

L-3 Transfer of EES outcomes to an approved Work Plan

(NOTE: Although recently formatted, this procedure has not recently been updated)

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1. OBJECTIVE

To provide a standard procedure to ensure that outcomes of the Environment Effects Statement (EES) process are consistently and appropriately transferred to any approved Work Plan. The aim of this procedure is to help ensure that the recommendations of the Panel and the Minister for Planning, and any other undertakings made by the proponent during the EES process are captured in the Work Plan.

2. SCOPE

This procedure applies in particular to mining projects being assessed under the Environment Effects Act 1978 (EEA) and in accordance with Section 42 of the Mineral Resources Development Act 1990 (MRDA).

3. RESPONSIBILITY

This procedure is the responsibility of the Manager Geological Survey.

4. REFERENCES

MRDA: Section 42 of the Mineral Resources Development Act 1990 refers to a mining licensee preparing an EES instead of a planning permit where it may be required by the planning scheme.

DPI procedure: DPI Participation in Environment Effects Statement Processes for Mining and Extractive Projects. 2001.
Geological Survey of Victoria, procedure MD-1. Preparing submissions to an EES Panel Hearing.

5. DEFINITIONS

Ministerial conditions Proposed Work Plan conditions on the development incorporating recommendations from the EES Panel and the assessment of the Minister for Planning. It is based on draft Work Plan conditions put to the Panel in NRE's supplemental submission and also includes other recommendations of the panel and Minister for Planning such as monitoring or further studies.

6. STEPS

It is important to capture the mass of knowledge documented during the consultative phase of the EES process. Comments from the Panel report or the Minister for Planning's assessment can be misconstrued if taken in isolation. For mining projects the normal regulatory instrument is the Work Plan and if necessary conditions on the Work Plan. This is believed to be the best option because the Work Plan has legislative force, is flexible administratively for NRE (compared to mining licence conditions) and is plainly laid out for our stakeholders.

The time between the release of the Minister's assessment and the development of the Work Plan can vary widely. A few days or several years may separate them. It is important therefore to ensure knowledge is captured as close as possible to conclusion of the EES

process.

a. Conclusion of the EES process

- i. The EES Panel prepares its report and sends it to the Minister for Planning.
- ii. The Minister for Planning prepares a draft assessment of the Panel report. The draft assessment and the Panel report are sent to the Manager Geological Survey (MGS) and Environment Manager (EM).
- iii. Representatives of Minerals and Petroleum Victoria (MPV) - usually IDM, EM and MGS, meet with representatives of the Minister for Planning to confirm issues of fact and interpretations to be used in the Minister for Planning's assessment report.
- iv. Following the meeting the agreed interpretations are confirmed at officer level.
- v. In the event that consensus is not reached at the officer level then Executive Directors from MPV and Planning will seek to resolve the issues.
- vi. The Minister for Planning writes to the Minister for Energy and Resources and provides a copy of the Minister's assessment and the Panel's report. Both documents are then publicly released.
- vii. IDM reviews the Panel's report and the Minister's assessment in conjunction with NRE's draft Work Plan conditions (as submitted to the Panel) and other relevant documents submitted by the proponent and other parties where appropriate.
- viii. IDM prepares a new set of draft Work Plan conditions and requirements incorporating recommendations from the assessment and Panel report. These are referred to as the Ministerial conditions.
- ix. In the event that an issue remains uncertain IDM shall refer the matter to the Department of Infrastructure (DoI) Panel's group for clarification of the Minister's assessment.
- x. IDM sends a memo and the draft Ministerial conditions to the DoI Panel's Group for their review. The conditions are to be cross-referenced to specific recommendations in the assessment, the Panel report or other relevant documents.
- xi. Following a satisfactory response from DoI, IDM then sends the approved draft Ministerial conditions to EM, RME and other NRE stakeholders.
- xii. IDM drafts a briefing note and letter for the Minister for Energy and Resources to the Minister for Planning. The letter should outline the Minister's views on the assessment report and note any differences of opinion.
- xiii. IDM drafts a briefing note and letter for the Minister for Energy and Resources to the proponent. The letter should indicate to the proponent the next steps in securing a Work Authority under Section 42 of the Mineral Resources Development Act.

b. Development of the Work Plan

- i. On receipt of a draft Work Plan for the subject site RME will distribute it to the IDM and EM. RME will incorporate their feedback in NRE's response to the proponent of the Work Plan.
- ii. In the event of discrepancies or uncertainties the RME will ask the proponent to rectify the Work Plan.
- iii. RME will confirm proposed Work Plan conditions with IDM and EM before approval of the Work Plan.
- iv. RME and EM, in consultation with IDM, will refer to the Ministerial conditions and will ensure the Work Plan is conditioned in a manner consistent with the spirit and intent of the Panel report, the Ministerial assessment and the EES document itself.
- v. After having addressed these issues RME may then proceed with approval of the Work Plan.

c. Work Plan Variations

- i. In the event that the proponent submits a Work Plan outside the scope of works described in the EES document, RME will consult with IDM before making an approach to the DoI Panels Group.
- ii. Should DoI advise that a variation to the EES is required, the Minister for Energy and Resources will, after consultation with the proponent, refer it formally to the Minister for Planning for decision.