

PROJECT NAME: FINGERBOARDS MINERAL SANDS PROJECT

Amended procedures and requirements under section 8B(5) of the *Environment Effects Act 1978*.

Under the declared state of emergency in response to the coronavirus pandemic, conventional exhibition of environment effects statements (EES) is not possible. Physical display of printed copies of the EES in public places cannot occur. Similarly, arrangements with respect to formal hearings of inquiries under the Environment Effects Act will also differ, if restrictions are still in force at the time of an inquiry.

Accordingly, the procedures and requirements applying to the EES, issued on 18 December 2016 in accordance with section 8B(5) of the Act and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978*, are amended as follows.

- (a) The EES is to be exhibited for a period of 40 business days for public comment, or such other period as the Minister may subsequently direct in writing.
- (b) No less than two weeks before the first day of the public exhibition period, the proponent must place notices in newspapers and on-line, as well as communicate with known interested parties, to:
 1. foreshadow the intention to commence formal exhibition;
 2. note the impossibility of providing exhibition copies for physical inspection at public exhibition places;
 3. describe intended on-line availability of the EES and related documentation for exhibition purposes; and
 4. invite any potential submitters to register to receive EES documents on USB, or other electronic media, and for those who may have accessibility issues or, where electronic options are impracticable, in hard copy.
- (c) Where hard copy documents are reasonably requested, the proponent must provide hard copies of:
 1. the EES summary document and mapbook free of charge, and the EES Main Report for a modest charge aligned with postage costs, unless instructed otherwise by the Department of Environment, Land, Water and Planning's (DELWP) Director Impact Assessment;
 2. other EES attachments or EES technical appendices, subject to payment of an appropriate fee, having regard to costs of printing and postage and the circumstances of the request, unless instructed otherwise by DELWP's Director Impact Assessment; and
 3. the *Environment Protection Act 1970* works approval application, unless instructed otherwise by the Environment Protection Authority.

- (d) The proponent must dispatch requested electronic media and hard copies to registered addresses within a week of receipt of each registration (and payment, where relevant) or in time for the commencement of the exhibition period, whichever is the later.
- (e) The inquiry that I will appoint under the Environment Effects Act, subject to the approval of the Governor in Council, to consider the environmental effects of the proposal is to be conducted by formal hearing in the most practicable manner available under the prevailing circumstances. That might, if necessary, include the use of video conferencing or other comparable technology.
- (f) The proponent must arrange for recordings to be made of formal hearings of the inquiry, whether held conventionally or remotely, subject to any directions from the inquiry chair, and must cause recordings to be posted on-line as quickly as practicable. The proponent must post links to the recordings on its project website as soon as practicable after each day of hearings. DELWP must post links to the recordings on its relevant web pages as soon as practicable after each day of hearings.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of these amended procedures and requirements in accordance with section 8B(4)(a)(i) and 8B(5) of the Environment Effects Act:

- Kalbar Operations Pty Ltd (proponent);
- Minister for Resources;
- Minister for Environment, Climate Change and Energy;
- Gunaikurnai Land and Water Aboriginal Corporation;
- Secretary of Department of Health and Human Services;
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria;
- East Gippsland Shire;
- Wellington Shire;
- East Gippsland Water;
- Southern Rural Water; and
- East Gippsland Catchment Management Authority.



HON RICHARD WYNNE MP
Minister for Planning

Date: 19 / 07 / 2020