



Fingerboards Mineral Sands Project Submission to the EES Project Inquiry and Advisory Committee

Department of Transport

18 May 2021

Contents

Introduction	3
The Role of the Department of Transport	4
Strategic Transport Context	6
The Project	9
Submissions	10
Conclusion	17

Attachment A: Department of Transport submission dated 28 October 2020

Attachment B: Incorporated Document – IAC Version 1 tracked with the Department’s Changes 18 May 2021

Attachment C: Table of changes to the Incorporated Document

Attachment D: Table of changes to the Environmental Management Framework

Introduction

1. This submission is made by the Department of Transport (the **Department**) in its capacity as the Head, Transport for Victoria (**Head, TFV**) to the Inquiry and Advisory Committee (**IAC**) in relation to the Environment Effects Statement (**EES**) and draft Planning Scheme Amendment (**PSA**) for the Fingerboards Mineral Sands Project (**Project**).
2. The Project is a proposed mineral sand mine that will extract heavy mineral concentrate. It is proposed to be located in the Glenaladale ore body area approximately 20 kilometres north-west of Bairnsdale in East Gippsland Shire.
3. Kalbar Pty Ltd is the proponent of the Project (**Proponent**).
4. The Department has considered:
 - 4.1. the material placed on exhibition by the Proponent for the project including the EES, technical assessments, PSA; and
 - 4.2. the additional material tabled by the Proponent during the IAC hearing relating to transport.
5. This submission is made in addition to the submission made by the Department dated 28 October 2020 (**Attachment A**) during the exhibition period which confirmed:
 - 5.1. that the Department had a number of transport concerns regarding the proposal; and
 - 5.2. due to insufficient (traffic and transport) information was not able to support the proposal.
6. The Department remains concerned with the lack of detailed transport information provided within the EES documentation, however, should the IAC support the Project, the Department has provided amendments to address its concerns including to:
 - 6.1. the Incorporated Document which forms part of the PSA being implemented and
 - 6.2. the Environmental Management Framework for the Project.

The Role of the Department of Transport

7. The *Transport Integration Act 2010 (TI Act)* 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.'
8. Critical to the delivery of an integrated transport vision is the need to bring together all statutory functions and agencies to form an integrated transport portfolio in order to plan, deliver and operate an integrated transport network for the growing state.
9. In 2017, following amendments to the TI Act, the Head, TFV 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.
10. In mid-2019, 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:
 - 10.1. *People first* – putting people and users of the network at the centre of decision making
 - 10.2. *Outcomes focused* – looking at what is being achieved to make transport simpler and safer to move around
 - 10.3. *One system* – delivering the *Transport Integration Act 2010* objectives for simpler and safer journeys and managing the transport network as one integrated system.
11. In addition, the *Major Transport Infrastructure Authority (MTIA)* was separately established on 1 January 2019 to oversee major transport projects in planning and construction.
12. This structural change was needed to ensure that the Department is equipped to rise to the transport task that has us moving more people and freight than ever before and building more infrastructure than ever before – all at a time of significant growth and technological change.
13. On 1 January 2020, further amendments to the TI Act came into effect that gave legislative effect to the new department including:
 - 13.1. separation of functions performed by the Secretary, DoT (generally policy functions) and Head, TFV (consolidating operational responsibilities across the road and public transport network);
 - 13.2. the conferral of functions formerly with PTV and Roads Corporation on either the Secretary or the Head, TFV (both of which are supported by staff in the Department of Transport);
 - 13.3. the abolition of PTV and Roads Corporation; and
 - 13.4. consequential amendments to other statutes.
14. 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.

64B Object of the Head, Transport for Victoria

The primary object of the Head, Transport for Victoria is to coordinate, provide, operate and maintain the public transport system and the road system consistent with the vision statement and the transport system objectives and includes the following—

(a) to ensure, in collaboration with other transport bodies and public entities, that the public transport system and the road system operate as part of an integrated transport system which seeks to meet the needs of all transport system users;

(b) to manage the public transport system and the road system in a manner which supports a sustainable Victoria—

(i) by seeking to increase the share of public transport, walking and cycling trips as a proportion of all transport trips in Victoria; and

(ii) by actively promoting public transport to Victorian families and other members of the community as an alternative to travelling by motor car; and

(iii) while seeking to give effect to subparagraphs (i) and (ii), by also seeking to improve the environmental performance and to minimise the adverse environmental impacts of the public transport system and the road system;

(c) to contribute to social wellbeing by providing access to opportunities and supporting liveable communities;

(d) to promote economic prosperity by facilitating efficient and reliable movement of public transport users, road users and goods while also supporting rail freight services;

(e) to improve the safety of the public transport system and the road system for the users of those systems.

Figure 1: Transport Integration Act 2010

Strategic Transport Context

15. The Project Area for the Fingerboards Mine is largely located within the East Gippsland Shire Council region in eastern Victoria, with a smaller portion of the site within Wellington Shire Council.
16. The site is located on a flat to undulating plateau with ridges, and narrow deep valleys draining into the surrounding rivers. The land is predominantly used for sheep and cattle grazing, as well as pine and blue gum timber plantations and some rural residential living.
17. The closest major regional centre is Bairnsdale, approximately 20 km to the east of the proposed project site.
18. The State Transport System in the region largely comprises both road and rail assets and services.

Declared Road Network

19. Declared and local roads intersect the area and remnant vegetation can be found in the road reserves and gullies.
20. Under the *Road Management Act 2004*, there are two responsible road authorities in this region:
 - 20.1. *Head, Transport for Victoria* – who is responsible for all declared arterial roads; and
 - 20.2. *East Gippsland Shire Council* – who is responsible for local roads.

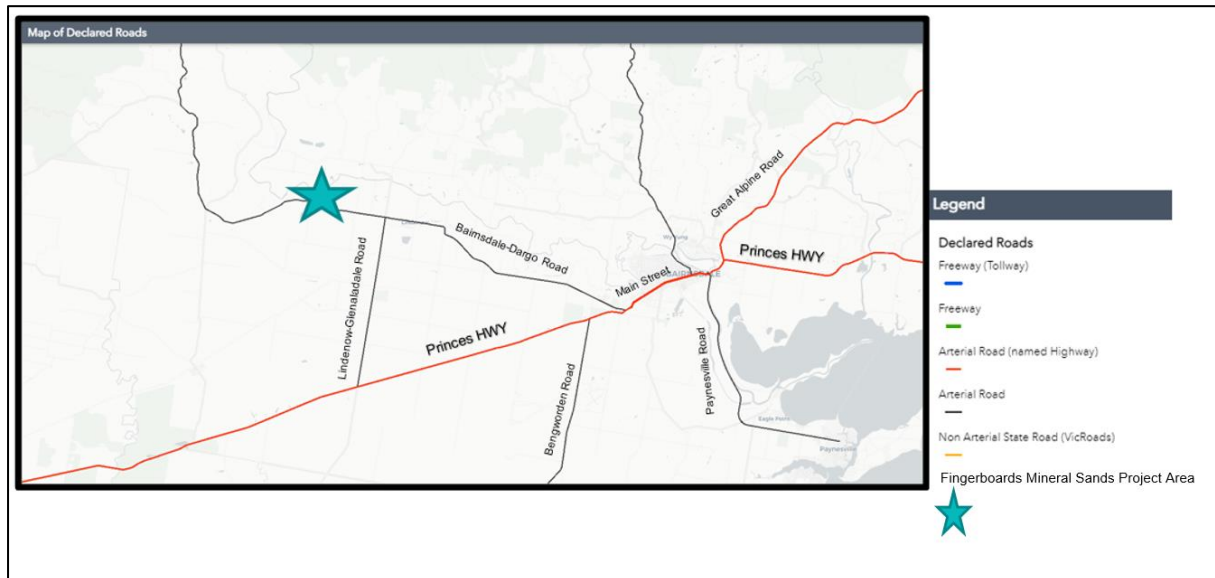
34 General Functions (of a Road Authority)

- (1) *A road authority has the following general functions—*
 - (a) *to provide and maintain, as part of a network of roads, roads for use by the community served by the road authority;*
 - (b) *to manage the use of roads having regard to the principle that the primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road and on the environment;*
 - (c) *to manage traffic on roads in a manner that enhances the safe and efficient operation of roads;*
 - (ca) *to design, construct, inspect, repair and maintain roads and road infrastructure;*
 - (d) *to coordinate the installation of infrastructure on roads and the conduct of other works in such a way as to minimise, as far as is reasonably practicable, adverse impacts on the provision of utility or public transport services;*
 - (e) *to undertake works and activities which promote the functions referred to in paragraphs (a), (b), (c) and (ca) and to undertake activities which promote the function in paragraph (d).*

