

MM-1-2 MIN, PL and WA Work Plan & Variation Assessment and Approval



NOTE: This procedure applies to both initial work plans and any subsequent variations. NOTE: Work plans for work on an exploration licence are dealt with under procedure MM-1-1 Assessment and Approval of Exploration Work Plans and Variations

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PROCEDURE

SCOPE

To provide a standard procedure for the assessment and approval of work plans and work plan variations for the mining (MIN), prospecting(PL) and extractive (WA) industries including:

- site meeting;
- assessment;
- stakeholder consultation (referral)
- endorsement (non-statutory) or statutory endorsement; and
- approval.

This procedure is NOT

- for the assessment of Work Plans for projects that have undergone an Environment Effects Statement in accordance with the *Environment Effects Act 1978*. (See Procedure L-2 Transfer of EES outcomes to an approved work plan).
- for exploration (EL) and retention (RL) licenses.

This procedure is the overall responsibility of the Inspector, unless otherwise specified.

Legislative Framework

Mining Licences

- MRSDA s40 (work plan) or s41 (Variation of work plan on application of a licensee) or s41AA (Department Head may direct variation of work plan) of the *Mineral Resources Sustainable Development Act 1990*.
- Reg 32 of the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013* (MRSDMIR) prescribes what information must be contained in a mining work plan. Sch 15 of the MRSDMIR lists the information in detail.

Work Authorities

- MRSDA s77G (work plan) and s77H (variation) of the *Mineral Resources (Sustainable Development) Act 1990* require prescribed information included in an Extractive Industry Work Plan.
- Reg 5 & Reg 7 of the *Mineral Resource (Sustainable Development) (Extractive Industries) Regulations 2010* prescribes the information that must be contained in an extractive work plan. Sch 1 of the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010* lists this information in detail.

Prospecting Licences (s14B MRSDA)

- An approved work plan is one of the requirements for granting an authority to commence work on a prospecting licence (s42 MRSDA)
- Schedule 16 of the MRSDMIR lists this information in detail

i STATUTORY ENDORSEMENT: Part 6B, sections 77TG to 77TH of the MRSDA was enacted on 1 February 2012 and gives statutory recognition to the administrative practice of work plan endorsement. Statutory endorsement will only be applicable where a planning permit is required for an extractive industry or mining proposal. It removes the duplication of referrals which may have occurred when council referred an extractive/mining planning permit application to referral authorities with whom the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) had already consulted.

i District Managers have the delegated authority for statutory endorsement of work plans.

ABBREVIATIONS / DEFINITIONS

AAV	Aboriginal Affairs Victoria
Crown land	Defined in section 4 of the MRSDA
DM	District Manager Earth Resources Operations
DELWP	Department of Environment, Land, Water and Planning
EDERR	Executive Director Earth Resources Regulation
EL	Exploration Licence
ERPO	Earth Resources Planning Officer
GMO	General Manager, Operations
Inspector	Field staff within the Earth Resources Operations Group appointed under MRSDA s.90(1)(b)
MIN	Mining Licence issued under the MRSDA
MoU	Memorandum of Understanding between DPI & DSE

MRSDA	<i>Mineral Resources (Sustainable Development) Act 1990</i>
MRSDEIR	<i>Mineral Resource (Sustainable Development) (Extractive Industries) Regulations 2010</i>
MRSDMIR	<i>Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013</i>
PL	Prospecting Licence
RCL	Restricted Crown Land (any land specified in Sch3 MRSDA)
RL	Retention Licence
RRAM	Resource Rights Allocation and Management
TO	Tenements Officer / Tenements Specialist
WA	Work Authority issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i>
WP	Work Plan
WPV	Work Plan Variation
SPCM	Statutory Planning Case Manager (DELWP)
PLS	Public Land Services (DELWP)
CEP	Community Engagement Plan
CHMP	Cultural Heritage Management Plan required under the <i>Aboriginal Heritage Regulations 2007</i>

