

VHM Limited
Goschen Rare Earths and Mineral
Sands Project

Chapter 05 Legislation and Approvals

November 2023

Table of Contents

5.	Legislation and approvals	5-1
5.1	Introduction	5-1
5.2	Environmental Assessment	5-1
	5.2.1 EES Process	5-1
	5.2.2 Bilateral assessment	5-4
5.3	Key approvals	5-4
	5.3.1 Mineral Resources (Sustainable Development) Act 1990 (Vic)	5-4
	5.3.2 Environment Protection and Biodiversity Conservation Act 1999 (Cth)	5-5
	5.3.3 Environment Protection Act 2017 (Vic)	5-5
	5.3.4 Planning & Environment Act 1987 (Vic)	5-6
	5.3.5 Radiation Act 2005 (Vic)	5-7
	5.3.6 Flora and Fauna Guarantee Act 1988 (Vic)	5-7
	5.3.7 Aboriginal Heritage Act 2006 (Vic)	5-8
	5.3.8 Crown Land (Reserves) Act 1978 (Vic)	5-8
	5.3.9 Water Act 2007 (Cth)	5-8
	5.3.10 Water Act 1989 (Vic)	5-8
5.4	Other legislation, licences and permits	5-9
	5.4.1 Heritage Act 2017 (Vic)	5-9
	5.4.2 Native Title Act 1993 (Cth)	5-9
	5.4.3 Catchment and Land Protection Act 1994 (Vic)	5-9
	5.4.4 Road Management Act 2004 (Vic), Road Safety Act 1986 (Vic) and Local Government Act 1989 (Vic)	5-10
	5.4.5 Building Act 1993 (Vic)	5-10
	5.4.6 Wildlife Act 1975 (Vic)	5-10
	5.4.7 Transport Integration Act 2010 (Vic)	5-10
	5.4.8 Customs Act 1901 (Cth)	5-10
	5.4.9 Railway crossing approvals and easements	5-11
5.5	Summary of key approvals	5-11

5. Legislation and approvals

5.1 Introduction

This chapter outlines the legislative framework and approvals process for the Goschen Rare Earths and Mineral Sands Project (Project).

The Project is being assessed through an Environment Effects Statement (EES), administered by the Minister for Planning, under the *Environment Effects Act 1978 (Vic)* (EE Act).

Following the Minister for Planning's assessment of the EES, decision makers will consider the Minister's assessment in determining whether to issue Project approvals. The principal approvals required for the Project are a Mining Licence and Work Plan under the *Mineral Resources (Sustainable Development) Act 1995 (Vic)*, a planning scheme amendment that regulates the use and development of land outside the mining licence area, a development licence under the *Environment Protection Act 2017 (Vic)*, a cultural heritage management plan under the *Aboriginal Heritage Act 2006 (Vic)* (AH Act), and approval under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

Other approvals, permits and licences that would also need to be obtained for the Project to meet land acquisition, safety and environmental obligations are also outlined in this chapter.

5.2 Environmental Assessment

The EE Act establishes a legislative framework to assess the environmental effects of proposed works that are capable of having a significant effect on the environment. The EE Act empowers the Minister for Planning to decide whether a project proponent should prepare an EES.

VHM Limited (VHM) referred the Project to the Minister for Planning under the EE Act on 7 September 2018 following a preliminary assessment of the proposed Project. On 10 October 2018, the Minister for Planning requested that VHM prepare an EES to assess the potential environmental effects of the Project.

The Minister's reasons for making this decision included that the Project works have 'the potential for a range of significant environmental effects' including on:

- a) A very large extent of native vegetation and associated biodiversity values, including listed threatened species and communities.
- b) Surface water and groundwater (i.e. hydrology, quality, availability) and protected beneficial uses.
- c) Existing land uses, amenity (i.e. air quality, noise and traffic) and landscape values of the project area and those associated with the broader area.
- d) Aboriginal cultural heritage values.

The process for preparing this EES is described at Section 5.2.1 below.

5.2.1 EES Process

The EES describes the Project, its potential environmental effects, and proposed management and mitigation measures.

The EES process is designed to be rigorous and transparent, with opportunities provided for input from stakeholders and the wider community. The EES process is set out in the EE Act and the *Ministerial guidelines for assessment of environmental effects* issued by the Minister for Planning under that Act.

The matters to be investigated and documented in the EES are set out in the scoping requirements issued by the Minister for Planning. The scoping requirements ensure that the EES:

- Properly responds to the decision that an EES is required.
- Identifies potential significant environmental effects of the Project.
- Explains how the environmental effects of the works are proposed to be managed for the different stages and aspects of the Project.