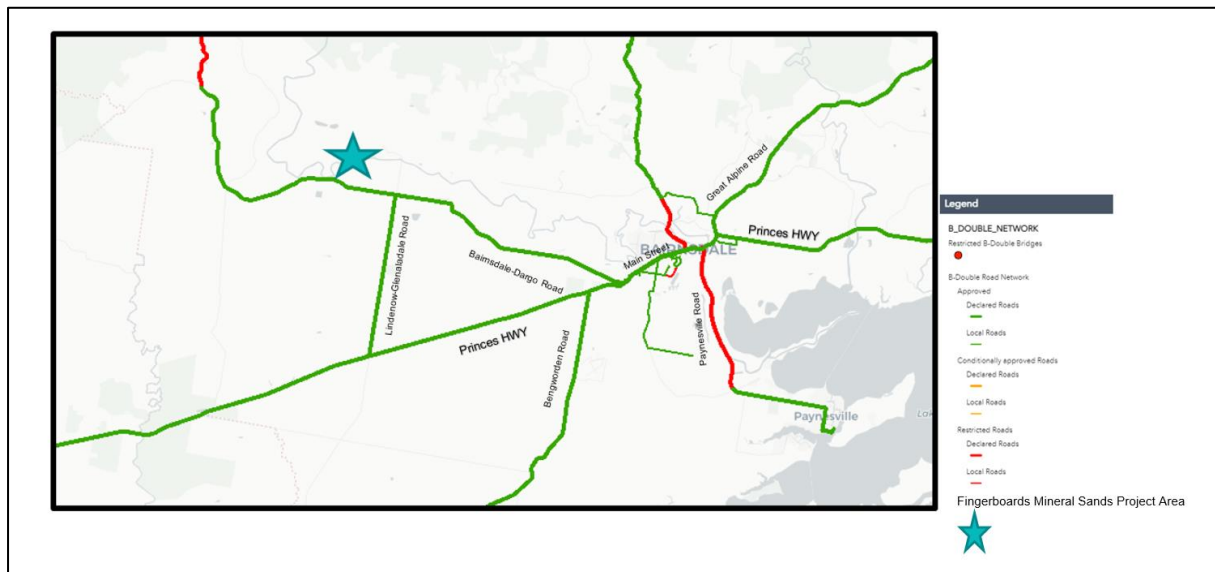
Figure 2: Road Management Act 2004

21. The declared road network in the study area include the following declared arterial roads:

- Princes Highway;
- Main Street;
- South Gippsland Highway;
- Bairnsdale-Dargo Road;
- Lindenow-Glenaladale Road;
- Briagolong Road;
- Princes Drive;
- Alexanders Road;
- Traralgon West Road; and
- Barry Road.



Map 1: Map of Declared Roads, source: www.vicroads.vic.gov.au



Map 2: Map of Victoria's Gazetted B-Double Network, source: www.vicroads.vic.gov.au

Regional Rail Network

22. The Latrobe Valley and Gippsland's region is served by the Gippsland rail line, running from Melbourne via the towns of Moe, Morwell, Traralgon, Sale, and terminating at Bairnsdale.
23. As part of the Regional Rail Revival Program, the Gippsland line will receive a number of upgrades to support train usage. These works include:
 - 23.1. Building a new rail bridge over the Avon River in Stratford, which is now complete;
 - 23.2. Second platforms and station amenity improvements at Bunyip, Longwarry, Morwell and Traralgon stations;
 - 23.3. Track duplication at Bunyip and Longwarry and extension of the Morwell crossing loop to facilitate more opportunities for trains to pass each other;
 - 23.4. Level crossing upgrades;
 - 23.5. Signalling upgrades – to improve rail safety for motorists and passengers; and
 - 23.6. Drainage structure upgrades along the line.

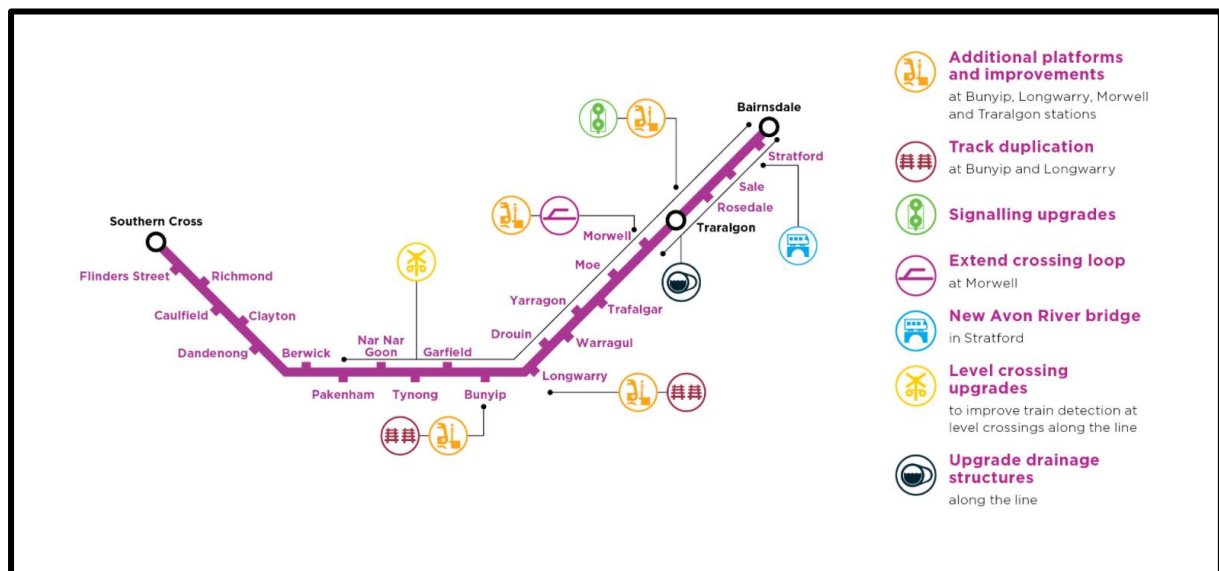


Figure 3: Regional Rail Revival Upgrade source: www.regionalrailrevival.vic.gov.au/gippsland

The Project

24. The Proponent proposes to extract 170 million tonnes of ore to produce around 8 million tonnes of heavy mineral concentrate for approximately 15 - 20 years, for export to overseas markets.
25. The Project includes the disturbance of 1,192 hectares for the planned mine area and a further 158 hectares to locate supporting infrastructure and facilities.
26. The project will require supporting infrastructure including for water supply, power and communications, wastewater treatment, administration and workshops, access and mining roads, and potentially rail transport.
27. The project will require the transportation via road and or rail from the mining site to the Port of Melbourne or Geelong for overseas distribution.
28. The Department has an interest in the project due to the changes and implications to the State Transport Network as a result of the proposal.
29. The key elements of interest to the Department are:
 - 29.1. Issue 1: The need to relocate Dargo Road (a current declared arterial road) to accommodate the project area;
 - 29.2. Issue 2: The impact on the transport network and mitigation during the construction, operation and reconstruction/remediation of the Project, including route selection, rail siding location and road dilapidation management; and
 - 29.3. Issue 3: Amendments required to the Incorporated Document and Environmental Management Framework to address key concerns of the Department in the planning and design of traffic and transport mitigation works.
30. Whilst the Department does not have a direct role in the approvals for the EES or PSA, the subsequent approvals and agreements required to support the Project by the Department are substantial. This includes consent under the *Road Management Act 2004*.
31. The Department needs to ensure the Project can adequately accommodate the impact to the transport network and where needed that appropriate standards and guidelines through the design process can be met.

Submissions

33. The following submissions explain the Department’s position and its proposed amendments to the Incorporated Document and the Environmental Management Framework should the IAC support the Project.

Issue 1 – Relocation of Dargo Road

- 34. Dargo Road is an existing declared arterial road that runs through the Mine Area.
- 35. As part of the Project, it is proposed to relocate Dargo Road in a new location as the land currently used for the road is required as part of the mine operation.
- 36. The Project Proponent has begun to consider a future location of Dargo Road. In the EES Exhibition documentation, the option shown in Figure 4 was proposed.