REFERENCES

General

Name	Description
Schedule 15 of MRSDMIR	The minimum statutory requirements for a mining WP (Mining licences)
Schedule 16 of MRSDMIR	The minimum statutory requirements for a prospecting WP (Prospecting licences) or a transitional licence.
Schedule 1 of MRSD(EI)R	The minimum statutory requirement for a extractive work plan (Work Authority)
Schedule 3 of MRSDA	Restricted Crown Land
DPI/DSE MoU Work Plan assessment	Memorandum of Understanding for Earth Resource Industries Approvals 8/11/11
Native vegetation management guide	DPI/DSE guideline to assist licensees with compliance with <i>Victoria's Native Vegetation Management - A Framework for Action</i> (NRE 2002) (hyperlink)
Community Engagement guidelines for Mining and Mineral Exploration in Victoria	Guideline to assist licensees with addressing community engagement requirements under the Act and Regulations (hyperlink)
Statutory Endorsement Flow Chart	A logic map depicting the steps involved from proposal to approval of an earth resources activity involving statutory endorsement process
Letters to Referral Authorities	Letters to Statutory Referral Authorities explaining statutory endorsement legislation
Letters to Councils	Letters to Councils explaining statutory endorsement legislation
DPI transitional position	Email to Managers setting out transitional arrangements
MM-1-2W1 Instructions for identifying Statutory Referral Authorities	Referral of work plans in accordance with Clause 66 of the VPP
VPP or MOU referral to DSE table	Summary of Statutory Referral and Agency Comment Referrals to DSE

Guidance Material for the Assessment of Geotechnical Risks in Open Pit Mines and Quarries	A guideline for the assessment of geotechnical risks associated with the development, operation and rehabilitation of an open pit mine or quarry within Victoria.
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Records



Prospecting Licence (PL): This procedure is applicable for assessment and approval of work plans for PLs. Consult MRSDA amendments as at 1 February 2012 and District Manager for assessment/approval of work plans and use of relevant templates in this procedure.

Number	File Name	Brief Description of Document	RRAM location
BM-3-1R6	WANUMB	Letter advising of WA Number	
MP-5-1R1	FLDENTREPORT	ERR specified site visit report record	
MM-1-2R1	STATREFCHK	Statutory Endorsement Referral Authority Consultation Checklist	All Granted MRSDA Licences and WA Applications
MM-1-2R2	TRANSTATREF	Letter to Statutory Endorsement Referral Authorities explaining transitional arrangement where work plan process was already initiated prior to 1 February 2012	
MM-1-2R3 (previously TE-1-1R1)	CONSCHCK	Pre-Work Plan Checklist for Proponent/ Licensee	Work Plan Minerals
MM-1-2R4 (previously TE-1-1R2)	CONSULTN	Record of site consultation	Work Plan Minerals
MM-1-2R5	CHMPDECLFORM (Formally CHMP Declaration Form)	Proponent Declaration of cultural heritage management plan requirement	Work Plan Minerals
MM-1-2R6	MWPASSES	Mining Licence Work Plan and Work Plan Variation Assessment Checklist	
MM-1-2R7	EIWPASSES	Extractive Industry Work Plan and Work Plan Variation Assessment Checklist	
MM-1-2R8 (previously TE-1-1R4)	MOREINFO	More information required on work plan (extractive & mining)	Work Plan Minerals, Work Plan WA, Work Plan Variation
MM-1-2R9	MSPSSTATREF	Letter to DSE for statutory endorsement referral of draft work plan or work plan variation	Work Plan Minerals, Work Plan WA, Work Plan Variation
MM-1-2R10	MSPSREF	Letter to DSE for non statutory agency comment of draft work plan or work plan variation	Work Plan Minerals
MM-1-2R11	STATREF	Letter to all agency(s) except DSE for statutory endorsement referral of draft work plan or work plan variation	Work Plan Minerals
MM-1-2R12	AGENCOM	Letter to Agency for Non-Statutory Referral Comments on draft work plan and work plan variation	Work Plan Minerals
MM-1-2R13	WPSTATENDORS	Letter advising proponent/ licensee that their work plan or work plan variation has been statutorily endorsed.	Work Plan Minerals

MM-1-2R14 (p previously TE-1-1R8)	FEEPWPCHCK	Applicant(s) Checklist for approval of a Work Plan (Extractive)	Work Plan Minerals
MM-1-2R15 (p previously TE-1-1R13)	AWPCHCK	ERR Checklist for the approval of an extractive industry / mining work plan (and variations)	Work Plan Minerals
MM-1-2R16	PRELIMADV	'Preliminary advice to proponent/licensee'	Work Plan Minerals
MM-1-2R17	INFOREF	'Statutory endorsement information for referral authority'	Work Plan Minerals
MM-1-2R18	SSWPCONDS	Site specific work plan conditions	Work Plan Minerals
MM-1-2R19	WPREFUSE	Letter advising proponent/licensee that their workplan or workplan variation has been refused	Work Plan Minerals

BACKGROUND

The purpose of the *Mineral Resources (Sustainable Development) Act 1990* is to encourage economically viable mining and extractive industries which make the best use of resources in a way that is compatible with the economic, social and environmental objectives of the State.