- Provides sufficient and appropriate information to allow the Minister to assess the environmental effects of the Project under the EE Act and an assessment under the EPBC Act.

Draft scoping requirements were exhibited by the former Department of Environment, Land, Water and Planning (DELWP), whose planning functions now sit under the Department of Transport and Planning (DTP), for public comment in April 2019. After considering public submissions, the Minister for Planning published final scoping requirements in May 2019. This EES was prepared in accordance with the final scoping requirements.

The EES and the attachments to it, including the proposed Work Plan and Planning Scheme Amendment, are anticipated to be on public exhibition for 30 business days. During this time, the public can read the EES and make written submissions about matters assessed in the EES.

At the end of the public exhibition period, it is expected that an inquiry and advisory committee (IAC) appointed by the Minister for Planning will consider the submissions and hold a public hearing to hear from VHM, regulators and submitters who wish to speak about their submissions. The IAC will prepare a report that sets out its findings and recommendations to the Minister for Planning in accordance with its terms of reference. The Minister for Planning will consider this report prior to issuing a written assessment of the Project. The assessment, called the 'Minister's Assessment', then informs statutory decision-makers responsible for issuing any approvals for the Project. Figure 5-1 provides an overview of the main steps in the EES process for the Project and sets out the statutory approval steps that would be carried out concurrently.