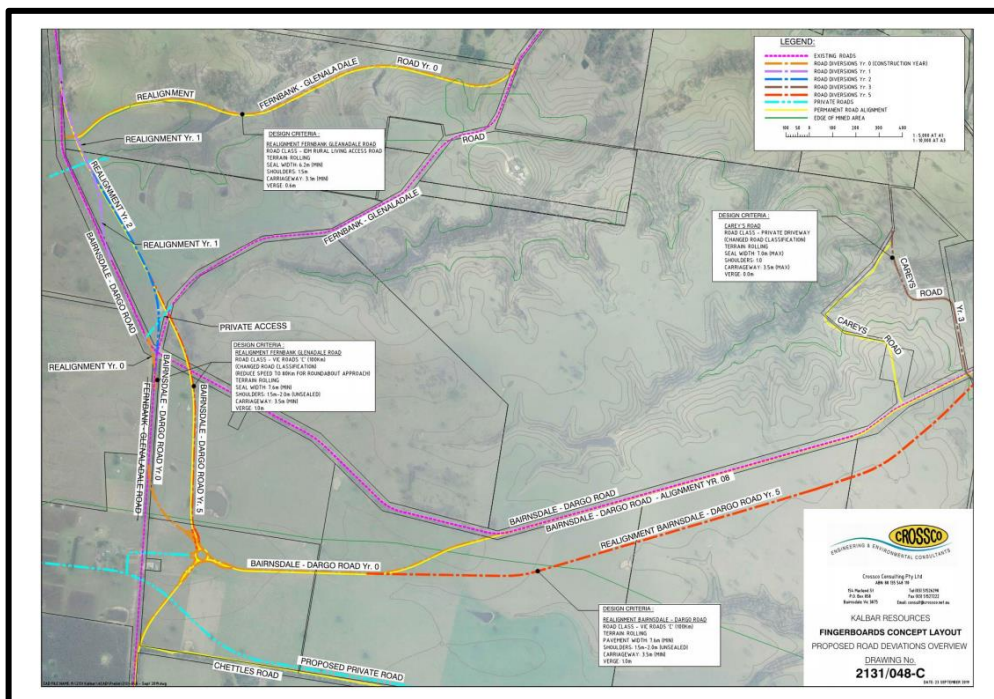


Figure 4, Proposed Dargo Road Deviation EES, Source: Traffic and Transport Impact Assessment, p. 30

37. In further correspondence with the Department post Exhibition, the following option in Figure 5 has been proposed.

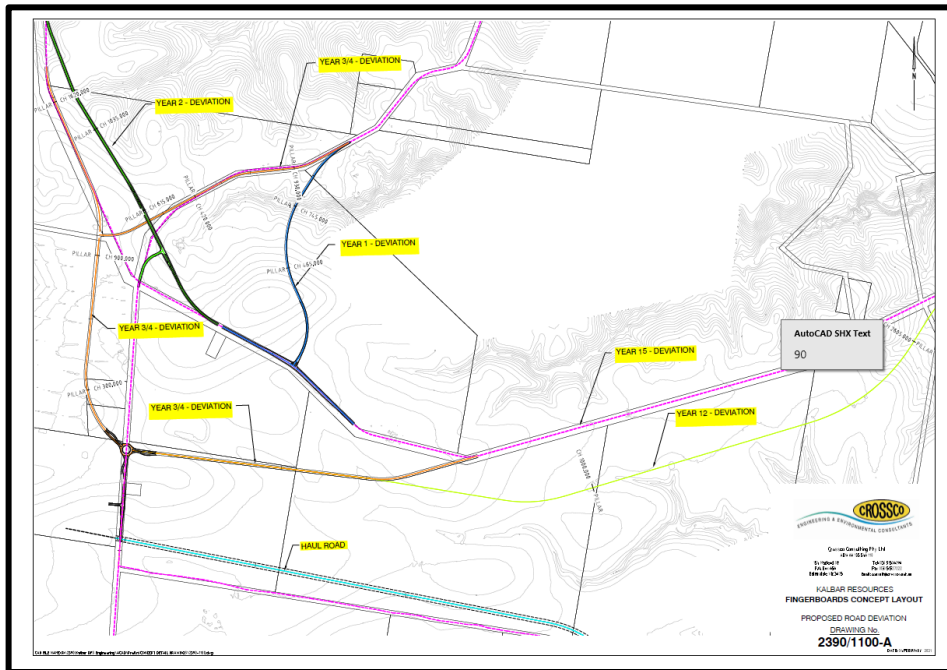


Figure 5, Proposed Dargo Road Deviation May 2021, Source: Kalbar Email to Department of Transport 4 May 2021

38. Relocating such a road is a significant task, requiring detailed assessments to understand how best to support the operational efficiency and safety of the transport network for the duration of the Project.
39. The EES documentation included limited information for the Department to be able to effectively understand and assess the proposed route and road design for the Dargo Road relocation.
40. Since the exhibition period closing, the Department has received additional correspondence regarding the proposed road detail from the Proponent including:
- 40.1. Proposed Road and Intersection Geometry Designs (via email 14 January 2021); and
 - 40.2. Geotechnical report, cross section design (via email 4 May 2021).
41. This information has been helpful, however there is still considerable information required to support the Departments assessment.
42. Importantly it is not yet clear to the Department what land the Proponent has been able to secure for the new Dargo Road and whether any such land access arrangement is either temporary or permanent.
43. The Department will not act as an acquiring authority for any of the required land for a road purpose to support the mine operation. It is the responsibility of the Proponent to ensure that the planning, ownership/lease arrangements, design, construction and eventual remediation of the Dargo Road occurs.
44. The Department is also concerned about the potential to create new/increased number of access from rural properties on to Dargo Road, thus increasing the potential transport user conflict. The Department requires further detail on how these issues will be managed.

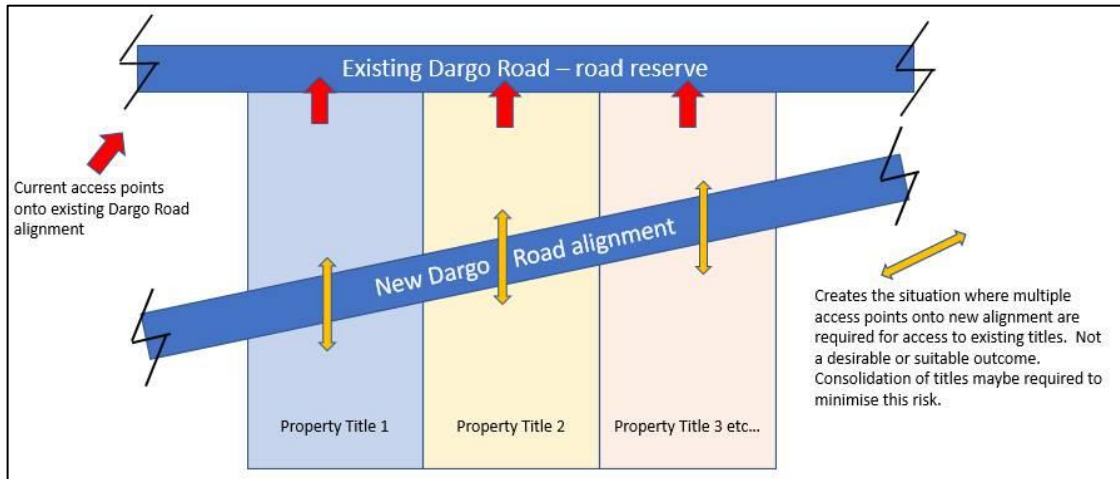


Figure 6: Illustrative example of now additional access points may be created.

45. Based on the information in the EES, the Project involves the temporary relocation of sections of the Dargo Road, a declared arterial road under *the Road Management Act 2004*. Once the Project is complete, the temporary road will be removed, Dargo Road will be reinstated, and land will be rehabilitated.
46. The Department supports this approach on the condition that the Proponent provides security in the form of an unconditional bond or bank guarantee to cover the cost of any works required to remove temporary roads, reinstate Dargo Road and rehabilitate land in the event the Proponent defaults on its agreement to carry out this work to the satisfaction of and at no cost to the Head, Transport for Victoria.
47. The Department considers a security is fair and reasonable in these circumstances. The Incorporated Document has been amended to reflect an agreement for security.

Issue 2 – Traffic and transport impacts during operation and construction

48. Alterations and upgrades to the road and rail network are required to ensure the safe and efficient transport of Project related materials during the construction and operation of the Project. These works involve:
 - 48.1. the construction of a new rail siding or the upgrade of an existing rail siding;
 - 48.2. the construction of new roads and intersections; and
 - 48.3. the upgrade of the intersections on Princes Highway at Lindenow-Glenaladale Road and Racecourse Road (if required).
49. The Department submits that the level of investigation informing the EES and PSA has provided minimal detail regarding:
 - 49.1. the proposed road and intersection alignments and design;
 - 49.2. the rail siding location and design;
 - 49.3. the land required for the proposed road and rail infrastructure, ownership of such land and how the use of such land will be secured;
 - 49.4. the type of materials and construction method for the backfill of the mine for the areas where the Dargo Road is to be reinstated whether the proposed road infrastructure is temporary or permanent;
 - 49.5. the decommissioning and remediation required following the closure of the Project; and
 - 49.6. the potential requirement for short term road haulage of product, or alternative road haulage routes if the preferred transportation method of rail is disrupted.

- 50. While the Department does not seek to challenge the level of detail provide at this stage of the process of approval for the Project, it submits that it is imperative that this information is provided as part of the next stage of approvals and prior to the commencement of the Project.
- 51. The Incorporated Document has been amended to provide information and design requirements that aim to ensure that the full assessment of traffic and transport information is understood and assessed prior to construction on the Project.
- 52. This is critical to ensure that the risks to the State Transport Network are managed and mitigated as part of the Project. It is important to note that this approach should not pre-determine consent or applications process/fees under the *Road Management Act 2004* or other consents/licenses or leases required for rail infrastructure and access to the rail network, rather it provides a clear framework of the transport requirement as part of the land use and environmental considerations.

