

## Application for a concession – Come-in-Time

Clause 3 of Schedule 6 outlines the information required in an application for a concession.

The activity applied for, as set out in A.11 (Section 4.3.3, pgs 12-13) of the application, states:

*“A concession (permit) for activities occurring on public conservation land within the Bendigo Historic Reserve as follows:*

- The replacement of the existing walking track to the Come-in-Time Battery via a new marked route west of the battery location (and corresponding closure of the existing short walking track between Thomson Gorge Road and the battery). This route will be comprised of marker poles and / or small scale trail markers to guide walkers and will include the installation of a welcome / information sign at the start of the track at Blue Mines Road; and*
- Any incidental vegetation clearance (including briar) using hand tools only to enable the route”.*

This assessment provides commentary set out in the table below. The assessment comments on whether the information requirements are considered to be met in relation to the concession sought.

**Table 1.2 Assessment of Information Requirements Schedule 6 Clause 3**

Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Comments
Clause 3(1) Schedule 6 - For the purposes of section 43(3)(e), an application for a <b>concession</b> must include the following information:				
(a) a description of the proposed activity:	Yes	A.10 (pg 79-80) A.11 (pgs 12-13) A.15 (pg 116) B.39 (pg s32-33) D.08	Undetermined	<b>Information present</b> There is ambiguity around the scope of the proposed activity.

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Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Comments
				<p>The reinstatement (at the end of mine life) of the current CIT Battery track linking off the Thomson Gorge Road is referred to in the application. DOC was unable to determine if this proposed track reinstatement forms part of the concession proposal as described in A.11 or A.15.</p> <p>Maintenance of the new track over the life of the mine is also not specified as a part of the proposed activity.</p>
(b) a description, maps, and GPS co-ordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):	Yes	A.15 (pgs 116, 120) C.24 C.29 C.30 D.08 (pg 4)	Yes	<b>Information present and sufficient</b>
(c) information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects would be significantly less:	Yes	A.15 (pgs 121-123) B.39 (pg 32)	No	<p><b>Information present</b></p> <p>Whilst the application describes why the broader mining activities could not reasonably be undertaken in another location this does not pertain to the proposed track</p>

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				<p>concession itself. DOC was unable to identify any assessment of other potential access routes to the CIT battery which could be used during the active mining period. As advised during pre-lodgement consultation DOC's view is that other viable alternative access could potentially be provided, using existing tracks and with potentially significantly less effects on conservation values.</p> <p>DOC notes the applicant states the route 'alignment' may be considered through ongoing consultation with DOC.</p>
(d) Information about the extent to which the project is consistent with–				
(i) the relevant conservation management strategy and conservation management plan:	Yes	A.15 (pgs 129-136) B.39 (pages 13-16)	Yes	<p><b>Information present</b></p> <p>Although a general assessment is provided. DOC was unable to identify where specifically the application assesses the creation of a track/alternative access against consistency with the CMS.</p>

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Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Comments
(ii) any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity:	N/A	N/A	N/A	
(e) in the case of an application for an approval within paragraph (b) of the definition of Reserves Act approval, information about the extent to which the project is consistent with any management plan approved under section 41 of the Reserves Act 1977:	N/A	N/A	N/A	
(f) information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:	Yes	A.15 (pg 125)	Yes	<b>Information present and sufficient</b>
(g) A description of–				
(i) the potential effects (positive and negative) of the proposed activity:	Yes	A.15 (pg 126) B.39 (pg 32) A.13 (pgs 84-85)	No	<b>Information present</b> The applicant has provided high level commentary on the broader effects of the overall proposal and has focused on the concession itself as an effects management strategy.  DOC has not identified a specific assessment of effects in relation to the concession proposal. An effects

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				assessment for the establishment of a new track would need to include consideration of conservation values, having regard to the reserve's historic purpose as well as recreation and biodiversity. Typically track design and assessment would also be provided.
(ii) any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity:	Yes	A.15 (pg 126) B.39 (pg 32) D.08 (pgs 3-4)	No	<b>Information present</b> Whilst some effects management may be captured as part of broader management plans and conditions e.g. earthworks management, DOC has been unable to identify sufficient information around the management of effects in relation to the specific concession proposed (noting as above commentary on the effects of the proposed concession are also limited).
(iii) details of the type of concession for which the applicant is applying:	Yes	A.15 (pgs 116, 126) D.08	Yes	<b>Information present and sufficient</b>
(h) A statement of–				
(i) the proposed duration of the concession; and	Yes	A.15 (pg 127) D.08	Yes	<b>Information present and sufficient</b>
(ii) the reasons for the proposed duration:	Yes	A.15 (pg 127)	Yes	<b>Information present and sufficient</b>

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Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Comments
(i) relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):	Yes	A.08 (pg 17) A.15 (pgs 6-7)	Yes	<b>Information present and sufficient</b> DOC has not identified any issues in relation to the applicant's compliance with previous conservation approvals.
(j) if the applicant applies for a lease, a lease granting an interest in land, or an easement, –				
(i) reasons for the request; and	Yes	A.15 (pgs 127-128)	Yes	<b>Information present and sufficient</b> DOC notes the application is for a permit; however, a licence or easement may be more appropriate to cover the ongoing maintenance of any alternative public access to the CIT battery and track reinstatement at close of mine.
(ii) sufficient information to satisfy the panel that, in terms of clause 7, it is appropriate under section 81 to grant the lease, licence, or easement (as the case may be):	Yes	A.15 (pgs 121-123)	Undetermined	<b>Information present</b> DOC has been unable to identify information which assesses the specific effects and management of those effects related to this concession activity.

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(k) full details of any consultation undertaken with relevant iwi and with reserve owners and managers:	Yes	A.12 (pgs 4-5, 7-10)	Undetermined	<b>Information present</b> The applicant advises they have consulted generally with relevant iwi; DOC is unable to determine the sufficiency of engagement with iwi re consultation in relation to the proposed concession.
(l) information about financial and legal liabilities and obligations associated with the land:	Yes	A.15 (pgs 128-129)	Undetermined	<b>Information present</b> DOC was unable to identify in the application if the applicant had considered any existing concessionaries that may be considered to have an interest in the land or if there are none. DOC can comment further on this as part of the process.
(m) in the case of an application for an approval referred to in paragraph (b) of the definition of Reserves Act approval where the reserve is owned or managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve:	N/A	N/A	N/A	
(n) confirmation that the applicant has written agreement from the holder of a right of first refusal or right of offer or return to waive that	N/A	N/A	N/A	

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<p>right for the purposes of any lease proposed in the application if—</p> <p>(i) the proposed lease would be for a term (including any renewals) that will, or is likely to, be more than 50 years; and</p> <p>(ii) the granting of the lease would trigger the right of first refusal or right of offer or return.</p>				