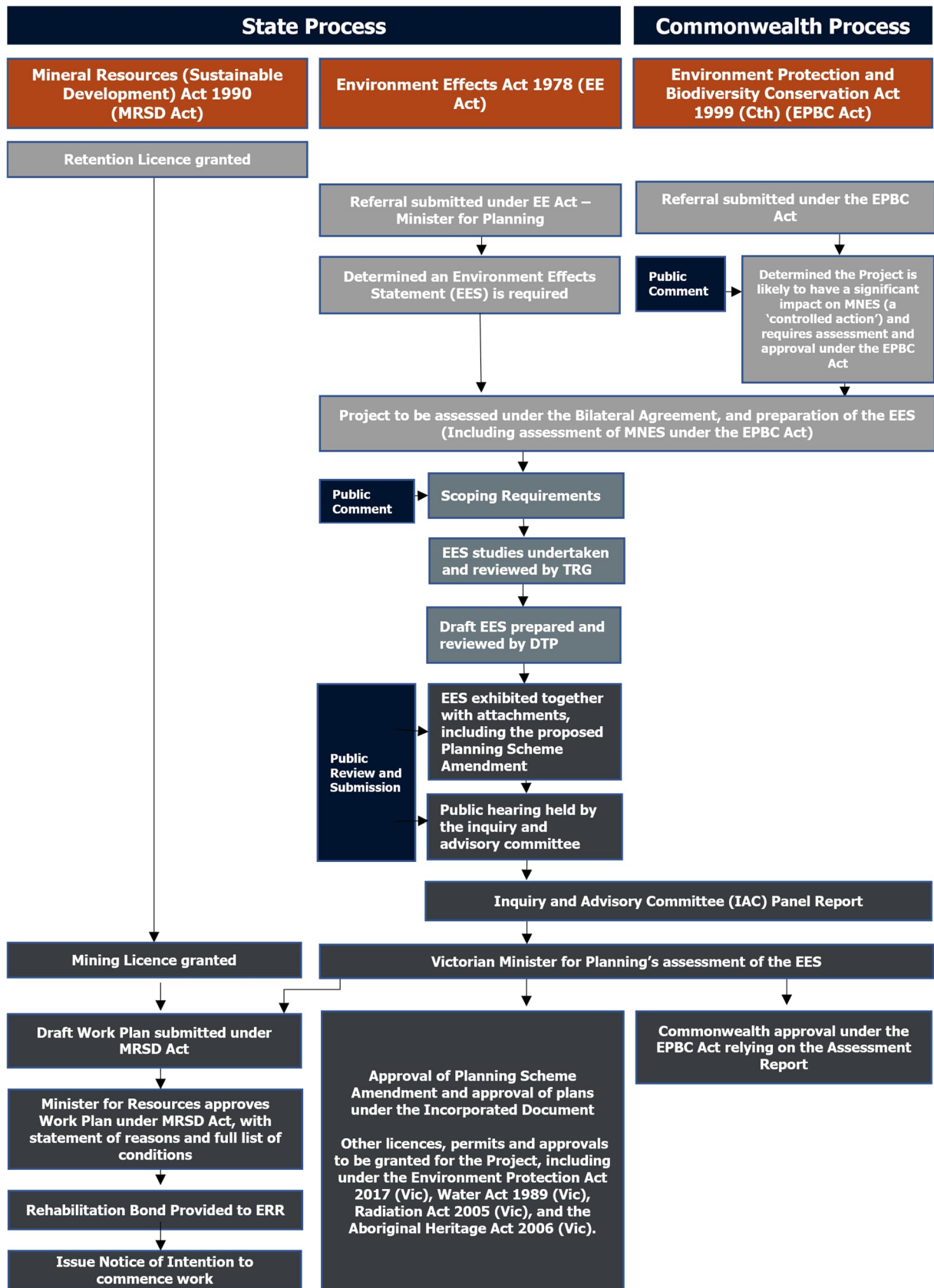


Figure 5-1 EES Process

5.2.2 Bilateral assessment

The Commonwealth EPBC Act (discussed in Section 5.3.2) establishes a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. The matters protected and regulated by the EPBC Act are typically referred to as matters of national environmental significance. The nine matters of national environmental significance under the EPBC Act are:

- World heritage properties.
- National heritage places.
- Wetlands of international importance.
- Listed threatened species and ecological communities.
- Migratory species protected under international agreements.
- Commonwealth marine areas.
- Great Barrier Reef Marine Park.
- Nuclear actions.
- A water resource, in relation to coal seam gas development and large coal mining.

Under the EPBC Act, a proponent refers a project to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW). DCCEEW decides, based on the referral, whether the project is a 'controlled action.' If it is decided the project is a 'controlled action,' it needs to be assessed and approved by the Commonwealth Minister for Environment under the EPBC Act.

On 19 December 2018 under delegated authority from the Minister for the Environment, the former Department of Agriculture, Water and the Environment, now DCCEEW, determined that the Project is a controlled action under the EPBC Act, and would require assessment and a decision about whether approval should be given under the EPBC Act. The following controlling provisions were determined to be relevant to the Project:

- Ramsar wetlands.
- Listed threatened species and communities.
- Nuclear actions.

On 30 January 2023 under delegated authority from the Minister for the Environment, DCCEEW approved a variation of proposal to take an action under section 158B of the EPBC Act.

Under the bilateral assessment agreement between the Commonwealth and Victoria, the Victorian EES process is accredited to assess potential impacts on matters of national environmental significance for the purpose of the EPBC Act.

5.3 Key approvals

The following section discusses key legislation and associated approvals required for the Project. The draft Work Plan, Development Licence application and draft Planning Scheme Amendment are exhibited with this EES.

5.3.1 Mineral Resources (Sustainable Development) Act 1990 (Vic)

VHM requires a mining licence and Work Plan under the *Mineral Resources (Sustainable Development) Act 1990 (Vic)* (MRSD Act) to undertake mining works, including mineral sands processing. The company may apply for a mining licence over land for which it has an exploration or retention licence (Section 15 of the MRSD Act). VHM can apply for a mining licence for up to 20 years.

To facilitate the integrated consideration of issues and the timely completion of required approval processes, the EES includes a draft Work Plan that is consistent with the requirements of the MRSD Act and the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019. The draft Work Plan is at Attachment I of this EES. The draft work plan has been prepared in accordance with the guidelines prepared by the then Department of Jobs, Precincts and Regions (now known as the Department of Energy, Environment and Climate Action (DEECA) titled 'Preparation of Work Plans and Work Plan Variations: Guideline for Mining Projects' (December 2020, version 1.3).

Under Section 42 of the MRSD Act, VHM cannot commence work under the mining licence until the Work Plan has been approved by the Head of DEECA and VHM has provided a rehabilitation bond.

The use and development of land for mining works within the proposed mining licence area is exempt from the need for a planning permit under the *Planning and Environment Act 1987 (Vic)*. However, the permit exemption does not apply to the proposed water pipeline infrastructure outside the mining licence area and the water

pumping station at Kangaroo Lake. More information about the planning approvals for works outside the mining licence area can be found at Section 5.3.4 below.

Amendment

On 21 June 2023 the Victorian parliament passed a Bill that amends the *Mineral Resources (Sustainable Development) Act 1990* to reform the legislative framework for the management of risks related to mining in Victoria.

The Bill provides for a new general duty regulatory model based on the risks related to mining. As far as reasonably practicable, it requires a person to eliminate or minimise any risk posed to the environment, to any member of the public or to land, property or infrastructure by exploration, mining or rehabilitation of land or any related activity. The general duty approach will require certain consequential features, including new notification obligations.

The default commencement date of 1 July 2027 means that the Bill will be relevant to the Project and will need to consider the transition to the risk-based framework and general duty approach which it is assumed will be supported by various subordinate instruments.