Mining Licence

- The initial grant of a mining or prospecting licence transfers from the Crown to the licensee the rights to the minerals in an area covered by the licence, but does not give authority to carry out any mining operations.
- Following the grant of a Mining or Prospecting licence, a licensee who proposes to do work under the licence is required to lodge a work plan for approval (Section 40 of the MRSDA). A work plan variation (Section 41 of the MRSDA) is required where subsequent additional works are proposed on the same licence.

Work Authority (Extractive Industry)

- An approved work plan is one of the requirements for the grant of an Extractive Industry Work Authority to carry out extractive works on land specified in the Work Authority (Section 771 of the MRSDA). An approved work plan variation is required where subsequent additional works are proposed on the Work Authority.

To commence work on a Mining or Prospecting Licence (other than Low Impact Exploration) or Work Authority the following matters must be satisfied:

- necessary consents or compensation agreements with landowners and/or occupiers;
- all planning consents and approvals;
- approved Work Plan which details the mining/ extractive operations to be conducted;
- lodgement of an appropriate rehabilitation bond.

STEPS



- Work plans that are in the system (submitted or referred or endorsed prior to 1 February 2012) will be processed as per steps 'Work Plans Affected by Transitional Arrangement' and Parts 3 and 4.
- All other work plans will be statutorily endorsed as per Part 6B MRSDA from 1 February 2012 and processed as per Parts 1, 2, 3 and 4 of this procedure. Refer [Flow chart for statutory endorsement process](#).

Work Plans Affected by Transitional Arrangement




The legislation does not include a transitional statement eg "*all plans by x date are deemed Statutory Endorsed*".

Transitional arrangement scenarios

1. Work plan submitted but not yet endorsed:
 - Site meeting held and draft work plan received, no agency comments sought;

- Discuss with proponent/licensee introduction of Statutory Endorsement provision from 1 February 2012.
 - Encourage proponent/licensee to adopt statutory referral process.
 - Provide proponent/licensee with a list of statutory referral authorities checklist MM-1-2R1 [STATREFCHK](#).
 - Explain that proponent should progress discussions with referral authorities.
- 2. Draft work plan submitted, agency comments sought but not received:
 - Send MM-1-2R2 [TRANSTATREF](#)
- 3. Work Plan was endorsed prior to 1 February 2012:
 - [DSDBI position](#) is to contact all tenement holders with endorsed work plans and encourage 'lodgement' of work plan for approval prior to 1 February 2012.
 - Proponent does not follow 3a above. Lodges complete work plan package with planning permit and 'endorsed' work plan after 1 February 2012. Work plan must receive statutory endorsement. Follow work plan referral process:
 - Explain introduction of Statutory Endorsement provision from 1 February 2012.
 - Communicate with the council planning officer to obtain a list of the referral authority(s), that were referred to as part of the planning permit process.
 - Undertake statutory referrals with only those referral authorities undertaken by council.


 In respect of scenario 3.b. above council may have missed a referral authority. Follow up only with those referral authorities with whom council originally consulted.

Go to Part 2 or 3 of this procedure as appropriate.

PART 1 - Pre Work Plan Process


Notification of Extractive Industry or Mining or Prospecting Proposal

- Extractive Industry proponent advises Earth Resources Information Centre, Inspector or Regional Office of intention to extract stone (s77I(1)); OR
- Existing WA holder advises of variation to an approved work plan for extractive activities; OR
- Mining Licence holder advises of lodgement or variation of a work plan for mining activities; OR
- Mining Licence holder advises of lodgement or variation of a work plan for exploration activities - GO TO procedure [MM-1-1](#)
- Prospecting Licence holder advises of lodgement or variation of a work plan for prospecting activities.

