

SCHEDULE 1.3: EXTRACTIVE INDUSTRY WORK APPROVALS

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PRELIMINARY

SCOPE OF ARRANGEMENTS

This Schedule applies to extractive industry or quarrying activities under Part 6A of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA). The Schedule outlines how the Department of Jobs, Precincts and Regions (DJPR) and the Department of Environment, Land, Water and Planning (DELWP) will work together to meet their respective obligations and responsibilities under the MRSDA in relation to extractive industry approvals.

This Schedule recognises that DJPR is the regulator under the MRSDA and that DELWP will generally be engaged in its capacities as a Crown land manager.

Note 1: This schedule does not apply to extractive industry activities in areas, including wilderness, national, state and other parks, managed under the *National Parks Act 1975*.

Note 2: This Schedule does not apply to quarries that have been declared under Section 7C of the MRSDA, but the principles outlined in this Schedule may be applied.

HOW TO READ THIS SCHEDULE

This Schedule sets out the working arrangements between DJPR and DELWP when processing and considering work authorities, work plans, work plan variations and approvals for extractive industry activities under the MRSDA.

Generally, DJPR or in some cases a proponent, will make a referral to DELWP, typically seeking technical information, comments, recommendations and conditions in relation to work authorities, work plans and/or work plan variations. These referrals can be non-statutory where DJPR is seeking agency comment, policy or technical advice or a statutory referral (as required under the MRSDA).

The Schedule consists of a number of parts:

- **Preliminary.** This part outlines the scope of the Schedule, establishes definitions and sets out the types or categories of referrals.
- **Part A. General.** This part includes important information relevant to referrals.
- **Part B. Non-statutory or informal referrals and consultation.** This part relates to DJPR, or in some cases a proponent, seeking informal policy or technical advice or other assistance from DELWP.
- **Part C. Statutory referrals, consents and notices.** This part relates to DJPR seeking formal advice, recommendations or comments from DELWP in accordance with referral requirements of the MRSDA as well as consents and notices.

The Schedule may be read or navigated by following the following steps.

Step 1	Refer to: <ul style="list-style-type: none">• Table 1 to ascertain or confirm the type or category of referral and identify the relevant section of the Schedule.• Figure 1 to understand where the referral fits within the overall approvals process.
Step 2	Go to relevant section of the Schedule and follow the process as outlined.
Step 3	As indicated in the relevant section of the Schedule, refer to Part A., Figure 1 and other Schedules.

DEFINITIONS

1. **‘Consent’** means as relevant:
 - (a) consent of the Crown land Minister (or delegate) under section 77A of the MRSDA to search for stone on Crown land or
 - (b) consent of the Crown land Minister (or delegate) under section 77I of the MRSDA to undertake an extractive industry on Crown land.
2. **‘Crown land’** has the same meaning as defined in the MRSDA.
3. **‘Crown land manager’** means DELWP, Parks Victoria or other manager of Crown land.
4. **‘Crown land Minister’** has the same meaning as defined in the MRSDA.
5. **‘DELWP Action Officer’** means a DELWP Officer engaged by the DELWP Case Manager to provide technical, policy, regulatory or operational inputs.
6. **‘DELWP Case Manager’** means the DELWP Officer responsible for coordinating DELWP responses to referrals.
7. **‘DJPR Assessments Officer’** means the DJPR Assessments Officer responsible for work plan assessment.
8. **‘DJPR Compliance Officer’** means the DJPR Compliance Officer responsible for regulatory compliance and enforcement.
9. **‘DJPR Licensing Officer’** means the DJPR Licensing Officer responsible for work authority assessment.
10. **‘Extractive Industry’** has the same meaning as defined in the MRSDA.
11. **‘Extractive Industry Work Authority’** has the same meaning as defined in the MRSDA.
12. **‘Head Document’** means the head or relationship document, a component of the *Memorandum of Understanding for Earth Resource Industries Approvals and other Obligations and Responsibilities*, to which this Schedule is appended.
13. **‘Heritage’** means places or objects included in the Victorian Heritage Register, all historical archaeological sites including those in the Victoria Heritage Inventory and underwater cultural heritage
14. **‘Land status’** means whether the land is in private ownership or is Crown land; and further in the case of Crown land, the category or classification (actual or proposed) of the Crown land on which the extractive industry work is proposed.
15. **‘Levy area’** has the same meaning as in section 3 of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.
16. **‘Minister’** means the Minister responsible for the MRSDA.
17. **‘Native vegetation’** means plants indigenous to Victoria, including trees, shrubs, herbs and grasses, or otherwise defined in the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* or its successor.
18. **‘Non-statutory referral’** means a request to DELWP because DJPR wishes to obtain technical or other assistance from DELWP relevant to the administration of earth resources legislation and which is not a statutory referral.