5.3.2 Environment Protection and Biodiversity Conservation Act 1999 (Cth)

As stated in Section 5.2, the EES process is an accredited assessment process for the purpose of the EPBC Act under the Bilateral Assessment Agreement between the Commonwealth and Victorian governments.

After considering the Minister for Planning's assessment under the EE Act, the Commonwealth Minister for the Environment and Water or their delegate would decide whether to approve the Project under the EPBC Act.

5.3.3 Environment Protection Act 2017 (Vic)

The *Environment Protection Act 2017* (EP Act) establishes the legislative framework for protecting human health and the environment from pollution and waste in Victoria.

Permissions

The Project does not require a development licence or operational licence for C01 (Extractive industry and mining), as mining wastes are proposed to be deposited solely to land. However, Project activities that would trigger a permission in accordance with the *Environment Protection Regulations 2021* include:

- A03 Sewage treatment.
- A18 discharge or deposit of waste to aquifer.
- K01 power generation.

A development licence would be required for sewage treatment and for Project power generation. The Development Licence Application is at EES Attachment II: Development Licence application.

While the deposit of tailings in-pit is a deposit of mine waste to land, the subsequent seeping of water entrained within the tailings to groundwater triggers the need for an A18 permit. The cessation of the A18 permit is expected to occur once the tailings deposition ceases.

Duties

The cornerstone of the EP Act is the general environmental duty (GED). The GED requires anyone conducting an activity that may give rise to risks of harm to human health or the environment from pollution or waste, to minimise those risks, so far as reasonably practicable. Section 25(4) of the EP Act also requires that *without limiting subsection (1), a person who is conducting a business or an undertaking contravenes that subsection if the person fails to do any of the following in the course of conducting the business or the undertaking, so far as reasonably practicable—*

- a) Use and maintain plant, equipment, processes and systems in a manner that minimises risks of harm to human health and the environment from pollution and waste;*
- b) Use and maintain systems for identification, assessment and control of risks of harm to human health and the environment from pollution and waste that may arise in connection with the activity, and for the evaluation of the effectiveness of controls;*
- c) Use and maintain adequate systems to ensure that if a risk of harm to human health or the environment from pollution or waste were to eventuate, its harmful effects would be minimised;*

- d) *Ensure that all substances are handled, stored, used or transported in a manner that minimises risks of harm to human health and the environment from pollution and waste;*
- e) *Provide information, instruction, supervision and training to any person engaging in the activity to enable those persons to comply with the duty under subsection (1).*

Several matters must be considered in deciding what is reasonably practicable in the circumstances:

- The likelihood of those risks eventuating.
- The degree of harm that would result if those risks eventuated.
- What the person concerned knows, or ought reasonably to know, about the risk of harm and any ways to eliminate or reduce those risks.
- The availability and sustainability of ways to eliminate or reduce risks.
- The cost of eliminating or reducing risks.

When dealing with a common risk or harm, demonstrating that the person or business undertaking the activity has done what is reasonably practicable can be achieved if:

- Well-established effective practices or controls have been adopted to eliminate or manage risk; or
- Well-established practices or controls do not exist, it can be shown that effective controls have been assessed and adopted.

Satisfaction of the GED requires a proactive approach to risk identification, assessment and the implementation of controls to minimise impacts to human health and the environment so far as is reasonably practicable.

In addition to the GED, the EP Act includes a number of other important duties relevant to the Project:

- Respond to pollution incidents – a person engaging in an activity that gives rise to a pollution incident that causes or is likely to cause harm to human health or the environment must, so far as is reasonably practicable, restore the affected area to the state it was in before the pollution incident.
- Manage contaminated land – a person in management or control of contaminated land must minimise risks of harm to human health and the environment from the contaminated land, so far as reasonably practicable.
- Report pollution and contaminated land – a person engaging in an activity that results in a notifiable pollution incident must report the incident to the EPA Victoria, and a person in management or control of contaminated land must report notifiable contamination to EPA Victoria.
- Industrial waste minimisation – the producer of industrial waste must not deposit or abandon that waste at premises that are not authorised to receive that waste, and without the consent of the owner or licensee of the premises in question. The EP Act also contains duties relating to the transport and receipt of industrial waste.

Environment Reference Standard

Under the EP Act, the Environment Reference Standard (ERS) sets out the indicators and objectives needed to support environmental values. The ERS is a reference tool and does not set compliance limits or specific obligations that must be followed.

