



# Victoria Government Gazette

No. S 493 Tuesday 29 December 2009  
By Authority of Victorian Government Printer

## Mineral Resources (Sustainable Development) Act 1990

### NOTICE OF DRAFT CODE OF PRACTICE FOR SMALL QUARRIES

Notice is given that a draft Code of Practice for Small Quarries (draft Code) has been prepared for public consultation in accordance with section 89C of the **Mineral Resources (Sustainable Development) Act 1990** (the Act) and pursuant to section 13 of the **Interpretation of Legislation Act 1994**.

The draft Code has been developed to set out minimum standards and to provide practical guidance for extractive industry work authority holders exempted from work plan requirements under section 77G of the Act.

Copies of the draft Code may be obtained on line at <http://www.dpi.vic.gov.au> or by telephoning (03) 9658 4432 between the hours of 9.00 am and 5.00 pm.

Public comments are invited on the draft Code of Practice for Small Quarries. All comments must be in writing and should be sent to the Program Manager – Environment, Sustainable Development Unit, Earth Resources Regulation Branch, Department of Primary Industries, PO Box 4440, Melbourne, Victoria 3001, or emailed to [sustainable.development@dpi.vic.gov.au](mailto:sustainable.development@dpi.vic.gov.au) no later than 5.00 pm on 26 January 2010.

Dated 23 December 2009

PETER BATCHELOR MP  
Minister for Energy and Resources

## Mineral Resources Development Act 1990

### EXEMPTION UNDER SECTION 5AA(1)

Pursuant to section 5AA(1) of the Act, I, Peter Batchelor, Minister for Energy and Earth Resources, and the Minister responsible for the administration of the **Mineral Resources (Sustainable Development) Act 1990** (the Act), do hereby exempt from the provisions of the Act:

#### Exemption from application of the Act

1. Any extraction or removal of stone from land undertaken by or on behalf of the Ministers responsible for the administration of the **Conservation, Forests and Lands Act 1987** where the primary purpose of that extraction is for the footings or foundations of a building or structure, the construction of a carpark, road, track, or other works; or any borrow pit adjacent to such excavation.
2. Any extraction or removal of stone undertaken during road construction activities undertaken by VicRoads and/or its agents within an existing or proposed road reservation and the extraction of road making material by VicRoads and/or its agents, from areas adjacent to specific road works projects.
3. Any extraction or removal of stone undertaken during road construction activities by Local Government and/or its agents within an existing or proposed road reservation.
4. Extraction or removal of stone including dredging where the excavation constitutes works for marine navigational purposes or the establishment or renourishment of a beach.
5. Extraction or removal of stone where the excavation constitutes works for the purposes of establishing a port facility, railway or tunnel.
6. Extraction or removal of stone where the primary purpose of the excavation is for the footings or foundations of a building or structure.

**SPECIAL**

7. Any extraction or removal of loose stone from the surface of land undertaken by the landowner or an agent of the landowner for the primary purpose of land improvement on agricultural land including pasture enhancement.
8. Any extraction or removal of stone from any land to a depth of less than 2 metres below the natural surface, if the total of the area or adjacent areas of the surface of the land broken up by the extraction or removal is less than 1 hectare.

**Specified conditions**

9. An extractive industry is not exempt under item 8 of this notice if the Minister specifies by notice that the Act applies to an extractive industry which would ordinarily be exempt under item 8 of this notice.

**Commencement**

10. This notice takes effect on 1 January 2010.

Dated 23 December 2009

PETER BATCHELOR MP  
Minister for Energy and Resources

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