

31 January 2023

EPA

Via: <https://engage.vic.gov.au/separation-distances-and-landfill-buffers>

Dear Sir/Madam

**EPA SEPARATION DISTANCE GUIDELINE PUBLICATION 1949 DECEMBER 2022**

CMPA is the premier representative body for the Victorian extractive resources industry. It represents a broad spectrum of those involved in construction material processing businesses and has a membership base consisting of over 200 quarries across the industry. Together, these members employ approximately 1500 Victorians which underpins the construction industry of almost 240,000 employees (<https://liveinmelbourne.vic.gov.au/connect/victorian-industries/transport-defence-and-construction>).

CMPA members are typically small to medium sized family and private businesses, local government, and utility providers. 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 2020/21, the sector supplied approximately 64 million tonnes of construction materials (25% of total freight movement in Victoria) to the market, at a value of approximately \$1 billion directly supporting Victoria's \$80 billion Big Build (<https://bigbuild.vic.gov.au/about>) and the estimated 1.6 million new homes required by 2050 (<https://earthresources.vic.gov.au/geology-exploration/industry-investment/joint-ministerial-statement-on-extractive-resources>). Small to medium quarries account for approximately half of this production and is submitted to be a vital industry supporting the ongoing economic prosperity of Victorians.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia including the protection of resources that enable extraction of construction materials that is cost efficient to market and to the Victorian taxpayer who is ultimately the end consumer and beneficiary of that resource.

Thank you for the opportunity to comment on the EPA Separation Distance Guideline publication 1949 December 2022. Note that CMPA will commence developing separate environmental nuisance dust and environmental respirable crystalline silica dust (RCSD) management guidelines and templates in 2023.

## Submission

That:

- For quarrying without blasting the previous separation distance applies: 250 m (as opposed to the proposed 500 m) which remains consistent with the separation distance for “*Mine for other minerals*”, 250 m.
- Construction and demolition waste and “mine for other minerals” may contain RCSD.
- Compliance with the proposed guideline constitutes compliance with the EP Act and the General Environmental Duty.
- The rational “based on recent experience” needs to be expanded: EPA to provide the specific “examples”. If the “recent experience” is from non-compliant sites, this is a compliance issue. It is not a reason to change the separation distances. Also, no mention is made of wet processing sites and how they are to be treated.
- The document (table 4) appears to be confused as to what is an extractive industry and if it includes a quarry. The table must clarify if quarrying is an extractive industry, i.e. *Mining and extractive industry separation distances marked with an asterisk are minimum distances and should not be varied.*

## Specific Comments

Page number	Guideline	CMPA comments
p.7, 1 <sup>st</sup> para	<i>The guideline supports decision makers to direct land use and development to the most appropriate locations based on the level of risk. It also supports planning decision makers to prevent underuse of land adjacent to industrial land uses by identifying compatible land uses within a separation distance.</i>	Location of extractive resources and ensuring there is no encroachment by sensitive uses is an important issue for the extractive industry as specified in PPN 89 Extractive industry and resources.
p.8, 3 <sup>rd</sup> para	<i>Compliance with this guideline does not constitute compliance with the EP Act, including the general environmental duty (GED).</i>	There is little point in producing a guideline if it does not constitute compliance with the EP Act 2017 and the General Environmental Duty.
p.8, 6 <sup>th</sup> para	<i>This guideline should be read in conjunction with:</i>	A further 13 documents are cited as required reading including a Fact Sheet: “Engaging Consultants”. This strongly suggests that a consultant needs to be appointed when preparing and assessing planning scheme amendments, planning permits and EPA permissions applications.
p.17, LHS, 4 <sup>th</sup> text box	<i>Is the industry or will the new/expanding industry meet its obligations in accordance with the EP Act (2017)?</i>	As per above (p.8 3rd para)
p.21 4.4 Stage 3	<i>4.4. Stage 3 – Is the recommended separation distance for odour or dust acceptable? Even though a proposal may meet a recommended separation distance, there</i>	Potential new entrants are penalised for other industries not complying.

