

Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

FINGERBOARDS MINERAL SANDS PROJECT

Incorporated Document October 2018

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1 INTRODUCTION

This document is an Incorporated Document in the East Gippsland Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (Vic).

This Incorporated Document facilitates the delivery of the Fingerboards Mineral Sands Project outside the Mining Licence Area.

This document gives effect to specific controls for the purpose of Clause 45.12 in the East Gippsland Planning Scheme.

The specific control in this Incorporated Document allows the project land to be used and developed for the purpose of the project, and excludes any other control in the East Gippsland Planning Scheme insofar as they apply to the project components listed in clause 3 other than Clause 45.01 Public Acquisition Overlay and Schedule to Clause 45.01 Public Acquisition Overlay.

The control in this Incorporated Document does not apply to the use and development of the project land for purposes other than the project. Use and development of the project land for purposes other than the project must be in accordance with the East Gippsland Planning Scheme.

2 LAND TO WHICH THIS DOCUMENT APPLIES

The Fingerboards Mineral Sands Project Incorporated Document applies to the Specific Controls Overlay (SCO1) under the East Gippsland Planning Scheme and reproduced in Attachment 1 to this document. SCO1 is collectively referred to in this Incorporated Document as the project land.

3 THIS DOCUMENT ALLOWS

Despite any provision to the contrary or any inconsistent provision of the Planning Scheme this document allows the project land to be used and developed for the following purposes:

- A new water pipeline in or adjacent to existing road reserves to an existing pumping station to the north of the project land (Option 1) with an easement in or adjacent to the road reserve to accommodate it;
- A new water pipeline and a 30 metres wide easement over private land to a new pumping station constructed on private land by Kalbar (Option 2);
- A water pipeline and associated bore pumps to the south of the project land;

- 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 and north from Chettles Road;
- New 66kV and 22kV powerlines adjacent to Chettles Road and the new road extensions south and north of Chettles Road;
- A new water pipeline adjacent to Chettles Road and the new road extensions south and north of Chettles Road;
- Creation of easements to accommodate the above three matters;
- Noise bunding including earthworks along sections of the new road extensions south and north of Chettles Road and the haulage route to the rail siding;
- A rail siding (one of two options) adjacent to the Bairnsdale railway line;
- Road diversions, road widenings and roadworks including intersection upgrades (local and Road Zone Category 1) and use of land for road;
- Any temporary construction works offices;
- Subdivision for the purposes of acquiring land for road and roadworks improvements and upgrades;
- Vegetation removal associated with any of the above.

4 CONDITIONS

The following conditions apply to this document.

4.1 GENERAL

4.1.1 Development Plan

1. Prior to the commencement of buildings and works a development plan must be prepared and approved to the satisfaction of the responsible authority.
 2. The development plan may be prepared and approved in stages or in respect of any of the individual project components listed in clause 3.
 3. The development plan may be amended to the satisfaction of the responsible authority.
 4. The development plan must show:
 - I. The location of buildings, works and proposed activities within the project land;
 - II. Elevations of buildings and above ground proposed works.
 5. The use or development as shown on the development plan must not be altered without the written consent of the responsible authority.
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4.1.2 Traffic and Roads

6. Prior to the commencement of development, a Traffic Management Plan must be prepared by a suitably qualified traffic engineer in consultation with Transport for Victoria, East Gippsland Shire Council and relevant emergency services to the satisfaction of the responsible authority and the Head, Transport for Victoria. The plan must address all elements of the Project, with consideration given to mining and processing operations associated with the Project, and may be prepared in stage or in respect of any of the individual project components listed in clause 3.
7. The Traffic Management Plan must include, as appropriate:
 - i. Identification and assessment of the road and associated infrastructure at risk from damage, deterioration or dilapidation arising from the construction and operation of the mine;
 - ii. A program of regular inspection works to be carried out during construction to identify road safety hazards or maintenance works necessary as a result of construction traffic;
 - iii. A program to rehabilitate existing road and infrastructure to a safe and usable condition during construction, operation and during and at the conclusion of decommissioning of the mine;
 - iv. Measures to be taken to manage traffic impacts associated with construction and ongoing operation of the mine on surrounding roads;
 - v. Details of road widening required and upgrades required to accommodate additional traffic or oversize vehicles.
 - vi. A requirement to enter into agreements with the relevant road authority regarding ongoing pavement maintenance to specific transport corridors prior to the commencement of the operation of the Project.
8. The Traffic Management Plan must be implemented to the satisfaction of the relevant road authority.

4.1.3 Noise Management Plan

9. Prior to the commencement of:
 - I. construction of the Project, a Construction Noise Management Plan must be prepared in accordance with relevant Environment Protection Authority Victoria (EPA) Noise Control Guidelines; and
 - II. operation of the Project, an Operational Noise Management Plan must be prepared in accordance with EPA Guidelines.