Design of Roundabouts

- 53. The Department has noted that the proposed Post-Avon River Bridge – Option 2 includes new intersections to be built at:
 - 53.1. Princess Highway and Lindenow-Glenaladale Road; and
 - 53.2. Princess Highway and Racecourse Road.
- 54. Both roundabout treatments are required to ensure that there is safe access during the operational phase of the project, as a result of B-Double trucks accessing the alternative rail siding at Bairnsdale.
- 55. The Department remains concerned that there has been insufficient consideration of:
 - 55.1. The design of the roundabout treatments, whether any additional land outside the road reserve is required for their construction and what alternative treatment would be considered if additional land was unable to be secured. This is a particular issue when designing roundabouts for large vehicles such as B-Doubles and in high speeds environments.
 - 55.2. Whether the treatments are required, even if the preferred option is achievable, as either an interim measure before the siding is constructed at Fernbank (if selected) or to offer an alternative in the event of rail disruption.

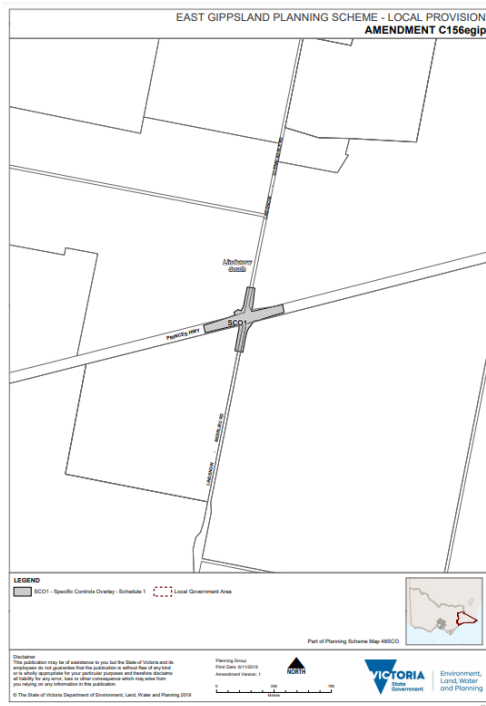


Figure 7, Planning Scheme Amendment Map, Specific Control Overlay: Intersection of Princess Highway and Lindenow-Glenadale Road, Proposed location of round-a-bout.



Figure 8 Aerial of Intersection of Princess Highway and Lindenow-Glenadale Road, Proposed location of round-a-bout. Source: Nearthmaps 2021

Management of Rail Haulage

56. The Department's preferred position is that the haulage of the material from the mine is via truck transport to a rail terminal then to Port (either Melbourne or Geelong).
57. The Department with V/Line has had discussions with the Proponent regarding the potential to utilise rail as a method of haulage of the ore material and the Department agrees that utilisation of rail for such a freight purpose is appropriate and consistent with efficient transport network provision.
58. These discussions are preliminary and have not yet been confirmed with regard to access to the rail network, proposed rail timetable, up-grades or modifications required to accommodate transport of the mineral sands by train. It is expected that the required considerations and approvals will continue subject to the outcome of the EES.
59. In terms of the Department's position regarding which rail siding is preferable, it is acknowledged that the Fernbank and Bairnsdale sites have different constraints and opportunities. This includes the need build new infrastructure at Fernbank vs utilisation of an existing facility at Bairnsdale but greater potential for transport user conflict.
60. On balance, the road safety outcomes that are achieved from removing the potential for conflict with the Fernbank siding is preferable. However, it is acknowledge that this option will result in significant cost, assessment, design and rail agreement, which may render this option unfeasible. The Department maintains that both options must be fully examined and further discussions are required with the Proponent and the transport system managers.

Native Vegetation

61. The Department submits that it should not be responsible for the removal or offset of any vegetation that is required to be removed for road or rail infrastructure associated with the Project. It is fair and reasonable that this cost is the Proponent's, and not the public's, in circumstances where the removal and offset is required to facilitate road and rail infrastructure for its project.
62. The Incorporated Document has been amended to reflect the Department's position.

Issue 3 - Proposed Amendments to the Incorporated Document and Environmental Management Framework

Amendments to the Incorporated Document

63. The Department proposes changes to the Incorporated Document to ensure the Project does not result in unacceptable impacts to the State Transport Network. This is facilitated through the requirement to provide the further information identified above to the satisfaction of the Head, Transport for Victoria in the Traffic and Transport Management Plan at clause 5.4 of the Incorporated Document.
64. **Attachment B** contains the Department's proposed changes tracked into the clean version of Incorporated Document – IAC version 1 (dated 28 April 2021, IAC tabled document 247)¹.
65. The Department will also require further detail through the approval process under the *Road Management Act 2004* for road works within the mining licence area.
66. The key changes to the Incorporated Document are in summary:
 - A detailed Traffic and Transport Management Plan, including:
 - the detailed design of rail and road works;
 - identification of traffic impacts and mitigation measures to manage traffic impacts associated with construction and operation of the Project;
 - a Decommissioning Traffic Management Plan to address how and when road and rail infrastructure will be dealt once the Project ceases;
 - the preparation of Road Safety Audits;
 - a requirement to enter into an agreement with the relevant road authority regarding ongoing pavement maintenance to specific transport corridors;
 - a requirement to enter into an agreement with the Head, Transport for Victoria regarding the provision of security in a form and amount to the satisfaction of the Head, Transport for Victoria for the completion of road and rail works (including works required by the Decommissioning Traffic Management Plan) in the Infrastructure Area.
 - The requirement for prior written consent from the relevant approval authority before the preparation of the Environmental Management Framework, Development Plan and Traffic and Transport Management Plan in stages or in relation to one element of the Project.
 - The requirement to obtain the approval of the Head, Transport for Victoria in relation to the Environmental Management Framework, Development Plan and Decommissioning Plan to the extent the plan relates to traffic and transport.
 - Specification that the native vegetation management plan and offset plan must be at no cost to the Head, Transport for Victoria.

67. The Department submits that the Incorporated Document with the Department's changes will create greater certainty regarding the road and rail infrastructure requirements of the Project at the outset of the Project. The further documentation and processes required by the Incorporated Document combined with the approval processes under the *Road Management Act 2004* will ensure that the impacts of the Project on the transport network are appropriately mitigated and that the proposed road and rail infrastructure is appropriate, safe and to the satisfaction of the Department (or local road authority).
68. **Appendix C** summarises and explains the changes sought by the Department.
- Amendments to the Environmental Management Framework
69. The Department proposes changes to the Environmental Management Framework to ensure the Project does not result in unacceptable impacts to the State Transport Network. Such changes will ensure that the important role of the Department in managing the transport network, particularly in its regulatory role as a responsible road authority, are able to effectively and efficiently managed as part of the Project.
70. The proposed changes include
- a. Include the Department of Transport as a referral authority for the community engagement plan

As the manager of the State Transport Network, the Department would appreciate being a referral authority for the community engagement plan. It is expected that a key issue of interest to stakeholders will be the management of trucks and related transport issues and the Department would the opportunity to contribute to the development of the community engagement plan.
 - b. *Include the Department of Transport as an Approval Authority for the traffic management plan*

As the Department has a statutory function under the *Road Management Act 2004*, and has a key role in managing traffic and transport impacts, it is appropriate that the Department are an approval authority for the traffic management plan.
 - c. *Include the Department of Transport as an Approval Authority for the development plan*

The development plan will provide a critical framework that will define the use and development of land, including the location of transport infrastructure such as new roads and roundabouts (if required). It is appropriate that the Department are an approval authority for the development plan to ensure that there is alignment between the land use and transport outcomes required for the project.
71. **Attachment D** contains the Department's proposed changes to 'Table 12.8 Proposed risk treatments and sub-plans to be prepared for the project and relevant approval authorities'.

Conclusion

72. The Department remains concerned about the traffic and transport information provided in the EES.
73. If the IAC recommends approval of the Project, the Department respectfully requests that the IAC include in its recommendations to the Minister:
 - a) That the transport of Project related materials occurs occur primarily via rail; and
 - b) the changes sought to the Incorporated Document and Environmental Management Framework as identified in the attachment to this submission.
74. This completes the submission by the Department.

Kate Stapleton

**Director Planning Practice
Department of Transport
18 May 2021**



Attachment A – Department of Transport written submission October 2020



Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

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 Tel: 5172 2606.

Yours sincerely



Sara Rhodes-Ward
Regional Director, Eastern

28 / 10 / 2020



Attachment B – Incorporated Document – IAC Version 1 tracked with the Department's changes

**Fingerboards Mineral Sands Project
Infrastructure Area**

Incorporated Document

28 April 2021 – IAC version 1 ('clean' copy)

Department of Transport without prejudice tracked changes (18 May 2021)

Draft

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the East Gippsland Planning Scheme (**Planning Scheme**) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (Vic).
- 1.2. This Incorporated Document facilitates the delivery of certain infrastructure (the **Project Infrastructure**) required to support the Fingerboards Mineral Sands Project (the **Project**) on land outside the area to which mining licence [xxx] applies. The area to which mining licence [xxx] applies is referred to as the **Project Area**.
- 1.3. This document facilitates the Project, by providing a specific control for the purpose of Clause 45.12 of the planning scheme in respect of the use and development of land other than the Project Area for the purpose of infrastructure associated with the Project (**Project Infrastructure**); the Project Infrastructure.

