

SCHEDULE 2.1: PRE-SUBMISSION PROCESS

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PRELIMINARY

SCOPE OF ARRANGEMENTS

This Schedule outlines the processes whereby the Department of Jobs, Precincts and Regions (DJPR) will work together with the Department of Environment, Land, Water and Planning (DELWP) to provide relevant advice to proponents during the pre-submission process for work plan or work plan variation applications or to establish if a site is exempt from a work plan.

The pre-submission process is recommended to proponents to avoid unnecessary delays or refusal of a work plan or work plan variation due to misunderstanding of Earth Resources Regulation, Crown land manager, local council or referral authority requirements by ensuring all required information is addressed in the application.

The pre-submission process encompasses the initial proposal, which is a summary of the available information relevant to the proposal, the initial site meeting and communication between the proponent, DELWP and DJPR about the proposal to assist the proponent to prepare their work plan or work plan variation application.

HOW TO READ THIS SCHEDULE

The Schedule consists of a number of parts:

- **Preliminary.** This part outlines the scope of and context for the Schedule and establishes definitions.
- **Part A: General.** This part details contact details and the need for DJPR to engage with DELWP.
- **Part B: Procedures.** This part details initial site meeting processes and information.

CONTEXT

Initial site meetings are important to the earth resource industry application and assessment process. Initial site meetings, and follow-up engagement, bring together the proponent, their consultant(s), a range of regulators and the decision makers to ensure the proponent is aware of the full range of matters that must be addressed in their work plan or work plan variation application. This collaborative approach promotes an effective and efficient assessment process, avoiding unnecessary delays and complications for the proponent in the late stages of the approval process.

Initial site meetings are not only for the benefit of the proponent. They also enable agencies to understand each other's requirements, to identify any overlapping requirements and clarify the lead agency and to ensure everyone has a collective understanding of the legislative requirements particular to an application.

Encouraging contact between DELWP and the proponent will result in higher quality, fit for purpose applications. Pre-submission is the only stage for DELWP to work with the proponent to review and request changes to the application to ensure all DELWP's areas of interest or concerns are addressed.

DEFINITIONS

1. **'Application'** means a work plan application or variation to work plan prepared and lodged under the MRSDA.
2. **'Crown land'** has the same meaning as defined in the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA).

3. **'Crown land manager'** means DELWP, Parks Victoria or other manager of Crown land.
4. **'DELWP Action Officer'** means a DELWP Officer engaged by the DELWP Case Manager to provide technical, policy, regulatory or operational inputs.
5. **'DELWP Case Manager'** means the DELWP Officer responsible for coordinating DELWP responses to referrals.
6. **'DJPR Assessments Officer'** means the DJPR Assessments Officer responsible for work plan assessment.
7. **'Initial Proposal'** means a document that the proponent provides to DJPR outlining a summary of the proposed operation, prior to holding an initial site meeting and lodging a work plan or work plan variation application.
8. **'Proponent'** means applicant who requires advice or comment on work plans or work plan variation applications.
9. **'Work plan'** means a work plan lodged under the MRSDA.
10. **'Work plan variation'** means a variation to a work plan lodged under the MRSDA.

PART A: GENERAL

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

11. Contact details for communications between DJPR and DELWP under this Schedule are set out in Table 1.

Table 1: Contact details: DJPR Assessments Officers and DELWP Case Managers

DJPR Assessments Officers
Assessments inbox: workplan.approvals@ecodev.vic.gov.au

DELWP Case Managers
Barwon South West: bsw.planning@delwp.vic.gov.au
Gippsland: gippsland.planning@delwp.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 IDENTIFICATION OF NEED TO ENGAGE WITH DELWP

12. Following submission of an initial proposal, the DJPR Assessments Officer will review the proposal for any triggers that may require engagement with DELWP. Triggers include:
- a statutory referral to DELWP at any stage of the assessment process e.g. under the *Heritage Act 2017* in relation to a heritage place (which may include a historical archaeological site)
 - policy or technical advice from DELWP in relation to the application
 - access to Crown land
 - potential for effects on the environment of regional or State significance and/or
 - consents or permissions from DELWP.
13. If engagement with DELWP is required, the DJPR Assessments Officer will contact the proponent and:
- provide them with relevant DELWP Case Manager contact details
 - advise them to invite the relevant DELWP Case Manager to an initial site meeting and
 - advise them to provide information to the DELWP Case Manager to explain why they have been requested to attend the initial site meeting, including the site proposal with the list of triggers and DELWP expertise required.