19. **'Proponent'** means work authority holder or applicant who requires advice or comment on work plans, work plan variations and work authority applications or consideration of consents to works on Crown land.
20. **'Referral Authority'** has the same meaning as defined in section 77TA of the MRSDA.
21. **'Rehabilitation plan'** has the same meaning as defined in the MRSDA (a rehabilitation plan is a required component of a work plan or work plan variation).
22. **'Relevant DJPR Guidelines'** means guidelines prepared by DJPR and published on the DJPR Earth Resources website.
23. **'Significant flora or fauna or their habitat'** means a species, community, ecological vegetation class (EVC) or habitat of flora or fauna that has been defined or listed under the *Flora and Fauna Guarantee Act 1988* or *Environment Protection and Biodiversity Conservation Act 1999*, or an instrument of either of these Acts.
24. **'Statutory referral'** means a referral of a matter in accordance with any requirement in earth resources legislation that requires the consent of, consultation with, or referral to, a DELWP Minister or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forest and Lands Act 1987*).
25. **'Work plan'** means a work plan lodged under Section 77G of the MRSDA.
26. **'Work plan variation'** means a work plan variation lodged under section 77H of the MRSDA.

TYPES OR CATEGORIES OF REFERRALS

27. This section sets out, via Table 1, the various types of categories of referrals, providing:
 - the sections of the MRSDA, where relevant
 - descriptions of the referrals, including things to consider and
 - the roles and responsibilities of DJPR and DELWP and a summary of the various processes.

Table 1. Non-statutory referrals and statutory referrals and consents relevant to this Schedule

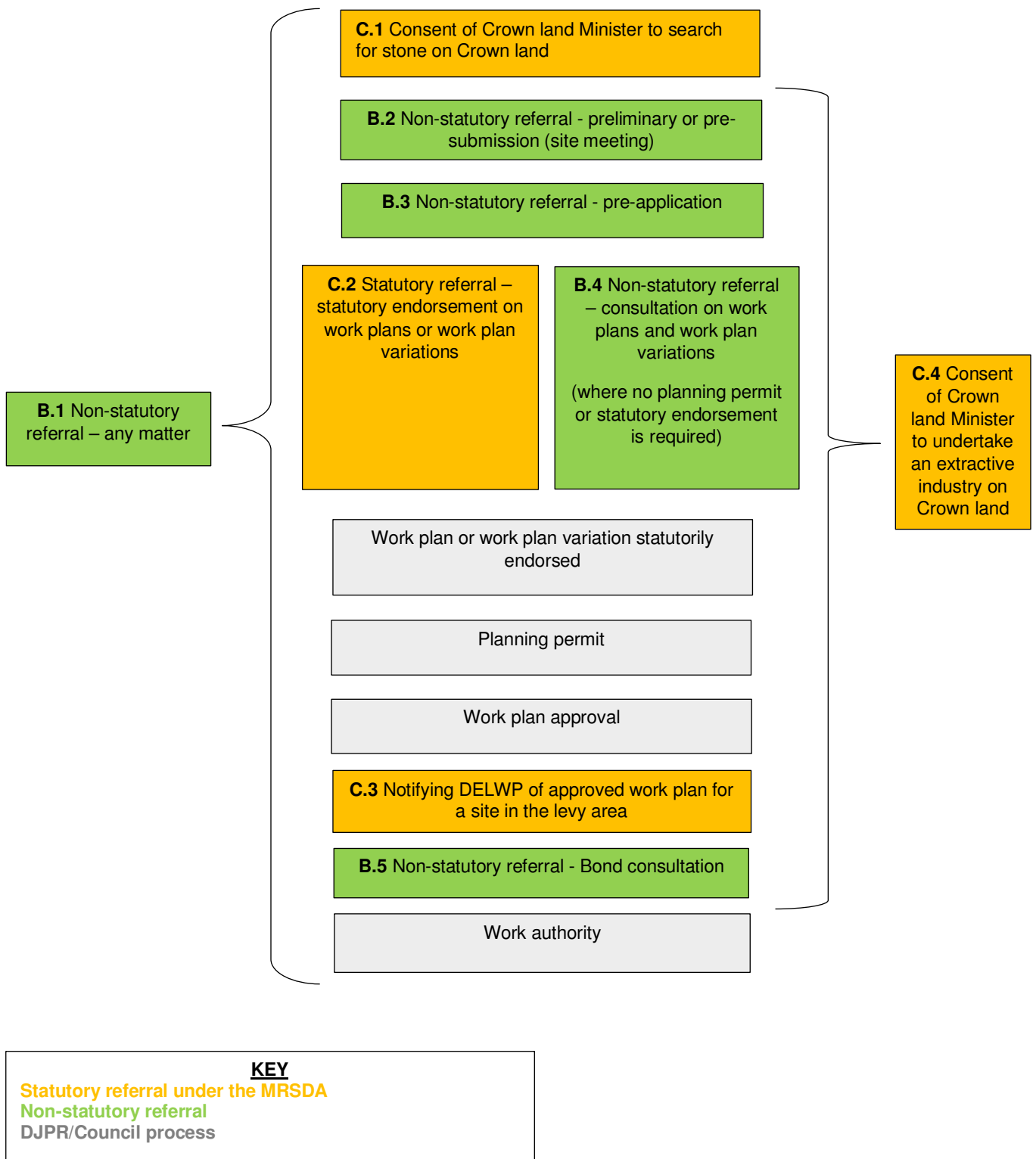
MRSDA Section	Description	Role/Responsibility
B. Non-statutory or informal referrals and consultation		
<i>B.1 Non-statutory referrals – any extractive industry matter</i>		
Agency advice - non-statutory referral	<p>Request for agency advice Note: These referrals can occur at any time in the life of an extractive industry project.</p> <p>DJPR seeks policy or technical advice or other assistance from DELWP in relation to a matter, including but not limited to:</p> <ul style="list-style-type: none"> • proposals for extractive industry operations • potential risks, issues and constraints associated with proposed operations • whether or not consent to works on <i>Crown land</i> is likely to be granted • a particular aspect of a work plan and work plan variation • likely recommendations on work authority conditions 	<p>DJPR identifies the policy or technical assistance or advice it is seeking from DELWP.</p> <p>DJPR identifies the timeframe in which it would like DELWP to respond.</p> <p>DJPR refers matter to DELWP.</p> <p>DELWP reviews referral and provides response/advice to DJPR.</p>