Commented [A1]: Already defined at 1.2 above.

2. PURPOSE

- 2.1. The purpose of the control in clause 4 is to permit and facilitate the use and development of the land described in clause 3 for the purposes of the Project Infrastructure as defined in clause 4.

3. LAND TO WHICH THIS DOCUMENT APPLIES

- 3.1. The control contained in clause 4 applies to land affected by Specific Controls Overlay – Schedule 1 (**SCO1**) as shown on the planning scheme maps in the East Gippsland Planning Scheme (the **Infrastructure Area**).

4. CONTROL

- 4.1. Despite any provision to the contrary or any inconsistent provision of the Planning Scheme, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, restrict or regulate, the use and development of the Infrastructure Area for the purposes of constructing, operating, or maintaining the Project Infrastructure.
- 4.2. The Project Infrastructure consists of:
 - 4.2.1. A new water pipeline, overhead 22kV powerline and a 30 metres wide easement over private land to a new pumping station on the Mitchell River;
 - 4.2.2. A water pipeline and associated bore pumps to the south of the Project Area;
 - 4.2.3. Any buildings or works required to implement the Mitigation Measures generally in accordance with the Minister's Assessment of the Project dated [date] made pursuant to the EE Act or the requirements of any plan required by this control (other than the removal of native vegetation);

- 4.2.4. Construction and use of a new road adjacent to Chettles Road, and new roads continuing south from Chettles Road over private land to the new railway siding;
- 4.2.5. New 66kV and 22kV powerlines adjacent to Chettles Road and the new roads south and north of Chettles Road;
- 4.2.6. A new water pipeline adjacent to Chettles Road and the new road extensions south and north of Chettles Road;
- 4.2.7. **Creation of easements to accommodate the above three matters;**
- 4.2.8. Noise bunding including earthworks along sections of the new roads referred in [x-ref] above;
- 4.2.9. **A rail siding (one of two options) adjacent to the Bairnsdale railway line;**
- 4.2.10. Road diversions, road widenings and roadworks including intersection upgrades (local and Road Zone Category 1) and use of land for road;
- 4.2.11. Any temporary construction works offices and associated car parking; and
- 4.2.12. Subdivision for the purposes of acquiring land for road and roadworks improvements and upgrades;
- 4.2.13. Vegetation removal associated with any of the above.
- 4.2.14. Infrastructure that is incidental or ancillary to, the infrastructure referred to in the above paragraphs.

Commented [A2]: The Head, Transport for Victoria seeks further information from the Proponent regarding the detail of the proposed arrangement to create easements over private land for the construction and use of new roads.

Commented [A3]: The Head, Transport for Victoria queries whether this element will be confined to preferred option selected?

- 4.3. The use and development of the Infrastructure Area for Accommodation or Food and Drink Premises, is prohibited.
- 4.4. The control in this Incorporated Document does not apply to the use and development of the Infrastructure Area for the purposes other than the construction, operation, and maintenance of the Project Infrastructure. Use and development of the Infrastructure Area for any other purpose must be in accordance with the Planning Scheme.
- 4.5. For the avoidance of doubt, except **in respect of the creation of** ~~for these~~ easements expressly identified in [clause 4.2], nothing in this control authorises the creation, variation, or acquisition of any interest in land other than in accordance with the Planning Scheme.

5. CONDITIONS

- 5.1. The use and development authorised by this Incorporated Document is subject to the conditions set out below.
- 5.2. Environment Management Framework

5.2.1. Prior to the commencement of the use and development of the Infrastructure Area, an Environmental Management Framework (**EMF**) must be prepared in consultation with the responsible authority and the Head of the Department of State Development, Business and Innovation to the satisfaction of the Minister for Planning.

5.2.2. The EMF must include mitigation measures (the **Mitigation Measures**) generally in accordance with the Minister's Assessment dated [date] made pursuant to the *Environment Effects Act 1978*. The Mitigation Measures must address the following areas:

- (a) Agriculture and horticulture;
- (b) Air quality;
- (c) Cultural heritage;
- (d) Geotechnical;
- (e) Greenhouse gas;
- (f) Ground water;
- (g) Land use and planning;
- (h) Noise and vibration;
- (i) Radiation;
- (j) Socioeconomic impacts;
- ~~(k)~~ Surface water;
- ~~(k)~~~~(l)~~ Traffic and Transport;
- ~~(h)~~~~(m)~~ Biodiversity;
- ~~(n)~~~~(n)~~ Visual and landscape; and
- ~~(n)~~~~(o)~~ Any other matter identified by the Minister in the Minister's Assessment.

5.2.3. The EMF must

- (a) include processes (including approvals) and timing for the development of the Development Plan, the Construction Management Plan, the Construction Noise Management Plan, the Operation Noise Management Plan, the Traffic and Transport Management Plan, the Native Vegetation Management Plan, the Fire and Emergency Management Plan, the Decommissioning Plan and any other plans or procedures required by the Mitigation Measures as relevant to any stage of the development of the Infrastructure Area, including the process and timing for consultation with any person or body with who

consultation is required under this Incorporated Document (including under any plan required by this Document or a mitigation measure in a plan); and

- (b) be generally in accordance with any works approval issued by the EPA which applies to infrastructure in the Infrastructure Area (if any).

5.2.4. Subject to the prior written consent of the relevant approval authority(s), tThe EMF may be prepared in stages or in respect of any of the elements of Project Infrastructure listed in clause 4, but the EMF for any stage of development or component must be approved before the commencement of development for that stage.

5.2.5. The EMF may be amended from time to time to the satisfaction of the Minister for Planning and, in respect of traffic and transport, the Head, Transport for Victoria.

5.2.6. The EMF must be amended to update references and requirements to be consistent with the *Environment Protection Act 2017* (as amended by the *Environment Protection (Amendment) Act 2018*) to the satisfaction of the Minister for Planning. The amended EMF must be prepared in consultation with the EPA and must be submitted to the Minister for approval within 12 months of the commencement of the *Environment Protection Act 2017* (as amended by the *Environment Protection (Amendment) Act 2018*).

5.2.7. The use and development of the Infrastructure Area must be carried out in accordance with the EMF including the Mitigation Measures and all plans and procedures required by them.

5.2.8. Any other plan required by this Incorporated Document must be consistent with, and give effect to, the EMF including the Mitigation Measures.

5.3. Development Plan

5.3.1. Prior to the commencement of use and development of the Infrastructure Area, a Development Plan must be prepared and approved to the satisfaction of the responsible authority and, in respect of traffic and transport, the Head, Transport for Victoria.-

5.3.2. Subject to the prior written consent of the relevant approval authority(s), tThe Development Plan may be prepared and approved in stages or in respect of any of the element of the Project Infrastructure listed in clause 4, but the Development Plan for each stage or element must be approved before the commencement of development for that stage or element.

5.3.2-5.3.3. The Development Plan may be amended to the satisfaction of the responsible authority and the Head, Transport for Victoria.

5.3.3-5.3.4. The Development Plan must show:

- (a) The location of buildings, works and proposed activities (including road and rail works) within the Project Area and Infrastructure Area;
- (b) Elevations of buildings and above ground proposed works; and
- (c) All vegetation to be retained and removed.

Commented [A4]: Note: We assume that the Infrastructure Area was accidentally omitted.

5.3.4-5.3.5. The use or development as shown on the Development Plan must not be altered without the written consent of the responsible authority and the Head, Transport for Victoria.

5.4. Traffic and Transport Management Plan

5.4.1. Prior to the commencement of use and development, a Traffic and Transport Management Plan (**TTMP**) must be prepared by a suitably qualified traffic engineer in consultation with Transport for Victoria, East Gippsland Shire Council and Country Fire Authority, Rural Ambulance Victoria, and Victoria Police, to the satisfaction of the responsible authority and the Head, Transport for Victoria.

Commented [A5]: Note: Inconsistent terminology and no need for the TTMP to be prepared in consultation with Head, Transport for Victoria when must be to the satisfaction of the Head, Transport for Victoria.

5.4.2. The TTMP may be amended from time to time to the satisfaction of the responsible authority and the Head, Transport for Victoria.

5.4.3. The TTMP must address all elements of the Project Infrastructure and must have regard to the use and development of the Project Area as relevant.

5.4.4. Subject to the prior written consent of the relevant approval authority(s), the TTMP may be prepared in stages or in respect of any of the elements of Project Infrastructure listed in clause 4, but the EMF-TTMP for any stage of development or component must be approved before the commencement of development for that stage.