The ERS is a tool that can be used to assess the impacts on human health and the environment that may result from a proposal or activity. This application of the ERS must be seen within the context of the GED and preventing harm from pollution and waste as part of the broader environment protection framework under the EP Act. Because it is preventative in nature, this framework seeks to maintain environmental values and minimise risks of harm to human health and the environment, rather than setting and authorising acceptable levels of pollution and waste. The focus on prevention allows for continual improvement in managing these risks as knowledge expands and more effective risk-reduction techniques and technologies emerge.

The ERS has been considered in the assessment of the Project's noise, air quality, land and water quality impacts.

5.3.4 Planning & Environment Act 1987 (Vic)

The *Planning and Environment Act 1987* (Vic) (P&E Act) establishes the legislative framework for planning the use, development and protection of land in Victoria.

The P&E Act sets out procedures for preparing planning schemes in each municipality consistent with the Victoria Planning Provisions (VPPs) as well as procedures for amending planning schemes and obtaining planning permits to govern land use and development. The Project is covered by the Gannawarra Planning Scheme, although the

truck transport route to the Ultima rail terminus to the north-west of the mine is predominately subject to the Swan Hill Planning Scheme.

While mining works within the mining licence are exempt from the need for a planning permit under the P&E Act, this exemption does not apply to the components of the Project that are located outside the proposed mining licence area. It is therefore proposed to amend the Gannawarra and Swan Hill Planning Schemes by applying a Specific Controls Overlay with an Incorporated Document to land outside the mine licence area that is required for the water supply pipeline, pumping station at Kangaroo Lake, and the location of road upgrades and construction laydown areas.

The Incorporated Document would allow the use and development of specific land outside the mining licence for the Project to be undertaken in accordance with conditions contained within the Incorporated Document. A planning scheme amendment (PSA) is the most appropriate planning approval mechanism for the following reasons:

- The Project is of regional significance for the Loddon Mallee region and the State of Victoria.
- A PSA would ensure that the use and development of the land for the Project (including uses that would otherwise be prohibited in the respective planning scheme) is undertaken in accordance with specific and comprehensive conditions contained in an Incorporated Document rather than ad-hoc planning permits.
- The application of an Incorporated Document would ensure that there is an integrated and co-ordinated planning control for the proposed works across land of different tenures and subject to complex and multiple approval requirements.

The draft PSA is included as EES Attachment III: Draft Planning Scheme Amendment. More information regarding the PSA is presented in EES Technical Report K: Land Use. The exhibition of the draft PSA with this EES gives the public the opportunity to comment on the proposed planning provisions and once the EES process is completed, VHM would request the Minister for Planning to prepare, adopt and approve the PSA to the Swan Hill and Gannawarra Planning Schemes, and exempt the PSA from further public exhibition under Section 20(4) of the P&E Act.

5.3.5 Radiation Act 2005 (Vic)

Mineral sands contain naturally occurring radioactive materials. The *Radiation Act 2005* (Vic) (Radiation Act), administered by the Victorian Minister for Health, provides the legislative framework for radiation protection and radioactive waste management. The overall purpose of the Radiation Act is to protect the health and safety of persons and the environment from the harmful effects of radiation.

The *Radiation Regulations 2017*, which support the Radiation Act, define the levels of radioactive substances for their application and contain provisions relating to the limits on occupational and public exposure arising from mining and processing operations. The regulations set out the requirements for licensing, registration, emergency response, safety precautions, monitoring, disposal of radioactive materials, and other requirements for facilities handling radioactive substances. The regulations also prescribe the activity concentration and activity of material that spontaneously emits ionising radiation, radiation dose limits, the radiation sources that require a current certificate of compliance prior to use of the source, the date of expiry for compliance certificates issued in respect of prescribed radiation sources, and other matters required by the Radiation Act.

The Radiation Act:

- Requires a licence for conducting radiation practice.
- Prohibits use of a radiation source unless licenced.
- Prohibits construction of radiation facilities in certain cases.
- Exempts certain activities or substances from the need for a licence.

An operator licence, a management licence, or both, may be required for managing radiation safety aspects of the mining and mineral sands processing operations, including waste disposal. An approved radiation management plan, radioactive waste management plan and radiation environment plan may also be required for the Project.

5.3.6 Flora and Fauna Guarantee Act 1988 (Vic)

The Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act) establishes a statutory framework for biodiversity conservation in Victoria. The FFG Act provides for the listing of threatened and protected species and ecological communities, and of potentially threatening processes. Any removal of protected flora, which includes threatened

flora species and the plants that make up threatened communities, listed under the FFG Act from public land requires a Protected Flora Licence or Permit from DEECA.

