



Department of Energy, Environment and Climate Action

Hanson Construction Materials Pty Ltd
c/o Kathryn Mac Innes
Dartmouth Consulting
250 Bay Street
BRIGHTON VIC 3186
By email: kathy.macinnes@dartmouthconsulting.com.au

Earth Resources Regulator
GPO Box 500
Melbourne, Victoria 3001
Telephone: 1300 136 186
www.resources.vic.gov.au

Dear Kathryn,

WORK AUTHORITY WA127 - WORK PLAN VARIATION ENDORSED - STATEMENT OF REASONS

I, Rohan Bett, as the delegate of the Department Head acting under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990* (Act) hereby provide a statement of reasons for my decision, pursuant to section 77TD(5) of the Act to endorse with conditions issued by the department / authorities / agencies the work plan variation (PLN-001686) first lodged on 11 November 2022 and re-submitted on 22 December 2023 by Hanson Construction Materials Pty Ltd as the applicant for the work authority WA127 under section 77TC of the Act.

Section 77H of the Act requires that a work plan variation must contain the information prescribed by the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019 (Regulations) and in particular, Part 2.

The work plan variation has been endorsed as I am satisfied that it contains all the information required by the Regulations and that it also provides an appropriate level of detail in relation to such information.

Further details regarding the reasons for conditions are provided in Attachment 1.

Yours sincerely

Rohan Bett
Delegate of the Department Head
Assistant Director, Assessments and Assistant Director, Rehabilitation Liability Assessment and Bonds
Earth Resources Regulator

01 May 2024

Encl: Attachment 1 – Detailed Statement of Reasons

ATTACHMENT 1

For the purposes of 77H(2) of the *Mineral Resources (Sustainable Development) Act 1990* a work plan variation must contain the following:

New or Changed Quarrying Hazard	
Legislative provision	Regulation 14(a) – If changes to the work or rehabilitation set out in the work plan are proposed, a description of any new or changed quarrying hazard or rehabilitation hazard arising from the proposed changes that significantly increases the risks posed to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work or rehabilitation.
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	
ERR Assessment	The work plan variation satisfactorily complies with regulation 14(a) of the Regulations.

Identification and Assessment of Risks and Risk Management Plan	
Legislative provision	<p>Regulation 14(b) – If any new or changed hazard is described under regulation 14(a), the information specified in regulations 9 and 10 that relate to the new or changed hazard must be included, including the resulting proposed changes to the work plan.</p> <p>Regulation 9 of the Regulations states that a work plan must include:</p> <ul style="list-style-type: none"> (a) details of quarrying hazards that may arise from work under the work plan, including quarrying hazards arising from— <ul style="list-style-type: none"> i. set up or construction; and ii. operations or production; (b) details of the rehabilitation hazards that may arise from rehabilitation under the work plan; (c) an explanation of how the identified hazards may harm or damage the sensitive receptors described in the work plan, including evidence to support the assessment of the potential for harm or damage to be caused; (d) an assessment of the risks that the identified hazards may pose to identified sensitive receptors, having regard to— <ul style="list-style-type: none"> i. the nature of the hazard; and ii. the likelihood of the hazard causing, or contributing to, any harm or damage; and iii. the severity or consequence of the harm or damage that may be caused. <p>Regulation 10 of the Regulations states that a work plan must include a risk management plan that sets out in relation to the identified risks:</p> <ul style="list-style-type: none"> (a) measures to be applied to eliminate or minimise the risks as far as reasonably practicable;

	<p>(b) the performance standards to be achieved by either individual measures or some combination of measures;</p> <p>(c) management systems, practices and procedures that are to be applied to monitor and manage risks and compliance with performance standards;</p> <p>(d) an outline of the roles and responsibilities of personnel accountable for the implementation, management and review of the risk management plan.</p>
<p>The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement</p>	
<p>ERR Assessment</p>	<p>The work plan variation complies with regulation 14(b) of the Regulations as it includes the information specified in regulations 9 and 10 that relate to the new or changed hazards, as set out above.</p> <p>However, additional work plan specific conditions are required to provide clarity on the minimum temporary buffer distance between the existing waterway channel and the excavation, a geotechnical assessment of the overall terminal slope design and long-term stability of the rehabilitated (backfilled) slope and the risk(s) posed to sensitive receptors. A work plan variation must be lodged to vary the approved extraction limit if risk(s) posed to sensitive receptors are found to be unacceptable.</p> <p>In addition, a stability assessment every five years (or at a lesser frequency if considered necessary by a competent geotechnical engineer or engineering geologist) on the performance of the terminal and rehabilitated batters against design. These reports must be provided to ERR within a month of finalisation.</p> <p>A post closure assessment of the post closure risks that will require monitoring, maintenance, treatment or other ongoing land management activities including who will be responsible for undertaking the activities and the cost to undertake the activities after rehabilitation is complete and the work authority surrendered.</p> <p>Agency referral advice included several risk management measures with regard to groundwater, respirable crystalline silica and permissioning. Several of the recommendations made by agencies are:</p> <p>Southern Rural Water requested conditions to:</p> <ul style="list-style-type: none"> • Produce additional data regarding future evaporation from the site. • Additional licensing. • Groundwater characteristics i.e., low pH level. • Additional monitoring and annual reporting. <p>Environmental Protection Authority requesting conditions to:</p> <ul style="list-style-type: none"> • Additional on-site groundwater monitoring and reporting. • Additional on-site monitoring with respect to respirable crystalline silica. • Permissioning.