 An 'authority' under s14(6) is required to undertake exploration works **only** under a mining licence. Therefore, always use MM-1-1 Assessment and Approval of Exploration Work Plans and Variation for assessment of exploration work plan and work plan variation under a Mining Licence.

Communicate with Proponent / Licensee

- Discuss with proponent/ licensee the proposal (if requested) and process, with a view to preliminary determination of possible referral authority(s).
- Ascertain whether geotechnical or hydrogeological advice would be required at the site meeting.
- Send form 'Preliminary Advice to Proponent/Licensee' MM-1-2R16 [PRELIMADV](#).
- Advise proponent/licensee regarding the process and fees (For WA's only).

 Site Meeting information should not be processed until the fee has been submitted.

- Confirm that [planning property](#) report is correct when received.
- Follow instruction to [identify statutory referral authority](#), MM-1-2W1, based on the planning property report.
- Complete the Statutory Endorsement Referral Authority Consultation Checklist MM-1-2R1. You must also complete the checklist for non-statutory agencies.
- Inspector sends proponent/licensee an instruction for proponent to undertake pre-work plan consultation MM-1-2R3 [CONSCHCK](#) (**if PL, check with DM before using this template**).
- Provide proponent/licensee with a completed Statutory Endorsement Referral Authority Consultation Checklist (MM-1-2R1 [STATREFCHK](#) **if PL, check with DM before using this template**).
- Send form 'Statutory endorsement information for referral Authority MM-1-2R17 [INFOREF](#) and advise proponent/licensee to organise a site meeting with the statutory referral authority(s) as per the checklist and non-statutory agencies as appropriate.
- Advise proponent to obtain formal advice from council (letter) if planning permit or amendment will be required for the proposed activity.

Attend Site Meeting

- Attend site meeting and record issues in the Record of Consultation MM-1-2R4 [CONSULTN](#) (if PL, check with DM before using this template)
- Council should provide initial advice if a planning permit is required for the proposed activity.
- Complete record of consultation MM-1-2R4 [CONSULTN](#) (if PL, check with DM before using this template)
- Provide proponent/licensee with a summary of issues raised (a verbal summary at the site meeting), and encourage proponent/licensee to resolve matters with statutory referral authority(s).
- After return to office, issue a field report MP-5-1R1 [FLDENTREPORT](#) to proponent/ licensee with a written summary of issues raised at the site meeting and written advice on lodging the fee for a Work Plan (for WA's only).
- Provide the proponent/licensee with a copy of the MM-1-2R5 [CHMP Declaration Form](#), if appropriate. (if PL, check with DM before using this template)
- Advise proponent that an approved CHMP (if applicable) is required prior to approval of work plan and work plan variation.
- Provide advice on the bond process (including the applicable bond amount if the proposal is for a Code of Practice extractive industry site), rehabilitation requirements, Native Title Act requirements (if applicable) and any other relevant issues, including the Work Plan format as specified in the relevant schedules.
- In case of Work Authority (Extractive Industry), after return to office attach GDA coordinates/location map to the attachments assignment block within the General Application Details Gate, update the application status to 'Submitted' and assign to the GISO, who will issue a Work Authority application number and send [WANUMB](#) letter to applicant. Refer to [BM-3-1](#) for more information.
- Refer proponent to the 'Guidance Material for the Assessment of Geotechnical Risks in Open Pit Mines and Quarries' on the Energy and Earth Resources website.

i Note that the fee for a work plan needs to be lodged with a work plan submission. A work plan will not be accepted or considered lodged until the fee is paid. Advise the proponent/ licensee at the site meeting about lodging the fee, and that the cheque should be made payable to the Department of Economic Development, Jobs, Transport and Resources. Credit card payments are available to be processed through the ERR Information Centre, and the RRAM Business Centre (once live). Ensure the correct gate has been used in RRAM.

i Where a CHMP applies to extractive industries:

- A CHMP applies to the Work Authority, i.e. it is required once only and before the grant of the WA i.e. approval of first work plan.
- A CHMP is not required for subsequent work plan variations for the granted Work Authority.
- A CHMP might be required if the Work Authority is varied.

Where a CHMP applies to mining:

- A CHMP is required prior to approval of a work plan and work plan variation.

The CHMP gate remains on the WA Application Header, or for Mineral Licence on the licence header.