The Project area supports 6 FFG Act-listed threatened species which are likely to be impacted by the development. A further 11 FFG Act-listed threatened flora species are considered to have the potential to occur in the Project area and are considered susceptible to impacts from the development. The Project area supports 22 FFG Act-protected flora species which are likely to be impacted by the development (Refer to EES Chapter 07 Flora and fauna ecology).

5.3.7 Aboriginal Heritage Act 2006 (Vic)

The *Aboriginal Heritage Act 2006* (AH Act) aims to protect Aboriginal cultural heritage. Under section 49 of the AH Act, if a project proponent is required to prepare an EES under the EE Act, it must also prepare a Cultural Heritage Management Plan (CHMP) for the area where works are proposed to occur.

VHM is preparing a CHMP in consultation with the Wemba Wamba Aboriginal Corporation. The CHMP will be evaluated by First People - State Relations acting on behalf of the Secretary, Department of Premier and Cabinet.

5.3.8 Crown Land (Reserves) Act 1978 (Vic)

The *Crown Land (Reserves) Act 1978* provides for the reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes key governance arrangements for committees of management appointed to manage reserved land.

Approvals are required to access reserved Crown Land within the proposed mining licence area and for the construction and use of land for the water pipeline and pump station at Kangaroo Lake. VHM has commenced consultation with key stakeholders regarding access to, possession and works on Crown Land, which are expected to be managed as part of the proposed Planning Scheme Amendment.

5.3.9 Water Act 2007 (Cth)

The *Water Act 2007* (Cth) is the Commonwealth's legislative framework for ensuring that the Murray-Darling Basin is managed in the national interest. It acknowledges the Ramsar Convention and seeks to provide for the collection, collation, analysis and dissemination of information about Australia's water resources. The Kerang Wetlands, including Kangaroo Lake, is a Ramsar Site as recognised under the Ramsar Convention.

5.3.10 Water Act 1989 (Vic)

The *Water Act 1989* (Vic) (Water Act) promotes the orderly, efficient and equitable use of water resources to make sure that water resources are conserved and appropriately managed for sustainable use for the benefit of present and future Victorians. The Water Act provides a formal means of protecting and enhancing waterway flow, water quality and catchment conditions.

The water supply pipeline would be constructed within the road reserves and would intersect Goulburn Murray Water (GMW) infrastructure, such as existing water supply channels. A water pipeline construction licence and operation licence would be required from GMW.

At least one designated waterway is proposed to be traversed by the water supply pipeline, and as such an approval for works on, over or under the designated waterway will be required from the North Central Catchment Management Authority (NCCMA).

Additional licences would be required from GMW. These would include a 'Private Works Licence to construct and use works or to undertake works' for:

- The construction of the pump house at Kangaroo Lake, pipeline and associated works.
- Direct connection to GMW structures.
- Syphon, subway, occupation crossing, electrical works affecting GMW asset or land.

A Water Use Registration for the water allocation from Kangaroo Lake would also be required.

Goulburn-Murray Water would be required to enter into a water delivery deed with VHM for access to water from Kangaroo Lake. Due to the proposed use of water being within Grampians Wimmera Mallee Water's (GWM Water) area of responsibility, GWM would be required to be consulted during the preparation of any water delivery deed.

A Groundwater Extraction Licence for the dewatering of artificially mounded water which might intersect mining pits would be sought from GWM Water.

5.4 Other legislation, licences and permits

5.4.1 Heritage Act 2017 (Vic)

The *Heritage Act 2017* provides for the identification, protection and conservation of heritage places and objects that are of significance to the state of Victoria. Places and objects protected under the Act include archaeological sites and artefacts, historic buildings and structures, gardens and trees, cultural landscapes, shipwrecks and significant objects. The Heritage Act establishes the Victorian Heritage Register, the Victorian Heritage Inventory and the Heritage Council of Victoria.

Heritage places of state significance are included in the Victorian Heritage Register and are legally protected under the provisions of the Heritage Act. The Heritage Council of Victoria and Heritage Victoria are responsible for maintaining the register. Any works to a registered place on the register, including on registered land, or to a registered object require a permit under the Heritage Act unless specifically determined to be exempt from the requirement for a permit.

All known places and objects in Victoria that possess archaeological value or potential (these need not be of state significance) are included in the Victorian Heritage Inventory and protected under the Heritage Act. All archaeological sites in Victoria are protected by the Act, regardless of whether they are included in the inventory. The inventory is administered by Heritage Victoria. Any activity that would result in the excavation or disturbance of an archaeological site or its objects requires the consent of Heritage Victoria.

It is an offence under the Act to disturb or destroy a protected place or object without a permit or consent.