5.4.5. The TTMP must include, as appropriate:

Identification and design of Road and rail works for construction and operation

(a) Identification and specification of:

- (i) all proposed works, land and processes required to facilitate the transportation of materials associated with the Project (including during construction) predominantly via rail from the Project Area to the relevant Victorian Port;

(ii) all proposed permanent and temporary roadworks (including intersections and related infrastructure) and rail works required to facilitate traffic movements associated with the Project, including construction activity; and

(iii) the routes that will be used by trucks associated with the Project and how the use of the roads will be managed.

(b) A functional layout plan(s) to the satisfaction of the Head, Transport relevant road authority for all new, road works (including intersections and related infrastructure) in the Infrastructure Area.]

(c) An existing conditions road pavement and road infrastructure survey and regular monitoring program, conducted by an independent, Head, Transport for Victoria approved engineer for the roads and road infrastructure to be used by Project traffic in the Infrastructure Area.

— Demonstration that that materials associated with the Project be transported predominantly via rail from the Project Area to the relevant Victorian Port.

(d) The functional design of all areas for parking and storage of vehicles and machinery.

(e) A staging plan for implementation of any identified works, land and processes for the road and rail works associated with the Project.

Traffic impacts

(f) Identification of potential traffic impacts from the proposed road and rail works and Project traffic and, if so, measures to mitigate and manage these impacts.

(g) Identification and assessment of the road and associated infrastructure at risk from damage, deterioration or dilapidation arising from the construction and operation of the Project, including an existing conditions audit of all identified roads and infrastructure.

(h) Measures to be taken to manage traffic impacts associated with construction, operation, and remediation e-of the Project on surrounding roads, including strategies to reduce impacts of traffic associated with the Project and Project Infrastructure on the use of the local road network by agricultural users and public transport (including school buses) users;

Inspection :

(a)(i) A program of regular inspection works to be carried out during construction, operation, and rehabilitation / decommissioning of the Project and Project

Commented [A6]: RMA act will cover detailed work – Consent solely under the Planning Environment Act

Commented [A7]: Moved from below.

Infrastructure to identify road safety hazards or maintenance works necessary as a result of Project-related traffic;

~~(b)(i)~~ A program to ~~rehabilitate-remediate~~ existing road and infrastructure to ~~a safe and usable condition~~ the satisfaction of the Head, Transport for Victoria relevant road authority during construction and, operation ~~and during and at the conclusion of decommissioning~~ of the Project where rehabilitation is required as a result of Project-related traffic;

Commented [A8]: Note – Decommissioning dealt with in the plan below.

~~(c)~~ Measures to be taken to manage traffic impacts associated with construction, operation, and rehabilitation / decommissioning of the Project on surrounding roads, including strategies to reduce impacts of traffic associated with the Project and Project Infrastructure on the use of the local road network by agricultural users and public transport (including school buses) users;

Commented [A9]: Moved above.

~~(d)~~ Details of required road widening and upgrades to accommodate additional traffic or oversize vehicles;

~~(e)~~ The location and functional design details of all upgrades and works to intersections and roadways, including functional layout plans;

Commented [A10]: Covered by new sub-clauses (a) and (b) above.

~~(f)~~ The functional design of all areas for parking and storage of vehicles and machinery;

Details of the construction works required prior to the commencement of the operational stage of the Project;

Commented [A11]: Moved above.

Road Safety Audits

~~(k)~~ Prior to the commencement of any road or rail works in the Infrastructure Area. The preparation of Road Safety Audits for all proposed roads and intersections to be used by Project vehicles conducted by an independent, Head, Transport for Victoria pre-qualified road safety auditor in accordance with Austroads – Road Safety Audit for all proposed roads and intersections in the Infrastructure Area in accordance with the approved functional layout plans;

A requirement that all mitigation works and management measures recommended by the TTMP be implemented to the satisfaction of and at no cost to the Head, Transport for Victoria or East Gippsland Shire Council;

Commented [A12]: Note – this is covered below 5.4.6.

Road and rail works contractor(s)

~~(l)~~ A requirement that an approved the Head, Transport for Victoria contractor is engaged to undertake the road and rail works in the Infrastructure Area.

Decommissioning Traffic Management Plan

(m) A Decommissioning Traffic Management Plan to the satisfaction of the local road authority and the Head, Transport for Victoria. The Decommissioning Traffic Management Plan must contain the following:

- (i) Specification of how all temporary roads and road infrastructure are to be removed and the is to return to pre-existing condition reinstated (including specification of any relevant pavement handback criteria);
- (ii) An existing conditions road pavement and road infrastructure auditsurvey conducted by an independent, Head, Transport for Victoria pre-qualified engineer for the roads and road infrastructure in the Infrastructure Area that identifies any works required to ensure that any damage to road pavement and road infrastructure is ~~rectified~~rectified;
- (iii) Implementation of any recommendations of the existing conditions road pavement and road infrastructure survey required by clause [5.4.5(l)(ii)].
- (iv) A requirement that any remedial works required for permanent roads and road infrastructure required for the roads and road infrastructure to meet relevant standards to the satisfaction of the Head, Transport Victoria.

Agreement

(n) In relation to any roads, road infrastructure or any rail siding that are the responsibility of the Head, Transport for Victoria, a requirement that the landowner enter into an agreement with the Head, Transport for Victoria prior to the commencement of any roadworks in the Infrastructure Area. The agreement must be to the satisfaction of the Head, Transport for Victoria and provide for the following:

Road and rail works required for construction and operation of the Project

- (i) The landowner must provide the Head Transport for Victoria a bond or bank guarantee, without a termination date, for the purpose of securing satisfactory completion of the road and rail works in the Infrastructure Area. The amount of the bond or bank guarantee must be equivalent to the estimated cost of the roadworks as agreed by the Head, Transport for Victoria. The amount of the bond or bank guarantee must be indexed in accordance with an index agreed by Head, Transport for Victoria.

Implementation of the Decommissioning Traffic Management Plan

- (ii) Unless otherwise agreed in writing by the Head, Transport for Victoria, within 12 months of the cessation of the use of any road and rail works in the Infrastructure Area, the landowner must at its cost and to the

satisfaction of the Head, Transport Victoria implement the approved Decommissioning Traffic Management Plan required by clause [5.4.5(m)] and carry out any other necessary remedial works required for permanent roads to meet relevant standards to the satisfaction of the Head, Transport Victoria.

(iii) The landowner will provide to the Head, Transport Victoria, an estimate of the cost of the works required to be undertaken in the approved Decommissioning Traffic Management Plan prepared by a suitably qualified engineer and/or quantity surveyor, to the satisfaction of the Head, Transport Victoria.

(iv) The landowner will provide a bank guarantee or bond, to the Head, Transport Victoria for the amount calculated in accordance with clause [5.4.5(n)(iii)], plus a 20% contingency, with the amount indexed in accordance with any index to the satisfaction of the Head, Transport for Victoria on 1 July each year, and the bank guarantee or bond maintained at the indexed amount.

(v) The Head, Transport Victoria may call upon the bank guarantee or bond if the landowner is in default of its obligations under clause [5.4.5(n)(ii)], and arrange for the works referred to in clause [5.4.5(n)(ii)] to be undertaken by the Head, Transport Victoria or on its behalf.

(vi) The landowner must pay all reasonable costs and expenses incurred by the Head, Transport for Victoria for the preparation, execution and review of the agreement.

5.4.6. The approved TTMP must be implemented to the satisfaction of and at no cost to the responsible authority and the Head, Transport for Victoria.

5.5. Noise Management Plans

5.5.1. Prior to the commencement of:

- (a) construction of the Project Infrastructure, a Construction Noise Management Plan (CNMP) must be prepared in accordance with relevant Environment Protection Authority Victoria (EPA) Noise Control Guidelines to the satisfaction of the EPA; and
- (b) operation of the Project Infrastructure, an Operational Noise Management Plan (ONMP) must be prepared in accordance with EPA Guidelines to the satisfaction of the EPA.

5.5.2. The CNMP and ONMP may be amended from time to time to the satisfaction of the EPA.

5.5.3. Each plan must address all elements of the Project Infrastructure as relevant and must have regard to any cumulative noise impact associated with use and development of the Project Area during the relevant stage. The plans must include, but not be limited to:

- (a) Performance requirements, including maximum noise limits for the Project Infrastructure in accordance with relevant EPA standards and guidance;
- (b) A noise compliance procedure;
- (c) A noise complaints evaluation procedure; and
- (d) A noise complaints response procedure.

5.6. Construction Management Plan

5.6.1. Prior to commencement of use and development of any element of Project Infrastructure listed in clause 4, a Construction Management Plan must be prepared to the satisfaction of and be approved by the responsible authority.

5.6.2. The Construction Management Plan may be amended from time to time to the satisfaction of the responsible authority.