PART 2 - Receipt, Assessment and Referral of Work Plan

Receive Draft Work Plan and forward to District Manager

- Department receives Draft Work Plan and ensures it has been stamped showing date received. Electronically received work plans should be printed.
- Update the corresponding gate in RRAM, changing the status to "Submitted" as per RRAM MM-1-2W2 (WA(EI)) [Application Process](#) or RRAM MM-1-2W3 [Work Plan Variation and Operation Plan Assessment and Approval](#)
- Send the Draft Work Plan to DM who will assign to an Inspector for assessment.


i Complex work plans and those that have significant environmental impacts should remain with the DM, or be assigned to the Senior Mines Inspector for assessment.


Assign Draft Work Plan to Inspector for Assessment

District Manager


- Refer the work plan to the appropriate Inspector for assessment and update the Employee Responsible in RRAM.
- Regularly check progress of the assessment with the Inspector and by monitoring RRAM.

Assessment of Draft Work Plan

-  • The inspector will encourage the licensee or proponent to develop work plans that minimise environmental and social impacts.
- To assist this process, during the initial stages of the development of a work plan the inspector may advise the proponent/ licensee to seek information or advice from the DELWP and / or other relevant authorities.


-  Note that if at any step of the work plan assessment process there is disagreement between the proponent and the Inspector, the proponent can escalate the issue to the GMO or Executive Director for decision and/or resolution. See Work Plan issue Resolution Process Flowchart

DM or Inspector


-  An Inspector must take action on the work plan each time it is received by DEDJTR. The 30 day 'clock' starts when DEDJTR receives the work plan and stops when an action has been completed by DEDJTR. Such actions may include but is not limited to: requests for more information from the proponent, sending to referral authorities for comment, endorsing the work plan or approving the work plan. Where the action is "Request for more information", the assessing Inspector must make the request within 14 days of the receipt of the work plan. Each time the work plan is received by DEDJTR, the date field "Client Action Response Date" needs to be updated in RRAM.

1. Assess Draft Work Plan or Work Plan variation. Assessment includes:

- compliance with the relevant Schedule i.e. information required under the schedule are contained in a work plan (Sch 15 or 16 of the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013* and Schedule 1 of the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010*). Refer to Inspector Work Plan Checklist for Mining Industry Work Plans MM-1-2R6 **MWPASSES (if PL, check with DM before using this template)** , Extractive Industry Work Plans MM-1-2R7 **EIWPASSES**.
- verification of buffer zones against the 'Guidance Material for the Assessment of Geotechnical Risks in Open Pit Mines and Quarries'.

-  If there is a technical report appended to the work plan, assign it to the relevant technical officers (Manager - Geotechnical Operations or Senior Hydrologist).

- verification of issues identified at the initial site meeting, where one was held, are included in the work plan.
- verification of required consents (eg. Crown land manager).
- verification of Certificate of Titles (extractive industry) and easement consent (eg. easements, gas pipelines, and overhead powerlines).
- verification of required referrals or permits (eg. vegetation removal (DELWP), Cultural Heritage Management Plan (AAV), heritage *Heritage Act 1995*) surface or ground water (*Water Act 1989*), flora and fauna (*Flora and Fauna Guarantee Act 1988*, *Environment Protection and Biodiversity Conservation Act 1999*), off-site discharges or emissions (EPA).
- Verification if a signed **CHMPDECFORM** received.
- Verification of formal advice (letter) from council regarding need for planning permit or amendment or planning permit not required.

-  Triggers within the MoU should be observed to determine referral actions to those relevant agencies.

2. If the draft work plan is:


- satisfactory for referral, proceed to step 'Work Plan Referral and Agency Comment';
- unsatisfactory with regard to DEDJTR and MRSDA only as a result of the initial assessment, return for amendment or seek further information. Send letter MM-1-2R8 **MOREINFO** listing the deficiencies identified (**if PL, check with DM before using this template**).

3. Update RRAM and change status to 'Client Action'.


4. On receipt of an amended work plan:

- update RRAM as per MM-1-2W3 **Work Plan, Work Plan Variation and Operation Plan Assessment and Approval**.
- Re-assess work plan in accordance with point 2 above.