MRSDA Section	Description	Role/Responsibility
	<ul style="list-style-type: none"> • extractive industry operations not requiring a work plan • the areas of DELWP responsibility, interest or expertise • access to Crown land and • expectations in relation to rehabilitation. 	
<i>B.2 Non-statutory referrals – preliminary or pre-submission (site meeting)</i>		
Pre-submission referral – non-statutory referral	<p>Preliminary or pre-submission referrals. Note: These requests or referrals occur in the early stages of project development, generally at or via a site meeting.</p> <p>The proponent or in some cases, DJPR, seeks advice from DELWP to assist the proponent to ensure relevant information and issues are considered in project design or document (usually work plan or work plan variation) preparation.</p>	<p>Refer to <i>Schedule 2.1 Pre-submission process</i>.</p> <p>DJPR encourages proponent to organise a site meeting (actual or virtual), ensuring the relevant DELWP Case Manager (and DELWP Action Officers) are invited.</p> <p>DELWP provides advice to proponent or DJPR as relevant.</p>
<i>B.3 Non-statutory referrals – pre-application</i>		
Pre-application referral – non-statutory referral	<p>Pre-application referral. Note: These referrals occur when the draft work plan or work plan variation document is close to being finalised by the proponent.</p> <p>The proponent may refer a draft work plan or work plan variation to DELWP (and DJPR) for comment prior to lodging a formal application.</p>	<p>Refer to <i>Schedule 2.1 Pre-submission process</i>.</p>
<i>B.4 Non-statutory referrals – Consultation on work plans or work plan variations where no planning permission is required</i>		
Work plan or work plan variation referral where no planning permission is required – non statutory referral	<p>Non-statutory referral of a work plan or work plan variation DJPR seeks policy or technical advice or other assistance from DELWP in relation to a work plan or work plan variation application where no planning permission is required and therefore no statutory endorsement is required.</p> <p>DJPR may ask DELWP to provide advice related to:</p> <ul style="list-style-type: none"> • potential risks, issues and constraints associated with proposed operations • whether or not consent to works on Crown land is likely to be granted • the areas of DELWP responsibility, interest or expertise • access to Crown land • rehabilitation expectations • native vegetation removal required on private land. 	<p>DJPR identifies the policy or technical assistance or advice it is seeking from DELWP.</p> <p>DJPR identifies the timeframe in which it would like DELWP to respond.</p> <p>DJPR refers matter to DELWP.</p> <p>DELWP reviews referral and provides response/advice to DJPR.</p>
<i>B.5 Non-statutory referrals – bond consultation (Crown land managed by DELWP)</i>		
Consultation on	Bond consultation referral.	Refer to <i>Schedule 2.2. Rehabilitation approvals and bond setting</i> .