Progressive Rehabilitation and Final rehabilitation and closure

Legislative provision	<p>Being an application for a work plan variation lodged on or after 26 January 2020 but before 1 July 2021, regulation 14(d) applies.</p> <p>Regulation 14(d) – If the proposed variation includes new or changed rehabilitation of land, the information specified in regulation 11(4) that relates to the new or changed rehabilitation must be included, including the resulting proposed changes to the rehabilitation plan.</p> <p>Regulation 11(4) of the Regulations states that the rehabilitation plan included in the work plan must include:</p> <ul style="list-style-type: none">(a) concepts for the end utilisation of the proposed quarry site; and(b) proposals for the progressive rehabilitation, stabilisation and revegetation of extraction areas, waste disposal areas, stockpile areas, dams and other land affected by the operations; and(c) proposals for landscaping to minimise the visual impact of the quarry site; and(d) proposals for the final rehabilitation and closure of the site, including the security of the site and the removal of plant and equipment, taking into account any potential long-term degradation of the environment. <p>Being an application for a work plan variation lodged on or after 1 July 2021, Regulation 14(c) and Regulation 14(e) apply.</p> <p>Regulation 14(c) – If the proposed variation includes new or changed rehabilitation of land, the information specified in regulation 11(2) that relates to the new or changed rehabilitation must be included, including the resulting proposed changes to the rehabilitation plan.</p> <p>Regulation 11(2) of the Regulations states that the rehabilitation plan included in the work plan must include:</p> <ul style="list-style-type: none">(a) proposed land uses for the affected land after it has been rehabilitated, that considers community views expressed during consultation; and(b) a land form that will be achieved to complete rehabilitation, which must—<ul style="list-style-type: none">i. be safe, stable and sustainable; andii. be capable of supporting the proposed land uses referred to in paragraph (a); and(c) objectives that set out distinct rehabilitation domains that collectively amount to the land form described in paragraph (b); and(d) criteria for measuring whether the objectives described in paragraph (c) have been met; and(e) a description of, and schedule for, each measureable, significant event or step in the process of rehabilitation; and(f) an identification and assessment of relevant risks that the rehabilitated land may pose to the environment, to any member of the public or to land, property or infrastructure in the vicinity of the rehabilitated land, including—<ul style="list-style-type: none">i. the type, likelihood and consequence of the risks; andii. the activities required to manage the risks; andiii. the projected costs to manage the risks; andiv. any other matter that may be relevant to risks arising from the rehabilitated land.
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	<p>relevant risks means risks that may require monitoring, maintenance, treatment or other ongoing land management activities after rehabilitation is complete.</p>
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	
ERR Assessment	<p>The work plan variation satisfactorily complies with regulation 14(d) / regulations 14(c) and 14(e) as it contains a rehabilitation plan that meets the requirements of regulation 11(4) / regulation 11(2), as set out above.</p> <p>However, additional work plan specific conditions are required. A geotechnical assessment of the long-term stability of the rehabilitated (backfilled) slope and the risk(s) posed to sensitive receptors. A work plan variation must be lodged to vary the approved extraction limit if risk(s) posed to sensitive receptors are found to be unacceptable.</p> <p>In addition, a stability assessment every five years (or at a lesser frequency if considered necessary by a competent geotechnical engineer or engineering geologist) on the performance of the rehabilitated batters against design. These reports must be provided to ERR within a month of finalisation.</p> <p>An assessment of the post closure residual risks that will require monitoring, maintenance, treatment or other ongoing land management activities including who will be responsible for undertaking the activities and the cost to undertake the activities after rehabilitation is complete and the work authority surrendered.</p>

Community Engagement	
Legislative provision	<p>Regulation 14(f) – If the proposed variation includes or gives rise to any changes relating to community consultation, the proposed changes to the community engagement plan in the work plan, in relation to the information specified in regulation 12, must be included.</p> <p>The holder of an extractive industry work authority has a duty to consult with the community under section 77K of the Act throughout the period of the Work Authority.</p> <p>Regulation 12 states that the community engagement plan included in the work plan must include information that—</p> <p>(b) identifies the community likely to be affected by the quarry operations; and</p> <p>(c) sets out how the extractive industry work authority holder will—</p> <ol style="list-style-type: none"> i. identify community attitudes and expectations; and ii. share information with the community; and iii. receive feedback from the community; and iv. analyse community feedback and consider community concerns or expectations; and

	v. register, document and respond to complaints and other communications from members of the community in relation to quarry operations.
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	
ERR Assessment	The Community Engagement Plan satisfactorily meets the requirements of regulation 14(f) of the Regulations as described above.

Declared Mine Assessment	
Legislative provision	Regulation 14(g) – If the proposed variation includes any new or changed work to be carried out at a declared quarry, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the requirements and processes set out in Schedule 5.
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	The quarry in relation to WA127 is not a declared quarry.
ERR Assessment	N/A

How the proposed variation to the work plan relates to the current approved work plan	
Legislative provision	Regulation 14(h) – A description of how the proposed variation to the work plan relates to the current approved work plan
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	
ERR Assessment	The work plan variation satisfactorily complies with regulation 14(h) of the Regulations.

