

Extractive Industry Priority Project List:

Update September 2020 Fact Sheet



The Extractive Industry Priority Project List (formerly known as the 'Hot List') identifies strategically located quarry expansion proposals that require planning permits.

Background

The purpose of the Priority List is to ensure that the approval processes are monitored and coordinated to avoid unnecessary delays. It does not exempt any quarries from planning or other approvals.

The initial Hot List was first published in the Minister for Resources and Minister for Planning's 2018 *Joint Ministerial Statement (JMS) – Extractive Resources* with the goal of halving current approval times from 18 months to 9 months in order to increase the short-term availability of supply to the market.

A focus of this JMS initiative was to ensure planning consideration of projects progressed efficiently and to support this the Minister for Planning committed to "call in" priority applications where there has been an unreasonable delay.

In mid-2020 the Minister for Planning agreed that there is merit in providing an opportunity for suitable priority applications to be called in earlier in the planning process, to avoid potential delays, provide greater certainty to industry and also to support Councils process applications, especially during and emerging from the COVID-19 pandemic.

What is new with the Priority List?

This Fact Sheet summarises some recent updates and advice in relation to the Priority List process. Please also visit the website (earthresources.vic.gov.au/projects/extractive-industry-priority-project-list) for further

information on eligibility and the Priority list process.

Regular updates and publication of the Priority List

If an application meets the Priority List criteria, it will be added to the list when the work plan variation is formally lodged with Earth Resources Regulation in DJPR.

Priority Listed applications are monitored throughout the application process by lead agencies (DJPR and DELWP), with regular updates on progress reported to the Extractives Strategy Taskforce. The proponent must agree to have their project included on the published Priority List, for it to be listed on the website.

Work plan assessment process (DJPR-led)

A Priority Listed quarry requires the same approvals as for a standard quarry expansion application.

The work plan variation is assessed on its merits in line with the requirements of the *Mineral Resources (Sustainable Development) Act 1990*, the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019*, and other relevant legislation and regulations, including environment, water and other safeguards. For further information on the work plan assessment process, contact DJPR Earth Resources Regulation (contact below).

Planning approval (DELWP-led)

Once a work plan variation has been statutorily endorsed by Earth Resources Regulation, the proponent then applies for planning approval.

The Minister for Planning may 'call in' the application and decide the planning permit in place of the local council at any time during the planning process. Under the updated arrangements, the option for the proponent to request that their application be considered for call in may occur as soon as the application has been lodged with the relevant council.

More about the new option for earlier call-in

Lodgement with council

All planning permit applications must first be lodged with council. The proponent then immediately has the option of requesting the application be called in by the Minister for Planning. The Minister's decision is discretionary and is based on his consideration of the application's merits.

Benefits of having your planning application called in

There may be some benefits to elect to have your planning application called in by the Minister. These include:

- Avoiding potential uncertainty and lengthy processes associated with the council-led planning application process.
- A clear final decision that cannot be appealed in VCAT.
- A streamlined process that still considers robust environmental and planning safeguards and provides community with an opportunity to have its say.

Things to consider before electing to have your planning application called in

You should consider if the call-in option is the right course of action for you. Things to consider include:

- There is no guarantee that the Minister will agree to call in your application.
- Having your application called in does not guarantee that the Minister will approve your application. Your application will still be assessed on its merits, including consideration of objections.

- Having your application called in will incur costs associated with convening a planning panel to consider the application, in addition to the fee for lodging the planning permit application.
- The Minister's decision on a called-in planning application is final, which means you cannot appeal the decision to Victorian Civil and Administrative Tribunal (VCAT).

How to have your planning application called in

If you wish to request that your planning application be called in, you should contact DELWP to discuss the process in detail (see contact below). As a guide:

1. You must ensure that you have prepared the appropriate documentation for the call-in process (DELWP will be able to advise you of this)
2. You will need to lodge your planning application with Council
3. You will need to formally request the call in in writing to DELWP
4. You will be advised if the request is successful and the next steps.

Contacts and further information:

Lead agencies:

DJPR (Earth Resources Regulation):

Leo Guaraldo

Acting Assistant Director, Assessments

leo.guaraldo@ecodev.vic.gov.au

03 8392 6080

DELWP (Planning):

Greta Grivas

Senior Policy Officer – Extractive Resources | Planning Systems

greta.grivas@delwp.vic.gov.au

03 8392 5121

Website, including Q&As:

earthresources.vic.gov.au/projects/extractive-industry-priority-project-list