MRSDA Section	Description	Role/Responsibility
rehabilitation bonds – non-statutory referral	These referrals may be made at intervals throughout the life of an extractive industry operation.	DJPR will ensure that an appropriate rehabilitation bond is applied. For sites on Crown land, DJPR will consult with DELWP to confirm bond adequacy.
C. Statutory referrals, consents and notices		
<i>C.1 Consent of Crown land Minister to search for stone (on Crown land managed by DELWP)</i>		
Section 77A	<p>Consent to search for stone on certain land. Note: Search for stone is not an extractive industry under the MRSDA, and is not subject to work plans, statutory endorsement processes or work authorities.</p> <p>A proponent who proposes to search for stone on Crown land must obtain the consent of the Crown land Minister.</p> <p>The Crown land Minister must grant consent (whether subject to conditions or not) or refuse consent within sixty (60) days (or any longer period allowed by the Crown land Minister).</p> <p>Consent must not be unreasonably withheld.</p> <p>If consent is refused, a statement in writing of the reasons for the decision must be provided to the proponent within seven (7) days.</p>	<p>The proponent must obtain consent from DELWP to search for stone on Crown land.</p> <p>DELWP must, within 60 days (or any longer period allowed by DELWP) after the consent being sought:</p> <ul style="list-style-type: none"> • grant that consent (whether subject to conditions or not) or • refuse to consent. <p>In the case that DELWP refuses consent, DELWP will inform the proponent of the reasons for the refusal in writing within seven (7) days of the decision.</p>
<i>C.2 Statutory referrals – statutory endorsement of work plans and work plan variations</i>		
Section 77TA	<p>Referral authority - definitions <i>Referral authority:</i> means a person or body that has been specified in a planning scheme under the <i>Planning and Environment Act 1987</i> as a referral authority under that Act and the Environment Protection Authority.</p> <p><i>Statutory endorsement:</i> means an endorsement of a work plan or a variation to an approved work plan under section 77TD.</p>	
Section 77TE(1) - statutory referral	<p>Referral of work plan or work plan variation Department Head must, within twenty-eight (28) days of receiving a work plan or work plan variation for statutory endorsement, give a copy of the plan to referral authority.</p>	DJPR refers work plan or work plan variation to DELWP (where DELWP is a referral authority).
Section 77TF– response to statutory referral	<p>Referral authority – review of work plan or work plan variation Referral authority must consider every work plan or work plan variation and respond, in writing, to the Department Head within thirty (30) days with comments (if any) and state that in relation to statutory endorsement of the work plan or work plan variation it either:</p> <ul style="list-style-type: none"> • does not object • does not object subject to conditions or • does object. 	<p>DELWP reviews a work plan or work plan variation and responds to DJPR within thirty (30) days.</p> <p>Note: Failure to respond within the thirty (30) days means the referral authority is taken to have not objected to the statutory endorsement of the work plan or work plan variation.</p>

MRSDA Section	Description	Role/Responsibility
Section 77TD(2)	<p>Statutory endorsement of work plan or work plan variation</p> <p>The DJPR Department Head must not make a decision that is inconsistent with anything that a referral authority tells the Department Head, or any comments the referral authority gives to the Department Head under section 77TF.</p>	<p>When considering the statutory endorsement of a work plan or work plan variation, DJPR must not make a decision that is inconsistent with DELWP's response.</p>
<p><i>C.3 Statutory referrals – Notifying DELWP when a work plan is approved</i></p>		
Section 77G(5)	<p>Notifying DELWP of approved work plan for a site in the levy area</p> <p>The DJPR Department Head, within seven (7) days after approving a work plan relating to the carrying out of an extractive industry on land wholly or partly within the levy area, must give the Secretary to the Department of Environment, Land, Water and Planning—</p> <p>(a) written notice of that approval and</p> <p>(b) a copy of the work plan.</p>	<p>DJPR to send DELWP a copy of the work plan within seven (7) days of it being approved.</p>
<p><i>C.4 Consent of Crown land Minister to carry out an extractive industry on Crown land (managed by DELWP)</i></p>		
Section 77I 3(d), 3(e) and 4	<p>Consent to carry out an extractive industry on Crown land</p> <p>The Minister must not grant an authority unless he or she is satisfied that the proponent has, in the case of Crown land, obtained consent from the Crown land Minister.</p> <p>The Crown land Minister may consent to the carrying out of an extractive industry on Crown land:</p> <p>(a) for an unlimited period or for a specified period and</p> <p>(b) unconditionally or subject to any specified conditions.</p>	<p>Proponent seeks consent from DELWP.</p> <p>DELWP will either:</p> <ul style="list-style-type: none"> • provide consent or • provide consent subject to conditions/time period or • refuse to consent. <p>DJPR must not grant a work authority unless the proponent provides evidence of consent from DELWP.</p>

Figure 1: Non-statutory and statutory referral processes for extractive industry operations