The Project would require permits and consents from Heritage Victoria where any protected place or object is proposed to be disturbed.

There are no protected places or objects proposed to be disturbed as part of the Project, and hence no permit or approval is required under the Heritage Act.

5.4.2 Native Title Act 1993 (Cth)

The *Native Title Act 1993 (Cth)* provides a national system for the recognition and protection of native title for Aboriginal and Torres Strait Islanders and for its coexistence with the national land management system. Native Title may exist in areas where it has not been extinguished by an act of government, and typically applies to Crown Land but not freehold land.

One previous native title claim within the Project area is listed on the Schedule of Native Title Applications - VC2000/005 – Wemba Wemba, Barapa Barapa and Wadi Wadi Peoples. This claim was struck out on 15 May 2015. There are no native title future act applications or determinations currently listed for the Project area or surrounding region.

5.4.3 Catchment and Land Protection Act 1994 (Vic)

The *Catchment and Land Protection Act 1994 (Vic)* (CALP Act) integrates management and protection of catchments through catchment management authorities (CMAs). The CALP Act sets out requirements to avoid land degradation, conserve soil, protect water resources and eradicate and prevent the spread and establishment of noxious weed and pest animal species.

The Project area is situated within the NCCMA's area. The North Central Catchment Strategy Regional Catchment Strategy 2021-2027 outlines the natural resource management priorities for the sustainable future of the region. Works would also be undertaken in accordance with North Central CMA Works on a Waterway permit licence requirements.

The Project has been planned, and would be operated, to meet the requirements of the CALP Act including for the control and spread of pest plants and animals, protection of water resources, and minimising land degradation. The CALP Act has been considered during the preparation of EES Technical Report M1: Surface Water.

5.4.4 Road Management Act 2004 (Vic), Road Safety Act 1986 (Vic) and Local Government Act 1989 (Vic)

Any road upgrades or works planned on a road, lane, street or footpath will require the consent of the relevant road authority (i.e. Vic Roads, Gannawarra Shire Council or Swan Hill Rural City Council) under the Road Management Act 2004 (Vic) and would require a Traffic Management Plan (TMP) to be prepared to the satisfaction of that relevant road authority. The TMP must be prepared in accordance with the requirements of the *Road Safety Act 1986* and the *Australian Standard AS 1742.3 2009 Traffic control devices for works on roads*. During the development of the TMP for the Project, consultation with key stakeholders would be undertaken.

In addition, the processes set out in the Local Government Act 1989 (Vic) for the closure or obstruction of local roads within the mining licence area must be complied with before Project activities can be carried out on or under those roads. It is expected that the arrangements for the staged closure and reinstatement of those roads would be set out in the TMP to be prepared to the satisfaction of Gannawarra Shire Council.

5.4.5 Building Act 1993 (Vic)

Subject to final and detailed design of the proposed above ground pump station for the water supply pipeline, a building permit may be required under the *Building Act 1993* (Vic) and in accordance with the *Building Regulations 2018*.

5.4.6 Wildlife Act 1975 (Vic)

The *Wildlife Act 1975* (Vic) sets the rules around how to protect, conserve, sustainably manage and use wildlife in Victoria. The Wildlife Act is relevant to the research permit issued by DEECA. Salvage activities would require a separate consent / permit from DEECA.

5.4.7 Transport Integration Act 2010 (Vic)

The *Transport Integration Act 2010* (Vic) (TIA) provides the legislative framework to ensure elements of Victoria's transport network are developed as part of a unified system, featuring integration of transport and land use planning.

The TIA requires agencies, including DTP and planning authorities, to consider the potential impact of land use planning proposals on transport.

This TIA sets out six transport system objectives and eight decision-making principles that must be considered by transport and planning decision-makers. These principles include the transport system, user perspective, equity, the precautionary principle and the 'triple bottom line' taking into account cost benefits, value for money, as well as sustainability.

The TIA outlines the six objectives for the Victorian transport system: economic prosperity, social and economic inclusion and environmental sustainability, integration of transport and land use planning, efficiency, coordination and reliability and safety, health and well being. These objectives and principles have been considered throughout the transport-related assessments of the Project.

5.4.8 Customs Act 1901 (Cth)

To import or export goods into or from Australia, the goods must be cleared from customs control in accordance with the *Customs Act 1901* (Cth). The Customs Act prohibits the export of certain substances, as specified in the regulations. Regulation 9 of the *Customs (Prohibited Exports) Regulations 1958* prohibits the export of nuclear material. Permission is required to export material containing uranium and thorium, both of which naturally occur in zircon, unless the concentration of uranium and thorium, alone or together in a heavy metal concentrate, constitutes less than 0.05% of the total weight of the concentrate being exported. It is understood the concentrate levels of uranium and thorium to be exported would require permission.

