

Application for a concession – Water Monitoring

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 4.3.5, pgs 14-15) of the application, states:

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

- The establishment and use of a surface water flow meter (RS-03) in the bed of Bendigo Creek and the establishment and use (including drilling) of a groundwater monitoring bore (GW04) on adjacent land; and*
- The use of an existing access track from Thomson Gorge Road within the Project Site to access the water monitoring infrastructure described above and undertake any necessary maintenance works ”.*

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 1.4 Assessment of Information Requirements Schedule 6 Clause 3

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail? Y	Comments
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Clause 3(1) Schedule 6 - For the purposes of section 43(3)(e), an application for a **concession** must include the following information:

Water Monitoring and Access Concession				
(a) a description of the proposed activity:	Yes	A.15 (pg 116) A.11 (pg 14) D.10 (pg 1) G.01 (pgs 45-57) C.33 (pg 1) E.03	Undetermined	Information Present Although the activity is described DOC could not identify specific detail about the equipment proposed or how it will be installed (RS.03) is referenced in document D.10 but

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail? Y	Comments
				there is no application document RS.03 identified.
(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 (pg 188) A.11 (pg 15) C.34 (pg 1) D.10 (pg 4)	Yes	Information Present and sufficient
(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 (pg 123)	Yes	Information Present and sufficient
(d) in the case of an application for an approval within paragraph (a) of the definition of concession or paragraph (a) of the definition of Reserves Act approval, 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 129-131)	Undetermined	Information Present DOC was unable to identify where specifically the application assesses the installation or monitoring equipment/access/associated bore in relation to the CMS.
(ii) any conservation management strategies or conservation management plans that have been co-authored,	NA	NA	NA	

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authored, or approved by a Treaty settlement entity:				
(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:	NA	NA	NA	
(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:	No	A.15 (pg 126-127) G.01 (pgs 15-17)	No	Information Present Although the applicant notes the purpose for which the land is held, no assessment of the activity is provided against the historic purposes of the reserve.
(g) a description of— (i) the potential effects (positive and negative) of the proposed activity:	Yes	A.15 (pg 126) A.13	Undetermined	Information Present 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. Typically a effects assessment for installation of

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				<p>monitoring equipment access and an associated bore on would cover any biodiversity effects, earthworks, visual, recreation, heritage.</p> <p>It is acknowledged there are general effects assessments about why monitoring activities will be undertaken/earthworks etc.</p>
(ii) any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity:	No	A15 (pg 126) D.10	Undetermined	<p>Information not identified</p> <p>Whilst some effects management may be captured as part of broader management plans and conditions e.g. earthworks management, proposed conditions 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).</p> <p>DOC also notes that a wildlife approval has not been sought in relation to any activities on PCL.</p>

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail? Y	Comments
(iii) details of the type of concession for which the applicant is applying:	Yes	A.15 (pg 117)	Yes	Information present and sufficient
(h) a statement of—				
(i) the proposed duration of the concession; and	Yes	A.15 (pg 127)	Yes	Information present and sufficient
(ii) the reasons for the proposed duration:	Yes	A.15 (pg 127)	Yes	Information present and sufficient
(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)	Yes	Information present and sufficient
(j) if the applicant applies for a lease, a licence granting an interest in land, or an easement,—				
(i) reasons for the request; and	N/A	N/A	N/A	A permit is sought; however, a licence or easement may be more appropriate if the applicant wishes this activity to be authorised for a longer term than 10 years.
(ii) sufficient information to satisfy the panel that, in terms of clause 7, it is appropriate under section 81 to grant the	N/A	N/A	N/A	

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail? Y	Comments
lease, licence, or easement (as the case may be):				
(k) full details of any consultation undertaken with relevant iwi and with reserve owners and managers:	Yes	A.12 pgs 7-10	Undetermined	<p>Information present</p> <p>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.</p>
(l) information about financial and legal liabilities and obligations associated with the land:	Yes	A.15 pg 128 D.10	Undermined	<p>Information present</p> <p>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 were none. DOC can comment further on this as part of the process.</p>
(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:	NA	NA	NA	

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail? Y	Comments
<p>(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 right for the purposes of any lease proposed in the application if—</p> <ul style="list-style-type: none"> (i) the proposed lease would be for a term (including any renewals) that will, or is likely to, be more than 50 years; and (ii) the granting of the lease would trigger the right of first refusal or right of offer or return. 	NA	NA	NA	