Page number	Guideline	CMPA comments
	<p>could be factors that may result in the recommended distance being unacceptable. Factors that can impact the acceptability of a recommended separation distance for dust include:</p> <ul style="list-style-type: none"> <li>• size of the source</li> <li>• type of dust emission</li> <li>• meteorology</li> <li>• terrain and interface land use</li> <li>• the sensitivity of the receptor (existing and/or proposed)</li> <li>• historical context</li> <li>• cumulative impacts.</li> </ul>	
p.37	<p>Table 4. Recommended separation distances for dust: Quarry – quarrying, crushing, screening, stockpiling and conveying of rock: <b>Without blasting: 500 m</b> (Can be reduced to 250 m if activity is substantially below ground level &gt;10 m)</p>	<p>The only change to the quarry separation distances (from EPA Recommended separation distances for industrial residual air emissions 2013 publication # 1518) is for the quarrying activity without blasting doubling from 250 m to 500 m apart from if the activity is substantially below ground level &gt;10 m. No justification or case studies for this increase could be found. Especially when “Mine for other minerals – crushing, screening, stockpiling and conveying of other minerals” retains the 250 m recommended separation distance.</p>
p.38	<p>Materials recovery and recycling facility: Collecting, dismantling, treating, processing, storing, recycling, or selling used or surplus materials: 250 m. In the previous guideline (2013) it was on a case by case basis</p>	<p>Construction and demolition waste recycling is ~6.5 million tonnes per annum (2021). Justification and inclusion of case studies would be useful to explain the change proposed. Additionally, construction and demolition waste may contain RCSD.</p>

### Questions posed by EPA

**Q1. Does the proposed guideline include enough information and guidance to support land use and development decisions where industry separation distances apply? Please explain.**

No, because “Mine for other minerals – crushing, screening, stockpiling and conveying of other minerals” retains the 250 m recommended separation distance from the previous guideline (2013) yet quarrying without blasting is increased to 500 m (previously 250 m) with no justification or evidence of case studies.

**Q2. Is the proposed guideline clear, useable and relevant? How could it be improved?**

No, because:

- Compliance with the proposed guideline does not constitute compliance with the EP Act 2017 and the General Environmental Duty as stated on p.8 of the guideline.
- RCSD in recycled construction and demolition waste needs to be recognised.

**Q3. How will the proposed changes in the guideline affect you or your organisation?**

As an industry association for quarries there will be a profound impact on Members with respect to the increased buffer for quarrying without blasting to 500 m which was previously 250 m.

I would be pleased to discuss these matters with you. Please contact me on 0434 692 618 or via email at [elizabeth.gibson@cmpavic.asn.au](mailto:elizabeth.gibson@cmpavic.asn.au) in respect of any matter.

Yours sincerely

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

Dr Elizabeth Gibson  
General Manager

## About the CMPA

The CMPA Rules contain the following purposes of the Association which are to:

- (i) conduct its affairs with honesty and integrity;
- (ii) demonstrate its commitment to the:
  - viability of the Industry;
  - protection of the environment;
  - community in which it exists;
- (iii) vigorously pursue with government and others issues of widespread concern to members;
- (iv) demonstrate leadership and a sense of direction for the Industry;
- (v) act as a resource and provide support to its members through the delivery of cost savings and assistance in complying with legal obligations;
- (vi) foster unity and cooperation between members and others;
- (vii) promote continuous improvement through education, training and other activities.

As per purpose (vii) through the development of Guidelines, Checklists and Reference Manuals such as:

Guidelines	Checklists	Reference Manuals	Community publications and video clips
Workplace and Environmental Noise Management	Excavator	Work Safely	Quarries Building Communities <a href="https://cmpavic.asn.au/community/">https://cmpavic.asn.au/community/</a>
Dust Management including separate Respirable Crystalline Silica Dust Management	Front End Loader	Conduct Laboratory-based tests	
Blast Management	Mobile Plant	Conduct Screening	
Bushfire Response	On Road Tip Truck	Service & Maintain Crushers	
Slimes Management	Watercart	Conduct Crushing	
Traffic Management	Haul Truck	Collect Routine Site Samples	
Working Safely with Geotechnical Risk in Quarries	Pick up and delivery	Combined Crushing & Screening	

The Guidelines are made available **free to the community** on <https://cmpavic.asn.au/publications/support-sheets/>