Calculate Bond

-  Calculate Preliminary Rehabilitation Bond as per procedure EM-1-2 [Determination of Bonds](#) and EM-1-2W1 [Assessing and Receipt of Bonds](#)

Work Plan Referral and Comment

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 - The principal responsibility for approvals for Earth Resource Industries rests with DEDJTR. Whilst DEDJTR is the key contact for the granting of approvals it must ensure that the interests and obligations of government are taken into account for all projects.
 - Before referring a work plan, the assessing inspector will make all reasonable efforts to ensure that the work plan is complete and complies with MRSDA requirements.

Identify Statutory Referral Authority(s)


-  The DPI/ DSE MoU provides for specific referral of mining and extractive industry work plans to DEPI, for early and constructive engagement to identify any issues that may be present for Earth Resource Industries projects.

The MoU identifies that DPI and DSE will constructively participate in seeking to resolve issues and ensure that the proponent receives timely and integrated responses to the work plan approval process.

1. Follow instruction MM-1-2W1 to [identify statutory referral authority](#), based on the planning property report
2. Add an External Agency Advice or Statutory Agency Referral gate for each identified agency as per MM-1-1W2 [External Agencies](#)
3. Send work plan to all Statutory Referral Authority as identified.
4. Send work plan to non-statutory agencies based on nature and location of the proposed works and/or other triggers (e.g. MoU with DSE).
5. Send work plan should any of the following apply:
 - A - Statutory referral to DELWP
 - B - Non-Statutory Agency Comment to DELWP
 - C - Statutory referral to all statutory referral authority(s) except DELWP
 - D - Non Statutory Agency Comment to relevant agencies except DELWP

How to Send Work Plan to Statutory Referral Authority(s)

1. Send work plan via registered post;
2. Request 'Registered Post Prepaid label' and delivery confirmation docket from the mail room;
3. Attach the red & orange 'Registered Post Prepaid Label' on the front of the envelop;
4. Attach the white 'Registered Post-Sender to Keep' label in file;
5. Complete both sides of the yellow 'Delivery Confirmation -- Advice Receipt' docket and attach to the back side of envelope. Delivery confirmation docket should be returned to DEDJTR as a confirmation of delivery of the notice.


-  It is likely that work plans can be sent to statutory referral authority(s) via RRAM Phase 2 when implemented.


A - Referral to DELWP Statutory Planning Case Manager (SPCM) - Statutory

For statutory referral to DELWP:

1. Send MM-1-2R9 [MSPSSTATREF](#) (*if PL, check with DM before using this template*)
 - with an extractive work plan, draft Schedule of Conditions and site specific work plan conditions (if applicable) and preliminary bond (if assessment has been completed) to MSPS for agreement; or
 - with a mining work plan, copy of Licence schedule of conditions, draft site specific work plan conditions (if applicable) and proposes bond (if assessment has been completed) to MSPS for agreement.
2. In RRAM change agency gate status to 'Released to Agency', ensuring Planned Agency End Date is correct.
3. Work with SPCM to get agreement to "regional endorsement".
4. Once SPCM has agreed, attach advice to attachments assignment block in RRAM and change status to 'Agency Response Received'.
5. Follow up if a response has not been received within 32 days of date on memo.

6. Include the referral authority(s) conditions into the site specific work plan conditions MM-1-2R18 [SSWPCONDS](#).
7. DELWP may provide additional comments outside VPP trigger. These comments should not be included in the work plan conditions but copied into the relevant section (Information for Council) of MM-1-2R13 [WPSTATENDORS](#) (if PL, check with DM before using this template).

 Discuss with referral agency if you have questions regarding agency conditions.


 Statutory requirement for response by DELWP is 30 days. DELWP considers the receipt date and not the letter date as the start of the 30 days turn-around time. In order to cater for this, 32 days is allowed for return of referral authority responses.

This is automatically calculated in the 'Planned Agency End Date' in RRAM.

B - Referral to DEPI Statutory Planning Case Manager (SPCM) - Non Statutory Agency Comment

For seeking non statutory agency comments from DELWP:

1. Send letter MM-1-2R10 [MSPSREF](#) (if PL, check with DM before using this template) with a copy of the draft work plan,
2. In RRAM, change agency gate status to 'Released to Agency'.
3. Request response within 30 days of receipt of letter.
4. Follow up if a response has not been received within 32 days.
5. When response is received update referral gate status to 'Agency Response Received' in RRAM.
6. Include DELWP comments at DEDJTR's discretion.


