

24 July 2020

Via website: <https://engage.vic.gov.au/sera-pilot-project>

(redacted)

STRATEGIC EXTRACTIVE RESOURCE AREAS (SERA) PILOT PROJECT

(redacted) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The (redacted) represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, and soil. (redacted) members also operate recycling businesses.

(redacted) 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 2018/19, the sector supplied 63 million tonnes of construction materials to the market, at a value of approximately \$1.1 billion. Small to medium quarries account for approximately half of this production.

(redacted) supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia.

Thank you for the opportunity to comment on the SERAs Project Report (Project Report) and accompanying documents.

(redacted) response is as follows:

Advantages for the extractive industry

- Increased policy protection and streamline development approvals with certainty for extractive industry already operating within the proposed pilot study SERAs.
- Future areas within the SERA removes the requirement to justify if extractive industry is an appropriate land use thereby removing tension between industry, state government, local Government, and local residents.
- Greater certainty with more consistent and uniform planning requirements and approaches for extractive resources.
- Placing greater weight on extractive resources and provide protection of existing and future resource sterilisation of extractive industry from competing land uses by discouraging incompatible uses in buffer areas.
- Maintaining existing approvals and rights and not negatively impacting approvals processes currently being sought.

Disadvantages for the extractive industry

- Green or Brown field site quarry applications will be disadvantaged (as is currently occurring, despite SERAs not yet in place) if situated outside a SERA.
- The Pilot Study provides an uneven playing field in terms of new Work Authority applications and potential costs given the removal of third-party appeal rights.
- Existing quarries may have difficulty in expanding their quarries if situated outside a SERA.
- Quarries undertaking a variation or for a new application in the pilot study SERAs will have a skewed market advantage if third party appeal rights are removed within the SERA boundary.
- Quarries in the SERA pilot study will directly benefit from Victorian Government funding the study.
- The pilot study SERAs predominately encompass major industry operators though it is understood that this will not be the case for the next proposed pilot study.
- The time taken to implement SERAs across all current work authorities using the processes undertaken for the Pilot Study would be lengthy and may occur too late for quarries that have the potential to being impacted by encroachment or their diminishing resources and further delays could stifle opportunities to apply for variations or extensions.

Further questions

- How long will the Pilot Program run?
- If successful, will it be rolled out State wide?
- What will be the cost to Government and to the extractive industry?
- Can a State Resource Overlay (SRO) apply to an individual quarry site outside of the SERA process?
- What are the key performance indicators that determine success?
- If deemed unsuccessful, what are the implications?
- Will buffer areas that encroach into adjoining land be searchable on the GeoVIC website, Section 32 Vendor Statements or Planning Schemes.
- How will incorporating the SRO into a Planning Scheme affect current Planning Permit applications that currently include Third Party appeal rights?
- The SRO appears to remove third party appeal rights where access to a Category 1 road is available. Is that direct access or over what distance?
- How will significant community opposition relating to say, a significant increase in truck movements within a lifestyle property area be considered by Municipal Authorities and VCAT interpreting the SRO ordinance?

Recommendations

- A highly visible policy statement needs to be made by the Victorian Government that supports the current (albeit lengthy, costly and uncertain) opportunities for establishing new quarries or expanding existing quarries outside of the proposed SERAs.
- A highly visible policy statement needs to be made by the Victorian Government supporting the continued extraction of construction materials at existing quarries outside any SERAs.

- SERAs should be rolled out for regional centres and include small to medium quarries that produce close to half the annual production of construction material requirements for Victoria as soon as possible.

Summary

In summary, the proposed draft SERAs are supported providing the disadvantages to all current quarry industry operators and green field applications outside of the pilot study SERAs are negated. As it stands, the introduction of SERAs in Wyndham and South Gippsland only benefits a few large operators. Consideration should be given to SERAs automatically becoming established for all existing quarries and when a work authority application is submitted for a greenfield site.

At the very least, a highly visible policy statement from the Victorian Government that supports and encourages extraction from existing quarries (including the opportunity for variations to work plans) and the establishment of greenfield or brownfield sites outside of the pilot study SERAs.

I would be happy to discuss our submission further at your invitation.

Yours sincerely

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