PART A: GENERAL

A.1 CONTACT DETAILS: DJPR OFFICERS AND DELWP CASE MANAGERS

28. Contact details for communications between DJPR and DELWP under this Schedule are outlined in Table 2.

Table 2: Contact details: DJPR Officers and DELWP Case Managers

DJPR Officer	DELWP Case Manager
DJPR Licensing Officer (Licensing inbox) licensing.err@ecodev.vic.gov.au	Barwon South West bsw.planning@delwp.vic.gov.au
DJPR Assessments Officer (Assessments inbox) workplan.approvals@ecodev.vic.gov.au	Gippsland gippsland.planning@delwp.vic.gov.au
DJPR Compliance Officer (Regulatory Compliance inbox) ERRchiefinspector@ecodev.vic.gov.au	Grampians grampians.planning@delwp.vic.gov.au
	Hume hume.planning@delwp.vic.gov.au
	Loddon Mallee loddonmallee.planning@delwp.vic.gov.au
	Port Phillip pp.planning@delwp.vic.gov.au

A.2 ACHIEVING HIGH STANDARD REHABILITATION

29. The DJPR Assessments Officer, in consultation with the DELWP Case Manager, will ensure that rehabilitation plans for extractive industry sites:
- comply with the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019
 - minimise negative environmental, cultural, social and economic impacts
 - meet as a minimum, the standards set out in the relevant DJPR guidelines and
 - conform with the principles and guidance in *Schedule 2.2 Rehabilitation approvals and bond setting*.
30. The relevant DJPR Officer will ensure that an appropriate rehabilitation bond is applied to any extractive industry site on Crown land. Refer to *Schedule 2.2. Rehabilitation approvals and bond setting*.

A.3 PROPONENTS TO DEVELOP EXTRACTIVE INDUSTRY PROJECTS, WORK PLANS AND WORK PLAN VARIATIONS THAT MINIMISE NEGATIVE ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

31. The DJPR Assessments Officer, in consultation with the DELWP Case Manager, will as a general principle, encourage proponents to design projects and develop work plans and work plan variations that:

- (a) minimise negative environmental, cultural, social and economic impacts
- (b) protect communities/people, land, environment, heritage and cultural values and infrastructure
- (c) recognise, respect and involve Traditional Owners where relevant
- (d) ensure rehabilitated land is safe, stable and sustainable and capable of supporting the proposed land use/s
- (e) minimise, wherever possible, the requirement for ongoing monitoring and maintenance and
- (f) minimise accrual of financial and other liabilities to the state or impacts on the community and environment.

A.4 PRIMARY DELWP CONSIDERATIONS OR AREAS OF INTEREST IN REGARD TO REFERRALS

32. Without limitation or restriction, in any referrals for advice, comments, recommendations or consents under this Schedule, DELWP's primary areas of interest will be:
- (a) environment, including protection of significant flora and fauna
 - (b) climate change
 - (c) energy
 - (d) land management, including operational considerations or constraints (protection of access roads, fire protection and management, Code Red forest closures etc.)
 - (e) heritage
 - (f) water and catchments
 - (g) planning
 - (h) native vegetation removal and offset requirements
 - (i) Traditional Owners and Aboriginal Self-determination and
 - (j) public land users and regional communities.

Note 1: Where it is proposed to remove native vegetation, DELWP will as a minimum require assessment and offsetting of native vegetation removal in accordance with the *Guidelines for the removal, destruction and lopping of native vegetation*, DELWP 2017 or its successor.

Note 2: Heritage Victoria has a decision-making role and regulatory responsibility under the *Heritage Act 2017* and any referrals or approvals required under that legislation must be complied with.

A.5 PRINCIPLES OF SUSTAINABLE DEVELOPMENT TO BE APPLIED IN DECISION-MAKING

33. In undertaking any assessments and granting any approvals, the relevant DJPR Officer and DELWP Case Manager will give due regard to the principles of sustainable development, as set out under section 2A of the MRSDA.

A.6 RESPONSIBILITIES OF MINISTERS AND PUBLIC AUTHORITIES UNDER THE *FLORA AND FAUNA GUARANTEE ACT 1988* (FFG Act)

34. Section 4B of the FFG Act requires that in the undertaking of powers and functions under the MRSDA, the relevant DJPR Officer and DELWP Case Manager must properly consider the objectives of and subordinate instruments under the FFG Act, including the State's Biodiversity Strategy.

A.7 DETERMINING CROWN LAND STATUS AND MANAGEMENT

35. When extractive industry work is proposed on Crown land, the DJPR Licensing Officer will consult with the relevant DELWP Case Manager, who will facilitate identification or confirmation of the Crown land status and current Crown land manager (usually DELWP or Parks Victoria but can be another agency/manager under some circumstances e.g. a committee of management under the *Crown Land (Reserves) Act 1978*).
36. Where Parks Victoria or another manager is identified as the Crown land manager, the relevant DJPR Officer will make all subsequent referrals to Parks Victoria or other Crown land manager (except where DELWP is engaged in its capacity as a referral authority, in which cases referrals will be made to DELWP and the Crown land manager).
37. The DJPR Licensing Officer will determine if the Crown land is not available for extractive industry activity under section 6 or searching for stone under section 6AA of the MRSDA.
38. The DJPR Licensing Officer will pass this information onto the proponent and advise that all future correspondence with DELWP should be addressed to the DELWP Case Manager.

