¹ 2004, Department of Primary Industries,
Victoria's minerals, petroleum, and extractive industries 2003/04 statistical review

Existing Approvals Process

Under the *Extractive Industries Development Act 1986*, all business wishing to establish an extractive industry site must apply for and gain a Work Authority. The process is summarised in the below diagram.

Extractive Industry Work Authority Process

Stage One – Work Plan Approval

1. Initial contact with the DPI to organise site meeting with the DPI Inspector
2. Site meeting with the DPI Inspector and other relevant agencies to discuss the proposal
3. Draft Work Plan submitted to the DPI Inspector. Re-submission will occur until endorsed
4. DPI Inspector to endorse the Work Plan, proponent notified of rehabilitation bond assessment, and proponent applies for Planning Permit
5. Development of an Information Package by the proponent including various consents, proof of Public Liability insurance, copies of the Endorsed Work Plan, appropriate fees and charges, and planning permit
6. Submit Information Package to the DPI for further approval who will forward the proponent a 'Work Authority Application Form' for completion

Stage Two – Work Authority Granted

1. Complete and submit the 'Work Authority Application Form', Rehabilitation Bond and other fees and the Index Map
2. Work Authority granted

Throughout the above process considerable consultation occurs with many different government and other authorities including, but not limited to, the DSE, Environment Protection Authority, Aboriginal Affairs Victoria, Vic Roads, and the local council. In many cases this application process from start to finish takes years to complete and is very expensive.

As can be seen, this process clearly considers the native vegetation aspects of the project with numerous references made in the relevant Guideline documents and throughout the approval process. For copies of these documents, please speak to the Department of Primary Industries.

It is important that this process is recognised when developing or reviewing legislating affecting the extractive industries and that at no stage is a separate approval process required.

Comments in relation to the Issues and Options Paper

- Option 75 The option of '*Retain the existing exemption*' is somewhat a misnomer as when the extractive industries apply for a planning permit to commence operations, consideration is given to the native vegetation impacts in this process. The CMPA and its members do however see this option remaining at a minimum.
- Option 76 The option of reiterating the extractive industries exempt under Section 5 of the *Extractive Industries Development Act* appears contrary to the government's general policy of not repeating legislation. If a person feels that they may be covered under Section 5, then they should source the *Extractive Industries Development Act* to confirm or otherwise prove.
- Option 77 The CMPA would not want to see the existing exemption for Extractive Industries extended to include activities listed under Section 5 of the *Extractive Industries Development Act* due to the lack of approval processes for such sites.

- Option 78 The CMPA feels that it is essential to ensure the continued development of the extractive industries and the continued ability of Victorian's to enjoy relatively low costs earth resources that the option of amending the exemptions under the Environmental Significance Overlay, Vegetation Protection Overlay, Significant Landscape Overlay, Erosion Management Overlay and the Salinity Management Overlay to include the extractive industry similar to mining and mineral exploration. This is appropriate as the Work Authority process undertaken by the extractive industries is based on the finite life of the resources considers the vegetative needs of the site through the bettering of any buffer zones in stages and the progressive rehabilitation of the works. Furthermore, in many cases the vegetative gains occurring as a result of the rehabilitation process are being seen many years before the vegetative losses occur.
- Option 79 The CMPA fully supports the recommendation to amend the exemption to include "search for stone" with a limit on the area of native vegetation that may be removed.

Our members are keen to see the outcome of this investigation as the native vegetation requirements are affecting many of their businesses. We are beginning to hear from members and others within the industry who are finding it very difficult to commence or extend their operations due to this legislation. As a result resources are being sterilised that would have otherwise served the local community, and excessive transportation of materials occurs which impacts upon carbon emissions and damages roads.

If there any further information either yourself, or anyone else managing this review, or any assistance that we may be able to provide regards the implementation of any proposals please do not hesitate in contact me at the details above.

Yours sincerely



Pp Ron Kerr
Honorary CEO

Cc Joel Twining, Department of Primary Industries