 Statutory requirement for response by DELWP is 30 days. DELWP considers the receipt date and not the letter date as the start of the 30 days turn-around time. In order to cater for this, 32 days is allowed for return of referral authority responses. Ensure this date is entered manually in the 'Planned Agency End Date' in RRAM.

C - Work Plan Referral - Statutory Referral Authorities (except DELWP)

For referral to statutory referral authority:


1. Send letter MM-1-2R11 [STATREF](#) (if PL, check with DM before using this template) to all other Statutory Referral Authority(s) as identified.
2. In RRAM, change agency gate status to 'Released to Agency'.
3. Request to return (email) a signed copy by 30 days of receipt of referral letter.
4. Follow up if a response has not been received within 32 days.
5. When received, attach response to Attachments assignment block and update status to 'Agency Response Received' in RRAM.
6. Include the referral conditions into site specific work plan conditions MM-1-2R18 [SSWPCONDS](#) You will need to check that the conditions of referral authorities do not conflict with each other. If this situation does arise it will be necessary to balance out the conditions through discussions with the relevant referral authorities. Any pertinent details should be added in an 'Agency Response' note in the relevant agency gate.

A referral authority may agree to statutory endorsement with no conditions but provide additional comments. If these are not incorporated into the work plan in anyway they should be copied into the relevant section (Information for Council) of MM-1-2R13 [WPSTATENDORS](#). Council will use this information in preparing the planning report.

 Statutory requirement for response by referral authority is 30 days. Referral authority considers the receipt date and not the letter date as the start of the 30 days turn-around time. In order to cater for this, 32 days is allowed for return of referral authority responses. This date is automatically calculated and displayed as the 'Planned Agency End Date' within the Dates assignment block in RRAM.

D - Non-Statutory Agency(s) Comment (except DEPI)

The table below lists some of the most common non statutory agencies from which DEDJTR may seek comments from at the discretion of the assessing inspector. Note that this is not a complete list:

 The MoU includes an **obligation** to seek agency comments from the Rural Water Corporation (RWC) where a proposal is likely to intercept groundwater or intercept water from other source.

Non-Statutory Agency	Reason for consultation (**denotes compulsory consultation if reason met)
RWC	***Proposal is likely to intercept groundwater or intercept water from other source.
Environmental Protection Authority	***Works incurring potential dust and noise impacts. Seek input where sensitive uses are located closer to the proposal than the recommended buffer distances in EPA publication AQ2/86.
Heritage Victoria	Works having potential impacts on heritage values / sites.
Catchment Management Authority	Works near waterways and environmentally sensitive water bodies and possible surface and groundwater issues within sensitive water catchment areas.
Department of Environment, Land, Water and Planning	Works requiring native vegetation removal, flora and fauna and adjacent to Crown land parks or reserves.

For seeking comments from other agency(s):

1. Send letter MM-1-2R12 **AGENCOM** (if **PL**, check with **DM** before using this template) with a copy of the draft work plan.
2. Update associated gate in RRAM and set status to 'Released to Agency'.
3. Request response within 30 days of receipt of letter and update the 'Planned Agency end date' in RRAM.
4. Follow up if a response has not been received within 32 days.
5. Include comments by other referral authority at DEDJTR's discretion.



Follow up with all authorities with regard to referral response - if reference received OR when comments due OR if comments send to DEDJTR. Follow up does **NOT** mean extension for referral response.

PART 3 - Statutory Endorsement of Work Plan

Work Plan Variation Not Requiring Endorsement

1. Some work plan variations will not require statutory endorsement. For example, if the existing planning permit allows for the variation or the variation does not impact on the intent of the planning permit.
2. Confirm that verification letter has been received from the Responsible Authority regarding planning permit NOT required. In RRAM add any correspondence to the Planning Permit gate on the Licence Header.
3. If this is the case go to Part 4 of this procedure, Work Plan Approval. Otherwise proceed to next step.

Work Plan Requiring Statutory Endorsement



District Managers are delegated authority for statutory endorsement of work plans.

Inspector

- In RRAM assign WP gate to District Manager by updating the 'Delegate' and 'Employee Responsible' partner functions.
- Set gate status to 'Plan Ready for Endorsement'.