A.8 BASIS OF REFERRALS AND COMMUNICATIONS

39. In line with clause 5 of the Head Document of this MoU, the relevant DJPR Officer will clearly express in writing to the DELWP Case Manager, the basis for all referrals and communications under this Schedule, such that the DELWP Case Manager is fully informed regarding the:
 - (a) type of statutory referral (sections of the MRSDA) or type of non-statutory referral under which DELWP is being engaged (Table 1) and
 - (b) obligations and responsibilities of DELWP under the relevant sections of the MRSDA in those cases of statutory referrals or
 - (c) expectations of DELWP for non-statutory referrals and communications.
40. The relevant DJPR Officer will ensure that any referral made to the DELWP Case Manager contains adequate details and information on the matter to which the referral relates, including but not limited to:
 - (a) draft work plans and work plan variations including rehabilitation plans, technical reports and other relevant documentation
 - (b) information on the location of the proposal and identification of the works areas
 - (c) any information available to the relevant DJPR Officer that would support the DELWP Case Manager in early identification of DELWP implications and
 - (d) any other information available that is deemed relevant by the relevant DJPR Officer.
41. DELWP Action Officers from various groups and divisions within DELWP may need to be consulted on a referral under this Schedule. The DELWP Case Manager will identify the relevant DELWP Action Officers as early as possible in the consultation process and coordinate their respective inputs as required.
42. In relation to all referrals under this Schedule, the DELWP Case Manager will ensure responses are in writing.

A.9 COMPLIANCE WITH TIME LIMITS AND TIME EXTENSIONS

43. The DELWP Case Manager will endeavour to ensure that all comments, advice, recommendations and grant or refusal of consents, as relevant, are provided within:
- (a) sixty (60) days or longer period (allowed by the Crown land Minister (or delegate)) for consent to search for stone on Crown land
 - (b) thirty (30) days for statutory referrals of work plans or work plan variations under section 77TF of the MRSDA **(C.2)** (**Note:** Time extensions are not available for these referrals)
 - (c) the timeframe requested by the proponent or the relevant DJPR Officer or as otherwise agreed between the proponent or the relevant DJPR Officer and the DELWP Case Manager for statutory referral **(C.4)** and non-statutory referrals **(B.1 – B.5)**.
44. Where a time limit or timeframe cannot be reasonably met, and the MRSDA allows (or doesn't preclude), the DELWP Case Manager may seek a longer period for the provision of comments, advice, recommendations or grant or refusal of consents. In these cases, the DELWP Case manager will, within a reasonable period before the end of the timeframe requested by the proponent or relevant DJPR Officer, request in writing with reasons to the proponent or relevant DJPR Officer that a longer period be agreed.
- Note:** Requests for time extensions under this clause should, as a general principle, indicate a revised date by which the response will be provided.
45. If a request for a longer period is made by the DELWP Case Manager, the relevant DJPR Officer or the proponent will assess the request and respond to the DELWP Case Manager, in writing, in a timely manner.

A.10 COMMUNITY

46. Where DELWP receives a complaint(s) from an adjacent landowner(s), occupier(s) or the public about impacts (i.e. noise, dust etc.) resulting from extractive industry activities on Crown land, the relevant DELWP Officer will immediately advise the DJPR Compliance Officer of the nature of the complaint.
47. The DJPR Compliance Officer will investigate and attempt to resolve the complaint and advise the DELWP Case Manager of the results of any investigation and subsequent action as soon as practicable.

A.11 TRADITIONAL OWNERS

48. The relevant DJPR Officer and the DELWP Case Manager will collaborate, share learnings and promote best practice in meeting DJPR's and DELWP's respective obligations and responsibilities in regard to Traditional Owner Procedural Rights in the consideration/approval of extractive industry activities on Crown land.
49. The relevant DJPR Officer and the DELWP Case Manager will collaborate, share learnings and promote best practice in actively seeking to identify opportunities for and better enable Traditional Owner self-determination. The DELWP Case Manager will seek to apply or operate under the principles of *Pupangarli Marnmarnepu 'Owning Our Future'*, DELWP Aboriginal Self-Determination Reform Strategy 2020-2025.

