

18 March 2019

Department of Environment, Land, Water & Planning
8 Nicholson St East
Melbourne
VIC 3002

Via: <https://engage.vic.gov.au/water-resource-plan-northern-victoria>

Dear Sir/Madam

COMMENTS ON VICTORIA'S NORTH AND MURRAY WATER RESOURCE PLAN

The Construction Material Processors Association (CMPA) welcomes the opportunity to comment on Planning for Buffers and Separation Distances. CMPA is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, soil, and gypsum. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government and utilities. 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 2017/18, the sector supplied 58 million tonnes of construction materials to the market, at a value of approximately \$948 million. Small to medium quarries account for approximately half of this production.

The CMPA also supports responsible, balanced legislation that is in the best interests of the State.

Thank you for the opportunity to comment on the Victoria's North and Murray Water Resource Plan (Plan). The Plan is a comprehensive document (1022 pages) with the intent to "...outline how the state will meet its Basin Plan requirements and comply with the sustainable diversion limits."

Additionally, the CMPA notes that "This Water Resource Plan is an enforceable instrument under the Commonwealth Water Act and Basin Plan." Hence, it is important to ensure that the Plan is accurate, realistic, achievable and unbiased.

p.115 *“Earth resource development was found to be a cause of risk in the Northern Victoria surface water resource plan area. This risk was associated with sand and gravel extractions from the floodplain of the mid-Goulburn River (groundwater).”*

Before land can be developed for extraction of sand and gravel:

- A work plan must be statutorily endorsed under the *Mineral Resources (Sustainable Development) Act 1990 (MRSDA)*;
- A planning permit must be issued under the *Planning and Environment Act 1987*; and
- The final work plan must be approved and a work authority granted under the MRSDA.

The above process is comprehensive giving consideration to and including protection of the environment, social and aboriginal heritage. Additionally, there is a dedicated team of compliance officers within the Victorian Government (Earth Resources Regulation, Department of Jobs Precincts and Regions) whose sole role is to enforce conditions that have been included in the work plan/work authority.

p.116 *“The Basin Plan requires states to identify strategies to address medium, high and very high risks.”*

It is confusing that there is little specific information in the Plan as to why extraction of sand and gravel are such a very high risk to the availability and condition of surface water in Northern Victoria; and to a lesser extent Victorian Murray and the Goulburn Murray water resource plan areas as shown in tables 11.2, 11.3 and 11.4 below.

It is as if the risk assessment has been conducted on inherent risk (no controls in place) as opposed to on residual risk as stated in the Plan (p.111).

Table 11-2: Identified medium or higher risks to the availability and condition of surface water from interception of surface water in the Northern Victoria water resource plan area

Cause	Availability				Priority environmental assets		Condition			
	Environment	Consumptive	Social	Aboriginal/ Indigenous	Environment	Aboriginal/ Indigenous	Environment	Consumptive	Social	Aboriginal/ Indigenous
Increase in farm dams	3	3		4			3	3		4
Land use changes which affect availability	3	3		4						
Land use changes which affect condition							3	3		4
Earth resources development⁵					5	5	5	5	5	5

Legend	5	4	3
		Very high risk	High risk

5. Earth resource development was found to be a cause of risk in the Northern Victoria water resource plan area for surface water. This risk was associated with sand and gravel extractions from the floodplain of the mid-Goulburn River.

Table 11-3: Identified medium or higher risks to the availability and condition of surface water from interception of surface water in the Victorian Murray water resource plan area

Cause	Availability				Priority environmental assets		Condition			
	Environment	Consumptive	Social	Aboriginal	Environment	Aboriginal/ Indigenous	Environment	Consumptive	Social	Aboriginal
Increase in farm dams	3	3		4			3	3		4
Land use changes which affect availability	3	3		4						
Land use changes which affect condition										3
Earth resources development							3	3	3	4

Legend	5	4	3
		Very high risk	High risk

Table 11-4: Identified medium or higher risks to the availability and condition of surface water from groundwater interception in the Goulburn-Murray water resource plan area

Cause	Availability				Priority environmental assets		Condition	
	Environment	Consumptive	Social	Aboriginal	Environment	Aboriginal/Indigenous	Consumptive	Aboriginal
Increase in farm dams				3				3
Land use changes which affect availability				3				3
Land use changes which affect condition							3	4
Earth resources development ^a				4			3	4

Legend	5	4	3
	Very high risk	High risk	Medium risk

Appendix B p.865

“A range of Victorian legislation applies directly or indirectly to the management of water at a mine site or quarry including:

- Mineral Resources Development Act 1990
- Extractive Industries Development Act 1995
- Environment Protection Act 1970, State Environment Protection Policies
- Environment Protection (Scheduled Premises and Exemptions) Regulations 1996
- Industrial waste management policies
- Catchment and Land Protection Act 1994
- Victorian Water Act”

Appendix B p.865 under “Description” column:

- insert “**Aboriginal Heritage Act 2006**”;
- insert “Mineral Resources (**Sustainable** Development) Act 1990”;
- insert “**Flora and Fauna Guarantee Act 1988**”;
- insert “**Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)**”;
- remove “~~Extractive Industries Development Act 1995~~” repealed 1 January 2010.

In summary, concern is held that it appears earth resources development (sand and gravel extraction) has been assessed for inherent risk and not residual risk giving rise to unexpected medium, high and very high risks in the Plan. Additionally, little evidence was given or referred to substantiate this outcome. Allowance has also not been made for the fact that the extractive industry is very heavily regulated (including by the *Aboriginal Heritage Act 2006*) through the approval process and to subsequent conditions being enforced with dedicated government compliance officers.

I would much appreciate having the opportunity to discuss CMPA's submission further at your convenience with a view to possible amendments to the Plan to address concerns raised.

Yours sincerely

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

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General Manager

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