



SUBMISSION: TRIGGERS FOR WORK PLAN VARIATIONS

Minerals Council of Australia, Victoria

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1. INTRODUCTION

The Victorian Division of the Minerals Council of Australia (MCAVic) is pleased to formally respond to the draft Environmental Guideline – Triggers for Work Plan Variations, issued for comment in December 2005¹.

The Minerals Council of Australia is the peak industry association that represents the corporate minerals companies in Australia. The members of the Council are engaged in mineral processing, mining, exploration, or the provision of services to the industry and account for more than 85 percent of mineral industry output in Australia. The Victorian Division of the MCA represents the interests of members operating in Victoria.

The MCAVic appreciates the need for the Guideline and the value that such a document would offer both departmental officers and minerals industry companies alike. Consequently, we support the development of the Guideline. However, we have a number of concerns regarding the draft Guideline which we have identified. These concerns range from the structure of the document, its comprehension and the low level triggers for large mines approved under comprehensive EES procedures. We detail these concerns below.

2. STRUCTURE OF THE GUIDELINE

2.1 Layout

The layout of the Guideline is confusing with a number of separate documents. A table of contents would greatly assist the reader in following the structure. It is clearly stated in the Background section of the Guideline that Section C of the Guideline is the MRD Regulations Schedule 13. The excel spread sheets are entitled Section B but are not referenced in the text of the Guideline.

Also, it is unclear as to the relevance of the G3 'Guidelines about work plan information for extractive industries', draft dated August 2005; and the 'Client work plan checklist for extractive industries'. Are these further Sections of the guideline?

The basic structure and layout of the draft guideline appears as an assembly of disparate departmental documents.

2.2 Comprehension

The text of the Guideline has many statements that are unclear or could be interpreted in a number of ways. A review by a competent editor is required to ensure the exact intent is conveyed in words.

2.3 One size fits all

The Guideline would appear to have been written to accommodate small extractive. It makes no allowance for larger mines that have been approved under a comprehensive EES process. Consequently, many of the triggers mentioned will require continual referrals to DPI even though the work is well within the scope of the project approval process. Also, the structure of the Guideline would appear to be modelled on extractive industry sites and the work plan approval processes for that industry. Many of the processes and terms are confusing when applied to mining sites.

¹ Environmental Guidelines: Triggers for Work Plan Variations, Draft for external consultation, version 1.0, Department of Primary Industries, December 2005.

3 GUIDELINE SPECIFICS

3.1 Levels of DPI assessment and approval

The Guideline appears to grade the level of assessment for work plan variations through an index. This is confusing, either a variation is required or one is not. The so called index should be a process to determine if a variation is required. For example, is a risk assessment required to satisfy the requirements for work plan variations or is a risk assessment required to be referred to DPI who will determine if a variation is required. The intent of the Guideline is unclear.

There is also a statement in the Guideline that 'were a site's rehabilitation standard is significantly below current standards a variation can be requested by the Minister'. We are unaware of any such authority. Where a mine is meeting its licence conditions there is no call for Ministerial intervention.

3.2 Consistency with terms

3.2.1 *Extraction Zones*

The section of the Guideline entitled 'Rationale for the assessment of impacts' on page 3 refers to 'approved extraction zones' and 'non approved extraction zones'. The charts in Section B refer to 'approved extraction area' and 'non extraction area'; presumably these are one and the same.

'Non approved extraction zones' is not a term used in mining approvals, it consequently is confusing. It is interpreted to mean the area of land that is approved for mining under the planning permit but not yet approved for work under that work plan. If this interpretation is correct then variations to the approved work plan will require guidance. However, work in the non approved extraction zone will always require an approved work plan but the level of that approval will vary with the level of detail contained in the planning or EES approval process.

If the term 'non approved extraction zones' is as interpreted above then the requirement for triggers for variations is redundant as new work plans will always be required for these areas and therefore a variation cannot apply.

3.2.2 *Use of Subjective Adjectives*

The Guideline is based on a wide range of subjective adjectives which are neither defined nor consistent. These adjectives, such as 'significant' and 'major' make the application of the Guideline difficult to interpret. A definition is required.

Further, the 'Client Work Plan Checklist' includes an additional set of subjective adjectives such as 'unambiguous', 'adequate', and 'appropriate'; all subjective terms and therefore, difficult to interpret.

3.2.3 *Environmental Management Plans*

The Guideline refers to 'EMP' in several places. This is interpreted to mean 'Environmental Management Plan'.

The 'Client work plan check list' refers to Environmental Management Program and Environmental Monitoring Program.; whereas the 'Guidelines about work plan information for extractive industries' refers to Environmental Management and Monitoring Program. Do these have the same meaning as Environmental Management Plan as required in the Mineral Resources Development Regulations, Schedule 13 and the EMP prepared by mining companies when submitting work plans?

Clarification of the 'EMP' term is required.

3.3 Planning permits and EES'

The change scenarios discussed in the Guideline are all predicated on the assumption that the project has municipal council planning permit approval. This is not the case for many mines especially the larger mines. These are approved through an EES process. The triggers make no allowance for EES approved projects and will only create never ending frustration with department and company personnel unless remedied.

For example, the requirement that changes to tracks or water diversions works etc are referred to DPI for a variation makes no allowance for broader approval processes. New tracks and drains may be a significant activity in a small operation that rarely changes but on a large dynamic mine site the construction of tracks and drains can be a function of daily operations. Even though such operations may be significant they are often entirely consistent with the project as approved under an EES and should, therefore, not require a work plan variation.

The Guideline requires review to accommodate projects approved by an EES.

3.4 Triggers for work plan variations

3.4.1 *Native Vegetation*

The Guideline has a requirement for only native vegetation removal beyond the approved extraction zone to require approval. This is a very odd requirement. It perhaps has meaning for quarries but makes little sense to mines unless it is intended to approve native vegetation clearance on mine sites within the area of approved work plans that were approved prior to the introduction of the Native Vegetation Framework². Clarification is required.

3.4.2 *Benches and Batters etc*

The draft guideline would appear to imply that changes to working bench and batter specifications, introduction of blasting, and changed mining strategies do not require DPI approval when moving into new mining areas that are not covered by an approved work plan but presumably covered by the current planning approvals. Is this correct?

3.5 Consistency with recent company examples

The Guideline would appear to be at odds with recent work plan documents prepared by mining companies and approved by DPI.

In recent examples prepared by companies 'Community Consultation' and 'Health and Safety' have required specific evaluation and reporting. The Guideline certainly requires safety hazards to be assessed in most situations but there is no mention of community consultation.

This begs the question as to whether or not the Guideline actually represents the entire requirements of DPI for work plan variations.

4 RECOMMENDATION

Given the numerous concerns documented above regarding the structure, comprehension and content of the draft Guideline it is recommended that the Guideline is rewritten, edited and resubmitted for external consultation.

ENDS

² Victoria's Native Vegetation Management: A Framework for Action, Department of Natural Resources and Environment, 2002.