PART B: NON-STATUTORY REFERRALS AND CONSULTATION

B.1 NON-STATUTORY REFERRALS – ANY EXTRACTIVE INDUSTRY MATTER

50. Refer to Table 1, Figure 1 and Part A of this Schedule.
51. The relevant DJPR Officer will make a non-statutory referral of an extractive industry matter to the DELWP Case Manager when DJPR:
 - (a) is seeking policy or technical advice or assistance from DELWP or
 - (b) wishes to facilitate discussions with DELWP before a statutory referral is made.
52. When making a non-statutory referral to the DELWP Case Manager, the relevant DJPR Officer will:
 - (a) identify the policy or technical advice or assistance being sought
 - (b) as relevant, identify the legislative or regulatory basis upon which DJPR anticipates that a statutory referral will be made and
 - (c) indicate the timeframe in which it would like DELWP to respond.
53. The DELWP Case Manager will review the non-statutory referral and:
 - (a) provide a response to the relevant DJPR Officer within the indicated timeframe
 - (b) request the relevant DJPR Officer provide further information to assist consideration of the referral and/or
 - (c) request an extension of time to assess and respond to the referral.
54. If a request is made for further information, the relevant DJPR Officer will provide the information to the DELWP Case Manager in a timely manner and indicate when DJPR would like DELWP to respond.
55. Once further information has been forwarded to the DELWP Case Manager, the DELWP Case Manager will respond to the relevant DJPR Officer within the indicated or otherwise agreed timeframe.
56. The relevant DJPR Officer will notify the DELWP Case Manager of the outcome of the matter in which DJPR sought advice or assistance and, where applicable, the relevant DJPR Officer will provide the DELWP Case Manager with a copy of the relevant documentation.

B.2 NON-STATUTORY REFERRALS – PRELIMINARY OR PRE-SUBMISSION (SITE MEETING)

57. Refer to Table 1, Figure 1, Part A of this Schedule and *Schedule 2.1 - Pre-submission process*.

B.3 NON-STATUTORY REFERRALS – PRE-APPLICATION

58. Refer to Table 1, Figure 1 and Part A of this Schedule and *Schedule 2.1 - Pre-submission process*.

B.4 NON-STATUTORY REFERRALS – WORK PLAN OR WORK PLAN VARIATION WHERE NO PLANNING PERMISSION IS REQUIRED

59. Refer to Table 1, Figure 1, and Part A of this Schedule.

60. In cases where no planning permission and consequently no statutory endorsement of a work plan or work plan variation is required, the DJPR Assessments Officer may still refer a draft work plan or work plan variation to the DELWP Case Manager for comment or technical advice.
61. DJPR may ask DELWP to provide advice related to:
- (a) potential risks, issues and constraints associated with proposed operation
 - (b) whether or not consent to works on Crown land is likely to be granted
 - (c) the areas of DELWP responsibility, interest or expertise
 - (d) access to Crown land and
 - (e) expectations in relation to rehabilitation
 - (f) native vegetation removal required on private land.
62. Before referring a work plan or work plan variation to the DELWP Case Manager, the DJPR Assessments Officer will assess the work plan or work plan variation to ensure it is complete, including ensuring it:
- (a) provides the information required by the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019 (as amended or replaced from time to time) and
 - (b) is consistent with relevant DJPR guidelines.
63. The DJPR Assessments Officer will indicate a reasonable timeframe for the DELWP Case Manager to respond.
- Note:** Non-statutory work plan and work plan variation referrals still need to typically occur within the overall statutory timeframes specified under the MRSDA, and accordingly, time extensions will not generally be available for these referrals.
64. The DELWP Case Manager will review the referral and provide a response to the DJPR Assessments Officer within the indicated timeframe.
65. The DJPR Assessments Officer will provide the DELWP Case Manager with a copy of the approved work plan or work plan variation and any conditions.

B5. NON-STATUTORY REFERRALS – BOND CONSULTATION

66. Refer to Table 1, Figure 1 and Part A of this Schedule and *Schedule 2.2 Rehabilitation Approvals and Bond Setting*.

PART C: STATUTORY REFERRALS, CONSENTS AND NOTICES

C.1 CONSENT OF CROWN LAND MINISTER TO SEARCH FOR STONE ON CROWN LAND

67. Refer to Table 1, Figure 1, and Part A of this Schedule.
68. If a proponent intends to search for stone on Crown land (managed by DELWP), the DJPR Assessments Officer will advise the proponent to contact the DELWP Case Manager with an application for consent to search for stone.
69. Following receipt of the consent application from the proponent, the DELWP Case Manager will:
- (a) within 60 days of receiving the application (or any longer period allowed by the Crown land Minister (or delegate)) notify the proponent whether consent of the Crown land Minister (or delegate) has been granted (whether or not subject to conditions) or refused or
 - (b) request the proponent to provide further information to assist consideration of the application and/or
 - (c) notify the proponent that a longer period of time is required to assess and respond to the application.