Each plan must address all elements of the Project as relevant. The plans must include, but not be limited to:

- Performance requirements;
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- A noise compliance procedure;
 - A noise complaints evaluation procedure; and
 - A noise complaints response procedure.
10. The Construction Noise Management Plan and the Operational Noise Management Plan must be prepared and be implemented for the duration of the operation of the Fingerboards mineral sands mine to the satisfaction of the responsible authority and Environment Protection Authority.

4.1.4 Environmental Management Plan

11. The use and development of the project land must be undertaken in accordance with an Environmental Management Plan prepared and approved to the satisfaction of the responsible authority prior to the commencement of use and development of the project.
12. The Environmental Management Plan may be prepared in stages or in respect of any of the individual project components listed in clause 3.
13. The Environmental Management Plan must be implemented to the satisfaction of the responsible authority.

4.1.5 Construction Management Plan

14. Prior to commencement of use and development of each relevant project component listed in clause 3, a Construction Management Plan must be prepared to the satisfaction of and be approved by the responsible authority.
15. All construction works must be undertaken and completed in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority.
16. The Construction Management Plan must include, but not be limited to:
- i. A staging plan for all construction phases;
 - ii. Location of any temporary construction works office and machinery storage area;
 - iii. Construction timeframes;
 - iv. Details of hours of construction;
 - v. Intended access and routes of all construction vehicles;
 - vi. Vehicle and machinery exclusion zones;
 - vii. Measures and techniques to manage surface water runoff and to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - viii. Measures to protect sites of conservation or archaeological significance during construction;

- ix. Measures to protect existing vegetation;
- x. Measures and techniques to manage weeds;
- xi. Measures and techniques to manage dust;
- xii. Measures and techniques to manage erosion;
- xiii. Location of a machinery and vehicle wash down area;
- xiv. Management of litter, construction wastes and chemical storage;
- xv. Details of where construction personnel shall park;
- xvi. Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- xvii. The removal of works, buildings and staging areas on completion of the construction phase;
- xviii. Methods of ensuring all contractors are informed of the requirements of the plan and persons responsible for ensuring the plan is adhered to.

4.1.6 Native Vegetation Management Plan

17. Prior to the removal, lopping or destruction of any native vegetation from any of the project land to which this document applies, a Native Vegetation Management Plan must be prepared to the satisfaction of and approved by the responsible authority and the Department of Environment, Land, Water and Planning. The plan must include:
- i. A photograph or site plan (drawn to scale) showing the boundaries of the site, existing native vegetation and the native vegetation to be removed;
 - ii. 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;
 - iii. A written explanation of the steps that have been taken to:
 - avoid the removal of native vegetation, where possible;
 - minimise the removal of native vegetation;
 - appropriately offset the loss of native vegetation, if required;
 - iv. 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.
18. Prior to the removal, lopping or destruction of any native vegetation, an Offset Management Plan must be prepared to the satisfaction of the responsible authority and Department of Environment, Land, Water and Planning. The plan must include:
- i. Methods of permanent protection for established offsets;
 - ii. Location of the offsets;
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- iii. Type of offsets to be provided;
- iv. 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;
- v. Details of any existing vegetation to be retained including methods of managing and restoring the vegetation and a Schedule of Works;
- vi. Actions to protect Large Old Trees and Very Large Old Trees that are hollow bearing and provide fauna habitat;
- vii. Identification of those responsible for implementing and monitoring the plan;
- viii. Time frames for implementing the plan.

4.1.7 Fire Management Plan

19. Prior to commencement of the development, a Fire Management Plan must be prepared in consultation with the Country Fire Authority and the Department of Environment, Land, Water and Planning to the satisfaction of the responsible authority.

The plan must address all elements of the Project as relevant, including the consideration of mining and processing operations associated with the Project. The plan must include, as appropriate:

- i. Procedures for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
- ii. Protocols to address periods of high fire danger, including Total Fire Ban days and Code Red days;
- iii. Criteria for the provision of static water supply solely for firefighting purposes;
- iv. Minimum standard for access roads and tracks to allow access for firefighting vehicles;
- v. Details of response roles at the mine site;
- vi. Details of the role of fire refuges;
- vii. A program for monitoring the implementation of bushfire mitigation measures on an on-going basis; and
- viii. A requirement for the operator to facilitate a familiarisation visit to the site and explanation of emergency services procedures, on an annual basis, for the Country Fire Authority, Rural Ambulance Victoria, East Gippsland Shire Council Emergency Management Committee and Victoria Police.

4.2 IMPLEMENTATION

20. The above plans in Clause 4.1 must be implemented and associated buildings, works and plantings must be maintained to the satisfaction of the responsible authority.

4.3 EXPIRY OF THIS CONTROL

21. The specific controls in this Incorporated Document expire if:

- The development and use is not started within four years of the approval date; and
- The development is not completed within 20 years after commencement.

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.

ATTACHMENT 1: AREA TO WHICH INCORPORATED DOCUMENT APPLIES