PART B: PROCEDURES

B.1 ORGANISING AN INITIAL SITE MEETING

14. The DJPR Assessments Officer will encourage the proponent to arrange for the initial site meeting to be carried out in person on the proposed site. In some instances, a virtual initial site meeting using video conferencing software may be appropriate. This will be determined on a case-by-case basis.
15. Once invited to the site meeting by the proponent, the DELWP Case Manager should provide the proponent with information on:
 - (a) whether they (or a relevant DELWP Action Officer/s) will attend the initial site meeting or whether written advice specific to the proposal will be provided prior to the initial site meeting and
 - (b) details of the proposal the DELWP Case Manager would like the proponent to provide and present at the initial site meeting.

B.2 ATTENDING AN INITIAL SITE MEETING

16. The DJPR Assessments Officer and the DELWP Case Manager agree to ensure that those in attendance at an initial site meeting are suitably knowledgeable and authorised to provide accurate advice on:
 - (a) legislative requirements relevant to the proposal, e.g., statutory referrals, consents
 - (b) areas of interest or concerns
 - (c) policy or technical requirements
 - (d) expectations in relation to rehabilitation and
 - (e) any other matters relevant to the proposal.
17. The DELWP Case Manager will clearly identify any concerns DELWP has with the proposal or anything else that may be required to assist DELWP with its assessment of the work plan application. This will allow the proponent to review and possibly amend the proposal prior to formally submitting their application to DJPR.
18. The DELWP Case Manager and/or DELWP Action Officers attending the initial site meeting will provide the proponent with appropriate contact details to enable the proponent to follow up on any issues and ask questions to help inform their work plan or work plan variation application.

B.3 FOLLOWING AN INITIAL SITE MEETING

19. As soon as practicable after the initial site meeting, the DELWP Case Manager will coordinate comments from DELWP Action Officers and advise the proponent of any specific requirements that need to be included in their work plan or work plan variation application. The DELWP Case Manager will provide the DJPR Assessments Officer with a copy of that advice.

B.4 IF NO INITIAL SITE MEETING IS HELD

20. If the proponent elects not to hold an initial site meeting, the DELWP Case Manager can request a meeting with the DJPR Assessments Officer once a work plan application has been referred to them. *Refer to Schedules 1.1, 1.2 and 1.3.*
21. If the proponent elects not to hold an initial site meeting, they may still contact the DELWP Case Manager to discuss the proposal.

B.5 DRAFT APPLICATIONS

22. The DELWP Case Manager will advise the DJPR Assessments Officer of this recommendation. If a draft application is provided, the DELWP Case Manager will:
- (a) circulate the draft application to the appropriate DELWP Action Officers for review and comment
 - (b) advise the proponent on whether the draft contains sufficient information to enable DELWP to appropriately consider the application once formally submitted
 - (c) provide a consolidated response to the proponent within the mutually agreed timeframe of receiving the draft application (**Note:** this shouldn't include advice on what DELWP's recommendations will be) and
 - (d) provide a copy of DELWP's response to the DJPR Assessments Officer.

Note: Under the MRSDA, the proponent is not required to provide a draft of their application. In circumstances where DELWP requests a draft prior to submission, DJPR can advise the proponent that providing the draft is likely to reduce the likelihood of refusal during the statutory referral process due to insufficient information. Ultimately, it is up to the proponent if they wish to proceed without supplying a draft.

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