Note: Under the MRSDA, consent to search for stone must not be unreasonably withheld.

70. If a request is made for further information, the proponent will be encouraged to provide the information to the DELWP Case Manager in a timely manner.
71. Once further information has been forwarded to the DELWP Case Manager, the DELWP Case Manager will respond to the proponent within the timeframe allowed by the Crown land Minister (or delegate).
72. If a consent application is refused by the Crown land Minister (or delegate), the DELWP Case Manager will provide the proponent with a statement in writing of the reasons for the decision within seven (7) days.
73. The DELWP Case Manager will, on request of the DJPR Assessments Officer, provide to the DJPR Assessments Officer a copy of the consent including any conditions to which the consent is subject.

C.2 STATUTORY REFERRAL - STATUTORY ENDORSEMENT OF WORK PLAN OR WORK PLAN VARIATION

74. Refer to Table 1, Figure 1 and Part A of this Schedule.
75. A proponent may lodge a work plan or work plan variation application to DJPR for statutory endorsement.
76. Where DELWP is a referral authority in accordance with section 77TE(1) of the MRSDA, the DJPR Assessments Officer must, within twenty-eight (28) days, give a copy of the work plan or work plan variation to the DELWP Case Manager.
77. Before referring a work plan or work plan variation to the DELWP Case Manager, the DJPR Assessments Officer will assess the work plan or work plan variation to ensure it is complete, including ensuring it:
- (a) provides the information required by the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019 (as amended or replaced from time to time) and

- (b) is consistent with relevant DJPR guidelines.
78. In accordance with section 77TF of the MRSDA, the DELWP Case Manager will, within thirty (30) days of receiving the work plan or work plan variation, advise the DJPR Assessments Officer in writing that:
- (a) there is no objection to statutory endorsement of the work plan or work plan variation or
 - (b) there is no objection to statutory endorsement of the work plan or work plan variation subject to conditions or
 - (c) there is an objection to statutory endorsement of the work plan or work plan variation.
- Note 1:** There is no ability under the MRSDA to extend the time limit for DELWP response beyond thirty (30) days.
- Note 2:** Failure to respond within the thirty (30) days means DELWP is taken to have not objected to the statutory endorsement of the work plan or work plan variation.
79. When considering statutory endorsement of a work plan or work plan variation, DJPR must not make a decision that is inconsistent with DELWP's response.
80. The DJPR Assessments Officer will provide the DELWP Case Manager with a copy of the statutorily endorsed work plan or work plan variation.

C.3 STATUTORY REFERRAL – NOTIFYING DELWP WHEN A WORK PLAN IS APPROVED (LEVY AREA)

81. If a work plan or work plan variation is approved for a site that is wholly or partly within the levy area, the DJPR Assessments Officer will notify the DELWP Case Manager in writing of the approval within seven (7) days and provide the DELWP Case manager with a copy of the approved work plan.

C.4 CONSENT OF CROWN LAND MINISTER TO CARRY OUT AN EXTRACTIVE INDUSTRY ON CROWN LAND

82. Refer to Table 1, Figure 1, and Part A of this Schedule.
83. If an extractive industry is proposed to be conducted on Crown land (managed by DELWP), the DJPR Assessments Officer will advise the proponent to provide the DELWP Case Manager with an application for consent to undertake the extractive industry (removal of stone) along with a summary of the proposal or work plan or work plan variation if available.
84. Following receipt of the consent application from the proponent, the DELWP Case Manager will:
- (a) notify the proponent whether consent of the Crown land Minister (or delegate) has been granted (whether or not subject to conditions) or refused or
 - (b) request the proponent to provide further information to assist consideration of the application.
85. If a request is made for further information, the proponent will be encouraged to provide the information to the DELWP Case Manager in a timely manner.
86. Once further information has been forwarded to the DELWP Case Manager, the DELWP Case Manager will respond to the proponent in a timely manner.

87. If a consent application is refused by the Crown land Minister (or delegate), the DELWP Case Manager will provide the proponent with a statement in writing of the reasons for the decision within seven (7) days.

Note: If consent is refused, the proponent will not be able to proceed with their proposal and the DJPR Licensing Officer must not grant a work authority.

88. The DELWP Case Manager will, on request of the relevant DJPR Officer, provide to the relevant DJPR Officer a copy of the consent including any conditions to which the consent is subject.

SIGNED ON BEHALF OF DJPR:

Executed on the 22 day of 06 2022



.....
Jenine Smith,
Acting Executive Director, Earth Resources Regulation
For Department of Jobs, Precincts and Regions

SIGNED ON BEHALF OF DELWP:

Executed on the 16 day of 06 2022



.....
John Bradley,
Secretary
For Department of Environment, Land, Water and Planning