Details about the end use of the exported goods are also required to enable Australia to satisfy its international obligations. The Department of Industry, Innovation and Science will consult the Australian Safeguards and Non-proliferation Office in assessing any application that is deemed required prior to the export of material mined by VHM.

5.4.9 Railway crossing approvals and easements

For the installation of services and the water supply pipeline under the railway land, VicTrack requires an application, design drawing in accordance with AS4799-2000 'Installation of underground utility services and pipelines within railway boundaries' for review and approval. Depending on the crossing design and location, an easement may be required where the pipeline must traverse private property at the rear of Mystic Park Hotel. The permanent easement over the title would be four metres wide (and 100 metres long). A temporary lease of a wider easement is required for construction.

5.5 Summary of key approvals

A summary of the key approvals required for the Project is provided in Table 5-1 below along with the phase of the Project each approval is required for and the administering agency.

Table 5-1 Project approvals

Legislation	Regulations	Statutory approval	Statutory approval authority	Project phase
Environment Protection and Biodiversity Conservation Act 1999 (Cth)	-	Approval of the controlled action	Cth Minister for the Environment	Construction, operation, and decommissioning
Mineral Resources (Sustainable Development) Act 1990	Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019	<ul style="list-style-type: none"> Mining Licence Approved Work Plan <p>VHM will require a mining licence and approved Work Plan under the MRSD Act. The company may apply for a mining licence over land for which it has an exploration or retention licence (Section 15 of the MRSD Act). VHM can apply for a mining licence for up to 20 years.</p>	Minister for Resources Earth Resources Regulation	Construction, operation, and closure
Environment Protection Act 2017	Environment Protection Regulations 2021	<ul style="list-style-type: none"> Development Licence Permits <p>In accordance with Schedule 1 of the <i>Environment Protection Regulations 2021</i>, VHM require a development licence for sewage treatment (A03) and for power generation (K01). A permit is also required for the discharge or deposit of waste to aquifer (A18).</p>	Minister for Energy, Environment and Climate Change EPA	Construction, operation, and closure
Planning and Environment Act 1987	-	Planning Scheme Amendment to the Gannawarra Planning Scheme and Swan Hill Planning Scheme It is proposed to apply a Specific Controls Overlay with an Incorporated Document	Minister for Planning	Construction, operation and closure
Aboriginal Heritage Act 2006	-	A Cultural Heritage Management Plan is required for the Project	Minister for Aboriginal Affairs / First Peoples – State Relations and relevant Registered Aboriginal Party	Construction and operation
Radiation Act 2005	Radiation Regulations 2017	An approved radiation management plan, radioactive waste management plan and radiation environment plan would also be required for the project.	Minister for Health	Construction and operation (including transport)

Legislation	Regulations	Statutory approval	Statutory approval authority	Project phase
Local Government Act 1989	-	Approval may be sought under the Local Government Act 1989 for road closures and discontinuance, where the provisions of the Road Management Act 2004 are not met.	Minister for Local Government	Construction and operation
Road Management Act 2004 and Road Safety Act 1986	Road Management (General) Regulations 2016	Agreement is required between the land manager (Gannawarra Shire Council or Swan Hill Rural City Council) and the beneficiary landowner (VHM) prior to approval of works within the road reserve. Road reserves permit, road opening permits and vehicle crossing permits. Over-size vehicle / Over dimensional load permits	Gannawarra Shire Council Swan Hill Rural City Council VicRoads NHVR	Construction and operation
Flora and Fauna Guarantee Act 1988	-	Any removal of protected flora, which includes threatened flora species and the plants that make up threatened communities, listed under the FFG Act from public land requires a Protected Flora Licence or Permit under the Act, obtained from DEECA	Minister for Energy, Environment and Climate Change / DEECA	Construction
Water Act 1989	-	Consent for minor waterway work will be required for each crossing of a waterway by the proposed water supply pipeline Approval from the North Central Catchment Management Authority would be required for any works on, over or under a designated waterway. Approval is required before the commencement of construction. A Private Works Licence for the construction of the pump house at Kangaroo Lake and a Water Use Registration for the water allocation from Kangaroo Lake would be required from Goulburn-Murray Water. Water delivery deed between GMW and VHM for access to water from Kangaroo Lake A Groundwater Extraction Licence for the dewatering of artificially mounded water which might intersect mining pits would be sought by Grampians Wimmera Mallee Water	Minister for Water / North Central CMA	Construction and operation