

Submission Cover Sheet

Fingerboards Mineral Sands Project Inquiry and Advisory
Committee - EES

632

Request to be heard?: Yes

Full Name: Stuart Fenech

Organisation: The Head, Department of Transport

Affected property:

Attachment 1: DOT_Response_-_

Attachment 2:

Attachment 3:

Comments: see attached submission



Department of Transport

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DOT Ref:

Mr Nick Wimbush
Chair, Fingerboard Mineral Sands Project Inquiry and Advisory Committee
Planning Panels Victoria
Via Email: planning.panels@dewlp.vic.gov.au

Dear Mr Wimbush

Fingerboard Mineral Sands Project Environmental Effects Statement

The Department of Transport (**the Department**) has considered the Environmental Effects Statement (**EES**), technical assessments and Planning Scheme Amendment prepared for the proposed Fingerboards Mineral Sands Project (**the Project**).

The Department is unable to support the delivery of this project as the transport and traffic impacts have not been adequately assessed, migrated or responded to and would have a negative impact on the safe and operational management of the transport network.

The role of the Department of Transport

The Department plans, builds and operates an integrated, sustainable and safe transport system for Victoria.

The *Transport Integration Act 2010* (TIA) is Victoria's main transport legislation. It came into effect on 1 July 2010 to 'create a new framework for the provision of an integrated and sustainable transport system in Victoria.'

Through the TIA, the Head, Transport for Victoria was established as a new statutory office to plan, develop and manage the transport network in a more holistic way, improving integration of the different modes to better meet the journey requirements of users.

In mid-2019, the Roads Corporation (VicRoads) and Public Transport Victoria (PTV) were brought together within the Department of Transport to form a new integrated transport department that will focus on People first, Outcomes focused and One System.

On 1 January 2020, further amendments to the TIA came into effect that gave legislative effect to the new department including:

- separation of functions performed by the Secretary, DoT (generally strategic planning and policy functions) and Head, Transport for Victoria (consolidating operational responsibilities across the road and public transport network); and
- the conferral of functions formerly with PTV and Roads Corporation on either the Secretary or the Head, TfV (both of which will be supported by staff in the Department of Transport); and
- the abolition of PTV and eventually, Roads Corporation; and
- consequential amendments to other statutes.

The combination of amended legislation and significant organisational change is to respond to the contemporary challenges of moving people and goods in Victoria – to ensure that we are able to continue to plan, build and operate an integrated, sustainable and safe transport system to meet current and future needs.

The Project

In assessing the exhibited EES material, the Department has considered the information provided regarding both how the proposed project *will impact the transport network* and how the project will *mitigate* this impact.

The Head, Transport for Victoria has a number of significant concerns with the EES, draft planning scheme amendment and proposed Environmental Management Framework prepared for the Fingerboard Mineral Sands Project. These concerns include:

- *Relocation of Dargo Road being on private land as temporary deviations.*
Kalbar proposes to deviate or relocate portions of the existing Dargo Road. Dargo Road is currently a declared arterial road under the *Road Management Act 2004*. Some of the required land is contained within the mining licence, however there are other sections to be located on private land. The EES does not adequately address how land acquisition will occur if Kalbar does not own all of the required land. DOT has previously advised Kalbar that it will not act as the acquiring authority for any required land.
- *Relocation of intersections on private land.*
As part of the road deviations required for the project, it has been proposed to relocate and construct intersections which will require land acquisition. This will likely include privately owned land. The EES does not adequately address how the land acquisition will occur if the land is not owned by Kalbar. Without approved transport infrastructure treatments (by the Department), road safety and operational performance at these locations will be compromised.

- Timing of events and interim measures.

Several options have been documented regarding the transport of materials to and from the mine. The options include rail and road. The preferred option outlined in the EES is rail transport with the construction of a new railway siding near Fernbank which will require both road and rail up-grades.

Limited detail has been provided in the EES regarding the timing, approvals and required works for the railway siding and associated road network. Where road cartage might be required for a short period time the EES does not adequately address how this will be managed or mitigated against until the rail siding is operational.

- Defaulting of the mine

It is noted that Kalbar will access land in accordance with the *Mineral Resources (Sustainable Development) MRSD Act 1990*. This Act allows for mining operation via a licence over the land. The land maybe acquired or leased by the proponent. The project proposes to temporarily relocate parts of the existing Dargo Road which is on land currently within and outside the mining licence. Once the temporary road is constructed, the land on which the existing Dargo Road is located will be mined, then rehabilitated and portions of the Dargo Road reinstated within its current road reserve. The temporary road will then be removed.

The Head, Transport for Victoria is concerned that the Department of Transport will need to take action to make the temporary road permanent in the event the mine defaults before the Dargo Road is reinstated in its road reserve. Should this occur the Department of Transport may become liable for the compensation to acquire land on which the temporary road is located to the underlying landowners.

- Planning Scheme Amendment

To ensure that the use and development of land is supported through appropriate planning approvals, it is critical that the Proponent provide a detailed plan regarding the land acquisition as part of the planning scheme approvals.

The Incorporated Document also needs to be amended to include further conditions regarding the consent of the Head Transport for Victoria regarding impacts to State Transport Network Infrastructure including:

- The preparation of a Traffic Management Plan (TMP) to the satisfaction of the Head, Transport for Victoria that will address in detail:
 - design and construction of intersections and roadways, including functional layout plans;
 - the preparation of the designs and associated approvals;
 - construction of works prior to the commencement of the operational stage of the mine.
- The preparation of Road Safety Audits
- All mitigation works and managements measures recommended by the TMP must be implemented to satisfaction of and at no cost to the Head, Transport for Victoria.
- The payment of a bond and S173 Agreement regarding the timing, delivery and remediation of State transport assets.

As the State transport network manager, the Department is a key stakeholder in the development of the Fingerboards Mineral Sands Project. At this stage, it is the Departments view that there is insufficient information to be able to support this proposal.

The Department will be happy to further explain its position and concerns as part of the public hearing process. If you have any further queries, please contact Pas Monacella – Manager Development on [REDACTED]

Yours sincerely

[REDACTED]

Sara Rhodes-Ward
Regional Director, Eastern

28 / 10 / 2020