5.6.3. The Construction Management Plan must include, but not be limited to:

- (a) A staging plan for all construction phases;
- (b) Location of any temporary construction works office and machinery storage area;
- (c) Construction timeframes;
- (d) Details of hours of construction;
- (e) Intended access and routes of all construction vehicles [in accordance with the approved LTMP](#);
- (f) Vehicle and machinery exclusion zones;
- (g) Measures and techniques to manage surface water runoff and to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
- (h) Measures to protect sites of conservation or archaeological significance during construction;
- (i) Measures to protect existing vegetation;
- (j) Measures and techniques to manage weeds;
- (k) Measures and techniques to manage dust;
- (l) Measures and techniques to manage erosion;

- (m) Location of a machinery and vehicle wash down area;
- (n) Management of litter, construction wastes and chemical storage;
- (o) Details of where construction personnel shall park;
- (p) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- (q) The removal of works, buildings and staging areas on completion of the construction phase;
- (r) Methods of ensuring all contractors are informed of the requirements of the plan and persons responsible for ensuring the plan is adhered to.

5.7. Native Vegetation Management Plan

- 5.7.1. Prior to the removal, lopping or destruction of any native vegetation within the Infrastructure Area, a Native Vegetation Management Plan must be prepared to the satisfaction of and approved by the Department of Environment, Land, Water and Planning and at no cost to the Head, Transport for Victoria. The plan must include:
- (a) A photograph or site plan (drawn to scale) showing the boundaries of the site, existing native vegetation and the native vegetation to be removed;
 - (b) A description of the native vegetation to be removed, including the extent and type of native vegetation, the number and size of any trees to be removed and the Ecological Vegetation Class of the native vegetation;
 - (c) A written explanation of the steps that have been taken to:
 - i. avoid the removal of native vegetation;
 - ii. minimise the removal of native vegetation;
 - iii. appropriately offset the loss of native vegetation, if required;
 - (d) A written explanation that addresses the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP, 2017) as if a permit was required to remove native vegetation.

- 5.7.2. Prior to the removal, lopping or destruction of any native vegetation, an Offset Management Plan must be prepared to the satisfaction of the Department of Environment, Land, Water and Planning and at no cost to the Head, Transport for Victoria. The plan must include:
- (a) Methods of permanent protection for established offsets;
 - (b) Location of the offsets;
 - (c) Type of offsets to be provided;

- (d) Details of any revegetation including number of trees, shrubs and other plants; species mix; density; methods of interim protection and management until vegetation is established; and a Schedule of Works;
- (e) Details of any existing vegetation to be retained including methods of managing and restoring the vegetation and a Schedule of Works;
- (f) Actions to protect Large Old Trees and Very Large Old Trees that are hollow bearing and provide fauna habitat;
- (g) Identification of those responsible for implementing and monitoring the plan;
- (h) Time frames for implementing the plan.

5.8. Fire and Emergency Management Plan

- 5.8.1. Prior to commencement of any use or development, a Fire and Emergency Management Plan must be prepared to the satisfaction of the Country Fire Authority and the Department of Environment, Land, Water and Planning.
- 5.8.2. The Fire and Emergency Management Plan may be amended from time to time to the satisfaction of the Country Fire Authority and the Department of Environment, Land, Water and Planning.
- 5.8.3. The plan must address all elements of the Project Infrastructure as relevant, having regard to the use and development of the Project Area. The plan must include, as appropriate:
 - (a) Procedures for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
 - (b) Procedures for planned burns or other fuel reduction measures to reduce overall fuel hazard levels;
 - (c) Protocols to address periods of high fire danger, including Total Fire Ban days and Code Red days;
 - (d) Procedures for hot work permitting to reduce the potential for ignitions and suspension or shutdown of tasks which may cause ignition (such as site preparation works in vegetated areas) on days of elevated fire danger;
 - (e) Criteria for the provision of static water supply solely for firefighting purposes in respect of bushfires and fires associated with the Project and Project Infrastructure;
 - (f) Procedures for maintaining suppression equipment and plant to respond to spot fires;
 - (g) Minimum standards for access roads and tracks to allow access for firefighting vehicles;

- (h) Bushfire awareness and response procedures, including response to formal emergency alerts issued by authorities;
- (i) Details of response roles at the mine site;
- (j) Details of the location, design and role of fire refuges;
- (k) Specification of BAL ratings for any buildings and identification of defensible space;
- (l) A program for monitoring the implementation of bushfire mitigation measures on an on-going basis;
- (m) Responsibility for, and frequency of, reviews of the plan; and
- (n) A requirement for the operator to facilitate an annual familiarisation visits to the site and explanation of emergency services procedures, for the Country Fire Authority, Rural Ambulance Victoria, East Gippsland Shire Council Emergency Management Committee and Victoria Police.

5.9. Decommissioning Plan

- 5.9.1. No less than five years prior to closure, a Decommissioning Plan must be prepared to the satisfaction of the responsible authority, and in relation to the items in clause 5.9.2(c), (d), (f), (g) to the satisfaction of the Head, Transport for Victoria.
- 5.9.2. The plan must address all elements of the Project Infrastructure within the Infrastructure Area. The plan must include, as appropriate:
 - (a) The standard of remediation, being at a minimum the restoration of land to a standard suitable for uses previously capable of being undertaken on the land and to a soil quality of equal quality than previously existing on each site;
 - (b) Demolition and removal of all buildings, except in accordance with clause 5.9.4;
 - (c) Remediation of bores, roads and removal of all infrastructure, except in accordance with clause 5.9.4;
 - (d) A staging plan for all remediation phases;
 - (e) Location of any temporary construction works office and machinery storage area;
 - (f) Remediation timeframes;
 - (g) Intended access and routes of all remediation vehicles;
 - (h) Vehicle and machinery exclusion zones;
 - (i) Measures and techniques to manage surface water runoff and to protect drainage lines and watercourses from sediment runoff from disturbed or under remediation areas;

- (j) Measures to protect sites of conservation or archaeological significance during remediation;
 - (k) Measure to protect existing vegetation;
 - (l) Measures and techniques to manage weeds;
 - (m) Measures and techniques to manage dust;
 - (n) Measures and techniques to manage erosion;
 - (o) Location of a machinery and vehicle wash down area;
 - (p) Management of litter, remediation, wastes and chemical storage;
 - (q) Details of where remediation personnel shall park;
 - (r) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
 - (s) The removal of works, buildings, and staging areas on completion of the remediation phase;
 - (t) Methods of ensuring all contractors are informed of the requirements of the plan and persons responsible for ensuring the plan is adhered to.
- 5.9.3. The Decommissioning Plan may be amended from time to time to the satisfaction of the responsible authority, and in relation to traffic and transport on or associated with declared roads, to the satisfaction of the Head, Transport for Victoria.
- 5.9.4. Buildings, bores, roads and other infrastructure need not be demolished or removed if:
- (a) The landowner on which the infrastructure is present requests that the infrastructure not be demolished or removed; and
 - (b) The responsible authority and the and the Head, Transport for Victoria approves that request in writing.

6. AVAILABILITY OF APPROVED PLANS AND DOCUMENTS

- 6.1. The current version of any approved plans and documents must be available on a clearly identified Project website from date of approval and must remain available on such website for at least five years after the use and development (including any rehabilitation / decommissioning) of the Infrastructure Area ceases.
- 6.2. Material in an approved plan may be redacted in the publicly available plan if the inclusion of the material would:
- 6.2.1. disclose personal information not necessary for the functioning of the plan;
 - 6.2.2. disclose commercially sensitive information; or

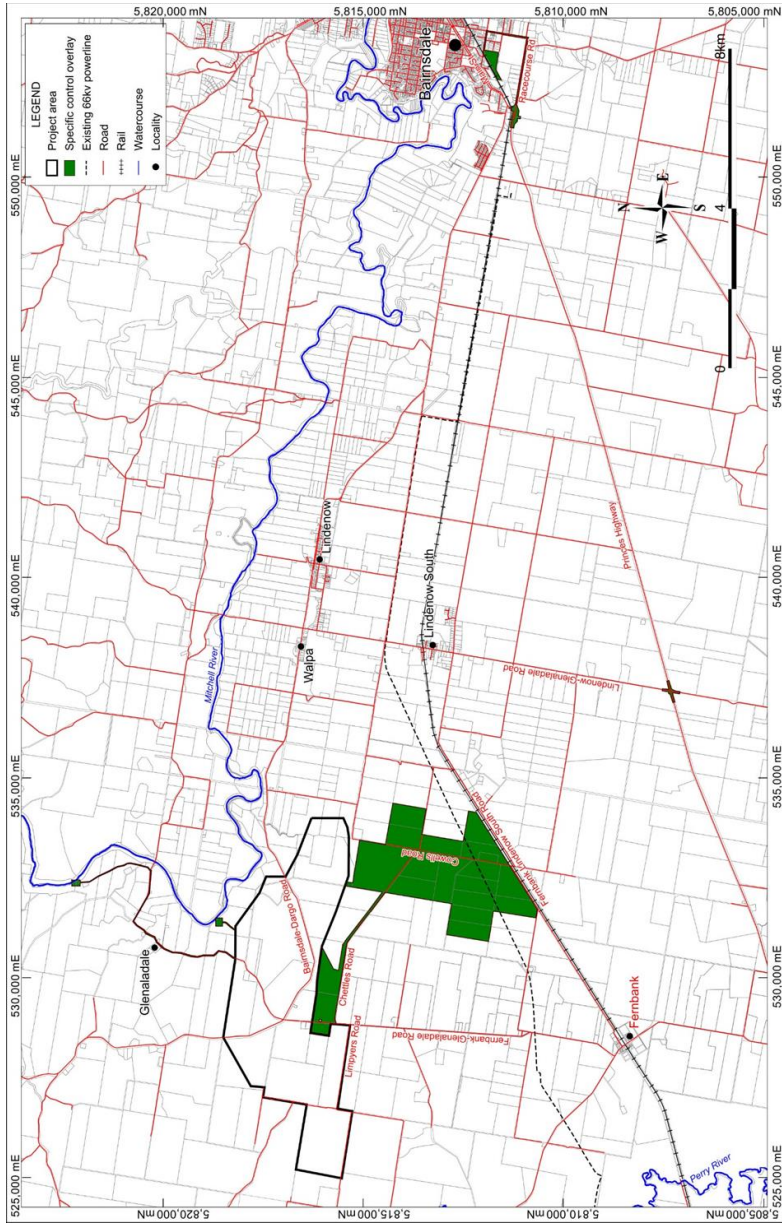
6.2.3. permit malicious interference with the construction, operation, or decommissioning of the Project.