DM




Note that the Department Head or the Delegate may "REFUSE" to endorse a work plan or variation to an approved work plan in accordance with section 77TD of the MRSDA.

If the decision is to refuse the statutory endorsement of a work plan or variation, discuss the decision with the GMO and then change the gate status to "Refused" and change Employee Responsible to the Inspector; OR

- If the decision is to statutorily endorse the work plan variation in RRAM, change the gate status to "Plan Endorsed" and change the Employee Responsible back to the Inspector.
- Stamp and sign three copies of the draft work plan with 'Statutory Endorsement Stamp' and date.


Inspector

- Advise the proponent via letter MM-1-2R19 that the draft work plan is refused.
- Advise the proponent via letter MM-1-2R13 **WPSTATENDORS (if PL, check with DM before using this template)** that the draft work plan is endorsed and of a suitable standard to support a Planning Permit application. This letter is automatically attached to an outbound communication in the Transaction History Assignment Block in the plan gate.
- Enclose with the letter MM-1-2R13 **WPSTATENDORS (if PL, check with DM before using this template)** a copy of the endorsed work plan, Mining Work Plan Conditions (for mining licence) and site specific work plan conditions (if applicable) and the work plan approval checklist (extractive industry only) MM-1-2R14 **FEEPROPWPCHCK (if PL, check with DM before using this template)** which lists the items required for the approval of the extractive industry work plan.
- Place the two other copies of the statutory endorsed work plan and related documents in tenement file.

 An approved CHMP, if applicable, is not required prior to statutory endorsement of work plan or work plan variation.


PART 4 - WORK PLAN APPROVAL

Preparing for Approval of Work Plan

 An approved CHMP, if applicable, is required prior to approval of work plan or work plan variation. Approved CHMP's must be attached to the Cultural Heritage Management Plan gate on the licence header in RRAM.

1. On Receipt of the Planning Permit, update the Planning Permit gate on the licence header in RRAM as per [L-1-1W3 Planning Permits](#).
2. On receipt of the work plan containing all the requirements of the extractive industry work plan as per approval checklist MM-1-2R14 **FEEPROPWPCHCK** for extractive operation, OR all the requirements of the mining work plan for mining operation:
 - Enter "Client Action Response Date" after items 1 and 2 above are received. [if work plan is approved after the first submission, then enter the same date again].
 - Make sure that the work plan which comprises the planning permit documents is the same as the plan which was statutorily endorsed.
 - Determine whether there are conflicting requirements / conditions between the Work Plan and planning permit. If required, advise the proponent that the Work Plan must be altered accordingly. Consult referral authority(s) if change is significant.
 - Prepare the Work Plans for approval - stamp "Work Plan/Variation Approved", the front page and relevant drawings, ie. Working/Development Plan and Rehabilitation Plan (not site plans or regional plans).
 - Print three copies (or more as required) of the Work Plan conditions, if applicable, and stamp as for Work Plans.
 - In RRAM, update Work Plan gate parties involved assignment block so that the appropriate GMO or DM are set as 'Delegate' and 'Employee Responsible' respectively.
 - In RRAM, set the work plan gate status to 'Plan Ready for Approval'.
 - Forward documents to GMO with recommendation for approval or DM if work plan variation approvals that do not require a planning permit amendment and the original work plan was not subject to an EES.

Approval of Work Plan/Work Plan Variation

 A Work Plan must not be approved unless:

- it complies with the requirements of the *Aboriginal Heritage Regulations 2007*;
- a map showing the areas of Cultural Heritage sensitivity is included. The Work Plan may have to be amended to include the requirements of a Cultural Heritage Management Plan. If this is the case the work plan assessment will restart.

GMO/DM:

- approves the Work Plan/work Plan variation;
- changes the WP gate status in RRAM to 'Plan Approved/Accepted';
- assigns the gate back to the assessing inspector to advise of approval;
- forwards the approved Work Plan to the TO to progress the grant of a Work Authority (Extractive) or registration and return to the Licensee (Mining).

Close out of Work Plan Assessment and Approval Process

The assessing inspector changes the Work Plan gate status in RRAM to 'Completed - Successful' and changes the 'Employee Responsible' to the

TO.

LEARNINGS

The learnings captures extra knowledge you have developed. If there has been correspondence from legal advice to instructions from the commonwealth, you will find extra learnings under this heading.

There are no learnings at present.