7. EXPIRY OF THIS CONTROL

- 7.1. The specific controls in this Incorporated Document expire if:
- (a) The development and use is not started within four years of the approval date; and
 - (b) The development is not completed within 20 years after commencement.
- 7.2. The responsible authority may extend the periods referred to above if a request is made in writing before these controls expire or within six months afterwards.

Draft

Appendix 1 – Area to which this Incorporated Document Applies





Attachment C - Table of Changes – Incorporated Document

Line No.	Clause	Summary of Head, Transport for Victoria and Department's proposed amendments	Head, Transport for Victoria and Department's Position
1	1.3. (Introduction)	Delete Project Infrastructure defined term.	'Project Infrastructure' is already defined in clause 1.2.
2	4.2.7	No change proposed at this stage.	The Department seeks further information regarding the detail of the proposed arrangement to create easements over private land for the construction and use and roads.
3	4.5.	Amend to clarify that the control does not authorize the creation of any interests in land other than in accordance with the Planning Scheme except for the creation of easements identified in clause 4.2.	Clarify drafting.
4	5.2.2. (EMF)	Add 'Traffic and Transport' as a required area which must be addressed by mitigation measures in the EMF.	The EMF must cover traffic and transport mitigation measures.
5	5.2.4. (EMF)	Add 'Subject to the prior written consent of the relevant approval authority' to the ability to prepare the EMF in stages or in respect of any Project element.	It is reasonable for the relevant approval authority to determine whether it is appropriate for the EMF to be prepared in respect of a certain stage or element of the Project. This check provides the approval authority with an overview of the approval process and elements of the Project and avoids a piecemeal approval process.

6	5.2.5. (EMF)	Add requirement that any amendment to the EMF respect of traffic and transport must be to the satisfaction of the Head, Transport for Victoria as well as the responsible authority.	It is reasonable and appropriate for the Head, Transport for Victoria to provide its approval of any amendment to the EMF where the amendment relates to traffic and transport.
7	5.3.1. (Development Plan)	Add requirement that the Development Plan, in relation to traffic and transport, must be approved by the Head, Transport for Victoria as well as the responsible authority.	The Development Plan will show traffic and transport related information and therefore it is appropriate that it be prepared to the satisfaction of the Head, Transport for Victoria.
8	5.3.2. (Development Plan)	Add 'Subject to the prior written consent of the relevant approval authority' to the ability to prepare the Development Plan in stages or in respect of any Project element.	Refer to position in Line No. 5.
9	5.3.3. (Development Plan)	Add requirement that any amendment to the Development Plan must be to the satisfaction of the Head, Transport for Victoria as well as the responsible authority.	Refer to position in Line No. 6.
10	5.3.4.(a) (Development Plan)	Specify that buildings, works and proposed activities includes road and rail works. Add requirement to show buildings, works and proposed activities in the Infrastructure Area as well as the Project Area.	Clarify drafting.

			It is unclear whether the Infrastructure Area was accidentally omitted. The Head, Transport for Victoria submits that Project Area should also be shown to the extent of its interface and connection with the Infrastructure Area.
11	5.3.5. (Development Plan)	Add requirement that the use and development shown on the Development must not be altered without the prior written consent of the Head, Transport for Victoria as well as the responsible authority.	Refer to position in Line No. 6.
12	5.4.1. (TTMP)	Delete requirement to consult with 'Transport for Victoria'.	Remove inconsistent use of 'Transport for Victoria' Further, there is no need for the TTMP to be prepared in consultation with Transport Victoria in circumstances where it must be to the satisfaction of the Head, Transport for Victoria.
13	5.4.4. (TTMP)	Add 'Subject to the prior written consent of the relevant approval authority' to the ability to prepare the TTMP in stages or in respect of any Project element. Replace reference to EMF with TTMP.	Refer to position in Line No. 5.
14	5.4.5. (TTMP)	Add, amend, categorise and stage the items which must be included in the TTMP.	These amendments and additions will provide the Head, Transport for Victoria with the further information it requires in the order it requires.

			A section 173 agreement requiring a bank guarantee or bond is necessary and reasonable. If the Proposal is approved, some road infrastructure will be temporary and other infrastructure may become the responsibility of the relevant road authority. Accordingly, a bank guarantee or bond should be required so that there is certainty that the road infrastructure will be removed or repaired to the satisfaction of the relevant road authority and not at the cost of the public.
15	5.6.3. (CMP)	Add requirement that the intended access routes for construction vehicles shown on the CMF must be in accordance with the approved TTMP.	This amendment ensures consistency between the TTMP and CMP.
16	5.7.1.and 5.7.2. (NVMP)	Specify the Native Vegetation Management Plan and Offset Management Plan must be prepared at the cost of the landowner.	The Head, Transport for Victoria will not be responsible for the cost of removal and offset of native vegetation in relation to any road or rail works associated with the Project.
17	5.9.1. (Decommissioning Plan)	Add requirement that specific items in the Decommissioning Plan related to traffic and transport must be to the satisfaction of the Head, Transport Victoria.	The Decommissioning Plan includes items related to traffic and transport and therefore it is appropriate that it be prepared to the satisfaction of the Head, Transport for Victoria.
18	5.9.3. (Decommissioning Plan)	Add requirement that any amendment to the Decommissioning Plan related to traffic and transport must be to the satisfaction of the Head, Transport for Victoria as well as the responsible authority.	Refer to position in Line No. 6.

19	5.9.4. (Decommissioning Plan)	Add requirement that a request to retain any building, bores, roads and other infrastructure must be approved by the Head, Transport for Victoria (where applicable).	Where infrastructure, particularly road infrastructure, is sought to be retained following closure of the Project, it is reasonable and appropriate to require approval from the Head, Transport for Victoria as such retention may impact the safety and operational efficiency of the road network.
20	Appendix 1 – Area to which the Incorporated Document Applies	Delete.	The Incorporated Document makes no reference to the Appendix. The area to which the Incorporated Document applies is appropriately defined in clause 3.1. as the area to which the SCO1 applies.



Attachment D: Table of Changes - Environmental Management Framework

Table 12.8 Proposed risk treatment and sub-plans to be prepared for the project and relevant approval authorities.

Line No.	PDF PAGE / Section	PLAN	Description of contents	Approval (referral authority)	Head, Transport for Victoria and Department's Position
1	Chapter 12, page 28	Community Engagement plan	<ul style="list-style-type: none"> • List of relevant community members and stakeholders. • Potential impacts on the identified community members and stakeholders. • How Kalbar would engage with community members and stakeholders. • Complaints handling policy and procedure. • Timeline for engagement activities throughout the mine life. • Responsibility for, and frequency of, reviews of the plan. 	ERR, East Gippsland Shire Council (DELWP, EPA)	<u>Amend to include the Department of Transport as a referral authority for the community engagement plan.</u>
2	Chapter 12, page 29	Traffic management plan	<ul style="list-style-type: none"> • Roads and associated infrastructure at risk from damage, deterioration or dilapidation arising from the construction and operation of the project. • Inspection program during construction to identify road safety hazards or maintenance works necessary as a result of construction traffic. 	East Gippsland Shire Council, Wellington shire Council (Department of Transport)	<u>Amend to include the Department of Transport as an Approval authority for the Traffic Management Plan.</u>

			<ul style="list-style-type: none"> • Program to rehabilitate existing road infrastructure to a safe and useable condition during construction, operations and closure of the mine. • Road widening and upgrades required to accommodate additional traffic or oversize vehicles due to the project. • Responsibility for, and frequency of, reviews of the management plan. 		
3	Chapter 12, page 29	Development plan	<ul style="list-style-type: none"> • Location of buildings, works and proposed activities. • Elevations of buildings and above ground works. 	East Gippsland Shire Council	Amend to include the Department of Transport as an Approval Authority for the Development Plan.